

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

KYLE R. CANNING,

STIPULATION

a Justice the Altona Town Court,
Clinton County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable Kyle R. Canning (“Respondent”), as follows:

1. Respondent has been a Justice of the Altona Town Court, Clinton County, since January 2018. His term expires December 31, 2021. Respondent is not an attorney.
2. Respondent was served with a Formal Written Complaint dated May 7, 2019, containing one charge alleging that he shared an image and statement on his Facebook account that was visible to the public and conveyed and/or appeared to convey racial and/or political bias, and thereby failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
3. The Formal Written Complaint is appended as Exhibit 1.
4. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.

5. By letter dated June 27, 2019, a copy of which is appended as Exhibit 2, Respondent tendered his resignation. Respondent affirms that he vacated judicial office on June 27, 2019.

6. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from a judge's resignation to complete proceedings and, if it so determines, render and file a determination that the judge should be removed from office.

7. Respondent affirms that, having vacated his judicial office, he will neither seek nor accept judicial office at any time in the future.

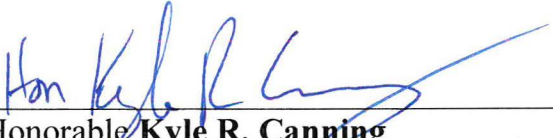
8. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

9. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

10. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (A) this Stipulation will become public upon being signed by the signatories below, and (B) the Commission's Decision and Order regarding this Stipulation will become public.

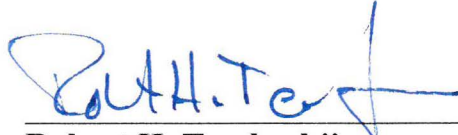
Dated:

7/11/19


Honorable **Kyle R. Canning**
Respondent

Dated:

7/10/2019


Robert H. Tembeckjian
Administrator and Counsel to the Commission
(**Cathleen S. Cenci and Eteena J. Tadjigoueu,**
Of Counsel)

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

KYLE R. CANNING,

a Justice of the Altona Town Court,
Clinton County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Kyle R. Canning, a Justice of the Altona Town Court, Clinton County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with his verified Answer to the specific paragraphs of the Complaint.

Dated: May 7, 2019
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

To: Hon. Kyle R. Canning
Altona Town Justice
3124 Miner Farm Road
Altona, New York 12910

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

**FORMAL
WRITTEN COMPLAINT**

KYLE R. CANNING,

a Justice of the Altona Town Court,
Clinton County.

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct ("Commission"), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Kyle R. Canning ("Respondent"), a Justice of the Altona Town Court, Clinton County.

3. The factual allegations set forth in Charge I state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct ("Rules").

4. Respondent has been a Justice of the Altona Town Court, Clinton County, since January 1, 2018. His term expires on December 31, 2021. Respondent is not an attorney.

CHARGE I

5. From in or about February 2018 to in or about August 2018, Respondent conveyed and/or appeared to convey racial and/or political bias, and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in that he posted to his Facebook account a picture of a noose with the annotation, "IF WE WANT TO MAKE AMERICA GREAT AGAIN WE WILL HAVE TO MAKE EVIL PEOPLE FEAR PUNISHMENT AGAIN." The post, which was visible by the public, is attached as Exhibit A.

Specifications to Charge I

6. Facebook is an internet social networking website that, *inter alia*, allows its users to post and share content on their own Facebook pages as well as on the pages of other users. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content on one's Facebook account may be viewable online by the public or restricted to one's Facebook "Friends."

7. In or about February 2018, Respondent maintained a Facebook account under the name "Kyle Canning." Respondent had approximately 121 Facebook "Friends."

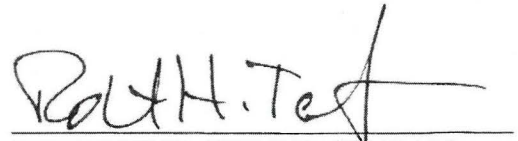
8. On or about February 18, 2018, Respondent posted an image on his Facebook account as shown in Exhibit A. The image shows a noose in front of a black background and, at the top of the image in white capital letters, the words "IF WE WANT TO MAKE AMERICA GREAT AGAIN WE WILL HAVE TO MAKE EVIL PEOPLE FEAR PUNISHMENT AGAIN." The image posted by Respondent was viewable by the public.

9. On or about August 27, 2018, Respondent removed the image from his Facebook account after receiving a letter from the Commission questioning the propriety of the image.

10. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that he 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, in violation of Section 100.2(A) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct all of his extra-judicial activities so that they do not cast reasonable doubt on his capacity to act impartially as a judge or detract from the dignity of judicial office, in violation of Section 100.4(A)(1) and (2) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: May 7, 2019
New York, New York

A handwritten signature in black ink, appearing to read "R. H. Tembeckjian", written over a horizontal line.

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

VERIFICATION

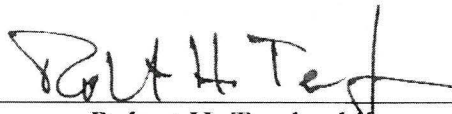
KYLE R. CANNING,

a Justice of the Altona Town Court,
Clinton County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
7th day of May 2019



Notary Public

KAREN KOZAC REITER
Notary Public, State of New York
No. 02RE6171500
Qualified in New York County
Commission Expires November 2, 2019



Kyle Canning Timeline Recent

Add Friend

Intro

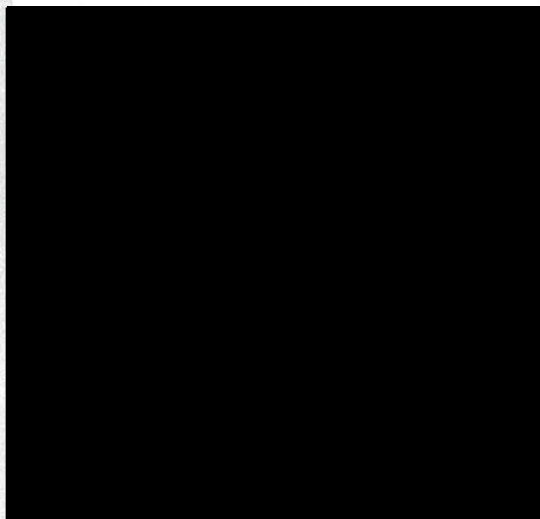
Lives in Plattsburgh, New York

From Altona, New York

Photos



Friends · 121



See what you have in common with Kyle's friends

View

English (US) · Español · Português (Brasil) · Français (France) · Deutsch



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Facebook © 2018

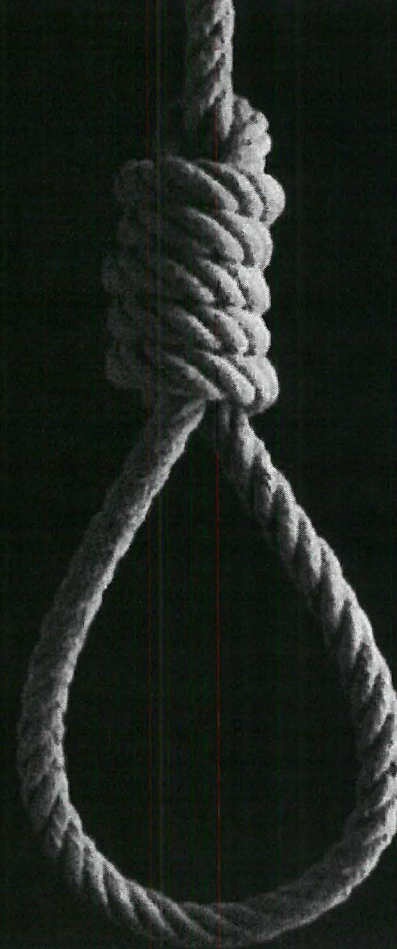


Kyle Canning shared a post.

February 18 ·

...

**IF WE WANT TO MAKE
AMERICA GREAT AGAIN WE
WILL HAVE TO MAKE EVIL
PEOPLE FEAR PUNISHMENT AGAIN**



imgur.com

Weapons Vault

Like Page

EXHIBIT A

EXHIBIT 2
RECEIVED

JUL 08 2019


NYS COMMISSION ON
JUDICIAL CONDUCT - ALB

6/27/19

To: Larry Ross; Altona Town Supervisor,

It is with a sense of despair that I find myself writing this letter. As you are aware, the Commission of Judicial Conduct has filed a formal written complaint against me. They have presented me with several different options in resolving what they claim to be a serious offense. I feel as though, due to my current financial situation and obligations to my family, I am being coerced into resigning. So effective immediately I will be vacating the office of Town Justice and I offer this letter of resignation to you for your official records. It has been a pleasure serving this town as one of its justices, and I will greatly miss my duties. I do formally apologize for the inconvenience and hardship that I have imposed on my co-justice and the Town of Altona.

Sincerely,



Kyle R. Canning