NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

COMMONWEALTH OF PENNSYLVANIA	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
v.	:	
JOSEPH GLENN HARDIN	:	
Appellant	:	No. 1431 WDA 2025

Appeal from the Judgment of Sentence Entered November 3, 2025
In the Court of Common Pleas of Fayette County Criminal Division at
No(s): CP-26-CR-0000464-2024

BEFORE: STABILE, J., LANE, J., and BENDER, P.J.E.

MEMORANDUM BY LANE, J.: **November 10, 2026**

Joseph Glenn Hardin ("Hardin") appeals from the judgment of sentence imposed following his convictions for indecent assault of a person less than sixteen years of age, and corruption of minors, and harassment.[1] We affirm.

We summarize the relevant factual and procedural history of this matter as follows. In May 2023, A.H. ("the victim") disclosed to her therapist that Hardin raped her in the summer of 2022 when she was thirteen years old. The victim then reported the incident to police. During the ensuing police investigation, Hardin, without counsel present, voluntarily submitted to a polygraph examination in August 2023 at the Pennsylvania State Police Barracks. This examination, which consisted of a pre-test interview, a polygraph examination, and a post-test interview, was audio and video recorded. Before the examination began, Hardin informed Pennsylvania State

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[1] ***See*** 18 Pa.C.S.A. §§ 3126(a)(8), 6301(a)(1), 2709.

Trooper Brett Stivason ("Trooper Stivason") that he could not read. The trooper read the consent form aloud to Hardin, ensured he understood all warnings contained therein before initialing and signing the form, and repeatedly informed Hardin that his participation was "completely voluntary" and that he could "leave at any time." N.T., 1/28/25, at 11. During the examination, Hardin stated that the victim touched his penis over his clothing, and he admitted to touching the victim's vagina over her clothing. He conceded that his penis may have become erect, but denied that it came into contact with the victim's vagina. Subsequently, at the 12:55 p.m. time mark, Hardin stated he was "thinking about the attorney option." ***Id***. at 8. Trooper Stivason testified that he asked for clarification as to whether Hardin wanted counsel, but Hardin "continued on and he reiterated that it was just touching overtop of the clothing." ***Id***. at 20. When Hardin indicated he "wanted to be done" because he felt "very nervous," Trooper Stivason ended the interview. ***Id***. at 8, 24.

The Commonwealth charged Hardin with rape, statutory sexual assault, indecent deviate sexual intercourse ("IDSI"), aggravated indecent assault, corruption of minors, indecent exposure, indecent assault of a person less than sixteen years of age, and harassment. Subsequently, Hardin filed a motion to suppress "all statements made . . . in the pre-polygraph interview, the polygraph examination, and post-polygraph interview. . . ." Hardin's Omnibus Pre Trial Motion, 11/20/24, at unnumbered 3. The trial court conducted a suppression hearing in January 2025. After taking the matter

under advisement, the suppression court denied, in part, and granted, in part, the motion. Specifically, the court denied Hardin's motion to suppress statements made during the pre-test interview, polygraph examination, and part of the post-test interview up to the 12:55 p.m. time mark in the video recording. The court granted the motion with respect to all statements made after the 12:55 p.m. time mark, when Hardin told the trooper, "I'm thinking about picking the lawyer option," finding that Hardin had invoked his Fifth Amendment right to counsel. Order, 6/3/25; ***see also*** Suppression Court Opinion, 6/3/25, at 6.

The matter proceeded to a jury trial in July 2025. The Commonwealth presented several witnesses, including the victim, her mother ("Mother") and grandmother ("Grandmother"), and two Pennsylvania State Troopers who investigated the case. The victim testified that in June 2022, when she was thirteen years old, she was spending the day at Grandmother's house with her younger brother and his friend. The victim's stepfather and two other men, including Hardin, were working in Grandmother's pull-barn organizing lawn equipment. After lunch, the victim, Hardin, and the boys walked into the woods behind Grandmother's home. The boys complained they were still hungry, so the victim and Hardin walked them back to the house, and then returned to the woods together.

As they walked along the railroad tracks, Hardin began to compliment the victim's appearance. Suddenly, Hardin pushed her down from behind, causing her to land face first onto the ground. He then pulled down her pants

and underwear to her ankles, got on top of her, and spread her legs apart "[f]rom the back of [her] thighs." N.T., 7/8/25, at 101-03, 127. She testified that he raped her vaginally from behind, holding down her shoulders with his hands, and that "his pelvic area [was] bouncing off of [her] butt." ***Id.*** at 103. The victim stated that she was "crying," and when she tried to yell, "nothing [came] out." ***Id***. She did not try to resist or fight, explaining: "I was froze. Like my body froze up. I couldn't move." ***Id***. at 102. Afterwards, the victim pulled up her pants and walked out of the woods with Hardin. Instead of returning to Grandmother's house, the victim walked to her neighboring home, where she showered and washed her clothes. She testified that she knew Hardin ejaculated because she "could feel it" and when she changed clothes, she observed that "his ejaculant [*sic*] was inside of [her] pants and underwear." ***Id***. at 103-04, 106. The victim did not disclose the incident until the following year during a session with her therapist, because she was afraid that if her stepfather found out, he would attack Hardin and get into trouble. ***See id***. at 129-30.

Grandmother testified that she was standing next to her walk-out basement door when she observed the victim, Hardin, and the two boys walk into the woods together. ***See*** N.T., 7/8/25, at 55. They returned as a group, but then she saw the victim and Hardin go back into the woods. Grandmother shouted, "[W]here you goin[g]?" but neither the victim nor Hardin replied. ***Id***. at 58. She observed them emerge from the woods together approximately fifteen to thirty minutes later, but they did not return to her house and instead

walked "sideways, up to the, like towards neighbors." ***Id***. at 59. Grandmother did not see the victim again that day.

Mother testified that she learned about the rape allegation from her daughter's therapist, whom the victim was seeing for depression, anxiety, and self-harming behavior that began sometime in 2022 or 2023. ***See id***. at 72, 76-77, 83. That same day, Mother drove the victim to the police barracks to make a report.

Pennsylvania State Trooper Grant N. Rukat ("Trooper Rukat") testified that he separately interviewed the victim and Mother after they arrived at the police barracks to report a rape. On cross-examination, defense counsel asked Trooper Rukat whether he was aware of the victim's history of depression and attention deficit hyperactivity disorder, self-harm, bullying, and disciplinary action at school. ***See*** N.T., 7/9/25, at 162, 165-67. Defense counsel also played a video excerpt from Trooper Rukat's interview with Mother, where she told the trooper about the victim's behavior issues at school. ***See id***. at 168. Trooper Rukat confirmed that he learned about the victim's mental health and behavioral history from his interviews with the victim, Mother, and Hardin. ***See id***. at 162, 166-68. Defense counsel then pointed out that the victim was disciplined at school and disclosed the rape allegation on the same day. ***See id***. at 169. On redirect examination, the Commonwealth asked Trooper Rukat: "Was there any concern about her troubles at school causing her to fabricate this that you followed up on in your questioning?" ***Id***. at 172. The trooper responded:

> Okay. So in any case you, I always ask the question[,] "Is there a possibility that there is something else going on? Because I want to get out in front of something to determine that. That's my job, to find the truth right? So I did follow up with [Mother] and asked her obviously about school; concerns and different things going on in her life, to make sure that you know, other factors, obviously the glass can only get so full in our live[s] and it spills over. Was there other stuff going on in her life, or anything that would concern you for her fabricating anything? And she said no. And I felt—"

Id. Defense counsel objected, arguing that he did not "believe [the trooper's] opinion on how if she is truthful or not truthful is admissible." ***Id***. The Commonwealth withdrew the question, and the trial court instructed the jury "to disregard the question, it has been withdrawn an[d] as I told you in the preliminary instructions, it is the answer that you should be concerned with and not the question." ***Id***. at 173.

Finally, the Commonwealth presented Trooper Stivason, who testified regarding the voluntary interview[2] with Hardin in August 2023, as previously detailed. The Commonwealth played excerpts from the video recording of the trooper's interview with Hardin. Trooper Stivasin explained that Hardin denied raping the victim, but he claimed that the victim touched "his penis . . . over

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[2] The jury was not informed that Hardin submitted to a polygraph examination; instead, Trooper Stivason described the encounter as a voluntary interview. ***See*** N.T., 7/9/25, at 178; ***see also Commonwealth v. Hetzel***, 822 A.2d 747, 767 (Pa. 2003) (holding that "our courts uniformly have been reluctant to permit any reference to a polygraph examination to be made before the finder of fact. The current rule is that any reference to a polygraph test which raises an inference concerning the guilt or innocence of a defendant is inadmissible").

his clothing in a manner of cupping his genitals," that his penis "may [have] become hard, but his penis did not come out," and that he, in turn, touched the victim's "vagina over top of her clothing." ***Id***. at 183.

At the conclusion of the Commonwealth's case, the trial court granted Hardin's motion for judgment of acquittal on IDSI and indecent exposure. ***See id***. at 185-86. Hardin did not testify on his own behalf or present any witnesses. The trial court denied Hardin's motion to instruct the jury to disregard the entirety of Trooper Stivason's testimony on the basis of *corpus delecti*. ***See id***. at 194-95. Instead, the trial court read the following instruction to the jury regarding the principle of *corpus delecti*:

> In regard to this case, you heard testimony, you heard a video and testimony regarding a statement given by [Hardin] to Trooper Stivason. I am specifically instructing you that based upon a part of the law known as *corpus delecti*, a defendant may not be convicted on his admission alone without other evidence proving that . . . admission, supporting that admission. If you do not find beyond a reasonable doubt that there is other evidence that supports the admission that there was touching by [Hardin] of the genitalia of [the victim] you cannot find the defendant guilty of indecent assault. Now all the other evidence that was presented regarding the alleged rape can be used to determine that. But if you do not find that there is other evidence to support his admission that he touched the vagina of [the victim] beyond a reasonable doubt, your verdict should be not guilty. However, if you do find that there was other evidence that would support that, your verdict beyond a reasonable doubt[,] your verdict should be guilty.

N.T., 7/9/25, at 220. Subsequently, the trial court again instructed the jury as to how to consider Hardin's admission:

> Members of the jury, I will again, it is a confusing and difficult subject. But when I talked about *corpus delecti*, in regard

> to the indecent assault charge, as said, the law does not permit using a defendant's admission alone without other supporting evidence to support a conviction. In this case, the alleged admission came from the statement given to Trooper Stivason, . . . where [Hardin] admitted to touching the vaginal area of [the victim]. Unless you find other evidence to support that admission, it would not be admissible and should not be considered by you or used as a reason to find [Hardin] guilty. However, there was other evidence about indecent touching that occurred that can be used, regardless of whether or not there was an admission or not an admission.
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> This is a special instruction in regard to the admission alone. And that was the admission that there was touching by [Hardin] of the vaginal area of [the victim]. In order for you to use that as a reason to find [Hardin] guilty, you must find that there was other supporting evidence offered to support that admission. And it is you and you alone who decide what the facts are. And you listened over the past day and a half, if there is any supporting evidence to that.
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> However, you are not precluded from using the evidence of the touching during the alleged rape as a basis if you find beyond a reasonable doubt that that occurred and the other evidence happened. The other evidence supports a finding that the elements have been met, you can use that as a reason to find [Hardin] guilty. If you do not find that, then you find [Hardin] not guilty. That special instruction only applies to that admission by [Hardin]. And should you need that reexplained to you, simply send a note out, and I will explain it to you again.

Id. at 222-23 (paragraph breaks added and unnecessary capitalization omitted).

The jury found Hardin guilty of indecent assault of a person less than sixteen years of age and corruption of minors.[3] On October 15, 2025, the trial

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[3] The trial court separately found Hardin guilty of harassment, graded as a summary offense.

court imposed an aggregate sentence of twenty-six to fifty-two years' imprisonment. Hardin did not file any post-sentence motions. He filed a timely notice of appeal, and both he and the trial court complied with Pa.R.A.P. 1925.

Hardin raises the following issues for our review:

> 1. Whether the Commonwealth failed to present sufficient evidence to prove beyond a reasonable doubt that [Hardin] was guilty of indecent assault [of a] person less than [sixteen] years of age and corruption of minors?
>
> 2. Whether the suppression court committed reversible error by failing to suppress the entirety of [Hardin's] statements made in a post-polygraph interrogation in violation of ***Miranda v. Arizona***, 384 U.S. 436 (1966)[?]
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> 3. Whether the Commonwealth failed to establish beyond a reasonable doubt the *corpus delecti* of the crimes of indecent assault [of a person less than sixteen years of age] and corruption of minors?
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> 4. Whether the trial court erred in permitting Trooper Rukat to testify regarding his personal opinion that the juvenile victim . . . was truthful when questioned by police?

Hardin's Brief at 4 (issues reordered for ease of review).

In his first issue, Hardin argues that the evidence was insufficient for the jury to find him guilty of indecent assault of a person less than sixteen years of age and corruption of minors. Our standard of review for challenges to the sufficiency of the evidence is well-settled:

> The standard we apply in reviewing the sufficiency of the evidence is whether viewing all the evidence admitted at trial in the light most favorable to the verdict winner, there is sufficient evidence to enable the fact-finder to find every element of the crime beyond a reasonable doubt. In applying the above test, we

> may not weigh the evidence and substitute our judgment for the fact-finder. In addition, we note that the facts and circumstances established by the Commonwealth need not preclude every possibility of innocence. Any doubts regarding a defendant's guilt may be resolved by the fact-finder unless the evidence is so weak and inconclusive that as a matter of law no probability of fact may be drawn from the combined circumstances.
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> The Commonwealth may sustain its burden of proof o[f] proving every element of the crime beyond a reasonable doubt by means of wholly circumstantial evidence. Moreover, in applying the above test, the entire record must be evaluated and all the evidence actually received must be considered. Finally, the trier-of-fact while passing upon the credibility of witnesses and the weight of the evidence produced, is free to believe all, part or none of the evidence.

Commonwealth v. Widger, 237 A.3d 1151, 1156 (Pa. Super. 2020) (citation omitted and paragraph breaks added). "[T]he uncorroborated testimony of the complaining witness is sufficient to convict a defendant of sexual offenses." ***Commonwealth v. Cramer***, 195 A.3d 594, 602 (Pa. Super. 2018) (citation omitted).

The Crimes Code[4] defines indecent assault of a person less than sixteen years of age as follows:

> (a) 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:
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> (8) the complainant is less than [sixteen] years of age and the person is four or more years older than

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[4] ***See*** 18 Pa.C.S.A. §§ 101-9546.

> the complainant and the complainant and the person are not married to each other.

18 Pa.C.S.A. § 3126(a)(8). "Indecent contact" is defined as "[a]ny touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person." 18 Pa.C.S.A. § 3101. The phrase "sexual or other intimate parts" "is not limited to only sexual body parts" but also includes any part of the body "that is personal and private, and which the person ordinarily allows to be touched only by people with whom the person has a close personal relationship, and one which is commonly associated with sexual relations or intimacy." ***Commonwealth v. Gamby***, 283 A.3d 298, 313-14 (Pa. 2022). "[T]he Commonwealth does not need to establish 'skin to skin' contact in order to sustain a conviction for indecent assault," nor does it need to prove physical injury. ***Commonwealth v. Provenzano***, 50 A.3d 148, 153 (Pa. Super. 2012) (citation omitted). We further note that "[t]he separate crime of indecent assault was established because of a concern for the outrage, disgust, and shame engendered in the victim" as a result of involuntary touching; therefore, those feelings on the part of the victim are "a relevant consideration in determining whether an indecent assault . . . occurred." ***Id***.

Corruption of minors is defined, in relevant part, as:

> Whoever, being of the age of [eighteen] 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 [eighteen] 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.

18 Pa.C.S.A. § 6301(a)(ii). This Court has explained:

> The statute requires that the knowing, intentional acts of the perpetrator tend to have the effect of corrupting the morals of a minor. . . . [A]ctions that tend[] to corrupt the morals of a minor [are] those that would offend the common sense of the community and the sense of decency, propriety and morality which most people entertain.

Commonwealth v. Slocum, 86 A.3d 272, 277 (Pa. Super. 2014) (citation and quotation marks omitted).

We further note:

> It is a long-standing and well-established principle of our Commonwealth that consistency in a verdict is not required. [I]nconsistent verdicts are generally not reviewable because such an individualized assessment of the reason for the inconsistency either would be based on pure speculation, or would require inquiries into the jury's deliberations that courts generally will not undertake. A criminal defendant already is afforded the protection against jury irrationality or error by the independent review of the sufficiency of the evidence undertaken by the trial and appellate courts. Whether the jury's verdict was the result of mistake, compromise, lenity, or any other factor is not a question for appellate courts to review.

Widger, 237 A.3d at 1160-61 (citations, brackets and quotation marks omitted).

Hardin argues that the jury's finding of not guilty on rape and sexual assault charges "unambiguously demonstrates that the jury rejected [the victim's] assertions that [Hardin] raped her on the railroad tracks." Hardin's Brief at 26-27. He avers that the victim testified that Hardin's hands only touched her shoulders when holding her down during the rape, therefore his

touching was "not in a sexual manner." ***Id***. at 27. Hardin contends that the trial court instructed the jury not to base their verdict solely on Hardin's admissions that he touched the victim's genitals but "that there is no independent evidence, beyond . . . Hardin's own statements, to sustain the [i]ndecent [a]ssault and corruption of minors charges." ***Id***.

The trial court considered Hardin's first issue and found it meritless, reasoning:

> In the case at hand, the Commonwealth needed to present sufficient evidence to demonstrate that [Hardin] committed the crimes charged. The Commonwealth is not required to preclude every possibility of innocence or establish [Hardin's] guilt to a reasonable degree of certainty. . . . The [v]ictim . . . testified that when she and [Hardin] reached an area near a set of railroad tracks, that [Hardin] pushed her to the ground and pulled her jeans and her underclothes down to her ankles and penetrated her vagina with his penis while she was laying on her stomach on the ground. . . . Based on the testimony of the victim, a reasonable trier of fact could have concluded that [Hardin] is guilty of the named offense(s).

Trial Court Opinion, 1/22/26, at 5.

After careful review, we conclude that the evidence was sufficient to support the jury's finding of guilt for indecent assault of a person less than sixteen years of age and corruption of minors. The record shows the victim testified that Hardin suddenly pushed her from behind, causing her to land face first on the ground, pulled down her pants and underwear to her ankles, got on top of her, spread her legs apart from the back of her thighs, held her down by the shoulders, and vaginally penetrated her from behind as his pelvic area bounced off her bottom. She further testified that she felt him ejaculate.

When she got home, she observed semen in her pants and underwear. We conclude this testimony is sufficient to prove indecent assault since Hardin engaged in "indecent contact" with a personal and private part of the victim's body and "intentionally caus[ed the victim] to come into contact with seminal fluid" . . . for the purpose of arousing sexual desire." 18 Pa.C.S.A. § 3126(a). We further determine that this testimony was sufficient for the jury to find Hardin guilty of corruption of minors, as Hardin's actions were of the type that "would offend the common sense of the community and the sense of decency, propriety and morality which most people entertain." ***Slocum***, 86 A.3d at 277.

We reject Hardin's assertion that the jury's finding of not guilty with respect to rape and the other more serious sexual offenses "unambiguously demonstrates that the jury rejected [the victim's] assertions that [Hardin] raped her on the railroad tracks." Hardin's Brief at 26-27. As stated above, the jury was "free to believe all, part or none of the evidence," and "the uncorroborated testimony of the complaining witness is sufficient to convict a defendant of sexual offenses." ***Widger***, 237 A.3d at 1156; ***see also Cramer***, 195 A.3d at 602. Although the jury chose not to convict Hardin of rape, this does not mean that the jury did not believe the victim's testimony. ***See Widger***, 237 A.3d at 1160 (holding "[w]hether the jury's verdict was the result of mistake, compromise, lenity, or any other factor is not a question for

appellate courts to review"). We cannot, and will not, speculate how the jury reached its verdict as that is not within our purview. ***See id***.

We also reject Hardin's contention that putting "his hands on [the victim's] shoulders" in this context was insufficient to prove indecent assault. Hardin's Brief at 27. Our Supreme Court has clearly defined "sexual and other intimate parts" to include any body part that a person "ordinarily allows to be touched only by people with whom the person has a close personal relationship, and one which is commonly associated with sexual relations or intimacy." ***Gamby***, 283 A.3d at 313-14 (holding that "the neck is an intimate body part for purposes of Section 3126"). Moreover, the Commonwealth need not prove "skin-to-skin" contact. ***Provenzano***, 50 A.3d at 153. Thus, Hardin's act of holding down the victim's shoulders over her clothing is sufficient to prove indecent assault, particularly when considering the "shame, outrage, and disgust" experienced by the victim. Accordingly, we conclude that Hardin's first issue is meritless and no relief is due.

In his second issue, Hardin argues that the suppression court "committed reversible error by failing to suppress the entirety of [Hardin's] statements made during Trooper Stivason's interrogation in violation of ***Miranda***[]." Hardin's Brief at 16 (unnecessary capitalization omitted). Our standard of review for challenges to a trial court's denial of a motion to suppress is "limited to determining whether the factual findings are supported by the record and whether the legal conclusions drawn from those facts are

correct. We review questions of law *de novo* but defer to the suppression court's factual findings when they are supported by the record." ***Commonwealth v. Foster***, 332 A.3d 1187, 1194-95 (Pa. 2025) (citation omitted). Where a defendant is challenging the voluntariness of a confession or inculpatory statement, our determination is "a conclusion of law and, as such, is subject to plenary review." ***Id***. at 1195 (citation omitted). In matters where the defendant is challenging the suppression court's ruling, "we may consider only the evidence of the Commonwealth and so much of the evidence for the defense as remains contradicted. Our scope of review of suppression rulings includes only the suppression hearing record and excludes evidence elicited at trial." ***Commonwealth v. Yandamuri***, 159 A.3d 503, 516 (Pa. 2017) (citation omitted).

In ***Miranda***, the United States Supreme Court held that the Fifth Amendment's right against self-incrimination and the Sixth Amendment's right to counsel "require[] police officers to provide defendants with a clear recitation of their constitutional right to remain silent and their right to an attorney—and obtain a knowing and intelligent waiver of those rights—before conducting a custodial interrogation." ***Foster***, 332 A.3d at 1195 (citation omitted). "A defendant's confession or inculpatory statement is not admissible at trial unless it was made voluntarily." ***Id***. To assess the voluntariness of an inculpatory statement, we must consider the following relevant factors:

> the duration and means of interrogation, including whether questioning was repeated, prolonged, or accompanied by physical

> abuse or threats thereof; the length of the accused's detention prior to the confession; whether the accused was advised of his or her constitutional rights; the attitude exhibited by the police during the interrogation; the accused's physical and psychological state, including whether he or she was injured, ill, drugged, or intoxicated; the conditions attendant to the detention, including whether the accused was deprived of food, drink, sleep, or medical attention; the age, education, and intelligence of the accused; the experience of the accused with law enforcement and the criminal justice system; and any other factors which might serve to drain one's powers of resistance to suggestion and coercion.

Commonwealth v. Bryant, 67 A.3d 716, 724 (Pa. 2013) (citation omitted).

Hardin argues that the court should have suppressed the entirety of his statements made before, during, and after the polygraph examination because "he did not knowingly, voluntarily and intelligently waive his Fifth amendment rights." Hardin's Brief at 18. He avers that he told the troopers prior to the polygraph examination that "he could not read, was uncomfortable, nervous and suffering from chest pain." ***Id***. at 18. He contends that when the trooper read the consent form with ***Miranda*** warnings to him, "it sound[d] like he was being arrested." ***Id***. He further argues that during the interview, he complained that the room was too cold. Hardin avers that "based on the totality of the circumstances," namely "his inability to read the consent form and his physical symptoms that he was experiencing at the time of the interviews, as well as the cold temperature of the room," he did not knowingly, voluntarily, and intelligently consent to the polygraph examination. ***Id***.

The suppression court considered Hardin's second issue and found it meritless. The court heard testimony from Trooper Stivason, and reviewed the audio and video recordings of the pre-test interview, polygraph examination, and the post-test interview, finding:

> The pre-polygraph interview recording begins with the officer telling [Hardin:]
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> > I will explain everything to you beforehand. . . . First thing we are going through is a consent form. This is completely voluntarily [*sic*]. You don't have to do this. Nobody can force you to do this. It can't be held against you if you don't do this. It has to be completely voluntary for you to do this exam.
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> The officer then presented [Hardin] with a consent form to which [Hardin] responded[,] advising the officer that he was unable to read and was nervous. The trooper mitigated concerns regarding [Hardin's] illiteracy by reading the consent form aloud to him; which included his ***Miranda*** warnings. Upon hearing the ***Miranda*** warnings, [Hardin] stated, "Sounds like I'm being arrested." The officer responded[:]
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> > You are not in custody. You are free to leave any time you want to. This is a voluntary process. You can't be forced to take this thing. You can't be forced to answer any questions or anything like that. That's why it has to be completely voluntary on your part to take this examination.
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> [Hardin] responded in the affirmative indicating that he understood. The officer then stated, "If you decide to answer any questions, you may stop at any time you wish. . . . Do you understand the things I read to you?" [Hardin] responded, "Yes, sir[,]" then initialed the consent form. The pre-polygraph interview and polygraph examination occurred without incident.

Suppression Court Opinion, 6/3/25, at 2. Based on these facts, the suppression court denied Hardin's motion to suppress all statements up until

the 12:55 p.m. time mark during the post-test interview video. The court granted the motion with respect to all statements thereafter, finding that Hardin invoked his Fifth Amendment right to counsel when he stated, "I'm thinking about picking the lawyer option." ***Id***. at 6.

After careful review, we conclude the suppression court's denial, in part, of Hardin's motion to suppress was supported by the record and free from legal error. The record shows that Hardin voluntarily appeared at the police barracks for a polygraph examination, where Trooper Stivason informed him that the polygraph examination was "completely voluntary," and reminded him "multiple times" that he could leave at any time. N.T., 1/28/25, at 11. After Hardin disclosed that he was illiterate, Trooper Stivason read the consent form, which included ***Miranda*** warnings, aloud to him and asked Hardin "multiple times [whether] he understood the meanings of what [he] said." ***Id***. at 13. After verbally confirming that he understood, Hardin initialed and signed the consent form. ***Id***. at 8, 21. We further note that between the pre-test interview and the actual polygraph examination, Hardin was given a break, at which time he was permitted "to use the restroom, any type of smoke break . . . [t]o get drinks or whatever [he] need[ed]." ***Id***. at 11.

Thus, we detect no factors that would adversely affect Hardin's ability to knowingly, voluntarily, and intelligently waive his Fifth Amendment rights. There is no evidence that Hardin was subjected to threats or abuse, deprived of food, drink, or sleep, or was under the influence of drugs or alcohol during

the examination. Although Hardin contends that he suffered chest pain during the interview, we find nothing in the record showing he complained of pain, requested medical attention, or was otherwise impaired by illness or disease. Based on the totality of these circumstances, we determine that Hardin's waiver of his right against self-incrimination was made knowingly, voluntarily, and intelligently. Therefore, we conclude that Hardin's second issue is without merit and no relief is due.

In his third and fourth issues, Hardin challenges the admissibility of evidence at trial. Our standard of review regarding the admissibility of evidence is well-settled:

> Questions concerning the admissibility of evidence are within the sound discretion of the trial court ... [and] we will not reverse a trial court's decision concerning admissibility of evidence absent an abuse of the trial court's discretion. An abuse of discretion is not merely an error of judgment, but is rather the overriding or misapplication of the law, or the exercise of judgment that is manifestly unreasonable, or the result of bias, prejudice, ill-will or partiality, as shown by the evidence of record. If in reaching a conclusion the trial court over-rides [*sic*] or misapplies the law, discretion is then abused and it is the duty of the appellate court to correct the error.

Commonwealth v. Belknap, 105 A.3d 7, 9-10 (Pa. Super. 2014) (citations and brackets omitted).

In his third issue, Hardin argues that the Commonwealth failed to establish beyond a reasonable doubt the *corpus delicti* of the crimes indecent assault and corruption of minors. This Court has explained that "the *corpus*

delecti rule is a rule of evidence" and places a burden on the Commonwealth to:

> establish that a crime has actually occurred before a confession or admission of the accused connecting him to the crime can be admitted. The *corpus delecti* is literally the body of the crime; it consists of proof that a loss or injury has occurred as a result of the criminal conduct of someone. The criminal responsibility of the accused for the loss or injury is not a component of the rule. The historical purpose of the rule is to prevent a conviction based solely upon a confession or admission, where in fact no crime has been committed.

Commonwealth v. Dupre, 866 A.2d 1089, 1097 (Pa. Super. 2005) (citations omitted). The *corpus delecti* may be established by entirely circumstantial evidence, and is a two-part process:

> (1) In the first phase, the court determines whether the Commonwealth has proven the *corpus delicti* of the crimes charged by a preponderance of the evidence. If so, the confession or extrajudicial statement of the defendant is admissible; (2) In the second phase, the rule requires that the Commonwealth prove the *corpus delicti* to the factfinder's satisfaction beyond a reasonable doubt before the factfinder is permitted to consider the confession or extrajudicial statement in assessing the defendant's innocence or guilt.

Commonwealth v. Bullock, 170 A.3d 1109, 1118 (Pa. Super. 2017) (citation and quotation marks omitted).

Pennsylvania has adopted the "closely related crimes" exception to the *corpus delecti* rule, which provides "that where a defendant's confession relates to separate crimes with which he is charged, and where independent evidence establishes the *corpus delecti* of only one of those crimes, the confession may be admissible as evidence of the other crimes." ***Dupre***, 866

A.2d at 1098-99. To determine whether the closely related crimes exception applies, "the relationship between the crimes [must be] sufficiently close so as to avoid admitting a confession for a crime that did not occur." ***Commonwealth v. Taylor***, 831 A.2d 587, 594 (Pa. 2003). There is no requirement that the offenses share a common element; rather, "[w]here the relationship between the crimes to which the defendant has confessed is close and the policy underlying the *corpus delecti* rule—to avoid convictions for crimes that did not occur—is not violated, the exception renders the confession admissible for all closely related crimes." ***Id***. at 595-96.

Hardin argues that because "the jury returned not guilty verdicts on all charges except corruption of minors and indecent assault [of a] person less than [sixteen] years of age," these convictions should be "barred by the *corpus delicti* rule." Hardin's Brief at 24. He avers that the victim's testimony that Hardin's hands touched only her shoulders, together with the jury's not guilty verdicts on all charges except indecent assault and corruption of minors, demonstrate that "there is no independent evidence, beyond . . . Hardin's own statements, establishing both physical touching and sexual intent." ***Id***. at 25.

The trial court considered Hardin's third issue and found it meritless since it already found that the evidence was sufficient to support the jury's verdict. The court reasoned: "[W]e need not conduct a *corpus delecti* analysis in the instant matter, as it is entirely reasonable that the jury came to its

conclusion based solely on the testimony of the victim at trial." Trial Court Opinion, 1/22/26, at 5.

After careful review of the record, we conclude that the Commonwealth established by a preponderance of the evidence the *corpus delecti* for indecent assault of a person less than sixteen years of age and corruption of minors, thereby satisfying the first phase of the *corpus delecti* rule. ***See Bullock***, 170 A.3d at 1118. The victim testified that Hardin pushed her to the ground, pulled down her pants and underwear, separated her legs by spreading her thighs, held her down by her shoulders, and vaginally penetrated her from behind. This testimony was sufficient to establish the requisite *corpus delecti* for both offenses. While the victim's rape allegations describe an encounter different than Hardin's admission that he touched the victim's vagina over her clothing, we conclude that the underlying offenses, which occurred during the same brief sexual encounter, are so closely related that they implicate the "closely related crimes" exception. ***See Taylor***, 831 A.2d at 596. Therefore, we determine the trial court properly admitted Hardin's extrajudicial statements that he touched the victim's vagina over her clothing.

We similarly find no error in the trial court's application of phase two of the *corpus delecti* rule. The trial court found that the Commonwealth did not prove beyond a reasonable doubt the *corpus delecti* of indecent contact with a person under sixteen years of age and corruption of minors with respect to Hardin's admission that he touched the victim's vagina over her clothing. As

such, the court did not permit the jury to consider Hardin's extrajudicial admission as evidence that he actually touched the victim in the manner he described. Rather, the trial court provided the jury with extensive instructions prior to deliberation regarding the *corpus delecti* rule, and repeatedly emphasized that Hardin could "not be convicted on his admission alone without other evidence proving that admission, supporting that admission. . . ." N.T., 7/9/25, at 220; ***see also id***. at 222-23 (instructing jury that there "was the admission that there was touching by [Hardin] of the vaginal area of [the victim and in] order for you to use that as a reason to find [Hardin] guilty, you must find that there was other supporting evidence offered to support that admission"). Thus, the trial court's instructions clearly directed the jury that it could not consider Hardin's admission without corroborating evidence, and "[i]t is well settled that a jury is presumed to follow the trial court's instructions." ***Commonwealth v. Cash***, 137 A.3d 1262, 1280 (Pa. 2016) (citation omitted). Accordingly, we conclude that no relief is due on Hardin's third issue.

In his final issue, Hardin argues that the trial court erred in permitting Trooper Rukat to testify during redirect examination "regarding his personal opinion that the juvenile victim . . . was truthful when questioned by police." Hardin's Brief at 4. "[T]he scope of redirect examination is largely within the discretion of the trial court. When a party raises an issue on cross-examination, it is no abuse of discretion for the court to permit redirect on

that issue to dispel any unfair inferences." ***Commonwealth v. Gonzalez***, 109 A.3d 711, 730 (Pa. Super. 2015) (citation omitted).

Pursuant to Pa.R.E. 701, which governs opinion testimony by lay witnesses, opinion testimony is permitted in certain circumstances. The rule provides:

> If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:
>
> (a) rationally based on the witness's perception;
>
> (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue; and
>
> (c) not based on scientific, technical, or other specific knowledge within the scope of Rule 702.

Pa.R.E. 701. A police officer's testimony is considered to be lay opinion under Rule 701 if "it is limited to what he observed . . . or to other facts derived exclusively from a particular investigation." ***Commonwealth v. Jones***, 240 A.3d 881, 890 (Pa. 2020) (citation and brackets omitted). "On the other hand, an officer testifies as an expert when he brings the wealth of his experience as an officer to bear on those observations and makes connections for the jury based on that specialized knowledge." ***Id***.

Hardin argues that the trial court should have sustained his objection and prevented Trooper Rukat from answering the Commonwealth's question as to whether he believed the victim could be fabricating her allegations based upon incidents at school. He avers that "Trooper Rukat's testimony was barred by [Rule] 701" because it constituted "lay opinion testimony regarding

the truthfulness of [the victim's] testimony." Hardin's Brief at 20. He avers that Trooper Rukat was not qualified as an expert "to provide opinion testimony regarding the behavior of alleged victims of sexual assault" and that any opinion "regarding the truthfulness of a witness is plainly inadmissible since witness credibility is in the province of the jury." ***Id***. Hardin contends that the Commonwealth's questions were "plainly intended to elicit the [t]rooper's opinion that [the victim] was a truthful and reliable person, and not to further explain the nature of his investigation." ***Id***. at 21. He further argues that due to Trooper Rukat's extensive experience as a criminal investigator with the Pennsylvania State Police, the trooper's testimony was "highly prejudicial" and "improperly swayed" the jury regarding the victim's truthfulness ***Id***. at 22.

The trial court considered Hardin's final issue and found it meritless. The court reasoned:

> In the case at hand, the question asked by the Commonwealth was not as much asking for the opinion of Trooper Rukat, but rather for clarity on why [Trooper] Rukat proceeded with the investigation the way he did. The question was asking whether there was any information regarding potential fabrication. The response was that there was no such information. This is not an opinion, but rather a clarification to help understand the testimony of Trooper Rukat. We find nothing in [Rule] 701 which prohibits this question as the question does not call for an opinion.

Trial Court Opinion, 1/22/26, at 3-4.

After careful review, we conclude that the trial court acted within its discretion when it allowed Trooper Rukat to testify in response to the question

of whether the victim's disciplinary problems at school were a possible motive for fabrication. The record shows that after Trooper Rukat learned of the victim's problems at school, he conducted a follow-up interview with Mother and asked her whether she believed there was anything else going on in the victim's life that might cause her to fabricate these allegations. ***See*** N.T., 7/9/25, at 172. After Trooper Rukat testified that Mother denied any concerns of fabrication, Hardin objected and Trooper Rukat did not testify any further on this topic. ***See id***. At no time did Trooper Rukat vouch for the victim's truthfulness, offer an opinion as to whether he believed the victim, or testify regarding the typical behavior of alleged victims of sexual abuse. Moreover, there is no evidence that Trooper Rukat's testimony was "highly prejudicial" because of his law enforcement background or that it "improperly swayed" the jury. As the trial court pointed out, the trooper's testimony that he asked the victim's mother regarding possible motives for fabrication simply explained what action he took upon learning about the victim's issues at school.

Furthermore, we determine that the Commonwealth's question regarding motives for fabrication was properly within the scope of redirect examination. The record shows that on cross-examination, defense counsel questioned the trooper extensively regarding the victim's mental health issues, history of self-harm, bullying, and behavior problems, suggesting that she fabricated the rape allegation to distract from her most recent disciplinary action at school. ***See*** N.T., 7/9/25, at 162, 166-68. Thus, on redirect

examination, the Commonwealth was permitted to ask Trooper Rukat about the victim's behavior problems and how they impacted the investigation in order "to dispel any unfair inferences." ***Gonzalez***, 109 A.3d at 730. We therefore conclude that Hardin's final issue is without merit and no relief is due.

For the foregoing reasons, we determine that all of Hardin's issues are meritless. Accordingly, we affirm the judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

11/10/2026