

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CP-41-CR-0000003-2019  
Appellant :  
vs. : CRIMINAL DIVISION  
:   
:   
JU MICHAEL DRUMMOND, :   
: 1925(a) Opinion

**OPINION IN SUPPORT OF ORDER IN  
COMPLIANCE WITH RULE 1925(a) OF  
THE RULES OF APPELLATE PROCEDURE**

This Opinion is written in support of this court’s Order entered on September 23, 2019, in which the court granted the Omnibus Pretrial Motion filed by Ju Michael Drummond. The Commonwealth appealed. The sole issue asserted by the Commonwealth on appeal is that the trial court erred in holding that the police made an illegal entry into the residence and that exigent circumstances did not exist to justify the entry [into] the residence.

The court would rely on its Opinion which accompanied the Order entered on September 23, 2019. Furthermore, to the extent that there is a credibility issue as a result of the differing testimonies of Officer Bell, Officer Gardner, and Ms. Shearer regarding when the officers allegedly smelled the odor of burnt marijuana, the court would find that such an odor was not detected until after the officers entered the residence based on the credible testimony of Ms. Shearer and Officer Gardner.

DATE: \_\_\_\_\_

By The Court,

\_\_\_\_\_  
Marc F. Lovecchio, Judge

cc: Aaron Gallogly, Esquire (ADA)  
Matthew Welickovitch, Esquire  
Work file  
Gary Weber, Esquire (Lycoming Reporter)  
Superior Court (original & 1)