

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : **CR-579-2023**
:
:
v. :
:
:
ROBERT GARISON, : **OMNIBUS MOTION**
Defendant :

OPINION AND ORDER

Robert Garison (Defendant) was charged on March 7, 2023, with various sexual offenses involving two complainants, C.W. (approximately 39 years old at the time of the filing of the Omnibus Motion) and B.W. (14 years old at the time of the filing of the Omnibus Motion). C.W. is the aunt of B.W. All of the crimes against C.W. are alleged to have occurred in or around 1994 when she was approximately 14 years old. The crimes against B.W. are alleged to have occurred in or around 2020.

Defendant, by and through his counsel Edward J. Rymsza, Esquire, filed an Omnibus Pretrial Motion on October 18, 2023. A hearing on the Motion was held on February 13, 2024, at which time the Defendant was present and represented by Attorney Rymsza and Jessica Feese, Esquire, appeared on behalf of the Commonwealth. The Court will address each individual motion separately below.¹

I. MOTION TO DISMISS COUNTS BASED UPON STATUTE OF LIMITATIONS VIOLATIONS

The Defendant requested that the Court dismiss all the counts except Count 10 of the Information for violations of the statute of limitations. At the time of the hearing, the

¹ The Court notes that there are two motions numbered “VII” in Defendant’s Omnibus Pretrial Motion. This Opinion and Order addresses the individual motions in chronological order as they appear in Defendant’s Omnibus Pretrial Motion but did not duplicate the VII and therefore there is an additional numbered individual motion addressed herein.

Commonwealth conceded that counts 5, 6, 7, 8, 9, 11, 12, 13, and 14 would be dismissed, and it would proceed only on counts 1-4 and count 10. Defendant's counsel indicated that he was no longer challenging that the remaining counts should be dismissed due to the statute of limitations. Accordingly, the Motion to Dismiss Counts Based upon Statute of Limitations Violations shall be **DISMISSED AS MOOT**.

II. MOTION TO DISMISS LEGALLY INSUFFICIENT INFORMATION

Defendant's motion argued for dismissal on two separate grounds of legal insufficiency. One such grounds alleges that the Information is materially different from the Criminal Complaint and the evidence elicited at the preliminary hearing to support the prima facie standard. This is the result of the Defendant being charged in the Criminal Complaint with four counts of Aggravated Indecent Assault – Complainant less than 13 years of age pursuant to 18 Pa.C.S.A. §3125(a)(7), but in the Information it is listed as Aggravated Indecent Assault – mental defect pursuant to 18 Pa.C.S.A. §3125(a)(6). Attorney Feese explained on behalf of the Commonwealth that from 1990-1995, which is during the time the incidents were alleged to have occurred, 18 Pa.C.S.A. §3125(a)(6) as it is charged on the Information was the statutory section pertaining to Aggravated Indecent Assault – Child under 14 years old. As what is cited in the Information is a prior subsection but the elements are the same, Defendant's counsel indicated he was withdrawing the first challenge under this motion.

Defendant's second argument regarding the legal insufficiency of the charges alleges a violation of Pa.R.Crim.P. 560, which governs the filing, contents, and function of the Information. Defendant alleges that the time of the incidents alleged in the Information is grossly inaccurate and fails to provide proper notification to the Defendant as mandated by Rule 560. Additionally, Defendant alleges the Information merely tracks and repeats the

statutory language and fails to specify any details regarding the alleged criminal activity that occurred, or the time or place where it took place. Defendant's counsel indicated that he is cognizant of the fact that a great deal of latitude is normally afforded to the Commonwealth. However, he argues that the length of time since the incidents are alleged to have occurred coupled with the recitation of the statutory language without any actual details of the event(s) makes it nearly impossible for the Defendant to know what he is being asked to defend against. Defendant argues that the failure to provide these essential requirements to the alleged offenses violates Pa.R.Crim.P. 560 and the Due Process guarantees of the United States and Pennsylvania Constitutions. For this reason, Defendant seeks dismissal of the charges.

The Commonwealth contends that the Information as written complies with Pa.R.Crim.P. 560, and if the Defendant was seeking more detailed information, a Bill of Particulars would be a potential remedy. This Court agrees. The Information is not required to contain the time or specific place where the alleged crimes took place, or specify any details regarding the alleged criminal activity that occurred as the Defendant indicates is necessary in his motion. The language of Rule 560 requires only that the county where the crime was committed be listed and, if the precise date of the offense is not known or if the offense is a continuing one, an allegation that it was committed on or about any date within the period fixed by the statute of limitations shall be sufficient. "An Indictment or an Information is sufficient if it sets forth the elements of the offense intended to be charged with sufficient detail that the defendant is apprised of what he must be prepared to meet, and may plead double jeopardy in a future prosecution based on the same set of events." *Commonwealth v. Alston*, 651 A.2d 1092, 1095 (Pa. 1994). This may be accomplished through use of the words of the statute itself as long as "those words of themselves fully, directly, and expressly, without any uncertainty or

ambiguity, set forth all the elements necessary to constitute the offense intended to be punished.” *Id.* at 1096.

The Court finds that the Commonwealth’s Information satisfies Rule 560. If the Defendant sought more specific information about the time, date, or location of the alleged crimes, the Defendant had the opportunity to file a Request for a Bill of Particulars, but none was filed in this case. Accordingly, Defendant’s Motion to Dismiss Legally Insufficient Information is **DENIED**.

III. MOTION TO DISMISS INFORMATION REGARDING C.W. BECAUSE OF EXCESSIVE AND PREJUDICIAL DELAY BETWEEN THE ALLEGED INCIDENT AND ARREST

Defendant alleges that the purported incidents of inappropriate contact with C.W. allegedly occurred in 1994 when she was 10 years old. This was first reported to law enforcement by C.W.’s family in or around 1995, after which the Williamsport Police opened an investigation, conducted interviews, and, ultimately determined not to prosecute the case at that time. After law enforcement began to investigate B.W.’s allegations, C.W.’s case was reopened by Trooper Sara Barrett. The Defendant alleges there was no justification for the twenty-nine year delay between the alleged criminal offenses and his arrest when the Lycoming County District Attorney’s Office was aware of the allegations, spoke with the Defendant and his wife in 1995, and chose not to act. The Defendant alleges that this delay has prejudiced him because he is no longer able to remember specific details about the allegations lodged by the complainant, including where he may have been. Additionally, the Defendant sets forth concerns about the availability of possible witnesses that are relevant to his defense and whether they have a clear memory of the events almost thirty years later.

The Defendant asserts that continued prosecution in this case under these circumstances will result in a violation of the federal constitutional right to due process because of the unreasonable delay in his arrest and filing of charges. *See United States v. Marion*, 404 U.S. 307, 324-325 (1971); *United States v. Lovasco*, 431 U.S. 783 (1971). Additionally, he asserts a violation of the Due Process Clause under Article I, Section 9 of the Pennsylvania Constitution, which requires dismissal where there exists prejudicial delay in arrest or prosecution. The *Marion* and *Lovasco* decisions “stand for the proposition that to establish a due process violation for a delay in prosecution, a defendant must show that the passing of time caused actual prejudice and that the prosecution lacked sufficient and proper reasons for postponing the prosecution.” *Commonwealth v. Snyder*, 713 A.2d 596, 601 (Pa. 1998). With regard to the witnesses, the Defendant alleges that he has suffered actual prejudice as several of the witnesses that would have been relevant to his defense and would have been called in 1995 have since passed away. This includes C.W.’s father, who was the brother-in-law of the Defendant and whose divorce and custody proceedings precipitated C.W.’s stays at the Defendant’s house and who would have known details regarding the dates, length, and who supervised C.W. during those stays. It also includes the grandparents of C.W., who would have assisted with the transportation of C.W. to the Defendant’s house. Finally, the Defendant argues that he is prejudiced by the loss of several character witnesses, either through death or unavailability due to the passage of time, and that their testimony would have been enough to create reasonable doubt.

The Commonwealth argued at the hearing that when it comes to sexual assault cases, it brings charges not when it wants, but rather when it has a cooperating witness. The Commonwealth will not force a child victim to go through anything they are not ready or

willing to do, and in 1995 the District Attorney's Office held off on prosecution until the victim had a chance to get counseling but the family never returned to the office to proceed with the case. While the Commonwealth acknowledged at the hearing that the lapse of time posed a challenge for the defense, it took the position that the prejudice was not unique to the Defendant as the Commonwealth also lost witnesses. Additionally, the Commonwealth argues that the Defendant has been aware of the potential for prosecution since 1995 and the charges were filed within the statute of limitations.

Established caselaw provides substantial deference to the Commonwealth to determine when to file criminal charges. *Commonwealth v. Snyder*, 713 A.2d 596 (Pa. 1998) citing *Commonwealth v. Daniels*, 390 A.2d 172 (Pa. 1978) for the principle that there is no right to be arrested. However, a defendant's due process of law rights can be violated if there is an unwarranted delay in bringing charges and a defendant has incurred actual prejudice and there are no proper reasons for the delay. *Snyder*, 713 A.2d at 605. The loss of testimony through death of witnesses and memory loss has been recognized as actual prejudice. In *Snyder*, eleven years had passed since the victim died before charges had been filed. *Id.*

In the case at bar, over 25 years have passed since the initial investigation had ended and the charges were filed. The Commonwealth did not raise that new facts or evidence were discovered that led to the filing of the charges. Instead, the Commonwealth only stated that the Commonwealth will not force a minor to go forward with charges but will wait until they are ready. While that policy is understandable, the Commonwealth waited over 20 years after C.W. became an adult to contact her about the potential charges. Under these circumstances, the Court is constrained to grant the Defendant's motion. As over 25 years have passed since the initial investigation when no charges were filed, and no new evidence has been brought to light

and the Defendant has been prejudiced by the loss of several witnesses due to death and others by memory loss, the Defendant's due process rights have been violated. *See Id.* at 605 ("The decision to prosecute after eleven years, with no additional evidence and with no ongoing investigation in the last seven years, was so egregious that it cannot withstand even the most deferential standard of review."). Accordingly, Defendant's Motion to Dismiss Information Regarding C.W. Because of Excessive and Prejudicial Delay Between the Alleged Incident and Arrest is **GRANTED**.

IV. MOTION TO DISMISS INFORMATION FOR FAILURE TO COMPLY WITH RULES 503 AND 507 OF THE RULES OF CRIMINAL PROCEDURE

After discussion at the time of the hearing, including Defendant's counsel's taking into consideration the explanation/response contained in Paragraphs 44 and 45 of the Commonwealth's Answer to Defendant's Omnibus Pretrial Motion, Defendant's counsel indicated he would be withdrawing his claim that the Criminal Complaint failed to comply with Pa.R.Crim.P. 507. Accordingly, the Motion to Dismiss Information for Failure to Comply with Rules 503 and 507 of the Rules of Criminal Procedure is **DISMISSED AS MOOT** as the motion was withdrawn by Defendant's counsel at the time of the hearing.

V. PETITION FOR WRIT OF HABEAS CORPUS

The Defendant alleges that the Commonwealth's evidence at the preliminary hearing held on May 1, 2023, was insufficient to establish a *prima facie* case on the charges. The definition of *prima facie* is not precise or without difficulty. On the one hand, it has been described as evidence, read in a light most favorable to the Commonwealth, that sufficiently establishes both the commission of a crime and that the accused is probably the perpetrator of

that crime. *Commonwealth v. Packard*, 767 A.2d 1068, 1070 (Pa. Super. 2001), *abrogated on other grounds by Commonwealth v. Dantzler*, 135 A.3d 1109, 1112 n.5 (Pa. Super 2016).

On the other hand, it has been defined as evidence, which if accepted as true, would warrant submission of the case to a jury. *Packard, id.*; *Commonwealth v. Karetny*, 880 A.2d 505, 514 (Pa. 2005); *Commonwealth v. Huggins*, 836 A.2d 862, 866 (Pa. 2001).

The weight and credibility of the evidence are not factors at this stage, and the Commonwealth need only demonstrate sufficient probable cause to believe the person has committed the offense. *Commonwealth v. Marti*, 779 A.2d 1177, 1180 (Pa. Super. 2011). The evidence must be read in a light most favorable to the Commonwealth and inferences reasonably drawn from the evidence of record which would support a verdict of guilty, must be given effect. *Id.*

Defendant's Petition initially argued that all charges involving C.W. should be dismissed as there were no details regarding the time, month, day, or even season that the purported allegations occurred. As noted previously, the Commonwealth has indicated its intent to withdraw several of the originally charged counts, leaving only Counts 1-4 and 10 remaining. With regard to Counts 1-4 which charge the Defendant with Aggravated Indecent Assault, Defendant argues that the charges should be dismissed because there was no evidence that the Defendant penetrated her vagina. The transcript of the preliminary hearing was submitted as Defendant's Exhibit 1. As these events allegedly took place in or around 1994, in order to establish a prima facie case the Commonwealth would have to prove that at the time of the alleged offenses, the Defendant: (a) was 18 years of age or older; (b) engaged in penetration, however slight, of the genitals or anus of another person with a part of the Defendant's body for any purpose other than good faith medical, hygienic, or law enforcement procedures; and (c) the other person was less than 14 years of age.

C.W. testified at the preliminary hearing that “Robert had – had been for years when I would spend the night at their house come downstairs in the middle of the night to where I was sleeping on the couch and he would remove my blanket and he would touch my breasts and my vagina underneath my pajamas.” (Prelim. Hrg. 5/1/23, pg. 14). C.W. further testified that the Defendant “insisted that I wear nightgowns” and would touch her breasts “underneath my clothes” and he “would rub my nipples until they were raw” and touch her vagina “underneath my underwear.” (Id. at 15 and 16). When asked to elaborate by the Assistant District Attorney, the following exchange occurred:

Q: And when you say he touched your vagina, was this internal, was this external, or what?

A: This was between the labia. He would sometimes use his saliva to lubricate and he would try – I think he was trying to get me aroused, but –

Q: Okay. So you say he’d have hand or fingers between the labia?

A: Yes.

Q: And what would his hand be doing?

A: He would be rubbing his fingers between my labia trying to find my clitoris, I think, and he would try to penetrate; but was not able to do so.

Q: And when you say try to penetrate, you mean in the vagina itself?

A: Yes.

Q: How many times do you think this happened?

A: At least four times.

(Id. at 16). While the Defendant argues the Aggravated Indecent Assault charges should be dismissed for lack of evidence that he penetrated C.W.’s vagina, the Pennsylvania Superior

Court has determined “that the term ‘penetration, however slight’ is not limited to penetration of the vagina; entrance in the labia is sufficient.” *Commonwealth v. Hunzer*, 868 A.2d 498, 505-506 (Pa. Super. 2005), see also *Commonwealth v. Hawkins*, 614 A.2d 1198, 1200; footnote 1 (Pa.Super.1992). Viewing the evidence in the light most favorable to the Commonwealth and drawing all reasonable inferences therefrom, the Court finds that the testimony clearly establishes that C.W. was under 14 years of age and there was penetration of her genitals by the Defendant for a purpose other than good faith medical, hygienic, or law enforcement purposes.

Additionally, although the Defendant argues that the charges should be dismissed due to a lack of details concerning the time, month, day or even season that the purported allegations occurred. As previously discussed, these exact details are not required and a Bill of Particulars is a more appropriate remedy than dismissal of charges. However, a review of the transcript of the preliminary hearing indicates that C.W. was able to recall that the events took place beginning in 1994 at the Defendant’s home on Tucker Street in the City of Williamsport at night after bedtime while she slept on the living room couch, which she described as black and velvety. (Prelim. Hrg. 5/1/23, pgs. 18-20, 23-24). At this stage of the proceeding, this information is sufficient to enable the Court to conclude that the Commonwealth has met its burden to establish a prima facie case of Aggravated Indecent Assault.

With regard to the remaining charge, Count 10, wherein B.W. is the alleged victim, the Defendant argues that the Commonwealth’s evidence at the preliminary hearing was insufficient to establish a prima facie case of Indecent Assault, as simply kissing a minor on the lips, without more, is neither sexual nor criminal. Pursuant to the statute, a person is guilty of indecent assault if the person has indecent contact with the complainant... and the complainant is less than 13 years old. 18 Pa.C.S.A §3126(a)(7). “Indecent contact” is defined as “any

touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person.” 18 Pa.C.S.A. §3101.

As the definition of indecent contact does not list specific body parts which constitute “other intimate parts” of the person, the Supreme Court of Pennsylvania has held that the phrase was intended to mean “a body part that is personal and private, and which the person ordinarily allows to be touched only by people with whom the person has a close personal relationship, and one which is commonly associated with sexual relations or intimacy.” *Commonwealth v. Gamby*, 283 A.3d 298, 313 (Pa. 2022). In *Commonwealth v. Evans*, the Superior Court held “the act of wrapping ones arms around another person and inserting one’s tongue into another’s mouth clearly involves the touching of an intimate part of that person. We agree with the Commonwealth that such an act does not occur outside of the context of a sexual or intimate situation.” 901 A.2d 528, 533 (Pa. Super. 2006). The Court found that the Defendant’s act of kissing an 11 year old, coupled with comments he made to her further revealed that his intimate touching was done for the purpose of arousing or gratifying his sexual desire, and was sufficient to sustain a conviction for indecent assault.

Here, B.W. testified at the preliminary hearing that for a period of time in 2020 she frequently spent the night at the Defendant’s house, and while she was lying on the couch before she went to bed he would kiss her on the lips. (Prelim. Hrg. 5/1/23, Pg. 5-6). When asked if the Defendant would try to put his tongue in her mouth, the transcript indicates B.W.’s response was “inaudible” however a review of the audio recording produces an answer of “I don’t remember” from B.W. Additionally, B.W. testified that on another occasion, she was wearing a nightgown and woke up to her nightgown over her butt and the Defendant holding the covers and when she moved the Defendant put the covers down and walked away, which

may support the Commonwealth's contention that the Defendant's kissing of B.W. on her lips was done for the purpose of his sexual arousal or gratification. (Prelim. Hrg. 5/1/23 pg. 5).

As weight and credibility of the evidence are not factors at this stage, the evidence, when read in a light most favorable to the Commonwealth and giving effect to the inferences reasonably drawn from the evidence, the Court finds that the Commonwealth has met its burden to establish a prima facie case of Indecent Assault.

For the foregoing reasons, the Petition for Writ of Habeas Corpus is **DENIED**.

VI. MOTION TO PRECLUDE REFERENCE TO THE COMPLAINANTS AS A "VICTIM"

The Defendant's motion requests that the Court bar the Commonwealth and its witnesses from referring to either of the complainants as "victims," alleging that he is cloaked with the presumption of innocence and labeling the complainants as "victims" would be for the sole purpose of invoking sympathy from the jury, thus creating a bias against him and preventing him from obtaining a fair trial.

At the time of the argument on the Omnibus Pretrial Motion, the Commonwealth indicated that it was agreeable to referring to the complainants as "alleged victims," with the caveat that it may not be able to "police" all witnesses throughout the trial and guarantee that the term "alleged" will never be inadvertently omitted. However, the Commonwealth did indicate its belief that, should this occur, an appropriate remedy would be a curative instruction from the Court and reinforced at the time the jury is instructed, if necessary.

Accordingly, the Motion to Preclude Reference to the Complainants as a "Victim" is **GRANTED**. The Commonwealth and Defense counsel shall refer to the Complainants as "alleged victims" or other agreed upon term in their questions and arguments, and shall instruct their witnesses to do the same.

VII. MOTION FOR DISCLOSURE OF OTHER CRIMES, WRONGS, OR ACTS PURSUANT TO PR.R.E. 404(b)

The Defendant's Omnibus Pretrial Motion requests that the Court issue an order requiring the Commonwealth to disclose to him any evidence which may be admissible at trial pursuant to Pa.R.E. 404(b). At the time of the argument, the Commonwealth noted that it was early in the proceedings and at that time it had not identified any evidence that would qualify under Pa.R.E. 404(b) but if it that changed, a motion would be filed and Defendant's counsel would promptly be notified.

Pa.R.E. §404(b) requires only "reasonable notice in advance of the trial." This Court finds that twenty (20) days is more than "reasonable" for providing advance notice of the intent to introduce other crimes, wrongs, or acts, and would provide sufficient time for the Court to address any motions in limine filed by the Defendant in response thereto. Accordingly, the Defendant's Motion is **GRANTED** to the extent that the Commonwealth shall disclose any evidence which has not been disclosed to the defendant which may be admissible at trial pursuant to Pa.R.E. §404(b), and to provide a notice of intent to introduce any such evidence at trial at least twenty (20) days prior to trial.

VIII. MOTION TO DISCLOSE EXISTENCE OF AND SUBSTANCE OF PROMISES OF IMMUNITY, LENIENCY OR PREFERENTIAL TREATMENT AND COMPLETE CRIMINAL HISTORY FROM THE NATIONAL CRIME INFORMATION CENTER ("NCIC") AND/OR THE PENNSYLVANIA JUSTICE NETWORK ("JNET")

Defendant's Motion requests that he be provided with the names and addresses of and substance of all persons who have been offered immunity, favorable consideration, leniency, or favorable treatment, if any, in this case. Further, Defendant seeks the criminal history of Commonwealth witnesses from NCIC and/or JNET. The Defendant avers that disclosure of any

such preferential treatment of any kind, as well as the criminal history of Commonwealth witnesses, is essential to his defense and to effective cross-examination to establish motive or bias of the Commonwealth witness(es).

The Commonwealth indicated at the time of the argument that it had no pertinent information to provide Defendant's counsel which would fall under this Motion, but if that changed any and all information would promptly be provided to the defense. Therefore, the Motion is **GRANTED**. To the extent the Commonwealth intends to call any witnesses who have been offered any favorable treatment of any type in exchange for their testimony, the Commonwealth shall provide Defendant's counsel with the names and addresses of said witnesses and shall provide the criminal history of each witness from either NCIC or JNET at least thirty (30) days prior to trial. The Commonwealth may redact the SSN of each witness for whom a criminal history is provided.

IX. MOTION TO COMPEL DISCOVERY

Defendant's Motion indicates that the discovery provided by the Commonwealth is incomplete, and requests any and all records and reports from Lycoming County Children & Youth Services ("CYS") involving either of the complainants. Additionally, the Defendant's motion requests counseling records and a diary of C.W.'s believed to be in the possession of law enforcement.

At the time of the hearing, counsel signed a stipulation prepared by John Pietrovito, Esquire, Solicitor for CYS, which provided that Attorney Pietrovito would deliver all CYS records involving either complainant to the court for an *in camera* review and, if the Court determined any were relevant, Attorney Pietrovito would redact information protected under the applicable statute and provide copies to the District Attorney and the Commonwealth.

With regard to the Defendant's request for C.W.'s counseling records and diary, at the time of the hearing Assistant District Attorney indicated that she would reach out to law enforcement to determine whether these items still exist and provide Defendant's counsel with a written explanation of whether she is able to provide copies of the requested discovery within thirty (30) days of the date of the hearing. If Defendant's counsel is not satisfied with the Commonwealth's explanation or the Commonwealth is unable to produce the requested discovery, he may file additional motions as he determines appropriate.

As such, the Motion to Compel is **GRANTED** subject to the limitations and conditions contained herein.

X. MOTION FOR REQUEST OF TIMELY NOTICE OF ANY EXPERT TESTIMONY

At the conclusion of the hearing on the Defendant's Omnibus Pretrial Motion, the Commonwealth indicated that they had not identified any expert witness they intended to call at the time of trial, but would share all the information requested in Defendant's Motion if that changed. The Commonwealth indicated it would only share information of expert witnesses they intended to actually call at trial, and not the information of potential experts who were merely consulted. Accordingly, the Defendant's Motion is **GRANTED** to the extent the Commonwealth intends to rely on any expert testimony at trial, it must timely disclose to the Defendant's counsel the identity of the proposed expert and all information requested in the Defendant's motion that is discoverable pursuant to Pa.R.Crim.P. 573(B).

XI. MOTION TO RESERVE RIGHT

Defendant moves to reserve the right to make any additional pre-trial motions pursuant to Pennsylvania Rule of Criminal Procedure 579. This motion is **GRANTED**, but only to the

extent that any motion is based on information or discovery provided by the Commonwealth after February 18, 2024, the date of the argument on Defendant's Omnibus Pre-Trial Motion.

ORDER

AND NOW, this 25th day of **June, 2024**, upon consideration of Defendant's Omnibus Pre-Trial Motion, the argument of counsel, and for the reasons set forth above, the following are **GRANTED**, subject to any limitations contained herein:

1. Motion to Dismiss Information Regarding C.W. Because of Excessive and Prejudicial Delay Between The Alleged Incident and Arrest;
2. Motion to Preclude Reference to Complainants as a "Victim";
3. Motion for Disclosure of Other Crimes, Wrongs, or Acts Pursuant to Pa.R.E. 404(b);
4. Motion to Disclose Existence of and Substance of Promises of Immunity, Leniency or Preferential Treatment and Complete Criminal History from the National Crime Information Center ("NCIC") And/Or The Pennsylvania Justice Network ("JNET");
5. Motion to Compel Discovery;
6. Motion for Request of Timely Notice of Any Expert Testimony;
7. Motion to Reserve Right.

Upon consideration of Defendant's Omnibus Pre-Trial Motions, the argument of counsel, and for the reasons set forth above, the following are **DENIED**:

1. Motion to Dismiss Legally Insufficient Information;
2. Petition for Writ of Habeas Corpus.

Upon consideration of Defendant's Omnibus Pre-Trial Motions, the argument of counsel, and for the reasons set forth above, the following are **DISMISSED AS**

MOOT:

1. Motion to Dismiss Based on Statute of Limitations Violations;
2. Motion to Dismiss Information for Failure to Comply With Rules 503 and 507 of the Rules of Criminal Procedure.

By the Court,

Ryan M. Tira, Judge

RMT/jel

cc: DA – Jessica Feese, Esquire
Edward J. Rymysza, Esquire
Gary Weber, Esquire
Jennifer Linn, Esquire