

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	:	No. CR-0000174-2024
	:	CR-0000178-2024
v.	:	
	:	CRIMINAL DIVISION
NICHOLAS WILSON-JONES	:	
Defendant.	:	Motion for Post-Trial Relief

OPINION AND ORDER

BACKGROUND

This matter came before the Court on October 20, 2025, for oral argument on Defendant's Motion for Post-Trial Relief, filed August 29, 2025. Simply stated, the Court presided over a jury trial, concluding on June 27, 2025, on two (2) consolidated criminal informations filed to the Court terms and numbers set forth above. In Docket No. 174-2024, Count 1 of the Information charged Nicholas Wilson-Jones (hereinafter "Defendant") with possession of a controlled substance with intent to deliver on January 9, 2024. In Docket No. 178-2024, the Information charged the Defendant with delivery of a controlled substance, cocaine, on October 17, 2023 (Count 1); criminal use of a communication facility (Count 2); delivery of a controlled substance, cocaine, on November 29, 2023 (Count 3); criminal use of a communication facility (Count 4); and delivery of a controlled substance, cocaine, on January 8, 2024 (Count 5).

The jury found Defendant guilty on all Counts in both informations. After receiving the verdict slip, the Court permitted the Commonwealth to introduce evidence to establish that the deliveries were second or subsequent offenses. After additional deliberation, the jury returned a second verdict slip finding, beyond a reasonable doubt, that the four (4) deliveries were second or subsequent offenses. By Order entered August 19, 2025, the Court imposed sentence.

Defendant's Motion for Post-Trial Relief contends that the "verdict was improper as there was insufficient evidence to convict, even reviewing the facts in the light most favorable to the prosecution, in that the videos of the reported incidents did not show the Defendant's face, the Commonwealth's informant witness was shown to be both unreliable and likely to provide false testimony, and there was no physical evidence that definitively linked Mr. Wilson-Jones to the offenses." Further, Defendant contends that "the verdict was against the weight of the evidence in that the videos of the reported incidents did not show the Defendant's face, the

Commonwealth's informant witness was shown to be both unreliable and likely to provide false testimony, and there was no physical evidence that definitively linked Mr. Wilson-Jones to the offenses."

Defendant asserts that "sentencing the Defendant to state incarceration was erroneous where, based on the witness statements provided to the Court, a county prison sentence or probation with restrictive conditions would be more appropriate." Finally, Defendant re-asserts his request for relief pursuant to Pa.R.Crim.P. 600.

LAW AND ANALYSIS

Our Superior Court has articulated the issue presented to a trial court considering post-sentence motions as follows:

In passing upon a post-verdict motion for judgment of acquittal, a trial court is limited to determining the presence or absence "of that quantum of evidence necessary to establish the elements of the crime." *Commonwealth v. Bigelow*, 416 Pa.Super. 449, 452, 611 A.2d 301, 303 (1992). See also: *Commonwealth v. Meadows*, 471 Pa. 201, 205-206, 369 A.2d 1266, 1268 (1977); *Commonwealth v. Yapsuga*, 369 Pa.Super. 336, 339, 535 A.2d 187, 188 (1987). To determine the legal sufficiency of evidence supporting a jury's verdict of guilty, this Court must view the evidence in the light most favorable to the Commonwealth, which has won the verdict, and draw all reasonable inferences in its favor. We then determine whether the evidence is sufficient to permit a jury to determine that each and every element of the crimes charged has been established beyond a reasonable doubt. See: *Commonwealth v. Aulisio*, 514 Pa. 84, 91, 522 A.2d 1075, 1079 (1987). See also: *Commonwealth v. Smith*, 523 Pa. 577, 581, 568 A.2d 600, 602 (1989); *Commonwealth v. Hardcastle*, 519 Pa. 236, 246, 546 A.2d 1101, 1105 (1988), *cert. denied*, 493 U.S. 1093, 110 S.Ct. 1169, 107 L.Ed.2d 1072 (1990). It is the function of the jury to pass upon the credibility of the witnesses and to determine the weight to be accorded the evidence produced. The jury is free to believe all, part or none of the evidence introduced at trial. See: *Commonwealth v. Guest*, 500 Pa. 393, 396, 456 A.2d 1345, 1347 (1983). See also: *Commonwealth v. Rose*, 463 Pa. 264, 268, 344 A.2d 824, 826 (1975); *Commonwealth v. Verdekal*, 351 Pa.Super. 412, 419-420, 506 A.2d 415, 419 (1986). The facts and circumstances established by the Commonwealth "need not be absolutely incompatible with [the] defendant's innocence, but the

question of any doubt is for the jury unless the evidence ‘be so weak and inconclusive that as a matter of law no probability of fact can be drawn from the combined circumstances.’” *Commonwealth v. Sullivan*, 472 Pa. 129, 150, 371 A.2d 468, 478 (1977), quoting *Commonwealth v. Libonati*, 346 Pa. 504, 508, 31 A.2d 95, 97 (1943). See also: *Commonwealth v. Kravitz*, 400 Pa. 198, 215, 161 A.2d 861, 869 (1960), *cert. denied*, 365 U.S. 846, 81 S.Ct. 807, 5 L.Ed.2d 811 (1961).

Commonwealth v. Feathers, 660 A.2d 90, 94-95 (Pa. Super. Ct. 1995) (citing *Commonwealth v. Shoup*, 620 A.2d 15, 16-17 (Pa. Super. Ct. 1993)).

A. *The Commonwealth adduced sufficient evidence at trial to support Defendant’s convictions of the offenses charged.*

Our Superior Court has explained that:

The standard we apply in reviewing the sufficiency of the evidence is whether viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the fact-finder to find every element of the crime beyond a reasonable doubt. In applying the above test, we may not weigh the evidence and substitute our judgment for the fact-finder. In addition, we note that the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances. The Commonwealth may sustain its burden of proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, in applying the above test, the entire record must be evaluated and all evidence actually received must be considered. Finally, the finder of fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.

This standard is equally applicable to cases where the evidence is circumstantial rather than direct so long as the combination of the evidence links the accused to the crime beyond a reasonable doubt. Although a conviction must be based on more than mere suspicion or conjecture, the Commonwealth need not establish guilt to a mathematical certainty.

Commonwealth v. Brockman, 2017 PA Super. 208, 167 A.3d 29, 38 (Pa.Super. 2017), quoting *Commonwealth v. Antidormi*, 84 A.3d 736, 756 (Pa.Super. 2014).

At trial, to support the five (5) counts charged under Docket No. 178-2024, the Commonwealth offered the testimony of the Commonwealth's confidential informant ("CI"), who made three (3) controlled buys of cocaine from Defendant on October 17, 2023, November 29, 2023, and January 8, 2024. The CI testified that: the drug transactions were arranged by telephone in advance; prior to each buy, law enforcement searched the CI and provided CI with "buy money,"; the CI purchased cocaine; and returned the cocaine to the law enforcement officer who promptly conducted a second search of the CI. The CI identified the Defendant as the source of the controlled substance. There was no material issue of fact regarding the nature of the substance purchased by the CI; it was cocaine.

The jury found the testimony of both the CI and law enforcement credible, and found the Defendant guilty of the three (3) counts of delivery and two (2) counts of criminal use of a communication facility charged under Docket No. 178-2024. While there was no camera footage showing the Defendant's face during the transactions, the jury was entitled to accept, and did accept, the direct testimony of the CI and law enforcement.

The single count of possession with intent to deliver a controlled substance, charged under Docket No. 174-2024, was the result of a legal search, by law enforcement, of Defendant's residence at 628 Court Street, Williamsport, Pennsylvania 17701, on January 9, 2024. During the search, law enforcement officers discovered seven (7) grams of crack cocaine, and accompanying drug paraphernalia. At trial, the Commonwealth offered the testimony of law enforcement officers. The jury was certainly entitled to accept, and did accept, the direct testimony of the law enforcement officers regarding the search of Defendant's residence. There was no material issue of fact regarding the nature of the substance; it was cocaine.

B. The weight of the evidence adduced by the Commonwealth supports Defendants' conviction of the offenses charged.

Our Superior Court has explained that:

A motion for new trial on the grounds that the verdict is contrary to the weight of the evidence, concedes that there is sufficient evidence to sustain the verdict. *Commonwealth v. Whiteman*, 336 Pa.Super. 120, 485 A.2d 459 (1984). Thus, the trial court is under no obligation to view the evidence in the light most favorable to the

verdict winner. *Tibbs*, 457 U.S. at 38 n. 11, 102 S.Ct. 2211.³ An allegation that the verdict is against the weight of the evidence is addressed to the discretion of the trial court. *Commonwealth v. Brown*, 538 Pa. 410, 648 A.2d 1177 (1994). A new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion. *Thompson, supra*. A trial judge must do more than reassess the credibility of the witnesses and allege that he would not have assented to the verdict if he were a juror. Trial judges, in reviewing a claim that the verdict is against the weight of the evidence do not sit as the thirteenth juror. Rather, the role of the trial judge is to determine that “notwithstanding all the facts, certain facts are so clearly of greater weight that to ignore them or to give them equal weight with all the facts is to deny justice.” *Id.*

Commonwealth v. Widmer, 560 Pa, 308, 319-20, 744 A.2d 745, 751-52 (Pa.Super. 2000).

With respect to the offenses which are the subject of the two (2) consolidated informations, including, possession of a controlled substance with intent to deliver on January 9, 2024 (Docket No. 174-2024, Count 1); and delivery of a controlled substance, cocaine, on October 17, 2023, criminal use of a communication facility relating to that buy, delivery of a controlled substance, cocaine, on November 29, 2023, criminal use of a communication facility relating to that buy, and delivery of a controlled substance, cocaine, on January 8, 2024 (Docket No. 178-2024, Counts 1 – 5), based upon the trial evidence more fully discussed above, the Court finds that the weight of the evidence supports Defendant’s convictions of all charges.

C. The Sentence Was Not Unlawful

Defendant contends that “sentencing the Defendant to state incarceration was erroneous where, based on the witness statements provided to the Court, a county prison sentence or probation with restrictive conditions would be more appropriate.” While the Defendant is certainly entitled to believe that he is a candidate for probation, the fact remains that he was convicted of multiple counts of delivery of cocaine, which the jury concluded were all second or subsequent offenses. Although the Court chose to run the delivery sentences consecutively to each other, the Court ran the sentences on criminal use of a communication device as concurrently to the deliveries. In the aggregate, the Court sentenced the Defendant to a period of incarceration of not less than thirty-seven (37) months nor more than eighty-six (86)

months, well within the standard range of sentencing for the listed offenses. There is no basis upon which the Defendant can contend that the sentence was an illegal sentence.

D. The Defendant is not entitled to relief pursuant to Pa.R.Crim.P. 600

On June 26, 2025, after the jury was selected, and at the time scheduled for hearing on Defendant's Motion in Limine, filed June 25, 2025, the Court noted that the Defendant had filed an untimely motion pursuant to Pa.R.Crim.P. 600. The Court denied the Motion as untimely, and the matter proceeded to trial. Out of an abundance of caution, the Court conducted an evidentiary hearing on the Rule 600 issue on June 27, 2025. After the hearing, on the same day, the Court entered an Order in which the Court found that "after calculation of excusable delays, including delays as a result of court scheduling, the Rule 600 date would be a date in early 2026." The contents of the Order of June 27, 2025, are incorporated hereby reference.

ORDER

AND NOW, this 6th day of November, 2025, for the reasons more fully set forth above, Defendant's Motion for Post-Trial Relief, filed August 29, 2025, is **DENIED**.

NOTICE PURSUANT TO PA.R.CRIM.P. 720(B)(4)

The Defendant is hereby notified that:

- (a) The Defendant has a right to file a direct appeal from this Order, which must be filed within thirty (30) days of the date of docketing;
- (b) The Defendant has the right to the assistance of counsel in filing the appeal;
- (c) If the Defendant is indigent, the Defendant has the right to appeal without payment of fees or costs, and to obtained assigned counsel at no cost;
- (d) The Defendant has a qualified right to bail pursuant to Pa.R.Crim.P. 521(B).

BY THE COURT:

William P. Carlucci, Judge

cc: Office of the Court Administrator
Office of the District Attorney
Brian Ulmer, Esquire