

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH :  
 :  
 vs. : No. CR- 1537-2015  
 :  
 WILLIAM WINTERS, IV, :  
 Defendant : Omnibus Pretrial Motion

**OPINION AND ORDER**

Defendant is charged with one count of failure to comply with registration of sexual offender's requirements, a felony of the second degree. The Commonwealth alleges that Defendant moved from 712 Grace Street in the City of Williamsport to 321 Locust Street in Williamsport on August 3, 2015 and failed to register this new address within three days. The Commonwealth contends that Defendant did not register until August 13, 2015.

Defendant filed an omnibus pretrial motion on October 28, 2015. The motion includes a petition for habeas corpus, as well as what is styled as a motion to reserve right. Defendant contends that the Commonwealth has failed to establish a prima facie case that he was residing at 321 Locust Street as of August 3, 2015.

A hearing was held on December 16, 2015. At the hearing, the Commonwealth presented the testimony of Crystal Minnier, a case worker for Lycoming County Children & Youth, Jack Winters, the biological nephew but "legal brother" of Defendant, Officer Jason Bolt of the Williamsport Bureau of Police, and Detective William Weber of the Lycoming County District Attorney's Office.

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, 1178 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 a light most favorable to the Commonwealth, that 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). “Stated another way, a prima facie case in support of an accused’s guilt consists of evidence that, if accepted as true would warrant submission of a case to a jury.” *Id.* at 1071.

When reviewing a petition for a writ of habeas corpus, the court must view the evidence and all reasonable inferences to be drawn from the evidence in a light most favorable to the Commonwealth. *Commonwealth v. Santos*, 876 A.2d 360, 363 (Pa. 2005). A prima facie case merely requires evidence of each of the elements of the offense charged, not evidence beyond a reasonable doubt. *Marti*, 799 A.2d at 1180.

Pursuant to Pennsylvania’s Sexual Offender’s Registration Act, 42 Pa. C.S.A. § 9799.11 et. seq., a “residence” is defined as “a location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year.” 42 Pa. C.S.A. § 9799.12.

The statute does not define the terms “reside” or “domicile.” The court interprets the term “reside” to mean what it says. To “reside” means, to the court, that an individual lives in a particular place.

The evidence submitted at the habeas corpus hearing sufficiently proves for prima facie purposes that on August 3, 2015, Defendant resided at 321 Locust Street.

Crystal Minnier has been familiar with Defendant and his family since she was assigned as a caseworker on July 15, 2015 to assist with Defendant's newborn child. The child came into agency care on July 15, 2015.

Ms. Minnier visited with Defendant at his prior residence of 712 Grace Street before the end of July. At that time, both Defendant and his girlfriend indicated that they were looking for a new residence because of "issues with neighbors." They specifically stated as well that they would be moving on August 3, 2015 and would need to miss scheduled appointments that day.

On August 6, 2015, Ms. Minnier went to the residence at 321 Locust Street. Both Defendant and his girlfriend were present. Defendant admitted that he was living there. Ms. Minnier was concerned about the condition of the premises and, in particular, whether the residence was in a "livable condition for their daughter."

After Defendant went to jail on these charges, the girlfriend contacted Ms. Minnier for assistance with rent and utilities. Ms. Minnier contacted the landlord and received a copy of the lease agreement. The lease purports to rent the premises at 321 Locust Street to both Defendant and his girlfriend. The effective date of the lease is August 3, 2015.

Between August 6, 2015 and August 13, 2015, the date that Defendant registered 321 Locust Street as his residence, Ms. Minnier visited the residence on at least three separate occasions, if not more. On each occasion, she made contact with Defendant

and his girlfriend. There was no doubt that Defendant was residing at 321 Locust Street.

Jack Winters resided with his brother and his brother's girlfriend beginning in June of 2015 at 712 Grace Street.

He testified that they started moving from Grace Street to 321 Locust Street on August 3, 2015. They had to move because the landlord at Grace Street wanted them out. It took two or three days to move, but by August 5, 2015, most of the items had been moved and everyone was "sleeping" at the 321 Locust Street address. He specifically recalled the date of August 5 as the date everyone started "sleeping at 321 Locust Street, because that evening there was a disturbance with the neighbors and the police were called."

He looked at the Lease Agreement that was provided to Ms. Minnier. He knew Defendant's signature "like his own." He has seen Defendant print and sign things literally hundreds of times in the past. He acknowledged that the signature and the handwritten printing was Defendant's writing.

Officer Bolt was patrolling on August 9, 2015. He was dispatched to 321 Locust Street for a reported disturbance.

When he arrived at 321 Locust Street, Defendant was outside while his girlfriend was inside. They were arguing "loudly" with each other. When Officer Bolt confronted Defendant, Defendant indicated that he and his girlfriend were arguing about who was doing more work with respect to moving. Defendant admitted to Officer Bolt that he moved in on August 3, 2015.

Detective Weber was working on August 5, 2015. He made contact with

Defendant at the 321 Locust Street address. There was a fracas that involved “everyone yelling and screaming at each other.” He spoke with Defendant who indicated they were “moving in.” He also spoke with the landlord, who happened to show up at the residence. She verified that Defendant was renting the premises and had moved in.

While clearly the factfinder will have an opportunity to determine the weight and credibility of the aforesaid testimony and evidence at trial, the Commonwealth has met its burden at this stage of the proceedings of establishing a prima facie case that Defendant resided at 321 Locust Street anywhere between August 3, 2015 and August 5, 2015.

The parties do not contest that Defendant was a registered sex offender who was required to register any change in his address within three business days or that Defendant did not register the 321 Locust Street address until August 13, 2015. Therefore, the court will deny Defendant’s petition for habeas corpus.

**ORDER**

**AND NOW**, this \_\_ day of December 2015, following a hearing and argument on Defendant’s omnibus pretrial motion, the court **DENIES** Defendant’s petition for habeas corpus. The Court **GRANTS** Defendant’s motion to reserve right. Defendant may file any supplemental omnibus pretrial motion within thirty (30) days after receipt of any additional discovery that is provided by the Commonwealth.

By The Court,

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Marc F. Lovecchio, Judge

cc: Tony Ciuca, Esquire (ADA)  
Joshua Bower, Esquire (APD)  
Gary Weber, Esquire, Lycoming Reporter  
Work file