



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
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

Plaintiff

vs.

Defendant

Robert Christopher Nalley

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

Date

12/8/9



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

0DZ81803

Dr Lic:

Def: **SMALLEY, ROBERT CHRISTOPHER**

Charge: **TA14104 C**

Fine: **MUST APPEAR**

Acc: **PI: 1**

Paid:

Viol date: **08/10/09**

Bond: **\$0.00**

HM:

Time: **03:15 PM**

Rel cit:

Speed: **000**

Zone: **00**

Mail:

Postponements:

Loc: **200 CHARLES ST/ CHURCH ST**

Officer: **BROOKS, WM 0604**

Witnesses: ***BRENNAN, WILLI**

County: **CHRLS**

SPEC.SET

☐ **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 ☐ Forfeited ☐ 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: 11A** ☐ 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 ☐ Order

☐ 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:

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 ☐ Forfeited ☐ 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 ☐ Order

☐ 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

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



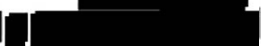
CC #:

SID:

LocID:

Eyes:

Hair:



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

CC #:

SID:

LocID:

Eyes:

Hair:

Race: 2

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 NALLEY, ROBERT CHRISTOPHER

12/08/09

DISTRICT COURT OF MARYLAND
TRAFFIC SYSTEM CITATION INFORMATION

DIST: 04

CIT NUM: 0D281803 NAME: NALLEY, ROBERT CHRISTOPHEF DIST/LOC: 04 02
VIO DATE: 08/10/09 [REDACTED] 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--- SID: -- VEHICLE --
ADDR: [REDACTED] LICENSE: NONE XX DESC: 00
CITY: [REDACTED] MD [REDACTED] ----- DISPOSITION -----
[REDACTED] RACE: 2 SEX: M DISP: PROBATION BEFORE JUDGEMENT
[REDACTED] 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

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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 [REDACTED] 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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