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IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY
PENNSYLVANIA

COMMONWEALTH,

v.

TIMOTHY EASTER,
Appellant

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No. CR 302-2024

Rule 1925(a) Opinion

FILED
LYCOMING COUNTY
CLERK OF COURTS
PROthonARY
HOLLY L. THOMAS

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**OPINION IN SUPPORT OF ORDER IN
COMPLIANCE WITH RULE 1925(a) OF
THE RULES OF APPELLATE PROCEDURE**

This opinion is written in support of the judgment of sentence dated April 15th, 2026, which became final on August 20th, 2026 when the court denied Appellant's post-sentence motion.

There were two separate trials held in this matter after counts three and four of the information were severed. The first trial, a jury trial, held on counts one, two, and five of the information occurred on January 20th, 2026 where the jury found Appellant guilty of each count. At the time of the first trial Appellant was represented by attorney Krista Deats, Esq. The second trial, a bench trial, held on counts three and four of the information occurred on February 20th, 2026 and Appellant was found guilty of each count. At the second trial, Appellant was represented by attorney Brian Ulmer, Esq. For the purpose of his post sentence motion and for the purpose of this appeal, Appellant is proceeding pro-se with standby counsel Brian Ulmer, Esq.

Appellant filed his notice of appeal on August 26th, 2026 and this court ordered a Concise Statement of Errors Complained of on Appeal. Appellant filed his Concise

Statement on September 8th, 2026. Appellant first filed his matters complained of on appeal on September 22nd, 2026 and later filed an amended matters complained of on appeal on October 8th, 2026. Attached with his amended matters complained of on appeal was a request that the Court disregard the original filing made on September 22nd, 2026 and consider this amended filing for the purposes of this appeal. Appellant raises 18 separate issues on appeal as follows:

1. Whether [Pre-]Trial Court erred, by denying Appellant's pre-trial motion to suppress the firearms [and] controlled substances as fruit of the poisonous tree and in violation of the 4th, 5th, and 14th Amendments to the United States Constitution and Article 1, Section 8, and 9 of the Pennsylvania Constitution?
2. Whether the Trial Court abused its discretion, when it allowed the Commonwealth to admit the evidence of the firearms, that were severed from the PWID trial, and the Defendant had yet to be convicted of possessing said firearms in violation of the 14th Amendment of the United States Constitution and the Pennsylvania Constitution?
3. Did the Trial Court abuse its discretion, in violation of the 5th and 14th Amendments of the United States Constitution and Article 1, Section 10 of the Pennsylvania Constitution, by allowing the Commonwealth to admit into evidence the severed firearms into the PWID trial forcing the trial defendant to stand trial for the same offense twice against 18 Pa. C.S. § 110 and forcing two separate trials on the same known criminal episode[?]
4. Whether the Verdict was, against the weight of the evidence, in light of the fact that there was no direct testimony from [Riley], or the [Confidential Informant], probable cause, nexus, or testimony linking the residence, resident, or Appellant to any criminal activity in violation of the 6th, 14th Amendment and Due Process protections afforded by the Pennsylvania Constitution?
5. Whether the Commonwealth presented sufficient evidence, to support the conviction as there was no direct testimony concerning any transaction between [Riley] and the appellant forcing the Jury to rely or mere speculation and conjecture which is not enough to raise to the level of beyond reasonable doubt[?]
6. Did the Trial Court err, by allowing the entry of evidence that was collected by the illegal execution of a search warrant, when law enforcement failed to comply with the knock and announce doctrine, and the 4th & 14th Amendments of the

United States Constitution, Article 1, Section 8 of the Pennsylvania Constitution, Pa. R.Crim.P. 207 [?]

7. Did the Trial Court Err, by abusing its discretion and allowing a violation of Pennsylvania Rules of Evidence 802 and the Confrontation Clause, of the 6th Amendment of the United States Constitution and Article 1, Section 9 of the Pennsylvania Constitution when it allowed hearsay testimony as 'truth regarding the commission of the crimes alleged upon objection of the defense[?] In violation of Crawford v. Washington, 541 U.S. 36, 124 S. Ct. 1354 (2004)

8. Did the Commonwealth Violate the Confrontation Clause, of the 6th Amendment of the United States Constitution and Article 1, Section 9 of the Pennsylvania Constitution by presenting hearsay testimony not supported by testimony from either the Confidential Informant or Mr. Riley, and by failing to present either person to be cross-examined, by the defense to authenticate statements upon which the Commonwealth relied and upon the defense's objections[?] In violation of Davis v. Washington, 547 U.S. 813 (2006), Commonwealth v. Naider, 327 A.3d 315, Interest Of S.R., 920 A.2d 1268, 1268, and Commonwealth v. Gray 357 A.2d, 560, 573.

9. Did the Trial Court err, by finding the Appellant guilty when no evidence was presented to prove beyond a reasonable doubt that the Appellant possessed or delivered the alleged controlled substance or possessed any firearms in violation of the 5th and 14th Amendments of the United States Constitution and the Pennsylvania Constitution[?]

10. Whether [Pre-] Trial Court erred, in denying Appellants motion to suppress the search warrant when no testimony or evidence was presented to establish probable cause that the Appellant had committed any criminal activity or crime, which violated (Corpus Delicti Rule). Also, in violation of Commonwealth v. Taylor, Franks v. Delaware, the 4th, 14th Amendments of the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution[?]

11. Did the Trial Court err, in finding that the evidence was sufficient to sustain the verdict/conviction, where no evidence was presented to the jury of Appellant's possession of either the controlled substance or the firearms in violation of both the United States Constitution and the Pennsylvania Constitution [?]

12. Whether [Pre-] Trial Court abused its discretion, in denying Appellant's post-sentence motion for a new trial, where the verdict was so contrary to the evidence as to shock the conscience [?]

13. Did the Trial Court err by allowing Counsel to stipulate to the evidence that had a missing chain of custody and without notice to the Appellant, or the

Appellant being colloquized about giving up rights to challenge the sufficiency of the evidence[?]

14. Did the Trial Court err, by allowing only parts of the interrogation/search video that, prejudice the Appellant to be used and not the entire video without establishing whether or not the Appellant was properly issued [his] Miranda Rights in violation of the 5th and 14th Amendments of the United States Constitution and the Pennsylvania Constitution[?]

15. Was trial counsel's inaction so ineffective and egregious, that the Defendant was subjected to constructive denial of adequate and effective counsel, which assisted in the prosecution obtaining a guilty verdict[?]

16. Whether the sentence imposed by the Trial Court, was manifestly excessively unreasonable, and inconsistent with the provisions of the Pennsylvania Sentencing Guidelines, where the sentencing [C]ourt abused its discretion[?]

17. Whether the evidence was insufficient to sustain, the conviction for (Felon Prohibited to Possess a Firearm) and (EWOC), where the Commonwealth failed to prove the Appellant possessed a firearm beyond a reasonable doubt, where testimony was presented by the rightful/lawful owner of the firearms and sole adult occupant of the residence was exercising their 2nd Amendment Rights to keep and bear arms that shall not be infringed [?]

18. Whether the evidence was insufficient to sustain, a conviction for EWOC, where the, Commonwealth failed to present any evidence to the Jury, that the Appellant had endangered the welfare of children and failed to prove all elements beyond a reasonable doubt in violation of the Appellants' due process rights afforded by the United States and Pennsylvania Constitutions [?]

The Court will address each of the following matters complained of on appeal in the numerical order presented. Appellant first argues that the court erred when it denied Appellant pre-trial suppression motion. Former President Nancy Butts issued an order and opinion on June 14th, 2024 denying Appellant's Omnibus Pretrial Motion which included a Suppression Motion. This Court relies on Judge Butts' conclusion that the search warrant was supported by probable cause and any evidence found as a result of the search warrant was properly obtained.

Second, Appellant argues that this Court abused its discretion when it allowed the Commonwealth to admit evidence of the firearms when the counts that charged the Appellant with illegal possession of a firearm were severed for the purposes of trial and thus violated his rights under the United States and Pennsylvania Constitution. During the first trial, Appellant was charged with Possession with intent to distribute, as well as, endangering the welfare of a child. Pursuant to 18 Pa. C. S. A. § 4304 endangering the welfare of a child is defined as, "A parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support." The criminal complaint in this case explains that the Defendant was charged with this offense because he "knowingly, stored, packaged and distributed fentanyl and cocaine in a first-floor common bathroom accessible to all children, along with having an unsecured, loaded firearm in an accessible lower kitchen drawer in the kitchen."

Further, to prove that Appellant was guilty of possession of a firearm illegally, the Commonwealth had to prove that Appellant was convicted of an offense enumerated in subsection (b) of 18 Pa. C. S. A § 6105. Here, counts three and four of the information were severed for the purpose of the first trial because the Commonwealth would need to prove at the time of trial that he was previously convicted of a crime listed in subsection (b).

Evidence presented at the first trial regarding the firearms was limited to the firearms location within the home where they were found and their accessibility to the

children, not whether the Appellant was a person not to possess. Presenting evidence of the firearms at the time of the trial would be proper as it relates to the charge of endangering the welfare of a child.

Next, Appellant argues that the trial court abused its discretion when it allowed evidence of the firearms into the first trial and as a result forced him to stand trial twice for the same offenses. As previously stated, the first trial held was for counts one¹, two², and five³ of the information only. The second trial held was for counts three⁴ and four⁵ only. Appellant only faced trial on counts three and four one time, during the second trial. The jury was not asked to find a verdict on counts three and four and the charges were never listed on the verdict form. Therefore, Appellant was not tried twice for the same offenses.

Next, Appellant argues that the verdict was against the weight of the evidence, presumably for the first trial, because there was no direct testimony from "Riley" or the "Confidential Informant", probable cause, nexus, or testimony linking the residence, resident, or Appellant to any criminal activity.

Although the Commonwealth did not present evidence from "Riley" or the Confidential Informant at the time of trial, when the evidence is viewed in the light most favorable to the verdict winner, there was substantial evidence for the jury to find that every element of the crime or crimes was proven beyond a reasonable doubt. During the

¹ 35 Pa C. S. A. § 780-113(a)(30)

² 35 Pa C. S. A. § 780-113(a)(30)

³ 18 Pa C. S. A. § 6105(a)(1)

⁴ 35 Pa C. S. A. § 6105(a)(1)

⁵ 18 Pa C. S. A. § 4304(a)1)

trial, the Commonwealth called Detective Havens, a member of the Lycoming County Narcotics Enforcement Unit, to testify. Detective Havens stated that the Lycoming County Narcotics Enforcement Unit found fentanyl, cocaine, cutting agent for fentanyl and cocaine, packaging agent, digital scale, cash, and two firearms. (Jan. 20th, 2026 Transcript pg. 21). During Detective Havens' testimony, the Commonwealth presented the body worn camera (BWC) footage of Detective Havens. In the BWC, Appellant is seen and heard telling Detective Havens where the drugs and weapons were located, that the drugs and packaging items were his and that he had handled the firearms. Additionally, Detective Havens testified that the amount of drugs coupled with the paraphernalia, large amount of money and firearms indicate that Appellant possessed the drugs for the purposes of delivering them (*Id.* at 33-34.)

Next, Appellant argues that the court erred by allowing evidence to be admitted at trial that was collected by an illegal search warrant. The court will rely on the detailed opinion of former President Judge Nancy Butts filed on June 14th, 2026 for this issue where Judge Butts concluded that probable cause existed to support the search warrant.

Seventh, this court is uncertain as to what specific testimony and objection to which Appellant is referring when he says the court erred by allowing testimony over objection in violation of the PA rules of evidence and the Confrontation clause. For the purpose of this appeal it is assumed that Appellant is again challenging the validity of the search warrant to enter the home, and as previously indicated, this issue was ruled upon by former President Judge Nancy Butts on June 14th, 2024. Again, this Court will rely on that opinion that found the search warrant to be validly obtained.

Eighth, the court relies on its post sentence motion opinion dated August 20th, 2026 for the purposes of this alleged error. As indicated in the post sentence motion, the confrontation clause is not applicable in this case.

As for issue nine the court once again will rely on its post sentence motion opinion and order dated August 20th, 2026 for the conclusion that there was sufficient evidence presented to sustain a verdict of guilty for the possession with intent to distribute charges contained within the criminal information and as presented to the jury during trial.

Regarding issue ten, Appellant once again argues that the court erred by denying his motion to suppress evidence because of a faulty search warrant. The court relies on former President Judge Nancy Butt's June 14th, 2024 opinion and order that concluded the search warrant was validly obtained.

With regard to issue eleven, Appellant argues that the trial court erred when it found that there was sufficient evidence to sustain the verdict against the Appellant regarding the possession of the firearms or drugs. As explained above, the evidence presented at trial by way of testimony from Detective Havens and through the BWC footage, was sufficient for the fact finder to find Appellant guilty of every element of the crimes beyond a reasonable doubt.

Next Appellant argues that the court abused its discretion when it denied Appellant's post sentence motion where the verdict was so contrary to the evidence as to shock the conscience. "A new trial should be awarded when the jury's verdict is so contrary to the evidence as to shock one's sense of justice and the award of a new trial is

imperative so that right may be given another opportunity to prevail.” *Commonwealth v. Brown*, 538 PA. at 435, 648 A.2d at 1189. Here, the jury’s verdict was supported by the evidence presented at trial. BWC footage presented at the time of trial showed the Defendant admitting that the drugs were his. Additionally, it showed that he admitted his DNA would be found on the firearms located in the home. It also showed that the drugs located in the home were on a sink in the unlocked kitchen bathroom freely accessible to children. Further, Appellant’s DNA was in fact found on the firearms in the home and the firearms were kept in unsecure locations within the home. Additionally, as testified to by Detective Havens the amount of drugs found coupled with the presence of packaging material and a cutting agent was indicative that the Appellant intended to deliver the drugs.

Appellant’s thirteenth error complained on appeal is whether the court erred when it allowed counsel to stipulate to evidence that had a missing chain of custody and without notice to the Appellant or the Appellant being colloquized about giving up his rights to challenge the sufficiency of the evidence. The Court is unaware of what specific evidence to which the Appellant is referring, but on September 16th, 2024 at a pre-trial conference the court addressed in its order that Defense Counsel stipulated to the chain of custody and lab results. It appears that this issue is an ineffectiveness of counsel claim that the court ruled upon in its post sentence motion. In the post sentence motion opinion, this court stated that the claims of ineffective assistance of counsel claims are generally deferred to PCRA review, unless the Appellant can show that he meets one of the exceptions. Appellant does not meet any of the exceptions at the time. This Court will

again rely upon that conclusion for the purpose of this appeal.

Issue fourteen alleged by Appellant is that the Court erred when it allowed only parts of the BWC to be shown at trial and not the entire video without establishing whether or not the Appellant was properly issued his Miranda Rights. Whether or not the Appellant was properly Mirandized is a pretrial question for the Court. The issue was not raised in the pretrial omnibus motion filed on behalf of the Appellant and therefore the issue was not considered and was waived. Again, this issue appears to be an ineffectiveness claim by the Appellant and the court analyzed such claims in its post sentence motion opinion and concluded that Appellant does not meet any of the exceptions to raise an ineffectiveness claim on direct appeal.

Error fifteen is an ineffectiveness of counsel claim by the Appellant. As previously stated ineffectiveness claims by the Appellant were previously ruled on in this court's post sentence motion opinion which found that Appellant does not meet any of the exceptions for an ineffectiveness claim on direct appeal and the court will rely on that opinion for the purpose of this order.

With regard to issue sixteen, Appellant argues that the sentence of the court was excessive, unreasonable, and inconsistent with the Pennsylvania Sentencing Guidelines. Appellant was sentenced to an aggregate sentence of 150 months to 300 months of incarceration. Specifically, for count one, his standard range was 84 to 96 months incarceration and he was sentenced to a minimum of 96 months and a maximum 192 months. With respect to count two, appellant's standard range was 20 to 26 months and he was sentenced to a minimum of 26 months and a maximum of 52 months to run

concurrent with count one. For count three and four Appellant's standard range was 30 to 41 months and he was sentenced to a minimum of 41 months and maximum of 82 months on each count. Count three runs consecutively to the sentence under count one and the sentence under count four runs concurrent to the sentence received under count three. Lastly, regarding count five, the standard range was 7 to 10 months plus or minus three months and he was sentenced to an aggravated sentence of 13 months to 26 months to run consecutive to the sentences received under counts one and three.

"Sentencing is a matter vested in the sound discretion of the sentencing judge, and a sentence will not be disturbed on appeal absent a manifest abuse of discretion. In this context, an abuse of discretion is not shown merely by an error in judgment. Rather, the appellant must establish, by reference to the record, that the sentencing court ignored or misapplied the law, exercised its judgment for reasons of partiality, prejudice, bias or ill will, or arrived at a manifestly unreasonable decision."

Commonwealth v Bowen, 975 2.2d 1120 (Pa. Super. 1009) quoting *Commonwealth v. Rodda*, 723 A.2d 212, 214 (Pa. Super.1999) (en banc) (quotations and citations omitted). "A sentencing court may consider any legal factor in determining that a sentence in the aggravated range should be imposed." *Id.* quoting *Commonwealth v. Stewart*, 867 A.2d 589, 592-93 (Pa.Super.2005) (citing *Commonwealth v. Duffy*, 341 Pa.Super. 217, 491 A.2d 230, 233 (1985)). "In addition, the sentencing judge's statement of reasons on the record must reflect this consideration, and the sentencing judge's decision regarding the aggravation of a sentence will not be disturbed absent a manifest abuse of discretion." *Id.* quoting *Stewart* at 593. Further, it is well established it is within the sound discretion of the sentencing court whether to make sentences consecutive or concurrent under 42 Pa. C. S. § 9721(a). *Commonwealth v. Pass*, 914 A.2d 442, 446-47 (Pa. Super. 2006). Here,

this Court sentenced the Appellant within the standard ranges provided by the Pennsylvania Sentencing Guidelines for counts one through four and acted within its discretion when deciding which sentences to run concurrent and consecutive to one another. As for count five the court explained on the record its reason for the aggravated sentence and why the sentence imposed was appropriate. (Sentencing Transcript pg. 38-39).

Next Appellant alleges that there was insufficient evidence to sustain a conviction for a person not to possess a firearm and endangering the welfare of a child because the rightful owner of the firearms was present and testified that the firearms were owned by her and she was present at the time and sole adult occupant of the home where the search warrant was executed. Again, the evidence presented at both trials was that Mr. Easter was present at the residence and he admitted to the Detectives that he had handled the firearms and Appellants DNA was found on the firearms. As explained in this court's post sentence motion opinion, the Commonwealth can prove that the Defendant was in constructive possession of the firearms and drugs, as well as, joint possession of each. Here, there was sufficient evidence for the jury to concluding that the Appellant had possessed the firearms and drugs.

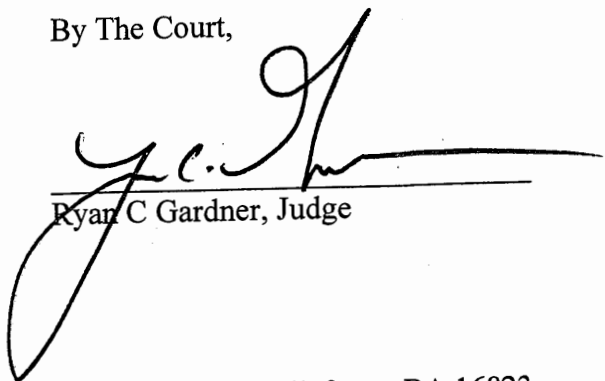
Lastly, Appellant argues that the evidence was insufficient to sustain a conviction for endangering the welfare of a child because the Commonwealth failed to present evidence to the jury to prove all elements of the crime. For a defendant to be found guilty of engendering the welfare of a child, the Commonwealth must prove beyond a reasonable doubt that the defendant violated a duty of care, protection, or support, they

did so knowingly, they were a parent, guardian, person supervising the welfare of the child or a person that employs or supervises such person, and the child was under 18 years of age. 18 Pa. C. S. A. § 4304. Detective Loretta Clark testified on behalf of the Commonwealth during trial, that she made a ChildLine report for the four children found in the home, Mr. Easter was listed as one of the parents of the children and that the children were all under the age of 18. (Jan. 20th, 2026 Trial Transcript pg. 50-51). Additionally, as previously mentioned, Detective Havens testified at trial that drugs were found in the downstairs unlocked bathroom and the two firearms were found within reach of the children and in an unsecure location. When viewing all the evidence in a light most favorable to the Commonwealth, it is clear that there was sufficient evidence for each element of the crime to allow the jury to find the Appellant guilty of endangering the welfare of a child.

Based upon the above this Court respectfully request that the judgement rendered by this court be affirmed.

DATE: 10-26-26

By The Court,


Ryan C Gardner, Judge

cc: DA
Brian Ulmer, Esq.
Timothy Easter – SCI Benner Township 301 Institution Dr., Bellefonte, PA 16823
Inmate #QR-7717
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