

1 SWEARING IN OF ERIE COUNTY : IN THE COURT OF COMMON PLEAS
 2 DISTRICT ATTORNEY, ATTORNEY : OF ERIE COUNTY, PENNSYLVANIA
 3 JACK DANERI : CIVIL DIVISION
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 8 SWEARING IN PROCEEDING
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 11 Proceedings held before the Honorable Ernest J.
 12 DiSantis, Jr., in Courtroom H, Erie County Courthouse, Erie,
 13 Pennsylvania, on Tuesday, August 18, 2009, commencing at 4:00
 14 p.m.
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25 Sandy Hackwelder -- Official Court Reporter

COPY

P-R-O-C-E-E-D-I-N-G-S

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3 THE COURT: Good afternoon. What brings us
4 before the Court is a very solemn occasion, it's the
5 administration of the oath of office to Mr. John
6 Daneri of the District Attorney staff; and he will be
7 sworn in and appointed today to serve the unexpired
8 term of the late District Attorney, Bradley Foulk. I
9 just want to say, at this time, that the decision
10 that was made in this case, in this particular
11 instance, was a very difficult one given the
12 circumstances of Mr. Foulk's untimely death, I think
13 the depth of feeling that people had for him, and
14 then the Court's consideration of the various aspects
15 of this particular appointment process. I had the
16 honor and privilege of chairing the meeting, and I
17 would say that since the time I've been on the bench,
18 I don't think there's any other time that I was more
19 honored to serve with my colleagues. Just the level
20 of civility, intelligent discussion, and depth of
21 feeling to make the right decision exhibited by the
22 Court. And the fact that this decision was
23 consensus, was really a remarkable event.

24 And, so, I would like to have Mr. Daneri come
25 forward for the swearing in. And then I may have a

1 few brief comments. And, Mr. Daneri, you may, if you
2 wish, address the gallery that is here.

3 Sir, if you would raise your right hand and
4 repeat after me. I, and state your name.

5 MR. DANERI: I, John Daneri.

6 THE COURT: Do solemnly swear.

7 MR. DANERI: Do solemnly swear.

8 THE COURT: That I will support, obey, and
9 defend.

10 MR. DANERI: That I will support, obey, and
11 defend.

12 THE COURT: The Constitution of the United
13 States.

14 MR. DANERI: The Constitution of the United
15 States.

16 THE COURT: And the Constitution of this
17 Commonwealth.

18 MR. DANERI: And the Constitution of this
19 Commonwealth.

20 THE COURT: And that I will discharge the
21 duties of my office.

22 MR. DANERI: And that I will discharge the
23 duties of my office.

24 THE COURT: With fidelity.

25 MR. DANERI: With fidelity.

1 THE COURT: Mr. Daneri, you may now put your
2 hand down. Thank you. And you have the
3 congratulations of me and the Court, and our best
4 wishes for the days to come. Because this is no less
5 easy for you. When I was sworn in as an Assistant
6 United States Attorney, the acting United States
7 Attorney had indicated something to me at the time
8 when he read from a case, Berger versus United
9 States. And I have given this to members of my
10 family, including my son, who holds that position,
11 and those that I know who have served as prosecutors.
12 And the Supreme Court in that case said, "A
13 prosecutor is the representative not of an ordinary
14 party to a controversy, but of a sovereignty whose
15 obligation to govern impartially is as compelling as
16 its obligation to govern at all; and whose interest,
17 therefore, in a criminal prosecution is not that it
18 shall win the case, but that justice shall be done.
19 As such, he is in a peculiar and very definite sense
20 the servant of the law, the twofold aim of which is
21 that guilt shall not escape or innocence suffer. He
22 may prosecute with earnestness and vigor -- indeed,
23 he should do so. But, while he may strike hard
24 blows, he is not at liberty to strike foul ones. It
25 is as much his duty to refrain from improper methods

1 calculated to produce a wrongful conviction as it is
2 to use every legitimate means to bring about a just
3 one."

4 Mr. Daneri, you are a skilled and talented
5 prosecutor. You have a skilled and talented staff.
6 And, again, the Court wishes you well in your
7 endeavors in discharging your Constitutional and
8 legal responsibilities. And you have the
9 congratulations of the Court, and of me.

10 And, Mr. Daneri, it is your prerogative if you
11 wish to address the gallery, you may. If you would
12 like not to do so, that, too, is your prerogative.

13 MR. DANERI: Thank you, Your Honor. I would
14 like to thank everyone in attendance today for your
15 support, particularly the staff, detectives, the
16 other Assistant District Attorneys, and, of course,
17 First Assistant District Attorney, Bob Sambroak. It
18 has been a very difficult time for us up there.
19 we'll continue to get through it. Brad would have
20 wanted it that way. We will continue his work. And
21 I'm confident that we'll do it well, and he will be
22 proud of us. Thank you very much.

23 (Whereby, applause was given.).

24 THE COURT: With that, Court is in recess.

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(whereby, the proceeding concluded at 4:10
p.m.)

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C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause, and that this copy is a correct transcript of the same.

Sandy Hackwelder
Sandy Hackwelder
Court Reporter

The foregoing record of the proceedings of the above cause is hereby approved, and directed to be filed.

E. DiSantis
Honorable Ernest J. DiSantis,
Jr.