

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA	:	
Appellant	:	CR-1235-2015
	:	
v.	:	
	:	
TERENCE FORSYTHE,	:	
Appellee	:	Pa.R.A.P. 1925(a) OPINION
	:	

OPINION

This Opinion is written in support of the Court’s Order filed on March 1, 2016. For the purposes of this Opinion, the Court will rely on the Opinions filed on March 1, 2016, and March 31, 2016.

Procedural Posture

On December 29, 2015, Appellee filed a Motion to Suppress Evidence which was granted in part in an Opinion and Order filed March 1, 2016. The Commonwealth asked this Court to reconsider its decision, and after hearing, the reconsideration was denied, and the Order of March 1, 2016, remains in effect. The Commonwealth takes this interlocutory appeal, as of right, pursuant to Pa.R.A.P. 311(d), stating that the Order of March 1, 2016, will terminate or substantially handicap the prosecution.

Discussion

Though this Court relies on the Opinions and Orders it has already issued in the above captioned matter, it would like to clarify some issues concisely indicated on the 1925(b) Statement of Commonwealth Appellant.

In Issue (4), the Commonwealth states “The trial court erred by strictly construing the Municipal Police Jurisdiction Act as it applies to the facts of this case in contradiction to

established appellate authority”. Contrary to what the Commonwealth has stated, what the Court has strictly construed is the agreement between the District Attorney of Lycoming County and the Attorney General of the Commonwealth, which requires that each municipality participating in a Municipal Drug Task Force execute agreements by which the employees of each municipality are authorized to carry out their duties in all other Municipalities within the Task Force Region. Additionally, these agreements must be ratified by ordinance. The contract is a valid one and is enforceable by this Court.

In Issue (9), The Commonwealth states “The trial court erred in its determination that Sergeant Kriner did not have probable cause to stop the vehicle in which Defendant was a passenger.” To make clear, had Sergeant Kriner made a vehicle stop for a vehicle license plate light not operating, in his own policing jurisdiction, the stop would have been legal. Conversely, if Old Lycoming Township had a properly executed municipal drug task force agreement adopted by ordinance its officer could have legally made the stop relying on the excellent policing skills outlined in the Court’s Order of March 1, 2016.

DATE: _____

BY THE COURT,

Nancy L. Butts, President Judge

cc: Pete Campana, Esq.
DA (MW)