

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CR-1630-2022
	:	
vs.	:	
	:	CRIMINAL DIVISION
JADII CARROLL,	:	
Defendant	:	

OPINION AND ORDER

This matter is before the Court on a Motion for Habeas Corpus filed by the Defendant on February 6, 2023. For the reasons set forth below, the Motion is denied.

Defendant, Jadii Carroll, was charged on October 17, 2022, with Delivery of a Controlled Substance for an incident on February 1, 2022. He was also charged with Delivery of a Controlled Substance and Criminal Use of a Communication Facility for an incident on February 2, 2022, and Delivery of a Controlled Substance for an incident on February 11, 2022. The Defendant's Motion for Habeas Corpus applies only to Count 1, Delivery of a Controlled Substance on February 1, 2022.

The Defendant's Motion for Habeas Corpus alleges that the Commonwealth did not present any evidence at the preliminary hearing to establish that the Defendant delivered drugs, namely cocaine and methamphetamine, on February 1, 2022, as he was seated in his vehicle the entire time the drugs were being delivered in the bathroom of the Sheetz on Maynard Street in Williamsport. When a Defendant chooses to test whether the Commonwealth has sufficient evidence to establish a *prima facie* case that he or she has committed a crime, the proper means is a motion for habeas corpus. *Commonwealth v.*

Dantzler, 135 A.3d 1109, 1112 (Pa. Super. 2016), *citing Carroll*, 936 A.2d at 1152. “To demonstrate that a *prima facie* case exists, the Commonwealth must produce evidence of every material element of the charged offense(s) as well as the defendant's complicity therein” and may do so by utilizing evidence presented at the preliminary hearing as well as submitting additional proof. *Id.*

The Commonwealth submitted the audio recording of the Defendant’s preliminary hearing as Exhibit 1. The Commonwealth called Detective Curtis Loudenslager, a detective with the Lycoming County District Attorney’s Office specially assigned to the Narcotics Enforcement Unit (“NEU”). Detective Loudenslager testified that he was investigating a phone number belonging to a phone known as “Marv.” The person in control of said phone was known to be Demetri Carroll, the brother of the defendant in this action. Detective Loudenslager testified that he took part in arranging a controlled buy with Demetri Carroll for methamphetamines and crack cocaine in February of 2022. Detective Kevin Dent was the undercover detective who actually conducted the face-to-face buy with Demetri Carroll in the bathroom of Sheetz on February 1, 2022. Detective Loudenslager testified that he was part of the surveillance unit on that date, and observed Demetri Carroll leave the Sheetz and enter the passenger side of a white Jeep Cherokee. Detective Loudenslager tailed the white Jeep from the parking lot of Sheetz to Montoursville where it got back on Interstate 180 and travelled westbound back toward Williamsport before the Williamsport Bureau of Police initiated a traffic stop of the vehicle. Detective Loudenslager testified that he observed the Jeep the entire time, and that it made no stops between the time it left the Sheetz parking lot and the time of the traffic stop. He further testified that he listened to radio dispatch between

the County Communication Center and members of the Williamsport Bureau of Police, and that he received photos of both Demetri Carroll's and Jadii Carroll's Pennsylvania IDs. Jadii Carroll was identified as the driver of the Jeep.

The Commonwealth also called Detective Kevin Dent, also a member of the NEU and the undercover officer who conducted the controlled buy in the Maynard Street Sheetz bathroom. Detective Dent testified that he saw Demetri Carroll leave Sheetz and enter passenger side of a white Jeep. He communicated what Demetri was wearing to other members of the NEU who were conducting surveillance. He testified that he did not see Jadii Carroll because he was inside the store doing the face to face buy with Demetri Carroll. In Count 1, Defendant is charged with delivery of a controlled substance, namely cocaine and methamphetamine. Pursuant to 35 P.S. §780-102, "deliver" or "delivery" means the *actual, constructive, or attempted* transfer from one person to another of a controlled substance, other drug, device or cosmetic whether or not there is an agency relationship. While the Commonwealth acknowledges that the Defendant did not participate in the actual or constructive transfer of the controlled substances, it has charged the Defendant in Count 1 under the theory of accomplice liability. A person is an accomplice of another person in the commission of an offense if, with the intent of promoting or facilitating the commission of the offense he (1) solicits such other person to commit it; or (2) aids or agrees or attempts to aid such other person in planning or committing it. 18 Pa.C.S.A. § 306. "The least degree of concert or collusion in the commission of the offense is sufficient to sustain a finding of responsibility as an accomplice." *Commonwealth v. Murphy*, 795 A.2d 1025, 1034 (Pa. Super. 2002).

It is well settled that the preliminary hearing is not a trial and the Commonwealth need not establish Defendant's guilt beyond a reasonable doubt at that stage. *Com. v. McBride*, 595 A.2d 589, 591 (Pa. 1991). Rather, the Commonwealth bears the burden of establishing a *prima facie* case "that a crime has been committed and that the accused is probably the one who committed it." *Id.*; Pa.R.Crim.P. 141(d). Additionally, the weight and credibility of the evidence are not factors for the Court to consider. *Com. v. Marti*, 779 A.2d 1177, 1180 (Pa. Super. 2001); *see also Com. v. Huggins*, 836 A.2d 862, 866 (Pa. 2003) (holding that "[t]he evidence need only be such that, if presented at trial and accepted as true, the judge would be warranted in permitting the case to go to the jury"). "Inferences reasonably drawn from the evidence of record which would support a verdict of guilty are to be given effect, and the evidence must be read in the light most favorable to the Commonwealth's case." *Com. v. Owen*, 580 A.2d 412, 414 (Pa. Super. 1990).

In reviewing a habeas corpus motion, the Court must accept as true the Commonwealth's evidence as well as any reasonable inferences drawn therefrom. Here, the evidence and its reasonable inferences are clear. The Defendant drove Demitri Carroll to the Sheetz on Maynard Street in Williamsport, waited in the vehicle while Demitri Carroll delivered the drugs to the undercover detective, and drove Demitri Carroll from the location of the buy once it was completed. Based on these facts, and accepting all evidence as true, the Commonwealth has established a *prima facie* case acted as an accomplice during the delivery of a controlled substance on February 1, 2022, at the Sheetz in Maynard Street. Accordingly, the Court will enter the following Order:

ORDER

AND NOW, this 21st day of **June, 2023**, for the reasons set forth above, it is
ORDERED and DIRECTED that Defendant's Motion for Habeas Corpus Relief is hereby
DENIED.

By the Court,

Ryan M. Tira, Judge

RMT/ads

CC: DA (M. Welickovitch, Esq.)
PD (H. Gold, Esq.)
Gary Weber, Esq.
Jennifer Linn, Esq.