

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : **CP-41-CR-1087-2018**
 :
 :
 JEROME SHIELDS, : **OMNIBUS PRETRIAL**
 Defendant : **MOTION**

OPINION AND ORDER

Jerome Shields (Defendant) was charged on June 28, 2018 with Escape,¹ Resisting Arrest,² Possession of Drug Paraphernalia,³ Possession of a Controlled Substance,⁴ Operating a Vehicle without an Inspection,⁵ and No Rear Lights.⁶ The charges arise from a traffic stop that occurred in the 900 block of Market Street, Williamsport, PA 17701. Defendant filed this Omnibus Pretrial Motion asking for the suppression of evidence on December 13, 2018. A hearing on the motion was held by this Court on January 24, 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

Officer Nathan Moyer (Moyer) of the Pennsylvania College of Technology Police Department and Michael Hopple (Hopple), a Ford Service Technician, testified on behalf of the Commonwealth. Based on the testimony the following was established. On June 28, 2018

¹ 18 Pa. C.S. § 5121(a).

² 18 Pa. C.S. § 5104.

³ 35 P.S. § 780-113(a)(32).

⁴ 35 P.S. § 780-113(a)(16).

⁵ 75 Pa. C.S. § 4703(a).

⁶ 75 Pa. C.S. § 4303(b).

around 10:10 p.m., Moyer was acting in his official capacity as a police officer in the area of the 1000 block of Vine Street. Moyer observed a maroon Ford Taurus with no rear lights on. Moyer then initiated his lights and conducted a stop of the vehicle. At the time of the actual stop, the lights had been functioning. Hopple testified as an expert in the field of automobiles. He testified that particular make and model had a daytime running module, which meant the headlights would always be on, but the rear lights would not turn on if the lights were not flipped to the on position or the vehicle was in park. Based on events subsequent to the stop Defendant was charged with the above offenses.

Whether Moyer 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.*

Under 75 Pa. C.S. § 4303(b) a violation occurs when:

(b) Rear lighting.--Every vehicle operated on a highway shall be equipped with a rear lighting system including, but not limited to, rear lamps, rear reflectors, stop lamps and license plate light, in conformance with regulations of the department. If a vehicle is equipped with a centrally mounted rear stop light, a decal or overlay may be affixed to the centrally mounted rear stop light if the decal or overlay meets all applicable State and Federal regulations.

Defendant argues that since the lights were functioning at the time Moyer conducted the stop there was no longer the adequate reasonable suspicion. This Court disagrees. Moyer testified that the lights were not on when he initially viewed the vehicle and Hopple testified that if the switch for the lights were not in the on position they would have not been illuminated.

Therefore there was reasonable suspicion for Moyer to conduct a stop based on a violation of 75 Pa. C.S. § 4303(b) that had occurred.

Conclusion

Moyer 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: DA (ND)
Jeffrey Rowe, Esquire

NLB/kp