

IN THE COURT OF COMMON PLEAS OF  
CENTRE COUNTY, PENNSYLVANIA

ANTHONY SPINELLI, JR.,  
Appellant

v.

CP-14-MD-1010-2015

KATHLEEN G. KANE, ATTORNEY  
GENERAL, COMMONWEALTH OF  
PENNSYLVANIA, LAWRENCE M.  
CHERBA, EXECUTIVE DEPUTY  
ATTORNEY GENERAL,  
COMMONWEALTH OF  
PENNSYLVANIA, LAURA A. DITKA,  
CHIEF DEPUTY ATTORNEY GENERAL,  
COMMONWEALTH OF PENNSYLVANIA,  
Respondents

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**CONCISE STATEMENT OF ERRORS COMPLAINED OF ON APPEAL**

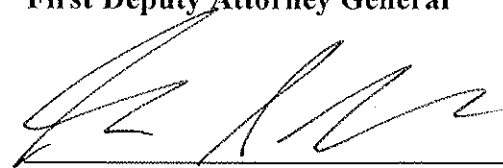
AND NOW, pursuant to the November 24, 2014 ORDER of the Honorable Thomas King Kistler, the Respondents in the above-captioned case submit the following Concise Statement of Errors Complained of on Appeal in compliance with Pa.R.A.P. 1925(b):

1. The Court erred in concluding that the applicable statute of limitations has not run out in the instant case and overruling the Office of Attorney General's denial of the private criminal complaint on that basis.
2. The Court erred in ordering the Office of Attorney General to transmit the Private Criminal Complaint to the issuing authority if it should determine that the allegations made by Mr. Spinelli establish a prima facie case. This Order constitutes an impermissible infringement on the OAG's authority to exercise prosecutorial discretion.

WHEREFORE, the Office of Attorney General of the Commonwealth of Pennsylvania respectfully submits that, for the aforementioned reasons, it is entitled to appellate relief from the Court's October 28, 2015 Order.

**Bruce R. Beemer**  
**First Deputy Attorney General**

By:



**Gregory J. Simatic**  
**Deputy Attorney General**  
**Attorney ID No. 201019**

**Office of Attorney General**  
**Criminal Law Division**  
**Appeals & Legal Services Section**  
**564 Forbes Avenue, 6<sup>th</sup> Floor**  
**Pittsburgh, PA 15219**  
**(412) 565-5339**

**Date: December 11, 2015**

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CENTRE COUNTY, PENNSYLVANIA

ANTHONY SPINELLI, JR.,	:	
Appellant	:	
v.	:	CP-14-MD-1010-2015
	:	
KATHLEEN G. KANE, ATTORNEY	:	
GENERAL, COMMONWEALTH OF	:	
PENNSYLVANIA, LAWRENCE M.	:	
CHERBA, EXECUTIVE DEPUTY	:	
ATTORNEY GENERAL,	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, LAURA A. DITKA,	:	
CHIEF DEPUTY ATTORNEY GENERAL,	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
Respondents	:	


CERTIFICATE OF SERVICE

I hereby certify that I am this day serving this **Statement of Matters Complained of on Appeal** upon the persons and in the manner indicated below.

*Service via UPS overnight delivery:*

Honorable Thomas King Kistler  
Court of Common Pleas  
Centre County, PA

Daniel J. Kiss, Esq.  
Law Office of Steven Passarello  
616 Hileman Street  
Altoona, PA 16602



**Gregory J. Simatic**  
**Deputy Attorney General**

**Date: December 11, 2015**