

FEB 26 2024

Bernard E. DeLury, Jr., P.J.Cr.



**SUPERIOR COURT OF NEW JERSEY**  
VICINAGE 1

**Bernard E. DeLury, Jr.**  
Presiding Judge

Criminal Division  
Criminal Court Complex  
4997 Unami Boulevard  
Mays Landing, N.J. 08330-1701  
609-402-0100 x47360

February 26, 2024

Brian Uzdavinis, Deputy Attorney General  
Office of the Attorney General  
Division of Criminal Justice  
5 Executive Campus  
Cherry Hill, NJ 08002

Brian A. Pelloni, Esq.  
Hornstine & Vanderslice, LLC.  
501 Cambria Ave STE 300  
Bensalem, PA 19020

Re: State of New Jersey v. Ernest V. Troiano, Jr.  
Ind. No.: 23-07-00109-S

Dear Counselors:

This letter decision is rendered in response to the State's objection to the continued representation of Brian A. Pelloni as defense counsel for Ernest V. Troiano, Jr. The court has considered the written submissions and oral arguments of counsel on the record on February 16, 2024. For the reasons stated on the record on February 16, 2024, and further amplified herein, the court sustains the State's objection and finds attorney Brian A. Pelloni is hereby **DISQUALIFIED** from representing Ernest V. Troiano, Jr.

### STATEMENT OF FACTS

On January 26, 2024, the State and Defense had brought to the court's attention the possible conflict of Brian A. Pelloni's continuing representation of Defendant Ernest V. Troiano, Jr. Mr. Pelloni had informed the court that he had applied to and interviewed with the New Jersey Attorney General's Office. Ultimately, Mr. Pelloni was offered a position as a Deputy Attorney General with the Office of the Attorney General in the Division of Criminal Justice, specifically dealing with environmental crimes. On the record on January 26, 2024, Mr. Pelloni informed the court that the position extended by the AG's office was one he had aspired to and considered the position his "dream job". Mr. Pelloni stated he intends to accept this position at some point in time. However, Mr. Pelloni informed the court that he did not believe, based on his research, that there was any requirement that he withdraw from the present matter. Mr. Pelloni stated his client, Ernest V. Troiano, Jr., informed him that he is comfortable with Mr. Pelloni's continued representation of him even with an offer of employment to Mr. Pelloni by the Attorney General.

The Deputy Attorney General assigned to this case, Brian Uzdavinis, stated he had consulted with his office who advised him that Mr. Pelloni was offered a position with the agency, however, Mr. Uzdavinis was not aware that Mr. Pelloni intended to accept it. With that new knowledge, Mr. Uzdavinis wanted re-consult with his office about Mr. Pelloni's intention of accepting the offer. The State requested that a clear waiver to be placed on the record by Defendant Troiano. Mr. Uzdavinis clarified that although the Division of Criminal Justice is its own entity in the Attorney General's office and Mr. Uzdavinis reports to a different supervisory official than the official supervising environmental prosecutions, he noted that all units answer to the same Attorney General.

The court then swore in Defendant Troiano and discussed the matter with him. Defendant Troiano stated he understood the job offered to his counsel came from the very agency that is prosecuting him in this matter. The court informed Defendant Troiano that the Court was unaware at that time if the continued representation was ethically permitted or whether Defendant Troiano could waive the conflict. Defendant Troiano then expressed to the court that he has "all the faith in the world" in his attorney, Mr. Pelloni, to effectively advocate for him in this matter and that he did not want to remove Mr. Pelloni as his counsel. If there was an option to waive the conflict, Mr. Troiano stated he would waive said conflict if allowed.

The court then directed the parties to submit briefs on the matter so that the court could hear and address the issue on February 16, 2024.

### **STATE'S ARGUMENT**

The State argues the circumstances create an actual conflict of interest, and a mere waiver under such circumstances would fail to adequately protect both Defendant Troiano's constitutional rights and the public's interest in fair proceedings and the proper administration of justice. The conflict appears to be un-waivable and therefore requires Mr. Pelloni's disqualification from any continued representation of Defendant Troiano.

The State argues there is a significant risk that Mr. Pelloni's continued representation of Defendant Troiano will be materially limited by his personal interest in his future employment by the very office that is presently prosecuting his current client, thus creating an actual conflict of interest. The State notes that even if Mr. Pelloni is in a different unit, all units answer to the same Attorney General. The situation involves obvious impermissible dual loyalties and opens the door to inevitable questions as to how counsel's objectivity and professional judgment may be affected by an understandable desire to curry favor with his future employer and to avoid possible jeopardy to his new job.

The State asserts that in official misconduct cases against public officials, such as this case, often involve defense assertions of politically motivated prosecutions, which, if so asserted, would potentially require defense counsel here to either condemn actions by his next employer or else compromise his defense by avoiding such intended arguments. Mr. Pelloni's continued representation would further present the possibility of his client, if convicted, appealing that conviction based on alleged ineffective assistance resulting from the conflict.

As for Defendant Troiano's consent to this conflict, the State argues such consent should be outweighed by the public interest not only in final resolutions, but also in the proper administration of justice with criminal proceedings conducted fairly and in accordance with prevailing ethical norms. The State noted the lack of case law, which the State asserts one might characterize as one of first impression, perhaps itself speaks to the clear and obvious impropriety of the situation, one that does not often, if at all, occur because it is plainly inappropriate and issue laden. The State asserts that even if argument could be made that this is somehow ethically

permissible, if nothing else, it does not look good. It also begs the questions as to whether, just because defense counsel may be able to do this, should he do it.

However, the State argues there is an actual conflict of interest that under the circumstances cannot be waived, therefore Mr. Pelloni should be disqualified.

### **DEFENSE'S ARGUMENT**

The Defense argues the lack of case law on point for this issue is not due to the clear and obvious impropriety of the situation, but rather because there is no actual conflict that requires court intervention or review in the first place. The Defense finds there is no "per se" conflict of interest since there is no dual representation of co-defendants or an attorney being prosecuted by the same prosecutor's office that is prosecuting the defendant. The Defense adds the office that is prosecuting Defendant Troiano is separate and distinct from the office that Mr. Pelloni would ultimately be working with, and therefore, they are not "directly adverse" to each other. The Defense finds there is nothing about the pending job offer that would "materially limit" Mr. Pelloni's responsibilities to Defendant Troiano.

The Defense contends that the State's argument that the office prosecuting Defendant Troiano is the same office that Mr. Pelloni would be working with simply because they answer to the same Attorney General is incorrect. The Defense cites former Attorney General Gurbair Grewal's opinion stating that the State is so varied, so multifaceted, so extensive that to regard it as one unitary monolithic employer/client is unrealistic. In that opinion, the Attorney General noted the office has multiple units, and those units "do not necessarily share confidential information as part of their day-to-day operations, engage in the same functions, or have the same management teams." The Attorney General also noted that whether employment by one unit in the Attorney General's office creates a conflict is a fact-sensitive inquiry. The key inquiry is "whether the matter involves an operations or responsibility that is unique to a particular government unit and is distinct from the operations of the other units within the relevant Department or the Authority."

Defense counsel argues the matter against the Defendant is being handled by the independent Office of Public Integrity & Accountability (hereinafter "OPIA") and the defense counsel's potential employment would be within a stand-alone unit in the Division of Criminal Justice, the Environmental Crimes Bureau. The Defense argues the OPIA and DCJ have different

Directors, Chiefs of Staff, Management & Executive Teams, Attorneys and Investigators. The Defense asserts there is no apparent conflict in his continue representation of Defendant Troiano since there is no apparent relationship between the two units and they do not engage in the same functions or types of prosecutions.

Lastly, the Defense notes that defense Counsel is an independent contract attorney for the firm of Hornstine & Vanderslice, LLC. Defense counsel was brought in specifically to handle this matter and is not a member or employee of the firm, the only other attorney associated with the firm who is familiar with the details of the discovery and the Defendant's defense is Louis F. Hornstine, Esq., who as a retired judge is limited in his participation in contested matters. Therefore, in the event that the court finds a conflict in defense counsel's representation, there is no one from the firm that would be able to step into defense counsel's place. Thus, Defendant would have to find a new attorney that would be starting from the beginning after already having this case languish for twenty months.

Therefore, the Defense argues that disqualifying defense counsel would serve as a significant prejudice to the Defendant considering the stage this case is currently at.

### **LEGAL ANALYSIS**

The Sixth Amendment of the United States Constitution and Article 1, paragraph 10 of the New Jersey Constitution guarantees a defendant the right to effective assistance of counsel. There is no greater impairment of a defendant's constitutional right to counsel than that which can occur when his attorney is serving conflicting interests." State v. Bellucci, 81 N.J. 531, 538 (1980).

The New Jersey Rules of Professional Conduct (RPC) address cases where a conflict of interest arises in a lawyer's representation of his client. RPC 1.7(a) generally provides that "a lawyer shall not represent a client if the representation involves a concurrent conflict of interest." While our courts once required that attorneys avoid even the appearance of impropriety, that doctrine is no longer a factor to be considered in determining whether a prohibited conflict of interest exists under the RPCs. State v. Hudson, 443 N.J. Super. 276, 289 (App. Div. 2015). Instead, conflicts warranting disqualification must be actual and not merely appearance based. Id. at 292. RPC 1.7(a)(2) further provides that a conflict of interest exists if "there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client, or a third person or by a personal interest of the

lawyer.” In other words, RPC 1.7 makes clear that no attorney can have divided loyalty or serve two interests. State ex rel. S.G., 175 N.J. 132, 139 (2003).

The American Bar Association’s (ABA) Model Rules of Professional Conduct and opinions from the ABA’s Committee on Ethics and Professional Responsibility (the ABA Committee) offer similar instruction. As with RPC 1.7(a)(2), ABA Rule 1.7(b) likewise provides that “[a] lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer’s responsibilities to another client or to a third person, or by the lawyer’s own interest.” Regarding that provision, the ABA Committee has specifically addressed the ethical implications of job negotiations with adverse firms or parties in a formal opinion. See ABA Comm. On Ethics and Prof’l Resp., Op. 96-400.1 The opinion furthered that “[a] lawyer’s pursuit of employment with an adversary firm may, depending on the stage of the discussions, materially limit the lawyer’s representation of a client because the degree of the lawyer’s interest in the prospective affiliation may affect the discharge of many of his ethical duties to his client.” Id. at 3. Such a lawyer’s judgment may be affected by his desire to curry favor, or at least not to antagonize a prospective employer and thus affect his duty to serve his client without limitations resulting from his own interests. Ibid.

With regard to the possibility of waiver where a conflict of interest arises or exists, RPC 1.7(b) provides that a lawyer may still represent a client if:

- (1) each affected client gives informed consent, confirmed in writing, after full disclosure and consultation, provided, however, that a public entity cannot consent to any such representation. When the lawyer represents multiple clients in a single matter, the consultation shall include an explanation of the common representation and the advantages and risks involved;
- (2) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (3) the representation is not prohibited by law; and
- (4) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

Despite this waiver provision, however, there are some conflicts that cannot be waived, even with full disclosure and informed consent. See, e.g., In re Garber, 95 N.J. 597, 613-14 (1984) (where the public has its own interest in the perception of fair proceedings and protection of all parties’ rights, consent to continued representation despite a conflict of interest may not resolve that conflict). Our courts have routinely found that, in criminal matters, “the interests that are

implicated transcend those of the immediate parties and their attorneys” because the “public itself has the greatest stake in the propriety of the legal relationships that are created to properly administer criminal justice.” *Id.* at 614. In other words, even where there is consent or waiver, that still may not resolve a conflict of interest because the public’s perception of fair and proper proceedings can outweigh a defendant’s right to the counsel of his choice. *Ibid.* See also Wheat v. United States, 486 U.S. 153, 160 (1988) (noting “independent interest” of courts to ensure criminal trials adhere to profession’s ethical standards and “legal proceedings appear fair to all who observe them”). The rule prohibiting the appearance of impropriety is intended to instill public confidence in the integrity of the legal profession. Perillo v. Advisory Comm. On Professional Ethics, 83 N.J. 366, 363 (1980). Accordingly, whether an attorney’s conduct present an appearance of impropriety is assessed from the perspective of the public, and not from the point of view of attorneys. *Id.* So, “it is incumbent on the courts to ensure that defendants receive conflict-free representation,” even where a given defendant desires otherwise. S.G., 175 N.J. at 140.

Simply put, a court can and should decline a waiver and disqualify an attorney from representing a defendant where, as here, an actual conflict exists. See Wheat, *supra*, 486 U.S. at 164. Courts should not be required to tolerate the inadequate representation of a defendant that exists where there is an actual conflict of interest impairing an attorney’s ability to conform with the rules of professional responsibility. See United States v. Dolan, 570 F.2d 1177, 1184 (1978). “Such representation not only constitutes a breach of professional ethics and invites disrespect for the integrity of the court, but it is also detrimental to the independent interest of the trial judge to be free from future attacks over the adequacy of the waiver or the fairness of the proceeding in his own court and the subtle problems implicating the defendant’s comprehension of the waiver.” *Ibid.*

#### **I. CONFLICT UNDER THE RULES OF PROFESSIONAL CONDUCT.**

As stated above, the New Jersey Rules of Professional Conduct generally address situations where a conflict of interest arises in a lawyer’s representation of his client. Although the RPCs do not directly address the specific situation, their rules provide some guidance. In regard to RPC 1.7(1), a conflict of interest arises when the representation of one client is directly adverse to the representation of another. Contrary to the Defense’s argument, Mr. Pelloni’s representation of Defendant Troiano and his future employment as an attorney with the New Jersey Attorney General’s Office are directly adverse to each other. The very agency that is prosecuting the

Defendant in this matter is the agency with which Mr. Pelloni intends to accept employment. Although the Defense argues that the OPIA and DCJ are two separate and distinct units of the Attorney General's Office, inevitably all units of the office are controlled by and report to the same Attorney General, currently Matthew J. Platkin. Specifically, the case involves Defendant Troiano being prosecuted by the State of New Jersey. The State of New Jersey is represented in this matter by the Attorney General acting through his deputies, among whose number Mr. Pelloni would be counted upon the completion of Mr. Troiano's trial for second-degree official misconduct. In the court's view, the specific unit does not matter. There may be a difference if hypothetically Mr. Pelloni were seeking to be "of-counsel" to the Department of Agriculture and for some reason that came under the auspices of the Attorney General. That situation may not present a conflict depending on specific factors. However, that is not the issue before the court today.

As for RPC 1.7(2), a conflict arises when there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's personal interests. With this section of the rule in mind, Mr. Pelloni's duty of loyalty comes into question if he continues to represent the Defendant in this matter. Mr. Pelloni has stated to the court that he will, if he has already not done so, accept employment with the Attorney General's office. In accepting that job, there will be a duty of loyalty pressed upon Mr. Pelloni by both his current client and his future employer. Mr. Pelloni, as observed in the ABA Committee opinion above, would be affected by his possible desire not to antagonize his future employer and thus limit his duty to serve his client's interests. As it has been observed over the millennia, no one can serve two matters without incurring dichotomous and conflicting results. The court can only conclude that the current set of circumstances will only serve to place Mr. Pelloni in the midst of such an impossible quandary. Not only would Mr. Pelloni's representation and commitment to the best interest of his client be called into question, but the prosecution in this matter would have the opportunity to take advantage of Mr. Pelloni's future employment and use it to the State's advantage.

Therefore, under the Rule of Professional Conduct Mr. Pelloni's future employment creates a conflict of interest that disqualifies him from his representation of the Defendant in the current matter.



## II. UN-WAIVABLE CONFLICT.

Although the Rules of Professional Conflict allow for some conflicts to be waived if a series of factors are satisfied, the conflict in this case is un-waivable. As stated in Garber, the public has its own interest in the perception of fair proceedings and in the propriety of the legal relationships that are created to administer properly the criminal justice process. Even where there is consent to or waiver of a conflict, that still may not resolve a conflict of interest because the public's perception of fair and proper proceedings can outweigh a defendant's right to counsel of his choice. This is such a case.

Defendant Troiano stated to the court that he has trust in his attorney and would waive any conflict if one were present. Defendant Troiano stated he believed his attorney could keep his two interests separate and apart while effectively advocating his case. However, although Defendant Troiano waives this conflict, the interests at stake are greater than the ability to waive a conflict. With the widely-known reputation of Defendant Troiano and his co-defendants, this matter is highly publicized and is reported upon each time it comes before the court. With the notoriety of the case, the public is aware of the current charges facing the defendants. Particularly in view of that awareness, the court's duty to ensure that these proceedings continue in a fair and proper way come into even greater focus than usual. The public has a very significant stake in its perception of the criminal justice system. A fair and proper proceeding requires that the attorneys conduct themselves without conflicted interests. This case presents an actual conflict mandating the disqualification of Mr. Pelloni to ensure adequate representation for the Defendant.

Although there is an absence of relevant New Jersey caselaw, the United State Supreme Court has found that a court can and should decline a waiver and disqualify an attorney from representing a defendant when a conflict exists. Wheat, 486 U.S. at 164. For the court to allow Mr. Pelloni to continue to represent Defendant Troiano, there would be a breach of professional ethics that would be detrimental to the interests of the court and the Defendant. If the court allows Mr. Pelloni to continue in his representation, even though Defendant has attempted to waive the conflict, the Defendant may later become unsatisfied with the result of trial providing grounds for a Petition for Post-Conviction relief. The court allowing such a conflict to continue would be contrary to the interests of justice. Disqualifying Mr. Pelloni assures Defendant a fair and proper proceedings free from a known conflict at this juncture.

The interests of justice here demand the disqualification of Mr. Pelloni's continued representation of Defendant Troiano. The court and the public need to be assured that justice is being done and that it is seen to be done. While understanding that the standard of the appearance of impropriety is not applicable to attorney conduct, the absence of such a standard does not diminish the seriousness of the need to ensure the public's confidence in the integrity of the criminal justice system. The public and the court's confidence in the integrity of the system cannot be assured where the defense counsel is poised to accept employment with the very agency that is prosecuting his client.

The public will rightly question, as any reviewing court may also question, whether defense counsel has pulled his punches in favor of his future employer or whether the deputy attorney general has pulled his punches or taken advantage of defense counsel's professional and pecuniary interest to prosecute this matter.

While defense counsel argues the vastness of and separation within of the Attorney General's several units and roles make his ongoing representation appropriate, the court has concluded that the Attorney General, a singular cabinet level officer, is solely and ultimately responsible for the agency – that is the Department of Law and Public Safety, and, that agency is the prosecuting entity with which Mr. Pelloni has determined to accept employment. It is in the court's judgment that the conflict created by defense counsel's employment efforts presents as an un-waivable and unreasonable conflict to his continued representation of the Defendant.

### **III. ATTORNEY GENERAL GREWAL'S LETTER**

Defense counsel cites to former Attorney General Grewal's advisory letter dated May 15, 2019, to Matthew Platkin, former Chief Counsel in the Office of the Governor.<sup>1</sup> The letter contained the Attorney General's advice regarding whether and when special counsel appointed to represent specific New Jersey state government entities can represent private parties with interests adverse to other New Jersey state government entities. Defense counsel here argues this letter confirms

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<sup>1</sup> The Defense provided the court with a copy of the Attorney General Grewal's letter dated May 15, 2019, which is an advisory letter to the then Chief Counsel of the Office of the Governor. The court could not determine through its efforts a citation for this document. However, given the advisory nature of the letter concerning the engagement of special counsel for litigation involving governmental agencies within the executive branch, the Attorney General's advice is distinguishable from the present matter. The Attorney General's advisory letter addresses issues within the executive branch and is not binding upon the court.

there is no conflict in this case. Specifically, defense counsel cites the Attorney General's explanation that the Attorney General's office itself has multiple units, and that those units do not necessarily share confidential information as part of their day-to-day operations, engage in the same functions, or have the same management teams.

However, defense counsel fails to capture the main purpose of the Attorney General's letter. The conflict that is discussed throughout the letter concerns when special counsel is retained for engagements on behalf of one governmental unit when special counsel also represents private parties with interests adverse to other New Jersey state governmental entities. Within the letter, the Attorney General noted a prior opinion which found counsel appointed to represent a specific "agency" may not appear on behalf of private parties before that agency or take adversarial positions against it on behalf of other clients. The letter continues with an examination of relevant New Jersey caselaw on the matter chiefly concerned when outside counsel is retained by the State of New Jersey to represent a specific department in specific litigation. For example, one case discussed is the unreported decision in Correctional Medical Services v. State, where a firm was representing the Treasury Department's Division of Pensions and Benefits while also representing a private party in contract litigation with the Treasury Department's Division of Purchase and Property. Docket No. MER-L02771-08 (Law Division, Mercer County 2008). The issue was whether there was a conflict in the firm's representation of both parties. Id. However, the court there found no conflict due to the specificity the firm's representation. Id. The firm did not represent the Treasurer. Instead, the firm's representation extended only to the pension plans and the Division of Pensions and Benefits. Id.

In concluding that there was no conflict, the Attorney General stated that the State is "so varied, so multifaceted, so extensive that to regard it as one unitary monolithic employer/client is unrealistic." The Attorney General furthered that the identification of the particular government client is a fact sensitive process that must rely upon a careful analysis.

The conflict addressed in Attorney General Grewal's letter is different than the conflict at issue in this matter. This matter involves Mr. Pelloni representing a private individual, Defendant Troiano, in a matter that is being prosecuted by the Attorney General's office. Mr. Pelloni is not "of-counsel" for a government department while also representing a private individual involved in a litigation within that specific government department. Mr. Pelloni is representing a defendant who is being prosecuted by an office with which he intends to accept employment. The issues

presented here and the issues in the Attorney General's 2019 letter are significantly different. The court recognizes the Attorney General's analysis of the various functions undertaken by State agencies and that may be distinct from each other. However, that analysis does not provide a basis to permit Mr. Pelloni's continued representation.

#### **IV. DEFENSE'S RELIANCE ON MCCARGO**

In both its submissions to the court and in its oral arguments, the Defense relied on State v. McCargo to suggest how the court should rule in this matter. 2014 N.J. Super. Unpub. LEXIS 2026 (App. Div. August 14, 2014). Although McCargo is an unpublished case and not binding on the court, the court will discuss the issue for completeness.<sup>2</sup>

In McCargo, the defendant's counsel had applied to and interviewed with the county prosecutor's office who was prosecuting his client. Id. at 18. The defendant had found out about the application and interview after his trial and thus filed a Petition for Post-Conviction Relief for ineffective assistance of counsel arguing his attorney's representation was materially limited. Id. However, the Appellate Division found there was no conflict. Id. The court reasoned there was no significant risk that the defense counsel's representation of the defendant would be materially limited, because the defense attorney decided before going to the interview that he would not accept the position if indeed offered one. Id.

Unlike the attorney in McCargo, Mr. Pelloni has stated that he intends to accept employment as a deputy attorney general in the Office of the Attorney General. The court in McCargo addressed two factors in its reasoning – the nature of the lawyer's role in the representation of the client and the extent to which the lawyer's interest in the firm is concrete and has been communicated and reciprocated. Id. at 17-18. Here, Mr. Pelloni is the attorney for Defendant Troiano, not "of-counsel" or merely counsel on the papers. As for the extent of Mr. Pelloni's interest in the Attorney General's office, Mr. Pelloni has expressed on the record multiple times that he is interested in the

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<sup>2</sup> New Jersey Court Rule R. 1:36-3 states "no unpublished opinion shall constitute precedent or be binding upon any court." Except for appellate opinions not approved for publication that have been reported in an authorized administrative law reporter, and except to the extent required by res judicata, collateral estoppel, the single controversy doctrine or any other similar principle of law, no unpublished opinion shall be cited by any court. Id. Although an unpublished opinion does not have precedential authority, it may nevertheless constitute secondary authority. Id. at cmt. 2. The parties may bring unpublished opinions to the attention of the court, the court itself may not cite an unpublished opinion except to the limited extent required by the application of preclusionary legal principles or case history. Id.

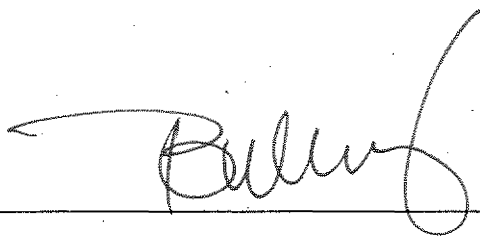
position, intends on accepting the position, and that this specific position offered is his “dream job.” The desire of employment here is much more significant than that of the attorney in McCargo.

Therefore, McCargo is does not aid defense counsel’s argument.

**CONCLUSION**

For the foregoing reasons, the court has determined to disqualify Mr. Brian A. Pelloni from further representation of Defendant Troiano in this matter. Mr. Pelloni’s conflict exceeds the bounds of ethical conduct required of attorneys and is not a conflict that can be waived by his client. The objection of the Attorney General is sustained, and an order of disqualification is entered.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "B. DeLury, Jr.", written over a horizontal line.

Bernard E. DeLury, Jr., P.J.Cr.

End. Order.

