

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,

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

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct:

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Nichelle A. Johnson (“Respondent”), who is represented in this proceeding by Deborah A. Scalise, Esq., of Scalise & Hamilton, P.C., that further proceedings are waived and that the Commission shall make its determination upon the following facts and exhibits, which shall constitute the entire record in lieu of a hearing.

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.

2. Respondent was served with a Formal Written Complaint dated May 29, 2025. She enters into this Agreed Statement of Facts in lieu of filing an Answer.

As to Charge I

3. In 2022 and 2023, Respondent (A) initiated and/or attempted to engage in *ex parte* and/or other improper communications regarding pending cases, and (B) failed to make appropriate disclosures.

As to the Specifications to Charge I

The Horizon at Fleetwood v Shareeka Harewood

4. 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*.

5. 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.

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 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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

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

14. 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.

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

16. 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.

17. 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.

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

19. 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 [REDACTED] A [REDACTED]

20. On August 30, 2023, Respondent presided over the arraignment of a defendant, J [REDACTED] A [REDACTED], 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.

21. 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.

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

23. 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.

24. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”); failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform her judicial

duties without bias or prejudice against or in favor of any person, in violation of Section 100.3(B)(4) of the Rules, and initiated, permitted or considered an *ex parte* communication, or considered other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules.

As to Charge II

25. In 2023 and 2024, Respondent attempted to grant special consideration in cases involving friends and/or acquaintances in order to secure favorable decisions or dispositions for them.

As to the Specifications to Charge II

People v R [REDACTED] S [REDACTED]

26. R [REDACTED] S [REDACTED] is Respondent's neighbor. At all relevant times, Ms. S [REDACTED] was aware that Respondent was a judge.

27. On October 9, 2023, Ms. S [REDACTED] 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.

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

29. Respondent replied, in words or substance, that if Ms. S [REDACTED] 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.

30. On October 14, 2023, Ms. S [REDACTED] 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 [REDACTED]. [sic] G [REDACTED] [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]

31. In response, Respondent sent Ms. S [REDACTED] the following text message:

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

32. On October 23, 2023, Respondent sent Ms. S [REDACTED] the following text message:

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

Ms. S [REDACTED] then asked via text whether she had to pay the ticket. Respondent replied, "No."

33. 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].

34. 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 [REDACTED] S [REDACTED]. 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 [REDACTED] S [REDACTED]

35. Ms. S [REDACTED]'s traffic matter was heard by Respondent's colleague, Mount Vernon City Court Judge Lyndon D. Williams. Judge Williams ordered Ms. S [REDACTED] be certified as a scofflaw.

36. 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 [REDACTED]'s ticket in court. Respondent did not speak to Judge Williams about Ms. S [REDACTED]'s matter.

People v Amadev Contracting Corporation

37. 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.

38. 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.

39. 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.

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

41. 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.

42. 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.

43. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and

Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules, allowed a social or other relationship to influence the judge's judicial conduct, in violation of Section 100.2(B) of the Rules, and lent the prestige of judicial office to advance the private interest of another, in violation of Section 100.2(C) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules.

As to Charge III

44. 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 appearing before her, in that Respondent *inter alia* yelled at them, repeatedly used such phrases as “damn it” and “God damn” in relation to them, and on at least one

occasion refused to permit a prosecutor to articulate the reasons for an objection to a ruling.

As to the Specifications to Charge III

People v R [REDACTED] H [REDACTED]

45. On August 21, 2023, Respondent presided over the arraignment in *People v R [REDACTED] H [REDACTED]*, in which the defendant was charged with possessing a fake license plate. A copy of the transcript is appended as Exhibit A.

46. 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.”

47. 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 [REDACTED] *F* [REDACTED]

48. On January 30, 2023, Respondent presided over *P* [REDACTED] *v G* [REDACTED] *F* [REDACTED]. 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. A copy of the transcript is appended as Exhibit B.

49. 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.

50. 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. 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.

51. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently in that she failed to be patient, dignified and courteous to others with whom she dealt in an official capacity, in violation of Section 100.3(B)(3) of the Rules, and failed to perform judicial duties without bias or prejudice against or in favor of any person, in violation of Section 100.3(B)(4) of the Rules.

Additional Factors

52. 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.

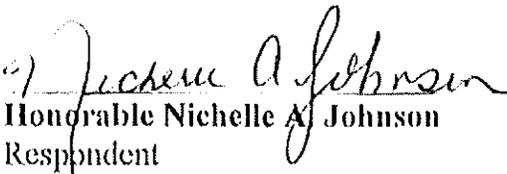
53. Respondent has no prior disciplinary history with the Commission.

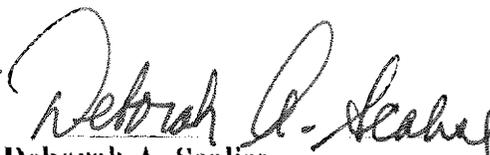
54. To provide context rather than to excuse her conduct, Respondent avers – and Commission counsel has no reason to dispute – that in or around the summer and fall of 2023, she was experiencing significant professional stress, including issues she experienced in the workplace with respect to needed 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.

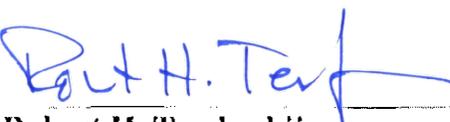
55. Respondent enrolled in and attended the online programs offered by the Office of Court Administration entitled, “Creating a Respectful Workplace,” “Promoting Respectful Court Environments Judicial UCS,” “Communication and Professional Behavior for Supervisors – Judges,” and “Working and Collaborating 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.”

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, Respondent or the Administrator and Counsel to the Commission.

Dated: 11/25/25 
Honorable Nichelle A. Johnson
Respondent

Dated: 11/25/25 
Deborah A. Scalise
Scalise & Hamilton, P.C.
Attorney for Respondent

Dated: November 26, 2025 
Robert H. Tembeckjian
Administrator & Counsel to the Commission
(Mark Levine and Vickie Ma, Of Counsel)

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CITY COURT OF MOUNT VERNON: COUNTY OF WESTCHESTER
STATE OF NEW YORK

-----x

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

Docket No. [REDACTED]

R [REDACTED] H [REDACTED],

Defendant.

-----x

Mount Vernon City Court
Roosevelt Square
Mount Vernon, New York 10550
August 21, 2023

B E F O R E: HON. NICHELLE JOHNSON
CITY COURT JUDGE OF MOUNT VERNON

MIRIAM E. ROCAH
DISTRICT ATTORNEY
Attorney for the People
111 Dr. Martin Luther King Jr. Boulevard
White Plains, New York 10601
BY: DAVID LAUSCHER, ESQ.
ASSISTANT DISTRICT ATTORNEY

JEAN ROBERT-AUGUSTE, ESQ.
Attorney for the Defendant
10 Fiske Place, Suite 417
Mount Vernon, New York 10551

Lori Kazorck,
Court Reporter

1 THE COURT: This is number 53 R [REDACTED]
2 H [REDACTED]. I acknowledge receipt of the financial
3 disclosure form and I am going to assign
4 Counsel August. We have a contact sheet.

5 MR. AUGUSTE: I waive a reading and
6 plead not guilty and ask for an ROR.

7 THE COURT: A plea of not guilty. There
8 is a 250.20 Notice there. Do you acknowledge
9 receipt of that?

10 MR. AUGUSTE: Yes.

11 THE COURT: And a 710.30 1a.

12 MR. AUGUSTE: Yes. I acknowledge
13 receipt. I ask for an ROR Your Honor.

14 THE COURT: Okay. Counsel Lauscher.

15 MR. LAUSCHER: Yes. Your Honor I don't
16 see any theory under which this is bail
17 eligible. He completed the probation and he is
18 not currently on probation.

19 THE COURT: He will be released on his
20 own recognizance. Counsel Auguste, how do you
21 want the time charged?

22 MR. AUGUSTE: I need some discovery.

23 What Mr. H [REDACTED] tells me is his car was seized
24 at the time of his arrest. He needs the car to

1 take his mother to medical appointments and
2 himself also to medical appointments and he
3 needs a release of his cell phone because all
4 of the information is in the cell phone,
5 including the registration of the vehicle, the
6 insurance, etc. I know when he goes to pick up
7 the car they will ask him about papers. They
8 are within the cell phone. That's also seized
9 pursuant to the arrest. I don't see any
10 relationship between the cell phone --

11 THE COURT: When was he arrested? Today
12 is the 21st. Yesterday, Sunday?

13 THE DEFENDANT: Yes, ma'am.

14 MR. AUGUSTE: There is no reason to keep
15 his cell phone. We are talking about allegedly
16 a fake plate, allegedly. We need the release
17 of the vehicle and the cell phone Counsel
18 Lauscher.

19 MR. LAUSCHER: As to the cell phone
20 going off the top of my head from reading
21 quickly the police report I would not see a
22 reason --

23 THE COURT: Counsel Lauscher will work
24 on getting this done because to me I do not

1 think -- you do not keep the man's cell phone
2 or car for weeks and months if you do not need
3 to. We know they arrested him yesterday and
4 know the cell phone is there. I want the cell
5 phone and I want the car, unless you are going
6 to use it for something, which you are not,
7 let's be clear. They are not using it. If I
8 have to call the police department because
9 they are putting people out -- imagine being
10 without your cell phone. I know he allegedly
11 committed a crime, okay, I get it but
12 everybody is innocent until proven guilty,
13 correct. So if that's the case, don't keep the
14 cell phone and car and let the people out.
15 They are making all of this money keeping the
16 car and when they go and get it, it is
17 thousands of dollars. That's a God damn racket
18 to me and I am not going to be a party to it.
19 I am not doing it. They know the cell phone is
20 there and they don't want the car and he
21 should get the damn things today. That's my
22 story.

23 Counsel Lauscher I know you are like
24 well, well, you know what, but God damn it I

1 am going to call the Police Commissioner and I
2 am going to tell them I am not tolerating it
3 because from your lips we will check into it
4 and we will look and we come back and it's a
5 month later and we are still taking a look and
6 looking into it and there are fees and people
7 don't have the money damn it. Arguably if they
8 committed the crime, perhaps it is a crime of
9 destitution. I have no money and now we make
10 it worse. Now we are going to send them off
11 the deep end keeping the cell phone and
12 keeping the car. We don't have to and they
13 have to pay this and when they get there those
14 people are nasty as hell when you go down to
15 City Line, nasty, damn it and I am not -- I
16 won't be a party to that.

17 I am a Judge for a reason. I am a Judge
18 to make sure that people are treated a certain
19 way. I get it. Arguably they committed a crime
20 and I get it but I don't want to take part in
21 this with City Line and the police department.
22 Your life goes on. Other people's lives stop.
23 He has a crime and will deal with it and come
24 to court and he will come to court every day

1 and make the appearances. That in and of
2 itself shows they are committing themselves to
3 the mercy of the Court if they did something
4 wrong and they will be here time and time and
5 time again while you guys investigate or do
6 this or that.

7 Please, I expect them to know right away
8 on the date when they make the arrest. We
9 don't need the cell phone. Give it back. We
10 don't need the car. Give it back and let him
11 face the music on the charges, no problem. I
12 am saying this Counsel Lauscher and I know
13 what you are going to say, we are going to
14 look into it and we will see what happens and
15 then thirty days later when he comes back here
16 we are looking into it and then nobody is
17 getting it, when you guys say a release was
18 given, nobody knew, not the defendant, the
19 defendant's attorney or the Court that a
20 release was given. So here is the release and
21 he has those fees and fines that they do. I
22 would like to be able to say Commissioner make
23 that release, sir. He is ROR'd and he is
24 coming up and release the cell phone and the

1 car. Thank you. That's how simple it should
2 be. You are the DA's office, release the cell
3 phone and release the car and when you don't
4 do it, it is because you don't give a damn
5 about what the Judge says. Guess what, I am
6 going to do it my way, damn it. Who the hell
7 does the Judge think she is to tell us what to
8 do? That's how I perceive it. I don't give a
9 damn.

10 I am asking somebody to go back there
11 and let me know, do they need the cell phone
12 and the car. If you do not do that it is like
13 you don't give a damn what the Judge says and
14 you know what, if that's the case then -- I am
15 not a Judge here just to do lackadaisical work
16 and you are going to tell me what I am doing.
17 I am sure Judge Williams had this issue too.
18 Who the hell are we unless we can make a
19 demand for something? You can't tell us we
20 don't have to listen. You don't know. You are
21 just a black Judge sitting up here in a black
22 court and I don't have to listen to you.

23 MR. LAUSCHER: That I find to be --

24 THE COURT: Counsel Lauscher, stop it.

1 It is my soapbox. I am not saying to you.

2 MR. LAUSCHER: I cannot --

3 THE COURT: I don't care.

4 MR. LAUSCHER: I have never been spoken
5 to like that.

6 THE COURT: Do not talk to me about what
7 I am saying. That's the way I feel, okay
8 because when I ask for it, it is never done.
9 So I get a chance Counsel Lauscher as the
10 Judge to say that's how I feel. I am not
11 saying that's what you did. This is how I feel
12 because when I say something it is never done.

13 My question is, what policy does the
14 DA's office have when I say release the cell
15 phone and the car? Is it a phone call that you
16 make? Is it something that has to go to the
17 people in White Plains? What is it?

18 MR. LAUSCHER: In a particular case as a
19 misdemeanor we would look at the case and see
20 if this is property that we would need. I
21 would note the case literally was just written
22 up Your Honor. We just received this.

23 THE COURT: I get it.

24 MR. LAUSCHER: And I would note the

1 reason why the car may have been taken was
2 because there is the supporting instrument
3 that relates to that car sticker not matching
4 the car. So it is something we need to look
5 at. I apologize again if you feel that I have
6 disrespected this Court in any way.

7 THE COURT: Not you in particular. Not
8 you in particular, the office because I always
9 have this issue with the phone and the car. It
10 is not you in particular. Don't take it
11 personally. I am telling you I take it
12 personally because sometimes I feel like
13 people are like, we are not going to do what
14 she says. We don't care because time and time
15 again I come back thirty days later and
16 nothing is released and then it is like all of
17 a sudden we release it and it is terrible. I
18 feel like I have no power and that makes me
19 feel some kind of a way.

20 I am wondering, do other Judges
21 experience that in other courts? Like when
22 people were doing this agreement in
23 Eastchester to a program for first time
24 offenders, I never knew anything about it and

1 I am looking at people like the young lady on
2 the Metro North train that didn't pay the
3 fare, no criminal history at all and this girl
4 had to stay here for I don't know how long.
5 There was a program that she could have done
6 as a young person but nobody told us about
7 that but I find out other courts were doing
8 that. I am not saying it is your fault. I am
9 saying it makes me feel some kind of a way.
10 Why does my court not know about that when I
11 am dealing with a minority community and we
12 have a lot of first timers that could be
13 offered that program and I am just finding out
14 about it.

15 MR. LAUSCHER: And in that case that was
16 in front of Your Honor I went and personally
17 took care of that and Your Honor would be
18 happy to know that the case was marked off the
19 calendar because she was successful and we are
20 trying to find as many of those cases as we
21 can. We had a conversation with the police
22 downstairs and that's what is suppose to
23 happen. The case is never suppose to get here.

24 THE COURT: Perhaps I need to talk to

1 the Police Commissioner about phones and cars
2 and what I would like to happen is for them to
3 take a look at it before the thirty days.
4 Thirty days to this man with it being
5 somewhere where it don't have to be there,
6 thirty days is money out of his pocket and
7 sometimes -- and the cell phone to be gone for
8 an entire month where you have a sick mother
9 or other things, I could not live without the
10 cell phone for two seconds. Everybody is
11 looking, where is the cell phone and the
12 charger. You get murdered if you take
13 somebody's charger. That's how the cell phones
14 are. The man needs the stuff. I know what it
15 is.

16 If someone can look at it. There should
17 be a DA on that right away. The car was taken
18 and the phone, do we need it, no, get that
19 thing released. Not thirty days, well you
20 know, we are looking and we are very busy. For
21 him it is a big deal. I am not saying you
22 Counsel Lauscher, I am saying the office, not
23 you because you try but I am just saying every
24 time I hear the cell phone and the car, here

1 we go again. The man is going to be without
2 the car and without the cell phone and there
3 is nothing I can do about that even as the
4 Judge. Even he is looking like, here we go. I
5 am powerless and it should not be that way. I
6 feel that at times it's Judge, we don't have
7 to do it. We will look at it and nobody looks
8 at it and they get busy. That's a big deal. If
9 they are going to keep the car as evidence,
10 give him the cell phone. If you have a bad
11 tag, I get it. What does the car have to do
12 with the investigation? Can't you just say
13 this may not be the right tag. Somebody did
14 that, allegedly the son. I don't know anything
15 else but allegedly somebody else did
16 something. We got a crime. Why keep the car,
17 just because we want to punish him a little
18 more. To me that's what it is and City Line
19 wants to make the money. It is really against
20 City Line. That could be for the record. I
21 heard horror stories about that.

22 MR. AUGUSTE: Towing and storage.

23 THE COURT: I had a relative that went
24 through the same situation for months and no

1 reason for it. That's what they wanted to do.
2 There was nothing nobody did about it. Nobody
3 gave a damn about nothing, the car and
4 nobody's cell phone. Guess what? You got
5 arrested and you are now the worst person in
6 the world. Talk about that, you are innocent
7 until proven guilty. That's not how we operate
8 damn it. We will make you suffer and that's
9 wrong. We don't know if they are guilty yet.
10 I'll tell Mimi Rocah myself. That's where I am
11 coming from. Damn it I want to know what is
12 going to be done about the cell phone and the
13 car. Is it a phone call that's made for it to
14 be released and maybe he will hang out for a
15 minute and you say there is nothing you can do
16 about it right now but perhaps he can get the
17 cell phone if the car is part of it, no
18 problem. He needs to get the cell phone today.
19 He has a sick mother and maybe children and he
20 has a son and people need the cell phone and
21 the cell phone to me -- It is not 4:00. So
22 before they say, the people went home already.
23 They are home. He is released now and innocent
24 until proven guilty. He should have the cell

1 phone today.

2 MR. LAUSCHER: I will assign somebody
3 right now to look at it.

4 THE COURT: If you need me to call the
5 Police Commissioner I will. I want him to look
6 at it before 4:00 for the man to get the cell
7 phone before 4:00. Do it. I spent a career
8 defending the police department for years and
9 defending them well. I am not going to stand
10 idly by and have people get taken advantage
11 of. We are slow and the property room is
12 closed now. Damn it somebody's phone is in
13 there.

14 He will be released on his on
15 recognizance. You will take the time Counsel
16 Lauscher here and I expect the cell phone to
17 be looked into before 4:00, before the
18 property room closes.

19 MR. LAUSCHER: I will do my best but for
20 the record it is --

21 THE COURT: You can take a break. You
22 can take a break to make the phone call. Where
23 the hell is the property room? It is in the
24 building.

1 MR. LAUSCHER: I need to review the
2 reports and everything else.

3 THE COURT: While they are taking time
4 for investigative purposes.

5 MR. LAUSCHER: I don't have the full file
6 here. I need to look at it.

7 MR. AUGUSTE: It is not a cocaine case.
8 What are you investigating, the plate?

9 THE COURT: I don't know. Let me tell
10 you something to the extent they are
11 investigating anything else they are exceeding
12 their authorities. We are talking about a
13 plate. I don't want to hear now he has a
14 murder in Wisconsin. That's not their purview.
15 It is his cell phone. Now they are going to
16 start looking if he has any gang related
17 activity. We are talking about a plate. I
18 don't know what they are looking at on the
19 cell phone. Sometimes the police take extra
20 steps that they have no right to take.

21 MR. AUGUSTE: The DA will take to 9/7?

22 MR. LAUSCHER: 9/7.

23 THE COURT: So 9/7. The People are
24 requesting 9/7. You can take a break Counsel

1 Lauscher. I want to know what is going on with
2 the phone. We have one more case. So 4:00 is
3 the time the property room allegedly closes
4 and this man needs his cell phone. You should
5 come up when you get released.

6 THE DEFENDANT: Thank you.

7 (Whereupon, the Judge makes a phone call
8 from the bench)

9 *****

10 THE COURT: This is R [REDACTED] H [REDACTED].

11 Counsel Lauscher went back to see if there was
12 any need to keep the contents of the car, the
13 cell phone in particular and the car itself.
14 Counsel Lauscher.

15 MR. LAUSCHER: Your Honor, at this point
16 from the conversation I had with the detective
17 and I also spoke to ADA Cervasio, and she will
18 have a conversation tomorrow with Commissioner
19 Gibson about this case so we are taking this
20 very seriously, however at this time the
21 property is part of an investigation and it
22 cannot be released.

23 MR. AUGUSTE: Is there any hope that it
24 will be released tomorrow morning?

1 MR. LAUSCHER: I cannot say. They will
2 speak about the case. Again as Your Honor
3 indicated this is a case of criminal
4 possession of a forged instrument. There is
5 going to be a meeting now with Commissioner
6 Gibson and the Bureau Chief of the District
7 Attorney's Office here in Mount Vernon to
8 discuss the property release on this.

9 MR. AUGUSTE: When? Why can't he have
10 the cell phone? You have to go to the Judge to
11 get a subpoena to see the cell phone.

12 MR. LAUSCHER: If it is going to be --

13 MR. AUGUSTE: It would have to be a
14 search warrant if there is no consent. We
15 don't have any indication there is consent so
16 then there has to be a search warrant.

17 THE COURT: What I am going to do is I
18 will speak to the other Judges. That's fine. I
19 want a policy put in place where when
20 someone's car and cell phone and the contents
21 of their lives are inside of that car that
22 there be some kind of a policy where your
23 office looks at it within the first maybe five
24 days to determine whether or not it needs to

1 be held for further evidence or whatever. The
2 investigation thing is not good enough for
3 me. Investigation falls short of saying they
4 need it for evidence. You can use the word
5 investigation to take this out for six months
6 if you want to.

7 MR. AUGUSTE: Yes.

8 THE COURT: You are still investigating
9 and that's a problem for me. It is an easy way
10 out where you really don't want to fall on the
11 sword and say we don't need it and you know it
12 is like another way to say, guess what Judge,
13 we are not doing it your way. That's what I
14 perceive it to be. Investigation means nothing
15 to me, okay. And if it is an investigation
16 then you are going to always be able to say it
17 is still under investigation and then you are
18 going to release it and say we don't need it
19 for evidence. What I am looking for is, is it
20 necessary for evidence in the case. The
21 investigation, hell you could say I am
22 investigating and we are doing it. An
23 investigation, that's the easy way out.

24 Let me say this for the record, I made a

1 career of defending the police department. I
2 signed all kind of search warrants before I
3 became a Judge. I defended search warrants. I
4 did a lot of work in the Southern District of
5 the county and did excellent work and so I am
6 clear you are not talking to a person that
7 don't know the inside and the inner workings
8 and saying this is part of an investigation is
9 the easy way out, that we are not looking into
10 it right now, okay. We are just not going to
11 do it today because we don't have to because
12 you are going to tell us we are doing an
13 investigation and that's it, his cell phone is
14 under investigation. You can't investigate a
15 cell phone unless you have a search warrant.
16 Since it happened yesterday I will demand if
17 you are going on an investigation and you need
18 the cell phone you put together some kind of a
19 warrant that you need to look at that cell
20 phone because right now you can't do anything
21 with it unless we give you the right to do it
22 with his cell phone if you are really going
23 there with the investigation or is it just
24 because we are going to clap back on Judge

1 Johnson.

2 Let me tell you what I am going to do. I
3 am going to sit and talk to the other Judges
4 that shared this concern, Judge Williams in
5 particular when he could not get the man's
6 cell phone and something else and we are going
7 to demand Mimi Rocah's office come up with a
8 policy and then I will do a poll of the other
9 Judges in the other places and find out what
10 their experience is with this. Oh, they didn't
11 even take the car. They returned the cell
12 phone and the car right away within a day or
13 two it is back and see whether Mount Vernon is
14 being treated differently and I will do that
15 because this would not be the first time that
16 we would be treated differently and I am not
17 sure why.

18 MR. AUGUSTE: And while we are talking
19 about this, if they are holding the contents
20 of the car and cell phone for investigation
21 are they going to give a note to whoever is
22 holding the car now at the impound not to
23 charge the man on the daily basis for keeping
24 the car for investigation because I believe

1 they will charge him on a daily basis for
2 storage.

3 THE COURT: Correct. There is an issue
4 where if the case gets dismissed or something,
5 arguably he has been a victim, then there
6 might be an argument that he should not have
7 to pay those things and even before that if
8 you want it for an investigation, that's your
9 price and we will start dealing with that and
10 see how quickly the cars are returned when we
11 say, that's your investigation, you pay for
12 it.

13 I'll cover it with the other Judges and
14 I'll see. I cannot wait to get off the bench
15 and do it today. I want us to figure out what
16 is happening here exactly. So Mr. H [REDACTED] I am
17 not sure how this investigation will take
18 place. Did you have a certain time frame or
19 you are just saying whenever we say it is
20 done?

21 MR. LAUSCHER: As I said ADA Cervasio is
22 going to meet with the Commissioner tomorrow
23 morning when she comes in on this particular
24 case and the issue as well.

1 THE COURT: Great. I appreciate it.

2 MR. LAUSCHER: I spoke to her about it
3 personally.

4 MR. AUGUSTE: I will ask that I be
5 notified to advise Mr. H [REDACTED] here regarding
6 whatever decision you make.

7 THE COURT: Yes.

8 MR. AUGUSTE: You have my cell phone
9 number and my address and email.

10 THE COURT: Counsel Auguste are you not
11 going to be in court tomorrow or will you be
12 here? I am wondering if she is going to meet
13 with them in the morning --

14 MR. AUGUSTE: No. I'll be here on
15 Wednesday the 23rd.

16 THE COURT: I like to know what
17 happened, what came of that. In fact I will
18 have Judge Coverdale just inquire again if she
19 speaks to him and if they will release it we
20 want to have it released, at least the cell
21 phone if the car is necessary, okay.

22 MR. AUGUSTE: Mr. Lauscher, is there a
23 possibility of releasing the man's keys
24 because he cannot get into his home. The keys

1 are in the vehicle. There is another issue.

2 MR. LAUSCHER: Again --

3 MR. AUGUSTE: The keys, all we need
4 today is the keys. Are you investigating the
5 keys?

6 MR. LAUSCHER: If it's part of the
7 property I cannot send a release at this
8 point.

9 MR. AUGUSTE: For the keys only.

10 MR. LAUSCHER: The keys would also be
11 evidence of possession in the cases.

12 MR. AUGUSTE: The house keys?

13 THE DEFENDANT: The house keys to get in
14 my house, my apartment.

15 THE COURT: So I guess Ms. Cervasio will
16 speak to the Commissioner in the morning.

17 MR. LAUSCHER: Yes.

18 THE COURT: What I would do is I would
19 come here tomorrow if you have the time, maybe
20 come in at about -- Do you work tomorrow?

21 THE DEFENDANT: No. I will take the day
22 off.

23 THE COURT: Don't take the day off.

24 THE DEFENDANT: I will take the day off,

1 yes.

2 THE COURT: If you want. I don't know if
3 anything will happen. I don't know if it will
4 be released. It could be a waste of time if
5 they decided they are not releasing it because
6 it is under investigation.

7 THE DEFENDANT: I just ask for my house
8 keys to get in.

9 THE COURT: The house key. You can't
10 even get that today, could you imagine. The
11 property room is now closed.

12 THE DEFENDANT: I left it in the car. He
13 told me that he would bring it over.

14 THE COURT: What officer was that? What
15 is the officer's name? He said that he would
16 give it to you?

17 THE DEFENDANT: He said all of your
18 property, the keys for my car and my
19 medication is in there as well. He said you
20 would have all of that tomorrow when you get
21 out.

22 MR. LAUSCHER: They may have -- again,
23 he can go downstairs. They may have it if it
24 is personal property.

1 THE DEFENDANT: I did go down to get the
2 personal property.

3 THE COURT: The Commissioner said there
4 should be a list of what is there and he says
5 that he waits for the DA's office to give him
6 the fact that they don't need it and they
7 don't have any -- they said they have nothing
8 to do with that decision. The DA's office
9 makes that decision whether it is needed for
10 evidence or anything. He said we don't make
11 that decision. So the fact that a detective
12 came up here and said whatever, I want to know
13 his name and who was the person that told you
14 that they would give you all of your things.

15 MR. AUGUSTE: Detective Jorge Monge,
16 M-O-N-G-E, first name Jorge, J-O-R-G-E.

17 MR. LAUSCHER: If you go downstairs you
18 could ask him about that personal property and
19 maybe he pulled it out of the car. I just
20 don't know Your Honor.

21 THE COURT: But you told us that you
22 have medication in there as well?

23 THE DEFENDANT: [REDACTED]

24 [REDACTED]

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██████████.

THE COURT: It is in the car?

THE DEFENDANT: It is in the car. I explained it to him. I told them where my keys are and he said that you would get it.

THE COURT: Counsel, I don't think they should keep any of that stuff, definitely not the medication.

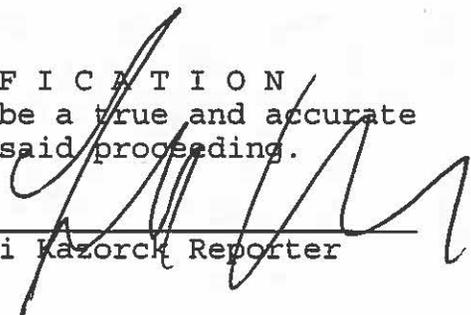
MR. AUGUSTE: It should not be part of any investigation either.

THE COURT: It should not be.

MR. AUGUSTE: His house keys and medication.

THE COURT: Okay. Perhaps Counsel Auguste if you could accompany him downstairs and speak to Jorge Monge or ask to speak to the Commissioner and say he has medication and stuff and he was told that it would be given to him that would go a long way to help him out today. Wait for Counsel Auguste.

CERTIFICATION
Certified to be a true and accurate
transcript of the aforesaid proceeding.



Lori Kazorck Reporter

EXHIBIT B

STATE OF NEW YORK: COUNTY OF WESTCHESTER
CITY OF MOUNT VERNON: CITY COURT - PART B

-----X
THE PEOPLE OF THE STATE OF NEW YORK,

-against-

DOCKET NO.

██████

G ██████ F ██████,

Defendant.

-----X

2 Roosevelt Square
Mount Vernon, New York 10550
January 30, 2023

B E F O R E : HON. NICHELLE JOHNSON,

MOUNT VERNON CITY COURT JUDGE

A P P E A R A N C E S :

For the People:

MIRIAM E. ROCAH, ESQ.

District Attorney of Westchester County
111 Dr. Martin Luther King, Jr. Boulevard
White Plains, New York 10601

BY: STEPHANIE BAEHR, ESQ.
Assistant District Attorney

BY: ALSO PRESENT: KERRY MCGRATH, ESQ.
Assistant District Attorney

For the Defendant:

ASSIGNED COUNSEL, 18-B
116 HAVEN AVENUE
MOUNT VERNON, N.Y. 10553

BY: DAVID H. HAWKINS, ESQ.

Nancy D. Grasso
Official Court Reporter

1 THE COURT: Number 7 on the calendar, G [REDACTED]
2 F [REDACTED]. F [REDACTED], is he here? Mr. Hawkins is present.

3 MR. HAWKINS: Mr. F [REDACTED] is here. Come on up, Mr.
4 F [REDACTED].

5 THE COURT: Any notes on this file that I made or
6 anything with regard to this on for a Non-Jury Trial?

7 MR. HAWKINS: Correct, Judge. Good afternoon,
8 David Hawkins for Mr. F [REDACTED], who is to my right.

9 THE COURT: Yes, there was an offer of an
10 interim, I guess, has anything changed?

11 MR. HAWKINS: Well, Judge, let me bring you up to
12 speed. The last time we were here and you were sitting
13 January 4th, Judge, the People had received correspondence,
14 as well as myself, I think I tendered a copy to the Court
15 as well, indicating that the complaining witness was never
16 going to be going forward. The Court indicated that if the
17 People did not have the complaining witness here, this
18 matter should be dismissed.

19 THE COURT: Okay, let me see. Of course the
20 jacket of the folder doesn't have that. I would think it
21 should, because I ask the clerks to specifically note the
22 folder the way I want it noted, and the way the judges
23 probably want it noted, meaning, what we said on the
24 record. My notes would have that, but this file jacket,
25 Louis, for the record, you may not have been in here. But,

1 I want to instruct the clerks that whenever the Judge says,
2 this is final, this will be dismissed the next time if the
3 People aren't ready, it has to be on the file jacket in the
4 little area here. You know what I mean, because to the
5 extent that I don't have my calendar here, I take copious
6 notes. That's why I say, is there any special notes.
7 That's a special note. From now on, and you can tell the
8 other young lady, the Judge says, that's final, and if
9 they're not ready, it's going, then that's what we're
10 doing. Anyway, Counsel Hawkins, I do acknowledge receipt I
11 guess to whom it may concern [REDACTED] [REDACTED] [REDACTED].

12 MR. HAWKINS: Correct.

13 THE COURT: Is she the complaining witness?

14 MR. HAWKINS: Correct.

15 THE COURT: I do acknowledge the Parker Warning
16 and do not the jury waiver. And I do see the Order of
17 Protection as to that person. I do see that this gentleman
18 has no criminal history here. I don't recall what I said,
19 but if you're saying that's what I said, then that's
20 probably what I said. Counsel McGrath, are the People
21 ready for a Non-Jury Trial?

22 MS. BAEHR: Stephanie Baehr, Judge, standing in
23 for the People. Your Honor, the People are not ready for a
24 Non-Jury Trial today. We'll ask for four weeks for another
25 date.

1 THE COURT: Did you subpoena the witness?

2 MS. BAEHR: The witness was subpoenaed, Judge.

3 THE COURT: The case is going to be dismissed and
4 sealed today.

5 MS. BAEHR: Your Honor, respectfully --

6 THE COURT: Over objection, you can object,
7 that's all I want to hear. You object, object, okay.

8 MS. BAEHR: Objection for the record --

9 THE COURT: I said the last time, it's on the
10 record, Counsel Baehr, don't challenge me on it --

11 MS. BAEHR: Okay, I'm not.

12 THE COURT: -- like you did the last time when I
13 had a decision here.

14 MS. BAEHR: Yes, Judge.

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

18 MS. BAEHR: Understood, Judge.

19 THE COURT: You don't tell the Judge, I object.
20 Okay, please, it was disrespectful, and I haven't forgotten
21 it. I didn't do that, when I was a lawyer, I'd never do
22 it. Judge, yes, Ma'am, just note my objection for the
23 record on stuff, but not on a decision. You don't do that
24 to a judge. You have a problem, appeal It. Go back in
25 your office and say, that idiot, whatever you want to do,

1 but it's not in Court, you do it there and you appeal it,
2 if that's what you feel. I'm sealing this, because Counsel
3 Hawkins said the notes were that I said, if the person is
4 subpoenaed, and you put three weeks out, when was the last
5 court date?

6 MR. HAWKINS: January 4th, Judge.

7 THE COURT: January 4th, we put it over nice and
8 long. It's the 30th of January, you served the subpoena,
9 the person is saying they don't want to come in, they
10 didn't answer the subpoena, that means you're not ready,
11 you're probably never going to be ready, and I'm granting
12 this case to be dismissed and sealed pursuant to 160.50.
13 I'm now going to play the game. I put it out three weeks
14 already on purpose. So that if you had to do two subpoenas
15 you can do it, if you had to make five phonecalls to the
16 person, you do it. If you had the right notes -- whatever
17 you had to do, you had three weeks to do it. I have a
18 letter here that says she doesn't want to go forward, I'm
19 done. 160.50 seal, Orders of Protection are vacated.

20 MR. HAWKINS: Thank you, Judge.

21 THE COURT: If there was bail, it will be
22 exonerated. It's sealed pursuant to 160.50 over People's
23 objection.

24 MR. HAWKINS: Thank you, Judge. That's all I
25 have.

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THE COURT: Thank you.

* * * * *

Certified to be a true and accurate virtual
record of the above proceedings.



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Official Court Reporter