

Chancellor Issues Statement on Judge Deni's Recent Ruling

It is not often that the Philadelphia Bar Association comments publicly on a judge's ruling in a legal proceeding. Indeed, the Association has, as part of its mission, the preservation of a free and independent judiciary. This issue goes to the marrow of our existence as a free and independent people.

However, an October 4 ruling by Philadelphia Municipal Court Judge Teresa Carr Deni—issued on the heels of ratings released by our nonpartisan Commission on Judicial Selection and Retention of Judge Deni and other judicial candidates in next week's election—represents a confluence of events that compels us to speak out.

Judge Deni's retention of an armed robbery charge for "theft of services" in the case of a defendant accused of forcing a prostitute at gunpoint to have sex with him and three other men—and the related dismissal of all sex and assault charges—belies a basic understanding of what constitutes rape in Pennsylvania.

I have personally reviewed the transcript from the defendant's preliminary hearing in this case. Based on my reading, the transcript clearly reflects that the victim decided she was not going to engage in sex with any of the men present, and that she was forced to do so at gunpoint. No one has denied or contradicted this.

Judge Deni's belief that because the victim had originally intended to have sex for money and decided not to because she didn't get paid posits that a woman cannot change her mind about having sex, or withdraw her consent to do so, regardless of the circumstances. We cannot imagine any circumstances more violent or coercive than being forced to have sex with four men at gunpoint.

Judge Deni's subsequent remarks, as reported, unfortunately point out that her decision in this case was based on a pre-existing bias as to when sex can be consented to, and as to when that consent can be withdrawn, and reflects, in my opinion, a clear disregard of the legal definition of rape and the rule of law in this case.

This matter occurred after the deliberations of the Philadelphia Bar Association's Commission on Judicial Selection and Retention closed. Our Commission made its finding regarding Judge Deni based on its review of her body of work over the past six years. Judge Deni's recent decision, however, was rendered after the Commission issued its recommendation.

As Chancellor, a lawyer, and a human being, I am personally offended by this unforgivable miscarriage of justice. The victim has been brutalized twice in this case: first by the assailants, and now by the court.

While this is an egregious case, in the final analysis, it is up to each individual voter, in the privacy of his voting booth, to make his or her own decision as to whether Judge Deni should continue in her present position.

Chancellor Jane Leslie Dalton