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Dear Mr. Nocenti:

We are writing to you pursuant to the [Invitation for Public Comment](#), dated June 24, 2025, to urge the Administrative Board to deny certification to Justice Michael B. Aloise.

The Invitation for Public Comment invites “comment from persons who are able to evaluate the performance of the following Justices or retired Justices of the Supreme Court who are seeking certification or recertification to continue judicial service pursuant to N. Y. Const. Art. VI, § 25(b) and Judiciary Law § 115.” That document states:

In order to assist in its evaluation, the Board seeks comment on the following qualities and abilities of these judges:

- Legal ability, including knowledge of the law, legal experience, legal scholarship, and writing.
- Competence to perform the duties of the office, including organizational, management, and human relations skills; physical and mental health; and work ethic.
- Judicial demeanor, integrity and character, and commitment to equal justice under law.

Certification to serve as a judge beyond the mandatory retirement age is not a right. In *Matter of Marro v. Bartlett* in 1979, the Court of Appeals held that “[t]he adequate, conscientious discharge of the obligation of the board necessarily demands that it be vested with the very broadest authority for the exercise of responsible judgment” and the Administrative Board has “very nearly unfettered discretion in determining whether to grant applications of former Judges for certification.”¹ In *Matter of Gerald E. Loehr v. Administrative Board of the Courts of the State of New York* in 2017, the Court of Appeals reiterated that the Administrative Board has “the very broadest authority” to determine whether to grant applications for certification.²

The Administrative Board is therefore entrusted with a vital public responsibility: ensuring that no judge is certificated to continue serving on the bench beyond the state’s mandatory retirement age without showing that he or she meets the high standards of legal knowledge, impartiality, and integrity that we demand of every judge.

Justice Michael B. Aloise’s record shows clearly that he has failed to live up to the standards articulated in the Invitation for Public Comment, as well as the standards for judges implied in

¹ 46 N.Y.2d 674, 681.

² 29 N.Y.3d 374, 381.

the mission statement of the Unified Court System: “The mission of the Unified Court System (UCS) is to deliver equal justice under the law and to achieve the just, fair and timely resolution of all matters that come before our courts.”³

Justice Aloise’s record raises serious concerns about his legal competence and impartiality. He has repeatedly committed reversible errors in the same core areas of criminal law—many of them involving questions of constitutional rights. His many errors have required numerous new trials and wasted court system resources. Beyond legal errors, Justice Aloise’s conduct and statements, including numerous failures to uphold defendants’ rights at critical moments, have created a perception of bias against defendants and in favor of law enforcement—if they are not in fact evidence of such actual bias. These are not isolated mistakes but a persistent pattern spanning years and a range of cases.

Such errors and actions creating the perception of bias erode the confidence of the public, not only in Justice Aloise, but in the judiciary as a whole. New Yorkers deserve judges who safeguard constitutional rights, apply the law correctly, and do nothing to generate questions about their impartiality.

In the following pages, we detail reasons why Justice Aloise should not be certificated, and we support each with example cases.

Legal Errors Relating to Constitutional Rights

The following six reversals, two by the Court of Appeals and four by unanimous Second Department panels, show that Justice Aloise has repeatedly infringed defendants’ constitutional rights, including the rights to a fair and public trial, to present a complete defense, and to confront adverse witnesses.

- In [*People v. Lewis*](#) (2025), the Court of Appeals reversed a felony conviction after finding that Justice Aloise violated the defendant’s constitutional right to self-representation. When the defendant unequivocally stated he wished to represent himself, Justice Aloise denied the request outright, without conducting the required inquiry into whether the waiver of counsel was knowing, intelligent, and voluntary. Given the clear precedent mandating such an inquiry, the Court of Appeals held that such a denial was a constitutional error that warranted a new trial.
- In [*People v. Cantave*](#) (2013), the Court of Appeals reversed a conviction after finding that Justice Aloise violated the defendant’s Fifth Amendment right against self-incrimination. Justice Aloise ruled that the prosecution could cross-examine the defendant about the underlying facts of a different conviction on which an appeal was pending. This forced the defendant to choose between testifying in his own defense in the case at trial and risking self-incrimination in the case that was pending appeal. The Court of Appeals held that Justice Aloise’s ruling improperly violated the defendant’s right to testify, requiring a new trial.

³ <https://www.nycourts.gov/whatsnew/mission.shtml>.

- In [*People v. White*](#) (2025), the Second Department unanimously reversed a conviction and ordered a new trial after finding that Justice Aloise had violated the defendant's constitutional right to a public trial by excluding a courtroom spectator "for the rest of this trial" after observing him sleeping. Justice Aloise did this without first issuing any warning or considering less extreme alternatives, while ignoring defense counsel's objections to this unlawful exclusion.
- In [*People v. Watts*](#) (2019), the Second Department unanimously reversed a conviction after finding that Justice Aloise deprived the defendant of the right to a fair trial because he had permitted the introduction of "extensive and prejudicial evidence regarding alleged uncharged complaints." The appellate court also criticized Justice Aloise for acting as a reader during a jury read-back, stating that this practice "should be avoided" because it may "erroneously convey to the jury that the court is aligned with the party or counsel whose role the court has assumed in the read-back."
- In [*People v. Gomez*](#) (2010), the Second Department unanimously reversed multiple convictions after finding that Justice Aloise improperly barred two defense witnesses from testifying. The witnesses would have testified to "buttress" the defendant's contention that the complainant fabricated the allegations. Justice Aloise's exclusion of this testimony deprived the defendant of his constitutional right to meaningfully present a complete defense.
- In [*People v. Andujar*](#) (2013), the Second Department unanimously reversed a conviction because Justice Aloise had allowed the prosecution to introduce a nontestifying co-defendant's statement that placed the defendant at the scene, thereby violating the Sixth Amendment right to confrontation. The violation was further compounded when Justice Aloise permitted the prosecutor to cite the statement in their summation, without taking corrective action.

Repeated Failures to Protect Constitutional Rights in Suppression Hearings

In seven cases involving suppression hearings, Justice Aloise ruled that no violations of constitutional rights occurred, only to be overruled by the Appellate Division. These cases place Justice Aloise's suppression reversal rate at 12.3 percent, higher than 94.7 percent of judges statewide.⁴ This rate of error is not merely technical; it implicates a judge's understanding of fundamental constitutional law and willingness to protect New Yorkers' constitutional rights. These repeated errors reflect not just failures in legal judgment, but a troubling inability—or unwillingness—to internalize and act on clear guidance from appellate courts.

- In [*People v. White*](#) (2018), the Second Department reversed a conviction and dismissed the indictment, finding that Justice Aloise erred by refusing to suppress a gun and a statement taken from the defendant. The court held that an officer's testimony at the suppression hearing left out "a material fact" and that the prosecution's evidence failed to

⁴ [Scrutinize's judicial profile of Justice Michael B. Aloise](#).

justify the police conduct in stopping and questioning the defendant.

- In [*People v. Williams*](#) (2017), the Second Department unanimously vacated and dismissed two convictions after finding that Justice Aloise erred by refusing to suppress a gun found during a warrantless search of the defendant's home. The appellate court held that, while police could initially search the home for safety reasons, the emergency had ended once the defendant and his family were secured, and the second search that uncovered the gun went beyond what the constitution allows.
- In [*People v. Clermont*](#) (2015), the Second Department unanimously reversed a conviction and dismissed the indictment after finding that Justice Aloise erred by refusing to suppress a gun recovered by police. The appellate court held that the officers did not have reasonable suspicion to pursue the defendant, since their observation that he had adjusted his waistband in a high-crime area was not enough to justify a chase, even after the defendant ran.
- In [*People v. Baksh*](#) (2014), the Second Department unanimously reversed the conviction and dismissed the indictment after finding that Justice Aloise erred by refusing to suppress a gun recovered from the defendant's car. The appellate court held that the officer's search of the vehicle, conducted after removing and patting down the defendant, was not justified by probable cause or any threat to officer safety.
- In [*People v. Laviscount*](#) (2014), the Second Department unanimously reversed the conviction and dismissed the indictment after finding that Justice Aloise erred by refusing to suppress physical evidence recovered during a police encounter. The appellate court held that the officer had no reason to approach the defendant's legally parked car or to shine a flashlight inside, and that the reason offered—that the defendant was sitting in a parked car at night and had moved something from the dashboard—was not sufficient to justify the intrusion.
- In [*People v. Kevin W.*](#) (2012), the Second Department unanimously reversed the conviction and dismissed the indictment after finding that Justice Aloise erred by reopening a suppression hearing, on his own initiative, to let prosecutors present additional evidence. Justice Aloise had initially ruled correctly to suppress the evidence, but then reversed himself after allowing the prosecution to present new testimony. The appellate court held that the police lacked a reason to stop the defendant and criticized Justice Aloise's decision to give the prosecution "a second bite of the apple."
- In [*People v. Davis*](#) (2010), the Second Department unanimously reversed the conviction and ordered a new trial after finding that Justice Aloise erred by ruling that the defendant had intended to abandon his knapsack. The appellate court held that, contrary to Justice Aloise's determination, the defendant had not relinquished his reasonable expectation of privacy by leaving his knapsack on the stoop of his own residence, within a fenced yard, while he spoke to someone on the sidewalk and the police were therefore not permitted to search the knapsack without a warrant.

Errors Undermining Jury Integrity

Justice Aloise has repeatedly committed constitutional errors that compromised the integrity of the jury process, including in jury selection, jury note handling, deliberations, and discriminatory peremptory challenges. These errors violated defendants' rights to an impartial jury, effective counsel, and a fair trial, and have led to reversals in multiple, serious felony cases year after year. These repeated errors reflect not just errors in legal judgment, but a troubling failure—or unwillingness—to internalize and act on clear guidance from the appellate courts.

Jury Deliberation

- In [*People v. Alvarenga*](#) (2023), Justice Aloise told prospective jurors not to “go changing [their] mind[s]” about their ability to be fair when questioned by attorneys, and instructed them that their feelings about the police department were “irrelevant.” A unanimous Second Department admonished Justice Aloise for making these remarks, saying that the comments risked discouraging jurors from disclosing pro-law-enforcement bias or reevaluating their impartiality when pressed by counsel. By doing so, Justice Aloise seems to have tried, consciously or not, to tilt the process toward the prosecution, impairing the defense’s ability to identify and strike jurors who might automatically credit law enforcement testimony.
- In [*People v. Patterson*](#) (2009), the Second Department unanimously reversed the conviction and ordered a new trial because Justice Aloise violated the defendant’s right to fair jury deliberations. Justice Aloise had delivered a coercive *Allen* charge, telling deadlocked jurors, “We are going to keep you together until we have a verdict.” The Second Department ruled that this instruction “overemphasized the jury’s obligation to return a verdict”—in plain terms, finding that Justice Aloise had pressured the jury to deliver a verdict. The court also criticized Justice Aloise for failing to tell jurors they must weigh the evidence impartially and not surrender their independent judgment. The appellate court’s decision in this case did not seem to dissuade Justice Aloise from exercising coercion on a deliberating jury: Almost a decade later, a juror in the prominent and controversial Chanel Lewis trial told reporters that he felt pressured by Justice Aloise to convict, and to do so quickly. (For more on the Lewis trial juror’s comments, see below.)

Jury Note Mishandling

- In [*People v. Morris*](#) (2017), the Second Department unanimously reversed a felony conviction and ordered a new trial after finding that Justice Aloise gave an incomplete response to a jury note. When jurors requested a read-back of a key eyewitness’s testimony, Justice Aloise read only the direct examination, omitting cross-examination that contained critical impeachment material. Given the centrality of the witness’s testimony and the fact that the witness’s testimony on cross-examination undermined key claims he had made on direct examination, the appellate court found that this selective read-back “seriously prejudiced” the defendant and deprived him of a fair trial.

- In [*People v. Giraldo*](#) (2014) and [*People v. Rojas*](#) (2014), the Second Department unanimously reversed the felony convictions of two defendants after finding that Justice Aloise violated required procedures for handling a jury note. The jury expressed confusion about whether finding just one element of the offense was enough to convict, but Justice Aloise mischaracterized the note when summarizing it to the defense counsel, failing to convey the jurors' confusion, and then responded without giving the defense counsel a fair chance to participate in formulating an answer to the jury.
- In [*People v. McGhee*](#) (2013), the Second Department unanimously reversed a conviction. Citing its decision in *Lockley* (described below), the appellate court found that Justice Aloise had again violated mandatory procedures for handling jury notes during deliberations. Much as he had done in *Lockley*, instead of giving defense counsel advance notice and an opportunity to respond, Justice Aloise revealed the notes for the first time in front of the jury and immediately provided a response. Because Justice Aloise deprived the defendant of a meaningful opportunity to participate at a critical stage of the trial, the appellate court ordered a new trial.
- In [*People v. Lockley*](#) (2011), the Second Department unanimously reversed multiple felony convictions after finding that Justice Aloise "repeatedly violat[ed]" procedures required for handling jury notes. Instead of giving defense counsel advanced notice and an opportunity to respond, Justice Aloise revealed the notes for the first time in front of the jury and answered them on the spot. The appellate court ruled that this denied the defendant a meaningful opportunity to participate at a critical stage of the trial, a fundamental constitutional error requiring a new trial.

Discriminatory Peremptory Challenges

- In [*People v. Marcus*](#) (2012), the Second Department unanimously reversed a conviction from a trial that Justice Aloise had presided over because of a *Batson* error. After the defense counsel used a peremptory strike against a male juror, Justice Aloise ruled that the strike had been discriminatory, without fully considering counsel's stated reasons: that the juror, a chiropractor, gave an equivocal answer about his ability to be fair. The appellate court found these to be legitimate, gender-neutral reasons for a strike and held that Justice Aloise erred in finding purposeful discrimination, which required a reversal of the conviction and a new trial.
- In [*People v. Jones*](#) (2009), the Second Department held that Justice Aloise had committed a procedural error at a critical constitutional stage by failing to complete the required *Batson* inquiry after the defense made a *prima facie* showing that the prosecutor was striking Black male jurors on the basis of race. The appellate court found the record sufficient to support an inference of discriminatory purpose and remitted the case for steps two and three of the *Batson* analysis.

Voir Dire

- In [*People v. Alvarez*](#) (2015), [*People v. Garcia*](#) (2015), and [*People v. Reyes*](#) (2015), because of Justice Aloise's errors during *voir dire*, the Second Department unanimously reversed felony convictions in a case involving three defendants and ordered a new trial for each. The appellate court found that Justice Aloise improperly denied multiple challenges for cause during jury selection. Each challenged prospective juror expressed doubt about their ability to remain impartial—citing family ties to law enforcement or personal experiences with crime—yet none gave the unequivocal assurance required by law that their verdict would be based solely on the evidence.

Improper or Incomplete Jury Instructions

Justice Aloise has repeatedly failed to deliver accurate, case-specific jury instructions, undermining jurors' ability to apply the law and weigh the evidence. In at least four cases, appellate courts reversed convictions after finding that Justice Aloise's instructional errors compromised the integrity of the trials and required new ones.

- In [*People v. Guerra*](#) (2024), the Second Department unanimously reversed 68 convictions and ordered a new trial after finding that the defense counsel made various errors and that Justice Aloise compounded them by refusing to clarify the jury instructions, even after the jury expressed confusion.
- In [*People v. Cordes*](#) (2010), the Second Department unanimously reversed a conviction after finding that Justice Aloise gave faulty jury instructions. Specifically, Justice Aloise erred by simply reciting the statute, instead of adjusting the instructions to the case at issue. Because the evidence against the defendant was not overwhelming, the appellate court ruled that the error could not be considered harmless and ordered a new trial.
- In [*People v. Riley*](#) (2017), the Second Department unanimously reversed a conviction after finding that Justice Aloise failed to instruct the jury on how to treat the testimony of a potential accomplice. Justice Aloise refused to issue an "accomplice-in-fact" charge, despite conflicting evidence that required leaving that factual determination to the jury. The appellate court found the error was not harmless and ordered a new trial, noting that the eyewitness testimony was not overwhelming and could have been discounted had the jury been properly charged.
- In [*People v. Lowery*](#) (2015), the Second Department unanimously reversed a conviction and ordered a new trial after finding that Justice Aloise erred by deferring to the defendant—rather than to the defense counsel—on whether to request a jury charge for a lesser-included charge. Under *People v. Colville*, the decision to request a lesser-included charge is a strategic one reserved for counsel, not the accused; Justice Aloise therefore erred in adopting the defendant's preference.

Evidentiary Errors Allowing Improper or Prejudicial Testimony

Justice Aloise has repeatedly allowed improper or prejudicial testimony to be introduced at trial, violating evidentiary rules and compromising the fairness of proceedings. In at least three serious felony cases, appellate courts reversed convictions after finding that Justice Aloise's evidentiary errors created undue prejudice or admitted unreliable hearsay. These rulings show a pattern of failing to safeguard the integrity of the legal process.

- In [*People v. Ayala*](#) (2014), the Second Department unanimously reversed a conviction after finding that multiple errors by Justice Aloise cumulatively deprived the defendant of a fair trial. First, when the prosecution's sole eyewitness testified at the trial that she did not remember the face of the shooter and could not identify the shooter because of the passage of time since the shooting, Justice Aloise permitted the prosecution to impeach her with her earlier grand jury testimony and prior photo array identification, even though her trial testimony did not affirmatively damage the state's case. Second, Justice Aloise's initial error was compounded when the prosecutor improperly urged the jury during summation to treat the impeachment material as direct evidence of guilt and Justice Aloise failed to step in and take remedial action. Finally, Justice Aloise made another evidentiary error when he allowed a detective to testify that the eyewitness had previously identified the defendant in a photo array.
- In [*People v. Richardson*](#) (2012), the Second Department unanimously reversed a conviction and ordered a new trial because of an evidentiary error by Justice Aloise. During the trial, the defendant claimed that a third party had been the true participant in the attempted robbery that led to the death. Justice Aloise allowed the prosecution to introduce a hearsay statement by a co-perpetrator claiming that the third party had not been involved in the attempted robbery. The appellate court ruled that Justice Aloise should not have admitted the hearsay evidence.
- In [*People v. Parchment*](#) (2012), the Second Department unanimously reversed three convictions after finding that Justice Aloise improperly admitted an anonymous 911 call containing unreliable hearsay evidence. Specifically, Justice Aloise incorrectly admitted the hearsay under the present sense impression exception, even though the caller spoke in the past tense to describe events he had observed previously, not as they were occurring. The appellate court ruled that the error was not harmless, since there was conflicting evidence about whether the defendant was the shooter, and therefore the evidence of the defendant's guilt was not overwhelming.

Legal Errors in Sentencing

Justice Aloise has committed multiple legal errors at sentencing, including imposing unlawful consecutive sentences and disregarding required statutory procedures.

- In [*People v. Burns*](#) (2020), the Second Department modified the sentence Justice Aloise had imposed after finding that he improperly imposed consecutive sentences for two convictions, despite both charges stemming from the same incident.
- In [*People v. Clarke*](#) (2014), the Second Department held that Justice Aloise erred at sentencing by improperly imposing consecutive sentences for convictions that stemmed from a single act.
- In [*People v. Brown*](#) (2013), the Second Department unanimously vacated the sentence Justice Aloise had imposed after finding that he failed to follow the statutory procedures required for sentencing the defendant as a persistent felony offender.
- In [*People v. Simmons*](#) (2013), the Second Department unanimously reversed Justice Aloise's decision to deny resentencing under the Drug Law Reform Act. The court held that Justice Aloise had improvidently exercised his discretion, failing to rebut the statutory presumption in favor of resentencing.

Other Procedural Errors

- In [*People v. Brown*](#) (2020), the Second Department unanimously determined that Justice Aloise failed to follow the mandatory requirements of Criminal Procedure Law 440.10. Having concluded that the defendant received ineffective assistance of counsel, Justice Aloise was required by law to vacate the conviction. Instead, he directed the prosecution to reoffer a plea deal, then rejected the agreement and left the convictions and sentence intact, effectively denying the 440.10 motion he had just granted. The appellate court ruled that Justice Aloise's conduct was unlawful, since CPL 440.10 mandates vacatur once relief is granted.
- In [*People v. Odle*](#) (2015), the Second Department unanimously found that Justice Aloise had failed to advise the defendant of the potential immigration consequences of his guilty plea, in violation of the defendant's due process rights.
- In [*People v. Chestnut*](#) (2012), the Court of Appeals reversed a conviction after finding that Justice Aloise committed a statutory error by denying severance in a joint trial where the defendant and his co-defendant faced unrelated charges, holding that the joint trial was impermissible because the charges lacked any shared factual or legal basis. Despite repeated objections, Justice Aloise allowed extensive evidence that had no connection to the defendant's charge, creating a serious risk of prejudicial spillover. The Court of Appeals held that the error was not harmless given the weakness of the identification evidence and the volume of irrelevant, inflammatory testimony.
- In [*People v. Trotter*](#) (2008), Justice Aloise denied the defendant's renewed suppression motion without a hearing. The Second Department found that this was an improvident exercise of discretion and remitted the case for a suppression hearing.

Bias

For years, public observers and at least one appellate court have raised concerns that actions and statements by Justice Aloise have created the perception of bias against defendants and in favor of law enforcement, if they are not in fact evidence of such actual bias.

In [People v. Brown](#) (2016), the Second Department not only reversed Justice Aloise's refusal to hold a hearing on the defendant's C.P.L. 440.10 motion; it took the rare step of reassigning the case to a different judge. The appellate court explained that statements Justice Aloise made at sentencing "may give rise to an appearance that the court was predisposed to rule against the defendant." Appellate reassignments like this are highly unusual and are viewed by attorneys as a red flag for judicial bias. Appellate courts reserve such action for situations where a judge's conduct signals impropriety or partiality, not just routine legal error.⁵

Perhaps the most illustrative example of Justice Aloise creating the perception that he has a bias in favor of law enforcement comes from the criminal case against NYPD Detective Kevin Desormeau, in 2018, in which Detective Desormeau was convicted of perjury. Justice Aloise denied the prosecution's request for a six-month jail sentence for having "violated his oath" as a police officer, and instead [sentenced](#) Detective Desormeau to probation and a \$500 fine. During Detective Desormeau's sentencing, Justice Aloise criticized both the detective and the Queens District Attorney's office. He criticized Detective Desormeau, but he reserved his harshest words for prosecutors, [reportedly](#):

- Saying to Detective Desormeau: "This entire case disgusts the court. I will not become complicit in the district attorney's hypocrisy by incarcerating you."
- Saying generally: "[The perjury conviction of an officer] helps feed the false narrative that police officers are not to be trusted and their testimony is not to be believed."
- Calling the main prosecution witness "a bum" and saying, "This was the most transparently disingenuous testimony this court has ever witnessed."

These comments downplayed systemic issues of police perjury and centered blame on the prosecution's tactics.

The prominent and controversial Chanel Lewis trials, in 2018 and 2019, amplified concerns that Justice Aloise brings a pro-law enforcement bias to the bench. In Mr. Lewis's first trial, Justice Aloise [declared a mistrial](#) after just one and a half days of deliberations, despite juror deadlock, raising [eyebrows](#) among defense observers. During the retrial, Justice Aloise [rejected](#) the defense's request to pause proceedings after receiving an anonymous letter alleging that the NYPD ran a racially biased [DNA dragnet](#) that encompassed over 360 Black men, and also denying a mistrial or *Brady* hearing on possibly withheld exculpatory evidence. Moreover, at least one juror in the retrial told reporters that he [felt pressured](#) by Justice Aloise to [convict](#), and do so quickly: "[The judge wanted it done last night.](#)" Justice Aloise drew [further scrutiny](#) during the trial for [repeatedly wearing](#) a purple necktie in court, a color many associated with the [murder victim's family](#), raising [concerns](#) that he was signaling solidarity with the victim's side.

⁵ See Scrutinize's [Reverse & Reassign](#) report.

And [a 2019 article](#) noted that “questions raised about Aloise’s impartiality are not new”:

Aloise’s overturned cases show him to have repeatedly made erroneous rulings in favor of the prosecution. [...] “Judge Aloise has never met a criminal defendant he didn’t want to put away—unless that person had a badge,” says veteran criminal defense attorney Ron Kuby, who represented a defendant in a notable Aloise case that reached the Court of Appeals. [...]

Meanwhile, as the *New York Law Journal* [reported](#) last summer, Aloise has a daughter and a son-in-law who work as assistant district attorneys in the Queens DA’s office. He has also been [photographed](#) hanging out at CitiField with the Queens Assistant District Attorney’s Association.

No Legal Scholarship or Writing Since 2013

Justice Aloise has published zero decisions since 2013.⁶ This absence is especially jarring because Justice Aloise handles serious felony litigation in Queens Supreme Court, cases that should generate complex, novel legal arguments ripe for peer review. Instead, New Yorkers are left with no access to Justice Aloise’s reasoning, analysis, or interpretations of law. The only insight into his judicial performance comes through extensive appellate reversals, not his own published writing. This should be of special interest to the Administrative Board, since the Invitation for Public Comment asks about judges’ “legal scholarship[] and writing.”

We recognize the strain of understaffed courts and the role that certification plays in alleviating that strain. But the answer cannot be to administratively extend every judge’s tenure past the mandatory retirement age—and it especially cannot be to extend the tenure of Justice Aloise, who has demonstrated poor knowledge of the law over many years, whose actions and statements have called into question his impartiality and that of the entire court system, and who has published zero decisions in the last dozen years. In all these respects, Justice Aloise is an outlier among active judges.

Justice Aloise’s repeated legal errors that have required new trials have not only violated defendants’ rights; they have also imposed significant costs on New York taxpayers. Retrying entire felony cases—reinvestigating, reassembling witnesses, preparing jury selection, and all the other steps that go into felony trials—consumes enormous taxpayer resources. Several of the reversed cases that Justice Aloise presided over involved murder charges, which are usually more resource-intensive than other cases. And Justice Aloise’s failures also delay resolution for victims’ families. Instead of finality, victims are forced to relive trauma through another trial—sometimes years after the initial verdict. Justice Aloise’s pattern of error has denied closure not only to defendants, but to grieving families and the public.

⁶ [Scrutinize’s judicial profile of Justice Michael B. Aloise.](#)

The Administrative Board should also take into account that numerous of Justice Aloise's statements and actions over the years have raised questions about his impartiality. Public trust and confidence in the court system is undermined when that court system's leadership gives additional years on the bench to a judge who has repeatedly created the perception of bias.

We appreciate you soliciting public comment in the certification and recertification process. We believe such feedback from the public is critical, and we urge the Administrative Board to take seriously the concerns detailed above and deny certification to Justice Aloise.

Sincerely,

Peter F. Martin
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