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Clean Slates for Youths Sentenced Fraudulently

By [JOHN SCHWARTZ](#)

The Supreme Court of Pennsylvania on Thursday ordered the slate cleaned for hundreds of youths who had been sentenced by a corrupt judge.

The young people had been sent to privately run detention centers from 2003 to 2008 as part of a judicial kickback scheme that shocked Pennsylvania and the nation. The judge in the cases, Mark A. Ciavarella Jr. of Luzerne County, is one of two who pleaded guilty last month to wire fraud and conspiracy for taking more than \$2.6 million in kickbacks.

The exact number of records to be expunged was not stated in [the court's order](#); a special master is investigating the cases.

Judge Ciavarella and the other judge, Michael T. Conahan, admitted that they had agreed to send teenagers to two privately run youth detention centers that paid them for the business. Under their agreements, the judges will serve 87 months in federal prison and will resign from the bench and from the bar.

The judges worked in tandem, beginning in 2002, with Judge Conahan controlling the budget and Judge Ciavarella overseeing the juvenile courts. They shut down a detention center run by the county and began sending the youngsters to newly built detention centers run by PA Child Care and a sister company, Western PA Child Care.

Judge Ciavarella has said he did not sentence juveniles who did not deserve the punishment, but the numbers suggested a different story: he sent one in four of the juvenile defendants to the detention centers from 2002 to 2006, while the rate elsewhere in the state was 1 in 10. He also routinely ignored requests for leniency, even when they were made by prosecutors and probation officers. His record for harsh treatment of juveniles had already made him a focus of complaints by youth advocacy groups.

The court on Thursday authorized the master to vacate judgments and consent decrees and to expunge the records where necessary. The special master had submitted [an 11-page report](#) that found “there was routine deprivation of children’s constitutional rights.”

The special master, Senior Judge Arthur E. Grim of Berks County, was appointed last month by the State Supreme Court to investigate whether a “travesty of juvenile justice” had occurred.

He recommended vacating judgments and expunging records in cases from 2003 to 2008 in which the youth was not represented by a lawyer and did not knowingly waive the right to counsel, and which included relatively minor offenses like third-degree misdemeanors.

“Today’s order is not intended to be a quick fix,” Ronald D. Castille, the chief judge of Pennsylvania, said in a statement. “It’s going to take some time, but the Supreme Court is committed to righting whatever wrong was perpetrated on Luzerne’s juveniles and their families.”

The Supreme Court’s order on Thursday should be only the beginning, said Marsha Levick, a lawyer with the Philadelphia-based Juvenile Law Center.

“Our view is that every kid who appeared before Judge Ciavarella was denied an impartial tribunal,” Ms. Levick said.

Michael J. Cefalo, a lawyer representing hundreds of the juveniles, said in an interview that “this is a great step” for his clients. The teenagers, he said, have been “pretty well smashed here” by the system, and so “it’s a reassurance for them that the system works.”

Ruby Cherise Uca, whose son Chad was sent away by Judge Ciavarella for three months in 2005, said that expungement would be welcome, but that her son expresses anger over the length of the judge’s sentence. “He wishes that they added up all the days that he had convicted each of the children wrongfully, and give him that sentence,” she said.

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