

COMMONWEALTH OF PENNSYLVANIA : **No. 99-10,492; 99-10,956**
:
:
vs. : **CRIMINAL DIVISION**
:
ETHAN GREEN, : **Conference Availability**
Defendant : **of Agent Ritter**

ORDER

AND NOW, this 12th day of January 2000, after conference with the Commonwealth and defense, the Court notes the following:

The defense has subpoenaed Agent David Ritter of the Williamsport Police Department as a witness in this case. Agent Ritter has recently left the area to attend an FBI Academy school. The duration of the schooling is approximately two to three (2-3) months. However, the defendant was charged in these cases on or about January 31, 1999 and May 13, 1999 and these matters have been on the trial list for numerous trial terms. Moreover, the defendant remains incarcerated on these charges. Therefore, it is in the clear interest of both the Commonwealth and defense to bring this case to trial.

While the Court recognizes it may be very inconvenient for Agent Ritter to leave his schooling to attend this trial as a witness, the Court would expect his testimony could be accomplished in a few hours. Therefore, he would only be out of school for one day. Thus, it is imperative to arrange his availability for this short period of time if this trial proceeds next week (January 18, 19, 21, 2000). If the trial proceeds and Agent Ritter is not made available, the Court

would have to consider dismissal of the charges in this case.¹

By The Court,

Kenneth D. Brown, J.

cc: District Attorney (KO)
Public Defender (WM)
Kevin Way, CA
Eileen Grimes, CST

¹If the Commonwealth could present definitive and authoritative evidence that the Academy Agent Ritter is attending would not allow him to stay in the program if he had to miss one day of school to attend this trial, the Court would consider continuing this case. The Court would need to see or hear very clear proof that this is the situation.

The Court also urges both counsel to seriously consider taking a trial video deposition of Agent Ritter from his place of schooling. This would allow the jury to see the testimony and would avoid the problems discussed here.