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IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	NO. CR-677-2025
v.	:	
	:	
ANDREW DIXON,	:	Petition for Habeas Corpus
Defendant	:	

OPINION

This matter was before the Court on November 25, 2025, for a hearing and argument on the Defendant's Petition for Habeas Corpus filed on September 11, 2025, by and through counsel, Kyle Rude, Esquire. At the hearing on the Petition, Defendant appeared personally represented by Attorney Rude. Assistant District Attorney Phoebe Yates appeared on behalf of the Commonwealth.

Procedural History

On April 8, 2025, Defendant was charged with two counts of Aggravated Assault, felony of the second degree, under 18 Pa.C.S. Section 2702 subsection (a)(1) and subsection (4); two counts of Recklessly Endangering Another Person, misdemeanor of the second degree, under 18 Pa.C.S. Section 2705; one count of Simple Assault, misdemeanor of the second degree, under 18 Pa.C.S. Section 2701, and one count of Possession of a Weapon, misdemeanor of the first degree, under 18 Pa.C.S. Section 907(b) for an incident alleged to have occurred on November 21, 2024, in Loyalsock Township, Lycoming County, Pennsylvania.

A preliminary hearing occurred on May 21, 2025, before Magisterial District Judge Solomon, after which Defendant agreed to waive all charges into the Court of Common Pleas and reserved the right to file a *habeas* petition. Defendant submits that the Commonwealth

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cannot present sufficient evidence to establish a *prima facie* case to support the charges filed against Defendant.

At the hearing on the Petition, the Commonwealth presented Tyler Dixon and Mahogany Jones. At the conclusion of the testimony, Defendant moved for Count 1—Aggravated Assault—Attempts to Cause or Causes Bodily Injury with Deadly Weapon and Count 6—Aggravated Assault—Attempts to Cause Serious Bodily Injury or Causes Injury with Extreme Indifference dismissed from the Criminal Information.

Testimony

The Commonwealth presented Tyler Dixon, victim and Defendant's son. Dixon testified that he was living with Defendant, Defendant's wife, and Defendant's wife's two daughters in Defendant's home in November of 2024. Dixon stated he lived in the basement of the residence with his paramour, Mahogany Jones. On November 21, 2024, Dixon used butter from the upstairs refrigerator. Dixon came home later in the day to a note that said "do not use things you do not pay for." Dixon reacted by removing the note from the refrigerator and ripping the note up. Dixon's reaction angered Defendant, who had threatened Defendant over text message. The pair got into a disagreement over text message that resulted in various hostile messages to each other. Dixon returned home at 7:00 a.m. and began to pack his belongings in the basement. Dixon received a text message that said "watch when I come home." Dixon testified Defendant arrived home from work, ran down the stairs, and pulled out a weapon. In response, Dixon armed himself with a weapon. Dixon described what he could recall about the interaction as follows: (1) Defendant entered the basement and pulled his firearm out; (2) Defendant pointed his firearm at Dixon; (3) Dixon took out a knife; (4) Defendant lowered his firearm upon seeing the knife; (5) Dixon returned to the area of the bed; (6) Mahogany Jones entered the bedroom area from the 1st floor bathroom to attempt to

diffuse the situation; (7) while Jones was between Defendant and Dixon, Dixon felt punching on his right leg; (8) Dixon had the knife in his right hand positioned behind his right leg; (9) Jones saw the punching and approached Defendant to calm him down; (10) Dixon was holding the knife in the air out of Defendant's reach because Defendant was trying to disarm Dixon; (11) Defendant then grabbed Dixon's genitals, yanked and squeezed; (12) Dixon was lying on his back on the bed (13) Dixon stabbed Defendant in the stomach by reaching around Jones; (14) after being stabbed, Defendant retreated and fired a shot and Dixon stood from the bed; (15) Dixon heard one gun shot after the knife stab. Dixon was hit in his thumb, index finger, and stomach. He required a metal rod in his thumb and surgical removal of the bullet from his stomach as a result of the shooting.

Dixon stated that this was the first time he was disrespectful toward Defendant's wife. Dixon was aware that Defendant has a concealed carrying permit and does carry a firearm. Dixon testified that he habitually carried a switchblade knife on his person. Dixon had the knife accessible on November 21, 2024, for two reasons: (1) he always has the knife and (2) he knew his father was angry. When Defendant entered the room, Dixon "activated" his knife so the blade was exposed. Dixon testified he told Defendant to leave him alone and not to touch him. Dixon stated that Defendant never put the firearm away. Defendant came at Dixon and pushed him when Jones physically intervened to be between the two.

Mahogany Jones, paramour of the victim, testified that she resided with Dixon, Defendant, Defendant's wife, and her two daughters. On November 21, 2024, Jones was in the basement of the residence on Grampian Boulevard, Loyalsock Township, with Dixon. The two were packing their belongings to leave the residence. Jones was on her way to use the upstairs bathroom. She observed Defendant arrive home and immediately descend the basement stairs arguing with Dixon. Jones attempted to deescalate the situation, but testified

Defendant pushed her. Jones was aware that a disagreement occurred, but she was not sure about the specifics at the time. Jones recalled Defendant yelling at Dixon, and specifically, Defendant telling Dixon to leave. Jones recalled telling Defendant Dixon and she were packing to leave, but they needed some time to do so. Jones testified the situation became more escalated quickly, and she recalled the following occurring after Defendant entered the basement: (1) Dixon was located near the bed; (2) Defendant was throwing items around the room; (3) Defendant tried to push Dixon; (4) Dixon appeared angry as well; (5) Defendant approached Dixon; (6) Jones attempted to separate Defendant and Dixon; (7) Jones approached Dixon to calm him down; (8) Jones was physically between Dixon and Defendant; and (9) Jones was turning or moving her head and did not see the stabbing or the shooting. Jones was shot once for which medical attention was required, including a breathing tube, hospitalization, and a lengthy recovery. On cross-examination, Jones testified she could not remember seeing Defendant holding the firearm. She did not see Dixon wielding a knife on November 21, 2024. Jones testified Defendant and Dixon were close enough physically she was pushing on both of them at the same time to separate the pair. Defendant and Dixon were “putting their hands on each other.” Jones knew that Dixon had a knife that typically remained in the vehicle. Jones was not aware of the stabbing until after the incident. The last thing Jones remembered was Defendant leaving the room before she fell to the ground.

Argument

At the conclusion of the testimony, Defendant submitted that Count 1—Aggravated Assault—Attempts to Cause or Causes Bodily Injury with Deadly Weapon and Count 6—Aggravated Assault—Attempts to Cause Serious Bodily Injury or Causes Injury with Extreme Indifference be dismissed from the Criminal Information for the Commonwealth’s

failure to meet its burden of presenting sufficient evidence to establish a *prima facie* case exists for Count 1 and Count 6. With respect to Count 1, Defendant argued the testimony of both witnesses taken collectively demonstrates that Defendant did not intentionally or knowingly cause bodily injury to Mahogany Jones. More specifically, Defendant was stabbed in the stomach, and Dixon's testimony conveyed that Defendant "fell back" and fired the shot when Jones was off to the left of Dixon. Defendant characterized the shooting as accidental, not meeting the standard of a knowing or intentional act to cause bodily injury to Jones. With respect to Count 6, Defendant argued the Commonwealth is required to establish the Defendant acted intentionally, knowingly, or recklessly. Based on Dixon's testimony, Defendant argued that he was stabbed in the stomach before he fired the shot in the direction of the witnesses. The shot was not fired recklessly in spite of the value of human life, but rather in self-defense because Dixon could have advanced toward Defendant and inflicted more stabs to his person.

The Commonwealth argued the charge under Count 1 should stand because the Defendant used a deadly weapon. Defendant's intent is cognizable from his act of raising the gun and pointing it in the direction of the witnesses. The Commonwealth argued the testimony does not reflect that Defendant was not acting intentionally or knowingly because he had the firearm on his person for the whole interaction. The Commonwealth argued that Count 6 should stand as well because Defendant intentionally shot through an innocent bystander, exhibiting an extreme indifference to human life. The Commonwealth posited that Defendant's argument for self-defense is appropriate for trial, but the standard under a *prima facie* case only requires the Commonwealth to establish it is more likely than not the offenses were committed by the Defendant. Moreover, the Commonwealth submitted the totality of

circumstances and the reasonable inferences drawn in favor of the Commonwealth more than establish Defendant intentionally or knowingly caused bodily injury to Jones.

Analysis

In evaluating a petition for writ of habeas corpus, the court must examine the evidence in a light most favorable to the Commonwealth. *Commonwealth v. Starry*, 196 A.3d 649, 656 (Pa. Super. 2018). The Commonwealth bears the burden of establishing a *prima facie* case “that a crime has been committed and that the accused is probably the one who committed it.” *Id.*; Pa.R.Crim.P. 141(d). “To demonstrate that a *prima facie* case exists, the Commonwealth must produce evidence of every material element of the charged offense(s) as well as the defendant's complicity therein,” *id.*, and may do so by utilizing evidence presented at the preliminary hearing as well as submitting additional proof. *Id.* Weight and credibility of the evidence are not factors for the Court to consider. *Commonwealth v. Marti*, 779 A.2d 1177, 1180 (Pa. Super. 2001); *see also Commonwealth v. Huggins*, 836 A.2d 862, 866 (Pa. 2003) (holding that “[t]he evidence need only be such that, if presented at trial and accepted as true, the judge would be warranted in permitting the case to go to the jury”). “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. Owen*, 580 A.2d 412, 414 (Pa. Super. 1990).

Under 18 Pa.C.S. Section 2702(a)(4), “[a] person is guilty of aggravated assault if he attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon.” It is not disputed that (1) Defendant was in possession of a deadly weapon¹, namely a firearm, (2) he fired a shot at the time of the incident, and (3) that shot resulted in

¹ The Crimes Code defines a “deadly weapon” as “[a]ny firearm, whether loaded or unloaded, or any devise designed as a weapon and capable of producing death or serious bodily injury[.]” 18 Pa.C.S. §2301.

bodily injury² to Jones. The issue here is whether Defendant possessed the requisite mental state at the time of the incident to be charged with the offense pursuant to the statutory requirements. Under Section 2702(a)(4), the Commonwealth must establish Defendant intentionally or knowingly caused bodily injury to Jones with the firearm. Under 18 Pa.C.S. Section 302, the legislature has set forth the definition of “intentionally” and “knowingly.” Section 302(b)(1):

A person acts intentionally with respect to a material element of an offense when:

(i) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and

(ii) if the element involves the attendant circumstances, he is aware of the existence of such circumstances or he believes or hopes that they exist.

Under Section 302(b)(2):

A person acts knowingly with respect to a material element of an offense when:

(i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and

(ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.

The totality of the circumstances is evaluated to determine whether the defendant had the intent to inflict serious bodily injury. *Commonwealth v. Matthew*, 909 A.2d 1254, 1257 (Pa. 2006), reaffirming *Commonwealth v. Alexander*, 383 A.2d 887 (1978). “Intent can be proven by direct or circumstantial evidence; it may be inferred from acts on conduct or from attendant circumstances.” *Commonwealth v. Matthews*, 870 A.2d 924, 929 (Pa. Super. 2005).

² The Crimes Code defines “serious bodily injury” as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” 18 Pa.C.S. §2301.

The Superior Court has consistently held that an aggravated assault occurs “in instances where the defendant has both drawn and fired (or drawn and misfired) a gun.” *Id*; *See also*: *Commonwealth v. Chance*, 458 A.2d 1371, 1371 (Pa. Super. 1983); *Commonwealth v. Bond*, 396 A.2d 414, 416 n.2 (1978) *rev’d on other grounds* (Pennsylvania Superior Court held evidence was sufficient to show an aggravated assault occurred on a bar owner where a struggle occurred and the gun of the defendant clicked several times while it was pointed at the bar owner notwithstanding the fact that the gun was not actually loaded); *Commonwealth v. McCalman*, 795 A.2d 412, 415 (Pa. Super. 2002). “Where one does not verbalize the reasons for his actions, we are forced to look to the act itself to glean the intentions of the actor. Where the intention of the actor is obvious from the act itself, the finder of fact is justified in assigning the intention that is suggested by the conduct.” *Commonwealth v. Meredith*, 490 Pa. 303, 416 A.2d 481, 485 (1980).

At this stage, the affirmative defense of self is removed from the Court’s analysis because the purpose of the preliminary hearing is ascertaining whether the Commonwealth produced evidence of each of the material elements of the crime charged and established probable cause to justify the belief that the accused committed the offense. The testimony elicited at the hearing provides that Defendant and Dixon were in a verbal disagreement before the physical incident at issue occurred. Defendant sent at least one text, “watch when I come home.” Additionally, Defendant arrived at the residence and appeared in the basement wielding a firearm. Jones’ testimony provided that the presence of Defendant indicated an altercation was likely to occur, and when she presented in the basement Defendant was irate—loud voices and throwing items around the room. Dixon’s testimony asserted that he informed Defendant he was leaving the residence, but needed time to pack his belongings. Defendant advanced on Dixon. The testimony provides that Jones physically intervened

between the parties. Defendant was stabbed, but backed away from the altercation, at that time, and still raised the firearm to shoot with the knowledge that Jones was in the line of fire between Defendant and Dixon. Therefore, the Court can infer Defendant's intent from the acts on conduct and from the attendant circumstances. Based on the foregoing and in viewing the evidence in a light most favorable to the Commonwealth, the totality of the circumstances show that a jury could conclude Defendant acted knowingly, at the minimum, in shooting the firearm in pursuit of the verbal and physical interactions. Specifically, the evidence adduced satisfies the Commonwealth's burden because a jury can conclude that Defendant was aware that his conduct was of that nature or that such circumstances existed and serious bodily injury was almost certain to occur as a result of his conduct, and he was aware that it was practically certain that his conduct would cause bodily injury to Jones. Thus, the Court finds that the Commonwealth has met its *prima facie* burden of establishing each material element under Section 2702(a)(4).

Under 18 Pa.C.S. Section 2702(a)(1), "[a] person is guilty of aggravated assault if he attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life." For the same reasons as explained above, the only material element in dispute for this charge is the intent of Defendant at the time of the incident. The above definitions of "intentionally" and "knowingly" remain applicable here. Thus, under Section 302(b)(3):

A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

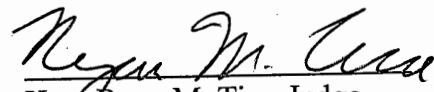
Because the Court found that the Commonwealth provided sufficient evidence to establish a *prima facie* case for every material element of the charge of aggravated assault under Section 2702(a)(4), and Section 2702(a)(1) provides for the lesser culpability of recklessness, the Court finds the Commonwealth established every material element under the latter to sustain the charge against the Defendant and present the case to a jury. Additionally, the Court finds that the totality of the circumstances, as testified to at the hearing, show an extreme indifference to the value of human life because Defendant presented in the basement wielding a firearm with the awareness that the situation was already escalated between Dixon and him.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this 1st day of October, 2026, for the aforementioned reasons, Defendant's Petition for Habeas Corpus is **DENIED**.

By the Court,


Hon. Ryan M. Tira, Judge

RMT/asw

CC: DA; CA

Kyle Rude, Esq.

Gary Weber, Esq.—Lycoming Reporter