

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. 04-11,015
:
vs. : CRIMINAL
:
WILLIE JOHNSON, : Habeas Corpus
Defendant :

ORDER

AND NOW, this ____ day of July 2004, the Court GRANTS the Defendant's Petition for Habeas Corpus. The Court finds the evidence was insufficient to establish a prima facie case that the Defendant possessed the six, nickel baggies of marijuana with the intent to deliver them.¹

By The Court,

Kenneth D. Brown, P.J.

cc: Nicole Spring, Esquire
Charles Hardaway, Esquire (ADA)
Work file
Gary Weber, Esquire (Lycoming Reporter)

¹ The Court also notes the street value of the drugs and the weight of the drugs are relevant factors in determining whether the drugs were possessed with the intent to deliver them. Defense counsel attempted to elicit this information on cross-examination, but the Commonwealth objected and the district justice sustained the objection. In the future, defense counsel should be permitted to ask questions regarding the value and volume (weight) of the controlled substances.