

**STATE OF MARYLAND**

**BEFORE THE COMMISSION ON JUDICIAL DISABILITIES**

<b>In the Matter of the</b>	*	
<b>HONORABLE ALFRED NANCE,</b>	*	<b>CJD 2015-121, CJD 2015-163</b>
<b>Judge of the Circuit Court of</b>		<b>and</b>
<b>Maryland for Baltimore City,</b>	*	<b>CJD 2016-012</b>
<b>Eighth Judicial Circuit,</b>		
<b>Respondent</b>	*	

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER AND RECOMMENDATIONS**

Pursuant to Charges filed by the Investigative Counsel, the response filed by Judge Alfred Nance (hereinafter "Respondent" or "Judge Nance"), and prior written notice of hearing to Respondent, a public hearing was conducted in the above-entitled matter in Annapolis (hereinafter "Hearing"), as authorized by Maryland Rule 18-407 (a), (b), (c), (d) and (i), on September 14, 15, 20 and 21, 2017, before the Maryland Commission on Judicial Disabilities (hereinafter "Commission"). Carol A. Crawford, Esq., Investigative Counsel, Tanya C. Bernstein, Esq., Deputy Assistant Investigative Counsel, and Derek A. Bayne, Esq., Assistant Investigative Counsel, prosecuted the case against the Respondent, Judge Alfred Nance. The Respondent was present at the Hearing and represented by William Brennan, Jr., Esq.

The following Commission Members participated in the hearing: Honorable Susan H. Hazlett, Acting Chair, Vernon Hawkins, Jr., Arielle F. Hinton, Esq., Richard M. Karceski, Esq., Susan J. Matlick, Sally McLane Young Ridgley, and Marisa A. Trasatti, Esq. The Honorable Robert B. Kershaw recused himself at the beginning of the proceedings on September 14, 2017 and did not participate as a Commission Member

at the hearing. Commission Members Susan R. Hoffmann and Virginia L. Fogle were unable to be present for the duration of the hearing and therefore did not participate in the hearing. The judicial seat held by an appellate court judge was vacant, awaiting gubernatorial appointment. The seven (7) Commission Members present at the Hearing constituted a quorum, pursuant to Maryland Rule 18-403(e).

During the Hearing, the following stipulated materials were offered and accepted into evidence without objection: Joint Exhibit 1, Audiovisual recordings - State v. Montrelle Braxton (May 26, 28, 29 and June 1-4 2015); Joint Exhibit 2, Audiovisual recordings – State v. Quinere Harcum and State v. Caprice Jones (September 1, 2015); Joint Exhibit 3, Audiovisual recordings, State v. David Blackwell, December 10, 2015; Joint Exhibit 4, Certified case file for State v. Montrell Braxton; Joint Exhibit 5, Certified case file for State v. Quinere Harcum; Joint Exhibit 6, Certified case file for State v. Caprice Jones; Joint Exhibit 7, Certified case file for State v. David Blackwell; Joint Exhibit 8, “DO NOT REMOVE FROM THIS COURTROOM” document.

Additionally, Respondent Exhibit 1, Letter from Deborah K. Levi to the Honorable Wanda K. Heard, dated February 4, 2016 was marked and proffered, but not admitted into evidence. Investigative Counsel Exhibit 1 (hereinafter “IC Exhibit 1”), Materials in Aid of Disposition was admitted in to evidence over objection. IC Exhibit 1 was held by the Executive Secretary, and not provided to the Commission until the Commission had decided that sanctionable conduct occurred, and that a sanction more than a public reprimand was appropriate. The Commission heard testimony from an expert witness and five (5) character witnesses on behalf of Judge Nance.

After being fully advised of its obligations and duties, the Commission specifically

finds that the Hearing was conducted according to the rules, statutes, and procedures required by law. Upon private deliberations immediately following the Hearing, the Commission considered all of the exhibits admitted into evidence, as well as the sworn testimony and demeanor of Judge Nance's witnesses at the Hearing.

The Commission hereby issues the following Findings of Fact, Conclusions of Law, Order and Recommendations to the Court of Appeals as to the imposition of discipline, pursuant to Maryland Rule 18-407(j) and (k):

**I. FINDINGS OF FACT.**

A. Judge Nance was, at all times applicable to the allegations contained in the Charges, an Associate Judge of the Circuit Court of Baltimore City, Eighth Judicial Circuit of Maryland. Therefore, the Respondent was and still is a judicial officer whose conduct was and is subject to the provisions of the Maryland Code of Judicial Conduct, (Maryland Rules Title 18, Chapter 100) and Maryland Rules on Judicial Discipline (Title 18, Chapter 400).

B. Upon review of the exhibits featuring audiovisual testimony of hearings conducted by Judge Alfred Nance, there were numerous comments and behavior of the Respondent that the Commission found to be significant.

C. As to State v. David Blackwell, case number CJD 2016-012 , the Commission found that the Respondent advised the defendant, David Blackwell, during a status hearing, "If you want to play with yourself, wait until you get back to your cell." and later, during the plea hearing, "If your tinkle come up dirty, you will be violated". The Commission found that such conduct violated the Maryland Code of Judicial

Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, and Maryland Rule 18-102.8.

D. 1. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that the Respondent commented to a witness, Markeyda Taylor on May 29, 2015, during a show cause hearing at 9:39 am, "If you want to push the last button, I will be glad to lock you up." The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, and Maryland Rule 18-101.2.

2. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comments in open court and during a bench conference on May 29, 2015. Respondent said to defense counsel in open court beginning at 10:03 am:

"You have a way of ignoring the Court. Just as Miss Taylor was told, I won't treat her as if she was fifteen, do not expect me to treat you as such as well."

"I'm not amused, I'm really not. The way you are going about things will cause problems for us."

Immediately after these statements, at a bench conference, Respondent told defense counsel:

"No, you make your record based on what you do beforehand, shooting from the hip causes a problem."

"Who is your supervisor? Call them and discuss it before you say another

word about it.”

During this bench conference, the Respondent also refused to let defense counsel put an objection on the record, and interrupted her repeatedly. The Respondent's tone of voice was sarcastic and dismissive during the delivery of these remarks, and his facial expressions included glaring and frowning at counsel. The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

3. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comments on June 1, 2015, while the jury was excused, beginning at 10:24 am:

"Do you want a trial or do you want to leave?"

"So you have to let me know if I'm in charge of my court or not."

"Maybe not because you are still talking. I want you to be quiet. You are talking ad infinitum, your sentence never ends."

"Why are you disrupting my court?"

Additionally, the Respondent cleared his throat immediately after defense counsel cleared hers, while looking pointedly in her direction, mocking her. The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

4. As to State v. Montrelle Braxton, case number CJD 2015-121, the

Commission found that Respondent made the following comment on June 2, 2015, during a bench conference at 12:05 pm, "Have you lost your mind?" to defense counsel. Respondent then mutters, "I'm sorry". The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

5. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comments during a bench conference on June 2, 2015, at 12:18 pm to defense counsel: "Oh, don't do that to me, lady." Defense counsel sighs audibly, and Respondent sighs heavily, mocking her. Respondent then says "Got me?" The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

6. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comment during a bench conference on June 2, 2015, at 12:54 pm to defense counsel, "Shut up and listen." The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

7. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comment on June 2, 2015 at

3:28 pm, "I have no idea what she's doing" to the jury, referring to defense counsel, during her cross examination of a witness. The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

8. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that on June 2, 2015, beginning at 4:28 pm, Respondent refused defense counsel's eleven (11) requests to approach a witness, Detective Woods, to ask him about documents referenced and utilized throughout the murder trial. In addition, during examination of this witness, the Respondent made the following comments in open court:

"If you can't control yourself in asking questions then you are finished."

"We are not going to do this, you're finished."

"If counsel wants to testify, we will be glad to let you take the stand."

"This is from a Superman novel."

The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

9. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comment on June 2, 2015 at 4:32 pm, "Let the record reflect that counsel has been warned". This

comment was made to defense counsel in open court following a bench conference where counsel had objected to her inability to approach and question Detective Woods. The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

10. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comments regarding defense counsel's behavior on June 3, 2015 beginning at 2:24 pm, before the jury was present in court:

"This Court attempted to look past it because it appeared to be a temper tantrum, and therefore as youngsters should be, ignored whenever possible."

"My intent was, clearly, when she was found in contempt was to order her a weekend at the Detention Center, so that she can live amongst those she supposedly represents."

The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

11. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission found that Respondent made the following comments during an exchange with defense counsel on June 3, 2015 at 2:30 pm, with the jury present, before a mistrial is declared:

Defense Counsel: "I object to the mistrial."



Respondent: "I object to you being heard."

The Respondent continues, saying in front of the jury:

"Your misconduct caused the mistrial."

"You feel it necessary to have the last word."

"You are completely disrespectful."

"You are here to represent your ego."

"Have a seat and don't say another word."

"Watch the smirk on her face."

The Commission found that such conduct violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

12. As to State v. Montrelle Braxton, case number CJD 2015-121, the Commission also found that the following comments were noteworthy:

May 28, 2015

"You've got your go to war glasses on" to defense counsel, in open court.

"Are you on vacation?" to a detective, in open court, apparently referring to his attire.

On May 29, 2015

"How can you make a record on something you know nothing about?" to defense counsel, at the bench.

"Step back, you are playing games with me," to defense counsel, at the bench.

"Montgomery County perks out all over you. I just have this fondness for Montgomery County, not! In any case, got my message?" to defense counsel, in open court.

"Think is an interesting place to start" to defense counsel, in open court.

"Merry Christmas or Happy Chanukah" to defense counsel, at the bench.

"Here" in a high squeaky voice, responding to a juror, in open court.

"You look happy as can be" to a juror at the bench who described suffering from depression.

"I'm having trouble hearing your master's degree voice" to a juror, in open court.

"Keep feeding him water, it's not gonna happen" to defense counsel, at the bench.

"Wake him up so that I don't have to throw a piece of ice at him" to a juror, in open court.

"I don't know why you should sleep and I can't" to a juror, in open court.

#### On June 1, 2015

"You are hovering like a mother hen" to defense counsel, in open court.

"I'm not listening to you at the moment" to defense counsel, in open court.

"I'm not interested" to defense counsel, in open court.

"You are still talking" to defense counsel, in open court.

"I'd like you to be quiet" to defense counsel, in open court.

"This is trial practice101, it really is" to defense counsel, in open

court.

"Your hands are not tied at all, if you follow the rules" to defense counsel, in open court.

"What's your problem?" to defense counsel, in open court.

Addressing defense counsel as "Lady" at the bench.

"He's confused by your question and so am I" to defense counsel, in open court.

"I'm not smiling. I don't know why you're smiling at all", to defense counsel, in open court.

"Lady, that is not what it says" to defense counsel, at the bench.

"Collect yourself and then speak" to defense counsel, at the bench.

"Get rid of the yawn before you come back" to defense counsel.

"There's a lot of chivalry at the Detention Center" to defense counsel, at the bench, after asking her why the defendant waits for her to approach the bench first.

"Why are you frowning at me?" to defense counsel, in open court.

"You may not talk to me at all" to defense counsel, in open court.

"Jesus" under his breath, after an exchange with defense counsel, at the bench.

"You will sit while I'm talking" to defense counsel, in open court.

### June 2, 2015

"Are you planning to rest yourself on the table, with your arm on the table like that for the trial?" to defense counsel, at the bench.

"Don't say anything" to defense counsel, at the bench.

"Excuse me. Let me make it clear. We will not move according to your direction" to defense counsel, at the bench.

"Are you talking out loud?" to defense counsel, in open court.

"What don't you understand about hearsay?" to defense counsel, at the bench.

"Please don't speak" to defense counsel, in open court.

"Did you say something?" to defense counsel, in open court.

"You will not interrupt the witness, you changed the question" to defense counsel, in open court.

"So that we don't act like we're in kindergarten again" to defense counsel, in open court.

"Calm yourself" to defense counsel, in open court.

"Judge Levi says yes" to the jury.

"It's like an attitude, you have to measure it when you see it" to defense counsel, at the bench.

"What do you think he just said?" to defense counsel, at the bench.

"Prepare yourself accordingly" to defense counsel at a bench conference, after she has been found in contempt and asks if she may be jailed.

"Maybe we will finish quicker if we just let her talk" to the jury, referring to defense counsel.

"This has been discussed 19 million times" to the jury.

These comments were undignified, condescending, and unprofessional. Additionally, the Commission found that the facial expressions, tone of voice and body language exhibited by Respondent during the duration of the trial included raising his voice, yelling, glaring, frowning, sneering, banging on the bench loudly and repeatedly, pointing, and interrupting the attorneys (primarily defense

counsel) and witnesses numerous times. The comments and behavior were gratuitous, insensitive, inflammatory and relentless, permeating the entire trial. The Commission found that having the audio and visual recording of what occurred allowed a full understanding of the atmosphere created by the Respondent during the trial. Also, while the Commission was unable to determine the reason for the bias and prejudice exhibited by the Respondent towards defense counsel, the Commission had no doubt as to the existence of an unwarranted bias or prejudice. The Commission found that these aforementioned comments, accompanied by the observed actions of the Respondent, constitutes conduct that violated the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

## **II. CONCLUSIONS OF LAW.**

A. The Commission has both subject matter jurisdiction over the above-entitled cases and personal jurisdiction over Judge Alfred Nance, all pursuant to Md. Const., Art. 4, Section 4A and 4B and Maryland Rules 18-101.1 et seq.

B. The Commission is guided by the clear and convincing evidence standard in determining whether a judge has committed sanctionable conduct. Maryland Rule 18-407(j). Based upon the Commission's findings as to the specific facts and violations of the Canons of the Maryland Code of Judicial Conduct, as set forth in the Findings of Fact, the Commission, by unanimous vote, finds by clear and convincing evidence that Judge Alfred Nance has committed sanctionable conduct, as defined by Maryland Rule

18-401 (j), by violating the following Canons of the Maryland Code of Judicial Conduct:

1. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to David Blackwell set forth in State v. David Blackwell, Case number CJD 2016-012 , are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, and Maryland Rule 18-102.8.

2. The factual findings by the Commission of the conduct of Judge Nance as to the statement by him to Markeyda Taylor on May 29, 2015 at 9:39 am set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2 and Maryland Rule 18-102.8.

3. The factual findings by the Commission of the conduct of Judge Nance as to the statements by him to defense counsel on May 29, 2015, beginning at 10:03 am, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

4. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to defense counsel on June 1, 2015 beginning at 10:24 am, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2,

Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

5. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to defense counsel on June 1, 2015 beginning at 12:05 pm, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, and Maryland Rule 18-102.8.

6. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to defense counsel on June 2, 2015, beginning at 12:18 pm, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

7. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to defense counsel on June 2, 2015 beginning at 12:54 pm, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

8. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to defense counsel on June 2, 2015 beginning at 3:28 pm, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are

proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

9. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to defense counsel on June 2, 2015 beginning at 4:28 pm, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

10. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to the jury on June 2, 2015 beginning at 4:32 pm set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

11. The factual findings by the Commission of the conduct of Judge Nance as to the statements made by him to defense counsel on June 3, 2015 beginning at 2:24 pm, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

12. The factual findings by the Commission of the conduct of Judge



Nance as to the statements made by him to defense counsel on June 3, 2015 beginning at 2:30 pm, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

13. The factual findings by the Commission of the conduct of Judge Nance as to the undignified and unfair environment created by his demeanor, behavior and comments to the attorneys, defendant, witnesses, and jurors, beginning on May 28, 2015 and concluding on June 3, 2015, set forth in State v. Montrelle Braxton, case number CJD 2015-121, are proof of, and constitute, a violation of the Maryland Code of Judicial Conduct, specifically Maryland Rule 18-101.1, Maryland Rule 18-101.2, Maryland Rule 18-102.2, Maryland Rule 18-102.3, Maryland Rule 18-102.6, and Maryland Rule 18-102.8.

**III. CONSIDERATIONS REGARDING THE IMPOSITION OF DISCIPLINE.**

A. As to the appropriate discipline in a judicial conduct case, the Commission is guided by the General Provisions of the Maryland Code of Judicial Conduct, Maryland Rule 18-100.1(b)(1)(B), which provides:

Whether discipline should be imposed should be determined through a reasonable and reasoned application of the Rules and should depend upon factors such as the seriousness of the transgression, the facts and circumstances at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of their improper activity upon the judicial system or others.

B. The Commission has found that the comments made by Judge Nance were

undignified, discourteous, disparaging and demeaning. The making of such comments during the four (4) day trial in State v. Montrelle Braxton, and the hearing in State v, David Blackwell, clearly demonstrate a pattern of serious violations of the Maryland Code of Judicial Conduct that strike at the very heart of the integrity and impartiality of the judiciary and the public's confidence in such integrity and impartiality.

C. The Commission considered the testimony of the character witnesses offered by Judge Nance, who described the Respondent as firm but fair. Judge Nance also has a reputation among lawyers as a judge who expects that lawyers who appear before him are, "punctual, prepared and professional." Additionally, there was testimony offered by an expert, who described the different courtroom management styles employed by judges. The Commission also considered a portion of IC Exhibit 1, described as the Materials in Aid of Disposition and related materials. It should be noted that the only document from IC Exhibit 1 that was considered by the members of the Commission was the Memorandum prepared by Investigative Counsel. None of the other attached materials were provided to, reviewed or considered by the Commission. The Commission also discussed Judge Nance's prior contacts with the Commission on Judicial Disabilities, to the extent those contacts were outlined in the Memorandum in IC Exhibit 1.

Subsequent to the Hearing, the Commission reviewed proposed Findings of Fact and Conclusions of Law submitted by Judge Nance and Investigative Counsel. Judge Nance has made no recommendation of a sanction, in that he denies committing

sanctionable conduct. Investigative Counsel also makes no specific recommendation as to an appropriate sanction, deferring to the Commission.

The Commission hereby refers this matter to the Court of Appeals with a recommendation to impose the discipline set forth in Paragraph IV, B.2, infra. In the Commission's view, the imposition of a public reprimand or suspension is not commensurate with the serious violation of misconduct in office committed by Judge Nance and does not reassure the public that Judge Nance will be deterred from engaging in similar behavior in the future. The Commission concludes that the gravity of the Code violations require the imposition of the strongest possible sanction.

The Commission did, however, consider all of the mitigating factors presented by Judge Nance, through counsel, at the Hearing in determining its recommendation as to the appropriate discipline. The Commission found this information unpersuasive. The Commission concludes that its recommendation of removal from office is commensurate with the gravity and unrelenting nature of Judge Nance's misconduct and the extent to which it jeopardized the integrity and impartiality of the judiciary and the public's confidence in such integrity and impartiality.

**IV. ORDER, RECOMMENDATIONS, AND REFERRAL TO THE COURT OF APPEALS.**

IT IS HEREBY ORDERED that:

1. The Charges involving the Caprice Jones and Quinere Harcum matters, case number CJD 2015-163, are hereby dismissed for lack of proof.
2. The Acting Chair is authorized by all the Commission Members to

sign this decision for all those Commission Members present at the Hearing. The signature pages for the other Commission members shall be retained in the Commission file.

3. The Executive Secretary of the Commission is to take all necessary steps to file with the Court of Appeals the entire Hearing record which shall be certified by the Acting Chair of the Commission and include all documents required by Maryland Rule 18-407 (k) (4).

4. The Executive Secretary is to promptly mail to Judge Nance and his counsel notice of the filing of the record and a copy of this Findings of Fact, Conclusions of Law, Order and Recommendations in this matter.

5. This document, all exhibits introduced into evidence, the transcript and CD discs are hereby entered into the record in the name of the Commission.

B. IT IS HEREBY FURTHER ORDERED that, pursuant to Maryland Rule 18-407(j):

1. The Commission, by unanimous vote, found by clear and convincing evidence that Judge Nance has committed sanctionable conduct, as defined by Maryland Rule 18-407(j), by violating the Canons of the Maryland Code of Judicial Conduct, as set forth in Section II. B above.

2. The Commission, by clear majority vote, hereby refers this above-captioned matter to the Court of Appeals with its recommendations as follows:

a. The immediate removal of Judge Alfred Nance as Associate Judge in the Circuit Court for Baltimore City, Eighth Judicial Circuit of Maryland; and

b. Judge Nance shall not be subject to recall or permitted to return and serve as a Senior Judge in any Maryland jurisdiction.

Dated this 18<sup>th</sup> day of October, 2017.

Maryland Commission on Judicial Disabilities

By: \_\_\_\_\_  
The Honorable Susan H. Hazlett, Acting Chair