



COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT:

NAME and ADDRESS

Beverly J. Mears, Esquire

800 N. Logan Blvd.

Altoona, PA 16601

(Fill in defendant's name and address)

Magisterial District Number: **24-3-03**
District Justice Name: Hon. **ELIZABETH A. DOYLE, ESQ.**
Address: **311 UNION STREET
HOLLIDAYSBURG, PA 16648**
Telephone: (**814 693-3210**

Docket No.:

Date Filed:

OTN:

(Above to be completed by court personnel)

Notice: Under PA Rules of Criminal Procedure, your complaint may require approval by the District Attorney before it can be accepted by the magisterial district court. If the District Attorney disapproves your complaint, you may petition the court of common pleas for review of the District Attorney's decision.

Fill in as much information as you have.

Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	Defendant's Sex <input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	Defendant's D.O.B.	Defendant's Social Security Number	Defendant's SID (State Identification Number)
Defendant's A.K.A. (also known as)	Defendant's Vehicle Information Plate Number State Registration Sticker(MM/YY)		Defendant's Driver's License Number State	

I, Robert Gene Kearns, Jr.

(Name of Complainant - Please Print or Type)

do hereby state: (check the 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 is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at the Blair County courthouse
situated at Hollidaysburg, Pennsylvania (Place-Political Subdivision)

in Blair County County on or about May 10, 2001

Participants were: (if there were participants, place their names here, repeating the name of above defendant)

Anthony Zanoni, Esquire

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

In the post hearing matters of (96 GN 2139) Frederick vs. Kearns, Attorney Beverly Mears (guardian ad litem) for this complainant's daughter entered into an agreement with this complainant's attorney, Anthony Zanoni, on or about May 10, 2001. The agreement in effect was to afford this complainant an expeditious shared custody schedule of his daughter in exchange for withdrawing the active appeal in Superior Court. As reported by Attorney Zanoni in Dec. 2001, the guardian ad litem reneged on her end of the agreement to petition the court for an immediate resumption of shared custody once this complainant withdrew his appeal in Superior Court.

Defendant's Name:

Docket Number:



**PRIVATE
CRIMINAL COMPLAINT**

In the capacity of guarian ad litem for this complainant's daughter, Attorney Beverly Mears has acted in complicity with Attorney Anthony Zandoni a course of conduct in violation of Pennsylvania statutes 18 Pa C.S.A. Chapter 51. Obstructing Governmental Operations [subtitle 5101.] 18 Pa C.S.A. Chapter 9. Inchoate Crimes [subtitle 903. Criminal Conspiracy subsections (a) (b) (c) to commit 5101.] and 18 Pa C.S.A. 4304 Endangering Welfare of Children.

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of _____ and _____
of the _____ see above paragraph (Section) _____ (Subsection) _____

(PA Statute)

3. I ask that process be issued and that the defendant be required to answer the charges I have made.
4. 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.

August 8, 2003 Robert S. Kearney, Jr.
(Signature of Complainant)

District Attorney's Office ☐ Approved

☒ Disapproved because:

Facts alleged do not support
crimes charged, nature of complaint questioned
remedy available is civil courts and as
a matter of policy complaint is disapproved

(Name of Attorney for Commonwealth - Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

AND NOW, on this date _____, I certify that the complaint has been properly completed and verified.

David Dorn 8/13/03

(Magisterial District)

(Issuing Authority)

SEAL

NOTICE OF PERSONS SIGNING CRIMINAL COMPLAINT

Pennsylvania Rules of Criminal procedure provide that when a person who is not a Police Officer wishes to sign a complaint charging another with a criminal offense, other than a summary offense, the complaint must first be submitted to the District Attorney's Office for approval or disapproval.

In order to assist the District Attorney's Office in reviewing your complaint, you must print or type on this form a complete accounting of the events leading up to and including the criminal act you wish to complain about. This affidavit must indicate names, addresses and your own opinion as to the motives of the person complained about as well as an indication of your prior contacts, if any, with the person. Only complaints supported by a complete and detailed affidavit of the facts will be considered for approval. Use the back of this form to write the facts on.

TO BE COMPLETED BY THE COMPLAINANT

Complainant's

Name: Robert Gene Kearns, Jr.

Address: RR#3 Box 254 A1

Hollidaysburg, PA 16648

Phone: (814) 696-3022

Date: August 8, 2003

Defendant's

Name: Beverly J. Mears, Esquire

Address: 800 N. Logan Blvd.

Altoona, PA 16601

Phone: (814) 946-0836

Time:

Location of Incident: Allegheny Street, Hollidaysburg

COMPLAINANT'S VERSION OF THE FACTS MUST GO ON THE REVERSE SIDE OF THIS FORM.

I further certify that these criminal proceedings are filed from proper motives and are not being brought for the purpose of collecting a civil obligation. On charges for Bad Checks (4105) and Theft of Leased Property (3932) proper legal notice has been given as required by said sections. I ask that a warrant of arrest or a summons be issued and that the accused 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 Pa Crimes Code (18 PA. C. S. 4904) relating to unsworn falsification to authorities.

August 8, 2003
Date

Robert G. Kearns, Jr.
Complainant

Offense or Offenses:

Criminal Conspiracy, Obstruction of Justice, Endangering Welfare of Children

On April 19, 2001 Attorney Zanoni asked to meet with this complainant concerning the appeal in Superior Court. During the meeting Attorney Zanoni told me that he has not completed the brief which was due in just three days. Instead Attorney Zanoni asked if I would consider dropping the appeal in exchange for the reinstatement of the original shared custody scheme as before Judge Hiram Carpenter's order. Attorney Zanoni's selling point was that it would take approximately nine months before the Superior Court would hand down a ruling or sometime by late fall. By abandoning the appeal he touted that I would be reunited with my daughter by late May or early June 2001. Being wary of the endless lies by professionals involved with the legal system and the grueling years of judicial abuse that this complainant and his daughter had already been put through by the court I was leery and disappointed by his new attitude. Feeling dejected I told Attorney Zanoni just to do what he wanted to do. He told me that he couldn't do that, it was a decision that I had to make. I said OK since you are my attorney are you advising me to drop the appeal? Attorney Zanoni said "yes" that is what I am advising you to do. .

Because I wanted to be reunited my daughter as soon as possible I told Attorney Zanoni that if he is sure the agreement for joint custody can be made without hitches we will drop the appeal. Attorney Zanoni said he saw no problems with that since he and this complainant's daughter's guardian ad litem (Beverly Mears) have a good working relationship. Appearing enthusiastic to get started Attorney Zanoni told me that he will contact Beverly Mears right away to work out the arrangements.

On or about May 10, 2001 this complainant received a letter from Attorney Zanoni outlining the custody agreement that he and Beverly Mears purportedly had reached. On its face the agreement seemed genuine and appeared to facilitate the resumption of my previous shared custody agreement (or a similar arrangement thereof) no later than late May or early June 2001. My obligation to consummate the agreement was to attend two supervised visits for the purpose of reintroduction with my daughter and the guardian ad litem was to forthrightly file a petition with the Common Pleas Court requesting Custody Modification.

For reasons never fully disclosed to this complainant the agreed upon two supervised visits didn't commence until August 2, 2001. Because the Blair County court was in control of the supervised visitation program and historically have been criminally untrustworthy throughout the course of my case I had asked Attorney Zanoni to attend the two supervised visits with me to cover my back. At the inception of the first visit Attorney Zanoni told the supervised visit monitor (Sandy Fluke) that we would only be doing two visits __three at most at which time there will be a custody change. At the conclusion of the first supervised visit Attorney Zanoni asked me how the visit went. After telling him all went well Attorney Zanoni reassured me that following the second visit Beverly Mears was going to petition the court within a week or two for custody modification.

Being skeptical of the time already elapsed since dropping my appeal I raised my concerns with Attorney Zanoni that this action could take many more months before a

hearing would be scheduled to address the petition. Convincingly Attorney Zanon dispelled my fears saying that there wasn't going to be a hearing in the matter since a Blair County judge was simply going to sign off. Sarcastically I told Attorney Zanon that the plaintiff mother was never going to accept that. Attorney Zanon said the (plaintiff) mother will not have a choice but to accept the agreement.

Playing on this complainant's expectations that he was going to be restored shared custody of his daughter as prearranged, Attorney Zanon sent a letter to this complainant dated August 6, 2001 claiming that he had a by chance meeting with Attorney Mears and reportedly she was very optimistic that a custody change would soon be in the works.

As the Thanksgiving holiday came and gone without a word from Attorney Zanon this complainant became distraught that he was not going to see his daughter for the Christmas holiday. Hoping to arrange some form of contact with my daughter for Christmas I met with Attorney Zanon on December 11, 2001. My primary objective was to hear when, where and what needed to be done to fulfill the custody agreement. Adding spin to the sordid charade Attorney Zanon told me that the plaintiff mother "will not voluntarily" relinquish any custody arrangement whereby placing me in the hopeless position of having no judicial relief available. Attorney Zanon then advised me that my only option at that point and time was to abandon my custody battle and walk away from my daughter. When I questioned Attorney Zanon for a reason why the guardian ad litem failed to uphold her end of the agreed custody arrangement, Attorney Zanon told me that she reneged on the deal.

Pursuant to 234 Pa. Code Rule 504. Contents of Complaint. (Does not require a motive be offered for defendant's criminal conduct).