

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : **NO. CR 181-2024**
:
vs. : **CRIMINAL DIVISION**
:
STEPHANIE HUYCK, :
Defendant :

OPINION and ORDER

Stephanie Huyck (Defendant) was charged with Intentionally Possessing a Controlled Substance by a Person not Registered¹ and Possession of Drug Paraphernalia². The charges arise from an incident that occurred on December 19th, 2023, at which time Defendant's person was searched and a small baggie of cocaine and a glass pipe were found. On April 9, 2024 counsel for Defendant filed a Motion to Suppress, in which they argue that the officer lacked reasonable suspicion to detain the Defendant and therefore, all evidence must be suppressed as fruit of the poisonous tree. Furthermore, Defendant argues that the officer lacked probable cause to arrest the Defendant and as a result any evidence obtained after her was arrested should also be suppressed.

Background and Testimony

At the time of the hearing Detective Tyson Havens testified on behalf of the Commonwealth. Detective Havens has been employed the last six years as a detective with the Lycoming County Narcotics Enforcement Unit and was previously employed with the Pennsylvania State Police for twenty-four years. He testified that on December 19th, 2023, he

¹ 35 P.S. § 780-113 (a)(16)

² 35 P.S. § 780-113 (a)(32)

was conducting surveillance in the area of 628 Court St., Williamsport, PA. Specifically, he was conducting surveillance in preparation for a controlled buy that was expected to take place at the residence on that day. While Detective Havens was surveilling the residence, the Defendant arrived in a Hyundai Sonata. Although the Defendant wasn't the subject of the controlled buy that day Detective Havens testified that he was familiar with her as a controlled buy was held at her boyfriend's residence in 2018 and a search warrant revealed cocaine at the residence.

Once the Defendant arrived at the residence, Detective Havens stated that she walked onto the porch and began to search for something under a bench on the porch. Detective Havens stated that he observed Defendant rummaging around the bench and then placing an item from under the bench into her coat pocket and also leaving something under the bench. After Defendant returned to her vehicle Detective Havens notified Detective Kevin Dent, who then followed the Defendant to her residence at 1315 PA Ave, Loyalsock Tp, Lycoming County, PA. At this time Defendant was detained and read her Miranda rights. The Defendant stated that she was at the 628 Court St. residence to pick up a pack of cigarettes. While at the residence Detective Havens and Detective Dent received permission from the owner of the vehicle to search it and a canine unit was called to the scene. The canine alerted to the vehicle indicating the presence of narcotics and the vehicle was subsequently searched, ultimately revealing nothing illegal in the vehicle. As the Defendant was the sole occupant of the vehicle, she was then transported to the Williamsport Bureau of Police while a search warrant was obtained for her person. After the search warrant, was approved Detective Edkin searched her person and found cocaine and a pipe in her vagina. Once those items were found she admitted to being at the residence located at 628 Court St., to collect cocaine.

The Court notes that at the time of the hearing the Commonwealth presented video evidence of the Defendant on the porch of the residence. The video mirrored Detective Havens testimony in that the Defendant was on the porch searching under a bench and appears to put an object into her pocket and leave something under the porch.

Discussion

The Defendant raises two arguments in her petition: first, Defendant argues that the Police illegally detained her, as they lacked reasonable suspicion that she had engaged in criminal activity, and therefore, all the evidence obtained after she was detained must be suppressed as fruit of the poisonous tree. Secondly, she argues that even if the police did have reasonable suspicion to detain her, they illegally arrested her when she was placed in handcuffs and transported to the police station, as they lacked probable cause to do so.

There are three types of interactions with law enforcement requiring three different levels of suspicion.

The first is a mere encounter, sometimes referred to as a consensual encounter, which does not require the officer to have any suspicion that the citizen is or has been engaged in criminal activity... The second type of interaction, an investigative detention, is a temporary detention of a citizen. This interaction constitutes a seizure of a person, and to be constitutionally valid, police must have a reasonable suspicion that criminal activity is afoot. The third, a custodial detention, is the functional equivalent of an arrest and must be supported by probable cause. A custodial detention also constitutes a seizure.

Commonwealth v. Powell, 228 A.3d 1, 4 (2020), citing *Commonwealth v. Adams*, 205 A.3d 1195, 1199-200 (Pa. 2019).

Clearly, the interaction between the Defendant and the Detectives was an investigative detention. She was not free to go at the time as Detective Dent informed her that she was being detained and she was read her Miranda Rights. The issue that Defendant raises is that at this

point the Detectives did not have the reasonable suspicion required to detain her. This Court disagrees.

To maintain constitutional validity, an investigative detention must be supported by a reasonable and articulable suspicion that the person seized is engaged in criminal activity. *Commonwealth v. Brame*, 239 A.3d 1119, 1127 (Pa. Super. 2020).

This reasonable suspicion standard allows a police officer to stop an individual based upon specific and articulable facts and rational inferences from those facts that warrant a belief that the individual is involved in criminal activity. *Commonwealth v. Hicks*, 208 A.3d 916, 932 (Pa. 2019), cert. denied, 140 S. Ct. 645 (2019).

The Superior Court in *Commonwealth v. Harris*, 176 A. d 1009, 1021 (Pa. Super. 2017), defined reasonable suspicion as follows:

[T]he officer must articulate specific observations which, in conjunction with reasonable inferences derived from these observations, led him reasonably to conclude, in light of his experience, that criminal activity was afoot ...In order to determine whether the police officer had reasonable suspicion, the totality of the circumstances must be considered. In making this determination, we must give due weight ...to the specific reasonable inferences [the police officer] is entitled to draw from the facts in light of his experience. Also, the totality of the circumstances test does not limit our inquiry to an examination of only those facts that clearly indicate criminal conduct. Rather, even a combination of innocent facts, when taken together, may warrant further investigation by the police officer.

Given the experience of Detective Havens and the totality of the circumstances it is clear reasonable suspicion existed.

Detective Havens was surveilling the residence in preparation for a drug deal that day. Although the Defendant may not have been the subject of that operation the residence was known to law enforcement to be affiliated with the sale of narcotics. Further, the Defendant was rummaging and looking for something under a bench on the porch and seemingly found what she

was looking for and placed it in her pocket. This would undoubtedly raise the suspicions of a trained officer, who was there investigating a known narcotic affiliated residence. Additionally, Detective Havens was familiar with the Defendant as he had contact with her personally. The totality of the circumstances coupled with the training and experience of Detective Havens clearly meet the definition of reasonable suspicion of criminal activity as defined by the Superior Court.

Moving now to Defendants second argument, this Court also disagrees that the Detectives lacked probable cause to arrest and transport the Defendant. As listed above the third interaction between police and individuals is a custodial detention. A custodial detention occurs when the nature, duration and conditions of an investigative detention become so coercive as to be, practically speaking, the functional equivalent of an arrest. *Commonwealth v Spence*, 290 A. 3d 301, 314 (Pa. Super. 2023). Here, Defendant was obviously subject to a custodial detention when she was placed in handcuffs and transported to the police station as detectives waited for a search warrant for her person to issue. For this encounter to be constitutionally valid probable cause must exist.

Per the Court in *Spence*, “criminality is one reasonable inference; [however] it need not be the only, or even the most likely, inference.”, for probable cause to exist. *Id.* The standard for probable cause is whether “the facts and circumstances within the officer's knowledge are sufficient to warrant” a reasonably cautious person to believe “that an offense has been or is being committed.” *Commonwealth v. El*, 933 A. 2d 657, 661 (Pa. Super. 2007) quoting *Commonwealth v. Clark*, 558 Pa. 157 (1999). Further, when determining if the standard is satisfied, the Court must undertake a totality of the circumstances analysis.

In the instant matter, the Commonwealth argues that the probable cause requirement is fulfilled when the canine alerted to the presence of narcotics in the car and the Defendant was the only individual in the vehicle. The Superior Court in *Commonwealth v. Green*, 168 A. 3d 180, 186 (Pa. Super. 2017), ruled that, “Astor’s (the police canine) indication alone was sufficient to raise Trooper Conrad’s reasonable suspicion to probable cause.” Additionally, in *Commonwealth v. Harris*, 176 A. 3d 1009, 1023 (Pa. Super. 2017), the Superior Court found that considering the totality of the circumstances including a positive indication of narcotics by a canine unit, probable cause existed.

Here, Detective Havens testified that a canine unit was called to sniff the vehicle. That canine alerted to the presence of narcotics. Although no narcotics were found in the vehicle, Defendant was the sole occupant. Based on the totality of the circumstances including Detective Havens observations as a trained narcotics officer coupled with the positive alert of narcotics by the canine unit this Court finds there was probable cause to arrest the Defendant and hold her at the Williamsport Police Station pending the approval of a valid search warrant.

ORDER

AND NOW, this ____ day of **December, 2024**, the Court **DENIES** Defendant’s Motion to Suppress.

BY THE COURT

Ryan C. Gardner, Judge

RCG/kbc

cc: DA (Lindsay Sweeley, Esq)
Howard Gold, Esq.
Gary Weber, Esq.