

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

----- -X  
In Re: :  
Thomasine Tynes :  
Former Judge :  
Philadelphia Traffic Court :  
(Philadelphia County) :  
Sanction Hearing :  
----- -X

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Pages 1 through 44 Courtroom No. 1  
Dauphin County Courthouse  
North Front Street and Market Street  
Harrisburg, Pennsylvania

Wednesday, December 14, 2016

Met, pursuant to notice, at 1:23 p.m.

BEFORE:

- HONORABLE JACK A. PANELLA, President Judge
- HONORABLE JEFFREY MINEHART, Judge
- HONORABLE DAVID J. BARTON, Judge
- HONORABLE JOHN J. SOROKO, Judge
- HONORABLE DAVID J. SHRAGER, Judge
- HONORABLE DORIS WILLIAMS, Judge

APPEARANCES:

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(For the Respondent)

ALSO PRESENT:

JOSEPH U. METZ, Esquire  
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CATHY KANE  
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FORM 2

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FORM 2

P R O C E E D I N G S

JUDGE PANELLA: Good afternoon, everyone. Let the record reflect we're here in re: Thomasine Tynes, which is No. 7 JD of 2015.

Who is here on behalf of the Judicial Conduct Board?

MR. KLEMAN: May it please Your Honor, James P. Kleman, Jr., Deputy Counsel for the Judicial Conduct Board.

MR. GRACI: Robert A. Graci, Chief Counsel for the Judicial Conduct Board.

JUDGE PANELLA: Thank you very much.

And who is here for Judge Tynes?

MR. STRETTON: Good afternoon. I'm Sam Stretton on behalf of Judge Tynes, who is sitting to my right.

JUDGE PANELLA: Thank you very much.

As I always like to do in this type of hearing, let's review a bit of the procedural history of the case.

Judge Tynes served as a judge of the Philadelphia Traffic Court from January of 1990 until July 3, 2012. From March 2005 until her retirement, Judge Tynes served as the President Judge of Philadelphia Traffic Court.

On April 14, 2015, a complaint was filed against Judge Tynes by the Judicial Conduct Board charging her as follows: first, that she had been convicted of two felony counts of perjury, 18 U.S.C. § 1623, in Federal Court on

FORM 2

1 June 23, 2014, for false testimony before a Grand Jury which  
2 was investigating the Philadelphia Traffic Court; and number  
3 two, having been convicted of a felony count of accepting  
4 improper influence in the Court of Common Pleas on December  
5 17, 2014, for her illegal acceptance of a piece of jewelry.

6 The complaint contains two counts. Count I  
7 alleges that Judge Tynes violated Article V, § 18(d)(1) of  
8 the Pennsylvania Constitution because she was convicted of  
9 the aforesaid federal and state felonies; and Count II  
10 alleged that Judge Tynes' felony convictions violated  
11 Article V, § 18(d)(1) in that those convictions brought the  
12 judicial office into disrepute.

13 Judge Tynes was sentenced to serve 11-and-a-half  
14 to 23 months of incarceration on the state charge, and 24  
15 months on the federal charges, all to be served  
16 concurrently.

17 On June 23 of 2016, it was ordered that a status  
18 report concerning Judge Tynes' case be filed. Subsequently,  
19 on August 3 of this year, it was ordered that a pre-trial  
20 conference was to be held on October 7 of this year. The  
21 parties then agreed to stipulations that no trial was  
22 necessary in order to determine the facts of this case, and  
23 they were filed, the stipulations, on October 31 of this  
24 year.

25 This Court issued its opinion finding Judge

1 Tynes in violation of both of the counts that were filed  
2 against her. The decision was docketed on November 15,  
3 2016. Therefore, following the filing of that decision,  
4 with no exceptions having been filed, this sanction hearing  
5 was then scheduled.

6 With that, I would ask the parties to supplement  
7 any additional information they wish to provide, and first  
8 we will turn to any presentation on behalf of the Board.

9 MR. KLEMAN: Thank you, Your Honor, just some  
10 brief argument, if I might.

11 As you stated, Judge, the facts of Judge Tynes'  
12 case, unfortunately, are quite simple. She was convicted of  
13 felonies at the state and federal level related to her  
14 duties and responsibilities as a judicial officer, and the  
15 facts underlying those convictions are that while she was a  
16 judge, she perjured herself in a federal investigating Grand  
17 Jury matter and she accepted -- in the state matter, she  
18 accepted a bribe offered by a confidential informant in  
19 exchange for assistance in obtaining a business contract or  
20 a fictitious business entity that the confidential informant  
21 claimed he represented. Then she served jail sentences for  
22 those convictions.

23 One of those convictions is currently on appeal,  
24 the federal conviction, and the state conviction is  
25 currently under PCRA review, or Post-Conviction Relief Act

1 review.

2 In short, Judge Tynes' criminal activity is  
3 nothing more than a grave affront to her responsibilities to  
4 administer justice and her responsibility to maintain the  
5 public's concept of proper judicial conduct and judicial  
6 integrity. There is simply no excuse or mitigating factor  
7 that can ameliorate the harm that her conduct caused the  
8 public's perception of the judiciary's integrity short of  
9 her removal from office.

10 Consequently, on behalf of the Board, I ask that  
11 this Court remove Judge Tynes from office retroactively and  
12 bar her from future judicial service.

13 That's the conclusion of my presentation, unless  
14 there are any questions.

15 JUDGE PANELLA: Any questions by any of the  
16 Judges?

17 (No affirmative response.)

18 JUDGE PANELLA: Mr. Stretton, any questions?

19 MR. STRETTON: No. I'd love to cross-examine  
20 Mr. Kleman, but not today. I do have some witnesses,  
21 though.

22 JUDGE PANELLA: I thought I would extend you the  
23 courtesy.

24 MR. STRETTON: No.

25 JUDGE PANELLA: Thank you. Mr. Stretton, we'll



1 hear from you.

2 MR. STRETTON: Thank you. With your permission,  
3 I have two or three character witnesses I would like to  
4 present. Then I would like Judge Tynes to testify a little  
5 more about her background and some matters that I think go  
6 to the essence of the nature of discipline.

7 I filed, today, a brief, -- I brought extra  
8 copies in case it didn't get to the Court.

9 JUDGE PANELLA: It did. We've been provided  
10 with a copy of it.

11 MR. STRETTON: -- which summarizes our position  
12 and existing case law.

13 With your permission, the first character  
14 witness would be former Judge Richard Klein.

15 JUDGE PANELLA: May I make a recommendation that  
16 the character witness stand right up there with you, and we  
17 should be able to hear everything.

18 MR. STRETTON: Fine. It's unfortunate we have  
19 to swear in a former judge, but --

20 JUDGE PANELLA: We used to not have to do that.

21 JUDGE KLEIN: I think we should. I'm happy to.

22 **Whereupon,**

23 **RICHARD B. KLEIN,**  
24 **having been duly sworn, testified as follows:**

25 **DIRECT EXAMINATION**

FORM 2

1 BY MR. STRETTON:

2 Q. Judge Klein, would you give your full name for the  
3 record?

4 A. Richard B. Klein.

5 Q. For how many years have you had the privilege of  
6 practicing law in the Commonwealth of Pennsylvania?

7 A. Nineteen sixty-four; I was admitted at the end of  
8 1964.

9 Q. And for how many years did you have the privilege,  
10 before your retirement, of acting as originally a Common  
11 Pleas judge and then as a judge on our Superior Court?

12 A. I was on the Common Pleas Court for 28 years, and on  
13 the Superior Court for eight.

14 Q. Currently, Judge Klein, are you still practicing, are  
15 you doing ADR work, or what is the nature of your work?

16 A. I'm doing some consulting, I'm doing some  
17 arbitration, I'm doing some mediation, sometimes an expert  
18 witness. Lots of -- you know, still trying to keep my hand  
19 in and keep me busy.

20 Q. How do you know my client, Judge Thomasine Tynes?

21 A. We live in the same building; we live in a  
22 condominium in Wynnefield Heights in Philadelphia. I met  
23 her at least in 1998 when I moved in. She had been there  
24 for a while, and she may have been -- we may have met  
25 somewhere before then, but I know I've known her reasonably

1 well from 1998 on.

2 Q. Can you describe to the Court some of the activities  
3 she's been involved in, in that building, over the years?

4 A. Well, I think she was on we call it the council, it  
5 was the Board of Directors of the condominium, on which I  
6 also served and also at one point was president of that  
7 Board, and she was -- I think I followed her, and we sat  
8 together on that. She was on a lot of committees and a very  
9 active president of the Board. Very often we had contested  
10 elections, and so I knew what the other people thought of  
11 her, and participated, actually, in some of those in the  
12 back room, so to speak.

13 Q. Let me ask this. Let me jump right to our classic  
14 character questions. You obviously know people in the  
15 community, particularly the apartment or condominium  
16 community, who know Judge Tynes. Those people, are they  
17 aware of her criminal convictions, even though they're on  
18 appeal?

19 A. Yes. I think, again, as a trial judge, I've heard  
20 character witnesses say, "Yes, I know the person well; she's  
21 a very nice person," but that's not what I think. I think I  
22 particularly know her reputation for a variety of reasons,  
23 and it is for a lawful, peaceful, honest individual.

24 Q. Let me ask it this way, and then we'll go back to the  
25 other question I just asked. Among those people you know

1 who know Judge Tynes, what is her current reputation as a  
2 truthful and honest person? Is it good or is it bad?

3 A. It's still good, and people certainly know about her  
4 conviction. I mean, it's, I think, kind of fallout from  
5 seeing Kane starting things, and I think people know about  
6 that and know her and still think she has a very good  
7 reputation of being truthful and honest.

8 Q. Among those same people, what is her current  
9 reputation as a peaceful, law-abiding person? Is it good or  
10 is it bad?

11 A. Very good. She had a huge -- unfortunately, I wasn't  
12 there, but she had a huge welcome-back party when she  
13 returned to the condominium after her stay in Fort Worth.  
14 Again, I was in touch with her over the time she was at Fort  
15 Worth -- I think it's Fort Worth -- because they have a  
16 thing called CorrLinks, which you can e-mail people who are  
17 in federal custody, and I would report back -- and I was one  
18 of the few people who did it a lot -- I would report back to  
19 the other people, and the comments were all the same: sorry  
20 this happened to her; she's really gotten, you know, the  
21 worst deal that you can have.

22 And she actually served more time than she would have  
23 if she didn't have medical problems, because she couldn't  
24 transfer to a halfway house because the only female facility  
25 where you can have physical healthcare is down in Fort

1 Worth. If she were here, she could have qualified for a  
2 halfway house or something like that earlier, but --

3 Q. Judge Klein, let me ask you this. We all understand  
4 she has pending appeals on some of these matters. Has she  
5 expressed remorse and accepted her fate, to some extent?

6 A. Yeah, she's certainly sorry that it happened. I  
7 think that, from what she told me, and I don't disbelieve  
8 her, that it looks worse on paper than what it actually was.  
9 I think other people have said that, too, that, you know, in  
10 this whole thing, she really got the worst that could  
11 possibly happen for what did go wrong.

12 Q. And currently, physically, in terms of medical  
13 issues, obviously, you're not a doctor, but can you give the  
14 Court any insight as to your personal observations as a  
15 friend and long-time resident?

16 A. Well, I know she has diabetes and it's causing her a  
17 problem, and right now she's having some trouble walking.  
18 She's not in good health, and that's why she had to go to  
19 Forth Worth to serve the federal custody.

20 Q. Is there anything else, Judge Klein, that I've  
21 neglected that you could bring to the Court's attention, if  
22 there is any, in terms of fashioning a just sanction?

23 A. Well, as I say, I think it's been at least 50 years  
24 that there have been institutional problems with  
25 Philadelphia Traffic Court. The reason I know that is

1 because when I was a young squirt I was working, campaign-  
2 wise and otherwise, with my neighbor, Lieutenant Governor  
3 and later federal Judge Raymond Broderick, and the 1960s --  
4 there were real troubles with the magistrate system in  
5 Philadelphia for many years, and for -- the first thing  
6 Governor Shafer wanted to do was to start to amend the  
7 Constitution. There was a Constitutional Convention formed,  
8 and Ray Broderick was one of the directors, I think with Bob  
9 Casey, the father, and they wanted to get rid of the  
10 magistrate system, and they couldn't do it without carving  
11 out six non-lawyer positions for traffic court.

12 And over the years, I think everybody knew that -- I  
13 don't know that Judge Tynes was involved in this, very  
14 frankly, but everybody knew that in traffic court favors  
15 were done. A lot of the people I talked -- and again,  
16 because this whole thing had a lot of publicity, in the  
17 legal community I talked to people as well as the people in  
18 the condo, and everybody said, "What's the surprise?" You  
19 know, everybody thought if you didn't take money you weren't  
20 doing anything wrong; you did favors for things.

21 The last time I checked, none of the ward leaders and  
22 none of the state legislators and none of the other people  
23 who might have been involved with this all of a sudden were  
24 shocked as to what happened in traffic court (sic). You  
25 know, they all said, "Gee, we didn't know about that." I

1 would like to sell them some bridges in Brooklyn if that's  
2 what they really think.

3 Q. But you're not saying that Judge Tynes is in any way  
4 endorsing what happened in traffic court.

5 A. I don't think she is, no. No. From what she said to  
6 me, she saw it but didn't like it. Again, I think this is  
7 one of the things that hit the papers. When you consider  
8 how many people were involved in this, and possibly going  
9 all the way to the state Supreme Court knew what was going  
10 on, that 18 months in custody and all the negative publicity  
11 of having your career shattered for that, you know, when you  
12 had a good reputation, is certainly very significant  
13 punishment when you look at the whole ball of wax. That's  
14 one of the reasons I think that most of the people that I  
15 talk to keep thinking that, you know, boy, it's a shame; she  
16 really got caught in the switches and got punished immensely  
17 for what was going on for decades.

18 MR. STRETTON: Mr. Kleman, do you have any  
19 questions of former Judge Klein?

20 MR. KLEMAN: No questions.

21 MR. STRETTON: Does this Honorable Court have  
22 any questions of Judge Klein?

23 JUDGE PANELLA: Anybody have any questions for  
24 Judge Klein?

25 (No affirmative response.)

1 JUDGE PANELLA: I don't mind saying one of the  
2 great joys of my judicial career is having served with Judge  
3 Klein on the Superior Court. I could find no more fond  
4 colleague than Judge Klein. Thank you.

5 THE WITNESS: I was saying before that you and I  
6 were judges that liked to go to smaller counties, and  
7 therefore, we spent more time on panels together than  
8 probably would happen otherwise.

9 JUDGE PANELLA: Thank you for being here today.

10 THE WITNESS: I miss the court and the people.

11 MR. STRETTON: We miss you.

12 THE WITNESS: Thank you.

13 MR. STRETTON: I'm going to excuse him.

14 JUDGE PANELLA: Yes.

15 (Witness excused.)

16 MR. STRETTON: Next would be her pastor.

17 Pastor, can you come to this microphone? You're  
18 going to be sworn in, Pastor. You also have to be sworn in  
19 even though you're a member of the church.

20 **Whereupon,**

21 **JOSEPH WILLIAMS, JR.,**

22 **having been duly sworn, testified as follows:**

23 **DIRECT EXAMINATION**

24 BY MR. STRETTON:

25 Q. Pastor, could you give us your full name for the

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1 record, and spell your name for the court reporter?

2 A. First of all, I'd like to thank God for being here.  
3 My name is Reverend Joseph Williams, Jr., J-o-s-e-p-h  
4 W-i-l-l-i-a-m-s, J-r.

5 Q. Pastor Williams, for how long have you had the  
6 privilege of being a pastor?

7 A. Judge Tynes' pastor?

8 Q. No. Just being a pastor in general.

9 A. Forty years.

10 Q. What church are you currently the pastor of?

11 A. Mount Airy United Fellowship.

12 Q. Is that located in Philadelphia?

13 A. Yes, West Mount Airy in Philadelphia.

14 Q. Let me ask you this: how do you know Judge Tynes?

15 A. Well, when I first came out of the Marine Corps, she  
16 was involved with car sales, and I was able to get a car to  
17 get a job. That's been 60 years ago.

18 Q. And have you maintained a friendship with Judge Tynes  
19 over the years?

20 A. Yes, because when we started our church, she would  
21 always come and speak and tell the people how not to get  
22 traffic tickets, because you could get a traffic ticket if  
23 you go through a yellow light; things we didn't know. I  
24 thought about it this morning. I don't know one person ever  
25 said anything bad about Judge Tynes. She was always a giver

1 and always came to help our congregation.

2 Q. Is she an actual member of your congregation now?

3 A. Well, we have volunteers. We have an unstructured  
4 church that she volunteers her time to come. I'm even a  
5 volunteer. No one gets paid. She volunteers to come to  
6 help us out, to make sure we know how to be law-abiding  
7 citizens, anything else that can help us to be better  
8 people.

9 Q. You probably answered indirectly, but you've gotten  
10 to know a lot of people in the church community who know  
11 former Judge Tynes?

12 A. Yes, sir.

13 Q. And among those people you know who know her, what is  
14 her current reputation as a truthful and honest person? Is  
15 it good or is it bad?

16 A. Good, upstanding Christian lady, always willing to  
17 give. I've not always been a pastor, I was in radio sales  
18 at one time, and in radio sales, your clients, you meet a  
19 client, you have to find out who's a taker and who's a  
20 giver, and she's always given. I've never given her  
21 anything for coming, she's never asked for anything for  
22 coming to help us. And I just thought about it this  
23 morning. Everyone I've known says the same thing about  
24 Judge Tynes, she's always trying to help people.

25 Q. Likewise, among those same people, what is her

1 current reputation as a peaceful, law-abiding person? Is it  
2 good or is it bad?

3 A. Outstanding.

4 Q. Now, those people and you, yourself, are aware of her  
5 criminal convictions currently on appeal or PCRA; am I  
6 right?

7 A. Yes.

8 Q. Despite the fact she's appealing those, has she  
9 expressed remorse and accepted, made acceptance for her  
10 misconduct? Has she accepted responsibility?

11 A. Yes. Yes.

12 Q. Thank you.

13 A. I may add one thing.

14 Q. Sure, Pastor.

15 A. At the trial -- you said if we knew what she did. We  
16 had over 50 people come as character witnesses for Judge  
17 Tynes. I thought that was great. Matter of fact, I thought  
18 they was going to throw us all out. There was over 50 of us  
19 who came down.

20 Q. You're talking about the federal trial on the special  
21 consideration?

22 A. Exactly, yes.

23 MR. STRETTON: Mr. Kleman?

24 MR. KLEMAN: No questions.

25 MR. STRETTON: Does the Court have any --

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JUDGE PANELLA: Any members of the Court?

(No affirmative response.)

JUDGE PANELLA: Pastor, thank you very much for coming.

THE WITNESS: Have a great and healthy New Year.

JUDGE PANELLA: You, too, sir.

MR. STRETTON: Thank you, Pastor.

(Witness excused.)

MR. STRETTON: The last character witness is her personal accountant.

Would you come forward, sir?

JUDGE PANELLA: This is her personal accountant, Mr. Stretton?

MR. STRETTON: Yes.

Please stand right here.

MR. PERNICIARO: Good afternoon.

MR. STRETTON: We'll have you sworn in first.

Whereupon,

ROBERT A. PERNICIARO, SR.,

having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. STRETTON:

Q. Sir, could you give us your full name for the record, and spell it?

A. Robert A. Perniciaro, Sr., P-e-r-n-i-c-i-a-r-o.

FORM 2

1 Q. Mr. Perniciaro, what is your current occupation, if  
2 any?

3 A. I'm an accountant.

4 Q. For how many years have you served in an accounting  
5 capacity?

6 A. Since 1974.

7 Q. How do you know my client, former Judge Tynes?

8 A. Tomorrow it will be 28 years that I'm her accountant.

9 Q. So you've done her tax returns and basic financial  
10 situation for 28 years?

11 A. Yes, sir.

12 Q. And you and her have been friends over those 28  
13 years?

14 A. Yes, we have.

15 Q. Have you gotten to know other people in the community  
16 who know former Judge Tynes?

17 A. Yes, I do.

18 Q. And that community consists of what, the area where  
19 your business is or --

20 A. Where my business is, other attorneys. Everybody  
21 that has met her usually comes in -- when she used to come  
22 into the building, just about everybody wanted to come see  
23 her.

24 Q. And among those people you know who know former Judge  
25 Tynes, what is her current reputation as a peaceful and law-

1 abiding person?

2 A. Still very good.

3 Q. And likewise, what's her current reputation as a  
4 truthful and honest person?

5 A. Very good.

6 Q. And are those people aware of her convictions for  
7 perjury that are pending on appeal and her, I guess, the  
8 conflict of interest --

9 A. Every one of them is.

10 Q. Has the judge expressed remorse to you over the years  
11 for her misconduct?

12 A. She has to me, yes.

13 MR. STRETTON: Thank you.

14 Mr. Kleman, do you have any questions?

15 MR. KLEMAN: No questions.

16 MR. STRETTON: Does the Court have any  
17 questions?

18 JUDGE PANELLA: Questions, anybody?

19 (No affirmative response.)

20 JUDGE PANELLA: Thank you very much for being  
21 here today.

22 THE WITNESS: You're welcome, sir. Thank you.

23 (Witness excused.)

24 MR. STRETTON: Judge Tynes, I'm going to call  
25 you. Will you be able to stand, or should I have you sit?

1 MS. TYNES: No, I can stand.

2 MR. STRETTON: Would you come to the microphone?

3 (Pause.)

4 MR. STRETTON: I'm going to give her her cane so  
5 she can lean on it, if it's okay with the Court.

6 JUDGE PANELLA: I was going to say, can we get a  
7 seat for her somewhere?

8 (Pause.)

9 **Whereupon,**

10 **THOMASINE TYNES,**

11 **having been duly sworn, testified as follows:**

12 **DIRECT EXAMINATION**

13 BY MR. STRETTON:

14 Q. Give us your full name, and then I'll say good  
15 morning -- good afternoon to you, if I get it out right.

16 A. Thomasine Tynes, T-h-o-m-a-s-i-n-e, last name Tynes,  
17 T-y-n-e-s.

18 Q. Judge Tynes, you're going to have to speak a lot  
19 louder than that, one, for the court reporter, and two, for  
20 all the judges to hear you.

21 As you sit here today, how old are you, former Judge  
22 Tynes?

23 A. Seventy-three. I'll be 74 next year.

24 Q. Let me just briefly go through your history, though I  
25 think the Court is aware of it. How far did you go in

1 school?

2 A. I went to high school, and then I took some courses  
3 at Temple, and then I had a correspondence course I took to  
4 get a degree in Business Administration.

5 Q. You never got a college degree, though; am I correct?

6 A. Well, no, it was a correspondence degree; it was back  
7 years ago. I guess now they call it like online, but it was  
8 similar like that.

9 Q. Then before you were elected to the traffic court,  
10 what kind of work did you do, Judge Tynes?

11 A. I was director of which is called congregate  
12 services. It was a government pilot program they were doing  
13 to see whether seniors could live on their own if they were  
14 given certain facilities to help them with, instead of  
15 putting them in nursing homes, which I was director of about  
16 200 seniors that I provided the homemaker services for them  
17 where a homemaker would come in and help them to do their  
18 laundry, or go shopping with them. Also, I provided a  
19 physician to see them at least once a month for any kind of  
20 ailment they may have.

21 We also made sure they had meals, nutritious meals,  
22 three times a day, and also gave them legal help at times  
23 where a lot of the seniors would have problems with families  
24 taking their money, things like that, so we tried to monitor  
25 that and we would report that to the social services if it



1 became a problem.

2 Q. Where was your office located when you -- well, you  
3 were working for the City of Philadelphia when that  
4 happened?

5 A. Well, the money was funded into the Housing Authority  
6 but it was from the federal government. It was Germantown  
7 House, Schoolhouse Lane and Wayne Avenue.

8 Q. How many years did you perform that position?

9 A. I was there seven years.

10 Q. Did you leave that position to go to the bench?

11 A. Yes, sir.

12 Q. And you were elected to the Philadelphia Traffic  
13 Court in 1989?

14 A. Nineteen eighty-nine, yes.

15 Q. And you served on the Philadelphia Traffic Court  
16 until your retirement when?

17 A. I think it's 2012, I was medically told I had to  
18 leave due to I had a memory problem at that time.

19 Q. And you had served as President Judge of Philadelphia  
20 Traffic Court from, what was it, about 2004 till your  
21 retirement in 2012?

22 A. Five -- yeah, from '05 till about 2012, I think it  
23 was, yes.

24 Q. Now, you had gotten a medical letter in 2012 which  
25 formed the basis of your retirement; am I correct?

1 A. Yes, sir.

2 Q. I'm going to show you just one or two documents, if I  
3 could. First I'm going to mark as Respondent 1 --

4 (Pause.)

5 Q. I'm going to put beside you a document that I've  
6 marked as R-1 for identification purposes. Judge, what is  
7 that document?

8 (Whereupon, the document was marked  
9 as Respondent's Exhibit No. 1 for  
10 identification.)

11 (Document handed to witness.)

12 THE WITNESS: It's a document from my doctor  
13 that suggested I needed to take a test due to the fact that  
14 there was a couple things that, him knowing me -- he was my  
15 doctor since 1978. He suggested that I take a test due to  
16 some things that I didn't quite remember when he asked me  
17 certain things.

18 BY MR. STRETTON:

19 Q. This report is 2014; am I correct?

20 A. I believe so, sir. Yes, 2014.

21 Q. Then we have a report in October of 2014 that talks  
22 about medication and dementia; am I correct?

23 A. Yes, sir.

24 Q. I'll mark that as R-2 for identification purposes  
25 only. That was a report from the Sidney Kimmel Cancer

1 Center; am I correct?

2 (Whereupon, the document was marked  
3 as Respondent's Exhibit No. 2 for  
4 identification.)

5 (Document handed to witness.)

6 THE WITNESS: Yes.

7 BY MR. STRETTON:

8 Q. And that discussed medications you were on back in  
9 2014?

10 A. Yes.

11 Q. And it discusses your cancerous condition?

12 A. Yes.

13 Q. And your condition for cancer is what?

14 A. Well, I guess it's in remission, they say.

15 Q. But you had -- what was the nature of your cancer?

16 A. I had breast cancer.

17 Q. And then during this time, what was your condition  
18 for your diabetes?

19 A. Well, my diabetes is out of control even where they  
20 switched me -- I take insulin now three times a day instead  
21 of taking the pills, and they're trying to get it regulated  
22 down to -- I think they wanted me to get it down to  
23 something like a level 6 or something instead of 8.

24 Q. I'm going to show you the final medical report, R-3.  
25 This is the April 2012 report that I thought I picked up

1 originally, but we'll do it as R-3 and not R-1. This is the  
2 report that you received from Jefferson University Hospital  
3 of your doctor where he suggested you should leave the bench  
4 due to memory problems and dementia issues?

5 **(Whereupon, the document was marked**  
6 **as Respondent's Exhibit No. 3 for**  
7 **identification.)**

8 (Document handed to witness.)

9 THE WITNESS: Yes. My doctor sent me to these  
10 people, who gave me I think it was like a five-hour test  
11 about my memory, and the doctor, when she got the report  
12 back, she told me that I should think about retiring due to  
13 the report wasn't good.

14 MR. STRETTON: Since this is a sanction hearing  
15 and the hearsay rules are much relaxed, unless there is an  
16 objection, I would like to hand up these reports for  
17 whatever value you might give them.

18 MR. KLEMAN: Judge, I have no objection to the  
19 admission of these documents into the record, but I would  
20 appreciate it if the Board would seal them because they  
21 contain information that is confidential for Judge Tynes.

22 JUDGE PANELLA: Mr. Stretton, you should know, I  
23 usually have a policy against sealing anything, because if  
24 you're asking the Court to review it and base its decision  
25 upon it, then the public and the news media has every right

FORM 2

1 to see it. So Mr. Kleman makes a very reasonable request,  
2 but I'm not sure I'll do that.

3 Now, if you want us to look at the documents and  
4 hand them back to you, that's fine, or if you want to tell  
5 us the contents, but it's usually my position as presiding  
6 Judge that I don't seal anything.

7 MR. KLEMAN: Maybe it might be a good idea,  
8 Judge, if I revised my request to allow Mr. Stretton to  
9 redact his exhibits, if appropriate.

10 JUDGE PANELLA: May I ask this: is it really  
11 necessary? We don't disbelieve her testimony. I really  
12 think this is redundant. I leave it up to you, but I don't  
13 really think the documents are necessary.

14 MR. STRETTON: I just wanted to show you some  
15 objective evidence that she physically has not been well and  
16 retired primarily because of dementia-related issues.

17 JUDGE PANELLA: Does any Judge want to hear  
18 further evidence on that?

19 (No affirmative response.)

20 JUDGE PANELLA: We don't really need the  
21 documents. Thank you.

22 MR. STRETTON: Thank you, Your Honor.

23 (Whereupon, the documents marked as  
24 Respondent's Exhibits Nos. 1 through  
25 3 were not admitted.)

1 BY MR. STRETTON:

2 Q. Now, Judge Tynes, just for the time period, the issue  
3 involving the bracelet occurred a year before your  
4 retirement from the traffic court; am I correct?

5 A. I believe so, if you say so. I don't remember.

6 Q. That was in 2011 when that gentleman, Mr. Ali, gave  
7 you --

8 A. Yeah. Yeah, it was in two thousand and -- yeah;  
9 right.

10 Q. That matter you pled guilty to and there's presently  
11 pending a PCRA petition; am I correct? And please look at  
12 the Court when you answer.

13 A. Well, I was advised by my attorney to plead guilty  
14 because I thought that -- I did take the bracelet, but I  
15 tried to pay for it and return it; I couldn't find this  
16 gentleman. He said that if I pleaded guilty to conflict of  
17 interest, and all the other charges were dropped by the  
18 district attorney, that it wouldn't affect my pension, so  
19 that's why I agreed to it.

20 Q. But there's presently a PCRA petition in Philadelphia  
21 County on that issue of your plea?

22 A. I think it's Valvo, Attorney Valvo.

23 Q. We know Attorney Valvo. Let me ask this: after you  
24 got the bracelet, did you attempt to pay for it after the  
25 fact?

1 A. Well, what happened, I called my President Judge, --

2 Q. Who was that?

3 A. Pamela Dempsey.

4 Q. Dembe?

5 A. Dembe, yeah. I called Pam, I said, "Pam," I said,  
6 you know, "somebody gave me a bracelet." I said, "What do  
7 you do with these gifts?" She said, "Well, you can do two"  
8 -- well, she said, "This is what I do, depending what things  
9 cost. You got to find out what it costs." She says, "You  
10 can do three things." She says, "You can return it," she  
11 says, "or you can pay for it, or you can file it next year,"  
12 which would have been the next year, which would have been  
13 '12, because I got it like April -- I mean, I got it in  
14 November sometime. So I said okay, so that's what I did.

15 Q. I'm going to show you a document, Judge Tynes, which  
16 I've marked as R-4 for identification purposes. I handed  
17 Mr. Kleman copies right before the hearing. What is that  
18 document?

19 (Whereupon, the document was marked  
20 as Respondent's Exhibit No. 4 for  
21 identification.)

22 (Document handed to witness.)

23 THE WITNESS: This is a check from -- it's a  
24 Cashier's Check I got from PNC Bank made out to Tyrone Ali  
25 on November 14 for \$2,000 --

1 BY MR. STRETTON:

2 Q. Is that November 16, 2011?

3 A. Yeah. For \$2,000 for the bracelet.

4 Q. Did you give this to Mr. Ali?

5 A. We tried to find him. We couldn't find him. My  
6 attorney told me to put the bracelet and the check away, we  
7 would find him later. We never found him.

8 MR. STRETTON: I move for the admissibility of  
9 this check, for what it's worth?

10 JUDGE PANELLA: Any objection?

11 MR. KLEMAN: I have no objection to it, I just  
12 would ask, at the close of the proceedings, if I might have  
13 a moment to address that.

14 JUDGE PANELLA: Certainly.

15 MR. KLEMAN: Thank you.

16 MR. STRETTON: With the Court's permission, I'll  
17 just hand it to Judge Minehart and he can pass it down.

18 JUDGE PANELLA: That's fine.

19 (Document distributed to the Court.)

20 BY MR. STRETTON:

21 Q. Now, Judge Tynes, let's go forward. After you  
22 retired, about a year later after your retirement, you were  
23 charged with several other traffic court judges in federal  
24 court; am I correct?

25 A. Yes.



1 Q. And you went through a full federal court hearing  
2 before federal Judge Stengel; correct?

3 A. Yes, sir.

4 Q. And you were acquitted of all charges except two  
5 counts of perjury; am I correct?

6 A. Yes.

7 Q. And those perjury charges are presently pending on  
8 appeal before the United States Court of Appeals for the  
9 Third Circuit?

10 A. Yes, sir.

11 Q. And that appeal has been stalled because the Third  
12 Circuit Court has lost the appellate record and portions of  
13 the transcript; am I correct?

14 A. That's what my attorneys told me, yes.

15 Q. Now, let's go forward. You served incarceration for  
16 both cases in federal court in the medical unit in Texas; am  
17 I correct?

18 A. Yeah, at Carswell.

19 Q. And how long were you incarcerated, Judge Tynes?

20 A. I think 19 months.

21 Q. And when did you get out? When were you released  
22 from the federal prison?

23 A. August of this year.

24 Q. And after you were released, you returned to your  
25 long-term home in Philadelphia?

1 A. Yes.

2 Q. Where is that?

3 A. River Park condominiums. I live there.

4 Q. In what part of the city is that located?

5 A. It's in West Philadelphia. It's called Wynnefield.

6 Wynnefield, yeah.

7 Q. And was that the apartment Judge Klein referenced in  
8 his brief testimony?

9 A. Yes, sir.

10 Q. Over the years, have you been active in the community  
11 of your condominium apartment there?

12 A. Yes. I've been there 30 years.

13 Q. Did you serve in leadership roles on the local  
14 council there?

15 A. I was the president. Almost 20 years, I guess, I was  
16 the president there.

17 Q. Since you got out of prison, what have been your  
18 activities?

19 A. Going to the doctors. Going to the doctors,  
20 basically.

21 Q. You have no employment?

22 A. No.

23 Q. What is your source of income that you live on?

24 A. Well, I just got back my social security and my  
25 pension.

- 1 Q. Do you have any other income?
- 2 A. I get a small thing from my ex-husband.
- 3 Q. Do you have any family that's alive?
- 4 A. No. All my -- I'm the oldest of -- all my family is  
5 deceased.
- 6 Q. And you have no current husband and no children; am I  
7 correct, Judge?
- 8 A. No, no husband and no children.
- 9 Q. So you financially rely on yourself for support?
- 10 A. Yes, I do. I have to take care of myself.
- 11 Q. Did you grow up in Philadelphia, Judge Tynes?
- 12 A. Yes. I grew up in Germantown. Germantown, and  
13 Germantown High and Roosevelt University, or Roosevelt  
14 Junior High School.
- 15 Q. Now, let's just deal with the misconduct of the  
16 bracelet and then the perjury findings, which everyone  
17 understands one is being challenged collaterally and one is  
18 being challenged directly on appeal.
- 19 A. I want my name cleared, if I can.
- 20 Q. I know that, but are you sorry for what happened?
- 21 A. I'm sorry for being stupid, not knowing, you know.
- 22 Q. At a certain level, do you accept responsibility?
- 23 A. Yes. Like I said, I tried my best, I wrote letters  
24 to -- when I first got there, I wrote letters to -- I showed  
25 you -- to chief, to Supreme Court Judge Flaherty, telling

1 him that there were certain things that I thought was not  
2 handled right in traffic court.

3 Q. That was in 1999, the letter you showed me?

4 A. Yeah, 1999. And I wrote him back -- I wrote him and  
5 he wrote back, which I gave you the letter, telling me that,  
6 "You just got there. Just don't worry about what other  
7 judges do. You do your own job, you do your own -- don't  
8 worry what other judges do," and he said, "I want to get in  
9 touch with President Judge BonavitaCola and DiPrem" --

10 Q. Joe DiPremio (ph.)?

11 A. No. It was another -- the court administrator.

12 Q. David Lawrence?

13 A. Zingba, Zenga --

14 JUDGE PANELLA: Zig Pines.

15 THE WITNESS: Zig Pines -- "to see, to look into  
16 the matter of it," and that's what the letter I gave you  
17 that he wrote me back --

18 BY MR. STRETTON:

19 Q. Let's go forward. That's ancient history. What is  
20 your primary request of this Court? Since you retired,  
21 you're not on the bench, what is your request? What would  
22 you like the Court to sanction, the Court to impose?

23 A. Well, I just would be able to maintain, to take care  
24 of myself.

25 Q. Are you asking the Court not to order a removal but

1 order a lesser sanction with an order that you can never  
2 serve as a senior judge in any capacity again?

3 A. Oh, yeah, I can't serve doing anything. I couldn't  
4 do nothing, really. I couldn't serve or do anything, no. I  
5 can't remember what's in my own apartment.

6 MR. STRETTON: Mr. Kleman, do you have any  
7 questions?

8 MR. KLEMAN: No, I do not.

9 MR. STRETTON: Does the Court have any  
10 questions?

11 JUDGE PANELLA: Anybody have any questions?

12 (No affirmative response.)

13 JUDGE PANELLA: You may step down, Judge Tynes.

14 (Witness excused.)

15 MR. STRETTON: With that, I will move for the  
16 admissibility of R-4. We will not move for R-1 through 3 in  
17 these matters, and at the appropriate time I have very brief  
18 argument.

19 JUDGE PANELLA: That's fine. Any objections to  
20 R-4?

21 MR. KLEMAN: No, Judge.

22 JUDGE PANELLA: R-4 is admitted.

23 (Whereupon, the document marked as  
24 Respondent's Exhibit No. 4 was  
25 received in evidence.)

1 JUDGE PANELLA: Mr. Stretton, we'll hear from  
2 you.

3 MR. STRETTON: Thank you. Let me just find my  
4 brief in this mess of pages.

5 JUDGE PANELLA: Take your time.

6 MR. STRETTON: Here it is.

7 It is what it is. We did not take exceptions;  
8 we've accepted as much responsibility as we can with the  
9 appeals that are pending in these matters. All I'm asking  
10 is for some leniency in the sanction. Obviously, there's  
11 plenty of case law that says this could be an outright  
12 removal. I understand that. But this Court has had a  
13 history -- a couple of the cases I've cited to you are mine  
14 -- where for a senior judge, not in good health, who has  
15 resigned -- and she resigned prior to, not prior to the  
16 bracelet but prior to much of this and the traffic court  
17 matters -- who was in bad health, this Court has extended  
18 some mercy and leniency.

19 Part of that aids in the ability to collect the  
20 pension. Now, there's other bases, potentially, to take her  
21 pension, but as you know, if she's removed from the Court,  
22 since this Court, and rightly so, found her in disrepute,  
23 that's an automatic removal of pension under the  
24 Constitution. You don't have any say in that, that's with  
25 the Pension Board in these matters.

1 JUDGE PANELLA: She's not currently receiving  
2 her pension?

3 MR. STRETTON: She is receiving it.

4 JUDGE PANELLA: She is receiving it.

5 MR. STRETTON: Yes. She testified to that. It  
6 has not been removed yet because the appeals are pending --

7 JUDGE PANELLA: I see.

8 MR. STRETTON: -- and, of course, your case.  
9 Now, if this Court removes her, then her pension would be  
10 stopped immediately, because under Article V, § 16, of the  
11 Pennsylvania Constitution if you're found in disrepute and  
12 you are removed, it takes your pension. Now, if you are  
13 suspended and found in disrepute, it will not take your  
14 pension. That was determined in Judge Berry's original  
15 case. With Judge Berry's original case, he was suspended  
16 for four months, put in disrepute, and we were very  
17 concerned at the time that they would take his pension.  
18 When I say "they," not your court but the Pension Board.

19 JUDGE PANELLA: That's correct. We don't make  
20 any decisions regarding any respondent's pension.

21 MR. STRETTON: You don't, but --

22 JUDGE PANELLA: It's true what you say that in  
23 most cases when the Court orders removal, the Retirement  
24 Board then does take action to forfeit somebody's pension,  
25 but she has another battle, too. I can't imagine -- if her

1 convictions, her felony convictions, are upheld, the  
2 Retirement Board on that alone might revoke her pension.

3 MR. STRETTON: No question.

4 JUDGE PANELLA: Notwithstanding whatever we do.

5 MR. STRETTON: No question. Judge Griffin was a  
6 classic example; Judge Griffin, they took her pension due to  
7 some matters. But what I'm asking you is -- I'm going to  
8 fight those fights when they occur; maybe those convictions  
9 will be reversed. I'm asking this Court, based on some of  
10 the cases I've cited, to consider not removing her, either  
11 severely reprimanding or sanctioning her or suspending her,  
12 but not removing her, because that won't -- by not removing  
13 her, you won't trigger the automatic Constitutional pension  
14 removal. The only basis I have to make that request is the  
15 history of cases of judges who have done some things that  
16 were very much improper, who normally would have been  
17 removed, but because they were old, they accepted  
18 responsibility, they retired, this Court had mercy.

19 Judge Hampton Brown, who I -- not Hampton, Wade  
20 Brown from Sunbury, I represented him. Thirty years on the  
21 bench he was there, and he treated his secretaries  
22 miserably, many sexual comments, many racial comments. I  
23 had him retire, and he was given a reprimand, which kept his  
24 pension in these matters.

25 Judge Miller, who we talked about when we were



1 here with Judge Roca, who was a witness in the federal court  
2 and was prepared to testify, we stipulated to his testimony  
3 in Judge Roca. I've known Judge Miller a long time, 44  
4 years or so on the bench. He was federally convicted. This  
5 Court did not remove him.

6 JUDGE PANELLA: If my memory serves me right,  
7 Judge Barton might remember this, too, his pension had been  
8 already forfeited in light of his criminal conviction.

9 MR. STRETTON: That is true, but --

10 JUDGE PANELLA: So that issue wasn't before us.

11 MR. STRETTON: But the issue before, what was  
12 the nature of discipline, this Court did less. And what I'm  
13 asking you is to take that into consideration and, in view  
14 of these other cases, which I'm not going to repeat, to  
15 consider something less, with the ruling in all these other  
16 cases for senior judges that they can never serve again.

17 Now, I put in there the ten-step process that  
18 one considers. I could go through that, but the convictions  
19 are what they are. I'm just asking for some mercy here for  
20 someone I've known a long time, who was a good judge, who,  
21 it's very sad what she's done, who accepts responsibility at  
22 a certain level and whose appeals are pending, and I would  
23 ask you to not remove her but some lesser form of  
24 discipline.

25 Thank you.

1 JUDGE PANELLA: Any questions for Mr. Stretton,  
2 anybody?

3 (No affirmative response.)

4 JUDGE PANELLA: You made a very good  
5 presentation, Mr. Stretton. Thank you.

6 MR. STRETTON: Thank you.

7 JUDGE PANELLA: Mr. Kleman, I promised you, you  
8 could come back up.

9 MR. KLEMAN: Thank you. I appreciate it.

10 JUDGE PANELLA: Please proceed.

11 MR. KLEMAN: Thank you. Judge, I am not, of  
12 course, as one would think, heartless; I understand that  
13 Judge Tynes has done a great many good things in her life;  
14 we've heard from people that would have knowledge of those  
15 facts, and I certainly accede to them. However, it's the  
16 nature of what it is that we do in this courtroom that we  
17 hear about fine people who otherwise make grave and stupid  
18 mistakes that they have to live with. I think that's the  
19 case that we have here.

20 As you know, my background is in the criminal  
21 law, and the criminal law punishes offenders as they find  
22 them. I think this Court must do that. There are cases  
23 that require the ultimate sanction regardless of the  
24 individual positive attributes of any given respondent. I  
25 think that when you have a matter involving a judge who was

1 convicted of lying under oath and accepting improper  
2 influence for their office, that case cries out for the  
3 ultimate sanction.

4 As to the point that Mr. Stretton raised about  
5 Judge Tynes' attempt to pay back the gift of the bracelet, I  
6 would just like the Court to know and the Court can take  
7 judicial notice of the fact that the date of the offense on  
8 the docket was listed in the middle of May of 2011, and that  
9 check was written in November of 2011, so I believe that  
10 that lapse of time would speak against any ability for Judge  
11 Tynes to withdraw and rescind her involvement in the  
12 criminal activity that she was charged with and ultimately  
13 convicted.

14 So in your deliberations regarding sanction, I  
15 would just ask the Court take notice of those facts.

16 Thank you.

17 JUDGE PANELLA: Any questions of Mr. Kleman?

18 (No affirmative response.)

19 JUDGE PANELLA: Thank you, Mr. Kleman. Very  
20 good words.

21 With that, that brings this hearing to a  
22 conclusion and we are in adjournment. Thank you very much.

23 (Whereupon, at 2:13 p.m. the hearing was  
24 adjourned.)

25

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: Judith A. Valencik

Judith A. Valencik

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FORM 2

FORM 1031-508  
07/00/06-42

CASHIER'S CHECK

**PNC BANK**

PNC Bank, National Association  
Philadelphia, PA

**No. 4031950**  
DATE NOVEMBER 16, 2011

3-5/310

PAY TO THE ORDER OF **TYRON ALI**

**TWO THOUSAND AND 00/100 \*\*\*\*\***

\$ **2,000.00**

DOLLARS

**THOMASINE TINES**

RESISTER

PNC Bank, National Association  
*Thomasina Tines*  
GENERAL SIGNATURE

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