

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2016 DEC 30 A 11: 56

IN RE:

Thomasine Tynes
Former Judge
Philadelphia Traffic Court
Philadelphia County

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7 JD 2015

**ANSWER OF JUDICIAL CONDUCT BOARD TO MOTION OF THE RESPONDENT
TO STAY THE REMOVAL ORDER OF DECEMBER 16, 2016, AND TO ALLOW
MEDICAL BENEFITS TO CONTINUE PENDING THE APPEAL**

AND NOW, this 30th day of December, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board), by and through undersigned counsel, and files this Answer to the Motion of the Respondent to Stay the Removal Order of December 16, 2016, and to Allow Medical Benefits to Continue Pending the Appeal, and avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part; denied in part. It is admitted that, through counsel,

former Judge Tynes has filed an appeal to the Supreme Court of Pennsylvania. It is denied that this Court has the power to grant the relief of a stay of its removal order. By way of further answer, Article V, § 18(d)(1) of the Pennsylvania Constitution instructs that “[u]pon a final order of the court for ... removal, *prior to any appeal*, the justice, judge, or justice of the peace shall be ... removed from office[.]” (emphasis added). Consequently, the terms of this constitutional provision act as an exception to the general proposition that a trial court may stay the execution of a final order pending

an appeal of that order to an appellate tribunal. Moreover, the gravamen of former Judge Tynes' request is to stay a collateral consequence of this Court's sanction of her removal from office resulting from her felony convictions, *e.g.*, the automatic forfeiture of her pension and medical benefits under Article V, § 16(b); not to stay the sanction of removal itself, which, as explained above, is not within the power of this Court to grant.

See Pa. Cons., Article V, § 16(b) (no salary, retirement benefit or other compensation, present or deferred, shall be paid to any justice, judge, or justice of the peace, who, under Section 18 is removed for conviction of a felony); **see also id.**, at § 18(d)(1).

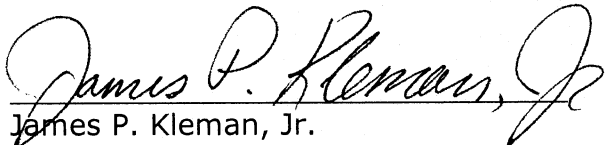
WHEREFORE, the Board through assigned counsel respectfully requests that this Court deny former Judge Tynes' request to stay its Order of December 16, 2016, that removed her from office.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: December 30, 2016

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

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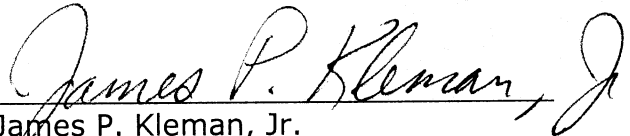
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PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on December 30, 2016, a copy of the Board's Answer was sent by first class mail to Mr. Samuel C. Stretton, Esquire, counsel for Ms. Tynes at the following address:

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

DATE: December 30, 2016


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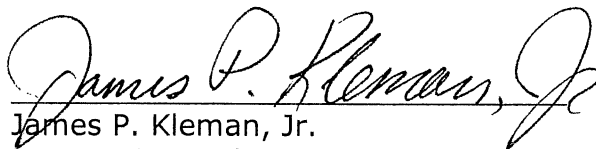
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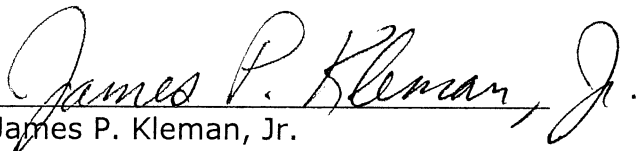
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