

STARKEY, KELLY, BAUER, KENNEALLY & CUNNINGHAM
1593 Rt. 88 West
BRICK, NEW JERSEY 08724
732-840-5900
Attorneys for Plaintiff

FILED

MAY 11 2009

A. C. J. C.

IN THE MATTER OF

JAMES N. CITTA,

JUDGE OF THE SUPERIOR COURT

SUPREME COURT OF
NEW JERSEY

ADVISORY COMMITTEE ON
JUDICIAL CONDUCT

DOCKET ACJC 2008-180
ACJC 2008-256

ANSWER

Judge James N. Citta, by way of Answer to the Complaint filed and served upon him says:

1. Respondent incorporates herein by reference the materials heretofore filed by way of response to the Committee inquiry, specifically, Respondent's letter of April 11, 2008 and enclosure therewith and Respondent's letter of December 1, 2008 and enclosures therewith.
2. Following Respondent's appointment to the Superior Court of New Jersey he was assigned to the Criminal Division, Ocean County, in September, 1992 and served therein until September, 1994. In September, 1994, Respondent was assigned to the Family Division, Ocean County and served therein until July, 1999. In July, 1999, Respondent was again assigned to the Criminal Division, Ocean County and served therein until July, 2008, when he was assigned to the Civil Division, Ocean County which is his present assignment.

3. In the two periods Respondent was assigned to the Criminal Division he presided over approximately 6,084 sentences involving either initial sentencing proceedings or violation of probation resentencing proceedings.
4. In the matter of State v. Alex Ramirez, Respondent acknowledges that the portions of the sentencing transcript contained in the Complaint are accurate and refers the Committee to the complete transcript of the proceeding. Respondent acknowledges that his remarks were not relevant to the proceeding.
5. In the matter of State v. Peeples, Respondent acknowledges that the portions of the sentencing transcript contained in the Complaint are accurate and refers the Committee to the complete transcript of the proceeding. I refer the Committee to my letter of December 1, 2008 incorporated by reference herein which presents my perspective and explanation for the remarks which I voiced. I acknowledge that my language was harsh, strong and blunt. My purpose was to make it perfectly clear to Mr. Peeples in language he would understand what he did and why he was receiving the sentence I was imposing. It was also

my purpose to assure the victim of this horrific crime and her parents,
all of whom were present, that they were without fault, that I saw
through Mr. Peeples, and sentenced him accordingly.


WILLIAM P. CUNNINGHAM
Attorney for Respondent

Dated: May 7, 2009