

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-186-2023
:
vs. : Opinion and Order re Defendant’s
: Petition for Writ of Habeas Corpus
REGGIE SPENCER, :
Defendant :

OPINION AND ORDER

This matter came before the court on September 19, 2024 for a hearing and argument on the Petition for Writ of Habeas Corpus filed on behalf of Reggie Spencer (“Spencer”).

In case 186-2023, the Commonwealth charged Spencer with two counts of Delivery of a Controlled Substance (cocaine).¹ These charges arise out two transactions that occurred near the Shamrock on November 7, 2022. For the first transaction, undercover officers (UCs) arranged to purchase cocaine from John Best. Best told the UCs to meet him in front of the Shamrock. Spencer was standing outside of the Shamrock. One of the UCs provided Best with \$140 in pre-recorded buy money. Best got out of the vehicle and met with Spencer on the sidewalk. Best and Spencer engaged in a hand-to-hand transaction. The UCs saw Best hand Spencer the buy money. They could not see what Spencer handed Best; however, Best returned to the vehicle, handed cocaine to the UCs, and exited the vehicle.

Detective Tyson Havens was conducting video surveillance of the transaction

¹ 35 P.S. §780-113(a)(30). Spencer is charged with two violations of this statute. There is some confusion whether those charges are two deliveries, a possess with intent to deliver and delivery (as alleged in the Habeas Motion), or a conspiracy to deliver and delivery (as alleged in the criminal complaint). Regardless, the first count relates to the transaction with John Best and the UCs and the second count relates to the delivery to Christina Bradley. The Habeas Petition only addresses the alleged insufficient related to the delivery to Bradley; therefore, this Opinion will only address whether the Commonwealth established a *prima facie* case for that transaction.

between Best and Spencer. While he was doing so, he observed a gray Subaru Legacy circle the block. After Spencer's hand-to-hand transaction with Best, Spencer approached the gray Subaru Legacy and got into the vehicle. Spencer either got into the vehicle and almost immediately exited or he got into the vehicle, it circled the block, and he exited. Detective Havens then followed the gray Subaru Legacy until it stopped at the driver's place of employment. The vehicle did not make any other stops. The driver, and sole occupant, exited the vehicle. Trooper Havens approached the driver of the vehicle (Christina Bradley), identified himself as a police officer, and told her that he suspected she had just been involved in the purchase of drugs. Bradley agreed that she had purchased drugs and turned over to Havens a rock of crack cocaine. She told Havens that she had purchased the cocaine from the guy who got in her vehicle at the Shamrock (Spencer). The items from Best and Bradley field-tested positive for cocaine.

At that point, the police did not know Spencer's name. A few days later, however, Havens saw Spencer in the Shamrock. He and another officer asked him ask for identification. At that point, the individual who delivered the drugs was identified as Spencer.

In his habeas, Spencer contends that the evidence presented at the preliminary hearing was insufficient to establish a *prima facie* case that he delivered cocaine to Bradley. He asserts that the evidence was based solely on hearsay in violation of *Harris* and *McClelland* because the Commonwealth did not call Bradley as a witness at the preliminary hearing. The court cannot agree.

For delivery of a controlled substance as alleged in this case, the Commonwealth must show that Spencer knowingly possessed a controlled substance and transferred it to

another individual. *See* 35 P.S. 780-113(a)(3); *Commonwealth v. Murphy*, 577 Pa. 275, 844 A.2d 1228, 1233-34 (Pa. 2004).

UCs arranged to purchase cocaine from Best. Best directed them to the Shamrock. UCs observed Spencer make a hand-to-hand transaction with Best during which Best provided the pre-recorded buy money to Spencer. Best returned to the vehicle and provided cocaine to the UCs. One of the UCs testified at the preliminary hearing.

Following this transaction, Havens observed Spencer get into Bradley's vehicle for a short period of time and then exit her vehicle. He already knew that Spencer had delivered to Best and, based on the short amount of time that Spencer was in Bradley's vehicle, Havens reasonably believed that Spencer made another delivery to Bradley.

Havens followed Bradley to her place of employment. She did not stop anywhere between the Shamrock and her place of employment. Havens approached Bradley, identified himself as a police officer and told her, based on his observations near the Shamrock, that he believed she made a drug purchase from the person who entered and exited her vehicle. Bradley admitted that she purchased cocaine from the person who entered her vehicle, and she provided the cocaine to Havens. The cocaine field-tested positive.

A few days later, Havens identified the person who entered and exited Bradley's vehicle as Spencer.

Since Havens and the UCs personally observed the hand-to-hand transaction between Spencer and Best and Havens observed Spencer-who he now knew was a drug dealer after his transaction with Best- enter and exit Bradley's vehicle over a short period of time, the evidence to identify Spencer was not based solely on the hearsay statements of Bradley.

Furthermore, Bradley's admissions and provision of the cocaine confirmed what

Havens already believed based on his own observations. Bradley admitted she purchased cocaine from Spencer and turned over the cocaine to Havens.² Havens knew who she purchased the cocaine from based on his own observations of Spencer entering and exiting her vehicle after he delivered cocaine to UCs through Best. He identified Spencer by name a few days later when he saw him in the Shamrock and he or another officer asked him for identification, which was provided.

For the foregoing reasons, the court will deny Spencer's request for habeas corpus petition in case 186-2023.

ORDER

AND NOW, this 22nd day of July 2025, the court **DENIES** Defendant's Petition for Writ of Habeas Corpus.

By The Court,

Nancy L. Butts, President Judge

cc: Jessica Feese, Esquire (ADA)
Matthew Diemer, Esquire
Jerri Rook

NLB/laf

²The court does not know whether Bradley was unavailable as a witness or if the Commonwealth simply elected not to call her at the preliminary hearing. For purposes of this Opinion, the court assumes that Bradley was available. However, if Bradley was unavailable, her statements could be considered statements against her penal interest (she admitted to purchasing and possessing a controlled substance and there was evidence to corroborate her statement) and admissible as an exception to the hearsay rule under Pa. R.E. 804(b)(3). Regardless, even if Bradley's statement is not subject to the exception, the court finds that more than Bradley's statement was admitted to show that a crime likely occurred and Spencer was the person who likely committed it.