

IN THE COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No(s). CP-14-CR-2421-2011;
: CP-14-CR-2422-2011

vs.

GERALD A. SANDUSKY

TO THE HONORABLE JOHN M. CLELAND, SENIOR JUDGE OF SAID COURT:

**COMMONWEALTH'S MOTION TO PRECLUDE IMPROPER USE OF SUBPOENA
POWER BY DEFENDANT**

AND NOW, this 27th day of April, 2012, comes the Commonwealth of Pennsylvania, by and through the Attorney General of the Commonwealth of Pennsylvania who presents the within Motion to Preclude Improper Use of Subpoena Power by Defendant and respectfully avers as follows:

1. For the reasons articulated below, and in the interests of justice, the Commonwealth respectfully requests that this Honorable Court grant its Motion to Preclude Improper Use of Subpoena Power by Defendant.
2. The Commonwealth believes, and therefore avers, that defense counsel in this matter has obtained from Centre County numerous generic form subpoenas produced by the County for use by litigants in civil and criminal trials.
3. The Commonwealth further avers that defense counsel has exploited these forms, which carry the imprimatur of the County and the name of its President Judge, in an effort to circumvent this Honorable Court's rulings and those of the Grand Jury Supervising Judge.

4. The Commonwealth further avers that such ostensible subpoenas have already been directed to the Pennsylvania State Police and its Commissioner Frank Noonan (Attached as Exhibit "A"); the Superintendent of the Central Mountain School District (Exhibit "B"); the Secretary of the Pennsylvania Department of Labor and Industry (Exhibit "C"); the Penn State University Police Department (Exhibit "D"); and to officers of the Second Mile organization.
5. The Commonwealth avers that the subpoenas directed to the Pennsylvania State Police and to Penn State University Police were sent with an attachment, behind this court's Order of March 13 concerning the protection of the identities of the victims, *revealing the victims' names and their dates of birth*. (The Commonwealth has removed that attachment from its Exhibit "A.") The Subpoena to the Department of Labor and Industry includes this information *in the cover letter*, following a wan admonition to adhere to this court's Order. (That information has been redacted from Exhibit "C.") The Commonwealth need not underscore to this Honorable Court the spectacular irresponsibility of treating secret information in that fashion.
6. The Commonwealth believes, and therefore avers, many other *ersatz* subpoenas of this type are being sent by defense counsel to various other individuals and organizations.
7. The Commonwealth respectfully submits that this use of the subpoena power by Defendant is manifestly improper, lacks any basis whatsoever in the law of this Commonwealth, and is a misappropriation of the authority of this Honorable Court.
8. The defects in these purported subpoenas are legion: First, they direct the recipient to appear on May 16, 2012, the date set for a status conference in this matter. They

direct the subject to appear "to testify on behalf of Defendant" on that date; this despite the fact that no testimony will be taken on that day.

9. These subpoenas are further styled *duces tecum* and are stated in the broadest terms imaginable. Incredibly, they purport to direct the Pennsylvania State Police to appear with its complete, unredacted investigative file. This notwithstanding the fact that it self-evidently contains materials protected by the Grand Jury Act and which are the subject of previous orders by the Supervising Judge.
10. The subpoena directed to the Department of Labor and Industry inexplicably states that "if [the information requested] is provided to me . . . it will not be necessary for a representative of your department to appear in court"
11. Each subpoena follows the same "any and all" formula and can have no other purpose than to gather to Defendant material to which he is not entitled.
12. It is axiomatic that "subpoenas are not to be used to compel production of documents merely for inspection or for a 'fishing expedition'." *Commonwealth v. McEnany* 446 Pa.Super. 609, 620, 667 A.2d 1143, 1149 (1995)(internal citations omitted).
13. The Commonwealth further submits that no legal authority exists for this particular use of the subpoena power to direct the subject to appear, not for trial, but on the date of an administrative conference and to produce material with no demonstrable relevance.
14. The Commonwealth acknowledges Defendant's Due Process rights, and will continue to proceed in a manner which ensures he receives a fair trial. However, as our courts have held, those rights "do[] not mean that a defendant has unfettered access to files not in his possession. Nor can a defendant search untrammelled through Commonwealth files in order to argue the relevance of materials found therein."

Commonwealth v. Herrick, 442 Pa.Super. 412, 431, 660 A.2d 51, 61 (Pa.Super. 1995)(internal citations omitted).

15. The Commonwealth respectfully submits that Defendant must at least attempt to make a threshold demonstration of relevance and propriety to this Honorable Court before purporting to issue catch-all subpoenas in its name.
16. Because no legal basis exists upon which to serve the instant subpoenas; because they abuse the process of this Honorable Court and our Rules of Criminal Procedure to seek material for precisely the kind of 'fishing expedition' proscribed by our law; and because they seek to subvert the rulings of this Honorable Court and those of the Supervising Judge, the Commonwealth respectfully requests that Defendant be directed immediately to cease the production of these subpoenas and to withdraw those already served. The Commonwealth respectfully requests that Defendant be directed to submit to the court the purported relevance and, in the case of grand jury materials, legal authority for future requests of this type.

WHEREFORE, the Commonwealth respectfully requests that this Honorable Court direct defense counsel immediately to cease production of these subpoenas which are being served under the authority of this Honorable Court and to require Defendant to make the appropriate demonstration to this Court of the basis of future documentary requests.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "J. McGettigan", written over a horizontal line.

Joseph McGettigan
Senior Deputy Attorney General
Commonwealth of Pennsylvania
Office of Attorney General
Criminal Prosecutions Section
16th Floor Strawberry Square
Harrisburg, PA 17120

IN THE COURT OF COMMON PLEAS OF
CENTRE COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. CP-14-CR-2421-2011;
: CP-14-CR-2422-2011

vs.

GERALD A. SANDUSKY

CERTIFICATE OF SERVICE

I, Joseph McGettigan, Senior Deputy Attorney General, Attorney for the Commonwealth,
at Attorney General's Office, 16th Floor, Strawberry Square, Harrisburg, Pennsylvania, 17120,
hereby certify that I served a true and correct copy of the Commonwealth's Motion to Preclude
Improper Use of Subpoena Power by Defendant on:

Joseph L. Amendola, Esquire
110 Regent Court
Suite 202
State College, PA 16801-7966

by first class mail, postage prepaid at Harrisburg, Pennsylvania on the date noted below.

I certify under penalty of perjury that the foregoing is true and correct.

Date: April 27, 2012

BY: 

JOSEPH McGETTIGAN
Senior Deputy Attorney General
Attorney for the Commonwealth

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

COMMONWEALTH OF PENNSYLVANIA	:	No(s). CP-14-CR-2421-2011;
vs.	:	CP-14-CR-2422-2011
GERALD A. SANDUSKY	:	CHARGES: CRIMINAL MATTER
	:	
	:	
	:	

ORDER

AND NOW, this _____ day of _____, 2012, upon consideration of the
Commonwealth's Motion to Preclude Improper Use of Subpoena Power by Defendant and any
response thereto, IT IS HEREBY ORDERED said Motion is GRANTED.

BY THE COURT:

JOHN M. CLELAND, SENIOR JUDGE

Distribution:
Frank G. Fina, CDAG, Office of the Attorney General
Joseph McGettigan, SDAG, Office of the Attorney General
Jonelle H. Eshbach, SDAG, Office of the Attorney General
Joseph L. Amendola, Esq.
Clerk of Courts
Centre County Jury Commissioners
Prothonotary of the Supreme Court of Pennsylvania

Exhibit A

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

110 REGENT COURT

SUITE 202

STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

April 10, 2012

Commissioner Frank Noonan
Pennsylvania State Police Headquarters
1800 Elmerton Avenue
Harrisburg, PA 17110

ATTN: Subpoena Compliance Division

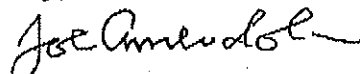
**RE: Commonwealth v. Gerald A. Sandusky
Subpoena with Attachment & Order of the Court**

Dear Commissioner Noonan:

Please find enclosed a subpoena requiring the production of information as provided in the Subpoena Attachment. If this information is provided to me at my above-listed office address on or before May 14, 2012, it will not be necessary for a representative of your Department to appear in court in Centre County, Pennsylvania, on May 16, 2012 at 10:00 a.m. with the requested information.

Thank you for your anticipated prompt attention to this matter. I will await further word from a representative of the Department concerning the request contained in this correspondence.

Truly,


Joseph L. Amendola, Esquire

JLA:dka
Enclosures

RECEIVED
COMMISSIONER'S COMPLEX

2012APR20PM1:44

NOTICE

**BY ORDER OF THE COURT OF COMMON
PLEAS OF CENTRE COUNTY,
PENNSYLVANIA, DATED MARCH 13, 2012,
ANY PERSON OR AGENCY RECEIVING THIS
SUBPOENA IS NOTIFIED THAT THE NAME
OR ANY IDENTIFYING INFORMATION OF
THE PERSON FOR WHOM THE RECORDS
OR OTHER INFORMATION IS SOUGHT IS
PROTECTED BY THE SEAL OF THE COURT.**

**UNDER POTENTIAL PENALTY OF
CONTEMPT OF COURT, THE PERSON'S
NAME OR IDENTIFYING INFORMATION MAY
NOT BE DISCLOSED TO ANY PERSON
EXCEPT AS REQUIRED TO COMPLY WITH
THIS SUBPOENA.**

Apr. 23. 2012 10:15AM

No. 5041 P. 4

CP-14-CR-2421-2011&CP-14-CR-2422- Term 20 11

Commonwealth of Pennsylvania
COUNTY OF CENTRE

COMMONWEALTH OF PENNSYLVANIA

VS.

GERALD A. SANDUSKY, DEFENDANT

TO COMMISSIONER FRANK NOONAN, THE PA STATE POLICE, PA STATE POLICE HEADQUARTERS, 1800
ELMERTON AVENUE, HARRISBURG, PA 17110 ATTN: SUBPOENA COMPLIANCE DIVISION

You are ordered by the court to come to CENTRE COUNTY COURTHOUSE, COURTROOM NO. 1

SECOND FLOOR, 102 SOUTH ALLEGHENY STREET, at Bellefonte, Pennsylvania, on

WEDNESDAY, MAY 16, 2012 at 10:00 A. M. to testify on behalf of


DEFENDANT in the above captioned case

and to remain until excused.

And bring with you the following: COMPLETE AND NON-REDACTED COPIES OF THE

INFORMATION REQUESTED IN THE SUBPOENA ATTACHMENT.

Witness, the Honorable, Thomas K. Kistler, President Judge of our said
Court at Bellefonte, this 5TH day of APRIL, A.D. 20 12

 Prothonotary

If you fail to attend or to produce the documents or things required by this Subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania rules of Procedure, including, but
not limited to, costs, attorney fees, and imprisonment.

CC 106

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

110 REGENT COURT

SUITE 202

STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

SUBPOENA ATTACHMENT

Commissioner Frank Noonan
The Pennsylvania State Police
Pennsylvania State Police Headquarters
1800 Elmerton Avenue
Harrisburg, PA 17110

ATTN: Subpoena Compliance Division

**RE: Commonwealth of Pennsylvania vs. Gerald A. Sandusky,
Nos. CP-14-CR-2421-2011 & CP-14-CR-2422-2011**

Dear Commissioner Noonan:

As you may be aware, an Order of the Court dated March 13, 2012 protects the identity of accusers/alleged victims in regard to the above-captioned matters. Therefore this Subpoena Attachment only identifies the accusers/alleged victims by number. I have attached a sealed envelope that will identify the accusers/alleged victims by name to assist you in your compliance with the subpoena.

Pursuant to the enclosed Subpoena and Subpoena Attachment, you are requested to provide Joseph L. Amendola, Esquire, 110 Regent Court, Suite 202, State College, PA 16801 with copies of Pennsylvania State Police records, documents and reports as well as other information kept and maintained by your agency as described in this Subpoena Attachment. The following records, documents and reports are to be provided in their original form with no redactions and/or pages omitted:

A. Copies of any and all Pennsylvania State Police records as kept and maintained by the agency for Accusers/Alleged Victims 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 to include the following:

1. All PSP incident investigations that the individuals were either a victim or defendant. Please be advised this request does not apply to the current investigation by members of the Pennsylvania State

Police/Office of Attorney General in which Mr. Sandusky is Defendant. This request shall be for incident number(s) only.

2. All PSP documents, reports and incident investigations that were provided to the Freeh Investigative Group who have been retained by The Pennsylvania State University to conduct a non-law enforcement investigation of all matters regarding the Sandusky investigation and The Pennsylvania State University.

3. Copies of the same documents that were provided in any way by the service of a subpoena or search warrant to any law enforcement agency both within the Commonwealth of Pennsylvania as well as non-Pennsylvania law enforcement agencies to include any state, county, city, sheriff and/or local agency that has or is currently investigating Mr. Sandusky.

4. Any and all investigative reports that where received by the PSP from agencies within the Commonwealth as well as outside the Commonwealth of Pennsylvania that in any way pertain to Mr. Sandusky.

5. Copy of PSP Accident Report involving Accuser/Alleged Victim 1 investigated by Trooper Christopher (PSP, LAMAR Barracks) as well as all supplemental accident reports attached to the original accident report.

Truly,



Joseph L. Amendola, Esquire

JLA:dka
Enclosure

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

VS.

GERALD A. SANDUSKY

CP-14-CR-2421-2011
CP-14-CR-2422-2011

ORDER

AND NOW, MARCH 13, 2012, to carry out the agreement reached between counsel, it is ordered as follows:

1. The names of persons heretofore identified as Victims 1 through 10 shall remain protected under the seal of the Court and may not be disclosed by any person, except pursuant to court order or other authorization of the court.
2. Any subpoena seeking records regarding the alleged victims who have been publicly identified to date only as Victims 1 through 10 from child welfare agencies; physicians, hospitals or other medical providers; mental health providers; schools; social service agencies; or the like, shall have affixed to the front of the subpoena in at least 18 point type the following notice:

NOTICE

BY ORDER OF THE COURT OF COMMON PLEAS OF CENTRE COUNTY PENNSYLVANIA, DATED MARCH 13, 2012, ANY PERSON OR AGENCY RECEIVING THIS SUBPOENA IS NOTIFIED THAT THE NAME OR ANY IDENTIFYING INFORMATION OF THE PERSON FOR WHOM THE RECORDS OR OTHER INFORMATION IS SOUGHT IS PROTECTED BY THE SEAL OF THE COURT.

UNDER POTENTIAL PENALTY OF CONTEMPT OF COURT, THE PERSON'S NAME OR IDENTIFYING INFORMATION MAY NOT BE DISCLOSED TO ANY PERSON EXCEPT AS REQUIRED TO COMPLY WITH THIS SUBPOENA.

FILED FOR RECORD

2012 MAR 13 A 9:03

DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY, PA

By the Court:



John M. Cleland, S.J.
Specially Presiding

Exhibit B

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

110 REGENT COURT
SUITE 202
STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

April 10, 2012

Ms. Kelly Hastings, Superintendant
Central Mountain School District
110 East Bald Eagle Street
Lock Haven, PA 17745

**RE: Commonwealth v. Gerald A. Sandusky
Subpoena with Attachment & Order of the Court**

Dear Ms. Hastings:

Please find enclosed a subpoena requiring the production of information as provided in the Subpoena Attachment. If this information is provided to me at my above-listed office address on or before May 14, 2012, it will not be necessary for a representative of your District to appear in court in Centre County, Pennsylvania, on May 16, 2012 at 10:00 a.m. with the requested information.

Thank you for your anticipated prompt attention to this matter. I will await further word from a representative of the District concerning the request contained in this correspondence.

Truly,



Joseph L. Amendola, Esquire

JLA:dka
Enclosures

NOTICE

**BY ORDER OF THE COURT OF COMMON
PLEAS OF CENTRE COUNTY,
PENNSYLVANIA, DATED MARCH 13, 2012,
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CONTEMPT OF COURT, THE PERSON'S
NAME OR IDENTIFYING INFORMATION MAY
NOT BE DISCLOSED TO ANY PERSON
EXCEPT AS REQUIRED TO COMPLY WITH
THIS SUBPOENA.**

04/18/2012 10:31

(FAX)

P.005/008

04/17/2012 13:38 5708934634

KCSD SUPERINTENDENT
CP-14-CR-2421-2011&CP-14-CR-2422-

PAGE 03/06
Term 20 11

Commonwealth of Pennsylvania
COUNTY OF CENTRE

COMMONWEALTH OF PENNSYLVANIA

VS.

GERALD A. SANDUSKY, DEFENDANT

TO MS. KELLY HASTINGS, SUPERINTENDANT, CENTRAL MOUNTAIN SCHOOL DISTRICT, 110 EAST BALD
EAGLE STREET, LOCK HAVEN, PA 17745

You are ordered by the court to come to CENTRE COUNTY COURTHOUSE, COURTROOM NO. 1,
SECOND FLOOR, 102 SOUTH ALLEGHENY STREET

at Bellefonte, Pennsylvania, on

WEDNESDAY, MAY 16, 2012

at 10:00 A.

M. to testify on behalf of

DEFENDANT

in the above-captioned case

and to remain until excused.

And bring with you the following: COMPLETE AND NON-REDACTED COPIES OF THE
INFORMATION REQUESTED IN THE SUBPOENA ATTACHMENT.

Witness, the Honorable, Thomas K. Kistler, President Judge of our said
Court at Bellefonte, this 9TH day of APRIL, A.D. 20 12

 Prothonotary

If you fail to attend or to produce the documents or things required by this Subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania rules of Procedure, including, but
not limited to, costs, attorney fees, and imprisonment.

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW
110 REGENT COURT
SUITE 202
STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

SUBPOENA ATTACHMENT

Ms. Kelly Hastings, Superintendant
Central Mountain School District
110 East Bald Eagle Street
Look Haven, PA 17745

Re: **Commonwealth of Pennsylvania vs. Gerald A. Sandusky,**
Nos. CP-14-CR-2421-2011 & CP-14-CR-2422-2011

Dear Ms. Hastings:

Upon receipt of this correspondence please make certain the name of Accuser/Alleged Victim 1 be given the utmost consideration from being made public in order to comply with the Order of the Court dated March 13, 2012 which I have enclosed for your information. This Order applies to all person(s) who may gain knowledge of the name.

Pursuant to the enclosed Subpoena and Subpoena Attachment, you are requested to provide Joseph L. Amendola, Esquire, 110 Regent Court, Suite 202, State College, PA 16801 with copies of Central Mountain School District records, documents and reports as well as other information kept and maintained by your District as described in this Subpoena Attachment. The following records, documents and reports are to be provided in their original form with no redactions and/or pages omitted:

A. 'Copies of the entire school district records as kept and maintained by the Central Mountain School District for Accuser/Alleged Victim 1 [REDACTED] to include the following:

1. Complete school records;
2. All IQ/intelligence testing as well as the method/manner of testing;
3. All school discipline records to include "in-school" suspension, "out-of-school" suspensions and expulsions of the student as mandated by district policy;

4. All records that detail any psychiatric/psychological diagnosis including Axis I, II, III, IV and V;

5. All records that describe any "in-school" services provided by the school district or outside vendor who provides such services for behavior related issues, TSS support and/or behavior specialist who prepared or managed treatment plans for the student while at the school for any academic day;

6. Any and all school records to include medical information, psychiatric and psychological records provided the Office of Attorney General, the Pennsylvania State Police and/or other federal, state, sheriff or local law enforcement agencies through use of a subpoena, search warrant or voluntary means by the school district to the requesting law enforcement agency;

7. Any and all school records provided to any CYS County Agency, adult/juvenile probation office, long/short-term treatment center, county jails or similar locations that a child would be prevented from leaving such as juvenile detention centers;

8. All grade reports for any period the child was a student;

9. All records that were provided to the Central Mountain School District by the student or another school district in regard to a possible transfer from another school district;

10. All school district reports from the transferring district along with the name of the district the child transferred from during any academic year or prior to the start of the following academic year;

11. All absentee days along with any and all medical or other reasons the child was not in attendance for the academic year to include the name and address of the physician and/or medical provider wherein an attendance excuse was provided;

12. All investigative reports prepared by Officer Brandon Coleman of the Central Mountain School District Police Department/Office of Public Safety in regard to a complaint of harassment/stalking Accuser/Alleged Victim 1 filed wherein an investigation was conducted and the complaint determined to be "unfounded".

13. All Clinton County School District records not specified in Paragraph Nos. 1 through 12.

Truly,



Joseph L. Amendola, Esquire

JLA:dka

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

VS. :

GERALD A. SANDUSKY :

CP-14-CR-2421-2011

CP-14-CR-2422-2011

ORDER

AND NOW, MARCH 13, 2012, to carry out the agreement reached between counsel, it is ordered as follows:

1. The names of persons heretofore identified as Victims 1 through 10 shall remain protected under the seal of the Court and may not be disclosed by any person, except pursuant to court order or other authorization of the court.
2. Any subpoena seeking records regarding the alleged victims who have been publicly identified to date only as Victims 1 through 10 from child welfare agencies; physicians, hospitals or other medical providers; mental health providers; schools; social service agencies; or the like, shall have affixed to the front of the subpoena in at least 18 point type the following notice:

NOTICE

BY ORDER OF THE COURT OF COMMON PLEAS OF CENTRE COUNTY PENNSYLVANIA, DATED MARCH 13, 2012, ANY PERSON OR AGENCY RECEIVING THIS SUBPOENA IS NOTIFIED THAT THE NAME OR ANY IDENTIFYING INFORMATION OF THE PERSON FOR WHOM THE RECORDS OR OTHER INFORMATION IS SOUGHT IS PROTECTED BY THE SEAL OF THE COURT.

UNDER POTENTIAL PENALTY OF CONTEMPT OF COURT, THE PERSON'S NAME OR IDENTIFYING INFORMATION MAY NOT BE DISCLOSED TO ANY PERSON EXCEPT AS REQUIRED TO COMPLY WITH THIS SUBPOENA.

FILED FOR RECORD

2012 MAR 13 A 9 03

DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY, PA

By the Court:

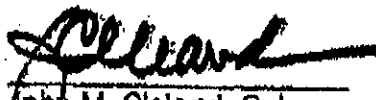

John M. Cleland, S.J.
Specially Presiding

Exhibit C

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

110 REGENT COURT
SUITE 202
STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

April 19, 2012

Ms. Julia Hearthway, Secretary
PA Department of Labor and Industry
651 Boas Street
Harrisburg, PA 17120

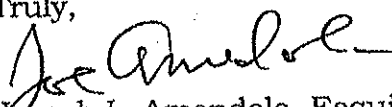
**RE: Commonwealth v. Gerald A. Sandusky
Subpoena with Attachment & Order of the Court**

Dear Ms. Hearthway:

Please find enclosed a subpoena requiring the production of information as provided in the Subpoena Attachment. If this information is provided to me at my above-listed office address on or before May 14, 2012, it will not be necessary for a representative of your Department to appear in court in Centre County, Pennsylvania, on May 16, 2012 at 10:00 a.m. with the requested information.

Thank you for your anticipated prompt attention to this matter. I will await further word from a representative of the Department concerning the request contained in this correspondence.

Truly,


Joseph L. Amendola, Esquire

JLA:dka
Enclosures

OFFICE OF THE SECRETARY
OF LABOR & INDUSTRY

12 APR 23 AM 9:27

RECEIVED

NOTICE

**BY ORDER OF THE COURT OF COMMON
PLEAS OF CENTRE COUNTY,
PENNSYLVANIA, DATED MARCH 13, 2012,
ANY PERSON OR AGENCY RECEIVING THIS
SUBPOENA IS NOTIFIED THAT THE NAME
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CONTEMPT OF COURT, THE PERSON'S
NAME OR IDENTIFYING INFORMATION MAY
NOT BE DISCLOSED TO ANY PERSON
EXCEPT AS REQUIRED TO COMPLY WITH
THIS SUBPOENA.**

Commonwealth of Pennsylvania
COUNTY OF CENTRE

COMMONWEALTH OF PENNSYLVANIA

VS.

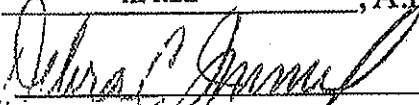
GERALD A. SANDUSKY, DEFENDANT

TO MS. JULIA HEARTHWAY, SECRETARY, PA DEPARTMENT OF LABOR AND INDUSTRY, 651 BOAS STREET,
HARRISBURG, PA 17120

You are ordered by the court to come to CENTRE COUNTY COURTHOUSE, COURTROOM NO. 1,
SECOND FLOOR, 102 SOUTH ALLEGHENY STREET at Bellefonte, Pennsylvania, on
WEDNESDAY, MAY 16, 2012 at 10:00 A. M. to testify on behalf of
DEFENDANT in the above captioned case
and to remain until excused.

And bring with you the following: COMPLETE AND NON-REDACTED COPIES OF THE
INFORMATION REQUESTED IN THE SUBPOENA ATTACHMENT.

Witness, the Honorable, Thomas K. Kistler, President Judge of our said
Court at Bellefonte, this 18TH day of APRIL, A.D. 20 12



Prothonotary

If you fail to attend or to produce the documents or things required by this Subpoena, you may be
subject to the sanctions authorized by Rule 234.5 of the Pennsylvania rules of Procedure, including, but
not limited to, costs, attorney fees, and imprisonment.

COURT SUBPOENA

CENTRE COUNTY, ss:

COMMONWEALTH OF PENNSYLVANIA

vs.

GERALD A. SANDUSKY, DEFENDANT

SUBPOENA ON PART OF

DEFENDANT

Issued by: JOSEPH L. AMENDOLA, ESQUIRE
(attorney's name, address, phone #, and ID #)

110 REGENT COURT, SUITE 202
STATE COLLEGE, PA 16801
(814) 234-6821
I.D. NO. 17667

, being duly sworn according to

law, doth depose and say, that he served the within Subpoena upon

Sworn to and subscribed before me this
day of A.D. 20

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW
110 REGENT COURT
SUITE 202
STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

SUBPOENA ATTACHMENT

Ms. Julia Hearthway, Secretary
Pennsylvania Department of Labor and Industry
651 Boas Street
Harrisburg, PA 17120

**RE: Commonwealth of Pennsylvania vs. Gerald A. Sandusky,
Nos. CP-14-CR-2421-2011 & CP-14-CR-2422-2011**

Dear Ms. Hearthway:

Please make certain the names listed in the contents of this correspondence be given the utmost consideration from being made public in order to comply with the Order of the Court dated March 13, 2012 which I have enclosed for your information. This Order applies to all person(s) who may gain knowledge of the names.

Pursuant to the enclosed Subpoena and Subpoena Attachment, you are requested to provide Joseph L. Amendola, Esquire, 110 Regent Court, Suite 202, State College, PA. 16801 with copies of Pennsylvania Public Welfare records, documents and reports as well as other information kept and maintained by your Department as described in this Subpoena Attachment. The following records, documents and reports are to be provided in their original form with no redactions and/or pages omitted:

A. All Pennsylvania Department of Labor and Industry documents as they relate to the following individuals:

B. All claims for workers' unemployment as filed before the County of Record in regard to the aforementioned individuals to include any and all names of employers with their addresses and telephone numbers.

C. Any and all records of unemployment fraud as they relate to the above-named individuals to include all of the Agency's reports, investigations, and final dispositions as well as all agreements that were entered into for repayment of funds obtained in violation of any and all rules/regulations/policy of the Pennsylvania Department of Labor and Industry.

D. All claims for workers' compensation filed with the Department of Labor and Industry by any of the above-named individuals to include all claims, employer of record, and their telephone number and address as well as the following:

1. All documents submitted by the individual/his worker's compensation attorney;

2. All medical reports submitted by the individual/his counsel to support the injury claim;

3. All medical reports as prepared by the employer's doctor for the initial injury in which the employee is mandated to seek medical attention;

4. All medical reports obtained from an Independent Medical Examination (IME) at the request of the worker's compensation carrier;

5. Identify the insurance carrier for the employer;

6. Any and all evidence presented by the insurance carrier at a hearing before a compensation judge to include:

- a) photographs/video of the individual in activity that is in direct opposition to the indicated injury;

- b) all witness statements/testimony by witnesses at any and all hearings;

- c) any and all evidence presented not described but entered into the record by the insurance carrier's counsel and or employee's counsel.

7. All findings of the workers' compensation judges in any and all hearings that the individuals were involved to include:

- a) orders for payment of benefits;

- b) settlements;

- c) orders that benefits will be denied with any and all reason of the court of records

d) all order(s)/decree(s) that aver to the individual presenting false statements under oath/affirmation;

e) Any and all findings that were presented for criminal arrest through the Agency's investigative branch or outside law enforcement agency.

Truly,

A handwritten signature in dark ink, appearing to read "Joe Amendola", written in a cursive style.

Joseph L. Amendola, Esquire

JLA:dka

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

VS. :

GERALD A. SANDUSKY :

CP-14-CR-2421-2011
CP-14-CR-2422-2011

ORDER

AND NOW, MARCH 13, 2012, to carry out the agreement reached between counsel, it is ordered as follows:

1. The names of persons heretofore identified as Victims 1 through 10 shall remain protected under the seal of the Court and may not be disclosed by any person, except pursuant to court order or other authorization of the court.
2. Any subpoena seeking records regarding the alleged victims who have been publicly identified to date only as Victims 1 through 10 from child welfare agencies; physicians, hospitals or other medical providers; mental health providers; schools; social service agencies; or the like, shall have affixed to the front of the subpoena in at least 18 point type the following notice:

NOTICE

BY ORDER OF THE COURT OF COMMON PLEAS OF CENTRE COUNTY PENNSYLVANIA, DATED MARCH 13, 2012, ANY PERSON OR AGENCY RECEIVING THIS SUBPOENA IS NOTIFIED THAT THE NAME OR ANY IDENTIFYING INFORMATION OF THE PERSON FOR WHOM THE RECORDS OR OTHER INFORMATION IS SOUGHT IS PROTECTED BY THE SEAL OF THE COURT.

UNDER POTENTIAL PENALTY OF CONTEMPT OF COURT, THE PERSON'S NAME OR IDENTIFYING INFORMATION MAY NOT BE DISCLOSED TO ANY PERSON EXCEPT AS REQUIRED TO COMPLY WITH THIS SUBPOENA.

FILED FOR RECORD

2012 MAR 13 A 9:03

DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY, PA

By the Court:

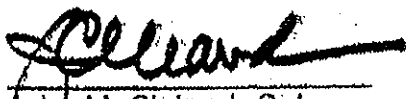

John M. Cleland, S.J.
Specially Presiding

Exhibit D

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

110 REGENT COURT
SUITE 202

STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

April 10, 2012

Director Steve Shelow
Penn State University Police Services
20 Eisenhower Deck
University Park, PA 16801

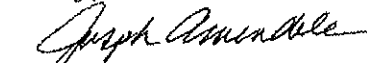
**RE: Commonwealth v. Gerald A. Sandusky
Subpoena with Attachment & Order of the Court**

Dear Director Shelow:

Please find enclosed a subpoena requiring the production of information as provided in the Subpoena Attachment. If this information is provided to me at my above-listed office address on or before May 14, 2012, it will not be necessary for a representative of your Department to appear in court in Centre County, Pennsylvania, on May 16, 2012 at 10:00 a.m. with the requested information.

Thank you for your anticipated prompt attention to this matter. I will await further word from a representative of the Department concerning the request contained in this correspondence.

Truly,



Joseph L. Amendola, Esquire

JLA:dka
Enclosures

NOTICE

**BY ORDER OF THE COURT OF COMMON
PLEAS OF CENTRE COUNTY,
PENNSYLVANIA, DATED MARCH 13, 2012,
ANY PERSON OR AGENCY RECEIVING THIS
SUBPOENA IS NOTIFIED THAT THE NAME
OR ANY IDENTIFYING INFORMATION OF
THE PERSON FOR WHOM THE RECORDS
OR OTHER INFORMATION IS SOUGHT IS
PROTECTED BY THE SEAL OF THE COURT.**

**UNDER POTENTIAL PENALTY OF
CONTEMPT OF COURT, THE PERSON'S
NAME OR IDENTIFYING INFORMATION MAY
NOT BE DISCLOSED TO ANY PERSON
EXCEPT AS REQUIRED TO COMPLY WITH
THIS SUBPOENA.**

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

110 REGENT COURT
SUITE 202

STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

PLEASE NOTE

Rather than require you to contact my office to obtain the names of the Accusers/Alleged Victims, as stated in the enclosed correspondence, I have attached to the enclosed Subpoena the names and birth dates of the individuals for whom I am requesting information and whose identities are to be protected by the enclosed Court Order dated March 13, 2012.

Commonwealth of Pennsylvania
COUNTY OF CENTRE

COMMONWEALTH OF PENNSYLVANIA

VS.

GERALD A. SANDUSKY, DEFENDANT

TO DIRECTOR STEVE SHELW, PENN STATE UNIVERSITY POLICE DEPARTMENT, 20 EISENHOWER DECK,
UNIVERSITY PARK, PA 16802

You are ordered by the court to come to CENTRE COUNTY COURTHOUSE, COURTROOM NO. 1,

SECOND FLOOR, 102 SOUTH ALLEGHENY STREET

at Bellefonte, Pennsylvania, on

WEDNESDAY, MAY 16, 2012

at 10:00 A. M. to testify on behalf of

DEFENDANT


in the above captioned case

and to remain until excused.

And bring with you the following: COMPLETE AND NON-REDACTED COPIES OF THE
INFORMATION REQUESTED IN THE SUBPOENA ATTACHMENT.

Witness, the Honorable, Thomas K. Kistler, President Judge of our said

Court at Bellefonte, this 9TH day of APRIL, A.D. 20 12

 Prothonotary

If you fail to attend or to produce the documents or things required by this Subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania rules of Procedure, including, but not limited to, costs, attorney fees, and imprisonment.

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

110 REGENT COURT

SUITE 202

STATE COLLEGE, PA 16801-7966

TELEPHONE
814-234-6821

FAX
814-234-6013

SUBPOENA ATTACHMENT

Director Steve Shelow
Penn State University Police Department
20 Eisenhower Deck
University Park, PA 16802

**RE: Commonwealth of Pennsylvania vs. Gerald A. Sandusky,
Nos. CP-14-CR-2421-2011 & CP-14-CR-2422-2011**

Dear Director Shelow:

Upon receipt of this correspondence and the attached documents, please contact me at 814-234-6821 and I will provide the name of Accusers/Alleged Victims 1, 3, 4, 5, 6, 7, 9 and 10 in regard to the above-captioned matters. Please make certain the names of Accusers/Alleged Victims 1, 3, 4, 5, 6, 7, 9 and 10 be given the utmost consideration from being made public in order to comply with the Order of the Court dated March 13, 2012 which I have enclosed for your information. This Order applies to all person(s) who may gain knowledge of the names.

Pursuant to the enclosed Subpoena and Subpoena Attachment, you are requested to provide Joseph L. Amendola, Esquire, 110 Regent Court, Suite 202, State College, PA 16801 with copies of the Penn State University Police Department records, documents and reports as well as other information kept and maintained by your Department as described in this Subpoena Attachment. The following records, documents and reports are to be provided within in their original form with no redactions and/or pages omitted:

A. Copies of any and all Penn State University Police Department records as kept and maintained by the Department for Accusers/Alleged Victims 1, 3, 4, 5, 6, 7, 9 and 10 to include the following:

1. Any and all police department incident reports, records, files, documents that the above described individuals were either a victim, defendant or witness in any crime within your enforcement/investigative boundaries;
2. All administrative files that pertain to the Gerald Sandusky

investigation as completed by the PSU Police Department to include the ninety-page plus/minus investigation from the on or about 1998 timeframe that was reclassified from an "incident report" to an "administrative file";

3. All PSU Police Department records that were provided by the service of a subpoena/search warrant or voluntary means for the following agencies or investigative bodies:

- a) The Attorney General of Pennsylvania;
- b) The Pennsylvania State Police;
- c) The Federal Bureau of Investigation;
- d) The Freeh Investigative Group retained by The Pennsylvania State University;
- e) Any other law enforcement investigative agency/body entitled to receive such information from The Pennsylvania State University;

4. Identify who ordered/directed the 1998 investigation of Gerald Sandusky be reclassified from an "incident investigation" to that of an "administrative file";

5. Any and all directives from the Pennsylvania State University Board of Directors, the Office of the President, as well as the lower change of command within the University that mandated/directed the 1998 Sandusky investigation be handled in any particular manner/fashion by the PSU Police Department;

6. Any and all audio or video recordings of the 1998 Sandusky investigation;

7. Any and all subsequent investigations by the Penn State University Police Department of any and all Gerald Sandusky related investigations by PSU Police Department as well as identify any law enforcement agencies whom were provided with such investigative/incident reports along with any administrative files that relate to any further PSU Police Department investigations.

Truly,



Joseph L. Amendola, Esquire

JLA:dka

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,
PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

VS. :

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GERALD A. SANDUSKY :

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FILED FOR RECORD

7512 MAR 13 A 9:03

DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY, PA

By the Court:


John M. Cleland, S.J.
Specially Presiding