

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:

Thomasine Tynes
Former Judge
Philadelphia Traffic Court
Philadelphia County

.....

7 JD 2015

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OF PENNSYLVANIA

2016 SEP 27 A 8:46

JUDICIAL CONDUCT BOARD PRE-TRIAL MEMORANDUM

AND NOW, this 27th day of September, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board), by and through undersigned counsel, pursuant to the Court's order entered August 3, 2016, and files this pre-trial memorandum, as follows:

A. TRIAL WITNESSES

The Board will not be calling any witnesses.

B. EXHIBITS

1. A true and correct copy of the indictment filed against Ms. Tynes at **United States v. Michael J. Sullivan, Michael Lowry, Robert Mulgrew, Willie Singletary, Thomasine Tynes, Mark A. Bruno, William Hird, Henry P. Alfano, and Robert Moy**, 2:13-cr-00039-RK, on January 29, 2013, in the United States District Court for the Eastern District of Pennsylvania.
2. A true and correct copy of the docket entries regarding **U.S. v. Sullivan, et al**, 2:13-cr-00039-RK.
3. A true and correct copy of the July 23, 2014 guilty verdict entered against Ms. Tynes for two felony counts of perjury in **U.S. v. Sullivan, et al**, 2:13-cr-00039-RK.
4. A true and correct copy of the December 4, 2014 Judgment and Sentencing Order entered against Ms. Tynes in **U.S. v. Sullivan, et al**, 2:13-cr-00039-RK.
5. A true and correct copy of Presentment no. 1 of the Twenty-Seventh County Investigating Grand Jury, dated October 17, 2014, recommending that Ms. Tynes be charged with the following offenses: (1) criminal conspiracy, 18

Pa.C.S.A. § 903, a felony of the third degree; (2) bribery in official and political matters, 18 Pa.C.S.A. § 4701, a felony of the third degree; (3) conflict of interest, 65 Pa.C.S.A. § 1103, an ungraded felony; (4) failure to make required disclosures in statement of financial interests, 65 Pa.C.S.A. § 1105, an ungraded misdemeanor; and (5) failure to file a statement of financial interests, 65 Pa.C.S.A. 1104, an ungraded misdemeanor.

6. A true and correct copy of the criminal information filed against Ms. Tynes at ***Commonwealth v. Thomasine Tynes***, CP-51-CR-12304-2014 on November 5, 2014 that charged Ms. Tynes with the following offenses: (1) conflict of interest, 65 Pa.C.S.A. § 1103(a), an ungraded felony; (2) bribery (2 counts), 18 Pa.C.S.A. §§ 4701(a)(1), (a)(3), felonies of the third degree; (3) conspiracy, 18 Pa.C.S.A. § 903, a felony of the third degree; (4) accepting improper influence, 65 Pa.C.S.A. § 1103(c), an ungraded felony; (5) failure to file a statement of financial interest, 65 Pa.C.S.A. § 1104(a), an ungraded misdemeanor; and (6) failure to make required disclosure in statement of financial interest, 65 Pa.C.S.A. § 1105(a), an ungraded misdemeanor.
7. A true and correct copy of the transcript of Ms. Tynes' December 17, 2014 guilty plea and sentencing hearing at ***Commonwealth v. Thomasine Tynes***, CP-51-CR-12304-2014.
8. A true and correct copy of the docket entries of ***Commonwealth v. Thomasine Tynes***, CP-51-CR-12304-2014.

C. PROPOSED STIPULATIONS

9. The parties stipulate to the authenticity and admissibility of all exhibits set forth at Paragraphs B (1)-(8).
10. This action is taken by the Board pursuant to the authority granted to it under Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania to determine whether there is probable cause to file formal charges alleging violations of the Constitution of the Commonwealth of Pennsylvania on the part of judges, justices, or justices of the peace; to file such charges when warranted; and to present the case in support of such charges before this Court.
11. From approximately January 1990, until her retirement on July 3, 2012, Judge Tynes served as a judge of the Philadelphia Traffic Court (PTC).
 - a. From March 2005 until her retirement, Ms. Tynes served as the President Judge of the PTC.
12. Prior to her retirement from judicial service, Ms. Tynes was the subject of a federal grand jury investigation regarding her participation in the practice of

giving favorable treatment in traffic court cases to certain defendants based upon *ex parte* requests.

- a. This practice became known as "special consideration."
 - b. Ms. Tynes participated in the practice of "special consideration" while she was a PTC judge.
 - c. On October 4, 2011, while she was still a sitting PTC judge, Ms. Tynes testified before the federal grand jury.
13. At ***U.S. v. Sullivan, et al***, 2:13-cr-00039-RK, the grand jury indicted Ms. Tynes and her co-defendants on January 29, 2013.
 14. The indictment charged Ms. Tynes with one felony count of conspiracy to commit wire and mail fraud, 18 U.S.C. § 1349; 7 felony counts of wire fraud, 18 U.S.C. § 1343; three counts of mail fraud, 18 U.S.C. § 1341; and two felony counts of perjury, 18 U.S.C. § 1623.
 15. Following indictment, Ms. Tynes and her co-defendants proceeded to jury trial in the United States District Court for the Eastern District of Pennsylvania on May 26, 2014.
 16. On July 23, 2014, following trial, the jury convicted Ms. Tynes of two counts of perjury for her false testimony before the federal grand jury.
 17. On December 4, 2014, Judge Lawrence F. Stengel sentenced Ms. Tynes to 24 months in prison on each count of perjury, to be served concurrently.
 - a. Ms. Tynes appealed her federal perjury sentence on December 18, 2014.
 - b. Ms. Tynes' federal appeal remains pending.
 18. Ms. Tynes was also the subject of a county grand jury investigation in Philadelphia for her acceptance of a bribe offered by a confidential informant during her tenure as President Judge of the PTC in exchange for her assistance in obtaining a business contract for a fictitious business entity that the confidential informant supposedly represented.
 19. Following the investigation, on October 17, 2014, the Twenty-Seventh county investigating grand jury issued presentment number 1 recommending that Ms. Tynes be charged with the following offenses: (1) criminal conspiracy, 18 Pa.C.S.A. § 903, a felony of the third degree; (2) bribery, 18 Pa.C.S.A. § 4701, a felony of the third degree; (3) conflict of interest, 65 Pa.C.S.A. § 1103, an ungraded felony; (4) failure to make required disclosure in statement of financial

interest, 65 Pa.C.S.A. § 1105, an ungraded misdemeanor; and (5) failure to file statement of financial interest, 65 Pa.C.S.A. § 1104, an ungraded misdemeanor.

21. By information filed at ***Commonwealth v. Thomasine Tynes***, CP-51-CR-12304-2014 on November 5, 2014, the District Attorney of Philadelphia charged Ms. Tynes with the following offenses: (1) conflict of interest, 65 Pa.C.S.A. § 1103(a), an ungraded felony; (2) bribery (2 counts), 18 Pa.C.S.A. §§ 4701(a)(1), (a)(3), felonies of the third degree; (3) conspiracy, 18 Pa.C.S.A. § 903, a felony of the third degree; (4) accepting improper influence, 65 Pa.C.S.A. § 1103(c), an ungraded felony; (5) failure to file a statement of financial interest, 65 Pa.C.S.A. § 1104(a), an ungraded misdemeanor; and (6) failure to make required disclosure in statement of financial interest, 65 Pa.C.S.A. § 1105(a), an ungraded misdemeanor.
22. On December 17, 2014, Ms. Tynes tendered a negotiated plea of guilty in the Court of Common Pleas of Philadelphia to one count of accepting improper influence, 65 Pa.C.S.A. § 1103(c), an ungraded felony, in exchange for a negotiated sentence of 11 ½ to 23 months of incarceration to be served concurrently with her federal sentence.
 - a. Ms. Tynes has not appealed her state sentence for accepting improper influence.
23. By virtue of her federal conviction for acts undertaken during her judicial service, Ms. Tynes is a convicted felon.
24. By virtue of her state conviction for acts undertaken during her judicial service, Ms. Tynes is a convicted felon.

D. DISCOVERY CERTIFICATION

The Board, by and through undersigned counsel, hereby certifies that Ms. Tynes has been furnished with all non-privileged evidence relevant to the charges contained in the Board Complaint as required by C.J.D.R.P. 401(D)(1).

E. EXCULPATORY CERTIFICATION

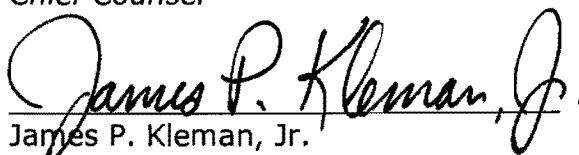
The Board, undersigned counsel hereby certifies that Ms. Tynes has been provided with any and all exculpatory evidence relevant to the charges contained in the Board Complaint as required by C.J.D.R.P. 401(E).

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: September 27, 2016

BY:



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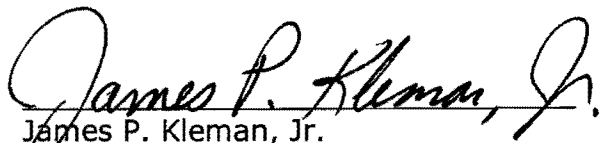
PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on September 27, 2016, a copy of the Board's Pre-Trial Memorandum was sent by first class mail to Mr. Samuel C. Stretton, Esquire, counsel for Ms. Tynes at the following address:

Samuel C. Stretton, Esquire
301 South High Street
P.O. Box 3231
West Chester, PA 19381

Respectfully submitted,

DATE: September 27, 2016


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