

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA : No. CR-1053-2018  
:   
vs. : **Opinion and Order Vacating Notice of Intent to**  
: **Dismiss and Granting an Evidentiary Hearing on**  
CORY STEPHON WILLIAMS, : **Defendant's PCRA Petition**  
Defendant :

**OPINION AND ORDER**

By Opinion and Order entered on April 23, 2020, the court notified Petitioner that it intended to dismiss his PCRA petition. The court, however, did permit Petitioner to respond to the proposed dismissal within twenty (20) days. Petitioner submitted a written response, which included numerous exhibits, not previously attached or provided in the original or amended petitions. Petitioner also set forth a far more detailed argument based on the exhibits.

Upon review of the Response and the exhibits, the court will grant Petitioner a hearing. The court concludes that Petitioner's claim is not patently frivolous and that there are material issues of fact that the court will need to decide at an evidentiary hearing.

The Pennsylvania State Police (PSP) charged Petitioner with various drug and related offenses arising out of incidents that occurred on May 7, 2018 and May 18, 2018.

The table of contents lists Petitioner as arrestee #4 and Leonard Dubose as suspect #1 (Exhibit A).

The PSP General Offense Report/Initial Narrative CB#1 dated May 15, 2018 notes that on May 7, 2018, the confidential informant (CI) called suspect #1 at telephone number 570-290-9043 to facilitate a transaction for \$300 of heroin. The CI advised Trooper Dammer that he recognized the voice on the telephone as the same person he had dealt with

in the past. See Exhibit B.

On May 18, 2018, an individual delivered 40 glassine bags of heroin to the CI. Exhibits C through H related to the May 18, 2018 transaction. All of these exhibits list the suspect or target as Leonard Dubose. These exhibits consisted of the following: the lab report (Exhibit C), finding the 40 glassine bags contained heroin and fentanyl; Follow Up Report #7 (Exhibit D), assigning Trooper Michael Giantisco to deliver the envelope containing the 40 glassine bags to the lab; the evidence submission receipt (Exhibit E), showing that Trooper Giantisco hand delivered the envelope to the Wyoming Regional Lab; the property record (Exhibit F), showing that Trooper Dammer submitted heroin in 40 blue glassine bags; a photograph of buy money (Exhibit G) with a handwritten notation of “5/18/2018 570-290-9043 TARGET LEONARD DUBOSE”; and a PRELOG Request For Forensic Analysis (Exhibit H), electronically sent to the Wyoming Regional Lab on May 21, 2018.

Accordingly, the court enters the following order:

**ORDER**

AND NOW, this \_\_\_ day of May, 2020, the court vacates its notice of intent to dismiss the PCRA petition without holding an evidentiary hearing and grants Petitioner an evidentiary hearing. The hearing in this matter is set for **June 2, 2020 at 9:00 o'clock a.m. in Courtroom No. 4** of the Lycoming County Courthouse. The court notes that this is the same date and time as case 973-2018. The court intends to address both cases during the morning of June 2, 2020.

The court reminds Petitioner that he has the burden of proving all three prongs

of an ineffective assistance of counsel claim at the evidentiary hearing.

By The Court,

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Marc F. Lovecchio, Judge

cc: Ryan Gardner, Esquire (DA)  
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MFL/laf