

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA  
Criminal

COMMONWEALTH OF  
PENNSYLVANIA  
v.  
MATTHEW JOHN STAHL

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No. CP-14-CR-0124-2015

**OPINION AND ORDER**

Presently before this Court is a Petition for Writ of Habeas Corpus Challenging the Magisterial District Judge's Holding Defendant for Court filed by Matthew John Stahl (hereinafter "Defendant") in the above-captioned action. For the following reasons, Defendant's Petition is **GRANTED**.

**DISCUSSION**

**I. Petition for Writ of Habeas Corpus**

Defendant has filed a Petition for Writ of Habeas Corpus alleging the Commonwealth failed to establish a prima facie case on the charge of Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors. A petition for a writ of habeas corpus may be filed to correct void or illegal sentences or an illegal detention, or where the record shows a trial, sentence, or plea so fundamentally unfair as to amount to a denial of due process or other constitutional rights. *See Chadwick v. Caulfield*, 834 A.2d 562 (Pa.Super. 2003). A petition for writ of habeas is the

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proper method for challenging a pre-trial finding that the Commonwealth established a prima facie case. *Commonwealth v. Cabo*, 822 A.2d 60 (Pa.Super. 2003).

“In criminal matters, a prima facie case is that measure of evidence which, if accepted as true, would justify the conclusion that the defendant committed the offense charged.” *Id* at 63. In the instant case, testimony presented at the preliminary hearing alleged Defendant was parked in Circleville Park with another individual. Officer Brian Shaffer of the Patton Township Police Department encountered Defendant’s vehicle shortly after midnight while on routine patrol. Officer Shaffer testified he pulled up behind the vehicle and radioed in his location, then exited his cruiser. As he approached the car, he noticed the individual in the driver’s seat reach behind the passenger seat, while the passenger in the car moved as if to place something under her seat. Officer Shaffer indicated he was able to observe an open can of beer behind the passenger seat, an open can of beer at the passenger’s feet, and several other cans of beer on the floor of the passenger side of the vehicle. Based on his observations, his initial concern was that Defendant may be driving under the influence.

Officer Shaffer administered the standard field sobriety tests and a portable breath test to Defendant. Defendant performed satisfactorily on the field sobriety tests and the portable breath test registered a .04. Upon determining that Defendant was not driving under the influence, Officer Shaffer moved to speak with the other occupant of the vehicle.

The other occupant of the vehicle informed him she was 21 years of age. Officer Shaffer asked her name and date of birth. The individual provided her name, but hesitated before providing her date of birth. Eventually, the individual provided a date of birth and, from it, Officer Shaffer was able to determine she was 20 years of age.

When Officer Shaffer spoke to Defendant again, Defendant indicated he had purchased the alcohol at a local bottle shop and he and the other individual had only known each other for a short while. Officer Shaffer informed Defendant the other individual was not 21, and Defendant expressed concern regarding possible furnishing charges.

18 Pa.C.S.A. §6310.1(a) provides the elements for a prima facie case of Selling or Furnishing Liquor or Malt or Brewed Beverages to Minors. An individual is guilty of furnishing if he or she intentionally and knowingly furnishes any liquor, malt, or brewed beverages to a person who is less than 21 years of age. The language of the statute requires actual knowledge. *Commonwealth v. Scolieri*, 813 A.2d 672 (Pa. 2002).

In the instant case, the Commonwealth has not provided sufficient evidence to set forth a prima facie case of furnishing against Defendant. Specifically, the Commonwealth has failed to present evidence which, if taken as true, would demonstrate Defendant knew his companion was under 21 years of age. Although it is true that the Commonwealth may prove their case solely by circumstantial evidence and the inferences arising therefrom, evidentiary inferences must not be tenuous. *Commonwealth v. Carruthers*, 2000 WL 34201465 at \*2 (C.P. Columbia, 2000), citing *Commonwealth v. Lacey*, 496 A.2d 1256, 1261 (Pa.Super. 1985). The test for reviewing inferences is well established: “evidentiary inferences ... are constitutionally infirm unless the inferred fact is more likely than not to flow from the proved fact on which it is made to depend.” *Id.* When an inference made is only “tenuously connected to the facts proved by the Commonwealth, due process is lacking.” *Id.*

In the instant case, the Commonwealth is asking the Court to infer from Defendant’s presence in the park with the other individual and by their actions in attempting to conceal the


alcohol they were consuming that he knew his companion was underage. It is certainly a possibility this inference is valid. However, it is equally likely Defendant was concerned about the possibility of receiving a DUI or otherwise being censured or cited by Officer Shaffer for any number of things, such as being in the park after posted closing hours or consuming alcohol in a vehicle, etc. A conviction may be based on circumstantial evidence, but "mere suspicion or conjecture will not suffice." *Commonwealth v. Gallagher*, 582 A.2d 1349, 1352 (Pa.Super. 1990).

Accordingly, the following is entered:

**ORDER**

AND NOW, this 13<sup>th</sup> day of March, 2015, after argument and review of the transcript of the preliminary hearing, Defendant's Petition for Writ of Habeas Corpus Challenging the Magisterial District Judge's Holding Defendant for Court is hereby **GRANTED**.

BY THE COURT

  
Jonathan D. Grine, Judge