

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 : **CP-41-CR-28-2021**
 v. :
 :
 BRANDON STEVENSON, : **OMNIBUS MOTION**
 Defendant :

OPINION AND ORDER

Brandon Stevenson (Defendant) was charged on December 1, 2020, with the following: Driving while Operating Privileges Suspended or Revoked¹, Possession of a Controlled Substance (marijuana)², Possession of Drug Paraphernalia³, Driving on Roadway Laned for Traffic⁴, Careless Driving⁵, two (2) counts of Fleeing or Attempting to Elude a Police Officer⁶, four (4) counts of Driving Under the Influence of a Controlled Substance⁷, and Unauthorized Use of an Automobile⁸. The charges were filed as a result of a motor vehicle stop in the area of Memorial Avenue, city of Williamsport on July 20, 2020. Defendant filed his Omnibus Pretrial Motion on March 16, 2021. A hearing was held on the Defendant's motion on May 11, 2021. In his Omnibus Pretrial Motion, Defendant raises only one issue: Whether the police had reasonable suspicion that a traffic violation had occurred to conduct a stop. Defendant contends any evidence obtained as a result should be suppressed.

Background and Testimony

Trooper Kevin Bencsics (Bencsics) of the Pennsylvania State Police testified on behalf of the Commonwealth. On July 20, 2020, around 10:30 p.m., Bencsics was patrolling the city

¹ 75 Pa. C.S. § 1543(a).

² 35 P.S. § 780-113(a) 16.

³ 35 P.S. § 780-113(a) 32.

⁴ 75 Pa C.S. § 3309(1).

⁵ 75 Pa C.S. § 3714A.

⁶ 75 Pa C.S. § 3733(a).

⁷ 75 Pa C.S. § 3802(d)(2),(d) i, ii and iii.

⁸ 18 Pa. C.S. § 3928A.

of Williamsport in the area of Memorial Avenue and Locust Street. Bencsics observed a black sedan travelling without illuminated headlights. Bencsics activated his emergency lights and attempted to conduct a vehicle stop, but Defendant accelerated away and abruptly crashed his vehicle. As Bencsics approached the stopped vehicle, he confirmed that the headlights were not illuminated. Defendant was charged as described above. The Commonwealth also played the MVR video from Bencsics's vehicle stop that evening for the Court at the hearing on this motion.

Discussion

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(a) a violation occurs when:

(a) Head lamps.—Every vehicle, except trailers, operated on a highway shall be equipped with a head lamp system in conformance with regulations of the department. The regulations shall not prohibit a bus from being equipped with devices used to carry pedal cycles on the front of the bus.

Defendant alleges that his headlights were on and therefore there was no violation of the motor vehicle code to justify the trooper's contact with the Defendant that night. The Court disagrees. Bencsics testified that the headlights were not on when he initially viewed the vehicle. The Court observed what Bencsics saw when it viewed the MVR. Defendant's headlights were not illuminated. Operating a vehicle without headlights when required provided Bencsics with reasonable suspicion to conduct a vehicle stop of Defendant that evening based on a violation of 75 Pa. C.S. § 4303(a) that had occurred. Therefore, any evidence obtained as a result of the traffic stop will not be suppressed.

Conclusion

Bencsics had the requisite reasonable suspicion to stop Defendant for a motor vehicle violation. Since this is the only issue raised 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 14th day of June, 2021, based upon the foregoing Opinion, the Defendant's Suppression Motion contained in his Omnibus Pretrial Motion is hereby **DENIED**.

By the Court,

Nancy L. Butts, President Judge

cc: DA
Howard Gold, Esq.
Judge Butts