

[1] **THE WITNESS:** SHERRY LEFFLER. LAST
 [2] NAME IS L-E-F-F-L-E-R.
 [3] **THE COURT:** AND GOOD DAY TO YOU,
 [4] MISS LEFFLER.
 [5] **THE WITNESS:** GOOD MORNING.
 [6] **THE COURT:** YOU MAY PROCEED.
 [7] **MR. LAFFERTY:** THANK YOU, JUDGE.
 [8]
 [9] ----
 [10] DIRECT EXAMINATION
 [11] ----
 [12]
 [13] **BY MR. LAFFERTY:**
 [14] **Q.** GOOD MORNING, MISS LEFFLER.
 [15] MR. LEFFLER, WHERE DO YOU WORK?
 [16] **A.** I WORK FOR THE PENNSYLVANIA COMMISSION ON
 [17] CRIME AND DELINQUENCY.
 [18] **Q.** WHAT DO YOU DO THERE?
 [19] **A.** A CRIMINAL JUSTICE SPECIALIST SUPERVISOR AND
 [20] IT'S THE CONSTABLES EDUCATION AND TRAINING PROGRAM.
 [21] **Q.** MISS LEFFLER, WHAT ROLE DO YOU PLAY IN THE
 [22] ADMINISTRATION OF CONSTABLES IN THE COMMONWEALTH?
 [23] **A.** WE HANDLE ALL OF THEIR TRAINING AND
 [24] CERTIFICATION, WHICH INCLUDES SCHEDULING TRAINING
 [25] CLASSES, THEIR ENROLLMENT INTO TRAINING CLASSES AND

[1] PROCESSING THEIR GRADE AND ISSUING THEIR
 [2] CERTIFICATIONS.
 [3] **Q.** AND AS PART OF THEIR POWERS OF A CONSTABLE
 [4] DO THEY HAVE DUTIES THAT ARE THE SAME AS POLICE
 [5] OFFICERS?
 [6] **A.** PER THE STATUTE AND WHAT WE TRAIN THEM ON,
 [7] NO. WE ARE ONLY TRAINING AND CERTIFYING THEM TO
 [8] PERFORM WORK FOR THE COURTS.
 [9] **Q.** FOR THE COURTS?
 [10] **A.** CORRECT.
 [11] **THE COURT:** FOR THE WHAT?
 [12] **THE WITNESS:** FOR THE COURTS.
 [13] **MR. SIMMONS:** OBJECTION, YOUR
 [14] HONOR. WHAT STATUTE IS SHE REFERRING TO?
 [15] **THE WITNESS:** ACTUALLY IT IS TITLE
 [16] 44 LAW AND JUSTICE, CHAPTER 71.
 [17] **MR. SIMMONS:** THANK YOU.
 [18] **MR. LAFFERTY:** NOTHING FURTHER,
 [19] JUDGE.
 [20] **THE COURT:** CROSS.
 [21]
 [22] ----
 [23] CROSS EXAMINATION
 [24] ----
 [25]

[1] **BY MR. SIMMONS:**
 [2] **Q.** GOOD MORNING, MISS LEFFLER.
 [3] **A.** GOOD MORNING.
 [4] **Q.** IN YOUR POSITION WITH THE PENNSYLVANIA
 [5] COMMISSION ON CRIME AND DELINQUENCY YOU SAID YOU'VE
 [6] BEEN IN TRAINING OF CERTIFICATION OF STATE
 [7] CONSTABLES, CORRECT?
 [8] **A.** THAT'S CORRECT.
 [9] **Q.** AND YOU DON'T ACTUALLY SUPERVISE THE STATE
 [10] CONSTABLES; IS THAT CORRECT?
 [11] **A.** THAT'S CORRECT.
 [12] **Q.** AND WHO ARE THEY SUPERVISED --
 [13] **A.** ACTUALLY THEY'RE DEEMED INDEPENDENT
 [14] CONTRACTORS IN RE ACT 147, WHICH REFERENCES
 [15] CONSTABLES AND HAVE DEEMED THEM TO BE SELF EMPLOYED
 [16] INDEPENDENT CONTRACTORS.
 [17] **Q.** OKAY.
 [18] AND YOU ISSUE THE REGULATIONS, THE
 [19] FIREARM TRAINING AND CERTIFICATION FOR CONSTABLES
 [20] PURSUANT TO WHAT IS IT, 44 SECTION 7148; IS THAT
 [21] ACCURATE?
 [22] **A.** THAT WOULD BE ACCURATE.
 [23] **Q.** OKAY.
 [24] AND THAT SECTION SPECIFICALLY
 [25] STATES THE P.C.C.D., THE PENNSYLVANIA COMMISSION ON

[1] CRIME AND DELINQUENCY, SHALL ESTABLISH STANDARDS
 [2] FOR THE CERTIFICATION OR QUALIFICATIONS OF
 [3] CONSTABLES AND DEPUTY CONSTABLES IN CARRY, USE
 [4] FIREARM IN PERFORMANCE OF ANY DUTIES; IS THAT
 [5] CORRECT?
 [6] **A.** THAT'S CORRECT.
 [7] **Q.** AND WHAT DUTIES ARE THEY REFERRING TO?
 [8] **A.** AGAIN, WITH THE TRAINING AND CERTIFICATION
 [9] THAT WE PROVIDE THROUGH THE PROGRAM THAT WOULD BE
 [10] THE DUTIES THAT ARE PERFORMED FOR THE COURTS.
 [11] **Q.** OKAY.
 [12] AND THOSE ARE REFERRED TO JUDICIAL
 [13] DUTIES, CORRECT?
 [14] **A.** JUDICIAL DUTIES, CORRECT.
 [15] **Q.** AND THEY'RE DEFINED IN THE STATUTE, CORRECT?
 [16] **A.** THAT'S CORRECT.
 [17] **Q.** AND THERE ARE OTHER DUTIES THAT CONSTABLES
 [18] PERFORM THAT DO NOT QUALIFY AS JUDICIAL DUTIES
 [19] UNDER THE STATUTE; IS THAT CORRECT?
 [20] **A.** YES. AS AN ELECTED OFFICIALLY THEY'RE NOT
 [21] REQUIRED, BUT THE COUNTIES CAN HAVE THEM GOING TO
 [22] THE POLLING PLACES AND PROVIDE PROTECTION AT THE
 [23] POLLING PLACES AS PART OF THE ELECTION --
 [24] **Q.** SO THE FIREARM TRAINING AND CERTIFICATION
 [25] THAT YOU'RE REFERRING TO, MY CLIENT HAD COMPLETED

6

[1] THAT DURING THE COURSE OF HIS SERVICE AS A
 [2] CONSTABLE, CORRECT?
 [3] **A.** CORRECT.
 [4] **Q.** AND THE CERTIFICATION REQUIREMENT ONLY
 [5] INFLUENCES THE CONSTABLE'S ABILITY TO PERFORM
 [6] JUDICIAL DUTIES, NOT NONJUDICIAL DUTIES, CORRECT?
 [7] **A.** CORRECT.
 [8] **Q.** SO HIS, YOU SENT THIS LETTER ON JULY 19,
 [9] 2018, CORRECT?
 [10] **A.** UH HUH.
 [11] **Q.** THE ONE THAT WAS PEVIOUSLY REFERENCED?
 [12] **THE COURT:** PLEASE ANSWER YES OR
 [13] NO.
 [14] **THE WITNESS:** YES.
 [15] **BY MR. SIMMONS:**
 [16] **Q.** AND THAT INDICATES THAT HIS FIREARM
 [17] CERTIFICATION HAD LAPSED OR BEEN SUSPENDED; IS THAT
 [18] CORRECT?
 [19] **A.** REVOKED, CORRECT.
 [20] **Q.** OKAY.
 [21] SO THAT WOULD EFFECT HIS ABILITY TO
 [22] PERFORM JUDICIAL DUTIES AS A CONSTABLE, CORRECT?
 [23] **A.** THAT'S INCORRECT. HE CAN STILL PERFORM
 [24] DUTIES FOR THE COURTS, HOWEVER, HE COULD NOT CARRY
 [25] A FIREARM WHILE HE WAS PERFORMING THOSE DUTIES FOR

[1] THE COURT BECAUSE OF THAT REVOCATION OF THE FIREARM
 [2] CERTIFICATION.
 [3] **Q.** OKAY.
 [4] SO HE'S PERFORMING NONJUDICIAL
 [5] DUTIES HE'S STILL DOING THOSE WITHIN HIS RIGHTS AS
 [6] A CONSTABLE, CORRECT?
 [7] **A.** THAT IS A QUESTION THAT I COULD NOT ANSWER
 [8] BECAUSE I AM ONLY TESTIFYING AS TO WHAT THE PROGRAM
 [9] IS CERTIFYING AND TRAINING HIM TO DO.
 [10] **Q.** OKAY.
 [11] BUT THAT TRAINING AND CERTIFICATION
 [12] YOU'RE REFERRING TO ONLY REFERS TO THE PERFORMANCES
 [13] OF JUDICIAL DUTIES FOR A MAGISTRATE JUDGE, CORRECT?
 [14] **A.** OR A COURT OF COMMON PLEAS, CORRECT.
 [15] **Q.** AND ANY OTHER DUTIES HE PERFORMED AS A
 [16] CONSTABLE HE CAN STILL DO WITHOUT THAT
 [17] CERTIFICATION, CORRECT?
 [18] **A.** THAT I ASSUME IS CORRECT, YES.
 [19] **Q.** NOW, THE LACK OF CERTIFICATION, THAT DOESN'T
 [20] EFFECT HIS STATUS AS A ELECTED CONSTABLE, CORRECT?
 [21] **A.** THAT'S CORRECT.
 [22] **Q.** AND HE COULD S'TILL PERFORM ANY OF THOSE
 [23] OTHER DUTIES?
 [24] **A.** CORRECT.
 [25] **Q.** DO YOU KNOW WHY HIS CERTIFICATION WAS

7

[1] ORIGINALLY REVOKED?
 [2] **A.** THE FIREARM CERTIFICATION?
 [3] **Q.** YEAH.
 [4] **A.** THAT WOULD HAVE BEEN AS A RESULT OF A J-NET
 [5] ARREST NOTIFICATION THAT WE HAD RECEIVED. AND WE
 [6] PERFORMED A CRIMINAL HISTORY BACKGROUND CHECK ON
 [7] HIM AND HE HAD A PROHIBITIVE HIT ON THE BACKGROUND.
 [8] AND THAT'S WHY THE INVESTIGATION WAS CONDUCTED.
 [9] **Q.** NOW, ARE YOU FAMILIAR WITH, AT ALL WITH
 [10] SECTION 6106 OF THE CRIMES CODE?
 [11] **A.** I AM NOT.
 [12] **Q.** OKAY.
 [13] SO YOU DON'T KNOW HOW THAT STATUTE
 [14] WOULD INTERACT WITH THE P.C.C.D. TRAINING AND
 [15] CERTIFICATION REQUIREMENTS, CORRECT?
 [16] **A.** CORRECT. THAT IS, WHAT I DO IS WHEN I
 [17] PERFORM THE CRIMINAL HISTROY IF THERE'S A
 [18] PROHIBITIVE HIT I GIVE THAT INFORMATION TO MY LEGAL
 [19] COUNSEL AND THEY MAKE A DETERMINATION IF THEY
 [20] ACTUALLY APPROVE THE REVOCATION OF THE FIREARM
 [21] CERTIFICATION.
 [22] **Q.** OKAY.
 [23] AND AS A CONSTABLE MY CLIENT WAS
 [24] AUTHORIZED TO PERFORM ARRESTS IN A VARIETY OF
 [25] CIRCUMSTANCES; IS THAT CORRECT?

[1] **A.** PER THE STATUTES?
 [2] **Q.** YES.
 [3] **A.** THERE'S ONLY ONE SECTION THAT REFERS TO
 [4] ARRESTS IN BURROUGHS FOR UNDER A CONSTABLE'S
 [5] DUTIES.
 [6] **Q.** AND THAT INDICATES THAT A CONSTABLE WITHIN A
 [7] BURROUGH OF ELECTION HE, IF HE OBSERVED SOMEONE
 [8] COMMITTING, DISTURBING THE PEACE OR SOMETHING LIKE
 [9] THAT HE CAN COMMIT A WARRANTLESS ARREST AT THAT
 [10] TIME, CORRECT?
 [11] **A.** THAT'S CORRECT.
 [12] **MR. SIMMONS:** I DON'T THINK I HAVE
 [13] ANY OTHER QUESTIONS.
 [14] THANK YOU.
 [15] **THE COURT:** ANY RE-DIRECT?
 [16] **MR. LAFFERTY:** NO, YOUR HONOR.
 [17] **THE COURT:** YOU MAY STEP DOWN, MISS
 [18] LEFFLER.
 [19] **THE WITNESS:** THANK YOU.
 [20] **MR. LAFFERTY:** AND I HAVE NO
 [21] FURTHER WITNESSES. HOWEVER, BEFORE
 [22] TESTIFYING, OR RESTING I WOULD MARK AS C-1
 [23] THE CERTIFICATE OF NONLICENSURE FOR THIS
 [24] DEFENDANT SHOWING THAT HE DID NOT HAVE A
 [25] VALID LICENSE TO CARRY A FIREARM AT THE TIME