

IN THE COURT OF COMMON PLEAS LEBANON COUNTY
PENNSYLVANIA

CRIMINAL DIVISION

COMMONWEALTH OF
PENNSYLVANIA

v.

RYAN GIBSON STEWART

:
:
:
:
:
:

NO. CP-38-CR-1131-2024

APPEARANCES

Amy Muller, Esquire
DISTRICT ATTORNEY

For Commonwealth of
Pennsylvania

Joshua R. Traver, Esquire

For Defendant

OPINION BY CHARLES, J., July 24, 2025

This case is not why a Writ of Habeas Corpus exists. Writs of Habeas Corpus exist as a procedure "to test the legality of the restraints upon an accused's liberty." See, *Commonwealth v. Hess*, 414 A.2d 1043, 1045 (Pa. 1980). A Writ of Habeas Corpus cannot be employed by an individual at liberty in the community as a vehicle to delay trial on the merits of his charges. For reasons we will articulate in more detail below, we will deny the request of Ryan Gibson Stewart (hereafter DEFENDANT) for a hearing on his Motion for Writ of Habeas Corpus.

I. FACTS and PROCEDURAL HISTORY

On August 20, 2024, DEFENDANT was charged with one count of Unlawful Contact with a Minor, one count of Dissemination of Explicit Sexual Materials to Minors and one count of Corruption of Minors. According to the Affidavit of Probable Cause, DEFENDANT was a teacher in the Northern Lebanon School District during the 2023-2024 school year. According to a former student, DEFENDANT sent a SnapChat photograph of his genitalia to the student. According to the Affidavit, DEFENDANT admitted taking a photograph of his exposed genitalia. He stated to police that the photograph was sent to his former student by mistake; he intended to send it to another adult.

DEFENDANT was afforded a preliminary hearing on September 26, 2024. He was represented by counsel at the time. However, no testimony was presented at the hearing; DEFENDANT stipulated that the facts set forth in the Commonwealth's Affidavit of Probable Cause were accurate and that the case should be bound to Court. Unsecured bail of \$25,000 was established, and DEFENDANT was released on his own signature. No conditions of bail were imposed.

DEFENDANT was arraigned on October 17, 2024. DEFENDANT continued his case until the June 2025 Term of Court. On May 22, 2025, DEFENDANT sought and received another continuance. Trial is now scheduled for August 18, 2025 at 8:30am. On May 27, 2025, when the case was still listed for the June 2025 Term of Jury Trials, DEFENDANT filed a

Motion for Writ of Habeas Corpus. That motion was denied without explanation by the Honorable Charles T. Jones, Jr. of this Court. However, DEFENDANT's trial was postponed as a result of his Motion. A Motion for Reconsideration was filed by DEFENDANT on or about June 12, 2025. A hearing was scheduled for July 16, 2025 before the undersigned.

On July 16, 2025, we entered into an extensive discussion with counsel regarding the procedural legitimacy of DEFENDANT's Motion for Writ of Habeas Corpus. We identified two primary issues that needed to be addressed:

- (1) Whether DEFENDANT was "in custody" so as to enable him to file a Motion for Writ of Habeas Corpus?; and
- (2) Whether DEFENDANT's Motion for Writ of Habeas Corpus was timely when its filing would result in a delay of trial?

We established an expedited briefing schedule on both of the above issues. Those briefs were received by July 23, 2025. We issue today's Opinion in order to address the question of whether we should entertain DEFENDANT's Motion for Writ of Habeas Corpus.

II. DISCUSSION

In the case of *Commonwealth v. Hess*, supra, Pennsylvania's Supreme Court discussed the history of the Writ of Habeas Corpus. The Court stated:

"The great writ of habeas corpus ad subjiciendum was designed to test the legality of the restraints upon an

accused's liberty. The Habeas Corpus Act of 1785² is entitled "(a)n Act for the better securing personal liberty, and preventing wrongful imprisonments." Its preamble states that "personal liberty is a principal blessing derived from free constitutions of government, and certain methods of proceeding should be prescribed, so that all wrongful restraints thereof may be easily and speedily redressed." **1046 The right to the protections afforded by this writ have long been part of our Commonwealth's history. Our state constitution has provided that "the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it." Pa.Const., art. 1, s 14. Blackstone said of this remedy: "The great and efficacious writ, in all manner of illegal confinement, is that of habeas corpus ad subjiciendum ; directed to the person detaining another, and commanding him to produce the body of the prisoner, with the day and cause of his caption and detention." 3 W. Blackstone, Commentaries *131. In discussing the federal constitution's habeas corpus provision, see U.S.Const., Art. 1, s 9, the Supreme Court has stated: We do well to bear in mind the extraordinary prestige of the Great Writ, habeas corpus ad subjiciendum, in *586 Anglo-American jurisprudence * * * Received into our own law in the colonial period, given explicit recognition in the Federal Constitution, Art. I, s 9, cl. 2, incorporated in the first grant of federal court jurisdiction, Act of September 24, 1789, * * * habeas corpus was early confirmed by Chief Justice John Marshall to be a "great constitutional privilege." * * * Although in form the Great Writ is simply a mode of procedure, its history is inextricably intertwined with the growth of fundamental rights of personal liberty. For its function has been to provide a prompt and efficacious remedy for whatever society deems to be intolerable restraints. Its root principle is that in a civilized society, government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release. * *

* History refutes the notion that until recently the writ was available only in a very narrow class of lawless imprisonments. For example, it is not true that at common law habeas corpus was exclusively designed as a remedy for executive detentions; it was early used by the great common-law courts to effect the release of persons

detained by order of inferior courts. * * * Nor is it true that at common law habeas corpus was available only to inquire into jurisdiction, in a narrow sense, of the committing court."

Id at pages 1045-1046, citing in part **Fay v. Noia**, 372 U.S. 391, 401-02, 83 S.Ct. 822, 827-830, 9 L.Ed.2d 837 (1963).

Pennsylvania's General Assembly has codified the Writ of Habeas Corpus. Section 6503 of Pennsylvania's Judiciary Code indicates that "any person restrained of his liberty" possess a right to request a Writ of Habeas Corpus. See, 42 Pa.C.S.A. §6503. DEFENDANT argues that any type of bail acts as a "restraint" on his liberty. The Commonwealth disagrees.

For most of the history of Pennsylvania jurisprudence, individuals who were free on bail were not permitted to file a Motion for Writ of Habeas Corpus. In **Commonwealth ex rel Maisels v. Baldi**, 92 A.2d 257 (Pa. Super. 1952), Pennsylvania's Superior Court succinctly stated: "It is well settled that a person out on bail is not so restrained of his liberty as to be entitled to a Writ of Habeas Corpus." *Id* at page 258. In a case emanating from Lebanon County, this principle was affirmed in 1984. In **Commonwealth v. Smith**, 486 A.2d 445 (Pa. Super. 1984), the Superior Court stated:

"By its very nature, a Petition for a Writ of Habeas Corpus is appropriate only where the relator is in custody. Where a relator has been released on bail and is no longer in the custody of the Superintendent of the County Prison, a Habeas Corpus proceeding against the Superintendent is moot..."

Id at page 641.

The simple but clear pronouncements outlined above were loosened in the case of ***Commonwealth ex rel Paulinski v. Isaac***, 397 A.2d 760 (Pa. 1979). In that case, the Defendant was released on bail. However, conditions of bail were imposed that prevented the Defendant from leaving the City of Pittsburgh. Another bail condition required the Defendant to report periodically to either the Court or the bail bond agency. Citing a United States Supreme Court Opinion in ***Jones v. Cunningham***, 371 U.S. 236 (1963), Pennsylvania's Supreme Court concluded that the Defendant was "in custody" because he was subject to restraints on his liberty that were "not shared by the public generally." *Id* at page 763.

Citing ***Paulinski***, Pennsylvania's Superior Court has proclaimed that bail conditions imposed upon an accused "are sufficient to satisfy the custody requirement of a Habeas Corpus Petition." ***Commonwealth v. Morman***, 541 A.2d 356 (Pa. Super. 1988). However, the Court in ***Morman*** did not overrule either ***Commonwealth v. Smith***, *supra* or ***Maisels***, *supra*.

From the above, we conclude that a person free on bail is entitled to request a Writ of Habeas Corpus only if bail conditions are imposed that affect his liberty in a manner "not shared by the public generally." Here, DEFENDANT is free on bail without any conditions attached to that bail. At the hearing on July 16, 2025, DEFENDANT's counsel suggested that a bail prohibition against committing additional crimes is sufficient to classify DEFENDANT as being "in custody." We disagree. *Every citizen* is prohibited from committing a crime; the bail condition therefore does not impose any

consequences upon DEFENDANT's liberty that are not imposed against other members of the general public.¹

We conclude that DEFENDANT was not "in custody" so as to enable him to avail himself of a Motion for Writ of Habeas Corpus. We find that the principles articulated in *Commonwealth v. Smith*, supra and *Commonwealth ex rel Maisels v. Baldi*, supra are applicable. We also conclude that the cases of *Commonwealth ex rel Paulinski v. Isaac*, supra and *Commonwealth v. Morman*, supra are distinguishable.

Even if DEFENDANT is somehow deemed to be "in custody", he cannot procure a delay of trial by filing a tardy Motion for Writ of Habeas Corpus. Based upon what the parties communicated on July 16, 2025, it appears as though DEFENDANT's counsel attempted for months to negotiate a favorable plea agreement. When it became obvious that no plea agreement would be offered that was suitable to DEFENDANT, he then filed a Motion for Writ of Habeas Corpus seeking to force the Commonwealth to present testimony and evidence from its witnesses. In addition, DEFENDANT admitted at the July 16, 2025 proceeding that the timing of his Motion for Writ of Habeas Corpus would result in a delay of trial.

Under Pennsylvania's Rules of Criminal Procedure, all pre-trial motions for relief, including motions to "quash or dismiss an Information", must be filed within thirty (30) days following arraignment. See, Pa.R.Crim.P. 578 and Pa.R.Crim.P. 579. Our Appellate Courts have

¹ Although the issue is not before us, we would likewise not consider a "no contact with the victim" provision to rise to the level of creating "custody" as defined in the above cases.

recognized that a Motion to Quash is the functional equivalent of a Motion for Writ of Habeas Corpus. See, *Commonwealth v. Dantzler*, 135 A.3d 1109 (Pa. Super. 2016). A fortiori, motions for Writ of Habeas Corpus should be filed within thirty (30) days following arraignment.²

In this case, DEFENDANT was formally arraigned on October 17, 2024. He did not file a Motion for Writ of Habeas Corpus until May 28, 2025. At the time DEFENDANT filed his request for Habeas Corpus, trial was scheduled for June 16, 2025. Trial was continued because of the Motion for Writ of Habeas Corpus until the August 2025 Term of Court. In the meantime, the Honorable Charles T. Jones, Jr. of this Court denied DEFENDANT's Habeas Corpus Petition via a Court Order dated May 27, 2025.³ Thereafter, on June 17, 2025, DEFENDANT filed a Motion for Reconsideration. A hearing was scheduled for July 16, 2025. At that hearing everyone acknowledged that affording DEFENDANT with a hearing on his Motion for Writ of Habeas Corpus would of necessity delay the trial that is currently scheduled for the August 2025 Term of Court.

As stated at the outset, a Writ of Habeas Corpus cannot be employed as a tactic to delay trial. DEFENDANT had ample time during 2024 to seek a Habeas Corpus hearing. He chose not to do so, instead relying upon the

² The comment to Rule 578 specifically excludes Motions in Limine from its purview. The comment states: "Given the potential complexity when the admissibility of such evidence is challenged, such challenges should be raised in advance of trial as part of the Omnibus Pre-Trial Motion if possible. However, nothing in this Rule precludes such challenges from being raised in a Motion in Limine when circumstances necessitate it." Significantly, Motions for Writ of Habeas Corpus are not similarly excluded from the Pennsylvania Rules of Criminal Procedure governing pre-trial motion practice.

³ The DEFENDANT's Motion was time-stamped as being filed on May 28, 2025. Judge Jones' Court Order was time-stamped May 29, 2025. We suspect that the date handwritten into the Order of Court of May 27, 2025 was mistaken; the date should have been May 29, 2025.

hope that he could obtain a favorable plea agreement. The hope that a plea agreement was forthcoming does not afford a defendant with a mulligan that would enable him to file pre-trial motions in a tardy fashion.

If the above was not enough, we are also compelled to respect the parties' stipulation entered into at the time of the Preliminary Hearing. At that time, the parties *agreed* that all facts set forth in the Affidavit of Probable Cause were accurate and that those facts justified a decision to bind the case over for trial. "A stipulation is a declaration that the fact agreed upon is proven and a valid stipulation must be enforced according to its terms." ***Commonwealth v. Mathis***, 463 A.2d 1167, 1171 (Pa. Super. 1983). In a case very similar to the one at bar, the Pennsylvania Superior Court determined that a Defendant's Stipulation of Facts in lieu of an actual Preliminary Hearing precluded the filing of a subsequent Motion for Writ of Habeas Corpus seeking to challenge the existence of a prima facie case that had effectively been stipulated to previously. See, ***Commonwealth v. Bodanza***, 2019 WL5063372 (Pa. Super. 2019).⁴

As we stated at the outset of this Opinion, this is not the type of situation for which Writs of Habeas Corpus were designed. DEFENDANT in this case was not "in custody" so as to trigger entitlement to Habeas Corpus relief. His stipulation of facts at the time of the Preliminary Hearing precludes Habeas Corpus relief. In addition, never has Habeas Corpus been recognized as a methodology to obtain a continuance of trial;

⁴ *Bodanza* is a non-binding decision. We cite it not as definitive precedent but as persuasive authority.

DEFENDANT is scheduled for trial during the August 2025 Term of Criminal Court. We will not allow him to avoid trial via a tardy request for Writ of Habeas Corpus filed at a time when he is free and living in the community. An Order to deny DEFENDANT's request for Habeas Corpus will be entered today's date.