IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,

vs. : NO. 2025-2005

:

JONATHAN MITCHELL,

.

Defendant : 1925(a) SUPPLEMENTAL OPINION

Date: June 16, 2008

ORDER

This opinion is filed to supplement the 1925 (a) opinion filed by this Court on June 2, 2008 in the Office of Court of Common Pleas, Lycoming County, which has subsequently been transmitted to the Pennsylvania Superior Court with the record.

On page 18 of that 1925 (a) opinion this Court referenced its prior decision which upheld the Lycoming County jury selection process as rendered in connection with the Defendant, Jonathan Mitchell's civil case seeking to have the process declared unconstitutional and void and to direct a new selection process be held. This action was initiated through the Petition for Writ of Mandamus/Prohibition filed by Defendant, Jonathan Mitchell as a Plaintiff along with another individual, Kyion Ball, also acting as Plaintiff, to number 06-02,171 in the Court of Common Pleas, Lycoming County. By an Opinion and Order dated February 28, 2007, filed March 1, 2007, in that action, this Court sustained the demurrer of the Defendants, Lycoming County Jury Commissioners, Lycoming County Court Administrator and dismissed the action.

This Court, upon reviewing its prior 1925 (a) Opinion, believes that filing this supplemental opinion to attach the order of February 28, 2007 in case 06-02,171 as an appendix to our prior opinion is necessary to complete the record in this appeal and may be beneficial to the consideration being given to this appeal by the Pennsylvania Superior Court. Accordingly,

the order of February 28, 2007 in the case of Jonathan Mitchell and Kyion Ball vs Lycoming County Jury Commissioners and Lycoming County Court Administrator in number 06-02,171 in the Court of Common Pleas of Lycoming County is hereby attached and shall be referenced as Appendix A to our prior 1925 (a) opinion.

BY THE COURT,

William S. Kieser, Judge

cc: William Miele, Esquire
Nicole Spring, Esquire
Ken Osokow, District Attorney
Terra Girolomon, Law Clerk
Gary L. Weber, Esquire (Lycoming Reporter)