

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

COMMONWEALTH	:	No. CR-1982-2014
	:	
vs.	:	
	:	
	:	
	:	
	:	Petition for a Writ of Habeas Corpus
MARIAH C. VALENTINE,	:	
Defendant	:	

OPINION AND ORDER

Defendant is charged with one count of Hindering Apprehension, a misdemeanor 2 offense. On January 5, 2015, Defendant filed a “Pretrial Motion” consisting of a Petition for a Writ of Habeas Corpus. Argument was held before the Court on said Motion. The parties stipulated that the Court could consider the transcript of the December 2, 2014 preliminary hearing attached to Defendant’s Motion.

Defendant claims that the Commonwealth has failed to establish for prima facie purposes the required element of intent to hinder. Defendant argues specifically that this element cannot be established because: (1) the individual wanted, Jonathan Pedroza, had indicated he was going to turn himself in, and (2) at the time of the alleged hindering, law enforcement was actually serving a warrant on the Defendant and not Mr. Pedroza.

The proper means to attack the sufficiency of the Commonwealth’s evidence pretrial is through the filing of a Petition for Writ of Habeas Corpus. Commonwealth v. Marti, 779 A.2d 1177, 1179 n.1 (Pa. Super. 2001). At a habeas corpus hearing, the issue is whether the Commonwealth has presented sufficient

evidence to prove a prima facie case against the defendant. Commonwealth v. Williams, 911 A.2d 548, 550 (Pa. Super. 2006).

“A prima facie case consists of evidence, read in the light most favorable to the Commonwealth, which sufficiently establishes both the commission of a crime and that the accused is probably the perpetrator of that crime.” Commonwealth v. Packard, 767 A.2d 1068, 1070 (Pa. Super. 2001).

When reviewing a Petition for Writ of Habeas Corpus, the Court must view the evidence and all reasonable inferences to be drawn from that evidence in a light most favorable to the Commonwealth. Commonwealth v. Santos, 583 Pa. 96, 101, 876 A.2d 360, 363 (2005). The prima facie standard does not require that the Commonwealth prove the elements of the crime beyond a reasonable doubt; it merely requires evidence of each of the element of the offense charged. Marti, 779 A.2d at 110 (citations omitted).

Under 18 Pa. C.S. § 5105 (a) (1) (a), a person commits the offense of hindering apprehension if , with intent to hinder the apprehension, prosecution, conviction or punishment of another he harbors or conceals them, or provides or aids in providing means of avoiding apprehension.

The evidence established that Mr. Pedroza was wanted on a bench warrant. The Defendant had known of Mr. Pedroza’s bench warrant status since August of 2014. Defendant and Mr. Pedroza were having a relationship and during approximately the first week of November of 2014, Mr. Pedroza was at Kimball’s Pub where Defendant worked. Defendant knew then that Mr. Pedroza “was wanted.” (Preliminary Hearing Transcript, pp. 7-8).

On November 20, 2014, law enforcement went to Defendant's residence. They knocked on the door for about ten minutes, pounding, announcing themselves and directing Defendant to "come out." (Preliminary Hearing Transcript, p. 5). Law enforcement also suspected that Mr. Pedroza was inside the residence. It was not until the outer door was opened by a maintenance man that Mr. Pedroza opened the inside door to the residence. He indicated that he had come to the apartment "the night before" to see his son and was going to turn himself in. (Preliminary Hearing Transcript, p. 9). At the time of Mr. Pedroza's apprehension, the Defendant was found in the living room with their son.

Despite Defendant's arguments, this evidence is sufficient for prima facie purposes to establish that Defendant had the intent to hinder Mr. Pedroza's apprehension at the very least while the police were at the residence, before the outside door had to be unlocked, before Mr. Pedroza opened the door and before Mr. Pedroza decided to turn himself in. The fact that police were serving a warrant on the Defendant is immaterial. The fact that Mr. Pedroza indicated that he was going to turn himself is also immaterial. At the time the incident allegedly occurred he had not turned himself in and Defendant was aware of such. In fact, if the evidence is believed by a jury, Defendant knew that Mr. Pedroza had an active warrant, allowed him to stay in her house overnight and refused to answer the door when police demanded such. Accordingly, Defendant's Pretrial Motion will be denied.

ORDER

AND NOW, this ____ day of March 2015, upon consideration of Defendant's Petition for a Writ of Habeas Corpus and after argument of the parties, said Petition is DENIED.

By The Court,

Marc F. Lovecchio, Judge

cc: DA (AB)
PD (RC)
Gary Weber, Esquire (Lycoming Reporter)
Work File