

FILED FOR RECORD
2012 NOV - 8 A 10:43
JESSICA S. HANDEL
ELECTRONICALLY
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COMMONWEALTH

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

v.

: No. CP-14-CR-2421-2011

: No. CP-14-CR-2422-2011

GERALD A. SANDUSKY

**SUPPLEMENT TO COMMONWEALTH'S ANSWER TO EXPEDITED MOTION
TO INTERVENE AND FOR ACCESS TO EVIDENCE ADMITTED AT TRIAL**

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

AND NOW, comes Linda L. Kelly, Attorney General of the Commonwealth of Pennsylvania, by James P. Barker, Chief Deputy Attorney General, who files this Supplement to Commonwealth's Answer to Expedited Motion to Intervene and for Access to Evidence Admitted at Trial, and in support thereof avers as follows:

1. On October 17, 2012, American Broadcasting Companies, Inc. ("ABC"), filed an Expedited Motion to Intervene and for Access to Evidence Admitted at Trial ("Motion").
2. On October 18, 2012, the Court issued an Order directing a response by the Commonwealth and the defense.
3. On November 7, 2012, the Commonwealth filed its Answer to the Motion.
4. In its Answer, undersigned counsel indicated that the Commonwealth had not seen correspondence referenced in the Motion.

5. On November 8, 2012, counsel for ABC contacted undersigned counsel and indicated that copies of the referenced correspondence was provided to trial counsel through an email communication two days after the filing of the Motion.

6. Undersigned counsel was not provided with a copy of the correspondence with the Motion and was unaware of its receipt by trial counsel, who has been unavailable.

7. Upon review of the correspondence, the Commonwealth's position with respect to the Motion is unchanged; that is, the Commonwealth defers to the Court's discretion whether the correspondence constitutes sufficient consent or if a hearing is necessary.

8. The other positions expressed in the Commonwealth's Answer to the Motion also are unchanged by the correspondence.

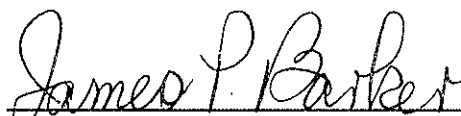
WHEREFORE, the Commonwealth respectfully requests that the Court make a determination of the validity of any consent on the part of Victim 1 and his mother and, if such is valid, enter an Order granting the Expedited Motion to Intervene and for Access to Evidence Admitted at Trial, with relief limited to: (1) ABC may be granted access to exhibits admitted at trial in the form of photographs depicting Victim 1 and/or the Defendant only; (2) said exhibits may be reproduced at the cost of ABC through photographing the exhibits; and (3) access will be at the office of the Court Administrator at a time established by the Court Administrator and with prior notice to the Office of Attorney General.

Respectfully submitted,

LINDA L. KELLY
Attorney General

RICHARD A. SHEETZ, JR.
Executive Deputy Attorney General
Director, Criminal Law Division

By:



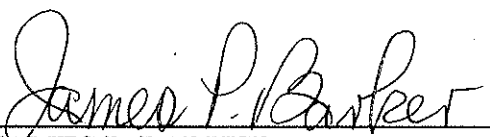
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Date: November 7, 2012

VERIFICATION

The facts recited in the foregoing document are true and correct to the best of my knowledge and belief. This statement is made with knowledge that a false statement is punishable by law under 18 Pa. C.S. § 4904(b).

By: 
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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving one copy of the foregoing Commonwealth's Supplement to Answer to Expedited Motion to Intervene and for Access to Evidence Admitted at Trial upon the persons and in the manner indicated below:

*Via U.S. First-Class Mail,
Postage pre-paid:*

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HARRISBURG, PA