

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

IN RE: 2010 ALLEGHENY COUNTY : Criminal Division
 INVESTIGATING GRAND JURY : CP-02-AD-112-2010

PRESENTMENT C-2

TO THE HONORABLE JOSEPH M. JAMES, SUPERVISING JUDGE:

We, the 2010 Allegheny County Investigating Grand Jury, duly charged by the Court to inquire into offenses against the criminal laws of the Commonwealth alleged to have been committed within Allegheny County and having obtained knowledge of such instances from witnesses sworn by this Court and testifying before us, and having examined the evidence presented to us, and finding thereon reasonable grounds to believe, and so believing, upon our respective oaths, not fewer than twelve concurring, do hereby make this Presentment to this Honorable Court.

INTRODUCTION

The Notice of Submission that began this inquiry with this investigative body was reviewed and approved by the Supervising Judge of the 2010 Allegheny County Investigating Grand Jury on July 26, 2010.

The investigative inquiry before this Grand Jury has focused most recently upon the circumstances under which employees of the Superior Court staff of Justice Joan Orié Melvin (hereinafter "Orié Melvin"), as well as other state-paid, senatorial employees, were utilized to engage in political and campaign-related activities in order to promote and facilitate Orié Melvin's candidacy for election as a Justice of the Supreme Court of Pennsylvania during political campaigns in both the years 2003 and 2009. At this point in the investigation, it now appears that not only was Justice Orié Melvin directly and knowingly involved in using state paid staffers from both the judicial and legislative branches of the Pennsylvania government in her political campaign activities, but it also appears that she was aided in those endeavors by two accomplices, co-conspirators, and siblings - Janine Mary Orié and Jane Clare Orié.

As an elected Judge of the Superior Court of Pennsylvania, Justice Joan Orié Melvin employed her sister, Janine Orié, as a member of her court-paid staff from 1997 to 2010, a period of time that includes the years 2003 and 2009 that are particularly pertinent to this Presentment.

Staff attorneys from the Office of the District Attorney of Allegheny County, as legal advisers to this Grand Jury, filed a Notice of Submission requesting access to the tools of the Grand Jury in order to investigate this matter

adequately. Because a number of the prospective witnesses who had information concerning the alleged abuses of her judicial office by then-Judge Orie Melvin were still on her staff, several of the investigative tools that are available only through the powers of the Grand Jury became essential components of the investigative process that has resulted in the filing of this Presentment.

The unique investigative tools of a Grand Jury that were utilized in this investigative process included the power through the Court-supervised subpoena process to compel and obtain essential witness testimony under oath and to require the production of various documents that were otherwise unavailable to law enforcement investigators; the ability to seek and obtain grants of immunity from the Court, in instances where such considerations were required; and, access to all other resources that are provided under the Pennsylvania Grand Jury Act.

As the investigation progressed, an interim Presentment was issued on December 15, 2011, against Janine Mary Orie. The allegations within that earlier Presentment by this Grand Jury were predicated upon the same underlying criminal activity which is described within the instant Presentment. As Janine Mary Orie and Joan Orie Melvin are co-conspirators and accomplices in the crimes alleged herein, substantial portions of the earlier Presentment have been incorporated into this Presentment.

This Grand Jury submits that the actions of Joan Orié Melvin, now a sitting Justice on the Supreme Court of Pennsylvania, give rise to the following alleged violations of the Pennsylvania Crimes Code:

Theft of Services - Diversion of Services Three Counts

[18 Pa.C.S.A. § 3926 (b)];

Criminal Conspiracy to commit Theft of Services - Diversion of Services

[18 Pa.C.S.A. § 903 and 3926 (b)];

Criminal Conspiracy to Commit Tampering With or Fabricating Physical Evidence

[18 Pa.C.S.A. § 903 and 4910 (1)];

Criminal Solicitation to Commit Tampering With or Fabricating Physical Evidence

[18 Pa.C.S.A. § 902 and 4910 (1)];

Official Oppression Two Counts

[18 Pa.C.S.A. § 5301];

Misapplication of Entrusted Property of Government

[18 Pa.C.S.A. § 4113 (a)].

FINDINGS

TESTIMONY OF COURT EMPLOYEES

During the ongoing investigation by this Grand Jury into the illegal use of state-paid workers for political campaign-related activities, employees - both former and current employees of Joan Orié Melvin ("Orié Melvin"), who, at the time was Judge of the Pennsylvania Superior Court, but who now serves as a Pennsylvania Supreme Court Justice, provided statements to members of the

Office of the District Attorney of Allegheny County, and testimony to this Investigating Grand Jury:

TESTIMONY OF LAW CLERK LISA SASINOSKI

One of these employees was Lisa Sasinoski (Sasinoski), a former Superior Court law clerk. Sasinoski was employed by Orie Melvin in 1990 as a law clerk in the Allegheny County Court of Common Pleas and she remained in Orie Melvin's employ after Orie Melvin successfully ran for Pennsylvania Superior Court in 1997. She continued to work for Judge Orie Melvin until Orie Melvin's unsuccessful campaign run for the Pennsylvania Supreme Court in 2003.

The term of employment of Sasinoski as a member of Orie Melvin's court staff came to an abrupt end in December, 2003, and she is currently employed as a law clerk in the chambers of another Pennsylvania Supreme Court Justice.

Sasinoski stated that Janine Orie was hired in 1991 as a secretary for Orie Melvin in the Court of Common Pleas, but shortly thereafter, Janine Orie took over a number of supervisory roles in that office; these included handling staff leave time, work assignments, and scheduling, among other responsibilities.

According to Sasinoski, a court employee on the Orie Melvin staff never questioned Janine Orie or any directive coming from Janine Orie. Indeed, it was Janine Orie, who, on a daily basis, dictated the priorities of tasks to be done by staffers, be it of a political or judicial nature.

Janine Orie continued as a secretary for Orie Melvin after her ascension to the Superior Court in 1997, and she continued to work in the same offices with Sasinoski. During that period of time, Sasinoski experienced first-hand the on-

going political work involving and undertaken by Orie Melvin court employees. Indeed, Sasinoski acknowledged that political and/or campaign-related activities took place within every judicial office of Orie Melvin during the 1991 – 2003 time period in which she (Sasinoski) was employed by Orie Melvin.

Sasinoski testified that during her time as a law clerk with Orie Melvin, she was directed by Janine Orie to do a myriad of political tasks for Orie Melvin. These tasks included: writing political speeches; filling out campaign questionnaires in furtherance of obtaining endorsements from political action committees; and traveling with Orie Melvin to, and attending political functions with, the Judge during the 2003 campaign year. In addition, Sasinoski observed and/or had knowledge of fellow court staff members Kathleen Squires, Molly Greenan, John Degener, and Cathy Skidmore being directed by Janine Orie to participate in political and/or campaign-related activities on behalf of Orie Melvin. Sasinoski acknowledged that, to a degree, every Orie Melvin employee did some type of political work while within the court offices. Sasinoski advised that oftentimes there was a duplication of political work by staffers, in part, because Janine Orie attempted to isolate the staffers' knowledge from one another as to what particular political assignment each staffer had been tasked by Janine to complete. Sasinoski characterized Janine Orie's office role in 2003 as Orie Melvin's "campaign manager".

Sasinoski stated that these campaign or political assignments were normally generated by Janine Orie, and those "non-judicial" tasks were communicated by handwritten notes left at her desk or in her mailbox within the

Superior Court offices of Orie Melvin. Sasinoski stated that she recognized the handwriting on these notes as always having been written by Janine Orie, but she added that the notes sometimes were signed by Janine as "Judge" or "Joan". The amount of political work also required Sasinoski to sometimes bring judicial work home, because her normal work hours doing judicial assignments were interrupted by the political work demands of Janine, which, in turn, resulted in her inability to maintain her judicial workload during office hours.

Sasinoski stated that she was also directed by Orie Melvin herself to engage in political activities in the office. One example provided by Sasinoski in this regard was when Orie Melvin requested her to research opinions, issued by Orie Melvin, that were favorable to injured workers or plaintiffs; this research was then to be used to foster the endorsement of Orie Melvin by the Pennsylvania Trial Lawyers. Several weeks after that assignment, Orie Melvin requested that legal research be conducted by Sasinoski regarding cases previously issued by Orie Melvin which would further her solicitation of the defense bar endorsement.

Sasinoski also described how she traveled on a number of occasions with Orie Melvin during the 2003 campaign year. According to Sasinoski, Janine Orie sometimes tried to schedule political or campaign-related activities around judicial sessions in Harrisburg or Philadelphia in an effort to save money, although some trips were solely political in nature. According to Sasinoski, it was Janine Orie who notified Sasinoski that she would be either travelling with Orie Melvin, writing campaign speeches, and/or filling out campaign questionnaires. At that time, Sasinoski states that she would also discuss the nature or content of

the campaign speeches with Judge Orie Melvin. Sasinoski estimated that she traveled with Orie Melvin over 20 times on such trips, some of which were completed within one day, while others required overnight stays.

Sasinoski also said that she was aware that Orie Melvin herself utilized the facilities of the office for politicking. Sasinoski described a period of time in 2003 when she overheard Orie Melvin in her chambers on her office telephone soliciting multiple Republican committee people in furtherance of her own campaign for Supreme Court Justice. Sasinoski stated that she knew that the judicial telephone within Orie Melvin's office had been used for these political contacts that she had overheard being done by Judge Orie Melvin, because several months later she, Sasinoski, was berated by Janine Orie about the high telephone bills that had been incurred by the office; Janine blamed those high bills on Sasinoski and the other law clerks.

As a result of this chastisement, Sasinoski subsequently requested detailed billing records for those particular phone calls. The records that were received displayed the outgoing calls attributable to particular phone extensions, and reflected that the overwhelming majority of additional billed calls were from both Orie Melvin's own office extension, and also from the additional telephone line that had been installed by the court at the residence of Orie Melvin for home office use. Those billing records that were reviewed by Sasinoski reflected calls to a variety of telephone numbers across the state during the very same time period in which Orie Melvin had been overheard by Sasinoski, as Orie Melvin telephoned various Republican committee people. Sasinoski advised that there

were between 280 and 400 committee people, and it was her understanding that Orie Melvin contacted each one of them during that time period.

Sasinoski stated that she had also been required to work the polls on behalf of Orie Melvin's candidacy for the Pennsylvania Supreme Court on the 2003 general election day. Among the tasks that she said she was directed to do on that occasion was to travel to a polling place and distribute poll cards to prospective voters; these cards, she said, had been provided by Janine Orie.

According to Sasinoski's recollection, this directive first came from Janine Orie, who announced to the staff members: "Everyone, we're going to work the polls." Sasinoski described how she subsequently received a follow-up telephone call message from Orie Melvin's sister, Senator Jane Orie, in which the Senator told Sasinoski she had "better work the polls on Tuesday and get your clerks in line, and if not, tell them they needed to be in the office on Tuesday and find two people to replace them at the polls." Sasinoski related that this recorded message by Jane Orie had been very loud, forceful and was laced with profanities; she said that she perceived this voice mail message to be an "order" to be followed just as if it had been given by either Orie Melvin or Janine Orie.

Sasinoski acknowledged that she herself knew that it was wrong for judicial staff to work at the polls on behalf of Orie Melvin, and because of this fact, she was too embarrassed to require fellow staff members to work the polling places on Election Day. However, Sasinoski was later specifically directed by Janine Orie to appear at a particular polling place in Penn Hills. Sasinoski also was aware that fellow law clerk John Degener had also been directed by Janine

to appear on behalf of Orie Melvin at a polling place in Penn Hills, and Sasinoski said that she had both talked with Degener over the telephone and also met with him on that day. Sasinoski said that she was very uncomfortable about working the polls on behalf of Orie Melvin, since she knew that such activity amounted to a clear violation of court-mandated rules that prohibited partisan political activities by judicial employees. She nonetheless went along with the directive handed down to her by Janine Orie, because she feared that the penalty for not participating as required would have been termination of her employment.

Sasinoski further related that in the Orie Melvin judicial office, Janine's directives were never questioned, and that Janine had both the apparent and the actual authority to direct the staff to do whatever work needed to be accomplished – whether such tasks were political or judicial in nature.

Sasinoski went on to describe that she never questioned Janine's directives because she, Janine, was the Judge's sister, and, in any event, any conversation that she, Sasinoski, had with Janine, the Judge seemed to know about, and, any conversation that she had with the Judge, Janine seemed to know about. It was clear to Sasinoski that Janine's directives were to be considered in the same fashion as if they had come from Judge Orie Melvin herself.

Sasinoski detailed her knowledge of the involvement of fellow Orie Melvin staff members in political and/or campaign-related activities while employed by the courts; she described the following:

Kathleen Squires - a secretary. She data-based campaign contribution checks in Microsoft Excel and merged the names of contributors onto subsequent "thank you" letters. Sasinoski recalled one instance in the judicial office in 2003 when Squires had approached her after Squires had been working on a database for several hours. Squires was very upset and related that she had inadvertently deleted the file. Sasinoski contacted Linda Ollio, the Court's local computer IT employee, in order to try to have that file recovered. Ollio was ultimately successful in locating that particular file, but she refused to recover it as it contained political material that was forbidden to be on the judicial computers in the first place. (In a separate telephone interview, Linda Ollio corroborated the details of this incident with investigators.)

Molly Creenan - a judicial law clerk. Creenan, who like Sasinoski herself, also worked on campaign questionnaires for Orie Melvin on the premises of Orie Melvin's judicial office.

Cathy Skidmore - also a judicial law clerk. Skidmore photocopied campaign checks, and deposited campaign checks at the bank.

John Degener - another law clerk. Degener was required to attend Penn Hills polling place on Election Day, 2003 on behalf of Orie Melvin.

According to Sasinoski, the pressure to perform these political tasks on behalf of Orie Melvin, which Sasinoski knew to be illegal, became so extreme that she became physically ill. The breaking point for her, according to Sasinoski, took place a week or so before the 2003 election, when Janine Orie placed a stack of Orie Melvin's travel expenses on her desk and directed her to prepare a duplicate of each of those expense vouchers under the name of Jane Orie. Sasinoski was told to then submit these fabricated expense claims to the Orie Melvin campaign. Sasinoski saw this to be an illegal attempt to obtain cash, described to her by Janine as "street money", by circumventing the mandated campaign finance reporting requirements.

Sasinoski chose not to act upon this directive from Janine, and subsequently those travel expense forms were removed from her desk by Janine after they laid there for several days.

On a Monday in early December 2003 (after Orie Melvin's failed bid for a seat on the Supreme Court), Sasinoski approached Orie Melvin and told her that the political activities that had occurred in the office in the past needed to cease, and that she (Sasinoski) could not do them anymore.

According to Sasinoski, Orie Melvin stated, "Well, if you can't handle it..." then turned to answer an incoming telephone call. Sasinoski then got up and left the office and went back to work. Sasinoski worked her normal schedule that Tuesday without further encountering Orie Melvin; however, when she arrived at work on Wednesday, the following day, Sasinoski was directed by Janine to turn in her building ID card and her court ID, and to clear out her desk.

When asked why, Janine reportedly advised Sasinoski that she would need to talk to Orie Melvin. Sasinoski then cleared out her desk, left the office, and her employment with Orie Melvin ceased at that time.

TESTIMONY OF LAW CLERK CATHY SKIDMORE

Another person in the employ of Orie Melvin's judicial office was Cathy Skidmore (Skidmore), who was employed as a law clerk by Orie Melvin from September 2002 through November 2009.

While a judicial law clerk at the time of Orie Melvin's unsuccessful run for Superior Court in 2003, Skidmore recounted a circumstance during which she observed printed campaign solicitation letters and envelopes spread out on the conference room table in the judicial office. Skidmore said that she and other staff members assisted Janine Orie during the judicial work day in stuffing this campaign-related literature for Orie Melvin into envelopes on that occasion. Skidmore said that she also occasionally observed other campaign literature and brochures in the judicial office that dealt with the 2003 Orie Melvin campaign for Supreme Court. Among those were letters soliciting campaign funds or endorsements that were sent out under the name of Orie Melvin's sister, Senator Jane Orie. Skidmore advised that she helped Janine complete this task by signing the name of Jane Orie to the letters prior to their being stuffed into the waiting envelopes.

Skidmore stated that a substantial number of Orie Melvin campaign checks were processed in the judicial office during the 2003 campaign as well. These checks were then usually deposited into the bank by secretary Kathy

Squires, although Skidmore admitted that occasionally she made such deposits as well.

According to Skidmore, on the day before the general election in 2003, the judicial staff was called into the reception area and given a bag of campaign literature. Skidmore recalls being directed to work the polls on behalf of Orie Melvin, handing out the Judge's campaign literature. Skidmore recalled that Janine was responsible for giving all campaign-related directives in the office at that time. Present at that time were Skidmore, Lisa Sasinoski, Jack Degener and Kathy Squires. Skidmore stated that she subsequently worked the polls on Election Day, and believed other members of the Judge's staff did as well.

In 2009, Skidmore stated that she had been provided several computer floppy disks by Janine Orie, and Skidmore was asked to copy the contents onto CD discs. Skidmore recalled there being Excel spreadsheets contained within these floppy disks, and that one had the term "Republican" in the title. Skidmore took the disks home and used her computer to copy the files as instructed; the following day she returned both sets to Janine Orie.

Skidmore stated that she knew that engaging in political activities in the judicial office was wrong, but she generally tried to do what was asked of her.

TESTIMONY OF SECRETARY KATHY SQUIRES

Kathy Squires was initially employed as a secretary by Orie Melvin in the late 1980's when Orie Melvin was the Chief Magistrate in the City of Pittsburgh. Squires left that position in 1989 in order to raise her family, but she later returned to work for Orie Melvin in Superior Court. Squires has worked for Orie

Melvin approximately 13 years, and is currently employed as a secretary for Orie Melvin at the Supreme Court.

Squires acknowledged that she had both observed and engaged in political and/or fund raising activities in Orie Melvin's judicial office, particularly in 2003. Squires told of how, during that time period, she had been directed by Janine Orie to pick up photocopies of Orie Melvin campaign checks from the office of attorney (and brother of Orie Melvin), John "Jack" Orie; she then entered the check information into Excel spreadsheets on the court's computer during her judicial work day. Squires described how she subsequently used such spreadsheets in order to create mail-merged "thank you" letters that were addressed to contributors to the Orie Melvin campaign. Squires estimated she spent an average of three hours per day working on these political activities, and she not only utilized judicial resources such as the office computers, but also the Superior Court printers and paper in order to accomplish these tasks. The Excel spreadsheets that were both created and used by Squires were originally kept on floppy disks, but at one point, Janine Orie directed Squires to copy the files to the "H" drive of her judicial computer as a backup.

Squires stated that Janine Orie was constantly working on political campaign material in the office, and Squires said that she often observed stacks of literature and paperwork related to the Orie Melvin campaign at or near the printer/copier in the office.

According to Squires, prior to Election Day in 2003, Janine Orie directed Squires and other judicial employees that they were to attend the polls on

Election Day and hand out literature on behalf of Orie Melvin's campaign for the Supreme Court. Squires recalled that she was directed by Janine Orie to attend the polls at Colfax School on Beechwood Boulevard in the City of Pittsburgh. Also in attendance at that polling place with Squires was fellow employee Cathy Skidmore. Squires related that she felt she had no choice in this issue, and that her job would have been in jeopardy had she refused to attend the polls as directed by Janine Orie.

Squires advised that during Orie Melvin's 2009 Supreme Court campaign, she was relieved when she was not required to do the data basing of campaign checks in Excel. Squires had not been provided an explanation for this change, and she said that she did not inquire any further about that subject once she realized that a change had taken place. It should be noted that, as set forth in a prior Presentment by a Grand Jury, it was during Orie Melvin's run for the Supreme Court in 2009 that the staff of Senator Jane Orie was enlisted to carry out these campaign-related functions. In sworn testimony at two separate trials involving Jane Orie, staffers Jamie Pavlot and Josh Dott admitted that during the 2009 campaign for Supreme Court, data basing of Orie Melvin campaign contribution receipts took place in the Orie senatorial district office. (A trial for Janine Orie regarding her role in facilitating the use of Senator Orie staffers to assist in the campaign activity of Joan Orie Melvin is now scheduled for late summer of this year).

Squires stated that late in the year 2009 when the criminal investigation regarding Senator Jane Orie became known, Janine Orie left Squires a note

which Squires recognized as being in the hand-writing of Janine Orie; that note directed Squires to delete all of the campaign related files from her "H" drive that were on her judicial computer. Squires then deleted these files as directed, and subsequently provided the original floppy disks that contained the same data to Janine Orie.

A search of the computer "backup" data from Squires' Superior Court computer hard drive – those "backup" computer files had been created as part of the shutdown process of Orie Melvin's Superior Court offices in or around January, 2010 - failed to reveal the existence of any files of a political and/or campaign nature. The absence of any political files on Squires' computer, as captured on the back up data during this shutdown process, is consistent with Squires' testimony regarding Janine Orie's previous directive to delete any and all political and/or campaign files from her Superior Court computer.

Squires was shown copies of certain Excel spreadsheets (ones previously obtained from a USB jump drive during the course of the Senator Jane Orie criminal investigation) which contained a list of political contributors and associated data. The metadata associated with these files indicated that the original author of these campaign files was "ksquires", and further, that the respective files originated from a computer at Pennsylvania Superior Court. Although Squires could not recognize to a certainty the contents of the spreadsheet as having been inputted by her, she did recognize the type of spreadsheet as similar to what she previously described as having completed in 2003. Squires also acknowledged that the metadata associated with those files

that had been located by investigators on the Senator Orie USB jump drive that had been regularly used by Josh Dott appeared to reflect files that were authored by her from a computer in the Superior Court Office of then Judge Joan Orie Melvin.

TESTIMONY OF LAW CLERK MOLLY CREENAN

Another judicial law clerk, Molly Creenan, was employed on Orie Melvin's Superior Court staff from January 1998 through December 2009; after that time she continued on as a Deputy Staff Attorney with Orie Melvin upon her subsequent election to the Pennsylvania Supreme Court in November 2009. Creenan remained in the employ of Orie Melvin in the Supreme Court until just recently.

During Orie Melvin's 2003 campaign for Supreme Court, Creenan was aware that members of the judicial staff, under the direction of Janine Orie, conducted political or campaign work on behalf of Orie Melvin at the Superior Court office. Creenan stated that on occasion within that office, she observed deposit slips and campaign contribution checks that had been placed by Janine Orie on the chair of judicial secretary Kathy Squires. The checks were subsequently deposited at the Allegheny Valley Bank into the Orie Melvin campaign account by Squires. Creenan knew this to be true, as she had occasionally assisted Squires by making deposits at the bank during her lunch hour. Squires also was tasked to pick up campaign fundraising checks and other political campaign mail that had been mailed to the nearby law office of Orie Melvin's brother, John "Jack" Orie. Creenan said that she was also aware that

Squires had political campaign databases on her computer. Squires admitted that she also was asked to complete campaign finance reports, which she did on behalf of the Orie Melvin political campaign.

According to Creenan, Janine Orie would often use the judicial copier, printer, fax and computers to do campaign work.

Creenan was also aware that in 2003, Chief Clerk Lisa Sasinoski traveled regularly with Orie Melvin to Superior Court sessions, and then attended activities relating to Orie Melvin's political campaigning.

Creenan stated that she too was occasionally required by Janine Orie or Orie Melvin to draft summaries of prior Orie Melvin court cases which Creenan believed were then being used for campaign purposes. Like other judicial staffers, according to Creenan, she considered any order from Janine Orie to be an order from Orie Melvin.

Creenan recalled one specific occasion when she had been telephoned by Senator Jane Orie, who requested that Creenan fax from the judicial office a political questionnaire on behalf of Orie Melvin. Creenan advised the Senator that she was uncomfortable with that request, because it involved faxing political material from a judicial office. According to Creenan, Senator Orie screamed at her over the telephone and demanded that she do it; again Creenan refused. Creenan subsequently decided to fax that political material from a nearby Kinko's shop, in order to comply with the Senator's request and to avoid what she knew to be unlawful.

Creenan stated that just before the general election in 2003, Janine Orie indicated to her that Senator Jane Orie wanted everyone in the office to work a polling place on Election Day. Creenan believed that other staff members were aware of this request as well. Janine then handed out bags labeled with the name and address of a specific polling place, each containing Orie Melvin campaign literature such as poll cards to be handed out to prospective voters. According to Creenan, Janine also advised the staff to make attempts not to be recognized at the polls.

Creenan admitted that she was very uncomfortable with this request for court employees to work the election polls in order to promote Orie Melvin's campaign, so she reviewed her Judicial Law Clerk Handbook. Within that court employees handbook, was an Order of November 24, 1998, that explicitly forbade court employees to engage in partisan political activities - including working polling places on Election Day.

Creenan advised then Chief Clerk Lisa Sasinoski that she refused to attend the polls on Election Day as had been directed by Janine Orie. Creenan said that after her refusal to work the polls as mandated, Creenan was directed by Janine Orie, either directly or indirectly through Lisa Sasinoski, that she would instead have to work in the Superior Court office instead on Election Day; this was in spite of the fact that Election Day was a "holiday" for court employees – a day that court employees did not have to work. Creenan said that she did appear as directed and worked at the Superior Court office on Election Day, despite the fact that it was a day off for court employees. She said that she did

as directed because she feared retribution from her supervisors, Joan Orie Melvin and Janine Orie, if she refused. It was Creenan's understanding that fellow court staffers Lisa Sasinoski, Jack Degener, Cathy Skidmore and Kathy Squires all worked at the polls pursuant to Janine Orie's directive.

Creenan explained that late in the year 2008, she became aware of the fact that Orie Melvin was intending to run once more for Supreme Court in the 2009 election. Creenan said that she spoke to Cathy Skidmore and to Chief Clerk Jack Degener regarding her ongoing concerns that the office and staff would again be required to provide assistance in an upcoming Orie Melvin political campaign.

Creenan advised both Skidmore and Degener that she was going to address her concerns with Orie Melvin, and she asked if either or both of them would accompany her in that effort. Both Skidmore and Degener declined to accompany Creenan when she went to confront the Judge with her concerns. Creenan said she therefore took it upon herself to approach Orie Melvin about these issues.

Creenan explained that when she met up with Orie Melvin to talk about staffers being used to do political campaign work, Creenan first congratulated Orie Melvin on her announcement that she intended to run once more for a seat on the Pennsylvania Supreme Court. Creenan said, however, that she then expressed her deep concerns to Orie Melvin regarding the judicial staff being used to participate in performing political tasks as they had been required to do during the 2003 election. She said that she informed Orie Melvin that "what had

happened in 2003 cannot happen in 2009. I told her that no one should be asked to work a poll on Election Day as they were in 2003. I also told her that the Superior Court copiers, printers and computers should not be used in any way for this campaign.”

Creenan says that she went so far as to suggest to Orie Melvin that Janine Orie should take a leave of absence from her position with Superior Court in order to work on the Judge's new campaign, rather than stay and perform political work in the judicial office as had been done in the previous 2003 campaign. To support the wisdom of this proposal, Creenan said that she went on to discuss with Orie Melvin two related matters. The first of these had arisen with the Habay prosecution. Habay, a Pittsburgh-area state legislator had been convicted and sentenced to jail because of the use of his staff for illegal political work while on “state time.” The second concern was the then-ongoing “Bonusgate” investigation that was prominent in news reports at the time.

Creenan said that she went on to tell Orie Melvin that she could no longer assist her with any campaign work at the office. Orie Melvin reportedly then asked Creenan if she would be willing to do campaign-related work on her own time; Creenan said that she told Orie Melvin that she would not do that either. Creenan said she told Orie Melvin that if there were ever a criminal investigation into the campaign activities occurring in the office, Creenan would tell the truth. According to Creenan, the conversation with the judge ended at that time; Creenan believed that Janine Orie was present or overheard this conversation from her nearby office.

Creenan said that after that conversation with Orie Melvin, both Janine and Orie Melvin were very upset and refused to speak to her for a long time.

However, even after Creenan's blatant refusal to work on Orie Melvin's campaign material, Janine Orie still continued to place campaign questionnaires in Creenan's mail inbox; accompanying these were attached handwritten notes stating "complete for Judge", or "FYI". Instead of doing this assigned political work, Creenan says that she gave those questionnaires instead to Orie Melvin's Chief Law Clerk John Degener.

Creenan said that she knew that Orie Melvin continued to be aware of Creenan's ongoing refusal to engage in this political work, and she recalled one particular instance in which a questionnaire was faxed to her attention from Orie Melvin, with Orie Melvin's handwritten comment "Are you above this" contained thereon. Creenan stated that although she was fearful of losing her job as a result of her refusal to do political campaign work for the Judge, she nonetheless felt that her ethical obligations as an attorney were more important.

In the 2009 Supreme Court campaign, Creenan continued to observe Janine Orie printing out campaign material at the printer. When confronted about this by Creenan, Janine advised that she was "using a laptop" - as if that explanation made the political campaign-related work somehow "permissible". Creenan stated that Janine subsequently began to work behind the closed doors of her office, but Creenan said that Janine Orie routinely continued to use the judicial office printer for campaign related purposes.

TESTIMONY OF LAW CLERK JOHN DEGENER

John Degener (Degener) was first employed as a law clerk in the Superior Court office of Orie Melvin in January, 1998, and he became Chief Law Clerk under Orie Melvin upon Lisa Sasinoski's termination of employment in 2003. Degener continued his employment with Orie Melvin as Pennsylvania Supreme Court Chief Law Clerk when the Judge took office in 2010. Degener remains employed as Orie Melvin's Chief Law Clerk at the present time.

Degener stated that Orie Melvin's sister Janine Orie has been employed as a secretary for Orie Melvin in both Pennsylvania Superior and Supreme Court. Degener described Janine Orie's role and authority as different from that of other judicial secretaries. Degener advised that in addition to traditional secretarial work, Janine would handle the schedules of all staff employees, and she regularly assigned cases to the clerks.

Degener stated that Orie Melvin would pass her directives to the staff through Janine. Because of this procedure, any directive from Janine was assumed to be with the full knowledge of Orie Melvin, and the perception by office staff was that whatever was conveyed to the staff by Janine Orie was what Orie Melvin wanted done. In addition, as the sister of Orie Melvin, Janine enjoyed a greater autonomy than might have been expected of someone in her position as secretary.

Overall, Degener described Janine as having the "ultimate authority" over the entire complement of Orie Melvin's judicial staff.

During Orie Melvin's 2003 campaign for Supreme Court, Degener was aware that members of the judicial staff, under the direction of Janine Orie, conducted political or campaign work on behalf of Orie Melvin at the Judge's office. Degener himself said that he had been tasked by Janine Orie to complete judicial candidate questionnaires on behalf of (then) Supreme Court candidate Orie Melvin. Degener also knew that fellow Orie Melvin law clerks Molly Creenan and Lisa Sasinoski had been similarly tasked by Janine during the 2003 campaign.

Degener estimated that each questionnaire might take approximately one day to complete, and he said that he assumed that Creenan and Sasinoski required approximately the same amount of time to complete such tasks. This work was done during their normal work day at Superior Court. Degener acknowledged that this work detracted from time that would have been utilized for judicial work, and that he would be required to make up that lost time on his own in order to keep up with the judicial workload.

Degener also admitted that he prepared outlines and speeches that were subsequently used or given by Orie Melvin for campaign purposes.

Degener further recalled that the day before the 2003 general election, he had received a note from Janine Orie which directed him to attend a polling place for the purpose of handing out poll cards on behalf of Orie Melvin's Supreme Court candidacy. Degener stated that he was also aware that then-Chief Law Clerk Lisa Sasinoski received a similar directive from Janine Orie, and that both he and Sasinoski appeared at the same polling place the next day. Degener said

that it is his belief that both Molly Creenan and Cathy Skidmore also received directives from Janine to attend polling locations as well.

Degener also observed Janine Orie, Kathy Squires, and possibly one other staff member stuffing a large stack of political letters in the conference room at Superior Court. Degener said he knew that Squires would "run errands" of a political nature during her work day, such as delivering envelopes to Orie Melvin's campaign office, located within the law office of her brother, Jack Orie. Degener acknowledged that he himself made one such delivery to Jack Orie's office as well.

Degener was also aware that Orie Melvin was driven to campaign events by then - Chief Law Clerk Sasinoski, but he said that he believed that such activities took place "after hours."

Degener admitted that he was aware that computer files of a campaign or political nature had been stored on the public drive of Orie Melvin's Superior Court's computer network, and he stated that he had access to these political files. Degener recalled one such file as a "contributors list" or "contribution list", and that was within a folder or folders that contained other similar political files. Degener believed that Janine and Kathy Squires accessed and used these files for political purposes during that time period.

Degener estimated that during the 2003 campaign cycle, Janine Orie spent approximately three hours per day on political or campaign-related activities.

In 2005 or 2006, according to Degener, Janine Orie directed him to transfer all political or campaign-related files from the judicial computer network onto floppy disks. Degener stated that he searched the public drive of the network, identified those files of a political or campaign nature, and moved them to floppy disks as directed. He then gave those disks to Janine Orie. Degener expressed his belief that this directive was given as a result of the then-ongoing criminal investigation and/or prosecution of Pittsburgh area State Representative Jeffrey Habay. As also described by others in the Orie Melvin office, it was Degener's recollection that Habay was alleged at that time to have engaged in illegal political or campaign-related activities in his legislative offices.

In 2009, when Orie Melvin was again running for election to the Supreme Court, Degener related that similar political activities occurred, but to a lesser degree. He described still being directed to complete campaign questionnaires on behalf of Orie Melvin through Janine, which, after the content was approved by Orie Melvin, were then faxed by Degener from the judicial offices directly to the special interest groups that had generated the respective questionnaires.

Degener acknowledged that Molly Creenan approached him around the time of the 2009 election and she expressed her concerns about the political work required of the staff by Janine. Degener said he recalled specifically Creenan's comments to him about the campaign questionnaires being faxed from the judicial office, and about the use of the office equipment for campaign purposes. Degener recalled telling Creenan that "we" needed to tell Orie Melvin that this activity was going on, and to make sure it was appropriate – yet

Degener admitted that he himself never approached either Janine Orie or Orie Melvin with any such concern; he admitted that he instead chose not to get involved.

Degener went on to describe that in his opinion such an approach would “not resonate” with Orie Melvin, as he understood Janine Orie’s political directives as “being in concert with what Orie Melvin wanted done.”

Degener did acknowledge telling Creenan that if she was unhappy about the situation, she should go to the Judge herself. Degener related that he was not aware whether or not Creenan ever approached Orie Melvin to voice her expressed concerns. Degener stated that he had no reason to believe that Orie Melvin did not know of the political and/or campaign activities tasked to staff members by Janine Orie, and which occurred in Orie Melvin’s judicial office during both the 2003 and 2009 campaign cycles.

Degener admitted having knowledge and understanding of the court’s policy against political work being done by court staffers, and he expressed his understanding that such partisan political work was strictly prohibited. He also acknowledged that this mandate was not adhered to by the staff of Orie Melvin, and he admitted that he had fielded complaints from other staff members who had been asked to participate in these prohibited activities.

Degener explained that Janine Orie held the ultimate authority among the staffers in the office, and that the only recourse would have been to go directly to Orie Melvin. Degener related that he did not believe any such complaint about Janine’s political directives with Orie Melvin would be “fruitful”. Degener, even

during those time periods when he served as Chief Law Clerk for Orie Melvin in both the Superior and Supreme Court, admitted that he never took any of these complaints to either Janine Orie or to Orie Melvin herself, advising that it was not "in his bailiwick" because Janine Orie had that authority in the office. Instead, Degener suggested to these staff members that they address their own concerns directly with Orie Melvin.

Degener related that he felt obligated to do the political or campaign work assigned to him during the 2003 and 2009 campaigns, because he did not want to jeopardize his position by refusing Janine Orie's directives.

PROHIBITION AGAINST POLITICAL ACTIVITIES

BY COURT EMPLOYEES

Some of the judicial staffers listed above from the Judge's own office, realizing that their continued employment within the court system was predicated on refraining from participating in any form of political activity, nonetheless were induced to violate the court-mandated rules of employment by directives from those who were in their immediate chain of supervisory authority: court staffer Janine Orie, and even Judge Joan Orie Melvin herself. A number of these judicial staffers admitted that although they realized at the time that by doing these campaign related acts they were placing their continued employment with the court in jeopardy, they also were acutely aware of the fact that to refuse a directive from either then-Judge Orie Melvin or either of the Judge's sisters,

Janine or Jane, would have resulted in an even more certain end of their tenure with that office.

Rule 65.13 of the Superior Court's Internal Operating Procedures reads:

§ 65.13. Political Activity

Appointed judicial employees are not permitted to engage in partisan political activities.

Comment: See Supreme Court Order of June 29, 1987, 82 Judicial Administration Docket No. 1., In re: Prohibition of Political Activities by Court-Appointed Employees.

The staffers admitted that they were placed in a truly untenable predicament by the situation in which they found themselves as staffers in the Orié Melvin Superior Court office during Orié Melvin's 2003 and 2009 political campaigns. They could choose to openly disregard the directives of Orié Melvin and her sister Janine Orié to engage in activity aimed at promoting Orié Melvin's candidacy for higher office – an act of “disloyalty” which was perceived by the staffers as a sure way to risk adverse retaliatory actions by their office supervisors who had directed them to engage in such improper conduct - or else they could choose to do “as told” and thereby risk possible sanctions from the court if their political activities were discovered by others within the court system.

Orié Melvin's staffers admitted that they knew, and were concerned about, the fact that court employees who engaged in political and campaign activity, regardless of whether performed on or of state time, or even on or off judicial office premises, would place their professional careers at risk.

It had been made known to all court employees at the time that they were hired by the Superior Court that political, campaign-related tasks by court employees were simply not permitted. However, based upon staffers' observations, failure to participate in the political activity as was directed by Orie Melvin and/or her sister Janine, or even by her sister, state Senator Jane Orie, exposed those staffers to the type of retaliatory action as was experienced by Chief Law Clerk Lisa Sasinoski.

As described above, Sasinoski was fired after she had personally expressed concerns to Orie Melvin about political tasks being assigned to judicial office personnel. Law Clerk Molly Creenan related to this Grand Jury how she was ostracized by both Judge Melvin and her on-site supervisor Janine Orie for a period of six months after she, Creenan, personally expressed to Joan Orie Melvin, prior to the 2009 campaign, her unwillingness to repeat the type of political activities performed by office staff in the 2003 election. Creenan described how sister Jane Orie unexpectedly exhibited her displeasure with Creenan at a social event that occurred soon after Creenan's expression of reluctance to become engaged in Orie Melvin's then-upcoming 2009 election; in Creenan's mind this was just one example of how the Orie sisters would speak at times with one voice.

RESULTS OF SUBPOENA REQUESTS TO SUPERIOR AND SUPREME
COURTS OF PENNSYLVANIA REGARDING COMPUTER FILES OF COURT
EMPLOYEES

As a result of subpoenas issued by this Grand Jury, certain evidence has been acquired from the Administrative Office of Pennsylvania Courts. This evidence includes search results of the archived materials that were retained from the computer network of then-Superior Court of Pennsylvania Judge Orie Melvin and her staff. Among the words and phrases that were searched were the following file names: "\$250 + contributors 2007.xls", "08 A NA.xls" as well as any other file containing the keywords "campaign", "contributor" and/or "fundraising". The following is a breakdown of the results of that search by computer user within the Orie Melvin office staff:

Kathleen Squires

- No files titled "\$250 + contributors 2007.xls", "08 A NA.xls" (or similar) were found on the Home Drive (H:) files or on the user's PC image
- No file titles containing the words "Campaign", "Contributor", or "Fundraising" were found.

Janine Orie

- No files titled "\$250 + contributors 2007.xls", "08 A NA.xls" (or similar) were found on the Home Drive (H:) files or on the user's PC image

- File title containing "Contributors"

"2003 Orie Contributors by Employer[1].xls.LNK" dated 3/4/2009 was found in the list of "Recent Documents" on this PC image.

- File title containing "Campaign"

"CAMPAIGN LETTERS.LNK" dated 7/6/2006

was found in the list of "Recent Documents" on this PC image.

- File title containing "Campaign"

"C:\Orie Melvin recent campaign picture.doc.LNK" dated 2/3/2009 was found in the list of "Recent Documents" on this PC image.

No file titles containing the word "Fundraising" were found.

Molly Greenan

- No files titled "\$250 + contributors 2007.xls", "08 A NA.xls" (or similar) were found on the Home Drive (H:) files or on the user's PC image

- No file titles containing the words "Campaign", "Contributor", or

"Fundraising" were found.

John Degener

- No files titled "\$250 + contributors 2007.xls", "08 A NA.xls" (or similar) were found on the Home Drive (H:) files or on the user's PC image
- No file titles containing the words "Campaign", "Contributor", or "Fundraising" were found.

Cathy Skidmore

- No files titled "\$250 + contributors 2007.xls", "08 A NA.xls" (or similar) were found on the Home Drive (H:) files or on the user's PC image
- File title containing "Contributors"
"combined list - contributors 2007 - .xls.LNK" dated 7/27/2009 was found in the list of "Recent Documents" on this PC image.
- File title containing "Contributors"
"Contributors Thank You.xls.lnk" dated 7/27/2009 was found in the list of "Recent Documents" on this PC image.
- File title containing "Campaign"
"2007 CAMPAIGN QUESTIONAIRES.lnk" dated 10/23/2006 was found in the list of "Recent Documents" on this PC image.
- File title containing "Campaign"
"CAMPAIGN LETTERS.lnk" dated 10/6/2006 was found in the list of "Recent Documents" on this PC image.
- File title containing "Campaign"
"CAMPAIGN QUESTIONAIRES.lnk" dated 9/28/2006 was found in the list of "Recent Documents" on this PC image.
- File title containing "Campaign"
"Orie Melvin recent campaign picture.doc.lnk" dated 10/23/2006 was found in the list of "Recent Documents" on this PC image.
- File title containing "Campaign"
"PBA questionnaire campaign staff.doc.lnk" dated 10/21/2009 was found in the list of "Recent Documents" on this PC image.
- No file titles containing the word "Fundraising" were found.

It should be noted that the computer sources searched only include the users' "H" drive image, which was that local network drive specific to a user. The local "C" drive of each computer and the office public "P" drives were not backed up or retained in any way.

The positive search results under the user names of Janine Orie and Cathy Skidmore contain references to ".lnk", aka "link" or "shortcut" files. File shortcuts (also known as Shell Links) were first introduced in Microsoft Windows 95. Microsoft Windows uses ".lnk" as the filename extension for shortcuts to local files. Commonly referred to as "shortcuts" or "link files", both are displayed with a curled arrow overlay icon by default, and no filename extension. Generally the effect of double-clicking a shortcut is intended to be the same as double-clicking the application or document to which it refers, but Windows shortcuts contain separate properties for the target file and the "Start In" directory. If the latter parameter is not entered, attempting to use the shortcut for some programs may generate "missing DLL" errors not present when the application is accessed directly. Although shortcuts when created point to specific files or folders, they may break if the target is moved to another location. The shortcut, however, would remain in place.

In this instance, shortcuts of files that were either not originally located within the available "H" drive backup, or had been deleted, remained in place. Shortcuts to original file titles **"2003 Orie Contributors by Employer[1].xls.LNK"**; **"CAMPAIGN LETTERS.LNK"**; **"combined list - contributors 2007 - .xls.LNK"** and **"C:\Orie Melvin recent campaign picture.doc.LNK"** were discovered within the computer backup for Janine Orie.

Shortcuts to original file titles **"combined list - contributors 2007 - .xls.LNK"** ; **"Contributors Thank You.xls.lnk"**; **"2007 CAMPAIGN QUESTIONAIRES.lnk"** ; **"CAMPAIGN LETTERS.lnk"** ; **"CA" PBA**

questionnaire campaign staff.doc.lnk" MPAIGN QUESTIONAIRES.lnk" and **"Orie Melvin recent campaign picture.doc.lnk"** were discovered within the computer backup for Cathy Skidmore.

All of these shortcuts appear to reference political and/or campaign-related files as opposed to judicial materials.

A file named "campaign list – contributors 2007.xls" was also located within the contents of a USB flash drive previously seized pursuant to a search warrant from one of Senator Jane Orie's legislative staffers, Josh Dott. The contents of this file consisted of a list of organizations, addresses and contribution amounts, that was consistent with prior testimony of senatorial staffer Josh Dott and others in describing a database of political campaign contributions. The metadata for that particular file indicated that it was 1 of 37 files located on the USB flash drive and indicated that the files had been authored using Microsoft software registered to either "Superior Court of PA" or Superior Court of Pennsylvania". The following file names and types of these files authored under software registered to "Superior Court of PA" are listed below:

FILE NAME

\$250 + contributors Thank You Retention07.xls
\$250 + contributors Thank You SCR03.xls
\$250 + contributors Thank You.xls
2004 Orie Melvin Thank You.xls
2004 Orie Melvin Thank You1.xls
2004 Orie Melvin Thank YOU2.xls

April 14th Letter Pg1.doc
 BIO20092009[1].doc
 Chris – Thank You Letter – Fundraiser.doc
 Contrib Letter Pge1 Only.doc
 Contribution Letter Joan 9-18-03.doc
 Orie Melvin Bio Retention.doc
 Judge Melvin Endosrement (sic) Letter.doc
 Merged 2.doc
 Merged April 1 09.doc
 Merged L 4_14_09.doc
 Merged Letters Sheet 2.doc
 My Page One.doc
 Nuns Letter for Joan 10-21-03.doc
 Nuns Letter revised 10-21-03.doc
 Nuns Letter Second Revision 10-21-03.doc
 Orie Melvin Bio.doc
 SCJM Thank Yous.xls
 SCJM Thank Yous1.xls

In all of the above files, the author was listed as “computer user”. The file “Orie Melvin Bio Retention.doc” metadata indicated that the file was last saved by Janine Orie on October 5, 2007.

The following file names and types of these files authored under software registered to “Superior Court of Pennsylvania” are listed below:

<u>FILE NAME</u>	<u>AUTHOR</u>
\$250+ contributors 2007.xls	ksquires
250 + PAC Contributors Retention 07.xls	ksquires

Combined list – contributors 2007.xls	ksquires
Combined list – contributors 20071.xls	ksquires
Combined list – contributors 2007-.xls	ksquires
Contributors 10-4-07.xls	ksquires
Contributors 10-12-07.xls	ksquires
Contributors 10-12-071.xls	ksquires
Contributors.xls	ksquires
Copy of contributors 10-12-07.xls	ksquires
Endorsement 07.xls	ksquires
Invitation.doc	computer user
Response card.doc	computer user

According to information received from Nick Williams, a Programmer Analyst IV from the Legal Systems section of the Superior Court of Pennsylvania, documents recovered from the USB flash drive which had been created in Microsoft Word or Excel and whose metadata indicated the “company” name of either “Superior Court of PA” or “Superior Court of Pennsylvania”, are consistent with files created utilizing software licensed to and installed on computers of the Superior Court of Pennsylvania.

In addition, metadata of files entitled “Orie Melvin Retention Campaign ATTORNEYLETTER.doc” and “Orie Melvin Retention Thank You Letter.doc”, located within the contents of the aforementioned USB flash drive, indicated them as being last saved by Janine Orie on September 26, 2007 and September 28, 2007, respectively. Neither of these two files was originally created using software licensed to the Pennsylvania Superior Court.

TESTIMONY OF WITNESSES OTHER THAN COURT EMPLOYEES

During the ongoing investigation by this Grand Jury into the illegal use of state-paid workers for campaign-related services of then Pennsylvania Superior Court Judge, and current Pennsylvania Supreme Court Justice, Joan Orié Melvin, several past or current employees of Commonwealth Strategic Solutions, a Harrisburg-based business hired by Orié Melvin to assist in her 2009 political campaign for Pennsylvania Supreme Court, provided testimony pursuant to subpoena.

TESTIMONY OF NOEL MARIE NYQUIST (BURCH)

One of these employees was Noel Marie Nyquist, née Burch (Burch), who was hired on January 1, 2009 as an employee of Commonwealth Strategic Solutions, and is currently an employee of Long, Nyquist and Associates, the parent company of Commonwealth Strategic Solutions.

Burch testified that as an employee of Commonwealth Strategic Solutions in 2009, she was assigned to work on Orié Melvin's 2009 election campaign.

Burch initially assisted in scheduling appointments, and later in the campaign became involved in the invoicing of political campaign-related material or services as well. Burch testified that she was assisted at Commonwealth Strategic Solutions in the work on the Orié Melvin campaign by Tracy Kolich, who scheduled meetings, dealt with political questionnaires, and worked on campaign finance reports for the Orié Melvin campaign. Burch stated that, as part of her

involvement in Orie Melvin's 2009 political campaign, she regularly communicated by email with Orie Melvin herself.

Burch testified that at some point in time early 2009, she recalled receiving an email from Orie Melvin providing her (Burch) with the personal email addresses of Orie Melvin's sisters, Senator Jane Orie and Janine Orie, the latter being a person whom Burch testified she knew at the time of the political campaign to be an employee of the Court. Burch described the emails that she sent to Orie Melvin's sisters were to: "...basically keep them in the loop on things." Burch identified one email from Orie Melvin at judgeoriemelvin4supreme@yahoo.com to Burch, dated February 13, 2009 at 3:50 PM that stated:

"Noel

Email me at the personal email (sic) address

oriemelvin@yahoo.com

(jane) janeorie@aol.com

(Janine) bbboru@yahoo.com

I don't read this email

[meaning: judgeoriemelvin4supreme@yahoo.com] I want this for scheduler & campaign staff. I don't always check this. My blackberry has my personal email connected. If you email me send it there where I can access it.

thanksJOM"

Burch identified numerous email correspondence in which Burch was either directly or indirectly (that is - through being cc'ed, or "copied") a party to some portion of political campaign-related communication with Orie Melvin at the

oriemelvin@yahoo.com email address. Burch recognized that email address as the one that Joan Orie Melvin used herself and was the best email address through which Orie Melvin could be contacted. She confirmed that bbboru@yahoo.com and janeorie@aol.com were used to contact Janine and Jane Orie, respectively.

Burch identified similar political campaign-related email correspondence involving Senator Jane Orie's Chief of Staff Jamie Pavlot through Pavlot's personal email address of jombie1013@yahoo.com. Burch testified that through a series of emails in which she was a party, Pavlot was directly involved in the planning and execution of an Orie Melvin campaign photo and video recording referred to as the "St. Barnabas shoot." Within these same emails, Burch testified, Orie Melvin was not only copied within the emails, but was actively engaged in the direction and planning of this event through her personal email account, oriemelvin@yahoo.com.

Burch testified that to her knowledge there was no person who had been designated "campaign manager" for Orie Melvin's 2009 campaign for Pennsylvania Supreme Court, and acknowledged that the lack of an identified "campaign manager" was unusual. Burch testified to the extent of Janine Orie's role in the 2009 Orie Melvin campaign, and she made it clear that Janine Orie engaged in the activities that are normally associated with the role and responsibility of a "campaign manager."

Examples of Janine Orie's directives or involvement in areas of the campaign, as illustrated through emails entered into evidence before this Grand

Jury, included, but were not limited to, the following: the ordering, payment, procurement, delivery, storage or disbursement of campaign signage; the ordering, payment, procurement, delivery, storage or disbursement of other printed campaign material such as poll cards; the monitoring of campaign contribution checks; the scheduling of campaign-related appearances by Orie Melvin as part of her political campaign; the coordination or directing of persons to complete, transfer or forward political questionnaires on behalf of Orie Melvin; the monitoring, solicitation or documentation of endorsement solicitations of various organizations or entities on behalf of Orie Melvin; input into the hiring, direction and correspondence to and from Orie Melvin's campaign fundraiser, Joanne Tsucalas, and; involvement in questioning or scrutinizing the billing and invoices submitted to the Orie Melvin campaign by Commonwealth Strategic Solutions.

Burch testified to, and the emails identified by her clearly corroborated, the fact that the Judge herself, Joan Orie Melvin, was "cc'ed or copied" on a majority of these campaign-related emails involving Janine Orie's role in the political campaign activity that took place throughout the 2009 election cycle. And, based upon emails placed into evidence before this Grand Jury, while some of Janine Orie's involvement in the political work may have taken place over the weekend or even outside of office hours, the majority of Janine Orie's involvement took place while she was at work during office hours. Many of the campaign-related emails that were copied to Orie Melvin bear time and date stamps proving how much of Janine Orie's political activities were being done while she was "working"

at the office and on the court payroll. A review of the court's attendance records of Janine Orie for 2009, that is, sick days, annual leave, and personal days, confirms that Janine Orie was not away from the office when so many of those emails were processed.

In any event, Burch testified that she believed that Orie Melvin had knowledge of the active involvement of both Janine Orie and Jane Orie in Orie Melvin's 2009 campaign for Pennsylvania Supreme Court.

TESTIMONY OF TRACY KOLICH HALL

Another witness before this Grand Jury was Tracy Kolich Hall, (Kolich) who testified that in 2009 she had been employed by the Pennsylvania Senate Republican Campaign Committee to work on fundraising and campaigns on behalf of members of the Pennsylvania Senate Republican Caucus. Kolich stated that in March of 2009, she had been directed to commit half of her work hours to work with Commonwealth Strategic Solutions on the Orie Melvin campaign for Supreme Court.

Kolich testified that she worked on the campaign with Noel Burch at Commonwealth Strategic Solutions on a daily basis. Kolich stated that she also maintained regular contact with the candidate Orie Melvin through the email address oriemelvin@yahoo.com, which Kolich knew to be the address primarily monitored and used by Orie Melvin. Kolich testified that from the beginning of her involvement in the Orie Melvin campaign, it had been her understanding that Orie Melvin's sisters Jane Orie and Janine Orie were to be included in the

campaign emails. In fact, Kolich testified that a campaign-related directive received from Jane Orie or Janine Orie was to be acted upon in the same manner as a directive from the candidate herself.

Kolich also testified that to her knowledge there was never a named "campaign manager" for Orie Melvin's 2009 campaign for Pennsylvania Supreme Court. Kolich also testified that Janine Orie was directly involved in the 2009 Orie Melvin campaign and engaged in activities normally associated with the role and responsibility of a "campaign manager."

Kolich testified to the content of multiple Orie Melvin campaign-related emails that had been subpoenaed by this Grand Jury – many of which were obtained from Kolich's "gmail" account, tlkolich@gmail.com. Kolich stated that within these emails - all related to the 2009 Orie Melvin campaign and many of which were obviously done during business day work hours – is a contemporaneous record of how frequently Kolich was in contact with Janine Orie in regard to campaign-related questions or information, while also copying Orie Melvin so as to keep her "in the loop" and to provide the Judge with the same information regarding the dynamics of the campaign activity. This Grand Jury find those email records to be corroborative of Kolich's testimony, and to be illustrative of the extent to which Janine Orie immersed herself in campaign matters during the business day.

Kolich testified to one such email from Kolich to Janine Orie, whom Kolich knew at the time to work in Judge Orie Melvin's Superior Court office, dated March 20, 2009 at 1:19 PM. The email related to a question from her to Janine

Orie as to the existence of a campaign credit card to be used for an Orie Melvin Harrisburg Hilton fundraising event. Orie Melvin was copied on this email exchange, and replied in a subsequent email to Kolich, inquiring about how to get one.

Another email exchange, dated March 27, 2009, at 1:12 PM, during the business day, from Kolich to Janine Orie, in which Orie Melvin and Burch were both copied, contained the subject line "LWV Questionnaire," referring to a voter questionnaire. According to Kolich, voter questionnaires normally contained a list of questions that an organization would send to a political candidate in order to gauge that candidate's stance on issues pertaining to that organization. In this instance, the emailed message stated:

"Janine,
Mike and Noel just spoke with the Judge and she is fine with the League of Women Voters questionnaire. *The questionnaire is due today.* When it is completed can you please fax us a copy of the completed questionnaire.
Also, we have yet to receive the NRA questionnaire. Would you mind faxing a copy of that over as well?
Thanks!!!
Tracy" *[Emphasis added]*

Kolich stated that she routinely contacted Janine Orie through Janine Orie's bbboru@yahoo.com email account, requesting Janine Orie's assistance, approval or notification regarding campaign signs, poll cards, campaign

contributions, questionnaires, campaign donors, fundraising events and "thank you" letters, and, that in essence, Janine Orie directed the Orie Melvin campaign.

In an email from Janine Orie to Kolich, dated October 21, 2009 at 2:16 PM, and in response to several emails regarding in-kind Orie Melvin contribution documents attached to emails previously sent to Orie Melvin's campaign treasurer Ted Neighbors and Janine Orie, Janine Orie wrote:

"I printed invoice but none of the images appear can you print and fax to me ted is at the dentist."

On October 21, 2009 at 2:04 PM, Kolich replied and asked for the fax number to which the documents could be sent to Janine Orie. On October 21, 2009 at 2:16 PM, Janine Orie replied:

"412-880-5894 OR JACKS OFFICE 412-232-0813"

The Grand Jury noted that the above-mentioned telephone number (412) 880-5894 was listed in 2009 as a fax number in the Pittsburgh Superior Court chambers of Orie Melvin.

Kolich testified, and was corroborated by emails presented to the Grand Jury, that Orie Melvin was cc'ed or copied on a majority of these emails, and, in any event, Kolich believed that Orie Melvin had knowledge of the involvement of both Janine Orie and Jane Orie in her 2009 campaign for Pennsylvania Supreme Court.

TESTIMONY OF SENATOR JANE ORIE'S CHIEF OF STAFF

Another area that was further explored by this Grand Jury was the extent of the role that Judge Orie Melvin personally played in the utilization of Senator Jane Orie's legislative office staff. It appears from evidence received by this Grand Jury, that after judicial law clerk Molly Greenan's expressed reluctance to Orie Melvin to engage in the "same type" political activity that had been undertaken by judicial staff members in 2003, the "Plan B" measure that was adopted in response to those expressed concerns, was simply to redirect the vast majority of campaign work to staff members from Senator Jane Orie's legislative office. Thus, certain campaign activities that needed to be done for the Orie Melvin campaign were shifted from Superior Court staffers to senatorial staffers such as Josh Dott and Senator Orie's Chief of Staff Jamie Pavlot.

Josh Dott's efforts included driving the Judge to campaign events across the state, and also using senate-paid time to do data-basing of campaign receipts from Orie Melvin fund-raising events. Jamie Pavlot's efforts were directed, as is reflected in email correspondence from the Judge herself, to securing military veterans' endorsements for Orie Melvin's candidacy, making sure position responses got into political publications when required, and also facilitating the production of a video that was taped at St. Barnabas retirement and health care community in northern Allegheny County.

As to the latter, acquiring access to the location for most of the scenes that were shot, contacting and coordinating with persons who were willing to become involved in the taping itself, and arranging for the local police

department's involvement, was delegated in great part to Pavlot. Pavlot admitted that she did most of this campaign-related work for Orie Melvin on state-paid time.

Jamie Pavlot was chief of staff of Senator Jane Orie from 2001 through 2009, working at the main legislative office of the Senator located on the first floor of the Casa Blanca Building at 9400 McKnight Road. She was removed from that position and transferred to a satellite office in Butler after the Senator's arrest in 2010.

Pavlot testified that during her employment as chief of staff, she took directives from both Janine Orie and then-Judge Joan Orie Melvin, noting that "when you work for the Senator, you're basically working for the family." She also was told by Senator Orie that a request from "Janine or the Judge" was to be followed. As a result, both she, as well as selected members of the legislative staff, performed campaign work for Orie Melvin's 2003 and 2009 election during the legislative work day, and/or received compensatory time for doing so after office hours.

During Orie Melvin's 2003 Supreme Court campaign, Pavlot testified that Orie Melvin used Room 205 of the La Casa Blanca Building as a campaign office. Located on the second floor, this office could be reached either via the back of the building or through a staircase down a corridor from the Senator's legislative office. It was sparsely equipped with some tables, chairs and a laptop, and a person assigned by the campaign to work there, Nick Havens, would come

downstairs to the legislative office to use the copier and interact with the legislative concerning campaign work that needed to be done.

Pavlot confirmed her previous testimony, given during the recent trial of Senator Jane Orie, relating to the work of members of the Senator's legislative staff in performing campaign and fund-raising related work for the Orie Melvin campaign. In the majority of instances, Janine Orie would give campaign directives to Pavlot to assign to the legislative staff. However, in some instances, Janine Orie would contact particular staff members directly.

Specifically, during the 2003 campaign Jason Davidek, and Sharon Cochran, assisted Havens with driving Orie Melvin to campaign events throughout the state, and Davidek and Cochran received compensatory time if the travel took place beyond the legislative work day.

Senate staffers, Ginger Hope and Barbara Brown, employed in Senator Jane Orie's Harrisburg office, were tasked with performing political campaign duties for Joan Orie Melvin's campaign during the same time period in the Harrisburg area.

Pavlot said that both she and legislative staff members were expected to work the polls for Orie Melvin during the 2003 election, even though it was a state holiday for the senatorial staff. Pavlot recalled communications about campaign matters with members of Orie Melvin's judicial staff during that election, including Lisa Sasinoski, Molly Creenan, Cathy Skidmore and Kathy Squires.

In the 2009 Pennsylvania Supreme Court election, Orie Melvin contacted Pavlot through text messaging and asked her to make the necessary arrangements for a political commercial to be video-taped at the retirement community at St. Barnabas on August 11, 2009. Pavlot said she also contacted the Sisters of Divine Providence for use of their facilities as an alternate filming site.

Pavlot testified that she had previous experience in arranging a similar film shoot at St. Barnabas for one of the Senator's prior election campaigns. Pavlot did not deal with the film company directly, but took care of the on-site logistics including reserving a date, getting permission to use specific sites within St. Barnabas, and securing senior citizen residents for the Orie Melvin campaign film shoot. Orie Melvin requested Pavlot by email to, "round up 5 to 6 women mid 20s to 50 for a domestic violence scene." Pavlot also made arrangements to have a police car and police officers available to show that Orie Melvin was endorsed by law enforcement. Pavlot identified a series of emails conversations between Orie Melvin and Burch that detailed the logistical details of the shoot. All of these communications occurred during the legislative working day while Pavlot was employed as the Senator's chief of staff.

Pavlot identified other email communications, through personal email addresses, with Orie Melvin (oriemelvin@yahoo.com), and Janine Orie (bbboru@yahoo.com), which outlined other political/campaign work that she performed during her legislative workday. Among these multiple communications were a series of emails in September, 2009, when Orie Melvin tasked her with

securing an endorsement from a veteran's group ("I need a Vpac endorsement asap.") to put up on her website.

Pavlot explained that a relative of hers was affiliated with Soldiers and Sailors Hall in Pittsburgh and a series of emails communicate her successful efforts at that assignment during the 2009 campaign.

Pavlot also served as the liaison for a paid fundraiser for the Orie Melvin campaign, Joanne Tsucalas, who lived and worked in Philadelphia, and an individual who would be willing to underwrite the cost of an event at a Pittsburgh venue for an October 2009 fundraiser for Orie Melvin. In addition, she and some members of the Senator's legislative staff were tasked by Janine Orie to make the name tags for this fundraiser using equipment and supplies from the senatorial office.

Pavlot also testified to her role in promoting Orie Melvin's candidacy at a September gun bash. Pavlot emailed Janine Orie, copying both the Judge and Senator Orie, to tell them that the Senator had made a contribution to the event and suggested that the Judge might want to set out about 500 poll cards. Orie Melvin responded to Pavlot, asking her if a one of the Senator's legislative staff, Josh Dott, would be going and whether he needed more hand cards. Pavlot replied that she could send Dott and he would need cards. Orie Melvin replied that she could drop off the hand cards at the Senator's district office.

One particular communication to Pavlot illustrates the involvement of the entire Orie family in a relatively minor campaign matter that occurred during a legislative work day. Pavlot and Senator Orie received an email on Tuesday,

October 27, 2009, from a politically active resident of the North Hills who sought approval for the inclusion of an article (attached to the email) about Judge Orie Melvin's candidacy in the Ross Township Republican newspaper. The article was then forwarded by Pavlot to two of the Senator's legislative staffers, Kurt Acker and Josh Dott with the instruction to "show casey judge janine jco and get approval asap thanks." Staffer Josh Dott, in turn, forwarded the article to Janine Orie, Casey Melvin, Orie Melvin's daughter, (cmelvin@princeton.edu) and Orie Melvin. In a response to Dott, Orie Melvin wrote, "Approved. Excellent." Dott then emailed a "thanks" to the Judge.

Pavlot related to this Grand Jury an outline of the events that occurred during the last weekend in October 2009 when a University of Pittsburgh graduate student and intern in Senator Orie's legislative office, Jennifer Knapp Rioja, filed a complaint with the District Attorney's Office, asserting that political activity related to the Orie Melvin campaign was occurring in the senatorial district office. In response to that complaint, the senator tasked Pavlot with coming into the office on Sunday, November 1, 2009, to write a letter to Rioja indicating that no political activity had occurred. Pavlot then removed two boxes from the office that contained political files, including Orie Melvin campaign material, and with the assistance of Dott, transferred the boxes to her vehicle. The next day, Pavlot and Jane Orie received an email attachment from Orie Melvin that contained "twitter" communications of Knapp Rioja, which had been sent to Orie Melvin and Jane Orie by Casey Melvin.

Orie Melvin won the election to the Supreme Court the next day. During the week following that election, Pavlot received a phone call from both Jane Orie and Orie Melvin asking Pavlot about whether the files that she had removed had contained "political things". When Pavlot advised them both that there was fund raising information and other political materials in those boxes, Orie Melvin and Senator Orie requested that Pavlot remove "any information that was political" from the files. Pavlot had by that time consulted with counsel, and ultimately turned over the boxes to her attorney without removing any of the materials.

EXTENT OF TIME UTILIZED IN POLITICAL ACTIVITY ON STATE TIME

The Grand Jury has considered evidence regarding the amount of time spent by state-paid staff on political campaign activity as outlined herein. Testimony by one judicial staff member asserted that during the election year of 2003, Janine Orie spent most of her office time doing politically related work. Two additional judicial staff members testified that during the 2009 election year they observed Janine Orie doing political work on an "ongoing nature" and on a "daily basis." The Grand Jury has also been provided estimates of the time spent by members of Jane Orie's senatorial staff during the legislative workday on political activities in 2003 and 2009 performed for the campaigns of Orie Melvin.

Evidence presented to this Grand Jury included numerical calculations by Detective Jackelyn Weibel, certified fraud examiner, based upon estimates by several staff members of both Orie Melvin and Senator Orie of time spent by

themselves as well as Janine Orie, performing political campaign work during the judicial or senatorial work day.

Even a cursory analysis of the time spent by staff members, multiplied by their respective compensation, demonstrates to this Grand Jury that the loss to the Commonwealth far exceeds the \$2,000 threshold that is required to support a charge at the Felony level for each of the Theft offenses charged.

EMAILS INVOLVING JUSTICE JOAN ORIE MELVIN

A great number of emails have been obtained, reviewed, and analyzed from the email accounts of Justice Joan Orie Melvin and from her sisters, court secretary Janine Orie and Senator Jane Orie as well as campaign workers Tracy Kolich and Noel Burch. Literally hundreds of those emails, dating from the May primary election in 2009 through and including the general election in November 2009, provide documentary evidence that Orie Melvin herself was deeply involved in the then-ongoing political campaign activity that was taking place within her judicial office. The emails also reflect the utilization of other state-paid employees to actively promote and facilitate the campaign efforts of Joan Orie Melvin even during the business day, namely staff members from Jane Orie's senatorial district office. Also among the emails that were reviewed were ones from professional campaign workers who interacted with staffers from both the respective judicial and legislative offices.

A small number of emails, as previously referenced, are attached as Exhibit "A" through and including Exhibit "J."

The question of whether Orie Melvin personally knew of the political/campaign work occurring within her judicial office during office business hours appears to be readily answered by a review of the email traffic in which she was either a recipient or sender. An analysis of emails from primary election day through the general election in 2009 that included Joan Orie Melvin in the email distribution and were of a political nature, involved judicial staffer Janine Orie, occurred during the judicial work day, and numbered no less than two hundred. Those email records show that Joan Orie Melvin not only was exposed to, but also regularly participated in, almost daily email threads, the contents of which were obviously political in nature, as opposed to matters of judicial concern, emanating from, or going to or through, her judicial office staffer and sister, Janine Orie.

Examples of these emails include correspondence to/from judicial staffer Janine Orie regarding palm cards and campaign signs and correspondence from Orie Melvin to judicial staffers Creenan and Degener in which Orie Melvin directed Creenan and Degener to locate and provide court decisions for Orie Melvin's use when scheduled to meet or interact with specific political lobbying or advocacy groups.

That the Defendant had personal involvement in having these campaign-related activities accomplished by senatorial staffers can be seen within emails from Judge Orie Melvin herself that are attached to this Presentment as Exhibits "K" through and including Exhibit "N."

Examples of these emails include correspondence to/from Senator Orie's Chief of Staff Jamie Pavlot regarding the recording of Orie Melvin's campaign filming at St. Barnabas, in which Pavlot coordinated details of the event; the McDonald Sportsman's Association 1st Annual Gun Bash event, in which Pavlot and Orie Melvin corresponded over the delivery of Orie Melvin's poll cards by Orie staffer Josh Dott; and correspondence to/from Pavlot requesting assistance in obtaining a political endorsement from a veterans group.

A review of Janine Orie's personal email account "bbboru@yahoo.com", obtained by search warrant pursuant to the prior criminal investigation of Jane Orie, revealed a multitude of political and/or campaign-related communications that took place between Janine Orie and others during the normal business day and during hours in which Janine Orie is believed to have been working in Superior Court, based upon her attendance records that were obtained from the Pennsylvania Superior Court.

Examples of these emails include correspondence to/from "judy@patriotsigns.com" regarding orders, invoices and deliveries of Orie Melvin campaign signs. Another example included similar email correspondence to Joanne Crane Tsucalas of UTA Associates of Philadelphia, a political fundraising company, that include discussions regarding fundraising activities of Orie Melvin. Among these and other related emails were ones found to have been copied to Orie Melvin's email account of "oriemelvin@yahoo.com."

In one such email thread, Janine Orie responds to an accusation by campaign workers that she is not contributing to the political work. In the email,

sent on Friday, September 18, 2009 at 12:01pm, Janine Orie responds, with a copy to Orie Melvin, that she has done "letters/solicitations thank yous /campaign reports [. . .]"

The Grand Jury has been provided with the report of an interview of Orie Melvin's daughter, Casey Melvin, conducted on April 13, 2012, by an investigator employed by the Judicial Conduct Board. In that interview, provided to law enforcement pursuant to Judicial Conduct Board Rules of Procedure 17 and 18(C), Casey Melvin elaborated upon her role in her mother's 2009 judicial campaign. Casey Melvin said that she was with her mother for a period of approximately four and one half (4 1/2) months of the campaign - from early May until September 15, 2009.

Casey Melvin stated that after her mother had obtained the Republican endorsement for the PA Supreme Court in February 2009, she began receiving copies of Orie Melvin's emails at cmelvin@princeton.edu. (She opened a second email account halfway through the campaign: casey.a.melvin@gmail.com). Casey Melvin described her primary function in the campaign as maintaining her mother's Blackberry while she was with her at campaign events. However, she said that she did not take Orie Melvin's Blackberry with her when she returned to college in September. Casey Melvin stated that if pertinent emails were received, addressed to her mother, she (Casey Melvin) would reply to them if she "...100% knew the answer..." to what was being asked. If she was less certain or lacked authority to respond to an incoming email, she would consult Orie Melvin and then reply in a manner consistent with her mother's answer.

When asked on several occasions why she was copied on her mother's emails, Casey Melvin responded that her mother was not good at checking emails so people would send her copies so that she could respond to questions. Her mother's typical mode of response, she said, was by telephone. In addition, she explained that she was the only one who always knew how to contact her mother, and she was always with her on weekends as her driver.

When asked about any campaign role of Orie's chief of staff, Jamie Pavlot, Casey Melvin corroborated a portion of Pavlot's testimony, telling the Judicial Conduct Board investigator of Pavlot's role in organizing the St. Barnabas film shoot that had been done for Orie Melvin.

When asked about whether Janine Orie played an active role in her mother's campaign, Melvin stated that Janine was "cc'ed" on emails because she was the only person who had knowledge of Orie Melvin's court and campaign schedule, and she, Janine Orie, needed to separate expenditures for court and campaign purposes.

The investigator then showed Melvin seventeen (17) emails for the purposes of determining, first, whether a particular email that included a response from Orie Melvin was, in reality, a response from Casey, and second, whether the content of email threads from Janine Orie was limited to scheduling and expense matters as Melvin had claimed earlier during the interview. Of the seventeen emails shown to Casey Melvin involving Janine Orie in the conversation thread, sixteen did not concern scheduling at all. One email did include a reference to the Judge's schedule by Janine who, at the same time,

advised Tracy Kolich that she (Janine) would be sending Kolich contact information for people who wanted to do a fundraiser. The majority of these emails included direct communications between Janine Orie and Orie Melvin.

One, for example, was an email exchange on October 7, 2009; the beginning of that thread began with an email from Joanne Tsucalas, a fund-raiser from Philadelphia who was employed in the latter part of the campaign to raise money in the eastern part of the state. That initial email went to Noel Burch, with the subject: "Palm Cards." Tsucalas then replied asking who she should contact in order to send 200 palm cards to a named person. In a follow-up email, Burch replied, copying Janine Orie's Yahoo account: (bbbtoru@yahoo.com), that "we normally send these requests to Janine Orie since they hold most of the inventory. I have cc:'ed her on this email." Janine Orie then forwarded this exchange to Casey Melvin (cmelvin@Princeton.EDU) along with a copy to Orie Melvin at her Yahoo account: (oriemelvin@yahoo.com). Orie Melvin thereafter responded to Janine Orie that: "I have josh (sic) on it." Casey Melvin explained to the investigator that this response meant that Josh would pick up the cards at Kinko's, acknowledging at the same time, that Janine's role in this communication did not concern "scheduling."

In an October 27, 2009, email from one of Senator Orie constituents to Jamie Pavlot concerning approval of an article for the Ross Township Republican newsletter, (See page 50 of this Presentment for a more detailed discussion of this email) wherein both Casey Melvin and Orie Melvin were copied for approval of the article, Casey Melvin indicated to the JCB investigator that the final reply

from Orie Melvin, "Approved. Excellent", was probably authored by her mother, i.e., Joan Orie Melvin.

In an email exchange on September 17, 2009, that took place between Tsucalas and Janine Orie, Janine Orie asked who the final host committee members were for the upcoming Pittsburgh fundraiser; Tsucalas, copying Senator Orie's Chief of Staff Pavlot, replied to Janine Orie: "This is the one I gave to Jane last night but with the \$500 level that was suggested this morning." Janine Orie thereafter forwarded that response to Jane Orie, with copies to Casey Melvin and to Orie Melvin. Casey Melvin admitted to the investigator that "this {email} means nothing to me. When asked why Janine Orie would need host committee information, she responded: "That's a good question."

On that same day, September 17th, 2009, Janine Orie emailed Casey Melvin and asked her to call a campaign volunteer to instruct him that signs were at the Greentree Republican headquarters, that he needed to see Monica Douglas, and that the larger signs were for distribution throughout Allegheny, Beaver, Butler, Westmoreland and Washington Counties. Casey Melvin again admitted that this particular email did not concern a "scheduling" matter.

In making reference to any emails that the investigator had shown to her that included emails directed to or copied to her mother's name and account, Casey Melvin told the investigator that the replies in those email threads were "almost always me." Casey Melvin went on to note that her mother was not skilled at using the Blackberry for email or text messages and if a reply amounted to more than a couple of lines of text, it was almost surely Casey Melvin who

responded. Melvin stated that she had no recollection of her mother ever replying to an email herself. Her mother received “hundreds” of emails a day and Casey Melvin would tell Orie Melvin about the contents of an email “only if it was a big issue.” Otherwise, she, Casey Melvin, would simply reply on her own.

The testimony of grand jury witnesses tends to cast doubt about Casey Melvin’s assertions that she played such a prominent role in responding to many of the campaign-related emails addressed to Judge Melvin. John Degener, the chief staff attorney for Orie Melvin, testified that as part of his office duties, he had been tasked with answering judicial candidate questionnaires sent to the Judge from various public interest groups, and received approval of his drafted responses directly from Orie Melvin. One of these is reflected in a September 29, 2009 email wherein Degener forwards an attachment titled “Pro Business Decisions List of JOM” to Orie Melvin, who responds as follows: “I’m going before Pa chamber (sic) & Business Council tomorrow. Are these up to date. I don’t see Blood v. Old Guard or Toth v Donegal. Can you check & see what else I may be missing? I need themby (sic) 9:30 am. Thanks.”

Another series of emails concerning a judicial questionnaire were sent by the news editor of the publication Pennsylvania Law Weekly to Burch and Orie Melvin. Orie Melvin then forwarded the email thread to Molly Creenan, asking: “Were you able to track down 2007 responses from Supreme candidates.”

Many such emails illustrate that Casey Melvin is not included at all in emails relating to these campaign questionnaires, decision summaries, such as “law and order decisions” “pro business decisions,” and “decisions that impact

defense institute", that were prepared by her clerks at the request of Orie Melvin herself. In some communications, Casey Melvin appears to serve only as a conduit to give reminders, pass on messages, and design hand cards for her mother's approval while travelling. One group of pertinent emails are attached hereto as Exhibit "O" through and including Exhibit "V"; the very verbiage of these emails contradicts Casey Melvin's assertions that it was she, not Joan Orie Melvin, who was responsible for those campaign-related emails.

Other emails in evidence before this Grand Jury demonstrate that Casey Melvin and the use of her email address served the Orie Melvin political communications for another purpose. In one such email thread, dated September 22, 2009, a "Law journal questionnaire" attachment originally sent to Peter Hall was sent from the email account of Casey Melvin to Janine Orie. Janine Orie then forwarded the email and attachment on to judicial staff member Kathy Squires with the message, "see judge/she and molly have corrections and then you will open judgeoriemelvin4supreme@yahoo.com password cardinal09 and send to peter hall- see meail [sic] address below." See attached email marked Exhibit "W." It appears this email was intended to be used to conceal the real source of that email that was generated in the Orie Melvin judicial office.

Another email included a "voter guide" from a media source that was forwarded from the judgeoriemelvin4supreme@yahoo.com account to Janine Orie with the instruction, "I just got this. Due tomorrow. Need Jack & Molly to do." That message was subsequently forwarded to staff member Creenan by Janine Orie with the message, "can you and jack due [sic] and forward to casey

at cmelvin@princeton.edu to send for the judge.” See attached email marked Exhibit “X.”

In each of these examples, the judgeoriemelvin4supreme@yahoo.com and cmelvin@princeton.edu addresses were each used as a “filter” to shield the actual email addresses from which the emails were generated, such as those of Janine Orie, Creenan or Degener, which would have made it obvious to the recipient that those political activities were being handled by judicial staffers of the Pennsylvania Superior Court.

SUMMARY

In the months that have passed since the Presentment against Janine Orie was handed down, this Grand Jury has focused upon acquiring and reviewing documentary evidence which has established to the satisfaction of this Investigative Grand Jury that Judge Joan Orie Melvin was the beneficiary of concerted efforts to have her court staff, as well as other state paid employees, perform political campaign activity. It is also clear from both testimonial evidence provided by court staff and others, as well as substantial documentary evidence that has come before this investigative body, that Judge Joan Orie Melvin not only knew that such illegal activity was occurring, but this Grand Jury has also found probable cause to conclude that the Judge herself fostered the use of state employees, both judicial and legislative, to do such political campaign work through her own acts and directives, as well as through those of two of her sisters who served as accomplices and co-conspirators.

Both testimonial and documentary evidence reflect that Superior Court personnel, court-provided office facilities, and court-supplied office equipment in the judicial office (including computers, copiers, printers, telephones, and fax machines) were all utilized in furtherance of Judge Orie Melvin's political aspirations for higher judicial office during two different election cycles, 2003 and 2009.

The 2010 Investigating Grand Jury has heard the testimony of numerous witnesses, and has received and analyzed a significant quantity of documentary evidence that establishes the extent to which Justice Orie Melvin herself created

an environment for, and in certain instances, actually participated in and promoted the illegal conduct of Janine Orie as she, Janine Orie, literally acted as an "*ex officio* campaign manager" who directed and facilitated many of the Judge's political activities in both the election years of 2003 and 2009. Both testimonial evidence heard by this Grand Jury, and documentary evidence in the form of email communications, confirm that both Judge Orie Melvin and Janine Orie, through their respective supervisory authority in Orie Melvin's Superior Court office, directed other judicial staffers to promote Orie Melvin's candidacies, all while on state-paid time.

It is clear to this Grand Jury that campaign related activity by state paid workers, both hers and her sister's, was actively condoned and even promoted by the Orie Melvin herself. This is most clearly evidenced in the verbiage within numerous 2009 emails that were either sent or received by, or copied to, then-judge, now justice, Joan Orie Melvin - emails that on-their-face evidenced to all who were on the respective email threads that prohibited campaign activity was taking place regularly during state-paid time, and was being done by state-paid employees.

The tale of corruption that is evidenced by the emails that have been revealed as a result of this investigation demonstrates that the abuse of state-paid, office staffers reached its pinnacle in the judicial office of one of the highest appellate court judges in this Commonwealth. The acts of criminality that are described within this Presentment were pervasive throughout two separate, year-long election cycles that took place six years apart, a time period during which

the consequences of such acts of abuse of the taxpayers dollars by public office holders should have been made evident by high-profile events such as the federal prosecution of State Senator Vincent Fumo, the years-long Bonusgate investigation, and the well-known conviction of a local state legislator, Jeffrey Habay, in December of 2005.

As a result of its investigation, this Grand Jury, based on our findings at this time, recommends criminal prosecution against Pennsylvania Supreme Court Justice Joan Orie Melvin. Specifically, this Grand Jury submits that the actions of Justice Joan Orie Melvin as identified in this investigation and outlines within this Presentment give rise to the following alleged violations of the Pennsylvania Crimes Code:

CONCLUSIONS

We, the 2010 Allegheny County Investigating Grand Jury, do
hereby conclude as follows:

1. That there is probable cause to believe that Joan Orie Melvin committed the crime of Theft of Services-Diversion of Services, specifically that she, the Defendant, having control over the disposition of services of others to which the Defendant was not entitled, knowingly diverted such services valued in excess of \$2000.00 to her own benefit when she utilized a member of her judicial staff, namely her sister Janine Orie, to facilitate and promote then-Judge Joan Orie Melvin's election campaigns for a position on the Supreme Court of Pennsylvania at various diverse times in both 2003 and 2009.; a violation of [18 Pa.C.S.A. § 3926(b)].

2. That there is probable cause to believe that Joan Orie Melvin committed the crime of Theft of Services-Diversion of Services, specifically that she, the Defendant, having control over the disposition of services of others to which the Defendant was not entitled, personally and also through accomplices Janine Orie and Jane Orie, pursuant to 18 Pa.C.S.A. § 306, knowingly diverted such services valued in excess of \$2000.00 to her own benefit when at various diverse times she utilized members of her judicial staff, including Lisa Sasinoski, Molly Creenan, Kathy Squires, and others, to facilitate and promote then-Judge Joan Orie Melvin's political campaigns for a position on the Supreme Court of

Pennsylvania during election cycles in both 2003 and 2009; a violation of [18 Pa.C.S.A. § 3926(b)].

3. That there is probable cause to believe that Joan Orie Melvin committed the crime of Theft of Services-Diversion of Services, specifically that she, the Defendant, having control over the disposition of services of others to which the Defendant was not entitled, personally and also through accomplices Janine Orie and Jane Orie, pursuant to 18 Pa.C.S.A. § 306, knowingly diverted such services valued in excess of \$2000.00 to her own benefit when at various diverse times she utilized certain members of the Pennsylvania Senatorial staff of her sister, Senator Jane C. Orie, to facilitate and promote then-Judge Joan Orie Melvin's political campaigns for a position on the Supreme Court of Pennsylvania during election cycles in both 2003 and 2009, those legislative staffers including, but not being limited to, Sharon Cochran, Jason Davidek, Josh Dott and Jamie Pavlot; a violation of [18 Pa.C.S.A. § 3926(b)].

4. That there is probable cause to believe that Joan Orie Melvin committed the crime of Criminal Conspiracy to Commit Theft of Services – Diversion of Services, specifically that she, the Defendant, conspired with co-conspirators, her sisters Janine Orie and Senator Jane Orie, to direct staffers from both Judge Orie Melvin's Superior Court judicial staff, including Lisa Sasinoski, Molly Creenan, Kathy Squires and others, and also, certain staffers from Senator Jane Orie's legislative staff including Jamie Pavlot, Sharon Cochran, Jason Davidek, and

Josh Dott, to facilitate and promote Defendant's election campaigns for higher judicial office as a Justice of the Pennsylvania Supreme Court in both 2003 and 2009, a violation of [18 Pa.C.S.A. § 903, 3926(b)].

5. That there is probable cause to believe that Joan Orie Melvin committed the crime of Criminal Conspiracy to Commit Tampering with Physical Evidence, specifically that she, the Defendant, conspired with Senator Jane Orie, when, believing that an official investigation was pending or about to be initiated, encouraged or requested Jamie Pavlot to engage in conduct that would constitute the crime of Tampering With Physical Evidence, or that would establish Defendant's complicity in the said crime, when the Defendant, while on a telephone call with her sister, Senator Jane Orie and Senator Jane Orie's Chief of Staff Jamie Pavlot, told Pavlot to remove any political documents from two boxes of materials which Pavlot had removed from Senator Orie's senatorial district office on Sunday, November 1, 2009, a violation of [18 Pa.C.S.A. § 903, 4910].

6. That there is probable cause to believe that Joan Orie Melvin committed the crime of Criminal Solicitation to Tamper With or Fabricate Physical Evidence when, with the intent of promoting or facilitating the crime of Tampering With Physical Evidence, the Defendant, believing that an official investigation was pending or about to be initiated, encouraged or requested Jamie Pavlot to engage in conduct that would constitute the crime of Tampering With Physical

Evidence, or that would establish Defendant's complicity in the said crime, when the Defendant, while on a telephone call with her sister, Senator Jane Orie and Senator Jane Orie's Chief of Staff Jamie Pavlot, told Pavlot to remove any political documents from two boxes of materials which Pavlot had removed from Senator Orie's senatorial district office on Sunday, November 1, 2009, a violation of [18 Pa.C.S.A. §902 and 4910(1)].

7. That there is probable cause to believe that Joan Orie Melvin committed the crime of Official Oppression when the Defendant, personally and through accomplice Janine Orie, pursuant to 18 Pa.C.S.A. § 306, unlawfully subjected a member of then-Judge Joan Orie Melvin's Superior Court staff, to wit, Lisa Sasinoski, to infringement of her personal or property rights, and denied and/or impeded that member of Joan Orie Melvin's judicial staff in the exercise or enjoyment of her rights, privileges, powers or immunities, that is by requiring her to perform political and campaign related acts in 2003 that were prohibited by Pennsylvania Supreme Court Order of Court and Procedures for all court personnel and/or by requiring her to perform political and campaign related acts during office hours when use of state employees in that manner violated Pennsylvania criminal law, and/or by terminating her employment with the Court after she expressed concerns about such work., a violation of [18 Pa.C.S.A. § 5301].

8. That there is probable cause to believe that Joan Orie Melvin committed the crime of Official Oppression when the Defendant, personally and through accomplice Janine Orie, pursuant to 18 Pa.C.S.A. § 306, unlawfully subjected a member of then-Judge Joan Orie Melvin's Superior Court staff, to wit, Molly Creenan, to infringement of her personal or property rights, and denied and/or impeded that member of Joan Orie Melvin's judicial staff in the exercise or enjoyment of rights, privileges, powers, or immunities, that is by requiring her to perform political and campaign related acts in 2003 and 2009 that were prohibited by Pennsylvania Supreme Court Order of Court and Procedures for all court personnel and/or by requiring her to perform political and campaign related acts during office hours when use of state employees in that manner violated Pennsylvania criminal law, and/or by continuing to exert pressure on Creenan to perform political work despite her expressed opposition. [18 Pa.C.S.A. § 5301].

9. That there is probable cause to believe that Joan Orie Melvin committed the crime of Misapplication of Entrusted Property of Government, when, as a Judge of the Pennsylvania Superior Court, Defendant personally, and through her accomplice Janine Orie, pursuant to 18 Pa.C.S.A § 306, used her Superior Court office facilities and office equipment to facilitate and promote Orie Melvin's political campaign activities in her bid for higher judicial office as a Justice of the Pennsylvania Supreme Court in both 2003 and 2009, a violation of [18 Pa.C.S.A. § 4113(a)].

RECOMMENDATIONS

The Grand Jury therefore recommends the following charges be filed against Supreme Court Justice Joan Orié Melvin:

A. Theft of Services - Diversion of Services [18 Pa.C.S.A. § 3926(b)] -

Felony of the Third Degree – 3 Counts -

COUNT 1 – Having control over the disposition of services of others to which the Defendant was not entitled, the Defendant knowingly diverted such services valued in excess of \$2000.00 to her own benefit when she utilized a member of her judicial staff, namely her sister Janine Orié, to facilitate and promote then-Judge Joan Orié Melvin's election campaigns for a position on the Supreme Court of Pennsylvania at various diverse times in both 2003 and 2009.

COUNT 2 – Having control over the disposition of services of others to which the Defendant was not entitled, the Defendant personally and also through accomplices Janine Orié and Jane Orié, knowingly diverted such services valued in excess of \$2000.00 to her own benefit when at various diverse times she

utilized members of her judicial staff, including Lisa Sasinoski, Molly Creenan, Kathy Squires, and others, to facilitate and promote then-Judge Joan Orie Melvin's political campaigns for a position on the Supreme Court of Pennsylvania during election cycles in both 2003 and 2009.

COUNT 3 – Having control over the disposition of services of others to which the Defendant was not entitled, the Defendant personally and also through accomplices Janine Orie and Jane Orie, knowingly diverted such services valued in excess of \$2000.00 to her own benefit when at various diverse times she utilized certain members of the Pennsylvania Senatorial staff of her sister, Senator Jane C. Orie, to facilitate and promote then-Judge Joan Orie Melvin's political campaigns for a position on the Supreme Court of Pennsylvania during election cycles in both 2003 and 2009, those legislative staffers including, but not being limited to, Sharon Cochran, Jason Davidek, Josh Dott and Jamie Pavlot.

B. Criminal Conspiracy to Commit Theft of Services - Diversion of Services,

[18 Pa.C.S.A. § 903, 3926(b) - Felony of the Third Degree

Defendant conspired with co-conspirators Janine Orie and Senator Jane Orie, to direct staffers from both Judge Orie Melvin's Superior Court judicial staff, including Lisa Sasinoski, Molly Creenan, Kathy Squires and others, and also certain staffers from Senator Jane Orie's legislative staff including Sharon Cochran, Jason Davidek, Josh Dott, and Jamie Pavlot, to facilitate and promote

Defendant's election campaigns for higher judicial office as a Justice of the Pennsylvania Supreme Court in both 2003 and 2009.

C. Criminal Conspiracy to Commit Tampering With Physical Evidence -

[18 Pa.C.S.A. § 903, 4910] – Misdemeanor of the Second Degree

Defendant conspired with Senator Jane Orie, when, believing that an official investigation was pending or about to be initiated, encouraged or requested Jamie Pavlot to engage in conduct that would constitute the crime of Tampering With Physical Evidence, or that would establish Defendant's complicity in the said crime, when the Defendant, while on a telephone call with her sister, Senator Jane Orie and Senator Jane Orie's Chief of Staff Jamie Pavlot, told Pavlot to remove any political documents from two boxes of materials which Pavlot had removed from Senator Orie's senatorial district office on Sunday, November 1, 2009.

D. Criminal Solicitation to Tamper With or Fabricate Physical Evidence

[18 Pa.C.S.A. §902 and 4910(1)] - Misdemeanor of the Second Degree

With the intent of promoting or facilitating the crime of Tampering With Physical Evidence, the Defendant, believing that an official investigation was pending or about to be initiated, encouraged or requested Jamie Pavlot to engage in conduct that would constitute the crime of Tampering With Physical Evidence, or that would establish Defendant's complicity in the said crime, when the Defendant, while on a telephone call with her sister, Senator Jane Orie and

Senator Jane Orie's Chief of Staff Jamie Pavlot, told Pavlot to remove any political documents from two boxes of materials which Pavlot had removed from Senator Orie's senatorial district office on Sunday, November 1, 2009.

E. Official Oppression [18 Pa.C.S.A. § 5301]

– Misdemeanor of the Second Degree – 2 Counts

COUNT 1 - Defendant, personally and through accomplice Janine Orie, unlawfully subjected a member of then-Judge Joan Orie Melvin's Superior Court staff, to wit, Lisa Sasinoski, to infringement of her personal or property rights, and denied and/or impeded that member of Joan Orie Melvin's judicial staff in the exercise or enjoyment of her rights, privileges, powers or immunities, that is by requiring her to perform political and campaign related acts in 2003 that were prohibited by Pennsylvania Supreme Court Order of Court and Procedures for all court personnel and/or by requiring her to perform political and campaign related acts during office hours when use of state employees in that manner violated Pennsylvania criminal law, and/or by terminating her employment with the Court after she expressed concerns about such work.

COUNT 2 – Defendant, personally and through accomplice Janine Orie, unlawfully subjected a member of then-Judge Joan Orie Melvin's Superior Court staff, to wit, Molly Greenan, to infringement of her personal or property rights, and denied and/or impeded that member of Joan Orie Melvin's judicial staff in the exercise or enjoyment of rights, privileges, powers, or immunities, that is by

requiring her to perform political and campaign related acts in 2003 and 2009 that were prohibited by Pennsylvania Supreme Court Order of Court and Procedures for all court personnel and/or by requiring her to perform political and campaign related acts during office hours when use of state employees in that manner violated Pennsylvania criminal law, and/or by continuing to exert pressure on Creenan to perform political work despite her expressed opposition.

F. Misapplication of Entrusted Property of Government,

[18 Pa.C.S.A. § 4113(a)] - Misdemeanor of the Second Degree

As a Judge of the Pennsylvania Superior Court, Defendant personally, and through an accomplice Janine Orie, used her Superior Court office facilities and office equipment to facilitate and promote Orie Melvin's political campaign activities in her bid for higher judicial office as a Justice of the Pennsylvania Supreme Court in both 2003 and 2009.

5/17/12
Date

X
Foreperson