

1 conclusion of this trial. In fact, the way it is
2 in Pennsylvania, you would have the opportunity
3 to address the jury prior to the Commonwealth
4 doing that. You can do that even if up to that
5 point you haven't done a thing. You haven't
6 participated one little bit. And then you may
7 wish to make a closing statement. It has to do,
8 of course, with the evidence in this case.

9 So I want to make this clear. I hope I
10 can finally repeat, I guess, what was said
11 probably at jury selection and maybe even earlier
12 this morning. I'm not sure I remember. But to
13 the extent that Ms. Wucinski is here, you can
14 talk to her. You can ask her questions. You can
15 ignore her for most of the time and then
16 something occurs to you and you want to ask her
17 something, go right ahead. I mean, you don't
18 have -- these are all decisions that you can
19 make.

20 Is there anything else, Ms. Montelione?

21 THE DEFENDANT: Yes, there is. I have my
22 own assistance of counsel and I need to have my
23 own assistance of counsel. As I expressed in the
24 paperwork that I gave to the Court, I appreciate
25 Ms. Wucinski being here, but I do not want her.

1 THE COURT: You have an attorney?

2 THE DEFENDANT: I have assistance of
3 counsel, sir.

4 THE COURT: Well, I mean, if it's the man
5 who has been seated there kind of behind you
6 that's had his hand up a couple times, I mean, if
7 he's an attorney licensed to practice in
8 Pennsylvania or even in another state, then we
9 can make arrangements on the record; but
10 obviously unless this individual is an attorney,
11 he may not represent you.

12 Now, if he is a friend of yours and there
13 are times when you would like to talk to him, if
14 you will ask the Court for some time for you to
15 do that, I can let you do that. But obviously we
16 would have to know who the individual is and what
17 his Pennsylvania, you know, number is, attorney
18 number; or, again, if it's another state, there
19 are ways in which attorneys in good standing from
20 other states can be admitted for the purpose of a
21 trial. There's a fancy name for this, pro hac
22 vice I think is probably close to it.

23 Who is this individual? If it's the man
24 with his hand up, it's going to be the man you're
25 speaking of, what is his name?

by the
BAR?

1 THE DEFENDANT: Yes. This is Eugene
2 Wrona.

3 THE COURT: Could you spell it for the
4 court reporter?

5 THE DEFENDANT: W-R-O-N-A.

6 THE COURT: W-R-O-N-A. That's the name
7 on the -- what you filed last week, I gather,
8 whose address is in Allentown, Pennsylvania; is
9 that correct?

10 THE DEFENDANT: That's correct.

11 THE COURT: That is care of Wrona; is
12 that correct?

13 THE DEFENDANT: Yes.

14 THE COURT: Is Mr. Wrona an attorney?

15 THE DEFENDANT: Mr. Wrona was trained as
16 a lawyer, yes.

17 THE COURT: Does he have a license to
18 practice law in Pennsylvania? Do you, Mr. Wrona?

19 MR. WRONA: May I address the Court,
20 please?

21 THE COURT: If you can answer my
22 question, please.

23 MR. WRONA: Yes, sir. I would ask that
24 counsel for the Commonwealth present her license
25 to practice law, and I submit that there is no

1 such document. I also submit that there is a
2 myth going on that I have been disbarred, and I
3 submit to the Court that if you go through the
4 record you will find out that the disbarment
5 proceedings were a deprivation of due process and
6 the Rules of Disciplinary Enforcement, as much as
7 Ms. Montelione has been deprived of due process
8 from the origin by the Bureau of Consumer
9 Protection, Commonwealth of Pennsylvania, County
10 of Dauphin, Trooper Grimm, and others involved in
11 this charade against an innocent, injured party.

12 THE COURT: So what your answer is, is
13 you don't have a license to practice law in
14 Pennsylvania or any other state?

15 MR. WRONA: My answer is there is no
16 license to practice law, but I do have legal
17 support for representing her as the assistance of
18 counsel under Pennsylvania law. I submit to you
19 Title 1, Pa.C.S. Section 1503, Applicability of
20 Colonial Law, English Law, the common law and
21 such of the statutes of England as were in force
22 in the Province of Pennsylvania on May 14, 1776,
23 and which were properly adapted to the
24 circumstances of the inhabitants of this
25 Commonwealth shall be deemed to have been in

1 force in this Commonwealth from and after,
2 February 10, 1777.

3 THE COURT: Well, I'm satisfied --

4 MR. WRONA: Excuse me, sir. May I?

5 THE COURT: Excuse me. I'll listen to
6 you for a while, and then after while you're
7 going to have to listen to me just like everybody
8 else.

9 MR. WRONA: I'm establishing my
10 qualifications to appear, if I may, sir.

11 THE COURT: You don't have any.

12 MR. WRONA: That's not true, sir.

13 THE COURT: If you do, tell me what your
14 license -- your attorney license is. That's the
15 way it works in Pennsylvania.

16 MR. WRONA: My license number is 67880 in
17 Pennsylvania.

18 THE COURT: Okay. And you are disbarred,
19 you said?

20 MR. WRONA: No, I did not. I said I have
21 not been disbarred. I have been denied due
22 process. And if you look at the order -- the
23 alleged order, it did not come from the Supreme
24 Court of Pennsylvania. And they're the only ones
25 who can disbar you if you read the Rules of

1 Disciplinary Enforcement.

2 I did not have a hearing before the
3 Supreme Court of Pennsylvania, because they did
4 not prove the charges against me.

5 THE COURT: Did you write the number
6 down? Would you have someone double-check?

7 MS. ALLEN: Yes, Your Honor. The number
8 I wrote down was 67880.

9 MR. WRONA: That's correct.

10 THE COURT: We'll take time to check to
11 see if you are currently licensed to practice in
12 Pennsylvania or another state. We can address it
13 at this time.

14 I'm assuming there is some reason why you
15 are coming forward on the day of the trial when
16 Ms. Montelione could have used your services,
17 assuming you are what you say you are, a long
18 time before now. So I must admit the timing of
19 this is for the Court an issue that the Court
20 must take into consideration.

21 I mean, if you have been here before, I
22 admit I don't recognize you, but I surely have
23 not, other than I did note on what was filed by
24 Ms. Montelione last week, care of Wrona, no first
25 name. I didn't know what this meant, to tell you

1 the truth.

2 But the timing of this is such that I
3 will not allow it to delay the trial of this
4 case. And if it's not made crystal clear to me
5 who you are, what your status is of a lawyer,
6 then I am going to reject your request to
7 represent Ms. Montelione. But if you are a
8 licensed, currently licensed attorney in
9 Pennsylvania, then I'll allow you to represent
10 her in accordance with the Rules of Procedure,
11 Rules of Evidence and all of that.

12 MR. WRONA: May I?

13 THE COURT: Just one more thing and then
14 I'll let you speak. But this last minute
15 appearance, as I say, is very questionable and a
16 bit annoying. However, if it would provide
17 appropriate representation for Ms. Montelione by
18 an appropriately licensed attorney, then even
19 though it's a late appearance, I am not saying
20 that I would reject your involvement in the
21 trial.

22 Now, go ahead. What did you want to say?

23 MR. WRONA: May I submit that I believe
24 the Court misconstrues Pennsylvania law as to the
25 requirement for representation, and the

1 assistance of counsel is not here to represent
2 her. She is here in her own person. I am to
3 provide the assistance of counsel under the Sixth
4 Amendment of the Constitution, which you alluded
5 to shall be broadly enforced.

6 And I would like to bring to the Court's
7 attention from the frame of government in 1682, a
8 treaty between William Penn and King Charles of
9 England, which is brought into force under
10 Article VI of the United States Constitution. It
11 says that in all courts, all persons of all
12 persuasions may freely appear in their own way
13 and according to their own manners and there
14 personally plead their own cause themselves or,
15 if unable, by their friends.

16 And the first process shall be an
17 exhibition of the complaint in court 14 days
18 before the trial, and that the party complained
19 against may be fitted for same. He or she shall
20 be summoned no less than 10 days before and a
21 copy of the complaint delivered to him or her at
22 his or her dwelling house.

23 THE COURT: There's no question that Ms.
24 Montelione can represent herself. No question
25 about that. That is true for anybody and

1 everybody, in civil or criminal but --

2 MR. WRONA: Excuse me.

3 THE COURT: -- for you to do this, other
4 than if you want to be available to her as I see
5 it now, we'll see whether I have to change my
6 mind when I see what the records are.

7 But if you want to speak to her and that
8 can be done appropriately during recesses, that
9 sort of thing, you want to act as a friend of
10 hers, she certainly is entitled to that. But all
11 of what you're saying to me now is not really
12 germane to this and, as I said before, you're a
13 bit of a Johnny-Come-Lately here, if you know
14 what I'm trying to say.

15 We're about to have a trial that should
16 have started maybe 20 minutes ago, and now I see
17 you for the first time. That's not a good way to
18 go about this.

19 Ms. Allen, do you have something?

20 MR. WRONA: Excuse me. If I may answer
21 that, Judge?

22 THE COURT: No, no.

23 MR. WRONA: You are misconstruing my
24 appearance. I have been here.

25 THE COURT: Now look, sir. The way these

1 trials run, whether you like it or not, anybody
2 else in this courtroom likes it or not, is that
3 someone has to be in charge. That is me. And I
4 haven't, after almost 30 years of doing this,
5 ever deprived anyone who is a proper person
6 before the Court of having their appropriate say.
7 But we cannot have this to be whoever shouts the
8 loudest gets to talk the most. That isn't the
9 way it works.

10 So I'm going to hear from Ms. Allen. I'm
11 not saying that I won't hear anything more from
12 you, but you do -- I've said it twice, so I won't
13 say it the third time at this point, but I may
14 have to later. But this last minute appearance,
15 if you will, or your coming into the courtroom
16 like this, does not serve Ms. Montelione's
17 interests particularly well and nor the cause of
18 justice.

19 Ms. Allen -- by the way, I see you. You
20 don't have to put your hand up. That's okay. I
21 know you're here. That's okay.

22 Ma'am?

23 MS. ALLEN: Yes, Your Honor. According
24 to the Disciplinary Board of the Supreme Court of
25 Pennsylvania, attorney information for Eugene

1 Andrew Wrona with the Pennsylvania attorney ID
2 number provided by the gentleman in court today,
3 the current status is disbarred. I'm passing
4 that forward.

5 MR. CHARDO: I can speak to that, Judge.

6 THE COURT: You are?

7 MR. CHARDO: Francis Chardo for the
8 Commonwealth. I've caused Mr. Wrona to be
9 charged with unlawful practice of law, and the
10 charges are pending. And he has just in my view
11 committed this offense again on view.

12 The County Detective is on his way over.
13 He is on bail for this very offense, and I'm
14 going to have him taken into custody.

15 MR. WRONA: Your Honor, first, this is
16 not a last minute appearance. What we have here
17 is I was in this court in April, before Judge
18 Clark on March 4th.

19 THE COURT: Go ahead. Let him finish,
20 because I think when you appeared before Judge
21 Clark, no doubt -- I am actually not disputing
22 that. But Judge Clark did, indeed, have a
23 proceeding involving Ms. Montelione, but that had
24 to do with, as far as I understand, because I
25 wasn't involved, a matter before this Court,

1 Dauphin County, in which there was an
2 investigation, I'll use that phrase, or an
3 examination, a proceeding of whether or not Ms.
4 Montelione was practicing law without a license.

5 And due to whatever occurred there or
6 didn't occur, I know a little bit about it, what
7 I've read. But because of the failure to appear,
8 Judge Clark did issue an order in that case.

9 I am not disputing you were there in
10 front of Judge Clark. And if, indeed, you were
11 in the courtroom, even when I've been here
12 before, I acknowledge that. I am not able to see
13 everybody who is in the courtroom. But to appear
14 as an attorney to represent someone in spite of
15 what all you've read as a disbarred attorney --
16 and I must take what I receive from the Supreme
17 Court of Pennsylvania, that you are not currently
18 licensed and you will not be permitted to
19 represent Ms. Montelione.

20 MR. WRONA: I accept what you state,
21 Judge, on the condition that you can show a law
22 of Pennsylvania that requires anybody appearing
23 as assistance of counsel to be an attorney. I
24 submit that under Pennsylvania law, such is not
25 necessary. You do not have to be an attorney to

1 appear as assistance of counsel. And, therefore,
2 I submit that this gentleman, I'm assuming from
3 the District Attorney's Office, should consider
4 withdrawing these charges before I'm taken into
5 custody and --

6 THE COURT: Are you appearing here as an
7 attorney at law duly licensed to practice in
8 Pennsylvania or are you appearing here, in spite
9 of all of what you have said, as a friend of Ms.
10 Montelione to be here to support her in this
11 matter, to maybe be able to talk to her during
12 recesses and at appropriate times when she can
13 receive visitors, either when she's in the
14 custody of Deputy Sheriffs or while she's in the
15 Dauphin County Prison? What is your intention to
16 do here? Why are you here?

17 MR. WRONA: I am appearing as assistance
18 of counsel under the Sixth Amendment and as a
19 friend providing that assistance of counsel. I
20 am not appearing as an attorney. I do not
21 represent her, and she does not represent
22 herself. She is appearing in her own person to
23 the best of my knowledge.

24 THE COURT: Right.

25 MR. WRONA: On that basis, I am not

1 presenting myself as an attorney. I am not
2 practicing law without a license.

3 THE COURT: Well, if -- I mean, from my
4 perspective -- I'm not telling the Assistant
5 District Attorney what to do. Whatever he feels
6 is appropriate, that's what's going to happen
7 from his perspective. But if you were willing to
8 sit in the courtroom and not interfere with the
9 trial by raising your hand or in any way speaking
10 out during the trial, I might feel -- I as the
11 presiding judge, not -- and I repeat -- speaking
12 for the Commonwealth of Pennsylvania as
13 represented by the Dauphin County District
14 Attorney's Office and particularly here today by
15 Mr. Chardo, who is a Deputy District Attorney in
16 this county, I am not speaking for him.

17 I am just telling you if you were willing
18 to just sit here like everybody else in the
19 audience is going to have to and not interfere
20 with the proceedings, then I would feel from my
21 perspective that we could go on with this trial.

22 MR. CHARDO: I have no problem with that.

23 THE COURT: I say that to you and I say
24 that to Ms. Montelione, and that's where it
25 stands as far as the Court presiding over this

1 trial believes.

2 MR. WRONA: I would respectfully request
3 to be able to sit next to Ms. Montelione and
4 write her notes.

5 THE COURT: No.

6 MR. WRONA: How is she -- I would like to
7 know how I can afford her the assistance of
8 counsel if I cannot sit next to her and counsel
9 her as the trial is proceeding.

10 THE COURT: Well, we can for most, if not
11 all of the morning, discuss the language of what
12 is practicing attorney, licensed attorney,
13 assistance of counsel. And I'm trying not to be
14 -- well, I was going to make a reference to a
15 phrase that is well known having to do with a
16 rose is a rose by any other name.

17 And the point of it is -- and that's not
18 meant to necessarily be humorous, but it's just
19 to make a point. The point is you can call it
20 whatever you want to, but what you're asking to
21 do would be to act as an attorney, act as her
22 representative.

23 I know you're shaking your head and
24 that's -- and I understand what you're saying,
25 but the point of it is, it is going to be the

1 same any way you look at it. And I cannot permit
2 you to do that.

3 Now, remember, I am speaking in terms of
4 how this trial proceeds. The Commonwealth
5 obviously knows you. You have apparently been
6 here before. Mr. Chardo made that point. And
7 the Commonwealth believes that not only what
8 you've done in the past but what you're doing now
9 -- and I'm not speaking whether the Commonwealth
10 is right or not. But what you're doing now is an
11 attempt to practice law without a license.

12 Now, for me I think would be not
13 necessarily good for you if I were to say, sure,
14 come forward, sit next to Ms. Montelione. But
15 that would be what lawyers do, not disbarred
16 lawyers. Maybe you can contest your disbarment.
17 I'm not taking any position on that.

18 But for me to allow you to do what you've
19 requested would fly in the face of what it is
20 that we do, so that we can proceed in criminal
21 cases and civil cases actually in an orderly
22 fashion, having those people qualified to appear
23 as lawyers appear in court.

24 MR. WRONA: May it please the Court, for
25 the record --

1 THE COURT: One final thing, yes, for the
2 record. It is on the record. Go ahead.

3 MR. WRONA: I would like it known that
4 the Constitution, Sixth Amendment, does not say
5 an attorney. And there is no Pennsylvania
6 statute that requires you to be represented by an
7 attorney. I've pointed out that this is not a
8 representation issue. Claudia is appearing as
9 herself, the real person, not as a legal fiction,
10 and is not being represented by anyone, least of
11 all by myself.

12 THE COURT: All right.

13 MR. WRONA: For her to have the right
14 under the Sixth Amendment to the assistance of
15 counsel, it's very difficult to perceive that you
16 can say, you sit in the well and your assistance
17 of counsel can sit outside the door and talk with
18 you between breaks or something like that. That
19 is inconceivable and a denial of the Sixth
20 Amendment and due process rights.

21 THE COURT: I wouldn't necessarily
22 disagree with that, if I were allowing you to be
23 assistance of counsel. Counsel, another word for
24 attorney, attorney at law.

25 MR. WRONA: No.

1 THE COURT: Used interchangeably. I will
2 interpret it to mean what I interpret it to mean.
3 I may be mistaken. I'm going to preside over a
4 trial. There may be times when I have to make
5 rulings; and I may be correct in my rulings, I
6 may be incorrect. That's what the trial is all
7 about. I hope to make fair rulings in terms of
8 Ms. Montelione and in terms of the Commonwealth.

9 In this instance, I am making rulings,
10 that's what I do. I do not look at this as a
11 personal matter for you, Ms. Montelione, or
12 anybody else. This is the way I understand the
13 law.

14 Assistance of counsel meaning as far as
15 I'm concerned is assistance of an individual
16 properly qualified, if you will, licensed if you
17 will, properly before the Court. This is all in
18 a manner to protect individuals from people who
19 think they can practice law, want to practice
20 law, maybe used to practice law, and would be
21 doing a disservice to an individual if they did
22 not meet the proper qualifications both of
23 training and skill, passing the bar examination,
24 all the other matters that have to do with the
25 properly qualified counselor or attorney,

1 attorney at law if you will, and that's all for
2 the protection of persons such as Ms. Montelione.
3 And that's what I am concerned about. And that's
4 why I am taking -- I've made the rulings I have.

5 You may not sit with her. You may not
6 provide assistance of counsel. You may not be
7 her attorney. You may not represent her.

8 I'm not sure what's going to happen next.
9 Mr. Chardo has some other things in mind for you.
10 And I am not going to comment on that. I'm
11 sorry, but as far as your appearing here as her
12 friend, if you are able to talk to her at a break
13 or anything, that's fine. But you will not
14 interfere with the orderly process of this trial.

15 I have spoken. There's going to be no
16 one else speak about this.

17 Mr. Chardo, whatever it is that you're
18 about to do, please do it so we can begin this
19 trial. I have 14 citizens of Dauphin County --

20 MR. WRONA: One more thing, sir. For the
21 record, you made a big point of commanding a
22 license to practice law. I would like to see the
23 license of Mr. Chardo and the attorney for the
24 Commonwealth.

25

lines
"Let
DA do
he will

1 (Mr. Wrona was escorted from the
2 courtroom.)

3
4 THE DEFENDANT: Judge Brown, I have been
5 left totally defenseless here. I have been
6 denied the right to call witnesses. I have been
7 denied the right of my assistance of counsel. I
8 would like to address the reason why his late
9 appearance, and that is because the underlying
10 case was on appeal in Commonwealth Court. The
11 case that we mentioned before that was heard on
12 March 4th of last year was being appealed to the
13 Commonwealth Court, and this Court had no
14 jurisdiction to do anything concerning that
15 matter.

16 These documents are part of that other
17 case. And I have never, never had due process of
18 law. That case from last year was a legal
19 disaster, and the Commonwealth Court ran away
20 from making a decision on it. After all the
21 briefs were in and the preponderance of what
22 happened there was in my favor, the Commonwealth
23 never objected to any of the claims or
24 allegations I made. And the Commonwealth Court
25 just ran away from it. Refused to make a proper

1 decision.

2 THE COURT: Well, in spite of your belief
3 that that proceeding was part of these
4 proceedings, particularly two of these
5 informations that are against you, that is not
6 correct. The Commonwealth Court did act and it
7 did deny your appeal in that case as I understand
8 it.

*I don't
recall
of this.
"Yes. The
question
you apps
is what
could*

9 But that is not part and parcel, although
10 it is the background for what occurred here. And
11 that is that you were being found in contempt in
12 that court case. But these have to do with what
13 you did subsequent to that, not what you did
14 during that, not what you didn't do as far as
15 what went on there.

16 I really, really didn't read with any
17 particular attention to all of what was in the
18 other case that you are referring to, the one in
19 which Judge Clark did preside. Because that in
20 and of itself is not what this is about. I know
21 that you know what this is about. It has to do
22 with what happened later. You are being charged
23 with retaliation of doing things that were in the
24 eyes of the Commonwealth -- and we'll see whether
25 or not a jury feels the same way, by giving you

1 your constitutional right of being charged and
2 only being found guilty of a crime if the
3 evidence is proof beyond a reasonable doubt.

4 So you've had plenty of time to prepare
5 for today. You do have -- I know you at least,
6 unless you changed your mind, that you do have a
7 belief that you cannot use the Assistant District
8 Attorney. You have on other occasions at
9 preliminary hearings rejected -- Assistant Public
10 Defender. I'm sorry if I said Assistant District
11 Attorney. I misspoke, of course.

12 And you've rejected individuals who have
13 then left the courtroom because of your
14 rejection. Now, that was for preliminary
15 hearings. For this trial I am not going to allow
16 your rejection to cause an Assistant Public
17 Defender, Ms. Wucinski, to leave the courtroom.
18 She's there if you want to use her. You have
19 under these circumstances all the rights that
20 you're entitled to.

21 THE DEFENDANT: What about calling
22 witnesses? I need -- there are witnesses that I
23 need to call.

24 THE COURT: Well, I don't know how to
25 answer that, except here we are today. You

1 didn't ask or say anything about witnesses at
2 jury selection. You didn't give a list to either
3 the District Attorney or, for that matter, the
4 Court any time up to today. I don't know who
5 these individuals are. I don't know whether they
6 have anything to offer.

7 I mean, just because you want to call
8 people doesn't mean they really get to testify,
9 and so that's a whole different proceeding which
10 you allowed over these many months to come and
11 go. I can't imagine that you just thought of
12 people this morning or over the weekend that you
13 want to have called.

14 But did you present to this Court a list
15 of names so the Court could assist you in getting
16 subpoenas for these people?

17 THE DEFENDANT: Yes.

18 THE COURT: Do these people have -- do
19 they have anything really to offer? I'm not
20 going to allow this trial to be sidetracked by
21 this again, in spite of what you just alluded to,
22 this last second interest in how this case goes
23 forward.

24 You have shown to a large degree again
25 based upon, I guess, a philosophical or religious

1 belief that this proceeding is flawed, not
2 appropriate. And you have really sort of ignored
3 everything that is available to you up to today.
4 I'm not going to allow that to, as I said a
5 minute ago, delay or sidetrack this trial.

6 And I'm sorry that you didn't use the
7 methods that were available to you for many,
8 many, many, many, many months now.

9 THE DEFENDANT: Sir, I fully expected
10 this case to be brought to a close, to be
11 dismissed, to be closed down. I mean, there are
12 serious violations of my rights here. I was
13 never presented with the nature and the cause of
14 the charges against me.

15 THE COURT: Well, in that respect, I must
16 say respectfully that you are wrong. The case is
17 going forward. And to be honest about it, I've
18 got to tell you the way it is. That's not an
19 excuse, thinking that somehow this case would go
20 away. It's not an excuse for you to have not
21 taken care of yourself by exercising rights that
22 you do have. And one of them is to have
23 witnesses here.

24 And if you were having difficulty with
25 subpoenas, you could present to the Court the

1 names of these individuals. I've been through
2 this before.

3 THE DEFENDANT: I have them right here.

4 THE COURT: Well, but that's a little
5 late now. But who are they? You name these
6 individuals. Tell me what their names are.

7 THE DEFENDANT: District Justice Barbara
8 Pianca. I would like to hear her testimony why
9 she would not handle the arraignment on these
10 charges last year.

11 THE COURT: District Justice -- what's
12 her name, please?

13 THE DEFENDANT: Barbara Pianca.

14 THE COURT: She's from where, please?

15 THE DEFENDANT: She's right across town.

16 THE COURT: She's from Dauphin County.

17 Who else did you want?

18 THE DEFENDANT: I have a whole list of
19 people here that I would like to call as
20 witnesses.

21 THE COURT: What are their names?

22 THE DEFENDANT: Governor Rendell who
23 received a petition.

24 THE COURT: Governor Rendell. Another
25 name, please?

*I won't
if the
District
Justice
Pianca
is the
one
before*

1 THE DEFENDANT: Attorney General Tom
2 Corbett.

3 THE COURT: Another name, please?

4 THE DEFENDANT: A couple of Deputy
5 Attorney Generals, Kathryn Silcox and Michael
6 Gerdes.

7 THE COURT: Okay.

8 THE DEFENDANT: District Justice Solomon.

9 THE COURT: Okay.

10 THE DEFENDANT: Judge Clark.

11 THE COURT: Okay.

12 THE DEFENDANT: Deputy District Attorney
13 Jenni Allen.

14 THE COURT: She'll be here.

15 THE DEFENDANT: Douglas Cassell.

16 THE COURT: Okay.

17 THE DEFENDANT: Denny Grimm, Jeffrey
18 Dunkel, Francis Shay -- he's a State Trooper --
19 Francis Shay, Shannon Montelione, my daughter.

20 THE COURT: Who is in New Jersey, I
21 think, now.

22 THE DEFENDANT: Yes, and Kevin Mahoney.

23 THE COURT: He is apparently in
24 Massachusetts. His case is --

25 THE DEFENDANT: I have no idea what is

1 going on with him.

2 THE COURT: That's all right.

3 THE DEFENDANT: I need testimony from
4 these people, but I cannot proceed on my own. I
5 need assistance of counsel. If --

6 THE COURT: Well, I was pointing to Ms.
7 Wucinski. We're starting to go in circles. I am
8 not going to permit this any longer. A lot of
9 the folks that you have named are participants in
10 this trial. Some of them I suspect will be
11 indeed called as witnesses here. So we'll just
12 see how this proceeds and we'll go over your
13 list.

14 But the Court would have to know what
15 these people have to present. I've been through
16 this a number of times.^{when?} And that is an
17 individual will want to subpoena persons. And
18 before subpoenas can be issued, there does have
19 to be some showing as to what this person would
20 have to testify. And some of those, I can tell
21 from who they are, by their positions, would have
22 nothing to testify that would be germane in this
23 case. Maybe a couple of them would. Maybe not.
24 That's something that maybe after this case is
25 over will have to be addressed. But we're going

What
happens
to Bess
rewards
you in
here too

I have
recieved
that. I
didn't
know
the other
witness
would

1 to proceed now.

2 THE DEFENDANT: Well, I'm sorry, Judge,
3 but I cannot -- my Sixth Amendment rights are
4 being denied.

5 THE COURT: What do you want to do?

6 THE DEFENDANT: I would like to go back
7 to the prison.

8 THE COURT: And let the trial go on
9 without you here, is that what you're asking?
10 The trial is going to go on whether you're here
11 or not. That's up to you.

12 THE DEFENDANT: Can we have a five-minute
13 recess? I would like to speak to maybe a couple
14 more knowledgeable people.

15 THE COURT: Well, as long as when the
16 five minute recess is up -- and I would grant you
17 that. Then we are going to call in the jury and
18 we're going to get the case started. It will be
19 up to you to decide whether or not you want to be
20 here or not. I want you to be here. I would
21 like you to be here. I think it's important that
22 you would be here. But I would not insist. I
23 would certainly do nothing to restrain you or in
24 any way physically make you stay here. I would
25 respect your wishes, even though I might disagree

1 with them, but I would respect your wishes if you
2 wished to be tried in absentia, if that's what
3 you want to do.

4 THE DEFENDANT: I didn't think that was
5 allowable in America.

6 THE COURT: Well, you have the choice
7 whether or not to be here. You cannot avoid a
8 trial by saying I want to be back in jail or I
9 want to be somewhere else. That is -- that's the
10 way it works. So obviously we could have -- be
11 trying many, many criminal cases that arose how
12 many decades ago because a Defendant would say,
13 well, I don't want to be there so I can't be
14 tried in absentia. Yes, you can be.

15 But the point of it is, the only way to
16 keep you in the courtroom would be some sort of
17 restraints, some sort of Draconian methods, like
18 that. I'm not going to do it. I'm not going to
19 have you tied to that chair. I'm not going to
20 have Deputy Sheriffs stand beside you. That
21 would be worse than you not even being here. So
22 you think about that.

23 Ms. Allen, did you wish to be heard?

24 MS. ALLEN: The last time we were here
25 for jury selection, Your Honor allowed me to

1 amend the informations. They were filed with the
2 Court. I want to give Ms. Montelione a copy for
3 1422 and 2746 so that she has those.

4 THE COURT: That's what I have here are
5 copies. Okay. We'll take a recess. Let's see,
6 it's about 10 minutes of 10. We'll take a recess
7 now until 10:00. That's 10 minutes. I'm not
8 sure who it is that you wish to speak to that you
9 referred to as more knowledgeable. I'm not sure
10 what reference you made. I would ask the Deputy
11 Sheriffs to give Ms. Montelione the right if she
12 wishes to speak to someone. I'm not sure who
13 that might be. Under proper conditions, allow
14 her to speak to someone.

15 But I say again and again and again, we
16 are going to proceed with this trial today,
17 whether or not you wish to be here. I think you
18 understand that there are other ways to resolve
19 this case without there being a trial. You have
20 rejected the Commonwealth's offer and that's your
21 right. But that's one way that there would not
22 have to be a trial. But that's your decision.

23 All right. We're in recess until 10:00,
24 please.

25

to file
no cont

1 (Court was held in recess at 9:48 a.m.)

2

3 (Recess.)

4

5 (The following proceedings occurred,
6 beginning at 10:09 a.m.):

7

8 THE COURT: All right. I believe we're
9 ready to go. Ms. Wucinski?

10 MS. WUCINSKI: Just briefly, right
11 beforehand, Ms. Montelione wants to put an
12 objection on the record as to the amended
13 information.

14 THE COURT: All right. Noted. Noted.
15 Overruled but noted.

16 MS. ALLEN: Just so there's also clarity,
17 the copy that was in there today, there was a
18 mistake as was redone. The clean fresh copy is
19 coming up, Your Honor. Nothing has changed.
20 It's exactly what Your Honor gave us leave to
21 amend anyway.

22 THE COURT: Okay.

23 MS. ALLEN: There was something
24 typographical in nature that needs to be
25 corrected.

1 THE COURT: We're going to have it.
2 correct?

3 MS. ALLEN: They are typing feverishly as
4 we speak.

5 THE COURT: Is the jury ready to come in?
6 I gave the jury a few more minutes. They've been
7 here a long time. We were getting some drinks
8 for them. That's why we didn't come back, I
9 didn't come back in at 10:00. Is everything all
10 right?

11 THE CLERK: Yes.

12 THE COURT: We can bring them in?

13 THE CLERK: Yes.

14 THE COURT: All right. Thank you.

15 There will be 15 jurors. We did pick
16 four alternates. Apparently one was excused
17 between the time of selection and today. I have
18 to be honest with you. I don't remember whether
19 that was -- I mean, I said to any of the judges
20 of Dauphin County, of course, they could make the
21 ruling.

22 MS. ALLEN: Your Honor, Trooper Grimm
23 brought to my attention that the Defendant, Ms.
24 Montelione, has not been processed, fingerprinted
25 and so forth on any of the three cases that are

Wasn't ever convicted yet!

1 pending. I guess our request is for an order of
2 the Court that would allow her to be transported
3 from Dauphin County Prison to be processed.

4 Can we do that today, this afternoon?

5 TROOPER GRIMM: I believe we can do it at
6 a break.

7 MS. ALLEN: We can possibly do it at a
8 break.

9 THE COURT: We'll take care of that.

10 MS. ALLEN: Yes, Your Honor.

11

12 (The jury entered the courtroom at
13 10:14 a.m.)

14

15 THE COURT: Thank you. You may all be
16 seated.

17 Members of the jury, first, I want to
18 welcome you back to court and wish you a good
19 morning. I know you have several questions. I'm
20 going to get to those in just a moment. But I
21 did want to acknowledge that you've been here for
22 a couple of hours. I did want to explain to you
23 that there were matters being taken care of in
24 the courtroom that for the most part did not
25 require your being in your place in the jury box.