

G Weber

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	
v.	:	NO. CR-122-2025
	:	CR-146-2025
	:	
EDWARD MAYO,	:	Omnibus Motion
Defendant	:	

OPINION

This matter was before the Court on July 15, 2025, and September 23, 2025, for a hearing on the Defendant's Omnibus Motion that was filed by Matthew Welickovitch, Esquire, on behalf of the Defendant on April 22, 2025. At the hearing on the Motion, the Defendant was present with counsel, Attorney Welickovitch. Korrin Moon, Esquire, appeared on behalf of the Commonwealth.

Procedural Background

Defendant is charged under docket no. CR-122-2025 with the following criminal offenses for incidents that occurred from December 1, 2018 to October 17, 2019: (1) three counts of Aggravated Indecent Assault of a Minor¹, felony of the first degree; (2) one count of Involuntary Deviate Sexual Intercourse with Child², felony of the first degree; (3) four counts of Indecent Assault of a Person Less than Thirteen Years of Age³, felony of the third degree; (4) one count of Indecent Exposure⁴, misdemeanor of the first degree; (5) one count of Corruption of Minors⁵, felony of the third degree; (6) one count of Endangering the Welfare of Children⁶, felony of the third degree; (7) one count of Unlawful Contact With

¹ 18 Pa.C.S. §3125(b).

² 18 Pa.C.S. §3123(b).

³ 18 Pa.C.S. §3126(a)(7).

⁴ 18 Pa.C.S. §3127(a).

⁵ 18 Pa.C.S. §6301(a)(1)(ii).

⁶ 18 Pa.C.S. §4304(a)(1).

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Minor—Sexual Offenses⁷, felony of the first degree; and (8) one count of Criminal Attempt—Rape of a Child⁸, felony of the first degree.

Defendant is charged under docket no. CR-146-2025 with the following criminal offenses for incident that are alleged to have occurred from May 1, 2024 to September 19, 2024: (1) one count of Promoting Prostitution of Minor—Encourage Minor⁹ felony of the third degree; (2) three counts of Delivery of a Controlled Substance¹⁰, felony; (3) one count of Unlawful Contact with Minor—Prostitution¹¹, felony of the third degree; and (4) two counts of Corruption of Minors¹², misdemeanor of the first degree.

On January 22, 2023, a preliminary hearing occurred for docket no. CR-146-2025, and all charges were bound for court. On January 23, 2025, a preliminary hearing occurred for docket no. CR-122-2025, and all charges were bound for court. On February 7, 2025, the Lycoming County District Attorney's Office filed a Notice of Joinder of the two matters for trial. On February 10, 2025, Defendant waived his formal arraignment for both dockets, and he was placed on the trial list. On April 3, 2025, the Court granted the Defendant's request for a 60-day extension for the filing of his Omnibus Pretrial Motion. Defendant filed a timely Omnibus Motion on April 22, 2025. A hearing on the Motion occurred on July 15, 2025, and September 23, 2025. Following the hearing, the parties were directed to file briefs. Defendant filed his brief on November 7, 2025. The Commonwealth filed its brief on December 1, 2025.

Factual Background

On September 19, 2024, Officer Justin Segura of the Lycoming Regional Police Department received a Childline report indicating that a 17-year-old female had sexual

⁷ 18 Pa.C.S. §6318(a)(1).

⁸ 18 Pa.C.S. §901(a).

⁹ 18 Pa.C.S. §5902(b)(13).

¹⁰ 35 Pa.C.S. §780-113(a)(30).

¹¹ 18 Pa.C.S. §6318(a)(3).

¹² 18 Pa.C.S. §6301(a)(1)(i).

intercourse with the Defendant after being bribed with money to remain quiet. As part of the investigation, the complainant, C.B., was interviewed. She alleged that the Defendant provided her and her sibling, M.B., with marijuana for which C.B. engaged in sexual intercourse with Defendant in exchange for the marijuana and money. Defendant was subsequently charged following an investigation and interviews with witnesses related to the allegations. The charges arising from the allegations are reflected under docket no. CR-146-2025.

Under docket no. CR-122-2025, allegations against the Defendant were made by an eight-year-old complainant who reported to a school employee on October 17, 2019. Former Agent Jason Bolt of the Williamsport Bureau of Police was emailed regarding the allegations on October 22, 2019, according to the Child Protective Services' ("CPS") assessment. Agent Bolt investigated the allegations and conducted several interviews with the complainant, Defendant, and various family members. Additionally, the complainant participated in an interview with the Children's Advocacy Center ("CAC") on November 19, 2019. The complainant alleged that the Defendant was her step-grandparent, and he touched her genital area with his hand and mouth, digitally penetrated her genital area, exposed his genital area to her, encouraged her to engage in sexual acts with him, and did attempt to have vaginal intercourse with the complainant. The Williamsport Bureau of Police and Lycoming County Children and Youth Services determined that an indicated finding of abuse existed based on the interview. No further action was taken on the allegations until the Fall of 2024.

On October 3, 2024, Detective Loretta Badger of the Lycoming County District Attorney's Office received a call from Melissa Wheeland of Lycoming County Children and Youth Services and inquired about the progress of the investigation of the Defendant that occurred in the Fall of 2019. Detective Badger initiated an investigation and interviewed the complainant. Additionally, Detective Badger and Detective Justin Segura contacted

Defendant on October 8, 2024, and requested an interview. Defendant participated in an interview with Detective Badger at the Lycoming County District Attorney's Office on October 8, 2024¹³. Defendant was subsequently charged with the offenses reflected under docket no. CR-122-2025.

The interview was video and audio recorded and offered as an exhibit by Defense counsel at the hearing on the Motion. The Commonwealth did not object. The exhibit was marked as Defense Exhibit No. 1, Mayo Interview, 10/08/2024. Additionally, Defense Counsel submitted Defense Exhibit No. 2, Complainant CAC Interview, 07/01/2019, Defense Exhibit No. 3, Complainant CAC Interview, 11/13/2019, Defense Exhibit No. 4, Lycoming County Adult Probation, Parole, and Pretrial Services Supervision Report, 09/19/2025. Without objection from the Commonwealth, the Defendant's exhibits were admitted to the record. The Commonwealth submitted Commonwealth Exhibit No. 1, Photograph of the Outside of the Lycoming County District Attorney's Office Interview Room and Commonwealth Exhibit No. 2, Curriculum Vitae for Sherry Moroz. Without objection from the Defendant, the Commonwealth's exhibits were admitted to the record.

Argument and Analysis

Defendant filed his Omnibus Motion on April 22, 2025. Contained in the Omnibus Motion is a Motion to Dismiss Due to Prejudicial Delay in the Filing of the Charges under docket no. CR-122-2025, a Motion to Suppress Statements for lack of *Miranda* Warnings, a Motion to Suppress statements for a lack of voluntariness, a Motion to Challenge the Competency of the Complainant in case no. CR-122-2025, and a Motion to Sever. Defendant filed a separate Motion to Modify Bail on January 31, 2025. The Motion to Modify Bail was

¹³ Detective Segura was present with Defendant and Detective Badger in the interview room for the latter-half of the interview.

heard at the same time as the Omnibus Motion, and the parties included their arguments on the Motion in their briefs.

I. Defendant's Motion to Dismiss Due to Prejudicial Delay in the Filing of the Charges under Docket No. CR-122-2025

Defendant asserts that the delay in filing the charges under docket no. CR-122-2025 violated his due process rights and should be dismissed. (Defendant's Brief at 7). Defendant asserted in his Omnibus Motion that there was more than sufficient evidence to charge the Defendant at the time the complainant came forward in 2019. Defendant asserts that the Commonwealth lacks sufficient and appropriate reasons for the delaying the prosecution; and, he is actually prejudiced by the delay in the filing of the charges for the following reasons: (1) the conflicting CAC interviews with the Complainant, (2) the loss of witnesses, and (3) his inability to challenge the Complainant's competency. (Id at 7-9).

At the hearing on the Motion on July 15, 2025, testimony on the reasons for the delay was primarily presented through Assistant Chief Jason Bolt of the Williamsport Bureau of Police and Detective Loretta Badger of the Lycoming County District Attorney's Office. Assistant Chief Bolt testified that he became aware of the allegations in October of 2019. (Transcript of Omnibus Hearing, 07/15/2025 at 18-21). Bolt was also present for the CAC interview on November 13, 2019 wherein the Complainant made allegations against Defendant constituting violations of Title 18, Chapter 31 of the Pennsylvania Consolidated Statutes. (N.T., 07/15/2025 at 27). Bolt testified that the last investigative action taken on the case involved efforts to conduct a second interview with Defendant between January of 2020 and Summer of 2020. (N.T., 07/15/2025 at 27). Bolt attributed the delay in the investigation of this case to a poor case management system, Covid-19, and a promotion he received in the Summer of 2020. (N.T., 07/15/2025 at 28-30). The causes of the delay resulted in the case not being reassigned upon Bolt's promotion. (N.T. at 28-30). Additionally, Bolt testified that

there was never an electronic report uploaded to the Williamsport Bureau's Spillman system. (N.T., 07/15/2025 at 27).

Detective Badger testified that she first learned of the 2019 investigation after receiving a call from Melissa Wheeland of the Lycoming County Children and Youth Services. (N.T., 07/15/2025 at 35). Detective Badger was able to find the 2019 investigation and contacted Bolt, who confirmed his involvement in the 2019 investigation. (N.T., 07/15/2025 at 35).

At the hearing on the Motion on September 23, 2025, the defense presented Rachel Gething, an investigator with the Lycoming County Public Defender's Office, to testify to the difficulties she has experienced in contacting several key witnesses. Gething testified that she has had issues with contacting Angie Mayo, the Defendant's ex-wife, and Jason Lyons, son of Ms. Mayo who lived with the Defendant and Angie Mayo at the time the abuse of the Complainant allegedly occurred. (Transcript of Omnibus Hearing, 09/23/2025 at 9-12).

A. Standard of Review

United States v. Marion, 404 U.S. 307 (1971) was the formative case to confront whether a defendant's federal constitutional rights are violated by extensive delay between a criminal act and the indictment or arrest of a defendant for the criminal act. *Commonwealth v. Scher*, 569 Pa. 284, 303 (2002). In *Marion*, the United States Supreme Court held that the Sixth Amendment's speedy trial guarantee does not apply until the defendant becomes an "accused," that is, arrested, charged, or otherwise subjected to formal restraint prior to the arrest. *United States v. Marion*, 404 U.S. 307, 325 (1971). Rather, the Court opined that:

...the Due Process Clause of the Fifth Amendment would require dismissal of the indictment if it were shown at trial that the pre-indictment delay...caused substantial prejudice to appellees' rights to a fair trial and that the delay was an intentional device to gain a tactical advantage.

United States v. Marion, 404 U.S. 307, 324 (1971)

The Court emphasized that “the statute of limitations...is the primary guarantee against bringing overly stale charges,” *id* at 322-24, and that the due process clause “has only a limited role to play” where the prosecution is brought within that statutory period. *Id*.

The Supreme Court revisited the question of pre-arrest delay and reaffirmed its holding from *Marion* in *United States v. Lovasco*, 431 U.S. 783, 796 (1977), holding that prosecuting a defendant following an investigative delay “does not deprive him of due process, even if his defense might have been somewhat prejudiced by the lapse in time.” The Court explained that investigative delay is “fundamentally unlike delay undertaken by the Government solely ‘to gain a tactical advantage over the accused’ because a prosecutor abides by the principles of fair play and decency if he refuses to accuse a defendant until the prosecutor is satisfied that he should prosecute and will be able to promptly establish his burden of proof at trial. *Id* at 796. The Court cautioned against penalizing prosecutors who defer to actions for investigative purposes because such action by a court would cheapen the goal of “orderly expedition” to that of “mere speed” by dismissing cases due to a pre-arrest delay. *Id* at 795, citing *Smith v. United States*, 360 U.S. 1, 10 (1959). In *Marion*, the Court conceded that it “...could not...determine when and in what circumstances actual prejudice resulting from pre-accusation delay requires the dismissal of the prosecution.” *United States v. Marion*, 404 U.S. 307, 324 (1971). The Court reiterated that statement and explained their position remained the same in *Lovasco*, leaving to the lower courts “the task of applying the settled principles of due process that [it has] discussed to the particular circumstances of individual cases.” *U.S. v. Lovasco*, 431 U.S. 783, 797 (1977).

Thus, Pennsylvania courts adopted the *Marion/Lovasco* test through *Commonwealth v. Snyder*, 552 Pa. 44, 713 A.2d 596 (1998) and its progeny. The Pennsylvania Supreme Court interpreted the *Marion/Lovasco* standard in *Snyder* “as requiring an evaluation of: (1) whether the pre-arrest delay resulted in actual prejudice to the appellant, and (2) whether the

Commonwealth's reasons for postponing the appellant's arrest were proper." *Commonwealth v. Snyder*, 713 A.2d 596, 605 (Pa. 1998).

Where the accusation occurs within the relevant statute of limitations period, however, a defendant may still seek dismissal of the charges when he can establish that the delay between the commission of the offense and the accusation denied him due process of law. *Commonwealth v. Wright*, 865 A.2d 894 (Pa. Super. 2004), and *Snyder, supra*, were both homicide cases, as well as *Commonwealth v. Scher*, 803 A.2d 1204 (Pa. 2002), and therefore not subject to a statute of limitations analysis. Thus, in *Wright*, the Superior Court determined, from the procedure set forth in *Snyder*, there should be a shifting burden where the initial burden is upon the accused to establish that the pre-arrest delay caused actual prejudice, and the burden of establishing that the delay in prosecution had a reasonable basis be on the Commonwealth since "substantially all of the evidence is in the hands of the Commonwealth." *Commonwealth v. Wright*, 865 A.2d 894, 902 (Pa. Super. 2004) quoting *Commonwealth v. Snyder*, 713 A.2d 596, 586 (Pa. 1998).

To establish actual prejudice, a defendant must show:

that he or she was meaningfully impaired in his or her ability to defend against the state's charges to such an extent that the disposition of the criminal proceeding was likely affected. This kind of prejudice is commonly demonstrated by the loss of documentary evidence or unavailability of a key witness. It is not sufficient for a defendant to make speculative or conclusory claims of possible prejudice through the absence of witnesses, he or she must show in what specific manner missing witnesses would have aided the defense. Furthermore, it is the defendant's burden to show the lost testimony or information is not available through other means.

Commonwealth v. Loudon, 803 A.2d 1181, 1184 (Pa. 2002)(quoting *Scher*, 803 A.2d at 1222 (internal citations omitted)).

B. Application

Defendant submits that his due process rights were violated due to the delay in the prosecution of his matter and the charges against him should be dismissed. Defendant argues that the reasons for the delay provided by Assistant Chief Bolt are “wholly unsatisfactory.” (Defendant’s Brief at 7). Defendant alleges that Agent Bolt’s failure to act resulted in the case going dormant for nearly 5 years and the reasons provided therefore are more than mere negligence. (Id). Investigative delay is “fundamentally unlike delay undertaken by the Government solely ‘to gain a tactical advantage over the accused’ because a prosecutor abides by the principles of fair play and decency if he refuses to accuse a defendant until the prosecutor is satisfied that he should prosecute and will be able to promptly establish his burden of proof at trial.” *U.S. v. Lovasco*, 431 U.S. 783, 796 (1977). Prosecuting a defendant following an investigative delay “does not deprive him of due process, even if his defense might have been somewhat prejudiced by the lapse in time.” *U.S. v. Lovasco*, 431 U.S. 783, 797 (1977). The reasons provided by Assistant Chief Bolt—Covid 19 obstacles, a poor case management system, and a promotion—are negligence in the investigation. None of the overarching reasons for the delay establish that the pre-arrest delay was influenced by the prosecution to induce a tactical advantage and prejudice the Defendant in his defense against the allegations. For those reasons, the Court finds that the investigative delay by Assistant Chief Bolt was not done with the intention of gaining an advantage over the Defendant and does not create an inherent prejudice.

Defendant next argues that he is prejudiced by memory issues and the conflicting CAC interviews conducted with the complainant. (Defendant’s Brief at 7). Defendant did not expand with particularity on his assertion that memory issues will cause actual prejudice. Defendant failed to clearly identify whether he is referring to memory issues of his own due to his age or of the complainant due to the time passing. Notwithstanding, Defendant’s

failure to develop his argument and make any material claims of actual prejudice render this argument without merit because it is a “speculative or conclusory claim[] of possible prejudice as a result of the passage of time;”¹⁴ and, thus is insufficient to show actual prejudice. Additionally, Defendant claims that the failure by the forensic interviewer and the detectives to ask the complainant “why she supposedly lied about [a different perpetrator]”¹⁵ assaulting her in the CAC interview significantly disadvantages Defendant in defending against the allegations. The Commonwealth noted that Defendant will have the opportunity to confront the complainant about the inconsistencies and ask the posed question himself on cross-examination at trial. (Commonwealth’s Brief at 3). Again, Defendant failed to explain how the inconsistency in the interview causes him actual prejudice such that justice requires the charges be dismissed. With respect to these two assertions of prejudice due to undue delay in the filing of the charges, his arguments are without merit, and he failed to show actual prejudice.

Next, Defendant asserts that the unavailability of three witnesses—Angie Mayo, Jason Lyons, and Ricco Brown—has given the Commonwealth a significant strategic advantage in prosecuting this matter. Rachel Gething with the Lycoming County Public Defender’s Office testified to the efforts undertaken by her to locate and speak with the witnesses. (Defendant’s Brief at 3). Additionally, Defendant argues that Assistant Chief Bolt never interviewed the witnesses at the time the allegations were first raised in 2019/2020. (Defendant’s Brief at 8). However, as noted above, and raised in the Commonwealth’s brief, a defendant who claims prejudice through the absence of witnesses must show with specificity how the missing witnesses would aid in the defense. (Commonwealth’s Brief at 4, citing *Commonwealth v. Loudon*, 803 A.2d 1181, 1184 (Pa. 2002). Defendant acknowledged

¹⁴ Commonwealth’s Brief at 4 quoting *Commonwealth v. Loudon*, 803 A.2d 1181, 1184 (Pa. 2002).

¹⁵ Defendant’s Omnibus Brief at 8.

that Angie Mayo was interviewed in October of 2024; and in which she denied ever seeing abuse by Defendant or possess any firearms. (Defendant's Brief at 4). Defendant argues that Angie Mayo's 2024 interview contained positive sentiments about Defendant, (Id), and the loss of her as a witness is prejudicial. (Id at 7). Defendant also explained that a review of the Children and Youth Services' records has revealed a tumultuous home life for the complainant at the time the allegations were first made. (Defendant's Brief at 4). More specifically, Defendant alleges that the CYS records contain a description of an incident where the complainant's mother's paramour, Ricco Brown, brandished a firearm in front of the complainant and her brother. (Id). Defendant asserts that this incident is described to have occurred around the time she reported Defendant brandishing a firearm. (Id). Accordingly, Defendant asserts that the unavailability of this witness is prejudicial to his right to a fair trial. It is unknown, at this time, whether the witnesses are wholly unavailable as there was no testimony that any of the witnesses are deceased, incapacitated, or otherwise unreachable from this jurisdiction. Ms. Gething testified that her investigative efforts included contacting known phone numbers, sending letters, and searching the internet and social media profiles to attempt to contact the witnesses. (Transcript of Omnibus Hearing, 09/23/2025). Ms. Gething began her investigative efforts in April of 2025. (N.T., 09/23/2025 at 10). Moreover, and as the Commonwealth argued, Defendant has failed to show that the lost testimony or information is not available through alternative means. (Commonwealth's Brief at 5). It is established that the complainant and her mother had various interactions with Lycoming County Children and Youth Services and reports were generated by the Agency therefrom. Based on the foregoing, the Court finds that Defendant has failed to establish actual prejudice on the grounds that various witnesses beneficial to his defense are unavailable as of the second date of the Omnibus hearing.

In his final assertion, Defendant argues that the age of the complainant, who is now fourteen and beyond a challenge for competency, enables the Commonwealth to enjoy a significant strategic advantage. (Defendant's Brief at 8-9). Defendant directs the Court to Count IV of his brief for a more detailed argument, (Defendant's Brief at 8, footnote 28), wherein Defendant submits a request to challenge the competency of the complainant on the basis of taint. (Defendant's Brief at 16). Defendant supports his claim that he has suffered actual prejudice in the prosecution of this case by pointing to the disparities in the CAC interviews noting the differences in the complainant's allegations and demeanor, the complainant's reports of a tumultuous homelife and contentious relationship between her mother, Jason Lyons, and Defendant, and the fact that the first set of allegations against a "Xavier" were shown to be fabricated. (Defendant's Brief at 19). Defendant avers that those factors support a finding that actual prejudice exists and warrants dismissal of the charges because the factors could have been more properly litigated when the allegations were first raised in 2019. (Id).

The Commonwealth submitted that Defendant makes no further argument beyond broad assertions that he is prejudiced by the age of the complainant to satisfy his burden of establishing actual prejudice. (Commonwealth's Brief at 5). The Commonwealth argues that the "Defendant fails to show how the victim being past the age to question competency 'meaningfully impair[s]' his defense 'to such an extent that the disposition of the criminal proceedings [will] likely [be] affected.'" (Commonwealth's Brief at 6 quoting *Commonwealth v. Loudon*, 803 A.2d 1181, 1184 (Pa. Super. 2002). It is the Commonwealth's position that the Defendant's broad assertions fail to satisfy his burden of showing that the pre-arrest delay caused him actual prejudice. (Commonwealth's Brief at 6).

The Court agrees with the Commonwealth that Defendant has failed to show that he is actually prejudiced by the inability to challenge the competency of the complainant on the

basis of taint because of the pre-arrest delay. Defendant failed to materially establish that this bars him from alternative courses to challenge the complainant at trial. The credibility of the complainant at her current age is a question for the fact-finder to evaluate the disparities in her CAC interviews and the additional factors raised by Defendant. Therefore, the Court finds that the Defendant's final assertion is without merit.

Defendant has failed to establish actual prejudice on the grounds raised in his Motion and further argued in his brief. Because the Defendant has failed to establish actual prejudice, the Court need not evaluate the reasons for the pre-arrest delay by the prosecution. Accordingly, Defendant's Motion to Dismiss the Charges for Prejudicial Delay is **denied**.

II. Defendant's Motion to Suppress Statements for Lack of *Miranda* Warnings

Defendant asserts that he was the subject of a custodial interrogation without having his *Miranda* Warnings provided, and as such, a violation of Defendant's constitutional rights occurred and the statement from October 8, 2024, should be suppressed. (Defendant's Brief at 14). Defendant argues that a review of the following factors warrants the suppression of the statement: (1) the interview occurred in a small room—not publicly accessible—located in the Lycoming County District Attorney's Office; (2) he was questioned by a detective with a visible, holstered firearm and joined by a second armed detective; (3) he was never told he could get a lawyer or expressly told he could leave; he was the target of both investigations before the questioning began; and (4) he was questioned for over two hours. (Defendant's Brief at 13). Additionally, the Defendant submits that other factors to consider include the Defendant's use of marijuana earlier in the day on the date of the interview, (Defendant's Brief at 11), and that the Defendant was picked up by the detectives and driven to the District Attorney's Office because he did not have a vehicle. (Id at 10).

The Commonwealth submits that the Defendant was not the subject of a custodial interrogation such that *Miranda* Warnings were required. The Commonwealth argues that a

reasonable person in the Defendant's circumstances would have believed he was not in custody, thus, not subject to a custodial interrogation. (Commonwealth's Brief at 8). The Commonwealth submits that Defendant voluntarily accompanied Detective Badger and Detective Segura to the DA's Office to be interviewed, explaining that Defendant did not have a driver's license. (Id at 13). Moreover, the Commonwealth argues that Defendant neither asserts that restraints were used nor can restraints be seen on Defendant for the duration of the recorded interview. (Id at 14). While both detectives were armed, Defendant does not allege that either detective brandished his or her weapon or exhibited any show of threat of force toward the Defendant. (Id). The Commonwealth further argued that for the first hour and forty minutes of the interview, Detective Segura was not present in the interview room and Defendant was the closest individual to the door. (Id). With respect to the door, the Commonwealth asserts that, while the door does require identification to enter, the door does not lock from the inside and no identification is required to exit the interview room. (Id). Also, the Commonwealth argues that the overall tone of the interview remained cordial, conversational, and non-confrontational. (Id). Defendant was offered breaks, water, and snacks, and Defendant is observed using his phone to make a phone call to his wife and text messaging his employer. (Id at 15). When the interview was winding down, Defendant gathered his phone, sunglasses, and water bottle, signaling that he wished to leave. (Commonwealth's Brief at 16 citing to Defendant's Exhibit No. 1, Mayo Interview Video, 10/08/2024 at 2:06:27-2:07:09). Thus, the Commonwealth submits that even though Defendant was not provided his *Miranda* Warnings, the totality of the circumstances does not comprise a custodial interrogation, and the Defendant's request for the suppression of the statement should be denied.

A. Standard of Review

A custodial interaction occurs when an individual is 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). In determining whether an individual is in custody, the court must examine the circumstances surrounding the interrogation and whether, under those circumstances, a reasonable person would have felt that he was free to terminate the interaction and leave. *Commonwealth v. Yandamuri*, 159 A.3d 503, 519-520 (Pa. 2017). 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, 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). The initial determination of custody relies on the "objective circumstances of the interrogation, not on the subjective views harbored by either the interrogating officers or the person being questioned." *Stansbury v. California*, 511 U.S. 318, 323 (1994).

B. Application

In consideration of the arguments made by the parties contained in their briefs and a review of the record, the Court finds that the Defendant was not subject to a custodial

interrogation such that *Miranda* Warnings were required during the October 8, 2024, interview. While the factors Defendant raised in support of his motion are taken into consideration, under the totality of the circumstances the factors do not outweigh the Court's finding that *Miranda* Warnings were not required for the October 8, 2024, interview. Defendant does not dispute that he voluntarily went with Detective Badger and Detective Segura when they met him at his job site in the City of Williamsport. Defendant knew that he did not have a driver's license or a vehicle; and, he does not dispute that he was aware he agreed to interview at the DA's Office. Defendant kept possession of his phone even though he entered the Lycoming County Courthouses where members of the public are not permitted to have cellular phones without prior permission. Defendant was not placed in restraints for either the transportation or the interview. With respect to the interview room, it is secured from outside individuals entering without authorization. Defendant was not locked in the room. The overall tone of the interview remained conversational, non-confrontational, and cordial. Defendant had opportunities for breaks, he was offered snacks, and he was provided water. Defendant did not refuse the request to speak, request to leave, or request to stop the interview. Moreover, when Defendant indicated a desire to leave, Detective Badger respected the indication and closed out the interview. Under the circumstances, a two-hour interview that remained conversational—without threats, use of force, or promises of leniency—in an office environment does not constitute the functional equivalent of an arrest. Accordingly, Defendant's Motion to Suppress the October 8, 2024, statement on the basis that he did not receive his *Miranda* Warnings is **denied**.

III. Defendant's Motion to Suppress Statements for Lack of Voluntariness

Because the Court has determined that Defendant was not subject to a custodial interrogation on October 8, 2024, the Court need not analyze the voluntariness of the statement he made. Notwithstanding, the Court would have inevitably found that any waiver

of *Miranda* was valid¹⁶, and the statement was voluntary¹⁷ under the totality of the circumstances. Accordingly, the Defendant's Motion to Suppress the statement from October 8, 2024, on the basis of voluntariness is **denied**.

IV. Defendant's Motion to Challenge the Competency of the Complainant in Case No. CR-122-2025

Defendant requests a competency hearing be ordered due to the disparities in the complainant's CAC interviews and the age she was at the time the interviews occurred, relying on *Commonwealth v. Delbridge*, 855 A.2d 27 (Pa. 2003). In *Delbridge*, the Pennsylvania Supreme Court held that (1) taint is a legitimate question for evaluation in matters involving allegations of sexual abuse made by young children and (2) the appropriate venue to evaluate questions of taint in matters involving sexual abuse allegations made by young children is a competency hearing. *Commonwealth v. Delbridge*, 855 A.2d 27 (Pa. 2003).

However, the Commonwealth submits that Defendant's request must be denied as a matter of law, relying on *Commonwealth v. Pena*, 31 A.3d 704 (Pa. Super. 2011). (Commonwealth's Brief at 24). "In discussing testimonial competency, Pennsylvania courts have clearly and unequivocally stated that taint is only 'a legitimate question for examination in cases involving complaints of sexual abuse made by *young children*.'" *Commonwealth v. Pena*, 31 A.3d 704, 707 (Pa. Super. 2011)(quoting *Commonwealth v. Delbridge*, ("Delbridge

¹⁶ "The determination of whether a waiver is valid depends on: (1) whether the waiver was voluntary, in the sense that defendant's choice was not the end result of governmental pressure, and (2) whether the waiver was knowing and intelligent, in the sense that it was made with full comprehension of both the nature of the right being abandoned and the consequence of that choice." *Commonwealth v. Lukach*, 163 A.3d 1003, 1011 (Pa. Super. 2017).

¹⁷ Under the totality of the circumstances test surrounding a confession, courts evaluate innumerable factors including the duration and methods of interrogation, the conditions of detention, the manifest attitude of police toward the accused, the accused's physical and psychological state, *Commonwealth v. D'Amato*, 514 Pa. 471, 481 (1987), and "all other conditions present which may serve to drain one's powers of resistance to suggestion and undermine his self-determination." *Commonwealth v. Crosby*, 464 Pa. 337 (1975). See also: *Commonwealth v. Lukach*, 163 A.3d 1003 (Pa. Super. 2017).

P”) 578 Pa. 641, 855 A.2d 27, 40 (2003)(emphasis in original)). The Commonwealth’s brief contained the relevant standard:

[w]hen a witness is at least fourteen years old, he or she is entitled to the same presumption of competence as an adult witness. *Rosche v. McCoy*, 397 Pa. 615, 156 A.2d 307, 310 (1959). In *Commonwealth v. Judd*, 897 A.2d 1224 (Pa.Super.2006), *appeal denied*, 590 Pa. 675, 912 A.2d 1291 (2006), this Court held that because the juvenile sexual assault victim “was fifteen years old when she testified at trial ..., any issue with her ability to correctly remember the events in question is properly a question of credibility not of taint.” *Judd*, 897 A.2d at 1229 (emphasis added). Further, the concerns underlying the three-part test for evaluating the testimonial competency of minors “become less relevant as the witness’s age increases, ultimately being rendered totally irrelevant as a matter of law by age fourteen.” *Id.* (emphasis added). In *Commonwealth v. Moore*, 980 A.2d 647 (Pa.Super.2009), this Court reiterated that the critical age for purposes of conducting a taint hearing is not the age at the time of the crime but the age at the time of trial. *Moore*, 980 A.2d at 648, 652 (where the minor witness was thirteen at the time of the crime but fourteen at the time of trial, the witness “did not require a competency hearing. Any issues regarding [the witness]’s observation of the incident in question is a question of credibility and does not implicate taint.... [prior decisions of the Pennsylvania courts] preclude a competency hearing for [a] fourteen-year-old....”).

(Commonwealth’s Brief at 25 quoting *Commonwealth v. Pena*, 31 A.3d 704, 707 (Pa. Super. 2011)).

Defendant acknowledges in his brief that the complainant is now fourteen years old, and thus, beyond the general age cutoff regarding questions of competency on the basis of taint. (Defendant’s Brief at 8). Accordingly, it would be an abuse of discretion for this Court to conduct a competency hearing since the complainant is beyond the general cutoff age for a competency hearing. Therefore, Defendant’s request is **denied**.

V. Defendant’s Motion to Sever

The Motion to Sever is not opposed by the Commonwealth and was previously **granted**.

VI. Defendant’s Motion to Modify Bail

By separate Motion filed on January 31, 2025, Defendant seeks to have his bail modified for either a lower monetary bail or eligibility for pretrial services or both.

Defendant's bail under CR-146-2025 is currently set at \$150,000 monetary. Under CR-122-2025, Defendant is denied bail. Specifically, Defendant requests \$50,000 monetary bail, 10% approved, on CR-122-2025, pretrial services eligible; and \$25,000 monetary bail, 10% approved, on CR-146-2025, pretrial services eligible. (Defendant's Brief at 21).

Pennsylvania Rule of Criminal Procedure 523 provides:

- (A) To determine whether to release a defendant, and what conditions, if any, to impose, the bail authority shall consider all available information as that information is relevant to the defendant's appearance or nonappearance at subsequent proceedings, or compliance or noncompliance with the conditions of the bail bond, including information about:
- (1) the nature of the offense charged and any mitigating or aggravating factors that may bear upon the likelihood of conviction and possible penalty;
 - (2) the defendant's employment status and history, and financial condition;
 - (3) the nature of the defendant's family relationships;
 - (4) the length and nature of the defendant's residence in the community, and any past residences;
 - (5) the defendant's age, character, reputation, mental condition, and whether addicted to alcohol or drugs;
 - (6) if the defendant has previously been released on bail, whether he or she appeared as required and complied with the conditions of the bail bond;
 - (7) whether the defendant has any record of flight to avoid arrest or prosecution, or of escape or attempted escape;
 - (8) the defendant's prior criminal record;
 - (9) any use of false identification; and
 - (10) any other factors relevant to whether the defendant will appear as required and comply with the conditions of the bail bond.

Defendant argues support for his motion is found in the body thereof and in the testimony presented with support from the exhibits admitted at the Omnibus hearing. (Id). In

his motion, Defendant provided an address will he will reside with his employer, Edwin Little, and Mr. Little's wife, in the City of Williamsport. Defendant further provided that he has ties to the Williamsport area because he has lived in Lycoming County for fourteen years. Additionally, Defendant has employment available to him at the job he held before his incarceration. Defendant holds his GED and he has completed two years of college. In 2024, Defendant completed a substance/alcohol abuse treatment program and attended counseling. Defendant further avers that he will comply with all terms and conditions of bail as set forth by the Court, and that he will attend all required hearings.

The Commonwealth opposes the motion to modify bail. The Commonwealth argues that an evaluation of the relevant circumstances will establish that bail is appropriately set. The Commonwealth specifically argued that the wellbeing of the complainant in case CR-122-2025 would be at risk if Defendant is released based on the testimony by the complainant's mother at the Omnibus hearing. (Transcript of Omnibus Hearing, 07/15/2025, at 9:18-12:21). The complainant's mother in CR-122-2025 is deeply concerned that the complainant's mental health with regress to the point of suicide attempts and hospitalization if the Defendant is released. (Id at 9:22-25). The Commonwealth cited similar concerns elicited from the mother of the complainant in CR-146-2025. (Commonwealth's Brief at 27). There, the complainant's mother testified that the complainant's mental health was improving since Defendant was taken into custody, and the mother fears that the complainant's mental health will decline if Defendant is released. (Commonwealth's Brief at 27 citing *Omni. Mtn. Hr'g Tr.* at 6:18-20). The Commonwealth further asserts that the nature of the charges against Defendant are extremely serious, specifically, the three counts of aggravated indecent assault of a child, four counts of indecent assault of a person less than thirteen years of age, and one count of each of attempted rape of a child, promotion of prostitution of a minor, and unlawful contact with a minor—prostitution, for which the

Defendant offers no mitigating factors. (Commonwealth's Brief at 28). The Commonwealth further noted that Defendant faces mandatory ten-year terms of imprisonment for the three counts of aggravated indecent assault and the one count of involuntary deviate sexual intercourse with a child under CR-122-2025¹⁸. (Commonwealth's Brief at 29). With respect to Defendant's history, the Commonwealth noted that Defendant does a marijuana related conviction (Commonwealth's Brief at 29 citing to Lyco. Cnty. Prob., Parole, and Pretrial Supervision Report (Sept. 19, 2025)), a conviction for unsworn falsification to authorities in 2013, (Commonwealth's Brief at 30 citing Def.'s Ex. 4 Lyco. Cnty. Adult Probation Supervision Report), a history with crack and marijuana use, and he self-reported to Detective Badger that he used crack on October 7, 2024, and used marijuana on October 8, 2024. (Commonwealth's Brief at 29 citing Def.'s Ex. 1. Mayo Int. Video, Oct. 8, 2024, at 00:24:15-00:24:22).

In consideration of the foregoing, the nature of the allegations against the Defendant, the testimony, and the evidence presented at the hearing, the request for bail modification under docket no. CR-146-2025 is **denied** and shall remain at \$150,000 monetary. Under docket no. CR-122-2025, the request to modify bail is **granted**; bail is set at \$150,000 monetary.

Accordingly, the Court enters the following Order:

ORDER

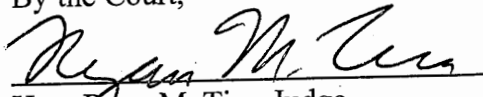
AND NOW, this ____ day of September, 2026, based on the foregoing, the Defendant's Omnibus Motion and Motion for Modification of Bail are disposed of as follows:

- I. Defendant's Motion to Dismiss due to Prejudicial Delay is **DENIED**;

¹⁸ The Notice of Applicability of Mandatory Sentences detailing this information was issued to Defendant on February 13, 2025.

- II. Defendant's Motion to Suppress Statements for Lack of *Miranda* Warnings is **DENIED**;
- III. Defendant's Motion to Suppress Statements for Lack of Voluntariness is **DENIED**;
- IV. Defendant's Motion to Challenge the Competency of the Complainant in case no. CR-122-2025 is **DENIED**;
- V. Defendant's Motion for Modification of Bail is denied in part and granted in part:
- i. Under CR-146-2025 the Motion is **DENIED**. Bail remains set at \$150,000 monetary;
 - ii. Under CR-122-2025, the Motion is **GRANTED**. The bail is set at \$150,000 monetary.

By the Court,


Hon. Ryan M. Tira, Judge

RMT/asw

CC: DA; CA; PD

Gary Weber, Esquire—Lycoming Reporter

File CR-146-2025

Adult Probation; Warden; Sheriff