

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

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CP-41-CR-32-2023
v.	:	
	:	
TRIZ VERNON JEFFRIES,	:	OMNIBUS PRETRIAL
Defendant	:	MOTION

**OPINION AND ORDER**

Triz Jeffries (Defendant) was charged by the Narcotics Enforcement Unit (NEU) on December 2, 2022 with Delivery of a Controlled Substance, marijuana,<sup>1</sup> and Tampering with Physical Evidence<sup>2</sup> arising from a search warrant which was executed on 651 Wildwood Boulevard, City of Williamsport on November 3, 2022. Defendant filed this timely Omnibus Pretrial Motion on March 21, 2023. The motion alleges that the Magisterial District Judge who issued the warrant did not have enough information to find that probable cause existed to issue the warrant. A hearing on the Motion was held on June 13, 2023.

***Background***

On November 3, 2022 the Lycoming County SRT executed a search warrant on “651 Wildwood Boulevard, south side of a double with the number ‘65’ by the front door in the City of Williamsport, Lycoming County.” The warrant identified the owner, occupant or possessor of the residence as Terrence Quattlebaum, and the items to be searched for and seized as “prerecorded money; dark puffy winter coat; black Addidas pants with white stripes and grey hooded sweatshirt; and indicia of occupancy”. The applicable contents of the affidavit of

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<sup>1</sup> 35 P.S. §780-113(a)30.

<sup>2</sup> 18 Pa. C.S.A. §4910(1).

probable cause for the search warrant entered in to evidence as Commonwealth's exhibit #1, were as follows:

CI #22-25 has been cooperating with the NEU since July of 2022. In that time, he/she has conducted 11 successful controlled drug purchases from 9 different people. All of the purchases were conducted while using electronic surveillance equipment capable of audio and video recording/transmitting. The information provided by the CI prior to, during and after the controlled drug purchases was corroborated by undercover police officer observations and electronic surveillance. The CI has also provided information that has led to three separate residential search warrants resulting in arrests and drug and firearm seizures. The CI has always been reliable with his/her information from the onset of his/her cooperation.

On 11/3/22, CI 22-25 contacted me and related that he/she could purchase crack cocaine from a new person, herein after referred to as "unwitting informant". The CI advised that the unwitting informant has to call a B/M who will deliver the crack cocaine to the unwitting at 124 of Brandon Pl. in the city of Williamsport. The CI advised that he/she has been with the unwitting informant in the recent past where they have made two separate crack cocaine purchases from the same B/M. The CI advised that the he/she did not know who the B/M was as he/she had never gotten close enough during the transactions. At my request, the CI advised the unwitting informant that he/she had several hundred dollars cash to purchase crack cocaine. The unwitting informant then made a call and inform the CI that the crack cocaine dealer was on his way to 124 Brandon Pl.

After the unwitting made the call to order the crack cocaine, the CI met with NEU and was strip searched to preclude the existence of contraband and provided with an amount of prerecorded money. The CI was then surveilled back to and entering 124 Brandon Pl. A short time later, the CI called me and advised that the crack cocaine dealer called the unwitting informant and said that they would be there soon. The CI advised that the unwitting informant was on his way outside to meet the crack cocaine dealer. Thirty seconds later, the unwitting informant appeared outside the front of 124 Brandon Pl. and waited. Approximately 10 minutes later a burgundy Ford Taurus, PA reg# LTW 3405, with heavily tinted windows arrived at 124 Brandon Pl. I watched the unwitting informant walk to and enter the passenger side of the Ford Taurus. The Ford Taurus was then surveilled east on Brandon Pl., South on Elizabeth St. and West on Washington Blvd. I watched as the Taurus pulled to the north side of Washington Blvd. where the unwitting informant exited the vehicle and immediately walked northeast toward his/her Brandon Pl. residence. In my 29 years of experience in working drug investigations, I recognize this as "looping, spinning the block" This is where a drug dealer will have a buyer enter his/her vehicle and drive while they conduct the drug transaction. This is done as a way to avoid law enforcement contact. Following the transaction, the unwitting informant was surveilled back to 124 Brandon Pl. Where he/she delivered an amount of crack cocaine to the CI. The CI exited 124 Brandon Pl., met with NEU,

relinquished the crack cocaine and was strip searched. No contraband was found. The CI informed NEU that he/she obtained the crack cocaine from the unwitting informant.

After the unwitting informant exited the Ford Taurus, NEU members surveilled the vehicle, west on Washington Blvd. south on Market Street, west on 7th St., north on Hepburn St., west on High Street, south on Center St., west on Park Ave, south on Locust St., west on Memorial Ave. to 5th Ave. where NEU attempted a traffic stop. The vehicle then fled east on Rafferty Pl., north on 4th Ave. and west on High Street. The vehicle was briefly lost on High Street in the area of Cemetery Street for approximately 30 seconds. A short time later, Det CASCHERA located the Ford Taurus as it parked on Cemetery St. just north of Viking Court. The amount of time that elapsed from the time surveillance was lost to the time that the vehicle was located would have made it virtually impossible for it to have stopped anywhere else prior to Det CASCHERA locating it. When Det CASCHERA observed the Ford Taurus park, a B/M who appeared to be the registered owner: Roland Harris exit the vehicle wearing a dark colored puffy winter coat, gray hooded sweatshirt, black Adidas joggers and walked West on Viking court. Det CASCHERA maintains surveillance on the B/M until he entered the front door of 651 Wildwood Blvd. Surveillance was then maintained on the front and rear of 651 Wildwood Blvd. as well as the burgundy Ford Taurus.

A criminal history check on Roland Harris revealed multiple previous firearm offenses and drug charges out of Philadelphia. Harris is currently on state parole in Philadelphia for firearms offenses. A check of facebook.com of Roland Harris's account. "Rolldog Harris" showed that he is Facebook friends with "Tee Ready" who I know to be Terrence Robinson QUATTLEBAUM. A criminal history check of QUATTLEBAUM revealed multiple previous firearms offenses and drug charges convictions out of Philadelphia and Williamsport. Williamsport PD Spillman system shows QUATTLEBAUM'S address to be 651 Wildwood Blvd. Lycoming County. APO also confirmed that Alfreda DAISE is currently on parole and also resides at 651 Wildwood Blvd. DAISE is on probation for an NEU arrest for delivery of crack cocaine in 2020.

While surveilling 651 Wildwood Blvd. NEU observed QUATTLEBAUM come and go from the residence multiple times.

A short time after Det CASHERA observed the B/M who he believed to be Roland Harris, enter 651 Wildwood Blvd. The CI and unwitting informant received a telephone call where the drug dealing (sic) told them that "some shit happened." and asked the unwitting if he/she knew anything about it.

Based on the above information, I have probable cause to believe that the B/M who appears to be Roland Harris delivered crack cocaine to the CI through the unwitting informant, who paid with prerecorded money, and that following the drug transaction fled from police to 651 Wildwood Blvd. in a burgundy Ford Taurus PA Reg.# LTW 3405 to 651 Wildwood Blvd. Therefore, I respectfully request the authority to search said residence and seize prerecorded money, a dark colored puffy winter coat, Gray hooded sweatshirt and black Adidas pants with white stripes.

As set forth in the affidavit of probable cause supporting the charges, officers ordered the occupants out of the residence and Detective Havens (Havens) saw someone discard a black vinyl bag out of the southern facing rear window of the first floor into the backyard. The police found 12 knotted plastic bags containing marijuana in the vinyl bag. Defendant acknowledged that he was the one who threw the bag out of the window.

The search of the residence revealed a marijuana packing station in the dining room along with a glass smoking bong and torch lighter. In a second-floor western facing bedroom officers found a Planters peanut can containing marijuana in ten (10) knotted sandwich bags along with paraphernalia for packaging and selling next to the bed. In that same room police found clothing and identification belonging to Defendant.

### ***Discussion***

Both the Fourth Amendment of the United States Constitution and Article 1 Section 8 of the Pennsylvania Constitution protect citizens from unreasonable, searches and seizures.

*Commonwealth v. Burgos*, 64 A.3d 641, 648 (Pa. Super. 2013). The Fourth Amendment has a strong preference for searches conducted pursuant to warrants.

*Commonwealth v. Leed*, 186 A.3d 405, 413 (Pa. 2018). Search warrants may only issue upon probable cause and the issuing authority may not consider any evidence outside of the affidavits. Pa. R. Crim. P. 203 (B). The affidavit of probable cause must provide the magistrate with a substantial basis for determining the existence of probable cause. *Leed*, supra (quoting *Illinois v. Gates*, 462 U.S. 213, 239 (1983)).

In order to consider the Defendant's claim that there was insufficient probable cause, the parties agree that the Court must restrict its analysis to the information contained in the

affidavit of probable cause attached to the warrant, or its “four corners.” The Court “must limit [its] inquiry to the information within the four corners of the affidavit submitted in support of probable cause when determining whether the warrant was issued upon probable cause.”

*Commonwealth v. Arthur*, 62 A.3d 424, 432 (Pa. Super. 2013).

“Probable cause exists where the facts and circumstances within the affiant's knowledge and of which he has reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that a search should be conducted.” *Leed*, *supra* (quoting *Commonwealth v. Johnson*, 615 Pa. 354, 42 A.3d 1017, 1031 (2012) (internal quotation marks and citation omitted). The affidavit of probable cause “must provide the magistrate with a substantial basis for determining the existence of probable cause[.]” *Gates*, 462 U.S. at 239, 103 S.Ct. 2317. In a case where the information from a confidential informant (CI) is used as the basis of information to form the totality of circumstances “...the task of the issuing magistrate is simply to make a practical, common-sense decision whether, given **all the circumstances** set forth in the affidavit before him, including the “veracity” and “basis of knowledge” of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place. And the duty of a reviewing court is simply to ensure that the magistrate had a “substantial basis for ... conclud[ing] that probable cause existed.” *Commonwealth v Gray*, 503 A.2d 921, 925 (quoting *Gates, supra* at 238–39, 103 S.Ct. 2317) (emphasis added). It is “not require[d] that the information in a warrant affidavit establish with absolute certainty that the object of the search will be found at the stated location, nor does it demand that the affidavit information preclude all possibility that the sought after article is not secreted in another location.” *Commonwealth v. Forster*, 385 A.2d 416, 437-38 (Pa. Super. 1978). A magistrate must simply find that “there is a

fair probability that contraband or evidence of a crime will be found in a particular place.”

*Commonwealth v. Manuel*, 194 A.3 1076, 1081 (Pa. Super. 2018).

Defendant asserts that the NEU was using one purchase of crack cocaine from Roland Harris, his prior record and the fact that he was on State Parole was not enough to establish probable cause to search a house in which Harris was not living. The Commonwealth argues that a common sense reading of the reading of the events listed in the affidavit which occurred in a very short period of time would be sufficient to seize evidence from Harris once he went inside the house despite the fact that he was not a resident.

The facts the NEU had at the time they applied for a search warrant that a CI had told investigators that s/he could purchase controlled substance from an unwitting person and together they have purchased drugs from a black male on two prior occasions, however the CI had no idea who the black male was. In fact, when the black male was observed by Detective Caschera he could only say that it appeared to be the registered owner of the vehicle, Harris. Harris also was on State Parole and according to the affidavit a history of firearms charges only.

The delivery of crack cocaine occurred from the Taurus vehicle between the driver and the unwitting person in the area of 124 Brandon Place where the CI received the crack from the unwitting. The Taurus was then observed travelling through the city ending up near 651 Wildwood Boulevard. The person believed to be Harris entered a residence, 651 Wildwood Boulevard that according to Williamsport PD records was not occupied by Harris. The residents of Wildwood Boulevard were said to be Quattlebaum and Daise. Daise was on probation for a delivery of crack cocaine from 2020. Quattlebaum had a history of drug and firearms charges out of both Philadelphia and Williamsport.

The court finds that the affidavit sets forth probable cause to search for the prerecorded buy money and the clothing, but not evidence of occupancy. Viewing the assertions in the affidavit of probable cause in a common-sense and nontechnical manner, the CI was strip-searched and was not in possession of controlled substances or money. Detectives from the NEU provided prerecorded buy money to CI who provided the funds to the unwitting informant to purchase crack cocaine. The drug dealer arrived at the unwitting informant's residence. The unwitting informant entered the drug dealer's vehicle, a Ford Taurus registered to Roland Harris, and completed the transaction while "looping/spinning the block." The unwitting informant provided the drugs to the CI who provided them to the NEU detectives. Therefore, there is a fair probability that the driver of the vehicle committed the crime of delivery of a controlled substance.

NEU detectives followed the vehicle. When they tried to conduct a traffic stop of the vehicle, the driver did not stop but instead fled, evidencing consciousness of guilt. Although the detectives lost sight of the vehicle near High and Cemetery Street for about 30 seconds, Detective Cashera located the vehicle as it parked on Cemetery Street. Detective Cashera observed an individual that appeared to be the registered owner, Harris, exit the vehicle wearing a black puffy jacket, a gray hooded sweatshirt, and black Adidas jogging pants. Harris walked to 651 Wildwood Boulevard and entered the residence. The NEU detectives maintained surveillance on both the front and rear of 651 Wildwood Boulevard and they did not see Harris leave the residence. Shortly after Harris entered Wildwood Boulevard, the CI and unwitting informant received a phone call where the drug dealer told them that "some shit happened" and asked if the unwitting informant knew anything about it. The phone call was also evidence of consciousness of guilt. From these facts and circumstances, it is reasonable to

conclude that the driver, who was likely Harris, was the drug dealer and the “shit” that happened was the attempted traffic stop of Harris by NEU detectives. Since Harris was not seen leaving 651 Wildwood Boulevard and most people remove their jacket indoors, there is a fair probability that the clothing would be inside the residence and Harris would still be wearing some but not all of it. Furthermore, since it is likely that Harris was the drug dealer, there is also a fair probability that he took the prerecorded buy money inside the residence with him. It is common-sense that many males carry their money in wallets, money clips and the pockets of their clothing on their person.

When viewed in a common-sense, nontechnical manner through the eyes of a trained law enforcement officer, there was probable cause to believe that the driver was the drug dealer and that the drug dealer was inside 651 Wildwood Boulevard. The clothing of the drug dealer would have evidentiary value. The unwitting informant might be able to identify the drug dealer from the clothing. If the drug dealer was not Harris, but only someone using Harris’ vehicle, the detectives could use the clothing to try to identify the individual through DNA testing. Furthermore, to not violate the occupants’ rights to privacy in their home, it was proper for Detective Havens to obtain a search warrant of 651 Wildwood Boulevard. *See Commonwealth v. Romero*, 133 A.3d 364 (Pa. 2018).

Unfortunately, the court cannot conclude that the affidavit sets forth probable cause to search for indicia of occupancy for the residence. Although the occupants of 651 Wildwood Boulevard may have a history of drug dealing, there is no evidence that they were involved in any drug dealing on this date or any other recent date. The Court is uncertain why the NEU would need indicia of occupancy of 651 Wildwood Boulevard when they already knew who was living there. Although they were not completely certain who the black male operating the



Taurus was, they reasonably believed it was Harris. It appears that they ran the registration of the Taurus to determine it belonged to Harris. That would have given them not only Harris' name but also the registration address. If the address had been 651 Wildwood Boulevard, Detective Havens would have included it in the affidavit as it would have arguably made the probable cause stronger that the clothing and buy money would be located there. It is clear from the affidavit that the detectives believed Harris to be merely a friend of Quattlebaum, who was one of the occupants of the residence. Even if the detectives discovered evidence that Harris was an occupant of 651 Wildwood Boulevard, it would not give them probable cause to search the residence for controlled substances or firearms as drug dealing on the street or in a car does not give rise to probable cause to believe that drug dealing is also occurring out of an individual's residence. *Commonwealth v. Way*, 492 A.2d 1151, 1154 (Pa. Super. 1985); *Commonwealth v. Kline*, 335 A.3d 361, 364 (Pa. Super. 1975)(en banc).

### ***Conclusion***

In order for an affidavit of probable cause supporting a search warrant to be valid it must contain information to establish that there is a fair probability that contraband or evidence of a crime will be found in a particular place. A common sense reading of the affidavit of probable cause establishes a fair probability that contraband or evidence of the crime alleged to have been committed would be contained within the residence, but it does not contain probable cause to search for indicia of occupancy as the detectives did not have any information to believe that Harris/the drug dealer resided at the residence or that the occupants of the residence were in any way involved in the delivery to the CI through the unwitting informant.

**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of November, 2023, for the reasons set forth in the foregoing Opinion, the Defendant's Motion to Suppress is hereby DENIED in part and GRANTED in part. The court suppresses any evidence of indicia of occupancy. In all other respects, the motion is denied.

By the Court,

Nancy L. Butts, President Judge