

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA
VS.

Magisterial District Number: 38-1-20
MDJ: Hon. CATHLEEN REBAR
Address: 133 LEVEL ROAD
COLLEGEVILLE, PA, 19426
Telephone: (610)409-2515

DEFENDANT: (NAME and ADDRESS):
KATHLEEN GRANAHAN KANE
First Name Middle Name Last Name Gen.
11 NORTH 3RD STREET, HARRISBURG, PA 17120

NCIC Extradition Code Type

- 1-Felony Full
- 2-Felony Ltd.
- 3-Felony Surrounding States
- 4-Felony No Ext.
- 5-Felony Pend.
- 6-Felony Pend. Extradition Determ.
- A-Misdemeanor Full
- B-Misdemeanor Limited
- C-Misdemeanor Surrounding States
- D-Misdemeanor No Extradition
- E-Misdemeanor Pending
- F-Misdemeanor Pending Extradition Determ.
- Distance: _____

DEFENDANT IDENTIFICATION INFORMATION

| | | | | | |
|--|---|---|----------------------------|--|---|
| Docket Number CR 2381-15 | Date Filed 10/01/2015 | OTN/LiveScan Number 1709032-2 | Complaint/Incident Number | SID 428-22-88-4 | Request Lab Services? <input type="checkbox"/> YES <input type="checkbox"/> NO |
| GENDER <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female | DOB 06/14/1966 | POB | Add'l DOB / / | Co-Defendant(s) <input type="checkbox"/> | |
| First Name AKA | | Middle Name | | Last Name Gen. | |
| RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown | ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown | | | | |
| HAIR COLOR <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input checked="" type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk./Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry) | | | | | |
| EYE COLOR <input type="checkbox"/> BLK (Black) <input checked="" type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown) | | | | | |
| Driver License State PA | License Number 21199270 | | Expires: 06/15/2019 | | WEIGHT (lbs.) |
| DNA <input type="checkbox"/> YES <input type="checkbox"/> NO | DNA Location | | | | |
| FBI Number | MNU Number | | Ft. HEIGHT in. | | |
| Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | 5 9 |
| Fingerprint Classification: | | | | | |

DEFENDANT VEHICLE INFORMATION

| | | | | | | | |
|---------|-------|------------------------------------|---------------------------------|--|---|---------------------|---|
| Plate # | State | Hazmat <input type="checkbox"/> | Registration Sticker (MM/YY) | Comm'l Veh. Ind. <input type="checkbox"/> | School Veh. <input type="checkbox"/> | Oth. NCIC Veh. Code | Reg. same as Def. <input type="checkbox"/> |
| VIN | Year | Make | Model | Style | Color | | |

Office of the attorney for the Commonwealth Approved Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa.R.Crim.P. 507).

District Attorney **Risa Vetri Ferman**
(Name of the attorney for the Commonwealth)

(Signature of the attorney for the Commonwealth)

10/01/2015
(Date)

I, **DETECTIVE PAUL M. BRADBURY**
(Name of the Affiant) #49
(PSP/MPOETC -Assigned Affiant ID Number & Badge #)

of **MONTGOMERY COUNTY DETECTIVE BUREAU**
(Identify Department or Agency Represented and Political Subdivision) PA0465200
(Police Agency ORI Number)

do hereby state: (check appropriate box)

- 1. I accuse the above named defendant who lives at the address set forth above
- I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [208] LOWER PROVIDENCE TWP
(Subdivision Code) (Place-Political Subdivision)

in **MONTGOMERY** [46,51,22] on or about **3/16/2014** TO THE PRESENT IN MONTGOMERY,
County (County Code) PHILADELPHIA AND DAUPHIN COUNTIES IN PENNSYLVANIA

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POLICE CRIMINAL COMPLAINT

| | | | |
|----------------|---------------------------|---------------------|--|
| Docket Number: | Date Filed: 10/01/2015 | OTN/LiveScan Number | Complaint/Incident Number 2015-1173 |
| Defendant Name | First: KATHLEEN | Middle: GRANAHAN | Last: KANE |

- I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.
- This complaint consists of the preceding page(s) numbered ___ through ___.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited.
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

OCTOBER 1, 2015

(Date)

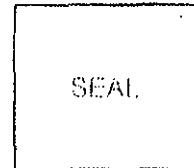
Paul Bradley
 (Signature of Affiant)

AND NOW, on this date 10/1/15 I certify that the complaint has been properly completed and verified.

An affidavit of probable cause must be completed before a warrant can be issued.

38-1-20
 (Magisterial District Court Number)

Kathleen Kelly
 (Issuing Authority)





POLICE CRIMINAL COMPLAINT

| | | | |
|----------------|---------------------------|---------------------|--|
| Docket Number: | Date Filed: 10/01/2015 | OTN/LiveScan Number | Complaint/Incident Number 2015-1173 |
| Defendant Name | First: KATHLEEN | Middle: GRANAHAN | Last: KANE |

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.
 (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code § 213.1 - 213.7.)

| | | | |
|--|--|---|---|
| <input checked="" type="checkbox"/> Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 |
|--|--|---|---|

| | | | | | | | | | |
|---|---------|------------|--------------------|--------|-------------|-------------------|----------------|--|--|
| <input checked="" type="checkbox"/> Lead? | 1 | 4902 | (A) | of the | 18 PA C.S.A | 1 | F-3 | | |
| Offense# | Section | Subsection | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code | | |

| | | | | |
|------------------------------|-----------------|-------------------------------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------|-------------------------------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): 18PA C.S.A. 4902 PERJURY

Acts of the accused associated with this Offense: Under Pennsylvania law, a person is guilty of Perjury if in any official proceeding she makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and she does not believe it to be true.

| | | | |
|---|--|---|---|
| <input type="checkbox"/> Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 |
|---|--|---|---|

| | | | | | | | | | |
|--------------------------------|---------|------------|--------------------|--------|-------------|-------------------|----------------|--|--|
| <input type="checkbox"/> Lead? | 2 | 4903 | (A)(1) | of the | 18 PA C.S.A | 1 | M-2 | | |
| Offense# | Section | Subsection | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code | | |

| | | | | |
|------------------------------|-----------------|-------------------------------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------|-------------------------------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 4903 FALSE SWEARING

Acts of the accused associated with this Offense: A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when she does not believe the statement to be true and the statement occurs in an official proceeding commits the crime of False Swearing.

| | | | |
|---|--|---|---|
| <input type="checkbox"/> Inchoate Offense | <input type="checkbox"/> Attempt 18 901 A | <input type="checkbox"/> Solicitation 18 902 A | <input type="checkbox"/> Conspiracy 18 903 |
|---|--|---|---|

| | | | | | | | | | |
|--------------------------------|---------|------------|--------------------|--------|-------------|-------------------|----------------|--|--|
| <input type="checkbox"/> Lead? | 3 | 5101 | | of the | 18 PA C.S.A | 1 | M-2 | | |
| Offense# | Section | Subsection | PA Statute (Title) | Counts | Grade | NCIC Offense Code | UCR/NIBRS Code | | |

| | | | | |
|------------------------------|-----------------|-------------------------------------|--------------------------------------|------------------------------------|
| PennDOT Data (if applicable) | Accident Number | <input type="checkbox"/> Interstate | <input type="checkbox"/> Safety Zone | <input type="checkbox"/> Work Zone |
|------------------------------|-----------------|-------------------------------------|--------------------------------------|------------------------------------|

Statute Description (include the name of statute or ordinance): 18 PA C.S.A. 5101 OBSTRUCTING ADMINISTRATION OF LAW OR OTHER GOVERNMENTAL FUNCTION

Acts of the accused associated with this Offense: A person commits Obstructing Administration of Law or Other Governmental Function if she intentionally obstructs, impairs or perverts the administration of law or other governmental function by breach of official duty or any other unlawful act.

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Affidavit of Probable Cause

Commonwealth vs. Kathleen G. Kane

Introduction

On August 6, 2015, the Montgomery County District Attorney's Office filed a criminal complaint charging Kathleen G. Kane with Perjury, False Swearing, Obstructing Administration of Law or Other Governmental Function, Abuse of Office/Official Oppression, and Conspiracy. On August 24, 2015, a preliminary hearing was held before Magisterial District Judge Cathleen Kelly Rebar who bound over all of the charges for court.

The charges contained within the August 6, 2015, criminal complaint stemmed from an investigative referral. The referral was made on December 19, 2014, by the Honorable William R. Carpenter, the Supervising Judge for the Thirty-Fifth Statewide Investigating Grand Jury, to Montgomery County District Attorney Risa Vetri Ferman. The referral involved possible violations of Grand Jury secrecy and related crimes that were alleged to have occurred in Montgomery, Dauphin, and Philadelphia Counties, Pennsylvania. In addition, Judge Carpenter issued a disclosure order permitting District Attorney Ferman and her designees to use information gathered in the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, to investigate the matter.

Between July 29, 2014, and January 15, 2015, the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, received evidence surrounding the questions of how confidential investigative information and secret Grand Jury information was disclosed to the press. Multiple witnesses were called to testify, including Kane. On November 17, 2014, Kane was subpoenaed to appear and testify before the Thirty-Fifth Statewide Investigating Grand Jury. Prior to reporting to the Grand Jury, Kane issued a statement to the press stating, in part, "I will tell the Special Prosecutor the

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truth and the facts surrounding the disclosure of information to the public that was done in a way that did not violate statutory or case law regarding Grand Jury secrecy . . . I can promise you this, the truth and the law will prevail.”

Kane was then sworn as a witness before Judge Carpenter on November 17, 2014. She was given the following oath: “You do solemnly swear or affirm that the testimony you will give before the Statewide Investigating Grand Jury in the matters being inquired into by it will be the truth, the whole truth and nothing but the truth, so help you God?” Kane responded, “I do.”

In the August 6, 2015 criminal complaint, investigators concluded that Kane participated, along with other individuals in her office, in the leak of confidential investigative information and secret Grand Jury information. Investigators also concluded that Kane made numerous false statements regarding issues material to the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123. Since Kane’s arrest, investigators have learned information demonstrating that Kane made additional false statements during her testimony before the Thirty-Fifth Statewide Investigating Grand Jury. Investigators have also learned that Kane perpetuated this falsehood not just before the Thirty-Fifth Statewide Investigating Grand Jury, but also in legal filings before the Pennsylvania Supreme Court and to the people of Pennsylvania through privately retained representatives.

Pennsylvania Attorney General Kathleen G. Kane

Kathleen G. Kane was elected to the position of Attorney General for the Commonwealth of Pennsylvania on November 6, 2012, and she was inaugurated as the 48th Attorney General of the Commonwealth of Pennsylvania on January 15, 2013. On that date, Kane was administered the Oath of Office pursuant to Article VI § 3 of the Constitution of the Commonwealth of Pennsylvania whereupon Kane swore to “support, obey and defend the Constitution of the United States and the Constitution of this

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Commonwealth” and to “discharge the duties of [her] office with fidelity.” Kane then began her four year term as Attorney General.

Kathleen G. Kane Signs Secrecy Oaths For Statewide Investigating Grand Jury Numbers One Through Thirty-Five

After taking the oath of office and beginning her term as Attorney General, Kane and the highest ranking officials in her administration began transitional meetings to learn about the daily operations of the Office of Attorney General as well as significant criminal and civil matters currently being litigated by the Office. In the course of the transition, Kane and others would be exposed to secret and confidential information protected by statutes such as the Grand Jury Act. To ensure compliance with the Grand Jury Act and because of the paramount importance of Grand Jury Secrecy, it was determined that Grand Jury Secrecy oaths would be signed by individuals participating in the transitional meetings.

On January 17, 2013, a meeting was held in the Executive Suite of the Office of Attorney General in Strawberry Square, Harrisburg, Pennsylvania. Among those in attendance were Kane, her highest ranked deputies, members of her protection detail, and administrative staff. These individuals were: former First Assistant Adrian R. King, Jr., former Senior Executive Deputy Attorney General Linda Dale Hoffa, Special Agent in Charge of the Bureau of Special Investigations David C. Peifer, Supervisory Special Agent Patrick Reese, Senior Supervisory Special Agent Robert J. Speicher, III, and former Executive Assistant to the Attorney General Colleen Tighe.

Another individual, Wanda Scheib, was summoned to the meeting after it had already started. Scheib is a member of the administrative staff at the Office of Attorney General. In addition to her other duties, Scheib is a Notary Public at the Office of the Attorney General and has been since 2000. As part of her duties as a Notary Public, Scheib regularly notarizes documents, including Grand Jury Secrecy Oaths.

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During the course of the January 17, 2013, meeting, all the individuals present, except Scheib, signed Grand Jury Secrecy Oaths. Each individual present signed four separate documents: a Grand Jury Secrecy Oath for the Statewide Investigating Grand Jury Number Thirty-Three, a Grand Jury Secrecy Oath for the Statewide Investigating Grand Jury Number Thirty-Four, a Grand Jury Secrecy Oath for the Statewide Investigating Grand Jury Number Thirty-Five, and a Grand Jury Secrecy Oath for the Statewide Investigating Grand Jury Numbers One through Thirty-Two. The oath signed by Kane for the Statewide Investigating Grand Jury Numbers One through Thirty-Two is attached as "Exhibit A."

The first three documents identified above, secrecy oaths for the Statewide Investigating Grand Jury Numbers Thirty-Three, Thirty-Four, and Thirty-Five, represented active Grand Juries at the time Kane took office. The last document identified above, a secrecy oath for the Statewide Investigating Grand Jury Numbers One through Thirty-Two, represented historical Grand Juries that had expired at the time Kane took office. This included the Twenty-Ninth Statewide Investigating Grand Jury, which in 2009 investigated the finances of former NAACP head J. Wyatt Mondesire. The leak of secret and confidential documents from that 2009 Grand Jury was the subject of the investigation by the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123.

Those signing the oaths, including Kane, swore "under penalty of contempt that [they] will keep secret all that transpires in the jury room, all matters occurring before the grand jury, and all matters and information concerning this grand jury obtained in the course of my official duties or otherwise, except when authorized by law or permitted by the Court."

Each individual listed above, except Scheib, executed each of the four documents. Scheib then notarized each document. The documents were then retained for safe keeping in the Office of Attorney General records.

During the course of this investigation and after the August 6, 2015, arrest of Kane, investigators learned of the January 17, 2013, meeting and the existence of signed secrecy oaths for the Statewide Investigating Grand Jury Numbers One through Thirty-Two. Upon learning this information, detectives executed a sealed search warrant on September 17, 2015 at the Office of Attorney General. Among the items seized pursuant to that search warrant were twenty-eight documents, which were the signed and notarized secrecy oaths of each of the above listed individuals, including Kane. Each of these documents was dated January 17, 2013.

Detectives also seized portions of a notary log book. This log book was maintained by Scheib as a part of her official duties as a Notary Public. The notary log book contained an entry for every document that Scheib notarized as a part of her official duties. Scheib would create an entry contemporaneously when notarizing a document. Scheib maintained and stored the notary log book in her office at the Office of Attorney General. The notary log book was maintained and stored independent of any of the actual documents Scheib notarized at the Office of Attorney General.

Investigators analyzed the notary log book. In doing so, investigators found twenty eight separate entries on January 17, 2013. Each entry represents the separate secrecy oaths signed by the individuals present at the January 17, 2013, meeting. Four of the entries in the notary log book for January 17, 2013, show Kane signing Grand Jury secrecy oaths for the Statewide Investigating Grand Jury Number Thirty-Three, the Statewide Investigating Grand Jury Number Thirty-Four, the Statewide Investigating Grand Jury Number Thirty-Five, and the Statewide Investigating Grand Jury Numbers One through Thirty-Two. The other twenty-four entries in the notary log book show the other six individuals present at the January 17, 2013, meeting signing the same Grand Jury secrecy oaths as Kane.

The occurrence of this January 17, 2013, meeting and the fact that Grand Jury secrecy oaths for the Statewide Investigating Grand Jury Numbers One through Thirty-Five were executed and notarized, has been corroborated by multiple individuals who attended the meeting. King stated to investigators that he recalls the January 17, 2013, meeting, that Kane attended, and that a group of individuals, including Kane, signed Grand Jury secrecy oaths which were then notarized. King stated that the secrecy oaths were signed in advance of transitional meetings where the new Office of Attorney General administration would be exposed to secret Grand Jury information.

Speicher stated to investigators that he remembers the meeting on January 17, 2013, and that Kane was present. He stated that Grand Jury secrecy oaths were signed prior to discussions regarding criminal cases involving secret Grand Jury information began.

Kane's False Statements to the Grand Jury

As described above, Kane appeared to testify before the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123 on November 17, 2014. On that date she swore to tell the truth and subsequently failed to do so.

During her testimony, Kane testified about a senior staff meeting where a prior Office of Attorney General investigation into J. Whyatt Mondesire was discussed. The investigation resulted in charges against two individuals, but not Mondesire. Peifer, who also appeared before the Thirty-Fifth Statewide Investigating Grand Jury, testified that, during a March 25, 2014, meeting, he briefed Kane on the 2009 Mondesire investigation. Peifer discussed a transcribed interview he conducted, just days before, with the agent assigned to investigate the 2009 case. Peifer brought the transcription of that interview to the meeting and Kane looked at the transcript. When the meeting concluded, the transcript was left on a table in front of Kane.

The transcribed interview, an Office of Attorney General memorandum produced in 2009, and two emails were ultimately leaked from the Office of Attorney General to the Philadelphia Daily News. These documents, which contained confidential investigative information and secret Grand Jury information, were used to write an article on June 6, 2014, that appeared in the Philadelphia Daily News. (Friday, June 6, 2014: Daily News article written by Chris Brennan: "Wonder Bread" State A.G. is curious about that big 2009 probe of ex-NAACP boss finances.")

Kane testified that she spoke with King immediately after the staff meeting where Peifer briefed her on the 2009 Mondesire Investigation. Kane testified that she and King talked about putting the information discussed at the senior staff meeting "out into the press."

Investigation revealed that the leaked documents were compiled at some time after the March 25, 2014, senior staff meeting referenced above. Investigators concluded that the documents left the Office of Attorney General on April 22, 2014. On that date, a package was left for King in his office. The package contained the four documents outlined above. King had been asked earlier that same day by Kane to deliver the package to Josh Morrow, a political consultant for Kane. Subsequently, Morrow delivered the contents of the package to Chris Brennan, a news reporter for the Philadelphia Daily News.

The information used in the article was identified as confidential investigative information and secret Grand Jury information in testimony by several witnesses. Peifer, First Deputy Attorney General Bruce R. Beemer, and former Chief Deputy Attorney General James Barker all testified that the information contained in the article was secret Grand Jury information. Former Senior Executive Deputy Attorney General Linda Dale Hoffa testified that, when she read the June 6, 2014, Daily News article, she was concerned because the article referenced Grand Jury information "that should not have been made public."

During her testimony before the Grand Jury, Kane adamantly and repeatedly denied that the information she discussed with King and authorized releasing was secret Grand Jury information. Kane also argued that, even if a member of the Office of Attorney General did release secret Grand Jury information, they would have to have been sworn to the specific Grand Jury in order to be criminally liable for leaking secret information. Kane then testified that she was not sworn to the 2009 Grand Jury involving Mondesire.

To support her claim that she was not sworn to the 2009 Grand Jury, Kane testified, "when I first went into office, there were existing Grand Juries at the time, and we signed those oaths. And then, of course, new Grand Juries have developed since I've taken office, and we sign those oaths. . . . We, we don't go back and sign every Grand Jury from the beginning of time. You just can't do that."

Kane then became even more definitive in her denial that she was sworn to the 2009 Grand Jury that investigated Mondesire. Explaining that none of the individuals in the March 25, 2014, senior staff meeting were sworn into the 2009 Grand Jury, Kane testified, "we all knew that we were not sworn into a 2009 Grand Jury. I was a stay at home mom at the time. . . . None of us were sworn into that Grand Jury." Later, during her November 17, 2014, appearance before the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123, Kane again testified, "I was not sworn into the Grand Jury from 2009, as I could not have been since I was at home with my kids at the time."

In her attempt to convince the Grand Jury of the abject impossibility of an individual simply signing a secrecy oath for a historical Grand Jury, and in fact denying signing any such oath, Kane made false statements that were material because, if believed, they could have affected the outcome of the Grand Jury proceedings. Kane made these false statements knowing that she had in fact signed a secrecy oath for the 2009 Grand Jury and therefore had

sworn to protect against the release of any information arising from any Grand Jury investigation during 2009.

Kane's False Statements to the Pennsylvania Supreme Court

Kane's efforts to deceive were not limited to her testimony before the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123. Prior to Kane's testimony, attorneys representing her filed legal motions before the Pennsylvania Supreme Court in an attempt to allow her to avoid appearing before of the Grand Jury. On September 16, 2014, Kane's lawyers, Gerald L. Shargel, Esq., and Amil M. Minora, Esq., filed a Motion to Quash Grand Jury Subpoena. In this filing, Shargel and Minora, on behalf of Kane, argued that Kane was "not sworn to secrecy with regard to the 2009 Grand Jury proceedings." The attorneys went on to say that, "because Attorney General Kane had no involvement whatsoever with the 2009 Grand Jury proceedings (indeed, at the time she was a litigator in private practice), she could not as a matter of law be in contempt of court with regard to any disclosure related to that Grand Jury proceeding." Kane, through her lawyers, emphasized the point, explaining that she, "took no oath of secrecy with regard to those proceedings. Attorney General Kane was not sworn into office until January 15, 2013." Finally, Kane's lawyers reiterated twice more, that Kane took no oath, and "was not sworn to secrecy" regarding matters occurring before the 2009 Grand Jury.

On November 12, 2014, just days before Kane was scheduled to appear before the Grand Jury, her lawyers filed an emergency motion for extraordinary relief before the Pennsylvania Supreme Court, arguing the Thirty-Fifth Statewide Investigating Grand Jury, Notice #123 was invalid and to quash her subpoena, thereby allowing her to avoid appearing before of the Grand Jury. In this motion, Kane, through the same two attorneys listed above, again argued to the Pennsylvania Supreme Court that she, "was never sworn before the 2009 Grand Jury."

As an attorney, Kane has an obligation to be truthful in any court filings. Pursuant to Rule 3.3 of the Pennsylvania Rules of Professional Conduct, "a lawyer shall not knowingly . . . make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." Clearly, Kane's false statements in her filings before the Pennsylvania Supreme Court are in violation of her duty of candor toward the tribunal.

Kane also repeated this false assertion outside her testimony to the Grand Jury and filings to the Pennsylvania Supreme Court. In a September 2, 2014, email to Beemer, Kane encouraged Beemer to advance her argument before Judge Carpenter while objecting to a protective order Judge Carpenter issued against the Office of Attorney General. Kane wrote, "you may also point out that in light of the lack of secrecy oaths there may not be a crime against anyone not sworn in to 29th."

Kane's False Statements to the Citizens of the Commonwealth of Pennsylvania

Subsequent to her Grand Jury testimony, Kane's representative Lanny Davis, a legal strategist and crisis manager, called a press conference to make public comments on her behalf. Davis held a press conference on Saturday, January 10, 2015. During that press conference, Davis, who identified himself as Kane's attorney and stated that he spoke "on behalf of . . . the individual Kathleen Kane," attempted to advance the same arguments as Kane did during her testimony and her other attorneys did in filings before the Pennsylvania Supreme Court. Davis stated that Kane authorized the release of documents, and that "the only document that [Kane] said should and could be disclosed" was a 2014 memo, which investigators have since concluded is in fact the transcribed interview discussed at the March 25, 2014, senior staff meeting.

Kane and Davis, however, did not stop at the January 10, 2015, press conference. In a statement released to the press on January 22, 2015, Davis

repeated the false claim by Kane that she was not sworn to secrecy and therefore could not be criminally culpable for leaking any information learned from the 2009 Grand Jury investigation into Mondesire. In the statement, Davis wrote that Kane, "never took an oath of secrecy regarding that 2009 Grand Jury."

Davis repeated the message on Kane's behalf in another statement to the press, this time on March 12, 2015. In that statement, Davis wrote that he would repeat "the truth—the entire truth—to which Kathleen Kane testified before the Grand Jury." That "truth," according to Davis, was that Kane authorized the release of a "memo and transcript dated March 2014." Again, the memo and transcript Davis is referring to is what investigators have concluded is the transcribed interview presented at the March 25, 2014, senior staff meeting. Davis also wrote that Kane was "not a sworn participant in the 2009 Grand Jury proceedings."

Conclusion

On August 6, 2015, the Montgomery County District Attorney's Office filed a criminal complaint charging defendant Kathleen Kane with making numerous false statements before the Thirty-Fifth Statewide Investigating Grand Jury about material issues. The evidence gathered up until that point in time demonstrated that the defendant made these false statements in an effort to cover up her illegal leak of confidential investigative information and secret Grand Jury information from Investigating Grand Jury #29. During the defendant's grand jury testimony, and in multiple other venues, the defendant claimed she had never been sworn to secrecy before any historical, or older, inactive grand jury. Because the Commonwealth did not, as of August 2015, have direct evidence that she had been sworn to the older grand jury, this claim was not the direct basis of any criminal charge.

Since the time of the defendant's August arrest, the Montgomery County District Attorney's Office has gathered additional information clearly establishing the fact that the defendant was sworn to secrecy before Investigating Grand Jury #29. On her second day in office, she attended a meeting with senior staff to begin her transition into office. The defendant and members of her senior staff realized that there was grand jury information they needed to address. To allow the defendant and her senior staff members who were new to the Attorney General's Office to be able to discuss these grand jury matters, the defendant and six other members of her staff were sworn to secrecy before all three current grand juries (Investigating Grand Juries 33, 34 and 35) in addition to all historical grand juries led by the Attorney General's Office. The defendant was personally sworn to secrecy and signed a secrecy oath for Investigating Grand Juries #1-32. This oath of secrecy included Grand Jury Number 29, the Investigating Grand Jury that considered the Mondesire matter.

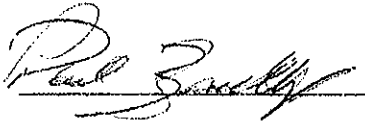
Montgomery County Detectives executed a sealed search warrant on September 17, 2015, and recovered the original Secrecy Oaths signed on January 17, 2013, by the defendant and her staff members, along with the original notary records from that date documenting the notarized Orders.

Notwithstanding the clear fact that the defendant was sworn to secrecy before every past and current grand jury on her second day in office, this defendant repeatedly told the Grand Jury that she was never sworn to protect secret information gathered through the 2009 Grand Jury investigation of Mondesire. The defendant told these lies knowing she had signed Grand Jury secrecy oaths for Statewide Investigating Grand Juries Numbers One through Thirty-Five.

Moreover, the defendant perpetuated her lies about never being sworn to secrecy for Investigating Grand Jury Number 29 to the Supreme Court of Pennsylvania and the citizens of this Commonwealth, through her privately

retained representatives speaking on her behalf in Court filings and to the public directly in statements made to the press.

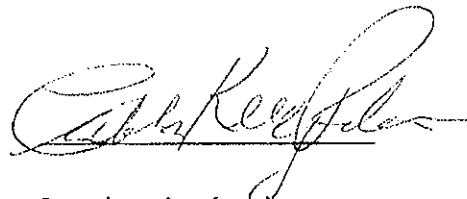
Based on the evidence gathered demonstrating that the defendant was sworn to secrecy and signed a "Secrecy Oath" before Investigating Grand Jury #29, including the recovery of the original secrecy oath and the notary records reflecting the administration of the secrecy oath on January 17, 2013, and her direct contradictory testimony before Investigating Grand Jury #35 on November 17, 2014, we believe probable cause exists to support the charge of Perjury and other related offenses against Defendant Kathleen Kane.



Det. Paul Michael Bradbury

Montgomery County Detectives

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1st DAY OF OCTOBER
2015.



Issuing Authority

Exhibit "A"

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SECRECY OATH

**FIRST THROUGH THE THIRTY-SECOND STATEWIDE
INVESTIGATING GRAND JURY**

I, Kathleen G. Kane, do

solemnly swear under penalty of contempt that I will keep secret all that transpires in the jury room, all matters occurring before the grand jury, and all matters and information concerning this grand jury obtained in the course of my official duties or otherwise, except when authorized by law or permitted by the Court.

Affiant

Kathleen G. Kane
1-17-13

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 17th DAY

OF January, 2013.

Wanda A. Scheib

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
WANDA A SCHEIB, NOTARY PUBLIC
CITY OF HARRISBURG, DAUPHIN COUNTY
MY COMMISSION EXPIRES 04-07-2016