

Press Release

April 20, 2012

TO: Media/Press

FROM: Judicial Conduct Board

SUBJECT: Magisterial District Judge Ross C. Cioppa (District Court 05-2-09, Allegheny County), 4 JD 2012 (Court of Judicial Discipline)

Harrisburg. The Judicial Conduct Board today filed formal charges by Board Complaint in the Court of Judicial Discipline against Allegheny County Magisterial District Judge Ross C. Cioppa.

Magisterial District Judge Cioppa pled guilty on April 12, 2012, to two counts of Indecent Assault (Misdemeanor 2) and two counts of Official Oppression (Misdemeanor 2) based on evidence that he solicited sexual favors from women appearing in his court in exchange for favorable judicial treatment. Judge Jill Rangos sentenced him to 6 months house arrest followed by 4 years of probation.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, Magisterial District Judge Cioppa 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 the former judge for violating the Rules Governing Standards of Conduct of Magisterial District Judges and the Pennsylvania Constitution. Possible sanctions include reprimand, suspension, or removal from office.

From October 17, 2011 until he resigned December 9, 2011, Magisterial District Judge Cioppa was suspended from office with pay when the Court of Judicial Discipline granted the Board's request for interim suspension after his criminal indictment.

Contact:

Joseph A. Massa, Jr., Chief Counsel
717-234-7911

Board Complaint is attached.

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

END

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

In re:

Ross C. Cioppa;	:	
Former Magisterial District	:	
Judge;	:	
District Court 05-2-09	:	
Fifth Judicial District	:	
Allegheny County	:	
	:	4 JD 2012

RECEIVED AND FILED
 COURT OF
 JUDICIAL DISCIPLINE
 OF PENNSYLVANIA

2012 APR 20 P 12:09

IMPORTANT NOTICE

TO: ROSS C. CIOPPA:

You are hereby notified that the Pennsylvania Judicial Conduct Board determined that probable cause exists 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, if you elect not to file an omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint within thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 413. Otherwise, you may file an Answer within twenty (20) days after the entry of an order dismissing all or part of your omnibus motion. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

COMPLAINT

AND NOW, this 20th day of April, 2012, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board) and files this Complaint against former Magisterial District Judge Ross C. Cioppa (Respondent). The Board alleges that Respondent violated the Constitution of the Commonwealth of Pennsylvania, Article V, § § 17(b) and 18(d)(1), and the Rules Governing Standards of Conduct of Magisterial District Judges by virtue of his conduct, delineated specifically as follows:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court and, thereafter, to prosecute the case in support of such charges before this Court.
2. From June 25, 1999 until his resignation on December 9, 2011, Respondent served as the duly elected Magisterial District Judge for District 05-2-09 in Allegheny County.

SUPPORTING FACTS AND CHARGES

3. By presentment dated October 6, 2011, Respondent was indicted by a countywide investigating grand jury for the following offenses: (1) Bribery, 18 Pa.C.S.A. § 4701(a)(2) (two counts), a felony of the third degree; (2) Official oppression, 18 Pa.C.S.A. § 5301(1) (two counts), a misdemeanor of the second degree; and indecent assault, 18 Pa.C.S.A. § 3126(a)(1) (two counts), a misdemeanor of the second degree. ***See Exhibit "A."***

4. By criminal complaint, Jackelyn Weibel, a Detective employed by the Office of the District Attorney of Allegheny County, charged Respondent with the above-cited offenses on October 12, 2011.
5. On October 12, 2011, the Board filed a Petition for Relief under CJD Rule 701 and Board Rule 13(A) requesting Respondent's interim suspension with pay of Respondent. On October 17, 2011, this Honorable Court granted the Board's petition and issued an Order suspending Respondent from all of his duties as a Magisterial District Judge with pay.
6. Thereafter, Respondent resigned from his office as Magisterial District Judge of District Court 05-2-09, Allegheny County, effective on December 9, 2011, at the close of business.
7. On April 12, 2012, Respondent appeared with counsel before the Honorable Jill Rangos, Allegheny County, and pleaded guilty to two (2) counts of Indecent Assault and to two (2) counts of Official Oppression.
8. In the course of the guilty plea colloquy, Respondent admitted to the following facts, as presented to the Court by Assistant District Attorney William Becker:

THE COURT: [...]. I'll ask the Commonwealth to summarize the facts in the case, because the affidavit is insufficient.

MR. BECKER: Thank you, Your Honor. Had the case against [Respondent] gone to trial, the

Commonwealth would have called Charnissa Turner, [] who would have testified that she appeared before [Respondent] in his capacity as a [Magisterial District Judge] in the year 2009. At the end of the court day, while alone with [Respondent], [he] attempted to kiss Charnissa Turner, embraced her and placed her hand in his genital area.

Turner would testify that she was an unwilling participant in this contact, that she resisted the contact, and when she ultimately did pull away from [Respondent] he told her – quote – no one would believe her because he is a judge.

The Commonwealth then would have called Brenda Johnson. She would have testified that in November of 2009 she was attempting to speak to [Respondent] about a pending case over which he was presiding. [Respondent] spoke to Johnson alone in the courtroom, he told her – quote – not to worry about her case, and he then hugged her, embraced her, while she stood up to leave.

Brenda pulled away from [Respondent] and attempted to leave; however, he blocked the door. [Respondent] again embraced Johnson against her will, placing his hands on her buttocks and pulling her against him.

Both of the victims would have testified to [Respondent's] sexual arousal during the encounters.

THE COURT: Any additions or corrections to the factual summary?

MR. DiLUCENTE [for Respondent]: No, Your Honor.

MR. ECKER [for Respondent]: No, Your Honor.

THE COURT: I do find that the Commonwealth has placed a factual summary on the record that would support this plea.

[Respondent], how are you pleading here today?

[RESPONDENT]: Guilty, Your Honor, because I am.

See Exhibit "B" (N.T. Guilty Plea hearing, 4/12/2012, at 12-14).

9. In return for Respondent's plea of guilty to the aforementioned offenses, the Commonwealth agreed to withdraw the Felony Bribery charges. Thereafter, Respondent waived a pre-sentence hearing and was sentenced by Judge Rangos to an aggregate sentence of six (6) months of house arrest, to be followed by a consecutive four (4) year term of probation. **See Exhibit "B"** (N.T. Guilty Plea hearing 4/12/2012, at 19-20).

10. At a meeting held on April 2, 2012, the Board found that there was probable cause to file formal charges in this Court against Respondent for the aforementioned conduct uncovered in its investigation, to which Respondent ultimately admitted at the guilty plea hearing.

The Board asserts that Respondent's conduct violated the following provisions of the Rules Governing the Standards of Conduct of Magisterial District Judges and the Constitution of this Commonwealth:

COUNT 1:

RULE 2: IMPROPRIETY AND APPEARANCE OF IMPROPRIETY TO BE AVOIDED:

- A. 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.***

The Board asserts that Respondent violated this Rule by perpetrating a sexual assault against two litigants who appeared before him, by attempting to intimidate the first victim from reporting the matter by use of the prestige of his judicial office, and by the implication to the second victim that her compliance with his sexual advances would benefit her legal position in her case pending before him. Respondent's acts were charged as the criminal offenses of indecent assault and official oppression, and he admitted to the acts and the violation of the law in open court.

COUNT 2:

ARTICLE V, § 17(b)

[...]. [Magisterial District Judges] shall be governed by rules or canons which shall be prescribed by the Supreme Court.

The Board asserts that Respondent has violated this provision by violating Rule 2 of the Rules Governing Standards of Conduct of Magisterial District Judges.

COUNT 3:

ARTICLE V, § 18(d)(1)

A justice, judge, or [magisterial district judge] may be suspended, removed from office, or otherwise disciplined for... violation of section 17 of this article[...], conduct which prejudices the proper administration of justice, or brings the judicial office into disrepute.

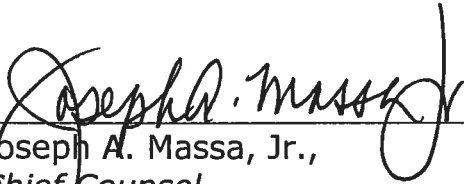
The Board asserts that Respondent violated this Rule by perpetrating a sexual assault against two litigants who appeared before him, by attempting to intimidate the first victim from reporting the matter by use of the prestige of his judicial office, and by the implication to the second victim that her compliance with his sexual advances would benefit her legal position in her case pending before him. The Board also asserts that

Respondent brought the judicial office into disrepute by committing the criminal offenses of Indecent Assault and Official Oppression.

WHEREFORE, the Board asserts that Respondent is subject to disciplinary action and sanction pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

Date: April 20, 2012



Joseph A. Massa, Jr.,
Chief Counsel
Pa. Supreme Court No. 6467
Judicial Conduct Board
601 Commonwealth Avenue, Ste. 3500
P.O. Box 62525
Harrisburg, PA 17106
717-234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

In re:


Ross C. Cioppa, :
Former Magisterial District :
Judge, :
District Court 05-2-09, :
Fifth Judicial District, :
Allegheny County : No. 4 JD 2012

VERIFICATION

I, Joseph A. Massa, Jr., Chief Counsel to 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 made in this Board Complaint are subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

DATE: April 20, 2012



Joseph A. Massa, Jr.
Chief Counsel

Pa. Supreme Court ID No. 6467
Judicial Conduct Board
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

**IN RE: THE 2010 ALLEGHENY
COUNTY INVESTIGATING
GRAND JURY**

**Criminal Division
CP-02-AD-112-2010**

PRESENTMENT F

TO THE HONORABLE JOSEPH M. JAMES, SUPERVISING JUDGE:

WE, the 2010 Allegheny County Investigating Grand Jury, duly charged by the Court to inquire into offenses against the criminal laws of the Commonwealth alleged to have been committed within Allegheny County and having obtained knowledge of such instances from witnesses sworn by this Court and testifying before us, and having examined the evidence presented to us, and finding thereon reasonable grounds to believe, and so believing, upon our respective oaths, not fewer than twelve (12) concurring, do hereby make this Presentment to the Court.

INTRODUCTION

This Grand Jury investigation concerns Official Oppression (18 Pa.C.S.A. §5301(1)), Indecent Assault (18 Pa.C.S.A. §3126(a)(1)) and Bribery in Official and Political Matters (18 Pa.C.S.A. §4701(a)(2)).

Based upon complaints received from police officers, court officials and members of the community, detectives from the District Attorney Investigations Unit (DAI) began an investigation into allegations of criminal conduct on the part of Allegheny County Magisterial District Judge Ross Cioppa (Cioppa), whose magisterial district, 05-2-09 encompasses the boroughs of Rankin, Swissvale and Braddock Hills. These allegations included assertions that during his judicial tenure, he has used the power of his office to have physical/sexual contact with female litigants, predominantly African-American women, in exchange for favorable judicial treatment of these litigants themselves and/or family members or friends with respect to criminal or civil matters pending before him.

Based upon those complaints, a criminal investigation by DAI was undertaken, and it became immediately apparent that a number of witnesses were reluctant to speak to

detectives about Cioppa, who remained a sitting magisterial district judge, and who, according to the perceptions of the interviewees, continued to hold a great deal of power over legal matters involving themselves and/or members of their families. It was for this reason that it was determined that the investigation into Cioppa's activities should best be undertaken by the investigating grand jury.

Legal advisors to this Grand Jury filed a Notice of Submission stating that the tools of the Grand Jury, especially the power to compel the attendance of witnesses and to obtain testimony of such witnesses under oath, the power to obtain testimony from witnesses who have been granted immunity, the power to obtain the initiation of civil and criminal contempt proceedings, as well as all other resources of the Grand Jury were needed in order to investigate this matter adequately. The notice was reviewed and approved by the Supervising Judge of the 2010 Investigating Grand Jury on August 11, 2011. Since that time, witnesses have testified before this Grand Jury, and we are prepared to announce our findings, conclusions and recommendations for criminal prosecution against Ross C. Cioppa.

FINDINGS

Victim 1, who was identified to the Grand Jury and will be available to testify in later proceedings, testified to having had a number of cases in the 05-2-09 Magisterial District Court (MDC). Victim 1 testified that approximately two years ago, when she had appeared in MDC 05-2-09 for an active landlord/tenant case (wherein the landlord had filed an action in Cioppa's court for eviction and possession of her apartment), and after court had ended for the day, she was alone in the courtroom with Cioppa. At this time, he attempted to kiss her. He then hugged her and placed her hand on his genitals. He asked her to use her hand to massage him until he had an erection. Victim 1 testified that she was an unwilling participant in these actions. Victim 1 began to comply, but when she resisted and pulled away, Cioppa told her that if she told anyone, no one would believe her "because [he] is a judge and [he's] well known out there." Immediately after this incident, Victim 1 testified, Cioppa told her to come into his chambers. He proceeded to pull out a grey digital camera and told her that he wanted to take photographs of her and if she agreed, she would be able to stay in her home. Victim 1 allowed Cioppa to take several pictures of

her while she sat and subsequently lay on the brown leather couch in his chambers. Victim 1 testified that she believed that allowing Judge Cioppa to take her picture was the only way that she would be able to stay in her apartment where she resided with her children. When her landlord/tenant hearing was held the following week, Judge Cioppa ruled in her favor. Victim 1 testified that Judge Cioppa was in a position of power. She did not tell anyone about the incident (except for her father) until detectives interviewed her on June 28, 2011.

Victim 2, who was identified to the Grand Jury and will be available to testify in later proceedings, testified that she had an active landlord/tenant case in MDC 05-2-09 in late 2009. Victim 2 testified that she traveled to the MDC office on November 4, 2009 in hopes of speaking to Judge Cioppa about her pending case. Victim 2 testified that she was alone in the courtroom with him. After she explained her landlord/tenant dispute to him, Cioppa told her "not to worry" about her case. Victim 2 testified that she felt uncomfortable because after the conversation about her case had ended, Cioppa asked her personal questions and "hugged" her when she stood up to leave. She pulled away from Cioppa and attempted to leave the courtroom, however Judge Cioppa blocked the closed

courtroom door and again embraced her. Victim 2 pulled away again after which Cioppa continued to ask her suggestive questions. He then proceeded to embrace her a third time and, according to Victim 2, "this time he put his hands down around my butt and I noticed that he had an erection." Victim 2 testified that she gave him no indication that she wanted to be approached by him in a sexual manner and she was an unwilling participant in these actions. After more protestations, Cioppa released her and stepped away from the door. Victim 2 testified that she went directly to her vehicle but when she started to back her car out of the parking spot, there was a vehicle behind her blocking her in. Victim 2 testified that Judge Cioppa was in the vehicle and from the window, he called her over to his vehicle. He then asked her if she wanted to go out on a date with him and he gave her his business card which had his cell phone number handwritten on it. Cioppa told her to call him and he would make her case "go away". Victim 2 testified that she did not call him. When her landlord/tenant hearing was held, Judge Cioppa ruled against her. Victim 2 appealed this decision and subsequently won the appeal.

CONCLUSIONS

We, the 2010 Allegheny County Investigating Grand Jury, do hereby conclude as follows:

(1) There is probable cause to believe that on or about 2009 - 2010, Ross Cioppa solicited, accepted or agreed to accept from VICTIM 1, a benefit, namely physical, sexual and or romantic reciprocations as consideration for the decision, vote, recommendation or other exercise of official discretion, namely, favorable dispositions and/or treatment in pending and/or future judicial proceedings, in violation of Section 4701(a)(2) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. §4701(a)(2).

(2) There is probable cause to believe that on or about November 4, 2009, Ross Cioppa solicited, accepted or agreed to accept from VICTIM 2, a benefit, namely physical, sexual and or romantic reciprocations as consideration for the decision, vote, recommendation or other exercise of official discretion, namely, favorable dispositions and/or treatment in pending and/or future judicial proceedings, in violation of Section 4701(a)(2) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. §4701(a)(2).

(3) There is probable cause to believe that on or about 2009 - 2010, Ross Cioppa had indecent contact with,

or caused VICTIM 1 to have indecent contact with him without the consent of that person, in violation of Section 3126(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. §3126(a)(1), as amended.

(4) There is probable cause to believe that on or about November 4, 2009, Ross Cioppa had indecent contact with, or caused VICTIM 2 to have indecent contact with him without the consent of that person, in violation of Section 3126(a)(1) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. §3126(a)(1), as amended.

(5) There is probable cause to believe that on or about 2009 - 2010, Ross Cioppa, acting or purporting to act in an official capacity namely, as a magisterial district judge, knowing that his conduct was illegal subjected another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or denied or impeded the exercise or enjoyment of any right, privilege, power or immunity by another, namely VICTIM 1, in violation of Section 5301 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. §5301, as amended.

(6) There is probable cause to believe that on or about November 4, 2009, Ross Cioppa, acting or purporting to act in an official capacity namely, as a magisterial

district judge, knowing that his conduct was illegal subjected another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or denied or impeded the exercise or enjoyment of any right, privilege, power or immunity by another, namely VICTIM 2, in violation of Section 5301 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa.C.S. §5301, as amended.

RECOMMENDATIONS

On the basis of the findings we have made from the evidence presented to us, We, the 2010, Allegheny County Investigating Grand Jury, recommend that the District Attorney of Allegheny County file a criminal Complaint pursuant to the provisions of the Investigating Grand Jury Act, the Act of October 5, 1980, P.L. 693, No. 142, 42 Pa. C.S. §4541(e), charging Ross Cioppa., D.O.B. 5-4-41, 986 Illinois Ave., Pittsburgh, Pa., 15221; with the following offenses:

2 Counts:

- (1) Bribery in Official and Political Matters (18 Pa.C.S.A. §4701(a)(2)) (Felony of the Third Degree);

2 Counts

- (2) **Indecent Assault (18 Pa.C.S.A. §3126(a)(1))**
(Misdemeanor of the Second Degree); and,

2 Counts

- (3) **Official Oppression (18 Pa.C.S.A. §5301(1))**
(Misdemeanor of the Second Degree).

Oct 6, 2011
Date

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Foreperson

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IN THE COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY, PENNSYLVANIA

- - -

COMMONWEALTH OF PENNSYLVANIA)	CRIMINAL DIVISION
)	
vs.)	CC No. 201113255
)	
ROSS CIOPPA)	GUILTY PLEA/SENTENCE

Filed by:
Kathleen M. Banos
Official Court Reporter

Hearing Date:
April 12, 2012

Before:
Hon. JILL RANGOS

APPEARANCES:

For the Commonwealth:
William Becker, Esq.

For the Defendant:
Jim Ecker, Esq.
Phil DiLucente, Esq.

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P-R-O-C-E-E-D-I-N-G-S

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THE COURT: Do we have everybody for Mr. Cioppa?

MR. DiLUCENTE: Judge, it's my understanding -- I spoke with the assistant district attorney. He said the victim did not check in at 8:30. He was going to make an attempt to I guess contact her again. And that's all I know.

THE COURT: Okay. Well, obviously we can't go forward until we have the victim and the DA. And I do have a jury.

MR. DiLUCENTE: Did Judge Borkowski speak to you at all?

THE COURT: Not yet.

MR. DiLUCENTE: Okay. We, Jim Ecker and myself, have a jury trial. We have a long trial in his courtroom --

THE COURT: Okay.

MR. DiLUCENTE: -- that was to start at 9:30. We made our best efforts to notify all parties that we had that going on as well. So whatever the Court --

THE COURT: Okay. We could do it when we take our morning recess, if you would like, at 11 o'clock.

MR. DiLUCENTE: You would arrange that?

1 THE COURT: If Judge Borkowski could break
2 around the same time.

3 MR. DiLUCENTE: And you would make those
4 arrangements, Your Honor?

5 THE COURT: He's going to -- I was in a
6 meeting at 8:30, he stopped to see me, I called
7 him back. He's down instructing the jury, the
8 panel. So he's going to stop in as soon as he's
9 done.

10 MR. DiLUCENTE: Okay.

11 THE COURT: I would do it over lunch.
12 Unfortunately, today I'm working, holding the
13 jury straight through until 1 o'clock -- I did
14 bring them donuts for mid-morning snack --
15 because I've got 18 sex offender court
16 arraignments and reviews at 1 o'clock.

17 MR. DiLUCENTE: I see.

18 THE COURT: So --

19 MR. DiLUCENTE: Can we just -- I think he was
20 just going to make one more attempt, and was very
21 clear, I don't think he was -- you know, if the
22 victim doesn't appear, because she may not want
23 to come forward --

24 THE COURT: That's a different story, sure.

25 MR. DiLUCENTE: Yeah.

1 THE COURT: But I really can't hold my jury
2 too long.

3 MR. DiLUCENTE: Do you have his phone number?
4 I'll call him.

5 THE CLERK: Who?

6 MR. DiLUCENTE: Bill Becker.

7 THE COURT: The other thing we can do is roll
8 it until tomorrow morning. Do you want to do
9 that, roll it until tomorrow morning? Because
10 then I don't have as much.

11 (Thereupon, Mr. Becker entered the
12 courtroom.)

13 MR. BECKER: Good morning, Your Honor.

14 THE COURT: Good morning, Mr. Becker. Your
15 victim hasn't arrived yet?

16 MR. BECKER: That's correct, Your Honor. We
17 expected her at 8:30 this morning. There's no
18 sign of her yet. The detective is attempting to
19 contact her.

20 THE COURT: Okay. We were discussing
21 procedurally how we could go. I know defense
22 counsel is in a jury with Judge Borkowski. I am
23 really jammed up today. So we could try to
24 coordinate with Judge Borkowski for our morning
25 jury breaks, try to do them at the same time. I

1 don't know if we can do that. We'll try. I
2 would do it at lunch, but I don't get lunch
3 today. I've got a jury going straight through
4 until 1:00 and then SOC.

5 MR. DiLUCENTE: Your Honor, we'd be happy to
6 go forward now if the Court -- considering all
7 the scheduling difficulties of the parties.

8 THE COURT: I can't go forward. The victim
9 has a right to be present. I would have to give
10 the victim some leeway to get here.

11 MR. DiLUCENTE: I appreciate that.

12 THE SECRETARY: Judge Borkowski wants to see
13 you.

14 THE COURT: Judge Borkowski wants to see me.
15 As I said, I can roll it until tomorrow morning,
16 or we can do it at the very end of the day.

17 MR. DiLUCENTE: Certainly.

18 (Brief break.)

19 THE COURT: Okay. So Judge Borkowski is
20 willing to hold his jury until 9:15.

21 MR. BECKER: I can check with Mr. Miller, get
22 an update.

23 THE COURT: I don't want to hold the jury too
24 long.

25 MR. BECKER: I completely understand.

1 THE CLERK: The defendant's not here yet on
2 our jury.

3 THE COURT: We'll see how it goes. But as
4 soon as Judge Borkowski needs you I'll defer to
5 him.

6 MR. DiLUCENTE: He told us yesterday 9:30.
7 Did he say 9:15?

8 THE COURT: I just talked to him. He said
9 the earliest he'd be able to go is 9:15 because
10 he's got two prisoners he needs to deal with.
11 But he's going to call over here when he's ready
12 for you.

13 MR. DiLUCENTE: We'll sit tight.

14 THE COURT: We'll sit tight as long as we
15 can. If we need to start mine I'll leave it to
16 the three of you to determine how you'd best like
17 to handle it. I don't mind doing it at the very
18 end of the day, after you're done with Judge
19 Borkowski. I know he tends to go kind of late,
20 but --

21 MR. DiLUCENTE: Did you suggest noon before?
22 Is that not an option?

23 THE COURT: Today I can't do noon. I could
24 tomorrow.

25 No, actually, I have a meeting at noon

1 tomorrow with the Pittsburgh Foundation on our
2 new drug and alcohol treatment program.

3 MR. DiLUCENTE: That's great.

4 THE COURT: I could tell my jury to start
5 tomorrow morning at 9:30 and we could do it at
6 9:00 tomorrow. But if you're still with Judge
7 Borkowski --

8 MR. DiLUCENTE: No. I closed yesterday.
9 Eddie Scheid is closing this morning, then the
10 jury will be charged and they'll go out. I don't
11 know when they'll come back.

12 THE COURT: Today at lunch I'm working
13 through because of the sex offender court. I
14 have 18 cases.

15 MR. DiLUCENTE: Judge, I think if we had any
16 opinion on it, if the Court would indulge us, we
17 would like today at the end of the day.

18 THE COURT: If you want to wait till the end
19 of the day that's fine with me.

20 MR. BECKER: Fine, other than -- the only
21 thing pending is the location of the victim.
22 Otherwise I'm completely flexible.

23 THE COURT: We'll wait till the end of the
24 day. I have a jury, too. I will be late.

25 MR. DiLUCENTE: The only request I would have

1 is I would ask for a reasonable amount of time to
2 give the victim if she wants to come forward.

3 THE COURT: Yes. If she chooses not to be
4 here, in fairness I would --

5 MR. DiLUCENTE: It's constructive notice that
6 she's not coming.

7 MR. ECKER: Your Honor, what time at the end
8 of the day would you be talking about?

9 THE COURT: Generally with a jury we break at
10 4:30, 5 o'clock, in that range.

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1 THE COURT: Mr. Cioppa, please come forward.

2 THE CLERK: One second, Judge.

3 All those testifying please stand and raise
4 your right hand to be sworn.

5 (Defendant sworn.)

6 THE COURT: Commonwealth versus Ross Cioppa.
7 Counsel, please enter your appearance.

8 MR. DiLUCENTE: Phil DiLucente, Your Honor,
9 for Ross Cioppa.

10 MR. ECKER: Jim Ecker, Your Honor, for Ross
11 Cioppa.

12 MR. BECKER: Good afternoon, Your Honor.
13 William Becker for the Commonwealth.

14 THE COURT: Are there any amendments or
15 agreements in this case?

16 MR. BECKER: There is, Your Honor. The
17 Commonwealth is withdrawing counts 1 and 2 of the
18 criminal information in exchange for the
19 defendant's plea of guilty to the remaining
20 counts, that is counts 3 through 6.

21 THE COURT: Mr. Cioppa, please state your
22 full name and spell your last name.

23 THE DEFENDANT: Ross, middle initial C, last
24 name Cioppa, C-i-o-p-p-a.

25 THE COURT: How old are you?

1 THE DEFENDANT: 70.

2 THE COURT: How far did you go in school?

3 THE DEFENDANT: I completed college at the
4 University of Pittsburgh.

5 THE COURT: You are able to read, write and
6 understand the English language?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Have you had any drugs or alcohol
9 in the past 48 hours which would impair your
10 ability to participate in the proceedings here
11 today?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Do you suffer from any mental
14 illness or infirmity which would in any way limit
15 your ability to participate in these proceedings?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Other than the amendment to the
18 information withdrawing counts 1 and 2, have any
19 promises been made to you in connection with your
20 guilty plea?

21 THE DEFENDANT: Because I am.

22 No, Your Honor. I'm sorry. There has not
23 been.

24 THE COURT: Has anybody forced, threatened or
25 coerced you in any way with regard to your

1 decision to plead guilty here today?

2 THE DEFENDANT: No, Your Honor.

3 THE COURT: Along with your attorneys you did
4 read and answer all 68 questions contained in the
5 guilty plea explanation of defendant's rights
6 form, is that correct?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: You did answer these questions
9 honestly?

10 THE DEFENDANT: Yes, I did, Your Honor.

11 THE COURT: And you did indicate by adding
12 your signature on page 9 of this colloquy that
13 you have read the entire document and you do
14 understand its full meaning, is that true?

15 THE DEFENDANT: Yes, I do, Your Honor.

16 THE COURT: Is that your signature on page 9
17 of the colloquy?

18 THE DEFENDANT: That is my signature, Your
19 Honor.

20 THE COURT: I have signed this colloquy and I
21 will incorporate it into the record in these
22 proceedings.

23 Are you satisfied with the services your
24 attorneys have provided to you?

25 THE DEFENDANT: Yes, I am, Your Honor.

1 THE COURT: Did they explain to you the
2 nature of the charges you are facing and the
3 elements the Commonwealth would have to prove if
4 you did choose to have a trial?

5 THE DEFENDANT: Yes, they did, Your Honor.

6 THE COURT: At the time of your arrest on
7 these charges were you on any form of probation
8 or parole?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: At 201113255, as amended, you're
11 charged at count 3 with indecent assault, a
12 misdemeanor of the second degree punishable by a
13 maximum 2-year period of incarceration and a
14 maximum \$5,000 fine.

15 At count 4, indecent assault, also a
16 misdemeanor of the second degree, same maximum, 2
17 years, \$5,000.

18 Count 5, official oppression, a misdemeanor
19 of the second degree, same maximum, 2 years,
20 \$5,000. Count 6, official oppression, a
21 misdemeanor of the second degree, same maximum, 2
22 years, \$5,00.

23 I'll ask the Commonwealth to summarize the
24 facts in the case, because the affidavit is
25 insufficient.

1 MR. BECKER: Thank you, Your Honor. Had the
2 case against the defendant gone to trial, the
3 Commonwealth would have called Charnissa Turner,
4 C-h-a-r-n-i-s-s-a T-u-r-n-e-r, who would have
5 testified that she appeared before the defendant
6 in his capacity as a district magistrate in the
7 year 2009. At the end of the court day, while
8 alone with the defendant, the defendant attempted
9 to kiss Charnissa Turner, embraced her and placed
10 her hand in his genital area.

11 Turner would testify that she was an
12 unwilling participant in this contact, that she
13 resisted the contact, and when she ultimately did
14 pull away from the defendant he told her -- quote
15 -- no one would believe her because he is a
16 judge.

17 The Commonwealth then would have called
18 Brenda Johnson. She would have testified that in
19 November of 2009 she was attempting to speak to
20 the defendant about a pending case over which he
21 was presiding. The defendant spoke to Johnson
22 alone in the courtroom, told her -- quote -- not
23 to worry about her case, and he then hugged her,
24 embraced her, while she stood up to leave.

25 Brenda pulled away from the defendant and

1 attempted to leave; however, he blocked the door.
2 The defendant again embraced Johnson against her
3 will, placing his hands on her buttocks and
4 pulling her against him.

5 Both of the victims would have testified to
6 the defendant's sexual arousal during the
7 encounters.

8 THE COURT: Any additions or corrections to
9 the factual summary?

10 MR. DiLUCENTE: No, Your Honor.

11 MR. ECKER: No, Your Honor.

12 THE COURT: I do find that the Commonwealth
13 has placed a factual summary on the record that
14 would support this plea.

15 Mr. Cioppa, how are you pleading here today?

16 THE DEFENDANT: Guilty, Your Honor, because I
17 am.

18 THE COURT: And you are pleading guilty
19 because you are in fact guilty?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: I do find Mr. Cioppa is
22 knowingly, intelligently and voluntarily waiving
23 his right to a trial and entering his admission
24 here today, and I will accept his plea.

25 You do have the right to a pre-sentence

1 report to be prepared for you prior to the time
2 of sentencing. If you wish to you may waive the
3 pre-sentence report.

4 Could I have a copy of the guidelines,
5 please.

6 You have a zero prior record score. And
7 given the misdemeanor charges to which you have
8 pled, probation and house arrest would be in the
9 standard range of the guidelines for the two
10 counts of indecent assault, and probation in the
11 standard range for the two counts of official
12 oppression. Would you like a pre-sentence or
13 would you like to waive that?

14 THE DEFENDANT: I'd like to waive that, Your
15 Honor, please.

16 THE COURT: Anything you'd like to say,
17 Mr. DiLucente, on your client's behalf?

18 MR. DiLUCENTE: Your Honor, I'll be brief.
19 There was substantial negotiation with the
20 district attorney's office. I would just
21 respectfully request this Honorable Court accept
22 the plea agreement as it is in place. He has
23 pled guilty today because he is. However, I'd
24 just like the Court to take notice that he has
25 helped the community throughout 20 years. This

1 was a substantial, severe lapse in judgment, he
2 recognizes that, and whatever this Honorable
3 Court will impose he will follow to the letter of
4 the law. I have nothing further on behalf of
5 Mr. Cioppa.

6 THE COURT: Mr. Ecker, is there anything you
7 want to say?

8 MR. ECKER: Just, in my whole career, Your
9 Honor, I've very rarely found anybody as
10 remorseful as the judge. Any time we've seen him
11 he's really very, very sad, upset, crying,
12 realizes he did wrong, the things he's going
13 through, I'll tell you, very tragic things
14 lately. His mother and mother-in-law both died
15 within a month's time. He's just been beside
16 himself. We would ask for whatever generosity
17 you would give.

18 THE COURT: Anything from the Commonwealth?

19 MR. BECKER: Your Honor, very briefly, a very
20 brief statement from Brenda Johnson, who could
21 not make it to court this morning. I do
22 apologize for her absence. I was able to contact
23 her by phone. She was satisfied -- if I read two
24 short sentences she would be satisfied, in lieu
25 of a personal appearance today. She told me the

1 impact on her life was all because -- and I'm
2 quoting -- I went to him for help, meaning the
3 defendant. The incident that occurred made my
4 life a living hell. I felt helpless in the
5 community. She explained to me that was because
6 of the defendant's position and influence in the
7 community.

8 Your Honor, other than the -- Mr. DiLucente
9 mentioned the plea agreement, that was withdrawal
10 of the two counts. That's the extent of the
11 agreement, Your Honor.

12 THE COURT: Mr. Cioppa, anything you want to
13 say?

14 THE DEFENDANT: Your Honor, for the past 13
15 years that I've sat on the bench, there are many,
16 many individuals that I have helped. I made a
17 mistake. In part, it could have been medication
18 I have been taking. And I am remorseful for the
19 act that I have done. I'm willing to do whatever
20 the Honorable court wishes me to do to have this
21 thing put behind me. I know I can't turn the
22 time back, but I'm willing to hopefully start my
23 life over again.

24 THE COURT: These types of cases are
25 particularly troubling to those of us who serve

1 our community as public servants, because it
2 tarnishes all of us. And as a woman, and
3 particularly as a woman who has practiced law in
4 a private capacity before joining the bench, it
5 has taken women in professional careers years and
6 years to place themselves on equal footing with
7 men. And again, these types of actions set back
8 the efforts that we have made over a number of
9 years to place ourselves on equal footing in
10 front of courts with our male counterparts.

11 I am going to impose a sentence that is in
12 the guidelines for the charges that you have pled
13 to here today, but I do not in any way want to
14 minimize the significant impact that your conduct
15 has had in doing so.

16 As a condition of the probation that I will
17 impose, while this is not technically a case that
18 is in sex offender court, I am going to require
19 that you participate in a mental health
20 evaluation through Mercy Behavioral, the same
21 group who does evaluate our sex offenders, to
22 determine what level of treatment you require,
23 and then you will have to comply with whatever
24 treatment is recommended. You understand that?

25 THE DEFENDANT: Yes, I do, Your Honor.

1 THE COURT: All right.

2 THE DEFENDANT: I'm willing to accept that.

3 THE COURT: So at 201113255, count 3, a
4 period of 2 years of probation, with 3 months of
5 house arrest, at count 4, a consecutive 2 years
6 of probation, with a consecutive 3 months of
7 house arrest, for a total of 4 years of probation
8 and 6 months of house arrest; a condition of his
9 probation of course being that he comply with the
10 mental health evaluation and follow through with
11 any treatment that is recommended. Successful
12 completion of any recommended mental health
13 treatment will be a condition of your probation.

14 At counts 5 and 6, a concurrent 2 years
15 probation at each count, and that will be
16 concurrent with count 3 -- count 5 would be
17 concurrent with count 3 and count 6 concurrent
18 with count 4. No further penalty will be
19 imposed.

20 You have a right within 10 days of today to
21 file a motion to challenge the validity of your
22 plea of guilty, a motion seeking to modify your
23 sentence, or a motion in arrest of judgment. You
24 have a right within 30 days to file a direct
25 appeal to Superior Court.

1 You have a right to have a lawyer represent
2 you at all stages of the proceeding. If you
3 cannot afford one one would be appointed for you
4 at no cost.

5 You have spoken with counsel and you do
6 understand your post-sentence and appellate
7 rights?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: There would of course be a no
10 contact order with both victims in this case,
11 Ms. Turner and Ms. Johnson.

12 MR. ECKER: Thank you, Your Honor.

13 THE DEFENDANT: I understand.

14 MR. DiLUCENTE: Your Honor, may I
15 respectfully request work release privileges, as
16 well as religious and medical? He has a
17 substantial medical history and he is continually
18 going to doctors. I didn't want to get into it
19 as much as the judge did.

20 And also, he does serve on some boards, and
21 because of this plea here today, it may
22 necessitate this Honorable Court to perhaps give
23 him an order from time to time to travel to
24 Harrisburg for other matters. So I would just --

25 THE COURT: That would have to be on a case

1 by case basis as presented by the probation
2 department and assuming, of course, full
3 compliance with the other conditions here. While
4 he's on house arrest he can't do that. So he
5 would have a 6-month window where he would not be
6 able to travel.

7 MR. DiLUCENTE: Unless I would petition this
8 Honorable Court for board reasons for his former
9 employment.

10 THE COURT: Again, I would consider any
11 request you would make. Taking the bracelet off
12 and on is a burden on the probation department.
13 So it would have to be an extraordinary
14 circumstance.

15 MR. DiLUCENTE: Certainly.

16 THE COURT: I assume he can, like I do from
17 time to time, participate in board meetings via
18 teleconference.

19 MR. DiLUCENTE: Not for his Clarion
20 board-ship, Judge, regarding professional
21 matters, regarding pension, things like that.

22 THE COURT: I would consider on a case by
23 case basis any request with regard to that.

24 MR. DiLUCENTE: Thank you.

25 MR. ECKER: Work release would be all right,

1 though?

2 THE COURT: Work release is ordinarily --

3 MR. ECKER: And medical.

4 THE COURT: Work and medical are certainly
5 ordinarily dealt with by the probation department
6 without Court interference.

7 MR. DiLUCENTE: And it's very consistent with
8 Your Honor's previous statements about compliance
9 and performance.

10 THE COURT: Everybody that's on house arrest
11 can request work and medical releases. Those
12 requests of course have to be provided in advance
13 to the probation department for consideration.

14 THE DEFENDANT: Thank you, Your Honor.

15 THE COURT: Nothing else today?

16 MR. BECKER: Nothing from the Commonwealth.

17 THE COURT: Thank you.

18 MR. DiLUCENTE: Thank you, Your Honor.

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20 (Thereupon, the matter was adjourned.)

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COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

CERTIFICATE OF REPORTER

I, Kathleen M. Banos, do hereby certify that the proceedings and evidence are contained fully and accurately in the machine shorthand notes taken by me at the hearing on the within cause, and that the same were transcribed under my supervision and direction, and that this is a true and correct transcript of the same.

Official Court Reporter
Court of Common Pleas

The foregoing record of the transcript of proceedings at the hearing on the above cause is hereby approved and directed to be filed.

Judge

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

In re:

Ross C. Cioppa, :
Former Magisterial District :
Judge, :
District Court 05-2-09, :
Fifth Judicial District, :
Allegheny County : No. 4 JD 2012

PROOF OF SERVICE

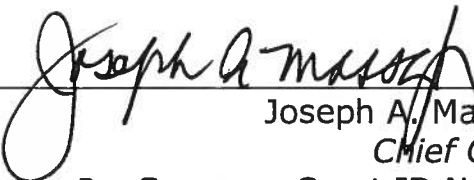
On April 20 2012, in compliance with Rule 122(d) of the Court of Judicial Discipline Rules of Procedure, a copy of this Board Complaint was sent by certified mail to Respondent's counsel, who agreed to accept service, at the following address:

Honorable Ross C. Cioppa c/o
Phillip P. DiLucente, Esquire
Evashavik, DiLucente & Tetlow, LLC
310 Grant Street, Suite 1801 Grant Building
Pittsburgh, PA 15219

Certified Mail No. 7161 7145 5373 0150 0194
Return Receipt Requested

Respectfully submitted,

DATE: April 20, 2012



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