

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	CR-505-2025
	:	
vs.	:	
	:	
KEITH REITZ	:	
Defendant.	:	Omnibus Pretrial Motion

OPINION AND ORDER-MOTION TO SUPPRESS INTERVIEW

This matter came before the Court for hearing on October 29, 2025, on the Omnibus Pretrial Motion, filed May 28, 2025 (hereinafter the “Motion”) of Defendant Keith Reitz (hereinafter “Defendant”). At the hearing, counsel for the Defendant requested that the Court issue separate Orders with regard to each of the several issues raised in the Motion, and a separate Order on Defendant’s Motion to Suppress, filed June 11, 2025. For that reason, the Court will identify the subject matter of each such issue within the title of the applicable Order. With regard to both the Motion and the subsequent Motion to Suppress, the gravamen of Defendant’s contention is that the Commonwealth should be precluded from use at trial of the videotaped interview of the Defendant conducted October 19, 2024, at the Northway Community Church.

ISSUE PRESENTED:

WHETHER THE COMMONWEALTH SHOULD BE PRECLUDED FROM USE AT TRIAL OF THE VIDEOTAPED INTERVIEW OF THE DEFENDANT CONDUCTED OCTOBER 19, 2024, AT THE NORTHWAY COMMUNITY CHURCH.

RESPONSE TO ISSUES PRESENTED:

THE COMMONWEALTH WILL NOT BE PRECLUDED FROM USE AT TRIAL OF THE VIDEOTAPED INTERVIEW OF THE DEFENDANT CONDUCTED OCTOBER 19, 2024, AT THE NORTHWAY COMMUNITY CHURCH, SINCE THE INTERVIEW WAS CLEARLY NOT A CUSTODIAL INTERROGATION.

DISCUSSION:

The Test for Custodial Interrogation Pursuant to Applicable Pennsylvania Law

It is the settled law of this Commonwealth that, before the rule in *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966) will apply, there must be both custody and interrogation. *Commonwealth v. Whitehead*, 427 Pa.Super. 362, 629 A.2d 142, 144 (Pa.Super. 1993). The Court has long held:

[P]olice detentions in Pennsylvania become custodial when, under the totality of the circumstances, the conditions and/or duration of the detention become so coercive as to constitute the functional equivalent of arrest. *Commonwealth v. Ellis*, 379 Pa.Super. 337, 549 A.2d 1323, 1332 (1988) (citing *California v. Beheler*, 463 U.S. 1121, 1125, 103 S.Ct. 3517, 77 L.Ed.2d 1275 (1983)). “Interrogation is police conduct calculated to, expected to or likely to evoke admission.” *Commonwealth v. Johnson*, 373 Pa.Super. 312, 541 A.2d 332, 336 (1988) (citation and quotations omitted). The overlying test to determine whether a person is being subjected to a custodial interrogation necessitating *Miranda* warnings is whether he is physically deprived of his freedom in any significant way or is placed in a situation in which he reasonably believes that his freedom of action or movement is restricted by such interrogation. *See Commonwealth v. Chacko*, 500 Pa. 571, 459 A.2d 311, 314 (1983). “The standard for determining whether police have initiated a custodial interrogation or an arrest is an objective one, with due consideration given to the reasonable impression conveyed to the person interrogated rather than the strictly subjective view of the troopers or the person being seized.” *Commonwealth v. Edmiston*, 535 Pa. 210, 634 A.2d 1078, 1085–86 (1993). The factors that the court considers to determine whether there has been a custodial interrogation include: the basis for the detention; its length; its location; whether the suspect was transported against his or her will, how far and why; whether restraints were used; whether the law enforcement officer showed, threatened or used force; and the investigative methods employed to confirm or dispel suspicions. *See Commonwealth v. Peters*, 434 Pa.Super. 268, 642 A.2d 1126, 1130 (1994) (*en banc*).

Commonwealth v. Turner, 2001 PA.Super. 79, 772 A.2d 970, 973 (Pa.Super. 2001).

The Interview of the Defendant

On October 18, 2024, in Lycoming County, Nicole Bassett died. An autopsy report introduced into evidence as Commonwealth Exhibit 1 includes the opinion that the cause of death was “mixed drug toxicity including cocaine, hydroxyzine, citalopram, and cyclobenzaprine” with a contributing cause as “chronic substance use; chronic obstructive pulmonary disease.” The Commonwealth contends that Defendant provided Bassett with illegal drugs the date she died, and that her ingestion of those drugs caused her death.

On the day after Bassett’s death, Defendant agreed to speak to officers of the Pennsylvania State Police at the Northway Community Church. When officers arrived, Defendant and the pastor of that church were already present. The entire interview, approximately one (1) hour in length, was taped on a police body cam. The Court has reviewed the entire contents of the taped interview.

Defense counsel accurately observed in her brief in support of the Motion to Suppress that Defendant was not provided with Miranda warnings, that his close friend died the preceding night, that he reported that “he spend (sp.) the whole night smoking crack cocaine,” and that law enforcement representatives questioned him in a manner seeking admissions. The question remains whether that questioning constituted custodial interrogation.

At the outset of the interview, and several times thereafter, the officers advised Defendant that he was not under arrest, that he would not be placed under arrest, that the officers were not in possession of handcuffs, and that Defendant was free to leave at any time. The officers questioned Defendant about the events of the preceding day. During the interview, the officers repeatedly suggested that Defendant’s explanation of what transpired leading up to Bassett’s death was incredible. Importantly, during the interview, the officers also obtained Defendant’s consent to search his person and his car, and to seize his cell phone for examination.

In response to the officers’ questioning, Defendant made several potentially incriminatory statements. In the view of the Court, at least some of the officers’ questions were intended to elicit incriminatory responses. That fact notwithstanding, the Court cannot bootstrap the first prong of the two-part test with the second. While the police were clearly conducting an interrogation of Defendant, there are no facts upon which the Court can find that the interrogation

was custodial. The Defendant summoned the police, not the reverse. The interview took place at a church, a location of Defendant's choosing. Defendant's pastor was present. The Defendant was never taken into custody, was repeatedly advised that he would not be placed in custody, was never placed in a police vehicle, was never transported anywhere, and was repeatedly advised that he would not be placed under arrest. The officers repeatedly told Defendant that the investigation was ongoing, and that the process of examining Defendant's cell phone would take time. When questioned about the likelihood of criminal charges against Defendant, the officers responded that the cause of Bassett's death was unknown.

At the conclusion of the interview, the officers left the church, and Defendant and his pastor remained. The Defendant was never placed into custody, and was repeatedly advised, on bodycam video, that he would not be placed into custody. Under these circumstances, the Court finds that the bodycam interview of Defendant was not a custodial interrogation.

ORDER

AND NOW, this 26th day of November, 2025, for the reasons more fully set forth above, the relief sought in Defendant's Motion to Suppress, filed June 11, 2025, is **DENIED**.

BY THE COURT,

William P. Carlucci, Judge

cc: Court Administrator
Lycoming County District Attorney's Office
Office of Public Defender (Longo)