

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2016 JAN 27 A 10:00

In re:

Joseph J. O'Neill :
Municipal Court Judge : No. 4 JD 2015
First Judicial District :
Philadelphia County :

JOINT MOTION TO DEFER TRIAL

AND NOW, this 27th day of January, 2016 comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through Chief Counsel Robert A. Graci and Deputy Counsel Elizabeth A. Flaherty, and Judge Joseph J. O'Neill, by and through his counsel, Samuel C. Stretton, and requests that the trial in this matter be deferred for the following reasons:

1. Assistant United States Attorney Richard Barrett of the United States Attorney's Office for the Eastern District of Pennsylvania notified Board counsel on January 26, 2016 that federal charges will be filed against Judge Joseph J. O'Neill in the near future.

2. AUSA Barrett advised Board counsel that FBI Special Agent Eric H. Ruona, the lead agent in the federal investigation and the primary witness for the Board, will not be permitted to testify at the planned January 29, 2016 trial.

3. AUSA Barrett requested that the Board stand down.

4. Without the testimony of SA Ruona, the Board's case in chief will be adversely affected.

5. Attorney Stretton previously filed a Motion to Defer when it was merely a possibility that federal criminal charges could be filed.

6. This Court denied that first Motion to Defer, but without prejudice.

7. Attorney Stretton does not want Judge O'Neill to testify because it is now certain that the federal charges will be filed soon.

8. If this Court were to deny this Motion to Defer and require that the January 29, 2016 trial proceed as scheduled, Judge O'Neill would be unfairly prejudiced in the criminal proceeding.

9. Mr. Stretton would likely have to advise Judge O'Neill not to testify in this Court proceeding, which he does not want to do.

10. Attorney Stretton wants this Court to hear Judge O'Neill's testimony about the disciplinary matter, but after the criminal matter is concluded.

11. It would be in the best interest of the parties and this Court to await the outcome of the federal criminal proceedings before we return to a judicial disciplinary hearing.

WHEREFORE, the parties respectfully request that this Court grant the Motion to Defer.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

BY:


ELIZABETH A. FLAHERTY
Deputy Counsel

Judicial Conduct Board
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And

BY:


SAMUEL C. STRETTON, ESQ
Attorney for Respondent

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**COMMONWEALTH OF PENNSYLVANIA
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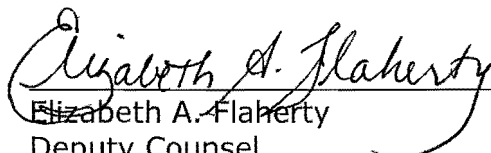
PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on January 27, 2016, a date and time-stamped copy of the *Joint Motion to Defer Trial* was served via email and facsimile to Judge O'Neill's counsel, Samuel C. Stretton, Esquire at the following address:

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301 South High Street
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Strettonlaw.samstretton@gmail.com
Facsimile: (610) 696-2919

Respectfully submitted,

DATE: January 27, 2016


Elizabeth A. Flaherty
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