IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

ANTHONY SPINELLI, JR.,

Appellant

CP-14-MD-1010-2015

KATHLEEN G. KANE, ATTORNEY GENERAL, COMMONWEALTH OF PENNSYLVANIA, LAWRENCE M.

v.

CHERBA, EXECUTIVE DEPUTY ATTORNEY GENERAL.

COMMONWEALTH OF

PENNSYLVANIA, LAURA A. DITKA, CHIEF DEPUTY ATTORNEY GENERAL.

COMMONWEALTH OF PENNSYLVANIA, Respondents

NOTICE OF APPEAL

Notice is hereby given that Kathleen G. Kane, Lawrence M. Cherba, and Laura A. Ditka, respondents above named, hereby appeal to the Superior Court of Pennsylvania from the Order entered in this matter on the 28th day of October, 2015. This Order has been entered in the docket as evidenced by the attached copy of the docket entry.

> 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, 6th Floor Pittsburgh, PA 15219 (412) 565-5339

Date: November 24, 2015

COURT OF COMMON PLEAS OF CENTRE COUNTY

DOCKET



Docket Number: CP-14-MD-0001010-2015

MISCELLANEOUS DOCKET

Appeal-Att for Comm's Disapproval of Private Com

Anthony Spinelli, Jr. VS. Kathleen G. Kane, Attorney General, Comm. of PA, Lawrence M. Cherba, Executive Deputy Atty.
Page 1 of 2 General, Comm. of PA, Laura A. Ditka, Chief Deputy Atty. General, Comm. of PA

CASE INFORMATION

Judge Assigned:

LOTN:

Date Filed: 06/03/2015

Initiation Date: 06/03/2015

OTN: Initial Issuing Authority:

Arresting Agency:

Complaint/Incident #: Case Local Number Type(s) Originating Docket No:

Final Issuing Authority: Arresting Officer:

Case Local Number(s)

STATUS INFORMATION

Case Status:

Closed

Status Date

Processing Status

10/28/2015

Completed

06/03/2015

Awaiting Disposition

PETITIONER INFORMATION

Date Of Birth:

City/State/Zip:

CASE PARTICIPANTS

Participant Type

Name

Petitioner

Spinelli, Anthony Jr.

COMMONWEALTH INFORMATION

Name:

Laura Ann Ditka

Attorney General

Supreme Court No:

052746

Phone Number(s):

412-565-5456

(Phone)

412-355-4407

(Other)

Address:

PA Ofc of Attorney General 564 Forbes Ave Ste 500

Pittsburgh, PA 15219-2992

Name:

Lawrence M. Cherba

Attorney General

Supreme Court No:

045644

Phone Number(s):

717-787-2100

(Phone)

610-631-6575

(Other)

Address:

PA Ofc of Attorney General Strawberry Sq FI 16 Harrisburg, PA 17120

ATTORNEY INFORMATION

Name:

Daniel Joseph Kiss

Supreme Court No:

205920 Active

Rep. Status:

Phone Number(s): 814-944-9800

(Phone)

Law Ofc of Steven P Passarello

616 Hileman St

Altoona, PA 16602-4643

Representing: Spinelli, Anthony Jr.

ENTRIES

CPCMS 9082

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General, Comm. of PA, Laura A. Ditka, Chief Deputy Atty. General, Comm. of PA

		ENTRIES	
Sequence Number	CP Filed Date	<u>Document Date</u>	Filed By
1	06/03/2015	and of Debute Occupation	Spinelli, Anthony Jr.
Appeal - Attorney from C	ommonwealth's Disappro	oval of Private Complaint	
1	07/02/2015	06/30/2015	Kistler, Thomas King
Order Scheduling Hearing	-		
	's Kane, Cherba, & Ditka	ı - 07/06/15)	
Kiss, Daniel Joseph			
07/02/2015			
Passarello, Steven Paul			
07/02/2015		THE STATE OF THE S	
1	10/22/2015		Cherba, Lawrence M.
Reply to Appellant's Appe		riminal Complaint	
1	10/28/2015		Kistler, Thomas King
Opinion and Order			
•	Criminal Complaint is Ov	erruled)	
Cherba, Lawrence M.			
10/28/2015			•
Ditka, Laura Ann	•		
10/28/2015			•
Kiss, Daniel Joseph			
10/28/2015 Passarello, Steven Paul			
10/28/2015			
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CPCMS 9082

Printed: 11/24/2015

ORDER

AND NOW, this 28th day of October, 2015, upon review of the Appeal of Denial of Private Criminal Complaint filed by Anthony Spinelli, Jr., the denial of the Private Criminal Complaint is hereby OVERRULED. The Office of the Attorney General is hereby directed to resume evaluation of whether the allegations set forth establish a *prima facie* case for the crimes charged. If a *prima facie* case has been established, the Office of Attorney General shall transmit the Private Criminal Complaint to the issuing authority as required by Rule 506 of the Pennsylvania Rules of Criminal Procedure.

BY THE COURT

Thomas King Kistler, President Judge

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

ANTHONY SPINELLI, JR.,

Appellant

v. : CP-14-MD-1010-2015

:

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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

ORDER FOR TRANSCRIPT

A notice of appeal having been filed in this matter, the Official Court Reporter is hereby requested to prepare, certify and file the transcript from the hearing held on October 22, 2015 in this matter in conformity with Rule 1922 of the Pennsylvania Rules of Appellate Procedure. The Office of Attorney General will pay any necessary fees for this transcription.

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, 6th Floor Pittsburgh, PA 15219 (412) 565-5339

Date: November 24, 2015

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ANTHONY SPINELLI, JR.,

Appellant :

v. : CP-14-MD-1010-2015

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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 **Notice of Appeal** upon the persons and in the manner indicated below. The manner of service satisfies the requirements of Pa.R.A.P. 906.

Service via personal delivery:

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

> Thomas Bitsko Court Reporter Court of Common Pleas Centre County, PA

Kendra J. Miknis Court Administrator 102 South Allegheny Street Bellefonte, PA 16823 Daniel J. Kiss, Esq. Law Office of Steven Passarello 616 Hileman Street Altoona, PA 16602

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Gregory J. Simatic

Deputy Attorney General

Date: November 24, 2015