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# *Commission Meeting*

of

## STATE HOUSE COMMISSION

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**LOCATION:** Committee Room 7  
State House Annex  
Trenton, New Jersey

**DATE:** March 30, 2023  
9:00 a.m.

### **MEMBERS OF COMMITTEE PRESENT:**

Assad Akhter, Chair  
Senator Michael L. Testa  
Assemblyman Paul D. Moriarty  
Assemblywoman Nancy F. Muñoz  
Lynn Azarchi  
Aaron Binder



### **ALSO PRESENT:**

Eric D. Brophy  
*Commission Secretary*

Tamara Loatman-Clark, Esq.  
*Deputy Attorney General for the State House Commission*

Brittany Zulla  
*Acting Secretary*  
*JRS Administrator*

Robert E. Kelly  
*Deputy Attorney General for the Judicial Retirement System*

***Meeting Recorded and Transcribed by***  
**The Office of Legislative Services, Public Information Office,**  
**Hearing Unit, State House Annex, PO 068, Trenton, New Jersey**

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**ASSAD AKHTER (Chair):** Thank you, everybody, I am going to call this meeting to order and ask that the Secretary read the public notice.

MR. BROPHY: We're in compliance with the Open Public Meetings Act. Notice of this meeting was -- notice of the State House Commission meeting was given by way of notice filed with the Secretary of State, delivered to the State House Press Corps, and posted in the offices of the State House Commission, as well as the State House Commission's website.

Take the roll.

Mr. Akhter.

MR. AKHTER: Present.

MR. BROPHY: Mr. Binder.

MR. BINDER: Present.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Here.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Present.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Here.

MR. BROPHY: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Here.

MR. BROPHY: All present. Senator Smith has recused himself.

We have a quorum, and we are here today to sit as the Judicial Retirement System.

Can I have a motion to sit as that body?

SENATOR TESTA: So moved.

MR. BROPHY: Senator Testa.

ASSEMBLYMAN MORIARTY: Second.

MR. BROPHY: Second Assemblyman Moriarty.

All in favor -- actually, I'll call the roll.

Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. BROPHY: All in favor.

The motion carries. We'll switch.

MS. ZULLA: Moving on to the honorable service review,  
Number 1 on the agenda.

Is there anyone here on the matter who wishes to make  
any statement or opening remarks?

MR. AKHTER: Before that, I will ask if there are any members of the trustees here -- I believe Senator Testa wanted to make a remark before we started.

SENATOR TESTA: I would.

Counsel, I understand that there could have been some traffic matters. As a fellow attorney, I have to tell you promptness is key. I have Budget and Appropriations at 11:00 a.m. We all have other schedules; we're all here for a full voting session today, both in the Assembly and the Senate.

This is a very serious matter, and I would have appreciated you being here on time. I left my home a half hour earlier than I normally do so I could be here on time, and I hit some severe traffic, and I really just - - promptness is key, and we all have very busy schedules today.

And, I have to say just, it's disappointing you were approximately about 20 minutes late.

Thank you.

MR. AKHTER: Thank you.

Any other trustees have remarks? (no response)

I will allow any members of the public who are either present or virtually, five minutes to offer remarks.

I will -- since we are sitting on the matter of Judge Holt, we'll ask for her counsel to sit up front here, and then anybody wanting to testify can come up to the third microphone and be given five minutes to testify. And, then, if there are any questions from the trustees, they can be asked, and then we'll ask for the next witness.

So, are there any members of the public who would like to be heard here? (no response)

I want to make clear to the counsel -- this is, if you have -- we're not hearing from witnesses, but anybody who you have in support that would like to express any facts of the case or otherwise can express them now.

UNIDENTIFIED SPEAKER: (indiscernible)

MR. AKHTER: OK. Please announce yourself, and you have five minutes to make remarks.

You can be seated.

**M I C H A E L H O L T:** Senators, Assemblymen--

MR. AKHTER: Press the button on the -- yeah, thank you.

MS. ZULLA: And, make sure you state your name.

MR. AKHTER: State your name.

MR. HOLT: My name is Michael, and the last name is Holt -- H-O-L-T. And, I am Carlia's husband.

Senators, Assemblymen, esteemed members of the council, I am sure we all know why we're here today. My wife's honorable service is in question, which, I'm not sure why that would ever be in question.

She has served her community tirelessly as an attorney. She's been elevated to the Superior Court as a sitting judge. The only crime my wife is even remotely -- sorry. I'm a little nervous.

She has exercised her -- I'm getting a little -- I'm sorry, I'm just really upset about this stuff.

My wife, she is the most honest, moral, ethical person I've ever met in my entire life. And, to see her appear -- even having this triggered for doing nothing -- she's a victim here. You have corrupt police officers,

overzealous prosecutors, a governing Judicial Board who would literally censure Mother Theresa for giving bread to a hungry child.

This whole thing, from start to finish, has been a nightmare for our family. She's been -- ever since she's been completely exonerated of doing nothing, we've been in a fight for everything. Everything has been a fight from day one. And, here is just another example of the fight. She's done nothing; she's been a victim from day one; but here we are, still fighting for everything.

I would just ask that you just really take a deeper look at the situation. If you have an opportunity to (indiscernible) legal facts that surround this case, you can see the travesty that we're -- the legal system here. She did nothing wrong, but, yet, here we are.

Thank you.

MR. AKHTER: Thank you.

If there are no questions from the trustees, I'll ask--

**LEO CHEN:** I have something to say.

MR. AKHTER: Sure, the next witness can come up.

Please state your name for the record, and you'll get five minutes to speak.

MR. CHEN: Sure.

My name is Leo Chen.

She is my wife's best friend, since they were basically graduated -- they studied together from Seton Hall, that's how we knew each other. So, I'm just trying to be a character witness for her, because I've known her for a long time, and I've always known her to be a great honorable person. She's always coming and helping us whenever she's -- you know, when she

knows my wife is going through bad things. They studied together, so we know what kind of person she is.

So, I was very surprised and I felt really bad for her, for what she's been going through for these past years. I just hope that you guys could understand, at least see her from my side, that -- I'm just blown away by how she's even in this situation in the first place.

But, I just wanted you to know that, from what I know of her, I know nothing but great things about her. She's always been there for my family, and I just, you know, hope that helps.

Thank you.

MR. AKHTER: Thank you very much.

Are there any other witnesses -- please, yes.

**ERIC LEWIS:** Hello everyone, and good morning.

My name is Eric Lewis, and I am Carlia's second cousin; she's my mother's cousin.

Carlia has been the role model of the family ever since I was a child. Her achievements -- she's achieved, you know, certain limits that most people can dream about. And, for our family in particular, being that we are a very diverse family -- as you see, we are Filipinos; we are white Americans; I am African American. We're extremely diverse. So, knowing -- being, you know, to grow up in that type of lifestyle and just watch Carlia flourish through all these different parts of her life, it's been an amazing act to witness.

I didn't expect to say anything today, so I'm kind of unprepared. I just see the opportunity that I can speak to everyone from human to human, and I just want to let you know that my cousin sitting next

to me is most certainly *the* nicest and kindest woman who I have ever known. I love my wife, who is here as well -- she's an incredible human being -- but, you pick your loved ones who you marry based upon how you grew up.

So, my cousin is just a wonderful person, and I just want you all to feel me when I say that. And, all I can say is I don't ever see Carlia attempting to do anything to have ever jeopardized her life, her livelihood, her family's future, or anything of that sort.

So, I truly believe from the bottom of my heart that anything that she's ever done has been for a positive reason, and she should just only be viewed as a wonderful person.

So, thank you for allowing me to speak.

MR. AKHTER: Thank you.

Is there anyone else wishing to speak on the record here?

(no response)

Is there anyone we have virtually online who wishes to speak? (no response)

So, seeing none, then at this point I would like to entertain a motion to go into closed session to request -- I would like to go into closed session to request advice from legal counsel pursuant to the provisions of the Open Public Meetings Act. The minutes of the closed session are not anticipated to become available to the public until after such time the Judicial Retirement System determines that the need for confidentiality no longer exists and the matters discussed can be disclosed.

Can I get that motion, please?

UNIDENTIFIED SPEAKER: Motion.

MR. AKHTER: Second?

ASSEMBLYMAN MORIARTY: Second.

MR. AKHTER: Second, Assemblyman Moriarty.

Are there any questions? (no response)

Can you call a roll here?

MS. ZULLA: Mr. Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Mr. Binder.

MR. BINDER: Yes.

MS. ZULLA: Ms. Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Yes.

MS. ZULLA: OK, at this time, can all members of the public step out while we--

MR. AKHTER: Yes, in accordance with the provisions of the Open Public Meetings Act, be it resolved that the board will go into closed session to discuss matters falling within the attorney-client privilege.

**(EXECUTIVE SESSION BEGINS 9:31 a.m.)**

**(EXECUTIVE SESSION ENDS 10:10 a.m.)**

MR. AKHTER: OK, we're going to return back to an open session, and I will read -- at this point, I will read a lengthy statement known as the Uricoli statement here, into the record.

NJSA 43:1-3 establishes 11 factors the Board is to consider in balance and view of the goals of the pension statute when determining whether forfeiture or partial forfeiture is appropriate.

These factors are: Factor 1, the member's length of service. Former Superior Court Judge Carlia M. Holt, aka Carlia M. Brady, known here as Judge Holt, has two years, four months of Judicial Retirement System service credit. If Judge Holt's pending Federal lawsuit against the Judiciary would result in a back-pay award, then she might qualify for up to a total of six years and nine months of JRS service credit. All but two months of it are *after* the events here at issue.

Factor 2: The basis of retirement, disability retirement, or disability Judge Holt states she incurred as a result of the events here at issue.

Factor 3: The event to which the member's pension has vested. Judge Holt has not vested for any benefit other than disability retirement.

Factor 4: The duties of the member. Judge of Superior Court Law Division, Middlesex County.

Factor 5: The member's public employment history and record, covered under the retirement system. Judge Holt enrolled in JRS on April 5, 2013, the date of her employment as a judge.

Factor 6: Any other public employment. Judge Holt had 11 months service credit in the public employee retirement system -- PERS -

- from her employment as a legal secretary in 1997. This service credit is *not* included in her JRS account.

Factor 7: The nature of misconduct or crime, including the gravity or substantiality of the offense, whether it was a single or multiple offense, and whether it was continued or isolated. Judge Holt's misconduct consisted of several related acts and omissions on June 10 and 11, 2013, when she has been Superior Court judge for approximately two months. On June 10, 2013, Judge Holt and J.P. were romantically involved, and J.P. was living in Judge Holt's home. On that morning, Judge Holt appeared at Woodbridge Township Police Department headquarters and met with two police sergeants and Officer Robert Bartko.

She reported that J.P. had taken one of her cars without permission, but Judge Holt declined to file a criminal complaint against J.P. While Judge Holt was at the station, officers told her about two open warrants for J.P.'s arrest -- one for violent crime -- and told her that J.P.'s driver license had been suspended. They told Judge Holt that as an officer of the court, she was required to report to them if and when J.P. returned, so they could arrest him.

Shortly after Judge Holt returned home, J.P. called her. She testified that J.P. told her he would return her car, and denied knowing of any warrants or license suspension, and that Judge Holt told him he needed to go to the police and take care of it right away. Judge Holt did *not* then advise the police that J.P. would be coming to her home to return the car. Judge Holt testified that when J.P. arrived, he walked past her father into the house. She said that she was a little surprised and shocked, then fearful, and told him to leave. Nonetheless, she and J.P. then talked in her garage for

about an hour, joined by her father for the final 15 minutes of the conversation.

About 15 minutes after J.P. left, Judge Holt left a message on Officer Bartko's voicemail. There is no dispute that the voicemail stated that Judge Holt's car had been returned, but other contents of the voicemail are disputed. Judge Holt accused WTPD of tampering with the voicemail to delete part of her message.

The next morning, June 11, 2013, J.P. called Judge Holt, and they spoke for more than two and a half hours. During that call, J.P. confirmed that he would be staying with his brother, and said he needed to retrieve his belongings from Judge Holt's home. They made an appointment for that afternoon, and J.P. called later to confirm their appointment. Judge Holt did *not* notify the police after either of these calls to tell them about J.P.'s plans. After J.P. had come and gone from her home on June 11, Judge Holt left a voicemail for Officer Bartko confirming that her car had been returned. She contends that the WTPD also tampered with and intentionally deleted parts of the second voicemail. Officer Bartko did not retrieve either of Judge Holt's messages until after Judge Holt's arrest.

While J.P. was with Judge Holt, WTPD officers were surveilling Judge Holt's residence. When J.P. left, a WTPD officer arrested him. Shortly after that, WTPD officers arrested Judge Holt at her residence. One officer testified that when Judge Holt was handcuffed, she said, "I've been vetted. Take the cuffs off." According to the police report, after the officers declined to remove her handcuffs, she asked to be handcuffed with her hands in front rather than behind; the officers refused. Judge Holt was charged with hindering the apprehension of J.P. and knowingly harboring

him, a known fugitive charged with armed robbery, in her residence for approximately one hour without attempting to contact law enforcement, even though she'd been informed by police that he was a fugitive. The next day, June 12, 2013, Judge Holt was suspended without pay. On May 13, 2015, she was indicted on three counts.

Count one: Second degree official misconduct for failing to perform the duty inherent to the Judicial Office, to enforce an arrest warrant by notifying authorities of a fugitive's known whereabouts, contrary to NJSA 2C:30-2B.

Count two: Third degree hindering, with purposes to hinder the detention, apprehension, investigation, prosecution, conviction, or punishment of J.P. by harboring or concealing, in contrary to NJSA 2C:29-3A1.

Count three: Third degree hindering with purpose to hinder the detention, apprehension, investigation, prosecution, conviction, or punishment of J.P.; offering to provide J.P. -- or aide J.P. -- in obtaining money, transportation, and/or clothing as a means of avoiding discovery or apprehension, or effecting escape, contrary to NJSA 2C:29-3A2.

On March 4, 2016, the trial court dismissed count one, finding that assisting police in executive branch functions is *not* an inherent duty in judicial office. That left in place the hindering charges, counts two and three, in State V. Brady. The court's determinations were affirmed on appeal. On February 18, 2018, the appellate division reversed the trial court's order, compelling J.P. to testify in Judge Holt's trial on March 2, 2018. On the state's motion, the trial court dismissed the remaining counts of

indictment, because without J.P.'s testimony, the State could not prove guilt beyond a reasonable doubt.

Judge Holt was reinstated, effective March 6, 2018. Beginning around September 2019, she received judicial temporary disability benefits until the end of her term in April 2020. In May 2018, the Advisory Committee on Judicial Conduct, ACJC, issued a complaint, charging Judge Holt with violating the code of judicial conduct. She answered the complaint on June 25, 2018, and the ACJC issued a presentment to the New Jersey Supreme Court on September 16, 2018, asserting that, while Judge Holt's conduct may not be considered criminal, given the dismissal from the charges filed against her, her conduct in the aggregate constitutes a significant violation of the code of judicial conduct that irreparably impugned her integrity and renders her continued service on the bench untenable. The recommended Supreme Court proceeding is to remove her from the bench. The presentment was based on the ACJC's independent investigation and clear review of the prosecution's investigative file of Grand Jury records, reports -- sorry. Grand Jury's record, reports of a forensic audio expert and a forensic psychiatrist, and the record generated at seven days of hearing between January 25 and April 17, 2019.

Judge Holt was represented by counsel at the ACJC hearings, and relied on her own testimony and that of two fact witnesses and two expert witnesses. Post-hearing briefs and replies were submitted. The Supreme Court determined that a sanction short of removal would be considered, and her arguments on April 30, 2020, after hearing arguments and performing an independent review of the record, the court found on

August 6, 2020, that the ACJC had proved a core allegation by clear and convincing evidence.

In the matter of Brady relying only on clear and convincing evidence in court and (indiscernible) Judge Holt's communications with the WTPD on June 10 and 11, 2013, fell short of the high standards imposed by court. The court acknowledged that Judge Holt was in a difficult situation during the two days of issue. The court noted, however, that despite ample opportunity to contact WTPD in advance of J.P.'s visits on June 10 and 11, 2013, Judge Holt declined to do so. Even when she did call the police after J.P.'s departure each of those two days, she was not forthcoming about her contacts with J.P. and did not reveal her detailed knowledge of his activities, and even the voicemail transcripts are missing information because of police misconduct. The court found it was clear that J.P. -- sorry, it was clear that Judge Holt was not forthcoming with the WTPD. The court did not credit Judge Holt's contention that WTPD officers instructed her to contact police only under specific circumstances, or contention that she refrained from calling police because she feared that J.P. would injure her.

Rather, the evidence indicated to the court that Judge Holt acted in ultimately assisting J.P. and preserving the relationship while maintaining her judicial career. The court viewed Judge Holt's comments that she was vetted to be an improper reference to a judicial status. The court explained that as a judge, Judge Holt was not at liberty to address the circumstances with only herself and her personal relationships in mind. The public has a right to expect that when police officers are searching for a fugitive accused of violent crime, and a judge has detailed knowledge of his

whereabouts, activities (indiscernible) finds that fugitive, the judge will take prompt and decisive action to ensure that law enforcement is fully informed.

There is no exception to that principle when the judge and the fugitive have a personal relationship. Judge Holt did not meet the standard imposed on the Judiciary, and she did not discharge responsibility to the public. Although the court considered Judge Holt's comment about being vetted to impropriety, it was less important to the court than the evidence of her communications with the WTPD and her non-credible allegations of a WTPD directive not to call police except under specific conditions.

In sum, based on a *de novo* review of the record, the court found clear and convincing evidence that Judge Holt had violated canon 1, rule 1:1; canon 2, rule 2.1 and 2.3A; and canon 5, rule 5.1A of the code. The court imposed a suspension of three months.

Factor Number 8: The relationship between misconduct and the member's public duties. On this factor, I will hear from Senator Testa.

SENATOR TESTA: Thanks for putting me on the spot.

You know, this case is a troubling one that has a long history that we've been provided. And, one doesn't simply get to shed their duties as, one, an officer of the court, and two, specifically, a Superior Court judge merely because the robe is on a hanger and not on their shoulders. And, we have to find out, through to Factor 8, whether this touches upon moral turpitude is my understanding.

MR. AKHTER: That's Factor 9, I'm sorry.

Factor 8 is the misconduct, and the member's public duties.

MR. KELLY: (indiscernible) the relationship (indiscernible)

SENATOR TESTA: Sure, I mean, I think that we can rely heavily on the Supreme Court opinion's decision concerning the judicial canons that were found to be violated by clear and convincing evidence in the Supreme Court opinion.

You've already elucidated those on the record, and I think we need to rely heavily on those and not disturb the findings of our Supreme Court, and that, certainly, violating judicial canon by clear and convincing evidence -- and, I understand that counsel has relied heavily on the dissenting opinion. I don't think that that necessarily carries the weight that counsel believes it does. I think that we have -- I think, we have a record before us, and we have a Supreme Court opinion before us that judicial canon was found to have been violated by clear and convincing evidence. And, I think that we need to rely on that.

MR. AKHTER: Thank you, Senator.

Factor Number 9: The quality of moral turpitude or the degree of guilt or culpability, including the member's motives and reasons, personal gain, and similar considerations. I can speak to this, unless Senator Testa would like to.

I will just simply say that this body has been considering Judge Holt's conduct, which has been laid out previously, but is also considering the fact of lack of contrition, and the fact that an argument is being made to look at emotional duress while at the same time not admitting

fault. So, in perspective, wanting both arguments to be had at the same time plays on our considerations here, and, as Senator Testa said, we expect that the members of the Judiciary uphold the highest standards -- not simply the standards of an average citizen, but of the highest standards. So, that is to Factor 9.

Factor 10: The availability and adequacy of other penal sanctions. In August 2020, after judicial review had expired, Judge Holt was suspended for three months, previously during the pendency of the criminal matter. She was suspended without pay for approximately 57 months -- June 12, 2013 to March 6, 2018. She is suing for back pay for that previous suspension.

Factor 11: Other previous -- other personal circumstances relating to the member, which bear upon the justness of forfeiture. Judge Holt served honorably for only about two months before a dishonorable service, and is credited with only two years, four months of judicial service. Judge Holt's pension contributions totaled \$45,667.46. Her monthly benefits since December 2021 -- based on the disability, she stated was caused by the events that led her to suspension by the Supreme Court is \$11,812.50. In levying suspension rather than removing Judge Holt from the bench, the Supreme Court considered mitigating factors, including that Judge Holt had only two months of experience and no prior ethical charges. The emotional stress that Judge Holt experienced on June 10 and 11, 2013, and then nearly five years of criminal proceeding that followed, and the profound impact the events at issue have had on her life and career.

Nonetheless, the court found no evidence that Judge Holt had demonstrated sincere commitment to overcoming the fault in this case

in her answer to the ACJC's complaint. Judge Holt argued that she was facing several stress factors on June 10 and 11, 2013, including lack of sleep; the effects of hormonal treatments -- I believe she was pregnant with J.P.'s child; shock of the charges against J.P.; fear for the safety of herself and her parents, a statement of the fear that the Supreme Court rejected as not credible; and, fear due to alleged trauma from a previous abusive relationship. Judge Holt also claimed that she had not notified WTPD sooner because she had been instructed not to call while J.P. was at her house -- a statement that the Supreme Court also rejected as not credible.

I will now ask, after all 11 factors have been read, for any comments.

If anyone else here -- if any other members or trustees would like to speak to Factor 11 on mitigating circumstances, they are welcome to speak at this point. (no response)

Seeing none, I will now ask, after all 11 factors have been read here of our consideration, I will ask the judge and her counsel if they would like to make any arguments before the trustees.

**ZINOVIA H. STONE, Esq.:** Thank you.

And, first, let me apologize for my lateness this morning. I didn't -- I certainly respect all of your time.

I would just note that there is a very large protest outside, and it impeded my access to the building. They were clogging security desks, and they weren't really letting me get in, so I do apologize. I respect all of your time, I did not mean to delay proceedings today.

First, with respect to the record that's been put in place, there is a lot of commentary on the Supreme Court decision, and the sanction

that was imposed. And, again, that sanction that was imposed was not a disqualification; it was not removal from the bench. It was a three-month suspension, taking into effect all of the mitigating factors, including the fact that Carlia was under a lot of stress during the time, and there was quite a bit of misconduct by the police involved.

This officer who charged Carlia in the first place was there with an axe to grind. He was sitting outside her home before she even arrived home, before any of this even happened. He was sitting outside her home, thumbing through a criminal codebook, looking for ways to trump up charges against her because he just doesn't like judges. Apparently, recently, he had had some criminal cases of his thrown out for illegally seizing evidence and, as I said, he just had an axe to grind.

Carlia did cooperate with the police; she *did* give them information; she *did* call them. Again, it's very heavily disputed that the fact that these calls were tampered with, that pieces of them were taken out. So, the level of her cooperation with the police has certainly been tampered with. And, this idea that she was dishonorable based upon this affirmative duty to cooperate with the police -- well, the courts have come down and said that she *didn't* violate any such duty. There's nothing within the canons that says she has to affirmatively assist the police to facilitate a warrant. There's nothing in the statute; there's nothing in the case law. The Supreme Court did come down and say, "Well, she made some inappropriate comments, and that she made some -- she didn't contact them soon enough," and, that's certainly one way. We did rely heavily on Justice Albin's dissent, because he did have some good points in there as well.

With respect to the degree of moral turpitude, again, the charges were dismissed. All these charges were dismissed against her. And, now we have -- we did have it medically sanctioned, because the Supreme Court, which is the supreme authority with respect to judges and with respect to the bar, has come down and said the three-month suspension wasn't an adequate sanction against her. So, with respect to whether she has been adequately punished for these actions -- her career was destroyed. She was dragged through the mud for five years. She was suspended from the bench; her name was all over the media; she was not able to practice, not able to do anything during that time. And, her physical and mental health suffered to the point that she's no longer able to practice at all, at this point.

So, to the extent that this conduct, whatever it was, had led to sanctions against her, she's already been -- she's *still* being punished, we're still here, right? The charges were dismissed years ago, and we're still here looking for ways to punish this woman over a one-time incident. One time in her entire career that maybe she didn't act appropriately. And, the simple fact is that the charges were dismissed for a reason, because her conduct wasn't to the level of being criminal. To the extent that the Board is looking now to sanction her further by forfeiting some of her pension credit. The Supreme Court has already done that, they've already taken three months from her. She's been suspended for three months, that effectively negates three months of her pension credit.

So, we would respectfully request that to the extent of the Board is considering forfeiture, but they would limit it to what has already been sanctioned.

She would also just like me to point out to the Board that some of the facts that were read onto the record were incorrect. The 11<sup>th</sup>, she did call at 3:30, and that was -- he arrived before the call?

**C A R L I A H O L T:** Before he came.

**MS. STONE:** Yes, before he came. And, he arrived at the house at 4:00 p.m.

**MR. AKHTER:** If Judge Holt would like to, she can address the body. I don't believe (indiscernible) -- I don't believe she has to speak through counsel.

**MS. HOLT:** Yes, I did call before he arrived at the house on June 11, the day of the arrest, while the person was -- while Murphy, the arresting officer, was thumbing through his codebook to see what he could charge me with.

And, I called 30 minutes before he arrived there, and I called the person who they told me to call, which was either Bartko or any of the other two people in the room -- Bukowski and Mullarney.

I would also like to point out that it's been discovered -- and, the Commissioner Hubner of Woodbridge has admitted -- that two of the officers who are involved in my case, one of which testified to the ACJC and the other one before the Grand Jury, have been Brady-Giglioed. And, my understanding of that is that they've been found not to be credible or otherwise have lied on reports or in testimony, and they are not allowed to testify in court anymore. So, two of those officers were brought -- their evidence was brought to the ACJC, and that is what you're relying on -- testimony that has been Brady-Giglioed, particularly Mullarney and Bukowski said they never told me not to call before he got to the house, when,

in fact, Bukowski did say, "Don't call before he gets back to the house." And, even the Supreme Court has said in their majority opinion that nobody can be expected to call once there's an armed robber in their house; they have to wait until they leave.

But, Mullarney, who has been Brady-Gigliod, and Bukowski, who has been Brady-Gigliod -- which means they can't testify because they're incredible -- is being relied on with regard to whether or not I should have called before he got to the house. Because the Supreme Court, in their decision, said that I didn't have to call while he was in the house with me; it had to be before or after. And, I complied. On the first day, I called immediately after; the Supreme Court said I should have called before or after. And, on the second day, on the 11<sup>th</sup>, I called 30 minutes before he got there.

The problem was, Bartko, the person I was told to call at headquarters who was handling the police report of the missing car, was not given the calls that I made to headquarters because the dispatch -- although he was on duty both of those days, when I called -- they never -- they breached their policy of patching the call through to the officer on duty who is being asked for. So I called -- her instructions -- even in my stressed-out state, with all of the mitigating circumstances, I made the calls as they were instructed to me by the police. And, that was what, in hindsight, when it's 20/20, the Supreme Court felt the need to give me a three-month suspension, which I accepted.

And, by the way, they did consider whether I was not contrite or not. And, the majority opinion only made a determination on testimony that I called my assignment judge, if I had it all to do again. But,

there was also a testimony *from* me, to the ACJC, that I would have called 15 times had I known I could do that despite the police telling me not to call. But, I was following police instructions at the time. Exactly to the letter. And, even the police does not deny that; even the two officers who were Brady-Giglioid does not deny that.

So, as far as contriteness, I have never done that, I have never been -- I have never put myself knowingly in that situation ever again. I've never done any of the conduct for which I was punished for for three months ever again, and I would never do any of that conduct again, sitting here today, and I said that to the ACJC. I don't know why the Supreme Court relied on other testimony rather than that.

So, it is not true that I was not contrite. That is only their finding, which they ignored other evidence that I was contrite, and that I would have called 15 times if I could have, against police instructions.

Thank you.

MS. STONE: I would just very quickly just note that, just because somebody defends themselves and puts out advocacy as to why they're not guilty of a charge does not mean they're not showing contrition. We're not part of a legal system that you plead guilty first to show contrition, and then get a lesser sentence. You go out there, you defend yourself.

So, I would respectfully just state that. Again, putting out our advocacy is not not showing contrition.

MS. HOLT: I just want to state also: I did not want to go out on permanent disability due to any condition. And, if I could be called back to duty today, I would do all I can to perform all of my duties to the

best of my ability as humanly possible. So, this is not staging -- if that's what you have in your mind -- this is not something that was planned.

I planned to go back to work after I got my treatment; after the Supreme Court or my supervisor said, pursuant to my doctor's opinions or recommendations, I would have gone back to work in any capacity that they deemed fit. And, mind you, after this incident, I was serving for over -- until I went out on temporary disability -- for over a year and a half, I believe -- honorably. I don't know that you are saying that I was committing these acts and it carried over to those times when I was actually serving on the bench. I don't believe it should, because it was a one-time or 27-hour day period never repeated before, never repeated after. I've never even had even a complaint of an ethics violation before or after, but for the fallout from the false accusations of these corrupt officers.

So.

MR. AKHTER: OK, does that conclude your statements?

MS. STONE: Yes.

MS. HOLT: No, I think-- Can my husband--

MR. AKHTER: No, we've already heard from -- I'd ask that we restrict.

MS. HOLT: OK, well, my husband just asked me to bring up the fact that the original recordings of my phone calls were actually deleted, and only the 2013 recordings that came in on the logger that recorded my two phone calls were completely deleted. All the other recordings in that building remained except for *just* the 2013 from the logger I called into. Those have been deleted; these are not authentic.

So, if you're relying on those phone calls, I am, once again, disputing that heavily. Because that is not the message I left. I actually did leave the specific information of Pronnicki at his brother's house in Woodbridge.

MR. AKHTER: So, does that conclude your statements?

MS. HOLT: I'm not sure.

MS. STONE: Just, respectfully, we request that you rely on the Supreme Court's already (indiscernible) sanction and not anything further.

MS. HOLT: I do have a question.

MS. STONE: With respect to-- Sorry?

So, Ms. Holt is a little bit concerned because, apparently, Judge Rosemarie Williams Holt was not given an honorable service hearing.

MS. HOLT: Judge Rosemarie Williams.

MS. STONE: Judge Rosemarie Williams, I'm sorry, I just-

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MS. HOLT: She was also suspended for three months, prior to her being tenured, and then when she was tenured, she was convicted and plead guilty to DWI. And, my understanding is, she's receiving her pension and has not been submitted to any kind of inquiry like I am being submitted to today.

MR. AKHTER: I will ask--

MS. HOLT: I couldn't find it, my lawyers could not find it--

MR. AKHTER: I will ask our counsel to look into that, but I don't think that that has any bearing on this individual case or how it should be rendered. So--

MS. HOLT: Well, I believe it is, because why--

MR. AKHTER: With all due respect -- with all due respect, that's a separate case, and we'll have that looked into, but that shouldn't -- we're considering the facts of this case, specifically, and, so, I will confine it to the facts here.

If that concludes your statements, I will ask any of the members, trustees, if they have a motion at this point. I will entertain a motion.

Is there a motion from-- I will entertain a motion for a prospective forfeiture of the pension, the total forfeiture not including any payments already made through the pension system.

So, a prospective, but not a retrospective forfeiture of pension.

Is there a motion?

SENATOR TESTA: So moved.

MR. AKHTER: Is there a second?

ASSEMBLYWOMAN MUÑOZ: Second.

MR. AKHTER: I will now -- before we take a vote, I will allow any comments from any of the trustees who wish to comment or debate here.

UNIDENTIFIED SPEAKER: Unbelievable. You should be ashamed of yourselves.

MR. AKHTER: I'll ask the members of the public to please refrain from comments.

Senator Testa, would you like to say anything on the record?

SENATOR TESTA: You know, certainly the Supreme Court decision in this matter I think provides us great guidance here. And, I understand that the defense essentially wants to rely heavily on a dissenting opinion, but we're not bound by that dissenting opinion, we're bound by the holding of the majority.

And, the fact of the matter is, the Supreme Court on *de novo* review of the record, found by clear and convincing evidence that the respondent violated canon 1, rule 1.1; canon 2, rules 2.1 and 2.3A; and canon 5, rule 5.1A of the code. The opinion was extremely thorough, and went through a very long and factual analysis of what transpired over a three-day period.

And, I understand that counsel has multiple allegations of wrongdoing by the Woodbridge Township Police Department, and we have a decision now. We have a decision by the highest court in the land that, quite frankly, I think is binding upon us as to whether we're not there as an independent fact finder; as to whether these canons were, in fact, violated. The Supreme Court has already found that they were by clear and convincing evidence.

It's a difficult decision to make for anybody on this Board, or anywhere. However, based on the amount of time that someone paid into the pension, was serving as a member to the public, I just don't see how we

can authorize continued payment of this pension going on for the rest of Ms. Holt's life--

MS. HOLT: But--

MR. AKHTER: I'm sorry, there's no comment at this point, thank you.

Any other member of the trustees (indiscernible) make comments, if there's anyone else.

Assemblyman.

ASSEMBLYMAN MORIARTY: Look, I can sympathize with some of the issues that the judge brings up about the police department. I've been a victim of police misconduct myself, and ended up having to sue a police department -- and others. It's terrible.

But, that's outside of what we're here about.

UNIDENTIFIED SPEAKER: But, you're still an Assemblyman-

ASSEMBLYMAN MORIARTY: Excuse me--

MR. AKHTER: Excuse me--

UNIDENTIFIED SPEAKER: You're still an Assemblyman.

MR. AKHTER: I will have security remove you if you keep commenting.

ASSEMBLYMAN MORIARTY: That's outside of our purview, and *if* there was misconduct or corruption, I hope you were successful in your lawsuits.

This seems to have been a very isolated incident, I agree. But, if something like this maybe had happened after a 30-year career, there's

a different weight or balance to something. This was after two and a half months.

So, I wish you well in your lawsuits against the people who you believe have caused you so much anguish and grief. But, I think that we have to rely on the Supreme Court, as Senator Testa said, was very thorough. We're not here to adjudicate that matter. And, so, I support your motion.

MR. AKHTER: Assemblywoman -- I'm sorry, Assemblywoman, any comments (indiscernible)

Before we take a vote, I will just say that we have looked at all 11 factors. We have looked at this very thoroughly; we have looked at it with compassion and sympathy. This was not -- as the comments were made previously by the trustees -- this was not about adjudicating the previous facts. We were certainly open to considering them and interpreting them as we may, but those findings were already made after a very thorough review of the Advisory Committee on Judicial Conduct, which I read the review, and affirm, in certain circumstances, by the Supreme Court of New Jersey, with a three-month suspension.

What this body is charged with doing is determining whether -- making decisions on whether a pension should be awarded based on these factors. And, I will just say that we've put people in the Judiciary to serve at the very highest levels with the very highest of standards -- higher than the average citizen. Not just to follow the law, but to be an example to others.

And, I will say that a pension is meant to compensate those for a career of public service. So, the amount of service and the kind of service that was given were all considered here, as were our considerations of

mitigating factors, which is why I -- the motion was made not to retrospectively take back the 17 months of disability pension, which have already been received.

So, I want that noted for the record that we did consider mitigating factors and that the motion currently is not to claw back 17 months of disability pensions already paid, but to prospectively eliminate the pension payments going forward.

With that said, if there are no other further comments from the trustees, I will ask the secretary to take a vote.

MS. ZULLA: Mr. Akhter.

Mr. AKHTER: Yes.

MS. ZULLA: Mr. Binder.

MR. BINDER: Yes.

MS. ZULLA: Ms. Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. AKHTER: The motion passes, and so we have to entertain a -- we have to--

OK, so there was a motion by the counsel, by the defense counsel here, regarding requests for retroactive pension. Given that we have

already ruled to take back the prospective pension, that issue is now moot, so we will not consider that, as it is moot.

And, at this point, the judge and her attorney will receive a letter detailing the proceedings today, and including a statement of the judge's appeal rights. The letter will probably go out in late April.

And, I will ask for a motion at this point to adjourn as the Judicial Retirement System and return as the State House Commission.

Can I--

SENATOR TESTA: So moved.

MR. AKHTER: So moved.

ASSEMBLYWOMAN MUÑOZ: Second.

MR. AKHTER: Second.

Roll, please.

MS. ZULLA: Mr. Akhter.

MR. AKHTER: Yes.

MS. ZULLA: Mr. Binder.

MR. BINDER: Yes.

MS. ZULLA: Ms. Azarchi.

MS. AZARCHI: Yes.

MS. ZULLA: Senator Testa.

SENATOR TESTA: Yes.

MS. ZULLA: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MS. ZULLA: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. AKHTER: One more vote.

So, we'll now be in as the State House Commission.  
Thank you to the judge and her counsel.

As the State House Commission Chair, I will entertain a motion to adjourn this meeting.

ASSEMBLYMAN MORIARTY: Motion made.

MR. AKHTER: Is there a second to adjourn?

MR. BINDER: Second.

MR. AKHTER: Roll, please.

MR. BROPHY: Mr. Akhter.

MR. AKHTER: Yes.

MR. BROPHY: Mr. Binder.

MR. BINDER: Yes.

MR. BROPHY: Ms. Azarchi.

MS. AZARCHI: Yes.

MR. BROPHY: Senator Testa.

SENATOR TESTA: Yes.

MR. BROPHY: Assemblyman Moriarty.

ASSEMBLYMAN MORIARTY: Yes.

MR. BROPHY: Assemblywoman Muñoz.

ASSEMBLYWOMAN MUÑOZ: Yes.

MR. BROPHY: All in favor.

MR. AKHTER: Thank you all for your time.

**(MEETING CONCLUDED)**