

Judicial Conduct Board
Commonwealth of Pennsylvania
Joseph A. Massa, Jr., Chief Counsel
717-234-7911

Press Release

April 13, 2011

TO: Media/Press

FROM: Judicial Conduct Board

**SUBJECT: Gerald Carl Liberace
Former Magisterial District Judge
Thirty-Second Judicial District
2 JD 11**

Harrisburg. The Judicial Conduct Board announced today that it has instituted formal proceedings against former Magisterial District Judge Gerald Carl Liberace of Havertown, 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. Liberace 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. Liberace for violating the Rules Governing Standards of Conduct for Magisterial District Judges and the Pennsylvania Constitution.

Counsel

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

Respondent: Mark P. Mulch, Esquire

Contact

Joseph A. Massa, Jr., Chief Counsel

Board Complaint is attached.

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 13 P 12:11

In re:

Gerald Carl Liberace; :
Former Magisterial District Judge; :
Thirty-Second Judicial District; : 2 JD 2011
Delaware County :
:

IMPORTANT NOTICE

TO: GERALD CARL LIBERACE:

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that 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 Rules Governing Standards of Conduct of Magisterial District Judges. 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 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.

AND NOW, this 13th day of April, 2011, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board") and files this Complaint against Former Magisterial District Judge Gerald Carl Liberace (hereinafter "Respondent"), District Court 32-1-25 Delaware County, Pennsylvania, pursuant to Court of Judicial Discipline Rule of Procedure 303, alleging that Respondent has violated the Constitution of the Commonwealth of Pennsylvania, Article V, § § 17(b) and 18(d)(1) as more specifically delineated herein.

1. This action is taken pursuant to the authority of the Board under Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania, which grants to the Board the 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 magisterial district judge, for proscribed conduct and to present the case in support of such charges before the Court of Judicial Discipline.

2. From on or about January 5, 1976, until April 3, 2005, Respondent served as a Magisterial District Judge in Delaware County, Pennsylvania, in District Court 32-1-25; and from on or about April 4, 2005, until May 2010, as a senior magisterial district judge. As a Magisterial District Judge, Respondent was subject to all the duties and responsibilities imposed on him by the Constitution of Pennsylvania.

3. By Grand Jury Presentment No. 30 of May 5, 2010, the Twenty-Ninth (29th) Statewide Investigating Grand Jury recommended that Respondent be charged with the following crimes:

COUNT 1: Indecent Assault, in violation of 18 Pa.C.S.A. §3126(a)(1)(a)(7); a misdemeanor of the first degree.

COUNT 2: Endangering the Welfare of Children, in violation of Pa.C.S.A. Title 18, Section 4304(a)(1), a misdemeanor of the first degree.

COUNT 3: Corruption of Minors, Pa.C.S.A. Title 18, Section 6301(a)(1), a misdemeanor of the first degree.

4. On or about June 30, 2010, the Pennsylvania Office of Attorney General filed a Criminal Complaint at Commonwealth v. Gerald Carl Liberace, CR-0000202-10, charging the Respondent as recommended by Grand Jury Presentment No. 30 referenced above in Paragraph No. 3.

5. On or about July 27, 2010, Magisterial District Judge Stephanie H. Klein transferred the Respondent's case to the Court of Common Pleas of Philadelphia County.

6. On or about July 30, 2010, Senior Judge John L. Braxton presided over a preliminary hearing, at which time the Respondent waived all charges to court.

7. On or about December 28, 2010, the Respondent proceeded to jury trial in the Court of Common Pleas of Philadelphia County before the Honorable Senior Judge John L. Braxton at Commonwealth v. Gerald Carl Liberace, CP-23-CR-0004523-2010.

8. On or about January 5, 2011, a jury found the Respondent guilty of Count 2 (Endangering the Welfare of Children) and Count 3 (Corruption of Minors); but not guilty of Count 1 (Indecent Assault).

9. On March 29, 2011, Senior Judge John L. Braxton sentenced the Respondent to three (3) to six (6) months incarceration plus one (1) year probation on each of the two charges to run consecutively. Further, Respondent was ordered to undergo psychological sexual evaluation and be subject to the rules governing sexual offenders.

10. On or about March 30, 2011, Respondent appealed his conviction and sentence to the Superior Court of Pennsylvania.

11. By virtue of some or all of the facts alleged in paragraphs one (1) through twelve (12) of this Board Complaint, Respondent is subject to discipline pursuant to Article V, 18(d)(1) of the Pennsylvania Constitution for the following reasons:

COUNT 1: Respondent has violated Article V, § 18(d)(1) of the Pennsylvania Constitution by engaging in conduct which brings the judicial office into disrepute; and

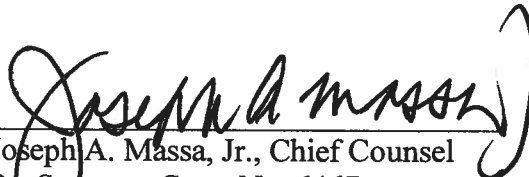
COUNT 2: Respondent has violated Rule 2A of the Rules Governing Standards of Conduct of Magisterial District Judges, which states, in pertinent part, the following: “Magisterial district judges shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

COUNT 3: By virtue of his conviction as set forth above, Respondent has violated Article V, § 17(b) of the Pennsylvania Constitution by violating Rule 2A of the Rules Governing Standards of Conduct of Magisterial District Judges which requires compliance with the law.

WHEREFORE, Gerald Carl Liberace, the former Magisterial District Judge named in these charges, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

Date: April 13, 2011


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

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

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

In re:

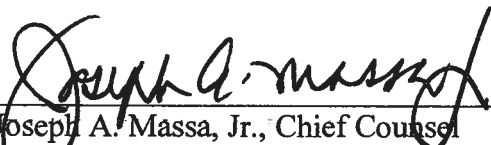
Gerald Carl Liberace, :
Former Magisterial District Judge; :
Thirty-Second Judicial District; : **2 JD 2011**
Delaware County :
:

VERIFICATION

I am Chief Counsel for the Judicial Conduct Board and I am authorized to make this verification and file the foregoing *BOARD COMPLAINT*. I verify that the Judicial Conduct Board found probable cause to file the formal charges contained in this Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: April 13, 2011



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PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on April 13, 2011, a copy of this *BOARD COMPLAINT* was sent by Certified Mail to counsel for the Respondent, who agreed to accept service of this Board Complaint on behalf of his client:

Mark P. Much, Esquire
341 West Baltimore Avenue
P.O. Box 1238
Media, PA 19063
(610) 565-9750
Certified Mail No. 7161 7145 5373 0040 9559
Return Receipt Requested

Respectfully submitted,



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