

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Michael R. Muth	:	
Magisterial District Judge	:	
Magisterial District 43-2-02	:	2 JD 2017
43 rd Judicial District	:	
Monroe County	:	

RECEIVED
JUL 20 2017
JUDICIAL DISTRICT
MONROE COUNTY

2017 AUG 14 P 3:26

PETITION FOR RELIEF

AND NOW, this 14th day of August, 2017, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) by the undersigned counsel and files this Petition for Relief.

1. On or about July 5, 2017, the Board filed a Board Complaint against Judicial Officer, Michael R. Muth, in the above captioned matter.
2. Pursuant to Rule 401(E) of the Court of Judicial Discipline Rules of Procedure (C.J.D.R.P.), by correspondence dated July 5, 2017, the Board provided the Judicial Officer with exculpatory evidence relevant to the charges contained in the Complaint.
3. Pursuant to Rule 401(A) and (D) of the C.J.D.R.P., by correspondence dated July 24, 2017, the Board provided the Judicial Officer with discoverable evidence relevant to the charges contained in the Complaint.
4. On or about August 2, 2017, the Judicial Officer filed an Answer and New Matter of MDJ Michael R. Muth to Judicial Conduct Board's Complaint.
5. The Answer consisted of 88 consecutively numbered paragraphs.

6. The New Matter consisted of 18 consecutively numbered paragraphs.
7. Pursuant to Rule 411(A) of the C.J.D.R.P., the Judicial Officer may file an omnibus motion in the following manner:

All motions, challenges, and applications or requests for an order or relief on behalf of the Judicial Officer shall be consolidated in one written motion, except as otherwise provided in these rules, or as permitted by the Conference Judge. The omnibus motion shall be filed no later than 30 days of the service of the Board Complaint.

8. The Judicial Officer has not filed an omnibus motion as permitted by Rule 411(A).
9. Pursuant to Rule 413 of the C.J.D.R.P., the Judicial Officer may file an answer in the following manner:

Within 30 days after the service of a Board Complaint, if no omnibus motion is filed, or within 20 days after the dismissal of all or part of the omnibus motion, the Judicial Officer may file an answer admitting or denying the allegations contained in the Board Complaint. Failure to file an answer shall be deemed a denial of all factual allegations contained in the Board Complaint. Unless otherwise ordered by the Court, no additional pleading will be accepted.

10. The C.J.D.R.P. do not provide for the pleading of New Matter such as that filed by the Judicial Officer on August 2, 2017.

11. The C.J.D.R.P. do not provide a mechanism for the Board to respond to New Matter filed by the Judicial Officer.

WHEREFORE, the Board, by and through Melissa L. Norton, Assistant Counsel, respectfully requests that this Honorable Court strike the New Matter filed by the Judicial Officer on August 2, 2017, as it is not a permissible or recognized pleading pursuant to the C.J.D.R.P. In the alternative, the Board respectfully requests that this Honorable Court defer resolution of the matter raised in the within Petition for Relief until the Pre-Trial Conference provided for by Rule 421 of the C.J.D.R.P.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: August 14, 2017

By:



MELISSA L. NORTON
Assistant Counsel
Pa. Supreme Court ID No. 46684

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
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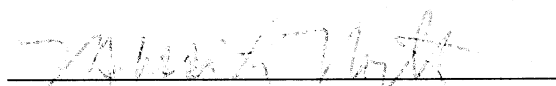
VERIFICATION

I, Melissa L. Norton, Assistant Counsel to the Judicial Conduct Board, verify that the facts and averments contained in the Judicial Conduct Board *Petition for Relief* are true and correct to the best of my knowledge, information and belief. 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,

By:

DATE: August 14, 2017



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

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PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on August 14, 2017, a copy of the *Petition for Relief* was sent by first-class mail to Judge Muth's counsel, Joel L. Frank, at the following address:

Joel L. Frank, Esquire
Lamb McErlane PC
Attorneys at Law
P.O. Box 565
24 East Market Street
West Chester, PA 19382-3151

Respectfully submitted,

DATE: August 14, 2017



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

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