

The Honorable Kathy Hochul
Governor of New York
NYS State Capitol Building
Albany, NY 12224

February 18, 2026

Dear Governor Hochul:

In your remarks at the State of the Judiciary speech in 2024, you said that New York's courts are "more important than ever" because the U.S. Supreme Court is "abandoning its responsibility as the defender of our constitutional rights." Because of this, you said that New York's leaders must "transform the judiciary and make it more responsive to the people we're all here to serve." At that same event, you said that you are committed to ensuring New York's judiciary retains the "preeminence that has always been associated with the State of New York."¹

We wholeheartedly agree, and that is why we urge you not to nominate Judge Ralph Fabrizio to an interim position on the Supreme Court.

Judge Fabrizio has served as a judge on New York City Criminal Court since 2001, upon his appointment and reappointments by three different mayors of New York City. Since at least 2010, he has been designated to serve as an Acting Justice of the Supreme Court in Bronx County. His current term is set to expire this year. Because judges' years of birth are not public information, we do not know whether Judge Fabrizio will reach the standard judicial mandatory retirement age this year or in a subsequent year.

The appellate record, court transcripts, press coverage, and accounts from attorneys who have appeared before Judge Fabrizio demonstrate that he is frequently volatile, vindictive, and erratic on the bench, in egregious violation of New York's rules of judicial conduct. Prosecutors and defense attorneys have lodged more than a dozen complaints against Judge Fabrizio, alleging threats, berating, and derogatory treatment. In one case that prompted media coverage, Judge Fabrizio reversed himself twice: vacating a wrongful conviction, then reinstating it, then vacating it again when a media outlet started investigating. We have attached a full summary of Judge Fabrizio's judicial record.

It is imperative that you do not nominate Judge Fabrizio to an interim appointment to the Supreme Court, as doing so would allow him to continue serving beyond the mandatory retirement age of 70.

As we have in previous letters, we urge you to only nominate for new terms judges whose records inspire confidence and demonstrate sound judgment, exceptional integrity, and steadfast commitment to fairness, and equal justice for all. Decisions regarding renominations of sitting judges must not start from an assumption that every sitting judge deserves to serve on the bench

¹ "Governor Hochul Delivers Remarks at New York State Court of Appeals 2024 State of the Judiciary": <https://www.governor.ny.gov/news/video-audio-photos-rush-transcript-governor-hochul-delivers-remarks-new-york-state-court>.

as long as he or she wishes. Instead, renomination decisions should take advantage of the great wealth of information available to a Governor: the judges' records on the bench. Any judge whose term is nearing completion has by that point served for years, and in that time has clearly demonstrated not only their knowledge of and adherence to the law, but also their temperament and their commitment to equal justice for all—or their lack of such commitment.

An appointment of Judge Fabrizio to the Supreme Court would be contrary to your own aspirations for the judiciary and a setback for justice in New York. We therefore respectfully urge you to uphold your commitment to a judiciary that is fair and respectful and that truly serves all New Yorkers, and to not nominate Judge Fabrizio to the Supreme Court.

Sincerely,

Center for Community Alternatives

JUDGE RALPH FABRIZIO'S RECORD

The appellate record, court transcripts, press coverage, and accounts from attorneys who have appeared before Judge Fabrizio demonstrate that he is frequently volatile, vindictive, and erratic on the bench, in egregious violation of New York's rules of judicial conduct. Prosecutors and defense attorneys have lodged more than a dozen complaints against Judge Fabrizio, alleging threats, berating, and derogatory treatment. In one case that prompted media coverage, Judge Fabrizio reversed himself twice: vacating a wrongful conviction, then reinstating it, then vacating it again when a media outlet started investigating.

Career Summary

- At least 2010–Present: Acting Justice, Supreme Court, Bronx County.
- 2001–Present: Judge, Criminal Court of the City of New York.
- 1995–Present: Adjunct Legal Writing Instructor, Benjamin Cardozo School of Law.
- 1984–2001: Assistant District Attorney, Manhattan DA's Office.
- 1981–1984: Law Clerk, Simpson Thatcher & Bartlett.
- Education: J.D., St. John's University School of Law, 1986; M.S., John Jay College of Criminal Justice, 1981; B.S., Fairfield University, 1978.

Sources for the above information: [Judicial Directory](#); [Mayor's Judicial Appointments: Criminal Court Judges](#); [Scrutinize's Judicial Profile](#); [Ballotpedia](#).

Details of Judicial Service

- Has been a judge for 25 years.
- Was first appointed to New York City Criminal Court by Mayor Rudolph Giuliani in December 2001. Was reappointed by Mayor Michael Bloomberg in January 2008 and by Mayor Bill de Blasio in January 2018.
- Has been designated to serve as an Acting Justice of the Supreme Court, Bronx County (Criminal Term), originally by Chief Administrative Judge Jonathan Lippman, and has continued in that designation under subsequent Chief Administrative Judges.
- Current term expires in 2026, according to Office of Court Administration data.
- Will reach mandatory retirement at the end of the year he turns 70, which publicly available information indicates will be either 2026 or 2027.

Source for the above information: [Judicial Directory](#); [Mayor's Judicial Appointments: Criminal Court Judges](#); [Scrutinize's Judicial Profile](#); [Ballotpedia](#).

Judicial Record

Appellate Reversals Show A Pattern of Legal Error

The Appellate Division has repeatedly reversed Judge Fabrizio's decisions, finding errors in evidentiary rulings, sentencing, and procedural matters. These reversals demonstrate a pattern of constitutional violations, inconsistent rulings, and procedural shortcuts.

Constitutional Violations and Procedural Errors

- [*People v. Trulove*](#): A search warrant didn't clearly identify which of two first-floor apartments the police were permitted to search, creating a possibility they might have entered the wrong one, but Judge Fabrizio refused to hold a hearing to determine whether the resulting search was constitutional. The Appellate Division unanimously ruled that Judge Fabrizio should have held a hearing to determine that and mandated such a hearing.
- [*People v. McCray \(2020\)*](#) and [*People v. McCray \(2023\)*](#): A unanimous Appellate Division panel found that Judge Fabrizio wrongly denied, without a hearing, a defendant's motion claiming ineffective assistance of counsel. The appellate court found that a sworn affirmation raised "serious questions" about the attorney's performance and sent the case back for a hearing. After the hearing mandated by the first appeal, Judge Fabrizio denied the motion, but upon a second appeal, a unanimous Appellate Division panel once again reversed Judge Fabrizio's decision, finding that the defense attorney had made multiple "harmful errors" and therefore had been ineffective.
- [*People v. Bonie*](#): A unanimous Appellate Division panel found that Judge Fabrizio erred in ordering the disclosure of a TV station's unaired jailhouse interview with a defendant. Judge Fabrizio ordered the TV reporter to turn over the full footage for the court's review and potential disclosure to prosecutors, but the appellate court ruled that only limited portions should be released.
- [*People v. Abelo*](#): An Appellate Division panel found that Judge Fabrizio wrongly allowed a 1992 driver suspension notice into evidence. Judge Fabrizio had excluded a similar 1993 notice but inconsistently admitted the 1992 notice, undermining his own logic. The appellate court ruled that this error required reversal and a new trial.

Sentencing Errors

- [*People v. D.B.*](#): A unanimous Appellate Division panel found that Judge Fabrizio failed to determine whether the defendant was eligible to be sentenced as a youthful offender. The appellate court vacated the sentence and sent the case back for resentencing for this determination to be made.
- [*People v. Patric T.*](#): A unanimous Appellate Division panel found that a sentence Judge Fabrizio had imposed—denying youthful offender status and imposing three and a half years in prison—was excessive. The panel granted youthful offender status and reduced the sentence to five years of probation.

- [*People v. Padilla*](#): A unanimous Appellate Division panel found that Judge Fabrizio imposed an illegal term of post-release supervision that exceeded the statutory maximum. The appellate court reduced the supervision period from five years to three.
- [*People v. Green*](#): A unanimous Appellate Division panel found that Judge Fabrizio’s sentence of 3.5 to 10 years in prison was excessive. The panel reduced the sentence to 1 to 3 years of prison time.

Failure to Follow Legal Procedures

- [*People v. Matthews*](#): A unanimous Appellate Division panel found that Judge Fabrizio accepted guilty pleas based on charges that were legally invalid because the complaints didn’t specify that the alleged acts occurred in a public place. The appellate court ruled that without those facts, the case had no legal basis, so it vacated all the convictions and dismissed the charges.

Judicial Temperament: Threats, Abuse, and Volatile Behavior

New York’s rules of judicial conduct, laid out in the Administrative Rules of the Unified Court System and the New York State Rules of Professional Conduct, and interpreted by court decisions, call on judges to “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary”¹; require judges to “be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others”²; say that judges “should be patient, courteous and civil to lawyers, parties and witnesses” and “should not employ hostile, demeaning or humiliating words in opinions or in written or oral communications with lawyers, parties or witnesses”³; and demand that judges show “respect toward everyone who appears in [their] court.”⁴

Court transcripts and eyewitness accounts from numerous cases document and illustrate Judge Fabrizio’s pattern of egregiously violating these rules through threatening, belittling, and volatile conduct—and in at least one instance of sweeping vilification of a defendant in his courtroom, far beyond the commentary ever appropriate from a judge on the bench.

The Norberto Peets Case: Judicial Instability and Disregard for Human Impact

The case of Norberto Peets⁵ illustrates Judge Fabrizio’s pattern of erratic decision-making and procedural irregularity—even to the point of inflicting a terrible toll on people appearing in front of him. In that case, Judge Fabrizio vacated Mr. Peets’ conviction, then reinstated it, then vacated it again, actions so extraordinary that they prompted [media scrutiny](#) and raised serious questions about Judge Fabrizio’s judicial fitness.

¹ NYCCR § 100.2(A): [Rules of the Chief Administrative Judge, Part 100: Judicial Conduct](#)

² NYCCR § 100.3(B)(3).

³ [N.Y. Comp. Codes R. & Regs. Tit. 22 § 1 - General Standards](#)

⁴ Matter of Astacio, 32 N.Y.3d 131, 136 (2018) (quoting Matter of Romano, 93 N.Y.2d 161, 164 (1999))

⁵ See *People v. Peets*, 286 A.D.2d 624 (1st Dep’t 2001).

In September 2022, after Mr. Peets had served more than 25 years in prison, and after new investigations by Mr. Peets’ attorneys and the Bronx District Attorney’s Office documented serious failures by Mr. Peets’ original trial attorney, Judge Fabrizio vacated Mr. Peets’ conviction, ordered a new trial, and released Mr. Peets from prison. Both the prosecution and defense agreed that Mr. Peets’ original attorney’s performance had been so deficient that his constitutional right to effective assistance of counsel had been violated. Several weeks later, the Bronx District Attorney’s Office notified Judge Fabrizio that it was not planning to retry Mr. Peets, pointing to major problems in the prosecution’s case.

But in January 2023, Judge Fabrizio issued a decision that he did not publish, and which [THE CITY reported](#) that “legal experts say is almost unheard of”: he reversed his own vacating of Mr. Peets’ conviction, reinstating a conviction that he himself had previously dismissed. In his unpublished order, Judge Fabrizio accused the prosecutor of omitting crucial information in legal filings, claiming that she “never provided” him with a trial transcript. He also chastised the prosecutor for failing to “correct” Mr. Peets’ attorneys’ description of a bullet fragment as “bloody,” even though a detective had testified under oath at Mr. Peets’ first trial that the fragment had blood on it. Judge Fabrizio declared that his own initial ruling was “made based on errors of and omissions of fact.”

Judge Fabrizio’s extraordinary reversal prompted a court petition from Mr. Peets’ attorneys at the Innocence Project and Paul, Weiss, Rifkind, Wharton & Garrison LLP asking the appellate division to block Judge Fabrizio’s attempt to resurrect the conviction. In the petition, which was later withdrawn,⁶ Mr. Peets’ attorneys disputed Judge Fabrizio’s attempted objections to facts and suggested that Judge Fabrizio had exceeded his legal authority because of his personal feelings, stating, “Justice Fabrizio’s January Order and March Order appear to be rooted in frustration that the People are not moving to retry Mr. Peets, and that frustration appears to drive his judicial overreach.”

In May 2023, when THE CITY visited Judge Fabrizio’s courtroom and requested an interview, Judge Fabrizio walked away from the bench and stood “in a side room hidden from public view for at least several minutes.”

After THE CITY reached out to Judge Fabrizio to invite a comment from him for an article, Judge Fabrizio reversed himself yet again. Judge Fabrizio emailed the attorneys in the case to notify them that he had decided to once again vacate the conviction and dismiss the case against Mr. Peets. The hearing the next morning lasted about a minute: Judge Fabrizio declared the case dismissed and sealed. He never responded to THE CITY’s questions.

The multiple self-reversals, the fact that Judge Fabrizio’s written order mischaracterized key facts from the trial record, and the timing of his final reversal all raise serious questions about his judicial decision making. He reinstated a conviction based on purported errors in the record, only to dismiss the case entirely within days of a media inquiry. This pattern—vacate, reinstate, then vacate again in the face of public scrutiny—demonstrates either profound instability in judicial

⁶ [People v the Application of Norberto Peets for a Judgment Pursuant to Art. 78 of the Civ. Practice Law & Rules](#), 2023 NY Slip Op 68878(U) (1st Dep’t 2023).

reasoning or a willingness to reverse course to avoid negative press coverage. Either possibility is deeply troubling. A judge's decisions must be grounded in law and fact, not in emotional reactions or concern about media attention.

And all of this placed the person at its center, Mr. Peets, in excruciating legal limbo for months. "For the last six months that I've gone through this, I feel so painful because I thought [it's] never going to end," Mr. Peets told THE CITY in an interview outside the courthouse after his case was finally dismissed for good.

The Richman Incident

In another case in the summer of 2023—just a couple months after Judge Fabrizio's actions in Mr. Peets' case, described above—Judge Fabrizio's behavior again demonstrated a pattern of volatility, threats, and abuse. Court transcripts and [media reports](#) reveal an escalating series of erratic behaviors.

At a court appearance on May 30, 2023, attorney Stacey Richman, who had recently taken over representation of Frank Tatulli from another attorney, informed Judge Fabrizio that she had not yet received any of the evidence in the case, and Judge Fabrizio scheduled the next appearance for several weeks later, on June 23.

At that next appearance, Ms. Richman informed Judge Fabrizio that she was not prepared for the hearing scheduled for that day because she still had not yet received the evidence in the case, despite trying to get it from the prosecution. Initially, Judge Fabrizio did not seem bothered by the delay, recognizing that a defendant's attorney should have access to the evidence before litigating any hearing:

Okay. Well, we have had a change in counsel. And I don't want to prejudice Mr. Tatulli's rights to have his attorney have all of that discovery. ... [S]o we will be having a brief proceeding today.

But very quickly, Judge Fabrizio's attitude changed. He became angry with Ms. Richman for requesting another court date to obtain the evidence in the case—a court date he had agreed to moments before—saying, "This is holding up this case for a very long time," ignoring the fact that Ms. Richman was still fairly newly on the case and her request was necessary to adequately represent Mr. Tatulli. Judge Fabrizio continued:

I don't know what could accommodate the Court and accommodate every lawyer and scheduling concern. And I learned about this on the record when I said we were going to do the *Rodriguez* hearing today when you were assigned and took over representation of a client on a trial-ready matter. I understand. But I may not grant you an adjournment. This is not appropriate. This is a trial-ready matter. [...] I allowed you to be on the case. And now we are not going forward. So what is your plan to accommodate the Court?

Judge Fabrizio then grew frustrated with Ms. Richman for being unavailable to start the hearing—because she was committed to an already-scheduled trial in Manhattan in a case with three defendants:

Judge Fabrizio: I'm going to give you a do not engage order for [the Manhattan] case. You will have to work it out with [the judge in that case], because you took over [this] three-year-old case. Maybe you have older cases, but these cases have to be tended to as well.

After a back-and-forth exchange about the evidence and scheduling the next court date, Judge Fabrizio's anger escalated. In just the few minutes that followed, Judge Fabrizio declared that his case's scheduling should supersede a date that had already been set for the trial in that other case; said that Mr. Tatulli should obtain a different lawyer (a step that would undoubtedly delay the case even more); threatened Mr. Tatulli and Ms. Richman with summary denial of Mr. Tatulli's constitutional right to challenge the evidence in the case; said he was removing Ms. Richman from the case; accused her of failing to inform him of a conflict that he had created earlier that day; attacked her for "taking advantage of a dysfunctional system in a dysfunctional county"; implicitly reversed what he said moments earlier about taking her off the case; and again threatened to deny Mr. Tatulli of a constitutional right. Here is the full transcription of that extended exchange:

Judge Fabrizio: So this case is do not engage for the Defense, 9:30, August 25th, 2023. Why are you selecting August 25th?

Ms. Richman: You selected it. I'm happy to do it. You asked for the hearing date absolutely, no problem, Your Honor.

Judge Fabrizio: This is quite interesting.

Ms. Richman: Happy to.

Judge Fabrizio: Well, then you have to do it and you can't be engaged. And you can't be engaged.

Ms. Richman: Just for the hearing. Yes, no problem.

Judge Fabrizio: I'm also setting it down for trial.

Ms. Richman: Your Honor, I will correspond with the Court throughout, but I cannot begin the trial at that juncture.

Judge Fabrizio: Maybe Mr. Tatulli should go and hire another lawyer and maybe this should have been represented when this case was -- when I allowed a new lawyer to be retained on a trial-ready case, who is very busy, and this Court is ordering this case to proceed. Or maybe I will just deny the motion summarily to suppress [the motion underlying the hearing that was to be held] because the Defense is not prepared to go forward and we will just deal with having a trial date. Because you should have been prepared to do this today. I have no idea what happened with a drive. I don't know -- the People are telling me the grand jury minutes were part of the discovery provided to you

that resulted in the dismissal of the co-defendant's case where the identification procedure takes place.

Ms. Richman: I require the balance of the discovery to do my diligence to properly represent this individual.

Judge Fabrizio: You know something? You are relieved. The defendant, we are going to assign 18(b) to represent him. You cannot go forward on this case. We need someone who is going to be ready, willing and able to comply with court schedules, court-ordered schedules. These are orders. These aren't suggestions. This was ordered to proceed today.

Ms. Richman: Right. And I needed the discovery.

Judge Fabrizio: So how are you telling me today, oh, I don't have it? Maybe if you told me three weeks ago --

Ms. Richman: I handed everything over.

Judge Fabrizio: You didn't tell me until we got on the record today. And you expect that this is just going to be -- if this happened in a federal court, if this happened in Westchester County, if this happened anywhere but another day in the Bronx Hall of Justice, there would be sanctions for not informing the Court when the Court ordered the case to proceed. This is just taking advantage of a dysfunctional system in a dysfunctional county that perpetuates itself, that creates the backlog of cases on this record.

Ms. Richman: I respect this Court. I respect my client. I respect my obligations. And I wish to serve this man because I am his chosen counsel. I need the discovery to be provided.

Judge Fabrizio: And you are not to engage in any other case. And I'm not going to hear any backtalk about your other -- you need -- I am ordering what I am ordering what I am ordering. And I have ordered it. And it will be memorialized in a letter. And the administrative judge of New York County will learn all about this case as well as that case. Okay? 8/25 is the -- if the Defense is not ready, the motion will be denied summarily on August 25.

While the court transcript conveys the inappropriateness of Judge Fabrizio's behavior, eyewitness accounts further underscore how disturbing this exchange was in the moment. New York Focus and THE CITY [reported](#) that a social worker who was in the courtroom at the time said, "The courtroom went dead silent and everyone was looking at each other in disbelief." Another attorney present that day told the publications that Judge Fabrizio reacted as if Ms. Richman's need for discovery was a "personal insult," adding, "He started screaming at some point, and then he goes back to normal. It's kind of creepy to watch."

This incident illustrates several types of judicial misconduct by Judge Fabrizio:

- **Threatening to deny constitutional rights as punishment:** Judge Fabrizio explicitly threatened to deny a hearing to examine the constitutionality of police conduct in the

case, not on the merits but instead as punishment, solely because the defendant's attorney had not yet received the evidence necessary to represent her client in the hearing.

- **Interfering with the constitutional right to counsel:** Judge Fabrizio's behavior throughout the appearance, and specifically his suggestion that the defendant should get another attorney, undermined the attorney-client relationship by potentially sowing doubt in the defendant's mind about whether his chosen counsel could effectively advocate before a judge who had publicly berated and humiliated her. Such conduct pressures defendants to abandon competent representation out of fear that judges' hostility toward their attorneys will prejudice their cases.
- **Using court orders as weapons:** Judge Fabrizio threatened to write a letter to another judge about Ms. Richman and to memorialize "self-executing orders," a threat of using his judicial authority to intimidate and punish. Judges threatening or intimidating lawyers creates a serious problem, as the lawyer must choose between doing what's best for their client and protecting themselves from the judge. A lawyer who's worried about being punished by the judge might hold back on tough arguments, avoid confronting weak evidence, or push their client toward a bad plea—not because any of those are best for the client, but because the lawyer is trying to avoid trouble with the judge. This means clients don't get the strong representation they're entitled to. Such threats, and their effect on counsel, may serve to undermine the constitutional right to effective assistance of counsel.
- **Threatening to remove an attorney as retaliation for a conflict of the judge's own making:** Judge Fabrizio declared he was removing Ms. Richman from the case not because of any misconduct or incompetence on her part, but because of a scheduling conflict that Judge Fabrizio himself had created moments earlier.
- **Blaming an attorney for systemic problems not of her making:** Judge Fabrizio blamed Ms. Richman for "taking advantage of a dysfunctional system in a dysfunctional county," despite Ms. Richman's blamelessness in that systemic dysfunction.
- **Unacceptable judicial temperament:** Judge Fabrizio's escalating anger and what witnesses described as "screaming" demonstrate a fundamental lack of the patience, respect, and dignity that New York's rules of judicial conduct require.

Courtroom Abuse in People v. [Redacted #1]

In another case, Judge Fabrizio's conduct revealed both his volatile temperament and his willingness to mischaracterize attorneys' positions to justify his outrage. In this case, the defendant sought to vacate a guilty plea that Judge Fabrizio had administered years before. Initially, Judge Fabrizio consented to vacate the plea:

The application to withdraw the plea is granted. The defendant is restored to his prepleading status. This goes back on the court calendar, and the defendant can face trial for the charges. That's what we are running. I'm not taking a plea of any kind today. I do not believe any other plea in this case was appropriate other than this plea.

But he immediately expressed displeasure that the prosecution had consented to the defense's motion without a hearing and without allegations that the earlier defense attorney failed to advise the defendant properly about the case:

And the precedent that this is setting I will be writing a written decision on it. I will be submitting it for publication. That this is actually the position of this office, that when a defendant alone alleges, without any supporting documentation, that he did not understand, was not, was not aware, was not represented by counsel, retained counsel, without anyone checking this, that he would be, any defendant would be entitled to the same, really it would be a denial of due process rights to anyone else not to have this relief. That's your record.

This description of the record mischaracterized what the prosecutor had said in court. Throughout the appearance, even when attorneys attempted to clarify the situation, Judge Fabrizio cut them off and substituted his own descriptions, culminating in the implicit threat above that he would issue a written opinion for publication based on his mischaracterization of the prosecution's position.

Judge Fabrizio next heard from the defense attorney, who explained that the defense and prosecution had reached an agreement for the case to be resolved with a new plea:

Defense attorney: We did come today with the understanding that there would be a [new plea], that is what the DA's Office had consented to, and that's why we are here today, on that understanding.

Judge Fabrizio: You understood that? Until that I didn't get any papers until today. ... I'm sorry, you understood this to be until today that I have, I have no written response by anyone until today, you understood that?

Defense attorney: We didn't understand the -- we didn't know the case was actually on for today.

Judge Fabrizio: You can say whatever you want.

Judge Fabrizio's rebuke was misdirected. He blamed the defense for the prosecution's late filing: the papers he referred to were submitted by the DA's office, a fact he had discussed earlier in the appearance.

Growing angrier still, Judge Fabrizio accused the defense attorney of procedural manipulation, and he turned personally hostile:

[W]hy don't you just have the guts to say we want to dismiss the case because we think this is in the interest of justice and take it out of my hands? Because you don't. You dumped this, and the judge is then responsible, and the judge -- I don't know who else you have done this to.

Judge Fabrizio then continued to misrepresent the defense attorney's position—and reversed his own decision to vacate the conviction:

Judge Fabrizio: I don't want to say anything else because it will be another -- so, you know, you want it after I made my ruling? I made my ruling [to vacate the convictions and disallow a new plea].

Defense attorney: Your Honor --

Judge Fabrizio: I made the ruling.

Defense attorney: -- had I had the opportunity to speak before you made a ruling --

Judge Fabrizio: You have spoke [sic] through your motion papers and you got the relief you requested. You got the relief you requested.

Defense attorney: Your Honor.

Judge Fabrizio: Now you don't want that relief, you want to file a motion for different relief?

Defense attorney: No, Your Honor.

Judge Fabrizio: You want to file a motion for different relief after I granted this motion?

Defense attorney: Well, I want to support my original application.

Judge Fabrizio: Your application to file an additional motion is granted, because I have no discretion to deny anything like that any more. You can file whatever you want. You can do whatever you whatever. You want a return date? You can pick anything you want. And whenever it's on the calendar it will appear on the calendar. If no one's filed their response in time, I just won't read anything, and I will try to do my job, which I thought was to make sure that as a judge I kept things moving along when dates and times and places were set, and that schedules meant something. [...] You may step out. We are done.

Defense attorney: Judge.

Judge Fabrizio: You can do whatever you want. My decision is vacated. You are filing a supplemental motion. You can do whatever you want.

This case also illustrates Judge Fabrizio's pattern of mischaracterization, outrage, and manufactured conflict. Rather than oversee a straightforward appearance, Judge Fabrizio created a fictional narrative, insisting that attorneys had taken positions they had not, accusing them of procedural manipulation, and falsely accusing them of filing motions late. When both the prosecutor and the defense attorney tried to clarify, he cut them off and asserted his own distortions. His anger escalated not in response to attorney conduct, but instead to his own versions of events. The appearance culminated in judicial whiplash: he granted relief, refused to hear clarification, accused the defense attorney of seeking "different relief" when they attempt to explain, then angrily reversed his own decision.

In another case, Judge Fabrizio both threatened attorneys and excoriated the defendant with a dehumanizing, hyper-moralizing invective at his sentencing.

In this case, Judge Fabrizio's frustration over the prosecution's delay in scheduling witness testimony escalated to a threat:

If this happens again I will be saying in front of this jury when you have a witness here for two minutes and they are coming in for an entire day, call your next witness and have in front of the jury them [sic] know that you are the person who is delaying the case. ... I've had it.

When Judge Fabrizio was notified that the jurors were waiting to enter the courtroom, he continued to threaten to blame the prosecutor in front of the jurors for any delays:

All the jurors are here. Let's bring them over. And we will not be coming in at all tomorrow because you have no witnesses and I don't care about this [witness's] schedule. This sergeant will be here in the mix of a lot of other witnesses on Monday or Tuesday and you better have four or five witnesses a day next week and you will have the day off tomorrow to make sure everything is scheduled and you better have it. Otherwise, I [sic] going to do exactly what I said I was going to do [tell the jurors that the prosecutor is responsible for delays].

Judge Fabrizio then criticized the prosecutor's trial strategy: "You spent a fraction of the time with the most important witness in the case, who's the complaining witness. I thought he would be on the stand for a day and a half."

And at the sentencing, the defense attorney entered extensive mitigating evidence into the record, including the defendant's significant and extensive mental health issues and serious physical health conditions. Judge Fabrizio sniped that these factors "did nothing to correct or to place in any perspective" the defendant's criminal record—and then delivered a sweeping, categorical condemnation of the defendant's worth as a person immediately before imposing the maximum sentence, saying he had "done nothing of a positive nature for anyone anywhere" and:

There is nothing redeeming that I find in anything I've read about you, anything I've heard about you, anything that I have experienced by being in your presence, in this courtroom testifying at a trial. Nothing. You are beyond redemption. You are beyond rehabilitation. You are beyond any hope of leading a life that is not a danger to anybody else. [...] So I don't see any reason to give you any further leniency, any further mercy, any further exercise of my discretion, to give you any sentence that would not match the severity of the crime, the horror of the situation, the intensity of your criminal record, the immensity of your criminal record other than the maximum sentence.

Mimicking and Belittling Attorneys in People v. [Redacted #3]

In a different case, Judge Fabrizio mocked attorneys by mimicking their speech and tone:

This back and forth with the DA, oh, please, oh, please, c'mon, c'mon, c'mon, all the cajoling that happened in the courtroom which was completely inappropriate.

Despite Hostility Toward Both Defense Attorneys and Prosecutors, Perception of Bias Toward Prosecution—and Worse Representation for Defendants

Both prosecutors and defense attorneys have recounted Judge Fabrizio treating them with hostility, but each has perceived that he is favorable to the prosecution in his rulings.

The former prosecutor who was subjected to Judge Fabrizio's 45-minute "tirade" [told THE CITY](#): "[Judge Fabrizio] was kind of prosecutor-friendly. So if you could tolerate the abuse, ultimately he would rule in your favor."

In response to a survey, numerous defense attorneys described behavior and demeanor like that captured by the transcripts and news reports above, especially directed toward defendants and their attorneys:

- "I fear every appearance in front of him. I don't know if he will scream at me, at my client, at my adversary, or at court staff. But I know there will be screaming regardless of how prepared the parties are for the appearance. ... I do not know a single judge in my entire career who matches the unprofessional vindictiveness of Judge Fabrizio."
- "He is very biased against the accused. He assumes everyone is guilty and will tolerate nothing but the harshest dispositions."
- "The most sadistic and cruel judge I appeared in front of in over more than a decade of criminal practice in the Bronx. Extremely erratic. Terrible judicial temperament. Mistreats defense counsel, prosecutors, and litigants. ... Appearances are a roller coaster ride where you have no idea what to expect. Outcomes are mostly anti-defense except for with the few defense lawyers he inexplicably seems to like. Explosive temper issues and tantrums. Slow calendar and dispositions that are either delayed because he wastes time berating everyone or happen too quickly because he threatens clients for not taking pleas. Practicing in front of him is a horrible experience and he is well known for making the lives of people who appear in front of him unnecessarily stressful."
- "Judge Fabrizio does not have the appropriate demeanor to be a judge. He is frequently very nasty to attorneys appearing before him. He is wildly mercurial and unpredictable."
- "Rude to everyone but especially defendants."
- "His courtroom was a very tense place to be. He seemed to enjoy upsetting [defendants] to get a reaction out of them."
- "He belittles attorneys and defendants."
- "It's overwhelming to convey all of the anecdotes of 10 years of practice in front of Judge Fabrizio. He is mentally unwell, capricious, unethical, biased to an astounding degree. ... Everyone can attest that this man is unfit for the bench."

When a judge is known to behave unpredictably or punitively, as Judge Fabrizio is, self-protection and client protection combine to cause defense attorneys' advocacy to become cautious instead of zealous. Attorneys appearing before such a judge learn that standard competent advocacy on behalf of their clients, whether through objections or aggressive arguments, carries risk, either to the attorneys in the form of formal punishments or interpersonal humiliation, or as retaliation against their clients in the form of denied motions, harsher rulings, or more subtle penalties.

Extraordinary Pattern of Complaints

Judge Fabrizio has been the subject of formal complaints from at least eight attorneys documenting more than a dozen incidents of courtroom abuse, threats, and erratic behavior going back to at least 2008.

Formal complaints against judges are rare. Many practicing attorneys are reluctant to register concerns and grievances about judges, instead choosing to overlook and move past all-too-common unbecoming, disrespectful, and abusive conduct by judges, believing that the risk of retaliation against them or their clients outweighs the prospect of accountability or change, since very [few complaints](#) materialize into public discipline, much less meaningful sanctions. (The absence of public discipline does not mean a complaint lacks merit. The Commission on Judicial Conduct operates under strict confidentiality, issues private sanctions that never become public, and dismisses cases for reasons of procedure or resources that indicate nothing about whether the relevant judge's conduct was appropriate.) So formal complaints from at least eight attorneys, including both prosecutors and defense lawyers, documenting more than a dozen incidents over 15 years is extraordinary—especially so because these complaints against Judge Fabrizio are only public because a journalist found out about them; they were not made public by the court system.

As a result, most judges who conduct themselves inappropriately never face complaints. So when a judge faces not one, but multiple complaints, the signal of inappropriate behavior is especially strong. The breadth and consistency of the complaints against Judge Fabrizio, coming from attorneys on both sides of the adversarial system, demonstrate a clear pattern rather than isolated incidents or personality conflicts.

The 2016 Internal Complaint

In 2016, a Bronx prosecutor submitted a [complaint](#) to Darcel Clark, the Bronx district attorney and a former judge, accusing Judge Fabrizio of being “verbally abusive,” refusing to allow prosecutors to make “a proper record,” and “consistently attacking the integrity, ethics, and character” of prosecutors. The complaint included an attachment documenting 14 alleged courtroom incidents going back to 2008 from at least six Bronx prosecutors, all of whom claimed that Judge Fabrizio had screamed at or repeatedly interrupted them. Some also claimed he threatened to jail or fine them. The complaint argued that Judge Fabrizio's conduct raised the possibility that he had violated the courts' judicial conduct rules, which hold that judges “shall be

patient, dignified, and courteous” to attorneys and must accord attorneys “the right to be heard according to law.”⁷

Examples from the complaint include:

1. In 2008, a prosecutor claimed that Judge Fabrizio threatened to fine them or hold them in contempt of court over a clerical error—which turned out to be the fault of the district attorney’s support staff, not the prosecutor.
2. In 2014, a prosecutor claimed that Judge Fabrizio subjected her to, in the description of reporting on the complaint, “a 45-minute tirade in which he chewed her out” for a plea offer that she had not formulated but was merely conveying on behalf of another prosecutor.

The 2018 Complaint to the Mayor’s Advisory Committee on the Judiciary

When Judge Fabrizio was up for reappointment to a new term in 2018, criminal defense attorney Alice Fontier submitted a complaint about his behavior to the New York City mayor’s judicial screening committee, the Mayor’s Advisory Committee on the Judiciary. Ms. Fontier, who was practicing in Bronx courts at the time, [said](#): “Attorneys have to walk on eggshells. He is prone to being erratic and his rulings seem to depend more on his mood than anything else.”

Despite Ms. Fontier’s complaint and request that Judge Fabrizio not be given another term, then-Mayor de Blasio decided to reappoint him.

The 2020 Complaint to the Commission on Judicial Conduct

By 2020, the Bronx prosecutor who had filed the 2016 complaint internally had left the office and felt no change had resulted from his earlier complaint. So that year, he submitted a [new complaint](#)—along with the original attachment documenting the 14 alleged courtroom incidents—to the New York State Commission on Judicial Conduct. In the new complaint, the former prosecutor recounted a conversation with District Attorney Clark’s then-counsel, Joseph Dawson, also a former judge, after submitting the memo internally:

During our meeting, after relaying my concerns, Judge Dawson stated in sum and substance: “I’ve known Ralph for a very long time. We used to work together in the Manhattan DA’s office. He’s a good guy. He just has a bit of a temper.” When I asked if anything was going to be done about this apparent long-standing and widespread pattern of abusive conduct, Judge Dawson said that he would speak to the DA about it. I never heard anything about it again.

Despite these complaints, a spokesperson for the New York Commission on Judicial Conduct [said](#) that “no public disciplinary action has been taken with respect to Judge Fabrizio.” Whether the Commission took any private or confidential action is not known.

⁷ Rules of the Chief Administrative Judge, Judicial Conduct, [Part 100.3](#).

The Inspector General Investigation

Around January 2023, a Bronx public defender [told the publication THE CITY](#) that she met with an investigator for the Office of Court Administration’s Inspector General, who interviewed her about an anonymous complaint filed against Judge Fabrizio.

The Bronx public defender said she told the Inspector General’s office that she had witnessed Judge Fabrizio “storming off the bench in the middle of court arguments and remanding a defendant to Rikers Island after he refused to take a plea deal.” The public defender told THE CITY that she had “told [the Inspector General investigator] that [Judge Fabrizio] acts crazy all the time, that he doesn’t listen. He acts erratic. You never know who you’re dealing with. You never know what’s going on.”

The Bronx Freedom Fund Ruling: Shutting Down Help for Poor Defendants

In 2009, Judge Fabrizio [shut down](#) the Bronx Freedom Fund, a charitable organization that posted bail for indigent defendants charged with misdemeanors who otherwise would have been in jail simply because they were too poor to afford bail.

For more than a year and a half, starting in November 2007, The Bronx Defenders had been running a small fund that paid bail for people charged with misdemeanors who otherwise would have spent days or weeks in jail before their trials solely because they were too poor to afford to pay bail. The fund paid bail for nearly 200 people who met basic conditions: (a) they had to be charged with misdemeanors or nonviolent felonies, (b) their assigned bail had to be no more than \$1,500, (c) they had to be unable to pay by themselves, and (d) they had to not be a significant flight risk.

When Judge Fabrizio saw a defendant named William Miranda sitting in his courtroom, dressed in street clothes and not in handcuffs, he was surprised. Three days earlier, Mr. Miranda had been arraigned on two misdemeanor assault charges, and Judge Fabrizio had set a substantial bail amount—\$1,500 for each charge—certainly more than Mr. Miranda could come up with. When Judge Fabrizio asked how Mr. Miranda had paid bail, he learned the Bronx Freedom Fund had paid it.

Over the objection of the defense, Judge Fabrizio began an investigation into the Bronx Freedom Fund and its activities. The fund submitted letters to Judge Fabrizio by former clients that described how the fund allowed them to stay in school, avoid immigration detention, and remain with their families while their cases were pending.

Although the fund took no money from its clients and made no money through its operation, Judge Fabrizio determined that it was a business and ruled that the fund was illegal. “The Bronx Freedom Fund is a ‘bail bond business’ and an ‘insurance business,’” he wrote in his final decision, which led to the shuttering of the fund.

Judge Fabrizio's ruling shut down the first effort in New York City to give poor defendants the same chance as wealthier New Yorkers to fight their cases from home rather than from Rikers. Fortunately, his ruling was overturned by legislative action: In 2012, New York's legislature passed, and the governor signed, a bill making charitable bail funds legal in New York.