

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:

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

**MAGISTERIAL DISTRICT JUDGE SONYA MCKNIGHT'S PROPOSED FINDINGS OF
FACT AND CONCLUSIONS OF LAW**

Respondent, Magisterial Judge Sonya McKnight, by and through her undersigned counsel,
Brian J. McMonagle, Esquire, files her Proposed Findings of Fact and Conclusions of
Law, as follows:

I. INTRODUCTION

As demonstrated during trial, the Judicial Conduct Board of the Commonwealth of
Pennsylvania has failed to establish by clear and convincing evidence, that Judge McKnight
violated any of the charges lodged against her. Instead, the evidence presented at trial confirms that
Judge McKnight was not guilty of the criminal charges that were brought against her, and she did
not engage in conduct which violated Canon 1, Rules 1.1-1.3, of the RGSCMDJ; Article V, §17(b)
of the Constitution of the Commonwealth of Pennsylvania; or Article V, § 18(d)(1) of the
Constitution of the Commonwealth of Pennsylvania.

As further discussed below, Judge McKnight never violated the law, abused her judicial
office, or otherwise created the appearance of impropriety by her conduct.

II. PROPOSED FINDINGS OF FACT

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants the Board authority to determine whether there is probable cause to file formal charges, against a District Court Judge and to present the case in support of such charges before the Court of Judicial Discipline.

2. From January 2, 2016, to the present, Judge McKnight has served continuously as a Magisterial District Judge for Magisterial District Court 12-2-04 in Dauphin County, Pennsylvania.

3. On February 22, 2020, the Respondent's son, Kevin Baltimore was pulled over by Harrisburg Police, arrested on a warrant, and was found to be in possession of controlled substances and contraband.

4. On November 12, 2020, Respondent was interviewed by the Pennsylvania Office of the Attorney General and was advised that she was under investigation for the above referenced incident.

5. Respondent's Attorney, Brian Perry, Esq. reported that Respondent was the subject of a state criminal investigation in an oral communication with counsel for the Judicial Conduct Board. (See Joint Stipulation of Fact in Lieu of Trial, February 10, 2022).

6. Respondent believed that Attorney Perry's communication with Counsel for the Judicial Conduct Board complied with her obligation under Rule 1921 to report to the Judicial Conduct Board that she was the subject of a state criminal investigation. (See Joint Stipulation of fact in Lieu of Trial, February 10, 2022).

7. On December 16, 2020, the Pennsylvania Office of the Attorney General (OAG) charged Judge McKnight with Tampering with Evidence, 18 Pa. C.S.A. §4910, Obstructing Administration of Law, 18 Pa. C.S.A. §5101 and Official Oppression, 18 Pa.C.S.A. §5301.

8. On February 8, 2021, the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) filed a Complaint against the Respondent in the above captioned matter, and filed a Petition for Interim Suspension Without Pay.

9. On July 26, 2021, the Respondent proceeded to a criminal jury trial on the aforementioned charges, which was presided over by the Honorable Stephen Leiberman.

10. At the conclusion of the Commonwealth's case, Judge Leiberman granted the defense motion for judgment of acquittal on all charges. In so doing, he made the following comment:

"I have to tell you, I've been a judge for over a quarter of a century. I don't know how many hundreds of jury trials I have conducted. I have never once granted a judgement of acquittal or a motion for judgement of acquittal". (Notes of Testimony, July 26-27, 2021, p.271).

11. In granting the motion, Judge Leiberman also stated that the trial "testimony is uncontradicted that Ms. McKnight went to the scene because her son called her and told her he was being arrested, and that she went down there because he asked her to go down in these early morning hours". He further found that "she did not take any affirmative steps in any way to do anything to impede or interfere with the police investigation that night." (Notes of Testimony, July 26-27, pages 271-273).

12. Judge Leiberman also found that Judge McKnight did "not ask or order the police to do anything, and she did not order them to release any items to her that were found at the scene". Instead, the evidence established that Judge McKnight was "told by Officer Kingsboro that they

were not impounding the vehicle and that she could take it.” (Notes of Testimony, July 26-27, 2021, pages 271-273).

13. A video from taken one of the police vehicles clearly demonstrated Judge McKnight’s innocence. Moreover, the video refuted Officer Kingsboro’s sworn testimony that she had entered the vehicle and searched the console prior to Judge McKnight’s arrival at the scene. After observing the video and listening to the trial testimony, Judge Lieberman stated that “she (Kingsboro) said a lot of things that weren’t true...she obviously had never searched the vehicle prior to the judge arriving, she never checked around the console, she didn’t see the pill bottle in the driver’s door pocket before the judge arrived, she didn’t take it out and put it on the scene.” (Notes of Testimony July 26-27, 2021, P. 263).

14. After her acquittal, Judge McKnight returned to her duties as a district judge.

15. On May 26, 2022, the Court of Judicial Discipline conducted a trial to determine whether there was clear and convincing evidence to sustain the charges brought against Respondent by the Judicial Conduct Board.

16. At that trial, the parties stipulated to the testimony given during Respondent’s criminal trial, and offered the video footage from the patrol car as evidence. At the request of the Court, the parties have offered the entire transcript of the criminal trial as evidence.

17. The respondent testified credibly in her own defense. Respondent revealed that she had been trying unsuccessfully to get her son help.

18. On the date in question, Respondent’s son Kevin came to her on the evening in question and looked “fragile and broken, and he asked her to pray for him.” (JCB Trial Transcript, p. 10). Later in early morning hours, Respondent was awakened by a call from her son telling her he was stopped by the police, and he asked her to come to the scene. (JCB Trial Transcripts, p. 12).

19. The Respondent was fearful that her son Kevin might hurt someone or get hurt during this encounter, so she went to the scene. (JCB Trial Transcript, p.12).

20. Prior to going to the scene, Respondent contacted Commissioner Carter to let him know that her son had been stopped and she was going to the scene, and he told her to go as a concerned parent and not a judge. (See Notes of Testimony, July 26-27, p. 223)

21. Respondent later told Commissioner Carter that the police officers were polite to her and permitted her to take his car and his medicine. (See Notes of Testimony, July 26-27, 2022, p. 223.).

22. Commissioner Carter swore under penalty of perjury that Judge Sonya McKnight never asked him to do anything unethical or illegal. (Notes of Testimony, July 26-27, 2022, p. 223)

23. When Respondent arrived at the scene, Respondent spoke with the officers, and was informed that Kevin being taken into custody.

24. Respondent was informed by police that the car was being released to her, and she was given her son's keys, money, and prescription medication prior to leaving the scene. (JCB Trial Transcript, p.17).

25. At no time, did the Respondent ask the police for any favoritism, argue with them, challenge their authority, tamper with evidence, or obstruct their ability to conduct the investigation.

III. DISCUSSION

The Pennsylvania Supreme Court has defined clear and convincing evidence as follows:

“The witness must be found to be credible, that the facts to which they testify are distinctly remembered and the details thereof narrated exactly and in due order, and that their testimony is so clear, direct, weighty, and convincing as to enable the trier of fact to come to a clear conviction, without hesitancy, of the truth of the precise facts in issue...

In re Nakoski, 742 A. 2d 260.

A. Judge McKnight did not violate Canon 1, Rule 1.1

Rule 1921 of the Pennsylvania Rules of Judicial Administration provides in pertinent part that whenever a judge receives notice that he or she is the subject of any federal or state criminal investigation or prosecution through “a target letter, subject letter, a presentment, an indictment, an arrest, a summons, a complaint, or by any other legal process, the judge must report the receipt of such notice in writing to the Chief Justice and to the Judicial Conduct Board within five (5) days”.

Canon 1, Rule 1.1 states the following:

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

In the case at bar, Respondent was notified in an oral communication by the OAG on November 12, 2020, that she was being investigated for her conduct in appearing at the scene of her son’s arrest, some nine months earlier. The Judicial Conduct Board stipulates that Respondent’s Counsel, Brian Perry, Esq, contacted Counsel for the Judicial Conduct Board and made them aware of the of the investigation. (See Joint Stipulations of Fact, February 10, 2022).

The Board further concedes that Judge McKnight believed that Mr. Perry had complied with her notification requirement by making the Judicial Conduct Board aware of the investigation. (See Joint Stipulations of Fact, February 10, 2022). Despite these facts, the Board maintains that the failure to provide written notice should form the basis of a violation of Canon 1, Rule 1.1.

As she testified at her trial before this Court, Judge McKnight never intended to avoid notification, and truly believed that her counsel had complied with her notification requirements. While Respondent concedes that she was aware of her obligations, it is equally clear that this was not a willful attempt to circumvent those obligations. Certainly, Judge McKnight did not willfully violate Canon 1, Rule 1.1.

B. Judge McKnight did not violate Canon 1, Rule 1.2

Canon 1, Rule 1.2 states the following:

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

On February 22, 2020, Judge Sonya McKnight was awakened in the night by a call from her son. He told her that he had been stopped by police and needed her to come to the scene. Hours before that call, he had come to her home and was distraught and emotional. When she received the call, Judge McKnight was extremely concerned that her son could do something that could put others, or himself, at risk. Sonya McKnight answered her son's call for help. Prior to going to the scene, she contacted the Police Commissioner to advise him that she was going to the scene of her son's arrest. She promised Commissioner Carter that she would go there as a mother. (See Notes of Testimony, July 26-27, 2022, p. 216). At no time did she ask the Commissioner to do anything unethical or illegal. (Notes of Testimony, July 26-27, 2022, p. 223).

True to her word, Judge McKnight conducted herself at the scene in a dignified and cooperative fashion. Her calm and cooperative presence at the scene did not create the appearance of impropriety, and has not shaken the public's confidence in the impartiality of the judiciary.

C. Judge McKnight did not violate Canon 1, Rule 1.3

Canon 1, Rule 1.3 states the following:

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.

The Judicial Conduct Board has presented no evidence to suggest that Judge McKnight ever used the prestige of her office to advance her own personal or economic interest, or the interests of her son.

D. Judge McKnight did not violate Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania

Article V, § 17(B) of the Constitution of the Commonwealth of Pennsylvania states the following:

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. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

In the case of *In re Nakoski*, 742 A. 2d 260, the Judicial Conduct Board filed a

Complaint with the Court against a District Justice who made the following racist comments regarding black males while attending a Criminal Law Review, “they’re all in jail, they’re the ones doing all the robberies and burglaries”. The Court in *Nakoski* agreed with the Court of Judicial Discipline’s findings and stated, “as we have stated before, violations of Article V, § 17(b) are derivative of other violations, and since Respondent’s conduct did not constitute an activity prohibited by law, there has been no violation of Article V, § 17(b).

As stated previously, the Respondent has been acquitted of all criminal charges, and the Judicial Conduct Board has not established by clear and convincing evidence that she has violated any canon of legal or judicial ethics prescribed by the Supreme Court.

E. Judge McKnight did not violate Article V, § 18 (d)(1) of the Constitution of the Commonwealth of Pennsylvania

Article V, § 18 (d) (1) of the Constitution of the Commonwealth of Pennsylvania states the following:

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.

It is well established that the conduct of a judge which results in a decline in the public esteem for that judge, may not support the conclusion that the conduct has brought the judiciary as a whole into disrepute, absent a pervasive showing by the Board that the conduct is so extreme as to

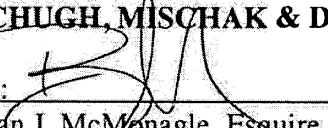
have brought the judicial office into disrepute. *In re Smith*, 687 A. 2d 1229 (Pa.Ct.Jud.Disc.1996). Deplorable actions and comments, like those in issue in *Nagoski*, cannot sustain a finding that the individualized misconduct support's the conclusion that the conduct has brought the whole judiciary in disrepute. The conduct at issue in the instant pales in comparison to the misconduct alleged in *Nagoski*.

The Judicial Conduct Board has failed to establish that Judge McKnight's conduct brought the judicial office in disrepute. Any time a Judge is accused of a crime, it has the potential to bring their judicial office into disrepute. However, when, as here, a Judge is falsely accused of criminal conduct it does no such thing. Judge Leiberman's remarks and his ruling removed any doubt about Judge McKnight's conduct, and it restored her reputation in the community that she serves.

IV. CONCLUSIONS OF LAW

1. Respondent is subject to the jurisdiction and authority of the Court of Judicial Discipline.
2. Respondent was not sufficiently proven to have committed a violation of Canon 1, Rule 1.1 (Count 1).
3. Respondent was not sufficiently proven to have committed a violation of Canon 1, Rule 1.2 (Count 2).
4. Respondent was not sufficiently proven to have committed a violation of Canon 1, Rule 1.3 (Count 3).
5. Respondent was not sufficiently proven to have committed a violation of Article V, § 17 (b) of the Constitution of the Commonwealth of Pennsylvania. (Counts 4-6).
6. Respondent was not sufficiently proven to have committed a violation of Article V, § 18 (d)(1) of the Constitution of the Commonwealth of Pennsylvania.

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PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about , a copy of **MAGISTERIAL DISTRICT JUDGE SONYA MCKNIGHT'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW** was sent by USPS Overnight Delivery and via email to Melissa L. Norton, Deputy Chief Counsel for the Judicial Conduct Board at the following address:

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