

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

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OF PENNSYLVANIA

OCT 27 2021

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IN RE:

Michael J. Cabry, III :  
Magisterial District Judge : No. 5 JD 20  
Magisterial District Court 15-3-06 :  
Chester County :

**ORDER**

AND NOW this 27<sup>th</sup> day of October, 2021, it is ORDERED that the Order of October 9, 2020, suspending Former Magisterial District Judge Michael Cabry without pay is terminated.

Former Magisterial District Judge Cabry resigned on September 21, 2021, and entered guilty pleas to misdemeanor charges arising from his actions in illegally taking campaign funds. Former Judge Cabry was sentenced to one year of probation by the Court of Common Pleas of Chester County. Former Judge Cabry, in his Petition to Terminate the Stay of Salary and Benefits, avers that he wants to retire and begin the process of seeking what pension benefits would be available to him. (Paragraph 4 of the Petition.) Former Judge Cabry avers he will not seek senior judge status.

The Petition for Relief for Interim Suspension Without Pay filed by the Judicial Conduct Board on October 7, 2020, and granted by the Court on October 9, 2020, states correctly that the Court is empowered by the Pennsylvania Constitution at Article V, §18(d)(2) to suspend a judge charged with a felony. (Paragraph 1 of the Petition for Relief.) This is the sole basis on which the suspension was sought.

After the conclusion of the criminal case against him, Former Judge Cabry is no longer charged with a felony. No Complaint has yet been filed against him by the Judicial Conduct Board. Former Judge Cabry no longer receives any pay from the Commonwealth. The prior suspension without pay is moot in view of these changed circumstances and is ended.

PER CURIAM

\*President Judge Schwartzman and Judge Foradora Dissent.

This case was decided before Judge Thomas E. Flaherty was appointed to the Court of Judicial Discipline.