

EXHIBIT A

**IN THE SUPREME COURT FOR THE
COMMONWEALTH OF PENNSYLVANIA**

**IN SUPPORT OF A PETITION FOR EXTRAORDINARY RELIEF
CHALLENGING THE POLICIES & PRACTICES OF ADJUDICATING YOUTH
DELINQUENT WITHOUT COUNSEL BY THE LUZERNE COUNTY COURT OF
COMMON PLEAS–JUVENILE DIVISION**

AFFIDAVIT OF JESSICA VAN REETH

Jessica Van Reeth, being duly sworn, hereby deposes and states as follows:

1. I am eighteen years old, born on February 6, 1990, and the daughter of Jack and Toni Van Reeth.
2. I live at 104 South Mountain Boulevard, Mountain Top Pennsylvania 18702.
3. During the 2006-2007 school year I was enrolled in the eleventh grade at Crestwood High School located in Mountain Top, Pennsylvania.
4. In October 2006 I received a 10-day out-of-school suspension by the assistant principal for possessing a lighter and a pipe. Prior to this incident I was an above average student. I received B's in all my classes. I had never received a reprimand or detention.
5. Although I told the school's assistant principal that I owned the pipe, this was not true. The lighter and the pipe were not mine. Earlier that day I held them for a friend who gave them, to me in the girls' bathroom. At that moment several of the girls who were in the girls' bathroom were escorted to the principal's office by school staff.
6. Before this event I had not had any prior contact with law enforcement. I had never been arrested.

7. The next day my mother went to the Township's police station at 65 Shady Tree Drive in Mountain Top Pennsylvania. At the police station she asked about whether I could get a lawyer. A police officer gave us the phone number for the public defender's office, but we were also discouraged from calling the public defender because our family income was probably too high and that we would not qualify. The Fairview Township Police also told us I would likely receive nothing more than probation.
8. In November 2006 my parents received a letter the Probation Department of Luzerne County stating probation had received an allegation from the Fairview Police that I was a delinquent child and asking them and me to attend an "intake interview" at Juvenile Probation in Wilkes-Barre on December date, 2006. The letter said we had the right to be represented by an attorney at the interview.
9. In December 2006 my father accompanied me to my intake interview at Luzerne County Juvenile Probation. We were not accompanied by counsel. We were interviewed separately.
10. During my interview the juvenile probation told me I was charged with possession of possession of drug paraphernalia in October 2006 at Crestwood High. I admitted possessing the lighter and pipe. The juvenile probation officer asked me questions about other subjects (i.e., school, home, drug use). I told the officer I did not use drugs, and that had never been in trouble at school or with the police prior to this incident. At the conclusion of the interview the juvenile probation officer told me he would not recommend placement, but we were told we needed to appear for an adjudicatory hearing the following month.

11. After the intake interview I received a summons from Juvenile Probation commanding me to appear before the Judge of Juvenile Court on Tuesday, January 30, 2007 for an adjudicatory hearing.
12. On January 30, 2007 I appeared in Juvenile Court, accompanied by my father.
13. Neither prior to nor during my court appearance no one asked me whether I was accompanied by counsel or whether I understood that I had the right to be represented by an attorney.
14. Upon entering the reception area for juvenile court, I identified myself to juvenile probation. I did not sign any papers waiving my right to counsel.
15. Although there were several families in attendance waiting to be heard by Judge Ciavarella, my case was called first.
16. My father accompanied me to the bar of the court. We stood and the only other persons at the bar were the Assistant Principal of Crestwood High School, Bonnie Gregory; the arresting Police Officer from Fairview Township; and my case worker from Camp Adams.
17. The hearing began without anyone, including Judge Ciavarella, asking anything about my right to be represented by counsel. No one asked whether I understood my right to be represented by counsel.
18. A court officer read the charges, and asked me how I intended to plead. No one asked me whether I understood my right to contest the charges, whether I understood the consequences of my admission, or whether I had discussed my admission with my parents or a lawyer.
19. I replied "guilty."

20. Judge Ciavarella immediately asked me whether I remembered his speech at the school assembly at the beginning of the school year. Judge Ciavarella reminded me that he said, “if anyone from Crestwood appeared before him he would send them away” and that’s what he intended to do with me. Judge Ciavarella did not tell me where I would be going. He just said I was going away.
21. I was immediately handcuffed, and escorted out of the courtroom to a small waiting room by a sheriff. I did not have a chance to say good-bye to my father.
22. I was in the small waiting room alone for several minutes when I requested a urine test to prove that I had not used any drugs. The urine test came up negative for any drugs or illegal substances.
23. Later, my case worker Ms. Sara entered the room and asked me to sign some papers. When I began reading the papers, she told me not to read them. I responded saying that I refuse to sign the document without reading it first. When I asked what would happen if I did not sign the papers the officer replied “then the judge will sign them for you.”
24. I was placed at Camp Adams for three months.
25. I was not allowed to see my parents for the first two weeks.
26. At Camp Adams I did all the assigned school work and received excellent marks. I was never in trouble and did not receive any negative write-ups.
27. When I asked my counselors whether I could get out early for good behavior they replied no because I was ordered to remain in placement for three months.

28. At Camp Adams I met other several other girls from Luzerne County who also appeared before Judge Ciavarella without counsel, adjudicated delinquent and placed.
29. I was released from Camp Adams on April 26, 2007.
30. After my release I was placed on intensive probation for three months, and my driver's permit was taken away. The conditions of my probation were to
- a. attend Drug and Alcohol counseling in Wilkes-Barre six hours a week for ten weeks,
 - b. attend regular weekly counseling at school and at home,
 - c. cooperate with home visits from Juvenile Probation three times a week,
 - d. submit weekly urine samples,
 - e. observe weekly curfew during the school year and during the summer, and
 - f. pay for court costs associated with probation.
31. I did not violate any of the terms of my probation.
32. After my release from residential placement I had a review hearing before Judge Ciavarella. At those hearings I did not have counsel and was never informed of my right to counsel.
33. I returned to Crestwood High School but had lots of difficulty. I did not receive credit for the work I missed during my three month placement in Camp Adams for one of my classes. I worked very hard to catch-up. I completed mandatory research project that the students at Crestwood High School are required to do in order to pass the 11th grade. This project takes most students 3 months to complete, because of the deficient computers at Camp Adams, I was not able to complete it, or do anything other than my bibliography while I was at Camp Adams. I was forced to complete the entire project in 1 month, and completed the eleventh grade with a B average.

34. Juvenile Court involvement ended September, 17 2007.
35. Based on my experiences in Luzerne County Juvenile Court—as a person adjudicated delinquent, placed in residential placement with other youth from Luzerne County, and ordered to attend group therapy sessions with other adjudicated youth—I believe there are other young people—like me—who admitted to criminal activity without the benefit of counsel.

s/ JVR
Jessica Van Reeth