

# The rise and the fall of Mark Pazuhanich

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On Oct. 27, 2003, Monroe County District Attorney Mark Pazuhanich leaned back in his elegant leather chair and clasped his hands behind his head.

Comfortable in his spacious office deep inside the county courthouse, Pazuhanich talked easily with reporters about charges he was filing in a brutal murder case.

A stubbed-out scented cigarette smoldered in the ashtray, a sign of power, prestige and entitlement in the smoke-free building.

The television cameras started rolling, and the poised district attorney, illuminated by the bright glare of camera lights, leaned forward and spoke with confidence.

When the interview was over, Pazuhanich asked journal-ists if they had everything they needed. He bantered good-naturedly with those he knew and politely walked his visitors to the door.

One week later, after a hard-fought campaign, he was elected to become Monroe County's newest judge.

It was inconceivable that three weeks after his jubilant election victory, his successes would start to unravel in the front row of a teen pop concert. It was a Saturday night that started as an evening out with his 10-year-old daughter but ended with his mother picking him up at his hometown police station.

IF THE CAREER of Mark Pazuhanich had a fairy tale quality — a sure, rising trajectory from humble working-class roots in Wilkes-Barre, to a stellar academic career culminating at Columbia Law School, to district attorney and finally county judge — his abrupt fall was classic tragedy.

"It's tragedy of Greek proportions," says John Prevoznik, a local lawyer and former Pazuhanich supporter who worked under Pazuhanich as an assistant district attorney.

"The real sad aspect of this whole thing besides him attaining the pinnacle of his career and losing it is that it's a family tragedy," says Marshall Anders, one of Pazuhanich's attorneys and a staunch supporter.

"It's nothing but a tragic story," said Kirby Upright, a former law partner and treasurer for Pazuhanich's three campaigns.

Tragedy. It's the word that comes up over and over when the discussion is about the fall of Mark Pazuhanich.

THE ONLY SON of a tire factory maintenance worker and a housekeeper, Mark Peter Pazuhanich

was born in ethnically diverse working-class Wilkes-Barre in 1956.

His father, who died in 1999, was active in the local Byzantine Rite Catholic church and belonged to both Slovak and Russian social clubs. His parents didn't own a car, and his father rode the bus to work.

Pazuhanich graduated high school in 1974 and went to King's College in Wilkes-Barre, where he was a top debater. He graduated first in his class of 335 with a perfect 4.0 grade point average, a fact that would appear repeatedly in his campaign literature.

Pazuhanich went on to Columbia Law School in New York City, where he piled on more honors. When he graduated in 1981, he landed a prestigious clerkship with a judge in a U.S. Court of Appeals.

Pazuhanich then joined the law firm Morgan, Lewis & Bockius in Philadelphia, one of the 10 largest law firms in the country in the 1980s.

By any standard, he had made it. He was a young, bright, ambitious big-city lawyer. People who worked with him called him brilliant.

PAZUHANICH CAME TO THE POCONOS in the mid-'80s when his firm was hired to help the Monroe County district attorney's office with a drug case.

He made a strong first impression his first day at Monroe County Courthouse.

"When he came off the elevator I didn't know who he was, but I never saw a trial suitcase that big in my life. It was massive," remembers District Attorney David Christine, who at the time was an assistant district attorney in his mid-20s. "He had the look of a big-city lawyer — perfect suit, perfect hair, big briefcase, stern look."

Pazuhanich liked the Poconos. It was close to his Wilkes-Barre roots, and in 1985 he left Philadelphia to join the Stroudsburg law firm of Hanna, Young & Upright. Two years later he started moonlighting as a part-time assistant district attorney, a move he initiated to gain more trial experience.

Christine, who by then was serving his first stint as district attorney, was happy to have Pazuhanich on board.

"I jumped at the chance because he had a good record. He was meticulous — left no stone unturned," he says.

On June 11, 1988, Pazuhanich, then 31, married Karen Frame, 28, of Camden, N.J.

The following year, Pazuhanich was thrust into the national spotlight as the lead prosecutor in the case of Cameron Kocher, a 9-year-old boy who gunned down a 7-year-old girl riding a snowmobile in Kresgeville. The young assistant district attorney stirred controversy — and enhanced his name recognition — for his decision to prosecute the boy as an adult.

In 1990, Pazuhanich left the district attorney's office and returned full-time to private practice, as a partner in the firm then called Hanna, Young, Upright & Pazuhanich.

It was then that rumors of an alcohol problem began to leak out.

"Around people who have an addiction there is always a conspiracy of silence, and I didn't know," remembers Upright. "Staffers said, 'What, you didn't know?' and I didn't for awhile."

When the problem became obvious, an intervention by colleagues in the early 1990s landed Pazuhanich at an alcohol rehabilitation center. The illness apparently ran in the family. His father was a heavy drinker and his sister had died in 1988 of an alcohol-related illness.

Pazuhanich emerged from rehabilitation with his problem apparently under control.

In 1993, five years after their wedding, Pazuhanich and his wife had their first and only child, a daughter born in August.

A year and a half later, he was ready for his next big move.

Promoting his working-class roots and a tough-on-crime approach, Pazuhanich announced his candidacy for Monroe County district attorney in 1995.

He had broad support, and the Pocono Record, applauding his pledge to take a "tough law-and-order stance," endorsed the confident attorney.

Pazuhanich beat incumbent James Gregor easily, and on Jan. 3, 1996, he took the oath of office on a Bible held by his 2-year-old daughter.

Stressing the importance of appearances, the new district attorney filled his office with expensive leather furniture and a massive, shiny desk. He told employees to dress sharply, banned blue jeans at work, and settled into the \$103,000-a-year job. For the first time in county history, being district attorney was a full-time job.

Pazuhanich had a new job and a promising future, but his family life was suffering.

His 9-year-old marriage fell apart in 1997, midway through his first term. His wife filed for divorce, and was named primary caretaker of their child, who was 4 at the time. Pazuhanich got custody of his daughter three weekends a month plus Wednesdays, which he would often take off from work.

Eventually his ex-wife got remarried, and his daughter went to live with her in New Jersey.

In 1999, Pazuhanich easily fended off Democratic challenger Wes Niemoczynski to earn a second term as district attorney. He continued his practice of personally trying all the high-profile murder cases and was largely a popular figure, easily identified driving around town in a sleek Jaguar convertible with a vanity license plate that read "TRIAL."

Although rumors of his taste for pretty women and strip clubs were rampant, the young district attorney was generally well-liked and got along with his bosses.

"He was an elected official you could work with," says Janet Weidensaul, former county commissioner and a Pazuhanich supporter. "I was impressed that this was a young man who came from a very humble beginning. He worked hard and studied hard to achieve what he had. I certainly had respect for all that."

AT THE END OF 2002, three years into his second term as district attorney, Pazuhanich announced he was running for judge, seeking the new seat the state had approved for the Monroe County Court of Common Pleas. It would be the fight of his life.

Candidates for judge may cross-file and appear on both major party ballots. In the May 2003 primary, Pazuhanich squeaked by fellow Republican Art Zulick to win his party's nomination. Although Zulick got the most votes combined, he failed to win either the Democratic or Republican ticket. Democrat Jennifer Wise won her party's nomination.

When Zulick tried to get his name on the ballot as a Reform Party candidate for the November general election, Pazuhanich showed his political guile.

Wise and Pazuhanich decided jointly to hire a Philadelphia lawyer to get Zulick thrown off the ballot. But on the deadline for filing the challenge, Pazuhanich backed out, leaving Wise to carry on alone if she chose. She did, and was successful, but it was Wise, and not Pazuhanich, who took the political heat for using the courts to force competition off the ballot.

But not everything was going Pazuhanich's way.

He suffered two embarrassing blows just weeks before the election.

In October, a state audit reported that Pazuhanich's office had improperly spent as much as \$300,000 specially earmarked to combat domestic violence and sexual abuse, using the money on other police work.

Days later, the Pennsylvania Superior Court granted a new trial to accused murderer Michael Manning, citing prosecutorial errors made by Pazuhanich in the 1998 trial. (Manning eventually got a reduced sentence.)

Pazuhanich also faced criticism for not doing enough to fight white-collar crime and real estate fraud. Critics noted that his campaign signs were being displayed on property owned by developer Gene Percudani, the focus of a civil suit filed by the state attorney general over allegations of homebuyer fraud.

But he survived it all. With Zulick relegated to a write-in campaign, Pazuhanich handily defeated Wise in the November election.

He had reached the top. The boy from a blue-collar background in Wilkes-Barre had done it. He was about to become a judge and enjoy almost certain job security for the rest of his working life if he wanted it — judges serve 10-year terms and face only a yes-or-no retention vote when those terms are up.

Pazuhanich hopped on a plane and flew to a Caribbean island to relax and savor his victory.

Three weeks later it all unraveled when witnesses saw him, drunk and on pain pills, groping his 10-year-old daughter in the front row of a Hilary Duff concert attended by 1,200 people.

The dreamy rise ended in a nightmarish fall.

IN GREEK TRAGEDY, the main character is essentially on a collision course with society because of a tragic character flaw, something he brings upon himself. Often that flaw is hubris, a trait implying excessive pride or arrogance. It has been known to bring down the powerful.

In the seven months after being charged with child molestation, Pazuhanich appeared unrelenting — and at times arrogant — in what turned out to be futile effort to salvage his career.

Those who thought he might quietly walk away to solve his personal problems in private couldn't have been more wrong.

Two days after he was arrested for public drunkenness outside the concert he attended with his daughter, Pazuhanich, still on the job as district attorney, came to work like it was any other Monday and publicly denied the charge.

But he didn't come to work that Wednesday, and that Friday he was charged with sexually fondling his daughter at the concert. He reportedly had checked himself into an alcohol and drug treatment center, although Marshall Anders, his local attorney, denied that Pazuhanich had been drinking.

"Mark, not because of the charge of public drunkenness, but because of the stress he is undergoing, checked himself into rehabilitation so he doesn't have a relapse," Anders told the Associated Press. "When do you drink? When you are under stress. He wanted to prevent that. The last thing he needs now is to lose that control."

In early December, Pazuhanich hired Philadelphia lawyer John Rogers Carroll, a widely respected criminal defense lawyer with experience representing priests facing sex charges and attorneys with substance abuse problems.

Pazuhanich, now out of rehab, was told not to come to the county swearing-in ceremony that was to have officially made him a judge.

Undeterred, Pazuhanich went to supporter and public notary Karen Clarkson, who administered his official oath of office in private. (Clarkson would not comment for this article).

Pazuhanich, now technically a judge, strode into the county courthouse days later, ready to work and again saying he was innocent.

Dressed in a crisp black suit, he gave a press conference and denied that his presence was casting a dark shadow over the courthouse.

"There's no cloud of question in my mind," he said. "If the public wants to have a cloud, I would remind people I am presumed innocent."

Potted plants were wheeled into his office. He got a secretary. And perhaps most importantly, he was on the state payroll and began collecting his \$124,000-a-year salary. President Judge Ronald Vican wouldn't give Pazuhanich any cases to hear, but he did give him administrative work to do. Pazuhanich appeared determined to be a judge.

Some former supporters speculate that Pazuhanich fought so hard because he needed time to come to terms with his situation and the epic distance of his fall.

OR PERHAPS he was just doing what 22 years of law practice had taught him.

"Mark is a fighter," Prevoznik says.

In a weird way, it seemed his bluff was working.

On Jan. 22, the bizarre series of events climaxed in a way that was unthinkable to many people, especially those who knew the man.

It was the day of Pazuhanich's preliminary hearing on the molestation charges, and his daughter took the stand to testify against him. She told the district justice that her father made her uncomfortable at the concert by touching her chest and between her legs.

"I was touched wrong," she said. Her story was confirmed by another witness, a woman who was sitting four seats away from Pazuhanich and his daughter.

"He lost many people when she testified," Prevoznik says.

Pressure from other judges and courthouse employees, the public and the news media forced him to leave the courthouse on Feb. 11, taking administrative leave. He continued to draw his six-figure salary.

Pazuhanich retreated to his modest Marshalls Creek home and, in a remarkably symbolic move, began building a model of the Titanic, the "unsinkable" ocean liner that sank in 1912 after hitting an iceberg in the North Atlantic.

The hard-nosed prosecutor still had some fight left. And it appeared he might still have had allies in high places.

The top official at the state Judicial Conduct Board — the body that watches over the behavior of the state's judges — said the board couldn't do anything because the charges against Pazuhanich were misdemeanors and not felonies.

After relentless public pressure, the Judicial Conduct Board reversed its stance and announced it would try to have Pazuhanich removed as judge.

"We are seeking the ultimate sanction — that he permanently be removed from the bench," said Joseph Massa, chief prosecutor for the Judicial Conduct Board, who had been present for Pazuhanich's preliminary hearing and heard his daughter testify against him.

On April 5, Massa took his case before two judges sitting as the Court of Judicial Discipline. But the effort seemed half-hearted. Massa called only one witness, Monroe County President Judge Ronald Vican, who said Pazuhanich had been doing a good job handling the administrative tasks he had given him.

Vican blamed the "media gauntlet" for the controversy swirling around the county's newest judge. Vican praised Pazuhanich's work ethic and said he was "inquisitive, enthusiastic and trying to do the right thing."

The judges hearing the case agreed with Vican — one said he thought the case was "media driven" — and a month later, the court ruled that there would be no decision on Pazuhanich's removal until after the criminal charges were resolved.

Pazuhanich would continue to have a regular paycheck to help pay his mounting legal bills.

TWO WEEKS LATER, Pazuhanich was on the offensive again when his attorneys asked the Luzerne County Court for a hearing to determine if his daughter was competent to testify. The pre-trial motion claimed she gave conflicting statements to experts who examined her after the concert, and that her testimony was influenced by adults through methods that included hypnotism.

"The defendant (Pazuhanich) believes that she may have been subjected to hypnotic interviews at the Children's Advocacy Center. Hypnotically refreshed memory is inadmissible," the motion stated.

The court set the competency hearing for July 12, the same day as Pazuhanich's trial, but that hearing became irrelevant when Pazuhanich tearfully pleaded no contest to all the charges.

IF MARK PAZUHANICH is a tragic figure in the classic sense, then he was his own undoing. Many of his supporters point to the obvious tragic flaw: his taste for alcohol and prescription drugs.

"It's a mental prison that some people end up in because of drug and alcohol issues," said Alan Price Young, a local lawyer who shared a practice with Pazuhanich.

"In my own mind I know that an absolutely rational and sober Mark Pazuhanich would never harm his daughter," says Upright, another former partner. "It was the drugs and alcohol that got in the way."

When Pazuhanich was sentenced to 10 years of probation, which includes registering as a sex offender under Megan's Law, he acknowledged his problem.

"Sobriety has to be first and foremost in my life," Pazuhanich said at his sentencing.

But advocates for victims of sexual abuse decry the focus on substance abuse. To them, it deflects attention from child abuse, the issue apparently no one knew about in connection with Pazuhanich, and the one his friends are still reluctant to talk about.

"All through this people have been saying, 'He did it because he was drunk,'" says Beata Peck-Little, director of Women's Resources. "I respond to this by saying, 'How drunk would you have to be before you would molest a kid?' Most people say, 'Well, I'd never do that.'"

Pazuhanich's supporters are still numb over the sex crime conviction.

"It was almost this Jekyll and Hyde thing," says Greg Christine, who was county commissioner during Pazuhanich's first term as district attorney.

"Here's this gifted, talented attorney who never got anything handed to him on a silver platter. It's just really weird. If somebody would have told me that Mr. Pazuhanich was a child molester, I would have said you're crazy, absolutely nuts."

Not everyone was shocked by such behavior from someone high up on the community's social ladder.

"It didn't surprise me," said Lois Heckman, community educator for Women's Resources.

"There are pedophiles in every race and class. They're not just sleazy guys jumping out from behind a bush. The public doesn't want to believe this because it's scary. But those of us who do this work are not shocked when a person in a position of power does this. We see it all the time."

AFTER "A TRAGEDY," the second most common thought expressed about the fall of Mark Pazuhanich is "relief" or "moving on."

"Frankly, I'm just glad it's over," says Weidensaul.

"It's time for closure," says Young. "Of all the things we need to do, we need to move on."

That won't be easy for everyone.

"You've heard people say it's behind us," says Prevoznik. "Well, it's not behind the family. It's going to have repercussions for years. That's the part that's not behind."

Marshall Anders, who spoke to Pazuhanich briefly after the sentencing on Monday, agrees.

"It's not over for him," he says. "The one thing that he put before his career was his relationship with his daughter. Obviously this is going to affect his demeanor, his confidence and his outlook on life. Maybe the rest of Monroe County can move on, but Mark can't."

Anders plans to help his friend find work.

"He's got to get a job doing something," he says. "I'll be talking to him in that vein. He's got to continue with his life, if for no other reason than to get his relationship with his daughter back on track."

After Pazuhanich was sentenced, he spoke publicly for the first time in months.

He warned of the dangers of alcohol and said he pleaded "no contest" to all the charges so that his daughter wouldn't have to testify again.

"Sometimes you do things for other people," Pazuhanich said outside the courtroom.

As for his future, he didn't have an easy answer.

"I think the adage is one day at a time, and that's how I plan to take it," he said. "Everything I worked for for 47 years is just about over."

And just like that, it was.