

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

COMMONWEALTH OF PENNSYLVANIA : NO. 01-10,303  
:   
:   
vs. : CRIMINAL DIVISION  
: Habeas Corpus  
GORDON JAY BISSETT, :   
Defendant :

OPINION AND ORDER

Defendant has been charged with three (3) counts of arson, risking a catastrophe,<sup>1</sup> criminal mischief and possession of drug paraphernalia. Defendant filed a Petition for Writ of Habeas Corpus on March 8, 2001. Argument on the Petition was heard April 27, 2001.

Defendant contends the evidence presented at the preliminary hearing was insufficient to establish that he was the individual responsible for the fire. Specifically, Defendant argues that mere presence at the scene or providing false information is not enough to support the charges. While the Court agrees with Defendant’s recitation of the law, in the instant case, the Court finds that the Commonwealth established more than Defendant’s “mere presence”.

The Commonwealth presented evidence that Eldred Township responded to a vehicle fire on December 18, 2000 at approximately 6:30 p.m. just off of Warrensville Road. The vehicle involved was a 1988 Lincoln Limousine with License Plate “Action 5”. A County 911

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<sup>1</sup>Although risking a catastrophe is charged in the information, this charge was dismissed at the preliminary hearing.

Center employee testified to observing Defendant walking south on Warrensville Road at approximately 11:45-12:00 midnight at a location two (2) miles from the location of the car fire. Defendant's pant legs were wet. That individual called the State Police who responded and stopped Defendant for questioning. Defendant indicated to the Trooper that he had been at a location on Campbell Street and did not know how he got from Campbell Street to where he was found walking. He provided a false name and address<sup>2</sup>. In Defendant's jacket pocket was found a business card for Action Limousine. Action Limousine, which owns the vehicle, is a company located in Battle Creek, Michigan. The outstanding warrant for Defendant was issued by the Michigan Department of Corrections. The owner of Action Limousine was contacted and told the vehicle was in Pennsylvania and that he should report it stolen. The owner did report it stolen but once he found out that Defendant was being held for the arson, he indicated that Defendant was his cousin and that he had permission to use the vehicle.

Thus, not only was Defendant at the scene, but by driving the vehicle from Michigan, Defendant actually created the scene. His inability to explain how he got from Campbell Street to Warrensville Road provides further evidence of his possible involvement. Finally, at this stage, the Court is not determining whether sufficient evidence was presented to find that Defendant committed the arson beyond a reasonable doubt, simply whether there is sufficient evidence to indicate that Defendant probably committed the arson. The Court finds that there is.

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<sup>2</sup>Defendant explains now that there was an outstanding warrant for his arrest and that is why he provided the false name and address.

ORDER

AND NOW, this 4<sup>th</sup> day of May, 2001, for the foregoing reasons, Defendant's Petition for Writ of Habeas Corpus is hereby denied.

By the Court,

Dudley N. Anderson, Judge