

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

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	
v.	:	NO. CR-1039-2025
	:	
PAIGE PLUMMER,	:	Motion to Suppress
Defendant	:	

OPINION

This matter was before the Court on December 11, 2025, for a hearing on the Motion to Suppress filed by Laurie Pickle, Esquire, on behalf of Paige Plummer, Defendant, on September 24, 2025. At the hearing on the Motion, Defendant appeared personally represented by Attorney Pickle, and Eric Birth, Esquire, formerly with the Lycoming County District Attorney's Office appeared on behalf of the Commonwealth.

Defendant is charged by way of the Criminal Information docketed on November 12, 2025, with the following: Count 1—Driving Under the Influence: Controlled Substance, Impaired Ability, 2nd Offense¹, Misdemeanor one; Count 2—Careless Driving², Summary; Count 3—Driving Under the Influence: General Impairment/Incapable of Driving Safely³, Misdemeanor; and Count 4—Driving Under the Influence: Controlled Substance—Combination Alcohol/Drug, 2nd Offense⁴, Misdemeanor one.

Defendant was formally charged for driving under the influence and related charges for events that occurred on July 8, 2025, for a single vehicle accident that occurred on June 24, 2025. A preliminary hearing occurred on August 8, 2025, and the charges were amended to the charges reflected in the Criminal Information. Defendant waived formal arraignment that was scheduled for August 25, 2025. Defendant filed her Motion to Suppress on

¹ 75 Pa.C.S. §3802(d)(2).

² 75 Pa.C.S. §3714(a).

³ 75 Pa.C.S. §3802(a)(1).

⁴ 75 Pa.C.S. §3802(d)(3).

September 24, 2025, and a hearing occurred on December 11, 2025. The Commonwealth presented two witnesses and submitted Commonwealth Exhibit No. 1, Body Camera Footage of the Incident and Interaction on June 24, 2025. Without objection from Defense, the exhibit was admitted.

In her Motion, Defendant seeks to have suppressed all physical evidence and statements obtained as a result of unlawful police conduct. Defendant avers those statements were obtained in violation of her privilege against self-incrimination and her right to counsel under the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution. Defendant further avers that she was unreasonably seized under the Fourth Amendment of the United States Constitution and Article One, Section Eight of the Pennsylvania Constitution. Defendant specifically seeks to have suppressed any evidence procured as a result of her detention, including field sobriety tests, refusal, or testimony concerning events subsequent to the detention of the Defendant.

Testimony

At the hearing on the Motion, the Commonwealth presented Trooper Matthew Patrick of the Pennsylvania State Police—Montoursville and Trooper John Angeli of the Pennsylvania State Police—Montoursville. Trooper Patrick and Trooper Angeli testified that they were conducting routine patrol on June 24, 2025, and at approximately 12:30 a.m. they were dispatched to a vehicle crash north of Montgomery in Armstrong Township in Lycoming County, Pennsylvania. Trooper Patrick testified that the dispatch call reported a motor vehicle disabled in the travel lane on U.S. Route 15. When they arrived, Trooper Patrick observed a vehicle accident in the middle of the roadway, the fire department was on scene, and he made contact with the operator of the motor vehicle. Trooper Patrick further stated that the operator's mother and father were present on the scene; however, they arrived

separately from the Defendant and were not in the motor vehicle when the accident occurred. Trooper Patrick identified the operator of the motor vehicle as Paige Plummer based on her driver's license which he held onto for the investigation of the accident. Initially, Trooper Patrick was obtaining information related to the accident from Defendant when he observed a faint odor of alcohol and marijuana. Trooper Patrick was investigating the motor vehicle accident, and asked for information related to the speed of travel, the direction of travel, whether a seatbelt was worn, and if Defendant had any injuries from the accident. As part of their investigation into the motor vehicle accident, Trooper Angeli removed Defendant from her parents to the front of the patrol vehicle. Trooper Patrick testified that this is standard operating procedure in order to conduct the interview because Defendant's parents were not involved in the accident, and it was difficult to interview Defendant about the accident with additional parties who were not involved inserting themselves in the investigation. Trooper Patrick testified that upon his initial contact with Defendant she had blood shot and glassy eyes, a disheveled appearance, and the odor of alcohol and marijuana about her person. Trooper Patrick remained with Defendant's parents while Trooper Angeli spoke with Defendant. Trooper Patrick maintained that Defendant was not free to leave, but that she was not under arrest. Rather, Trooper Patrick stated that Defendant was under investigation to determine the cause of the motor vehicle accident. Additionally, Defendant's motor vehicle was inoperable because a door was sheared off in the accident.

Trooper Angeli testimony regarding the dispatch car and scene upon arrival echoed Trooper Patrick's testimony. Additionally, Trooper Angeli testified that he observed the car was drug along the concrete barrier, the door to vehicle was ajar and off, and the driver side front wheel was mangled. The vehicle sustained extensive damage and was not operable. Trooper Angeli testified that he made contact with the driver—who was identified by

driver's license as Paige Plummer—and he inquired of her typical questions of people involved in a motor vehicle accident. Trooper Angeli testified that Defendant explained no other individuals were present in the vehicle at the time of the accident, and that no other motor vehicles were involved in the accident. Upon first contact, Trooper Angeli explained that he observed Defendant to have bloodshot, glassy eyes, a disheveled appearance, and an odor of marijuana. Trooper Angeli further explained that Defendant's parents were on scene and present during the investigation of the accident, and that the parents began to answer questions for Defendant. Thus, the troopers determined, based on standard procedure, that it was best to separate the parties. On cross-examination, Trooper Angeli stated that another reason for separating the parties was because there was an odor of marijuana in the area of the accident, and to determine where the odor was coming from the investigation warranted separation. Accordingly, Trooper Angeli escorted Defendant to the front area of the patrol vehicle, which was operating emergency response lights, and utilized the vehicle's dash camera. Based upon his and Trooper Patrick's initial observations, Trooper Angeli administered standard field sobriety tests ("SFST") to Defendant, and he testified that she admitted to using marijuana. Trooper Angeli testified that at the time of the SFSTs and Defendant's admission, she was not under arrest and she was not physically restrained by handcuffs or other restraints. Both Troopers testified that she was not free to leave.

Argument

Defendant argued that the process of taking and keeping Defendant's driver's license, separating her from other parties, and administering SFSTs transitioned the troopers' welfare check into a custodial interrogation with investigatory questioning without providing Defendant proper *Miranda* warnings. Defendant argued that based on the separation and transition of the troopers' investigation, she was subject to a custodial interrogation and any

statements made—specifically with respect to her consumption of marijuana—should be suppressed based on the troopers’ omission of any *Miranda* warning.

The Commonwealth argued that the troopers’ conduct was in furtherance of the investigation of the motor vehicle accident, and suspected driving under the influence as a cause of the accident. The Commonwealth further argued that the troopers’ conduct was compliant with standard operating procedures at the scene of a motor vehicle accident. The Commonwealth characterized the interaction as one necessary for investigatory purposes, and that Defendant’s statements were made voluntarily during that investigation. Notwithstanding that she was not free to leave, she was not under arrest and she was not subject to a custodial interrogation. Accordingly, it is the Commonwealth’s position that Defendant’s Motion be denied, and the statements be deemed admissible as voluntarily made.

Analysis

In order to determine whether the statements are admissible, the Court must first determine whether the Defendant was unlawfully detained at the time she was separated from the scene of the accident and the additional parties to undergo questioning regarding the accident and subsequent SFSTs.

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). “A warrantless search or seizure is presumptively unreasonable under the Fourth Amendment and Article I, Section 8, subject to a few specifically established, well-delineated exceptions.” *Commonwealth v. McCree*, 924 A.2d 621, 627 (Pa. 2007). There are three well-delineated police-civilian interactions. The level of interaction determines the Fourth

Amendment considerations required by law enforcement to ensure that the civilian is not subject to an unreasonable search or seizure. Accordingly, Pennsylvania courts have designated the interactions between police and civilians and the requisite level of suspicion required under the Fourth Amendment:

A ‘mere encounter’ (or request for information) need not be supported by any level of suspicion, but it carries no official compulsion [by an individual] to stop or respond. An ‘investigative detention’ must be supported by reasonable suspicion; it subjects the suspect to a stop and a period of detention, but does not involve such coercive conditions as to constitute the functional equivalent of arrest. A ‘custodial detention’ must be supported by probable cause; it is deemed to arise when the conditions and/or duration of an investigating detention become so coercive as to be the functional equivalent of arrest. Formal arrest requires probable cause, and needs no further definition.

Commonwealth v. Haupt, 567 A.2d 1074, 1078 (Pa. Super. 1989)(citations omitted).

In most cases, a routine traffic stop constitutes an investigative detention. Unless, under the totality of the circumstances, the conditions and duration of the detention become the functional equivalent of arrest, then the stop rises to the level of a custodial detention for which an officer’s compliance with providing *Miranda* warnings is required. *Commonwealth v. Mannion*, 725 A.2d 196 (Pa. Super. 1999)(citing *Commonwealth v. Haupt*, 567 A.2d 1074, 1078 (Pa. Super. 1989)). Since an ordinary traffic stop is typically brief in duration and occurs in public view, such a stop is not custodial for *Miranda* purposes. *Commonwealth v. Leib*, 588 A.2d 922 (Pa. Super. 1991).

Also, relevant to the analysis here is a motorist’s statutory obligation to stop, remain at the scene of an accident, and provide information. *Commonwealth v. Mannion*, 725 A.2d 196, 202 (Pa. Super. 1999); *see also*: 75 Pa.C.S.A. § 3733(a). “When a motorist is involved in an accident, he has a statutory duty to immediately stop, remain at the scene, and provide certain information.” *Mannion*, *supra*, at 202, citing 75 Pa.C.S.A. §§ 3742–44. “Thus, a

motorist is not in custody for *Miranda* purposes when his freedom is restricted to the extent of his statutory obligation to remain at the scene and provide required information.”

Mannion, supra, at 202; *See also: Commonwealth v. Gonzalez*, 519 Pa. 116, 124, 546 A.2d 26, 29 (1988).

To determine a defendant’s reasonable belief that she was subject to a custodial interrogation, a reviewing court must evaluate the totality of the circumstances including, the reason for the detention, the duration, location, any transferring of a defendant against his will, to where, and why, the use of any restraints, a display, threat, or use of force, and the methods of investigation invoked to confirm or dispel suspicions. *Interest of J.N.W.*, 197 A.3d 274, 280 (2018). Law enforcement detentions only become custodial when the conditions or duration or both become so coercive as to constitute the functional equivalent of a formal arrest under the totality of the circumstances. *Commonwealth v. Busch*, 713 A.2d 97, 100 (1998). “Thus, where a motorist has statutory obligations that necessarily restrict his freedom of action or movement, reliance on traffic stop cases is appropriate to determine what coercive conditions are necessary to transform this type of investigative detention into custodial interrogation.” *Commonwealth v. Mannion*, 725 A.2d 196, 202 (Pa. Super. 1999). Notwithstanding, an evaluating court must give due regard to the particular facts involved and determine whether a person is in custody for *Miranda* purposes on a case-by-case basis. *Id.*

Here, the troopers were working in their capacity on patrol of the Pennsylvania roadways when they were dispatched to a single motor vehicle accident on Route 15 in Lycoming County, Pennsylvania. Trooper Angeli described that a one motor vehicle accident occurred, the front driver’s side door was sheared off, and the driver’s side tire was mangled. Additionally, the motor vehicle was involved in the accident was inoperable, so Defendant’s

ability to leave the scene of the accident was limited regardless of the troopers' investigation. Under 75 Pa.C.S. Section 3744, Defendant had a statutory obligation to remain at the scene of the motor vehicle accident and provide information to the investigating troopers, otherwise she risked additional criminal charges for, *inter alia*, fleeing and eluding law enforcement. Accordingly, Defendant's duty to remain and provide information related to the accident was a statutory requirement. The video depicts that, upon first contact, the troopers inquired after the Defendant with routine questions related to the accident and the events preceding the accident. It was within this initial interaction that both troopers observed Defendant to appear to be under the influence of a physically impairing substance and the odor of marijuana was detected.

Notwithstanding the investigation of the accident and Defendant's statutory obligation to remain, the troopers possessed the requisite reasonable suspicion to conduct SFSTs and investigate whether Defendant was driving under the influence. The odor of marijuana may be a factor in considering the totality of the circumstances⁵. When Trooper Angeli separated Defendant from her parents and the car, he was able to determine that Defendant had the odor of marijuana about her in addition to an odor of alcohol. Thus, in consideration of all of the factors: the one-vehicle accident, odor of marijuana, Defendant's blood-shot and glassy eyes, and the SFST results, Defendant's statutory obligation to remain at the scene and answer questions, and the brief duration of the investigation of the accident and the DUI do not constitute a custodial interrogation. Additionally, Defendant was not handcuffed or placed in a police vehicle upon first contact with the troopers nor pending the SFSTs. In consideration of the totality of the circumstances, the Court does not find that the

⁵ See: *Commonwealth v. Dabney*, citing *Commonwealth v. Barr*, "[a]ssuming *arguendo* that *Barr* also applies to a determination of reasonable suspicion for an investigative detention...[a trooper can] consider the odor as well as other factors from the initial stop."

separation of the Defendant from her parents or the area of the accident was rises to such seclusion necessary for a custodial interrogation. Accordingly, the troopers' investigation of the Defendant's impairment to drive was in furtherance of the troopers' investigation of the one-vehicle accident such that a *Miranda* warning was not required.

The Court enters the following Order:

ORDER

AND NOW, this 13th day of July, 2026, in consideration of the evidence presented, arguments by the parties, and for the foregoing reasons, the Defendant's Motion to Suppress is **DENIED**.

By the Court,

Hon. Ryan M. Tira, Judge

RMT/asw

CC: DA; CA;

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