

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

FILED FOR RECORD
2016 MAY -9 PM 12:28
DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY, PA

COMMONWEALTH OF

v.

GERALD A. SANDUSKY,

PETITIONER.

CP-14-CR-2421-2011

CP-14-CR-2422-2011

HONORABLE SENIOR JUDGE
JOHN M. CLELAND

TYPE OF PLEADING:

MOTION FOR RECUSAL

FILED ON BEHALF OF:

PETITIONER, GERALD A. SANDUSKY

COUNSEL FOR PETITIONER:

ALEXANDER H. LINDSAY, ESQUIRE
Pa. Supreme Court Id. No. 15088

J. ANDREW SALEMME, ESQUIRE
Pa. Supreme Court Id. No. 208257

THE LINDSAY LAW FIRM
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COMMONWEALTH OF PENNSYLVANIA	:	CP-14-CR-2421-2011
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v.	:	
	:	
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MOTION FOR RECUSAL

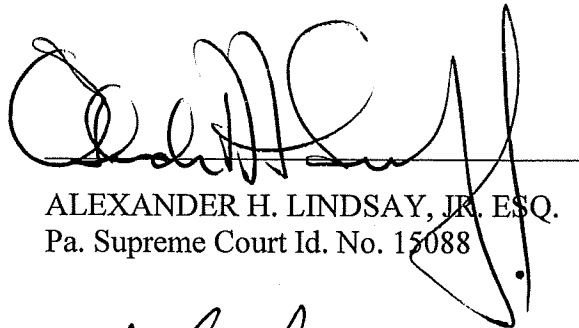
AND NOW COMES, Petitioner, Gerald A. Sandusky, by and through his counsel, Alexander H. Lindsay, Jr., Esq., and J. Andrew Salemme, Esq., and the Lindsay Law Firm, P.C., and files this Motion for Recusal and avers the following in support thereof:

On May 2, 2016, after the scheduled argument in the underlying PCRA matter, the PCRA court placed on the record that it could be a fact witness with respect to one of Mr. Sandusky's claims. Specifically, the PCRA court represented, on the record, that it was present with trial counsel Joe Amendola, counsel for the Commonwealth, and District Magistrate Scott at the Hilton Garden Inn in the State College area before the scheduled preliminary hearing. At this off-the-record meeting at the Hilton Garden Inn, certain representations appear to have been made by both the Commonwealth and Mr. Amendola and an unofficial agreement was reached regarding waiver of Mr. Sandusky's preliminary hearing that was to transpire later. This agreement is extra-record and pertains to Mr. Amendola's decision to waive Mr. Sandusky's preliminary hearing, which involves a specific claim of ineffectiveness in Mr. Sandusky's PCRA petition.

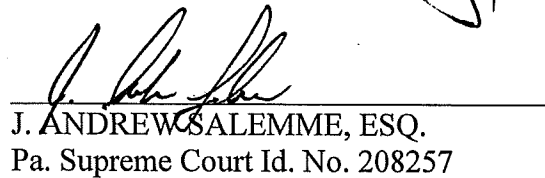
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COPY

In light of the unusualness of a trial judge being present for a non-record discussion regarding a decision to waive a preliminary hearing, resulting in the PCRA court becoming a fact witness,¹ a conflict of interest exists and Mr. Sandusky is constrained to request this Honorable Court to recuse itself and a new jurist be appointed forthwith.

Respectfully submitted,



ALEXANDER H. LINDSAY, JR. ESQ.
Pa. Supreme Court Id. No. 15088



J. ANDREW SALEMME, ESQ.
Pa. Supreme Court Id. No. 208257

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Butler, Pennsylvania 16001
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Fax: 724.282.2672
Attorneys For Gerald A. Sandusky

¹ Attached are contemporaneous notes taken by the PCRA court during the meeting that it kindly provided to the undersigned and the Commonwealth on May 3, 2016.

ATTACHMENT

Waiver ing

Condition

Waive ^{as to} All chgs & all CF -

No increase in bail \$

elec. printing
House arrest
Legal, 2x week
Medical
Church

If new chgs - same waiver & same bail
Δ allowed to turn self in -

Want to screen out vexatious "Victims"

Δ: If future chgs will vigorously defend.

Discovery proceed ASAP -

- Waiver arraignment -

March Murder Trial

June / July 2-3 weeks

Venue / venue -

11/12/11
MTg
@ Health
Gardner
Scott
McGinnity
Jelle
Amendola
One
Add second
or 3 IDST to
Victim 9 & 10

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	:	
v.	:	
	:	
GERALD A. SANDUSKY,	:	
	:	HONORABLE SENIOR JUDGE
PETITIONER.	:	JOHN M. CLELAND

CERTIFICATE OF SERVICE

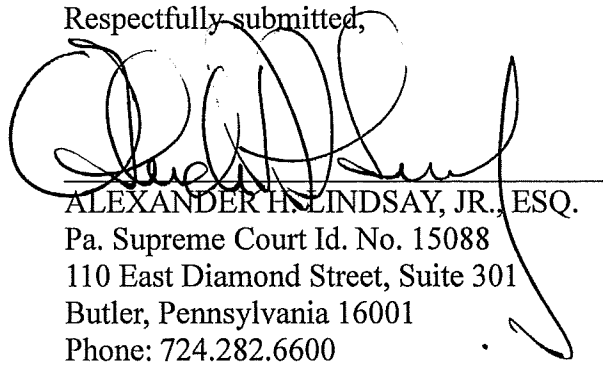
The undersigned hereby certifies that on the 9th day of May, 2016 he caused an exact copy of the foregoing document to be served in the manner specified, upon the following:

Via First Class Mail

Honorable John M. Cleland, Sr. Judge c/o Office of the Court Administrator and
Office of the Clerk of Courts of Centre County
Centre County Courthouse
102 South Allegheny Street
Bellefonte, PA 16823

Assistant Attorney General Jennifer Peterson
Office of the Attorney General – Criminal Prosecutions Section
16th Floor Strawberry Square
Harrisburg, PA 17120

Respectfully submitted,


ALEXANDER H. LINDSAY, JR., ESQ.
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