

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

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	NO. CR-1075-2024
v.	:	
	:	
ROSEANNA GIRARDI,	:	
Defendant	:	

OPINION

On July 2, 2025, Counsel¹ filed a Motion for Extension of Time for Filing an omnibus motion. On August 5, 2025, the Court granted Defendant’s request for additional time for filing the Omnibus Motion. The Court further noted that an omnibus motion was filed on July 30, 2025 on behalf of Defendant prior to the Court granting the request. The Omnibus Motion was deemed timely and accepted by the Court per the Order dated August 5, 2025.

This matter was before the Court on October 21, 2025, for a hearing and argument on Defendant’s Omnibus Pretrial Motion filed on July 30, 2025, by counsel, Richard Dixon, Esquire, on behalf of Defendant. At the hearing on the Motion, Defendant appeared personally represented by Richard Dixon, Esquire. Assistant District Attorney Lindsay Sweeley appeared on behalf of the Commonwealth.

Procedural Background

Defendant is charged with one count of Delivery of a Controlled Substance under 35 Pa.C.S. Section 780-113(a)(30), felony, and one count of Possession with Intent to Deliver under 35 Pa.C.S. Section 780-113(a)(30), felony. Defendant waived her preliminary hearing on August 7, 2024. On August 28, 2024, Defendant, by and through counsel, waived her

¹ Defendant was formally charged by way of the filing of the Criminal Complaint on August 8, 2024. Defendant was represented by Michael Morrone, Esquire, from the inception of the case until May 2, 2025, whereupon Attorney Morrone filed a Motion for Leave to Withdraw Representation. On June 3, 2025, Attorney Dixon entered his appearance on behalf of Defendant.

arraignment and was placed on the guilty plea list. Defendant's scheduled guilty plea proceeding was continued through a series of requests due to ongoing negotiations and a pending application for treatment court. Defendant posted bail on March 17, 2025. Defendant was placed on the trial list on May 22, 2025. The subject Motion followed.

Factual Background

The allegations allege that on or around July 30, 2024, law enforcement officers conducted an investigation at the address where Defendant maintains her Recreational Vehicle (RV) with co-defendant, Kenneth Kreger, based on an earlier investigation into an allegation of drug activity at 10 Mountain View Drive. On July 30, 2024, detectives from the Lycoming County Narcotics Enforcement Unit conducted a controlled buy at Defendant's property utilizing a confidential informant (CI). The CI met with Defendant and her co-defendant in the RV at 10 Mountain Drive. The CI asked to purchase fentanyl and Defendant provided the CI with two bags of fentanyl. Defendant informed the CI that she needed to enter the house on the property to retrieve more fentanyl. The CI accompanied Defendant inside of the residence into a room on the second floor. In the room, Defendant removed a scale and an amount of fentanyl from a drawer in the room. Defendant weighed the fentanyl and packaged it for the CI. The CI and Defendant then returned to the RV where Kreger was still present. The CI provided Defendant with the pre-recorded police funds and returned to the detectives from the narcotics enforcement unit. Following the return of the CI to the detectives, the detectives responded to the property and arrested Defendant and Kreger without a warrant. Defendant was searched incident to arrest and the detectives recovered a belt from Defendant's body that was subsequently searched and yielded small amounts of controlled substances. Defendant was read her *Miranda* Warnings. Defendant stated that she

“has to speak to her lawyer.” Detective Havens relayed Defendant’s invocation to the other detectives.

The Commonwealth submitted Commonwealth’s Exhibit No. 1, Body Camera Footage of Detective Havens depicting the interaction between Defendant and the detectives on the date of the arrest. Without objection, the exhibit was admitted to the record.

The Omnibus Motion contains a Motion for Formal Discovery, a Motion to Preclude Evidence not Discovered, a Motion in Limine seeking to have precluded at trial any statements or admissions or confessions made by Defendant after she invoked her right to counsel, a Motion to Suppress statements and physical evidence obtained therefrom as the fruits of an unconstitutional custodial interrogation.

A. Defendant’s Motion to Compel Discovery

In her Motion for Discovery, Defendant requested copies of the lab and forensic results, the trial file from the lab (quality control/assurance), the chain of custody documents, interviews with Defendant and other witnesses, the criminal history of the witness, and the controlled buy surveillance videos, body camera footage of the controlled buy, and all discovery related to the controlled buy, including identification information about the CI. Defendant further requested all expert reports and qualifications of all experts the Commonwealth intends to call at trial. At the hearing on the Motion, it was determined that the (1) lab results were turned over in discovery; (2) the trial file from the lab was requested from the lab, but not yet received; (3) Defendant received the *Brady* information regarding the CI; (4) Defendant was still waiting for the CI’s debrief, surveillance videos, discovery from the controlled buys, and identifying information for the CI. The Commonwealth contested that everything related to docket no. CR-1075-2024 has not been turned over. The Commonwealth argued that a video that exists under docket no. CR-838-2024 related to a

controlled substance purchase from Defendant by detectives that occurred on May 3, 2024, is relevant to the present matter. Defendant asserted that he is unable to appropriately challenge the search warrant in this matter without the discovery requested. The Court directed the Commonwealth to turn over the videos requested from CR-838-2024 and any additional videos relevant to the allegations under CR-1075-2024. Additionally, the Court ordered the Defendant reserves the right to challenge the search warrant upon receipt of the requested discovery². With respect to Defendant's motion to compel discovery of the expert reports, the Commonwealth provided that the reports and qualifications will be provided to Defendant after a jury is selected. Accordingly, it was determined that the Commonwealth complied with providing a substantial amount of the discovery requested by Defendant. The Court Ordered the Commonwealth to provide anything referenced in the additional, pending criminal matters be turned over twenty (20) days following the date of the hearing.

B. Defendant's Motion to in Limine to Suppress any statements, admissions, or confessions attributed to Defendant after invoking her right to counsel.

Defendant avers officers continued to question her and obtain statements from her following her arrest after her clear invocation of her right to counsel and in violation of Defendant's constitutional rights on July 30, 2024. The Commonwealth avers there was no violation of Defendant's rights and there are no statements to suppress.

Detective Havens testified that Defendant was provided her *Miranda* Warnings on July 30, 2024, and no statements were made nor was any questioning conducted. The Commonwealth published Commonwealth's Exhibit No. 1, Detective Havens' Body Camera

² Defendant subsequently filed a Motion to Suppress Physical Evidence Obtained as a result of Invalid Warrant on November 20, 2025. A hearing on Defendant's suppression Motion occurred on January 5, 2026. The Motion was denied for the reasons stated on the record by separate Order. On January 15, 2026, Defendant filed a Motion for Reconsideration of the Suppression Motion. A hearing on the Motion for Reconsideration occurred on February 13, 2026. The decision on Defendant's Motion for Reconsideration is decided in a separate opinion and order.

Footage from the interaction at Defendant's residence until Defendant was secured at the narcotics enforcement unit's offices.

Detective Havens testified that Defendant was identified at the scene and placed under arrest. She was read her *Miranda* Warnings and she asked to speak to her attorney. Detective Havens relayed the Defendant's request to the additional detectives present at the scene. The video starts with Detective Havens returning to where other detectives have Defendant detained, and he advised Defendant he could not reach Attorney Morrone. (00:01:06 to 00:01:15). Detective Havens then attempts to call Matthew Diemer, Esquire, associate at the law firm with Attorney Morrone. (00:01:27 to 00:01:50). Detective Havens does make contact with Attorney Diemer and informed him of the circumstances and the intention to transport the Defendant to the narcotic enforcement unit's offices. (00:02:28 to 00:04:07). The detectives remain with Defendant while she secures her dogs in the residence at Mountain Drive. Detective Havens advised Defendant that her attorney is unavailable and tells her she can tell him what is in the house or he can type the search warrant. (00:05:50 to 00:06:20). Defendant does not inform the detectives of anything that is in the house. (00:06:20 to 00:06:23). Detective Havens handed his body camera off to Detective Sarah Edkin. (00:06:40 to 6:45). Detective Edkin transported the Defendant and her co-defendant to City Hall, Lycoming County Narcotics Enforcement Unit temporary offices. (00:08:42 to 00:24:30). During the transportation, Defendant requested to call Attorney Morrone. (00:12:18 to 00:12:25). Otherwise, Detective Edkin made no comment, question, or conversation with the Defendant and her co-defendant. (00:08:42 to 00:24:30). Shortly before pulling in to City Hall, Detective Edkin had to pull over for the co-defendant because he got sick. (00:15:48-00:16:02).

“The standard for determining whether police have initiated a custodial interrogation or an arrest is an objective one, with due consideration given to the **518 reasonable impression conveyed to the person interrogated rather than the strictly subjective view of the troopers or the person being seized.” *Commonwealth v. Edmiston*, 634 A.2d 1078, 1085-86 (Pa. 1993). When police intend to take an individual into custody and that individual is subjected to the actual control of the police, the individual is under arrest. *Commonwealth v. Lovette*, 450 A.2d 975, 978 (Pa. 1982). Here, it is clear that Defendant was under arrest, the detectives intended to press charges, and she was subjected to the actual control and will of the police on July 30, 2024. It is undisputed that Defendant was provided her *Miranda* Warnings, and the warnings are not being challenged.

Under the Fifth Amendment, *Miranda* Warnings are “intended to protect a suspect’s Fifth Amendment rights from the ‘inherently compelling pressures’ of the custodial environment. *Commonwealth v. Bland*, 634 Pa. 644, 648 (2015). *Miranda* Warnings advise suspects, *inter alia*, of their right to counsel relative to in-custody interrogation. *Id.* The Supreme Court held that “when an accused has invoked his right to have counsel present during custodial interrogation, a valid waiver of that right cannot be established by showing only that he responded to further police-initiated custodial interrogation even if he has been advised of his rights.” *Edwards v. Arizona*, 451 U.S. 477, 484 (1981). The procedural safeguards of *Miranda* Warnings “are required only where a suspect is both taken into custody and subjected to interrogation.” *Commonwealth v. Yandamuri*, 639 Pa. 100, 128 (2017)(citing *Commonwealth v. Bland*, 115 A.3d 854, 857 (2015))(other citations omitted).

Because the Court need not determine whether Defendant was in custody, the Court need only determine whether there are any statements made by Defendant subject to suppression based on any interrogation of Defendant following her invocation of her right to

counsel. Defendant did not request the suppression of any particular statements from the time Defendant was detained on the Mountain Drive property to the time she was secured at the narcotic enforcement unit's office. Moreover, a review of Commonwealth's Exhibit No. 1 does not reveal any incriminating statement made by Defendant from the time after she was detained and Detective Havens attempted to call Attorney Morrone until he made contact with Attorney Diemer and Defendant was transported to the narcotic enforcement unit's offices. If Detective Havens' offer to Defendant before her departure to tell him of anything in the house or be subjected to a search warrant is further interrogation after an invocation of *Miranda's* right to counsel, the Court finds that the offer was harmless because Defendant did not respond. Accordingly, the Court finds that there are no statements, incriminating or otherwise, made by Defendant following the invocation of her right to counsel such that suppression thereof is required. Accordingly, Defendant's Motion in Limine to Suppress Statements based on a violation of *Miranda* is **denied**.

C. Defendant's Motion to Suppress Statements (Violation of Asserted Right to Counsel)

Defendant seeks to have suppressed a statement she made with respect to the bedroom she sleeps in in the house on the property and the presence of drug paraphernalia therein. In the same subsection, Defendant requests the suppression of physical evidence obtained as a result of that statement made during the custodial interrogation on July 30, 2024. The Court found no evidence of or reference to this statement in the record provided and no record of this statement seemingly exists after Defendant invoked her right to counsel in the body camera recording. As indicated above, the majority of conversation between the Defendant and detectives revolved around honoring her request to counsel and securing her dogs inside of the house on the property before she was transported into the City of Williamsport. Similarly, Defendant was not subject to an interrogation, per se, following the

invocation of her right to counsel. At the hearing on the Motion, the Commonwealth indicated that it also did not have knowledge of any statements it intends to introduce at trial following the Defendant's arrest on July 30, 2024. The Commonwealth also submitted Commonwealth Exhibit No. 2, the Search Warrant for the residence and RV 10 Mountain Drive, Susquehanna Township, Lycoming County, PA. The Defendant's objection to the admission of the search warrant to the record was overruled by the Court, and the exhibit was admitted to the record. The search warrant seeks to recover "fentanyl, methamphetamine and related drug paraphernalia; proceeds from illegal drug sales, including buy money; cellular telephone/s; indicia of occupancy." (Commonwealth Exhibit No. 2). The only statement attributable to Defendant referenced in the search warrant is that she informed Detective Havens she intended to purchase an RV for her and her co-defendant to live in during a controlled buy on May 3, 2024. (Commonwealth Exhibit No. 2). As above, there was minimal conversation with Defendant following her request for counsel, and Detective Havens' statement did not induce the Defendant to make any incriminating statements such that suppression is required. Based on the record being void of the specified statement and any other incriminating statements in the subject matter and the Commonwealth's representation that there is no plan to introduce statements in this matter, Defendant's Motion to Suppress Statements and Physical Evidence obtained as fruits of an unconstitutional interrogation is **denied**.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this 25th day of September, 2026, in consideration of the foregoing,
Defendant's Omnibus Motion is disposed of as follows:

1. Defendant's Motion to Compel Discovery was **GRANTED** and the details of the conditions and due dates for the Commonwealth were ordered at the hearing;
2. Defendant's Motion to in Limine to Suppress any statements, admissions, or confessions attributed to Defendant after invoking her right to counsel is **DENIED**;
3. Defendant's Motion to Suppress Statements (Violation of Asserted Right to Counsel) is **DENIED**.

By the Court,

Hon. Ryan M. Tira, Judge

RMT/asw

CC: CA; DA; PD

Gary Weber, Esq.—Lycoming Reporter