Jason Loper

From:	Kearney, Thomas L. (DA) [redacted]
Sent:	Thursday, December 24, 2015 12:14 PM
To:	Jason Loper
Cc:	Emmons, Susan R.; Baughman, Michelle L.; Albright, Darryl L.; Barker, Timothy; Demangone, Douglas M.; Jacobs, Jane E.; Kearney, Thomas L. (DA); King, Kyle G.; Maisch, David J.; Russell, Jennifer L; Sunday, David W.
Subject:	Tyson Baker
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Chief Loper:

This will confirm our discussion at your office regarding the list of cases where Tyson Baker was the affiant that are currently pending. We have determined that two of those will need to be nol prossed as Officer Baker is a necessary witness.

By copy of this email to ADA Susan Emmons, I am directing her to prepare and submit for signature a nol pros form for [redacted] charging disorderly conduct. The reason for the request will be that the testimony of a necessary witness, Officer Tyson Baker, is no longer available. Ms. [redacted] is currently on fugitive status so the bench warrant will need to be withdrawn by ADA Emmons at the time the nol pros is submitted.

The second case, that of [redacted], charging Identity Theft, Tampering with Physical Evidence, False ID and public drunkenness, is currently still before the District Magistrate. Your office will need to withdraw those charges. I am asking Michelle Baughman to mark that case as withdrawn in our system. I was also alerted to the fact that [redacted] has been withdrawn by your department and we should also mark that as closed.

Regarding the remaining cases, our subpoenas will still go out to your department listing Officer Baker as a witness. You will then make an independent call as to the appropriate witness to send for trial.

On behalf of our office I want to commend you on the professionalism with which you are dealing with this most difficult issue. My understanding is that you will be conducting an internal review and will be advising our office of any concerns so that we might comply with our ethical obligations. I am impressed at the way you have aggressively dealt with insuring that the integrity of both pending and past cases is maintained.

Tom Kearney
York County District Attorney
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