

# FAYETTE LEGAL JOURNAL

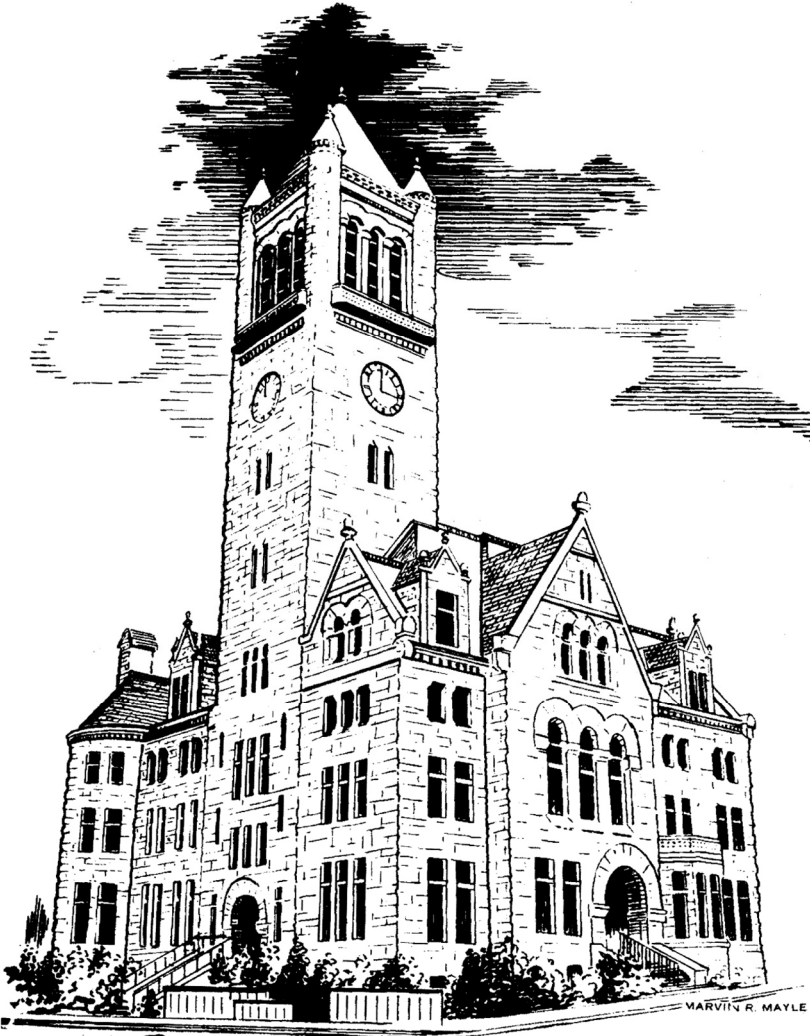
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## FAYETTE LEGAL JOURNAL

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## ESTATE NOTICES

Notice is hereby given that letters testamentary or of administration have been granted to the following estates. All persons indebted to said estates are required to make payment, and those having claims or demands to present the same without delay to the administrators or executors named.

### Third Publication

**PATRICIA LYNN ABEL**, late of Georges Township, Fayette County, PA (3)  
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 99 East Main Street  
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*Administratrix:* Jennifer Miller  
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*Attorney:* David Lucas

**CECELIA P. MLAKAR, a/k/a CECELIA MLAKAR**, late of South Union Township, Fayette County, PA (3)  
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 438 Mildred Road  
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*Attorney:* Mark E. Ramsier

**THOMAS MICHAEL RILEY, a/k/a THOMAS M. RILEY**, late of Saltlick Township, Fayette County, PA (3)  
*Personal Representatives:* David G. Riley and Robert L. Riley  
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*Administratrix:* Jennifer H. Sterbutzel  
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*Attorney:* Margaret Zylka House

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*Co-Executors:* Louis M. Wenick and George D. Wenick  
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 Uniontown, PA 15401  
*Attorney:* Webster & Webster

## Second Publication

**JOANNE L. COLETTI, a/k/a JOANNE**

**LOUISE COLETTI**, late of Redstone  
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*Personal Representative:* Mark V. Coletti  
c/o Davis & Davis  
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*Attorney:* James T. Davis

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and Terry Lee Delara  
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*Attorney:* Jason Adams

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*Attorney:* Mary Len Hajduk

**LAUREEN R. MALACHIN**, late of Dunbar  
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*Personal Representative:*  
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Connellsville, PA 15425  
*Attorney:* Robert A. Gordon

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WILLIAM MARTIN**, late of North Union  
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c/o Goodwin Como, P.C.  
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**JULIA PLUTO, a/k/a JUDY PLUTO**, late of  
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*Executrix:* Thomas G. Pluto  
1025 Kathryn Street  
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*Attorney:* Douglas S. Sholtis

## First Publication

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late of Fayette City, Fayette County, PA

*Executor:* Kenneth E. Brown (1)  
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State College, PA 16801  
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*Attorney:* Richard C. Mudrick

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County, PA (1)

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68 South Beeson Boulevard  
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*Attorney:* James Higinbotham

**DONALD JAMES CRAYTON, a/k/a****DONALD J. CRAYTON**, late of North UnionTownship, Fayette County, PA <sup>(1)</sup>*Executor:* Christopher T. Smetts

c/o Davis and Davis

107 East Main Street

Uniontown, PA 15401

*Attorney:* Gary J. Frankhouser**DENISE A. GREGG**, late of North UnionTownship, Fayette County, PA <sup>(1)</sup>*Administrator:* Patrick McGurgan

c/o Davis and Davis

107 East Main Street

Uniontown, PA 15401

*Attorney:* James T. Davis**CORDELIA ANN GRUBBS, a/k/a ANN****GRUBBS, a/k/a C. ANN GRUBBS**, late ofNorth Union Township, Fayette County, PA <sup>(1)</sup>*Executor:* Randy L. Becker

1873 Cove Circle East

Lawrenceburg, Indiana 47025

c/o 4 North Beeson Boulevard

Uniontown, PA 15401

*Attorney:* Sheryl R. Heid**NAOMI G. HARR, a/k/a NAOMI G. CLARK****HARR**, late of Dunbar Township, FayetteCounty, PA <sup>(1)</sup>*Executor:* George D. Greenawalt

c/o 9 Court Street

Uniontown, PA 15401

*Attorney:* Vincent J. Roskovensky, II**THOMAS A. JOHNSON, a/k/a THOMAS****ALAN JOHNSON**, late of Dunbar Township,Fayette County, PA <sup>(1)</sup>*Personal Representative:*

Robert E. Cummings

c/o Watson Mundorff, LLP

720 Vanderbilt Road

Connellsville, PA 15425

*Attorney:* Robert A. Gordon**DONNA L. KUTEK, a/k/a DONNA LEE****KUTEK**, late of Luzerne Township, FayetteCounty, PA <sup>(1)</sup>*Executor:* Jimmy Tiberi, Sr.

c/o Davis and Davis

107 East Main Street

Uniontown, PA 15401

*Attorney:* James T. Davis**JAMES R. SHAFFER, SR.**, late of  
Connellsville, Fayette County, PA <sup>(1)</sup>*Co-Executors:* Theresa Monahan and

James R. Shaffer Jr.

c/o Casini &amp; Geibig, LLC

815B Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Jennifer M. Casini**EUGENE R. THOMAS**, late of DunbarTownship, Fayette County, PA <sup>(1)</sup>*Executor:* Kevin E. Jolly

c/o 815A Memorial Boulevard

Connellsville, PA 15425

*Attorney:* Margaret Zylka House**BONNIE LEE WALCH**, late of WashingtonTownship, Fayette County, PA <sup>(1)</sup>*Administratrix:* Ashley Grillo

105 Park Avenue

Charleroi, PA 15022

c/o 300 Fallowfield Avenue

Charleroi, PA 15022

*Attorney:* Richard G. Mudrick**GERALDINE C. WILLIAMS, a/k/a****GERALDINE WILLIAMS**, late ofConnellsville, Fayette County, PA <sup>(1)</sup>*Co-Executors:* James A. Williams and

Tony D. Williams

c/o Proden &amp; O'Brien

99 East Main Street

Uniontown, PA 15401

*Attorney:* Wendy L. O'Brien

**LEGAL NOTICES****NOTICE**

Notice is hereby given that a Certificate of Organization was filed with the Pennsylvania Department of State, on August 8, 2022, for a Limited Liability Company, organized under the Limited Liability Company Law of 1994, as from time to time amended. The name of the Company is J FREY PROPERTIES LLC having an address of 183 Misty Meadows Lane, Uniontown, Pennsylvania, 15401.

James E. Higinbotham, Jr., Esq.  
HIGINBOTHAM LAW OFFICES  
68 South Beeson Boulevard  
Uniontown, PA 15401  
Telephone: 724-437-2800

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**Registers' Notice**

Notice by JEFFREY L. REDMAN, Register of Wills and Ex-Officio Clerk of the Orphans' Court Division of the Court of Common Pleas

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, November 7, 2022, at 9:30 A.M.**

| <u>Estate Number</u> | <u>Estate Name</u> | <u>Accountant</u>          |
|----------------------|--------------------|----------------------------|
| 2621-0277            | CHARLOTTE A. KATKO | Terry Katko, Administrator |

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

**Monday, November 21, 2022, at 9:30 A.M.**

in Courtroom No. 5 of the **Honorable Joseph M. George, Jr.** or his chambers, Third Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

Notice is hereby given to heirs, legatees, creditors, and all parties in interest that accounts in the following estates have been filed in the Office of the Clerk of the Orphans' Court Division of the Court of Common Pleas as the case may be, on the dates stated and that the same will be presented for confirmation to the Orphans' Court Division of Fayette County on

**Monday, November 7, at 9:30 A.M.**

| <u>Estate Number</u> | <u>Estate Name</u>       | <u>Accountant</u>             |
|----------------------|--------------------------|-------------------------------|
| 2621-0596            | MERRIE JANE DAVID        | Amy D. Lynch, Executrix       |
| 2616-0180            | LAWRENCE H. MCQUADE, JR. | Bridget M. McQuade, Executrix |

**Account filed in the office of the Clerk of the Orphans' Court of Common Pleas of Fayette County, Pennsylvania**

| <u>Estate Number</u> | <u>Estate Name</u>                       | <u>Accountant</u>                       |
|----------------------|--|---|
| 2697-0782            | CLARISSA COCHRAN,<br>Special Needs Trust | Casey J. Patton, Vice President Trustee |

Notice is also hereby given that all of the foregoing Accounts will be called for Audit on

**Monday, November 21, 2022, at 9:30 A.M.**

in Courtroom No. 1 of the **Honorable Steve P. Leskinen** or his chambers, Second Floor, Courthouse, Uniontown, Fayette County, Pennsylvania, at which time the Court will examine and audit said accounts, hear exceptions to same or fix a time therefore, and make distribution of the balance ascertained to be in the hands of the Accountants.

# WARMAN ABSTRACT & RESEARCH LLC

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724-322-6529

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**JUDICIAL OPINION**

IN THE COURT OF COMMON PLEAS OF FAYETTE COUNTY, PENNSYLVANIA  
 CRIMINAL DIVISION

|                               |   |                           |
|-------------------------------|---|---------------------------|
| COMMONWEALTH OF PENNSYLVANIA, | : |                           |
|                               | : |                           |
| VS.                           | : |                           |
|                               | : |                           |
| JAMES MICHAEL MCSHANE,        | : | No. 617 of 2020           |
| Defendant.                    | : | Honorable Nancy D. Vernon |

OPINION AND ORDER

VERNON, J.

October 6, 2022

Before the Court is the Omnibus Pretrial Motion filed by Defendant James Michael McShane in the nature of a Motion to Suppress Statements, Motion to Preclude all References to Polygraph Examination, and Petition for Writ of Habeas Corpus.

FACTS

Defendant is charged with two counts of Corruption of Minors [18 Pa.C.S.A. §6301 (A)(1)(ii)], Terroristic Threats [18 Pa.C.S.A. §2706(A)(1)], Indecent Assault less than 16 years old [18 Pa.C.S.A. §3126(A)(8)], and two counts of Indecent Assault without Consent [18 Pa.C.S.A. §3126(A)(1)]. At the time set for hearing, the Commonwealth admitted the record of the preliminary hearing from May 13, 2020, into evidence.

At the preliminary hearing, W.M. testified that he was born in February 2004 and that the Defendant is his uncle. N.T., 5/13/2020, at 2-3. W.M. testified that Defendant began sending him pornography in the Spring of 2019 via Facebook Messenger. Id. at 3-4. In October 2019, W.M. testified that he and Defendant were in North Carolina when Defendant touched him where he pees, W.M. told him to stop and he did. Id. at 5. The two then went to a restaurant where Defendant touched W.M.’s thigh. Id.

W.M. and Defendant returned to Fayette County and on Christmas Eve at Curt’s Restaurant, W.M. told someone that they were going to have sex. Id. at 5-6. W.M. testified that Defendant grabbed his buttocks and touched parts of his body over his clothing. Id. at 6-7. Defendant told W.M. and W.M.’s sister that he would “kill” them if they told anybody. Id. at 7. W.M. testified that he was at Defendant’s house “trying to make nice because he got called a pedophile.” Id. at 8.

M.M. testified that she was born in October 2002 and got to know Defendant, her uncle, only a year and a half or two years ago. Id. at 18-19. M.M. testified that in October 2019, Defendant “started acting shady [...] like, he always had to touch.” Id. at 19-20. According to M.M., Defendant would “smack [her] in the ass” over her clothes and

touch her thighs or boobs without her consent. *Id.* at 19-20. M.M. testified that this happened more times than she could count and that it occurred at Defendant's house and in public at restaurants. *Id.* at 20.

M.M. testified that in January 2020 that she and her brother, W.M. were at Defendant's house when W.M. "called him a pedophile" to which Defendant responded telling them not to come back and if they did "he'd kill [them]." *Id.* at 21-22. M.M.'s mother called the police. *Id.* at 22.

Trooper Lauren Vernail of the Pennsylvania State Police testified that she received a ChildLine report that initiated her investigation of this matter. *Id.* at 27-33. On March 3, 2020, Defendant was interviewed at the Uniontown Police Station where he spoke with Trooper Vernail and Corporal David Leonard. *Id.* at 27-28. Defendant admitted to "briefly touching [M.M.'s] breasts for approximately two seconds and admitted to the possibility that he touched [W.M.'s] butt while they were off-loading a refrigerator from his pickup truck." *Id.* at 28. Defendant also admitted to sending pornographic images via Facebook Messenger to W.M. *Id.* at 29.

Under cross-examination, Trooper Vernail testified that she spoke with Defendant three times. *Id.* at 29-30. The first interview occurred on February 10, 2020, and Defendant did not admit to touching the breasts or buttocks of the minors but did state he touched the upper leg inner thigh area of M.M. on one occasion. *Id.* at 30. The second interview occurred on February 13, 2020, at which Defendant was interviewed by CYS with Trooper Vernail attending. *Id.* at 30-31. The third interview was on March 3, 2020, during which a polygraph examination was given to Defendant. *Id.* at 31.

The parties submitted a video and audio recording of the pre-test interview, polygraph examination, and post-test interview of Defendant conducted by Corporal Leonard and Trooper Lauren J. Vernail of the Pennsylvania State Police on March 3, 2020. The video showed two recordings of one hour nineteen minutes and one hour forty-one minutes with a break from 11:28 a.m. until 11:45 a.m. The Court has reviewed the recordings in their entirety.

## DISCUSSION

In his first issue, Defendant moves to suppress statements he made to the Pennsylvania State Police before, during, and after his polygraph examination on March 3, 2020. In his second issue, Defendant moves to preclude all references to polygraph examination. Defendant argues that his interview and interrogation demonstrated that the police were unduly coercive in extracting statements, that the PSP Corporal had an abusive attitude, and that the suggestiveness of the questioning renders Defendant's statements as not voluntary given.

When an accused alleges that his confession was coerced, the burden is on the Commonwealth at the suppression hearing to prove the voluntariness of the statement by a preponderance of the evidence. *Commonwealth v. Starr*, 406 A.2d 1017 (Pa. 1979). "It is well-established that when a defendant alleges that his confession was involuntary, the inquiry becomes not whether the defendant would have confessed without interrogation, but whether the interrogation was so manipulative or coercive that it deprived the

defendant of his ability to make a free and unconstrained decision to confess.” *Commonwealth v. Yandamuri*, 159 A.3d 503, 525 (2017). Voluntariness is the touchstone inquiry when deciding a motion to suppress a confession, and voluntariness is determined upon review of the totality of the circumstances. *Commonwealth v. Nester*, 709 A.2d 879, 882 (Pa. 1998). In assessing the totality of the circumstances, the suppression court should consider: “the duration and means of the interrogation; the defendant’s physical and psychological state; the conditions attendant to the detention; the attitude exhibited by the police during the interrogation; and all other factors that could drain a person’s ability to resist suggestion and coercion.” *Yandamuri*, 159 A.3d at 525.

“The rule in Pennsylvania is that reference to a lie detector test or the result thereof which raises inferences concerning the guilt or innocence of a defendant is inadmissible. This rule was established to protect the defendant in a criminal trial and it is based on [the Supreme Court of Pennsylvania’s] refusal to recognize the scientific accuracy or validity of such tests.” *Commonwealth v. Cain*, 369 A.2d 1234, 1241–42 (Pa. 1977). See also *Commonwealth v. Hetzel*, 822 A.2d 747, 767 (Pa.Super. 2003), appeal denied, 839 A.2d 350 (Pa. 2003) (explaining general rule that due to well-known unreliability of polygraph tests, our courts uniformly have been reluctant to permit any reference to polygraph examination at trial).

Nevertheless:

The polygraph has been acknowledged by the courts of this Commonwealth to be a valuable tool in the investigative process. Its use does not per se render a confession involuntary. A confession is not involuntary merely because it was made in anticipation of, during, or following a polygraph examination. See 89 A.L.R.3d 236, and cases there gathered. In Pennsylvania, an inculpatory statement made during a pre-test interview was held admissible in *Commonwealth v. Cain*, 471 Pa. 140, 1[5]6, 369 A.2d 1234, [1242] (197[7]) [(plurality)] (Opinion of Eagen, J., in support of affirmance).

*Commonwealth v. Smith*, 463 A.2d 1113, 1115 (Pa.Super. 1983).

“It has long been the rule in this Commonwealth that a statement given after being advised that one has failed a lie detector may be admitted into evidence.” *Commonwealth v. Schneider*, 562 A.2d 868, 870 (Pa.Super. 1989). Not all psychological persuasion is prohibited. *Commonwealth v. Williams*, 640 A.2d 1251 (Pa. 1994). Encouraging a suspect to cooperate with the investigation and answer questions honestly is a permissible interrogation tactic. *Commonwealth v. Nester*, 709 A.2d 879, 884 (Pa. 1998). In *Commonwealth v. Hipple*, the police had informed the defendant that “[y]ou can lie to us but you cannot lie to this machine.” The Supreme Court held that a confession induced thereby was not involuntary. The Court said:

The statement by the officers, ‘You can lie to us but you cannot lie to this machine,’ in substance amounts to no more than the familiar phrase, ‘It would be better for you to tell the truth,’ which this court has often sanctioned. *Com. v. Weiss*, 284 Pa. 105, 130 A. 403; *Com. v. Spardute*, supra [122 A. 161 (Pa. 1923)]. Here no inducement of material reward nor fear of punishment, conducive to eliciting an untrue statement, was employed. A confession, procured by a trick or artifice, not calculat-

ed to produce an untruth, is never vitiated thereby. *Com. v. Goodwin*, supra [40 A. 412 (Pa. 1898)]; *Com. v. Spardute*, supra. It may be that it was the use of the lie detector which produced the confession. This would seem certain if it were not for the fact that it was not until two hours after the use of the device, during which time defendant had time for reflection and composure, that he confessed. It is quite possible that he was persuaded to do so by the use of the machine and what the officers told him concerning it. The record of the lie detector was not offered in evidence. Since the use of the device was for the purpose of inducing the defendant to tell the truth and not anything was done to influence him to do otherwise, an objection based solely on the fact that he was thus induced to confess cannot be sustained.

*Commonwealth v. Hipple*, 3 A.2d 353, 356 (Pa. 1939).

Importantly, the Supreme Court found has found a defendant's pre-polygraph waiver continued through post-test questioning "unless the circumstances changed so seriously that his answers no longer were voluntary, or unless he no longer was making a 'knowing and intelligent relinquishment or abandonment' of his rights." *Commonwealth v. Hill*, 104 A.3d 1220, 1241 (Pa. 2014) quoting *Wyrick v. Fields*, 459 U.S. 42, 47 (1982).

Here, Corporal Leonard presented Defendant with a "Polygraph Rights Warning and Consent Form" and the Corporal read the form out loud to Defendant. At 10:22 a.m. on the recording, Corporal Leonard read the operative paragraph for the within motion:

6. I understand that a polygraph examination includes an interview (pre-test interview) prior to the actual polygraph examination (in-phase testing), and may include an interview by the examiner and/or other officers/investigators after the polygraph examination is conducted (post-test interview).

Throughout his reading, Corporal Leonard explained that there were three parts of the polygraph examination, that they were currently in the pre-test portion, that the polygraph examination would occur next, and that the post-test interview would occur right after with both Corporal Leonard and Trooper Vernail participating.

In the pre-test interview, Defendant denied all allegations against him. Similarly, during the polygraph examination, which was quite short, Defendant made no admissions or inculpatory statements, instead completing the examination with head tilts indicating "yes" or "no." Following the polygraph examination, Corporal Leonard removed the testing equipment from Defendant's person and immediately began the post-test interview.

Here, Defendant received the Polygraph Rights Warning and Consent Form in writing and also had the form read to him by Corporal Leonard. Defendant was cooperative with the investigation, willingly submitting to the polygraph examination and post-test interview. Corporal Leonard and Trooper Vernail did not touch the Defendant's person except to put on and remove the polygraph equipment. Defendant was not handcuffed or his movement restricted in any other way.

Corporal Leonard told Defendant that he was free to leave, that Defendant was not

in custody, and that the door was only closed for privacy. The total interaction lasted three hours, but the post-test interview forty minutes. The interview was not prolonged or exhaustive and Defendant's admissions began within the first ten minutes of the Corporal's questioning. Neither the Corporal nor Trooper promised Defendant anything in exchange for his statements.

Corporal Leonard instantly confronted Defendant with the results of his polygraph examination telling Defendant that he failed and that the test conclusively established that he inappropriately touched the minor victims. Corporal Leonard played on Defendant's religion telling him to be honest and that God was in the room with them. Corporal Leonard repeatedly told Defendant that he was lying, that he was a liar, that he was better than this, that he made a mistake, and that he was making the children out to be liars. Viewing the totality of the circumstances, we discern no basis for Defendant's claim that the police interview was so manipulative or coercive that it deprived him of his ability to make a free and unconstrained decision to confess. *Commonwealth v. Fitzpatrick*, 181 A.3d 368, 374 (Pa.Super. 2018). Defendant appeared for the polygraph examination of his own volition, participated freely and of his own will, did not refuse to speak, and did not ask for an attorney or attempt to end the interview. Defendant appeared to understand the Polygraph Rights Warning and Consent Form, was given appropriate warnings, and he voluntarily waived the right to remain silent, which was properly documented. The interaction was continuous from the Rights Warning and Consent Form, to the polygraph examination, to the post-test interview. Nothing in Defendant's statements or demeanor suggest that he was under compulsion to confess or that he was physically or mentally compromised. Corporal Leonard's tactics were intense but did not amount to manipulative or coercive conduct. Accordingly the Motion to Suppress Statements is DENIED and the Motion to Preclude all References to the Polygraph Examination is GRANTED.

Defendant also petitioned for writ of habeas corpus. As to the habeas corpus petition, the Commonwealth must prove that the evidence received at the preliminary hearing presented sufficient probable cause to believe that the Defendant committed the offense for which he is charged.

The quantity and quality of evidence presented there 'should be such that if presented at trial in court, and accepted as true, the judge would be warranted in allowing the case to go to the jury.' The Commonwealth's burden at a preliminary hearing is to establish at least prima facie that a crime has been committed and that the accused is the one who committed it. This means that at a preliminary hearing, the Commonwealth must show the presence of every element necessary to constitute each offense charged and the defendant's complicity in each offense. Proof beyond a reasonable doubt is not required, nor is the criterion to show that proof beyond a reasonable doubt is possible if the matter is returned for trial. However, proof, which would justify a trial judge submitting the case to the jury at the trial of the case, is required. 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. Prosecutorial suspicion and conjecture are not evidence and are unacceptable as evidence.

*Commonwealth v. Snyder*, 483 A.2d 933, 935 (Pa. Super. 1984).

Following hearing and upon the Commonwealth's Motion, Count 3 – Corruption of Minors was dismissed and Count 6 – Indecent Assault was amended to remove a third victim. The remaining charges are defined as follows:

Corruption of Minors [18 Pa.C.S.A. §6301(A)(1)(ii)]

Whoever, 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.

Terroristic Threats [18 Pa.C.S.A. §2706(A)(1)]

A person commits the crime of terroristic threats if the person communicates, either directly or indirectly, a threat to [...] commit any crime of violence with intent to terrorize another.

Indecent Assault less than 16 years old [18 Pa.C.S.A. §3126(A)(8)]

A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and [...] the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

Indecent Assault without Consent [18 Pa.C.S.A. §3126(A)(1)]

A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and [...] the person does so without the complainant's consent.

At the preliminary hearing, W.M. testified that Defendant touched his buttocks and “where he pees” and M.M testified to Defendant touching her breasts and thigh. Both victims testified that Defendant threatened to “kill” them if they told anyone. W.M. was a minor under the age of sixteen at the time of the offense. Based upon the victims’ testimony, the Commonwealth has established a prima facie case for the charges and the Petition for Writ of Habeas Corpus is DENIED.

WHEREFORE, we will enter the following Order.

## ORDER

AND NOW, this 6th day of October, 2022, upon consideration of the Omnibus Pretrial Motion filed by Defendant James Michael McShane, it is hereby ORDERED and DECREED that the Motion to Suppress Statements and Petition for Writ of Habeas Corpus is DENIED in accordance with the foregoing Opinion. It is further ORDERED and DECREED that the Motion to Preclude all References to Polygraph Examination is GRANTED.

BY THE COURT:  
NANCY D. VERNON, JUDGE

ATTEST:  
Clerk of Courts

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