2026 PA Super 248

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| COMMONWEALTH OF PENNSYLVANIA | : | IN THE SUPERIOR COURT OF PENNSYLVANIA |
| v. | : | |
| VLADIMIR Y. SLAVSKIY | : | |
| Appellant | : | No. 1376 MDA 2025 |

Appeal from the Judgment of Sentence Entered May 6, 2025
In the Court of Common Pleas of Centre County
Criminal Division at No(s): CP-14-CR-0000708-2024

BEFORE: PANELLA, P.J.E., DUBOW, J., and SULLIVAN, J.

OPINION BY PANELLA, P.J.E.: **FILED: NOVEMBER 3, 2026**

Vladimir Y. Slavskiy appeals from the judgment of sentence entered in the Centre County Court of Common Pleas on May 6, 2025, following Slavskiy's conviction for numerous sexual offenses. On appeal, Slavskiy challenges certain evidentiary rulings made by the trial court. We affirm.

On July 5, 2024, Slavskiy was charged by criminal information with numerous offenses, including 20 counts of rape of a child, for events alleged to have occurred between 2016 to 2022. Notably, Slavskiy is the father of the victim ("Victim").

On November 27, 2024, following review of discovery, the Commonwealth filed a motion to amend the criminal information to charge Slavskiy with Counts 1-20: rape of a child; Count 21: statutory sexual assault;

and Count 22: aggravated indecent assault of a child.[1] The court granted the amendment on December 10, 2024.

On December 23, 2024, Slavskiy filed motions *in limine* to limit certain testimony and evidence from being admitted at trial, including, in pertinent part, the testimony of Dr. Veronique Valliere. Specifically, Slavskiy argued Dr. Valliere's testimony would not be relevant to any purpose besides bolstering Victim's credibility.

On December 31, 2024, the Commonwealth filed a trial brief and a few motions *in limine*, including the following pertinent motions:

- A motion to preclude evidence of Victim's sexual conduct under the Rape Shield Law, 18 Pa.C.S.A. § 3104. ***See*** Commonwealth's Trial Brief and Motions *in Limine*, 12/31/24, at 6-8.

- A motion to permit Dr. Valliere to testify as an expert regarding responses and behaviors of sexual abuse victims pursuant to 42 Pa.C.S.A. § 5920. ***See id.*** at 10-11.

Slavskiy filed a response to the Commonwealth's motions *in limine*. Relevantly, in response to the motion to preclude evidence of Victim's sexual conduct, Slavskiy asserted he did not plan to introduce "past sexual conduct" of Victim. Response to Commonwealth's Motion *in Limine*, 1/3/25, at 4. However, he did not believe Victim's Snapchat behavior constituted "past sexual conduct," and in any event argued it would be permissible to introduce Snapchat content as it has probative value which is exculpatory to Slavskiy.

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[1] 18 Pa.C.S.A. § 3121(c), 18 Pa.C.S.A. § 3122.1(b), 18 Pa.C.S.A. § 3125(b), respectively.

***See id.*** at 4-5. Further, Slavskiy again objected to admission of Dr. Valliere's testimony. ***See id.*** at 9.

Following argument,[2] the trial court entered an order addressing the motions *in limine*. As to the Commonwealth's motion *in limine*, the court ordered, in pertinent part, as follows:

> b. The Commonwealth's Motion to Preclude Evidence of Victim's Sexual Conduct is **GRANTED IN PART AND DENIED IN PART**. Any references to past sexual conduct of the victim shall be excluded. The Snapchat communications sent and received by the victim may only be referred to as "inappropriate content" without providing further detail.
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> …
>
> f. The Commonwealth's Motion to Permit Expert Testimony pursuant to 42 Pa.C.S.[A.] § 5920 is **GRANTED**. The Commonwealth may present the testimony of Dr. Veronique Valliere regarding the general dynamics of sexual violence, victim behaviors and responses to sexual violence, and the impact of sexual violence on victims. Dr. Valliere may not opine whether the victim was sexually assaulted or whether the victim exhibited behaviors or responses consistent with being sexually abused.

Order, 1/8/25, at 1-2. In line with the above, the court also denied Slavskiy's motion to exclude testimony by Dr. Valliere. ***See id.*** at 3.

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[2] Upon close review of the record, the transcript from the argument held on the motions *in limine* is dated January 10, 2025, despite the order ruling on the motions being dated two days prior on January 8, 2025. We cannot find any reference or explanation about this discrepancy. However, as no one disputes the dates, we do not find this inconsistency affects our review.

On January 8, 2025, the Commonwealth again amended the criminal information to charge Slavskiy with Counts 1-5: rape of a child, Count 6: statutory sexual assault, and Count 7: aggravated indecent assault of a child.

On January 14, 2025, the court entered an order withdrawing Count 7: aggravated indecent assault of a child, from the criminal information upon motion from the Commonwealth and without objection from Slavskiy.

Following a three-day trial on January 13-15, 2025, the jury found Slavskiy guilty of three counts of rape of a child, and one count of statutory sexual assault. The court sentenced Slavskiy on April 29, 2025 to an aggregate term of 30 to 60 years' incarceration.

Slavskiy filed a timely post-sentence motion, followed by an amended post-sentence motion, arguing in pertinent part that the court erred in granting the Commonwealth's motion *in limine* to identify the evidence of Victim's Snapchat communications as only "inappropriate content." Post Sentence Motion, 5/8/25, at ¶ 23; ***see also*** Amended Post-Sentence Motion, 7/11/25, at ¶ 25. Specifically, Slavskiy argued nude photographs sent and received by Victim are not covered by the Rape Shield Law, and should have been permitted as they go to Victim's credibility. ***See*** Post Sentence Motion, 5/8/25, at ¶¶ 24-25; ***see also*** Amended Post-Sentence Motion, 7/11/25, at ¶¶ 26-27. Slavskiy further argued that the court erred in granting the Commonwealth's motion *in limine* to permit the expert testimony of Dr. Valliere. ***See*** Post Sentence Motion, 5/8/25, at ¶ 29; ***see also*** Amended Post-

Sentence Motion, 7/11/25, at ¶ 31. Specifically, Slavskiy argued Dr. Valliere's testimony served to impermissibly bolster Victim's credibility and to undermine Slavskiy's credibility. ***See*** Post Sentence Motion, 5/8/25, at ¶ 30; ***see also*** Amended Post-Sentence Motion, 7/11/25, at ¶ 32.

On July 10, 2025, the court held argument on Slavskiy's post-sentence motion. Slavskiy noted as a point of error that the court erred in limiting the identification of photographic evidence of Snapchat communications to only "inappropriate conduct." Specifically, Slavskiy argued that "[c]ourts have routinely decided that evidence of this nature [can be admitted] to establish [] the complainant having motive to fabricate the allegation of assault []." N.T., 7/10/25, at 5. Slavskiy argued that sanitizing the photographs in this manner was prejudicial because it did not allow him to test Victim's credibility. ***See id.*** Slavskiy also argued that Dr. Valliere's testimony improperly bolstered the credibility of Victim and undermined Slavskiy's credibility.

In response, the Commonwealth argued that the court did not err in limiting defense counsel to referring to the Snapchat content as "inappropriate content," as the evidence was properly excluded under the Rape Shield Law. ***See*** N.T., 7/10/25, at 9-10. Specifically, the Commonwealth argued "[t]he details of the alleged conduct were not relevant and would have served only to improperly taint the jury's perception of the 16-year-old victim." ***Id.*** at 10.

The Commonwealth further argued the court did not err in permitting Dr. Valliere's testimony regarding victim responses to sexual violence, as such

is permissible by statute, *i.e.* Section 5920, and Dr. Valliere's testimony was well within the bounds of what the statute permits. ***See id.*** at 10.

Following argument, both Slavskiy and the Commonwealth filed briefs on the issues raised in the post-sentence motion at the court's direction.

On August 29, 2025, the court entered an opinion and order denying Slavskiy's post-sentence motion. This timely appeal followed. Both Slavskiy and the trial court complied with Rule 1925. ***See*** Pa.R.A.P. 1925(a), (b).

Slavskiy raises the following issues on appeal:

> 1. Did the [trial c]ourt err in granting the Commonwealth's motion *in limine* to limit[] the evidence of the complaining witness's Snapchat photographs and communications to only "inappropriate content"?
>
> 2. Did the [trial c]ourt err in permitting the expert testimony of Dr. Valliere when Dr. Vallier[]e's testimony only served to impermissibly bolster the credibility of the complaining witness and undermine the credibility of [] Slavskiy?

Appellant's Brief, at 4 (unnecessary capitalization omitted).

Both of Slavskiy's issues challenge evidentiary rulings made by the trial court. Our standard of review for the admission of evidence is well-settled:

> The admission of evidence is solely within the discretion of the trial court, and a trial court's evidentiary rulings will be reversed on appeal only upon an abuse of that discretion. An abuse of discretion will not be found based on a mere error of judgment, but rather occurs where the court has reached a conclusion that overrides or misapplies the law, or where the judgment exercised is manifestly unreasonable, or the result of partiality, prejudice, bias or ill-will.
>
> To constitute reversible error, an evidentiary ruling must not only be erroneous, but also harmful or prejudicial to the complaining

> party. [A]n evidentiary error of the trial court will be deemed harmless on appeal where the appellate court is convinced, beyond a reasonable doubt, that the error could not have contributed to the verdict.

***Commonwealth v. Manivannan***, 186 A.3d 472, 479-480 (Pa. Super. 2018) (citations and quotation marks omitted).

In his first issue, Slavskiy argues the court improperly excluded evidence of Victim's Snapchat communications, including nude photographs of herself that she had sent to other men, by limiting the testimony to referencing those nude photographs as "inappropriate content." Appellant's Brief, at 9. We disagree.

During argument on the motion *in limine* to preclude evidence of Victim's sexual conduct, the Commonwealth explained that Slavskiy had alluded to being in possession of Snapchat content, including sexual images of the child victim that she was allegedly sending to other men. ***See*** N.T., 1/10/25, at 6. The Commonwealth argued sending sexual images is absolutely sexual conduct. ***See id.*** Further, the Commonwealth highlighted that consent was not an issue in this case, and that the images would only be admissible where consent was at issue. ***See id.*** Finally, the Commonwealth contended that the information could easily be sanitized, so as not to violate the Rape Shield Law, if Slavskiy wished to use this information as evidence of Victim's alleged motive to lie. ***See id.*** at 6-7.

Defense counsel argued that he was not alleging that Victim was having sex with other people, and it was not his intention to show the actual nude

photographs, but rather he wanted to make reference to Slavskiy catching Victim sending nude images on her phone. ***See id.*** at 7-8. Defense counsel argued this information was relevant because the allegations against Slavskiy occurred after he found out the alleged child victim, his daughter, was sending nude images to other men on Snapchat, and took her phone away as punishment. ***See id.*** at 8-9. This all occurred in the midst of a custody dispute, and after her phone was taken away by Slavskiy, Victim moved back in with her mother. ***See id.*** at 9. This occurred prior to Victim reporting the underlying allegations in this matter. ***See id.***

The court agreed this information was relevant as to why Victim might report. The Commonwealth responded that the specific content of the photos was not relevant because the effect would effectively be to shame a young victim for something she is not being punished by the court for, and would only serve to make the jury believe she has some sort of sexual tendencies. The Commonwealth stated the information could be sanitized by saying she was doing something on her phone that her father did not approve of, and she was disciplined for it. ***See id.*** at 10.

Defense counsel emphasized that the jury would not understand if he said she merely did "something" on her phone, and stated that he would instead say "inappropriate photos." ***Id.*** at 11. Defense counsel clarified he would not show the nude photos, and would only allude "to the fact that she

sent inappropriate photos, and that could be a photo of anything that is considered inappropriate." ***Id.*** The court accepted that position. ***See id.***

Pennsylvania's Rape Shield Law limits the admissibility of an alleged victim's prior sexual conduct:

> **(a) General rule.**—Evidence of specific instances of the alleged victim's past sexual conduct, past sexual victimization, [and] allegations of past sexual victimization … shall not be admissible in prosecutions of any offense listed in subsection (c)[, which includes, relevantly, Chapter 31 (pertaining to sexual offenses) and Section 6301 (corruption of minors),] except evidence of the alleged victim's past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.
>
> **(b) Evidentiary proceedings.**—A defendant who proposes to offer evidence of the alleged victim's past sexual conduct … pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a).

18 Pa.C.S.A. § 3104(a)-(b).

The Rape Shield Law is intended to "prevent a trial from shifting its focus from the culpability of the accused toward the virtue and chastity of the victim. Moreover, the Rape Shield Law is intended to exclude irrelevant and abusive inquiries regarding prior sexual conduct of sexual assault complainants." ***Commonwealth v. Jerdon***, 229 A.3d 278, 285 (Pa. Super. 2019) (citations, quotation marks and brackets omitted). When applying the Rape Shield Law, "past sexual conduct" has been interpreted to include a complainant's sexual

history at any time prior to trial. ***Commonwealth v. Jones***, 826 A.2d 900, 908 (Pa. Super. 2003) (*en banc*).

> There are recognized exceptions to the Rape Shield Law:
>
> > The only statutory exception to this rule is that a defendant may present evidence of the alleged victim's past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.
> >
> > In addition to that statutory exception, this Court has also recognized that the Rape Shield Statute will not bar a defendant from presenting evidence that negates directly the act of intercourse with which a defendant is charged, evidence demonstrating a witness' bias, or evidence that attacks credibility. Notably, evidence tending to directly exculpate the accused by showing that the alleged victim is biased and thus has a motive to lie, fabricate, or seek retribution is admissible at trial.

***Commonwealth v. Reich***, 340 A.3d 997, 1011 (Pa. Super. 2025) (citations and quotation marks omitted).

Preliminarily, we address the Commonwealth's contention that Slavskiy did not submit a written motion and offer of proof pursuant to Section 3104(b). Rather, prior to trial, the Commonwealth, in anticipation that Slavskiy may attempt to admit the Snapchat communications, filed a motion *in limine* to exclude introduction of the actual communications. Notably, upon review of the record, Slavskiy never filed any such motion to pierce the Rape Shield Law in order to admit this evidence. Instead, Slavskiy merely argued, in response to the Commonwealth's motion *in limine*, that such evidence was relevant to prove Victim's motivation to lie and accuse him of the crimes charged. The

Commonwealth contends Slavskiy's failure to submit a written motion and offer of proof is fatal to his claim. We agree.

> We have repeatedly stated that a defendant who desires to introduce evidence of the victim's prior sexual conduct must file a written motion and make a specific offer of proof prior to trial. ***See Commonwealth v. Beltz****,* 829 A.2d 680, 684 (Pa. Super.2003) (failure to make written motion bars review of decision at trial to exclude); ***Commonwealth v. Kunkle****,* [] 623 A.2d 336, 339 ([Pa. Super.] 1993), [] (defendant's oral motion during trial, rather than a written motion and specific offer of proof, was wholly inadequate and there was no abuse of discretion by the trial court when it barred evidence pertaining to the prior sexual assault of the victim). We will presume that the legislature intended "shall" to be mandatory in the statute at hand.

***Commonwealth v. Burns***, 988 A.2d 684, 690-91 (Pa. Super. 2009).

We agree with the Commonwealth that Slavskiy's attempt to challenge the limitation of such evidence at trial is in direct violation of the Rape Shield Law. Upon review of the record, not only did Slavskiy never file a written motion to pierce the Rape Shield Law under Section 3104(b), but we also find that he never offered an oral motion to pierce the Rape Shield Law. Accordingly, the court was never able, or required, to hold an *in camera* hearing in order to conduct a balancing test to determine the admissibility of such evidence under the veil of piercing the Rape Shield Law. ***See Jerdon***, 229 A.3d at 285-86 ("When determining the admissibility of evidence that the Rape Shield Law may bar, trial courts hold an *in camera* hearing and conduct a balancing test consisting of the following factors: "(1) whether the proposed evidence is relevant to show bias or motive or to attack credibility; (2) whether the probative value of the evidence outweighs its prejudicial effect; and (3)

whether there are alternative means of proving bias or motive or to challenge credibility.")

Alternatively, we find no abuse of discretion by the trial court on the merits in limiting the testimony by referring to the Snapchat communications generally as "inappropriate content." In ruling on the Commonwealth's motion *in limine*, the court agreed that evidence showing that Slavskiy observed the communications, punished his daughter for those actions, and that the accusation came after the fact, was relevant. However, the court concluded that the evidence could be admissible and not rise to the level of "abusive" by referring to the Snapchat communications as "inappropriate content," and still achieve the same goal, *i.e.* proving bias or motive to lie. We find no abuse of discretion in this regard.

Specific reference to Victim sending nude photographs of herself would not directly negate the sexual offenses charged here, nor would it by itself establish Victim's bias or attack her credibility. However, the contention that that Slavskiy punished Victim after finding "inappropriate content" on her phone was a relevant defense which Slavskiy was permitted to pursue at trial. That the "inappropriate content" was specifically nude photographs was not necessarily relevant to Victim retaliating against her father for punishing her, or for not giving her the freedom she allegedly sought.

At trial, the point was well established by Slavskiy's counsel, i.e., that Victim fabricated these allegations in response to Slavskiy taking her phone

away for sending "inappropriate content" to others. In response to Slavskiy's contention, Victim testified that it was a frequent occurrence for Slavskiy to threaten to take her phone away from her based on different behavior he deemed inappropriate. ***See*** N.T., Jury Trial Day 2, 1/14/25, at 45-56. While he threatened to turn her phone or internet off, Victim testified that he never actually did, ***see id.***; rather, when Slavskiy found inappropriate content on Victim's phone, Victim said "he would get mad and we would talk about it." ***Id.*** at 90.

Based on the above, we find no abuse of discretion by the trial court in sanitizing reference to the communications, in order to balance Slavskiy's constitutional right to present a defense with the statutory protections afforded by the Rape Shield Law. Slavskiy is due no relief on his first issue.

In his second issue, Slavskiy argues that the trial court erred by permitting Dr. Valliere to testify as an expert because her testimony only served to bolster the credibility of Victim.[3]

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[3] Notably, Slavskiy has not raised any issues with Dr. Valliere's qualification as an expert in general. Relevantly, after laying a foundation during trial regarding Dr. Valliere's qualifications, the Commonwealth asked the court to qualify Dr. Valliere as an expert in clinical and forensic psychology, interpersonal violence, which includes sexual assault, the dynamics of sexual assault, specific types of victim reactions and responses to sexual assault, the impact of sexual assault on a victim during and after, as well as specific victim behaviors that result from sexual assault. ***See*** N.T., Jury Trial Day 1, 1/13/25, at 85-86. Defense counsel responded that she had no *voir dire* for Dr. Valliere and no objection to her qualification. ***See id.*** at 86. Accordingly, the court accepted Dr. Valliere as an expert in the fields proffered by the Commonwealth. ***See id.***

In reviewing a challenge to the trial court's discretion in allowing expert testimony, we are mindful of the following:

> The standard for qualification of an expert witness is a liberal one. The test to be applied when qualifying an expert witness is whether the witness has any reasonable pretension to specialized knowledge on the subject under investigation. If he does, he may testify and the weight to be given to such testimony is for the trier of fact to determine. A witness does not need formal education on the subject matter of the testimony, and may be qualified to render an expert opinion based on training and experience.
>
> Expert testimony is permitted as an aid to the jury when the subject matter is distinctly related to a science, skill, or occupation beyond the knowledge or experience of the average layman. Conversely, expert testimony is not admissible where the issue involves a matter of common knowledge.

***Commonwealth v. Smith***, 206 A.3d 551, 560 (Pa. Super. 2019) (citations and quotation marks omitted).

Section 5920 of Title 42, pursuant to which Dr. Valliere testified, is a statutory rule of evidence that permits qualified experts to testify in certain criminal proceedings about the general dynamics of sexual violence, victim responses to sexual violence, and the impact of sexual violence on victims. ***See*** 42 Pa.C.S.A. § 5920(b)(1). Section 5920 permits experts to testify as to their "opinions regarding specific types of victim responses and victim behaviors." ***Id***. at § 5920(b)(2). However, Section 5920 specifically prohibits experts from offering their opinion on the credibility of any witness, including the victim. ***See id***. at § 5920(b)(3).

Notably, Slavskiy does not discuss Section 5920 at all, let alone cite to any case law that is pertinent to qualifying an expert under this section. Instead, Slavskiy argues generally that Dr. Valliere's testimony improperly bolstered Victim's credibility, and undermined his own credibility. While Slavskiy acknowledges that Dr. Valliere "did not testify specifically to whether she believed that the alleged incidents occurred," Slavskiy nevertheless contends that Dr. Valliere's testimony served to prejudice him by bolstering Victim's credibility. ***See*** Appellant's Brief, at 15.

In support of his claim, Slavskiy identifies only two portions of Dr. Valliere's testimony about general victim behavior which he believes served to implicitly bolster Victim's credibility. Specifically, Slavskiy points to Dr. Valliere's testimony that: "everybody has different reactions to trauma and traumatic events, but what makes sexual assault and sexual abuse of a child so complicated is it rips that child out of their developmental norm." N.T., Jury Trial Day 1, 1/13/25, at 88. Slavskiy further argues, without any citation to the record, that Dr. Valliere's testimony that "it would be impossible for a child to remember specific dates, times, or incidents wildly bolstered the credibility of [V]ictim who had changed her story and couldn't remember the specifics." Appellant's Brief, at 14.

The above testimony highlighted by Slavskiy falls squarely within the category of testimony permissible under Section 5920(b)(2), as general victim responses to sexual violence. Dr. Valliere never explicitly addressed whether

Slavskiy abused Victim, testified as to how Victim in particular reacted to being abused, or expressed any opinion regarding the overall truthfulness of anyone's testimony. In fact, Dr. Valliere made it clear during her testimony that she did not interview anyone involved with this case, that she was only there for educational purposes, and that she did not look at any individual facts of this particular case. ***See*** N.T., Jury Trial Day 1, 1/13/25, at 115.

The fact that Victim here exhibited the same behaviors as those which Dr. Valliere testified are generally seen in sexual abuse victims simply does not translate into Dr. Valliere improperly offering her opinion about the credibility of Victim in particular. ***See Commonwealth v. Cramer***, 195 A.3d 594, 608 (Pa. Super. 2018) (holding testimony regarding general victim responses given by the expert, also Dr. Valliere, did not improperly bolster the victim's credibility when Dr. Valliere did not know the factual background of the allegations, only responded to the Commonwealth's general questions and did not offer any opinion on the victim's credibility or whether the victim's particular responses to the particular assault in that case were normal).

Moreover, the trial court specifically instructed the jury that they "are the sole judges of the credibility and weight of all testimony." N.T., Jury Trial Day 3, 1/15/25, at 991. Specifically, as to expert witnesses, the court further explained:

> The fact that the lawyers and I may refer to certain witnesses as experts and that the witnesses may have special knowledge or skill does not mean that their testimony and opinions are right. When you're determining the credibility and weight of an expert's

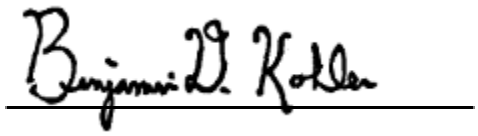
> testimony and opinions, consider all the factors that I have described earlier that are relevant when evaluating the testimony of any witness.

***Id.*** at 91-92. Given that Dr. Valliere's testimony did not improperly vouch for the credibility of Victim, and that the jury was explicitly instructed that it was its province alone to determine the credibility of each and every witness, we conclude that Slavskiy is not entitled to any relief on the basis of this claim.

As Slavskiy is not due any relief on either of his claims, we affirm the judgment of sentence.

Judgment of sentence affirmed.

Judgment Entered.



Benjamin D. Kohler, Esq.
Prothonotary

Date: 11/03/2026