

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	<b>:</b>	<b>No. 00-10,105</b>
	<b>:</b>	
	<b>:</b>	
<b>vs.</b>	<b>:</b>	<b>CRIMINAL</b>
	<b>:</b>	
<b>ABDUL CLARK,</b>	<b>:</b>	
<b>Defendant</b>	<b>:</b>	

**ORDER**

**AND NOW**, this    day of August, 2000, upon consideration of the defendant's Omnibus Pre-Trial Motion, it is ORDERED and DIRECTED as follows:

COUNT 1 - The Commonwealth does not have the gun that fired the bullet that was retrieved from the victim's skull, but it has provided ballistic reports regarding any testing done on the bullet. If the defense wishes have independent testing of the bullet conducted, it should notify the Commonwealth and the Commonwealth should provide the bullet to the defense or its expert at a mutually agreed upon date and time.

COUNT 2 - As previously noted, the defense has received all ballistic reports thus far. The Commonwealth has no control over the bullet lodged in the leg of Anthony Williams. Therefore, the Court will deny this defense request without prejudice to the defense filing an appropriate motion, which would be served on Mr. Williams and the hospital where the surgery is to be performed<sup>1</sup> to determine if the Court has the authority to order Mr. Williams and/or the hospital to preserve the bullet and turn it over to the defense

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<sup>1</sup>The defense asserted that it believed Mr. Williams was going to undergo surgery to have the bullet removed and the defense wanted the Court to order the hospital to preserve the bullet. If Mr. Williams is not going to undergo surgery, the defense would only have to serve Mr. Williams.

for testing.

COUNT 3 - The defense has withdrawn this count.

COUNT 4 - The Court GRANTS the defense request that the court reporter transcribe the testimony presented at the habeas corpus hearing on March 30, 2000. The court reporter, Dawn Lyons, shall prepare the transcript and submit a copy to William Miele, Kyle Rude, and Thomas Marino.

COUNT 5 - With the assent of the defense and without objection by the Commonwealth, the Court defers ruling on the defense request for a change of venue/venire until closer to jury selection and/or trial in this case.

COUNT 6 - The Court defers ruling on the defense request for individual voir dire until it determines if the case will proceed as a capital case or not.<sup>2</sup> If the case proceeds as a capital case, the defense would have the right to individual voir dire under Rule 1106(E) and the Court would not need to select the method of voir dire.

COUNT 7 - If the defense receives additional information which would justify filing supplemental omnibus pre-trial motions, the defense should include in the motion the contents of the new information and when it was received. Based on this information, the Court would determine whether any supplemental motion is timely.

COUNT 8 - The Court GRANTS the defense request for prior record information of the Commonwealth witness. One (1) week prior to trial, the Commonwealth shall provide to the defense the prior criminal record history of all the witnesses it has

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<sup>2</sup>The Court notes the defense has filed a motion to strike the notice of aggravating circumstances.

subpoenaed for trial.

COUNT 9 - The Court will take no further action on the defense request for the fingerprint test results with respect to the 1994 Ford Explorer as defense counsel agrees the Commonwealth has complied with the request.

COUNT 10 - The defense has withdrawn this count.

COUNT 11 - The Court will take no further action on the defense request for the fingerprint test results with respect to the 1987 Mercury Sable as defense counsel agrees the Commonwealth has complied with the request. The Court notes that the Commonwealth has not conducted any tests on the blood stain in the vehicle. If the Commonwealth decides to perform such testing, it shall provide the results to the defense.

COUNT 12 - The Commonwealth represents that no fingerprints were recovered at 949 Vine Avenue.

COUNT 13 - The Court grants the defense request for the statements of Belinda Allen made at the guilty plea hearing of Danielle Brinkley on May 25, 2000 in case number 00-10029. The court reporter, Ann Diggan, shall prepare the transcript and provide copies to William Miele, Kyle Rude and Thomas Marino.

COUNT 14 - This count was addressed by the Court's ruling in a previous count.

COUNT 15 - The Court notes that all counsel believe that all the statements made by Curtis Robinson and Ryan Pancher have been supplied; however, in the event that they have not, the Commonwealth agrees to provide any statements which the defense does not have.

COUNT 16 - The Court will defer ruling on the admissibility of photographs of the victim until closer to trial when both sides decide which photographs they want to introduce into evidence.

By The Court,

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Kenneth D. Brown, J.

cc: District Attorney  
William Miele, Esquire (PD)  
Kyle Rude, Esquire  
Work File  
Dawn Lyons, Court reporter  
Ann Diggan, Court reporter