

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

MATTHEW J. PARKER,

a Justice of the Ellenville Village Court,
Ulster County.

AGREED
STATEMENT OF FACTS

Subject to the approval of the Commission on Judicial Conduct

(“Commission”):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Honorable Matthew J. Parker (“Respondent”), that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the Ellenville Village Court, Ulster County, since January 1, 2000, having previously served as an Acting Village Justice of the Ellenville Village Court from 1993 to December 31, 1999. His current term expires on December 31, 2022. Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated May 14, 2020. He filed an undated Answer on June 2, 2020.

As to Charge I

3. On April 11, 2017, after presiding over the arraignment of E ■ B ■ in the Ellenville Village Court, Respondent offered to give, and then gave, Mr. B ■ a ride to Mr. B ■' residence.¹

4. On April 18, 2017, Respondent presided over and disposed of Mr. B ■ case, without disclosing to the prosecution that he had given Mr. B ■ a ride home after the arraignment and without offering to recuse himself.

As to the Specifications to Charge I

5. On April 11, 2017, at the Ellenville Village Court, Respondent presided over the arraignment of E ■ B ■, who was charged with Grand Larceny in the fourth degree, a felony. Mr. B ■, who is not an attorney, appeared without counsel, and no one from the District Attorney's Office was present. During the arraignment, Mr. B ■ *inter alia* told Respondent that he was a professional musician. Respondent released Mr. B ■ on his own recognizance.

6. After the arraignment, while still at the court, Respondent engaged Mr. B ■ in a conversation about music and the musicians with whom Mr. B ■ had performed. Respondent then offered to give Mr. B ■ a ride to his residence, which Mr. B ■ accepted. Respondent drove Mr. B ■ to his residence in the Village of Wurtsboro, Sullivan County, which was on Respondent's way to Middletown in

¹ The allegation in the Formal Written Complaint that Respondent failed to mechanically record Mr. B ■ arraignment, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts, dated May 21, 2008, is withdrawn. Subsequent to service of the Formal Written Complaint, Commission Counsel discovered evidence that the arraignment was, in fact, recorded.

Orange County, where he planned to go shopping. Respondent and Mr. B [REDACTED] continued to converse throughout the car ride, which lasted approximately 15 minutes.

7. During the Commission's investigation, Mr. B [REDACTED] stated that he and Respondent did not discuss the pending case against him during the car ride, but that he could not otherwise recall what they discussed. In his sworn testimony during the investigation, Respondent averred that he and Mr. B [REDACTED] only discussed music and did not discuss Mr. B [REDACTED] case.

8. On April 18, 2017, Mr. B [REDACTED] appeared without counsel before Respondent in the Ellenville Village Court. At the recommendation of the prosecutor, the charge against Mr. B [REDACTED] was reduced, and Respondent disposed of the case by granting an adjournment in contemplation of dismissal. Respondent neither disclosed to the prosecutor that he had given Mr. B [REDACTED] a ride home after his arraignment nor offered to recuse himself from the case.

9. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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 he 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; failed to perform the duties of judicial office impartially and

diligently, in that he failed to disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned, in violation of Section 100.3(E)(1) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so that they would not cast reasonable doubt on the judge's capacity to act impartially as a judge or detract from the dignity of judicial office, in violation of Sections 100.4(A)(1) and (2) of the Rules.

As to Charge II

10. In October and November 2018, in *People v Laquisha Brown* and *People v Aljenia Douglas*, in which the defendants were each charged with harassment in the second degree, a violation, Respondent failed to advise the unrepresented defendants of the right to have counsel assigned by the court. Respondent further failed to take affirmative action to effectuate that right, as required by Sections 170.10(3)(c) and (4)(a) of the Criminal Procedure Law.

11. Respondent permitted defendants Brown and Douglas to proceed *pro se* without taking sufficient action to be satisfied that they made their decisions with the knowledge of the significance of proceeding without the aid of counsel, as required by Section 170.10(6) of the Criminal Procedure Law.

As to the Specifications to Charge II

12. On October 16, 2018, at the Ellenville Village Court, Respondent presided over the arraignment of Aljenia Douglas, who was charged with harassment in the second degree, a violation, stemming from an incident involving Laquisha Brown. Ms. Douglas

appeared without an attorney. A transcript of the proceeding in *People v Aljenia Douglas* is annexed as Exhibit A.

13. In response to a question by Respondent, Ms. Douglas informed Respondent that she was unemployed.

14. Respondent advised Ms. Douglas of the charge against her and informed her that she had the right to the aid of counsel at each stage of the proceedings, to request an adjournment to obtain counsel, and to make a phone call for the purpose of obtaining a lawyer. Respondent then asked Ms. Douglas if she wanted a lawyer, and she replied that she did not. After advising Ms. Douglas that she was charged with a violation for which she could be sentenced up to 15 days in jail if found guilty, Respondent confirmed that she still wished to waive her right to a lawyer.

15. Without advising Ms. Douglas that she had the right to have counsel assigned by the court or taking any affirmative action to effectuate that right, Respondent asked how Ms. Douglas pled to the charge. Ms. Douglas pled guilty.

16. Respondent accepted Ms. Douglas' guilty plea and, based on the recommendation of the prosecutor, sentenced her to a conditional discharge and issued an order of protection directing her to stay away from Ms. Brown. Respondent accepted Ms. Douglas' guilty plea without making a searching inquiry into the defendant's understanding of her plea.

17. On October 16, 2018, immediately after presiding over the arraignment of Ms. Douglas, Respondent presided over the arraignment of Ms. Brown, who was charged with harassment in the second degree, a violation, stemming from an incident involving

Ms. Douglas. A transcript of the proceedings in *People v Laquisha Brown* is annexed as Exhibit B.

18. In response to a question by Respondent, Ms. Brown informed Respondent that she was unemployed.

19. Respondent advised Ms. Brown of the charge against her and informed her that she had the right to the aid of counsel at each stage of the proceedings, to request an adjournment to obtain counsel, and to make a phone call for the purpose of obtaining a lawyer. Respondent then asked Ms. Brown if she wanted a lawyer, and she replied that she did not.

20. Without advising Ms. Brown that she had the right to have counsel assigned by the court or taking any affirmative action to effectuate that right, Respondent asked how Ms. Brown pled to the charge. Ms. Brown pled not guilty.

21. After advising Ms. Brown that she was charged with a violation for which she could be sentenced up to 15 days in jail if found guilty, Respondent confirmed that she still wished to waive her right to a lawyer.

22. Respondent informed Ms. Brown that the prosecutor was offering her a conditional discharge and an order of protection in favor of Ms. Douglas if Ms. Brown pled guilty to the charge. Ms. Brown asserted, in sum or substance, that Ms. Douglas had come to Ms. Brown's child's school to fight Ms. Brown. Respondent scheduled a non-jury trial for November 14, 2018. Although Respondent told Ms. Brown to have her attorney contact the court if she chose to retain one, he again failed to advise her of her

right to have counsel assigned by the court and took no affirmative action to effectuate that right.

23. On November 14, 2018, Ms. Brown appeared without an attorney for her non-jury trial. At the outset, Respondent confirmed with Ms. Brown that she still wanted to proceed without counsel, but again failed to advise her of her right to have counsel assigned by the court and took no affirmative action to effectuate that right.

24. During the non-jury trial, Ms. Douglas testified on behalf of the prosecution, and Ms. Brown testified in her own defense. During Ms. Brown's testimony, Respondent sustained an objection by the prosecutor and admonished Ms. Brown, "one of the reasons why we get lawyers is because there are rules of evidence that are . . . part of any court proceeding." Nevertheless, Respondent did not adjourn the trial to assign counsel to represent Ms. Brown.

25. At the end of the non-jury trial, Respondent found Ms. Brown guilty, sentenced her to a conditional discharge, and issued an order of protection directing her to stay away from Ms. Douglas.

26. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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 he 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 he 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

27. On August 7, 2018, while presiding over court proceedings at the Ellenville Village Court, Respondent summarily directed the removal of a man from the courtroom for wearing a sleeveless t-shirt, without giving the man an opportunity to be heard as to his attire or ascertaining his purpose for attending court, and notwithstanding Section 4 of the Judiciary Law, which provides that the “sittings of every court within this state shall be public, and every citizen may freely attend the same.”

28. The man’s attire was not interfering with court proceedings.

29. The incident was captured on the court’s recording of the day’s proceedings. The man ejected from the courtroom is not named on the recording, and neither Respondent nor Commission Counsel knows his identity or his purpose for attending court.

30. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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

he 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 he 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 be patient, dignified and courteous to an individual with whom the judge dealt in an official capacity, in violation of Section 100.3(B)(3) of the Rules, and failed to accord all those legally interested in a proceeding the right to be heard according to law, in violation of Section 100.3(B)(6) of the Rules.

Additional Factors

31. Respondent has been cooperative and contrite with the Commission throughout this inquiry.

32. Respondent acknowledges that by offering to give, and giving, Mr. B [REDACTED] a ride home after conducting his arraignment, he demonstrated extremely poor judgment and created an appearance of impropriety that required his recusal from Mr. B [REDACTED]' case, even absent any discussion of the B [REDACTED] case during the car ride. *See Matter of Burke*, 2015 Ann Rep 78, 86 (Comm'n on Jud Conduct, April 21, 2014).

33. Respondent has expressed remorse for his failure to advise defendants Douglas and Brown of their right to have counsel assigned by the court and to take affirmative action to effectuate that right. Respondent understands that he was not excused from effectuating that right simply because the prosecutor had indicated she was

not seeking jail time for either defendant, or that the sentences he imposed (conditional discharges) were lenient.

34. Respondent asserts that his failures to advise defendants Douglas and Brown of their right to assigned counsel were isolated incidents and were not deliberate. Respondent avers, and Commission Counsel confirms upon listening to various recordings of court proceedings, that it is Respondent's regular practice to fully advise defendants of their rights. Respondent avers that, because of this inquiry, he now assigns a public defender to all unrepresented defendants at their initial appearances and, for those defendants who state they wish to proceed *pro se*, reads an extensive "waiver of counsel" colloquy to ensure they understand the consequences of proceeding without an attorney, before permitting them to proceed *pro se*.

35. Respondent was cautioned by the Commission in 2015 for conduct that was factually dissimilar to the matter herein, but that involved *inter alia* a similar failure to abide by Section 100.3(B)(6) of the Rules. There, as here, Respondent failed to accord all those legally interested in a proceeding the right to be heard according to law.

IT IS FURTHER STIPULATED AND AGREED that Respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

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, the Respondent, or the Administrator and Counsel to the Commission.

Dated:

6/30/2020



Honorable Matthew J. Parker
Respondent

Dated: July 1, 2020



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(**Cathleen S. Cenci** and **S. Peter Pedrotty**, Of
Counsel)

Transcript of proceedings in *People v Aljenia Douglas* held
October 16, 2018 (5:14 PM to 5:18 PM)
before Hon. Matthew J. Parker, a Justice of the
Ellenville Village Court, Ulster County

EXHIBIT A

(October 16, 2018, 5:14 PM to 5:18 PM)

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Judge Parker: Aljenia Douglas? What is your date of birth, ma'am?

Ms. Douglas: It's [REDACTED].

Judge Parker: And where do you live?

Ms. Douglas: [REDACTED].

Judge Parker: Are you employed?

Ms. Douglas: No.

Judge Parker: Okay. Would you give these to the defendant, please? All right, you're charged by Ofc. Santoiemmo of the Ellenville Police Department with having committed the offense of harassment in the 1st-- 2nd degree, in violation of Section 240.26(1) of the Penal Law of the State of New York, a violation. The defendant did on Wednesday, the 10th day of October, 2018, at approximately 9:20 AM, at 132 Center Street in the Village of Ellenville, County of Ulster, State of New York, commit the offense of harassment in the 2nd degree. A person is guilty of harassment in the 2nd degree when, with the intent to harass, annoy, or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects such other person to physical contact or attempts or threatens to do the same. To wit, the said defendant did at the aforementioned date, time, and location,

(People v Aljenia Douglas)

1 knowingly and unlawfully commit the offense of
2 harassment in the 2nd degree. More specifically, the
3 said defendant did strike victim, Laquisha Brown, in
4 the facial area with a closed fist, which caused the
5 victim to suffer irritation and swelling. The
6 defendant's violent and harassing actions were done
7 intentionally and caused Ms. Brown to be annoyed,
8 alarmed, and in fear for her well-being. Do you
9 understand the charge? You are entitled to the aid of
10 counsel at each and every stage of these proceedings.
11 You can request an adjournment for the purpose of
12 obtaining counsel. You can make a phone call in
13 order to obtain a lawyer. Do you want a lawyer?
14 Ms. Douglas: No.
15 Judge Parker: Do you understand that you're charged with a
16 violation? While it is not a crime in New York, you
17 can be sentenced up to 15 days in jail, should you be
18 found guilty of the charge. Having that in mind, do
19 you still wish to waive your right to a lawyer? How
20 do you plead to the charge?
21 Ms. Douglas: Guilty.
22 Judge Parker: Do the people have any thoughts?
23 Ms. Reznikova: Well, I understand that that there was a cross-
24 complainant, who is Laquisha Brown. The people's
25 offer would be for both parties to plead to a

(People v Aljenia Douglas)

1 violation, such as a disorderly conduct, and--
2 Judge Parker: --Well, they've-- They got a violation of harassment,
3 so--
4 Ms. Reznikova: --And orders of protection (unintelligible). We've
5 already done that, Your Honor.
6 Judge Parker: What?
7 Ms. Reznikova: (Unintelligible) order of protection against each
8 other.
9 Judge Parker: From where?
10 Ms. Reznikova: From (unintelligible) the police station in
11 (unintelligible)--
12 Judge Parker: --Wait a minute, wait a minute, wait a minute. Only
13 the court issues orders of protection.
14 Court Clerk: They only asked for it--
15 Judge Parker: --What?--
16 Court Clerk: --the request, not (unintelligible)--
17 Judge Parker: --There may have been a request for one, but no
18 orders of protection have been issued yet, only the
19 court gets to order orders of protection. Police
20 department doesn't have that power.
21 Judge Parker: Where is Ms. Brown?
22 Ms. Brown: Right here.
23 Judge Parker: All right. So, what-- What do you-- What are you
24 asking for, a conditional discharge with your order--
25 OP? Stay-away OP for six months?

(People v Aljenia Douglas)

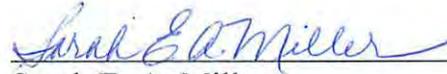
1 Ms. Reznikova: Yeah, the people would accept the defendant's plea--
2 Judge Parker: --Okay, that's fine--
3 Ms. Reznikova: --to a violation.
4 Judge Parker: All right, so, just have a seat for the moment, and
5 we're going to get you a copy of the order of
6 protection, and once you have signed that and
7 received your copy, you'll be able to leave.
8 Ms. Douglas: Okay, thank you.
9 Court Clerk: Do they know what is the relationship? Anybody
10 know?
11 Judge Parker: What is the-- What is the relationship between you
12 and Ms. Brown? Is there any relationship?
13 Ms. Douglas: No.
14 Judge Parker: Okay.
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CERTIFICATION

I, SARAH E. A. MILLER, Secretary II of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: June 24, 2019



Sarah E. A. Miller

Transcript of proceedings in *People v Laquisha Brown* held
October 16, 2018 (5:18 PM to 5:24 PM) and
November 14, 2018 (3:28 PM to 3:48 PM)
before Hon. Matthew J. Parker, a Justice of the
Ellenville Village Court, Ulster County

EXHIBIT B

(People v Laquisha Brown)

(October 16, 2018, 5:18 PM to 5:24 PM)

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2 Judge Parker: Laquisha Brown. Let's get this all done at one time.
3 Ms. Brown, what is your date of birth, please?
4 Ms. Brown: [REDACTED].
5 Judge Parker: And where do you live?
6 Ms. Brown: I live in Ellenville.
7 Judge Parker: Well, so do I, but you don't live with me, so tell me
8 where you live.
9 Ms. Brown: I live in an apartment, [REDACTED].
10 Judge Parker: I'm sorry?
11 Ms. Brown: [REDACTED].
12 Judge Parker: [REDACTED]? Okay, what apartment, ma'am?
13 Ms. Brown: [REDACTED].
14 Judge Parker: Okay. [REDACTED]?
15 Ms. Brown: Yes.
16 Judge Parker: Are you employed?
17 Ms. Brown: No.
18 Judge Parker: All right, that's fine. Can you give that to Ms.
19 Brown, please? All right, Ms. Brown, you are
20 charged by Ms. Douglas with harassment in the 2nd
21 degree, in violation Section 240.26(1) of the Penal
22 Law of the State of New York, a violation. The
23 defendant did on Wednesday, the 10th day of
24 October, 2018, at approximately 9:20 AM, at 132
25 Center Street, in the Village of Ellenville, County of

(People v Laquisha Brown)

1 Ulster, State of New York, commit the offense of
2 harassment in the 2nd degree. A person is guilty of
3 harassment in the 2nd degree when, with the intent to
4 harass, annoy, or alarm another person, he or she
5 strikes, shoves, kicks, or otherwise subjects such
6 other person to physical contact or attempts or
7 threatens to do the same. To wit, said defendant did
8 at the aforementioned date, time, and location,
9 knowingly unlawfully commit the offense of
10 harassment in the 2nd degree. More specifically, said
11 defendant did strike Ms. Douglas on the top of the
12 head with a candle holder, which caused the victim
13 to suffer irritation and swelling. The defendant's
14 violent and harassing actions were done intentionally
15 and caused Ms. Douglas to be annoyed, alarmed and
16 in fear for her well-being. Do you understand the
17 charges?

18 Ms. Brown: (Unintelligible).

19 Judge Parker: You're entitled to the aid of counsel with each and
20 every stage of these proceedings. Excuse me. You
21 can request an adjournment in order to obtain
22 counsel. You can make a phone call in order to
23 obtain a lawyer. Do you want a lawyer?

24 Ms. Brown: No.

25 Judge Parker: How do you plead to the charge?

(People v Laquisha Brown)

1 Ms. Brown: Not guilty.

2 Judge Parker: Okay, that's fine. Do you understand that there are--
3 should you be find guilty of the charge, you can be
4 sentenced to up to 15 days in jail, even though it is
5 not a crime in New York and is a violation?

6 Ms. Brown: Yes.

7 Judge Parker: Having that in mind, do you still wish to waive your
8 right to a lawyer?

9 Ms. Brown: Yes.

10 Judge Parker: Do the people have an offer in this matter?

11 Ms. Reznikova: Yes, Your Honor. It would be the same as-- It
12 would be a plea to the charge with a conditional
13 discharge and a one-year order of protection.

14 Judge Parker: All right. I'm going to give-- You can have some
15 time to-- to-- to speak with somebody about that.
16 What they're offering you is a plea to the charge.
17 Again, it is not a crime, and you would get a
18 conditional discharge and there would be a six-
19 month stay-away order of protection-- a one-year
20 stay away order of protection. You can.

21 Ms. Brown: I was (unintelligible).

22 Judge Parker: You did what, ma'am?

23 Ms. Brown: I was (unintelligible). She actually-- Her boyfriend
24 actually brought her to my kid's school to fight.

25 Judge Parker: All right, well, that's fine. Ma'am, you do not have

1 to-- you do not have to-- you do not have to accept
2 the offer from the people at all, and what we will do
3 is we'll set this down for a non-jury trial and we will
4 actually set this down for a non-jury trial on the 14th
5 of November. We might just as well do both of them
6 at the same time.

7 Ms. Reznikova: Yes, Your Honor. People are ready for trial.

8 Judge Parker: People are ready.

9 Ms. Reznikova: And we'll be just obviously still requesting that order
10 of protection.

11 Judge Parker: And we will also be issuing a temporary stay-away
12 order of protection. You need to stay in court until
13 we receive a copy of that order of protection and
14 then once you receive that, you'll be able to leave
15 and you need to come back on the 14th of November
16 at 3:00 PM for a non-jury trial and bring any
17 witnesses or any evidence you may wish to submit to
18 the court at that time. If you should contact a lawyer
19 between now and then, and he wishes-- he or she
20 wishes to be involved in the matter, then have them
21 contact the court.

22 Ms. Brown: Okay.

23 Judge Parker: All right? All right, so, just stay-- stand by, wait for
24 the OP, and then we'll get you-- then you'll be able
25 to leave.

(*People v Laquisha Brown*)

(November 14, 2018, 3:28 PM to 3:48 PM)

1
2 Judge Parker: All right. This is a matter of a non-jury trial, *The*
3 *People of the State of New York v Laquisha Brown*.
4 Ms. Brown, you can stay right there for the time
5 being. Let the record reflect that the people are
6 being represented by ADA Reznikova. Ms. Brown,
7 my under-- You stated that you were going to
8 represent yourself before. Is that still your desire?
9 Okay. What's going to happen is the people are
10 going to be able to present their case, you will then
11 be ab-- if they have any witnesses that they bring,
12 you will be able to cross-examine their witnesses and
13 ask them questions about something that they've
14 testified to, okay, but you have to limit your-- your--
15 your te-- your questioning to their testimony.
16 Ms. Brown: Okay.
17 Judge Parker: All right. This is an harassment charge. Laquisha
18 Brown has been charged by a Aljenia Douglas with
19 harassment that allegedly occurred on the 10th of
20 October 2018. Counsel, you can call your first
21 witness.
22 Ms. Reznikova: Thank you, Judge. I'll call Aljenia Douglas.
23 Judge Parker: Ms. Douglas, you can take the witness stand over
24 there, please. I believe that is the ca-- She has to
25 make an opening statement, actually. She's req--

(People v Laquisha Brown)

1 You're required to make an opening statement.

2 Ms. Reznikova: All right, Judge. The people intend to prove that on
3 Wednesday, October 10th-- Oh, I'm sorry-- on
4 October 10th, 2018, at approximately 9:20 AM, Ms.
5 Laquisha Brown committed the violation of
6 harassment in 2nd degree by submitting Aljenia
7 Brown [sic] to physical contact and getting into an
8 altercation with her that resulted in her fearing for
9 her well-being and causing irritation and swelling to
10 her body. I believe it was in the head.

11 Judge Parker: Okay, very good. Thank you.

12 Ms. Reznikova: All right--

13 Judge Parker: --All right, raise your right hand, please. Raise your
14 right hand, please. You swear the testimony you're
15 about to give is the truth, the whole truth, and
16 nothing but the truth so help you God? State your
17 name for the record.

18 Ms. Douglas: Aljenia Douglas.

19 Judge Parker: All right, counsel, proceed.

20 Ms. Reznikova: Good morning-- Or, I guess, good afternoon, now. I
21 just want to confirm, how-- how do you pronounce
22 your first name?

23 Ms. Douglas: Aljenia.

24 Ms. Reznikova: Aljenia. Aljenia, can you please state your full name
25 and your address for the record?

(People v Laquisha Brown)

1 Ms. Douglas: Aljenia Shenille Douglas. [REDACTED]
2 [REDACTED].
3 Ms. Reznikova: Directing your attention to October 10th, 2018, at
4 approximately 9:20 AM, do you remember where
5 you were?
6 Ms. Douglas: Yes, I do.
7 Ms. Reznikova: And where were you?
8 Ms. Douglas: I was walking up Center Street in the Village of
9 Ellenville over from Main Street.
10 Ms. Reznikova: And can you be a little bit more specific?
11 Ms. Douglas: There's a bridge on Center Street. I was walking
12 over that bridge.
13 Ms. Reznikova: Okay. And is that in the Town of Ellenville, County
14 of Ulster, State of New York?
15 Ms. Douglas: Yes.
16 Ms. Reznikova: And did a particular person come to your attention?
17 Ms. Douglas: Yes.
18 Ms. Reznikova: And would you say that person is present today?
19 Ms. Douglas: (Unintelligible).
20 Ms. Reznikova: Can you please point her out and (unintelligible)?
21 Ms. Douglas: She's wearing a green jacket.
22 Ms. Reznikova: Please let the record reflect that the witness has
23 identified the defendant.
24 Judge Parker: Noted.
25 Ms. Reznikova: Okay. Do you know the defendant's name?

(People v Laquisha Brown)

1 Ms. Douglas: Laquisha Brown.
2 Ms. Reznikova: Judge, please let the record reflect the witness
3 identified the defendant as Laquisha Brown.
4 Judge Parker: Noted.
5 Ms. Reznikova: So, going back though from October 10th at
6 approximately 9:20 AM, can you tell me what
7 happened on that date and that time?
8 Ms. Douglas: Yes. I was walking on the side of the street with my
9 boyfriend, and we're going to Mill Street. As I'm
10 walking up the street, I see her, we're actually both
11 on the same side of the sidewalk--
12 Ms. Reznikova: --And I'm sorry, just to be more specific, you see
13 Laquisha Brown? Okay.
14 Ms. Douglas: And she's walking towards me from the other
15 direction on the same side of the sidewalk and she's
16 walking towards me. She is digging in her purse.
17 She's saying something to me. I'm not really
18 hearing what she's saying. She's digging in her
19 purse. She's pushing a stroller the same time. She
20 then pushes the stroller up the lip of the sidewalk and
21 leaves the purse on top of the stroller.
22 Ms. Reznikova: And what happened at that point?
23 Ms. Douglas: At that point, she walks towards me and then she hits
24 me with a Yankee Candle top and kept--
25 Ms. Reznikova: --Just-- And just to clarify, the Yankee Candle top.

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1 | | what do you mean by that? What (unintelligible)?

2 | Ms. Douglas: | If you wanted to (unintelligible) the candle from the

3 | | Yankee Candle, the top that you would put on it to

4 | | out the flame, that's the top that she had in her hand.

5 | Ms. Reznikova: | And just to go back again (unintelligible). Is it glass,

6 | | plastic?

7 | Ms. Douglas: | It's glass.

8 | Ms. Reznikova: | So-- Okay. And then what happened at that point in

9 | | time?

10 | Ms. Douglas: | She walks towards and I'm still walking towards her

11 | | at this point and then she proceeds to swing at me

12 | | and she hits me in the head with the candle top and

13 | | that point, we get into a scuffle.

14 | Ms. Reznikova: | And, so, you're scuffling and did you sustain any

15 | | injuries?

16 | Ms. Douglas: | Yes, she had striked me on top of the head with the

17 | | candle top, which then gave me like a knot on the

18 | | side of my head, a big lump.

19 | Ms. Reznikova: | A big lump.

20 | Ms. Douglas: | Yeah.

21 | Ms. Reznikova: | And how did that make you feel?

22 | Ms. Douglas: | I was kind of alarmed and a little bit-- I was kind of

23 | | like-- Like, why is this woman kind of like out of

24 | | nowhere (unintelligible).

25 | Ms. Reznikova: | Okay. And I think that's it. No further questions.

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1 Thank you.

2 Judge Parker: Do you wish to ask her any questions?

3 Ms. Brown: (Unintelligible). (Unintelligible) sometimes she said
4 that she would come-- she would come
5 (unintelligible) and (unintelligible)--

6 Ms. Reznikova: --Objection.

7 Judge Parker: I'm listening.

8 Ms. Reznikova: Relevance and hearsay.

9 Judge Parker: Sustained. You haven't-- There's-- I understand
10 that you're representing yourself, ma'am, but there's
11 rules of evidence and you have-- you established no
12 ground work as to whose-- whose posting that is or
13 how you came into possession of that posting or who
14 gave you that posting.

15 Ms. Brown: Well, (unintelligible) and they had-- I guess they had
16 (unintelligible)--

17 Judge Parker: --Well, that's fine, but-- but you can-- your friends
18 are not here to testify to it and it would be hearsay--
19 it would be hearsay evidence, anyway. You can't
20 submit hearsay evidence.

21 Ms. Brown: (Unintelligible).

22 Judge Parker: Do you have any questions-- any other questions of
23 her? I have a-- I have a question. You say that you
24 were walking on the bridge on Center Street.

25 Ms. Douglas: Yes.

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1 Judge Parker: Where were you going?
2 Ms. Douglas: I was going to Mill Street. There is a--
3 Judge Parker: --What--
4 Ms. Douglas: --Seventh Day Adventist Church--
5 Judge Parker: --Uh-huh--
6 Ms. Douglas: --or Clinton Street. I don't know if it's Mill Street or
7 Clinton Street. There's a stream over there that I like
8 to go to when the weather's hot (unintelligible).
9 Judge Parker: Mm-hmm. Why were you here in Ellenville when
10 you live in Kingston?
11 Ms. Douglas: I (unintelligible), so (unintelligible).
12 Judge Parker: I'm sorry, who?
13 Ms. Douglas: My boyfriend (unintelligible)--
14 Judge Parker: --Okay--
15 Ms. Douglas: --he lives out here.
16 Judge Parker: Who's your boyfriend?
17 Ms. Douglas: Travis Thomas.
18 Judge Parker: Okay. Is he related to Tyrone Thomas?
19 Ms. Douglas: Possibly.
20 Judge Parker: Oh, okay. All right. I don't know if he knew or not.
21 And you were going from where to where? You
22 said you're going to Mill Street? You're going to the
23 stream in Mill Street?
24 Ms. Douglas: Yes. Or Clinton Street, I'm not sure
25 (unintelligible)--

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1 Judge Parker: --All right. That's fine.
2 Ms. Douglas: Okay.
3 Judge Parker: Where were you coming from?
4 Ms. Douglas: I was walking from the Village Motel. So I walked
5 down Main Street and up Center Street.
6 Judge Parker: And what was your purpose, again, going there?
7 Ms. Douglas: I was going to the stream over on Clinton Avenue, or
8 Mill Street. I know that it connects to Rear Chapel
9 Street, whatever street that is.
10 Judge Parker: Okay. Okay. I don't have any further questions.
11 Ms. Douglas: Am I free to go?
12 Judge Parker: Do you have-- Yes.
13 Ms. Douglas: Thank you.
14 Judge Parker: You can step down. Do you have any further
15 witnesses, ma'am?
16 Ms. Reznikova: No, Judge.
17 Judge Parker: Okay, Ms. Brown. Do you have any witnesses that
18 you wish to bring?
19 Ms. Reznikova: Can she leave?
20 Judge Parker: Yes, you can leave, ma'am.
21 Ms. Brown: No, but I had (unintelligible). She ca-- Her
22 boyfriend--
23 Ms. Reznikova: --Objection.
24 Judge Parker: Wait a minute, wait a minute, wait a minute. I can't
25 di-- I don't know-- First of all, I don't know what

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1 you're objecting to. Let-- Let her finish saying what
2 she's saying and then if you want to object-- What is
3 it that you're saying? I'm going to give her some
4 leeway because she's representing herself, but I'm
5 not going to give her much leeway.

6 Ms. Reznikova: Fair enough.

7 Ms. Brown: Her boyfriend (unintelligible) kids at school.
8 Ellenville Head Start. That's where she was going. I
9 was on my way home from dropping my two off--

10 Judge Parker: --All right, wait a minute. You're testifying. Raise
11 your right hand. You swear the testimony you're
12 about to give is the truth, the whole truth, and
13 nothing but the truth so help you God?

14 Ms. Brown: Yes.

15 Judge Parker: State your name for the record, please.

16 Ms. Brown: Laquisha Brown.

17 Judge Parker: So, Ms. Brown, I-- It sounds to me like you-- go
18 ahead with what you were saying. You're saying
19 that you were there for-- You were on that road.
20 Where were you?

21 Ms. Brown: (Unintelligible) off Canal Street. Her boyfriend--
22 Before all of this happened, her boyfriend told me
23 that he didn't have any money. (Unintelligible). She
24 was threatening--

25 Ms. Reznikova: --Judge.

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1 Judge Parker: --Wait a minute. Hang on a minute. Hang on. Go
2 ahead.
3 Ms. Reznikova: I just want to say for the record that the defendant's
4 testimony is not contradicting the fact that, I believe,
5 from the prior witness who established that the
6 defendant did, in fact, hit the witness over the head
7 with a candle holder top and I'm not sure that this
8 is-- this defense wouldn't--
9 Judge Parker: --Sounds-- It sounds to-- Are you objecting to what
10 she's saying?
11 Ms. Reznikova: Yes. It's also hearsay--
12 Judge Parker: --All right--
13 Ms. Reznikova: --not relevant to the accusatory instrument and--
14 Judge Parker: --It is-- I-- I-- I am sustaining the objection. What
15 you're telling me is hearsay. You cannot testify to
16 what somebody else said. Okay? I understand what
17 you're trying to do, but this is one of the reasons why
18 we get lawyers is because there are rules of evidence
19 that are-- are part of-- part of any court proceeding.
20 Ms. Brown: (Unintelligible) evidence. I didn't want
21 (unintelligible) she was making (unintelligible)--
22 Judge Parker: --No-- Hang on. Go ahead.
23 Ms. Brown: --And she--
24 Judge Parker: --Wait a minute, wait a minute. What's the
25 objection?

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1 Ms. Reznikova: Hearsay, Your Honor, (unintelligible).
2 Judge Parker: Well, she's saying that she called the police station.
3 Ms. Reznikova: Her second state-- sentence started with, "She said."
4 Ms. Brown: (Unintelligible).
5 Ms. Reznikova: (Unintelligible).
6 Ms. Brown: I would never put myself in a situation like that with
7 my children. That's why I called. That's why I
8 called. I called because I felt-- I didn't feel safe.
9 She was making threats because she was-- somehow
10 found out--
11 Judge Parker: --She can testify to the fact that the individual
12 threatened her.
13 Ms. Brown: (Unintelligible).
14 Judge Parker: Again, you cannot testify to what he said. You
15 can't-- You can't testify to what somebody else said.
16 You can only testify to what you said or what you
17 did or what was done to you.
18 Ms. Reznikova: And, again, the people want to note for the record
19 that the defendant's testimony does not contradict the
20 fact that she hit the victim with a heavy glass top to--
21 Judge Parker: --Well, let's get-- Let's see if she gets to that or not
22 before we're--
23 Ms. Brown: --(Unintelligible).
24 Judge Parker: She said. She just testified to that.
25 Ms. Brown: But I never hit her with that. I never hit her.

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1 Judge Parker: Yes?

2 Ms. Brown: We got into a-- I had no choice but it was-- When I
3 called the police after the fight, they asked why
4 didn't I call when she came to me. I had no choice.
5 She was already charging me. Her boyfriend, he
6 knows where I-- where my kids go to school and
7 what time they go to school. So, he brought her to
8 me, she was-- Before I could even do anything. She
9 had it all arranged. She was already there. She was
10 already there ready to fight.

11 Judge Parker: Already where, ma'am?

12 Ms. Brown: As I'm walking down Canal Street, I'm crossing the
13 bridge, her boyfriend's walking behind her and she's
14 speed walking with her fist--

15 Ms. Reznikova: --Objection--

16 Judge Parker: --All right, hang on--

17 Ms. Brown: --(Unintelligible)--

18 Judge Parker: --Hang on a minute.

19 Ms. Brown: --(Unintelligible) some leeway here, but this feels--

20 Judge Parker: --You're saying that this happened on Canal Street.
21 She testified that it happened on Center Street.

22 Ms. Brown: No, it happened on Canal.

23 Judge Parker: All right, well, she-- I'm only saying what she
24 testified to.

25 Ms. Reznikova: The accusatory instrument states that this happened

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1 on Center Street.

2 Judge Parker: Yeah, at 132 Center Street.

3 Ms. Reznikova: And what else does she have mixed up, Judge?

4 Judge Parker: Well, that's for you to question her afterwards. All
5 right, so, you're saying that she charged you? And
6 then what happened?

7 Ms. Brown: Then I told her to back up. I told her, "You don't
8 come over here, you know, just stay away from me, I
9 have my kids with me," and she did not care that I
10 had my kids and junk with me. She didn't care that I
11 had my one-year-old son with me. And that's why I
12 called because I had my children with me all the time
13 and I'm getting threats from a person, so what am I
14 supposed to do? And I don't have a babysitter to
15 watch my kids (unintelligible).

16 Judge Parker: Okay. So, it's your testimony then, if I'm-- if I'm
17 understanding it correctly that you say you did not hit
18 her--

19 Ms. Brown: --No--

20 Judge Parker: --and that she charged you and she jumped on you.

21 Ms. Brown: Yes.

22 Judge Parker: You told her not to come near you and after this
23 happened, then what happened?

24 Ms. Brown: I'm the one who (unintelligible). (Unintelligible)
25 around the corner. The officer (unintelligible) and

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1 they even said they do have it on file that I called
2 twice and also my kids' school, they're
3 (unintelligible). (Unintelligible). They
4 (unintelligible).

5 Judge Parker: Do you have any records of the-- of your phone
6 calls?

7 Ms. Brown: I have it in my phone. I don't delete my calls. I have
8 it in my phone.

9 Judge Parker: No, that's fine. That's fine. You don't have any
10 written-- anything written or any police reports or
11 anything like that?

12 Ms. Brown: No, they said they were going to come to my house
13 the first time I called and they never showed up. The
14 second time I called they said that they
15 (unintelligible) drive around and just if they see
16 anything, you know, they said there's not that much
17 that they can do.

18 Judge Parker: Okay. Do you want to cross-examine her?

19 Ms. Reznikova: Yes, Your Honor. You state that you said, "I had no
20 choice." What do you mean by that?

21 Ms. Brown: Well, when I knew I had no choice I really-- I had to
22 fight.

23 Ms. Reznikova: And you say you did strike--

24 Ms. Brown: --No, I didn't. What I mean by "I had no choice," is
25 mean I had no choice but to fight. I had to leave my

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1 child--

2 Ms. Reznikova: --So, you did fight.

3 Ms. Brown: --I had to. She-- She hit me first.

4 Ms. Reznikova: Did you have (unintelligible)--

5 Ms. Brown: --(Unintelligible)--

6 Ms. Reznikova: --that fight?

7 Ms. Brown: Yes.

8 Ms. Reznikova: Okay. And you called the police how long after the

9 altercation?

10 Ms. Brown: Right after.

11 Ms. Reznikova: What does that mean, "right after"? How-- How

12 long?

13 Ms. Brown: As soon as her and her boyfriend walked off, I

14 called. And I had people outside stating that they

15 called and she didn't-- No, I don't know these

16 people. I said--

17 Ms. Reznikova: Hold on.

18 Ms. Brown: Yeah.

19 Ms. Reznikova: Please answer the question asked.

20 Ms. Brown: Yeah.

21 Ms. Reznikova: How long after did you call the police?

22 Ms. Brown: Two minutes.

23 Ms. Reznikova: And is that because you were upset at the fact that

24 she was-- somebody was cheating on somebody

25 with this shared person, this Travis?

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1 Ms. Brown: No. I-- I-- (Unintelligible)--
2 Ms. Reznikova: --So, you had no ulterior motives?
3 Ms. Brown: No. I'm not that type of person. I don't have time
4 for that. I have three kids.
5 Ms. Reznikova: Please answer the question that I asked. No further
6 questions, Judge.
7 Judge Parker: Okay. All right, do you have any witnesses, ma'am,
8 that you wish to bring that you have here tonight to
9 testify?
10 Ms. Brown: No, but only one-- The teachers at the school
11 because they said that they saw--
12 Ms. Reznikova: --Objection.
13 Judge Parker: You-- You can't-- Again, you can't testify to what
14 they-- what they said because they're not here. The
15 question was do you have any witnesses with you,
16 and you don't.
17 Ms. Brown: No, I don't have no witnesses.
18 Judge Parker: Okay, that's fine. All right. I mean, obviously, an
19 incident take-- took place between the two parties.
20 As to-- We have conflicting stories as to who started
21 what and why the incident-- Although-- Although
22 there is no evidence to the contrary that Ms. Brown
23 struck Ms. Douglas with the-- with the glass object
24 that she alleges that she struck-- which she was
25 struck with. Therefore, I'm going to find-- I'm

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1 going to find you guilty of the harassment charge. It
2 is a-- It is a violation, it is not a crime in New York.
3 I'm going to give you a conditional discharge. I
4 believe there-- there is a order of protection that is in
5 effect until next year.

6 Ms. Brown: Okay.

7 Judge Parker: Until--

8 Ms. Reznikova: --What timeframe--

9 Judge Parker: --10/16-- 10/16/19.

10 Ms. Reznikova: Is that a temporary order or a final order?

11 Judge Parker: That is a s-- That is a temporary order. We'll issue a
12 final order of protection that will last until that time.
13 Again, this is not a crime, ma'am, so, if you were to
14 fill out a job application, for example, and they asked
15 you if you were guilty of a crime, you could honestly
16 say no. It is a not a crime in New York State, okay?
17 But we will give you a-- We're going to give you a
18 permanent order of protection not-- When I say
19 "permanent," it will last for the length of time on
20 the-- on the order of protection. Okay? All right,
21 and then we'll get that-- We'll get that for you and
22 then you'll be able to leave.

23 Ms. Brown: Okay.

24 Judge Parker: Okay?

25 Ms. Brown: (Unintelligible).

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1 Judge Parker: All right.

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CERTIFICATION

I, SARAH E. A. MILLER, Secretary II of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: June 24, 2019


Sarah E. A. Miller