

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CR-1390-2015
v.	:	
	:	
JENNIFER LOUISE REEDY,	:	CRIMINAL DIVISION
Defendant	:	

OPINION AND ORDER

On September 29, 2015, the Defendant filed a Motion to Suppress. A hearing on the motion was held on February 4, 2016.

I. Background

A. Corporal Darren Farber’s Testimony

Corporal Darren Farber (Farber) has been a member of the Pennsylvania State Police since 1996. At 10:35 p.m. on July 6, 2015, Farber was driving a marked patrol unit in the northbound lane of State Route 14. He saw a vehicle approaching him in the southbound lane. Other than Farber’s unit and the approaching vehicle, there were no other vehicles in the area. Farber saw the activation of the approaching vehicle’s high beams. The high beams remained activated as the vehicle passed Farber.

After the vehicle passed, Farber turned around and began pursuing the vehicle. He activated his lights to initiate a traffic stop for a high beam violation. The vehicle’s driver took a “longer period of time than most to pull over.” There “was not a wide pull off area” on the southbound side of the road. The driver “waited and traveled to an area where there was a wide pull off area on the other side of the road.” When the vehicle stopped, its high beams were still activated. There was a passenger in the vehicle; the Defendant was the driver.

B. Defendant's Testimony

The Defendant was driving in the southbound lane of State Route 14 at approximately 10:35 p.m. on July 6, 2015. A line of four vehicles was approaching her in the northbound lane. The vehicle closest to the Defendant was not a police unit, and it had its high beams on for "quite some time." The Defendant was not able to see the road because of the high beams. Her boyfriend told her to flash her high beams. She flashed her high beams "to tell them to turn [their] high beams down." She did not keep her high beams on.

C. Arguments

The Defendant argues that the evidence gathered after the stop should be suppressed because the stop was illegal. She argues that the stop was illegal because Corporal Farber did not have reasonable suspicion that she was violating the Motor Vehicle Code. She asserts that she was blinded by the high beams of an oncoming vehicle and she flashed her high beams to get the other driver to lower the beams. The Defendant argues that Farber did not have reasonable suspicion of a Motor Vehicle Code violation because her use of the high beams is allowed under 75 Pa.C.S. § 4306(c)(2), which provides that a driver may flash high beams "at oncoming vehicles as a warning of roadway emergencies or other dangerous or hazardous conditions ahead."

The Commonwealth argues that the stop was legal because Farber had probable cause to believe that the Defendant violated the Motor Vehicle Code. It notes that Farber testified that the Defendant activated her high beams and did not lower the beams. The Commonwealth also argues that, even if the Court believes that the Defendant flashed her high beams to get another driver to turn down beams, the Defendant's use of the high beams is still disallowed by the Motor Vehicle Code because there was not a dangerous or hazardous condition ahead.

II. Discussion

“Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, the driver shall use the low beam of light.” 75 Pa.C.S. § 4306(a). “The plain legislative intent of section 4306(a) was to prevent motorists from facing excessive glare, so as to reduce the obvious safety hazard that exists when a driver suffers momentary blindness upon being subjected even very briefly to the intense brightness of high beam lamps.” Commonwealth v. Beachey, 728 A.2d 912, 913 (Pa. 1999). A driver may flash “high beams at oncoming vehicles as a warning of roadway emergencies or other dangerous or hazardous conditions ahead.” 75 Pa.C.S. § 4306(c)(2).

“Mere reasonable suspicion will not justify a vehicle stop when the driver’s detention cannot serve an investigatory purpose relevant to the suspected violation. In such an instance, ‘it is incumbent [sic] upon the officer to articulate specific facts possessed by him, at the time of the questioned stop, *which would provide probable cause to believe that the vehicle or the driver was in violation of some provision of the Code.*’” Commonwealth v. Feczko, 10 A.3d 1285, 1291 (Pa. Super. 2010) (quoting Commonwealth v. Gleason, 785 A.2d 983, 989 (Pa. 2001)). “The police have probable cause where the facts and circumstances within the officer’s knowledge are sufficient to warrant a person of reasonable caution in the belief that an offense has been or is being committed. [Courts] evaluate probable cause by considering all relevant facts under a totality of circumstances analysis.” Commonwealth v. Brown, 64 A.3d 1101, 1105 (Pa. Super. 2013). “Probable cause does not require certainty, but rather exists when criminality is one reasonable inference, not necessarily even the most likely inference.” Commonwealth v. Lindblom, 854 A.2d 604, 607 (Pa. Super. 2004).

Here, the Court finds Corporal Farber credible. He testified that, at 10:35 p.m., he saw the activation of the Defendant's high beams as the Defendant was approaching him in the opposite lane of travel. He testified that the high beams remained activated as the Defendant passed him. He also testified that there were no other vehicles in the area. The above facts and circumstances were sufficient to warrant a person of reasonable caution in the belief that the Defendant was violating Section 4306(a) of the Motor Vehicle Code. Therefore, the stop was lawful.

III. Conclusion

The stop was lawful because Corporal Farber had probable cause to believe that the Defendant was violating Section 4306(a) of the Motor Vehicle Code.

ORDER

AND NOW, this _____ day of February, 2016, based upon the foregoing Opinion, it is ORDERED and DIRECTED that the Motion to Suppress, which was filed on September 29, 2015, is hereby DENIED.

By the Court,

Nancy L. Butts, President Judge