

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	: No. CR-1035-2022
	:
vs.	:
JAHREESE STRICKLAND,	: Opinion and Order regarding
Defendant	: Defendant's Omnibus Pretrial Motion
	: Seeking Habeas Corpus Relief

OPINION AND ORDER

By way of background, Jahreese Strickland (“Defendant”) is charged with 25 counts each of statutory sexual assault (8-11 years older), involuntary deviate sexual intercourse with a complainant less than 16 years of age, and aggravated indecent assault with a complainant less than 16 years of age.¹ On September 28, 2022, Defendant filed an omnibus pretrial motion in which he sought habeas corpus relief. Defendant asked the court to dismiss all or most of the charges against him due to a lack of specificity regarding the dates and locations for each count of the Information. The court held a hearing and argument on December 12, 2022. The parties agreed to rely on the transcript from the preliminary hearing.

At the preliminary hearing, A.W. testified that she and Defendant established a relationship through Instagram messaging. She was living in Scranton and Defendant was living in Williamsport. Their relationship turned sexual when they met in person in early April 2020 when she was 15 years old. They had vaginal and oral sex four to five times per month between early April 2020 and when she turned 16 in mid-August 2020. Defendant generally would drive a rental car and pick her up and drop her off in Scranton. On occasion, she took an Uber. The day before her birthday, her friend, Ellie, dropped her off.

¹ 18 Pa. C.S. §§3122.1(a)(2), 3123(a)(7), and 3125(a)(8), respectively.

The sexual encounters would take place mostly in hotels but some of them also occurred in the residences of Defendant's relatives, more particularly his cousin Bruce's house on Berger Street, his father's house in Philadelphia when they celebrated Defendant's birthday in mid-June, and at his brother's house when they were together the night before her birthday to celebrate her turning 16 years old. She testified that the first time was at the Budget Inn Motel on the Creek Road and another time was at a Residence Inn near Perkins. She could not remember the names of the other hotels in town where they stayed.

Defendant was 23 and 24 years old when the offenses allegedly occurred. A.W. testified that they celebrated Defendant's 24th birthday in mid-June 2020 at his father's house in Philadelphia.

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).

Defendant’s sole assertion is that the evidence was not sufficiently specific with regard to the dates and locations of the incidents. The court cannot agree.

Rule 560 provides that “if the precise date is not known or if the offense is a continuing one, an allegation that it was committed on or about any date within the period fixed by the statute of limitations shall be sufficient.” Pa. R. Crim.P. 560(B)(3). Furthermore, “the Commonwealth must be afforded broad latitude when attempting to fix the date of the offenses which involve a continuous course of conduct.” *Commonwealth v. Brooks*, 7 A.3d 852, 858 (Pa. Super. 2010)(citations omitted). “This is especially true when the case involves sexual offenses against a child victim.” *Id.*

Here, the Commonwealth established that the offenses occurred between early April 2020 and August 18, 2020. The criminal complaint was filed on June 23, 2022. There is no statute of limitations for statutory sexual assault, IDSI and aggravated indecent assault if the victim was under 18 years of age at the time of the offense. 42 Pa. C.S.A. §5551(7). Therefore, the Commonwealth has alleged a range of dates within the statute of limitations.

The offenses occurred at Defendant’s cousin’s house on Berger Street, his

brother's house in Williamsport, his father's house in Philadelphia and various hotels in Williamsport including but not limited to the Budget Inn Motel on the Creek Road and the Residence Inn near Perkins restaurant.

As the Superior Court noted in *Commonwealth v. Niemetz*, 422 A.2d 1369, 1373 (Pa. Super. 1980), it would be unfair to permit an individual to sexually abuse a minor with impunity simply because the minor failed to record the details in a daily journal.

Accordingly, the court will deny Defendant's motion.

ORDER

AND NOW, this 3rd day of April 2023, the court DENIES Defendant's motion for writ of habeas corpus contained in his omnibus pretrial motion.

By The Court,

Nancy L. Butts, President Judge