

The New York Times

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears next to any article. Visit www.nytimes.com for samples and additional information. [Order a reprint of this article now.](#)

PRINTER-FRIENDLY FORMAT
SPONSORED BY



August 25, 2009

2 Ex-Judges May Be Tried in Sentencing of Juveniles

By [IAN URBINA](#)

Two former Pennsylvania county judges who pleaded guilty in February to a kickback scheme that involved sending juveniles to private detention facilities withdrew their guilty pleas Monday, opening the way for them to go on trial.

A federal judge [rejected](#) plea agreements last month after deciding that the men had failed to accept responsibility for their actions and that their proposed prison sentence of more than seven years was too lenient.

Last week, the former judges, [Mark A. Ciavarella Jr.](#) of the Luzerne County juvenile court and Michael T. Conahan of the Luzerne County Court of Common Pleas, filed a motion asking the judge, [Edwin M. Kosik](#) of Federal District Court in Scranton, Pa., to reinstate the plea agreement.

On Monday, Judge Kosik denied that request, prompting Mr. Ciavarella, 59, and Mr. Conahan, 57, to withdraw their pleas. They are accused of taking more than \$2.6 million in kickbacks to send teenagers to two privately run youth detention centers.

Robert K. Mericle, 46, a developer who prosecutors say paid kickbacks to the judges after winning contracts to build the detention centers, is scheduled to plead guilty on Sept. 2 in federal court to failing to report a felony, which carries a maximum sentence of three years in prison and a \$250,000 fine. As part of his plea agreement, Mr. Mericle would donate \$2.1 million to local programs to benefit children.

On Aug. 12, Judge Arthur A. Grim, appointed by the Pennsylvania Supreme Court to determine how to handle the juveniles who were convicted by Mr. Ciavarella and Mr. Conahan, recommended that virtually all the cases should be thrown out.

Judge Grim said that retrying the 1,866 cases of juveniles who appeared before Mr. Ciavarella without lawyers from 2003 to May 2008 would amount to double jeopardy. He wrote that there would be no public benefit in retrying juveniles who had lawyers but completed their sentences. He also wrote that he planned to review the cases of juveniles who had been represented by lawyers and had not completed their sentences.

Marsha Levick, the legal director of the Juvenile Law Center, a child advocacy organization in Philadelphia that began raising concerns about the judges in 1999, said she hoped the case would begin moving forward.

"It's nice that the judges are being given the right to withdraw their pleas and proceed to trial with counsel, something Ciavarella denied the thousands of kids in his courtroom," she said.

Mr. Ciavarella's lawyer, Al Flora Jr., said there were no current negotiations under way on a new plea agreement.

"Mark Ciavarella has not been convicted of any crime," Mr. Flora said. "He is entitled to the full presumption of innocence. We made a concerted and good faith effort to convince the judge to reconsider the plea agreement, and he declined."

Mr. Conahan's lawyer, Philip Gelso, declined to comment, as did the United States attorney's office.

[Copyright 2009 The New York Times Company](#)

[Privacy Policy](#) | [Terms of Service](#) | [Search](#) | [Corrections](#) | [RSS](#) | [First Look](#) | [Help](#) | [Contact Us](#) | [Work for Us](#) | [Site Map](#)
