

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

vs.

DONNELLY J. LeBLANC

3488-2008

*Rec'd  
3/9/22  
JFL*

ORDER

AND NOW, this 13 day of May, 2022, upon consideration of Defendant's 3<sup>rd</sup> PCRA filed with the Court on or about December 16, 2021:

IT IS HEREBY ORDERED THAT said Motion is DENIED<sup>1</sup>.

BY THE COURT:

*[Signature]*  
JEFFERY B. WRIGHT  
JUDGE

COPIES TO:

District Attorney's Office  
Donnelly J. LeBlanc, Pro Se

CLERK OF COURTS

APRIL 13 PM 1:19

LANCASTER COUNTY, PA

<sup>1</sup> Following a jury trial Defendant was convicted on July 15, 2009, and sentenced on December 28, 2009. His direct appeal was denied on July 7, 2011. Defendant's first PCRA was filed on July 13, 2011. After Defendant went through several appointed counsel and following the filing of two (2) Amended PCRA Motions, Defendant's PCRA was denied on November 21, 2014. This decision was also affirmed by the Pennsylvania Superior Court on February 2, 2017. Defendant has raised no new issues which would excuse the untimeliness of this, his third PCRA.

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA  
CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

3488-2008

v.

DONNELLY J. LeBLANC

*Rec'd 9/28/22  
AJL*

OPINION

BY: WRIGHT, J.

September 21<sup>st</sup>, 2022

Petitioner, Donnelly J. LeBlanc, appeals *pro se* my May 13, 2022, Order dismissing without a hearing his third Post-Conviction Relief Act (PCRA) Petition that he filed on December 16, 2021. This Opinion is written pursuant to Rule 1925(a) of the Pennsylvania Rules of Appellate Procedure and, for the reasons set forth below, Petitioner's appeal should be dismissed.

BACKGROUND

The factual history underlying the above-captioned matter is as follows<sup>1</sup>:

On June 8, 2008, police were summoned to 1683 Sanctuary Road, Penn Township, Lancaster County, Pennsylvania. (N.T. Jury Trial, Vol. 2, 273:3-5; 300:2-15.) The police were called to that location by Darla LeBlanc, the mother of K.M., the victim in this case. (N.T. Jury Trial, Vol. 2, 300:2-15.) K.M. had informed his mother that his step-father, [Petitioner] Donnelly LeBlanc, had inappropriately touched him on several different occasions. (N.T. Jury Trial, Vol. 2, 300:8-12.) K.M. reported the facts of the sexual assaults to Detective George Pappas, as well as Mary Reedy of the Lancaster County Children's Alliance. (N.T. Jury Trial, Vol. 2, 300:16-301:2.) These facts were as follows.

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<sup>1</sup> The recitation of facts included herein was lifted from my April 8, 2010, Opinion authored and filed in conjunction with Petitioner's direct appeal to the Superior Court. Footnotes from the original have been omitted.

Between November 2007 and January 2008, [Petitioner] lived with his wife, Darla LeBlanc, and his step-son, K.M. (N.T. Jury Trial, Vol. 2, 273:3-21.) During that time period, Mrs. LeBlanc worked third shift at Lancashire Homes, requiring her to be at work between the hours of 11 p.m. and 7 a.m. (N.T. Jury Trial, Vol. 2, 278:24-279:13.) It was during these times that [Petitioner] took advantage of his time alone with K.M. and sexually molested him. According to K.M., the first incident occurred when [Petitioner] woke him up from his sleep to show him pornography on the computer. (N.T. Jury Trial, Vol. 2, 280:3-10.) While viewing the pornography, Defendant "pulled down his pants and his underwear and told [K.M.] that he wanted [him] to suck [Petitioner's] penis." (N.T. Jury Trial, Vol. 2, 282:3-6.) After doing as he was told by [Petitioner], [Petitioner] then told K.M. to "pull down [his] pajama pants and underwear . . . and [Petitioner] came over and started sucking [K.M.'s] penis." (N.T. Jury Trial, Vol. 2, 282:24-283:5.) [Petitioner] then reassured K.M. that it was okay to experiment. (N.T. Jury Trial, Vol. 2, 283:6-8.) Due to his fear and embarrassment, K.M. did not tell his mother or anyone else about what [Petitioner] had done to him. (N.T. Jury Trial, Vol. 2, 284:3-9).

On another night between November 2007 and January 2008, [Petitioner] again sexually molested K.M. while alone in the home with him. (N.T. Jury Trial, Vol. 2, 285:1-13.) As the victim described: "I was in my bedroom again, and I was asleep on my stomach and [Petitioner] came into my room and I had woken up and he came in and reached under the covers of my bed and pulled down my pajama pants and underwear and put his finger in my anus." (N.T. Jury Trial, Vol. 2, 285:6-10.) K.M. again stated that he did not tell anyone about what happened because he was "embarrassed and scared of what [Petitioner] would do if he found out." (N.T. Jury Trial, Vol. 2, 287:22-288:3.) One or two days later, [Petitioner] again went into K.M.'s room while he was asleep, pulled down his pajama pants and underwear, and inserted his finger into the child's anus. (N.T. Jury Trial, Vol. 2, 288:4-15.)

A short time after these events occurred, while Mrs. LeBlanc was not at home, K.M. approached [Petitioner] while he was working in his shop to ask him a question. (N.T. Jury Trial, Vol. 2, 290:20-24.) It was during this time that [Petitioner] told K.M. that he had something to show him, and removed a towel to expose a homemade masturbation device. (N.T. Jury Trial, Vol. 2, 292:14-16; 295:1-4.) [K.M. testified that], after uncovering the machine, "he then told me to pull down my pants and my underwear . . . and he had this hose that was connected to it and this end piece that was connected to the hose and he told me to put this over my penis

and against my skin. And I did that and [Petitioner] turned . . . the machine on it made this—it had suction to it." (N.T. Jury Trial, Vol. 2, 292:18–293:3.)

After months of keeping it to himself, K.M. finally revealed to his mother what [Petitioner] had done to him. This resulted in the police being called to the LeBlanc home on June 8, 2008. (N.T. Jury Trial, Vol. 2, 300:2–18.)

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On August 25, 2008, [Petitioner] was charged with [two] counts of involuntary deviate sexual intercourse, [two] counts of aggravated indecent sexual assault, [two] counts of corruption of minors, and [four] counts of indecent assault. After two days of trial, on July 15, 2009, the jury found [Petitioner] guilty of all counts except one count of indecent assault arising from the use of the homemade masturbation device on K.M. (N.T. Jury Trial, Vol. 3, 531:5–14.)

On December 28, 2009, [Petitioner] came before this Court for a Sexually Violent Predator (SVP) hearing and sentencing. Following testimony by Dr. Robert Stein, this Court determined that [Petitioner] was indeed a sexually violent predator. Thereafter, [Petitioner] was sentenced on Count 1, Involuntary Deviate Sexual Intercourse, to 25 to 50 years in a state correctional institution pursuant to the second-strike provisions of 42 Pa.C.S. § 9791.2(a)(1). (N.T. SVP Hearing / Sentencing, 65:13–20.) [Petitioner] also received an aggregate sentence of 22 ½ to 46 years on all remaining counts, with these sentences to run concurrent with the sentence for count one. (N.T. SVP Hearing / Sentencing, 66:12–67.) The result was an aggregate sentence of 25 [to] 50 years.

(Trial Court Opinion, April 8, 2010, at 2–5.)

On January 6, 2010, Petitioner filed a timely direct appeal to the Superior Court from the December 28, 2009, judgment of sentence. The Superior Court affirmed on November 1, 2010. See Commonwealth v. LeBlanc, No. 165 MDA 2010, 2019 WL 7422767 (Pa. Super. Dec. 23, 2016) (nonprecedential). The Pennsylvania Supreme Court thereafter denied Appellant's Petition for allowance of appeal on June 7, 2011.

Petitioner filed the instant *pro se* "Petition Under Post Conviction Collateral Relief Act"—his third<sup>2</sup> PCRA Petition—on December 16, 2021, and a *pro se* "Supplemental to Post-Conviction Relief" on December 30, 2021. On January 18, 2022, Petitioner also filed a *pro se* "Motion for Disqualification of Judges," arguing that I should recuse myself from the instant matter. I denied Petitioner's Motion for Disqualification on January 19, 2022, and Petitioner appealed my denial to the Superior Court on February 16, 2022. The Superior Court later quashed the appeal as interlocutory.

On May 12, 2022, Petitioner filed a Motion in which he again argued that I should recuse myself. I denied Petitioner's request for recusal on May 13, 2022. On the same day, I also denied the instant PCRA Petition, noting that the Petition was untimely. On July 26, 2022, Petitioner filed a Notice of Appeal to the Superior Court from my Order denying his Petition. Petitioner filed "Appellant's Pa.R.A.P. 1925(b) Statement" on August 19, 2022, and the Commonwealth responded on the same day. On September 12, 2022, Petitioner filed a second document entitled "Appellant's Amended Pa.R.A.P. 1925(b) Statement."

### DISCUSSION

Petitioner raises the following five claims of error in his "Amended Pa.R.A.P. 1925(b) Statement":

1. The district court's refusal to disqualify itself is contrary to and in conflict with clearly established state and federal law and the Constitution.

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<sup>2</sup> The Superior Court denied Petitioner's appeals from Orders denying both his first and second PCRA Petitions. In the Superior Court opinion affirming my denial of Petitioner's second Petition, the Court determined that the Petition was untimely and that Petitioner failed to plead and prove that any of the three exceptions to the PCRA time-bar were met.

2. The district court's denial, without Notice, of Post-Conviction, is contrary to and in conflict with clearly established state and federal law and the Constitution.
3. The district court's denial of Post-Conviction without Hearing is contrary to clearly established state and federal law, the Constitution and, based upon and [sic] unreasonable determination of the facts and documents presented.
4. The district court abused its discretion as a matter of law in issuing a 1925(b) Order requiring Appellant to include a "*developed supporting argument*" in his Statement of Matters Complained of on Appeal.
5. The district court's failure to file an Opinion pursuant to Pa.R.A.P. 1925(a)(1) is contrary to clearly established law, a violation of the Constitution and, an ambush, sandbagging the parties in litigation.

As further set forth below, because Petitioner failed to comply with the Post Conviction Relief Act's timeliness requirements, I lacked jurisdiction to address the merits of the instant Petition and need not address the substance<sup>3</sup> of Petitioner's appellate claims of error.

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<sup>3</sup> For Petitioner's edification, I will provide a very brief analysis of the reasons why his five claims for appellate relief are meritless.

In his first claim of error, Petitioner argues that my refusal to disqualify myself is contrary to and in conflict with clearly established state and federal law and the Constitution. Because the instant Petition is facially untimely, I lacked jurisdiction to address its merits and, therefore, had no conceivable reason to entertain his arguments in support of recusal.

In his second claim, Petitioner asserts that I erred in denying his third PCRA Petition without first issuing a 907 Notice of Intent to Dismiss. However, it is not reversible error to fail to issue a Rule 907 Notice where the record is clear that the Petition is untimely. See Commonwealth v. Zeigler, 148 A.3d 849, 851 n.1 (Pa. Super. 2016) (citing Commonwealth v. Taylor, 65 A.3d 462, 468 (Pa. Super. 2013)).

In his third claim, Petitioner argues that I erred in denying his Petition without first conducting a hearing. However, Pennsylvania Rule of Criminal Procedure 907 expressly provides for disposition of PCRA petitions without first conducting a hearing in cases where there are no genuine issues of fact and no purpose would be served by

All petitions filed pursuant to the PCRA must "be filed within one year of the date the judgment of sentence becomes final . . ." 42 Pa.C.S.A. § 9545(b)(1). Judgment becomes final at the conclusion of direct review, or at the expiration of time for seeking the review. Id. §9545(b)(3). It is "well-settled that the PCRA's time restrictions are jurisdictional in nature." Com. v. Robinson, 139 A.3d 178, 185 (Pa. 2016) (citations omitted). "As such, this statutory time-bar implicates the court's very power to adjudicate a controversy and prohibits a court from extending filing periods except as the statute permits . . . Id. Accordingly, "the time for filing a PCRA petition can be extended only by operation of one of the statutorily enumerated exceptions to the PCRA time-bar." Id. (citations omitted). Those exceptions consist of the following:

- (i) The failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;

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further proceedings. Here, because the instant Petition is facially untimely and Petitioner failed to plead or prove that any timeliness exception applied, there was simply no reason to schedule a hearing.

In his fourth claim, Petitioner takes issue with the wording of my 1925(b) Order, stating that I abused my discretion as a matter of law by requiring him to include "developed supporting argument" in his Statement of Matters Complained of on Appeal. Pa.R.A.P. 1925(b)(4) requires that a statement of errors concisely identify each error that the appellant intends to assert with sufficient detail to identify the issues to be raised for the judge. My 1925(b) Order did not require Petitioner to cite authorities or the record; instead, it merely alerted Petitioner that, to comply with Pa.R.A.P. 1925(b)(4) and avoid waiver, he needed to sufficiently develop the claims that he raised on appeal.

Finally, Appellant argues that my failure to file an Opinion pursuant to Pa.R.A.P. 1925(a)(1) is contrary to clearly established law, a violation of the Constitution and, an ambush, sandbagging the parties in litigation. The very existence of this Opinion thwarts Petitioner's claim.

- (ii) The facts upon which the claim is predicated were unknown to the Defendant and could not have been ascertained by the exercise of due diligence; or
- (iii) The right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

42 Pa.C.S.A. § 9545(b)(1)(i)-(iii).

It is the Petitioner's burden to plead and prove that one of these timeliness exceptions applies. Com. v. Beasley, 741 A.2d 1258, 1261 (Pa. 1999) (citing 42 Pa.C.S.A. § 9545(b)(1)). Moreover, "[t]hat burden necessarily entails an acknowledgement by the petitioner that the PCRA petition under review is untimely but that one or more of the exceptions apply." Id. If a Petitioner invokes any of the exceptions, yet another requirement is that the petition "shall be filed within one year of the date the claim could have been presented." 42 Pa.C.S.A. § 9545(b)(2).

Instantly, Petitioner's judgment of sentence became final when the time for seeking review before the United States Supreme Court expired: September 5, 2011.

See 42 Pa. C.S.A. § 9545(b)(3). To be considered timely, the instant Petition needed to be filed no later than September 5, 2012. See 42 Pa.C.S.A. § 9545(b)(1). However, Petitioner did not file the instant Petition until December 16, 2021—over nine years after the PCRA's one-year deadline expired.

Because his Petition is facially untimely, Petitioner must first acknowledge said untimeliness and must subsequently plead and prove that one of the three statutory exceptions applies. Petitioner wholly fails, however, to recognize or to otherwise explain the untimeliness of his Petition. Therefore, I lacked jurisdiction to address its merits and did not err in denying his claim for post conviction relief.

CONCLUSION

For the foregoing reasons, the Superior Court is without jurisdiction to rule on the substance of the instant Petition and, consequently, Petitioner's claims on appeal are meritless. Accordingly, I enter the following:

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

COMMONWEALTH OF PENNSYLVANIA : IN THE SUPERIOR COURT OF  
PENNSYLVANIA

v.

DONNELLY JOSEPH LEBLANC

Appellant : No. 1051 MDA 2022

Appeal from the PCRA Order Entered May 13, 2022  
In the Court of Common Pleas of Lancaster County Criminal Division at  
No(s): CP-36-CR-0003488-2008

BEFORE: STABILE, J., NICHOLS, J., and STEVENS, P.J.E.\*

MEMORANDUM BY NICHOLS, J.:

**FILED: MARCH 22, 2023**

*Re'd 3/25/23  
DYL*

Appellant Donnelly Joseph LeBlanc appeals *pro se* from the order denying his third Post Conviction Relief Act<sup>1</sup> (PCRA) petition as untimely. Appellant argues that the PCRA court erred in denying his petition without a hearing. We affirm.

We adopt the facts and procedural history set forth in the PCRA court's opinion. **See** PCRA Ct. Op., 9/21/22, at 1-7. Briefly, Appellant was convicted of involuntary deviate sexual intercourse and related charges for sexually assaulting a minor victim multiple times in 2008. On December 28, 2009, Appellant was sentenced to an aggregate term of twenty-five to fifty years' incarceration. On direct appeal, this Court affirmed Appellant's judgment of

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\* Former Justice specially assigned to the Superior Court.

<sup>1</sup> 42 Pa.C.S. §§ 9541-9546.

sentence and our Supreme Court denied further review. **See** **Commonwealth v. LeBlanc**, 165 MDA 2010, 2010 WL 6795737 (Pa. Super. filed Nov. 1, 2010) (unpublished mem.), *appeal denied*, 23 A.3d 541 (Pa. 2011). Appellant subsequently filed a timely first PCRA petition in 2011, followed by an untimely second petition in 2013, both of which were denied by the PCRA court. This Court affirmed the PCRA court's denial of both petitions on appeal. **See Commonwealth v. LeBlanc**, 2127 MDA 2014, 2015 WL 6663637 (Pa. Super. filed Sep. 2, 2015) (unpublished mem.); **Commonwealth v. LeBlanc**, 548 MDA 2016, 2016 WL 7422767 (Pa. Super. filed Dec. 23, 2016) (unpublished mem.).

Appellant filed the instant *pro se* PCRA petition, his third, on December 16, 2021. The PCRA court issued an order dismissing Appellant's petition on May 13, 2022.<sup>2</sup> Appellant subsequently filed a notice of appeal<sup>3</sup> and a court-

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<sup>2</sup> We note that the PCRA court failed to issue a Pa.R.Crim.P. 907 notice before denying relief. However, a PCRA court's failure to issue a Rule 907 notice is not reversible error where the record is clear that the petition is untimely. **See Commonwealth v. Zeigler**, 148 A.3d 849 (Pa. Super. 2016); **Commonwealth v. Taylor**, 65 A.3d 462 (Pa. Super. 2013). Here, because Appellant's petition is clearly untimely, the PCRA court's failure to comply with Rule 907 does not entitle him to relief.

<sup>3</sup> We note that the PCRA court entered an order denying Appellant's PCRA petition on May 13, 2022. Therefore, Appellant had thirty days, or until June 13, 2022, in which to file a timely notice of appeal. **See** Pa.R.A.P. 903(a). Appellant filed his notice of appeal on July 26, 2022, making it facially untimely. However, our review of the record reveals that the docket entry for the May 13, 2022 order denying Appellant's PCRA petition does not contain a notation regarding service of the order on Appellant. **See** Pa.R.Crim.P. 114(C)(2)(c) (providing that trial court criminal docket entries shall contain, (Footnote Continued Next Page)

ordered Pa.R.A.P. 1925(b) statement. The PCRA court issued a Rule 1925(a) opinion reiterating that Appellant's petition was untimely and declining to address his substantive claims.

On appeal, Appellant raises the following issues for review:

1. The [PCRA court's] refusal to disqualify itself is contrary to and in conflic[t] with clearly established state and federal law and the Constitution.
2. The [PCRA court's] denial, without notice, of post-conviction [relief] is contrary to and in conflict with clearly established state and federal law and the Constitution.
3. The [PCRA court's] denial of post-conviction [relief] without hearing is contrary to clearly established state and federal law, the Constitution and, based upon an unreasonable determination of the facts and documents presented.
4. The [PCRA court] abused its discretion as a matter of law in issuing a [Rule] 1925(b) [o]rder requiring Appellant to include a "developed supporting argument" in his statement of matters complained of on appeal.

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*inter alia*, "the date of service of the order or court notice"); **see also** **Commonwealth v. Hess**, 810 A.2d 1249, 1253 (Pa. 2002) (noting that Rule 114's language leaves no question that trial court clerk's obligations regarding docket entries are not discretionary); **In re L.M.**, 923 A.2d 505, 509 (interpreting similar civil rule, Pa.R.Civ.P. 236, and holding that where there is no indication on trial court docket that notice has been given, appeal period has not started to run).

Moreover, we note that the order denying Appellant's PCRA petition appears to have only been served on Appellant's prior counsel. Because the record fails to indicate when Appellant was served with the order denying his PCRA petition, we conclude there was a breakdown in the court's operation and decline to quash the appeal. **See Commonwealth v. Braykovich**, 664 A.2d 133 (Pa. Super. 1995) (noting that this Court may permit enlargement of the filing period in extraordinary circumstances, such where there was a breakdown in the processes of the court).

5. The [PCRA court's] failure to file an opinion pursuant to Pa.R.A.P. 1925(a)(1) is contrary to clearly established law, a violation of the Constitution and, an ambush, sandbagging the parties in litigation.
6. The [PCRA court's] dismissal of [Appellant's PCRA petition] without opportunity for amendment is contrary to clearly established law, the reasoning set forth in the district court opinion and, in violation of the Constitutions of this state and the United States.

Appellant's Brief at 2 (some formatting altered).

Our review of the denial of PCRA relief is limited to "whether the record supports the PCRA court's determination and whether the PCRA court's decision is free of legal error." ***Commonwealth v. Lawson***, 90 A.3d 1, 4 (Pa. Super. 2014) (citation omitted).

"[T]he timeliness of a PCRA petition is a jurisdictional requisite." ***Commonwealth v. Brown***, 111 A.3d 171, 175 (Pa. Super. 2015). A PCRA petition, "including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final" unless the petitioner pleads and proves one of three statutory exceptions. 42 Pa.C.S. § 9545(b)(1). A judgment of sentence becomes final for PCRA purposes "at the conclusion of direct review, including discretionary review in the Supreme Court of the United States and Supreme Court of Pennsylvania, or at the expiration of time for seeking the review." 42 Pa.C.S. § 9545(b)(3).

It is the PCRA petitioner's "burden to allege and prove that one of the timeliness exceptions applies." ***Commonwealth v. Albrecht***, 994 A.2d 1091, 1094 (Pa. 2010) (citation omitted and some formatting altered). If a

petition is untimely, and none of the timeliness exceptions are met, courts do not have jurisdiction to address the substance of the underlying claims. ***Commonwealth v. Cox***, 146 A.3d 221, 227 (Pa. 2016).

Here, Appellant's judgment of sentence became final on September 5, 2011, ninety days after the Pennsylvania Supreme Court denied his petition for allowance of appeal and the time for filing a petition for writ of *certiorari* in the United States Supreme Court expired. **See** 42 Pa.C.S. § 9545(b)(3); U.S. Sup. Ct. R. 13. Accordingly, Appellant had until September 5, 2012, to file a timely PCRA petition. **See** 42 Pa.C.S. § 9545(b)(1). Appellant's instant PCRA petition, filed on December 16, 2021, is therefore facially untimely. In his brief, Appellant does not claim that the instant petition is timely, nor does he attempt to invoke any of the PCRA's timeliness exceptions. **See** 42 Pa.C.S. § 9545(b)(1)(i)-(iii). Instead, Appellant raises various claims concerning errors by the PCRA court, argues that he cannot prove that he met a timeliness exception without a hearing, and claims that his failure to invoke a timeliness exception was a "defect" which required the PCRA court to provide him with opportunity to amend his petition. **See** Appellant's Brief at 7-18.

Because Appellant's petition is facially untimely and Appellant neither pled nor proved a timeliness exception under the PCRA, he has failed to meet the jurisdictional threshold for a court to consider the merits of his claims. **See Cox**, 146 A.3d at 227; **see also Brown**, 111 A.3d at 175. Therefore, the PCRA court correctly concluded that it did not have jurisdiction to review

the merits of Appellant's petition. **See *Lawson***, 90 A.3d at 4. Accordingly, we affirm.

Order affirmed.

Judgment Entered.



Joseph D. Seletyn, Esq.  
Prothonotary

Date: 3/22/2023

## APPENDIX B

THE LAW OFFICE OF  
R. RUSSELL PUGH

1853 William Penn Way  
Suite 15  
PO Box 10368  
Lancaster, PA 17605-0368

Exhibit 1

(717) 875-4957  
(717) 293-4470(fax)  
rrplaw.3@gmail.com

September 27, 2014

Donnelly LeBlanc  
#JJ9904  
SCI Huntingdon  
1100 Pike Street  
Huntingdon, PA 16654-1112

Recd 9/29/14  
JL

FF

Re: PCRA

Dear Mr. LeBlanc:

The new PCRA Hearing date is October 20, 2014. The Honorable Robert J. Eby will preside.

I intend to litigate the following issues at the hearing:

- a. Spahns' failure to present the testimony of Larry Sullenberger;
- b. Spahn's failure to present the testimony of Darla LeBlanc, and the Commonwealth's efforts to prevent the defense from interviewing her;
- c. Spahn's failure to use available impeachment evidence re: KM (a wild-card issue that allows the latitude to present a variety of evidence);
- d. Spahn's e-mails that evince hostility toward his client, possible disclosure of trial strategy and defenses to DA;

I will not raise any issue regarding the computer or porn videos, Bambi Peiffer or other venues where KM lied or falsely accused, alleged contradictions in or between Pappas reports and other documents, or any other matters. I am convinced that only the issues I set forth above are arguably meritorious.

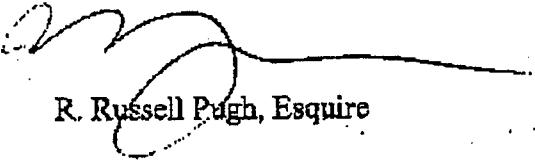
Because I know that you will disapprove, I am giving you this advance notice of my intentions so you may voice whatever complaint you wish to Judge Eby. If you want new counsel appointed (which I deem unlikely to be granted) or wish to proceed pro se, please respectfully petition Judge Eby care of Judge Madenspacher, the President Judge, at the

BC

Lancaster County Courthouse. If you wish, you may send the petition to me and I will ensure that it gets to the right place.

If you have more recent addresses for Darla and Sullenberger, please pass them along. Thank you.

Sincerely yours,



R. Russell Pugh, Esquire

## Exhibit 2

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY  
PENNSYLVANIA

COURT OF COMMON PLEAS

NOVEMBER 21, 2014, 3:30

LANCASTER COUNTY, PA

CRIMINAL

COMMONWEALTH OF PA : Action No. CR-2008-3488

v. :

DONNELLY J. LEBLANC : PCRA

ORDER

*Recd 11/26/14  
JFL*

AND NOW, this 20<sup>th</sup> day of November, 2014, after careful consideration of the correspondence from the Defendant dated November 7, 2014, which we have attached to this Order as Exhibit 1, we note and direct as follows:

- 1) The undersigned jurist presided over a PCRA hearing in the above-captioned case on October 20, 2014 on Defendant's Second Amended PCRA Petition.
- 2) At that time, the Court determined that no conclusion Order was ever entered from the December 3, 2012 Opinion of Judge Wright of the Court of Common Pleas of Lancaster County indicating the Court's then present determination to dismiss Defendant's First Amended PCRA, the PCRA pending before the Court at that time.
- 3) On October 20, 2014, we entered an Order dismissing the Defendant's First Amended PCRA pursuant to Judge Wright's Opinion of December 3, 2012 and granted the Defendant the right to appeal nunc pro tunc.
- 4) Defendant's correspondence indicates that he wishes to file an appeal but that his court-appointed attorney has indicated he will not file the appeal on Defendant's behalf.
- 5) Attorney Pugh was appointed to represent Defendant by Order of the Lancaster county Court of Common Pleas on April 9, 2013. As indicated by the text of that Order,

which is attached as Exhibit 2, Attorney Pugh was appointed "to represent the Defendant in all proceedings before this Court and before any appellate court."

6) As directed by the April 9, 2013 Order of the Lancaster County Court of Common Pleas, Attorney Pugh shall remain as counsel for the Defendant and represent his interests before this Court and any appellate court.

7) Defendant, with the assistance of counsel, shall have an additional 30 days to appeal the denial of relief and dismissal of his Petition set forth in the Opinion of December 3, 2012 and our Order of October 20, 2014 the Superior Court of Pennsylvania. Should Defendant still desire to do to appeal, he must do so by filing a Notice of Appeal with the Court no later than thirty days from the date of this Order.

I certify this document to be filed  
in the Lancaster County Office of  
the Clerk of the Courts.



Joshua G. Parsons  
Clerk of the Courts

BY THE COURT:

ROBERT J. EBY, S.J.

cc: District Attorney (Swinehart)  
Russell Pugh, Esq. (1853 William Penn Way, Suite 15, Lancaster, PA 17601)  
Donnelly J. Le Blanc (#JJ9904, 1100 Pike Street, Huntingdon, PA 16654)

Rec'd. 11/12/14

Donnelly J. Le Blanc #JJ9904  
4100 Pike Street  
Huntington, Pa. 16654

November 7, 2014

Honorable R. Eby  
Lebanon County Courthouse  
400 South Eighth Street  
Lebanon, Pa. 17042

GG

RE: Comm. v. Le Blanc, 36-cr-3485-2008

Dear Sir,

On October 20, 2014 you sat in for my Hearing on PCRA.

At that time you Dismissed my First Amended Petition *sua sponte* without review of the record or, any documentation filed by myself, counsel, or the Commonwealth.

You also Ordered my right to appeal *Nunc Pro Tunc*.

At the conclusion of the Hearing my attorney, Russell Pugh, esq. informed me that he would not take appeal on those matters on my behalf.

This is a direct and deliberate Abandonment of my case in full violation of establish Pennsylvania and Federal law and, my rights under both Constitutions and, established Court precedents in the Commonwealth and Federal Courts.

I request an Order from you to remedy this matter as I am precluded from taking appeal on these issues per Ellis and Jett.

Your attention to this matter is greatly appreciated.

Respectfully Yours,

*Donnelly J. Le Blanc*

*Exhibit 2*

THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA :

v. : 3488-2008  
DONNELLY LEBLANC :

ORDER

I appoint R. Russell Pugh, Esq., effective April 9, 2013, to represent the Defendant in all proceedings before this Court and before any appellate court. Compensation for this appointment will be pursuant to Administrative Order, CPJ 7, Page 390, dated December 21, 2005, In Re: Appointment of R. Russell Pugh, Esq., as Special Court Appointed Counsel.

I certify this document to be filed  
in the Lancaster County Office of  
the Clerk of the Courts.

BY THE COURT:

*Joe*

JOSEPH C. MADENSPACHER  
PRESIDENT JUDGE  
April 9, 2013

  
Joshua G. Parsons  
Clerk of the Courts

Copies to: Clerk of Courts  
District Attorney's Office  
Public Defender's Office  
Daniel D. Scarberry, Asst. Dist. Court Admin -Bail  
Russell A. Glass, Asst. Dist. Court Admin -Criminal  
Adult Probation and Parole  
Donnelly LeBlanc, Unknown address and/or LCP  
R. Russell Pugh, Esq., #38398, 53 N. Duke St., Suite 205, Lancaster, PA 17602 (717) 875-4957

Exhibit 5

Donnelly J. LeBlanc

LCP # 08-2847

Lancaster County Prison

January 5, 2009

Karen Mansfield, A.D.A.  
Office of the District Attorney  
via Lancaster County Mail  
Lancaster, County Courthouse

RE: 3488-CR-2008 Reciprocal Discovery

Ms. Mansfield,

Pursuant to Pa. C.C.P. I am enclosing a copy of letters from the alleged victim's mother, Paula LeBlanc that clearly indicate your witness falsified his statements and that we have had SEVERE issues in the past with his lying. (see enclosed letters Oct. 12 & 20)

I intend on having the public defender present this at trial, and have also forwarded copies to their office.

I would like to schedule a conference with you in an attempt to resolve these false accusations. Please contact me.

Cordially,

D.J. LeBlanc  
Pro Se

copy: Public Defender  
Filed

Sun. Oct.  
12, 2008

Donnie,

If I write to you, I pray to God you don't use that against me later in Court, because I was given very strict orders not to have any contact with you & if it comes out in Court that I did then that will be the last time I have any contact with you ever again.

K █████ went to live with his dad last week.

ManorCare fired me at the end of JULY, for not using a 90" belt to transfer residents which we never do on night shift. Well, actually they suspended me for 2 days for investigation from resident complaints, again they have been unfounded. I didn't get unemployment right away either, I had to file an appeal, & I won it, my benefits have been reversed. I'm expecting the money now, or this. I applied for food stamp & health access card, I had to work with Taber to keep my house from

going into foreclosure. I started work last week at Lancashire Hall on day shift, & I have my name on the list for 11-7, & I will be making \$14.00 an hr.

I was ~~in~~ in the hospital at Lancaster Regional for 4 days for major depression the week before K [REDACTED] started back to school the end of Aug. K [REDACTED] called the cops because I was really upset, I said I wanted to shoot myself if he wouldn't have been here, I think I would've done someth, it was pretty bad.

Are you going to sue me if you get out of jail, me & some of my friends don't believe that everything K [REDACTED] says happened, really happened, he has been awful to me the last few months. I am actually relieved & much more relaxed now that he's gone. Now I'll have to see what happens with child support. I am thinking about calling det tappes and have K [REDACTED] take a lie detector test.

Sorry about my handwriting, I  
have been writing in a hurry. Don  
let anyone know that I have  
written you, because if you do, I will  
quit contact immediately. Understood.

Take care,

Darla

I am working on admissions for  
R.N. School for next fall at LGH.

I am working real hard at losing  
weight, & taking care of me. I am  
seeing Sharon Gates again for  
counseling.

Donnie

Oct. 30

My heart aches terribly for you, too. The only thing I know about all this stuff is what K [REDACTED] told Detective [REDACTED] here at the house with his investigation. I don't know anything that went on in the questioning with the [REDACTED] records of K [REDACTED] with Childrens alliance, & I don't know anything that was put on his report. I don't know what K [REDACTED] told Karen either. No, he didn't bother to tell me how many [REDACTED] different stories K [REDACTED] gave. I gave a what for will happen to him if he make any false reports. I don't know what to say. This summer & fall K [REDACTED] has hurt me sooo bad, it is actually quite peaceful here without him. I haven't cried & missed him yet.

No, I don't want to grow old & gray alone. I am sooo damn lonely right now, it sucks.

Naomi & I [REDACTED] have gotten back in touch. We are hanging around together a lot.

K [REDACTED] got so sick by this summer, because I couldn't get him to do anything. And of course I was sleeping during the day & couldn't watch him. AY/Y. His lying got worse than ever. His mouth, mouthing me.

horrible, founding the walls, saying he hated me, throwing the dining room chairs around.

I am working on my admission to R.N. School at LGH for next fall.

I am so HURT ~~at~~ with all this shit, first ~~my~~ my hurt was directed at YOU & now at K [REDACTED] my emotions are so fucked up lately, I can't even think straight.

@ K [REDACTED] I have been going for counseling, its been about a month since we've gone, I rescheduled an appt. for me for next Fri, & I am going to bring this last letter with me that you wrote to me.

I am planning to come in Sat. afternoon or evening for a visitation.

What is that letter about from the T.R.S?

Joli & Bear miss you bad. They haven't gotten much attention in months. Bear ~~it~~ has been ~~it~~ been ~~it~~ more times, she was a biker, ~~she~~ I have been ~~it~~ ~~it~~ thoughts, & love are with you. I'm going to cry now. My freaks. Well, what happens now? Darla

# Exhibit

Mansfield, Karen

From: Merrill Spahn [m.spahn@selanc.com]  
Sent: Tuesday, April 07, 2009 7:19 PM  
To: Mansfield, Karen  
Subject: LeBlanc

This guy is good!

He is really trying to set me up. There are hundreds of pages of letters that he has sent me requesting various investigative actions be taken. I am trying to weed through all of them. We will never hear the end of it when I don't do them all. I'm starting to worry about May.

Here is one issue: He is raising a sort of alibi. He's claiming to only have lived with the family for two weeks of the relevant time period. It doesn't raise a true alibi, so I don't think that I am compelled to give notice, but we should hash out that issue between ourselves. Just trying to resolve it without trial delay - - - although I'm worried about that for other reasons as well. We might need to talk.

M  
Merrill M. Spahn, Jr.  
SPAHN & ENCARNACION  
45 East Orange Street  
First Floor  
Lancaster, PA 17602  
Telephone: (717) 390-8950  
Facsimile: (717) 390-8953

Note: The comments on and attachments to this electronic message are intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this message in error, please contact the sender and delete the original message, and attachments, and copies. Thank you for your cooperation.

Darla  
must est -  
that I resided there

© I showed this as well

COMMONWEALTH OF PENN VANIA  
COUNTY OF: LANCASTER

PEAS OF GUILTY  
BEFORE ISSUING AUTHORITY

COMMONWEALTH OF 5840-2001

PENNSYLVANIA

Mag. Dist. No.:	02-3-08
MOJ Name: Hon.	John C. WINTERS
Address:	40 DOG RUN ROAD MANHEIM, PA
Telephone:	(717) 665-4525
	17545

DEFENDANT  
LEBLANC, DONNELLY JOSEPH  
1683 SANCTUARY RD  
MANHEIM, PA 17545

VS.  
NAME and ADDRESS

Docket No.: CR-0000247-07  
Date Filed: 10/09/07  
K 538347-5

LANCASTER CNTY CLERK OF COURTS  
50 N DUKE ST  
BOX 83480  
LANCASTER, PA 17608-3480



DOCKET NOS. OF OTHER PARTICIPANTS

COMPLAINT NO./NOTIFICATION NO.

INCIDENT NO.

UCR NO.

AFFIANT

MO9792E

DONNELLY J. LEBLANC

(Name of Defendant)

Exhibit 7

residing at 1683 SANCTUARY RD  
MANHEIM, PA 17545

plead guilty to:

Charge(s):

S 18.52701 E8A3 SIMPLE ASSAULT

before JOHN C. WINTERS

(Name of Issuing Authority)

this Twentieth day of

November, 2007, and represent that I do this knowingly, voluntarily, and

intelligently.

*Donnelly J. LeBlanc*  
(Defendant's Signature)

the issuing authority in the

JOHN C. WINTERS

(Issuing Authority)

Twenty-ninth day of November, 2007

within cause, certify that this

I accepted the above defendant's plea of guilty after making full inquiry of the defendant. I have advised the defendant of the right to counsel. I certify that the plea was made voluntarily, knowingly, and intelligently.

*J. C. W.*  
(Issuing Authority)

#### COURT CASES

A defendant who enters a plea of guilty under Pa. R. Crim. P. 550 may, within ten (10) days after sentence, change the plea to not guilty by so notifying the issuing authority in writing. In such event, the issuing authority shall vacate the plea and judgment of sentence, and the case shall proceed in accordance with Pa. R. Crim. P. 547, as though the defendant had been held for court.

Judgment on a plea of guilty entered under Pa. R. Crim. P. 550 must be certified to the clerk of court of the judicial district within ten (10) days after acceptance of the guilty plea and the imposition of sentence.

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LANCASTER

BAIL RELEASE CONDITIONS

Mag. Dkt. No.

02-3-08

MOU Name: Hon.

JOHN C. WINTERS  
ADDRESS: 40 DOG RUN ROAD  
MANHEIM, PA

Telephone: (717) 665-4525

17545

DONNELLY J. LEBLANC  
1683 SANCTUARY RD  
MANHEIM, PA 17545

COMMONWEALTH OF  
PENNSYLVANIA

DEFENDANT

NAME and ADDRESS  
LEBLANC, DONNELLY JOSEPH  
1683 SANCTUARY RD  
MANHEIM, PA 17545

Recd @  
See Handwritten  
3/13/07  
Ajt.

Docket No.: CR-0000283-07

Date Filed: 11/21/07

K 538383-6



Release Conditions:

DEF. SHALL HAVE NO CONTACT WITH THE VICTIM DALE  
LEBLANC.

*Donnelly J. Lblanc*

Exhibit 7

Domestic Violence Conditions:

REFRAIN FROM ENTERING THE RESIDENCE OR HOUSEHOLD OF THE VICTIM OR THE VICTIM'S PLACE OF EMPLOYMENT.  
REFRAIN FROM COMMITTING ANY FURTHER CRIMINAL CONDUCT AGAINST THE VICTIM.

I verify that the above conditions of bail have been imposed.

My commission expires first Monday of January, 2008

DATE PRINTED: 11/21/07 8:02:46 PM

AOPC 731-08



10

## Exhibit 8

~~Exhibit F~~

**From:** Hendrickson, Tracy  
**Sent:** Wednesday, June 11, 2008 11:28  
**To:** Pappas, George C  
**Subject:** FW: 426

**From:** Stauffer, Theresa A.  
**Sent:** Monday, June 09, 2008 00:02  
**To:** Hendrickson, Tracy  
**Subject:** 426

On the date of 06-08-08, at approximately 2229 hrs., I received a call from Darla LeBlanc. LeBlanc stated the following:

1 My son told me tonight that Donnelly (referring to Darla's ex-husband Donnelly LeBlanc) asked him to perform oral sex a few times in the past. He told me it was a couple of times. He wasn't sure of when exactly it happened. My son told me that Donnelly would come into his room and he would stick his finger up my son's butt. He told me that Donnelly gave him the finger two or three times. He also told me that Donnelly preformed oral sex on him at least one time. He said that Donnelly asked him to perform oral sex on him too".

When questioned over the identity of her son, Darla stated "K [REDACTED] S [REDACTED] M [REDACTED]. She noted that K [REDACTED] is 14 years old. When questioned over Donnelly's whereabouts, Darla stated, "I haven't seen him in about a month. He should be staying at Transition to Community". When questioned over when the sexual abuse started, Darla stated, "Well, I've worked midnight shift the past year. So, I would say sometime during that time".

Due to K [REDACTED] not being in any imminent danger from Donnelly, I told Darla that our Sergeant or Detective would contact her on 06-09-08. I explained that further follow-up would be conducted at that time.

Contemporaneous record of interview with Darla  
 Suggested by Pappas and Miller found in Discovery  
 for the suit. Proof of omissions of exculpatory  
 evidence in Reports, affidavits, that Pappas  
 has serious reason to doubt the facts he  
 provided for arrest.

4D

# Exhibit 9

**REPORT OF SUSPECTED CHILD ABUSE  
TO LAW ENFORCEMENT OFFICIAL (CY104)**  
(PURSUANT TO SECTION 6340 OF THE CHILD PROTECTIVE SERVICES LAW)

36- 17935

REPORT SENT TO: Penn Township		DATE REPORT RECD BY COUNTY AGENCY 6/8/06	DATE SENT TO LAW ENFORCEMENT OFFICIALS		
1. REPORT SENT BY: LANCASTER COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCY 900 EAST KING STREET LANCASTER, PA 17602					
CASE WORKER Karen Garber		SIGNATURE <i>Karen Garber</i>	PHONE # 717-390-7768		
SUPERVISOR Robin M. Boyer		SIGNATURE <i>Robin M. Boyer</i>	PHONE # 717-295-7940		
IDENTIFYING INFORMATION					
3. NAME OF CHILD: K. S. M.		SOCIAL SECURITY NUMBER [REDACTED]	DOB 02/23/94	SEX M	
4. ADDRESS 1683 Sanctuary Road, Manheim, PA 17545		COUNTY Lancaster			
5. PRESENT LOCATION IF DIFFERENT FROM ABOVE					
6. MOTHER: Darla J. LeBlanc		SOCIAL SECURITY NUMBER [REDACTED] 3728	DOB 12/16/70	SEX F	
7. ADDRESS 1683 Sanctuary Road, Manheim, PA 17545		PHONE # 665-0700			
8. FATHER: Kenneth R. Martin		SOCIAL SECURITY NUMBER [REDACTED] 4126	DOB 7/7/60	SEX M	
9. ADDRESS 460 Gehman School Road, Reinholds, PA 17569		PHONE # 271-3108			
10. ALLEGED PERPETRATOR: Donnelly LeBlanc		SOCIAL SECURITY NUMBER [REDACTED] 4659	DOB 3/29/82	SEX M	
10B RELATIONSHIP TO CHILD: Stepmother		PHONE # 285-1338			
ALLEGED ABUSE					
13. REASON FOR REFERRAL:		HOMICIDE <input checked="" type="checkbox"/> SEXUAL ABUSE    SERIOUS BODILY OR EXPLOITATION    INJURY    CHILD ABUSE ALLEGEDLY PERPETRATED BY A NONFAMILY MEMBER			
14. PREVIOUS INDICATED OR FOUNDED REPORTS: (INVOLVING PERPETRATOR)		INVOLVING SUBJECT CHILD:			
YES    NO <input checked="" type="checkbox"/> UNKNOWN		YES	NO	<input checked="" type="checkbox"/> UNKNOWN	
16. CONFIDENTIAL INFORMANT (PLEASE PROTECT IDENTITY OF THIS PERSON): Upon Request					
NAME:		TITLE:			
ADDRESS:		TELEPHONE:			

NOTE TO LAW ENFORCEMENT OFFICIAL: PLEASE ADVISE THE AGENCY OF THE OUTCOME OF THE INVESTIGATION AND PROSECUTION.

**16. NATURE AND EXTENT OF ALLEGATIONS (NARRATIVE):**

Mother contacted police stating Kyle disclosed to her that Mr. LeBlanc, on numerous occasions, wanted to perform oral sex on him while sleeping or getting out of the shower. Allegations also include that on a single occasion, Kyle woke up to find Mr. LeBlanc performing oral sex on him and sticking his finger in Kyle's rectum.

41

# Exhibit 9

DATE:	INTAKE SCREENING FORM	SOURCE	CODE
TIME:	CASE NAME: <u>LeBlanc</u>	REFERENT	
		RELATION TO FAMILY	
	WORKER <u>MPH</u>	PHONE #	
SPECIFIC ALLEGATIONS (Describe specific behavior and condition. Include where and when incident(s) occurred):			
<p>called to report alleged sexual abuse in full. [REDACTED] states that [REDACTED] contacted [REDACTED] stating [REDACTED] disclosed to [REDACTED] no specific dates known. [REDACTED] allegedly disclosed that Mr. LeBlanc, on numerous occasions, wanted to perform fellatio on him while sleeping or getting out of the shower. Allegedly, [REDACTED] would wake up to find Mr. LeBlanc performing fellatio on him and sticking his fingers in [REDACTED] rectum.</p> <p>Mr. LeBlanc was recently released from prison (on insurance fraud charges) and is in a program called Transition to Community housing - Bus # 285-7338 (This # comes back to Patricia Castrovilla, 3135, Rockford Rd, Mountville PA)</p> <p>(police scheduled Dano 016 at 1030)</p>			

**Supplement Report: 2008-PN-00426**  
**Det. George Pappas**

On 6/9/2008 I received this investigation form Sgt. Matt Weidman of the Penn Township Police Department. The initial report was taken by Penn Township Officer Theresa Stauffer. According to Stauffer's narrative, complainant, Daria LeBlanc stated her 14 year old son; K. S. M. disclosed to her that Donnelly LeBlanc (Daria's husband) had on numerous occasions asked to perform fellatio a few times in the past. K. was not sure of the dates on which this occurred.

As a result of receiving this investigation, I called Daria at home, and asked her if I could interview K. She said that it would be okay, but requested that the interview be conducted at her residence of 1683 Sanctuary Road which is located in Penn Township, Lancaster County. I also contacted Mary Himmelwright, Intake caseworker for Lancaster County Children and Youth and advised her of my investigation. I received a Report of Suspected Child Abuse to Law Enforcement Form 104 on 6/10/2008 which has been assigned to Karen Garber CYA.

At approximately 1800 hours on 6/9/2008, I went to her residence and was greeted at the door by K. Daria was home and came out into the kitchen area and we were seated at the counter. K. seemed shy and uncomfortable when Daria explained why I was there. Daria was also advised of a forensic interview with the Lancaster County Children's Alliance on Monday June 16, 2008 at 1030 hours, and she needed to be there with K. She agreed to be there.

I asked K. what happened between him and Donnelly. K. stated that when Daria was not at home sometimes Donnelly would get him out of bed and ask K. if he wanted to "suck his dick." K. also stated that sometimes he would pretend he was sleeping and Donnelly would enter his room and insert his finger inside his rectum. K. stated that this happened at least three times. K. stated that this activity only happened for a short time, between Thanksgiving and Christmas of 2007.

K. said that one night Donnelly asked him to go to the room where the computer was kept. K. said Donnelly was looking at "porn" on the computer involving two women. Donnelly had been drinking and K. felt intimidated by Donnelly when he drank. That evening Donnelly asked K. to "suck his dick," so K. complied because he felt intimidated. According to K. Donnelly then performed fellatio on K. K. stated that neither of them had an orgasm during this incident. K. recalls the time of this incident took place at approximately 2300 hours.

K. stated that the reason he waited to tell Daria of this incident was because he thought that Daria and Donnelly might get back together and he did not want to cause problems between the two of them.

On 6/14/2008 Sgt. Matt Weidman of the Penn Township Police Department informed me that he received a telephone call from Daria LeBlanc earlier this date. She advised him that Donnelly had a device in the garage that was used as a suction device he would use on himself. I contacted Daria and I informed her that I would stop by her residence

*Not in Exhibit K*

*Pappas made the Report  
(See Exhibit K)*

and pick up the device. When I arrived, Darla answered the door, and she had [REDACTED] take me to the garage where the device was kept. The device can be described as an electrical vacuum pump that has a clear hose. K [REDACTED] showed me a flesh colored tube that resembled a dildo with a make-shift hole in the end where the clear tube was attached. K [REDACTED] stated that Donnelly put his "thing" (referring to his penis) inside it and regulated the vacuum pressure with a level on the one side of the pump. K [REDACTED] also stated to me that Donnelly used this device in front of him one time between Thanksgiving and Christmas 2007. As I was leaving, I was approached by Lancaster County Children and Youth Intern Caseworker Christiane Britton, who was there prior to my arrival to interview Darla LeBlanc. She felt as though K [REDACTED] would make a good witness. The vacuum device was taken back to the Penn Township Police Department, photographed and placed into evidence (Evidence tag number 2008-74).

On 6/11/2008 Sgt. Matt Weidman and I interviewed Donnelly LeBlanc at his place of employment, Cornerstone Masonry, located at 3601 Columbia Ave., Lancaster, PA 17603. Upon arrival, Sgt. Weidman and I were greeted by Donnelly in the main office area. We sat in a secluded location to provide privacy for our interview. I read Donnelly his Miranda Warnings, and he agreed to talk to us about the incident. Donnelly denied any inappropriate contact between himself and K [REDACTED]. He stated that he and K [REDACTED] despised each other, and at times Donnelly admitted being hard on K [REDACTED] and perhaps used a "heavy hand" on him. During the course of the interview, Donnelly stated one time while he (Donnelly) was looking at a pornography web site, K [REDACTED] had walked by and observed the computer monitor. Donnelly claimed to have directed away from that website, and claimed it was a "pop-up" site that was a video involving men and women engaged in sexual activity. He also admitted to using the vacuum machine in the garage as a means to masturbate, and stated that he never did this in front of K [REDACTED] but perhaps K [REDACTED] was watching through a window. Donnelly then stated that K [REDACTED] would watch through the bedroom window when he and Darla were having sex. Donnelly provided a current address of 13 Brimmer Avenue, New Holland, PA. 17557. Telephone number of (717) 354-5776.

Dues not match  
Superseded Report in Exhibit 10  
(material facts altered)

Donnelly also stated that Darla called him on Monday evening and questioned him about inappropriate contact with K [REDACTED]. He stated she had him on the phone from 2130 hours till just about midnight. Once I returned to PTPD, I called Darla and asked her about the phone call, and she said he called her to say "Good Night" and she stated to me that she told him he has no business calling her, and she did not provide Donnelly with any details involving the allegations made to her by K [REDACTED]. I also asked her about her computer, and she stated it was a Hewlett Packard which has a tower, monitor and printer; and that it is currently in her residence.

On 6/13/2008 Sgt. Matt Weidman and I served a search warrant on Darla LeBlanc's residence located at 1683 Sanctuary Road, Manheim. Darla was cooperative and we were able to obtain a Hewlett Packard Pavilion computer tower Model number 31725W; SN: CNH5551F4V, a black power cord for the tower; multiple CD's and DVD's; a billing statement for D & E DSL service; other credit account information; and floppy discs. (See Receipt Inventory for further details of seized items). Prior to departing Darla informed Sgt. Matt Weidman and myself that up until this past Monday, when K [REDACTED] disclosed the abuse information to her, her and Donnelly were talking almost daily. I

asked her if she was considering taking Donnelly back and she said that she has been thinking about it, but it wouldn't be fair to K [redacted] I also advised her that is something Children and Youth would not approve of and she agreed.

The items were recorded as evidence and placed in a secure evidence locker at the Penn Township Police Department on 6/13/2008 at 1303 hours. (Evidence Tag # 2008-76). Lancaster County Detective Pete Savage was notified and he will advise me when they are able to obtain the computer.

On 6/16/2008, I called Darla LeBlanc at 0755 to remind her of the meeting with Lancaster County Children Alliance which is to be held at 628 N. Duke Street, Lancaster, PA at 1030 hours. She stated she remembered and would be there.

Darla arrived with K [redacted] approximately 15 minutes late. Myself, and CYA Intern caseworker, Christiane Britton were position in the secured viewing room. K [redacted] was interviewed by CYA Forensic Interviewer Mary Reedy. The interview with K [redacted] was recorded on a CD. During the interview, K [redacted]'s statement was consistent with the one he provided to me on 6/9/2008, except the time frame he gave to me was between Thanksgiving and Christmas. During the interview with Reedy, he stated the time frame was between Christmas and New Years. Another area of difference was that when I retrieved the "device" Donnelly had made, K [redacted] had indicated to me that Donnelly used the device on himself. During the forensic interview, K [redacted] disclosed that Donnelly had used the device on him (K [redacted]). K [redacted] stated that Donnelly used the device on him in the shed after Donnelly had pulled his pants down. (See attached copy of Lancaster County Children's Alliance Case Report for details.)

✓ 1/2 2008

On 6/17/2008, I called Donnelly LeBlanc at the Cornerstone Masonry. Donnelly was cordial during the call. I asked him if he would be willing to take a polygraph regarding the allegations made in this investigation. He stated he would have to run it by his attorney. I asked him if he spoke to an attorney regarding this investigation and he said that he called his attorney, but he has not gotten a call back yet. I told him I would not speak to him any further about this incident.

On 6/18/2008 I spoke to ADA Karen Mansfield regarding the investigation. I provided her with a copy of the DVD made by the Lancaster County Children's Alliance. I also forwarded her a copy of the criminal complaint I had prepared for Donnelly LeBlanc. On 6/19/2008 the complaint was approved and an arrest warrant was obtained by me at MDJ Thomas J. Fee's office. Officer Jason Riggle assisted me, along with members of the East Hempfield Police Department to include Sgt. Dennis Eberly; and Officer B. Hollis in the warrant service at LeBlanc's place of employment, 3601 Columbia Avenue, Cornerstone Masonry. LeBlanc was taken into custody without incident and transported to MDJ Fee's office for preliminary arraignment. LeBlanc was transported to the Lancaster County Prison in lieu of \$ 500,000 bail

LeBlanc was mostly quiet but stated while were we at the prison that K [redacted] is a "liar" and when he gets older, the police will have problems with him.

Case closed- pending a forensic search of the LeBlanc computer from the Lancaster County Detectives, Pete Savage. LeBlanc charged with Involuntary Deviate Sexual Intercourse (2 counts); Corruption of Minors (2 counts); Aggravated Indecent Assault (3 counts); and Indecent Assault (6 counts).

On 7/28/2008 I received the computer and associated property log and report from Lancaster County Detective Pete Savage regarding this investigation. See attached reports from Det. Savage regarding his findings from the forensic search of the LeBlanc computer. There was no indication of any child pornography on the computer. The computer and all other items seized from the search warrant were returned to Darla LeBlanc.

On 8/27/2008 I received a letter from Donnelly LeBlanc which was sent to Penn Township Police Department Chief of Police, Larry Snavely. The letter was directed to me and he wanted me to pursue charges of Unsworn Falsification against the victim in this incident K [REDACTED] M [REDACTED], because D. LeBlanc claims the victim fabricated the story of alleged sexual abuse. The letter was placed in the case file.

# Exhibit 11

## POLICE CRIMINAL COMPLAINT

Docket Number: CR-154-08	Date Filed: 06/19/2008	OTN/LiveScan Number: K 659856-1	Complaint/Incident Number: 2008-PN-00426
Defendant Name:	First: DONNELLY	Middle: JOSEPH	Last: LEBLANC

### AFFIDAVIT of PROBABLE CAUSE

1. That your affiant, Detective George C. Pappas, is a sworn member of the Penn Township Police Department located at 97 N. Pennyn Rd., Manheim, Pennsylvania. I have been a sworn police officer for 21 years; approximately 6 of those years are as a criminal investigator; I have earned a bachelor's degree in criminal justice; received the Municipal Police Officers Education and Training Commission (MPOETC) ACT 120 certification from the Pennsylvania State Police Academy and graduated from the FBI National Academy 207th Session.
2. On 6/9/2008 Daria LeBlanc filed a complaint with the Penn Township Police Department that a sexual abuse occurred involving her biological son. He is a 14 year old juvenile male, K.S.M. DOB: 2/23/1994; the incident took place at 1683 Sanctuary Road, Manheim, Pennsylvania between November 2007 and January 2008. Specifically between Thanksgiving and New Year. The victim was 13 years of age at this time.
3. That 1683 Sanctuary Road, Manheim, is the residence of Daria LeBlanc, biological mother to the victim and husband Donnelly LeBlanc, step-father and suspect in this investigation. The suspect no longer resides at the residence.
4. On 6/8/2008 the mother informed police that the victim disclosed to her that suspect had asked the victim to perform oral sex on him a few times in the past. During this disclosure, K.S.M. also stated that the suspect also entered the victim's bedroom and inserted his finger inside K.S.M. rectum on three separate occasions.
5. On 6/9/2008, this affiant interviewed K.S.M and his mother at 1683 Sanctuary Road regarding this investigation. It was learned from this interview that when his mother was not at home, the suspect would enter his bedroom, and the victim pretended to be asleep. The victim stated that the suspect "stuck his finger in my butt." K.S.M. stated this happened on three separate occasions.

I, DET. GEORGE C. PAPPAS, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.



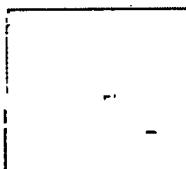
(Signature of Affiant)

Sworn to me and subscribed before me this 19 day of June 2008

Date 11/19/2008

Magisterial District Judge

My commission expires First Monday of January, 2009



45

## CRIMINAL COMPLAINT

Docket Number: CR-154-08	Date Filed: 06/19/2008	CTN/LiveScan Number: K 659856-1	Complaint/Incident Number: 2008-PN-00426
Defendant Name: Donnelly	First: Donnelly	Middle: Joseph	Last: LeBlanc

## AFFIDAVIT of PROBABLE CAUSE

6. During the interview, K.S.M. stated that one evening between November 2007 and January 2008 at approximately 2300 hours, the suspect got him out of bed and took the victim to a room where their family computer was located. K.S.M. stated that the suspect was looking at "porn" and described what he saw as two naked women. K.S.M. stated that the suspect had been drinking, which he usually does, and was intimidated by the suspect. That the suspect asked K.S.M. to "suck his dick." K.S.M. stated that he did after the suspect asked him to, and then the suspect performed fellatio on K.S.M. The victim stated that neither of them had an ejaculation. That this occurred approximately in December 2007.

7. K.S.M. also stated that during the timeframe of Thanksgiving 2007 and New Years 2008, the defendant also entered K.S.M.'s room in the evening while he was sleeping. According to K.S.M., the defendant, on three separate occasions did insert his finger into the rectum of K.S.M.

8. On 6/16/2008, K.S.M. was interviewed by the Lancaster County Children's Alliance. K.S.M. disclosed to their forensic interviewer, Mary Reedy of the Lancaster County Children's Alliance, detailed inappropriate contact between the defendant and K.S.M. That this inappropriate contact was the defendant performed fellatio on the victim; the victim performed fellatio on the defendant; the victim was shown pornography on the home computer; the defendant inserted his finger into the rectum of the victim three times; and the defendant used a machine to put on the victim's penis. That this disclosure made by K.S.M. to the Lancaster County Children's Alliance was consistent with the information K.S.M. provided to this affiant.

9. Based on the above information, I am requesting a warrant for the arrest of Donnelly Joseph LeBlanc for the charges of Involuntary Deviate Sexual Intercourse; Aggravated Indecent Assault; Corruption of Minors and Indecent Assault.

I, Detective George C. Pappas, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

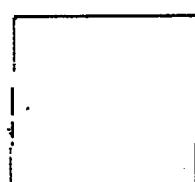


(Signature of Affiant)

Sworn to me and subscribed before me this 19 day of June 2008

Date Thomas G. Lee, Magisterial District Judge

My commission expires first Monday of January, 2010



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, Hillcrest, 2<sup>nd</sup> Floor, P.O. Box 2675, 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.

DATE OF INCIDENT 12/01/07 through 1/31/08	DATE OF ORAL REPORT 0 6 - 0 9 - 0 8	REGISTRATION NUMBER 36-17935
B. NAME OF CHILD/STUDENT (Last, First, Middle Initial) M [REDACTED] K [REDACTED] S [REDACTED]		BIRTHDATE 0 1 2 - 1 2 3 - 9 4 (M) X (F)
ADDRESS (Include Street, City, State, Zip Code) 1683 Sanctuary Road, Manheim, PA 17545		COUNTY Lancaster
C. BIOCLOGICAL/ADOPTIVE MOTHER (Last, First, Middle Initial) LeBlanc, Darla J		SOCIAL SECURITY NO. [REDACTED]-3728 BIRTHDATE 12 16 1970
ADDRESS 1683 Sanctuary Road, Manheim, PA 17545		COUNTY Lancaster
D. BIOCLOGICAL/ADOPTIVE FATHER (Last, First, Middle Initial) Martin, Kenneth R.		SOCIAL SECURITY NO. [REDACTED]-4126 BIRTHDATE 07 07 1960
ADDRESS (Include Street, City, State, Zip Code) 460 Gehman School Road, Reinholds, PA 17569		COUNTY Lancaster
E. AGENCY OR LEGAL GUARDIAN RESPONSIBLE FOR CHILD (Other than Public C & Y Agency)		RELATIONSHIP TO CHILD SOCIAL SECURITY NO.
ADDRESS (Include Street, City, Zip Code)		COUNTY BIRTHDATE
F. PERPETRATOR/SCHOOL EMPLOYEE (Last, First, Middle Initial) LeBlanc, Doannelly J.		SEX (M) X (F) RELATIONSHIP TO CHILD Stepfather H M C
ADDRESS (Include Street, City, State, Zip Code) Lancaster County Prison, 625 B King St, #08-2849, Lancaster, PA 17602		COUNTY Lancaster BIRTHDATE 03 29 1962
G. FAMILY/HOUSEHOLD COMPOSITION (DO NOT COMPLETE FOR STUDENT ABUSE)		NAME (Last, First, Initial) RELATIONSHIP TO VICTIM
NAME (Last, First, Initial)		NAME (Last, First, Initial) RELATIONSHIP TO VICTIM

Exhibit 12

O 2  
**COPY**

## A. TYPE OF ABUSE/NEGLECT

## 1. Physical Injuries

01	Burns/Scalding	06	Welts/Eccymosis	11	Asphyxiation/Suffocation	16	Drowning
02	Fractures	07	Lacerations/Abrasions	12	Internal Injuries/Hemorrhage	17	Other _____
03	Skull Fractures	08	Punctures/Bites	13	Dismemberment		
04	Subdural Hematoma	09	Brain Damage	14	Sprains/Dislocations		
05	Bruises	10	Poisoning	15	Drugs/Alcohol		

## 18. 2. Mental Injuries (DO NOT COMPLETE FOR STUDENT ABUSE)

## 3. Sexual Abuse or Exploitation

19	Rape	21	Incest	X	Sexual Assault	X	Pornography
20	Statutory Rape	X	Deviate Sexual Intercourse	24	Promoting Prostitution		

## 4. Physical Neglect (DO NOT COMPLETE FOR STUDENT ABUSE)

26	Malnutrition	28	Lack of Supervision (resulting in a physical condition)	29	Medical Neglect (resulting in a physical condition)	30	Other
27	Failure to Thrive						

## 31. 5. Imminent Risk (DO NOT COMPLETE FOR STUDENT ABUSE)

31	Physical Injury	32	Sexual Abuse or Exploitation
----	-----------------	----	------------------------------

## B. DESCRIBE THE INJURIES/CONDITIONS CHECKED ABOVE

CH disclosed to AP that on numerous occasions, AP tried to have CH perform oral sex on him. CH reports that several occasions, CH woke up and AP was performing oral sex on CH and digitally penetrating CH. c. 11 CY104 Report

GENERAL INFORMATION FOR CHILD ABUSE												
IS CHILD ALLEGEDLY ABUSED WHILE IN A "CHILD CARE SERVICE" (as defined by CPSL).											YES	NO X
WAS CHILD REMOVED FROM THE ALLEGED ABUSIVE SETTING? (includes move by self, agency, others)											YES	NO X
WERE LAW ENFORCEMENT OFFICIALS NOTIFIED OF THIS REPORT? (CY 104 sec)											YES X	NO
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							
X 02	X 04	05 06	Counseling	25 26	27 28	Homemaker/Caretaker Services						
07 08	09 10	11 12	Referral to Self-Help Group	19 30	31 32	Institution and Education for Parenthood						
13 14	15 16	17 18	Referral to Inter-Agency Services	33		Emergency Medical Care						
19 20	21 22	23 24	Referral to Community Services	34 35	36 37	38 39	Other					
PL/PR			40 41			Multidisciplinary Team Case Review			42 No Services Planned or Provided			

<input type="checkbox"/> PENDING JUVENILE COURT ACTION (Updated CY 48 required when Court action completed)	B. <input type="checkbox"/> PENDING CRIMINAL COURT ACTION (Updated CY 48 required when Court action completed)	C. <input type="checkbox"/> FOUNDED (Court Pending - specify below)
<input checked="" type="checkbox"/> INDICATED (If checked, answer 1, 2, or 3)	1. <input type="checkbox"/> Medical Evidence      2. <input checked="" type="checkbox"/> CPS Investigation      3. <input type="checkbox"/> Perpetrator Admission	E. <input type="checkbox"/> UNFOUNDED

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

The investigation reveals that the allegations of sexual abuse can be substantiated in accordance with the CPSL. The child account of penetration, description of sex, and use of penetrator device remain fully consistent and credible. The disclosure includes details of the device, Client disclosed X-P would use a device on him that simulated oral sex. This device was located by the police. The AP spoke to the child with the case worker. He has been charged and is incarcerated. The above situation does meet the CPSL, Chapter 6303 (a) b) definition of sexual abuse.

IS THERE A RELIGIOUS BASIS FOR CHILD'S CONDITION? (Applicable only if E is checked)  YES  NO

DO THE CHILD DIE AS A RESULT OF THIS INCIDENT OF ABUSE/NEGLECT? (Applicable only if C or D is checked)  YES  NO

DO YOU HAVE ANY OTHER INFORMATION WHICH MAY BE HELPFUL IN DETERMINING THE CAUSE OF THE ABUSE/NEGLECT? (Applicable only if C or D is checked)

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 JUDGEMENT OF PERPETRATOR (CAUSED BY PHYSICAL, MENTAL OR EMOTIONAL LIMITATIONS)
- PERPETRATOR ABUSED AS A CHILD

COUNTY WHERE ABUSE OCCURRED	INVESTIGATING COUNTY	CHILDLINE WORKER
meister	Lancaster	A.
JOINT AGENCY WORKER <i>Aren Johnson</i>		B.
JOINT AGENCY SUPERVISOR <i>Billie Smith</i>		C.
		D.
		E.
DATE FORM COMPLETED		
0 7 - 0 8 - 0 8	P.	

8 years they have known there was nothing "clear, consistent, or credible about any of it!!!"

CY 48-0695

## Exhibit 12

ABUSE RECORD

LEBLANC, Daria  
#36-17935

**6/9/08 REQUEST FOR SERVICES:**

Mr. LeBlanc was recently released from prison (on insurance fraud charges) and is in a program called Transition to Community housing. His phone number is 285-1338 (this number comes back to Patricia Castroville, 313 S. Rockford Rd., Mountville, PA)

6/9/08 CASE OPEN FOR ASSESSMENT:

M. Himmelright for K. Garber; nbs  
typed: 7/9/08

6/10/08 HOME VISIT

Present: Darla LeBlanc, K [REDACTED] M [REDACTED] and CWT Christiane Britton

**PURPOSE:** Assure the safety and well being of the child and meet the tag

Content: Caseworker arrived at résidence. K [REDACTED] answered the door and allowed caseworker in. He went to go wake Darla, as she works night shift and sleeps during the day.

K. reported that it was his last day of school. He will be going to 9<sup>th</sup> grade in the fall and is looking forward to high school. We discussed his summer plans, which include going on short-distance trips with his father, Kenneth Martin, who is a truck driver.

K [REDACTED] was friendly and eager to talk. He lives in the house with his mother and he stated that no one else spends the night or spends significant amounts of time in the household. He stated that he felt safe in his home with his mother and was not concerned that he would come into contact with Mr. LeBlanc. He did not exhibit any fear of his mother and stated he felt safe with both of his parents.

K. [redacted] did have a few questions about what would happen at Lancaster County Children's Alliance. I explained the process to him. He did share that he was nervous about the interview but that he was ready to get it over with.

Mrs. LeBlanc came into the kitchen and K. went to his room. CPS rights given. Mrs. LeBlanc recently finished an EMT course at Lancaster General College and is waiting to take her state boards. She currently works at Manor Care Elizabethtown as a nurse's aide. She works full-time night shift.

Mrs. LeBlanc confirmed that there are no other occupants of the house other than herself and K. She stated that she has had minimal contact with Mr. LeBlanc since he was released from prison in mid-May. All contact has been via phone. She did state that Mr. LeBlanc does call her cell phone quite frequently but that she rarely answers it.

Mrs. LeBlanc stated that she felt there were no safety concerns. Mr. LeBlanc has not visited the household since his incarceration and she is not concerned he will in the future. She did agree to ensure that there is no contact between K [REDACTED] and Mr. LeBlanc.

She gave Mrs. LeBlanc the Lancaster County Children's Alliance brochure and briefly explained the process to her. She did not have any further questions.

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Safety Assessment: K [REDACTED] was appropriately dressed for the weather, clean and free from marks or bruises. The residence was clean and did not appear as though there were any safety issues.

Safety Plan: Mrs. LeDinne will not have any contact with Mr. LeBlanc, nor will she allow K. to

6/10/08 CY 104 SENT TO PENN TOWNSHIP.

6/10/08 EMAIL TO/FROM:

\_\_\_\_\_ stated that Dark had been advised that OASIS was scheduled for 6/16/08, at 10:30am.

6/13/08 CASE CONFERENCE WITH SUPERVISOR:

Office scheduled for 6/16/08.

6/16/05 OASIS INTERVIEW:

Present: Detective Padgas, Mary Reedy, CWI Christiane Britton, Darla LeBlanc

### Purposive Forensic interview

Content: K- is 14 years old. He will be going to Manheim Central High School next year and will be in the 9<sup>th</sup> grade. He gets good grades in school. Rules at school including no gum chewing, no eating or drinking on the bus, and not making terroristic threats. If a rule is broken, students are logged or are put in detention or on suspension.

is summer plans include going with his father, who is a short-distance truck driver, on overnight trips.

He lives alone with his mother. He has his own bedroom and bathroom. Rules at home include not staying up past 10:30pm. His mother leaves for work at 10:30pm to work at Manor Care Elizabethtown. He is left alone while she is working but does not seem fearful. If he breaks a rule, he is grounded or his mother will take away his PS2.

Every other weekend, he goes to his father's house, where he has his own room.

He states his stepfather is Donnie Leblanc, but he does not know where he lives and he does not have contact with him. Kyle says he does not like Donnie due to past domestic violence issues between Donnie and Darta. Kyle has not seen Donnie since he's been in prison. He did speak with him on the phone twice since Donnie was released. The last time was a month ago.

K. states that in either December 2007 or January 2008, Donnie hit him with a belt multiple times on the front and back of his legs because he had left the window open. K. informed his mother of the incident and showed her the resulting marks.

On a separate occasion, Donnie came into K. room, sometime around midnight. He took K. to the office where he showed K. pornography on the computer of girls and guys naked. K. states they were "putting things in special places." While they were watching porn, K. states that Donnie asked him to suck his penis, which K. stated he did for about a minute. He states that Donnie did not ejaculate. Then Donnie pulled K. pants down and sucked K.'s penis for about a minute. K. says he did not ejaculate.

K. also states that Donnie came into his room on 3 separate nights and stuck his finger in his butt. K. stated he was afraid so he pretended to be asleep on all occasions.

Sometime between Christmas and the New Year, [REDACTED] says that Dornie showed him a machine in his shop outside. He put it in [REDACTED] penis and turned it on. [REDACTED] said the machine was made to suck penises.

... and the same thing when questioned about the incident.

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# Exhibit 22

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## Office Of The District Attorney Of Lancaster County Investigation Division 50 North Duke Street, Lancaster, Pennsylvania 17603 Supplemental Investigation Report

Date of Report: 07/16/08	Offense or Subject Matter of Investigation: Forensic Examination		
DA Case Number: 08-0062	Other Agency Case Number: 2008-PN-00426	Other Agency Name: Penn Township Police Department	
Victim: Report Submitted By: Detective Pete Savage	Reporting Person: Detective George Pappas Signature: <i>George Pappas</i>		Supervisor's Initials:

Date of Report:

July 16, 2008

Forensic Examiner:

Detective Peter J. Savage Jr.

Incident Number:

Penn Township Police Department 2008-PN-00246

Nature of Investigation: Requested by Detective George Pappas, Penn Township Police Department to conduct a preview forensic examination on the Hewlett Packard PC S/N CNH5351F4V Identified as Item # 1 that was seized in a search warrant in connection with sexual assault investigation and corruption of minors by Donnelly LeBlanc.

Synopsis of Investigation: This investigator examined a Seagate Hard Disk Drive S/N 4MT16J3L- 160GB designated as Item #1 for identification purposes. This examination was conducted by connecting the suspect hard drive to the Forensic workstation by using a Tableau forensic IDE Bridge IEEE 1394-SBPA read only write blocker and pre-viewed using the Forensic Toolkit Imager. This computer hard drive is designated as Item #1 as listed in this report. There was no mirror image files retained because there was nothing of evidentiary value found on the hard drive.

Components:

DNH5351F4V having a Windows XP operating system having a DVDRW Drive, HP Media Center, 3 USB ports front, 1 fire wire port front, 4 USB ports rear, 1 fire wire port rear, Ethernet and modem.

List of Attachments:

- (1) Printed Examination Report
- (2) Copy of Hard Drive Item #1
- (3) DVD+R HP Preview



The District Attorney Of Lancaster County  
Investigation Division  
50 North Duke Street, Lancaster, Pennsylvania 17608

*Exhibit 5*

## Continuation of: Supplemental Investigation Report

Data of Report: 07/16/08	Offense or Subject Matter of Investigation: Forensic Examination	
DA Case Number: 08-0062	Other Agency Case Number: 2008-PN-00426	Other Agency Name: Penn Township Police Department
Report Submitted By: Detective Pete Savage	Submitting Officer's Initials: <i>PS</i>	Supervisor's Initials:

Details: All acquisitions, keyword searches, and examination of the computer in this case were conducted using the Forensic Toolkit Software Program (FTK) manufactured by Access Data. All evidence connected to the Forensic workstation was protected through the use of a Tableau Forensic SATA Bridge IEEE 1394-SBPA read only write blocker manufactured by Tableau Software.

Examination of Item # 1: Item #1 is described as a Seagate Hard Disk Drive S/N 4MT16J3L- 160GB. Examination commenced: 07/11/08. System time and date was checked and found to be ok. This examiner observed seven profiles on this PC they were administrator, all users, Darla, Darling, guest, HP Admin and K. A preview of the hard drive was conducted for any evidence of adult pornographic videos and any images or video files depicting prohibited sexual acts and nudity of children under the age of 18 years and any correspondence relating to the above activity. The examination resulted in not finding any child pornography on the hard drive. Fifty One (51) video files containing adult pornography were located. Four videos were located in Partition 1/HP Recovery/root folder. Two videos were located in Partition 2 root/documents and settings/HP Administrator/LeBlanc Repair/vid folder. Forty Five adult pornographic videos were located in Partition 2/root/documents and settings/recycler folder. It was also observed that adult pornography and adult pornographic sites were in the temporary internet files under the profile called, "darling." The results of this investigation have been recorded on a Digital Video Disk (DVD+R) for review by Detective George Pappas.

Examination of Thirteen Digital Video Disks (DVD) and Compact Disks (CD'S) that were seized from the LeBlanc residence. All disks were numbered 1 through 13 for identification purposes.

Disk #1 - 13 - Described as Memorex CD-R containing Microsoft Office 97

Disk #2 - 13 - Described as a Memorex CD-R containing DVD driver firmware update

Disk #3 - 13 - Imation CD-R A+ certification course material

Disk #4 - 13 - Memorex CD-R Titled Programs

Exhibit 23

Donnelly LeBlanc Preview

DVD contained the following folders that contained contents of a preview of Item #1 Hewlett Packard Pavilion PC containing a Seagate 160GB HDD.

1. Profile Darling Temporary Internet Files
2. LeBlanc Recycler
3. LeBlanc Recycler2
4. Leblanc Videos

LeBlanc Recycler contained 15 videos all of adult pornography which pertained to forced rape with reference to the site: forced witness.com

LeBlanc Recycler2 folder contained in the Recycle folder contained 30 videos of adult pornography pertaining to forced rape also with references to the site: forced witness.com

LeBlanc videos contained 6 videos of adult pornography of which four had to deal with rape and two with female masturbation.

The profile Darling contained recent sites visited from the temporary internet file. The majority of the sites dealt with sadism, domination, forced rape, fetishes and links to forced witness.com.

None of this makes  
the July 16, 2008 Report at pg. 2



*Detective* 7/10/09  
Office Of The District Attorney Of Lancaster County  
Investigation Division  
50 North Duke Street, Lancaster, Pennsylvania 17608  
Supplemental Investigation Report

Exhibit 24  
*2/25*

Date of Report: 07/10/09		Offense or Subject Matter of Investigation: Assist other Agency - Forensic Examination	
DA Case Number: 08-0062	Other Agency Case Number: 2008-PN-00426	Other Agency Name: Penn Township Police Department	
Victim:		Reporting Person:	
Report Submitted By: Detective Pete Savage		Submitting Officer's Signature:	Supervisor's Initials:

On 07/10/09 at 0900 hours I met with Assistant District attorney Randall Miller for a pre trial interview on the case of the Commonwealth of PA vs. Donnelly Joseph LeBlanc. This investigator and ADA Miller discussed my forensic examination of the LeBlanc Hewlett Packard Pavilion PC S/N CNH5351F4V. We reviewed the DVD of my preview findings and I explained to ADA Miller the location of all videos that were discovered during my preview of the computer.

We then viewed the DVD and the contents of all four folders. While reviewing the internet activity of the Darling folder we were joined by Detective George Pappas, Penn Township Police Department.

I suggested to ADA Miller that Darla LeBlanc should be shown the contents of the DVD to ascertain if she had ever seen any of the videos and to go through her internet activity and ascertain if the sites looked familiar. ADA Miller asked if I could meet with Darla LeBlanc and review the contents of the DVD.

On 07/10/09 at 1050 hours I met with Darla Jean LeBlanc in the office of ADA Randall Miller. I introduced myself to Ms. LeBlanc and asked her if she would be willing to sit down with me and review my findings of the examination on her computer. Ms. LeBlanc agreed and I explained that I wanted to show her pornographic videos and I wanted to know if she had ever seen them before, I told Ms. LeBlanc that the folder names meant nothing and all I was interested in was the folders contents. Present during my introduction was Stephanie Wisler, Victim Witness.

I opened the LeBlanc Recycler folder and observed 15 videos. I began playing the videos and on the first video Ms. LeBlanc stated that she remembered the video and had downloaded it for a friend. After the first three videos all of which Ms. LeBlanc recognized she commented, "I thought I deleted all of them." All 15 videos Ms. LeBlanc stated that she recognized and had downloaded them for a boyfriend who she doesn't see anymore.

I opened the LeBlanc Recycler2 folder and observed 30 videos. After reviewing all the videos Ms. LeBlanc stated that she recognized all of the videos and had downloaded them for her ex boyfriend. Ms. LeBlanc again stated that she thought she had deleted all of the videos because she didn't want her son to see them. I asked Ms. LeBlanc if after deleting the files did she empty the recycle bin and she looked at me as if she didn't know what I was talking about.

I opened the LeBlanc videos folder and observed 7 videos. In reviewing those videos Ms. LeBlanc recognized five videos stating again that she downloaded those videos for her boyfriend and then thought that she had deleted them Ms. LeBlanc also stated that some of the videos were partial downloads and on some it took between 2 and 4 partial downloads to get a complete video. The following videos were not recognized by Ms. LeBlanc:



The District Attorney Of Lancaster County  
Investigation Division  
50 North Duke Street, Lancaster, Pennsylvania 17608

## Continuation of: Supplemental Investigation Report

Date of Report: 07/10/09	Offense or Subject Matter of Investigation: Assist other Agency - Forensic examination	
DA Case Number: 08-0062	Other Agency Case Number: 2008-PN-00426	Other Agency Name: Penn Township Police Department
Report Submitted By: Detective Pete Savage	Submitting Officer's Initials:	Supervisor's Initials:

ftk240.avi 2/11/08 } Doesn't match  
ftk242.avi 2/13/08 } D.A.'s copy on 4/25/2008  
(NT Trial 250-51)

Both videos depict adult females masturbating. These videos were located in Partition 2 root/documents and settings/HP\_Administrator/LeBlanc Repair/vid folder.

Ms. LeBlanc stated that the HP\_Administrator profile was password protected by her husband Donnelly LeBlanc and she never was in that profile because she didn't have that password. Ms. LeBlanc further stated that her profile of Darla was not password protected, but her profile Darling was password protected and the only person to have that password was an ex boyfriend who she downloaded the videos for. I asked Ms. LeBlanc if her husband knew her password and she stated that he didn't and she only created that account after he was out of her residence and because she didn't want her son to see the sites she visited on the internet.

I opened the Darling temporary Internet file folder as I went through various Internet sites Ms. LeBlanc said she didn't recognize many of the sites. I asked Ms. LeBlanc if she recognized the site [www.Forcedwitness.com](http://www.Forcedwitness.com) and she stated that she did and that is where she downloaded many of the videos we had previously viewed from. In reviewing the dates of the temporary internet files they ranged from 5/25/2008 to 06/013/2008. Ms. LeBlanc stated that her husband Donnelly LeBlanc was not living with her at that time.

This interview ended and I thanked Ms. LeBlanc for speaking with me and giving me more insight into what had been removed from her computer.

Assignment complete nothing to follow

On 7/14/09, Det. Savage was questioned and testified that Ms. LeBlanc had very little activity under his user name and none related to porn.

NT Trial 268: 12-19.



Office Of The District Attorney Of Lancaster County  
Investigation Division  
50 North Duke Street, Lancaster, Pennsylvania 17608  
Supplemental Investigation Report

Exhibit 26

Data of Report 07/10/09	Offense or Subject Matter of Investigation: Assist other Agency - Forensic Examination	
DA Case Number: 08-0062	Other Agency Case Number: 2008-PN-00426	Other Agency Name: Penn Township Police Department
Victim:	Reporting Person:	
Report Submitted By: Detctive Pete Savage	Submitting Officer's Signature:	Supervisor's Initials:

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We then viewed the DVD and the contents of all four folders. While reviewing the Internet activity of the Darling folder we were joined by Detective George Pappas, Penn Township Police Department.

I suggested to ADA Miller that Darla LeBlanc should be shown the contents of the DVD to ascertain if she had ever seen any of the videos and to go through her Internet activity and ascertain if the sites looked familiar. ADA Miller asked if I could meet with Darla LeBlanc and review the contents of the DVD.

On 07/10/09 at 1050 hours I met with Darla Jean LeBlanc in the office of ADA Randall Miller. I introduced myself to Ms. LeBlanc and asked her if she would be willing to sit down with me and review my findings of the examination on her computer. Ms. LeBlanc agreed and I explained that I wanted to show her pornographic videos and I wanted to know if she had ever seen them before, I told Ms. LeBlanc that the folder names meant nothing and all I was interested in was the folders contents. Present during my introduction was Stephanie Wister, Victim Witness.

I opened the LeBlanc Recycler folder and observed 15 videos. I began playing the videos and on the first video Ms. LeBlanc stated that she remembered the video and had downloaded it for a friend. After the first three videos all of which Ms. LeBlanc recognized she commented, "I thought I deleted all of them." All 15 videos Ms. LeBlanc stated that she recognized and had downloaded them for a boyfriend who she doesn't see anymore.

I opened the LeBlanc Recycler2 folder and observed 30 videos. After reviewing all the videos Ms. LeBlanc stated that she recognized all of the videos and had downloaded them for her ex boyfriend. Ms. LeBlanc again stated that she thought she had deleted all of the videos because she didn't want her son to see them. I asked Ms. LeBlanc if after deleting the files did she empty the recycle bin and she looked at me as if she didn't know what I was talking about.

I opened the LeBlanc videos folder and observed 7 videos. In reviewing those videos Ms. LeBlanc recognized five videos stating again that she downloaded those videos for her boyfriend and then thought that she had deleted them Ms. LeBlanc also stated that some of the videos were partial downloads and on some it took between 2 and 4 partial downloads to get a complete video. The following videos were not recognized by Ms. LeBlanc:



The District Attorney Of Lancaster County  
Investigation Division  
50 North Duke Street, Lancaster, Pennsylvania 17608

**Continuation of: Supplemental Investigation Report**

Date of Report 07/10/09	Offense or Subject Matter of Investigation: Assist other Agency – Forensic examination	
DA Case Number: 08-0062	Other Agency Case Number: 2008-PN-00426	Other Agency Name: Penn Township Police Department
Report Submitted By: Detective Pete Savage	Submitting Officer's Initials:	Supervisor's Initials:

Terahd.wmv – FTV Girls.com Adult white female digitally masturbating then inserting bananas, lemons and vibrator into her vagina. 48 sec

Date Created 2/11/2008 @ 8:43 PM

Mya\_FTV.wmv – FTV Girls.com – Adult white female masturbating using her fingers both anal and vaginally then inserting a bottle, dildo and vibrator into her vagina. 42 sec

Date Created 2/11/2008 @ 8:39 PM

These videos were located in Partition 2 root/documents and settings/HP\_Administrator/LeBlanc Repair/vid folder.

Ms. LeBlanc stated that the HP\_Administrator profile was password protected by her husband Donnelly LeBlanc and she never was in that profile because she didn't have that password. Ms. LeBlanc further stated that her profile of Darla was not password protected, but her profile Darling was password protected and the only person to have that password was an ex boyfriend who she downloaded the videos for. I asked Ms. LeBlanc if her husband knew her password and she stated that he didn't and she only created that account after he was out of her residence and because she didn't want her son to see the sites she visited on the internet.

I opened the Darling temporary Internet file folder as I went through various internet sites Ms. LeBlanc said she didn't recognize many of the sites. I asked Ms. LeBlanc if she recognized the site [www.Forcedwitness.com](http://www.Forcedwitness.com) and she stated that she did and that is where she downloaded many of the videos we had previously viewed from. In reviewing the dates of the temporary internet files they ranged from 5/25/2008 to 06/013/2008. Ms. LeBlanc stated that her husband Donnelly LeBlanc was not living with her at that time.

This interview ended and I thanked Ms. LeBlanc for speaking with me and giving me more insight into what had been removed from her computer.

Assignment complete nothing to follow

## Exhibit 38

Mansfield, Karen

From: Merrill M. Spahn [m.spahn@selanc.com]  
Sent: Tuesday, February 03, 2009 11:02 PM  
To: Mansfield, Karen  
Subject: LeBlanc

K,

I'm working late tonight. DO NOT respond this evening if you get this on your blackberry and I hope it doesn't wake you up. I just wanted to send this while I was thinking about it. I might forget by tomorrow.

LeBlanc is now playing the "have you investigated this lead, how 'bout that lead....." game with me. He seems to want to create issues for me here. Ideally, I would much prefer to try the case in May, not March. That cleans up issues. If we do it in March, I might spend all month running his goose chases down. I have no problem begging for time if necessary, but I don't see him agreeing with that request. Is there a way that we could structure doing some sort of pre-trial hearing in March and trial in May. Then, it solves the problem and he can't complain.

For what it's worth, I have a bunch of other cases on the trial list. You office might be able to keep me tied up on other matters. I have pleas on the first morning of the term, we have Shaerer sentencing on the second day, Aliba and I have a drug case that will go after that, then I have several other cases on the list.

What do you think??

On a different note, I am very sorry to hear about your grandfather.

M

Merrill M. Spahn, Jr.  
SPAHN & ENCARNACION  
45 East Orange Street, First Floor  
Lancaster, PA. 17602  
Telephone: (717) 390-8950  
Facsimile: (717) 390-8953

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Exhibit 51

IN THE  
SUPERIOR COURT OF PENNSYLVANIA  
NO. 548 MDA 2016

COMMONWEALTH OF PENNSYLVANIA  
Appellee  
v.

DONNELLY JOSEPH LeBLANC  
Appellant

Appeal from the Order of The Honorable Robert Eby, SJ.  
Court of Common Pleas of Lancaster County, Pennsylvania  
No. 3488-2008  
March 8, 2016  
Denial of Post-Conviction Relief

**BRIEF OF APPELLANT, DONNELLY JOSEPH LeBLANC**

By: R. Russell Pugh, Esquire  
Attorney I.D. # 38398

1853 William Penn Way  
PO Box 10368  
Lancaster, PA 17605-0368  
(717) 875-4957

## Exhibit 51

### ~~ARGUMENT~~

A. The two amended PCRA's were refinements of the three pro se PCRA's, not separate and subsequent petitions.

It is understandable how Judge Eby may have suffered from some confusion engendered by the complicated state of the pleadings in this case. As the fifth court-appointed attorney for this Appellant, I sympathize with the esteemed judge in dealing with the mammoth challenge presented by this file.

Appellant filed three pro se PCRA Petitions, on July 13, 2011, August 4, 2011 and September 14, 2012 raising over 250 claims. The first two of these petitions was filed within one year of the denial of allocatur by our Supreme Court, plus the time to seek discretionary review in the US Supreme Court. 42 PS Sect. 9545(b)(3). These three petitions (Index of Record, Items 64, 67, 73) are actually one giant petition in three parts, repeating many of the same claims, or presenting prolix variations on the same themes. All of the issues presented in the First and Second Amended PCRA Petitions (Index of Record Item No. 70, filed June 11, 2012, and Item No. 93, filed October 3, 2013, respectively) were lifted from the original pro se PCRA Petitions: prior appointed counsel and the undersigned merely refined the pro se Petitions for more coherent presentation, or to delete clearly nonmeritorious claims. No new claims were added by the First or Second Amended PCRA Petitions after expiration of the statute of limitations in September, 2012. (In fact, the "First Amended PCRA" was filed before the statute expired). The three pro se Petitions, and the First and Second Amended Petitions are, in effect, ONE PCRA Petition. Secondly, no hearing was held by any court on any of these petitions until October, 2014.