

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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

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2018 FEB 13 A 11: 37

AND NOW, this _____ day of _____, 2018, upon consideration of Magisterial District Judge Michael R. Muth's Motion in Limine to Preclude the Notice of Full Investigation in its entirety and the Reports of Interviews in their entirety, it is hereby ORDERED and DECREED that the Motion is GRANTED. It is further ORDERED that only those portions of the Notice of Full Investigation and Reports of Interviews that are relevant to the allegations in the Complaint shall be offered or admitted into evidence at the hearing of this matter.

BY: _____

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**MAGISTERIAL DISTRICT JUSTICE
MICHAEL R. MUTH'S MOTION IN LIMINE
TO PRECLUDE NOTICE OF FULL INVESTIGATION REPORT
AND REPORTS OF INTERVIEWS IN THEIR ENTIRETY**

Magisterial District Justice Michael R. Muth, by and through his undersigned counsel, Lamb McErlane PC, hereby files this Motion in Limine in anticipation of the hearing scheduled in the above referenced matter.

1. The Judicial Conduct Board ("JCB") conducted an investigation of this matter and, in doing so, designated a specific investigator ("Investigator") who issued a Notice of Full Investigation ("NOFI").

2. It is anticipated that the JCB will seek to introduce the NOFI issued by the Investigator and/or the Reports of Interviews in their entirety.

3. The Investigator's inquiries into the allegations involving MDJ Muth as well as portions of the NOFI include matters well outside the parameters of the Complaint the JCB eventually filed.

4. In the Complaint, the JCB alleges 1) MDJ Muth allegedly viewed and displayed pornographic images in court offices during business hours; and 2) MDJ Muth allegedly utilized court staff and equipment for non-court related tasks. *See Complaint dated July 5, 2017.*

5. Any information obtained in the course of the investigation that is outside the parameters of those allegations is irrelevant to the proceedings.

6. Pursuant to Pennsylvania Rule of Evidence 402, “[e]vidence that is not relevant is not admissible.” It is well-settled in Pennsylvania that “[e]vidence which tends to establish some fact material to the case, or which tends to make a fact at issue more or less probable, is relevant.” Pa.R.E. 401; *Commonwealth v. Scott*, 389 A.2d 79, 82 (Pa. 1978).

7. Any information contained in the NOFI and the Reports of Interviews that do not relate to whether certain court personnel viewed the photographs at issue or whether MDJ Muth used court personnel and equipment for non-court related tasks is irrelevant and contains no probative value.

8. Any information contained in the NOFI and the Reports of Interviews that do not relate to the allegations in the Complaint must be precluded at the hearing of this matter.

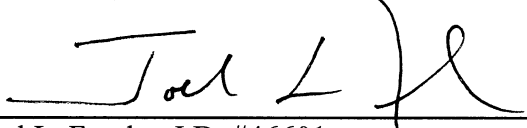
WHEREFORE, for the reasons set forth herein, Magisterial District Judge Michael R. Muth requests that the JCB be precluded from introducing and offering those portions of the Notice of Full Investigation and Reports of Interviews that are irrelevant to the allegations in the Complaint.

Respectfully submitted,

LAMB McERLANE PC

Date: February 12, 2018

BY:



Joel L. Frank – I.D. #46601

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CERTIFICATE OF SERVICE

This is to certify that complete copies of all papers contained in the foregoing *Motion in Limine* has been served upon the following persons, by the following means and on the date stated:

<u>Name</u>	<u>Means of Service</u>	<u>Date of Service</u>
Melissa L. Norton Assistant Counsel Judicial Conduct Board Pennsylvania Judicial Ctr 601 Commonwealth Avenue, Ste 3500 PO Box 62525 Harrisburg, PA 17106	Via Electronic and Regular Mail	February 12, 2018

LAMB McERLANE PC

Date: February 12, 2018

BY: 

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