

IN THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT

Honorable Genece E. Brinkley,	:	
	:	No. <u>99 EM 2022</u>
<i>Petitioner,</i>	:	
v.	:	
	:	
Honorable Lisette Shirdan-Harris	:	
	:	Mandamus
and	:	
	:	
Honorable Lucretia Clemons,	:	
	:	
<i>Respondents.</i>	:	

PROPOSED ORDER

AND NOW this ____ day of _____ 2022, upon consideration of Petitioner’s Petition and Complaint for Writ of Mandamus, Request for Extraordinary Jurisdiction, and Emergency Request for Declaratory and Injunctive Relief (“Petition”), and any response thereto, it is hereby **ORDERED** and **DECREED** that Petitioner’s Petition is

GRANTED. It is **FURTHER ORDERED** that:

1. Judge Shirdan-Harris shall issue an Order returning to Judge Brinkley the cases that have been taken from her and rescinding the November 17th Order;
2. Judge Clemons is not to interfere with Judge Brinkley’s handling of her criminal cases when they are reassigned back to her;
3. The November 17th Order violated the law and has no legal effect;
4. Respondents are enjoined from retaliating against Petitioner; and
5. Petitioner is awarded counsel fees and costs under 42 USC § 1988, the amount of which is to be determined upon the filing of a Petition by Petitioner.

BY THE COURT

J.

IN THE SUPREME COURT OF PENNSYLVANIA EASTERN DISTRICT

Honorable Genece E. Brinkley,	:	
	:	No. _____
<i>Petitioner,</i>	:	
v.	:	
	:	
Honorable Lisette Shirdan-Harris	:	
and	:	Mandamus
	:	
Honorable Lucretia Clemons,	:	
	:	
<i>Respondents.</i>	:	

**PETITION AND COMPLAINT FOR WRIT OF MANDAMUS, REQUEST FOR
EXTRAORDINARY JURISDICTION, AND EMERGENCY REQUEST FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Petitioner, Genece E. Brinkley, Judge of the Pennsylvania Court of Common Pleas, First Judicial District (“Judge Brinkley”), respectfully submits this Petition and Complaint for Writ of Mandamus, Request for Extraordinary Jurisdiction, and Emergency Request for Declaratory and Injunctive Relief, and in support thereof, avers the following:

INTRODUCTION AND SUMMARY OF THE ACTION

1. Judge Brinkley brings this action to stop and remedy the serious abuses of judicial-supervisory authority in the Pennsylvania Court of Common Pleas, First Judicial District where Administrative Judge Lisette Shirdan-Harris (“Judge Shirdan-Harris”) and Supervising Judge Lucretia Clemons (“Judge Clemons”) committed unlawful, arbitrary, and retaliatory acts against her.

2. The abuses include, *inter alia*, an Order by Judge Shirdan-Harris on November 17, 2022 (“November 17th Order”) which, in violation of Pa.R.Crim.P. 700 and Philadelphia County Local Rule of Criminal Procedure 700(A) and (B), divested Judge Brinkley of all of her Post-Trial Criminal cases, and either left the cases unassigned or assigned the cases to other

judges who had nothing to do with the trials, but now must make rulings on sentencing and other post-trial matters.

3. The November 17th Order is arbitrary and capricious in that it was issued without cause, legitimate need, purpose, or practical benefit.

4. The November 17th Order prohibiting Judge Brinkley from ruling on sentencing and other Post-Trial Criminal matters where she was the trial judge is eye catching, unprecedented, and extreme, and it raises unwarranted suspicions and speculation about the integrity and performance of Judge Brinkley, disparages her, and soils her reputation.

5. The November 17th Order has been circulated to other judges and individuals associated with the Pennsylvania court system and may become publicized to voters considering the retention of Judge Brinkley when she is slated to run in 2023, both from the obvious fact of the removal of Judge Brinkley from criminal cases where she otherwise would be presiding, and because the November 17th Order is part of the public record.

6. The November 17th Order has publicly stigmatized Judge Brinkley as a judge because it implies she is unqualified, tainted, or committed a serious offense, without affording her due process, and it has interfered with her liberty interest to pursue a “common occupation of life”. *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971).

7. Furthermore, criminal defendants should be sentenced by the judge who heard the evidence (*Com. v. McNeal*, 120 A.3d 313, 323–25 (Pa. Super. 2015)) and assigning the sentencing of criminal defendants convicted in trials presided over by Judge Brinkley to another judge creates the collateral adverse effect of doing an injustice to both the victims of the crimes and the criminal defendants.

8. This action invokes the oversight and supervisory authority of this Court, and also is being brought pursuant to 42 U.S.C. § 1983 (“Section 1983”) for violations of liberty and due process rights granted to Judge Brinkley under the 14th Amendment of the United States’ Constitution.

9. Judge Brinkley also raises claims of retaliation against her for filing a Complaint with the Administrative Office of the Pennsylvania Courts (“AOPC Complaint”) on July 5, 2022 against Judge Clemons and Judge Shirdan-Harris alleging, *inter alia*, harassment and discrimination based on race, age, and sex, as well as retaliation, which the retaliation also infringed Judge Brinkley’s rights under the Pennsylvania Constitution, PA CONST Art. 1, § 7.¹

10. As a remedy, Judge Brinkley seeks, *inter alia*, the issuance of a Writ of Mandamus that Orders Judge Shirdan-Harris to rescind the November 17th Order and re-assign back to Judge Brinkley the criminal cases where she was the trial judge.

PARTIES

11. Judge Brinkley is a judge of the Pennsylvania Court of Common Pleas, First Judicial District who has served on the bench since she was first elected in 1993, retained in 2003, retained in 2013, and is slated to stand for retention in 2023. Judge Brinkley is slated to stand for reelection in 2023.

12. Judge Shirdan-Harris is the Administrative Judge of the Pennsylvania Court of Common Pleas, First Judicial District Trial Division who has served on the bench since she was first elected in 2005. Judge Shirdan-Harris oversees the administration of both the Civil and Criminal Trial divisions, which includes adult probation and parole, and all administrative matters, including the assignment of judges to cases.

¹ The fact of the filing of the AOPC Petition is relevant in this action to Petitioner’s claims of malice, and retaliation, but the merits of the allegations made in the still pending AOPC Petition are not.

13. Judge Clemons is the Supervising Judge of the Pennsylvania Court of Common Pleas, First Judicial District Criminal Division who was elected to the bench in 2017.

JURISDICTION

14. This Honorable Court has jurisdiction over this Petition for Writ of Mandamus pursuant to 42 Pa.C.S. § 721(2).

15. The Petition is addressed to the Court's original jurisdiction over matters involving mandamus to courts of inferior jurisdiction.

16. Additionally, Judge Brinkley requests that this Court exercise extraordinary jurisdiction pursuant to 42 Pa.C.S. § 726 over her due process and retaliation claims which bolster her requests for injunctive and declaratory relief; the issues raised are of immediate public importance, and judicial economy will be served.² Moreover, there is no other adequate remedy at law.

17. It is likewise appropriate for this Court to assume jurisdiction under 42 Pa.C.S. § 726 to "conserve judicial resources, expedite the proceedings and provide guidance to the lower courts on a question that is likely to recur." *Com. v. Morris*, 771 A.2d 721, 731 (Pa. 2001).

STATEMENT OF THE FACTS

Judge Clemons is hostile to Judge Brinkley

18. In or around 2018, when Judge Brinkley had been a judge for over 24 years, she experienced antagonism from the newly elected Judge Clemons; and Judge Brinkley decided to

² Extraordinary Jurisdiction may be invoked with requests for Writs of Mandamus when the record clearly demonstrates a petitioner's rights and where there is immediate public importance. *Washington Cnty. Comm'rs v. Pennsylvania Lab. Rels. Bd.*, 417 A.2d 164, 167 (Pa. 1980). Moreover, a state court has jurisdiction to adjudicate Judge Brinkley's claims under 42 USC § 1983. *Haywood v. Drown*, 556 U.S. 729, 735, 129 S. Ct. 2108, 2114, 173 L. Ed. 2d 920 (2009).

If this Honorable Court declines to grant extraordinary jurisdiction over Judge Brinkley's due process and retaliation claims, she respectfully requests that those claims be remanded to the Commonwealth Court.

keep her distance from Judge Clemons, who at that time, was just a fellow trial judge not in a supervisory position.

19. On information and belief, it is posited that Judge Clemons' antagonism toward Judge Brinkley is a product of the popular debate concerning what is the proper criminal justice reform, and competing philosophies on subjects such as sentencing: Judge Brinkley is viewed as a traditionalist who does not shy away from imposing stiff sentences on convicted criminals, while Judge Clemons has expressed views favoring leniency that agree with District Attorney Larry Krasner, with whom she campaigned when both were running for office.³

Judge Brinkley's request for a transfer is ignored

20. In April 2021, Judge Clemons became the supervising judge of the Court of Common Pleas, Philadelphia County, Criminal Division.

21. Upon learning that Judge Clemons was made the supervising judge of the Criminal Division, to avoid problems, Judge Brinkley immediately sought reassignment to the civil division.

³ While on the campaign trail, as reported at <https://www.philasun.com/local/state-local-judicial-candidates-selected-november-ballot/>, Judge Clemmons was quoted as saying to an interviewer,

In fact, Judge Clemons said, a judge's attitude toward criminal justice reform might be the most important issue for people to consider when choosing judges for the Court of Common Pleas in November.

"As a Court of Common Pleas judge, you have an enormous opportunity to be able to fashion appropriate sentences for people," she said. "So, we have to be able to determine what is the right sentence for this person. People with mental illness need treatment while incarcerated, and as a judge, I always try to make sure they get it, and that they stay in treatment." Judge Clemons explained that while there are people out here who must be incarcerated because they are a danger to our community, many people are committing crimes because they are sick or can't find a job and that these factors need to be taken into consideration during the sentencing process.

"We as a society and me as a judge have an obligation to help them...we have too many non-criminals in the criminal justice system," she said.

22. Thus, in a three-page letter requesting a transfer from the Criminal Division addressed to Judge Shirdan-Harris in March of 2021, Judge Brinkley outlined her contributions throughout her years on the bench and why she would be a good fit for the civil division. Judge Shirdan-Harris did not respond to the request formally, but both Judge Shirdan-Harris and Judge Clemons taunted Judge Brinkley verbally with statements that she was not going to be transferred, albeit, no reason was provided.

Judge Brinkley files the AOPC Complaint

23. On July 5, 2022, while Judge Brinkley was still assigned to the Criminal Division, she filed the AOPC Complaint against Judge Clemons and Judge Shirdan-Harris alleging, *inter alia*, harassment and discrimination based on race, age, and sex, as well as retaliation.⁴

24. The Honorable Judge Lawrence Stengel (Ret.) (“Judge Stengel”), through his law firm, Saxton & Stump, was assigned to investigate the matter in July 2022, and the AOPC Complaint is still being investigated and has not been resolved or determined.

Suddenly, without any advance notice, Judge Brinkley was transferred

25. Without explanation or any reference to the written request for a transfer Judge Brinkley had made to Judge Shirdan-Harris sixteen months earlier, Judge Brinkley was abruptly advised on September 6, 2022, that she had been reassigned to the Court of Common Pleas Civil Division, and she was instructed to begin her new Civil Division assignment the next day, September 7, 2022.

26. The reassignment to the Civil Division was not accompanied with any written explanation nor did anyone meet with or telephone Judge Brinkley to speak to her about the transfer or otherwise make arrangements for her criminal calendar and pending cases.

⁴ As mentioned in footnote 1, the fact of the filing of the AOPC Petition is relevant in this action, but it is unnecessary to insert the substance of the AOPC case into this action.

27. On September 8, 2022, Judge Brinkley consulted with the Supervising Judge of the Civil Division, Judge Daniel Anders (“Judge Anders”), regarding her assignment to the Civil Division, and raised specifically the issue of the timely disposition and/or oversight of her remaining post-trial matters in the Criminal Division, as would be expected from a responsible, serious jurist who had been a judge since 1993.

28. In an email dated September 8, 2022, Judge Brinkley wrote to Judge Anders stating:

My strategy is as follows:

Continue cases scheduled for September to December 2022, that are already listed on Mondays, to one Friday in September, one Friday in October, one Friday in November, and one Friday in December, except for cases listed this coming Monday and Tuesday, September 12 and 13 due to the short time frame.

Request a list of probationers from Prob. Dept to see if there are any that I can terminate early and then file Orders of Termination.

Determine which cases that cannot be terminated early that I need to keep, which will likely include sexual assault cases.

Request the rest be put in the AVVOP program.

See September 8, 2022 correspondence attached hereto as Exhibit “A”.

29. Judge Anders replied approvingly stating as follows:

This is a great plan and makes a lot of sense to me.

When I moved over to civil, I was doing hearings in Stout at least once a month.

A year later, I dropped it to every other month.

See Exhibit “A”.

30. Tellingly, Judge Anders’ email mentioned how he himself had continued his post-trial criminal matters once a month at the Stout Center for Criminal Justice when he was first reassigned to the civil division. *See id.*

Judge Brinkley acts to ensure her outstanding criminal cases would not be burdensome

31. After her plan to deal with her outstanding criminal cases had been approved by Judge Anders, Judge Brinkley created a schedule wherein one Friday a month she would return to the Stout Center for Criminal Justice to conduct hearings on any post-trial criminal matters still pending before her honor.

32. By September 30, 2022, Judge Brinkley entered orders terminating probation in 80 cases, relinquished jurisdiction to Judge Rayford A. Means or Judge Frank Palumbo in nine cases and terminated probation at the bar of court in four cases.

33. Additionally, Judge Brinkley obtained from the Probation Department a list of the convicted criminal defendants she had sentenced who could have probation-related issues at some point in the future. The Probation Department's list confirmed that issues involving these prisoners would not burden Judge Brinkley's new assignment in the Civil Division or her calendar because most of them would not begin probation before 2024 and many would not be eligible for probation until after 2030.

34. Of the remaining 70 post-trial criminal cases assigned to Judge Brinkley, 50 cases were violations of probation, 16 cases were brought pursuant to the Post Conviction Relief Act and 4 cases were sentencing hearings for convicted defendants.

35. Judge Clemons and Judge Shirdan-Harris were notified of the AOPC Complaint and in September of 2022, Judge Shirdan-Harris was interviewed by Judge Stengel.

36. On September 30, 2022 and October 28, 2022, Judge Brinkley returned to the Stout Center for Criminal Justice to complete pending post-trial hearings pursuant to her September 8th correspondence with Judge Anders.

37. From September through November, Judge Brinkley handled both her new civil caseload and her post-trial criminal matters efficiently and without any problems.⁵

Judge Clemons punishes Judge Brinkley by divesting her of her criminal cases

38. Judge Anders was satisfied with Judge Brinkley's efficient and responsible method of disposing of both her civil and criminal cases, and her work was not backlogged nor were her adjudications and dispositions of cases slowed down or otherwise lacking.

39. On November 16, 2022, without any prior discussion or any reason provided, Judge Clemons emailed Judge Brinkley informing her that pursuant to Pa.R.Crim.P. 700, Pa.R.Crim.P. 903 and Local Rule of Criminal Procedure 700, all post-trial criminal matters previously assigned to Judge Brinkley would be reassigned to other judges. *See* November 16, 2022 correspondence attached hereto as Exhibit "B".

40. Judge Brinkley viewed the November 16, 2022 email from Judge Clemons to be an affront and disservice to the parties whose cases were tried in her courtroom because she has dedicated her professional life to judging, and sincerely cares about both the defendants and victims of crime in the cases she heard; and she understands the importance of the trial judge's role in post-conviction matters. Accordingly, Judge Brinkley replied to Judge Clemmons as follows:

Pursuant to Rules stated and in response to your below email, in cases where I was the original sentencing judge, am still present and available, not disqualified, have not consented to relinquish jurisdiction, and have not terminated supervision on a case, said cases remain in my inventory until I have consented, in writing, to transfer to another judge.

⁵ Indeed, within the first three months of her transfer to the Civil Division, Judge Brinkley disposed of 10 civil cases either by settlement or jury trial, and decided approximately 40 motions in limine and motions for summary judgment establishing that Judge Brinkley was able to maintain her civil caseload while also overseeing her remaining post-trial criminal matters.

Currently, all judges who have been transferred from the criminal division to the civil division, who have chosen to do so, still handle their own post-trial matters as scheduled, in an assigned courtroom once a month in the Stout Center. Consistent with these other judges, and as directed by Supervising Judge Dan Anders, I have post-trial matters scheduled for Friday November 18, Friday December 9, Friday January 27, 2023, Friday February 24, Friday March 24, and Friday April 21, 2023.

Pursuant to Rules stated below, where I am still the original sentencing judge, I will continue to handle my own Post-trial matters as scheduled above.

See Exhibit "B".

41. Judge Brinkley thus noted that the reassignment of her cases to another judge was without precedence or legal authority, as established by Philadelphia County Local Rule of Criminal Procedure 700 (which tracks Pa.R.Crim.P. 700) which states as follows:

- (A) The judge who presided at the trial or who received the plea of guilty or *nolo contendere* shall impose sentence unless there are extraordinary circumstances which preclude the judge's presence. In such event, another judge shall be assigned to impose sentence.
- (B) The supervision of a defendant serving a sentence may be transferred to a judge other than the original sentencing judge in any of the following situations:
 - (1) The original sentencing judge has been transferred out of the Criminal Division and consents in writing to the transfer of the supervision;
 - (2) The case has been accepted into a First Judicial District reentry program and, after a hearing or in writing, the defendant and the original sentencing judge consent to supervision being transferred to a judge presiding over the reentry program;
 - (3) The defendant is facing a new sentencing in front of a different judge on a separate case and, after a hearing or in writing, the defendant and the original sentencing judge consent to supervision being transferred to the other judge; or
 - (4) There exist extraordinary circumstances, including death, incapacitation or retirement, which preclude the presence of the original sentencing judge.

42. Judge Brinkley’s response was well supported by authoritative case law. For example, in *Com. v. McNeal*, 120 A.3d 313, 323–25 (Pa. Super. 2015), the Pennsylvania Superior Court ruled that under Pa.R.Crim.P. 700 “[o]nly upon ‘extraordinary circumstances’ is another judge permitted by the terms of the rule to impose a sentence.” The court in *McNeal* held further that reassigning post-trial criminal matters on the basis of judicial economy is a mere convenience which “does not equate with the extraordinary circumstances which Rule 700 requires” and it reasoned:

It is axiomatic that the judge who presides over the trial, or who accepts a guilty plea based upon a recitation of the facts underlying the pleaded-to crime, is the judicial officer best equipped to assess the nature of the defendant and the crime itself before imposing sentence.

In other words, in practical effect, a judge imposing sentence after finding that a defendant has violated probation is no different from a judge imposing sentence in the first instance. For this precise reason, we discern no principled difference between a judge imposing an original sentence and one imposing a probation violation sentence, and certainly no difference meaningful enough to exempt the latter from the dictates of Rule 700.

Id.

Judge Brinkley had a right to keep her cases

43. Under Rule 700 a trial judge has a right to remain assigned to her post-trial matters. Moreover, Philadelphia County Local Rule of Criminal Procedure 700(B) outlines the specific instances where supervision of a defendant serving a sentence may be transferred to a judge other than the original sentencing judge.⁶

⁶ The rule allows for the reassignment of such matters when the original sentencing judge has been reassigned out of the criminal division and consents in writing to the transfer of supervision. Additionally, a matter may be transferred where there exists extraordinary circumstances which preclude the presence of the original sentencing judge. Local Rule of Criminal Procedure 700(B).

44. Despite the specific language in Local Rule 700(B)(1) stating that the original sentencing judge must consent in writing to the transfer of supervision, and despite the objections expressed by Judge Brinkley, on November 17, 2022, Judge Shirdan-Harris issued the November 17th Order officially reassigning all of Judge Brinkley's post-trial criminal matters.

45. Regrettably, in what appears to be an effort to manufacture a pretextual justification for stripping Judge Brinkley of her criminal cases, Judge Shirdan-Harris mischaracterized the facts, and by false implication, grossly exaggerated the extent of open Criminal Post-Trial matters assigned to Judge Brinkley. Thus, the November 17th Order stated:

And now, this 17th day of November 2022, Judge Genece E. Brinkley having been reassigned from the Criminal Section of the Trial Division to the Civil Section of the Trial Division of the Court of Common Pleas of Philadelphia County, and this Court, finding that the number of open Criminal Post-Trial matters assigned to Judge Brinkley is such that her full-time assignment to the Civil Section will preclude the timely disposition of the matters, it is hereby **ORDERED and DECREED** that every Post-Trial Criminal matter currently assigned to Judge Brinkley is REASSIGNED at the direction of the Supervising Judge of the Criminal Section.

See November 17th Order attached hereto as Exhibit "C".

46. The rationale for the transfer expressed in the November 17th Order, could not have been viewed as valid by Judge Shirdan-Harris because the objective record and facts established that the number of open Criminal Post-Trial matters assigned to Judge Brinkley was small and easily manageable, and that history, after being assigned to the Civil Division, proved Judge Brinkley would have no impediment to continuing to make timely disposition in both her criminal and civil cases.⁷

⁷ Judge Clemons was aware that on November 18th (the very day that Judge Brinkley was informed of the reassignment of post-trial matters) Judge Brinkley had scheduled hearings in forty-two post-trial matters at the Stout Center for Criminal Justice. These hearings would have been handled with dispatch and further reduced the criminal matters that Judge Brinkley had. As a result of the November 17th Order, those hearings were continued to later dates, despite Judge Brinkley's availability to resolve those cases on the very day they were stripped from her.

47. Moreover, even if credence were given to the false assertion that there was a large number of post-trial criminal matters assigned to Judge Brinkley, her supervising judge in the Civil Division was satisfied with her method of handling the criminal cases, and no extraordinary circumstances exist which would have prevented Judge Brinkley from presiding over her post-trial criminal matters.

48. That the reassignment of Judge Brinkley's cases was motivated by retaliation for her AOPC Complaint as seen in the timing of the November 17th Order and the fact that a multitude of judges have transferred from the Criminal Division to the Civil Division with greater numbers of undecided post-trial criminal matters than Judge Brinkley has, but the other judges were not divested of their cases when they desired to keep them.

49. On November 22, 2022, Judge Brinkley sent a letter to Judge Shirdan-Harris in response to the November 17th Order. *See* November 22, 2022 letter attached hereto as Exhibit "D". The letter outlined Judge Brinkley's years of service and ability to function with a high caseload. The letter also requested that the November 17th order be rescinded. Judge Shirdan-Harris, to date, has not responded.

The Respondents require supervision for the sake of the integrity in the workplace

50. This Court has the authority to assure that supervision by Common Pleas Court judges over other judges is handled with professionalism, respect for the supervised judges in accordance with the rules, and not in an arbitrary, malicious or petty manner.

51. Judge Brinkley was not afforded professionalism by either Judge Clemons or Judge Shirdan-Harris, nor was she treated as required by the Rules or with respect. This is seen

in the way Judges Clemons and Shirdan-Harris derided her request for a transfer and 16 months later abruptly transferred her with no advance notice, consideration of her caseload, respect or consultation. It is seen also in the way that her cases were reassigned against her will and over her objection based on manufactured reasons. And it is seen in the retaliation against her for filing the AOPC Complaint.

52. It is intolerable to a judicial system for supervisors, such as Judges Clemons and Shirdan-Harris, to disregard Local Rule 700(B)(1), mischaracterize the status of Judge Brinkley's caseload to create a fictitious justification for divesting her of her criminal cases and, at every juncture, to treat her in an arbitrary, malicious, and petty manner.⁸

53. Furthermore, the seemingly malicious scenario that Judge Brinkley was overloaded with work and had a crushing number of criminal matters was so contradicted by the facts that it may fairly be assumed it was fabricated out of the imaginations of Respondents; and the last place that such shenanigans can be allowed is in our courts where integrity must be the hallmark.

54. Given the facts, Judge Shirdan-Harris had no legitimate reason to reassign Judge Brinkley's post-trial criminal matters leaving as the most plausible explanation, she was retaliating against Judge Brinkley for having filed the Complaint against her with the AOPC.

The November 17th Order injured the administration of justice

55. The criminal justice system in Pennsylvania as well as both the criminal defendants and the victims of crimes have been needlessly hurt because of the November 17th Order. For example, on November 21, 2022, Judge Clemons sent three appeals in Judge

⁸ To Judges Clemons and Shirdan-Harris, the mistreatment of Judge Brinkley was seemingly a sport where they could abuse their authority to punish Judge Brinkley for her AOPC Complaint, and possibly because she had a different judicial philosophy than those who advocated Krasner-style reforms.

Brinkley's cases up to the Pennsylvania Superior Court without opinions stating that the "Judge was no longer sitting in this court." See Letters to Superior Court Prothonotary attached hereto as Exhibit "E". Judge Clemons statement is duplicitous as Judge Brinkley is still sitting on the Philadelphia Court of Common Pleas, and was ready, willing, and able to write opinions.⁹

The November 17th Order violated Judge Brinkley's rights and injured her

56. Judge Brinkley has a property interest in maintaining her post-trial criminal matters established by Local Rule of Criminal Procedure 700, and in addition, she has not been afforded due process in that she was given no advanced notice that her post-trial criminal matters would be reassigned and was not provided with any chance to be heard on the matter of whether or not she could handle her active caseload. Indeed, no investigation, meeting or hearing was ever conducted to determine the true status of her caseloads, or if the reassignment would serve any legitimate purpose.

57. Judge Brinkley has sat on the bench for almost thirty (30) years and has always been able to handle the multitude of cases assigned to her, including being a "rocket docket" and PCRA judge for many years.

58. The November 17th Order has become known to members of the public, including but not limited to Judge Brinkley's colleagues, peers and co-workers. When she runs in the election of 2023 for retention, the fact that her criminal cases were taken from her en masse may become publicized to voters and could cause her to lose her seat on the bench.

⁹ Indeed, Judge Brinkley had already written the 30-page Rule 1925 opinion in the case of *Commonwealth v. Albert Wood*, one of the cases Judge Clemons sent to the Superior Court without an opinion from the trial court judge.

59. The likely and natural implications and conclusions that will be drawn from the removal of all of Judge Brinkley's criminal cases, something other judges have not been subjected to, is that she is inept, tainted by scandal, or unable to perform the duties of her profession or worse. The actions of Respondents have already damaged the reputation of Judge Brinkley and will continue to invite disparagement.

COUNT I
**VIOLATION OF PHILADELPHIA COUNTY LOCAL RULE OF CRIMINAL
PROCEDURE 700 AND PA.R.CRIM.P. 700 - MANDAMUS**

60. Petitioner incorporates by reference the content of the other paragraphs in this Petition by reference as if set forth fully and at length herein.

61. Pursuant to Local Rule of Criminal Procedure 700 and Pa.R.Crim.P. 700, Respondents cannot reassign a judge's post-trial criminal matters absent extraordinary circumstances or written consent of the trial judge.

62. Contrary to Local Rule of Criminal Procedure 700 and Pa.R.Crim.P. 700, Judge Shirdan-Harris and Judge Clemons reassigned all of Judge Brinkley's post-trial criminal matters without her written consent.

63. No extraordinary circumstances exist which prevented Judge Brinkley from presiding over the post-trial criminal matters. To the contrary, Judge Brinkley was willing and able to supervise those matters.

64. Local Rule of Criminal Procedure 700 and Pa.R.Crim.P. 700 does not provide an avenue wherein Judge Shirdan-Harris and Judge Clemons could reassign Judge Brinkley's post-trial criminal matters at their discretion without cause.

65. The assertion in the November 17th Order concerning the caseload of Judge Brinkley as a basis for the reassignment of her cases was arbitrary and not based on any investigation, facts, or evidence, nor was it true.

66. Local Rule of Criminal Procedure 700 and Pa.R.Crim.P. 700 impose a non-discretionary duty that a trial judge, and creates a right for the judge that absent extraordinary circumstances or consent, shall maintain oversight of their post-trial criminal matters.

67. In reassigning the cases from Judge Brinkley to other judges, Respondents failed to discharge their obligations and duties and must be directed to correct their actions.

WHEREFORE, Petitioner respectfully requests that this Honorable Court provide whatever relief is just and appropriate, including: (a) The issuance of a Writ of Mandamus directing Judge Shirdan-Harris to return to Judge Brinkley the cases that have been taken from her and rescinding the November 17th Order; (b) Directing Judge Clemons to not interfere with Judge Brinkley's handling of her criminal cases when they are reassigned back to her; (c) Entering a Declaratory Order that the November 17th Order violated the law and has no legal effect; and (d) Enjoining Respondents from retaliating against Petitioner or enforcing the November 17th Order.

COUNT II
**VIOLATIONS OF DUE PROCESS CLAUSE FOURTEENTH AMENDMENT –
PROPERTY INTEREST AND LIBERTY INTEREST**

68. Petitioner incorporates by reference the content of the other paragraphs in this Petition by reference as if set forth fully and at length herein.

69. 42 U.S.C § 1983 provides both state and federal courts with jurisdiction to hear cases alleging a violation of the 14th Amendment to the Constitution of the United States. *Haywood v. Drown*, 556 U.S. 729, 735 (2009).

70. Judge Brinkley has a cognizable property interest in having the Rules of Court that pertain to her employment as a judge enforced, including Local Rule of Criminal Procedure 700 and Pa.R.Crim.P. 700.

71. Judge Brinkley has a liberty interest “to engage in any of the common occupations of life,.’” *Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 572 (1972) (quoting *Meyer v. Nebraska*, 262 U.S. 390, 399, 43 S.Ct. 625, 67 L.Ed. 1042 (1923)); and (2) the right to due process “[w]here a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him,” *Wisconsin v. Constantineau*, 400 U.S. 433, 437 (1971).

72. The actions of Respondents placed a stigma on the reputation of Judge Brinkley, as described above.

73. The retaliation of the Respondents, and the creation of the stigma to her reputation was intentional and was motivated by a desire to curtail or to penalize the exercise of Judge Brinkley’s constitutionally protected rights.

74. Judge Brinkley, as a public employee, has a protected right with respect to the contents of her personnel file when that file may be the subject of inspection, and, as here, where the action in the file has been made public. *Sciolino v. City of Newport News, Va.*, 480 F.3d 642, 648 (4th Cir. 2007).

75. There was no legitimate or even colorable reason for the November 17th Order and the reasons stated in the November 17th Order were not based on any investigation, evidence or honest belief. As such, the November 17th Order was arbitrary and capricious.

76. The said acts and conduct of Respondents, acting in their official capacity as agents and officials of the Philadelphia Court of Common Pleas, First Judicial District, and under

color of state law, caused Petitioner to suffer the deprivation of protected property and liberty interests without due process of law, in violation of the Fourteenth Amendment.

77. The acts of Respondents are in violation of the United States Constitution and justify declaratory and injunctive relief, including an order rescinding the November 17th Order and declaring that the policies, practices and/or customs of Respondents described herein violate State and Federal law, along with the award of attorneys' fees and costs under 42 U.S.C. § 1988.

WHEREFORE, Petitioner respectfully requests that this Honorable Court provide whatever relief is just and appropriate, including: (a) The issuance of an Order directing Judge Shirdan-Harris to return to Judge Brinkley the cases that have been taken from her and rescinding the November 17th Order; (b) Directing Judge Clemons to not interfere with Judge Brinkley's handling of her criminal cases when they are reassigned back to her; (c) Entering a Declaratory Order that the November 17th Order violated the law and has no legal effect; (d) Enjoining Respondents from retaliating against Petitioner or enforcing the November 17th Order; and (e) Awarding Petitioner counsel fees and costs as allowed by law.

COUNT III
VIOLATION OF FIRST AMENDMENT – RETALIATION

78. Petitioner incorporates by reference the content of the other paragraphs in this Petition by reference as if set forth fully and at length herein.

79. The statements Judge Brinkley made in the AOPC Complaint were protected by the First Amendment, as is her right to stand as a candidate for retention in the 2023 election.

80. Respondents acting under color of state law, engaged in retaliation against, as alleged above, due solely to her exercise of protected, clearly established constitutional right to freedom of speech.

81. Respondents' actions were designed to and did disparage, defame and cause harm to Judge Brinkley's reputation which infringes on her right to stand for election as a candidate for retention; and this is an additional violation of her First Amendment right.

82. Violating Petitioner's protected rights was a substantial factor and/or played a substantial role in the decisions and wrongful actions by Respondents acting as aforesaid.

83. State courts have jurisdiction to adjudicate violations of the First Amendment.

84. The acts of Respondents are in violation of the rights of Judge Brinkley under the United States Constitution and justify declaratory and injunctive relief, including an order rescinding the November 17th Order and declaring that the policies, practices and/or customs of Respondents described herein violate State and Federal law, along with the award of attorneys' fees and costs under 42 U.S.C. § 1988.

WHEREFORE, Petitioner respectfully requests that this Honorable Court provide whatever relief is just and appropriate, including: (a) The issuance of an Order directing Judge Shirdan-Harris to return to Judge Brinkley the cases that have taken from her and rescinding the November 17th Order; (b) Directing Judge Clemons to not interfere with Judge Brinkley's handling of her criminal cases when they are reassigned back to her; (c) Entering a Declaratory Order that the November 17th Order violated the law and has no legal effect; (d) Enjoining Respondents from retaliating against Petitioner or enforcing the November 17th Order; and (e) Awarding Petitioner counsel fees and costs under 42 U.S.C. § 1988 and as otherwise allowed by law.

/s/ Gary Green

GARY GREEN
SIDKOFF, PINCUS & GREEN, P.C.
2700 Jefferson Tower

1101 Market Street
Philadelphia, PA 19107
(215) 574-0600

Dated: December 8, 2022.

Attorney for Petitioner

VERIFICATION

I, Honorable Genece E. Brinkley, Judge of the Court of Common Pleas Philadelphia County, verify that the statements made in the foregoing Petition and Complaint for Writ of Mandamus, Request for Extraordinary Jurisdiction, and Emergency Request for Declaratory and Injunctive Relief are true and correct to the best of my knowledge and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification of authorities.

By:



Honorable Genece E. Brinkley

Exhibit A

From: Anders, Daniel <daniel.anders@courts.phila.gov>
Sent: Thursday, September 8, 2022 3:58 PM
To: Brinkley, Genece E. <Genece.Brinkley@courts.phila.gov>
Subject: RE: VOP's

Genece,
This is a great plan and makes a lot of sense to me.

When I moved over to civil, I was doing hearings in Stout at least once a month. A year later, I dropped it to every other month.

Best,
-Dan

From: Brinkley, Genece E. <Genece.Brinkley@courts.phila.gov>
Sent: Thursday, September 8, 2022 3:50 PM
To: Anders, Daniel <daniel.anders@courts.phila.gov>
Subject: Re: VOP's

Hi Dan,

My strategy is as follows:

1. Continue cases scheduled for September to December, 2022, that are already listed on Mondays, to one Friday in September, one Friday in October, one Friday in November and one Friday in December, except for cases listed this coming Monday and Tuesday, September 12 and 13th due to the short time frame.
2. Request a list of probationers from Prob Dept to see if there are any that I can terminate early and then file Orders of Termination.
3. Determine which cases that cannot be terminated early that I need to keep, which will likely include sexual assault cases.
4. Request the rest be put in the AVVOP Program.

This process may take a few weeks to complete, but in the meanwhile I will doing VOP'S once a month like the other civil judges. I think this approach will assist me in getting my current VOP cases down to a more manageable size. Of course, I have outstanding sentencings from trials that I have completed over the last few months, and several of these are sex cases.

Thanks again so much,
Genece

From: Anders, Daniel <daniel.anders@courts.phila.gov>
Sent: Thursday, September 8, 2022 3:26 PM
To: Brinkley, Genece E. <Genece.Brinkley@courts.phila.gov>
Subject: VOP's

Genece,

I know we talked about you keeping certain cases for VOP's. Apparently I need confirmation in writing that you are relinquishing some of them. Other than the sexual assault cases, are there others?

Thanks,

Dan

Daniel J. Anders
Judge, Court of Common Pleas
City Hall, Room 529
Philadelphia, PA 19107
o: 215.686.7917
e: daniel.anders@courts.phila.gov
Pronouns: He/Him/His

Exhibit B

From: Brinkley, Genece E. <Genece.Brinkley@courts.phila.gov>
Sent: Wednesday, November 16, 2022 10:53 AM
To: Clemons, Lucretia <Lucretia.Clemons@courts.phila.gov>
Cc: Shirdan-Harris, Lisette <Lisette.Shirdan-Harris@courts.phila.gov>; Fox, Idee C. <Idee.Fox@courts.phila.gov>; McSorley, Richard T. <Richard.McSorley@courts.phila.gov>; Anders, Daniel <daniel.anders@courts.phila.gov>
Subject: Re: Post-trial criminal matters

Pursuant to Rules stated and in response to your below email, in cases where I was the original sentencing judge, am still present and available, not disqualified, have not consented to relinquish jurisdiction, and have not terminated supervision on a case, said cases remain in my inventory until I have consented, in writing, to transfer to another judge.

Currently, all judges who have been transferred from the criminal division to the civil division, who have chosen to do so, still handle their own post-trial matters as scheduled, in an assigned courtroom once a month in the Stout Center. Consistent with these other judges, and as directed by Supervising Judge Dan Anders, I have post-trial matters scheduled for Friday November 18, Friday December 9, Friday January 27, 2023, Friday February 24, Friday March 24, and Friday April 21, 2023.

Pursuant to Rules stated below, where I am still the original sentencing judge, I will continue to handle my own Post-trial matters as scheduled above.

Judge Genece Brinkley

From: Clemons, Lucretia <Lucretia.Clemons@courts.phila.gov>
Sent: Wednesday, November 16, 2022 9:14 AM
To: Brinkley, Genece E. <Genece.Brinkley@courts.phila.gov>
Cc: Shirdan-Harris, Lisette <Lisette.Shirdan-Harris@courts.phila.gov>
Subject: Post-trial criminal matters

Pursuant to Pa. R. Crim. P. 700, Pa. R. Crim. P. 903 and Local Rule of Criminal Procedure 700, all post-trial criminal matters previously assigned to you have been reassigned. Thank you.

Judge Lucretia C. Clemons
Supervising Judge, Trial Division, Criminal
Court of Common Pleas
First Judicial District
Stout Center, Suite 1201
Philadelphia, PA 19107
215.683.7020

Exhibit C

Exhibit D

Brinkley, Genece E.

From: Brinkley, Genece E.
Sent: Tuesday, November 22, 2022 2:16 PM
To: Shirdan-Harris, Lisette
Cc: McSorley, Richard T.
Subject: Reassignment Order
Attachments: CCE_000065.pdf

Good afternoon Administrative Judge Shirdan-Harris:

Please see the attached letter in response to your email of November 18, 2022.

*The Honorable Genece E. Brinkley
Court of Common Pleas
Civil Trial Division
First Judicial District of Pennsylvania
The Justice Juanita Kidd Stout Center for Criminal Justice
1301 Filbert Street, Suite 1404
Philadelphia, PA 19107
Telephone: 215-683-7109, 7110
Fax: 215-683-7111
genece.brinkley@courts.phila.gov*

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First Judicial District of Pennsylvania
COURT OF COMMON PLEAS
JUDICIAL CHAMBERS

VIA EMAIL

GENECE E. BRINKLEY
JUDGE

Administrative Judge Shirdan-Harris
November 22, 2022

THE JUSTICE JUANITA KIDD STOUT CENTER
FOR CRIMINAL JUSTICE
1301 FILBERT STREET, SUITE 1404
PHILADELPHIA, PA 19107
(215) 683-7109/10
FAX: (215) 683-7111

RE: Reassignment order attached to email of November 18, 2022

Dear Judge Shirdan-Harris:

In response to your email which I received on November 18, 2022 to which you attached an Order which states that my "full-time assignment to the Civil Section will preclude the timely disposition of the matters" (namely open Criminal Post-trial matters assigned), I respectfully request that you reconsider and rescind your order as I believe that its entry was based upon lack of information or significant misinformation. I believe that this misinformation should be corrected immediately.

First, as you know, you reassigned me from the Criminal Section to the Civil Section on September 6, 2022 to begin on September 7, 2022. Obviously, had there been more notice than one single day, I could have addressed all of my existing criminal matters differently and with better planning.

Nevertheless, I immediately consulted with Supervising Judge of the Civil Division, Daniel Anders regarding all aspects of my work. Specifically, I received confirmation from Judge Anders regarding handling of my Violation of Probation cases and Appeals on September 8, 2022, only one day after my reassignment. I sent an email to him which stated in pertinent part the following:

"Hi Dan,

My strategy is as follows:

1. Continue cases scheduled for September to December, 2022, that are already listed on Mondays, to one Friday in September, one Friday in October, one Friday in November, and one Friday in December, except for cases listed this coming Monday and Tuesday, September 12 and 13 due to the short time frame.
2. Request a list of probationers from Prob. Dept to see if there are any that I can terminate early and then file Orders of Termination.
3. Determine which cases that cannot be terminated early that I need to keep, which will likely include sexual assault cases.
4. Request the rest be put in the AVVOP program."

Shirdan-Harris

Page 2

Judge Anders responded:

"Genece,

This is a great plan and makes a lot of sense to me.

When I moved over to civil, I was doing hearings in Stout at least once a month. A year later, I dropped it to every other month.

Best,

Dan"

Thus, Judge Anders approved of my plan as workable. By September 30, 2022, I had entered Orders Terminating Probation in 80 cases. Furthermore, under this plan, I relinquished jurisdiction to Judge Means or Judge Palumbo in 9 cases, and I terminated probation at the bar of court in 4 cases. In addition, I had many more cases under review for possible termination. These actions, which I took voluntarily, indicate that the plan approved by Judge Anders demonstrated to be efficient and non-disruptive of my civil calendar particularly since only a little more than sixty (60) days elapsed since the one-day notice of transfer that I received. Indeed, I have disposed of 10 civil cases either by way of settlement or jury trial. In addition, I have disposed of about 20 Motions in Limine and 20 Motions for Summary Judgment.

Second, your Order suggests that, as a Judge with nearly thirty (30) years of experience handling a variety of matters, both criminal and civil, that I am precluded from handling all cases assigned to me with diligence and professionalism. To the contrary, as you know from my March 30, 2021 correspondence to you which details my history as a competent, hard-working judge who is adept at multitasking, nothing could be further from the truth.

As you know, I was elected to our Court in 1993, and began working in 1994, first being assigned to our criminal division waiver program. The very next year, 1995, I was assigned to handle major jury trials as one of only two judges assigned to handle jury demands. I completed almost one jury trial every week. Subsequently, in 1996, I was assigned to our PCRA/Forfeiture Program as a **single judge assignment**. At that time, the PCRA judge handled not only Homicide and non-homicide PCRA's for sitting and non-sitting judges, but also handled **all forfeiture cases**. I disposed of hundreds of cases during that time, with no problems.

Thereafter, I was assigned, **as a single judge**, to our Rocket Docket. Today, there are four (4) smart room judges assigned to do the same job as one judge was assigned to do previously. In that assignment, I disposed of over 3000 cases by guilty plea, which, of course, left me with hundreds of cases of possible probation violations as defendants were offered probationary sentences under various diversionary programs. Subsequently, I was again assigned to our major jury program and then our homicide program. In all of these different programs, no one ever suggested even remotely, that I could not handle all cases assigned to me properly and with diligence.

Between assignments in the criminal division, I was assigned to the Civil Division, Complex Litigation Center when it was located in the Wanamaker Building. During that assignment, I handled medical malpractice and asbestos cases along with defamation, contract, personal injury, motor vehicle and slip and fall cases. I kept my criminal inventory and came back to the Stout Center to handle them once a month like all the other judges who had been transferred from criminal to civil division. No one ever challenged my ability to handle all of my cases, both criminal and civil and no one ever tried to force me to relinquish jurisdiction in my cases to another judge.

Subsequently, in September 2017, when Administrative Judge Jacqueline Allen disclosed that our criminal division was derelict in its responsibility to dispose of over about 500 PCRA Petitions which had been sitting in boxes on the 2nd floor of the Stout Center, I volunteered to work as the **sole PCRA judge again** to handle outstanding homicide and non-homicide matters for non-sitting judges. I served in this capacity for two years. Obviously, I disposed of numerous PCRA Petitions and Appeals. Those Appeals continued past 2019 and into 2020 after the Covid-19 Pandemic closed our courts. While our courts were closed and everyone worked from home, my law clerk and I were disposing of PCRA appeals. Therefore, to suggest that I am precluded from diligently handling both civil and criminal cases at the same time is belied by my history of doing just that.

Third, as stated above, your Order suggests that you might have relied upon misinformation. Specifically, I received a forwarded email in which a Deputy Court Administrator referred to a report, **which was not attached to the forwarded email**, which indicated that between 2014 and November 17, 2022, I disposed of 588 appeals. Obviously, this number would include hundreds of PCRA's that I volunteered to handle between 2017 and 2020 as described above. In addition, when I asked the Deputy Court Administrator how many of those cases were from my PCRA judge assignment and how many were still outstanding as of November 17, 2022, I received NO RESPONSE. However, my records indicate that there are only six (6) appeals outstanding, one of which was just filed in October, 2022 and one which is still awaiting a Grazier Hearing, to determine whether new counsel will be appointed on appeal, which hearing was canceled by the administration.

Shirdan-Harris

Page 4

Thus, the raw figure of 588 listed cases is erroneous. I have only 6 cases on appeal today.

Furthermore, I received another forwarded email which suggested that someone thought it was relevant to inquire of the Probation Department as to the number of inmates sentenced by me who are currently serving a sentence in custody in state prison, who might possibly be supervised by the County probation department at some point in the distant future.

Supervising Judge Dan Anders forwarded this email to me on October 27, 2022 and specifically stated "Genece, **When you have time**, (emphasis added) can you go through this list to see who you want to retain supervision. . ." Clearly, Judge Anders did not view this list as presenting any urgent issue. Some of those listed were to be supervised by the State Parole Board, not county probation, and most would not start probation until 2024 or after and several would not start probation until the 2030's. Thus, this list is completely irrelevant as it will not require any time or attention from me or the probation department in the near future.

Suffice it to say that with this correct information it should be quite clear that, consistent with my history of completing cases assigned to me diligently, I have done the same so far in the last 60 days in my current assignment. In addition, just like all other civil judges who still handle their own criminal matters once a month, I should be permitted to do the same uninterrupted. Judge Ann Butchart has been able to do this uninterrupted for over five (5) years. Judge Ann Marie Coyle, who also had a lot of criminal cases, has been allowed to handle her criminal matters once a month uninterrupted. In addition, there are many other judges currently assigned to the Civil Division, who obviously, have been there more than a mere 60 days, who have been allowed to handle their criminal matters uninterrupted. I should be allowed to do the same.

In light of the facts, it appears that I have been targeted for treatment of a kind that is unique. I will not elaborate on this issue here because I am optimistic you will correct the errors and provide a proper remedy.

Based upon the foregoing, I respectfully request that you rescind your order of November 17, 2022.

Judge Genece Brinkley

cc: Gary Green, Esquire

Exhibit E



COURT OF COMMON PLEAS
TRIAL DIVISION
APPEALS UNIT
JUANITA KIDD STOUT CENTER FOR CRIMINAL JUSTICE
1301 FILBERT STREET
PHILADELPHIA, PA 19107

215- 683-7522, 7524

IDEE FOX
*President Judge
Trial Division*

LISETTE SHIRDAN-HARRIS
*Administrative Judge
Trial Division*

LUCRETIA C. CLEMONS
*Criminal Division
Supervising Judge*

MARK GAILLARD
*Deputy Director
Appeals Unit*

11/21/22

Superior Court Prothonotary,

Ref: William Clegg CP-51-CR-0008964-2018 (2292 EDA 2022)

Superior Court Prothonotary,

Per the Administrative Judge, this case is being transmitted without an opinion as Judge is no longer sitting in this court.

*Thank you,
Appeals Unit*

FILED

NOV 21 2022

**Appeals/Post Trial
Office of Judicial Records**

CP-51-CR-0008964-2018 Comm. v. Clegg, William
No Opinion Notice



8867174861



COURT OF COMMON PLEAS
TRIAL DIVISION
APPEALS UNIT
JUANITA KIDD STOUT CENTER FOR CRIMINAL JUSTICE
1301 FILBERT STREET
PHILADELPHIA, PA 19107

215- 683-7522, 7524

IDEA FOX
President Judge
Trial Division

LISETTE SHIRDAN-HARRIS
Administrative Judge
Trial Division

LUCRETIA C. CLEMONS
Criminal Division
Supervising Judge

MARK GAILLARD
Deputy Director
Appeals Unit

11/21/22

Superior Court Prothonotary,

Ref: Albert Wood CP-51-CR-0001151-2020 (1520 EDA 2022)

Superior Court Prothonotary,

Per the Administrative Judge, this case is being transmitted without an opinion as Judge Brinkley is no longer sitting in this court.

Thank you,
Appeals Unit

FILED

NOV 21 2022

Appeals/Post Trial
Office of Judicial Records

CP-51-CR-0001151-2020 Comm. v. Wood, Albert
No Opinion Letter



8867236701



COURT OF COMMON PLEAS
TRIAL DIVISION
APPEALS UNIT
JUANITA KIDD STOUT CENTER FOR CRIMINAL JUSTICE
1301 FILBERT STREET
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IDEE FOX
President Judge
Trial Division

LUCRETIA CLEMONS
Criminal Division
Supervising Judge

LISETTE SHIRDAN-HARRIS
Administrative Judge
Trial Division

MARC GAILLARD
Deputy Director
Appeals Unit

Date: 11/21/2022

Superior Court Prothonotary's Office
530 Walnut Street, Ste. 315
Philadelphia, PA 19106

Ref: Raul Diaz

~~Doc. #CP-51-CR-0710211-2004 (1919 EDA 2022)~~
#CP-51-CR-1003521-2005 (1921 EDA 2022)

Superior Court Prothonotary,

Per the Administrative Judge, this case is being transmitted without an Opinion as Judge Brinkley is no longer sitting in this court.

*Thank you,
Appeals Unit*



CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Gary Green _____

GARY GREEN
SIDKOFF, PINCUS & GREEN, P.C.
2700 Jefferson Tower
1101 Market Street
Philadelphia, PA 19107
(215) 574-0600

Dated: December 8, 2022.