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## 7 pipeline protesters avoid trial; prosecutor drops trespassing charges in exchange for community service



LINDSEY BLEST | Staff Writer Jul 8, 2019

1 of 11



Elam Zook, Malinda Clatterbuck, Barbara Vanhorn, Darrell Yoder, Ann Devitry, Elizabeth Lucabaugh and Anthony F

The Lancaster County district attorney's office on Monday dismissed trespassing charges against seven people accused of the offense after protesting at an Atlantic Sunrise pipeline site in 2017.

“This act in defense of the land has been validated by a decision of the district attorney's office to withdraw the charges,” said defense attorney Paul Hetznecker.

Instead of beginning the jury trial scheduled to start Monday morning, prosecutor Andrew Lefever said the district attorney's office came to a resolution with the defense: the charges would be dismissed.

As part of the arrangement, the defendants collectively completed more than 50 hours of community service Saturday at Climbers Run Nature Preserve.

Judge Howard Knisely accepted the motion to dismiss the charges and said he was pleased “the Commonwealth and defense have reached a resolution short of trial.”



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Four of the defendants are from Lancaster County: Malinda Clatterbuck, 49, of Holtwood; Ann De Vitry, 60, of Columbia; Darrell Yoder, 61, of Lancaster; and Elam Zook, 56, also of Lancaster. The three other people are Elizabeth Lucabaugh, 57, of York County; Anthony Provenzano, 52, of West Virginia; and Barbara Vanhorn, 88, of Perry County.

They were among 23 people arrested Oct. 16, 2017, while protesting on a West Hempfield Township property owned by the Adorers of the Blood of Christ, an order of Roman Catholic nuns. Part of the property had been seized by eminent domain for the pipeline.

When Knisely said the court was adjourned, the seven defendants and the people gathered in the gallery clapped. As the seven walked out, they shook hands with Lefever — some even embracing him.

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## Judge's comments

In the months before the trial, the judge filed motions ruling against arguments the defense wanted to use: that their behavior was justified because they were protecting the Adorer's property, that they were upholding the Pennsylvania constitution and that they had First Amendment rights to protest under the U.S. Constitution.

In court Monday, Knisely said his rulings were strictly on his interpretation of the law and not contrary to anyone's First Amendment rights to protest.

He said peaceful, nonviolent protest is "something that the United States permits and encourages more than any other place on the planet."

"Rules and laws as put in place by our legislature control those limitations, as well as federal over state's rights issues. Those are the bodies, not the courts, where changes to the laws and limitations to prevent the abuse of our environment and safety concerns become law," Knisely said.

"We must all be more vigilant to elect to those legislative positions persons who are highly concerned with their local constituents and local problems, and not those who merely look for personal advancement or who look to industry to fill their coffers for re-election," he said.

Outside of the courtroom, the attorneys, defendants and others who sat in the gallery called the judge's comments a pleasant surprise in support of the protests.

"We're extremely gratified by the judge's statement," said Hobie Crystle, one of the defense attorneys and the Democratic candidate for district attorney.

## 'A victory'

About 50 people, including a few nuns from the Adorers, filled Tellus360 for a news conference about the dismissed charges. The news conference was moved inside due to rain.

"It's a victory for each individual client that we represented," said Hetznecker.

“More importantly, it's a victory for the environmental movement, it's a victory for democracy, it's a victory of people's power and the voice of dissent over corporate power and their control over the instruments of government,” he said.

Mark Clatterbuck read a statement on behalf of Lancaster Against Pipelines. He thanked the attorneys —Hetznecker, Crsylte and Ron Greenblatt — and said they worked pro bono over the past 21 months.

“Today's decision by the district attorney's office to dismiss these charges coupled with Judge Knisely's comments this morning in court are a hopeful sign that our justice system is choosing to defend local communities over corporate greed,” he said.

Lefever said in an email that the resolution was not a “commentary on protests.”

“As we do with all cases, an assessment was made of all factors, including victim cooperation for trial – which in this case at this time presented a challenge,” he said.

The consequence of community service was similar to what was given to the others arrested after protesting on the Adorer's property. It was “never a case which warranted incarceration,” Lefever said.

According to LNP records, over 30 others were charged during the construction of 37-miles of pipeline in western Lancaster County. They pleaded guilty or no contest to the charges. Gas began flowing through the pipeline Oct. 6, 2018.

A spokesman for Williams Partners, which built the pipeline, said Monday the company is “pleased with the judicial process and that the issue has been resolved.”



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