

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

v.

**TAAHIR STOWE,
Defendant**

:
:
:
:
:
:
:

CP-41-CR-1334-2021

**NOMINAL BAIL PURSUANT
TO RULE 600**

OPINION AND ORDER

Taahir Stowe (Defendant) filed a Nominal Bail Motion on April 18, 2022. This Court held a hearing on the motion on May 9, 2022. For the following reasons Defendant's motion is granted.

Background and Procedural History

Defendant was charged on September 20, 2021 with the offenses of Burglary¹, felony of the first degree, Criminal Trespass², a felony of the third degree, Firearms not to be Carried Without a License—Under the Age of 21³, a felony of the third degree, Theft⁴ and Receiving Stolen Property⁵, both a felony of the second degree for the theft of a firearm, and Corruption of Minors⁶ a misdemeanor of the first degree. The charges arise out of an incident that occurred on March 12, 2021 where Defendant, with a juvenile, entered 501 Park Avenue to steal a firearm which was later recovered. Defendant was arrested and arraigned on September 22, 2021, with bail being set in the amount of \$100,000 good bail. Defendant's first preliminary hearing was scheduled on September 30, 2021 and a continuance was requested on behalf of the Commonwealth until October 21, 2021. Defendant was held for court on all charges and his

¹ 18 Pa.C.S.A. § 3502(a)(2).

² 18 Pa. C.S. § 3503(a)(1)(i).

³ 18 Pa. C.S. § 6106(a)(1).

⁴ 18 Pa. C.S. § 3921(a).

⁵ 18 Pa. C.S. § 3925(a).

⁶ 18 Pa. C.S. § 6301(a)(1)(i).

formal court arraignment was scheduled for November 8, 2021. Defendant has been incarcerated continuously under this docket since September 22, 2021. As of the date of the filing of this motion, April 18, 2022, since there has been no time attributed to the Defendant for continuances, the Defendant has been incarcerated for 198 days. In support of their position, the Commonwealth highlighted for the Court the Defendant's prior criminal history, including charges of simple assault, terroristic threats and possession of weapon on school property.

Discussion

“Except in cases in which the defendant is not entitled to release on bail as provided by law, no defendant shall be held in pretrial incarceration in excess of 180 days from the date on which the complaint is filed.” Pa.R.Crim.P. 600(B)(1). At any time when a defendant is incarcerated beyond the time set forth under Pa.R.Crim.P. 600(B), “the defendant's attorney, or the defendant if unrepresented, may file a written motion requesting that the defendant be released immediately on nominal bail subject to any nonmonetary conditions of bail imposed by the court as permitted by law.” Pa. R. Crim. P. 600(D)(2). When evaluating a motion for release on nominal bail pursuant to Rule 600, “only periods of delay caused by the defendant shall be excluded from the computation...Any other periods of delay shall be included in the computation.” Pa.R.Crim.P. 600(C)(2). The Defendant in the instant case has been incarcerated for 198 days, and there have been no delays which can be excluded from the Rule 600 calculations. Since this total exceeds the 180 day run period, the motion shall be granted.

ORDER

AND NOW, this 17th day of June 2022, based upon the foregoing Opinion, Defendant's Motion for Nominal Bail is hereby **GRANTED**.

Defendant shall be released on non-monetary bail, with the condition that he shall be placed on supervised release through the GEO program. At minimum, he will be required to meet weekly with a case manager, be urine screened at least one (1) time per week, and must call in every day. Should the Defendant fail to comply with these requirements, the District Attorney's Office shall be notified and a determination by that office whether to file bail revocation paperwork should be made. As this arrangement with GEO is under the existing contract with reentry, the service provided by GEO will be at no additional cost to Lycoming County.

By the Court,

Nancy L. Butts, President Judge

cc: DA
Jeana Longo, Esq.
GEO (Mike Boughton)