

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

COMMONWEALTH OF PENNSYLVANIA)
)
vs.)
)
GERALD A. SANDUSKY)

Nos. CP-14-CR-2421-2011 &
CP-14-CR-2422-2011

Commonwealth Attorneys:

Joseph McGettigan, Esquire

Jonelle H. Eshbach, Esquire

Defense Attorney:

Joseph L. Amendola, Esquire

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**MOTION TO COMPEL COMMONWEALTH TO PROVIDE DEFENDANT WITH
REQUESTED PRE-TRIAL DISCOVERY MATERIALS**

TO THE HONORABLE JOHN M. CLELAND, SENIOR JUDGE SPECIALLY ASSIGNED
TO THESE MATTERS IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,
PENNSYLVANIA:

AND NOW, comes the Defendant, GERALD A. SANDUSKY, through his
attorney, Joseph L. Amendola, Esquire, who respectfully represents the following:

1. On or about November 5, 2011, the Defendant was arrested in
Criminal Information No. CP-14-CR-2422-2011 by Cpl. Scott F. Rossman of the
Pennsylvania State Police, Avondale Barracks and Agent A.L. Sassano of the
Pennsylvania Office of Attorney General and charged with various offenses stemming
from conduct which allegedly occurred on diverse dates between January 1994 and
December 2008, in College Township, Centre County, Pennsylvania and various other
locations.

2. On or about December 7, 2011, the Defendant was arrested in
Criminal Information No. CP-14-CR-2421-2011 by Trooper Robert Yakicic of the
Pennsylvania State Police, Bureau of Criminal Investigations, and Agent A.L. Sassano of
the Pennsylvania Office of Attorney General, and charged with additional offenses

stemming from conduct which allegedly occurred on or about January 1997 to December 2008 in College Township, Centre County, Pennsylvania and various other locations.

3. On December 13, 2011, the Defendant waived his preliminary hearing in this matter, and thereafter waived his arraignment on January 11, 2012.

4. The Defendant timely requested pre-trial discovery materials from the Commonwealth attorneys by correspondence dated December 29, 2011 entitled "Defendant's First Request for Pre-Trial Discovery".

5. The Commonwealth provided pre-trial discovery materials to Defendant's counsel on or about January 17, 2012 and January 23, 2012.

6. Subsequent to receipt of the materials provided to Defendant's counsel by the Commonwealth attorneys, Defendant's counsel submitted "Defendant's Second Request for Pre-Trial Discovery" materials to the Commonwealth attorneys by correspondence dated February 6, 2012. A copy of the Defendant's First Request for Pre-Trial Discovery has been marked as Exhibit "A", attached hereto, and incorporated herein by reference. A copy of the Defendant's Second Request for Pre-Trial Discovery has been marked as Exhibit "B", attached hereto, and incorporated herein by reference.

7. In reviewing the discovery materials provided to Defendant's counsel by the Commonwealth attorneys to date, the Defendant and his counsel have determined the following materials, reports, and information have not been provided to the Defendant by the Commonwealth:

a. Pages 17, 49-50, 58-59, 62, 83-84, 104, 186-188, 191-199, 208-210, 212-214, 216-219, and 222-223 have been totally redacted. The Defendant is

asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

b. Pages 1,3,4,5,6,7,8,12,13,14,15,17,19,21,22,23,24, 25, 28, 29,31,32,33,35,36,38,41,42,43,44,45,48,51,53,55,56,60,63,67,68,69,70,71,72,73,75, 77, 78,80, 81, 82, 86, 87, 88, 90,91,03,94,95,7,98,99,101,103,105,,108,112,113,4,116, 117, 118, 119, 120, 121, 122, 123,124,127,128,129,134,137,138,139,140,141, 142, 145, 147, 150, 164, 156, 168, 159,162,177,178,181,184,185,201,202,204, 206, 207, 211, 220, 221, 224, 225, 229, 230,231,232,233,234,235,235,237,238 and 239 contain investigative reports with redactions ranging from single entries through to and including full pages. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

c. Pages 1, 3, 5, 6 and 7 of an investigative report referred to as Pennsylvania State Police Incident No. F04-100091 an attachment contained within Pennsylvania State Police Incident No. G07-1146135 have redactions in the form of several words/numbers with redactions ranging from single entries through to and including full pages. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted

copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

d. Page 1 of Pennsylvania State Police Incident No. F04-100091 describes a list of attachments that were not included:

- (1) CYS 104 form dated 11/21/08 Titled CYS Interview Disc;
- (2) Residential phone records provided by Dawn Daniel for her one phone (redacted);
- (3). Penn DOT. records for the following OLN's 12547344,19864431,and 21255778 which were not attached to Incident No. F04-100091.

The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

e. Page 9 of Pennsylvania State Police Incident No. G07-1146135 describes Accuser/alleged Victim No. 1 and his mother signing a "Release of Information Form" for records in the possession of a psychologist. The Defendant is requesting all reports prepared by the aforementioned psychologist for any individuals associated with this case as well as all other information obtained by PSP/Attorney General's Office from the aforementioned psychologist. The incident report provided to the Defendant by the Commonwealth contained no response from the aforementioned psychologist. The Defendant is asking the Court to enter an Order directing the

Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

f. Page 16 of PSP Incident Report No. G07-1146135 details a Grand Jury subpoena being issued to Penn State University for the Defendant's employment records. The employment records were not provided by the Attorney General in their discovery response. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

g. Page 22 of PSP Incident Report No. G07-1146135 indicated that, on January 3, 2011, the Deputy Director of Penn State University Police Department provided a Penn State University police investigation related to the Defendant. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports attachments related thereto.

h. Page 23 of PSP Incident Report No. G07-1146135 describes investigative information obtained by the Pennsylvania State Police for

Accuser/alleged Victim No. 7. The investigative process included a search of the Penn DOT Data Base as well as a search of current/past incident reports for the name of Accuser/alleged Victim No. 7 which were not provided by the Attorney General to Defendant's counsel with PSP Incident No. G07-1921169 which contained the name of the Accuser/alleged Victim No. 7. PSP Incident No. G07-1921169, along with a Penn DOT OLN report was not included as an attachment with the Attorney General discovery response. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

i. Page 25 of PSP Incident No. G07-1147135 details a contact between Cpl. Leiter and Alicia Chambers, Ph.D. regarding the release of Dr. Chamber's records of Accuser/alleged Victim No. 6. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto including Dr. Chamber's testimony before the Grand Jury regarding Accuser/alleged Victim No. 6 and medical reports related thereto.

j. Page 27 of PSP Incident No. G07-1146135 details Cpl. Leiter obtaining from Tyrone A. Parham, a member of the Penn State University Police Department, a copy of criminal Investigation Incident No. 41-98-1609 regarding the

Defendant which began on May 8, 1998 which was not provided to defense counsel. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto and the final disposition of the Penn State University Police Department investigation.

k. The second paragraph of Page 28 of PSP Incident No. G07-1146135 states the Pennsylvania State Police investigator described reports prepared by John Miller and John Seasock, a psychologist. These reports were not included in the Attorney General's discovery request response. In the same paragraph a letter was described being received from John Seasock and being attached to the incident report. The letter was excluded from the Attorney General's discovery response. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

l. Page 28 of PSP Incident No. G07-1146135 states Trooper Rossman obtained five (5) incident reports from the State College Police Department including Incident Report Nos. 3294-07824, 3298-3788, 3296-111182, and 20030006681. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First

Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

m. Page 29 of PSP Incident No. G07-1146135 describes a Penn State University Police Department investigation, Incident No. 3298-07204, regarding a complaint against the Defendant. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto as well as the final disposition of the Penn State University investigation.

n. Page 32 of PSP Incident No. G07-1146135 describes an interview with Karen Arnold, a former Assistant District Attorney of Centre County, wherein she and former District Attorney Ray Gricar had extensive disagreements over a 1998 police investigation regarding the Defendant. The incident report author fails to identify the victim/investigating agency or with a full copy of this unknown police investigation. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports related thereto including the identity of accuser(s)/alleged victim(s), full contact information, and the investigating agency. It is further requested that any and all documents from the Centre County District Attorney's Office be provided in like manner (no redactions) as

well as a copy of the communications from the then District Attorney Gricar as to his decision not to prosecute the Defendant and to effectively close the case and UCR validation.

There was further reporting prepared on this incident that a psychological evaluation was conducted and a report prepared by John P. Seasock, a psychologist, of an unknown individual. The Attorney General's response to Defendant's discovery request failed to provide this psychological evaluation report prepared by Dr. Seasock and to identify the patient. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports related thereto.

o. Page 47 of PSP Incident No. G07-1146135 describes investigative efforts by Trooper Rossman for the following:

(1) Obtaining a copy of an incident investigation report prepared by the Bellefonte Borough Police Department of Matthew Heichel. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of this material pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto with regard to the investigation for burglary and missing person.

(2) Obtaining a copy of a Spring Township Police Department investigative report for Heichel being arrested for the crime of arson in December 1994. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of the Spring township Police Department investigative report for Heichel pertaining to the crime of arson in December 1994 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports related thereto.

p. Page 85 of PSP Incident report No. G07-1146135 describes supplemental reports being prepared by investigators from the Pennsylvania Attorney General's Office, Nos. 8 through 13, being provided to Pennsylvania State Police, and such reports being attached to PSP Incident No. G07-1146135. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these reports pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

q. Page 92 of PSP Incident No. G07-1146135, like Page 85 of the same report, describes Attorney General's Supplemental Report Nos. 14 through 20 being provided to Pennsylvania State Police by Attorney General Investigators. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

r. PSP Incident Report No. G07-11461135 describes Attorney General Supplemental Report Nos. 8, 9, 10,11,12,13,14,15,16,17, 18,19, and 20. Defense counsel requests that Attorney General's Supplemental Report Nos. 1, 2, 3, 4, 5, 6, and 7 along with all Attorney General Supplemental Reports for Supplemental Report Nos. 18 through an unknown number be provided in total as such supplemental reports are kept and maintained under a Pennsylvania State Police file known as "Attorney General Supplemental". Defense counsel did not receive report Nos. 1, 2, 3,

4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27 in non-redacted form. Report No.10 was deleted. Report No. 20 was not included. Report No. 28 contained no attachments. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

s. Page 108 of PSP Incident No. G07-1146135 details troopers being in receipt of a Centre County CYS report authored by Jessica Dersham. The CYS report failed to provide full details of all meeting(s)/psychiatric testing or other psychiatric treatments for Accuser/alleged Victim No. 1 by Michael Gillum. The report also failed to include any medical examinations conducted upon Accuser/alleged Victim No. 1 as well as doctor's report. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto including any reports that Ms. Dersham prepared that describes persons interviewed/medical reports read/reviewed/obtained/all reports forwarded to and from the Commonwealth as well as any and all other documents within the CYS report by Dersham.

t. Page 131 of PSP Incident No. G07-1146135 describes Cpl. Rossman being provided with an Attorney General supplemental report with no

indication of number/contents of the report. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

u. Page 135 of PSP Incident No. G07-1146135 details a supplemental report prepared by Cpl. Rossman that he received Attorney General Supplemental Report Nos. 21, 22, 23, 24, 25, and 26. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

v. Pages 136 and 146 of PSP Incident No. G07-1146135 describes Attorney General Supplemental Report Nos. 28, 30, and 31. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

w. Page 153 of PSP Incident No. G07-1146135 describes a PSP Incident No. L02-881949 "linking alleged behavior". Defense counsel did not receive a copy of a report of the Pennsylvania State Police investigation as well as any information as to the location of this investigation other than the "L" being potentially a

troop number. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

x. Pages 156, 157 and 163 of PSP Incident report No. G07-1146135 describes Cpl Leiter having obtained Attorney General Supplemental Report Nos. 32, 33, 35, and 36. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

y. Page 163 of PSP Incident Report No. G07-1146135 describes a Grand Jury Subpoena No. 111 being issued for ALL child abuse case(s) reported within certain areas served upon the Commonwealth of Pennsylvania for records of child abuse for the years 1997, 1998 and 1999 for specific reporting districts within the Commonwealth. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto as well as any future identified information resulting from the subpoena.

z. Page 161 of PSP Incident No. G07- 1146135 describes an Attorney General Supplemental Report No. 35 that describes a Grand Jury Subpoena No. ??? that was served upon The Second Mile for photographs. The report indicates eight (8) boxes of photographs were seized as an result of the subpoena. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto including a copy of the Grand Jury Subpoena No. ???.

aa. Page No. 162 of PSP Incident No. G07-1146135 indicates that Pennsylvania State Police received a copy of Attorney General Supplemental Report No. 37 as well as information regarding Grand Jury Subpoena No. 225 which was issued for documents from Penn State University for the football team's travel for the Outback Bowl in 1999 held in Tampa, Florida. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto, and further requests copies of all documents received from Penn State University on the Outback Bowl travel by the Penn State University football team and all guests of the University and or the football staff and University officials.

bb. Page No. 165 of PSP Incident Report No. G07-1146135 details that Grand Jury Subpoena No. 298 was served upon the Marriot River Center regarding the football team's stay in 1999, along with mention of Attorney General Supplemental Report No. 38. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

cc. Page No. 166 of PSP Incident No. G07-1146135 describes Grand Jury Subpoena No. 175 being served upon Penn State University Police Department for copies of PSU Police Incident Nos. 41-98-1610 and 41-98-2733 along with Attorney General Supplemental Report No. 39. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

dd. Page 171 of PSP Incident No. G07-1145135 details Cpl. Leiter having obtained eight (8) criminal histories. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all

supplemental reports and attachments related thereto which shall include the identity of these person(s).

ee. Page 176 of PSP Incident No. G07-1146135 details that Agent T. Shaffer provided Attorney General Supplemental Report No. 48 to Trooper Ellis and further reported that E-mail Nos. 52 and 220 seemed relevant to the investigation. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto which shall include copies of all e-mails obtained through a forensic review of the Defendant's computer.

ff. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 50 which is an interview with now deceased Head Football Coach Joseph Paterno Sr. pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments and audio tapes related thereto.

gg. Page 225 of PSP Incident No. G07-114635 details investigative steps that were taken to interview an inmate a SCI Mahanoy. Defense requests the following information as described by an unknown member of the Pennsylvania State Police from an unknown barracks: SCI Mahanoy Disk Marshal

DF4246, SCI Mahanoy Audio Disk Marshall DF248 CD Player, Written Victim/Witness Statement for Marshal and DOC Inmate Summary for Marshall DF4246. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

hh. Page 231 of PSP Incident Report No. G07-1146135 details Attorney General Supplemental Report No. 53. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ii. PSP Incident Report No. G07-1146135 describes Grand Jury Subpoena(s) by number that have been fully described in prior numbers. It is the request of defense counsel that all Grand Jury subpoena numbers be identified along with the following:

- (1) Name of recipient;
 - (2) Address/telephone number/further contact
- Information be provided;
- (3) The nature of the subpoena to include request for records/documents/ investigative reports/criminal histories;
 - (4) To attend/testify before the Grand Jury;
 - (5) Any and all purposes not already described.

The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and

non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

jj. It is further requested that Pennsylvania State Police/the Attorney General's Office identify all experts consulted/investigative reports provided for review/professional opinions on the Defendant's case along with all reports/drawing/records and like records that were received by the Pennsylvania State Police/Attorney General from any and all experts that the Office of Attorney General plans to call upon for testimony in its case in chief. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto including copies of professional resume(s) for experts consulted/experts that will testify.

kk. Defense counsel further requests that the Attorney General provide a complete listing of all witnesses the Office of Attorney General intends to call upon in its case in chief along with a narrative of the anticipated testimony/all records and documents provided to the Attorney General/Pennsylvania State Police by the projected witness. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First

Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ll. Defense counsel requests a copy of the victim ideology used in the identification of potential victims that are within the standards established for this investigation. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

mm. Defense counsel requests the identity of all those individuals who came forward as potential victim(s) but for various reason(s) did not fit the Commonwealth's profile and/or the report was deemed to be false. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

nn. Defense counsel requests the identity of the author(s) who compiled the victim identification criteria as well as their education/training/experience in this field of study. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First

Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

oo. Defense counsel requests copies of all law enforcement agency reports regarding the Defendant completed by any federal, state, county, sheriff and/or local agency from within and outside the Commonwealth of Pennsylvania. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

pp. Defense counsel requests copies of all polygraph testing or similar instruments that gauges the truth of individuals' statements who were interviewed by law enforcement representatives in these matters. This request shall include information any and all person(s) tested by the Attorney General/Pennsylvania State Police and/or non-law enforcement vendors who may have been contracted to perform such tests. Information collected shall include questions asked/pretest interview notes/copies of the recorded indicators (pulse/heart beats breathing rates/changes in the individual's temperature/furtive eye movements recorded by the operator which may have lead to an opinion indicating deception or the lack thereof. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

qq. Defense counsel requests the full names/troop locations/barracks location of members of the Pennsylvania State Police who provided investigative assistance in the Defendant's matter to include current/retired members. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

rr. Defense counsel requests the full names and agency and office locations of all Attorney General agents/investigators that assisted in the Defendant's matter. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ss. Defense counsel requests copies of any and all data base searches for all individuals who have been interviewed related to these matters as well as for the Defendant by members of the Pennsylvania State Police/Attorney General's Office regardless of the scope of the search and the search location within the computer search engines that are used by Pennsylvania State Police/Attorney General. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these

materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

tt. Defense counsel requests all reports/investigations reports/supplemental investigations/supplemental reports/expert reports/or any other documents/reports etc. the Pennsylvania State Police/Attorney General has within the Defendant's files be provided regardless if the document was not requested by specific name/incident no./subpoena no. by defense counsel in this document, past documents and/or future defense requests for records. The Defendant requests at all times these documents will be provided so as not to conceal any report or information that will inhibit the preparation of the defense of the Defendant. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

uu. Defense counsel requests a copy of the Penn State University Police Department investigative report for Accuser/alleged Victim No. 6 and Brendan Kempton:

- (1) Incident report No. 41-98-1609 contained redactions.
- (2) A summary of an interview with the Defendant was described. Defense counsel requests a copy of the Defendant's waiver of rights form (Miranda Warning) and a copy of any recorded interview and or video with voice and or other means used by the Penn State University Police Department to recover the interview with the Defendant.
- (3) Contained within the same Penn State University Investigation ID was a blank Property Report. Defense requests clarification regarding this blank property report.

(4) Attached with the Penn State University Police Department incident report was a typed statement obtained from Accuser/alleged Victim No. 6 by Investigator Schreffler. Defense requests a copy of the actual interview tape as well as an actual copy of the video recording if made.

(5) Also provided was a interview of Kempton. Defense requests the same be provided for Kempton as referenced in Paragraph No. uu.(4) above. Defense further requests the passages stated by Kempton that were excluded in the typed interview report be placed into the return copy with no redactions.

(6) Attached to this incident report was a Commonwealth of Pennsylvania "Report of Suspected Child Abuse". The document contained redactions.

(7) Attached with this Incident No. is a Report of Child Abuse Law Enforcement that was redacted.

(8) State College Police Department Incident Report No. 3298-07294 was redacted that was attached.

(9) A Juvenile Petition was attached for State College Police Department Incident No. 3294-07834 and was attached with redactions along with SCPD Incident No. 3294-07824 which was also attached with redactions. State College Police Department Incident No. 3296-3788 was attached with redactions as well as a supplemental report for the same incident number.

The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

vv. A Clinton County CYS report was attached that was prepared by Jessica Dershem. Contained within the report were redactions. Not included in the CYS report were reports of medical providers/psychiatric services provided to the alleged victims. There was a specific report that was described within the report from a Mr. Gillum. This report and/or any other like reports from Mr. Gillum are requested. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted

copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ww. A Central Mountain High School record was provided for Accuser/alleged Victim No. 1. This report fails to include information relative to K through 6th grade/IG testing on Accuser/alleged Victim No. 1/in-school psychiatric/behavior assistance from human services agencies that provide such services such as behavior consultants/TSS support, etc. These school records do not include any and all medical records as mandated by law for entry into the school system. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto including a copy of the subpoena used to obtain this information and or release signed by the Accuser/alleged Victim No. 1 family is requested.

xx. Pennsylvania Attorney General Initial incident report for Incident No. 63-275 (Sandusky Investigation) was attached. There was reporting regarding two (2) colleges contained within this incident report. Defense counsel requests all records/documents obtained from Albright College and PSU Behrend regarding the investigation. This request also includes any and all Second Mile records regarding these institutions are further requested. The Defendant is asking the Court to

enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto including copies of all Attorney General subpoena(s) used to obtain the information.

yy. State College Police Department Incident Report 3298-07204 was attached with redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of State College Police Department Incident Report 3298-07204 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

zz. Subpoena No. 1141 is referenced in a document from Mark Steinruck that was directed to the Pennsylvania Attorney General. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Subpoena No. 1141 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

aaa. Defense counsel requests copies of all Pennsylvania Attorney General Subpoena Nos. 1 through 1140. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request

contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

bbb. Pennsylvania Attorney General Supplemental No. 1 was received. Under "Evidence" the report reflects four (4) CD tapes, two (2) originals and two (2) duplicates. Defense counsel requests that a copy of the CD tapes be provided unless already provided in Discovery Response No. 1 from the Attorney General. Under "Attachments", Item Nos. 1 and 2 are discussed. Provide memos/intercept logs unless already provided. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ccc. Pennsylvania Attorney General Supplemental Report No. 3 was received. This Report was redacted as well as the indexing portion contained in Report Nos. 1 through 7. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 3 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ddd. Pennsylvania Attorney General Supplemental Report No. 4 was received. Contained within the body of the report was redacted information as well as redactions within the indexing portion of the report. The Defendant is asking the

Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 4 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

eee. A receipt copy was provided within discovery that details Agent Sassano being in receipt of material outlined and from this point the receipt was redacted. Defense counsel seeks clarification on the missing redacted words. Within the body of the receipt there was described twelve (12) DVD's plus miscellaneous CD's. All press clippings, press releases, and items manufactured for public relations or fundraising depicting persons which were all original photographs and all digital photographs. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto including all DVD'S and CD's, press clippings and public relations documents.

fff. Defense counsel requests copies of all pictures. Counsel can only describe Picture Nos. 684, 685, 688, 740 and 1410. Defense counsel requests copies of all pictures from 001 through 683, 686, 687, 689 through 740, and 742 through 1410 and an unknown amount past 1410. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full,

complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ggg. Pennsylvania Attorney General Supplemental Report No. 6 was provided. Under attachments the following was described: (1) Website/Forums Subpoena Information; (2) Posts on Body Building.Com; and 3) Posts on nittanyfootball.com. Defense counsel requests a copy of subpoena(s) used to obtain these documents. It is further requested that the Attorney General provide a copy of subpoena(s) along with documents received for any and all computer based searches that a subpoena was issued. This request will also apply to Pennsylvania State Police investigation. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

hhh. Pennsylvania Attorney General Supplemental Report No. 7 was received by defense counsel. The supplemental report contained redactions. Under "Attachments" there are seven (7) issues discussed with No. 4 being redacted. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 7 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all

supplemental reports and attachments related thereto including a copy of the subpoena(s) used to obtain the reported records be provided that have not been provided in the Attorney General's Discovery Nos. 1 and 2.

iii. Pennsylvania Attorney General Supplemental Report No. 10 was provided. The report indicated that a fax copy was attached. No copy of the fax was provided to defense counsel. Defense counsel requests a copy of the fax dated December 7, 2010 received at or about 3:20:16PM. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of the fax attachment to Pennsylvania Attorney General Supplemental Report No. 10 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

jjj. Pennsylvania Attorney General Incident No. 11 was received. The supplemental report contained redaction as well as Indexing being redacted. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 11 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

kkk. Pennsylvania Attorney General Supplemental Report No. 12 contains a single redaction under part one (1). The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full,

complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 12 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

lll. Pennsylvania Attorney General Supplemental Report No. 13 contains redactions within the body of the report. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 13 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

mmm. Pennsylvania Attorney General Supplemental Report No. 14 contains redactions within the body of the report as well as redactions within the indexing. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 14 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

nnn. Pennsylvania Attorney General Supplemental Report No. 15 was received with redactions within the indexing. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental

Report No. 15 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ooo. Pennsylvania Attorney General Supplemental Report No. 16 contains redacting within the body as well as the indexing. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 16 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ppp. Pennsylvania Attorney General Supplemental Report No. 17 contains redaction within the indexing. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 17 Index pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

qqq. Pennsylvania Attorney General Supplemental Report No. 18 contains redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 18 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

rrr. Pennsylvania Attorney General Supplemental Report No. 19 contains redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 19 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

sss. Pennsylvania Attorney General Supplemental Report No. 20 was received. This report contains numerous redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 20 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

ttt. Pennsylvania Attorney General Supplemental Report No. 21 contains numerous redactions. Under Indexing there was redacting. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 21 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

uuu. Pennsylvania Attorney General Supplemental Report No. 24 contains redactions. The Defendant is asking the Court to enter an Order directing the

Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 24 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

vvv. Pennsylvania Attorney General Supplemental Report No. 25 contains redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 25 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

www. Pennsylvania Attorney General Supplemental Report No. 26 was received with redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 26 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

xxx. Pennsylvania Attorney General Supplemental Report No. 27 was received with redactions. This supplemental was prepared for Supplemental No. 64 above that details the who/what/where/when and how Agent Sassano obtained the pictures. Defense counsel requests that under No. 1 of the report six (6) boxes of pictures are described. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-

redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

yyy. Pennsylvania Attorney General Supplemental Report No. 28 contains no redactions but details information not received within discovery. Under No. 1 in the report information from Box 4 and under No. 2 in the report information from Box 5 of pictures, notes, pictures 584, 686, 688 and 740 and Photo No. 1410 being provided to Pennsylvania State Police investigator. Box 5 was described as containing a photo of the Defendant and Accuser/alleged Victim No. 6. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

zzz. Pennsylvania Attorney General Supplemental Report No. 29 was received. This report contained numerous redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 29 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

aaaa. Pennsylvania Attorney General Supplemental Report No. 33 was received. Within this report Investigator Sassano describes a picture he obtained of

a computer screen at the State College Police Department. The report under "Attachments" describes two (2) reports obtained by Agent Sassano as follows: SCPD No 3298-07204 which is detailed in a prior number regarding the redactions and PSU PD report No. 1998-1609. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with full, complete, and non-redacted copies of these materials pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

bbbb. Pennsylvania Attorney General Supplemental Report No. 53 was provided with numerous redactions. The Defendant is asking the Court to enter an Order directing the Commonwealth to provide Defendant's counsel with a full, complete, and non-redacted copy of Pennsylvania Attorney General Supplemental Report No. 53 pursuant to his request contained in Defendant's First Request for Pre-Trial Discovery material along with all supplemental reports and attachments related thereto.

cccc. Copies of all materials, including photographs, books and booklets, and hard drives from each computer which was seized from the Defendant's residence on or about June 21, 2011.

dddd. Copies of all Children and Youth Services (CYS) files opened by any applicable county CYS office relating to allegations the Defendant abused a minor child and whether the applicable CYS office conducting any such investigations determined that the allegations of abuse by the Defendant were determined to be founded or unfounded.

8. The Defendant submits he believes the requested information as set forth in Paragraph No. 7 above contain notes and information which are exculpatory in nature and will tend to show the accusers'/alleged victims' allegations against the Defendant have not been consistent or truthful.

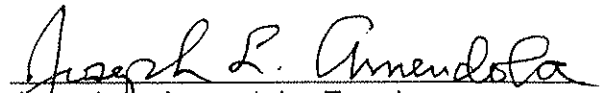
9. Due process under both the Constitution of the Commonwealth of Pennsylvania and the Constitution of the United States as well as the U.S. Supreme Court's decision in Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963) requires the Commonwealth to provide the Defendant with the aforementioned information as set forth more fully in Paragraph No. 7 of his Motion to Compel.

10. The Defendant is also entitled to review the aforementioned discovery materials as set forth in Paragraph No. 7 of this Motion to Compel pursuant to Pennsylvania v Ritchie, 480 U.S. 39, 107 S.Ct. 989, 94 L.Ed.2d 40, 1987.

11. The Defendant recognizes the possibility that the Court may decide to conduct an in-camera review of any CYS files requested by the Defendant in his Motion to Compel to determine if any such files contain Brady material.

WHEREFORE, the Defendant submits the above-requested information is critical to the preparation of his defense and respectfully requests this Honorable Court to enter an Order directing the Commonwealth to provide the Defendant with the requested discovery materials forthwith so that he may properly prepare for trial.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph L. Amendola". The signature is written in a cursive style with a horizontal line drawn underneath it.

Joseph L. Amendola, Esquire
Attorney for Defendant
110 Regent Court, Suite 202
State College, PA 16801
(814) 234-6821
I.D. No. 17667

Date: February 6, 2012

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

*110 REGENT COURT
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December 29, 2011

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Office of Attorney General
Criminal Prosecutions Section
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Harrisburg, PA 17120

In Re: Commonwealth vs. Gerald Sandusky
Defendant's First Request for Pre-Trial Discovery

Dear Joe and Jonelle:

This office represents the named Defendant in the above-captioned criminal action, and, on her behalf, and pursuant to Rule 573(b)(1) of the Pennsylvania Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10L, Ed. 2d 215 (1963), hereby requests disclosure of the following items and information material to our client's case:

1. Copies of all informations and citations issued in conjunction with this case;
2. any evidence favorable to the accused which is material either to guilt or to punishment and which is within the possession or control of the attorney for the Commonwealth or any agent for the Commonwealth or which could be discovered by it by the exercise on its part of due diligence including, but not limited to the following:
 - a. Any and all evidence that the Defendant was not involved in the acts which gave rise to the allegations in the information(s) herein;
 - b. Any and all statements, reports, summaries, communications, notes, memoranda or the like of any officer, or other individual having any knowledge of the facts of this case, or having any relation to this case when such indicate that the

Exhibit "A"

Defendant was not involved in any of the events alleged to have occurred in the allegations or the information(s);

c. The names and addresses of all persons during the investigation of this case who have been offered immunity, favorable consideration, less pleas or other agreements, for themselves or for others in return for testimony, information or documents;

d. Any and all consideration or promises of consideration given to or made on behalf of any intended witnesses or informant or any benefit expected or hoped for by the witness or informant. By "consideration" the Defendant refers to absolutely anything, formal or informal, direct or indirect, whether bargained for or not, which arguably could be of value or use to a witness or to persons of concern to the witness, including but not limited to leniency, favorable treatment or recommendations or other assistance with respect to any pending action or potential action including but not limited to criminal, parole, probation, pardon, clemency, civil, relief from forfeiture, payments of money, rewards or fees, witness fees and special witness fees, any promises to bring a witness' testimony or cooperation with the Commonwealth to the attention of a court or any other entity in any jurisdiction even if no specific agreement was made between the witness and the Commonwealth and anything else which arguably could reveal an interest, motive or bias in the witness or informant in favor of the prosecution or against the defense or which acts as an inducement to testify or to color testimony in this case;

e. Any threats of or criminal prosecutions, investigations, or potential prosecutions which could be brought against any witness or informant or custodial status of a witness or informant or any other transactions over which the Commonwealth has real, apparent or perceived influence;

f. The existence and identification of each occasion during which any intended Commonwealth witnesses or informant has testified before any court, tribunal or otherwise officially narrated testimony in relation to the Defendant, the investigation or the facts of this case;

g. The records pertaining to the criminal activity, arrest, and/or conviction of any and all witnesses whom the Commonwealth intends to call during the course of this case;

h. Any evidence which would tend to undermine the credibility of prosecution witnesses; including but not limited to the names of any witness or witnesses who have testified either falsely or erroneously, or whether any disciplinary investigations or internal affairs investigations have occurred;

i. The names and addresses of all potential wrongdoers in the incidents which gave rise to this prosecution;

j. Any and all evidence which the Commonwealth has in its possession, custody, control or which could be discovered by it by the exercise on its part of due diligence which arguably conflicts with the prosecution's theory of the case or the expected testimony of any one or more of its witnesses;

k. Any and all evidence in the possession, custody or control of the Commonwealth or which would become available which is arguably favorable or helpful to the defense, including but not limited to, any evidence that is impeachment evidence in regards to any Commonwealth witness; The criminal records, extent of drug or alcohol abuse, past and present and extent of any psychiatric records, past and present;

l. Informal, direct or indirect, of any witnesses whom the Commonwealth intends to call to prove its case in chief or rebuttal or for any other purposes as known or by the exercise of due diligence can become known to the Commonwealth.

3. The names and addresses and written or recorded statements or summaries of oral statements of all individuals whom the Commonwealth or its agents (whether the Commonwealth intends to call the individual as a witness in the case or not) have interviewed;

4. Any written confession or statement of the Defendant or the substance of any oral confession or statement and the identity of the person to whom the confession or exculpatory statement was made which is in the possession or control of the attorney for the Commonwealth or which by the exercise of due diligence may become known to the Commonwealth;

5. The Defendant's prior criminal record, including but not limited to a printout or list of the Defendant's local record created or generated by the District Attorney's Office and which the Commonwealth intends to use at sentencing;

6. The circumstances and results of any identification of the Defendant by voice, photograph, video surveillance or in-person identification;

7. Any and all scientific reports, the results of the analysis or examinations conducted on any specimens or objects or upon the Defendant herself regardless of the location of the specimens examined or the process by which they were obtained for analysis, including but not limited to the following:

a. Fingerprint identification, handwriting analysis, voiceprint analysis, ballistic examination, gunshot or gun powder residue test, bullet identification test, psychiatric and psychological

examinations of all Commonwealth witness, firearm identification, microbiological analysis of hair and blood, DNA analysis, polygraph examinations, and autopsy reports;

b. A list and diagram of the location or locations of each object or specimen of physical evidence recovered or found and from whom it was taken or received before being taken into custody by any Commonwealth agent, police officer, any agent of the police or any other investigator and which was submitted for examination; specifically the precise location where latent fingerprints, cartridge cases, spent bullets and/or impressions trajectories thereof were found;

8. Any tangible objects, including but not limited to, documents photographs, fingerprints, charts, diagrams, videotapes or any other tangible evidence;

9. The names and addresses of eyewitnesses and all investigation officials and agents and any evidence reflecting adversely on the credibility of any Commonwealth witness, including but not limited to, results of mental examinations or prior criminal records. In addition, if the testimony of any witness whom the Commonwealth intends to call has been refreshed or enhanced through hypnosis or any other psychological technique;

10. The names and addresses and all written or recorded statements and substantially verbatim oral statements and the substance of proposed testimony of witnesses the Commonwealth intends to call at trial, including but not limited to Victim Impact Statements;

11. A copy of the complete police report of investigation in its undeleted form and all supplemental reports;

12. All written or recorded statements, and substantially verbatim oral statements of eyewitnesses the Commonwealth intends to call at trial, including but not limited to, statements made to any member of the prosecutor's office, any police officer or other law enforcement agent during the investigation which preceded or followed the arrest herein;

13. All written or recorded statements and substantially verbatim oral statements made by accomplices, if any, whether such individuals have been charged or not;

14. The names and addresses of any persons who have retracted or deviated from statements made to any agent of the Commonwealth investigating or assisting in the investigation into the incident;

15. Any other evidence, the disclosure of which is in the interest of justice and/or might be deemed exculpatory;

16. Copies of all medical/psychological records/examinations and all other materials related to the accusers, which the Commonwealth has referred to as Victim Nos. 1 through 10 inclusive, which were conducted pursuant to the investigation and/or allegations related to the charges filed against the Defendant in this matter;

17. Copies of the accusers'/also referred to as Victim Nos. 1 through 10 inclusive by the Commonwealth and any other non-law enforcement Commonwealth witnesses', phone, text, emails and all other electronic communications as well as the substance of all texts and emails made between the accusers/alleged victims and the Defendant between November 1, 2008 and December 29, 2011 having anything to do with contact with the Defendant and/or with each other;

18. Copies of all transcripts of testimony by all individuals who appeared before the investigating Grand Jury between 2008 and December 29, 2011 in this matter;

19. Copies of all materials taken from the Defendant's home as a result of the execution of a search warrant on or about June 21, 2011.

These requests shall be deemed continuing to the time of trial. If any additional information not included in responses to the above requests become available to the Commonwealth or its agents between the time responses are made and the time of trial, such information shall forthwith be made known to the Defendant's counsel. The above information is needed to prepare a full, adequate defense, thereby its disclosure is in the interests of justice. Your prompt attention to this matter is greatly appreciated.

Truly,



Joseph L. Amendola, Esquire

JLA:dka

JOSEPH L. AMENDOLA

ATTORNEY-AT-LAW

*110 REGENT COURT
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February 6, 2012

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Jonelle H. Eshbach, Esquire
Senior Deputy Attorney General
Office of Attorney General
Criminal Prosecutions Section
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Harrisburg, PA 17120

In Re: Commonwealth vs. Gerald Sandusky
Defendant's Second Request for Pre-Trial Discovery

Dear Joe and Jonelle:

Pursuant to Rule 573(b)(1) of the Pennsylvania Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L.Ed.2d 215 (1963), I hereby request disclosure of the following items and information material to our client's cases:

20. The dates of birth and addresses as well as all telephone numbers maintained by the ten (10) accusers/alleged victims in the Defendant's cases for the period between September 1, 2008 and February 6, 2012;

21. The names, addresses, and telephone numbers for all other witnesses who were interviewed by law enforcement officers in regard to the Defendant's cases between September 1, 2008 and February 6, 2012.

These requests shall be deemed continuing to the time of trial. If any additional information not included in responses to the above requests become available to the Commonwealth or its agents between the time responses are made and the time of trial, such information shall forthwith be made known to the Defendant's counsel. The above information is needed to prepare a full, adequate defense, including alibi and statute of limitation defenses thereby making disclosure of the requested information imperative to the Defendant in the preparation of his defense in these matters. Your prompt attention to this matter is greatly appreciated.

Exhibit "B"

Truly,

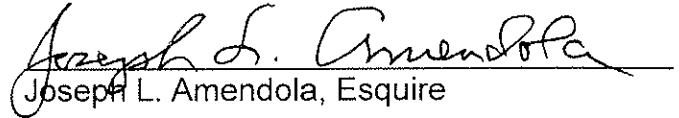
A handwritten signature in cursive script, appearing to read "Joe".

Joseph L. Amendola, Esquire

JLA:dka

VERIFICATION

I verify that the statements made in the foregoing are true and correct. I understand that false statements are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.


Joseph L. Amendola, Esquire

