

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: NO. CR 263-2025
	:
vs.	: CRIMINAL DIVISION
	:
DIETRICK LAMADE,	:
Defendant	:

OPINION and ORDER

Dietrick Lamade (Defendant) was charged with one count of Possession With Intent to Deliver a Controlled Substance, one count of Possession of Drug Paraphernalia, one count of DUI 3rd Offense, one count of Drive while Suspended with a BAC .02 or Greater, and one count of Careless Driving. The charges arise after a traffic stop was initiated on May 23rd, 2024. As a result, Defendant was charged on August 29th, 2024. Defendant, following his preliminary hearing, held February 11th, 2025, filed an Omnibus Pretrial Motion that included a Petition for Habeas Corpus, Motion to Suppress Based on Illegal Traffic Stop, and a Motion to Suppress because the search warrant of the vehicle was not supported by probable cause.

Background

At the time of the hearing on Defendant's Omnibus Pre-Trial motion the Commonwealth provided the court with the search warrant issued for the vehicle in question, a recording of the preliminary hearing, and called Trooper Matt Patrick at the time of the hearing. Additionally, both parties provided argument to the court.

The facts leading to the pending charges are as follows. Trooper Patrick and Trooper Houser were traveling south on route 15 on the night of May 23rd, 2024. While traveling south A Red Jeep Cherokee passed the marked state police vehicle traveling north. As the Jeep passed the

troopers, Trooper Patrick noticed that the vehicle engaged its breaks. Because of this Trooper Patrick turned into the north bound lane and started to follow the Jeep. While following the Jeep Trooper Patrick ran the registration of the Jeep and it came back registered to a Melinda Lamade. After further inquiry Trooper Patrick found that Defendant resided at the same residence as Melinda Lamade. He also found that the Defendant 's driver's license was DUI suspended. After obtaining a photo of the Defendant through his MDT system Trooper Patrick drove alongside the Jeep and positively identified the Defendant as the driver.

After positively identifying the Defendant, Trooper Patrick initiated a traffic stop. When he approached the vehicle Trooper Patrick detected the strong odor of raw marijuana coming from inside the vehicle. He also noticed that the Defendant had bloodshot and glossy eyes. He asked the Defendant to exit the vehicle at which point he began asking the Defendant questions regarding where he was going and how he knew his passenger. During this questioning the Defendant indicated that he had last ingested marijuana about twenty minutes before the encounter and that he was unaware of any other marijuana in the vehicle. Both the Defendant and passenger did not have their medical marijuana cards.

While Trooper Patrick was speaking with Defendant, Trooper Houser was speaking with the passenger of the vehicle. After some conversation the passenger voluntarily gave the marijuana on his person to the troopers. Trooper Patrick eventually asked Defendant to submit to a sobriety test where the Defendant showed signs of impairment. Trooper Patrick asked for permission to search the vehicle and that was denied by the Defendant.

Ultimately, Trooper Patrick seized the vehicle and transported the Defendant to UPMC Williamsport for further testing. After arriving at UPMC Williamsport Trooper Patrick read

Defendant his Miranda right's and questioned Defendant about the events of that evening.

Defendant told Trooper Patrick that he had lied about how he knew his passenger and where he was coming from that evening.

A search warrant for the vehicle was obtained and executed the following day. After a search of the vehicle a sandwich bag containing 121.5 grams of cocaine was found in a small compartment under the steering wheel. Also found inside the vehicle was a plastic snorting straw, glass cutting surface, and razor blade. At the time of the preliminary hearing the Commonwealth called Trooper Thompson as an expert in narcotics investigation and detection. Trooper Thompson testified that, although the items found were indicative of personal use, the amount of cocaine found was not indicative of personal use but rather for the purposes of distribution.

Discussion

Defendant's first argument is that the Commonwealth failed to meet its prima facia burden for count one Possession with Intent to Deliver (PWID) because the only evidence that would support intent to deliver is the amount of cocaine found in the vehicle.

At a preliminary hearing the Commonwealth "bears the burden of establishing at least a prima facie case that the crime was committed". *Commonwealth v. McBride*, 528 Pa. 153, 591 (Pa. Super. 1991). Further, to prove its burden at this hearing, "the Commonwealth is required to present evidence with regard to each of the material elements of the charge and to establish sufficient probable cause to warrant the belief that the accused committed the offense". *Id.* The evidence presented at the preliminary hearing must be considered in the light most favorable to the Commonwealth. *Commonwealth v. Hilliard*, 172 A.3d 5, 10 (Pa. Super. 2017).

The offense of PWID is defined as follows:

(a) The following acts and the causing thereof within the Commonwealth are hereby prohibited:

....

(30) Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person 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.

35 Pa. C. S. § 780-113(a)(30). To sustain a conviction, “the Commonwealth must prove both the possession of the controlled substance and the intent to deliver the controlled substance.” *Commonwealth v. Smith*, 317 A.3d 1053, 1060 (Pa. Super. 2024). Further, intent to deliver “may be inferred from possession of a large quantity of controlled substances. *Commonwealth v. Bernard*, 218 A.3d 935 (Pa. Super. 2019).

Here the defense is not contesting that the Defendant possessed the cocaine. Looking at the amount of cocaine found coupled with the expert testimony presented at the time of the preliminary hearing the Commonwealth has met its burden as it related to count one of the information.

Defendant’s second argument is that the traffic stop was illegal and all evidence found after the stop should be suppressed. Defense made the argument at the time of the Omnibus Motion hearing that Trooper Patrick was conducting a fishing expedition and someone applying their breaks was not a traffic offense that would allow Trooper Patrick to conduct a traffic stop.

Trooper Patrick testified both at the Omnibus Motion hearing and the preliminary hearing that he identified the Defendant as someone who had a DUI suspended license after he started following the vehicle. Once he pulled the Defendant’s picture he then positively identified Defendant as the driver of the vehicle on the night in question. It was after that positive

identification when Trooper Patrick initiated his traffic stop. He did not pull over the Defendant because he was applying his breaks, rather he pulled over the Defendant because he was driving with a suspended license.

Finally, Defendant argues that there was no probable cause to support a search warrant of the vehicle and therefore all evidence found should be suppressed. Probable cause exists where the facts and circumstances within the affiant's knowledge and of which he has reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that a search should be conducted. *Commonwealth v. Leed*, 646 Pa. 602, 186 A.3d 405, 413 (Pa. 2018). The issuing magistrate must apply the totality of the circumstances test which requires him or her to make a practical, common-sense decision whether, given all of the circumstances set forth in the affidavit, including the veracity and basis of knowledge of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place. *Commonwealth v. (Harve) Johnson*, 615 Pa. 354, 42 A.3d 1017, 1031 (2012). A reviewing court's duty is merely to ensure that the issuing authority had a substantial basis for concluding that probable cause existed. The reviewing court must accord deference to the issuing authority's probable cause determination, and must view the information offered to establish probable cause in a common-sense, non-technical manner. *Commonwealth v. (Lavelle) Johnson*, 240 A.3d 575, 584 (Pa. 2020).

Here, based upon the totality of the circumstances presented to the magistrate in the search warrant affidavit, the issuance of the search warrant was proper. Trooper Patrick writes in his probable cause affidavit that he had pulled over the Defendant and smelled the strong smell of raw marijuana coming from the vehicle. He also noticed the smell of burnt marijuana coming

from the Defendant after he stepped out of the vehicle. When he spoke to the passenger of the vehicle the passenger voluntarily handed over a bag of marijuana that was on his person. Trooper Patrick also states that based upon those facts and his training and experience he believed that there was more marijuana inside the vehicle.

Looking at the totality of the circumstances laid out by Trooper Patrick it is clear to this court that there was a fair probability that more marijuana or further evidence would be found inside the vehicle.

ORDER

AND NOW, this ____ day of **June, 2026**, based upon the above Defendant's Petition for Habeas Corpus and Motions to Suppress are hereby **DENIED**.

BY THE COURT

Ryan C. Gardner, Judge

RCG/kbc

cc: DA (LS)
 PD (GD)
 Gary Weber, Esq.