

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PA : No. CR-398-2022
:
vs. :
:
RONALD BUTLER, : MOTION TO DISMISS
Defendant :
:

OPINION AND ORDER

Before this Court is Ronald Butler’s (Defendant) Omnibus Motion and Motion for release on Rule 600 bail. Defendant’s Omnibus incorporates a writ of Habeas Corpus, motion to reduce bail and to reserve the right to file any additional pretrial motions in the event that additional discovery is provided at a later time. Since the Commonwealth did not object to Defendant’s release on Rule 600 bail, the Court ruled on that motion at the time of the hearing. For the reasons set forth below the Court finds that sufficient evidence has been presented and shall deny Defendant’s Habeas Corpus motion.

Preliminary Hearing and Background

On February 28, 2022, Defendant was charged with two counts of Endangering the Welfare of Children (EWOC), a felony of the third degree and one count of obstruction of the administration of justice, a misdemeanor of the second degree. Defendant was charged with offenses related to the abuse and deaths of two minor children, sisters N.S and Ja.S. between January 1, 2015 and November 6, 2021. The charges also related to a subsequent Children and Youth investigation concerning the whereabouts of the children and their brother, Je.S.

At the hearing on the motion for habeas corpus, the Commonwealth submitted a copy of the preliminary hearing transcript admitted as Commonwealth’s exhibit #1. The

Commonwealth presented two witnesses at the preliminary hearing on March 16, 2022. The first witness for the Commonwealth was Marie Snyder (Snyder), the mother of the children. She testified that when the children were born, she was married to and living with their biological father, Joshua Snyder, in Hughesville, PA. PH, 3/16/2022 at p. 4. She further testified at some point later she was introduced to Echo Butler (Echo) and relocated to 653 Livermore Road, Williamsport in about 2014. *Id.* at p. 6. Snyder testified that when she lived at the Livermore Rd address which was a trailer, Michelle Butler, Echo and Defendant were also living there. *Id.* Defendant and Michelle Butler are Echo's parents *Id.* Snyder testified that her children initially did not live with her but would move between their father's residence and the Livermore Rd address. *Id.* Snyder testified that when the children were staying with her and she had to work, Echo would be responsible for watching the children. *Id.* at p.7. Part of that responsibility she had would have been to bathe and provide whatever care, food, or water would be necessary for the children. *Id.* at 8. Snyder further testified that there were times when both she and Echo would leave the trailer and leave the children in the custody of Defendant and Michelle Butler. *Id.* at p 9. They would then be responsible for providing whatever care, food, or water was necessary. *Id.* Snyder testified that when she would leave the children with Echo Butler she would come home and find them often standing with their hands tied behind their backs. *Id.* at 16. Echo would tell Snyder that she would yell or hit the girls to keep them standing in the corner for most of the day. *Id.* at 20. When they had accidents, Echo would rub their faces in the feces. *Id.* at 24. Either Snyder or Echo would bathe the children in cold water while Defendant was in the trailer. *Id.* The yelling at the children at times was so loud that Michelle Butler would come back and tell them to be quiet. *Id.* Defendant would have been home when this occurred. *Id.* N.S. and Ja.

S. were given very little food at each meal; they were fed three times a day with two sips of water. *Id.* at 28-29. At some point, Ja.S. left the residence to go live with a friend of Echo's, Lisa Shoemaker, as Snyder said that Echo said she couldn't handle all three children. *Id.* at 30, 79. After she left, Echo refused to feed N.S. as a punishment for asking for her father. *Id.* Snyder described that both she and Echo would "bash her head into the wall...because she was bad." *Id.* Despite bleeding from the injuries caused by Snyder and Echo, N.S. never received medical treatment. *Id.* At 33. Snyder testified that the purpose for not feeding N.S. was so that she would starve and die. *Id.* Just prior to her death, Snyder described N.S.'s appearance as pale, white, her hair was falling out and she was covered with bruises. *Id.* at 34. Sometime after November 2016, the family moved to Catherine Street. *Id.* at 79. While they were there, C&Y made a visit as a result of a complaint that the "girls were standing in the corners" *Id.* at 80. C&Y only saw Ja. S. and Je. S. because by this time N.S. had already died. During August 2017, Ja. S. died at the Catherine Street location after being starved to death by Snyder and Echo. *Id.* at 48. Echo placed Ja.S.'s body in a tote and placed it into their vehicle to bring the body back to Livermore Road. *Id.* at 49. In about 2021 after they returned to live at Livermore Road with Echo's parents, Children and Youth (C&Y) came to investigate why Je.S. was not attending school. *Id.* at 50-51. Echo's parents Defendant and Michelle were present when C&Y pressed Snyder and Echo to see the girls. *Id.* at 52. At this point Snyder, Echo and Je.S. left town to avoid Je.S. being taken and for them to not have to present the girls to C&Y. *Id.* at 53. Snyder testified that she told Defendant they were leaving "so they wouldn't take [Je.S.]" *Id.* at 54. Defendant came and met them at the Snow Shoe exit to switch cars since the one they were driving was leaking fluid. *Id.* at 53. Snyder testified that when they were moving from hotel to hotel to avoid C&Y, Defendant put

Snyder's car at his work and moved the Blazer that Echo was driving. *Id.* at 58.

Dale Fisher, uncle of Michelle Butler also testified at the preliminary hearing that between the years of 2014- 2017 he lived in the lot next to 653 Livermore Road. *Id.* at 102. He testified that the trailer at 653 Livermore was 14 x 70 feet. *Id.* at 104. When he lived there, he had the opportunity to visit 653 Livermore Road several times. *Id.* at 106. Although he visited there often, he only testified about three (3) specific visits. *Id.* at 117. The first time he went for a pizza party and saw the girls being fed two (2) tablespoons of peas with a small amount of water. *Id.* The second time was when Snyder and Echo were out and N.S. made her way out to the living room. However, when Defendant and Michelle heard that Echo was coming back, "they said, you better get back in the hall because you are being punished." *Id.* at 110. The last time he saw the girls was also at dinnertime when Echo gave them a scoop of peas and mashed potatoes. *Id.* at 111. At some point Echo grabbed N.S. and dragged her back to give her a bath. She would have let out a "bloodcurdling scream" and when he asked Defendant and Michelle what that was, they did not look at him and gave him no answer. *Id.* at 112. Fisher further testified that when Echo came out of the bath she said, "I'm going to beat her fucking ass" *Id.* at 114. It was after this visit he and his wife called C&Y. *Id.* at 118. Fisher also testified about the shed on the property. Defendant kept a "couple of lawn mowers, tractor and some other stuff." *Id.* He also testified that he saw Defendant weed whacking or mowing the yard, including the area to the left of the shed where the girls were buried. *Id.*

At the omnibus hearing, the Commonwealth called two additional witnesses. Justin Nichols testified that he knew the Butler family and had been close to Defendant's son, Rodney. He testified that after he learned of the bodies of the two girls having been buried on

Livermore Road, he went up there to check it out. Because he had been talking with his employees about it, he took them up to where he believed it had happened. As he drove past the trailer he turned around and Defendant flagged him down. Nichols then got out of his truck to talk with Defendant. Defendant brought Nichols into his trailer and showed where the police tore it apart. While standing together in the Defendant's bedroom, Nichols said that Defendant told him they starved to death for six weeks. Defendant also told Nichols that he tried to sneak them crackers when he got home from work. Defendant said, "how much can a guy take." Nichols stated he was concerned for Defendant's welfare and had urged him not to "do anything stupid like Rodney" Defendant's son who committed suicide. He testified that, after that conversation, he spoke with Officer Mosteller from Old Lycoming Police Department.

Loretta Clark, one of the county detectives, also testified that on September 30, 2021, she went to 653 Livermore Road to assist the children and youth caseworker investigating a call. They requested assistance because C&Y was unable to find Ja.S. and N.S. Clark testified that although no one was home she left her card. Defendant called her a few days later and was angry that she went to his house. Clark also testified that after she told him they were trying to find the children and their mother, Defendant said that they left last week but didn't know why and that they took everything after C&Y had attempted to contact them. Defendant said to Clark that the girls "were with a friend and they were fine". Defendant also said the girls never lived with him but then later said they lived there for a few months. Clark stated that he couldn't say where the girls went out of state or the last time he would have seen them. Snyder and Echo would have been taken into custody on November 4th.

Discussion

At the preliminary hearing stage, the Commonwealth need not prove a defendant's guilt beyond a reasonable doubt, but rather, must merely put forth sufficient evidence to establish a *prima facie* case of guilt. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991). A *prima facie* case exists when the Commonwealth produces evidence of each of the material elements of the crime charged and establishes probable cause to warrant the belief that the accused likely committed the offense. *Id.* Furthermore, the evidence need only be such that, if presented at trial and accepted as true, the judge would be warranted in permitting the case to be decided by the jury. *Commonwealth v. Marti*, 779 A.2d 1177, 1180 (Pa. Super. 2001). To meet its burden, the Commonwealth may utilize the evidence presented at the preliminary hearing and may also submit additional proof. *Commonwealth v. Dantzler*, 135 A.3d 1109, 1112 (Pa. Super. 2016). “The Commonwealth may sustain its burden of proving every element of the crime...by means of wholly circumstantial evidence.” *Commonwealth v. DiStefano*, 782 A.2d 574, 582 (Pa. Super. 2001); *see also Commonwealth v. Jones*, 874 A.2d 108, 120 (Pa. Super. 2016). The weight and credibility of the evidence may not be determined and are not at issue in a pretrial habeas proceeding. *Commonwealth v. Wojdak*, 466 A.2d 991, 997 (Pa. 1983); *see also Commonwealth v. Kohlie*, 811 A.2d 1010, 1014 (Pa. Super. 2002). Moreover, “inferences reasonably drawn from the evidence of record which would support a verdict of guilty are to be given effect, and the evidence must be read in the light most favorable to the Commonwealth's case.” *Commonwealth v. Huggins*, 836 A.2d 862, 866 (Pa. 2003).

In order to establish a *prima facie* case on the charge of EWOC, the Commonwealth must present evidence to show that “[a] parent, guardian or other person supervising the

welfare of a child under 18 years of age ... knowingly endanger [ed] the welfare of the child by violating a duty of care, protection or support.” 18 Pa.C.S. § 4304(a). The statute also provides that “the term ‘person supervising the welfare of a child’ means a person other than a parent or guardian that provides care, education, training or control of a child.” 18 Pa.C.S. § 4304(a)(3). The Pennsylvania courts have established a three-part test that must be satisfied to prove EWOC:

- 1) [T]he accused [was] aware of his/her duty to protect the child;
- 2) [T]he accused [was] aware that the child [was] in circumstances that could threaten the child's physical or psychological welfare; and
- 3) [T]he accused has either failed to act or has taken action so lame or meager that such actions cannot reasonably be expected to protect the child's welfare.

Commonwealth v. Pahel, 456 Pa. Super. 159, 689 A.2d 963, 964

(1997) (quoting *Commonwealth v. Cardwell*, 515 A.2d 311, 315 (Pa. Super.1986)). The Courts have also extended a duty of care to non-relatives who exercise some supervisory role over children. *See Commonwealth v. Trippett*, 932 A.2d 188 (Pa. Super. 2007); *Commonwealth v. Vining*, 744 A.2d 310 (Pa. Super. 1999). *Commonwealth v. Bryant*, 57 A.3d 191, 197–98 (Pa. Super. 2012). The language of the statute indicates that any “other person” who supervises the child is eligible to be charged and convicted under the statute. *See Commonwealth v. Brown*, 721 A.2d 1105, 1107 (Pa. Super. 1998); *Trippett*, 932 A.2d at 195.

Here, Defendant allowed his daughter (Echo) and Snyder while living in his residence to intentionally torture and abuse Snyder’s two daughters. Defendant’s reaction to Fisher asking about the screaming indicates Defendant knew that the girls were being mistreated. The fact that he told Nickels that he snuck the girls some food, and that they had been starved over six (6) weeks established Defendant knew the girls were in danger and his efforts to

feed them inferred he had believed he had some responsibility toward them. Clearly, after the weeks of lack of food, the girls would have needed more than crackers to restore them to health. His failure to act to get them substantial help meets the requirement of the final part of the test. Accordingly, the Commonwealth has met its *prima facie* burden to establish the elements of EWOC.

To prove Defendant's guilt for obstruction, the Commonwealth needed to demonstrate that, “with intent to prevent a public servant from investigating or prosecuting a report of child abuse under 23 Pa.C.S. Ch. 63, [Defendant] by any scheme or device or in any other manner obstruct[ed], interfere[d] with, impair[ed], impeded or pervert[ed] the investigation or prosecution of child abuse.” 18 Pa.C.S. § 4958(b.1); *Commonwealth v. Willis*, 1169 MDA 2021, 2022 WL 2452250, *6 (Pa. Super. July 6, 2022)(non-precedential). Defendant knew that Snyder and Echo had taken Je.S. to avoid C&Y and they were staying out of county to remain undetected and avoid C&Y’s investigation about the whereabouts the girls. So, when he was asked by Clark if he knew where they were, he denied knowing anything. He knew because he had brought them another car and knew they were staying out of the county. With his denial to Clark, he would have intentionally interfered with her investigation of their whereabouts. Clark was helping C&Y find the family to follow up on the complaint they received about the condition of the girls. If he wasn’t protecting Echo and Snyder, he would have shared with Clark his contact with them in Snow Shoe and the circumstances of how he knew they were there. As he believed that giving Clark that information would get himself in trouble, he had to lie about his knowledge of their whereabouts. The Court finds that the Commonwealth has established a *prima facie* case for this charge as well.

ORDER

AND NOW, this 9th day of January, 2023, following a hearing and argument,
Defendant's Motion to Dismiss is **DENIED**.

By The Court,

Nancy L. Butts, President Judge