

**IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA

CP-07-CR-0001234-2026

v.

LORNE BRETT HOPKINS

OMNIBUS PRETRIAL MOTION

Lorne Brett Hopkins, by his attorney Christina Wichert, Esquire, moves to suppress physical evidence and custodial statements obtained through an unconstitutional search of his home. In support, the following reasons:

I. MOTION TO SUPPRESS ILLEGALLY SEIZED EVIDENCE

Factual Background

1. On June 2, 2014, Detective Anthony Fetrow secured a warrant to search 676 Chestnut Street, York, PA, based on an investigation into a residential burglary at 1039 E. Philadelphia Street.
2. The warrant relied solely on a narrative provided by Aaron Shifflet, a suspect who claimed the Defendant (identified by the alias "Radio") was his accomplice.
3. Shifflet's account included a specific physical detail: that both participants were injured by broken glass and were actively bleeding during the crime.
4. Despite observing healing lacerations on Shifflet, Detective Fetrow applied for the warrant without observing or confirming any similar physical injuries on Mr. Hopkins.
5. The subsequent search yielded no evidence related to the burglary but led to the discovery of narcotics and firearms.
6. On June 16, 2014, Shifflet recanted his entire statement, admitting he fabricated the Defendant's involvement to secure leniency for himself.

A. Absence of a Substantial Nexus 7. The affidavit failed to provide a sufficient "nexus" between the alleged burglary and the Defendant's home. 8. Under *Commonwealth v. Kline*, 335 A.2d 361 (Pa. Super. 1975), probable cause to believe a person committed a crime does not automatically establish probable cause to search their house. 9. The affidavit contained no facts suggesting that stolen items or tools used in the burglary were moved to 676 Chestnut Street.

B. Violation of the *Franks* Standard and Material Misrepresentation 10. A warrant is void if the affiant includes false information with reckless disregard for the truth. *See Franks v. Delaware*, 438 U.S. 154 (1978). 11. Detective Fetrow acted with reckless disregard by presenting Shifflet's story as credible while ignoring the lack of physical corroboration (the cuts) on Mr. Hopkins. 12. Because the "probable cause" was built entirely on a foundation of documented lies, the warrant is facially invalid.

C. Article I, Section 8 of the Pennsylvania Constitution 13. The Defendant specifically invokes the broader protections of the Pennsylvania Constitution. Unlike federal law, Pennsylvania does not recognize a "good faith" exception to the exclusionary rule. *Commonwealth v. Edmunds*, 586 A.2d 887 (Pa. 1991). 14. Even if the detective believed the warrant was valid at the time, the evidence must be suppressed because the warrant was not supported by actual, truthful probable cause.

D. Suppression of Statements (Fruit of the Poisonous Tree) 15. Any admissions made by Mr. Hopkins were the direct result of an illegal entry and search. Under *Wong Sun v. United States*, 371 U.S. 471 (1963), these statements are "tainted fruit" and must be excluded.

II. RELIEF REQUESTED

WHEREFORE, the Defendant moves this Court to enter an Order:

- **SUPPRESSING** all items seized from 676 Chestnut Street;
- **SUPPRESSING** all statements made by the Defendant during his subsequent detention;
and
- **DISMISSING** the charges for lack of admissible evidence.

Respectfully Submitted,

Date: ___ February 4, 2026 ___ By: __Christina Wichert__ Counsel for Lorne Brett Hopkins

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NOTICE FOR HEARING

AND NOW, this Fourth day of February 2026 , upon consideration of the omnibus motion, it is ordered and decreed that a hearing be fixed for the Tenth day of March 2026, in Room 123, Court House, at 1 o'clock.