

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA,

Appellee

v.

HENRY L. WILLIAMS,

Appellant

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1399 MDA 2011

Appeal from the Order Entered August 4, 2011  
In the Court of Common Pleas of Lancaster County  
Criminal Division at No(s): CP-36-CR-0001747-2010

BEFORE: OLSON, OTT and FITZGERALD,\* JJ.

JUDGMENT ORDER BY OLSON, J.:

**FILED MAY 08, 2013**

Appellant, Henry L. Williams, appeals from the judgment of sentence entered on August 4, 2011 following his jury trial convictions for corrupt organizations, criminal conspiracy, criminal use of a communication facility, and four counts of delivery or possession with intent to deliver a controlled substance.<sup>1</sup> Based upon our published decision in ***Commonwealth v. Huggins***, 2013 PA Super --, we affirm.

On appeal, Appellant argues that the trial court erred by allowing FBI Agent David Carolina to testify in his capacity as both an expert and a lay witness. As a result, Appellant argues that "Agent Carolina's opinion testimony greatly exceeded the bounds of his expertise" and he was "acting

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<sup>1</sup> 18 Pa.C.S.A. §§ 911, 903, 7512, and 35 P.S. 780-113(a)(30), respectively.

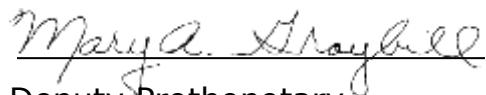
\*Former Justice specially assigned to the Superior Court.

as a summary witness, explaining to the jury his theory of [A]ppellant's guilt[.]” Appellant's Brief at 9, 10.

Our decision in **Huggins** is dispositive. Appellant was one of Huggins' co-conspirators. On appeal, Huggins presented the identical issue as presented herein. In **Huggins**, we determined that the Pennsylvania Rules of Evidence do not preclude a single witness from testifying as both a lay witness and an expert; however, we cautioned that the trial court's gatekeeping functions were imperative. Therein, we ultimately determined the trial court took significant steps to minimize any juror confusion. The jury received multiple cautionary instructions throughout trial. The trial court specifically directed the Commonwealth to delineate between Agent David Carolina's expert and fact-based opinions, which it did. Finally, defense counsel was permitted to engage in rigorous cross-examination of Agent Carolina regarding his expertise and the substance of his testimony. Hence, we rejected Huggins' assertion that Agent Carolina's testimony in dual capacities usurped the jury's fact-finding. As our decision in **Huggins** is directly on point, we rely on it in denying Appellant relief.

Judgment of sentence affirmed.

Judgment Entered.

  
Deputy Prothonotary

Date: 5/8/2013