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IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	**CRIMINAL DIVISION**
	:	**NO. CR-1056-2025**
v.	:	
	:	**Omnibus Motion**
ADRIAN-MICHAEL DEMORRIS HARRY	:	

OPINION AND ORDER

This matter was before the Court on September 29, 2026, for a hearing and argument on Defendant's Omnibus Motion filed on April 13, 2026, by and through counsel, Andrea Pulizzi, Esquire.

Defendant is charged with the following offenses: one count of Possession of a Firearm Prohibited[1], felony of the second degree; one count of Firearms Not to Be Carried Without a License[2], a felony of the third degree; and one count of Evading Arrest or Detention on Foot[3], a misdemeanor of the second degree, pursuant to the Criminal Information that was filed on October 1, 2025.

The charges arise from an incident that occurred on or around August 2, 2025. A preliminary hearing occurred on August 12, 2025, and all charges were bound for court.

At the time scheduled for the hearing on the Motion, the Commonwealth objected to the timeliness of the Motion noting that Defendant was charged in August of 2025, he was scheduled for a guilty plea on October 3, 2025, and the Motion was not filed until April 13, 2026. Defense counsel responded that she was not retained until March of 2026, and the Motion was filed within thirty (30) days of her entry of appearance.

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[1] 18 Pa.C.S. §6105(a)(1).
[2] 18 Pa.C.S. §6106(a)(1).
[3] 18 Pa.C.S. §5104.2(a).

Factual Background

On or around August 2, 2025, Officer Tyson Minier was working saturation detail due to a higher occurrence of vehicle theft and violent crime, including shootings in the area of the City of Williamsport, Pennsylvania. Officer Minier was in uniform and a marked patrol bicycle alongside Officer Wheeler. In the area of Fourth Street and Park Avenue, at approximately 12:30 a.m., Officers Minier and Wheeler were traveling south on Fourth when they observed a male individual walking north on the sidewalk of Fourth Street. Officer Minier observed the individual to be wearing an all-black face mask covering his face except his eyes. Officer Minier announced he was police and the individual, identified as Defendant, immediately ran. Both officers pursued Defendant, and he was apprehended. A firearm was discovered on his person after his apprehension. Officer Minier testified on cross-examination that he did not observe Defendant peering into any vehicles and submitted that it is not uncommon for individuals to be wearing masks.

In his Motion, Defendant submits that the pursuit, seizure, and detainment of him and evidence obtained thereof was unlawful as the Officer had no reasonable suspicion before approaching and engaging in the pursuit of Defendant. Defendant further submits that his conduct was not indicative of criminal activity such that the officers had reasonable suspicion to believe that Defendant engaged or was engaged in any criminal activity. Defendant argues, relying on *Commonwealth v. Matos*, 543 Pa. 449 (1996), that flight alone is not sufficient to form the basis of reasonable suspicion to effect an arrest. Thus, Defendant seeks to have the arrest and any evidence seized as fruits thereof suppressed as a result of the officers' unlawful detainment of him.

At the hearing, the Commonwealth argued, relying on *Commonwealth v. Washington*, 51 A.3d 895 (Pa. Super. 2012), that the officers had sufficient reasonable suspicion to effect

the detainment based on Defendant's unprovoked flight and the nature of the high crime occurring in the area where Defendant was located on Fourth Street and Park Avenue. The issue here is whether the pursuit and stop of Defendant was justified based on the officers' observations.

"Interactions between citizens and police officers, under search and seizure law, is varied and requires different levels of justification depending upon the nature of the interaction and whether or not the citizen is detained." *Commonwealth v. DeHart*, 745 A.2d 633, 636 (Pa. Super. 2000). Among those interactions is an investigative detention, which carries an implication of an official compulsion to stop and engage with an officer. *Id.* The interaction is intended to be temporary "unless it results in the formation of probable cause for arrest and does not possess the coercive conditions consistent with a formal arrest." *Id.* The elements of official compulsion in an investigative detention require reasonable suspicion of unlawful activity. *Id.* An investigative detention is justified when police can "point to specific and articulable facts leading him to suspect criminal activity is afoot." *Commonwealth v. Butler*, 194 A.3d 145, 148 (Pa. Super. 2018) (internal quotation marks and citation omitted). "Reasonable suspicion is a less demanding standard than probable cause…in the sense that reasonable suspicion can arise from information that is less reliable than that required to show probable cause." *Commonwealth v. Moore*, 805 A.2d 616, 620 (Pa. Super. 2002) (citation omitted). "The test is whether, considering all the circumstances surrounding the encounter, the police conduct would communicate to a reasonable person that the person was not free to decline the officers' request or otherwise terminate the encounter." *Commonwealth v. DeHart*, 745 A.2d 633 (Pa. Super. 2000) (citing *Commonwealth v. Lewis*, 535 Pa. 501 (1994). The court considers the totality of the circumstances and attributes weight to "the specific, reasonable inferences drawn from the

facts in light of the officer's experiences." *Commonwealth v. Butler*, 194 A.3d 145 (Pa. Super. 2018) (quoting *Commonwealth v. Brown*, 606 Pa. 198 (2010). "[T]he totality of the circumstances test does not limit our inquiry to an examination of only those facts that clearly indicate criminal conduct." *Commonwealth v. Harris*, 176 A.3d 1009, 1021 (Pa. Super. 2017) (quoting *Commonwealth v. Smith*, 917 A.2d 848, 852 (Pa. Super. 2007).

In Pennsylvania, mere presence in a high crime area is not enough to support a finding of reasonable suspicion. *Commonwealth v. Jefferson*, 256 A.3d 1242, 1247-48 (Pa. Super. 2021) (*en banc*). Likewise, unprovoked flight without more is insufficient to support a finding of reasonable suspicion. *Commonwealth v. Jeffries*, 454 Pa. 320, 324-25 (1973) (quoting *United States v. Margeson*, 259 F.Supp. 256 (E.D. Pa. 1966) ("Flight, in and of itself, is not sufficient to constitute probable cause, for otherwise, anyone who does not desire to talk to the police and who either walks or runs away from them would always be subject to legal arrest. Such a procedure cannot be countenanced under the Fourth and Fourteenth Amendments as presently interpreted by the Supreme Court.")). However, the Superior Court has long held that "even a combination of innocent facts, when taken together, may warrant further investigation by the police officer." *Commonwealth v. Harris*, 176 A.3d 1009, 1021 (Pa. Super. 2017) (quoting *Commonwealth v. Smith*, 917 A.2d 848, 852 (Pa. Super. 2007). In *Jefferson*, the Superior Court addressed "whether the observation of [the] appellant in a high crime area and [his] flight from police combine to establish the familiar *Terry* standard of reasonable suspicion." *Jefferson*, 853 A.2d at 405. The Pennsylvania Superior Court recognized in *Jefferson* that the United States in *Illinois v. Wardlow*, 528 U.S. 119, 120 S.Ct. 673 (2000) held,

> that although mere presence in a high crime area is insufficient to support a *Terry* stop, the additional factor of unprovoked flight was indeed relevant. The Court ultimately concluded that the two factors in

> combination were sufficient to satisfy the *Terry* standard of reasonable suspicion. *Id* at 124, 120 S.Ct. 673. *Jefferson*, 853 A.2d at 406.

Commonwealth v. Barnes, 296 A.3d 52 (Pa. Super. 2023). The Pennsylvania Superior Court further observed the Pennsylvania Constitution does not afford any additional protections:

> Following [*Wardlow*], it is evident that unprovoked flight in a high crime area is sufficient to create a reasonable suspicion to justify a *Terry* stop under the Fourth Amendment...*Id* at 406 (quoting *D.M. II*, 781 A.2d at 1164).

Id. The court in *Commonwealth v. Washington*, 51 A.3d 895, 898 (Pa. Super. 2012), as noted in *Barnes*, attributed further recognition to the common elements between *Wardlow*, *Jefferson*, and *In re: D.M. II*, 566 Pa. 445 (2001), in that the incidents took place in a high crime area and the suspect fled after being confronted by law enforcement officers or realizing a police presence in his vicinity. *Id.*

In evaluating the totality of the circumstances here, this Court considers the "specific reasonable inferences" Officer Minier "is entitled to draw from the facts in light of his experience." *Commonwealth v. Young,* 904 A.2d 947, 957 (Pa. Super. 2006). Officer Minier possessed the requisite reasonable suspicion when he observed Defendant flee unprovoked while present in a high crime area. The law is clear that the two factors, when paired together, are sufficient to form a valid basis for reasonable suspicion. Additionally, the Court considers that Defendant was wearing a mask[4] and the incident occurred in the early morning hours, *i.e.* 12:30 a.m. Under the totality of the circumstances analysis, Officer Minier sufficiently observed enough facts to give rise to reasonable suspicion that criminal activity

[4] The Pennsylvania Superior Court has also considered the wearing of a face covering to be relevant to a reasonable suspicion analysis where it is not warranted by the weather or other conditions. *See*: *Commonwealth v. Mayo*, 496 A.2d 824 (Pa. Super. 1985); *see also*: *Commonwealth v. Campbell*, 319 A.3d 3, *5 (Pa. Super. 2024) (unpublished mem.).

was afoot. **Accordingly, this 13th day of November, 2026**, the Court finds that Officer Minier did possess the necessary reasonable suspicion to pursue and detain Defendant on August 2, 2025, and Defendant's Motion to Suppress is **DENIED.**

By the Court,

Hon. Ryan C. Gardner, Judge

RCG/asw
CC: CA; DA
Andrea Pulizzi, Esq.
Gary Weber, Esq.—Lycoming Reporter