

BAILIWICK NEWS

Reporting and critical analysis of Centre County public affairs

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Are the prosecutor-judge texts tuna casserole recipes and cat pictures? Late January filings to block independent review suggest the answer: No.

By Katherine Watt

Part 4 in a series reporting on law enforcement principles as prioritized by incumbent DA Stacy Parks Miller and challenger Bernard Cantorna in their public work on criminal and civil cases. Part 1 published Dec. 16, 2016. Part 2 published Jan. 6. Part 3 published Jan. 20.

INTRODUCTION

In the last few weeks, as Bernard Cantorna and Sean McGraw have continued to pursue public accountability, District Attorney Stacy Parks Miller and retired Centre County Judge Bradley Lunsford have successfully evaded that public accountability, by ignoring subpoenas, sealing court records and again shifting venues from public to secret.

This installment begins with a recap of some of the developments that led to the Jan. 24-25, 2017 avalanche of filings, followed by a detailed account of the events that occurred after Jan. 24. It concludes with a critical analysis section.

The story is mostly focused on two cases: *Commonwealth v. Barry Grove*, and *Commonwealth v. Jalene McClure*. Grove's case relates to charges of unauthorized possession of firearms and animal cruelty. McClure's case relates to charges of child endangerment and assault.

The common issue is whether the Centre County court system has been able to uphold these two citizens' rights to fair trials before unbiased tribunals, and if not, whether the breakdown in legitimacy was limited to the Grove and McClure cases, or is systemic corruption potentially affecting any Centre County criminal prosecutions.

RECAP

Oct. – Dec. 2014: McClure Post-Trial Period

Bernard Cantorna defended Jalene McClure during a four-day trial from Sept. 8 to Sept. 11, 2014. DA Stacy Parks Miller prosecuted the case for the Commonwealth. Common Pleas Judge Bradley Lunsford presided.

Through the PA Right to Know Law, Cantorna later learned that between jury selection on August 4 and the start of trial Sept 8, Lunsford and ADA Lindsay Foster exchanged 264 text messages and 24 media messages; Lunsford and Parks Miller exchanged 17 text messages and one media message; and Lunsford and ADA Nathan Boob exchanged 13 text messages.

Cantorna further discovered that during the trial, Lunsford and Foster exchanged 152 text messages and 1 media message; 100 of those messages were exchanged between 8 a.m. and 5 p.m. on the trial dates. Lunsford and Parks Miller exchanged one text message during the trial dates.

Cantorna also learned that after the trial (through Oct. 10), Lunsford and Foster exchanged 195 text messages and three media messages; Lunsford and Parks Miller exchanged 44 media messages; and Lunsford and Boob exchanged 63 text messages and eight media messages.

All of that happened while Cantorna was filing pretrial, trial and post-trial motions and Lunsford was: ruling against McClure; refusing to recuse himself; refusing to order preservation and production of the texting evidence; denying under oath that texting had occurred; quashing subpoenas for Foster and Boob to testify; and sentencing McClure to 10 to 20 years in prison.

Jan. 2015 – Aug. 2016: Cantorna appeals McClure's case.

Between January 2015 and August 2016, Cantorna appealed McClure's conviction and sentencing to Superior Court, and obtained court reporter Maggie Miller's sworn testimony that she had heard Lunsford complain, in April 2012 during a trial recess, that DA Parks Miller "bitched" to him via text during trials about his rulings, and that Maggie Miller had corroborated the information with Joan Parsons, Lunsford's secretary.

In September 2015, Lunsford announced his retirement.

By order August 8, 2016, three of Lunsford's rulings were overturned by a Superior Court panel, vacating McClure's sentence and ordering a new trial for her. Although the Superior Court panel refused to address the texting issues as "moot" given other reasons to vacate the sentence, they found Lunsford erred by allowing the prosecutors to introduce evidence about the McClures' contentious 2012 divorce "not even remotely restricted" to the 2010 time period; by ruling that McClure's witness statement could be presented to the jury in redacted form only; and by allowing Detective Dale Moore to make credibility assessments of McClure for the jury.

McClure was released on bail on Aug. 25, 2016, and returned to Centre County Correctional Facility on or about Nov. 15, 2016, after she babysat for a friend's daughter who was home sick from school while the mother was at work, in violation of a bail condition that McClure not supervise children. She remained in jail at press time, although she was almost released on Jan. 25, 2017 by order of the new trial judge, Michael Williamson. (More on this below).

The quest for the contents of the texts continued in October, as two Centre County defense attorneys sought the evidence needed to confirm or refute Lunsford, Parks Miller, Foster and Boob claims that the texts were unrelated to criminal prosecutions. The goal: to enable an informed, independent, public judicial decision on the propriety of extensive texting between judges and prosecutors, in order to ensure Centre County defendants' Constitutional 14th Amendment due process right to an unbiased tribunal.

On Oct. 12, Sean McGraw filed a motion for discovery under the Post-Conviction Relief Act, on behalf of Barry Grove, another defendant convicted during the window of time (April 2012 to October 2014) during which the texting was occurring, through proceedings over which Lunsford presided, and in which Parks Miller and Boob were prosecutors.

On Oct. 20, Cantorna filed a Motion to Preclude Retrial for McClure, based on the prosecutorial and judicial misconduct evidenced by the texting records, even without knowledge of the content of the texts.

In his supporting brief, Cantorna laid out his view of why double jeopardy applied.

“...Prosecutors and judges are public officials entrusted with substantial and sensitive responsibilities. They are required to act in the public interest, **which includes protecting the rights of the accused**. Society rightfully expects that they maintain professional competence in the exercise of their functions. In [*Commonwealth v. Bolden* (1977)], the court noted that overreaching by both a Judge or a prosecutor will act as a bar to a second prosecution.” (Emphasis added.)

The issue Cantorna presented to the new trial judge (Michael Williamson) was “whether the prosecutor’s actions were intentionally undertaken to prejudice the defendant and whether the pervasive acts of both the prosecutor and Judge pollute the proceedings to a point where Double Jeopardy bars a retrial.”

Nov. – Jan 2017: Subpoenas, hearings, appeals.

In November and December, a lot happened in both the Grove post-conviction relief petition, and the preparation for McClure’s new trial, resulting in multiple appeals taken from Judge Williamson’s orders to the Pennsylvania Superior Court.

Centre County President Judge Thomas King Kistler signed several subpoenas directing DA Parks Miller and retired Judge Lunsford (among others) to appear at several McClure and Grove hearings, and bring copies of text messages exchanged between Lunsford and prosecutors during relevant time intervals.

Parks Miller and Lunsford filed multiple motions to quash the subpoenas, arguing various rights to privacy.

Judge Michael Williamson denied multiple motions to quash, ordering Parks Miller and Lunsford to bring the evidence to the hearings and testify.

During a McClure hearing on Nov. 21, Judge Williamson affirmed Cantorna’s position that “double jeopardy applies if a defendant is forced to go through another trial as a result of misconduct by the District Attorney’s Office or the trial judge.”

During that hearing, Williamson also had three testy exchanges with Lunsford’s attorney, Patrick Casey, who thrice argued some version of: “There has been no evidence that there is improper contact related to this case.”

To which Judge Williamson thrice replied with some version of: “Well the problem with that argument is that we don’t know because you and Ms. Parks Miller are trying to prevent that evidence from being produced.” (*Source*: Transcript of Nov. 21, 2016 hearing).

Under these circumstances, Judge Williamson decided on Nov. 22 to give McGraw explicit permission to seek the Grove evidence through alternate channels, including Centre County government (for texting records and the electronic devices themselves); the Bellefonte Police Department; and the Disciplinary Board and Judicial Conduct Board of the Supreme Court of Pennsylvania.

Both the Disciplinary Board and the Judicial Conduct Board have received numerous misconduct reports about Parks Miller and Lunsford, but neither has taken public action in response to the misconduct reports. They both conduct their investigations, if any, in secret.

Retired Judge Lunsford has refused to testify or turn over evidence, so far without penalty. DA Parks Miller has testified at some hearings and refused to testify at others. Apart from the Nov. 21 hearing, most transcripts have not been made available to the public or, in at least one case, have been sealed by Common Pleas Judge Katherine Oliver, for unexplained reasons.

On Dec. 22, Judge Williamson “reluctantly” denied Cantorna’s motion to bar McClure’s retrial, without prejudice, meaning that if Cantorna could obtain more evidence, he could bring the motion again. In his order, Williamson wrote that while he had attempted to “determine the accuracy” of misconduct allegations, “our efforts have been thwarted” by Lunsford’s refusal to testify, and the Judicial Conduct Board’s refusal to cooperate with the investigation.

Williamson professed to be “deeply disturbed by the incredible number of text communications,” but forced to admit that no evidence about the text content had been presented, because “all of these phones were wiped clean, destroyed or otherwise made unavailable...”

At least five appeals have been filed in Superior Court based on these events.

Parks Miller appealed Judge Williamson’s Nov. 22 order allowing McGraw to collect the text message content through alternate sources. She asked the Superior Court to review: “Did PCRA court [Williamson] err in finding ‘exceptional circumstances’ warranting the grant of [Grove’s] Motion for Discovery and commit an abuse of discretion in granting [Grove’s] Motion for Discovery?”

Lunsford appealed three of Judge Williamson's denials of three of Lunsford's motions to quash three subpoenas to testify.

The question Lunsford presented to the Superior Court is whether Judge Williamson "erred in failing to recognize (1) the Constitutional separation of powers that shield members of the judiciary from testimony and production in these circumstances and vest in the Supreme Court exclusive control over the records and supervision of members of the judiciary, (2) Retired Judge Lunsford's judicial immunity under the circumstances and (3) the deliberative process privilege."

Finally, on Jan. 18, McClure appealed Judge Williamson's Dec. 22 denial of McClure's motion to bar retrial based on double jeopardy.

Jan. 10 – Feb 1, 2017: Text content evidence located

Meanwhile, on Dec. 16, McGraw made some headway in his efforts to obtain information to support Grove's case through alternative channels. McGraw received an email from Bellefonte Police Chief Shawn Weaver, forwarding an email from Brian Sprinkle, PATCtech forensic examiner, stating:

"As mentioned yesterday in my interview, there were regular text messages and text messages through a 3rd party app called Mighty Text. The date ranges for the Mighty Text messages are 4/24/14 – 1/24/15. The date ranges for the regular texts are 10/25/14 – 1/24/15...Also there are emails between the two parties on the computer that may be of interest and the date ranges for those are much longer and also cover the dates in question."

On Jan. 10, McGraw filed a witness certification that included Brian Sprinkle as a potential witness in *Commonwealth v. Grove*. McGraw stated that Sprinkle would be able to convert "forensic images" of the text messages between Judge Lunsford and Centre County prosecutors, to readable text, but would be "unwilling" to do so "absent a court order," to protect himself from retaliation by Parks Miller.

On Jan. 11 at an evidentiary hearing before Judge Williamson, McGraw called Sprinkle to testify. Parks Miller objected to Sprinkle's testimony as improper, given that the case had been appealed to Superior Court as of Nov. 23, arguably stripping Williamson of jurisdiction.

Judge Williamson nonetheless questioned Sprinkle, and then continued the hearing until Jan. 25 at 10 a.m. Among other things, Sprinkle testified that he had "transcribed images...for another client." (Source: McGraw's addendum to Sprinkle's Jan. 23 subpoena)

On Jan. 18, Cantorna attached the McGraw witness certification to a "Proffer of Further Evidence" in support of Cantorna's motion to bar McClure's retrial on double jeopardy grounds.

On Jan. 19, Judge Pamela Ruest scheduled a pretrial hearing in McClure, for Jan. 25 at 2 p.m.

On Jan. 23, Judge Thomas King Kistler signed subpoenas ordering Brian Sprinkle to appear at the two Jan. 25 public hearings: Grove at 10 a.m., and McClure at 2 p.m. – and bring the PATCtech evidence.

At some point on Jan. 24, DA Parks Miller became aware of the Sprinkle subpoenas.

Thus, the stage was set for the deluge of paper filed in Bellefonte and in Harrisburg on Jan. 24 and 25.

Jan. 24 & Jan. 25 – Grove

On Jan. 24, at 2:13 p.m., Parks Miller filed an emergency motion in Superior Court in Harrisburg, asking the appellate court to prevent the trial court judge (Williamson) from proceeding further toward Grove's PCRA hearing while Parks Miller's appeal of Williamson's Nov. 22 discovery order was pending. Parks Miller attached two pages of a 139-page transcript of the ~~Jan. 11~~ Nov. 22 Grove hearing.

At 2:52 p.m., although there is no public record of a motion to seal, Centre County Common Pleas Judge Katherine Oliver filed an order sealing the transcript of the Jan. 11 Grove hearing at which Williamson questioned Sprinkle on the record.

At 4:21 p.m. on Jan. 24, the Superior Court granted Parks Miller's emergency motion to stay Williamson's trial court proceedings in Grove.

On Jan. 25, at 9:21 a.m., Brian Sprinkle's attorney – Tina O. Miller – filed motions to quash the Grove and McClure subpoenas of her client. At 9:22 a.m., she filed motions to seal her memos in support of her motions to quash, presumably based on Judge Oliver's Jan. 24 seal of the Jan. 11 hearing transcript.

More secrecy.

On Jan. 25, at 9:28 a.m. (a half-hour before Grove's scheduled hearing) Judge Williamson filed a Grove order he had drafted on Jan. 23 but not filed, vacating Grove's sentence and releasing him on total house arrest pending resentencing.

On Jan. 25, at 9:47 a.m., Sean McGraw filed a motion for a protective order, asking Judge Williamson to put Sprinkle's evidence into protective custody. McGraw wrote:

"Upon realizing that PATC Tech has evidence that may reveal these ex parte contacts, Parks Miller has engaged in an aggressive campaign to prevent disclosure of the content of these electronic communications, including: having [her attorney Bruce] Castor seek various forms of relief **in forums removed from public scrutiny, of which this Court is aware yet which can neither be mentioned nor made part of the record of these proceedings**; and seeking, herself, "extraordinary relief in the Superior Court, which has been granted and which, apparently, divests this Court of the ability to receive and consider the evidence that would enable this Court to make findings as to the content and significance

of Parks Miller's numerous ex parte contacts with Lunsford." (Emphasis added.)

McGraw further noted, regarding the Centre County Investigating Grand Jury that Parks Miller and Judge Kistler convened in August 2015:

"Parks Miller's grand jury empowers her to conduct secret, ex parte examinations of witnesses with little or no judicial oversight [and] empowers her with essentially untrammelled subpoena power to summon witnesses and to direct them to produce evidence. This subpoena power is tantamount to the power of a search warrant, yet does not depend on the integrity of a police affiant who must swear to facts supporting probable cause. Given the urgency presented to her by the PATC Tech evidence, it is believed, and therefore averred, that Parks Miller may use the powers of her grand jury to compel the production of the PATC Tech evidence and, when produced, **destroy it.**" (Emphasis added).

Here we have to take a short detour into informed guesswork to make sense of McGraw's points.

The Krumenacker Grand Jury is back in play.

The detour relates to the 37th Statewide Investigating Grand Jury, whose members reviewed evidence of Parks Miller's misconduct between February and July 2015, presented by then-Attorney General Kathleen Kane's OAG staff, under the supervision of Cambria County President Judge Norman Krumenacker. The grand jury reported on or about July 31, 2015 that they had not seen enough evidence to recommend criminal charges against Parks Miller.

Grand jury proceedings are secret: the public and media are excluded from the proceedings, and the transcripts and other records are sealed, so there's no way for a reporter to gain access to the source documents to confirm information.

Nonetheless, it appears that sometime right after the Jan. 11 Grove hearing at which Judge Williamson questioned Brian Sprinkle of PATCtech, Parks Miller's attorney – Bruce Castor – contacted Judge Krumenacker possibly with a complaint about violation of grand jury secrecy.

Krumenacker apparently responded by putting out two secrecy orders (dated Jan. 23 and Jan. 24) and starting contempt proceedings against unknown individuals.

The sources for this account of events include McGraw's Jan. 25 request that Williamson put Sprinkle's evidence into protective custody, plus two explanatory opinions filed by Judge Williamson in Centre County on Feb. 2 (one in McGraw and one in Grove).

Both of Williamson's opinions mention Krumenacker's grand jury, pending "ancillary litigation" in that venue, and Krumenacker orders sealing the grand jury record and scheduling a contempt hearing.

Jan. 24 & 25 – Grove, continued

At 10 a.m. on Wednesday, January 25, Judge Williamson took his seat at the bench for Grove's evidentiary hearing, but almost immediately handed the two attorneys (Castor and McGraw) copies of his order releasing Grove to house arrest. Williamson announced that he had received word of the Superior Court stay by telephone the previous afternoon, but that he had written and signed the order on Jan. 23, and so intended to leave it in force.

Castor objected that Parks Miller believed Williamson had lost jurisdiction as of Nov. 23 (the day Parks Miller appealed Judge Williamson's discovery order) and that she would therefore appeal the order releasing Grove.

Judge Williamson acknowledged that possibility, said he wouldn't deal with any other motions (including McGraw's motion to protect Sprinkle's evidence) until the Superior Court clarified matters, and then instructed McGraw to work out the logistics for Grove's house arrest.

The hearing lasted less than ten minutes. Grove's family – in attendance for the public hearing – expressed relief that Grove, who is terminally ill, was to be released. McGraw began working with probation officers to arrange for Grove's release.

Sure enough, at 10:54 a.m., Parks Miller filed an emergency motion asking the Superior Court in Harrisburg to stay Judge Williamson's order releasing Grove.

At 1:53, a Superior Court judge (identity unknown) filed an order granting Parks Miller's motion, stopping Grove's release from prison, and directing McGraw to file a response within a week.

Jan. 24 & 25 - McClure

On Jan. 24 at 3:26 p.m., Parks Miller's office (ADA Nichole Smith) filed a motion to Judge Williamson in Centre County, this time in the McClure case, asking Williamson to "continue" or postpone further action on McClure's retrial preparation, given the fact that McClure had appealed Williamson's Dec. 22 order (denying McClure's motion to bar retrial under double jeopardy) to Superior Court on Jan. 18.

Also on Jan. 24 (time unknown), Parks Miller filed an emergency motion to Superior Court in Harrisburg, asking the appellate court to block Williamson from proceeding further toward McClure's retrial.

On Jan. 25, at 12:58 p.m., another Superior Court judge (identity unknown), granted Parks Miller's emergency motion in McClure. The order directed Judge Williamson to put his rulings on the pending county-level motion to continue on the record by 1 p.m., one hour *before* the scheduled 2 p.m. public pretrial hearing.

Judge Williamson complied.

Sometime between 1 p.m. and 2 p.m., he went on the record with his order granting Parks Miller's motion to continue, cancelling the 2 p.m. public pretrial hearing and postponing McClure's jury selection and retrial to June.

Because of the delay, he also reversed his Nov. 15 order that put McClure back in jail for babysitting a friend's child, so that McClure could be released on bail until the new trial. The paper copy of his order was filed with the Centre County Prothonotary at 2:01 p.m.

The scheduled 2 p.m. public hearing did not take place.

Within a few hours, Parks Miller had filed a second emergency petition to Superior Court, asking the Superior Court to reverse Judge Williamson's release of McClure and keep her imprisoned.

An unknown Superior Court judge granted her second emergency motion, leaving McClure imprisoned and giving Cantorna a week to respond.

Aftermath

Unlike most county and federal court records, Pennsylvania state court records are not available online. Researchers can only see docket sheets listing what was filed, on which date, by whom. To see the actual pleadings, you have to go to the courthouse in Harrisburg.

Cantorna filed a response to Parks Miller's emergency motion on Jan. 27. I drove to Harrisburg on Jan. 30 to read it, and was told that all of the McClure case files had been sealed.

Parks Miller, Castor and Lunsford have therefore been successful, for the time being, at removing the Grove and McClure cases from public view again, in keeping with the pattern of secrecy and obstruction described in previous installments of this series.

However.

Recall Michelle Shutt – the former paralegal for Parks Miller who swore under oath she witnessed Parks Miller forge a fake bail order with Judge Ruest's signature. Parks Miller sued Shutt in federal court for a variety of defamation-related claims. US District Judge Matthew Brann dismissed the claims against Shutt in May 2016, and Parks Miller has appealed that case to the Third Circuit Court of Appeals.

In the meantime, Shutt sued Parks Miller for defamation in July 2016. That litigation is still unfolding, and may – if it goes to trial – also turn on evidence contained in the text messages and emails retained by forensic examiner Brian Sprinkle of PATC Tech.

Thus, Shutt's attorney Kathleen Yurchak on Jan. 27 filed a motion for a protective order in *federal* court, modeled on McGraw's motion for a protective order filed in Centre County court on Jan. 25.

Judge Brann granted the protective order on Feb. 1, directing PATC Tech to "prevent spoliation of the evidence" and noting that he was not yet ordering that the evidence be provided to him or the parties, only that it be protected so that if needed, it will be available.

He emphasized in a footnote: "The parties are advised that should they wish to proceed to discovery of this evidence, the Court will most likely order *in camera* review before the evidence is turned over to any party."

In camera review is a procedure where a judge privately looks at confidential, sensitive, or private

information to determine what, if any, information may be used by a party or made public.

CRITICAL ANALYSIS

Set aside, for now, the allegations that Parks Miller has committed crimes including perjury, forgery, tampering with public records and theft of services.

Set aside how Parks Miller and Castor – who simultaneously serves as Parks Miller's personal attorney and a special assistant district attorney for Centre County – killed a Bellefonte Police Department investigation into her alleged crimes.

Set aside how they killed the Centre County Commissioners' request for appointment of a special, independent prosecutor to investigate.

Set aside how they shifted the investigation to Kathleen Kane's Office of Attorney General, which then shifted the investigation to the secret 37th Statewide Investigating Grand Jury, which then examined the records-tampering facts, however those were presented, against the wrong statute, as reported in *Bailwick News* Jan. 6.

Set aside the preliminary evidence that *ex parte* communications via text message took place between at least three Centre County judges (Lunsford, Jonathan Grine and Kelley Gillette-Walker) and at least three Centre County prosecutors (Parks Miller, Boob, Foster), during criminal trials as early as April 2012 (*Commonwealth v. Brooks*), and as late as October 2014 (*Commonwealth v. McClure*).

Set aside also how Parks Miller and Castor have been fighting citizen exercise of our right to information about those texts and other workings of our government through the PA Right to Know Law, by obtaining county court injunctions, now before the state Supreme Court, after the Commonwealth Court upheld the citizens' right to information against Parks Miller's claims of exemption.

Set aside how Parks Miller and Lunsford have withheld, hidden and destroyed key evidence including cellphones, text message records and email records.

And how Parks Miller and Lunsford have refused to testify under oath.

Set aside how the Disciplinary Board and Judicial Conduct Board of the Supreme Court of Pennsylvania have received multiple reports about misconduct by Parks Miller and Lunsford, with the available evidence, without giving any public indication that they've conducted investigations or made findings, leaving the public with no good reason to believe these boards are fulfilling their supervisory responsibilities.

Set aside also how Parks Miller and Castor used the limited public recommendations of the secret statewide grand jury to retaliate, against people who had sought public accountability, through defamation lawsuits in federal court, and to call for the criminal prosecution of whistleblowers.

And set aside how Parks Miller created a Centre County Investigating Grand Jury that also works in secret, holding an ongoing threat over the heads of every

potential critic from county commissioners to defense attorneys, that they may be subpoenaed to testify and produce records for grand jury review behind closed doors.

It comes down to one fact question, one credibility question, one legal question and one political question.

Are the texts about tuna casserole recipes and cat photos, or are they discussions about criminal defendants under state prosecution conducted without the participation of defense attorneys?

Are Parks Miller and Lunsford credible witnesses, such that their claims that the texts were not related to criminal prosecutions should be accepted without independent public verification?

In a head-to-head matchup – pitting the separation of powers vesting supervision of Pennsylvania judges and attorneys solely and secretly with the state Supreme Court, against ordinary citizens’ Constitutional right to a fair trial – who wins?

How can citizens expose and stop public corruption when our access to information is blocked, and when the checks and balances in a delegated separation of powers system are conducted in secret and fail to discipline misconduct by judges and prosecutors?

These are not abstract questions.

Barry Grove and Jalene McClure may have spent years in prison for crimes they didn’t commit, convicted through prosecutorial and judicial misconduct. Other Centre County citizens may have been, may now, or could in the future be caught up in a similar mockery of the right to a fair trial.

Sean McGraw, Bernard Cantorna and other defense attorneys may have been blocked from properly representing their clients.

The consequences for Parks Miller, Lunsford and the other prosecutors and judges – so far – have been the logistical headaches of several years of kicking legal sand in the eyes of every critic in their vicinity.

The answers also have harsh consequences for Centre County taxpayers. We’ve paid the salaries of Parks Miller, Lunsford and the others while they’ve been fighting off their public accountability to us.

And we’re footing the bill to re-do criminal prosecutions through petitions, appeals, reversals and retrials brought about by the appearance of improper prosecutions for defendants tried in Centre County courts between April 2012 and October 2014 – and potentially outside that timeframe.

The overarching question is this: Does the rule of law apply to prosecutors and judges as it applies to other citizens, or not?

If we have one system of law in America, then let’s see it function properly, and publicly, to review the contents of the prosecutor-judge texts, and begin cleaning up whatever mess those revelations leave in their wake.

If there are two or more tiers of justice in America – one for the connected, which ensures their impunity, and one for the regulars, which holds them accountable for law-breaking – then so be it.

But let’s then stop pretending that we live in a country with a single justice system. Let’s stop treating the judges and other officers of the Centre County Court – and their supervisors on the Pennsylvania Supreme Court – with the deference and respect that would be due to public officials acting with integrity in the public interest.

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