

Weber

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

NO. JV-122-2025

IN THE INTEREST OF
S.Y.,

A minor,

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FILED
LYCOMING COUNTY
JAN 14 PM 1:25
CLERK OF COURTS

OPINION AND ORDER

This matter was originally charged by the Commonwealth in criminal court but following a preliminary hearing the counts that warranted a direct file were not bound over by the magisterial district judge. As a result, and following a hearing held at the Court of Common Pleas, the remaining counts were remanded to juvenile court and the matter was scheduled for an evidentiary hearing where the undersigned did make a finding of fact in favor of the Commonwealth as to all remaining counts. Counsel on behalf of the juvenile did timely file a Post Adjudication hearing motion (i.e. a post sentence motion). The court received argument on the Post Adjudication Motion on January 28, 2026. This Opinion and Order in support of the findings of fact in favor of the Commonwealth now issues.

FACTS

On July 6, 2024 at approximately 6:34 P.M., a black Jeep Grand Cherokee driven by juvenile, SY, was traveling south on State Route 87 in the area just north of Kaiser Hollow Road, Upper Fairfield Township, Lycoming County, Pennsylvania. As SY attempted to pass the vehicle in front of him, SY's vehicle collided head on with a blue Chevrolet Cruze that was traveling in the northbound lane of State Route 87. The point of impact occurred on the northbound shoulder. SY and his passenger, Sara Anderson (Anderson), who was not wearing her seatbelt, sustained minor injuries. The operator of the Chevy Cruze, Mark McFadden, sustained a right hip dislocation with cracked socket, a brain bleed and memory loss resulting in

hospitalization and inpatient rehabilitation (NT 7-8). Mr. McFadden's wife, Kathleen McFadden, was the front seat passenger of the Chevy Cruze. Mrs. McFadden sustained traumatic injuries resulting in death. Her cause of death was listed by the deputy coroner as multiple blunt force trauma due to a motor vehicle collision.

During the evidentiary hearing, Mr. McFadden testified that while driving north on Route 87 during where the road bends slightly to the east, "out of the blue a car pulled out to pass evidently and, um, I went to the right and he went to the left and we crashed" (NT 5). Mr. McFadden indicated that prior to the collision he estimated that his speed was between 50 and 55 mph in a 55-mph speed zone (NT 6).

Christopher Willard was following approximately three car lengths behind the McFadden vehicle as it traveled north on State Route 87 at approximately 52 mph. Willard had followed McFadden for quite some distance on State Route 87 and McFadden was traveling well under the speed limit. As he was following the McFadden vehicle, Willard noticed two vehicles traveling in the opposite lane. When Willard first noticed the two vehicles in the opposite lane of travel, the vehicles were approximately one half to three quarters of a mile north of his vehicle and the McFadden vehicle. The Jeep driven by SY was "directly behind" another vehicle also travelling south. Willard testified that the Jeep driven by SY was approximately seven car lengths from Willard's vehicle when it pulled out from behind the truck and initiate the pass. Willard testified that "it was that quick. "So I saw the vehicles, the veer out came, and they impacted...[and that he] saw it all within seconds." Willard also testified that the SUV (i.e. the Jeep) did not have sufficient time to get back over into its lane of travel while attempting to pass the vehicle in front of it because "it was that quick. The snap of my finger, it was that quick." (NT 11-17).

Trooper Lance Klinger of the Pennsylvania State Police Troop F Montoursville barracks responded to the scene and observed the Jeep against a tree in the yard of a residence along Route 87 with the occupants of the Jeep outside the vehicle and with no observable injuries. The Chevy Cruze was in the northbound travel lane facing an eastern direction. Regarding causation, Trooper Klinger testified that SY's Jeep was traveling south and while trying to negotiate a pass got into the northbound lane and collided with the McFadden vehicle on the eastern shoulder of State Route 87. The roadway was described by Trooper Klinger as a very straight stretch with visibility of approximately three quarters of a mile. That section of roadway is marked with a dotted yellow line and the posted speed limit is 55 mph. Additionally, at the time of the collision it was still daylight and the roadway was clear and dry.

Following his departure from the scene of the collision, Trooper Klinger responded to UPMC in Williamsport where he spoke with the operator of the Jeep, SY. SY stated that he was traveling in the southbound lane when he came upon a vehicle that was traveling five to ten mph under the speed limit. A quarter mile in front of SY he observed another vehicle approaching him and at this time he proceeded to execute the pass of the vehicle in front of him. After SY entered the northbound lane he stated the oncoming vehicle was traveling significantly faster than what he believed so he swerved to the left/eastern shoulder where the collision occurred. SY acknowledged that he saw the McFadden vehicle before entering the northbound lane and still proceeded to enter the northbound lane. SY indicated that he was traveling between sixty and sixty-five mph. The vehicle that was traveling southbound on Route 87 and in front SY did not stop after the collision.

Trooper Jacob Sukal of the Pennsylvania State Police also presented testimony during the evidentiary hearing. Trooper Sukal has been employed by the State Police for fifteen years and a

member of the Collision Analysis Reconstruction Specialists Unit (CARS) since October 2022. Trooper Sukal testified at length to his curriculum vitae and over objection by Defense counsel was qualified as a collision reconstruction expert. Although Trooper Sukal was not previously qualified as a collision reconstruction expert, prior to the instant matter he received extensive training and experience in various areas to include, *inter alia*, On Scene Collision Investigation Training, Collision Analysis and Reconstruction Training, Air Bag Control Module Technician training, Pix4D Mapper and Collision Reconstruction Training, Advanced Collision Reconstruction with CDR Applications, Leica Map360 Pro Forensic CAD Software Training, as well as participated in investigating and documenting seventy-three incidents for reconstruction and forensic mapping (NT 36-48).

In his capacity as an expert witness, Trooper Sukal discussed the various observations made by him at the scene of the collision that helped determine the point of impact including tire marks on the roadway, debris located within the roadway, a gouge mark within the roadway and pictures of the surrounding area and respective vehicles including the vehicles final resting points (NT 59-62). Trooper Sukal further explained how each vehicle is examined to include physical examinations as well as the data that was retrieved from each vehicle's central computer system. The physical inspection of the vehicles led Trooper Sukal to conclude that neither the passenger or driver of the Jeep was wearing a seatbelt at the time of the collision. Moreover, Trooper Sukal examined the air bag control module for both vehicles. The air bag control modules contain a crash data report (CDR) that is extracted utilizing Bosch software (NT 65). By analyzing the data collected from the CDR download, Trooper Sukal concluded that the Jeep's documented speed was increasing and a half second prior to the collision was 80 mph. Additionally, the Jeep's accelerator pedal was fully engaged (i.e. at 100%) during the segments

of time leading up to the collision. In other words, the Jeep's acceleration pedal was "all the way to the ground [and] pushed to its capacity" in the seconds leading up to the collision (NT 71). The data further demonstrated that the Jeep's brakes were not engaged until almost immediately prior to the collision (NT 72-73).

With respect to the data derived from the Chevy Cruze's air bag control module, Trooper Sukal concluded the operator of the Cruze, Mr. McFadden was not buckled the seat belt worn by Mrs. McFadden was buckled (NT 75). Additionally, in the seconds leading up to the collision, the Cruze was operating consistently at 52 mph and 45 mph one second prior to impact (NT 76-77). The Cruze's engine throttle/RPM's show that it was decelerating in the moments leading up to the collision (NT 77). Furthermore, the accelerator pedal of the Cruze in the moments prior to the collision was at seventeen percent and the brake was applied at between one and a half and one second prior to collision (NT 77). Trooper Sukal summarized his conclusions based on a reasonable degree of scientific certainty (NT 82-86).

SY's girlfriend, Sarah Anderson, and passenger of the Jeep driven by SY at the time of the incident testified that the Jeep belonged to her, that she and SY were staying at SY's uncle's campground prior to the incident and were traveling from the campground to Walmart when the collision occurred (NT 106). Anderson stated that while SY was driving the Jeep, the vehicle they were following was driving slower than the speed limit and they decided to pass. She observed the Chevrolet in the opposite lane and that it was far enough away to pass safely. When they realized they could not execute the pass they were unable to return to their lane of travel. She estimated SY was traveling 60 mph. (NT 107-108). Prior to attempting to pass, Anderson stated that the truck in front of them was traveling 45 mph and they were traveling 40 mph (NT 110-111). She further testified that when she and SY were traveling behind the truck

and prior to passing, they were traveling 40 mph and SY accelerated to “about like 50 to get around them, or 60 [to get] around them (NT 112).”

SY testified that he was 17 years of age at the time of the incident, familiar with Route 87, had driven Anderson’s Jeep before and did not have any problems driving the Jeep. (NT 117-118). When operating the Jeep prior to the collision he was following a truck for several miles that was traveling 10-15 mph under the speed limit. (NT 118). He felt that he had sufficient time to pass the truck and did speed up to execute the pass but when he saw that he was unable to complete the pass he was unable to return to his lane of travel because the truck was still there and would not allow him to get over. (NT 119). SY said he believed he was traveling at sixty to sixty-five mph at the most. (NT 120). SY also testified that he was advised that the tires on the Jeep at the time of the collision were smaller than the standard size and that the Jeep had maybe some motor, transmission and axle work done to it. (NT 120-121). SY said he did not brake to attempt to return to his lane of travel because of a car other than the truck that he was trying to pass. SY also acknowledged that there was no other testimony the day of the evidentiary hearing regarding a car traveling behind him. (NT 129). SY also acknowledged a discrepancy in his testimony regarding the speed of the vehicle in front of him versus what he told the Trooper following the incident. (NT 133-134).

DISCUSSION

By way of his Motion for Reconsideration SY argues that this Court erred when it found that the Commonwealth established the elements of recklessness and gross negligence required for the charges of Homicide by Vehicle, Aggravated Assault by Vehicle, Recklessly Endangering Another Person and Reckless Driving. Further, he argues that the Court erred by

finding that speeding in and of itself is sufficient to establish recklessness. SY also maintains that that the Court erred because its ruling was against the weight of the evidence.

Pursuant to 75 Pa. C. S. § 3732 a person commits Homicide By Vehicle when:

Any person who recklessly or with gross negligence causes the death of another person while engaged in the violation of any law of this Commonwealth or municipal ordinance applying to the operation or use of a vehicle or to the regulation of traffic except section 3802 (relating to driving under influence of alcohol or controlled substance) is guilty of homicide by vehicle, a felony of the third degree, when the violation is the cause of death.

The remaining counts that are challenged by the Juvenile in his Motion also require that he acted recklessly or with gross negligence. The crimes code gives the definition of reckless in 18 Pa.C.S. § 302(b)(3). Specifically, a person acts recklessly with respect to a material element of an offense when:

he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

Stated differently, “[r]ecklessness ‘implicates knowledge in two ways: (1) the actor must consciously (i.e., with knowledge) disregard a substantial and unjustifiable risk; and (2) the risk that the actor disregards is measured by the circumstances known to the actor.’ ‘Conscious disregard’ of a risk, in turn, ‘involves first becoming aware of the risk and then choosing to proceed in spite of the risk.’ *Commonwealth v. Fretts*, 271 A.3d 383 (Pa. Super. 2021) quoting *Commonwealth v. Sanders*, 259 A.3d 532 (Pa. Super. 2021).

Here, based upon the totality of the circumstances as well as the report and testimony of the Commonwealth’s expert witness, Trooper Sukal, it is clear that SY engaged in a course of reckless conduct immediately prior to the fatal collision that directly resulted in both death and

the infliction of serious bodily injury to Kathleen McFadden and Mark McFadden, respectively. Specifically, in the moments leading up to the collision, SY visibly observed and knew that a vehicle was traveling in the opposite lane of travel and toward his direction. Despite this knowledge, SY accelerated his vehicle and attempted to pass the vehicle directly in front of him. SY's vehicle was traveling in excess of 20 m.p.h. over the posted speed limit. After realizing that he would be unable to execute the pass, SY continued to fully engage his vehicle's acceleration pedal all the way to the ground and pushed the vehicle to its capacity in the seconds leading up to the collision. As SY continued to accelerate, he failed to take any evasive action other than attempting to swerve away from the victims' vehicle just prior to the collision. For instance, SY did not engage his vehicle's brakes until almost immediately prior to impact, choosing instead to make the conscious decision to fully accelerate his vehicle that was aimed at the victims' oncoming car. In the words of Christopher Willard, a third party traveling behind the victims' car prior to the collision, SY quickly veered his vehicle into oncoming traffic to try and pass the vehicle in front of him and in the "snap of a finger," the fatal collision occurred.

Lastly, SY challenges the Court's decision to qualify Trooper Sukal as a collision reconstruction expert. SY argues that the testimony of Trooper Sukal was discredited because his report did not include the Bosh standards and as a result he failed to account for the fact that the tires installed on SY's vehicle at the time of the collision were smaller than recommended by the factory and there was no mention in the report of how this discrepancy may affect the final data report, specifically speed.

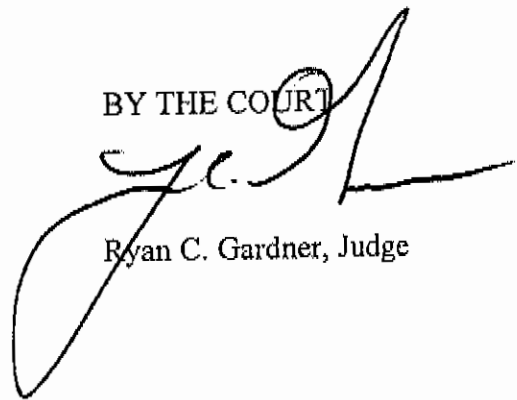
"The test that is applied when qualifying an expert witness is whether the witness has any reasonable pretension to specialized knowledge on the subject under investigation. If he does, he may testify and the weight to be given to such testimony is for the trier of fact to determine".

Miller v, Brass Rail Tavern, 664 A.2d 525 (Pa. 1995). Although Trooper Sukal had not previously been qualified as a collision reconstruction expert there is no doubt that his training and experience as testified to at length during the hearing does qualify him as an expert in collision reconstruction.

Additionally, assuming as true for a moment that the size of the tires on SY's vehicle at the time of the collision did have a direct effect regarding the speed of SY's vehicle as calculated by Trooper Sukal and listed in his report, this argument fails to recognize that the Court's findings also included, inter alia, the testimony relating to SY's continuous acceleration of his vehicle until immediately prior to the collision, SY's failure to apply his vehicle's brakes until immediately prior to the collision, SY engaging in Careless Driving in violation of Title 75 section 3736(A) as well as his decision to violate Title 75 section 3305, Passing Left Unsafe, and finally, the third party testimony of Christopher Willard. The cumulative effect of the above yields the conclusion that SY's conduct was, by definition, reckless.

Accordingly, as explained above the Court finds that based upon the totality of the circumstances and evidence presented, the Commonwealth has met its burden and the Juveniles Post Adjudication Motion is hereby DENIED.

BY THE COURT

A handwritten signature in black ink, appearing to read "R.C. Gardner", written over the printed name of the judge.

Ryan C. Gardner, Judge

RCG/kbc

cc: DA (Phoebe Yates, Esq. & Lindsay Sweeley, Esq)
Robert Hoffa, Esq.
Gary Weber, Esq.