

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

COMMONWEALTH OF PENNSYLVANIA :

VS. :

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

GERALD A. SANDUSKY :

RULE 1925 STATEMENT

John M. Cleland, Senior Judge

Dated: September 20, 2012

Karl E. Rominger, co-counsel for the Defendant, has filed an appeal from my Order dated June 26, 2012.

Because it appears this is not a "final order" appealable under Pa.R.A.P. 301 et seq., and the Superior Court of Pennsylvania, therefore, lacks jurisdiction, I respectfully submit the appeal should be dismissed. If the Superior Court should disagree and decide to review the matter on its merits, however, then I respectfully request an opportunity to file a supplemental opinion explaining the purpose and rationale for the entry of the Order and addressing specifically the issues raised on appeal.

The June 26, 2012 Order was entered immediately after the conclusion of a joint hearing convened by The Hon. Barry F. Feudale, Supervising Judge of the Investigative Grand Jury, and me to consider what steps were required to assure the integrity of the Grand Jury's ongoing criminal investigations, and to protect the privacy of victims who testified in the Defendant's criminal trial or before the Investigating Grand Jury.

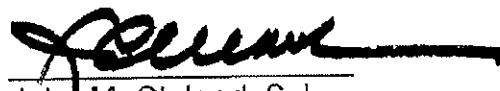
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DEBRA C. IMEL
PROthonotary
CENTRE COUNTY, PA

The Order required Joseph Amendola and Karl Rominger, attorneys for the Defendant, to supply certain information to Judge Feudale and to me within 10 days. Co-counsel Joseph Amendola timely presented a request that his response to the Order be filed under seal. The request was granted and Mr. Amendola filed his reply providing the information required by the Order, under seal, and within the time directed by the Order.

Mr. Rominger, however, did not respond in any way to the Order. The week after the deadline set in the Order had passed, he was reminded by the Court that the Order applied to him, and that he had not complied with it. In response, Mr. Rominger filed this appeal together with a premature Statement of Reasons Complained Of. At no time has he filed any pleading raising before me any issue now raised on appeal.

The June 26 Order is not a "final order" and could not be a final order until Mr. Rominger, at the very least, had either filed a motion raising his concerns that would have given me the opportunity to address them; or until he refused to comply with the Order and, after hearing, he had been held in contempt. He has done neither. His appeal, therefore, appears to be premature and I respectfully suggest it should be dismissed.

Respectfully Submitted:


John M. Cleland, S.J.
Specially Presiding