

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

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 64 W.D. MISC. DKT. 2013
THE THIRTY-SEVENTH STATEWIDE :
: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-4931-2013

: NOTICE 59

GRAND JURY REPORT NO. 1

INTRODUCTION

We, the members of the Thirty-Seventh Statewide Investigating Grand Jury, have conducted an investigation of possible violations of the law by Stacy Parks Miller, the District Attorney of Centre County. Our investigation originated as a result of a referral to the Office of Attorney General by Stacy Parks Miller pursuant to the Commonwealth Attorneys Act 71 P.S. §§ 732-101 et. seq. when she became aware of the accusations against her.

The Grand Jury heard in excess of 20 witnesses, including but not limited to, the Centre County District Attorney; Centre County Commissioners; a Centre County Judge; the Centre County Administrator; the Centre County Solicitor and members of the Office of Attorney General to name a few. The Grand Jury heard expert testimony from Khody Detwiler, a handwriting analyst, and examined documents prepared by him.

This investigation stemmed from allegations made by Michelle Shutt, a former Centre County District Attorney Paralegal and defense attorney Philip Masorti. On January 6, 2015, Attorney Masorti walked into the Bellefonte Police Station to report a forgery by Stacy Parks Miller. Attorney Masorti alleged that DA Parks Miller created and forged the signature of Judge Pamela Ruest on an order purporting to reduce the bail of a Centre County inmate. Further, there were allegations that DA Parks Miller used her District Attorney staff to perform political work during the hours they were to be working for the District Attorney and used Centre County resources and office supplies. DA Parks Miller heard of the investigation when the Bellefonte police came to speak to her about it and she referred the case to the Office of Attorney General. The Bellefonte police and the Centre County Commissioners citing 16 P.S. §1406 were looking to hire a special prosecutor to investigate and prosecute DA Parks Miller and in fact had hired the firm of Abom and Kutulakis to address the matter.

This report will address the facts as discovered involving both the alleged forgery and the theft of services. It will discuss the history and purpose of the Commonwealth Attorneys Act

and the importance of the supremacy of that act over statutes that are a ½ century old and failed to contemplate an active and robust Office of Attorney General.

RELEVANT CRIMINAL STATUTES

18 Pa.C.S.A. 4101 Forgery

- (a) A person is guilty of forgery if, with the intent to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, the actor:
- (1) Alters any writing of another without his authority.

18 Pa.C.S.A. 4104 Tampering with records or identification

- (a) Writings. – A person commits a misdemeanor of the first degree if knowing that he has no privilege to do so, he falsifies, destroys, remove or conceals any writing or record, or distinguishing mark or brand or other identification with intent to deceive or injure anyone or to conceal any wrongdoing.

18 Pa. C.S.A. 3926 Theft of Services

- (b) Diversion of Services – A person is guilty of theft if having control over the disposition of services of others to which he is not entitled, he knowing diverts such services to his own benefit or to the benefit of another not entitled thereto.

RELEVANT LEGISLATION

16 P.S. § 1405 Misconduct of District Attorney

- (a) If any district attorney shall willfully and corruptly demand, take or receive any other fee or reward than such as is prescribed by law for any official duties required by law to be executed by him in any criminal proceeding, or if such district attorney shall be guilty of willful and gross negligence in the execution of the duties of his office, he shall be guilty of a misdemeanor in office and on conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars and to undergo imprisonment not exceeding one year, and his office shall be declared vacant.
- (b) Upon complaint in writing, verified by oath or affirmation of the aggrieved made to the court in which any district attorney shall prosecute the pleas of the Commonwealth, charging such district attorney with willful and gross negligence in the execution of the duties of his office, the court shall cause notice of such complaint to be given to the district attorney and of the time fixed by the court for the for the hearing on the same. If

upon such hearing the court shall be of opinion that there is probable cause for the complaint, they shall hand over or commit the district attorney to answer the same in due course of law. If the court shall be of opinion that there is no probable cause for such complaint, they shall dismiss the same, with reasonable costs to be assessed by the court.

1955, Aug. 9. P.L. § 1405

16 P.S. §1406 District Attorney Charged With Crime

If any district attorney is charged according to law, with any crime or misdemeanor, before or bound over or committed by any court to answer for willful and gross negligence in the execution of the duties of his office, it shall be the duty of the court to appoint some competent attorney thereof to prepare an indictment against such district attorney and to prosecute the same on behalf of the Commonwealth until final judgment. Such attorney shall be paid by the county for his services a reasonable compensation to be fixed by the court. If such district attorney shall be convicted of any crime for which he may be sentenced to imprisonment by separate or solitary confinement at labor, his office shall be declared vacant by the court.

1955, Aug. 9. P.L. 323, §1406

71 P.S. §732-205 Criminal Prosecutions

- (a) Prosecutions -- The Attorney General shall have the power to prosecute in any county criminal court the following cases:
- (1) Criminal charges against State officials or employees affecting the performance of their public duties or the maintenance of the public trust and criminal charges against persons attempting to influence such State officials or employees or benefit from such influence or attempt to influence.
 - (2) Criminal charges involving corrupt organizations as provided for in 19 Pa. C.S. §911 (relating to corrupt organizations).
 - (3) Upon request of a district attorney who lacks the resources to conduct an adequate investigation or the prosecution of the criminal case or matter or who represents that there is the potential for an actual or apparent conflict of interest on the part of the district attorney or his office.
 - (4) The Attorney General may petition the court having jurisdiction over any criminal matter to permit the Attorney General to supersede the district attorney in order to prosecute a criminal action or to institute criminal proceedings. Upon filing of the petition, the president judge shall request the Supreme Court to assign a judge to hear the matter. The judge assigned shall hear the matter within 30 days after the

appointment and make a determination as to whether to allow suppression within 60 days of the hearing. The District Attorney shall be given notice of the hearing and may appear and oppose the granting of the petition. Suppression shall be ordered if the Attorney General establishes by a preponderance of the evidence that the district attorney has failed or refused to prosecute and such failure or refusal constitutes abuse of discretion.

- (5) When the president judge in the district having jurisdiction of any criminal proceeding has reason to believe that the case is a proper one for the intervention of the Commonwealth, he shall ask the Attorney General to represent the Commonwealth in the proceeding and to investigate charges and prosecute the defendant. If the Attorney General agrees that the case is a proper one for intervention, he shall file a petition with the court and proceed as provided in paragraph (4). If the Attorney General determines that the case is not a proper case for intervention, he shall notify the president judge accordingly.
- (6) Criminal charges investigated by and referred to him by a Commonwealth agency arising out of enforcement provisions of the statute charging the agency with a duty to enforce its provision.
- (7) Indictments returned by an investigating grand jury obtained by the Attorney General.
- (8) Criminal charges arising out of activities of the State Medicaid Fraud Control Unit as authorized by Article XIV (relating to fraud and abuse control) act of June 13, 1967 (P. L. 31, No.21) known as the "Public Welfare Code" and the Federal law known as the "Medicare-Medicaid Antifraud and Abuse Amendments"

FACTUAL FINDINGS CRIMINAL CULPIBILITY

This case came to the Office of Attorney General upon referral pursuant to the Commonwealth Attorney's Act. The Office received a referral from the District Attorney of Centre County, Stacy Parks Miller, on January 16, 2015 and sent a letter accepting the referral the same day. It was revealed that there was an allegation that DA Parks Miller forged a Centre County Judge's signature on a bail order and that she was using her Centre County District Attorney employees and resources to complete work for her political campaign for a second term as District Attorney.

The Office of Attorney General began a thorough investigation, the results of which will be set forth below.

Stacy Parks Miller, the District Attorney of Centre County, was elected and sworn into office January 2010 and remains in that position today. The Centre County District Attorney's Office has nine lawyers including DA Parks Miller and eight support staff.

Nathan Boob was an Assistant District Attorney prosecuting cases for the Centre County District Attorney's Office. In May or June of 2013, DA Parks Miller received information from the Pennsylvania State Police that Ryan Richard, an inmate in the Centre County Correctional Facility, told Richard Albro, a fellow inmate in the facility, that he had great disdain for Mr. Boob. Richard blamed Mr. Boob for his incarceration and was sharing with Albro that he wanted to hire a hit man to kill Mr. Boob. It should be noted that Richard had killed his wife and was incarcerated and paroled. Shortly after the parole he assaulted a police officer and was incarcerated for the balance of his 7-20 year original sentence. He was to be released and Mr. Boob charged him, on his release date, with terroristic threats resulting in his continued incarceration. After the charge, Richard called two people involved with his original case and threatened them from the jail which resulted in even more charges being filed. Richard is believed to be a violent and dangerous individual.

Albro had previously worked with Trooper James Ellis of the Pennsylvania State Police. He contacted Trooper Ellis offering to work for the police against Richard in return for some favor in his case. Albro had pending drug charges, being prosecuted by the Office of Attorney General, and was awaiting trial. Albro was a career criminal who often sought to cooperate with authorities for favorable treatment in his cases. Albro repeated the threat made by Richard towards Mr. Boob but DA Parks Miller wanted more than just his word to make the case against Richard and thought a wire was appropriate. At some point during the investigation, Albro wanted to get out of jail on bond and DA Parks Miller refused that request and was insistent that Albro remain incarcerated.

Richard wanted Albro to find a hit man. Albro wanted to offer up a hit man named "Home Cookin". Albro believed that Richard would not meet with the hit man if the information came from Albro while he was in jail; Richard would be skeptical and distrustful. Albro's theory was that he had to get bail so he could talk to "Home Cookin" while out of jail and send him to the Centre County jail to see Richard. As such Albro pressed for bail and release.

The plan formulated involved an undercover state trooper posing as "Home Cookin". There were liberal visitation rules for spiritual advisors to meet inmates in the Centre County jail and "Home Cookin" would pretend to be a spiritual advisor to gain access to Richard. Visits with spiritual advisors were in rooms that were not recorded. The irony of this is that "Home Cookin", the undercover trooper would wear a wire. Once in contact it was believed that Richard would reveal the murder for hire scheme and the conversation would be recorded. DA Parks Miller would then have sufficient evidence to make the case on the murder for hire plot. Three wires were utilized and Judge Pamela Ruest was briefed on the situation and signed two of the wires approving the procedure. (Judge Ruest does not remember this but others testified to these facts and her signature on the wire paperwork.)

Albro continued to push to be released and DA Parks Miller held to her decision that he would not be granted bail. To facilitate the plan and not "spook" Richard, DA Parks Miller agreed to devise a phony bail order purporting to release Albro. This allowed Albro to assure Richard he was getting out and could procure a hit man that would appear to have been arranged

outside of a correctional facility. The plan was to pretend that Albro made bail, when in fact; he would be transferred to the Clearfield County jail.

DA Parks Miller made contact with the state police who were working the case and Albro's lawyer, Matthew McClenahan to discuss the plan. All were in agreement that a fake bail order would be generated that made it appear that Albro had been released when in fact he would be transferred to another jail. To further disguise the fact that he was still incarcerated, when transferred he was lodged under a misspelling of his name. All parties understood that the bail order would never be acted upon and that it had no legal validity.

This fake order was the reason for the referral to the Office of Attorney General. Michelle Shutt, a former employee of the Centre County DA's office, went to work for State College attorney, Phillip Masorti. Early in her tenure with Phillip Masorti, Ms. Shutt told him (and testified) that while working for DA Parks Miller she was made to create a fake court order and watched DA Parks Miller sign Judge Ruest's name on the order. Ms. Shutt testified that DA Parks Miller told her to file the order, which she did. This information caused Attorney Masorti to file a complaint with the Pennsylvania Disciplinary Board and the Bellefonte Police. Detective Robert Ruggiero, of the Bellefonte Police Department, spoke with both Judge Ruest and DA Parks Miller. Judge Ruest has said repeatedly that she does not remember whether she signed the document. These statements were made to Shawn McGraw, the Bellefonte Police, the Office of Attorney General and in her Grand Jury testimony. DA Parks Miller testified before the grand jury and told the Bellefonte police that she did not sign the fake order and that the order was signed by Judge Ruest. DA Parks Miller further testified that she asked Ms. Shutt to prepare the bail order and once the order was prepared, DA Parks Miller took the order to Judge Ruest. DA Parks Miller testified that prior to going to Judge Ruest's chamber; she contacted Attorney Matthew McClenahan and asked him if he wanted to accompany her to get the Judge's signature on the order. Attorney McClenahan declined and told DA Parks Miller to let the judge know that he consents to the order. DA Parks Miller testified that she presented the fake bail order to Judge Ruest and explained to the Judge the purpose of the order. She further testified that Judge Ruest signed the order without hesitation.

After the allegations about the forgery surfaced, DA Parks Miller testified that she went to see Judge Ruest with a copy of the order in hand. DA Parks Miller told Judge Ruest that Michelle Shutt and Phillip Masorti were accusing her of forging the Judge's signature. DA Parks Miller showed the Judge the order and the Judge said, it looks like my signature but I don't remember that specific order.

Judge Ruest testified that Sean McGraw was the first person that came to her concerning the forged order. Mr. McGraw, a former Centre County Assistant District Attorney and now defense attorney, emailed her a copy of the bail order and Judge Ruest testified that she could not determine whether it was or was not her signature.

Attorney McClenahan, Albro's lawyer, testified that he recalls the plan regarding the fake bail order. DA Parks Miller told him that she would create an order that looked as though the defense made a bail motion that was granted. She would then take the motion to the Judge to

sign. Mr. McClenahan recalls Parks Miller asking him if he wanted to go with her when she presented the order to the Judge and he said "no, not if I don't have to because my office is eleven miles away from the courthouse and I didn't want to make a special trip just to do this." Attorney McClenahan further testified that DA Parks Miller emailed him the fake bail order and explained to him that he was not to give the order to Albro. She stressed that the order was not real and the Judge had not authorized the order for any purpose beyond the ruse. Attorney McClenahan also testified that on January 8th he stopped by Judge Ruest's office and asked her did she sign the order or not and the Judge responded, "I don't know, I can't remember."

Senior Deputy Attorney General Patrick Leonard and Senior Deputy Attorney General David Gorman, both testified before the grand jury. SDAG Patrick Leonard was the prosecuting attorney for Albro's pending drug case. SDAG Leonard testified that although he was told that Albro was cooperating in an investigation involving the threats against Mr. Boob, he (Leonard) was not involved in that investigation. SDAG Dave Gorman testified that he was contacted by State Police Trooper Ellis to have Albro consensualized to record conversations between Albro and Richard. Once the consensual paperwork was completed, SDAG Gorman along with Trooper Wakefield presented the consensual to Judge Ruest. SDAG Gorman testified that two of the three consensuals that were prepared were presented and signed by Judge Ruest. SDAG Gorman testified that he explained to Judge Ruest the facts surrounding the need for the consensual and updated her on the progress of the investigation when the third consensual was signed. SDAG Gorman testified that he does not recall the fake bail order plan.

Khody Detwiler was called to testify before the grand jury. Mr. Detwiler is a forensic document examiner. As a forensic document examiner, he is called upon to examine signatures and records to determine their authenticity. Mr. Detwiler has been involved in this field of study since 2008. Mr. Detwiler has been qualified, in the court of law, as an expert in the field of forensic document examination. After giving a background of his qualifications, Mr. Detwiler thoroughly explained how handwriting examination is conducted. He explained the process that he went through in evaluating the "questioned" "Pamela A. Ruest" signature on the fake bail order and the "known" signatures of Pamela A. Ruest. In the examination process, Mr. Detwiler examined ten (10) original "known" signatures of Pamela A. Ruest from time periods before, contemporaneous and after the alleged forgery; and twenty (20) photocopies, from before, after and contemporaneous with the "known" signatures of Pamela A. Ruest. The conclusion reached by Mr. Detwiler was that the author of the "known" signatures **wrote** the "questioned" "Pamela Ruest" signature. He testified that "the signature in question is a genuine signature of Pamela A. Ruest". He further testified that he has "absolutely no doubt that the signature is genuine" and this identification is the most definitive conclusion that can be rendered. Mr. Detwiler prepared and presented a Comparison Chart Illustration exhibit. The chart included the "questioned" signature and four "known" signatures of Pamela A Ruest. Mr. Detwiler explained in detail how he evaluated each letter in the "question" signature compared to each letter in the four "known" signatures. Mr. Detwiler testified that he selected the four "known" signatures to put in the chart to show different time frames when the signature was created but he could have

interchanged any of the 30 signatures that he evaluated. Mr. Detwiler testified that he does not know Pamela Ruest, Stacy Parks Miller or Michelle Shutt. He testified that he has performed examination work for both the prosecution and the defense. He also testified that no one from the Commonwealth suggested to him the desired conclusion, and if such a suggestion would have been made, he would not have accepted the case.

After Mr. Detwiler reached his conclusion, the case was submitted for peer-review by another examiner. This peer-review was conducted by Gus Lesnevich. This was an independent examination and the examiner did not know the conclusion reached by Mr. Detwiler at the time of his independent review. In Gus Lesnevich review, he reached the same opinion that the signature in question is a genuine signature of Pamela A. Ruest.

As such we believe that the signature on the "fake bail order" is in fact the signature of Judge Pamela Ruest and criminal action should not be taken with regard to the forgery claim. Further any allegation of tampering with records or identification is also unfounded as it is clear from the evidence presented that there was no intent to injure or harm another; to the contrary the intent was to protect Mr. Boob from a murder for hire plot.

Michelle Shutt testified about her employment at the Centre County District Attorney's Office and also disclosed that she performed campaign work for DA Parks Miller on Centre County work time. She testified that DA Parks Miller asked her to notarize numerous campaign-related documents and make copies of the documents she notarized on the county's copier. Ms. Shutt further testified that she put campaign events on DA Parks Miller's calendar which, at times, required Ms. Shutt to figure out in detail the location of the event and the participants of the event; and that DA Parks Miller asked her to print an 88 page packet of election information on the county's copier. Ms. Shutt testified that she worked approximately 10 hours on DA Parks Miller's campaign. At the time Ms. Shutt was doing this work, DA Parks Miller was running unopposed for a second term as District Attorney.

Based on Shutt's hourly wage, her benefits and the cost of making 88 copies, the total cost of campaign work was \$224.92. The campaign work was disclosed to Kristen Simkins, Human Resource Director for Centre County Government. Ms. Simkins was told by Ms. Shutt, during her Jan 24, 2014 exit interview, that she had done the above stated campaign work for DA Parks Miller. Ms. Shutt provided emails from DA Parks Miller asking her to put campaign events on her calendar. Ms. Simkins calculated that the 10 hours Ms. Shutt stated she worked on the campaign converted to dollars as follows: her pay would be \$153.90; benefits would be \$67.00; and the copying of 88 pages amounts to \$3.02. All of which brings us to the total of \$224.92. Ms. Simkins took this information to the Centre County Commissioners' Solicitor Louis Glanz and her boss, Timothy Boyde, the Centre County Administrator; and a decision was made to take no action because there was no way to account for the whole 10 hours and the infraction was insignificant. No other employee that was interviewed or that testified indicated that they did campaign work for Stacy Parks Miller on Centre County time.

Based on the above information, the infraction is de minimis at best and no criminal action should be taken in regard to the theft of services. It does not appear that marking a

calendar and notarizing documents would take 10 hours and there is no way to account for the actual time spent. The cost of the copies at \$3.02 is inconsequential, and is too trivial to warrant the condemnation of conviction. The use of county material and time seems to be within a customary tolerance.

COMMONWEALTH ATTORNEYS ACT

The Office of Attorney General became involved in this case pursuant to a referral from Stacy Parks Miller in accordance with the Commonwealth Attorneys Act. Testimony was given that initially the Bellefonte Police, the local jurisdiction, believed it would be best for the case to go to the Pennsylvania State Police. This decision was due to the close working relationship between the Bellefonte Police and DA Parks Miller. After the matter of the forgery was raised with the Commissioners, the Centre County Commissioners called the Bellefonte Chief of Police to a meeting and that resulted in Bellefonte resurrecting their investigation. The Centre County Commissioners lack the authority to appoint a law enforcement agency, such as Bellefonte, to a case. The decision to reassign the Bellefonte police was based on a belief that three weeks had elapsed and no State Police action had been taken and as such an immediate investigation was warranted. The Commissioners further hired outside counsel to investigate the matter that being the firm of Abom and Kutulakis. The hiring of the outside firm was based on the Commissioners' and Solicitor's reading of 16 P.S. §1405 and §1406. However, the statutes relied upon were not followed. §1405 requires a written complaint to go before a judge to determine probable cause to charge the District Attorney. A complaint was made but it was to the PA Disciplinary Board and the Bellefonte Police. A public complaint was made at the Centre County Commissioners meeting but no judicial action was ever taken. The Commissioners failed to meet the requirements of the statute they relied upon, and as such it was not an appropriate engagement of special counsel. §1406 states that once a District Attorney is charged or bound over for court the court will appoint a competent attorney to prepare an indictment and prosecute the same. It should be noted that this does not include a competent attorney to investigate the matter only to prosecute. Again there was no testimony that a complaint was taken to a court of competent jurisdiction rather the Commissioners voted for Solicitor Glantz to hire outside counsel and Abom and Kutalakis was hired. The statutory requirements are clear and these were disregarded.

The Commonwealth Attorneys Act supersedes the provisions of the County Code relating to charging a district attorney with willful and gross negligence and to the appointment of a special prosecutor. The Commonwealth Attorneys Act vests exclusive jurisdiction in the Office of Attorney General to prosecute cases that have been referred to it by a district attorney with a conflict of interest. The Office of Attorney General in this case is the sole entity without a disqualifying conflict of interest that may undertake criminal investigation and prosecution.

Once the case had been referred to the Office of Attorney General no further action should have been undertaken.

This case illustrates confusion between the Commonwealth Attorneys Act and some of the antiquated statutes. Clarification on the interplay between the statutes is needed to avoid duplication of investigation and a depletion of valuable resources within the state. At one point there appeared to be a local investigation, a state investigation and a private investigation sanctioned by the Centre County Commissioners all being undertaken simultaneously. This type of duplication should be avoided and a legislative clarification regarding the interplay of the Commonwealth Attorneys Act and other Pennsylvania statutes is recommended.

RECOMMENDATIONS/FINDINGS

1. The evidence does not support charging Stacy Parks Miller with forgery or tampering with records or identification.
2. The evidence does reveal some campaign work performed on Centre County time but the amount of loss is at best slightly more than \$200.00 and is a de minimis infraction which does not warrant criminal charges.
3. Clarification would be useful to municipalities and counties statewide as to the interplay between existing statutes and the newer Commonwealth Attorneys Act.

**Response of Centre County District Attorney Stacy Parks Miller to the Report of the
Thirty-Seventh Statewide Investigating Grand Jury
Supreme Court of Pennsylvania; 64 W.D. MISC. DKT. 2013
Allegheny Court of Common Pleas; CP-02-MD-4931-2013
Notice No. 59**

Centre County District Attorney Stacy Parks Miller hereby presents this response to the portions of the draft Report provided to her by the Office of Attorney General at the direction of the Supervising Judge for that purpose. The portions provided are part of the full draft Report of the Thirty-Seventh Statewide Investigating Grand Jury indexed above. District Attorney Parks Miller respectfully requests the attachment of her response to the Grand Jury's report as provided by 42 Pa.C.S. § 4552.

District Attorney Parks Miller wishes to address the portions of the Grand Jury's report that discuss the alleged use of District Attorney's Office personnel and resources for DA Parks Miller's re-election campaign. While she appreciates the Grand Jury's conclusions that any infractions were *de minimis* "at best" and do not warrant criminal charges, she respectfully submits that no infractions occurred which could even be characterized as *de minimis*.

The District Attorney notes that the Grand Jury's analysis of the "campaign activities" issue relies on the testimony of former DA's Office paralegal Michelle Shutt, who apparently testified that DA Parks Miller had her perform campaign work on Centre County work time, including entering "campaign events" on the calendar, notarizing documents, and printing an 88-page election information document.

Ms. Shutt's testimony is false. The 88-page election guide that Ms. Shutt referenced was a standard form compliance guide for public employees running for elected office. This document is available at the Elections Office at the County for free to anyone running for office and relates to compliance with the law. The DA is required by her oath of office to make certain those under her supervision comply with the law when one of them is running for political office. In the performance of her duty to supervise her office, DA Parks Miller circulated the election guide because one of the assistant district attorneys in the office was running for judge. Printing out the guide had nothing to do with the DA's re-election. Rather, DA Parks Miller thought it was important to promote awareness of, and compliance with, the various laws governing the activities of public employees seeking elected office because one of her assistants was running for office. The 88-page election guide is not campaign material, and its printing and circulation was a proper use of Centre County resources. DA Parks Miller simply had it printed out instead of leaving the office and traveling over to a different building to obtain copies. Having Ms. Shutt print the 88-page election guide to give to a subordinate of the DA running for office was proper in every respect.

The same is true with the calendaring of DA Parks Miller's appointments and the notarization of documents. Like any member of the community, DA Parks Miller could have accessed a notary at the clerk's office within the same building at no cost. Instead, DA Parks Miller had a handful of documents notarized in the office, a public service that the DA's Office provides to anyone. Neither option cost Centre County anything.

As relates to calendaring, Ms. Shutt apparently believes that all of DA Parks Miller's public appearances in an election year are "campaign events," and that entering them on DA Parks Miller's calendar thus must be "campaign activities." This is wrong on both points. DA Parks Miller was unopposed in the primary and general elections, and therefore had no campaign events after securing the nomination of both political parties. Like most public officials, DA Parks Miller did attend public appearances, such as media interviews, panels regarding legal matters facing the community, speaking engagements, and attendance at community events. These needed to be entered on the calendar to avoid scheduling conflicts and so DA Parks Miller knew when she needed to leave the office to account for travel time to the appointments. These are no more offensive than placing her dentist appointments on the office calendar. Furthermore, the person keeping the District Attorney's schedule is required to know where the DA would be at all times in order to schedule appointments with those seeking to meet with the DA, police needing approvals, or judges seeking to schedule court proceedings, since the DA handles many cases personally. Entering public appearances on the office calendar was an entirely appropriate means of ensuring that a busy public official remains organized and manages to meet all her obligations.

In addition to being factually wrong on the alleged "campaign work," Ms. Shutt is simply not a credible witness. The District Attorney notes that the Centre County administrator was evidently unable to reconcile Ms. Shutt's purported activities with her claim that she spent 10 hours on DA Parks Miller's campaign. Per the Grand Jury's report, Ms. Shutt testified that she *actually saw* DA Parks Miller forge Judge Pamela Ruest's signature on a bail reduction order. This testimony echoes Ms. Shutt's public accusations of DA Parks Miller. Given the report's statement that two forensic examiners conclusively determined that Judge Ruest did, in fact, sign the bail reduction order at issue, and the related evidence on this point, the District Attorney respectfully suggests that Ms. Shutt's testimony should be not be given any weight whatsoever.

For these reasons, DA Parks Miller respectfully submits that no infractions occurred which could even be characterized as *de minimis*.

The District Attorney respects and appreciates the Grand Jury's work in investigating these matters along with the efforts of the Office of Attorney General, and requests that this clarifying response be included in the Grand Jury's report.

Respectfully,

A handwritten signature in black ink that reads "Stacy Parks Miller". The signature is written in a cursive, flowing style.

Stacy Parks Miller
District Attorney
Centre County, Pennsylvania



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July 23, 2015

Simquita Bridges, SDAG
Office of Attorney General
564 Forbes Avenue, 6th Floor
Pittsburgh, PA 15219

RE: 37th Statewide Investigating Grand Jury

Dear Deputy Bridges:

In response to you having provided your proposed report relative to Robert Ruggiero and Chief Shawn Weaver we raise the following objections. Regarding the submission of Weaver and Ruggiero both would object to the first full paragraph after the bold face heading Commonwealth Attorney Fact. Specifically in that paragraph it is stated that the Commissioners appointed the Bellefonte Police Department and or reassigned the matter to the Bellefonte Police Department. The Commissioners neither assigned nor reassigned the Bellefonte Police Department to investigate the matter. Chief Weaver after learning that Pennsylvania State Police had sent the matter out continued looking into the matter, and it is my understanding that he testified that he had reasonable suspicion that a crime may have been committed and therefore he had an obligation to investigate the matter.

This would be our objection to what has been proposed regarding their testimony. Should you have any comments or response, please do not hesitate to contact me.

Very truly yours,

CAPUTO & MARIOTTI, P.C.

Christopher P. Caputo
Christopher P. Caputo, Esquire

CPC/mk

**ABOM &
KUTULAKIS**
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July 21, 2015

Overnight Mail

Simquita Bridges, Esquire
Senior Deputy Attorney General
564 Forbes Avenue, 6th Floor
Pittsburgh, PA 15219

**Re: Grand Jury Investigation
Our File No.: 15-034**

Dear Ms. Bridges:

Centre County Commissioners Steven Dersham and Chris Exarchos request that this reply be noted as their response to the portion of the Grand Jury report they reviewed:

Centre County Commissioners Steven Dersham and Chris Exarchos have reviewed a short excerpt of the Investigating Grand Jury's Report in which the Commissioners are mentioned. The excerpt addresses the issue of what agency is empowered to investigate a District Attorney's wrongdoing. That excerpt sets forth the Attorney General's legal opinion and does not, in our view, accurately characterize the law on this issue. Further, this same issue was before the Pennsylvania Supreme Court in February of this year and the Supreme Court refused to accept the Attorney General's position. We respect the work done by the individual members of the Grand Jury. However, as a group, we recognize that Grand Jury is an investigative arm of the Attorney General's Office. Commissioners Dersham and Exarchos will be providing a response to other portions and/or recommendations only after they have had the opportunity to review the Grand Jury's Report in its entirety.

Thank you for your attention to this matter.

Sincerely,

Abom & Kutulakis, LLP

John A. Abom

JAA/ejf
Cc: Chris Exarchos
Steven Dersham

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