

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY,
PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA	:
	:
vs.	: NO. 1414-2010
	:
JAY HARTSOCK,	: CRIMINAL ACTION - LAW
Defendant	:

ORDER

AND NOW, this 8th day of April, 2011, the “Emergency Motion for Continuance and Motion for Funds for Expert” filed by Robin Buzas, Esquire of the Public Defenders Office on behalf of Defendant Jay Hartsock, is hereby DENIED.

The defense based its argument in support of its motion on the fact that it received two new reports from the Commonwealth on March 9, 2011 and March 17, 2011. The parties agree that nothing is contained in the March 17th report that wasn’t in the March 9th report and that the March 9th report provides a more detailed account than the March 17th report.

A jury trial in the matter is scheduled to commence in four days on April 12, 2011. Trial was originally scheduled for February 2, 2011. Prior to that trial date, on January 27, 2011, Ms. Buzas filed a motion for continuance. As part of that motion, Ms. Buzas argued that a continuance was necessary because she did not have the expertise to read and understand the computer language used in the report provided by the Commonwealth. That report numbered in excess of 2,500 pages, and Ms. Buzas did not come into possession of the report until January 28th. In addition, even at argument on the continuance motion on January 31, 2010, Ms. Buzas still was not in possession of the

full report. Thus, this Court granted her motion for a continuance and directed that the Commonwealth provide Ms. Buzas with the full report, which in fact they did thereafter provide.

Now, Ms. Buzas has requested a continuance based upon the complexities involved in a report, which is a few pages in length. She states that yesterday she called an expert who informed her that he may be able to be of help to the defense, but that to make that determination he would have to see the reports. Ms. Buzas represented that at issue is what internet history is reflected by the login of “J1” versus “guest.” Ms. Buzas has had the time to get an expert and has known of the complexities involved in this computer related case for quite some time. Ms. Buzas indicated that upon review of the 2,500 plus page report, she understands that report. This Court does not believe that it is necessary for her to obtain an expert regarding the recent reports in order for her to adequately represent Mr. Hartsock, nor does the Court believe that a continuance would be proper at this juncture. The Court notes, that which was known on March 9th, or shortly thereafter, cannot be an emergency now.

By the Court,

Joy Reynolds McCoy, Judge

cc. DA – A. Melissa Kalus, Esquire
PD – Robin Buzas, Esquire