

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

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| <b>COMMONWEALTH OF PENNSYLVANIA</b> | : | <b>CRIMINAL DIVISION</b> |
|                                     | : | <b>CR-377-2025</b>       |
| <b>v.</b>                           | : | <b>CR-378-2025</b>       |
|                                     | : | <b>CR-563-2025</b>       |
| <b>RASHEED BOND,</b>                | : |                          |
| <b>Defendant</b>                    | : | <b>Omnibus Motion</b>    |

**OPINION**

This matter was before the Court on July 22, 2025, for a hearing on Defendant’s Omnibus Motion filed on May 7, 2025, by and through counsel, Robert Hoffa Esquire. At the hearing, Defendant appeared personally represented by Attorney Hoffa, and Assistant District Attorney Lindsay Sweeley appeared on behalf of the Commonwealth.

Contained in Defendant’s Omnibus Motion are a: (1) Petition for Writ of Habeas Corpus; (2) a Motion for Disclosure of Criminal Charges, Promises of Leniency, and/or Immunity; (3) Motion for Reservation of Right to File Additional Motions; and (4) Motion to Suppress Identification.

By way of agreement, the parties submitted the Preliminary Hearing Transcript for the Court’s consideration of the Petition for Writ of Habeas Corpus. Additionally, the Commonwealth presented Officer Zachary Geary and Detective Michael Caschera to provide supplemental testimony to the challenge to the Commonwealth’s *prima facie* case and issue of identification. Regarding the Motion for Disclosure, the Commonwealth submitted the *Brady* material was completed by the informants, but had not been delivered to Defense counsel. Regarding the Motion for Reservation of Right to File Additional Motions, the Commonwealth did not object to the Defendant being provided an additional thirty (30) days to file any supplemental motions relative to newly received discovery.

At the conclusion of the hearing, the record was left open, per Defendant's request, in the event that new discovery was obtained and new motions needed to be filed. On January 5, 2026, a status conference was held on the instant motions and the record was officially closed. The Court ordered briefs be submitted by both parties. The Defendant was directed to file his brief by February 4, 2026, and the Commonwealth's deadline was March 6, 2026. Both parties timely filed their briefs. With respect to their arguments, both Defendant and the Commonwealth rely primarily on the preliminary hearing transcript. The Commonwealth further relied on the testimony produced at the Omnibus hearing.

### ***Factual and Procedural Background***

By way of further background, the Lycoming County Narcotics Enforcement Unit ("LCNEU") filed criminal charges by way of criminal complaint against Defendant on March 4, 2025. The charges included three counts of Delivery of a Controlled Substance, felony. On or around March 7, 2025, the LCNEU filed criminal charges by way of criminal complaint against the Defendant to include: one count of Possession with Intent to Deliver a Controlled Substance, one count of Delivery of a Controlled Substance, and one count of Tampering with Evidence. A preliminary hearing occurred on March 13, 2025, whereby one count of Delivery of a Controlled Substance was bound over to the Court of Common Pleas, and the remaining two charges were dismissed from the first criminal complaint. This is reflected in the Criminal Information under Docket No. CR-378-2025. All charges were bound over to the Court of Common Pleas from the second criminal complaint. This is reflected in the Criminal Information under Docket No. CR-377-2025.

On April 3, 2025, the LCNEU refiled the two previously dismissed Delivery of a Controlled Substance charges by way of a criminal complaint against Defendant. At the time of the preliminary hearing, Defendant waived his right to a hearing and the charges were

bound over to the Court of Commonwealth Pleas. This is reflected at Docket No. CR-563-2025.

Thus, Defendant is charged as follows:

- (1) At Docket No. CR-563-2025<sup>1</sup>, Defendant is charged with two counts of Delivery of a Controlled Substance for events occurring on February 13, 2025;
- (2) At Docket No. CR-378-2025<sup>2</sup>, Defendant is charged with one count of Delivery of a Controlled Substance for events that occurred on or around February 24, 2025;
- (3) At Docket No. CR-377-2025<sup>3</sup>, Defendant is charged with one count of Possession with Intent to Deliver a Controlled Substance, one count of Tampering with Physical Evidence, and one count of Delivery of a Controlled Substance for events occurring on or around March 5, 2025.

### *Testimony*

At the preliminary hearing on March 13, 2025, the Commonwealth presented Detective Michael Caschera, Detective Kevin Dent, Detective Tyson Havens, and Detective Kurt Loudenslager. At the Omnibus Hearing on July 22, 2025, the Commonwealth presented Detective Michael Caschera and Officer Zachary Geary.

#### **a. LCNEU Controlled Buy that Occurred on February 13, 2025**

Detective Caschera testified that he was working in his capacity as a detective for the Lycoming County Narcotics Enforcement Unit on February 13, 2025. (Preliminary Hearing Transcript, 03/13/2025 at 3). Detective Caschera was participating in a controlled buy for the purchase of narcotics at 425 Freedom Road, Williamsport, Pennsylvania. (N.T. at 4). On February 13, 2025, Detective Caschera was operating undercover, and he contacted an

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<sup>1</sup> By Stipulated Order docketed March 9, 2026, the Court granted the Commonwealth leave to amend the Information for Count One and Count Two to reflect that the offenses are second or subsequent offenses. The Amended Information was docketed on March 10, 2026.

<sup>2</sup> By Stipulated Order docketed March 9, 2026, the Court granted the Commonwealth leave to amend the Information for Count One to reflect that the offense is a second or subsequent offense. The Amended Information was docketed on March 10, 2026.

<sup>3</sup> By Stipulated Order docketed March 9, 2026, the Court granted the Commonwealth leave to amend the Information to reflect that Count One and Count Three are second or subsequent offenses. The Amended Information was docketed on March 10, 2026.

individual by the name of Daryl Erb (“Erb to arrange for the sale and purchase of cocaine. (N.T. at 4). Daryl Erb agreed to the sale and directed Detective Caschera to his residence for the transaction. (N.T. at 4). Detective Caschera presented to Daryl Erb’s residence at 425 Freedom Road, he met with Daryl Erb, and provided him \$350.00 in pre-recorded police funds; and Daryl advised the cocaine was on its way. (Id). Detective Caschera left the property and advised Daryl Erb he would be back for pickup. (N.T. at 5). (Id). Surveillance units maintained the residence. (Id). The surveillance units observed a black Hyundai Tucson arrive in the area of 425 Freedom Road for a short time and then depart prior to Detective Caschera returning. (Id). After Daryl Erb directed Detective Caschera to return and he was on his way back to 425 Freedom Road, he observed the described vehicle depart from the area of the residence. (Id). Detective Caschera observed a black male’s hands gripping the steering wheel. (N.T. at 6). Detective Caschera arrived at 425 Freedom Road, exited his undercover vehicle, and retrieved a distribution bag containing several knotted off baggies containing a substance that later field tested positive as cocaine from Daryl Erb. (Id).

Because the officers were unable to obtain a positive identification of the individual in the black Hyundai Tucson during the course of the first controlled buy, the detectives planned to “roll into another buy.” (N.T. at 6-7). More specifically, when Detective Caschera returned to 425 Freedom Road to retrieve the first product, he told Daryl Erb he needed to purchase another \$100.00 worth of cocaine in an attempt to have the same dealer return to the Erb residence. (N.T. at 7). Accordingly, as soon as the first product was turned over, Detective Caschera made his request of Daryl Erb. (N.T. at 7). Daryl Erb responded that he would have his brother, Dale Erb, “call my guy.” (Id). Daryl Erb invited Detective Caschera into the home, and had Dale Erb call their supplier. (Id). Detective Caschera was present for the call, which was short in duration. (N.T. at 8). Dale Erb communicated to Detective

Caschera that the supplier would be back in seven minutes. (Id). Detective Caschera stated that he had to get the money, and he would be back. (Id). Surveillance was maintained, the surveillance officers observed the same black Hyundai arrive on Freedom Road, surveillance officers observed the vehicle go to 425 Freedom road, and the vehicle immediately left. (Id). Detective Caschera returned to the Erb's residence, and they advised Detective Caschera that the supplier left to get cigarettes, but that he would be right back. (Id). Detective Caschera remained in his undercover vehicle, which was parked in the driveway, and the Erbs stood outside of his vehicle. (N.T. at 9). The \$100.00 was given by Detective Caschera to Daryl Erb who passed the money to Dale Erb. (Id). Detective Caschera observed the same black Hyundai return and park a little north of the residence on Freedom Road. (Id). Dale Erb confirmed that was the supplier and approached, and Detective Caschera observed Dale Erb reach into the front driver window and conduct some sort of hand-to-hand exchange. (Id). Dale Erb returned to Detective Caschera's vehicle as the Hyundai departed from the area. (N.T. at 10). Dale Erb handed Detective Caschera a plastic sandwich bag containing what later field tested positive as cocaine. (Id). With respect to the vehicle that was observed, the detectives did determine that the Tucson was registered to a "Rasheed Bond" residing at 647 Beeber Street. (Id).

Surveillance was maintained on the black Hyundai Tucson after it departed 425 Freedom Road. (N.T. at 11). Detective Kevin Dent testified to maintaining surveillance of the black Hyundai Tucson on February 13, 2025. (N.T. at 39). For the first controlled buy on February 13, 2025, Detective Dent was in his vehicle, and he observed the driver of the black Tucson arrive at 425 Freedom Road, he observed a white male meeting the parked vehicle. (Id). Detective Dent observed the vehicle drive past him upon the completion of the two-minute interaction, and Detective Dent followed the vehicle, obtained the license plate, and

directed Lycoming County Dispatch to run the license plate. (N.T. at 40-41). The vehicle came back as registered to Rasheed Bond. (Id). For the second controlled buy on February 13, 2025, Detective Dent was part of surveillance again. (N.T. at 40). Detective Dent followed the vehicle prior to the second buy, observing the vehicle throughout the city of Williamsport, returning to Freedom Road, then traveling to Puff's in the area of Hepburn Street and Little League Boulevard, and then traveling back to Freedom Road. (N.T. at 40). Detective Dent became aware of the traffic stop that occurred and that it was determined the driver of the vehicle was Rasheed Bond. (N.T. at 41). The vehicle was stopped by officers a few blocks away and Rasheed Bond, Defendant, was identified through his Pennsylvania driver's license as the driver and sole occupant of the vehicle. (Id). Officer Zachary Geary and Sergeant Brian McGee conducted the traffic stop. (Id). The information was relayed to Detective Caschera, and the LCNEU took steps to further investigate the name Rasheed Bond. (N.T. at 12). Detective Caschera searched him through JNet, confirmed his address was the same as the driver's license and the vehicle registration, and saw a photograph of Rasheed Bond. (Id).

At the Omnibus Hearing on July 22, 2025, the Commonwealth presented Officer Zachary Geary and Detective Michael Caschera. Officer Geary, patrol officer with the Williamsport City Police, was working in his capacity as a patrol officer on February 13, 2025, when he was called for assistance by the LCNEU. Officer Geary was advised that a drug delivery would likely be occurring and he was provided with the subject vehicle's information. Officer Geary conducted a traffic stop based on an expired registration on Elmira Street in Williamsport, Pennsylvania. Officer Geary made contact with the driver and sole occupant, Rasheed Bond, whom he identified as the Defendant at the Omnibus hearing. Officer Geary testified on cross-examination that he ran the license plate information

provided before conducting the stop, and that the stop occurred approximately ten to fifteen minutes after the call was made. Officer Geary obtained the driver's license information and issued a verbal warning regarding the registration that expired in December of 2024.

Detective Caschera testified that he relayed the information over police radio about the vehicle that was obtained from the first controlled buy on February 13, 2025. With the intent to identify the driver of the vehicle, Detective Caschera and the surveilling officers had information on the vehicle, observed a hand-to-hand transaction, knew the vehicle from the first controlled buy, and surveilled the vehicle after the second controlled buy and the traffic stop. Detective Caschera testified that the traffic stop occurred minutes after the second controlled buy.

**b. LCNEU Controlled Buy that Occurred on February 24, 2025**

On February 24, 2025, Detective Caschera participated in a successful controlled buy at 425 Freedom Road, Williamsport. (N.T. at 12-13). Prior to making contact with Daryl Erb, the LCNEU established surveillance units at 647 Beeber Street, Williamsport, which was previously determined to be Rasheed Bond's residence. (N.T. at 13). The LCNEU waited to make the call until it was observed that the black Hyundai Tucson was present at the residence. (Id). Once that was determined, Detective Caschera made the call to Daryl Erb who agreed to the sale of cocaine and directed Detective Caschera to Freedom Road. (Id). Detective Caschera arrived at the residence and Dale and Daryl Erb invited him inside because they were waiting for their supplier. (N.T. at 14). Detective Caschera was waiting with the Erbs in the basement of the residence. (Id). After waiting, Detective Caschera asked the Erbs to call their supplier because it was taking a long time. (N.T. at 14-15). Dale Erb made the phone call and advised Detective Caschera that the supplier was on his way, but he had to stop somewhere to cook the powder first. (Id). Approximately fifteen to twenty

minutes later, one of the Erbs received a phone call that someone arrived or was arriving. (Id). Detective Caschera provided Dale with the pre-recorded police funds and Dale exited the residence. (Id). He returned a short time later and handed Detective Caschera a plastic sandwich bag that contained five smaller bags containing a substance that later field tested positive for cocaine. (Id). Detective Caschera observed the packaging to be identical to the first two controlled buy products he received on February 13, 2025, at 425 Freedom Road. (N.T. at 16).

Detective Dent was set up for surveillance on the 647 Beeber Street residence on February 24, 2025. Minutes after the call to Daryl Erb for the cocaine, (Detective Caschera's preliminary hearing testimony at 13), Detective Dent observed Defendant exit 647 Beeber Street, enter the black Hyundai Tucson and travel toward West Fourth Street and Walnut Street. (N.T. at 42). Detective Dent observed Defendant exit the vehicle and enter a house with several apartments, left the apartment, got back in his vehicle, and Detective Dent followed the vehicle until he lost him near the cemetery on Wildwood. (Id). Additionally, on February 24, 2025, Detective Curtis Loudenslager was conducting surveillance for the controlled buy with the information from Detective Caschera that the target of the investigation was Rasheed Bond. (N.T. at 53). Detective Loudenslager was directed by other surveillance units participating in the buy that the suspect, Rasheed Bond, was observed leaving a house on Beeber Street and driving a dark in color Hyundai SUV, and that he had traveled to the 700 block of West Fourth Street, parked the vehicle and exited. (N.T. at 54). Detective Loudenslager was familiar with Rasheed Bond's appearance. (Id). Detective Loudenslager traveled to the area described on West Fourth Street and took a surveillance position. (Id). Detective Loudenslager observed Defendant standing in the front yard of the property, approaching the street. (Id). Detective Loudenslager observed Defendant enter the

driver's side of the vehicle that was described SUV known to the detectives. (Id). Detective Loudenslager surveilled the vehicle to Cemetery Street and was advised the Defendant arrived at 425 Freedom Road. (N.T. at 55). Detective Loudenslager continued south in the area of the intersection of Freedom Road and Grampian Boulevard. (Id).

On February 24, 2025, Detective Tyson Havens with the LCNEU was set up for surveillance on 425 Freedom Road. (N.T. at 47). Detective Havens, who had an open line with Detective Caschera, observed Detective Caschera arrive at the residence and monitored the open line while Detective Caschera was inside the residence. (Id). Detective Havens could hear that Detective Caschera was inside the residence with Daryl and Dale Erb to purchase cocaine. (Id). Detective Caschera gave the Erbs the pre-recorded police funds and departed. (Id). While on surveillance, Detective Havens observed the black Hyundai Tucson arrive at 425 Freedom Road and the driver met with Dale Erb who was waiting in the driveway. (Id). Detective Havens observed Dale Erb reach into the rolled down passenger window and hand something to make an exchange. (Id). Detective Loudenslager was advised that the vehicle was departing after the controlled buy occurred, and Detective Loudenslager tailed the vehicle south on Freedom Road and south on Elmira Street. (Id). Despite Detective Loudenslager taking an unpredicted course, the subject vehicle got positioned behind him and continued to follow him out Lycoming Creek Road. (N.T. at 56).

**c. LCNEU Controlled Buy that Occurred on March 5, 2025**

Detective Caschera was working in his capacity as an investigator for the LCNEU on March 4, 2025, when another successful controlled buy was initiated. (N.T. at 17). On the evening of March 4, 2025, Detective Caschera and three other detectives established surveillance on Defendant's residence, where they observed the same black Hyundai SUV parked in front of 647 Beeber Street. (Id). At this time, the detectives obtained a court order

to place a GPS tracking device on Defendant's vehicle. (Id). The detectives placed the GPS tracking device on the black Hyundai SUV. (Id).

On March 5, 2025, Detective Caschera participated in a controlled buy for the sale and purchase of narcotics at 425 Freedom Road, Williamsport. (N.T. at 17-18). With the tracking device placed, the detectives knew the vehicle was parked at UPMC when they were notified the vehicle was moving and returned to 647 Beeber Street. (N.T. at 18). Once that notification was received, Detective Caschera contacted Daryl Erb to arrange for the purchase of the same product he received on February 24, 2025. (N.T. 18-19). Daryl Erb agreed to the transaction and directed Detective Caschera to present at the residence with the money. (Id). Detective Caschera did as he was directed, went into the residence, and provided the Erbs with the pre-recorded police funds. (N.T. at 19). Detective Caschera left the residence, stating similar reasons as before to the brothers, while surveillance was maintained on 425 Freedom Road. (N.T. at 20). Detective Havens testified that he observed Detective Caschera arrive at the residence, he maintained an open line on this occasion, as well. (N.T. at 49). Detective Havens stated that Detective Caschera provided the Erbs pre-recorded police funds and departed. (Id). After Detective Caschera departed and the subject black Hyundai SUV arrived on Freedom Road, pulled into the driveway briefly, Dale Erb exited the residence as the vehicle pulled into the driveway. (N.T. at 51).

Detective Caschera received a call from Daryl Erb to return to 425 Freedom Road to retrieve the product. (N.T. at 20). Detective Caschera returned and was provided with a plastic sandwich bag containing five individually tied off bags—identical to the previous controlled buy—of a substance that later field tested positive for cocaine. (N.T. at 21). In the interim, Detective Caschera instituted a similar plan to that of February 13, 2025, where he would request to purchase more product when he returned. (N.T. at 22). Accordingly, he did

not immediately return to 425 Freedom Road, rather, he and the surveillance units and Pennsylvania State Police maintained surveillance on Defendant. (N.T. at 22-23). Directly after the buy, the units observed Defendant: (1) travel to the Unimart on Fourth Street and Race Street where he exited the vehicle, entered the store for several minutes, and exited; (2) travel on Lycoming Creek Road to McDonald's where he presumably ordered and was waiting for food; (3) exit the vehicle, enter the restaurant, and return to the vehicle with food; and (4) travel various other places before returning to his residence on Beeber Street. (N.T. at 23). Back at his residence, Defendant approached a surveillance unit, knocked on the vehicle window and asked what they were doing. (Id). After Defendant entered the residence on Beeber Street, Detective Caschera placed a call to Daryl and Dale Erb asking for \$600.00 worth of product expecting to receive seven grams, specifically asking about the supplier from the previous purchases. (N.T. at 25). The brothers returned the call after contacting their supplier and directed Detective Caschera to 425 Freedom Road. (N.T. at 26). Surveillance was maintained on 647 Beeber Street, where Defendant was observed leaving the residence. (Id). Detective Caschera had an anticipatory search warrant for Defendant's vehicle and an arrest warrant for Defendant. (N.T. at 27). The warrants required Defendant to travel onto Freedom Road or onto Northwood Drive in order to be triggered. (Id). A traffic stop was conducted when Defendant drove onto Freedom Road northbound toward 425 Freedom Road. (Id). The stop occurred and Defendant was taken into custody. (Id).

On March 5, 2025, Detective Kevin Dent and Detective Curtis Loudenslager were involved with the above-described controlled buy and were present for the traffic stop and arrest of Defendant. On March 5, 2025, Detective Dent was assigned to a patrol vehicle equipped with lights and sirens and wearing a vest with clear police markings. (N.T. at 43). Detective Dent was tasked with effectuating the traffic stop of Defendant following the

controlled buy when Defendant was on his way back to 425 Freedom Road. (N.T. at 44). Detective Loudenslager participated in the traffic stop and arrest of Rasheed Bond. (N.T. at 57). Detective Loudenslager observed the subject dark in color SUV traveling north on Freedom Road and advised vehicles equipped with emergency lighting as to what was occurring. (Id). The vehicles with emergency lighting pursued the vehicle and initiated the traffic stop. (Id). Detective Loudenslager parked behind the vehicle with the emergency lights activated and assisted with taking Defendant into custody. Defendant exited the car upon being ordered, walked back to Detective Loudenslager's vehicle, and he was handcuffed. (Id). Defendant was searched incident to arrest and a wallet and U.S. currency were located on his person. (N.T. at 58). Detective Loudenslager testified that Detective Fizzano, who participated in the arrest and was in the area, transported Defendant to the Williamsport Police Station as directed by Detective Loudenslager. (N.T. at 58). Defendant remained handcuffed with his hands behind his back for the transportation. (N.T. at 63). Detective Loudenslager then searched the black Hyundai SUV, which was free of any items. (Id).

Detective Loudenslager further testified that on March 7, 2025, the LCNEU was having an after-action review of the incident that occurred with the Defendant's arrest (N.T. at 59) because there was no contraband located on his person during the search incident to arrest nor during the strip search and his personal vehicle was free of any items. (N.T. at 64). Detective Loudenslager then raised that the patrol vehicle that transported Defendant should be searched. (N.T. at 59-60). It was confirmed that the patrol vehicle was not used by any officers nor was any other individual transported in the vehicle since Defendant. (N.T. at 60). Accordingly, Detective Anderson and Detective Loudenslager went to the location where the patrol vehicle was located, looked inside the vehicle, and immediately found cocaine. (Id).

The cocaine was discovered “behind the driver and on the floor behind the driver’s seat, [t]he items then they were wedged between the divide in the car and the front seat section of the patrol vehicle.” (N.T. at 60:10-12). The bags had to be pulled out, and some of the bags of substance made their way under the divide and under the back seat of the driver. (N.T. at 60). Detective Loudenslager testified that Defendant was placed behind the driver’s seat on the day of the arrest. (Id). The substances were seized, and field tested positive for cocaine. (Id). Detective Caschera testified that the substance seized from the back of the patrol vehicle was weighed at approximately 7.17 grams. (N.T. at 66).

#### **I. Defendant’s Motion to Suppress Identification of the Defendant**

In his brief, Defendant asserted that he will rely on the challenges raised to the identification of the Defendant contained in his Motion with respect to docket No. CR563-2025. Additionally, in his brief, Defendant withdrew his motions for suppression of identification with respect to docket nos. CR-377-2025 and CR-378-2025. Defendant asserted that the charges now filed under docket no. CR-563-2025 were dismissed following the preliminary hearing due to the Commonwealth failing to present testimony from the officer who conducted the traffic stop to identify the individual driving the black Hyundai SUV. Defendant further argued that the officer lacked the probable cause necessary to conduct the traffic stop, and thus the identification should be suppressed on that basis. Defendant argued that because Detective Caschera testified that no positive identification was obtained by him in the two controlled buys on February 13, 2025, the charges herein should be dismissed. (Defendant’s Brief at 3). More specifically, Defendant argued that the identification obtained through the traffic stop that occurred on February 13, 2025, happened later in the day and cannot be reliable. (Id). Defendant’s Motion more clearly specified the basis for this argument. Defendant asserted that the charges under Docket No. CR-563-2025

were initially dismissed following the preliminary hearing because the Commonwealth failed to provide testimony regarding the traffic stop and the alleged identification of Defendant following the purported deliveries of cocaine. Defendant further challenged the sufficiency of the probable cause for Officer Geary to conduct the traffic stop on February 13, 2025. Additionally, with respect to all three cases, Defendant argues that the only individuals capable of positively identifying the Defendant as the individual who delivered the cocaine on all three dates in question are the Erb brothers, whose testimony has not been taken to this point. (Id at 4).

The Commonwealth, relying on the preliminary hearing transcript and the supplemental testimony provided at the Omnibus hearing, argued that the officer did have sufficient probable cause to conduct the traffic stop. The Commonwealth argued that Officer Geary's testimony that he was asked by the LCNEU to conduct a traffic stop based on the detectives observations that the driver or occupants of the subject vehicle were involved in criminal activity of a felonious nature which alone satisfies the requirements for a lawful traffic stop. Moreover, the Commonwealth asserted that Officer Geary was authorized to conduct the traffic stop on the basis of the expired registration. Thus, it is the Commonwealth's position that the identification of the Defendant was appropriate based on a lawful traffic stop either or with the combination of the criminal activity witnessed by the detectives or the expired registration.

Both the Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution protect individuals from unreasonable searches and seizures by the government. *Commonwealth v. Sands*, 887 A.2d 261, 268 (Pa. Super. 2005). However, "the Fourth Amendment does not prevent police from stopping and questioning motorists when [an officer] witness[es] or suspect[s] a violation of traffic laws, even if it is a minor

offense.” *Commonwealth v. Chase*, 599 Pa. 960 A.2d 108, 113 (2008) citing *United States v. Booker*, 496 F.3d 717, 721-22 (D.C.Cir.2007).

“A stop of a single vehicle is unreasonable where there is no outward sign the vehicle or the operator are in violation of the Motor Vehicle Code...there must be specific facts justifying this intrusion.” *Commonwealth v. Sands*, 887 A.2d 261, 266 (Pa. Super. 2005) citing *Commonwealth v. Swanger*, 453 Pa. 107, 307 A.2d 875, 878 (1973). “The legal standard of proof required by a police officer when engaging or interacting with a citizen varies depending on whether the citizen has been detained, and if so, the degree of the detention and the circumstances surrounding the interaction.” *Commonwealth v. Cauley*, 10 A.3d, 321, 325 (Pa. Super. 2010). It is necessary for an officer to “articulate specific facts possessed by him, at the time of the questioned stop, which would provide probable cause to believe that the vehicle or the driver was in violation of some provision of the [Motor Vehicle] Code.” *Commonwealth v. Feczko*, 10 A.3d 1285, 1291 (Pa. Super. 2010) citing *Commonwealth v. Gleason*, 785 A.3d 567 Pa. 111, 785 A.2d 983, 989 (2001)(emphasis in original). Moreover:

Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle, upon request or signal, for the purpose of checking the vehicle's registration, proof of financial responsibility, vehicle identification number or engine number or the driver's license, or to secure such other information as the officer may reasonably believe to be necessary to enforce the provisions of this title.

*Commonwealth v. Chase*, 599 Pa. 80, 88 (2008), quoting 75 Pa.C.S. Section 6308(b).

Here, Officer Geary was on patrol in the city of Williamsport when he heard on the Lycoming County Control Center radio that the LCNEU was in need of assistance identifying a driver of a black Hyundai Tucson due to the LCNEU detectives having just completed a controlled buy at 425 Freedom Road. Officer Geary located the vehicle, using

the license plate information provided by the detectives, driving on Elmira Street. Prior to conducting the traffic stop, Officer Geary ran the plate and determined that the registration was expired since December of 2024<sup>4</sup>. Accordingly, the traffic stop based on the expired registration alone was appropriate as a violation of the Motor Vehicle Code. Officer Geary conducted the stop and requested the Defendant's driver's license. Additionally, Officer Geary merely issued a verbal warning for the expired registration. Nonetheless, Officer Geary would have had the probable cause necessary to conduct the traffic stop based on the reports made by the LCNEU detectives because the detectives observed that a crime was committed or being committed, and this information was provided to the patrol units on February 13, 2025, at the time of the stop. Accordingly, the identification of the Defendant on February 13, 2025, was obtained appropriately under the law.

## **II. Standard of Review for a Petition for Writ of Habeas Corpus**

In evaluating a petition for writ of habeas corpus, the court must examine the evidence in a light most favorable to the Commonwealth. *Commonwealth v. Starry*, 196 A.3d 649, 656 (Pa. Super. 2018). The Commonwealth bears the burden of establishing a *prima facie* case “that a crime has been committed and that the accused is probably the one who committed it.” *Id.*; Pa.R.Crim.P. 141(d). “To demonstrate that a *prima facie* case exists, the Commonwealth must produce evidence of every material element of the charged offense(s) as well as the defendant's complicity therein,” *id.*, and may do so by utilizing evidence presented at the preliminary hearing as well as submitting additional proof. *Id.* Weight and credibility of the evidence are not factors for the Court to consider. *Commonwealth v. Marti*, 779 A.2d 1177, 1180 (Pa. Super. 2001); *see also Commonwealth v. Huggins*, 836 A.2d 862,

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<sup>4</sup> Under 75 Pa.C.S. Section 1301(a), “no person shall drive or move and no owner or motor carrier shall knowingly permit to be driven or moved upon any highway any vehicle which is not registered in this Commonwealth unless the vehicle is exempt from registration.”

866 (Pa. 2003) (holding that “[t]he evidence need only be such that, if presented at trial and accepted as true, the judge would be warranted in permitting the case to go to the jury”).

“Inferences reasonably drawn from the evidence of record which would support a verdict of guilty are to be given effect, and the evidence must be read in the light most favorable to the Commonwealth's case.” *Commonwealth v. Owen*, 580 A.2d 412, 414 (Pa. Super. 1990).

### **III. Argument and Analysis Regarding Defendant’s Petition for Writ of Habeas Corpus under all Three Dockets**

#### **a. Defendant’s Petition under Docket No. CR-563-2025**

Defendant challenged the sufficiency of the evidence presented by the Commonwealth to establish a *prima facie* case existed for the events that occurred on February 13, 2025, specifically with respect to the identification of the Defendant as the alleged perpetrator.

The Commonwealth confirmed that the two delivery charges herein were dismissed at the preliminary stage because the Commonwealth did not present the officer who conducted the traffic stop to testify as to the specific identity of the operator of the subject vehicle in the LCNEU’s investigation. (Commonwealth’s Brief at 5). The Commonwealth further argued that the testimony necessary for those two charges to have been bound for court was presented at the Omnibus hearing on July 22, 2025. (Id). This testimony by Officer Zachary Geary asserted that he was directed by the LCNEU to conduct the traffic stop for the purpose of identifying an individual subject to an active investigation by the LCNEU detectives who had just completed one controlled buy. (Id at 5-6). The Commonwealth further relied on the transcript from the preliminary hearing and the testimony presented at the Omnibus hearing in support of its argument that sufficient evidence was presented to establish the identity of the alleged perpetrator for the *prima facie* case for the two delivery charges under Docket Nos. CR-563-2025 and CR-378-2025 to proceed to trial. (Id).

At Docket No. CR-563-2025, Defendant is charged with two counts of Delivery of a Controlled Substance for events occurring on February 13, 2025. Under 35 Pa.C.S. Section 780-113(a)(30), an individual is charged with Delivery of a Controlled Substance when, [e]xcept as authorized by this act, a person manufactures, delivers, or possesses with intent to manufacture or deliver, a controlled substance when that person is not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.

First, the Court has determined that the identification of the Defendant by way of the traffic stop conducted by Officer Geary was lawful. Additionally, the traffic stop did not occur much later in the day, the testimony was that the LCNEU detectives put out a call for the identification of the driver of the black Hyundai Tucson, and Officer Geary conducted the traffic stop approximately fifteen to twenty minutes after the second controlled buy on February 13, 2025. Thus, the remaining issue with respect to this docket is whether the Commonwealth presented sufficient evidence to establish a *prima facie* case that two cocaine deliveries occurred and the Defendant was the most likely individual to have committed the deliveries. The preliminary hearing testimony was thorough in establishing the procedure that was utilized for the deliveries, in that, the Erb brothers were contacted for the sale and worked with Detective Caschera to make the transaction possible. Moreover, surveillance was maintained on the residence for the entirety of the transaction. After Detective Caschera turned over the pre-recorded police funds and one of the Erb brothers met with the driver of the black Hyundai SUV as observed by the detectives conducting surveillance. Detective Caschera arrived almost immediately after and was handed bags of a substance that field-tested positive as cocaine. The defense has put forth no evidence to contradict that he is not licensed under the Act to deliver a controlled substance to another.

**b. Defendant's Petition under Docket No. CR-378-2025**

Under Docket No. CR-378-2025, Defendant is charged with one count of Delivery of a Controlled Substance pursuant to 35 Pa.C.S. Section 780-113(a)(30). As reflected above, the elements of this charge require that the Commonwealth establish a *prima facie* case that a person manufactures, delivers, or possesses with intent to manufacture or deliver, a controlled substance when that person is not registered under this act and except as provided in the act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.

Similar to subsection a of this Opinion, Detective Caschera initiated the controlled buy that occurred on February 24, 2025, by: (1) contacting the Erb brothers for product; (2) presenting at the 425 Freedom Road address; (3) being invited inside to await the Erbs' supplier; (4) received plastic distribution bags containing cocaine in exchange for the pre-recorded police funds; (5) surveillance was maintained outside of the residence for the course of the transaction; (6) the same black Hyundai Tucson appeared; and (7) the vehicle was surveilled back to the Defendant's known address of 647 Beeber Street. Moreover, in this controlled buy, Detective Caschera postponed making the call to set up the transaction until surveillance units were established with eyes on Defendant's known residence. Whereupon, Defendant was surveilled leaving his property shortly after the Erb brothers made the call for a drop off testified to by Detective Dent and Detective Loudenslager. Accordingly, the Commonwealth has satisfied its burden of presenting sufficient evidence that a *prima facie*

case exists to sustain the charge against the Defendant for one count of delivery of a controlled substance for the events on February 24, 2025.

**c. Defendant's Petition under Docket No. CR-377-2025**

Under docket no. CR-377-2025, Defendant is charged with one count of Possession with Intent to Deliver, one count of Tampering with or Fabricating Physical Evidence, and one count of Delivery of a Controlled Substance.

Defendant challenged the Commonwealth's *prima facie* case with respect to all three charges. First, with respect to count two, tampering with or fabricating physical evidence, Defendant argued that the evidence presented thus far is insufficient because (1) he was searched incident to arrest prior to being placed in the patrol vehicle and (2) he was handcuffed behind his back for the transportation. (Defendant's Brief at 4). Defendant asserted that there is no evidence establishing that the Defendant somehow tampered with physical evidence by concealing it or removing it from his person and abandoning it in the back of the patrol vehicle. (Id). Second, Defendant argued that there is no evidence that Defendant possessed the seven (7) grams of cocaine as alleged in count one. (Id).

The Commonwealth, relying on the transcript from the preliminary hearing and the testimony from Detective Loudenslager, argued that Defendant was the only individual in the back the police vehicle prior to the cocaine being discovered on March 7, 2025. (Commonwealth's Brief at 6). Moreover, the cocaine was discovered in the exact area of where the Defendant was seated for the transportation to the Williamsport Bureau of Police precinct. (Id). Thus, it is the Commonwealth's position that there is sufficient evidence to establish a *prima facie* case for count one of the Criminal Information for events occurring on March 5, 2025.

First, under 35 Pa.C.S. Section 780-113(a)(30), an individual is charged with Possession with Intent to Deliver a Controlled Substance when, [e]xcept as authorized by this act, a person manufactures, delivers, or possesses with intent to manufacture or deliver, a controlled substance when that person is not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance.

Here, the testimony supports the Court's finding that there is sufficient evidence for count one to proceed to trial. First, Detective Caschera testified that he specifically placed an order for seven (7) grams of cocaine on March 5, 2025. Additionally, Detective Caschera testified that he provided the funds necessary—\$600.00— to purchase seven grams of cocaine. Moreover, Defendant was arrested prior to making the second delivery on March 5, 2025, and he was searched incident to arrest, his vehicle was searched, and Defendant was later strip searched at the precinct upon intake. All of which rendered no product. However, Detective Loudenslager testified that the cocaine was found in proximity of where the Defendant was sitting in the rear passenger compartment for the transportation post-arrest. Detective Loudenslager's testimony further provided that the LCNEU determined the vehicle was not used subsequent to the Defendant's arrest and transportation. At the conclusion of the preliminary hearing, the Commonwealth recalled Detective Caschera who testified that he was present for the field testing of the product retrieved from the police vehicle. Detective Caschera testified that the substance was packaged in distribution bags identical to his previous buys from the Erb brothers, the product tested positive as cocaine, and the weight of the product was 7.17 grams. Accordingly, the Court finds that the Commonwealth has presented sufficient evidence to establish that a *prima facie* case exists for count one of the Criminal Information under docket No. CR-377-2025.

Second, under 18 Pa.C.S. Section 4910(1), a person is charged with Tampering with or Fabricating Physical Evidence when, the Actor, believing that an official proceeding or investigation was pending or about to be instituted, altered destroyed, concealed, or removed any record, document, or thing with intent to impair its verity or availability in such proceeding or investigation. Defendant is charged with count two due to the discovery of the cocaine in the police vehicle that was concealed in the back of the police cruiser. As explained above, the evidence establishing the charge for Possession with Intent to Deliver is sufficient here, as well. Defendant was on route to deliver seven (7) grams of cocaine to Detective Caschera at 425 Freedom Road in Williamsport. Defendant was apprehended on Freedom Road, and he was searched. However, no product was found. Notwithstanding, the product was later discovered by detectives of the LCNEU to be shoved into crevices of the police vehicle. Given that the testimony established the Defendant was the only individual present in that vicinity of the vehicle prior to the discovery and the amount recovered was the approximate weight ordered by Detective Caschera, the Commonwealth has proffered sufficient evidence to establish its *prima facie* burden. With respect to Defendant's argument that the Defendant was handcuffed behind his back, thus making his disposal and concealment of the cocaine impossible is a question of fact for the jury.

Third, the elements of Delivery of a Controlled Substance have been thoroughly explained in the sections above. Thus, the Court will merely look to the evidence presented. On March 5, 2025, Detective Caschera initiated a controlled buy in the same manner as previously. Here, surveillance was maintained on the Defendant through personal observation of his movements and through the court approved tracking device that was placed on the black Hyundai SUV. As soon as Detective Caschera made the request of the Erb brothers, Defendant's course of action was monitored. Defendant left his home, he was

surveilled to 425 Freedom Road, and surveillance officers established to watch the Erb residence observed the Defendant arrive and meet with one of the Erb brothers. Detective Caschera provided the pre-recorded police funds and in exchange he was given plastic bags containing cocaine. Accordingly, through the testimony provided, the Commonwealth has presented sufficient evidence to establish a *prima facie* case for count three, Delivery of a Controlled Substance.

#### **IV. Motion for Disclosure of Criminal Charges, Promises of Leniency, and/or Immunity**

As of the time of the filing of Defendant's Brief, he asserted that he has still not been provided with the information detailing the criminal charges, promises of leniency and/or immunity for the Erb brothers involved in the controlled buys conducted by the LCNEU. In his Motion, Defendant submitted that the Commonwealth has not alleged that the Erb brothers are confidential informants nor has it been asserted that they were acting as such on the subject dates of the investigations detailed herein. Defendant is entitled to any information about the Erbs pursuant to *Brady* and *Giglio* where the evidence is favorable to the accused and "where the evidence is material either to guilt or to punishment of the accused, irrespective of the good faith or bad faith of the prosecution." *Commonwealth v. Koehler*, 614 Pa. 159, 180, (2012)(quoting *Brady v. Maryland*, 373 U.S. 83 (1963)). Accordingly, the Commonwealth is directed to turnover the discovery as requested by Defendant in a timely manner before the date set certain for trial in this matter.

Based on all of the foregoing, the Court enters the following Order:

**ORDER**

**AND NOW, this 26<sup>th</sup> day of June, 2026**, in consideration of the parties' the testimony, evidence, and arguments and based on the foregoing, Defendant's Omnibus Motion is Disposed of as follows:

1. Defendant's Motion to Suppress Identification under docket no. CR-562-2025 is **DENIED**;
2. Defendant's Motion to Suppress Identification under docket nos. CR-377-2025 and CR-378-2025 is **WITHDRAWN**;
3. Defendant's Petition for Writ of Habeas Corpus with respect to docket nos. CR-563-2025, CR-377-2025, and CR-378-2025 is **DENIED**;
4. Defendant's Motion for Disclosure of Criminal Charges, Promises of Leniency and/or Immunity is **GRANTED**;
5. Defendant's Motion to Reserve the Right to File Additional Motions was **GRANTED** at the Omnibus Hearing.

By the Court,

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Hon. Ryan M. Tira, Judge

RMT/asw

CC: DA; CA

Robert Hoffa, Esquire

Gary Weber, Esquire—*Lycoming Reporter*