

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

COMMONWEALTH OF PENNSYLVANIA,	: CR-2025-0080
	:
vs.	:
	:
NICHOLAS ROBERT WOOD	:
Defendant.	: Omnibus Pretrial Motion

**OPINION AND ORDER**

This matter came before the Court for an evidentiary hearing on April 29, 2025, on the Defendant's Omnibus Pretrial Motion, filed March 3, 2025 (hereinafter the "Motion"). The Motion seeks relief in four (4) Counts. Count I, a Petition for a Writ of Habeas Corpus, was withdrawn at the time of the hearing. Count II seeks to suppress the Commonwealth's evidence, asserting that there was a lack for probable cause for the stop. Count III asserts that the arrest of the Defendant was illegal. Count IV seeks to suppress the Commonwealth's evidence, on the basis of Defendant's claim that Deputy Sheriff Ragan lacked authority to act as a special detective.

At the hearing on the Motion, the Commonwealth presented the testimony of Deputy Sheriff Shayna Ragan (hereinafter "Deputy Ragan") beginning at transcript page 4 of the notes of testimony (hereinafter N.T. 4). Deputy Ragan testified that she is a graduate of the Act 120 Municipal Police Academy operated by Commonwealth University-Mansfield (N.T. 5). After graduation, Deputy Ragan was employed by the Hemlock Township Police, and later by the Penn College Police Department (N.T. 4). Commonwealth Exhibit 2 is an Order by Lycoming County President Judge Nancy Butts, dated April 23, 2024, appointing a list of Special County Detectives to work on the Roving DUI Patrols for the twelve (12) month period of January 1, 2024, through December 31, 2024. Deputy Ragan was on that list, as a member of the Penn College Police Department (N.T. 14-15).

Commonwealth Exhibit 1 is a Certificate of Speedometer Accuracy for the speedometer contained in Lycoming County Sheriff Vehicle 12, a Ford Interceptor vehicle. Counsel stipulated at the hearing on the Motion that the certification was for a period of one (1) year (N.T. 10).

On September 14, 2024, at approximately 9:40 p.m., Deputy Ragan and another officer were on a routine Roving DUI Patrol in Lycoming County. They observed Nicholas Wood (hereinafter the “Defendant”) turn his vehicle onto Route 15. Deputy Ragan testified that she observed the Defendant accelerate his vehicle to 63 miles per hour in a zone posted with a 55 mile per hour speed limit, and she observed the vehicle cross the fog line at the outside of the vehicle’s lane of travel twice, and she observed that the tires of the vehicle extended two (2) inches beyond the fender of the vehicle. Deputy Ragan testified that, in her training, she was trained that excessive speed and crossing of the center line or fog line, among others, are indications that the operator of a vehicle is under the influence of alcohol or drugs (N.T. 11-13).

Deputy Ragan performed a stop on the vehicle, subjected the driver to field sobriety tests including a walk and turn test and a one-leg stand, and ultimately placed the driver under arrest for driving under the influence of alcohol (N.T. 15).

The Court viewed the videotape introduced as Defense Exhibit 1, through 21:52:00, when the Defendant used his cell phone. The contents neither prove nor disprove the testimony of Deputy Ragan regarding the Defendant’s driving. She testified that the crossing of the fog line occurred before the video began, and vehicle speed cannot be determined from the video. The video clearly reveals that the rear tires on Defendant’s vehicle extended far beyond the fenders. The Court cannot judge the Defendant’s performance on the field sobriety tests, from the video evidence.

#### **ISSUES PRESENTED:**

1. WHETHER DEPUTY RAGAN HAD A REASONABLE BASIS FOR STOPPING THE DEFENDANT.
2. DEPUTY RAGAN HAD THE LEGAL AUTHORITY TO ACT AS A SPECIAL DETECTIVE UNDER THE ORDER OF APRIL 23, 2024.
3. WHETHER DEPUTY RAGAN HAD THE LEGAL AUTHORITY TO ARREST THE DEFENDANT.

## **DISCUSSION:**

### **1. DEPUTY RAGAN HAD A REASONABLE BASIS FOR STOPPING THE DEFENDANT'S VEHICLE.**

Section 6308(b) of the Pennsylvania Vehicle Code provides as follows:

Whenever a police officer . . . has a reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

75 PA. CONS. STAT. § 6308.

The question of whether a police officer must have probable cause to believe that a violation of the vehicle code has occurred or mere reasonable suspicious turns on the nature of the alleged violation.

when considering whether reasonable suspicion or probable cause is required constitutionally to make a vehicle stop, the nature of the violation has to be considered. If it is not necessary to stop the vehicle to establish that a violation of the Vehicle Code has occurred, an officer must possess probable cause to stop the vehicle. Where a violation is suspected, but a stop is necessary to further investigate whether a violation has occurred, an officer need only possess reasonable suspicion to make the stop. Illustrative of these two standards are stops for speeding and DUI. If a vehicle is stopped for speeding, the officer must possess probable cause to stop the vehicle. This is so because when a vehicle is stopped, nothing more can be determined as to the speed of the vehicle when it was observed while traveling upon a highway. On the other hand, if an officer possesses sufficient knowledge based upon behavior suggestive of DUI, the officer may stop the vehicle upon reasonable suspicion of a Vehicle Code violation, since a stop would provide the officer the needed opportunity to investigate further if the driver was operating under the influence of alcohol or a controlled substance.

*Commonwealth v. Salter*, 2015 Pa.Super. 166, 121 A.3d 987, 993 (Pa.Super. 2015).

The testimony of Deputy Ragan supports a finding that that, based upon what she observed, she had a reasonable suspicion that the Defendant was operating a motor vehicle under the influence of alcohol or controlled substances. For that reason, she had a reasonable basis for stopping Defendant's vehicle, in order to "investigate further" under the rule articulated in *Commonwealth v. Salter*, 2015 Pa.Super. 166, 121 A.3d 987, 993 (Pa.Super. 2015).

2. DEPUTY RAGAN HAD THE LEGAL AUTHORITY TO ACT AS A SPECIAL DETECTIVE UNDER THE ORDER OF APRIL 23, 2024.

Section 14341 of Title 16, 16 P.S. Section 14341 provides as follows:

If the court of common pleas and district attorney deem it necessary for a particular and temporary assignment, the district attorney of a county, with the approval of the county salary board, may appoint a special detective, whose duty it shall be to assist in obtaining evidence as directed by the district attorney for the Commonwealth and to perform other duties as the court may direct. The special detective shall be:

- (1) Allowed expenses necessarily and actually incurred in the performance of duties.
- (2) A general police officer and have all the powers that are conferred on constables under the existing laws of this Commonwealth relating to crimes or criminal procedure.

It is undisputed that Deputy Ragan was listed on the Order of President Judge Nancy Butts, dated April 23, 2024, appointing a list of Special County Detectives to work on the Roving DUI Patrols for the twelve (12) month period of January 1, 2024, through December 31, 2024, marked Commonwealth Exhibit 2. At this time, she was a member of the Penn College Police Department. If Deputy Ragan were still a member of the Penn College Police Department on the date of Defendant's arrest, he would have no basis upon which to challenge her legal authority. Thus, the sole issue presented by Defendant's challenge is whether Deputy Ragan's change in employment voided the effect of the April 23, 2024, Order.

If the Order of April 23, 2024, had generally identified all law enforcement employees of certain listed police departments, Defendant might credibly argue that only current employees of those departments are authorized to act under the Order. The testimony of

Sergeant Cochran reveals that a difference approach was taken. Rather than list departments, Sergeant Cochran gets lists of names, provides those names to Chief Ungard, and “he then takes it and gets it through the process it needs to go to with the Court (N.T. 28).

Based upon the fact that Deputy Ragan was identified by name on the April 23, 2024 Order, and based upon the absence of any language in that Order which suggests that appointment of any listed Special County Detective would sunset if they changed employment, the Court has no evidentiary basis upon which to reach that conclusion. For that reason, the Court concludes that the April 23, 2024, Order was adequate to vest Deputy Ragan to act as a Special County Detective at the time of Defendant’s arrest.

The Commonwealth argues that any deputy sheriff has the legal authority to conduct vehicle stops and arrests for suspected driving under the influence. Our Supreme Court concluded in the matter of *Commonwealth v. Leet*, 537 Pa. 89, 641 A.2d 299, 303 (Pa. 1994), that “a sheriff (and his deputies) may make arrests for motor vehicle violations which amount to breaches of the peace committed in their presence.” In the matter of *Commonwealth v. Marconi*, 619 Pa. 401, 64 A.3d 1036 (Pa. 2013), the same Court appeared to limit the rule in *Leet*, observing that the rationale in *Leet* “focused entirely on sheriff’s common-law powers—more specifically the authority to arrest for in-presence breaches of the peace” 64 A.3d at 1040.

It is difficult for this Court to predict whether our Supreme Court will eventually conclude that a sheriff’s common law power to arrest for in-presence breaches of the peace is broad enough to permit any arrest for operating a vehicle under the influence. That is the conclusion reached by Justice McCaffery in his dissenting opinion in *Commonwealth v. Marconi*, 619 Pa. 401, 64 A.3d 1036, 1044 (Pa. 2013), but not the holding of the Court. To further complicate the analysis, Justice Eakin observed in his concurring opinion in *Commonwealth v. Marconi*, 619 Pa. 401, 64 A.3d 1036, 1044 (Pa. 2013), that any deputy sheriff may act under their common law authority to assist police in conducting a DUI checkpoint. In the matter at bar, Deputy Ragan was partnered with Deputy Bryan Bingamann. For present purposes, it is sufficient to conclude that, on the date and time when Deputy Ragan stopped and arrested the Defendant, she was operating under the authority provided to her by the April 23, 2024, Order of President Judge Nancy Butts.

3. DEPUTY RAGAN HAD THE LEGAL AUTHORITY TO ARREST THE DEFENDANT.

In Defendant's Omnibus Pretrial Motion filed March 3, 2025, Defendant listed his claim of lack of probable cause for the stop as Count II, Illegal Arrest as Count III, and Lack of Authority as Count IV. Defendant combined his claims for relief under both Count III and Count IV into a single Question Presented for purposes of his brief filed May 22, 2025. It appears to this Court that Defendant's claim that Deputy Ragan could not lawfully detain or arrest the Defendant under the Order of April 23, 2024, forms the basis for Defendant's claims under both Count III and Count IV of his Omnibus Pretrial Motion. For the reasons more fully set forth above, the Court concludes that on the date on time when Deputy Ragan stopped and arrested the Defendant, she was operating under the authority provided to her by the April 23, 2024, Order of President Judge Nancy Butts.

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of June, 2025, for the reasons more fully set forth above, Defendant's Omnibus Pretrial Motion, filed March 3, 2025, is denied.

BY THE COURT,

William P. Carlucci, Judge

WPC/aml

cc: Court Administrator  
Lycoming County District Attorney's Office  
Rob Hoffa, Esquire