

FILED

JUL - 1 2024

A.C.J.C.

**SUPREME COURT OF NEW JERSEY
ADVISORY COMMITTEE ON
JUDICIAL CONDUCT**

DOCKET NO: ACJC 2024-043

IN THE MATTER OF

**CARL L. MARSHALL,
JUDGE OF THE MUNICIPAL COURT**

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FORMAL COMPLAINT

Maureen G. Bauman, Disciplinary Counsel, Advisory Committee on Judicial Conduct (“Complainant”), complaining of Municipal Court Judge Carl L. Marshall (“Respondent”), says:

Facts

1. Respondent is a member of the Bar of the State of New Jersey, having been admitted to the practice of law in 1994.
2. At all times relevant to this matter, Respondent served as a municipal court judge in the city of Elizabeth, borough of Roselle, and Chief Judge in the city of Plainfield, positions he continues to hold.
3. Respondent serves as a Central Judicial Processing (“CJP”) Judge in Union County, a position for which Respondent received specific training.

4. Respondent also maintains a private office in the City of Elizabeth for the practice of law.

Count I

5. On or about September 23, 2018, Complaint Warrant No. W-2018 3212 2004, was issued for criminal mischief against Anthony Hawthorne (“the defendant” or “defendant Hawthorne”).

6. The warrant against the defendant remained active and unserved until February 19, 2021.

7. On or about February 19, 2021, Respondent contacted L.G.,¹ then Acting Court Administrator and full-time employee of the City of Elizabeth Municipal Court and part-time employee at the Borough of Roselle Municipal Court, via text from Respondent’s personal cell phone.

8. In the text message, Respondent asked L.G. whether there was a warrant for the defendant, without explaining the basis for his inquiry.

9. Upon checking the New Jersey Automated Complaint System (“NJACS”), L.G. learned there was an “at-large warrant” for this defendant.

10. An “at-large” warrant indicates defendant had not yet been arrested nor appeared before a CJP judge.

¹ All individuals involved in the matter will be referred to by their initials to maintain the confidentiality of their identities.

11. L.G. called Respondent on his cell phone to advise him of this information.
12. Respondent instructed L.G. to “recall” the warrant and schedule the matter for a hearing, which L.G. did.
13. Respondent provided L.G. with the defendant’s address.
14. At the time of her phone call with Respondent, L.G. made an entry into the NJACS noting Respondent’s recall of the warrant issued for the defendant.
15. On or about February 26, 2021, Respondent, using his three initials, signed the NJACS printout acknowledging his approval of the warrant recall which Respondent authorized on February 19, 2021.
16. Respondent, when questioned about his conduct by his superiors and Judiciary personnel could not recall why he instructed L.G. to recall the warrant.
17. Respondent knew or should have known that before an at-large warrant could be recalled, the underlying charges mandated that defendant be processed in CJP court.
18. On or about June 1, 2021, there was a hearing in the defendant’s matter before a different municipal court judge. At that time, the alleged victim advised the judge hearing the matter that she wished to dismiss the criminal mischief charge then pending against the defendant. After making inquiries concerning the voluntariness of the alleged victim’s request, the judge dismissed the matter.

19. As a result, an Order of Discharge was entered and provided to the respective parties, however, the warrant was not removed (i.e. remained active) in the National Crime Information Center (“NCIC”) system, which is utilized by law enforcement to determine if a person is wanted.

20. In or around July 12, 2023, following a traffic stop, the defendant was arrested on the old warrant, fingerprinted, committed to Union County jail, and incarcerated overnight until he was released the next day.

21. When the matter was to be scheduled for CJP, court staff realized the charges underlying the warrant no longer existed.

22. Respondent abused his judicial office in failing to follow the appropriate procedures for a CJP matter, in violation of Canon 1, Rule 1.2 and Canon 2, Rule 2.3(A) of the Code of Judicial Conduct.

23. By this same conduct, Respondent impugned the integrity and impartiality of the Judiciary in violation of Canon 1, Rule 1.1 and Canon 2, Rule 2.1 of the Code.

Count II

24. Complaint repeats the allegations contained in the foregoing paragraphs as if each were set forth fully and at length herein.

25. At all times relevant to this matter, Respondent maintained a LinkedIn account.

26. On his LinkedIn account, Respondent identified himself as a municipal court judge in the cities of Elizabeth and Plainfield and borough of Roselle. Respondent also referenced his prior judgeship in Hillside.

27. By his conduct in creating and maintaining his LinkedIn account wherein Respondent referenced his judicial office, Respondent used or attempted to use the power and prestige of his judicial office to advance his personal and economic interests in violation of Canon 2, Rule 2.3(A) of the Code of Judicial Conduct.

28. By this same conduct, Respondent demeaned the judicial office, demonstrated a failure to conform his conduct to the high standards of conduct expected of judges, and has impugned the integrity of the Judiciary in violation of Canon 1, Rule 1.1, Canon 2, Rule 2.1, and Canon 5, Rule 5.1(A) of the Code.

WHEREFORE, Complainant charges that Respondent has violated the following Canons of the Code of Judicial Conduct:

Canon 1, Rule 1.1, which requires judges to observe high standards of conduct so that the integrity and independence of the Judiciary may be preserved;


Canon 1, Rule 1.2, which requires judges to respect and comply with the law;

Canon 2, Rule 2.1, which requires judges to avoid impropriety and the appearance of impropriety and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary;

Canon 2, Rule 2.3(A), which prohibits jurists from lending the prestige of the judicial office to advance the personal or economic interests of the judge or others or to allow others to do so; and

Canon 5, Rule 5.1(A), which requires judges to conduct their extrajudicial activities in a manner that would not cast reasonable doubt on the judge's capacity to act impartially as a judge, demean the judicial office, or interfere with the proper performance of judicial duties.

DATED: July 1, 2024



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