STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

NAITA A. SEMAJ,

DETERMINATION

a Justice of the Supreme Court,
12th Judicial District, Bronx 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 Eric Arnone, Of Counsel) for the Commission

Hon. Naita A. Semaj, *pro se*

Respondent, Naita A. Semaj, a Judge of the Supreme Court, 12th Judicial

District, Bronx County, was served with a Formal Written Complaint ("Complaint") dated January 21, 2025 containing one charge. The Complaint alleged that "On numerous occasions from on or about March 23, 2022, through on or about April 3, 2023, while presiding over various matters, Respondent was and/or appeared to be impatient, undignified, discourteous and otherwise disrespectful toward and biased against assistant district attorneys (ADAs), in that she (A) spoke to prosecutors in an impatient and discourteous manner, (B) advocated for the defense, (C) failed to afford prosecutors the opportunity to be heard, (D) mischaracterized and assailed certain policies of the Bronx District Attorney's Office (DA's Office), (E) unjustifiably ejected ADAs from her courtroom on at least three occasions . . .." Respondent filed an Answer dated February 18, 2025.

On April 21, 2025, the Administrator 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 May 1, 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 2006. She has been a Justice of the Supreme Court, 12th Judicial District, Bronx County, since January 1, 2022, having previously served as a Judge of the New York City Civil Court, Bronx County, from January 1, 2019, to December 31, 2021. Respondent's term expires on December 31, 2035.

People v S[redacted] S[redacted]

2. On April 1, 2022, respondent presided over a calendar appearance in a criminal matter, *People v S[redacted] S[redacted]*, which was scheduled for possible disposition on consent. The defendant was charged *inter alia* with two counts of Attempted Murder in the Second Degree, Assault and Reckless Endangerment, and related weapons charges, for allegedly chasing and shooting at two individuals after they accosted him inside a store, wounding and hospitalizing at least one of them. He faced a maximum sentence of 25 years in prison if sentenced as an adult, but a significantly shorter period of incarceration if adjudicated as a youthful offender.[1]

3. Walter Fields represented the defendant. ADA Joshua Couce and his Deputy Bureau Chief, ADA Ilya Kharkover, appeared on behalf of the People. The People were recommending a sentence of seven years imprisonment on a plea

[1] The defendant was eligible for youthful offender status because he was 17 years old at the time of the crime, though he was 18 years old at the time of this appearance.

to the top count in full satisfaction of the charges. ADA Kharkover was present because respondent had requested the attendance of a supervisor to justify the prosecution's sentencing recommendation.

4. At the beginning of the proceeding, respondent asked the ADAs to "help" her "understand" the sentence they were recommending. ADA Kharkover stated that the case was "very strong" and explained that it involved the attempted murder of an individual who was running away from the defendant at the time of the shooting.

5. In response, respondent referred to a video of the events preceding the incident and described it as showing two people who "come into the store as Mr. S[redacted]'s in the store . . . with their hands in their pocket, clearly, as if they have something," "immediately approach Mr. S[redacted]; take whatever is in their pocket out" and one of them "starts looking like he's trying to stab Mr. S[redacted] in the side."

6. Respondent continued to ask ADA Kharkover, "help me understand," sarcastically remarked, "So you're so concerned about violence," and asked if ADA Kharkover had seen "that part in the video" where two people "came into the store with weapons" and "[a]ttempted to immediately start stabbing Mr. S[redacted]."

7. ADA Kharkover replied that the defendant chased and shot at the two individuals after they no longer posed a threat to him, stating, "Yes, Judge, but

what about when they flee and he shoots after them; is anybody stabbing him then?"

8. Respondent then remarked, "Are you serious right now?"

9. When ADA Kharkover tried to clarify his point, respondent cut him off, stating "Why is it okay that somebody gets to walk into a store, corner somebody and try to stab them? Because, basically, the message your office sends, every single day, is that it's okay to do whatever you want to do as long as you don't have a gun."

10. ADA Kharkover attempted to respond, but respondent cut him off again and stated, "Don't come in here and ask me is that okay? None of it's okay," and "None of it's okay. But I'm the one who realizes that; you don't."

11. Respondent again questioned the recommendation of the DA's Office, remarked that "everything started with the two individuals who, clearly, came into the store looking for a problem" and then said, "They found it. Did they not?" Respondent also asked ADA Kharkover, "Did you guys pursue those two individuals?"

12. ADA Kharkover responded he was "trying to find out the answer" and reminded respondent that he was not the ADA assigned to this case, to which respondent replied, "Well, you should know the answer" and incorrectly asserted that because ADA Kharkover had "something to do" with the offer, he should have

"ma[d]e it [his] business to have all the information." Respondent added, "So don't sit here and tell me 'I'm trying to find out.' This is not the point in the game where you investigate and figure it all out; you should know that on the front end."

13. ADA Kharkover attempted to explain that he did not have all of the information respondent requested because he had been pulled from a meeting when respondent summoned him to court, at which point respondent immediately called the case without giving ADA Kharkover an opportunity to confer with ADA Couce. Respondent sarcastically said, "I wouldn't let you speak to him outside? Oh, I'm so sorry . . . I'm so sorry . . . So I'm going to need you to help me understand, without having to inquire, because, again, you should already have the information."

14. ADA Kharkover then said the defendant had no legal right to shoot at the two individuals, even if they were the initial aggressors, because once they fled they no longer posed a threat to him, to which respondent replied: "So help me understand what gave them the right to try to stab him? Because, clearly, your office is basically saying that's cool; no worries there; that's, totally, fine; they didn't have a gun."

15. Respondent accused the DA's office of drafting the felony complaint "with every intent of making it look as if" the defendant was "the only person who was doing something wrong … when that is, absolutely, not the case."

16. In response, ADA Kharkover noted that the grand jury was shown the video evidence.

17. Respondent continued to question the DA's recommendation of "seven years jail," for a defendant who "chas[ed] down the person who, quite frankly, tried to kill him."

18. ADA Kharkover then asked whether the defendant would be interested in a plea agreement with a reduction of the proposed prison sentence to five years:

ADA KHARKOVER:	If he just displayed the firearm, I, totally, agree with Your Honor, this would be a different offer. But, for what it's worth, is the defendant interested in five years?"
DEFENSE COUNSEL:	Was that addressed to me?
RESPONDENT:	You're not going to answer that. What you are going to do is step out of my courtroom.
ADA KHARKOVER:	Absolutely.
RESPONDENT:	Have a great day. Thank you. Because you are clearly, clearly a waste of everything.
ADA KHARKOVER:	Clearly.
RESPONDENT:	That makes no sense.
ADA KHARKOVER:	Clearly.
RESPONDENT:	And do not return.
ADA KHARKOVER:	Clearly. Clearly.

19. ADA Kharkover then exited the courtroom, and respondent stated:

> Well, at best, the position of their office is disingenuous and completely inappropriate. To step foot in here and pretend that there's been a full consideration of the facts and circumstances and at the end of it that's how you got to seven years jail is nonsense. It is complete nonsense. I am disgusted. That is, absolutely insane. His attitude -- he need not ever step foot in this part again. Ever step foot in this part again. As a matter of fact, I'm going to ask you to ask the chief to come speak to me about him because that's not how this works. This is not a back-and-forth discussion. We're not talking on the block. He didn't even know if it was a bodega or a phone store. He doesn't have facts straight. No."

20. After ADA Kharkover's departure, respondent continued to criticize the DA's Office by addressing ADA Couce, who remained:

> This whole position that your office is taking that you want to grandstand: Lock them all up. Anybody that has a gun, lock them all up. The problem is everybody else who's doing all these other horrible things; who's randomly attacking people in the street; just because they don't have a gun you're, basically, giving all those people a free pass and that sends a horrible message. And if you don't realize that you need to really think about why you're here and why you're even bothering to show up at work because it shouldn't be just about putting people who have a gun in jail because the two guys who walked into this phone store were going in there to hurt him (indicating). You cannot tell me they were going in there to do anything besides trying to kill him (indicating). But no one gives a damn about that. And when I say no one I mean the People; your office; or the NYPD because no one cares. Instead, you filed these complaints where it just looks as if he's literally, standing around causing a problem and pulling out a gun.

21. Respondent then accused the DA's Office of acting in "100 percent bad faith," both in drafting the criminal complaint and recommending seven years

in prison, and she criticized the DA's Office's for giving a "free pass" to the person whom the defendant shot. Respondent characterized the actions of the DA's Office as "complete nonsense."

22. When ADA Couce pointed out that the victim was hospitalized for his injuries and could be charged with, at most, a Class B Misdemeanor for attempted assault, respondent said, "But it's still a crime. . . . Somebody has very clearly committed an unprovoked, violent, crime, on camera, and, seemingly, the only reason why there's no criminal case against them and why nobody cares about where they were is because they didn't use a gun while doing it. As somebody who lives in the Bronx, that is, absolutely, disgusting and disturbing because the message is so I can walk outside and somebody could beat me down but, you know, if they don't have a gun nobody might even care to arrest them. That is a problem. That is a problem."

23. Respondent accused the Bronx DA's Office of "turn[ing] a blind eye to other crime", of having the "audacity to come in here with a straight face and then try to talk to me like I'm and idiot and I don't get it. On what planet?", and of "choos[ing] to see things through a certain lens and once you've decided who the bad guy is then that's the lens you stick with."

24. At the conclusion of the appearance, respondent stated that she was "not inclined to continue to have [the case] hang over [the defendant's] head" and

that she would be inclined to adjourn the case for three or six months if she "thought that there was any possibility that [the Bronx DA's] office would wake up and realize the nonsense that is coming from that side of the courtroom but since that is, absolutely, not going to happen, no." Respondent added the following before adjourning the case:

> Your office has made it clear what their position is. Your office has made it, abundantly, clear to me and, probably, everybody else in the Bronx, do whatever you want to do just don't have a gun in your hand. Beat people to a pulp in the street; stab them in a store; go for it; as long as you don't have a gun in your hand we're not worried about it. That's the message that your office is sending. Just so you're, absolutely, clear, that is the message your office is sending and I'm not going to be complicit in the nonsense, at all.

25. At various points throughout the proceeding, respondent stood up at the bench, removed her mask in contravention of court system policy at the time, and raised her voice at ADAs Couce and Kharkover.

26. On April 4, 2022, respondent presided over another calendar appearance in *People v S*[redacted]. ADA Jaclyn Wood appeared on behalf of the People, and Mr. Fields appeared on behalf of the defendant.

27. At an off-record bench conference, ADA Wood attempted to reiterate the People's sentencing recommendation, as well as to explain why the DA's Office believed that the defense of justification was not applicable to the case.

28. The *S* case was then called on the record and adjourned to April 5, 2022.

29. On April 5, 2022, respondent presided over another calendar appearance in *People v S*. ADA Mary Jo Blanchard appeared on behalf of the People, and Mr. Fields appeared for the defendant.

30. The case was conferenced off the record, and ADA Blanchard informed respondent that the DA's Office would be requiring S to plead to the entire indictment, in response to what it perceived to be an inadequate offer from the court. Respondent – speaking to ADA Blanchard in a loud, condescending, and chastising manner – accused her in sum and substance of "not caring about defendants," and the DA's Office of engaging in a "pissing contest." Respondent said she would adjourn the case to give the People time to "get off their high horse."

31. Following the conference, the case was called on the record. Respondent stated to ADA Blanchard, "So the reason why you're asking him to plead to the entire indictment is because you can, essentially?" ADA Blanchard replied, "We do not agree with the disposition being offered by the Court."

People v K C

32. On October 14, 2022, respondent presided over a calendar appearance in a criminal matter, *People v K C*. The People were

represented by ADA Ashley Clement, who was covering the cases in respondent's calendar part for the DA's office that day. The defendant was represented by Monica Dula.

33. Respondent announced that the case was on for decision, that she was granting defendant's motion to dismiss the indictment, and that the DA's Office had 45 days to re-present the matter to a grand jury.

34. ADA Clement asked whether an electronic copy of the decision would be sent to ADA Joseph Gattuso, the ADA assigned to the case. When respondent replied that the decision "is right there on the table," ADA Clement again asked if a copy would be sent to ADA Gattuso. Respondent answered, "I am not his secretary. The case is on right now for decision. The decision is right there."

35. During the colloquy that ensued, respondent raised her voice and yelled at ADA Clement, as follows:

ADA CLEMENT: I understand that. I am asking –

RESPONDENT: If you understand it, why are you asking me questions that don't make sense? Help me understand this. Why would I be sending e-mail copies of decisions to the ADA. Do I work for your office?

ADA CLEMENT: Because some judges do.

RESPONDENT: I don't. You have it right there.

ADA CLEMENT: Okay. That's it.

RESPONDENT: I'm sorry. What did you say?

ADA CLEMENT: I am just saying that some Judges send the decision to the ADA.

RESPONDENT: I do not. I do not.

ADA CLEMENT: I am just asking a question.

RESPONDENT: I do not. Anymore questions?

ADA CLEMENT: Okay. That's it.

RESPONDENT: Actually, you could step out. You could step out.

ADA CLEMENT: Okay. Who else is going to cover the part then?

RESPONDENT: Call a supervisor.

ADA CLEMENT: Okay. That's fine.

[Whereupon, ADA Clement exited the courtroom]

RESPONDENT: We are not doing this today.

36. ADA Clement called her Bureau Chief, ADA Susanna Imbo, who met her outside respondent's courtroom to discuss what had happened. On determining that Ms. Clement had done nothing to justify being ejected from the courtroom, ADA Imbo entered the courtroom with ADA Clement.

37. Respondent immediately pointed at ADA Clement and yelled, "You're not allowed to be in here!"

38. ADA Imbo asked that everything be put on the record moving forward, which appeared to anger respondent, who raised her voice at Ms. Imbo

and said, in substance, "Who are you?" and "This is my courtroom!" Respondent then ejected Ms. Imbo from her courtroom as well.

39. On October 17, 2022, respondent told ADA Jessica Lupo, an executive staff member at the DA's Office, that she would allow ADA Clement back in her courtroom only if she apologized for "unintentionally disrespecting" respondent. Although ADA Clement did not believe that an apology was warranted, she nevertheless apologized to respondent, who replied in sum and substance, "When a judge yells at you, you just sit there and take it."

People v Tyresse Minter

40. On April 3, 2023, respondent presided over the arraignment in *People v Tyresse Minter*, in which the defendant was charged with killing his teenage stepson.

41. The People were represented by ADA Christopher Conway. The defendant was represented by Archana Prakash.

42. Because law enforcement authorities had brought the defendant in through the courtroom's public entrance rather than from the non-public back cell area, and he was seated in the spectator section, ADA Conway planned to arrange for the defendant and the victim's family to remain separated. To that end, he remained in touch with a supervisor who would be escorting the victim's mother into the courtroom.

43. Respondent called the case before either ADA Conway or the victim's mother had arrived. Respondent then sent a court officer to find Conway and convey to him that respondent had ordered him to the courtroom.

44. When ADA Conway entered the courtroom, respondent pointed and yelled at him. When he told respondent the victim's mother was "in the building, walking down the hallway," respondent replied, "What does that have to do with what we're doing here?" ADA Conway attempted to explain that it would be his preference to wait for the victim's mother to arrive because it was a homicide case. Respondent answered:

> Oh, your preference? Oh, my -- you know what? My bad. I completely forgot that your preference actually matters. Are you serious right now? I understand that you have a preference to have the family members sitting in the courtroom, and that's wonderful. So maybe you should ask her to get here sooner. I don't know, but it's 2:30 in the afternoon. Everybody else is here. I am here. And for you to say that the only reason you're not ready right now is that the mother of the victim has not gotten here yet? If you think for a second I'm going to stop what I'm doing, second call this case for the mother to get here -- are you serious?[2]

People v Maurice Baptise

45. On October 13, 2022, respondent presided over a calendar appearance in a criminal matter, *People v Maurice Baptise.*

[2] The victim's mother had actually been in the courthouse for several hours.

46. The People were represented by ADA Vittoria Fiorenza, who was covering the cases in respondent's calendar part for the DA's office that day. Mr. Baptise was represented by Olivia Scheck.

47. When the case was called and the defendant failed to appear, Ms. Sheck said she had been informed that he had "previously been in a motorcycle accident" and was unable to make it to court because he "thought that he was going to be able to get a ride today, but the ride fell through." Ms. Scheck also said the defendant had sent her "some photographic evidence that supports his knee injury" and asked for an adjournment.

48. Consistent with Criminal Procedure Law § 530.60(1), ADA Fiorenza informed respondent that the ADA assigned to the case was requesting a bench warrant since the defendant had now failed to appear for a third time, and the DA's Office had not been provided with medical documentation to corroborate the explanations for his absence. Respondent replied:

> You seriously believe that it's appropriate to ask for a warrant when an attorney has stood up in court and represented that not only has she spoken with her client, but her client was in an accident and her client is unable to get here without a ride? You really do believe, as an attorney, that's an appropriate basis upon which to ask for a warrant?

49. ADA Fiorenza stated that she believed respondent, at the very least, should set a short adjourn date for either the defendant to appear or for defense counsel to provide some medical documentation.

50. Respondent stated that there was no point in setting a short adjournment because "in a week we are probably going to hear the same thing" and sarcastically urged ADA Fiorenza to make records that are "consistent with facts and reality." Respondent added, "Like you are asking for a warrant -- warrants are not so cops can go drag somebody in because you want them here faster. Warrants are because somebody chose to simply not come to court. Nothing in that record indicates that he chose to simply not come to court."

51. ADA Fiorenza reiterated that the reason she was requesting either a short adjournment or medical documentation providing some assurance of the defendant's whereabouts was due to his chronic history of failing to appear. The following colloquy ensued:

> RESPONDENT: [Ms. Scheck] is an officer of the court. She herself has documentation of it. There is no planet upon which she is obligated to share with you her client's medical records of any sort because you want it so you could feel comfortable. That is not the planet upon which we live. We are not doing that. She is an officer of the court who has made certain representations, period.
>
> ADA FIORENZA: Understood, Judge. I have made my record.
>
> RESPONDENT: You have made your record, and it's one that you really should have really kept to yourself because it makes to [*sic*] sense, no sense, whatsoever.

People v S[redacted]-P[redacted] H[redacted] and M[redacted] M[redacted]

52. On October 13, 2022, respondent presided over a calendar appearance in a criminal matter, *People v S[redacted]-P[redacted] H[redacted] and M[redacted] M[redacted]*. ADA Vittoria Fiorenza appeared for the People, and the defendants were represented by Robert Gross and Spiro Ferris. (The ADA assigned to the case, Samantha Miller, had just returned to the office from leave to deal with a family emergency.)

53. The defendants were charged with possessing a firearm when the police stopped a motor vehicle in which they were occupants.[3] While defendants H[redacted] and M[redacted] were being charged in Supreme Court, there was a third occupant who, as a juvenile, was being prosecuted in Family Court for possession of the same firearm. The attorneys for H[redacted] and M[redacted] argued that the case against their clients should be dismissed because they believed that the third individual had taken responsibility for and pleaded guilty to possessing the firearm.

54. At the time, ADA Miller had not been able to obtain Family Court records to confirm that the juvenile had been sentenced in his case, which the People believed was prerequisite to dismissing the charges against H[redacted] and M[redacted].

55. Respondent said at the appearance that the charges should be dismissed because the case only involved "one gun," and the separately-charged

[3] Under New York Law, more than one person may jointly possess a weapon (Penal Law § 265.15(3)), and multiple defendants may be prosecuted for possessing the same firearm.

juvenile had already taken responsibility for possessing it. Respondent also voiced her displeasure that the DA's Office was not prepared to dismiss that day and had not yet confirmed that the juvenile had been sentenced, stating, "We have had this conversation on at least two appearances, likely three appearances." The case was second-called after the lunch break for ADA Miller to appear.

56. At the second call, respondent spoke sternly and in a raised voice at ADA Miller for emailing her at 2:02 PM that afternoon with a request that respondent sign off on the "so ordered" subpoena she needed to access records from Family Court.

57. ADA Miller informed respondent that the separately-charged juvenile had been sentenced one week prior, while she was out on leave, and that the DA's Office would not be able to dismiss the case against defendants H[redacted] and M[redacted] unless and until they had proof of the disposition in Family Court. The following colloquy ensued:

RESPONDENT: Let's be clear. It is not that you can't. It's that your office chooses not to. There is nothing in the law preventing that. It's one gun, one gun, three people. One person has already plead guilty, right? Right?

ADA MILLER: Yes, Your Honor, and--

RESPONDENT: We are not going to talk at the same time. We are not doing that. We are absolutely not doing that today. One person already pled guilty to the one gun. You know that. You have that. And either

way, even if he was sentenced in (*sic*) last week, we are still here today. And the thing you did today after the first call is the thing you should have done last week, right?

ADA MILLER: Your Honor, I was out last week for a family emergency.

RESPONDENT: Oh, my goodness. So everything must stop. Do you realize that there are implications to having cases open? You do realize that, right?

ADA MILLER: Yes, Your Honor, I do realize that. But, I can't do things that I am not present in New York for. I was out of state for a family emergency, and I am dealing with a family emergency, so I am not going to--

RESPONDENT: Are you a solo practitioner?

ADA MILLER: No. I work for the District Attorney's Office.

58. Despite the fact that the juvenile had been sentenced only one week earlier while ADA Miller was out of the office dealing with a family emergency, respondent described the actions of the DA's Office as "disingenuous and ridiculous", accused the prosecution of "dragg[ing] their feet" and "not [doing] the bare minimum", and stated that "the lack of any desire to get this done is mind blowing to me."

59. In response to statements from respondent and defense counsel that the case should be dismissed, ADA Miller again asserted that she was not in possession of any minutes or proof that would conclusively establish that the

separately-charged juvenile had taken responsibility for possessing the firearm. The colloquy continued, during which respondent again spoke to ADA Miller in a sarcastic and condescending manner:

> RESPONDENT: "You can order minutes. I can get -- when I need minutes, I get them. When defense counsel needs minute (*sic*), he gets them. What is stopping you from getting minutes? Help me understand? Please walk me through the life that you live. What is so difficult about getting minutes. It (*sic*) been two months."
>
> ADA MILLER: It hasn't been two months.
>
> RESPONDENT: What efforts did anyone from your office take to get minutes?
>
> ADA MILLER: I don't have any record as to that, so I don't know.
>
> RESPONDENT: What efforts did your office make at all to confirm anything with respect to the codefendant? Because it was your office's record and representation that somebody took a plea, and that they were going to dismiss once he was sentenced. That came from your office. So--
>
> MR. FERRIS: I think maybe the hang-up, Judge, is, from the People's perspective -- not that I am advocating for them, but I think they wanted -- they knew, they were aware that that person made an admission in Family Court, but they wanted to wait until that individual was sentenced.

60. The case was thereafter called a third time for ADA Miller's supervisor, ADA Michelle Villaverde, to appear. While ADA Miller called ADA

Villaverde from the courtroom and asked her to come down, respondent was screaming.

61. When ADA Villaverde arrived, ADA Miller was crying outside the courtroom.

62. After speaking with ADA Miller, ADA Villaverde entered the courtroom and explained to respondent, off the record, that ADA Miller had just returned to the office after dealing with a family emergency. Respondent stated, in sum and substance, "I don't care what her issues are."

63. Respondent eventually signed the "so-ordered" subpoena and stated, "And I am putting it on for dismissal. At this point, it seems very clear that the intention is that once the defendant is sentenced, these cases are being dismissed." The case was then adjourned.

People v J[redacted] L[redacted]

64. On March 23, 2022, respondent presided over a criminal matter via Microsoft Teams in *People v J[redacted] L[redacted]*, which was on the calendar for a possible disposition. The People were represented by ADA Jillian Castrellon. The defendant was represented by Nancy Ginsburg.

65. The defendant, a 16-year-old, was charged with assault, criminal possession of a weapon and other related charges for shooting his ex-girlfriend in the face, which blinded her in one eye.

66. ADA Castrellon stated that, following a conference with her supervisors, she was recommending three and a half years in prison, based on the seriousness of the case as well as the existence of a prior history of domestic violence between the victim and defendant, which involved the defendant hitting and throwing the victim down a flight of stairs.

67. Defense counsel requested that the defendant be adjudicated a Youthful Offender and sentenced to probation, pointing out that he had voluntarily completed two programs on his own.

68. Respondent took issue with ADA Castrellon's recommendation of a prison sentence and asked why she had not requested that the defendant participate in a program:

> I'm just, always, um, just -- I guess I am a little confused, when there is someone who is alleged to have done something . . . they are out . . . engaging in services, they are not getting rearrested, um, no one's coming in here asking for anything to change because of any issue or concern, and then the People's position is jail -- several years jail.

69. Respondent again asked ADA Castrellon to state the basis for her prison recommendation and asked if the DA's Office "take[s] into consideration that it is the Youth Part, or is that just not a part of [*sic*] analysis?" ADA Castrellon stated that this was a factor the DA's Office took into consideration.

70. When ADA Castrellon opposed giving the defendant youthful offender treatment given the facts of the case, respondent asked: "what do you

have to support that position as an attorney? You have a complainant who has at least at one point said she did shoot herself."[4]

71. ADA Castrellon responded that she did not believe the shooting was accidental based on conversations she had with the victim, which she could not "ignore" despite the fact that the victim was uncooperative. She reiterated that the victim had lost vision in one eye and had survived "by an act of God." The following ensued:

> RESPONDENT: But that's why it -- I am also a little confused -- it's so serious, it's so bad, there is a history of domestic violence, according to the People, but yet he is literally not asked to do anything by the People. The People's position is he's arrested, he's charged, he comes to court, and at the end the [*sic*] everything what he does is services on his own, then jail because it is so terrible. If what he did was so bad -- if the People truly believe there is a history of domestic violence, please tell me, help me [*sic*] why the People's position is also to not ask him to do anything. Tell me how to understand that.
>
> ADA CASTRELLON: Judge, I am not a DV Assistant. It was not coming in as DV.
>
> RESPONDENT: The representation you have made, based upon the representations you have made, you have the case for several months now. So, whether you are a DV Assistant or not, if you are going to come into this court and talk about there is a history of domestic violence, you are going to have to explain to me

[4] Notwithstanding a prior statement by the victim that she had shot herself, at this point the defendant had been indicted by a grand jury for the shooting.

why there's that history and the People don't do anything to address it.

ADA CASTRELLON: Judge, I am happy to look into a program that would be available for him to complete with respect to --

RESPONDENT: A year later, after he's done a program on his own? Do you hear yourself?

ADA CASTRELLON: Well, Judge --

RESPONDENT: And let's also be clear. You're not a DV Assistant. Let's also be abundantly clear, DV is not for people that fight frequently, DV is about control, it is not just about people that are fighting each other. So let's be very careful with the language we use, especially when there's been nothing on the People's side that has been done to address the issues. Nothing. Nothing at all. So, to -- on one hand to do nothing to address the issues, then to come in to court and say because it was so bad, it was so horrible, he needs to be in jail for 3 years. I would love for your office to recognize how disconnected and ridiculous that is. It's one thing if you were standing here saying there's a history of domestic violence and we ask for a program. He's been -- or something -- but instead it's acknowledging he's complied with every program he did on his own. There's been no new incidents. But then you're just throwing all over the record there is a history of domestic violence. Then when I asked you anything about the specific domestic violence, well, I am not a DV assistant. You can't have it every which way. Pick a position and stick with it. And everything you say in this courtroom should be based upon good faith. You can't just say there is a history of domestic violence because they fought…it would really make more sense to me if you could at least put on

> the record one thing that was done to address that issue.

72. ADA Castrellon answered respondent's insinuation that she had acted in bad faith by stating that she had interviewed the victim in her office and had viewed photographs that corroborated the prior instances of abuse. Respondent replied by again asking why the defendant was not being "asked to do anything to address that?"

73. Respondent went on to state, "I don't understand this whole -- defendant's out -- doing what they are supposed to be doing -- still very much a child -- and the only answer the People ever have is several years jail."

74. Respondent said she was going to adjourn the case for "whoever you conferenced [the case] with" to "log on and maybe help me understand, because I don't," and opined, "I can't say with any certainty that he intentionally shot her in the face because, (a), I wasn't there, and (b), the complainant, at least at one point said she did it to herself."

75. Respondent added, "I'm going to do a short date for whoever made the final determination that 3 years jail for this child is, um, is the only appropriate outcome they can think of, they need to appear and explain to me why."

People v J[redacted] J[redacted] and People v W[redacted] A[redacted]

76. On November 7, 2022, respondent presided over a calendar appearance in a criminal matter, *People v J[redacted] J[redacted]*. The People were

represented by ADA Katerina Kurteva, who was covering the cases in Respondent's calendar part for the DA's office that day. Ms. Kurteva was six months pregnant. The defendant was represented by Mirela Kucevic.

77. At a bench conference off the record, respondent commented on ADA Kurteva's pregnancy in a cavalier manner that made ADA Kurteva uncomfortable.

78. Later that day, respondent presided over a calendar appearance in another criminal matter, *People v W[redacted] A[redacted]*. The People were represented by ADA Kurteva and the defendant was represented by Michael Nedick.

79. At an off-record bench conference, respondent urged ADA Kurteva to take a particular action on the case. When ADA Kurteva informed respondent that the ADA assigned to the case had specifically instructed her not to take the action respondent wanted, respondent again referred to her pregnancy and suggested she could use the fact that she was pregnant for leeway with male supervisors.

Other Matters

80. In April or May 2022, Administrative Judge Alvin Yearwood counseled respondent that her conduct "might look as if you're advocating," and instructed her to "take it easy" on the ADAs who appear before her.

Additional Factors

81. Respondent has been contrite and cooperative with the Commission throughout this inquiry. She regrets her behavior and apologizes to the individual

attorneys named herein, the District Attorney's Office, and her judicial colleagues. Respondent does so with the understanding that such apology would become public upon the Commission's acceptance of the Agreed Statement, and with the commitment to refrain from such behavior in the future.

82. Respondent has an otherwise unblemished record during her approximately six years on the bench.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1), (3), (4) and (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. Charge I of the Formal Written Complaint is sustained insofar as it is consistent with the above findings and conclusions and respondent's misconduct is established.

The Rules require judges 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 also require that judges "be patient, dignified and courteous" to those "with whom the judge deals in an official capacity. . ." and that judges "shall 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 was impatient and discourteous on numerous occasions and demonstrated at least the appearance of bias against prosecutors.

Judges must be patient and courteous when interacting with attorneys and others who appear before them. "As a matter of humanity and democratic government, the seriousness of a Judge, in [her] position of power and authority, being rude and abusive to persons under [her] authority--litigants, witnesses, lawyers--needs no elaboration. It impairs the public's image of the dignity and impartiality of courts, which is essential to their fulfilling the court's role in society." *In re Mertens*, 56 AD2d 456, 470 (1st Dept 1977). *See*, *Matter of Pineda-Kirwan*, 2021 Ann Rep of NY Commn on Jud Conduct at 282, 296 ("Respondent's pattern of intemperate and abusive behavior was improper and severely undermined confidence in the judiciary."). Respondent admitted that she unjustifiably ejected three assistant district attorneys from her courtroom. In at least three matters, respondent admitted to yelling at assistant district attorneys who appeared before her. In other matters, she made sarcastic comments. Respondent also acknowledged that she inappropriately commented on the pregnancy of an assistant district attorney.

Judges 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). Respondent acknowledged that her conduct demonstrated at least the appearance of advocating for the defense in criminal matters and bias against assistant district attorneys. Even after being counseled by an administrative judge, respondent continued to be impatient and discourteous toward assistant district attorneys who appeared before her which created at least the appearance of bias against them. By her conduct, respondent undermined public confidence in the integrity and impartiality of the judiciary.

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 and that she has had an otherwise unblemished record on the bench.

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

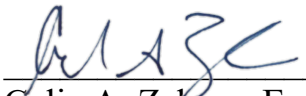
Mr. Belluck, Ms. Grays, Judge Camacho, Mr. Cambareri, Mr. Doyle, Judge Falk, Ms. Golston, Judge Miller, Professor Moore and Judge Moulton concur.

Mr. Raskin did not participate.

CERTIFICATION

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

Dated: May 30, 2025



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