



IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA

COMMONWEALTH OF	:	CP-14-CR-0002421-2011
PENNSYLVANIA,	:	CP-14-CR-0002422-2011
	:	
v.	:	
	:	
GERALD A. SANDUSKY,	:	
	:	
DEFENDANT.	:	HONORABLE JUDGE
	:	JOHN M. CLELAND

DEBRA C. JIMMEL
PROTHONOTARY
CENTRE COUNTY, PA

2015 APR -1 AM 9:37

FOR RECORD

MOTION TO FILE UNDER SEAL

AND NOW, comes the Defendant, Gerald A. Sandusky, by and through his attorney, Alexander H. Lindsay and the Lindsay Law Firm who file, on his behalf, the following Motion To File Under Seal and in support thereof state:

1. On June 22, 2012, Gerald A. Sandusky (hereinafter "Sandusky") was convicted, after jury trial, of 45 of 48 charges filed at the above numbers.
2. Your court sentenced Sandusky to an aggregate sentence of 30 to 60 years' imprisonment, with credit for 112 days served on the aforementioned counts.
3. Sandusky is currently incarcerated, serving the sentence imposed at State Correctional Institute-Greene, 169 Progress Drive, Waynesburg, PA 15370.
4. Sandusky sought reversal of his convictions and the judgment of sentence on direct appeal to the Superior Court. The Superior Court affirmed Sandusky's convictions. See *Commonwealth v. Sandusky*, Docket Nos. 338 MDA 2013 and 343 MDA 2013 (Pa. Super. 2013).
5. Thereafter, Sandusky sought allocatur from the Pennsylvania Supreme Court. The Supreme Court denied Sandusky's Petition For Allowance Of Appeal on April 2, 2014.

See Commonwealth v. Sandusky, Docket Nos. 835 MAL 2013 and 836 MAL 2013 (Pa. 2014).

6. Under 42 Pa.C.S. § 9545(b)(3), Sandusky's judgment of sentence became final on July 1, 2014, (upon the expiration of the 90-day period for Defendant to seek a writ of *certiorari* from the Supreme Court of the United States).

7. In order to obtain Post Conviction Relief under the Post Conviction Relief Act, 42 Pa.C.S.A. § 9541, et seq., a Petition For Post Conviction Relief must be filed within one year of the date the judgment becomes final. 42 Pa.C.S.A. § 9545(b)(1).

8. Sandusky seeks PCRA review and accordingly, has prepared a PCRA Petition and Appendix which will be filed in the next several days.

9. Sandusky wishes to include in his Appendix portions of Grand Jury Testimony which have been identified to your Court by letter dated March 17, 2014 and transmitted on March 24th via fax.

10. The Grand Jury testimony is subject to an Order issued by this Court, dated June 26, 2012 precluding dissemination of, *inter alia*, Grand Jury testimony and accordingly, Sandusky respectfully requests that your Court permit the filing of identified portions Grand Jury Testimony under seal at the time of the filing of the PCRA Petition and Appendix.

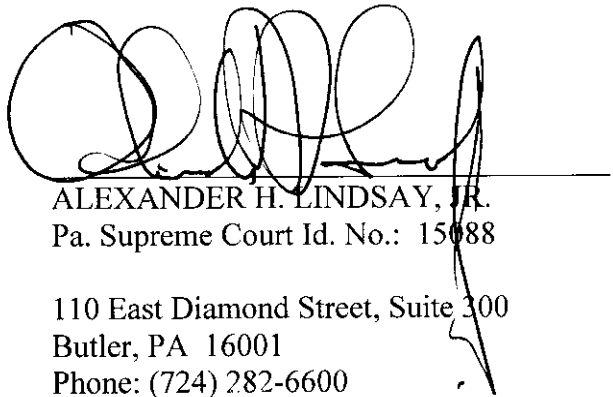
11. Counsel has been in contact with Norman A. Krumenacker, Supervising Judge of the 37th Statewide Grand Jury regarding the Grand Jury materials and he has indicated that he has no issue with the dissemination being released from the constraints of Grand Jury secrecy but will defer to any action this Court sees fit concerning the Grand Jury materials.

12. Counsel has also been in contact with Senior Deputy Attorney General James Barker, Esquire and he does not object to the dissemination of Grand Jury materials that were turned over to the defense or present in court during trial as being made part of the PCRA Appendix.

13. The materials which the Defendant seeks to include in his filing are critical to certain arguments raised in the PCRA and accordingly, counsel respectfully requests that he be permitted to file the Grand Jury materials, under seal, at the time of the filing of the Sandusky PCRA and Appendix.

WHEREFORE, for all of the foregoing reasons, counsel respectfully requests that the Court issue an Order permitting him to file certain Grand Jury materials under seal at the time of the filing of the Sandusky PCRA and Appendix.

THE LINDSAY LAW FIRM, L.L.C.

A handwritten signature in black ink, consisting of several large, overlapping loops and a long, sweeping tail that extends to the right, crossing over the text below.

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

March 30, 2015

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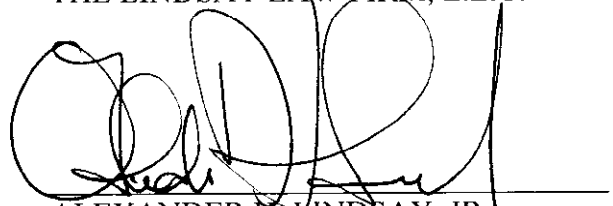
CERTIFICATE OF SERVICE

THE UNDERSIGNED, hereby certifies that on the th30 day of March, 2015 he caused an exact copy of the foregoing Motion To File Under Seal to served, via first class United States Mail, upon the following parties at the addresses specified.

Honorable Senior Judge John M. Cleland
Court Administrator of Centre County, and
Clerk of Courts of Centre County, at
Centre County Courthouse
102 South Allegheny Street
Bellefonte, Pennsylvania 16823

Office of the Attorney General
Sr. DAG James P. Barker, Esquire
Appeals Division - Criminal
16th Floor – Strawberry Square
Harrisburg, Pennsylvania 17120

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