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March 15, 2005

The Honorable William H. Platt, President Judge
Old Lehigh County Courthouse
5th & Hamilton Streets
Allentown, PA 18101

Re: Anna Wright v. Elisha Ennis
PACSES No. 630002007 ...

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LEHIGH COUNTY, PA
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Dear Judge Platt,

I am constrained to respond to our telephone conversation of Monday, March 14, 2005.

Elisha Ennis, my client in this matter, is being unlawfully incarcerated under an improper Order of Court (Dec. 2, 2004) entered by the Honorable Thomas A. Wallitsch. Judge Wallitsch is on extended leave from this court, and is unavailable to review this order. For all intents and purposes, he may as well be permanently severed from any judicial functionality. His absence from the court does not preclude a review of his orders by judges hearing cases in this court.

Currently, Mr. Ennis is languishing in jail on work release through which his monthly child support payments (\$430.000 + \$80.00 arrearages) are being attached from his wages. He is also paying more than \$600.00 per month in unlawful RENT payments to County of Lehigh. The Order under which he was incarcerated is ruled to be improper according to the Superior Court of Pennsylvania. The judges in this court are or should be aware of the *Hyle v. Hyle*, 2005 Pa.Super. 50 (Feb. 8, 2005) decision. Mr. Ennis has petitioned for release from incarceration.

Judges in this court, and any court, must have jurisdiction and judicial discretion to right errors in their own court. Any explanation to the contrary is untenable. Accordingly, Mr. Ennis is entitled to have his petition HEARD in this court, and to have a determination of that petition in accordance with the laws of Pennsylvania. The *Hyle* case is a most compelling circumstance.

The Order of Court by the Honorable Lawrence J. Brenner deprives Mr. Ennis of his Constitutional rights, and is improperly justified by this court under an unwritten practice or local

rule. The Rules of Court under the Rules of Construction ensure that the intent of the Supreme Court is to preserve and protect the substantial and substantive rights of the parties.

Mr. Ennis is currently incurring irreparable harm as a direct result of the errors in this court, errors which this court continues to enforce or to otherwise take substantial action to resist correcting. His children are also harmed by his incarceration and loss of financial assets.

There can be no reasonable explanation why Mr. Ennis is incarcerated under an "improper" order with an improper purge condition. He is forced to pay the County of Lehigh for his board. The amount of this payment (> \$600.00 per month) exceeds the amount of the child support order. The actions of this court constitute an egregious error that benefits County of Lehigh to the detriment of the children that Mr. Ennis has a duty to support.

The following attempts to explain the direct actions of your office and its involvement in this case. I contend that you have a duty to act in accordance with the rules to ascertain and effectuate the intent of the Supreme Court. Please correct me if I misconstrue, misunderstand, or otherwise misstate the facts we discussed yesterday. This is how I understand and interpret them.

According to Court Administration, Sr. Judge John P. Lavelle was hearing matters previously heard by Judge Wallitsch prior to his sabbatical. The above matter was appropriately brought before Judge Lavelle, who continued the case to permit Domestic Relations to respond.

You entered an Order February 11, 2005, to transfer the above case to Judge Lawrence J. Brenner. This order is inconsistent with this court's practice and policy and the intent of the Supreme Court for a "just, speedy and inexpensive determination of every action or proceeding ...". You stated that YOU did not want him handling certain cases. This explanation is inadequate and untenable. Your order was entered without notice or discussion by the parties, and is inconsistent with your later explanation that you cannot be involved with matters as now assigned to Judge Brenner.

Your version of events brought into the mix an alleged "recusal" by Judge Alan M. Black from any involvement in cases where I am listed as counsel of record. May I presume that this caveat is a direct result of the charges that Judge Black brought against me with the Disciplinary Board of the Supreme Court of Pennsylvania? Or in retaliation for the charges that I bring against this court? An inference of prejudice arises.

In any event, the action you took to reassign the *Wright v. Ennis* case is inconsistent with Judge Black's prior action. In *Slusaw v. Hoffman*, 1998-FC-1106, another case where I am listed as counsel of record, Judge Black recently recused himself from the case, and then HE assigned the

case to Judge Edward D. Reibman. In that matter, Judge Black did NOT recuse himself from his duties as Administrative Judge for family court. The transfer of judges in the *Wright v. Ennis* matter lends an appearance of impropriety which may reasonably be attributed to prejudice against this attorney. It also offers a path where this court can circumvent the intent of the law to the detriment of petitioner by thwarting the efforts to be heard of the petitioner.

On February 16, 2005, Judge Brenner entered an order that deprives Mr. Ennis of the continuation of his hearing on his petition for release from incarceration. That order dismissed the continuance of the January 18, 2005 hearing without notice and opportunity to be heard. Judge Brenner misconstrues the law and the facts. His order is incongruous with the duties of a court and offers further evidence of prejudice in this court. Under a liberal construction of court rules, a court has a duty to correct errors and has jurisdiction to recall a case for further review when an egregious error impinges on substantial rights of the parties. Such is this case.

Judge Brenner's explanation of his order contradicts the prior action of the court. Since Judge Lavelle heard the petition on January 18, 2005, and continued it, a dismissal by Judge Brenner without permitting argument constitutes an egregious deprivation of Mr. Ennis' rights. Further, Judge Brenner misconstrues the facts of the case, the law, and the change of circumstances that demands a decision on the merits of the petition for Mr. Ennis' Release from Incarceration.

I am now filing an Application for Reconsideration of this matter for Judge Brenner's review. It would be another egregious error if Mr. Ennis is denied his freedom because his attorney has incurred the hostility of the court. As President Judge of the Court of Common Pleas of Lehigh County who has interjected himself into this matter, I implore you to look beyond the dispute between the court and this attorney, and to direct Judge Brenner to render to Mr. Ennis impartial justice according to the law. Justice requires no less.

I respectfully request your cooperation to encourage Judge Brenner to give every consideration to expediting the matter so that Mr. Ennis can be released from prison, immediately or ASAP.

Thank you for any action you take to ensure that Mr. Ennis receives fair and impartial justice in the Court of Common Pleas of Lehigh County.

Very truly yours,



Cc: The Honorable Lawrence J. Brenner
Domestic Relations (Janet Jarvis)
Anna Wright (Plaintiff)