

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

FILED FOR RECORD
2012 APR 12 P 1:25
DEBRA S. JIMENEZ
PROthonotary
CENTRE COUNTY, PA

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

ORDER


AND NOW, April 12, 2012, following argument and hearing on the Defendant's Omnibus Pretrial Motions; and it appearing that the Commonwealth's investigation is continuing, that discovery is ongoing, and, as a result, that some of the Defendant's requests for relief are premature; therefore, ruling will be reserved on some issues raised in the Motion until a date closer to trial when it is anticipated pretrial motions in limine will be filed; therefore, it is ordered as follows:

1. Motion to Dismiss on Grounds of Due Process Because of Lack of Specificity. The motion is denied without prejudice to be raised in a subsequent pretrial motion.
2. Petition for Writ of Habeas Corpus. The petition is denied without prejudice to be raised in a subsequent pretrial motion.
3. Motion to Dismiss Due to Expiration of the Statute of Limitations. The motion is denied because the grounds asserted are inconsistent with the current state of Pennsylvania law.
4. Motion to Compel Discovery. The motion is denied without prejudice to present any subsequent discovery disputes to the Court if, upon exchange of ongoing discovery, such disputes arise.
5. Motion for Leave to File Amended Omnibus Pretrial Motion Nunc Pro Tunc. The motion is granted and a subsequent motion may be filed if it is based on evidence or on a legal theory not available to the defense as of the date of the filing of the present omnibus motion.
6. Motion for Continuance. To the extent the motion requests a continuance beyond the June 5, 2012 date previously entered sua sponte by the Court, the motion is denied.
7. Motion to Compel the Commonwealth to Provide Defendant with Written Statement of Uncharged Misconduct Evidence. The motion is granted and the Commonwealth is ordered to deliver a written statement of any uncharged misconduct evidence forthwith, or immediately after the

delivery of any such evidence may be authorized by the Supervising Judge of the Investigative Grand Jury.

8. Motion for Individual Voir Dire of Prospective Jurors. The Commonwealth has joined the motion. The motion is granted.
9. Motion for Sequestration of Trial Jurors. The Commonwealth has joined the motion. Ruling on the motion is deferred until the time of trial.
10. Motion to Suppress Evidence:
 - a. Search Warrant.
 - i. Violation of the 'knock and announce' rule. Counsel for the Defendant withdrew this motion at argument.
 - ii. Legal insufficiency of the affidavit of probable cause. The Court having reviewed the search warrant, supporting affidavit and return of inventory (exhibit C-1); and having determined the affidavit is sufficient to justify the issuance of the warrant; the motion to suppress is denied.
 - b. Recorded and/or Oral Communications. Counsel for the Defendant withdrew this motion at argument.
11. Notice of Potential Alibi Defense. To the extent the Defendant requests leave to provide subsequent notice of an alibi defense, the motion is granted insofar as any subsequent notice is based on evidence not available to the Defendant as of the date of the filing of the Omnibus motion and arises from ongoing discovery. Counsel for the Defendant shall give the Commonwealth prompt notice of the assertion of an alibi defense.
12. Motion to Compel Disclosure of All Commonwealth Witnesses' Prior Criminal Records. The motion is granted.
13. Motion to Suppress Statements. Counsel for the Defendant withdrew the motion at argument.

By the Court:



John M. Cleland, S.J.
Specially Presiding