



**Judicial Conduct Board**  
Commonwealth of Pennsylvania  
Melissa L. Norton, Interim Chief Counsel  
717-234-7911

## **Press Release**

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**Friday, December 2, 2022**

**FROM: Melissa L. Norton**  
**Interim Chief Counsel**

**SUBJECT: Magisterial District Judge John R. Caffese**  
**Magisterial District Court 43-4-04**  
**Monroe County**  
**1 JD 2022**

**Harrisburg.** On November 30, 2022, the Judicial Conduct Board filed a petition in the Court of Judicial Discipline seeking an interim order directing the suspension without pay of Monroe County Magisterial District Judge John R. Caffese, pending final disposition of criminal charges filed against him. The Board took this action after the Monroe County District Attorney's Office charged Judge Caffese with several felony and misdemeanor offenses. As to the pending criminal charges, Judge Caffese enjoys the presumption of innocence unless and until he is convicted.

*Please visit the Board's website at [www.jcbpa.org](http://www.jcbpa.org) (select the Resource Tab then select Press Releases in the drop down menu) to view the petition.*

*Court filings for all cases prosecuted by the Board are available on the Court of Judicial Discipline website at <http://www.pacourts.us/courts/court-of-judicial-discipline>.*

**Counsel:**

**Representing the Judicial Conduct Board: Elizabeth A. Hoffheins, Assistant Counsel**

**Representing Magisterial District Judge John R. Caffese: Brett J. Riegel, Esquire**

**Contact: Melissa L. Norton, Interim Chief Counsel**

NOV 30 2022

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE:

John R. Caffese	:	
Magisterial District Judge	:	
Magisterial District Court 43-4-04	:	1 JD 2022
Monroe County	:	
	:	

**PETITION FOR RELIEF FOR INTERIM SUSPENSION WITHOUT PAY**

AND NOW, this 30<sup>th</sup> day of November, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through undersigned counsel, and files this Petition For Relief For Interim Suspension Without Pay pursuant to Rule 701 of the Court of Judicial Discipline Rules of Procedure, and in support thereof, avers the following:

- 1. The Pennsylvania Constitution provides this Court with the authority to impose interim suspension as follows:

Prior to a hearing, the court may issue an interim order directing suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony. An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

Pa. Const, Art. V, § 18(d)(2).

- 2. From approximately July 8, 2022, until the present, Judge Caffese served continuously as the appointed Magisterial District Judge of Magisterial District Court 43-4-04, Monroe County.

3. By criminal complaint filed November 28, 2022, at ***Commonwealth v. John R. Caffese***, MJ-43201-CR-453-2022, the Monroe County District Attorney's Office filed criminal charges against Judge Caffese. A true and correct copy of the criminal complaint and affidavit of probable cause are attached hereto as Attachment A, made a part hereof, and incorporated herein by reference as though set forth in full.
4. The Monroe County District Attorney's Office charged Judge Caffese with the following offenses: (1) unsworn falsification to authorities – written statement, 18 P.S. § 4904(a)(1), a misdemeanor of the third degree; (2) false swearing – official proceeding, 18 P.S. § 4903(a)(1), a misdemeanor of the third degree; (3) false swearing – official proceeding, 18 P.S. § 4903(a)(1), a misdemeanor of the second degree; (4) theft by deception – false impression (4 counts), 18 P.S. § 3925(a), a felony of the third degree; (5) receiving stolen property (4 counts), 18 P.S. § 3925(a), a felony of the third degree; and (6) obstruction of the administration of law, 18 P.S. § 5101, a misdemeanor of the second degree.
5. The allegations contained within the felony charges and the other criminal charges pending against Judge Caffese undermine both public confidence in the judiciary and its reputation. If Judge Caffese is permitted to continue presiding over cases in Magisterial District Court 43-4-04 during the pendency of these charges, the public's confidence in the judiciary will continue to erode.

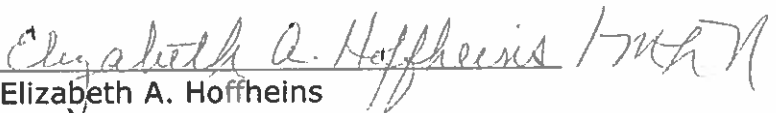
WHEREFORE, it is respectfully requested that this Honorable Court enter an interim order suspending Judge Caffese, without pay, pending disposition of the charges filed against him and to grant such other relief as may be deemed appropriate.

Respectfully submitted,

Melissa Norton  
*Interim Chief Counsel*

DATE: November 30, 2022

BY:

  
Elizabeth A. Hoffheins

*Assistant Counsel*

Pa. Supreme Court ID No. 209623

Judicial Conduct Board

Pennsylvania Judicial Center

601 Commonwealth Avenue, Suite 3500

P.O. Box 62525

Harrisburg, PA 17106

(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

John R. Caffese  
Magisterial District Judge  
Magisterial District Court 43-4-04  
Monroe County


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: 1 JD 2022  
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**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.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature:  
Name:

  
Elizabeth A. Hoffheins  
*Assistant Counsel*

Attorney No.: 209623

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

John R. Caffese  
Magisterial District Judge  
Magisterial District Court 43-4-04  
Monroe County


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: 1 JD 2022  
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**VERIFICATION**

I, Elizabeth A. Hoffheins, Assistant Counsel to the Judicial Conduct Board, verify that the facts set forth in the foregoing petition are true and correct to the best of my knowledge, information, and belief. I understand that the statements made in this petition are subject to the penalties of 18 Pa.C.S.A. § 4904, regarding unsworn falsification to authorities.

November 30, 2022

By:

  
Elizabeth A. Hoffheins  
Assistant Counsel  
Pa. Supreme Court ID No. 209623  
Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
P.O. Box 62525  
Harrisburg, PA 17106  
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA  
 COUNTY OF MONROE  
 Magisterial District Number: 43-2-01  
 MDJ Hon. KRISTINA ANZINI  
 Address: 823-A ANN ST  
 STROUDSBURG, PA 18360  
 Telephone: 570-420-3492



**POLICE CRIMINAL COMPLAINT**  
 COMMONWEALTH OF PENNSYLVANIA  
 VS.  
 (NAME and ADDRESS)

DEFENDANT:

JOHN ROBERT CAFFESE  
 First Name Middle Name Last Name Gen.  
 1595 SPRUCE ST  
 STROUDSBURG, PA 18360

NCIC Extradition Code Type

- 1 - Felony Full
- 2 - Felony Ltd.
- 3 - Felony Surrounding States
- 4 - Felony No Ext.
- 5 - Felony Pend.
- 6 - Felony Pend. Extradition Determ.
- A - Misdemeanor Full
- B - Misdemeanor Limited
- C - Misdemeanor Surrounding States
- D - Misdemeanor No Extradition
- E - Misdemeanor Pending
- F - Misdemeanor Pending Extradition Determ.
- Distance: \_\_\_\_\_

DEFENDANT IDENTIFICATION INFORMATION

Docket Number 22-45322	Date Filed 11/24/22	OTN/LiveScan Number R393449-C	Complaint/Incident Number 20220728M0338	Request Lab Service? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 07/18/1986	POB NEW YORK	Add'l. DOB	Co-Defendants? <input type="checkbox"/>
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown			
HAIR COLOR <input type="checkbox"/> Gry (Gray) <input type="checkbox"/> Red (Red/Aubn) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input checked="" type="checkbox"/> Blk (Black) <input type="checkbox"/> Ong (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Ink./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> Bln (Blonde / Strawberry)				
EYE COLOR <input type="checkbox"/> Blk (Black) <input type="checkbox"/> Blu (Blue) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknow)				
DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DNA Location			WEIGHT (lbs.)
FBI Number	MNU Number		FL. HEIGHT In.	
Defendant Fingerprinted <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Fingerprint Classification			5 09

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Req. Same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth  Approved  Disapproved because: \_\_\_\_\_

(The attorney for the Commonwealth may require the complaint, arrest warrant affidavit, or both, be approved by the attorney for the Commonwealth prior to filing. See PA, R. Crim. P 507.)

MICHAEL RAKACZEWSKI  
 (Name of the attorney for the Commonwealth - Please Print or Type)

*[Signature]*  
 (Signature of the attorney for the Commonwealth)

11-28-22  
 (Date)

I, **CHIEF ERIC KERCHNER**  
 (Name of the Affiant)  
 of **MONROE COUNTY DISTRICT ATTORNEY'S OFFICE**  
 (Recently Department or Agency Represented and Political Subdivision)

I-03/34373  
 PSP/HPO/ETC - Assigned Affiant ID Number & Badge #  
**PA045013A**  
 (Police Agency OR) Number

do hereby state:

1.  I accuse the above named defendant who lives at the address set forth above  
 I accuse the defendant whose name is unknown to me but who is described as \_\_\_\_\_  
 I accuse the defendant whose name and popular designation are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at ( 404 ) **STROUDSBURG BOROUGH**  
 (Subdivision Code) (Place/Political Subdivision)  
**610 MONROE ST STROUDSBURG**

in MONROE County [ 45 ] on or about 04/20/2022 to 11/15/2022  
 (County Code) (Offense Date)

### POLICE CRIMINAL COMPLAINT

Docket Number <b>CP-453-23</b>	Date Filed <b>11/29/23</b>	OTN/LiveScan Number <b>15393444-0</b>	Complaint/Incident Number <b>20220728M0338</b>
Defendant Name	First <b>JOHN</b>	Middle <b>ROBERT</b>	Last <b>CAFFESE</b>

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA §§ 213. - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>				
<input checked="" type="checkbox"/> Lead?	<b>1</b>	<b>4904</b>	<b>A1</b>	of the <b>18</b>	<b>1</b>	<b>M3</b>	<b>M2</b>	
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		Statute Description (Include the name of statute or ordinance): <b>UNSWORN FALS AUTH WRITTEN STMT</b>		

Acts of the accused associated with this Offense:  
 18 Pa. C.S. § 4904 Unsworn falsification to authorities (a) In general.--A person commits a misdemeanor of the second degree if, with intent to mislead a public servant in performing his official function, he: (1) makes any written false statement which he does not believe to be true;(2) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or(3) submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.(b) Statements "under penalty."--A person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable, to wit: for submitting Commonwealth of Pennsylvania form 87-011 attesting that the information is true and correct to the best of said person's knowledge, information and belief, said affirmation being made subject to the penalties prescribed by 18 Pa. C.S. ss 4904 (unsworn falsification to authorities) knowing it to be false.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>				
<input type="checkbox"/> Lead?	<b>2</b>	<b>4903</b>	<b>A1</b>	of the <b>18</b>	<b>1</b>	<b>M3</b>	<b>M2</b>	
PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone		Statute Description (Include the name of statute or ordinance): <b>False Swearing - Offic Proceed</b>		

Acts of the accused associated with this Offense:  
 18 Pa. C.S. § 4903 False swearing (a) False swearing in official matters.--A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true is guilty of a misdemeanor of the second degree if:(1) the falsification occurs in an official proceeding; or(2) the falsification is intended to mislead a public servant in performing his official function.(b) Other false swearing.--A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a misdemeanor of the third degree, if the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths, to wit: for submitting a Questionnaire for Local Judicial Nominees listing his residential address as 123 Stillwater Drive, Pocono Summit PA 18360 and his business address as 1595 Spruce Street, Stroudsburg PA 18360. Mr. CAFFESE affixed his signature to an AFFIDAVIT swearing "that the information provided in this statement is, to the best of my knowledge, true and accurate" knowing it to be false.





# POLICE CRIMINAL COMPLAINT

Docket Number <b>22-423-23</b>	Date Filed <b>11/30/22</b>	OTN/LiveScan Number <b>K243449-0</b>	Complaint/Incident Number <b>20220728M0338</b>
Defendant Name	First <b>JOHN</b>	Middle <b>ROBERT</b>	Last <b>CAFFESE</b>

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <b>0</b>					
<input type="checkbox"/> Lead?	<b>3</b> Offense #	<b>4903</b> Section	<b>A1</b> Subsection	<b>of the</b>	<b>18</b> PA Statute (Title)	<b>1</b> Counts	<b>M2</b> Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (Include the name of statute or ordinance):  
**False Swearing - Offic Proceed**

Acts of the accused associated with this Offense:  
 18 Pa. C.S. § 4903 False swearing (a) False swearing in official matters.--A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true is guilty of a misdemeanor of the second degree if: (1) the falsification occurs in an official proceeding; or (2) the falsification is intended to mislead a public servant in performing his official function. (b) Other false swearing.--A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a misdemeanor of the third degree, if the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths, to wit: submitting Senate Nomination Questionnaire for appointment to Monroe County Magisterial District Court 43-4-04 listing his voting address (home) as 123 Stillwater Drive, Pocono Summit PA 18346 and his business address as 1595 Spruce Street, Stroudsburg PA 18360 and affixing his signature below the statement: This form must be a sworn statement. Please have this form notarized, knowing it to be false.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <b>0</b>					
<input type="checkbox"/> Lead?	<b>4</b> Offense #	<b>3922</b> Section	<b>A1</b> Subsection	<b>of the</b>	<b>18</b> PA Statute (Title)	<b>4</b> Counts	<b>F3</b> Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (Include the name of statute or ordinance):  
**Theft By Decep-False Impression**

Acts of the accused associated with this Offense:  
 18 Pa. C.S. § 3922 (a) Theft by deception: a person is guilty of theft if he intentionally obtains or withholds property of another by deception. A person deceives if he intentionally: (1) creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise; (2) prevents another from acquiring information which would affect his judgment of a transaction; or (3) fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship. Each theft exceeds \$2,000.00 which constitutes a felony of the third degree: to wit: for collecting \$3,658.01 on 08/03/2022, \$5,459.39 on 08/30/2022, \$5,459.39 on 09/29/2022 and \$5,459.39 on 10/28/2022 (for a total of \$20,036.18) from the Commonwealth of Pennsylvania knowing that he was not qualified to obtain those funds

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <b>0</b>					
<input type="checkbox"/> Lead?	<b>5</b> Offense #	<b>3925</b> Section	<b>A</b> Subsection	<b>of the</b>	<b>18</b> PA Statute (Title)	<b>4</b> Counts	<b>F3</b> Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (Include the name of statute or ordinance):  
**RECEIVING STOLEN PROPERTY**

Acts of the accused associated with this Offense:  
 18 Pa. C.S. § 3925 Receiving Stolen Property. - A person is guilty of theft if he intentionally receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner, to wit: for depositing into his personal bank account \$3,658.01 on 08/03/2022, \$5,459.39 on 08/30/2022, \$5,459.39 on 09/29/2022 and \$5,459.39 on 10/28/2022 (for a total of \$20,036.18) from the Commonwealth of Pennsylvania knowing that he was not qualified to keep those funds



**POLICE CRIMINAL COMPLAINT**

Docket Number <b>174 A-23-23</b>	Date Filed <b>11/29/22</b>	OTN/LiveScan Number <b>4395449-0</b>	Complaint/Incident Number <b>20220728M0338</b>
Defendant Name	First <b>JOHN</b>	Middle <b>ROBERT</b>	Last <b>CAFFESE</b>

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <b>0</b>			
<input type="checkbox"/> Lead?	<b>6</b>	<b>5101</b>	of the <b>18</b>	<b>1</b>	<b>M2</b>	NCIC Offense Code	UCRNIBRS Code

PennDOT Data (If applicable)	Accident Number	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (Include the name of statute or ordinance):  
**OBSTRUCT ADMIN LAW/OTHER GOVT FUNC**

Acts of the accused associated with this Offense:  
 18 Pa. C.S. § 5101 Obstructing administration of law or other governmental function. A person commits this misdemeanor if the second degree if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions, to wit: For advising a witness not to cooperate with Investigators, to say: if they ever come back to you again, listen I told you guy not once but twice. Like now leave me alone. The guys no problem to me. You got a subpoena or search warrant to force me to talk to you, I am done.



### POLICE CRIMINAL COMPLAINT

Docket Number <b>43-2-01-23</b>	Date Filed <b>11/29/22</b>	OTN/LiveScan Number <b>8202449-0</b>	Complaint/Incident Number <b>20220728M0338</b>
Defendant Name	First <b>JOHN</b>	Middle <b>ROBERT</b>	Last <b>CAFFESE</b>

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
- This complaint is comprised of the preceding page(s) numbered 1 through 4.
- 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.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes cited. **(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)**

11/29, 2022  
(Date)

[Signature]  
(Signature of Affiant)

AND NOW, on this date 11/29/22 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

43-2-01  
(Magisterial District Court Number)

[Signature]  
(Issuing Authority)



**POLICE CRIMINAL COMPLAINT**

Docket Number: 43-4-04	Date Filed: 11/29/22	OTN/LiveScan Number: K413449-0	Complaint Number	Incident Number 20220729M0338
Defendant Name	First: JOHN	Middle: ROBERT	Last: CAFFESE	

**AFFIDAVIT of PROBABLE CAUSE**

Your affiant, Chief Detective Eric J. Kerchner is a police officer with the Monroe County Office of the District Attorney. On July 8, 2022 John R. CAFFESE was appointed as Magisterial District Judge for District Court 43-4-04 (Tobyhanna and Tunkhannock Townships, Monroe County). The appointment was to fill a vacancy in the court and would last until January 1, 2024. On July 28<sup>th</sup>, 2022 I was assigned to investigate complaints that John R CAFFESE misrepresented his residency status in order to appear to reside within the magisterial district so that he would satisfy the residency requirements of the law calling for magisterial district judges to reside within their respective judicial districts. " ...Other judges and magisterial district judges, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts..." 42 Pa.C.S.A 3101 (a).

During the course of my investigation I obtained the various official documents that Mr. CAFFESE executed, signed, and submitted to secure appointment as Magisterial District Judge for District Court 43-4-04;

- 04/20/2022 – Mr. CAFFESE submitted a Questionnaire for Local Judicial Nominees (provided by the Governor’s Office of the General counsel) listing his residential address as 123 Stillwater Drive, Pocono Summit PA 18360 and his business address as 1595 Spruce Street, Stroudsburg PA 18360. Mr. CAFFESE affixed his signature to an AFFIDAVIT swearing “that the information provided in this statement is, to the best of my knowledge, true and accurate”. The document was notarized by Dana Lynn DeBenedetto of Monroe County.
- 06/13/2022 – Commonwealth of Pennsylvania form 87-011 Statement of Financial Interests listing his home address as 123 Stillwater Dr., Pocono Summit PA 18346 affirming that “the foregoing information is true and correct to the best of said person’s knowledge, information and belief, said affirmation being made subject to the penalties prescribed by 18 Pa. C.S. § 4904 (unsworn falsification to authorities) and the Public Official and Employee Ethics Act, 65 Pa.C.S. § 1109(b)”. John CAFFESE affixed his signature to this document.

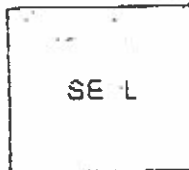
**I, DETECTIVE ERIC J. KERCHNER, BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.**

**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.**

(Signature of Affiant)

Sworn to me and subscribed before me this 29 day of November 2022  
 Date Eric J. Kerchner, Magisterial District Judge

My commission expires first Monday of January, 2022



**AFFIDAVIT CONTINUATION PAGE**

Docket Number: 43-4-04-2022	Date Filed: 11/29/22	OTN/LiveScan Number B-22-448-0	Complaint Number	Incident Number 20220728M0338
Defendant Name	First: JOHN	Middle: ROBERT	Last: CAFFESE	

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

- 06/13/2022 – Senate Nomination Questionnaire for appointment to Monroe County Magisterial District Court 43-4-04 listing his voting address (home) as 123 Stillwater Drive, Pocono Summit PA 18346 and his business address as 1595 Spruce Street, Stroudsburg PA 18360 and affixing his signature below the statement *“This form must be a sworn statement. Please have this form notarized”*. The document was notarized by Pinar Yucel-Ramsey of Dauphin County.

The initial investigation determined the following with respect to defendant’s residency:

- 09/07/2016 – John Robert CAFFESE purchased 1595 Spruce Street Stroudsburg (Stroud Twp).
- 01/28/2017 - CAFFESE submitted a voter registration change of address to 1595 Spruce Street Stroudsburg (Stroud Twp)
- 04/26/2022 – CAFFESE purchased 139 Gordon Ln Pocono Lake (Tobyhanna). (Tax bills sent to 1595 Spruce St. Stroudsburg PA 18360).
- 06/13/2022 – CAFFESE registered to vote at 123 Stillwater Dr Pocono Summit (Tobyhanna) (mailing address on voter form remains 1595 Spruce St., Stroudsburg).
- 06/13/2022 – Governor Tom WOLF nominated CAFFESE MDJ for District 43-4-04
- 07/08/2022 – CAFFESE formally appointed MDJ for District 43-4-04 and sworn into office by the Honorable Judge Jonathan Mark of the Court of Common Pleas of Monroe County.
- 08/06/2022 - CAFFESE changes his PennDOT Driver License address to 906 Route 940 Suite 11SR, Pocono Lake PA (Tobyhanna).

Further investigation revealed the following:

Public records on CAFFESE obtained through LEXISNEXIS \*ACCURINT FOR LAW ENFORCEMENT list multiple entries for 1595 Spruce Street Stroudsburg beginning in September 2016 through June 2022. There is a single entry for 139 Gordon Lane Pocono Lake in May 2022 (which is close in time to CAFFESE purchasing the Gordon Lane property and registering to vote at 123 Stillwater Drive). There are no public record entries for 123 Stillwater Drive, the address CAFFESE lists as his residence for his MDJ appointment.

\* ACCURINT FOR LAW ENFORCEMENT is a digital investigative technology that expedites the identification of people and their assets, addresses, relatives and business associates by providing instant access to a comprehensive database of public records including names, addresses and emails, death and criminal records, professional licenses, phone numbers (cell and land lines), assets (including motor vehicles, water and aircraft), bankruptcies, liens and judgements, real property records, social networking information and business records.

According to the Pocono Summit post office mail is not delivered to 123 Stillwater Drive.

On 07/24/2022 Mr. CAFFESE submitted a U.S. Postal Service Change of Address order changing his mailing address from 123 Stillwater Dr., Pocono Summit PA 18346 back to 1595 Spruce St., Stroudsburg PA 18360.

Christopher FODOR, the property owner’s son for 123 Stillwater Dr., Pocono Summit, was interviewed on 07/29/2022 and disclosed the following: FODOR met CAFFESE through a mutual friend in later December 2021. FODOR learned that CAFFESE was looking to rent somewhere in the area and in late December 2021 or early January 2022 CAFFESE entered into an agreement with FODOR to rent a room at 123 Stillwater Drive for \$200.00 per month. Although FODOR claims that there is a formal rental agreement he was unable to produce it. When asked how often CAFFESE stayed at the property FODOR said he visits maybe once a week. When asked if CAFFESE slept overnight at the property, FODOR was unable to confirm.



**POLICE CRIMINAL COMPLAINT  
AFFIDAVIT CONTINUATION PAGE**

Docket Number: 15-450-33	Date Filed: 11/30/22	OTN/LiveScan Number R303449-0	Complaint Number	Incident Number 20220728M0338
Defendant Name	First: JOHN	Middle: ROBERT	Last: CAFFESE	

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

The 123 Stillwater Drive property owner, Cynthia T. Bongiorno FODOR was interviewed on 08/08/2022 and disclosed the following: Cynthia resides at the property adjacent to 123 Stillwater Drive. Although she is the property owner, her son, Christopher FODOR manages the 123 Stillwater property. Cynthia knows through her son that CAFFESE rents a room at 123 Stillwater Drive and pays her son \$200.00 per month. Despite living next door to 123 Stillwater Drive since January 2022 Cynthia has never met CAFFESE and has never observed him at 123 Stillwater Drive. Cynthia's son, Chris, is rehabbing the property and Cynthia enters to inspect the work two to three times a week usually in the late afternoon or evening.

On 08/08/2022 after receiving authorization from ADA Andrew THROCKMORTON and consent from Christopher FODOR, a telephone conversation between Christopher FODOR and John CAFFESE was recorded. While discussing whether or not CAFFESE actually lived at 123 Stillwater Drive CAFFESE said "I stopped by this morning, knocked on the door, sat in the driveway a couple of minutes, I came home".

CAFFESE also said that I'm going to "keep up appearances, make my visits, I'm going to come by, I'm going to keep my residency and do all that. We'll have some parties, we'll hang out".

Later on in the conversation FODOR said "at this point they have not asked to come inside the house. You gotta keep in mind I've known some of these people for quite a long time and I think that they know me well enough at this point that if they ask to come inside the house, if they want to come in and take a look around the main area of the house I would say yeah. I'm not going to tell them no".

During this conversation CAFFESE told FODOR "I would say if they ever come back to you again, listen I told you guy not once but twice. Like now leave me alone. The guys no problem to me. You got a subpoena or search warrant to force me to talk to you I'm done".

To which CAFFESE responded "Yeah, I'm going to make that room a little nicer but I don't have time between now and the weekend. Set up a bachelor pad, make it look presentable".

According to public record sources and CAFFESE's landlord, CAFFESE'S cell phone number is 570-460-7055. The telephone service provider is Cellco Partnerships d/b/a Verizon Wireless.

In response to a search warrant for location data on CAFFESE's cell phone for the period beginning on 07/08/2021 through the current date VERIZON provided data revealing the following:

1. 1,648 connections from the tower closest to CAFFESE's Stroudsburg residence
2. 11 connections from the tower closest to CAFFESE's claimed Stillwater address
3. 114 connections to the tower closest to District Court 43-4-04 (CAFFESE's work location).

In response to a search warrant for customer data for the period beginning on 12/01/2021 through the current date BLUE RIDGE COMMUNICATIONS reported that:

1. JOHN CAFFESE is the subscriber for the 1595 Spruce St Stroudsburg address from 11/07/2016 through 08/23/2022.
2. CYNTHIA FODOR is the subscriber for the 123 Stillwater Dr Pocono Summit address from 12/31/2021 through 08/08/2022.



**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: LB-95-2A	Date Filed: 11/20/22	OTN/LiveScan Number: P-365949-C	Complaint Number	Incident Number: 20220728M0338
Defendant Name	First: JOHN	Middle: ROBERT	Last: CAFFESE	

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

According to PennDOT records Mr. CAFFESE's registered address was changed from 1595 Spruce St., Stroudsburg PA 18360 to 123 Stillwater Dr., Pocono Summit PA 18346 on 07/25/2022. It has since been changed to 906 Route 940, Suite 115R, Pocono Lake PA 18347.

According to the Monroe County Voter Registration Office Mr. CAFFESE has never voted in Pocono Summit. Mr. CAFFESE's voting record, which covers the period 11/02/2004 through 11/03/2020, takes place in either Hamilton Township or Stroudsburg PA.

Neighbors residing around the vicinity of Spruce Street, Stroudsburg PA believed that Mr. CAFFESE resided full time at 1595 Spruce Street.

Between 08/03/2022 and 10/28/2022 Mr. CAFFESE collected four payments from the Commonwealth of Pennsylvania totaling \$20,036.18 for work as a magisterial district judge knowing that he was not entitled to those payments. These payments were deposited into his personal Citizens Bank account x993-6. All four of the bank statements listing these deposits were sent to 1595 Spruce Street, Stroudsburg PA 18360-2914. Bank records were obtained through the Stroudsburg branch of Citizens Bank at 814 Main Street, Stroudsburg PA 18360.

**Offenses Charged**

I accuse Mr. JOHN ROBERT CAFFESE of violating 18 Pa. C.S. § 4904 Unsworn falsification to authorities (a) In general.—A person commits a misdemeanor of the second degree if, with intent to mislead a public servant in performing his official function, he: (1) makes any written false statement which he does not believe to be true;(2) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or(3) submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.(b) Statements "under penalty."—A person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable,

- for submitting Commonwealth of Pennsylvania form 87-011 attesting that the information is true and correct to the best of said person's knowledge, information and belief, said affirmation being made subject to the penalties prescribed by 18 Pa. C.S. § 4904 (unsworn falsification to authorities) knowing it to be false, and

I accuse Mr. JOHN ROBERT CAFFESE of violating 18 Pa. C.S. § 4903 False swearing (a) False swearing in official matters.—A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true is guilty of a misdemeanor of the second degree if:(1) the falsification occurs in an official proceeding; or(2) the falsification is intended to mislead a public servant in performing his official function.(b) Other false swearing.—A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a misdemeanor of the third degree, if the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths

- for submitting a Questionnaire for Local Judicial Nominees listing his residential address as 123 Stillwater Drive, Pocono Summit PA 18360 and his business address as 1595 Spruce Street, Stroudsburg PA 18360. Mr. CAFFESE affixed his



**POLICE CRIMINAL COMPLAINT  
AFFIDAVIT CONTINUATION PAGE**

Docket Number: 23-452-32	Date Filed: 11/24/22	OTN/LiveScan Number: K013449-C	Complaint Number	Incident Number 20220728M0338
Defendant Name	First: JOHN	Middle: ROBERT	Last: CAFFESE	

**AFFIDAVIT of PROBABLE CAUSE CONTINUATION**

signature to an AFFIDAVIT swearing "that the information provided in this statement is, to the best of my knowledge, true and accurate" knowing it to be false, and

- for submitting Senate Nomination Questionnaire for appointment to Monroe County Magisterial District Court 43-4-04 listing his voting address (home) as 123 Stillwater Drive, Pocono Summit PA 18346 and his business address as 1595 Spruce Street, Stroudsburg PA 18360 and affixing his signature below the statement "This form must be a sworn statement. Please have this form notarized" knowing it to be false.

I accuse Mr. JOHN ROBERT CAFFESE of violating 18 Pa. C.S. § 3922 (a) Theft by deception – a person is guilty of theft if he intentionally obtains or withholds property of another by deception. A person deceives if he intentionally: (1) creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise; (2) prevents another from acquiring information which would affect his judgment of a transaction; or (3) raises to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship. Each theft exceeds \$2,000.00 which constitutes a felony of the third degree:

- for collecting \$3,658.01 on 08/03/2022, \$5,459.39 on 08/30/2022, \$5,459.39 on 09/29/2022 and \$5,459.39 on 10/28/2022 (for a total of \$20,036.18) from the Commonwealth of Pennsylvania knowing that he was not qualified to obtain those funds.

I accuse Mr. JOHN ROBERT CAFFESE of violating 18 Pa. C.S. § 3925 Receiving Stolen Property. - A person is guilty of theft if he intentionally receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner:

- for depositing into his personal bank account \$3,658.01 on 08/03/2022, \$5,459.39 on 08/30/2022, \$5,459.39 on 09/29/2022 and \$5,459.39 on 10/28/2022 (for a total of \$20,036.18) from the Commonwealth of Pennsylvania knowing that he was not qualified to keep those funds

(Continued on next page)





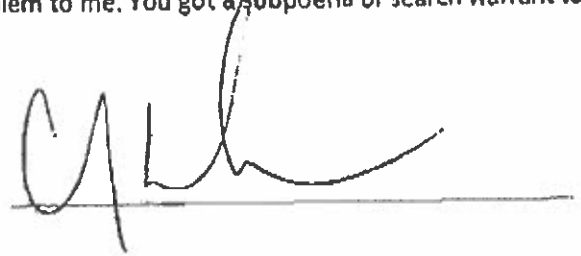
### POLICE CRIMINAL COMPLAINT AFFIDAVIT CONTINUATION PAGE

Docket Number: 17-150-23	Date Filed: 11/29/22	OTN/LiveScan Number: 15313441-0	Complaint Number	Incident Number 20220728M0338
Defendant Name	First JOHN	Middle: ROBERT	Last: CAFFESE	

### AFFIDAVIT of PROBABLE CAUSE CONTINUATION

I accuse Mr. JOHN ROBERT CAFFESE of violating 18 Pa. C.S. § 5101 Obstructing administration of law or other governmental function. - A person commits a misdemeanor of the second degree if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions:

- For advising a witness not to cooperate with investigators, to say "if they ever come back to you again, listen I told you guy not once but twice. Like now leave me alone. The guys no problem to me. You got a subpoena or search warrant to force me to talk to you I'm done".



(Signature of Affiant)

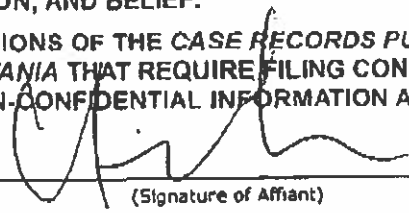
**POLICE CRIMINAL COMPLAINT**

Pocket Number 18-450-38	Date Filed 11/29/22	OTN/LiveScan Number B393444-0	Complaint/Incident Number 20220728M0338
Defendant Name	First JOHN	Middle ROBERT	Last CAFFESE

**AFFIDAVIT of PROBABLE CAUSE**

I, CHIEF ERIC KERCHNER (I-03), BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

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.

  
(Signature of Affiant)

Sworn to me and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_ Date \_\_\_\_\_, Magisterial District Judge

My commission expires first Monday of January, \_\_\_\_\_