

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,  
PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	<b>CR-345-2023</b>
	:	
vs.	:	
	:	<b>CRIMINAL DIVISION</b>
<b>TIMOTHY DARREN STROUD,</b>	:	
<b>Defendant</b>	:	

**OPINION**

This matter is before the Court on Defendant’s Motion to Set Bail, which was filed on March 20, 2023. The Defendant was charged with over 1,000 counts of sexual offenses, which were alleged to have been committed starting in 1992. The Defendant was denied bail at his initial arraignment and again by MDJ Denise Dieter on March 7, 2023, at his preliminary hearing. In support of his motion requesting the Court enter an Order setting reasonable bail and directing that the Defendant be supervised by the Supervised Bail Office, the Defendant avers that he is a long-time resident of Lycoming County, a veteran, has had no prior contact with the criminal justice system, has not had contact with the alleged victims for a substantial amount of time, and is not a danger to the community.

An argument was held on April 10, 2023, at which time the Commonwealth submitted the transcript of the Defendant’s preliminary hearing. Additionally, the Commonwealth presented the testimony of one of the Defendant’s alleged victims as well as Adam Welteroth, Bail Release Officer. Mr. Welteroth testified that the Supervised Bail Office approved the Defendant’s homesite, but the evaluator did not recommend the Defendant for Intensive Supervised Bail based on the nature of the charges. Defendant’s

counsel argued to the Court that the alleged crimes occurred several years ago and at least two of the alleged victims live out of state at this time.

Following the argument, the Court took the matter under advisement. The following day, April 11, 2023, the Commonwealth filed a Motion to Reopen Record, alleging that the Commonwealth received new information regarding the Defendant and was securing a search warrant. The Commonwealth alleged that the information bolstered the Commonwealth's argument that the Defendant poses a risk to the safety and welfare of the community. On April 14, Defendant's counsel filed a Motion to Strike the Commonwealth's Motion to Reopen the Record, essentially arguing that the Commonwealth's motion was vague and untimely.

The Court heard argument on the two additional motions on April 20, 2023, at which time Assistant District Attorney Yates offered information received on April 12, 2023, about the contents of a computer in Defendant's home that was searched pursuant to a series of search warrants approved on March 19, 2023. As a result, the Defendant received additional charges associated with possession of and attempts to download child pornography. The Commonwealth argued this new criminal matter should be considered by the Court when determining whether the Defendant is eligible for bail in this case. Defendant's counsel, on the other hand, argued that the mere filing of new charges should not deter the Court from setting bail in this matter, as the preliminary hearing had not even taken place in the new matter.<sup>1</sup>

After hearing argument on the Commonwealth's Motion to Reopen the Record and

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<sup>1</sup> At the Defendant's arraignment on the new matter, MDJ Allen Page set bail at \$30,000 cash.

the Defendant's Motion to Strike, the Court finds that, while the Defendant's new charges are sexual in nature, they are not substantially similar to the charges under the present docket number. The Defendant's preliminary hearing on those charges has not occurred. Therefore, the Court does not find that the new charges should be taken into consideration when determining whether the Defendant is eligible for bail in this case.

Turning now to the Defendant's Motion to Set Bail, Article I, Section 14 of the Pennsylvania Constitution, which was amended in 1998, states as follows with regard to bail:

All prisoners shall beailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great . . . .

Pa. Const. art. I, § 14.

The opening clause establishes a right to bail for all prisoners, while the remainder of the text provides an exception to the right for three classes of defendants. *Commonwealth v. Talley*, 265 A.3d 485, 513 (Pa. 2021). To satisfy one of these exceptions, the Commonwealth must offer "evident" proof or establish a "great" presumption that the accused: (1) committed a capital offense, (2) committed an offense that carries a maximum sentence of life imprisonment, or (3) presents a danger to any person and the community, which cannot be abated using any available bail conditions. *Id.* If the Commonwealth fails to satisfy its burden of proof, the trial court cannot deny bail. *Id.* The Commonwealth Court held that the 1998 amendment was intended to serve "one core purpose and effectuate only one substance change: that is, to reinforce public safety by making it more difficult for seriously dangerous accused criminals to obtain bail." *Grimaud v. Com.*, 806 A.2d 923, 926

(Pa.Cmwlth. 2002), *aff'd*, 865 A.2d 835 (Pa. 2005). Here, the Defendant has not been charged with committing a capital offense, and although the Commonwealth argued that the *aggregate* sentence if the Defendant were convicted on the lead charge for each of his 5 alleged victims would amount to life imprisonment, the Court does not find that would satisfy the second exception to the right to bail.

The Commonwealth strongly argues, given the nature and the quantity of the charges, that there are no conditions or combinations of conditions other than imprisonment that will reasonably assure the safety of both the victims and the community at large. When determining whether bail should be set for the Defendant, the Court must balance the nature of the alleged crimes with the ability to implement adequate conditions to ensure community protection. The Defendant's charges involve serious sexual offenses over a lengthy period of time and victims of varying ages and both sexes. The Defendant's residence is less than a mile from an elementary school. Most of the crimes the Defendant is alleged to have committed were done in secret, and the alleged victims are family members or neighborhood children whose trust was gained by the Defendant.

However, at least two of the alleged victims live out of state and all but one is now an adult. The last alleged incident occurred approximately five years ago in 2018. The Defendant's home has been approved by the Bail Release Program. While the nature of the charges causes the Court great concern, the Defendant is innocent until proven guilty and there are many measures that can be put into place to assure the safety of the victims and the general public. The Court finds that the Commonwealth has not met its burden of proving that the danger the Defendant presents to the victims and the community cannot be abated

using a combination of very strict bail conditions.

Accordingly, the Court will enter the following Order:

**ORDER**

**AND NOW** this 22<sup>nd</sup> day of **May, 2023**, upon consideration of the Commonwealth's Motion to Reopen the Record, the Motion is **DENIED**. The Defendant's Motion to Strike is **GRANTED**.

With regard to Defendant's Motion to Set Bail, for the reasons and restrictions set forth above, the Motion is hereby **GRANTED**. The Defendant's bail is set at \$50,000.00 secured and the non-monetary conditions that he be placed on Intensive Supervised Bail through the Lycoming County Bail Release Program, subject to the following conditions:

1. The Defendant shall be placed on an electronic monitor;
2. The Defendant shall be under strict house arrest and must have the prior approval of his bail release officer to leave the home for any non-emergency or non-work matter. The Defendant shall travel directly to and from work, and any deviations must be pre-approved by his bail release officer;
3. The Defendant shall be prohibited from using social media. The Defendant shall only be permitted to utilize the internet for work purposes;
4. The Defendant shall have no contact, directly or indirectly, with the victims or any members of the victims' families;
5. The Defendant shall have no contact with any minors, including family members.

By the Court,

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Ryan M. Tira, Judge

RMT/jel  
CC: DA (PY)  
Robert Hoffa, Esq.

Supervised Bail  
Gary Weber, Esq.  
Jennifer Linn, Esq. – Judge Tira's Office