

COMMONWEALTH OF PENNSYLVANIA

IN THE COURT OF COMMON PLEAS  
FOR THE 26TH JUDICIAL DISTRICT,  
MONTOUR COUNTY BRANCH,  
PENNSYLVANIA  
CRIMINAL DIVISION

VS

DANIEL CARL SHARROW

DEFENDANT

CASE NO: 47 of 2015

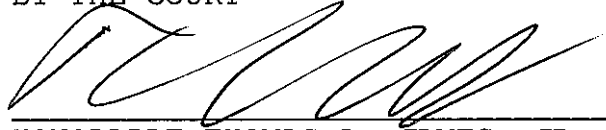
REBECCA L. WARREN, JR., ESQUIRE, Attorney for the Commonwealth of  
Pennsylvania

PETER T. CAMPANA, ESQUIRE, Attorney for Defendant

**ORDER**

AND NOW, this 29<sup>th</sup> day of December 2015, after  
consideration of defendant's Petition for Writ of habeas Corpus,  
said motion is **DENIED**.<sup>1</sup>

BY THE COURT



HONORABLE THOMAS A. JAMES, JR., J.

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<sup>1</sup> Count 3 alleges violation of 18 Pa.C.S.A. §6106(A)(2). No mens rea is prescribed. Thus, the mens rea is whether or not defendant acted "intentionally, knowingly, or recklessly." 18 Pa.C.S.A. §302(c). There is a minimal prima facie case to present this case to a jury. However, on the facts presented to this court, the jury needs to be instructed on not only the definitions of intentionally, knowingly, and recklessly, but on the defenses of 18 Pa.C.S.A. §304 (Ignorance or mistake) and §312 (De minimus infractions). Mens rea is slowly being eroded by our legislatures. The courts should not be complicit and should educate juries that there needs to be a criminal intent component unless the legislature has created absolute liability crimes.