



MICHAEL J. DIAMONDSTEIN, P. C.

ATTORNEY AT LAW

Members of PA & NJ Bars

MICHAEL J. DIAMONDSTEIN  
CONOR L. MEENAN

September 29<sup>th</sup>, 2023

**BY REGULAR AND E-MAIL: [Quetcy.lozada@phila.gov](mailto:Quetcy.lozada@phila.gov)**

The Hon. Quetcy Lozada  
Philadelphia City Council  
City Hall, Room 316  
Philadelphia, PA 19107-3290

**Re: Your Resolution and Comments regarding the Honorable Wendy Pew**

Dear Councilperson Lozada:

I am writing to offer my objection to your pending resolution and comments attributed to you by *The Philadelphia Inquirer* in yesterday's article, "City Council may declare the ruling in the Eddie Irizarry case 'erroneous'."<sup>1</sup> Both indicate a fundamental misunderstanding of how the court system operates and your role as a member of the City's legislative branch.

Initially, Judge Pew is a hardworking, honorable, and decent judge who has spent over two (2) decades presiding over cases and dispensing evenhanded justice. Her job and sworn duty is to apply the law of the Commonwealth of Pennsylvania to facts that have been presented to her. One of those laws is that, at a preliminary hearing, credibility is not an issue. That means that she must, by law, accept testimony as truthful. For you – a lawmaker – to attack a sitting judge for a ruling on a case in which you were not a party nor even an attorney with criminal law experience is abhorrent. In order to properly assess the propriety of a ruling, one must review all of the facts presented to the Court and apply the same to the controlling statutes and caselaw of the Commonwealth of Pennsylvania. Your resolution does no such thing. Instead, you make a pandering, Trump-like attack under the color of law on a member of a co-equal branch of government because you didn't like the result.

It is a despicable sign of our times that lawmakers feel that it is safe to attack judges. Your comment "[t]o us as a community who doesn't understand the judicial process and just are looking at what everyone else saw, that was a wrong decision" is itself an admission that you have no business publicly chastising Judge Pew. If you understood the process and the law in the Commonwealth of Pennsylvania and reviewed the notes of testimony from the hearing, you would see the court applied the law that it believed to be controlling to the evidence and argument submitted by the District Attorney.

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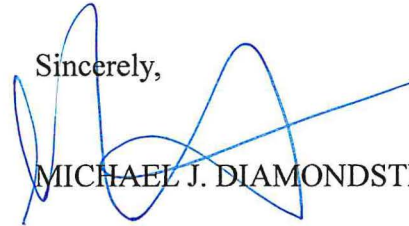
<sup>1</sup> See <https://www.inquirer.com/news/quetcy-lozada-philadelphia-council-resolution-eddie-irizarry-20230928.html?query=pew>

MJD

I respectfully submit that while you are entitled to your opinion regarding the conduct of Police Officer Dial, until you have reviewed what was provided to the Court on the record and applied the applicable caselaw, you have no business attacking the Court's ruling. Using the power of your office to take a shot at a judge for political expediency is beneath the dignity of your office and does a disservice to our City.

I respectfully submit that you should withdraw your resolution.

Sincerely,



MICHAEL J. DIAMONDSTEIN

cc: The Hon. Wendy Pew  
Hon. Darrell L. Clarke  
*Philadelphia Inquirer*

**BY EMAIL ONLY:** [wendy.pew@courts.phila.gov](mailto:wendy.pew@courts.phila.gov)  
**BY EMAIL ONLY:** [darrell.clarke@phila.gov](mailto:darrell.clarke@phila.gov)  
**BY EMAIL ONLY:** [crubin@inquirer.com](mailto:crubin@inquirer.com)