

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	<b>: No. 99-11,108</b>
	<b>:</b>
<b>vs.</b>	<b>: CRIMINAL</b>
	<b>:</b>
<b>SEAN DUBIDAD,</b>	<b>: Habeas Corpus</b>
<b>Defendant</b>	<b>:</b>

**ORDER**

**AND NOW**, this    day of September, 1999, the Court GRANTS the defendant's Petition for Writ of Habeas Corpus. The only fact the Court could find based on the preliminary hearing transcript, which contains several "inaudible" notations, is that the defendant entered rooms 240 and 241 of the Holiday Inn immediately before the police. This is insufficient to show that the defendant possessed the drugs or drug paraphernalia found therein. Although the confidential informant may or may not be able to connect the defendant to the drugs and paraphernalia in question, there were enough inaudible portions of his testimony that the Court could not conclude the defendant had possession, actual or constructive, of the drugs and paraphernalia found in these rooms.

By The Court,

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Kenneth D. Brown, J.

cc: G. Scott Gardner, Esquire  
Daniel Holmes, Esquire (ADA)