

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

COMMONWEALTH OF PENNSYLVANIA	:	
	:	JV-213-2020
IN THE INTEREST OF:	:	
NS-C, a minor	:	JUVENILE DIVISION

OPINION

This matter is before the Court on a Motion to Suppress Evidence and Statements filed on June 16, 2021 by the Juvenile Defendant. By way of background, the Juvenile Defendant has additional charges pending in Criminal Court under two dockets. The Honorable Nancy L. Butts, President Judge, issued an Opinion and Order on July 30, 2021 denying the Juvenile Defendant’s Motions to Suppress by way of Omnibus Pre-Trial Motions, finding that “law enforcement were justified in their belief that the officers present at the scene of Defendant’s arrest were in an increasing amount of danger and the protective sweep of the home was warranted” and that “the evidence found as a result of the protective sweep was not discovered illegally.” *See July 30, 2021 Opinion and Order at Docket No. CR-21-2021 and CR-67-2021 at page 13.*

The Juvenile Defendant also filed a Motion to Suppress in a separate action pending in Juvenile Court. After argument on the Motion to Suppress occurred in Criminal Court but before Judge Butts rendered her decision, The Honorable Joy Reynolds McCoy heard argument on whether the Juvenile Court would be bound by the decision in Criminal Court and issued an Opinion and Order on June 9, 2021 wherein she holds that “the coordinate jurisdiction rule is applicable in this case and, although it has not yet been rendered, the Juvenile Court will not revisit, contradict, or overrule the imminent decision of another

judge of the Lycoming County Court of Common Pleas” and that the Juvenile Court “will be bound by the decision of the Criminal Court . . . with regard to the evidence sought to be suppressed” See *June 9, 2021 Opinion and Order at Docket No. JV-38-2021 at page 5*.

A hearing on the Motion to Suppress instantly before the Court was held August 12, 2021 at which time the parties agreed that the issues raised in the Motion to Suppress previously decided by Judge Butts and the Motion to Suppress currently before this Court raise the same legal issues and that there are no factual differences. Additionally, the parties have already litigated whether the coordinate jurisdiction rule applies between Juvenile Court and Criminal Court and Judge McCoy has held, in a well-reasoned Opinion, that it does. Therefore, this Court will adopt both Judge McCoy’s June 9, 2021 ruling as well as Judge Butts’ July 30, 2021 ruling and deny the Juvenile Defendant’s Motion to Suppress. The Court notes that the Commonwealth has agreed that it will not use any statements made by the Juvenile Defendant after he was detained in the prosecution of this case.

ORDER

AND NOW, this 17th day of **August, 2021**, for the reasons set forth above, Juvenile Defendant's Motion to Suppress is hereby **DENIED**.

By the Court,

Ryan M. Tira, Judge

RMT/ads

CC: DA (KG)
Michael Dinges, Esq.
JPO
Hon. Nancy L. Butts, President Judge
Hon. Joy Reynolds McCoy, Judge
Gary Weber, Esq.
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