

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

COMMONWEALTH OF PENNSYLVANIA	:	
	:	CR-1398-2023
v.	:	CR-31-2024
	:	
TRIZ V. JEFFERIES	:	

OPINION

This matter came before the Court on April 26, 2024, for a hearing and argument on the Omnibus Pretrial Motion filed on March 6, 2024, on behalf of Triz Jefferies (Defendant), for the above-named Dockets. The Defendant is charged in the Criminal Information filed on November 21, 2023, with one count of Possession of a Firearm Prohibited pursuant to 18 Pa.C.S.A. §6105(a)(1) under Docket No. 1398-2023. Also, the Defendant is charged in the Amended Criminal Information filed on May 9, 2024, with seven (7) counts of Delivery of a Controlled Substance pursuant to 35 §780-113 §§(a)(30) and one count of Possession with Intent to Deliver pursuant to 35 §780-113(a)(30) under Docket No. 31-2024.

A preliminary hearing was held on October 31, 2023, and the charges were held for court. By and through counsel, the Defendant waived his arraignment. The Defendant received discovery in this matter on February 15, 2024; and, the specific search warrant being challenged was turned over on March 5, 2024.

The Defendant submitted the two search warrants attached to the Motion as Defendant’s Exhibit A. The Commonwealth did not submit additional exhibits, provide witnesses, or evidence. The Defendant’s Exhibit A was admitted to the record without any additional witnesses or evidence at the hearing on the Defendant’s Omnibus Pretrial Motion. Both parties relied on legal argument to establish their respective positions.

Background

On October 18, 2023, detectives applied for a search warrant relying on seven (7) controlled buys of narcotics involving the Defendant and Crystal Sammons from September to October of 2023.

The Affidavit of Probable Cause details seven controlled buys conducted between September 20, 2023, and October 17, 2023. The Affidavit depicts that each of the seven transactions follow the same or similar course of conduct by the detective, the Confidential Informant, an individual identified as Crystal Sammons, and the Defendant. (Defendant's Exhibit A). In general, detectives would meet with the Confidential Informant ("CI") at a predetermined location to negate the presence of any drugs, contraband, or U.S. currency. (Defendant's Exhibit A). Detectives provided pre-recorded police funds to the CI for the purpose of purchasing controlled substances from the Defendant through Sammons. (Defendant's Exhibit A). The CI was then instructed to contact Sammons at the same cell phone number to arrange a drug transaction. (Defendant's Exhibit A). Detectives surveilling 651 Wildwood Blvd consistently observed the Defendant leave the address, enter a maroon Mercury Grand Marquis, and travel directly to 1201 Race Street. (Defendant's Exhibit A). At 1201 Race Street detectives observed the Defendant meet with Sammons outside. (Defendant's Exhibit A). Thereupon, detectives consistently observed Sammons return to her residence and deliver the controlled substance to the CI in exchange for the prerecorded police funds provided. (Defendant's Exhibit A). At the conclusion of each transaction, the CI delivered the substance to detectives and detectives conducted a search of the CI to negate the presence of any other drugs, contraband, or U.S. currency. (Defendant's Exhibit A). After the first Controlled Buy, Detective Simpler located the maroon Mercury Grand Marquis

parked outside of the Defendant's known address at 651 Wildwood Blvd. (Defendant's Exhibit A).

The pattern of conduct by the parties during surveillance gave detectives reason to believe that Sammons was contacting the Defendant to deliver drugs for the transactions to occur at 1201 Race Street after the CI called, substantiating their belief that drugs and contraband would be found at 651 Wildwood Blvd pursuant to a search. (Defendant's Exhibit A). The Affidavit specifically notes that the Defendant did not appear at 1201 Race Street until the CI contacted Sammons to purchase drugs. (Defendant's Exhibit A). The Affidavit also states that a "phone will be located in 651 Wildwood Blvd as this is the starting point for all of the buys," (Defendant's Exhibit A), and the phone will reveal the suspected calls to the Defendant from Sammons before each of the Controlled Buys. (Defendant's Exhibit A). Detective Dent requested a sealed search warrant for 651 Wildwood Blvd and the maroon Mercury Grand Marquis based on probable cause that the Defendant was dealing cocaine from the address and consistently utilizing the aforementioned vehicle to do so. (Defendant's Exhibit A). On October 18, 2023, Detective Dent submitted the application for a search warrant and authorization for the southern-most unit within the building at 651 Wildwood Blvd, a brick row home on the west side of Wildwood Blvd and the maroon Mercury Marquis with the specific, known registration. (Defendant's Exhibit A). The application for the search warrant outlined the items for which the locations were to be searched, including: cocaine, packaging material used to store cocaine, U.S. currency suspected to be proceeds of illegal drug transactions, pre-recorded buy money, and cellular telephones suspected to be used to facilitate drug sales. (Defendant's Exhibit A).

On October, 20, 2023, Detective Dent submitted a second application for a search warrant for 651 Wildwood Blvd seeking to seize a black shoulder style bag located on the

steps leading to the attic of the residence observed during the execution of the search warrant from October 18, 2023. (Defendant's Exhibit A). The black bag was of interest because the handle of a small Ruger pistol was protruding out and a holster suspected to fit the firearm was found in the room in which Jefferies was located. (Defendant Exhibit A). The Defendant has a prior conviction under Title 35 P.S. 780-113(a)(30) which prohibits the ownership or possession of firearms. The October 20, 2023, application for search warrant was authorized and resulted in the Defendant's charge of Count 1, Firearm Prohibited under Docket No. 1398-2023.

The Defendant contends that the issuing authority did not have sufficient information to make a practical, common-sense decision, given all the circumstances provided in the Affidavit of Probable Cause that there was a fair probability that contraband or evidence of a crime would be found in 651 Wildwood Blvd. Specifically, the Defendant avers that the search warrants 1) lacked sufficient information to provide probable cause that contraband or evidence would be located in the address to be searched and 2) lacked sufficient information to establish the requisite nexus of criminal behavior to the 651 Wildwood Blvd address. Thus, the Defendant filed his Omnibus Pretrial Motion to Suppress all evidence obtained from 651 Wildwood Blvd as an unreasonable search executed on the address in violation of the Defendant's rights under the Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Pennsylvania State Constitution.

Did the Search Warrant contain sufficient information to provide probable cause to search 651 Wildwood Blvd

The Fourth Amendment of the United States Constitution and Article 1, Section 8 of the Pennsylvania Constitution protect citizens from unreasonable searches and seizures. *Commonwealth v. Burgos*, 64 A.3d 641, 648 (Pa. Super. 2013). When a defendant files a

motion to suppress, the Commonwealth shall have the burden of proving to a preponderance of the evidence that the challenged evidence was not obtained in violation of the defendant's rights. Pa. R. Crim. P. 581 (H). A preponderance of the evidence standard is tantamount to a "more likely than not" burden of proof. *Commonwealth v. McJett*, 811 A.2d 104, 110 (Pa. Cmwlth. Ct. 2002).

An affidavit of probable cause must provide an issuing authority with a substantial basis for determining that probable cause exists to justify a search. *Commonwealth v. Leed*, 186 A.3d 405, 413 (Pa. Super. 2018) citing *Illinois v. Gates*, 462 U.S. 213, 239 (1983). Moreover, the issuing magistrate must make a practical, common sense determination when provided with all of the circumstances provided in the affidavit, "there is a fair probability that contraband or evidence of a crime will be found in a particular place." *Commonwealth v. Clark*, 611 Pa. 601, 607 28 A.3d 1284, 1288 (2012). The reviewing court is tasked with ensuring that the issuing magistrate had a substantial basis for concluding that probable cause existed and the search was conducted lawfully. *Id.* Moreover, the reviewing court should evaluate the issuing magistrate's probable cause determination by extending deference to that determination. *Commonwealth v. Leed*, 646 Pa. 602, 618 186 A.3d 405, 415 (2018).

A reviewing court must limit its inquiry to the information provided in the "four corners" of the affidavit proffered to support the finding of probable cause in concluding that the warrant was issued upon sufficient probable cause. *Commonwealth v. Arthur*, 62 A.3d 424, 432 (Pa. Super. 2013). Probable cause is a fluid and practical concept that relies on assessing the probabilities in particular factual contexts which cannot be categorically reduced to a neat set of legal rules. *Commonwealth v. Rapak*, 138 A.3d 666, 671 (Pa. Super. 2016)(internal citations omitted). Probable cause exists where the affiant's knowledge of the facts and circumstances based on reasonably trustworthy information justify a man of

reasonable caution in the belief that a search should be executed. *Commonwealth v. Leed*, 186 A.3d 405, 413 (Pa. Super. 2018).

Here, seven (7) controlled buy procedures were conducted involving the actual delivery of drugs. Specifically, each time the CI contacted Sammons for drugs, the CI would meet her and then the Defendant was observed by detectives leaving 651 Wildwood Blvd to directly meet Sammons who would then deliver the controlled substance to the CI. The pattern of conduct detailed in the Affidavit indicates a significant likelihood that the Defendant had or kept the controlled substances at the 651 Wildwood Blvd address. The detailed surveillance of the buy procedures and the direct travel of the Defendant from the time the CI arrived at Sammons' residence until the controlled substances were actually delivered supports a finding of probable cause in this matter. Thus, the issuing authority had a substantial basis for probable cause on which to issue a constitutionally valid search warrant for 651 Wildwood Blvd and the contents suspected to be within the structure.

In considering officers obtained the initial search warrant with valid probable cause and the initial search of 651 Wildwood Blvd was lawful, the second search warrant to seize the black shoulder bag was also valid.

Did the search warrant provide sufficient information to establish the requisite nexus

“[P]robable cause to believe a [person] has committed a crime on the street does not necessarily give rise to probable cause to search [the person's] home. ” *Commonwealth v. Wallace*, 42 A.3d 1040, 1049-1050 (Pa. 2012). An affidavit of probable cause must establish a “substantial nexus” between the suspect’s home and the criminal activity or contraband sought to permit the search of the home. *Commonwealth v. Nicholson*, 262 A.3d 1276, 1280 (Pa. Super. 2021)(internal citations omitted). Accordingly, the affidavit of probable cause

must contain information that links the place to be searched directly to the criminal activity.

Id.

Here, the Defendant was observed leaving 651 Wildwood Blvd seven (7) times, exhibiting the likelihood that he is sufficiently linked to the property. Moreover, the Defendant's associate, Sammons, did not make any deliveries to the CI until after the Defendant met her at her location after leaving 651 Wildwood Blvd and traveling directly to Sammons' location. In the event that the Defendant was purchasing from Sammons and returning to 651 Wildwood Blvd, there is still a high probability that he was returning to 651 Wildwood Blvd and that controlled substances or evidence thereof would be found within the residence. Moreover, the Defendant's presence at Sammons' address after the CI contacted her for controlled substances is more than mere coincidence after seven surveillances of such conduct, especially in considering the delivery to the CI did not occur until after the Defendant met with Sammons.

Conclusion

The Court concludes there is substantial evidence contained in the affidavit to support a finding of probable cause and the authorization of the search warrants. Specifically, that the information provided effectuates a direct link between 651 Wildwood Blvd and the delivery of controlled substances. The information provided in the affidavit further establishes a sufficient connection between 651 Wildwood Blvd and the surveilled transactions to support a fair probability that contraband or evidence of a crime would be found at the Defendant's address.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this **20th** day of **December, 2024**, upon consideration of the Defendant's Omnibus Pretrial Motion, the argument of counsel, and for the reasons set forth above, the Omnibus Pretrial Motion is **DENIED**.

By the Court,

Ryan M. Tira, Judge

RMT/asw

CC: DA

Michael Sullivan, Esquire,

930 W. Market Street, Lewisburg, PA 17837

Gary Weber-Lycoming Reporter