

ALLEGHENY COUNTY BAR ASSOCIATION

JUDICIAL CANDIDATE PLEDGE

I, Michael Brian Sullivan, a candidate for judicial office, have familiarized myself with the Code of Judicial Conduct and the Code of Civility, as promulgated by the Supreme Court of Pennsylvania. I have directed special attention to Canon 4 of the Code of Judicial Conduct, including Rules 4.1, 4.2 and 4.4. I agree to conduct my judicial campaign consistent therewith and further consistent with *Republican Party v. White*, 536 U.S. 765 (2002). I further pledge that all campaign advertising will be done fairly, accurately, truthfully, and will maintain the dignity appropriate to the judicial office which I am seeking.



Signature of Candidate



Date

ALLEGHENY COUNTY BAR ASSOCIATION JUDICIARY COMMITTEE
ACKNOWLEDGMENT AND AUTHORIZATION

As a candidate or potential candidate for Allegheny County Court of Common Pleas the Pennsylvania Appellate or Federal Courts, I hereby acknowledge and authorize the procedures of the Allegheny County Bar Association Judiciary Committee, including the following:

1. If I become a candidate, the Allegheny County Bar Association Judiciary Committee will make available to the public the Questionnaire, and my responses, except for the questions and responses which are acknowledged to be confidential, which information shall remain available only to the Committee.
2. My responses are provided without breaching client confidentiality as embodied in Rule 1.6 of the Rules of Professional Conduct.
3. If I become a candidate, the rating assigned to me by the Committee will be publicly announced. Ratings remain valid for 2 years but are subject to reevaluation upon request.
4. Should I receive a *Not Recommended* rating the Committee will endeavor to notify me prior to a public announcement. If I withdraw from the race, the rating will not be announced, and the questionnaires will not be published.
5. I hereby authorize the Pennsylvania Judicial Conduct Board, the Disciplinary Board of the Supreme Court of Pennsylvania, and the Pennsylvania Board of Law Examiners to transmit my entire file and record, including confidential information contained therein, to the Allegheny County Bar Association Judiciary Committee. I hereby specifically waive any confidentiality rights I may have in those records.
6. I hereby authorize the Judicial Conduct Board, the Disciplinary Board, and the Board of Law Examiners, or the equivalent, in any jurisdiction where I have practiced, been admitted to practice or have applied to either take a bar examination or for admission to the bar to transmit my entire file and record, including confidential information contained therein, to the Allegheny County Bar Association Judiciary Committee. I hereby specifically waive any confidentiality rights I may have in those records.
7. The Allegheny County Bar Association Judiciary Committee may change, during the course of my campaign for office, the original rating assigned to me for cause.

Michael B. Sullivan

Type or print name



Signature

1.6.25

Date

ACBA JUDICIARY COMMITTEE QUESTIONNAIRE FOR LAWYER APPLICANTS

I am seeking a rating for the following court:

- Allegheny County Court of Common Pleas
- Pennsylvania Commonwealth Court
- Pennsylvania Superior Court
- Pennsylvania Supreme Court

1. State your full name and list any other name by which you have ever been known.
Michael Brian Sullivan, a/k/a Mike Sullivan

2. Date and place of birth.
September 20, 1974, Passavant Hospital, Pittsburgh, PA

3. Are you a naturalized citizen? If so, give date and place of naturalization.
N/A

4. Family status:
 - a) Are you married? If so, state the date of marriage and your spouse's full name, including maiden name, if applicable.
Yes. Sarah Jane Krolikowski, married on 10/22/2016

 - b) Have you been divorced? If so, state the date, the number of the case and the court.
N/A

5. Have you served in the military? If so,
No military service.
 - a) Give dates, branch of service, rank of rate and present status;

 - b) Have you ever been rejected or released from the armed services for reasons other than honorable? If so, give details.

6. List each college and law school you attended, including dates of attendance, any scholastic honors, and the degrees awarded. If you left any institution without receiving a degree, state the reason for leaving.

Allegheny College, Meadville, PA, 1992-1996 (Alden Scholar), Bachelor of Arts in Political Science with a minor in Communication Arts

Thomas R. Kline School of Law, Duquesne University, Pittsburgh, PA, 1996-1999, (Finalist in the Temple Law Review State Constitutional Law Writing Competition), Juris Doctorate

7. List all jurisdictions in which you have applied to take a bar examination, have applied for admission or have been admitted to practice. Include dates of admissions and if not admitted, give application dates and explain the outcome.

Pennsylvania, admitted 10/29/1999

United States District Court, Western District of Pennsylvania, admitted 11/15/1999

United States Court of Appeals for the Third Circuit, admitted 6/11/2001

8. List your professional mailing address and telephone number including the name of any associated law firm. Please also list any personal and professional social media usernames and/or handles and any websites you maintain or to which you know that your profile is shared.

Krolikowski Law, LLC

225 Ross St., 4th Floor

Pittsburgh, PA 15219

Business: 412-376-3638

Personal: 412-215-7581

Facebook: Mike Sullivan

Instagram: mikesullivan0021

Snapchat: msully5150

Twitter/X: @mikesullivan21

LinkedIn: Michael Sullivan

9. Describe chronologically your law practice and experience after your graduation from law school, including:

a) Whether you served as clerk to a judge and, if so, the name of the judge, the court, and the dates of the period you were a clerk;

b) Whether you practiced alone and, if so, the addresses and the dates;

c) The dates, names and addresses of law firms or offices, companies or governmental

agencies with which you have been connected and the nature of your connection with each; and,

- d) Any other relevant particulars.
- 1) Bureau of Workers' Compensation – Office was at an address on Penn Avenue in Pittsburgh during my employment. Current address in Pittsburgh is 411 Seventh Ave., Pittsburgh, PA 15219 – Law Clerk, August 1999-January 2000 — I was a law clerk for numerous judges. Most cases for which I wrote decisions/opinions were from Philadelphia. Clerks were not assigned to individual judges.
 - 2) Venango County District Attorney's Office – 1168 Liberty St. #102, Franklin, PA 16323 – Assistant District Attorney, January 2000-February 2002
 - 3) Allegheny County District Attorney's Office, 330 Courthouse, 436 Grant St., Pittsburgh, PA 15219
 - a. Assistant District Attorney, February 2002-August 2016
 - b. Deputy District Attorney, August 2016-January 2024 – I supervised the Domestic Violence Unit during this entire time. For approximately 4 years, I also supervised Specialty Court (Mental Health Court, Veterans Court, DUI Court) Assistance District Attorneys
 - 4) Krolkowski Law, LLC – 225 Ross St., 4th Floor, Pittsburgh, PA 15219 – Attorney at Law, April 2024-present.

10. Regarding your practice:

- a) What has been the general character of your practice, dividing it into periods with dates if its character has changed over the years?

As an Assistant District Attorney and Deputy District Attorney, the character of my practice was in Criminal Law. However, from 2005 through 2024, I was a member of the Domestic Violence Unit and part of my responsibilities included the handling of Indirect Criminal Contempt cases, which are assigned to Family Division in Allegheny County. Therefore, I was required to be acutely aware of Family Law, particularly Protection from Abuse law and procedures.

As an attorney with Krolkowski Law, the character of my practice is mostly in the area of criminal law. I also practice in Family Law in the area of Protection From Abuse.

- b) Describe your typical clients and mention the areas in which you have concentrated your practice.

In my practice with Krolkowski Law, my clients are typically criminal defendants with an array of allegations. I have represented clients ranging from traffic tickets to homicide, including assault, robberies, drug offenses, and DUI's. I have also represented clients in Family Court on Protection From

Abuse cases. I have represented both Plaintiffs and Defendants in these cases.

11. Regarding the last ten years:

- a) Did you appear in court regularly, occasionally, or not at all? If the frequency of your appearances in court has varied during this period, describe each such variance, giving the dates thereof;

I have appeared in Court regularly over the past 10 years. As an Assistant District Attorney, I appeared in Court daily, including cases at the Court of Common Pleas and Magisterial District Courts. As a Deputy District Attorney, I was still in Court regularly, but on a somewhat less frequent basis due to administrative duties associated with that position. My Court appearances during this time were at least weekly and still included both the Court of Common Pleas and Magisterial District Courts. As an attorney at Krolikowski Law, I am also in Court regularly. I am in Court on at least a weekly basis at the Court of Common Pleas and Magisterial District Courts, and I have appeared in those Courts in multiple Counties, including Allegheny, Washington, Butler, Westmoreland, Mercer, and Beaver Counties.

- b) What percentage of these appearances was in:

1. Federal courts: 0%
2. State courts of record: approximately 50%
3. Other courts: approximately 50% (Magisterial District Courts)

- c) What percentage of your litigation was:

1. Civil: 0%
2. Criminal: approximately 75%
3. Family: approximately 25%

4. Orphans' Division: 0%

d) State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel or associate counsel. I do not have a specific catalogue of all cases that I have tried to verdict, however, I have tried hundreds of cases to verdict during my legal career, including approximately 40 jury trials. I would approximate that have tried well over 200 non-jury trials. I was sole counsel in all but two trials. In one trial, I was associate counsel. In the other, I was chief counsel.

e) What percentage of these trials were:

1. Jury: approximately 10-20%
2. Non-jury: approximately 80-90%

12. Summarize your experience in court the last ten years, indicating:

a) Whether your appearances in court were more or less frequent;
As stated above, my appearances in court declined slightly when I became a Deputy District Attorney in 2016 due to the administrative duties associated with that position. Prior to this promotion, I was in court on a daily basis throughout my career. After the promotion, I was still in court on at least a weekly basis. I continued to be in court weekly at Krolikowski Law.

b) Any significant changes in the percentages stated in your answers to question 11(b), (c) and (e); and,
No.

c) Any significant changes in the number of cases per year in courts of record you tried to verdict or judgment (rather than settled), as sole counsel, chief counsel or associate counsel.
No.

13. Describe five of the most significant litigated matters which you personally handled (give the citations if the cases were reported and docket numbers if unreported) by providing a capsule summary of each case and a succinct statement of what you believe to be the

particular significance of the case; the party or parties whom you represented; the name of the Court, Judge and contact information if known of counsel for any other party; your role in the litigation; and the final disposition.

Commonwealth v. Anthony Morgan, CC201110913

Court of Common Pleas of Allegheny County, before the Honorable Donald Machen

My role: Attorney for the Commonwealth

Opposing Counsel: Christopher Patarini, Public Defender, 412-350-3505

The Defendant in this case was charged with Criminal Homicide. I represented the Commonwealth and was opposed by Defense Counsel Christopher Patarini of the Public Defenders Office. In this case, the victim, Deon Thomas, was a drug dealer. The Defendant was one of his customers. On the day of the murder, Mr. Morgan had come to Mr. Thomas's home to purchase drugs. A physical altercation took place where Mr. Thomas was stabbed several times in the neck and trunk of the body, killing him. He was found deceased in the front doorway of his residence, apparently trying to escape. Police questioned Mr. Morgan about the murder approximately one month later, and he denied involvement. The case went cold until 6-7 years later when police were informed of a presumptive DNA match between Mr. Morgan's blood sample from a law enforcement database and a spot of blood found in Mr. Thomas's first floor bathroom. The police obtained a search warrant for a DNA sample from Mr. Morgan to confirm the DNA match. After they obtained that sample from Mr. Morgan, he went on the run for approximately a year until his arrest. Testing showed that the blood found in the bathroom was a mixture of different people's blood but that Mr. Morgan was one of those people.

When the case went to trial in late October 2012, Mr. Morgan argued that he was defending himself. The crime scene was a complicated one with furniture turned over and damage in multiple rooms. Most of the crime scene did not tell a clear story of what had happened. However, the autopsy did help tell at least the final part of the story. While Judge Machen limited the testimony of Dr. Todd Luckasevic, I was able to elicit testimony about the location, entry angle, and number of stab wounds. This information allowed me to argue that Mr. Thomas was attacked from behind. Additionally, Mr. Thomas's body was found in the entry way to the front door of his home with a bloody handprint located on the door as if he were trying to open it. The evidence demonstrated that Mr. Morgan attacked Mr. Thomas from behind with a knife and stabbed him several times while he was trying to escape his own home. Mr. Morgan's self-defense claim was dismissed by the jury, as they returned with a verdict of guilty as to Murder in the First Degree after approximately one hour of deliberation.

This case is important for two reasons: First, it shows that the protection of the law applies to all people. The jury in this case could have easily used the fact that Mr. Thomas was a drug dealer to diminish the level of care they took with this case. I made sure to take the time in my opening statement to address this possibility. I told the jury that they probably wouldn't like the victim because he was a drug dealer who may have been causing great harm to his community. I also told them that he was still to be afforded the protection of the law because that is what our system of justice requires. No matter what someone has done in their past, when they have been wronged or have done wrong, they are guaranteed the protections outlined in the U.S. and Pennsylvania Constitutions. I have always appreciated that they took my words to

heart and diligently worked on this case.

The second reason this case is important to me is that it is a great illustration of how much every detail matters. If I had not paid particular attention to the details of the stab wounds in the autopsy and made sure to argue their meaning to the jury, the case could have had a very different outcome. I'm thankful that Dr. Luckasevic was so detailed in his autopsy report. These observations, along with the prints on the door, greatly assisted in finding the truth of what happened between Mr. Morgan and Mr. Thomas. I am positive that these seemingly small details are what persuaded the jury to convict Mr. Morgan.

Commonwealth v. Tiant Mitchell, CC201215446

Court of Common Pleas of Allegheny County

Before the Honorable Edward Borkowski

My Role: Attorney for the Commonwealth

Opposing Counsel: Lisa (Phillips) Caulfield, Public Defenders Office (now Magisterial District Judge 05-2-08) 412-646-1837

Mr. Mitchell was charged with Attempted Homicide, Assault of a Law Enforcement Officer, Aggravated Assault, Firearms Not to Be Carried Without a License, Endangering the Welfare of a Child, Simple Assault by Physical Menace, and 3 counts of Recklessly Endangering Another Person. The case involved a Domestic Violence incident that started because Mr. Mitchell saw his partner, Shawnece Moore, having a conversation with a male that was not him while they were at a bar together. Once the couple returned to their home, Mr. Mitchell began terrorizing Ms. Moore and her children while in the home. He threatened Ms. Moore's teenage son and pointed a gun at her infant child. Ms. Moore convinced Mr. Mitchell to take a walk with her. While walking down the street, a still irate Mr. Mitchell pulled out the firearm and fired multiple shots into the air. A resident in the adjacent home looked out the window after hearing the shots and saw Ms. Moore and Mr. Mitchell. He called 911 and gave a description of Ms. Moore and Mr. Mitchell was given to the dispatcher. Pittsburgh Police Officer Andrew Baker responded to the area and found two individuals matching the description given. He stopped his car and began to exit. However, before he was able to get all the way out of the vehicle, Mr. Mitchell began firing his gun at the officer. Officer Baker returned fire and took cover behind the vehicle. In the exchange of bullets, Ms. Moore was struck in the hand, and Mr. Mitchell was struck in the buttocks. After that strike occurred, Mr. Mitchell fell to the ground, gave up, and was taken into custody. Officer Baker's vehicle had been hit by several bullets. Officer Baker was struck directly in the chest by a bullet. However, his bullet proof vest saved him. In fact, Officer Baker escaped with only a small cut that he couldn't explain.

At the preliminary hearing for this case, Ms. Moore was a reluctant participant. I recall that she seemed to be afraid of Mr. Mitchell at that time. We had a long conversation where I was able to gain enough of her trust that she was able to testify about the incident. Defense counsel at the preliminary hearing was Public Defender Donovan Morris. Mr. Morris was given a full and fair opportunity to cross examine Ms. Moore. Given her reluctance, I knew that it was important to allow Mr. Morris to question her without much objection from me because a record of this testimony might be important at trial. As it turned out, I was

correct. Ms. Moore did attend a trial preparation session with me and the lead detective, but she took that opportunity to tell me and the detective that she was a sovereign citizen and not subject to the laws of the United States or Pennsylvania or the trial subpoena that was served upon her that day. She told us that she would not be attending the trial. On the trial date, she held true to her word and was absent. I informed the Court of this, and Judge Borkowski issued a bench warrant for her arrest. I had Detectives make every effort to locate her as I was not planning to call her until the next day. When the next day came, I had Detectives testify that they had looked for Ms. Moore in multiple locations and that they had watched her house all night. Ms. Moore could not be located, and her house had the appearance of being abandoned. Given this testimony and his review of the preliminary hearing transcript, Judge Borkowski declared Ms. Moore unavailable and found that Defendant had been given a full and fair opportunity to cross examine the witness at the preliminary hearing. Therefore, I was permitted to present Ms. Moore's preliminary hearing testimony to the jury. In Domestic Violence cases, there can still be an attitude of "if she doesn't care, why should I?" Therefore, I was worried that the jury might disregard this testimony because Ms. Moore wasn't present. In my closing argument, I talked about how Ms. Moore still deserved the law's protection despite her absence and how other testimony corroborated parts of her testimony. The jury also heard from Officer Baker and others about the shooting that had occurred. In the end, the jury paid close attention to the prior testimony of Ms. Moore and found it to be credible enough to convict Mr. Mitchell on all charges except for one count of Simple Assault by Physical Menace.

This case again is an example of the protection of the law extending to all, even people who don't believe they deserve it or do not seek it. Ms. Moore's actions regarding this case are not dissimilar to those of many other victims of Domestic Violence. Many of them do not want to participate in the process for a variety of legitimate reasons. In some instances, however, it is important to make the effort to protect them with the law even if they do not want that protection. It could mean saving someone's life. This case was one of those instances, and I was able to convey to the jury the importance of protecting Ms. Moore and her children even though she didn't appear.

Additionally, this case illustrates my ability to navigate the Rules of Evidence. I knew from the beginning of this case that I may need to use Ms. Moore's preliminary hearing testimony at trial. I conducted the preliminary hearing with this knowledge already in mind. That foresight and knowledge of the Rules of Evidence paid off at trial because my fears about Ms. Moore's reluctance became reality as trial drew near. At trial, I still needed to make sure that I laid the proper foundation to have Ms. Moore declared unavailable and to have a finding that a full and fair opportunity to cross examine the witness took place. My ability to navigate these rules allowed the jury to hear the full story of how Mr. Mitchell went from being jealous at a bar to ultimately shooting at a police officer.

Commonwealth v. Cornell Poindexter, CC 201410211

Court of Common Pleas, Allegheny County

Before the Honorable Anthony M. Mariani

My Role: Attorney for the Commonwealth

Opposing Counsel: Richard Narvin, then of the Office of Conflict Counsel, current phone number per PA Disciplinary Board is 412-600-9981

Mr. Poindexter was charged with Criminal Homicide, Persons Not to Possess A Firearm, and four counts of Aggravated Assault. Mr. Poindexter entered a bar in Homewood and, upon entering the back room of the establishment, began shooting at the victim, Vincent Holt. Four other patrons were also injured by stray bullets. Mr. Poindexter, however, was not the initial person arrested for this crime. When I was assigned this case, the accused was an individual named Corey Clark. Prior to the preliminary hearing, defense counsel for Mr. Clark, Ken Haber, obtained a copy of surveillance video from the bar, and he contacted me to say that Mr. Clark was innocent and that we had the wrong person. Almost simultaneously, Pittsburgh Homicide Detective James McGee obtained an anonymous tip saying that Mr. Poindexter was the person who committed this crime. I took this information to then-Deputy District Attorney Law Claus. The next day there was a meeting with me, DDA Claus, and detectives where we reviewed the surveillance footage and determined that, indeed, Mr. Poindexter was the actor and not Mr. Clark. However, Mr. Clark was identified to have entered the bar with Mr. Poindexter and others. He was standing next to Mr. Poindexter when he began shooting. We determined that there was no evidence, however, to charge Mr. Clark with any role in the incident. Therefore, the charges against Mr. Clark were quickly withdrawn. I was able to determine that information in the affidavit of probable cause against Mr. Clark was incorrect. The affiant in the complaint against Mr. Clark was Detective Margaret Sherwood. Detective Sherwood wrote in the affidavit of probable cause that Mr. Clark's probation officers had affirmatively identified him when they viewed still photos of the shooter obtained from the surveillance video from the bar. This was not true. When I spoke to the probation officers, they told me that they told Detective Sherwood that they were unsure about who the shooter was in the photo, but that it could be Mr. Clark. I was also told that the probation officers requested to see the actual video, but it was never shown to them. Additionally, the photo was blurry, making it difficult to identify anyone. Due to this situation and other malfeasance on behalf of Detective Sherwood, she was later indicted by a Grand Jury convened by the Office of the Attorney General. I testified to my knowledge of this case to the Grand Jury. Detective Sherwood later entered a guilty plea to some of the charges filed against her. Her behavior was an albatross that hung over the handling of this case. In the end, Mr. Poindexter was offered a plea to 3rd Degree Murder, which he accepted. Under the plea agreement, he was sentenced to 15-30 years in prison. He also entered a guilty plea to the Firearms violation and the Aggravated Assaults pertaining to the four individuals injured. I can firmly say that I would not have made this offer if Detective Sherwood had not acted as she did during the investigation. The video of this case clearly shows that Mr. Poindexter came into the bar that night with a single purpose. He sneaked the firearm past security and their metal detectors and immediately fired upon Mr. Holt when the opportunity presented itself. I believe that Mr. Poindexter would have been convicted of First-Degree Murder. However, the misdeeds of Detective Sherwood made the plea offer necessary.

I have found this case important for a couple of reasons. First, this case has always served as a reminder to me that the attorneys involved in a case, particularly prosecutors, must be open to listening to information and arguments from the other side. The goal of our justice system is to first find the truth and then to appropriately apply the law to that truth. If prosecutors are not willing to listen and reconsider and test their own evidence, then the goals of the system are not met. I had already considered myself a prosecutor that was open-minded and who would listen to any information offered by others in order to seek the truth. This case, however, offered a stark reminder that this approach is a requirement, not an option.

The case also serves as a reminder that those who have power must take care not to abuse that power. In the case of a police officer, a prosecutor, or an elected official, the public is relying on those people to make decisions and to act in a manner that is best for the community at large. When an official abuses their power, the community's trust in our institutions is damaged. Only by bringing those who abuse power to account can we continue to have our community's trust. The rule of law allows our society to function in a steady, predictable way. The rule of law must be applied equally to those entrusted to uphold it.

Commonwealth v. Garfield Bennett, CC202306249

Court of Common Pleas, Allegheny County

Before the Honorable Bruce R. Beemer

My Role: Defense Counsel

Opposing Counsel: Assistant District Attorney Ed Scheid, escheid@alleghenycountyda.us, 412-350-4407

Mr. Bennett was charged with Robbery, Theft by Unlawful Taking, Possession of a Weapon, Terroristic Threats, and Simple Assault by Physical Menace. Mr. Bennett was accused of entering a convenience store, entering the area behind the cash register with a large knife, threatening and menacing the clerk with the knife, and taking a carton of cigarettes from the counter before running out of the store and away from the area with the cigarettes. The incident was captured by a video camera that was mounted above the area behind the cash register. I believe I was Mr. Bennett's third attorney once I was appointed to the case. When I spoke to him, he told me his version of what had happened. He was adamant that he did not take anything from the store and that he was not guilty of Robbery. He had been told by his other attorneys that he should accept an offer to plead guilty to an amended count of Felony 2 Robbery, and did not want to hear that again from me. After watching the video for the first time, I was not sure that Mr. Bennett was telling the truth. Every time we spoke, however, he was consistent with his telling of what happened. After watching the video numerous times, I was still missing how he could be not guilty of the Robbery. I kept talking to him, however, and finally he told me specifically that he had dropped the box that he is seen picking up in the video. I watched the video again, now looking for this specific point. It happened quickly and was difficult to see, but it surely was there. He had dropped the item and took nothing from the store. I set up a meeting with ADA Scheid, and we watched the video together. I was able to pause the video at the moment it was apparent that Mr. Bennett dropped the alleged carton of cigarettes. ADA Scheid wasn't sure that he was convinced of what I was telling him. He told me that witnesses said he carried something out of the store. I insisted that the only thing in his hand was the knife he was wielding and pointed to aspects of the video that showed I was correct. ADA Scheid didn't seem convinced at that moment, but he said that he would speak with the witnesses and his detectives. As the trial date approached, ADA Scheid gave me a call with a new plea offer. This time, the offer included the withdrawal of the Robbery charge. I was not privy to any conversations that occurred on the prosecution side of this case, but I am positive that watching the video with ADA Scheid changed the outcome of this matter. Had Mr. Bennett gone to trial and been convicted of the Felony 1 Robbery, he would have been sentenced to a mandatory state prison sentence of 25 years under Pennsylvania's 3rd strike law. Instead,

Mr. Bennett was able to enter a guilty plea to the misdemeanor charges, which he fully admitted to, and receive a time-served sentence of 11 ½ to 23 months in Allegheny County Jail.

This case is important to me because it is an illustration of what is supposed to happen in the criminal justice system when everyone does their job. It also illustrates my patience with people and willingness to hear them out. While it was difficult for me to get Mr. Bennett to articulate why he was innocent of the Robbery charge, I persisted in my efforts to understand him. Once he finally controlled his emotions enough to walk through the incident with me, I was able to see what he was talking about on the video. He was an emotional client, so I understand why the prior attorneys didn't get to the point I did with him. My patience and willingness to listen to what he was saying paid off, however. Then, once I found the piece of evidence that exonerated Mr. Bennett of the harshest charge, I zealously advocated for my client with the Assistant District Attorney. To ADA Scheid's credit, he took it seriously, and we came to an appropriate resolution of the case. If Mr. Bennett did not have an attorney willing to keep trying with him or keep listening to him, that vital moment on that video may not have been seen by the ADA or presented to a jury, if necessary. And Mr. Bennett might have been serving an unjust sentence. For the justice system to work appropriately, the folks who work in the system must be diligent, patient, and focused on finding the truth of the matter and applying the law so that actual justice occurs. I'm proud to say that this happened for Mr. Bennett.

Commonwealth v James Karr, CC201501155

Court of Common Pleas, Allegheny County

Before the Honorable Anthony M. Mariani (pretrial motion before the Honorable Donna Jo McDaniel)

My Role: Lead Attorney for the Commonwealth, co-counsel Stephe Ramaley, cell phone 412-721-6781

Opposing Counsel: Christopher Patarini, Public Defender, 412-350-3505, and the Honorable Lisa G. Middleman, then Public Defender, 412-350-1658

Mr. Karr was charged with Homicide, 5 counts of Arson (each a different subsection), and 2 counts of Cruelty to Animals for killing his wife and two dogs in a fire. Mr. Karr's wife, Maureen filed for and was granted a Temporary Protection From Abuse Order. On the date of the hearing for the Final PFA Hearing, Mr. Karr had a medical emergency that caused the postponement of the hearing. That night, there was a large fire at the home of Maureen Karr. She was killed in the fire. Her body was found in the middle of the living room floor. She was face down with floral wire around her arms and legs. She had been hog-tied. Her body was unrecognizable. The body of one of her dogs had been found next to her body. The other dog's body was found near the back door of the house. The house was a total loss, and it was demolished after the conclusion of this case. Mr. Karr became a suspect immediately. After the fire was extinguished and Maureen's body was located, Mr. Karr was found at his parents' house in South Park. Mr. Karr willingly came to Allegheny County Police Headquarters for questioning. During his interviews, Mr. Karr gave consent to have his parents' home searched, but he also told detectives that he did not want to talk and that he wanted an attorney several times. One detective ignored those requests and kept speaking with Mr. Karr and sometimes asking questions. Mr. Karr did not give useful answers to those

questions and was left alone in the interview room for the next four hours while detectives worked on the investigation. Mr. Karr slept nearly all of that time. When detectives returned, they showed Mr. Karr evidence they had collected and asked more questions. Mr. Karr engaged in some of the questioning, but eventually said he wanted an attorney. Mr. Karr was eventually told that he was going to be charged in the death of his wife. He asked questions about what the charges would be. He was then left alone in the room. After being alone for 10-15 minutes, Mr. Karr knocked on the door and asked to speak with detectives again. He told detectives that he wanted to answer questions. He told detectives that he had been in Duquesne that night. He said that he had been drinking with friends and that he had left them to buy and use drugs as well. But he said that he blacked out and that's all he could remember. Detectives pressed him to remember but he didn't elaborate. A different detective eventually entered the room and spoke with Mr. Karr. In this questioning, Mr. Karr eventually broke down and admitted that he had gone to his wife's home and had a confrontation. He said that Maureen came at him and hit her head on a kitchen counter during a tussle, knocking her out. He said he panicked and set the fire to cover up. All told, Mr. Karr was in the interview room for approximately 15 hours. He was fed and given drinks and numerous cigarettes during that time. From the time he reengaged with detectives to the time he confessed was approximately 2 hours.

In the search of Mr. Karr's parents' home, floral wire matching what was used to bind Maureen was found. Interviews with the friends that Mr. Karr spoke of showed that Mr. Karr was in Duquesne that night. But he left his friends near the time of the fire. He then called one of his friends, in a heightened state of urgency, to get a ride back to South Park. The autopsy of Maureen also showed that she had toxins from the fire in her lungs, showing that she was alive and breathing at the time of the fire. The arson detective's cause and origin investigation showed that the source of the fire was the same location as where Maureen's body was found and that an accelerant had been used to start the fire. The evidence convinced me that Mr. Karr deliberately tied up Maureen and set her on fire. It also showed that her dogs, which she loved, were trying to help her. It was a brutal death and difficult evidence to review.

Mr. Karr filed a suppression motion before Judge McDaniel. Judge McDaniel granted the motion to suppress as to all statements made by Mr. Karr prior to his reengagement with detectives. She denied it as to all statements made after. Mr. Karr's case was later transferred to Judge Mariani. Mr. Karr elected to proceed to a bench trial. After consultation with the District Attorney, we made the strategic decision to consent to the non-jury trial. Mr. Karr's defense was to again attack the voluntariness of his statement, pointing to the length of time he was in the interview room, his statements that he had been under the influence of drugs and alcohol, and his repeated requests for questioning to end and to speak to an attorney. Again, I argued that Mr. Karr had been cared for during his time with detectives. He had been given food, drink, and cigarettes. He had time to sleep and sober up for the four-hour period when detectives were gone. Mr. Karr was lucid and engaging appropriately with detectives. Most importantly, Mr. Karr had reengaged and asked to speak to detectives and then willingly talked to them until he was taken to be arraigned. Judge Mariani agreed with my arguments regarding Mr. Karr's statements but said that he had doubt as to whether Mr. Karr had the specific intent to kill Maureen. Mr. Karr was found guilty of 2nd degree murder and all other charges. He was sentenced to life in prison.

This case illustrates my ability to handle complex matters. This case obviously had a difficult suppression

issue. It also had various types of evidence such as cause and origin evidence from arson detectives, physical evidence from the crime scene and Mr. Karr's parents' house, scientific and medical evidence from the autopsy, and witness statements regarding Mr. Karr's timeline that night, and the prior relationship history between the Karrs, including a Protection From Abuse Order. Additionally, this case had been deemed a capital case by the District Attorney. I asked Deputy District Attorney Ramaley to assist me on this case by handling the penalty phase of the case. I handled all aspects of the guilty phase of the trial. Given the verdict, a penalty phase never occurred. It was a difficult case with arguments about evidence happening daily. I was able to get favorable outcomes on those matters as well as the case overall.

Additionally, this case documents why it is so important to take Domestic Violence seriously. Domestic Violence is most often the result of one partner working to assert power and control over the other. Power and control can be established in many ways and maintaining it comes in many forms. It often takes the form of violence, unfortunately. The most dangerous time in a Domestic Violence relationship is when the victimized partner decides that it is time to leave. The abuser is now losing the power and control they worked to establish and maintain. Sometimes, they take drastic measures to stop the victim from leaving. And sometimes, that drastic measure is the ultimate act of power and control: taking their life. For a prosecutor or a judge, the decision-making process in a Domestic Violence case can be very difficult. The right questions need to be asked. Trust that you will be helpful is difficult to obtain. Information to assist in predicting lethality might be scarce. It is extremely difficult to predict if the case in front of you is a one-time thing or a sign of terrible things to come. Patience, a willingness to listen, attention to detail, and a calm demeanor are a must when properly handling Domestic Violence cases. The Karrs did not have a long, drawn-out history of violence in their relationship. There was one prior incident that resulted in Mr. Karr being arrested, but most people would not consider it a signal that a brutal end was coming. Their case illustrates that all cases of Domestic Violence need to be handled with a sense of urgency and importance. If they are not, a prosecutor or judge may miss an opportunity to interrupt the cycle of violence and save a life.

14. If a substantial period of your practice has been before administrative boards, commissions or agencies during the past ten years, identify the boards, commissions or agencies before which you have practiced and estimate percentages of practice time devoted thereto.

N/A

15. If a substantial portion of your practice has been before Appellate courts during the past ten years, identify the Appellate Courts before which you have practiced and estimate percentages of practice time devoted thereto.

N/A

16. Have you ever held judicial office? If so, give dates and details, including the court involved, whether elected or appointed, periods of services and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court indicating the time(s) that you were the subject of a Motion or Petition for Recusal.

No.

17. Have you ever held public office other than judicial office? If so, give details, including the office, whether elected or appointed and the length of your service, giving details.

No.

18. Have you ever been an unsuccessful candidate for elective, judicial or other public office? If so, give details, including dates.

No.

19. Have you ever been engaged in any occupation, business or profession other than the practice of law or the holding of judicial or other public office? If so, give details, including dates.

No.

20. Are you now an officer or director or otherwise engaged in the management of any business enterprise?

No.

- a) If so, give details, including the name of your enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

- b) Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are elected and confirmed? If not, give reasons.
21. Are you under any ongoing federal, state or local investigation or indictment for possible violation of a criminal statute? If so, give details.
No.
22. Have you ever been charged or convicted of any violation of a local, state or federal law, any misdemeanor or felony, court martialled, been granted immunity from prosecution, been held in contempt of court or been the subject of a final protection from abuse order? If so, give details. Do not include summary traffic offenses.
No.
23. Has a tax lien or other collection procedure been instituted against you by federal, state or local authorities? If so, give details.
No.
24. Have you ever been sued by a client? If so, give details.
No.
25. Have you ever been a party to or otherwise involved in any other legal proceedings? If so, give the particulars. Do not list proceedings in which you were merely a guardian *ad litem* or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as co-conspirator or a co-respondent and any grand jury investigation in which you figured as a subject or in which you appeared as a witness.
Commonwealth v. Margaret "Peg" Sherwood -- I was a witness during grand jury proceedings with the Attorney General's Office regarding malfeasance committed by Ms. Sherwood while she was employed as a Detective with the Pittsburgh Bureau of Police. Ms. Sherwood entered a guilty plea, so I was not required to testify in a trial.

Commonwealth v. Cornell Poindexter -- I testified as a witness during PCRA proceedings. Mr. Poindexter had entered a guilty plea to 3rd degree murder, and I was counsel for the Commonwealth.

In re: Jennifer Sullivan – In 2018, I was a party/witness during proceedings where I became a guardian (along with my mother) for my sister, Jennifer. Jennifer is 46 years

old now but has severe mental and physical disabilities. Along with my mother, we are the primary decision makers for important matters in Jennifer's life.

Adoption of Ryan Krolkowski – I am currently finalizing the adoption of my 15-year-old stepson. Our final court date is 1/24/24 before the Honorable Hugh McGough.

26. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group? If so, give the details.
No.
27. Currently or within the past five (5) years have you suffered from any medical or other condition which could affect or impair your judgment, reliability or ability to perform the essential functions of the judicial position you are seeking? If so, describe.
No.
28. Do any circumstances exist that would affect your ability to perform the function of the position you seek or fulfill the term of office? If so, please explain.
No.
29. Furnish one (1) writing sample that reflects your analysis of a legal problem or issue.
Attached.
30. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. Please also identify any leadership role you have held in such groups.
Allegheny County Bar Association
31. List your experiences in teaching and lecturing, including law school, continuing legal education and to non-legal audiences.
I have been a certified police trainer through the Municipal Police Officers' Education and Training Commission. I regularly trained veteran police officers, new police recruits, and police officers receiving promotions while a member of the District Attorney's Domestic Violence Unit. These trainings were specific to Domestic Violence prosecution and response. Judges, victim advocates, and interns have attended these trainings as well.

I have taught multiple CLE's regarding legal areas that are pertinent to Domestic Violence. In 2023, I taught a CLE to prosecutors from across the country on the topic of Domestic Violence risk assessment tools and the use of GPS in DV cases at an Association of Prosecuting Attorneys conference at Villanova University. I have also been involved in teaching 3 CLE's this year, 2 of which were through the ACBA.

I have been on multiple discussion panels relating to Domestic Violence during my career, including panels at Duquesne University and Women's Center and Shelter. In 2021 or 2022, I was asked to be on a panel during a retreat for the Women's Center and Shelter Board of Directors, and I was the only panel member who was not a sitting Judge.

I have informally trained attorneys, interns, and advocates on Domestic Violence issues and procedures, such as how Indirect Criminal Contempt cases are scheduled in Allegheny County, the dynamics of Domestic Violence, policies and procedures applied to Domestic Violence cases, trial tactics, evaluation of evidence, and how to construct an appropriate plea agreement. Additionally, I have spoken to community groups about general criminal prosecution and Domestic Violence prosecution.

32. List all organizations other than bar associations, professional associations or societies of which you are or have been a member, including civic, charitable, religious, educational, social and fraternal organizations.

Phi Kappa Psi Fraternity, Penn Beta Chapter

33. List any honors, prizes, awards or other forms of recognition which you have received (including any indication of academic distinction in college or law school) other than those mentioned in answers to the foregoing questions.

While I was a member of the Domestic Violence Unit, the unit was awarded the Ted Craig Humanitarian Award (2008) by Women's Center and Shelter, and in October 2023, while I supervised the DV Unit, Pittsburgh City Council recognized our work through a ceremony in Council Chambers.

34. State any other information which may reflect positively or adversely on you or which you believe should be disclosed.

As a Deputy District Attorney, I was honored to have multiple leadership opportunities, including the following:

I was co-chair of the Allegheny County Domestic Violence Task Force. This task force included members from the Court, Pre-trial services, the Department of Human

Services, Domestic Violence agencies, law enforcement, health care providers, and community organizations. Our purpose was to identify ways to improve the community's response to Domestic Violence and take action to do so in a variety of ways.

I was the chair of the STOP/VAWA team. This group consisted mostly of law enforcement and Domestic Violence advocate agencies. It had a more focused agenda in improving systems to honor the rights and needs of victims of Domestic Violence.

I was a charter member of the Association of Prosecuting Attorneys Domestic Violence Committee. This committee consisted of Domestic Violence prosecutors from across the United States. The purpose of the group was to discuss the challenges of DV prosecution while identifying solutions to those problems, constructing policy statements to cajole government action in Domestic Violence, and to train other prosecutors on the best practices in the field.

As stated above, I was a certified police trainer for approximately 15 years. During that time, I can proudly say that police response to Domestic Violence cases has improved. Police are much more knowledgeable regarding the dynamics of a Domestic Violence situation. Officers are much more sensitive to the needs of the participants and have more appropriate responses than in the past. Through these trainings and the work of the STOP/VAWA committee, use of the Lethality Assessment Protocol was initiated in approximately half of Allegheny County's police jurisdictions, covering approximately 75% of the county's territory.

I was a resource for the Pennsylvania Commission on Sentencing when they were doing research to recommend a Domestic Violence Risk Assessment tool for use across the Commonwealth. Members of the Commission were aware that I had led a similar effort here in Allegheny County while establishing a Domestic Violence High Risk Team.

I have volunteered my time to coach baseball with the Mt. Lebanon Baseball Association. I have coached spring and fall baseball for the last 2 years. I also coached baseball when I oldest son played. I also have coached soccer and a running program through Ave Maria Academy.

35. Why do you wish to become a Justice or Judge? What strengths do you possess that would particularly well qualify you for such a position?

I want to be a Judge of the Court of Common Pleas because I believe that I can be the knowledgeable, caring, empathetic, and understanding Judge that is needed on the bench. As a Domestic Violence prosecutor, I had to have very difficult conversations with victims. Too often, they have left the courthouse feeling misunderstood, unheard, or discounted. They have been told that their case is "just a domestic." As a criminal defense attorney, I have found that my clients often have similar feelings about their court experience. I want to be a Judge because I believe that my experiences, both personal and professional, will provide a basis for me to ensure that people who appear before the court are heard and understood by someone who cares about what is happening in their lives and will adjudicate their case fairly with a full understanding of the law. Outside the courtroom, I also want to find ways to help improve the Court's responses to the issues people face.

I believe that I possess a number of strengths that qualify me to be a successful judge. I have learned patience and caring through my life experiences. My sister began having epileptic seizures when she was only 6 months old. I watched my parents do everything in their power to care for my sister and to fight for others to care as well. This taught me very early in my life that it is important to care for others and fight for what is right and just.

I have also had a variety of leadership roles in my life. In high school and college, I was chosen for leadership roles. And my professional leadership is documented above. I have a keen understanding that leadership is not just commanding others to complete tasks. Leaders listen to others in an effort to understand issues and to formulate a way to move forward. Leaders are not afraid to do the work that they are asking of others. Leaders are present and available. Judges are leaders in our community. Possessing these ideals is important for the community to have trust in the work of our Judges.

One trait that I was always told separated me from other prosecutors was my willingness and ability to listen. Defense counsel had always thanked me for taking their calls and hearing out their arguments. There were times when the information given would change my view of the case. However, if my view remained the same, I would tell counsel my reasons for proceeding in a particular manner. I always kept an open mind and remained transparent about my motives. I believe I had a reputation of being firm but fair as a prosecutor, while also being skilled in the courtroom. This prosecutorial philosophy, I believe, transfers to the duties of a Judge very well. A Judge cannot come to a case with any preconceived notions about what the evidence will be or how they will dispose of the case. A Judge must react to the evidence presented, ask appropriate questions, and rule in a manner that is fair and consistent with the law. A Judge must also have an acute understanding of the law to fairly adjudicate matters that come before them. These are traits that I now possess and will allow me to be a successful Judge of the Court of Common Pleas.

36. What do you consider a significant achievement in your life outside your profession?
I am most proud that my education extended past what my parents and grandparents were able to achieve. It's every parent's dream that their children will achieve at a higher level than yours. By going to college and law school, I did that. While my parents instilled in me values that laid a strong foundation, higher education has allowed me to realize that parental dream. I worked very hard to get into good schools and to get good grades so that I could choose a profession and be successful. And part of my pride in this achievement is that I was not connected to people with power or given money to pay for things. My own hard work and ambition drove me to success.

37. Please identify specific efforts you have made, or been involved with, to support equality and inclusion in the legal profession.

I have always considered my work as a Domestic Violence prosecutor as an extended effort to support equality and inclusion. In the vast majority of Domestic Violence cases, women are the victims and men are the abusers. In holding men accountable for abuse of women, I have sought to empower women who feel they have none and have men change their behaviors to promote healthy relationships with equality of power. I have worked to do this on a case-by-case manner and through efforts to improve the court system's response to Domestic Violence cases.

At Krolikowski Law, our firm has two pro bono projects: We will represent victims of Domestic Violence who are charged with crimes. We get referrals from the 4 Domestic Violence victim advocate agencies in Allegheny County for such representation. We will also represent people seeking name changes on a pro bono basis. We started this project over the summer after attending a clinic. The intention of this pro bono project is to assist members of the transgender community in attaining their true identity and victims of Domestic Violence who are attempting to escape abuse.

During this past year, I have also participated on the ACBA's Criminal Litigation Section's Racial Disparity Subcommittee. The Subcommittee's reviewed a report published by the Rand Corporation on racial disparity in the Allegheny County Criminal Justice System and used its collective experience to recommend steps that are immediately actionable to reduce racial disparities in the criminal justice system.

The undersigned certifies that the statements made in this questionnaire are true,

complete and correct to the best of his/her knowledge and belief and are made in good faith.

Michael B. Sullivan

Type or print name



Signature

1.6.25

Date

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