

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

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	NO. CR-475-2024
v.	:	
	:	
DONNELL S. THOMPSON,	:	Motion to Suppress
Defendant	:	

OPINION

This matter was before the Court on August 5, 2025, on the Defendant’s Motion to Suppress¹ filed on December 17, 2024, by and through Defendant’s counsel at the time, Peter Lovecchio², Esquire. At the hearing on the Motion to Suppress, Andrea Pulizzi, Esquire, appeared on behalf of the Defendant, and Assistant District Attorney Jessica Feese appeared on behalf of the Commonwealth.

Defendant is charged in the above-captioned Information with Count 1, Possession of a Firearm Prohibited³, a felony of the second degree, and Count 2, Firearms not to be Carried Without a License⁴, a felony of the third degree.

Defendant’s Motion seeks to have suppressed a handgun that was seized by the Pennsylvania State Police from the center console of a vehicle that Defendant was driving pursuant to a search warrant that was obtained. A copy of the Application for Search Warrant and Authorization was submitted to the record at the hearing, and without objection from the Defendant, it was admitted to the record and marked as Commonwealth Ex. No. 1, Search Warrant, 11/30/2023. Defendant asserts that the affidavit of probable cause did not exist in the affidavit of probable cause for the issuance of the search warrant.

¹ An Amended Motion to Suppress was filed on the same date, amending paragraph 10 to state that the Commonwealth does not oppose the late filing of the Motion to Suppress. In all other respects, the original Motion to Suppress remained unchanged.

² Attorney P. Lovecchio was court-appointed to represent the Defendant on October 28, 2024. On April 12, 2025, Attorney P. Lovecchio was notified that the Defendant wanted him to withdraw from his representation in this matter, and also cited was an irretrievably broken attorney-client relationship. Attorney P. Lovecchio filed a Motion for Leave to Withdraw as Counsel on April 14, 2025. A hearing occurred on April 21, 2025, and Attorney P. Lovecchio’s request was granted.

³ 18 Pa.C.S. §6105(a)(1).

⁴ 18 Pa.C.S. §6106(a)(1).

Background

The affidavit of probable cause to the search warrant provides that the affiant, Trooper Jonathan Thompson was participating in the apprehension of Defendant on November 30, 2023. Defendant was actively wanted on six arrest warrants, including for protection from abuse violations, loitering and prowling, and intimidation of a witness. Trooper Thompson also provided that in one of the arrest affidavits, Defendant related to the victim a sentiment to the effect that this would only end if he was in prison or she was gone.

At approximately 0725 hours, Trooper Thompson observed Defendant reclined in the front seat of a black Chevrolet Impala that was parked in the lot at 620 Jordan Avenue, Montoursville, Lycoming County, Pennsylvania. Defendant exited his vehicle and was apprehended by Trooper Thompson who conducted a search incident to arrest. In Defendant's right front pocket was a folding knife, on his right hip was an "inside the waist band firearm holster affixed to his belt," and in his left jacket pocket was Defendant's phone. When asked about if the Defendant had a firearm, he responded that he does not have a gun, the holster is used for his phone to give the appearance of carrying a firearm. Trooper Thompson provided in the affidavit that Defendant has a criminal history that designates him as a person not to possess firearms, namely, three convictions for criminal trespass, felonies of the second degree.

The above information was provided as probable cause to support a search warrant for any and all firearms as defined under Title 18 of Pennsylvania's statutes, and the area to be searched was the black in color Chevrolet Impala vehicle Defendant emerged from prior to his arrest. The vehicle was secured in the impound yard of the Pennsylvania State Police in Montoursville, Lycoming County, Pennsylvania.

Argument, Analysis, and Conclusion

Defendant argues that the search warrant issued for his vehicle in this matter was a violation of his rights under the Fourth Amendment of the United States Constitution and the Pennsylvania Constitution. Specifically, Defendant argues that the Commonwealth cannot point to sufficient facts to establish a fair probability that evidence of a crime would be found

in the vehicle Defendant was operating. Defendant asserts that the facts noted within the affidavit of probable cause are that the Defendant had a firearm holster affixed to his belt and that he specifically informed Trooper Thompson that he did not have a firearm, but that he uses the holster for his phone. Thus, Trooper Thompson did not provide sufficient probable cause for a search warrant for the vehicle to issue. For those reasons, Defendant argues that all evidence seized as a result of the search warrant, including the firearm, must be suppressed.

The Commonwealth argued that the presence of the firearm holster, the statements made to the victim, the fact that Defendant's cellular telephone was found in his jacket pocket, Trooper Thompson's extensive experience and training, the Defendant's designation as a person not to possess a firearm, and the nature of the underlying allegations in separate cases provide more than sufficient probable cause for the issuance and validity of the search warrant. The Commonwealth requests the Motion to Suppress be denied.

Both the Fourth Amendment of the United States Constitution and Article I, Section 9 of the Pennsylvania Constitution protects individuals from unreasonable searches and seizures....It is well-settled that, a search warrant passes constitutional muster when the issuing authority determines that probable cause exists at the time of its issuance, and that determination is based on "facts described within the four corners of the supporting affidavit, and closely related in time to the date of issuance of the warrant." *Commonwealth v. Griffin*, 24 A.3d 1037, 1043 (Pa. Super. 2011)(quoting *Commonwealth v. Stamps*, 493 Pa. 530, 535-36 (1981)). It is equally well-established that the reviewing court must attribute "great deference to an issuing authority's determination of probable cause for the issuance of the search warrant." *Id* quoting *Commonwealth v. Woods*, 590 A.2d 1311, 1313 (Pa. Super. 1991). Because affidavits are normally prepared by non-lawyers in the midst of a criminal investigation, affidavits "should be interpreted in a 'common sense and realistic' fashion rather than in a hyper technical manner." *Id* quoting *Stamps*, 493 Pa. at 537.

Here, the affidavit provided that Trooper Thompson was participating in the apprehension of Defendant based on six active arrest warrants. The arrest warrants were

based on PFA violations, loitering and prowling, and intimidation of a witness, including a statement allegedly made to a victim that this would only end if he was in prison or she was gone. Additionally, the search incident to arrest produced a firearm holster, which may likely be capable of holding a phone, however, it was not holding Defendant's phone when he was apprehended. Moreover, Defendant has a prior record to include convictions under Title 18 that designate him as a person not to possess a firearm. The facts as presented in the affidavit of probable cause provide sufficient support for the Trooper to believe that criminal activity was afoot, *i.e.*, the Defendant was in possession of a firearm he was not legally permitted to possess. In considering the parties' arguments, and in giving great deference to the issuing magistrate's determination of probable cause, the Court agrees that the search warrant for Defendant's vehicle set forth sufficient probable cause. Accordingly, **this 9th day of February, 2026, the Defendant's Motion to Suppress is DENIED.**

By the Court,

Ryan M. Tira, Judge

RMT/asw

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