

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

v.

**HAROLD HAKEEM RAINIER,
Defendant**

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CR-1342-2023

**OMNIBUS PRETRIAL
MOTION**

OPINION AND ORDER

Harold Rainier (Rainier) was arrested while the Williamsport Bureau of Police (WBP) and the Lycoming County Narcotics Enforcement Unit (LCNEU) were on joint patrol on October 5, 2023 conducting surveillance in area of Second Street and Maynard Street in Williamsport, Lycoming County, Pennsylvania. This area is a high drug area and law enforcement officers (LEOs) have conducted numerous controlled buys in this area. Officers saw Rainier leave a “known drug house” and enter a gray Kia Forte. WBP Officer Tyson Minier (Minier) and LCNEU Detective Tyson Havens (Havens) stopped the gray Kia Forte. Rainier admitted to the officers that he had a racquetball sized amount of methamphetamine in a small bag in the vehicle. Rainier’s vehicle was towed to impound pending a search warrant which was obtained and the Kia Forte was searched. As result of the search, LCNEU discovered and seized approximately 1 oz. of methamphetamine in a knotted off bag. Rainier was charged with Delivery of a Controlled Substance.¹

Rainier filed an Omnibus Pretrial Motion in which he asserted that his rights were violated due to an unlawful stop of the vehicle, illegal questioning of him, an illegal search warrant obtained, a lack of nexus between the unlawful activity and the vehicle, and

¹ 35 P.S. § 780-113(a)(30).

false/misleading statements in the affidavit of probable cause. A hearing on the Motion was held on September 17, 2024.

Testimony

At the hearing on the motion, the Commonwealth called several witnesses. Detective Robert Anderson (Anderson) testified that he was part of a narcotics investigation of 951 Second Street, Williamsport, Lycoming County. Five separate buys for methamphetamine and crack cocaine and two attempted buys of crack cocaine occurred at that address between February 2023 and October 4, 2023. On October 5, Anderson was present in the area with a confidential informant (CI) and Det. Sarah Edkin was in the area with another CI. They were going to attempt another controlled buy. A dark gray Kia Forte came to the residence and a tall, skinny, black male with dreads exited the vehicle and entered the residence. Five or six minutes later, the black male exited the residence, and re-entered the Kia. One of CI's said it was probably 'Keem'. 'Keem' was described and the CI stated 'Keem' would supply 951 Second Street with drugs. Havens observed the black male exit the residence and told Anderson that it was Rainier. Anderson looked up Rainier and discovered that Hakeem is his middle name. Believing that Rainier was 'Keem', the drug supplier, LEOs followed the Kia to Maynard Street, enter Burger King, go through drive-thru, exit Burger King, and proceed north on Maynard Street, where Minier stopped the vehicle. Anderson obtained a warrant to search the vehicle and found 1 oz. of methamphetamine in a black zipper bag. Anderson sent the suspected methamphetamine to the lab. Anderson identified the Rainier in the courtroom.

On cross-examination, Anderson admitted that no information was relayed that Rainier was seen taking drugs into the residence, conducting a drug transaction or leaving the house with drugs. There were no CIs inside the residence while Rainier was inside it. Although he

had no contact with anyone inside the residence while Rainier was inside, the CI identified Rainier as “Keem” as he went into the residence. The CI relayed that information to Edkin who relayed it to Anderson. The CI and Edkin were near the residence and CI identified Rainier as he entered the residence. The 951 Second Street residence belonged to Cameron Belle. Belle is the father-in-law of Rainier but Anderson did not know that until after the vehicle was stopped. At the conclusion of the investigation and after the warrant for cell phone was obtained, Anderson discovered that Rainier was married to Kaneesha Belle.

Jasmine Aurand (Aurand) testified that she was assisting the LCNEU. On October 5, 2023 she worked with Det. Edkin. She was at Belle’s house on Memorial Ave. She was getting high and had been there several times to get high. “Keem” came to the house several times. She pointed to Rainier as “Keem”. She knew him to supply the house with crack. On October 4, 2023 she saw “Keem” inside residence and deliver drugs. On October 5, “Mike” came to rescue her from the house. Aurand saw “Keem” enter house, pointed to him and said that’s the guy who delivers drug but did not see “Keem” leave the residence. Keem had a book bag when he entered the residence and she immediately relayed that information to Edkin.

On cross, Aurand testified that she did not see him bring drugs in or out of the house that day. She had no conversation about drugs or any transactions that day. On re-direct, she testified that she saw Rainier deliver drugs the day before (Oct. 4). Aurand said that Rainier would meet Belle in the kitchen. She would go and wait for Rainier. Belle would say he’s on his way. There were many people there waiting for drugs, but not on this day (October 5).

The Commonwealth next called Tyson Havens (Havens), a detective with LCNEU who was investigating 951 Second Street. He was assigned to surveillance that day. He testified that he saw the Kia arrive and observed a black male exit the Kia and enter residence. A short time

later, maybe a minute or two, Havens observed a male exit the residence. When he exited, Havens realized then the black male was Rainier because he couldn't see the face of the black male when he entered the residence, just back of his head. However, when he exited the residence Havens saw Rainier's face. Havens testified that he transmitted who he observed over the radio and Anderson ran Rainier thru JNET and put the picture out. Havens testified that Anderson saw that Rainier's middle name was Hakeem. Havens then followed the Kia from 951 Second Street east to Maynard St, South to Burger King. Havens said that the plan was to have a city officer, Minier, stop the vehicle when it left Burger King. Minier stopped the vehicle at the intersection of Maynard Street and First Street. Havens arrived to the location of the stop and assisted Minier with stop. Havens said that there was only one person in vehicle. He didn't remember the hair type of the occupant or whether Rainier had a hat on. He did say that the driver of the vehicle was the person that he saw both enter and exit the property. Rainier had in his possession a black cross draw bag. Rainier identified himself to law enforcement. Rainier did not reside at the Second Street address, but Havens didn't recall where Rainier said he lived. Rainier was asked to step out of vehicle and remove the cross draw bag for officer safety. Rainier laid his bag on the driver's seat. Havens estimated that the stop lasted about 14 minutes. Toward end of the stop, Rainier admitted he had drugs in his bag and that he obtained them inside 951 Second Street. Havens said that Rainier claimed he was being a good Samaritan by taking the drugs to try to clean up the house. Havens did not recall if he asked Rainier for his identification; he already knew who Rainier was. Havens said that the stop of Rainier was on body camera. On cross-examination, Havens stated he was not sure how long he had been surveilling 951 Second Street. He estimated that it was less than hour and more than 2 minutes, probably about 10-15 minutes. Havens acknowledged that he

testified at the preliminary hearing that it was 20 minutes. He also testified at the preliminary hearing that he saw BJ² Adams and Sean Ford go in residence and that they are known drug dealers. Rainier had the cross draw bag on when he went both into and out of the residence. Havens did not see anything that happened inside residence. Havens testified that they had quite a bit of information about the residence, but not on that particular day and time. The information law enforcement had was that this was a drug house. Havens reaffirmed that they had no information about drug transactions at that location on that day. They also felt they had a lot of information about Keem selling to that residence. Havens acknowledged that a lot of people go by name “Keem”; but that he could not recall if he could or couldn’t describe Rainier. Havens said that he saw Rainier’s face and knew who he was. He said that he also had a CI who dating Jasmine and worried about her doing drugs and sent the CI in to get Jasmine out of the house. Jasmine identified Rainier as “Keem”. They knew about the drug transactions day before. Havens did not remember if he was present on October 4 when the transactions happened or if there was any surveillance on residence on that day. No buy was planned for that day (October 5th). Havens believed that Rainier told him at the traffic stop that Cameron Belle was his father-in-law.

Discussion

At the hearing on the suppression, defense counsel argues that the stop of Rainier’s vehicle was illegal and that there was no evidence that it was drug house. Commonwealth argued that LCNEU had reasonable suspicion that a crime occurred or has occurred. LCNEU was able to identify the supplier Keem (Rainier). CI came out, saw “Keem” and identified Rainier as Keem and that he supplied drugs the day before at that location.

² He originally testified that it was EJ Adams but corrected himself.

Was the Stop of Defendant's vehicle lawful

Rainier first asserts that the police lacked reasonable suspicion or probable cause to stop his vehicle.

In order to establish reasonable suspicion, the officer must be able to point to specific and articulable facts and reasonable inferences drawn from those facts that lead the officer to believe that a violation of the Vehicle Code or criminal activity is afoot. *Commonwealth v. Cook*, 558 Pa. 50, 735 A.2d 673, 677 (1999). “In order to determine whether the police had a reasonable suspicion, the totality of the circumstances or the whole picture must be considered. Based upon that whole picture, the detaining officer must have a particularized and objective basis for suspecting the person stopped of criminal activity.” *In the Interest of D.M.*, 566 Pa. 445, 781 A.2d 1161, 1163 (2001) (citation omitted). An officer's belief that criminal activity is afoot, albeit plausible under the circumstances, must be linked with his observation of suspicious or irregular behavior of the particular defendant stopped before he may conduct the stop. *Commonwealth v. Wilson*, 440 Pa.Super. 269, 655 A.2d 557, 561 (1995); *Commonwealth v. Wright*, 448 Pa.Super. 621, 672 A.2d 826, 826 (1996); *Commonwealth v. Tither*, 448 Pa.Super. 436, 671 A.2d 1156, 1158 (1996); *Arch*, 654 A.2d at 1144. Consequently, we have held, on multiple occasions, that even where the circumstances surrounding an individual's conduct suggest ongoing illegality, the individual may not be detained unless his or her personal conduct substantiates involvement in that activity. *See Tither*, 671 A.2d at 1158, *Commonwealth v. Beasley*, 761 A.2d 621, 626 (Pa. Super. 2000).

Here, Havens told Minier to stop Rainier at Burger King. There was no testimony about the reason for the stop, or any observed motor vehicle violation to justify the stop. In *Commonwealth v. Espada*, 528 A.2d 968 (Pa. Super. 1987), the Superior Court held that in

order for a stop, or “seizure,” to be reasonable, and therefore legal under *Terry v. Ohio*, the police officer's reasonable and articulable belief that criminal activity was afoot must be linked with his observation of suspicious or irregular behavior on behalf of the particular defendant stopped. 528 A.2d at 970; *see also Commonwealth v. Martinez*, 588 A.2d 513, 515 (Pa. Super. 1991).

Based on the CI's statement that Rainier had brought drugs to the location in the past, the members of the LCNEU thought that Rainier was bringing drugs to the residence but no testimony was presented to establish what he what he was doing at 951 Second Street on October 5th. It does not appear that Minier had the required reasonable suspicion to stop Rainier. There was no testimony presented that Rainier was operating the vehicle in violation of the motor vehicle code.

It is clear that the sole purpose for the stop of Rainier's vehicle was to investigate him for possible drug activity. The LCNEU made and attempted controlled buys from 951 Second Street. No evidence was presented that any buys were made from Rainier. No evidence was presented that Rainier was selling drugs from his vehicle. Although one of the CIs testified that Rainier supplied the house with drugs on October 4, no evidence was presented regarding the reliability of that CI. In fact, that CI admitted that she was getting high at the residence on day she provided that information and pointed out “Keem” to the LCNEU and another individual came to rescue her from the house. Testimony was presented that there were five buys and two attempted buys from the residence between February 2023 and October 4, 2023 but there was no specificity regarding when each buy or attempted buy occurred or whether the CI who indicated that Rainier supplied drugs to the house was involved in any of the successful controlled buys. *See Commonwealth v. Novak*, 335 A.2d 773, 774 (Pa. Super. 1975)(when

courts are forced to assume when transactions occurred within a given period of time, it must be assumed that the transactions took place in the most remote part of the given time). Absent such evidence, the Court cannot determine the reliability of that CI or the freshness or staleness of the information regarding the successful controlled buys. Furthermore, even if Rainier was supplying the residence on October 5, it would be likely that the drugs would be inside the 951 Second Street residence, and not on Rainier's person or inside his vehicle. Without more to establish that Rainier was engaged in criminal activity on October 5, the vehicle stop was merely a hunch that Rainier was engaged in criminal activity and does not meet the required standard despite the information they had received about Rainier from the days or months prior.

The test [that courts] apply remains an objective one and will not be satisfied by an officer's hunch or unparticularized suspicion. *Commonwealth v. Arch*, 439 Pa.Super. 606, 654 A.2d 1141, 1144 (1995), *Beasley*, 761 A.2d at 626. The LEOs did not have any objective and articulable facts that Rainier was engaged in criminal activity on October 5. Neither the LEOs nor the CIs observed Rainier engaged in any drug transactions or even observed him in possession of drugs prior to the stop of the vehicle. They only had a hunch or unparticularized suspicion. Therefore, the vehicle stop was not lawful.

Under Fourth Amendment jurisprudence, evidence obtained as the result of an unlawful search or seizure must be suppressed regardless of the voluntariness of an individual's consent. *Commonwealth v. Strickler*, 757 A.2d 884, 888-89 (Pa. 2000). Since the police did not have the required reasonable suspicion to establish a lawful justification for the stop of Rainier's vehicle, the fact that Rainier was cooperative with the police and admitted the possession of methamphetamine in his vehicle does not clear the taint caused by the initial stop. Any and all evidence obtained as a result of the stop, including Rainier's statements and finding the

methamphetamine during the subsequent search of his vehicle, is fruit of the poisonous tree. *See Commonwealth v. Shabazz*, 166 A.3d 278 (Pa. 2017)(evidence must be suppressed as fruit of the poisonous tree if it was obtained by exploitation of the illegality and the taint of the illegality has not been purged).

Conclusion

The stop of the Defendant's vehicle on October 5, 2023 was not lawful as the police did not possess sufficient reasonable suspicion to stop the motor vehicle to believe that the Defendant was involved in the commission of a crime. As a consequence, anything taken from the unlawful stop including physical evidence or statements must be suppressed as fruit of the illegal stop.

ORDER

AND NOW, this 27th day of June, 2025 based upon the foregoing Opinion, the Defendant's Motion to Suppress Evidence is hereby **GRANTED**. The stop of Rainer's vehicle was not supported by reasonable suspicion and was unlawful. All of the evidence obtained as a result of the initial stop shall be **SUPPRESSED**.

By the Court,

Nancy L. Butts, President Judge

cc: DA (PY)
Michael Morrone, Esquire
Jerri Rook