

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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OF PENNSYLVANIA

SEP 13 2022

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IN RE: :
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 Sonya M. McKnight :
 Magisterial District Judge : No. 1 JD 21
 Magisterial District Court 12-2-04 :
 Dauphin County :

BEFORE: Honorable James J. Eisenhower, P.J., Honorable Ronald S. Marsico, J., Honorable Daniel D. McCaffery, J., Honorable Daniel E. Baranoski, J., Honorable Jill E. Rangos, J., Honorable Thomas E. Flaherty, J., Honorable Sonya M. Tilghman, J.

PER CURIAM FILED: September 13, 2022

OPINION AND ORDER

Magisterial District Judge Sonya M. McKnight (Respondent) appears before this Court on charges of ethical violations resulting from her actions in going to the scene of her son’s arrest and her related interactions with the Harrisburg police. The parties have submitted joint stipulations of fact and exhibits as follows:

1. From January 4, 2016, to the present, Respondent has served as a Magisterial District Judge for Magisterial District Court No. 12-2-04 in Dauphin County, Pennsylvania.
2. On February 8, 2021, the Board filed a Complaint against Respondent in the above captioned matter.
3. The Complaint pertained to an incident that occurred on February 22, 2020, in Harrisburg, Pennsylvania.
4. The Pennsylvania Office of Attorney General (OAG) conducted a criminal investigation regarding the February 22, 2020, incident.

5. In furtherance of its investigation, on November 12, 2022, the OAG interviewed Respondent regarding her February 22, 2020, conduct.

6. On December 16, 2020, the OAG charged Respondent 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 regarding her conduct on February 22, 2020.

7. On July 26 and 27, 2021, Judge Stephen Leiberman presided over a jury trial in the matter of *Commonwealth v. Sonya McKnight* pertaining to the above referenced charges.

8. At the conclusion of the Commonwealth's case, Judge Leiberman granted the defense motion for judgment of acquittal.

9. During the course of the July 2021, jury trial in the matter of *Commonwealth v. Sonya McKnight*, the following six witnesses testified on direct and on cross-examination.

- a. Farida Kingsboro;
- b. Chad Showers;
- c. Anthony Cummings;
- d. Dominic Cristillo;
- e. Thomas Carter; and
- f. Jarrett Ferrari.

10. The six witnesses who testified at the July 2021, trial are the same witnesses whom the Board would call to testify in the matter now before this Honorable Court.

11. If called to testify before the Honorable Court relative to the above captioned matter, the six witnesses who testified at the July 2021, trial would testify consistently with their testimony during the July 2021, trial.

12. The Board and Respondent stipulate to the admission of the July 2021, notes of testimony of the six witnesses in the matter of *Commonwealth v. McKnight*.

13. A portion of the February 22, 2020, incident was recorded by video camera installed in the police vehicle driven by Officer Anthony Cummings, one of the six above-names witnesses.

14. The above-mentioned video recording was shown in its entirety during the July 2021, trial in the matter of *Commonwealth v. McKnight*.

15. The Board and the Respondent stipulate to the admission of the above-mentioned video recording.

16. Rule 1921 of the Pennsylvania Rules of Judicial Administration (Rule 1921) mandates:

Whether a judge received notice that he or she is the subject of any federal or state criminal investigation or prosecution through a target letter, a subject letter, a presentment, an indictment, an arrest, a summon, 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.

17. 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 that she was the subject of a state criminal investigation.

18. At no time, following her November 12, 2020, interview with the OAG did Respondent report in writing to the Judicial Conduct Board that she was the subject of a state criminal investigation.

19. Respondent's attorney, Brian Perry, reported that Respondent was the subject of a state criminal investigation in an oral communication with counsel for the Judicial Conduct Board.

20. 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.

21. Respondent was aware of the requirements of Rule 1921 because she was the subject of a state criminal investigation following an incident on May 10, 2019, and failed to report the information to the Chief Justice of the Supreme Court or the Judicial Conduct Board in accordance with Rule 1921.

22. During a deposition before Board counsel on December 12, 2019, related to the May 10, 2019, incident, Respondent stated that she understood that Rule 1921 requires her to notify the Chief Justice of the Supreme Court and the Judicial Conduct Board in writing if she receives notice that she is subject of a criminal investigation.

23. The investigation of the May 10, 2019, incident did not result in the filing of charges against Respondent.

24. The Board and Respondent stipulate that Respondent would be provided an opportunity to supplement these stipulations with live testimony, subject to cross-examination before this Honorable Court.

Trial Exhibits

1. Video recording on February 22, 2020, vehicle stop of Kevin Baltimore from Officer Cummings vehicle.
2. Transcript of December 12, 2019, deposition pages 8:12 – 13:14.
3. *Commonwealth v. McKnight*, July 2021, notes of testimony of the six witnesses (pages 64-256).

Additionally, Judge McKnight testified at the trial held before this Court on May 26, 2022. To summarize, Judge McKnight testified that:

1. She has been a magisterial district judge for seven years.
2. On the evening of February 22, 2020, she met with her son Kevin. Kevin was in a “very dark mood.” Kevin has a history of drug abuse and was very emotional.
3. Several hours later she received a call from Kevin that the Harrisburg Police had stopped him for a traffic violation and that he was with them at 6th and Peffer Streets.
4. She rushed out of her house in her pajamas to go to 6th and Peffer Streets.
5. On the way there she called the Harrisburg Police Commissioner Carter, a longtime friend of hers, and told him of the police stop of her son.
6. Commissioner Carter asked if she was going as a mother or as a judge.
7. She replied that she was going as a mother, which she repeated to a police officer at the scene of the stop.
8. She testified that she went to the scene out of fear that her son was so depressed that he might commit some act to provoke the police.

9. The police at the scene told her she could take her son's car and its contents, including a bottle of pills and \$37.

10. About a year later she was contacted by the Office of the Attorney General and asked for her version of the incident.

11. At that point she retained an attorney to represent her. The attorney told her he had taken care of all necessary notifications.

12. She spoke with her President Judge to let him know of the Office of Attorney General investigation.

Overall, the stipulated facts, exhibits and testimony also reveal the following:

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, 75P: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 court. (Joint Exhibit 3, pages 75:25-76:1 and 76:4-6.) Moments after stopping the vehicle, Baltimore placed a telephone call to Respondent, his mother. (Joint Exhibit 3, pages 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 cash in Baltimore's vehicle and on his person. (Joint Exhibit 3, page 161:2-6 and 163:18.)

Soon 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 about the stop. (Joint Exhibit 3, pages 215:4-6, 20.)

When Respondent arrived at the scene of the traffic stop, there were several 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.) Respondent walked up to the police officers who were taking her son into custody. (Joint Exhibit 3, page 82:2-3; page 202:15-17.) The police officers recognized Respondent as a magisterial district judge having appeared in her courtroom on work related matters or having been told she was a judge. (Joint Exhibits 79:15-21; page 157:10-158:6; page 175:10-12; page 201:4-20.) 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.)

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. (Joint Exhibits 3, page 91:2-9; page 203:13-15.) While at the scene of the traffic stop, Respondent took possession of the following items found at the scene by the officers: some 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 the Baltimore's vehicle, Baltimore was placed in a police transport van and transported to the county booking center and Respondent left the scene. (Joint Exhibit 1, Video recording of February 22, 2020, traffic stop, 12:05 minutes.)

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.)

II. DISCUSSION

1. **Violations of Promoting Confidence in the Judiciary and Abuse of Prestige of Judicial Office.**

Respondent is accused of, *inter alia*, violating the following:

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.

We find that Respondent's calls to the Commissioner of the Harrisburg Police Department and her appearance at the investigation scene of the February 22, 2020, traffic stop constituted a violation of Rule 1.2 and Rule 1.3 of the Rules Governing Standards of Conduct of Magisterial District Judges.

Respondent's actions as described herein did not measure up to the requirement that she act in a manner promoting public confidence in the integrity of the judiciary. Her conduct has the appearance of impropriety.

Respondent's conduct also abused the prestige of her office to advance her personal interests. Her conduct in contacting the Police Commission about her son's situation was clearly for her own purposes and was a misuse of her judicial position as was her appearance at the scene of the stop.

This Court has repeatedly condemned any interference with the justice system by a judge on behalf of a relative or friend. See, for example, *In re Roca*, 123 A.3d 1176 (Pa.Ct.Jud.Disc. 2017); *In re Arnold* 51 A.3d 931 (Pa.Ct.Jud.Disc. 2012); *In re DeLeon* 967 A.2d 460 (Pa.Ct.Jud.Disc. 2009); *In re Vann* 1 JD 2015; *In re Joyce and Terrick* 712 A.2d 834 (Pa.Ct.Jud.Disc. 1998); *In re Timbers* 692 A.2d 317 (Pa.Ct.Jud.Disc. 1997).

Judges have no legitimate reason to be interfering in any way with the police or other officials on behalf of anyone. Doing so taints their impartiality which is the basis of the trust society has in the judiciary.

Respondent was acquitted of the criminal charges brought against her as a result of her actions, but that acquittal is not dispositive of the judicial

ethics case before this Court. Criminal statutes set the minimal requirement for a person to obey in society. Much more than observance of that minimal standard is required of a sitting judge. Respondent's actions in looking out for her own interests are clearly improper.

2. Respondent's Failure to Provide the Written Notice Required by Rule 1921

Respondent is accused of violating Rule 1921 of the Pennsylvania Rules of Judicial Administration, which requires a judge to notify the Chief Justice and the Administrative Office of the Pennsylvania Courts in writing within five days of receiving notice that she is the subject of a criminal investigation.

While Respondent did not strictly observe this requirement of Rule 1921 her attorney did notify the Judicial Conduct Board of the criminal investigation and she notified her President Judge of her situation. Respondent did not comply with Rule 1921, but wide notice was given of her situation. Respondent was aware of Rule 1921 but did not comply with it as required although notice did reach the responsible authorities. Nonetheless, her failure to provide the written notice required by Rule 1921 is a violation.

3. Accusation of a Violation of the Disrepute Clause

Article V, §18(d)(1), Pa. Const. states:

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.

The issue presented here is whether Respondent's, misconduct was so extreme as to have brought disrepute upon the entire judiciary.

In determining whether the Judicial Conduct Board has met its burden of proof to show disrepute, this Court examines and weighs the particular facts

on a case-by-case basis. *In re Shaw*, 192 A.3d 350, 370-71 (Pa.Ct.Jud.Disc. 2018). The Pennsylvania Supreme Court recognizes the need for the individualized approach in deciding cases of disrepute. *In re Carney*, 79 A.3d 490, 501 (Pa. 2013).

A violation of the Disrepute Clause requires clear and convincing evidence that the judicial officer engaged in misconduct, which was “so extreme” that it brings disrepute upon the entire judiciary. See *In re Cicchetti*, 743 A.2d 431, 443-44 (Pa. 2000). The Board must prove that the judge’s misconduct harmed the reputation of that particular judge and damaged the reputation of the judicial office itself. *In re Berkheimer*, 930 A.2d 1255, 1258 (Pa. 2007). In some judicial disciplinary cases, it is challenging to determine if the misconduct of the individual judge has adversely impacted the reputation of all judges:

It is fair to say that the difficulty in deciding these cases has not been in determining whether the conduct is “bad” or “reprehensible” or whether it makes the judge “look bad;” the difficulty has been in determining whether it makes judges *collectively* “look bad,” whether the conduct gives *all* judges a “bad name” – whether it is such that brings the office itself into disrepute.

In re Merlo, 58 A.3d 1, 10 (Pa. 2012) (emphasis in original).

In deciding whether a judge’s misconduct rises to the level of disrepute, this Court applies the standard of “. . . the reasonable expectations of the public of a judicial officer’s conduct.” *In re Carney*, 79 A.3d at 494. 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. *Berkheimer*, 930 A.2d at 1258-59. Therefore, this Court considers the evidence

of misconduct "as if the public knows about it." *In re Berry*, 979 A.2d at 999-1000. When considering whether a judicial officer's act dishonors the judiciary as a whole, consideration must be given to the persistence and extremity of the conduct. See *In re Cicchetti*, 743 A.2d at 444. Accord, *In re Merlo*, 58 A.3d 1 (Pa. 2012) (habitual improper conduct can constitute disrepute.)

Judge McKnight's conduct was clearly wrong, but we do not find by clear and convincing evidence that it taints the rest of the judiciary. It was not repeated conduct nor, under the circumstances here, do we find her misconduct so extreme as to merit a finding of bringing disrepute upon the entire judiciary.

III. CONCLUSIONS OF LAW

1. At Count 1, the Board has established by clear and convincing evidence that Respondent violated Rule 1.1 of the Rules Governing Standards of Conduct of Magisterial District Judges 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 Rules Governing Standards of Conduct of Magisterial District Judges 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 Rules Governing Standards of Conduct of Magisterial District Judges 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 Rule 1.1, 1.2 and 1.3 of the Rules Governing Standards of Conduct of Magisterial District Judges.

5. At Count 7, the Board has not 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.

A date for a sanction hearing will be set by a subsequent order.