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**FOR IMMEDIATE RELEASE**

DATE: November 13, 2008

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On November 12, 2008, District Attorney G. Michael Green announced the filing of a Complaint in *Quo Warranto* against Terry Allen McGirth, a Councilman for the Borough of Yeadon, Delaware County, Pennsylvania.

The Complaint seeks a judgment of ouster against McGirth and a declaration that the Councilman position is forfeited and vacated.

On August 12, 2003, McGirth entered a negotiated plea of guilty to four counts of Theft by Failure to Make Required Disposition of Funds Received, a felony of the third degree, in the Court of Common Pleas, Chester County. On the same day, the Honorable William P. Mahon imposed a period of incarceration of six months to 23 months followed by a consecutive term of eighty-four months probation. On December 23, 2003, Judge Mahon admitted McGirth to parole for the balance of the sentence imposed.

Article II, § 7 of the Pennsylvania Constitution provides that “No person hereafter convicted of Embezzlement of public moneys, bribery, perjury or other infamous crime, shall be...capable of holding any office of trust or profit in the Commonwealth.” McGirth’s conviction is an “infamous crime” within the meaning of Article II, § 7 of the Pennsylvania Constitution. The office of Councilman of Yeadon Borough is an office of “trust or profit” within the meaning of Article II, § 7.

As a result of his conviction, McGirth is unauthorized to hold and incapable of holding the office of Councilman of Yeadon Borough by virtue of Article II, § 7 of the Pennsylvania Constitution. His claim to this office should be forfeited.

The Office of the District Attorney received information in July, 2008 regarding McGirth’s conviction. The Special Investigation Unit of the Office of the District Attorney promptly conducted a thorough investigation. It is believed that McGirth is aware of the law as set forth in Article II, § 7 of the Pennsylvania Constitution, but to date, he has not resigned from his office. Pennsylvania law authorizes a local district attorney to proceed with a civil action against public office holders under the circumstances presented in this matter. For these reasons, District Attorney Mike Green proceeds today with the filing of the Complaint in *Quo Warranto*.

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