

COMMONWEALTH OF PENNSYLVANIA

v.

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

No. [REDACTED]

**ORDER**

**AND NOW**, to-wit, this 15<sup>th</sup> day of November, 2013, the Court, having considered the Defendant's Application For Order to Obtain Records and the Commonwealth's Response to Defendant's Application For Order to Obtain Records, is constrained to agree with the Commonwealth that the Defendant has not set forth with sufficient relevance the relationship of the victim's school records at Sarah Reed to any viable defense.

As to the Office of Children and Youth (OCY) records, pursuant to 23 Pa.C.S.A. § 6340(a), the Defendant is not entitled to review the information in the custody of the Office of Children and Youth (OCY) outside of those set forth in § 6340(b).

Wherefore, the Defendant's Application For Order to Obtain Records is **DENIED**.

CLERK OF RECORDS

2013 NOV 15 PM 1:22

ERIE COUNTY  
CLERK OF COURTS  
ERIE, PA 16501

**BY THE COURT:**

  
**Shad Connelly, Judge**

Elizabeth A. Hirz, Esquire  
Chief Deputy District Attorney

Nicole Sloane, Esquire  
Attorney for Defendant



**PATRICIA J. KENNEDY, ESQUIRE  
PUBLIC DEFENDER OF ERIE COUNTY**

509 Sassafra Street  
Erie, Pennsylvania 16507  
(814) 451-6322  
1-800-352-0026  
FAX (814) 451-6513

[publicdefender@eriecountygov.org](mailto:publicdefender@eriecountygov.org)

November 19, 2013

Mary Ann Daniels  
OCY

Re: [REDACTED]

Dear Ms. Daniels:

I represent [REDACTED]. By this letter, Mr. [REDACTED] respectfully seeks a copy of "all information, except that prohibited from being disclosed by subsection (c), contained in the statewide central register or in any report filed pursuant to section 6313." See 23 Pa.C.S.A. § 6340. All information should be forwarded to me, Mr. [REDACTED]'s counsel of record, at the address provided above. An electronic version of the information is fine to prevent the Agency from incurring copy costs.

Sincerely,

A handwritten signature in cursive script that reads "Nicole Sloane".

Nicole Sloane

Approved by:

A handwritten signature in cursive script, partially obscured by a redaction mark.  
Charles [REDACTED] 11/19/13



Barry Grossman  
County Executive

COUNTY OF ERIE  
DEPARTMENT OF HUMAN SERVICES  
OFFICE OF CHILDREN AND YOUTH

Mary Ann Daniels  
ECOCY Director

November 27, 2013

Nicole Sloane, Esquire  
509 Sassafras Street  
Erie, PA 16507

Re: [REDACTED]

DOB: 12.2 [REDACTED]

Attorney Sloane:

I am in receipt of your request dated November 19, 2013 requesting "all information, except that prohibited from being disclosed by subsection (c)... section 6313."

Enclosed herein please find a copy of the CY-48 report regarding [REDACTED]. Pursuant to 23 Pa.C.S.A. § 6340(c), all information that would identify a reporter has been redacted from the document. Furthermore, this is all the information we are permitted by law to disclose.

If you need anything further, please contact me at 814-451-7740. Thank you.

Very truly yours,

OFFICE OF CHILDREN AND YOUTH

By

  
\_\_\_\_\_  
Amy E. Jones, Esquire

Enclosure (1)

AEJ/cjw

# CHILD PROTECTIVE SERVICE INVESTIGATION REPORT ( Title 23 Pa. C.S.A. Chapter 63 )

☐ Check this block if a report for student abuse  
☒ Check this block for child abuse

INSTRUCTIONS: Send one copy of this completed form to ChildLine & Abuse Registry, Department of Public Welfare, Hillcrest, 2nd Floor, P.O. Box 2 Harrisburg, PA 17105-2675 within 30 days of the receipt of an oral report of suspected abuse. Please type or print. Use one form per incident.

## I. IDENTIFYING INFORMATION

A. DATE OF INCIDENT: 05/24/2012		DATE OF ORAL REPORT 0 5 — 2 4 — 1 2		REGISTER NUMBER 25-19070	
B. NAME OF CHILD/STUDENT (Last, First, Middle Initial) Kasey				BIRTHDATE 1 0 - 2 1 - 0 2	
ADDRESS (Include Street, City, State, Zip Code) [REDACTED]				SEX <input type="checkbox"/> M <input checked="" type="checkbox"/> F	
C. BIOLOGICAL/ADOPTIVE MOTHER (Last, First, Middle Initial) [REDACTED]				COUNTY Erie	
ADDRESS (Include Street, City, State, Zip Code) [REDACTED]				SOCIAL SECURITY NO [REDACTED]	
D. BIOLOGICAL/ADOPTIVE FATHER (Last, First, Middle Initial) [REDACTED]				BIRTHDATE 02 01 81	
ADDRESS (Include Street, City, State, Zip Code) [REDACTED]				COUNTY Mifflin	
E. AGENCY OR LEGAL GUARDIAN RESPONSIBLE FOR CHILD (Other than Public C & Y Agency) [REDACTED]				SOCIAL SECURITY NO [REDACTED]	
ADDRESS (Include Street, City, State, Zip Code) [REDACTED]				BIRTHDATE 09 15 75	
F. PERPETRATOR/SCHOOL EMPLOYEE (Last, First, Middle Initial) [REDACTED]				COUNTY Erie	
ADDRESS (Include Street, City, State, Zip Code) [REDACTED]				RELATIONSHIP TO CHILD Grandfather-Paternal	
SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F				SOCIAL SECURITY NO [REDACTED]	
ADDRESS (Include Street, City, State, Zip Code) [REDACTED]				BIRTHDATE 12 [REDACTED] [REDACTED]	

## G. FAMILY HOUSEHOLD COMPOSITION (DO NOT COMPLETE FOR STUDENT ABUSE)

Name (Last, First, Initial)	Relationship to Victim	Name (Last, First, Initial)	Relationship to Victim
[REDACTED]	Household Member Female/Unrelated		

## II. NATURE OF ABUSE/NEGLECT

### A. TYPE OF ABUSE/NEGLECT

01 Physical Injuries	06 Burns/Scalding	11 Wetts/Echymosis	16 Asphyxiation/Suffocation
02 Fractures	07 Skull Fractures	12 Internal Injuries/Hemorrhage	17 Drowning
03 Subdural Hematoma	08 Bruises	13 Dismemberment	17 Other
04 Subdural Hematoma	09 Lacerations/Abrasions	14 Sprains/Dislocations	
05 Bruises	10 Punctures/Bites	15 Drugs/Alcohol	
18 2. Mental Injuries (DO NOT COMPLETE FOR STUDENT ABUSE)	21 Brain Damage		
X 3. Sexual Abuse or Exploitation	22 Poisoning		
20 Rape	21 Incest	X Sexual Assault	25 Pornography
20 Statutory Rape	22 Deviate Sexual Intercourse	24 Promoting Prostitution	
26 4. Physical Neglect (DO NOT COMPLETE FOR STUDENT ABUSE)	28 Lack of Supervision (resulting in a physical condition)	29 Medical Neglect (resulting in a physical condition)	30 Other
27 Malnutrition			
27 Failure to Thrive			
5. Imminent Risk (DO NOT COMPLETE FOR STUDENT ABUSE)		31 Physical Injury	32 Sexual Abuse or Exploitation

### B. DESCRIBE THE INJURIES/CONDITIONS CHECKED ABOVE

AP puts on porn, touches himself and puts his penis in child's butt and touches her front area. Child says AP does this a lot. AP told child if she told she would be sent away to Pittsburgh.

### III. CPS SERVICES (DO NOT COMPLETE FOR STUDENT ABUSE)

A. WAS CHILD ALLEGEDLY ABUSED WHILE IN A "CHILD CARE SERVICE" (As defined by CPSL.)

☐ Yes ☒ No

B. WAS CHILD REMOVED FROM THE ALLEGED ABUSIVE SETTING? (Includes move by self, agency, others.)

☒ Yes ☐ No

C. WERE LAW ENFORCEMENT OFFICIALS NOTIFIED OF THIS REPORT? (CY 104 sent.)

☒ Yes ☐ No

D. SERVICES PLANNED OR PROVIDED: (Please check the appropriate blocks. (Abbreviations: PL=Planned, PR=Provided, and PERP=Perpetrator).)

CHILD PL/PR	PARENT PL/PR	PERP. PL/PR	CHILD PL/PR	PARENT PL/PR	PERP. PL/PR
01 X	03 04	05 06 Counseling	25 26	27 28	Homemaker/Caretaker Services
07 08	09 10	11 12 Referral to Self-Help Group	29 30	31 32	Instruction and Education for Parenthood
13 14	15 16	17 18 Referral to Intra-agency Services	33		Emergency Medical Care
19 20	21 22	23 24 Referral to Community Services	34 35	36 37	Other _____
	PL/PR				
	40 41 Multidisciplinary Team		42		No Services Planned or Provided

### IV. CASE STATUS

A. ☐ PENDING JUVENILE COURT ACTION (Updated CY 48 required when court action completed)

B. ☐ PENDING CRIMINAL COURT ACTION (Updated CY48 required when court

C. ☐ FOUNDED (Court Finding - specify below)

D. ☒ INDICATED (If checked, answer 1, 2, or 3)

1. ☐ Medical Evidence

2. ☒ CPS Investigation

3. ☐ Perpetrator Admission

E. ☐ UNFOUNDED

PLEASE EXPLAIN IN DETAIL THE BASIS FOR THE CASE STATUS YOU CHECKED AND SPECIFY CRIMINAL ACTION.

CPS investigation found the child to be consistent and credible in her statements to the referral source, CPS interviewer and the forensic interviewer. The child gave a detailed account of the incidents.

The child said the perpetrator was mean and did stuff to her more than one time. The child stated, "He did stuff to me that wasn't right." She pointed that he touched her chest, butt and vaginal areas and said he did inappropriate things to her body and pointed to her vaginal area and butt again. When asked to show on a picture where she was touched, Kasey pointed to the butt on the female and when asked what part of his body the perpetrator touched her with, she pointed to the penis on the male picture. The child said the perpetrator put it inside her butt and "it hurted." The child said it happened at perpetrator's house. He took her clothes off. His clothes were on but his pants were off. It happened in the child's bedroom at the perpetrator's house on the bed.

The child was nine years old when the incidents occurred. Because she is old enough to take care of her own personal needs, it can be assumed that the perpetrator performed these acts for his own sexual gratification.

A criminal investigation is in progress and charges are pending.

The status of abuse is Indicated based on CPS investigation.

WAS THERE A RELIGIOUS BASIS FOR CHILD'S CONDITION? (Applicable only if E is checked.)

☐ Yes ☐ No

DID THE CHILD DIE AS A RESULT OF THIS INCIDENT OF ABUSE/NEGLECT? (Applicable only if C or D is checked.)

☐ Yes ☒ No

### V. FACTORS CONTRIBUTING TO ABUSE (COMPLETE FOR FOUNDED OR INDICATED REPORTS ONLY)

Please check as many as three factors and rank them in order of relevance ("1" being most relevant). Evidence must exist to confirm the selection of the factor(s) which appears to contribute to abuse.

- ☐ SUBSTANCE ABUSE (INCLUDES DRUGS, CHEMICALS, ALCOHOL, ETC.)
- ☐ STRESS (DUE TO FINANCIAL PROBLEMS, UNEMPLOYMENT, DIVORCE, ETC.)
- ☐ MARGINAL PARENTAL SKILLS OR KNOWLEDGE (INCLUDES UNREALISTIC EXPECTATIONS, LIMITED KNOWLEDGE OF CHILDHOOD DEVELOPMENT, ETC)
- ☐ VULNERABILITY OF CHILD (DUE TO CHILD'S AGE, PHYSICAL LIMITATION, DEVELOPMENTAL DELAYS, ETC.)
- ☐ SEXUAL DEVIANCY OF PERPETRATOR (BASED ON A DIAGNOSIS OR CRIMINAL CONVICTION)
- ☐ ABUSE BETWEEN PARENT FIGURES (HISTORY OF FIGHTING BETWEEN PARENTS OR PARENT SUBSTITUTES)
- ☐ INSUFFICIENT FAMILY/SOCIAL SUPPORT (SUCH AS FAMILY AND FRIENDS UNAVAILABLE TO HELP WITH FAMILY OR PERSONAL NEEDS)
- ☐ IMPAIRED JUDGMENT OF PERPETRATOR (CAUSED BY PHYSICAL, MENTAL OR EMOTIONAL LIMITATIONS)
- ☐ PERPETRATOR ABUSED AS A CHILD

COUNTY WHERE ABUSE OCCURRED Erie	INVESTIGATING COUNTY Erie	CHILDLINE USE ONLY	
		Code	CHILDLINE WORKER
COUNTY AGENCY WORKER FREEBOURN, TERESA		A.	
		B.	
COUNTY AGENCY SUPERVISOR KLOSS, MARILYN		C.	
		D.	
		E.	
Date Form Completed		F.	
0 7 - 1 8 - 1 2			