

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

**COMMONWEALTH OF PENNSYLVANIA** :  
 : **CP-41-CR-084-2024**  
v. :  
 :  
**BLAYZE PATRICK ANTHONY KLINE,** : **OMNIBUS PRETRIAL MOTION**  
**Defendant** :

**OPINION AND ORDER**

Blayze Kline (Defendant) was first charged on October 27, 2023 with two counts of Recklessly Endangering Another Person<sup>1</sup>. The charges arise from an incident which occurred on October 16, 2023 with the Defendant allegedly threatening to crash the vehicle with two passengers in it in the City of Williamsport, Lycoming County. Defendant filed an Omnibus Pretrial Motion on February 16, 2024. Hearing on the motion was scheduled for May 14, 2024 but the parties agreed to submit the decision to the Court on the transcript of the preliminary hearing.<sup>2</sup>

At the preliminary hearing<sup>3</sup> on January 9, 2024 the Commonwealth presented one witness Jillian Shaffer. She testified that the Defendant is the father of her son. N.T. Preliminary Hearing 01/09/2024 at 2. She testified that on October 16, 2023 they were scheduled to transfer custody of their son, but Defendant ran out of gas and she needed to go with him to pay for more. *Id.* She didn't want to go with him, but thought if she did then Defendant would not have to take their son in with him. *Id.* As they were heading over the Maynard Street bridge, Defendant asked to see her phone. *Id.* at 3. When she refused to give it

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<sup>1</sup> 18 Pa. C.S.A. § 2705.

<sup>2</sup> A motion to reserve the right to file any additional motions since Defense alleges that as of the time of filing of the motion discovery was still ongoing was also included but no requests have been made as of this date.

<sup>3</sup> The preliminary hearing was held with the Defendant or Defense Counsel present. There does not appear from the docket transcript that Defendant or Defense Counsel was given notice of the rescheduled preliminary hearing.

to him he began to get angry with her. *Id.* He told her that if she didn't give him her phone he was going to crash the car. *Id.* She said that as they were coming over the Maynard Street bridge and onto Rt 15, he was travelling over the speed limit and swerving in and out of traffic. *Id.* As they took the Lycoming Creek road exit he continued to repeat that he was going to crash the car and saw a white van on the side of the road and said that it looked like a good car to crash into. *Id.* She described that he lined the vehicle up with the car on the berm which would have been the side of the car that she and her 2-year-old son were sitting. *Id.* As they travelled back into the city when they stopped at a stop sign at Park Avenue she got out of the car so she could go get some help. *Id.*

**Did the Commonwealth present prima facie evidence of Recklessly Endangering another Person**

Defendant is charged with one count of Recklessly Endangering another Person in violation of 18 Pa. C.S.A. Section 2705, which states that a person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.

The term "recklessly" is defined under 18 Pa. C.S. § 302(b)(3) as follows:

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.

This definition suggests that recklessness requires a higher level of culpability than negligence but less than intent. The key factors are the conscious disregard of a known risk and the gross deviation from a reasonable standard of care. In order to establish a gross deviation from the standard of care, the defendant must have a conscious realization of a substantial risk

which was subsequently disregarded. *Commonwealth v. Gilliland*, 281 Pa. Super. 354, 357, 422 A.2d 206, 207 (1980).

Pennsylvania courts have consistently required the prosecution to demonstrate that the defendant's conduct created a risk of serious harm that was substantial and unjustifiable, not just a minor or theoretical risk. *In re Maloney*, 431 Pa. Super. 321, 328, 636 A.2d 671, 674 (1994). “[I]n order to make out a prima facie case for recklessly endangering another person, the Commonwealth need only establish that the defendant's conduct placed or may have placed another in danger of serious bodily injury or death.” *Commonwealth v. Cordoba*, 902 A.2d 1280, 1288–1289 (Pa. Super.2006). To establish the charge of recklessly endangering another person, the risk must be of death or serious bodily injury. Pennsylvania law defines "serious bodily injury" as injury that creates a substantial risk of death, permanent disfigurement, or prolonged impairment of bodily functions.

Here, Defendant was operating a motor vehicle and weaving in and out of traffic on the Maynard Street bridge. While there is no testimony about the presence of other vehicles on the bridge, they were travelling in a vehicle over a large body of water. Defendant knew that his actions were risky by the comments that he was making to the victim; he is not required to actually cause harm. His young child was also in the vehicle, who would have had no way to protect himself if Defendant would have collided with a car or worse, travelled off of the bridge.

### **Conclusion**

While there appears to be enough evidence presented by the Commonwealth to establish *prima facie*, the Court is concerned about the lack of due process provided to Defendant. There is no evidence that either Defendant or his attorney were given notice of the

rescheduled hearing. This decision of the Court is made is without prejudice to Defendant to request an additional preliminary hearing, one to which he is given notice and has the opportunity to question the Commonwealth's witnesses.

**ORDER**

**AND NOW**, this 15<sup>th</sup> day of October, 2024, based upon the foregoing Opinion, Defendant's Omnibus Pretrial Motion in the nature of a Habeas Corpus motion is hereby DENIED. Defense Counsel has seven (7) days to file a request with the Court for a preliminary hearing where Defendant and counsel may be present and have the opportunity to question the Commonwealth's witnesses.

By the Court,

Nancy L. Butts, President Judge

cc: DA(LS)  
Robert A. Hoffa, Esq.  
Jerri Rook