



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Town Justice in Genesee County Should Be Censured for Inappropriate Facebook Posts

The New York State Commission on Judicial Conduct has determined that Jennifer R. Nunnery, a Justice of the Darien Town Court (Genesee County) should be censured for engaging in offensive and otherwise inappropriate behavior on Facebook and for improperly endorsing two candidates running for elective office.

At some point after becoming a judge in January 2020, Judge Nunnery posted the following to her publicly visible Facebook page:¹

- “Driving down the mean streets of Batavia after tanning and thought I recognized the ass of one of my favorite marines walking through the Tops parking lot lol 😏 It’s been too long! Good to see ya, ya f***ing boot! 😊👊”
- “F*** No the first incoming call from a client on my first day of vacation just came in at 8:56am. Seriously people I have enough work

¹ Copies of the Facebook posts are appended to the [Agreed Statement of Facts](#).

shit to catch up on during my time off, I'm not answering the phones!!!”

- “...You know what’s more therapeutic than shopping? Cross examining someone and being absolutely F***ING AWESOME at ripping them apart on the stand like the baddest bitch there is!!!! #ladyboss #bossbitch BAHAAAAHA!...” (emphasis in original).
- In response to a re-shared, seven-year-old Facebook post, the judge commented:
 - “Omg everyone was so f***ing hungover lol;” and
 - “I remember drawing a dick on his face when he passed out on the plane lol.”

In 2021, Judge Nunnery committed additional misconduct in that she “liked” Facebook pages for a candidate running for Buffalo City Court and a candidate running for a local school board position, creating at least the appearance that she had endorsed those candidates.

In its censure determination, the Commission considered that Judge Nunnery acknowledged her impropriety, was a relatively new judge at the time, and promptly removed the troublesome posts when her supervising judge raised the issues with her.

Judge Nunnery, who is an attorney, has been a Justice of the Darien Town Court since 2020. Her current term expires on December 31, 2023.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Judges are obliged, on and off the bench, to uphold the integrity and dignity of judicial office, and to avoid partisan political activity. While those constraints apply regardless of the forum, a judge should be especially careful when communicating on social media, which can compound the impropriety of an inappropriate message by spreading it far and wide.”

The Commission Proceedings

Judge Nunnery was served with a Formal Written Complaint dated June 24, 2022, containing two charges, and filed an Answer dated July 26, 2022.

On July 18, 2023, the Administrator of the Commission, Judge Nunnery and her attorney entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on July 20, 2023.

The Commission Determination

The Commission filed a determination dated August 9, 2023, in which eight members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Judge Fernando M. Camacho, Judge John A. Falk, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Graham B. Seiter, Esq., Judge Anil C. Singh and Akosua Garcia Yeboah.

Two members, Taa Grays, Esq. (the Vice Chair), and Ronald J. Rosenberg, Esq., were not present.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. The Commission was notified on August 23, 2023, that Judge Nunnery had received the determination. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Nunnery does not request review by the Court of Appeals, the Commission will censure her in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 349 determinations of censure against judges in New York State. The Commission has issued 179 determinations of removal and 281 determinations of admonition.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings. One request for review is currently pending.

Counsel

Judge Nunnery was represented by Rodney O. Personius, of Personius Melber LLP, 2100 Main Place Tower, 350 Main Street, Buffalo, New York 14202, (716) 855-1050.

The Commission was represented by Deputy Administrator John J. Postel, Senior Attorney David M. Duguay and Senior Investigator Vanessa Mangan.

Background Information on Judge Nunnery

First Took Office:	2020
Current Term Expires:	December 31, 2023

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination and other records are available on the Commission's website:

www.cjc.ny.gov.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Former Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Former Chief Judge Janet DiFiore	March 31, 2024
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Former Governor Andrew M. Cuomo	March 31, 2026
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Hon. Anil C. Singh	Chief Judge Rowan D. Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025
Vacant	Governor	March 31, 2027