

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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2016 DEC -5 P 12:44

IN RE:

David W. Tidd :
Former Magisterial District Judge :
Magisterial District 03-2-04 : 3 JD 2016
Third Judicial District :
Northampton County :

JUDICIAL CONDUCT BOARD PRE-TRIAL MEMORANDUM

AND NOW, this 5th day of December, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through the undersigned counsel, pursuant to this Court's November 17, 2016 Order and files this Pre-trial Memorandum.

A. TRIAL WITNESS LIST

The Board may call some or all of the following witnesses at trial:

1. Deputy Court Administrator Debra French
Office of Court Administration
Court of Common Pleas of Northampton County
669 Washington Street
Easton, PA 18042

Ms. French will testify regarding Parts A, B, F, G and H of the Board Complaint filed August 26, 2016 and the process for the approval and purchase of the audio-video recording system at District Court 03-2-04.

2. President Judge Stephen Baratta
Court of Common Pleas of Northampton County
669 Washington Street
Easton, PA 18042

President Judge Baratta will testify regarding Parts A and B of the Board Complaint filed August 26, 2016 and Judge Tidd's 2016 communications with him about the audio-video recording system at District Court 03-2-04.

3. Former President Judge Kimberly McFadden
Court of Common Pleas of Northampton County
669 Washington Street
Easton, PA 18042

Former President Judge McFadden will testify regarding Parts B, F, G and H of the Board Complaint filed August 26, 2016.

4. Lisa Levan
231 Raspberry Street
Bethlehem, PA 18018

Ms. Levan will testify regarding Parts B, C, D, E, F, H, and I of the Board Complaint filed August 26, 2016.

5. Diane Kale
c/o Deputy Court Administrator Debra Frend
Northampton County
669 Washington Street
Easton, PA 18042

Ms. Kale will testify regarding Parts B, C, D, E, F, H and I of the Board Complaint filed August 26, 2016 and the request for and purchase and installation of the audio-video recording system at District Court 03-2-04.

6. Brenda Anthony
District Court 03-3-01
4330 Lehigh Drive, Suite 2
P.O. Box 958
Walnutport, PA 18088

Ms. Anthony will testify regarding Parts A, B, C, D, E, F, H and I of the Board Complaint filed August 26, 2016 and the request for and purchase and installation of the audio-video recording system at District Court 03-2-04.

7. Cassandra Bettler
District Court 03-2-04
1404 Walter Street
Bethlehem, PA 18015

Ms. Bettler will testify regarding Parts A, B, C, D, E, F, H and I of the Board Complaint filed August 26, 2016.

8. Tracy Drayton
District Court 03-2-04
1404 Walter Street
Bethlehem, PA 18015

Ms. Drayton will testify regarding Part A, B, C and H of the Board Complaint filed August 26, 2016.

9. Amber Glass
Northampton County 911
100 Gracedale Avenue
Nazareth, PA 18064

Ms. Glass will testify regarding Part B, C, D and H of the Board Complaint filed August 26, 2016 and the request for and purchase and installation of the audio-video recording system at District Court 03-2-04.

10. Krystal Allman
District Court 03-2-04
1404 Walter Street
Bethlehem, PA 18015

Ms. Allman will testify regarding Part B, C and H of the Board Complaint filed August 26, 2016.

11. Officer Daniel Bencsics
Lower Saucon Police Department
3700 Old Philadelphia Pike
Bethlehem, PA 18015

Officer Bencsis will testify regarding Parts A, B, C and F of the Board Complaint filed August 26, 2016.

12. Officer Matthew Messinger
Slate Belt Regional Police Department
6292 Sullivan Trail
Nazareth, PA 18064

Officer Messinger will testify regarding Parts B, C, F and J of the Board Complaint filed August 26, 2016.

13. Officer Michael Dattilio
Hellertown Police Department
685 Main Street
Hellertown, PA 18055

Officer Dattilio will testify regarding Parts C and F of the Board Complaint filed August 26, 2016.

14. Officer Timothy Piotrowski
Hellertown Police Department
685 Main Street
Hellertown, PA 18055

Officer Piotrowski will testify regarding Parts B, C and F of the Board Complaint filed August 26, 2016.

15. Sergeant Jeffrey Johnston
Hellertown Police Department
685 Main Street
Hellertown, PA 18055

Sergeant Johnston will testify regarding Parts A, C, F and J of the Board Complaint filed August 26, 2016.

16. Officer Domenic Fragano
Hellertown Police Department
685 Main Street
Hellertown, PA 18055

17. Police Chief Robert Shupp
Hellertown Police Department
685 Main Street
Hellertown, PA 18055

Chief Shupp will testify regarding Parts A and J of the Board Complaint filed August 26, 2016.

18. Kyle Ramberger
Judicial District Security Analyst
Administrative Office of Pennsylvania Courts
601 Commonwealth Avenue
Suite 1500
Harrisburg, PA 17106

Mr. Ramberger will testify about the acquisition and purchase of the audio-video recording system at District Court 03-2-04.

19. Mary Beth Marschick
Judicial Security Administrator
Administrative Office of Pennsylvania Courts
601 Commonwealth Avenue
Suite 1500
Harrisburg, PA 17106

Ms. Marschick will testify about the acquisition and purchase of the audio-video recording system at District Court 03-2-04.

20. Matthew D. Bergey
Electrician and Audio Visual Specialist
Versalift East
2706 Brodhead Road
Bethlehem, PA 18020
Allentown, PA

Mr. Bergey will testify about the installation of the audio-video recording system at District Court 03-2-04.

21. Jeff Leahy
SimplexGrinnell
Meadows Business Center, Suite 250
6330 Hedgewood Drive
Allentown, PA 18106

22. Leslie Ziegler Repyneck
2265 Silver Creek Road
Hellertown, PA 18055

Ms. Repyneck will testify regarding Part G of the Board Complaint filed August 26, 2016.

B. EXHIBITS:

The parties stipulate to the authenticity and admissibility of the following exhibits:

1. A true and correct copy of the Confidential Request for Investigation received anonymously on August 18, 2014 with attached dated log excerpts. JCB File No. 2014-510.
2. A true and correct copy of the Redacted Confidential Request for Investigation verified by David Repyneck, dated April 9, 2015. JCB File No. 2015-227.
3. A true and correct copy of the Redacted Confidential Request for Investigation verified by Leslie Repyneck, dated April 22, 2015. JCB File No. 2015-237.
4. A true and correct copy of the Confidential Request for Investigation received anonymously on April 9, 2015. JCB File No. 2015-285.
5. A true and correct copy of the Confidential Request for Investigation received anonymously on April 9, 2015. JCB File No. 2015-286.

6. A true and correct copy of the Confidential Request for Investigation received anonymously on June 11, 2015. JCB File No. 2015-421.
7. A true and correct copy of the log excerpts, including supplements, in chronological order, beginning with November 9, 2011 through events of February 19, 2016.
8. A true and correct copy of the notes by MDJ Tidd's clerks dated February 13, 2012 to February 17, 2012, received by Debra French on February 21, 2012.
9. A true and correct copy of the audio/video files for:
 - a. August 28, 2014;
 - b. May 19, 2015; and
 - c. February 19, 2016.
10. Board transcription of audio files for:
 - a. August 28, 2014;
 - b. May 19, 2015; and
 - c. February 19, 2016.
11. A true and correct copy of the February 19, 2016 Notice of Full Investigation issued to Honorable David W. Tidd, c/o Craig Simpson, Esquire.
12. A true and correct copy of the March 17, 2016 Response to Notice of Full Investigation by Samuel C. Stretton, Esquire, on behalf of MDJ David Tidd.
13. A true and correct copy of the May 9, 2016 Supplemental Notice of Full Investigation issued to the Honorable David W. Tidd, c/o Samuel C. Stretton, Esquire, by Robert A. Graci, Chief Counsel.
14. A true and correct copy of the June 13, 2016 Response to Supplemental Notice of Full Investigation.
15. A true and correct copy of the deposition transcript of MDJ David W. Tidd, taken by Elizabeth A. Flaherty on April 21, 2016.
16. A true and correct copy of the deposition transcript of MDJ David W. Tidd, taken by Elizabeth A. Flaherty on June 14, 2016.
17. A true and correct copy of the Annual Employee Evaluation of Brenda S. Anthony dated January 9, 2015, for period covering January 1, 2014 – December 31, 2014.

18. A true and correct copy of the December 3, 2014 letter from Brenda Anthony to Debra French, requesting transfer to District Court 03-3-01.
19. A true and correct copy of the June 18, 2015 email from David Tidd to Debra French, requesting immediate transfer of Brenda Anthony and requesting Diane Kale not be assigned to his Court.
20. A true and correct copy of the June 18, 2015 letter from Brenda Anthony to Debra French, regarding Acceptance of Transfer to District Court 03-3-01.
21. A true and correct copy of the February 24, 2016 email from Cassandra Bettler to Debra French, regarding events of February 19, 2016.
22. A true and correct copy of the notes by Debra French on February 23-24, 2016 regarding telephone conversation with Cassandra Bettler after MDJ Tidd received the Notice of Full Investigation on February 19, 2016.
23. A true and correct copy of the February 24-25, 2016 email thread between Cassandra Bettler to Debra French and then from Debra French to Stephen Baratta, Jill Cicero, Jermaine Greene.
24. A true and correct copy of the notes by Debra French regarding March 9, 2016 meeting with Judge Baratta, Cassandra Bettler and Debra French regarding February 19, 2016 incident.
25. A true and correct copy of the May 8, 2016-May 9, 2016 email thread from David Tidd to Debra French, cc Samuel Stretton, regarding Cassandra Bettler and Tracie Drayton transfer request; forwarded to Stephen Baratta, Jill Cicero.
26. A true and correct copy of the August 11, 2011 Memo to files from Debra C. French, Deputy Court Administrator, regarding Meeting with MDJ David Tidd with attachments.
27. A true and correct copy of the January 24, 2012 Memo to F.P. Kimberly McFadden, P.J. and James Onembo, Court Administrator from Debra C. French, Deputy Court Administrator, regarding PA Rules of Court.
28. A true and correct redacted copy of the cover letter dated January 20, 2012 with typed paperwork from staff meeting with Debra French.
29. A true and correct copy of the notes by MDJ Tidd's clerks dated January 23, 2012 to January 31, 2012, received by Debra French.
30. A true and correct copy of the notes by MDJ Tidd's clerks dated January 31, 2012 to February 17, 2012, received by Debra French on February 21, 2012.

31. A true and correct copy of the docket, Calendar Daily List and case file, *Society Hill at Saucon Valley v. Maria Nieves*, MJ-03204-CV-0000134-2010.
32. A true and correct copy of the docket, Calendar Daily List and case file, *Sterling Jewelers, Inc. v. Karen L. Echenberg*, MJ-03204-CV-0000188-2011.
33. A true and correct copy of the docket, Calendar Daily List and case file, *Larry and Louise Trexler v. David Ellis Gamble, Kreative Kitchens, LLC*, MJ-03204-CV-0000227-2011.
34. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Ryan Christopher Petras*, MJ-03204-TR-0000660-2012.
35. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Ryan Christopher Petras*, MJ-03204-TR-0000661-2012.
36. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Daniel Rafael Araujo, Jr.*, MJ-03204-0001712-2014.
37. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Daniel Rafael Araujo, Jr.*, MJ-03204-0001713-2014.
38. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Daniel Rafael Araujo, Jr.*, MJ-03204-0001714-2014.
39. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Timothy Bryan Snyder*, MJ-03204-TR-0001906-2014.
40. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Patrick Sean Butler*, MJ-03204-CR-0000198-2014.
41. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Joseph Melhem III*, MJ-03204-TR-0000653-2015.
42. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Anthony D. Fiorino*, MJ-03204-TR-0003184-2011.
43. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Alexander Groves*, MJ-03204-TR-0003937-2011.
44. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Brandon Samuel Desmond*, MJ-03204-TR-0003848-2011.
45. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Jack Brian Garippa*, MJ-03204-TR-0003936-2011.
46. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. John A. Freed*, MJ-03204-TR-0003421-2011.

47. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. John A. Freed*, MJ-03204-TR-0003422-2011.
48. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Jeremy David Farb*, MJ-03204-TR-0001607-2014.
49. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Brennan Jeffery Martin*, MJ-03204-TR-0001268-2014.
50. A true and correct copy of the docket and case file, *Commonwealth v. James Burke*, MJ-03204-TR-0002649-2007.
51. A true and correct copy of the docket and case file, *Commonwealth v. James Burke*, MJ-03204-TR-0003339-2012.
52. A true and correct copy of the docket and case file, *Commonwealth v. James Burke*, MJ-03204-TR-0001082-2013.
53. A true and correct copy of the docket and case file, *Commonwealth v. James J. Burke*, MJ-03204-TR-0003287-2013.
54. A true and correct copy of the docket and case file, *Commonwealth v. James Burke*, MJ-03204-TR-0000528-2014.
55. A true and correct copy of the docket and case file, *Commonwealth v. James Burke*, MJ-03204-TR-0001612-2014.
56. A true and correct copy of the docket and case file, *Commonwealth v. James Burke*, MJ-03204-TR-0002538-2015.
57. A true and correct copy of the docket and case file, *Commonwealth v. James Burke*, MJ-03204-TR-0000099-2016.
58. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Jacob Tyler Loman*, MJ-03204-CR-0000094-2015.
59. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Susan Elizabeth Blair*, MJ-03204-TR-0001339-2013.
60. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Cheneyce Denine Allen*, MJ-03204-TR-0003320-2011.
61. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Susan M. Szilagyi*, MJ-03204-TR-0003670-2011.
62. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Crystal Marie Fischer*, MJ-03204-TR-0003477-2011.
63. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Frederick C. Lance, Jr.*, MJ-03204-CR-0000440-2011.

64. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Jane Litzenberger*, MJ-03204-TR-0003642-2011.
65. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Robert James Grello, Jr.*, MJ-03204-TR-0003631-2011.
66. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Kristina V. Racek*, MJ-03204-TR-0003657-2011.
67. A true and correct copy of the docket, Calendar Daily List and case file, *Berkheimer Tax Administrator v. Timothy M. Pettijohn*, MJ-03204-CV-0000142-2011.
68. A true and correct copy of the docket, Calendar Daily List and case file, *Capital One Bank USA NA v. Russell Jonathan Maura*, MJ-03204-CV-0000191-2011.
69. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Philippe J. Bortz*, MJ-03204-TR-0003751-2011.
70. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Terah A. Richardson*, MJ-03204-TR-0003997-2011.
71. A true and correct copy of the docket, Calendar Daily List and case file, *Wayne Diehl v. Jessica Warjas*, MJ-03204-LT-0000002-2012.
72. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Kaitlyn M. Boullosa*, MJ-03204-CR-0000251-2010.
73. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Henry Benjamin Hughes*, MJ-03206-CR-0000015-2012.
74. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Quincy James Wilson*, MJ-03212-CR-0000026-2012.
75. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Jose L. Rodriguez*, MJ-03211-CR-0000046-2012.
76. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Sandro Alonso*, MJ-03211-CR-0000047-2012.
77. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Julius Stevenson*, MJ-03211-CR-0000013-2012.
78. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Jessica I. Pedroza*, MJ-03211-CR-0000048-2012.
79. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Emery Clark*, MJ-03204-TR-0001252-2014.

80. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Emery Clark*, MJ-03204-TR-0001253-2014.
81. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Emery Clark*, MJ-03204-TR-0001254-2014.
82. A true and correct copy of the Redacted Incident Report by Officer Tim Piotrowski, Incident No. 20140523M1919, Reference No. 141767 (Clark).
83. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Ramon Joseph Passaro*, MJ-03204-CR-0000051-2014.
84. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Doniyor Vahabjanovich Hodjimetov*, MJ-03204-CR-0000137-2014.
85. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Christina Ann Ridner*, MJ-03204-CR-0000081-2015.
86. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Spencer Logan Beaver*, Mj-03204-CR-0000083-2015.
87. A true and correct copy of the docket, Hearing Book Page and case file, *Commonwealth v. Frank Dennis Hazeltine, Jr.*, MJ-03204-CR-0000088-2015.
88. A true and correct copy of the docket, *Society Hill at Saucon Valley v. Maria Nieves*, C-0048-CV-2011-03782.
89. A true and correct copy of the docket, Calendar Daily List and case file, *Society Hill @ Saucon Valley v. David li Nieves, Maria Nieves*, MJ-03204-CV-0000053-2011.
90. A true and correct copy of the September 25, 2011 advisory opinion issued by the Special Courts Judges Association Ethics and Professionalism Committee.
91. A true and correct copy of the August 19, 2014 facsimile from District Judge Lorinda L. Hinch to MDJ Tidd, regarding Ethics Inquiry with attached June 26, 2014 Response to Ethical Inquiry #2014-13.
92. A true and correct copy of the docket regarding *Jose E. Nieves and Maria del Pilar Nieves*, 06-20168-REF and Chapter 13 Standing Trustee's Final Report and Account.
93. A true and correct copy of the docket, Calendar Daily List and case file, *Capital One Bank v. Leslie A. Ziegler*, MJ-03204-CV-0000190-2011.

94. A true and correct copy of the docket, Calendar Daily List and case file, *Capital One Bank v. Leslie A. Ziegler*, MJ-03201-CV-0000180-2011.
95. A true and correct copy of the docket regarding *Michael John Ziegler, Sr. and Leslie Ann Ziegler*, 12-10338-ref and Chapter 7 Schedules A-J.
96. A true and correct copy of the docket, Calendar Daily List and case file, *Equable Ascent Financial, LLC v. Ian Cortez*, MJ-03201-CV-0000143-2010.
97. A true and correct copy of the docket, Calendar Daily List and case file, *First Financial Investment Fund v. Ian Cortez*, MJ-03201-CV-0000038-2012.
98. A true and correct copy of the docket, Calendar Daily List and case file, *Security Credit Services v. Ian Cortez*, MJ-03201-CV-0000123-2012.
99. A true and correct copy of the docket regarding *Ian Rea Salva Cortez*, 13-9031-ref and Chapter 7 Schedules A-J.
100. A true and correct copy of the docket, Calendar Daily List and case file, *Target National Bank v. Kathleen Pagel*, MJ-03201-CV-0000025-2012.
101. A true and correct copy of the docket regarding *Kathleen Marie Pagel*, 13-11036-mdc and Chapter 7 Schedules A-J.
102. A true and correct copy of the docket, Calendar Daily List and case file, *PPL Electric v. Franklin Craig, Dawn Louise Craig*, MJ-03204-CV-0000162-2012.
103. A true and correct copy of the docket regarding *Franklin E. Craig*, 13-10958-ref and Chapter 13 Schedules A-J.
104. A true and correct copy of the docket, Calendar Daily List and case file, *Discover Bank v. Lonna Deschler*, MJ-03204-CV-0000175-2012.
105. A true and correct copy of the docket, Calendar Daily List and case file, *Capital One Bank (USA) v. Tyrone A. Deschler*, MJ-03204-CV-0000009-2013.
106. A true and correct copy of the docket regarding *Tyrone Anthony Deschler and Lonna Lee Deschler*, 13-17187-ref and Chapter 7 Schedules A-J.
107. A true and correct copy of the docket, Calendar Daily List and case file, *DeWire Dental LLC v. Gilberto Cruz*, MJ-03204-CV-0000105-2013.
108. A true and correct copy of the docket regarding *Gilberto Cruz and Diane Cruz*, 13-16686-ref and Chapter 7 Schedules A-J.
109. A true and correct copy of the docket, Calendar Daily List and case file, *Cavalry SPV I, LLC v. Deborah Repash*, MJ-03204-CV-0000084-2013.

110. A true and correct copy of the docket regarding *Deborah Ann Repash*, 13-16669-ref, Chapter 13 Schedules A-J and the Chapter 13 Standing Trustee's Final Report and Account.
111. A true and correct copy of the docket, Calendar Daily List and case file, *Cavalry SPV I, LLC v. Joseph Killo*, MJ-03204-CV-0000144-2013.
112. A true and correct copy of the docket, Calendar Daily List and case file, *FFIF-ACM Opportunity Fund LLC v. Joseph Killo*, MJ-03204-CV-0000173-2013.
113. A true and correct copy of the docket regarding *Joseph Francis Killo*, 14-19140-ref and Chapter 7 Schedules A-J.
114. A true and correct copy of the docket, Hearing Book Page and case file, *Capital One Bank v. Heidi L. Trexler*, MJ-03204-CV-0000015-2014.
115. A true and correct copy of the docket regarding *Heidi Trexler*, 15-11582-ref and Chapter 7 Schedules A-J.
116. A true and correct copy of the docket, Hearing Book Page and case file, *First Commonwealth FCU v. Jennifer L. Frey*, MJ-03204-CV-0000058-2014.
117. A true and correct copy of the docket regarding *Jennifer Frey*, 14-15734-ref and Chapter 7 Schedules A-J.
118. A true and correct copy of the docket, Hearing Book Page and case file, *Discover Bank v. Paul Getz, Jr.*, MJ-03204-CV-0000058-2014.
119. A true and correct copy of the docket regarding *Paul Edward Getz, Jr.*, 15-11144-ref and Chapter 7 Schedules A-J.
120. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Deshi Zheng*, MJ-03204-TR-3807-2011.
121. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Deshi Zheng*, MJ-03204-TR-3808-2011.
122. A true and correct copy of the docket, Calendar Daily List and case file, *Commonwealth v. Deshi Zheng*, MJ-03204-TR-3809-2011.
123. A true and correct copy of the May 27, 2015 email thread between Toni Schreffler, Legal Assistant and Brenda Anthony regarding MDJ Tidd was asleep at his desk and later Cassandra Bettler found him asleep on the floor.
124. A true and correct copy of the January 7, 2015 executed page by MDJ Tidd that he received, reviewed and understands the Code of Conduct as it relates to his employment.

125. A true and correct copy of the May 7, 2013 Memo to Magisterial District Judges and Staff from Deputy Court Administrator Debra French, with attached Security Assessment Survey.
126. A true and correct copy of the June 4, 2013 facsimile from David W. Tidd, Esquire/bsa to Deputy Court Administrator Debra French regarding correction to attached Security Assessment Survey.
127. A true and correct copy of the May 30, 2013 email from Kyle R. Ramberger to Debra French, cc to Mary Beth Marschik, Rebecca J. Brandt, regarding "Northampton County MDJ Security Enhancements."
128. A true and correct copy of the June 13, 2013 Memo to Magisterial District Judges and Staff from Debra French, Deputy Court Administrator, regarding Security Enhancements.
129. A true and correct copy of the redacted Handwritten Notes by Matthew Bergey, electrician and audio visual specialist for Simplex Grinnell.
130. A true and correct copy of the June 28, 2013 SimplexGrinnell Quotation for District Court 03-2-04.
131. A true and correct copy of the July 26, 2013 Purchase Order P31271 from SimplexGrinnell to District Court 03-2-04.
132. A true and correct copy of the April 12, 2016 letter to Elizabeth A. Flaherty, Esquire from Samuel C. Stretton, Esquire expressing concern regarding audio system.
133. A true and correct copy of the April 14, 2016 letter to Elizabeth A. Flaherty, Deputy Counsel, from Samuel C. Stretton, Esquire regarding letter from Judge Baratta.
134. October 2, 2014 email from Brenda Anthony to Toni Schreffler with six pictures of the audio and video notices posted at District Court 03-2-04.
135. Outline of Orientation Meeting for New MDJs by Deputy Court Administrator Debra French.
136. A true and correct copy of the Minor Judiciary Education Board (MJEB) Curriculum for the Supplemental Practicum Program, January 10-14, 2011.
137. A true and correct copy of the Minor Judiciary Education Board (MJEB) Program 2010-2011.
138. A true and correct copy of the Minor Judiciary Education Board (MJEB) Program 2011-2012.

139. A true and correct copy of the Minor Judiciary Education Board (MJEB) Program 2012-2013.
140. A true and correct copy of the Minor Judiciary Education Board (MJEB) Program 2013-2014.
141. A true and correct copy of the Minor Judiciary Education Board (MJEB) Program 2014-2015.
142. A true and correct copy of the Minor Judiciary Education Board (MJEB) Program 2015-2016.
143. A true and correct copy of the April 25, 2016 Email thread between Toni Schreffler, Legal Assistant and Mark Rothermel, AOPC Information Technology, regarding online manual.

C. STIPULATIONS OF FACT

It can reasonably be expected that opposing counsel will agree to all or some of the following stipulations:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From January 4, 2010 through July 25, 2016, Judge Tidd served as Judge of Magisterial District Court No. 03-2-04.
3. On July 25, 2016, Judge Tidd resigned from his position as Magisterial District Judge.
4. Based on Confidential Requests for Investigation at JCB File Nos. 2014-510, 2015-227, 2015-237, 2015-285, 2015-286, and 2015-421, the Board investigated the instant matter.

5. As a result of its investigation, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there is probable cause to file formal charges against Judge Tidd in this Court.

6. Some of the alleged judicial misconduct occurred prior to December 1, 2014 and therefore, the Old Rules Governing Standards of Conduct of Magisterial District Judges (R.G.S.C.M.D.J.) apply to those allegations of misconduct.

7. Some of the alleged judicial misconduct occurred after November 30, 2014 and therefore, the New R.G.S.C.M.D.J. apply to those allegations of misconduct.

Counsel continues to work on Joint Stipulations of Fact which will be submitted in full on or before December 12, 2016.

D. DISCOVERY CERTIFICATION

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

E. EXCULPATORY CERTIFICATION

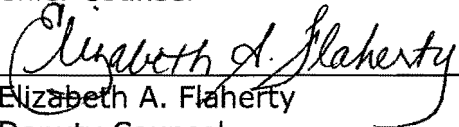
The Board, by and through undersigned counsel, hereby certifies that Judge Roca has been provided with any and all exculpatory evidence relevant to the charges contained in the Board Complaint as required by C.J.D.R.P. 401(E).

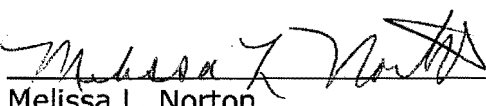
Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: December 5, 2016

BY:


Elizabeth A. Flaherty
Deputy Counsel
Pa. Supreme Court ID No. 205575


Melissa L. Norton
Assistant Counsel
Pa. Supreme Court ID No. 46684

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**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

David W. Tidd :
Former Magisterial District Judge :
Magisterial District 03-2-04 : 3 JD 2016
Third Judicial District :
Northampton County :

PROOF OF SERVICE

In compliance with Rule 122(F) of the Court of Judicial Discipline Rules of Procedure, on or about December 5, 2016, a copy of this *Pre-Trial Memorandum* was sent by first-class mail and by email to former Magisterial District Judge Tidd's counsel, Samuel C. Stretton, Esquire, at the following address:

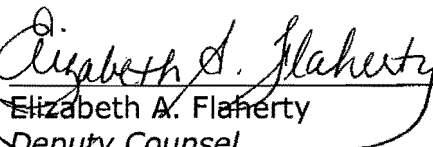
Samuel C. Stretton, Esquire
301 South High Street
P.O. Box 3231
West Chester, PA 19381-3231

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

December 5, 2016

BY:


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