

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL, : No. 2646 Disciplinary Docket No. 3  
: :  
Petitioner : No. 151 DB 2019  
: :  
v. : Attorney Registration No. 28734  
: :  
JAMES ROBERT PROTASIO, : (Lycoming County)  
: :  
Respondent :

**ORDER**

**PER CURIAM**

**AND NOW**, this 17th day of April, 2020, upon consideration of the Verified Statement of Resignation, James Robert Protasio is disbarred on consent from the Bar of this Commonwealth, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola  
As Of 04/17/2020

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF  
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :  
 : No.2646 DD No. 3  
Petitioner :  
 : No. 151 DB 2019  
v. :  
 : Atty. Registration No. 28734  
JAMES R. PROTASIO, :  
 :  
Respondent : (Lycoming County)

RESIGNATION  
UNDER Pa.R.D.E. 215

JAMES R. PROTASIO hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about October 25, 1978. His attorney registration number is 28734.

2. By Order dated September 26, 2019, effective October 26, 2019, the Pennsylvania Supreme Court placed him on Temporary Suspension. See Pa.R.D.E. 214(d)(3).

3. He remains suspended from the practice of law in the Commonwealth.

4. Prior to his suspension, he maintained a legal practice at his address of record at 3675 Linn Street, Cogan Station, Lycoming County, Pennsylvania 17728.

5. In light of his recent

guilty plea and  
**FILED**  
**03/25/2020**  
**The Disciplinary Board of the**  
**Supreme Court of Pennsylvania**

incarceration, he desires to submit his resignation as a member of said bar.

6. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has ~~has not~~ retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.

8. He is aware that disciplinary proceedings will be commenced against him pursuant to Pa.R.D.E. 214 as a result of his guilty plea to eleven (11) counts of sexual abuse of children, possession of child pornography, a violation of 18 Pa.C.S.A. § 6312(d). See *Commonwealth v. James R. Protasio*, Court of Common Pleas of Lycoming County, Pennsylvania (Criminal No. 803-2018).

9. He acknowledges that the material facts upon which the disciplinary proceedings are predicated, which are set forth in the Plea Agreement and related Order, dated as of July 8, 2019, and amended by Order, dated August 21, 2019, to correct the statute identified therein, both of which are attached hereto as Exhibit "A," are true.

10. He submits the within resignation because he knows that he could not successfully defend himself against the charges

of professional misconduct relating to his criminal conviction set forth in the attached exhibit.

11. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

12. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation statement to Disciplinary Counsel or the Secretary of the Board.

13. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217 (a), (b), (c) and (d).

14. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).

15. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e)(1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities).

Signed this 28th day of FEBRUARY, 2020.

James R Protasio  
JAMES R. PROTASIO

WITNESS: \_\_\_\_\_

VERIFICATION

The statements contained in the foregoing Resignation Statement under Rule 215, Pa.R.D.E. are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities

3/25/2020  
Date

Marie C Dooley / MC  
Marie C. Dooley  
Disciplinary Counsel  
Attorney Reg. No. 203681

3/11/20  
Date

James R Protasio  
James R. Protasio  
Respondent  
Attorney Registration No. 28734

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH : CR 803-2018  
VS :  
JAMES R. PROTASIO : Guilty Plea

FILED  
LYCOMING COUNTY  
2019 AUG -1 AM 9:45  
STANNE M. TEOELE  
PROTHONOTARY &  
CLERK OF COURTS

ORDER

AND NOW, this 8th day of July, 2019, the Court having first inquired of the Defendant as to his understanding of the plea and its consequences by means of a written guilty plea colloquy, which is to be made part of the record and which was supplemented by an oral colloquy, and having satisfied itself of 1) the factual basis for such plea and 2) that the Defendant is, in fact, guilty of the charges contained in Counts 26 through 36, inclusive of, namely, sexual abuse of children, possession of child pornography, a violation of Section 3312(d) of the Crimes Code, the Court accepts as knowing, intelligent and voluntary the Defendant's plea of GUILTY to the said charges.

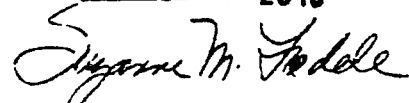
Sentencing is deferred.

At sentencing the remaining counts will be dismissed by the Commonwealth.

Defendant will be subject to evaluation by the Sexual Offender's Assessment Board in accordance with a separate order entered this day. The probation department of Lycoming County is DIRECTED to prepare a full presentence report on the defendant. A scheduling date for final hearing will be set upon

**CERTIFIED FROM THE RECORD**

Date AUG 01 2019



PROTHONOTARY & CLERK OF COURTS

receipt of the report from the Sex Offender's Assessment Board.

By The Court,



Hon. John B. Leete, Senior Judge  
Senior Judge

cc: ~~JA~~; ~~CC~~; ~~AP0~~

Warden

Meghan Dade

Sexual Offender Assessment Board

1101 South Front Street

Suite 5700

Harrisburg, PA 17104-2533

✓ Victim/Witness Coord.

✓ David J. Drumheller, Esq.

Office of the Attorney General

16th Flr Strawberry Square

Harrisburg, PA 17120

James R. Protasio, Esq.

✓ 3675 Linn St.

Cogan Station, PA 17728

(JBL/et)



IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA  
CRIMINAL DIVISION

COMMONWEALTH OF PENNSYLVANIA

NO./NOS. 803-2018

VS.

JAMES PROTASIO  
 Defendant

DATE: 7/8/19  
 (of Guilty Plea)

COUNT	CHARGE	GRADE	MAXIMUM YEARS	PUNISHMENT FINE	OFFENSE GRAVITY SCORE	PRIOR RECORD SCORE
26-36	Sexual Abuse Child Porn.	F-2	10	25,000	9	0

SC

2019 AUG -1 AM 9:45  
 COMMONWEALTH OF PENNSYLVANIA  
 CLERK OF COURTS

FILED  
 LYCOMING COUNTY

TOTAL:

Sentence Guideline Range: Standard Aggravated Mitigated  
36-42

Special Sentencing Provisions Applicable (mandatory, school zone, Megan's Law, RRR1):  
None

Terms of Plea Agreement: 36-96 months SCI Remaining charges to be dismissed.

GUILTY PLEA

You are present before this Court because you or your lawyer have stated that you wish to plead guilty to some or all of the criminal offenses with which you have been charged. Please answer fully all of the questions on this document. If you do not understand any question, do not answer that question. If you do understand the question, you should answer "yes" or "no," or fill in another appropriate answer.

This is a sworn statement. After you have finished reading this form and filling it out, you should sign it on the last page, on the line that says "Defendant." You should also initial each page at the bottom, but only if you have read and have understood that page. **If there is anything that you do not understand, you should tell your lawyer and the judge who hears your case, so that they can explain it to you fully, to make sure that you understand all your rights.**

Most of these questions can be answered "yes" or "no." Where general information is requested, please answer fully.

1. What is your full name? James Robert Portson
2. Has your attorney explained to you all the elements of the crime or crimes to which you intend to plead guilty? Yes
3. If there is a plea agreement, do you understand that the judge is not bound by this agreement and does not have to accept it? Yes
4. Do you understand that if the judge does not accept the plea agreement that you may then withdraw your plea of guilty? Yes
5. Do you fully understand the permissible range of sentences and/or fines that can be imposed for the crime/crimes to which you are pleading guilty? Yes
6. Has anybody told you, promised you, or suggested to you in any manner what the actual sentence of the judge will be? [This does not include conversations with your attorney about plea agreements and sentencing guidelines.] No
7. Do you understand that you do not have to plead guilty and that you have a constitutional right to a trial by jury? Yes
8. Do you understand that you may waive your right to a jury trial and have your case tried before a judge who would then decide whether you are guilty or not guilty? Yes

9. Do you understand that if you were to choose to go to trial that you are presumed to be innocent and that the Commonwealth must prove your guilt beyond a reasonable doubt to each element of every crime charged? yes

10. Do you understand that: a) If you choose to go to trial, you do not have to testify – you may tell your side of the story, but you do not have to; b) If you choose not to testify, the jury and/or the judge cannot hold that against you, and they may not consider that in any way in reaching a verdict? yes

11. Do you understand that if you were to go to trial, you do not have to present any evidence or have anyone testify on your behalf – you may but you do not have to, and the judge and/or jury cannot hold it against you if you do not? yes

12. Do you understand that you do not have to establish or prove your innocence, and it is absolutely necessary that the Commonwealth prove your guilt beyond a reasonable doubt? yes

13. Do you understand that

a. if you plead guilty you are waiving, or giving up your right to have the Commonwealth prove your guilt beyond a reasonable doubt? yes

b. although the Commonwealth has the burden of proving that you are guilty, this does not mean that the Commonwealth must prove its case beyond all doubt and to a mathematical certainty, nor must it demonstrate the complete impossibility of innocence? yes

c. a reasonable doubt is a doubt that would cause a reasonably careful and sensible person to hesitate before acting upon a matter of importance in his or her own affairs. A reasonable doubt must fairly arise out of the evidence that was presented or out of the lack of evidence presented with respect to some element of the crime. A reasonable doubt must be a real doubt; it may not be an imagined one, nor may it be a doubt manufactured to avoid carrying out an unpleasant duty?

**Do you understand what guilt beyond a reasonable doubt is?** yes

14. Do you understand that if you plead guilty you are waiving, or giving up, your right to present any defenses that either you or your attorney may think that you have to the crime or crimes charged? yes

15. a. Do you understand that by pleading guilty you are waiving, or giving up, your right to file any pre-trial motions and waiving any such motions already filed? yes

b. Do you understand that you are giving up your right to appeal any adverse decisions on any motions already heard by the court? yes

(Page 3 of 6)

Initial: SP

16. It is necessary that you understand the jury selection process. If you were to go to trial, a group of people, picked at random and representing a cross section of the citizens of Lycoming County, would be brought into the courtroom. They would be placed under oath; that is, they would be sworn to tell the truth. While they are under oath, you, through your attorney, would have the right to ask them certain questions, as would the Commonwealth's attorney. These questions would be designed to determine whether the prospective jurors could be fair and impartial. If the answers to the questions would indicate to the Judge that the prospective juror/jurors could not be fair and impartial, they would be dismissed for cause. There is no limit to the number of jurors that can be dismissed for cause.

In addition to this, you, through your attorney and the Commonwealth's attorney would each have the right to cross off or eliminate five jurors if the most serious charge is a Misdemeanor, or seven jurors each, if the most serious charge is a Felony. These are known as peremptory challenges. You do not have to give any reason to anyone as to why you dismissed these prospective jurors. The end result would be twelve jurors and two alternates who would sit and listen to the entire case. Only twelve of these jurors would then go to the jury room to deliberate on the case and determine whether the Commonwealth has proven you guilty beyond a reasonable doubt.

- a. Do you understand the jury selection process? yes
- b. Do you understand that you have a right to help and to assist your attorney in selecting a jury? yes
- c. Do you understand that in order to find you guilty the jury must reach a unanimous verdict? In other words, do you understand that all twelve jurors must be convinced beyond a reasonable doubt that the District Attorney has proven you guilty? yes
- d. Do you understand that if you plead guilty you are waiving, or giving up, your right to a trial by jury? yes
- e. Do you understand that if you plead guilty you are waiving, or giving up, your right to be tried by a judge who would decide your guilt or innocence? yes
17. Do you understand that if you choose to go to trial, the Commonwealth would call certain witnesses to testify against you and that you have a right to confront and cross-examine these witnesses? yes
18. Do you understand that if you plead guilty you are waiving, or giving up, your right to confront and cross-examine the witnesses that the Commonwealth would call to testify against you? yes

19. Do you understand that if you plead guilty you are waiving your right to object to anything that you think was improper or illegal in your apprehension and arrest, or in the investigation, and the prosecution of the charges against you? yes
20. There are certain rights that you do not waive even after sentencing. You have a right to appeal your conviction to the Superior Court within 30 days after the date of sentencing. The appeal of a guilty plea is limited to four grounds. They are:
- That your guilty plea was not a knowing, understanding, and voluntary act;
  - That the Court did not have jurisdiction to accept your plea (in other words, the crime or crimes for which you are pleading guilty did not occur in Lycoming County);
  - That the sentence was improper or in excess of a plea agreement or illegal; and,
  - That your attorney was not competent.

Do you understand these four areas of appeal, what they mean, and the fact that they are not waived? yes

21. Whose decision is it to plead guilty? mine
22. Why do you wish to plead guilty? I AM guilty
- 
23. What is the name of your attorney? PRO SE
24. Have you thoroughly discussed with your attorney all of the facts and circumstances surrounding the charges against you? DWA
25. Are you satisfied with the representation and advice of your attorney? DWA
26. Have you used any alcoholic beverages or drugs of any nature, including prescription drugs, within the last 24 hours? No
27. If the answer to question number 26 is yes, is the use of such alcoholic beverages or drugs affecting your ability to make decisions or to understand what you are now doing? \_\_\_\_\_
28. What is your age? 66
29. How many years of school did you complete? 19
30. Can you read, write and understand the English language? yes

(Page 5 of 6)

Initial: g.

31. If the answer to question number 30 is no, has this written guilty plea colloquy been read to you in a manner that enables you to fully understand all of the statements, questions, and answers? \_\_\_\_\_
32. Are you presently under treatment for any mental or emotional problems? No
33. To your knowledge, are you now suffering from any mental or emotional problems? No
34. Has anybody made any promises to you (other than those in the plea agreement), threatened you in any manner, or done or said anything that would force you or put pressure on you to plead guilty? No
35. Is your plea of guilty being given freely and voluntarily without any force, threats, pressure or intimidation? YES
36. Has your attorney fully explained to you the meaning of all the terms of this document? DNA
37. If you are now or in the future placed on probation or parole, do you realize that your plea of guilty will mean a violation of that probation or parole, and you could be sentenced to prison as a result of the violation caused by your guilty plea today? YES
38. If you are not a United States citizen, do you understand that a plea of guilty may affect your ability to live in the United States? YES
39. Do you understand that the decision to enter a guilty plea is yours and yours alone, that you do not have to enter a plea of guilty and give up all your rights as previously explained to you, and that no one can force you to enter a guilty plea? yes
40. Do you realize that you have a right to plead not guilty as well as guilty? yes
41. Do you completely understand all the instructions, terms, provisions, questions and answers of this written guilty plea colloquy form? yes

I swear and affirm that I have read this entire document or it was read to me and I understand its full meaning, and I still, nevertheless, want to enter a plea of guilty to the offense or offenses specified.

DATE: 7/8/19

James R. Portman  
Defendant

(Page 6 of 6)

Initial: JP

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

**COMMONWEALTH**

**vs.**

**JAMES PROTASIO,  
Defendant**

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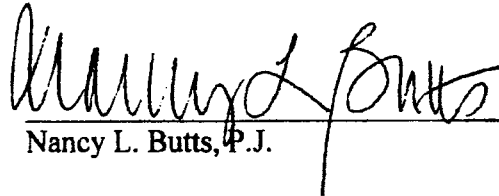
**CR-803-2018**

**AMENDED ORDER**

**ORDER**

**AND NOW**, this 21<sup>st</sup> day of August, 2019, the Order accepting Defendant's Guilty Plea entered by the Honorable John B. Leete dated July 8, 2019, which states in pertinent part "sexual abuse of children, possession of child pornography, a violation of Section 3312(d)" shall be amended to read "sexual abuse of children, possession of child pornography, a violation of Section 6312(d)" to reflect the properly charged section of the crimes code. In all other respects, the Order of July 8, 2019, remains in full force and effect.

BY THE COURT,

  
Nancy L. Butts, P.J.

cc: David Drumheller, Esq.  
Office of the Attorney General  
16<sup>th</sup> Floor Strawberry Square  
Harrisburg, PA 17120  
James Protasio, Esq.  
Meghan Dade  
SOAB  
1101 South Front St.  
Suite 5700  
Harrisburg, PA 17104-2533  
Susan Fedele, Clerk of Courts  
Senior Judge Leete

NLB/kp

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: office of Disciplinary Counsel  
Signature: Marie C. Doolley  
Name: Marie C. Doolley  
Attorney No. (if applicable): 203681



**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2646 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 151 DB 2019
v.	:	
	:	Attorney Registration No. 28734
JAMES R. PROTASIO	:	
Respondent	:	(Lycoming County)

**PROOF OF SERVICE**

I hereby certify that this 26th day of March, 2020, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

**Service**

Served: James R. Protasio, Respondent  
Service Method: 1<sup>st</sup> Class Mail  
Address: 3675 Lynn Street, Cogan Station, PA 17728

Service Method: 1<sup>st</sup> Class Mail  
Address: Smart Communications/PADOC, James R. Protasio, Inmate No. NZ9047, SCI Rockview, PO Box 33028, St. Petersburg, FL 33733

Service Date: 03/26/2020

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(Signature of Person Serving)

Person Serving: Marcee D. Sloan, Board Prothonotary  
Address: The Disciplinary Board of the Supreme Court of PA  
601 Commonwealth Avenue, Ste. 5600  
PO Box 62625  
Harrisburg, PA 17106-2625