

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: No. 98-10,618
	:
	:
vs.	: CRIMINAL
	:
LORI STOVER,	: Motion to Suppress
Defendant	:

ORDER

AND NOW, this ____ day of April, 1999, the Court DENIES the defendant's Motion to Suppress Evidence. The Court finds that the police had probable cause to stop the defendant's vehicle and arrest her on drug charges. The Court finds that the police did have reason to believe a crime was afoot on the date in question, that crime being a criminal conspiracy to violate the drug laws. An overt act in furtherance of the conspiracy was the confidential informant paying for the drugs he previously received and the defendant accepting those monies. The Court finds that the police have shown sufficient indicia of the confidential informant's reliability through his turning over five (5) packets of marijuana; his statements against his penal interests, such as the statements to the effect that he was selling drugs he received from the defendant and giving her the money he received in exchange for the sale of the drugs; and the police corroboration of the individual and vehicle who were to appear when the confidential informant paid his supplier.

In the alternative, the Court finds that the police had reasonable grounds to stop the defendant's vehicle which later rose to the level of probable cause when they observed the pager and the money in plain view on the front seat of the defendant's vehicle.

The Court also finds that the defendant executed a knowing and valid consent to search her vehicle. The Court rejects the defense argument that the consent was unknowing or coerced because the police informed her that if she didn't consent they would do an inventory search. Since the Court finds that the defendant's arrest was lawful and supported by probable cause, the police statement that they would conduct an inventory search was not coercive but merely truthful. Even if the defendant had not consented to the search, the police would have inevitably discovered the contraband (cocaine, marijuana, drug paraphernalia, etc.) in her trunk when they did an inventory of her vehicle.

By The Court,

Kenneth D. Brown, J.

cc: Peter T. Campana, Esquire
District Attorney
Work file