

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	CR – 1514 - 2014
vs.	:	CRIMINAL DIVISION
	:	
SHARIF COLEMAN,	:	
Defendant	:	MOTION IN LIMINE

ORDER

AND NOW, this 9th day of **November 2016**, it is ORDERED and DIRECTED that Defendant's motion to preclude Trooper Havens as an expert witness filed on May 22, 2015 and argued on November 8, 2016, is DENIED.¹ It appears from the proffer and transcript that there is evidence in this case of packaging material, substantial quantity of drugs, high grade of drugs, substantial amount of cash, behavior of defendant upon being stopped. Such evidence is consistent with the factors Courts have allowed experts to rely upon in opining as to evidence being consistent with intent to deliver as opposed to personal use. *See, e.g., Commonwealth v. Ariondo*, 397 Pa. Super. 364, 580 A.2d 341 (1990), *appeal denied*, 527 Pa. 628, 592 A.2d 1296 (1991)(expert testimony is admissible to prove whether the amount of drugs recovered in the defendant's possession was consistent with an intent to deliver or an intent to posses[s] for personal use). Courts have made clear that intent to deliver may be inferred from the amount and quantity of drugs possessed and the lack of paraphernalia that would be present for personal use. *See, e.g., Commonwealth v. Jones*, 2005 PA Super 166, 874 A.2d 108, 121 (Pa. Super. 2005). Arguments made by the defense go to the weight and credibility of the testimony.

BY THE COURT,

Date: November 9, 2016

Richard A. Gray, J.

cc: DA (AC)
Peter Campana, Esq. (for Defendant)

¹ The ruling was communicated by the Court to Counsel for the Commonwealth and Defense by telephone in the late afternoon of November 8, 2016.