

(4) one count of Operating a vehicle without a Valid Inspection⁹, (5) one count of Evidence of Emission Inspection¹⁰, and (6) one count of Driving an unregistered Vehicle¹¹.

At the Suppression Hearing the Commonwealth called Trooper Nicklas Coulston to testify. Trooper Coulston has worked with the Pennsylvania State Police in the Patrol Unit since 2020. Trooper Coulston has no specialized training in Standardized Field Sobriety Testing aside from what he received at the Pennsylvania State Police Academy.

On or about January 1, 2024, Trooper Coulston testified that he was working the 10:00 p.m. to 2:00 a.m. shift within Williamsport, Lycoming County in Pennsylvania, in a marked patrol vehicle. At or around 1:20 a.m. Trooper Coulston was stopped at a blinking red traffic light at the intersection of Campbell Street and West 4th Street when he observed a white/silver vehicle approach the blinking yellow traffic light and turn left on Campbell Street. Almost directly following the silver/white vehicle's turn, Trooper Coulston observed a blue sedan traveling west on 4th Street approach the blinking yellow traffic light at the intersection and stop for approximately three (3) seconds before proceeding through the intersection on West 4th Street. Based on the driver's delay at the blinking yellow traffic light, Trooper Coulston turned right onto West 4th Street and proceeded to activate his vehicle's emergency lights to initiate a traffic stop of the blue sedan.

While speaking with the driver of the blue sedan, identified as Alauna Jackson, the Defendant, Trooper Coulston perceived a "strong odor of an alcoholic beverage" (Affidavit, Defendant's Exhibit A), and "glassy, bloodshot eyes" (Affidavit, Defendant's Ex. A). Trooper Jackson also "observed marijuana residue on the front of [the Defendant's] shirt." (Affidavit, Defendant's Ex. A). The Defendant complied with Trooper Coulston's request

⁹ 75 Pa.C.S.A. §4703 §§(a)

¹⁰ 75 Pa.C.S.A. §4706 §§(c)(5)

¹¹ 75 Pa.C.S.A. §1301 §§(a)

that she perform SFSTs, including the horizontal gaze nystagmus and PBT tests. Trooper Coulston testified that, based on his findings, he took the Defendant into custody for suspicion of driving under the influence. The Defendant did submit to a blood draw showing positive results of marijuana and a blood alcohol content of .212 percent. (Aff. Defendant's Ex. A).

The Defendant's Omnibus Motion seeks to have all evidence suppressed pursuant to the initial traffic stop for insufficient probable cause, and the suppression of statements made by the Defendant during the Standardized Field Sobriety Tests as she was detained and not properly Mirandized. Moreover, the Defendant's Omnibus Pretrial Motion seeks to exclude from trial any Mobile Video Recording (MVR) containing horizontal gaze nystagmus tests as inadmissible without a proper foundation by an expert, and exclusion of any mention of preliminary breath test (PBT) results.

Both the Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution protect individuals from unreasonable searches and seizures by the government. *Commonwealth v. Sands*, 887 A.2d 261, 268 (Pa. Super. 2005). Under the precedent set forth in, *Terry v. Ohio*, 392 U.S. 1 (1968), the Fourth Amendment allows for an investigative detention in the form of a vehicle stop. *Commonwealth v. Case*, 599 Pa. 80, 99 (2008). The Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution articulate the same boundary for *Terry* purposes; thus, Article 1, Section 8 also allows for a vehicle stop based on reasonable suspicion. *Id.*

However, a vehicle stopped based solely on non-investigable offenses cannot be justified by reasonable suspicion because the justification under *Terry v. Ohio* no longer exists where there is nothing further to investigate. *Id.* at 94. "A stop of a single vehicle is unreasonable where there is no outward sign the vehicle or the operator are in violation of the

Motor Vehicle Code...there must be specific facts justifying this intrusion.” *Commonwealth v. Sands*, 887 A.2d 261, 266 (Pa. Super. 2005) citing *Commonwealth v. Swanger*, 453 Pa. 107, 307 A.2d 875, 878 (1973). It is necessary for an officer to “articulate specific facts possessed by him, at the time of the questioned stop, *which would provide probable cause to believe that the vehicle or the driver was in violation of some provision of the [Motor Vehicle] Code.*” *Commonwealth v. Feczko*, 10 A.3d 1285, 1291 (Pa. Super. 2010) citing *Commonwealth v. Gleason*, 785 A.3d 567 Pa. 111, 785 A.2d 983, 989 (2001)(emphasis in original).

Here, Trooper Coulston indicated that the initial traffic stop was conducted because the Defendant stopped for about three (3) seconds at a blinking yellow traffic light, citing this conduct as a violation of the Motor Vehicle Code (MVC). Under 75 PA.C.S.A. §3114(a)(2), the provision covering flashing traffic signals, indicates that, “[w]hen a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles *may* proceed through the intersection or past such signal *only with caution*” (emphasis added).

The Commonwealth argued that Trooper Coulston possessed the necessary probable cause to initiate the traffic stop based on the Defendant stopping at a blinking yellow traffic signal. The Commonwealth proffered a case decided by the Court of Common Pleas in Bucks County, *Commonwealth v. Fahnestock*, 2005 WL 5871890, that did find a violation of the MVC under a similar fact pattern where a driver came to a stop at a blinking yellow light. However, the driver’s abrupt stop in *Fahnestock* caused another vehicle to swerve so as to avoid a collision. Moreover, the driver stopped at a blinking yellow light where the entryway of the shopping center across the intersection was under renovation, and the entryway was blocked off for all traffic. In *Fahnestock*, the court found that the officer possessed the necessary probable cause to conduct a vehicle stop and charge the driver with careless

driving under 75 Pa.C.S.A. §3714 §§(a). In *Fahnestock*, the court held that a violation of the MVC did occur because there was no reason to stop, and the subsequent stop posed a sufficient risk to another driver.

The Court disagrees with the Commonwealth's position that the Defendant's increased caution at the blinking yellow traffic light constitutes a violation of the MVC under 75 §3114(a)(2). The use of "may" in the statutory language neither requires nor recommends that a driver automatically proceed through an intersection with a blinking yellow traffic light. The statute does, however, require that a driver exercise caution to proceed through an intersection when faced with a yellow blinking traffic light. Here, the Defendant exercised reasonable caution. As the Defendant approached the intersection, there was another vehicle stopped at the yellow flashing light. A reasonably cautious driver when seeing the stopped vehicle may be concerned that there is a road condition that required the stop (ex. A person or animal in the roadway or an obstruction in the roadway). Thus, in contrast to Trooper Coulston's testimony, the Defendant's behavior seems entirely appropriate for the conditions she and Trooper Coulston observed. Further, it was raining and dark out at the time of the interaction. (Commonwealth Exhibit #1, Mobile Video Recording, 01/01/2024). These conditions support the Defendant utilizing a higher level of caution. Trooper Coulston testified that the only basis for his stop of the Defendant was the Defendant's stopping at the flashing yellow light. Any other facts were learned after the stop.

This Court finds that Trooper Coulston did not possess the necessary probable cause, or even reasonable suspicion, on which to base his initial traffic stop. Thus, an unlawful traffic stop of the Defendant did occur and all evidence obtained after Trooper Coulston made contact with the Defendant, including, but not limited to, statements made by the

Defendant, the SFST results, PBT results, HGN results, and the chemical testing results, shall be suppressed as a result of the illegal traffic stop.

Accordingly, the Court enters the following order:

ORDER

AND NOW, this 11th day of December, 2024, upon consideration of Defendant's Motion to Suppress, the argument of counsel on December 10, 2024, and for the reasons set forth above, the Motion to Suppress is **GRANTED**. Further, this matter is **DISMISSED** as all evidence was obtained unlawfully after the illegal traffic stop was conducted and has been suppressed.

By the Court,

Ryan M. Tira, Judge

CC: DA-Eric Birth, Esquire
PD-Alyssa Fenoy, Esquire
Court Administration
Gary Weber, Esquire, Lycoming Reporter