

STEPHEN A. ZAPPALA, JR.
DISTRICT ATTORNEY

OFFICE OF THE DISTRICT ATTORNEY



County of Allegheny

303 COURTHOUSE ♦ PITTSBURGH, PENNSYLVANIA 15219-2489
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STATEMENT OF ALLEGHENY COUNTY DISTRICT ATTORNEY STEPHEN A. ZAPPALA JR. ON DEFENSE COUNSEL RAIFORD

I am honored to serve as District Attorney of Allegheny County. As the District Attorney I am responsible for seeking justice for victims of crime and protecting the rights of the citizens. My office strives to carry out its mission with the integrity and respect that the residents of Allegheny County deserve.

In a recent court proceeding, an attorney, after accepting a plea agreement for a client accused this office of being “systematically racist,” making different plea offers based on skin color, and “doubling down” on plea agreements. He thereafter misrepresented to the court a plea offered by another Assistant District Attorney to one of his client’s in another case. He then, falsely indicated that the plea offer the Assistant District Attorney made in the other case was 4-8 years for a marijuana charge, which taken alone would appear excessive. However, that case also involved weapons charges, which the attorney did not disclose to the Court. Further, the attorney stated that “the system needs to be undermined,” and that he is “not going for these crazy plea agreements.” Despite the judge’s indication that pleas in other cases did not seem relevant to the plea in a particular case, the attorney announced his intention to make these claims in every case in which he is counsel, whether in state or federal court.

In order to ensure that this office makes consistent, evidence based decisions, and avoid false claims of racism against this Office and its Assistant District Attorneys, I took seriously that attorney’s stated desire not to accept plea offers, and directed my Deputy District Attorneys to memorialize any plea discussions with this attorney and not to offer pleas to that attorney without approval from the front office.

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**THE FOLLOWING IS THE CONTENT OF THE MEMO THAT
DISTRICT ATTORNEY ZAPPALA DISTRIBUTED TO MEMBERS OF THE OFFICE
ON TUESDAY, MAY 18, 2021**

To: Deputy District Attorneys

From: District Attorney Zappala

On May 13th we experienced another issue of unprofessional conduct in the courtroom of Judge Mariani, this one involving Attorney Milt Raiford. The transcript will evidence what is presently considered a convoluted critical diatribe. You are being advised of what actions will be taken.

Effective immediately, in all matters involving Attorney Milton Raiford, no plea offers are to be made. The cases may proceed on the information as filed, whether by general plea, non-jury or jury trial. Withdrawal of **any** charges must be approved by the front office.

Any discussions with Mr. Raiford shall be memorialized.

There will be no exceptions regarding Mr. Raiford unless approved by the front office.

I've also directed the First Assistant to assign someone to Judge Mariani's courtroom and for that person to report to her, and she to me.

####

IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA

CRIMINAL DIVISION

CC No. 2019-06623, 2019-11624

VS.

TRANSCRIPT OF PROCEEDING

ALEXANDER HAMMOND,

DATE:
May 13, 2021

Defendant.

REPORTED BY:
Sarah A. Hunt
Official Court Reporter

BEFORE:
Hon. Anthony M. Mariani

COUNSEL OF RECORD:

FOR THE COMMONWEALTH:
Emma Schoedel, Esq.
Emily Shanahan, Esq.
Assistant District Attorney

FOR THE DEFENDANT:
Milton E. Raiford, Esq.

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1 P-R-O-C-E-E-D-I-N-G-S

2 - - -

3 (In Open Court.)

4 - - -

5 THE CLERK: Your Honor, now is the time
6 and date set for Alexander Hammond.

7 Mr. Hammond, you don't have to stand. Just
8 raise your right hand to be sworn.

9 - - -

10 (Administered oath.)

11 - - -

12 THE COURT: Commonwealth of
13 Pennsylvania versus Alexander Hammond,
14 2019-11624, 2019-06623. Counsel, please
15 identify yourselves. For the Commonwealth?

16 MS. SCHOEDEL: Good morning, Your Honor,
17 may it please the Court, Emma Schoedel on
18 behalf of the Commonwealth at CC. 06623 of 2019.

19 MS. SHANAHAN: May it please the Court,
20 Emily Shanahan on behalf of the Commonwealth
21 at Case No. 2019-11624.

22 THE COURT: For the Defendant?

23 MR. RAIFORD: May it please the Court,
24 Milton Raiford on behalf of Alexander Hammond
25 at CC. 2019-0006623. And I'm standing in for

1 the other case also. I'm not so sure Counsel
2 for that case understood that I was doing
3 that, but I will do that anyway.

4 THE COURT: Who is counsel for that
5 case?

6 MR. RAIFORD: I think it was an agent
7 of the Office of the Public Defender, I
8 believe.

9 THE CLERK: The case ending in 11624?
10 Is that what you're saying?

11 MR. RAIFORD: Yes.

12 THE CLERK: There is no praecipe
13 entered on that, Judge.

14 MR. RAIFORD: That's okay. I got it.
15 And first of all, I want to apologize to the
16 Court for my tardiness. I had indicated to
17 Christa at about 7 o'clock this morning that
18 I knew I had conflicts. I had a federal
19 prisoner that was concurrently scheduled in
20 front of Judge Hanley, and that was at
21 10 o'clock. And this Court had me in for
22 9:30. And what happened was, I asked
23 Christa, "Could I go over to Hanley and take
24 care of that and do Mr. Hammond's plea at
25 that time?"

1 THE COURT: I'm confused. You had a
2 federal prisoner in front of Judge Hanley,
3 the magisterial district Judge?

4 MR. RAIFORD: Yes, sir.

5 THE COURT: How did your federal
6 prisoner get in front of the magisterial
7 district judge?

8 MR. RAIFORD: It was because he robbed
9 a bank, which is a federal case I had where
10 there's two related theft cases that the
11 State decided to pick up. And he's got so
12 many problems.

13 So what happened was, we had to waive
14 his case. He has two cases at the County and
15 one that's federal. And we're trying to wait
16 for the federal government because of the two
17 county cases. That's why I waived his case
18 to court. So Amanda Aldridge from the DA's
19 office handled that case for me. So we
20 resolved that case this morning. They
21 dropped it so the federal case could adopt
22 it. So they withdrew it.

23 And I came down here, and my private
24 investigator, his name is Milton Rhodes
25 (phonetic). He's the best private

1 investigator in the entire world because he
2 doesn't care; he goes and gets the job done.
3 In fact, his son is Emily's trainer. And his
4 car broke down. And, Your Honor, I'm 65
5 years old. I can't drive as fast as I need
6 to. I'm trying to get two cars -- his car
7 broke down. So I had to get my vehicle to
8 pick him up.

9 THE COURT: You had to pick up your
10 Rolls-Royce to get here; is that what you're
11 telling me?

12 MR. RAIFORD: But I apologize for
13 holding up the Court's time.

14 THE COURT: Listen, you were busy. You
15 were busy doing law work. That's okay. All
16 right. Are you, sir, Alexander Hammond?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: How old are you,
19 Mr. Hammond?

20 THE DEFENDANT: 32.

21 THE COURT: What is the extent of your
22 education?

23 THE DEFENDANT: High school.

24 THE COURT: Which one?

25 THE DEFENDANT: Twelfth.

1 THE COURT: Which high school?

2 THE DEFENDANT: Carrick High School.

3 THE COURT: Carrick or Perry?

4 THE DEFENDANT: Carrick.

5 THE COURT: Can you read, write and

6 understand English?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. At the case
9 6623, it is alleged that on the third day of
10 June of 2019, that you committed the offense
11 of criminal attempt. It's alleged that you
12 attempted to commit the crime of criminal
13 homicide by stabbing Eric Folks, F-O-L-K-S,
14 resulting in serious bodily injury, which
15 constitutes as a substantial step for a
16 commission of the crime of criminal homicide.
17 That is characterized by the District
18 Attorney Office as murder. What does the
19 District Attorney contend is the maximum
20 penalty for Count 1?

21 MS. SCHOEDEL: 20 to 40, Your Honor.

22 THE COURT: 20 to 40 at Count 1.

23 Count 2 says that you attempted to
24 cause or did cause serious bodily injury to
25 Eric Folks, and that is a felony in which you

1 can go to prison for up to 20 years. So
2 between Counts 1 and 2, it's 30 to 60 years.

3 At the second case, it's alleged that
4 on the first day of September 2019, you
5 committed the crime of aggravated harassment
6 by prisoner. That says when you were
7 confined in the County Jail, you
8 intentionally or knowingly caused or
9 attempted to cause Officer Joe Kramer,
10 K-R-A-M-E-R, to come in contact with some
11 kind of bodily fluid by throwing, tossing,
12 spitting or expelling such. That's a felony
13 for which you can go to prison for 7 years.

14 Count 2 alleges that you had the intent
15 to cause substantial harm or serious
16 inconvenience, engaging in fighting,
17 threatening, violent or tumultuous behavior.
18 That is a misdemeanor with one year in prison
19 for that.

20 Have you spoken to Mr. Raiford about
21 all of the charges in both of these cases and
22 any defenses you might have in them?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Ms. Schoedel, is there a
25 plea agreement in your case?

1 MS. SCHOEDEL: There is, Your Honor.

2 THE COURT: What is it?

3 MS. SCHOEDEL: Your Honor, for your
4 consideration, in exchange for the
5 Defendant's plea of guilty to Count 2,
6 aggravated assault causing serious bodily
7 injury, Count 1 will be withdrawn.

8 This will be a general plea to Count 2,
9 Your Honor. No agreement as to sentence.

10 THE COURT: Open plea to Count 2?

11 MS. SCHOEDEL: Yes.

12 THE COURT: Not general.

13 MS. SCHOEDEL: Sorry. Thank you. Open
14 plea, Your Honor.

15 THE COURT: Don't confuse me. All
16 right. Ms. Shanahan, is there a plea in your
17 case?

18 MS. SHANAHAN: Yes, Your Honor. In
19 exchange for the Defendant's guilty plea at
20 Count 1, aggravated harassment by prisoner,
21 the Commonwealth would withdraw Count 2,
22 disorderly conduct. And there's no agreement
23 as to sentence.

24 THE COURT: All right. Mr. Raiford,
25 I'm told that your client is going to plead

1 guilty to Count 2, aggravated assault,
2 serious bodily injury at the first case, and
3 Count 1, aggravated harassment by prisoner at
4 the second case. No agreement as to sentence
5 in either case; is that the agreement that
6 you negotiated?

7 MR. RAIFORD: It is, but I must put on
8 the record that prior to entering my
9 appearance on this particular case,
10 Mr. Hammond had been seen by the behavior
11 clinic. I believe that the report and their
12 findings -- the Court has obtained those
13 findings. And as a result of -- and I have
14 long been an advocate for and a believer in
15 the fact that many times, I have experienced
16 clients who have ascertainable Axis I mental
17 health diagnosis, such as schizophrenia, in
18 the lives that are in this case. But
19 nevertheless, they are ultimately deemed to
20 be competent to stand trial.

21 At that particular time, I believe,
22 when I launched this campaign to help people
23 who have ascertainable mental health issues,
24 to be steered toward the mental health court,
25 in spite of the charges that might keep them

1 out, according to the District Attorney
2 Office's policy.

3 I have written to Judge Manning and
4 others communicating that I thought that,
5 obviously, the place of confinement needs to
6 be found, but I also felt that increased
7 staff was required to get the job done at the
8 jail that we really expect them to do. And
9 they have done some of that, but we don't
10 have any place other than Torrance where we
11 can send some people.

12 But I was enlightened by a case that
13 Judge Bicket had. But on that particular
14 case, Judge Bicket maintained -- it was a
15 state sentence, but he maintained
16 jurisdiction over it as Judge Lazzara has
17 done many times in the past for my clients
18 standing before her.

19 So with that being the case, as my
20 client Mr. Hammond pleads guilty according to
21 the plea agreement outlined by both District
22 Attorneys in this particular matter, I would
23 like the Court to take judicial notice of the
24 prior diagnosis that was given to him. So
25 when we order the Pre-sentence Report at the

1 time of sentencing, the Court could integrate
2 the mental health problems into the
3 consideration of how my client is ultimately
4 sentenced. And I will be asking at that
5 particular time for the Court -- and I will
6 present to the Court, between now and then,
7 case law providing the opportunity for the
8 Court to do so.

9 And also, in this case -- that's pretty
10 much it. Oh, this is what I wanted to say,
11 was that JRS has already engaged Mr. Hammond
12 at the jail, but they had to stop engaging
13 him as long as this Count 1, the criminal
14 attempted homicide, was still there. And so,
15 in as much as the District Attorney has
16 removed that count, now they can rush in and
17 present.

18 We had this plea set for a time in the
19 future, but the Court was kind enough to
20 accommodate moving that plea date up. So
21 when sentencing comes in the first week of
22 August, we should have the JRS Report, as
23 well as the Pre-Sentence Report for the
24 Court's review and consideration.

25 THE COURT: The District Attorney's

1 delivery of their version of the plea
2 agreement did not incorporate the Court
3 keeping jurisdiction or signing a JRS plan or
4 anything like that, not to say that you can't
5 advocate for it, because of course you can.
6 But are you suggesting that this is part of
7 the agreement or not?

8 MR. RAIFORD: I think it's part of the
9 dictum where me and Ms. Schoedel had gone
10 into. I mean, we haven't put that on the
11 record, but we have talked. She has
12 indicated to me, "You're going to ask for
13 this and you're going to ask for that." You
14 know, we had those conversations in getting
15 to today, and she's been forthright in that.
16 She knows -- everything that I just recited
17 to the Court, I've had that conversation.

18 THE COURT: I understand you're
19 advising to the Court what you may intend to
20 present, but I guess I wanted to be clear on
21 the record as to whether that's part of the
22 agreement. That is, I was told that he was
23 pleading to two counts with the Court to
24 determine sentence with no conditions.
25 You're free to, of course, advocate for

1 conditions, but I wasn't told by the
2 Assistant District Attorney at either cases
3 that those conditions were part of the
4 agreement.

5 MR. RAIFORD: They are not.

6 THE COURT: Okay. I understand that
7 you're kind of doing a prelude to the
8 argument that will be advanced on behalf of
9 the Commonwealth at sentencing, but whether
10 JRS is involved in this case and whether this
11 case stays in the county versus the state,
12 those are all not the subject to the plea
13 agreement, the terms of the plea agreement.
14 The terms of the plea agreement are straight
15 forward. He pleads to the two counts
16 identified. The Court will determine the
17 sentence; fair?

18 MR. RAIFORD: Fair.

19 THE COURT: All Right. Mr. Hammond,
20 did you hear the discussion that I just had
21 with your lawyer?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: The Court's understanding
24 is that you're going to plead guilty to
25 aggravated assault in the first case and

1 aggravated harassment in the second case,
2 both felonies. There is no agreement as to
3 sentence. There is no agreement as to
4 particular provisions within the sentence.
5 But, of course, you are free, through your
6 lawyer, to present any request that you deem
7 appropriate and at the time of sentencing; is
8 that your understanding?

9 THE DEFENDANT: Yes, sir. May I ask
10 you a question?

11 THE COURT: Ask your lawyer first.

12 (COUNSEL CONFERS WITH CLIENT.)

13 THE COURT: All right. Did you have a
14 chance to talk with your attorney?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you still have a
17 question?

18 THE DEFENDANT: No, sir.

19 THE COURT: All right. I've been given
20 a document entitled Guilty Plea Explanation
21 of Defendant's Rights. I have also been
22 given a Waiver of Rights and Consent to Plea
23 Sentencing By Video Conference. That
24 document no longer has any relevance to us
25 since we're all here in the room; do you

1 understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. So back to the
4 Guilty Plea document. It has your name and
5 both case numbers on it, which means it
6 applies to both cases. It has your initials
7 on the bottom of each page. It appears that
8 you answered all of the questions and signed
9 on the back of Page 11; is that your
10 signature?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Did you read this document
13 and go over it with your lawyer before you
14 signed it?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Did you understand what you
17 read?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And did you fill in the
20 answers with your lawyer?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Are they truthful?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And the date here is
25 March 25, 2021, that is the date written next

1 to your name. Are your answers as truthful
2 today and as accurate today in May as they
3 were on March 25th?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Did you understand,
6 Mr. Hammond, by filling out this document,
7 signing it and giving it to the Court, along
8 with your lawyer, having both case numbers on
9 the document, you are saying that you know
10 that you have the right to go to trial in
11 each case separately with a separate jury,
12 but instead, you would rather be treated as
13 guilty on one count in one case and one count
14 in the other case?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Has anybody forced you to
17 do that?

18 THE DEFENDANT: No, sir.

19 THE COURT: Has anybody made you any
20 promises outside the terms of what we call an
21 open plea agreement? It's open because while
22 there's an agreement as to charges, there's
23 no agreement as to sentence. Has anybody
24 made you any promises outside of this open
25 plea agreement in order to get you to give up

1 your right to have a trial in either case?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you giving up your
4 right to trial in both cases of your own free
5 will?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Have you consumed any
8 drugs, medications or alcohol, legally or
9 otherwise, in the last 24 hours?

10 THE DEFENDANT: I usually take Buspar
11 and --

12 THE COURT: Speak up, please.

13 THE DEFENDANT: I usually take Buspar
14 and another medication I cant pronounce.

15 THE COURT: Did you take them today?

16 THE DEFENDANT: Yes, sir, for my
17 anxiety.

18 THE COURT: And is you, having taken
19 those medication having any effect on your
20 ability to understand what's happening here?

21 THE DEFENDANT: No, sir.

22 THE COURT: Do you have a clear head?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Did you have enough time to
25 talk to Mr. Raiford about how you want to

1 handle each of these cases?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you satisfied with his
4 advice and representation as to both cases?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: The Court finds that
7 Mr. Hammond understands his rights. He is
8 making a knowing, voluntary and intelligent
9 waiver of his right to trial in both cases.
10 I have read the Affidavit of Probable Cause.
11 Ms. Schoedel, are you relying on yours?

12 MS. SCHOEDEL: I am relying on it with
13 some additions, Your Honor.

14 THE COURT: Go ahead.

15 MS. SCHOEDEL: In addition to the
16 Affidavit of Probable Cause, the Commonwealth
17 would also supplement the following: On
18 June 3, 2019, Eric Folks was rushed to
19 Allegheny General Hospital. Mr. Folks, as a
20 result of his stab wound to the abdomen,
21 suffered from evisceration of his bowel and
22 corresponding blood loss.

23 Mr. Folks underwent life-saving surgery
24 to repair the eviscerating wound. As of the
25 date of this plea, Your Honor, Mr. Folks has

1 undergone several follow-up procedures, has a
2 permanent scar on his abdomen and has chronic
3 digestive issues that did not exist prior to
4 this case.

5 In addition to those facts, Your Honor,
6 the Commonwealth would submit as Commonwealth
7 Exhibit 1, the video of the stabbing from the
8 Metro PCS Store on Federal Avenue.

9 THE COURT: All right. Any additions
10 or corrections to the Affidavit or the
11 supplemental information, Mr. Raiford?

12 MR. RAIFORD: No, sir.

13 THE COURT: Mr. Hammond, did you read
14 the Affidavit of Probable Cause?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Do you have any dispute
17 with the facts insofar that it involves
18 Mr. Folks and him being stabbed by you?

19 THE DEFENDANT: No, sir.

20 THE COURT: The Court finds sufficient
21 facts that support the charges in that case.
22 Ms. Shanahan?

23 MS. SHANAHAN: Your Honor, the
24 Commonwealth is relying on the Affidavit of
25 Probable Cause and does not have anything

1 additional to add.

2 THE COURT: All right. As to the
3 second case, aggravated harassment by a
4 prisoner, Mr. Raiford, do you have any
5 dispute to the Affidavit of Probable Cause?

6 MR. RAIFORD: No, Your Honor.

7 THE COURT: Mr. Hammond, did you read
8 that Affidavit?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you agree that it
11 describes what happened?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: The Court finds sufficient
14 facts that supports the charge in that case.

15 Are you pleading guilty to aggravated
16 assault, causing serious bodily injury in the
17 first case and aggravated harassment by
18 prisoner in the second case because you are
19 guilty?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: The Court accepts your
22 plea.

23 Now, we're going to order a
24 Pre-Sentence Report. Also, Mr. Raiford, I
25 looked in my file concerning the behavior

1 assessment unit report. It is dated
2 November 5, 2019.

3 MR. RAIFORD: Correct.

4 THE COURT: So if you want, we can
5 order an evaluation between now and the time
6 we appear here for sentencing.

7 MR. RAIFORD: Would the Court please do
8 so?

9 THE COURT: I will do that. We will
10 order a new evaluation.

11 Now, Mr. Hammond, I want to explain
12 something to you. Pre-Sentence Reports focus
13 on four basic areas: One, Defendant's family
14 history; two, Defendant's educational
15 history; three, Defendant's employment
16 history; four, Defendant's criminal history.

17 There are other things that end up in
18 there if they are relevant, such as military
19 service or if the Defendant has a major
20 medical issue. You're not limited to what is
21 being put into the Pre-Sentence Report. If
22 you have other information that you want to
23 be presented on your behalf, make sure you
24 give it to your lawyer ahead of time so he
25 knows; whether it's a witness or documents,

1 whatever. Do you understand?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And at the end of all of
4 this, do you understand that by pleading
5 guilty, sir, you have given up some certain
6 arguments? For example, you can't challenge
7 how the police got the evidence, you can't
8 argue about speedy trial. You're limited to
9 whether the Court's sentence was legal,
10 whether your plea was knowing and
11 intelligent, things like that. Do you
12 understand there are four areas that were
13 outlined in the document? Do you remember
14 that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. I wanted to
17 make sure so you understand where you are
18 with this.

19 One final thing that I want to tell
20 you, especially because of the second case:
21 Your conduct between now and the next time I
22 see you in the jail could have impact one way
23 or the other on what the sentence ultimately
24 is; do you understand?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: If you show up here in a
2 DHU outfit, you're going to be in trouble,
3 I'll tell you that.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: It's the worst thing a guy
8 in jail can do, is show up for sentencing and
9 he's in a DHU outfit. It tells me he's not
10 even behaving in the jail. I'm not
11 suggesting that you're going to do it or not
12 do it. I don't know. Since you're there, I
13 want you to know that you can have impact,
14 positive or negative, on your sentence; do
15 you understand?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay, we'll see you in
18 about three months.

19 MR. RAIFORD: One more thing, if I
20 could go on the record for something that
21 won't take long, Judge. It's become upon me
22 in each of my cases, and I have been doing
23 this in Federal Court and in Common Pleas
24 Court in which I have over 200 active cases
25 in Common Pleas Court, and that number is

1 only growing. And I probably have the
2 largest court docket right now as a private
3 attorney in federal court. But it's
4 interesting that I'm having these cases come
5 at me. It was in this very courtroom, during
6 the case of Vanessa Williams (phonetic), that
7 the COVID virus ravished our country and the
8 courthouse.

9 At that particular time, there was a
10 very elite DA to me. Her name was
11 Ms. Hong-Barco, who actually, me and her were
12 working in tangent, which is pretty much
13 historic by itself. This Court also listened
14 to our arguments indicating that Ms. Williams'
15 case should be postponed because there was no
16 guarantee that this airborne virus would be
17 able to not effect jurors or other members of
18 the courtroom.

19 As you well know, my desire was not
20 only to get her a postponement, but to shut
21 the courthouse down. Since that time, and it
22 did not happen, I remember Judge Clark being
23 here, and both me and Ms. Hong-Barco taken
24 back by her presence, because we had not
25 anticipated it and we knew we had no

1 questions for her. But, at one point,
2 Your Honor, during the conversation I did
3 have with her, I had indicated to her that I
4 believe that what we were going through as a
5 country was a reflection of our disobedience
6 and the oppression that has a systemic racism
7 that has existed in each and every area;
8 education, health and, more than anything
9 else, our criminal justice system.

10 And it was interesting to note that
11 those conditions have been addressed across
12 the nation; every major city, every District
13 Attorney in every major city and even the
14 Supreme Court of Washington. I think I gave
15 you a copy of the opinion that they brought
16 out, indicating that we're going to be a
17 little more sensitive and we're going to pay
18 attention to two things: One, the unequal
19 application of justice that has resulted in
20 the mass incarceration of many
21 African-Americans. And I brought that up at
22 that time.

23 And I just wanted to put on the record
24 that I was pretty much appalled, discouraged
25 and dismayed by the fact that Allegheny

1 County, Pittsburgh, Pennsylvania,
2 specifically, is the worst place to live if
3 you're an African-American in terms of
4 healthcare, in terms of job, in terms of six
5 times more likely to be arrested by a police
6 officer during a pretextual traffic stop than
7 anybody in the whole county. These are all
8 documented things that Mr. David from the
9 University of Pittsburgh had documented. In
10 the last four years, Pittsburgh has lost
11 seven thousand black residents who decided to
12 leave here and find jobs elsewhere because
13 this is deemed the worst place for them to
14 live.

15 I believe in my heart that I gave
16 Judge Clark an opportunity to address these
17 things, and she said -- pretty much, she -- I
18 think her exact quote was, "I don't know
19 whose God it is you're talking about, but
20 that is what it is." At that particular
21 point, when she said that, I took my seat and
22 I had not spoken to her since.

23 But to me, she is asleep in her ivy
24 tower. To me, Judge Rangos is asleep in her
25 ivy tower. I'm still figuring out what I'm

1 going to do with my 200 cases, whether I'm
2 going to --

3 THE COURT: I'm sorry, what other judge
4 is asleep?

5 MR. RAIFORD: Judge Rangos.

6 THE COURT: Judge Rangos?

7 MR. RAIFORD: Yes, I had messaged them
8 both privately, and they decided to do
9 nothing about it. So what I'm going to do, I
10 don't know. But I can tell this: This is
11 not a personal front of any Court,
12 particularly not this Court. You have always
13 entertained my argument and my conversations.

14 But I just speak on the facts as the
15 founder of the Pittsburgh Black Lawyers
16 Alliance, which is the first of its kind in
17 Pennsylvania. I'm almost too old to maintain
18 the office in it, and I think it's time to
19 pass the baton on to Frank Walker and Blaine
20 Jones and Randall McKinney and Lena Henderson
21 and Todd Hollis and Wayne Cobb, the numerous
22 people that are now part of the organization.
23 But I just want to say that it is very
24 disheartening that in this county, that we
25 had no comment from the District Attorney

1 Office, no comment from our Administrative
2 Judge at this division, no comment from our
3 Supreme Court, who seems like they are
4 totally ignoring which way the wind is
5 blowing nationally, that all of these people
6 are being shot for nothing, all of these
7 people are dying for nothing. And we're
8 trying to get back to normal. So the
9 District Attorney Office, they're giving
10 these pleas that seem like they're doubling
11 down on what wasn't right.

12 I've had meetings scheduled with
13 Mr. Zappala to discuss those things, and
14 Detective Logan, the investigator, who I
15 worked with for over 37 years. I've been
16 asking for 45 years. I have never seen -- I
17 really feel grief in my heart that a good
18 friend of mine -- I had to bury a woman. She
19 died of COVID. Her nephew, I walked past him
20 everyday. And I just think that -- wow. All
21 I can say is wow and shame on us.

22 So I just want this transcript to
23 reflect the fact that nothing personal
24 against Judge Mariani.

25 THE COURT: I want to ask you why you

1 wanted to put this on the record in this
2 matter.

3 MR. RAIFORD: Because I'm putting it on
4 the record in every matter. I'm putting it
5 on the record in every matter. I don't care
6 whether it's a summary offense or whether
7 it's a plea agreement in federal court. I
8 don't care whether it's a detention hearing.

9 I think we need to pause. We have an
10 opportunity at another Constitutional
11 convention that we need to do. I feel like
12 we had a chance to address some things, and I
13 think we still have a chance, but I think
14 that window is closing.

15 THE COURT: Let me just respond a
16 little bit in part, because the reason
17 Judge Clark was here for that proceeding was
18 at my request.

19 One of the things that I find to be
20 outstanding about you that I said many times
21 in various cases is that you are sincerely
22 working for the betterment of your clients,
23 many times not just as their lawyer, but as a
24 life counselor. So many people talk about
25 what we should be doing for younger people,

1 and you're one of those people who talks
2 about it because you are doing it for younger
3 people. I don't know if COVID has affected
4 your Thursday night activities or not. I
5 suppose it has.

6 MR. RAIFORD: It has not.

7 THE COURT: Well, that's great.

8 MR. RAIFORD: We got a tent, and they
9 come to my house outside.

10 THE COURT: And you know how I feel
11 about it. You are outstanding as a member of
12 our legal community because, not only the
13 legal work you do, but because of the
14 community work you do, along with your wife
15 and others. So I know your sincerity is 100,
16 plus, percent.

17 But I have to tell you, I believe that
18 about Judge Clark, too. Judge Clark was here
19 at my request. And despite my view that the
20 courthouse should remain open, she took
21 measures more consistent with what you
22 advocated, even though, in my view, if we
23 were going to require anybody to be here, as
24 we did, then we should be open. Why should
25 our docket clerks be ordered, upon immediate

1 suspension without pay, to be in these rooms
2 with that door unlocked all day, everyday in
3 the height of the pandemic, but nobody else
4 can come in? I didn't agree with that at
5 all, and I still don't. And I got sued over
6 it, if you might recall. I just got un-sued
7 a week or two ago in federal court.

8 MR. RAIFORD: And every once in awhile,
9 this person that -- you know, Yogi Berra said
10 something. He was good for his wit. He's
11 not just a baseball player. He's almost like
12 a philosopher of sorts. He said, "When you
13 reach the fork in the road, take it."

14 THE COURT: Right. Listen to me. I'm
15 not defending Judge Clark because she's the
16 President Judge. I'm defending Judge Clark
17 because she went through a lot of turmoil for
18 this trying to find a solution. She was very
19 unhappy with me because of my position that I
20 took and ended up getting sued over. But she
21 always is respectful and professional and
22 working long hours, working weekends, along
23 with Judge Rangos. I will tell you that I
24 had many conversation with them in the
25 evening, during the week, on the weekends.

1 They were working relentlessly to try and
2 find solutions to the COVID problem. And I
3 don't really think that your suggestion that
4 Judge Clark and Judge Rangos are ignoring
5 some racial aspects of what's happening is
6 fair at all.

7 But let me go further, Mr. Raiford.
8 You and I had several, many conversations
9 about this. I told you, to this day, it is
10 still true that among the inspirational
11 things I keep on my desk is that of a Martin
12 Luther King speech; hoping that someday,
13 people are judged by the content of their
14 character, versus the color of their skin.
15 He was way ahead of his time. In my opinion,
16 we, as a society and community, had not lived
17 up to what that man saw in the 1960's.

18 So I understand you, but to say that
19 Judge Rangos and Judge Clark are ignoring
20 those things, I just don't think that's fair.
21 I think it's harsh and I see it differently.

22 MR. RAIFORD: Let me be more specific.
23 When Judge Mariani hits the bench -- and me
24 and you had many conversations with that.
25 You don't leave your culture behind. You

1 don't leave your Italian heritage behind. I
2 worked with Judge Bigley. Not the Judge
3 upstairs. I worked with her father. That's
4 how old I am. And at the end of the day, he
5 didn't leave his Irish heritage on the bench
6 when he took the bench.

7 So I'm upset with Judge Clark because I
8 grew up with her. And when you -- and I'm
9 telling all of these young black candidates
10 for judge, the only reason you can have those
11 signs in my yard on the corner of William
12 Penn Highway is because I told them, "Do not
13 feel that once you get on the bench that you
14 can be insensitive to the plight of
15 African-Americans in this Fifth Judicial
16 system. You're not supposed to leave your
17 culture behind you just because you are
18 inaugurated into the system."

19 Angela Davis said -- this is a long
20 time ago, and I'm the kid of the 60's and
21 70's. I was even at Woodstock. She said
22 this about black people integrating
23 themselves into society by being police
24 chiefs -- and I believe this myself -- I
25 believe that the system needs to be

1 undermined. And a lot of times, a black
2 person in the system sometimes has the
3 tendency to strike with something that
4 systematically is opposed to the raising up
5 of others from the neighborhood which I came
6 from, which is 15208. That is Homewood.

7 THE COURT: Same with the Mariani's, by
8 the way. Same with the Mariani's.

9 MR. RAIFORD: Right. That's why I had
10 this conversation with you, because I have
11 Italian brothers and sisters, and you know
12 that. I have a nephew that trains people
13 that are rich and famous. He's not a racist
14 person.

15 But I am not able to separate myself by
16 my education, which is the University of
17 Pennsylvania, or prep school. I can't
18 separate the fact that, at the end of the
19 day, Milt Raiford could get lost out there.
20 And yet, I could make a half a million
21 dollars a week when I was practicing and I
22 quit it. But at the end of the day, I gave
23 it all up because I was a kid from Homewood,
24 and the chance of anybody else making it, if
25 I don't open up my mouth and clear the facts,

1 the chances are slim to none.

2 So that's what I'm saying. I'm saying
3 on the social justice issues, Judge Clark
4 should have a particular glean for that.
5 What does she do instead? She forces Carmen
6 Robinson out because she decided to speak on
7 those issues, and she decided that Carmen
8 Robinson had to quit, calling me a crime to
9 having to quit because I can't speak. She's
10 not allowing me to speak on any social
11 justice issues because she says that's
12 political.

13 All that I can say to that is I
14 requested meetings with them. As a matter of
15 fact, I told them this from the beginning. I
16 told them this at the beginning. She said to
17 me in this courtroom, you heard her, "Milt,
18 you can always come to my office and talk
19 about it." I tried to. I had no response.
20 Judge Rangos said, "I'll make you part of
21 this commission." I haven't had any phone
22 calls from her either to do that.

23 But at the end of the day, everyone is
24 attempting to get back to normal, rushing to
25 court to plead these guys guilty, these crazy

1 plea agreements. And it doesn't make any
2 sense that we, in Allegheny County, when the
3 rest of the country is changing, why are we
4 still trying to get back to something that's
5 oppressing the people that don't have money
6 or they don't have an education? That's why
7 the 7,000 black people left here and found
8 some other place to live.

9 THE COURT: Mr. Raiford, just a minute.
10 Are you saying that the District Attorney of
11 Allegheny County makes different offers to
12 people whose skin has color than people who
13 don't? By the way, what color are we talking
14 about?

15 MR. RAIFORD: Yes, I'm talking about
16 black.

17 THE COURT: I'm not exactly pure white
18 myself. Aren't we all in relation to
19 somebody? Are you saying there's some kind
20 of systematic plea arrangement with the DA's
21 Office that the darker your skin, the worse
22 your plea agreement?

23 MR. RAIFORD: Your Honor, I think the
24 DA's Office is systematically racist. And I
25 think that the criminal justice system is

1 systematically racist. And I'm not eager to
2 run my clients back into the guillotine, and
3 I'm not in a rush -- you know what, if this
4 house is on fire, which is America, how in
5 the heck are you supposed to put the fire out
6 when you're inside a house that's burning?
7 Somebody's got to -- everybody says, "You
8 know what, you should run for judge." I
9 said, "Why would I do something stupid like
10 that?" At the end of the day, you get in
11 here and sit there and have somebody tell me
12 what to do that doesn't have the same facts
13 as I have, that they're supposed to have.
14 Why would I do a stupid thing like that when
15 I have an opportunity to advocate in every
16 case that I have and make people read
17 arguments in federal court?

18 And for some reason, God has made my
19 practice -- he's made me younger. And
20 despite the fact that I'm 65, I'm in better
21 shape than I was in, and he's strengthened me
22 at 65. I'm just pleading with them to
23 change, because at the end of the day, I'm
24 not talking as a lawyer; you know that I'm
25 talking as a minister. And I really believe

1 that the judgement of God is on our Nation.
2 And any respect that I had for our system of
3 justice went out the window on January 6th.
4 Any respect that I had for our system of
5 government went out the window as those folks
6 climbed through the window on January 6th.
7 Any respect that I had -- and for the number
8 of Americans -- 74 million of them to think
9 that's all right.

10 I stand in the face of the fact that my
11 father was a war hero in World War II, that
12 my cousin Charles got killed in Vietnam as a
13 war hero, and that my mother and father -- I
14 would have went to war too, except for the
15 fact that they made me the first person in
16 our family to graduate from college.

17 So at the end of the day, I'm
18 passionate about it, Judge. You know I am.
19 I just put this on the record because I'm
20 going to blow my trumpet as long and as loud
21 as the Lord will allow me to do. And with
22 that being the case, that's all I can do.

23 THE COURT: Mr. Raiford, let me just
24 ask you then, if you believe that the Office
25 of the District Attorney of Allegheny County

1 has some racist quality or aspect to them,
2 why don't you just go to trial or plead
3 generally and not negotiate with them at all?

4 MR. RAIFORD: Alexander Hammond has
5 been in jail for a long time. I know a great
6 deal about this. I knew him when he was a
7 kid. I know how he behaves on the street. I
8 know his mother and his father. I know these
9 kids. I know you can't be a Shepard unless
10 you smell like a sheep. At the end of the
11 day, that's who I represent. I don't do -- I
12 told Sliger the other day --

13 THE COURT: Slow down.

14 MR. RAIFORD: I am not going for those
15 crazy plea agreements. I had one guy offered
16 18 years. The other guy could have a murder
17 charge and get 18 years. Somebody was
18 offered four to eight on a marijuana case.
19 I'm not going to listen to that.

20 So, no. I mean, I would like to know
21 who to e-mail exactly what I just told you.
22 Until you guys get this thing reasonable,
23 Detective Logan, who's -- you know Logan.
24 And that's their chief investigator. He is
25 my friend. At the end of the day, he sent

1 the message to Steve Zappala. He carried the
2 mail for me. I'm waiting for his response to
3 come around. It's not like I don't know
4 Steve Zappala. I'm older than him. I worked
5 with his father and know where his family
6 lives. It's not like I haven't -- I paid my
7 dues is all I'm trying to say. I'm just
8 trying to say what God is trying to say, not
9 what Milton is trying to say.

10 THE COURT: Your sincerity will never,
11 ever be doubted in this room, ever. You know
12 that. But what I'm trying to understand is
13 why is it relevant for you to tell us about
14 this in this case for Mr. Hammond?

15 MR. RAIFORD: No, I'm doing it in every
16 case. I'm not excluding anybody. I don't
17 care if it's a case -- anything. I'm still
18 trying to figure out what I'm going to do
19 with these 200 cases now that the courts are
20 opening back up again. I don't want to be
21 back at home. I'm not participating in it.
22 I'm outside of that option already.

23 THE COURT: So are you suggesting that
24 the plea offers in this case have been
25 affected by some racist --

1 MR. RAIFORD: No, not at all. Listen
2 to me, I'm not saying -- I know Emma, and I'm
3 getting to know her. And I know him, and he
4 knows me. She knows -- I think she's
5 extraordinarily capable as a trial lawyer. I
6 think she's extraordinarily capable, and
7 she's very beautiful.

8 THE COURT: Tell me why you're bringing
9 it up in Mr. Hammond's case. Here's my
10 concern: Mr. Hammond is sitting here
11 listening to all of this, and he would
12 legitimately be wondering, "How does this
13 relate to my case, if it does?" And if it
14 doesn't, you need to say so.

15 MR. RAIFORD: His case is over. We
16 already have a sentencing date. Before I
17 left this courtroom, this case was over. We
18 ordered a Pre-Sentence Report. We got a
19 sentencing date. I didn't make this comment
20 until after he was done.

21 THE COURT: All right. So I have to
22 tell you, I know you're sincere. I know
23 there's a lot of things you brought up that
24 are important issues that I really do, on
25 various levels, believe they need to be

1 addressed.

2 But I disagree with you that
3 Judge Clark is demeaning the means for acting
4 like she is. I disagree with you that Judge
5 Rangos is, not because I serve with them or
6 under them, but because I've seen them in
7 action. I've had discussions with them. I
8 think you're wrong. I think you are. I have
9 to tell you.

10 MR. RAIFORD: All I'm saying is this,
11 and a lot of people think I'm wrong. They
12 think I'm talking to myself, but they're not
13 listening to what I'm really saying.

14 I think I asked you, "Would you, for
15 the good of the Commonwealth, run for the
16 Supreme Court of Justice?" I asked you that.
17 But I think in order for us to change -- see,
18 I don't have these conversations with
19 everybody. When I ask Judge Schwab and them,
20 it's a lot more vitriolic -- if that's the
21 word -- in front of Judge Schwab and Judge
22 Bissoon --

23 THE COURT: I understand.

24 MR. RAIFORD: -- and Judge Conti. You
25 know, that Milt Raiford is not isolated to --

1 I'll come in here and sit here and do my
2 private work for another judge because I feel
3 at home here.

4 THE COURT: Well, I'm glad to hear
5 that, because I hope you keep doing that. I
6 hope all of the lawyers do that. All right.
7 Thank you, Mr. Raiford.

8 Mr. Hammond, we'll see you in about
9 three months.

10 - - -

11 (Whereupon, the proceedings were concluded.)

12 - - -

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF ALLEGHENY }

CERTIFICATE OF REPORTER

I, Sarah A. Hunt, an Official Court Reporter, do hereby certify that the evidence and proceedings are contained fully and accurately in the machine shorthand notes taken by me at the hearing of the within cause, and that the same were transcribed under my supervision and direction, and that this is a correct transcript of the same.

Sarah A. Hunt
Official Court Reporter