

**LYCOMING COUNTY COURT OF COMMON PLEAS
LOCAL RULE L206 COVER SHEET**

COMMONWEALTH OF PENNSYLVANIA IN THE COURT OF COMMON PLEAS
OF LYCOMING COUNTY

vs.

KENNETH MICHAELS,
Defendant.

CRIMINAL LAW DIVISION

NO. 1224-CR-2023

1. Name of filing party: KENNETH MICHAELS
2. Filing party's attorney: M. Rudinski & E. Rymsza
3. Type of filing: Omnibus Motion
4. The following is/are required:
 - Issuance of rule to show cause
 - Argument
 - Evidentiary Hearing
 - Court Conference
 - Entry of Order in an uncontested matter or upon agreement of the parties:
 - Expedited Consideration:
5. Time: 1 Day
6. Name and address of all counsel of Record and parties:

Michael J. Rudinski 339 Market St. Williamsport, PA	Edward J. Rymsza 125 E. Third St. Williamsport, PA	Martin Wade, Esq. Lyc. DA Office 48 West Third Street Williamsport, PA 17701
---	--	---

ORDER

1. ___ An ___ argument ___ factual hearing ___ court conference is scheduled for _____ at ___ m. in courtroom no. ___, Lycoming County Courthouse, Williamsport, PA.
2. ___ Briefs are to be filed by the following dates:
 - Filing party: _____
 - Responding party(ies): _____
3. ___ A rule to show cause or other order is issued as attached.
4. ___ A response to the motion/petition shall be filed within ___ days.
5. ___ Other: _____.

Dated: _____, Judge

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS OF
: LYCOMING COUNTY, PA
vs. :
: CRIMINAL DIVISION
KENNETH R. MICHAELS, :
:
Defendant. : NO. 1224-CR-2023

OMNIBUS MOTION

Defendant, Kenneth R. Michaels, by and through his undersigned attorneys, files this Omnibus Pre-Trial Motion, pursuant to the Pennsylvania Rules of Criminal Procedure, 42 Pa. C.S.A. § 578 and respectfully represents:

I.

**MOTION TO DISQUALIFY AND RECUSE THE
LYCOMING COUNTY DISTRICT ATTORNEY'S OFFICE**

1. Petitioner Kenneth Michaels is a 66-year old CEO of Cable Services Company, Inc. with no criminal history of any kind.
2. On August 17, 2023, Mr. Michaels' brother-in-law and former CEO, John Roskowski (the "Decedent"), showed up at the business premises unannounced and in an irate state and demanded entry inside the premises to confront Mr. Michaels about his recent exclusion from the business premises.
3. On that date, the Decedent was not permitted to be on the business property.
4. At the time of the incident, it was a business workday with various employees inside the business premises.

Mr. Michaels was lawfully inside the building working and not engaged in any criminal activity.

5. Upon learning of the Decedent's presence at the front door, Mr. Michaels decided to speak to the Decedent and attempted to diffuse the situation.

6. Having been the victim of two prior assaults by the Decedent at the same business premises, upon leaving his office, Mr. Michaels placed a handgun in his pocket for his and his office's protection.

7. Upon his arrival at the door, Mr. Michaels opened the locked lobby door in an attempt to speak to his brother-in-law outside the business premises.

8. Mr. Michaels immediately told the Decedent he must leave the premises.

9. However, undeterred and uninvited, instead of Mr. Michaels exiting the front door, the Decedent maneuvered his way inside the premises.

10. When he entered inside the premises, the Decedent was shouting at Mr. Michaels and screaming profanities, including repeatedly calling Mr. Michaels a "fucking coward."

11. As the Decedent made his way inside the premises, Mr. Michaels retreated and pulled the pistol out of his pocket and ordered the Decedent to stop moving further inside the premises.

12. Mr. Michaels then yelled to one of his employees and instructed them to call 911.

13. The Decedent remained incensed and charged towards Mr. Michaels. As a result, Mr. Michaels fired one shot. The Decedent died a short time later at the hospital.

14. On August 31, 2023, Mr. Michaels was charged with an open count of Criminal Homicide and one count of Possessing Instruments of Crime.

15. A preliminary hearing was held on September 22, 2023 before Magistrate Judge William Solomon and the charges were held for court.

16. Upon information and belief, at the time of the incident, then-district attorney candidate Thomas Marino was a close personal friend with the Decedent, and continues to maintain a friendly relationship with the Decedent's family.

17. Upon information and belief, on at least one occasion, Mr. Marino assisted driving the Decedent to an inpatient drug treatment facility.

18. Upon information and belief, Mr. Marino and his friends and family were frequent social guests of the Decedent in the early to mid-2000's on the Decedent's corporate plane while he was CEO of Cable Services Company, Inc. See Def.'s Ex. 1 (sample of passenger manifest flight records of Cable Services Company).

19. Furthermore, the discovery received in this case reveals at least one phone voice mail on the Decedent's personal cell phone from Mr. Marino on June 6, 2023 requesting the Decedent's financial support for his campaign for district attorney.

20. That close personal friendship with the Decedent has never been disclosed.

21. That close personal friendship with the Decedent and his family were on display in court proceedings and beyond.

22. At the time the charges were filed in August 2023, the Lycoming County District Attorney was Ryan C. Gardner.

23. At the time of the preliminary hearing, the Commonwealth was represented by First Assistant Martin Wade.

24. However, District Attorney Gardner was not present at the preliminary hearing; instead, sitting with ADA Wade at counsel table for the Commonwealth, for reasons unknown, was then-candidate for District Attorney, Thomas Marino.

25. Likewise, at the subsequent bail evidentiary hearing held on November 8, 2023, candidate-elect Marino again appeared and sat at counsel table for the prosecution.

26. Furthermore, upon information and belief, in early-September 2023, then-candidate Marino and Lycoming County

Detective Sorage engaged in a joint interview of Cable Services Company employee, Erin Turner at her residence.¹

27. According to Ms. Turner, she was asked questions about the shooting incident and related details. See Def.'s Ex. 2 (Turner declaration).

28. The interview was recorded by Detective Sorage and after about fifteen minutes he turned off the recorder even though more questions were being asked. Id. at ¶ 6.

29. According to Ms. Turner, the interview concluded by Mr. Marino telling her, among other things, that their conversation was "just between us" and that "we were never here." Id. at ¶ 8.

30. These events aptly demonstrate that then-candidate Marino was personally invested in the process and ultimate outcome of this case.

31. A district attorney is not only subject to the Pennsylvania Rules of Professional Conduct but also the American Bar Association Standards of Criminal Justice Relating to the Prosecution Function ("ABA Standard"), which Pennsylvania has adopted. See Pa. R. Prof. Cond. 3.8; Commonwealth v. Starks, 387 A.2d 829, 831 (Pa. 1978) (court

¹ Mr. Marino's personal involvement in at least one interview in the official investigation indicates he may have had input into charging decisions in this case.

acknowledging Pennsylvania adoption of ABA Standards of Criminal Justice Relating to Prosecution Function).

32. Prosecutors must avoid conflicts of interest or even an appearance of a conflict. See ABA Standard 3-1.7; see also National District Attorneys Association, National Prosecution Standards 1-3.1; 1-3.3 (conflicts of interest).

33. The prosecutor is an administrator of justice, an advocate, and an officer of the court and should not use improper considerations, such as partisan, political or personal considerations, in exercising prosecutorial discretion. ABA Standard 3.1-2(a); 3.1-6(a).

34. As a result of the foregoing, there exists at a minimum an appearance of a conflict, if not an actual conflict.

35. Given the Turner interview conducted by then-candidate-Marino with Detective Sorage, which has never been disclosed by the prosecution, Mr. Marino has independent information about facts in controversy and therefore may be faced with the possibility of testifying at trial.

36. No assistant district attorney working for the Lycoming County District Attorney could question their boss at trial or any pre-trial hearing without creating a conflict of interest.

37. Moreover, the objectivity of the Lycoming County District Attorney's office must be called into question by even permitting Mr. Marino's personal involvement in the case before he had any legitimate and lawful reason to be involved in the case.

38. Furthermore, when the elected district attorney is disqualified from a case, the assistant district attorneys - whose power to prosecute a case is derived from the constitutional authority of the district attorney - have no authority to proceed.

39. Consequently, the Court must disqualify the entire Lycoming County District Attorney's Office from prosecuting Mr. Michaels and order that the matter be referred to the Pennsylvania Office of Attorney General.

WHEREFORE, prior to any evidentiary hearing, the Commonwealth should be ordered to file an answer and after an evidentiary hearing, Mr. Michaels requests that the Court grant his Motion to Disqualify and Recuse the Lycoming County District Attorney's Office and order that the case be transferred to the Pennsylvania Office of Attorney General.

II.

MOTION TO SUPPRESS STATEMENTS

40. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 39 above as if set forth here in full.

41. As set forth above, 911 was called prior to the incident and first responders arrived shortly thereafter the fatal shot.

42. Mr. Michaels exited the building with his hands in the air, told the first officer he saw, Captain Chris Kriner, "he came at me," was handcuffed and placed in the back of a police car and was taken to the Lycoming County Regional Police Department for questioning.

43. Upon arrival at the police department, Mr. Michaels was escorted to a windowless interrogation room, empty except for several chairs and a desk and illuminated only by artificial light. Before any interrogation commenced, law enforcement was indisputably aware that Mr. Michaels was the individual who shot and killed the Decedent.

44. Detective Justin Segura, who was in plain clothes, but armed, arrived in the interrogation room and sat only a few feet away.

45. Immediately upon introducing himself, Detective Segura provided Mr. Michaels with an introduction of what he was expecting of the interrogation. He stated:

So what I want to do is just more or less talk to you a little bit about what happened today and everything that may have led up to today. Okay. So, you know, I was already told that there is already a back story to where you had stuff with John, maybe he had been assaulting you and things like that. So, I'm more -

I - don't know you and I need to know who you are and what all happened, okay. I want to know everything that like - that you feel is relevant for me to know, okay, because it's - just be these brief conversations that I had with my Captain, it sounds like, you know, there is a history there - with John showing up and John assaulting you, you know, so I'd like to know everything that you can possibly share with me, okay. So what I am going to do though is I'm going to read you your Miranda rights, okay.

Interrog. Tr. 2, Aug. 17, 2023.

46. After asking Mr. Michaels if he knew what the Miranda warnings were, Segura stated:

So I'm just going to read this to you. If you have any questions for me whatsoever during - during it just ask, okay. I'm going to do my best to answer any questions that I can for you, all right. So I'm Detective Segura with the Lycoming Regional Police Department and I wish to advise of you the following: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to have an attorney present before, during, or after any question if you so desire. If you cannot afford to hire an attorney, one will be appointed to represent you without charge if you so desire. If you desire to answer any questions or make any statements, you may stop at any time you wish. Do you understand your rights?

Id. at 3.

47. When asked by Detective Segura if he had any questions, Mr. Michaels non-verbally responded with a shake of his head.

48. When asked by Detective Segura with these rights in mind, if Mr. Michaels would speak to him, Mr. Michaels did not answer, and merely sighed.

49. Mr. Michaels did not agree to waive his Miranda warnings at that point.

50. Observing Mr. Michaels' silence and undeterred to obtain a confession and/or admission, Detective Segura began a lengthy discourse on what he wanted to know about the event and reasons why it was important to discuss it with Mr. Michaels and conversely, why it was important for Mr. Michaels to speak to him.

51. Detective Segura revealed to Mr. Michaels the following:

You're probably confused on how you want to answer that, correct? So, this is what I know is that - and I'll tell you what I know and what we can do is you can try to fill in the blanks. All right. So I know that there is a history between you and John. John has assaulted you in the past, okay. John was asked to not show up to the property and it sounds like John showed up to the property today. I don't know what happened between the two of you when he arrived and to when the shooting happened, okay. I don't know if a fight had happened, if he, you know, assaulted you or tried to or anything like that. So I need to know what happened between that moment he entered the door to the moment that we got there. Okay. And you can fill in those blanks. I now the basis of it. I know that, you know. I know that you had shot him and I know that he was asked not to be there. Okay. And, again, with your rights in mind and all this stuff, if there's something that I ask you and you don't want to answer it, you do not have to answer that. Okay. And this is more or

less just a, you know, I need to find out the little details about what happened today and what led up to it. Again, if I ask you something and you don't want to answer it you don't have to. Okay. So, I just need you to write - write down, yes, you understand and if you are willing to talk to me without an attorney.

Id. at 4.

52. As a direct result of those representations by Segura, Mr. Michaels signed a Miranda waiver form.

53. For approximately the next 3 ½ hours Mr. Michaels answered all of Detective Segura's questions, he explained the complete details of the incident, the history of his relationship with the Decedent, including at least two prior incidents in which Mr. Michaels was physically assaulted by the Decedent, his concern for his and his employee's safety, and his unwavering account that he was acting in self-defense.

54. Prior to the end of the interrogation, Detective Segura requested to seize and search Mr. Michaels' phone. Mr. Michaels acquiesced.

55. Detective Segura also notified Mr. Michaels that the "DA's office hasn't made a decision yet on what they want to do, okay . . . it could go both ways. We don't know yet. It's gonna be on the outcome of what we find on your phone to, you know, other interviews that we do and stuff like that, you know, whether it was say justifiable or not, okay. So, but . . . I don't know the answer yet. That's going to be on the

District Attorney's Office to make that determination
But once I do find out, I will be in contact with you and call
you, okay?" Id. at 98-99.

56. Mr. Michaels was released from custody that day.

57. The entire interrogation was audio and videotaped.

58. The following day, Detective Segura received a phone
call from James Clancy, Esq. who identified himself as counsel
for Mr. Michaels. Mr. Clancy and Detective Segura spoke again
the following business day, Monday, August 21, 2023, at which
time Mr. Clancy repeated that he represented Mr. Michaels.

59. Notwithstanding knowing the identity of counsel for
Mr. Michaels a week earlier, on August 25, 2023 Detective
Segura requested to interview Mr. Michaels a second time.

60. Instead of calling Mr. Michaels' lawyer, Segura
directly called Mr. Michaels and requested him to come back
for more follow-up questioning. Mr. Michaels purportedly
agreed.

61. Learning of this development from Mr. Michaels, Mr.
Clancy called Detective Segura and reminded him that he
represented Mr. Michaels as well as his firm's representation
of Cable Services.

62. According to Detective Segura, Mr. Clancy stated to
him that he advised Mr. Michaels not to speak to law
enforcement, but that Mr. Michaels would likely come in to

speak to them around 2 p.m. Mr. Clancy advised Detective Segura that he would not be able to be present for this meeting. No other details about who would be present were provided by Detective Segura.

63. At approximately 2:15 p.m. on August 25, 2023, Mr. Michaels appeared at Lycoming County Regional Police Department alone.

64. This time, Detective Stephen Sorage of the Lycoming County District Attorney's Office appeared with Detective Segura.

65. The interrogation occurred in the same room as the prior interrogation.

66. Detective Sorage lead the interrogation on this day.

67. Detective Sorage introduced himself and immediately told Mr. Michaels that "you came in voluntarily. Nobody forced you to be here. You don't have to talk to us at all if you don't want to. You understand that. And I - and I understand that you've had - you talked to an attorney and the attorney talked to Detective Segura." Interrog. Tr. at 2-3, Aug. 25, 2023.

68. Detective Sorage reiterated several times to Mr. Michaels that he did not need to talk to them and he could leave at any time. Id. at 3.

69. Detective Sorage told Mr. Michaels "I'm not going to read you your Miranda rights because that usually applies when someone is in custody. You're not in custody. Id.

70. Immediately, however, after stating that he was not in custody, Detective Sorage gave an impromptu and truncated version of Miranda, stating "[b]ut you understand your rights. You don't have to talk to us. You can stop . . . anytime you want. If you want an attorney, you want to walk out the door, you're free to go." Id.

71. For approximately the next hour, Detective Sorage questioned Mr. Michaels about the events.

72. Mr. Michaels was offered water, coffee and false camaraderie by Detective Sorage, discussing among other things, hunting and favorite Italian restaurants.

73. Like the first interrogation, Mr. Michaels provided similar details of the tragic events of August 17, 2023.

74. The officers requested access to Mr. Michaels' business and residence. Mr. Michaels' acquiesced.

75. At the conclusion of the interrogation, Mr. Michaels thanked the officers for their service generally and described in no uncertain terms his unwavering support and admiration for law enforcement. Id. at 86-86.

76. Detective Sorage concluded the interrogation by asking Mr. Michaels if "we treated you fairly? [and] "[h]ave

you had any problem with how you've been treated by us? . . .
By Lycoming Regional? . . . By anybody here?" Id. at 87.

77. At the conclusion of the interrogation, Detectives Sorage and Segura advised Mr. Michaels he could call his lawyer from the lobby where it would not be recorded so he could speak to him "privately." Id. at 87-88.

78. Detective Sorage concluded by saying "[h]ey, Ken, be sure and tell him that we were chit chatting about hunting and Italian restaurants for quite a while." Id. at 88-89.

79. All of the alleged statements were obtained in violation of Mr. Michaels' Fifth, Sixth and Fourteenth Amendment rights of the United States Constitution and Article I, Section Nine of the Pennsylvania Constitution and must be suppressed.

80. The Miranda warnings themselves that were provided to Mr. Michaels on August 17, 2023 were deficient. Mr. Michaels was not read complete and accurate Miranda warnings as required by law by failing to advise him that any statement he makes *will be* used against him in court.

81. The administering of the Miranda warnings and statements that followed were deficient and invalidated any subsequent waiver.

82. Detective Segura told Mr. Michaels that there *would be* an interview of him to understand what happened in the

incident, in which it was implied that he was expected to participate and cooperate.

83. The Miranda warnings were read in a perfunctory manner, designed to de-emphasize the warnings and minimize them, and treat them as nothing more than a mere formality.

84. Law enforcement's statements that followed the Miranda warnings were designed to coax Mr. Michaels into speaking to the police by creating the false perception that law enforcement was only interested in hearing Mr. Michaels' side of the story and to "to fill in the blanks" and to "more or less . . . find out little details" about the incident.

85. Mr. Michaels did not knowingly, willingly or voluntarily waive his Miranda rights when making any post-arrest statements.

86. "Any evidence that the accused was threatened, tricked, or cajoled into a waiver will, of course, show that the defendant did not voluntarily waive his privilege." Miranda v. Arizona, 384 U.S. 436, 476 (1966).

87. The subsequent interrogation on August 25, 2023, should be suppressed as the fruit of that initial interrogation.

88. The statements obtained as a result of the second interrogation should also be suppressed as they were obtained by law enforcement from Mr. Michaels whom they and the Lycoming

County District Attorney's Office knew was represented by counsel.

89. Rule 4.2 of the Pennsylvania Rules of Professional Conduct preclude lawyers from communicating with a party who is represented by counsel. These ethical requirements are imputed to law enforcement if they attempt to communicate with represented persons as part of a law enforcement investigation.

90. In addition, any purported waiver of Mr. Michaels right to counsel/right to remain silent during the second interrogation was invalid since any alleged waiver was never waived in counsel's presence.

91. Furthermore, Mr. Michaels did not voluntarily make any statements in either interrogation, but rather, they resulted from improper physical and psychological pressure, calculated coercive and deceptive tactics by law enforcement and were not the result of free will.

WHEREFORE, Mr. Michaels requests that the Court grant his Motion to Suppress and preclude the introduction of the statements and any evidence derived from it at trial.

III.

MOTION TO SUPPRESS PHYSICAL EVIDENCE

92. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 91 above as if set forth here in full.

93. During his initial interrogation, upon request of the police, Mr. Michaels was asked to furnish certain personal information for his cellphone and to allow them to search it. Mr. Michaels acquiesced in that request.

94. During the second interrogation, police asked for permission to make a warrantless search of the business premises and his office. Mr. Michaels acquiesced.

95. As a result of these warrantless searches, certain items were taken into evidence.

96. In addition, as a result of obtaining his phone, law enforcement conducted a warrantless ping on Mr. Michaels' telephone number.

97. Detective Segura was aware that Mr. Michaels and his wife had Labor Day travel plans, as they intended to go to Cape May, New Jersey on Thursday evening. Detective Segura had no objection to Mr. Michaels making that trip to Cape May.

98. An arrest warrant was prepared and a team was assembled to take Mr. Michaels into custody at his residence.

99. However, law enforcement did a warrantless "ping" on his phone and learned that Mr. Michaels was in Cape May. As a result, a fugitive warrant was issued.

100. Contrary to Detective Segura's promise at the end of the first interrogation, he did not contact Mr. Michaels after the district attorney's office made its decision about the

case; nor did law enforcement or the district attorney's office accept an offer from Attorney Clancy to have Mr. Michaels self-surrender if charges were filed.

101. Instead, Mr. Michaels was located at his vacation home in Cape May, New Jersey and was seized and taken into custody.

102. Mr. Michaels' Fourth and Fourteenth Amendment rights of the United States Constitution and Article I, Section 8 of the Pennsylvania Constitution were violated.

103. Any purported consent by Mr. Michaels that was obtained during these interrogations were not knowingly, voluntarily and intelligently made, but rather was the result of physical and psychological coercion and other illegalities by law enforcement.

104. A warrant was required to perform a ping on Mr. Michaels' phone to determine his location. The warrantless ping violated Mr. Michaels' privacy interest in his location and there was no exception to the warrant requirement that could justify this warrantless search and seizure.

105. Accordingly, any evidence seized in violation of the various illegal searches and seizures, and all derivative fruits thereof, must be suppressed.

WHEREFORE, Mr. Michaels requests that the Court grant his motion to suppress any physical evidence and preclude the

introduction of that evidence and any evidence derived from it at trial.

IV.

MOTION TO DISMISS INFORMATION FOR THE COMMONWEALTH'S WITHHOLDING AND/OR DESTRUCTION OF BRADY INFORMATION

106. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 105 above as if set forth here in full.

107. As set forth above, Detective Sorage and the then-candidate Marino, met with an employee of Cable Services, Erin Turner, daughter-in-law of former Lycoming County Detective Donald Turner, on September 8, 2023.

108. Upon information and belief, that interview commenced as an audio recorded interview by Detective Sorage and after approximately 15 minutes he turned the recorder off.

109. According to Ms. Turner, Mr. Marino stated "this is just between us. It doesn't leave this room. We were never here." Def's Ex. 2 (Turner Decl. ¶¶ 7-8).

110. Keeping with the Commonwealth's aim to avoid transparency, to date, that audio interview has never been furnished to the defense.

111. To date, no investigative report and/or notes of that interview have ever been furnished to the defense.

112. To date, no report of any kind even documenting this interview has ever been furnished.

113. Moreover, early in this case, on September 15, 2023, counsel for the defense filed a motion to preserve evidence.

114. In that motion, among other things, counsel requested that a court order be entered to preserve certain evidence, including any law enforcement handwritten notes.

115. The Court entered an order granting that request on September 19, 2023.

116. In addition, to the foregoing evidence, the video of the interrogations of Mr. Michaels shows that Detective Segura took notes during those interrogations.

117. Detective Segura acknowledged at the bail hearing he took notes, but believed that he later destroyed them. He could not provide details on when that destruction occurred. See Bail Hr'g Tr. at 34, Nov. 8, 2023.

118. "When evidence is destroyed, one may infer its contents were unfavorable to the possessor." United States v. Kincaid, 712 F.2d 1, 3 (1st Cir. 1983).

119. The prosecution has a duty under Brady v. Maryland, 373 U.S. 83 (1963) to disclose all evidence the prosecution possesses that is material to a defendant's guilt or punishment.

120. The audio recording of any potential prosecution witness and/or reports of that interview constitute Brady evidence.

121. Rough notes of interviews may constitute Brady material. See United States v. Ramos, 27 F.3d 65, 68 (3d Cir. 1994); United States v. Pelullo, 105 F.3d 117, 123 (3d Cir. 1997) (conviction reversed because Brady information not included in the FBI 302 report was contained in the undisclosed rough notes of the FBI agent).

122. The destruction, suppression, withholding or failure to disclose this Brady material should not be countenanced, especially in a murder case. See, e.g., Commonwealth v. Smith, 615 A.2d 321 (Pa. 1992) (imposing dismissal with prejudice in murder case where prosecutor deliberately concealed exculpatory evidence); Roth v. United States DOJ, 642 F.3d 1161, 1176 (D.C. Cir. 2011) (court noting the more serious the case, the greater degree of scrutiny is required to determine if Brady violation occurred).

123. In addition, the Pennsylvania Rules of Professional Conduct 3.8 as well as the ABA's Standards for Prosecution Function Rule 3.5.4-5 require disclosure of exculpatory evidence broader than Brady. See ABA Formal Opinion 09-454.

124. Moreover, Mr. Michaels has a Sixth Amendment right to the effective assistance of counsel at all times. Counsel cannot effectively represent Mr. Michaels when the prosecution interferes with their ability to do so. See Strickland v. Washington, 466 U.S. 668, 686 (1984) ("Government violates the

right to effective assistance when it interferes in certain ways with the ability of counsel to make independent decisions about how to conduct the defense.”).

WHEREFORE, Mr. Michaels requests that the requested items be disclosed immediately and an evidentiary hearing be held on the matter and requests that the Court grant the motion to dismiss the Information.

V.

MOTION TO EXCLUDE VIDEO AND PHOTOGRAPHS

125. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 124 above as if set forth here in full.

126. It is anticipated that the Commonwealth intends to produce numerous photographs of the decedent at the crime scene and from the autopsy.

127. Mr. Michaels avers that the admission of a surplusage of videotape and photographs of the decedent at the crime scene and at the autopsy would only serve to inflame the passions of the jury and cause him undue prejudice.

128. Mr. Michaels does not contest the cause or manner of death of the decedent.

129. Mr. Michaels further contends that the medical witnesses through the use of anatomical drawings or anatomical exhibits can accurately describe the injuries to the victims, if necessary.

WHEREFORE, it is requested that the Court grant his Motion to Exclude the videotape and photographs at trial.

VI.

**MOTION TO PRECLUDE ENHANCED SECURITY MEASURES
OUTSIDE AND INSIDE OF THE COURTROOM**

130. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 129 above as if set forth here in full.

131. Upon entry to the Lycoming County Courthouse, sophisticated security measures are utilized including x-ray screening, metal detectors, and armed uniformed deputies from the Lycoming County Sheriff's Office.

132. Historically, for homicide cases in this county, a second level of security is used upon immediate entry into the courtroom, including a second metal detector.

133. Likewise, during trial, several armed sheriff deputies are seated throughout the courtroom and directly near the defendant.

134. Excessive security invites the jury to infer from the overall security that a court has concerns about danger to the jury.

135. The plain implication of the excessive security will be that Mr. Michaels is a dangerous individual.

136. Excessive courtroom security may violate a defendant's due process rights. See Holbrook v. Flynn, 475 U.S. 560 (1986).

WHEREFORE, for the foregoing reasons Mr. Michaels requests that the Court preclude the use of the second set of metal detectors and security outside the courtroom and realign security in the courtroom to avoid prejudice and any other relief the Court deems just and proper.

VII.

MOTION FOR INDIVIDUAL VOIR DIRE

137. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 136 above as if set forth here in full.

138. Emotionally charged and prejudicial publicity has appeared in the local media describing, among other things, the alleged crime, the deceased and the crime scene.

139. This case will continue to be the subject of regular unfavorable press and media coverage which will be prejudicial to Mr. Michaels.

140. Mr. Michaels is entitled to a jury which has no pre-conceived notions, free of any animus and prejudice, and which will base its verdict solely on the evidence, the arguments of counsel, and the law as given to them by the Court.

141. Mr. Michaels should be entitled to individual voir dire and to an in-depth examination of the pretrial publicity and the sensitive subject matter involved in order to ensure

that he is tried by a jury with absolutely no pre-conceived prejudices, either hidden or expressed.

142. The fairest and most expeditious manner to accomplish these requirements is for the trial court to conduct the voir dire examination of each prospective juror individually.

143. Rule 631(F) of the Pennsylvania Rules of Criminal Procedure specifically permits individual voir dire in non-capital cases.

144. When sitting jurors are exposed to prejudicial media publicity and other sensitive issues, the trial court is required to make a careful examination of each juror out of the presence of the other jurors, to determine the effect of those issues.

145. To ensure that a fair and impartial jury panel is obtained, this requirement should be extended to the potential jurors as well.

146. A voir dire examination of potential jurors in the presence of the entire venire panel is likely to result in tainting the entire panel, should the improper knowledge or opinion of a potential juror be improvidently expressed.

WHEREFORE, Mr. Michaels requests that the Court grant his Motion for Individual Voir Dire and Sequestration of Jurors.

VIII.

MOTION TO SUPPRESS IN-COURT IDENTIFICATION

147. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 146 above as if set forth here in full.

148. There is no dispute that Mr. Michaels shot the Decedent.

149. Thus, any in-court identification of Mr. Michaels amounts to nothing more than prejudicial courtroom theatre and should be precluded.

150. An in-court identification while Mr. Michaels is sitting at counsel table with his attorneys are, like one-person showups, inherently suggestive. A number of federal courts have recognized this prejudice. See United States v. States v. Emanuele, 51 F.3d 1123, 1130 (3d Cir. 1995); United States v. Archibald, 734 F.2d 938, 941-42 (2d Cir. 1984).

WHEREFORE, Mr. Michaels requests that the Court grant his Motion to suppress all identification evidence at trial.

IX.

**MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF AND
SUBSTANCE OF PROMISES OF IMMUNITY, LENIENCY
OR PREFERENTIAL TREATMENT AND CRIMINAL HISTORY**

151. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 150 above as if set forth here in full.

152. In his discovery request, Mr. Michaels requested that he be provided with the names and addresses and substance of all

persons who have been offered immunity, favorable consideration, leniency, or favorable treatment.

153. To date, no such discovery has been provided.

154. Mr. Michaels is entitled to all formal plea agreements reached with any of the Commonwealth witnesses, together with all informal discussion, express or implied, regarding any rewards, promises, immunity, favorable consideration, leniency, or favorable treatment in exchange for their testimony and the substance of their arrangements.

155. Disclosure of preferential treatment of any kind and nature is essential to the defense and for effective cross-examination to establish motive or bias of Commonwealth witnesses.

156. Furthermore, in his request, Mr. Michaels requested that the Commonwealth produce all evidence in their possession or available to them, of any prior arrest or convictions of all persons the Commonwealth intends to call as a witness at trial.

157. To date, the Commonwealth has provided some of criminal history of its witnesses, but not all of them or is otherwise incomplete.

158. Disclosure is essential to Mr. Michaels' defense and to effective cross-examination of Commonwealth witnesses.

WHEREFORE, Mr. Michaels requests that the Court enter an Order requiring the Commonwealth to immediately disclose all of the foregoing information.

X.

**MOTION FOR DISCLOSURE OF OTHER CRIMES,
WRONGS, OR ACTS PURSUANT TO PA. R. EVID. 404(b)**

159. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 158 above as if set forth here in full.

160. Mr. Michaels requests that the Court issue an order requiring the Commonwealth to disclose to him any evidence which may be admissible at trial pursuant to Pa. R. Evid. § 404(b), including:

a. the existence, nature and dates of any other crimes, wrongs or prior or subsequent bad acts of defendant not charged in the Information;

b. whether the Commonwealth intends to offer evidence of any other crimes, wrongs, or prior or subsequent bad acts against defendant during the trial of the instant Information;

c. the names and addresses of all witnesses intended to be called by the Commonwealth to offers such evidence;

d. any reports or statements of any such witnesses; and,

e. any documentary or physical evidence or exhibits intended to be offered against defendant in this regard.

WHEREFORE, Mr. Michaels requests that the Court order the Commonwealth to disclose the foregoing 404(b) evidence.

XI.

MOTION FOR REQUEST OF TIMELY NOTICE OF ANY EXPERT TESTIMONY

161. Mr. Michaels repeats and realleges the allegations of paragraphs 1 through 160 above as if set forth here in full.

162. To the extent the Commonwealth will be relying on any expert testimony during trial, Mr. Michaels specifically requests from the Commonwealth any and all information upon which any individual called to testify as an expert.

163. Mr. Michaels is therefore requesting copies of, to wit:

a. Notice and disclosure of each expert witness consulted in the instant matter, including:

1. Name and title;
2. Profession or occupation and the field in which he/she is allegedly an expert;
3. Formal education and training, including the name and address of each school where special education or training was received in this field, the dates of said education

- and training; the name or description of each degree received;
4. Membership in any professional or trade association in the relevant field;
 5. Authorship of any books, papers, or articles, including the title and subject matter;
 6. Other cases in which the witness has been qualified as an expert or not qualified;
 7. The particular facts and ground upon which the expert will rely for his/her opinion;
 8. The results or conclusions reached by each expert consulted in the instant matter, including written reports, oral opinions, including the date thereof and to whom reported.

164. These items requested are material to the proper and effective defense of Mr. Michaels, are discoverable pursuant to Rule 573(B) of the Pennsylvania Rules of Criminal Procedure and are reasonable in light of the fact that the items are within the prosecution's possession, or can be easily obtained by them.

165. The denial to Mr. Michaels of the information requested would constitute a denial of due process and would be contrary to the interests of justice.

WHEREFORE, it is respectfully requested that the Court grant the request for timely disclosure of expert testimony.

XII.

MOTION FOR DISCOVERY

166. Mr. Michaels repeats and realleges the allegations set forth in paragraphs 1 through 165 above as if set forth here in full.

167. As set forth above, after Mr. Michaels' second interrogation, he made a call to his lawyer outside of the interrogation room and in the Lycoming County Regional Police lobby.

168. As part of the discovery in this case, counsel for Mr. Michaels have received video and audio discovery from that same police department's lobby on August 17, 2023.

169. Those videos contain audible conversations from those individuals waiting in the lobby.

170. No video has been provided by the prosecution from the lobby on August 25, 2023.

171. Therefore, counsel is uncertain if law enforcement has retained, viewed and/or listened to Mr. Michaels' private phone conversation with counsel.

172. If the prosecution has this evidence, it must be disclosed immediately as any statements by Mr. Michaels constitute mandatory discovery under Rule 573(b)(1) of the Pennsylvania Rules of Criminal Procedure.

173. Upon receipt of any such recording, counsel will need to determine if a subsequent appropriate motion is warranted.

WHEREFORE, it is respectfully requested that the Court grant the motion for discovery.

XIII.

MOTION TO RESERVE RIGHT

174. Mr. Michaels repeats and realleges the allegations set forth in paragraphs 1 through 173 above as if set forth here in full.

175. Mr. Michaels avers that there may be additional discovery that has not been received.

176. Since there may be additional discovery and the need for additional investigation and preparation to provide effective assistance of counsel, Mr. Michaels requests the right to make any additional pre-trial motions pursuant to Rule 579 of the Pennsylvania Rules of Criminal Procedure.

WHEREFORE, Mr. Michaels requests this Court to grant his Motion to Reserve Right to make any additional pre-trial motions.

Dated: March 29, 2024

RUDINSKI, ORSO & ASSOCIATES

By: s/Michael J. Rudinski
Michael J. Rudinski, Esq.
Pa. I.D. No. 37971
Attorney for Defendant
339 Market Street
Williamsport, PA 17701
(570)321-8090

MIELE & RYMSZA, P.C.

By: s/Edward J. Rymsza
Edward J. Rymsza, Esq.
Pa. I.D. No. 82911
Attorney for Defendant
125 East Third Street
Williamsport, PA 17701
(570)322-2113
(570) 322-8813 (facsimile)
Rymsza@comcast.net

PROOF OF SERVICE

I hereby certify that on this 29th day of March 2024, I served the foregoing Omnibus Motion upon Martin Wade, Esq., Office of the Lycoming County District Attorney, by electronic mail.

RUDINSKI, ORSO & ASSOCIATES

By: s/Michael J. Rudinski
Michael J. Rudinski, Esq.
Pa. I.D. No. 37971
Attorney for Defendant
339 Market Street
Williamsport, PA 17701
(570)321-8090

MIELE & RYMSZA, P.C.

By: s/Edward J. Rymsza
Edward J. Rymsza, Esq.
Pa. I.D. No. 82911
Attorney for Defendant
125 East Third Street
Williamsport, PA 17701
(570)322-2113
(570) 322-8813 (facsimile)
Rymsza@comcast.net

VERIFICATION

We hereby certify that the facts set forth in the foregoing motion are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties set forth in 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

Dated: 3/29/24

s/Michael J. Rudinski
Michael J. Rudinski

s/Edward J. Rymsza
Edward J. Rymsza

CERTIFICATE OF COMPLIANCE

We hereby certify 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.

Dated: 3/29/2024

s/Michael J. Rudinski
Michael J. Rudinski

s/Edward J. Rymsza
Edward J. Rymsza

1500 20 FLO
A/C N330CS

EMU NIF
M40
5-11

TAN
1107
0713

2113 Maryland Avenue
Williamsport, PA 17701-1498
Cable Services Company, Inc.

(4-11)

TREND MONITORING	
Battery Voltage	BATTERY
Pressure Altitude	APU
OAT °C	RU JSB
IAS KTS	B 24
Ice Vanes U/D	JS
ITT	LEFT SAO RIGHT
Torque	AIF
Props.	20
ND%	270
Fuel Flow	
Oil Temp.	
Oil Pressure	
Elect. Load %	119.4
VOR #1	FREQ. TO FROM
VOR #2	2640

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKE-OFF	HOBBS LANDING	FLIGHT TIME	INST.	NIGHT
1	ISMA	ISMA	KISSAMEE	1430	3935.8	3939.3	3.5	5	
2	ISMA	ISMA	WUMSPX	1500	3939.3	3943.1	3.8	10	8
3	ISMA	BCT	BOCA	0530	3943.1	3946.6	3.5		1.0
4	BCT	CHS	CHADESTON	1130	3946.6	3948.6	2.0	5	
5	CHS	ISMA	WUMSPX	1400	3948.6	3950.6	2.0	5	8
6									
TOTALS							14.8	2.5	1.8

Brought Forward	LEFT		RIGHT		TIME TO INSPECTION
	PROP	CYCLES	PROP	CYCLES	
3935.8	3935.8	4051	3935.8	4051	95.4
14.8	14.8	5	14.8	5	14.8
TOTALS	3950.6	4056	3950.6	4056	80.6

LEG	FLIGHT TIME	PASSENGER MANIFEST	FLIGHT TIME
1	3.5	DLU	3.5
2	3.8	Tom	3.8
3	3.5	PLU	3.5
4	2.0	John	2.0
5	2.0	RTB	2.0
6			

SCAPU A/F
M20
125.2
4002
DEFENDANT'S EXHIBIT 1

A/C N1550U

DATE 3-26 3-28

2113 Maryland Avenue • Williamsport, PA 17701-1498



Cable Services Company/Inc.

1st PILOT

McCleary

2nd PILOT

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKEOFF	HOBBS LANDING	FLIGHT TIME	INST.	NIGHT
1	107	AGC	Pitt	0700	3755.7	3756.4	.7		
2	AGC	CHS	Charleston	0900	3756.4	3758.1	1.7		
3	CHS	ISM	Rissmeel	1100	3758.1	3759.4	1.3		
4	ISM	CHS	Charleston	0830	3759.4	3760.6	1.2		
5	CHS	AGC	Pitt	1000	3760.6	3762.4	1.8		
6	AGC	10T	Williamsport	1200	3762.4	3769.0	6.6		
TOTALS							47.3		

	FLIGHT TIME	LEFT		RIGHT		TIME TO INSPECTION
		PROP	CYCLES	PROP	CYCLES	
BROUGHT FORWARD	755.7			3877		128.0
THIS TRIP	47.3			6		7.3
TOTALS	3763.0			3883		120.7

TREND	MONITORING	
	BATTERY	APU
BATTERY VOLTAGE		
PRESSURE ALTITUDE		
OAT °C		
IAS KTS		
ICE VANES U/D	LEFT	RIGHT
ITT		
TORQUE		
PROPS.		
N1 %		
FUEL FLOW		
OIL TEMP.		
OIL PRESSURE		
ELECT LOAD %		

LEG	PASSENGER MANIFEST	FLIGHT TIME	SALES	CONST.	TELEFLEX	OTHER	JOB NUMBER(S)
1	PLU	.7					
2	Johnson Tom	1.7					
3	PLU	1.3					
4	PLU "	1.2					
5	" "	1.8					
6	" "	.6					

A/C N1550U

DATE 4-5 4-7

1st PILOT

2nd PILOT

M & Cleaver



2113 Marydale Avenue • Williamsport, PA 17701-1486

Cable Services Company/Inc.

TREND	MONITORING	
	BATTERY	APU
BATTERY VOLTAGE		
PRESSURE ALTITUDE		
OAT °C		
IAS KTS		
ICE VANES U/D	LEFT	RIGHT
ITT		
TORQUE		
PROPS.		
N1 %		
FUEL FLOW		
OIL TEMP.		
OIL PRESSURE		
ELECT LOAD %		

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKEOFF	HOBBS LANDING	FLIGHT TIME	INST.	NIGHT
1	1DT	BSL	ROCHESTER	1400	3769.2	3769.6	3.4		
2	2ST	1DT	Wmspt	1730	3769.6	3771.9	2.3		
3	1DT	UCA	UTICA	1100	3771.9	3772.4	.5		
4	UCA	1DT	Wmspt	1145	3772.4	3772.9	.5		
5	1DT	UCA	UTICA	1100	3772.9	3773.4	.5		
6	UCA	1DT	Wmspt	1200	3773.4	3773.9	.5		
TOTALS							7.7		

	BROUGHT FORWARD	THIS TRIP	TOTALS	FLIGHT TIME		TIME TO INSPECTION	PROP CYCLES		FUEL	AUX
				LEFT	RIGHT		LEFT	RIGHT		
	3776.2	7.7	3773.9	3889	6	117.5	3889	6		
				3895	1098	7.7				

LEG	PASSENGER MANIFEST	FLIGHT TIME	SALES	CONST.	TELEFLEX	OTHER	JOB NUMBER(S)
1	Mrs Casle	3.4					
2	RTB	2.3					
3	Tom + 7	.5					
4	RTB	.5					
5	PIU	.5					
6	Tom + 7	.5					

A/C N330CS

DATE 4-13-06

1st PILOT

mc Cleary

2nd PILOT

2113 Marydale Avenue
Williamsport, PA 17701-1498



Cable Services Company/Inc.

TREND MON.

Battery Voltage	BATTERY	28	24
Pressure Altitude			
OAT °C			
IAS KTS			
Ice Vanes U/D	LEFT		RIGHT
ITT			
Torque			
Props.			
N1 %			
Fuel Flow			
Oil Temp.			
Oil Pressure			
Elect. Load %			
4-13			
VOR #1	FREQ.	TO	FROM
	114.4	+1	0
VOR #2	114.4	+1	-1

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKE-OFF	HOBBS LANDING	FLIGHT TIME	INST.	NIGHT
1	1PT	ISM	Kissmeec	1130	3779.2	3782.5	3.3		
2	ISM	SRQ	SARITSOA	1530	3782.5	3782.7	.2		
3	SRQ	1PT	Wmspt	0830	3782.7	3786.2	3.5		
4	1PT	JHW	Jamestown	1700	3786.2	3786.9	.7		
5	JHW	1PT	Wmspt	1800	3786.9	3787.5	.6		
6									
TOTALS							8.3		

	FLIGHT TIME	LEFT		RIGHT		TIME TO INSPECTION	LEG	FUEL	AUX
		PROP	CYCLES	PROP	CYCLES				
Brought Forward	3779.2	3779.2	3902	3779.2	3902	104.5			
This Trip	8.3	8.3	5	8.3	5	8.3			
TOTALS	3787.5	3787.5	3907	3787.5	3907	96.2			

LEG	PASSENGER MANIFEST	FLIGHT TIME
1	Tom + 6	3.3
2	11	.2
3	RTB	3.5
4	Tom + 2	.7
5	Tom	.6
6		

2006

A/C N1550U

DATE 3-6 3-7 3-11

1st PILOT

2nd PILOT

2113 Maryland Avenue • Williamsport, PA 17701-1498



Cable Services Company/Inc.

TREND		MONITORING	
BATTERY VOLTAGE		BATTERY	APU
PRESSURE ALTITUDE			
OAT °C			
IAS KTS			
ICE VANES U/D		LEFT	RIGHT
ITT			
TORQUE			
PROPS.			
N1 %			
FUEL FLOW			
OIL TEMP.			
OIL PRESSURE			
ELECT LOAD %			

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKEOFF	HOBBS LANDING	FLIGHT TIME	INST.	NIGHT
1	1ST PHIL	PHIL	PHIL	0810	3747.2	3747.7	.5		
2	PHIL 10T	Wmspt	Wmspt	1215	3747.7	3748.3	.6		
3	1ST PHIL	Pottsville	Pottsville	1615	3748.3	3748.7	.4		
4	PHIL 10T	Wmspt	Wmspt	2100	3748.7	3749.2	.5		
5	1ST PHIL	POTTIS	POTTIS	1100	3749.2	3749.6	.4		
6	PHIL RIDGE	Reading	Reading	1230	3749.6	3749.8	.2		
R206 10T Wmspt				1545	3749.8	3750.2	.4		
						TOTALS	3.0		

	FLIGHT TIME	LEFT		RIGHT		TIME TO INSPECTION
		PROP	CYCLES	PROP	CYCLES	
BROUGHT FORWARD	3747.2			3864		136.5
THIS TRIP	3.0			7		3.0
TOTALS	3750.2			3871		133.5

LEG	PASSENGER	MANIFEST	FLIGHT TIME	SALES	CONST.	TELEFLEX	OTHER	JOB NUMBER(S)
1		Turn	.5					
2			.6					
3	John		.4					
4	RTB		.5					
5	PLU		.4					
6	John		.7					

A/C N330CS

DATE 3-29-07 3-29 4/6

1st PILOT

McCleary

2nd PILOT

Cable Services Company/Inc. W2



2113 Maryland Avenue
Williamsport, PA 17701-1498

1194 3045
5700 PB1
07

EV URS USS

TREND MONITORING	
BATTERY	APU
1 24	28
Pressure Altitude	
SAT	
AD OT	
IAS	RIGHT
KTS	LEFT
121	1193
Ice Vanes U/D	
J121 CHS	
ITT	
579 OM2	
Torque	
D SW	
Props.	
N/A	
Fuel Flow	
Oil Temp.	
Oil Pressure	
Elect. Load %	
FREQ.	TO
VOR #1	FROM
VOR #2	

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKE-OFF	HOBBS LANDING	FLIGHT TIME	INST.	NIGHT
1	1PT PNE	PHIL		1445	3910.8	3911.4	.6	.2	
2	2WE 1PT	Wmspt		1600	3911.4	3912.1	.7	.3	
3	1PT Bwi	BALTIMORE		1140	3912.1	3912.7	.6	.2	
4	Bwi 1PT	Wmspt		1630	3912.7	3913.5	.8	.2	
5	1PT ISM	Missusee		1500	3913.5	3917.3	3.8	1.0	.5
6	ISM BCT	BOCA		1930	3917.3	3918.0	.7	.2	.5
TOTALS							7.2	2.1	1.0

Brought Forward	FLIGHT TIME	LEFT		RIGHT		TIME TO INSPECTION
		PROP	CYCLES	PROP	CYCLES	
3910.8	7.2	3910.8	4034	3910.8	4034	120.4
This Trip	7.2	7.2	6	7.2	6	7.2
TOTALS	3918.0	3918.0	4040	3918.0	4040	113.2

LEG	PASSENGER MANIFEST	FLIGHT TIME
1	PLU	.6
2	Chrissy	.7
3	Kew Flynn	.6
4	"	.8
5	Tom + Family	3.3
6	Reposil w/d	.7

211 RU HARRIF

402X110

128.7 1333

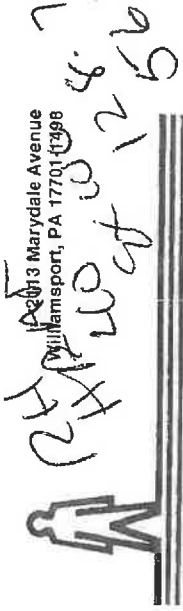
2)

A/C N330CS

DATE 6-19 6-20 6-24

1st PILOT mscleary

2nd PILOT



Cable Services Company, Inc.

13 Marydale Avenue
Williamsport, PA 17701-1398

APU 24 25
24 25
12 56 20
12 56 20

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKE-OFF	HOBBS LANDING	FLIGHT TIME	INST.	NIGHT
1	1PT CHS	CHS	Charleston	0900	3809.2	3811.6	2.4	.4	
2	CHS	1PT	Wmspt	1130	3811.6	3813.6	2.0	.5	
3	1PT	ABC	Pitt	1200	3813.6	3814.4	.8	.2	
4	ABC	1PT	Wmspt	1620	3814.4	3815.1	.7	.2	
5	1PT	ABC	BALTIMORE	1330	3815.1	3815.6	.5	.3	
6	ABC	1PT	Wmspt	1630	3815.6	3816.2	.6	.3	
TOTALS							7.0	1.9	

Brought Forward	LEFT		RIGHT		TIME TO INSPECTION
	PROP	CYCLES	PROP	CYCLES	
3809.2	3809.2	3931	3809.2	3931	74.5
7.0	7.0	6	7.0	6	7.0
TOTALS 3816.2	3816.2	3937	3816.2	3937	67.5

LEG	PASSENGER MANIFEST	FLIGHT TIME
1	John Je	2.4
2	RTB	2.0
3	Evonne Tom Cohew	.8
4	"	.7
5	PLU	.5
6	Ken	.6

TREND MONITORING	
Battery Voltage	BATTERY 24 25 APU
Pressure Altitude	
OAT °C	RV ESC
IAS KTS	AIF M20
Ice Vanes U/D	SLICE 26 FLIGHT 135.8
ITT	3003
Torque	
Props.	
N1 %	
Fuel Flow	
Oil Temp.	
Oil Pressure	
Elect. Load %	
VOR #1	FREQ. TO FROM
VOR #2	

A/C N1550U

AFK (348) 30
DATE 3-13-05 2751

2110 Maryland Avenue • Williamsport, PA 17701-1498

1st PILOT m. Cleary
2nd PILOT

Cable Services Company/Inc.

LEG	FROM	TO	DESTINATION	DEPARTURE TIME	HOBBS TAKEOFF	HOBBS LANDING	FLIGHT TIME	INST. WEIGHT
1	1PT AGC	PITT		1620	3583.2	3583.0	.8	.2
2	AGC 1PT	Wmspt		1700	3583.0	3583.0	.6	
3	1PT AGC	PITT		1715	3583.6	3584.4	.8	
4	AGC 1PT	Wmspt		2230	3584.4	3585.0	.6	.6
5	1PT 1AD	Duked		0745	3585.0	3586.7	.7	
6	1AD 1PT	Wmspt		3585.7	3586.5		.8	
TOTALS							4.3	

	FLIGHT TIME	LEFT		RIGHT		TIME TO INSPECTION
		PROP	CYCLES	PROP	CYCLES	
BROUGHT FORWARD	3582.2	3582.2	3651	3582.2	3651	115.1
THIS TRIP	4.3	4.3	6	6	4.3	41.3
TOTALS	3586.5	3586.5	3500	3586.5	3500	110.8

LEG	FLIGHT TIME	SALES	CONSP.	T/LAFLEX	OTHER	JOB NUMBER(S)
1	.8	.8				CADIAN S
2	.6					PUMPS
3	.8	2.4				140RAME
4	.6					1315
5	.7	1.4				Beard
6	.8	1.1				

TREND	MONITORING	
BATTERY VOLTAGE	BATTERY	APU
24	24	25
PRESSURE ALTITUDE	SEC-201	
OAT °C	Hydro	
IAS KTS	C143	
ICE VANES U/D	LEFT	RIGHT
	Miller	
ITT	031AD	
TORQUE	40	
PROPS.	2-1140	
N1 %	124.9	
FUEL FLOW	150)	
OIL TEMP.		
OIL PRESSURE		
ELECT LOAD %		

LEG	FLIGHT TIME	SALES	CONSP.	T/LAFLEX	OTHER	JOB NUMBER(S)
1	.8	.8				CADIAN S
2	.6					PUMPS
3	.8	2.4				140RAME
4	.6					1315
5	.7	1.4				Beard
6	.8	1.1				

DECLARATION

I, Erin Turner, state as follows:

1. I have been employed at Cable Services Company, Inc., since June 12, 2023.
2. I was at work on August 17, 2023, but did not hear or see anything connected to the shooting that took place at the Company office that day.
3. On or about September 8, 2023, I was asked by my father-in-law, former Lycoming County Detective Donald Turner, if I would talk to Tom Marino. I was told Mr. Marino was “talking to people” about the investigation into the shooting that resulted in the death of John Roskowski by Kenneth Michaels, CEO of Cable Services, and that Mr. Marino was looking for information “to help Ken.” I agreed.
4. On September 8, 2023, Mr. Marino came to my home. He was accompanied by Lycoming County Detective Steven Sorage. Detective Sorage interviewed me and recorded the interview.
5. From Detective Sorage’s questions, it did not seem that he was looking for information “to help Ken.” Instead, he was asking questions that seemed to favor John Roskowski. He also



asked questions about where Jeremy Michaels, President of Cable Services, and son of Ken Michaels, was during the shooting. He also asked whether Ken Michaels carried a firearm at the office. With each of my answers, Detective Sorage made facial expressions that indicated he did not agree with my answers.

6. After about 15 minutes, Detective Sorage turned the recorder off. Mr. Marino then asked if the employees at the Company liked both John and Ken.

7. I asked if the recorder should be on for those questions. Detective Sorage asked Mr. Marino if the recorder should be on. Mr. Marino answered, "No." Detective Sorage said if there were more questions he wanted recorded he would turn the recorder on or jot down notes.

8. The interview ended with Mr. Marino saying, "This is just between us. It doesn't leave this room. We were never here."

9. The facts set forth above are true and correct to the best of my personal knowledge, information, and belief, subject to 18 Pa. CSA 4904.

10. I have made the foregoing statements freely, voluntarily, and
intelligently.

Erin Turner

Erin Turner

3/28/24

Date