

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Judge Sonya M. McKnight	:	
Magisterial District Judge	:	
Magisterial District 12-2-04	:	1 JD 2021
12 th Judicial District	:	
Dauphin County	:	

**JUDICIAL CONDUCT BOARD'S BRIEF IN SUPPORT OF
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On February 8, 2021, the Judicial Conduct Board (Board) filed a Board Complaint and a Petition for Relief for Suspension Without Pay against Judge Sonya M. McKnight (Respondent). By order dated February 9, 2021, this Court granted the Board's petition and suspended Respondent without pay. On February 23, 2021, Respondent filed an Answer to the Complaint. On August 16, 2021, the Board filed a Petition for Relief for Lifting of Interim Suspension Without Pay which this Court granted by order dated August 18, 2021.

Respondent sought admission to the Judicial Diversion Program through a motion filed on August 17, 2021. However, the parties were unable to agree to the terms of the diversion program and on September 7, 2021, Respondent withdrew her request to be placed in the diversion program.

On February 10, 2022, the parties filed Joint Stipulations of Fact in Lieu of Trial and Waiver of Trial. On May 26, 2022, pursuant to Stipulation 24 in which the parties agreed that Respondent would be permitted to supplement the stipulations with live testimony, Respondent appeared before Judges Rangos, Eisenhower, Flaherty and

Tilghman and testified. The following is the Board's proposed findings of fact and conclusions of law and brief in support thereof.

I. PROPOSED FINDINGS OF FACT

Since January 4, 2016, Respondent has been a Magisterial District Judge. (Joint Stipulation 2.) At approximately 2 a.m. on February 22, 2020, Harrisburg Police Officer Farida Kingsboro initiated pursuit of a vehicle in which the driver was 31-year-old Kevin Baltimore. (Joint Exhibit 3, pages 72:18-20, 75:22-25 and transcript of May 26, 2022 proceeding, page 23:1-8.) In response to Kingsboro's pursuit, Baltimore stopped his vehicle in the 600 block of Peffer Street in Harrisburg, a location which is within Respondent's magisterial district. (Joint Exhibit 3, pages 75:25-76:1 and 76:4-6.) Moments after stopping his vehicle, Baltimore placed a telephone call to Respondent, his mother. (Joint Exhibit 3, page 156:15-19.) Shortly after Baltimore's vehicle was stopped, three additional Harrisburg police officers arrived at the scene. (Joint Exhibit 3, page 78:19-21.) While investigating the traffic stop, Kingsboro learned that there was an active arrest warrant for Baltimore. (Joint Exhibit 3, page 77:3-5.) Additionally, the officers found crack cocaine, a scale, razor blades, and a "stack of cash" in Baltimore's vehicle and on his person. (Joint Exhibit 3, page 161:2-6 and 163:18.)

Immediately after receiving the telephone call from Baltimore, Respondent drove to the scene of the traffic stop. (Transcript of May 26, 2022 proceeding, page 13:3-14:25.) While enroute to the traffic stop, Respondent placed a telephone call to Thomas Carter, the Commissioner of the Harrisburg Police Department on his personal cell phone. Respondent provided Carter with details of her son's traffic stop

and told him that his "police officers pulled her son over in an illegal traffic stop." (Joint Exhibit 3, page 215:4-6, 20.)

When Respondent arrived at the scene of the traffic stop, there were four marked police vehicles present with their emergency lights activated. Respondent parked and exited her vehicle. (Joint Exhibit 1, Video recording of February 22, 2020 traffic stop, 8:20 minutes.) In a very demanding and agitated manner, Respondent walked directly up to the four police officers who were taking her son into custody. (Joint Exhibit 3, page 82:2-3; page 202:15-17.) All four police officers recognized Respondent as a magisterial district judge due to having appeared in her courtroom on work related matters or having been told she was a judge. (Joint Exhibit 3, page 79:15-21; page 157:10-158:6; page 175:10-12; page 201:4-20.) When the officers addressed Respondent as "judge," she did not ask them to address her in any other manner. (Joint Exhibit 3, page 82:12-20; page 167:8-17.) As she approached the officers she asked, "Why's my son in handcuffs?" (Joint Exhibit 3, page 161:15-17.) While one of the officers was searching Baltimore, Respondent asked the officer why he was searching him and why he was "going through his pockets." (Joint Exhibit 3, page 202:19-21.) Kingsboro directed Respondent to a location a few feet away from the other officers and Baltimore so the other officers could continue conducting the investigation. (Joint Exhibit 3, pages 82:25-83:2.) Kingsboro explained to Respondent that Baltimore would be transported to the county booking center. (Joint Exhibit 3, page 84:5-6.) Respondent asked Kingsboro why her son was under arrest, asked several times why her son was being searched, and yelled at the other police officers asking why they were searching her son. (Joint Exhibit 3, pages 83:19-84:14.) Respondent asked Kingsboro if Chief Thomas Carter was working. The

question made Kingsboro feel intimidated because Carter was her boss. (Joint Exhibit 3, pages 84:24-85:7.) After one of the assisting officers "called out Act 64," Respondent told Kingsboro that it was marijuana and that it was just a summary offense. (Joint Exhibit 3, page 87:7-24.) While speaking to Kingsboro, Respondent was agitated, and her tone was demanding and intimidating. (Joint Exhibit 3, page 84:20-23.)

After speaking with Kingsboro, Respondent returned to the driver's side of Baltimore's vehicle where she walked into the midst of the officers and seated herself in the driver's seat of the vehicle. Respondent was not given permission to enter the vehicle. (Joint Exhibit 3, page 91:2-9; page 203:13-15.) When Respondent walked in between the officers and climbed into the vehicle, she made the officers feel annoyed and uncomfortable. (Joint Exhibit 3, page 177:17-20.) While at the scene of the traffic stop, Respondent took possession of the following items found at the scene by the officers: an unknown amount of cash, an orange pill bottle, a credit card, and keys to Baltimore's vehicle. (Joint Exhibit 3, page 165:6-12; page 166:13-16; page 204:5-11; page 240:6-8.) Moments after Respondent climbed out of Baltimore's vehicle, Baltimore was placed in a police transport van and transported to the county booking center and Respondent returned to her vehicle and left the scene. (Joint Exhibit 1, Video recording of February 22, 2020 traffic stop, 12:05 minutes.)

Respondent's presence at the scene of the traffic stop interfered with the officers' ability to conduct the investigation into Baltimore's conduct. (Joint Exhibit 3, page 92:10-15.) The officers testified that typically they would not permit anyone to get between them and the vehicle they were searching for the safety of the officers

involved. (Joint Exhibit 3, pages 177:22-178:2.) Respondent's presence at the scene made it more chaotic than normal and confusing, diverted the officers' attention from the investigation, made the officers feel as though they were under a microscope because she was a "high-ranking official," and caused the officers to hurry through the process of investigating the traffic stop. (Joint Exhibit 3, page 92:17-21; page 99:12-18; page 205:11-17.) As a result of the officers' efforts to hurry through the investigation, they failed to properly search Baltimore and transported him to the county booking center with a razor blade in his pocket. (Joint Exhibit 3, pages 206:17-207:3.)

At approximately 10 a.m. that same morning, Respondent called Commissioner Carter again. Carter "missed" the call and shortly thereafter returned Respondent's call. (Joint Exhibit 3, page 218:13-23.) Respondent informed Carter that she had received information or complaints that people were being stopped illegally in the area where her son's traffic stop had occurred. (Joint Exhibit 3, page 243:13-15.)

The Pennsylvania Office of Attorney General (OAG) conducted a criminal investigation regarding the February 22, 2020 incident involving Respondent. (Joint Stipulation 4.) In furtherance of its investigation, on November 12, 2020, the OAG interviewed Respondent regarding her February 22, 2020 conduct. (Joint Stipulation 5.) On December 16, 2020, the OAG charged Respondent with Tampering with Evidence, Obstructing Administration of Law, and Official Oppression pertaining to her conduct on February 22, 2020. (Joint Stipulation 6.) Pursuant to Rule 1921 of the Pennsylvania Rules of Judicial Administration, Respondent was required to report in writing the fact that she was the subject of a criminal investigation to the Chief

Justice of the Pennsylvania Supreme Court and the Board. (Joint Stipulation 16.) On December 12, 2019, Respondent was made aware of the requirements of Rule 1921 during a deposition pertaining to an unrelated matter. (Joint Stipulation 22.) During the December 12, 2019 deposition, Respondent was specifically made aware that Rule 1921 required the notifications to the Chief Justice of the Pennsylvania Supreme Court and the Board to be made in writing. (Joint Exhibit 2, page 13:3-11.) At no time, following her November 12, 2020 interview with the OAG, did Respondent report in writing to the Chief Justice of the Supreme Court or to the Board that she was the subject of a criminal investigation. (Joint Stipulations 17 and 18.)

II. DISCUSSION

Canon 1, Rule 1.2 Promoting Confidence in the Judiciary.

A magisterial district judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Canon 1, Rule 1.3 Avoiding Abuse of the Prestige of Judicial Office.

A magisterial district judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the magisterial district judge or others, or allow others to do so.

Respondent's February 22, 2020 telephone calls to the Commissioner of the Harrisburg Police Department and her interference with the investigation at the scene of the February 22, 2022 traffic stop constituted a violation of Rule 1.2 and Rule 1.3 of the Rules Governing Standards of Conduct of Magisterial District Judges (RGSCMDJ).

Commissioner Carter testified that Respondent woke him from sleep to inform him that her son had been arrested by his police officers and that her son believed it

was an illegal stop. Just a few hours later, Respondent contacted Carter again, this time to tell him that she had received complaints that police were making illegal stops at the location where her son had been stopped. Neither of Respondent's telephone calls to Carter served any conceivable legitimate purpose. Finding herself unable to offer any legitimate explanation as to why she called Carter about her son's arrest, Respondent attempted to convince this Court that she called him because he was "a really good friend of mine." (Transcript of May 26, 2022 proceeding, page 13:14-15.) Respondent testified, "we do lunch together", "we call, check on each other", "we talk on a day to day basis", "we talk all the time. I - we talk about everything." (Transcript of May 26, 2022 proceeding, page 14:13-15; page 28:17-24.)

In contrast to Respondent's self-serving description of her relationship with Carter, his testimony at Respondent's July 2021 criminal trial established that he and Respondent were not the close friends she would have this Court believe. Carter described the relationship as "Respectable. Friendly. Very, very nice. We speak to each other. Since she became judge I think we had lunch together twice or so." (Joint Exhibit 3, page 213:23-25.) Further testimony by Carter demonstrated the limited relationship he had with Respondent. When asked how many sons Respondent had, Carter was uncertain. (Joint Exhibit 3, page 215:11-13.) When asked if he had ever spoken to Respondent about Baltimore in the past, he testified, "I believe that we might have talked about [Baltimore], like, maybe once or twice maybe." (Joint Exhibit 3, page 217:11-14.)

Regardless of the intensity of Respondent's relationship with Carter, her telephone calls to Carter served no legitimate purpose and therefore lead back to the inevitable question: why did Respondent call the Commissioner of the Harrisburg

Police Department rather than an attorney if she believed her son might have been the subject of an illegal arrest? Respondent's only explanation, offered at the May 26, 2022 proceeding before this Court, was that she "never thought to call an attorney, because it was a - it was a traffic stop." (Transcript of May 26, 2022 proceeding, page 28:17-18.) This explanation, suggesting that Respondent did not think it was a serious legal matter flies in the face of, (1) her statement to Carter during the 2:30 a.m. telephone call during which she told him that it was an illegal stop and (2) her testimony before this court during which she testified that she feared Baltimore "was going to get hurt" or "hurt somebody." (Transcript of May 26, 2022 proceeding, page 12:16-18.)

Therefore, absent credible evidence of a legitimate reason for Respondent to contact Carter, the inescapable conclusion is that Respondent contacted him in order to help her son avoid arrest by abusing the prestige of her judicial office in violation of Rule 1.3 of the RGSCMDJ.

By going to the scene of Baltimore's traffic stop and arrest, Respondent continued to disregard the RGSCMDJ. Respondent attempted to provide this Court with legitimate explanations for her conduct but has failed to do so. She told this Court that she went to the scene of Baltimore's arrest because she "wanted him to make it home." (Transcript of May 26, 2022 proceeding, page 12:18-19.) However, before she arrived at the scene, Respondent was informed by Carter that Baltimore would be taken directly to the county booking center, where she would eventually be able to post bail and secure his release. Furthermore, as a magisterial district judge with several years of experience, it is inconceivable that Respondent was unaware that Baltimore would be taken to the booking center following his arrest. Therefore,

if Respondent's true purpose was to take her son home, she could have accomplished it by going directly to the booking center or waiting at home for him to call her.

Respondent also claimed that she went to the scene of the traffic stop to make sure her son did not get hurt or hurt someone. (Transcript of May 26, 2022 proceeding, page 12:16-19.) If that was her purpose, she could have accomplished it by remaining in her vehicle where she had a clear view of the scene. (Joint Exhibit 1, Video recording of February 22, 2020 traffic stop, 8:20 minutes.) Furthermore, her behavior in the presence of the police officers did nothing to advance her alleged purpose. Instead, the unchallenged testimony of the police officers is that her conduct intimidated them. Respondent accomplished the intimidation of the officers, (1) by her mere presence with the officers who had appeared and would appear before her in court, (2) asking if the Commissioner, their boss, was on duty, when in fact she had just spoken with him, (3) questioning every action the officers took, and (4) telling the officers that the matter was only a summary offense. Respondent's intimidation of the officers resulted in a hurried and chaotic investigation in which the officers did not communicate well with each other as to what property could be removed from the scene and by whom, and placed the safety of the transporting officer at risk.

Therefore, while Respondent claims to have had a legitimate purpose for her conduct at the scene of her son's arrest, the evidence does not support the claim. Instead, the clear and convincing evidence establishes that Respondent abused the prestige of her judicial office by interfering in a police investigation of her son's arrest in violation of Rule 1.3 of the RGSCMDJ.

Should this Court find that Respondent was not attempting to abuse the prestige of her office when she communicated with Carter and interfered with the investigation at the traffic stop on February 22, 2020, her conduct created the appearance of impropriety within the meaning of Rule 1.2 of the RGSCMDJ. In fact, during her November 12, 2020 interview conducted by the OAG, Respondent conceded that her actions on February 22, 2020 were improper, telling the OAG agent that she “could see how people would perceive her being a judge as creating a problem.” (Joint Exhibit 3, page 246:8-14.) Additionally, when asked by this Court if her February 22, 2020 communications with Carter “might be perceived as inappropriate or heavy-headed (sic),” Respondent told this Court, “Sitting here in hindsight and being before you, I see that – you know, how it can be perceived.” Respondent’s communication with Carter and her conduct at the scene of Baltimore’s arrest on February 22, 2020, constitute clear and convincing evidence that she created the appearance that she was engaged in improprieties and therefore violated Rule 1.2 of the RGSCMDJ.

Canon 1, Rule 1.1 Compliance with the Law.

A magisterial district judge shall comply with the law, including the Rules Governing Standards of Conduct of Magisterial District Judges.

Respondent’s failure to comply with Rule 1921 of the Pennsylvania Rules of Judicial Administration in relation to the investigation conducted by the OAG of her conduct on February 22, 2020, violated Rule 1.1 of the Rules Governing Standards of Conduct of Magisterial District Judges (RGSCMDJ).

Rule 1921 of the Pennsylvania Rules of Judicial Administration directs what action a judge must take when the judge “receives notice that he or she is the subject

of any federal or state criminal investigation or prosecution[.]” The rule requires the judge to “report the receipt of such notice in writing to the Chief Justice and to the Judicial Conduct Board within five (5) days.” Respondent never provided written notice to the Chief Justice or to the Board. Respondent has stipulated to this violation through Joint Stipulations 17 and 18. Furthermore, while it is true that her attorney at the time she received notice contacted the Board regarding the investigation, Rule 1921 requires the notice to the Chief Justice and to the Board to be in writing. For Respondent to now assert that she believed she complied with Rule 1921 by having her attorney contact the Board is disingenuous, particularly in light of her historical familiarity with Rule 1921. Less than one year prior to her November 12, 2020 interview with the OAG, Respondent was deposed by the Board regarding her alleged failure to comply with Rule 1921 when she became the focus of an investigation after she shot her husband. During her December 12, 2019 deposition, Respondent admitted that she became the subject of the shooting investigation on May 10, 2019. Similar to her excuse in the case now before this court, during the deposition, respondent explained that she believed she had complied with Rule 1921 because she had reported the matter to the county court administrator. Counsel for the Board reviewed Rule 1921 with Respondent thusly:

Board: Now, as we sit here today, you realize that the rule indicates that the judge must report the receipt of such notice in writing to the chief justice? You see that today?

Respondent: Yes, ma’am.

...

Board: Okay. So if, heaven forbid, anything like this would ever happen to you again, what is your understanding of what you should do?

Respondent: My understanding is that I need to call somebody. I need to put it in writing and - -

Board: Who is it you need to contact in writing?

Respondent: The chief justice, Judicial Conduct Board.

Board: The chief justice of the Supreme Court?

Respondent: Yes, ma'am.

(Joint Exhibit 2, page 11:5-13:11.)

By failing to comply with Rule 1921, Respondent has failed to comply with the law within the meaning of Rule 1.1 of the RGSCMDJ. In 2019, when Respondent was unable to understand and comply with the clear language of Rule 1921, it reflected poorly on her competence as a jurist who is expected to be able to read and understand the law. However, in 2020, after having had Rule 1921 explained to her in the most elementary fashion, and after demonstrating her understanding of the Rule by reciting the requirements to Board Counsel, one can only conclude that she intentionally ignored the requirements of Rule 1921, thereby intentionally violating Rule 1.1 of the RGSCMDJ.

Respondent's failure to notify the Chief Justice of the Supreme Court and the Board in writing that she was the subject of an investigation violated Rule 1921 of the Rules of Judicial Administration and serves as clear and convincing evidence that she violated Rule 1.1 of the RGSCMDJ.

Article V, §17(b), Pa. Const.

Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court.

Respondent's violations of the RGSCMDJ as discussed herein constitute automatic, derivative violations of Article V, §17(b) of the Constitution of the Commonwealth of Pennsylvania which prohibits judges from violating any canon of judicial ethics prescribed by the Supreme Court. Therefore, Respondent's violations of Rules 1.1, 1.2 and 1.3 of the RGSCMDJ, as discussed herein, constitute automatic derivative violations of Article V, §17(b) of the Constitution of the Commonwealth of Pennsylvania.

Article V, §18(d)(1), Pa. Const.

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity.

Respondent's misconduct pertaining to the traffic stop and arrest of her son, including her telephone calls to Carter, was so extreme that it constituted a violation of the Disrepute Clause of the Constitution. This Court has determined that the test for a violation of the Disrepute Clause requires a determination that the judge's misconduct was so extreme as to have brought disrepute upon the entire judiciary. *In re Cicchetti*, 743 A.2d 431, 443 (Pa. 2000). The standard to be applied involves an analysis of the "reasonable expectations of the public of a judicial officer's conduct." *In re Carney*, 79 A.3d 490, 494 (Pa. 2013). "The analysis of the reasonable expectations of the public integrates the principle that a respondent judge represents the judicial office to members of the public and therefore, his or her misconduct reflects back on the entire judiciary." *In re Younge*, 2 JD 2019 at 118 (Opinion and Order dated December 1, 2020) (citing *In re Berkheimer*, 930 A.2d 1255, 1258-59 (Pa. 2007)).

No member of the public expects a judge to communicate with the Commissioner of the Police and intimidate police officers in an effort to assist her son to avoid consequences of his criminal acts. Respondent's extreme and willful misconduct falls far short of the expectations of the public and, consequently, brings the judicial office into disrepute.

III. PROPOSED CONCLUSIONS OF LAW

1. At Count 1, the Board has established by clear and convincing evidence that Respondent violated Rule 1.1 of the RGSCMDJ by her failure to adhere to the requirements of Rule 1921 of the Rules of Judicial Administration.
2. At Count 2, the Board has established by clear and convincing evidence that Respondent violated Rule 1.2 of the RGSCMDJ by her conduct pertaining to the traffic stop and arrest of her son, Kevin Baltimore, on February 22, 2020.
3. At Count 3, the Board has established by clear and convincing evidence that Respondent violated Rule 1.3 of the RGSCMDJ by her conduct pertaining to the traffic stop and arrest of her son, Kevin Baltimore, on February 22, 2020.
4. At Counts 4 through 6, the Board has established by clear and convincing evidence that Respondent violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania as a result of her violations of Rules 1.1, 1.2 and 1.3 of the RGSCMDJ.

5. At Count 7, the Board has established by clear and convincing evidence that Respondent violated Article V, § 18(d)(1) in that her conduct pertaining to the traffic stop and arrest of her son, Kevin Baltimore, on February 22, 2020, was so extreme that it brought the judicial office itself into disrepute.

Respectfully submitted,

FRANCIS J. PUSKAS II
Chief Counsel

DATE: July 13, 2022

By:



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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:	Judicial Conduct Board of Pennsylvania
Signature:	
Name:	Melissa L. Norton <i>Deputy Counsel</i>
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COMMONWEALTH OF PENNSYLVANIA
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PROOF OF SERVICE

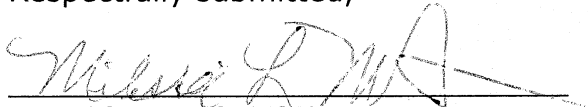
In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, the date below, a copy of the Judicial Conduct Board's Brief in Support of Finding of Facts and Conclusion of Law was sent by First Class Mail and Electronic Mail to Brian J. McMonagle, Esquire, counsel for Respondent, at the following address:

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Respectfully submitted,

DATE: July 13, 2022

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