

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 REPONSE TO COMMONWEALTH'S RESPONSE TO ORDER OF  
COURT DIRECTING PRE-TRIAL DISCOVERY**

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, GERALD A. SANDUSKY, through his  
attorney, Joseph L. Amendola, Esquire, this 16<sup>th</sup> day of March, 2012, who respectfully  
files the following in response to the Commonwealth's response to the Court's Order of  
February 13, 2012 directing pre-trial discovery.

The Commonwealth in its Response to this Court's Order Directing Pre-Trial  
Discovery listed four (4) categories of information which it submitted to the Court are not  
subject to discovery by the Defendant in the above-captioned matters: 1) Grand Jury  
matters; 2) Ongoing investigations/uncharged offenses; 3) Private personal information  
not relevant to witness credibility; and 4) Statutorily protected items such as juvenile arrest  
records and psychological evaluations.

The Defendant concedes that Pennsylvania Rule of Criminal Procedure  
230 mandates that requests for copies of transcripts of testimony of witnesses appearing  
before the Grand Jury must be made to the Grand Jury supervising judge. The

Defendant submits the Commonwealth, however, has taken an overly restrictive position that this Court does not have the authority to compel the Commonwealth to turn over to the Defendant through the normal discovery process documents and other materials obtained by subpoena pursuant to its Grand Jury investigation. The Defendant submits the Investigating Grand Jury Act, 42 Pa. C.S. Section 4541 *et seq* is not so restrictive. The Act only requires the Commonwealth to obtain permission from the “supervising judge” to disclose matters occurring **before** the Investigating Grand Jury “to local, State, other state or Federal law enforcement or investigating agencies to assist them in investigating crimes under their investigative jurisdiction”. 42 Pa. C.S. Section 4549(b). Other disclosures contemplated by the Act only require approval of “the court” rather than specifically identifying the “supervising judge” as the gatekeeper. In exercising its discretion to grant or deny a request for discretionary discovery, this Court should be guided by the following principle of the ABA Standards Relating to Discovery and Procedure Before Trial which states:

In order to provide adequate information for informed pleas, expedite trials, minimize surprise, afford opportunity for effective cross-examination, and meet the requirements of due process, discovery prior to trial should be as full and free as possible consistent with the protection of persons, effective law enforcement, the adversary system, and national security. Pa.R.Crim.P. 305 Comment; Commonwealth v. Thiel, 323 Pa. Super. 92, 97, 470 A.2d 145, 148 (1983). See also Commonwealth v. Douglas, 403 Pa. Super. 105, 113, 588 A.2d 53, 57 (1991) (quoting Thiel); Commonwealth v. Daniels, 2005 WL 5873643 (Pa.Com.Pl. Chester Co. 2005) (quoting Thiel)

The purpose of our discovery rules is to permit the parties in criminal matters to be prepared for trial. Trial by ambush is contrary to the spirit and letter of those rules and will not be condoned. Commonwealth v. Appel, 547 Pa. 171, 204, 689 A.2d 891, 907 (1997).

[G]enerally, the purpose of discovery is to accord a defendant the opportunity to discover evidence which he did not know existed, as well as to seek possession of evidence of which he was aware. Commonwealth v. Fox, 422 Pa.Super. 224, 619 A.2d 327, 334 (1993), appeal denied 535 Pa. 659, 634 A.2d 222 (1993).

Furthermore, even assuming Rule 230(C) controls in this situation, the Commonwealth has made no showing that the physical evidence (reports, documents, interviews, subpoenas, etc.) sought by the Defendant through the pre-trial discovery process was ever “**before** the Investigating Grand Jury” thus making the supervising judge’s approval as to the release of such material unnecessary. Consequently, the Defendant submits this Court has the authority to issue an order compelling the Commonwealth to disclose to the Defendant all of the requested information contained within its files which this Court deems relevant and discoverable.

The Defendant submits that Pennsylvania Rule of Criminal Procedure 573(B)(1)(f) controls the current matter and supersedes all other rules relating to the pre-trial production of documents and materials and goes far beyond the exculpatory analysis of tangible and intangible items listed under Pa.R.Crim.P. 573(B)(1)(a) and (b). The Defendant submits that, if the Commonwealth has obtained documents in the course of its investigation in his case, Pa.R.Crim.P. 573(B)(1)(f) mandates that the Commonwealth provide the Defendant with copies of those documents and reports.

Exculpatory evidence in the Commonwealth’s possession is, nonetheless, discoverable as Brady material, and documents and reports in the possession of the Commonwealth, regardless of whether they are Brady material, are discoverable pursuant to Pa.R.Crim.P. 573(B)(1)(f). See Pa.R.Crim.P. 573 generally and Brady v. Maryland, 373 U.S. 83 (1963). If the Commonwealth can conceal evidence by presenting

it to a Grand Jury, the temptation to abuse the Grand Jury practice will increase significantly. The Defendant again relies on the general principles of discovery embodied in Pa.R.Crim.P. 573(B)(1)(f) and Pa.R.Crim.P. 573(B)(2) in requesting that this Court direct the Commonwealth to provide the Defendant with copies of all psychological, CYS, and juvenile records in its possession. See also Commonwealth v. Carillion, 380 Pa.Super. 458, 552 A.2d 279 (1988) citing the procedures set forth by the United States Supreme Court in Ritchie and endorsed by the Pennsylvania Supreme Court in Byuss that the trial court, in sexually related prosecutions involving minors, should conduct an in-camera inspection of a children's services' file. If the court determines the information sought by the defendant is relevant and material to the accused's defense, the court may, in its discretion, order the Commonwealth to make such disclosure to the accused. This process is in keeping with the tenor of the rule providing that reports sought to be examined by a defendant, if not subject to mandatory disclosure, are discoverable at the discretion of the trial court. See Commonwealth v. Byuss, 372 Pa.Super. 395, 539 A.2d 852 (1988); Pennsylvania Commonwealth v. Ritchie, 480 U.S. 39 (1987).

The Commonwealth also has responded to this Court's Order of February 13, 2012 that any psychological evaluations conducted upon the accusers/alleged victims in the instant case and juvenile arrest records are statutorily protected materials which the Defendant has no right to obtain through discovery requests. See 42 Pa. C.S. Section 5944 and 42 Pa. C.S. Section 6301 *et seq.* The Defendant respectfully disagrees with the Commonwealth's position in regard to these issues. The right to claim a privilege is a personal one belonging to the individual protected by the statutory privilege. See Commonwealth Ex. Rel. Romanowicz v. Romanowicz, 213 Pa.Super. 382, 248 A.2d 238

(1968). Our Supreme Court has recognized the simple fact that a thing remains a secret until it is told others, after which it is no longer a secret. What one chooses to do with another's secrets may differ from the expectation of the teller, but it is no longer a secret. How, when, and to whom the confidant discloses the confidence is his choosing. He may whisper it, write it, or in modern times immediately broadcast it as he hears it. Commonwealth v. Blystone, 519 Pa. 450, 464 (Pa. 1988). The Defendant submits psychological reports in its possession are no longer protected by 42 Pa. C.S. Section 5944 and are discoverable under Pa.R.Crim.P. 573(B)(1)(f) and potentially under 573(B)(2)(a) & (b).

42 Pa. C.S.A. Section 5944 provides protection for "Confidential communications to psychiatrists or licensed psychologists" and states:

No psychiatrist or person who has been licensed under the act of March 23, 1972 (P.L. 136, No. 52),<sup>1</sup> to practice psychology shall be, without the written consent of his client, examined in any civil or criminal matter as to any information acquired in the course of his professional services in behalf of such client. The confidential relations and communications between a psychologist or psychiatrist and his client shall be on the same basis as those provided or prescribed by law between an attorney and client.

A number of cases have dealt with discovery of these records, and there is a distinction between those records in the possession of the Commonwealth and those not, as well as an implied distinction between records created during the course of treatment and records prepared in anticipation of litigation or prosecution.

In Commonwealth v. Lloyd, 523 Pa. 427, 567 A.2d 1357 (1989), the Pennsylvania Supreme Court found that the denial of access to a rape victim's psychotherapy records violated the defendant's right to confrontation and compulsory

process. In Lloyd, the defendant sought to obtain the psychotherapy records of a six-year-old girl whom he allegedly had raped. The trial court denied his request. The Pennsylvania Supreme Court reversed, holding that the defendant's state constitutional rights to confrontation and compulsory process required that he be permitted to inspect the records.

The Pennsylvania Supreme Court later recognized in Commonwealth v. Wilson, 529 Pa. 268, 602 A.2d 1290 (year), that "Lloyd was concerned with a common law privilege which could not defeat a defendant's constitutional rights." Id. 602 A.2d at 1297. "Implicit in the distinction drawn by the Lloyd court is the recognition that the existence of a statutory privilege is an indication that the legislature acknowledges the significance of a particular interest and has chosen to protect that interest." Id. at 1297–98.

In 1989, the Pennsylvania Legislature amended 42 Pa. C.S.A. Section 5944 to include absolute privilege. The Superior Court recognized this change and incorporated it into its analysis of these cases with Commonwealth v. Kennedy, 412 Pa. Super. 95, 604 A.2d 1036 (1992), holding that where psychotherapeutic records are not in the prosecution's possession, and are subject to the protection of a statutorily enacted absolute privilege, a defendant's rights of confrontation and compulsory process are not violated by a denial of access to those records. This holding was recognized and reinforced in Commonwealth v. Smith, 414 Pa. Super. 208, 606 A.2d 939 (1992).

The distinguishing aspect of all of these cases is that the records sought to be discovered were not in the possession of the Commonwealth. They are therefore

inapplicable to our situation. The courts have nearly universally retreated to the argument that the Commonwealth does not have the records in their possession to cover their decisions to keep defendants from obtaining these records and, potentially, finding the privilege afforded by Section 5944 unconstitutional as applied to defendants.

The Kennedy court, *supra*, looked to the Pennsylvania Superior Court's decision in Commonwealth v. Kyle, 367 Pa. Super. 484, 533 A.2d 120 (1987), for guidance on how to deal with discovery of now-absolutely privileged records and how – and whether – to balance a defendant's rights against that privilege. As with the other cases outlined above, Kyle, too, involved psychiatric records created in the course of treatment, as opposed to evaluations conducted in anticipation of litigation. The Kyle court ultimately concluded that:

The privilege only limits access to statements made during the course of treatment by the psychologist. It does not foreclose all lines of defense questioning. Likewise, the privilege **does not unfairly place the defense in a disadvantageous position; like the defense, the prosecution does not have access to the confidential file and, thus, cannot use the information to make its case.** Kyle, 367 Pa. at 501, 533 A.2d at 129 (emphasis added).

In the instant case, the prosecution **is** in possession of the files, and failure to share those files (documents) with the Defendant places him at a serious disadvantage. For all the aforementioned reasons, the Defendant submits this Court does have the authority to direct the Commonwealth to provide the Defendant through the discovery process with copies of all psychological reports in the Commonwealth's possession relating to the accusers/alleged victims in the Defendant's cases.

The Defendant submits the accusers'/alleged victims' juvenile records are discoverable particularly in regard to crimes of *crimens falsi*. The Defendant further

submits that any drug and/or alcohol adjudications under the Juvenile Act should also be disclosed to the Defendant inasmuch as these types of offenses may affect the credibility of the accusers/alleged victims in recalling details about the alleged criminal conduct of the Defendant. See Pa.R.Crim.P. 606 and Pa. C.S. Section 6301 *et seq.*

In regard to the Commonwealth's position regarding the confidentiality of juvenile adjudications, the Defendant refers the Court to Pa.R.E. 609(d) Juvenile Adjudications which states that:

In a criminal case only, evidence of the adjudication of delinquency for an offense under The Juvenile Act, 42 Pa. C.S. Section 6301 *et seq.*, may be used to impeach the credibility of a witness if conviction of the offense would be admissible to attack the credibility of an adult.

Otherwise, in accordance with 42 Pa. C.S. Section 6354(b), a juvenile record may not generally be used for impeachment purposes. Commonwealth v. Katchmer, 453 Pa. 461, 309 A.2d 591 (1973). Under the confrontation clause of the United States Constitution, however, the accused in a criminal case has the right to use the juvenile record of a witness to show the witness' possible bias, regardless of the type of offense involved. See Davis v. Alaska, 415 U.S. 309 (1974); Commonwealth v. Simmon, 521 Pa. 218, 555 A.2d 860 (1989); See also Commonwealth v. Slaughter, 482 Pa. 538, 394 A.2d 453 (1978); Commonwealth v. Evans, 511 Pa. 214, 512 A.2d 626 (1986).

In applying Davis to cases within the Commonwealth, our Supreme Court has indicated that something more than a mere assertion of possible bias is necessary before the defense can take advantage of the holding in Davis, i.e., sufficient facts must be presented which will permit a clear and direct inference of bias to be drawn. Commonwealth v. Slaughter, 482 Pa. 538, 394 A.2d 453 (1978); Commonwealth v.



Case, 322 Pa.Super. 24, 469 A.2d 162 (1983). Specifically, there must be a logical connection between the facts to be proven and the inference to be drawn from those facts. Commonwealth v. Case, *Id.* at 29, 469 A.2d at 165." Commonwealth v. Bryner, 351 Pa.Super. 196, 198, 505 A.2d 335, 336 (1986) (Defendant was entitled to cross-examine juvenile witness as to prior dispositions as a juvenile in order to show bias due to logical connection between acts defense counsel wished to prove and an inference of bias in light of counsel's assertion that juvenile had been adjudicated a delinquent several times between time of events in question and statements to police, suggesting a possible desire to get a better deal for himself).

Even if the definition of an offense itself does not include a *crimens falsi* element, an offense might still be considered for purposes of impeachment under the rule governing impeachment by evidence of conviction of crime if the facts of its commission may render it a *crimens falsi* offense in a particular case. Commonwealth v. Cascardo, 2009 Pa. Super. 175, 981 A.2d 245.

In addition to the aforementioned reasons, the Defendant has knowledge that at least several of the accusers/alleged victims used and abused alcohol and controlled substances as juveniles which, in some cases, resulted in charges being filed under The Juvenile Act and the juvenile being adjudicated delinquent for drug violations. The Defendant believes that, if any of the accusers/alleged victims were adjudicated delinquent for drug violations use during the time they associated with the Defendant and/or afterwards, such drug use might well have affected their ability to adequately and accurately recollect their interactions with the Defendant and would call into question their credibility as witnesses at trial. For these reasons, the Defendant is

requesting that this Court also direct the Commonwealth to turn over any juvenile adjudications for drug violations involving any of the accusers/alleged victims in these cases.

The Commonwealth has declined to provide defense counsel with the current addresses of the accusers/alleged victims as well as their addresses at the times of the alleged offenses. The Commonwealth has also declined to provide the Defendant with the phone numbers of the accusers/alleged victims dating back to September 2008. Without this information, it will be extremely difficult for the Defendant's investigators to locate and attempt to interview these individuals. There is another purpose for asking for the accusers'/alleged victims' current phone numbers as well as their phone numbers between September 1, 2008 and February 6, 2012. The Defendant believes at least several of the accusers/alleged victims knew each other prior to September 2008 and communicated with each other after September 2008 and during the period when the Commonwealth's Grand Jury investigation was occurring. It is clear from the discovery materials the Commonwealth has already provided to the Defendant as well as from the Grand Jury Presentment itself that at least several of the accusers/alleged victims knew each other during the time they allegedly had contact with the Defendant. The Defendant believes at least several of the accusers/alleged victims, as established in the Commonwealth's Presentment and discovery materials, knew each other and most likely communicated with each other during the period when the Investigating Grand Jury in the Defendant's cases was holding hearings on the Defendant's alleged illegal conduct. Under these circumstances, the Defendant is again making a request to this Court to direct the Commonwealth to provide the Defendant's attorney with the current addresses

and phone numbers of the accusers/alleged victims, the addresses of the accusers/alleged victims at the time of any alleged illegal conduct with the Defendant, the current phone numbers of the accusers/alleged victims and all phone numbers of the accusers/alleged victims between September 1, 2008 and February 6, 2012 for purposes of investigating whether the accusers/alleged victims communicated among each other during the period of the Commonwealth's investigation and afterward in this matter.

In regard to many of the responses the Commonwealth makes in its Response to the Court's Order Directing Pre-Trial Discovery, the Commonwealth simply states the requested information involves "Grand Jury" matters or "Continuing, Ongoing Investigations/uncharged offenses". The Commonwealth relies on the secrecy of Grand Jury proceedings referencing 42 Pa. C.S. Section 4541 *et seq* for not providing these materials to the Defendant. This Court has previously indicated its position that any matters alleged by the Commonwealth to come under the cloak of the Grand Jury proceedings should be directed to the Grand Jury supervising judge for determination. The Defendant acknowledges this Court will most likely not rule on these issues, and the Defendant will be left to seek relief from the Grand Jury supervising judge regarding these issues. These matters are referenced in the Commonwealth's answers set forth in Paragraph Nos. 7a, 7b, 7v, 7x, 7y, 7dd, 7ii, 7ss, 7zz, 7aaa, 7ggg, 7hhh, 7kkk, 7mmm and 7nnn of its Response to the court's Order of February 13, 2012 Directing Pre-Trial Discovery. Again, however, pursuant to Pa.R.Crim.P. 573(B)(1)(f), the Defendant submits that, if the Commonwealth has obtained this information and has it in its possession, it is discoverable and the trial court has the authority to direct the Commonwealth to turn these materials over to Defendant's counsel, particularly if the

requested materials were never presented to the Grand Jury . Pa.R.Crim.P. 230(C).

In regard to the Commonwealth's responses to the Court's Order Directing Pre-Trial Discovery relating to redacted addresses and phone numbers, this Court has previously directed the Commonwealth to provide Defendant with the redacted addresses and phone numbers of witnesses. The Commonwealth has seemingly complied with the Court's Order with the exception of the addresses and phone numbers of the known accusers/alleged victims in his cases. Defendant's counsel reiterates Defendant's legal position as discussed at the conference held with the Court and the Commonwealth attorneys on March 12, 2012 that the current addresses and phone numbers of the known accusers/alleged victims are subject to discovery as are the addresses of the accusers/alleged victims at the times the alleged illegal contact occurred between the Defendant and them. The Defendant is therefore requesting that this Court enter an Order directing the Commonwealth to provide the Defendant with the current addresses and phone numbers of the known accusers/alleged victims as well as the addresses and phone numbers of these individuals at the times of the Defendant's alleged illegal conduct with these individuals so that the Defendant's investigators can adequately assist him in the preparation of his defense.

The Defendant is also asking the Commonwealth to provide counsel with all phone numbers of the known accusers/alleged victims for the period from September 1, 2008 through February 6, 2012 for purposes of obtaining phone records of those known accusers/alleged victims to determine whether they had contact with each other during the course of the Commonwealth's investigation in this matter. This period covers most

of the period of time when the Grand Jury and law enforcement officers were investigating these allegations made against the Defendant.

The Commonwealth has refused to provide copies of the psychological records of known accusers/alleged victims in its possession as set forth in the Commonwealth's responses to this Court's February 13, 2012 Order Directing Pre-Trial Discovery contained in Paragraph Nos. 7e, 7g, 7i, 7k (In its answer in 7k, the Commonwealth acknowledges it possesses a report prepared by John Seasock, a psychologist, in regard to Accuser/alleged Victim 6 which the Defendant believes contains information that John Seasock concluded Accuser/alleged Victim 6 was not sexually abused by the Defendant. The Defendant submits this material represents exculpatory evidence.), 7n, 7s, 7vv, 7yy and documents and reports referred to in Paragraph No. 11. Again, the Defendant submits these documents are discoverable pursuant to Pa.R.Crim.P. 573(B)(1)(f) in addition to potentially being Brady material and discoverable for all the reasons set forth previously in this response relating to confidential and privileged information and pursuant to Pa.R.Crim.P. 573(B)(1)(a) and (b).

In its response to the Court's Order dated February 13, 2012 directing pre-trial discovery, the Commonwealth has asserted certain information and materials in its possession such as juvenile arrests and criminal investigations are not discoverable pursuant to The Juvenile Act as set forth in its responses in Paragraph Nos. 7g, 7l, 7o.1 & 2, and 7yy. The Defendant submits this material is discoverable for all the reasons set forth previously in its response relating to the admissibility of juvenile records and pursuant to Pa.R.Crim.P. 573(B)(1)(f), 573(B)(1)(a) and (b). In addition, however, the Defendant is also asking the Commonwealth to produce any juvenile adjudications

regarding drug and/or alcohol offenses inasmuch as the Defendant has knowledge that certain of the accusers/alleged victims not only abused alcohol and other drugs, but were arrested and adjudicated delinquent for such use and possession. The Defendant believes that, if the accusers/alleged victims were using these substances during the times they alleged the Defendant had inappropriate sexual contact with them or thereafter, their use of such substances may well have affected their ability to accurately recall these events as a result of which this information would affect their credibility as witnesses.

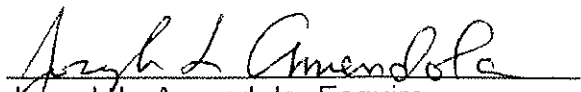
In its response to the Court's Order dated February 13, 2012 directing pre-trial discovery, the Commonwealth states in some of its answers in its Response to the Court's Order dated February 13, 2012 Directing Pre-Trial Discovery that the reports and information requested by the Defendant are not relevant to the ongoing investigation or prosecution of the Defendant and have no reference or relevance to the Defendant. (Paragraph Nos. 7cc, 7gg, 7mm) (The Defendant submits this information may potentially be exculpatory inasmuch as interviewed individuals who had routine contact with the Defendant may have information which is helpful in the preparation of the Defendant's defense even though the information did not further the Commonwealth's prosecution.) , 7oo (referencing "the Commonwealth is not in possession of any other Federal, County or Sheriff or local agency reports **relevant** to this investigation"), 7fff (in regard to the Commonwealth's answer that "**relevant**" photographs may be reviewed by arrangements with the Pennsylvania State Police) and 7ggg (in regard to the Commonwealth's response "that anything relevant has already been turned over"). Again, the Defendant submits these materials are discoverable pursuant to Pa.R.Crim.P. 573(B)(1)(f) and, at a

minimum, the Defendant is requesting the Court to undertake an in-camera review of these materials to determine their relevancy to the Defendant's prosecution.

In its response to the Court's Order dated February 13, 2012 directing the Commonwealth to provide pre-trial discovery materials to Defendant, the Commonwealth responds in Paragraph No. 7II that it "has absolutely no idea what is being requested in this item and avers that no 'victim ideology used in the identification of potential witnesses' exists". The Defendant was simply asking if the Commonwealth had profiled alleged victims in determining whom to contact and interview in its investigation and, if so, what procedures did it use in this process.

The Defendant respectfully requests this Court to enter an Order directing the Commonwealth to provide the Defendant with all requested discovery materials which fall under Pa.R.Crim.P. 573(B)(1)(f) and 573(B)(1)(a) and (b). The Commonwealth has conducted a three-plus year investigation into the Defendant's alleged illegal contact with ten (10) juveniles over a period from January 1994 through December 2008. The Defendant and his defense team have only had a couple of months since receiving the first discovery materials from the Commonwealth in mid-January to review this information and attempt to adequately prepare the Defendant's defense for trial which is scheduled to be held in mid-May. Given the length of the Commonwealth's investigation and the brevity of the time in which the Defendant and his defense team have to prepare his defense in his cases, the Defendant is asking the Court to direct the Commonwealth to provide him with as much information as the Court deems is discoverable under the Rules of Criminal Procedure.

Respectfully submitted,

BY:   
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Date: March 16, 2012



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

COMMONWEALTH OF PENNSYLVANIA	)	
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GERALD A. SANDUSKY	)	

*Commonwealth Attorneys:*

*Joseph McGettigan, Esquire*

*Jonelle H. Eshbach, Esquire*

*Defense Attorney:*

*Joseph L. Amendola, Esquire*

**CERTIFICATE OF SERVICE**

AND NOW, this 16<sup>th</sup> day of March, 2012, I, Joseph L. Amendola, hereby certify that I have, this date, served a copy of the foregoing document, by:

**Hand Delivery**

Hon. John M. Cleland, Senior Judge  
c/o Ms. Maxine Ishler, Court Administrator  
Centre County Courthouse  
102 South Allegheny Street  
Bellefonte, Pennsylvania 16823

**Mailed U.S. Mail, First-Class**

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