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Former Chesco judge, fighting cancer, sent to jail for obstructing justice

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by **Michaelle Bond**, Staff Writer

A former Chester County district judge who concealed a harassment citation against her son went to prison Thursday, ending her fight to avoid incarceration while she is under treatment for breast cancer.

Rita Jo Ann Arnold, 60, of Downingtown, was sentenced in October 2013 to 16 to 32 months in state prison, more than double the term under state sentencing guidelines.

She served six days at the State Correctional Institution in Muncy, Lycoming County, before being released on bail pending appeals.

Arnold, who underwent a double mastectomy, exhausted those appeals this week, and "there's nothing else that can be done," said A. Charles Peruto Jr., her attorney.

"She's very, very upset, because she's so sick," Peruto said. "It's a very sad situation because she very well may die" in prison.

At a hearing in West Chester on Thursday, Philadelphia Senior Judge John Braxton, who handed down Arnold's sentence, denied Peruto's motions to reconsider the sentence and allow Arnold to remain free on bail.

"You're always hopeful," Peruto said, "but she was prepared" for the outcome. He said he and Arnold knew the odds were against them.

Superior Court upheld the sentence in November. Early this month, the state Supreme Court declined to consider Arnold's case.

Peruto, who began representing Arnold about a year ago, said she would have been better off "taking her chances" in a trial.

Arnold pleaded guilty in June 2013 to obstructing justice and tampering with evidence.

After a fight between her adult sons in January 2010, state police issued a citation to one son, according to court records. Arnold hid it for weeks to protect her son, who was on probation at the time.

When she filed the citation in April 2010, she listed an incorrect birth date and said the defendant was a black female, according to court records. An investigation by the Judicial Conduct Board and criminal charges followed.

Arnold resigned from the bench in April 2013.

Her previous attorney, Heidi Eakin, advised her to plead guilty, citing Arnold's clean criminal record and health issues, and saying the judge would probably only give her a "taste of jail," Peruto said.

Instead, Arnold received 16 to 32 months.

In the Superior Court appeal, Eakin argued that Braxton did not justify the decision to go above state sentencing guidelines, and abused his discretion by stacking the sentences for her two crimes rather than running them concurrently.

She said the judge "displayed a certain mean-spiritedness and vindictiveness" in his handling of the case.

Arnold will serve her sentence at the prison at Muncy for female inmates.

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