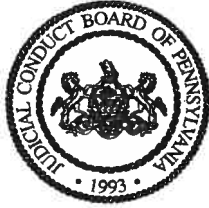


Judicial Conduct Board

Commonwealth of Pennsylvania

Joseph A. Massa, Jr., Chief Counsel

717-234-7911



Press Release

April 11, 2011

TO: Media/Press

FROM: Judicial Conduct Board

**SUBJECT: Michael Thomas Joyce
Former Judge of the
Superior Court of Pennsylvania
3 JD 11**

Harrisburg. The Judicial Conduct Board announced today that it has instituted formal proceedings against former Superior Court Judge Michael Thomas Joyce of Erie, Pennsylvania. A Board Complaint has been filed with the Court of Judicial Discipline.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, Mr. Joyce has an opportunity to respond to the charges, obtain and inspect the evidence which forms the basis of the allegations and the right to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that the charges have been proven by clear and convincing evidence, it will schedule a Sanctions Hearing to determine what sanctions should be imposed upon Mr. Joyce for violating the Code of Judicial Conduct and the Pennsylvania Constitution.

Counsel

Board: Joseph A. Massa, Jr., Chief Counsel

Respondent: John E. Quinn, Esquire

Contact

Joseph A. Massa, Jr., Chief Counsel

Board Complaint is attached without exhibits.

For more information about the Judicial Conduct Board, please visit our website at www.jcbpa.org.

END

COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2011 APR 11 P 4:03

In re:

Michael Thomas Joyce, :
Former Judge of the :
Superior Court of Pennsylvania : 3 JD 2011

IMPORTANT NOTICE

TO: FORMER JUDGE MICHAEL T. JOYCE:

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined there is probable cause to file formal charges against you for conduct proscribed by Article V, §17(b) and §18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and the Code of Judicial Conduct. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline in accordance with Court of Judicial Discipline Rules of Procedure (C.J.D.R.P.) No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or

part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

FORMAL CHARGES

AND NOW, this 11th day of April 2011, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board") and files this Board Complaint against former Superior Court Judge Michael Thomas Joyce (hereinafter "Respondent") alleging that the Respondent has violated the Code of Judicial Conduct and Article V, §17(b) and §18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

1. Pursuant to Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania, the Board is granted authority to determine whether there is probable cause to file formal charges, and, when it concludes that probable cause exists, to file formal charges, against a justice, judge, or justice of the peace, for proscribed conduct and to present the case in support of such charges before the Court of Judicial Discipline.

2. Respondent commenced service as a Judge of the Court of Common Pleas of Erie County on or about July 1, 1985. On or about January 4, 1998, he resigned as Judge of the Court of Common Pleas of Erie County. On or about January 5, 1998, Respondent commenced service as a Judge of the Superior Court of Pennsylvania. On or about August 17, 2007, by Order of the Supreme Court of Pennsylvania, which had received notice that Respondent had been indicted on criminal charges in the United States District Court for the Western District of Pennsylvania, Respondent was "relieved of any and all judicial and administrative responsibilities as a judge of the Superior Court of Pennsylvania and ordered not to take any further administrative or judicial action whatsoever in

any case or proceeding now or hereinafter pending in the Superior Court of Pennsylvania until further Order of this Court.” On or about August 21, 2007, the Supreme Court of Pennsylvania issued an Amendatory Order, clarifying that its action would “not result in any diminution in salary or benefits”. On or about January 6, 2008, Respondent’s term on the Superior Court of Pennsylvania expired. A true and correct copy of the Order of August 17, 2007, is attached hereto, incorporated by reference and marked Board Exhibit “1”. A true and correct copy of the Amendatory Order of August 21, 2007, is attached hereto, incorporated by reference and marked Board Exhibit “2”.

3. At a Board meeting on April 4, 2011, the Judicial Conduct Board found that there was probable cause to believe that Respondent’s conduct was of a nature requiring the filing of formal charges.

SUPPORTING FACTS AND CHARGES

4. On or about August 15, 2007, the Respondent was indicted by a federal grand jury in the case of *United States of America v. Michael Thomas Joyce*, No. 07-cr-00031 in the United States District Court for the Western District of Pennsylvania. By the Indictment the Respondent was charged with the following crimes:

- Count 1: Mail Fraud, in violation of Title 18 United States Code (U.S.C.) §1341 and 2, classified as a felony;
- Count 2: Mail Fraud, in violation of Title 18 U.S.C. §1341 and 2, classified as a felony;
- Count 3: Mail Fraud, in violation of Title 18 U.S.C. §1341 and 2, classified as a felony;
- Count 4: Engaging in monetary transactions in property derived from specified unlawful conduct, in violation of Title 18, U.S.C. §1957 and 2, classified as a felony;

- Count 5: Engaging in monetary transactions in property derived from specified unlawful conduct, in violation of Title 18, U.S.C. §1957 and 2, classified as a felony;
- Count 6: Engaging in monetary transactions in property derived from specified unlawful conduct, in violation of Title 18, U.S.C. §1957 and 2, classified as a felony;
- Count 7: Engaging in monetary transactions in property derived from specified unlawful conduct, in violation of Title 18, U.S.C. §1957 and 2, classified as a felony;
- Count 8: Engaging in monetary transactions in property derived from specified unlawful conduct, in violation of Title 18, U.S.C. §1957 and 2, classified as a felony;
- Count 9: Engaging in monetary transactions in property derived from specified unlawful conduct, in violation of Title 18, U.S.C. §1957 and 2, classified as a felony.

A true and correct copy of the Indictment is attached hereto, incorporated by reference and marked Board Exhibit "3".

5. On or about October 22, 2008, the Respondent proceeded to a jury trial in the United States District Court for the Western District of Pennsylvania, presided over by United States District Judge Maurice B. Cohill.

6. On or about November 18, 2008, upon motion of the Government, Count 2 of the indictment, Mail Fraud, was dismissed.

7. On or about November 19, 2008, the jury found Respondent guilty of Count 1 and of Counts 3 through 9 of the indictment. A true and correct copy of the Verdict Slip is attached hereto, incorporated by reference and marked Board Exhibit "4".

8. On or about March 10, 2009, Judge Cohill sentenced the Respondent to serve a period of incarceration of forty-six (46) months on each Count, the sentences to run concurrently; to serve a

period of three (3) years supervised release upon his release from prison; to make restitution in the amount of \$440,000; to pay a special assessment of \$800; and to forfeit specified cash, cash equivalents, bank accounts, real estate, and personal property. A true and correct copy of the Judgment and Sentencing Order is attached hereto, incorporated by reference and marked Board Exhibit "5".

9. On or about March 12, 2009, the Respondent filed a timely Notice of Appeal to the United States Court of Appeals for the Third Circuit at docket 09-1739. A true and correct copy of the Respondent's Notice of Appeal is attached hereto, incorporated by reference and marked Board Exhibit "6".

10. On or about April 6, 2010, the United States Court of Appeals for the Third Circuit, by opinion authored by United States District Judge Cynthia M. Rufe, part of a three-judge panel, affirmed the Respondent's conviction of all felony offenses referenced above in Paragraph 7 and the Respondent's sentence of March 10, 2009, referenced in Paragraph 8. A true and correct copy of the Judgment and Opinion is attached hereto, incorporated by reference and marked Board Exhibit "7".

11. On or about April 20, 2010, the Respondent filed a Petition for Rehearing by the original panel of the United States Court of Appeals for the Third Circuit or by the Court *en banc*. On or about August 13, 2010, the United States Court of Appeals for the Third Circuit denied Respondent's Petition for Rehearing by the panel or by the Court *en banc*. A true and correct copy of the Denial of Respondent's Petition for Rehearing is attached hereto, incorporated by reference and marked Board Exhibit "8".

12. The Respondent has filed no further appeal from the decision of the United States Court of Appeals for the Third Circuit. He remains a convicted and sentenced felon.

13. Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania provides, *inter alia*:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for conviction of a felony. (Emphasis added).

WHEREFORE, Michael Thomas Joyce, a former Judge named in these charges, is subject to discipline pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

Date: April 11, 2011


Joseph A. Massa, Jr., Chief Counsel
Pa. Supreme Court No. 06467

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17120
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

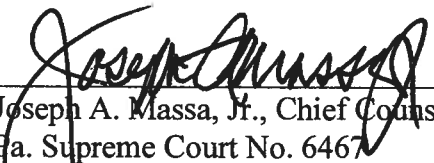
Michael Thomas Joyce,	:	
Former Judge of the	:	
Superior Court of Pennsylvania	:	3 JD 11
	:	

VERIFICATION

I, Joseph A. Massa, Jr., Chief Counsel for the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: April 11, 2011



Joseph A. Massa, Jr., Chief Counsel
Pa. Supreme Court No. 6467

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

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:

Michael Thomas Joyce, :
Former Judge of the :
Superior Court of Pennsylvania : 3 JD 11

PROOF OF SERVICE

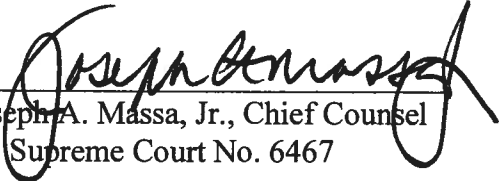
In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about April 11, 2011, a copy of this *BOARD COMPLAINT* was sent by Certified Mail to the Respondent's counsel, John E. Quinn, Esquire, who agreed to accept service of this *BOARD COMPLAINT* on behalf of his client, the Respondent:

Michael Thomas Joyce, Former Judge of the
Superior Court of Pennsylvania
c/o Portnoy & Quinn, LLC
One Oxford Centre, 36th Floor
301 Grant Street
Pittsburgh, PA 15219-6401

Certified Mail No. 7161 7145 5370 33336290
Return Receipt Requested

Respectfully submitted,

Date: April 11, 2011



Joseph A. Massa, Jr., Chief Counsel
Pa. Supreme Court No. 6467

Judicial Conduct Board
601 Commonwealth Avenue, Suite 3500
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