

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	<b>:</b>	<b>CR-1383-2024</b>
	<b>:</b>	<b>CR-0123-2025</b>
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>ADAM CRAIG,</b>	<b>:</b>	<b>MOTION TO CONSOLIDATE</b>
<b>Defendant</b>	<b>:</b>	

**OPINION AND ORDER**

Adam Craig (Craig) was charged on October 2, 2024 with Possession with the Intent to Deliver a Controlled Substance<sup>1</sup>, and Possession of a Firearm Prohibited<sup>2</sup> under CR-1383-2024. On January 13, 2025, Craig was charged with two counts of Delivery of a Controlled Substance<sup>3</sup>, and two counts of Criminal Use of a Communication Facility<sup>4</sup> under CR-123-2025. These charges arise from two controlled purchases of cocaine that occurred in the area of Campbell Street and Campbell and Grace Streets in the City of Williamsport, Lycoming County, and the subsequent search of Craig's residence. The Commonwealth filed this Motion to Consolidate the two above cases on February 3, 2025. This Court held a hearing on the motion on March 4, 2025.

***Background***

The Court relies solely on arguments of counsel, the motion filed by the Commonwealth and the facts set forth in the two affidavits of probable cause since no testimony was provided at the time of the hearing. In the matter of CR-1383-2024, the basis for the alleged conduct took place on October 2, 2024 when the Commonwealth executed a search

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<sup>1</sup> 35 Pa. C.S. §780-113(a)(30).

<sup>2</sup> 18 Pa. C.S. §6105(a)(1).

<sup>3</sup> 35 Pa. C.S. §780-113(a)(30).

<sup>4</sup> 18 Pa. C.S. §7512(a).

warrant on Craig's residence at 735 West 4<sup>th</sup> Street, Apt 2W, City of Williamsport incorporating the facts from the two controlled purchases from September 2024 using a confidential informant (CI). Prior to the search, investigators knew that Craig had convictions for prior drug deliveries in both Lycoming County, PA and New York State<sup>5</sup> which would make him ineligible to possess a firearm in Pennsylvania.<sup>6</sup>

In the matter of CR-123-2025, the facts alleged supporting the charges filed against Craig occurred on September 20 and September 25, 2024. On the first transaction, the NEU used a CI and arranged for the purchase of 14 grams of cocaine for \$450.00 and Craig agreed to front the CI an extra 7 grams and the CI would pay Craig an extra \$250.00 at a later time. On the second transaction, the NEU used the same CI to purchase an additional quantity of cocaine (approximately 1 ounce) from Craig for \$900.00. One transaction took place in the area of Campbell and Grace Streets and the other in the 700 block of Campbell Street in the City of Williamsport. After the second transaction, Craig was seen returning directly to the residence at 735 W. 4<sup>th</sup> Street.

### ***Discussion***

Under Pennsylvania Rules of Criminal Procedure 582, charges may be consolidated and tried together when, "the evidence of each of the offenses would be admissible in a separate

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<sup>5</sup> Craig allegedly was convicted of a delivery of controlled substance in New York State in 2018. No evidence is available to the court to verify this conviction and identify the grading and maximum sentence.

<sup>6</sup> **(a) Offense defined.--**

(1) A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth.

**(c) Other persons.--**In addition to any person who has been convicted of any offense listed under subsection (b), the following persons shall be subject to the prohibition of subsection (a):..

(2) A person who has been convicted of an offense under the act of April 14, 1972 (P.L. 233, No. 64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, that may be punishable by a term of imprisonment exceeding two years. 18 Pa.C.S.A. § 6105.

trial for the other and is capable of separation by the jury so that there is no danger of confusion; or . . . the offenses charged are based on the same act or transaction.” Pa. R. Crim. P. 582(A)(1); *See also Commonwealth v. Lark*, 543 A.2d 491 (Pa. 1988). Evidence of one offense is admissible at trial for another offense when the evidence is “admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. In a criminal case this evidence is admissible only if the probative value of the evidence outweighs its potential for unfair prejudice.” Pa. R. Evid. 404(b)(2). A common scheme exists when there is the “commission of two or more crimes so related to each other that proof of one tends to prove the others.” *Commonwealth v. Morris*, 425 A.2d 715, 720 (Pa. 1981).

Moreover, the court must also compare the details of each crime for similarities, such as a common victim, location, remoteness in time, and common relationship between the defendant and any victims. *Commonwealth v. Newman*, 598 A.2d 275, 279 (Pa. 1991); *Commonwealth v. O’Brien*, 836 A.2d 966, 969 (Pa. Super. 2003). However, “the importance of a temporal nexus between crimes declines as the similarity of the crimes increases.” *Commonwealth v. Weakley*, 972 A.2d 1182, 1190 (Pa. Super. 2009). A defendant may oppose consolidation “if it appears that any party may be prejudiced by offenses . . . being tried together.” Pa. R. Crim. P. 583; *see also* Pa. R. Crim. P. 582 cmt. (“A party may oppose such a motion either on the ground that the standards in paragraph (A) are not met, or pursuant to Rule 583.”). Nevertheless, “[t]he general policy of the laws is to encourage joinder of offenses and consolidation of indictments when judicial economy can thereby be effected, especially when the result will be to avoid the expensive and time-consuming duplication of evidence.” *Commonwealth v. Patterson*, 546 A.2d 596, 600 (Pa. 1988).

During the hearing on the motion, the Commonwealth argued three bases to support their motion to consolidate: one, that the drug purchases enabled the Commonwealth to obtain the search warrant which resulted in the second set of charges; two, the deliveries were filed second to protect the identity of the CI; and three, that the course of events that the LCNEU took were related to each other. In its written motion the Commonwealth also alleges that the charges are part of the same criminal episode pursuant to the compulsory joinder rule at 18 Pa. C.S.A. §110 and *Commonwealth v. Hude*, 458 A.2d 177, 180 (Pa. 1983) and *Commonwealth v. Rocco*, 544 A.2d 496 (Pa. Super. 1988), and that the evidence of one of the cases is admissible in the trial of the other under Pa.R.E. Rule 404(b). Neither of these issues was argued at the hearing.

Craig, who is represented by different counsel on each case, asserts that consolidation creates a danger of jury confusion and unfairly prejudices Craig and his ability to argue his case. Craig also argues that the prejudice of joining the two cases for trial outweighs any of the probative value of the evidence to the Commonwealth's case. In addition, Defense believes that the addition of the other case offers facts that will confuse the jury in considering the evidence and whether or not the Commonwealth has met its burden of proof. Although not argued by any counsel, the Court believes that whether the Court grants the consolidation or not, the Possession of a Firearm prohibited count contained in 1383-2024 must not be joined, as the evidence required to prove an element of the charge would not be otherwise admissible under 404(b) and would be more prejudicial than probative.

The Court must disagree with the Defense position opposing consolidation for several reasons. First, each controlled buy occurred on a separate day. The jury will be able to differentiate each transaction by date and time and separate the evidence accordingly.

Secondly, the evidence is not being presented for the purpose of trying to show that Craig has a propensity for criminal behavior, but instead demonstrates a common scheme or plan to deliver cocaine. Lastly, the search warrant and the results of said warrant are distinctive from the controlled buys and confusion is unlikely. Similarly, for the reasons stated this Court finds that the probative value of the evidence outweighs any potential prejudice Craig may face.

Furthermore, it appears that judicial economy would be served best by trying all the charges against Craig simultaneously. If not joined, the Commonwealth's presumed witnesses will be nearly identical for each case, primarily the detectives from the LCNEU. The evidence from each charge is relevant to establish a common scheme because it deals with the "commission of two or more crimes so related to each other that proof of one tends to prove the others." *Commonwealth v. Morris*, 425 A.2d 715, 720 (Pa. 1981).

Here, while the incidents occurred on separate dates, they occurred within a two-week window (9/20, 9/25, 10/2), involved the same actor, same drug (cocaine), and same general location in Williamsport. This behavior established a continuous course of drug trafficking behavior and each transaction ends with Craig returning to the same address in both controlled buys (735 W. 4th St). Although not the same act, these facts would appear to support a finding of a "common scheme or plan" under *Commonwealth v. Morris*, 425 A.2d 715 (Pa. 1981).

In addition, the evidence from the search warrant case (cash, cocaine, scale, gun) and evidence from the controlled buys are mutually reinforcing, enabling the Commonwealth to demonstrate Craig's intent, identity, knowledge, and absence of mistake. It would appear that Craig's use of the same location, same drug, and similar conduct in a short span satisfies *Commonwealth v. Lark*, 543 A.2d 491 (Pa. 1988).

On the question of the jury being confused by the joinder of the two cases, the Court believes this is a non-issue. The Court finds that the jury would be capable of separating the offenses. The charges relate to two controlled buys with CIs, and the execution of one search warrant and arrest incident. The jury can reasonably separate each occurrence by date and nature. There is no indication of any overlapping factual confusion to support the Defense argument.

Addressing the issue of judicial economy set forth in Pa. R. Crim. P. 583, the Court finds that judicial economy outweighs any prejudice which may exist. Although Craig argues prejudice due to cumulative drug evidence, that evidence is independently admissible in each case. The October 2 search corroborates the CI's account of Craig as a drug dealer. The controlled buys support the inference that the materials seized on October 2 were possessed with intent to deliver. Each incident independently supports identity, plan, and absence of mistake, thus meeting the standard under Rule 404(b)(2). There also exists a substantial overlap in witnesses (CI, police, forensic labs) and locations which favors consolidation for judicial economy. As explained in *Commonwealth v. Patterson*, 546 A.2d 596 (Pa. 1988), the general policy favors joinder where duplication can be avoided.

However, the firearms charge under 1383-2024 cannot be joined with the other offenses for trial. The crime of Possession of Firearm prohibited requires the Commonwealth to show a previous conviction for a violent crime. Thus, where this charge is brought with others of a similar type, the jury is exposed to the fact that this particular defendant had previously committed a crime. In this case, the prior offense the conviction of which would make him a person not lawfully permitted to possess a firearm is a conviction for one count of Delivery of a

Controlled Substance, an ungraded Felony for which he was sentenced by the Honorable Ryan Tira on November 28, 2022<sup>7</sup> to 18-60 months to be served in state prison.

Normally, in criminal trials evidence of prior crimes committed by a particular defendant is not admissible and any reference to it constitutes reversible error. *Commonwealth v. Martin*, 479 Pa. 63, 387 A.2d 835 (1978). The purpose of this rule is to prevent the conviction of an accused for one crime by the use of evidence that he has committed other unrelated crimes, and to preclude the inference that because he has committed other crimes, he was more likely to commit that crime for which he is being tried. *Commonwealth v. Trowery*, 211 Pa.Super. 171, 173, 235 A.2d 171, 172 (1967). *Commonwealth v. Jones*, 858 A.2d 1198, 1207 (2004). In this case, in order for the Commonwealth to prove a critical element of the crime of Possession of a Firearm Prohibited the Commonwealth would need to present the certified record of Craig's conviction for the charge which disqualifies him. Unfortunately this is the same charge, Delivery of a Controlled Substance, on which he is being tried under one docket number and Possession with the Intent to deliver on the other. As this could lead the jury to render a verdict on the drug charges based on a propensity theory, this is clearly improper. Therefore, Count two of docket number 1383-2024 must be severed for trial.

## **Conclusion**

The Commonwealth's Motion to Consolidate would advance judicial economy, evidence from either case would be permitted at the trial for the other under the rules of evidence, a jury is capable of separating the facts of each charge, and the probative value is not

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<sup>7</sup> Docket number of this case is Lycoming County 1458-2022. Although mentioned in the affidavit of probable cause supporting the criminal complaint in case number 1383-2024, the Court has no specific information about a disqualifying conviction in New York State.

outweighed by any potential prejudice with the exception Possession of a Firearm Prohibited, which must be tried separately. Therefore, the Commonwealth's Motion is granted in part and denied in part.

**ORDER**

**AND NOW**, this 30th day of July, 2025, based upon the foregoing Opinion, the Commonwealth's Motion to Consolidate is **GRANTED in part and DENIED in part**. The cases at docket numbers CR-1383-2024 and CR-123-2025 shall be joined for trial with the exception of count two of 1383-2024. The charge of Possession of a Firearm Prohibited must be severed for trial.

By the Court,

Nancy L. Butts, President Judge

cc: Lindsay Sweeley, Esq. (ADA)  
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