

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
v.	:	<b>CR-950-2023</b>
	:	
<b>CODY LAIELLI,</b>	:	
<b>Defendant</b>	:	

**OPINION AND ORDER**

This matter is before the Court after a hearing and argument on June 4, 2024, on the Defendant’s Motion to Suppress Evidence filed on October 12, 2023, by and through his attorney, Peter Campana, Esquire. On June 4, 2024, Attorney Peter Campana, Esquire, withdrew his appearance as attorney of record and Matthew Diemer, Esquire, entered his appearance on the same day. Attorney Matthew Diemer, Esquire appeared on behalf of the Defendant at the hearing on the Motion to Suppress Evidence on June 4, 2024. Attorney Jessica Feese, Esquire appeared on behalf of the Commonwealth.

The Defendant is charged with one count of Driving Under the Influence-Highest Rate of Alcohol (BAC .16+) pursuant to 75 Pa. C.S.A. Section 3802(c) and one count of Driving Under the Influence- General Impairment pursuant to 75 Pa. C.S.A. Section 3802(a)(1) for an incident occurring on or about March 17, 2023. Additionally, the Defendant was charged with one count of each the following summary offenses: Following too Closely under 75 Pa.C.S.A. Section 3310(A), Careless Driving under 75 Pa.C.S.A. Section 3714(A), and Driving on Roadways Laned for Traffic-Disregard Traffic Lane (Prohibited) under 75 Pa.C.S.A. Section 3309(4).

In his Motion, the Defendant avers that any evidence obtained after the traffic stop by law enforcement was in violation of his rights under the Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution because the

officer did not have probable cause to perform the traffic stop. The Defendant contends that if the officer did have probable cause at the time of the traffic stop for Motor Vehicle Code (MVC) violations, the officer did not have reasonable suspicion to conduct Standardized Field Sobriety Tests, and the blood draw for chemical analysis based on the results of the SFSTs. Accordingly, the Defendant requests all evidence be suppressed.

***Background***

At the Suppression Hearing on June 4, 2024, the Commonwealth called Trooper Matthew Patrick to testify to the events occurring on or around March 17, 2023. Trooper Patrick works with the Pennsylvania State Police-Montoursville-Patrol Unit. Trooper Patrick completed training to conduct Driving Under the Influence (DUI) investigations at the Pennsylvania State Police Academy; and, he has professional experiencing conducting Standardized Field Sobriety Tests. At the time of the hearing, Trooper Patrick executed eighty-five (85) DUI arrests over the course of two (2) years.

On March 17, 2023, the Defendant was operating a motor vehicle and was stopped by Trooper Patrick of the Pennsylvania State Police Patrol Unit. Trooper Patrick testified that he was patrolling on the night shift from 2300-0700 traveling west on Interstate 180 when he observed a gray sedan switch lanes and closely follow a tractor-trailer truck leaving one car length of space. Trooper Patrick testified that he believed the driver of the gray sedan and the driver of the tractor-trailer truck were traveling at the posted speed limit. As Trooper Patrick followed the gray sedan, he witnessed it drive on top of the white fog line three to four times. Trooper Patrick initiated a traffic stop and approached the driver of the gray sedan, Cody Laielli, the Defendant.

Through their initial interaction, Trooper Patrick observed an odor of alcohol emanating from the Defendant and that he had glassy and blood shot eyes with dilated pupils.

Trooper Patrick conducted routine requests— driver’s license, registration, etc. Upon asking the Defendant if he had any alcohol to drink that evening, the Defendant disclosed that he had had three beers. Trooper Patrick testified that, based on his observations, he determined that the Defendant was not free to leave. Trooper Patrick requested the Defendant exit the vehicle to perform Standardized Field Sobriety Tests (SFST). Based on the SFSTs, Trooper Patrick transported the Defendant to UPMC Williamsport Hospital to obtain a blood draw for the purpose of chemically analyzing the Defendant’s Blood Alcohol Content (BAC). The blood draw revealed a .24% BAC.

The Defendant contests the charges stemming from the initial traffic stop on March 17, 2023, asserting that the officer did not have the necessary probable cause to initiate the traffic stop. Thus, the Defendant avers that all evidence the officer obtained related to the DUI charges and summary offenses should be suppressed as unlawfully obtained through violations of his rights under the Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution. The Defendant contends that if the traffic stop was conducted pursuant to the appropriate probable cause, then the results of his chemical blood testing should be suppressed because the SFSTs were conducted without reasonable suspicion and the arrest was, therefore, without probable cause.

### ***Analysis***

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). However, “the Fourth Amendment does not prevent police from stopping and questioning motorists when [an officer] witness[es] or suspect[s] a violation of traffic laws, even if it is a minor offense.” *Commonwealth v. Chase*, 599 Pa. 960 A.2d 108, 113 (2008) citing *United*

*States v. Booker*, 496 F.3d 717, 721-22 (D.C.Cir.2007). Here, the traffic stop was performed because Trooper Patrick observed the Defendant following the vehicle ahead too close and not maintaining his vehicle within the required traffic lines on the highway, both of which indicated a careless disregard for other persons or property within the Defendant's path on the road. Under 75 Pa.C.S.A. Section 3310(a), "the driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the roadway." Also, under 75 Pa.C.S.A. Section 3309(4), official traffic control devices may be installed prohibiting the changing of lanes on a section of roadway and drivers of vehicles shall obey the directions of every such device." Finally, under 75 Pa.C.S.A. Section 3714 (A), "any person who drives a vehicle in careless disregard for the safety of persons or property is guilty of careless driving..."

"A stop of a single vehicle is unreasonable where there is no outward sign the vehicle or the operator are in violation of the Motor Vehicle Code...there must be specific facts justifying this intrusion." *Commonwealth v. Sands*, 887 A.2d 261, 266 (Pa. Super. 2005) citing *Commonwealth v. Swanger*, 453 Pa. 107, 307 A.2d 875, 878 (1973). "The legal standard of proof required by a police officer when engaging or interacting with a citizen varies depending on whether the citizen has been detained, and if so, the degree of the detention and the circumstances surrounding the interaction." *Commonwealth v. Cauley*, 10 A.3d, 321, 325 (Pa. Super. 2010). It is necessary for an officer to "articulate specific facts possessed by him, at the time of the questioned stop, *which would provide probable cause to believe that the vehicle or the driver was in violation of some provision of the [Motor Vehicle] Code.*" *Commonwealth v. Feczko*, 10 A.3d 1285, 1291 (Pa. Super. 2010) citing

*Commonwealth v. Gleason*, 785 A.3d 567 Pa. 111, 785 A.2d 983, 989 (2001)(emphasis in original).

Here, Trooper Patrick testified to his observations of the Defendant operating his vehicle in unreasonable proximity to the tractor-trailer truck. Moreover, Trooper Patrick witnessed the same driver travel over top the fog line approximately three to four times and return to the designated traffic lane. Trooper Patrick observed two MVC violations that amount to careless driving, and thus determined he had probable cause to conduct a stop and engage with the Defendant. Accordingly, the facts provided support a finding of probable cause to justify the traffic stop based on the Defendant's violations of the MVC under 75 Pa.C.S.A. Section 3310(a), 75 Pa.C.S.A. Section 3309(1), and 75 Pa.C.S.A. Section 3714(A).

Next, the Defendant avers that the officer did not possess reasonable suspicion to conduct SFSTs. If reasonable suspicion exists to support an investigatory detention, then it is lawful. *Commonwealth v. Cauley*, 10 A.3d 321, 324 (Pa. Super. 2010). To qualify for the reasonable suspicion standard, the officer must provide a showing of specific and articulable facts, and when combined with reasonable inferences warrant an intrusion like an investigatory detention. *Id* at 326. "...[P]olice may conduct sobriety tests after a citizen effectuates an encounter when the officer observes evidence of alcohol intoxication as a result of the encounter, and the officer observed the citizen driving a vehicle immediately prior to the encounter." *Id*. The Superior Court of Pennsylvania has held that a police officer who has discerned a defendant's appearance and behavior is competent to proffer an opinion in a prosecution for DUI, as to the defendant's state of intoxication and ability to safely operate a vehicle. *Commonwealth v. Butler*, 856 A.2d 131, 137 (Pa. Super. 2004). A court must evaluate the totality of the circumstances to determine if an officer possessed

reasonable suspicion that criminal activity was underway. *Commonwealth v. Cauley*, 10 A.3d 321, 326 (Pa. Super. 2010).

Trooper Patrick observed the Defendant operating a vehicle in violation of the MVC, which lawfully triggered the traffic stop. Upon engaging with the Defendant, Trooper Patrick encountered an odor of alcohol and observed the Defendant's glassy, blood shot eyes and dilated pupils. The Defendant admitted to having three beers that evening when Trooper Patrick inquired. Based on his observations and the Defendant's admittance to consuming alcohol prior to driving, Trooper Patrick was justified in his request that the Defendant conduct SFSTs. After conducting SFSTs Trooper Patrick had cause to transport the Defendant to UPMC Williamsport Hospital where a blood draw was retrieved for chemical testing to obtain the percentage of blood alcohol content. The chemical analysis of the Defendant's blood draw revealed a blood alcohol content of .24%, which is above the legal limit to safely operate a vehicle.

The Defendant's assertion that the SFSTs were conducted without reasonable suspicion fails because Trooper Patrick observed and testified to the Defendant's condition that is long held in the Commonwealth to evidence the intoxication of an individual. Based on Trooper Patrick's initial encounter and the results of the SFSTs that necessitated the subsequent chemical analysis of the Defendant's blood, Trooper Patrick possessed the probable cause necessary to conduct the arrest.

### ***Conclusion***

Upon consideration of the facts, evidence, and testimony and the arguments from counsel, the Court finds that the officer possessed the requisite probable cause to conduct a

lawful traffic stop based the Defendant's Motor Vehicle Code Violations under 75 Pa.C.S.A. Section 3309(4), 75 Pa.C.S.A. Section 3310(A), and 75 Pa.C.S.A. 3714(A) on March 17, 2023. Additionally, the Court finds that Trooper Patrick possessed the requisite reasonable suspicion to have the Defendant perform SFSTs and take the Defendant for a blood draw, thus, the arrest was pursuant to probable cause. Accordingly, all evidence obtained pursuant to the traffic stop and SFSTs was not discovered in violation of the Defendant's rights under the Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution. Thus, the Defendant's Motion to Suppress is **Denied**.

By the Court,

Ryan M. Tira, Judge

RMT/asw

CC: DA

Matthew Diemer, Esquire

Court Administration

Gary Weber, Esquire, Lycoming Reporter