

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,	:
	:
vs.	: NO. 1225-2007
	:
FARLEY EDWARDS,	: CRIMINAL ACTION - LAW
	:
Defendant	: HABEAS CORPUS PETITION

**DATE: September 6, 2007**

**OPINION and ORDER**

Before the court for determination is the Petition for *Habeas Corpus* filed by Defendant Farley Edwards on August 8, 2007. On August 13, 2007 counsel stipulated on the record that the court is to determine the petition based upon the testimony presented on July 10, 2007, a preliminary hearing held before Magisterial District Judge James G. Carn. The Petition will be granted. The evidence presented by the Commonwealth does not sufficiently establish a *prima facie* case for the charge of providing false identification to law enforcement authorities against Defendant Farley Edwards. Furthermore, this is a *de minimis* incident.

**I. BACKGROUND**

**A. Facts**

The following facts are based upon the testimony presented at the preliminary hearing of July 10, 2007, filed of record on August 13, 2007.

On May 29, 2007 Williamsport Police Officer Justin D. Snyder was assigned to morning watch platoon in the city of Williamsport. He was driving a marked cruiser and partnered with Officer Houseknecht. Each was in full uniform. At approximately 2:00 a.m. the officers were patrolling the center zone of the 700 block of W. Edwin Street when they observed the Defendant riding a bicycle at night in the middle of the aforementioned street

heading eastbound. The officers stopped the Defendant on the bicycle for failing to have the proper lighting equipment attached to his bicycle for riding at night.

Upon stopping the Defendant the officers explained to him the reason for the stop as being his failure to have appropriate lighting on his bicycle at night. Officer Houseknecht then asked for the Defendant's identification or in the alternative his name. The Defendant replied that his name was "James Edwards" and that his date of birth was 10/01/1954. (Notes of Testimony, 4) At this point the officers informed the Defendant that he was under official investigation and that he was not free to leave. (N.T. 6) The officers then ran this information through the Lycoming County Control Center (LCCC) with a negative result for identification of a "James Edwards" with the date of birth provided by the Defendant.

Officer Snyder asked the Defendant once more to provide his name. The Defendant replied that he had a Maryland identification card. (N.T. 5) The officers then ran the Defendant's information through the Maryland database to which there was still no record recognized. Officer Snyder then took the Defendant into custody by placing handcuffs on him under the suspicion that the Defendant was providing a false name to law enforcement authorities. (Ibid) A few seconds after the handcuffs were placed on the Defendant he stated that his full name was "Farley James Edwards" with the same date of birth. (N.T. 7) The Defendant stated that he also goes by the name of "James Edwards." (N.T. 11)

The Defendant was then transported to police headquarters in order to confirm a positive identification. The officers confirmed through the LCCC as well as JNET that the Defendant was Farley James Edwards (hereafter "Edwards").

## **B. Charges**

On May 30, 2007, Police Officer Justin Snyder filed a criminal complaint against Edwards charging him with the following offenses: Count 1 False Identification to Law Enforcement Authorities, 18 Pa.C.S.A. § 4914(a); and Count 2 Lamps and other Equipment on Pedalcycles, 75 Pa.C.S.A. § 3507(a).

## **C. Edwards' Argument**

In his Petition for *Habeas Corpus*, Edwards asserts that the Commonwealth has failed to establish a *prima facie* case for Count 1, False Identification to Law Enforcement Authorities. Specifically Edwards argues that because “James Edwards” is his legal middle and last name and therefore partially correct, he did not provide “false” information within the meaning of Section 4914(a). Edwards further alleges that the officers improperly placed him under official investigation regarding his identification because the stop had been for the bicycle lamps only. Therefore Edwards reasons that any official investigation regarding the bicycle lamps had concluded upon the officers noting that the lamps were not properly attached or lit at night. Finally Edwards argues that the suspicion of providing false identification alone cannot provoke an official investigation.

## **II. ISSUES**

Edwards' Petition for *Habeas Corpus* raises one main issue with two subparts. They are:

- (1) Whether the Commonwealth presented sufficient evidence to establish a *prima facie* case for the charge of providing false identification to law enforcement authorities;
  - i. Whether in providing the officers with merely part of his legal name as opposed to his entire legal name, the Defendant gave a “false” identification for purposes of Section 4914;

- ii. Whether giving false identification can, after a proper stop for a vehicle code violation, provoke an official investigation.

### **III. DISCUSSION**

The discussion section of this opinion will be divided into two main parts. First, we will set forth the standard of review by which the issue will be judged. Second, we will set forth why the evidence presented is insufficient to establish a *prima facie* case for the charge against Edwards of providing false identification to law enforcement authorities.

#### **A. Standard of Review**

“The writ of *habeas corpus* exists to vindicate the right of personal liberty in the face of unlawful government deprivation.” *Commonwealth v. Jackson*, 809 A.2d 411, 416 (Pa. Super. 2002) (quoting *Commonwealth v. Morman*, 541 A.2d 356, 358 (Pa. Super. 1988)). “It is settled that a petition for writ of *habeas corpus* is the proper means for testing a pre-trial finding that the Commonwealth has sufficient evidence to establish a *prima facie* case.” *Commonwealth v. Keller*, 822 A.2d 1004, 1010 (Pa. Super. 2003), *app. denied*, 832 A.2d 435 (Pa. 2003). “[T]he finding of a *prima facie* case is the prerequisite for requiring the accused to stand trial for the charges leveled against him.” *Commonwealth v. Cordoba*, 902 A.2d 1280, 1284 (Pa. Super. 2006). “A trial court may grant a defendant’s petition for *habeas corpus* when the Commonwealth has failed to present a *prima facie* case against the defendant.” *Commonwealth v. Santos*, 876 A.2d 360, 363 (Pa. 2005).

The evidentiary sufficiency of the Commonwealth’s *prima facie* case is a question of law. *Commonwealth v. Nieves*, 876 A.2d 423, 424 (Pa. Super. 2005), *app. denied*, 891 A.2d 731 (Pa. 2005).

A *prima facie* case exists when the Commonwealth produces evidence of each of the material elements of the crime charged and establishes sufficient probable cause to warrant the belief that the accused committed the offense. [(citation omitted)]. The evidence need only be such that, if presented at trial and accepted as true, the judge would be warranted in permitting the case to go to the jury. [(citation omitted)]. Moreover, ‘inferences reasonably drawn from the evidence of record which would support a verdict of guilty are to be given effect, and the evidence must be read in the light most favorable to the Commonwealth’s case.’ [(citation omitted)].

*Commonwealth v. Huggins*, 836 A.2d 862, 866 (Pa. 2003). The Commonwealth is not required to prove the defendant’s guilt beyond a reasonable doubt in order to establish a *prima facie* case. *Santos*, 876 A.2d at 363. Rather, the “more-likely-than-not” test is the minimum standard to be used in assessing the reasonableness of the inferences relied upon to establish a *prima facie* case. *Commonwealth v. Wodjak*, 466 A.2d 991, 996 (Pa. 1983); *Commonwealth v. Lacey*, 496 A.2d 1256, 1261 (Pa. Super. 1985).

### **B. Edwards’ Challenge to the False Identification Charge**

The Commonwealth has not presented sufficient evidence to establish a *prima facie* case for the charge of providing false identification to law enforcement authorities. The Pennsylvania Crimes Code defines the misdemeanor as follows:

**(a) Offense defined.-** A person commits an offense if he furnishes law enforcement authorities with false information about his identity after being informed by a law enforcement officer who is in uniform or who has identified himself as a law enforcement officer that the person is the subject of an official investigation of a violation of law.

18 Pa.C.S.A. § 4914(a). A violation of this statute is a misdemeanor in the third degree. 18 Pa.C.S.A. § 4914(b). As with all offenses under Title 18 of the Pennsylvania Criminal Code, a person is not guilty of an offense unless he acted “intentionally, knowingly, recklessly or negligently, as the law may require, with respect to each material element of the offense.” 18

Pa.C.S.A. § 302(a). As Section 4914(a) does not proscribe the culpability necessary to establish a material element of the offense, the element is established if a person acts intentionally, knowingly or recklessly with respect thereto. 18 Pa.C.S.A. § 302(c).

The court in *Commonwealth v. Flamer*, addressed an issue similar to the one in our case in an appeal of a conviction under Section 4914(a). 848 A.2d 951 (Pa. Duper. 2004). In that case the issue was whether the Appellant violated the statute when he provided identification information to law enforcement authorities that, although not “false”, was not the Appellant’s legal name. *Id* at 952. Upon being requested to state his name to uniformed police officers at a traffic stop, Appellant gave the officers his Muslim name of “Lateef Moore.” *Id*. Although it was established through testimony that Appellant was a practicing Muslim, that the name had been given to him by his father at the age of fourteen, and that he was referred to by this name among his Muslim friends, it was also established that this was neither his legal name nor was it a name the Appellant used on any official documents such as his driver’s license. *Id*. at 953. When the Appellant signs legal documents requiring identification he uses his legal name of “Rodney Flamer.” *Id*. at 952. The court concluded that the Appellant violated Section 4914(a) by not providing his official legal name because “certainly Appellant knew, or ought to have known, that this would be the only name by which the officer could identify him and the vehicle.” *Id*. at 953.

**(a) Insufficient Evidence to Find Edwards Violated Section 4914**

Edwards did not violate Section 4914(a) by giving the officers only part of his legal name because he did not have the requisite intent to provide false information to the officers under the statute. Like the Appellant in *Flamer*, Edwards did not technically provide “false” information to the police officers when he gave the name “James Edwards.” This is a

nickname by which Edwards is known and calls himself and is also his legal middle and last name. However, unlike the Appellant in *Flamer* whom the court reasoned under the facts of the case certainly “knew, or ought to have known” that his legal name was the only name the police officers could identify him by, the facts surrounding the arrest of Edwards do not support the same mental culpability.

In *Flamer* the Appellant produced for the police officers’ inspection a temporary vehicle registration that indicated an owner’s name of “Rodney Flame” but on the signature line of the document was the name “Rodney Flamer.” 848 A.2d at 951. The Appellant further gave an address and a birth date to the officers explaining that he did not have a driver’s license on his person and that the car belonged to Appellant’s brother. *Id.* Upon noticing the discrepancy between the name printed on the temporary registration and the name signed at the bottom of the document, the officer asked the Appellant to state his name to which the Appellant gave his Muslim name of “Lateef Moore.” *Id.* at 951-52. The Appellant then refused to spell his Muslim name for the officers upon request. *Id.* at 952. The officers arrested the Appellant after they were unable to verify Appellant’s driver’s license and registration. *Id.* Only upon arrival at police headquarters did Appellant identify himself as “Rodney Flamer” and provide a correct social security number. *Id.*

When juxtaposed to the facts in *Flamer*, it is apparent that the degree of mental culpability rendering the Appellant guilty in *Flamer* is absent in the present case. In our case, Edwards also was stopped without photo identification on his person. However, when asked his name, Edwards did not give a name which was wholly different from his legal name like the Appellant in *Flamer* who gave his Muslim name. Edwards instead gave his legal middle and last name along with his correct birth date and address. This name is a name the Defendant

goes by generally throughout his daily life. This fact indicates that Edwards was not intentionally trying to deceive the officers and also indicates that he may not have been aware that the name he offered would cause a problem. Furthermore, when the officers stated that they could not find a matching record for the information Edwards provided, he volunteered the information that he has a Maryland identification card. This fact suggests an intent to aid the officers. By his volunteering information Edwards stands in stark contrast to the uncooperative acts of the Appellant in *Flamer* who refused to spell his Muslim name for the officers as well as aid the officers in explaining the discrepancy in the names provided. 84 A.2d at 951-52.

The most significant distinguishing fact between the cases however is that in *Flamer*, the Appellant flatly refused to give his legal name to the officers until he was present at police headquarters, whereas Edwards provided his full legal name at the sight of the stop. Indeed the officers testified at the July 10, 2007 preliminary hearing that Edwards provided his full name within seconds after the handcuffs were placed on him. This prompt disclosure is additional evidence that Edwards did not have the criminal intent of concealing his identity. Instead, this quick response is indicative of a good faith effort by Edwards to cooperate with the officers when it became apparent that the information he was providing was not satisfying their database search.

Accordingly, when the context of the stop is viewed in light of analogous case facts, it is apparent that Edwards did not possess the requisite intent to violate the statute.

**(b) Scope of Official Investigation**

The police officers properly performed an official investigation by asking for Edwards' identification when they stopped him for riding an improperly lit bicycle. A bicycle is a "Pedalcycle" for purposes of the Pennsylvania Vehicle Code and as such is governed by the



rules contained in the Vehicle Code regarding vehicle stops. 75 Pa.C.S.A. § 3501, 75

Pa.C.S.A. § 6308(a). Section 6308 provides the rules for investigation by police officers in stops concerning Vehicle Code violations and states as follows:

**(a) Duty of operator or pedestrian.-**The operator of any vehicle...reasonably believed to have violated any provision of this title shall stop upon request or signal of any police officer and shall, upon request, exhibit a registration card, driver's license...or other means of identification if a pedestrian or driver of a pedalcycle, and shall write their name in the presence of the police officer if so required for the purpose of establishing identity.

**(b) Authority of police officer.-** Whenever a police officer is engaged in a systematic program of checking vehicles or drivers or has reasonable suspicion that a violation of this title is occurring or has occurred, he may stop a vehicle...for the purpose of checking...the driver's license, or to secure such other information as the officer may reasonably believe necessary to enforce the provisions of this title.

75 Pa.C.S.A. § 6308.

Pursuant to Section 6308 of the Vehicle Code the police officers were within their statutory scope of authority in obtaining Edwards' proper identification. Edwards was riding a bicycle and as such is subject to the Vehicle Code pursuant to Section 3501. The police officers reasonably believed that vehicle code 75 Pa.C.S.A. § 3507(a) regarding the lighting of bicycles at night had been violated when they saw Edwards riding in the middle of the street at night with no lights on his bicycle. As such they were within their right to stop him pursuant to Section 6308 regarding vehicle stops and request that he provide "some other means of identification." Pa.C.S.A. § 6308(a). Furthermore, Officer Snyder testified at the hearing that Edwards' correct legal name and identification was information necessary to enforce the provisions of Section 3507(a) because without it the citation for the infraction could not be enforced. This necessary information for enforcement of Section 3507(a) was lawfully obtained under the vehicle stop provisions set forth in 6308(b) as the positive identification was

needed to “enforce the provisions of this title.” *Id.* Accordingly the police officers were within their authority to request Edwards to produce identification as it is considered part of a statutory stop for a vehicle code violation.

The police in this case stated at the July 10<sup>th</sup> hearing that obtaining Edwards’ legal name was necessary in order to issue the citation. Because Edwards provided them such information at the stop sight directly after handcuffs were placed on him, the officers were in possession of the information necessary to obtain a positive identification and complete the citation. Therefore, the subsequent act of taking Edwards to police headquarters to obtain a positive identification was avoidable. It would be appropriate therefore to also dismiss this charge as being “*de minimis*” under 18 Pa.C.S. § 312.

#### **IV. CONCLUSION**

The Petition for *Habeas Corpus* of Defendant Farley Edwards is granted.

#### **ORDER**

It is hereby ORDERED that the Petition for *Habeas Corpus* by Defendant Farley James Edwards on August 8, 2007 is GRANTED.

BY THE COURT,

William S. Kieser, Judge

cc: Jeana A. Long, Esquire  
District Attorney  
Rebecca Penn, Esquire (Law Clerk)  
Judges  
Gary L. Weber, Esquire (Lycoming Reporter)