

AN INQUIRY CONCERNING A JUDGE \* BEFORE THE COMMISSION  
 CJD 2009-087 Nalley/Investigative Counsel \* ON  
 \* JUDICIAL DISABILITIES  
 \*

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JAN 15 2010

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RESPONSE

Judge Robert C. Nalley of the Circuit Court for Charles County Maryland by and through his undersigned counsel, William C. Brennan, Jr. of Brennan Sullivan & McKenna LLP, pursuant to Md. Rule 16-808(c) files this response to the charges brought by the Commission on Judicial Disabilities:

1. Judge Nalley admits the allegations of paragraph 1.
2. Judge Nalley admits the allegations of paragraph 2. By way of clarification, Judge Nalley served on the Circuit Court for Charles County from March 27, 1980 until December 29, 1980. He then began his service on the District Court of Maryland sitting in Charles County on February 2, 1981 where he served until returning to his service on the Circuit Court for Charles County on September 30, 1988.
3. Judge Nalley admits the allegations of paragraph 3.
4. Judge Nalley admits the allegations of paragraph 4 in so far as he deflated the tire of the vehicle by letting the air out of the tire through the valve stem of the tire. Judge Nalley denies that he used any sharp device that would have damaged the tire.
5. Judge Nalley admits the allegations of paragraph 5.
6. Judge Nalley admits the allegations of paragraph 6.
7. Judge Nalley admits the allegations of paragraph 7.

8. Judge Nalley admits the allegations of paragraph 8.
9. Judge Nalley admits the allegations of paragraph 9.
10. Judge Nalley admits the allegations of paragraph 10.
11. By way of further response, Judge Nalley sincerely apologizes to Ms. Washington and to the citizens of Maryland for his conduct on August 10, 2009. Judge Nalley is extremely remorseful that his actions that day brought unflattering attention to a member of the Maryland judiciary, thereby embarrassing his colleagues on the bench.
12. Judge Nalley agrees that his conduct on August 10, 2009, and his subsequent guilty plea on October 28, 2009, would meet the definition of sanctionable conduct set out in Md. Rule 16-803(k).
13. Judge Nalley has over 38 years of distinguished and exemplary public service to the citizens of Charles County. He served for eight and a half years as a prosecutor in the State's Attorney's Office and for 30 years as a member of the judiciary in both the District and Circuit Courts.
14. Judge Nalley would consent to an appropriate reprimand as determined by the Commission.
15. Judge Nalley would consent to a private reprimand pursuant to Md. Rule 16-807(b) and would agree to make that fact known to the public pursuant to Md. Rule 16-810(b)(1). Such a private reprimand is appropriate in this case because Judge Nalley's "conduct was not so serious, offensive, or repeated as to warrant formal proceedings and [therefore] a private reprimand is the appropriate disposition under the circumstances." Md. Rule 16-807(b)(1)(B).

16. In addition, if the Commission determines that a public reprimand is more appropriate, Judge Nalley, consistent with his position on a private reprimand made public, would also consent to a public reprimand pursuant to Md. Rule 16-808(j).

WHEREFORE, having filed this response to the charges, Judge Nalley prays:

A. That the Maryland Commission on Judicial Disabilities issue an appropriate reprimand in this case; and,

B. For such further relief as the Commission determines is appropriate.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY on this 15<sup>th</sup> day of January 2010 that I hand-delivered this pleading

(Response) to:

Steven P. Lemmey, Esquire  
Investigative Counsel  
Maryland Commission on Judicial Disabilities  
100 Community Place  
Crownsville, MD 21032

William C. Brennan, Jr.