

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	: NO. 02-11,925
	:
	:
vs.	: CRIMINAL DIVISION
	: Petition for Writ of Habeas Corpus
TODD D. HAINES,	:
Defendant	:

OPINION AND ORDER

Defendant has been charged with aggravated assault and related offenses in connection with an altercation alleged to have occurred on November 9, 2002, involving his girlfriend. In the instant Petition for Writ of Habeas Corpus, filed December 4, 2002, Defendant contends the evidence presented at the preliminary hearing was insufficient to support the charge of aggravated assault. At argument on the Petition, heard December 24, 2002, counsel agreed the Court should base the decision solely on a transcript of the preliminary hearing.

A review of that transcript indicates the victim testified Defendant hit her with his hands “everywhere”, that she felt pain in her head and the side of her chest and that she suffered a broken collarbone and three fractured ribs. The count of aggravated assault with which Defendant is charged is defined as an attempt to cause serious bodily injury to another, or causing such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life. 18 Pa.C.S. Section 2702 (a)(1). Serious bodily injury is defined as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” 18 Pa.C.S. Section 2301.

The Court believes three broken ribs and a fractured collarbone constitutes serious bodily injury as defined by the Crimes Code. The Commonwealth must therefore show Defendant caused such injury intentionally, knowingly or recklessly under circumstances

manifesting extreme indifference to the value of human life. The Court believes that such has been shown prima facie, from the evidence that Defendant hit the victim multiple times, to the extent that he caused the broken collarbone and fractured ribs.

As the Commonwealth has indeed presented a prima facie case of aggravated assault under the Section charged, the Petition for Writ of Habeas Corpus will be denied.

ORDER

AND NOW, this 17th day of January, 2003, for the foregoing reasons, Defendant's Petition for Writ of Habeas Corpus is hereby denied.

By the Court,

Dudley N. Anderson, Judge

cc: DA
PD
Gary Weber, Esq.
Hon. Dudley N. Anderson