



**Superior Court of Pennsylvania
Middle District - Daily Judgment List
For 08/27/2024**

August 27, 2024 - Judgments entered and Opinions filed in the following cases:

FILED: UNPUBLISHED DECISION(S)

Com. v. Crespo, C. 1322 MDA 2023

Author: Dubow, J.

Disposition: Affirmed J-A15015-24

Com. v. Michaels, K. 7 MDM 2024

Author: Per Curiam

Disposition: Miscellaneous Docket Order Entered J-M04001-24



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Comments: Petitioner, Kenneth Richard Michaels, filed a "Petition for Specialized Review Pursuant to Rule 1610 of the Pennsylvania Rules of Appellate Procedure" ("Petition"), seeking review of the February 13, 2024 order of the Court of Common Pleas of Lycoming County, which denied Michaels bail. Upon review, we affirm on the basis of the well-reasoned opinion authored by the Honorable Ryan M. Tira.¹

Michaels was charged with criminal homicide and possession of a weapon stemming from the killing of his brother-in-law and former business partner, John Roskowski, at the business premises on August 17, 2023.²

A bail hearing was held on November 8, 2023, and concluded on November 14, 2023, at which the Commonwealth presented the testimony of Detective Justin Segura, Dr. Edward Mazuchowski, Detective Jordan Mahosky, Torey Vansickle, and Samantha Edwards. The Commonwealth additionally introduced two video interviews of Michaels, a pathologist report, an autopsy picture, a photo of the gun, a photo of a wallet, and body camera footage from the day in question. Captain Chris Kriner testified on Michaels' behalf. At the conclusion of the bail hearing, the trial court took the matter under advisement and subsequently issued an order and opinion on February 13, 2024, denying Michaels' petition for bail.

Michaels filed the instant Petition in this Court on March 8, 2024. The Commonwealth filed a response on March 28, 2024.

Michaels raises two issues for our review: 1) whether the trial court abused its discretion in denying bail, and 2) whether Article I, Section 14 of the Pennsylvania Constitution is unconstitutional on its face and/or as applied to Michaels.

This Court reviews an order denying bail for an abuse of discretion. See *Commonwealth v. Bishop*, 829 A.2d 1170, 1172 (Pa. Super. 2003).

Moreover, this Court's scope of review from the denial of bail is limited to the record evidence adduced at the bail hearing and the findings of the lower court, reviewed in the light most favorable to the prevailing party. See *Commonwealth v. Talley*, 265 A.3d 485, 527 (Pa. 2021). This Court will affirm the trial court's denial of bail "if [the court's] factual findings are supported by competent evidence of record, and [its] legal conclusions drawn therefrom are correct." *Id.*

After reviewing the petition, the Commonwealth's response, and the applicable standard of review, we find the trial court did not abuse its discretion in denying Michaels' request for bail and affirm on the basis of the trial court's thorough and well-reasoned opinion.³ See Trial Ct. Op., filed 2/13/24, at 3-18 (concluding: (1) Commonwealth established it was more likely than not that Michaels committed first-degree murder and would be subject to life imprisonment; (2) Commonwealth presented comprehensive evidence establishing that Michaels shot and killed an unarmed person; and (3) Commonwealth presented sufficient evidence to refute Michaels' claims of self-def

