

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

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	CR-003-2024
	:	
NICOLE QUARTMAN,	:	
Defendant	:	

OPINION

On May 7, 2024, a hearing was held on the Defendant’s Omnibus Pretrial Motion. The Defendant’s Omnibus Motion contained a Petition for Writ of Habeas Corpus, a Motion to Suppress Arrest, and a Motion to Suppress Physical Evidence. The Defendant is charged in Count 1 with the Manufacture, Delivery or Possession with Intent to Manufacture or Deliver-Cocaine¹, she is charged in Count 2 with Manufacture, Delivery or Possession with Intent to Deliver², and in Count 3 with Criminal Use of a Communication Facility³.

The Petition for Writ of Habeas Corpus challenges that the Commonwealth has not presented a *prima facie* case for Counts 1 and 2. The Defendant’s Motions to Suppress Arrest and Physical Evidence asserts that because the Defendant’s arrest was illegal there is no basis for probable cause for the search of her residence. The Defendant seeks the suppression of items seized from her residence and statements she made during her arrest.

At the hearing, the Commonwealth submitted two search warrants as Commonwealth’s Exhibits 1 and 2. Commonwealth Exhibit 3 is a disc containing: audio recording of the preliminary hearing, video of the interaction between the confidential informant and Lance Quartman, video of a black Ford Fusion arriving to 901 Louisa Street, and video of Nicole Quartman getting out of the vehicle at her residence. The Defendant

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. §7512(a)

submitted the written preliminary hearing transcript as Defendant's Exhibit 1. All Exhibits were admitted to the record without any additional witnesses or evidence at the hearing on the Omnibus Pretrial Motion.

Background

The charges against the Defendant stem from an alleged controlled buy of cocaine on July 27, 2023. The Commonwealth called Detectives Robert Anderson and Tyson Havens to provide testimony at the preliminary hearing on December 28, 2023. Their testimony was that a Confidential Informant (CI) was provided buy money to purchase cocaine from a Lance Quartman whose suspected drug supplier was Nicole Quartman, the Defendant. Detective Havens testified that he and the CI met at a predetermined location and performed a strip search on the CI and equipped the informant with surveillance equipment capable of transmitting live video and audio feed. (Defendant's Exhibit 1, Preliminary Hearing Transcript, 12/28/2023, page 3). The Detectives surveilled the CI to 901 Louisa Street, Williamsport, Pennsylvania, and observed the CI enter the residence and meet with Lance Quartman. (Id). Then, Detective Havens testified that he watched, via live video feed, the CI provide Lance Quartman with the buy money. (Id). After which, Lance Quartman summoned for an individual to come to 901 Louisa Street. (Id).

The detectives surveilled the Defendant from a residence in Newberry to 901 Louisa Street. (Id). Once at 901 Louisa Street, Lance Quartman exited the residence, leaving the CI behind, and entered the Defendant's vehicle traveling with her for half a block. (Id). Detective Anderson testified that they never lost sight of the Defendant's black Ford Fusion vehicle. (Id at page 1). However, no one witnessed Lance Quartman provide the Defendant the buy money and no one witnessed an exchange of drugs from the Defendant to Lance Quartman. (Id at page 2).

Detective Havens testified that he pulled over the Defendant's vehicle on the basis that crack cocaine was delivered by Lance Quartman to the CI inside of 901 Louisa Street after Lance Quartman departed from the Defendant's vehicle. (Id at page 6). The Defendant was immediately detained in handcuffs and advised of her Miranda Rights. (Id at page 3). Subsequently, the Defendant made an admission regarding selling crack cocaine. (Id at page 4).

Analysis

All of the Defendant's Motions are interwoven in the facts that have been presented to the Court thus far. In order to properly address the matters, the Court must first address the Defendant's Motion to Suppress the Arrest. The Defendant alleges the Commonwealth lacked probable cause to conduct a warrantless arrest, and, therefore any statements she made as a result of the arrest must be suppressed. The Commonwealth argued that it had probable cause for the Defendant's warrantless arrest on the basis that Lance Quartman had delivered crack cocaine to the CI directly after exiting the Defendant's vehicle and reentering 901 Louisa Street.

Both the Fourth Amendment of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution protect individuals from unreasonable searches and seizures by the government. *Commonwealth v. Sands*, 887 A.2d 261, 268 (Pa. Super. 2005). Law enforcement authorities must possess a warrant to "arrest an individual in a public place unless they have probable cause to believe that 1) a felony has been committed; and 2) the person to be arrested is the felon." *Commonwealth v. Clark*, 558 Pa. 157, 165, 735 A.2d 1248, 1251 (1999). To establish whether probable cause exists to justify a warrantless arrest, a reviewing court must evaluate the totality of the circumstances. *Id* citing *Illinois v. Gates*, 462 U.S. 213, 233 (1987). Probable cause exists when the "facts and circumstances which are

within the knowledge of the officer at the time of the arrest, and of which he has reasonably trustworthy information, are sufficient to warrant a man of reasonable caution in the belief that the suspect has committed or is committing a crime.” *Commonwealth v. Thompson*, 604 Pa. 198, 985 A.2d 928, 931 (2009) citing *Commonwealth v. Rodriguez*, 526 Pa. 269, 585 A.2d 988, 990 (1991). However, “[t]he seriousness of criminal activity under investigation, whether it is the sale of drugs or the commission of a violent crime, can never be used as a justification for ignoring or abandoning the constitutional right of every individual in this Commonwealth to be free from intrusions upon his or her personal liberty absent probable cause.” *Commonwealth v. Matos*, 543 Pa. 449, 672 A.2d 769, 775-776 (1996). Accordingly, in matters where an officer makes an unlawful arrest, any evidence seized during a search incident to the arrest must be suppressed. *Commonwealth v. Clark*, 558 Pa. 157, 162 735 A.2d 1248, 1251 (1999).

Here, the Commonwealth submitted a video to support its claims that the Defendant delivered drugs to Lance Quartman who then delivered the same drugs to the CI. (Defendant’s Exhibit 1, Preliminary Hearing Transcript, 12/28/2023, page 3). However, the video provided by the Commonwealth does not contain any footage of a delivery being made to the CI by anyone, including Lance Quartman. (Commonwealth Exhibit #3, Video Surveillance). Detective Havens testified that he saw the transaction via the CI’s surveillance video. The video provided by the Commonwealth does not show anyone provide anything to the CI. Additionally, the testimony of Detective Anderson was that no one witnessed the Defendant deliver crack cocaine to Lance Quartman. (Preliminary Hearing Transcript, 12/28/2023, page 2). Further, there is no footage to support the claim that money for the drugs was turned over to Lance Quartman or anyone else. The facts provided are not sufficient to support that a delivery of crack cocaine in fact occurred or that the Detectives

had actual knowledge of such a delivery at the time they arrested the Defendant. Moreover, without testimony by someone who witnessed the transaction of an actual delivery, there is no probable cause for the arrest because Detectives Havens and Anderson cannot establish that a felony had been committed and that the Defendant is likely the one who committed the felony without the Defendant's admission. Thus, the arrest of the Defendant was conducted without the necessary probable cause and any evidence seized during the search incident to the arrest must be suppressed.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this 18th day of **December, 2024**, upon consideration of the argument of counsel and for the reasons set forth above, the Defendant's Motion to Suppress the Arrest and any statements made subsequent to the arrest is **GRANTED**. Without the admission, the Commonwealth had no basis for the search of the Defendant's residence so all physical evidence seized as a result of that search is **SUPPRESSED**.

Without the suppressed evidence and the lack of proof of actual delivery of crack cocaine, the Commonwealth has failed to establish a *prima facie* case against the Defendant. The Defendant's Petition for Writ of Habeas Corpus is **GRANTED** and all counts are hereby **DISMISSED**.

By the Court,

Ryan M. Tira, Judge

RMT/asw
CC: DA
Robert Hoffa, Esquire
Gary Weber, Esquire-Lycoming Reporter
Court Administration