

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

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	NO. CR-1462-2024
v.	:	
	:	
TROY JOHNSON,	:	Petition for Writ of
Defendant	:	Habeas Corpus

OPINION

This matter was before the Court on April 28, 2025, on Defendant's Petition for Writ of Habeas Corpus filed on January 2, 2025, by and through counsel, Tyler Calkins, Esquire.

Defendant is charged in the above-captioned information with Count 1, Endangering the Welfare of Children—Parent/Guardian/Other Commits Offense¹, a misdemeanor of the first degree; Count 2, Simple Assault², a misdemeanor of the second degree; Count 3, Disorderly Conduct Engage in Fighting³, summary; Count 4, Harassment—Subject Other to Physical Contact⁴, summary. A preliminary hearing occurred in this matter on October 24, 2024. All charges were bound for Court over the Defendant's request for Count 1 to be dismissed. Defendant was scheduled and did waive Formal Arraignment on December 2, 2024.

Defendant's Petition seeks to have dismissed from the Information Count 1, Endangering the Welfare of Children, arguing that the Commonwealth did not meet its burden of establishing a *prima facie* case to move forward to trial with this charge.

At the hearing on the Petition, the parties stipulated to submitting Joint Exhibit No. 1, a recording of the preliminary hearing. No other exhibits nor witnesses were submitted to the record for the Court's consideration of the Petition.

Background

Defendant is charged in the above-captioned information with the above-named charges for incidents occurring on or around September 10, 2024. At the preliminary hearing,

¹ 18 Pa.C.S. §4304(a)(1).

² 18 Pa.C.S. §2701(a)(1).

³ 18 Pa.C.S. §5503(a)(1).

⁴ 18 Pa.C.S. §2709(a)(1).

the Commonwealth presented Lauren Johnson. Mrs. Johnson testified that on September 10, 2024, she was at her home in Jersey Shore, Lycoming County, Pennsylvania, when she called police to the residence for a physical altercation that occurred between her husband, Defendant, and herself in the presence of their children. Mrs. Johnson recounted that she was in their bedroom charging a phone when Defendant entered the room and kicked her in the back whereupon the children entered the room. After incurring physical harm by her husband in the upstairs portion of their residence, he left the room and went to the downstairs portion of the residence. The children followed Defendant downstairs. Shortly thereafter, Mrs. Johnson headed toward the stairs to pursue her family. While Mrs. Johnson was on the stairs, their daughter, was walking back up the stairs, passed Mrs. Johnson, and then Defendant pushed Mrs. Johnson up the stairs causing her body to make contact with their daughter's, ultimately causing the daughter to fall up the stairs. Mrs. Johnson sustained injuries to her right ribs, right breast, and her left eye. Their ten year old daughter sustained injuries to her knee, including a cut and a "brush burn" type abrasion.

The Commonwealth then presented Officer Bryan Yoas with the Lycoming Regional Police Department. Officer Yoas was dispatched to the Johnson residence in Jersey Shore, Pennsylvania on September 10, 2024, upon receiving a call to respond to a physical domestic disturbance. Officer Yoas met with Mrs. Johnson and the children outside of the residence. Officer Yoas observed visible injuries on Mrs. Johnson. Officer Yoas also observed her daughter to have visible injuries on her knee, that he described as cuts and a "brush burn." Additionally, Officer Yoas ascertained that the children did witness the altercation between their parents.

Argument and Analysis

Defendant argues that the Commonwealth failed to present material elements for Endangering the Welfare of Children to establish that a *prima facie* case exists to charge Defendant with the offense. Defendant avers that the only evidence presented regarding Count 1 is the testimony from Mrs. Johnson that Defendant pushed her and she fell into their minor daughter on the stairs.

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).

Under 18 Pa.C.S. Section 4304(a)(1), "[a] parent, guardian, or other person supervising the welfare of a child under 18 years of age...commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection, or support."

Here Defendant does not challenge that the child was under the age of 18 years old at the time of the incident. Specifically, the child was ten years old on September 10, 2024. It is also not disputed that Defendant is a parent of the child. At the preliminary hearing, Defendant argued that he did not "knowingly" endanger the welfare of the child by violating a duty of care or protection because he was unaware of the child's presence on the stairs.

In consideration of the testimony presented, read in a light most favorable to the Commonwealth, the Court cannot agree that the evidence presented does not establish the material element of knowledge for this charge to proceed to a jury. The testimony provided that the Defendant (1) engaged in violent and threatening behavior toward his wife in the

presence of his children; (2) was followed by his children out of the room where the altercation started; (3) Defendant removed himself downstairs, and the children followed him; and (4) their daughter had to pass Mrs. Johnson on the stairs before Defendant pushed her. Even if Defendant did not know the exact location of their daughter, Defendant was still aware of circumstances that could threaten his daughter's physical or psychological welfare, and he took action that was not reasonably expected to be protective of the child's welfare. To the contrary, Defendant created a dangerous environment in which his alleged act caused an injury to the child.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this 4th day of February, 2026, for the reasons explained above, the Defendant's Petition for Writ of Habeas Corpus with regard to Count 1, Endangering the Welfare of Children, is **DENIED**.

By the Court,

Ryan M. Tira, Judge

RMT/asw

CC: DA; CA

Tyler Calkins, Esq.

Gary Weber, Esq.—Lycoming Reporter