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Former DA Stacy Parks Miller, the attorney disciplinary process, and the grand jury judge.

By Katherine Watt

Part 2 of a series that began Feb. 27, 2019.

On Feb. 8, 2019, the Pennsylvania Supreme Court imposed a one-year-plus-one-day suspension on former Centre County District Attorney Stacy Parks Miller's law license.

The sanction requires her to apply to the Supreme Court for permission to resume her legal career, and requires her to pay the costs of the disciplinary investigation.

To compile a detailed account of the intertwined Disciplinary Board and grand jury processes, *Bailiwick News* collected the original Office of Disciplinary Counsel (ODC) "Petition for Discipline" (filed under seal February 2017, and made public in August 2017); exhibits presented by the ODC's lead investigator Anthony Czuchnicki at Parks Miller's April 23, 2018 disciplinary panel hearing (including some of the paper debris from a 2017 struggle between Parks Miller and the Disciplinary Board over grand jury secrecy and other evidentiary issues); and the transcript of the April 2018 hearing.

Bailiwick News also reviewed a May 2018 post-hearing brief filed by Czuchnicki, recommending a three-month law license suspension; a June 2018 brief filed by Parks Miller opposing suspension and seeking a lesser sanction; an August 2018 recommendation by the three-member hearing panel that the full Disciplinary Board endorse a three-month suspension; and a December 2018 petition to the Supreme Court, filed by the full Disciplinary Board, requesting a one-year-plus-one-day suspension.

Recap of grand jury investigation

Initial allegations of Parks Miller's unethical *ex parte* communications with judges emerged into public view in the wake of Right to Know requests filed and fulfilled in October and November 2014.

Those claims were quickly followed by allegations that Parks Miller had criminally forged and directed the filing of a fake bail order in 2013, which went public in early January 2015 when State College attorney Philip Masorti reported the information to the Bellefonte Police Department.

Parks Miller referred the criminal investigation of her own actions, by telephone in mid-January 2015, to the Pennsylvania Office of Attorney General (OAG) then under the control of AG Kathleen Kane.

The OAG in turn, filed Notice No. 59 with the 37th Statewide Investigating Grand Jury working under the supervision of Cambria County President Judge Norman Krumenacker III.

The OAG asked the grand jury to hear the evidence in secret, rather than have OAG prosecutors take on direct, public accountability for their prosecutorial discretion to bring or not bring charges.

In the meantime, the Bellefonte Police Department had pursued its own investigation of three alleged crimes including forgery, tampering with public records (18 Pa.C.S. §4911) and theft of services.

Police obtained and served a search warrant on Parks Miller's office on Saturday, January 24, 2015, seized her electronic devices, and immediately turned the devices over to PATCtech forensic technicians to extract data including cell phone text messages and emails. [For more detail on the criminal allegations against Parks Miller, see Jan. 6, 2017 *Bailiwick News*.]

On Jan. 29, 2015, Parks Miller filed a Petition for the Return of Seized Property in Centre County court, alleging that the search warrant was invalid.

However, on Feb. 4, 2015, as Judge Krumenacker began gathering information about the case, he apparently persuaded Parks Miller to withdraw her public petition and re-file it within the secret confines of the grand jury. It's difficult to trace how Krumenacker handled the petition, because most of the grand jury records are still under seal. Some gleaned information is outlined below.

The grand jury heard testimony and examined evidence cherry-picked by OAG prosecutors, behind closed doors, between February and June 2015, and in late July 2015, issued a public report declining to recommend criminal charges be filed against Parks Miller.

The grand jury apparently didn't review Parks Miller's texts and emails, perhaps because *ex parte* communications between attorneys and judges can breach professional ethical standards – subjecting the participants to professional discipline – but they're not criminal acts. Grand juries can examine evidence of crimes. But the Pa. Disciplinary Board is the only entity empowered to handle breaches of professional ethics rules by Pennsylvania attorneys.

Czuchnicki's Disciplinary Board ethics investigation

The bulk of Czuchnicki's ethics investigation took place between December 2014 and February 2017. Czuchnicki reviewed information about alleged forgery, records-tampering and theft of services, *ex parte* communications and Parks Miller's establishment of a fake Facebook page purportedly used by Centre County prosecutors to "snoop" on defendants.

Citizen complainants provided information to the Disciplinary Board; complainants included attorneys Philip Masorti, Justin McShane, Kathleen Yurchak, Bernard Cantorna, Richard Settgast and Christine Breton; defendant Ryan Richard; and Elizabeth Grove, sister of defendant Barry Grove.

The initial information regarding *ex parte* communications included cell phone logs obtained under the Pa. Right to Know Law, showing the dates and times of hundreds of text messages and calls between judges and prosecutors, but not the contents of the texts.

Czuchnicki collected additional records from third parties.

He also summarized the allegations and requested additional information from Parks Miller, through three "Request for Statement of Respondent's Position" (DB-7 Request) forms mailed in January 2015, June 2015 and June 2016, sent to her disciplinary counsel, Robert Tintner. (The January 2015 and June 2016 DB-7 Requests were provided in the exhibit package presented at the panel hearing in April 2018. The June 2015 request was not.)

For example, in the January 2015 DB-7 Request, Czuchnicki asked Parks Miller to produce "all communications, including electronic communications" between Parks Miller and the judge implicated in the forged bail order matter (Pamela Ruest); "all text messages sent between you and/or your staff and Judge Bradley Lunsford," one of the judges implicated in the *ex parte* communication matters, and the "username and password" for the fake Facebook page.

Attorney Tintner filed responses on Parks Miller's behalf in three DB-7 "Answers" in February 2015, June 2015 and August 2016, respectively.

The February 2015 and June 2015 DB-7 Answers were not included in the exhibit package given to the disciplinary panel in April 2018, although some of their contents were referenced in Czuchnicki's third (June 2016) DB-7 Request. The August 2016 DB-7 Answer was the only one in the exhibit package presented at the disciplinary hearing in April 2018.

Parks Miller did not provide the contents of texts and emails to the ODC as requested by Czuchnicki.

Instead, she simply wrote: "The text messages referenced had nothing to do with any pending criminal matters before the court."

It later emerged, through Centre County criminal case post-conviction filings, that logs showed hundreds

of text messages exchanged among prosecutors and judges in the months leading up to the controversy becoming public, and that text messaging abruptly stopped effective Oct. 24, 2014, the day after Centre County defense attorney Bernard Cantorna filed a Motion to Preserve Evidence. [See Oct. 20, 2017 Superior Court Opinion, *Commonwealth v. McClure, Appeal of Retired Judge Bradley P. Lunsford*, 2017 Pa. Super. 334, at p. 19.]

All of the involved cell phones were subsequently lost, destroyed, or restored to factory settings before full forensic analyses could be performed.

Nonetheless, by June 2016, Czuchnicki had obtained recovered fragments of some of Parks Miller's texts and emails, and included excerpts in the DB-7 Request he sent to Parks Miller that month, explicitly stating that "the first thirty characters of each message was recovered from your phone's internal storage by PATCtech."

Czuchnicki also presented his reconstruction of possible contexts for each fragment, related to contemporaneous criminal proceedings and therefore unethical.

In her August 2016 DB-7 Answer, Parks Miller claimed not to recall deleting text messages; she said her cell phone deleted texts automatically at "a certain point in time." She admitted that the recovered fragments showed texting between her and judges, but claimed the texts were part of group messages, or were "silly and inappropriate, at worst."

She did not lodge any objection to Czuchnicki's access to the fragments recovered by PATCtech, or his use of them in his DB-7 Request.

February 2017 – Petition for Discipline

Czuchnicki analyzed Parks Miller's various responses alongside the other evidence he'd collected, and produced the Feb. 22, 2017 "Petition for Discipline."

The petition compiled evidence supporting claims that Parks Miller had repeatedly violated at least 13 Rules of Professional Conduct between May 2011 and the date of the petition, including seeking to influence judges improperly; communicating *ex parte* with judges without authorization; failing to make reasonable efforts to ensure that non-lawyers under her direct supervisory authority engaged in conduct compatible with the professional obligations of attorneys; knowingly making false statements of material fact in connection with a disciplinary matter; knowingly failing to respond to a lawful demand for information from a disciplinary authority; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; engaging in conduct prejudicial to the administration of justice; and knowingly assisting a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

March 2017 – Parks Miller reacts to Petition

Until Parks Miller received the Petition for Discipline in early March 2017, the ODC investigation had been secret, just as the 2015 grand jury investigation led by the OAG had been secret.

However, under disciplinary rules, the petition filing sets off a sequence of events leading to public disclosure of some of the investigative record.

The respondent attorney has 30 days to file an answer to the petition, with an option for a single 20-day extension. Once the answer is filed, both the petition and the answer become public documents.

If the respondent doesn't file an answer, then the ODC can move to have the allegations in the petition "deemed admitted;" once that motion is granted, the petition becomes a public document.

Knowing this, and not wanting the text and email fragments outlined in the petition to become public a few short weeks before the May 16, 2017 primary election, Parks Miller set about stalling the public disclosure.

She successfully stalled for five months, while running her reelection campaign and supervising a secret county grand jury investigating the February 2017 death of Penn State student Timothy Piazza in the Beta Theta Pi fraternity house.

In the end, Parks Miller missed the last deadline imposed by the Disciplinary Board in conjunction with Krumenacker. Czuchnicki moved to have the allegations deemed admitted due to Parks Miller's failure to answer, the Disciplinary Board granted the motion, and the petition was finally published in August 2017.

Overview of the grand jury secrecy fight

Parks Miller's 2017 ODC fight – like her 2016 Right to Know fight – was mostly about the contents of text and email messages extracted from Parks Miller's electronic devices by PATCtech, analyzed by the ODC and used as evidence to support the petition for discipline. [For details on the Right to Know fight, see April 19, 2018 *Bailiwick News*.]

Parks Miller argued that as of Feb. 4, 2015 when the Krumenacker grand jury investigation began, the texts and emails were "grand jury material" subject to absolute grand jury secrecy, and that therefore ODC couldn't use the material in its petition and she couldn't use the material to mount her defense.

Czuchnicki, alongside OAG representatives and others, argued that the text and email records were not grand jury material, and were therefore fair game for disclosure, analysis and use in other contexts.

The keystone upon which those arguing for disclosure, analysis and use of the texts and emails rested their claims, was a Feb. 24, 2015 order issued by Judge Krumenacker.

The Feb. 24, 2015 Krumenacker order 'directed' PATCtech to provide the data, collected during the initial Bellefonte police search on Jan. 24, 2015, to the Office of Disciplinary Counsel.

However, two weeks earlier, during a closed door grand jury hearing on February 10, Senior Deputy Attorney General Laura Ditka apparently told Judge Krumenacker, Parks Miller and her attorney Bruce Castor, that all copies of the data had been collected by the OAG to ensure – as Parks Miller had requested and Krumenacker had endorsed on the secret record – that the *only* surviving investigation with access to text and email data would be the secret grand jury.

Parks Miller did not get a copy of the Feb. 24, 2015 order until September 2017, more than a month after her last-ditch effort to file an answer to the disciplinary petition had been rejected by the Disciplinary Board.

Parks Miller's ignorance of the Feb. 24, 2015 order drove her frenetic attempts between March and September 2017 to enforce grand jury secrecy.

Her bid for secrecy resulted in at least seven additional Krumenacker orders on the subject in 2017, issued on March 14, April 27, May 19, June 6, July 11, August 2 and September 21.

Bailiwick News has obtained and reviewed all but the July 11 and August 2 order, which were not included in the exhibit package.

None of the 2017 Krumenacker orders rendered public after the April 2018 disciplinary panel hearing referenced the original Feb. 2015 order.

February 2015 – grand jury process begins

Several key events were outlined in Parks Miller's May 18, 2017 'Brief in Opposition to Prior Disclosure and Future Disclosure,' citing grand jury transcripts.

According to the brief, Krumenacker held grand jury hearings on dates including Feb. 4, Feb. 10 and Feb. 11, 2015.

On Feb. 4, Krumenacker "suggested DA Parks Miller withdraw her [Jan. 29, 2015] Petition for the Return of Seized Property filed in Centre County (where it would be heard in public) and re-file it before the [secret] grand jury."

Parks Miller apparently agreed to do so, even though "she was eager to publicly litigate the propriety of the search warrant...However, the Office of Attorney General, fearing its investigation would be damaged in some way by a public vetting of the propriety of the search, compelled the DA by subpoena to appear before [Krumenacker] on Feb. 4, 2015..."

By withdrawing her public motion and refileing in Krumenacker's grand jury, "the DA gave up her right to a public hearing on her motion for return of property, and her ability to subpoena witnesses and cross-examine those witnesses...the issue of the seizure, not the contents...would be the only thing relevant at such a public hearing."

On Feb. 10, 2015, "...referring to the same evidence formerly under the control of the Bellefonte Police Department," Chief Deputy Attorney General Laura Ditka told Judge Krumenacker: 'We have it all, sir. They gave us everything back.'

However two weeks, later, on Feb. 24, 2015 Krumenacker apparently issued the following order:

"...upon request of the Office of Disciplinary Counsel in furtherance of a confidential investigation pursuant to the Rules of Disciplinary Enforcement concerning the professional conduct of Stacy Parks Miller, it is hereby ordered, directed and decreed that PATCtech release for forensic analysis a mirrored and/or imaged copy of the evidence described in the Bellefonte Police Department's "Response to Stacy Parks Miller's [Jan. 29, 2015] Petition for the Return of Property" submitted to this Court on Feb. 9, 2015."

Parks Miller was not notified at the time about the "request of the Office of Disciplinary Counsel" or given an opportunity to object to the disclosure.

She wasn't even told about the 2015 order until May 11, 2017, during another hearing before Krumenacker, this time related to her effort to suppress ODC use of the text and email evidence in the disciplinary process.

She didn't see a copy of the 2015 order until Sept. 28, 2017, after she filed an emergency petition to the Supreme Court seeking another chance to file an answer to the original Petition for Discipline.

Late 2016 – Public judicial review of search warrant; defense counsel subpoenas for testimony on ex parte communications; Parks Miller's motion for contempt

Meanwhile in late 2015 and most of 2016, Parks Miller was pursuing civil defamation claims against many of the same people involved in the criminal investigation. [For details, see April 21, 2017 and March 11, 2019 *Bailiwick News*.]

On Sept. 1, 2016, a federal judge – Matthew Brann of the US District Court for the Middle District of Pennsylvania – issued his own opinion on the validity of the Jan. 24, 2015 search warrant.

Judge Brann concluded that even if he accepted as true Parks Miller's claim that paralegal Michelle Shutt and Judge Pamela Ruest had both lied to Bellefonte Police Detective Robert Ruggiero about matters surrounding the "fake" bail order, Parks Miller never accused Ruggiero of lying to Judge Craig Miller in Ruggiero's affidavit of probable cause, so Judge Miller properly reviewed and approved the search warrant.

Brann noted that Fourth Amendment law permits law enforcement agents to rely on the testimony of witnesses in preparing search warrants, within the context of other evidence collected, and allows judges to

rely on the information provided by law enforcement agents in approving search warrants.

In November and December 2016, Centre County defense attorneys Bernie Cantorna and Sean McGraw continued their pursuit of the text and email evidence, in motions and hearings on their clients' behalf, heard by specially-presiding Judge Michael Williamson.

Among other moves, the defense attorneys called PATCtech forensic analyst Brian Sprinkle to testify at evidentiary hearings about the contents of the texts and emails.

Among other countermoves, including motions to quash subpoenas and emergency appeals to higher courts, Parks Miller responded sometime around January 2017 by asking Judge Krumenacker to find the defense attorneys and Sprinkle in contempt of grand jury secrecy rules.

[For details on the McClure and Grove cases in which Sprinkle, Parks Miller, Judge Lunsford and others were called to testify about *ex parte* communications, see Jan. 20, 2017 and Feb. 5, 2017 *Bailiwick News*.]

As her contempt petitions moved forward in secret with Judge Krumenacker, her disciplinary process was moving forward in secret with the filing of Czuchnicki's petition in February 2017.

The two processes converged.

March 2017 – Krumenacker's gag order

On March 14, 2017 Krumenacker issued an order related to the contempt proceedings, directing:

"...that the Court will obtain the files concerning Notice 59 and will provide transcripts of the relevant hearings of February 4th and I believe it was the 11th, maybe the 5th of February, 2015. The Court will provide Attorney [Laurel] Brandstetter the transcript of Mr. [Sean] McGraw and has under advisement Items D and F of her discovery request. All counsel will have 20 days after receipt of the transcripts to file briefs on the issues of indirect criminal contempt as applying to their clients. It is further ordered that PATCtech will provide no information or testimony to anybody, court or resource without first filing a Motion for Disclosure with this Court. Everybody present is gagged until this Court makes a final determination on the Order of Protection and/or Contempt."

Parks Miller immediately used Krumenacker's March 14, 2017 grand jury order to argue to the Disciplinary Board that she was unable to file an answer to the petition for discipline, because she needed to refer to grand jury material to answer, and was gagged from doing so. She also argued that ODC should not possess or use the text or email evidence, because of grand jury secrecy.

ODC's Czuchnicki returned fire, arguing that ODC had received the text and email material through legitimate means; that the grand jury hadn't even looked at *ex parte* communications issues (or if it did, no mention of *ex parte* communication findings made it into the July 2015 public grand jury report); and that even if Parks Miller needed to seek special permission from Krumenacker to use grand jury material to answer the petition, she could file a motion to Krumenacker requesting that permission and in the meantime answer other parts of the petition unrelated to the text and email evidence, including the Facebook issues.

Czuchnicki asked the Disciplinary Board to order Parks Miller to formally ask for Krumenacker's permission to disclose grand jury material, and to answer the other allegations in the petition while waiting for Krumenacker's response.

April 2017 – Disciplinary Board order

On April 20, 2017, Disciplinary Board Chair David Schwager signed a complex order stating that Parks Miller "...may file a Motion for Release/Disclosure" with Judge Krumenacker within five days of the Disciplinary Board order.

Schwager's order said that "if [Parks Miller] timely filed the Motion," she "must" share the motion with ODC to demonstrate her good faith effort to comply with the disciplinary process.

Schwager's order said that once ODC received proof from Parks Miller that the Motion for Release had been filed and received a copy of the motion, the disciplinary board proceedings would be stayed until Krumenacker ruled on the motion.

Schwager's order allowed Parks Miller to hold off on answering only the text- and email-related portions of the petition for discipline.

But Schwager's order directed Parks Miller to respond to the other, Facebook-related portions of the petition by April 27, and to respond to the text- and email-related portions of the petition within five days of Krumenacker's order, assuming Krumenacker gave her permission to use grand jury materials.

Schwager's order also said "Should [Parks Miller] elect not to file a Motion [for Release] with [Krumenacker,] the [Disciplinary] Board will not approve any further delay of Respondent's disciplinary proceedings."

* * *

Instead, Parks Miller filed a motion to Judge Krumenacker on April 24, asking Krumenacker to stay the Disciplinary Board proceedings while Krumenacker worked through the contempt proceedings, and requesting a secret grand jury hearing on whether the Disciplinary Board should be allowed to have and use the text and email evidence at all.

Cleverly, she titled her document a "Motion for Release/Disclosure or for Such Other Relief as the Court Considers Warranted," even though she never requested permission to disclose grand jury material anywhere in the motion.

In her motion to Krumenacker, Parks Miller for the first time claimed that the Facebook material was also grand jury material subject to absolute secrecy.

She defied the Disciplinary Board order to file an answer to the Facebook-related sections of the petition; she didn't file any answer, even a partial one, and she didn't forward a copy of her motion to Czuchnicki at the ODC.

In response, Judge Krumenacker scheduled a hearing for May 11.

May 11, 2017 Krumenacker hearing

Information about what happened May 11 also came from Parks Miller's May 18 follow-up "Brief in Opposition to Prior Disclosure and Future Disclosure."

She wrote:

"...The District Attorney understands the [Krumenacker] court issued an order allowing disclosure [to ODC] based on the court's assurance at a hearing on [May] 11, 2017 that it had done, though she has not been provided a copy of that order... Judge Krumenacker confirmed that he had issued such an order, and even tried to find it, but could not."

Nonetheless, she argued at length that the Office of Disciplinary Counsel and the Office of Attorney General both lacked standing to have requested the disclosure in the first place, and that neither Krumenacker nor PATCtech had the authority to disclose the text and email data to ODC.

Part of her argument surrounded the wandering employment of James P. Barker, who left the Attorney General's office in May 2015 to work at ODC; left ODC in October 2017 to go back to work at the OAG; and – according to Parks Miller – participated in both the grand jury investigation and the disciplinary board investigation, which she alleged was a conflict of interest.

In her brief, she also claimed that Judge Krumenacker had "ruled that the [Jan. 24, 2015] search warrant was defective." This can't be confirmed or refuted, because grand jury transcripts and most other records are sealed. Even if true, US District Court Judge Brann ruled in September 2016 that the search warrant *was* valid.

Parks Miller argued that because Judge Krumenacker had jurisdiction over the "Petition for Return of Property" in February 2015, all the seized material was "part of a grand jury investigations and she is entitled to confidentiality."

Parks Miller claimed that the ODC had:

“endeavored to coerce the District Attorney into divulging information that she believes is grand jury protected by threatening to accuse her publicly if she chooses to avail herself of the secrecy assurances she sought and received from the supervising judge...ODC presented [her] with a Hobson’s choice: abandon your right to grand jury secrecy or suffer the consequences of being publicly accused based on evidence ODC should never have had.”

Parks Miller concluded her brief by asking that Krumenacker make a specific finding “that the information seized from her and anything derived therefrom is confidential grand jury information;” order “the return of all improperly disclosed information from any party to who disclosure was made;” and prohibit “any use of the improperly disclosed material by any party to whom it was delivered.”

May 19, 2017 Krumenacker order

On May 19, 2017, Krumenacker denied Parks Miller’s motion, stating somewhat incoherently:

“The areas of inquiry relevant to the Motion for Disclosure concerning text messages involving *ex parte* judicial communications and two additional emails were not the subject of the Grand Jury investigation. What information is contained in the records concerning text messages is information provided to the ODC through Attorney Sean McGraw, Attorney Bernard Cantorna at a public Commissioners’ meeting, and others, prior to the Grand Jury investigation. The text message references ‘cannot have any practical effect on the existing controversy’...The record contains no information on the two emails.”

Apparently the ODC then filed a motion asking Krumenacker to disclose the record of Parks Miller’s contempt proceedings against McGraw, Sprinkle and others, and some other materials.

This motion was not included in the exhibit package provided to the disciplinary panel hearing on April 23, 2018.

Its existence is supported by a June 8, 2017 Krumenacker order:

“...upon consideration of the ODC’s Motion for Disclosure...it is hereby ordered...as follows: 1) The Motion for Disclosure is denied as to all materials related to the Petition for Contempt filed by Stacy Parks Miller currently pending before this Court; 2) The Motion for Disclosure is granted as to all other materials sought; 3) This Order and the

ODC’s Motion for Disclosure shall be filed with the Clerk of Courts of Allegheny County where they shall remain sealed until further Order of Court.”

June 2017 – ODC files “Motion to Deem Allegations Admitted”

In the wake of the April, May and June Disciplinary Board and Krumenacker orders, Parks Miller still did not file an answer to the ODC petition.

Fed up, on June 12, 2017, ODC’s Czuchnicki filed a “Motion to Deem All Allegations in the Petition for Discipline Admitted” with the Disciplinary Board, citing Krumenacker’s May 19 order as restarting the clock as ordered by the Disciplinary Board on April 20.

Czuchnicki said he’d used “the most liberal construction” possible, giving Parks Miller 20 days from the May 19 order to file her full answer, and she’d still failed to respond.

Three days later, on June 15, Parks Miller instead appealed Krumenacker’s May 19 order under seal to the Pa. Supreme Court.

Then on June 26, Parks Miller filed her opposition to the ODC “Motion to Deem All Allegations Admitted”

Her opposition narrative included a lot of information about corruption in Centre County that Parks Miller had herself referred to the ODC, without any public sanctions resulting from her reports.

Parks Miller asked the Disciplinary Board to stay the disciplinary proceedings again, pending the outcome of her petition for Supreme Court review of Krumenacker’s May 19 order, and provide her with 10 days after the Supreme Court’s ruling to file her disciplinary answer.

The next day, the Czuchnicki wrote a letter to the Disciplinary Board, also asking for a stay pending resolution of the Supreme Court petition.

July 2017 – Pa. Supreme Court denies Parks Miller’s petition for review

Another Krumenacker order came out July 11. The full contents are unknown; it was not among the exhibits provided to the disciplinary panel.

But its existence is supported by reference made in a subsequent, September 21 order.

Apparently, Paragraph 2 of the July 11 Krumenacker order required “the OAG, PATCtech, Brian Sprinkle, Bernard Cantorna, Sean McGraw, Shawn Weaver, and Bellefonte Borough to return to Stacy Parks Miller any and all images or copies, in whatever format they exist, of the text messages and emails recovered from her electronic devices.”

Then on July 27, 2017, the Pa. Supreme Court denied Parks Miller’s Petition for Review of Krumenacker’s May 19 order, which started a 10-day clock for Parks Miller to finally file her answer to the ODC petition for discipline.

August 2017 – Parks Miller fails to file answer to petition; Disciplinary Board deems allegations admitted

Another Krumenacker order came out August 2. The full contents are unknown; it was not among the exhibits provided to the disciplinary panel. Its existence is also supported by parts of Krumenacker's Sept. 21, 2017 order, which vacated the Aug. 2, 2017 order after someone filed a Motion for Reconsideration.

And still, Parks Miller did not file an answer. On August 10, the Disciplinary Board issued a strongly-worded order granting Czuchnicki's Motion to Deem All Allegations Admitted.

The next day, after Parks Miller learned her disciplinary counsel (Tintner) had abruptly quit, she attempted to file her answer herself.

The Disciplinary Board construed her submission as a motion for reconsideration, and denied it August 11. A few days later, the Disciplinary Board appointed a three-member disciplinary panel to hear Parks Miller's case, chaired by Attorney Joanne Ludwikowski.

September 2017 – King's Bench Petition

Parks Miller found a new disciplinary attorney to represent her: James Kutz.

On September 11, Parks Miller filed an "Emergency Application for Special Relief" or "King's Bench Petition," asking the Supreme Court to reverse the Disciplinary Board's August 11 order, and allow her to file her answer to the original disciplinary petition.

On Sept. 21, 2017 Krumenacker issued another order. This one was included in the package given to the disciplinary panel on April 23, 2018.

Krumenacker vacated Paragraph 2 of his July 11, 2017 order, and ordered:

"that the OAG, PATCtech, Brian Sprinkle, Bernard Cantorna, Sean McGraw, Shawn Weaver, and Bellefonte Borough shall immediately turn over to the Court any and all images or copies, in whatever format they exist, of the text messages and emails recovered from Stacy Parks Miller's electronic devices...This Court shall maintain possession of and control access to the data, in whatever format it exists... Any person or court seeking access to the data shall file a motion for disclosure with this court and no disclosure will be made in the absence of such motion."

All other (unknown) aspects of the July 11 Krumenacker order remained "in full force and effect" and the Motion for Reconsideration (of unknown source and contents) was "denied as to all other matters."

Czuchnicki responded to Parks Miller's King's Bench Petition on September 22, and again on September 28.

The Feb. 24, 2015 Krumenacker order was attached to the Sept. 28, 2017 ODC filing as an exhibit, marking the first time it was provided to Parks Miller – more than two-and-a-half years after it was issued, and more than six months after Parks Miller first raised the issue of grand jury secrecy within the disciplinary context.

November 2017 – Supreme Court denies King's Bench Petition

By order dated Nov. 9, 2017, the Supreme Court rejected Parks Miller's request for special relief, leaving the Disciplinary Board's August 11 order in force, and clearing the way for the disciplinary process to move toward the public hearing ultimately held April 23, 2018.

Short critical analysis

By email Feb. 17, 2019, I asked Paul Killion, Chief Disciplinary Counsel, and Anthony Czuchnicki, the ODC investigator assigned to Parks Miller's case, two questions:

1. Why did ODC wait until Sept. 28, 2017 to disclose the Feb. 24, 2015 Krumenacker order to Parks Miller?

2. Why did Krumenacker never reference the Feb. 24, 2015 order in any of his subsequent orders addressing the same issues, including those signed on 3/14/17, 4/27/17, 5/19/17, 6/8/17, 7/11/17 and 9/21/17?

I also requested "additional documents surrounding the Feb. 24, 2015 order, such as a date-stamped, filed "request of the Office of Disciplinary Counsel" referenced in that order, that might corroborate the timing..."

I sent a follow-up email on March 24, 2019. Czuchnicki responded only to defer to Killion for a response. Killion has not responded to date.

To be continued.

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