

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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2015 DEC 23 P 3:04

IN RE: :
: :
Dawn L. Vann : :
Magisterial District Judge : No. 1 JD 15
Magisterial District Court 32-1-21 : :
Delaware County :

BEFORE: Hon. Robert J. Colville, P.J.
Hon. Carmella Mullen
Hon. Jack A. Panella
Hon. John J. Soroko
Hon. David J. Shrager
Hon. David J. Barton

OPINION AND ORDER

OPINION BY PRESIDENT JUDGE COLVILLE FILED: December 23, 2015

I. INTRODUCTION

The Judicial Conduct Board filed a Complaint with this Court on January 2, 2015, against the Honorable Dawn L. Vann (Judge Vann) a Magisterial District Judge from Delaware County. In summary, the Complaint principally alleges that Judge Vann failed to properly recuse and failed to act impartially in a legal dispute she presided over involving a close friend. The case against Judge Vann proceeded to a trial which began on November 19, 2015. The trial was halted when the parties agreed to the following stipulated findings of fact and conclusions of law.

II. STIPULATED FINDINGS OF FACT

1. Article V, §18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court,

and thereafter, to prosecute the case in support of such charges in this Court.

2. Since October 19, 2007, Judge Vann has continuously served as the Magisterial District Judge for Magisterial District Court 32-1-21, of the Thirty-second Judicial District, Delaware County, Pennsylvania, encompassing the City of Chester, Wards 2-1, 2-3, 3, 4, 5, 6, 7, and 8.

3. As a Magisterial District Judge, Judge Vann is, and was at all times relevant hereto, subject to all the duties and responsibilities imposed on her by the Constitution of Pennsylvania, the Old Rules Governing Standards of Conduct of Magisterial District Judges (effective through Nov. 30, 2014), the Pennsylvania Rules of Judicial Administration, and Orders of the President Judge of the Court of Common Pleas of Delaware County pertaining to change of venue and location of proceedings and temporary assignment of issuing authority within district judge duty groups.

4. This matter was investigated by the Board as a result of Confidential Requests for Investigation filed with the Board at File Nos. 2011-520 and 2013-170.

5. As a result of its investigation, the Board concluded that there was probable cause to file formal charges in this Court against Judge Vann.

Part A: First Police Investigation

6. Judge Vann describes Loretta Burton Handy as her life-long friend.

7. As a result of their friendship, Judge Vann has a close relationship with Ms. Handy's daughters, Mikia Handy Riley and Mitiesha Handy.

8. Judge Vann considers Mikia Riley to be "like a niece" and has a very good relationship with her.

9. Judge Vann socializes with Mikia Riley and Mitiesha Handy at family gatherings.

10. On occasion, Judge Vann engages in telephone conversations with Mikia Riley.

11. William Riley, Jr. and Mikia Riley are married, but separated. By Court Order they share legal and physical custody of their 10 year old son (Son).

12. Mikia Riley is also mother to a 12 year old daughter (Daughter).

13. William Riley, Jr. is Daughter's stepfather.

14. William Riley, Jr. resides at 918 Lloyd Street, Chester, PA 19013, with his parents, William Riley, Sr. and Doloris Riley.

15. Son and Daughter live with Mikia Riley and visit with William Riley, Jr. and his parents at 918 Lloyd Street on a regular basis.

16. On September 13, 2011, Judge Vann was on night shift duty at her district court, housed on the second floor of the Chester Police Station, 160 East 7th Street, Chester, PA 19013.

17. On September 13, 2011, Son and Daughter were visiting with William Riley, Jr. at 918 Lloyd Street.

18. On September 13, 2011, Mikia Riley and Mitiesha Handy drove to 918 Lloyd Street to pick up Son and Daughter.

19. Mikia Riley, Mitiesha Handy and William Riley, Jr. became involved in a domestic dispute.

20. Doloris Riley heard the commotion and came out of the house and told William Riley, Jr. to go inside.

21. Mikia Riley and Mitiesha Handy, with Son and Daughter in the car, began to drive away, but then pulled up beside William Riley, Jr., got out of the vehicle and the three again engaged in a domestic dispute, including a loud argument.

22. Doloris Riley came back out of the house and attempted to stop the dispute.

23. William Riley, Sr., a former Chester City police officer, heard the altercation from inside the house. He went outside, separated the individuals and called the police for assistance.

24. During the escalation of activity, Mikia Riley called Judge Vann on her cell phone and told her about the domestic dispute.

25. Judge Vann called 911, and without identifying herself as Judge Vann, reported an assault at 918 Lloyd Street and requested the dispatch of police officers and an ambulance.

26. According to the police report, on September 13, 2011, Chester City Police were dispatched to 918 Lloyd Street to investigate the domestic dispute. Board Exhibit 7.

27. Chester City Police Officers German Sabillon and Charles Harris responded to the call at 918 Lloyd Street at approximately 6:51 p.m.

28. Officers M. Goldshmidt and R. Jameson also responded to the call at 918 Lloyd Street.

29. Officer Sabillon was the officer in charge of the investigation at 918 Lloyd Street and Officer Harris served as backup.

30. While Officer Sabillon was in the process of interviewing the individuals involved in the domestic dispute, Mikia Riley was speaking with Judge Vann on her cell phone.

31. Mikia Riley told Judge Vann that the police officers were on the scene at 918 Lloyd Street.

32. Officer Sabillon told Mikia Riley to get off the cell phone.

33. Mikia Riley told Officer Sabillon that she was on the phone with Judge Vann.

34. Officer Sabillon told Mikia Riley that he did not care who she was talking to and that she must get off the phone.

35. Judge Vann heard Officer Sabillon tell Mikia Riley to get off the telephone.

36. During the course of the police investigation, Officer Sabillon spoke with Mikia Riley, Doloris Riley and William Riley, Sr. but did not interview William Riley, Jr. because he was unavailable.

37. Mikia Riley told Officer Sabillon that William Riley, Jr. assaulted her and repeatedly asked that Officer Sabillon file criminal charges against him.

38. During the course of the police investigation, Officer Sabillon did not observe any evidence of domestic violence against Mikia Riley.

39. During the course of the police investigation, Officer Sabillon did not observe that any of the parties were injured.

40. Following his investigation, Officer Sabillon determined that there was no probable cause to file police criminal charges or seek the issuance of arrest warrants against any of the parties.

41. Officer Sabillon advised Mikia Riley, Doloris Riley and William Riley, Sr. that they may file private criminal complaints.

42. When Judge Vann heard Officer Sabillon tell Mikia Riley to get off the phone, she called the "scope," Captain James Chubb, the police officer in the cell block on the first floor of the Chester Police Station.

43. Judge Vann asked Captain Chubb if a police criminal complaint would be filed against William Riley, Jr.

44. Judge Vann asked that Captain Chubb tell Officer Sabillon to call her at her courtroom.

45. When Officer Sabillon returned to his police vehicle at the conclusion of the investigation of the domestic dispute at 918 Lloyd Street, he received a call from Captain Chubb who informed him of Judge Vann's request.

46. Officer Sabillon called Judge Vann as a courtesy.

47. During the telephone conversation, Judge Vann told Officer Sabillon that she was the individual speaking with Mikia Riley by telephone during his investigation of the domestic dispute at 918 Lloyd Street.

48. Judge Vann inquired if Officer Sabillon was going to file a police criminal complaint against William Riley, Jr.

49. Officer Sabillon advised Judge Vann that he could not discuss the matter with her.

50. Officer Sabillon informed Judge Vann that he advised the parties that they may file private criminal complaints.

51. In October, 2011, Officer Sabillon went to Judge Vann's district court because of his involvement in another matter scheduled before her.

52. Judge Vann called Officer Sabillon into her office and apologized to him for her conduct related to the September 13, 2011 domestic dispute.

Part B: Second Police Investigation and Criminal Charges

53. After the altercation at 918 Lloyd Street, on September 13, 2011, Mikia Riley and Daughter went to Crozer Chester Medical Center, Upland, Pennsylvania.

54. While at the hospital, Mikia Riley reported that her estranged husband, William Riley, Jr., assaulted her and that she and Daughter sustained injuries during the domestic dispute.

55. Hospital personnel called the Chester Police Department to report that Mikia Riley made allegations that William Riley, Jr. assaulted her.

56. Hospital personnel also contacted Delaware County Children and Youth Services to report that Mikia Riley alleged that William Riley, Jr. assaulted her and pushed Daughter, causing her to fall.

57. Chester City Police Captain Chubb instructed Officer Joshua DeWees to respond to the call from Crozer Chester Medical Center regarding Mikia Riley's allegation of an assault against her at 918 Lloyd Street.

58. Captain Chubb told Officer DeWees that Officer Sabillon already investigated the altercation at 918 Lloyd Street and told all the parties that they may file private complaints.

59. According to the police report, on September 13, 2011, at 11:40 pm, Officer DeWees went to Crozer Chester Medical Center to investigate Mikia Riley's complaint of domestic abuse. Board Exhibits 7 at 4 & 10.

60. Mikia Riley told Officer DeWees that William Riley, Jr. assaulted her.

61. On September 13, 2011, at the conclusion of his investigation, Officer DeWees advised Mikia Riley that she may file a private criminal complaint against William Riley, Jr. and Doloris Riley. Board Exhibit 10.

62. On September 14, 2011, Mitiesha Handy filed a written statement about the alleged assault of Mikia Riley by William Riley, Jr. and Doloris Riley at the Chester City Police Department. Board Exhibit 11.

63. Mikia Riley did not file a written statement or a private criminal complaint about the alleged assault against her by William Riley, Jr. and Doloris Riley.

64. On September 14, 2011, the Delaware County Office of Children & Youth Services notified William Riley, Jr. by letter and informed him that they "received a report of suspected abuse" and that he was subject to investigation. Board Exhibit 12.

65. On September 14, 2011, Doloris Riley submitted private criminal complaints against Mikia Riley and Mitiesha Handy at the Office of the District Attorney of Delaware County, Chester office, although the District Attorney's Office took no action. Board Exhibits 5 & 6.

66. On or about September 14, 2011, Officer DeWees received a call from an "unknown" police officer stating that Judge Vann asked that Officer DeWees call her. Board Exhibit 10.

67. Officer DeWees did not return Judge Vann's call. *Id.*

68. On September 15, 2011, Officer Michael Dingler was working as the "turnkey" at the Chester Police Station.

69. On September 15, 2011, Judge Vann approached Officer Dingler at the service window and asked if Officer DeWees was on duty.

70. Officer Dingler confirmed that Officer DeWees was working that day, September 15, 2011.

71. Upon her request, Officer Dingler called Officer DeWees from his personal cell phone. Phone records from Officer Dingler's cell phone demonstrate that he called Officer DeWeese on his cell phone on September 15, 2015 at 1:22 p.m. Board Exhibit 13 at 7, No. 126.

72. When Officer DeWees answered the phone, Officer Dingler told him that Judge Vann asked that he call her; however, at that moment, Judge Vann asked and was permitted to use Officer Dingler's cell phone to speak with Officer DeWees. Board Exhibit 10.

73. During their September 15, 2011 telephone conversation, Judge Vann inquired if Officer DeWees was going to file police criminal complaints against William Riley, Jr. and Doloris Riley.

74. As a result of the telephone conversation with Judge Vann, Officer DeWees filed criminal complaints against and requested the issuance of arrest warrants for William Riley, Jr. and Doloris Riley. Board Exhibits 8 & 9.

75. A police report completed by Officer DeWees is dated September 13, 2011, the same date as the domestic dispute at 918 Lloyd Street, and sets forth probable cause to file charges against William Riley, Jr. and Doloris Riley. Board Exhibit 7.

76. Officer DeWees returned to work on September 15, 2011 and saw the September 14, 2011 written statement filed by Mitiesha Handy.

77. Prior to drafting the police criminal complaints and affidavits of probable cause against William Riley, Jr. and Doloris Riley, Officer DeWees did not obtain hospital medical reports about any injuries sustained by Mikia Riley and Daughter as a result of the September 13, 2011 domestic dispute at 918 Lloyd Street.

78. The September 13, 2011 Crozier Chester Medical Center medical records for Mikia Riley demonstrate that she complained of and received medical treatment for a one centimeter laceration of her right index finger. Board Exhibit 14 at 3-4.

79. The September 13, 2011 Crozier Chester Medical Center medical records for Daughter demonstrate that she complained of "a little bit of pain

in her left leg” and received medical treatment of Children’s Motrin for “mild tenderness” behind her left knee (“popliteal area”). Board Exhibit 15 at 1, 4 & 7.

80. On or about September 17, 2011, Officer DeWees prepared the police criminal complaint and affidavit of probable cause against William Riley, Jr. He signed both documents and back-dated them to September 13, 2011, the actual date of the domestic dispute at 918 Lloyd Street. Board Exhibit 8.

81. The computer print-out from Chester City Police Department demonstrates the date that Officer DeWees entered the system to draft and print the criminal complaint against William Riley, Jr. was September 17, 2011. Board Exhibit 16.

82. On September 17, 2011, Officer DeWees printed the police criminal complaint and affidavit against William Riley, Jr. and placed them in the Chester Police Department mail bin for delivery to Judge Vann’s district court.

83. The criminal charges against William Riley included Conspiracy – Simple Assault; Possession of Instrument of Crime with Intent; Prohibited Offensive Weapons; Simple Assault (3 counts); Aggravated Assault (3 counts); Recklessly Endangering Another Person (3 counts); Harassment (3 counts); Endangering Welfare of Children; and Disorderly Conduct (3 counts). *Commonwealth v. William Riley, Jr.*, Docket No. MJ-32121-CR-0000741-2011. Board Exhibit 8.

84. On or about September 17, 2011, Officer DeWees prepared the police criminal complaint and affidavit of probable cause against Doloris Riley. He signed both documents but dated them September 13, 2011, the actual date of the domestic dispute at 918 Lloyd Street. Board Exhibit 9.

85. A computer print-out from Chester City Police Department demonstrates the date that Officer DeWees entered the system to draft and print the criminal complaint against Doloris Riley as September 17, 2011. Board Exhibit 16.

86. On September 17, 2011, Officer DeWees printed the criminal complaint and affidavit against Doloris Riley and placed them in the Chester Police Department mail bin for delivery to Judge Vann's district court.

87. The criminal charges against Doloris Riley included one count each of Conspiracy – Simple Assault; Possession of Instrument of Crime with Intent; Prohibited Offensive Weapons; Simple Assault; Aggravated Assault; Recklessly Endangering Another Person; Harassment; Endangering Welfare of Children; and Disorderly Conduct. *Commonwealth v. Doloris Riley*, Docket No. MJ-32121-CR-0000742-2011. Board Exhibit 9.

Part C: Failure to Timely Recuse

88. The Pennsylvania Rules of Judicial Administration apply to all Pennsylvania judges within the Unified Judicial System, including magisterial district judges. Pa.R.J.A. No. 251, Scope. Board Exhibit 17.

89. Pennsylvania Rule of Judicial Administration No. 701, Assignment of Judges to Courts, specifically provides for the proper

procedure for the transfer of a case when a judge has a conflict of interest at subsection (E)(2) as follows:

In cases where a judge has disqualified him or herself for any of the reasons specified in Canon 3C of the Code of Judicial Conduct, the assignment of another judge to the case shall be made through the Administrative Office. In other instances of recusal, the assignment may be made through the Regional Unit, but in no case shall a recusing judge select his or her replacement.

Pa.R.J.A. No. 701(E)(2) (Effective Oct. 10, 1966, last amended Feb. 20, 1975). Board Exhibit 18.

90. Rule No. 8 of the Rules Governing Standards of Conduct of Magisterial District Judges, applicable to Judge Vann in this matter, contains the same language as Canon 3C. Board Exhibit 19.

91. Pursuant to Pa.R.J.A. No. 701(E)(2) and based on her close relationship with Mikia Riley, and her intimate knowledge of the disputed facts in the criminal cases filed by Officer DeWees against William Riley, Jr. and Doloris Riley, Judge Vann had a duty to report her conflict of interest and request for recusal directly to Court Administration prior to deciding any aspect of the cases *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*.

92. On February 9, 1996 (date stamped February 21, 1996), then-President Judge A. Leo Sereni of the Court of Common Pleas of Delaware County entered a Miscellaneous Order, titled Temporary Assignment of Issuing Authority, Change of Venue and Location of Proceedings, which delegated to Ward T. Williams, Administrator for District Justices in Delaware County, the authority to manage the transfer of cases from one magisterial district judge to another under various circumstances, including in cases

where recusal is necessary, "to insure fair and impartial proceeding[s] as well as the efficient administration of justice." The Order provides:

1. In all cases in which the District Justice shall recuse him or herself for whatever reason, the Administrator shall, in writing, make a recommendation to the President Judge to whom the case shall be assigned. Upon the execution of an order by the President Judge transferring the case, the Administrator shall notify the District Justice recusing him or herself advising to whom the case has been assigned. It shall be the responsibility of the District Justice recusing him or herself to notify all parties of the change in assignment and to transfer the case to the District Justice who has been assigned to hear the matter.

Miscellaneous Docket No. A-41-31-1990. Board Exhibit 20.

93. Judge Sereni's February 21, 1996 Order remained in effect until December 4, 2012 when then President Judge Chad F. Kenney issued a new Miscellaneous Order for the Temporary Assignment of Issuing Authority, Change of Venue and Location of Proceedings giving Charles McDonald, Esq., Administrator for District Judges in Delaware County, the same or similar authority previously held by his predecessor, Mr. Williams. Board Exhibit 21.

94. Therefore, Judge Sereni's Order for change of venue was in effect in 2011 during the time of the stipulated conduct contained within the instant pleading.

95. Pursuant to then President Judge Sereni's February 21, 1996 Order and based on her relationship with Mikia Riley, and her intimate knowledge of the disputed facts in the criminal cases filed by Officer DeWees against William Riley, Jr. and Doloris Riley, Judge Vann had a duty to report her conflict of interest and request for recusal directly to Administrator Ward T. Williams prior to deciding any aspect of the cases *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*.

96. On February 3, 2006, then President Judge Kenneth A. Clouse of the Court of Common Pleas of Delaware County entered an Order at Miscellaneous Docket No. MD-8-2006 which provided for the creation of district judge "duty groups," allowing for the temporary assignment of judges within duty groups "to act as Issuing Authority in other magisterial districts whenever required for the efficient administration of justice." Board Exhibit 22.

97. On May 2, 2013, President Judge Chad F. Kenney of the Court of Common Pleas of Delaware County entered an Order at Number 12-5040 which updated the temporary assignment of magisterial district judges to act as Issuing Authority. Board Exhibit 23.

98. Therefore, Judge Clause's Order was in effect at the time of Judge Vann's 2011 conduct.

99. Pursuant to then President Judge Clause's February 3, 2006 Order pertaining to the transfer of issuing authority among magisterial district judges in assigned duty groups, Judge Vann was permitted to request coverage for her district court or provide coverage in other district courts within her duty group; however, the transfer of issuing authority did not provide authority for Judge Vann to personally arrange for the transfer of any case where she had a conflict of interest necessitating her recusal from the case.

100. Judge Vann did not have authority to personally arrange for the transfer of *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley* to Judge Cappelli or any of the other judges with whom she consulted

because of her personal relationship with Mikia Riley and her intimate knowledge of the disputed facts in the criminal cases.

101. Judge Vann attended annual week-long educational training for magisterial district judges in Harrisburg where the topics of conflict of interest, the duty to recuse and procedural requirements for such recusal is presented and discussed.

102. Prior to signing the police criminal complaints, accompanying affidavits and arrest warrants for William Riley, Jr. and Doloris Riley, Judge Vann did not call Delaware County Special Courts Administrator Ward Williams, Esq., or his First Assistant Jo Ann E. Van Horn, or then Court of Common Pleas of Delaware County President Judge Joseph P. Cronin, Jr. to report her conflict of interest and request that the cases be transferred to another district judge.

103. The policy and procedure for Delaware County provides that Officer DeWees was not required to appear in person before Judge Vann to swear to the affidavits of probable cause accompanying the police criminal complaints against William Riley, Jr. and Doloris Riley.

104. On September 19, 2011, the police criminal complaint and affidavit of probable cause against William Riley, Jr. were filed in Judge Vann's district court. Board Exhibit 8.

105. On September 19, 2011, Judge Vann certified that the criminal complaint submitted by Officer DeWees against William Riley, Jr. for his conduct during the September 13, 2011 domestic dispute with Mikia Riley, was complete and executed properly. She also signed the accompanying

affidavit of probable cause as sworn and subscribed by Officer DeWees. Board Exhibit 8.

106. On September 19, 2011, the police criminal complaint and affidavit of probable cause against Doloris Riley were filed in Judge Vann's district court. Board Exhibit 9.

107. On September 19, 2011, Judge Vann certified that the police criminal complaint submitted by Officer DeWees against Doloris Riley for her conduct during the September 13, 2011 domestic dispute between William Riley, Jr. and Mikia Riley was complete and executed properly. She also signed the accompanying affidavit of probable cause as sworn and subscribed by Officer DeWees. Board Exhibit 9.

108. On September 19, 2011, Judge Vann signed the arrest warrants for William Riley, Jr. and Doloris Riley. Board Exhibits 24 & 25.

109. The Chester Police Department did not serve the warrants on William Riley, Jr. and Doloris Riley at their home address of 918 Lloyd Street.

110. Then Mayor Wendell Butler, a former Chester City police officer, notified William Riley, Sr. about the active arrest warrants pending against William Riley, Jr. and Doloris Riley.

111. On September 23, 2011, per instruction of Judge Blythe, William Riley, Jr. and Doloris Riley, accompanied by William Riley, Sr., attempted to turn themselves in at Judge McCray's district court, but Judge McCray was not able to perform the Preliminary Arraignments because Judge Vann did not forward the necessary paperwork to him.

112. On September 23, 2011, William Riley, Jr. and Doloris Riley, accompanied by William Riley, Sr., turned themselves in at the Chester City Police Department.

113. On September 27, 2011, the Delaware County Office of Children and Youth Services notified William Riley, Jr. by letter that the investigation was complete and the status determination was "Unfounded." Board Exhibit 26.

Part D: Transfer of Preliminary Arraignments

114. On September 22, 2011, Judge Vann personally spoke with Magisterial District Judge Robert A. Blythe and requested that he preside over the preliminary arraignments of William Riley, Jr. and Doloris Riley.

115. Judge Vann told MDJ Blythe that William Riley, Jr. had a prior arrest record.

116. Judge Vann told MDJ Blythe about a Facebook post by William Riley, Jr. which she considered to be a threat against her.

117. MDJ Blythe declined to handle the preliminary arraignments of William Riley, Jr. and Doloris Riley because he had served as a police officer with William Riley, Sr. at the Chester City Police Department.

118. MDJ Blythe arranged for the Honorable C. Walter McCray III in Brookhaven to conduct the preliminary arraignments.

119. Judge McCray served within the same MDJ duty group as Judges Vann, Blythe and Cappelli.

120. On September 23, 2011, William Riley, Jr. and Doloris Riley, accompanied by William Riley, Sr., turned themselves in at Judge McCray's district court.

121. Judge Vann did not provide the police criminal complaints to Judge McCray until William Riley, Jr. and Doloris Riley were in police custody.

122. Judge Vann then arranged to transfer the criminal cases, *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*, to the Honorable Richard J. Cappelli for the Preliminary Arraignments on September 23, 2011.

123. In the course of transferring the two criminal cases, *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*, to Judge Cappelli's district court for preliminary arraignments, Judge Vann told Judge Cappelli that William Riley, Jr. posted a threat against her on his Facebook page.

124. Judge Vann provided a copy of William Riley, Jr.'s Facebook post to Judge Cappelli prior to the preliminary arraignments.

125. After being informed that Judge McCray would not perform the Preliminary Arraignments, William Riley, Jr. and Doloris Riley, accompanied by William Riley, Sr., turned themselves in at the Chester City Police Department and were placed under arrest.

126. No bail interview of William Riley, Jr. was performed prior to the Preliminary Arraignment by Judge Cappelli.

127. During the September 23, 2011 video Preliminary Arraignment of William Riley, Jr., Judge Cappelli set bail at \$250,000/10% monetary.

128. William Riley, Jr. was unable to post bail and was incarcerated at Delaware County Prison.

129. Because Loretta Burton Handy was employed at Delaware County Prison, William Riley, Jr. was transferred to Chester County Prison.

130. During the September 23, 2011 video Preliminary Arraignment of Doloris Riley, Judge Cappelli set bail at \$5,000 unsecured.

131. Doloris Riley posted bail and was not incarcerated; however she was subject to a full body search upon arrest.

132. On September 23, 2011, sometime after William Riley, Jr. and Doloris Riley surrendered to the authorities, Judge Vann completed standardized forms requesting continuances in the criminal cases, *Commonwealth v. William Riley, Jr.* (Docket No. MJ-32121-CR-0000741-11) and *Commonwealth v. Doloris Riley* (Docket No. MJ-32121-CR-0000742-11). She noted on each Application for Continuance form that the reason for the request for continuance was recusal. Board Exhibits 27 & 28.

133. On September 26, 2011, Judge Vann sent a letter to Ward T. Williams, Administrator for District Justices, requesting recusal and transfer of *Commonwealth v. William Riley, Jr.* Board Exhibit 29.

134. On September 26, 2011 Judge Vann sent a letter to Ward T. Williams, Administrator for District Justices, requesting recusal and transfer of *Commonwealth v. Doloris Riley*. Board Exhibit 30.

135. On September 29, 2011, President Judge Joseph P. Cronin, Jr. issued an Order transferring *Commonwealth v. William Riley, Jr.* to Senior Magisterial District Judge Leonard M. McDevitt. Board Exhibit 31.

136. On September 30, 2011, First Assistant Administrator Joan E. Van Horn notified Judge Vann by letter and attached Order that the case *Commonwealth v. William Riley, Jr* was transferred to Judge McDevitt and directed her to forward the case materials to him and notify the parties. Board Exhibit 32.

137. On September 29, 2011, President Judge Joseph P. Cronin, Jr. issued an Order transferring *Commonwealth v. Doloris Riley* to Senior Magisterial District Judge Leonard M. McDevitt. Board Exhibit 33.

138. On September 30, 2011, First Assistant Administrator Joan E. Van Horn notified Judge Vann by letter and attached Order that the case *Commonwealth v. Doloris Riley* was transferred to Judge McDevitt and directed her to forward the case materials to him and notify the parties. Board Exhibit 34.

139. According to Docket No. MJ-32121-CR-0000741-11, on October 5, 2011, the case *Commonwealth v. William Riley, Jr.* was transferred from Judge Vann's district court to the district court of the Honorable Leonard McDevitt. Board Exhibit 35.

140. According to Docket No. MJ-32121-CR-0000742-11, on October 5, 2011, the case *Commonwealth v. Doloris Riley* was transferred from Judge Vann's district court to the district court of the Honorable Leonard McDevitt. Board Exhibit 36.

141. At the time of the October 27, 2011 Preliminary Hearings, William Riley, Jr. and Doloris Riley were represented by counsel.

142. According to Docket No. MJ-32238-CR-0000261-2011, on October 27, 2011, Judge McDevitt presided over the Preliminary Hearing for Doloris Riley and ultimately dismissed all of the charges against her. Board Exhibit 37.

143. According to Docket No. MJ-32238-CR-0000260-2011, on October 27, 2011, Judge McDevitt presided over the Preliminary Hearing for William Riley, Jr., he dismissed all of the charges except Simple Assault (2 counts); Harassment (2 counts); Disorderly Conduct (2 counts), and reduced bail to \$5,000. Board Exhibit 38.

144. On December 22, 2011, CCP Judge Frank T. Hazel presided over William Riley, Jr.'s criminal hearing in the Court of Common Pleas of Delaware County and entered an Order granting the District Attorney's Application for *Nolle Prosequi* of all the remaining charges.

Part E: Facebook Posting

145. Sometime between September 19, 2011, when Judge Vann signed the arrest warrants for William Riley, Jr. and Doloris Riley, and September 23, 2011, when the defendants turned themselves in at the Chester City Police Department, William Riley, Jr. posted the words, "Fuck Judge Vann" on his Facebook page; complained that he and his mother, Doloris Riley, were treated unfairly; and posted a photograph of a young man pointing a handgun toward the camera.

146. Mikia Riley, the estranged wife of William Riley, Jr. and close family friend of Judge Vann, forwarded the Facebook post to Judge Vann.

147. Unknown to Judge Vann, the person in the photograph was not William Riley, Jr., but instead was his friend who posed for the photograph at a shooting range sometime prior to July 20, 2011.

148. The photograph at issue had previously appeared in a July 20, 2011 YouTube video of rap music titled "Ambitions," featuring William Riley, Jr. and two of his friends who frequently posted their music to YouTube.

149. On September 23, 2011, Judge Vann called then Detective Thomas Worrilow of the Criminal Investigation Division of the Office of the District Attorney of Delaware County, on his cell phone and reported that William Riley, Jr. threatened her in a Facebook post. Board Exhibit 39 at 3, ¶ 1.

150. Sometime prior to September 29, 2011, Judge Vann called the Administrative Offices of Pennsylvania Courts (AOPC) to report the Facebook post by William Riley, Jr., which she perceived to be a threat against her personal safety, and on September 29, 2011, she filed a formal complaint with AOPC about that perceived threat. Board Exhibit 40.

151. During her telephone conversation with then Detective Worrilow, Judge Vann inquired if a police criminal complaint would be filed against William Riley, Jr. for the Facebook posting which she perceived to be a threat against her.

152. During the initial stage of the investigation of the Facebook matter, Detective Worrilow advised Judge Vann that she may file a private criminal complaint against William Riley, Jr.

153. Judge Vann did not file a private criminal complaint against William Riley, Jr.

154. During the investigation of the Facebook matter, Judge Vann repeatedly called Detective WorriLOW and claimed that William Riley, Jr. was released from jail and that she feared for her safety. At that time, Detective WorriLOW confirmed that William Riley, Jr. was still incarcerated.

155. During the course of his investigation, Detective WorriLOW informed Judge Vann that William Riley, Jr.'s Facebook posting was not a criminal violation.

156. During her repeated calls to Detective WorriLOW, Judge Vann made multiple admissions about her involvement in and failure to timely recuse from the criminal cases against William Riley, Jr. and Doloris Riley.

Part F: Emergency Protection From Abuse

157. On September 13, 2011, Mikia Riley filed petitions for Emergency Protection from Abuse (PFA) orders against William Riley, Jr., Doloris Riley and William Riley Sr. in Judge Vann's district court. (Documents no longer available)

158. On September 13, 2011, Judge Vann granted Mikia Riley's petitions and issued the three Emergency Protection from Abuse Orders against William Riley, Jr., Doloris Riley and William Riley, Sr. which prohibited each of them from having any contact with Mikia Riley and William Riley III for a period of at least 24 hours. (Documents no longer available)

159. Prior to granting the three Emergency Protection from Abuse petitions and issuing the three Emergency Protection from Abuse Orders,

Judge Vann made no attempt to contact Special Courts Administrator Ward Williams, Esquire, First Assistant Administrator Joan Van Horn, President Judge Cronin or any other district judge within or outside of her assigned duty group to report her conflict of interest and need to recuse from the ruling on the three Emergency PFA petitions filed by Mikia Riley against William Riley, Jr., Doloris Riley and William Riley, Sr.

160. In the evening of September 13, 2011, a police officer (identity now unknown) served the three Emergency PFA Orders, signed by Judge Vann, on William Riley, Jr., Doloris Riley and William Riley, Sr. at 918 Lloyd Street.

161. The three Emergency Protection from Abuse cases were officially docketed as completed in Judge Vann's district court on September 14, 2011. *Mikia Riley v. William Riley, Jr.* (Miscellaneous Docket No. MJ-32121-MD-0300120-2011); *Mikia Riley v. Doloris Riley* (Miscellaneous Docket No. MJ-32121-MD-0300121-2011) and *Mikia Riley v. William Riley, Sr.*, (Miscellaneous Docket No. MJ-32121-MD-0300119-2011). Board Exhibits 2, 3, & 4.

162. On September 14, 2011, William Riley, Jr. filed a Petition for a Temporary Protection from Abuse Order against Mikia Riley. *William Riley, Jr. v. Mikia Riley*, File No. 11-81446. Board Exhibit 41.

163. Judge Linda Cartisano granted the Petition and entered a temporary PFA Order against Mikia Riley that same day. Board Exhibit 42.

164. On September 22, 2011, Judge John L. Braxton entered an Order continuing the temporary PFA against Mikia Riley. Board Exhibit 43.

Part G: Civil Action

165. Following resolution of their criminal cases, William Riley, Jr. and Doloris Riley retained counsel to pursue a civil action against Judge Vann in federal court for her conduct in facilitating the filing of criminal charges against them and other related conduct.

166. Attorney Ronald Greenblatt represented the William Riley, Jr. and Doloris Riley. The attorneys for the Administrative Offices of Pennsylvania Courts (AOPC) represented Judge Vann and the courts.

167. Attorneys for William Riley, Jr. and Doloris Riley prepared a Civil Complaint against Judge Vann to be filed in the United States District Court for the Eastern District of Pennsylvania.

168. On May 30, 2013, before the Civil Complaint was filed, the parties entered into a Settlement Agreement and Release of All Claims.

169. Under the terms of the agreement, the Defendants (Judge Vann, the Court of Common Pleas of Delaware County and every entity thereof) agreed to pay a monetary settlement to William Riley, Jr. and Doloris Riley. Board Exhibit 44.

**JOINTLY PROPOSED CONCLUSIONS OF LAW:
TRACKING CHARGES IN BOARD COMPLAINT WITH ADDITIONS
AS NEGOTIATED AND AGREED TO BY THE PARTIES AT TRIAL**

Count 1

170. By virtue of some or all of the facts set forth at Parts A, B, C, D, E and F, Judge Vann violated Rule 2A of the Rules Governing Standards of Conduct of Magisterial District Judges and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

171. Rule 2A provides:

Judges should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Magisterial district judges shall not allow their family, social or other relationships to influence their judicial conduct or judgment. They shall not lend the prestige of their office to advance the private interest of others, nor shall they convey or permit others to convey the impression that they are in a special position to influence the judge.

172. The jurisprudence pertaining to the law of arrest, search and seizure under the Fourth Amendment to the United States Constitution and Article I, Section 8 of the Constitution of the Commonwealth of Pennsylvania provides that a magistrate must act in a neutral and detached manner when deciding impartially whether or not there is probable cause that an arrest warrant shall issue.

173. On September 13, 2011, Judge Vann failed to act in a neutral, detached manner or decide impartially three Protection From Abuse (PFA) Petitions filed by Mikia Riley, a close family friend. Judge Vann granted the PFA Petitions and entered the respective Emergency PFA Orders against William Riley, Jr., Doloris Riley and William Riley, Sr. which prohibited them from all contact with Son and Mikia Riley.

174. On September 19, 2011, Judge Vann failed to act in a neutral and detached manner or decide impartially the proceedings before her when she certified the criminal complaints, signed the affidavits of probable cause and issued arrest warrants for William Riley, Jr. and Doloris Riley where the alleged victim, Mikia Riley, was a close family friend of Judge Vann.

175. By her conduct of deciding there was probable cause for the issuance of, and in issuing the September 19, 2011 arrest warrants for William Riley, Jr. and Doloris Riley, Judge Vann failed to respect and comply with the law.

176. By her conduct of deciding there was probable cause for the issuance of, and in issuing the September 19, 2011 arrest warrants for William Riley, Jr. and Doloris Riley, Judge Vann failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

177. By her conduct of communicating with Captain Chubb during the course of the police investigation at 918 Lloyd Street, and asking him if a police criminal complaint would be filed against William Riley, Jr., Judge Vann allowed her friendship with Mikia Riley to influence her judicial conduct and judgment.

178. By her conduct of communicating with Captain Chub and inquiring if a police criminal complaint would be filed against William Riley, Jr., Judge Vann failed to conduct herself in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

179. By her conduct of communicating with Officer Sabillon during the course of his investigation of the domestic dispute at 918 Lloyd Street, and asking him if he planned to file criminal charges against William Riley, Jr. and Doloris Riley, Judge Vann allowed her friendship with Mikia Riley to influence her judicial conduct and judgment.

180. By her conduct of communicating with Officer Sabillon, telling him that it was she who was on the phone with Mikia Riley during the

investigation, and inquiring if he planned to file police criminal complaints against William Riley, Jr. and Doloris Riley, Judge Vann failed to conduct herself in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

181. By her conduct of communicating with Officer Sabillon, telling him that it was she who was on the phone with Mikia Riley during the investigation, and inquiring if he planned to file police criminal complaints against William Riley, Jr. and Doloris Riley, Judge Vann did lend the prestige of her office to advance the private interest of Mikia Riley.

182. By her conduct of communicating with Officer DeWees prior to the filing of criminal charges, and asking him if he planned to file criminal complaints against William Riley, Jr. and Doloris Riley, Judge Vann allowed her friendship with Mikia Riley to influence her judicial conduct and judgment.

183. By her conduct of communicating with Officer DeWees and asking if he planned to file police criminal complaints against William Riley, Jr. and Doloris Riley, Judge Vann failed to conduct herself in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

184. By her conduct of communicating with Officer DeWees and asking if he planned to file police criminal complaints against William Riley, Jr. and Doloris Riley, Judge Vann did lend the prestige of her office to advance the private interest of Mikia Riley.

185. By her conduct of seeking out another magisterial district judge to preside over the Preliminary Arraignments of William Riley, Jr. and Doloris

Riley, Judge Vann failed to conduct herself in a manner that promotes public confidence in the integrity and impartiality of the judiciary because she knew the facts of the cases, encouraged the filing of criminal charges against the defendants, was biased in favor of the alleged victim, Mikia Riley, and was prejudiced against William Riley, Jr. because of his criminal record and his Facebook posting.

186. By her conduct in transferring the Preliminary Arraignments of William Riley, Jr. and Doloris Riley to Judge Cappelli, Judge Vann failed to conduct herself in a manner that promotes public confidence in the integrity and impartiality of the judiciary because she knew the facts of the cases, encouraged the filing of criminal charges against the defendants, was biased in favor of the alleged victim, Mikia Riley and was prejudiced against William Riley, Jr. because of his criminal record and his Facebook posting.

187. By her conduct of considering and granting the Emergency PFA Petitions filed by Mikia Riley against William Riley, Jr., Doloris Riley and William Riley, Sr., and issuing the Emergency PFA Orders against them, Judge Vann allowed her friendship with Mikia Riley to influence her judicial conduct and judgment and failed to conduct herself in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

188. As a result of all of the conduct enumerated in Paragraph Nos. 182-199 above, Judge Vann violated MDJ Rule 2A.

Count 2

189. By virtue of some or all of the facts set forth at Parts C, D, E and F Judge Vann violated Rule 8A(1) of the Rules Governing Standards of

Conduct of Magisterial District Judges and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.

190. Rule 8 provides in pertinent part:

A. Magisterial district judges shall disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:

(1) they have a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

191. Judge Vann had a conflict of interest in deciding whether to issue arrest warrants against William Riley, Jr. and Doloris Riley because of her close relationship with, and bias in favor of Mikia Riley, and because of her personal knowledge of disputed evidentiary facts concerning the criminal proceedings against William Riley, Jr. and Doloris Riley.

192. Despite her personal bias in favor of Mikia Riley and her personal knowledge of disputed evidentiary facts concerning the criminal proceedings, Judge Vann failed to disqualify herself and timely request to recuse herself prior to deciding whether there was probable cause to issue the arrest warrants, or prior to issuing the arrest warrants for William Riley, Jr. and Doloris Riley, even though her impartiality could reasonably be questioned, and thereby violated MDJ Rule 8A(1).

193. Judge Vann had a conflict of interest in entertaining and deciding each of the September 13, 2011 Emergency PFA Petitions filed by Mikia Riley against William Riley, Jr., Doloris Riley and William Riley, Sr. because of her close relationship with, and personal bias in favor of the alleged victim, Mikia Riley, and because of her personal knowledge of

disputed evidentiary facts concerning the September 13, 2011 domestic dispute at 918 Lloyd Street.

194. Despite her personal bias in favor of Mikia Riley and her personal knowledge of disputed evidentiary facts regarding the September 13, 2011 domestic dispute at 918 Lloyd Street, Judge Vann failed to disqualify herself and request recusal from entertaining and granting the PFA Petitions and issuing PFA Orders against William Riley, Jr., Doloris Riley and William Riley, Sr., even though her impartiality could reasonably be questioned, and thereby violated MDJ Rule 8A(1).

195. Judge Vann had a conflict of interest regarding the transfer of the criminal cases against William Riley, Jr. and Doloris Riley prior to the Preliminary Arraignments because of her close friendship with Mikia Riley, her knowledge of the disputed evidentiary facts concerning the September 13, 2011 domestic dispute at 918 Lloyd Street, and her prejudice against William Riley, Jr. arising from his Facebook posting which she perceived as a personal threat.

196. Despite her personal bias in favor of Mikia Riley, her knowledge of the disputed evidentiary facts concerning the September 13, 2011 domestic dispute at 918 Lloyd Street, and her personal prejudice against William Riley, Jr., Judge Vann personally arranged the transfer of the criminal cases against William Riley, Jr. and Doloris Riley to Judge Cappelli for the Preliminary Arraignments, even though her impartiality could reasonably be questioned, and thereby violated MDJ Rule 8A(1).

197. As a result of all of the conduct enumerated in Paragraph Nos. 201 through 208 above, Judge Vann violated MDJ Rule 8A(1).

Count 3

198. By virtue of some or all of the facts alleged above in Parts A, B, C, D, E and F Judge Vann violated Article V, § 17(b) of the Pennsylvania Constitution.

199. In pertinent part, Article V, § 17(b) provides:

Justices of the peace [magisterial district judges] shall be governed by rules or canons which shall be prescribed by the Supreme Court.

200. A violation of the Rules Governing Standards of Conduct of Magisterial District Judges is an automatic, derivative violation of Article V, § 17(b)(1).

201. The Pennsylvania Rules of Judicial Administration are prescribed by the Supreme Court and are applicable to all Pennsylvania judges, including magisterial district judges. Pa.R.J.A. No. 251.

202. Rule 701(E)(2) of the Pennsylvania Rules of Judicial Administration provides:

In cases where a judge has disqualified him or herself for any of the reasons specified in Canon 3C of the Code of Judicial Conduct, the assignment of another judge to the case shall be made through the Administrative Office. In other instances of recusal, the assignment may be made through the Regional Unit, but in no case shall a recusing judge select his or her replacement.

203. On September 13, 2011, Judge Vann failed to timely notify Ward T. Williams, Administrator for District Judges in Delaware County, that she had reason to disqualify herself and request recusal prior to granting

three Emergency PFA Petitions filed by Mikia Riley, a close family friend, and issuing Emergency PFA Orders against William Riley, Jr., Doloris Riley and William Riley, Sr.

204. Judge Vann failed to timely notify Ward T. Williams, Administrator for District Judges in Delaware County, that she had reason to disqualify herself and request recusal prior to September 19, 2011 when she certified the criminal complaints, signed the affidavits of probable cause and issued arrest warrants for William Riley, Jr. and Doloris Riley in *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*.

205. Judge Vann failed to timely notify Ward T. Williams, Administrator for District Judges in Delaware County, that she had reason to disqualify herself and request recusal in the following instances:

a. prior to the September 23, 2011 Preliminary Arraignments in *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*;

b. prior to September 22, 2011 when she asked Judge Blythe to preside over the Preliminary Arraignments in *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*;

c. prior to her September 23, 2011 refusal to provide Judge McCray with necessary documents for him to preside over the Preliminary Arraignments in *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley* per arrangement of Judge Blythe; and

d. prior to September 23, 2011 when she personally selected her replacement and transferred the criminal cases, *Commonwealth v. William Riley, Jr.* and *Commonwealth v. Doloris Riley*, to Judge Cappelli for Preliminary Arraignment.

206. Judge Vann violated Article V, § 17(b) as a direct result of her violations of MDJ Rules 2A and 8A(1).

207. As a result of all of the conduct enumerated in Paragraph Nos. 213- 217 above, Judge Vann violated the mandate of Pa.R.J.A. 701(E)(2), a rule prescribed by the Supreme Court, and thereby violated Article V, § 17(b) of the Pennsylvania Constitution.

Count 4

208. By virtue of some or all of the facts alleged above in Parts A, B, C, D, E and F, Judge Vann violated Article V, § 18(d)(1) of the Pennsylvania Constitution.

209. Article V, § 18(d)(1) prohibits a judge from engaging in conduct which prejudices the proper administration of justice and provides in part:

A justice, judge or justice of the peace [magisterial district judge] may be suspended, removed from office or otherwise disciplined for . . . 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.

210. Judge Vann engaged in conduct which prejudiced the proper administration of justice when she communicated with Officers Chubb, Sabillon and DeWees about the police investigation of the domestic dispute at 918 Lloyd Street and asked each of them if criminal charges would be filed against William Riley, Jr. and Doloris Riley.

211. Judge Vann engaged in conduct which prejudiced the proper administration of justice when she failed to timely recuse from or properly request transfer of the criminal cases against William Riley, Jr. and Doloris Riley in the following instances:

a. prior to certifying the criminal complaints and signing the affidavits of probable cause;

b. prior to issuing the arrest warrants; and

c. prior to her extensive efforts to personally arrange for the transfer of the Preliminary Arraignments to Judge Cappelli.

212. Judge Vann engaged in conduct which prejudiced the proper administration of justice when she failed to timely recuse or properly request transfer of the September 13, 2011 Emergency PFA Petitions filed by Mikia Riley, prior to granting the Petitions and issuing Emergency PFA Orders against, William Riley Jr., Doloris Riley and William Riley, Sr.

213. By her conduct enumerated in Paragraph Nos. 220-224, Judge Vann violated the Administration of Justice Clause of Article V, § 18(d)(1).

Count 5

214. By virtue of some or all of the facts alleged above in Parts A, B, C, D, E and F, Judge Vann violated Article V, § 18(d)(1) of the Pennsylvania Constitution.

215. Article V, § 18(d)(1) prohibits a judge from engaging in conduct which brings disrepute upon the judicial office itself and provides in part:

A justice, judge or justice of the peace [magisterial district judge] may be suspended, removed from office or otherwise disciplined for . . . 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.

216. Judge Vann engaged in conduct which brought the judicial office into disrepute when she communicated with Officers Chubb, Sabillon and DeWees about the police investigation of the domestic dispute at 918 Lloyd Street and asked each of them if criminal charges would be filed against William Riley, Jr. and Doloris Riley.

217. Judge Vann engaged in conduct which brought the judicial office into disrepute when she failed to timely recuse from or properly request transfer of the criminal cases against William Riley, Jr. and Doloris Riley in the following instances:

- a. prior to certifying the criminal complaints and signing the affidavits of probable cause;
- b. prior to issuing the arrest warrants; and
- c. prior to her extensive efforts to personally arrange for the transfer of the Preliminary Arraignments to Judge Cappelli.

218. Judge Vann engaged in conduct which brought the judicial office into disrepute by failing to timely recuse from or properly request the transfer of the September 13, 2014 Emergency PFA Petitions filed by Mikia Riley, prior to granting the Petitions and issuing Emergency PFA Orders against William Riley Jr., Doloris Riley and William Riley, Sr.

219. By her conduct enumerated in Paragraph Nos. 226-230 above, Judge Vann violated the Disrepute Clause of Article V, § 18(d)(1).

220. By all of the allegations of misconduct set forth above, Judge Vann engaged in conduct so extreme as to bring disrepute upon the judicial office itself in violation of the Disrepute Clause of Article V, § 18(d)(1).

III. DISCUSSION

Judge Vann admits all of the allegations of the Complaint and the violations set forth in it.

At a sanctions hearing on December 14, 2015, Judge Vann presented character witnesses, including: a 20-year-plus personal friend, her pastor, and an attorney/10-year-plus personal friend, each of whom testified to

various aspects of Judge Vann's strong moral character, her background and history, her past accomplishments, and her commitment to progress and improvement in the future. In addition, Judge Vann offered many letters attesting to her many positive characteristics. Judge Vann herself testified to her deep regret for her misconduct and her personal commitment to ensuring that similar misconduct does not occur in the future.

Judge Vann's counsel summarized the evidence and issues before the Court and requested that Judge Vann be sanctioned with a two month suspension and directed to participate in judicial mentoring. The Judicial Conduct Board emphasized Judge Vann's admissions of the violations including an admission that her conduct had brought disrepute upon the judiciary. Counsel for the Board did not make a formal recommendation respecting the necessity of, or length of, an appropriate suspension, but did ask that Judge Vann be directed to participate in judicial mentoring.

The Court has considered these recommendations and the evidence presented by both parties. While Judge Vann has committed violations of the Canons of Judicial Conduct as described herein, she has shown contrition, a willingness to learn from her mistakes, and a commitment to ensure that her past ethical lapses not be repeated in the future. We find that a six (6) month suspension without pay but with benefits, and participation in a judicial mentorship program with an experienced judge to be the proper sanction here. This sanction properly addresses the severity of the conduct and the totality of the circumstances presented in this case.

Accordingly, we enter the following order:

AND NOW, this 23rd day of December, 2015, based on the foregoing it is hereby ORDERED that Judge Dawn L. Vann is (1) suspended from office for a period of six (6) months commencing on January 1, 2016, without pay but with her benefits intact; (2) Judge Dawn L. Vann is placed on non-reporting probation for a period of eighteen (18) months commencing January 1, 2016.

During that period of probation Judge Vann shall:

- a. Participate in a judicial mentoring program as directed by the Honorable Karen Y. Simmons and comply with all directives therein imposed;
- b. Comply with all laws and Rules Governing Standards of Conduct of Magisterial District Judges; and
- c. Comply with such other conditions as may be imposed by the Court.

The Judicial Conduct Board is not required to monitor Judge Vann's probationary period unless directed otherwise.

PER CURIAM