



**IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY  
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	NO. CR-2421-2011
	:	NO. CR-2422-2011
GERALD A. SANDUSKY	:	

**COMMONWEALTH OF PENNSYLVANIA'S MOTION TO STRIKE WITNESS  
CERTIFICATION OF ATTORNEY GENERAL KATHLEEN KANE**

TO THE HONORABLE JOHN M. CLELAND, SENIOR JUDGE SPECIALLY PRESIDING:

NOW COMES the Commonwealth of Pennsylvania, by and through its attorneys, who submits this motion to strike witness certification of Attorney General Kathleen Kane, and, in support thereof, avers as follows:

1. On May 2, 2016, this Court entered an order that provided the defendant, Gerald A. Sandusky ("Sandusky"), with 10 days to amend his previously filed witness certifications to add Kathleen G. Kane, Attorney General of Pennsylvania ("Attorney General Kane"), together with a statement of the testimony she will offer, if the defense intended to call her as a witness at any hearing that may be held at which her testimony would be relevant.

2. Counsel for Sandusky provided the Solicitor General of the Pennsylvania Office of Attorney General ("OAG") with a rough draft of a witness certification for Attorney General Kane late in the afternoon of May 5, 2016 for the purpose of reviewing the proposed certification with the Attorney General.

3. The Solicitor General agreed to review the document with Attorney General Kane and was made aware of the May 12, 2016 filing deadline set forth in this Court's order.

4. On May 9, 2016, at approximately 1:30 p.m., the Solicitor General advised counsel for Sandusky that he had reviewed the document with Attorney General Kane at length.

Counsel for Sandusky were informed, *inter alia*, that Attorney General Kane did not agree with, nor would she testify to, factual assertions suggested in the rough draft of the witness certification.

5. Counsel for Sandusky thereafter informed the Solicitor General that the witness certification for Attorney General Kane had already been filed earlier that day.

6. No notice was provided to the Solicitor General or any other member of the OAG that counsel for Sandusky intended to file the witness certification in advance of the filing deadline, or that such a certification would be filed prior to Sandusky's counsel receiving a response with respect to the rough draft that had been submitted for review.

7. A telephone conference was subsequently held between the parties and this Court wherein it was brought to the Court's attention that the witness certification that was filed on May 9, 2016 was inaccurate as to the proposed testimony of Attorney General Kane.

8. Because counsel for Sandusky sought review and verification of the proposed witness certification for Attorney General Kane, but elected not to wait for such verification, the witness certification should be stricken. Moreover, counsel for Sandusky was advised by the Solicitor General that the certification did not accurately reflect testimony that the Attorney General would offer. As such, the witness certification fails to comport with this Court's May 2, 2016 order that directed Sandusky to provide a certified statement of the testimony that Attorney General Kane would provide, if he intended to call her as a witness at a hearing.

In light of the foregoing, the Commonwealth respectfully requests that this Court strike the witness certification of Attorney General Kane from the record.

**Respectfully submitted,**

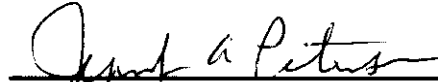
**BRUCE L. CASTOR, JR.**  
**Solicitor General**

**BRUCE R. BEEMER**  
**First Deputy Attorney General**

**LAWRENCE M. CHERBA**  
**Executive Deputy Attorney General**  
**Criminal Law Division**

**AMY ZAPP**  
**Chief Deputy Attorney General**  
**Appeals and Legal Services Section**

**BY:**



**JENNIFER A. PETERSON**  
**Deputy Attorney General**  
**Attorney ID No. 84357**  
**[jpeterson@attorneygeneral.gov](mailto:jpeterson@attorneygeneral.gov)**

**Pennsylvania Office of Attorney General**  
**Appeals & Legal Services Section**  
**16<sup>th</sup> Floor, Strawberry Square**  
**Harrisburg, PA 17120**  
**(717) 783-0158**

**Date: May 12, 2016**

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CRIMINAL DIVISION**

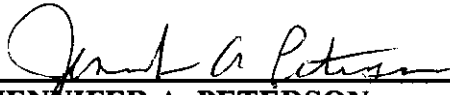
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**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a copy of the foregoing document upon the person(s) and in the manner indicated below.

Service by first class mail addressed as follows:

*Alexander H. Lindsay, Jr., Esquire*  
*J. Andrew Salemme, Esquire*  
110 East Diamond Street  
Suite 301  
Butler, PA 16001-5982  
(Counsel for Gerald A. Sandusky)

  
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**JENNIFER A. PETERSON**  
**Deputy Attorney General**  
**Attorney ID No. 84357**  
**[jpeterson@attorneygeneral.gov](mailto:jpeterson@attorneygeneral.gov)**

**Date: May 12, 2016**