

HEADLINE: 'Bad Kids': Victims of Luzerne Scam Battle Stigma as They Fight to Reclaim Their Dreams

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When they returned from being sent away, they came home with a label: "bad kids."

But when the judge who sent them away got in trouble with the law, they knew the truth had finally been revealed.

It was the judge who was bad. Not them.

Hillary Transue, of White Haven, and Matt Klubeck, of Exeter, are just two of the many juveniles sentenced by former Luzerne County President Judge Mark A. Ciavarella Jr. to serve time in juvenile detention centers and other residential facilities for minor, first-time infractions.

They are both plaintiffs in a class action suit filed against Ciavarella and others alleging that they were denied due process and legal representation during their brief, kangaroo-court hearings before being detained for trivial offenses.

Ciavarella, and former colleague Judge Michael T. Conahan, both pleaded guilty to honest services wire fraud for receiving \$2.6 million in payments from Luzerne County attorney Robert Powell, who was a co-owner of PA Child Care, a for-profit juvenile detention center, and Robert Mericle, the construction contractor who built the facility, and have conditionally agreed to serve 87 months in prison.

While **The Legal Intelligencer** has extensively covered the judicial corruption scandal in Luzerne County, the human cost borne by teenagers whisked away from their families into juvenile jails after 30-second court appearances hasn't often been fully described in these pages. These are the stories of just two of those kids.

'It's a Little Trashy to be Sent Away'

Klubeck and Transue both struggled with anger, depression and feelings of stigmatization after being adjudicated as juvenile delinquents. Klubeck was 13 when he was locked up. Transue was 15.

As Transue, now 17, puts it: "It's a little trashy to be sent away." As Klubeck, now 17, puts it: Some parents didn't want their children hanging around with him because he was a juvenile delinquent.

Between 2003 and May 2008, Ciavarella adjudicated more than 2,500 children delinquent and placed more than 1,000 of these children in facilities outside of their homes, according to the Juvenile Law Center, which is representing the proposed class of children and teenagers adjudicated as juvenile delinquents and seeking damages from the judges and others.

Now, after the judges have entered their guilty pleas and there has been a splash of national and international media coverage of the scandal, Transue and Klubeck have more than just vindication. They have found some healing.

And, on the brink of adulthood, they both have dreams that move them forward.

Matt's Story

Klubeck has struggled with depression for the last few years. But his mood has brightened with the opportunity to tell his story in the past few months.

He never got his day in court to give his defense. Now everyone wants to know his side of the story. It's a "great feeling that you didn't do anything wrong," he said.

He was petitioned into juvenile court in December 2004 on charges for simple assault and harassment by his mother and his mother's boyfriend, according to a Nov. 28, 2004, Exeter Borough Police Department investigation report.

His mother's boyfriend alleged Matt, a seventh grader weighing less than 100 pounds, pushed him around and threw a piece of steak at him, the report said. The report notes Matt said they were telling lies in order to get him in trouble.

Matt's parents were in the middle of a custody dispute, according to an interview with Matt and his father, James F. Klubeck, and the class action lawsuit complaint.

When Matt appeared in front of Ciavarella for his hearing, his father and his father's lawyer, Stephen Urbanski, were with him. But Matt said the lawyer wasn't allowed to represent him or to speak on his behalf. He said his mother and mother's boyfriend told their story, and despite denying their allegations, "the judge did not believe me at all."

Ciavarella ordered Matt's placement in PA Child Care pending a psychological evaluation.

James Klubeck said he believes his ex-wife didn't know "Ciavarella was doing what he was doing" and that Matt would get locked up.

The whole hearing took less than five minutes, Matt said. He really had no idea he was

going to be detained until he was being handcuffed and shackled.

Matt was held in a cell by himself where he was not allowed to lay on the bed during the day. He sat for hours each day at a metal desk. With nothing to do but think, Matt started blaming himself for his detention.

And he sunk into depression as he quickly lost track of the date and was told when to eat and when to sleep. Matt was transferred to Tioga County Detention Center for one week during his detention.

Matt wasn't evaluated by Dr. Frank Vita until 16 days after being locked up. Thirty days after being locked up, a conference was held with Matt's parents with Sandra M. Brulo, then the chief juvenile probation officer, about what needed to be done in order to secure Matt's release.

According to Brulo's report about the conference, Brulo recommended to Ciavarella that Matt be placed out-of-state in Colorado for a year in order to resolve his depression and anxiety related to his parents' custody battle and then he should be placed at the Glen Mills School, where he could begin to resolve "his dependent personality traits."

James Klubeck said in an interview that Brulo said that she could send Matt away until he was 21.

James Klubeck became increasingly desperate to secure his son's release before he could be sent out of state, calling every official he could think of from the governor's office to juvenile-justice organizations. He also contacted the **Wilkes-Barre Times-Leader**, which published a story about the case.

Forty-eight days after being locked up, pending an evaluation and five days after the newspaper article, Ciavarella ordered Matt's release and his placement on probation for six months.

Matt still remembers the last thing he ate at PA Child Care: waffles and chicken gravy.

After he got out, he was completely lost with his schoolwork. Even now, as an 11th grader, Matt is still struggling to return his grades from just below a B- average.

While Matt said he feels vindicated in the eyes of his community, he is still angry with the Luzerne County justice system. He predicts Ciavarella will be treated better in federal prison than he and the other kids were treated in juvenile detention.

"He's going to be treated nice," he said. "He's not going to have to go through what we had to go through."

And Matt thinks there are still corrupt people working in the courthouse.

"I don't think they've caught everybody up there ... I don't know if they'll get everybody," he said.

Matt says his salvation came when his father took him for an airplane flight at the local airport. He was 14 in early 2006 when he started flying. At the age of 16, he did his first solo flight. He has logged 69.4 flying hours.

Now, Matt is working to raise his grades to a 3.0 average in order to apply to aviation colleges. He also is considering entering the military to fly planes.

James Klubeck said with a four-year degree in aviation Matt could have a number of career paths, whether as a commissioned military officer flying planes or in airport management.

After his narrow confinement in a cell, Matt feels empowered when he flies and looks around at the horizon.

When he's flying, he likes the complete control of it. He likes how nothing else matters.

"My whole future was ruined," he said. "But now flying is my future."

Hillary's Story

"No one believes you when you say, 'I made a MySpace [page] of the vice principal and I got locked up.' No one believes you when you say, 'A judge is committing crimes against juveniles and locking them up,'" Hillary said in an interview about what it was like to return to school after spending a month at a residential treatment agency operated by Youth Services Agency.

Hillary was 15 when she was adjudicated as a juvenile delinquent for a third-degree misdemeanor of harassment in April 2007. Hillary was petitioned into court by the assistant principal of her high school because Hillary made a satirical MySpace page about the assistant principal.

Hillary said a lot of kids at the school thought the principal was very strict, and the space was created as a joke. And she was of the belief that a disclaimer on the site telling the vice principal that the Web site was a joke would be enough to keep her out of trouble.

"I realized she didn't have a sense of humor," Hillary said. "Something wasn't right. Something was wrong."

When Hillary's mother, Laurene, got called by a police officer about Hillary's charge, he

told Laurene she wouldn't need a lawyer and that if Hillary cooperated the most she would get as a punishment would be a small fine and a night in jail, Laurene Transue said.

Laurene Transue knew the family didn't have the money to hire a lawyer, but Hillary had a sinking feeling because she'd heard of other kids being locked up for small infractions.

"Everyone knew if you get sent to Ciavarella you're going to be sent away," Hillary said.

But she trusted her mom's read on things. And she also assumed she would be assigned a public defender when she came to court.

When they got to the hearing, they were asked if they had an attorney, Laurene Transue said. Laurene Transue was asked to sign a piece of paper, which she later found out was waiving Hillary's right to a lawyer.

During the brief hearing, Hillary was never informed of her right to trial or her right to counsel, according to the JLC complaint.

Ciavarella was often invited to speak at Hillary's high school, Crestwood High School. During the hearing, Ciavarella reminded Hillary of his visits to the school where he said he had zero tolerance for behavioral infractions and he meant what he said, Hillary recounted. "It was a Ciavarella lecture," she said. Then she was adjudicated a juvenile delinquent.

Hillary didn't know what that meant, but Laurene Transue, who had worked as a social worker in another county, knew.

Laurene Transue, who suffers from post-traumatic stress disorder, was wailing as her daughter was escorted out of the courtroom, she said. Hillary remembers the woman escorting her away scolding her for doing this to her mother.

"I still felt no one talked about freedom of speech," Hillary said. "What I did was protected by the First Amendment ... I was feeling very, very indignant and regretful of what I had done."

Laurene Transue also makes it clear that Hillary suffered repercussions at home for making the page. She was grounded for three months and not allowed to use the Internet.

Laurene Transue says juvenile delinquent adjudications are for children of parents who don't have "care and control" of their children.

Hillary said the facility was "the most boring experience." About 40 girls, including seven

or eight from Luzerne County, were sleeping in bunk beds in cabins. Hillary could only make calls home on Tuesdays and Thursdays, and the family had to be home to make sure they got the calls. It took 3.5 weeks after Hillary was sent away before her family could see her.

The Transues said they have since learned that Ciavarella typically sent girls away for three months. They credit the involvement of the Juvenile Law Center staff attorney Laval Miller-Wilson with Hillary's release after just one month.

Laurene Transue tried multiple venues to secure Hillary's release. The local defender's office didn't handle juvenile appeals. The American Civil Liberties Union didn't get involved in county matters. Miller-Wilson didn't return the first call. But on a follow-up call, Miller-Wilson took the case.

"He took one of the most horrible situations in our lives and flipped it upside down," Laurene Transue said.

Miller-Wilson filed a writ of habeas corpus challenging the constitutionality of Hillary's adjudication. Ciavarella granted the writ, and Hillary was released. During the week between Hillary's release and her follow-up hearing in front of Ciavarella to see if she should be re-adjudicated, Miller-Wilson worked around Ciavarella's authority by negotiating a consent decree with the District Attorney's Office and the assistant principal for Hillary to go on probation instead of being sent back.

The consent decree maneuver was necessary because Ciavarella was an egomaniac who controlled the hiring of the employees throughout the court system and considered whatever he said in the courtroom not only the law but the word of God, Laurene Transue said.

When Hillary first had to go back to school, she said rumors were flying about why she was really sent away. Laurene Transue said her daughter was sick to her stomach every day before going to school, and she offered to home-school her.

Hillary was furious with authority figures for a long time, including teachers and Ciavarella. She felt like she was being pushed around by adults.

Now Hillary feels her story is substantiated and she has closure with Ciavarella's guilty plea. "He can never do horrible things to children again," Hillary said.

Laurene Transue said she has always taught her children to take something bad and turn it around. She hopes the juvenile justice scandal in Luzerne County will result in reform in the state's juvenile justice system.

Children must be taught how to be citizens and be rehabilitated in the system, Laurene

Transue said. She said she worries what the youngest citizens of Luzerne County are learning about justice because of the judges' actions.

Hillary, for herself, is putting her mother's lesson about turning bad things into good to use.

Despite her former anger at authority figures, Hillary has decided she'd like to earn her teaching degree and be the best educator she can be.