

**IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY
CRIMINAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	
v.	:	CP-14-CR-2421-2011
	:	CR-14-CR-2422-2011
GERALD A. SANDUSKY	:	

**COMMONWEALTH’S RESPONSE TO DEFENDANT’S MOTION TO WITHDRAW
EVIDENTIARY HEARING CLAIM**

TO THE HONORABLE MAUREEN A. SKERDA, SPECIALLY PRESIDING:

DAVE W. SUNDAY, JR., Attorney General of the Commonwealth of Pennsylvania, by and through CARI L. MAHLER and JAIME M. KEATING, Senior Deputy Attorney Generals, hereby state the following in support of the Commonwealth’s Response to Defendant’s Motion to Withdraw Evidentiary Hearing Claim:

RELEVANT BACKGROUND INFORMATION

1. On September 26, 2025, defendant, while represented by current counsel, filed his third petition under the PCRA. One of the newly-discovered facts claims that he raised was premised on the June 30, 2025 recantation affidavit purportedly from Sandusky Victim #10, R.R. In the third petition, defendant, relying on the purported affidavit of R.R., made egregious allegations against the trial prosecutors in this case, suggesting they couched, pressured and manipulated victim R.R. into making allegations of sexual abuse against defendant.

2. The parties litigated the recantation claim in various pleadings from approximately September 2025 to April 2026. Even after this Court issued its Pa.R.Crim.P. 907 notice of intent to dismiss, defendant proffered another affidavit (this time from R.R.’s estranged wife, Jasmine Rittmeyer) in support of the purported recantation of R.R.

3. By Order dated April 10, 2026, this Court granted an evidentiary hearing solely on the issue of the purported recantation of victim R.R.

4. On May 27, 2026, this Court scheduled the evidentiary hearing for September 8, 2026. At that status conference, defendant identified four witnesses he intended to present at the evidentiary hearing in support of the purported recantation: Victim R.R., Jasmine Rittmeyer, defense investigator Frank Parlato, and trial prosecutor Frank Fina.

5. In preparation for the hearing, the Commonwealth filed a motion seeking that, prior to the hearing, defendant provide it with “any and all post-trial interviews, statements or accounts provided by proposed defense witnesses R.R. and Jasmine Rittmeyer (in written, video, recorded or audio format) that pertain to or address R.R.’s allegations of sexual abuse by defendant, R.R.’s trial testimony, or the current R.R. recantation claim before the Court.” Defendant did not respond to or object to this motion.

6. By Order dated July 31, 2026, this Court granted the Commonwealth’s motion.

7. In response to the Court’s July 31, 2026 Order, defendant provided no “post-trial interviews, statements or accounts provided by proposed defense witnesses R.R. and Jasmine Rittmeyer (in written, video, recorded or audio format) that pertain to or address R.R.’s allegations of sexual abuse by defendant, R.R.’s trial testimony, or the current R.R. recantation claim before the Court” other than what is already part of the record in this case.

8. From the inception of these third PCRA proceedings, the Commonwealth has been actively investigating the purported recantation claim and its investigation has yielded extensive rebuttal evidence and witnesses that it intended to present at the September 8, 2026 evidentiary hearing.

9. Additionally, the Commonwealth's extensive investigation has revealed the existence of "post-trial interviews, statements or accounts provided by proposed defense witnesses R.R. and Jasmine Rittmeyer (in written, video, recorded or audio format) that pertain to or address R.R.'s allegations of sexual abuse by defendant, R.R.'s trial testimony, or the current R.R. recantation claim before the Court" that defendant failed to provide the Commonwealth in accordance with this Court's July 31, 2026 Order.

10. In the last week, there has been significant media coverage regarding the upcoming evidentiary hearing in this case, at which defendant (from prison) and one of the defense witnesses (Parlato) participated in interviews with media outlets about the expected purported recantation testimony and the claim before the Court.

11. On September 3, 2026, Centre County Court Administration sent an email to the parties confirming the evidentiary hearing scheduled for September 8, 2026. The Commonwealth immediately responded that it was ready to proceed on September 8, 2026, as has been scheduled for the last four plus months.

12. The defense, however, at the eleventh hour, responded that it would be filing a motion withdrawing the recantation claim, the sole issue for the evidentiary hearing. It subsequently filed that motion asking that this Court issue a final order dismissing the petition so defendant can pursue an appeal and stating that there is no need for the Court and parties to convene in Centre County on September 8, 2026. The defense essentially seeks to pretend as if this claim never existed.

COMMONWEALTH'S REQUEST TO CONVENE ON SEPTEMBER 8, 2026, AS SCHEDULED

13. The Commonwealth respectfully requests that the Court direct the parties to appear on September 8, 2026 as scheduled, to address this matter in court on the record.

14. If defendant now, five days before the scheduled hearing, seeks to withdraw the purported recantation claim (the only claim that was to be litigated at an evidentiary hearing), the Commonwealth requests that the Court conduct a colloquy with defendant, who already has been scheduled to be brought down from state custody, to ensure that he is knowingly, intelligently and voluntarily agreeing to withdraw this claim. This is defendant's third petition under the PCRA and the record reflects that since the inception of his post-conviction litigation, he has made numerous allegations of ineffective assistance of counsel against the many attorneys representing him. Given the history of claims in this case since defendant's 2012 conviction and given the extent to which defendant has zealously pursued the purported recantation claim since September 2025, the Commonwealth believes it would be appropriate to colloquy defendant to safeguard the record and judicial process; there should be a record of defendant informing the Court that he has discussed withdrawing the claim with counsel, that he understands the consequences of that, and that he agrees with that decision.

15. Moreover, as the Court is aware, there are many levels of litigation after a defendant is convicted, in both state court and federal court. This defendant was convicted in 2012. It is highly likely that this defendant's post-conviction litigation will continue in the state appellate courts and in federal court where claims can be resurrected and new claims (similar to those already made) can be presented. In the event defendant attempts to relitigate a claim pertaining to victim R.R. or another Sandusky sexual abuse victim in the future, it is critical that the Commonwealth make a record of the evidence it has uncovered that it would have presented to rebut the purported recantation claim. This evidence exists now, in 2026, but witnesses are not always available with the passage of time and evidence cannot always be preserved. The Commonwealth seeks to make an offer of proof of the evidence it would have presented on September 8, 2026 if the recantation

claim was being litigated. This rebuttal evidence can also be vital to a subsequent court assessing evidence proffered by this defendant in an attempt to overturn his conviction.

16. Finally, at the evidentiary hearing on September 8, 2026, the Commonwealth intended to address with the Court the fact that defendant failed to comply with this Court's July 31, 2026 Order directing them to provide any and all post-trial statements by defense witnesses -- their own proposed witnesses -- relevant to the recantation claim. The Commonwealth's investigation has revealed the existence of this evidence, but the defense nonetheless has not complied with this Court's Order. This noncompliance should not be excused because the defense has now decided that it would be best to make the claim go away.

17. Based on the above, the Commonwealth respectfully requests the Court not cancel the proceedings on September 8, 2026 and instead conduct a colloquy with defendant and permit the Commonwealth to place various matters on the record.

Respectfully submitted,

/s/ Cari L. Mahler

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Date: September 3, 2026

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

By: /s/ Cari L. Mahler
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Date: September 3, 2026