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## State cops accused of deceit in radar-gun tests

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The Pennsylvania State Police knowingly provided false information to the University of Pittsburgh last year when it asked the college to test its malfunctioning radar gun, a new lawsuit says.

The state police "knew that the problems with the Genesis radar gun were largely because of the broader power system inadequacies" in the Ford Crown Victorias that state troopers drive but did not tell the University of Pittsburgh, the lawsuit filed Sept. 6 by former state police radar expert Tim Shingara says.

The latest lawsuit, filed in federal court in Harrisburg, contends that in an effort to taint the jury pool in Shingara's other lawsuit against the agency, the state police compounded the problem by issuing press releases about the University of Pittsburgh's findings stating that the guns were accurate.

"The Pennsylvania State Police, more specifically Mr. [Jeffrey] Miller and Mr. [Jack] Lewis, engaged in putting out press releases to discredit Tim Shingara as a technician to affect his right to trial, knowing what they were doing was false," Don Bailey, Shingara's attorney, said yesterday.

In the new lawsuit, Bailey said that his client's First, Second and 14th Amendment rights had been violated and that he was asking for damages for emotional distress, pain and suffering, humiliation and embarrassment. He also is seeking payment for attorney's fees.

Lewis, a spokesman for state police Commissioner Miller, declined to comment.

Also yesterday, U.S. Middle District Judge Sylvia Rambo issued an order recusing herself from both of Shingara's cases but did not say why. The cases are now assigned to Judge Christopher Conner.

Last month, the U.S. Third Circuit Court of Appeals overturned a gag order that Rambo issued in December 2004, in Shingara's first lawsuit. In its decision, the Third Circuit judges chastised Rambo, saying there was no reason for her to have issued the gag order. Rambo declined to comment yesterday.

The most recent lawsuit, which names Miller and Lewis as defendants, is the latest chapter in the unfolding saga of the Genesis hand-held radar gun that the state police use. In September 2003, Shingara testified at a criminal hearing about how the gun gave false speed readings. At that point, the state police had already identified the source of the problem as the Crown Victoria's inadequate power system, according to internal state police documents made public in Shingara's first lawsuit.

After he testified, Shingara was removed from his radar duties. He filed suit the following year, charging that the state police had retaliated against him for blowing the whistle about the radar gun.

Last November, the state police released a report by the University of Pittsburgh, saying it conducted tests on the radar gun and the Crown Victoria and the guns give accurate readings. However, Marlin Mickle, an author of the University of Pittsburgh report, later told the *Daily News* that his report did not say the guns give accurate readings, only that the tests he conducted did not show the alternator was causing phantom speed readings.

Mickle also said the state police never told him about its own tests that identified the alternator as the problem or of the problems with the Motorola laptops.

The state police are still using the radar guns in question.

Mickle could not be reached for comment yesterday.

