

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED  
COURT OF  
JUDICIAL DISCIPLINE

2016 DEC 30 A 11: 58

IN RE:

Angeles Roca :  
Former Judge :  
Court of Common Pleas : 14 JD 2015  
First Judicial District :  
Philadelphia County :

**ANSWER OF JUDICIAL CONDUCT BOARD TO MOTION OF  
FORMER JUDGE ANGELES ROCA TO STAY THE DECEMBER 16, 2016  
REMOVAL ORDER AND TO ALLOW MEDICAL BENEFITS  
TO CONTINUE PENDING THE APPEAL**

AND NOW, this 30<sup>th</sup> day of December, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through the undersigned counsel, and files this Answer to the Motion of former Judge Angeles Roca to Stay the December 16, 2016 Removal Order and to Allow Medical Benefits to Continue Pending the Appeal, and avers the following:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part; denied in part. It is admitted that former Judge Roca,

through her counsel, filed an appeal to the Supreme Court of Pennsylvania from this Court's December 16, 2016 Order, removing her from judicial office. It is denied that this Court has the power to grant the relief of a stay of its removal Order. By way of further answer, Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania provides that "[u]pon a final order of the court for . . . removal, *prior to any appeal*, the justice, judge or justice of the peace shall be . . . removed from office; and the salary of the justice, judge or justice of the peace shall cease from

the date of the order.” (emphasis added). The terms of this constitutional provision act as an exception to the general proposition that a trial court may stay the execution of a final order pending an appeal of that order to an appellate tribunal.

The purpose of Judge Roca’s request to stay this Court’s Order is to allow her to continue to receive her medical benefits while the appeal is pending. However, the cessation of her medical benefits is a collateral consequence of her removal from judicial office and such benefits are subject to the limiting language of the Pennsylvania Constitution which provides: “no salary, retirement benefit or other compensation, present or deferred, shall be paid to any justice, judge or justice of the peace” who, pursuant to Article V, § 18, is removed or barred from holding judicial office on the basis of prejudicing the administration of justice or bringing the judicial office into disrepute. Pa. Const. art. V, § 16(b). By its October 20, 2016 Opinion, this Court concluded that former Judge Roca violated both the Administration of Justice and Disrepute Clauses of Article V, §18 (d)(1) and, based on those and additional violations, entered the December 16, 2016 Order, removing her from office and declaring her ineligible to hold judicial office in the future. As a result of this Court’s lack of authority to stay a removal Order under Article V, § 18(d)(1) and the language of § 16(b), prohibiting a judge from receiving “other compensation” following removal from office for specific enumerated violations of the Constitution of this Commonwealth, Judge Roca’s Motion should be denied.

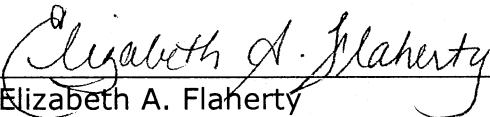
WHEREFORE, through assigned counsel, the Board respectfully requests that this Court deny former Judge Roca's Motion to stay its December 16, 2016 Sanction Order and to deny her request for the continuation of medical benefits pending appeal.

Respectfully submitted,

ROBERT A. GRACI  
*Chief Counsel*

December 30, 2016

BY:

  
Elizabeth A. Flaherty  
*Deputy Counsel*  
Pa. Supreme Court ID No. 205575

Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
P.O. Box 62525  
Harrisburg, PA 17106  
(717) 234-7911

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COURT OF JUDICIAL DISCIPLINE**

IN RE:

Angeles Roca :  
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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 June 30, 2016, a copy of this *Answer of Judicial Conduct Board to Motion of the Respondent to Stay the Removal Order of December 16, 2016*, was sent by first-class mail to Judge Roca's counsel, Samuel C. Stretton, Esquire, who agreed to accept service on behalf of his client, Judge Roca:

Samuel C. Stretton, Esquire  
301 South High Street  
P.O. Box 3231  
West Chester, PA 19381-3231

ROBERT A. GRACI  
*Chief Counsel*

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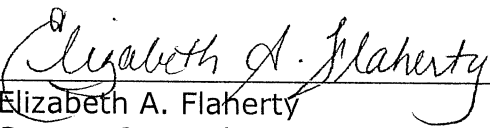
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*Chief Counsel*

December 30, 2016

BY:   
Elizabeth A. Flaherty  
*Deputy Counsel*  
Pa. Supreme Court ID No. 205575

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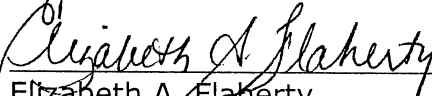
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