

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

COMMONWEALTH OF PENNSYLVANIA

vs.

No. CP-14-CR-2421-2011

GERALD A. SANDUSKY,

Defendant

Type of Pleading:

NOTICE OF APPEAL

Filed on behalf of:

GERALD A. SANDUSKY,
Appellant

Counsel of record:

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2013 FEB 21 AM 8 55

DEBRA G. IMMEL
PROTHONOTARY
CENTRE COUNTY

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA
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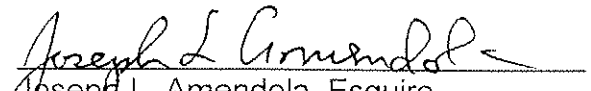
Defendant

NOTICE OF APPEAL

Notice is hereby given that GERALD A. SANDUSKY, Appellant herein, hereby appeals to the Superior Court of Pennsylvania, from the Opinion and Order entered in this matter on the 30th of January 2013, in the Court of Common Pleas of Centre County, by the Honorable John M. Cleland, Senior Judge, Specially Presiding of said Court. This order has been entered into docket as evidenced by the attached copy of the docket entry.

Respectfully submitted,

By:


Joseph L. Amendola, Esquire
Co-Counsel for Appellant
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(814) 234-6821
Attorney I.D. 17667

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2013 FEB 21 AM 8 56

DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY

Date: February 20, 2013

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

COMMONWEALTH OF PENNSYLVANIA

vs.

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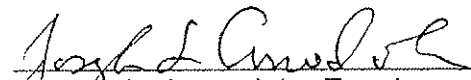
Defendant

ORDER FOR TRANSCRIPT

A notice of appeal having been filed in this matter, the official court reporter has been requested to produce, certify and file the transcript in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure.

Respectfully submitted,

By:


Joseph L. Amendola, Esquire
Co-Counsel for Appellant
110 Regent Court, Suite 202
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(814) 234-6821
Attorney I.D. 17667

Date: February 20, 2013

REQUEST FOR TRANSCRIPT

INSTRUCTIONS:

1. This form should be used when requesting ALL transcripts.
2. Form must be fully completed before request will be processed.
3. This form should be completed and submitted to the Court Reporters' Office, UNLESS AN APPEAL IS BEING FILED. If an appeal is being filed, this form should be completed and attached to the appeal notice filed in the Prothonotary's Office.
4. It is necessary to make arrangements for FULL ADVANCE PAYMENT with the Court Reporters' Office, First Floor of the Courthouse or by phone at (814) 355-6734, before this request will be complied with.

TODAY'S DATE: FEBRUARY 21, 2013

CASE NAME and NO.: COMMONWEALTH OF PA V. GERALD A. SANDUSKY,
NOS. CP-14-CR-2421-2011 and CP-14-CR-2422-2011

PRESIDING JUDGE/COURT REPORTER: JOHN M. CLELAND/PAT GREY

SPECIFIC HEARING DATE(S) REQUESTED: POST-SENTENCE MOTION HEARING, JANUARY 10, 2013
(If no testimony is needed for appeal, please indicate NONE.)

ATTORNEY/PARTY REQUESTING TRANSCRIPT: PREVIOUSLY REQUESTED BY JUDGE CLELAND
Court appointed: ~~(circle one)~~ Yes ~~No~~ Phone No. 814-355-6727

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APPROVED: _____
Presiding Judge Date

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

COMMONWEALTH OF PENNSYLVANIA :

VS. :

GERALD A. SANDUSKY :

CP-14-CR-2421-2011
CP-14-CR-2422-2011

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PROthonotary
CENTRE COUNTY

OPINION ADDRESSING THE DEFENDANT'S POST-SENTENCE MOTIONS

John M. Cleland, Senior Judge
January 30th, 2013

The defendant was convicted by a jury on 45 counts of sexual abuse of minors. He was sentenced on October 9, 2013 and has now filed post-sentence motions. Although his post-sentence motions raise a number of issues, at oral argument defense counsel confirmed the statement in his brief¹ that all issues have been waived except those specifically argued in his brief.

The issues, which I have summarized and restated, that have been preserved and argued are:

1. That the denial of the defense requests for continuance based on the need for counsel to evaluate "the vast amount" (Defendant's brief p. ii) of material received in discovery resulted in a constructive denial of the defendant's Sixth Amendment right to counsel, and the defendant is not required to show that he was prejudiced as a result.

¹ "All claims raised in post sentence motions but not raised in the Brief are waived." (Defendant's Brief in Support of His Post Sentence Motions, p. 45).

2. That it was error to refuse to give to the jury the requested standard point for charge addressing the failure of the victims to make a prompt complaint as a factor to be considered in assessing their credibility.
3. That the jury was erroneously instructed regarding its consideration of the defendant's character evidence.
4. That the failure to give both the prompt complaint instruction and the phrasing of the character evidence instruction impaired the defendant's defense.
5. That the prosecution, in closing argument, improperly commented on the defendant's failure to testify at trial.
6. That it was error to permit the prosecution to introduce the hearsay statements of James Calhoun.
7. That it was error not to dismiss the charges filed against the defendant because of lack of specificity.

I will address the issues in order.

I

That the denial of the defense requests for continuance based on the need for counsel to evaluate "the vast amount" (Defendant's brief p. ii) of material received in discovery resulted in a constructive denial of the defendant's Sixth Amendment right to counsel, and the defendant is not required to show that he was prejudiced as a result.

At the hearing on the post-sentence motions, the defense established that it made some fifty discovery requests. In response the Commonwealth turned over 9,450 pages of materials; the Grand Jury supervising judge authorized the release of 674 pages of material; and other subpoenaed sources delivered 2,140

pages of material. Trial counsel testified that before trial he did not have either the time or opportunity to review the materials and properly prepare for trial. On cross-examination trial counsel also candidly testified he had reviewed the material post-trial and he had discovered no item he would have used at trial if he had had it; and he discovered nothing that would have altered his approach to the trial. It was also established that essentially all of the mandatory, exculpatory or discretionary discovery supplied by the Commonwealth pursuant to Pa. R. Crim. P. 573 was delivered in the early stages of the defense preparation.

Based on trial counsel's testimony it has been clearly established the defense is not able to prove any actual prejudice flowed from the court's denial of the continuance motions. While the volume of discovery produced might have been "vast," as the defense characterizes it, a post-trial review of the material has identified nothing that would have changed the defense trial strategy or would have been useful in advancing the defendant's defense.

Presented with a similar question in Avery v. State of Alabama, 308 U.S. 444, 452 (1940), the United States Supreme Court found "(t)hat the examination and preparation of the case, in the time permitted by the trial judge, had been adequate for counsel to exhaust its every angle is illuminated by the absence of any indication, on the motion and hearing for new trial, that they could have done more had additional time been granted."²

Defense counsel argues, however, the failure to grant a continuance under the circumstances of this case constitutes a "structural defect" that

² With a more modern perspective the principle applied to the facts in Avery might have yielded a different result; but the principle itself endures. See Cronic at 661.

excuses the need to prove prejudice. The defense relies on United States v. Cronic, 466 U.S. 648 (1984) which held under some circumstances "...the likelihood that any lawyer, even a fully competent one, could provide effective assistance is so small that a presumption of prejudice is appropriate without any inquiry into the actual conduct of the trial." 466 U.S. at 660. As the Court further explained, "...if counsel entirely fails to subject the prosecution's case to meaningful adversarial testing, then there has been a denial of Sixth Amendment rights that makes the adversary process itself presumptively unreliable." Id. at 659.

While Cronic clearly establishes the "structural defect" analysis in principle, the principle in application is less clear. In Cronic the defendant was convicted on a complex mail fraud check kiting scheme. When the defendant's retained counsel withdrew shortly before trial, the trial judge, twenty-five days before trial, appointed a young lawyer with a real estate practice who had never participated in a jury trial. The prosecution had spent four and a half years investigating the case and had developed thousands of documents. Despite affirming the principle of Powell v. Alabama, 287 U.S. 45 (1932),³ the Court held that the circumstances in Cronic's case did not create the kind of "structural defect" which excused the duty to show prejudice and affirmed the defendant's conviction.

In Florida v. Nixon, 543 U.S. 175 (2004), the United States Supreme Court, after analyzing the application of Cronic to the facts of the case, concluded

³ "Powell was thus a case in which the surrounding circumstances made it so unlikely that any lawyer could provide effective assistance that ineffectiveness was properly presumed without inquiry into the actual performance at trial." 466 U.S. at 661

defense counsel's admission of the defendant's guilt in a death penalty murder prosecution did not, in the words of Cronic, result "in a failure to function in any meaningful sense as the Government's adversary." 543 U.S. at 190. Instead, the Court held, the proper analysis was the standard prescribed in Strickland v. Washington, 466 U.S. 668 (1984) which required the defense to show trial counsel's strategy was objectively unreasonable and resulted in prejudice to the defendant. See also, Bell v. Cone, 535 U.S. 685 (2002) (The obligation to establish prejudice is only excused "if counsel *entirely* fails to subject the prosecution's case to meaningful adversarial testing." at 697. Emphasis in original.)

The Supreme Court of Pennsylvania recently considered the application of Cronic in Commonwealth v. Cousin, 888 A.2d 710 (Pa. 2005). In Cousin, the Court held Cronic applies only "where the lack of a fair trial is a virtual certainty" and "is limited to cases where the magnitude of counsel's error is such that the verdict is almost certain to be unreliable." 888 A.2d, at 719. In a capital homicide case, Commonwealth v. Williams, 950 A.2d 294 (Pa. 2008), the Supreme Court of Pennsylvania considered whether the limited time available to trial counsel to prepare, the capped fee on payment for his services and a limited investigation budget placed "untenable restrictions" on the representation. Citing Cronic, the Court held "neither the fee cap nor the asserted limitation on investigative fees, individually, or collectively with the time constraints, implicates presumed prejudice" because "trial counsel subjected the prosecution's case to meaningful adversarial testing, and, therefore, the doctrine of presumed prejudice is not

applicable.” 950 A.2d at 313. See also: Commonwealth v. Mallory, 941 A.2d 686 (Pa. 2008).

As both a matter of fact and of law, I do not think it can be said that either of the defendant's trial counsel failed to test the prosecution's case in a meaningful manner. The defendant's attorneys subjected the Commonwealth's witnesses to meaningful and effective cross-examination, presented evidence for the defense, and presented both a comprehensive opening statement and a clearly developed closing argument. This is simply not a case where trial counsel's inability to review before trial all of the discovery material produced can be said to have resulted in a “structural defect” that made the lack of a fair trial a virtual certainty.

If Cronic does not apply to this case, then Strickland does. As previously noted, Strickland requires a showing of prejudice. And, as also previously noted, trial counsel conceded, having reviewed the discovery material after the trial, he could find nothing that would have changed his trial strategy if he had had the benefit of it before trial. There was, in other words, no prejudice to the defendant by denying defense counsel's motion for a continuance.

Therefore, the post-sentence motion on that ground will be denied.

II

That it was error to refuse to give to the jury the requested standard point for charge addressing the failure of the victims to make a prompt complaint as a factor to be considered in assessing their credibility.

The defense requested I charge the jury that the failure of the victims in this case to make a prompt complaint about the defendant's sexual assault could be considered in evaluating their credibility.

As the transcript of the charging conference reflects, I denied the request because "in my view the research is such that in cases involving child sexual abuse delayed reporting is not unusual and, therefore is not an accurate indicia of honesty and may be misleading." ⁴(N.T. June 21, 2012, p. 4).

The defense offered no particular wording for my consideration and, instead, relied on the Pennsylvania Standard Criminal Jury Instruction. It reads as follows:

4.13A (Crim) Failure to Make Prompt Complaint in Certain Sexual Offenses

1. Before you may find the defendant guilty of the crime charged in this case, you must be convinced beyond a reasonable doubt that the act charged did in fact occur and that it occurred without *[name of victim]*'s consent.

2. The evidence of *[name of victim]*'s [failure to complain] [delay in making a complaint] does not necessarily make [his] [her] testimony unreliable, but may remove from it the assurance of reliability accompanying the prompt complaint or outcry that the victim of a crime such as this would ordinarily be expected to make. Therefore,

⁴ My use of the word "research" was not accurate. I did not conduct any ex parte research in preparing the jury charge or conducting the trial. A more accurate explanation would have been that my experience in handling child sexual abuse cases in a variety of contexts – including criminal prosecutions, child abuse and neglect proceedings, juvenile delinquency cases, and child custody litigation – has led me to that conclusion.

the [failure to complain] [delay in making a complaint] should be considered in evaluating [his] [her] testimony and in deciding whether the act occurred [at all] [with or without [his] [her] consent].

3. You must not consider [name of victim]'s [failure to make] [delay in making] a complaint as conclusive evidence that the act did not occur or that it did occur but with [his] [her] consent. [name of victim]'s failure to complain [at all] [promptly] [and the nature of any explanation for that failure] are factors bearing on the believability of [his] [her] testimony and must be considered by you in light of all the evidence in the case.

The Advisory Committee Note following the instruction offers this guidance:

The instruction is not appropriate where a child or a person otherwise incapable, by mental infirmity, of promptly reporting the incident is the alleged victim. *Commonwealth v. Snoke*, 580 A.2d 295 (Pa. 1990). See, generally, *Commonwealth v. Bryson*, 860 A.2d 1101 (Pa.Super. 2004). As the court said in *Commonwealth v. Thomas*, 904 A.2d 964, 970-71 (Pa.Super. 2006):

The propriety of a prompt complaint instruction is determined on a case-by-case basis pursuant to a subjective standard based upon the age and condition of the victim. For example, where the victim of a sexual assault is a minor who "may not have appreciated the offensive nature of the conduct, the lack of a prompt complaint would not necessarily justify an inference of fabrication." *Commonwealth v. Jones*, 449 Pa. Super. 58, 66 n.2, 672 A.2d 1353, 1357 n.2 (1996). This is especially true where the perpetrator is one with authority or custodial control over the victim. *Commonwealth v. Ables*, 404 Pa. Super. 169, 183, 590 A.2d 334, 340 (1991), *appeal denied*, 528 Pa. 620, 597 A.2d 1150 (1991). Similarly, if the victim suffers from a mental disability or diminished capacity, a prompt complaint instruction may not be appropriate. *Commonwealth v. Bryson*, 2004 PA Super 405, 860 A.2d 1101, 1104-1105 (Pa. Super. 2004).

Where an instruction is warranted, this language was approved in *Commonwealth v. Patosky*, 656 A.2d 499, 506 (Pa.Super. 1995), and *Commonwealth v. Trippett*, 932 A.2d 188, 200 (Pa.Super 2007).

The thrust of the defense attack on the credibility of the victims was that their testimony was the product of a conspiracy among them to align their stories into a common scenario. And further, that the victims were motivated by the

prospect of financial gain abetted by attorneys representing them in either filed or anticipated civil litigation. This line of cross-examination was directed to almost all of the victims and was a major theme in defense counsel's closing argument.

As the Supreme Court of Pennsylvania noted many years ago in Commonwealth v. Young, 317 A.2d 258 (Pa. 1974), "(w)e have said over and over again that one of the primary duties of a trial judge is to so clarify the issues that a jury may clearly understand the questions to be resolved." (citations omitted) 317 A.2d at 261, n 7. In doing so, the "charge must be viewed as a whole to assess if it adequately guided the jury in the performance of its fact-finding duty." Commonwealth v. Rodriguez, 495 A.2d 569 (Pa. Super. 1985). "There is no right to have any particular form of instruction given; it is enough if the instruction clearly and accurately explains the relevant law." Commonwealth v. Dozier, 439 A.2d 1185, 1188 (Pa. Super. 1982).

While I refused to give the prompt complaint instruction as requested by the defense, using basically the Standard Jury Instruction I did charge the jury as follows:

"Now, as judges of the facts, you are also the judges of credibility of the witnesses and of their testimony. This means that you must judge the truthfulness and the accuracy of each witness's testimony and decide whether to believe all of it, part of it, or none of it. So, how you may ask do you go about doing that? Well, there are many factors that you may or should consider when judging credibility and deciding whether or not to believe a witness's testimony.

You might consider, for example, was the witness able to see or hear or know the things about which he or she testified?

How well could the witness remember and describe the things about which he or she testified?

Did the witness testify in a manner that was convincing to you?

How did the witness look and act and speak while testifying?

Was the witness's testimony uncertain, confused, self-contradictory, argumentative, evasive?

Has the witness ever been convicted of a crime involving dishonesty?

What is the witness's reputation for testifying – or for truthfulness in the community among those who know the witness?

How well does the testimony of the witness square with other evidence in the case, including the testimony of other witnesses? Was it contradicted or supported by the other testimony in evidence which you believe to be true?

Did the witness have any interest in the outcome of the case, anything to gain or lose by the outcome of the case? Any bias, any prejudice, any motive that might affect his or her testimony?

If you believe that a witness testified falsely about an important issue, then you may keep that in mind in deciding whether to believe the remainder of the witness's testimony.

A person who testifies falsely about one thing may have testified falsely about other things but that is not necessarily so but that's among the factors that you can consider.

And, finally, after thinking about all the testimony and considering some or all of the factors that I had mentioned to you, you draw on your own experience, your own common sense, and you alone, as the sole judges of the facts, should give the testimony of each witness such credibility as you think that it deserves.

(NT June 21, 2012, pp 15-17).

In the context of the case, and considering the defense's line of cross-examination and argument, I concluded the jury would be more appropriately guided by the specific references of the standard credibility charge than it would be by the more generalized guidance of the prompt complaint charge. The charge as given instructs the jury to consider the specific credibility issues raised by the defense: memory, self-interest, motive, and bias. In addition, as requested by the defense, I included a "false in one, false in all" instruction.

The court's charge should state with accuracy those principles which will be genuinely helpful to the jury in deciding the particular case submitted to them.

The object is to assure the verdict is based on the evidence and law applicable to the case at hand. That purpose is defeated if the jury is simply offered a pro forma recitation of an arguably applicable point for charge when the particular instruction would not necessarily be helpful to the jury, and might actually be misleading based on the facts of the case and the arguments of counsel.

The practical reality is that the standard prompt complaint charge does not take into account the complex and myriad factors that might cause a child victim to delay in reporting an assault, or in comprehending the long-term significance of the assault, or even a child's motivation to protect the person who assaulted them. No one who has had the slightest experience with child sexual abuse or given a whit of thought to its dynamics could conclude that failure to make a prompt complaint, standing alone, is an accurate indicia of fabrication.

Therefore, the post-sentence motion on that ground will be denied.

III

That the jury was erroneously instructed regarding its consideration of the defendant's character evidence.

The defense asserts the Court's instruction was erroneous and misleading because, after instructing the jury that evidence of good character could by itself raise a reasonable doubt of guilt, the Court then improperly instructed the jury it should weigh all evidence in the case. Relying on Commonwealth v. Neely, 561 A.2d 1 (Pa. 1989), the defense argues: "Put another way, the requirement that the jury 'weigh' character testimony is totally inconsistent with Neely's mandate that the jury may use such testimony, 'in and of itself' to acquit, for if the jury must

weigh the character testimony it cannot then consider it 'in and of itself'."

(Defendant's Brief on Post-Sentence Motions, p. 28). (Emphasis in original).

Upon a review of the transcript of the charging conference, it appears the only reference to the issue is as follows:

MR. ROMINGER: Mr. Amendola had raised the idea that defendant's character or reputation evidence alone would be enough to raise a reasonable doubt and it didn't have to be waived (I assume this to be "weighed") with all other evidence in the case. We would add that you propose good character made (I assume this to be "may") by itself raises (sic) a reasonable doubt and require a verdict of not guilty in and of itself, and then you could weigh and consider the evidence of other character but still reach a verdict on character evidence alone."

(N.T. June ____, 2012, p.4)

Using Standard Criminal Jury Instruction 3.06, I charged the jury as follows:

"Now, the defense has offered evidence tending to prove that the defendant is of good character. I'm speaking of the defense witnesses who testified that the defendant has a good reputation in the community for being law abiding, peaceable, nonviolent individual.

The law recognizes that a person of good character is not likely to commit a crime which is contrary to that person's nature. Evidence of good character may by itself raise a reasonable doubt of guilt and require a verdict of not guilty.

So you must weigh and consider the evidence of good character along with the other evidence in the case and if on the evidence you have a reasonable doubt of the defendant's guilt, you may find him not guilty. However, if on all the evidence you are not satisfied beyond a reasonable doubt he is guilty, you should find — that he is guilty, you should find him guilty. But in making that determination, you may consider evidence of good character which you believe to be true.

(N.T. June 21, 2012 p.22)

Having reviewed the charge as given, I can only conclude that the Standard Instruction that I gave does precisely what the defense asked for. It

instructs the jury that evidence of good character “may by itself” raise a reasonable doubt and “require” a verdict of not guilty. It then instructs the jury that it must weigh and consider all the other evidence, but it can, basically as Mr. Rominger requested, “still reach a verdict on character evidence alone.”

I do not read Neely as broadly as does the defense. The defense, as I understand it, argues under Neely that a jury may acquit based on character evidence without even considering any other evidence in the case. In other words, character evidence – standing alone and without consideration of other evidence – can merit an acquittal. It does not appear that is what Neely holds. Commonwealth v. Khamphouseane, 642 A.2d 490 (Pa. Super. 1994) has expressly held it does not.

There, the Superior Court noted:

In *Commonwealth v. Neely*, 522 Pa. 236, 561 A.2d 1 (1989), the Supreme Court held that a defendant is entitled to a jury charge that evidence of good character may, in and of itself, create a reasonable doubt. Appellant concedes that the language required by *Neely* was employed by the trial court in the instant case. However, he contends that by subsequently instructing the jury that character evidence is to be weighed along with the other evidence in the case, the trial court diluted the effect of the charge mandated by *Neely*. Appellant asserts that, pursuant to *Neely*, character evidence must be viewed apart from the other evidence and may not be weighed by the jury against such other evidence. We disagree. 642 A.2d at 496.

Instead, the court held the Suggested Standard Jury Instruction, essentially the same instruction I used, “fully and correctly apprised the jury of the manner in which it could consider appellant’s evidence of good character.”
Id. at 496.

Neely requires a trial judge to charge a jury on character evidence using Pennsylvania Suggested Standard Criminal Jury Instruction 3.06(3). Except for changing the Neely court's approved language to substitute "that person's" for "his," I gave 3.06 exactly as Neely requires.

Neely does not address specifically how the jury should be instructed regarding consideration of other evidence in the case. Neely does, however, cite Commonwealth v. Stoner, 108 A. 624, 625 (Pa. 1919) for the proposition that "Good character is of importance in this: that it may, in itself, in spite of evidence to the contrary, raise a reasonable doubt in the minds of the jury and so produce an acquittal." (emphasis added). The opinion then quotes (without citation) Justice James McDermott: "To offer evidence of an otherwise unblemished life is not a plea of mercy. It is, in fact, to be weighed against any present allegation to the contrary...." (emphasis added).

It appears, then, that Neely holds that the jury may find a defendant not guilty based on character evidence alone, but in doing so it may not cavalierly disregard all of the other evidence in the case. The jury must consider all of the evidence produced at trial to arrive at a just verdict, but having done so, a jury may acquit based only on evidence of the defendant's character.

I conclude that the Suggested Standard Jury Instruction, as given, is an accurate statement of Pennsylvania law.

Therefore, the post-sentence motion on that ground will be denied.

IV

That the failure to give both the prompt complaint instruction and the phrasing of the character evidence instruction impaired the defendant's defense.

Because I do not believe either issue standing alone is meritorious, I must also conclude they have no merit standing together.

Therefore, the post-sentence motion on that ground will be denied.

V

That the prosecution, in closing argument, improperly commented on the defendant's failure to testify at trial.

The defense argues the prosecutor's statement during his closing argument that the defendant "had wonderful opportunities to speak out and make his case" was an improper adverse reference to the defendant's failure to testify at trial.

Specifically, the prosecutor's statement in full was:

The defendant, he had wonderful opportunities to speak out and make his case. He did it in public. He spoke with Bob Costas. That's the other thing that happened to me for the first time. I had been told I'm almost as good a questioner as Bob Costas, I think or close.

Well, he had the chance to talk to Bob Costas and make his case. What were his answers? What was his explanations? You would have to ask him? Is that an answer? Why would somebody say that to an interviewer, you would have to ask him? He didn't say he knew why he did it. He just said he saw you do it. Mike McQueary. The janitors. Well, you would have to ask them. That's an answer?

Mr. Amendola did I guess as good a job as possible explaining – he offered that his client has a tendency to repeat questions after they're asked. I would think that the automatic response when someone asks you if you're, you know, a criminal, a pedophile, a child molester, or anything along those lines, your

immediate response would be, you're crazy, no. What? Are you nuts?

Instead of, are you sexually attracted to young boys? Let me think about that for a second. Am I sexually attracted to young boys? I would say, no, or whatever it is. But that's Mr. Amendola's explanation that he automatically repeats questions. I wouldn't know. I only hear him on TV. Only heard him on TV. So that's his explanation there. He just enjoys young children."

N.T. June 21, 2012, pp. 140-142.

The quoted part of the Commonwealth's closing was less than two pages out of a nearly 60 page transcription of the closing argument. While it does not come through in the printed transcript, it was clear the prosecutor was at times referring to the transcript of the Costas' interview that had been submitted into evidence and was quoting or paraphrasing from it.

At the end of the Commonwealth's closing, counsel approached the bench and defense counsel specifically objected to the part of the closing argument which defense counsel characterized as "commenting on the silence." *Id.* at 157. I ruled, *Id.* at 158, that the Commonwealth's arguments were fair rebuttal and noted "I (have) cautioned the jury again and again the defendant has no obligation to testify or present any evidence in his own defense. I will caution the jury again that the decision must be made on the evidence presented and we'll proceed." In my subsequent closing instructions to the jury I then said to them "...that the defendant has no obligation at any time to present any evidence in his own defense." *Id.* at 160.

In Commonwealth v. Noel, 53 A.3d 848, 858 (Pa. Super. 2012), the Superior Court recently summarized the law regarding the fair scope of a prosecutor's closing argument:

It is well settled that a prosecutor has considerable latitude during closing arguments and his or her statements are fair if they are supported by the evidence or use inferences that can reasonably be derived from the evidence. *Commonwealth v. Holley*, 945 A.2d 241, 250 (Pa.Super.2008) (citation omitted). "Further, prosecutorial misconduct does not take place unless the 'unavoidable effect of the comments at issue was to prejudice the jurors by forming in their minds a fixed bias and hostility toward the defendant, thus impeding their ability to weigh the evidence objectively and render a true verdict.' " *Id.* (quoting *Commonwealth v. Paddy*, 569 Pa. 47, 82–83, 800 A.2d 294, 316 (2002)). Moreover, a prosecutor can fairly respond to attacks on a witness's credibility. *Id.* (citation omitted). In reviewing a claim of improper prosecutorial comments, our standard of review is whether the trial court abused its discretion. *Commonwealth v. Hall*, 549 Pa. 269, 285, 701 A.2d 190, 198 (1997) (citation omitted). When considering such a claim, our attention is focused on whether the defendant was deprived of a fair trial, not a perfect one, because not every inappropriate remark by a prosecutor constitutes reversible error. *Commonwealth v. Lewis*, 39 A.3d 341, 352 (Pa.Super.2012) (citation and quotation marks omitted). "A prosecutor's statements to a jury do not occur in a vacuum, and we must view them in context." *Id.* (citation omitted).

I do not believe the Commonwealth's closing argument transcended the bounds prescribed by Noel. The prosecution was responding to the defense closing argument regarding how the defendant conducted himself during the Costas television interview. In addition, I had repeatedly instructed the jury during the trial and before closing arguments that the defendant had no obligation to testify and that their decision had to be based on the evidence presented. After the closing arguments, I instructed the jury on that point again.

Viewed in context, the part of the Commonwealth's closing objected to by the defense was fair argument, addressed to the arguments presented by the defense closing, and was not presented in a way that, in my view, was either

calculated to, or did, create in the jurors a fixed bias toward the defendant or an inclination to disregard the instructions of the Court.

Therefore, the post-sentence motion on that ground will be denied.

VI

That it was error to permit Ron Petrosky to testify regarding the hearsay statements of James Calhoun.

The defense argues it was error to permit the introduction into evidence of the hearsay statements of James Calhoun under the excited utterance exception to the hearsay rule because the testimony was barred by the holding of Commonwealth v. Barnes, 456 A.2d 1037 (Pa. Super. 1983).

Barnes holds that where the only evidence that a startling event occurred is the hearsay statement itself, then the required foundation for the admission of the hearsay statement under the excited utterance exception has not been laid. In other words, an excited utterance, standing alone, cannot be used to prove the exciting event occurred. "Where there is no independent evidence that a startling event occurred, an alleged excited utterance cannot be admitted as an exception to the hearsay rule." 456 A.2d at 1040.

The Commonwealth argues the excited utterance is not the only evidence that the exciting event occurred. In the Commonwealth's view evidence of other facts testified to by Petrosky and a second witness, Jay Witherite, support the conclusion the exciting event did occur and laid the foundation for the introduction of Calhoun's hearsay statements.

The Superior Court is respectfully directed to pp. 198-221 of the Notes of Testimony of June 13, 2012 where the positions of the parties are extensively argued and my ruling will be found.

While the law will benefit from an analysis of the issue by the Superior Court, if my evidentiary ruling is determined to be incorrect it will have no practical bearing on the outcome of the case or the sentence imposed. Even if the counts involving Victim 8 are set aside, the remaining evidence against the defendant was so overwhelming it cannot be said that the introduction of the hearsay statements as to this one victim was anything other than harmless error. In addition, at sentencing I noted the sentences imposed on Counts 36 through 40 at No. 2422 were specifically ordered to run concurrently "and if those convictions (on Counts 36-40) should happen to be set aside on appeal, it will make no difference to the sentence structure as a whole and will not require a remand for resentencing." (N.T. Oct. 9, 2012, p. 57).

Therefore, the post-sentence motion on that ground will be denied.

VII

That it was error not to dismiss the charges filed against the defendant because of lack of specificity.

Relying on Commonwealth v. Devlin, 333 A.2d 888 (Pa. 1975), the defense argues "(t)he Commonwealth failed to provide the Defendant with dates of the commission of the aforementioned alleged offenses with reasonable certainty and with sufficient particularity in order for the Defendant to adequately

prepare his defense, thus violating the notion of fundamental fairness embedded in our legal process." (Defendant's brief, p. 41).

The Commonwealth relies on Commonwealth v. Kohler, 914 A.2d 427 (Pa. Super. 2006) and Commonwealth v. Brooks, 7 A.3d 852 (Pa. Super. 2010) for the proposition it is afforded a greater latitude in establishing the specific dates on which a crime occurred when the offense is a continuous course of conduct involving a child.

On May 18, 2012 the Commonwealth filed both amended informations and an amended bill of particulars.

The amended bill of particulars addresses the specifics regarding each victim. Summarizing, the bill states:

Victim 1: "Between June 2005 and September 2008 ("the oral sex between June 2007 and September 2008) at the defendant's home,... the Hilton Garden Inn,... Central Mountain Middle School... and elsewhere" when the victim was between the ages of 11 and 15.

Victim 2: "On or about February 9, 2001, in the evening, at the Lasch Football Building."

Victim 3: "On various dates between July 1999 and December 2001 at the Defendant's home and in the Lasch Building" when the victim was between the ages of 12 through 14.

Victim 4: "In the first half of 2000 in the Lasch Building." (anal sex). "In excess of 25 times, on various dates between October 1996 and December 2000 at Defendant's home...East Area Locker Building...Lasch Building...and

elsewhere." (oral sex). "On various dates in 1999...at Defendant's home, East Area Locker Building and Lasch Building...and elsewhere." (anal penetration). The victim was between the ages of 12 through 17.

Victim 5: "In August of 2001....in the Lasch Building" when the victim was 12 or 13.

Victim 6: "On May 3, 1998 between 7 o'clock p.m. and 9 o'clock p.m. at the locker/shower room of the Lasch Building" when the victim was 11 years old.

Victim 7: "On various dates between September 1995 and December 1996...at Defendant's home and in the East Area Locker Building" when the victim was 9 to 11.

Victim 8: "Between the dates November 20 and November 27, 2000, Thursday or Friday evening, on a weekend when the football team had an away football game...in the assistant coach's locker room of the Lasch Building" when the victim is believed to have been between the ages of 11 and 13.⁵

Victim 9: "On various dates between July 2005 and December 2008 at Defendant's home...Hilton Garden Inn...and elsewhere" when the victim was between 12 through 15.

Victim 10: "On various dates between September 1997 and July 1999 at Defendant's home, the outdoor pool at University Park and in Defendant's car" when the victim's age spanned 10 to 12.

⁵ By Memorandum and Order dated June 21, 2012, I denied the defense motion to dismiss counts 36 through 40 at Number 2422. The defense argued the evidence produced at trial was inconsistent with the amended bill of particulars. I concluded that any such inconsistency had not been established on the record produced at trial.

The Commonwealth further noted as to victims 1, 3, 4, 5, 7, 8, 9, and 10 that it was "unable to provide specific dates because there were numerous offenses over the course of several years. The victim, a child at the time of the crimes, is unable to provide exact times and dates."

The degree of specificity required in the Commonwealth's Information and Bill of Particulars has been the subject of some attention in previous stages of the case. In my Memorandum and Order dated February 13, 2012, I addressed the Commonwealth's objections to the defense request for a bill of particulars. Subsequently in a Memorandum and Order dated March 13, 2012, I addressed the defense Application for a More Specific Bill of Particulars. And finally, as noted, the Commonwealth filed an amended informations and bill of particulars on May 18, 2012.

As the cases cited in those memorandums make clear, Pennsylvania law gives the Commonwealth considerable latitude in fixing the date and location of sexual assaults against children, especially those alleged to have occurred over a period of months or years.

The specificity of the date and location implicates two concerns: (1) whether the alleged offense occurred within the statute of limitations and; (2) whether the defendant is sufficiently put on notice to enable him to investigate the facts to assert an alibi defense and attack the credibility of the victims.

Commonwealth v. Devlin, *infra*. The defense has not pursued an argument that any of the prosecutions are barred by the statute of limitations. The defendant, in addition, has not proffered an alibi defense to any of the charges, even on the

charges that alleged assaults which occurred in narrow time periods. Instead, the defense has been grounded on an attack on the credibility of the victims – and specifically on their motivation to falsify their testimony to further their civil claims for monetary damages. That defense has not been impeded in any material way by the Commonwealth's inability to specify with more precision the dates of the assaults.

As the Supreme Court noted in Devlin “we cannot enunciate the exact degree of specificity in the proof of the date of a crime which will be required or the amount of latitude which will be acceptable. Certainly the Commonwealth need not always prove a single specific date of the crime. Any leeway permissible would vary with the nature of the crime and the age and condition of the victim, balanced against the rights of the accused.” (citations omitted). 333 A.2d at 892. In footnote 3 the Court references Judge Spaeth's dissent in the Superior Court's Devlin opinion. He cautioned “The sweeping language of Commonwealth v. Levy, 146 Pa. Super. 654, 23 A.2d 97 (1941) should be considered in the context of that case.” Instead, “no fixed rule should be applied. Rather, the fact that the victim is emotionally young and confused should be weighed against the right of the defendant to know for what period of time he may be called on to account for his behavior. The fact that the victim cannot set a date for the crime should not necessarily be fatal to the Commonwealth's case, thus making the assailant virtually immune from prosecution.” 310 A.2d at 313.

Applying the Devlin balancing test, under the facts of this case the balance tips in favor of the Commonwealth. The lack of specificity of dates has not

affected the defendant's ability to present an alibi defense because alibi has never been an issue. The defense has never asserted on any of the counts that the defendant was not present at the locations during the times the crimes are alleged to have occurred – even on the counts where the time has been identified with considerable specificity – or that he did not spend considerable time at many locations with all of the identified victims. The defendant has simply argued the offenses did not happen. Likewise, the inability to attack the victims' credibility has not impaired the defendant's ability to defend himself because the credibility attack has been directed toward the victims' motives to testify falsely, and that defense was clearly developed during trial.

Therefore, the post-sentence motion on that ground will be denied.

WAIVER

Finally, the Commonwealth argues the issues raised in the defense post-sentence motion regarding the Court's charge to the jury have been waived because the defense failed to take an exception after the charge was given and before the jury retired to deliberate as required by Pa. R. Crim. P. 647 and Commonwealth v. Pressley, 887 A.2d 220 (2005). (Commonwealth brief, p. 5 et seq.).

As the record of the charging conference demonstrates (N.T. June 21, 2013, p. 3 et seq.), I had prepared my charge in writing and delivered it to counsel the day before the charging conference. My intention was to give counsel an opportunity to review the charge thoroughly and for them to then offer whatever additions, deletions or corrections they thought appropriate during the

charging conference. This was to assure that I was aware of counsel's objections before I gave the charge, rather than waiting until the charge had been concluded and then have the exceptions argued at length at the bench with the jury still in the box. In addition, counsel agreed to a procedure in which I charged the jury on the law before their closing arguments. This had the benefit of permitting counsel to focus their arguments on the facts of the case without having to be concerned that in referring to the applicable law they might say something inconsistent with my charge if the charge were to be given after the closings.

Consequently, I met with counsel to review the charge I had given them the day before and to hear their objections. I held a full and comprehensive argument in chambers and summarized my rulings on the record. (Id. at pp. 3-7).

I then gave the charge in the form I had presented it to counsel the day before, with the changes discussed in chambers. At the end of the charge counsel approached the bench. This exchange occurred:

MR. ROMMINGER: Everything we did in chambers is preserved for the record?

THE COURT: Yes, all exceptions previously made are preserved on the record.

(Id. at p. 34).

It was clear to me at the time the defense was referring to any ruling I had previously made in chambers as fully as if there had been an exception lodged at the end of the charge. This procedure is certainly consistent with Rule 647. As the Supreme Court noted in Pressley, requiring counsel to take an exception at

the end of the charge "serves the salutary purpose of affording the court an opportunity to avoid or remediate potential error, thereby eliminating the need for appellate review of an otherwise correctable issue." 887 A.2d at 224. That is precisely what happened here. I knew what the defense objections to the charge were before I gave it, I had ruled on them, and the defense preserved the record at the conclusion of the charge by a reference to the proceedings in chambers.

I conclude, therefore, that the defense objections to the court's charge have not been waived.

Accordingly, I enter the following order:

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

COMMONWEALTH OF PENNSYLVANIA :
VS. : CP-14-CR-2421-2011
GERALD A. SANDUSKY : CP-14-CR-2422-2011

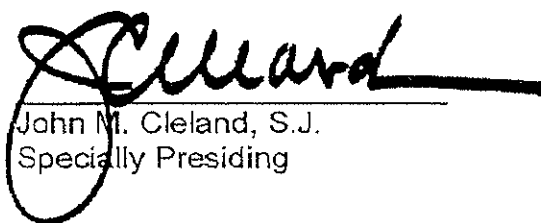
ORDER

AND NOW, JANUARY 30th, 2013, in consideration of the foregoing

Memorandum and Order, it is ordered as follows:

- The Defendant's post-sentence motions are denied.

By the Court:


John M. Cleland, S.J.
Specially Presiding

FILED FOR RECORD

2013 JAN 30 P 12:06

DEBRA C. IMHOL
PROTHONOTARY
CENTRE COUNTY, PA

COURT OF COMMON PLEAS OF CENTRE COUNTY

DOCKET



Docket Number: CP-14-CR-0002421-2011
CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

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v.
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CASE INFORMATION

Cross Court Docket Nos: 102 MM 2012

Judge Assigned:

Date Filed: 12/13/2011

Initiation Date: 12/07/2011

OTN: T1208771

Lower Court Docket No: MJ-49302-CR-0000393-2011

Initial Issuing Authority: Daniel Hoffman

Final Issuing Authority: Daniel Hoffman

Arresting Agency: Psp, Bur Criminal In

Arresting Officer: Yakicic, Robert E.

Case Local Number Type(s)

Case Local Number(s)

RELATED CASES

Related Docket No	Related Case Caption	Related Court	Association Reason
Related			
CP-14-CR-0002421-2011	Comm. v. Sandusky, Gerald A.	CP-49-14-Crim	Order Regarding Electronic Monitoring/In Home Detention Program
CP-14-MD-0002034-2011	Commonwealth VS. Jerry Sandusky	CP-49-14-Crim	Order Regarding Electronic Monitoring/In Home Detention Program

STATUS INFORMATION

Case Status: Closed	Status Date	Processing Status	Complaint Date: 12/07/2011
	01/30/2013	Completed	
	10/18/2012	Awaiting Post Sentence Motion Hearing	
	10/09/2012	Sentenced/Penalty Imposed	
	10/03/2012	Awaiting Sentencing	
	10/03/2012	Awaiting PSI	
	06/22/2012	Awaiting Sentencing	
	01/12/2012	Awaiting Pre-Trial Conference	
	01/10/2012	Awaiting Formal Arraignment	
	01/10/2012	Awaiting Trial	
	12/13/2011	Awaiting Pre-Trial Conference	
	12/13/2011	Awaiting Filing of Information	

CERTIFIED from the records as entered and filed in this office

14 day of Feb A.D. 2013
William M. M...
Prothonotary and Clerk of the Court

CALENDAR EVENTS

Case Calendar Event Type	Schedule Start Date	Start Time	Room	Judge Name	Schedule Status
Pre-Trial Conference	03/22/2012	1:00 pm	Courtroom 1	Judge Jonathan D. Grine	Cancelled
Jury Selection	06/05/2012	8:30 am	Courtroom 1	Judge John M. Cleland	Scheduled
Sentencing	10/09/2012	9:00 am	Courtroom 1	Judge John M. Cleland	Scheduled

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CONFINEMENT INFORMATION

<u>Confinement</u> <u>Known As Of</u>	<u>Confinement</u> <u>Type</u>	<u>Destination</u> <u>Location</u>	<u>Confinement</u> <u>Reason</u>	<u>Still in</u> <u>Custody</u>
10/24/2012	DOC Confined	SCI Greene		Yes

DEFENDANT INFORMATION

Date Of Birth: 01/26/1944 City/State/Zip: Waynesburg, PA 15370

Alias Name

Sandusky, Gerald A.

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Sandusky, Gerald A.

BAIL INFORMATION

Sandusky, Gerald A.

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	12/07/2011	Monetary		\$250,000.00		
Revoke	06/22/2012	Monetary		\$250,000.00		

CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	13	F1	18 § 3123 §§A7	IDSI Person Less Than 16 Yrs Age	07/01/2005	T1208771
2	14	F1	18 § 3123 §§A7	IDSI Person Less Than 16 Yrs Age	07/01/2005	T1208771
3	18	F3	18 § 3126 §§A7	Indecent Assault Person Less than 13 Years of Age	01/22/2006	T1208771
4	15	F1	18 § 6318 §§A1	Unlawful Contact With Minor - Sexual Offenses	01/01/2007	T1208771
5	16	M1	18 § 6301 §§A1	Corruption Of Minors	07/01/2005	T1208771
6	17	F3	18 § 4304 §§A	Endangering Welfare Of Children	07/01/2005	T1208771
7	11	F1	18 § 3123 §§A7	IDSI Person Less Than 16 Yrs Age	01/31/1997	T1208771
8	12	F1	18 § 3123 §§A7	IDSI Person Less Than 16 Yrs Age	01/31/1997	T1208771

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CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
9	4	M1	18 § 3126 §§A7	Ind Asslt Person Less 13 Yrs Age	01/31/1997	T1208771
10	6	F1	18 § 6318 §§A1	Unlawful Contact With Minor - Sexual Offenses	01/31/1997	T1208771
11	8	M1	18 § 6301 §§A1	Corruption Of Minors	01/31/1997	T1208771
12	10	F3	18 § 4304 §§A1	Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	01/31/1997	T1208771
100	1	F1	18 § 3123 §§A7	IDS1 Person Less Than 16 Yrs Age	01/31/1997	T1208771
101	2	F1	18 § 3123 §§A7	IDS1 Person Less Than 16 Yrs Age	01/31/1997	T1208771
102	3	F3	18 § 3126 §§A7	Ind Asslt Person Less 13 Yrs Age	01/31/1997	T1208771
103	5	F1	18 § 6318 §§A1	Unlawful Contact With Minor - Sexual Offenses	01/31/1997	T1208771
104	7	M1	18 § 6301 §§A1	Corruption Of Minors	01/31/1997	T1208771
105	9	F3	18 § 4304 §§A1	Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	01/31/1997	T1208771

DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

Final Disposition

Grade Section

Credit For Time Served

Start Date

Linked Docket Number

Waived for Court (Lower Court)

Lower Court Disposition

12/13/2011

Not Final

7 / IDS1 Person Less Than 16 Yrs Age

Waived for Court (Lower Court)

F1

18§3123§§A7

8 / IDS1 Person Less Than 16 Yrs Age

Waived for Court (Lower Court)

F1

18§3123§§A7

9 / Ind Asslt Person Less 13 Yrs Age

Waived for Court (Lower Court)

M1

18§3126§§A7

10 / Unlawful Contact With Minor - Sexual Offenses

Waived for Court (Lower Court)

F1

18§6318§§A1

11 / Corruption Of Minors

Waived for Court (Lower Court)

M1

18§6301§§A1

COURT OF COMMON PLEAS OF CENTRE COUNTY

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Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
<u>Linked Offense - Sentence</u>	<u>Link Type</u>	<u>Linked Docket Number</u>	
12 / Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	Waived for Court (Lower Court)	F3	18§4304§§A1
100 / IDSI Person Less Than 16 Yrs Age	Waived for Court (Lower Court)	F1	18§3123§§A7
101 / IDSI Person Less Than 16 Yrs Age	Waived for Court (Lower Court)	F1	18§3123§§A7
102 / Ind Asslt Person Less 13 Yrs Age	Waived for Court (Lower Court)	F3	18§3126§§A7
103 / Unlawful Contact With Minor - Sexual Offenses	Waived for Court (Lower Court)	F1	18§6318§§A1
104 / Corruption Of Minors	Waived for Court (Lower Court)	M1	18§6301§§A1
105 / Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	Waived for Court (Lower Court)	F3	18§4304§§A1

Proceed to Court

<u>Information Filed</u>	<u>01/10/2012</u>	<u>Not Final</u>	
7 / IDSI Person Less Than 16 Yrs Age	Proceed to Court	F1	18§3123§§A7
8 / IDSI Person Less Than 16 Yrs Age	Proceed to Court	F1	18§3123§§A7
9 / Ind Asslt Person Less 13 Yrs Age	Proceed to Court	M1	18§3126§§A7
10 / Unlawful Contact With Minor - Sexual Offenses	Proceed to Court	F1	18§6318§§A1
11 / Corruption Of Minors	Proceed to Court	M1	18§6301§§A1
12 / Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	Proceed to Court	F3	18§4304§§A1
100 / IDSI Person Less Than 16 Yrs Age	Proceed to Court	F1	18§3123§§A7
101 / IDSI Person Less Than 16 Yrs Age	Proceed to Court	F1	18§3123§§A7
102 / Ind Asslt Person Less 13 Yrs Age	Proceed to Court	F3	18§3126§§A7
103 / Unlawful Contact With Minor - Sexual Offenses	Proceed to Court	F1	18§6318§§A1
104 / Corruption Of Minors	Proceed to Court	M1	18§6301§§A1
105 / Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	Proceed to Court	F3	18§4304§§A1

Proceed to Court (Amended Info/Arraignment Waived)

<u>Information Filed</u>	<u>05/18/2012</u>	<u>Not Final</u>	
1 / IDSI Person Less Than 16 Yrs Age	Replacement by Information	F1	18§3123§§A7
2 / IDSI Person Less Than 16 Yrs Age	Replacement by Information	F1	18§3123§§A7

COURT OF COMMON PLEAS OF CENTRE COUNTY

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Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

Final Disposition

Grade Section

Credit For Time Served

Start Date

Linked Docket Number

3 / Indecent Assault Person Less than 13 Years of Age	Replacement by Information	F3	18§3126§§A7
4 / Unlawful Contact With Minor - Sexual Offenses	Replacement by Information	F1	18§6318§§A1
5 / Corruption Of Minors	Replacement by Information	M1	18§6301§§A1
6 / Endangering Welfare Of Children	Replacement by Information	F3	18§4304§§A
7 / IDSI Person Less Than 16 Yrs Age	Proceed to Court (Amended Info/Arraignment Waived)	F1	18§3123§§A7
8 / IDSI Person Less Than 16 Yrs Age	Proceed to Court (Amended Info/Arraignment Waived)	F1	18§3123§§A7
9 / Ind Asslt Person Less 13 Yrs Age	Proceed to Court (Amended Info/Arraignment Waived)	M1	18§3126§§A7
10 / Unlawful Contact With Minor - Sexual Offenses	Proceed to Court (Amended Info/Arraignment Waived)	F1	18§6318§§A1
11 / Corruption Of Minors	Proceed to Court (Amended Info/Arraignment Waived)	M1	18§6301§§A1
12 / Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	Proceed to Court (Amended Info/Arraignment Waived)	F3	18§4304§§A1
100 / IDSI Person Less Than 16 Yrs Age	Charge Changed	F1	18§3123§§A7
Replaced by 18§3123§§A7, IDSI Person Less Than 16 Yrs Age			
101 / IDSI Person Less Than 16 Yrs Age	Charge Changed	F1	18§3123§§A7
Replaced by 18§3123§§A7, IDSI Person Less Than 16 Yrs Age			
102 / Ind Asslt Person Less 13 Yrs Age	Charge Changed	F3	18§3126§§A7
Replaced by 18§3126§§A7, Indecent Assault Person Less than 13 Years of Age			
103 / Unlawful Contact With Minor - Sexual Offenses	Charge Changed	F1	18§6318§§A1
Replaced by 18§6318§§A1, Unlawful Contact With Minor - Sexual Offenses			
104 / Corruption Of Minors	Charge Changed	M1	18§6301§§A1
Replaced by 18§6301§§A1, Corruption Of Minors			
105 / Endangering Welfare of Children - Parent/Guardian/Other Commits Offense	Charge Changed	F3	18§4304§§A1
Replaced by 18§4304§§A, Endangering Welfare Of Children			

Guilty

Trial - Jury	06/22/2012	Final Disposition
1 / IDSI Person Less Than 16 Yrs Age	Guilty	F1 18§3123§§A7

COURT OF COMMON PLEAS OF CENTRE COUNTY

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Docket Number: CP-14-CR-0002421-2011

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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

Final Disposition

Grade Section

Credit For Time Served

Start Date

Linked Docket Number

Cleland, John M.

Confinement

10/09/2012

Min of 10.00 Years

Max of 20.00 Years

10 years - 20 years

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

Credit

18§3123§§A7 - Confinement

Consecutive To Seq. 17

CP-14-CR-0002422-2011

18§3123§§A7 - Confinement

Concurrent From Seq. 2

CP-14-CR-0002421-2011

18§3126§§A7 - Confinement

Concurrent From Seq. 3

CP-14-CR-0002421-2011

18§6318§§A1 - Confinement

Concurrent From Seq. 4

CP-14-CR-0002421-2011

18§6301§§A1 - Confinement

Concurrent From Seq. 5

CP-14-CR-0002421-2011

18§4304§§A - Confinement

Concurrent From Seq. 6

CP-14-CR-0002421-2011

18§3123§§A7 - Confinement

Consecutive From Seq. 7

CP-14-CR-0002421-2011

18§3123§§A7 - Confinement

Concurrent From Seq. 8

CP-14-CR-0002421-2011

18§3126§§A7 - Confinement

Concurrent From Seq. 9

CP-14-CR-0002421-2011

18§6318§§A1 - Confinement

Concurrent From Seq. 10

CP-14-CR-0002421-2011

18§6301§§A1 - Confinement

Concurrent From Seq. 11

CP-14-CR-0002421-2011

18§4304§§A1 - Confinement

Concurrent From Seq. 12

CP-14-CR-0002421-2011

2 / IDSI Person Less Than 16 Yrs Age

Guilty

F1

18§3123§§A7

Cleland, John M.

Confinement

10/09/2012

Min of 10.00 Years

Max of 20.00 Years

10 years - 20 years

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

3 / Indecent Assault Person Less than 13 Years of Age

Guilty

F3

18§3126§§A7

COURT OF COMMON PLEAS OF CENTRE COUNTY

DOCKET



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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

Final Disposition

Grade Section

Credit For Time Served

Start Date

Linked Docket Number

Cleland, John M.

Confinement

10/09/2012

Min of 6.00 Months

Max of 12.00 Months

6 months - 12 months

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

4 / Unlawful Contact With Minor - Sexual Offenses

Guilty

F1

18§6318§§A1

Cleland, John M.

Confinement

10/09/2012

Min of 48.00 Months

Max of 96.00 Months

Other

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

5 / Corruption Of Minors

Guilty

M1

18§6301§§A1

Cleland, John M.

Confinement

10/09/2012

Min of 6.00 Months

Max of 12.00 Months

6 months - 12 months

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

6 / Endangering Welfare Of Children

Guilty

F3

18§4304§§A

Cleland, John M.

10/09/2012

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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Confinement

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

7 / IDSI Person Less Than 16 Yrs Age

Cleland, John M.

Confinement

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

8 / IDSI Person Less Than 16 Yrs Age

Cleland, John M.

Confinement

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

9 / Ind Asslt Person Less 13 Yrs Age

Cleland, John M.

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

Min of 3.00 Months

Max of 6.00 Months

Other

Guilty

10/09/2012

Min of 5.00 Years

Max of 10.00 Years

5 years - 10 years

Guilty

10/09/2012

Min of 60.00 Months

Max of 120.00 Months

Other

Guilty

10/09/2012

Final Disposition

Grade Section

Credit For Time Served

Start Date

Linked Docket Number

Concurrent To Seq. 1

CP-14-CR-0002421-2011

F1

18§3123§§A7

Consecutive To Seq. 1

CP-14-CR-0002421-2011

F1

18§3123§§A7

Concurrent To Seq. 1

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M1

18§3126§§A7

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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

Final Disposition

Grade Section

Credit For Time Served

Start Date

Linked Docket Number

Confinement

Min of 6.00 Months
Max of 12.00 Months
6 months - 12 months

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

10 / Unlawful Contact With Minor - Sexual Offenses

Guilty

F1

18§6318§A1

Cleland, John M.

Confinement

10/09/2012

Min of 6.00 Months
Max of 12.00 Months
6 months - 12 months

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

11 / Corruption Of Minors

Guilty

M1

18§6301§A1

Cleland, John M.

Confinement

10/09/2012

Min of 6.00 Months
Max of 12.00 Months
6 months - 12 months

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

12 / Endangering Welfare of Children - Parent/Guardian/Other Commits Offense

Guilty

F3

18§4304§A1

COURT OF COMMON PLEAS OF CENTRE COUNTY

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DISPOSITION SENTENCING/PENALTIES

Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

Final Disposition

Grade Section

Credit For Time Served

Start Date

Linked Docket Number

Cleland, John M.

Confinement

10/09/2012

Min of 3.00 Months

Max of 6.00 Months

Other

Judgment

DNA/Photograph/Fingerprints

Restitution

Pay Prosecution Costs

18§3123§§A7 - Confinement

Concurrent To Seq. 1

CP-14-CR-0002421-2011

100 / IDSI Person Less Than 16 Yrs Age

Charge Changed

F1

18§3123§§A7

Replaced by 18§3123§§A7, IDSI Person Less Than 16 Yrs Age

Cleland, John M.

10/09/2012

101 / IDSI Person Less Than 16 Yrs Age

Charge Changed

F1

18§3123§§A7

Replaced by 18§3123§§A7, IDSI Person Less Than 16 Yrs Age

Cleland, John M.

10/09/2012

102 / Ind Asslt Person Less 13 Yrs Age

Charge Changed

F3

18§3126§§A7

Replaced by 18§3126§§A7, Indecent Assault Person Less than 13 Years of Age

Cleland, John M.

10/09/2012

103 / Unlawful Contact With Minor - Sexual
Offenses

Charge Changed

F1

18§6318§§A1

Replaced by 18§6318§§A1, Unlawful Contact With Minor - Sexual Offenses

Cleland, John M.

10/09/2012

104 / Corruption Of Minors

Charge Changed

M1

18§6301§§A1

Replaced by 18§6301§§A1, Corruption Of Minors

Cleland, John M.

10/09/2012

105 / Endangering Welfare of Children -

Charge Changed

F3

18§4304§§A1

Parent/Guardian/Other Commits Offense

Replaced by 18§4304§§A, Endangering Welfare Of Children

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Disposition

Case Event

Sequence/Description

Sentencing Judge

Sentence/Diversion Program Type

Sentence Conditions

Linked Offense - Sentence

Cleland, John M.

Disposition Date

Offense Disposition

Sentence Date

Incarceration/Diversionary Period

Link Type

10/09/2012

Final Disposition

Grade Section

Credit For Time Served

Start Date

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COMMONWEALTH INFORMATION

Name: James Patrick Barker, Esq.
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Attorney General

Supreme Court No: 071711

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Attorney General

Supreme Court No: 035821

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Supreme Court No: 051745

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State College PA 16801

Representing: Sandusky, Gerald A.

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001/1	12/13/2011		Court of Common Pleas - Centre County
Original Papers Received from Lower Court			
002/2	12/13/2011		Amendola, Joseph L.
Important Notice of Required Court Appearances			
003/3	12/13/2011		Amendola, Joseph L.
Waiver of Appearance at Arraignment			
4	12/13/2011		Dutchcote, Leslie
Waived for Court (Lower Court)			
004/1	01/10/2012	01/10/2012	Cleland, John M.
Pre-Trial Notice			
Amendola, Joseph L.			
01/10/2012			
Fina, Frank G.			
01/10/2012			
005/2	01/10/2012		Unknown Filer
Information Filed			
006/2	01/12/2012		Eshbach, Jonelle Harter
Notice of Consolidation			
007/1	01/17/2012		Amendola, Joseph L.
Answer/Letter to Commonwealth's Motion to Amend the Information			
008/2	01/17/2012	01/12/2012	Cleland, John M.
Order Cancelling Pretrial Conference			
Amendola, Joseph L.			
01/18/2012			
Fina, Frank G.			
01/18/2012			
009/1	01/18/2012		Amendola, Joseph L.
Request for Bill of Particulars			

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010/1	01/24/2012		Cleland, John M.
Contract for In-Home Detention/Electronic Monitoring Program			
011/1	01/25/2012		Amendola, Joseph L.
Application for Order for Bill of Particulars (Sent to Crt. Admin. - 01/26/12)			
012/1	01/27/2012		Amendola, Joseph L.
Motion for Modification of Bail (Sent to Court Admin. - 01/27/12)			
013/2	01/27/2012	01/27/2012	Cleland, John M.
Order Scheduling Hearing Amendola, Joseph L. 01/27/2012 Eshbach, Jonelle Harter 01/27/2012 Fina, Frank G. 01/27/2012			
014/3	01/27/2012	01/27/2012	Cleland, John M.
Order Directing Response to Application for Bill of Particulars Amendola, Joseph L. 01/27/2012 Eshbach, Jonelle Harter 01/27/2012 Fina, Frank G. 01/27/2012			
015/1	01/30/2012		Eshbach, Jonelle Harter
Answer to Request for Bill of Particulars (Sent to Crt. Admin. - 01/31/12)			
016/2	01/30/2012		Eshbach, Jonelle Harter
Memorandum of Law in Support of Commonwealth's Answer to Request for Bill of Particulars (Sent to Crt. Admin - 01/31/12)			

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017/1	01/31/2012		Commonwealth of Pennsylvania
Motion for Change of Venue/Venire (Sent to Crt. Admin. - 01/31/12)			
018/1	02/02/2012	02/02/2012	Cleland, John M.
Order Scheduling Hearing Amendola, Joseph L. 02/02/2012 Commonwealth of Pennsylvania 02/02/2012			
019/1	02/06/2012		Amendola, Joseph L.
Motion for Early Release of Grand Jury Testimony (Sent to Crt. Admin. - 02/07/12)			
020/2	02/06/2012		Amendola, Joseph L.
Memorandum in Support of Motion for Bill of Particulars (Sent to Crt. Admin. - 02/07/12)			
021/3	02/06/2012		Amendola, Joseph L.
Motion to Compel Commonwealth to Provide Defendant with Requested Materials (Sent to Crt. Admin. - 02/07/12)			
022/4	02/06/2012		Amendola, Joseph L.
Memorandum in Support of Motion to Compel (Sent to Crt. Admin. - 02/07/12)			
023/1	02/07/2012		Cleland, John M.
Decorum Order Issued Amendola, Joseph L. 02/07/2012 Commonwealth of Pennsylvania 02/07/2012			
024/2	02/07/2012		Cleland, John M.
Order Scheduling Hearing Amendola, Joseph L. 02/07/2012 Commonwealth of Pennsylvania			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
02/07/2012			
025/3	02/07/2012		Eshbach, Jonelle Harter
Commonwealth's Response to Motion for Bail Modification and New Matter (Sent to Crt. Admin. - 02/07/12)			
026/1	02/08/2012		Amendola, Joseph L.
Defendant's Answer to Commonwealth's Motion for Change of Venire (Copy sent to Crt. Admin. - 02/08/12)			
027/2	02/08/2012		Amendola, Joseph L.
Memorandum in Opposition to the Commonwealth's Motion for Change of Venire (Copy sent to Crt. Admin. - 02/08/12)			
028/3	02/08/2012		Amendola, Joseph L.
Answer to New Matter (Copy Sent to Crt. Admin. - 02/08/12)			
029/4	02/08/2012		Commonwealth of Pennsylvania
Corrected Certificate of Service			
030/1	02/13/2012		Cleland, John M.
Memorandum and Order (Cross Motions to Modify Conditions of Bail) Amendola, Joseph L. 02/13/2012 Commonwealth of Pennsylvania 02/13/2012			
031/2	02/13/2012		Cleland, John M.
Memorandum and Order (Defendant's Motion for Early Release of Grand Jury Testimony) Amendola, Joseph L. 02/13/2012 Commonwealth of Pennsylvania 02/13/2012			

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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
032/3	02/13/2012		Cleland, John M.
Memorandum and Order (Defendant's Motion - Bill of Particulars)			
Amendola, Joseph L.			
02/13/2012			
Commonwealth of Pennsylvania			
02/13/2012			
033/4	02/13/2012		Cleland, John M.
Memorandum and Order (Commonwealth's Motion for Change of Venire)			
Amendola, Joseph L.			
02/13/2012			
Commonwealth of Pennsylvania			
02/13/2012			
034/5	02/13/2012		Cleland, John M.
Order (Defendant's Motion - Pre-Trial Discovery)			
035/1	02/27/2012		Amendola, Joseph L.
Motion for Extension of Time to File Omnibus Pretrial Motion			
(Copy given to Crt. Admin. - 02/27/12)			
036/1	02/29/2012		Cleland, John M.
Memorandum and Order			
Amendola, Joseph L.			
03/01/2012			
Eshbach, Jonelle Harter			
03/01/2012			
Fina, Frank G.			
03/01/2012			
McGettigan, Joseph E. III			
03/01/2012			
037/1	03/01/2012		Eshbach, Jonelle Harter
Answer to Request for Bill of Particulars			
(Gave copy to Crt. Admin. - 03/01/12)			

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038/1	03/02/2012		Amendola, Joseph L.
Application for Order for More Specific Bill of Particulars			
039/1	03/05/2012		Commonwealth of Pennsylvania
Commonwealth's Response to Order of Court Directing Pre-Trial Discovery (Gave copy to Crt. Admin. - 03/05/12)			
040/1	03/06/2012		Cleland, John M.
Order Scheduling Hearing Commonwealth of Pennsylvania 03/06/2012 Fina, Frank G. 03/06/2012			
041/1	03/07/2012		Feudale, Barry F.
Order Regarding Special Motion for Early Release of Grand Jury Testimony (Judge's Secretary Served Copies)			
042/1	03/13/2012		Cleland, John M.
Order Filed. (Gave copy to Atty. Amendola; Mailed copies to Atty. Fina, Atty. Eshbach, & Atty. McGettigan - 03/13/12)			
043/2	03/13/2012		Cleland, John M.
Memorandum and Order (Application for More Certain Bill of Particulars is Dismissed as Moot)(Gave copy to Atty. Amendola; Mailed copies to Atty. Fina, Atty. Eshbach, & Atty. McGettigan - 03/13/12)			
044/1	03/16/2012		Amendola, Joseph L.
Defendant's Response to Commonwealth's Response to Order of Court Directing Pre-Trial Discovery (Copy given to Crt. Admin. for Judge)			
045/1	03/20/2012		Cleland, John M.
Pre-Trial Order of Court (Gave copy to Atty. Amendola; Mailed copies to Atty. Fina, Atty. Eshbach, & Atty. McGettigan - 03/20/12)			
046/1	03/22/2012		Amendola, Joseph L.
Omnibus Pre-Trial Motion (Gave copy to Crt. Admin.)			

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047/1	03/29/2012		Fina, Frank G.
Commonwealth's Answer to Defendant's Omnibus Pretrial Motion (Gave copy to Crt. Admin. - 03/29/12)			
048/2	03/29/2012		Cleland, John M.
Order Granting Motion to Continue Trial (Gave copy to Atty. Amendola; Mailed copies to Atty. Fina, Atty. Eshbach, & Atty. McGettigan - 03/30/12)			
049/1	04/05/2012		Rominger, Karl Ernst
Entry of Appearance			
050/2	04/05/2012		Cleland, John M.
Order Filed. (Sealed by Order of Court) Amendola, Joseph L. 04/05/2012 Eshbach, Jonelle Harter 04/05/2012 Fina, Frank G. 04/05/2012 McGettigan, Joseph E. III 04/05/2012			
051/3	04/05/2012		Cleland, John M.
Order Filed. (Sealed by Order of Court) Amendola, Joseph L. 04/05/2012 Eshbach, Jonelle Harter 04/05/2012 Fina, Frank G. 04/05/2012 McGettigan, Joseph E. III 04/05/2012			
052/4	04/05/2012		Cleland, John M.
Order Filed. (Sealed by Order of Court) Amendola, Joseph L. 04/05/2012 Eshbach, Jonelle Harter 04/05/2012			

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<u>Service To</u>	<u>Service Type</u>	<u>Service By</u>	<u>Service Status</u>
Issue Date	Service Type	Status Date	Service Status
Fina, Frank G. 04/05/2012			
McGettigan, Joseph E. III 04/05/2012			
053/5	04/05/2012		Cleland, John M.
Order Filed. (Sealed by Order of Court)			
Amendola, Joseph L. 04/05/2012			
Eshbach, Jonelle Harter 04/05/2012			
Fina, Frank G. 04/05/2012			
McGettigan, Joseph E. III 04/05/2012			
054/1	04/09/2012		Cleland, John M.
Order Filed.			
(Gave copy to Atty. Amendola; Mailed copies to Atty. McGettigan, Atty. Fina, Atty. Eshbach, & Atty. Rominger - 04/09/12, 10am)			
055/1	04/12/2012		Cleland, John M.
Order Regarding Omnibus Pretrial Motion(s)			
(Gave copy to Atty. Amendola; Mailed copies to Atty. Fina, Atty. Eshbach, Atty. McGettigan, & Atty. Rominger - 04/12/12)			
056/1	04/27/2012		Fina, Frank G.
Commonwealth's Motion to Preclude Improper Use of Subpoena Power by Defendant			
(Gave Copy to Court Admin for Judge)			
057/1	04/30/2012		Lindsay, David Isaac
Motion to Quash Subpoena and/or for Protective Order			
(Gave copy to Crt. Admin. for Judge - 04/30/12)			
058/2	04/30/2012		Cleland, John M.
Order Directing Answer to be Filed			
Amendola, Joseph L.			

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05/02/2012
Eshbach, Jonelle Harter
05/02/2012
Fina, Frank G.
05/02/2012
McGettigan, Joseph E. III
05/02/2012
Rominger, Karl Ernst
05/02/2012

059/1 05/01/2012

Remy, Mark J.
Knepp, Orris Clair III

Motion to Quash Subpoena
(Gave copy to Crt. Admin. for Judge - 05/01/12)

060/2 05/01/2012

Rosenthal, Howard A.
Kolansky, Jeffrey Mark

Joinder Motion of the Second Mile to Quash Subpoena
(Gave copy to Crt. Admin. for Judge - 05/01/12)

061/1 05/02/2012

Cleland, John M.

Order Scheduling Hearing
Amendola, Joseph L.
05/04/2012
Angelelli, Michael
05/04/2012
Beard, Carl Pierce Jr.
05/04/2012
Eshbach, Jonelle Harter
05/04/2012
Fina, Frank G.
05/04/2012
Johnson, James Philip
05/04/2012
Knepp, Orris Clair III
05/04/2012
Kolansky, Jeffrey Mark

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05/04/2012			
Lindsay, David Isaac			
05/04/2012			
McGettigan, Joseph E. III			
05/04/2012			
Remy, Mark J.			
05/04/2012			
Repak, Ronald Nicholas			
05/04/2012			
Ridge, Lourdes M.			
05/04/2012			
Ridge, Robert J.			
05/04/2012			
Rominger, Karl Ernst			
05/04/2012			
Rosenthal, Howard A.			
05/04/2012			
062/1	05/03/2012		Amendola, Joseph L.
Defendant's Answer to Commonwealth's Motion to Preclude Improper Use of Subpoena Power (Walked through Copy to Crt. Admin. for Judge)			
063/2	05/03/2012		Amendola, Joseph L.
Second Motion to Compel Discovery (Walked through copy to Crt. Admin. for Judge)			
064/3	05/03/2012		Ridge, Robert J. Ridge, Lourdes M.
Motion to Quash Subpoena (Gave copy to Crt. Admin. for Judge - 05/03/12)			
065/4	05/03/2012		Cleland, John M.
Order Regarding Second Motion to Compel Discovery Amendola, Joseph L.			
05/03/2012			
Eshbach, Jonelle Harter			
05/03/2012			

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Fina, Frank G.

05/03/2012

McGettigan, Joseph E. III

05/03/2012

Rominger, Karl Ernst

05/03/2012

066/5

05/03/2012

05/03/2012

Cleland, John M.

Order Denying Motion to Preclude Improper Use of Subpoena Power

Amendola, Joseph L.

05/03/2012

Eshbach, Jonelle Harter

05/03/2012

Fina, Frank G.

05/03/2012

McGettigan, Joseph E. III

05/03/2012

Rominger, Karl Ernst

05/03/2012

067/1

05/04/2012

Angelelli, Michael

Motion to Quash

(Gave copy to Crt. Admin. for Judge)

068/2

05/04/2012

Beard, Carl Pierce Jr.
Repak, Ronald Nicholas

Motion to Quash Subpoena and for a Protective Order

(Gave copy to Crt. Admin. for Judge)

069/1

05/07/2012

Johnson, James Philip

Motion to Quash Subpoena

(Gave copy to Crt. Admin. for Judge)

070/2

05/07/2012

Handelman, Jarad Wade

Motion to Seal Department of Labor & Industry's Motion to Quash and/or for Protective Order

(Gave copy to Crt. Admin. for Judge)

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071/3	05/07/2012		Handelman, Jarad Wade
Motion to Seal Department of Corrections Motion to Quash Subpoena and/or Protective Order (Gave copy to Crt. Admin. for Judge)			
072/4	05/07/2012		Fina, Frank G.
Commonwealth's Motion to Amend the Bill of Particulars (Gave copy to Crt. Admin. for Judge)			
073/5	05/07/2012		Handelman, Jarad Wade
Motion to Seal Department of Public Welfare's Motion to Quash Subpoena and/or for Protective Order (Gave copy to Crt. Admin. for Judge)			
074/6	05/07/2012		Eshbach, Jonelle Harter
Answer to Defendant's Second Motion to Compel Discovery (Gave copy to Crt. Admin. for Judge) (Attachment's Sealed by Order of Court)			
075/1	05/08/2012	05/08/2012	Cleland, John M.
Order Granting Motion to Amend Commonwealth's Bill of Particulars Amendola, Joseph L. 05/08/2012 Eshbach, Jonelle Harter 05/08/2012 Fina, Frank G. 05/08/2012 McGettigan, Joseph E. III 05/08/2012 Rominger, Karl Ernst 05/08/2012			
076/2	05/08/2012		Handelman, Jarad Wade
Case Correspondence to Correct Caption of Motion(s) to Seal (Gave copy to Crt. Admin. for Judge)			
077/3	05/08/2012		Handelman, Jarad Wade
Motion to Seal Department of Corrections Motion to Quash Subpoena and/or for Protective Order (Gave copy to Crt. Admin. for Judge)			

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078/4	05/08/2012		Handelman, Jarad Wade
Motion to Seal Department of Public Welfare's Motion to Quash Subpoena and/or for Protective Order (Gave copy to Crt. Admin. for Judge)			
079/5	05/08/2012		Handelman, Jarad Wade
Motion to Seal Department of Labor & Industry's Motion to Quash Subpoena and/or Protective Order (Gave copy to Crt. Admin. for Judge)			
080/6	05/08/2012		Eshbach, Joneille Harter
Commonwealth's Motion to Seal Attachment (Gave copy to Crt. Admin. for Judge)			
081/7	05/08/2012	05/07/2012	Cleland, John M.
Order Denying Motion(s) to Seal Amendola, Joseph L. 05/08/2012 Eshbach, Joneille Harter 05/08/2012 Fina, Frank G. 05/08/2012 Handelman, Jarad Wade 05/08/2012 McGettigan, Joseph E. III 05/08/2012 Rominger, Karl Ernst 05/08/2012			
082/8	05/08/2012		Handelman, Jarad Wade
Motion of PA Department of Public Welfare to Quash Subpoena and/or for Protective Order (Gave copy to Crt. Admin. for Judge)			
083/9	05/08/2012		Handelman, Jarad Wade
Motion of PA Department of Corrections to Quash Subpoena and/or for Protective Order (Gave copy to Crt. Admin. for Judge)			
084/10	05/08/2012		Handelman, Jarad Wade
Motion of PA Dept. of Labor & Industry to Quash Subpoena and/or for Protective Order (Gave copy to Crt. Admin. for Judge)			

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085/11	05/08/2012	05/08/2012	Cleland, John M.
Order Granting Motion to Seal Attachment			
Amendola, Joseph L.			
05/08/2012			
Eshbach, Joneille Harter			
05/08/2012			
Fina, Frank G.			
05/08/2012			
McGettigan, Joseph E. III			
05/08/2012			
Rominger, Karl Ernst			
05/08/2012			
086/12	05/08/2012		Morris, Stephanie Marie
Motion for Leave to File Amicus Curiae in Support of all Motions to Quash Discovery Subpoenas			
(Gave copy to Crt. Admin. for Judge)(For the Limited Purpose of Presenting Motion for Leave to File Amicus Curiae in Support of all Motions to Quash Discovery Subpoenas)			
087/13	05/08/2012		Brooks, Guy H. Baker, John U. Fehling, Geoffrey Binder
Entry of Appearance			
(Gave Original to Crt. Admin. for Judge)(For the Limited Purpose of Presenting Motions to Quash Subpoenas)			
088/14	05/08/2012		Brooks, Guy H. Baker, John U. Fehling, Geoffrey Binder
Motion to Quash Subpoena and/or for Protective Order			
(Walked through to Crt. Admin. for Judge)			
089/1	05/09/2012		Amendola, Joseph L.
Motion for Continuance			
(Walked copy through to Crt. Admin. for Judge)			
090/2	05/09/2012		Amendola, Joseph L.
Motion to Compel			
(Walked copy through to Crt. Admin. for Judge)			

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091/3	05/09/2012		Faulkner, Donald L.
Entry of Appearance (Gave copy to Crt. Admin. for Judge)(For the Limited Purpose of Presenting Motions to Quash Subpoenas)			
092/4	05/09/2012		Rominger, Karl Ernst
Motion to Compel Discovery of Grand Jury Materials and to Accelerate Release of Testimony (Walked copy through to Crt. Admin. for Judge)			
093/5	05/09/2012		Rominger, Karl Ernst
Motion to Compel P.A.R.E. 404(b) Disclosure (Walked copy through to Crt. Admin. for Judge)			
094/1	05/10/2012	05/10/2012	Cleland, John M.
Order - Agreement of Counsel Regarding Motion to Compel is Adopted as an Order of Court Amendola, Joseph L. 05/10/2012 Eshbach, Jonelle Harter 05/10/2012 Fina, Frank G. 05/10/2012 Rominger, Karl Ernst 05/10/2012			
095/2	05/10/2012	05/10/2012	Cleland, John M.
Order Denying Motion to Compel Discovery of Grand Jury Materials & Early Release of Testimony Amendola, Joseph L. 05/10/2012 Eshbach, Jonelle Harter 05/10/2012 Fina, Frank G. 05/10/2012 Rominger, Karl Ernst 05/10/2012			
096/3	05/10/2012	05/10/2012	Cleland, John M.
Order Regarding Motion(s) to Quash Subpoenas Amendola, Joseph L. 05/10/2012 Baker, John U.			

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05/10/2012			
Beard, Carl Pierce Jr.			
05/10/2012			
Brooks, Guy H.			
05/10/2012			
Eshbach, Jonelle Harter			
05/10/2012			
Faulkner, Donald L.			
05/10/2012			
Fehling, Geoffrey Binder			
05/10/2012			
Fina, Frank G.			
05/10/2012			
Handelman, Jarad Wade			
05/10/2012			
Johnson, James Philip			
05/10/2012			
Knepp, Orris Clair III			
05/10/2012			
Kolansky, Jeffrey Mark			
05/10/2012			
Lindsay, David Isaac			
05/10/2012			
McGettigan, Joseph E. III			
05/10/2012			
Morris, Stephanie Marie			
05/10/2012			
Remy, Mark J.			
05/10/2012			
Repak, Ronald Nicholas			
05/10/2012			
Ridge, Lourdes M.			
05/10/2012			
Ridge, Robert J.			
05/10/2012			
Rominger, Karl Ernst			
05/10/2012			

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Rosenthal, Howard A. 05/10/2012			
097/1	05/15/2012		Eshbach, Jonelle Harter
Motion for Discovery Regarding Expert Witness (Gave copy to Crt. Admin. for Judge)			
098/1	05/16/2012		Amendola, Joseph L.
Answer to Commonwealth's Motion for Pre-Trial Discovery Regarding Expert Witness (Walked through copy for Judge)			
099/2	05/16/2012		Amendola, Joseph L.
Defendant's Supplemental Pre-Trial Motions/ Motions in Limine (Walked through copy for Judge)			
100/2	05/17/2012		Amendola, Joseph L.
Brief in Support of Defendant's Supplemental Pre-Trial Motions/ Motions in Limine (Walked through copy for Judge)			
101/3	05/17/2012	05/15/2012	Kistler, Thomas King
Order Granting Release of Itemized Sealed Items			
Amendola, Joseph L. 05/18/2012			
Centre County Probation Department 05/18/2012			
Eshbach, Jonelle Harter 05/18/2012			
Fina, Frank G. 05/18/2012			
McGettigan, Joseph E. III 05/18/2012			
Rominger, Karl Ernst 05/18/2012			

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102/1	05/18/2012		Fina, Frank G.
Motion to Amend the Informations and Bill of Particulars (Gave copy to Crt. Admin. for Judge - 05/18/12)			
103/2	05/18/2012	05/18/2012	Cleland, John M.
Order Granting Motion to Amend the Criminal Information Amendola, Joseph L. 05/21/2012 Eshbach, Jonelle Harter 05/21/2012 Fina, Frank G. 05/21/2012 McGettigan, Joseph E. III 05/21/2012 Rominger, Karl Ernst 05/21/2012			
104/3	05/18/2012		Eshbach, Jonelle Harter
Amended Bill of Particulars			
105/4	05/18/2012		Unknown Filer
Amended Information Filed (Arraignment Waived)			
106/1	05/21/2012	05/21/2012	Cleland, John M.
Order Denying Motion for Continuance Amendola, Joseph L. 05/21/2012 Eshbach, Jonelle Harter 05/21/2012 Fina, Frank G. 05/21/2012 McGettigan, Joseph E. III 05/21/2012 Rominger, Karl Ernst 05/21/2012			
107/2	05/21/2012	05/21/2012	Cleland, John M.
Order Regarding Commonwealth's Motion for Pretrial Discovery of Expert Witness Reports Amendola, Joseph L. 05/21/2012			

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Eshbach, Jonelle Harter

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Fina, Frank G.

05/21/2012

McGettigan, Joseph E. III

05/21/2012

Rominger, Karl Ernst

05/21/2012

108/3

05/21/2012

05/21/2012

Cleland, John M.

Order Regarding Defendant's Supplemental Pre-Trial Motions/Motion in Limine

Amendola, Joseph L.

05/21/2012

Eshbach, Jonelle Harter

05/21/2012

Fina, Frank G.

05/21/2012

McGettigan, Joseph E. III

05/21/2012

Rominger, Karl Ernst

05/21/2012

109/4

05/21/2012

05/21/2012

Ruest, Pamela A.

Order Granting Release of Itemized Sealed items

Amendola, Joseph L.

05/21/2012

Centre County Probation Department

05/21/2012

Eshbach, Jonelle Harter

05/21/2012

Fina, Frank G.

05/21/2012

McGettigan, Joseph E. III

05/21/2012

Rominger, Karl Ernst

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110/5	05/21/2012	05/21/2012	Cleland, John M.
Order Scheduling Hearing			
Amendola, Joseph L.			
05/22/2012			
Eshbach, Jonelle Harter			
05/22/2012			
Fina, Frank G.			
05/22/2012			
McGettigan, Joseph E. III			
05/22/2012			
Rominger, Karl Ernst			
05/22/2012			
111/1	05/25/2012	05/25/2012	Ruest, Pamela A.
Order Granting Release of Itemized Sealed Items			
Amendola, Joseph L.			
05/29/2012			
Centre County Probation Department			
05/29/2012			
Eshbach, Jonelle Harter			
05/29/2012			
Fina, Frank G.			
05/29/2012			
McGettigan, Joseph E. III			
05/29/2012			
Rominger, Karl Ernst			
05/29/2012			
112/2	05/25/2012	05/25/2012	Ruest, Pamela A.
Order Granting Release of Itemized Sealed Items			
Amendola, Joseph L.			
05/29/2012			
Centre County Probation Department			
05/29/2012			
Eshbach, Jonelle Harter			
05/29/2012			
Fina, Frank G.			

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05/29/2012			
McGettigan, Joseph E. III			
05/29/2012			
Rominger, Karl Ernst			
05/29/2012			
113/3	05/25/2012		Fina, Frank G.
Commonwealth's Memorandum in Response to Supplemental Pre-Trial Motions/Motion in Limine (Gave copy to Crt. Admin. for Judge)			
114/4	05/25/2012		Amendola, Joseph L.
Motion Filed (Sealed by Order of Court)			
115/5	05/25/2012		Cleland, John M.
Order Granting Motion to Seal Defense Motion			
116/1	05/29/2012		Shubin, Andrew Jay Andronici, Justine Frances
Motion of Victim 3 & 7 to Preserve the Confidentiality of the Identities of Alleged Victims (Gave copy to Crt. Admin. for Judge)			
117/2	05/29/2012		Specter, Shanin Trunk, Michael A. Kline, Thomas R. Williams, David Collin
Joinder Motion of Victim 5 to Preserve the Confidentiality of Identity (Gave copy to Crt. Admin. for Judge)			
118/3	05/29/2012		Fritz, Jeffrey P. Andreozzi, Benjamin D.
Motion of Victim #4 for Protective Order for the Use of Pseudonym (Gave copy to Crt. Admin. for Service)			
119/4	05/29/2012		Fritz, Jeffrey P. Andreozzi, Benjamin D.
Victim #4's Memorandum of Law in Support of Motion for Protective Order for Use of Pseudonym (Gave copy to Crt. Admin. for Judge)			

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120/5	05/29/2012		Morris, Stephanie Marie
Motion for Leave to File Brief in Support of Victims' Motion to Proceed by Pseudonym (Gave copy to Crt. Admin. for Judge)			
121/6	05/29/2012		Morris, Stephanie Marie
Amici Curiae Brief in Support of Victims' Motion to Proceed by Pseudonym (Gave copy to Crt. Admin. for Judge)			
122/1	05/30/2012		Kleinman, Hal Jon
Joinder Motion of Victim 6 to Preserve the Confidentiality of Identity (Gave copy to Crt. Admin. for Judge)			
123/2	05/30/2012		Cleland, John M.
Memorandum Order (Motion to Continue Jury Selection, Denied)			
Amendola, Joseph L. 05/30/2012			
Eshbach, Jonelle Harter 05/30/2012			
Fina, Frank G. 05/30/2012			
McGettigan, Joseph E. III 05/30/2012			
Rominger, Karl Ernst 05/30/2012			
124/3	05/30/2012		Cleland, John M.
Decorum Order Governing Jury Selection and Trial			
Amendola, Joseph L. 05/30/2012			
Eshbach, Jonelle Harter 05/30/2012			
Fina, Frank G. 05/30/2012			
McGettigan, Joseph E. III 05/30/2012			
Rominger, Karl Ernst 05/30/2012			

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125/4	05/30/2012		Amendola, Joseph L.
Motion to Compel Commonwealth to Provide Defendant with Requested Discovery Material (Walked copy through to Crt. Admin. for Judge)			
126/5	05/30/2012		Cleland, John M.
Order Denying Request to Certify Court Order to Take an Interlocutory Appeal			
Amendola, Joseph L.			
05/31/2012			
Eshbach, Jonelle Harter			
05/31/2012			
Fina, Frank G.			
05/31/2012			
McGettigan, Joseph E. III			
05/31/2012			
Rominger, Karl Ernst			
05/31/2012			
127/1	06/01/2012	06/01/2012	Cleland, John M.
Order Directing an Answer to be Filed			
Amendola, Joseph L.			
06/01/2012			
Eshbach, Jonelle Harter			
06/01/2012			
Fina, Frank G.			
06/01/2012			
McGettigan, Joseph E. III			
06/01/2012			
Rominger, Karl Ernst			
06/01/2012			
128/2	06/01/2012		Fina, Frank G.
Commonwealth's Response to Defendant's Motion to Compel (Walked through copy to Crt. Admin. for Judge)			

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129/3	06/01/2012		Sproul, Gayle Chatilo
Expedited Motion to Intervene and to Clarify Decorum Order (Gave copy to Crt. Admin. for Judge)			
130/1	06/04/2012	06/04/2012	Cleland, John M.
Order to Amend Decorum Order Governing Jury Selection and Trial Amendola, Joseph L. 06/04/2012 Eshbach, Jonelle Harter 06/04/2012 Fina, Frank G. 06/04/2012 McGettigan, Joseph E. III 06/04/2012 Rominger, Karl Ernst 06/04/2012 Sproul, Gayle Chatilo 06/04/2012			
131/2	06/04/2012	06/04/2012	Cleland, John M.
Memorandum and Order (Re: Expedited Motion to Intervene and to Clarify the Court's Decorum Order) Amendola, Joseph L. 06/04/2012 Eshbach, Jonelle Harter 06/04/2012 Fina, Frank G. 06/04/2012 McGettigan, Joseph E. III 06/04/2012 Rominger, Karl Ernst 06/04/2012 Sproul, Gayle Chatilo 06/04/2012			
132/3	06/04/2012	06/04/2012	Cleland, John M.
Memorandum and Order (Motion of Alleged Victims 3,4,5, & 7 requesting use of a Pseudonym, Denied) Amendola, Joseph L.			

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06/04/2012			
Andreozzi, Benjamin D.			
06/04/2012			
Andronici, Justine Frances			
06/04/2012			
Eshbach, Jonelle Harter			
06/04/2012			
Fina, Frank G.			
06/04/2012			
Fritz, Jeffrey P.			
06/04/2012			
Kline, Thomas R.			
06/04/2012			
McGettigan, Joseph E. III			
06/04/2012			
Morris, Stephanie Marie			
06/04/2012			
Rominger, Karl Ernst			
06/04/2012			
Shubin, Andrew Jay			
06/04/2012			
Specter, Shanin			
06/04/2012			
Williams, David Collin			
06/04/2012			
133/4	06/04/2012	06/04/2012	Cleland, John M.
Memorandum and Order			
(Defendant's Motion to Compel the Commonwealth to Provide Requested Discovery, Denied)			
Amendola, Joseph L.			
06/04/2012			
Eshbach, Jonelle Harter			
06/04/2012			
Fina, Frank G.			
06/04/2012			
McGettigan, Joseph E. III			
06/04/2012			

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Rominger, Karl Ernst 06/04/2012			
134/5	06/04/2012		Cleland, John M.
Order Denying Motion of Alleged Victim #6 the Use of A Pseudonym Amendola, Joseph L. 06/04/2012			
Eshbach, Jonelle Harter 06/04/2012			
Fina, Frank G. 06/04/2012			
Kleinman, Hal Jon 06/04/2012			
McGettigan, Joseph E. III 06/04/2012			
Rominger, Karl Ernst 06/04/2012			
135/6	06/04/2012		Andreozzi, Benjamin D.
Certificate of Service			
136/1	06/05/2012		Rominger, Karl Ernst
Motion Filed. (Sealed by Order of Court)			
137/2	06/05/2012		Cleland, John M.
Order Filed. (Sealed by Order of Court)			
138/1	06/08/2012	06/08/2012	Cleland, John M.
Order Regarding Supplemental Pre-Trial Motions in Limine Amendola, Joseph L. 06/08/2012			
Eshbach, Jonelle Harter 06/08/2012			
Fina, Frank G. 06/08/2012			
Rominger, Karl Ernst 06/08/2012			

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139/2	06/11/2012		Rominger, Karl Ernst
Motion in Limine to Admit the Out of Court Statements of Unavailable Witnesses (Gave copy to Crt. Admin. for Judge)			
140/3	06/11/2012		Rominger, Karl Ernst
Motion in Limine to Allow for Completeness Concerning the Use of Defendant's Autobiography (Gave copy to Crt. Admin. for Judge)			
141/4	06/11/2012		Rominger, Karl Ernst
Motion in Limine to Allow Expert Rebuttal (Gave copy to Crt. Admin. for Judge)			
142/1	06/15/2012		Cleland, John M.
Order Granting Motion in Limine to Allow Expert Testimony Amendola, Joseph L. 06/18/2012 Eshbach, Jonelle Harter 06/18/2012 Fina, Frank G. 06/18/2012 McGettigan, Joseph E. III 06/18/2012 Rominger, Karl Ernst 06/18/2012			
143/1	06/18/2012		O'Neal, Stuart Turville III
Entry of Appearance			
144/1	06/19/2012		Staudenmaier, Craig J.
Motion of a Subpoenaed Non-Party Witness for a Protective Order/ To Quash Subpoena (Walked Copy through to Crt. Admin. for Judge)			
145/1	06/21/2012	06/21/2012	Cleland, John M.
Addendum to Decorum Order Issued Amendola, Joseph L.			

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06/21/2012			
Eshbach, Jonelle Harter			
06/21/2012			
Fina, Frank G.			
06/21/2012			
McGettigan, Joseph E. III			
06/21/2012			
Rominger, Karl Ernst			
06/21/2012			
Sproul, Gayle Chatilo			
06/21/2012			
146/2	06/21/2012	06/21/2012	Cleland, John M.
Order to Dismiss One Count listed on the Criminal Information (CP-14-CR-2422-2011, Ct. 18)			
Amendola, Joseph L.			
06/21/2012			
Eshbach, Jonelle Harter			
06/21/2012			
Fina, Frank G.			
06/21/2012			
McGettigan, Joseph E. III			
06/21/2012			
Rominger, Karl Ernst			
06/21/2012			
147/3	06/21/2012	06/21/2012	Cleland, John M.
Memorandum Order			
(Motion to Dismiss Counts 36-40 of Criminal Information CP-14-CR-2422-2011 is Denied)			
Amendola, Joseph L.			
06/21/2012			
Eshbach, Jonelle Harter			
06/21/2012			
Fina, Frank G.			
06/21/2012			
McGettigan, Joseph E. III			
06/21/2012			
Rominger, Karl Ernst			

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06/21/2012			
148/4	06/21/2012		Cleland, John M.
Memorandum Order Denying Motion to Amend the Criminal Information (Cts. 16 & 19 are Dismissed with Prejudice)			
Amendola, Joseph L. 06/21/2012			
Eshbach, Jonelle Harter 06/21/2012			
Fina, Frank G. 06/21/2012			
McGettigan, Joseph E. III 06/21/2012			
Rominger, Karl Ernst 06/21/2012			
1	06/22/2012		Cleland, John M.
Guilty			
149/1	06/25/2012		Cleland, John M.
Verdict or Verdict Slips Filed			
Amendola, Joseph L. 06/25/2012			
Centre County Probation Department 06/25/2012			
Eshbach, Jonelle Harter 06/25/2012			
Fina, Frank G. 06/25/2012			
McGettigan, Joseph E. III 06/25/2012			
Rominger, Karl Ernst 06/25/2012			
150/2	06/25/2012		Cleland, John M.
Order Granting Motion to Revoke Bail - Sandusky, Gerald A. Amendola, Joseph L.			

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Service By

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Status Date

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06/25/2012

Centre County Prison

06/25/2012

Centre County Probation Department

06/25/2012

Eshbach, Joneile Harter

06/25/2012

Fina, Frank G.

06/25/2012

McGettigan, Joseph E. III

06/25/2012

Rominger, Karl Ernst

06/25/2012

151/3

06/25/2012

Cleland, John M.

Order for Assessment by Sexual Offender Board

Amendola, Joseph L.

06/25/2012

Eshbach, Joneile Harter

06/25/2012

Fina, Frank G.

06/25/2012

McGettigan, Joseph E. III

06/25/2012

Rominger, Karl Ernst

06/25/2012

152/1

06/26/2012

06/26/2012

Cleland, John M.

Protective Order Issued

Amendola, Joseph L.

06/26/2012

Eshbach, Joneile Harter

06/26/2012

Fina, Frank G.

06/26/2012

McGettigan, Joseph E. III

06/26/2012

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Rominger, Karl Ernst 06/26/2012			
153/1	06/28/2012	06/22/2012	Cleland, John M.
Sentence Deferred - Pre-Sentence Investigation Order			
Amendola, Joseph L. 06/28/2012			
Centre County Probation Department			
06/28/2012			
Eshbach, Jonelle Harter 06/28/2012			
Fina, Frank G. 06/28/2012			
McGettigan, Joseph E. III 06/28/2012			
Rominger, Karl Ernst 06/28/2012			
154/1	07/05/2012		Supreme Court of Pennsylvania - Middle District
Supreme Court Order			
155/1	07/06/2012		Amendola, Joseph L.
Document Filed. (Sealed by Order of Court)			
156/2	07/06/2012		Cleland, John M.
Order Granting Motion to Seal Document			
Amendola, Joseph L. 07/09/2012			
Eshbach, Jonelle Harter 07/09/2012			
Fina, Frank G. 07/09/2012			
McGettigan, Joseph E. III 07/09/2012			
Rominger, Karl Ernst 07/09/2012			

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157/1	07/12/2012		Rominger, Karl Ernst
Notice of Appeal to Superior Court (Pre-Disposition) (from the Order entered on June 26, 2012)(Mailed a copy of Notice of Appeal and Check in the amount of \$73.50 to Superior Court - 07/13/12)			
158/2	07/12/2012		Rominger, Karl Ernst
Concise Statement of the Matters Complained on Appeal (Copy Walked through to Crt. Admin. for Judge)			
159/1	07/18/2012		Superior Court of Pennsylvania - Middle District
Docketing Statement from Superior Court (1269 MDA 2012)			
160/1	07/30/2012		Barker, James Patrick
Entry of Appearance			
161/2	07/30/2012		Barker, James Patrick
Motion for Leave to Disclose Matters for Purposes of Appeal (Sealed by Order of Court) (Gave copy to Court Admin. for Judge - 07/30/12)			
162/3	07/30/2012		Barker, James Patrick
Motion for Issuance of an Order Pursuant to Pa.R.A.P. 1925(b) (Gave copy to Crt. Admin. for Judge - 07/30/12)			
163/4	07/30/2012		Barker, James Patrick
Motion for Leave to File Motion under Seal (Sealed by Order of Court) (Gave copy to Crt. Admin. for Judge - 07/30/12)			
164/1	08/01/2012	08/01/2012	Cleland, John M.
Order Granting Motion to Seal Motion(s)			
Amendola, Joseph L. 08/01/2012			
Barker, James Patrick 08/01/2012			
Eshbach, Jonelle Harter 08/01/2012			
Fina, Frank G. 08/01/2012			

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McGettigan, Joseph E. III

08/01/2012

Rominger, Karl Ernst

08/01/2012

165/2

08/01/2012

08/01/2012

Cleland, John M.

Order Granting Motion for Leave to Disclose Matters for Purposes of Appeal

Amendola, Joseph L.

08/01/2012

Barker, James Patrick

08/01/2012

Eshbach, Jonelle Harter

08/01/2012

Fina, Frank G.

08/01/2012

McGettigan, Joseph E. III

08/01/2012

Rominger, Karl Ernst

08/01/2012

166/3

08/01/2012

08/01/2012

Cleland, John M.

Concise Statement Order

Amendola, Joseph L.

08/01/2012

Barker, James Patrick

08/01/2012

Eshbach, Jonelle Harter

08/01/2012

Fina, Frank G.

08/01/2012

McGettigan, Joseph E. III

08/01/2012

Rominger, Karl Ernst

08/01/2012

167/1

08/13/2012

08/06/2012

Cleland, John M.

Order Granting Motion to Seal Transcript

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Amendola, Joseph L. 08/13/2012			
Barker, James Patrick 08/13/2012			
Rominger, Karl Ernst 08/13/2012			
168/2	08/13/2012		Cleland, John M.
Transcript of Proceedings for Hearing held on June 26, 2012			
169/3	08/13/2012		Rominger, Karl Ernst
Concise Statement of the Matters Complained on Appeal (Gave copy to Crt. Admin. for Judge)			
170/1	08/14/2012	08/14/2012	Cleland, John M.
Order to Vacate Court's Previous Order to Seal Transcript (August 6, 2012)			
Amendola, Joseph L. 08/15/2012			
Barker, James Patrick 08/15/2012			
Rominger, Karl Ernst 08/15/2012			
1	09/06/2012		Immel, Debra Corman
Appeal Docket Sheet Prepared			
Amendola, Joseph L. 09/06/2012			
Barker, James Patrick 09/06/2012			
Rominger, Karl Ernst 09/06/2012			
1	09/07/2012		Immel, Debra Corman
Certificate and Transmittal of Record to Appellate Court (Mailed Entire Record to Superior Court via Fed Ex - 09/07/12)			

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1	09/12/2012		Fina, Frank G.
Praecepte for Sexually Violent Predator Hearing Prior to Sentencing (Gave copy to Crt. Admin. for Judge - 09/12/12)			
1	09/14/2012		Superior Court of Pennsylvania - Middle District
Acknowledgment of Receipt of Entire Record			
1	09/17/2012	09/17/2012	Cleland, John M.
Order to Appear for SVP Hearing and Sentencing Amendola, Joseph L. 09/17/2012 Centre County Probation Department 09/17/2012 Eshbach, Jonelle Harter 09/17/2012 Fina, Frank G. 09/17/2012 McGettigan, Joseph E. III 09/17/2012 Rominger, Karl Ernst 09/17/2012			
1	09/20/2012		Cleland, John M.
Rule 1925 Statement Amendola, Joseph L. 09/20/2012 Eshbach, Jonelle Harter 09/20/2012 Fina, Frank G. 09/20/2012 McGettigan, Joseph E. III 09/20/2012 Rominger, Karl Ernst 09/20/2012			
2	09/20/2012		Immel, Debra Corman
Supplemental Appeal Docket Sheet Prepared Barker, James Patrick 09/24/2012			

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Rominger, Karl Ernst 09/24/2012			
Amendola, Joseph L. 09/24/2012			
3	09/20/2012		Immel, Debra Corman
Supplemental Certificate and Transmittal of Record to Appellate Court (Mailed Copy to Superior Court 9-24-12)			
1	09/21/2012		Cleland, John M.
Transcript of Proceedings of Motion to Withdraw held June 5, 2012			
2	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Selection held June 5, 2012 in Ct. Room 1 & Judge's Chambers			
3	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Selection held June 5, 2012 in Ct. Room 2			
4	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Selection held June 6, 2012 in Ct. Room 1 & Judge's Chambers			
5	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Selection held June 6, 2012 in Ct. Room 2			
6	09/21/2012		Cleland, John M.
Transcript of Proceedings of Commonwealth Opening Remarks held June 11, 2012			
7	09/21/2012		Cleland, John M.
Transcript of Proceedings of Defense Opening Remarks held June 11, 2012			
8	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 1) held June 11, 2012			
9	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 2) held June 12, 2012			

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10	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 3) held June 13, 2012			
11	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 4) held June 14, 2012			
12	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 5) held June 18, 2012			
13	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 6) held June 19, 2012			
14	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 7) held June 20, 2012 (Commonwealth's Exhibit's 1-21, 23-71, 75, 78-96, 98, 101-102A, 103-107, 123, 125 NOT SCANNED) (Defendant's Exhibit's 1, 2, 5-6, 8-11 NOT SCANNED) (Per Judge Cleland, The Exhibits are in the Custody of the Centre County Crt. Admin. until further Notice)			
15	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 8) held June 21, 2012			
16	09/21/2012		Cleland, John M.
Transcript of Proceedings of Jury Trial (Day 9) held June 22, 2012			
1	10/01/2012		Superior Court of Pennsylvania - Middle District
Acknowledgment of Receipt of Supplemental Record			
1	10/03/2012	10/03/2012	Cleland, John M.
Decorum Order Governing the Sentencing Hearing			
Amendola, Joseph L.			
10/03/2012			
Barker, James Patrick			
10/03/2012			
Eshbach, Jonelle Harter			
10/03/2012			
Fina, Frank G.			
10/03/2012			
McGettigan, Joseph E. III			
10/03/2012			

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Rominger, Karl Ernst
10/03/2012

Sproul, Gayle Chatilo
10/03/2012

1	10/04/2012		Amendola, Joseph L.
Motion to Release Bail (Walked copy through to Crt. Admin. for Judge)			

2	10/04/2012	10/04/2012	Cleland, John M.
Order Granting Motion for Return of Bail Amendola, Joseph L. 10/04/2012 Barker, James Patrick 10/04/2012 Eshbach, Jonelle Harter 10/04/2012 Fina, Frank G. 10/04/2012 McGettigan, Joseph E. III 10/04/2012 Rominger, Karl Ernst 10/04/2012			

3	10/04/2012		Court of Common Pleas - Centre County
Bail Refund Check #1491			

1	10/09/2012		Rominger, Karl Ernst Amendola, Joseph L.
Post-Sentence Rights			

2	10/09/2012		Cleland, John M.
Megan's Law Notice			

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3	10/09/2012		Sandusky, Gerald A.
Notice to Defendant Following Sentencing Required by PA.R.Crim.P. 704 & 720			
4	10/09/2012	10/09/2012	Cleland, John M.
Order Classifying Defendant as a Sexually Violent Predator (Mailed copies to PSP-Megan's Law Unit & Sexual Offender Assessment Board - 10/09/12)			
Amendola, Joseph L. 10/09/2012 Centre County Probation Department 10/09/2012 Eshbach, Jonelle Harter 10/09/2012 Fina, Frank G. 10/09/2012 McGettigan, Joseph E. III 10/09/2012 P.B.P.P. 10/09/2012 Rominger, Karl Ernst 10/09/2012			
5	10/09/2012	10/09/2012	Cleland, John M.
Order - Sentence/Penalty Imposed			
Amendola, Joseph L. 10/10/2012 Centre County Prison 10/10/2012 Centre County Probation Department 10/10/2012 Centre County Sheriff's Department 10/10/2012 Eshbach, Jonelle Harter 10/10/2012 Fina, Frank G. 10/10/2012 McGettigan, Joseph E. III 10/10/2012 Rominger, Karl Ernst 10/10/2012			

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1	10/10/2012		Cleland, John M.
Penalty Assessed (Civil #12-3833)			
1	10/17/2012		Sproul, Gayle Chatilo
Motion to Intervene and for Access to Evidence Admitted at Trial (Gave copy to Crt. Admin. for Judge)			
1	10/18/2012		Cleland, John M.
Order Directing Answers to be Filed Amendola, Joseph L. 10/18/2012 Barker, James Patrick 10/18/2012 Eshbach, Jonelle Harter 10/18/2012 Fina, Frank G. 10/18/2012 McGettigan, Joseph E. III 10/18/2012 Sproul, Gayle Chatilo 10/18/2012			
2	10/18/2012		Gelman, Norris E.
Entry of Appearance as Co-Counsel for Post-Sentence Motions			
3	10/18/2012		Rominger, Karl Ernst Gelman, Norris E. Amendola, Joseph L.
Post-Sentence Motion (Copy walked through to Crt. Admin. for Judge)			
1	10/25/2012	10/25/2012	Cleland, John M.
Order Scheduling Hearing/ Briefing Schedule Amendola, Joseph L. 10/25/2012 Barker, James Patrick 10/25/2012 Eshbach, Jonelle Harter 10/25/2012 Fina, Frank G.			

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10/25/2012			
Gelman, Norris E.			
10/25/2012			
McGettigan, Joseph E. III			
10/25/2012			
Rominger, Karl Ernst			
10/25/2012			
1	11/05/2012		Cleland, John M.
Transcript of Proceedings of Sexually Violent Predator Hearing and Sentencing held 10/9/12 (Original Transcript filed in CP-14-CR-2421-2011) (Commonwealth's Exhibit #1 not attached pursuant to Pa.R.Crim.P. 703.) (SOAB Report forwarded to Probation 11/6/12)			
1	11/06/2012		Centre County Probation Department
Acknowledgement of Receipt of SOAB Report			
1	11/07/2012		Barker, James Patrick
Commonwealth's Answer to Expedited Motion to Intervene and for Access to Evidence Admitted at Trial (Gave copy to Crt. Admin. for Judge)			
2	11/07/2012		Amendola, Joseph L.
Defendant's Response to Expedited Motion to Intervene & for Access to Evidence at Trial			
1	11/08/2012		Barker, James Patrick
Supplemental to Commonwealth's Answer to Expedited Motion to Intervene (Gave copy to Crt. Admin. for Judge)			
1	11/13/2012		Amendola, Joseph L.
Motion for Extension of Time in Which to File Brief (Copy walked through to Crt. Admin. for Judge)			
1	11/16/2012	11/16/2010	Cleland, John M.
Order Rescheduling Hearing/ Briefing Schedule			
Amendola, Joseph L.			
11/16/2012			
Barker, James Patrick			
11/16/2012			

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Eshbach, Jonelle Harter			
11/16/2012			
Fina, Frank G.			
11/16/2012			
Gelman, Norris E.			
11/16/2012			
McGettigan, Joseph E. III			
11/16/2012			
Rominger, Karl Ernst			
11/16/2012			
2	11/16/2012	11/16/2012	Cleland, John M.
Amended Order Filed			
Amendola, Joseph L.			
11/16/2012			
Barker, James Patrick			
11/16/2012			
Eshbach, Jonelle Harter			
11/16/2012			
Fina, Frank G.			
11/16/2012			
Gelman, Norris E.			
11/16/2012			
McGettigan, Joseph E. III			
11/16/2012			
Rominger, Karl Ernst			
11/16/2012			
1	11/21/2012	11/21/2012	Cleland, John M.
Order Granting Motion for Copies of Exhibits			
Amendola, Joseph L.			
11/26/2012			
Barker, James Patrick			
11/26/2012			
Eshbach, Jonelle Harter			
11/26/2012			
Fina, Frank G.			

COURT OF COMMON PLEAS OF CENTRE COUNTY

DOCKET



Docket Number: CP-14-CR-0002421-2011

CRIMINAL DOCKET

Court Case

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v.

Gerald A. Sandusky

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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
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<u>Service To</u>	<u>Service By</u>	<u>Issue Date</u>	<u>Service Status</u>
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Gelman, Norris E.	11/26/2012		
McGettigan, Joseph E. III	11/26/2012		
Rominger, Karl Ernst	11/26/2012		
Sproul, Gayle Chatilo	11/26/2012		

1	12/10/2012		Cleland, John M.
Transcript of Proceedings of Pretrial Motions held May 30, 2012 (Defendant's Exhibit #4 attached)			

1	12/13/2012		Amendola, Joseph L.
Motion for Evidentiary Hearing (Copy Walked through to Crt. Admin. for Judge)			

1	12/18/2012	12/18/2012	Cleland, John M.
Order Granting Motion for Hearing			
Amendola, Joseph L.			
12/19/2012			
Barker, James Patrick			
12/19/2012			
Eshbach, Jonelle Harter			
12/19/2012			
Fina, Frank G.			
12/19/2012			
Gelman, Norris E.			
12/19/2012			
McGettigan, Joseph E. III			
12/19/2012			
Rominger, Karl Ernst			
12/19/2012			

1	01/03/2013	01/03/2013	Cleland, John M.
Transportation Order			

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v.
Gerald A. Sandusky

ENTRIES

Sequence Number CP Filed Date Document Date Filed By

Service To

Service By

Issue Date

Service Type

Status Date

Service Status

Centre County Sheriff's Department
01/03/2013

1 01/04/2013 Cleland, John M.

Decorum Order Issued

Amendola, Joseph L.

01/07/2013

Barker, James Patrick

01/07/2013

Eshbach, Jonelle Harter

01/07/2013

Fina, Frank G.

01/07/2013

Gelman, Norris E.

01/07/2013

McGettigan, Joseph E. III

01/07/2013

Rominger, Karl Ernst

01/07/2013

Sproul, Gayle Chatilo

01/07/2013

2 01/04/2013 Cleland, John M.

Memorandum in Support of the Decorum Order

Amendola, Joseph L.

01/07/2013

Barker, James Patrick

01/07/2013

Eshbach, Jonelle Harter

01/07/2013

Fina, Frank G.

01/07/2013

Gelman, Norris E.

01/07/2013

McGettigan, Joseph E. III

01/07/2013

Rominger, Karl Ernst

COURT OF COMMON PLEAS OF CENTRE COUNTY

DOCKET



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ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
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<u>Service To</u>	<u>Service By</u>
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<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
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01/07/2013

Sproul, Gayle Chatilo

01/07/2013

1	01/09/2013	Cleland, John M.
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Transcript of Proceedings of Motion for Continuance held May 29, 2012 (Sealed by Order of Court)
(Defendant's Exhibit's 1-3 included) (Original Transcript filed in CP-14-CR-2421-2011)

1	01/10/2013	Cleland, John M.
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Order Granting Motion to Seal Transcript

1	01/30/2013	Cleland, John M.
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Opinion and Order Addressing the Defendant's Post-Sentence Motions
Amendola, Joseph L.

01/31/2013

Baker, John U.

01/31/2013

Fina, Frank G.

01/31/2013

Gelman, Norris E.

01/31/2013

McGettigan, Joseph E. III

01/31/2013

Rominger, Karl Ernst

01/31/2013

Eshbach, Jonelle Harter

01/31/2013

COURT OF COMMON PLEAS OF CENTRE COUNTY

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v.

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CASE FINANCIAL INFORMATION

Last Payment Date: 07/13/2012

Total of Last Payment: -\$55.00

Sandusky, Gerald A.	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u>	<u>Total</u>
Defendant				<u>Payments</u>	
Costs/Fees					
IH - Electronic Monitoring (Centre)	\$4,358.00	-\$2,414.00	-\$1,944.00	\$0.00	\$0.00
Appellate Court Appeal Filing Fee (Centre)	\$55.00	-\$55.00	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$12.60	\$0.00	\$0.00	\$0.00	\$12.60
Commonwealth Cost - HB627 (Act 167 of 1992)	\$18.90	\$0.00	\$0.00	\$0.00	\$18.90
County Court Cost (Act 204 of 1976)	\$27.50	\$0.00	\$0.00	\$0.00	\$27.50
Crime Victims Compensation (Act 96 of 1984)	\$35.00	\$0.00	\$0.00	\$0.00	\$35.00
Domestic Violence Compensation (Act 44 of 1988)	\$10.00	\$0.00	\$0.00	\$0.00	\$10.00
Victim Witness Service (Act 111 of 1998)	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
Firearm Education and Training Fund (158 of 1994)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
DNA Detection Fund (Act 185-2004)	\$250.00	\$0.00	\$0.00	\$0.00	\$250.00
Automation Fee (Centre)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
Prothonotary 236 Judgment Fee (Centre)	\$32.00	\$0.00	\$0.00	\$0.00	\$32.00
Court Order Fee (Centre)	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
District Attorney Fee (Centre)	\$37.50	\$0.00	\$0.00	\$0.00	\$37.50
Clerk of Courts Costs (Centre)	\$60.00	\$0.00	\$0.00	\$0.00	\$60.00
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Booking Center Fee (Centre)	\$200.00	\$0.00	\$0.00	\$0.00	\$200.00
Judicial Computer Project	\$8.00	\$0.00	\$0.00	\$0.00	\$8.00
ATJ	\$3.00	\$0.00	\$0.00	\$0.00	\$3.00
CJES	\$2.25	\$0.00	\$0.00	\$0.00	\$2.25
JCPS	\$10.25	\$0.00	\$0.00	\$0.00	\$10.25
Trials Costs (Centre)	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
Costs/Fees Totals:	\$5,260.00	-\$2,469.00	-\$1,944.00	\$0.00	\$847.00
Grand Totals:	\$5,260.00	-\$2,469.00	-\$1,944.00	\$0.00	\$847.00

** - Indicates assessment is subrogated

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

COMMONWEALTH OF PENNSYLVANIA

vs.

No. CP-14-CR-2421-2011

GERALD A. SANDUSKY,

Defendant

PROOF OF SERVICE

I hereby certify that I have this date, February 20, 2013, served the foregoing documents upon the persons and in the manner indicated below, which service satisfies the requirements of Pennsylvania Rule of Appellate Procedure No. 121:

U.S. Mail, First-Class

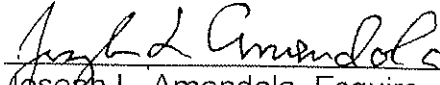
Hon. John M. Cleland, Senior Judge
c/o Ms. Maxine Ishler, Court Administrator
Centre County Courthouse
102 South Allegheny Street
Bellefonte, Pennsylvania 16823

Frank Fina, Esquire
Office of Attorney General
Criminal Prosecutions Section
16th Floor Strawberry Square
Harrisburg, PA 17120

Official Court Reporter
Court Reporter's Office
Centre County Courthouse
102 South Allegheny Street
Bellefonte, PA 16823

Mr. Gerald A. Sandusky
Inmate No. KT2386
SCI Greene
175 Progress Drive
Waynesburg, PA 15370

BY:


Joseph L. Amendola, Esquire
110 Regent Court, Suite 202
State College, PA 16801
(814) 234-6821
Attorney I.D. No. I7667

ON BEHALF OF APPELLANT

FILED FOR RECORD

2013 FEB 21 AM 8 56

DEBRA C. IMMEL
PROTHONOTARY
CENTRE COUNTY