LEGAL NOTICES

FICTITIOUS NAME NOTICE

Notice is hereby given, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing of an application with the Department of State of the Commonwealth of Pennsylvania on June 27, 2000, for a certificate for the conducting of a business under the assumed name of Gee Lee Enterprises, Inc., with its principal place of business at 780 S. Second St., Chambersburg, PA 17201.

The names and addresses of the persons owning or interested in said business are Gary L. Osler, 702 Lincoln Way East, Chambersburg, PA 17201, and Brian L. Whitsel, 3916 Church Road, Chambersburg, PA 17201.

Ocker and Associates
4148 Lincoln Way East
Fayetteville, PA 17222

1/12/2001

FICTITIOUS NAME NOTICE

Notice is hereby given, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing of an application with the Department of State of the Commonwealth of Pennsylvania on Oct. 27, 2000, for a certificate for the conducting of a business under the assumed name of Steely Meats, Inc., with its principal place of business at 54 Mount Pleasant Road, Fayetteville, PA 17222.

The name and address of the person owning or interested in said business is Michael Biser, 25302 Cascade Road, Cascade, MD 21719.

Ocker and Associates
4148 Lincoln Way East
Fayetteville, PA 17222

1/12/2001

FICTITIOUS NAME NOTICE

Notice is hereby given, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing of an application with the Department of State of the Commonwealth of Pennsylvania on Oct. 27, 2000, for a certificate for the conducting of a business under the assumed name of Steve Cook Alterative Education Consulting, Inc., with its principal place of business at 6336 Dell Circle, Fayetteville, PA 17222.

The name and address of the person owning or interested in said business is Stephen J. Cook, 6336 Dell Circle, Fayetteville, PA 17222.

Ocker and Associates
4148 Lincoln Way East
Fayetteville, PA 17222

1/12/2001

FICTITIOUS NAME NOTICE

Notice is hereby given, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing of an application with the Department of State of the Commonwealth of Pennsylvania on Oct. 27, 2000, for a certificate for the conducting of a business under the assumed name of Universal Secure Lift, Inc., with its principal place of business at 540 Hollywell Ave., Chambersburg, PA 17201.

The name and address of the person owning or interested in said business is Gary L. Osler, 702 Lincoln Way East, Chambersburg, PA 17201.

Ocker and Associates
4148 Lincoln Way East
Fayetteville, PA 17222

1/12/2001

FICTITIOUS NAME NOTICE

Notice is hereby given, pursuant to the provisions of the Fictitious Name Act, Act No. 1982-295, of the filing of an application with the Department of State of the Commonwealth of Pennsylvania on Oct. 27, 2000, for a certificate for the conducting of a business under the assumed name of VC Enterprises, Inc., with its principal place of business at 11458 Country Circle Drive, Waynesboro, PA 17268.

The name and address of the person owning or interested in said business is Claire Hunter, 11458 Country Circle Drive, Waynesboro, PA 17268.

Ocker and Associates
4148 Lincoln Way East
Fayetteville, PA 17222

1/12/2001

COMMONWEALTH OF PENNSYLVANIA v. CURTIS McKEITHAN, Defendant, C.P. Franklin County Branch, Criminal Action, No. 886-2000

Motion to Suppress – Stop – Protective Vehicle Search – Plain View Exception – Contraband – Probable Cause

1. Police may stop vehicle for violation of Motor Vehicle Code and, in interests of safety, may order occupants out of the car. It is clearly appropriate for an officer to order an occupant out of a vehicle after observation of traffic violation, high-speed chase and reckless driving.

2. Police may look inside empty vehicle when confronted with exigent circumstances, such as the risk of physical harm to the officer or another citizen. Exigent and dangerous circumstances are present when a driver participates in a high-speed chase with law enforcement officers, that driver then gets out of his vehicle and advances upon the officer and then another person advances upon the officer from his "blind side" while screaming profanities.

3. Reasoning behind exigent vehicle search is same as that used in *Terry v. Ohio*; an officer may conduct a weapons search of a vehicle to assure his safety.

4. It is constitutionally permissible for a police officer to search inside a vehicle for persons that may pose a threat to their safety.

5. A weapons search of a vehicle may be conducted whether its occupants are arrested or not, but such a search cannot be investigatory in nature.

6. If contraband is discovered during a weapons search of a vehicle, it need not be suppressed.

7. Contraband may be seized in either a pat-down search when (1) the officer is lawfully in a position to detect the presence of the contraband, (2) the incriminating nature of the contraband is immediately apparent, and (3) the officer has a lawful right to access the object.

8. Pipe fitting, the type of which is often used to smoke crack cocaine, cannot be immediately identified as contraband because it has other legal uses. Thus, it cannot be seized by law enforcement officers.

9. The constitutional requirements of plain-feel cases are analogously applicable to plain-view cases as well.

10. Probable cause exists if the facts available to a police officer would warrant a man of reasonable caution to believe a search would result in the discovery of contraband.

11. Probable cause exists to issue a search warrant when an informant tips police officers that a person is currently involved in a drug transaction at a residence, police then observe the person there, follow him as he departs, conduct a high-speed chase and ultimately find ten thousand dollars ($10,000) on his person.

Appearances:
David W. Rahauser, Esq., Assistant District Attorney
Karl E. Rominger, Esq.

OPINION AND ORDER

Walker, P.J., November 6, 2000

Findings of Fact

1. On the evening of March 28, 2000, Trooper Christian Fow of the Pennsylvania State Police received a call from a confidential informant which detailed Defendant Curtis McKeithan's involvement in a cocaine sale at a residence off of Lincoln Way East/U.S. Route 30 in Fayetteville, Pennsylvania.

2. Trooper Fow, along with a Trooper Scholl, proceeded towards the location in unmarked vehicles and began surveillance of the residence from the parking lot of a nearby restaurant called the Pink Flamingo.

3. The troopers observed a silver and white Ford minivan leave the driveway of the residence and progress west on Lincoln Way/U.S. Route 30 towards Chambersburg and then make a "U-turn" and return to the driveway it had initially come from.

4. Trooper Scholl, who had followed the van in his vehicle after the van initially left the residence, was joined on the highway by Trooper Fow's vehicle. The troopers did not stop the van, but instead passed the residence and returned to the Pink Flamingo to continue surveillance.

5. The troopers then observed the same van once again exit the driveway, proceed west on Lincoln Way/U.S. Route 30 and make a right turn on Chickentown Road without making proper use of its turn signal.

6. The van then began to operate at speeds exceeding one hundred miles per hour (100 mph), while Trooper Fow followed in his unmarked car and made full use of his sirens, red strobe light on roof, emergency headlight flashers and four-way signals.

7. During the high-speed chase, the driver of the van illegally proceeded through two stop signs.

8. The defendant eventually pulled into a driveway off of Mt. Pleasant Road in Fayetteville, Pennsylvania, with Trooper Fow directly behind him.

9. Trooper Fow, wearing a badge around his neck, got out of his car with weapon in hand, informed the driver that he was a policeman and instructed the driver to dismount the van. When the driver complied and exited the van, Trooper Fow observed that the driver was the same Defendant Curtis McKeithan named by the informant.

10. Trooper Fow ordered defendant to the ground, but defendant instead advanced towards him, ignoring his directions.

11. Trooper Fow remained adjacent to his vehicle at this time, then participated in a heated verbal exchange with defendant and eventually sprayed him with mace from a distance of approximately 10–15 feet. Once disabled, defendant complied and lay on the ground.

12. While retrieving handcuffs from the trunk of his vehicle, Trooper Fow observed Trooper Scholl's vehicle drive by the location.

13. Trooper Fow then used his cell phone to call the State Police barracks and asked that Trooper Scholl be alerted that he just drove past the scene.

14. While that phone call was made, a second person suddenly approached Trooper Fow on his blind side and began to scream profanities at him. The trooper was unaware where the second individual came from, but did not see him exit the van.

15. Trooper Fow identified himself as a police officer to the man and eventually sprayed him with mace as well.

16. After disabling the second individual, Trooper Fow then handcuffed defendant while Trooper Scholl handcuffed the second individual and other troopers arrived.

17. Defendant was then searched, and approximately ten thousand dollars ($10,000) cash was found on his person.

18. The other troopers then proceeded to look inside defendant's van for other persons that might do them harm.

19. Upon opening the door of the van to look for other persons, a trooper observed a small pipe fitting on the vehicle's floor. Believing it to be contraband, he seized it, and, determining there were no other persons in the van, closed the door.

20. Trooper Fow was alerted and he concluded that the pipe fitting was of the sort used to smoke crack cocaine. He therefore seized the pipe fitting, locked up the van and applied for a warrant before searching the rest of the vehicle.

21. The vehicle was impounded, a warrant was issued by District Justice Larry Meminger and the vehicle was searched two days later pursuant to the warrant.

22. Evidence discovered within the vehicle pursuant to the warrant included a digital scale with residue, baggies and a knife with residue. The residue field tested positive and was also positive after a subsequent laboratory test.

23. As a result of the events that transpired on the evening of March 28, 2000, defendant was charged with fleeing and eluding a police officer, possession of a controlled substance, possession with intent to deliver and possession of drug paraphernalia.

Defendant filed an omnibus pre-trial motion on August 11, 2000, seeking to suppress the stop and the search of the van. A hearing on the matter was held on October 5, 2000, after which defendant and the Commonwealth both submitted letter briefs to the court addressing the applicable provisions of law.

Discussion

In his motion to suppress, defendant first asserts that the stop of defendant was unlawful under the circumstances as defendant at all times "complied with police requests." (Omnibus Pre-trial Motion, Count I, para. 6.) Next, defendant maintains that (1) the "search" of the van producing the pipe was unlawful as there were no exigent circumstances and that (2) the subsequent search warrant was defective for lack of probable cause because it was based upon the pipe fitting found in the initial "search." The court will address each issue in turn.

A. The Stop

A police officer may stop a vehicle "based on the reasonable belief that a provision of the Motor Vehicle Code has been or is being violated." *Commonwealth v. DeWitt*, 530 Pa. 299, 608 A.2d 1030 (1992). Additionally, "when an officer detains a vehicle for violation of a traffic law, it is inherently reasonable that he or she be concerned with safety and, as a result, may order the occupants of the vehicle to alight from the car." *Commonwealth v. Brown*, 439 Pa.Super. 516, 654 A.2d 1096, 1102 (1995).

Here, there were multiple reasons to stop defendant. He made a turn without signaling, presumably drove in excess of the speed limit and engaged in a high-speed chase despite the trooper's signals to pull over, during which he drove recklessly and ran two (2) stop signs. The court is astounded at the defendant's temerity in challenging the stop instantly and can find no reasonable basis to conclude that the trooper acted unlawfully. Contrary to the facts recited in his omnibus pre-trial motion, defendant did NOT comply with the trooper's directions to stop and lay on the ground, but instead chose to ominously advance towards the trooper. It was utterly sound of the trooper to detain defendant in light of the violations and his concern for his own personal safety.

B. The Searches

1. Initial search that revealed the pipe fitting

Defendant argues that the troopers acted unlawfully in looking inside the van immediately after the chase because no exigent circumstances existed. The court disagrees.

"Exigent circumstances arise where the need for prompt police action is imperative, either because evidence is likely to be destroyed, ... or because there exists a threat of physical harm to police officers or other innocent individuals." *Commonwealth v. Hinkson*, 315 Pa.Super. 23, 461 A.2d 616, 618 (1983). Here, defendant unabashedly and defiantly ignored Trooper Fow's signals to pull over throughout a lengthy high-speed chase, and when he eventually stopped his vehicle he dismounted it and advanced towards the officer. He exchanged words with the trooper and disregarded his instructions to get on the ground to the point where Trooper Fow had to apply mace to him. This alone may or may not detail "exigent circumstances," but there is more.

While defendant was maced though unsecured, a second individual seemingly came out of nowhere from Trooper Fow's blind side and began to scream profanities at him at a very close proximity. At this time, Defendant McKeithan was still unsecured and Trooper Fow had no idea where the second individual had come from. He did not see him exit the van, but that remained a possibility at that point. The trooper was rightly obliged to likewise spray the second individual with mace. There is no question given these facts that the trooper could reasonably believe he was in a perilous situation.

Thus, when the other troopers arrived while he and Trooper Scholl were finally placing handcuffs on the two men, they quite reasonably looked inside the van to see if any other persons may disembark to cause additional danger. Truly, the troopers otherwise would have been derelict in their duties because such persons may also have had weapons, possibly making the situation horrendous. While it would have been easy to check for more individuals through a standard car's windows without opening any doors, it is of particular note to this court that the vehicle was a van. A simple check through the windows would not be sufficient to check for other individuals. The troopers quite inculpably and with sole concern for their own personal safety opened a door of the van to get a thorough view of the inside of the van.

This court is convinced that exigent circumstances did exist and that the troopers opened the door of the van solely in order to do a protective

safety search. Such a protective search is lawful and in accord with *Michigan v. Long*. In *Long*, the United States Supreme Court announced that police may conduct such protective searches of vehicles for the same reasons they may conduct a personal search of individuals pursuant to *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). *Michigan v. Long*, 463 U.S. 1032, 103 S.Ct. 3469, 77 L.Ed.2d. 1201 (1983). The Court employed the same reasoning (officer safety) espoused in *Terry*, and held that police may conduct such a search of a vehicle if he/she reasonably believes "that the suspect is dangerous and the suspect may gain immediate control of weapons." *Id.* at 1049, 103 S.Ct. at 3480, 77 L.Ed.2d. at 1220. In *Long*, the Court determined that the police officers there had the requisite belief because the hour was late, the defendant had been driving at an excessive rate of speed, the officers had to repeat their questions to him and the officers observed a knife inside the car when Long was re-entering it. *Id.* at 1051, 103 S.Ct. at 3481, 77 L.Ed.2d. at 1220-1221.

The facts in *Long* are somewhat analogous instantly, though it was not as late and no weapon was observed prior to the vehicle "search." Indeed, no trooper in this case ever actually saw a knife or any other weapon, but is that the determinative factor? Surely *Long* does not declare that troopers can search for weapons only if they first notice a weapon. Besides being a bit redundant, all logic would be hamstrung inasmuch as a trooper may be in actual danger whether he has seen a weapon or not. The point of the protective search is to make sure a defendant cannot pose a threat, ostensibly through the use of a weapon. A Terry frisk does not have to be preceded by the observation of a weapon, and a Terry vehicle search likewise does not.

Instantly, the evidence presented at the suppression hearing indicates that the troopers were not solely looking for weapons so much as they were looking for other persons inside the van that may pose a threat. While not articulated by anyone at the hearing, the court presumes that the reasoning underlying the Terry search of the van inherently took into consideration the possibility that those persons may also have weapons or, alternatively, that as possible combatants they would be quasi-weapons themselves. Surely *Long* must encompass a situation where, as here, troopers look inside a van to determine if there are other unseen persons that may assail them in aid of the defendant as much as it contemplates a situation where a defendant himself may gain access to a weapon and do harm.

Defendant may be tempted to counter that a protective search was unnecessary here and there were no exigent circumstances because both the defendant and the second individual were secured and could not gain access to any weapons inside the van. He would be wrong. "The entire

thrust of the *Long* analysis, and its enduring legacy, is the authorization of a protective Terry search of a vehicle, before, or regardless of whether, the occupants are arrested." *Commonwealth v. Rosa*, __Pa.Super.__, __, 734 A.2d 412, 419 (Pa.Super. 1999). While that alone may be hard medicine for defendant to swallow, it should not be in this case since the troopers were actually looking for other menacing persons in the van rather than weapons defendant himself may use.

It is clear that the troopers looked inside the van out of concern for their own personal safety and not to investigate and gather evidence. Indeed, it is of particular note that when the pipe fitting was viewed and no persons were observed in the vehicle, the troopers stopped any further search, impounded the vehicle and obtained a warrant. Such action plainly demonstrates the good faith of the troopers and the good faith in which the protective Terry vehicle search was conducted. Hence, the court finds that *Michigan v. Long* is dispositive here and that the troopers lawfully looked inside the van where they then discovered the pipe fitting.

So what of the pipe fitting? *Long* is once again instructive. "If, while conducting a legitimate Terry search of the interior of the automobile, the officer should, as here, discover contraband ... he clearly cannot be required to ignore the contraband and the Fourth Amendment does not require its suppression in such circumstances." See *Long*, supra at 1050, 103 S.Ct. at 3841, 77 L.Ed.2d. at 1220. It is here that defendant makes the thrust of his argument, as he generally contends that the piece of pipe was not "contraband" and therefore the trooper had no probable cause to seize it.

Defendant argues that the pipe fitting is not "contraband" as envisioned by *Minnesota v. Dickerson* because it has many legal uses. In *Dickerson*, the United States Supreme Court held that police officers may properly seize contraband they "plainly feel" during a Terry frisk or pat-down of a person so long as (1) the officer is lawfully in a position to detect the presence of the contraband, (2) the incriminating nature of the contraband is immediately apparent and (3) the officer has a lawful right to access the object. *Minnesota v. Dickerson*, 508 U.S. 366, 373-75, 113 S.Ct. 2130, 2136-37, 124 L.Ed.2d. 334 (1993). Defendant relies chiefly and solely upon *Commonwealth v. Stevenson* to support his argument that the second element of *Dickerson* is not met instantly and the pipe fitting should not have been seized because its incriminating nature could not have been immediately apparent to the troopers.

Stevenson cites *Commonwealth v. Fink*, another plain-feel case in which the officer felt a pipe of such size and shape that he believed, based upon his experience, that it was used to smoke marijuana. *Commonwealth*

v. Fink, 700 A.2d 447, 450 (Pa.Super. 1997), appeal denied, 552 Pa. 694, 716 A.2d 1247 (1998). The Superior Court held that the pipe was not immediately identifiable as contraband because pipes may be used to legally smoke tobacco. *Id.* at 451. Another case cited in *Stevenson* is *Commonwealth v. Stackfield*, a plain-feel case where a police officer conducted a Terry pat-down and felt empty ziplock baggies that he classified as contraband because in his experience they were oftentimes used to package drugs. *Commonwealth v. Stackfield*, 438 Pa.Super. 88, 651 A.2d 558, 562 (1994). The Superior Court rightly concluded that these types of baggies were "not per se contraband, although material contained in a zip-lock baggie may well be..." *Id.*

The Court in *Stevenson* then stated,

> "We agree with the Fink and Stackfield courts that the immediately apparent requirement of the plain feel doctrine is not met when an officer conducting a Terry frisk merely feels and recognizes by touch an object that could be used to hold either legal or illegal substances, even when the officer has previously seen others use that object to carry or ingest drugs. To find otherwise would be to ignore Dickerson's mandate that the plain feel doctrine is a narrow exception to the warrant requirement that only applies when an officer conducting a lawful Terry frisk feels an object whose mass or contour makes its identity as contraband immediately apparent." *Stevenson*, 560 Pa. at 355, 744 A.2d at 1266.

In *Stevenson*'s companion case, *In the Interest of R.A.*, the defendant was given a Terry pat-down search or frisk, during which the trooper felt what appeared to be a cigar and pill bottle in the defendant's pocket. *Commonwealth v. Stevenson*, 560 Pa. 345, 351, 744 A.2d 1261, 1264 (2000). Believing that both items might contain contraband (drugs), based upon his experience, the trooper seized the items and subsequently discovered that they in fact did contain marijuana and crack cocaine, respectively. *Id.* The Pennsylvania Supreme Court held that the incriminating nature of the items seized could not have been readily and immediately apparent to the trooper because both items were not illegal per se. Hence, he had no probable cause to arrest the defendant. *Id.* at 356, 744 A.2d 1267. In other words, the trooper could only have known that he felt a cigar and pill bottle. He simply could not have known he was touching a cigar with marijuana inside it or a pill bottle that contained crack, but merely had a hunch or suspicion below the standard required for probable cause.

Similarly, in the *Stevenson* case, a police officer conducted a Terry frisk and felt three (3) packages of cardboard in the defendant's pocket. *Id.* at 350, 744 A.2d 1263. Based on his experience, the officer seized the cardboard because he had seen this type of cardboard used to package cocaine. He opened it, saw that it contained cocaine and subsequently arrested the defendant. *Id.* The Court likewise determined that the pat-down did not "establish probable cause to believe Stevenson was carrying identifiable contraband..." *Id.* at 359, 744 A.2d 1268.

This court was initially captivated by the fact that in each of the cases cited by defendant, the officer or trooper's determination (based upon their experience and training) that the items contained contraband was in fact correct. Notwithstanding that ephemeral diversion, the court also notes that there is an obvious and "immediately apparent" disconnect between the facts in *Dickerson*, *Stevenson*, *Fink* and *Stackfield* and the case at bar. In every one of the cases, the courts confronted plain-feel scenarios where an officer or trooper's hands physically handled an object sight unseen. Here, this court is confronted with a dissimilar situation where a trooper employed an altogether different sense, sight, to ascertain the nature of the object seized. The court cannot help but detect an intellectually honest and quite rational distinction between the two. Be that as it may, the *Dickerson* Court made it clear that, relying on *Arizona v. Hicks*, 480 U.S. 321, 107 S.Ct. 1149, 94 L.Ed.2d 347 (1987), the very same plain-feel requirements of *Dickerson* are analogous to plain-view cases as well. *Dickerson*, 508 U.S. at 375, 113 S.Ct. at 2134.

The court is unwilling to be so cute or technical or downright lawyerly as to declare that because this pipe fitting is not a smoking pipe, cigar, ziplock baggie, a cardboard package, manila folder or pill bottle, the issue is automatically free from any discussion of suppression. Suppression of the pipe fitting is utterly unavoidable, given the Court's direction in *Stevenson*. It would be another matter if the trooper here had viewed a bong in the van, since one would be strained to consider a customary legal use for a bong. But in this case, the trooper saw a piece of pipe, not even a completely assembled crack pipe.

The court, subscribing to the reasoning of *Stevenson* as it must, agrees with defendant that the pipe fitting was not immediately identifiable as contraband. It was immediately apparent that it was a piece of pipe, and the real logical inference is that it was used for plumbing purposes. Perhaps defendant had been doing some work on his sink at home, stored his equipment in the van and this piece of pipe broke loose from a toolbox. While we now know in retrospect that it was a piece of a crack pipe with

residue of a controlled substance, at the time the trooper first saw it in plain view he could not have known, without further testing and manipulation, that it was contraband. No facts or circumstances exist, such as the existence of an odor of marijuana smoke or burn mark on the pipe, that would have given the trooper an independent basis to believe the piece of pipe was in fact illegal contraband. The pipe is therefore suppressed.

2. Subsequent search of the van pursuant to warrant

Probable cause exists if the facts available to a police officer would warrant a man of reasonable caution to believe a search would result in the discovery of contraband. *Commonwealth v. Leib*, 403 Pa.Super. 223, 588 A.2d 922 (1991), alloc. denied, 528 Pa. 642, 600 A.2d 194 (1991). This court is careful to avoid an automatic declaration that the subsequent search warrant is thus invalid because the pipe has been suppressed. There is no "fruit of the poisonous tree" problem here, and to suggest one would be a fallacious knee-jerk reaction since the district justice was presented with more information than simply the pipe. What facts remained, even absent the pipe fitting, may have been sufficient enough to have sustain a finding of probable cause for a warrant to search the van.

At the suppression hearing, Trooper Fow testified that he received a call from an informant in which he was told that defendant was involved in a cocaine sale at a Fayetteville residence. After proceeding to the residence to begin surveillance, he and Trooper Scholl observed a van leave the driveway of that very residence and make an illegal turn without signaling. Trooper Fow pursued defendant with all appropriate sirens and lights activated, but the driver then accelerated to speeds exceeding 100 mph. After the driver eventually stopped and exited the van, it was clear to Trooper Fow that the driver was the same person named by the informant. Defendant then ignored Trooper Fow's directions to the point where he had to be sprayed with mace. Perhaps most importantly, a search incident to arrest revealed $10,000 cash in the defendant's pocket. Stopping there, this court believes there was enough probable cause to search the van without evidence of the pipe fitting.

Although the testimony is sparse as to the informant's reliability, it is of note that the defendant was where the informant said he would be. Moreover, this is a situation where the warrant was issued to search a vehicle after all of the above detailed intervening events took place. This is NOT a situation where the informant, perhaps anonymously, gave a tip to the police about a drug sale at a building or residence and the police attempted to get a warrant for that very building named by the informant. In that situation, the informant's credibility is of more import and more information is

necessary. Instantly, however, there follows a high-speed chase and the discovery of $10,000 in the defendant's pocket. Standing alone, all of these facts would not support probable cause to search the van. Put together, however, this court believes that all of these facts gave rise to probable cause to search the van, and thus the evidence seized pursuant to that properly executed search warrant is not suppressed.

ORDER OF COURT

November 6, 2000, having considered defendant's omnibus pre-trial motion, the evidence presented at the suppression hearing and the letter briefs submitted by counsel for the parties, it is hereby ordered and adjudged that the troopers conducted a lawful Terry vehicle search of the van, the pipe fitting is suppressed, but, as the subsequent search of the van was nonetheless supported by probable cause, the evidence discovered during the search conducted after issuance of the warrant is admissible.