

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
v.	:	<b>CR-793-2024</b>
	:	
<b>CODY RUHL,</b>	:	
<b>Defendant</b>	:	
	:	

**OPINION**

This matter was before the Court on October 16, 2024 on the Defendant’s Omnibus Pretrial Motion filed on August 22, 2024. The Defendant’s Omnibus Motion contains a Motion to Suppress Statements, a Motion in Limine to Preclude the use of the word Victim for the Complaining Witness, and a Motion to Reserve Right. Jeana Longo, Esquire, appeared on behalf of the Defendant and Attorney Phoebe Yates, Esquire, appeared on behalf of the Commonwealth.

At the hearing on the Omnibus Pretrial Motion, the Commonwealth stipulated to the Defendant’s Motion in Limine to preclude the use of the word “victim” during the hearing on the Omnibus Motion, and offered to use the phrase “the Child” when referring to the alleged complainant. Attached to the Defendant’s Omnibus Motion was Defendant’s Exhibit A, a Final Decree adjudicating Cody Ruhl an incapacitated person on May 22, 2020. The Commonwealth stipulated to Defendant’s Exhibit A, and it was admitted to the record. At the hearing on the pretrial motion, the Commonwealth submitted the audio recorded interview from April 9, 2024, when Trooper Reiner interviewed the Defendant at his group home. Without objection from the Defendant, the interview was admitted to the record as Commonwealth Exhibit 1.

The Commonwealth and the Defendant disagree about whether the interview in which the Defendant participated was a custodial interrogation. In order to determine the

merit of the Defendant’s Motion to Suppress, the Court must first evaluate the status of the interview between Pennsylvania State Police, Trooper Reiner, and the Defendant on April 9, 2024. Accordingly, the parties requested to submit memoranda of law in support of their respective positions. The Court granted the parties’ request, and ordered that the memoranda be submitting by October 31, 2024. Both parties timely filed their briefs with the Court.

The Defendant is charged under this matter with ten (10) counts of Rape of a Child<sup>1</sup>, a felony of the first degree, ten (10) counts of Involuntary Deviate Sexual Intercourse with a Child<sup>2</sup>, a felony of the first degree, ten (10) counts of Indecent Assault of a Person Less than 13 years of age<sup>3</sup>, a felony of the third degree, ten (10) counts of Indecent Exposure<sup>4</sup>, a misdemeanor one, one (1) count of Corruption of a Minor<sup>5</sup>, and one (1) count of Harassment<sup>6</sup>, a summary offense.

### ***Background***

The aforementioned charges stem from a series of alleged incidents occurring while the Defendant was under the supervision and care of an employee from Community Options, Inc. at the employee’s home. Following the Complainant’s allegations, Trooper Josiah Reiner presented at the Community Options group home to speak with the Defendant on April 9, 2024. By way of further background, the Defendant was adjudged an incapacitated person on May 20, 2020. (Defense Exhibit A). Under 20 Pa.C.S.A. Section 5501, “incapacitated person” is defined as an adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he is partially or totally unable to manage his financial resources or to meet essential requirements

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<sup>1</sup> 18 Pa.C.S.A. §3121 §§(c)

<sup>2</sup> 18 Pa.C.S.A. §3123 §§(b)

<sup>3</sup> 18 Pa.C.S.A. §3127 §§ (a)(vii)

<sup>4</sup> 18 Pa.C.S.A. §3127 §§(a)

<sup>5</sup> 18 Pa.C.S.A §6301 §§(a)(1)(ii)

<sup>6</sup> 18 Pa.C.S.A §2709 §§(a)(1)

for his physical health and safety. Prior to the preliminary hearing, the Defendant underwent a forensic psychological examination whereby a Scott Scotilla, PsyD, (“Scotilla”) conducted multiple tests on the Defendant, including, several psychological tests, a collateral psychological test, a personal interview<sup>7</sup>, and a review of a substantial amount of psychological records, school district records, and guardianship records. Scotilla concluded, within a reasonable degree of psychological certainty, that the Defendant did not meet minimum requirements for being competent to proceed. The Commonwealth challenged Scotilla’s findings and hired Dr. O’Brien to conduct an independent assessment of the Defendant. Dr. O’Brien conducted his own assessment of the Defendant and rendered an opinion that the Defendant was competent to proceed. A preliminary hearing was held on May 30, 2024, and all charges were bound for court.

Trooper Reiner testified on October 16, 2024, at the hearing on the pretrial motion, that when he presented to the group home the Defendant was outside with a caretaker. Trooper Reiner requested to speak with the Defendant inside, and the parties entered the kitchen of the group home. Trooper Reiner testified that the caretaker, Ms. Denise Parker, was present with the parties for the portion of the interview that occurred in the kitchen, but upon the Defendant’s request, Trooper Reiner and the Defendant moved into the living room space of the home to further discuss the alleged incident. Trooper Reiner further testified that the interview was audio recorded, and that he received permission to record from both the Defendant and the caretaker. Trooper Reiner inquired about the level of care the individuals in the group home receive, and she responded that the individuals are supervised twenty-four (24) hours every day. (Commonwealth Exhibit 1, Officer Interview, 04/09/2024). Trooper

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<sup>7</sup> The personal interview was conducted with the Defendant while his legal guardian was present. See Defendant’s Omnibus Motion.

Reiner explained to the Defendant that he was not under arrest, but informed him of his rights to refuse the interview or to answer questions. (Commonwealth Exhibit 1).

After introductions, Trooper Reiner first asked the Defendant who “Marlene” was, and the Defendant answered that she worked at the group home. Trooper Reiner asked about the Defendant going to Marlene’s house on occasion and whether that was typical. (Commonwealth Exhibit 1). The Defendant responded that he would go to Marlene’s house with her to collect children from the school bus, and that his housemate would also go to Marlene’s house for the same reason. (Commonwealth Exhibit 1).

Then, Trooper Reiner moved into asking the Defendant about the alleged incident. (Commonwealth Exhibit 1). The Defendant responded that the child initiated the alleged acts, and requested permission to perform the alleged acts on the Defendant. (Commonwealth Exhibit 1). Trooper Reiner asked the Defendant how old the child was, to which the Defendant responded somewhere between four (4) and six (6) years old. (Commonwealth Exhibit 1). The Defendant also stated that the child was Marlene’s nephew. (Commonwealth Exhibit 1). At this point, the caretaker present, Denise Parker, interjected that the Defendant would also request to go and play with the children. (Commonwealth Exhibit 1). Trooper Reiner followed-up with several questions regarding who initiated the contacts between the child and the Defendant, how big the child was, and he requested the truth from the Defendant. (Commonwealth Exhibit 1). At that point in the recording, the Defendant became unresponsive to Trooper Reiner’s questioning, and indicated that he was uncomfortable speaking about the events with Ms. Parker present. (Commonwealth Exhibit 1). Trooper Reiner suggested the pair move into the living room, to have more privacy. (Commonwealth Exhibit 1). Trooper Reiner’s testimony explained the layout of the first floor of the group home, detailing that the kitchen had open entry to the living room area, with no walls or

doors separating the room. In the living room, the Defendant reported approximately three incidents that occurred between himself and the alleged child victim, and that the contacts occurred outside at the residential worker's home. (Commonwealth Exhibit 1). Trooper Reiner then moved on to asking the Defendant about any incidents that occurred between himself and his housemate. (Commonwealth Exhibit 1). The Defendant responded that he had sexual contact with his housemates on several occasions and only when Marlene was supervising the residents. (Commonwealth Exhibit 1).

Trooper Reiner further testified that the background voices and noises were coming from the Defendant's housemate, who was in his room for most of the interview, and from Ms. Parker, who was on the phone after the pair moved to the living room. Trooper Reiner stated that he initiated the interview in the presence of Ms. Parker because he was unsure of the Defendant's ability to communicate, but determined the Defendant was capable after several minutes. Trooper Reiner explained that he permitted Ms. Parker's presence to assist in facilitating conversation with the Defendant and that he typically provides an outline of *Miranda* Rights before conducting interviews. However, Trooper Reiner testified he attempted to control the interview as strictly as possible without permitting Ms. Parker to question the Defendant or interject unnecessarily. Trooper Reiner explained that he later discovered Ms. Parker is related to the alleged child victim. Moreover, after the interview, Trooper Reiner contacted the Defendant's father to apprise him of the situation. Trooper Reiner testified that he could not speak to the extent of Ms. Parker's role or authority within the group home, only that the Defendant requires 24/7 supervision.

### ***Argument***

The Defendant filed his initial Motion to Suppress asserting that the interview conducted by Trooper Reiner was in violation of the Defendant's rights. Specifically,

because the Defendant is an adjudged incapacitated individual with co-existing mental diagnoses that significantly impair “his capacity to receive and evaluate information effectively and to make and communicate decisions concerning management of his financial affairs or to meet essential requirements for his health and safety,” (Defense Exhibit A), the Defendant’s condition prevented him from understanding that he had the choice to reject the interrogation. (Defendant’s Memorandum, Page 2). Moreover, the Defendant was “literally not free to leave” (Defendant’s Memorandum, Page 2), because he is a care-dependent individual who lives in a group home under constant supervision, and he relies on the employees within the home to dictate his mobility. The Defendant also argued that the presence of Ms. Parker influenced his understanding that he had to participate in the interview because she is an authority figure within the group home. (Defendant’s Memorandum, Page 2). The Defendant’s status as a care-dependent individual under the supervision and authority of residential staff supports a finding that the Defendant reasonably believed he was not free to leave and thus, he was in custody and subjected to a custodial interrogation. (Defendant’s Memorandum, page 3).

Additionally, the Defendant argued that the interview qualified as a custodial interrogation because Trooper Reiner advised the Defendant of his *Miranda* warnings before commencing the conversation. (Defendant’s Memorandum, Page 3). After the Defendant was advised of his *Miranda* warnings, Trooper Reiner and Ms. Parker questioned the Defendant about the alleged incidents. (Defendant’s Memorandum, Page 3). The Defendant asserts that Trooper Reiner asked questions about the criminal allegations in a manner clearly intending to evoke an admission. (Defendant’s Memorandum, Page 3). The Defendant furthers this assertion by alleging that the questioning conducted by Ms. Parker before the parties moved into the living room was after the *Miranda* warnings and in the presence of law enforcement.

(Defendant's Memorandum, Page 4). Moreover, Ms. Parker assisted Trooper Reiner with questioning and advising law enforcement how to question the Defendant. (Defendant's Memorandum, Page 4). The Defendant added that because he was in custody and because Ms. Parker, an authority in the home, assisted in questioning the Defendant that he was the subject of an unlawful custodial interrogation and the statements be suppressed. (Defendant's Memorandum, Page 4).

Finally, the Defendant argued that his limitations impair him just as much, if not more, than the simple immaturity of a juvenile offender; and, because he should have been provided, at the minimum, the same rights as a juvenile offender, the police should not have conducted an interview without a guardian or interested adult present. (Defendant's Memorandum, Page 5). The Defendant further argued that the Commonwealth has failed to prove the Defendant was provided an opportunity to consult with an interested adult, and that because Ms. Parker is a relative of the alleged child victim, assisted with the questioning, and was not invested in the Defendant's welfare that she was not an interested adult present to protect the Defendant's interests. (Defendant's Memorandum, Page 6). Due to the Defendant's adjudged incapacitation, he argued that his *Miranda* waiver was ineffective and his statements should be suppressed. Specifically, because Ms. Parker was not an interested adult by legal definition, and the Commonwealth failed to prove that is ensured the Defendant understood his rights and had access to an interested adult before or during the interview with Trooper Reiner. (Defendant's Memorandum, Page 7). Additionally, because Ms. Parker is related to the alleged victim and no facts alleged that she helped consult with the Defendant or that he understood his rights then the Defendant's rights were violated when he was subjected to the custodial interrogation. (Defendant's Memorandum, Page 6). The Defendant clarified that he is not a juvenile, but as an adjudged incapacitated person he

requires an interested party in order to effectively comprehend and waive his *Miranda* rights. (Defendant's Memorandum, Page 7). As such, the Defendant requests the statements he made to Trooper Reiner, without consulting an interested adult first, be suppressed because his waiver of *Miranda* was not entered knowingly, intelligently, and voluntarily. (Defendant's Memorandum, Page 7).

Whereas, the Commonwealth argued that the interview was not a custodial interrogation or its functional equivalent, and thus, the interview was not in violation of the Defendant's rights. (Commonwealth's Memorandum, Page 1). The Commonwealth further argued that because the Defendant was not subject to a custodial interrogation and a *Miranda* warning was not required, its argument does not reach the question of whether an interested adult needed to be present before a mentally incapacitated adult waived his Fifth Amendment rights. (Commonwealth Memorandum, Page 1). Also, the Commonwealth opposes the Defendant's assertion that a consultation with or the presence of an interested adult is required for law enforcement questioning because the case law and legal standards do not support the claim. (Commonwealth's Memorandum, Page 1). In its argument, the Commonwealth asserted that the Defendant was not the subject of a custodial interrogation because Trooper Reiner explained that the Defendant was not under arrest and could end the conversation at any time. (Commonwealth's Memorandum, Page 1). Additionally, Trooper Reiner spoke to the Defendant in a calm tone and manner for the duration of the interview and concluded the interaction after approximately thirty (30) minutes. (Commonwealth's Memorandum, Page 1). The Commonwealth argued that, under the totality of the circumstances, Trooper Reiner requested to speak inside in a community area, explained that the residence has an open floor plan, was granted permission to record audio of the interview, included the caretaker to assist with communication, explained the Defendant could end the

interview at any time, the interview occurred in the Defendant's home, and the interview lasted for a relatively short time that the Defendant was not in custody or its functional equivalent at the time of the interview. (Commonwealth's Memorandum, Page 1-2). The Commonwealth asserted that the totality of the circumstances is influenced by the conduct of the officer, the duration of the interview, and the environment in which the interview occurred. (Commonwealth's Memorandum, Page 2).

Also, the Commonwealth asserted that the case law is limited or nonexistent to suggest that the objective, reasonable belief standard is altered by mental illness or intellectual disability, and submitted that whether the Defendant was in custody remains a reasonable person standard. The Commonwealth stipulated that to the extent the Defendant's intellectual disability is considered, the reasonable impression conveyed by Trooper Reiner remains that he was not in custody. (Commonwealth's Memorandum, Page 3). Accordingly, the Commonwealth concluded that the Defendant was not in custody or its functional equivalent at the time of the interview as care was taken to explain to the Defendant that he was not in custody and could refuse to answer questions or end the interview at any time. (Commonwealth's Memorandum, Page 4). Additionally, Trooper Reiner's conduct did not convey to the contrary that the Defendant's reasonable belief of his freedom of movement or liberty were infringed by Trooper Reiner. (Commonwealth's Memorandum, Page 4).

Additionally, the Commonwealth contended that the legal precedent for juvenile-specific protections applicable for adult defendants does not exist. (Commonwealth Memorandum, Page 3). Notwithstanding this impediment, the Commonwealth asserted that the ability to consult with an interested and informed adult is no longer determinative of whether a juvenile has knowingly, intelligently, and voluntarily waived his *Miranda* rights<sup>8</sup>.

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<sup>8</sup> See Commonwealth's Memorandum, Page 3, stating that, "In 1983, the Pennsylvania Supreme Court overruled *McCutchen* when it held in *Commonwealth v. Christmas* that there was a rebuttable presumption that

Moreover, even in juvenile cases, if a juvenile is not in custody no *Miranda* waiver is required. (Commonwealth’s Memorandum, Page 3). The Commonwealth concluded that a formal *Miranda* waiver was not required prior to the interview because the Defendant was not in custody nor was he subjected to a custodial interrogation. (Commonwealth’s Memorandum, Page 3). The Commonwealth asserted that no exception to this rule exists regardless of age or mental capacity of the individual being interrogated. (Commonwealth’s Memorandum, Page 4). Thus, the Commonwealth seeks that the Defendant’s Motion to Suppress be denied.

Accordingly, the Court must first determine whether or not the Defendant believed he was in the custody of law enforcement or its functional equivalent at the time of the interview before proceeding to whether the Defendant received an adequate *Miranda* warning and whether an interested adult was required to be consulted before the interview and made available at the time of the interview.

### ***Analysis***

#### ***a. Was the Defendant in custody at the time of the interview?***

Whether a custodial interrogation occurred depends on if an individual was physically deprived of his freedom in any significant way or placed in a situation in which he reasonably believes he is not free to leave or his movement is restricted by the questioning. *Interest of J.N.W.*, 197 A.3d 274, 280 (2018). To determine a defendant’s reasonable belief, a reviewing court must evaluate the totality of the circumstances including, the reason for the detention, the duration, location, any transferring of a defendant against his will, to where,

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a juvenile defendant was incompetent to waive his rights without having the opportunity to consult an informed and interested adult. 465 A.2d 989 (Pa. 1983). In 1984, the Pennsylvania Supreme Court rejected the rebuttable presumption and held that ‘determination of whether a juvenile knowingly waived his *Miranda* rights and made a voluntary confession is to be based on a consideration of the totality of the circumstances, including consideration of the juvenile’s age, experience, comprehension, and presence or absence of an interested adult’ *Commonwealth v. Williams*, 475 A.2d 1283 (Pa. 1984).”

and why, the use of any restraints, a display, threat, or use of force, and the methods of investigation invoked to confirm or dispel suspicions. *Id.* Law enforcement detentions only become custodial when the conditions or duration or both become so coercive as to constitute the functional equivalent of a formal arrest under the totality of the circumstances. *Commonwealth v. Busch*, 713 A.2d 97, 100 (1998). A defendant's psychological state and the restrictions placed on him, even in his own home, are factors considered by a court in determining whether a defendant is in custody. *Interest of J.N.W.*, 197 A.3d 274, 280 (2018). Regarding matters where a defendant is the focus of the investigation, the court considers the factor, but such a scenario does not require, per se, *Miranda* warnings. *Id.* at 99 citing *Commonwealth v. Peters*, 642 A.2d 1126, 1130 (Pa. Super. 1994). It is important to note that a police officer is an authority figure and that an officer's authority is typically reinforced when he encounters a suspect. *Commonwealth v. Zogby*, 689 A.2d 280, 282 (Pa. Super. 1997). An officer's subjective intent does not dictate the determination of whether a custodial interrogation occurred or not, but rather the *reasonable belief of the individual being interrogated*. *Id.* (emphasis added). Simply because an officer lacks the legal license to continue to detain people is not impressed upon citizens, thus, a reasonable person does not feel free to decline an interview, walk away, or refuse to continue to be interviewed. *Id.* Ultimately, unless told he has a right to decline, an individual is unlikely to perceive a request from a police officer to talk as a choice. *Id.*

Here, in consideration of the totality of the circumstances, including, the Defendant's status as a care-dependent individual, the presence of two authority figures, and because the Defendant did not understand that he possessed the autonomy to leave or conclude the conversation with the officer, the Court agrees with the Defendant that he was in custody or the functional equivalent. Accordingly, the Defendant's repeated inquiries about whether he

was in trouble and his hesitation to divulge information without consistent prompting in the interview support a finding that his perception was that he was in custody. Despite Trooper Reiner's conduct and disclosures to the contrary, the totality of the circumstances convey that the Defendant reasonably believed he was in custody or its functional equivalent at the time of the interview.

***b. Did the Defendant validly waive his Miranda rights?***

The United States Supreme Court held in *Miranda v. Arizona* that when an individual is subject to a custodial interrogation the Fifth Amendment privilege against self-incrimination is only fulfilled when that individual is first informed of his right to remain silent and have an attorney present. *Supra*, 384 U.S. 436 (1966). When evaluating whether a *Miranda* waiver is valid, the Commonwealth bears the burden of proving that the defendant's waiver was entered knowingly, intelligently, and voluntarily. *Commonwealth v. Smith*, 210 A.3d 1050, 1058 (Pa. Super. 2019) citing *In Re T.B.*, 11 A.3d 500, 505 (Pa. Super. 20210).

The two-part test required to determine if a *Miranda* waiver is valid is, first, that "the relinquishment of the right must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion or deception. Second, the waiver must have been made with a full awareness both of the nature of the right being abandoned and the consequences of the decision to abandon it." *Id.* "Only if the 'totality of the circumstances surrounding the interrogation' reveal both an uncoerced choice and the requisite level of comprehension may a court properly conclude that *Miranda* rights have been waived." *Id.* The totality of the circumstances includes an evaluation of the duration and means of an interrogation, the physical and psychological state of the individual, the conditions surrounding the confinement, the attitude of the interrogator, and "any and all other factors that could drain a person's ability to withstand suggestion and coercion." *Id.*

quoting *Commonwealth v. Nester*, 551 Pa. 157, 709 A.2d 879, 882 (1998). Where a juvenile is involved, the court's inquiry also includes an evaluation of the age, experience, comprehension, and the presence or absence of an interested adult. Additionally, in certain circumstances, the presence of individuals who are not law enforcement personnel can still possess the status of law enforcement for purposes of custodial interrogation. *Interest of J.N.W.*, 197, A.3d 274, 282 (Pa. Super. 2018) citing *Commonwealth v. Heggins*, 809 A.2d 908 (Pa. Super. 2002).

Here, Trooper Reiner's recitation of a broad overview of an individual's rights during a custodial interrogation does not rise to the standard necessary for the Commonwealth to include the statements made during the interview as evidence against the Defendant at trial. The Commonwealth failed to meet its burden of proving that the Defendant was not subjected to a custodial interrogation and that he did validly waive his rights. Moreover, a court does consider the psychological state of an individual being questioned by law enforcement at the time of an interview in the analysis of the totality of the circumstances. The audio recording revealed that the Defendant was vocal about his discomfort with divulging information to Trooper Reiner. The Defendant was subjected to questioning under the supervision of two authoritative figures, Trooper Reiner and Ms. Parker. Throughout the interview, Trooper Reiner and Ms. Parker repeatedly prompted, encouraged, and requested that the Defendant tell the truth and describe his version of the alleged offenses despite his hesitation. Additionally, the Defendant requested to move the conversation to another room for privacy from Ms. Parker.

Also, in considering the status of the Defendant as an adjudged incapacitated person, his ability to comprehend his rights is evaluated in light of the comparison that he is mentally

equivalent to a juvenile. A juvenile does not necessarily have elevated rights under *Miranda*, but a court does have to consider his age, comprehension, and the presence or absence of an interested adult invested in the individual's welfare. As an adjudged incapacitated person, it is clear that, despite his age, the Defendant's experience, comprehension, and the absence of an interested adult convey that the Defendant believed he was in custody or the functional equivalent at the time of the interview, and thus, that the interview was a custodial interrogation. Despite the fact that he was in his "own home" at the time of the interview, that home is a group home and the Defendant is reliant on 24/7 care and supervision indicating that his perception of his ability to assert autonomy over a situation is drastically decreased in the residence. The Defendant does not have authority in the group home nor those who are permitted to enter. Thus, under the totality of the circumstances, the Court agrees with the Defendant and finds that the Defendant was subjected to a custodial interrogation without having effectively waived his rights and in violation thereof.

Accordingly, the Court enters the following Order:

**ORDER**

**AND NOW, this 26<sup>th</sup> day of February, 2025**, in consideration of counsel's arguments, memoranda, and for the aforementioned reasons, the Court finds that the Defendant was in custody or its functional equivalent at the time of the interview and he was subjected to a custodial interrogation without validly waiving his rights under *Miranda* and the Constitution. Thus, the Court **GRANTS** the Defendant's Motion to Suppress, and all statements made to law enforcement at the time of the custodial interrogation are hereby suppressed.

Additionally, the Defendant's Motion to Reserve right pursuant to Rule 579 of the Pennsylvania Rules of Criminal Procedure is **GRANTED**, entitling the Defendant to file additional pretrial motions upon receipt of newly turned over discovery items.

By the Court,

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Hon. Ryan M. Tira, Judge

RMT/asw

CC: DA

PD

Gary Weber, Esquire-Lycoming Reporter