

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

COMMONWEALTH OF PENNSYLVANIA	:	CRIMINAL DIVISION
	:	NO. CR-438-2025
v.	:	
	:	
KAYLA SNIEZEK,	:	Omnibus Motion
Defendant	:	

OPINION

This matter was before the Court on November 18, 2025, for a hearing and argument on Defendant’s Omnibus Motion filed on July 28, 2025, by and through counsel, Howard Gold, Esquire. At the hearing on the Motion, Defendant appeared personally represented by Attorney Gold¹. Assistant District Attorney Lindsay Sweeley appeared on behalf of the Commonwealth.

For events alleged to have occurred on or around November 19, 2024, Defendant is charged with one count each of the following: Corruption of Minors—Defendant Age 18 or Above², felony of the third degree; Criminal Solicitation—Photograph/Film/Depict on Computer Sex Act-knowingly or Permitting Child³, felony of the second degree; Indecent Exposure⁴, misdemeanor of the first degree; Contact/Communication with Minor-Sexual Abuse⁵, felony of the second degree; Unlawful Contact with a Minor—Sexual Offenses⁶, felony of the third degree; Endangering the Welfare of Children—Parent/Guardian/Other⁷, felony of the third degree; Criminal Use of a Communication Facility⁸, felony of the third

¹ On January 12, 2026, Attorney Gold filed a Motion for Leave to Withdraw as Counsel. Counsel’s Motion was granted after a hearing on February 20, 2026. On March 4, 2026, Brian Ulmer, Esquire, was appointed to represent Defendant in this matter.

² 18 Pa.C.S. §6301(a)(1)(ii).

³ 18 Pa.C.S. §902(a).

⁴ 18 Pa.C.S. §3127(a).

⁵ 18 Pa.C.S. 6318(a)(5).

⁶ 18 Pa.C.S. 6318(a)(1).

⁷ 18 Pa.C.S. §4304(a)(1).

⁸ 18 Pa.C.S. §7512(a).

degree; and Criminal Conspiracy—Unlawful Contact with a Minor-Sexual Offenses^{9,10}, felon of the third degree.

In her Omnibus Motion, Defendant submitted a Motion to Suppress Statements based on a violation of Defendant's right to counsel and a Petition for Habeas Corpus seeking to have counts 1, 3, 5, 6, and 8 dismissed from the Information based on an assertion that the Commonwealth did not present sufficient evidence to establish its *prima facie* burden. At the hearing on the Motion, the Commonwealth submitted Commonwealth Exhibit No. 1, the preliminary hearing transcript dated March 21, 2025; Commonwealth Exhibit No. 2, the recording of the interview conducted by Trooper Siebert with Defendant dated November 25, 2024; and Commonwealth Exhibit No. 3, a copy of the *Miranda* Waiver form completed by Defendant on November 25, 2024. Without objection from the Defendant, the exhibits were admitted to the record. Neither party presented any witnesses. The parties did submit oral argument with respect to each motion.

Factual Background

On or around November 21, 2024, L.S. reported to a school counselor that on or around November 19, 2024, she showered at her mother's house; and, following her shower, she was on her mother's bed with her mother and her mother's paramour. L.S. reported seeing both her mother's genitals and the paramour's genitals. L.S. reported Defendant tickling her. On November 20, 2024, L.S. was at her father's residence, and she received

⁹ 18 Pa.C.S. §903(a).

¹⁰ The Original Criminal Complaint charges the Defendant with Count 8 under 18 Pa.C.S. 903(a), Criminal Conspiracy. Due to a technological error, the information contained in the Criminal Complaint was not transmitted correctly; and, Defendant was inadvertently charged with Criminal Attempt under 18 Pa.C.S. 901(a) by way of the Criminal Information. By agreement of the parties, the Commonwealth will file a stipulated Order to amend the Criminal Information to reflect the correct statutory section as originally charged in the Criminal Complaint. For the purposes of this opinion, the Court will evaluate the Commonwealth's *prima facie* case under the Criminal Conspiracy statute.

multiple snapchat messages from an account that she believed belonged to her mother. On November 25, 2024, Trooper Siebert interviewed the Defendant, Kayla Sniezeck.

L.S. testified at the preliminary hearing. L.S. testified that on or around November 21, 2024, she was with Defendant and Justin Kennedy in Montoursville, Pennsylvania. (Commonwealth Exhibit No. 1, Preliminary Hearing Transcript at 4). L.S. testified to being in Defendant's bedroom where the three were watching a movie, eating food, and Defendant offered L.S. a beer. (*N.T.* at 5). L.S. stated Defendant made L.S. put on a lingerie outfit. (*Id.*) L.S. stated that Defendant had a see-through lingerie outfit on with no underwear, she knew Defendant did not have underwear on because she saw her private parts. (*N.T.* 5-6). On cross-examination, L.S. testified that Defendant usually wore such "nightgowns" to bed. (*N.T.* at 10). L.S. also observed that Kennedy was not wearing any underwear. (*N.T.* at 6). L.S. stated they were all on the bed together. (*N.T.* at 6). L.S. left the room after she finished eating, but while she was in the room, Defendant tried to lift L.S.'s shirt and was touching her thighs. (*Id.*) L.S. clarified that Defendant was trying to tickle L.S. closer to the area of her thigh, and it made her uncomfortable. (*Id.*) L.S. clarified on cross-examination that Defendant's hand was nearer to her private part, but still on her thigh. (*N.T.* at 11-12). The next day, L.S. went to her father's house. (*N.T.* at 7). While L.S. was at her father's house, she was at Walmart with her dad and sister and started getting messages on Snapchat from Defendant. (*Id.*) L.S. stated that the Snapchat account was linked to Defendant's phone number and displayed her name. (*Id.*) L.S. knew the phone number to be Defendant's as her mother (*N.T.* at 29). L.S. received a message, and then received a photograph from the Snapchat account that appeared to be a young girl lifting her shirt to expose her breasts. (*Id.*) L.S. testified that her brother assisted her in determining that the Snapchat account was set up with Defendant's phone

number. (Id at 8). L.S reported the incidents to her school guidance counselor on or around November 22, 2024. (N.T. 7-8).

I. Petition for Habeas Corpus

Defendant submits that the Commonwealth failed to present sufficient evidence to establish a *prima facie* case that the Defendant committed counts 1, 3, 5, 6, and 8 of the Criminal Complaint.

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

Under Title 18 Pa.C.S. Section 6301(a)(1)(ii), Corruption of Minors-Defendant Age 18 or above:

[w]hoever, being of the age of 18 years and upwards, by any course of conduct in violation of Chapter 31 (relating to sexual offenses) corrupts

or tends to corrupt the morals of any minor less than 18 years of age, or who aids, abets, entices or encourages any such minor in the commission of an offense under Chapter 31 commits a felony of the third degree

Here, the testimony presented supports the determination by the Court that the inferences drawn from the evidence and viewed in a light most favorable to the Commonwealth make it more probable than not that the acts by Defendant on or around November 19, 2024, tended to corrupt the morals of the minor. Specifically, the act of being partially nude and Defendant permitting Kennedy to be partially nude in the presence of eleven-year-old L.S. show a strong trend toward “corrupting or tending to corrupt” the morals of L.S., a minor. The evidence presented makes it more probable than not that the events occurred as described such that any remaining questions of fact regarding this charge should be submitted to a jury. Thus, with respect to Defendant’s Petition for Habeas Corpus for dismissal of count 1, the request shall be denied.

Under Title 18 Pa.C.S. Section 3127(a), Indecent Exposure,

[a] person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

Here, the testimony presented supports the determination by the Court that the inferences drawn from the evidence and viewed in a light most favorable to the Commonwealth make it more probable than not that Defendant knew or should have known that omitting underwear and exposing her genitals in the presence of the eleven-year-old victim—despite being in the privacy of her home—was more likely than not conduct that would “offend, affront, or alarm” L.S. such that any remaining questions of fact regarding this charge should be submitted to a jury. Thus, with respect to Defendant’s Petition for Habeas Corpus for dismissal of count 3, the request shall be denied.

Under 18 Pa.C.S. Section 6318(a)(1), Unlawful Contact with Minor-Sexual Offenses,

[a] person commits an offense if the person is intentionally in contact with a minor, or a law enforcement officer acting in the performance of duties who has assumed the identity of a minor or of another individual having direct contact with children, as defined under 23 Pa.C.S. §6303(a) (relating to definitions), for the purpose of engaging in an activity prohibited under any of the following provisions under this title, and either the person initiating the contact or the person being contacted is within this Commonwealth

Here, the testimony presented supports the determination by the Court that, the inferences drawn from the evidence and viewed in a light most favorable to the Commonwealth make it more probable than not that Defendant requested L.S. to wear an exposing nightgown and sit on the bed with Defendant and Kennedy while both were partially nude and that Defendant lifted L.S.'s nightgown and made contact with L.S. near her genitals such that any remaining questions of fact regarding this charge should be submitted to a jury. "Intent can be proven by direct or circumstantial evidence; it may be inferred from acts on conduct or from attendant circumstances." *Commonwealth v. Matthews*, 870 A.2d 924, 929 (Pa. Super. 2005). Accordingly, the Court can infer that Defendant acted intentionally with respect to this charge based on the circumstantial evidence. Thus, with respect to Defendant's Petition for Habeas Corpus for dismissal of count 5, the request shall be denied.

Under 18 Pa.C.S. Section 4304(a)(1), Endangering the Welfare of Children,

[a] parent, guardian or other person supervising the welfare of a child under 18 years of age, or a person that employs or supervises such a person, commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support.

Here, the testimony presented supports the determination by the Court that, the inferences drawn from the evidence and viewed in a light most favorable to the Commonwealth make it more probable than not that Defendant engaged in a course of

conduct endangering the welfare of L.S. by violating Defendant's duty of care, protection, or support when Defendant offered L.S. a beer, encouraged L.S. to wear a short, exposing nightgown in the presence of adults, and encouraged L.S. to send nude photographs of herself through Snapchat messaging. Thus, with respect to Defendant's Petition for Habeas Corpus for dismissal of count 6, the request shall be denied.

Under Title 18 Pa.C.S. 903, Conspiracy,

A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he:

- (1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or
- (2) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

Here, the testimony presented supports the determination by the Court that, the inferences drawn from the evidence and viewed in a light most favorable to the Commonwealth make it more probable than not that an agreement existed between the parties to engage in conduct amounting to unlawful contact with a minor—sexual offenses, such that any remaining questions of fact regarding this charge should be submitted to a jury. The party's intent is inferred from the evidence presented, including the totality of the testimony presented at the preliminary hearing. Thus, with respect to Defendant's Petition for Habeas Corpus for dismissal of count 8, the request shall be denied.

II. Motion to Suppress Statements made in violation of Defendant's Assertion of her Right to have Counsel Present During Questioning

Defendant avers that her constitutional right to counsel was violated such that the suppression of the statement made to law enforcement on November 25, 2024, is warranted.

Relevant to Defendant's Motion, the initial interaction between Defendant and Tpr. Siebert occurred as follows:

Siebert: My name is Trooper Brian Siebert with the Pennsylvania State Police. You can call me Brian. You have an absolute right to remain silent. Anything you say can and will be used against you in a court of law. You also have the right to talk to an attorney before and have an attorney present with you during questioning. If you cannot afford to hire an attorney, one will be appointed to represent you without charge before questioning, if you so desire. If you do decide to answer any questions, you may stop at any time you wish and cannot be forced to continue. Do you understand that?

Defendant: None of this is true. Yes, I understand that.

Siebert: What I need you to do real quick before we get into that. Hold on. I need you to read this.

Defendant: I fully understand the [inaudible] warning me of my rights and I'm willing to answer my questions. I do not want an attorney, well, I don't say. No, well I guess I do want an attorney.

Siebert: But, you, uh, so, uh, just read it.

Defendant: But, [inaudible]. I don't not want an attorney. I do want an attorney.

Siebert: Well, read what it says: 'I understand the statement warning me of my rights and I'm willing to answer questions.' Are you willing to answer any questions and talk about this?

Defendant: Yea, I guess so.

Siebert: Ok. 'I do not want an attorney and I understand that I may stop answering questions at any time [inaudible]. No promises have been made to me nor have I been threatened in any manner. So, if, if you're willing to talk to me about this and answer my questions?

Defendant: Yeah. Sure, I mean that's my daughter so.

Siebert: Okay, so right here. Hold on. Now, you say you want an attorney, do you want an attorney right now during questioning?

Defendant: Is that possible?

Siebert: No, it's not. I mean there's no attorney. But, it's totally up to you.

Defendant: No, well I guess, Let's talk for a minute.

Siebert: Are you sure? I just want to make absolutely sure that you're ready to talk to me about this.

Defendant: Well, I mean, I know, this isn't true....

Commonwealth Exhibit No. 2 at 00:00:58 to 00:02:37.

Defendant asserts that she made a clear, unequivocal invocation of her right to counsel under United States Constitution and Article I, Section 9 of the Pennsylvania Constitution at the time of the interrogation. Defendant submits that she requested an attorney while being Mirandized. However, Defendant argues that Trooper Brian Siebert continued to converse with Defendant after she invoked her right to counsel and before she signed the Miranda Waiver form. It was only after this continued conversation that Defendant signed the waiver form and said "let's talk." Defendant submits that Tpr. Siebert's further conversation with her, and not at her request, after she unequivocally and unambiguously invoked her right to counsel was a violation of Defendant's right to counsel under *Commonwealth v. Hubble*, 504 A.2d 168 (Pa. 1986) and *Edwards v. Arizona*, 101 S.Ct. 1880 (1981) such that the suppression of her statements from November 25, 2024, is warranted.

The Commonwealth argued that Defendant's request was made in the flow of the conversation wherein she was being read her warnings and apprised of the charges against her. Defendant stated she knew what her rights were, and the Commonwealth characterizes

Defendant's invocation as meaning she will want an attorney for the case, but not in the moment of the interview. With respect to the conversation that followed, the Commonwealth submits that Tpr. Siebert was requesting only that she continue to read the *Miranda* Warning Waiver form. It was after she read the form in full that Tpr. Siebert asked if she wanted to speak with an attorney. The Commonwealth emphasizes the request of counsel by Defendant needs to be evaluated under the totality of the circumstances, including the tone and context of the conversation with Tpr. Siebert. For its persuasive value, the Commonwealth submitted *Commonwealth v. Abdul-Ali*, 333v A.3d 1059 (Pa. Super. 2025), wherein the Defendant initially invoked his rights and then asked police about their evidence which indicated that the appellant desired to discuss the case. The Commonwealth argues that the Abdu-Ali case is analogous because, here, Defendant was asking about her case and co-defendant in the midst of requesting an attorney, which reinitiated the interrogation. Accordingly, the Commonwealth argues there is no violation of Defendant's right to counsel, and the Motion should be denied.

Defendant was charged by way of the filing of the Criminal Complaint at the magisterial level on November 23, 2024, and an arrest warrant was issued. Defendant was arrested on November 25, 2024. The parties do not dispute that Defendant was the subject of a custodial interrogation on November 25, 2024. Defendant was being held at the Lycoming County Prison and her interview occurred at approximately 1:30 p.m. with her arraignment scheduled for 2:00 p.m. the same date. (Commonwealth Exhibit No. 2 Audio Recording of Interview with Trooper Siebert, 11/25/2024 at 00:08:00-00:08:04). Accordingly, Defendant's Sixth Amendment rights were attached at the time of the interview because she was formally charged with the offenses contained in the Complaint.

“[O]nce the adversary judicial process has been initiated, the Sixth Amendment guarantees a defendant the right to have counsel present at all ‘critical’ stages of the criminal proceedings.” *Montejo v. Louisiana*, 556 U.S. 778 (2009) (citing *United States v. Wade*, 388 U.S. 218, 227-228 (1967); *Powell v. Alabama*, 287 U.S. 45, 57 (1932). “Interrogation by the State is such a stage.” *Montejo v. Louisiana*, 556 U.S. 778, 786 (2009) (citing *Massiah v. United States*, 377 U.S. 201, 204-205 (1964); other citations omitted). The Court in *Montejo* overruled *Michigan v. Jackson*, 475 U.S. 625, finding that neither defendant’s request for counsel at a post-indictment proceeding nor appointment of counsel give rise to the presumption that any subsequent waiver by a defendant to police-initiated interrogation is invalid. *Montejo*, 556 U.S. at 795 (discussing how it is irrelevant that *Miranda* and *Edwards* were instituted to protect a defendant’s Fifth Amendment rights, not the Sixth, because the crux of the holdings provide the right for a suspect to have counsel during custodial interrogation which is guaranteed by two sources of law and the waiver of such right is invoked by the same procedure, the doctrines that ensure the “voluntariness of the Fifth Amendment waiver simultaneously ensure the voluntariness of the Sixth Amendment waiver.”). The Court in *Montejo* upheld the holding in *Patterson*, which was that “whatever warnings suffice for *Miranda*’s purposes will also be sufficient in the context of postindictment questioning. The State’s decision to take an additional step and commence formal adversarial proceedings against the accused does not substantially increase the value of counsel to the accused at questioning, or expand the limited purpose that an attorney serves when the accused is questioned by authorities.” *Patterson v. Illinois*, 487, U.S. 285, 298-99 (1988). Under *Miranda*’s protection of the “right against compelled self-incrimination, any suspect subject to custodial interrogation has the right to have a lawyer present if he so requests, and to be advised of that right.” *Montejo*, 556 U.S. 778, 794 (2009).

The *Edwards*' protection of the *Miranda* rights requires interrogation must stop once a defendant subject to custodial interrogation has invoked his right to have counsel present. *Id.* *Minnick*'s protection of *Edwards*' right bars subsequent interrogation until counsel is present "whether or not the accused has consulted with his attorney." *Id.* quoting *Minnick*, 498 U.S., at 153. In *Montejo*, the Supreme Court determined the three layers of prophylactic protections against compelled self-incrimination and the protection of constitutional rights to be sufficient for Fifth and Sixth Amendment rights. "Under the *Miranda-Edwards-Minnick* line of cases (which is not in doubt), a defendant who does not want to speak to the police without counsel present need only say as much when he is first approached and given the *Miranda* warnings." *Montejo*, 556 U.S., at 794.

In this Commonwealth, the Pennsylvania Supreme Court in *Commonwealth v. Hubble*, 509 Pa. 497 (1986) adopted the two-part analysis in *Edwards* relying on the United States Supreme Court holding in *Smith v. Illinois*, 469 U.S. 91, 95 (1984):

This "rigid" prophylactic rule [of ceasing interrogation upon a request for counsel], *Fare v. Michael C.*, 442 U.S. 707, 719, 99 S.Ct. 2560, 2569, 61 L.Ed.2d 197 (1979), embodies two distinct inquiries. First, courts must determine whether the accused actually invoked his right to counsel. See, e.g., *Edwards v. Arizona*, *supra*, 451 U.S., at 484–485, 101 S.Ct., at 1884–1885 (whether accused "expressed his desire" for, or "clearly asserted" his right to, the assistance of counsel); *Miranda v. Arizona*, 384 U.S., at 444–445, 86 S.Ct., at 1612 (whether accused "indicate[d] in any manner and at any stage of the process that he wish[ed] to consult with an attorney before speaking"). Second, if the accused invoked his right to counsel, courts may admit his responses to further questioning only on finding that he (a) initiated further discussions with the police, and (b) knowingly and intelligently waived the right he had invoked. *Edwards v. Arizona*, *supra*, 451 U.S., at 485, 486, n. 9, 101 S.Ct., at 1885, n. 9.

Commonwealth v. Hubble, 509 Pa. 497 (1986); *see also: Commonwealth v. Frein*, 651 Pa. 635 (2019)(Where suppression was found to be warranted based on a violation of the defendant's rights to remain silent and to counsel because (1) defendant unambiguously invoked his rights following the warning during a post-arrest interview; (2) there was no break in questioning such that either party could have "reinitiated" contact; and (3) officers did not remind the defendant of his rights. The error of denying the suppression was

determined harmless error); *contrast: Hubble*, 509 Pa. 497, where the court found defendant did not (1) clearly and unequivocally invoke his right to counsel where the defendant voluntarily presented at the police station for a pre-arrest interview; (2) requested to call an attorney then his probation officer and was provided time and assistance from the officer to make the requested phone calls; (3) he disregarded the advice to call the office of public defenders that he received from his probation officer; and (4) the interview in *Hubble* ceased following his request for phone calls; however, before he left the police station, he voluntarily reinitiated contact with law enforcement officers and gave a recorded statement. The court found the waiver of his rights to be valid; *see also: Oregon v. Bradshaw*, 462 U.S. 1039 (1983) (The defendant was taken to the police station for questioning and provided a *Miranda* warning, he made some statements to police officers, but denied his involvement in a vehicle accident and stated, “I do want an attorney before it goes very much further,” at which point, the officer terminated the conversation. When the defendant was being transported to the county jail, he initiated conversation with the officer and asked what would happen to him. The officer reminded him of his request for an attorney, and any desire to speak needed to be of the defendant’s own free will. The Supreme Court determined there was no violation of the *Edwards* rule because the defendant’s question to the police officer as to what would happen to him was not simply a necessary inquiry arising out of the events of the custodial relationship, but could be interpreted by the officer as referring to the investigation generally).

Here, the Defendant’s statement should necessarily be suppressed because Trooper Siebert continued with the interrogation after Defendant stated “I do want an attorney.” There is nothing ambiguous about Defendant’s request. Moreover, the Commonwealth did not proffer any evidence indicating that Defendant’s statement had an alternative meaning to when Defendant wanted an attorney. Contrarily, upon clarification and finalization of Defendant’s *Miranda* warning (Trooper Siebert directing Defendant to read the waiver form in its entirety), he asked specifically whether Defendant’s request was for “an attorney right now during questioning?” To which, Defendant posed the question whether it was possible to have an attorney during the questioning and Trooper Siebert responded “[n]o, it’s not. I mean there’s no attorney. But, it’s totally up to you.” Trooper Siebert took no steps to clarify his response that it was not possible to have an attorney for the interrogation *in that moment*. It is the unequivocal denial of Defendant’s request to invoke her right to counsel where this Court finds issue with the events that transpired during the November 25, 2025, interview. Even in the context of the conversation, as the Commonwealth argued, Defendant’s affirmative

statement regarding counsel reads and delivers as a clear invocation of her right to counsel under *Miranda*; and, under a plain reading of *Edwards*, the November 25, 2025, interrogation warranted termination upon her statement. The context of the conversation does not support the Commonwealth's argument that Defendant reinitiated the interview either. "[A]n accused's post-request responses to further interrogation may not be used to cast retrospective clarity of the initial request." *Commonwealth v. Hubble*, 509 Pa. 497, 510 (1986)(quoting *Smith v. Illinois*, *supra*). As in *Frein*, there was no break in the interview such that either party could have been said to "reinitiate" the interview, making Defendant's alleged waiver of her right to counsel valid when she continued to speak. A reasonable person in Defendant's circumstances would have interpreted Trooper Sibert's response as not only a denial of her request for an attorney during that interview, but a confusing contradiction to her right to an attorney that she unambiguously invoked seconds before. Thus, under the "rigid prophylactic rule" set forth in *Edwards*, and under the rationale of "re-initiation" of an interview with police under *Hubble* and *Bradshaw*, the interrogation should have been terminated upon Defendant's unambiguous and unequivocal invocation of her right to counsel during the interview.

The Court would come to the same result under the totality of the circumstances test¹¹ used to determine whether or not an accused's waiver is valid. More specifically, Defendant

¹¹ "In examining the totality of the circumstances surrounding a confession, this Court has looked to a myriad of factors including the duration and methods of interrogation, the conditions of detention, the manifest attitude of the police toward the accused, the accused's physical and psychological state, 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, 346 A.2d 768 (1975). Regarding the validity of a waiver of the right to counsel, once a suspect has ambiguously requested to contact an attorney, a factor is, of course, whether the suspect or the police have initiated subsequent conversation leading to the incriminating statement. *Commonwealth v. Youngblood*, 453 Pa. 225, 307 A.2d 922 (1973); *Commonwealth v. Scarborough*, 491 Pa. 300, 421 A.2d 147 (1980). However, this is only one factor, albeit an important one, in the evaluation of whether the right to counsel was knowingly, intelligently and voluntarily waived. *Id.*" *Commonwealth v. Hubble*, 509 Pa. 497, 514 (1986); *see also: Commonwealth v. D'Amato*, 514 Pa. 471, 481 (1987)(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. Crosby*, 464 Pa. 337 (1975)("all

was arrested earlier in the day on November 25, 2025, and she was facing her preliminary arraignment in thirty minutes time from the initiation of the interview. Defendant's Sixth Amendment rights were attached, and interrogation is a critical stage of the prosecution. Based on what the Court can discern from the context of the audio recorded interview, Defendant was provided the Criminal Complaint containing the allegations against her at the time of the interview. See: Commonwealth Exhibit No. 2 (Defendant reading complaint on audio recorded interview, "[w]ait, Kayla was pulling up her nightgown to expose her genitals? My daughter said this? [L.S.] said this?... I need to know what is going on here. I've never done anything wrong to my daughter, at all, like, this is really fucked up" at 00:00:33 to 00:52:00); (Defendant: "Can I know what I'm being charged with right now, please?" Siebert: "You just looked over the Criminal Complaint" at 00:06:02 to 00:06:09)). Defendant was aware that her co-defendant was arrested, and expressed paranoia, which Trooper Siebert encouraged, about what he reported to police. (Id at 00:00:15 to 00:00:30).

The Court's decision to suppress the statement is based on Defendant's clear invocation of her right to counsel, and, without more, the Court finds that the Commonwealth has not satisfied its burden of establishing either that the *Edwards* rule was not violated nor that any possible waiver of Defendant's right to counsel "was voluntary and constituting a knowing and intelligent relinquishment or abandonment of a known right or privilege."¹²

Accordingly, the Court enters the following Order:

other conditions present which may serve to drain one's powers of resistance to suggestion and undermine his self-determination.").

¹² "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) *aff'd Lukach*, 649 Pa. 26 (2018).

ORDER

AND NOW, this 21st day of October, 2026, based on the foregoing and in consideration of the evidence, testimony, and arguments made by the parties, the Court enters the following Order:

- 1). Defendant's Petition for Habeas Corpus for Counts 1, 3, 5, 6, and 8 is **DENIED**;
- 2). Defendant's Motion to Suppress Statements from November 25, 2025, is **GRANTED**.

The Commonwealth is hereby **ordered and directed** to file a stipulated Order agreeing to amend the Criminal Information and file an amended Criminal Information amending Count 8 of the Information from Criminal Attempt—Unlawful Contact with a Minor—sexual offenses under 18 Pa.C.S. Section 901(a) to Criminal Conspiracy—Unlawful Contact with a Minor—sexual offenses under 18 Pa.C.S. Section 903(a).

By the Court,

Hon. Ryan M. Tira, Judge

RMT/asw

CC: DA; CA;
Brian Ulmer, Esq.
Gary Weber, Esq.—Lycoming Reporter