



## **Press Release**

**November 14, 2014**

**TO: Media/Press**

**FROM: Judicial Conduct Board**

**SUBJECT: Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County  
4 JD 2014**

**Harrisburg.** The Judicial Conduct Board today filed formal charges by Board Complaint in the Court of Judicial Discipline against Magisterial District Judge Robert Jennings, III, of Dauphin County. The Board Complaint alleges violations of the Rules Governing Standards of Conduct of Magisterial District Judges and the Pennsylvania Constitution. Based on the filing of the Board Complaint, the Board also filed a petition seeking interim suspension of Judge Jennings.

Under the Pennsylvania Constitution, Judge Jennings, as the subject of the charges, is presumed innocent in all proceedings before the Court of Judicial Discipline. The Judicial Conduct Board has the burden of proving the charges filed in the Court of Judicial Discipline by clear and convincing evidence. The Court of Judicial Discipline may address the petition seeking interim suspension of Judge Jennings prior to a hearing.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, Judge Jennings has an opportunity to respond to the charges, obtain and inspect the evidence which forms the basis of the allegations, and the right to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that the charges have been proven by clear and convincing evidence, it will schedule a Sanctions Hearing to determine what sanctions should be imposed. Possible sanctions include reprimand, suspension, or removal from office.

### **Counsel**

**Board: James P. Kleman, Jr., Esquire**

**Judge Jennings: Lenora M. Smith, Esquire**

### **Contact**

**Robert A. Graci, Chief Counsel**

*Board Complaint and petition for interim suspension are attached.*

For more information about the Judicial Conduct Board, please visit our website at [www.jcbpa.org](http://www.jcbpa.org).

**END**

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County

.....

4 JD 2014

RECEIVED AND FILED  
COURT OF  
JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

2014 NOV 14 P 10:45

**IMPORTANT NOTICE**

**TO: ROBERT JENNINGS, III**

You are hereby notified that the Pennsylvania Judicial Conduct Board determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, §§17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and Rules 2, 8, 13, and 15 of the Rules Governing Standards of Conduct of Magisterial District Judges. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than 30 days after the service of this Complaint, in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within 30 days after the service of this Complaint, if no omnibus motion is filed, or within 20 days after the

**dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.**

## COMPLAINT

AND NOW, this 14<sup>th</sup> day of November, 2014, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable Robert Jennings, III, Magisterial District Judge, Magisterial District Court 12-2-04, Dauphin County. The Board alleges that Judge Jennings violated the Constitution of the Commonwealth of Pennsylvania, Article V, §§ 17(b) and 18(d)(1), and the Rules Governing Standards of Conduct of Magisterial District Judges by virtue of his conduct, delineated specifically as follows:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court and, thereafter, to prosecute the case in support of such charges before this Court.
2. From approximately January 5, 2004, until the present, Judge Jennings served continuously as the duly elected Magisterial District Judge of Magisterial District Court 12-2-04, located at 1805 North Cameron Street, Harrisburg, Pennsylvania.
3. As a Magisterial District Judge, Judge Jennings is, and was at all times relevant hereto, subject to all the duties and responsibilities imposed on him by the Constitution of the Commonwealth of Pennsylvania and the Rules Governing Standards of Conduct of Magisterial District Judges.
4. This matter was investigated by the Board as a result of a request for investigation of Judge Jennings' conduct by former Dauphin County Court Administrator (CA) Carolyn Thompson.
5. CA Thompson's request for investigation presented a number of allegations regarding Judge Jennings' conduct.
6. The Board investigated the allegations presented by CA Thompson in her request for investigation and other matters that developed through its investigation of Judge Jennings' conduct.
7. As a result of its investigation, the Board concluded at its November 5, 2014 meeting that there was probable cause to file formal charges in this Court against Judge Jennings.

**PART I.**

**Required Contribution by Constables to Judge Jennings' re-election campaign:**

8. Judge Jennings' initial six-year term of office expired in January 2010.
9. Judge Jennings ran for re-election in the judicial election of 2009.
10. In late 2008, leading up to the 2009 election season, Judge Jennings utilized the constable services of Constable Luis LeGrand, Constable Wilbur Snow, Constable Michael Stewart, and former Constable Sylvester Wilson.
11. Noime LeGrand was Judge Jennings' office manager in 2008.
12. Ms. LeGrand is the wife of Constable LeGrand.
13. Ms. LeGrand continues to serve as Judge Jennings' office manager.
14. Marshall Napper was Judge Jennings' office employee in 2008.
15. Ms. Napper is presently employed by another Dauphin County Magisterial District Judge.
16. Throughout her employment in Judge Jennings office, Judge Jennings made statements to Ms. Napper that he expected the constables who worked in his office to provide "ten percent" of their earnings from services to his magisterial district court to him as a contribution to his re-election campaign fund, otherwise they would not receive further work assignments out of his office.
17. In the course of her employment, Ms. LeGrand heard Judge Jennings make demands of the constables serving his office to provide "ten percent" of their earnings to him as "campaign contributions."
18. On one occasion, Ms. LeGrand told Judge Jennings that he could not require "ten percent" contributions from the constables who serve his office.
19. In response to Ms. LeGrand's statement, Judge Jennings stated words to the effect of "I wear the black robe. It's what I say. If it wasn't for me, they wouldn't be here."

**A. Constable Luis LeGrand and Constable Wilbert Snow:**

20. At some point in time in late 2008 or early 2009, Judge Jennings conducted a meeting with Constable LeGrand and Constable Snow in his courtroom.
21. Noime LeGrand was present at the meeting between Judge Jennings, Constable LeGrand, and Constable Snow.

22. At that meeting, Judge Jennings told Constable LeGrand and Constable Snow that he wanted them to provide contributions to his re-election campaign in the amount of "ten percent" of the amount that they were paid for their services to Judge Jennings' office in the prior year (tax year 2008).
23. Neither Constable LeGrand nor Constable Snow indicated at the time of the meeting that they would provide to Judge Jennings the "ten percent" contribution that he requested or any other contribution to his campaign.
24. Initially, Judge Jennings wanted Noime LeGrand to collect the re-election contributions that he demanded from the constables.
25. Ms. LeGrand refused to collect or receive any campaign contributions from the constables.
26. Because Ms. LeGrand refused to collect any campaign contributions from the constables, Judge Jennings directed Ms. LeGrand to tell Constable LeGrand to collect the campaign contributions.
27. Ms. LeGrand told Constable LeGrand to collect the campaign contribution from Constable Snow.
28. Constable LeGrand collected an amount of cash from Constable Snow in a white envelope.
29. Constable LeGrand contributed \$2,000.00 in cash to Judge Jennings' re-election campaign.
30. Constable LeGrand's campaign contribution did not equal ten percent of his tax year 2008 earnings from Judge Jennings' chambers because he could not afford to contribute that amount.
31. Constable LeGrand contributed an amount to Judge Jennings' campaign that he thought he could afford.
32. During the 2009 election, Constable Snow contributed \$1,135.00 to Judge Jennings' re-election campaign.
33. Constable LeGrand provided the cash campaign contributions from himself and Constable Snow to Karen Thompson, who worked for Judge Jennings' re-election campaign.
34. Constable LeGrand and Constable Snow continued to receive regular work assignments from Judge Jennings after his 2009 re-election campaign.

**B. Former Constable Sylvester Wilson**

35. At some point in late 2006 or early 2007, Judge Jennings conducted a meeting with former Constable Wilson.

36. Ms. LeGrand was present for the meeting between Judge Jennings and former Constable Wilson.
37. At that meeting, Judge Jennings discussed whether he was going to give any work assignments to former Constable Wilson.
38. Judge Jennings told former Constable Wilson that he would give him the opportunity to work out of the office, but Constable Wilson would be required to give Judge Jennings "ten percent" of Constable Wilson's earnings at the time of Judge Jennings' re-election campaign.
39. Former Constable Wilson did not indicate at the time of the meeting whether or not he would make the "ten percent" campaign contribution that Judge Jennings demanded.
40. Former Constable Wilson received steady work assignments from Judge Jennings office for approximately one year after the meeting.
41. Approximately one year after their first meeting, Judge Jennings asked former Constable Wilson to contribute "ten percent" of his earnings from Judge Jennings' office to Judge Jennings' 2009 campaign.
42. Former Constable Wilson told Judge Jennings that he would not contribute "ten percent" to his campaign.
43. When former Constable Wilson told Judge Jennings that he would not contribute "ten percent," Judge Jennings was visibly angry.
44. Former Constable Wilson asked Judge Jennings if his refusal to contribute the "ten percent" would create a "problem" with his continued work assignments from Judge Jennings' office.
45. Judge Jennings responded "You'll see" to former Constable Wilson's question.
46. Later on the day of their meeting, Judge Jennings instructed Ms. LeGrand not to give former Constable Wilson any more work assignments from the office.
47. On the same day, Judge Jennings told Ms. Napper to the effect that former Constable Wilson was not going to get any more work assignments out of Judge Jennings' office because Wilson refused to contribute "ten percent."
48. Thereafter, former Constable Wilson did not receive any further work assignments from Judge Jennings' office.

**C. Constable Michael Stewart**

49. Before or during the 2009 election season, Judge Jennings made a passing comment to Constable Michael Stewart that if he wanted to contribute anything to Judge Jennings' re-election campaign Stewart should give it to Norma (Noime) LeGrand.

50. Constable Stewart did not provide any significant contribution to Judge Jennings' 2009 re-election campaign.
51. Constable Stewart did not make any significant contribution to Judge Jennings' re-election campaign because, in his view, he had already assisted Judge Jennings enough politically by running Judge Jennings' initial successful campaign for office.
52. Ms. Napper had told Constable Stewart that his lack of any significant campaign contribution to Judge Jennings had caused a problem in the office because Ms. LeGrand complained about the amount of work assignments that Constable Stewart received in spite of not making a contribution, whereas Constable LeGrand had to make a contribution.
53. After the 2009 election, Constable Stewart's work assignments from Judge Jennings' office decreased substantially for a period of time until the redistricting of magisterial district courts in Dauphin County.

## **PART II.**

### **Citations filed in District Court 12-2-04 against Judge Jennings and persons associated with District Court 12-2-04**

54. The Board's investigation has discovered that a number of summary citations were filed against Judge Jennings, his current employee Marie Melendez, Brian Chaney, Ms. Melendez' boyfriend, and Constable LeGrand in Judge Jennings' magisterial district court.

#### **A. Judge Jennings**

55. Judge Jennings had a number of parking citations filed against him in his court in the years 2009, 2010, 2011, and 2013.
56. Judge Jennings was aware that these citations were filed and pending against him in his court.
57. When officers were present in his court offices, Judge Jennings would typically instruct Ms. LeGrand to see if any of the tickets that were pending against him at the time were filed by any of the officers that were present in his courtroom for other business.
58. If Ms. LeGrand indicated that an officer who cited Judge Jennings was present, Judge Jennings would personally ask that citing officer to withdraw the citation pending against him in his court.
59. The case docket numbers for the citations filed against Judge Jennings in his court for 2009, 2010, 2011, and 2013 are as follows:



- a. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-566-2009.
  - b. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-858-2009.
  - c. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1563-2009.
  - d. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1690-2009.
  - e. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1511-2010.
  - f. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-2434-2011.
  - g. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-374-2013.
60. Of these cases, Judge Jennings requested the transfer of only ***Commonwealth v. Jennings, III***, MJ-12204-TR-374-2013 (paragraph 59(g)) to another Dauphin County magisterial district judge for disposition on April 23, 2013, approximately one and a half months after it was filed.
- a. Judge Jennings' reason for the requested transfer was stated as a "conflict" on the transfer request form he sent to Court Administration.
61. Purportedly pursuant to Pa.R.Crim.P. 457, Judge Jennings permitted the withdrawal of the parking citations filed against him in his court for the dockets noted at paragraphs 59(a)-(f).
62. Judge Jennings permitted the withdrawal of ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1563-2009 on May 11, 2011, nearly two years after it was filed on June 22, 2009.
63. Judge Jennings permitted the withdrawal of ***Commonwealth v. Robert Jennings, III***, MJ-12204-1511-2010 on April 27, 2011, nearly one year after it was filed on June 9, 2010.
64. Judge Jennings permitted the withdrawal of ***Commonwealth v. Robert Jennings, III***, MJ-12204-2434-2011 on June 3, 2012, six months after it was filed on December 2, 2011.

**B. Marie Melendez**

65. Marie Melendez has been employed with Judge Jennings' office staff since approximately 2006.
66. From the years 2006, 2007, and 2009, Ms. Melendez had several parking citations and one non-traffic citation filed against her in Judge Jennings' court office.
67. These citations are docketed to the following case numbers:
  - a. ***Commonwealth v. Marie Melendez***, MJ-12204-NT-1043-2006.
  - b. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-1834-2007.
  - c. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-100-2009.
  - d. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-367-2009.
  - e. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-604-2009.
68. The citation docketed to ***Commonwealth v. Marie Melendez***, MJ-12204-NT-1043-2006, was transferred to another magisterial district court on July 17, 2014, approximately eight and one half years after it was filed on November 1, 2006.
  - a. The transfer in this case was requested by Judge Jennings after he received the Board's notice of full investigation (NOFI) on July 9, 2014.
  - b. The Board's NOFI contained allegations that Judge Jennings failed to transfer cases filed in his court against him, his office employees, and other persons associated with his office.
69. Judge Jennings permitted the withdrawal of the citation docketed to ***Commonwealth v. Marie Melendez***, MJ-12204-TR-100-2009, on January 13, 2012, approximately three years after the citation was filed on January 9, 2009.
70. On July 11, 2012, Judge Jennings requested the transfer of the remaining citations docketed to ***Commonwealth v. Marie Melendez***, MJ-12204-TR-1834-2007, ***Commonwealth v. Marie Melendez***, MJ-12204-TR-367-2009, and ***Commonwealth v. Marie Melendez***, MJ-12204-TR-604-2009 to another Dauphin County magisterial district judge for disposition.
  - a. In the case of TR-1834-2007, the transfer was made approximately five years after the case was filed on July 24, 2007.

- b. In the case of TR-367-2009, the transfer was made approximately three and a half years after the case was filed on January 30, 2009.
- c. In the case of TR-604-2009, the transfer was made approximately three years, four months after the case was filed on March 2, 2009.

**C. Constable Luis LeGrand**

- 71. During 2005, 2006, 2007, and 2009, Constable Luis LeGrand had a number of parking citations filed against him in Judge Jennings' court office.
- 72. During this period, Constable LeGrand accepted assignments from Judge Jennings' court.
- 73. During this period, Ms. LeGrand, Constable LeGrand's spouse, was employed at Judge Jennings' office.
- 74. In some instances, Judge Jennings permitted the withdrawal of the parking citations pending against Constable LeGrand that were pending in his court.
- 75. In other instances, by order entered July 11, 2012, pursuant to Rule 8 (disqualification) and Rule 17 (supervision of magisterial district judges by President Judge) of the Rules Governing the Standards of Conduct of Magisterial District Judges, President Judge Todd Hoover directed the transfer of certain cases pending against Constable LeGrand in Judge Jennings' court.
- 76. Judge Jennings permitted the withdrawal of citations filed against Constable LeGrand in Judge Jennings' court office at the following dockets:
  - a. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-452-2005.
  - b. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-396-2006.
  - c. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-3577-2006.
  - d. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-129-2007.
  - e. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-635-2007.
  - f. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-988-2007.
  - g. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-1464-2009.
- 77. As to the citations noted above at paragraphs 76(b), (c), (e), and (g), Ms. LeGrand entered information in the MDJS system for these cases involving her husband.

78. President Judge Hoover directed the transfer of the following citations pending against Constable LeGrand in Judge Jennings' court office at the following dockets:
- a. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-988-2007.
  - b. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-1549-2007.
  - c. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-196-2009.
  - d. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-2245-2011.
  - e. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-922-2012.
79. The citation docketed at TR-988-2007 had already been withdrawn through Judge Jennings' approval prior to President Judge Hoover's directive to Judge Jennings to transfer the case.
80. The citation docketed at TR-1549-2007 been pending in Judge Jennings' court for approximately five years before President Judge Hoover directed the transfer of the case.
81. The citation docketed at TR-196-2009 had been pending in Judge Jennings' court for approximately three and a half years before President Judge Hoover directed the transfer of the case.
82. The citation docketed to TR-2245-2011 had been pending in Judge Jennings' court for approximately eight months before President Judge Hoover directed the transfer of the case.

**D. Brian Chaney**

83. Brian Chaney is the paramour of Ms. Melendez.
84. Mr. Chaney had a number of traffic and non-traffic citations filed against him in Judge Jennings' court.
85. At the time the Board issued its NOFI to Judge Jennings on July 9, 2014, a number of these citations remained pending against Mr. Chaney in Judge Jennings' court.
86. The citations pending against Mr. Chaney in Judge Jennings' court as of July 9, 2014 were as follows:
- a. ***Commonwealth v. Brian Chaney***, MJ-12204-NT-211-2008, filed April 4, 2008.
  - b. ***Commonwealth v. Brian Chaney***, MJ-12204-NT-1098-2010, filed October 12, 2010.

- c. ***Commonwealth v. Brian Chaney***, MJ-12204-TR-2249-2009, filed September 8, 2009.
  - d. ***Commonwealth v. Brian Chaney***, MJ-12204-TR-1108-2011, filed May 26, 2011.
87. Judge Jennings did not undertake any effort to have these cases transferred to other magisterial district judges in Dauphin County from the date of their filing until after the point that he received the Board's NOFI on July 9, 2014.
88. After Judge Jennings received the Board's NOFI, he requested transfers of the cases listed at paragraph 86(a)-(d).

### **PART III**

#### **Offensive Statements**

89. Judge Jennings commonly makes statements to women employed in his court office that are inappropriate for a work environment.
90. Judge Jennings commonly makes statements around or directly to women employed in his court office that are sexually suggestive.
91. On a number of occasions, Judge Jennings has made statements to Ms. LeGrand that he found her legs to be "sexy."
92. On a number of occasions, Judge Jennings has made statements to Ms. LeGrand where he opined that she was "his wife without sex."
93. On at least one occasion, Judge Jennings made sexually suggestive comments to Ms. LeGrand about his tongue.
94. Ms. LeGrand was offended by the comments Judge Jennings made to her about her legs.
95. Ms. LeGrand was offended by the comments Judge Jennings made about his tongue.
96. Judge Jennings has made sexually-charged comments to Ms. LeGrand about a female defendant's appearance.

97. Judge Jennings has made sexually-charged comments to Ms. LeGrand about women entering the office.
- a. Ms. Napper also overheard Judge Jennings making sexually-charged comments to his office staff.
  - b. Ms. Napper also overheard Judge Jennings making sexually-charged statements about women having business in his magisterial district court office.
  - c. Ms. Napper was offended by Judge Jennings' sexually-charged comments.

#### **PART IV. CHARGES**

##### **COUNT 1 (A), (B), (C), (D)**

98. By virtue of some or all of the facts set forth at Part I(A)-(C) (**Count 1 (A)-(C)**), Judge Jennings violated Rule 2 of the Rules Governing Standards of Conduct of Magisterial District Judges and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.
99. Rule 2 states, in pertinent part, the following:
- Rule 2: Impropriety and Appearance of Impropriety to be Avoided []**
- A. Magisterial district judges shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary[.]
100. By virtue of Rule 2(A), Judge Jennings has the responsibility to comply with the law and to conduct himself in a manner that promotes public confidence in the judiciary's integrity and impartiality.
101. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Crimes Code, Title 18 Pa.C.S.A.
102. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments for services to Judge Jennings' magisterial district court to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Public Official and Employee Ethics Act, Title 65 Pa.C.S.A. § 1101, *et seq.*

103. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings did not act in a manner that promoted public confidence in the integrity of the judiciary.

**COUNT 1 (D)**

104. By virtue of some or all of the facts set forth at Part III (**Count 1 (D)**), Judge Jennings violated Rule 2 of the Rules Governing Standards of Conduct of Magisterial District Judges and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.
105. By making sexually-suggestive or inappropriate comments to women employed at his court offices, Judge Jennings failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
106. By making inappropriate comments about women having business in his court office, Judge Jennings failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 2 (A), (B), (C), (D), (E), (F), (G)**

107. By virtue of some or all of the facts set forth at Part I(A)-(C) (**Count 2 (A)-(C)**), and Part II(A)-(D) (**Count 2 (D)-(G)**), Judge Jennings violated Rule 13 of the Rules Governing Standards of Conduct of Magisterial District Judges.
108. Rule 13 states, in pertinent part, the following:

**Rule 13: Incompatible practices**

Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law[.]

109. By virtue of Rule 13, Judge Jennings has the responsibility to ensure that he refrains from any act that is incompatible with the expeditious, proper, and impartial discharge of their duties, including requiring himself to refrain from violating the law in the course of performing his duties.
110. By virtue of Rule 13, Judge Jennings has the responsibility to ensure that the employees in his office refrain from any act that is incompatible with the expeditious, proper, and impartial discharge of their duties, including requiring

that his office employees refrain from violating the law in the course of performing their duties.

111. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Crimes Code, Title 18 Pa.C.S.A.
112. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Public Official and Employee Ethics Act, Title 65 Pa.C.S.A. § 1101, *et seq.*
113. By failing to timely request the transfer of citations filed in his court office against himself and persons associated with his court office, Judge Jennings failed to act in a manner compatible with the expeditious, proper, and impartial discharge of his duties.
114. By failing to require his staff to timely process the transfer of citations filed against himself and persons associated with his court office, Judge Jennings failed to act in a manner compatible with the expeditious, proper, and impartial discharge of his duties.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 3 (A), (B), (C), (D)**

115. By virtue of some or all of the facts set forth at Part II(A)-(D) (**Count 3 (A)-(D)**), Judge Jennings violated Rule 8 of the Rules Governing Standards of Conduct of Magisterial District Judges.
116. Rule 8 states, in pertinent part, the following:

**Rule 8: Disqualification**

- A. Magisterial district judges shall disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:
  - (1) They have a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

\* \* \*



(4) They [...] (l) [are] a party to the proceeding[.]

- 117. Judge Jennings had a duty to disqualify himself by immediately requesting the transfer of any citation filed in his court office against him.
- 118. Judge Jennings had a duty to disqualify himself by immediately requesting the transfer of any citation filed in his court office against the persons named in Part II(B)-(D).
- 119. In many cases, Judge Jennings did not disqualify himself from permitting the withdrawal of citations filed against him and against the persons named in Part II(B)-(D).

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 4 (A), (B), (C)**

- 120. By virtue of some or all of the facts alleged at Part I(A)-(C) (**Count 4 (A)-C**), Judge Jennings violated Rule 15 of the Rules Governing Standards of Conduct of Magisterial District Judges.
- 121. Rule 15 states, in pertinent part, the following:

**Rule 15: Public Office and Political Activity**

\* \* \*

(D) With respect to their campaign conduct, magisterial district judges or candidates for such office shall:

\* \* \*

(4) not themselves solicit or accept campaign funds, [...], but they may establish committees of responsible persons to secure and manage the expenditure of funds for their campaign funding including the purchase of tickets for political party dinners or other functions [...].

- 122. By personally soliciting the constables serving his court office to contribute "ten percent" of the payments they received from that service to his re-election campaign, Judge Jennings violated Rule 15(D)(4).

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 5 (A), (B), (C)**

123. By virtue of some or all of the facts alleged above at Part I (**Count 5(A)**), Part II (**Count 5(B)**), and Part III (**Count 5(C)**), Judge Jennings violated Article V, § 18(d)(1) of the Pennsylvania Constitution in that his conduct brought the judiciary into disrepute.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 6**

124. By virtue of some or all of the facts alleged above at Part II, Judge Jennings violated Article V, § 18(d)(1) of the Pennsylvania Constitution in that his conduct frustrated the proper administration of justice.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 7 (A), (B), (C), (D)**


125. By virtue of some or all of the facts alleged above at Count 1 (**Count 7(A)**), Count 2 (**Count 7(B)**), Count 3 (**Count 7(C)**), and Count 4 (**Count 7(D)**) Judge Jennings has violated Article V, § 17(b) of the Pennsylvania Constitution.
126. Article V, § 17(b) states, in pertinent part, the following:
- [...]. Justices of the Peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.
127. As set forth above at Counts 1-4, Judge Jennings has violated the Rules Governing Standards of Conduct of Magisterial District Judges.
128. Judge Jennings' violations of the Rules Governing Standards of Conduct of Magisterial District Judges constitute automatic, derivative violations of Article V, § 17(b) of the Pennsylvania Constitution.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

ROBERT A. GRACI, Chief Counsel

DATE: November, 14 2014

BY:   
JAMES P. KLEMAN, JR. Deputy Counsel  
Pa. Supreme Court ID No. 87637

Judicial Conduct Board  
601 Commonwealth Avenue, Ste. 3500  
P.O. Box 62525  
Harrisburg, PA 17106  
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE:

Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County


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4 JD 2014  
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**VERIFICATION**

I, James P. Kleman, Jr., Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in this Board Complaint. I understand that the statements made in this Board Complaint are subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

DATE: November 14, 2014

  
JAMES P. KLEMAN, JR. Deputy Counsel  
Pa. Supreme Court ID No. 87637

Judicial Conduct Board  
601 Commonwealth Avenue, Ste. 3500  
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**PROOF OF SERVICE**


In compliance with Rule 122(d) of the Court of Judicial Discipline Rules of Procedure, on November 14, 2014, a copy of this Board Complaint was sent by certified mail to Judge Jennings' counsel, Lenora M. Smith, Esquire, who agreed to accept service of this Board Complaint, at the following address:

Lenora M. Smith, Esquire  
1205 North 2<sup>nd</sup> Street  
P.O. Box 5154  
Harrisburg, PA 17110

Certified Mail No. 7161 7145 5373 0150 1542  
Return Receipt Requested

Respectfully submitted,

DATE: November 14, 2014

  
JAMES P. KLEMAN, JR. Deputy Counsel  
Pa. Supreme Court ID No. 87637

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P.O. Box 62525  
Harrisburg, PA 17106  
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED  
COURT OF  
JUDICIAL DISCIPLINE  
OF PENNSYLVANIA  
2014 NOV 14 12 16:45

IN RE:

Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County

.....  
5 JD 2014  
.....

**PETITION FOR RELIEF FOR INTERIM SUSPENSION WITH OR WITHOUT PAY**

AND NOW, this 14<sup>th</sup> day of November, 2014, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through undersigned counsel, and files this Petition Relief For Interim Suspension With or Without Pay pursuant to Article V, § 18(d)(2) of the Pennsylvania Constitution, Rule 701 of the Court of Judicial Discipline Rules of Procedure, and Rule 13(A) of the Board Rules of Procedure and in support thereof, avers the following:

1. The Pennsylvania Constitution provides this Court with the authority to impose Interim suspension as follows:

Prior to a hearing, the court may issue an interim order directing suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony. An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

Pa. Const, Art. V, § 18(d)(2).

2. From approximately January 5, 2004, until the present, Judge Jennings served continuously as the duly elected Magisterial District Judge of Magisterial District Court 12-2-04, located at 1805 North Cameron Street, Harrisburg, Pennsylvania.
3. Contemporaneously with the filing of this Petition, Board Counsel is filing a Board Complaint against Judge Jennings alleging seven counts of judicial misconduct.

A copy of the Board Complaint is attached hereto, made a part hereof, and incorporated herein by reference as though set forth in full. **See Attachment "A"** (Board Complaint).

4. The allegations contained within the Board Complaint against Judge Jennings undermine both public confidence in the judiciary and its reputation. If Judge Jennings is permitted to continue participating in cases before Magisterial District Court 12-2-04 during the pendency of the Board Complaint, the public's confidence in the judiciary will continue to erode.


WHEREFORE, It is respectfully requested that this Honorable Court enter an interim order suspending Judge Jennings, either with or without pay, pending disposition of the Board Complaint filed against him and to grant such other relief as may be deemed appropriate.

Respectfully submitted,

ROBERT A. GRACI  
*Chief Counsel*

DATE: November 14, 2014

BY:

  
James P. Kleman, Jr.  
Deputy Counsel  
Pa. Supreme Court ID No. 87637

Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
P.O. Box 62525  
Harrisburg, PA 17106  
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County

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⋮  
⋮ 4 JD 2014  
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**IMPORTANT NOTICE**

**TO: ROBERT JENNINGS, III**

You are hereby notified that the Pennsylvania Judicial Conduct Board determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, §§17(b) and 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and Rules 2, 8, 13, and 15 of the Rules Governing Standards of Conduct of Magisterial District Judges. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than 30 days after the service of this Complaint, in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within 30 days after the service of this Complaint, if no omnibus motion is filed, or within 20 days after the



**dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.**

## COMPLAINT

AND NOW, this 14<sup>th</sup> day of November, 2014, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable Robert Jennings, III, Magisterial District Judge, Magisterial District Court 12-2-04, Dauphin County. The Board alleges that Judge Jennings violated the Constitution of the Commonwealth of Pennsylvania, Article V, §§ 17(b) and 18(d)(1), and the Rules Governing Standards of Conduct of Magisterial District Judges by virtue of his conduct, delineated specifically as follows:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court and, thereafter, to prosecute the case in support of such charges before this Court.
2. From approximately January 5, 2004, until the present, Judge Jennings served continuously as the duly elected Magisterial District Judge of Magisterial District Court 12-2-04, located at 1805 North Cameron Street, Harrisburg, Pennsylvania.
3. As a Magisterial District Judge, Judge Jennings is, and was at all times relevant hereto, subject to all the duties and responsibilities imposed on him by the Constitution of the Commonwealth of Pennsylvania and the Rules Governing Standards of Conduct of Magisterial District Judges.
4. This matter was investigated by the Board as a result of a request for investigation of Judge Jennings' conduct by former Dauphin County Court Administrator (CA) Carolyn Thompson.
5. CA Thompson's request for investigation presented a number of allegations regarding Judge Jennings' conduct.
6. The Board investigated the allegations presented by CA Thompson in her request for investigation and other matters that developed through its investigation of Judge Jennings' conduct.
7. As a result of its investigation, the Board concluded at its November 5, 2014 meeting that there was probable cause to file formal charges in this Court against Judge Jennings.

**PART I.**

**Required Contribution by Constables to Judge Jennings' re-election campaign:**

8. Judge Jennings' initial six-year term of office expired in January 2010.
9. Judge Jennings ran for re-election in the judicial election of 2009.
10. In late 2008, leading up to the 2009 election season, Judge Jennings utilized the constable services of Constable Luis LeGrand, Constable Wilbur Snow, Constable Michael Stewart, and former Constable Sylvester Wilson.
11. Noime LeGrand was Judge Jennings' office manager in 2008.
12. Ms. LeGrand is the wife of Constable LeGrand.
13. Ms. LeGrand continues to serve as Judge Jennings' office manager.
14. Marshall Napper was Judge Jennings' office employee in 2008.
15. Ms. Napper is presently employed by another Dauphin County Magisterial District Judge.
16. Throughout her employment in Judge Jennings' office, Judge Jennings made statements to Ms. Napper that he expected the constables who worked in his office to provide "ten percent" of their earnings from services to his magisterial district court to him as a contribution to his re-election campaign fund, otherwise they would not receive further work assignments out of his office.
17. In the course of her employment, Ms. LeGrand heard Judge Jennings make demands of the constables serving his office to provide "ten percent" of their earnings to him as "campaign contributions."
18. On one occasion, Ms. LeGrand told Judge Jennings that he could not require "ten percent" contributions from the constables who serve his office.
19. In response to Ms. LeGrand's statement, Judge Jennings stated words to the effect of "I wear the black robe. It's what I say. If it wasn't for me, they wouldn't be here."

**A. Constable Luis LeGrand and Constable Wilbert Snow:**

20. At some point in time in late 2008 or early 2009, Judge Jennings conducted a meeting with Constable LeGrand and Constable Snow in his courtroom.
21. Noime LeGrand was present at the meeting between Judge Jennings, Constable LeGrand, and Constable Snow.

22. At that meeting, Judge Jennings told Constable LeGrand and Constable Snow that he wanted them to provide contributions to his re-election campaign in the amount of "ten percent" of the amount that they were paid for their services to Judge Jennings' office in the prior year (tax year 2008).
23. Neither Constable LeGrand nor Constable Snow indicated at the time of the meeting that they would provide to Judge Jennings the "ten percent" contribution that he requested or any other contribution to his campaign.
24. Initially, Judge Jennings wanted Noime LeGrand to collect the re-election contributions that he demanded from the constables.
25. Ms. LeGrand refused to collect or receive any campaign contributions from the constables.
26. Because Ms. LeGrand refused to collect any campaign contributions from the constables, Judge Jennings directed Ms. LeGrand to tell Constable LeGrand to collect the campaign contributions.
27. Ms. LeGrand told Constable LeGrand to collect the campaign contribution from Constable Snow.
28. Constable LeGrand collected an amount of cash from Constable Snow in a white envelope.
29. Constable LeGrand contributed \$2,000.00 in cash to Judge Jennings' re-election campaign.
30. Constable LeGrand's campaign contribution did not equal ten percent of his tax year 2008 earnings from Judge Jennings' chambers because he could not afford to contribute that amount.
31. Constable LeGrand contributed an amount to Judge Jennings' campaign that he thought he could afford.
32. During the 2009 election, Constable Snow contributed \$1,135.00 to Judge Jennings' re-election campaign.
33. Constable LeGrand provided the cash campaign contributions from himself and Constable Snow to Karen Thompson, who worked for Judge Jennings' re-election campaign.
34. Constable LeGrand and Constable Snow continued to receive regular work assignments from Judge Jennings after his 2009 re-election campaign.

**B. Former Constable Sylvester Wilson**

35. At some point in late 2006 or early 2007, Judge Jennings conducted a meeting with former Constable Wilson.

36. Ms. LeGrand was present for the meeting between Judge Jennings and former Constable Wilson.
37. At that meeting, Judge Jennings discussed whether he was going to give any work assignments to former Constable Wilson.
38. Judge Jennings told former Constable Wilson that he would give him the opportunity to work out of the office, but Constable Wilson would be required to give Judge Jennings "ten percent" of Constable Wilson's earnings at the time of Judge Jennings' re-election campaign.
39. Former Constable Wilson did not indicate at the time of the meeting whether or not he would make the "ten percent" campaign contribution that Judge Jennings demanded.
40. Former Constable Wilson received steady work assignments from Judge Jennings office for approximately one year after the meeting.
41. Approximately one year after their first meeting, Judge Jennings asked former Constable Wilson to contribute "ten percent" of his earnings from Judge Jennings' office to Judge Jennings' 2009 campaign.
42. Former Constable Wilson told Judge Jennings that he would not contribute "ten percent" to his campaign.
43. When former Constable Wilson told Judge Jennings that he would not contribute "ten percent," Judge Jennings was visibly angry.
44. Former Constable Wilson asked Judge Jennings if his refusal to contribute the "ten percent" would create a "problem" with his continued work assignments from Judge Jennings' office.
45. Judge Jennings responded "You'll see" to former Constable Wilson's question.
46. Later on the day of their meeting, Judge Jennings instructed Ms. LeGrand not to give former Constable Wilson any more work assignments from the office.
47. On the same day, Judge Jennings told Ms. Napper to the effect that former Constable Wilson was not going to get any more work assignments out of Judge Jennings' office because Wilson refused to contribute "ten percent."
48. Thereafter, former Constable Wilson did not receive any further work assignments from Judge Jennings' office.

### **C. Constable Michael Stewart**

49. Before or during the 2009 election season, Judge Jennings made a passing comment to Constable Michael Stewart that if he wanted to contribute anything to Judge Jennings' re-election campaign Stewart should give it to Norma (Noime) LeGrand.

50. Constable Stewart did not provide any significant contribution to Judge Jennings' 2009 re-election campaign.
51. Constable Stewart did not make any significant contribution to Judge Jennings' re-election campaign because, in his view, he had already assisted Judge Jennings enough politically by running Judge Jennings' initial successful campaign for office.
52. Ms. Napper had told Constable Stewart that his lack of any significant campaign contribution to Judge Jennings had caused a problem in the office because Ms. LeGrand complained about the amount of work assignments that Constable Stewart received in spite of not making a contribution, whereas Constable LeGrand had to make a contribution.
53. After the 2009 election, Constable Stewart's work assignments from Judge Jennings' office decreased substantially for a period of time until the redistricting of magisterial district courts in Dauphin County.

## **PART II.**

### **Citations filed in District Court 12-2-04 against Judge Jennings and persons associated with District Court 12-2-04**

54. The Board's investigation has discovered that a number of summary citations were filed against Judge Jennings, his current employee Marie Melendez, Brian Chaney, Ms. Melendez' boyfriend, and Constable LeGrand in Judge Jennings' magisterial district court.

#### **A. Judge Jennings**

55. Judge Jennings had a number of parking citations filed against him in his court in the years 2009, 2010, 2011, and 2013.
56. Judge Jennings was aware that these citations were filed and pending against him in his court.
57. When officers were present in his court offices, Judge Jennings would typically instruct Ms. LeGrand to see if any of the tickets that were pending against him at the time were filed by any of the officers that were present in his courtroom for other business.
58. If Ms. LeGrand indicated that an officer who cited Judge Jennings was present, Judge Jennings would personally ask that citing officer to withdraw the citation pending against him in his court.
59. The case docket numbers for the citations filed against Judge Jennings in his court for 2009, 2010, 2011, and 2013 are as follows:

- a. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-566-2009.
  - b. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-858-2009.
  - c. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1563-2009.
  - d. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1690-2009.
  - e. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1511-2010.
  - f. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-2434-2011.
  - g. ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-374-2013.
60. Of these cases, Judge Jennings requested the transfer of only ***Commonwealth v. Jennings, III***, MJ-12204-TR-374-2013 (paragraph 59(g)) to another Dauphin County magisterial district judge for disposition on April 23, 2013, approximately one and a half months after it was filed.
- a. Judge Jennings' reason for the requested transfer was stated as a "conflict" on the transfer request form he sent to Court Administration.
61. Purportedly pursuant to Pa.R.Crim.P. 457, Judge Jennings permitted the withdrawal of the parking citations filed against him in his court for the dockets noted at paragraphs 59(a)-(f).
62. Judge Jennings permitted the withdrawal of ***Commonwealth v. Robert Jennings, III***, MJ-12204-TR-1563-2009 on May 11, 2011, nearly two years after it was filed on June 22, 2009.
63. Judge Jennings permitted the withdrawal of ***Commonwealth v. Robert Jennings, III***, MJ-12204-1511-2010 on April 27, 2011, nearly one year after it was filed on June 9, 2010.
64. Judge Jennings permitted the withdrawal of ***Commonwealth v. Robert Jennings, III***, MJ-12204-2434-2011 on June 3, 2012, six months after it was filed on December 2, 2011.

**B. Marie Melendez**

65. Marie Melendez has been employed with Judge Jennings' office staff since approximately 2006.
66. From the years 2006, 2007, and 2009, Ms. Melendez had several parking citations and one non-traffic citation filed against her in Judge Jennings' court office.
67. These citations are docketed to the following case numbers:
  - a. ***Commonwealth v. Marie Melendez***, MJ-12204-NT-1043-2006.
  - b. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-1834-2007.
  - c. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-100-2009.
  - d. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-367-2009.
  - e. ***Commonwealth v. Marie Melendez***, MJ-12204-TR-604-2009.
68. The citation docketed to ***Commonwealth v. Marie Melendez***, MJ-12204-NT-1043-2006, was transferred to another magisterial district court on July 17, 2014, approximately eight and one half years after it was filed on November 1, 2006.
  - a. The transfer in this case was requested by Judge Jennings after he received the Board's notice of full investigation (NOFI) on July 9, 2014.
  - b. The Board's NOFI contained allegations that Judge Jennings failed to transfer cases filed in his court against him, his office employees, and other persons associated with his office.
69. Judge Jennings permitted the withdrawal of the citation docketed to ***Commonwealth v. Marie Melendez***, MJ-12204-TR-100-2009, on January 13, 2012, approximately three years after the citation was filed on January 9, 2009.
70. On July 11, 2012, Judge Jennings requested the transfer of the remaining citations docketed to ***Commonwealth v. Marie Melendez***, MJ-12204-TR-1834-2007, ***Commonwealth v. Marie Melendez***, MJ-12204-TR-367-2009, and ***Commonwealth v. Marie Melendez***, MJ-12204-TR-604-2009 to another Dauphin County magisterial district judge for disposition.
  - a. In the case of TR-1834-2007, the transfer was made approximately five years after the case was filed on July 24, 2007.



- b. In the case of TR-367-2009, the transfer was made approximately three and a half years after the case was filed on January 30, 2009.
- c. In the case of TR-604-2009, the transfer was made approximately three years, four months after the case was filed on March 2, 2009.

**C. Constable Luis LeGrand**

- 71. During 2005, 2006, 2007, and 2009, Constable Luis LeGrand had a number of parking citations filed against him in Judge Jennings' court office.
- 72. During this period, Constable LeGrand accepted assignments from Judge Jennings' court.
- 73. During this period, Ms. LeGrand, Constable LeGrand's spouse, was employed at Judge Jennings' office.
- 74. In some instances, Judge Jennings permitted the withdrawal of the parking citations pending against Constable LeGrand that were pending in his court.
- 75. In other instances, by order entered July 11, 2012, pursuant to Rule 8 (disqualification) and Rule 17 (supervision of magisterial district judges by President Judge) of the Rules Governing the Standards of Conduct of Magisterial District Judges, President Judge Todd Hoover directed the transfer of certain cases pending against Constable LeGrand in Judge Jennings' court.
- 76. Judge Jennings permitted the withdrawal of citations filed against Constable LeGrand in Judge Jennings' court office at the following dockets:
  - a. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-452-2005.
  - b. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-396-2006.
  - c. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-3577-2006.
  - d. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-129-2007.
  - e. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-635-2007.
  - f. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-988-2007.
  - g. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-1464-2009.
- 77. As to the citations noted above at paragraphs 76(b), (c), (e), and (g), Ms. LeGrand entered information in the MDJS system for these cases involving her husband.

78. President Judge Hoover directed the transfer of the following citations pending against Constable LeGrand in Judge Jennings' court office at the following dockets:
- a. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-988-2007.
  - b. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-1549-2007.
  - c. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-196-2009.
  - d. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-2245-2011.
  - e. ***Commonwealth v. Luis LeGrand***, MJ-12204-TR-922-2012.
79. The citation docketed at TR-988-2007 had already been withdrawn through Judge Jennings' approval prior to President Judge Hoover's directive to Judge Jennings to transfer the case.
80. The citation docketed at TR-1549-2007 been pending in Judge Jennings' court for approximately five years before President Judge Hoover directed the transfer of the case.
81. The citation docketed at TR-196-2009 had been pending in Judge Jennings' court for approximately three and a half years before President Judge Hoover directed the transfer of the case.
82. The citation docketed to TR-2245-2011 had been pending in Judge Jennings' court for approximately eight months before President Judge Hoover directed the transfer of the case.

**D. Brian Chaney**

83. Brian Chaney is the paramour of Ms. Melendez.
84. Mr. Chaney had a number of traffic and non-traffic citations filed against him in Judge Jennings' court.
85. At the time the Board issued its NOFI to Judge Jennings on July 9, 2014, a number of these citations remained pending against Mr. Chaney in Judge Jennings' court.
86. The citations pending against Mr. Chaney in Judge Jennings' court as of July 9, 2014 were as follows:
- a. ***Commonwealth v. Brian Chaney***, MJ-12204-NT-211-2008, filed April 4, 2008.
  - b. ***Commonwealth v. Brian Chaney***, MJ-12204-NT-1098-2010, filed October 12, 2010.

- c. ***Commonwealth v. Brian Chaney***, MJ-12204-TR-2249-2009, filed September 8, 2009.
  - d. ***Commonwealth v. Brian Chaney***, MJ-12204-TR-1108-2011, filed May 26, 2011.
87. Judge Jennings did not undertake any effort to have these cases transferred to other magisterial district judges in Dauphin County from the date of their filing until after the point that he received the Board's NOFI on July 9, 2014.
88. After Judge Jennings received the Board's NOFI, he requested transfers of the cases listed at paragraph 86(a)-(d).

### **PART III**

#### **Offensive Statements**

89. Judge Jennings commonly makes statements to women employed in his court office that are inappropriate for a work environment.
90. Judge Jennings commonly makes statements around or directly to women employed in his court office that are sexually suggestive.
91. On a number of occasions, Judge Jennings has made statements to Ms. LeGrand that he found her legs to be "sexy."
92. On a number of occasions, Judge Jennings has made statements to Ms. LeGrand where he opined that she was "his wife without sex."
93. On at least one occasion, Judge Jennings made sexually suggestive comments to Ms. LeGrand about his tongue.
94. Ms. LeGrand was offended by the comments Judge Jennings made to her about her legs.
95. Ms. LeGrand was offended by the comments Judge Jennings made about his tongue.
96. Judge Jennings has made sexually-charged comments to Ms. LeGrand about a female defendant's appearance.

97. Judge Jennings has made sexually-charged comments to Ms. LeGrand about women entering the office.
- a. Ms. Napper also overheard Judge Jennings making sexually-charged comments to his office staff.
  - b. Ms. Napper also overheard Judge Jennings making sexually-charged statements about women having business in his magisterial district court office.
  - c. Ms. Napper was offended by Judge Jennings' sexually-charged comments.

#### **PART IV. CHARGES**

##### **COUNT 1 (A), (B), (C), (D)**

98. By virtue of some or all of the facts set forth at Part I(A)-(C) (**Count 1 (A)-(C)**), Judge Jennings violated Rule 2 of the Rules Governing Standards of Conduct of Magisterial District Judges and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.
99. Rule 2 states, in pertinent part, the following:
- Rule 2: Impropriety and Appearance of Impropriety to be Avoided [ ]**
- A. Magisterial district judges shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary[.]
100. By virtue of Rule 2(A), Judge Jennings has the responsibility to comply with the law and to conduct himself in a manner that promotes public confidence in the judiciary's integrity and impartiality.
101. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Crimes Code, Title 18 Pa.C.S.A.
102. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments for services to Judge Jennings' magisterial district court to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Public Official and Employee Ethics Act, Title 65 Pa.C.S.A. § 1101, *et seq.*

103. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings did not act in a manner that promoted public confidence in the integrity of the judiciary.

**COUNT 1 (D)**

104. By virtue of some or all of the facts set forth at Part III (**Count 1 (D)**), Judge Jennings violated Rule 2 of the Rules Governing Standards of Conduct of Magisterial District Judges and is therefore subject to discipline pursuant to Article V, § 18(d)(1) of the Pennsylvania Constitution.
105. By making sexually-suggestive or inappropriate comments to women employed at his court offices, Judge Jennings failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
106. By making inappropriate comments about women having business in his court office, Judge Jennings failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 2 (A), (B), (C), (D), (E), (F), (G)**

107. By virtue of some or all of the facts set forth at Part I(A)-(C) (**Count 2 (A)-(C)**), and Part II(A)-(D) (**Count 2 (D)-(G)**), Judge Jennings violated Rule 13 of the Rules Governing Standards of Conduct of Magisterial District Judges.
108. Rule 13 states, in pertinent part, the following:

**Rule 13: Incompatible practices**

Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law[.]

109. By virtue of Rule 13, Judge Jennings has the responsibility to ensure that he refrains from any act that is incompatible with the expeditious, proper, and impartial discharge of their duties, including requiring himself to refrain from violating the law in the course of performing his duties.
110. By virtue of Rule 13, Judge Jennings has the responsibility to ensure that the employees in his office refrain from any act that is incompatible with the expeditious, proper, and impartial discharge of their duties, including requiring

that his office employees refrain from violating the law in the course of performing their duties.

111. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Crimes Code, Title 18 Pa.C.S.A.
112. By conditioning the assignment of work to constables on a mandatory "ten percent" contribution of their payments from his court office to his re-election campaign fund, Judge Jennings failed to comply with the dictates of the Pennsylvania Public Official and Employee Ethics Act, Title 65 Pa.C.S.A. § 1101, *et seq.*
113. By failing to timely request the transfer of citations filed in his court office against himself and persons associated with his court office, Judge Jennings failed to act in a manner compatible with the expeditious, proper, and impartial discharge of his duties.
114. By failing to require his staff to timely process the transfer of citations filed against himself and persons associated with his court office, Judge Jennings failed to act in a manner compatible with the expeditious, proper, and impartial discharge of his duties.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 3 (A), (B), (C), (D)**

115. By virtue of some or all of the facts set forth at Part II(A)-(D) (**Count 3 (A)-(D)**), Judge Jennings violated Rule 8 of the Rules Governing Standards of Conduct of Magisterial District Judges.
116. Rule 8 states, in pertinent part, the following:

**Rule 8: Disqualification**

- A. Magisterial district judges shall disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:
  - (1) They have a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

\* \* \*

(4) They [...] (l) [are] a party to the proceeding[.]

117. Judge Jennings had a duty to disqualify himself by immediately requesting the transfer of any citation filed in his court office against him.
118. Judge Jennings had a duty to disqualify himself by immediately requesting the transfer of any citation filed in his court office against the persons named in Part II(B)-(D).
119. In many cases, Judge Jennings did not disqualify himself from permitting the withdrawal of citations filed against him and against the persons named in Part II(B)-(D).

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 4 (A), (B), (C)**

120. By virtue of some or all of the facts alleged at Part I(A)-(C) (**Count 4 (A)-C**), Judge Jennings violated Rule 15 of the Rules Governing Standards of Conduct of Magisterial District Judges.
121. Rule 15 states, in pertinent part, the following:

**Rule 15: Public Office and Political Activity**

\* \* \*

- (D) With respect to their campaign conduct, magisterial district judges or candidates for such office shall:

\* \* \*

(4) not themselves solicit or accept campaign funds, [...], but they may establish committees of responsible persons to secure and manage the expenditure of funds for their campaign funding including the purchase of tickets for political party dinners or other functions [...].

122. By personally soliciting the constables serving his court office to contribute "ten percent" of the payments they received from that service to his re-election campaign, Judge Jennings violated Rule 15(D)(4).

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 5 (A), (B), (C)**

123. By virtue of some or all of the facts alleged above at Part I (**Count 5(A)**), Part II (**Count 5(B)**), and Part III (**Count 5(C)**), Judge Jennings violated Article V, § 18(d)(1) of the Pennsylvania Constitution in that his conduct brought the judiciary into disrepute.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

**COUNT 6**

124. By virtue of some or all of the facts alleged above at Part II, Judge Jennings violated Article V, § 18(d)(1) of the Pennsylvania Constitution in that his conduct frustrated the proper administration of justice.

WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).



**COUNT 7 (A), (B), (C), (D)**

125. By virtue of some or all of the facts alleged above at Count 1 (**Count 7(A)**), Count 2 (**Count 7(B)**), Count 3 (**Count 7(C)**), and Count 4 (**Count 7(D)**) Judge Jennings has violated Article V, § 17(b) of the Pennsylvania Constitution.
126. Article V, § 17(b) states, in pertinent part, the following:  
[...]. Justices of the Peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.
127. As set forth above at Counts 1-4, Judge Jennings has violated the Rules Governing Standards of Conduct of Magisterial District Judges.
128. Judge Jennings' violations of the Rules Governing Standards of Conduct of Magisterial District Judges constitute automatic, derivative violations of Article V, § 17(b) of the Pennsylvania Constitution.


WHEREFORE, Robert Jennings, III, Magisterial District Judge, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

ROBERT A. GRACI, Chief Counsel

DATE: November, 14 2014

BY:

  
JAMES P. KLEMAN, JR. Deputy Counsel  
Pa. Supreme Court ID No. 87637

Judicial Conduct Board  
601 Commonwealth Avenue, Ste. 3500  
P.O. Box 62525  
Harrisburg, PA 17106  
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE:

Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County

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4 JD 2014  
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**VERIFICATION**

I, James P. Kleman, Jr., Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in this Board Complaint. I understand that the statements made in this Board Complaint are subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

DATE: November 14, 2014

  
JAMES P. KLEMAN, JR. Deputy Counsel  
Pa. Supreme Court ID No. 87637

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601 Commonwealth Avenue, Ste. 3500  
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**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County

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..... 4 JD 2014  
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**PROOF OF SERVICE**


In compliance with Rule 122(d) of the Court of Judicial Discipline Rules of Procedure, on November 14, 2014, a copy of this Board Complaint was sent by certified mail to Judge Jennings' counsel, Lenora M. Smith, Esquire, who agreed to accept service of this Board Complaint, at the following address:

Lenora M. Smith, Esquire  
1205 North 2<sup>nd</sup> Street  
P.O. Box 5154  
Harrisburg, PA 17110

Certified Mail No. 7161 7145 5373 0150 1542  
Return Receipt Requested

Respectfully submitted,

DATE: November 14, 2014

  
JAMES P. KLEMAN, JR. Deputy Counsel  
Pa. Supreme Court ID No. 87637

Judicial Conduct Board  
601 Commonwealth Avenue, Ste. 3500  
P.O. Box 62525  
Harrisburg, PA 17106  
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Robert Jennings, III  
Magisterial District Judge  
Magisterial District Court 12-2-04  
Dauphin County

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5 JD 2014  
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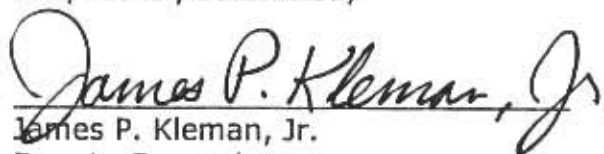
**PROOF OF SERVICE**

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on November 14, 2014, a copy of the Board's Petition For Interim Suspension With or Without Pay was sent by certified mail to Judge Jennings' counsel, Lenora M. Smith, Esquire at the following address:

Lenora M. Smith, Esquire  
1205 North 2<sup>nd</sup> Street  
P.O. Box 5154  
Harrisburg, PA 17110

Certified Mail No. 7161 7145 5373 0150 1542  
Return Receipt Requested

Respectfully submitted,



DATE: November 14, 2014

James P. Kleman, Jr.  
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Pa. Supreme Court ID No. 87637  
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