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FILED
AUG - 2 2024

A.C.J.C.

IN THE MATTER OF : SUPREME COURT OF NEW JERSEY
: ADVISORY COMMITTEE ON
: JUDICIAL CONDUCT
:
CARL L. MARSHALL, : DOCKET NO: ACJC 2024-043
JUDGE OF THE MUNICIPAL COURT :

: ANSWER TO FORMAL COMPLAINT

Respondent Carl L. Marshall, Judge of the Municipal Court, with offices located at 701 Newark Avenue, Elizabeth, NJ 07208, by way of Answer to the Complaint of the Advisory Committee on Judicial Conduct, (hereinafter referred to as "the ACJC") says:

AS TO FACTS

1. Respondent admits the allegations set forth in paragraph one of the Facts portion of the Complaint.
2. Respondent admits the allegations set forth in paragraph two of the Facts portion of the Complaint.
3. Respondent denies the allegations set forth in paragraph three of the Facts portion of the Complaint.
4. Respondent admits the allegations set forth in paragraph four of the Facts portion of the Complaint.

AS TO COUNT I

5. Respondent admits the allegations set forth in paragraph five of Count 1 of the Complaint but states by way of further answer that he did not become aware of the information set forth in said paragraph five until he received a copy of the complaint in this matter.

6. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph six of Count 1 of the Complaint, neither admits nor denies same and leaves the ACJC to its proofs with regard thereto.

7. Respondent has insufficient knowledge of information upon which to form a believe as to the truth of the allegations set forth in paragraph seven of Count 1 of the Complaint neither admits nor denies same and leaves the ACJC to its proofs with regard thereto.

8. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph eight of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

9. Respondent has insufficient knowledge or information upon which to form a belief as the truth of the allegations set forth in paragraph nine of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

10. Respondent admits the allegations set forth in paragraph ten of Count 1 of

the Complaint.

11. Respondent has insufficient knowledge or information upon which to form a belief as the truth of the allegations set forth in paragraph eleven of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

12. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph twelve of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

13. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph thirteen of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

14. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph fourteen of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

15. Respondent admits that portion of the allegations set forth in paragraph fifteen of Count 1 of the Complaint which alleges that his initials are on the NJACS print out in question but denies that he was aware that the warrant in question was an "at large" warrant.

16. Respondent admits the allegations set forth in paragraph sixteen of Count 1 of the Complaint.

17. Respondent admits the allegations set forth in paragraph seventeen of Count 1 of the Complaint but further says that he has no recollection of the applicability of this cited procedure as it may pertain to the at-large warrant in question.

18. Respondent admits the allegations set forth in paragraph eighteen of Count 1 of the Complaint but by way of further Answer says that it was only recently that he learned about the hearing held on or about June 1, 2021, as alleged in said paragraph.

19. Respondent has insufficient knowledge as information upon which to form a belief as to the truth of the allegations set forth in paragraph nineteen of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

20. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph twenty of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

21. Respondent has insufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph twenty-one of Count 1 of the Complaint, neither admits nor denies same, and leaves the ACJC to its proofs with regard thereto.

22. Respondent denies the allegations set forth in paragraph twenty-two of Count 1 of the Complaint.

23. Respondent denies the allegations set forth in paragraph twenty-three of Count 1 of the Complaint.

AS TO COUNT II

24. Respondent repeats his answers to all paragraphs of Count I of the Complaint and incorporates them herein by reference as if they were fully set forth herein at length.

25. Respondent admits the allegations set forth in paragraph twenty-five of Count II of the Complaint.

26. Respondent admits the allegations set forth in paragraph twenty-six of Count II of the Complaint.

27. Respondent denies the allegations set forth in paragraph twenty-seven of Count II of the Complaint.

28. Respondent denies the allegations set forth in paragraph twenty-eight of Count II of the Complaint.

By way of further answer to both Counts of the Complaint and by way of mitigation, Respondent says:

A. Respondent was initially appointed as a Judge of the City of Elizabeth Municipal Court on January 1, 2001, and has been reappointed seven times to that position in which he presently serves. In addition, Respondent has been a Municipal Court Judge in Plainfield for ten (10) years, and in Roselle for sixteen (16) years. He

also had been a Municipal Court Judge in Hillside for 3 years and in Linden for 8 months on a per diem basis. Respondent recently was appointed to the Rahway Municipal Court on May 13, 2024, for a three (3) year term which he presently is serving.

B. Respondent has never been appointed as a Central Judicial Processing Judge (CJP) in any jurisdiction in which he has served, although he has on occasion been requested to cover that position.

C. The First Count of the Complaint against Respondent alleges that he requested that an "at-large" warrant be recalled. However, when Respondent inquired of his Court staff as to whether a warrant existed for the Defendant in question he was not aware nor was he made aware that the warrant in question was an "at-large" warrant as opposed to a "bench" warrant. See Exhibits "A" and "B" attached which reference bench warrant not an "at-large" warrant, as noted by the staff member (LG) who made the entry.

D. The difference between an "at-large" warrant and a "bench" warrant is that with an "at-large" warrant, it can only be recalled after an appearance by the Defendant before a CJP because no bail is set on the "at-large" warrant itself as is the case with a "bench" warrant where bail is noted on the "bench" warrant itself. Consequently, the "at -large" warrant in question here required an initial appearance by the Defendant before the Court.

E. The Defendant here in fact appeared before a Judge (not Respondent) at which time the outstanding charge against him was dismissed, and the Court staff involved at that time should have noticed that there was no arrest date on the

Complaint, and in order to properly complete the required process, the Defendant should have been arrested and processed pursuant to Criminal Justice reform and Attorney General guidelines including mandatory finger printing and processing. As a result of the oversight the "at-large" warrant remained active on the NCIC Police System even though it was removed from the NJACS Judicial System. Respondent had no responsibility for what followed including the Defendant's subsequent arrest when he was stopped for a traffic offense.

F. At no time was Respondent responsible for the failure of staff to vacate the outstanding "at-large" warrant in question in the NCIC system after the Complaint against the Defendant in question was dismissed by another Municipal Court Judge.

G. At present there unfortunately is no coordination between the NCIC Police System and the NJACS Judicial System thereby resulting in similar occurrences to the one in question throughout the State.

H. With regard to the Second Count of the Complaint which alleges the improper use of a LinkedIn account, Respondent at that time was unaware that such an account with the information set forth therein was inappropriate or would be a platform to obtain business, and as soon as Respondent was so informed, he cancelled the account and had it removed. Respondent viewed the account as an online directory for professionals in general, much like the Lawyer's Diary for use by other lawyers for informational purposes only.

I. At all times relevant hereto Respondent by his conduct never knowingly intended to violate any canon of the code of Judicial Conduct.

J. If any act or action undertaken by Respondent resulted in a violation of any Canon of the code of Judicial Conduct, said violation was unintentional and did not knowingly occur for any improper purpose.

K. Respondent's judicial performance in the past has never before been formally questioned or determined to be inappropriate and no prior misconduct by Respondent has ever occurred or been alleged.

WHEREFORE, Respondent requests that the complaint against him be dismissed.

Londa & Londa, Esqs.
Attorneys for Respondent
Carl L. Marshall

Dated: August 2, 2024

By: Raymond S. Londa
Raymond S. Londa, Esq.

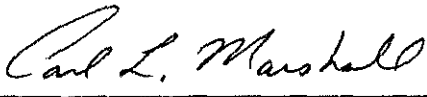
CERTIFICATION

Respondent Carl L. Marshall upon my oath hereby certify as follows:

1. I am the Respondent named in the above captioned complaint, I have personal knowledge of the facts set forth herein, and said facts are true.
2. I have reviewed the above answer to the complaint against me, and the responses set forth therein are true to the best of my knowledge.

I certify that the above facts are true. I am aware that if any of the foregoing facts set forth hereinabove is willfully false, I am subject to punishment.

Dated: August 2, 2024



Carl L. Marshall

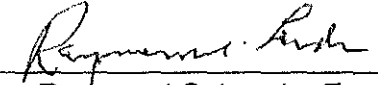
CERTIFICATION

Raymond S. Londa, Esq. of full age according to law upon my oath certify as follows:

1. I am an attorney at law of New Jersey, I have personal knowledge of the facts set forth herein, and said facts are true.
2. The Answer set forth hereinabove was filed and served within time as extended in accordance with the provisions of R.2:15-12 (c).

I certify that the above facts are true. I am aware that if any of the foregoing statements made by me is willfully false, I am subject to punishment.

Dated: August 2, 2024



Raymond S. Londa, Esq.

EXHIBIT “A”

15:50:00 Friday, February 19, 2021

*Addressed
modified*

ELIZABETH CITY NJ AUTOMATED COMPLAINT SYSTEM
CMM0251 COMPLAINT MODIFY

02/19/2021
15:49

COMPLAINT NO: W 2018 003212 COURT CODE: 2004 COMPLAINT STATUS: ACTI
DEFENDANT : ANTHONY K HAWTHORNE DOB: 06 09 1963

OFFENSE DATE : 09 22 2018 OFFENSE TIME: 10 39 P POL CASE NO : 18-114834
TOTAL CHARGES: 001 RELATED COMP: N CO-DEF COUNT:
ISSUED DATE : 09 23 2018 SEALED IND : N MARIJUANA ORDER: APP REQ: Y
COMPLAINT PLEA CODE: 9 DORA DATE: DOMESTIC VIOLATION IND: Y
ELECTED OFFICIAL IND: SORO DATE: MILITARY: N
COMP NAME: AGENCY/OFF/UNIT: 2004 0944
COMPLAINT COMMENTS : PER JUDGE MARSHALL B/W TO BE RECALLED 2/19/21 LG
REASON FOR DELETION: *com 2/25/21*

----- MARINE POLICE INFORMATION -----

REGISTRATION NO: REG EXP DATE: 00 00 0000
BOAT NAME : REG STATE:
HOME PORT/CITY : STATE: TYPE:
PROPULSION: LENGTH: FT INCHES MAKE: COLOR:
MARINE POL. COMMENTS:
CM000022 RECORD SUCCESSFULLY MODIFIED

ENTER - MODIFY COMPLAINT PF1 - MODIFY COMPANION COMPLAINT PF3 - MOD CHARGES
PF4 - ADD CHARGES PF5 - NARRATIVE MAINTENANCE PF9 - DELETE COMP

cm #1

EXHIBIT “B”

Case overview

Court	Case	Defendant name	Case status
2004 - Elizabeth municipal court	W 2018 003212	ANTHONY K HAWTHORNE	Disposed
Case type	Warrant status	Active warrant	Bail status
Complaint	Recalled	No	---
Eligible for bail waiver	Time payment	Domestic violence	Related cases
---	No	Yes	No
Lead complaint			

Case Summary

Defendant Information

Name	Date of birth	DL number/state	Social security number
Anthony K Hawthorne	06/09/1963	---	---
SBI number	Gender	Address	Phone
988868A	Male	250 central avenue Apt.902 Newark NJ 07103	Cell - (973) 336-5379
Military	Finger print indicator	Hispanic or Latinx ?	Race
No	Yes	---	B - Black
Elected official	Email address		
---	---		

Offense Information

Offense Date/Time	Issue date	No. of offenses	Police case number
09/22/2018 10:39 PM	09/23/2018	1	18-114834
Agency ID	Officer ID	Arrest date	Municipality of offense
2004 - Elizabeth police dept.	0944 - W rivera-garcia	07/12/2023	2004 - Elizabeth city
Death/Serious bodily injury	Dora date	Sora date	PG case/defendant number
No	---	---	---
Assigned agency	Appeal status	Appeal date	
2004 - Elizabeth police dept.	---	---	

Charges

Count	Charges	Auxiliary offense	Finding	Finding date
1	2C:17-3A(1)- Criminal mischief-damage property \$500 or less - Degree D	---	D - DISM - PROSECUTORIAL DISCR	06/01/2021

Court information

Court/Pay by date	Appearance required	Number of adjournments	Last adjournment date
06/01/2021 09:00 AM	Yes	---	03/03/2021
Court room	Reschedule reason	Complaint plea	
VH02	---	Not guilty	

Court history

Court date	Type	Room	Reschedule reason	Changed date & time	User
06/01/2021 09:00 AM	---	VH02	---	03/03/2021 08:54 AM	JUMXF11

Related cases

No data available

Assessed Information

Assessed total	Fine total	Cost amount	Misc amount
\$0.00	\$0.00	\$0.00	\$0.00
Balance due	Paid total	Payable	Starting payment date
\$0.00	\$0.00	No	---
Complete payment due date	Time payment status	Collection status	
---	---	No	

Complaint information

Transfer to	Reason	Transferred from	FACTS case number
---	---	---	---
Date entered	Entered by	Last action date	Updated by
09/23/2018	PDCAM02	07/13/2023	JULAG7
Address modification date	Sealed	Co defendant count	Assigned date
02/20/2021	No	---	---
Assigned agency	Assigned officer id	Assigned by	Comments
---	---	---	Per Judge Marshall B/w To Be Recalled 2/19/21 Lg