

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : No. CR-706-2010
vs. :
:
RYON D. WORTHY, JR., :
Defendant :

OPINION AND ORDER

By way of background, Defendant Ryon D. Worthy, Jr. is charged with burglary, conspiracy, criminal trespass, robbery, theft by unlawful taking, terroristic threats and simple assault. This case came before the Court on Worthy’s motion for habeas corpus to dismiss these charges.

When reviewing a motion for habeas corpus, the Court must view the evidence and all reasonable inferences to be drawn from the evidence in the light most favorable to the Commonwealth. See Commonwealth v. Santos, 583 Pa. 96, 101, 876 A.2d 360, 363 (2005). With this standard in mind, the relevant facts follow.

At approximately 9:40 a.m. on March 31, 2009, Amanda Kline, Jacob Johnson, and their friend Robert “Jube” Keagle were asleep in Kline and Johnson’s apartment, apartment 8G, at 610 Lycoming Street in the city of Williamsport. The apartment door had been locked and Kline and Johnson’s bedroom door was closed. Suddenly, Ms. Kline and Mr. Johnson were awoken by two black males in their twenties with dark blue or black bandanas covering their faces running into their bedroom and hitting Mr. Johnson in the head with a little black handgun that could have been a 9 millimeter. These individuals began screaming “give us your stuff” at Ms. Kline and Mr. Johnson. They pointed the gun at

them and were cocking it. They then began taking items off the bedroom dresser and shoving them into a dark colored drawstring bag that had writing on it. They took a New Era Yankees hat that had a half-peeling gold sticker on it, a silver watch with a blue face, and about \$100 in cash. As the intruders ran out, they told Kline and Johnson that they would kill them if they called the police. Ms. Kline observed through the bedroom window that the individuals ran north around the corner of the building toward other apartments. She then called the police.

Officer Trent Peacock testified at the preliminary hearing that the victims described the one suspect as a black male in his twenties, who was approximately 5'5" tall and 170 pounds, and he was wearing a black zipper hoodie with the hood up, a black or dark blue bandana over his face, and black gloves.¹ The victims described the other suspect as a 6' tall, 170 to 180 pound black male in his twenties dressed in a black windbreaker style jacket with the hood up and a blue or black bandana over his face.

Officer Peacock became aware of information from Officer Jody Miller that the victims had been the victims of a previous robbery and that residents of Apartment 8D were involved in that robbery. Apartment 8D was north around the corner from the victims' apartment. Officer Peacock and Officer Miller went to apartment 8D. A female there gave them consent to search the apartment for the suspects. In the second floor bedroom, the

¹ The Commonwealth introduced a copy of the preliminary hearing transcript as Commonwealth Exhibit 11. The description of the suspects can be found at page 35 of that transcript.

officers observed a black, New Era Yankees hat with a partially peeling gold sticker on the brim, just like the one taken from apartment 8G, hanging on the corner of the dresser mirror.

The officers secured apartment 8D and obtained a search warrant. They executed the search warrant around noon on the same day of the burglary. During the search the officers found a silver watch with a blue face and a blue and black drawstring bag with lettering on it that contained money, a black bandana, and suspected marijuana in the bedroom dresser from which the Yankee hat was hanging. In this same dresser, the police found Worthy's photo identification card in a black wallet. The identification card indicated Worthy's height as 5'5". The police also found Worthy's pay stubs from October 2008 and his 2008 W-2 statements in the dresser.

The Commonwealth introduced photographs of the Yankee hat, drawstring bag, silver watch, the identification card and wallet, the bandana, the money, the paystubs and the W-2 statement as exhibits 1-10. The victims identified the Yankee hat and the silver watch with the blue face as their property taken during the burglary.

At the hearing on Worthy's motion for habeas corpus, the Commonwealth called Eugenie Springman, the site manager of the apartment complex, as a witness. Ms. Springman testified that apartment 8D was leased to Shaquona Cable, who lives there with her child. Ms. Springman also testified that as part of the lease process she saw the child's birth certificate; Worthy is the father of Ms. Cable's child. Ms. Springman further testified that she was aware Worthy was visiting and staying at Ms. Cable's apartment.

The defense argument for habeas relief was that the evidence was insufficient

to show that Worthy was one of the individuals involved in the burglary. The Court cannot agree.

At this stage of the proceedings, the Commonwealth only needs to establish a prima facie case, not proof beyond a reasonable doubt. “A prima facie case exists when the Commonwealth presents evidence of each of the material elements of the crimes charged and establishes sufficient probable cause to warrant a belief that the accused committed the offense.” Commonwealth v. Santos, 583 Pa. 96, 101, 876 A.2d 360, 363 (2005), quoting Commonwealth v. Huggins, 575 Pa. 395, 836 A.2d 862, 866 (2003). Since defense counsel’s motion and argument did not challenge the elements of the offenses, the Court will only address whether the evidence presented established probable cause to believe Worthy was one of the individuals involved in the crimes that occurred in apartment 8G.

The Court finds the evidence and reasonable inferences to be drawn from the evidence established probable cause to believe Worthy committed the offense in apartment 8G. The suspects were black males in their twenties, one of whom was 5’5” tall. Worthy is a black male in his twenties, whose photo identification shows he is 5’5” tall. The suspects fled north around the corner of the building. Apartment 8D, where Worthy’s girlfriend and child reside and where Worthy was visiting or staying, is located north around the corner of the building from apartment 8G. Residents of apartment 8D were involved or associated with a previous burglary involving the victims in this case. During a consent search of apartment 8D for the suspects involved in the burglary, the police observed a New Era Yankees hat with a peeling sticker, just like the victims described was taken from their apartment. The

police then obtained a search warrant for apartment 8D and found the victims' watch and some cash. The police also found a black bandana in a drawstring bag consistent with the bandana and bag utilized by the burglars. The stolen items, the bandana and the drawstring bag were found in a dresser in close proximity to a wallet containing Worthy's photo identification card, his October 2008 pay stubs and his 2008 W-2. Whether this evidence is sufficient to establish Worthy's guilt beyond a reasonable doubt is a question for a jury, but it is certainly sufficient to establish a prima facie case that Worthy was one of the individuals involved in the burglary of apartment 8G.

ORDER

AND NOW, this ___ day of August 2010, for the foregoing reasons, the Court **DENIES** the petition for habeas corpus relief.

By The Court,

Marc F. Lovecchio, Judge

cc: Paul Petcavage, Esquire
Nicole Spring, Esquire
Gary Weber, Esquire (Lycoming Reporter)
Work file