FILED
MAY 18 2009
A. C. J. C.

SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT
DOCKET NO: ACJC 2008-056

IN THE MATTER OF

CHARLES A. DELEHEY
JUDGE OF THE SUPERIOR COURT

STIPULATIONS

The undersigned Disciplinary Counsel ("Presenter") to the Advisory Committee on Judicial Conduct and the Honorable Charles A. Delehey, J.S.C. ("Respondent"), through counsel, hereby enter into these Stipulations:

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1966.

2. At all times relevant to this matter, Respondent was a Judge of the Superior Court of New Jersey, assigned to the Mercer Vicinage.

COUNT I

3. On August 20, 2007, Jeffrey Nemes (the "Grievant") was an inmate at the Midstate Correctional Facility in Fort Dix, New Jersey, having been convicted in March 2007 on charges of bribery and conspiracy following a jury trial over which Respondent presided. On that date, August 20, 2007, the Grievant appeared before Respondent for a hearing to resolve a motion filed by the Grievant's attorney to be relieved as counsel.

4. At the conclusion of the hearing, Respondent invited C. Matthew Nemes ("Mr. Nemes"), the brother of the Grievant, into his chambers. While in chambers and off the record, Respondent told Mr. Nemes that he heard "good things" about the Nemes family and that he recognized that the incident involving the Grievant, which was the subject of an indictment,

must be embarrassing. Respondent's purpose for communicating with Mr. Nemes was to "ameliorate the hurt" that the Nemes family was experiencing.

5. The conversation with Mr. Nemes then turned to the remaining criminal cases involving the Grievant. Respondent indicated to Mr. Nemes that the prosecution had offered the Grievant a concurrent sentence and further advised Mr. Nemes that the plea deal offered to the Grievant was a "good one," that the Grievant should take the plea, and, as admitted in Respondent's Answer, that Mr. Nemes should "speak to him [Jeffrey Nemes] about it." In his letter of February 28, 2008 to the Committee, Respondent acknowledged stating the following to Mr. Nemes: "Maybe you can convince him otherwise, but if there's one thing I've learned it is people make decisions for their reasons, not for mine." Respondent further stated: "it's in your brother's best interest to take it because if he's convicted at a later date, even if he gets a concurrent sentence, it will be so along in his first sentence that it'll be – the effect of it will be a consecutive sentence." Respondent further adjured Mr. Nemes that "maybe you could make some sense to him [Jeffrey Nemes]."

CANDACE MOODY, ESQ.
Advisory Committee on Judicial Conduct

DATED: May 18, 2009

ROBERT RAMSEY, ESQ.
Attorney for Respondent, Charles A. Delehey

DATED: May 18, 2009