

STATE OF MARYLAND



MARTIN O'MALLEY
GOVERNOR

ANTHONY G. BROWN
LT. GOVERNOR

**OFFICE OF THE PUBLIC DEFENDER
ADMINISTRATION
WILLIAM DONALD SCHAEFER TOWER
6 SAINT PAUL STREET, SUITE 1400
BALTIMORE, MARYLAND 21202
Ph. (410) 767-8460
Fax (410) 333-8496
Toll Free: 1 (877) 430-5187**

PAUL B. DeWOLFE
PUBLIC DEFENDER

CHARLES H. DORSEY, III
DEPUTY PUBLIC DEFENDER

FOR IMMEDIATE RELEASE

**PUBLIC DEFENDER CALLS FOR REMOVAL AND INVESTIGATION OF JUDGE
WHO ORDERED OFFICER TO SHOCK DEFENDANT IN COURT**

Baltimore, MD (August 22, 2014)

Contact: Paul B. DeWolfe, Public Defender, pdewolfe@opd.state.md.us, (410) 767-8479

Maryland's Public Defender is calling on the state judiciary to remove Judge Robert Nalley from the bench after he reportedly ordered a court security officer to administer an electrical shock to a defendant inside a courtroom in Charles County, Maryland.

First reported on August 18 in the online *Baltimore Post-Examiner* ("Maryland Judge Robert Nalley ordered officer to shock defendant in court," available at <http://baltimorepostexaminer.com/maryland-judge-robert-nalley-ordered-officer-shock-defendant-court/2014/08/18>), the incident occurred on July 23 when a defendant, Delvon King, attempted to make an argument challenging the court's jurisdiction instead of answering Judge Nalley's question regarding jury selection. The Office of the Public Defender has obtained a transcript of the incident, which is consistent with the *Post-Examiner* article. The transcript reads in pertinent part as follows:

DEFENDANT KING: . . . Statutes that violate the plain...

THE COURT: Stop.

DEFENDANT KING: ...and obvious...

THE COURT: Stop.

DEFENDANT KING: ...principles of common right and common reason are...

THE COURT: Mr. Sheriff,...

DEFENDANT KING: ...null and void.

THE COURT: ...do it. Use it.

(DEFENDANT SCREAMS)

According to the article, the officer, at Judge Nalley's direction, pressed a button that released an electrical current from a device affixed to Mr. King's leg. Mr. King screamed, crumpling to the ground in pain. The young man was representing himself in this proceeding and was apparently in the midst of arguing a point of law when the judge ordered him to be shocked in order to silence him.

"What the judge did here was unconscionable," said Public Defender Paul B. DeWolfe. "The infliction of physical pain to silence a person is unacceptable anywhere, but especially when it is done in a court of law at the direction of the very person whose job it is to protect people's rights."

A judge may use a number of non-violent tools to control litigants whose behavior is disruptive but does not pose a threat to the physical safety of others. Those tools include issuing orders to control conduct, finding a litigant in contempt and imposing a fine or jail time, and, in extreme circumstances, preventing a litigant from participating in the proceeding.

Judge Nalley was previously sanctioned by Maryland's highest court for deflating a tire of a car belonging to a member of the courthouse night cleaning staff because it was in a space where he usually parked. Judge Nalley retired in 2013, but the Judiciary has allowed him to continue presiding over cases.

"No one who treats people like this should be permitted to serve as a judge," DeWolfe said. "It is time for the Judiciary to remove him."