

April 11, 2021

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Sent via email

Re: ACLU MDJ Candidate Questionnaire


Ms. Bradford,

Thank you for asking me to complete the ACLU's Magisterial District Judge Candidate Questionnaire. I enjoyed thinking about and responding to these questions, all of which address issues that are incredibly important in our community.

My responses can be found on the following pages. Please note that my responses to some questions are somewhat limited because, as you know, a judicial candidate can only do and say certain things. Furthermore, even if a judicial candidate *may* respond to a certain question, I believe I need to conduct a second inquiry to decide whether I *should* respond to a certain question. Generally, if I am elected, my job will be, as you know, to apply the law to the facts without regard to any personal view that I hold. In other words, if I am elected, I will carry out my judicial duties faithfully and impartially. That led to me answer certain questions in a certain way. In short, I answered the questions to the best of my ability with all of these considerations in mind.

If you have any questions, or if you need anything else, please reach out to me at CastelloForMagistrate@gmail.com. Thank you!

Sincerely,



Tom Castello

- 1) If elected Magisterial District Judge, prior to setting any condition of bail, will you conduct a careful, individualized hearing and look at all of the factors listed in the Rules of Criminal Procedure (523), which include a person's employment status and community ties?

ANSWER: I will apply the law to the facts when reaching a decision regarding bail. The rule mentioned in the question, Rule 523, lists at least ten different types of information that must be considered when deciding whether to release a defendant and what conditions, if any, to impose. If elected, I would carefully apply Rule 523 and any other applicable law faithfully and impartially when reaching a decision regarding bail.

- 2) If elected Magisterial District Judge, will you set bail based on a person's charge alone?

ANSWER: Please see my response to Question #1.

- 3) If elected to the position of Magisterial District Judge, will you assign cash bail in an amount that a person can afford, as required in the Rules of Criminal Procedure (528 (A) & (B))?

ANSWER: I will apply the law to the facts when reaching a decision regarding bail. The rule mentioned in the question, Rule 528, lists several items that must be considered when deciding the amount of a monetary condition of bail if it has been determined that it is necessary to impose a monetary condition of bail. If elected, I would carefully apply Rule 528 and any other applicable law faithfully and impartially when reaching a decision regarding bail.

4) **If elected to the position of Magisterial District Judge, will you use cash bail as a way to keep a person incarcerated until trial pursuant to Rules of Criminal Procedure (524)?**

ANSWER: When deciding whether to set bail and the amount at which to set bail, I will faithfully and impartially apply the law to the facts.

5) **If elected to the position of Magisterial District Judge, will you make pretrial liberty the norm and pretrial detention the exception? For example, not arbitrarily denying bail?**

ANSWER: When deciding whether to set bail and the amount at which to set bail, I will faithfully and impartially apply the law to the facts.

6) **Do you believe racial discrimination in Pennsylvania's criminal legal system is an issue?**

ANSWER: If I am elected, I will perform the duties of the judicial office impartially and faithfully. I will carefully apply the law to the facts in each and every case. I do not think it's appropriate for me, a candidate for a judicial office, to offer an opinion regarding racial discrimination in our criminal legal system. What I can say is this: if I am elected, I will consider only relevant and pertinent information, and I will carefully apply the applicable law to that set of facts to reach a decision; each defendant deserves to be treated fairly and impartially.

- 7) **If elected to the position of Magisterial District Judge, will you work towards making sure you aren't deciding cases in a way that is discriminatory towards black and brown communities?**

ANSWER: If I am elected, I will work towards performing the duties of the judicial office impartially and faithfully. I will carefully apply the law to the facts in each and every case. I will consider only relevant and pertinent information, and I will carefully apply the applicable law to that set of facts to reach a decision. Each defendant deserves to be treated fairly and impartially.

- 8) **If elected Magisterial District Judge, will you comply with the requirements in the relevant statutes (42 Pa.C.S. § 9726(c) and (d)) for setting discretionary fines, and will you consider a defendant's financial resources when imposing such fines?**

ANSWER: The statute mentioned in the question states that the "court may, as authorized by law, sentence the defendant only to pay a fine, when, having regard to the nature and circumstances of the crime and to the history and character of the defendant, it is of the opinion that the fine alone suffices." When applicable, I will faithfully and impartially apply that law to the facts of a given case.

9) **If elected Magisterial District Judge, in cases in which you cannot immediately hold a payment determination hearing pursuant to the Rules of Criminal Procedure (456) (, will you schedule a new hearing and determine if a defendant can be released on their recognizance without requiring collateral?**

ANSWER: The question appears to focus on Rule 456(C)(1), which states: “If the hearing cannot be held immediately, the issuing authority shall release the defendant on recognizance unless the issuing authority has reasonable grounds to believe that the defendant will not appear, in which case, the issuing authority may set collateral as provided in Rule 523.” If I am elected, I will faithfully and impartially apply that rule to the facts of a case in which this issue arises.

10) **If elected Magisterial District Judge, will you and your staff comply with the Rules of Criminal Procedure (456) and statute (42 Pa. C.S. § 9730)) by setting affordable payment plans for defendants?**

ANSWER: If I am elected, I will faithfully and impartially apply the law to the facts in each and every case.

11) **If elected to the position of Magisterial District Judge, will you schedule payment determination hearings for defendants who have fallen behind on payment pursuant to the Rules of Criminal Procedure (456), rather than immediately issuing a discretionary warrant for arrest?**

ANSWER: If I am elected, I will faithfully and impartially apply the law to the facts in each and every case.

12) If elected to the position of Magisterial District Judge, with regards to cases involving youth (truancy cases and summary citations), will you consider the potential financial burden before setting fines for students?

ANSWER: When deciding whether to set a fine for a student and the amount of any such fine, I will carefully apply the law to the facts. I will consider every piece of information that the law instructs me to consider, and I will consider every piece of information that the law allows me to consider. I will then apply the applicable law to the facts to reach a decision.

13) If elected to the position of Magisterial District Judge, with regards to cases involving youth (truancy cases and summary citations), will you permit both fines and costs to be waived if the student returns to school, as allowed by statute (24 P.S. § 13-1333.3(b))?

ANSWER: Section 13-1333.3(b) states that the “court may suspend the sentence of a person convicted of [certain offenses] and may remit or waive fines and costs if the child attends school in accordance with a plan devised by the court.” If I am elected, I will faithfully and impartially apply this law to every case in which it arises. I will consider all information that the law instructs me to consider, and I will consider all information that the law allows me to consider. I will then apply the law to the facts to reach a decision.

14) Do you think incarceration is a form of treatment for individuals with substance use disorder?

ANSWER: When deciding whether to impose punishment and the type of punishment to impose, I will consider all information that the law instructs me to consider, and I will consider all information that the law allows me to consider. I will then apply the law to the facts to reach a decision.

15) Do you believe substance use disorder is a mental health disorder (as it is recognized by the American Psychiatric Association in the DSM-V) and must be taken into consideration when handling criminal cases?

ANSWER: When handling a criminal case or any other case, I will faithfully and impartially apply the law to the facts when reaching a decision. I will consider all information that the law instructs me to consider, and I will consider all information that the law allows me to consider. I will then apply the law to the facts to reach a decision.

16) If elected to the position of Magistrate District Judge, will you evict those who can not afford to pay as communities are impacted by the residual effects of the COVID pandemic?

ANSWER: When handling a landlord-tenant case or any other case, I will faithfully and impartially apply the law to the facts when reaching a decision. I will consider all information that the law instructs me to consider, and I will consider all information that the law allows me to consider. I will then apply the law to the facts to reach a decision.

17) If elected to the position of Magisterial District Judge, will you develop and seek out alternatives to incarceration in collaboration with the community you are serving?

ANSWER: When deciding whether to impose punishment and the type of punishment to impose, I will faithfully and impartially apply the law to the facts. I will consider all information that the law instructs me to consider, and I will consider all information that the law allows me to consider. I will then apply the law to the facts to reach a decision. More generally, I believe it is important for a Magisterial District Judge to understand the community in which he/she operates. Thus, if I am elected, I will strive to engage with members of my community to ensure that I am serving the community in the best possible way.

18) If elected to the position of Magisterial District Judge, will you be open to hearing feedback and working with community leaders in the community you plan to serve?

ANSWER: I believe it is important for a Magisterial District Judge to understand the community in which he/she operates. Thus, if I am elected, I will strive to engage with members of my community to ensure that I am serving the community in the best possible way.

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