

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

IN RE: APPEAL OF DENIAL TO PROSECUTE : 00-10,003  
PRIVATE CRIMINAL COMPLAINT OF :  
ROBERT HILL :

OPINION IN SUPPORT OF ORDER  
IN COMPLIANCE WITH RULE 1925(A)  
OF THE RULES OF APPELLATE PROCEDURE

This Opinion is written in support of this Court's Order dated March 17, 2000, which affirmed the District Attorney's Office's decision to not prosecute the above captioned matter. Some related background of this case is as follows: Robert Hill was arrested on April 20, 1995 with attempted murder, aggravated assault and related charges as a result of an incident on that date where, after having an argument with his daughter, he chased her out of their residence and shot at her three times as she ran to the home of a neighbor. Mr. Hill was found guilty by a jury of all of the charges on February 16, 1996, and was sentenced on July 5, 1996. Mr. Hill appealed to the Superior Court, which was denied by Opinion and Order dated December 12, 1997.

Mr. Hill has now filed four private criminal complaints, alleging that four persons have conspired to destroy him by implanting a radio chip on him, which is monitored by hidden satellites. He alleges that the satellite, which monitors all his actions and gives off hypnotizing suggestions, has caused his alcohol abuse, stress, sleep deprivation, confusion, and poisoning at work. He also alleges that the satellite suggestions are

responsible for his actions on April 20, 1995 when he shot at his daughter. He alleges that since these persons are responsible for the satellite suggestions, they should be charged in connection with the attempted homicide of his daughter. He argues that they should also be charged with spying on him, invasion of privacy, stalking, and related charges.

Pa. R. Crim. P., Rule 106. provides the procedure for the review of private criminal complaints. The rule provides that when the affiant is not a law enforcement officer, the complaint shall be submitted to an attorney for the Commonwealth, who shall approve or disapprove it without unreasonable delay. In determining whether to approve or disapprove a private criminal complaint, the District Attorney may rely on either a legal assessment of the complaint, or wholly discretionary matters of policy. Commonwealth v. Benz, 523 Pa. 203, 565 A.2d 764 (1989). Proper standard to be applied when reviewing private criminal complaints is whether complaint establishes prima facie case on all elements of charge contained in complaint. Commonwealth v. Jury, 431 Pa.Super. 129, 636 A.2d 164, (1993), appeal denied 537 Pa. 647, 644 A.2d 733. The trial court, in its independent review of the complaint, should not interfere with the exercise of prosecutorial discretion unless it is determined that there has been gross abuse of discretion. Commonwealth v. Pritchard, 408 Pa.Super.221, 596 A.2d 827 (1991).

After a review of the complaints filed by the Defendant, the Court is satisfied that the incidents described do not establish a prima facie case of the charges alleged. The Court is therefore satisfied that there was no abuse of discretion, and affirms the decision of the District Attorney to deny the complaints.

Dated \_\_\_\_\_

By The Court,

Nancy L. Butts, Judge

cc: DA  
Robert Hill  
DB-2073  
801 Butler Pike  
Mercer, PA 16137  
Judges  
Nancy L. Butts, Judge  
Law Clerk  
Gary Weber