ORIGINAL



**COMMONWEALTH OF PENNSYLVANIA**
**COURT OF JUDICIAL DISCIPLINE**

IN RE:

| | | |
|---|---|---|
| Judge Mark V. Tranquilli | : | |
| Court of Common Pleas | : | 4 JD 2020 |
| 5th Judicial District | : | |
| Allegheny County | : | |

**PETITION FOR RELIEF FOR INTERIM SUSPENSION WITH OR WITHOUT PAY**

AND NOW, this 12th day of August, 2020, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Petition For Relief For Interim Suspension With or Without Pay pursuant to Rule 701 of the Court of Judicial Discipline Rules of Procedure, and Rule 13(A) of the Board Rules of Procedure and in support thereof, avers the following:

1. The Pennsylvania Constitution provides this Court with the authority to impose interim suspension as follows:

> Prior to a hearing, the court may issue an interim order directing suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony. An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

Pa. Const., Art. V, § 18(d)(2).

2. From January 6, 2014, to the present, Judge Tranquilli has served continuously as a Judge of the Court of Common Pleas of Allegheny County.

3. Contemporaneously with the filing of this Petition, Board Counsel is filing a Board Complaint against Judge Tranquilli alleging 6 counts of judicial misconduct.

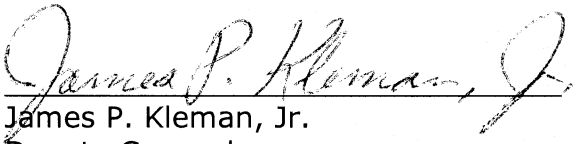
A copy of the Board Complaint is attached hereto, made a part hereof, and incorporated herein by reference as though set forth in full. ***See*** Attachment "A" (Board Complaint).

4. The allegations contained within the Board Complaint against Judge Tranquilli undermine both public confidence in the judiciary and its reputation. If Judge Tranquilli is permitted to continue exercising judicial duties during the pendency of the Board Complaint, the public's confidence in the judiciary will continue to erode.

WHEREFORE, it is respectfully requested that this Honorable Court enter an interim order suspending Judge Tranquilli, either with or without pay, pending disposition of the Board Complaint filed against him and to grant such other relief as may be deemed appropriate.

Respectfully submitted,

RICHARD W. LONG
*Chief Counsel*

DATE: August 12, 2020 BY: 

James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA**
**COURT OF JUDICIAL DISCIPLINE**

IN RE:

| | | |
|---|---|---|
| Judge Mark V. Tranquilli | : | |
| Court of Common Pleas | : | 4 JD 2020 |
| 5th Judicial District | : | |
| Allegheny County | : | |

***PROOF OF SERVICE***

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on August 12, 2020, a copy of the Board's Petition For Interim Suspension With or Without Pay was sent by UPS Overnight Mail to Judge Tranquilli's counsel, John E. Quinn, Esquire at the following address:

John E. Quinn, Esquire
Quinn Logue LLC
200 First Avenue, 3rd Floor
Pittsburgh, PA 15222-1512

UPS Overnight Mail
Tracking No. 1ZY4X7450198866448

Respectfully submitted,

DATE: August 12, 2020

James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

# ATTACHMENT
# A

# ATTACHMENT
# A

**COMMONWEALTH OF PENNSYLVANIA**
**COURT OF JUDICIAL DISCIPLINE**

IN RE:



| | | |
|---|---|---|
| Judge Mark V. Tranquilli | : | |
| Court of Common Pleas | : | 4 JD 2020 |
| 5th Judicial District | : | |
| Allegheny County | : | |

**TO: MARK V. TRANQUILLI**

**You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, and the Code of Judicial Conduct. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.**

**You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.**

**You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.**

**You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an**

**Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.**

**COMMONWEALTH OF PENNSYLVANIA**
**COURT OF JUDICIAL DISCIPLINE**

IN RE:

| | | |
|---|---|---|
| Judge Mark V. Tranquilli | : | |
| Court of Common Pleas | : | 4 JD 2020 |
| 5th Judicial District | : | |
| Allegheny County | : | |

## COMPLAINT

AND NOW, this 12th day of August, 2020, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable Mark V. Tranquilli, Judge of the Court of Common Pleas of the Fifth Judicial District, Allegheny County, Pennsylvania, alleging that Judge Tranquilli has violated the Constitution of the Commonwealth of Pennsylvania and the Code of Judicial Conduct, as more specifically delineated herein.

## FACTUAL ALLEGATIONS

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 6, 2014, to the present, Judge Tranquilli has served continuously as a Judge of the Court of Common Pleas of Allegheny County.
3. 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 Tranquilli in this Court.

***Patterson v. Patterson***

4. On August 14, 2015, while serving an assignment in family court, Judge Tranquilli conducted a custody conciliation in the matter of ***Jayson Patterson v. Cara Patterson***, 15-00312.

    a. Jayson Patterson and Cara Patterson are black.

5. Timothy Uhrich, Esquire, represented Jayson Patterson.

6. Stephanie Anderson, Esquire, represented Cara Patterson.

7. At various points during the conciliation, Judge Tranquilli stated the following or words to the effect of the following:

    a. Judge Tranquilli said that he did not care about the Pattersons' children.

    b. Judge Tranquilli said that his only concern was his own three children.

    c. Judge Tranquilli said that his legal experience was as a homicide prosecutor.

    d. Judge Tranquilli said that he was merely passing time in the family division until his eventual reassignment to criminal division.

    e. Judge Tranquilli said that he was not the "brain surgeon" that he believed that "all the other family division judges think they are."

    f. Judge Tranquilli said that he was more of a "slice and dice" guy than a "brain surgeon."

    g. Judge Tranquilli said that he was a "butcher."

    h. Judge Tranquilli said that he would "split [the Pattersons'] baby in half like Solomon and sleep like a baby that night."

8. Judge Tranquilli then proceeded to discuss with the parties how he expected them to behave while exercising custody of their child.

9. When Judge Tranquilli discussed the issue of communication between the parties, he affected an accent and dialect described as "Ebonics."

    a. Judge Tranquilli said to Mr. and Ms. Patterson, "And when I say communication, I don't mean '**and den da bitch done dis, and den da bitch done dat**.'" (emphasis added).

***Commonwealth v. Lamar Rice***

10. On January 24, 2020, Judge Tranquilli presided over a re-trial of a charge of possession with intent to deliver at ***Commonwealth v. Lamar Rice***, CP-02-CR-4083-2017.

11. The re-trial of the ***Rice*** case was the result of a prior mistrial on the possession with intent to deliver charge; the defendant had previously been found guilty of possession of a controlled substance.

12. Joseph Otte, Esquire, represented the defendant in ***Rice***.

13. Assistant District Attorney Thaddeus "Ted" Dutkowski represented the Commonwealth in ***Rice***.

14. After trial was concluded, the jury deliberated and presented a verdict slip to Judge Tranquilli.

15. Judge Tranquilli read the verdict slip silently and tossed it back to his minute clerk.

    a. Judge Tranquilli was visibly affected while reading the verdict.

16. The jury foreperson then announced the verdict on the possession with intent to deliver charge, which was "not guilty."

17. Judge Tranquilli then sentenced the defendant for the possession of a controlled substance charge.

    a. During sentencing, Judge Tranquilli expressed his belief that the defendant was a drug dealer and not a drug user and highlighted the defendant's prior convictions for drug dealing.

    b. Judge Tranquilli also observed that the defendant was likely to violate the probation component of his sentence.

18. After sentencing, Judge Tranquilli, through a subordinate court employee, asked to speak with Attorney Otte and ADA Dutkowski in his chambers.

19. When Attorney Otte and ADA Dutkowski arrived in Judge Tranquilli's chambers, Judge Tranquilli immediately expressed bewilderment about the persons picked by them for jury service in the ***Rice*** case.

20. Judge Tranquilli discussed the seating of Juror #11 as follows:

    a. Judge Tranquilli asked ADA Dutkowski what he was thinking "putting that knucklehead, Juror #11 on the jury?"

    b. Judge Tranquilli observed that, in a post-trial conference he had with the jury, Juror #11 told fellow jurors that they had to acquit the defendant because the police did not have probable cause or reasonable suspicion to search the defendant.

    c. Judge Tranquilli told ADA Dutkowski that he asked Juror #11 "Where in my charge did probable cause or reasonable suspicion come up for you to make that decision?"

    d. Judge Tranquilli told ADA Dutkowski that, in in the post-trial conference with the jury, he (Judge Tranquilli) said "Didn't you

remember that a legal decision should be made by the Judge? Why didn't somebody say let's ask Judge Tranquilli?"

21. In response, ADA Dutkowski offered an explanation to Judge Tranquilli as to why he did not move to strike Juror #11.

22. Judge Tranquilli then discussed the seating of Juror #12, which he found questionable due to the fact that Juror #12 was the mother of a public defender.

23. As to Juror #12, Judge Tranquilli asked ADA Dutkowski a question to the effect of, "Don't you know she's going to go to Sunday dinner with her daughter who will tell her about all the people being wrongly charged and having their rights violated?"

24. Judge Tranquilli then discussed the seating of Juror #4, a black female, apparently in her 20s, who wore her hair in a kerchief during trial.

25. Referring to Juror #4, Judge Tranquilli stated to ADA Dutkowski "You weren't out of strikes when you decided to put **Aunt Jemima** on the jury." (emphasis added).

26. Judge Tranquilli told ADA Dutkowski that he knew ADA Dutkowski was going "to have a problem," meaning, ADA Dutkowski was not going to obtain a conviction of the defendant, when Judge Tranquilli saw Juror #4 seated.

27. Judge Tranquilli then proceeded to describe his views of Juror #4's physical demeanor and facial expressions during trial.

28. Judge Tranquilli stated that Juror #4's expressions evinced a negative attitude toward the Commonwealth's case against the defendant.

29. Again referring to Juror #4, Judge Tranquilli expressed that ADA Dutkowski "**knew darn well that when she [Juror #4] goes home to her baby daddy, he's probably slinging heroin too,**" and, as such, ADA Dutkowski should have

known that Juror #4 was negatively disposed toward the Commonwealth's prosecution in the ***Rice*** matter. (emphasis added).

***Improper comments at criminal sentencing hearings***

30. On October 31, 2018, Judge Tranquilli presided over the sentencing of the defendant in the matter of ***Commonwealth v. Cherrell Russell***, CP-02-CR-9998-2017.

31. While speaking about the defendant's family situation during sentencing, Judge Tranquilli stated the following:

> JUDGE TRANQUILLI: So, Ms. Russell, are you familiar with the phrase, if you lay down with dogs, you wake up with fleas? Have you ever heard that before in your life?
>
> THE DEFENDANT: I have.
>
> JUDGE TRANQUILLI: So now you have laid down twice with dogs, but you have woken up with two lovely children, probably two lovely children I'm betting you were probably not planning on. And for the cost of three shiny quarters in any bathroom in any rest stop in Pennsylvania, you probably could have gone a different direction.
>
> ***See Russell***, N.T. Sentencing, 10/31/2018, at 10-11.

32. When speaking about the probation component of the defendant's sentence in the ***Russell*** matter, Judge Tranquilli addressed the defendant as follows:

> JUDGE TRANQUILLI: I'm going to tell you what I tell every single person I put on probation. I don't have to take any notes because I know I give this speech to everybody. Don't feel like a lone ranger. [Your attorney] has known me for 25 years.
>
> I have a notoriously low tolerance for misbehavior. I was a District Attorney [sic] for 20 years, and for the last 13 years, all I did was dead body cases, dead body, dead body, dead body. For the last eight years, I ran the Homicide Unit. If I had a nickel for every picture of a dead person I looked at on my desk while I was eating a turkey sandwich, I could retire right now and be a rich man. As a result of these experiences, there is no milk of human kindness left in these veins. It is just too much death.

> So what that means for you is, the take away is this. If I ever see you again in my courtroom for a probation violation, the story ends with you in a red jumpsuit, handcuffs and shackles being led off to the state correctional institution at Muncy where they put the females.
>
> ***See Russell***, N.T. Sentencing, 10/31/2018, at 22-23.

33. On March 13, 2019, Judge Tranquilli presided over the sentencing of the defendant in the matter of ***Commonwealth v. Jamie Maurice Koskey***, CP-02-CR-1856-2018.

34. When discussing the probation aspect of the defendant's sentence in the ***Koskey*** matter and his concomitant responsibility to comply with his delayed report date to the Allegheny County Jail to serve the jail component of the sentence, Judge Tranquilli made the following statement:

> So if you don't show up in 30 days, you have violated my probation, and I'm going to cast you down amongst the [S]odomites, all right, in state prison. All right?
>
> ***See Koskey***, N.T. Sentencing, 3/13/2019, at 23.

**CHARGES**

**Count 1 (A)-(D) – Violation of Canon 1, Rule 1.2**

35. By virtue of some or all of the conduct alleged in paragraphs 4 through 34, Judge Tranquilli violated Canon 1, Rule 1.2 of the Code of Judicial Conduct.

36. Canon 1, Rule 1.2 states the following:

> Canon 1, Rule 1.2. Promoting confidence in the Judiciary.
>
> A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

37. Judge Tranquilli failed to promote public confidence in the Judiciary and avoid impropriety and the appearance of impropriety in the matter of ***Patterson v.***

***Patterson***, when, at a custody conciliation held on August 14, 2015, he made insulting remarks to the parties and their attorneys and affected a manner of speech referred to as "Ebonics." By engaging in the conduct described in paragraphs 4 through 9, Judge Tranquilli failed to promote public confidence in the Judiciary and avoid impropriety and the appearance of impropriety meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct. (Count 1(A)).

38. Judge Tranquilli failed to promote public confidence in the Judiciary and avoid impropriety and the appearance of impropriety at a post-sentencing meeting held on January 24, 2020, after trial in ***Commonwealth v. Rice***, when he referred to Juror #4 by the racist epithet "Aunt Jemima;" when he said that Juror #4 had a "baby daddy" at home "slinging heroin;" and when he referred to Juror #11 as a "knucklehead." By engaging in the conduct alleged at paragraphs 10 through 29, Judge Tranquilli failed to promote public confidence in the Judiciary and avoid impropriety and the appearance of impropriety within the meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct. (Count 1(B)).

39. Judge Tranquilli failed to promote public confidence in the Judiciary and avoid impropriety and the appearance of impropriety in the matter of ***Commonwealth v. Russell***, when, at a sentencing hearing conducted on October 31, 2018, he made improper commentary regarding the defendant's family situation ("So now you have laid down twice with dogs...."), and when he told the defendant that he lacked "the milk of human kindness," which deficiency would cause him to incarcerate her automatically in state prison for any future probation violation, regardless of the facts. By engaging in the conduct described in paragraphs 30 through 32, Judge Tranquilli failed to promote public confidence in the Judiciary

and avoid impropriety and the appearance of impropriety within the meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct. (Count 1 (C)).

40. Judge Tranquilli failed to promote public confidence in the Judiciary and avoid impropriety and the appearance of impropriety in the matter of ***Commonwealth v. Koskey***, when, at a sentencing hearing conducted on March 13, 2019, he said that he would "cast [the defendant] down among the [S]odomites...in state prison," if the defendant failed to report to prison as ordered. By engaging in the conduct described in paragraphs 33 through 34, Judge Tranquilli failed to promote public confidence in the Judiciary and avoid impropriety and the appearance of impropriety within the meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct. (Count 1 (D)).

**Count 2(A)-(H) – Violation of Canon 2, Rule 2.3**

41. By virtue of some or all of the conduct alleged in paragraphs 4 through 34, Judge Tranquilli violated Canon 2, Rule 2.3(A) and Rule 2.3(B) of the Code of Judicial Conduct.

42. Canon 2, Rule 2.3 states the following:

> *Bias, Prejudice, and Harassment.*
>
> (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
>
> (B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

43. Judge Tranquilli performed his judicial duties with improper bias or prejudice in the matter of ***Patterson v. Patterson***, when, at a custody conciliation held on August 14, 2015, he made insulting remarks to the parties and their attorneys and affected a manner of speech referred to as "Ebonics." By engaging in the conduct described in paragraphs 4 through 9, Judge Tranquilli performed his judicial duties with improper bias or prejudice within the meaning of Canon 2, Rule 2.3(A) of the Code of Judicial Conduct. (Count 2(A)).

44. Through his words or conduct, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, in the performance of his judicial duties in the matter of ***Patterson v. Patterson***, when, at a custody conciliation held on August 14, 2015, he made insulting remarks to the parties and their attorneys and affected a manner of speech referred to as "Ebonics." By engaging in the conduct described in paragraphs 4 through 9, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, through words or conduct in the performance of his judicial duties within the meaning of Canon 2, Rule 2.3(B) of the Code of Judicial Conduct. (Count 2(B)).

45. Judge Tranquilli performed his judicial duties with bias or prejudice at a post-sentencing meeting held on January 24, 2020, after trial in ***Commonwealth v. Rice***, when he referred to Juror #4 by the racist epithet "Aunt Jemima;" when he referred to Juror #11 as a "knucklehead;" and when he said that Juror #4 had a "baby daddy" at home "slinging heroin." By engaging in the conduct alleged at paragraphs 10 through 29, Judge Tranquilli performed his judicial duties with improper bias or prejudice within the meaning of Canon 2, Rule 2.3(A) of the Code of Judicial Conduct. (Count 2(C)).

46. Through his words or conduct, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, in the performance of his judicial duties at a post-sentencing meeting held on January 24, 2020, after trial in ***Commonwealth v. Rice***, when he referred to Juror #4 by the racist epithet "Aunt Jemima;" when he referred to Juror #11 as a "knucklehead;" and when he said that Juror #4 had a "baby daddy" at home "slinging heroin." By engaging in the conduct alleged at paragraphs 10 through 29, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, through words or conduct in the performance of his judicial duties within the meaning of Canon 2, Rule 2.3(B) of the Code of Judicial Conduct. (Count 2(D)).

47. Judge Tranquilli performed his judicial duties with improper bias or prejudice in the matter of ***Commonwealth v. Russell***, when, at a sentencing hearing conducted on October 31, 2018, he made improper commentary regarding the defendant's family situation ("So now you have laid down twice with dogs....") and by threatening to incarcerate the defendant for any future probation violation. By engaging in the conduct described in paragraphs 30 through 32, Judge Tranquilli performed his judicial duties with improper bias or prejudice within the meaning of Canon 2, Rule 2.3(A) of the Code of Judicial Conduct. (Count 2(E)).

48. Through his words or conduct, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, in the performance of his judicial duties in the matter of ***Commonwealth v. Russell***, when, at a sentencing hearing conducted on October 31, 2018, he made improper commentary regarding the defendant's family situation ("So now you have laid down twice with dogs....") and by threatening to incarcerate the defendant for any future probation violation

hearing. By engaging in the conduct described in paragraphs 30 through 32, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, through words or conduct in the performance of his judicial duties within the meaning of Canon 2, Rule 2.3(B) of the Code of Judicial Conduct. (Count 2(F)).

49. Judge Tranquilli performed his judicial duties with improper bias or prejudice in the matter of ***Commonwealth v. Koskey,*** when, at a sentencing hearing conducted on March 13, 2019, he said that he would "cast [the defendant] down among the [S]odomites...in state prison," if the defendant failed to report to prison as ordered. By engaging in the conduct described in paragraphs 33 through 34, Judge Tranquilli performed his judicial duties with improper bias or prejudice within the meaning of Canon 2, Rule 2.3(A) of the Code of Judicial Conduct. (Count 2(G)).

50. Through his words or conduct, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, in the performance of his judicial duties in the matter of ***Commonwealth v. Koskey***, when, at a sentencing hearing conducted on March 13, 2019, he said that he would "cast [the defendant] down among the [S]odomites...in state prison," if the defendant failed to report to prison as ordered. By engaging in the conduct described in paragraphs 33 through 34, Judge Tranquilli manifested bias or prejudice, or engaged in harassment, through words or conduct in the performance of his judicial duties within the meaning of Canon 2, Rule 2.3(B) of the Code of Judicial Conduct. (Count 2(H)).

**Count 3(A)-(D) – Violation of Canon 2, Rule 2.8(B)**

51. By virtue of some or all of the conduct alleged in paragraphs 4 through 34, Judge Tranquilli violated Canon 2, Rule 2.8(B) of the Code of Judicial Conduct.

52. Canon 2, Rule 2.8(B) states the following:

> Canon 2, Rule 2.8. Decorum, Demeanor, and Communication with Jurors.
>
> (B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

53. Judge Tranquilli failed to conduct himself in a patient, dignified, and courteous manner in the matter of ***Patterson v. Patterson***, when, at a custody conciliation held on August 14, 2015, he made insulting remarks to the parties and their attorneys and affected a manner of speech referred to as "Ebonics." By engaging in the conduct described in paragraphs 4 through 9, Judge Tranquilli failed to be patient, dignified, and courteous within the meaning of Canon 2, Rule 2.8(B) of the Code of Judicial Conduct. (Count 3(A)).

54. Judge Tranquilli failed to conduct himself in a patient, dignified, and courteous manner at a post-sentencing meeting held on January 24, 2020, after trial in ***Commonwealth v. Rice***, he referred to Juror #4 by the racist epithet "Aunt Jemima;" when he said that Juror #4 had a "baby daddy" at home "slinging heroin;" and when he referred to Juror #11 as a "knucklehead." By engaging in the conduct alleged at paragraphs 10 through 29, Judge Tranquilli failed to be patient, dignified, and courteous within the meaning of Canon 2, Rule 2.8(B) of the Code of Judicial Conduct. (Count 3(B)).

55. Judge Tranquilli failed to conduct himself in a patient, dignified, and courteous manner in the matter of ***Commonwealth v. Russell***, when, at a sentencing hearing conducted on October 31, 2018, he made improper commentary regarding the defendant's family situation ("So now you have laid down twice with

dogs...."), and when he told the defendant that he lacked "the milk of human kindness," which deficiency would cause him to incarcerate her in state prison for any future probation violation. By engaging in the conduct described in paragraphs 30 through 32, Judge Tranquilli failed to be patient, dignified, and courteous within the meaning of Canon 2, Rule 2.8(B) of the Code of Judicial Conduct. (Count 3(C)).

56. Judge Tranquilli failed to conduct himself in a patient, dignified, and courteous manner in the matter of ***Commonwealth v. Koskey***, when, at a sentencing hearing conducted on March 13, 2019, he said that he would "cast [the defendant] down among the [S]odomites...in state prison," if the defendant failed to report to prison as ordered. By engaging in the conduct described in paragraphs 33 through 34, Judge Tranquilli failed to be patient, dignified, and courteous within the meaning of Canon 2, Rule 2.8(B) of the Code of Judicial Conduct. (Count 3(D)).

**Count 4(A)-(B) – Violation of Canon 1, Rule 1.1**

57. By virtue of some or all of the conduct alleged in paragraphs 4 through 34, Judge Tranquilli violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.

58. Canon 1, Rule 1.1 states the following:

> Canon 1, Rule 1.1. Compliance with the Law.
>
> A judge shall comply with the law, including the Code of Judicial Conduct.

59. The definition of "Law" in the "Terminology" section of the Code of Judicial Conduct includes, *inter alia*, the Code of Judicial Conduct and the Unified Judicial System's Policy on Non-Discrimination and Equal Employment Opportunity (UJS Policy).

60. Judge Tranquilli violated Canon 1, Rule 1.1, and Rule 1.2; Canon 2, Rule 2.3(A) and Rule 2.3(B); and Canon 2, Rule 2.8(B).

61. As set forth above, Judge Tranquilli's conduct violated some, one, or all of the noted provisions of the Code of Judicial Conduct, and, therefore, his conduct constitutes a violation of Canon 1, Rule 1.1. (Count 4(A)).

62. Some or all of Judge Tranquilli's conduct set forth at paragraphs 4-34 violated the UJS Policy because it constitutes "Racial and Other Harassment."

63. The UJS Policy defines "Racial and Other Harassment," as follows:

> Under this Policy, Racial and other harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's race, color, sexual orientation, gender identity or expression, national origin, age, disability or religion. Harassing conduct may include, but is not limited to, the following:
>
> 1. *Verbal*: Epithets, slurs, stereotyping, or denigrating jokes.
>
> 2. *Non-verbal*: Display of written or graphic materials that denigrate or show hostility or aversion toward an individual or group in such a manner as to be readily viewed by others.
>
> 3. *Physical*: Threatening, intimidating, or hostile acts.

64. Judge Tranquilli's violation of the UJS Policy constitutes a violation of the law and, as such, a violation of Canon 1, Rule 1.1. (Count 2(B)).

**Count 5 – Violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania**

65. By virtue of some or all of the conduct set forth above, Judge Tranquilli violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

66. Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania states the following:

> Article V, § 17(b) [Derivative Violation]
>
> > Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court.

67. A violation of the Code of Judicial Conduct constitutes an automatic, derivative violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

68. Judge Tranquilli violated Canon 1, Rule 1.1, and Rule 1.2; Canon 2, Rule 2.3(A) and Rule 2.3(B); and Canon 2, Rule 2.8(B).

69. By violation of some, one or all of the Rules set forth above, Judge Tranquilli violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

**Count 6(A)-(D) - Violation of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania**

70. By virtue of some or all of the conduct set forth above, Judge Tranquilli violated Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

71. Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania states the following:

> Article V, § 18(d)(1) [Disrepute]
>
> > A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which . . . brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity[.]

72. By his conduct as described in paragraphs 4 through 9 above pertaining to the ***Patterson v. Patterson*** matter, Judge Tranquilli engaged in conduct that was so extreme that it brought the judicial office itself into disrepute and thereby constitutes a violation of the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania. (Count 6(A)).

73. By his conduct as described in paragraphs 10 through 29 above pertaining to the ***Commonwealth v. Rice*** post-sentencing meeting, Judge Tranquilli engaged in conduct that was so extreme that it brought the judicial office itself into disrepute and thereby constitutes a violation of the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania. (Count 6(B)).

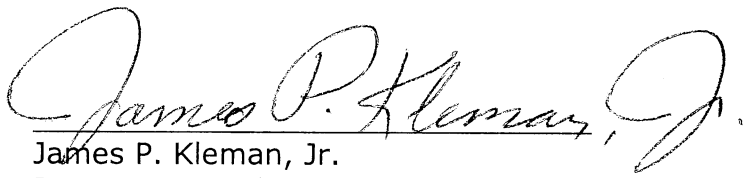
74. By his conduct as described in paragraphs 30 through 32 above pertaining to the ***Commonwealth v. Russell*** sentencing hearing, Judge Tranquilli engaged in conduct that was so extreme that it brought the judicial office itself into disrepute and thereby constitutes a violation of the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania. (Count 6(C)).

75. By his conduct as described in paragraphs 33 through 34 above pertaining to the ***Commonwealth v. Koskey*** sentencing hearing, Judge Tranquilli engaged in conduct that was so extreme that it brought the judicial office itself into disrepute and thereby constitutes a violation of the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania. (Count 6(D)).

WHEREFORE, Mark V. Tranquilli, Judge of the Court of Common Pleas of Allegheny County, Pennsylvania, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

RICHARD W. LONG
Chief Counsel

DATE: August 12, 2020 By: 

James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17106
(717) 234-7911

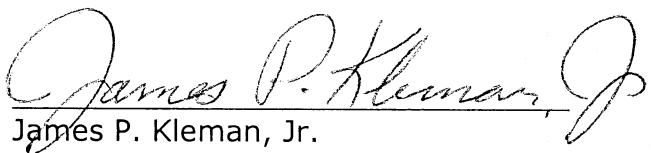
## ***VERIFICATION***

I, James P. Kleman, Jr., Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the *BOARD COMPLAINT*. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

RICHARD W. LONG
*Chief Counsel*

Date: August 12, 2020

By: 

James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA**
**COURT OF JUDICIAL DISCIPLINE**

IN RE:

| | | |
|---|---|---|
| Judge Mark V. Tranquilli | : | |
| Court of Common Pleas | : | 4 JD 2020 |
| 5th Judicial District | : | |
| Allegheny County | : | |

***PROOF OF SERVICE***

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on August 12, 2020, a copy of the Board's Complaint was sent by UPS Overnight mail to Judge Tranquilli's counsel, John E. Quinn, Esquire at the following address:

John E. Quinn, Esquire
Quinn Logue LLC
200 First Avenue, 3rd Floor
Pittsburgh, PA 15222-1512

UPS Overnight Mail
Tracking No. 1ZY4X7450198866448

Respectfully submitted,

DATE: August 12, 2020

James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911