

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH :
 :
 vs. : No. CR-2031-2017
 :
 JAMEIR HINES, :
 :
 Defendant :

OPINION AND ORDER

Defendant is charged by Information filed on January 4, 2018 with one count of criminal homicide and related charges. Defendant filed an omnibus pretrial motion on January 11, 2019. While Defendant’s omnibus pretrial motion contains numerous motions, this Opinion and Order will address only Defendant’s motion to suppress as set forth in Count 1 of his omnibus pretrial motion. A hearing in this matter was held on March 18, 2019.

Defendant seeks to suppress any incriminating statements he made to law enforcement authorities on November 20, 2017. Defendant argues that his statement must be suppressed because he did not knowingly, intelligently and voluntarily waive his Miranda rights and that his statement was not voluntary because his “will was overborne” or his ability to make a determination had been critically impaired. Defendant asserts that his previous mental health diagnosis and being under the influence of controlled substances were determinative in his waiver and statements being deemed involuntary.

At the hearing, the court reviewed a portion of the audio/video recording of Defendant’s interview with Agents Damon Hagan and Trent Peacock of the Williamsport Bureau of Police. The court also heard testimony from Agent Hagan. Following the hearing,

as agreed to by the parties, the court reviewed the entire audio/video recording as well as the transcript of such.

In analyzing Defendant's claims, it is imperative that the court note that the record fails to support any claim by Defendant that he was suffering from any mental health disorder or that he was under the influence of any controlled substances.

The interview lasted from 9:12 p.m. on November 20, 2017 to 12:18 a.m. the following day. While Defendant noted during his interview that his days usually consisted of getting high, smoking weed and probably popping a perc or "something" (Transcript at 7) and admitted to smoking weed when the police apprehended him earlier that day on November 20, 2017 (Transcript at 85), there is not one shred of evidence to support a conclusion that Defendant was under the influence to any extent whatsoever at the time of the interview.

Agent Hagan has years of experience in dealing with individuals impaired by marijuana. During the entire time that he spent with Defendant, including traveling with Defendant back from Philadelphia and then interviewing Defendant, Defendant exhibited no signs of impairment whatsoever. During the interview, Defendant never claimed that he was under the influence of any controlled substance.

Agent Hagan's observations, as well as this court's observations, confirm that Defendant was not impaired by any controlled substance. He was not laughing inappropriately or uncontrollably. He demonstrated no confusion. He demonstrated an ability to maintain a conversation over a period of hours. He did not appear to have any

increase in appetite. He did not lack any energy. He did not appear to be excessively sleepy. He did not appear to lack any motivation. He exhibited no paranoia or sense of panic. His coordination, speech, reaction time and ability to articulate all appeared normal. There was no delay in any reaction time. He had no altered sense of perception. He did not appear to be lethargic. He did not appear to be euphoric. He showed no physical symptoms such as red eyes, dry mouth or coughing.

This court has no hesitation in concluding that Defendant was sober and had full control of his mental and emotional faculties at the time he signed his Miranda waiver and continued to speak with agents.

As to Defendant's supposed mental health diagnosis, he claimed that he was "bipolar schizophrenic" and was previously prescribed Zyprexa and Seroquel. He also claimed, however, that he had not taken the medication in five months.

There was absolutely nothing, however, to indicate that Defendant's emotional or mental abilities were impaired by any mental health diagnosis or deficiency whatsoever. Defendant's conduct, speech, thinking and behavior were all normal.

He did not portray or express any hallucinations or delusions. He did not withdraw. There was no apathy or depression. His speech and thinking were not disorganized. His behavior was not disorganized. He placed no special meaning or abnormal meaning in ordinary events. He expressed no paranoia. He was far from apathetic. He did not demonstrate or express any social withdrawal. He did not lack any emotional expression and there was certainly no fatigue or change in his "social clock." He was

normally sleepy after a long and very difficult day.

As well, during the interview, Defendant provided detailed information and his memory was more specific than one would expect. He was coherent. He could be understood unless he was too quiet or soft-spoken. He was responsive to questions. He did not go off on tangents. Many of the facts that Defendant provided were deemed correct and corroborated by physical evidence or other witness statements. He was alert. He never complained during the interview. He did not make any requests that were refused.

He had an opportunity to eat or drink if he so wanted. He had an opportunity to take any breaks that he wanted. He had an opportunity to refuse to talk. He was never threatened. He was never promised anything except that his cooperation would be noted. His Miranda rights were read to him slowly, deliberately and clearly. He affirmed that he understood them. He affirmed that he wanted to talk without an attorney, he read the written warnings and voluntarily signed them.

In reviewing the totality of the circumstances surrounding the waiver and Defendant's continued interrogation, Defendant's waiver of his Miranda rights was clearly the product of a free and unconstrained choice. He knowingly and voluntarily waived his Miranda rights and was far from too intoxicated to not be able to do so. See *Commonwealth v. Clemons*, 200 A.3d 441, 472-473 (Pa. 2019).

Defendant's waiver of his rights was clearly voluntary. It was Defendant's choice and not the end result of governmental pressure. It was made with full comprehension of both the nature of the right being abandoned and the consequences of that choice.

Commonwealth v. Becker, 192 A.3d 106, 113 (Pa. Super. 2018); *Commonwealth v. Baker*, 201 A.3d 791, 801-802 (Pa. Super. 2018).

ORDER

AND NOW, this ___ day of April 2019, following a hearing and argument, Defendant's motion to suppress is DENIED.

By The Court,

Marc F. Lovecchio, Judge

cc: Kenneth Osokow, Esquire (DA)
Nicole Spring, Esquire (PD)
Gary Weber, Esquire (Lycoming Reporter)
Work File