



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 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

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 deftt  **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 \_\_\_\_\_ yrs / mos / dys  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

Judge: \_\_\_\_\_ Date: 10/28/09

Dr Lic:

Def:

Charge:

Fine:

Acc:

PI:

Paid:

PD:

Viol date:

HM:

DOB:

Bond:

CV:

Time:

Dr Lic:

Rel cit:

CVL:

Speed:

Postponements:

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 deftt  **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

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**PROBATION**  **SEE PROB/SUPRV DOCKET**  Supervised  Unsupervised \_\_\_\_\_ effective \_\_\_\_\_ yrs / mos / dys  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

Case No. DZ81803



# DISTRICT COURT OF MARYLAND FOR CHARLES COUNTY

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

Conditions of Probation  
Citation # 00000000DZ81803  
Citation # 00000000DZ81803

**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  
 Tel: 410-326-7000  
 Fax: 410-326-7001  
 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:

COUNTY: 08 LOCATION: 200 CHARLES ST/ CHURCH ST P/C: MPH: ZONE: DFR/DATE:

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

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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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