

Prison “A la Court”: Kids for Sale - \$2.6 Million

By Dr. Stan Moody

A la Carte is a French term for “from the menu.” An entrée ordered from the menu usually entitles the customer to a choice of side dishes.

The menu in this case is a choice of corrections facilities in Pennsylvania, a favored entrée being a private, for profit juvenile detention center prepared by Chef Mark Ciavarella, Jr., a Common Pleas judge in the hardscrabble town of Wilkes-Barre.

The problem appears to be that the side dishes were literally thousands of children whisked off to juvenile detention within minutes of meeting the good judge. He stands convicted in federal court of a “kids for cash” scheme that netted him an estimated \$2.6 Million.

It gets better.

PA Child Care:

The juvenile detention center of choice is called “PA Child Care.” Owners were real estate developer, Robert Mericle, and officer of the court, Atty. Robert Powell. This road to Hell was paved when Ciavarella and another judge, Michael Conahan, shut down the county’s juvenile detention center by cutting off its public funding.

PA Child Care! Not your typical nursery school, it would seem.

On February 18, 2011, a federal jury found his honor, Mark Ciavarella, guilty of racketeering. A plea bargain of restitution and up to 7 years in prison had Ciavarella pleading guilty to fraud, wire fraud and tax evasion. The plea was rejected by the judge when the defendant insisted on characterizing the proceeds as “finder’s fees,” thereby denying a *quid pro quo* between the money and the sentences handed out.

It is expected that at sentencing, the 61 year-old judge will find himself counting down to the Second Coming.

“Undue Process” for Kids:

Syndicated columnist [Leonard Pitts, Jr.](#) wrote about the case as evidence of the inherent danger of private prisons, although it would seem that something as cynical as calling a juvenile detention center “PA Child Care” speaks to a level of public corruption in places far higher than nursery school but far lower than a Court of Common Pleas.

Pitts begins his article with a picture of Sandy Fonzo yelling at the judge after his conviction. Fonzo’s son, Edward, a champion wrestler jailed at PA Child Care by Ciavarella at age 17 (sentenced long enough to miss his high school graduation) committed suicide at age 23. His father has since admitted to planting the drug paraphernalia that led to his incarceration so as to teach him a lesson.

Pitts includes vignettes of several other cases:

An 11-year-old boy took his Mom’s car for a joy ride and wrecked it – nobody hurt. He was handcuffed and sentenced to 2 years without representation by counsel.

A 15-year-old girl appeared before Ciavarella without counsel and was sentenced to 3 months for putting up a MySpace page mocking her assistant principal.

Jamie Quinn, who at 14 had a minor fight in school, told of being in front of the judge for 4 minutes, handcuffed and incarcerated with barely a glance from the bench.

A 13-year-old was incarcerated for throwing a piece of steak at his mother’s boyfriend; a 15-year-old for throwing a sandal at her mother; an 11-year-old for calling the police after his mother locked him out of the house; a 14-year-old for writing a satirical Myspace profile; another 14-year-old, an A student, sentenced for writing “Vote for Michael Jackson” on a few stop signs (she had a seizure while in detention, banging her head so hard she cracked her dental braces)¹.

¹ Abbe Smith. *Kids for Cash and the ‘Injustice’ System*. *NY Times*, 3/29/2013. <http://www.nytimes.com/2013/03/31/books/review/kids-for-cash-and-the-injustice-system.html?pagewanted=all>
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God's "Man of the Year" in Wilkes Barre:

What kind of person would ruin people's lives for a few bucks? Ciavarella was the kind of person who enjoyed the undying respect and gratitude of the community – a regular upstanding citizen.

It may well be that the cost of earning and maintaining a reputation as an upstanding citizen was somewhat higher than a judge's salary.

A lifelong resident of Wilkes-Barre, Ciavarella was named in 2006 by the Friendly Sons of St. Patrick as Wilkes-Barre's "Man of the Year," the impetus being, it is conjectured, a record of faithful giving.

In a twist of irony, Ciavarella, after tendering his resignation to Gov. Ed Rendell, applied for his state retirement benefits that included \$232,000 in a lump sum and \$5,156 a month. Initially approved, the PA State Employees Retirement System reversed its position after being alerted by the Department of Public Welfare that he owes them \$4.3 Million in overpayments to the PA Child Care centers.

There is some vindication: Ciavarella and Conahan are serving lengthy prison terms, and the children's records have been expunged. But there is no happy ending. Many children were traumatized by being shackled and summarily shipped off to jail only to be shunned by friends when they were released. Seven years after his incarceration, the young man accused of steak-throwing (he denied the charge) still has "a lost look about him,"... "as though he has been permanently startled."

(Abbe Smith)

Ciavarella was sentenced to 28 years in federal prison on charges of bribery, racketeering and conspiracy involving some 4,000 convictions from 2003 to 2008 in the "kids for cash" case².

Sentence A la Court – from the menu.

² Michael Rubinkam. *Mark Ciavarella, Jr., Judge, Gets 28 Years in 'Kids for Cash' Case.* AP: Scranton, PA. 8/11/2011.

http://www.huffingtonpost.com/2011/08/11/mark-ciavarella-jr_n_924324.html

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