

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH	: No. CR-1239-2024
	:
vs.	:
	: Opinion and Order re Defendant's
CHAD BARNES,	: Petition for Writ of Habeas Corpus
Defendant	:

OPINION AND ORDER

This matter came before the court on February 4, 2025 for a hearing and argument on Chad Barnes' (Defendant) Petition for Writ of Habeas Corpus ("Habeas"). Defendant is charged with False Reports of Child Abuse¹, a misdemeanor of the second degree and Harassment², course of conduct with no legitimate purpose, a summary offense.

In his Habeas motion, Defendant alleges that no evidence was presented on the summary charge³ and seeks dismissal of both counts. The Commonwealth introduced a transcript of the preliminary hearing as Commonwealth's exhibit #1 and the parties requested to brief the case. As explained below, this Court finds that the facts presented at the preliminary hearing are sufficient to satisfy *prima facie* and the motion will be denied.

¹ 18 Pa. C.S.A. §4906.1.

² 18 Pa. C.S.A. §2709(a)(3).

³ In any case in which a summary offense is joined with misdemeanor, felony, or murder charges:

(B) If the issuing authority finds that the Commonwealth has established a *prima facie* case that an offense has been committed and the defendant has committed it, the issuing authority shall hold the defendant for court on the offense(s) on which the Commonwealth established a *prima facie* case. If there is no offense for which a *prima facie* case has been established, the issuing authority shall discharge the defendant.

(F) In any case in which a summary offense is joined with misdemeanor, felony, or murder charges:

(1) If the Commonwealth establishes a *prima facie* case pursuant to paragraph (B), the issuing authority shall not adjudicate or dispose of the summary offenses, but shall forward the summary offenses to the court of common pleas with the charges held for court. Pa. R. Crim. P. 543. Therefore, no evidence need be presented at the preliminary hearing since the misdemeanor was held for court.

Discussion

At the preliminary hearing stage of a criminal prosecution, 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 also may submit additional proof. *Commonwealth v. Dantzler*, 135 A.3d 1109, 1112 (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).

Habeas- False Reports of Child Abuse

Defendant is charged with False Reports of Child Abuse in violation of 18 Pa. C.S.A. §4906.1, which states: “A person commits a misdemeanor of the second degree if the person intentionally or knowingly makes a false report of child abuse under 23 Pa.C.S. Ch. 63

(relating to child protective services) or intentionally or knowingly induces a child to make a false claim of child abuse under 23 Pa.C.S. Ch. 63.” Therefore, the Commonwealth must show that a report of child abuse was made (or a child was induced to make one), and the report was false, and the defendant *knowingly* or *intentionally* made the false report.

At the preliminary hearing, Barnes’ ex-wife (Mother) testified that Defendant repeatedly took their four-year-old daughter (GB) to medical providers requesting vaginal and STD examinations and reported suspicions of sexual abuse by Mother and her paramour. Mother believed that Defendant had taken GB at least four times. Defendant would have reported his concerns to both medical doctors and directly to ChildLine. However, when he appeared in court for a custody hearing, he said that he had no concerns about abuse. Mother also testified that on one occasion when Defendant went to the Children’s Advocacy Center (CAC) to report his concerns, he was told to take GB to Geisinger to have a SANE⁴ nurse examine her and he never did. In total, Defendant made 16 reports. Three of the reports in which he alleged GB may have a sexually transmitted disease, the child had been in his custody.

Matt Wood, clinical Director of Lycoming County Children and Youth services testified that since both Mother and her paramour are employed by the Joinder, the investigations were conducted by the statewide agency Children and Youth Families out of Harrisburg. After investigation of four separate reports, all of the abuse allegations made against Mother and her paramour were determined to be unfounded. Wood confirmed that the children were also involved in an investigation in April of 2024 alleging that Defendant

⁴ SANE stands for Sexual Assault Nurse Examiner.

and another person⁵ engaged a course of conduct which caused serious mental injury to the children. Wood further testified that the finding “was the result of a pretty thorough psychological evaluation that took into account the kids, possibly being coached or intimidated as well as multiple medical exams and causing mental distress to GB.” N.T., 9/6/2024 at 20.

Medical records also presented by the Commonwealth for consideration at the preliminary hearing noted that the Defendant requested STD testing for his young child with the chief complaint of vaginitis, which on three separate occasions was not found, but when in court the following day Defendant denied any concerns of abuse perpetrated by Mother or her paramour. In fact, Defendant did not mention any of the reports that he had made about his concerns. Defendant argues that the Commonwealth has failed to prove the mental state of this offense. The court cannot agree.

The record reflects a clear contradiction between Defendant’s actions and his statements. On February 1, 2024, Defendant took his four-year-old daughter for a vaginal exam and requested STD testing — an action that implies a serious concern of sexual abuse. However, the very next day, February 2, during a custody hearing, the Defendant denied having any abuse concerns. This contradiction was confirmed by Mother’s testimony during the preliminary hearing. This discrepancy supports an inference that the Defendant’s reports were not made in good faith. A parent genuinely concerned about abuse to their child would not disavow those concerns in court less than 24 hours later. The Commonwealth is entitled to have this inconsistency considered as circumstantial evidence of a knowingly false report.

⁵ The name in the transcript was Adrian; however, the relationship of this person to Defendant was unknown.

In addition, when referred to Geisinger for GB to have an exam with a SANE nurse, Defendant failed to follow up. This failure leads the Court to conclude that there was no basis for the reports and they were made intentionally to implicate Mother and her paramour in criminal activity.

Testimony from Matt Wood, Clinical Director of Lycoming County CYS, established that an indicated report was issued in April 2024 finding that Defendant and another with him caused serious mental injury to his children, including psychological harm to GB. This finding stemmed from a regional investigation prompted by concerns over coaching, intimidation, and repeated invasive medical examinations. The same pattern of conduct that formed the basis for the false report charge — repeated exams based on uncorroborated and ultimately unfounded claims — also resulted in a finding of actual abuse by Defendant. This founded report directly supports the conclusion that Defendant acted with the intent to manipulate or fabricate abuse narratives, including possibly coaching his daughter, rather than out of genuine concern for her wellbeing. That finding reinforces the Commonwealth's position that the reports were not merely mistaken, but knowingly or intentionally false.

Conclusion

Based on the totality of the evidence presented at the preliminary hearing, the Court finds that the Commonwealth presented sufficient evidence to establish a *prima facie* case for the offense of False Reports of Child Abuse.

ORDER

AND NOW, this 27th day of October, 2025, the Court DENIES Defendant's Petition for Writ of Habeas Corpus.

▣

By the Court,

Nancy L. Butts, President Judge

cc: Lindsay Sweeley, Esquire (ADA)
Paul Petcavage, Esquire
Jerri Rook

NLB/nlb