

FILED
JUN 25 2018
A.C.J.C.

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IN THE MATTER OF

CARLIA M. BRADY
JUDGE OF THE SUPERIOR COURT

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET NO. ACJC 2013-281

ANSWER

CARLIA M. BRADY, J.S.C., by and through her counsel, Raymond M. Brown, Esq., by way of Answer says as follows:

1. Respondent admits that she was admitted to the practice of law in 1997, subject to the fact that upon being appointed as a Judge of the Superior Court in or about February 2013 she was required to retire her license to practice law.

2. Respondent admits that at all relevant times, she served as a judge of the Superior Court and was initially assigned to the Civil Division; however, Respondent is currently sitting as a Civil Division and General Equity judge. Respondent further admits that

she was suspended from her judicial office effective June 12, 2013 due to the filing of criminal charges against her.

3. Respondent admits the allegations contained in Paragraph 3 of the Complaint.

4. Respondent admits that in the late afternoon of June 9, 2013, Mr. Prontnicki falsely claimed he loaned Respondent's Honda Civic to his brother, but denies that he told her before doing so or obtained her permission to do so. Respondent admits the remaining allegations in Paragraph 4 of the Complaint.

5. Respondent admits the allegations contained in Paragraph 5 of the Complaint.

6. Respondent admits the allegations contained in Paragraph 6 of the Complaint.

7. Respondent admits the allegations contained in Paragraph 7 of the Complaint.

8. Respondent admits that the allegations in Paragraph 8 of the Complaint are an accurate summary of what she told Officer Robert Bartko ("Officer Bartko") on June 9, 2013.

9. Respondent admits that she advised the Woodbridge Police Department ("WPD") that she wanted to file a criminal complaint against "Karim Williams," the individual Mr. Prontnicki claimed to have given her car. The WPD informed Respondent that they searched for a "Karim Williams," and could not locate such a person. Further, the WPD advised Respondent that she must sign a criminal

complaint against Mr. Prontnicki. Respondent denies telling the WPD that she must speak to her family prior to filing a criminal complaint. Respondent admits that she advised the WPD that she must consult with counsel prior to filing any criminal complaint.

10. Respondent can neither admit nor deny the allegations contained in Paragraph 10, but admits that Sergeant Walter Bukowski ("Sgt. Bukowski") informed her that Mr. Prontnicki had a suspended New Jersey driver's license and a warrant for his arrest.

11. Respondent admits that the WPD advised her of Mr. Prontnicki's suspended license and the warrant for his arrest. This information shocked Respondent as she had never previously seen any evidence of such behavior from Mr. Prontnicki. Despite her shock, Respondent advised the WPD to go to her home to see if Mr. Prontnicki was there and even offered them her house keys. Respondent requested that the WPD allow her to remain at the station until Mr. Prontnicki was taken into custody. WPD refused, but instead instructed Respondent "that it was incumbent upon her to report to the police if and when Jason came back with the car that he was there, in order for us to arrest him."

12. Respondent admits that she sent text messages between 12:36 pm and 12:43 pm, including but not limited to the text message quoted in Paragraph 12 of the complaint.

13. Respondent admits that at 1:11 pm, Mr. Prontnicki called her on her cell phone. Respondent advised Mr. Prontnicki that he

must turn himself in, that he was not allowed in the house, and that she would call the police on him.

14. Respondent admits the allegations in Paragraph 14 of the Complaint, but adds that Mr. Prontnicki denied any wrongdoing and agreed to turn himself in.

15. Respondent admits that she did not notify the WPD of her communication with Mr. Prontnicki, as she was awaiting his arrival at her home per the WPD's instructions.

16. Respondent denies the allegations contained in Paragraph 16. However, Respondent states that following her phone call with Mr. Prontnicki, she called her parents and asked them to come to her house. Respondent's parents arrived at her home at approximately 3:00 p.m. Shortly thereafter, Mr. Prontnicki rang the front door bell, and pushed his way into Respondent's home when her father answered the door. This resulted in Respondent's father slamming into the wall. Respondent instructed Mr. Prontnicki to leave, but he refused. Instead, Mr. Prontnicki began looking in his large duffle bag of clothes. Then, Respondent followed Mr. Prontnicki into the garage, and opened the garage door for him to leave, but Mr. Prontnicki again refused to leave. Mr. Prontnicki claimed he would leave once the heavy rain subsided. The garage door was left open while Mr. Prontnicki remained in the garage. Respondent interrogated him about the whereabouts of the missing car and Karim Williams' true identity. Mr. Prontnicki

repeatedly told Respondent that he committed no wrongdoing, disputed the existence of an arrest warrant, and advised that he will turn himself in after he retained an attorney. He also advised Respondent that he would be staying with his brother Christopher in Woodbridge. Respondent did not offer Mr. Prontnicki cab fare.

17. Respondent denies the allegations in Paragraph 17 as she called the WPD within minutes of Mr. Prontnicki leaving her residence and was patched through to Officer Bartko's line. However, Officer Bartko did not pick up and Respondent left a detailed voice message. Respondent advised Officer Bartko, among other things, that Mr. Prontnicki had returned to her house, left, and was staying with his brother Christopher, with the same last name, who lived in Woodbridge. Respondent requested that Officer Bartko call her back so that she can provide details and left her cell and home numbers. The recording of the call that was supplied to Respondent by the Somerset County Prosecutor's Office, however, contained gaps and was missing portions of Respondent's, including her statements that Mr. Prontnicki was staying with his brother.

18. Respondent denies that the text message quoted in Paragraph 18 of the Complaint was sent on June 10, 2013. Respondent further states that the text message referenced in Paragraph 18 was sent by Respondent on June 11, 2018 at 2:14 p.m.

19. Respondent denies the allegations in Paragraph 19, and refers to her response in Paragraph No. 17 above.

20. Respondent can neither admit nor deny the allegations contained in Paragraph 20, but states that after calling Officer Bartko on June 10, 2013, Respondent's father drove her to her parents' home where she stayed until the next morning.

21. Respondent admits the allegations in paragraph 21 of the Complaint, and adds the following. In an effort to comply with the WPD's instructions Respondent asked Mr. Prontnicki of the steps he had taken to retain an attorney to turn himself into the WPD. Further, Respondent confirmed that Mr. Prontnicki had stayed with and will continue to stay with his brother Christopher in Woodbridge. Mr. Prontnicki advised Respondent that he wanted his clothing, but that his brother will be coming to her house to pick up his belongings.

22. Respondent admits the allegations contained in Paragraph 22 of the Complaint.

23. Respondent admits that Mr. Prontnicki called again at 1:49 pm on June 11, 2013, but denies that Mr. Prontnicki said that he was retrieving some clothing. Instead, Mr. Prontnicki asked Respondent when she would be home. Respondent wanted Mr. Prontnicki to move out of her home at that time, and understood that his brother would be removing his belongings, so she advised him she would be home between 3 and 4 p.m.

24. Respondent admits the allegations contained in Paragraph 24 of the Complaint.

25. Respondent admits that she called the WPD at approximately 3:31 p.m. on June 11, 2013, and asked to speak with Officer Bartko. Respondent was once again put through to Officer Bartko's voicemail, and she left another voice message. Respondent told Officer Bartko, among other things, that Mr. Pronnicki had returned the car to the house and that she wanted to update the whereabouts of Mr. Pronnicki. The recording of the call that was supplied to Respondent by the Somerset County Prosecutor's Office, however, contained gaps and missing sections. Portions of her original voice message, including her statements that she wanted to update the whereabouts of Mr. Pronnicki were deleted.

26. Respondent admits that she did not advise the WPD that Mr. Pronnicki was expected at her home between 3 and 4 p.m. because she did not expect Mr. Pronnicki at her home at that time. Respondent expected his brother to retrieve his belongings.

27. Respondent denies the allegations contained in Paragraph 27, and adds that Mr. Pronnicki stored his clothing at Respondent's home in bags. Therefore, Respondent did not pack a bag for him.

28. Respondent admits that Mr. Pronnicki called her at approximately 4:00 p.m. on June 11, 2013, but denies that she was

aware that Mr. Prontnicki was in front of her residence when he placed the call.

29. Respondent admits that Mr. Prontnicki arrived at her home in a car being driving by his brother, but adds the following. When Mr. Prontnicki arrived at Respondents home, he was in his brother's car. Respondent was unaware that Mr. Prontnicki was in the car, as she was expecting Mr. Prontnicki's brother to be arriving to remove his belongings from her home. Further, Respondent could not see into the car when it pulled up to her home. Respondent went into her garage, and before she could open the door, the garage door began to open and Mr. Prontnicki entered her garage to her surprise. Respondent later discovered that Mr. Prontnicki had retained the garage door opener from her Honda Civic. Respondent asked Mr. Prontnicki to leave, but he refused. Mr. Prontnicki advised that he had retained a lawyer, that he had confirmed there was no warrant for his arrest, but that nevertheless, he was going to turn himself into the WPD in order to clear up the confusion. Respondent denies that she ever offered Mr. Prontnicki cab fare. Respondent can neither admit nor deny the allegations with respect to the observations of any police officers who were stationed outside of her home on June 11, 2018.

30. Respondent admits the allegations contained in Paragraph 30 of the Complaint. Respondent further states that when Mr. Prontnicki unexpectedly entered her residence, she did not attempt

to call the police for fear that she would be hurt by Mr. Prontnicki. Immediately after Mr. Prontnicki left her residence, she was preparing to leave and drive to the Woodbridge Township Police Department to personally report to the police the occurrences of the last two days. However, within 5 minutes after Mr. Prontnicki left her residence, Respondent was arrested.

31. Respondent can neither admit nor deny the observations of the police.

32. Respondent can neither admit nor deny the allegations contained in Paragraph 32 of the Complaint.

33. Respondent admits to sending text messages following Mr. Prontnicki leaving, which are paraphrased in Paragraph 33 of the Complaint.

34. Respondent admits the allegations contained in Paragraph 34 of the Complaint, and adds the following. Respondent informed Sergeant Brian Murphy ("Sgt. Murphy") that she called the police twice - the day before and that same day. Sgt. Murphy asked when she called, to which Respondent advised at approximately 4:30 p.m. on June 10, 2013 and approximately 3:30 p.m. on June 11, 2013. Sgt. Murphy advised Respondent that it did not matter that she called because she did not call the WPD while Mr. Prontnicki was present in her house.

35. Respondent denies the allegations contained in Paragraph 35 of the Complaint. Respondent further states that at the time

of her arrest, she believed that she was pregnant and was extremely disturbed by the arrest itself. While at no point did Respondent ever assert her position as a judge or state that she was "vetted," she did request that she not be handcuffed due to her pregnancy and advised the officers that she would not resist and, therefore, the cuffs were unnecessary.

36. Respondent can neither admit nor deny the allegations with respect to the conduct of any officers at the station. Respondent adds that while in the holding room, Respondent asked Officer Bartko why he had not returned her calls. Officer Bartko responded that he did not check his voice messages. Respondent advised that she had left a voice message the day before at 4:30 p.m. and that day at 3:30 p.m. Respondent then asked Officer Bartko to check his voicemails. Officer Bartko left the holding cell and returned minutes later. Respondent asked Officer Bartko whether he had checked his voice messages. Officer Bartko said that he did. Respondent asked Officer Bartko if he received her June 10, 2013 voice message telling him that Mr. Pronnicki was staying with his brother Christopher in Woodbridge and that day's voice message (June 11, 2013) advising that he had returned to the house. Officer Bartko said he received these voice messages and pointed to the ceiling while telling Respondent that he gave the messages to his supervisors for review.

37. Respondent denies the allegations contained in Paragraph 37 of the Complaint.

38. Respondent admits that she was charged with hindering the apprehension of Mr. Prontnicki, but denies the truthfulness of the allegations.

39. Respondent admits the allegations contained in Paragraph 39 of the Complaint.

40. Respondent admits the allegations contained in Paragraph 40 of the Complaint.

41. Respondent admits the allegations contained in Paragraph 41 of the Complaint and adds that had Mr. Prontnicki been compelled to testify, he would not have inculpated Respondent.

42. Respondent admits the allegations contained in Paragraph 42 of the Complaint.

43. Respondent admits the allegations contained in Paragraph 43 of the Complaint.

44. Respondent admits the allegations contained in Paragraph 44 of the Complaint.

45. Respondent admits the allegations contained in Paragraph 45 of the Complaint.

46. Respondent denies the allegations contained in Paragraph 46 of the Complaint.

47. Respondent denies the allegations contained in Paragraph 47 of the Complaint.

48. Respondent denies the allegations contained in Paragraph 48 of the Complaint.

49. Respondent denies the allegations contained in Paragraph 49 of the Complaint.

50. Respondent denies the allegations contained in Paragraph 50 of the Complaint.

51. Respondent denies the allegations contained in Paragraph 51 of the Complaint.

52. Respondent denies the allegations contained in Paragraph 52 of the Complaint.

53. Respondent denies the allegations contained in Paragraph 53 of the Complaint.

54. Respondent denies the allegations contained in Paragraph 54 of the Complaint and denies that claiming to be "vetted" is a violation of the Judicial Cannons.

ADDITIONAL DEFENSES

There is forensic evidence that Respondent's state of mind on June 10 and 11, 2013 influenced her decision making. Respondent submits that she was facing several stress factors on June 10 and 11, 2013 that must be taken into account when reviewing her actions from that time period. First, Respondent believed she was pregnant at the time, and in fact had a doctor's appointment scheduled for June 13, 2013 to confirm same. Second, Respondent did not sleep the night of June 9 into June 10, 2013. Third, Respondent was in shock by the fact that she had just learned that the man she loved, who was the father of her unborn child, had been lying to her for months and was in reality a violent criminal. Fourth, Respondent was scared that her car was being used by this violent criminal for illegal purposes. Fifth, Respondent was scared that she had left personal information in the car that could be stolen or used improperly. Sixth, Respondent was previously in a relationship where she was the victim of abuse, and this event triggered the trauma from that time. Seventh, Respondent was receiving hormonal treatment in an effort to become pregnant. Eighth, she was told not to call the WPD until Mr. Pronnicki was at her house. Ninth, Respondent was extremely disturbed by the arrest itself.

Further, the following factors must be considered when reviewing why Respondent called the WPD when she did. First, she was told not to call until Mr. Pronnicki was at her house. Second,

Mr. Prontnicki forced his way into her home two times before she could even get to the phone. Once Mr. Prontnicki was in the house, Respondent was scared for her and her elderly parents' safety given the fact that she recently discovered he was a violent criminal who had been lying to her for months. Finally, she asked him to leave many times and he refused.

GREENBAUM, ROWE, SMITH & DAVIS LLP
Attorneys for Respondent the
Honorable Carlia M. Brady

By: /s/ Raymond M. Brown
Raymond M. Brown

Dated: June 25, 2018