

## NEWS RELEASE

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### **Supreme Court Orders Judicial Vacancy Removed from Luzerne County Ballot**

**HARRISBURG, March, 25, 2009** — The Supreme Court of Pennsylvania today remanded the judicial disciplinary matter regarding Judge Ann H. Lokuta, formerly of the Court of Common Pleas of Luzerne County, to the Court of Judicial Discipline for further consideration.

The Supreme Court directed the Court of Judicial Discipline to consider Lokuta's after-discovered evidence claim based upon recent revelations of corruption in Luzerne County. On December 9, 2008 the Court of Judicial Discipline removed Lokuta from office.

Today's action by the Supreme Court also stayed the Court of Judicial Discipline's removal order. The Supreme Court emphasized that the stay was being granted "solely for the purpose of ensuring that [Lokuta's] seat on the Court of Common Pleas of Luzerne County is not placed on the ballot until final resolution of this judicial disciplinary matter, and is not to be construed as this Court taking any position on the merits of [Lokuta's] appeal or her after-discovered evidence claim."

Lokuta filed an appeal to the Supreme Court in January challenging her removal from the bench by the Court of Judicial Discipline. In March 2009, Lokuta filed a separate petition in the Supreme Court based on after-discovered evidence deriving from the recent revelations of corruption in Luzerne County. Lokuta noted that three of the witnesses who testified against her have since pled guilty to crimes committed in connection with their official duties with the Luzerne County Court of Common Pleas, while a fourth resigned her position as Prothonotary and is cooperating in a federal investigation.

*(Copies of the Court's orders can be found at:*

<http://www.pacourts.us/OpPosting/Supreme/out/1map2009pco.pdf>

*and*

<http://www.pacourts.us/OpPosting/Supreme/out/26mm2009.pdf>

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Commonwealth is directed to refrain from placing Petitioner's judicial seat on the Court of Common Pleas of Luzerne County on the May 2009 primary ballot. This stay is entered solely for the purpose of ensuring that Petitioner's seat on the Court of Common Pleas of Luzerne County is not placed on the ballot until final resolution of this judicial disciplinary matter, and is not to be construed as this Court taking any position on the merits of Petitioner's appeal or her after-discovered evidence claim.

Jurisdiction is relinquished.

Mr. Justice McCaffery dissents.

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

IN RE: ANN H. LOKUTA, FORMER : No. 26 MM 2009  
JUDGE OF THE COURT OF COMMON :  
PLEAS ELEVENTH JUDICIAL DISTRICT :  
LUZERNE COUNTY :  
:  
:  
PETITION OF: ANN H. LOKUTA :

**ORDER**

**PER CURIAM**

**AND NOW**, this 25<sup>th</sup> day of March, 2009, this matter is **CONSOLIDATED** with the appeal filed at 1 MAP 2009. See Pa.R.A.P. 513 and 102.

The consolidated matter is **REMANDED** to the Court of Judicial Discipline for the limited purpose of that court considering Petitioner's claims in the nature of after-discovered evidence, arising from the recent revelations of corruption in Luzerne County. The Court of Judicial Discipline is to determine whether the new evidence requires a further hearing and/or whether it affects the existing determination of the Court of Judicial Discipline to remove Petitioner from judicial office.

Furthermore, the December 9, 2008 order of the Court of Judicial Discipline is **STAYED** pending remand and a final determination of this matter, and the Secretary of the Commonwealth is directed to refrain from placing Petitioner's judicial seat on the Court of Common Pleas of Luzerne County on the May 2009 primary ballot. This stay is entered

solely for the purpose of ensuring that Petitioner's seat on the Court of Common Pleas of Luzerne County is not placed on the ballot until final resolution of this judicial disciplinary matter, and is not to be construed as this Court taking any position on the merits of Petitioner's appeal or her after-discovered evidence claim.

Jurisdiction is relinquished.

Mr. Justice McCaffery dissents.