

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

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	CR-583-2024
v.	:	CR-1602-2024
	:	
DYLLYN LAIRD,	:	Petition for Writ of
Defendant	:	Habeas Corpus

OPINION

This matter was before the Court on July 14, 2025, on a Petition for Habeas Corpus filed by Peter Lovecchio, Esquire, on behalf of his client, Dyllyn Laird, Defendant, on January 17, 2025. The Court also addressed the Commonwealth’s Motion for Leave to Amend the Information and a Motion for Return of Property¹ filed by the Defendant. At the hearing on the Motions, Defendant appeared personally represented by Attorney Lovecchio. First Assistant District Attorney Martin Wade appeared on behalf of the Commonwealth.

A preliminary hearing occurred on April 28, 2024, wherein the sole witness presented was the alleged victim. At the conclusion of the hearing, all charges were bound for court.

At the time of the filing of Defendant’s petition for habeas corpus, Defendant was charged by way of the Criminal Information with the following offenses among others²: Count 4—Terroristic Threats with Intent to Terrorize under 18 Pa.C.S. Section 2706(a)(1) and Count 6—Stalking—Repeatedly Committed Acts to Cause Fear, misdemeanor 1, under 18 Pa.C.S. Section 2709.1(a)(1). Defendant specifically takes issue with the evidence

¹ Defendant’s Motion for Return of Property was granted by separate order at the hearing. See: Order Granting Motion for Return of Property, December 18, 2025.
² Count 1—Burglary-Overnight Accommodations, Person Present, felony one, under 18 Pa.C.S. §3502(a)(1)(ii); Count 2—Criminal Trespes/Simple Trespasser, summary, under 18 Pa.C.S. §3503(b.1)(1)(i); Count 3—Reckless Endangering Another Person, misdemeanor two, under 18 Pa.C.S. §2705; Count 5—Simple Assault-Physical Menace, misdemeanor two, under 18 Pa.C.S. §2701(a)(3); Count 7—Person not to Possess, Use, Manufacture, Control Sell or Transfer Firearms, misdemeanor one, under 18 Pa.C.S. §6105(A)(1).

produced by the Commonwealth at the preliminary hearing for the two aforementioned charges.

The Commonwealth submitted the Preliminary Hearing Audio, 04/28/2025 as Commonwealth Exhibit No. 1. Without objection from the Defendant, Commonwealth Exhibit No. 1 was admitted to the record.

Background

By way of further background, the alleged Victim lives on Hall Road in Muncy, Lycoming County Pennsylvania. The alleged victim testified at the preliminary hearing to events that occurred on November 7, 2024. She left her house at approximately 10:15 p.m. to take an acquaintance to the Sunoco Park and Ride in Muncy, Pennsylvania. Shortly into her travel to Sunoco Park and Ride, the alleged victim observed a red car “come out of nowhere” and begin to trail her vehicle. (N.T. 04/28/2025 at 1:55 to 2:25). The alleged victim noted that the driver of the small red car took all of the same turns that she did, to the point that she drove past the Sunoco Park and Ride to further observe the other driver’s actions. (Id). It was at this time that the driver of the red car pulled up near the driver side of the alleged victim’s vehicle, and as the alleged victim turned to view the driver, she observed the car “[shoot] off.” (Id).

The alleged victim ultimately dropped her acquaintance off at the Sunoco Park and Ride. (N.T. at 2:27-2:37). As she turned out of the Sunoco Park and Ride lot, she observed the small red car again, and as they pulled up at the red light, she recognized the Defendant as the driver of the red car. (Id). As soon as she observed the Defendant, the alleged victim testified that he “pulled a U-turn and shot off.” (Id). The alleged victim is familiar with the Defendant’s vehicle, and testified that he drove a red Cobalt. (N.T. at 9:18-9:43). The alleged victim is familiar with the Defendant through a previous domestic relationship, and as of

November 7, 2024, she had an active protection from abuse order (PFA) against the Defendant for events that occurred in April of 2024. The PFA order prohibited the Defendant from being at the alleged victim's residence in Muncy, Pennsylvania, and prohibited him from owning or possessing a firearm. (N.T. at 1:20 to 1:30).

The alleged victim arrived back to her house at approximately 10:30 p.m. (N.T. at 10:42 to 10:48). When she returned home, there was no one else in the home, (n.t. at 2:55 to 3:07), and she went to bed at approximately 11:30 p.m. (Id). She further testified that when she went to bed, her bedroom windows were closed (n.t. at 5:06 to 5:12), and locked all of the door locks which remained locked throughout the night. (N.T. at 5:37 to 5:40). The alleged victim woke up around 1:30 a.m. (N.T. at 2:43 to 2:49) because she heard a noise. (N.T. at 11:15 to 11:18). The noise she heard was the Defendant standing in her bedroom. (N.T. at 3:12 to 3:16). The alleged victim testified that she screamed and reached for her phone, but the Defendant held her hand holding the phone down. (N.T at 3:18 to 3:38). The alleged victim testified that Defendant stated he "just wanted to talk." (Id). The alleged victim further testified that Defendant confronted her about someone being at the house, to which she negated, and he pulled out a handgun and "cocked it" by pulling back on the slide on the top of the handgun. (N.T at 4:06 to 4:50). The Defendant threatened to harm himself. (N.T. at 4:52 to 5:00). Over the course of the incident, the alleged victim asked the Defendant how he entered the home, and he responded that he had a house key. (N.T. at 5:30 to 5:37). However, when the Defendant fled the bedroom after hearing the 911 operator through the alleged victim's phone, (n.t. at 14:37 to 14:52), he left through the window by pushing it open. (N.T. at 5:12 to 5:18). The alleged victim further clarified that she thought the window was locked (n.t. at 13:30 to 13:38), but the crank on the window was broken. (N.T. at 13:57 to 14:15). The Defendant knew how the windows worked from his time living in the

residence. (N.T. at 17:22 to 17:28). The alleged victim testified that she feared for her safety at the time the Defendant was following her on the roadways in Muncy, and again, when the Defendant appeared in her bedroom with a visible handgun. (N.T. at 6:39 to 6:46). On cross-examination, when asked if the gun ever crossed her path, the alleged victim confirmed that the handgun did “cross her path” or another way, the firearm was directed at her throughout the conversation as Defendant gesticulated. (N.T. at 13:05 to 13:10).

I. Commonwealth’s Motion for Leave to Amend the Information

On July 11, 2025, the Commonwealth filed a Motion for Leave to Amend the Information, and a hearing on the Motion was added to the schedule for the time of the hearing on the Petition for Writ of Habeas Corpus on July 14, 2025. The Commonwealth sought leave of court to amend the Information to add Count 8—Criminal Trespass (Breaking Into), a felony of the second degree pursuant to 18 Pa.C.S. Section 3503(a)(1)(ii) and Count 9—Criminal Trespass, a felony of the third degree pursuant to 18 Pa.C.S. Section 3503(A)(1)(i). Additionally, the Commonwealth sought to amend the grading of Count 6 from a misdemeanor of the first degree to a felony of the third degree. The basis for the Commonwealth’s Motion with regard to Count 6 is that Section 2709(c)(2) raises the grading of the stalking offense to a felony of the third degree if the defendant was previously convicted of committing a crime of violence against the stalking victim. The Commonwealth asserted that Defendant was previously convicted of simple assault for attacking the same victim as in this matter. Defendant requested that additional discovery of the prior conviction be turned over as soon as possible because he had only received two criminal complaints and the sentencing orders. Additionally, the Commonwealth agreed with Defendant’s assertion that there was insufficient evidence produced at the preliminary hearing to move forward with the charge of Count 4—Terroristic Threats with Intent to Terrorize. The parties agreed

to have Count 4 dismissed from the Information. Defendant did not object to the addition of the two criminal trespass charges, and aside from the request for additional discovery related to the prior conviction, the Court granted the Commonwealth leave to file the Amended Information³ by separate order issued on July 14, 2025. The Commonwealth filed the amended Information reflecting the aforementioned changes on July 15, 2025.

II. Defendant’s Petition for Writ of Habeas Corpus Regarding Count 6 of the Criminal Information

As stated above, the parties agreed to have Count 4—Terroristic Threats with Intent to Terrorize dismissed from the Information. Accordingly, the Court only needs to move forward with deciding whether the Commonwealth met its burden of establishing a *prima facie* case with regard to Count 6—Stalking-Intent to Place in Fear of Bodily Injury.

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.

³ Pursuant to Rule 564 of the Pennsylvania Rules of Criminal Procedure, a “court may allow an information to be amended provided that the information as amended does not charge offenses arising from a different set of events and that the amended charges are not so materially different from the original charge that the defendant would be unfairly prejudiced.” See also: *Commonwealth v. Page*, 965 A.2d 1212 (Pa. Super. 2009) (citing *Commonwealth v. Roser*, 914 A.2d 447, 454 (Pa. Super. 2006))(Factors to be considered when determining prejudice include: whether the amendment changes the factual scenario; whether new facts, previously unknown to the defendant were added; whether the description of the charges changed; whether the amendment necessitates a change in defense strategy; and whether the timing of the request allowed for ample notice and preparation by the accused)).

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).

Defendant first noted that the criminal statute requires two related, but separate events. Defendant argued *Commonwealth v. Johnson*, 768 A.2d 1177 (Pa. Super. 2001)(rev’d on other grounds) to support his claim that the Commonwealth has not established two separate events. Defendant argued that the alleged victim testified that while she was driving on a public road, Defendant followed her in his car for several minutes. After several minutes, Defendant turned around and stopped following the alleged victim. Defendant asserted that the alleged victim did not testify that the Defendant acknowledged it was her driving the car. Furthermore, Defendant submits that he lives in the same town where the alleged victim was driving. Thus, it is Defendant’s position that the Commonwealth has not set forth sufficient evidence to establish a course of conduct as required by Section 2709.1(a)(1) and defined in Section 2709.1(f).

For similar reasons, Defendant also argued that the evidence presented does not demonstrate that Defendant had the intent to place the alleged victim in reasonable fear of bodily injury or to cause substantial emotional distress as required by the statute. Because the alleged victim did not testify that the Defendant acknowledged her while driving, any alleged following only lasted several minutes, and Defendant asserted that he lives in the same town, Defendant asserted that the charge should be dismissed because the Commonwealth failed to

establish a *prima facie* case that Defendant placed the alleged victim in reasonable fear of bodily injury or caused substantial emotional distress. Defendant concludes that an objective analysis of the facts does not support the conclusion that this evidence alone demonstrates the Defendant's intent to cause fear of bodily injury or significant emotional distress despite that it may have been the alleged victim's belief that that she was being followed by Defendant.

The Commonwealth argued that the testimony establishes that two distinct events occurred on the night in question. The first occurred when the Defendant followed the alleged victim in his vehicle while subject to an active PFA order wherein the plaintiff is the alleged victim in this matter. The second event occurred when the Defendant entered the alleged victim's residence in the dark through a window. The Commonwealth pointed to the statutory definition of course of conduct provided in Section 2709.1(f), and asserted, that despite the disjunction of the statute, under both theories on which the Defendant's motion is based, the evidence presented establishes a *prima facie* case for both.

Under 18 Pa.C.S. Section 2709.1(a)(1), a person commits the crime of stalking when the person:

(1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person...

In *Commonwealth v. Johnson*, 768 A.2d 1177 (Pa. Super. 2001)(rev'd on other grounds), the defendant was convicted of stalking as a result of his conduct on a day when he was following the victim in her vehicle, pulling up beside her vehicle and making obscene gestures and remarks. *Johnson, supra*, at 1178. In response, the victim stopped at a police precinct to report the incident. *Id.* The victim received a police escort to her home. *Id.* Upon their arrival, the victim and law enforcement agents observed a man meeting the physical

description of the defendant flee from her front porch. *Id.* The parties also observed the defendant's vehicle parked out front of her residence. Another report was made to the police. *Id.* The defendant was convicted on the stalking charge from the events of that day alone. *Id.* at 1179. On appeal, the defendant did not challenge the sufficiency of the evidence, but rather, that the evidence did not establish a course of conduct. *Id.*

Under 18 Pa.C.S. Section 2709.1(f), "course of conduct" is defined as:

[a] pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures, or actions either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

In *Johnson*, the defendant properly argued, as here, that the statute requires "proof of two related but separate events." *Johnson, supra*, at 1179, citing *Commonwealth v. Leach*, 729 A.2d 608, 611 (Pa. Super. 1999). Moreover, "[t]he elements of stalking are not established until the occurrence of a second prohibited act...extend[s] the course of conduct." *Id.* The Pennsylvania Superior Court found that the Commonwealth did establish a course of conduct in *Johnson*, first, when he followed the victim and her mother for nearly thirty minutes yelling obscenities and making obscene gestures. *Johnson, supra*, at 1179. The Court determined that this event ended when the victim stopped at the police precinct. *Id.* The Court then found that the second event occurred when the defendant was present on the victim's porch. *Id.* Additionally, at the time of both of the events, the defendant was subject to a PFA order wherein the victim was the plaintiff and he was prohibited from contacting the victim in any manner. *Id.* at 1178.

Here, the Court finds that the Commonwealth has presented sufficient evidence to establish a *prima facie* case that a course of conduct exists. The statute specifically defines a

course of conduct as “more than one act over a period of time, *however short...*” 18 Pa.C.S. §2709.1(f) (emphasis added). Defendant, in defiance of a court order, followed the alleged victim on a public roadway from near her home to the Sunoco Park and Ride, and he reappeared after she dropped her acquaintance off at the Park and Ride. Defendant once again initiated prohibited contact when he appeared in her bedroom in the early morning hours of November 8, 2024, and fleeing only when he heard that the alleged victim made contact with the 911 operator. Defendant’s acts are separate and distinct, both in their nature (following the alleged victim in a motor vehicle and then appearing in her bedroom) and in time (before and after she dropped her acquaintance off at the Park and Ride). As such, the Commonwealth has sufficiently established a course of conduct for Count 6 to proceed to trial. Thus, Defendant’s argument with respect to the course of conduct fails.

Defendant also argued that the Commonwealth did not present sufficient evidence to support the charge of stalking with respect to the material element that he possessed “an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person...” Defendant was subject to an active PFA order for events that occurred in April of 2024, for which the alleged victim established that a PFA was justified against the Defendant. Under the PFA statute, the Defendant is prohibited from, *inter alia*, (1) any contact with the alleged victim, (2) being present on her property, and (3) possessing or owning a firearm. Here, the Court finds that the Commonwealth sufficiently established an intent to instill fear of bodily injury or substantial emotional distress when the alleged victim testified that the Defendant deliberately followed her from near her home to the Muncy Park and Ride, and again when he appeared in her bedroom and brandished a firearm. Though the testimony reflects that the Defendant did not explicitly threaten her, the alleged victim testified that he did appear to be in a panicked state, he had racked the

firearm's slide, and he was waving the firearm around the bedroom. Simply put, a reasonable person would be extremely fearful and/or sustain emotional distress when waking up to a person in her bedroom holding a firearm. Especially, considering when she went to bed no one else was in or expected to be in the home. Such actions cannot be viewed as anything other than an intent to instill fear of bodily injury or substantial emotional distress in a reasonable person, despite what the Defendant may or may not have said at the time. Thus, the Defendant's argument that the Commonwealth did not present sufficient evidence to establish a *prima facie* case with respect to this element also fails.

Accordingly, the Court enters the following Order:

ORDER

AND NOW, this ____ day of March, 2026, the Defendant's Petition for Writ of Habeas Corpus with respect to Count 6—Stalking—Repeatedly Committed Acts to Cause Fear, a felony of the third degree, is **DENIED**.

By the Court,

Ryan M. Tira, Judge

RMT/asw

CC: DA; CA
Peter Lovecchio, Esquire
Gary Weber, Esq.—Lycoming Reporter
File—CR-583-2024