

IN THE MATTER OF                   :    IN THE COURT OF COMMON PLEAS  
  :    OF ERIE COUNTY, PENNSYLVANIA  
    **LAWRENCE EDWARDS,**         :    **JUVENILE DIVISION**  
  :  
    **A MINOR**                     :    **Docket No. 662 of 2000**

**MOTION TO SUPPRESS EVIDENCE**

AND NOW, this 10<sup>th</sup> day of January, 2005, comes the above named juvenile, Lawrence Edwards, by and through his attorney, Ines M. Massella, Assistant Public Defender, and moves that the Master suppress evidence, and in support thereof represents as follows:

1. The above-named juvenile, Lawrence Edwards, is seventeen years of age, with a date of birth of September 6, 1987.

2. On August 11, 2004, the juvenile was charged with the following allegations and summary offenses: possession of marijuana, 35 Pa.C.S.A. § 780-113(a)(30) (F); possession of paraphernalia, 35 Pa.C.S.A. § 780-113(a)(32) (M); changing lanes without signaling, 75 Pa.C.S.A. § 3334 (S); and driving with junior license after midnight without accompanying adult 75 Pa.C.S.A. § 1503(c)(1) (S).

3. As stated in the police report, on June 13, 2004, Patrolman K. Fries observed a vehicle containing five individuals slowly driving westward on East 10<sup>th</sup> Street.

4. Patrolman Fries observed the vehicle turn south on Ash Street without signaling. He activated his siren and lights, pulled the vehicle over, approached the vehicle and spoke with the driver, Lawrence Edwards.

5. At that time another unit arrived and Patrolman Fries asked for the juvenile's license, registration and proof of insurance. When the juvenile opened the glove box to retrieve the documentation, which included a junior driver's license, the officer stated in the report that he observed a plastic bag containing a green leafy substance inside the glove box.

6. The police report states that the juvenile had grabbed the paperwork and quickly closed the glove box. He was asked to reopen the box and when he did, Officer Fries reports, the plastic baggie dropped out.

7. The juvenile was removed from the vehicle and handcuffed. The suspected marijuana was removed from the vehicle and a cell phone was taken from the juvenile.

8. The four female passengers, ages 15, 16, 16, and 18, were talked to by the officers and released. The vehicle was locked and left at the scene.

9. The juvenile was released to his parents at the police station. These charges followed.

10. The police report also contained a statement by the second officer at the scene, Officer DiBello, who wrote that he too observed the green leafy substance in the glove box when the juvenile opened to retrieve his documents.

11. The juvenile contends that he did signal his turn on to Ash Street and Officer Fries had no reason to pull him over and that, therefore, the initial stop of his vehicle was not based on a traffic violation.

12. The juvenile further contends that neither officer was in a position to observe the suspected marijuana in the glove box in plain view. The vehicle was not parked under a street lamp and there was no light in the glove box.

13. The juvenile also contends that the only light in the vehicle was provided by the officer's flashlight which was shined into the vehicle only after he had closed the glove box.

14. The juvenile believes and avers that the evidence herein was obtained in violation of his rights under the Fourth amendment to the United States Constitution and Article I, section 9, of the Pennsylvania Constitution in that the initial traffic stop was illegal and in that the plain view doctrine is not applicable.

WHEREFORE, the juvenile requests that a hearing be held on this Motion and that the Master suppress the evidence obtained at the time of the traffic stop.

Respectfully submitted,

Ines M. Massella  
Assistant Public Defender  
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