

JUN 16 2022

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE: : DOCKET NO. 2 JD 2021  
: :  
MICHAEL J. CABRY, III :  
FORMER MAGISTERIAL :  
DISTRICT JUDGE :  
MAGISTERIAL DISTRICT COURT :  
15-3-06 :  
CHESTER COUNTY :

PRETRIAL BRIEF OF MICHAEL J. CABRY, III REQUESTING THAT THE  
CONSTITUTIONAL CHARGE OF BRINGING JUDICIARY IN DISREPUTE BE  
DISMISSED

The Respondent, Michael J. Cabry, III, by his counsel, Samuel C. Stretton, Esquire, attended a pretrial conference before the Honorable James Eisenhower of the Court of Judicial Discipline. At the conclusion of the conference, Mr. Stretton asked permission to file a Brief on the issue of disrepute. Judge Eisenhower also requested the parties reach an agreement as to the amount of money at issue on the theft charges.

A) AMOUNT OF MONEY IN THE THEFT

As to the theft charge, a review of the plea and sentencing notes of September 22, 2021, which are attached and marked as Exhibit "A", do not give any guidance or help as to the amount at issue. In review of those notes, they do not reflect the amount involving the theft. However, Former Judge Cabry plead guilty to theft under statute 18 Pa. C.S.A. 3921(a), that was graded as a misdemeanor of the second degree. Under Pennsylvania statute, 18 Pa. C.S.A. 3903, the grading for theft is set forth.

Under 18 Pa. C.S.A. 3903(b)(i) for a theft to be a misdemeanor in the second degree, the value at issue is between \$50.00 and \$200.00. The presentment, which was not the basis for the plea, noted Former Judge Cabry withdrew \$3,254.97 in sixteen separate transactions, (see page five of the presentment). The parties have agreed that \$3,254.97 is the appropriate figure on the issue of theft and this will be so stipulated.

B) THE EVIDENCE WILL NOT SUPPORT A DISREPUTE

FINDING UNDER THE CONSTITUTION

Former Judge Cabry pled to four misdemeanors. He pled to theft by unlawful taking, a misdemeanor of the second degree, 18 Pa. C.S.A. 3921(a).

"A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, moveable property of another with intent to deprive him thereof," 18 Pa. C.S.A. 3921(a).

Former Judge Cabry also pled guilty to an election code violation entitled reporting by candidates and political committees (25 P.S. 3246[a]). That requires candidates or campaigns that raise more than \$250.00 to file campaign reports listing expenditures. The guilty plea colloquy that was previously attached as Exhibit "J" to the Exhibit List of Former Judge Cabry stated the failure to file the appropriate and accurate reports when expenditures exceeded \$250.00. This crime is an ungraded misdemeanor with a maximum sentence of one year

and a maximum fine of \$1,000.00. Former Judge Cabry also pled guilty under the same statute that the report must list each expenditure and person under 25 P.S. 3246(b)(iv). That in essence reads:

"Each report shall include the following information each and every expenditure, the date made, the full name and address of the person to whom made and purpose for which such expenditure was made," 25 P.S. 3246(b)(iv).

This statute is also an ungraded misdemeanor with a maximum sentence of one year. The final plea was to unlawful election expenses under 25 P.S. 3254.1. That reads as follows:

"No candidate, chairman or treasurer of any political committee shall make or agree to make an expenditure to incur any liability except as provided in section 1621(d)," 25 P.S. 3254.1.

1621(d) referred to in the statute is found at 25 P.S. 3241(d) which is the definition section and defines what are to be included in expenditures for a campaign.

Under the guilty plea colloquy that was marked as Exhibit "J" as part of the Exhibits package, the following was agreed to by the Commonwealth and the defense:

"On or about November 13<sup>th</sup>, 2016 through January 31<sup>st</sup>, 2018, the Defendant while a candidate for public office, failed to file appropriate and accurate campaign reports, expenditures and receipts; failed to provide full and accurate count of expenditures and withdrew funds from his campaign account for purposes unrelated to his campaign. Additionally, the Defendant unlawfully took funds from the campaign account and used the funds for personal expenses unrelated to political activity," see Exhibit "J" page two.

Former Judge Cabry waived his preliminary hearing and entered the guilty plea to the above-mentioned misdemeanors on September 22<sup>nd</sup>, 2021. Former Judge Cabry was then sentenced on the same day by the Honorable Stephen Lieberman, the visiting Judge from Berks County, to one year of probation. There were no fines or restitution imposed.

In the Answer to the Petition for Discipline, Former Judge Cabry did not dispute violating the Code of District Justices Rule 1.1 due to his improper handling of campaign funds. That Rule indicates that a judge will comply with the law, including rules governing standard of conduct of District Judges. See Former Judge Cabry's Answer to paragraphs 11 through 14. Former Judge Cabry also agreed that he violated Article V Section 17(b) of the Pennsylvania Constitution since the finding of the code violation for Rule 1.1 for magisterial district judges states that district judges shall be governed by the Rules of Cannons, which shall be prescribed by the Supreme Court and a violation of these rules constitutes a derivative violation of Article V Section 17(b) of the Pennsylvania Constitution, (see Former Judge Cabry's answers to paragraphs 15 through 19, which is again attached and marked as Exhibit "N" to the Exhibit List).

What Former Judge Cabry did not agree to, and which is the subject of this Brief and what he disputes, is Article V Section

18(d)(i) of the Pennsylvania Constitution. That Rule prohibits a judge from bringing the judicial office into disrepute.

In Former Judge Cabry's Answer he has denied violating that rule, (see answer to count three paragraphs 20 through 22). Former Judge Cabry, in his Answer in paragraph 22, notes he served with distinction as a Magistrate District Judge in Chester County for 20 years. He was former President of the Chester County District Judges' Association and former state wide President of the Special Court Judges' Association of Pennsylvania. At the time of the hearing, he will present evidence through attorneys and others who have appeared before him as to his excellent judicial abilities and demeanor and fairness as a judge and he will present witnesses as to his exceptional reputation for the appropriate character traits.

Former Judge Cabry also raised his that Answer to paragraph 22, the fact that at the time of his misconduct, his wife was dying of cancer and he was her main care taker. He also noted his campaign treasurer did not do their duties and therefore he took over that job. He noted there was a fire in his kitchen in September of his election year and many documents were lost either because of the fire or because of the repairs necessary. Due to the fire, he and his wife were unable to live in their home for a number of weeks. He agreed he did not maintain proper campaign records. But he also noted the great personal stress he

was under with his wife dying slowly of cancer. He also raised the issue in his Answer and New Matter concerning the stress he was under due to his wife's illness that ultimately caused her death, (see New Matter paragraphs 24 through 30).

Former Judge Cabry noted in his Answer that he has been seeing a therapist and dealing with the stress he has been under due to the death of his wife. In his Answer he noted that his misconduct which resulted in pleas to the four misdemeanors, three of which were ungraded misdemeanors and the fourth, a theft which was a misdemeanor of the second degree, occurred during a difficult time in his life due to his wife dying of cancer, the fire, his treasurer not helping and his records not being in proper order. In the pretrial Exhibits, Former Judge Cabry has previously introduced the letter of his therapist Mark Oleski. He was the therapist Former Judge Cabry was referred to by Judges Concerned for Judges and he has been seeing him regularly. As noted in the therapist's report, Former Judge Cabry during the time, suffered from severe depression, poor concentration and social isolation as he took care of his wife during her six-year battle with cancer. The therapist's report noted Former Judge Cabry is now showing improvement but still require ongoing mental health treatment.

Former Judge Cabry resigned his judicial position the day before his guilty pleas and sentencing. He had fully retired as

a District Judge. He is no longer serving as a judge and has agreed never to hold judicial office again.

A review of the guilty plea and sentencing transcript, will show a number of character witnesses were referenced or their letters were introduced. Some of the character letters were attached and marked as Exhibits in the pretrial submission. These letters are found in the previously submitted Exhibits and marked as, Exhibits "B", a letter from Reverend Matthew Guckin, "C" a letter from retired Lieutenant Detective, William Cahill, "D" a letter from former Chester County Commissioner, Terrence Farrell, "E" a letter from Chief of Police of West Caln Township Police Department, Curt Martinez, "F" a letter from Erika Ferretti, a registered nurse and friend of Former Judge Cabry, "G" a letter from Albert Grundy who works with juveniles in Delaware County, "H" a letter from Tara Lambert a criminal clerk who had worked for him, and "I" Ron and Toni Scott, who had known Former Judge Cabry for years and are part of the Rotary Club. All of them spoke very highly of him. A supplemental pretrial report listed Judge Charles Clement, Jr., who will also testify as a character witness.

At the guilty plea hearing, attorney Richard Muth, the criminal attorney for Former Judge Cabry, noted on page nine of Exhibit "A" the excellent record of Former Judge Cabry, his numerous volunteer services in the community, his 21 years of

unblemished record as a District Judge of Chester County, the devastating time when Former Judge Cabry's wife was slowly dying of cancer and subsequently passed away, (see Exhibit "A" page nine). Attorney Muth also noted the great sorrow and remorse and acceptance of responsibility. He also noted Former Judge Cabry resigned from his judicial position, (see Exhibit "A" page nine). The Assistant Attorney General then noted as follows:

"Your Honor in light of Mr. Cabry's actions as well -- - in addition to his decision to take accountability for those actions by pleading guilty and submitting his formal resignation yesterday, and based upon the standard guideline range calling for restorative sanctions, the Commonwealth is requesting a period of supervision to --- for probation," see Exhibit "A" page 10.

Former Judge Cabry then spoke to the Court explaining his wife's illness, the problems and mistakes he made with the election finance reports and the fire. He noted the support of his friends. He accepted full responsibility, (see Exhibit "A", page 11).

Judge Lieberman then sentenced Former Judge Cabry to one year of probation. He noted Former Judge Cabry's family situation at the time and the fact that Former Judge Cabry accepted full responsibility from the beginning of the case, (see Exhibit "A" page 12). Further, Judge Lieberman noted Former Judge Cabry was of no danger to the community and there was no indication that Former Judge Cabry would ever commit another



offense, (see Exhibit "A" page 13). He noted the devastation to Former Judge Cabry's reputation, (see Exhibit "A" page 13). Judge Lieberman sentenced him to one year probation to be concurrent on all four counts, (see Exhibit "A" pages 13 and 14). Judge Lieberman then said the following at the end"

"I'm very sorry that you had these problems in your life. I am sorry that, you know, this is what it's come to. I am sure you are more sorry that I am. And you know, you are still a relatively young man, and you have a lot of time left and I am sure that you will use it well. I am sure you will continue your community service and your volunteer services, and I hope you will be able to find some satisfactory employment and that you will continue to be an asset to your family and to the community," see Exhibit "A" page 15.

Former Judge Cabry's criminal convictions were for misconduct during a very difficult time in his life. His wife's slow death over six years by cancer, the failure of his Treasurer to handle his campaign reports requiring him to do so, his failure to keep good records, the fire in his house which caused loss of records and receipts and his severe general depression during that time period. Former Judge Cabry is extremely sorrowful and regretful for his misconduct and accepts full responsibility. But the record will also show he was an excellent District Judge. He was involved in numerous community related activities. He served without pay as an Assistant Coach to the Downingtown football team for almost 16 or 17 years. He has worked with many young people in the community. Many

lawyers, including this writer, who have appeared before Former Judge Cabry over the years have respected his judicial abilities and his fairness.

The contested question is, should he be found in disrepute. This is such an important issue because if he is found in disrepute, and if he is then removed from the bench, he will lose his 21 years of judicial pension. Although this Court has no say over his pension forfeiture, the forfeiture is a direct consequence of the finding of disrepute and the finding of removal from the bench. Under the Pennsylvania Constitution Article V Section 16(b) retirement benefits do not be paid to any District Judge or brings the judicial office into disrepute. The question is, should Former Judge Cabry be found in disrepute? A review of the case law is now necessary.

The charge of bringing the judicial office into disrepute is probably the most serious charge that can be brought against a judicial officer. The charge is found in Article V, Section 18 (d) (1) of the Pennsylvania Constitution and reads as follows:

"A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for ...neglect or failure to perform the duties of office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity or is prohibited by law;..." [Article V, Section 18(d) (1) of the Pennsylvania Constitution].

The provision at issue is "brings the judicial office into disrepute." Former Judge Cabry was not charged with "prejudices the proper administration of justice." The issue of "disrepute" is the issue before this Honorable Court. This is the issue Former Judge Cabry is contesting.

The finding of disrepute, as noted above, can have very serious consequences for a judicial officer since under the Pennsylvania Constitution, under Article V, Section 16(b), such a finding could require a loss of salary or pension or benefits for conduct which "brings the judicial office into disrepute." [Article V, Section 16(b) of the Pennsylvania Constitution]. The Judicial Conduct Board must prove the constitutional disrepute violation by clear and convincing evidence.

The seminal case on disrepute is In re Smith, 687 A.2d 1229 (Pa. Ct. Judicial Discipline, 1996). In that case, Judge Smith from Bradford County was disciplined for lengthy delays in deciding 61 cases. Some of the cases were not decided for over a three-year time period. He received a reprimand, but the Court of Judicial Conduct made no finding of disrepute, although such a finding was requested by the Judicial Conduct Board. The Court of Judicial Discipline in the Smith case noted as follows:

"Even if a judicial officer's actions could reasonably result in a lessening of respect for the judge, it cannot be assumed that the same actions would necessarily bring the judicial office into disrepute. In other words, one might say Judge Smith has failed

to decide his cases, and therefore has lost our respect. Such a finding would not sustain the Board's burden, for the Board must show the disrepute arising from Judge Smith's actions extends to all judges. In other words, that the wrongful actions of a judicial officer are capable of bringing the judicial office into disrepute is only the first step of the inquiry. The second step is that in fact universal disrepute resulted." Id 1239.

There was no evidence of universal disrepute presented in the Smith case by the Judicial Conduct Board.

The misconduct of Former Judge Cabry had nothing to do with his conduct on the bench. His conduct occurred in reporting his campaign receipts and expenditures and misusing campaign funds. He has accepted full responsibility. The misconduct occurred during a very difficult time in his life where he was watching his wife slowly die of cancer. His misconduct occurred when he was suffering from severe depression His problems were further compounded by the fire in his house and loss of campaign receipts and campaign records. There does not appear to be any evidence of the universal disrepute necessary for a finding of a violation of the constitutional provision not to bring the judiciary into disrepute.

Another similar case is In re Dagher, 657 A.2d 1032 (Pa. Ct. Judicial Discipline, 1995). In that case Judge Dagher delayed resolving five cases for an extended period of time, but even more importantly, accepted a gift from a divorce litigant of Penn State football tickets on the 50<sup>th</sup> yard line. Because of

this misconduct, he received a seven-day suspension. But there was no finding of disrepute since it did not have the universal aspect, and in fact, disrepute was not even charged.

An example of private conduct that resulted in a finding of disrepute is the case of In re Hamilton, 932 A.2d 1030 (Pa. Ct. Judicial Discipline, 2007). The misconduct occurred when a District Judge who was at a golf outing and party at a golf course became highly intoxicated and assaulted the local Police Chief. The judge got extremely drunk at the public golf function and attacked the Chief of Police for no good reason. The judge was found to be in disrepute and was suspended for five months. He was also convicted of assault in criminal court [In re Hamilton, 932 A.2d 1030 (Pa. Ct. Judicial Discipline, 2007)]. The Hamilton case clearly fits within the concern for universal disrepute. A judicial officer getting highly drunk at a public function and then beating up the Police Chief, which received a lot of publicity, would clearly bring disrepute not only to himself, but to the judiciary. The Court of Judicial Conduct in Hamilton noted the following:

"We believe that the reasonable expectations of the public would include the expectation that a member of the judiciary, elected, as he is, to enforce the laws would not violate them and do so on a public stage. We believe that the reasonable expectations of the public would include the expectation that a judicial officer will not act lawlessly by provoking a fist fight in the midst of a party being held at a local golf club,

and then commit assault and battery on a member of the local community." Id 1034.

The Court noted that the judge, physically assaulting the off-duty Chief of Police, also verbally abused the officer's wife and failed to exercise even a modicum of the sensitivity or self-control so vital to the demands of his judicial position. Id 1034.

The Court then indicated under these facts, they had no difficulty finding the conduct was:

"...so extreme as to qualify as conduct prescribed by the Constitution as that which brings the judicial office into disrespect...the reasonable expectations of the public certainly include the expectation that its judges will act with good judgment, with a modicum of dignity and with respect for all." Id 1034.

The Court very carefully noted that it was not deciding there was disrepute because of the level of, or lack of level, of media coverage. Id 1035. The Court said it would not "bestow upon the media a role in determining what is a violation of the Constitution." Id 1035, 1036. The Court ended by indicating that it was up to the members of the Court "to determine these cases for conduct that is so extreme as to bring the judicial office itself into disrepute." Id 1036.

The question is, was Former Judge Cabry's conduct so extreme that it brings the office into disrepute because it has a universal aspect and would affect all judges? The answer appears to be no. Not only did Former Judge Cabry have an

excellent reputation, his misconduct occurred during an extremely stressful time in his life with the slow death of his beloved wife and the resulting depression and stress he was under. Former Judge Cabry's conduct certainly doesn't rise to the level of the conduct which Judge Hamilton engaged in criminal conduct with the Chief of Police during a drunken brawl at a public golf club function.

Similarly, another example of extreme personal misconduct is that of In re Singletary, 61 A.3d 402 (Pa. Ct. Judicial Discipline, 2012). In that case, Judge Singletary was found in disrepute and removed from office for showing photographs of his private part to an employee responsible for collecting impound fees on cars when he was a Judge in Philadelphia Traffic Court. This is another example of extreme misconduct, which is of a criminal nature where disrepute was clearly warranted.

The Court in Singletary, noted as follows:

"In deciding these disrepute cases, we have frequently considered the reasonable expectations of the public as these expectations related to various conduct of various judicial officers...We think that the public - even those members of the public who register the lowest scores on the sensitivity index - do not expect their judges to be conducting photo sessions featuring the judicial penis and then to be sending the photos over the electronic airwaves to another person - thereby placing that person in a position to further publish the photos to anyone he or she may deem deserving." Id 412.

The Court pointed out for disrepute, there must be an element of mens rea and not conduct that was purely accidental. Id 412. The Court rightly concluded that this conduct was so extreme as it brought the office into disrepute. Id 412.

Hamilton and Singletary are classic examples of extreme misconduct that creates the universal aspect needed for the finding of disrepute. Former Judge Cabry's misconduct does not rise to this level.

Another example of disrepute is In re Kelly, 757 A.2d 456 (Pa. Ct. Judicial Discipline, 2000) where a judge called another judge asking for favorable treatment for a friend on traffic tickets. That was extreme misconduct, of essentially trying to fix a case which resulted in the finding of disrepute and a reprimand.

Similarly, in In re Harrington, 877 A.2d 570 (Pa. Ct. Judicial Discipline, 2000), the judge was found to have brought the judicial office into disrepute by putting fake parking tickets on his car to avoid having to put money in the parking meter. The shocking conduct of a judge to avoid paying a meter fee of putting fake parking tickets on his car undercut everything expected of a judge, particularly, one who regularly handled traffic cases.

In case where there was no disrepute, In re Brown, 907 A.2d 684 (Pa. Ct. Judicial Discipline, 2006), Judge Brown admitted



misconduct of sexual harassment and making improper comments to his female employees and also other improper statements about litigants. He was found in violation of several rules and allowed to retire, but there was no finding that his conduct brought the office into disrepute. That disrepute charge was withdrawn and he was allowed to keep his pension.

Another example is in the case of In re DeLeon, 967 A.2d 466 (Pa. Ct. Judicial Discipline, 2009). This was an interesting case where the judge acted very badly. He had met a social acquaintance at a bar or restaurant, who told him a story of problems with a neighbor. Judge DeLeon went back and signed an ex parte stay away Order to help the social acquaintance. There was nothing before his Court. Judge DeLeon was disciplined and suspended for approximately three months. Initially, the Court of Judicial Discipline found him to have brought disrepute on the Court, and then the Court of Judicial Discipline reversed that finding of disrepute but without any real explanation. But that is a case where bad conduct by a judicial officer was not enough to warrant a disrepute finding, and that is consistent with the above cases.

In the case of In re Berkheimer, 930 A.2d 1255 (Pa., 2007), Judge Berkheimer was found in disrepute. His misconduct involved ten instances over several years of offensive and unwarranted

statements to female employees. The Pennsylvania Supreme Court noted as follows about the extreme sexual remarks and comments:

“Appellants unwanted and offensive statements during an interview reflected poorly on the judiciary as a whole. The event was disrespectful to the judiciary and the public; combined with his offensive behavior, it brought disrepute on the entire judiciary.” Id 1259.

In the case of In re Berry, 979 A.2d 991 (Pa. Ct. Judicial Discipline, 2009), Judge Berry, while a Judge of the Court of Common Pleas of Philadelphia County, had also operated his rental real estate business out of his judicial office and had his judicial secretary manage it, accept rental payments, prepare eviction notices, etc. Judge Berry was suspended for four months and was found in disrepute. The Court in Berry noted past court decisions for findings of disrepute such as sexual harassment, failure to deposit office receipts at the end of each day, use of the “f” word in the Courtroom, public drunkenness, bogus parking tickets, calling defendants in waiting rooms morons, fighting at golf outings, repeated lateness in Court, bizarre behavior in chambers, etc. Id 996, 997. The Court noted as follows:

“The judicial officer must have engaged in conduct that is so extreme that it brings the judicial office into disrepute.” Id 997.

The Court noted that the determination is made on a case by case basis. Id 997. The Court then noted as follows in Berry:

"It is thus clear, that our determinations of whether particular conduct is such that brings the judicial office into disrepute, are to be made as if the public knows about it. Indeed, how can it be otherwise?" Id 999, 1000.

The Court then held that Judge Berry's conduct with running the real estate business in his judicial office did bring his office into disrepute. Id 1001. The reasons were, first that Judge Berry operated his real estate business for twelve years out of his chambers until he got caught. Second was the manner in which he ran his business. The properties were in poor condition, there were a number of citations issued against him by the City. The third reason found by the Court was the reality that he ran the business out of his judicial office with absolutely no overhead. Id 1001. The Court noted as follows:

"We find that the Respondent's active operation of a real estate business out of his judicial office, at the very least, trivializes the fundamental concept we find that Respondent's conduct in this business and the use of his judicial secretary to manage the day to day operation of the business demonstrated a flagrant, open, disregard for the dignity of the judicial office. It also demonstrated a total disregard for citizens of the Commonwealth, including those who elected him..." Id. 1001, 1002.

The Court found Judge Berry's conduct was extreme, and therefore found disrepute.

Judge Berry's case was different from the present case. It involved a business for personal gain, operating out of the actual judicial office and for many years.

In the case of In re Merlo, 58 A.3d 1 (Pa., 2012), Judge Merlo, who had numerous violations, including not showing up on time, taking 60 to 70 days off and yelling at litigants, was found in disrepute. The Court gave some advice on what to look for:

"It is fair to say that difficulty in deciding these cases has not been in determining whether the conduct is bad or reprehensible or whether it makes a particular judge look bad, the difficulty has been in determining whether the conduct of the particular judge makes everyone look bad, whether it makes judges collectively look bad, whether the conduct gives all judges a bad name... whether it is such that brings the office into disrepute." Id 17 and 18.

In Merlo, the Court was particularly upset with Judge Merlo's calling off and missing many days, and often times calling out the day of the hearing after people were sitting and waiting. The Court found that conduct beyond egregious. Id 18, 19. The Pennsylvania Supreme Court in Merlo actually found if a judge always appears late, that would be a violation of the disrepute constitutional requirement. Id 19. The Pennsylvania Supreme Court noted a finding that a judge who has engaged in confrontational or discourteous conduct on the bench may support a finding of disrepute. Id 20.

A more recent case where there was no finding of disrepute despite bad conduct by a judge when he was not on the bench is the case of In re Maruszczak, 220 A.3d 742 (Pa. Ct. Judicial Discipline, 2019). Judge Maruszczak received a reprimand. There

were conditions for a psychological assessment. His misconduct occurred after he discovered three of his former friends and political supporters were now supporting his election opponent.

The Court noted as follows:

“Respondent Maruszczak’s conduct arose out of his surprise and anger at finding former political supporters instead backing his political opponents. Such conduct while clearly wrong, is more understandable when it occurs in the course of a hard-fought election rather than the normal courses of judicial proceedings. Such conduct warrants a sanction nevertheless.” Id 744.

Judge Maruszczak’s conduct did consist of screaming at former friends not supporting his election opponent in public and leaving threatening notes in a mailbox or on voicemail. The Court noted as follows:

“The effect the misconduct has upon the integrity and respect for the judiciary – although Respondent Maruszczak’s conduct was clearly wrong, it was not found to amount to a violation of the disrepute clause.” Id 744, 745.

In evaluating disrepute, the case of In re Eakin, 150 A.3d 1042 (Pa. Ct. Judicial Discipline, 2016) must be reviewed. In that case, Justice Eakin was involved in sending emails that contained nudity, inappropriate references to race, sex and ethnicity, among other things. Judge Eakins used his government supplied computer for some of these emails. There was no finding of disrepute in that particular case, and perhaps the disrepute

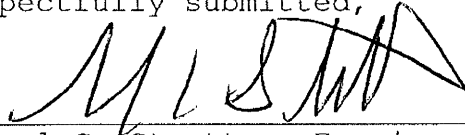
had been withdrawn. It is unclear from the Opinion. [In re Eakin, 150 A.3d 1042 (Pa. Ct. Judicial Discipline, 2016)].

In the recent case of In Re Judge Scott DiClaudio 3 DB 2019 (Pa. Ct. Judicial Discipline, 2020), there was a finding of disrepute. But Judge DiClaudio had acted very badly in a suit by an athletic club for a thousand-dollar bill for Judge DiClaudio's 13-year-old daughter. Judge DiClaudio refused to cooperate, refused to show up at hearings, was found in contempt several times, was sanctioned several times. He finally showed up and paid the bill, and fines which were almost \$10,000.00. This was fairly widely publicized. The Court found that that kind of conduct of a Judge being held in contempt by another Judge and not appearing brought the judiciary into disrepute. Judge DiClaudio was suspended for two weeks.

Former Judge Cabry's misconduct occurred during a time of great personal stress and severe depression. He did not properly complete the campaign financing forms and at times misused campaign funds. The misconduct was highly personal in nature. His misconduct did not involve his judicial duties. There was nothing in the facts of Former Judge Cabry's case that would trigger the universal dispute constitutional violation.

In conclusion, Former Judge Cabry respectfully requests this Honorable Court dismiss the charge of disrepute since there is not the universality required under the facts of this case.

Respectfully submitted,



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COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

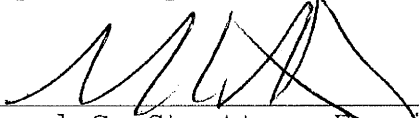
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CHESTER COUNTY :

CERTIFICATE OF COMPLIANCE

I, Samuel C. Stretton, Esquire, certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,

6/15/22  
Date

  
\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify I am this date serving a copy of the foregoing Brief in the captioned matter upon the following persons in the manner indicated below.

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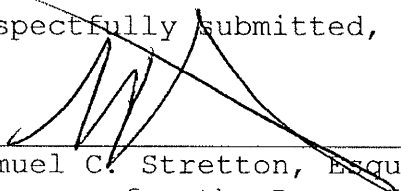
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Respectfully submitted,

6/15/12

Date

  
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1 P-R-O-C-E-E-D-I-N-G-S

2 MS. MADAFFARI: Your Honor, this is  
3 Commonwealth versus Michael Cabry, III. The docket is  
4 3380-2020. Mr. Cabry is present represented by counsel.  
5 This is the time and date set for a guilty plea and  
6 sentencing hearing based on this docket.

7 THE COURT: Thank you.

8 Can we have someone swear in Mr. Cabry,  
9 please?

10 MICHAEL J. CABRY, III,  
11 having been duly sworn or affirmed, was examined and  
12 testified as follows:

13 THE COURT: Thank you. You may be seated.

14 Mr. Muth, are we ready to proceed with an  
15 open plea to charges that have been negotiated between  
16 you and the Commonwealth?

17 MR. MUTH: Yes, we are, your Honor. We're  
18 ready for that open plea and we're ready to proceed to  
19 sentencing.

20 THE COURT: Have you prepared a written  
21 colloquy that you've reviewed with Mr. Cabry to  
22 accompany his open guilty plea?

23 MR. MUTH: I have, your Honor. Would you  
24 like me to colloquize Mr. Cabry?

25 THE COURT: Yes, please. And then we'll

1 make -- he signed that document, as well?

2 MR. MUTH: He has signed it, your Honor.

3 THE COURT: We'll make that a part of the  
4 record --

5 MR. MUTH: Very good.

6 THE COURT: -- after you complete the oral  
7 colloquy.

8 MR. MUTH: Mr. Cabry, you understand you're  
9 here to enter a guilty plea to four misdemeanor charges;  
10 is that correct?

11 THE DEFENDANT: Yes.

12 MR. MUTH: You understand you're pleading to  
13 Count I in the Information, theft by unlawful taking,  
14 which will be amended to a misdemeanor of the second  
15 degree, which carries a maximum sentence of up to two  
16 years and a \$5,000 fine?

17 THE COURT: I'm sorry. I'm going to  
18 interrupt you for a second. I probably put the cart  
19 before the horse. I do understand from discussions with  
20 both counsel off the record prior to commencing that  
21 there will be two amendments to the information offered  
22 by the Commonwealth?

23 MS. MADAFFARI: That is correct, your Honor.  
24 The Commonwealth moves to amend the grading of Count I  
25 to a misdemeanor of the second degree.

1           There's also a motion to amend Count VI only  
2 in that the statute as listed is not the correct  
3 statute. It's currently listed as Section 3254. It  
4 should be 3254.1.

5           And there's also a motion to withdraw or  
6 nol pros Counts II and IV.

7           THE COURT: All right. Very good. There's  
8 no objection to the Commonwealth's motion?

9           MR. MUTH: No objection.

10          THE COURT: Amendments are permitted as  
11 requested. You can continue with the colloquy.

12          MR. MUTH: Thank you, your Honor.

13          In addition to Count I, Mr. Cabry, you  
14 understand you're pleading guilty to Count III and Count  
15 V, which are reporting by candidate and political  
16 committee subsection of the Election Code both of which  
17 are ungraded misdemeanors with a one-year maximum  
18 sentence and a \$1,000 maximum fine?

19          THE DEFENDANT: I understand.

20          MR. MUTH: You understand, also, finally,  
21 that you're pleading guilty to Count VI of the  
22 information which has been amended, and that is titled  
23 lawful election expenses, also a one-year mandatory --  
24 one-year maximum sentence, and a \$1,000 maximum fine,  
25 also an ungraded misdemeanor?

1 THE DEFENDANT: I understand that.

2 MR. MUTH: And do you understand that this is  
3 an open plea; we do not have an agreement as to what the  
4 sentence would be; his Honor will announce the sentence  
5 on the charges?

6 THE DEFENDANT: That's my understanding.

7 MR. MUTH: And you don't have to plead guilty  
8 here today, you understand you have the right to have a  
9 trial which could be in front of a jury of 12 people  
10 chosen here in Chester County, or you could have a trial  
11 in front of Judge Lieberman?

12 THE DEFENDANT: That is my understanding.

13 MR. MUTH: You understand that at that trial  
14 the Commonwealth would have to prove your guilt beyond a  
15 reasonable doubt, and if it were a jury, all 12 jurors  
16 would have to unanimously agree that the Commonwealth  
17 had met that burden?

18 THE DEFENDANT: That's my understanding.

19 MR. MUTH: You are prepared to waive your  
20 right to trial today and plead guilty and go to  
21 sentencing on these charges?

22 THE DEFENDANT: Yes, I am.

23 MR. MUTH: You're satisfied with my  
24 representation of you during the course of this case?

25 THE DEFENDANT: Yes.

1 MR. MUTH: And you understand that you have  
2 certain post-sentence rights after today, that you have  
3 the right within 10 days to file a post-sentence motion  
4 raising certain issues as to the validity of the  
5 sentence, where this case occurred, whether you  
6 understood what you are doing here today, whether I  
7 provided sufficient representation to you?

8 THE DEFENDANT: Yes. You explained all that  
9 to me.

10 MR. MUTH: Did I also further explain that  
11 you have 30 days from today to appeal the sentence  
12 pronounced directly to the Superior Court of  
13 Pennsylvania?

14 THE DEFENDANT: Yes, you did.

15 MR. MUTH: Do you need anything else, your  
16 Honor?

17 THE COURT: No, Mr. Muth.  
18 Anything from the Commonwealth?

19 MS. MADAFFARI: No, your Honor.

20 THE COURT: May I see the written colloquy,  
21 please? Thank you.

22 Mr. Cabry, it's your signature at the bottom  
23 of each page of the written guilty plea colloquy?

24 THE DEFENDANT: Yes, it is.

25 THE COURT: All right. Thank you. And you



1 do understand that by entering an open plea that you  
2 only have -- there's only four bases on which you can  
3 file an appeal after today's date; and that would be  
4 whether or not your guilty plea was valid, whether your  
5 attorney was effective in representing you, jurisdiction  
6 of this Court; and you have the right to appeal any  
7 sentence, which this Court may impose on you to the  
8 Superior Court, but your Appellate rights are limited to  
9 those four issues?

10 THE DEFENDANT: Yes, your Honor. Mr. Muth  
11 explained everything to me.

12 THE COURT: All right. Thank you very much.

13 Based on my review of the written guilty plea  
14 colloquy, as well as the oral colloquy just conducted,  
15 this Court finds Mr. Cabry's plea is both knowing and  
16 voluntary.

17 Is it your practice to have the defendant  
18 sign the reverse of the information?

19 MR. MUTH: I had him sign the information as  
20 amended, your Honor.

21 THE COURT: Okay. Very good. That will  
22 reflect that Mr. Cabry has changed his plea from not  
23 guilty to guilty to amended Count I, Count III and Count  
24 V, and amended Count VI. Counts II and IV are  
25 dismissed.

1 All right. Are we ready to proceed with  
2 sentencing then?

3 MR. MUTH: We are, your Honor. If I may, I  
4 previously supplied the Court and Ms. Madaffari from the  
5 Attorney General's Office with some character reference  
6 letters. I'd like to submit them as Defense Exhibit 1,  
7 collectively, for the record.

8 THE COURT: Certainly. I will state for the  
9 record that I did receive these some months ago. I've  
10 had an opportunity to review all of the character  
11 references and recommendation letters.

12 Any questions, Ms. Madaffari, about that?

13 MS. MADAFFARI: No, your Honor.

14 THE COURT: No objection to admitting Defense  
15 Exhibit 1?

16 MS. MADAFFARI: No objection.

17 THE COURT: All right. Then that is  
18 admitted.

19 Mr. Muth, you're waiving a pre-sentence  
20 investigation report on behalf of Mr. Cabry?

21 MR. MUTH: We do, your Honor.

22 THE COURT: All right. Then, do you just  
23 want to briefly -- anything you want to add to the  
24 defense packet which has already been admitted?

25 MR. MUTH: Your Honor, I don't have a lot to

1 add, because they are pretty comprehensive letters about  
2 Mr. Cabry's life, his time as an elected Magisterial  
3 District Judge, his family life, his volunteer  
4 activities with the community. He's 60 years old. He  
5 served approximately 21 years in an unblemished capacity  
6 as Magisterial District Judge here in northern Chester  
7 County. He went through a devastating period of his  
8 life from 2016 until last year when his wife passed  
9 away. During that time period, unfortunately, this  
10 conduct for which we are here today occurred.

11 He's been deeply remorseful and ashamed from,  
12 you know, what's happened. He understands he's brought  
13 himself here today and it's nobody's fault but his own.  
14 He's told me that. He's told his friends and family  
15 that, and to a man and a woman, they remain supportive  
16 of him, and I'm sure going forward he will continue to  
17 conduct himself in a way that will show his friends and  
18 family that this was a true aberration in his character.  
19 And, you know, he has lost pretty much everything as a  
20 result of this. He's lost his house, his wife, his  
21 position. He resigned as of yesterday. And he stands  
22 ready to be sentenced and go on with his life,  
23 basically.

24 THE COURT: All right. Very good.

25 Ms. Madaffari, any recommendation as to his

1 sentence on any of these counts?

2 MS. MADAFFARI: Your Honor, in light of  
3 Mr. Cabry's actions as well -- in addition to his  
4 decision to take accountability for those actions by  
5 pleading guilty and submitting his formal resignation  
6 yesterday, and based upon the standard guideline range  
7 calling for restorative sanctions, the Commonwealth is  
8 requesting a period of supervision to -- for probation.

9 THE COURT: All right.

10 Mr. Muth, any requests as to those sentences  
11 the Court imposes?

12 MR. MUTH: Your Honor, we would just ask for  
13 any period of probation that you find appropriate, that  
14 you make that non-reporting. You know, we will,  
15 immediately after this proceeding, go down to probation  
16 and do their intake process, and, you know, he'll make  
17 arrangements to pay any fines and court costs that you  
18 might impose.

19 I would ask you to take into consideration  
20 when imposing the fines that he has been suspended and  
21 not paid for almost a year now. And while he's actively  
22 searching for employment, he really has no means of  
23 supporting himself currently.

24 THE COURT: All right. Thank you.

25 Mr. Cabry, anything you would like to say to

1 the Court before I impose sentence?

2 THE DEFENDANT: Yeah. Your Honor, first of  
3 all, thank you. And I apologize for all of the delays  
4 we had, especially being a senior judge and disrupting  
5 your family and everything else. I apologize for that,  
6 but I thank you for granting this to me.

7 THE COURT: Mr. Cabry, there is absolutely  
8 nothing to apologize for. I am, in fact, a senior  
9 judge, which means I really don't have a life. I don't  
10 have a regular schedule. There was plenty of notice. I  
11 was not inconvenienced in any way.

12 THE DEFENDANT: I thank you for it, then,  
13 sir. As far as being here today, you know, it was -- I  
14 take full accountability. I didn't do paperwork. While  
15 I made some mistakes, it was during a time in my life  
16 that was, you know, a lot of things were going on, as  
17 Mr. Muth said, not only with my wife, but I had a fire  
18 in our house and ended up living somewhere else for ten  
19 weeks in between. But one of the things that has come  
20 through this is the support of my family and my friends,  
21 and a lot of law enforcement. And my plan is just from  
22 now on to know that that was warranted. And I will live  
23 my life to make sure that they know that that was  
24 warranted support. And that's what I'll do from here on  
25 out is to show that their support of me is, besides, you

1 know, being so kind, it was -- I won't let them down.

2 THE COURT: All right.

3 THE DEFENDANT: Thank you, your Honor.

4 THE COURT: Thank you very much.

5 Anything from either counsel?

6 MS. MADAFFARI: No, your Honor.

7 MR. MUTH: No, your Honor.

8 THE COURT: All right. As I said, I did have  
9 a chance to review the numerous letters which have been  
10 very supportive of Mr. Cabry. The Court has taken into  
11 account that, you know, he's taken full responsibility  
12 from the very beginning of this case for his actions.  
13 He's never tried to evade responsibility, and that's a  
14 rather unusual case. You know, most of these charges  
15 reflect almost a victimless crime or crimes. There are  
16 a number of reporting requirements that are required  
17 under our election law. They are serious. But given  
18 Mr. Cabry's family situation at the time and the  
19 mistakes that he made, there's no restitution to be paid  
20 to anybody. Really, the only one that he has hurt  
21 through, you know, his bad recordkeeping and, you know,  
22 the initial investigation of these allegations -- well,  
23 these now offenses, certainly indicates to me that, you  
24 know, this will never happen again. I mean, he won't be  
25 in this position again, but, in any respect, I mean, I

1 don't think that, you know, he is in any way a danger to  
2 the community. I don't think he's, you know, presenting  
3 any danger to commit any new criminal offenses. This  
4 has been devastating, you know, to his reputation. He's  
5 lost his position. And I understand, you know, that he  
6 was an excellent district judge. And, you know, this is  
7 not reflective of the kind of work that he had done on  
8 behalf of the citizens in his jurisdiction and on behalf  
9 of the Commonwealth for I believe it's over 20 years of  
10 service. So this is a loss to the community as well as  
11 a loss to Mr. Cabry and his family. There are no  
12 winners here.

13 I think that a probationary sentence is  
14 entirely appropriate, given Mr. Cabry's age, the fact  
15 that he has not been able to secure any other  
16 employment, that he has not been paid while he's been  
17 suspended up to his resignation yesterday. I don't  
18 believe he has the present ability to pay any fine. I'm  
19 not going to impose any fines with respect to any of  
20 these counts.

21 So the sentences are as follows: Count I,  
22 theft by unlawful taking, misdemeanor of the second  
23 degree; I'm imposing a period of probation of one year;  
24 Count III, reporting by candidates, which is an ungraded  
25 misdemeanor; period of probation of one year; Count V,

1 report must list each expenditure, again, an ungraded  
2 misdemeanor; one year probation; and Count VI  
3 elections/cash contributions, an ungraded misdemeanor;  
4 one year of probation.

5 All of these probationary periods are  
6 concurrent with each other. They are for a total, then,  
7 of one year of probation. And because I really do  
8 believe that Mr. Cabry is not, you know, at any risk of  
9 violating these probationary periods, I'm going to make  
10 the probation non-reporting. He is to pay the costs,  
11 however, that have been assigned to this case.

12 I think that takes care of all the  
13 outstanding charges.

14 Have you reviewed with Mr. Cabry his  
15 post-sentence procedures following his plea and  
16 sentencing here this morning?

17 MR. MUTH: I have, your Honor. And he's also  
18 initialed and signed the appropriate spots on the guilty  
19 plea colloquy pertaining to the post-sentence rights.

20 THE COURT: Anything further from the  
21 Commonwealth?

22 MS. MADAFFARI: No, your Honor.

23 THE COURT: Or defense?

24 MR. MUTH: No, your Honor.

25 THE COURT: Yes, Mr. Cabry?



1 THE DEFENDANT: Thank you, your Honor. Thank  
2 you for your kind words.

3 THE COURT: I'm very sorry that you had these  
4 problems in your life. I'm sorry that, you know, this  
5 is what it's come to. I'm sure you're more sorry than I  
6 am. And, you know, you're still a relatively young man,  
7 and you have a lot of time left, and I'm sure that you  
8 will use it well. I'm sure that you will continue your  
9 community service and your volunteer service, and I hope  
10 that you're able to find some satisfactory employment,  
11 and that you'll continue to be an asset to your family  
12 and to the community.

13 THE DEFENDANT: Thank you, sir.

14 THE COURT: All right. Thank you very much.

15 MS. MADAFFARI: Thank you, your Honor.

16 MR. MUTH: Thank you, your Honor.

17 (Whereupon, the hearing was concluded at  
18 10:42 a.m.)  
19  
20  
21  
22  
23  
24  
25

## C-E-R-T-I-F-I-C-A-T-E

I hereby certify that the proceedings, evidence and rulings are contained fully and accurately in the notes taken by me in the hearing of the above cause, and that this copy is a correct transcript of the same.

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KIM L. KERCHER, RPR  
Official Court Reporter

The foregoing record of the proceedings upon the hearing of the above cause is hereby directed to be filed.

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Judge

MR. MUTH: [26] MS. MADAFFARI: [9] 2/2 3/23 6/19 8/13 8/16 10/2 12/6 14/22 15/15 THE COURT: [30] THE DEFENDANT: [17]	admitting [1] 8/14 affirmed [1] 2/11 after [4] 3/6 6/2 7/3 10/15 again [3] 12/24 12/25 14/1 age [1] 13/14 ago [1] 8/9 agree [1] 5/16 agreement [1] 5/3 all [19] allegations [1] 12/22 almost [2] 10/21 12/15 already [1] 8/24 also [7] 4/1 4/5 4/20 4/23 4/25 6/10 14/17 am [3] 5/22 11/8 15/6 amend [2] 3/24 4/1 amended [5] 3/14 4/22 7/20 7/23 7/24 amendments [2] 3/21 4/10 announce [1] 5/4 any [17] anybody [1] 12/20 anything [6] 6/15 6/18 8/23 10/25 12/5 14/20 apologize [3] 11/3 11/5 11/8 appeal [3] 6/11 7/3 7/6 APPEARANCES [1] 1/16 Appellate [1] 7/8 appropriate [3] 10/13 13/14 14/18 approximately [1] 9/5 are [21] arrangements [1] 10/17 as [25] ashamed [1] 9/11 ask [2] 10/12 10/19 asset [1] 15/11 assigned [1] 14/11 at [5] 5/13 6/22 12/18 14/8 15/17 attorney [3] 1/17 7/5 8/5 away [1] 9/9	be [12] 2/13 3/14 3/21 4/4 5/4 5/9 7/3 9/22 12/19 12/24 15/11 16/15 because [2] 9/1 14/7 been [12] 2/11 2/15 4/22 8/24 9/11 10/20 12/9 13/4 13/15 13/16 13/16 14/11 before [3] 1/13 3/19 11/1 beginning [1] 12/12 behalf [5] 1/17 1/19 8/20 13/8 13/8 being [3] 11/4 11/13 12/1 believe [3] 13/9 13/18 14/8 besides [1] 11/25 between [2] 2/15 11/19 beyond [1] 5/14 both [3] 3/20 4/16 7/15 bottom [1] 6/22 briefly [1] 8/23 brought [1] 9/12 burden [1] 5/17 but [7] 7/8 9/13 11/6 11/17 11/19 12/17 12/25
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	<b>valid</b> [1] 7/4 <b>validity</b> [1] 6/4 <b>versus</b> [1] 2/3 <b>very</b> [10] 3/5 4/7 7/12 7/21 9/24 12/4 12/10 12/12 15/3 15/14 <b>VI</b> [4] 4/1 4/21 7/24 14/2 <b>victimless</b> [1] 12/15 <b>violating</b> [1] 14/9 <b>voluntary</b> [1] 7/16 <b>volunteer</b> [2] 9/3 15/9	<b>Yeah</b> [1] 11/2 <b>year</b> [10] 4/17 4/23 4/24 9/8 10/21 13/23 13/25 14/2 14/4 14/7 <b>years</b> [4] 3/16 9/4 9/5 13/9 <b>Yes</b> [10] 2/17 2/25 3/11 5/22 5/25 6/8 6/14 6/24 7/10 14/25 <b>yesterday</b> [3] 9/21 10/6 13/17 <b>you</b> [85] <b>you'll</b> [1] 15/11 <b>you're</b> [9] 3/8 3/12 4/14 4/21 5/23 8/19
	<b>W</b>	
	<b>waive</b> [1] 5/19 <b>waiving</b> [1] 8/19 <b>want</b> [2] 8/23 8/23 <b>warranted</b> [2] 11/22 11/24 <b>was</b> [14] 2/11 7/4 7/5 9/18 11/10 11/11 11/13 11/15 11/16 11/22 11/23 12/1 13/6 15/17 <b>way</b> [3] 9/17 11/11 13/1 <b>we</b> [11] 2/8 2/14 2/17 5/3 8/1 8/3 8/21 9/10 10/12 10/14 11/4 <b>we'll</b> [2] 2/25 3/3 <b>we're</b> [2] 2/17 2/18 <b>Wednesday</b> [1] 1/10	
<b>take</b> [3] 10/4 10/19 11/14 <b>taken</b> [3] 12/10 12/11 16/5 <b>takes</b> [1] 14/12 <b>taking</b> [2] 3/13 13/22 <b>ten</b> [1] 11/18 <b>testified</b> [1] 2/12 <b>than</b> [1] 15/5 <b>thank</b> [18] <b>that</b> [71] <b>that's</b> [4] 5/6 5/18 11/24 12/13 <b>theft</b> [2] 3/13 13/22 <b>their</b> [2] 10/16 11/25 <b>them</b> [2] 8/6 12/1 <b>then</b> [6] 2/25 8/2 8/17 8/22 11/12 14/6 <b>there</b> [5] 3/21 11/7 11/10 12/15 13/11 <b>there's</b> [5] 4/1 4/5 4/7 7/2 12/19 <b>these</b> [10] 5/21 8/9 10/1 12/14 12/22 12/23 13/20 14/5 14/9 15/3 <b>they</b> [5] 9/1 9/15 11/23 12/17 14/6 <b>things</b> [2] 11/16 11/19 <b>think</b> [4] 13/1 13/2 13/13 14/12 <b>this</b> [25] <b>those</b> [3] 7/9 10/4 10/10 <b>through</b> [3] 9/7 11/20 12/21 <b>time</b> [6] 2/5 9/2 9/9 11/15 12/18 15/7 <b>titled</b> [1] 4/22 <b>today</b> [8] 5/8 5/20 6/2 6/6 6/11 9/10 9/13 11/13 <b>today's</b> [1] 7/3 <b>told</b> [2] 9/14 9/14 <b>total</b> [1] 14/6 <b>transcript</b> [1] 16/6 <b>trial</b> [4] 5/9 5/10 5/13 5/20 <b>tried</b> [1] 12/13 <b>true</b> [1] 9/18 <b>two</b> [2] 3/15 3/21	<b>U</b> <b>unanimously</b> [1] 5/16 <b>unblemished</b> [1] 9/5	



**Y**

you're... [3] 15/5  
15/6 15/10  
you've [1] 2/21  
young [1] 15/6  
your [39]