

SEP 29 2020

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIAIN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4 JD 2020

**RESPONDENT'S MOTION IN LIMINE TO EXCLUDE TESTIMONY AND
REPORT OF SHAUN L. GABBIDON, Ph.D. OR
ALTERNATIVELY FOR A FRYE HEARING**

AND NOW comes the above-captioned Respondent, through his undersigned counsel of record, pursuant to the Court of Judicial Discipline Rules of Procedure and this Honorable Court's Order of September 21, 2020, to respectfully submit this motion in limine to exclude the proffered testimony and/or report of Shaun L. Gabbidon, Ph.D. or alternatively for a *Frye* hearing, whereof the following is a statement:

1. On September 10, 2020, the Judicial Conduct Board ("JCB" or "Board") through its lawyer provided Respondent's counsel with a report of interview of Shaun L. Gabbidon, Ph.D. (A redacted copy of said report of interview is attached as "Exhibit A" and incorporated herein.)

2. Professor Gabbidon obtained a doctoral degree in criminology from Indiana University of Pennsylvania in May 1996 and he currently serves as the Distinguished Professor of Criminal Justice at Penn State Harrisburg.

3. The Board seeks to call Professor Gabbidon as an expert witness to opine that "the manner in which Judge Tranquilli is accused of using the term Aunt Jemima and of his

speaking in Ebonics would ‘definitely’ be viewed as ‘racist attitudes’ that, in his opinion would ‘manifest itself during court proceedings.’” Report of Interview of Professor Gabbidon at p. 2.

4. Further, the Board seeks to have Professor Gabbidon opine that “if a [b]lack person knew about this type of language by a [J]udge they would not want that judge to preside over his/her case, nor would their attorney, because it’s just one more obstacle to overcome in their defense.”¹ *Id.*

5. Professor Gabbidon’s opinions and observations, beyond being inconsistent with the record evidence in this case and reality (i.e. Professor Gabbidon claims that the term Ebonics was “first documented in a book” sometime “in the 1960’s or 1970’s” when in truth the term was created in 1973 by a group of scholars who disliked the negative connotations of other terms used previously by linguists), are inadmissible as expert testimony in this case.

6. Our Commonwealth follows the well-established rule that an expert witness cannot offer an opinion as to guilt or innocence. *See e.g., Commonwealth v. Alicia*, 92 A.3d 753, 763 (Pa. 2014); *citing United States v. Benally*, 541 F.3d 990 (10th Cir. 2008). Professor Gabbidon’s opinions fall within this kind of expert opinion testimony that is strictly prohibited.

¹ Notably, with respect to the specific allegations leveled against Judge Tranquilli, neither the subject defense lawyer nor the prosecutor in the *Rice* matter raised any claim of racial bias during a hearing on the defense motion to recuse that was filed *after* the discussion that is the subject of the operative Board Complaint. Moreover, with respect to the *Patterson* matter, both litigants and their attorneys returned to Judge Tranquilli on multiple occasions for custody conciliations and at no time did either (or both) litigants (through counsel or otherwise) seek Judge Tranquilli recusal for any reason.

7. Moreover, as an expert witness, Professor Gabbidon's testimony "must be supported by reference to facts, testimony or empirical data." *Downey v. Crozer-Chester Medical Center*, 817 A.2d 517, 528 (Pa. Super. 2003). **The clear and uncontroverted empirical data of Judge Tranquilli's sentencing statistics from the Pennsylvania Commission on Sentencing are not addressed by Professor Gabbidon and this clear, scientific data belies Professor Gabbidon's observations.** (A true and correct copy of Judge Tranquilli's sentencing statistics from the Pennsylvania Commission on Sentencing for the most recent full calendar year available are attached as "Exhibit B" and incorporated herein.)

8. Similarly, Professor Gabbidon's testimony must be "based on more than mere personal belief." *Commonwealth v. Stringer*, 678 A.2d 1200, 1202 (Pa. Super. 1996).

9. Put another way, "[t]he minimal threshold that expert testimony must meet to qualify as an expert opinion rather than merely an opinion expressed by an expert, is this: the proffered expert testimony must point to, rely on or cite some scientific authority..." *Snizavich v. Rohm and Haas Company*, 83 A.3d 191, 195 (Pa. Super. 2013).

10. Professor Gabbidon's opinions simply do not meet the threshold test for admissibility as expert testimony and his testimony should therefore be disallowed.

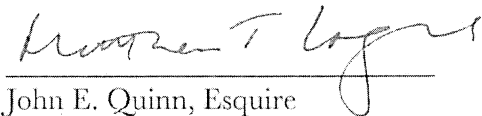
11. Alternatively, as Respondent has advanced and will advance articulable grounds which demonstrate that Professor Gabbidon has not applied an accepted scientific methodology in reaching his opinions, this Honorable Court should permit a *Frye* hearing with respect to Professor Gabbidon's proffered testimony. See *Betz v. Pneumo Abex, LLC*, 44 A.3d 27, 53 (Pa. 2012).

WHEREFORE, for the reasons set forth herein, Respondent respectfully requests that this Honorable Court grant this Motion in Limine excluding the testimony of Professor Shaun Gabbidon or alternatively schedule a *Frye* hearing with respect to the admissibility of Professor Gabbidon's expert testimony.

Respectfully submitted,

QUINN LOGUE LLC

By:



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Counsel for Respondent

Date: September 28, 2020

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4 JD 2020

[PROPOSED] ORDER

AND NOW, on this _____ day of October, 2020, upon consideration of Respondent's Motion in Limine to Exclude Testimony and Report of Shaun L. Gabbidon, Ph.D., responses thereto and argument thereon, it is hereby ORDERED, ADJUDGED and DECREED that said motion is GRANTED and said expert testimony and/or expert report may not be offered or admitted into evidence in this matter.

BY THE COURT:

_____, J.
Conference Judge

JUDICIAL CONDUCT BOARD
REPORT OF INTERVIEW

Interview of: Shaun L. Gabbidon, Ph.D.
JCB File: 4 JD 2020/2020-041/2020-054/2020-066
Interviewed by: Tammie L. Kelley, Investigator
Interview Date/Time: September 10, 2020 @ 10 a.m.
Other Parties Present: N/A

Shaun L. GABBIDON, Ph.D., Fellow, Academy of Criminal Justice Sciences, Distinguished Professor of Criminal Justice, Penn State Harrisburg, 777 W. Harrisburg Pike, Middletown, PA 17057, cell phone [REDACTED] work phone 717-948-6054, fax 717-948-6320, email: slg13@psu.edu.

GABBIDON was interviewed as a potential Expert Witness in the above captioned Judicial Conduct Board (JCB) case relating to allegations of misconduct by Allegheny County Court of Common Pleas (CCP) Judge Mark V. TRANQUILLI. His curriculum vitae is attached outlining his credentials.

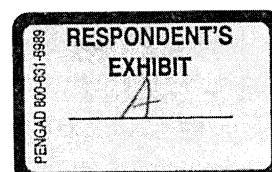
GABBIDON was advised of the identity of Investigator Tammie KELLEY, and of the confidential nature and purpose of the interview. GABBIDON thereafter provided the following information relating to the above referenced case:

TELEPHONICALLY

GABBIDON advised prior to the interview he read the complaint and other materials associated with the JCB's case against Judge TRANQUILLI. He commented, "These stereotypical views are traditional in the court systems". Per GABBIDON, referring to a black female as Aunt Jemima implies a "historically negative image of black women". Aunt Jemima was "long suffering", portrayed as "stupid", and worked for, and "was subservient" to, white people. GABBIDON wondered how Judge TRANQUILLI would have described a white juror.

According to GABBIDON, in the 1960's or 1970's, the term "Ebonics" was coined and first documented in a book. It was a term used to describe how black people talk, "their linguistic approach to things". Some look at it as "stereotypical", so to "mock it" would indicate you have prejudicial views. GABBIDON said, "You can't speak Ebonics without mocking, and the way he (Judge TRANQUILLI) used it had a negative connotation to it".

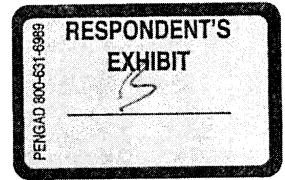
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PAGE 2
INTERVIEW OF SHAUN L. GABBIDON, PH.D.

GABBIDON advised the use of the term Aunt Jemima, and of Ebonics, by anyone leads to the presumption that person has a prejudicial view of another, or group of people. "A definite negative connotation". The manner in which Judge TRANQUILLI is accused of using the term Aunt Jemima and of his speaking in Ebonics would "definitely" be viewed as "racist attitudes" that, in his opinion would "manifest itself during court proceedings". GABBIDON feels that if a black person knew about this type of language by a Judge they would not want that judge to preside over his/her case, nor would their attorney, because it's just one more obstacle to overcome in their defense. They wouldn't feel they could get a fair trial. GABBIDON further advised these types of things being said in the past by a judge would lead black defendants to believe they weren't going to be judged fairly. There has been an underlying tone within the court systems for a long time of prejudice against blacks, they've "been fighting sometime within the court system". GABBIDON has long researched this, and the effects on the court system, as well as on the black community (see attached curriculum vitae).

END OF INTERVIEW
TLK/tik



PA Commission on Sentencing

Table 7. Summary of Sentences Imposed by Race and Offense Type: Allegheny County, Pennsylvania, 2018
 for Judge Tranquilli only
 Unit of Analysis: All offenses
 Tracking Number: 2020_02_001

| Race | Offense Type | Total Number | State Prison | | | | SIP | | County Jail | | | | CIP | | Probation | | Other RS | | | |
|--------------|------------------------------|--------------|--------------|-----------|-------------|-------------|----------|----------|-------------|----------|------------|-------------|-----------|----------|---------------|------------|-----------|---------------------|-----------|-----------|
| | | | Num | % | Mean Min | Mean Max | Num | % | Num | % | Mean Min | Mean Max | Num | % | Length of RIP | Num | % | Length of Probation | Num | % |
| BLACK | Assault-Agg By Veh while DUI | 1 | 1 | 100 | 24.5 | 72.0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Assault-Agg F1 (SBI) | 8 | 5 | 63 | 31.6 | 63.2 | - | - | 1 | 13 | 2.5 | 7.0 | - | - | - | - | - | - | 2 | 25 |
| | Assault-Agg F2 (BI) | 5 | 2 | 40 | 42.0 | 84.0 | - | - | - | - | - | - | - | - | 3 | 60 | 36.0 | - | - | |
| | Assault-Reck Endanger | 14 | - | - | - | - | - | - | - | - | - | - | - | - | 6 | 43 | 15.5 | 8 | 57 | |
| | Assault-Simple | 45 | 2 | 4 | 8.5 | 17.0 | - | - | 4 | 9 | 4.5 | 9.0 | 1 | 2 | 12.0 | 33 | 73 | 16.2 | 5 | 11 |
| | Assault-Strangulation | 1 | 1 | 100 | 24.0 | 48.0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Assault-Terr Threat | 4 | 2 | 50 | 12.0 | 24.0 | - | - | - | - | - | - | - | - | 2 | 50 | 18.0 | - | - | |
| | Bad Checks | 2 | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 100 | 30.0 | - | - | |
| | Burg-F1/House-Person | 1 | 1 | 100 | 24.0 | 60.0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Burg-F1/No House-Person | 1 | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 36.0 | - | - | |
| | Burglary-F2 | 1 | 1 | 100 | 12.0 | 24.0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Crim Mischief-F3 | 4 | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 25 | 12.0 | 3 | 75 | |
| | Crim Trespass-F3 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 24.0 | - | - | |
| | DUI-M | 10 | - | - | - | - | - | 3 | 30 | 0.2 | 0.3 | 4 | 40 | 0.2 | 3 | 30 | 6.0 | - | - | |
| | DUI-M1 | 2 | 1 | 50 | 3.0 | 5.9 | - | - | - | - | - | - | 1 | 50 | 8.8 | - | - | - | - | - |
| | DUI-M1 Minor Occupant | 1 | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 0.1 | - | - | - | - | - |
| | Drug-Felony | 42 | 17 | 40 | 16.1 | 32.2 | - | - | 5 | 12 | 5.8 | 11.8 | 2 | 5 | 16.0 | 16 | 38 | 26.3 | 2 | 5 |
| | Drug-Misd | 44 | 1 | 2 | 3.0 | 6.0 | - | - | 3 | 7 | 3.4 | 6.8 | - | - | 23 | 52 | 17.6 | 17 | 39 | |
| | Escape-Felony | 6 | - | - | - | - | - | 4 | 67 | 9.5 | 19.0 | - | - | 2 | 33 | 24.0 | - | - | - | - |
| | Escape-Misd | 1 | - | - | - | - | - | 1 | 100 | 3.0 | 6.0 | - | - | - | - | - | - | - | - | - |
| | Forgery-F3 | 3 | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 67 | 18.0 | 1 | 33 | |
| | Forgery-M1 | 3 | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 67 | 30.0 | 1 | 33 | |
| | Identity Theft | 2 | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 100 | 30.0 | - | - | - |
| | Indecent Assault | 5 | 2 | 40 | 18.0 | 36.0 | - | - | - | - | - | - | - | - | 2 | 40 | 18.0 | 1 | 20 | |
| | Indecent Assault-Agg | 2 | 1 | 50 | 3.0 | 6.0 | - | - | - | - | - | - | - | - | - | - | - | 1 | 50 | - |
| | Invol Dev Sex Inter | 6 | 4 | 67 | 105.0 | 210.0 | - | - | - | - | - | - | - | - | - | - | - | 2 | 33 | - |
| | Other Felony | 19 | 6 | 32 | 25.7 | 51.3 | - | - | 1 | 5 | 9.0 | 18.0 | - | - | 6 | 32 | 34.0 | 6 | 32 | - |
| | Other Misdemeanor | 60 | - | - | - | - | - | 3 | 5 | 4.6 | 9.3 | - | - | 40 | 67 | 17.0 | 17 | 28 | - | - |
| | Other Misdemeanor 1 | 11 | 2 | 18 | 12.0 | 24.0 | - | - | - | - | - | - | - | - | 8 | 73 | 18.8 | 1 | 9 | - |
| | Rape | 6 | 6 | 100 | 72.0 | 144.0 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| | Robbery-F1 (SBI) | 11 | 6 | 55 | 28.0 | 56.0 | - | - | - | - | - | - | - | - | 5 | 45 | 21.6 | - | - | - |
| | Robbery-F2 | 4 | - | - | - | - | - | 2 | 50 | 15.2 | 42.0 | - | - | - | 2 | 50 | 24.0 | - | - | - |
| | Sexual Assault | 2 | 1 | 50 | 36.0 | 72.0 | - | - | - | - | - | - | - | - | - | - | - | 1 | 50 | - |
| | Stalking/Harrassment | 13 | - | - | - | - | - | 1 | 8 | 2.6 | 5.2 | - | - | 11 | 85 | 11.5 | 1 | 8 | - | - |
| | Theft-Felony | 11 | 2 | 18 | 6.0 | 12.0 | - | - | 3 | 27 | 8.0 | 16.7 | - | - | 5 | 45 | 34.8 | 1 | 9 | - |
| | Theft-Misd | 20 | - | - | - | - | - | - | - | - | - | - | - | - | 18 | 90 | 25.1 | 2 | 10 | - |
| | Theft-Retail Fel | 2 | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 50 | 12.0 | 1 | 50 | - |
| | Theft-Retail Misd | 2 | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 100 | 36.0 | - | - | - |
| | VUFA-Felony | 32 | 15 | 47 | 30.8 | 61.6 | - | - | 3 | 9 | 5.0 | 10.0 | 1 | 3 | 9.0 | 9 | 28 | 44.0 | 4 | 13 |
| | VUFA-Misd | 12 | - | - | - | - | - | 1 | 8 | 1.9 | 3.9 | - | - | - | 9 | 75 | 30.0 | 2 | 17 | - |
| BLACK | Subtotal | 420 | 79 | 19 | 30.3 | 61.1 | - | - | 35 | 8 | 5.7 | 12.1 | 10 | 2 | 6.3 | 217 | 52 | 21.5 | 79 | 19 |

Based on information reported on paper and electronic Guideline Sentence Forms to the Commission on Sentencing; therefore the Commission warrants neither the accuracy nor completeness of the data herein provided.

**For 2018, using Annual Report Datafile

PA Commission on Sentencing

Table 7. Summary of Sentences Imposed by Race and Offense Type: Allegheny County, Pennsylvania, 2018

for Judge Tranquilli only

Unit of Analysis: All offenses

Tracking Number: 2020_02_001

| Race | Offense Type | Total Number | State Prison | | | | SIP | | | | County Jail | | | | CIP | | Probation | | Other RS | |
|--------------|-------------------------------|--------------|--------------|-----------|-------------|-------------|----------|-----------|----------|------------|-------------|-----------|----------|------------|---------------|-------------|-------------|---------------------|-----------|---|
| | | | Num | % | Mean Min | Mean Max | Num | % | Num | % | Mean Min | Mean Max | Num | % | Length of RIP | Num | % | Length of Probation | Num | % |
| OTHER | Assault-Simple | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 100 | 24.0 | - | - |
| | DUI-M | 1 | - | - | - | - | - | 1 | 100 | 0.1 | 0.3 | - | - | - | - | - | - | - | - | - |
| | Forgery-F2 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 120.0 | - | - | |
| | Other Felony | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 84.0 | - | - | | |
| | Other Misdemeanor | 2 | - | - | - | - | - | - | - | - | - | - | - | 1 | 50 | 12.0 | 1 | 50 | | |
| | Other Misdemeanor 1 | 5 | - | - | - | - | - | - | - | - | - | - | - | 3 | 60 | 6.0 | 2 | 40 | | |
| OTHER | Subtotal | 12 | - | - | - | - | - | 1 | 8 | 0.1 | 0.3 | - | - | 8 | 67 | 35.3 | 3 | 25 | | |
| WHITE | Assault-Agg F1 (SBI) | 3 | - | - | - | - | - | - | - | - | - | - | - | 1 | 33 | 12.0 | 2 | 67 | | |
| | Assault-Agg F2 (BI) | 6 | - | - | - | - | - | 1 | 17 | 3.8 | 7.6 | - | - | 1 | 17 | 12.0 | 4 | 67 | | |
| | Assault-Reck Endanger | 8 | - | - | - | - | - | - | - | - | - | - | - | 4 | 50 | 21.0 | 4 | 50 | | |
| | Assault-Simple | 44 | 2 | 5 | 3.0 | 6.0 | - | 2 | 5 | 6.0 | 12.1 | 1 | 2 | 6.0 | 35 | 80 | 15.6 | 4 | 9 | |
| | Assault-Terr Threat | 8 | - | - | - | - | - | - | - | - | - | - | - | 4 | 50 | 16.5 | 4 | 50 | | |
| | Burg-F1/House-No Person | 4 | 1 | 25 | 24.0 | 48.0 | - | 1 | 25 | 4.0 | 8.0 | - | - | 2 | 50 | 42.0 | - | - | | |
| | Burglary-F2 | 1 | - | - | - | - | - | - | - | - | - | 1 | 100 | 18.0 | - | - | - | - | | |
| | Corrupting Minor | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 60.0 | - | - | | |
| | Crim Trespass-F2 | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | | |
| | Crim Trespass-F3 | 6 | - | - | - | - | - | - | - | - | - | - | - | 6 | 100 | 24.0 | - | - | | |
| | DUI-M | 26 | 1 | 4 | 0.1 | 0.2 | - | 10 | 38 | 0.4 | 0.7 | 10 | 38 | 1.8 | 5 | 19 | 6.0 | - | - | |
| | DUI-M1 | 15 | 2 | 13 | 13.0 | 26.0 | - | - | - | - | - | 13 | 87 | 6.7 | - | - | - | - | | |
| | DUI-M2 | 1 | - | - | - | - | - | - | - | - | - | 1 | 100 | 0.3 | - | - | - | - | | |
| | Drug-Felony | 15 | 1 | 7 | 12.0 | 24.0 | - | 2 | 13 | 2.0 | 4.0 | 1 | 7 | 12.0 | 11 | 73 | 22.9 | - | - | |
| | Drug-Misd | 39 | - | - | - | - | - | 2 | 5 | 1.6 | 3.2 | - | - | 24 | 62 | 12.2 | 13 | 33 | | |
| | Escape-Felony | 1 | 1 | 100 | 12.0 | 24.0 | - | - | - | - | - | - | - | - | - | - | - | - | | |
| | Escape-Misd | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 12.0 | - | - | | |
| | Forgery-M1 | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 48.0 | - | - | | |
| | Homicide-Inchoate-with S.B.I. | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 2 | 100 | | |
| | Indecent Assault | 5 | - | - | - | - | - | 2 | 40 | 3.0 | 6.0 | - | - | 3 | 60 | 60.0 | - | - | | |
| | Invol Dev Sex Inter | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 24.0 | - | - | | |
| | Other Felony | 28 | 2 | 7 | 37.5 | 75.0 | - | 1 | 4 | 4.0 | 8.0 | - | - | 12 | 43 | 22.5 | 13 | 46 | | |
| | Other Misdemeanor | 51 | - | - | - | - | - | 2 | 4 | 3.6 | 7.3 | 1 | 2 | 6.0 | 33 | 65 | 13.0 | 15 | 29 | |
| | Other Misdemeanor 1 | 8 | - | - | - | - | - | - | - | - | - | 1 | 13 | 9.0 | 5 | 63 | 40.8 | 2 | 25 | |
| | Robbery-F3 (w/force) | 1 | - | - | - | - | - | 1 | 100 | 6.0 | 12.0 | - | - | - | - | - | - | - | | |
| | Sex. Abuse /Children-Photos | 6 | - | - | - | - | - | 1 | 17 | 3.0 | 6.0 | - | - | 5 | 83 | 32.4 | - | - | | |
| | Stalking/Harrassment | 8 | - | - | - | - | - | - | - | - | - | - | - | 7 | 88 | 9.6 | 1 | 13 | | |
| | Theft-Felony | 17 | 4 | 24 | 15.0 | 30.0 | - | - | - | - | - | 1 | 6 | 12.0 | 8 | 47 | 45.3 | 4 | 24 | |
| | Theft-Misd | 40 | - | - | - | - | - | 4 | 10 | 6.7 | 13.4 | - | - | 30 | 75 | 21.0 | 6 | 15 | | |
| | VUFA-Felony | 3 | 1 | 33 | 18.0 | 36.0 | - | 1 | 33 | 12.0 | 23.9 | - | - | 1 | 33 | 24.0 | - | - | | |
| | VUFA-Misd | 1 | - | - | - | - | - | - | - | - | - | - | - | 1 | 100 | 12.0 | - | - | | |
| WHITE | Subtotal | 352 | 15 | 4 | 15.5 | 31.1 | - | 30 | 9 | 3.2 | 6.4 | 30 | 9 | 5.6 | 202 | 57 | 19.8 | 75 | 21 | |
| Total | | 784 | 94 | 12 | 28.0 | 56.3 | - | 66 | 8 | 4.5 | 9.3 | 40 | 5 | 5.8 | 427 | 54 | 21.0 | 157 | 20 | |

Based on information reported on paper and electronic Guideline Sentence Forms to the Commission on Sentencing; therefore the Commission warrants neither the accuracy nor completeness of the data herein provided.

**For 2018, using Annual Report Datafile

PA Commission on Sentencing

Table 18. Conformity to the Guidelines by Race and Offense Type, Allegheny County, Pennsylvania, 2018*
for Judge Tranquilli only

Unit of Analysis: All offenses

Tracking Number: 2020_02_001

| Race and Offense Type | | Total Number of Sentences | Conformity to the Guidelines (%) | | | | |
|-----------------------|------------------------------|---------------------------------|----------------------------------|----------------------|---------------------|------------------|------------------|
| | | | Within Standard | Within Aggravated | Within Mitigated | Outside Above | Outside Below |
| BLACK | Assault-Agg By Veh while DUI | 1 | 100 | - | - | - | - |
| | Assault-Agg F1 (SBI) | 8 | - | 25 | - | - | 75 |
| | Assault-Agg F2 (BI) | 5 | - | - | 80 | 20 | - |
| | Assault-Reck Endanger | 14 | 71 | - | - | - | 29 |
| | Assault-Simple | 45 | 82 | - | 9 | - | 9 |
| | Assault-Strangulation | 1 | - | - | 100 | - | - |
| | Assault-Terr Threat | 4 | 100 | - | - | - | - |
| | Bad Checks | 2 | 100 | - | - | - | - |
| | Burg-F1/House-Person | 1 | 100 | - | - | - | - |
| | Burg-F1/No House-Person | 1 | - | - | - | - | 100 |
| | Burglary-F2 | 1 | 100 | - | - | - | - |
| | Crim Mischief-F3 | 4 | 50 | - | 25 | - | 25 |
| | Crim Trespass-F3 | 1 | 100 | - | - | - | - |
| | DUI-M | 10 | 80 | 20 | - | - | - |
| | DUI-M1 | 2 | 50 | - | - | - | 50 |
| | DUI-M1 Minor Occupant | 1 | 100 | - | - | - | - |
| | Drug-Felony | 42 | 29 | - | 48 | 2 | 21 |
| | Drug-Misd | 44 | 64 | - | 27 | - | 9 |
| | Escape-Felony | 6 | - | - | 17 | - | 83 |
| | Escape-Misd | 1 | - | - | 100 | - | - |
| | Forgery-F3 | 3 | 33 | - | - | - | 67 |
| | Forgery-M1 | 3 | 100 | - | - | - | - |
| | Identity Thrtt | 2 | - | - | 100 | - | - |
| | Indecent Assault | 5 | 40 | - | 40 | 20 | - |
| | Indecent Assault-Agg | 2 | - | - | - | - | 100 |
| | invol Dav Sex Inter | 6 | - | 67 | - | - | 33 |
| | Other Felony | 19 | 16 | - | 42 | 11 | 32 |
| | Other Misdemeanor | 60 | 83 | 3 | 12 | - | 2 |
| | Other Misdemeanor 1 | 11 | 100 | - | - | - | - |
| | Rape | 6 | 100 | - | - | - | - |
| | Robbery-F1 (SBI) | 11 | 9 | - | 18 | - | 73 |
| | Robbery-F2 | 4 | 25 | - | 50 | 25 | - |
| | Sexual Assault | 2 | 50 | - | - | - | 50 |
| | Stalking/Harrassment | 13 | 92 | 8 | - | - | - |
| | Theft-Felony | 11 | 18 | - | 45 | - | 36 |
| | Theft-Misd | 20 | 65 | - | 5 | - | 30 |
| | Theft-Retail Fel | 2 | 50 | - | - | - | 50 |
| | Theft-Retail Misd | 2 | - | - | 100 | - | - |
| | VUFA-Felony | 32 | 9 | 3 | 56 | - | 31 |
| | VUFA-Misd | 12 | 75 | - | - | - | 25 |
| | Subtotal | 420 | 54 | 3 | 22 | 1 | 19 |

Based on information reported on paper and electronic Guideline Sentence Forms to the Commission on Sentencing; therefore the Commission warrants neither the accuracy nor completeness of the data herein provided.

**For 2018, using Annual Report Datafile

PA Commission on Sentencing

Table 18. Conformity to the Guidelines by Race and Offense Type, Allegheny County, Pennsylvania, 2018*

for Judge Tranquilli only

Unit of Analysis: All offenses

Tracking Number: 2020_02_001

| Race and Offense Type | Total Number of Sentences | Conformity to the Guidelines (%) | | | | |
|-------------------------------|---------------------------|----------------------------------|-------------------|------------------|---------------|---------------|
| | | Within Standard | Within Aggravated | Within Mitigated | Outside Above | Outside Below |
| OTHER | | | | | | |
| Assault-Simple | 2 | 100 | - | - | - | - |
| DUI-M | 1 | - | 100 | - | - | - |
| Forgery-F2 | 1 | 100 | - | - | - | - |
| Other Felony | 1 | 100 | - | - | - | - |
| Other Misdemeanor | 2 | 100 | - | - | - | - |
| Other Misdemeanor 1 | 5 | 100 | - | - | - | - |
| Subtotal | 12 | 92 | 8 | - | - | - |
| WHITE | | | | | | |
| Assault-Agg F1 (SBI) | 3 | - | - | - | - | 100 |
| Assault-Agg F2 (BI) | 6 | - | - | 83 | - | 17 |
| Assault-Reck Endanger | 8 | 88 | - | - | - | 13 |
| Assault-Simple | 44 | 91 | - | 9 | - | - |
| Assault-Terr Threat | 8 | 100 | - | - | - | - |
| Burg-F1/House-No Person | 4 | 25 | - | 50 | - | 25 |
| Burglary-F2 | 1 | 100 | - | - | - | - |
| Corrupting Minor | 1 | 100 | - | - | - | - |
| Crim Trespass-F2 | 1 | 100 | - | - | - | - |
| Crim Trespass-F3 | 6 | 100 | - | - | - | - |
| DUI-M | 26 | 50 | 46 | - | 4 | - |
| DUI-M1 | 15 | 87 | - | 7 | - | 7 |
| DUI-M2 | 1 | 100 | - | - | - | - |
| Drug-Felony | 15 | 67 | - | 33 | - | - |
| Drug-Misd | 39 | 85 | - | 8 | - | 8 |
| Escape-Felony | 1 | 100 | - | - | - | - |
| Escape-Misd | 1 | 100 | - | - | - | - |
| Forgery-M1 | 1 | 100 | - | - | - | - |
| Homicide-Inchoate-with S.B.I. | 2 | - | - | - | - | 100 |
| Indecent Assault | 5 | 80 | - | 20 | - | - |
| Invol Dev Sex Inter | 1 | - | - | - | - | 100 |
| Other Felony | 28 | 7 | - | 18 | 4 | 71 |
| Other Misdemeanor | 51 | 88 | 2 | 10 | - | - |
| Other Misdemeanor 1 | 8 | 75 | - | 13 | - | 13 |
| Robbery-F3 (w/force) | 1 | - | - | 100 | - | - |
| Sex Abuse /Children-Photos | 6 | - | - | 100 | - | - |
| Stalking/Harassment | 8 | 100 | - | - | - | - |
| Theft-Felony | 17 | 18 | - | 47 | - | 35 |
| Theft-Misd | 40 | 90 | 5 | 5 | - | - |
| VUFA-Felony | 3 | 33 | - | 67 | - | - |
| VUFA-Misd | 1 | 100 | - | - | - | - |
| Subtotal | 352 | 69 | 4 | 14 | <1 | 11 |
| Total | 784 | 62 | 4 | 18 | 1 | 15 |

Based on information reported on paper and electronic Guideline Sentence Forms to the Commission on Sentencing; therefore the Commission warrants neither the accuracy nor completeness of the data herein provided.

**For 2018, using Annual Report Datafile

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

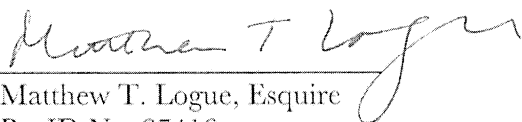
Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4 JD 2020

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:


Matthew T. Logue, Esquire
Pa. ID No. 87416

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

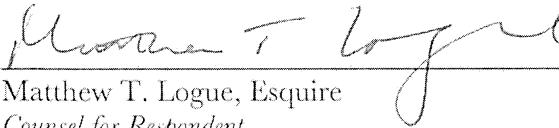
No. 4JD 2020

PROOF OF SERVICE

Pursuant to Rule 122 of the Court of Judicial Discipline Rules of Procedure, the undersigned certifies that on the below date a true and correct copy of the foregoing pleading in the above-captioned matter was served upon the following attorneys of record to the parties in this proceeding by USPS First-Class Mail and electronic mail.

James P. Kleman, Jr., Esquire
Deputy Counsel
Judicial Conduct Board of Pennsylvania
Pennsylvania Judicial Center
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Date: September 28, 2020


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