

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: NO. CR 875-2025
	:
vs.	: CRIMINAL DIVISION
	:
TYRICK MOY II,	:
Defendant	:

OPINION and ORDER

Tyrick D. Moy II (Defendant) was charged with five (5) different counts of Driving Under the Influence under Title 75 to include, *inter alia*, Combination of Alcohol/Drugs, General Impairment, Minor as well as various summary offenses including Carless Driving, Operating a vehicle with unsafe equipment, Failure to carry registration and Investigation by Officer/Duty of Operator following a traffic stop that occurred April 19, 2025. Defendant waived his preliminary hearing held July 8, 2025 and subsequently filed a Motion to Suppress September 18, 2025.

Contained within Defendant's Motion to Suppress, Defendant argues that there was no reason to conduct a traffic stop, the traffic stop was prolonged and therefore illegal and that his consent to draw blood was not voluntary. During the time of the hearing to suppress, the Commonwealth submitted body worn camera (BWC) video of Defendant's vehicle as it appeared at the time of the stop as well as his interaction with law enforcement during the stop (Commonwealth 1). The Commonwealth also submitted BWC video of Defendant's interaction with law enforcement at the hospital following his arrest (Commonwealth 2). Finally, the Commonwealth submitted a copy of the lab report resulting from Defendant's blood draw (Commonwealth 3).

BACKGROUND:

Troopers Coulston and Fischer of the Pennsylvania State Police (PSP) were in full uniform and operating a marked State Police vehicle in the area of Maynard Street, Williamsport, Lycoming County, Pennsylvania on April 19, 2025 at approximately 0312 hours when they

observed Defendant's vehicle stopped at a red light with its trunk lid partially open. The Troopers followed Defendant's vehicle into the Sheetz parking lot and activated their emergency lights. Commonwealth 1 clearly depicts the rear of Defendant's vehicle and the trunk lid ajar approximately eight to ten inches allowing some of the contents contained within the trunk to be partially visible.

Also, per Commonwealths 1, the initial stop occurs at approximately 3:13:58. At 3:14:12, Defendant is advised for the reason of the stop and at 3:14:28, Defendant is asked to provide his identification, registration and insurance. At this time Defendant begins to explain that he does not have any registration and insurance as he just "literally got pulled over the other day because his mom's license is suspended" and the vehicle is registered to his mom. Defendant confirms that he doesn't have any paperwork for the car and provides the Trooper with paperwork he received from another Trooper for the previous contact. Defendant is requested to look at the Trooper's flashlight at 3:16:35 and asked to step outside of the vehicle at 3:16:56. At 3:17:45 Defendant states that he did not have anything to drink and smoked marijuana several weeks ago. The Trooper quickly confronts Defendant about these statements as he is told that his eyes are glassy, bloodshot and red and that his passenger looks like he is going to fall asleep. Defendant, who is 19 years of age at the time of the stop, repeatedly asks if he can call his mother and requests her presence at the scene. After running Defendant's license, Defendant is then asked to perform a series of Standard Field Sobriety and ARIDE tests. Per the affiant, Defendant exhibited several indicators of impairment. Defendant also submitted to a PBT that did show the presence of alcohol in excess of the limit allowed by a juvenile. Defendant acknowledged at this point that he did consume alcohol earlier in the day. As Defendant was performing the SFST's and ARIDE tests and at 3:30:19, the Trooper

administering the tests was advised by the other Trooper that Defendant's passenger stated that he and Defendant smoked approximately 3 hours prior.

Defendant was arrested at 3:36:25 and following his arrest he requested that he be permitted to again take the PBT test. The second test yielded a higher percentage of alcohol than the first test. The entire interaction between the time Defendant was initially stopped to the point of arrest was 22 minutes.

Commonwealth's 2 is the Trooper's BWC showing that Defendant is read his DL-26B rights verbatim. Defendant acknowledged that he understood and would submit to the test. Defendant did question what "the blood test would do." Specifically, Defendant questioned whether the blood draw will show the presence of marijuana as a result of him smoking previously. The Trooper responded that the blood test will pick up any recent THC ingestion. Defendant did not revoke his consent and per Commonwealth's 2, Defendant's BAC was .047% and did have Delta-9 THC in his blood of 1.1 ng/mL.

ISSUES PRESENTED:

1. WHETHER LAW ENFORCEMENT'S STOP OF DEFENDANT'S VEHICLE WAS ILLEGAL?
2. WHETHER LAW ENFORCEMENT'S STOP OF DEFENDANT'S VEHICLE WAS PROLONGED AND THEREFORE, ILLEGAL?
3. WHETHER DEFENDANT'S CONSENT TO THE BLOOD DRAW FOLLOWING HIS ARREST WAS INVOLUNTARY?

RESPONSE TO ISSUES PRESENTED:

1. LAW ENFORCEMENT HAD A REASONABLE BASIS FOR STOPPING DEFENDANT'S VEHICLE.
2. LAW ENFORCEMENT DEVELOPED REASONABLE SUSPICION TO SHIFT THE PURPOSE OF THE INITIAL STOP TO AN INVESTIGATION, THE DURATION FOR WHICH WAS NOT UNREASONABLE.
3. DEFENDANT'S CONSENT TO DRAW BLOOD WAS CONSENSUAL.

DISCUSSION:

ISSUE ONE

Section 4107(b)(2) of Title 75 provides that “.....it is unlawful for any person to.....[o]perate.....on any highway in this Commonwealth any vehicle.....which is not equipped as required under this part or under department regulations or when the driver is in violation of department regulations or the vehicle.....is otherwise in an unsafe condition or in violation of department regulations.”

In the instant matter, law enforcement had a reasonable basis for believing that Defendant was in violation of 75 Pa. C. S. section 4107(b)(2) as Defendant’s trunk lid was not fastened while Defendant was operating the vehicle. After viewing Commonwealth’s 1, it is clear that Defendant’s trunk lid was ajar by approximately eight to ten inches allowing some of the contents contained within the trunk to be partially visible. Because Defendant’s trunk lid was ajar and the contents contained therein were partially visible it is not unreasonable to conclude that the contents could bounce out or be thrown out if Defendant were to drive over a pot hole in the roadway or his vehicle was in an accident thus causing unsafe conditions for other vehicles or pedestrians in or near the lane of travel of Defendant’s vehicle. Accordingly, the stop of Defendant’s vehicle was justified.

ISSUE TWO

Defendant was initially stopped because his vehicle’s trunk lid was clearly not latched and ajar. Defendant argues that law enforcement unlawfully prolonged the stop and this led to an unlawful detention and arrest as a result of law enforcement asking Defendant about his suspected consumption of alcohol and/or ingestion of marijuana.

Section 1311(b) of Title 75 provides that “[e]very registration card shall, at all times while the vehicle is being operated upon a highway, be in the possession of the person driving or in control of the vehicle or carried in the vehicle and shall be exhibited upon demand of any police officer.”

Section 6308(a) of Title 75 states that “[t]he operator of any vehicle.....reasonably believed to have violated any provision of this title shall stop upon request or signal of any police officer and shall, upon request, exhibit a registration card, driver’s license and information relating to financial responsibility.....”

Within the first 30 seconds after law enforcement made contact with Defendant due to his unlatched and ajar trunk lid, Defendant was advised for the reason of the stop and asked to provide law enforcement with his license, registration and insurance consistent with the requirements of Sections 1311(b) and 6308(a) of Title 75. Defendant was unable to provide the vehicles registration or insurance and offered that this was because he was recently pulled over, the vehicle belonged to this mother and her license is suspended. During this time, the Trooper speaking with Defendant at the driver’s door quickly flashed his flashlight at Defendant’s passenger and Defendant was asked to look into the same flashlight. This all occurred within less than three minutes after Defendant’s vehicle was stopped. Within the next minute and in response to the Trooper’s question, Defendant stated that he did not have anything to drink and he last smoked several weeks ago. This statement was inconsistent with the observations of the Trooper in that Defendant’s eyes were blood shot, glassy and red and that his passenger appeared to be falling asleep. Assuming, for the sake of argument, that the purpose for the initial stop had concluded at the point where Defendant was advised that his trunk was ajar and he was unable to produce either a registration or insurance for the vehicle, it was during this brief interaction that the Trooper was able to make various observations that gave rise to a reasonable suspicion that criminal activity was afoot.

The Trooper then steps away from Defendant’s vehicle to run Defendant’s license. After running Defendant’s license, Defendant repeatedly requests to call his mom and asks for her

presence at the scene. Defendant voluntarily submits to various testing including HGN, SFST, ARIDE and a PBT. During administration of these various tests, Defendant's passenger advised law enforcement that he and Defendant smoked marijuana approximately three hours prior. Despite Defendant's many questions and the Trooper's answers to those questions, the entire episode from the time of the stop to Defendant's arrest for suspicion of DUI was 22 minutes.

A "new detention" must be supported by reasonable suspicion. *Commonwealth v. Sioan*, 303 A.3d 155, 164 (Pa. Super. 2023). To establish grounds for "reasonable suspicion" ...the officer must articulate observations which, in conjunction with reasonable inferences derived from these observations, led him reasonably to conclude, in light of his experience, that criminal activity was afoot and the person he stopped was involved in that activity. In order to determine whether the police officer has reasonable suspicion, the totality of the circumstances must be considered. In making this determination, we must give due weight...to the specific reasonable inference [the police officer] is entitled to draw from the facts in light of his experience. Also, the totality of the circumstances test does not limit our inquiry to an examination of only those facts that clearly indicate criminal conduct. Rather, even a combination of innocent facts, when taken together, may warrant further investigation by the officer. *Id.* quoting *Commonwealth v. Smith*, 917 A.2d 848 (Pa. Super. 2007)

Here, when looking at the totality of the circumstances and all reasonable inferences that the Trooper could draw based on his observations within the first several minutes following the stop of Defendant's vehicle, he established grounds of reasonable suspicion and his further investigation was warranted. Finally, when viewing the entire interaction from the Trooper's initial point of contact with Defendant to when the Trooper would have developed grounds for

reasonable suspicion (five-six minutes at most), it is difficult to categorize this timeframe as anything but reasonable.

ISSUE THREE

Commonwealth exhibit 3 is devoid of any involuntariness with respect to Defendant's consent to draw blood. Defendant answered without hesitation that he understood and consented following the Trooper's verbatim recitation of the warnings contained within the DL-26B. Moreover, following the undersigned performing several Google searches, the results consistently state with respect to blood tests that THC is typically undetectable after 24-48 hours for occasional users and for chronic users, after seven days. Moreover, depending on the sensitivity level of the urine test (i.e 50 ng/ML or 20ng/ML), THC may be detectible for up to 30 days. Without the introduction of any testimony during the hearing from a medical professional to the contrary, it does not appear that the information shared by the Troopers to Defendant in the hospital prior to the blood draw was misleading or scientifically inaccurate. Coupled with Defendant's affirmation that he understood and consented to the draw following the reading of the DL-26B warnings, the request to suppress the results of the blood draw is denied.

ORDER

AND NOW, this ____ day of **June, 2026**, based upon the above Defendant's Motion to Suppress is hereby **DENIED**.

BY THE COURT

Ryan C. Gardner, Judge

RCG/kbc

cc: DA (JF)
PD (GD)
Gary Weber, Esq.