

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

COMMONWEALTH OF PENNSYLVANIA )

vs. )

GERALD A. SANDUSKY )

Nos. CP-14-CR-2421-2011 &  
CP-14-CR-2422-2011

*Commonwealth Attorneys:*

*Joseph McGettigan, Esquire*

*Jonelle H. Eshbach, Esquire*

*Defense Attorney:*

*Joseph L. Amendola, Esquire*

**DEFENDANT'S ANSWER TO COMMONWEALTH'S**  
**MOTION FOR CHANGE OF VENIRE**

TO THE HONORABLE JOHN M. CLELAND, SENIOR JUDGE SPECIALLY ASSIGNED  
TO THESE MATTERS IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,  
PENNSYLVANIA:

AND NOW, comes the Defendant, through his counsel, and submits his  
Answer in Opposition to the Commonwealth's Motion for Change of Venire:

1. The allegations contained in Paragraph No. 1 of the  
Commonwealth's Motion for Change of Venire asks the Court for relief, which the  
Defendant opposes, as a result of which the Defendant submits he need not respond.

2. The allegations contained in Paragraph No. 2 of the  
Commonwealth's Motion for Change of Venire contain conclusions of law to which the  
Defendant need not respond.

3. The allegations contained in Paragraph No. 3 of the  
Commonwealth's Motion for Change of Venire contain conclusions of law to which the  
Defendant need not respond.

4. Denied. The Defendant submits the Centre County community is as  
capable of providing a fair and objective jury pool from which a fair and objective jury can

be selected to hear the Defendant's cases as any other area in the state, or, for that matter, in the country given the complete saturation of the entire population of the United States and abroad by media coverage of the Defendant's cases since he was first arrested on November 5, 2011.

5. Admitted in part and denied in part. While the Defendant agrees the media coverage of these matters has been spectacular in its breadth and intensity, the media coverage has encompassed the entire nation as well as many areas outside our national borders. For these reasons, the Defendant submits there is no better community than Centre County to be found in the entire Commonwealth of Pennsylvania or outside its borders from which a fair and impartial jury can be selected to hear the Defendant's cases.

6. Admitted in part and denied in part. While the Defendant concedes local, state, national, and international reporters have produced the kind of publicity which must represent the very definition of extensive, sustained, and pervasive coverage of the Defendant's cases, the Defendant denies that this coverage is limited solely to Centre County or for that matter even the Commonwealth of Pennsylvania. To the contrary, this coverage extends beyond the borders of our nation as a result of which the Defendant submits there is no better community than Centre County to be found in the entire Commonwealth of Pennsylvania or even outside its borders from which a fair and impartial jury can be selected to hear his cases.

7. Admitted in part and denied in part. While the Defendant agrees with the Commonwealth that the media has been focused on his case to an

unprecedented degree in our Commonwealth, nevertheless, the media's coverage of his cases has extended well beyond the borders of Centre County, the Commonwealth, and even our nation as a result of which the Defendant believes there is no better community than Centre County to be found anywhere in the Commonwealth from which a fair and impartial jury can be selected to hear his cases.

8. Admitted in part and denied in part. While the Defendant agrees with the Commonwealth that publicity alone does not require a change of venire, he disagrees with and denies the Commonwealth's representation that the combination of the pervasive publicity and the unique nature of the Penn State community requires that a non-Centre County jury be selected to hear his cases. To the contrary, given the extensive, sustained, and pervasive media coverage of these cases on a statewide, national, and even international level, the Defendant submits a jury selected from the Centre County community will be uniquely best suited to hear his cases. Furthermore, inasmuch as the Commonwealth's assertion that a change of venire is required in his cases, this represents a legal conclusion to which the Defendant need not respond.

9. Denied. The Defendant submits the averments set forth by the Commonwealth in Paragraph No. 9 of the Commonwealth's Motion for Change of Venire represent factual and legal conclusions to which the Defendant need not respond other than to specifically deny these averments and demand strict and admissible proof thereof, if any exists, at the time of hearing in these matters. By further answer, however, the Defendant submits that a jury selected from the Centre County community will be uniquely qualified to hear his cases in a fair and impartial manner.

10. Admitted in part and denied in part. While the Defendant agrees that, currently, there has been little passage of time to allow dissipation of the effect of the allegations made by the Commonwealth against the Defendant within the Centre County community, as well as statewide and nationally, an alternative, in lieu of a request for a change of venire in these cases, would be for the Commonwealth and the Defendant to jointly request a continuance of the Defendant's cases for a sufficient amount of time to allow media attention on a local, statewide, and national level to subside after which the Court could make a determination as to how best to proceed with jury selection in these matters.

11. Denied. The Defendant has no intention of requesting a change in venue or venire in his cases and reiterates his belief that a fair and impartial jury can be selected from the Centre County community.

12. Denied. The Defendant submits the averments set forth by the Commonwealth in Paragraph No. 12 of the Commonwealth's Motion for Change of Venire represent factual and legal conclusions to which the Defendant need not respond. By way of further answer, however, the Defendant again reiterates his belief that the publicity in these cases has been so pervasive and penetrating on a statewide, national, and international level, that the same challenges the Commonwealth alleges will be faced in selecting a jury of citizens from Centre County, will likewise be faced in selecting a jury of citizens from any other county in Pennsylvania.

13. Denied. The Defendant submits the averments set forth by the Commonwealth in Paragraph No. 13 of the Commonwealth' s Motion for Change of Venire constitute factual and legal conclusions to which the Defendant need not respond.

14. Denied. The Defendant submits the averments set forth by the Commonwealth in Paragraph No. 14 of the Commonwealth' s Motion for Change of Venire constitute factual and legal conclusions to which the Defendant need not respond. By way of further answer, however, the Defendant submits jurors from any other county in Pennsylvania will face the same difficulties and conflicts in being fair and impartial jurors in the Defendant's cases.

15. Denied. The Defendant submits the averments set forth by the Commonwealth in Paragraph No. 15 of the Commonwealth' s Motion for Change of Venire constitute a legal conclusion to which the Defendant need not respond. By way of further answer, however, the Defendant again reiterates his position in regard to this issue that he is opposed to the Commonwealth's Motion for Change of Venire for all the reasons set forth in his Answer to the Commonwealth's Motion regarding this issue.

16. Denied. The Defendant submits the averments set forth by the Commonwealth in Paragraph No. 16 of the Commonwealth' s Motion for Change of Venire constitute factual and legal conclusions to which the Defendant need not respond. By way of further answer, however, the Defendant reiterates his position that he believes a fair and impartial jury can be selected from the Centre County community for which reason he opposes the Commonwealth's Motion for Change of Venire in his cases.

17. Admitted. The Defendant submits he is in agreement with the Commonwealth that a change of venue is not necessary in his cases.

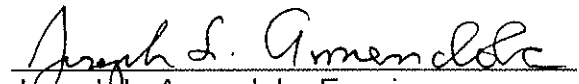
18. Admitted. The Defendant agrees with the Commonwealth that it will be logistically impractical to hold his trial anywhere else.

19. Admitted. The Defendant agrees with the Commonwealth that it will be proper and desirable that Centre County be the site of justice in these matters

WHEREFORE, for all the aforementioned reasons, the Defendant requests that this Honorable Court deny the Commonwealth's Motion for Change of Venire.

Respectfully submitted,

BY:



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