

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : **No. 98-11368**
: **CRIMINAL DIVISION**
vs. :
: **JASON MARK SEYLER,**
Defendant :

ORDER

AND NOW, this _____ day of January 1999, upon consideration of the defendant's Petition for the Removal of the Lycoming County District Attorney's Office in the Prosecution of the Defendant contained in Count IV of the defendant's Petition for Writ of Habeas Corpus, it is ORDERED and DIRECTED as follows:

Upon agreement of the parties, the Lycoming County District Attorney Thomas A. Marino shall not participate in the prosecution of this case in any manner. In all respects, the defendant's Petition for Removal is DENIED. See Commonwealth v. Boring, 453 Pa.Super. 600, 684 A.2d 561 (1996) (where there is an "appearance of impropriety", disqualification of the entire office is not necessary).

The Court notes that the parties have agreed that the request for habeas corpus relief will be decided by the Court based on the transcript of the preliminary hearing. The Court requests that the Court Scheduling Technician schedule the remainder of the defendant's motions which the Court believes consists of a Motion to Suppress (Count II) and a Petition for Bail Modification (Count III). The Court estimates that approximately one (1) hour will be

needed.

By The Court,

Kenneth D. Brown, J.

cc: District Attorney
Jeffrey Yates, Esquire
Eileen Grimes, CST
Work File