

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding Pursuant to  
Section 44, subdivision 4, of the Judiciary Law  
in Relation to

**VERIFIED ANSWER**

**JENNIFER R. NUNNERY**, a Justice of the  
Darien Court, Genesee County

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Respondent, Jennifer R. Nunnery, a Justice of the Darien Court, Genesee County, responds  
as follows to the allegations set forth in the Formal Written Complaint, dated June 24, 2022:

1. Paragraph 1 of the Complaint requires no response.
2. Paragraph 2 of the Complaint requires no response.
3. Paragraph 3 of the Complaint requires no response.
4. **ADMITS** the statements set forth in paragraph 4 of the Complaint.
5. **ADMITS** the allegations set forth in paragraph 5 of the Complaint, except **DENIES**

that the referenced language was either derogatory or demeaning.

6. **ADMITS** the statements set forth in paragraph 6 of the Complaint.
7. **ADMITS** the allegations set forth in paragraph 7 of the Complaint.
8. **ADMITS** the allegations set forth in paragraph 8 of the Complaint.
9. **ADMITS** the allegations set forth in paragraph 9 of the Complaint.
10. **ADMITS** the allegations set forth in paragraph 10 of the Complaint.
11. **ADMITS** the allegations set forth in paragraph 11 of the Complaint.

12. **ADMITS** the allegations set forth in paragraph 12 of the Complaint, except **DENIES** that Respondent failed to uphold the integrity and independence of the judiciary, failed to respect and comply with the law, and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

13. **ADMITS** the allegations set forth in paragraph 13 of the Complaint.

14. **ADMITS** the allegations set forth in paragraph 14 of the Complaint.

15. **ADMITS** the allegations set forth in paragraph 15 of the Complaint.

16. **ADMITS** the allegations set forth in paragraph 16 of the Complaint.

17. **ADMITS** the allegation set forth in paragraph 17 of the Complaint, except **DENIES** that Respondent failed to uphold the integrity and independence of the judiciary and lent the prestige of judicial office to advance the private interests of others.

#### **FIRST AFFIRMATIVE DEFENSE**

18. With respect to the allegations underlying **CHARGE ONE**, Respondent was unaware between the period December 2020 and April 2021 that there are separate privacy settings associated with each Facebook post.

19. Upon being informed of the issues associated with the Facebook post underlying **CHARGE ONE** by Administrative Judge Mark Montour, in or about April 2021, Respondent immediately removed the Facebook post at issue from her Facebook.

20. Since April 2021, Respondent checks the privacy settings with respect to each of her individual Facebook posts.

## **SECOND AFFIRMATIVE DEFENSE**

21. With respect to both **CHARGE ONE** and **CHARGE TWO**, Respondent interprets the terms “integrity” and “impartiality” to concern bias, prejudice, fairness and honesty, as set forth in Section 100.0(R) and (T) of the Rules Governing Judicial Conduct.

## **THIRD AFFIRMATIVE DEFENSE**

22. With respect to **CHARGE TWO**, Respondent is not acquainted with Carrie Phillips, but does know her husband, Gary Phillips, who is a Court Attorney in Wyoming County Family Court.

23. Respondent is Facebook friends with Gary Phillips.

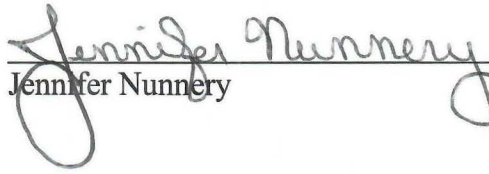
24. Upon information and belief, Respondent “liked” a Facebook posting by Mr. Phillips that included a reference to his wife running for Buffalo City Court Judge, without recognizing that this post referred to her candidacy.

25. At the time, Respondent was also unaware that “likes” by her on Facebook became publicly available, particularly as this “like” was not present on her own Facebook page.

26. Immediately upon becoming informed that this “like” was an issue, Respondent “un-liked” the page referring to the Phillips candidacy.

**WHEREFORE**, Respondent respectfully requests that the matters in mitigation outlined above be taken into consideration in the resolution of the Formal Written Complaint that has been filed against her.

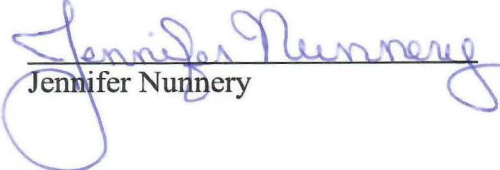
Dated: July 26, 2022  
Darien Center, NY.

  
Jennifer Nunnery


STATE OF NEW YORK )  
COUNTY OF GENESEE ) SS.:

INDIVIDUAL VERIFICATION

Jennifer Nunnery, being duly sworn, deposes and says that she is the Respondent in the entitled action, that she has read the foregoing Verified Answer and knows the contents thereof, that the same is true to her own knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters, she believes the allegations to be true.

  
Jennifer Nunnery

Sworn to before me this  
26<sup>th</sup> day of July 2022.

  
Notary Public

JENNIFER M. WILKINSON  
Notary Public, State of New York  
Qualified in Wyoming County  
My Commission Expires April 18, 2025