

IN THE COURT OF COMMON PLEAS  
IN AND FOR THE COUNTY OF MONTGOMERY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA:

vs.

NO. 1220-2022

Trial by Jury - Volume III

Wednesday, July 26, 2023  
Commencing at 9:37 a.m.

Joseph Henry, RPR  
Official Court Reporter  
Montgomery County Courthouse  
Courtroom "D"  
Norristown, PA 19401

BEFORE: THE HONORABLE THOMAS M. DELRICCI, JUDGE  
AND A JURY

COUNSEL APPEARED AS FOLLOWS:

GABRIELLA GLENNING, ESQUIRE  
Assistant District Attorney  
for the Commonwealth

MICHAEL DIAMONDSTEIN, ESQUIRE  
for the Defendant

(The following proceedings were commenced with the Court, Ms. Glenning, Mr. Diamondstein, and the defendant present in the courtroom:)

MS. GLENNING: Good morning. This is the matter of Commonwealth versus [REDACTED] docketed at 1220 of 2022. In light of the evidence and how it came out yesterday during the cross-examination, and text messages that the Commonwealth did a phone download of [REDACTED]'s cell phone, we did not uncover these messages, and they were not provided to us before court. After reviewing them at length last night, discussing this with multiple supervisors, it has been the decision of the Commonwealth to withdraw and nolle-pros the case at this time. And I had submitted a proper order to the Court. We spent the last almost hour and change speaking with the family and the victim in this case, so they are aware.

THE COURT: Anything from defense?

MR. DIAMONDSTEIN: I have no objection.

THE COURT: I'll sign the order and the form submitted by the Office of the District Attorney. Would you ask our jury to come in, please.

You still have a witness sitting

1  
2 outside, you know that, right?

3 MS. GLENNING: I know. I have to let  
4 him know.

5 - - -

6 (Whereupon, the jury entered the  
7 courtroom.)

8 - - -

9 THE COURT: Good morning, everyone.  
10 I apologize for the delay in beginning  
11 our proceedings this morning. I am pleased to tell you  
12 as jurors that your work here is done. I will begin --  
13 I will be in shortly to talk to you and to give you  
14 your final instructions, but this case has now been  
15 ended. Thank you very much for your service on behalf  
16 of everyone. Would you please escort the jury out.  
17 For the last time, watch your step.

18 - - -

19 (Whereupon, the jury exited the  
20 courtroom.)

21 - - -

22 THE COURT: My understanding is that the  
23 defendant still has outstanding charges, and has not  
24 made bail in the state of Maryland?

25 MR. DIAMONDSTEIN: That's correct. My

1 understanding, and I'll defer to the Commonwealth, is  
2 some time in the last couple of weeks he's been charged  
3 for, like, the same offense in Maryland.

4 THE COURT: Okay.

5 MR. DIAMONDSTEIN: I think there's an  
6 outstanding Governor's Warrant or something like that.

7 THE COURT: All right. So please take  
8 the defendant into custody. He will not be released.

9 MR. DIAMONDSTEIN: May I ask one small  
10 courtesy --

11 THE COURT: Yes.

12 MR. DIAMONDSTEIN: -- if the Court  
13 pleases. My client hasn't seen his mother in, like,  
14 three years. She flew in from Singapore. Could he  
15 just talk to her?

16 THE COURT: I don't have any objection.  
17 Can we handle this from a security standpoint? Are you  
18 guy's comfortable?

19 All right. All I'm going to do is ask  
20 everyone to vacate the courtroom, except for the  
21 defendant, his mother, and our sheriffs, to have that  
22 conversation.

23 MR. DIAMONDSTEIN: Thanks.

24 MS. GLENNING: Your Honor, if I may,  
25

1 just for the record. The defendant did waive  
2 extradition previously at this point last year --

3 THE COURT: I did not know that.

4 MS. GLENNING: Just so the Court is  
5 aware, that was already handled, so he will be returned  
6 to Maryland.

7 MR. DIAMONDSTEIN: Yeah, I'm not  
8 challenging that at all.

9 THE COURT: So they have 30 days --

10 MS. GLENNING: That's my understanding.

11 THE COURT: I guess, 30 days to pick him  
12 up at this point in time.

13 Do you understand that, sir?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. If you have any  
16 questions, you'll ask your attorney.

17 All right. Thank you very much.

18 MR. DIAMONDSTEIN: Thank you, Judge.

19 May we be excused?

20 THE COURT: You are.

21 MR. DIAMONDSTEIN: Thank you, sir.

22 (At 9:41 a.m., the proceedings were  
23 concluded.)  
24

C E R T I F I C A T E

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me in the above cause and that this is a correct transcript of the same.

JOSEPH HENRY, RPR  
Official Court Reporter

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