

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

COMMONWEALTH OF PENNSYLVANIA : NO. 00-11,429  
:   
:   
vs. : CRIMINAL DIVISION  
: Motion to Suppress  
HYSON EDWARD FREDERICKS, :   
Defendant :

OPINION AND ORDER

Defendant has been charged with delivery of a controlled substance, possession of a controlled substance, possession of drug paraphernalia, resisting arrest, hindering apprehension, tampering with or fabricating physical evidence, and three (3) summary offenses. In his Motion to Suppress, filed March 29, 2001, Defendant contends the arresting officer did not possess the requisite reasonable suspicion for the detention which led to discovery of the drugs which led to Defendant's arrest.

At the hearing on the suppression motion, held May 11, 2001, the arresting officer testified that he observed Defendant and another gentleman each standing on opposite sides of a vehicle stopped at the intersection of Walnut and West Edwin Streets in Williamsport. Defendant was at the driver's side of the vehicle, speaking to the driver. Traffic had backed-up behind the vehicle. The officer pulled up to the vehicle at which time Defendant and the other gentleman walked away from the vehicle. When the officer inquired what was going on, the driver of the vehicle indicated that Defendant had just tried to sell him drugs. The officer asked the driver of the vehicle to pull the vehicle around the corner and wait and while he did pull around the corner, he did not wait. The officer then pursued Defendant and stopped him for questioning. He indicated to Defendant that the driver of the vehicle had just told the officer that Defendant had tried to sell him drugs and asked Defendant if he would agree to be searched. According to the officer's testimony, Defendant agreed to be searched and the search uncovered the drugs which led to his arrest.

Defendant contends the officer had no reasonable suspicion to detain him and in support of his contention cites Commonwealth v Hayward, 756 A.2d 23 (Pa. Super. 2000), and Commonwealth v Goodwin, 750 A.2d 795 (Pa. Super. 2000), for the proposition that an uncorroborated anonymous tip does not create the requisite reasonable suspicion for an investigatory stop. The Court believes that the tip received by the officer in the instant matter was not uncorroborated, however.

In Goodwin, after receiving the anonymous tip, the officer observed the defendant but during that observation saw no unusual activity which would indicate that she was engaged in criminal activity. In Hayward, after receiving the anonymous tip, the officer proceeded to the designated location and saw eight (8) or nine (9) people, none of whom appeared to be involved in any criminal activity. In the instant matter, on the other hand, in addition to the information from the driver of the vehicle, the officer had already observed Defendant standing by the driver of the vehicle and having a conversation with him, accompanied by his companion who stood on the other side of the vehicle; the conversation was lengthy enough to cause a back-up in traffic. Further, the driver did not simply give a description of the person who allegedly tried to sell him drugs, he pointed him out to the police officer who had already observed him. The Court believes the officer thus had sufficient corroboration of the tip to effectuate the investigatory detention.

#### ORDER

AND NOW, this 15<sup>th</sup> day of May, 2001, for the foregoing reasons, Defendant's Motion to Suppress is hereby denied.

By the Court,

Dudley N. Anderson, Judge