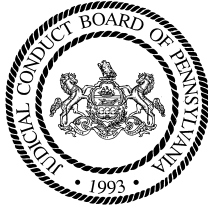


## Judicial Conduct Board

Commonwealth of Pennsylvania

Joseph A. Massa, Jr., Chief Counsel

717-234-7911



# Press Release

November 2, 2006

**TO:** Media / Press  
**FROM:** Judicial Conduct Board  
**SUBJECT:** Formal Charges  
Maynard A. Hamilton, Jr.,  
Magisterial District Judge;  
Magisterial District 02-3-03;  
Lancaster County

On November 2, 2006, the Judicial Conduct Board instituted formal proceedings against Magisterial District Judge Maynard A. Hamilton, Jr., in and for Magisterial District 02-3-03, Lancaster County, Pennsylvania. A Board Complaint was filed today with the Court of Judicial Discipline in Harrisburg.

Specifically, the Board Complaint concerns allegations of the judge's involvement in a June 10, 2006 fight at Cross Gates Golf Club in Manor Township.

In accordance with rules that govern proceedings before the Court of Judicial Discipline, Magisterial District Judge Hamilton has an opportunity to respond to the charges and a right to a public hearing at which the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses.

Following completion of the hearing, the Court will determine if the charges have been proven by clear and convincing evidence. If so, a Sanctions Hearing will be scheduled, at which time the Court determines what sanctions to impose.

**Counsel:** Joseph A. Massa, Jr., Chief Counsel  
**Respondent's:** Merrill M. Spahn, Jr., Esquire  
**Contact:** Joseph A. Massa, Jr., Esquire  
Chief Counsel, Judicial Conduct Board  
**Note:** Board Complaint attached.

*(This information may also be found on [www.jcbpa.org](http://www.jcbpa.org))*

**##END##**

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

RECEIVED AND FILED  
COURT OF  
JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

Nov 2 11 35 AM '06

In re:

Maynard A. Hamilton, Jr., :  
Magisterial District Judge; :  
Magisterial District 02-3-03; :  
Lancaster County : 2 JD 2006  
:

IMPORTANT NOTICE

**TO: MAGISTERIAL DISTRICT JUDGE MAYNARD A. HAMILTON, JR.:**

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 and 18 of the Constitution of the Commonwealth of Pennsylvania. 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 within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 302(B).

You are hereby notified, pursuant to C.J.D.R.P. No. 302(E), 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.

## FORMAL CHARGES

AND NOW, this 2<sup>nd</sup> day of November, 2006, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board") and files this Board Complaint against Magisterial District Judge Maynard A. Hamilton, Jr. (hereinafter "Respondent"), of Magisterial District 02-3-03, Lancaster County, Pennsylvania, alleging that the Respondent has violated the Rules Governing Standards of Conduct of Magisterial District Judges, (the former Rules Governing Standards of Conduct of District Justices), and 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 and Judicial Conduct Board Rule of Procedure 31(A)(3), promulgated by the Pennsylvania Supreme Court on March 20, 1995 (amended 1996) which granted authority to the Board 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 judicial officer for proscribed conduct and to present the case in support of such charges before the Court of Judicial Discipline.

2. Since on or about January 4, 1988, and at all times relevant hereto, the Respondent has served as a District Justice and, as renamed, a Magisterial District Judge of Magisterial District 02-3-03, Lancaster County, Pennsylvania, encompassing the Townships of Pequea, Strasburg, and West Lampeter; and the Borough of Strasburg, with an office located at 324 Beaver Valley Pike, Willow Street, Pennsylvania 17584. As a District Justice and a Magisterial District Judge, he was subject to all the duties and responsibilities imposed on him by the Rules Governing Standards of Conduct of District Justices and the recently renamed Rules

Governing Standards of Conduct of Magisterial District Judges. The Respondent is charged with violating his judicial duties as set forth in the following paragraphs.

3. On or about June 8, 2006, Sergeant Robert Buser of the Southern Regional Police Department came to Respondent's office to drop off citations and Respondent asked Sergeant Buser for a year's schedule of work rosters from the Southern Regional Police Department. Sergeant Buser informed Respondent that he could provide three (3) months but not a year's worth of assignments. Respondent became angry and argued with Sergeant Buser for several minutes. Sergeant Buser then left Respondent's office.

4. On or about June 9, 2006, Sergeant Buser got another, fourth (4<sup>th</sup>) month's, roster prepared and brought the roster to Respondent's office. He also put a check for \$150.00 in Respondent's office for a golf trip in July.

5. On June 10, 2006, Sergeant Buser went to the Cross Gates Golf Course, a public facility, to attend a birthday party that was being thrown for a friend, in one of the open, covered pavilions.

6. At or about 5:00 p.m., Respondent and his wife, Doris, were standing in the adjacent pavilion near the bar area.

7. At approximately 6:30 p.m., Sergeant Buser observed Respondent seated at a table, got his attention, and asked if Respondent received his 'golfing trip' check. Respondent nodded yes.

8. With numerous people in the vicinity, several moments later, Respondent walked toward Sergeant Buser, who extended his hand in greeting. Without any provocation, Respondent stated, "*I have had enough of your shit. I am not going to take anymore.*"

Respondent then said, "*Let's go downstairs and take care of this man-to-man. I'm gonna kick your ass.*"

9. Sergeant Buser followed Respondent. Respondent kept asking Sergeant Buser to take off his glasses. Sergeant Buser stated that he simply wanted to talk, had no intention of fighting with Respondent, and that he was not going to take off his glasses.

10. When Respondent and Sergeant Buser got to the lower landing, Respondent physically confronted Sergeant Buser by moving toward him, butting his chest against Sergeant Buser. Respondent then punched Sergeant Buser on the left side of his face, knocking his glasses off which broke as they hit the steps.

11. Sergeant Buser then picked up his glasses and told Respondent that he would have to pay for the glasses and that he was going to call the cops. Respondent replied that this was a mutual fight and it would not do any good to call the cops. Respondent then punched Sergeant Buser again on the left temple, knocking him down onto the concrete floor, and walked away.

11.1. At no time did Sergeant Buser punch Respondent.

12. Respondent then went upstairs and told Sergeant Buser's wife that she could "*Go pick your piece of shit husband up off the floor.*"

13. Respondent refused to speak to law enforcement officers about the incident.

14. Respondent subsequently met with Sergeant Buser and his wife and apologized for his conduct. Respondent agreed to pay any costs incurred.

15. During the week of June 12, 2006, Respondent and his wife met with Sergeant Buser and his wife and apologized to them at that time.

16. On or about June 15, 2006, Respondent attended a monthly luncheon meeting of Lancaster County Magisterial District Judges. Respondent, shortly after arriving around 12:30 p.m., drew attention to his right hand, and in a voice loud enough to be heard by some attendees, stated, this was the fist that knocked down Sergeant Buser.

17. The Lancaster County District Attorney's Office conducted an investigation of the incident and concluded; ... "there would be probable cause to charge Judge Hamilton with Simple Assault."

18. The Lancaster County District Attorney's Office did not file criminal charges against Respondent because Sergeant Buser informed investigators that for personal reasons he did not wish to pursue a criminal investigation. Also, the Cross Gates Golf Club did not wish to see charges filed on behalf of the club for any disruption caused.

19. This altercation, occurring in a public place, received widespread media publicity in and around the area of Magisterial District 02-3-03, including articles and letters to the Editor in the *Sunday News*, and/or the *Lancaster Intelligencer*. These newspapers alone, as media outlets, have tens of thousands of subscribers.

20. The above-described conduct alleged in paragraphs one (1) through nineteen (19) of this Board Complaint subjects the Respondent to discipline pursuant to Article V, § § 17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania for the following reasons: conduct in violation of a canon or rule prescribed by the Supreme Court, or conduct which constitutes a violation of § 17 of Article V of the Constitution of the Commonwealth of Pennsylvania.

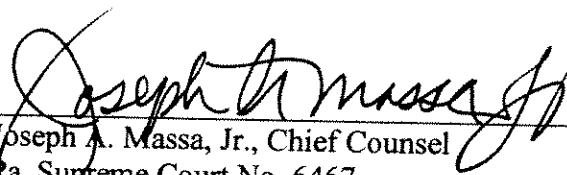
COUNT 1: Respondent has violated Article V, § 18(d)(1) of the Pennsylvania Constitution by engaging in conduct which brings the judicial office into disrepute.

COUNT 2: Respondent has violated Rule 2(A) of the Rules Governing Standards of Conduct of Magisterial District Judges by failing to respect and comply with the law; and failing to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

WHEREFORE, Maynard A. Hamilton, Jr., the Magisterial District Judge named in these charges, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 17(b) and § 18(d)(1).

Respectfully submitted,

Date: November 2, 2006

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

Judicial Conduct Board  
301 Chestnut Street, Suite 403  
Harrisburg, PA 17101  
(717) 234-7911  
Fax: (717) 234-9307

COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

In re:

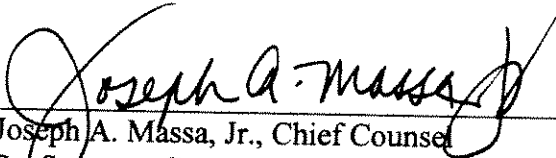
Maynard A. Hamilton, Jr., :  
Magisterial District Judge; :  
Magisterial District 02-3-03; :  
Lancaster County : 2 JD 2006  
:

VERIFICATION

I am the 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 the 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: November 2, 2006

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

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COMMONWEALTH OF PENNSYLVANIA  
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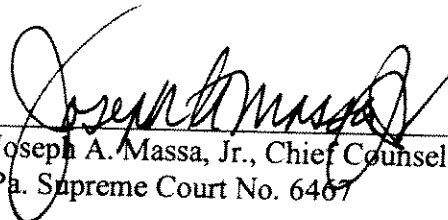
PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on November 2, 2006, a copy of this *BOARD COMPLAINT* was sent by Certified Mail to counsel for the Respondent:

Merrill M. Spahn, Jr., Esquire  
Spahn & Encarnacion  
45 Orange Street, First Floor  
Lancaster, PA 17602

Certified Mail No. 7161 7145 5370 1111 2748  
Return Receipt Requested

Respectfully submitted,

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

Date: November 2, 2006

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