

Wieber

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : NO. CR 1360-2025

vs.

: CRIMINAL DIVISION

BAILEY POWELL,  
Defendant

FILED  
LYCOMING COUNTY  
2026 JUN 19 PM 3:37  
JULIE L. THOMAS  
CLERK OF COURTS

OPINION and ORDER

Bailey Powell (Defendant) was charged with one count of Possession With Intent to Deliver a Controlled Substance. The charges arise after an interaction with Detective Tyson Havens and Defendant on September 26<sup>th</sup>, 2025. As a result, Defendant was charged on September 30<sup>th</sup>, 2025. Defendant, following her preliminary hearing, held October 23<sup>rd</sup>, 2025, filed an Omnibus Pretrial Motion that included a Motion to Suppress Statements, Motion to Suppress Based on Unlawful Investigative Detention, and a Motion to Reserve Right. Defendant argues that she was unlawfully detained, and as a result, any statements made by her were in violation of Miranda and should be suppressed.

**Background**

At the time of the hearing on Defendant's Omnibus Pre-Trial motion the Commonwealth called Detective Tyson Havens as a witness, as well as, provided argument. Detective Havens testified as follows.

On September 5<sup>th</sup>, 2025, Detective Havens was conducting surveillance on a suspected drug dealer using a confidential informant (CI). The CI was in the vehicle with the suspected dealer. After the CI exited the vehicle, the suspect departed the area of Elmira Street in Williamsport, PA and parked his vehicle at the Rescue Workers of America, also in the city of

Williamsport. After the suspect parked his vehicle, the Defendant then entered the suspect's vehicle for approximately thirty seconds while the suspect actively remained under surveillance.

Once the Defendant exited the vehicle, Detective Havens approached her in plain clothes and believed he showed her some identification. After approaching her he asked for her to hand over the drugs and she complied. Shortly after, Detective Havens and the Defendant moved approximately 15 feet from the other individuals in the area. It was Detective Havens intention to talk to the Defendant and potentially recruit her as a CI. Not wanting to discuss anything else in the open, Detective Havens asked the Defendant to enter his vehicle.

While in his vehicle, Detective Havens started recording the interaction. This recording was presented at the time of the hearing. Once Defendant was inside the vehicle, Detective Havens began to ask her questions regarding the drugs that she had in her possession and what her intentions were with the drugs. The Defendant indicated that she planned to sell the drugs. After the Defendant stated that she planned on selling the drugs, Detective Havens drove a short distance from the initial area where he was parked and continued to ask the Defendant questions. The defendant told detective Havens that she had marijuana in her bag as well. Detective Havens then searched the bag in its entirety and did not find any marijuana. After detective Havens finished searching the bag he seized the drugs and informed the Defendant that she was free to go. At no point during her interaction with the detective Havens was she read her Miranda warnings.

## **Discussion**

Defendant makes two arguments in her Omnibus Pre-trial Motion. First that the statements made by the Defendant should be suppressed because she was not read her Miranda Warnings prior to being questioned by Detective Havens. Secondly, Defendant argues that she was unlawfully detained by Detective Havens based upon the totality of the circumstances and therefore, the statements she made to him should be suppressed as her constitutional rights were infringed upon.

There are three levels of contact between citizens and police recognized in Pennsylvania law.

The first [level of interaction] is a 'mere encounter' (or request for information) which need not be supported by any level of suspicion, but also carries no official compulsion to stop or respond. The second, an 'investigative detention' must be supported by reasonable suspicion; it subjects a suspect to a stop and period of detention, but does not involve such coercive conditions as to constitute the functional equivalent of an arrest. Finally, an arrest or 'custodial detention' must be supported by probable cause.

*Commonwealth v. Bryant*, 866 A.2d 1143, 1146 (Pa. Super. 2005)(brackets in original) 8 (quoting *Commonwealth v. Phinn*, 761 A.2d 176, 181 (Pa. Super. 2000) (citations omitted)), appeal denied, 876 A.2d 392 (Pa. 2005).

"An encounter becomes an arrest when, under the totality of the circumstances, a police detention becomes so coercive that it functions as an arrest." *Commonwealth v. Charleston*, 16 A.3d 505, 515 (Pa. Super. 2011) (quoting *Commonwealth v. Stevenson*, 894 A.2d 759, 770 (Pa. Super. 2006)), appeal denied, 30 A.3d 486 (Pa. 2011). "The key difference between an investigative and a custodial detention is that the latter 'involves such coercive conditions as to constitute the functional equivalent of an arrest.'" *Commonwealth v. Goldsborough*, 31 A.3d 299, 306 (Pa. Super. 2011)(quoting *Commonwealth v. Gonzalez*, 979 A.2d 879, 887 (Pa. Super. 2009)), appeal denied, 49 A.3d 442 (Pa. 2012).

In determining whether an encounter is investigatory or custodial, the court must consider the totality of the circumstances. Some of the factors that the court is directed to consider are the following: the basis for the detention; the duration, the location, and whether the suspect was transported against his will, how far, and why; whether restraints were used; the show, threat, or use of force; and the methods of investigation used to confirm or dispel suspicions. *Id.* (quoting *Commonwealth v. Teeter*, 961 A.2d 890, 899 (Pa. Super. 2008)). The fact that an officer handcuffs a suspect does not automatically turn an investigatory detention into an arrest. *Commonwealth v. Rosas*, 875 A.2d 341, 348 (Pa. Super. 2005), appeal denied, 897 A.3d 455 (Pa. 2006); *Commonwealth v. Gillespie*, 745 A.2d 654, 660 (Pa. Super. 2000). Similarly, however, “merely because a police officer says that an individual is not under arrest is not conclusive on whether an arrest was actually effectuated.” *Rosas*, *supra*. See also *Commonwealth v. Mannion*, 725 A.2d 9 196, 202 (Pa. Super. 1999) (en banc) (stating whether person is in custody for Miranda purposes must be evaluated on case-by-case basis with due regard for facts involved ... fact that defendant was focus of investigation is relevant for determination of whether defendant was in “custody” but does not require per se Miranda warnings).

Said another way, police detentions become custodial when, under the totality of the circumstances, the conditions and/or duration of the detention become so coercive as to constitute the functional equivalent of arrest. *Mannion*, *supra* at 200. Thus, the ultimate inquiry for determining whether an individual is in custody for Miranda purposes is “whether there was a ‘formal arrest or restraint on freedom of movement’ of the degree associated with a formal arrest.” *Commonwealth v. Pakacki*, 587 Pa. 511, 519, 901 A.2d 983, 988 (2006) (quoting *Stansbury v. California*, 511 U.S. 318, 322, 114 S.Ct. 1526, 128 L.Ed.2d 293 (1994)).

*Commonwealth v. Gonzalez*, 979 A.2d 879, 887–88 (2009) (quoting *Commonwealth v. Williams*, 941 A.2d 41, 30–31 (Pa. Super. 2008)).

Further, the Fourth Amendment of the US Constitution and Article 1 section 9 of the Pennsylvania Constitution prohibit unreasonable searches and seizures. The analysis of whether or not one's constitutional rights were infringed is analogous with that of whether or not their Miranda warning need to be read. Specifically, Pennsylvania Courts require that an officer possessed reasonable suspicion that criminal activity was afoot to justify an investigating detention and that reasonable suspicion is based upon the totality of the circumstances surrounding the investigatory detention.

Here, the totality of the circumstances surrounding the encounter between Detective Havens and Defendant establish that Detective Havens did have, based on his observations and information available to him at the time, reasonable suspicion that criminal activity was afoot. He was monitoring under surveillance the activities of a suspected drug dealer and during this time not only did a CI enter and exit the suspect's vehicle, Defendant too entered and exited the suspect's vehicle.

Although Detective Havens initial encounter with Defendant may arguably be categorized as a mere encounter, the interaction quickly escalated to an investigatory detention as evidenced by his seizure of the drugs possessed by Defendant and his verbal request that Defendant speak with him a short walking distance away from a group of people assembled nearby. Detective Havens then directed Defendant to enter his vehicle to further speak with him. After Defendant entered Detective Havens' vehicle and prior to the time that she made the incriminating statement at issue, she was not advised that she was free to leave. Also after Defendant entered Detective Havens' vehicle, she was placed in a situation where, after the above-described interaction, a reasonable person would no longer believe that she was free to

leave. Defendant was effectively divested of her freedom to move thus transitioning the interaction from mere encounter to investigatory detention and ultimately to a situation associated with arrest. As a result, this triggers the requirement that Defendant be read her Miranda warnings before any additional questions are asked of her. Defendant was not Mirandized and did state that she intended to sell the drugs seized by Detective Havens in response to his question regarding what she planned to do with the drugs. The Court appreciates that Detective Havens was familiar with Defendant and vice versa and that the two may have interacted at times in the past but this does not mitigate the need for Miranda to be read to her in the context of this case. Accordingly, the Court is constrained to suppress Defendant's statements.

Conversely, the Court is not of the same opinion regarding Detective Havens' seizure of the drugs from Defendant as the facts suggest that the seizure occurred during a mere encounter. Defendant's freedom of movement was not so restricted during this time that that a reasonable person would feel that she was prevented from walking away from Detective Havens and not speaking with him whatsoever or, simply telling him "no". Instead, she chose to voluntarily engage with Detective Havens and at this time provided him with the drugs. As a result, the Court will not suppress the drugs seized by Detective Havens.

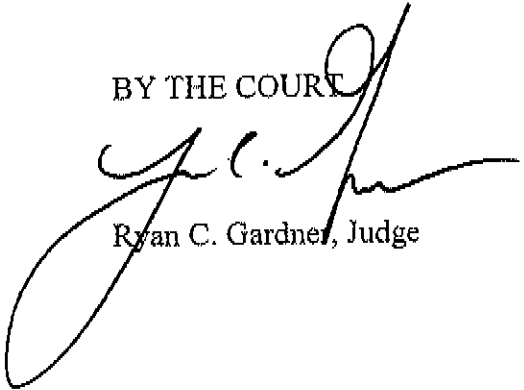
**ORDER**

AND NOW, this 19<sup>th</sup> day of June, 2026, for the reasons stated above the Defendant's motion to suppress is hereby GRANTED in part and DENIED in part. Any physical evidence seized as a result of the initial point of interaction between Detective Havens and the Defendant

shall not be suppressed, including the drugs in her possession. Any statements made by Defendant after entry into Detective Havens' vehicle shall be suppressed.

As to the motion to reserve right, in accordance with the Rules of Criminal Procedure, the motion is granted but only to the extent that the opportunity to file a motion did not previously exist or defense counsel was unaware of the grounds for the motion or the interests of justice otherwise require (which reason is being utilized by the defense shall be set forth and explained in the any motion).

BY THE COURT



Ryan C. Gardner, Judge

RCG/kbc

cc: DA (Lindsay Sweeley, Esq)  
Taylor Paulhamus, Esq.  
Gary Weber, Esq.