

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 99-11099  
:   
vs. : CRIMINAL DIVISION  
:   
STEPHEN GENTNER, :   
Defendant : Omnibus Pretrial Motion

**ORDER**

AND NOW, this 17<sup>th</sup> day of December, 1999, after argument on the Omnibus Pretrial Motion filed by the defendant, it is ORDERED and DIRECTED as follows:

Count I. **MOTION TO QUASH**

The Court will defer ruling on the Motion to Quash Counts I, II, III, IV, VII, and XI, pending receipt of the transcript of the preliminary hearing. All Counsel agree that the Court can decide the issue based on the transcript.

Count II. **MOTION FOR SEVERANCE OR SEPARATE JURIES**

The Court DENIES the Motion for Severance or Separate Juries. The case involves to a common episode and the jury should be able to separate the case as to each defendant.

However, the more serious potential problem may be the Bruton problem concerning statements made to the police by co-defendants.

The defendant may renew this motion at a time no later than two (2) weeks before the trial date. This will allow time to determine if any defendants will enter a plea of guilty which would remedy any potential Bruton problem.

Count III. **BILL OF PARTICULARS**

Counsel report this issue is resolved.

Count VIII. **MOTION TO DISMISS FOR LACK OF PROBABLE CAUSE**

The Motion to Dismiss for Lack of Probable Cause is DENIED. The Court notes a preliminary hearing has been held in this case and the defendant has been arraigned.

Count IX. **MOTION FOR PSYCHIATRIC EXAMINATION**

The Motion for Psychiatric Examination is DENIED. However, the Commonwealth shall provide information on whether the alleged victim was hospitalized or institutionalized within a two year period preceding the date of the alleged crime for mental health illness or disease, including location, length of treatment and approximate time frame. This information shall be provided within (30) days.

Further, the Commonwealth shall provide names and addresses of doctors or medical providers who have treated the alleged victim for mental health problems in the two (2) year period preceding the date of the incident.

The defendant may then subpoena information from such mental health providers. However, this Order does not address or decide whether any such providers would have a privilege which would preclude their providing these records.

By The Court,

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Kenneth D. Brown, J.