

**In The Matter of Judge Robert C. Nalley
CJD 2009-087**

- A. Hearing Notice**
- B. Charges**
- C. Stipulations of Fact**

Exhibit #1 - Deposition of Judge Nalley on February 2, 2010

Deposition Exhibits

- 1. Statement**
 - 2. District Court Certified Docket Entries**
 - 3. Transcript of interview of Judge Nalley on August 21, 2009**
 - 4. Photograph**
 - 5. Photograph**
 - 6. Photograph**
- D. Letters provided by Mr. Brennan, Judge Nalley's attorney**

COMMISSION ON JUDICIAL DISABILITIES

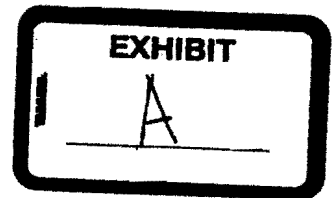
NOTICE OF PUBLIC CHARGES AND HEARING IN THE MATTER OF JUDGE ROBERT C. NALLEY

CJD 2009-087 Nalley/Investigative Counsel

The Commission on Judicial Disabilities, State of Maryland, will hold a hearing to consider charges brought against Judge Robert C. Nalley in the above-captioned case on April 28, 2010, beginning at 10:00 a.m. The place of the hearing is in Courtroom 1 of the Court of Special Appeals of Maryland, Robert C. Murphy Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, Maryland. The hearing is open to the public.

The charges and the response by Judge Nalley are available for inspection at the Office of the Commission, 100 Community Place, Crownsville, Maryland 21032-2026.

For further information, contact Gary J. Kolb, Executive Secretary, (410) 514-7044.



AN INQUIRY CONCERNING A JUDGE * BEFORE THE COMMISSION
CJD 2009-087 Nalley/Investigative Counsel * ON
* JUDICIAL DISABILITIES
*
* * * * *

To: Judge Robert C. Nalley
Circuit Court for Charles County
Seventh Judicial Circuit
La Plata, Maryland

CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (the "Commission") has caused to be made and completed an investigation, through its Investigative Counsel, of Judge Robert C. Nalley, (the "Judge") who was, at all pertinent times, a duly elected Judge of the Circuit Court for Charles County, Maryland. The Commission notified Judge Nalley of the nature of the investigation, and afforded the Judge an opportunity to present any information bearing on the subject of the investigation. The Commission has received and considered the Judge's response, through counsel, and the recommendation of Investigative Counsel. The Commission made a finding of probable cause to believe that the Judge has committed sanctionable conduct within the meaning of the Maryland Code of Judicial Conduct. In consideration of the foregoing, the Commission directed that Investigative Counsel initiate these formal proceedings, pursuant to Maryland Rule 16-808, to inquire further into the matters hereinafter set forth. The following facts form the basis for these charges and the Commission's probable cause determination.

1. Judge Robert C. Nalley resides in Charles County, Maryland.
2. Judge Robert C. Nalley serves as an Associate Judge of the Charles County Circuit Court and has served in that position continuously since September 30, 1988. Judge Nalley also served as a District Court Judge for the District Court of Maryland from 1983 until 1988.
3. On or about August 10, 2009 Judge Nalley returned to the Charles County Circuit Courthouse in the afternoon in his motor vehicle. Upon his arrival at the courthouse Judge Nalley determined that someone unknown to him had parked their vehicle in a space that was reserved for his vehicle.
4. Upon discovering a vehicle in his designated reserved spot Judge Nalley exited his vehicle and utilizing a pen or other sharp device proceeded to deflate the tire of the vehicle that was parked in the reserved parking space by letting air out of the tire through the valve stem.
5. On August 21, 2009 Judge Nalley was formally charged with a violation of the Transportation Code of Maryland under Section 14-104(a), tampering with a motor vehicle without the owner's consent. The tampering with a motor vehicle charge was based upon Judge Nalley's letting the air out of the tire of the vehicle belonging to Jean Washington. Ms. Washington is a part-time maintenance employee who works in the Charles County Circuit

Courthouse.

6. On October 28, 2009 Judge Nalley appeared before Maryland District Court Judge Robert Wilcox and entered a plea of guilty to the misdemeanor charge of tampering with a motor vehicle.
7. As a result of his guilty plea, Judge Nalley was fined \$500.00, ordered to provide a written apology to Ms. Washington, and placed on probation. Judge Nalley received a probation before judgment.
8. At the time of his guilty plea Judge Nalley admitted to engaging in the conduct of tampering with a motor vehicle that belonged to another person.
9. During the course of the police investigation Judge Nalley provided the Charles County Sheriff with a written statement regarding his conduct on August 10, 2009. In his written statement Judge Nalley admitted that he released air from the tire of the car.
10. Judge Nalley's conduct on August 10, 2009 was contrary to Maryland law and in violation of the Maryland Transportation Code, which is a misdemeanor offense.

If true, these allegations demonstrate that Judge Nalley's conduct on August 10, 2009 violated Canons 1, 2A, and 6, of the Maryland Canons of Judicial Conduct..

The aforesaid actions of Judge Nalley, if true, violate the following portions of the Canons of the Maryland Code of Judicial Conduct, (Maryland Rule 16-813) and constitute sanctionable conduct and conduct prejudicial to the proper administration of justice:

CANON 1

Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge shall observe high standards of conduct so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

CANON 2

Avoidance of Impropriety and the Appearance of Impropriety

A. A judge shall avoid impropriety and the appearance of impropriety. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the impartiality and integrity of the judiciary.

CANON 6

Compliance

A. Courts. This code applies to each judge of the Court of Appeals, the Court of Special Appeals, a circuit court, the District Court, or an orphans' court.

B. Construction. Violation of any of the Canons by a judge may be regarded as conduct prejudicial to the proper

administration of justice within the meaning of Maryland Rule 16-803 (j), as to the Commission on Judicial Disabilities.

COMMISSION ON JUDICIAL DISABILITIES

Date: 1/06/10

By: _____
Steven P. Lemmey, Investigative
Counsel

NOTICE: YOU HAVE THE RIGHT, PURSUANT TO RULE 16-808(c) OF THE MARYLAND RULES, TO FILE A WRITTEN RESPONSE TO THIS COMPLAINT WITHIN THIRTY (30) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU. AN ORIGINAL AND ELEVEN (11) LEGIBLE COPIES OF THE RESPONSE ARE REQUIRED. THE RESPONSE SHOULD BE SENT TO: THE COMMISSION ON JUDICIAL DISABILITIES, PEOPLE'S RESOURCE CENTER, 100 COMMUNITY PLACE, CROWNSVILLE, MARYLAND 21032.

Attachment: certified copy of the docket entries in State of Maryland v. Robert C. Nalley, case #DZ81803.



DISTRICT COURT OF MARYLAND FOR Charles County City/County

Located at 200 Charles Street, La Plata, MD 20646 Court Address

STATE OF MARYLAND
OR

Case No. DZ81803

..... vs. Robert Christopher Nalley
Plaintiff Defendant

CERTIFICATION

I hereby certify that I am a custodian of the records of this Court, that I am authorized to make this certification, and that the attached, consisting of5..... pages, is a true and exact copy taken from the records of this Court.

In witness whereof, I hereby set my hand under seal of the District Court of Maryland.

.....
Administrative Clerk/County Clerk
12/8/9
Date



DISTRICT COURT OF MARYLAND

SERIOUS TRAFFIC DOCKET

Dist/Loc: 04 02
 Date: 10/28/09
 Room: 01
 Time: 02:00 PM
 Agency: CD 08

Docket Page
 013

Dr Lic: **0DZ81803**

Def: **NALLEY, ROBERT CHRISTOPHER**

DOB: 09/18/43

Dr Lic: MD N400745115724

Charge: **TA14104 C**

Viol date: 08/10/09

Time: 03:15 PM

Speed: 000

Zone: 00

Fine: **MUST APPEAR**

Paid: \$0.00

Bond: \$0.00

Rel cit:

Mail:

Acc: PI: 1

PD:

HM:

CV:

CVL:

Postponements:

WILLFUL MOTOR VEH TAMPERING W/O OWNERS CONSENT

Loc: 200 CHARLES ST/ CHURCH ST

County: CHRLS

SPEC.SET

Officer: BROOKS, WM 0604

Witnesses: *BRENNAN, WILLI

POSTPONED Def State Court Obtain counsel Officer availability Other: _____

FTA BW issued Bond forfeited New bond \$ _____ Cash Pct _____ UPB No Bond
 Commissioner to set Return to this county Forf stricken Warr recall Prev bond reinstated

Appeared with w/o counsel, no merit reason. Determined counsel waived Express waiver of counsel Rule 4-215 complied with

JTP Jury trial waived ASF **AMENDED: "A"** Pers. Injury _____ Cont. to acc. Speed reduced to _____

PLEA G NG NC NR **VERDICT** G NG PBJ Dismissed Merged ABD NCR NC JA
 PSI Sub-curia until _____ NP/ Stet _____

FINE \$ **500** Susp \$ _____ Comm in deflt COSTS \$22.50 Susp/indigency CICF \$35 Susp/indigency
 Defrd until _____ Thru P&P One pmt Installments of \$ _____ Week Month Due today \$ _____

SENTENCE _____ yrs / mos / dys Suspended: _____ yrs / mos / dys Commencing _____

Consecutive to _____ Concurrent with _____ Credit time served _____

DOC Local jail DWI facility Weekends _____ (wks) House arrest Work release recommended orderer

Alcohol restr Sp attn cd Pay PD \$ _____ Thru P&P by _____ ACS _____ (hrs) by _____ Repeat offender

PROBATION **SEE PROB/SUPRV DOCKET** Supervised Unsupervised _____ effective _____ upon release
 yrs / mos / dys

APPEAL Advised of right. Sentence to be stayed not to be stayed Cont release conditions Appeal bond \$ _____
 Conditions of probation to be stayed not to be stayed

Judge: _____ Date: 10/28/09

Dr Lic:

Def:

Charge:

Viol date:

DOB:

Time:

Dr Lic:

Speed:

Zone:

Fine:

Paid:

Bond:

Rel cit:

Mail:

Acc:

PI:

PD:

HM:

CV:

CVL:

Postponements:

Loc:

Officer:

Witnesses:

County:

POSTPONED Def State Court Obtain counsel Officer availability Other: _____

FTA BW issued Bond forfeited New bond \$ _____ Cash Pct _____ UPB No Bond
 Commissioner to set Return to this county Forf stricken Warr recall Prev bond reinstated

Appeared with w/o counsel, no merit reason. Determined counsel waived Express waiver of counsel Rule 4-215 complied with

JTP Jury trial waived ASF **AMENDED:** _____ Pers. Injury _____ Cont. to acc. Speed reduced to _____

PLEA G NG NC NR **VERDICT** G NG PBJ Dismissed Merged ABD NCR NC JA
 PSI Sub-curia until _____ NP/ Stet _____

FINE \$ _____ Susp \$ _____ Comm in deflt COSTS _____ Susp/indigency CICF _____ Susp/indigency
 Defrd until _____ Thru P&P One pmt Installments of \$ _____ Week Month Due today \$ _____

SENTENCE _____ yrs / mos / dys Suspended: _____ yrs / mos / dys Commencing _____

Consecutive to _____ Concurrent with _____ Credit time served _____

DOC Local jail DWI facility Weekends _____ (wks) House arrest Work released recommended orderer

Alcohol restr Sp attn cd Pay PD \$ _____ Thru P&P by _____ ACS _____ (hrs) by _____ Repeat offender

PROBATION **SEE PROB/SUPRV DOCKET** Supervised Unsupervised _____ effective _____ upon release
 yrs / mos / dys

APPEAL Advised of right. Sentence to be stayed not to be stayed Cont release conditions Appeal bond \$ _____
 Conditions of probation to be stayed not to be stayed

Case No. DZ81803



DISTRICT COURT OF MARYLAND FOR CHARLES COUNTY

Located at P.O. BOX 3070, LA PLATA, MD 20646

STATE OF MARYLAND VS. NALLEY, ROBERT CHRISTOPHER

200 CHARLES ST POB 3060
LAPLATA MD 20646

CC #: SID: LocID:
Eyes: Hair: Height: 6"00' Weight: 195 lb.
Race: 2 Sex: M DOB: 09/18/1943 DL #: N400745115724 MD

DEFENDANT TRIAL SUMMARY

The above case was heard today, 10/28/2009 by Judge ROBERT C. WILCOX

The Court's finding is as follows:

Citation # 00000000DZ81803 with charge code TA14104 C was AMENDED to charge code TA14104 A.

Original charge: CLIMBING (INTO, ON) ANY VEH. WITH MALICIOUS INTENT.

Amended charge: WILLFUL MOTOR VEH. (DAMAGING, TAMPERING) W/O OWNER'S CONSENT.

Citation # 00000000DZ81803 TA14104 A

WILLFUL MOTOR VEH. (DAMAGING, TAMPERING) W/O OWNER'S CONSENT

Plea - GUILTY Verdict - PROBATION BEFORE JUDGMENT

Probation for 6 mos., commencing today, to be unsupervised.

Traffic fine \$500.00 costs \$22.50 CICF \$35.00

Total fines and costs total \$557.50, \$557.50 due today

Total fines and costs for this case \$557.50, \$557.50 due today.

I UNDERSTAND THE VERDICT AND SENTENCE OF THE COURT AND PROMISE TO COMPLY AS ORDERED:

To observe and follow the conditions of probation as indicated above and/or on the attached Defendant Probation Summary. I further understand that by consenting to and receiving a probation before judgment I waive my right to appeal and that my failure to abide by the conditions set by the Court may result in judgment being entered against me and Court proceeding as if I had been found guilty.

10/28/2009 Defendant (NALLEY, ROBERT CHRISTOPHER)

FAILURE TO COMPLY WITH ANY OF THE REQUIREMENTS ORDERED BY THE COURT MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST AND/OR, IF THE VIOLATION IS A MOTOR VEHICLE OFFENSE, YOUR DRIVER'S LICENSE BEING SUSPENDED.

You may be entitled to expunge this record and any DNA Sample and DNA Record relating to the charge or charges against you if you meet certain conditions. Further information on expungement is contained in a brochure available at the Clerk's Office or on our website at <http://www.courts.state.md.us/district>.



DISTRICT COURT OF MARYLAND FOR CHARLES COUNTY

Located at P.O. BOX 3070, LA PLATA, MD 20646



Case No. DZ81803

STATE OF MARYLAND VS. NALLEY, ROBERT CHRISTOPHER

200 CHARLES ST POB 3060
LAPLATA MD 20646

CC #:	SID:	LocID:
Eyes:	Hair:	Height: 6"00'
Race: 2	Sex: M	DOB: 09/18/1943
		DL #: N400745115724 MD

DEFENDANT PROBATION SUMMARY

**The Court's finding is as follows:
Your probation will be UNSUPERVISED.
You must follow all probation conditions described below:**

Other Conditions :
WRITE A LETTER OF APOLOGY TO MS.
WASHINGTON
PAY FINES AND COSTS AS ORDERED

DISTRICT COURT OF MARYLAND FOR CHARLES COUNTY
 Located at P.O. BOX 3070, LA PLATA, MD 20646
 Telephone: (410) 326-7000
 Fax: (410) 326-7001
 Website: www.dccmd.net

I have read, or have had read to me, the above conditions of probation. I understand these conditions and agree to follow them. I understand that if I do not follow these conditions, I could be returned to Court charged with a violation of probation. If I fail to abide by the above conditions, the Court could enter judgment against me and proceed with disposition as if I had not been placed under probation. I have been notified and I understand that by consenting to and receiving a stay of judgment under CP 6-220, I waived my right to appeal from a judgment of guilty by the Court in this case.

10/28/2009 Defendant NALLEY, ROBERT CHRISTOPHER

12/08/09

DISTRICT COURT OF MARYLAND
TRAFFIC SYSTEM CITATION INFORMATION

DIST: 04

CIT NUM: 0DZ81803 NAME: NALLEY, ROBERT CHRISTOPHER DIST/LOC: 04 02
VIO DATE: 08/10/09 D/LI: N400-745-115-724 MD AGY/SAGY: CD 08
TRL DATE: FINE: 557.50 CHARGE: TA14104 A OFFICER: 0604
TRL TIME: PAID: 557.50 DISP: TR PBJ 10/28/09 STATUS: T 10/28/09

---DEFENDANT---

ADDR: 200 CHARLES ST POB 3060 SID: -- VEHICLE --
CITY: LAPLATA MD 20646 LICENSE: NONE XX DESC: 00
----- DISPOSITION -----

HEIGHT: 600 WEIGHT: 195 RACE: 2 SEX: M DISP: PROBATION BEFORE JUDGEMENT
BIRTHDATE: 09/18/43 BATCH: 09260080 DATE: 10/28/09 PLEA: G DIS/LOC: 04 02

----- VIOLATION ----- JUDG: 9N1 FINE: 500.00 COST: 22.50

VIO DATE: 08/10/09 TIME: 03:15P CON/ACC: NO SUSP: .00 SUSP: .00

CHARGE: TA14104 PARA: C CODE: PERS/INJ: 1 CICF: 35.00 SUSP: .00

WRITTEN: WILLFUL MOTOR VEH TAMPERING W/ PROBATION: 04/28/10 CONFINEMENT: NO

O OWNERS CONSENT AMEND/CHG: TA14104 PARA: A CODE:

P/C: MPH: ZONE: DFR/DATE:

COUNTY: 08 LOCATION: 200 CHARLES ST/ CHURCH ST

MPH: ZONE: ACC: NO PI: 1 PD: NO SB: NO SUSP: NO REL PER: YES

PAYABLE: NO SER: YES FINE: .00 ERR: NO O/WT: RELATED CIT:

NEXT PAGE

P/N

PAGE 001

12/08/09

DISTRICT COURT OF MARYLAND
TRAFFIC SYSTEM DISPOSITION INFORMATION

DIST: 04

CIT NUM: 0DZ81803 NAME: NALLEY, ROBERT CHRISTOPHER DIST/LOC: 04 02
VIO DATE: 08/10/09 D/LI: N400-745-115-724 MD AGY/SAGY: CD 08
TRL DATE: FINE: 557.50 CHARGE: TA14104 A OFFICER: 0604
TRL TIME: PAID: 557.50 DISP: TR PBJ 10/28/09 STATUS: T 10/28/09

DISPOSITION BY TRIAL

PROBATION BEFORE JUDGEMENT

DATE: 10/28/09 DOCKET PAGE: 00000013 ZONE CONVICTED: 00
DIST/LOC: 04 02 JUDGE ID: 9N1 SPEED CONVICTED: 000
PLEA: G PROB END DATE/CODE: 04/28/10 CONTRIB. TO ACC: NO
DISPOSITION: PBJ PERSONAL INJURY: 1
FINE: 500.00 COST: 22.50 CICF: 35.00
SUSP FINE: .00 COST: .00 CICF: .00
ALCOHOL REST: NO SPEC ATTN: NO AEP: NO DIP: NO SUBSEQ OFFENSE: NO
CONFINEMENT: 00/00/000 SUSP: 00/00/000 BEGINS: CRED/TIME SERVED:
AMENDED ART: TA SECTION: 14 SUB-SECTION: 104 PARAGRAPH: A CODE:

NEXT PAGE P/N
FOR TRIAL COMMENTS OF TCOM/PROB/SENT - HIT ENTER

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STATE OF MARYLAND

IN THE MATTER OF	*	BEFORE THE
JUDGE ROBERT C. NALLEY	*	COMMISSION ON
CJD 2009-087	*	JUDICIAL DISABILITIES

STIPULATIONS OF FACT

Comes now the Honorable Robert C. Nalley of the Circuit Court for Charles County Maryland, by and through his counsel, William C. Brennan, Jr. of Brennan Sullivan and McKenna LLP, and Steven P. Lemmey, Investigative Counsel to the Commission on Judicial Disabilities, state of Maryland. Judge Nalley, through counsel, and Investigative Counsel submit the following stipulations of fact for admission into evidence and consideration by the Commission on Judicial Disabilities at its hearing on April 28, 2010, in the above-captioned matter.

1. Judge Robert C. Nalley resides in Charles County Maryland.
2. Judge Nalley presently serves as Associate Judge of the Charles County Circuit Court. Judge Nalley served on the Circuit Court for Charles County Maryland from March 27, 1980 until December 29, 1980. He then began his service on the District Court of Maryland sitting in Charles County on February 2, 1981. Judge Nalley served on the District Court continuously until he was re-appointed to the Circuit Court for Charles County on September 30, 1988. Judge Nalley has continuously served on the Circuit Court for Charles County Maryland since September 30, 1988.
3. On August 10, 2009, Judge Nalley returned to the Charles County Circuit Courthouse in the afternoon in his motor vehicle. Upon his arrival at the Courthouse, Judge Nalley determined that someone unknown to him had parked their vehicle in

the space that was reserved for Judge Nalley's vehicle.

4. Upon discovering a vehicle in his designated reserved spot, Judge Nalley exited his vehicle and utilizing a pen or other sharp device proceeded to deflate the tire of the vehicle that was parked in the reserve parking space by letting air out of the tire through the valve stem.

5. On August 21, 2009 Judge Nalley was formally charged with a violation of the Transportation Code of Maryland under Section 14-104(a), tampering with a motor vehicle without the owners consent. The tampering with a motor vehicle charge was based upon Judge Nalley's letting the air out of the tire of the vehicle belonging to Jean Washington. Ms. Washington is a part-time maintenance employee who works in the Charles County Circuit Courthouse.

6. On October 28, 2009 Judge Nalley appeared before Maryland District Court Judge Robert Wilcox and entered a plea of guilty to the misdemeanor charge of tampering with a motor vehicle.

7. As a result of his guilty plea, Judge Nalley was fined \$500.00, ordered to provide a written apology to Ms. Washington, and placed on probation. Judge Nalley received probation before judgment.

8. At the time of his guilty plea Judge Nalley admitted to engaging in the conduct of tampering with a motor vehicle that belonged to another person.

9. During the course of the police investigation Judge Nalley provided the Charles County Sheriff with a written statement regarding his conduct on August 10, 2009. In his written statement Judge Nalley admitted that he released air from the tire of the car.

10. Judge Nalley's conduct on August 10, 2009, was contrary to Maryland law, in violation of the Maryland Transportation Code, and is a misdemeanor offense.

11. Judge Nalley has apologized to Ms. Washington and the citizens of Maryland for his conduct on August 10, 2009. Judge Nalley expressed his remorse for his actions and recognizes that his actions brought unflattering attention to the Maryland Judiciary.

12. Judge Nalley has served over thirty-eight (38) years in public service to the citizens of Charles County. He served for 8 ½ years as a prosecutor in the State's Attorneys Office and has served for thirty (30) years as a member of the Judiciary including both his time on the District and Circuit Court.

13. The parties stipulate to the admissibility of the deposition of Judge Nalley of February 2, 2010 and the attached six (6) exhibits.

14. Based upon the above stipulated facts and copies of the District Court records, Judge Nalley and Investigative Counsel agree that Judge Nalley's actions were in violation of the following Canons of Judicial Conduct as found in Maryland Rule 16-813 and therefore constitutes sanctionable conduct and conduct prejudicial to the proper administration of justice:

CANON 1

Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge shall observe high standards of conduct so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

CANON 2

Avoidance of Impropriety and the Appearance of Impropriety

A. A judge shall avoid impropriety and the appearance of impropriety. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the impartiality and integrity of the judiciary.

CANON 6

Compliance

A. Courts. This Code applies to each judge of the Court of Appeals, the Court of Special Appeals, a circuit court, the District Court, or an orphans' court.

B. Construction. Violation of any of the Canons by a judge may be regarded as conduct prejudicial to the proper administration of justice within the meaning of Maryland Rule 16-803 (j), as to the Commission on Judicial Disabilities.

15. The parties stipulate to the admissibility of these "Stipulations of Fact" and the attached Exhibit #1.

16. Based upon these stipulations, Judge Nalley's admissions of wrongdoing, his stipulation that he violated the Canons of Judicial Conduct, and the overall facts and circumstances of this case, the Commission may conclude that Judge Nalley has violated the Canons of Judicial Conduct as outlined in this Stipulations of Fact.

Respectfully submitted,

Steven P. Lemmey, Investigative Counsel

The Honorable Robert C. Nalley /

William C. Brennan, Jr., Esquire

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STATE OF MARYLAND

IN THE MATTER OF: * BEFORE THE COMMISSION
JUDGE ROBERT C. NALLEY * ON JUDICIAL
CJD 2009-087 * DISABILITIES

* * * * * *

DEPOSITION OF:

Judge Robert C. Nalley

The deposition of Judge Robert C. Nalley was taken on behalf of the Commission on Tuesday, February 2, 2010 commencing at 11:10 a.m., at Brennan, Sullivan & McKenna, LLP, 6305 Ivy Lane, Suite 700, Greenbelt, Maryland, 20770 before Lynne Livingston, a Notary Public.

1 APPEARANCES

2
3
4 Steven P. Lemmey, Esq.
5 Commission on Judicial Disabilities
6 100 Community Place
7 Crownsville, MD 21032
8 On Behalf of the Commission

9 William C. Brennan, Jr., Esq.
10 Brennan, Sullivan & McKenna, LLP
11 6305 Ivy Lane
12 Suite 700
13 Greenbelt, MD 20770
14 On Behalf of Judge Robert C. Nalley
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EXHIBITS

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1 PROCEEDINGS

2 (Whereupon, Deposition Exhibits
3 Numbers 1 and 2 were Marked
4 for Identification.)

5 WHEREUPON,

6 Judge Robert C. Nalley,

7 The witness called for examination, having been
8 first duly sworn, was examined and testified as
9 follows:

10 EXAMINATION

11 BY MR. LEMMEY:

12 Q Good morning, Judge Nalley. Could you
13 please give me your full name and your work
14 address?

15 A Robert Christopher Nalley. The mailing
16 address is Post Office Box 3060, La Plata,
17 Maryland 20646. It is the Charles County
18 Courthouse, the street address is 200 Charles
19 Street, but don't try to send mail there, it
20 won't get there. It's the Circuit Court for
21 Charles County. I'm Associate Judge of the

1 Seventh Judicial Circuit and sit in Charles
2 County right now.

3 Q Judge Nalley, as you know, my name is
4 Steve Lemmey, I serve as investigative counsel to
5 the Commission on Judicial Disabilities. I'll be
6 taking your deposition this morning and I need to
7 ask you questions.

8 First of all, have you ever been deposed
9 before?

10 A I'm not sure. I think so. If so, it
11 was in a civil lawsuit where I was plaintiff. I
12 remember going to the meeting, I don't remember
13 if they asked me questions or not.

14 Q You're probably aware of this but we
15 have a court reporter here, we need you to answer
16 in a loud, clear voice so that Miss Livingston
17 can record your answers. Are you okay with that?

18 A Yes, sir.

19 Q If I ask you a question where I haven't
20 asked the question well, I don't state it well,
21 you don't understand it, will you please tell me

1 so I can restate it?

2 A Sure.

3 Q And I would like to know, do you
4 understand that if I ask a question and you
5 answer it, we're going to assume that you
6 understood the question?

7 A That's probably a safe assumption.

8 Q And I would encourage you, because we're
9 only going to do this once, if you answer a
10 question and 20 minutes later you remember
11 something else about it, please feel free to say
12 I want to go back to and add the details. Is
13 that okay?

14 A Yes, sir.

15 Q And if you think of any documents other
16 than the ones I'm supplying that would help you,
17 please feel free to mention it. I probably have
18 them or Mr. Brennan probably has them.

19 I would ask that if you need a break, I
20 would ask you to finish the answer to whatever
21 question we're on and then we'll gladly take a

1 contract cases, business stuff.

2 Q How old are you?

3 A Date of birth was September 18th, 1943,
4 which makes me 66 and a half.

5 Q And are you presently married?

6 A Yes.

7 Q How long have you been married?

8 A Since August 6th, 1988.

9 Q Do you have children?

10 A Yes.

11 Q How many children do you have?

12 A My wife Lynne and I have two children, a
13 son and a daughter, and I have a stepdaughter who
14 is Lynne's daughter by another marriage.

15 Q So how old are the children you have
16 with your wife Lynne?

17 A My daughter is 20, my son is 19, my
18 stepdaughter is 29.

19 Q How long have you been on the Circuit
20 Court?

21 A Next month will be the 30th anniversary

1 of my swearing in the first time, and I was on
2 the court from March of 1980 until December of
3 that year. There was an election, I lost by 150
4 votes and was succeeded by Richard Clark.

5 I was then appointed to the District
6 Court for Charles County. Clark and I
7 essentially switched places. And then in 1988 I
8 was appointed again to the Circuit Court and have
9 been on it ever since.

10 Q Now when Judge Clark won the Circuit
11 Court election were you immediately appointed to
12 the District Court?

13 A Essentially yes, the appointment, and I
14 looked this stuff up since I figured these
15 questions would be put, and I also talked to the
16 Social Security people recently.

17 But the date of the swearing in on the
18 District Court was 29 years ago today, February
19 2nd, 1981. And at Governor Hughes's request I
20 offered to resign when Clark was elected and was
21 asked not to. I later learned that the reason

1 had to do with when a vacancy occurs and what
2 they have to do when a vacancy occurs.

3 But so I served until December and was
4 encouraged to apply for the District Court
5 position that had become vacant. I had resigned
6 from Circuit Court one day and Clark was sworn in
7 the next, after his commission was published.
8 And I learned in the middle of January that I
9 would be appointed to the District Court, so I
10 was actually sworn in, it was February 2nd. So I
11 was off for a month, I guess.

12 Q Okay. I'm going move to, and I would
13 like to direct your attention now, and we're
14 going to talk about August 10th, 2009. And I
15 think I can probably just ask you about that date
16 without qualifying it further, but if you need me
17 to, I'll explain further. I'm going to ask you
18 to describe your activities that day.

19 A I had an elderly aunt who was 91 years
20 old, been in a nursing facility and had been in
21 very precarious health for the preceding six

1 months. And her death on August 7th was not
2 unexpected. She was a widow, had no children of
3 her own and I was the nearest relative within a
4 thousand miles.

5 My brother, she had passed away that
6 Friday, August the 7th, and my brother who lives
7 in Florida had come up over the weekend and
8 Monday morning, he and I got in the car and met
9 with folks at Cedar Hill Cemetery in Suitland,
10 with Lee Funeral Home on Route 5 near Andrews,
11 and with an attorney who was handling her affairs
12 in Clinton, and then we drove to La Plata,
13 stopped for lunch, I dropped my brother off at my
14 house, had a conversation with his wife and mine,
15 who were there when I got there, and then I got
16 in the car to come to the office and drove to the
17 courthouse. I probably stopped at the post
18 office on the way, but in any event, ended up at
19 the courthouse, went up to where I expected to
20 park, and that's where I guess the narrative
21 picks up.

1 Q So what happened when you got to, when
2 you say where you expected to park, I believe
3 you're talking about along --

4 A Church Street.

5 Q Which I think is --

6 A On the west side of the courthouse.

7 Q On the west side of the courthouse
8 there's a space that --

9 A There are, along that street on the west
10 side of the street, the street is one way heading
11 south, there's parking. There are some lines
12 there indicating parking spaces on the west side
13 of that street, the southbound side, and each has
14 a sign there saying restricted parking by permit
15 only, and I think threatens towing.

16 And under that sign there is a little
17 number on each of them. That parking regimen was
18 put in place two or three years ago by the
19 sheriff's office, I was told, in its role as the
20 maintainer of security in the courthouse.

21 And court employees, to include judges

1 and people in their offices were issued permits.
2 The permit consists of a little plastic looks
3 like a credit card, about the size of a credit
4 card with a number on it. And you're told to
5 park in the space bearing the number that's on
6 your card.

7 So there's nothing there, there's no
8 label saying whose parking place it is. In fact,
9 I understand the preference to be not to
10 advertise whose parking place they are, but I was
11 told to park there.

12 The history was I had urged them to
13 adopt a different regimen, not that one, but did
14 not think it desirable to fight with them about
15 it, so I acquiesced, as did everybody else. And
16 as a question why would I park there if I didn't
17 like the policy, well one, they told me to.
18 Number two, if I parked out in the general area
19 out in the lot routinely that would mean one less
20 space for a member of the public to park in, and
21 parking around there is pretty congested.

1 So anyway, to pick up the story, on
2 August the 10th, I pulled up and there was a car
3 in the spot number 5 that has been assigned to
4 me, and there were no other obvious vacant spots
5 along there.

6 And I stopped the car and I got out and
7 I recognized that this car in, if you will, my
8 spot was one that I had seen there before. I
9 hadn't given much thought to it before because it
10 hadn't been in my spot before and for all I knew
11 it belonged there. It belonged to somebody else
12 who was authorized to park there. I gave it no
13 thought.

14 But when I saw that it was in my slot, I
15 realized that it had no business there, and I
16 took my door key out of my pocket and I stooped
17 down and I depressed the air release valve on the
18 right rear tire and deflated it.

19 I then got in my car and went looking
20 for a parking place. I parked somewhere nearby,
21 and as I was walking into the court building I

1 walked past that area where I otherwise would
2 park, noticed within, it had to be within two or
3 three minutes, that the car was gone. The car
4 that had been in my spot was gone. I wondered
5 why I hadn't seen whoever was there to move it,
6 then went on in the building.

7 Later that day the court administrator
8 came to me and said that she had gotten a call
9 from somebody in the county government reporting
10 that Nalley had let the air out of the tire of a
11 county employee who was working in the building.

12 Q What's the court administrator's name?

13 A Her name is Donna Birch. She's now
14 retired but she was there at the time.

15 Q When you saw the car was parked in your
16 designated reserved space, why did you take the
17 action you took?

18 A Well, the car wasn't supposed to be
19 there. It seemed to me I had a couple of
20 options. One would have been to do nothing. I
21 frankly wasn't inclined to do nothing.

1 Another would have been to ask that it
2 be ticketed or towed. I frankly didn't want to
3 deal with it that way because it made me look
4 officious, and I thought like someone who was
5 determined to assert his prerogatives and
6 position. I didn't want to do that.

7 It occurred to me though I did want to
8 send a message that the car shouldn't be there,
9 and deflating the tire was a way of doing that,
10 to send a message but not to do damage and not to
11 cost anybody any money.

12 Q So you are in your office when the court
13 administrator talked to you. Did there come a
14 time that you were contacted by the sheriff's
15 department about this?

16 A Never. You may be confusing the
17 sheriff's office with the La Plata town police.

18 Yes, ultimately I was. I contacted them
19 before they contacted me because I was told,
20 either I was told or I read in the newspaper, I'm
21 not sure which, that the town police were

1 investigating.

2 And a day or two later, no, actually I
3 can tell you it was two days later because it was
4 the day of my aunt's funeral, and that was when
5 the thing was in the Washington Post and it said
6 that they were investigating.

7 And on my way to the office from the
8 funeral, I pulled up in front of the town police
9 station, got out of my car, went over to the door
10 and the chief of police, Mr. Gittings, was
11 standing there, talking to some lady. And we
12 know each other by name, and I walked over and I
13 said, Chief Gittings, I understand you guys are
14 investigating me, have some questions for me.
15 I'm available for you to talk to.

16 My luck being what it is the lady who
17 was standing with him identified herself as a
18 television reporter and wanted to question me,
19 and I said no, thank you, ma'am, I'm not going to
20 do that. And the chief said, we'll be in touch,
21 and so I went to the office

1 Q Was that the reporter from Channel 9?

2 A Yes. And the direct answer to your
3 question is that I think was Friday of the
4 following week, the date is on one of the papers
5 we have here, I got a call from Officer Brooks of
6 the town police who said that he had been
7 assigned to look into this tire matter and wanted
8 to talk to me.

9 Q Is that Sergeant Brooks?

10 A Yes. And I basically said, or one of us
11 said, your place or mine? I said it's probably
12 easier if I come over to your place, which is a
13 block away. So we agreed I'd come over about
14 noon, and I did. And we had the conversation
15 that you know about.

16 Q When you went to see Sergeant Brooks on
17 what I believe to be August 21st, 2009, I believe
18 you went with a piece of paper in hand?

19 A Yes, I did. I knew what he was going to
20 ask me and I took a moment to put it in writing.

21 Q Right. I'm showing you what I have

1 previously marked as Deposition Exhibit Number
2 1. Is that a copy of the typewritten statement?

3 A Yes.

4 Q That you gave to Sergeant Brooks. And
5 the original of that statement you signed?

6 A Yes. As I recall I signed it at his
7 desk.

8 Q But you prepared it probably back at
9 your office and brought it with you?

10 A Sure.

11 Q And then subsequent to that, your giving
12 him that, you also met with him. I don't know
13 how long the meeting was.

14 A I'm not sure, I probably handed him the
15 piece of paper first, I don't remember. But I
16 think I did, and then he asked the questions that
17 you have there in that transcript.

18 Q But when you talked to Sergeant Brooks,
19 well, I probably should ask this since we did
20 it. This is going to be Deposition Exhibit
21 Number 3.

1 (Whereupon, Deposition Exhibit
2 Number 3 was Marked for
3 Identification.)

4 BY MR. LEMMEY:

5 Q Have you seen that?

6 A Yes, I saw a copy of it.

7 Q That's a typewritten transcript, and
8 you're seen that in advance?

9 A Yes.

10 Q Does that transcript fairly and
11 accurately reflect the conversation you had with
12 Sergeant Brooks?

13 A Yes.

14 MR. BRENNAN: That was prepared from the
15 CD, taped conversation?

16 BY MR. LEMMEY: Right.

17 Q After you met with Sergeant Brooks, the
18 town police determined that they would issue a
19 citation charging you with tampering with a motor
20 vehicle, is that correct?

21 A Yes, and it was issued right then during

1 that interview session.

2 Q And I'm going to show you what's
3 previously been marked as Deposition Exhibit
4 Number 2. And to make this easier, I'm going to
5 tell you that it is my belief that that is that
6 copy of the certification of the six pages of
7 court documents that comprise the entire court
8 documents of the District Court case.

9 A That's right.

10 Q Does that look to be correct to you?

11 A It looks to be that, yes.

12 Q And we're going to attach that as
13 Deposition Exhibit Number 2. Sorry for getting
14 them out of order there.

15 These documents reflect that you, with
16 the presence of counsel, appeared in District
17 Court and entered a plea of guilty to the charge
18 of tampering with a motor vehicle?

19 A Yes.

20 Q And at that time you were placed on
21 probation and had to pay a \$500 fine?

1 A That's right.

2 Q And the fine's been paid, I believe?

3 A That's right. And I also as a condition
4 the probation required to prepare and cause to be
5 delivered to Mrs. Washington a letter of apology,
6 and that was done within 24 hours.

7 Q And it's my understanding that the
8 probation was then in the form of probation
9 before judgment?

10 A Probation before judgment, yes, sir.

11 Q And I think I already heard your answer
12 but I just want to make sure I understand, you
13 already wrote and delivered the letter to Miss
14 Washington?

15 A That's right.

16 Q Back in August, I think maybe the next
17 day, I believe you spoke with a newspaper
18 reporter named Bethany Rodgers.

19 A That's right.

20 Q Miss Rodgers works for?

21 A Maryland Independent.

1 Q And I believe you, among other things,
2 most respectfully she quotes you as having said,
3 absolutely, I plead guilty said Circuit Court
4 Judge Robert Nalley, with regard to your
5 statement about letting the air out of the tires?

6 A Yes.

7 Q Was she accurate in her quote of you
8 there?

9 A In saying I plead guilty, yes, that's
10 accurate, yes.

11 Q Now I believe it's in that newspaper
12 article you mentioned that you had done this
13 before?

14 A Yes, I did.

15 Q Can you explain?

16 A Or I said something to that effect, that
17 either I've done it before, or this isn't the
18 first time, something to that effect.

19 Q Can you explain why you said that?

20 A Why I said it? I guess I'm not sure why
21 I said it, but it must have been in response to

1 something that she said that caused me to
2 acknowledge that I had done something similar on
3 an earlier occasion. Probably also it was by way
4 of emphasizing that the car was someplace where
5 it shouldn't have been.

6 Q Okay. Can you explain with regard to
7 your saying you had done this before or you had
8 done something similar, what had you done before
9 that caused you to say that?

10 A What I had done before was the same
11 thing, I had let the air out of the tire of a car
12 that was in that general vicinity where it
13 shouldn't have been.

14 The situation is that Church Street
15 separates Charles County Courthouse from the
16 physical plant of Christ Episcopal Church, and
17 the church hall, and the day school, and one or
18 two other buildings. There is a parking lot on
19 the northwest corner of the church property. The
20 real estate belongs to the church, but thirty or
21 more years ago the county paved the lot, and for

1 a lot of years the county and the church
2 basically shared the lot, except when there were
3 funerals or something like that going on at the
4 church. During the week, court people, mostly
5 staff parked in that lot. And when the church,
6 the church's primary use for it of course was on
7 weekends. So it was a symbiotic arrangement.

8 My two younger children attended that
9 church school, which went from, I guess my kids
10 weren't there in kinder, but it had a
11 kindergarten component, through the fourth or
12 fifth grade, I think. My kids were there through
13 the fourth grade, and they're in college now, so
14 it was a lot of years ago.

15 But typically of a morning, I would
16 drive them into school, we'd park the car in the
17 lot behind the church and school, we'd get out of
18 the car, they'd head into school and I'd head
19 into the courthouse.

20 One morning, it had to be at least ten
21 or eleven years ago, we pulled in there and for

1 some reason there were more cars there than
2 usual, and there was a car parked in one of
3 access lanes in such a way as to obstruct that
4 lane and to block in several other parked cars.
5 I had to walk past it to get to the door to which
6 I was headed. You know, that guy's some kind of
7 inconsiderate, he's got no business being there.
8 And I bent done down and I engaged the valve on
9 one of the tires on that, I don't remember which
10 tire, and I started letting the air out. As I
11 was doing that, a fellow approached. Obviously
12 it was his car, and he said, what the hell are
13 you doing? And I said isn't it obvious and he
14 says well, why are you doing that? I said isn't
15 that obvious? And he said well, stop doing it.
16 And I said okay, you stop parking like this. And
17 that was the end of that encounter.

18 And something that was said during the
19 conversation with Mrs. Rodgers back in August
20 reminded me of that, and I was being somewhat
21 assertive in telling her yes, I did it, and I did

1 it before. And that is what I had in mind.

2 Q When you were at the day care center
3 parking lot and the fellow came up and he asked
4 you to stop doing it, you responded I'll stop
5 doing it, you stop parking here?

6 A Yes.

7 Q Did you stop letting the air out of the
8 tires then?

9 A Yes.

10 Q And was he able to drive the car away
11 then?

12 A Yes, uh-uh.

13 Q Did he say anything else to you that you
14 remember?

15 A Not that I recall.

16 Q Now that event at the day care center,
17 until you mentioned it to Ms. Rodgers, it was
18 never reported anywhere?

19 A Not that I remember.

20 Q So if we talk about August 10th, 2009
21 and then we talk about the incident at the day

1 care center, are there any other times that you
2 let the air out of anybody's tires?

3 A I own some rental property ten or
4 fifteen years ago. We had some parking issues
5 there. I don't recall letting air out of tires.
6 I recall trying to deal with parking issues
7 there, but not a lot of help from the police.

8 Q So is it fair for me to conclude that
9 when you made the comments to Miss Rodgers about
10 having done this before, the only incident you
11 would be referring to would be the one at the day
12 care center adjacent to the courthouse?

13 A Yes.

14 Q That was a yes?

15 A Absolutely yes.

16 Q Thank you.

17 After the incident in August 2009, I
18 believe you also spoke to a fellow named William
19 Missouri?

20 A Yes.

21 Q The Administrative Judge for the Seventh

1 Circuit.

2 A Yes.

3 Q And it was reported that you expressed
4 the that you letting the air out of the tires of
5 Ms. Washington's vehicle was no big deal. Do you
6 recall that being reported?

7 A It was reported that I said I didn't
8 consider it a big deal, yes.

9 Q At that time did you say that?

10 A I said essentially that, yes.

11 Q What did you mean by that when you said
12 it?

13 A We may have a problem with pronouns
14 here, but what I meant by saying that was that I
15 didn't consider the parking thing as such that
16 big of a deal, and part of my rationale, such as
17 it was, for doing what I did as I did it, was to
18 ironically try not to make it a big deal.

19 My rationale, right or wrong, was that
20 having the car towed, having it ticketed would
21 have made a bigger deal of it than was

1 warranted.

2 Letting the air out of the tire I
3 thought was more benign than the alternatives.
4 And the reference was to the parking issue not
5 being a big deal. I recognize fully that with
6 benefit of hindsight that what I did and the way
7 I did it, and maybe even the way I explained it,
8 made a bigger deal of it than should have
9 occurred.

10 Q Okay. Can we pause for a minute here?

11 (Off the record)

12 (Whereupon, Deposition Exhibits
13 Numbers 4, 5, 6 were Marked for
14 Identification.)

15 BY MR. LEMMEY:

16 Q Judge Nalley, as you know, we're now in
17 February 2010. Can you tell me now what are your
18 thoughts about the incident of August, was it
19 August 10th?

20 A August 10th.

21 Q Of 2009?

1 A My thoughts are that if I had been less
2 impatient, less rash, more thoughtful, that I
3 could have saved my family, particularly my wife
4 and children, and me a lot of inconvenience and
5 heartache and embarrassment. I could have saved
6 the community some embarrassment, a lot of
7 embarrassment, could have saved the judiciary
8 locally and statewide some opprobrium or some
9 opprobrium that has attended this, to say nothing
10 of the expense and inconvenience to my
11 colleagues, including Judge Missouri, including
12 Judge Bell and everybody in between, including
13 particularly my colleagues on the Seventh Circuit
14 who have had to jockey around and cover my
15 dockets since I have not been handling them.

16 And Amy Bragunier has fallen heir to the
17 administrative role, has become the
18 administrative judge. I'm trying to avoid
19 adjectives and adverbs here. And that has let's
20 say changed her workload. That probably would
21 have happened eventually anyway but I would have

1 preferred it not to happen as precipitously as it
2 did, certainly under these circumstances.

3 But I've caused a lot of people and the
4 community, and if you will, the system a lot of
5 trouble, a lot of heartache. I'm somebody whose
6 job involves sitting there telling people, you
7 know, or asking people, what were you thinking,
8 why didn't you think, saying to them, I don't
9 take any consolation in the fact that you didn't
10 give it a lot of thought or didn't think more
11 about it than you did, maybe you'll think more
12 about it, be more reasonable about it next time.

13 You know it's very unfortunate that I'm
14 sitting here acknowledging that I didn't practice
15 what I preach, what I'm paid to preach. I put
16 this system in a bad light and I deeply regret
17 that.

18 MR. LEMMEY: We'll go off the record for
19 a second.

20 (Off the record)

21 THE DEPONENT: Something I should add as

1 a special note is that Mrs. Washington, the lady
2 whose car this turned out to be, she's not
3 somebody I knew personally. As she told somebody
4 in one of those press reports, you know, she and
5 I had seen each other around the courthouse and
6 exchanged greetings but I don't recall we'd ever
7 had a conversation. Her work assignment, as it
8 turned out was in one part building where I'm not
9 usually found.

10 And she, I am aware, was put in an
11 awkward position vis-a-vis her work colleagues
12 and people she knew in the building and knew in
13 the community, and I know that she has been an
14 approached by people with all kinds of agendas
15 and interests and put in an awkward position. I
16 heard through the grapevine that she told people
17 that she felt she was being pressured. And I've
18 been the cause of that and she's somebody who
19 didn't ask for that. All she did was park where
20 she shouldn't have. And as it turns out rather
21 than send a benign message to her, I've disrupted

1 her private life, and that I deeply regret also.

2 BY MR. LEMMEY:

3 Q Judge, I would like to go back to August
4 10th, 2009. I know we've talked about it quite a
5 while ago now. But I'm going to show you what
6 has been marked as Deposition Exhibits 4, 5 and
7 6.

8 Bill, I'm going to walk around to that
9 side to show him, if that's okay.

10 And I just want to use these to help
11 clarify what you were talking about before. I'm
12 showing you Deposition Exhibit Number 4. That's
13 an eight and a half by eleven piece of paper with
14 two black and white photographs on it. An you
15 tell me what those photographs are?

16 A Okay, both of them are photographs of
17 the sign that is typical of the signs along
18 Church Street on the west side of the courthouse
19 in La Plata.

20 The one that's depicted in Exhibit 4 is
21 the one adjacent to the parking space assigned to

1 me. I know that because of the number 5 at the
2 base of it.

3 Q Do the photographs on Exhibit 4 fairly
4 and accurately represent what the sign at the
5 parking space looked like back in August 2009?

6 A Yes.

7 Q Now I won't do it, I'm tempted to
8 admit.

9 I'm showing you what's been marked as
10 Deposition Exhibit Number 5.

11 A Number 5 is a vista of Charles Street
12 looking south. The building you see in the
13 background behind the sign in Exhibit 4 is on the
14 right and discernible, I think.

15 Q You're talking about the white building
16 with the black roof?

17 A Yeah, in number 5 if you look closely
18 you can see over the entrance it says parish
19 house. And the parking space that's assigned to
20 me happens to be vacant in the photograph number
21 5. You see the rear end of a light colored

1 station wagon and an empty space behind that and
2 that would be space number 5, the one allotted to
3 me. If you look closely you can see the signs
4 along.

5 Q Now bearing in mind that the automobiles
6 in the photograph might have changed from August
7 10th to whenever this photo was taken, but other
8 than that, does it fairly and accurately show
9 what the street looked like on August 10th?

10 A Yes.

11 Q In 2009?

12 A Yes, sir.

13 Q And this building on the right marked
14 with the words parish house on it, earlier we
15 were talking about the day care center where you
16 would drop your children off ten years ago.

17 A Actually it was a school at the time.

18 Q This white building with the triangle
19 shaped roof sections, is that the same building
20 that was the school back then?

21 A Yes, yes, the school was in that

1 building when my children attended it. In recent
2 years it has been a day care center as such.

3 Q Okay. I want to show you what has been
4 previously marked as Deposition Exhibit Number 6.
5 Can you tell me what that is a photograph of?

6 A That is basically this same geography
7 looking in the other direction. It's looking
8 northbound, whereas in Exhibit 5 the parish house
9 school, day care building was on your right, in
10 this photograph it's on your left. It looks to
11 me like the same car is in there and spot number
12 5 is vacant.

13 Q So in the far left-hand center of the
14 picture is a photograph of an SUV. If the
15 parking space that was assigned to you were in
16 the photograph, it would be further to the left
17 of that SUV?

18 A No, it would be further to the right in
19 that photograph. In that photograph, there are
20 four vehicles, and then a gap and then the fifth
21 vehicle is after the gap. The space I'm talking

1 about is between the fourth and fifth vehicles in
2 Exhibit 6.

3 Q Okay. So what I learn from that then is
4 that your designated parking space is almost
5 right in front of the door of the parish house?

6 A Yes, that's right, it's very close,
7 almost directly opposite the front door of that
8 building.

9 Q And does Exhibit 6 fairly and accurately
10 represent what that street looked like back in
11 August of 2009?

12 A Yes, yes.

13 Q Okay. Expect that we might want a copy
14 for us, I'll give those to the court reporter.

15 I often describe my next question as
16 usually the deponent's favorite question in the
17 whole deposition because it's either the last or
18 second to last question. I simply want to ask
19 you is there anything else you want to say in
20 this deposition regarding the events in August
21 2009 or in this case?

1 A I don't really think so. I think your
2 questions have covered the territory and the
3 issues that are apparent to me and I know are of
4 concern to others and the Commission.

5 I think it was important to say what I
6 tried to say a few months ago with regard to my
7 regrets about how this has affected other people,
8 and the institution of which I'm a member, and
9 the system. And I think what I tried to say a
10 few moments ago needed to be said.

11 MR. LEMMEY: Okay. Well, thank you very
12 much.

13 Mr. Brennan, is there anything you want
14 to add or any questions you have?

15 MR. BRENNAN: I don't know if it's in
16 the record or not, but the construction that was
17 ongoing at the courthouse in August of 2009 that
18 made parking more difficult than it is and Judge
19 Nalley may just want to describe there was a
20 courthouse addition that was being built.

21 THE DEPONENT: Well, the situation is,

1 and people exacerbated everything, parking even
2 in a place as relatively small as La Plata, is an
3 issue around that building. And it has become
4 more of an issue in the last year and a half
5 since a new building is expected to open this
6 summer to house the District Court and a few
7 other entities is occupying what used to be the
8 principal parking lot.

9 And there are a lot of us who think that
10 there is not adequate parking there to
11 accommodate existing facilities, much less what's
12 going to be added. And there is a parking
13 crunch. And something that we live with with
14 some regularity as we try to deal with jurors and
15 witnesses who report that they are late because
16 they have trouble parking.

17 BY MR. LEMMEY:

18 Q And I forgot to ask you one very simple
19 question. Can you tell me approximately what
20 time of day on August 10th, 2009 you came to the
21 courthouse?

1 A I know that I have read that people have
2 said that it was 3:30 or so that Mrs. Washington
3 parked her car, and I'm not in a position to
4 dispute that, but I had the sense that it was
5 earlier. I did not have the sense that I was
6 arriving there that late. If somebody had asked
7 me, I would have said it was 2:30 but I wasn't
8 checking the time and other people probably were,
9 so I really don't know.

10 MR. LEMMEY: Okay, I don't have any
11 other questions.

12 (Whereupon, at 12:06 p.m., the deposition of
13 Judge Robert C. Nalley was concluded. Signature
14 is waived.)

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21

The Charles County Sheriff's Office exercises general responsibility for securing the Courthouse building. In 2007 that agency determined that maintenance of security required allocation of assigned parking spaces to certain staff. The policy was implemented by erecting next to designated spaces signs announcing "Restricted Parking" accompanied by numbering of those spaces. Affected staffers were issued plastic cards bearing numbers and instructed to park in corresponding spaces while displaying the numbered card on the vehicle.

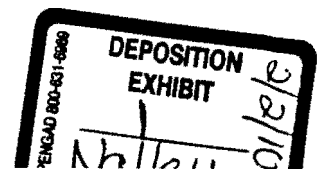
On Monday, August 10, 2009 in mid-afternoon I approached the space assigned to me on Church Street to find it occupied by a blue sedan bearing the vanity tag "Jean M." In the previous week I had seen that car parked in another numbered space and given it no particular thought. When it was in my space on August 10 I saw that it lacked a numbered card and concluded that it did not belong in a restricted space. I had no idea whose car it was and figured that it was that of someone regularly coming to the Courthouse or to the day care facility next door.

Rather than (1) request that it be ticketed, (2) ask that it be towed, (3) do nothing, (4) put a warning note on the windshield, I released air from the right rear tire by way of its valve. I did so expecting that this approach would make the point to the offending operator without serious inconvenience or expense and without harm to the car.

My action was rash and wrong. It has become notorious, brought discredit on my office and caused disruption of court business. These things I regret. I apologize to all affected and to all whom I have disappointed.

8/21/09
12:00 noon

6





DISTRICT COURT OF MARYLAND FOR Charles County

City/County

Located at 200 Charles Street, La Plata, MD 20646

Court Address

STATE OF MARYLAND
OR

Case No. DZ81803

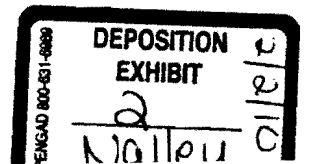
..... vs. Robert Christopher Nalley
Plaintiff Defendant

CERTIFICATION

I hereby certify that I am a custodian of the records of this Court, that I am authorized to make this certification, and that the attached, consisting of 5 pages, is a true and exact copy taken from the records of this Court.

In witness whereof, I hereby set my hand under seal of the District Court of Maryland.

.....
Administrative Clerk/County Clerk
12/8/9
Date





DISTRICT COURT OF MARYLAND

SERIOUS TRAFFIC DOCKET

Dist/Loc: 04 02
 Date: 10/28/09
 Room: 01
 Time: 02:00 PM
 Agency: CD 08

Docket Page
 013

*LET AIR OUT NEW
 PASSENGER*

Dr Lic: **0DZ81803**

Def: **NALLEY, ROBERT CHRISTOPHER**

DOB: 09/18/43

Dr Lic: MD N400745115724

Charge: TA14104 C

Viol date: 08/10/09

Time: 03:15 PM

Speed: 000

Zone: 00

Fine: MUST APPEAR

Paid: \$0.00

Bond: \$0.00

Rel cit:

Mail:

Acc: PI: 1 PD: HM:

CV:

CVL:

Postponements:

WILLFUL MOTOR VEH TAMPERING W/O OWNERS CONSENT

Loc: 200 CHARLES ST/ CHURCH ST

County: CHRLS

*SPEC.SE

Officer: BROOKS, WM 0604

Witnesses: *BRENNAN, WILLI

POSTPONED Def State Court Obtain counsel Officer availability Other: _____

FTA BW issued Bond forfeited New bond \$ _____ Cash Pct _____ UPB No Bond
 Commissioner to set Return to this county Forf stricken Warr recall Prev bond reinstated

Appeared with w/o counsel, no merit reason. Determined counsel waived Express waiver of counsel Rule 4-215 complied with

JTP Jury trial waived ASF **AMENDED: "A"** Pers. Injury _____ Cont. to acc. Speed reduced to _____

PLEA G NG NC NR **VERDICT** G NG PBJ Dismissed Merged ABD NCR NC JA
 PSI Sub-curia until _____ NP/ Stet _____

FINE \$ 500 Susp \$ _____ Comm in defft **COSTS \$22.50** Susp/indigency **CICF \$35** Susp/indigency
 Defrd until _____ Thru P&P One pmt Installments of \$ _____ Week Month Due today \$ _____

SENTENCE _____ / yrs / mos / dys Suspended _____ / yrs / mos / dys Commencing _____

Consecutive to _____ Concurrent with _____ Credit time served _____

DOC Local jail DWI facility Weekends _____ (wks) House arrest Work release Recommended On

Alcohol restr Sp attn cd Pay PD \$ _____ Thru P&P by _____ ACS _____ (hrs) by _____ Repeat offender

PROBATION **SEE PROB/SUPRV DOCKET** Supervised Unsupervised _____ yrs / mos / dys effective _____ upon release

APPEAL Advised of right. Sentence to be stayed not to be stayed Cont release conditions Appeal bond \$ _____
 Conditions of probation to be stayed not to be stayed

[Handwritten signature]
 Judge _____ Date: 10/28/09

Dr Lic:
 Def:

Charge:
 Fine:
 Acc:

PI:

Paid:
 PD:

Viol date:
 HM:

DOB:

Bond:

CV:

Time:

CVL:

Dr Lic:

Rel cit:

Postponements:

Speed:

Zone:
 Mail:

Loc:
 Officer:

Witnesses:

County:

POSTPONED Def State Court Obtain counsel Officer availability Other: _____

FTA BW issued Bond forfeited New bond \$ _____ Cash Pct _____ UPB No Bond
 Commissioner to set Return to this county Forf stricken Warr recall Prev bond reinstated

Appeared with w/o counsel, no merit reason. Determined counsel waived Express waiver of counsel Rule 4-215 complied with

JTP Jury trial waived ASF **AMENDED:** _____ Pers. Injury _____ Cont. to acc. Speed reduced to _____

PLEA G NG NC NR **VERDICT** G NG PBJ Dismissed Merged ABD NCR NC JA
 PSI Sub-curia until _____ NP/ Stet _____

FINE \$ _____ Susp \$ _____ Comm in defft **COSTS** _____ Susp/indigency **CICF** _____ Susp/indigency
 Defrd until _____ Thru P&P One pmt Installments of \$ _____ Week Month Due today \$ _____

SENTENCE _____ / yrs / mos / dys Suspended _____ / yrs / mos / dys Commencing _____

Consecutive to _____ Concurrent with _____ Credit time served _____

DOC Local jail DWI facility Weekends _____ (wks) House arrest Work released Recommended Order

Alcohol restr Sp attn cd Pay PD \$ _____ Thru P&P by _____ ACS _____ (hrs) by _____ Repeat offender

PROBATION **SEE PROB/SUPRV DOCKET** Supervised Unsupervised _____ yrs / mos / dys effective _____ upon release

Case No. DZ81803



DISTRICT COURT OF MARYLAND FOR CHARLES COUNTY

Located at P.O. BOX 3070, LA PLATA, MD 20646

STATE OF MARYLAND VS. NALLEY, ROBERT CHRISTOPHER

200 CHARLES ST POB 3060
LAPLATA MD 20646

CC #: SID: LocID:
Eyes: Hair: Height: 6'00' Weight: 195 lb.
Race: 2 Sex: M DOB: 09/18/1943 DL #: N400745115724 MD

DEFENDANT TRIAL SUMMARY

The above case was heard today, 10/28/2009 by Judge ROBERT C. WILCOX
The Court's finding is as follows:

Citation # 00000000DZ81803 with charge code TA14104 C was AMENDED to charge code TA14104 A.
Original charge: CLIMBING (INTO, ON) ANY VEH. WITH MALICIOUS INTENT.
Amended charge: WILLFUL MOTOR VEH. (DAMAGING, TAMPERING) W/O OWNER'S CONSENT.
Citation # 00000000DZ81803 TA14104 A
WILLFUL MOTOR VEH. (DAMAGING, TAMPERING) W/O OWNER'S CONSENT
Plea - GUILTY Verdict - PROBATION BEFORE JUDGMENT
Probation for 6 mos., commencing today, to be unsupervised.
Traffic fine \$500.00 costs \$22.50 CICF \$35.00
Total fines and costs total \$557.50, \$557.50 due today

Total fines and costs for this case \$557.50, \$557.50 due today.

I UNDERSTAND THE VERDICT AND SENTENCE OF THE COURT AND PROMISE TO COMPLY AS ORDERED:

To observe and follow the conditions of probation as indicated above and/or on the attached Defendant Probation Summary. I further understand that by consenting to and receiving a probation before judgment I waive my right to appeal and that my failure to abide by the conditions set by the Court may result in judgment being entered against me and Court proceeding as if I had been found guilty.

Citation # 00000000DZ81803 TA14104 A
WILLFUL MOTOR VEH. (DAMAGING, TAMPERING) W/O OWNER'S CONSENT
Plea - GUILTY
Probation for 6 mos., commencing today, to be unsupervised.
Traffic fine \$500.00 costs \$22.50 CICF \$35.00
Total fines and costs total \$557.50, \$557.50 due today

10/28/2009 Defendant _____ (NALLEY, ROBERT CHRISTOPHER)

FAILURE TO COMPLY WITH ANY OF THE REQUIREMENTS ORDERED BY THE COURT MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST AND/OR, IF THE VIOLATION IS A MOTOR VEHICLE OFFENSE, YOUR DRIVER'S LICENSE BEING SUSPENDED.

You may be entitled to expunge this record and any DNA Sample and DNA Record relating to the charge or charges against you if you meet certain conditions. Further information on expungement is contained in a brochure available at the Clerk's Office or on our website at <http://www.courts.state.md.us/district>.



DISTRICT COURT OF MARYLAND FOR CHARLES COUNTY

Located at P.O. BOX 3070, LA PLATA, MD 20646



Case No. DZ818

STATE OF MARYLAND VS. NALLEY, ROBERT CHRISTOPHER

200 CHARLES ST POB 3060
LAPLATA MD 20646

CC #:	SID:	LocID:
Eyes:	Hair:	Height: 6"00'
Race: 2	Sex: M	DOB: 09/18/1943
		Weight: 195 lb.
		DL #: N400745115724 MD

DEFENDANT PROBATION SUMMARY

The Court's finding is as follows:

Your probation will be UNSUPERVISED.

You must follow all probation conditions described below:

Other Conditions:

WRITE A LETTER OF APOLOGY TO MS.

WASHINGTON

PAY FINES AND COSTS AS ORDERED

DISTRICT

Located at P.O.

I have read, or have had read to me, the above conditions of probation. I understand these conditions and agree to follow them. I understand that if I do not follow these conditions, I could be returned to Court charged with a violation of probation. If I fail to abide by the above conditions, the Court could enter judgment against me and proceed with disposition as if I had not been placed under probation. I have been notified and I understand that by consenting to and receiving a stay of judgment under CP 6-220, I waived my right to appeal from a judgment of guilty by the Court in this case.

10/28/2009 Defendant: ..

Robert Christopher Nalley
NALLEY ROBERT CHRISTOPHER

12/08/09

DISTRICT COURT OF MARYLAND
TRAFFIC SYSTEM CITATION INFORMATION

DIST: (

CIT NUM: 0DZ81803 NAME: NALLEY, ROBERT CHRISTOPHER DIST/LOC: 04 02
 VIO DATE: 08/10/09 D/LI: N400-745-115-724 MD AGY/SAGY: CD 08
 L DATE: FINE: 557.50 CHARGE: TA14104 A OFFICER: 0604
 ARL TIME: PAID: 557.50 DISP: TR PBJ 10/28/09 STATUS: T 10/28/09
 ---DEFENDANT--- SID: -- VEHICLE --
 ADDR: 200 CHARLES ST POB 3060 LICENSE: NONE XX DESC: 00
 CITY: LAPLATA MD 20646 ----- DISPOSITION -----
 HEIGHT: 600 WEIGHT: 195 RACE: 2 SEX: M DISP: PROBATION BEFORE JUDGEMENT
 BIRTHDATE: 09/18/43 BATCH: 09260080 DATE: 10/28/09 PLEA: G DIS/LOC: 04 (

----- VIOLATION ----- JUDG: 9N1 FINE: 500.00 COST: 22.5
 VIO DATE: 08/10/09 TIME: 03:15P CON/ACC: NO SUSP: .00 SUSP: .(

CHARGE: TA14104 PARA: C CODE: PERS/INJ: 1 CICF: 35.00 SUSP: .(

WRITTEN: WILLFUL MOTOR VEH TAMPERING W/ PROBATION: 04/28/10 CONFINEMENT: NO
 O OWNERS CONSENT AMEND/CHG: TA14104 PARA: A CODE:

 P/C: MPH: ZONE: DFR/DATE:

COUNTY: 08 LOCATION: 200 CHARLES ST/ CHURCH ST
 MPH: ZONE: ACC: NO PI: 1 PD: NO SB: NO SUSP: NO REL PER: YES
 PAYABLE: NO SER: YES FINE: .00 ERR: NO O/WT: RELATED CIT:

NEXT PAGE

P/N

PAGE 00

12/08/09

DISTRICT COURT OF MARYLAND
TRAFFIC SYSTEM DISPOSITION INFORMATION

DIST:

CIT NUM: ODZ81803 NAME: NALLEY, ROBERT CHRISTOPHER DIST/LOC: 04 02
VIO DATE: 08/10/09 D/LI: N400-745-115-724 MD AGY/SAGY: CD 08
RL DATE: FINE: 557.50 CHARGE: TA14104 A OFFICER: 0604
TRL TIME: PAID: 557.50 DISP: TR PBJ 10/28/09 STATUS: T 10/28/

DISPOSITION BY TRIAL PROPORTION ----- PERSONAL INJURY: 1
FINE: 500.00 COST: 22.50 CICF: 35.00
SUSP FINE: .00 COST: .00 CICF: .00
ALCOHOL REST: NO SPEC ATTN: NO AEP: NO DIP: NO SUBSEQ OFFENSE: NO
CONFINEMENT: 00/00/000 SUSP: 00/00/000 BEGINS: CRED/TIME SERVED:
AMENDED ART: TA SECTION: 14 SUB-SECTION: 104 PARAGRAPH: A CODE:

NEXT PAGE P/N
FOR TRIAL COMMENTS OF TCOM/PROB/SENT - HIT ENTER

PAGE 00

1 Q Today's date is August 21st, 2009. It's
2 approximately 12:00 noon. In the room is myself
3 and Robert Nalley, Judge Nalley. This is
4 Sergeant Brooks.

5 Mr. Nalley or Judge Nalley, are you
6 aware that you're being interviewed at this time?

7 A Yes, sir.

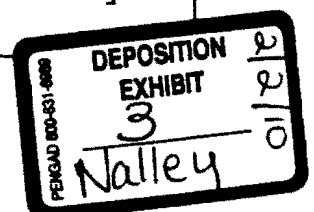
8 Q Okay. And you're aware that it's being
9 recorded?

10 A Yes.

11 Q Okay. So what I'm doing is I'm filling
12 out an advice of rights and waivers form, and
13 after introducing myself and today's date and
14 time, I'm going to read you something that gives
15 rights under the law. If you do not understand
16 something I say, please stop and I will explain.

17 You have the right to remain silent. If
18 you choose to give up that right, anything you
19 say can be used against you in court. You have
20 the right to talk to a lawyer both before you are
21 asked any questions and to have a lawyer with you

Deposition Specialists
2043 E. Joppa Road, Suite 389
Baltimore, Maryland 21234
Tel: 410-534-0551 Fax: 410-668-6335



1 while you are being questioned. If you want a
2 lawyer but cannot afford one, a lawyer will be
3 provided for you at no cost. If you want to
4 answer questions now without a lawyer, you still
5 have the right to stop answering questions at any
6 time. Do you understand these rights?

7 A Yes, sir.

8 Q Do you want to make a statement without
9 a lawyer at this time?

10 A I'll let you know.

11 Q Okay.

12 A It's probably yes, but I'll let you
13 know.

14 Q Have you been promised anything or
15 offered any kind of reward, benefit, or have you
16 been threatened in any way in order to make
17 you --

18 A No.

19 Q Make a statement?

20 Are you under the influence of any drugs
21 or alcohol at the current time?

1 A [Inaudible].

2 Q Okay.

3 A Tell you what, before we sign that,
4 which I'm going to sign, but I hesitated on that
5 question because I have a document I want to hand
6 you.

7 Q Okay.

8 A Which to my way of thinking does account
9 for things in which you're interested.

10 Q Okay.

11 A And it'll tell you my side of it.

12 Q Well, that's good.

13 A My --

14 Q I'd be happy to read [inaudible]?

15 A I, I will tell you that I have, I have
16 shown this paper to a couple of people, including
17 someone in what I will call my chain of command
18 and [inaudible] which is it amounts to the
19 information I have provided them about the
20 incident.

21 Q Okay.

1 A I think it only appropriate to provide
2 people who have an official interest in it with
3 this, so you can look at it and, and [inaudible]
4 and I'll see where we are once you have read it.

5 Q Okay.

6 A So I gets this means I am willing to
7 give you a statement without a lawyer present.

8 Q Okay.

9 A So that's maybe how we fill that form
10 out.

11 Q Okay. Well, this will certainly save
12 time asking you the rights statement since you've
13 got one done.

14 A Yeah.

15 (Pause)

16 Q Okay. I've taken the time to read your
17 statement [inaudible] copy of it, right?

18 A You want me to additionally add data
19 [inaudible].

20 Q Yeah. Yes, I'm going to get you to go
21 ahead and finish doing that, and you know, like I

1 said, obviously you're going stop at any question
2 I get to --

3 A Sure.

4 Q You know, that [inaudible]?

5 Now, if you want to go ahead and
6 [inaudible] on that. I don't think we need to
7 worry about those fancy forms.

8 Okay. And sir, I have just a few
9 questions I'd like to get some points just, you
10 know, clarified if we can, okay. Obviously
11 there's a lot of comments been made to the press
12 and in some of those, you know, where you were
13 asked what had happened and what's happened in
14 the past and stuff like that, would you like to
15 clarify any of those statements? Were they
16 misquoted, were they taken out of context, any of
17 that kind of stuff?

18 A There was a misquote, I think I can see
19 how it was misconstrued. I did tell Bethany
20 Rogers (phonetic) that I had previously put notes
21 on windshields without effect. I guess it was, I

1 did not intend for her to think that I had put
2 them on that particular car because I hadn't, but
3 have I done it before on cars? Yes. That's the
4 only error I know of in that, her account.

5 Q Okay.

6 A And she's the only press person to whom
7 I have spoken --

8 Q Okay.

9 A Well, I take that back [inaudible] in
10 here, there was a Channel 9 lady out here and she
11 heard what I said to [inaudible] and [inaudible]
12 video camera, a little camera thing, and I said
13 well, yes. And she said, well, I heard your
14 statement and we heard what I said to the chief
15 and that's pretty much it. And --

16 Q All right. And so the part about the
17 leaving the notes and stuff, that obviously was
18 true. In that it also said something about you
19 had flattened the tires in the past. Was that
20 also true, or?

21 A Oh, sure.

1 Q Okay. All right. Do you know any of
2 the dates and times you did this?

3 A No.

4 Q Okay.

5 A [Inaudible] a rare occurrence but it has
6 been done --

7 Q Okay.

8 A On prior occasions, [inaudible]. We
9 shared a parking venue with Christ Church, that
10 lot behind there, and there was some kind of
11 arrangement with the county, between the county
12 and the church in the use of that lot. And my
13 kids were enrolled in the little day school that
14 was there. And I remember coming in there one
15 morning and there was some [inaudible] both these
16 kids are in college now so it was that long ago.

17 I recall a, coming in there one morning
18 and the routine was I dropped the kids off, they
19 go into one building, I go in the other. And
20 there was some fellow or there was a vehicle
21 parked in the lane perpendicular to other

3 supposed. And there was nobody around, so I hit
4 against the right rear tire. And as I'm doing
5 it, this guy walks up, what are you doing. Isn't
6 it obvious? Why are you doing that? Isn't that
7 obvious. [Inaudible] man, don't do that. Well,
8 don't park here. Man, I won't. So he drove
9 way. So that's the incident that I remember.

10 Q Okay.

11 A I don't remember, you know. I mean I
12 was, that was a [inaudible] lot that was my role
13 as a patron of the school, my role as somebody
14 involved in the courthouse most probably. Did I
15 do it? Hell, yes [inaudible]

16 Q Well, it wasn't the keen impact that was
17 involved in this?

18 A No, no.

19 Q So as far as you're aware then this is
20 the first time that you knew that she was
21 actually received a note or any indication of --

1 A Well, I'm not aware that anybody had
2 said anything to her about parking.

3 Q Okay.

4 A And as I mentioned in my statements to
5 Bethany, I said I had no idea, I'd seen that car
6 there before, I had no idea, no reason to think
7 even that it didn't belong there, no reason to
8 pay any attention to it.

9 The only reason that I remembered it was
10 the vanity tag and I [inaudible] thought it was
11 probably over there at the day care place. I
12 didn't think, I had no reason to think it was a
13 county employee. I didn't realize that it didn't
14 have a little card thing with a number on it
15 until I saw it in the space behind me.

16 Q Now were these other incidents, the
17 dates and times and stuff like that --

18 A At least ten years ago.

19 Q Okay. So we're not talking --

20 A When I mentioned this was at least ten
21 years ago.

1 Q Okay. But obviously that was the
2 question, I mean this lady didn't park there
3 until close to three o'clock in the afternoon and
4 that was some of the questions that came up, you
5 know, if you're gone everyday around three
6 o'clock, you know, [inaudible]?

7 A And the answer to that question is I'm
8 usually there at quarter to 9:00 in the morning
9 until late in the evening, but that particular
10 day I had been, there had been a death in my
11 family, I had been up to Washington at a funeral
12 home, and a cemetery, and at a lawyer's office
13 making arrangements for the burial of my aunt who
14 had died the previous Friday. So that's why I
15 was arriving at I think about 2:30 that Monday
16 afternoon.

17 Q Okay.

18 A I had not been -- thank you, I had not
19 been parked in that space earlier that day
20 because I was just arriving at that time.

21 Q Okay. All right. Were you under the

1 influence of any drugs or alcohol at the time of
2 the incident?

3 A No.

4 Q Okay. And as a judge, do you feel that
5 that was in character?

6 A I think the statement I gave you pretty
7 well sums up my sentiment about it, attitude.

8 Q All right. And to the best of your
9 knowledge, you don't have any kind of drug or
10 alcohol problem, is that correct?

11 A No, sir.

12 Q And what were you hoping to gain by your
13 actions?

14 A Again, I think the document I gave you
15 [inaudible].

16 Q Okay. What did you use to release the
17 air from the tire?

18 A Either a pen or a key, something that
19 would fit and depress, I think it was a key,
20 depress the valve.

21 Q All right. Were your intentions to do

1 permanent damage to the vehicle?

2 A Obviously not.

3 Q Okay. And what do you think --

4 A The purpose obviously was to disable the
5 vehicle, as distinct from do harm to it.

6 Q Okay.

7 A And to inconvenience minimally the
8 person.

9 Q Okay. And what do you think should
10 happen?

11 A Well, I think I should make the
12 declaration that has been set out in the last
13 paragraph of the prepared statement I gave you.
14 I think that there is a, I recognize that there
15 is a need for everyone who knows about this to
16 appreciate that my job does not put me in a
17 position to be treated any better certainly than
18 anyone else, and to the extent that my job
19 dictates that I should be treated differently
20 than anybody else, I should be treated, I should
21 be held probably to a higher standard of

1 conduct.

2 So [inaudible] you know, my life has
3 been doing the kind of things that someone in
4 office has to do and that people in the judiciary
5 organization and [inaudible] have to do what they
6 have to do. I, in this situation should be the
7 last person to tell them how to handle it
8 [inaudible] diplomatic, but I think it's pretty
9 accurate.

10 Q Okay. Do you find conflicts with
11 [inaudible] obviously we look at this and regard
12 it is a violation of the transportation code
13 14-104e?

14 A Yeah.

15 Q And as such what we're going to do at
16 this point is I'm going to issue a traffic
17 ticket. We're going to walk it through the
18 courts to make sure that their office gets
19 notified so that they can come down and handle
20 that. That keeps it out of our local state's
21 attorney, okay.

1 So if you give me a minute to go find
2 and dust off the ticket book, I haven't written
3 one in about three years, but.

4 A You're going to need this.

5 Q I will. I will need the driver's
6 license.

7 A Yeah. I know there's some irony here.
8 This is off the record.

9 Q All right. At this time I'm going to
10 conclude the taped interview with Judge Nalley.

11 (Off the record)

12

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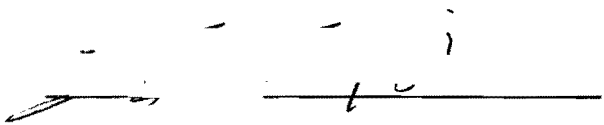
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CERTIFICATION

I, LYNNE LIVINGSTON, A Notary Public of the State of Maryland, Baltimore County, do hereby certify that this is a verbatim transcription of the digital audio recording; that this transcript is a correct and accurate record of the proceedings, to the best of my knowledge, ability and belief.

I further certify that I am not of counsel to any of the parties, nor in any way interested in the outcome of this action.

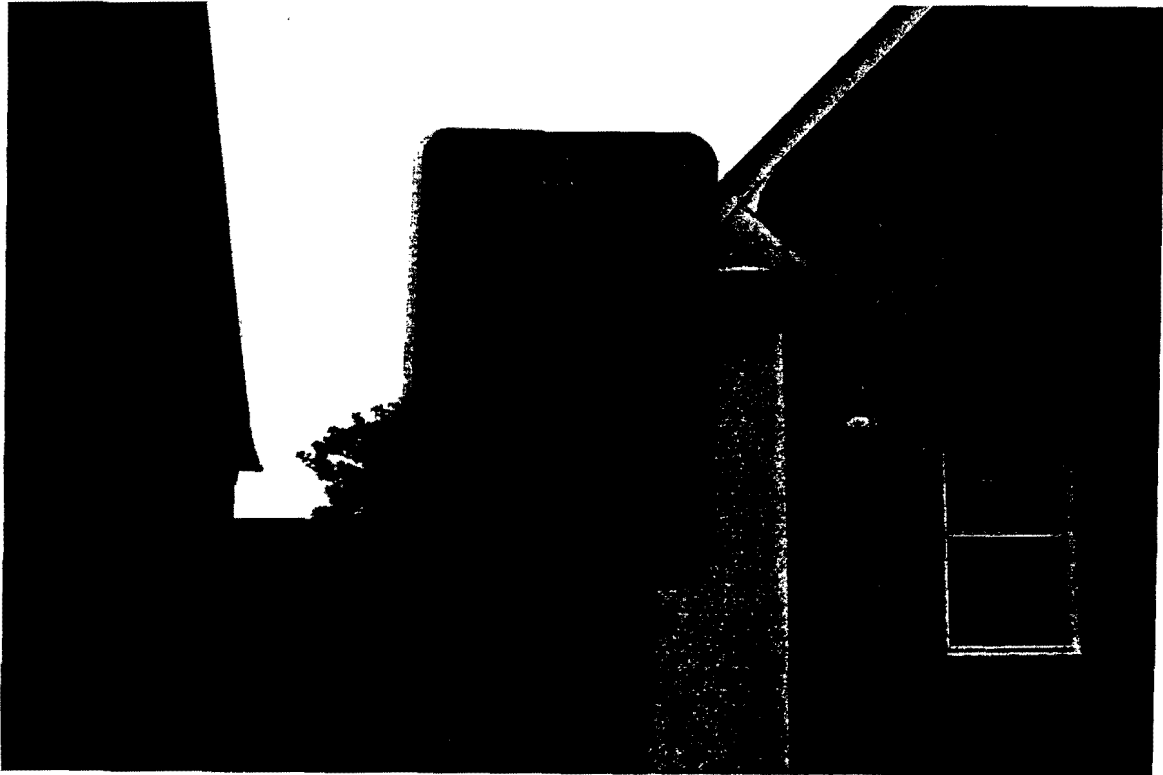
AS WITNESS my hand and notarial seal this 30th day of November, 2009.



Lynne Livingston

Notary Public

My Commission Expires November 23rd, 2011



DEPOSITION
EXHIBIT
4
Nallen *o/efe*

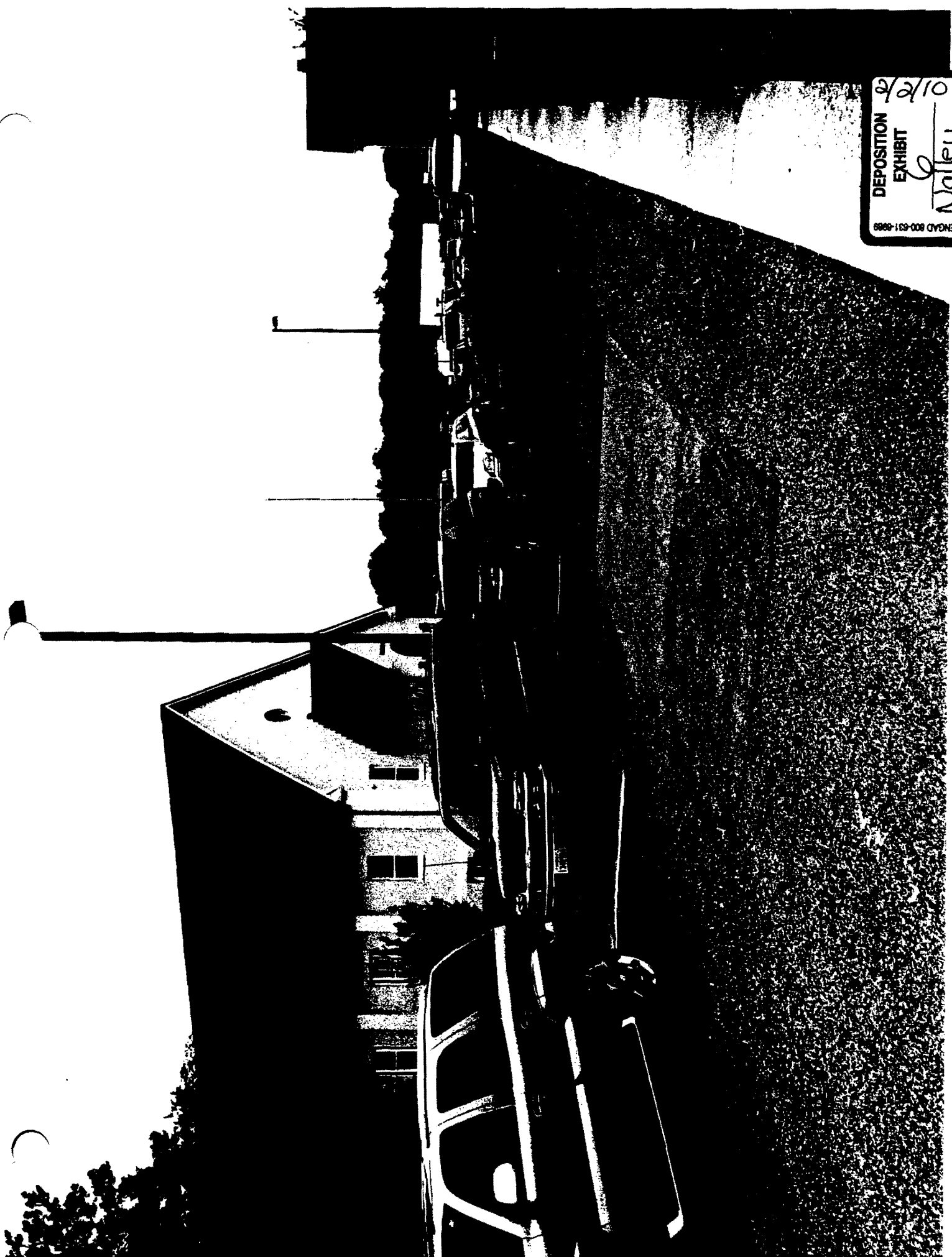
PENSAUD 800-631-6096

2/2/10
DEPOSITION
EXHIBIT
5
WALTER
800-155-008 QV5N



DEPOSITION
EXHIBIT
2/2/10
Nafey

PENNSAD 800-631-8989





Seventh Judicial Circuit of Maryland

COURT HOUSE

POST OFFICE BOX 859

LEONARDTOWN, MARYLAND 20650

301-475-7844 EXT. 4130

KAREN H. ABRAMS

ADMINISTRATIVE JUDGE

November 17, 2009

Commission on Judicial Disabilities
100 Community Place
Crownsville, MD 21032

Re: The Honorable Robert C. Nalley

Dear Members:

Please be advised that I have been asked by Judge Nalley to write to you concerning his upcoming appearance concerning his recent legal problems in Charles County, and I am happy to do so. Without in any way diminishing the seriousness of the incident, I would hope that Judge Nalley's history as a judge and his sincere remorse for his actions would be a large part of the consideration of what I perceive to be the consequences to which he may be subject.

Judge Nalley has been a judge, first on the District Court for Charles County and then on the Circuit Court for Charles County, for many years. I appeared before him in both courts many times as a practitioner and always found him to be extremely fair in his rulings and decisions. My clients and I also were never treated with anything other than respect and courtesy, no matter how difficult or contentious the case may have been. In other words, he exhibited all of the behavior desired to be found in a judge and performed his duties in an exemplary manner. Having occasionally experienced different behavior from other judges, it was a pleasure to prepare for and present a case before Judge Nalley, whether it was civil or criminal.

Since taking the bench myself, I have had the opportunity to interact with Judge Nalley, and have found him to be a pleasure to work and converse with on those occasions. We have, in addition, discussed the incident that brings him before this Commission, and I believe that he is truly remorseful and embarrassed by the occurrence.

Commission on Judicial Disabilities
November 17, 2009
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I hope this will be of assistance to you in determining the appropriate action to take in this matter.

KAREN H. ABRAMS
Administrative Judge

cc: The Honorable Robert C. Nalley

Seventh Judicial Circuit of Maryland

COURT HOUSE
P.O. BOX 3060
LA PLATA, MARYLAND 20646

AMY J. BRAGUNIER
ADMINISTRATIVE JUDGE

(301) 932-3265
(301) 870-2459

November 20, 2009

Maryland Commission on Judicial Disabilities
100 Community Place
Crownsville, MD 21032

Re: The Honorable Robert C. Nalley

Dear Commission Members:

I write this letter in support of Judge Nalley, whom I have known for approximately twenty years. I have always known Judge Nalley to be fair and respectful to attorneys and litigants who appear before him.

The incident which brings him before you should not eclipse his career as a hard-working, intelligent judge. You will find no one who cares more about this court than Judge Nalley. He is extremely remorseful for his actions, and he has been embarrassed and humiliated by the notoriety which has ensued. His concern is primarily for the shame he believes he has brought to his family and courthouse personnel.

Very truly yours,

Amy J. Bragunier

AJB/gdg

Seventh Judicial Circuit of Maryland

COURTHOUSE
P.O. BOX 3060
LA PLATA, MARYLAND 20646

STEVEN G. CHAPPELLE
ASSOCIATE JUDGE

(301) 932-3430
(301) 753-1970

November 18, 2009

Commission on Judicial Disabilities
100 Community Place
Crownsville, Maryland 21032

Re: The Honorable Robert C. Nalley

Dear Commission Members:

Please accept this letter of support on behalf of Judge Robert C. Nalley regarding the current matter pending before your Commission.

Although I have known Judge Nalley for over 25 years, it was after my appointment to the Circuit Court Bench in 1995 that I truly became acquainted with him. Over the past 14 years I have observed that Judge Nalley is a dedicated public servant, who has made very significant contributions to both the Circuit Court Bench and the citizens of Charles County. I know of no other judge who works as hard as Judge Nalley. He has dedicated his professional life to ensuring that litigants have the law applied fairly and accurately when they appear before him. It is my opinion that the citizens of Charles County have confidence that justice will prevail when he presides over his assigned caseload. Quite frankly, there could be no higher compliment given to a member of the Judiciary.

Judge Nalley is extremely professional and efficient in dealing with counsel, the parties and all who enter the courtroom when he presides. He is willing to tackle burdensome dockets without complaint. He has earned the respect of the legal community and is known as an extremely intelligent and fair judge. Generally, I believe that Judge Nalley is recognized for his keen ability to render clear, complete and concise factual findings and accurate and insightful legal opinions from the Bench. It always impressed me that he remains a student of the law and is constantly developing his understanding of legal principles.

During the past 14 years, I have also observed Judge Nalley manage the position of Administrative Judge for Charles County. He was an outstanding administrator. I greatly admired how he would maintain his equal share of the case assignments and handle the additional administrative duties required by that position. Judge Nalley respected the decisions of his fellow judges in Charles County and totally refrained from attempting to influence them in any way. He ensured that the cases were evenly distributed amongst the presiding judges. Judge Nalley was diligent in his efforts to make sure that the Circuit Court for Charles County operated in a fair and efficient manner. I believe his important

Commission on Judicial Disabilities

November 18, 2009

Page -2-

contributions as the administrative judge are probably unknown outside the realm of individuals who work in the courthouse in Charles County. I can assure you that his efforts provided very meaningful benefits to the courts and the citizens of Charles County.

For all the years I have know Judge Nalley, he has always treated me, other members of the Bench, the members of the Bar and the public with the utmost dignity, respect and compassion. He has displayed the highest moral character and has served as a role model for newly appointed judges. His conduct and demeanor reflect positively on the Judiciary as a whole. Judge Nalley has been an invaluable asset to the successful completion of our mission in Charles County.

Thank you for taking the time to consider this letter. I hope that you act favorably on behalf of Judge Nalley at this time.

Very truly yours,

—
Steven G. Chappelle'

SGC:llt



Office of the Sheriff

Charles County, Maryland
Headquarters
6915 Crain Hwy - P.O. Box 189
La Plata, Maryland 20646-0189
301-609-6400



An Internationally
Accredited Agency

November 17, 2009

Commission on Judicial Disabilities
100 Community Place
Crownsville, Maryland 21032

Dear Commission Members:

I am writing on behalf of Circuit Court Judge Robert C. Nalley. It is my understanding that he will soon be before you for disposition of his Charles County case.

I have known Judge Nalley for 36 years. I both admire and respect what he has been able to accomplish, doing his part to make our county safe and being fair to our citizens. I quite frankly feel that Charles County can't afford to be without him. That is also the opinion of many from within the law enforcement community here.

I am in no way minimizing what he has done. He deserved the punishment and embarrassment he received in District Court for breaking the law. I will ask you to take into consideration the mental torture he has subjected himself to. No one can measure that. I know he is a good and decent man who has learned from this experience and still wants to make a difference in our county. I believe he still can.

Thank you for your consideration in this matter.

Sincerely,

Rex W. Coffey, Sheriff
Charles County, Maryland

Seventh Judicial Circuit of Maryland

COURTHOUSE
P.O. BOX 3060
LA PLATA, MARYLAND 20646

HELEN INA HARRINGTON
ASSOCIATE JUDGE

(301) 932-3250
(301) 870-2453

November 16, 2009

Honorable Patrick L. Woodward, Chairperson
Commission on Judicial Disabilities
100 Community Place
Crownsville, Maryland 21032

Re: Hon. Robert C. Nalley

Dear Judge Patrick L. Woodward:

I have worked with Judge Nalley for twenty-two years: first as a new assistant state's attorney presenting cases before him in District Court; then, for seventeen years as a Master for Domestic Relations reporting directly to him; and most recently as a colleague, after my appointment to the bench. He has a record of distinguished public service stretching back even farther. I am in awe of his dedication to the court and the tireless efforts he has made to keep the system running. He has always been willing to share his legal and judicial expertise with struggling young attorneys and experienced members of the bar alike. Judge Nalley brings a strong sense of fairness to his work, and doesn't fail to see the human face behind the court case.

It would be a shame, and would serve no useful purpose, to impose a sanction that would hinder Judge Nalley from continuing his dedicated service to the Maryland courts. His lapse into temporary foolishness has already exacted a harsh penalty in the form of relentless media attention and public embarrassment. After several private conversations with him, I am certain that he "gets it" and a similar error of judgment in the future is very unlikely.

I am confident that the Commission will consider fully Judge Nalley's record of service to the judicial system and design a sanction that is in proportion to the conduct. In this instance, a reprimand, which could be made public, seems sufficient.

Please do not hesitate to contact me if I can provide additional information to the Commission.

Sincerely yours,

Helen Ina Harrington

Via: FACSIMILE & MAIL (Confidential)
William Brennan, Jr.
6305 Ivy Lane, Suite 700
Greenbelt, Maryland 20770-6303
Fax: 301-474-5730



Seventh Judicial Circuit Of Maryland

Circuit Court for Calvert County
175 Main Street
Prince Frederick, Maryland 20678

Warren J. Krug
Associate Judge
County Administrative Judge

(410) 535-1600 Ext. 296
(301) 855-1243 Ext. 296
FAX - (410) 535-9336

November 17, 2009

Commission on Judicial Disabilities
100 Community Place
Crownsville, Maryland 21032

Mr. Chairman and Members of the Commission:

I am writing in support of Judge Robert C. Nalley regarding the matters presently before you. I have known Judge Nalley in his position as a Judge in both District and Circuit Court in Charles County for more than 25 years. Before my appointment to the Circuit Court for Calvert County in 1993, I represented clients before him. Since my appointment to the Court I have had many dealings with him in our Judicial roles.

I was dismayed when I read and heard about the incident with Judge Nalley that rings him before you. This was not the Chris Nalley that I had known for so many years. I know that he regrets and is embarrassed, for himself as well as the judiciary, about this event. I hope that when making your decision, you will also consider his many years of dedicated service to the citizens of Charles County and the State of Maryland. In addition to his judicial duties, he has served as State's Attorney and been involved in community activities, such as service organizations and teaching at the local community college, the College of Southern Maryland.

Thank you for taking the time to read this and if you have any questions, please do not hesitate to contact me.

Very truly yours, /

Warren J. Krug



Seventh Judicial Circuit of Maryland

COURT HOUSE
POST OFFICE BOX 859
LEONARDTOWN, MARYLAND 20650

November 17, 2009

301-475-4823

MARVIN S. KAMINETZ
COUNTY ADMINISTRATIVE JUDGE *RET.*

Commission on Judicial Disabilities
Peoples Resource Center
100 Community Place
Crownsville, Maryland 21032

Re: Robert C. Nalley

Dear Commission:

I am aware that the Commission will address the matter of Judge Nalley's having admittedly deflated a tire on an improperly parked car at the Charles County Courthouse in August of this year. I have discussed the situation with Judge Nalley and with colleagues and write in an effort to put the incident in some perspective.

First, I am persuaded of the sincerity of Judge Nalley's professions of regret over the matter and the negative manner in which the behavior reflected on the judiciary as a whole. Further, it is clear to me that he appreciates the need for the Commission to be seen by judges and the public at large as unwilling to countenance even this kind of digression from deportment standards.

Second, I can report that I have known and worked in conjunction with Judge Nalley on matters directly and tangentially involving Maryland court operations for 35 years or more. We served together for years on the old Judicial Conference Committee on Juvenile and Family Law while I was a Juvenile Master and he was a former prosecutor and former and future juvenile judge. Sometimes we agreed and sometimes we did not on approaches to the recurring demands presented by limitations on juvenile services resources. In the 1980s I appeared before Judge Nalley in the District Courts of the Fourth District and thought his judgments sound, his dispositions fair and his attitude civil and reasonable: his chambers door was always open to counsel with procedural or scheduling challenges. In the late 80s, Chris and I became Seventh Circuit colleagues and, on Judge Briscoe's retirement, administrative judge colleagues. I always found Judge Nalley to be focused, if occasionally outspoken, but always interested in the system's wellbeing and in ideas for making it work better so as to accommodate the challenges of judges and court staff and the needs and interests of people with business before us.

Commission on Judicial Disabilities
November 17, 2009
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I suggest that you look upon the incident in question as an indiscretion out of character for someone I have observed spend a lot of years in the trenches making serious efforts which have been a credit to the Maryland judiciary.

Very truly yours,

Marvin S. Kaminetz

THOMAS V. MIKE MILLER, JR.
PRESIDENT OF THE SENATE
27th Legislative District



The Senate of Maryland

ANNAPOLIS, MARYLAND 21401-1991

November 19, 2009

Annapolis Address
H107 State House
Annapolis, Maryland 21401-1991
410-841-3700
301-858-3700

District Addresses
Prince George's County
P.O. Box 219
8808 Old Branch Avenue
Clinton, Maryland 20738
301-866-6931
Calvert County
P.O. Box 364
Dunkirk, Maryland 20754
410-257-4400

William C. Brennan Jr.
Brennan Sullivan & McKenna LLP
6305 Ivy Lane, Suite 700
Greenbelt, Maryland 20770

In re: Judge Christopher Nalley

Dear Bill:

First, I wish to thank you for taking the case of my lifelong friend and colleague, Judge Christopher Nalley. I have known Judge Nalley since we were young men growing up in Southern Maryland. We both worked in our family's grocery stores and our parents often interacted with reference to merchandise and produce that one or the other store grew short of. Meeting young Chris Nalley, I encountered a young man who being trained by Jesuits, was always extremely polite, respectful to those around him, conscientious and had a work ethic which put many of his older peers to shame.

Our paths separated when we both went to different colleges and law schools but after law school I met him again when he became employed as an assistant state's attorney with Charles County serving under John C. Hancock. Mr. Hancock, an honest man, a fine state's attorney but somewhat partial to John Barleycorn. The office was basically part time and Chris did the lion's share of the work. Later, Chris became the State's Attorney for Charles County and in addition to being both tenacious while fighting for justice, he exercised sound fundamental fairness in the prosecution of cases.

Judge Nalley I know to be a legal scholar and as a Circuit Court judge I have seen him often rule from the bench on complex issues. His decisions are often wordy but well reasoned and although Judge Nalley can be a very tough sentencing judge I have never heard anyone speak ill of him or anyone even suggest that he is in anyway not totally honest. In fact, having represented Charles County in the Senate for a decade in the 80's and 90's every person I came in contact with, with regard to Judge Nalley, was extremely proud that he was on the bench.

Having spoken to Judge Nalley concerning his current situation and being aware of what he has pled guilty to, I know that he is sincere in his remorse. Often times we act without considering the consequences and I believe that after several days of a person parking in his parking space Judge Nalley now wishes that he contacted the Sheriff's Office instead of resorting to the self help doctrine that persons of our age bracket so often resort to.

William C. Brennan Jr.
November 19, 2009
Page Two

In closing, let me simply add that Judge Nalley has suffered greatly as a result of this and the people of Charles County will greatly benefit the sooner that Judge Nalley is returned to his position as Chief Judge of the Charles County Circuit Court, is allowed to control the docket, and to dispose of any and all types of cases that come before the Circuit Court of Charles County, Maryland.

Yours very truly.

Thomas V. Mike Miller, Jr.

TVMM:db

John F. Mudd
Box 310, Idaho Farm
La Plata, Maryland 20646

November 13, 2009

Judicial Disabilities Commission
100 Community Place
Crownsville, MD 21032

Re: Robert C. Nalley

Dear Ladies & Gentlemen:

I understand that you intend to consider what sanctions, if any, should be imposed upon the Honorable Robert C. Nalley for his inappropriate conduct that occurred in Charles County in August 2009. I am sure that you are aware that Judge Nalley has sincerely apologized to the immediate victim of his conduct, to his family and to the citizens of Charles County for his injudicious behavior. He has been publicly castigated in the press, on TV and on the airways. He was asked to resign as Administrative Judge and to refrain from participation in any criminal cases. He has accepted all of the critical scrutiny with grace and dignity. I suspect, on many levels, he has already paid a price for his conduct greater than any additional sanction you can impose.

I have known Judge Nalley for all of his 66 years and I feel compelled to write this letter to insure that you appreciate there is much more to this man than the negative commentary his admittedly illegal conduct has generated.

Growing up, Judge Nalley was a playmate, a schoolmate, a neighbor and we both went to Law School. Judge Nalley attended Georgetown Law School at night, while working for the criminal division of the U.S. Department of Justice during the day. In July 1969 we both sat for and passed the Maryland Bar Exam. Judge Nalley, soon after sitting for the Bar Exam, enlisted in the U.S. Army, and served his country in Vietnam. He was honorably discharged in the summer of 1971 with the rank of Captain. Judge Nalley returned to Charles County and was sworn in as an Assistant State's Attorney in the fall of 1971. He went on to serve as Deputy State's Attorney and then was elected twice by the citizens of Charles County in 1974 and 1978 to the position of State's Attorney for Charles County. I suspect that I was his adversary in the Courtroom, as often as any member of the Bar during those years. There was never a doubt about where he stood on any issue. He prosecuted every variety of criminal case and fulfilled his duties at every level with dignity, competence and integrity. He was a respected public servant and tireless worker as State's Attorney. It is doubtful there was anyone who was working any harder in the Courthouse during those years. He earned a justified reputation for being thorough, conscientious, decisive, tough, yet

John F. Mudd
Box 310, Idaho Farm
La Plata, Maryland 20646

Judicial Disabilities Commission
November 13, 2009
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compassionate. It is a reputation that he would continue to justify throughout his judicial career.

Judge Nalley was sworn in, initially, as a Circuit Court Judge on March 27, 1980, but lost his seat on the bench in a contested election on May 13, 1980. He was subsequently appointed by Governor Harry Hughes to fill the vacant position in the Charles County District Court on February 2, 1981, where he served with distinction until September 1988. During that time, he served as Administrative Judge for the 4th Judicial Circuit from December 1982 until September 1988. On September 30, 1988, Judge Nalley was sworn in as Charles County Circuit Court Judge for a second time and has continuously served with distinction in that capacity for over 21 years.

I spoke at Judge Nalley's Investiture on September 30, 1988, and at that time I made reference to a quote from an article that appeared in the Times Crescent Newspaper in Charles County on November 2, 1983 at a time when Judge Nalley's legal and judicial career had lasted for 14 years and would continue to the present, another 26 years of commendable and competent judicial service to his community and to his profession. I think the words that follow were true in 1983 and they are true today and suggests the measure of the man that you will be judging:

Times Crescent Newspaper Charles County November 2, 1983

"Some people dismiss Chris Nalley as a genius. While probably no one can peg District Judge Robert C. Nalley, calling him a mere genius is an injustice.

What Nalley is, he is in the extreme. Intelligent. Dedicated. Capable. Caring.

In his 12 plus years as Assistant State's Attorney, State's Attorney, Circuit and District Judge, Nalley has had more positive influence on criminal justice in this County than anyone else. Whether it be rescuing this County's Circuit Court backlog by stepping into the Judgeship breach or holding on to the back of a police battering ram, Nalley has never failed to go to the wall for this County and its people.

John F. Mudd
Box 310, Idaho Farm
La Plata, Maryland 20646

Judicial Disabilities Commission
November 13, 2009
Page 3

As an elected official and Judge, Nalley's politics have been simple. His allegiance is to right over wrong, justice over injustice, and he chooses not to hide these feelings. He is that rare public figure who places honesty, integrity and fairness over politics and self-promotion.

Few will ever know the contributions Chris Nalley has made. Perhaps an indication is that Nalley, for all his intensity, dedication and ability, has given almost his entire life to the law in this County. He has argued with the County Commissioners and carried infants from crime scenes.

As has been said before, this County is strengthened by great Judges. Circuit Judges George W. Bowling and Richard J. Clark are not only gifted but have the personal integrity to do the thoughtful, compassionate job that is so difficult yet so necessary.


But it is Nalley's varied career and his uncompromising crusade for justice and safety that have captured forever the respect of those who have seen his efforts."

I urge you to measure the infraction that brings Judge Nalley before you against the full measure of the man and his stellar history of service and accomplishment.

Judge Nalley has never measured time by the tick of the clock or by the sun, but only by the amount of work that had to be done. I think he loves his job; does it well; and I hope you will allow him to continue to do it well.

Thank you for your time and consideration.

Very truly yours,


John F. Mudd

MARTIN O'MALLEY
GOVERNOR

**OFFICE OF THE PUBLIC DEFENDER
DISTRICT FOUR – CHARLES COUNTY
SOUTHERN MARYLAND TRADE CENTER
101 CATALPA DRIVE, SUITE 102A
LA PLATA, MARYLAND 20646**

Local: (301) 539-7330 Metro: (301) 753-4453
St. Mary's: (301) 884-4306 Fax (301) 539-7369
Toll Free Number 1-877-430-5187

ELIZABETH L. JULIAN
ACTING PUBLIC DEFENDER

PATRICIA L. CHAPPELL
ACTING DEPUTY PUBLIC DEFENDER

SHEILA J. SULLIVAN
DISTRICT PUBLIC DEFENDER
FOR CHARLES, ST. MARY'S
AND CALVERT COUNTIES

DOROTHY GARDNER HODGE
DEPUTY DISTRICT PUBLIC DEFENDER
FOR CHARLES, ST. MARY'S
AND CALVERT COUNTIES

November 17, 2009

Maryland Commission on Judicial Disabilities

%William C. Brennan, Jr., Esquire
6305 Ivy Lane, Suite 700
Greenbelt, Maryland 20770-6303

Re: Honorable Robert C. Nalley

I am privileged to write on behalf of the Honorable Robert C. Nalley. He is, beyond a doubt, an excellent judge and a credit to the Maryland bench. I have been appearing before Judge Nalley for many years as both a District Court and Circuit Judge. Rarely has he ruled in my clients' favor. But never has he been unfair, injudicious or unreasonable. He has always been gentlemanly with me and all of the attorneys with whom I have been associated. No one can justifiably criticize his knowledge of the law and legal procedure. And, he applies both even-handedly. I never have any trepidation about appearing before him. While he may be a "heavy" sentencing judge, he is not an unduly harsh sentencing judge.

Judge Nalley's contributions to the court system in Charles County over his many years on the bench are immeasurable. Particularly noteworthy is his establishment and administration of the Juvenile Drug Court. Without Judge Nalley, our juvenile drug court would have been stillborn. Today, it can treat up to 25 youths and is a model for other counties. Judge Nalley works long and hard hours to make the court system in Charles County function as well as it does. Additionally, he is active in many community organizations and projects, engaging in an exceptional amount of community service.

Judge Nalley made a mistake – a stupid, silly mistake. Because of who he is, his misbehavior made news. From immediately after his minor errant but deplorable act, Judge Nalley acknowledged the wrongfulness of what he did and was ashamed of himself. However, his one-time lapse in good judgment should not result in the deprivation of his services to Charles County and the State of Maryland. He has suffered much shame, embarrassment and humiliation as a result of his misbehavior. He has borne those as a gentleman and with dignity. And he has never made light of what he did. His remorseful conscience has already severely punished him. The result of all of this is that Charles

Maryland Commission on Judicial Disabilities

November 17, 2009

Page 2

County now has an experienced jurist who understands life and the errors made by those around us. If the Commission believes that further punishment is warranted, I believe a reprimand would be sufficient for the community and for Judge Nalley.

Should the Commission wish further information from me, I would be honored to appear and provided oral testimony on behalf of Judge Nalley.

Very truly yours,

William F. Renahan
Supervising Attorney
For Charles County
(301) 539-7330, ext 314

Fourth District Court of Maryland

COURTHOUSE
P.O. Box 3070
LA PLATA, MARYLAND 20646

KENNETH A. TALLEY
ASSOCIATE JUDGE

301-932-3275
Fax: 301-934-9094

November 16, 2009

Honorable Patrick L. Woodward, Chairperson
Commission on Judicial Disabilities
100 Community Place
Crownsville, Maryland 21032

Dear Judge Patrick L. Woodward:

I am writing this letter on behalf of Judge Robert C. Nalley and requesting that he receive discipline in the form of a public reprimand for the incident in question.

First, let me indicate that I do not believe this incident or his conduct should be condoned or minimized. I firmly believe that his actions that day are inexcusable and are not only outrageous but also an extreme embarrassment, not only to himself but also to this county and the entire Judiciary. Moreover, I understand that this affair has caused great distress to a decent hardworking woman whom neither asked for nor deserved this to happen to her. I believe the memory of this conduct will not soon fade and will continue to reverberate long after a decision is reached on his ultimate fate here and are now inexorably intertwined to his legacy.

That being said, I sincerely think that this singular, albeit egregious act should not be the last chapter in what has been an otherwise long and distinguished career as a Judge.

I have known Judge Nalley for about ten years in several capacities: while I was an Assistant Public Defender, a private Attorney, Assistant State Attorney and now fellow Jurist. In this time, I also participated in numerous professional activities with him. During those encounters, I have always found him to be a fair, if not stern man, passionate to be sure, but what has always stood out to me beyond all this is his tireless work ethic and focus on service. It is primarily for these reasons I think he should be given another opportunity.

After this incident, I saw another side of the Judge and the man that I have known for the past decade. I saw a person who was humble, contrite, and motivated to introspective. I sincerely believe the impact that this incident will have on him will be a net positive in reshaping his outlook, and if given any opportunity, hopefully making him a better Judge.

In closing, I believe that it would be extremely unfortunate if this became the final chapter in Judge Nalley's tenure on the bench. However, I think if he is given a public censure and is able to better himself,

as I believe he would from this experience, not only would he be enriched as a Judge but the people who come before him and the community as a whole would benefit.

Thank you for your time in reviewing my submission.

Sincerely yours,

Kenneth A. Talley

Via: FACSIMILE & MAIL (Confidential)
William Brennan, Jr.
6305 Ivy Lane, Suite 700
Greenbelt, Maryland 20770-6303
Fax: 301-474-5730

Sue A. Greer
9405 Tayloes Neck Road
Nanjemoy, Maryland 20662

November 11, 2009

Honorable Patrick L. Woodward
Commission on Judicial Disabilities
Peoples Resource Center
100 Community Place
Crownsville, Maryland 21032

Re: The Honorable Robert C. Nalley

Dear Judge Woodward and Commission Members:

I recently learned that the Commission is undertaking a review of the recent actions of the Honorable Robert C. Nalley, Circuit Court Judge for Charles County, Maryland. Upon learning of this, I felt compelled to write on his behalf.

It has been my honor and privilege to know Judge Nalley since 1992. Starting out as a young attorney in Judge Nalley's courtroom, I found him to be a great mentor, whose decisions were considered and fair. Well prepared for his docket, he expected attorneys to be the same. His chamber doors were always open and he willingly shared his knowledge and insight. After seventeen years of working as a prosecutor, General Counsel to the Sheriff's Office and now, Deputy County Attorney, Judge Nalley's commitment to the public and the bar has not changed. Currently, I am involved with a project to improve substandard living conditions and bring indoor plumbing to a number of Charles County households. As part of that program, I have been asked to recruit local attorneys for assistance. When the request for assistance was originally publicized, I received just one phone call. That phone call was from Judge Nalley. He was cognizant that his judicial position would prevent him from playing an active role. However, he offered whatever knowledge, support or insight he could provide within the limits of his office. His phone call showed great compassion and understanding for those less fortunate members of society.

Perhaps Judge Nalley's greatest attributes are his integrity, frankness and forthrightness. There have been occasions when that honesty stung, but it is has always been delivered with the best of intentions and helped others and myself to improve and to re-evaluate a situation for the better. I fear it is these attributes which have led to the current predicament. While Judge Nalley, made an error in judgment, it was his forthrightness and conversation with his superior, which was then published, that led to his vilification by the press and the public. Nonetheless, he was honest and that honesty should be valued. One error in judgment should not define Judge Nalley nor overshadow a lifetime of service to our community.

It is difficult, if not impossible, to put the sum of a man in one letter. Judge Nalley is an honorable and valued jurist. Any loss of his service would do great harm, not just to himself, but to the public he has so diligently served.

Please do not hesitate to contact me with any questions or concerns you may have.

Respectfully,

Sue A. Greer

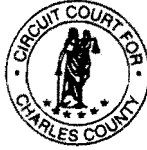
Circuit Court for Charles County

Sharon L. Hancock, Clerk of Court

P.O. Box 970 • La Plata, Maryland 20646-0970

301-932-3202 • 301-870-2659 • Fax: 301-932-3206 • TTY: 301-753-4258

<http://mdcourts.gov/clerks/charles>



November 14, 2009

Dear Judicial Review Committee,

I am writing this letter in regards to the upcoming Judicial Review Hearing for Judge Robert C. Nalley. I have worked with the Honorable Robert C. Nalley for approximately 30 years through various duty assignments within the District and Circuit Court, and have always found Judge Nalley to be a man of Honor.

Throughout these 30 years, I have found Judge Nalley to be very dedicated to the Bench, as well as providing all litigants equal and fair process. I have learned how much Judge Nalley loves the law, and the respect he has for his position. Due to the backlog of cases, Judge Nalley would frequently sacrifice his time and work late into the evening hours, in order to provide due process for matters before the Court.

I have had the opportunity to witness Judge Nalley be firm when passing sentences, and on many occasions defendants have appeared or wrote letters to thank him for the sanctions imposed. I am aware of several parents who have tried to arrange meetings with the Judge, in order to thank him for taking the time and consideration of placing their child in a treatment facility.

My respect for Judge Nalley is strengthened by my knowledge of the humanity and assistance that he has provided to Defendants, who were being release for time served, with no place to go, by calling Catholic Charities, and providing a few dollars of his own money, so the defendant could have a meal.

Citizens in the political arena have approached me regarding the difficult and unfortunate situation of this matter. Most people have been dismayed by the fact that the press has severely punished this man and his family. The consensus that I have repeatedly heard is that Judge Nalley is a good and honorable man, and good people do and will make mistakes. I truly believe that the community at large is familiar with the service and commitment that Judge Nalley has provided. I have discussed this matter with Judge Nalley, and I know that he understands the nature of the incident, and I would have no reason to believe that similar actions would occur.

My own commitment and dedication to the Court was established from the mentoring and teaching of Judge Nalley, as well as his teaching of others throughout the Judiciary.

I would respectfully request that the Honorable Robert C. Nalley continue to serve the public in the utmost fashion of the commitment and dedication to the citizens, from my familiarity of his service of the last 30 years.

Please let me know if you have any questions or concerns.

Sincerely,

Sharon L. Hancock