

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CP-41-CR-1239-2018
v.	:	
	:	
BASIR LOYAL,	:	OMNIBUS PRETRIAL
Defendant	:	MOTION

OPINION AND ORDER

Basir Loyal (Defendant) was charged on July 20, 2018 for Driving under the Influence¹ and related summary offenses. The charges arise from a traffic stop that occurred in the area of Market Street and Washington Boulevard., Williamsport, PA 17701. Defendant filed this Omnibus Pretrial Motion asking for the suppression of evidence on December 10, 2018. A hearing on the motion was held by this Court on January 18, 2019. In his Omnibus Pretrial Motion, Defendant raises only one issue: Whether the police had reasonable suspicion of a traffic violation to conduct a stop. Defendant contends any evidence obtained as a result should be suppressed.

Background and Testimony

Trooper Brian Siebert (Siebert) of the Pennsylvania State Police testified on behalf of the Commonwealth and the Commonwealth provided a copy of the video from the Motion Video Recorder (MVR) as an exhibit. Additionally, Defendant testified on his own behalf. Based on this evidence the following was established. On June 20, 2018 around 2:15 a.m., Siebert was acting in his official capacity as a police officer in full uniform and in a marked police vehicle in the area of Memorial Street and Washington Boulevard. Seibert observed a white Chevy Malibu fail to stop at a stop sign. Seibert then initiated his lights and conducted a

¹ 75 Pa. C.S. § 3802(a)(1), (b).

stop of the vehicle. Subsequently, Defendant was charged with Driving under the Influence as a result of the events that occurred following the traffic stop.

Whether Seibert had Reasonable Suspicion to Effectuate a Traffic Stop

Police officers are granted the authority to effectuate stops pursuant to violations of the motor vehicle code. 75 Pa. C.S. § 6308(b). “Whenever a police officer . . . has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle.” *Id.* Failing to stop at a stop sign is a violation under Title 75. 75 Pa. C.S. § 3323(b) (“every driver of a vehicle approaching a stop sign shall stop”). Defendant argues and testified at the hearing that he did indeed stop, contrary to Seibert’s testimony. The Commonwealth provided as an exhibit the MVR from the night in question. In that MVR the court could clearly see the Defendant’s vehicle never came to a complete stop and instead performed what is commonly referred to as a “rolling stop.” The MVR confirmed, as Seibert testified to, that the vehicle never completely stopped and instead continued rolling forward in violation of 75 Pa. C.S. § 3323(b).

Conclusion

Seibert had the requisite reasonable suspicion to stop Defendant for a motor vehicle violation. As this was the only issue contended in the Omnibus Pretrial Motion, the motion shall be denied. There is no violation of Defendant’s constitutional rights and the evidence resulting shall not be suppressed.

ORDER

AND NOW, this _____ day of February, 2019, based upon the foregoing Opinion, the Defendant's Omnibus Pretrial Motion is DENIED.

By the Court,

Nancy L. Butts, President Judge

cc: Joseph Ruby, Esquire, ADA
Jessica Feese, Esquire

NLB/kp