William Taylor Reil **c/o 261 Jefferis Road** **Downingtown, Pennsylvania** **(Non-Domestic)** **(610) 942-2101**	**: Claimant/Accused; a de jure,** **: sovereign, Christian Citizen;** **: in propria persona, sui juris;** **: All Rights Explicitly Reserved** :

COMMONWEALTH OF PENNSYLVANIA accuser/"Plaintiff" vs. **William Taylor Reil** Accused	:"IN MAGISTERIAL DISTRICT 12-1-04" :[Court must be set at common law : and "District Justice" must sit : only as constitutional common : law Justice of the Peace] : : Docket Numbers: : : Alleged Citation Numbers: : **"P0212806-6", "A1754224-3",** : **"A1754225-4", "A1754226-5",** : and **"A1754227-6"** : : Date allegedly issued: **"5-1-97"** : : : **ACTION - IN COMMON LAW** under : God's Laws and all Rights : secured by HIS laws and the : organic Constitutions for the : united States of America and : the Pennsylvania commonwealth : and all laws that are them- : selves constitutional : : TRIAL BY JURY DEMANDED : PURSUANT TO CONSTITUTIONAL : COMMON LAW

MEMORANDUM OF LAW
SUPPORTING THE RIGHT TO A COMMON LAW TRIAL BY JURY
THAT SHALL HEAR AND JUDGE BOTH THE LAWS AND THE FACTS

I, William Taylor Reil, a freeman and mature, competent, natural, free-born, de jure, sovereign, Christian, Citizen; herein after referred to as the Claimant, makes this special visitation

in propria persona, sui juris for the limited purposes of 1) again challenging the jurisdiction of this court and 2)providing a MEMORANDUM OF LAW in support of the **DEMAND** for a Common Law Trial by Jury that shall hear and judge both the laws and the facts in the captioned matter cases.

The Claimant is not appearing in a general or voluntary sense, but rather visiting specially under threat, duress and coercion in order to protect his Life, Liberty, Property, Reputation and the Pursuit of his Happiness. The Claimant has come to assert and to demand all of his God-given rights which have been firmly secured under the Biblical Laws of the Eternal, the organic Constitution for the united States of America, the lawful Constitution for the Pennsylvania commonwealth (one of the original, union, republic States of the united States of America and herein after referred to as "Pennsylvania commonwealth") and all other Common Laws necessary for his well-being. Said rights have been granted from the Almighty and are maintained by the status of this sovereign, Christian Citizen and freeman. The Claimant repudiates all court decisions, statutes, regulation, codes, practices & procedures, ordinances, etc. that are repugnant to the above mentioned rights, privileges, immunities, Laws and Constitutions.

JURISDICTIONAL CHALLENGE

The Claimant continues to challenge the jurisdiction of this court and again demands strict written proof, on the record, of

the assumed/presumed jurisdiction exercised by this court. Neither the "Plaintiff", Capitol Police Officer Robert L. Ketchem, any attorney, "District Justice Marsha C. Stewart" nor the court have clearly stated the lawful jurisdiction and the controlling authority(ies) in the captioned matter cases.

No Order has been issued to date with respect to any other challenge to the jurisdiction of this court; all of which have been squarely made in good faith by the Claimant. Thus, the fundamental issue of lawful jurisdiction goes unanswered and continues to be very confusing because it has not been proven as required. Strict written proof, on the record of the captioned-matter cases, of the jurisdiction and venue are again **DEMANDED**.

MEMORANDUM OF LAW

A Common Law Trial by Jury has consistently been demanded by the Claimant as a matter of right. This right is absolutely secured by the Constitution for the Pennsylvania commonwealth and the Constitution for the united States of America:

The right to a Trial by Jury of the Claimant's peers who may examine and decide both the facts and the laws in an open court is secured by the lawful Constitution for the Pennsylvania commonwealth in Article I sections 1, 2, 6, 7, 8, 11, and 25.

Article I section 6 of the present Constitution for the Pennsylvania commonwealth states that:

"Trial by jury shall be as heretofore and the right thereof remain inviolate. The General Assembly

may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case."

Section 9 states that:

> **"In all criminal prosecutions the accused shall have the right to ....a speedy public trial by an impartial jury of the vicinage; ...., nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. ...";**

Section 11 states that:

> **"All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administer without sale, denial or delay."**

This right was also stated clearly in the FRAME OF GOVERNMENT OF PENNSYLVANIA -1682; perhaps "the most influential of the Colonial documents protecting individual rights" [Faretta v. California, 422 U.S. 806, 829 - note 37 (1975)]; in Article VIII of the "Laws Agreed Upon in England, &c, as follows:

> **"That all trials shall be by twelve men, and as near as may be, peers or equals, and of the neighborhood, and men without just exception;.... shall have the final judgment. But reasonable challenges shall be always admitted against the said twelve men, or any of them."**

It is evident:

> **"the provision that trial by jury shall be as heretofore and the right thereto remain inviolate has been a fundamental principle in this State from the time of Penn's charter....;it was embodied in the Constitution of 1776, and appears ipsissimis verbis in the Constitutions of 1790 and 1838."**
> [Commonwealth v. Collins, 268 Pa. 295, 299, (1920)]

These provisions have remained unchanged in the Constitution for the Pennsylvania commonwealth since 1838, except for the

addition of the second clause in Article I section 6 in 1971. (There is, however, some very serious questions as to the constitutionality of the second clause in Article I section 6:

> **"The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case."**

This clause was adopted by a primary election on May 18, 1971 following joint Resolution No. 2, 1970 and Joint Resolution No. 1, 1971. Among other issues in question, this process clearly does not adhere to the amendment demands spelled out very specifically in **Article XI "AMENDMENTS"**, section 1 of the Constitution for the Pennsylvania commonwealth.)

One must turn to historical documents of the time when a Constitution was written, to the common law and also to the true definitions of the words used in a Constitution to fully and accurately understand the meaning of these fundamental "law of the land" compacts or contracts between the people and the government which they created.

> **"The language of the Constitution cannot be interpreted safely, except where reference to common law and to British institutions as they were when the instrument was framed and adopted. The statesmen and lawyers of the convention who submitted it to the ratification of conventions of the thirteen states, were born and brought up in the atmosphere of common law and thought and spoke in its vocabulary... when they came to put their conclusions into the form of fundamental law in a compact draft, they expressed them in terms of common law, confident that they could be shortly and easily understood."**
> [Ex Parte Grossman, 267 US 87, 108]; and

> **"Law of the land" means "the Common Law"**
> [Justice O'Neal in State v. Simmon, 2 Spears 761,

767 (1884) also Justice Bronson in Taylor v. Porter, 4 Hill 140, 146 (1843)]; and

> **"In the construction of the constitution, we must look to the history of the times, and examine the state of things existing when it was framed and adopted."**
> [2 Wheat 354; 6 Wheat 416; 4 Poters 431-2]; and

> **"The constitution was written to be understood by the voters; its words and phrases were used in their normal and ordinary, as distinguished from technical meaning; where the intent is clear, there is no room for construction, and no excuse for interpretation or addition."**
> [Martin v. Hunter's Lessee, 1 Wheat 304; Justice Story on the Constitution, 5th ed., section 451]; and

> **"The Constitution is a written instrument. As such, its meaning does not alter. That which it meant when it was adopted, it means now."**
> [South Carolina v. United States 199 US 437, 448 (1905)]

> **"....the Constitution was a document plain enough to be understood by all who read it, the meaning of which was set firmly like a jewel in the matrix of common sense and wise judicial decisions."**
> [Dyett v. Turner, 439 P.2d 266, 268 (1968)]; and

Peers means - **"equal in station and rank,"**
[Black's 1910]; and
"freeholder of a neighborhood,"
[Bouvier's 1886]; and
"A companion; a fellow; an associate."
[Webster's 1828]

The "Declaration of the Rights of the Inhabitants of the Commonwealth, or State of Pennsylvania" of the 1776 Constitution of this commonwealth, "Ninth" states:

> **"That in all prosecutions for criminal offenses a man hath a right...., and a speedy public trial, by an impartial jury of the country, without the unanimous consent of which jury he cannot be found guilty;.....; nor can any man be justly deprived of his liberty except by the laws of the land, or the judgment of his peers.";**

and the "Eleventh" states:

> "That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred."

The "Bill of Rights" of the organic Constitution for the united States of America preserve and secure these same rights when dealing with federal issued by stating in Article VI that:

> "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, ... and have the assistance of Counsel for his defense." ;

and in Article VII that:

> "In suits at common law, where the value in controversy shall exceed twenty dollars, the right to trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

The common law right to a trial by jury in all cases is most clearly declared in a 1786 case stemming from an act of the general assembly of Rhode Island, passed in May of that year, which made provisions with respect to the emission of paper money.

> "In June the Legislature prescribed that any person who should refuse to receive the money in payment for goods on sale at the face value of the goods, or who should make two prices for such goods, one for paper and the other in silver, on conviction should be fined L 200 for the first offense. In August, 1786, the Legislature of Rhode Island passed a law that the offenses under this act should be tried by special courts without a jury, by a majority of the judges present according to the law of the land, and that three members thereof should be sufficient to constitute a court."
>
> John Trevett tendered this money to John Weeden, a butcher, for meat, and when Weeden refused to accept the money, Trevett sued for the fine. It was objected that the trial by jury was a fundamental right in the State of Rhode Island, that the Legislature had no power

to enact a law depriving a citizen of that right, and that the court could declare the act invalid. The court overruled this defense, and an appeal was taken to the Supreme Court of the state. But Rhode Island, unlike all the other states but Connecticut, had no written constitution in the modern sense, having continued after the Revolution under its colonial government. So the question before the higher court involved the invalidity of the statute because of its repugnancy to the provisions of the common law securing to the citizens the right of trial by jury. While the five judges were considering this act, the excited people in the, streets were breathing forth their threats against them if they declared it invalid. Notwithstanding, they all agreed that the act was void. The legislature threatened impeachment and refused to reelect them. No opinion was written, but when the judges appeared before the legislature in October, 1786, on charges of treason and misconduct, some of them gave as reason for their decision that the defendant was entitled to trial by jury according to the law of the land."[Coxe, Judicial Power and Constitutional Legislation, pp. 234. 246, 249] "Here we have a case where an act was declared invalid because it deprived the defendant, not of a constitutional guarantee, but of a right secured to him by the common law."
[FEDERAL USURPATION by Franklin Pierce of the New York Bar,pages 202 & 203; published January, 1908]
(underlining added)

Abraham Lincoln stated that:

"The people are the masters of both Congress and the courts, not to overthrow the Constitution, but to overthrow the men who pervert it"

Clearly, trial by a jury of ones peer is a common law right in ALL trials and in ALL suits. This right was secured by the 1776 Constitution for the Pennsylvania commonwealth and this provision has not lawfully changed. This right is also secured by the organic Constitution for the united States of America, Bill of Rights, adopted on December 15, 1791 which remains un-changed since that date. **Therefore**, the right to a common law trial by jury in all cases is the controlling supreme law of land today.

The only issue which perhaps remains unclear is: Are there other definitive authority(ies) that conclusively support the Claimants demand for his right to a Jury that shall hear and judge both the laws and the facts in these matters? Historical documents and the Law continue to provide the lawful and factual answer to this question:

From the outset, America's Founders realized that the temptations of power and corruption would someday be too much for any of the three branches of government to resist, let alone the checks and balances in the other branches. They foresaw the folly of trusting the government to protect individual rights, and realized that ultimately, citizens at the local level, acting according to dictates of their individual consciences, would need to have the final authority, the final check and balance, expressed as veto power over bad laws.

So they provided for just such a veto, a centuries-old legal doctrine carried over from England to the colonies, via the, common law, which holds that jurors may judge whether a law is a good law, a law that does not violate the rights of free men and women. By this doctrine, if according to the dictates of their consciences, jurors do not think a law is just, or if they think the law has been misapplied, they may decide not to convict an otherwise "guilty" defendant. Even a single juror can thus prevent a conviction, by voting "not guilty".

English common law and American tradition and common law also

provides that if the jury as a whole decided to acquit a given defendant, that decision is final. A verdict of "not guilty" cannot be overturned, nor can a judge harass the jurors for voting for acquittal. Jurors can never be punished for voting their consciences, even if they have taken a (false) oath under duress to follow the law as stated by the judge!

> **"...[T]he right of the jury to decide questions of law was widely recognized in the colonies. In 1777, John Adams stated unequivocally that a jury should ignore a judge's instruction on the law if it violates fundamental principles: `It is not only ...[the jurors's] right, but his duty, in that case, to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court.'**
>
> **There is much evidence of the general acceptance of this principle in the period immediately after the Constitution was adopted."**
>
> [Yale Law Journal, 74, 172, (1964)]

These principles probably date back to the time of the Magna Carta. Lord Denman wrote in 1884:

> **"For more than six hundred years - that is, since Magna Carta, in 1215, there has been no clearer principle of English and American constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused; but that it is also their right, and their primary and paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive, and all persons guiltless in violating, or resisting the execution of, such laws."**

During the mid 1600's in England, the Levellers, led by Lt. Col. John Liburne ("Free-born John"), explicitly advanced the notion that the jury is the judge of the law. The Quakers then joined the Levellers in advancing the idea.

In 1670, William Penn was arrested for preaching a Quaker sermon in Grace Church Street, London. By so doing, Penn had broken the English law which made the Church of England the only legal church. "The authorities started his trial on September 1, 1670. The Hat Trial derived its name from a provocation incident at the very start of the proceedings. Penn, anticipating harassment, removed his hat on entering the court, but the judge ordered an officer to replace it [back] on Penn's head. The bench then badgered him for having his hat on and fined him for contempt. The episode set the tone for the trial and gained Penn sympathy from the spectators in the courtroom...." Penn effectively conducted his own defense. The jurors in his trial, led by Edward Bushell, refused to convict him, despite being detained for days and held without food, water, tobacco or toilet facilities, but instead found Penn "not guilty" of the charges. William Penn, however, was found in contempt by the judge and placed back in the Tower of London. Four of the most adamant jurors were then put in prison for nine weeks. After being released, William Penn worked to have the four imprisoned jurors released.

When it eventually released the four jurors by court order, the highest court of England both acknowledged and established that trial jurors could not be punished for their verdicts. Our freedoms of religion, peaceable assembly and speech thus all trace back to our right to a trial by jury of peers, a jury un-intimidated by government.

The 1681 FRAME OF GOVERNMENT OF PENNSYLVANIA - "Law Agreed Upon in England &c", clearly states William Penn's position concerning "Trial by Jury" in Article VIII as quoted above. Article VII of these "Laws Agreed Upon in England &c", states:

> **"That all pleadings, processes and records in courts, shall be short, and in English, and in an ordinary and plan character, that they may be understood, and justice speedily administered."**

The 1734 sedition trial of John Peter Zenger, in the American colonies, was another landmark case. Zenger was arrested for publishing materials critical of the Royal Governor of the New York colony and his cronies. This material accused them of corruption. While the charges were true, the jury was told that under the law, truth was no defense.

Zenger's attorney, Andrew Hamilton, argued to the jury that they were judges of the merits of the law, and should not go against good conscience to convict Zenger of violating such a bad law. The jurors agreed. Zenger was acquitted in about fifteen minutes. This case helped establish the right to freedom of the press.

Article I section 6 of the Constitution for the Pennsylvania commonwealth states:

> **"Trial by jury shall be as heretofore and the right thereof remain inviolate."**

The Founding Fathers were clear about where they stood on the issue of the rights of the jurors:

> **"The right of the jury to decide questions of law was widely recognized in the colonies. In 1771, John Adams stated unequivocally that a juror should ignore**

a judge's instruction on the law if it violates fundamental principles:

> `It is not only ...[trial juror's] right, but his duty, in that case, to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court.'
>
> There is much evidence of the general acceptance of this principle in the period immediately after the Constitution was adopted."
> ("The Changing Role of the Jury in the 19th Century". [Yale Law Review 74, 174 (1964)]; and

> "By the bill of rights of England, a subject has the right to a trial by his peers. What is meant by his peers? Those who reside near him, his neighbors, and are well acquainted with his character and situation in life." - Patrick Henry
> [Elliot, The Debate in the Several States Conventions on the Adoption of the Federal Constitution, 3:579]; and

> "Why do we love this trial by jury? Because it prevents the hand of oppression from cutting you off .... This gives me comfort - that, as long as I have existence, my neighbors will protect me." - Patrick Henry
> [Elliot 3:545, 546]; and

> ".....a jury of the peers would, from their local situation, have an opportunity to form a judgment of the character of the person charged with the crime, and also to judge of the credibility of the witnesses" - Mr. Holmes from Massachusetts
> [Elliot, 2:110]; and

Thomas Jefferson said, in a letter to Thomas Paine in 1789:

> "I consider trial by jury as the only anchor yet devised by man, by which a government can be held to the principles of its constitution."; and

Alexander Hamilton said, in 1804, that jurors should acquit even against the judge's instruction:

> "....if exercising their judgment with discretion and honesty they have a clear conviction

that the charge of the court is wrong."
[Quoted in Joseph Sax, Yale Law Review, 57, 481-494 (June 1968).]

John Jay, first Chief Justice, U.S. Supreme Court, wrote in Georgia v. Brailsford, 1798:

"The jury has a right to judge both the law as well as the fact in controversy." ;and

Samuel Chase, Supreme Court Justice and signer of the Declaration of Independence, wrote in 1804:

"The jury has the right to determine both the law and the facts."; and

Theophilus Parsons, a leading supporter of the Constitution for the united States of America in the convention of 1788 by which Massachusetts ratified the Constitution, was appointed by President Adams in 1801 to be Attorney General of the united States of America, but declined that office, and became Chief Justice of Massachusetts, said in 1806:

"The people themselves have it in their power effectually to resist usurpation, without being driven to an appeal to arms. An act of usurpation is not obligatory; it is not law; and any man may be justified in his resistance. Let him be considered as a criminal by the general government, yet only his fellow citizens can convict him; they are the jury, and if they pronounce him innocent, not all the power of Congress can hurt him; and innocent they certainly will pronounce him, if the supposed law he resisted was an act of usurpation."

However, during the nineteenth century, judges and lawyers began chipping away at this vital and fundamental right of free citizens, transferring more and more power to themselves, often contending that jury review of the law was "no longer necessary"

now that free, democratic elections had replaced monarchy.

Then, in 1895, the Supreme Court, in Sparf and Hansen v. U.S., 156 US 51, said it should be up to the judge to decide whether the jury would be told of its right to judge law as well as the facts, unless a state's constitution or statues provided otherwise. Four current state constitutions have very specific provisions guaranteeing the right of jurors to "judge the law"; that is to say: "the right of jury nullification of law". For example, the Georgia Constitution; Article I, section 1, paragraph 11, subsection A, states:

> **"In criminal cases, the defendant shall have a public and speedy trial....and the jury shall be the judges of the law and facts."**

The other three states are: Maryland (Article XXIII), Indiana (Article I, section 19) and Oregon (Article I, section 16).

At least Twenty-three states (one of which is Pennsylvania) currently include jury nullification provisions in their Constitutions under their sections on freedom of speech.

In Sparf and Hansen v. U.S.(supra), the Supreme Court acknowledged that jurors have the power to judge the law, but, going against long-established constitutional principles, denied that it was a legal right. Justice Gary Shiras in his dissenting opinion stated:

> **"Unless the jury can exercise its community conscience role, our judicial system will have become so inflexible that the effect may well be a protest into channels that will threaten the very continuance of the system itself. To put it another way, the jury is ... the safety valve that must exist if this society is to be able to**

> **accommodate its own internal stresses and strains.... ...[I]f the community is to sit in the jury box, its decisions cannot be legally limited to a conscienceless application of fact to law."**
> [Sparf and Hansen v, U.S., 156 U.S. 51, 144 (1895)]

Today, jurors are fraudulently told that they must accept the law as the judge explains it, and may not decide to acquit a person because their consciences are bothered by what seems to them to be an unjust law.

Judges intentionally deceive jurors by telling them that their only role is to decide if the "facts" are sufficient to convict the defendant, and that if so, they "must" convict. Defense attorneys are not allowed to encourage jurors to vote to acquit because they believe the law is unjust or unconstitutional, and defendants are usually stopped short and rebuked if they so much as mention their motives to the jury.

William Kunstler, as quoted in Franklin M. Nugent's book, Jury Powers: Secret Weapon Against Bad Law, revised from Youth Connection 1988, stated:

> **"Every jury in the land is tampered with and falsely instructed by the judge when it is told it must take (or accept) as the law that which has been given to them, or that they must bring in a certain verdict, or that they can decide only the facts of the case."**

In point of fact, jurors still, to this day, retain the power to veto, or "nullify" bad laws. They are just not told this by the courts. And judges and prosecutors exclude people from serving on juries who admit that they believe they can judge the

law, or who have doubts about the justice of the law. This destroyers the protections jurors were supposed to be able to muster on behalf of fellow citizens against unjust prosecutions. How can our right to a trial by an impartial jury of our peers be fulfilled if those who may have qualms about the law are routinely excluded from jury service?

CONCLUSION

The jury has an "unreviewable and irreversible power ...to acquit in disregard of the instructions on the law given by the trial judge... The pages of history shine on instances of jury's exercise of its prerogative to disregard uncontradicted evidence and instructions of the judge; for example, acquittals under the fugitive slave law." U.S. v. Dougherty, D.C. Circuit Court of Appeals, 473 F.2d, 1130 and 1132 (1972). Nevertheless, the majority opinion in this case held that jurors need not be told this fact. Chief Judge Bazelon thought that they ought to be so told. In his dissenting opinion, he wrote:

> **"The argument for opposing the nullification instruction are, in our view, deficient because they fail to weigh the political advantages gained by not lying to the jury... What impact will this deception have on jurors who felt coerced into a verdict by the judge's instructions and who learn, after trial, that they could have voted their consciences and acquitted? Such a juror is less apt to respect the legal system."**

Judges and others within the judicial system have for too long been waging a war, a campaign of disinformation, so that jurors will have no idea what their rights are, thus, the trial by jury is reduced to mere formalities, mere window dressing for

what are really trials by government and private corporate agents.

> The state "... **may not impose conditions which require the relinquishment of constitutional rights. If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence. ..."**
> [Frost v. Railroad Commission, 271 U.S. 583, 594 (1926)]

It is well past time that the courts and their officers respect and protect all the God-given and constitutionally secured rights of the people.

Today, one of the excuses offered by certain judges, lawyers, professors of law and politicians, as to why jurors can not judge the law is: **"The laws and legal procedures are too complex for most people to understand."** This is ridiculous and fallacious, the laws are wrong. It violates fundamental maxims of law. Simply look to Article VII of the 1682 - "Laws Agreed Upon in England, &c.", quoted above. Courts must protect the rights of the people. Rights and solemn "oaths of office" can not be sacrificed to unconstitutional color-of-law public policies.

When jurors are deceived and their rights are ignored and/or overridden, the defendant not only gets less than a "fair trial", but each person's liberty and freedom and those of our society at large are, abused, harmed and lost. For example, What would the Pennsylvania commonwealth be called, if the jurors in 1670 had not acquitted William Penn? After all, the penalty for the unlawful "law" which he was accused of violating, was death.

The facts and the laws presented herein by them selves are overwhelming and compelling proof. However, this evidence presented is by no means all of the supporting factual evidence available. Nor does this "MEMORANDUM OF LAW...." address all the factual "who", "what", "when", "where" and "how"(s) concerning this subject and others with respect to the involvement of certain Bankers, Judges, Lawyers and Professors of Law.

The Claimant has a right in ALL cases to a Trial by Jury at common law by a jury of his peers who can judge both the facts and the laws. He has consistently and repeatedly demanded this and all his other rights, privileges and immunities in the captioned matter.

Violations of the Claimant's rights, etc. and the constitutional oaths of office of all government officials has clearly been addressed by the Claimant on more that one occasion in the record. The Claimant again directs the attention of all government office to the ACTUAL AND CONSTRUCTIVE NOTICE AND DEMAND AT LAW filed in the captioned matter and incorporated herein by reference as if set forth in full at length.

WHEREFORE, the Claimant, for all the reasons stated and referenced herein, respectively again **DEMANDS** a Common Law Trial by Jury by a fully-informed jury of his peers who shall judge all the laws and the all the facts relevant to the captioned matter.

I, William Taylor Reil, again demand all my God-given rights and common law rights and all other rights, privileges and immunities at all times and in all places along with those rights secured and guaranteed in the Magna Carta, Articles of Confederation, Declaration of Independence, organic Constitution for the united States of America, the lawful Constitution for the Pennsylvania commonwealth, the 1682 - Pennsylvania Frame of Government and Laws Agreed Upon in England, &c, and all other laws which are themselves constitutional.

The foregoing is true, correct and complete to the best of my understanding, knowledge and belief and is made by the Claimant in sincere "good faith".

Asseverated and Subscribed this 19th day of June in the year of our Lord and Savior Jesus the Christ, Nineteen Hundred and Ninety-Seven.

ALL RIGHTS EXPLICITLY RESERVED

BY: William Taylor Reil

William Taylor Reil - Accused - a
de jure, sovereign, Christian Citizen;
in propria persona, sui juris

William Taylor Reil **c/o 261 Jefferis Road** **Downingtown, Pennsylvania** **(Non-Domestic)** **(610) 942-2101**	**: Claimant/Accused; a de jure,** **: sovereign, Christian Citizen;** **: in propria persona, sui juris;** **: All Rights Explicitly Reserved**

COMMONWEALTH OF PENNSYLVANIA accuser/"Plaintiff" vs. **William Taylor Reil** Accused	:"IN MAGISTERIAL DISTRICT 12-1-04" :[Court must be set at common law : and "District Justice" must sit : only as constitutional common : law Justice of the Peace] : : Docket Numbers: : : Alleged Citation Numbers: : **"P0212806-6", "A1754224-3",** : **"A1754225-4", "A1754226-5",** : **and "A1754227-6"** : : Date allegedly issued: **"5-1-97"** : : : **ACTION - IN COMMON LAW** under : God's Laws and all Rights : secured by HIS laws and the : organic Constitutions for the : united States of America and : the Pennsylvania commonwealth : and all laws that are them- : selves constitutional : : TRIAL BY JURY DEMANDED : PURSUANT TO CONSTITUTIONAL : COMMON LAW

CERTIFICATION OF SERVICE

I, William Taylor Reil, a freeman and de jure sovereign, Christian Citizen, in propria person, sui juris, etc., in the above captioned matters, hereby certify that I have caused a true, correct and complete copy of the annexed -

MEMORANDUM OF LAW
SUPPORTING THE RIGHT TO A COMMON LAW TRIAL BY JURY
THAT SHALL HEAR AND JUDGE BOTH THE LAWS AND THE FACTS

to be served upon the party listed below by United States Postal Service mail, "postage pre paid" on the 20th day of June, in the year of our Lord and Savior Jesus the Christ, Nineteen Hundred and Ninety-Seven.

1. **District Justice of the Peace Marsha C. Stewart**

   c/o "Magisterial District Office 12-1-04"
   1520 Walnut Street
   Harrisburg, Pennsylvania

2. **Capitol Police Officer Robert L. Ketchem** - Badge # 154

   c/o Capitol Police Department
   East Capitol Building, Room 70
   Harrisburg, Pennsylvania

ALL RIGHTS EXPLICITLY RESERVED

BY: William Taylor Reil

William Taylor Reil - Accused;
a de jure, sovereign, Christian Citizen;
in propria persona, sui juris

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FOUNDED 1912

PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION

April 15, 1998

COMMONWEALTH RIGHT TO A JURY TRIAL

HOUSE BILL 1521

HOUSE JUDICIARY SUBCOMMITTEE ON CRIME AND CORRECTIONS

Good afternoon, Mr. Chairman and members of the Subcommittee on Crime and Corrections. My name is Gary Tennis and I am testifying on behalf of the Pennsylvania District Attorneys Association in support of House Bill 1521 (and its identical counterpart, Senate Bill 555). Thank you Mr. Chairman for the opportunity to address this critical issue.

1. General issue. House Bill 1521 allows the citizens of Pennsylvania to determine whether the right to a criminal jury trial should be restored to crime victims and the Commonwealth through its District Attorneys. This fundamental right, which is constitutionally guaranteed (as it should be) to criminal defendants, is currently denied to crime victims when a defendant unilaterally decides to waive a jury trial.

2. History. Throughout Pennsylvania history, and from earliest English common law traditions, the Commonwealth has had the right to a jury trial. Indeed, all criminal cases have been required to be heard by juries, from the 14th century until this century. *See* Commonwealth v. Hall, 91 Pa. Super. 485, 490 (1926) citing Byers and Davis v. Commonwealth , 42 Pa. 94 (1862).[1]

In 1935, the General Assembly enacted 19 P.S. §786, for the first time permitting defendants to waive a jury trial so long as the trial court and the

Commonwealth agreed. In 1968, after the Constitution was amended to give the Supreme Court authority to promulgate procedural rules, Pa.R.Crim.P. 1101 continued this centuries-old rule, guaranteeing the Commonwealth the right to a jury trial.

In 1973 the state Supreme Court, without a word of explanation, discarded 600 years of jurisprudence, unilaterally stripping this historical right from the Commonwealth. The General Assembly responded with Act 50 of 1977 (42 Pa.C.S. 5104(c)), restoring the jury trial right to the people of the Commonwealth.

In 1982 a 4-3 majority of the state Supreme Court struck down §5104(c), holding that the General Assembly had trespassed upon the Court's rulemaking authority. Commonwealth v. Sorrell, 456 A.2nd 1326 (Pa. 1982). The Sorrell decision made clear that this long-standing historical right could be restored to the Commonwealth only by constitutional amendment.

Last session, the House and Senate approved Senate Bill 752 by two-to-one margins (6/3/96 House vote: 134-67. 6/11/96 Senate vote: 34-15). In order to be referred to the voters, this proposal must again be approved by the General Assembly before the 1998 summer recess.

3. American Bar Association support. In 1995, after five years of analysis by nationally-prominent criminal justice practitioners, the American Bar Association Criminal Justice Standards Committee adopted its Trial by Jury Standards. The very first proposition in ABA Standard 1.1 states:

> *Jury trial should be available to a party, including the state, in criminal prosecutions in which confinement in jail or prison may be imposed.*

The commentary to that standard states:

> *This standard also recognizes that the availability of jury trial is beneficial to the prosecution and to society as a whole, not simply to the accused. Accordingly, Section (A) provides that the right should be available to both the prosecution and the defense.*

4. United States constitutional caselaw. In Singer v. United States, 380 U.S. 24 (1965), the United States Supreme Court upheld the constitutionality of the prosecution's right to a jury trial. Chief Justice Earl Warren stated:

> *Not only must the right of the accused to a trial by a constitutional jury be jealously preserved, but the maintenance of the jury as a factfinding body in criminal cases is of such importance and has such a place in our tradition, that, before any waiver can become effective, the consent of government counsel and the sanction of the court must be had, in addition to the express and intelligent consent of the defendant.*

5. A level playing field. Defendants are guaranteed the right to demand a jury trial, and they do so whenever they feel their cases may be more fairly decided by a jury than a judge. An experienced and competent defense attorney considers a judge's past history hearing cases similar to the defendant's in deciding whether to demand a jury.

Similarly, the Commonwealth, charged with the duty of seeking justice and representing both the victim and public safety, must sometimes conclude that the People need to go before a jury rather than before a particular judge who has demonstrated a settled bias in certain kinds of cases. An example is the practice of several Philadelphia judges who have made clear that they will never convict any criminal of five year gun-mandatory cases, because they don't agree with the General Assembly's decision to enact those mandatories. And in at least one rural Pennsylvania county, the judge routinely acquits in spousal assault cases. In instances like these, the Commonwealth must be able to request a jury if justice is to be done.[2]

From the defendant's perspective, no harm is done. The only result of providing a level playing field is that the defendant may receive one of the fundamental rights guaranteed him in the Constitution: a trial by a jury of his peers.[3]

But criminal defendants are seeking more than a fair trial by jury. As stated by Cumberland County District Attorney Skip Ebert, the inability of the Commonwealth to have a jury trial "has been used by criminals throughout this state to obtain lenient treatment from judges. . ." (Senate Judiciary Testimony at 5). *See* Appendix.

6. Stopping improper defense delay. In various counties, defendants routinely delay their cases, waiving a jury at jury trial court sessions, re-demanding a jury at the next non-jury trial court session, waiving again at the jury session, ad nauseum. In one 1994 case, a defendant waited until his third non-jury trial listing to demand a jury trial, then waived his right to a jury trial at a subsequent jury trial listing, then demanded his right to a jury trial again at the non-jury trial listing. This

defendant still has not been brought to trial, and the Commonwealth has no power to stop these dilatory tactics by simply demanding a jury trial. *See* Commonwealth v. Duprey, CP 9501-1111.

7. Stopping improper judge-shopping. Defendants gain the additional inappropriate advantage of judge-shopping when such flip-flopping goes unchecked. If a defendant is not happy with the judge assigned to his case, he can simply change judges by changing his mind about whether or not he wants a jury. This is not just theoretical; it happens every day. If given the right to a jury trial, the Commonwealth will be able to limit these criminal defendants' opportunistic judge-shopping.

8. Other jurisdictions: The federal government, twenty-four states and the District of Columbia all give the prosecution the right to a jury trial, whether by state constitutional provision, statute or court rule.[4]

9. Judicial system's responsibility to seek justice. The current inequities compromise the Commonwealth's ability to seek justice. There are countless examples illustrating the unappealable miscarriages of justice that happen in Pennsylvania. *See* Appendix. Restoring the right to a jury trial to both sides is the only way to ensure that justice may be realized in Pennsylvania.

10. PDAA position. The Pennsylvania District Attorneys Association urges the General Assembly to permit the citizens of Pennsylvania to decide by referendum whether the Constitution should be amended to restore the Commonwealth's right to a jury trial in criminal cases. The passage of House Bill 1521 simply puts that decision before our Commonwealth's voters.

The General Assembly's consistent support for this restoration has been thwarted by the Pennsylvania Supreme Court's escalating use of its rule-making authority. The PDAA supports the General Assembly in its effort to restore balance between the branches of government by approving either House Bill 1521 or Senate Bill 555.

E N D N O T E S

1. In Byers and Davis v. Commonwealth, the court stated: "That mode of trial [by jury] had long been considered the right of every Englishman, and it had come to be regarded as a right too sacred to

be surrendered or taken away...." *Also, see* Trial by Jury, by John Proffatt, LL.B. (Rothman & Co. 1986) at pp.120-121 ("Ever since the Magna Charta, the right to a trial by jury has been esteemed a peculiarly dear and inestimable privilege by the English race..... The English colonists settled here with a deep-rooted regard for this right."); Verdict: The Jury System, by Morris Blumstein (W.H. Anderson Co. 1968) at p. 19 (as early as the thirteenth century, "it was held that a jury trial was required in all criminal cases, even though the defendant didn't want one..."); *Compare* The Jury: Tool of Kings, Palladium of Liberty, by Lloyd Moore (W.H. Anderson Co. 1973) at p. 63 (From the 15th through 18th century the "jury would be transformed into a just mode of trial."); Trial by Jury, by Samuel McCart (Chilton 1964)(true impartiality of juries established in 1670 when attaint outlawed in trial of William Penn.)

2. The Commonwealth legally cannot appeal an acquittal. Similarly, recusal motions are not a realistic remedy for these difficulties since the courts have made clear that the recusal decision is up to the trial judge, with very little appellate scrutiny. *See* Reilly v. Southeastern Pennsylvania Transportation Authority, 507 Pa. 204, 220 (1985)(the trial judge "may determine the question [of recusal] in the first instance, and ordinarily his disposition of it will not be disturbed unless there is an abuse of discretion.")

3. The ACLU and the criminal defense lobby have argued that the defendant may not be able to afford a jury trial. However, under such circumstances, the defendant is guaranteed the right to be represented by court-appointed counsel, usually the Public Defenders, who vigorously and competently represent their clients.

4. *See* Singleton v. State, 262 So.2d 768, 769-70 (Ala. 1971) (common-law rule); Alaska Rule od Crim. P.23 (a) (adopted 1975); Arizona Const. Art. 5 17, Rule Crim. P. 18.1(b), A.R.S. §13-3983; Ark. Stat. Ann. §43-2108 (Repl. 1964); California Const. I §16; Del. Rule of Crim.P. 23(a) (adopted 1953); District of Columbia, Super. Ct. Crim. R. 23(a) (adopted 1971); Florida Crim. P.R. 3.260 (adopted 1967); Idaho Const. Art. I §7; Indiana Code Ann. §9-1803 (Burns 1905); 1949 Kansas Sess. Laws §62-1401; Crone v. Commonwealth, 680 S.W. 2d 138 (Ky. Ct. App. 19840 (common-law rule, apparently established 1975); Michigan C.L. §763.3, Michigan S.A. §28.856 (both effective 1988) and Michigan C.R. 6.401 (effective 1989); Nevada Const. Art. I, §3; New Mexico Rule Crim P. 38; North Dakota, N.D.R.C. §29-1602, Oklahoma Const. Art. 7 §20; South Dakota, S.D.C.L. 23A-18-1 (enacted 1978); Tennessee Rule Crim. P. 5(c)(2)(effective 1978); Texas, Code of Crim. P. Art. 1.13 (adopted 1965); Utah, Rule of Crim. P. 17(c); Vermont Const. Chap. I art.

10; Virginia Code Ann. §19.2-257; Wisconsin, Stats §972.02 (adopted 1949); Wyoming Rule of Crim. P. 23(a) (adopted 1968).

APPENDIX

The following are a few examples intended to illustrate the necessity of restoring the Commonwealth's right to a jury trial. Some of the examples refute the criminal defense bar's characterization of this issue as a "Philadelphia" problem. In several instances, the information has been gathered from press reports or sources other than the local District Attorney's Office.

1. Commonwealth v. Tridento, (Montgomery County). On May 27, 1997, a seven-year-old Horsham girl who had gone to bed was beaten by her mother's boyfriend, and then ordered downstairs. The defendant beat her further, particularly pummelling her abdomen. Then he ordered the seven-year-old into the kitchen, but the little girl fell down, apparently requiring further "discipline." He then ordered the visually disabled girl to fill a page with the sentence "I will not lie" but since he would not let her use glasses, her attempts to carry out this command were apparently not satisfactory. He placed her on the kitchen counter, where he beat her on the buttocks. Her father, during visitation the following weekend, saw the severe discoloration on the girl's body and took her to the hospital.

   The defendant had crushed the girl's pancreas against her spine and split two of the three layers of her colon. Over the next months, she was hospitalized for 28 days, placed on a feeding tube for weeks due to her inability to eat and resulting loss of eleven pounds.

   The Commonwealth's overwhelming evidence was uncontradicted - no defense was even presented. The judge, sitting without a jury found defendant not guilty of aggravated assault, convicting only of lesser misdemeanor charges. By doing so, the judge effectively agreed that the defendant committed these crimes, but, without explanation, found that the defendant had not intentionally or recklessly caused serious bodily injury to his victim. The judge also avoided the five-year mandatory sentence for aggravated assault of a child.

   Prosecutors of serious child abuse would request trial by jury in this judge's courtroom. Equally obvious, defendants in such cases will inevitably waive a jury. The ultimate price for all of this is paid by innocent children who are violently abused.

2. Commonwealth v. Valeri, (Westmoreland County). In April, 1996, this defendant beat his 7-month old son within an inch of his life, breaking 17 bones (including his skull), damaging his liver, and crushing his penis (he would pick the baby up by

its penis). Children's Hospital physicians testified to the substantial risk that the child's brain was damaged and his growth permanently stunted.

The defendant demanded a trial without a jury. The identity of the assailant was not in issue. The judge found the defendant not guilty of aggravated assault, convicting only of simple assault and other lesser misdemeanor charges. The judge's stated reason was that the baby had not suffered serious bodily injury. The verdict avoided the five-year mandatory. See Pittsburgh Post-Gazette editorial (attached).

Again, child abuse defendants before this judge almost certainly will demand non-jury trials. Under current law, the Commonwealth can't do anything about it.

3. Commonwealth v. Alonzo Middleton, CP 9606-0102 (Philadelphia County). The defendant, with another, approached his victim on the street and shot him twice without warning, paralyzing the victim from the waist down. The defendant waived a jury. The judge found that defendant did the shooting but found him not guilty of F-1 aggravated assault, convicting him of lesser assault charges. The only legal basis for the F-1 acquittal is that the shooter did not cause serious bodily injury "intentionally, knowingly, or recklessly under circumstances manifesting extreme indifference to the value of human life." The practical result was to avoid the five-year mandatory sentencing provisions.

4. Commonwealth v. Richard Smith, CP 9610-0665 (Philadelphia County). After casing the White Horse Tavern in West Philadelphia, the defendant and his accomplice came back in with masks over their faces. They pointed a gun at the victim and stole $730 from the cash register. Defendant waived a jury, and the judge, although finding defendant committed this gunpoint robbery, acquitted him of F-1 robbery (in the course of stealing, threatening the victim with or intentionally putting the victim in fear "of immediate serious bodily injury."), convicted him of a lesser robbery charge, and thereby avoided the five-year mandatory.

As criminal law practitioners know, a gunpoint robbery is a classic F-1 robbery.

5. Commonwealth v. Graham, (Lackawanna County). In January, 1997, the defendant, an off-duty police officer, kicked down the door and broke into the home of an ex-girlfriend who had broken up with him a few weeks earlier. He found her there

and, having learned a few weeks earlier that she had a fragile blood vessel in her brain, beat her up and threw her against the wall so hard that her head knocked a hole through the dry wall.[1]

The defendant requested a non-jury trial. As the trial proceeded, the judge pulled the prosecutor aside and initiated plea negotiations to mere misdemeanor charges. Moreover, the judge, without any expert testimony to support his opinion, indicated that the defendant was suffering from an "impulse control problem." The judge also stated to the prosecutor that the defendant's life shouldn't be ruined due to one drunk stupid moment.

The prosecutor declined to lower the charges, and the judge responded by acquitting the defendant of burglary and all aggravated assault charges, convicting the abuser only of defiant trespass (a third degree misdemeanor) and simple assault. The judge sentenced defendant to 18 months probation. This verdict permitted the defendant to remain on the police force.

6. Cumberland County DUI/Homicide Case, (Cumberland County). District Attorney Skip Ebert testified before the Senate Judiciary Committee about DUI/Homicide case he prosecuted, in which the defendant sought a bench trial. The defendant had run a stop sign and crashed into another car, killing a 60-year-old grandmother who was riding with her family on her way to her own birthday party. The defendant had a .23 blood alcohol level. The court convicted defendant of DUI, homicide by vehicle, and involuntary manslaughter but, inconsistently, acquitted the defendant of homicide by vehicle while driving under the influence, the only charge carrying the mandatory 3-year prison sentence. The judge, who sentenced defendant to four months county jail, explained the verdict by stating to Mr. Ebert his unwillingness to impose the mandatory sentence.

7. Commonwealth v. Franchun Hunt, (Wyoming County). In or about August, 1994, defendant and his two co-defendants planned to murder and rob two victims in this double homicide. The motive was ostensibly greed and jealousy. The three defendants travelled to Wyoming County from Virginia for the express purpose of murder and mayhem loaded with an inter-tech 10, semi-automatic machine pistol. The defendants and the victims all went out in one of the victim's cars and later in

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[1] The defendant had been with at the doctor's appointment a week or two before they'd broken up. He heard the doctor warn her that she must not let head be jostled or struck.

the evening both victims in the front seat were shot, execution style, robbed and left on the highway. Defendant drove the victim's car from the crime scene.

The first defendant, tried by jury, was given two life sentences for these heinous crimes. The second defendant pled guilty and received two consecutive 10 to 20 year sentences.

Defendant Hunt waived his right to a jury in this one-judge county. At the time of this trial, the District Attorney was involved in a serious conflict with the judge on another matter.

The Commonwealth, in its case-in-chief, used a statement of a witness who had overheard the defendant planning the crime. At the close of the Commonwealth's case, the defendant moved to dismiss the charges, claiming that he was entitled to dismissal because the Commonwealth failed to set forth the theory of "accomplice liability" in its information. Despite case law illustrating that the Commonwealth need not do so, the judge dismissed the murder charge and this lucky defendant was convicted of only theft of the victim's car and conspiracy to commit robbery. He was sentenced to a mere 6 to 12 years for his part in killing two people, a fact duly reported in the county's newspaper, The New Age Examiner (6/16/95). The Commonwealth's right to request a jury was clearly the only way to seek redress for the two victims in this case.

8. Commonwealth v. Jamal Jainlett, CP 9703-1319 (Philadelphia County). Defendant and his accomplice stalked and then accosted a 49-year-old disabled woman walking with a cane. When they jammed a gun into her side and went through her pockets, she panicked and screamed. They ran, but were caught and identified two to three minutes later. The judge, without a jury, found that this defendant committed this classic gunpoint robbery, but, inconsistently, acquitted him of F-1 robbery. This verdict avoided the five-year mandatory sentence and paved the way for the judge's ultimate sentence of 11 1/2 to 23 months.

9. Commonwealth v. Almamack, (Philadelphia County). On January 26, 1994, the defendant was caught red-handed with 25 pounds of marijuana. The court, realizing that the defendant was facing a three-year mandatory, suggested in open court to defense counsel that he argue "mere possession" for personal use! Even defense counsel initially hesitated, questioning whether he could legitimately tender such an absurd argument. The judge convicted defendant of mere possession, implicitly finding that the 25 pounds of marijuana was exclusively for the defendant's personal consumption.

10. Philadelphia Homicide Program. In 1997, three Philadelphia homicide judges have virtually always refused to convict any murder defendants of first degree murder, no matter how much the facts warrant it. When Philadelphia killers waive juries before these judges, they can rest assured they will be convicted of no more than third degree murder.

Statistics for 1997 show that 69% of jury trials resulted in life sentences for charges of first or second degree murder, whereas only 17% of waiver trials result in similar sentences. This remarkable discrepancy indicates that true justice was not served in those cases.

Here are just a few examples from the Philadelphia District Attorney's Homicide unit:

- Commonwealth v. Barry Simmons - On December 21, 1995, this killer blew the brains out of a 19-year old youth with a .20 gauge shotgun, who was simply standing in the lobby of his apartment building. The defendant, also a resident of the building, had illegally purchased the shotgun one month before the incident and killed the victim in what was described as a virtually unprovoked attack. (There were some unsubstantiated claims by defendant that the victim had previously "harassed" him.) The defendant was charged with first degree murder for this premeditated killing, but was found guilty only of third degree murder by a judge sitting without a jury. (Ironically, the victim was the son of a Philadelphia Police Officer, a victims' assistance specialist assigned to the 14th Police District).

- Commonwealth v. Melvin Overton - On August 30, 1995, the defendant executed his 33-year old robbery victim, shooting him with a rifle twice in the head and once in the abdomen after finishing the robbery. Instead of finding the defendant guilty of either first degree murder for an intentional killing (as evidenced by several shots to vital organs) or second degree murder for a killing committed during commission of a felony, the trial judge awarded the defendant his "waiver discount" and convicted him of only third degree murder.

- Commonwealth v. Joseph Bauchens - In May, 1996, a young, pregnant mother of two, was killed in her car after being struck by defendant's vehicle. The 35 year-old defendant was intoxicated (almost double the legal limit) at the time of the

accident. Among other things, he was charged with homicide by vehicle while driving under the influence, which carries a 3-year mandatory sentence. In a waiver trial, the judge acquitted the defendant of DUI/homicide and convicted him of homicide by vehicle, involuntary manslaughter and DUI. This inconsistent verdict can only be explained as yet another strained effort to avoid imposing the mandatory sentence...a miscarriage of justice not likely to be perpetrated by a jury of twelve citizens.

- Commonwealth v. Arlinda Walker - On December 12, 1993, police found the lifeless body of a 20-month old child in the home of his maternal grandmother. He was entrusted to the grandmother by his natural mother. The grandmother was receiving money and food stamps to take care of his needs. Instead, over the course of at least a two week period, she systematically denied the child food. The official causes of death were pneumonia, starvation and malnutrition. At the time of his death, the child weighed close to to his birth weight, a painful and unspeakable way to die.

  The defendant was charged with murder, voluntary manslaughter and involuntary manslaughter. In her waiver trial, the defendant, who starved her own grandchild to death, was convicted of only involuntary manslaughter and sentenced to 5 years probation for taking that small life. A jury likely would have found more justice for the child's suffering and death.

- Commonwealth v. Leon Williams - On October 22, 1995, an innocent 15 year old boy was caught in the "war" between gangs of two rival neighborhoods. The defendant gunned the youth down in a drive-by-shooting, putting a bullet in his head. When asked if he was looking for anyone in particular, the defendant responded, "Anybody that hangs on 22nd and Christian Street." The victim was not a gang member and was shot as he was leaving his friend's home located at the target corner, in a classic case of being at the wrong place at the wrong time. Defendant (who was arrested 3 weeks before the murder for shooting a gun in the same area), chose a bench trial and was convicted only of third degree murder.