

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

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	<b>CRIMINAL DIVISION</b>
	:	<b>CR-534-2025</b>
<b>v.</b>	:	
	:	
<b>NICKLAS V. GALLICK,</b>	:	<b>Petition for Writ of</b>
<b>Defendant</b>	:	<b>Habeas Corpus</b>

**OPINION**

This matter was before the Court on August 26, 2025, for a hearing on Defendant’s Petition for Writ of Habeas Corpus filed on June 5, 2025, by and through counsel of record, Christian Lovecchio, Esquire. At the hearing, Defendant appeared personally represented by Attorney Lovecchio. Attorney Korrin Moon appeared on behalf of the Commonwealth.

Defendant is charged in the above-captioned matter with the following: (1) Rape Unconscious Victim<sup>1</sup>, felony one; (2) Involuntary Deviate Sexual Intercourse<sup>2</sup>, felony one; (3) Sexual Assault<sup>3</sup>, felony two; (4) Strangulation—Applying Pressure to Throat or Neck<sup>4</sup>, felony two; (5) Simple Assault<sup>5</sup>, misdemeanor two; (6) Harassment—Subject Another to Physical Contact<sup>6</sup>, summary; and (7) Disorderly Conduct Engage in Fighting<sup>7</sup>, summary.

A preliminary hearing occurred on April 17, 2025. The above-offenses were bound for court.

Defendant argues that the Commonwealth failed to establish a *prima facie* case for all of the above-named charges. At the hearing on the Motion, the Commonwealth presented Norman Hager, police officer with the Williamsport Bureau of Police, and Emily Harer,

---

<sup>1</sup> 18 Pa.C.S. §3121(a)(3).  
<sup>2</sup> 18 Pa.C.S. § 3123(a)(3).  
<sup>3</sup> 18 Pa.C.S. § 3124.1.  
<sup>4</sup> 18 Pa.C.S. § 2718(a)(1).  
<sup>5</sup> 18 Pa.C.S. § 2701(a)(3).  
<sup>6</sup> 18 Pa.C.S. § 2709(a)(1).  
<sup>7</sup> 18 Pa.C.S. § 5503(a)(1).

Registered Nurse with UPMC-Williamsport. Through the witnesses' testimony, the Commonwealth submitted as Exhibits the following: (1) Commonwealth Exhibit No. 1, Lab Results; (2) Commonwealth Exhibit No. 2, the Body Camera Footage from Officer Haber, 03/20/2025; (3) Commonwealth Exhibit No. 3, SANE Exam, 03/24/2025; and (4) Commonwealth Exhibit No. 4, the Preliminary Hearing Audio, [04/17/2025]. Without objection from Defendant, the exhibits were admitted to the record. The parties did not make oral argument, and the Commonwealth relied on the exhibits admitted to the record.

### ***Background***

By way of further background, Defendant was charged in this matter as a result of events that occurred on or around March 20, 2025. At the preliminary hearing, C.L. testified that she met Defendant on March 19, 2025, at Planet Fitness<sup>8</sup> in Williamsport, Lycoming County, Pennsylvania. C.L. testified that on the evening of March 19, 2025, she spoke with Defendant about hanging out at his residence in South Williamsport<sup>9</sup>, Lycoming County, Pennsylvania. The pair drove separate from Planet Fitness to Defendant's residence<sup>10</sup>. On the way to Defendant's residence, the pair stopped at a liquor store and C.L. picked out three "airplane" size bottles of Amsterdam peach flavored vodka that Defendant purchased for C.L.<sup>11</sup>. C.L. further testified that the pair stopped at a smoke shop to purchase Backwoods rolling papers to smoke marijuana blunts<sup>12</sup>. The pair arrived at Defendant's apartment complex in South Williamsport between 6:30 p.m. to 7:00 p.m.<sup>13</sup>, and their time up to approximately 12:30 a.m. on March 20, 2025, consisted of hanging out, walking around South Williamsport, drinking vodka, and smoking marijuana blunts<sup>14</sup>. C.L. testified that she

---

<sup>8</sup> Commonwealth Exhibit No. 4, Preliminary Hearing Transcript, 04/17/2025, 00:01:48 to 00:02:25.

<sup>9</sup> Tr. at 00:02:25 to 00:02:35.

<sup>10</sup> Tr. at 00:16:50-00:17:00.

<sup>11</sup> Tr. at 00:09:35 to 00:10:35.

<sup>12</sup> Tr. at 00:13:00 to 00:13:10.

<sup>13</sup> Tr. at 00:02:48 to 00:02:55.

<sup>14</sup> Tr. at 00:03:00 to 00:03:18.

drank all three “airplane” bottles of vodka, and with her consent, Defendant poured some of his vodka into an “airplane” bottle of hers for her to drink<sup>15</sup>. On cross-examination, C.L. testified that she and Defendant did not hug, kiss, or otherwise partake in actions of physical intimacy until approximately 11:00 p.m., wherein the pair shared one kiss and the Defendant was caressing her body inside of his apartment<sup>16</sup>.

At approximately 12:30 a.m. on March 20, 2025, Defendant and C.L. called it a night, and Defendant offered to buy C.L. an Uber or Lyft ride home because he was not comfortable with her driving<sup>17</sup>. C.L. refused the offer for a ride because she was concerned about making it back to her car in the morning to get to her job on time<sup>18</sup>. C.L. slept in Defendant’s bed because there was no other place to sleep<sup>19</sup>. C.L. recalled that she went to bed in the spandex shorts and tank top she wore to the gym under a pair of silk pants and a jacket, and the Defendant was wearing only a pair of shorts<sup>20</sup>.

At some point after falling immediately asleep,<sup>21</sup> C.L. testified that Defendant woke her up and told her she needed to leave his apartment<sup>22</sup>. C.L. testified that when she was woken up, she observed Defendant standing on the opposite side of the bed naked, and she recalled that she had to retrieve her shorts from off of the floor<sup>23</sup>. C.L. testified that she was suspicious something happened between the two because she fell asleep clothed, but there was nothing physically noted at that time, such as semen or bodily pain or tenderness to provide C.L. any clarity into anything that occurred from getting in bed to being woken up<sup>24</sup>.

---

<sup>15</sup> Tr. at 00:10:45 to 00:11:45.

<sup>16</sup> Tr. at 00:18:20 to 00:20:40.

<sup>17</sup> Tr. at 00:03:40 to 00:04:10.

<sup>18</sup> Id.

<sup>19</sup> Tr. at 00:04:10 to 00:04:18.

<sup>20</sup> Tr. at 00:20:54 to 00:22:48.

<sup>21</sup> Tr. at 00:35:05 to 00:35:25.

<sup>22</sup> Tr. at 00:24:32 to 00:25:15

<sup>23</sup> Tr. at 00:04:24 to 00:04:40.

<sup>24</sup> Tr. at 00:05:35 to 00:06:22.

As she was preparing to leave, C.L. testified that the situation escalated and Defendant became violent. More specifically, C.L. stated that Defendant took her to the ground by pulling on her hair and he choked her and then he dragged her by her hair to the front door and outside of the house<sup>25</sup>. C.L. testified that outside Defendant dragged her to his car, which was about six feet from the door, and shoved her body up against the car, but his dog ran out of the apartment and Defendant let her go to retrieve the dog<sup>26</sup>. C.L. then approached a neighbor's door and was knocking on the door and yelling for help<sup>27</sup>. C.L. testified that she believed Defendant became violent because she refused his sexual advances on one of their walks earlier in the day<sup>28</sup>.

Law enforcement officers arrived on the scene at around 2:00 a.m. on March 20, 2025, and C.L. told them that Defendant was physically violent toward her, including threatening her with a handgun because she refused to have sexual intercourse with Defendant<sup>29</sup>.

At the hearing on the Motion on August 26, 2025, the Commonwealth presented Norman Hager to testify regarding his response to the call he received on March 20, 2025, to Defendant's apartment to respond to a disturbance. Upon his arrival, Officer Hager testified that he observed a woman who was visibly upset and yelling that she was assaulted. Officer Hager made contact with the woman, identified as C.L., who reported that she was dragged out of the apartment by her hair. Officer Hager testified that C.L. did not report any sexual assault on March 20, 2025. Officer Hager testified that if any marks existed on C.L. at the initial point of contact, they were difficult to see because it was dark, and no photographs

---

<sup>25</sup> Tr. at 00:06:30 to 00:07:15.

<sup>26</sup> Id, and at 00:42:25 to 00:43:36.

<sup>27</sup> Tr. at 00:43:40 to 00:43:50.

<sup>28</sup> Tr. at 00:26:32 to 00:26:43.

<sup>29</sup> Tr. at 00:28:58 to 00:29:45.

were attempted. Officer Hager further testified that he spoke with Defendant on March 20, 2025, who explained that the pair spent the evening together walking, drinking alcohol, and smoking marijuana.

On the Saturday after the incident (March 22, 2025), Officer Hager testified that he spoke with the alleged victim to inform her about the preliminary hearing scheduled for March 24, 2025. On or around March 22, 2025, C.L. reported to Officer Hager that she believed she was sexually assaulted by Defendant on March 20, 2025, due to her going to sleep with clothes on and waking to find her shorts removed, and she later discovered seminal fluid on her person. The preliminary hearing scheduled for March 24, 2025, was continued due to the new allegations. At the time scheduled for the preliminary hearing, C.L. was encouraged to seek medical attention at UPMC-Williamsport. Officer Hager further testified that evidence, including buccal swabs, DNA swabs, and the alleged victim's clothing were collected on March 24, 2025. The clothing was delivered to the lab, and the presumptive chemical testing result revealed that seminal fluid was present in the crotch area of C.L.'s shorts.

On cross-examination, Officer Hager stated that statements were collected from several witnesses living in the apartment complex, including a Brandon Kriner, Weston Applegate, and a female neighbor. The neighbors made additional statements on April 11, 2025, but no recordings were made of those interactions. Additionally, Officer Hager expanded on his observations and actions on March 20, 2025. Both Defendant and the alleged victim stated that they had consumed alcohol and marijuana and spent the evening socializing with each other. Officer Hager stated that both Defendant and the alleged victim showed visible signs of intoxication, including the odor of alcohol on their breaths, slurred words, and their overall conduct was indicative of intoxication. When Officer Hager made

contact with Defendant, he was not under arrest at that time, and they spoke outside of the apartment in the parking lot area. Officer Hager testified that the Defendant stated the pair engaged in sexual intercourse, and his interactions with the parties that evening were recorded on body camera (See also: Commonwealth Exhibit No.2, Body Camera Footage at 00:15:26). Defendant refused a breathalyzer, and he refused the officers entry to his apartment. No breathalyzer result was produced for the alleged victim due to her emotional and mental state. Officer Hager contacted the on-call assistant district attorney who approved, inter alia, the felony charge of strangulation, and Officer Hager and the other dispatched officers arrested the Defendant and took him to the station. The alleged victim remained at the scene.

Officer Hager testified that warrants were obtained for the Defendant's DNA, buccal swab, and phone. No firearm was ever retrieved nor was a search warrant for Defendant's apartment obtained.

The Commonwealth then presented Emily Harer, registered nurse with UPMC-Williamsport. Nurse Harer testified that she works in the emergency room and she is a Sexual Assault Nurse Examiner (SANE). Nurse Harer completed fourteen SANE exams at the time the alleged victim presented in March of 2025 to have an examination completed. On March 24, 2025, Nurse Harer conducted a SANE exam on C.L. The exam results were admitted to the record as Commonwealth Exhibit No. 3. Nurse Harer reviewed her results, and testified that the findings included: several leg bruises, reported strangulation, and arm bruising. Four days lapsed since the date of the alleged assault, and in that time, C.L. had showered and changed clothes. The result of such actions is that the amount of extractable DNA samples is decreased. Notwithstanding, Nurse Harer collected vaginal and external samples from C.L.

### *Argument and Analysis*

Defendant argues that the Commonwealth failed to present sufficient evidence to establish its *prima facie* case that the Defendant committed any of the offenses charged in the Criminal Information. Defendant attacks the Commonwealth's case on the basis that the Affidavit of Probable Cause from the initial reporting on March 20, 2025, did not report any information that a sexual offense occurred, including rape, involuntary deviate sexual intercourse, or sexual assault. Defendant further argues that when such reports were made by the alleged victim, it was at the preliminary hearing on April 17, 2025; and then the alleged victim's testimony was only that she felt "something may have happened."

It is well settled that the preliminary hearing is not a trial and the Commonwealth need not establish Defendant's guilt beyond a reasonable doubt at that stage. *Commonwealth v. McBride*, 595 A.2d 589, 591 (Pa. 1991). Rather, 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).

***Count One—Rape Unconscious Victim***

Under 18 Pa.C.S. §3121(a)(3), “[a] person commits a felony of the first degree when the person engages in sexual intercourse with a complainant...[w]ho is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.”

Here, the Commonwealth presented evidence and testimony that Defendant admitted to having sexual intercourse with the alleged victim prior to his arrest (Commonwealth Exhibit No. 2), the lab results containing the serology report from the alleged victim’s shorts from the evening of the incident provided positive results for semen present (Commonwealth Exhibit No. 1), and the alleged victim testified that she “passed out immediately” when she got into Defendant’s bed. Moreover, the alleged victim testified that she did not recall anything from the time she passed out to the time Defendant woke her up. Additionally, the alleged victim testified that she fell asleep with her shorts on, and when she woke up to leave she had to retrieve her shorts from off of the floor. At this stage, the Commonwealth has produced sufficient evidence to establish a *prima facie* case for the charge of Rape, unconscious victim.

***Count Two—Involuntary Deviate Sexual Intercourse***

Under 18 Pa.C.S. § 3123(a)(3), “[a] person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant...who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.”

For the reasons listed under Count One—Rape, unconscious victim, the Court also finds here that the Commonwealth produced sufficient evidence to establish a *prima facie* case for Count Two—Involuntary Deviate Sexual Intercourse.

***Count Three—Sexual Assault***

Under 18 Pa.C.S. § 3124.1, “[e]xcept as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.” “Deviate sexual intercourse” is defined under Section 3103, in part, as “[s]exual intercourse per os (by mouth) or per anus between human beings....”

For the reasons stated under Count One—Rape, unconscious victim, the Court also finds here that the Commonwealth produced sufficient evidence to establish a *prima facie* case for Count Three—Sexual Assault. Additionally, there is testimony from the alleged victim that she refused Defendant’s sexual advances and propositions earlier in the evening on March 19, 2025.

***Count Four—Strangulation—Applying Pressure to Throat or Neck***

Under 18 Pa.C.S. § 2718(a)(1), “[a] person commits the offense of strangulation if the person knowingly or intentionally impedes the breathing or circulation of the blood of another person by...applying pressure to the throat or neck.”

Here, the alleged victim testified that Defendant did put his hands around her throat on March 20, 2025, after he directed her to leave his apartment. The alleged victim testified that she lost her voice for several days after March 20, 2025, and this was also noted in the SANE report that was produced. For those reasons, the Court

finds that the Commonwealth did proffer sufficient evidence to establish a *prima facie* case for the charge of Count Four—Strangulation.

***Count Five—Simple Assault***

Under 18 Pa.C.S. § 2701(a)(3), “[e]xcept as provided under section 2702 (relating to aggravated assault), a person is guilty of assault if he...attempts by physical menace to put another in fear of imminent serious bodily injury.”

Here, there is testimony from the alleged victim that Defendant became violent, and made contact with the alleged victim by pulling her to the ground by her hair and dragging her out of the apartment door, and then shoving her against the car. The Commonwealth also provided the SANE results, which included findings of bruising on the alleged victim’s arms and legs. The SANE results state that the alleged victim’s right knee had scattered bruising in various shades of purple, blue, and yellow. (Commonwealth Exhibit No. 3). The alleged victim’s right knee had generalized bruising in the various shades and a healed scratch. (Id). Officer Hager’s body camera footage shows the alleged victim in a state of visible distress over the incident that occurred. The conduct by the Defendant as testified to by the alleged victim in accordance with the physical findings by Nurse Harer set forth sufficient evidence for the Commonwealth to meet its burden of establishing a *prima facie* case for Count Five—Simple Assault.

***Count Six—Harassment—Subject Another to Physical Contact***

Under 18 Pa.C.S. § 2709(a)(1), “[a] person commits the crime of harassment when, with intent to harass, annoy, or alarm another, the person...strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same.”

For the reasons stated under Count Five—Simple Assault, the Court also finds here that the Commonwealth produced sufficient evidence to establish a *prima facie* case for Count Six—Harassment—Subject Another to Physical Contact.

***Count Seven—Disorderly Conduct Engage in Fighting***

Under 18 Pa.C.S. § 5503(a)(1), “[a] person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he engages in fighting or threatening, or in violent or tumultuous behavior.”

Here, both the alleged victim and Officer Hager testified that several neighbors were disturbed in the early morning hours of March 20, 2025, by the commotion the incident caused in the apartment complex. Additionally, the testimony provides a finding of a risk of causing public inconvenience because of the tumultuous behavior that was observed personally by Officer Hager and reported by the alleged victim that the Defendant dragged her out of his apartment in a the common are of the parking lot of the apartment complex. For those reasons, the Court finds that the Commonwealth presented sufficient evidence to establish a *prima facie* case that the Defendant engaged in conduct warranting the charge for Count Seven—Disorderly Conduct, Engage in Fighting.

***Conclusion***

In viewing the evidence in a light most favorable to the Commonwealth, the Court concludes that sufficient evidence was presented, that if believed, would establish all of the elements of all charges against Defendant. Whether or not there is proof beyond a reasonable doubt is a question left for a jury at trial.

**Accordingly, this 23<sup>rd</sup> day of February, 2026,** the Defendant's request to have all counts dismissed for Commonwealth's failure to establish a *prima facie* case is **DENIED.**

By the Court,

---

Ryan M. Tira, Judge

RMT/asw

CC: DA; CA;  
Christian Lovecchio, Esq.  
Gary Weber, Esq.—Lycoming Reporter