

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	:	No. CP-41-CR-0001244-2017
Appellant	:	
vs.	:	CRIMINAL DIVISION
	:	
	:	
CHRISTOPHER ADKINS,	:	
Appellee	:	1925(a) Opinion

**OPINION IN SUPPORT OF ORDER IN
COMPLIANCE WITH RULE 1925(a) OF
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of this court's Order entered on February 28, 2018, which granted Appellee Christopher Adkin's motion to dismiss pursuant to Rule 600. As explained in the Opinion accompanying that Order, the court found that the Commonwealth failed to establish by a preponderance of the evidence that it made reasonable efforts to serve the arrest warrant at the Avis, Pennsylvania address listed on Appellee's driver's license.

In addition to the reasons set forth in the Opinion, the court also notes that it did not accept as sufficient Agent Bolt's conclusory testimony that other officers and sheriffs attempted to serve the arrest warrant at the Avis address, because Avis is in Clinton County. Therefore, it is neither within the jurisdiction of the Williamsport Bureau of Police nor within the jurisdiction of the Lycoming County Sheriff or his deputies. See 42 Pa. C.S. §8953(a)(1) ("Any duly employed municipal police officer who is within this Commonwealth, but beyond the territorial limits of his primary jurisdiction, shall have the power and authority to ...otherwise perform the functions of that office as if ... performing

those functions within the territorial limits of his primary jurisdiction ...[w]here the officer is acting pursuant to an order issued by a court of record or an order issued by a district magistrate whose magisterial district is within the judicial district where the officer is otherwise acting pursuant to the requirement of the Pennsylvania Rules of Criminal Procedure, except that service of an arrest or search warrant shall require the consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which regularly provides primary police services in the municipality wherein the warrant is to be served.”); Pa. Const. art. 9, § 4 (“County officers shall consist of ...sheriffs... and such others as may be from time to time provided by the law.”); *Kopko v. Miller*, 586 Pa. 170, 892 A.2d 766, 770-771 (2006)(“the Sheriff’s primary obligation is to represent the sovereignty, authority, and interests of the state **in his respective jurisdiction**... and today the Sheriff represents the sovereignty of the state as the conservator of the peace and has no superior **in his/her county**”)(emphasis added).

Furthermore, the Commonwealth did not offer any testimony or evidence to show how Agent Bolt would know what efforts, if any, were made by the entities that could serve the arrest warrant in Avis, such as members of the Pennsylvania State Police or the Clinton County Sheriff’s Office.

The court also notes that there is an error on page 2 of the Opinion and Order entered on February 28, 2018. The opinion indicates that the NCIC log admitted as Commonwealth’s Exhibit 1 showed the number of times Defendant “had been run” through NCIC between the date the complaint was filed in June 2010 until Defendant’s arrest on the warrant on June 16, 2017. The complaint was not filed in June 2010. The traffic stop occurred on June 18, 2010, and the complaint was filed on July 13, 2010.

DATE: June 1, 2018

By The Court,

Marc F. Lovecchio, Judge

cc: Kenneth Osokow, Esquire (DA)
Dance Drier, Esquire
Work file
Gary Weber, Esquire (Lycoming Reporter)
Superior Court (original & 1)