

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : Nos. CR-1409-2020; CR-998-2020  
: CR-711-2018  
:  
VS. :  
:  
: MOTION FOR RELEASE  
COLLIN S. REID : PURSUANT TO RULE 600

OPINION AND ORDER

AND NOW, this 10<sup>th</sup> day of February, 2021, by way of background, before the Court is Defendant's Motion for Nominal Bail pursuant to Rule 600(B) of the Pennsylvania Rules of Criminal Procedure as well as an alternative Motion for Modification of Bail pursuant to Rule 529 of the Pennsylvania Rules of Criminal Procedure.

With respect to Defendant's nominal bail request, Rule 600(B) entitles a defendant to be released on nominal bail after 180 days of pretrial incarceration. For the purposes of determining if the defendant has been held in excess of 180 days, any periods of delay caused by defendant are excluded from the computation.

Defendant has filed the motion under case numbers 998 of 2020, 1009 of 2020, and 711 of 2018. A hearing and argument were held on February 9, 2021. The parties stipulated that the Court could consider the filings of record in determining the motions.

Under case number 711 of 2018, Rule 600 does not apply to proceedings related to violations of parole or probation. Judge Butts previously found probable cause to believe that the Defendant violated the conditions of his probation and did not set bail. Rule 600 by its express terms only applies to pretrial incarceration.

Accordingly, Defendant's motion with respect to 711 of 2018 is DENIED.

As for case number 998 of 2020, Defendant was committed to the Lycoming County Prison in lieu of bail on February 27, 2020. The parties stipulated that this date constitutes the first day of pretrial incarceration for Rule 600 purposes. 348 days have passed from February 27, 2020, to February 9, 2021.

However, as a result of the COVID-19 pandemic much of that time does not run for Rule 600 purposes. Pursuant to Orders of the Pennsylvania Supreme Court and Administrative Orders of President Judge Nancy Butts as authorized by the Supreme Court, Rule 600 was suspended during the following time periods:

March 16, 2020 to April 14, 2020; April 1, 2020 to April 30, 2020 (Supreme Court); April 27, 2020 to May 15, 2020; May 14, 2020 to June 7, 2020; July 2, 2020 to August 7, 2020; August 6, 2020 to September 18, 2020;

September 17, 2020 to December 31, 2020; December 4, 2020 to January 31, 2021; and January 31, 2021 to March 12, 2021.

Accordingly, with respect to the Defendant, the only periods of time that have run for Rule 600 nominal bail are from: February 27, 2020 to March 15, 2020, and arguably from June 8, 2020 to July 1, 2020. This is a total of 42 days.

Accordingly, Defendant's Motion for Nominal Bail under 998 of 2020 shall be DENIED.

Under 1409 of 2020, Defendant was committed to the Lycoming County Prison in lieu of bail on October 2, 2020. Through February 9, 2021, this is 130 days. But, Defendant continued the case from December 18, 2020, through March 19, 2020. From December 18, 2020, through February 9, 2020, this is 53 days. Not considering the Administrative Orders related to the pandemic, Defendant has been held in pretrial incarceration in this case for 77 days, far below 180 days. Considering the pandemic related Orders, no dates have passed for Rule 600 purposes.

Accordingly, Defendant's Motion for Nominal Bail under 1409 of 2020 shall be DENIED.

Finally, alternatively, the Defendant argues for modification of bail pursuant to Rules 529 and 523 of the Pennsylvania Rules of Criminal Procedure. After considering the release factors, the Court will deny said request.

The charges against the Defendant are extremely serious, the likeliness of conviction is weighty, the possible penalties include years of state incarceration, the Defendant's prior record is of concern because it includes similar acts albeit while the Defendant was younger, the Defendant was previously released on a probation sentence and very likely absconded to another state, the Defendant was recently convicted of an endangering the welfare of children offense, the Defendant previously was involved in a fleeing and eluding incident which resulted in a recklessly endangering another person conviction, the Defendant is not employed and is not involved in the community. Further, the Defendant has a history of substance use disorder and related relapses. Clearly the Defendant is a flight risk as well as a potential, if not likely, danger to others.

In sum, all of Defendant's motions are DENIED. Defendant's Motion for Nominal Bail is DENIED under all

three information numbers and Defendant's Motion to Modify  
Bail under all three information numbers is DENIED.

BY THE COURT,

MARC F. LOVECCHIO, JUDGE

CC: District Attorney(MW)(3)  
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CR-998-2020; CR-711-2018  
Work File  
Gary Weber, Esquire - Lycoming Reporter  
MFL/clj