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Fayette officials defend support for felon facing new charge

RICHARD GAZARIK (MAILTO:TRIBCITY@TRIBWEB.COM?SUBJECT=RE: FAYETTE OFFICIALS DEFEND SUPPORT FOR FELON FACING NEW CHARGE STORY ON TRIBLIVE.COM) | Monday, June 18, 2012, 1:42 a.m.

A convicted drug dealer received support from state, county and municipal officials in Fayette County, who asked a federal judge to release the defendant on bail after his February indictment on a weapons charge.

Four elected officials -- state Rep. Tim Mahoney of South Union, Fayette County Commissioner Vince Zapotosky, Uniontown Mayor Ed Fike and South Union Supervisor Robert Schiffbauer -- vouched for Edward Harris, 50, saying he was not a threat despite his arrest for allegedly shooting at two people last summer in a dispute over unpaid rent.

Harris was indicted by a grand jury for being a convicted felon in possession of a gun.

Mahoney testified as a character witness at a detention hearing for Harris in February. Zapotosky, Fike and Schiffbauer wrote letters on Harris' behalf that are part of federal court records. While three of the officials said they know Harris, Fike said he knows only the defendant's family.

U.S. District Judge Gustave Diamond last month denied bail for Harris, ruling that there was "no condition or combination of conditions that will assure the safety of others or the community" if he were released.

While the four elected officials defend their support of Harris, some experts believe that letters of recommendation from prominent people -- some of whom never met the defendant -- have little or no effect.

John Burkoff, a professor at the University of Pittsburgh Law School, said letters of support and character testimony don't always help a defendant.

"Some judges pay very little attention to them," Burkoff said. "The more serious the crime, the less likely letters will have that much impact. In my case, the impact of testimonial letters is only at the margins."

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~~Attorney Tom Ceraso of New Kensington, who has represented defendants in federal court,~~ believes letters exert no influence on a judge except at sentencing. Federal sentencing guidelines require a defense attorney to present character testimony, he said.

For a bond hearing such as Harris', Ceraso believes letters offer no impact.

"I have yet to see a case where character testimony meant anything," he said.

Uniontown Police arrested Harris on charges of aggravated assault, simple assault, reckless endangerment and fleeing police. He allegedly had fired two rounds from a .45-caliber semiautomatic at two people who rented an apartment from him during an argument over back rent, according to the charges.

The charges eventually were dropped to allow federal prosecutors to take the case since Harris is a convicted felon. He served a three-year prison term in New Jersey for trafficking in cocaine in 2004, according to court records.

In a court filing, federal prosecutors said Harris also "became associated" with counterfeiting, mortgage fraud and dog fighting investigations and "was dealing with significant drug-traffickers in New Jersey who were the subjects of a court-authorized wiretap."

Assistant U.S. Attorney Craig Haller said Harris took his children along on a trip to purchase cocaine. When he was stopped by police, he had 200 grams of cocaine in his car.

Harris also has been convicted of:

- Terroristic threats, simple assault and resisting arrest in 2002 in Pennsylvania. He served six to 23 months in prison.
- Terroristic threats and reckless endangerment, also in 2002 in Pennsylvania, which resulted in another 6-to-23-month sentence.
- Assault with a deadly weapon and domestic violence in California in 1992.
- Criminal trespass and simple assault in Pennsylvania in 1997.

Mahoney testified in federal court that Harris, who was employed by the city of Uniontown, "is neither a risk to flee nor a danger to the community." Harris was fired after the arrest.

In a recent interview, Mahoney said he was aware of Harris' criminal record.

"I didn't care," he said. "We grew up together in the East End (of Uniontown). We both grew up poor."

Mahoney said his brother, Phil, who is Uniontown's director of public works, hired Harris for the sewage department. Tim Mahoney said Harris also has worked for him.

"I would have recommended him if my brother hadn't," Mahoney added. "Eddie was trying to change his life, raise his daughters and try to work."

Zapotosky said he had met Harris through Mahoney. (<https://triblive.com/home/>)

"I write this letter based on my belief that a person who demonstrates the desire to improve and works hard enough to improve that we as a society should be willing to forgive and look beyond his faults and mistakes and help him or her succeed," Zapotosky wrote to the court.

Zapotosky said he wasn't aware of the extent of Harris' criminal record when he wrote the letter.

"I didn't know he was a convicted drug dealer," he said. "I don't have any regrets and wish him well."

He said he helped Harris prepare for exams for courses he took at Penn State.

"He was really dedicated to it," Zapotosky added.

Fike wrote that Harris "may have been the victim of unfair treatment," even though his own police department made the initial arrest.

Schiffbauer, who is Mahoney's cousin, said he knew that Harris "had a tainted past" but didn't know the specifics. He said Harris personally asked him to write a letter to the court.

"People change," Schiffbauer said. "They're rehabilitated and mend their ways for past action. I think he deserved a second chance."



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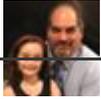
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