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Reversal in radar-gun scandal

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The U.S. Third Circuit Court of Appeals yesterday threw out a wide-ranging gag order in the state police radar-gun scandal, while lightly chastising the federal judge who granted the "broad, umbrella protection" to the state cops.

"Given that the district court should have realized that the good cause it found for entry of the protective order was weak at best (in actuality, nonexistent), the district court erred in adopting the sweeping umbrella approach to this case," the Third Circuit opinion said.

U.S. Middle District Judge Sylvia Rambo imposed the protective order last December, after a *Daily News* story detailed the state police's cover-up of problems with the radar gun.

The story cited hundreds of pages of internal state police documents, which were obtained during the discovery process in a federal lawsuit by Tim Shingara, the state police's former radar expert.

Shingara says he was removed from his radar duties after testifying publicly about inaccurate speed readings the gun was giving. The state police mainly use the Genesis hand-held radar gun, which is powered by being plugged into the cigarette lighter of a car.

Rambo had prohibited either side from releasing any information to the media without both sides agreeing or without her permission.

Lawyers for the *Daily News* appealed her decision to the U.S. Third Circuit Court of Appeals, which heard arguments from both sides last month. The appeals court overturned Rambo's decision yesterday.

Jack Lewis, a spokesman for the Pennsylvania State Police, declined to comment on the order. Nils Frederiksen, a spokesman for state attorney general Tom Corbett, said Corbett has not decided whether to appeal the decision.

"We've seen the opinion, and we're reviewing it," he said.

Don Bailey, Shingara's civil attorney, said he issued a sigh of relief when he heard the news.

"I'm delighted," he said. "Great care must be taken by a court before they impose a gag order. The third circuit opinion is an important contribution to our nation's commitment to a free press."