

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 : **CR-2128-2013**
 v. :
 :
 ANTHONY MICHAEL SNYDER : **CRIMINAL DIVISION**
 Defendant :

OPINION AND ORDER

On February 12, 2015, the Defendant filed a timely post-sentence motion. Argument on the motion was held on March 13, 2015. After argument, the parties submitted briefs.

I. Background

The Defendant was charged with statutory sexual assault¹ and corruption of minors.² The Commonwealth alleged that the Defendant corrupted or tended to corrupt the morals of L.H. by committing statutory sexual assault of L.H.

During trial, the parties stipulated that the Defendant and L.H. had consensual sexual intercourse on November 7, 2013. L.H. testified that she was 15 years old and not married on November 7, 2013. The Defendant testified that he was born on April 4, 1988 and was 25 years old on November 7, 2013. In addition, the Defendant testified that L.H.'s parents contacted him after he had sex with L.H. Through the following exchange, the Defendant admitted that L.H. was under the age of 16 when he had sex with her:

Defense Attorney: As a result of what you learned from [L.H.'s] parents, did you realize that L.H. was under the age of 16?

Defendant: Yes.

¹ 18 Pa.C.S. § 3122.1.

² 18 Pa.C.S. § 6301.

On January 29, 2015, a jury found the Defendant not guilty of statutory sexual assault but guilty of corruption of minors, a first-degree misdemeanor.³

In his post-sentence motion, the Defendant argues that “because he was acquitted of statutory sexual assault, he is not guilty of corruption of minors; the evidence presented at trial, therefore, was insufficient to establish corruption beyond a reasonable doubt.” He asks that the Court arrest judgement and dismiss the corruption of minors charge. In his brief, the Defendant argues he “was notified that the Corruption charge was based upon criminal sexual conduct with [L.H.],” but “[t]he Commonwealth failed to prove that [he] engaged in criminal sexual conduct with [L.H.]” He argues that “[t]herefore, there is no factual basis to support the corruption conviction.” The Commonwealth argues that “[t]he verdict on the Corruption of Minors is sufficient as long as the defendant was over 18 years of age and having sexual intercourse with a 15 year old child”

II. Discussion

“[U]nder longstanding federal and state law, [inconsistent verdicts] are allowed to stand so long as the evidence is sufficient to support the conviction.” Commonwealth v. Miller, 35 A.3d 1206, 1208 (Pa. 2012).

“When reviewing the sufficiency of the evidence in a criminal case, the test is whether the evidence admitted at trial is sufficient to prove every element of the crime charged beyond a reasonable doubt. The reviewing court views the evidence in a light most favorable to the Commonwealth as the verdict winner and accepts as true all evidence and all reasonable inferences therefrom upon which, if believed, the fact finder could properly have based its verdict.” Commonwealth v. Turner, 568 A.2d 622, 624 (Pa. Super. 1989) (citations omitted).

³ 18 Pa.C.S. § 6301(a)(1)(i).

“Any doubts regarding a defendant’s guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances.” Commonwealth v. Cassidy, 668 A.2d 1143, 1144 (Pa. Super. 1995).

A person commits the offense of corruption of minors when he or she “being of the age of 18 years and upwards, by any act corrupts or tends to corrupt the morals of any minor less than 18 years of age” Commonwealth v. Slocum, 86 A.3d 272, 277 (Pa. Super. 2014) (quoting 18 Pa.C.S. § 6301(a)(1)(i)). “[A] conviction for corrupting morals will be upheld where the conduct of the defendant tends to corrupt the minor’s morals.” Id. (quoting Commonwealth v. Mumma, 414 A.2d 1026, 1030 (Pa. 1980)). “[A]ctions that tended to corrupt the morals of a minor were those that ‘would offend the common sense of the community and the sense of decency, propriety and morality which most people entertain.’” Id. (quoting Commonwealth v. DeWalt, 752 A.2d 915, 918 (Pa. Super. 2000)).

“[C]orruption of a minor can involve conduct towards a child in an unlimited number of ways. The purpose of such statutes is basically protective in nature. These statutes are 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 to be protected.” Id. at 279 (quoting Commonwealth v. Barnette, 760 A.2d 1166, 1173 (Pa. Super. 2000)).

“[G]enerally a corruption of minors charge accompanies a more serious charge such as involuntary deviate sexual intercourse, statutory rape, indecent assault, etc. . . .” Commonwealth v. Decker, 698 A.2d 99, 100 (Pa. Super. 1997).

For statutory sexual assault, “the evidence must show that the complainant was under 16 years of age and the perpetrator was at least four years older.” Commonwealth v. Duffy, 832 A.2d 1132 (Pa. Super. 2003).

Here, the evidence was sufficient to prove beyond a reasonable doubt that the Defendant corrupted or tended to corrupt the morals of L.H. by committing statutory sexual assault of L.H. The parties stipulated that the Defendant and L.H. had consensual sexual intercourse on November 7, 2013. The Defendant was 25 years old and L.H. was 15 years old on November 7, 2013. Therefore, the evidence was sufficient to prove beyond a reasonable doubt that the Defendant committed statutory sexual assault of L.H. Statutory sexual assault is a crime, so it clearly offends the common sense of the community and the sense of decency, propriety and morality which most people entertain. The Defendant was at least 18 years old. Thus, the evidence was sufficient for the jury to find the Defendant guilty of corruption of minors.

III. Conclusion

The evidence was sufficient to prove beyond a reasonable doubt that the Defendant committed statutory sexual assault of L.H. Because the evidence was sufficient for the jury find the Defendant guilty of statutory sexual assault, and the Defendant was at least 18 years old, the evidence was sufficient to prove beyond a reasonable doubt that the Defendant committed corruption of minors.

ORDER

AND NOW, this _____ day of June, 2015, based upon the foregoing Opinion, it is ORDERED and DIRECTED that the Defendant's Post-Sentence Motion is hereby DENIED. Pursuant to Pennsylvania Rule of Criminal Procedure 720(B)(4), the Defendant is hereby notified of the following: (a) the right to appeal this Order within thirty (30) days of the date of this Order; (b) the right to assistance of counsel in the preparation of the appeal; (c) if indigent, the right to appeal in forma pauperis and to proceed with assigned counsel as provided in Pennsylvania Rule of Criminal Procedure 122; and (d) the qualified right to bail under Pennsylvania Rule of Criminal Procedure 521(B).

By the Court,

Nancy L. Butts, President Judge

cc: William J. Miele, Esq.
Melissa Kalas, Esq.