

**IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA :
 :
 : CP-22-CR-5068-2015
 :
 v. :
 :
 :
 :
 STEPHEN R. REED :

2015 OCT -1 AM 9:31
OFFICE OF CLERK OF COURT
DAUPHIN COUNTY
PENNA

**COMMONWEALTH'S ANSWER TO DEFENDANT'S MOTION TO QUASH AND
DISMISS CRIMINAL OFFENSES**

AND NOW, this 30th day of September, 2015, comes Rebecca S. Franz, Deputy Attorney General from the Pennsylvania Office of Attorney General which files the within Answer to Defendant's Motion to Quash and Dismiss Criminal Offenses, and in support thereof respectfully submits the following¹:

1. On July 14, 2015, a criminal complaint was filed against the defendant.
2. The criminal complaint encompasses criminal conduct that spans the period of time in which the defendant held the office of Mayor of Harrisburg, Pennsylvania.
3. On September 10, 2015 at 3:13 p.m., approximately one (1) business day before the commencement of the preliminary hearing in this matter, Defendant mailed a document

¹ For the sake of clarity, the Commonwealth will dispense with a *seriatim* reply.

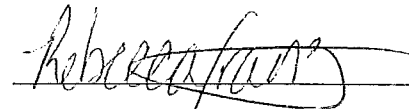
styled "A Motion to Quash and Dismiss Criminal Offenses" to the original magistrate assigned in this matter.

4. There is no motion practice before the minor judiciary in the Commonwealth of Pennsylvania and, as a result, consideration of the Defendant's motion was deferred and it has been docketed as a pretrial motion in this matter.
5. At this time, the Commonwealth has not yet filed the Criminal Information, which will be the controlling document for the date of individual criminal offenses vis-à-vis the statute of limitations.
6. The defendant has not yet been formally arraigned, and thus, has not yet begun the thirty (30) day time period for filing of pretrial motions.
7. PA Rule of Criminal Procedure 578 indicates that "unless otherwise required in the interests of justice, all pretrial requests for relief shall be included in one omnibus motion.
8. The types of relief envisioned in an omnibus pretrial motion include a request to quash or dismiss an information.

WHEREFORE, based on the fact that this issue is not yet ripe and should be included in Defendant's omnibus pretrial motion, the Commonwealth respectfully requests that the Motion to Quash and Dismiss Criminal Offenses be stayed until after the filing of the information, at which time it will be made part of Defendant's omnibus pretrial motion. The Commonwealth

further requests the opportunity to file an Amended or Supplemental Answer after the filing of the omnibus pretrial motion.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Rebecca S. Franz", is written over a horizontal line.

Rebecca S. Franz, DAG

Attorney ID# 93365

PA Office of Attorney General

Criminal Prosecution Section

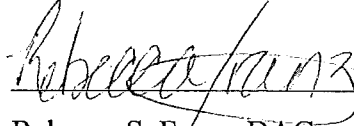
Strawberry Square, 16th Floor

Harrisburg, PA 17120

VERIFICATION

I verify that the facts set forth in the above Motion are true and correct to the best of my knowledge, information and belief.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Rebecca Franz", is written over a horizontal line.

Rebecca S. Franz, DAG

Attorney ID# 93365

PA Office of Attorney General

Criminal Prosecution Section

Strawberry Square, 16th Floor

Harrisburg, PA 17120

CERTIFICATE OF SERVICE

I certify that I have served a true and correct copy of the attached Motion via email upon:

Henry E. Hockeimer, Jr.

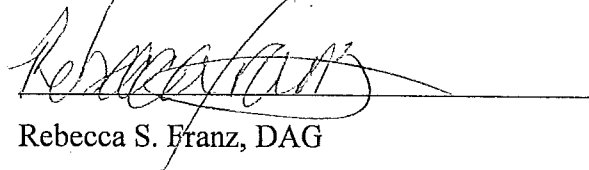
Terence M. Grugan

Ballard Spahr LLP

1735 Market Street, 51st Floor

Philadelphia, PA 19103-7599

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Rebecca S. Franz', is written over a horizontal line.

Rebecca S. Franz, DAG

Attorney ID# 93365

PA Office of Attorney General

Criminal Prosecution Section

Strawberry Square, 16th Floor

Harrisburg, PA 17120