

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

In the Matter of the Proceeding
Pursuant to Section 44, subdivision 4,
of the Judiciary Law in Relation to

NICHELLE A. JOHNSON,

DETERMINATION

a Judge of the Mount Vernon City Court,
Westchester County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Stefano Cambareri, Esq.
Brian C. Doyle, Esq.
Honorable John A. Falk
Robin Chappelle Golston
Honorable Robert J. Miller
Nina M. Moore, Ph.D.
Honorable Peter H. Moulton
Marvin Ray Raskin, Esq.

APPEARANCES:

Robert H. Tembeckjian (Mark Levine and Vickie Ma, Of
Counsel) for the Commission

Scalise & Hamilton, P.C. (by Deborah A. Scalise) for respondent

Respondent, Nichelle A. Johnson, a Judge of the Mount Vernon City Court, Westchester County, was served with a Formal Written Complaint (“Complaint”) dated May 29, 2025 containing three charges. Charge I of the Complaint alleged that in 2022 and 2023, respondent initiated and/or attempted to engage in *ex parte* and/or other improper communications regarding pending cases and failed to make appropriate disclosures. Charge II alleged that in 2023 and 2024, respondent attempted to grant special consideration in cases involving friends and/or acquaintances in order to secure favorable dispositions for them. Charge III alleged that on more than one occasion in 2023, respondent was impatient, undignified and discourteous while presiding over various criminal matters, and demonstrated bias and/or the appearance of bias against prosecutors.

On November 26, 2025, the Administrator, respondent’s counsel and respondent entered into an Agreed Statement of Facts (“Agreed Statement”) pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On December 11, 2025, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 1995. She has been a Judge of the Mount Vernon City Court, Westchester County, since

April 2016, when she was appointed to fill a vacancy. Respondent was elected in November 2016 for a term ending December 31, 2026.

As to Charge I of the Formal Written Complaint

The Horizon at Fleetwood v Shareeka Harewood

2. On July 17 and July 28, 2023, respondent presided over a landlord/tenant matter, *The Horizon at Fleetwood v Shareeka Harewood* (“*Horizon*”). The petitioner-landlord was represented by Kenneth B. Saltzman. The respondent-tenant appeared *pro se*.

3. On August 14, 2023, respondent’s colleague, Mount Vernon City Court Judge Peter St. George Davis, issued a final judgment awarding the landlord \$12,115 and a warrant of eviction due to the tenant’s failure to appear in court.¹ The warrant was stayed for 14 days.

4. On August 31, 2023, the tenant filed an Order to Show Cause seeking to vacate the warrant of eviction and dismissal of the petition. The return date was September 6, 2023.

5. On September 6, 2023, respondent presided over the *Horizon* matter. The tenant’s Order to Show Cause was held in abeyance, and the matter was adjourned to September 12, 2023.

¹ Since the judges of the court have a rotating schedule for when they sit, it is not unusual for a case adjourned during one term to be resumed before a different judge in the next term.

6. On September 12, 2023, respondent again presided over the *Horizon* matter. The case was called twice and the tenant appeared for the second call. Mr. Saltzman was also present. Respondent denied the tenant's Order to Show Cause and ordered her to pay one month's rent (\$1,995) by 5:00 PM that day in order to have the stay of the warrant of eviction extended to September 29, 2023.

7. On September 13, 2023, Mr. Saltzman electronically filed an Affirmation of Non-Compliance requesting that the marshal be advised to proceed with the eviction due to the tenant's failure to comply with the court's directive.

8. On September 13, 2023, while the case was pending, respondent learned that the tenant had failed to pay the \$1,995. Respondent called the tenant from chambers to ascertain whether the tenant understood that she was obligated to pay the landlord \$1,995 as directed by the court. Respondent further advised the tenant that she had until 5:00 PM to pay the landlord to avoid eviction, and that she should quickly bring a certified check for \$1,995 to court to pay the landlord. Respondent did not disclose this conversation to Mr. Saltzman or his client.

9. Subsequently, Mr. Saltzman learned that the court had called the tenant. Mr. Saltzman spoke to Lawrence Darden, Chief Clerk of the Mount Vernon City Court. Mr. Darden denied that anyone from the clerk's office had made such a call.

10. The following day, September 14, 2023, while Mr. Saltzman was in Portugal on vacation, respondent called him from chambers on his cell phone and spoke to him about her call with the tenant. Respondent told Mr. Saltzman, in words or substance, that she heard he was angry, and asked him why. Mr. Saltzman replied, in words or substance, that it was improper for the court to call a litigant to give legal advice. Respondent apologized to Mr. Saltzman for calling the tenant. Respondent also clarified that she thought the tenant, who was appearing *pro se*, may have been confused as to how to submit the payment, and respondent wanted to ensure that Mr. Saltzman's client got paid.

People v Shanna D. Lewis

11. On September 7, 2022, respondent presided over *People v Shanna D. Lewis*, a matter involving a defendant whose car had been impounded.

12. On September 23, 2022, the defendant, Ms. Lewis, was in the lobby of the Mount Vernon City Court courthouse, where Court Officer Lawanna Huber was stationed by the magnetometer at the security post. Officer Huber recognized Ms. Lewis from having seen her on previous visits to the courthouse. Officer Huber asked Ms. Lewis, who was visibly upset, what was wrong. Ms. Lewis told Officer Huber, in words or substance, that she did not understand what had occurred in court and that she was trying to get her car released from impoundment.

13. Officer Huber, who was friendly with respondent, texted respondent on her cell phone and asked respondent to call her.

14. Shortly thereafter, respondent called Officer Huber. Officer Huber told respondent, in words or substance, that Ms. Lewis could not get her car back and had no idea what she should do next.

15. Respondent explained what Ms. Lewis needed to do to get her car released. During this phone conversation, Ms. Lewis was standing next to Officer Huber. Respondent was unaware that Officer Huber had placed the call on speaker phone so that Ms. Lewis could hear respondent, which she learned sometime later. Respondent did not disclose this conversation because she did not believe that it had any material effect on the case.

16. At the time, Ms. Lewis's case was still pending.

17. Respondent subsequently presided over Ms. Lewis's matter on December 5, 2022, January 4, 2023, and January 10, 2023. At no time did respondent disclose to the parties her communication with Officer Huber.

People v J.A.

18. On August 30, 2023, respondent presided over the arraignment of a defendant, J.A., who was returned to court on a warrant that had been issued in 2020 pursuant to a felony complaint involving allegations of domestic violence, including rape. Assistant District Attorney ("ADA") Kerry McGrath appeared for

the prosecution, applied for an Order of Protection against the defendant, and recommended bail.

19. While ADA McGrath was making her application, respondent directed her to communicate with the victim to determine whether she was living with the defendant and was a cooperative witness. When respondent asked ADA McGrath whether she had a current phone number for the victim, the defendant spontaneously interjected and claimed that the victim had a new phone number, which he provided.

20. While in chambers during the lunch recess, outside the presence of the parties, respondent dialed the number the defendant provided, but no one answered.

21. When the proceedings resumed after the recess, respondent stated on the record, “Prompted by the Judge, we got into a discussion about the alleged victim here, and that’s where we ended to take a break to see if maybe they could make any contact. I don’t know if anybody was successful. I called the number, no success. Counselor McGrath, anything?” After ADA McGrath indicated that the victim was cooperative, respondent issued a temporary Order of Protection and set bail.

As to Charge II of the Formal Written Complaint

People v R.S.

22. R.S. is respondent's neighbor. At all relevant times, Ms. S was aware that respondent was a judge.

23. On October 9, 2023, Ms. S received a ticket pursuant to the Vehicle and Traffic Law for having a covered license plate on her car. The return date of the ticket was November 3, 2023.

24. Between October 9, 2023, and October 14, 2023, while Ms. S and respondent passed each other in the street while walking their dogs, Ms. S asked respondent if she could help her with her traffic ticket. Ms. S told respondent that she had received a ticket for having a license plate cover.

25. Respondent replied, in words or substance, that if Ms. S removed the license plate cover and gave her a photo as proof of its removal, she would bring the photo to court. Respondent explained that the ticket was for an equipment violation, which was not serious, and that the court customarily dismissed similar cases when the motorist sent in proof that the violation had been corrected.

26. On October 14, 2023, Ms. S sent respondent, via text message, a copy of her traffic ticket, a photo of her uncovered license plate, and the following message:

Gm Michelle [*sic*] it's R. . . [*sic*] G. . . [*sic*] mom. Thank you for handling this for me. Here is a picture of the ticket and I

also took a picture of the license plate because I took off the cover he gave me a ticket for [sic]

27. In response, respondent sent Ms. S the following text message: Got it.

Gonna look into [sic] next week. Will keep you posted.

28. On October 23, 2023, respondent sent Ms. S the following text message:

Thanks R. . . for submitting the fact that the plate issue was fixed [sic] The officer will receive the information.

Ms. S then asked via text whether she had to pay the ticket. Respondent replied, “No.”

29. On the return date of the ticket, respondent sent the following text message to Christine Belabe, a clerk at the Mount Vernon City Court:

Christine, this is the young lady who from October 12 gave us a letter and the fact that she fixed her plate by taking the cover off of it. I don't want it to go on the agenda because I feel terrible that she gave me the letter to bring so that we can consider it as a thing that she fixed and you know when they fix it as long as they show it gets dismissed so I'm coming in [sic] I do have her letter. I am printing out her picture...to attach but I'm running a little late and I just didn't want anything to be done, but I should be there by 9:30 but I just wanted to send this to you [sic] again [sic] she's a motorist that sending [sic] a letter or gave me a letter in the picture to show that she corrected the mistake and does [sic] she know I worked at the courts [sic] I was supposed to deliver it back in October OK but I'm on my way in in [sic].

30. Respondent then left the following handwritten letter, which she wrote and dated October 12, 2023, on Ms. Belabe's desk:

To whom it may concern:

I am R. . . S. . . . I was stopped and given a ticket (see attached) for a plate issue. The officer said I had a plate cover on the license that I did not know was a problem. I attach a picture showing I removed the plate cover. Can this be dismissed since I removed the plate. I cannot make it to court as I could not get [sic] day off. Please and thank you so much!

For R. . . S. . .

31. Ms. S's traffic matter was heard by respondent's colleague, Mount Vernon City Court Judge Lyndon D. Williams. Judge Williams ordered Ms. S be certified as a scofflaw.

32. Later that day, pursuant to respondent's request, Ms. Belabe gave the handwritten letter and photo that she had received from respondent to Judge Williams, who subsequently dismissed Ms. S's ticket in court. Respondent did not speak to Judge Williams about Ms. S's matter.

People v Amadev Contracting Corporation

33. Respondent is acquainted with Brian Johnson, Corporation Counsel for the City of Mount Vernon, and Clinton Young, an officer of Amadev Contracting Corporation and a former Mayor of Mount Vernon.

34. On October 13, 2023, respondent's colleague, Mount Vernon City Court Judge Tamika A. Coverdale, presided over *People v Amadev Contracting Corporation* ("Amadev"), a matter involving the violation of a city ordinance.

Judge Coverdale issued a default judgment against the corporation in the amount of \$750.

35. Between October 13, 2023, and October 18, 2023, after a default judgment had been entered in *Amadev*, respondent engaged in a conversation with Mr. Young about the matter and *inter alia* urged him to call Mr. Johnson so the two of them could speak to one another about *Amadev*. Respondent learned from Mr. Young that he had cured the violation, such that a default judgment should not have been entered against him since the City's policy was to withdraw or dismiss such matters once the violation was rectified.

36. Thereafter, respondent called Mr. Johnson about the *Amadev* case. During their conversation, Mr. Johnson learned from respondent that the violation involved Mr. Young.

37. Mr. Johnson assigned Second Deputy Corporation Counsel Christine Lombert to investigate the matter. Respondent was not involved in the investigation and did not speak to Ms. Lombert about the matter. Respondent thereafter gave Ms. Belabe the following note, dated October 18, 2023, which was written in respondent's handwriting:

Christine:

* Amadev Contracting Corp.

CR-02351-23

Needs to be on for this Friday 10/20/23 to vacate judg. Was

issued in error per Corp. Counsel Brian Johnson. Please it's a 750.00 judg. must be vacated [sic]

Judge Johnson

The case was then put on respondent's calendar for October 20, 2023, at her direction.

38. On October 20, 2023, respondent presided over *Amadev* when the case was called. Ms. Lombert appeared for the prosecution and withdrew the case. No one appeared on behalf of the defendant.

As to Charge III of the Formal Written Complaint

People v R.H.

39. On August 21, 2023, respondent presided over the arraignment in *People v R.H.*, in which the defendant was charged with possessing a fake license plate.

40. At the arraignment, the defendant's attorney, Jean Robert-Auguste, asked for the release of his client's cell phone and car. When ADA David Lauscher started to respond, respondent interrupted him and yelled at length, stating, *inter alia*, in sum and substance:

- A. That the company impounding the vehicle was making thousands of dollars keeping the defendant's car, which was a "God damn racket," and that the defendant "should get the damn things today."

- B. “God damn it,” she (respondent) was going to call the police commissioner because she was not tolerating fees being charged to people who “don’t have the money damn it.”
- C. That the people impounding the car “are nasty as hell,” “nasty damn it,” and she (respondent) was not going to be a party to that.
- D. The District Attorney’s Office will not release the phone and car because they “don’t give a damn about what the Judge says,” and, “guess what,” she (respondent) was going to do it her way, “damn it.”
- E. “Who the hell does the Judge think she is to tell us what to do? That’s how I perceive it. I don’t give a damn.”
- F. “Who the hell are we unless we can make a demand for something? You can’t tell us we don’t have to listen. You don’t know. You are just a black Judge sitting up here in a black court and I don’t have to listen to you.”

41. When ADA Lauscher stated that he had “never been spoken to like that” and sought to apologize to respondent if she felt that he had been disrespectful, respondent explained that her statements were not directed at him “in particular,” that he should not “take it personally,” and she was “not saying that’s what you did,” but instead her comments were directed at the District Attorney’s Office because respondent “always . . . ha[s] this issue with the phone and the car.” Respondent stated, “I am telling you I take it personally because sometimes I feel like people are like, we are not going to do what she says.”

People v G.F.

42. On January 30, 2023, respondent presided over *People v G.F.* The defendant's attorney, David H. Hawkins, recounted that the court had previously indicated that if the victim was not in court, the matter should be dismissed.

43. Respondent asked ADA Stephanie Baehr whether she was ready to proceed with a non-jury trial. ADA Baehr replied she was not ready and requested a four-week adjournment. Respondent responded, in sum and substance, that she was going to dismiss and seal the case.

44. ADA Baehr began a response by stating, "Your Honor, respectfully," but respondent interrupted her and yelled, referring to an unrelated matter in which ADA Baehr had appeared before respondent, as follows:

RESPONDENT: Over objection, you can object, that's all I want to hear. You object, object, okay.

ADA BAEHR: Objection for the record --

RESPONDENT: I said the last time, it's on the record, Counsel Baehr, don't challenge me on it --

ADA BAEHR: Okay, I'm not.

RESPONDENT: -- like you did the last time when I had a decision here.

ADA BAEHR: Yes, Judge.

RESPONDENT: And nobody ever objects in a public forum to a judge's decision. You got a problem with it, you appeal It.

ADA BAEHR: Understood, Judge.

RESPONDENT: You don't tell the Judge, I object. Okay, please, it was disrespectful, and I haven't forgotten it. I didn't do that, when I was a lawyer, I'd never do it. Judge, yes, Ma'am, just note my objection for the record on stuff, but not on a decision. You don't do that to a judge. You have a problem, appeal It [sic]. Go back in your office and say, that idiot, whatever you want to do, but it's not in Court, you do it there and you appeal it, if that's what you feel.

Additional Factors

45. Respondent has cooperated with the Commission throughout this matter. She candidly acknowledged the impropriety of her conduct and pledged to take extra care to honor all of her ethical obligations. She notes that she did not derive any personal benefit from her conduct.

46. Respondent has no prior disciplinary history with the Commission.

47. To provide context rather than to excuse her conduct, respondent avers – and Commission counsel has no reason to dispute – that in or around the summer and fall of 2023, she was experiencing significant professional stress, including issues she experienced in the workplace with respect to needed repairs to the building where the court was located, lack of sufficient staffing, and deaths of participants in the drug court part. Respondent recognizes that she should have sought assistance to manage these stressors, realizing now that these stressors adversely impacted her behavior in court.

48. Respondent enrolled in and attended the online programs offered by the Office of Court Administration entitled, “Creating a Respectful Workplace,” “Promoting Respectful Court Environments Judicial UCS,” “Communication and Professional Behavior for Supervisors – Judges,” and “Working and Collaborating With Different Communication Styles.” She also attended and completed a five-part program offered by the University of California Berkeley Law School entitled, “Cultivating Healing and Health in the Judiciary.”

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.2(B), 100.2(C), 100.3(B)(1), 100.3(B)(3), 100.3(B)(4) and 100.3(B)(6) of the Rules Governing Judicial Conduct (“Rules”) and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charges I, II and III of the Formal Written Complaint are sustained insofar as they are consistent with the above findings and conclusions and respondent’s misconduct is established.

Respondent’s conduct was inconsistent with her obligations to maintain high standards of conduct and to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” (Rules, §§100.1, 100.2(A)) The Rules, with limited exceptions not applicable here, prohibit a judge

from initiating, permitting or considering *ex parte* communications about a pending matter. (Rules, §100.3(B)(6)) In addition, the Rules provide that, “[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge or others. . .” and shall not allow social relationships to influence the judge’s judicial conduct. (Rules, §§100.2(B) and (C)) Judges must be “patient, dignified and courteous” to attorneys and must “perform judicial duties without bias or prejudice against or in favor of any person.” (Rules, §§100.3(B)(3) and (4)) Respondent acknowledged that she violated the Rules when she engaged in or attempted to engage in *ex parte* communications in three matters. Respondent also asserted her judicial office for the benefit of others and improperly allowed her social relationships to influence her judicial actions in the *People v R.S.* and *Amadev* matters. In addition, respondent violated the Rules when she was discourteous to prosecutors and gave at least the appearance that she was biased against them.

In the *Horizon* matter, respondent called a litigant from her chambers to determine whether the tenant understood that she had to pay the landlord and to advise what the tenant had to do to avoid eviction. Respondent did not disclose this conversation to the landlord or landlord’s counsel until after counsel made inquiries to the clerk’s office regarding the court’s contact with the tenant. It is well-settled that judges are prohibited from engaging in such *ex parte*

communications regarding a pending matter. *See, Matter of Gentile*, 2026 Ann Rep of NY Commn on Jud Conduct at __ (judge engaged in *ex parte* conversation with prosecutor and also called school superintendent for the district where a defendant’s son attended school);² *Matter of Carter*, 2021 Ann Rep of NY Commn on Jud Conduct at 71 (judge initiated *ex parte* contact with a correctional facility for information after reading a defense motion to preclude recorded conversations made from the facility); *Matter of Arndt*, 2023 Ann Rep of NY Commn on Jud Conduct at 72, 88 (“after the defendant left the courtroom, respondent gave *ex parte* advice to the plaintiff and stated how he planned to rule.”). By her conduct, respondent undermined public confidence in the integrity and impartiality of the judiciary.

The ethical rules require judges to observe high standards of conduct both on and off the bench and prohibit judges from lending the prestige of judicial office to advance the interests of another. *Matter of Lonschein*, 50 NY2d 569, 571-572 (1980) (“no Judge should ever allow personal relationships to color his conduct or lend the prestige of his office to advance the private interests of others. . . . Judges must assiduously avoid those contacts which might create even the appearance of impropriety.”); *Matter of Leavitt*, 2024 Ann Rep of NY Commn on Jud Conduct at

² The *Gentile* determination is available at: <https://cjc.ny.gov/Determinations/G/Gentile.Philip.J.2025.05.30.DET.pdf>

120, 124-125 (“when respondent contacted his co-judge regarding his mail carrier’s parking violation matter pending before his co-judge, respondent violated the Rules and brought reproach upon the judiciary.”) Here, respondent violated the Rules when she allowed her relationships with her neighbor in the *People v R.S.* matter and her acquaintances in the *Amadev* matter to influence her judicial actions and used her judicial status to benefit others.

Judges must be patient and courteous when interacting with attorneys and others who appear before them and must perform judicial duties without bias or the appearance of bias against any person. In a matter involving demonstrated bias against prosecutors, the Court of Appeals held, “the perception of impartiality is as important as actual impartiality: Judges must conduct themselves ‘in such a way that the public can perceive and continue to rely upon the impartiality of those who have been chosen to pass judgment on legal matters involving their lives, liberty and property’”. *Matter of Duckman*, 92 NY2d 141, 153 (1998) (citations omitted); *Matter of Semaj*, 2026 Ann Rep of NY Commn on Jud Conduct at ___ (judge was “impatient and discourteous toward assistant district attorneys who appeared before her which created at least the appearance of bias against them.”)³ When respondent was discourteous and yelled at prosecutors, she undermined public

³ The *Semaj* determination is available at: <https://cjc.ny.gov/Determinations/S/Semaj.Naita.A.2025.05.30.DET.pdf>

confidence in the impartiality of the judiciary and gave at least the appearance of bias against prosecutors.

In accepting the jointly recommended sanction of censure, we have taken into consideration that respondent has acknowledged that her conduct was improper and warrants public discipline. We also note that respondent has no prior disciplinary history with the Commission, has pledged to take extra care to abide by her ethical obligations and completed five pertinent programs offered by the Office of Court Administration and the University of California Berkeley Law School. We trust that respondent has learned from this experience and in the future will act in strict accordance with her obligation to abide by all the Rules Governing Judicial Conduct.

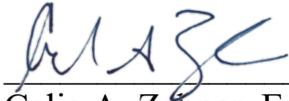
By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

Mr. Belluck, Ms. Grays, Judge Camacho, Mr. Cambareri, Mr. Doyle, Judge Falk, Ms. Golston, Judge Miller, Ms. Moore, Judge Moulton and Mr. Raskin concur.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission
on Judicial Conduct.

Dated: December 30, 2025



Celia A. Zahner, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct