

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS

: CHESTER COUNTY, PENNSYLVANIA

v.

: CRIMINAL

RICHARD METRICARTI

: NO. CR-3923-2022

DEFENDANT'S MOTION TO SUPPRESS EVIDENCE

COMES NOW, the Defendant, Richard Metricarti, by and through his attorney, Nathan Lee Vonderheide, Assistant Public Defender, files this Motion to Suppress pursuant to 234 Pa. Code Rule 581 and respectfully represents the following in support thereof:

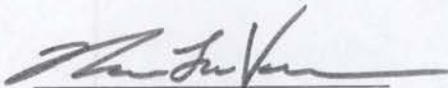
1. Defendant is charged as above-captioned with the following crimes: Driving Under the Influence and Registration and Certificate of Title Required.
2. During the course of their investigation of this matter, the police, in violation of the Fourth, and Fourteenth Amendments of the Constitution of the United States and Article 1, §8 of the Constitution of the Commonwealth of Pennsylvania, unlawfully seized, observed and tested the Defendant.
3. During their investigation of this matter, the police, in violation of the Fifth, and Fourteenth Amendments of the Constitution of the United States and Article 1, §9 of the Constitution of the Commonwealth of Pennsylvania unlawfully procured oral statements from the Defendant.
4. The facts and events in support of this Application are as follows:
 - a. On or about October 21, 2022, a Complaint was filed charging the Defendant as stated in paragraph one.

- b. At or about 1:00 A.M. on August 11, 2022, the Defendant was subjected to an improper investigative detention and questioned and observed by Trooper Kyle Lewis of the Pennsylvania State Police, Embreeville Barracks.
 - c. The Trooper lacked reasonable and articulable grounds to believe that the Defendant had committed any crime prior to stopping his vehicle.
 - d. The Defendant did not commit any crime in the presence of the Trooper.
 - e. The Defendant did not commit any crime in the presence of any person.
 - f. The Trooper prolonged the stop and unlawfully detained the Defendant.
 - g. The Defendant submitted to an invasive chemical test in the form of a blood draw.
5. The defendant believes, and therefore avers, that any and all statements made by the Defendant to the Trooper were not knowingly, intelligently, and voluntarily made, nor was there a waiver of privilege against self-incrimination or right to counsel.
6. The Defendant believes, and therefore avers, that said detention, arrest, seizures, and interrogations violated the Defendant's rights under the Constitution of the United States and the Pennsylvania Constitution for the following reasons, Inter Alia:
- a. Said stop and seizures were illegal as not being based upon a lawful arrest.
 - b. Said stop and seizures were not supported by reasonable and articulable grounds.
 - c. Said stop, arrest and seizures were performed without probable cause.
 - d. Said arrest was made in violation of the Pennsylvania Rules of Criminal Procedure.

- e. The Defendant did not commit a felony, misdemeanor, or breach of the peace in the presence of a police officer or any other official.
 - f. Said seizures were not pursuant to a valid warrant.
 - g. Said seizures were not consented to by the Defendant.
- 7. The Defendant believes, and therefore avers, that the Commonwealth will attempt to introduce the physical evidence referenced above at the time of trial.
 - 8. The Defendant was illegally detained, and any statements, tests, observations, and evidence obtained after the initial encounter by the troopers is tainted and fruit of the poisonous tree.
 - 9. The introduction of said evidence would violate Defendant's rights as set forth above.
 - 10. The Defendant respectfully requests the right to amend this motion following review of any additional discovery material from the District Attorney's Office for Chester County.

WHEREFORE, pursuant to Pa.R.Crim.P. § 581, the Defendant moves this Honorable Court to suppress all evidence obtained as a result of this prolonged stop and unlawful detainment, including all testing and observations of the Defendant by the troopers and officers involved.

Respectfully Submitted,

BY: 

Nathan Lee Vonderheide
Assistant Public Defender
Attorney ID # 331311
Chester County Public Defender's Office
201 W. Market Street, Suite 2325
P.O. Box 2746
West Chester, PA 19380

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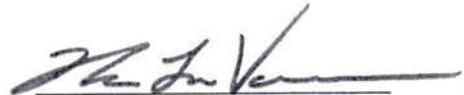
CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of May 2023, I served the foregoing Motion for
Suppression upon the person and in the manner indicated below:

In Person Service:

The Honorable Louis A. Mincarelli
Judicial Chambers
Chester County Justice Center
201 W. Market Street
West Chester, PA 19380

William Judge
Assistant District Attorney
Chester County District Attorney's Office
201 W. Market Street, Suite 4450
West Chester, PA 19380-0991



Nathan Lee Vonderheide
Assistant Public Defender
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VERIFICATION

I verify that the facts set forth in the foregoing motion are true and correct to the best of my knowledge, information and belief. I understand that the facts are verified subject to the penalties of unsworn falsification to authorities pursuant to 18 Pa.C.S.A. §4904.

CERTIFICATION OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: May 4, 2023



Nathan Lee Vonderheide
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