

FILED UNDER SEAL

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

IN RE:

THE THIRTY-FIFTH STATEWIDE
INVESTIGATING GRAND JURY

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SUPREME COURT OF PENNSYLVANIA
NO. 7 MM 2015

RESPONSE OF SPECIAL PROSECUTOR
TO THE RULE RETURNABLE
OF THE SUPREME COURT OF PENNSYLVANIA
ON THE ISSUE WHETHER THE ENTIRE DOCKET IN THIS MATTER
SHOULD BE UNSEALED

Thomas E. Carluccio, Special Prosecutor to the 35th Statewide Investigating Grand Jury hereby responds to the Rule Returnable issued by the 1/26/15 Order of the Supreme Court of Pennsylvania on the issue whether the entire docket in the matter bearing assigned docket No # 7 MM 2015 should be unsealed, and states as follows:

1. It is understood that docket No # 7 MM 2015 is the *Emergency Application for Stay of Presentment*, filed of record by Attorney General Kathleen Kane.
2. The pleadings in the underlying matter address interests of substantial public importance and their release would not implicate essential concerns of grand jury secrecy.
3. The Special Prosecutor confirms that the Presentment issued by the 35th Investigating Statewide Grand Jury addresses allegations pertaining to the conduct of elected officials.

4. Improper and unauthorized press conferences and press releases have been held and issued by outside persons placing a spin on the actual facts of the underlying matter thereby disseminating misinformation resulting in a disservice to the general public.

5. Deliberations and written materials pertaining to the grand jury process are often best protected under seal to permit the grand jury process to operate without witness retribution and improper influence from outside sources.

6. After careful consideration of the merits for both disclosure and maintaining of confidences in this matter, it is the Special Prosecutor's position that the public's interests are best served in the underlying matter through the disclosure of particulars that will be permitted through public review of all pleadings of record in this matter.

WHEREFORE, the Special Prosecutor conveys his position that all pleadings constituting the entire docket assigned docket No # 7 MM 2015 should be unsealed by Order of this Honorable Court.



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DATED: 2/2/15

VERIFICATION

I, Thomas E. Carluccio, Esq. as Special Prosecutor to the Investigating Grand Jury No #35 appointed by the Pennsylvania Supreme Court, hereby represents that the averments set forth in the foregoing Response to the Rule Returnable issued by the 1/26/15 Order of the Pennsylvania Supreme Court are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



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