

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:

Defense Attorneys:

Frank G. Fina, Esquire

Joseph L. Amendola, Esquire

Norris E. Gelman, Esquire

MOTION FOR EVIDENTIARY HEARING

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

AND NOW, comes the Defendant, GERALD A. SANDUSKY, through his
attorneys, Joseph L. Amendola, Esquire and Norris E. Gelman, Esquire, who respectfully
represent the following:

1. The Defendant filed Post-Sentence Motions, through counsel, in the
above-captioned matters on or about October 18, 2012.
2. One of the major issues raised by the Defendant in his Post-
Sentence Motions is the averment the Court abused its discretion and violated due
process of laws guaranteed by the Fifth Amendment by interfering with the Defendant's
Sixth Amendment right to counsel when the Court denied defense motions for a
continuance based on the Defendant's inability to integrate the vast amount of material
turned over by the prosecution to the defense when trial was imminent which resulted in
the lack of time to prepare and utilize such materials to forward a defense or defenses to
the charges filed against him.

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PROTODIOTARY
CENTRE COUNTY, PA

3. In order to develop this issue regarding the Defendant's claim as set forth in Paragraph No. 2 above, defense counsel believes an evidentiary hearing is necessary for the presentation of testimony and exhibits in support of his averment set forth in Paragraph No. 2 above.

4. Defendant's counsel believes testimony regarding this issue set forth in Paragraph No. 2 above will not take longer than two (2) hours.

5. For all the aforementioned reasons, the Defendant, through counsel, respectfully requests that this Honorable Court grant his request for an evidentiary hearing at the time set forth by the Court for a hearing on the Defendant's Post-Sentence Motions.

WHEREFORE, the Defendant respectfully requests this Honorable Court enter an Order granting his request for an evidentiary hearing to be scheduled at the time set forth by the court for a hearing on the Defendant's Post-Sentence Motions.

Respectfully submitted,

BY:

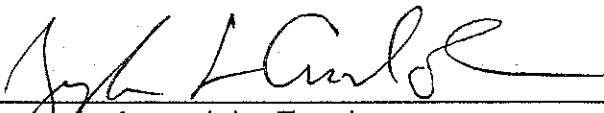


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VERIFICATION

I verify that the statements made in the foregoing are true and correct. I understand that false statements are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.



Joseph L. Amendola, Esquire

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GERALD A. SANDUSKY

Nos. CP-14-CR-2421-2011 &
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Norris E. Gelman, Esquire

CERTIFICATE OF SERVICE

AND NOW, this 13th day of December, 2012, I, Joseph L. Amendola, hereby certify that I have, this date, served a copy of the foregoing document, by:

Hand Delivery

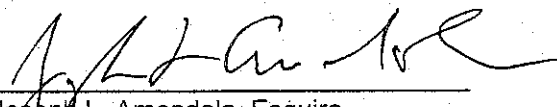
Hon. John M. Cleland, Senior Judge
c/o Ms. Maxine Ishler, Court Administrator
Centre County Courthouse
102 South Allegheny Street
Belleville, Pennsylvania 16823

Mailed U.S. Mail, First-Class

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DEBRA C. IMEL
PROTHONOTARY
CENTRE COUNTY, PA
2012 DEC 13 P 2:57
FILED FOR RECORD

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