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# Privately funded prosecutor pursues drug cases in Altoona

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The Eger family

Ryan Scott Eger, 33, of Altoona, became a confidential informant in drug cases before claiming, on the witness stand, that he faked two heroin buys. He is now jailed awaiting trial.



By Rich Lord / Pittsburgh Post-Gazette

ALTOONA, Pa. — Ryan Scott Eger was a reluctant informant in a town where business pays a premium for the prosecution of pushers.

Last year his life as a deliveryman and father dissolved into heroin addiction. A fellow addict approached him with \$100. Eger went off and scored four packets of the drug, gave three to his friend and kept one.

Eger's friend, it turned out, was a police informant. Based on the \$100 deal, police charged Eger with drug dealing.

Police told him he could stay out of jail if he, like his friend, did "controlled buys" of drugs while under surveillance.

"I could use drugs. They wouldn't arrest me," the 33-year-old Altoona man said in an interview in the Blair County Prison. "I could tell on whoever I wanted," and police paid \$40 per buy.

With that, Eger joined the bottom rung of Blair County's unique drug enforcement ladder.

At the top are the county's leading businessmen. In 2007, they created a nonprofit organization called Operation Our Town, which annually steers six-figure sums to the district attorney's office to help police and cover the salary of a drug prosecutor.

Legal experts suggest that such arrangements could spur prosecutors to bring marginal cases to satisfy financial backers. In recent months the prosecutions have drawn critics, including former informants and parents of jailed defendants, who have cited Eger's case.

The business leaders said they don't want to know the gritty details.

"I don't know how [police] use informants or don't use informants," said Joseph Sheetz, treasurer of Operation Our Town and president of the store chain Sheetz. "I just know they need more money to complete investigations."

Eger said that so many Altoona addicts have turned into informants that the joke on the street is that his city's new name is "Al-tell-on-ya."

This year he stopped informing. Then he testified that he faked drug buys that led to charges against another man. That prompted new perjury and drug dealing charges against Eger.

"I'm not a drug dealer," Eger said. "I never was a drug dealer. I was just a middleman. But they're charging me like a drug dealer."

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## Never enough money

Created to combat out-of-town dealers following gunfights in Altoona in 2006, Operation Our Town has raised more than \$2 million in private money over eight years for drug prevention, education and law enforcement.

Typically more than half of the money, including \$120,000 last year, flows to the office of Blair County District Attorney Richard Consiglio.

“There’s never enough money to go around in prosecuting and fighting the narcotics injection into the area,” Mr. Consiglio said. He uses the grants to help police agencies to buy equipment and cover overtime, and, most of all, to pay his drug prosecutor.

Mr. Consiglio said he hired assistant district attorney Peter Weeks, who was then a new lawyer, to handle cases generated through Operation Our Town. Mr. Weeks’ \$52,126 salary, plus benefits and support staff, is covered by the private funds, he said.

Altoona Police Chief Janice Freehling said that Mr. Weeks “can get the cases moved through a lot smoother and faster” than prosecutors could before 2007.

Last year, Operation Our Town touted the filing of 241 drug cases against 124 defendants.

“We’ve got kind of a reputation up here. We’ve put people in jail for 35 or 40 years,” Mr. Consiglio said. He added that users who aren’t dealers are often diverted into a treatment-oriented drug court.

“Anybody who thinks we’re in this to nail a bunch of users and low-level dealers is misled,” said Mr. Sheetz.

## Heroin in the shoe

Eger was first busted for narcotics at age 21.

Scared straight by a two-month jail stint, he worked for a decade in manufacturing, for a drug rehabilitation company and finally delivering appliances.

In 2012, on a whim, he tried suboxone, a narcotic often used to stave off withdrawal, and “things kind of collapsed” into a nonstop hunt for pills and heroin, he said.

Police accused him of stealing from Wal-Mart. Then he bought drugs for his friend, the informant.

He said he was “blitzed” on Xanax and heroin when police picked him up and convinced him to become an informant.

Altoona Police Sgt. Ben Jones, who heads the narcotics unit, said his “job would be impossible” if he couldn’t recruit criminals to help bust dealers. He said some informants “can literally do 50 people” before they become tainted on the streets.

Former informants said that “snitch lists” circulating in Altoona bars include hundreds of names. After Eger made a few controlled buys, somebody saw him climb into a police car, and it got much tougher to buy drugs.

Police said Eger managed two buys from Matthew David Pelton, 31, of Altoona.

When Mr. Weeks called Eger to testify at Pelton’s preliminary hearing, though, the case fell apart. Eger said he faked the buys, then gave police heroin he had hidden in his shoe.



Mr. Weeks withdrew the charges against Pelton. His office then slapped new charges on Eger, including possession of drugs with intent to deliver, perjury, obstruction and false reports.

That will likely make him part of Operation Our Town's 2014 tally.

### **Agenda based on dollars**

Operation Our Town's leaders said that they don't know of any other program like theirs.

In the 1800s, however, it was common in America for crime victims to hire prosecutors.

"It's pretty much disappeared, in part because we want disinterested prosecutors who answer to the public, and not to individuals," said Bruce A. Green, director of the Stein Center for Law and Ethics at Fordham University in New York.

Some revivals of the concept haven't lasted long.

In 1996, California Superior Court told a prosecutor's office to step out of a case in which it accepted \$13,000 from a victimized company. Tennessee's Supreme Court found in 2000 that a prosecutor shouldn't have accepted services from an anti-obscenity group.

In Key West, Fla., last year, nonprofit groups steered funds to underwrite a local prosecutor assigned to handle drunken driving cases. The arrangement died after defense attorney Giulio Margalli sued, saying it violated state law.

"Do you want the motivation to be justice," asked Mr. Margalli, "or do you want the motivation of the prosecutor to be a guilty verdict so that that [office] could continue to receive funding from the organization who paid them?"

Key West chief assistant state attorney Manny Madruga said that the money used to pay the DUI prosecutor originated with the federal government, then flowed through nonprofit groups.

"I don't think we would have been allowed to do it had it been private dollars here in Florida, because it creates a conflict of interest," Mr. Madruga said. "It creates an agenda that's based on dollars."

Bruce Antkowiak, a former prosecutor who teaches law at St. Vincent College in Latrobe, said a sharp defense attorney could argue that a Blair County drug prosecution is driven "by private groups who don't have the same public level of accountability" as an impartial district attorney.

Operation Our Town leaders said they don't pressure prosecutors, and only publish the annual arrest and prosecution numbers as a way to raise funds.

But what happens when a prosecutor's numbers are being closely watched?

"The incentive, of course, is to go after the easy convictions, a lot of times through plea bargaining," said Bruce Benson, a Florida State University economics professor and author of "The Enterprise of Law: Justice Without the State."

Last year, just four of Blair County's drug cases went to trial, according to Operation Our Town.

Eger's defense attorney, Mark Zearfaus, said that going to trial can result in a lengthy prison term. "It's been worse since Our Town came around, as far as the sentences," he said.

Nonetheless, Eger said he plans to try to convince a jury that he isn't a lying drug dealer.

"I was a father at one point. I was a good guy," he said. "I just messed up."

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