

Commonwealth of Pennsylvania : Court of Common Pleas
 : Clinton County
 V. : Criminal Division
 :
 [REDACTED] : CP-18-CR-0000[REDACTED]-2023

ORDER FOR A HEARING

AND NOW, to wit, this ___ day of _____, 2023, upon consideration of the attached Amended Omnibus Pretrial Motion in the above-captioned matter, it is hereby ORDERED and DECREED that a hearing on this matter is scheduled for the ____ day of _____, 2023, in courtroom ____ of the Clinton County Courthouse, at 230 East Water Street, Lockhaven, PA, at __:__ am/pm.

BY THE COURT:

J.

Commonwealth of Pennsylvania : Court of Common Pleas
 : Clinton County
 V. : Criminal Division
 :
 [REDACTED] : CP-18-CR-0000[REDACTED]-2023

ORDER

AND NOW, to wit, this _____ day of _____, 2023,
upon application of [REDACTED], all physical evidence
recovered on or about January 10, 2023, from the Toyota Sienna,
New Jersey Registration X65PSZ, is hereby suppressed, and all
statements made by [REDACTED] to law enforcement are also
hereby suppressed.

BY THE COURT:

J.

Michael H. Fienman, Esquire
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Commonwealth of Pennsylvania : Court of Common Pleas
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Amended Omnibus Pretrial Motion

[REDACTED] moves this Court to suppress all physical evidence seized on or about January 10, 2023, from the Toyota Sienna, New Jersey Registration X65PSZ, and all statements he made to law enforcement that day. In support thereof, Mr. [REDACTED] avers through counsel:

1. At about 3:30 p.m. on January 10, 2023, Mr. [REDACTED] was driving eastbound on Interstate 80 through Porter Township in a rented 2001 Toyota Sienna, New Jersey registration number X65PSZ.

2. Pennsylvania State Trooper Hunter Hall alleges that the vehicle's license plate frame partially obscured the top portion of "New Jersey" on the plate and that Mr. [REDACTED] drove over the dotted white line separating lanes of traffic.

3. Trooper Hall effectuated a traffic stop at 3:38 p.m.

4. Mr. [REDACTED] provided a valid California driver's license and explained that the car was a rental.

5. Trooper Hall then ordered Mr. [REDACTED] to exit the Sienna and "come back to my passenger side so that I can talk to you without yelling."

6. The trooper ordered Mr. [REDACTED] into the front passenger seat of the Trooper's vehicle, where he forced Mr. [REDACTED] to remain for about ninety minutes.

7. Fifteen minutes after Trooper Hall forced Mr. [REDACTED] to get into the police car, the trooper asked for consent to search the vehicle and Mr. [REDACTED] acquiesced.

8. The Trooper searched the vehicle and found (i) \$22,000.00 in cash, (ii) a receipt indicating that Mr. [REDACTED] sold \$[REDACTED] worth of gold four days earlier, (iii) a price sheet listing different types of marijuana, weight, and destination for delivery, (iv) six business cards for legal marijuana-related businesses in other jurisdictions, (v) two USB drives, (vi) two iPhones, (vii) two bundles of scotch tape, (viii) three bottles of air freshened, and (ix) four large trash bags.

9. After an exhaustive and illegal vehicle search, the Trooper found no contraband.

10. After a ninety-minute roadside interrogation and search, Trooper Hall told Mr. [REDACTED], "I want you to take a ride with me" to the barracks so that "we can have a conversation."

11. Trooper Hall then transported Mr. [REDACTED] to the barracks, where he finally informed Mr. [REDACTED] that he did not have to submit to questioning.

12. But instead of giving Mr. [REDACTED] a meaningful opportunity to decline further questioning, the trooper instructed Mr. [REDACTED] to sign a form waiving his right to remain silent.

13. In his own words, Trooper Hall then started questioning Mr. [REDACTED] "from the beginning."

I. Motion to Suppress Statements by Mr. [REDACTED] to law enforcement.

14. Trooper Hall coerced Mr. [REDACTED] into submitting to multiple custodial interrogations without advising him of his rights under Article I, Section 9 of the Pennsylvania Constitution, and the Fifth Amendment to the Federal Constitution.

15. Trooper Hall unlawfully prolonged the traffic stop in violation of Article I, Section 8 of the Pennsylvania Constitution, and the Fourth and Fourteenth Amendments to the Federal Constitution.

16. Trooper Hall utilized the prolonged traffic stop to coerce Mr. [REDACTED] into submitting to an unlawful custodial interrogation, in violation of Mr. [REDACTED]'s rights under Article I, Section 8 of the Pennsylvania Constitution, and the Fourth and Fourteenth Amendments to the Federal Constitution.

17. After holding Mr. [REDACTED] at the traffic stop for ninety minutes, Trooper Hall informed Mr. [REDACTED] of his right to remain silent but did not give Mr. [REDACTED] a meaningful opportunity to exercise that right.

18. Trooper Hall then subjected Mr. [REDACTED] to a "two-step" interrogation, also prohibited by the Fifth Amendment to the Federal Constitution.

II. Motion to Suppress Physical Evidence Recovered from the Sienna.

19. Mr. [REDACTED] did not voluntarily consent to a search of his vehicle.

20. Trooper Hall failed to secure a warrant to search the vehicle.

21. Trooper Hall did not have probable cause to believe that the vehicle contained contraband.

22. There were no exigent circumstances necessitating an immediate search of the Sienna.

23. Thus, the trooper violated Mr. [REDACTED]'s rights to be free of unreasonable searches and seizures under Article I, Section 8 of the Pennsylvania Constitution, and the Fourth and Fourteenth Amendments to the Federal Constitution.

WHEREFORE, Mr. [REDACTED] respectfully requests this Court to suppress all physical evidence recovered from the Sienna and all

statements that he made to Trooper Hall and any other member of law enforcement.

Date: 6/26/23

Respectfully submitted,


Michael H. Fienman, Esquire

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VERIFICATION

The undersigned hereby verifies that the facts set forth in the foregoing motion are true and correct to the best of my knowledge, information, and belief. This verification is made subject to penalties for unsworn falsification to the authorities under 18 Pa.C.S.A. § 4904.

Date: _____

6/26/23

Respectfully submitted,



Michael H. Fienman, Esquire

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MEMORANDUM OF LAW

Pennsylvania State Police Trooper Hunter Hall conducted a traffic stop because [REDACTED]'s rental car's license plate frame partially obstructed "New Jersey" on the plate, and Mr. [REDACTED] briefly crossed the dotted white lines separating travel lanes. Notwithstanding those minor traffic offenses, an hours-long interrogation and search unfolded. And during that time, Trooper Hall denied Mr. [REDACTED] of his constitutional rights. The trooper conducted an unreasonable search and seizure. He also interrogated Mr. [REDACTED] without issuing *Miranda* warnings. As such, this Court should suppress all evidence seized and all statements made.

Facts:

At about 3:30 p.m. on January 10, 2023, Mr. [REDACTED] was driving eastbound on Interstate 80 through Porter Township in a rented 2001 Toyota Sienna, New Jersey registration number X65PSZ.

According to the Trooper, the vehicle's license plate frame partially obscured the top of "New Jersey" on the license plate, and Mr. ██████ drove over the dotted white line separating lanes of traffic.

Trooper Hall effectuated a traffic stop at 3:38 p.m. Mr. ██████ provided a valid California driver's license and explained that the car was a rental. Trooper Hall told Mr. ██████ that he wanted only to give a warning. At about 3:41 p.m., the trooper ordered Mr. ██████ to exit the Sienna and "come back to my passenger side so that I can talk to you without yelling."

The trooper required that Mr. ██████ sit in the front passenger seat of the Trooper's vehicle, where the trooper forced Mr. ██████ to remain for about ninety minutes. The trooper repeatedly asked Mr. ██████ about the car's status as a rental and his travels. Though Mr. ██████ gave simple answers, the trooper persisted with questions utterly unrelated to the traffic violations. When Mr. ██████ asked permission to return to his car to get the rental agreement, the trooper would not allow it.

Instead, at about 3:55 p.m., the trooper asked for permission to search the vehicle because he told Mr. ██████ that he believed that Mr. ██████ was "involved in criminal activity." The trooper did not obtain a search warrant for the Sienna at any point. Mr. ██████ acquiesced to the search and the trooper

conducted an exhaustive, fifty-five-minute search of the vehicle. There was no contraband.

The trooper found \$22,000.00 in cash in the vehicle, as well as a receipt indicating that Mr. ██████ sold \$█████ worth of gold four days earlier, a price sheet listing different types of marijuana, weight, and destination for delivery, six business cards for legal marijuana-related businesses in other jurisdictions, two USB drives, two iPhones, two bundles of scotch tape, three bottles of air freshened, and four large trash bags.

Once the search was over, ninety minutes after the trooper initiated the car stop, he told Mr. ██████, "I want you to take a ride with me" to the barracks so that "we can have a conversation." Trooper Hall then transported Mr. ██████ to the barracks, where he finally informed Mr. ██████ that he did not have to submit to questioning.

But instead of giving Mr. ██████ a meaningful opportunity to decline further questioning, the Trooper instructed Mr. ██████ to sign a form waiving his right to remain silent. In his own words, Trooper Hall then began questioning Mr. ██████ "from the beginning."

Argument:

This Court should suppress all physical evidence recovered from the Toyota Sienna and all statements Mr. ██████ made once he was ordered out of his vehicle. Though the initial stop was

lawful, Trooper Hall had no legal basis for placing Mr. [REDACTED] into custody in his police car and interrogating him. Though Trooper Hall read Mr. [REDACTED] his *Miranda* warnings hours later at the barracks, that late attempt to salvage the investigation did not cure the unlawful interrogation on the roadside. As such, all statements - including those made at the barracks - should be suppressed.

- I. All physical evidence and statements must be suppressed because Trooper Hall subjected Mr. [REDACTED] to an unreasonable detention and had no legal basis to force Mr. [REDACTED] into a police car.

"[T]he tolerable duration of police inquiries in the traffic stop context is determined by the seizure's 'mission' - to address the traffic violation that warranted the stop, and attend to related safety concerns." *Commonwealth v. Malloy*, 257 A.3d 142, 149 (Pa. Super. 2021) (quoting *Rodriguez v. United States*, 575 U.S. 348, 354 (2015)) (alteration in original). An officer may investigate certain incidental matters during a traffic stop, such as inspecting the vehicle's registration, the operator's driver's license, checking for warrants, and confirming that the vehicle is properly insured. *Id.* But an officer may not prolong the stop absent reasonable suspicion of criminal activity. *Id.* See also *Commonwealth v. Reppert*, 814 A.2d 1196, 1202 (Pa. Super. 2002) ("Once the primary traffic stop has concluded, however, the

officer's authority to order either driver or occupant from the car is extinguished.").

A court should consider "whether the police diligently pursued a means of investigation that was likely to confirm or dispel their suspicions quickly, during which time it was necessary to detain the [suspect]." *Commonwealth v. White*, 516 A.2d 1211, 1215 (Pa. Super. 1986) (quotation omitted).

The Superior Court's opinion in *White*, *supra*, provides guidance. There, officers responded to a call of two suspects removing property from an address. *Id.* at 1213. Officers stopped two men nearby who were carrying away large sheets of Formica. *Id.* One officer wanted to go back to the specific address, and one officer needed to stay with the suspects. *Id.* For officer safety, they placed the suspects in a police car for less than five minutes. *Id.* at 1214.

The Superior Court found that the defendants' seizure was reasonable. But the Court noted that "[t]he most troublesome aspect of this case is the fact that the appellees were directed to sit in one of the police cars while" an officer went to investigate. *Id.* at 1216. Nonetheless, the Court reasoned, the officers were "understandably reluctant to leave [one officer] to guard both the [suspects] without backup." *Id.* at 1217. Given that concern, the detention was reasonable because "[t]he detention . . . was less than five minutes, a very brief period of time." *Id.* at 1217.

In the case before this Court, Trooper Hall had probable cause to stop Mr. [REDACTED] because the vehicle's license plate cover obscured "New Jersey," and the trooper saw Mr. [REDACTED] cross the dotted white line. But neither of those violations of the Motor Vehicle Code necessitated any further investigation. Mr. [REDACTED] provided a valid driver's license, and the car was properly registered and insured.

It appears that Trooper Hall was confused regarding the car's status as a rental. The vehicle was rented through the car-share application Turo¹. Turo is the Airbnb of car rentals, allowing any car owner to rent their automobile to someone else. And Mr. [REDACTED] repeatedly told Trooper Hall that the registration and rental agreement were on his phone, and he could easily show the trooper.

But Trooper Hall was not concerned with the validity of the vehicle's rental agreement because, at that point, he was not conducting a traffic stop; he had begun a drug investigation. And in pursuit of that inquest, he kept Mr. [REDACTED] in a police vehicle for ninety minutes. The trooper never gave Mr. [REDACTED] an opportunity to leave, despite Mr. [REDACTED]'s request to return to the vehicle to retrieve the rental agreement. Therefore, Mr. [REDACTED] was in custody, as no rational person would feel free to

¹ See TURO, <https://turo.com/> (last visited June 19, 2023).

get out of a police car without permission after being ordered into the vehicle.

And Trooper Hall had no lawful basis for this drug investigation. He certainly had no legal basis to force Mr. [REDACTED] into the police car. Accordingly, Trooper Hall unlawfully extended the simple traffic stop into a prolonged drug investigation. As a result, all physical evidence recovered from the vehicle and all statements Mr. [REDACTED] made once he was in the police car and thereafter must be suppressed.

II. Mr. [REDACTED] only consented to the search of his vehicle because he was already subjected to an unlawful detention. As a result, the consent was not voluntary, and all evidence seized as a result of that consent must be suppressed.

For a consent search to be constitutionally permissible, the consent must be given during a lawful police interaction, and the consent must be knowing and voluntary. Here, Trooper Hall's prolonged detention of Mr. [REDACTED] was unlawful. As a result, Mr. [REDACTED]'s consent to search was not voluntary, and any evidence seized thereafter must be suppressed.

"Both the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution protect individuals, their homes, their papers and their effects and possessions from 'unreasonable searches and seizures.'" *Commonwealth v. Valdivia*, 195 A.3d 855, 861 (Pa. 2018) (quoting U.S. CONST. amend XIV). "For a search to be lawful, police must

first obtain a warrant[.]” *Id.* “A search conducted without a warrant is deemed to be unreasonable and therefore constitutionally impermissible, unless an established exception applies.” *Id.* (quoting *Commonwealth v. Strickler*, 757 A.2d 884, 888 (Pa. 2000)). “One such exception is consent, voluntarily given.” *Strickler*, 757 A.2d at 888 (citing *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1980)).

“When a prosecutor seeks to rely upon consent to justify the lawfulness of a search, he has the burden of proving that the consent was, in fact, freely and voluntarily given.” *Schneckloth*, 412 U.S. at 222 (quoting *Bumper v. North Carolina*, 391 U.S. 543, 548 (1968)). The Commonwealth must prove by clear and convincing evidence that the defendant gave valid consent. *Commonwealth v. Pichel*, 323 A.2d 113, 114 (Pa. Super. Ct. 1974). For a consent to search to be valid, it must be unequivocal, specific, and voluntary, and the person giving the consent must have intentionally relinquished or abandoned a known right or privilege. *Commonwealth v. Dunne*, 690 A.2d 1233 (Pa. Super. Ct. 1997).

“The Fourth Amendment inquiries in consent cases entail a two-prong assessment: first, the constitutional validity of the citizen/police encounter giving rise to the consent, and second, the voluntariness of said consent.” *Commonwealth v. By*, 812 A.2d 1250, 1254 (Pa. Super. Ct. 2002) (citing *Strickler*, 757 A.2d at

888). See also *Commonwealth v. Valdivia*, 195 A.3d 855, 861-62 (Pa. 2018) ("Consent must be voluntarily given during a lawful police interaction").

Commonwealth v. Lopez, 609 A.2d 177 (Pa. Super. Ct. 1992), is instructive. There, a state trooper saw the defendant driving a rented truck with a Volkswagen in tow. *Id.* at 179. The trooper conducted a traffic stop because the chains between the truck and the Volkswagen were not crossed as required by the Pennsylvania Vehicle Code. *Id.* "Upon concluding that the papers were in order, [the trooper] did not return them to [the defendant], but instead asked [the defendant] to exit the vehicle and walk to its rear." *Id.* There, the trooper inquired into the defendant's travel itinerary and, "[w]hile retaining the license and rental agreement," the trooper asked for consent to search. *Id.* The defendant conceded to the request. *Id.*

The *Lopez* Court cited *United States v. Guzman*, 864 F.2d 1512 (11th Cir. 1988), noting the similarities. In *Guzman*, the defendant and his wife were stopped for a traffic violation, and after concluding that the defendant's driver's license and registration were in order, the officer held onto the credentials while he "asked the couple a series of questions relating to their marriage, their destination and whether they were carrying large sums of money." *Lopez*, 609 A.2d at 181. Soon afterward, the officer produced a written consent-to-search form that the defendant

signed. *Id.* The Eleventh Circuit Court ruled that "even if the initial stop was legitimate, the officer's conduct was 'entirely beyond reason.'" *Id.* (quoting *Guzman*, 864 F.2d at 1515). As a result, the Eleventh Circuit suppressed the evidence recovered.

After reviewing *Guzman*, the *Lopez* Court held "that when conducting a routine traffic stop, an officer may request a driver's license and vehicle registration, run a computer check and issue a citation." *Lopez*, 609 A.2d at 181. After that, "the driver must be allowed to proceed on his way without being subject to further delay by police for additional questioning." *Id.* at 182. The Court ruled that the defendant's continued detention was unlawful and that any evidence uncovered during the consent search must be suppressed. *Id.* at 262-63.

An *en banc* panel of the Pennsylvania Superior Court revisited the issue in *Commonwealth v. Acosta*, 815 A.2d 1078 (Pa. Super. 2003) (*en banc*). There, when passing the defendant's vehicle, a police officer noticed the defendant "changed the manner in which he was driving by straightening up, putting both hands on the steering wheel and refusing to look at the officer." *Id.* at 1080. The officer then learned that the defendant's car's registration was suspended. *Id.* During the ensuing traffic stop, the defendant could not produce identification other than a BJ's Wholesale Club membership card. *Id.* The officer asked the defendant to come to

the rear of the car and requested consent to search the defendant's car. *Id.* at 1081. And the defendant acquiesced. *Id.*

The *en banc* panel ruled that the officer unlawfully obtained the defendant's consent to search, noting that the consent occurred when the officer was "still retaining Acosta's vehicle documentation" and that the officer "had not returned Acosta's vehicle registration, insurance card, or identification." *Id.* at 1085. As the Eleventh Circuit did in *Guzman* and the Superior Court did in *Lopez*, the *en banc* panel in *Acosta* held that the defendant's consent was not voluntary, and all evidence recovered was suppressed.

Instantly, Trooper Hall's investigation was unconstitutional. In *Lopez*, *Acosta*, and *Guzman*, the circumstances implied that the suspects could not freely end the encounter because the police officers held onto their credentials. Here, nothing was implied, it was explicit. Mr. ██████ requested to leave the vehicle to retrieve his rental agreement but Trooper Hall forbade that. As such, Mr. ██████ was subjected to an unlawful seizure when Trooper Hall requested consent to search. And consent given during an unconstitutional citizen/police encounter cannot be voluntary. See *By*, 801 A.2d at 1254. As such, the consent was invalid, and all evidence seized from the vehicle must be suppressed.

III. Trooper Hall did not provide Mr. [REDACTED] with his Miranda warnings before conducting a custodial interrogation. And the trooper did not cure his mistake by reading Mr. [REDACTED] the warnings hours later without any break.

Trooper Hall violated Mr. [REDACTED]'s rights under the Fifth Amendment of the United States Constitution and Article 1, Section 9 of the Pennsylvania Constitution by subjecting him to a custodial interrogation without providing *Miranda* warnings.

To protect an individual's privilege against self-incrimination secured under the Fifth Amendment to the Federal Constitution and Article I, Section 9 of the Pennsylvania Constitution, a suspect held in custody must be informed prior to interrogation, in clear and unequivocal terms, that he has the right to remain silent, that anything he says can and will be used against him in court, and that he has the right to consult with counsel and to have counsel present during interrogation, and, if he is indigent, counsel will be appointed for him. *Commonwealth v. Frein*, 206 A.3d 1049, 1064 (Pa. 2019). Thus, determining if the suspect was subjected to a custodial interrogation is critical.

Id.

The overlying test to determine whether a person is being subjected to a custodial interrogation necessitating *Miranda* warnings is whether he is physically deprived of his freedom in any significant way or is placed in a situation in which he reasonably believes that his freedom of action or movement is restricted by such interrogation. The standard for determining whether police have initiated

a custodial interrogation or an arrest is an objective one, with due consideration given to the reasonable impression conveyed to the person interrogated rather than the strictly subjective view of the troopers or the person being seized. The factors that the court considers to determine whether there has been a custodial interrogation include: the basis for the detention; its length; its location; whether the suspect was transported against his or her will, how far and why; whether restraints were used; whether the law enforcement officer showed, threatened or used force; and the investigative methods employed to confirm or dispel suspicions.

Commonwealth v. Turner, 772 A.2d 970, 973 (Pa Super. 2001) (en banc) (citations and quotation omitted).

Turner, supra, is instructive. There, an officer responded to an automobile accident and found the appellant, obviously intoxicated, leaning against a car involved in the crash. *Id.* at 972. The officer placed the appellant in a police car while a sergeant came to the scene. *Id.* When the sergeant arrived, he "opened the door of [the] police car, leaned in, and asked [the appellant] if he had taken any narcotics." *Id.* The appellant was not apprised of his rights under *Miranda*. *Id.*

The en banc panel found that the appellant was in custody when the sergeant questioned him. *Id.* at 974. The Court found two factors conclusive: the officer "put the appellant into his police car, not that he asked [the appellant] if he wanted to sit in the car[,] " and that the officer closed the doors to the car. *Id.* Based on those factors, the appellant "was physically deprived of his

freedom to a level that was the functional equivalent of being arrested and, therefore, was in custody." *Id.* See also *In re N.M.*, 222 A.3d 759, 774 (Pa. Super 2019) (suspect who entered police car was in custody for *Miranda* purposes because "no reasonable person would feel free to exit the car at any time").

Those factors are present here, too. Trooper Hall told Mr. ██████████, "[C]ome back to my passenger side so that I can talk to you without yelling." He did not ask; he instructed. And the dashcam video shows that the police car's doors were closed.

In *Turner*, the Court did not say how long the appellate was detained. But since it is a Philadelphia case, it likely took no more than a few minutes for the sergeant to arrive on scene (unless he tried to take I-95). But here, Trooper Hall kept Mr. ██████████ in his police car for ninety minutes. And during those ninety minutes, Mr. ██████████ was entitled to his *Miranda* warnings before any interrogation. Because Trooper Hall did not provide those warnings, Mr. ██████████'s statements when he was in the vehicle must be suppressed.

Trooper Hall then forced Mr. ██████████ to go to the barracks, where he advised him of his Fifth Amendment rights. But that did not make right what was already wrong. Trooper Hall read Mr. ██████████'s rights but never asked if he wished to answer questions. Instead, the trooper instructed Mr. ██████████ to sign the waiver so that they could talk. The trooper did not give Mr.

██████████ a reasonable opportunity to decline the trooper's demand.

Furthermore, this Court should look to "all of the surrounding circumstances" when determining "whether a warned statement made after a *Miranda* violation was voluntary, and is, therefore admissible[.]" *Commonwealth v. DeJesus*, 787 A.2d 394, 406 (Pa. 2001). See also *Brown v. Illinois*, 422 U.S. 590, 602 (1975) (In the specific case where the prosecution attempts to use a defendant's statement obtained after the commission, but not as a result, of a primary illegality, the prosecution must show not only that the statement was voluntary but also that the statement was "sufficiently an act of free will to purge the primary taint.") These cases hold that a second statement must be "attenuated" from the primary illegality. In other words, there must be "intervening events that break the causal connection" between the illegality and the confession. *Taylor v. Alabama*, 457 U.S. 687, 690 (1982).

Mr. ██████████ was subjected to nearly two hours of uninterrupted custody and interrogation by the time Trooper Hall finally administered the *Miranda* warnings. The trooper never offered Mr. ██████████ a break or a drink. Mr. ██████████ repeatedly told the trooper that he was confused. He had just watched the trooper search his car, uncover nothing but cash, yet insisted that criminality was afoot. Thus, Mr. ██████████'s answers to the trooper's second interrogation were not voluntary and were given

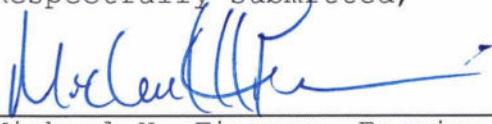
only because Trooper Hall coerced Mr. [REDACTED] to speak. As such, that statement should be suppressed.

Conclusion

Mr. [REDACTED] respectfully requests this Court to grant this suppression motion and preclude the Commonwealth from utilizing any statements he made to law enforcement or evidence recovered from the Sienna in its case-in-chief at trial.

Date: 6/26/23

Respectfully submitted,



Michael H. Fienman, Esquire

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AFFIDAVIT OF SERVICE


I hereby certify that today, I served via electronic service and First-Class Mail, a copy of the foregoing petition to the following parties:

Honorable Michael Salisbury
Court of Common Pleas
Clinton County
230 East Water Street
Lock Haven, PA 17745

Clinton County District Attorney's Office
217 North Jay Street
Lock Haven, PA 17745

Respectfully submitted,

Date: 6/26/23



Michael H. Fienman, Esquire