

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 03-10,050
:
:
vs. : CRIMINAL
:
RICHARD WAYNE ILLES, :
Defendant : Defendant's Motion to Compel

O R D E R

AND NOW, this 28th day of January 2004, the Court **DENIES** the Defendant's Motion to Compel Production of Additional Records re Tpr. William Holmes.

The Court **GRANTS** the Motion to Quash Subpoena filed by the Pennsylvania State Police.

The Court notes the Pennsylvania State Police have produced numerous documents pursuant to the Defendant broad subpoena dated December 5, 2003. See letter of January 9, 2004 from Daniel McGuire, assistant counsel for the Pennsylvania State Police, to George Lepley, Esquire, counsel for the Defendant, listing the documents provided, but noting his objection to internal affairs investigation documents, medical and psychological evaluation or treatment and retirement and benefit information.

The Defendant is seeking to compel production of the objected documents.¹ The Pennsylvania State Police seek to quash the subpoena as to the objected documents. The Court

1 At the hearing before the Court the Court asked defense counsel the information upon which they were predicating their request. Counsel indicated they had some information that Tpr. Holmes at some point was removed from the investigation of this case and disciplined, but the defense was not sure that this was Tpr. Holmes and perhaps could be Corporal Bramhall, who was also subject to a subpoena.

heard argument by the parties on January 27, 2004.

With agreement of the parties, the Court conducted an in camera review of the contested documents. After the in camera reviews of these documents the Court see no relevance of any documents to the underlying criminal case. See Commonwealth v. Schierscher, 668 A.2d 164, 168-169 (Pa.Super. 1995) (upholding a trial court's quash of a subpoena on the basis that the proposed testimony would be irrelevant). The Court notes nothing in the records bears out the reasons for the subpoena request.

The Court will seal the in camera records in the event there is appellant review of this decision.

By The Court,

Kenneth D. Brown, P.J.

cc: George Lepley, Esquire
Craig Miller, Esquire
Michael Dinges, Esquire
Kenneth Osokow, Esquire
Work file
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