

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

COMMONWEALTH	:	
	:	
v.	:	No.: 03-10,053
	:	
TODD HILLMAN,	:	
Defendant	:	

OPINION AND ORDER

Before the Court is the Defendant's Petition for Habeas Corpus relief. Defendant alleges that a consensual act of sexual intercourse between an adult and a child seventeen years of age cannot constitute the crime of Corrupting the Morals of a Minor.

The Court first notes that the offense of Corrupting the Morals of a Minor, 18 Pa.C.S.A. 6305, does not specifically enumerate which acts have been legislatively determined to corrupt or tend to corrupt the morals of a minor. However, "the common sense of the community, as well as the sense of decency, propriety and the morality which most people entertain is sufficient to apply the statute to each particular case, and to individuate what particular conduct is rendered criminal by it." Commonwealth v. Decker, 698 A.2d 99, 101 (Pa. Super., 1997), citing Commonwealth v. Pankraz, 382 Pa. Super. 116, 554 A.2d 974, 977 (1989), quoting Commonwealth v. Randall, 183 Pa. Super. 603, 133 A.2d 276 (1957), cert. denied, 355 U.S. 954, 2 L. Ed. 2d 530, 78 S. Ct. 539 (1958). Corruption of a minor can therefore involve conduct towards a child in an unlimited number of ways. The purpose of the corruption statute is

to protect children from these harms. The statute “is designed to cover a broad range of conduct in order to safeguard the welfare and security of our children. Because of the diverse types of conduct that must be proscribed, such statutes must be drawn broadly. It would be impossible to enumerate every particular act against which our children need be protected.”

Commonwealth v. Todd, 348 Pa. Super. 453, n. 2, 502 A.2d 631, 635 n. 2 (1985), citing Commonwealth v. Burak, 232 Pa. Super. 499, 335 A.2d 820 (1975). Further, the alleged criminal conduct need not actually cause injury to the child. The corruption itself constitutes the crime. See Commonwealth v. Mumma, 489 Pa. 547, 414 A.2d 1026, 1030 (1980); Commonwealth v. Barnette, 760 A.2d 1166 (Pa.Super. 2000). Finally, sexual intercourse with a minor has been held in prior cases to constitute corruption of morals. See Decker, supra.; Commonwealth v. Berry, 355 Pa. Super. 243, 249 (Pa. Super., 1986).

ORDER

AND NOW, this ____ day of August, 2003, for the reasons stated above, the Defendant’s Habeas Corpus motion in the above captioned case is DISMISSED.

By the Court,

Nancy L. Butts, Judge J.

xc: PD (WM)
DA
Gary Weber, Esquire