

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number: 38-1-20
MDJ: Hon. CATHLEEN REBAR
Address: 133 LEVEL ROAD
COLLEGEVILLE, PA 19426
Telephone: (610)409-2515

DEFENDANT: (NAME and ADDRESS):
KATHLEEN GRANAHAN KANE
First Name Middle Name Last Name Gen.
11 NORTH 3RD STREET, HARRISBURG, PA 17120

NCIC Extradition Code Type

- 1-Felony Full
- 2-Felony Ltd.
- 3-Felony Surrounding States
- 4-Felony No Ext.
- 5-Felony Pend.
- 6-Felony Pend. Extradition Determ.
- A-Misdemeanor Full
- B-Misdemeanor Limited
- C-Misdemeanor Surrounding States
- D-Misdemeanor No Extradition
- E-Misdemeanor Pending
- F-Misdemeanor Pending Extradition Determ.
- Distance: _____

DEFENDANT IDENTIFICATION INFORMATION

Docket Number	Date Filed 08/06/2015	OTN/LiveScan Number	Complaint/Incident Number 2015-1173	SID	Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO	
GENDER <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	DOB 06/14/1966 AKA	POB	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/> Gen.		
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian	<input type="checkbox"/> Black	<input type="checkbox"/> Native American	<input type="checkbox"/> Unknown		
ETHNICITY	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Non-Hispanic	<input type="checkbox"/> Unknown			
HAIR COLOR	<input type="checkbox"/> GRY (Gray)	<input type="checkbox"/> RED (Red/Aubn.)	<input type="checkbox"/> SDY (Sandy)	<input type="checkbox"/> BLU (Blue)	<input type="checkbox"/> PLE (Purple)	<input type="checkbox"/> BRO (Brown)
	<input checked="" type="checkbox"/> BLK (Black)	<input type="checkbox"/> ONG (Orange)	<input type="checkbox"/> WHI (White)	<input type="checkbox"/> XXX (Unk./Bald)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> PNK (Pink)
	<input type="checkbox"/> BLN (Blonde / Strawberry)					
EYE COLOR	<input type="checkbox"/> BLK (Black)	<input checked="" type="checkbox"/> BLU (Blue)	<input type="checkbox"/> BRO (Brown)	<input type="checkbox"/> GRN (Green)	<input type="checkbox"/> GRY (Gray)	<input type="checkbox"/> XXX (Unknown)
	<input type="checkbox"/> HAZ (Hazel)	<input type="checkbox"/> MAR (Maroon)	<input type="checkbox"/> PNK (Pink)	<input type="checkbox"/> MUL (Multicolored)		
Driver License	State PA	License Number 21199270	Expires: 06/15/2019	WEIGHT (lbs.)		
DNA	<input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location		Ft. HEIGHT in.		
FBI Number	MNU Number		5		9	
Defendant Fingerprinted	<input type="checkbox"/> YES <input type="checkbox"/> NO					
Fingerprint Classification:						

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth Approved Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

District Attorney Risa Vetri Ferman
(Name of the attorney for the Commonwealth)

08/06/2015
(Date)

I, DETECTIVE PAUL M. BRADBURY
(Name of the Affiant)

49
(PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of MONTGOMERY COUNTY DETECTIVE BUREAU
(Identify Department or Agency Represented and Political Subdivision)

PAO465200
(Police Agency ORI Number)

do hereby state: (check appropriate box)

- 1. I accuse the above named defendant who lives at the address set forth above
- I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [208] LOWER PROVIDENCE TWP
1000 MADISON AVENUE NORRISTOWN, PA (Subdivision Code) (Place-Political Subdivision)

in MONTGOMERY [46,51,22] on or about 3/16/2014 TO THE PRESENT IN MONTGOMERY, PHILADELPHIA, AND DAUPHIN COUNTIES IN PENNSYLVANIA.
County (County Code)



POLICE CRIMINAL COMPLAINT

Docket Number:	Date Filed: 08/06/2015	OTN/LiveScan Number	Complaint/Incident Number 2015-1173
Defendant Name	First: KATHLEEN	Middle: GRANAHAN	Last: KANE

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input checked="" type="checkbox"/> Lead?	1	4902	(A)	of the	18 PA C.S.A	1	F-3		
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 4902 PERJURY

Acts of the accused associated with this Offense: Under Pennsylvania law, a person is guilty of Perjury if in any official proceeding she makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and she does not believe it to be true.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> Lead?	2	4903	(A)(1)	of the	18 PA C.S.A	1	M-2		
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 4903 FALSE SWEARING

Acts of the accused associated with this Offense: A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when she does not believe the statement to be true and the statement occurs in an official proceeding commits the crime of False Swearing.

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/> Lead?	3	5101		of the	18 PA C.S.A	2	M-2		
Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code		

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 5101 OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERNMENTAL FUNCTION

Acts of the accused associated with this Offense: A person commits Obstructing Administration of Law or Other Governmental Function if she intentionally obstructs, impairs or perverts the administration of law or other governmental function by breach of official duty or any other unlawful act.



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The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a *brief* summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 – 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	4	5101		of the	18 PA C.S.A	1	M-2		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 5101 OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERNMENTAL FUNCTION

Acts of the accused associated with this Offense: A person commits a crime of Criminal Conspiracy when they agree with any person or persons that they will engage in conduct which constitutes Obstructing Administration of Law or Other Governmental Function or an attempt or solicitation to commit such crime or they agree to aid any person or persons in the planning or commission of Obstructing Administration of Law or Other Governmental Function or an attempt or solicitation of such crime.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	5	5301	(1)	of the	18 PA C.S.A	1	M-2		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 5301 ABUSE OF OFFICE / OFFICIAL OPPRESSION

Acts of the accused associated with this Offense: A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a crime if, knowing that her conduct is illegal, she subjects another to mistreatment or other infringement of personal rights commits the crime of Official Oppression.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	6	5301	(1)	of the	18 PA C.S.A	1	M-2		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 5301 ABUSE OF OFFICE / OFFICIAL OPPRESSION

Acts of the accused associated with this Offense: A person commits a crime of Criminal Conspiracy when they agree with any person or persons that they will engage in conduct which constitutes Abuse of Office/Official Oppression or an attempt or solicitation to commit such crime or they agree to aid any person or persons in the planning or commission of Abuse of Office/Official Oppression or an attempt or solicitation of such crime.



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Defendant Name	First: KATHLEEN	Middle: GRANHAN	Last: KANE

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<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
<input type="checkbox"/>	7	5301	(2)	of the	18 PA C.S.A	1	M-2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 5301 ABUSE OF OFFICE / OFFICIAL OPPRESSION									
Acts of the accused associated with this Offense: A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a crime if, knowing that her conduct is illegal, she denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity commits the crime of Official Oppression.									

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input checked="" type="checkbox"/> Conspiracy 18 903						
<input type="checkbox"/>	8	5301	(2)	of the	18 PA C.S.A	1	M-2		
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 5301 ABUSE OF OFFICE / OFFICIAL OPPRESSION									
Acts of the accused associated with this Offense: A person commits a crime of Criminal Conspiracy when they agree with any person or persons that they will engage in conduct which constitutes Abuse of Office/Official Oppression or an attempt or solicitation to commit such crime or they agree to aid any person or persons in the planning or commission of Abuse of Office/Official Oppression or an attempt or solicitation of such crime.									

<input type="checkbox"/> Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903						
<input type="checkbox"/>				of the					
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code	
PennDOT Data (if applicable)		Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance):									
Acts of the accused associated with this Offense:									



POLICE CRIMINAL COMPLAINT

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Defendant Name	First: KATHLEEN	Middle: GRANAHAN	Last: KANE

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered 1 through 5.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

August 06, 2015

(Date)

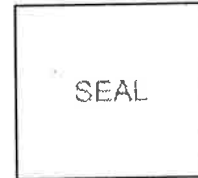
Paul M. Ramsey
 (Signature of Affiant)

AND NOW, on this date 8/6/15 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

38-1-20
 (Magisterial District Court Number)

Cherita Kelly Robs
 (Issuing Authority)



Affidavit of Probable Cause

Commonwealth vs. Kathleen G. Kane

Investigative Referral

On December 19, 2014, the Honorable William R. Carpenter, the Supervising Judge for the Thirty-Fifth Statewide Investigating Grand Jury, made an investigative referral to Montgomery County District Attorney Risa Vetri Ferman. The referral involved possible violations of Grand Jury secrecy and related crimes that were alleged to have occurred in Montgomery, Dauphin, and Philadelphia Counties, Pennsylvania. In addition, Judge Carpenter issued a disclosure order permitting District Attorney Ferman and her designees to use information gathered in the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, to investigate the matter.

The Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, received evidence and heard testimony concerning the possible violation of Grand Jury secrecy and related crimes. Following an eight month investigation, the Grand Jury issued a Presentment recommending that Pennsylvania Attorney General Kathleen G. Kane be charged with Perjury, False Swearing, Abuse of Office/Official Oppression, Obstructing Administration of Law or Other Governmental Function, and Contempt of Court.

Pursuant to the investigative referral from Judge Carpenter, the Montgomery County District Attorney's Office began an independent investigation into the matter. At the conclusion of an independent investigation, investigators have determined that Kane violated the criminal laws of Pennsylvania and the solemn oath she swore upon assuming the office of Attorney General by engaging in a pattern of unlawful acts and deceit through the release of confidential investigative information and secret Grand

Jury information and then testifying falsely during her appearance before the Grand Jury to conceal her crimes.

Pennsylvania Attorney General Kathleen G. Kane

Kathleen G. Kane was elected to the position of Attorney General for the Commonwealth of Pennsylvania on November 6, 2012, and she was inaugurated as the 48th Attorney General of the Commonwealth of Pennsylvania on January 15, 2013. On that date, Kane was administered the Oath of Office pursuant to Article VI § 3 of the Constitution of the Commonwealth of Pennsylvania whereupon Kane swore to “support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth” and to “discharge the duties of [her] office with fidelity.” Kane then began her four year term as Attorney General.

Motive to Leak: March 16, 2014 and June 6, 2014 Newspaper Articles

The Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, examined the improper release of secret Grand Jury information from a prior 2009 Statewide Grand Jury Investigation (2009 Grand Jury Investigation). The 2009 Grand Jury Investigation included, amongst other probes, an inquiry into the finances of former NAACP head J. Wyatt Mondesire. Detailed information from the 2009 Grand Jury Investigation was published by the Philadelphia Daily News in an article on June 6, 2014. (Friday, June 6, 2014: Daily News article written by Chris Brennan: “Wonder Bread” State A.G. is curious about that big 2009 probe of ex-NAACP boss finances.)

The 2009 Grand Jury Investigation probed the possible misuse of grant money by a number of individuals, including J. Wyatt Mondesire. Mondesire has not been charged in connection with crimes pertaining to that investigation. The June 6, 2014, Philadelphia Daily News article cited two documents related to this Grand Jury investigation. The first document cited was a four page Memorandum authored in 2009 by then Deputy Attorney

General William Davis, Jr., and addressed to then Chief Deputy Attorney General Frank G. Fina and Senior Deputy Attorney General Marc Costanzo (2009 Memorandum). The 2009 Memorandum detailed the 2009 Grand Jury Investigation and included information gathered through the use of the Investigating Grand Jury. The second document cited in the article was a twenty-six page transcript from an interview that was conducted by the Attorney General's Special Agent in Charge of the Bureau of Special Investigations, David C. Peifer, of Agent Michael Miletto and pertaining to the 2009 Grand Jury Investigation (Miletto Transcript). Miletto was one of the investigators who worked on the 2009 Grand Jury Investigation. The interview outlined details from the 2009 Grand Jury Investigation. Investigators have determined that no disclosure order for this material had been issued prior to its release to the press, which is required pursuant to Grand Jury statutes.

Investigators learned that there was a connection between the leak of the Grand Jury information that appeared in the June 6, 2014, Daily News article and the earlier publication of an article in the Philadelphia Inquirer on March 16, 2014. The Philadelphia Inquirer published an article on March 16, 2014, entitled Sources: Kathleen Kane shut down probe of Philly Democrats. The story was written by Inquirer reporters Angela Couloumbis and Craig R. McCoy. This article, which was highly critical of Kane, detailed allegations that Attorney General Kane was personally responsible for not pursuing prosecutions of individuals who had been caught in an undercover sting involving politicians accepting bribes, an investigation referred to as the "Ali Investigation." This was an investigation that had been led by Fina while he was in the Office of the Attorney General. Fina left the office in January of 2013 shortly after Kane took office. Soon after, Fina began working as an Assistant District Attorney for the Philadelphia District Attorney's Office. After Kane declined to pursue charges, the investigation was taken over by the Philadelphia District Attorney's Office, which filed charges against six individuals. On March 14, 2014, in preparation for the release of the article,

reporters contacted Kane for a statement which she provided. Kane called the investigation “poorly conceived, badly managed, and tainted by racism” and stated that it had targeted African Americans. It should be noted that four of the six individuals prosecuted by the Philadelphia District Attorney’s Office have since pled guilty.

Investigators learned that Kane was angry about the article. Current First Deputy Attorney General Bruce Beemer stated that Kane’s reaction to the article was “negative. She was upset.” Former First Assistant Adrian R. King, Jr., testified that Kane had “great animosity towards Frank Fina in particular” because she believed that he was responsible for releasing information used in the March 16, 2014, Philadelphia Inquirer article. Joshua Morrow, a political consultant for Kane, testified that there had been a “very public and long feud between the Attorney General’s Office and Frank Fina and Costanzo.” Morrow later stated to investigators that he believed that the disagreement between Kane and Fina stemmed from “the March 16, 2014 article in the Philadelphia Inquirer concerning Ali.”

On the evening of March 16, 2014, Kane released a statement to the press in response to the criticism of her in the Philadelphia Inquirer article. Kane stated that “the allegations made by several cowardly anonymous sources in today’s Philadelphia Inquirer paint an inaccurate and sensational version of the details and timeline of events related to Case File No. 36-622. The real truth is that this investigation was not only deeply flawed, but unraveled long before I was elected and then took the oath of office.” Kane stated, “Furthermore, I do not have any animosity toward the lead prosecutor of this case. I do not know the former prosecutor any more than I know the individuals targeted in this investigation.”

The following day, March 17, 2014, Kane held a press conference where she stated her justifications for not prosecuting the Ali matter. Kane stated that the investigation had been “so poorly handled by her predecessors that it

could not be prosecuted.” Kane also stated that the investigation was racially motivated.

On March 20, 2014, Kane appeared before the Editorial Board of the Philadelphia Inquirer accompanied by her private attorney to address the March 16, 2014, Philadelphia Inquirer article. Kane had hired this attorney to represent her personally in potential defamation claims against the newspaper. No such claims were ever filed.

Several senior members of the Office of Attorney General considered Kane’s appearance at the Editorial Board a misstep. King said that he thought this decision “was a very, very unwise move” and “cast the whole office and everybody who worked for her in a poor light.” The statewide media “was in an uproar” after the Editorial Board meeting, according to King, and he thought Kane’s appearance before the Editorial Board was “madness,” “truly embarrassing,” and “possibly fatal.” Based on the extraordinarily negative press coverage, investigators believe that Kane decided to retaliate against the person or persons she deemed responsible for leaking the information that was used for the March 16, 2014, Philadelphia Inquirer article.

It is clear to investigators that the purpose behind the Office of Attorney General review of the 2009 Grand Jury Investigation involving Mondesire was to gain information to attack former state prosecutors. According to Peifer, he first learned of the 2009 Grand Jury Investigation from Miletto. Peifer then invited Beemer to meet with he and Miletto to discuss the case. After that meeting, Beemer determined that the case was past the statute of limitations, and he considered it a “dead case.” Beemer testified that he could not understand why anyone in the current administration would be concerned about the case. Beemer also testified that, during the meeting, Miletto expressed a “real disdain for Mr. Fina and others.”

Linda Dale Hoffa, a former Senior Executive Deputy Attorney General, testified that Peifer told her that he had been tasked by Kane with reviewing

the 2009 Grand Jury Investigation involving Mondesire. Beemer was unaware that Peifer had discussed the case with Kane after his meeting with Peifer and Miletto. Beemer was especially surprised to learn that a second interview of Miletto was conducted and transcribed. Kevin Wevodau, Special Agent in Charge of the Bureau of Criminal Investigations, testified that “a review of the Mondesire investigation would have been solely done so that may be or could have been used against Mr. Fina.”

Kane’s motive for releasing confidential investigative information and secret Grand Jury information—to attack and discredit Fina—is no more evident than in a March 16, 2014, email exchange between her and a media strategist. In the emails, which were regarding Kane’s response to the March 16, 2014, Philadelphia Inquirer article, Kane wrote, “I will not allow them to discredit me or our office.” Kane concluded the email by writing, “This is war.” The media strategist replied advising to “make war with Fina but NOT to make war with the Inquirer.”

Kane’s “war” was not limited to Fina but was directed at anyone potentially associated with him. After Kane refused to prosecute the criminal charges arising out of the Ali Investigation, R. Seth Williams, District Attorney of Philadelphia, invited Kane to refer the case to his Office for prosecution. After Williams challenged Kane to allow him to prosecute politicians who could be heard accepting bribes on tape, Kane had an email exchange with a media strategist in which she shared her feelings of wanting to make “Seth pay.” Kane concluded by writing, “This is not over.” Morrow told investigators that, on April 25, 2014, he was asked by Kane to gather negative information on Seth Williams. Morrow told investigators that he declined this request. After Kane failed to charge the politicians implicated by the Ali Investigation, Williams charged six, four of whom have pled guilty.

The Leak: The Illegal Release of Confidential Investigative Information & Secret Grand Jury Information

The interview of Agent Miletto by Special Agent Peifer cited in the June 6, 2014, Philadelphia Daily News article was conducted on March 21, 2014. A transcript of this interview was then provided to Kane by Peifer on March 25, 2014, at a senior staff meeting in Kane's office. According to witnesses, the transcript was given to Kane in a folder with a blue back and a clear cover. Peifer testified before the Grand Jury that, during the meeting, Kane was "flipping through looking at" the transcript. Peifer testified that he only brought one copy of the transcript to the meeting and that, after looking at it, Kane placed it "on the table in front of her." Peifer further testified that, during the senior staff meeting, he provided an oral summary of the transcript indicating that Miletto felt that charges could have been brought against Mondesire.

The information contained within the 2009 Memorandum and the Miletto Transcript clearly pertained to the 2009 Grand Jury Investigation and was information subject to Grand Jury secrecy. In addition, several senior staff members of the Office of the Attorney General agreed during testimony that these documents contained Grand Jury information and, as such, were subject to Grand Jury secrecy rules. However, no disclosure order had ever been issued allowing the release of secret Grand Jury information to the public, which is required pursuant to Grand Jury statutes.

Kane's Executive Assistant, Catherine Smith, was called to testify before the Grand Jury. She testified that, in mid-April, Kane left for a trip to Haiti. Investigators determined that Kane left for Haiti on April 13, 2014, and was accompanied by Peifer, Office of Attorney General Agent Daniel Block, and Chief Deputy Attorney General Ellen Granahan, Kane's sister. According to Smith, Kane had, on at least one previous occasion, left a signed designation letter when she traveled outside the Commonwealth. The letter would designate one individual to take any necessary action in the Attorney General's

absence. For this particular trip, Kane wrote a letter designating King as Acting Attorney General, but she did not sign it. According to Smith, Kane gave Smith specific instructions. Smith testified, “[Kane] said I was to hold onto it. And if something came up and she told me to sign it, she would be the one to tell me to sign it, if need be. And otherwise, I was to just hold onto it unsigned.” According to Smith, the letter was signed at the direction of King while Kane was in Haiti. Investigators determined that Kane was upset to learn that the designation letter had been signed in her absence in order to allow King to make necessary decisions for an on-going investigation.

Investigators determined that, on Tuesday April 22, 2014, the day Kane returned to the office from Haiti, King informed Kane that he would be working out of the Philadelphia office on April 23, 2014, instead of his office in Harrisburg. King testified that Kane informed him that she had a package that she needed to have delivered to Morrow in Philadelphia. King testified that he agreed to deliver the package and that, later that day, he found a plain, sealed envelope on his desk.

Investigators interviewed Morrow who stated that he had a phone conversation with Kane on the afternoon of April 22, 2014. Morrow stated that Kane “asked me to do her a favor, and to give Adrian King a call because he had something that she wanted me to get to a reporter, I asked her what it was and she told me that it involved an investigation into Jerry Mondesire by Frank Fina and that he had shut it down.” Morrow testified that, after Kane called him, he placed a call to King. During that conversation, Morrow testified, King said he would call Morrow back later. According to both King and Morrow, on the evening of April 22, 2014, they had a telephone conversation concerning the delivery of the envelope, and it was agreed that King would leave the envelope between the front doors of his home for Morrow to retrieve on April 23, 2014.

Investigators obtained telephone records for April 22, 2014. These records indicate a call placed by Kane to Morrow at 4:54 PM that lasted 18 seconds and another call placed by Kane to Morrow at 5:03 PM that lasted for one minute and thirty-five seconds. The records also indicate a call placed by Morrow to King at 5:31 PM that lasted thirty-four seconds and a second call from King to Morrow at 7:46 PM that lasted one minute twenty-six seconds.

According to Morrow, at approximately 10:30 AM on April 23, 2014, he retrieved the envelope left for him at King's residence. Morrow described the envelope as an 8 ½ x 11" clasped envelope. Morrow further explained that, when he opened the envelope by releasing the metal clasp, he discovered its contents were a manila file folder marked on the front with "JOSH" in blue ink. Morrow stated that the file contained a transcript, two emails, and what appeared to him to be an interoffice memorandum. One of these documents was inside a folder with a clear cover and a blue backing.

Morrow decided to deliver the contents of the package to Chris Brennan, a reporter for the Philadelphia Daily News and the author of the June 6, 2014, article. Morrow testified that Brennan was a reporter whom he had known for years and considered him to be "friendly." According to Morrow, he did not immediately deliver the package to Brennan. Morrow stated that he waited several weeks before giving the documents to Brennan. Morrow stated that he made redactions to the documents before delivering them. These redactions were designed to ensure that the only Attorney General employee's names evident in the documents were those of Fina and Costanzo. In early May 2014, Morrow contacted Brennan to arrange for the delivery of the redacted documents. The documents were then personally provided to Brennan by Morrow in Philadelphia.

Ultimately, Brennan authored the June 6, 2014, Daily News article using confidential investigative information and secret Grand Jury information given to him by Morrow through Kane and King. When the article appeared in the

paper, both Beemer and Peifer were upset because the article cited secret and confidential information. Beemer testified that, when he read the article, he thought it "was a big problem" because the article contained Grand Jury information. Peifer told investigators that he was "kind of pissed" that the information was "leaked from our office."

The information used in the article was identified as confidential investigative information and secret Grand Jury information in testimony by several witnesses in addition to Beemer and Peifer. James Barker, former Chief Deputy Attorney General, testified that the information contained in the article was secret Grand Jury information. Former Senior Executive Deputy Attorney General Linda Dale Hoffa testified that, when she read the June 6, 2014, Daily News article, she was concerned because the article referenced Grand Jury information "that should not have been made public."

The memorandum and transcript provided by Morrow to Brennan were in fact the 2009 Memorandum and the Miletto Transcript cited in the June 6, 2014, Daily News Article written by Brennan. During testimony in front of the Grand Jury, Morrow identified three exhibits as which he indicated were the same documents delivered to him by King, the 2009 Memorandum, the Miletto Transcript, and two emails. These same documents were identified by Brennan during his Grand Jury testimony as the documents delivered to him by Morrow.

The 2009 Memorandum, the Miletto Transcript, and the two emails, were identified by both Morrow and Brennan during their testimony in front of the Grand Jury. The two emails discussed the Mondesire case where Fina and Costanzo were either authors or recipients. Investigators determined that these were printed at the Office of Attorney General. Investigators also determined that the emails were stored digitally within the Office of Attorney General.

During the course of the investigation, investigators obtained audit results from the Symantec Enterprise Vault system (Evault). This is a program

that the Office of Attorney General's computer system uses to store the emails that are sent or received from the employees of the Office of Attorney General. When an email is either sent or received from an employee, a copy is automatically archived into the Evault system. Regardless of the action taken by the user—whether it is opening, deleting, forwarding, etc. an email—a copy is saved into the Evault system.

Access to the Evault system is restricted to those employees who have been given access by the Information Technology Section (IT) and have a user account and password. There are two (2) employees from IT who act as Administrators and can view, search, and make changes in the Evault system. There is one other group of employees, referred to as Reviewers, who can view the content of, search for, and print emails. The number of Reviewers is extremely limited.

Investigators obtained the Evault audit results for Peifer and Supervisory Special Agent Patrick Reese, who both had access as Reviewers to the Evault system at the times relevant to this investigation, including on March 25, 2014. These audit results log and track all activity of the Reviewer, including search terms and the subject line of viewed emails.

Reese is on Kane's Executive Protection Detail and also acts in the capacity of her driver. Investigators learned that both Peifer and Reese are considered by other members of the Office of Attorney General to be two of Kane's closest confidants. David Tyler, the former Chief Operating Officer for the Office of Attorney General, told investigators that Patrick Reese, the Special Agent in Charge of Kane's security, was considered the "go between" with Kane and members of the Office of Attorney General and was referred to by other employees as "Chief of Staff." Wevodau, who prior to joining the Office of Attorney General was a twenty-nine year veteran of the Federal Bureau of Investigation, testified that there were instances where Peifer would review active investigations under Wevodau's purview. When Wevodau would question

Peifer, Peifer would state that, if Wevodau had a problem, he should “talk to the General.” Furthermore, Peifer was so trusted by Kane that, according to King’s testimony, Kane tasked Peifer and her security detail with “secretly or surreptitiously review[ing] emails of employees.”

Reese was first granted permission to access the Evault system on March 25, 2014. Reese was granted permission by Administrators to the Evault system at the request of Peifer. March 25, 2014, was the same day that Peifer participated in the staff meeting where Kane was briefed on the Mondesire case. Peifer stated that “Patrick Reese was to my right” at the same March 25, 2014, senior staff meeting.

In addition, investigators were able to determine that the emails provided to Brennan were printed at the Office of Attorney General. Investigators learned that, typically, when an employee prints an email at the Office of Attorney General, that individual’s name appears printed on the email header. However, there is also a printing feature where the user’s name is replaced with a generic “OAG” on the email header. This feature is referred to as the “eDiscovery Printing OAG” and is limited to those employees that have been granted permission by IT Administrators. This feature provides the ability to conceal the identity of the person printing the email. Both Peifer and Reese were part of the “eDiscovery Printing OAG” group during the times relevant to this investigation, including on March 25, 2014. In fact, Reese was first granted permission to use this printing feature on March 25, 2014.

The only other person who had the same access as Peifer and Reese to both the Evault system and “eDiscovery Printing OAG” between March 25, 2014, and April 22, 2014, was Geoffrey Moulton, Jr. Moulton worked as a Special Deputy Attorney General and conducted a review of a high profile, child sexual abuse investigation that was previously conducted by the Office of Attorney General.

As indicated above, among the documents given to Morrow and then delivered to Brennan were two emails discussing the Mondesire case where Fina and Costanzo were either authors or recipients. Investigators learned that these two emails were stored in and could be found using the Evault system. Investigators also learned that these two emails were printed using the “eDiscovery Printing OAG” feature. Again, the group of individuals with access to both the Evault system and the “eDiscovery Printing OAG” feature at the times relevant to this investigation was extremely limited. Kane and King did not have access to either the Evault system or the “eDiscovery Printing OAG” feature. In fact, the only individuals with access to both the Evault system and “eDiscovery Printing OAG” were Moulton—a highly respected member of the bar and a former Federal Prosecutor brought in to conduct a review of a former Office of Attorney General investigation—Peifer, and Reese.

When shown the 2009 Memorandum and associated emails by investigators, Moulton denied ever seeing them. Peifer denied directly participating in releasing the documents to the Daily News. Peifer merely acknowledged leaving the Miletto Transcript, one of the documents used to write the Daily News article, with Kane at the March 25, 2014, staff meeting. Reese has refused to cooperate with investigators.

Furthermore, while investigators were analyzing these Evault audit results discussed above, they discovered that both Peifer and Reese were engaging in search patterns involving the Thirty-Fifth Statewide Investigating Grand Jury. The keyword searches and corresponding emails appeared to be dealing with matters regarding the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123. The Evault audit results analyzed by investigators date back to March of 2014, however, the searches involving the Thirty-Fifth Statewide Investigating Grand Jury occurred at times after the issuance of the August 27th, 2014, Protective Order.

Investigators learned of a directive issued by Kane on September 9, 2014, thirteen days after Judge Carpenter issued the Protective Order intended to address, among other issues, alleged intimidation by Office of Attorney General employees against witnesses appearing before the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123. The Protective Order provided, in relevant part, “[e]mployees of the Office of the Attorney General shall not have access to transcripts of proceedings before the Grand Jury or the Supervising Judge, exhibits, or other information pertaining to the Special Prosecutor’s investigation.”

On September 9, 2014, Peifer personally informed the IT Administrators that, at the request of Attorney General Kane, they were to remove five employees who previously had authorization to access the Evault system. This reduced the number of Reviewers down to three employees: Peifer, Reese, and Moulton.

Investigators determined that after the privileges of the five other employees had been revoked, both Peifer and Reese’s “Query” searches regarding matters involving the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, intensified. Between September 9, 2014, and December 9, 2014, these searches increased in frequency and were clearly directed at gaining access to information they were prohibited from knowing. These prohibitions were in place to protect the integrity of the Grand Jury, something that Peifer and Reese disregarded with each “Query” search.

Examples of the “Query” search terms include: “Carpenter,” “tomc3” (beginning of private email address for Special Prosecutor Thomas Carluccio), “CCarlucc@montcopa.org” (work email address for Hon. Carolyn T. Carluccio, Judge of the Court of Common Pleas of Montgomery County and wife of Special Prosecutor Carluccio), “Barker,” “Miletto,” “acouloumbis” (beginning of work email for Angela Couloumbis, reporter for the Philadelphia Inquirer), “cmccoy” (beginning of work email for Craig R. McCoy, reporter for the Philadelphia

Inquirer), "perjury," "removal from office," "Target of Leak," and "Leak Investigation." Some of the email subject lines returned by the "Query" search were: "Subpoenas," "Grand Jury," "Notice 123," "Transcripts," and "Special Prosecutor." It is clear to investigators that the above searches were intended to gather information about the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123 and were in violation of the Protective Order.

On the same day, September 9, 2014, that access to Evault was restricted, at Kane's direction, Reese began gathering information he was prohibited from knowing related to the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123. He made the following "Query" searches: "carpenter," "barker," "fina," "tomc3," and "castille." The final "Query" search term, investigators concluded, was an attempt by Reese to gather information on then Pennsylvania Supreme Court Chief Justice Ronald D. Castille, who supervised all Statewide Investigating Grand Juries, including the Thirty-Fifth.

On September 10, 2014, and September 11, 2014, both Peifer and Reese were searching the Evault in an attempt to gather information regarding the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123. By analyzing the Evault audit results, investigators learned that in fact these searches were being conducted at the exact same periods of time. Investigators concluded, based on this evidence, that Peifer and Reese were searching for this information in concert and at the direction of Kane. The "Query" search terms used during this period of time include: "Leak investigation," "target of leak," "Inquirer leak," "carpenter," and "tomc3."

In fact, on December 3, 2014, as the Thirty-Fifth Statewide Investigating Grand Jury was nearing the conclusion of its investigation into Kane, Reese was using the following "Query" search terms: "perjury" and "removal from office."

In his statement to investigators, Morrow said that, during a phone conversation with Kane, she stated to him that the word on the street, "was

that [he had] testified.” This conversation occurred on November 18, 2014, one day after Morrow testified. Morrow stated to investigators that he was “pretty livid” that Kane had learned about his testimony, presumably because Grand Jury proceedings are intended to be secret. Investigators find this comment by Kane to be suspect given that it occurred while Peifer and Reese, two of Kane’s most trusted allies in the Office of Attorney General, intensified their clandestine surveillance of emails related to the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123.

Investigators concluded that Kane was responsible for the release of the documents used in the June 6, 2014, Daily News article. Investigators also concluded that Kane was assisted by and agreed with at least one other person to assemble the package of documents given to Morrow and then delivered to Brennan. Investigators reached this conclusion based on the facts that: the two emails delivered to Brennan were stored digitally in the Office of Attorney General Evault system; those same two emails were printed using the “eDiscovery Printing OAG;” only three Office of Attorney General employees had access to the Evault system and also had “eDiscovery Printing OAG” privileges; of those three employees, two were Peifer and Reese; Peifer and Reese were considered two of Kane’s closest confidants; neither Kane nor King could access the Evault system; neither Kane nor King had “eDiscovery Printing OAG” privileges; and Peifer and Reese both engaged in suspicious searches of the Evault system related to the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123 and were previously tasked with secret assignments by Kane.

Kane authorized the release of the documents in order to retaliate against someone she believed had made her look bad in the press. Kane did so without regard to the damage it would cause to the reputation of Mondesire, the supposed target of the 2009 Grand Jury Investigation. By engaging in this abuse of her Office, Kane committed the offenses of Obstructing Administration of Law and Official Oppression.

Motive To Lie & The Cover Up: Kathleen G. Kane's Grand Jury Testimony

Between July 29, 2014, and January 15, 2015, the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, received evidence surrounding the questions of how confidential investigative information and Grand Jury information was disclosed to the press. Multiple witnesses were called to testify, including Kane. On November 17, 2014, Kane was subpoenaed to appear and testify before the Thirty-Fifth Statewide Investigating Grand Jury. Prior to reporting to the Grand Jury, Kane issued a statement to the press stating, in part, "I will tell the Special Prosecutor the truth and the facts surrounding the disclosure of information to the public that was done in a way that did not violate statutory or case law regarding Grand Jury secrecy... I can promise you this, the truth and the law will prevail."

Kane was then sworn as a witness before Judge Carpenter on November 17, 2014. She was given the following oath: "You do solemnly swear or affirm that the testimony you will give before the Statewide Investigating Grand Jury in the matters being inquired into by it will be the truth, the whole truth and nothing but the truth, so help you God?" Kane responded, "I do."

Investigators found that Kane made a number of false statements before the Grand Jury during her testimony on November 17, 2014. These statements related to a number of topics: 1) her knowledge regarding the 2009 Memorandum; 2) her involvement in leaking secret documents to the press; 3) that she didn't read the June 6, 2014, Daily News article until August 2014; and 4) that the release of the Mondesire information had nothing to do with Ali Investigation.

Kane made these untruthful statements to the Grand Jury in an attempt to cover up and conceal her crimes of releasing confidential investigative information and Grand Jury information, to mislead the Grand Jury, and to subvert the purpose of the investigation. Kane's untruthful statements throughout her testimony came in a variety of forms: some were

materially false statements intended to mislead the Grand Jury, others were false but not material while still intending to mislead the Grand Jury, and still others were merely false and seemingly served no purpose. By repeatedly making such untruthful statements, she committed Perjury and False Swearing, as well as new acts of Obstructing the Administration of Law. Kane engaged in this conduct to conceal and cover up the crimes she knew she had committed by orchestrating the disclosure of confidential investigative information and secret Grand Jury material.

1. Kane's knowledge of the 2009 Memorandum.

Kane repeatedly stated that she had not seen the 2009 Memorandum between Frank Fina and William Davis prior to her testimony in the Grand Jury on November 17, 2014. Investigators found that this was a false statement. The following exchanges occurred between the Special Prosecutor and Kane:

Exchange 1:

Q: If we get to that now, the—which has been marked as Commonwealth 1, which is a memorandum from Bill Davis to Frank Fina, are you familiar with that document?

A: No.

Q: Have you ever seen that before?

A: No.

Exchange 2:

Q: *And again, just ask you again for the record. The Commonwealth 1, which is the Frank Fina memorandum of Bill Davis to, I guess, Mr. Fina, you don't know how that got to the press itself?*

A: *I have never seen this document before today. I did not even know of its existence until I read the June article. I don't read the press, either good or bad, about any of us until I read it word for word in around August of 2014.*

Exchange 3:

Q: *So the memo between—from Bill Davis to Frank Fina, you never saw it before that article came out?*

A: *Is it the one you just showed me?*

Q: *Yes.*

A: *No.*

Q: *Okay.*

A: *Today is the first day I've seen it.*

Q: *Today is the first day you ever seen this?*

A: *Correct.*

Peifer testified before the Grand Jury that he had the 2009 Memorandum with him during a meeting with Kane and other senior staff members on Tuesday, March 25, 2014. During this meeting Peifer gave a briefing of the Mondesire investigation and the 2009 Memorandum was made “available if anybody wanted to read it.”

Investigators learned that Kane actually had seen the 2009 Memorandum well before her testimony before the Grand Jury on November 17, 2014. On May 12, 2015, Peifer told investigators that, on July 25, 2014, he received a telephone call from Kane asking him for the 2009 Memorandum and the June 6, 2014, Philadelphia Daily News article. According to Peifer, he was not in the Norristown office that day so he in turn called his secretary, Gabriel Stahl, and informed her where in his office those documents could be located. Peifer then directed Stahl to scan the two documents and send them to Kane in an email. Stahl testified that she did receive that request from Peifer and did in fact send Kane the email with these documents. A copy of the email was provided to investigators.

In an interview with investigators, First Assistant Deputy Attorney General Bruce Beemer recounted a telephone conversation that he had with Kane on July 28, 2014, just three days after Kane had the 2009 Memorandum and June 6, 2014, Philadelphia Daily News article emailed to her. Beemer stated that Kane, “launched into a recitation in what was in the [2009 Memorandum] and then we started to argue point for point about the memo. It was clear to me that she looked at the [2009 Memorandum]; there is no doubt in my mind. I got the sense that she had it in front of her and was reading off it.”

2. Kane's involvement in leaking secret documents to the press

In her testimony before the Grand Jury, Kane testified that she and King discussed the release of only certain information concerning the Mondesire Grand Jury investigation. Kane also minimized her role by saying that she did not direct what, how, when or by whom this should be done, and stated that King took care of that himself. Investigators concluded that these were false statements.

Exchange 1:

Q: Did you have anyone prepare a package that went to Josh Morrow?

A: No.

Q: So you don't know anything about the documents that actually went out of your office to Josh Morrow?

A: No, I don't.

Q: Through Mr. King?

A: No.

Exchange 2:

Q: Okay. Did you give him any direction to deal with this case, anything to do with documents or anything --

A: Yes.

Q: --on this case?

A: Yes.

Q: Okay

A: Agent Peifer's memo summarizing Agent Miletto's testimony of 2014, after the meeting that we had, Adrian and I said, you know, this is a pattern that has been developing. This is not right. This is a pattern of non-prosecutions, and this was somebody who could have been prosecuted except for the lapse of time that had occurred. And we said that it's the public's right to know what is happening in the office, as I've always said. And agent—Adrian and then I said well, then let's put it out into the press, and we did.

Q: Okay. And how did that happen?

A: *I said to Adrian, you know, we should get it out. We should put it out to the press. People have a right to know. He said I agree and, you know, he said well, what do you think? It was—I remember it was later in the day because I was in a hurry to get back to Scranton and he was going to Philadelphia, and our press department was dismantled and, you know, we have a young team, unfortunately. And Adrian said well, I can take care of it. You know, we'll give it to—let Josh Morrow take care of it, as we typically did. And Adrian said something like, you know, have Josh call me, and I did. I called Josh, and I said Adrian wants you to call him.*

Exchange 3:

Q: *Did you talk with Josh Morrow, I assume, did he call you or did you talk to him?*

A: *I called him and said Josh, Adrian wants you to call him. He said okay.*

Q: *And then any follow-up on that?*

A: *No.*

Exchange 4:

Q: *So how did Adrian King get the documents that would eventually get into--*

A: *I don't know.*

Q: *You don't know? Did you discuss—you said you discussed that this isn't right, and you discussed that with Adrian King?*

A: *Right.*

Exchange 5:

Q: So what was your understanding of what documents were going to Josh Morrow and to the press?

A: Well, there was no understanding. You know, it was a simple conversation with Adrian. People need to know about this. This is a developing pattern of perhaps selective prosecutions or non-prosecutions. It was something that our office had, you know, been under questioning for before, whether we prosecuted, why we prosecuted or why we didn't prosecute. So it is a legitimate inquiry, and we felt that it was important that people know that as well, and that, that was about it. But I would assume—I would assume that Adrian would have taken Agent Peifer's memo with his, his talk with Agent Miletto and would have done that.

Exchange 6:

Q: Okay. Did you ever give him a package to give to Josh Morrow?

A: No.

Q: Did you have anyone prepare a package that went to Josh Morrow?

A: No.

Q: So you don't know anything about the documents that actually went out of your office to Josh Morrow?

A: No, I don't.

Q: Through Mr. King?

A: No.

Even according to her own version of events, Kane admits that she agreed with King to release protected information outside the Office of Attorney General.

Multiple witnesses testified to the near collapse of the professional relationship between Kane and then-First Assistant Adrian R. King, Jr., that began with the publication of the March 16, 2014, article in the Philadelphia Inquirer. King testified that, when the article was published, there began a “downward slide with respect to how the office was run, the Attorney General’s relations with the press, how she interacted with her staff.”

Kane was then scheduled to meet with the Editorial Board of the Philadelphia Inquirer concerning the article on March 20, 2014, concerning the article that appeared in the Philadelphia Inquirer on March 16, 2014. According to King, he attempted to speak with her before the meeting, but his calls went unreturned. Unbeknownst to King, Kane retained a private attorney and brought that attorney to the meeting. King said that he thought this decision “was a very, very unwise move” and “cast the whole office and everybody who worked for her in a poor light.” King was especially upset because, as second in command of the Office of Attorney General, he believed that he should have been consulted. King felt so strongly that he drafted a resignation letter later that evening which he ultimately did not submit. David Tyler, former Chief Operating Officer for the Office of Attorney General, told investigators that there was noticeable tension between Kane and King after the Editorial Board meeting. King noted in an email to a communications specialist, that Kane doesn’t seem, “to be taking strong guidance from anyone.”

According to King, on Friday, March 21, 2014, he spoke with a representative from the law firm of the private attorney hired by Kane. King testified that several requests were made of King, including information and/or documents relating to the Mondesire investigation. Investigators obtained emails between King and Kane discussing her attorneys’ request. On Monday,

March 24, 2014, King sent Kane an email questioning the legality of disseminating “any OAG criminal division file materials” to individuals outside the Office of Attorney General. Kane responded that she would manage requests from her private attorney, and that she was “well aware of the limitations of disclosing criminal files and the Wiretap Act. I have been in this business for quite some time.”

On Tuesday, March 25, 2014, King met with Kane in her Harrisburg office, and King described the meeting as “a little uncomfortable.” King testified that Kane told him that she would handle press matters going forward and that King should focus “on running the office.” After this meeting, also on March 25, 2014, Kane and King participated in a staff meeting with senior members of the Office of Attorney General. This is the same meeting where Peifer briefed Kane and others on the Mondesire case and brought the Miletto transcript that had a blue back and clear cover.

King testified that during the senior staff meeting the Mondesire case was identified as the next thing that would be “hung around [Kane’s] neck.” King thought that the discussion regarding the Mondesire case was a “complete distraction” to the office and that Kane’s concern regarding the Mondesire case was “paranoid.”

Throughout Kane’s testimony, she referenced a “2014 memo” that was presented by Peifer at the staff meeting. The investigation has shown that this document is in fact the Miletto transcript, a transcribed interview that contains confidential investigative information and secret Grand Jury information. Kane testified the document she refers to as the “2014 memo” had a blue back and a clear face. In Peifer’s statement, he said that the Miletto transcript, which Kane was flipping through and looking at during the staff meeting, had a blue back and a clear cover. Morrow told investigators that one of the documents he received, later identified as the Miletto transcript, had a blue back and clear cover.

Kane testified that she spoke to King immediately after the staff meeting about putting the information discussed at the senior staff meeting about the Mondesire case "out into the press." Kane claimed that, although she did not direct King on what to release, the document she referred to as the "2014 memo" was present in front of them during this conversation. Kane further claimed that King asked her to have Josh Morrow call him regarding the matter. Kane testified that she called Morrow and said only, "Josh, Adrian wants you to call him." Investigators determined that Kane's testimony regarding the extent of her conversation with Morrow was untruthful.

As discussed previously, Kane left for a trip to Haiti on April 13, 2014. During the time Kane was away, paperwork needed to be signed so that an ongoing investigation could continue. Unable to reach Kane, King and David Tyler, then Chief Operating Officer for the Office of Attorney General, made a decision to have the designation letter signed. Catherine Smith, Kane's Executive Assistant, testified that when Kane found out the letter had been signed, "she told me that I made a bad situation worse." When King and Tyler learned of Kane's reaction, they both cleaned out their offices anticipating that they would be terminated. In fact, when Kane returned from the trip, she made it clear to both Smith and another executive assistant, "behind closed doors in her office that we work for her. We do not work for the First Deputy, we work for her."

Investigators determined that the documents utilized in the June 6, 2014, Philadelphia Daily News article left the Office of Attorney General on April 22, 2014, and were collected by Josh Morrow the following day, April 23, 2014. Investigators made this determination by examining telephone records and conducting interviews. These telephone records showed that, on April 22, 2014, at approximately 5:00 PM, Kane called Morrow, then Morrow called King, and then King called Morrow back. Morrow confirmed in his statement to investigators that these telephone calls occurred on April 22, 2014. This is also consistent with King's recitation of the manner in which he delivered the

envelope to Morrow. However, this is in direct contradiction to Kane's claims that she had a conversation with King about informing the public of the Mondesire investigation immediately after the senior staff meeting on March 25, 2014. Kane also claimed that she called Morrow the same day as the senior staff meeting and after her discussions with King concerning Mondesire. Kane also claimed that the conversation with Morrow simply involved her stating, "Josh, Adrian wants you to call him." However the telephone records, King's testimony, and Morrow's statement demonstrate that these claims, too, were false statements.

Given that the documents were released on April 22, 2014, Kane's claim that King, alone, orchestrated the removal of confidential investigative information and secret Grand Jury information from the Office of Attorney General is not credible. Investigators analyzed telephone records and concluded that there was no telephone contact between either Kane and Morrow or King and Morrow on March 25, 2014, the day Kane claims she and King discussed releasing information related to Mondesire to the public. Kane claimed that King cooperated with her in this venture at a time when their professional relationship was essentially nonexistent. The release occurred after a series of events that made the relationship between the two toxic: the Editorial Board meeting; Kane stating that she would focus on press matters while King should focus on day-to-day operations; and Kane's return to the office after the Haiti trip on April 22, 2014.

In addition, investigators have determined that Kane's claims regarding the extent of her telephone conversation with Morrow were false based upon accounts by Morrow regarding the call. Kane testified that she called Morrow and stated, "Josh, Adrian wants you to call him" to which Morrow replied "okay." When asked if there was any follow up, Kane said "no." Morrow, however, told investigators, that on April 22, 2014, he spoke to Kane and that she, "asked me to do her a favor, and to give Adrian King a call because he had something that she wanted me to get to a reporter, I asked her what it was and

she told me that it involved an investigation into Jerry Mondesire by Frank Fina and that he shut it down.... She also told me that I had to get ahold of Adrian tonight because he was leaving town in the morning.”

The false statements made to the Grand Jury by Kane regarding speaking to King and Morrow on March 25, 2014, and having any discussion with King concerning providing information about the 2009 Grand Jury Investigation regarding Mondesire to the public were intended to deceive the Grand Jury about her disclosure of confidential investigative information and secret Grand Jury information. Such statements, had they been credited by the Grand Jurors, could have hampered the investigation and altered the Grand Jury’s recommendation with respect to recommending any action against Kane.

3. *Didn’t read the June 6, 2014, Philadelphia Daily News article until August 2014.*

During her Grand Jury testimony, Kane repeatedly testified that she had not read the June 6, 2014, Daily News Article until August of 2014.

Exchange 1:

Q: Getting to the point where—as you said, getting to the point of where we are with it, are you familiar with the Mondesire article that came out in a 2009 Grand Jury on CUES?

A: The [J]une 6th?

Q: Yes.

A: *Yes, I read that around August of 2014.*

Investigators found that in fact Kane had received the article from a number of sources on a number of occasions prior to August of 2014. Renee Martin, Former Acting Communications Director for the Office of the Attorney General responsible for the distribution of information to the press in 2014, was interviewed by investigators and confirmed that, on June 6, 2014, she sent Kane a copy of the article in an email with a message indicating "Need some help on this."

Further, in a statement, Peifer indicated that he forwarded a link to the June 6, 2014, article to Reese in an email. The email was sent on June 6, 2014, after the article appeared in the paper. Peifer stated that he sent the link to Reese "since the Attorney General was not responsive to her emails that if I sent it to Patrick Reese that he would get it on his phone and make sure she saw it." In addition, a review of phone records corroborates two phone conversations between Peifer's cellular phone and Kane's cellular phone after the article was emailed.

Peifer also stated that he received a phone call from Kane on July 25, 2014. Peifer indicated that, in this conversation, Kane requested a copy of the newspaper article and the 2009 Memorandum. Peifer then reached out to his secretary, Gabriel Stahl, and asked that she obtain the information and email it to Kane. As stated above, Stahl scanned the requested documents and emailed them to Kane.

Finally, in testimony before the Grand Jury, Beemer testified that he was in Harrisburg when he read the June 6, 2014, article. Beemer stated that, at lunch time, he called Kane and spoke with her about several matters including the June 6, 2014, Daily News article. Beemer testified that he believed the article was a "problem" and relayed to Kane his concern that it referenced the

2009 Memorandum and the Miletto transcript. Beemer testified that he then requested permission from Kane to “look into what happened,” referring to the fact that he wanted to look into how the reporter was in possession of these materials. Beemer testified that Kane responded by saying “don’t worry about it. It’s not a big deal. We have more important things to do.” Beemer told the Grand Jury that, “it was clear from the conversation that [Kane] knew what I was talking about, that I didn’t have to like start from scratch with her on this.”

Kane’s claims that she did not read the June 6, 2014, article prior to August of 2014 are false. Investigators determined that, in fact, she had been provided the article a number of times by a number of sources and spoke about the article in a manner which indicated that she had read it.

4. The release of the Mondesire information had nothing to do with the Ali Investigation.

Kane testified that the release of information concerning the Mondesire Investigation was not done in response to and had no connection with the March 16, 2014, Philadelphia Inquirer article detailing the Ali Investigation. Investigators determined that this was a false statement.

Exchange 1:

Q: So the release of this information to the press had nothing to do with the release of any information that went out on Ali around the same time?

A: Not from me, no.

Investigators learned that, after the March 16, 2014, Philadelphia Inquirer article was published, Kane was upset by its contents. King testified that Kane “took a lot of criticism” from the article and the implications in the article surrounding why the investigation was not pursued. Joshua Morrow, Kane’s political consultant, stated that Kane told him after the March 16, 2014, article that “they are just out to get me.” First Deputy Attorney General Beemer stated that Kane’s reaction to the article was “negative. She was upset.” Beemer also testified that, after the March 16, 2014, article, there was “probably a pretty widely held belief” among his superiors and colleagues that the information used in the March 16, 2014, article was given to the Philadelphia Inquirer by “people who were very close to that investigation that had left [the Office of Attorney General].” Among the people identified by Beemer as those “close to that investigation” were Fina and Costanzo. Beemer testified that, around the time of the March 16, 2014, article, there “was clearly a lot of animosity back and forth” between current and former members of the Office of Attorney General.

Investigators found no evidence to suggest that either Fina or Costanzo were the source of the leak of the Ali Investigation material that was used in the March 16, 2014, Philadelphia Inquirer article.

King testified that Kane became obsessed with the 2009 Mondesire Investigation and, in particular, the former state prosecutors who were involved in the case, including Fina. King testified that this obsession began around the release of the March 16, 2014, Inquirer article and the March 25, 2014, senior staff meeting. Furthermore, Morrow stated that the disagreement between Kane and Fina was over “the March 16, 2014, article in the Philadelphia Inquirer concerning Ali.”

Beemer testified that, after reading the June 6, 2014, Daily News article, it had a specific slant. Beemer testified that the article appeared to be an attempt to identify “a public corruption case that could have been pursued that

was not” and to have “a damaging effect on—you know or somehow hurt the individuals that hadn’t pursued the case.”

In a March 16, 2014, email exchange between Kane and a media strategist regarding Kane’s response to the March 16, 2014, Philadelphia Inquirer article, Kane wrote, “I will not allow them to discredit me or our office.” Kane concluded the email by writing, “This is war.” The media strategist replied, advising to “make war with Fina but NOT to make war with the Inquirer.”

Kane claimed during her testimony that she was in favor of releasing information related to the Mondesire Investigation because it demonstrated a pattern of “nonprosecutions” and that “it’s the public’s right to know what is happening in the office.” However, based on Kane’s reactions to the March 16, 2014, article and her own words around the time of the March 16, 2014, article, Kane’s statement that the information related to the Mondesire Investigation being released had “nothing” to do with the release of the information from the Ali Investigation is false.

Concealment and Consciousness of Guilt

Investigators concluded that Kane, both prior to and after she directed the release of confidential investigative information and secret Grand Jury information, acted in a fashion completely inconsistent with her promises of transparency and openness. In fact, Kane engaged in a pattern of clandestine activities in releasing the confidential investigative information and secret Grand Jury information and deception once her actions were uncovered.

Kane directed the surreptitious release of confidential investigative information and secret Grand Jury information. Although the 2009 Grand Jury Investigation was discussed at the March 25, 2014, senior staff meeting, there was no discussion about releasing the information to the public. Kane testified that she wanted to put information regarding the 2009 Grand Jury

Investigation “out into the press.” It should be noted that, since Kane took office, she has issued hundreds of press releases and conducted numerous press conferences through her press office. However, rather than utilizing these same conventional means, Kane instead chose the cloak and dagger technique of leaking the information to the press through a political operative. The fact that Kane caused this information to be released in this secretive manner is evidence that she knew that what she was doing was not lawful.

Kane also tried to derail the investigation being conducted by the Thirty-Fifth Statewide Investigating Grand Jury. As discussed above, when Beemer first asked Kane for permission to investigate the leak, she told him, “We have more important things to do.” Beemer did, however, promise the Office of Attorney General’s full cooperation to Judge Carpenter, when Beemer learned there would be a Special Prosecutor appointed to investigate the leak of secret Grand Jury information. Beemer testified that “on several occasions” Kane questioned why the Office was cooperating with the Thirty-Fifth Statewide Investigating Grand Jury investigation. Beemer also testified that, as “it became apparent that the Attorney General was going to be subpoenaed and other people close to her” were going to be subpoenaed as well, Kane gave Beemer a “direct order” not to cooperate with the Thirty-Fifth Statewide Investigating Grand Jury investigation by assisting in the service of subpoenas.

Kane also intimidated employees with threats of termination if they did not follow her orders. Beemer told investigators that, during a telephone call with Kane, she demanded that Beemer, then-Chief Deputy Attorney General James Barker,¹ Chief Deputy Attorney General Laura Ditka, and Senior Deputy Attorney General Erick Olsen, strictly follow her orders to challenge the Protective Order issued by Judge Carpenter. Kane stated to Beemer, “If I get taken out of here in handcuffs, what do you think my last act will be?” Beemer told investigators that he informed Barker, Olsen, and Ditka of his

¹ James Barker was terminated from the Attorney General’s Office on April 9, 2015.

conversation with Kane. Together, all four inferred that they would be fired if they did not challenge the Protective Order as Kane wished.

On November 17, 2014, Kane was compelled to appear as a witness before the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123. During her testimony, Kane attempted to weave an account in which she was free from criminal culpability. In this effort Kane developed a novel interpretation of the Grand Jury Act, testifying that because she was not specifically sworn to the 2009 Grand Jury she could not be punished for releasing secret Grand Jury information.

The Grand Jury heard from Allegheny County District Attorney Stephen A. Zappala, Jr. District Attorney Zappala has been the elected District Attorney of Allegheny County for seventeen years and sits as the Chair of the Appeals/Amicus Committee for the Pennsylvania District Attorney's Association. District Attorney Zappala was called to testify in front of the Grand Jury to provide expert testimony regarding the various criminal offenses that would apply to Kane's conduct. During the course of his testimony, District Attorney Zappala indicated that it would be unlawful for an Attorney General to disclose secret Grand Jury information, regardless of whether or not they had signed an oath to that specific Grand Jury. District Attorney Zappala testified that Grand Jury information remains secret in perpetuity, unless its disclosure is authorized by a judge. District Attorney Zappala also explained that the information in the article would qualify as confidential investigative information and that "you cannot turn it over to anybody other than law enforcement."

In her testimony before the Grand Jury, former Senior Executive Deputy Attorney General Linda Dale Hoffa testified that, even if an Attorney General had not signed an oath for a specific Grand Jury, the information must still be kept secret. William Davis, Jr., former Deputy Attorney General and author of the 2009 Memorandum, testified that the memorandum "absolutely" contained Grand Jury information and that any such Grand Jury information should

have remained secret unless or until a judge authorized its release. Barker also testified that there was not a policy within the Office of Attorney General to sign oaths for former Grand Juries because once you are sworn into a Grand Jury, the secrecy rules apply to all Grand Juries. Barker also testified that Kane's theory that she could not be criminally responsible for releasing Grand Jury information because she was not sworn to that specific Grand Jury was not "viable."

Kane's decision to release confidential investigative information and secret Grand Jury information through political back channels, her demands that Beemer cease from cooperating with the Grand Jury investigation, her threats to terminate employees for not following orders to challenge the Grand Jury Investigation, and her baseless explanations trying to legitimize her actions are all examples of her guilty conscience.

Crimes Committed By Kathleen G. Kane

The Criminal History Records Information Act² protects against the dissemination of information generated during the course of an investigation. "Investigative information" is defined in 18 Pa.C.S.A. § 9102 as "Information assembled as a result of the performance of an inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information." Clearly, any Grand Jury investigation is a formal inquiry into a criminal wrongdoing.³ Dissemination of this material is permitted in limited circumstances to other criminal justice agencies. However, the Criminal History Records Information Act does not permit the dissemination of investigative information to private citizens or the press.

² 18 Pa.C.S.A. § 9101 et. seq.

³ The Office of the Attorney General provides a 63 page manual entitled "Seventh Edition 2013 Criminal History Records Information Act Handbook" listing Kane as Attorney General and citing the law as specifically prohibiting the dissemination of any material known as "protected information" to any agency or individual with the exception of the permissible dissemination of information to a criminal justice agency who has properly requested the information.

The Grand Jury Act⁴ demands that the secrecy of the Grand Jury be maintained. The secrecy of the Grand Jury is indispensable to the functioning of an Investigating Grand Jury. This secrecy is necessary for a number of reasons including to “protect an innocent accused who is exonerated from disclosure of the fact that he has been under investigation and from the expense of standing trial where there was no probability of guilt.”⁵ Secret Grand Jury information may not be disclosed outside of law enforcement without a disclosure order from the Supervising Judge of the Grand Jury.⁶

While one may presume the Chief Law Enforcement Officer of the Commonwealth of Pennsylvania is aware of the strict nature of the secrecy requirements imposed by the Grand Jury Act, Kane has in fact had experience with Grand Jury practice. It should be noted that, in 1999, Kane, then an Assistant District Attorney in Lackawanna County, testified as a witness in a criminal trial in Lackawanna County regarding the secrecy requirements of an Investigating Grand Jury. During this testimony, Kane acknowledged that, “there are very strict rules” regarding Grand Jury secrecy. She also acknowledged that, “for me to give out any information to somebody who is not going into the Grand Jury is actually a criminal offense.”

⁴ 42 Pa.C.S.A. §§ 4541- 4553.

⁵ *In re Investigating Grand Jury of Philadelphia Cnty., Appeal of Philadelphia Rust Proof Co., Inc.*, 437 A.2d 1128, 1130 (Pa. 1981).

⁶ Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the Commonwealth for use in the performance of their duties. The attorneys for the Commonwealth may with the approval of the supervising judge disclose matters occurring before the investigating grand jury including transcripts of testimony to local, State, other state or Federal law enforcement or investigating agencies to assist them in investigating crimes under their investigative jurisdiction. Otherwise a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the grand jury only when so directed by the court. All such persons shall be sworn to secrecy, and shall be in contempt of court if they reveal any information which they are sworn to keep secret. 42 Pa.C.S.A. § 4549(b).

Obstructing Administration of Law or Other Governmental Function

Kane obstructed, impaired, or perverted the functioning of her own Office by breaching her official duties when she used her position as the Attorney General to intentionally gain access to and then disclose confidential investigative information and secret Grand Jury information for her own personal and political gain or benefit. By disclosing confidential investigative information and secret Grand Jury information, Kane violated the integrity of her Office as well as the Grand Jury process, and she specifically violated the principle of secrecy designed to protect all those involved in the Grand Jury process.

Kane obstructed, impaired or perverted the functioning of the Grand Jury when she testified dishonestly under oath. Before testifying, Kane swore to tell the truth and then failed to do so by making repeated false statements under oath. Kane's conduct in making these repeated false statements was unlawful. By making these false statements under oath in an attempt to deceive the Grand Jury, Kane jeopardized the integrity and purpose of the Grand Jury proceedings by preventing truthful information from being obtained by the Grand Jury that was pertinent and/or material to its investigation.

Kane also obstructed, impaired, or perverted the functioning of the Grand Jury by breaching her official duty to uphold the Constitution of this Commonwealth and its citizens. In her Oath of Office, Kane swore to "discharge the duties of [her] office with fidelity." One such duty of the Chief Law Enforcement Officer of the Commonwealth of Pennsylvania would be to uphold the law and not subvert investigations into unlawful activities. By making false statements while under oath in a Grand Jury proceeding Kane engaged in unlawful acts, violated that oath, and breached her official duty. As an elected official chosen to lead the Commonwealth's statewide law enforcement agency,

Kane violated her solemn duty to uphold the law when she failed to testify truthfully.

Official Oppression

Despite her denials before the Grand Jury, investigators concluded that Kane did, in fact, direct the disclosure of materials from the 2009 Grand Jury Investigation. Specifically, Kane directed Deputy Attorney General Adrian King to deliver these materials to Josh Morrow. Kane further directed Morrow to leak these materials to the press, which he did.

Kane engaged in this conduct while acting in her official capacity. The information released qualified as both confidential investigative information and secret Grand Jury information. By directing the release of confidential investigative information, Kane violated the Criminal History Records Information Act. By directing the release of secret Grand Jury information, Kane violated the Grand Jury Act.

Kane's actions in releasing this material mistreated Mondesire and infringed upon his personal rights in that, as a result of the negative information in the media, Mondesire experienced both professional and personal humiliation, ridicule, and loss. Mondesire explained to investigators that he was forced to shut down his charitable organization. Further, after having his photograph appear in numerous newspaper publications and his name associated with an investigation that ultimately led to no charges, he and his family experienced strain. Mondesire expressed that these allegations caused him great personal stress. The release of this information and ensuing press coverage subjected Mondesire to mistreatment and impeded his right to reputation as guaranteed by the Constitution of the Commonwealth of Pennsylvania.

In taking her oath of office as the Chief Law Enforcement Officer for the Commonwealth of Pennsylvania, Kane has a duty to obey and defend the laws

of the Commonwealth. This duty extends to all laws of the Commonwealth, including the Grand Jury Act and the Criminal History Records Information Act.

By violating both the Grand Jury Act and Criminal History Records Information Act Kane committed Official Oppression. Kane, acting in her official capacity, mistreated Mondesire and impeded the exercise and enjoyment of his rights as a citizen. Kane committed this mistreatment by directing the illegal disclosure of materials protected by both the Grand Jury Act and the Criminal History Records Information Act. By violating both the Grand Jury Act and Criminal History Records Information Act in this fashion, Kane committed Official Oppression.

Conspiracy to Commit Official Oppression and Obstructing Administration of Law or Other Governmental Function

As outlined above, Kane committed Official Oppression and Obstructing Administration of Law or Other Governmental Function by directing the release of documents in violation of the Grand Jury Act and Criminal History Records Information Act. However, Kane did not act alone. Kane agreed with and/or directed other individuals to assist her in her illegal acts. By Kane's own admission, she and King agreed to release information to the press. Investigators determined that the information released was protected by both the Grand Jury Act and Criminal History Records Information Act.

In addition to the acts of conspiracy that Kane admitted to during her Grand Jury testimony, investigators also determined that Kane had assistance in compiling the documents that were ultimately released to Brennan and the Daily News. Based on the two emails released to Brennan and used in the June 6, 2014, Daily News article, Kane could have received this assistance from a group of only three individuals, which includes Peifer and Reese, two of her most trusted employees.

Perjury and False Swearing

As outlined above, Kane made multiple false statements during her testimony in front of the Grand Jury. Specifically, Kane made false statements about the following topics: 1) her knowledge regarding the 2009 Memorandum; 2) her involvement in leaking secret documents to the press; 3) that she didn't read the June 6, 2014, Daily News article until August 2014; and 4) that the release of the Mondesire information had nothing to do with Ali Investigation. Had the Grand Jury credited her false testimony, the outcome of the investigation could have potentially been different. Therefore, by making the materially false statements outlined above, Kane committed Perjury. Kane also committed False Swearing by making false statements under oath.

Kane was called to testify in front of the Grand Jury to answer questions regarding her involvement in and knowledge of the leaking of secret and protected documents. Investigators determined that, rather than tell the truth, Kane, Pennsylvania's Chief Law Enforcement Officer, who swore to "support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth" and to "discharge the duties of [her] office with fidelity," made repeated and calculated false statements. Kane did so under oath in order to deceive the Grand Jury.

Conclusion

On March 16, 2014, the Philadelphia Inquirer ran a story that was highly critical of Kane regarding her decision not to pursue the prosecutions of politicians who had been caught in an undercover sting accepting bribes. Kane perceived this story to be an attack on her personally and professionally. She became incensed at two former state prosecutors whom she believed had released the information used in the article. In an effort to retaliate, Kane directed, in secret concert with at least one other person, the release of confidential investigative information and secret Grand Jury information to the press. This protected information related to a 2009 Grand Jury Investigation

regarding among other things an investigation of J. Whyatt Mondesire that did not result in Mondesire's arrest. Kane believed that releasing this information to the press would publicly embarrass the people whom she believed had publicly embarrassed her. Intentionally avoiding the transparency she so frequently touted, Kane chose to use back channels and a political operative to leak the information. The confidential information was used to produce the June 6, 2014, Philadelphia Daily News article.

According to multiple witnesses and our own independent review, it is clear that the article contained information that should have remained confidential and secret. After the June 6, 2014, article was published, Kane began a campaign of deceit and concealment to try and cover-up her culpability in the illegal release of this information. Kane discouraged her employees from cooperating with the Special Prosecutor's investigation. Then, in her most direct attempt at covering up her crimes, Kane appeared in front of the Grand Jury, tried to misdirect the public with a statement to the press prior to her testimony, and then lied repeatedly to the same citizens she had empaneled for the Thirty-Fifth Statewide Investigating Grand Jury.

In an effort to retaliate and seek revenge against former state prosecutors whom she believed had embarrassed her in the press, Kane orchestrated the leak of confidential investigative information and secret Grand Jury information to the press. This leak was orchestrated as an offensive strike in Kane's "war" against others. Kane conspired with at least one other person to obtain copies of documents containing confidential investigative information and secret Grand Jury materials. She directed the illegal disclosure of this confidential information to a political operative and directed him to leak the secret material to the media to cause harm to the reputation of at least one former state prosecutor. This act of vengeance was done without regard to the laws of Pennsylvania and the defendant's obligations as the Chief Law Enforcement Officer of the Commonwealth. Moreover, it was done entirely without regard to the collateral damage it would cause to the person who was

the subject of a secret investigation and who has not been charged with a crime.

When faced with the exposure of her actions and compelled to appear as a witness before her own Statewide Investigating Grand Jury, Kane endeavored to conceal and cover up her wrongdoing by lying to the Grand Jury regarding both her conduct and her legal culpability. By engaging in these unlawful acts of retaliatory behavior, Kane violated both her oath to uphold the Constitution of the Commonwealth of Pennsylvania and the criminal laws of Pennsylvania. Kane abused the power entrusted to her by the citizens of the Commonwealth of Pennsylvania.



Det. Paul Michael Bradbury-Montgomery County Detectives

SWORN TO AND SUBSCRIBED BEFORE ME THIS 6 DAY OF AUGUST, 2015.



Issuing Authority