



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

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CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
KATHLEEN E. KLEIN
SENIOR ATTORNEYS

SHRUTI JOSHI
STAFF ATTORNEY

CONFIDENTIAL

June 1, 2023

VIA EMAIL TO: [REDACTED]@ [REDACTED]

Celia Zahner, Esq.
Clerk of the Commission
NYS Commission on
Judicial Conduct 61
Broadway, Suite 1200
New York, New York 10006


Re: Matter of Randy A. Hall

Dear Ms. Zahner:

Enclosed please find Commission Counsel's Notice of Motion, Affirmation, and Memorandum of Law in Support of Motion for Summary Determination in the above-referenced matter. A copy of the same is being served on Respondent today via overnight delivery to his home address and via email.

Thank you for your attention to this matter.

Very truly yours,


Kathleen E. Klein
Senior Attorney

Enclosures

cc: Hon. Randy A. Hall

[REDACTED]
[REDACTED]@ [REDACTED]

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

RANDY A. HALL,

a Justice of the Dickinson Town Court,
Broome County.

**NOTICE OF MOTION
FOR
SUMMARY DETERMINATION**

PLEASE TAKE NOTICE that upon the annexed affirmation of Cathleen S. Cenci, the annexed exhibits, and the Memorandum by Counsel to the Commission, a motion will be heard by the State Commission on Judicial Conduct at 61 Broadway, New York, New York 10006, on the 20th day of July, 2023, seeking a summary determination pursuant to 22 NYCRR 7000.6(b) and (c) that the Honorable Randy A. Hall has engaged in judicial misconduct.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are required to be filed with the Commission and to be served upon the undersigned on or before June 22, 2023.

Dated: June 1, 2023
Albany, New York

Cathleen S. Cenci, Esq.
Deputy Administrator
Commission on Judicial Conduct
Corning Tower, Suite 2301
Albany, New York 12223
(518) 453-4600

TO: Hon. Randy A. Hall


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

RANDY A. HALL,

a Justice of the Dickinson Town Court,
Broome County.

**AFFIRMATION IN SUPPORT
OF MOTION FOR
SUMMARY
DETERMINATION**

CATHLEEN S. CENCI, an attorney duly authorized to practice in the courts of the State of New York, affirms under the penalties of perjury:

1. I am a Deputy Administrator for the New York State Commission on Judicial Conduct (“Commission”). I submit this affirmation in support of a motion for summary determination in the above-captioned matter.
2. Pursuant to Section 44, subdivision 4, of the Judiciary Law of the State of New York, the Commission directed that a Formal Written Complaint (“Complaint”) be served upon the Honorable Randy A. Hall (“Respondent”), a Justice of the Dickinson Town Court, Broome County.
3. The Complaint, dated March 15, 2023, contains four charges, alleging that Respondent: (1) repeatedly asserted his judicial office with police during a dispute with another customer at a gas station; (2) engaged in a pattern of sexually inappropriate, harassing and unwelcome behavior toward his co-judge and staff,

and made inquiries in court about finding employment as a police officer; (3) made comments in court conveying the impression that he had prejudged the guilt of criminal defendants appearing before him; and (4) posted sexual and otherwise inappropriate content to his public Facebook page. A copy of the Complaint is annexed as Exhibit A.

4. On March 16, 2023, Respondent was served with a Notice of Formal Written Complaint and the Complaint itself by certified mail, return receipt requested. Respondent received the Complaint on March 18, 2023. A copy of the affidavit of service and the delivery confirmation are annexed as Exhibit B.

5. Pursuant to Section 7000.6(b) of the Commission's Operating Procedures and Rules, Respondent's verified Answer was due within 20 days of service of the Complaint. Respondent has not served an Answer to the Complaint to date, and the 20-day deadline for him to do so has long since expired.

6. Pursuant to Section 7000.6(b) of the Commission's Operating Procedures and Rules, because Respondent failed to answer to the Complaint, all the allegations in the Complaint are deemed admitted by Respondent. Based on Respondent's failure to serve an Answer, there is no genuine issue as to any material fact, and summary determination is appropriate, pursuant to the Section 7000(6)(c) of the Commission's Operating Procedures and Rules.

7. As set forth more fully in the accompanying Memorandum by Commission Counsel, Respondent's misconduct as set forth in the Complaint is hereby established. Accordingly, Commission Counsel respectfully requests that the Commission grant summary determination as to Charges I through IV of the Complaint.

WHEREFORE, it is respectfully submitted that no issues of fact exist, and that summary determination be entered finding that Charges I through IV of the Complaint are sustained, that Respondent engaged in judicial misconduct, and that a date be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

Dated: June 1, 2023
Albany, New York



CATHLEEN S. CENCI
Deputy Administrator
State Commission on Judicial Conduct
Corning Tower, Suite 2301
Albany, New York 12223
(518) 453-4600

EXHIBIT A

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

RANDY A. HALL,

a Justice of the Dickinson Town Court,
Broome County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Randy A. Hall, a Justice of the Dickinson Town Court, Broome 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: March 15, 2023
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. Randy A. Hall
[REDACTED]
[REDACTED]

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**

RANDY A. HALL,

a Justice of the Dickinson Town Court,
Broome County.

1. Article VI, 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 Randy A. Hall (“Respondent”), a Justice of the Dickinson Town Court, Broome County.

3. The factual allegations set forth in Charges I – IV 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 Dickinson Town Court, Broome County, since January 2022. His term expires on December 31, 2025.

Respondent is not an attorney.

CHARGE I

5. On or about March 3, 2022, during a dispute with another customer at one of the gas pumps at a service station in Binghamton, New York, Respondent repeatedly asserted his judicial office with the police, first when he called 911 to request their presence at the scene, and later when he sought to have the other party to the dispute charged with harassment.

Specifications to Charge I

6. On or about March 3, 2022, at approximately 12:40 PM, Respondent got into a dispute with John Dubrava over access to a particular gas pump at a gas station in Binghamton, New York. At approximately 12:43 PM, Respondent called 911 to report that he was being threatened in connection with a dispute over a gas pump. He requested that an officer be sent “right away” to his location, which was a service station on Upper Front Street in Binghamton.

7. When asked by the 911 operator to clarify his location, Respondent stated, “Yeah, this is Judge Hall. It’s right by Sonic.”

8. When asked by the 911 operator to provide his name, Respondent answered, “I’m Judge Hall. Randy Hall.”

9. Within minutes, members of the Broome County Sheriff’s Office responded to the location and remained on the scene for approximately 15

minutes, during which time Respondent gratuitously identified himself as a judge three additional times as follows:

- A. "I'm Judge Hall . . ." (as he extended his arm to shake hands with the deputy);
- B. "My name is Randy Hall . . . I'm the judge . . . from Dickinson . . . Town of Dickinson";
- C. "Officer . . . I'm a . . . I'm a judge . . . okay, I'm not lying . . . I'm just saying I am not lying to you. I'm telling you that this guy threatened my life."

10. Respondent told the officers he wanted Mr. Dubrava charged with harassment, but the officers did not do so and let both Respondent and Mr. Dubrava leave the scene.

11. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 lent the prestige of judicial office to advance his own private interest, in violation of Section 100.2(C) 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 his extra-judicial activities so that they do not cast reasonable doubt on his capacity to act impartially as a judge, do not detract from the dignity of judicial office, and are not incompatible with judicial office, in violation of Sections 100.4(A)(1)(2) and (3) of the Rules.

CHARGE II

12. From in or about January 2022, when Respondent became a Dickinson Town Justice, to on or about March 30, 2022, when his Deputy Chief Administrative Judge ordered that cases pending before him be reassigned and that he be confined to judicial chambers, Respondent (A) engaged in a pattern of sexually inappropriate, harassing, and unwelcome behavior toward his co-judge and court staff, and (B) made inquiries while in court and on the record about finding employment in the police department.

Specifications to Charge II

13. At all times pertinent to the charges herein, Stacy Thatcher and Bradley Wallace were employed as court clerks in the Dickinson Town Court, and Kathleen Groover was Respondent's co-judge in the Dickinson Town Court. Respondent and Judge Groover shared the court office that served as chambers.

14. In early January of 2022, when Dickinson Town Court Clerk Stacy Thatcher first met Respondent, he requested her assistance in donning a high

school graduation gown that he wished to use as a judicial robe. The gown appeared to be too small or tight for him and could not be zipped past his midsection.

15. Ms. Thatcher obliged. While she crouched down to assist Respondent, she suggested he hold his tie so it would not become caught in the zipper of the robe. In reply, Respondent remarked that his tie was not the only thing he did not want caught in the zipper, which Ms. Thatcher understood to be a reference to the judge's genitalia, and which made her very uncomfortable.

16. In or about late January 2022, Respondent approached Judge Groover in their shared chambers with his arms outstretched and asked her to assist with zipping the graduation gown that he was still using as his judicial robe. The robe zipped in the front, and at the time the zipper's hasp was located near Respondent's groin area. Judge Groover, who was seated at her desk, sternly declined. Respondent laughed and stated, in sum and substance, that Judge Groover was not his mother.

17. In or about January 2022, while Respondent, Ms. Thatcher and Mr. Wallace attended a mandatory sexual harassment awareness and training program, Respondent repeatedly made comments mocking the training, including words to the following effect:

A. "So, I can't tell a joke like this?"

B. “What about this joke?” and

C. “So, I can’t say, ‘So that’s what she said’?”

18. In or about January 2022, Respondent, while in the courtroom, told a crude and inappropriate joke to Court Clerk Bradley Wallace involving a farmer, marihuana, and sexual intercourse with a pig. When Mr. Wallace did not react to Respondent’s joke, he asked if the joke was funny. Mr. Wallace responded that it was not.

19. On or about February 8, 2022, in the courtroom, Respondent offered Ms. Thatcher a cookie, which she declined, [REDACTED]. Respondent then commented on her personal appearance by stating, “You’re a good lookin’ girl now. You’ll be a knockout” and “(inaudible) I’m going with a pretty girl, she made you look small. She’s gonna go do that too, so she says.”

20. On or about February 8, 2022, Respondent, while in the courtroom and on the record, engaged in a conversation with Port Dickinson Police Officer Domenico Rossi, who was serving as a court officer, about a “chick” Respondent was dating who “started going crazy on (him).” The officer asked Respondent if he dumped her yet. Respondent said, “Oh yeah, fuck yeah.” Respondent said the woman “has...one of those multiple personalities” and would call and send him messages that led him to think, “I don’t understand why you’re like

that?...You fucking called me up, call me every name in the book, threatening me, threatened to have me arrested, threatened my job. I said what the fuck? You know?” Respondent and the officer then spoke about how people have to be careful what they say, as it could be used against them, after which Respondent described for the officer an intimate picture on his phone, saying, “I told you about the tit thing, right?...Well, she sent me a...picture of her tit and her fingernail’s pinching the nipple. I never asked for it . . . and her head wasn’t in it or anything.” Respondent then resumed presiding over matters.

21. In or about February or March 2022, while in chambers, Respondent approached Judge Groover, who was seated at her desk. Respondent told Judge Groover that that he liked her face mask, which had a leopard-print pattern. Respondent then asked whether her mask matched her underwear. Judge Groover responded in a stern tone demanding that Respondent step back. Respondent did not apologize or otherwise demonstrate awareness that he had said something inappropriate.

22. In or about mid-March 2022, while in chambers, Respondent asked Ms. Thatcher for assistance finding a flight to Florida so he could attend a family reunion, and she obliged. As Ms. Thatcher leaned over Respondent’s desk to access the laptop, he laughed and stated that women do not need men like men need women and added “you know it when you hear the humming,” which Ms.

Thatcher understood to be a reference to a vibrator, and which made her very uncomfortable.

23. In or about February 2022, Ms. Thatcher became so uncomfortable with Respondent's inappropriate comments that she refused to clerk for him on the bench.

24. On or about March 24, 2022, while Mr. Wallace and Ms. Thatcher were in their office, Mr. Wallace asked if she needed assistance with a file. Ms. Thatcher replied that she had already done the work and told Mr. Wallace, "I don't need you." Respondent, who was in chambers and not a party to the conversation, interjected by asking Mr. Wallace if he usually hears a loud humming sound when she says that. Mr. Wallace understood this to be a reference to a vibrator and told Respondent that he could not say things like that. Respondent replied that he knew and was only joking.

25. On or about February 8, 2022, Respondent, while in the courtroom and on the record, engaged in a conversation with Officer Rossi, who was serving as a court officer, about whether positions were available with the Port Dickinson Police Department. Respondent stated, "I want to work for the police department," and expressed an interest in part-time employment doing court duty, patrol or "anything." The officer explained that such employment would be a conflict of interest with Respondent's judicial position. They then discussed

the idea of Respondent's running for Police Commissioner, after which Respondent continued presiding over court matters.

26. Judge Groover, Mr. Wallace and Ms. Thatcher ultimately reported their concerns about Respondent's conduct to the Sixth District Administrative Office of the Unified Court System. By Administrative Order dated March 30, 2022, Deputy Chief Administrative Judge Norman St. George directed that all judicial matters pending before Respondent be reassigned to Judge Groover, that no additional matters be assigned to Respondent, and that he be confined to chambers until further order.

27. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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; failed to perform the duties of judicial office impartially and diligently, in that he failed to maintain order and decorum in

proceedings before him, in violation of Section 100.3(B)(2) of the Rules, failed to be patient, dignified and courteous to court staff and others with whom he dealt in an official capacity, in violation of Section 100.3(B)(3) of the Rules, and failed to perform judicial duties without manifesting bias or prejudice based upon sex, in violation of Section 100.3(B)(4) 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 his extra-judicial activities so that they do not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

CHARGE III

28. In or about March 2022, while presiding over cases in court, Respondent made comments that conveyed the impression that he had prejudged the guilt of various criminal defendants.

Specifications to Charge III

29. On or about March 8, 2022, while presiding over *People v Sarah Sivers*, Respondent was advised by the defendant's attorney that Ms. Sivers had been offered a plea to Resisting Arrest with a sentence of a six-month conditional discharge but needed time to consider the offer. Respondent addressed Ms. Sivers directly and asked, "How many cops did you take down?"

30. On or about March 10, 2022, Respondent conducted an arraignment on charges related to an arrest for Driving While Intoxicated in *People v Amanda Florance*. Respondent advised the defendant, who was represented by counsel and had entered a plea of not guilty, that she was being released on her own recognizance and would be contacted by the DMV regarding her license. At the conclusion of the proceeding, Respondent stated to the defendant, “It’s going to be an expensive lesson.”

31. On or about March 24, 2022, while arraigning a defendant identified only as Mr. Purnell, Respondent directly addressed the defendant, who was represented by counsel, and stated, “Purnell, look at me. Stay the hell out of trouble, will ya?”

32. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 perform the duties of judicial office impartially and diligently, in that he failed to perform judicial duties without bias or prejudice against or in favor of any person and manifested bias or prejudice, in violation of Section 100.3(B)(4) of the Rules.

CHARGE IV

33. In or about January and February 2022, Respondent posted sexual and otherwise inappropriate content to his public Facebook page, some of which referenced his judicial office.

Specifications to Charge IV

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

35. At all times relevant to this charge, Respondent maintained a personal Facebook account under the name "Randy Hall," which was viewable by the public.

36. In January 2022, Respondent posted the following to his Facebook page:

- A. “It was not a hung jury but they say the judge sure is,” with a beaming face emoji. In a response to a comment made in response to that post asking Respondent what he was up to these days, Respondent wrote that he was “just truly trying to provide justice in the town of Dickinson.” Another comment asked, “What is it up your robe your honor,” to which Respondent replied, “You been peeking.” A copy of the post is annexed as Exhibit A.
- B. A joke about a serial killer, a copy of which is annexed as Exhibit B.
- C. Commenting about the possibility of sneezing and “break[ing] wind just as you reach happy ending!” The post specified that such an experience was on Respondent’s “bucket list.” A copy of the post is annexed as Exhibit C.

37. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 his extra-judicial activities so that they do not cast reasonable doubt on his capacity to act impartially as a judge, do not detract from the dignity of judicial office, and are not incompatible with judicial office, in violation of Sections 100.4(A)(1)(2) and (3) 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: March 15, 2023
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

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

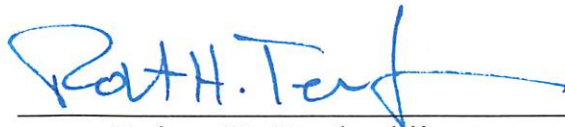
RANDY A. HALL,

a Justice of the Dickinson Town Court,
Broome County.

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

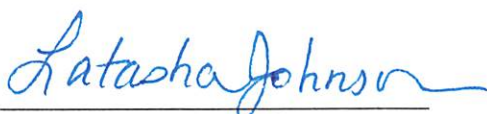
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

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
15th day of March 2023



Notary Public



Randy Hall



EXHIBIT A



Studied at SUNY Broome Community College



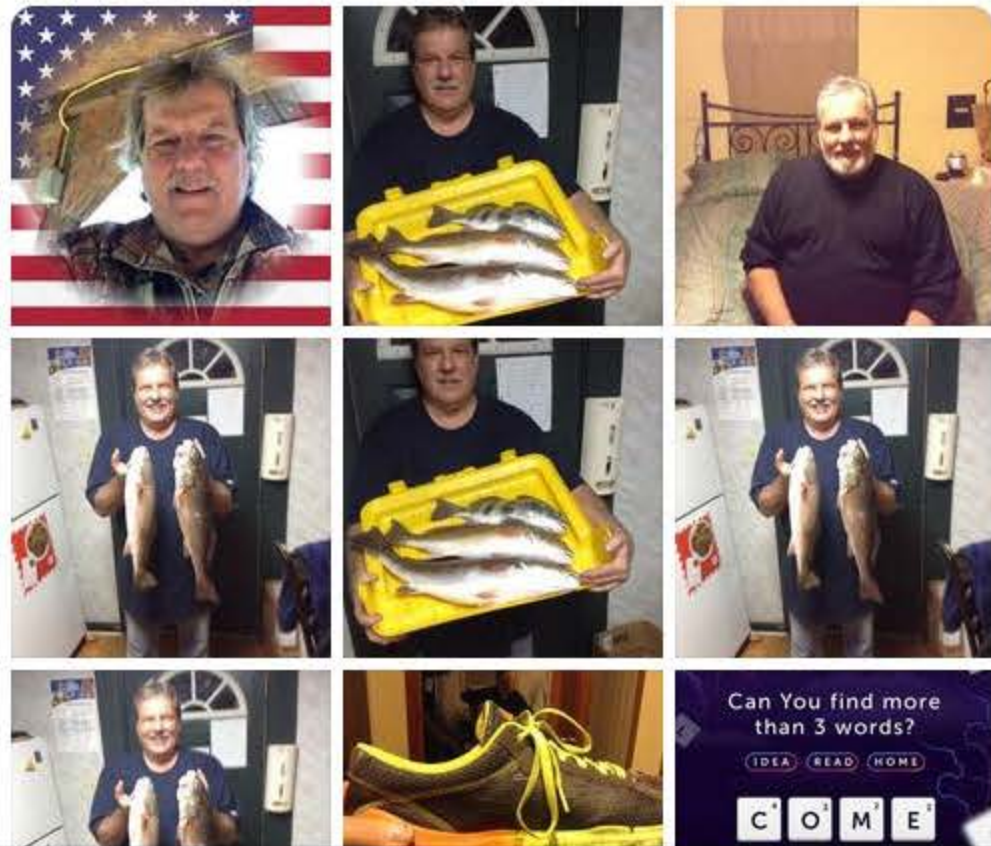
Went to Chenango Valley Junior - Senior High School



Lives in Port Dickinson, New York

Photos

See all photos



Randy Hall

January 14 · 🌐



It was not a hung jury but they say the judge sure is 😊



1

7 Comments



Like



Comment



Share



Ellie Campbell

Give me the nity gritty lowdown please. What are you up to these days. Cuzin

Like

Reply

10w



Randy Hall

Ellie Campbell just truly trying to provide justice in the town of Dickinson , my dear cuz.

Like

Reply

10w

Edited



Ellie Campbell

Randy Hall u still have me scratching my head sir. When have you had timeto get so much law knowledge ? Bestwishes !! !!!!



https://www.facebook.com/ellie.campbell.14?comment_id=Y29tbWVudDozMDg1NjQyMjA1MDE2NzcwXzMwODU4MjI4NDgzMzlwMzk%3D&_cft_[0]=AZVONhNRGwypxdMK2dk1GrYC_4xBExmSepK0U04cUuCpUygxgcbyhQDJUOtv...



Randy Hall



Friends

See all friends

226 friends



Carl Fitch



Colleen Conklin



Pete Westcott



Like Reply 10w Edited



Ellie Campbell
Randy Hall u still have me scratching my head sir. When have you had timeto get so much law knowledge ? Bestwishes !! !!!!

Like Reply 10w



Danny Register
What is it up your robe your honor

Like Reply 10w



Randy Hall
You been peeking

Like Reply 10w



Danny Register
No need your my older brother lol

Like Reply 10w



Sue Brink
U wish

Like Reply 10w



Write a comment...



Press Enter to post.





Randy Hall



EXHIBIT B



Carl Fitch



Colleen Conklin



Pete Westcott



Lorrie Vail-Stevens



Kathy Parker Bragg



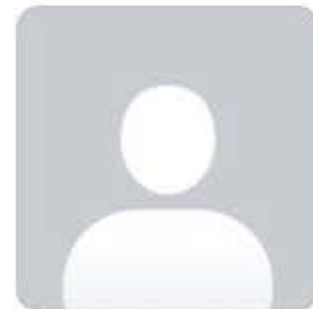
Bob Brown



Shane Brink



Char Reinsel



Katrina Haskins

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Randy Hall

February 13 · 🌐



**PICKED UP A HITCH-HIKER.
SEEMED LIKE A NICE GUY.
AFTER A FEW MILES,
HE ASKED ME IF I
WASN'T AFRAID
THAT HE MIGHT BE A
SERIAL KILLER?
I TOLD HIM THAT THE
ODDS OF TWO SERIAL**





Randy Hall



Friends

See all friends

226 friends



Carl Fitch



Colleen Conklin



Pete Westcott



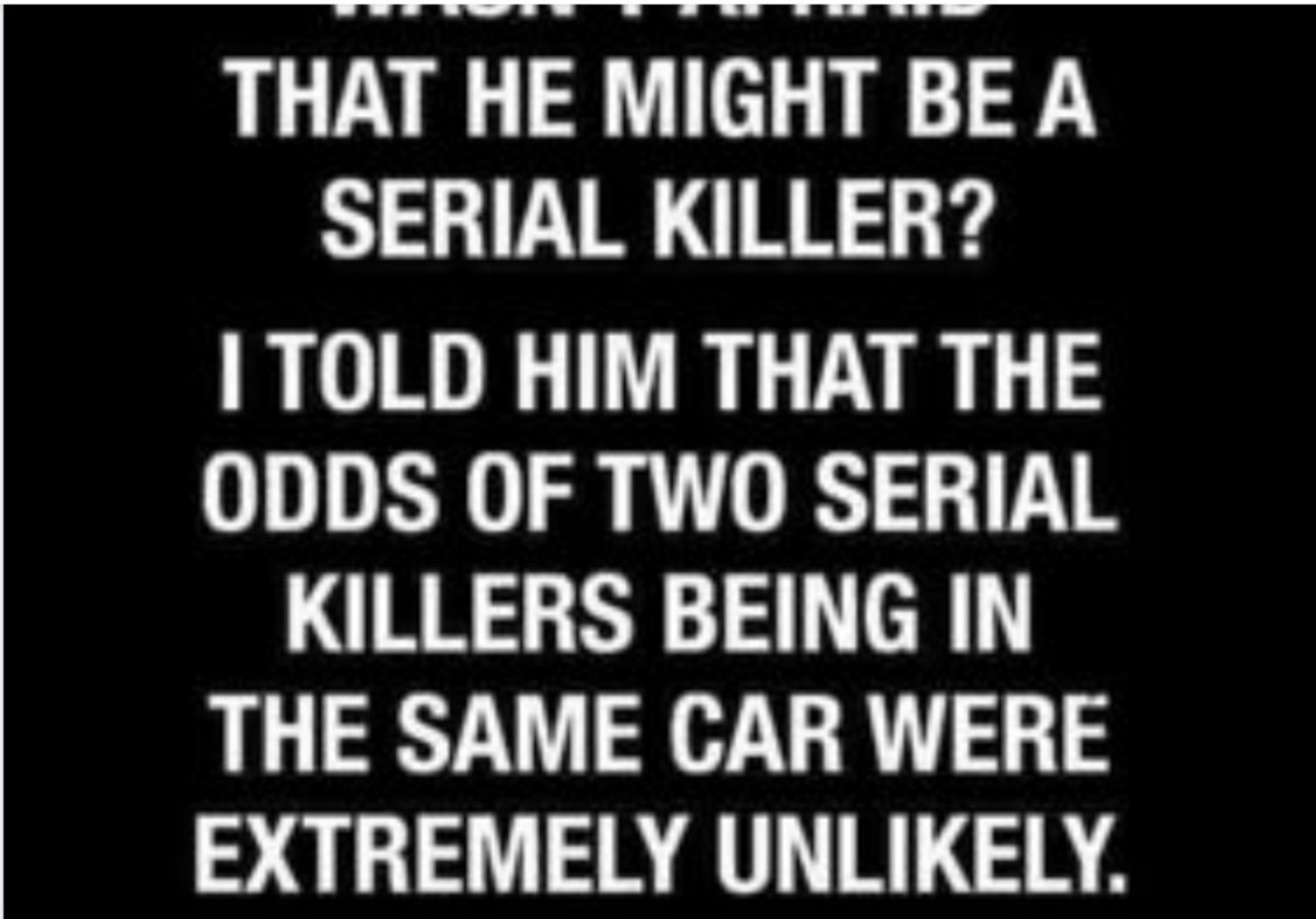
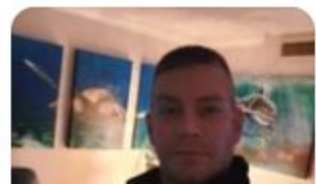
Lorrie Vail-Stevens



Kathy Parker Bragg



Bob Brown



Elm Treason is with Lisa Hurley and 16 others.

February 10 · 🌐

not music related, but damn funny...









1





 Randy Hall

-  Works at Phillip Morris USA
-  Works at Nabisco Cookies
-  Worked at Retired
-  Studied at SUNY Broome Community College
-  Went to Chenango Valley Junior - Senior High School
-  Lives in Port Dickinson, New York

Photos [See all photos](#)




 Randy Hall is  feeling excited.
January 29 · 🌐

Am i the only one out there that enjoys a good sneeze ?
How about breakwind and sneeze at same time ? Could be a little dangerous ! Now heres utopia sneeze , break wind just as you reach happy ending! I think I'll put it on my bucket list

2 Comments






 Like  Comment  Share

 **Paula Durkin**
You are definitely Lamont because Pam and I think the same way. It is way to dangerous to hold anything back. LOL

Like Reply 8w

 **John Hollan**
I do not know these people...

Like Reply 8w

 Write a comment...    

Press Enter to post.

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

RANDY A. HALL,

a Justice of the Dickinson Town Court,
Broome County.

Judge's Home Address

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon the judge in accordance with Judiciary Law § 44, subd. 7, the Court of Appeals has asked the Commission to provide the judge's home address.

Judge's Home Address

Request and Authorization to Notify Judge's Attorney of Determination

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon me in accordance with Judiciary Law § 44, subd. 7, the undersigned judge or justice:

(1) requests and authorizes the Chief Judge to cause a copy of my notification letter and a copy of the determination to be sent to my attorney(s) by mail:

Attorney's Name, Address, Telephone

(2) requests and authorizes the Clerk of the Commission to transmit this request to the Chief Judge together with the other required papers.

This request and authorization shall remain in force unless and until a revocation in writing by the undersigned judge or justice is received by the Commission.

Dated:

Signature of Judge or Justice

Acknowledgment:

Signature of Attorney for Judge or Justice

SEND TO: Clerk of the Commission
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

EXHIBIT B

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)

: ss.:

COUNTY OF ALBANY)

LETITIA WALSH, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age and works at the State Commission on Judicial Conduct, Empire State Plaza, Corning Tower, Suite 2301, Albany, New York 12223.

On March 16, 2023, deponent served the within Notice of Formal Written Complaint and Formal Written Complaint upon Hon. Randy A. Hall, at [REDACTED], by depositing a true copy of same enclosed in a post-paid properly addressed wrapper, certified mail, return receipt requested, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

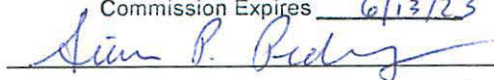


Letitia Walsh

Sworn to before me this

20 day of March, 2023

SIMON P. PEDROTTY
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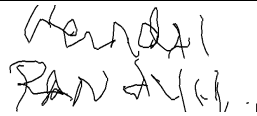
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STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

RANDY A. HALL,

a Justice of the Dickinson Town Court,
Chenango County.

**MEMORANDUM BY COUNSEL TO THE COMMISSION
IN SUPPORT OF MOTION FOR SUMMARY DETERMINATION**

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PRELIMINARY STATEMENT

This Memorandum is respectfully submitted by Counsel to the Commission on Judicial Conduct (“Commission”) in support of Counsel’s Motion for Summary Determination that the Honorable Randy A. Hall (“Respondent”), a Justice of Dickinson Town Court, Broome County, has committed judicial misconduct.¹

Respondent was served with a Formal Written Complaint (“Complaint”) on March 18, 2023. He has not filed or served an Answer. Pursuant to Sections 7000.6(b) and (c) of the Commission’s Operating Procedures and Rules, Respondent’s failure to serve an Answer is deemed an admission of all the factual allegations set forth in the Complaint and summary determination on the issue of misconduct has been established as a matter of law.

PROCEDURAL HISTORY

A. The Formal Written Complaint

Pursuant to Judiciary Law §44(4), the Commission authorized a Complaint, dated March 15, 2023, containing four charges, alleging that Respondent: (1) repeatedly asserted his judicial office with police during a dispute with another customer at a gas station; (2) engaged in a pattern of sexually inappropriate, harassing and unwelcome behavior toward his co-judge and court staff, and made inquiries in court about finding employment as a police officer; (3) made

¹ In the event that the Commission grants this motion, Commission Counsel requests that a schedule be set for memoranda to be filed and oral argument to be heard on the issue of sanction.

comments in court conveying the impression that he had prejudged the guilt of criminal defendants appearing before him; and (4) posted sexual and otherwise inappropriate content to his public Facebook page. On March 16, 2023, Respondent was served with a Notice of Formal Written Complaint and the Complaint itself by certified mail, return receipt requested. (Affirmation of Cathleen S. Cenci [“Cenci Aff.”] ¶ 4).

B. Respondent’s Answer

Respondent received the Complaint on March 18, 2023. (Cenci Aff.” ¶ 4). Pursuant to Section 7000.6(b) of the Commission’s Operating Procedures and Rules, Respondent’s verified Answer was due within 20 days of service of the Complaint, *i.e.*, on or about April 7, 2023. Respondent has not served an Answer to the Complaint to date (Cenci Aff. ¶ 5).

C. The Facts

Pursuant to Section 7000.6(b) of the Commission’s Rules, which provides that “[f]ailure to answer the formal written complaint shall be deemed an admission of its allegations,” the following facts are deemed admitted.

Admitted Facts as to Charge I

1. On or about March 3, 2022, during a dispute with another customer at a gas pump at a service station in Binghamton, New York, Respondent repeatedly asserted his judicial office with the police, first when he called 911 to request their

presence at the scene, and later when he sought to have the other party to the dispute charged with harassment (Complaint ¶ 5).

Specifications to Charge I

2. On or about March 3, 2022, at approximately 12:40 PM, Respondent got into a dispute with John Dubrava over access to a gas pump at a service station in Binghamton, New York. At approximately 12:43 PM, Respondent called 911 to report that he was being threatened in connection with a dispute over a gas pump. He requested that an officer be sent “right away” to his location, which was a service station on Upper Front Street in Binghamton (Complaint ¶ 6). When asked by the 911 operator to clarify the location, Respondent stated, “Yeah, this is Judge Hall. It’s right by Sonic” (Complaint ¶ 7).

3. When asked by the 911 operator to provide his name, Respondent answered, “I’m Judge Hall. Randy Hall” (Complaint ¶ 8).

4. Within minutes, members of the Broome County Sheriff’s Office responded to the location. During the next approximately 15 minutes, Respondent gratuitously identified himself to the officers as a judge three additional times, as follows:

- “I’m Judge Hall . . .” (as he extended his arm to shake hands with the deputy);
- “My name is Randy Hall . . . I’m the judge . . . from Dickinson . . . Town of Dickinson”;

- “Officer . . . I’m a . . . I’m a judge . . . okay, I’m not lying . . . I’m just saying I am not lying to you. I’m telling you that this guy threatened my life.”

(Complaint ¶ 9). Respondent told the officers he wanted Mr. Dubrava charged with harassment, but the officers did not do so and let both Respondent and Mr. Dubrava leave the scene (Complaint ¶10).

Admitted Facts as to Charge II

5. From in or about January 2022, when Respondent became a Dickinson Town Justice, to on or about March 30, 2022, when his Deputy Chief Administrative Judge ordered that cases pending before him be reassigned and that he be confined to his chambers, Respondent (A) engaged in a pattern of sexually inappropriate, harassing, and unwelcome behavior toward his co-judge and court staff, and (B) made inquiries while in court and on the record about finding employment with the police department (Complaint ¶ 12).

Specifications to Charge II

6. At all times pertinent to the charges herein, Stacy Thatcher and Bradley Wallace were employed as court clerks in the Dickinson Town Court, and Kathleen Groover was Respondent’s co-judge in the Dickinson Town Court. Respondent and Judge Groover shared the court office that served as chambers (Complaint ¶ 13).

7. In early January of 2022, when Dickinson Town Court Clerk Stacy Thatcher first met Respondent, he requested her assistance in donning a high school graduation gown that he wished to use as a judicial robe. The gown appeared to be too small or tight for him and could not be zipped past his midsection (Complaint ¶ 14).

8. Ms. Thatcher obliged. While she crouched down to assist Respondent, she suggested he hold his tie so it would not become caught in the zipper of the robe. In reply, Respondent remarked that his tie was not the only thing he did not want caught in the zipper, which Ms. Thatcher understood to be a reference to the judge's genitalia, and which made her very uncomfortable (Complaint ¶ 15).

9. In or about late January 2022, Respondent approached Judge Groover in their shared chambers with his arms outstretched and asked her to assist with zipping the graduation gown that he was still using as his judicial robe. The robe zipped in the front, and at the time the zipper's hasp was located near Respondent's groin area. Judge Groover, who was seated at her desk, sternly declined. Respondent laughed and stated, in sum and substance, that Judge Groover was not his mother (Complaint ¶ 16).

10. In or about January 2022, while Respondent, Ms. Thatcher and Mr. Wallace attended a mandatory sexual harassment awareness and training program,

Respondent repeatedly made comments mocking the training, including words to the following effect:

- “So, I can’t tell a joke like this?”;
- “What about this joke?”; and
- “So, I can’t say, ‘So that’s what she said?’”

(Complaint ¶ 17).

11. In or about January 2022, Respondent – while in the courtroom – told a crude and inappropriate joke to Court Clerk Bradley Wallace involving a farmer, marihuana, and sexual intercourse with a pig. When Mr. Wallace did not react to Respondent’s joke, he asked if the joke was funny. Mr. Wallace responded that it was not (Complaint ¶ 18).

12. On or about February 8, 2022, Respondent – while in the courtroom – offered Ms. Thatcher a cookie, which she declined, [REDACTED]. Respondent then commented on her personal appearance by stating, “You’re a good-lookin’ girl now. You’ll be a knockout” and “[inaudible] I’m going with a pretty girl, she made you look small. She’s gonna go do that too, so she says” (Complaint ¶ 19).

13. On or about February 8, 2022, Respondent – while in the courtroom and on the record – engaged in a conversation with Port Dickinson Police Officer Domenico Rossi, who was serving as a court officer, about a “chick” Respondent was dating who “started going crazy on [him].” The officer asked Respondent if

he had dumped her yet. Respondent said, “Oh yeah, fuck yeah.” Respondent said the woman “has . . . one of those multiple personalities” and would call and send him messages that led him to think, “I don’t understand why you’re like that? . . . You fucking called me up, call me every name in the book, threatening me, threatened to have me arrested, threatened my job. I said what the fuck? You know?” Respondent and the officer then spoke about how people have to be careful what they say, as it could be used against them, after which Respondent described for the officer an intimate picture on his phone, saying, “I told you about the tit thing, right? . . . Well, she sent me a . . . picture of her tit and her fingernail’s pinching the nipple. I never asked for it . . . and her head wasn’t in it or anything.” Respondent then resumed presiding over matters (Complaint ¶ 20).

14. In or about February or March 2022, while in chambers, Respondent approached Judge Groover, who was seated at her desk. Respondent told Judge Groover that that he liked her face mask, which had a leopard-print pattern. Respondent then asked whether her mask matched her underwear. Judge Groover responded in a stern tone demanding that Respondent step back. Respondent did not apologize or otherwise demonstrate awareness that he had said something inappropriate (Complaint ¶ 21).

15. In or about mid-March 2022, while in chambers, Respondent asked Ms. Thatcher for assistance finding a flight to Florida so he could attend a family

reunion, and she obliged. As Ms. Thatcher leaned over Respondent's desk to access the laptop, he laughed and stated that women do not need men like men need women and added, "you know it when you hear the humming." Ms. Thatcher understood that comment to be a reference to a vibrator, and which made her very uncomfortable (Complaint ¶ 22).

16. In or about February 2022, Ms. Thatcher became so uncomfortable with Respondent's inappropriate comments that she refused to clerk for him on the bench (Complaint ¶ 23).

17. On or about March 24, 2022, while Mr. Wallace and Ms. Thatcher were in their office, Mr. Wallace asked if she needed assistance with a file. Ms. Thatcher replied that she had already done the work and told Mr. Wallace, "I don't need you." Respondent, who was in chambers and was not a party to the conversation, interjected by asking Mr. Wallace if he usually hears a loud humming sound when she says that. Mr. Wallace understood this to be a reference to a vibrator and told Respondent that he could not say things like that. Respondent replied that he knew and was only joking (Complaint ¶ 24).

18. On or about February 8, 2022, Respondent – while in the courtroom and on the record – engaged in a conversation with Officer Rossi, who was serving as a court officer, about whether positions were available with the Port Dickinson Police Department. Respondent stated, "I want to work for the police department"

and expressed an interest in part-time employment doing court duty, patrol or “anything.” The officer explained that such employment would be a conflict of interest with Respondent’s judicial position. They then discussed the idea of Respondent’s running for Police Commissioner, after which Respondent continued presiding over court matters (Complaint ¶ 25).

19. Judge Groover, Mr. Wallace and Ms. Thatcher ultimately reported their concerns about Respondent’s conduct to the Sixth District Administrative Office of the Unified Court System. By Administrative Order dated March 30, 2022, Deputy Chief Administrative Judge Norman St. George directed that all judicial matters pending before Respondent be reassigned to Judge Groover, that no additional matters be assigned to Respondent, and that he be confined to chambers until further order (Complaint ¶ 26).

Admitted Facts as to Charge III

20. In or about March 2022, while presiding over cases in court, Respondent made comments that conveyed the impression that he had prejudged the guilt of various criminal defendants (Complaint ¶ 28).

Specifications to Charge III

21. On or about March 8, 2022, while presiding over *People v Sarah Sivers*, Respondent was advised by the defendant’s attorney that Ms. Sivers had been offered a plea to Resisting Arrest with a sentence of a six-month conditional

discharge, but needed time to consider the offer. Respondent addressed Ms. Siverson directly and asked, “How many cops did you take down?” (Complaint ¶ 29).

22. On or about March 10, 2022, Respondent conducted an arraignment on charges related to an arrest for Driving While Intoxicated in *People v Amanda Florance*. Respondent advised the defendant, who was represented by counsel and had entered a plea of not guilty, that she was being released on her own recognizance and would be contacted by the DMV regarding her license. At the conclusion of the proceeding, Respondent stated to the defendant, “It’s going to be an expensive lesson” (Complaint ¶ 30).

23. On or about March 24, 2022, while arraigning a defendant identified only as Mr. Purnell, Respondent directly addressed the defendant, who was represented by counsel, and stated, “Purnell, look at me. Stay the hell out of trouble, will ya?” (Complaint ¶ 31).

Admitted Facts as to Charge IV

24. In or about January and February 2022, Respondent posted sexual and otherwise inappropriate content to his public Facebook page, some of which referenced his judicial office (Complaint ¶ 33).

Specifications to Charge IV

25. Facebook is an internet social networking website and platform that *inter alia* allows users to post and share content on their own Facebook pages as

well as on the Facebook pages of other users and on Facebook groups. Facebook users are responsible for managing the privacy settings associated with their accounts. At the option of the account holder, the content of one's Facebook page and posts may be viewable online by the public or restricted to one's Facebook "Friends" (Complaint ¶ 34).

26. At all times relevant to this charge, Respondent maintained a personal Facebook account under the name "Randy Hall," which was viewable by the public (Complaint ¶ 35).

27. In January 2022, Respondent posted the following to his Facebook page:

- "It was not a hung jury but they say the judge sure is," with a beaming face emoji. In a response to a comment made in response to that post asking Respondent what he was up to these days, Respondent wrote that he was "just truly trying to provide justice in the town of Dickinson." Another comment asked, "What is it up your robe your honor," to which Respondent replied, "You been peeking." A copy of the post is annexed to the Complaint as Exhibit A;
- A joke about a serial killer, a copy of which is annexed to the Complaint as Exhibit B; and
- Commenting about the possibility of sneezing and "break[ing] wind just as you reach happy ending!" The post specified that such an experience was on Respondent's "bucket list." A copy of the post is annexed to the Complaint as Exhibit C.

(Complaint ¶ 36).

ARGUMENT

POINT I

RESPONDENT HAS ADMITTED THE FACTUAL ALLEGATIONS IN THE FORMAL WRITTEN COMPLAINT.

Section 7000.6(b) of the Commission’s Operating Rules and Procedures requires a judge who is served with a Complaint to serve a verified Answer within 20 days of receipt of the Complaint, and holds that “[f]ailure to answer the formal written complaint shall be deemed an admission of its allegations.” Section 7000.6(c) of the Operating Procedures and Rules states that “[e]ither party may move before the Commission for a summary determination . . . if the pleadings . . . show that there is no genuine issue as to any material fact and that the moving party is entitled to such decision as a matter of law.”

In *Matter of Petrie*, 54 NY2d 807 (1981), the Court of Appeals held that, reading those two provisions together, the Commission may avail itself of summary proceedings if a judge “fail[s] to answer the complaint or raise any question of fact.” *Id* at 808. *See also Matter of Backal*, 87 NY2d 1, 7 (1995) (a judge’s failure to respond to a Complaint is deemed an admission of the allegations in the complaint).

Here, Respondent failed entirely to respond to the Complaint, which serves as an admission of all the allegations and leaves no disputed issues of material fact

that would warrant a hearing. Accordingly, this matter is appropriate for summary determination under Section 7000.6(c) of the Operating Procedures and Rules.

Backal, 87 NY3d at 7; *Petrie*, 54 NY2d at 808.

POINT II

RESPONDENT'S MISCONDUCT IS ESTABLISHED AS TO EACH OF THE FOUR CHARGES IN THE COMPLAINT.

Well-established Commission and Court of Appeals precedent supports a finding of misconduct as to each of the four charges in the Complaint.

A. Respondent Engaged in Judicial Misconduct by Repeatedly Asserting the Prestige of his Judicial Office in a Personal Matter.

Respondent demonstrated indifference to the high standards of conduct required of judges both on and off the bench by repeatedly and gratuitously referring to himself as a judge in an effort to persuade police officers to take his side in a dispute over a gas pump and charge the other motorist with harassment.

A judge is prohibited from lending the prestige of judicial office to advance the judge's own interests. Rule 100.2(C). *See also Matter of Landicino*, 2016 Ann Rep of NY Commn on Jud Conduct at 129, 139-141 (*Matter of Maney*, 2011 Ann Rep of NY Commn on Jud Conduct at 106, 110. Where a judge references his judicial status in connection with a personal matter, the Court of Appeals and the Commission have interpreted such conduct as an implicit request for special treatment and a violation of the Rules. *See Matter of Edwards*, 67

NY2d 153, 155 (1986); *Matter of Lonschein*, 50 NY2d 569, 572 (1980); *Matter of Hurley*, 2008 Ann Rep of NY Commn on Jud Conduct at 141, 143; *Matter of Dumar*, 2005 Ann Rep of NY Commn on Jud Conduct at 151, 151-152; *Matter of Barr*, 1981 Ann Rep of NY Commn on Jud Conduct at 139, 142. Even a passing reference to a judge’s office constitutes misconduct, as “[t]he absence of a specific request for favorable treatment or special consideration is irrelevant.” *Matter of Edwards*, 67 NY2d 153, 155 (1986).

Here, respondent repeatedly asserted his judicial office when he called police to respond to a dispute over a gas pump. When asked by a 911 operator to clarify his location, Respondent said, “Yeah, this is Judge Hall,” before adding, “It’s right by Sonic.” That Respondent chose to volunteer his judicial title when it was nonresponsive to the operator’s question demonstrates that he thought it would be of some benefit to him. When asked by the 911 operator to provide his name, Respondent answered, “I’m Judge Hall. Randy Hall” – again gratuitously injecting his judicial title into the conversation. As in *Edwards*, Respondent’s repeated reference to his judicial title, even without an explicit request for special treatment, constitutes misconduct. 67 NY2d at 155.

When members of the Broome County Sheriff’s Office arrived at the scene, Respondent identified himself as a judge three additional times. On one of those occasions he identified the court over which he presided, and on the other he

blatantly used his title to vouch for his own credibility by stating, “Officer . . . I’m a . . . I’m a judge . . . okay, I’m not lying . . . I’m just saying I am not lying to you.” That statement is particularly egregious, as it shows that Respondent specifically attempted to leverage his judicial status to get the outcome he wanted from the police. Regardless of his intent, such conduct creates at least the “appearance” that Respondent was attempting to use his judicial prestige to further his own personal interests in violation of the Rules. *Matter of Sims*, 61 NY2d at 358.

As the Court of Appeals has warned, a judge “must always be sensitive to the fact that members of the public . . . will regard his words and actions with heightened deference simply because he is a Judge” – a title that may have a “persuasive and perhaps even subtly coercive effect” in the judge’s personal dealings, given the “power and prestige that the title implies[.]” *Matter of Steinberg*, 51 NY2d 74, 81(1980). Here, Respondent’s judicial status was irrelevant to his need for assistance at the gas station, and his conduct in repeatedly invoking his judicial title with law-enforcement personnel violated that settled precedent.

B. Respondent Committed Judicial Misconduct by Engaging in a Pattern of Sexually Inappropriate, Harassing, and Unwelcome Behavior Toward his Co-judge and Court Staff, and by Making Inquiries While in Court and on the Record About Finding Employment With the Police Department.

As the Court of Appeals and Commission have long held, a judge violates Sections 100.1, 100.2 and 100.2(A) of the Rules by making sexually suggestive comments to court staff or attorneys and litigants who appear before the judge, or by otherwise broadcasting such comments in a public venue. *See Matter of Miller*, 35 NY3d 484 (2020) (judge, *inter alia*, made sexually inappropriate comments to chief clerk); *Matter of Persons*, 2024 Annual Report of NY Commn on Jud Conduct, February 23, 2023 at __ (judge made sexually charged comments to and about attorneys)²; *Matter of Doolittle*, 1986 Ann Rep of NY Commn on Jud Conduct at 87, 88 (judge made numerous improper comments to female attorneys referring to their appearance and physical attributes); *see also Matter of Abramson*, 2011 Ann Rep of NY Commn on Jud Conduct at 62, 80 (judge made improper comments of a sexual nature about a litigant's T-shirt).

In light of that precedent, Respondent undeniably committed misconduct by:

- Making a comment to his female clerk and female co-judge about not getting his genitalia caught in the zipper of his robe;

² A copy of this decision is available on the Commission's website, at <https://cjc.ny.gov/Determinations/P/Persons.Jeremy.L.2023.02.23.DET.pdf>.

- Making gratuitous comments mocking the mandatory sexual harassment awareness and training program such as, “So I can’t tell a joke like this?” and “So I can’t say, ‘So that’s what she said?’”
- Telling a crude and inappropriate joke to a court clerk, while in the courtroom, involving a farmer, marihuana, and sexual intercourse with a pig.
- Commenting on the appearance of a female court clerk, while in the courtroom and on the record, including “You’re a good-lookin’ girl now. You’ll be a knockout [REDACTED]”;
- Engaging in a crude and inappropriate conversation with a court officer, while in the courtroom and on the record, about a “chick” Respondent was dating who had “sent [him] a . . . picture of her tit and her fingernail’s pinching the nipple”;
- Asking his female co-judge, while in chambers, if her leopard-print-patterned face mask matched her underwear; and
- Making repeated jokes to his court clerks about a “humming sound” in reference to a woman’s use of a vibrator.

Respondent’s sexually charged and offensive comments ran contrary to his duty to maintain high standards of conduct necessary to preserve the integrity and independence of the judiciary (Rule 100.1), created an appearance of impropriety damaging to public confidence in the judiciary (Rule 100.2[A]), and were wholly undignified and discourteous (Rule 100.3[B][3]).

In addition, Respondent inquired on the record about finding employment as a police officer. Judges are prohibited from lending the prestige of judicial office to advance their own private interests, and from engaging in extra-judicial

activities that “cast reasonable doubt on the judge’s capacity to act impartially as a judge’ or ‘detract from the dignity of judicial office.” Rules 100.2(C), 100.4(A)(1), (2); *Matter of Peck*, 2022 Ann Rep of NY Commn on Jud Conduct at 136, 141-142 (judge’s public Facebook post expressing his strong support for law enforcement personnel cast doubt upon the judge’s impartiality). Here, Respondent’s inquiry from the bench about employment opportunities with the police department leveraged his judicial office for personal gain and suggested both his alignment with and lack of impartiality toward law enforcement.

C. Respondent Engaged in Judicial Misconduct When he Made Comments that Conveyed the Impression that he had Prejudged the Guilt of Various Criminal Defendants.

On several occasions, Respondent made inappropriate statements to litigants on the record suggested he had prejudged their guilt. In making those statements, Respondent violated his duty to be patient, dignified and courteous with litigants and to perform judicial responsibilities without bias or prejudice. Rules 100.3(B)(3), (4); *see, Matter of Prince*, 2014 Ann Rep of NY Commn on Jud Conduct at 184, 189 (judge “violated basic tenets of fairness in the administration of justice” at an arraignment by *inter alia* making statements that appeared to prejudge the case).

Specifically, Respondent violated those standards when he made the following injudicious comments:

- He asked a criminal defendant, who had been charged with resisting arrest but had not pled guilty, “How many cops did you take down?”;
- He chastised a criminal defendant who had been arraigned on a Driving While Intoxicated charge, “It’s going to be an expensive lesson”; and
- He directed a criminal defendant at arraignment to, “Stay the hell out of trouble[.]”

Those gratuitous comments suggested Respondent’s premature belief that each defendant was guilty, and thus violated his “obligation[s] to be an exemplar of neutrality in court proceedings” and refrain from prejudging his cases. *Prince*, 2014 Ann Rep at 189.

D. Respondent Committed Judicial Misconduct in Posting Sexual and Otherwise Inappropriate Content to his Public Facebook Page, Some of Which Referenced his Judicial Office.

“As the Court of Appeals stated [over] 40 years ago, a judge’s off-the-bench behavior must comport with high ethical standards to ensure the public’s respect for the judiciary as a whole since ‘[w]herever he travels, a Judge carries the mantle of his esteemed office with him.’” *Matter of Senzer*, 2020 Ann Rep of Commn on Jud Conduct at 137, 145, *sanction accepted* 35 NY3d 216 (2020) (quoting *Matter of Steinberg*, 51 NY2d 74, 81 [1980]); *see also*, *Matter of Mazzei*, 81 NY2d 568, 572 (1993) (Judges “are held to higher standards of conduct than the public at large . . . and thus what might be acceptable behavior when measured against societal

norms could constitute ‘truly egregious’ conduct in the present context”) (internal citations omitted).

Those standards apply to a judge’s use of on social media. Indeed,

[a]s the Commission and the Advisory Committee on Judicial Ethics have stated, judges who use online social networks must exercise "an appropriate level of prudence, discretion and decorum" so as to ensure that their conduct in such forums is consistent with their ethical responsibilities.

Matter of Fischer, 2019 Ann Rep of Commn on Jud Conduct at 126, 135-136, quoting *Matter of Whitmarsh*, 2017 Ann Rep of Commn on Jud Conduct 266; NY Jud. Advisory Op. 08-176). See also *Matter of Stilson*, 2023 Ann Rep of NY Commn on Jud Conduct at 288, 292-94 (judge, *inter alia*, posted on Facebook comments sexually degrading to women, such as “Boobies are proof that men can focus on two things at once!”).

Respondent violated the Rules by publishing sexually suggestive and puerile posts on public Facebook page, at least one of which referenced his judicial office. Indeed, one such post read, “It was not a hung jury but they say the judge sure is” – an unmistakable reference to Respondent’s genitalia, made in the same breath as a reference to his judicial office. In a response to a comment made in response to that post asking respondent what he was up to these days, Respondent again invoked his office, writing that he was “just truly trying to provide justice in the town of Dickinson.” When another comment asked, “What is up your robe your

honor,” Respondent prolonged the childish and immature joke by replying, “You been peeking.” Beyond that, Respondent wrote a separate post about the possibility of sneezing and “break[ing] wind just as you reach a happy ending” – more puerile humor unbefitting of a judge in a public forum. And, Respondent posted a joke about a serial killer, which is not a laughing matter and is separately problematic coming from a sitting judge.

All told, Respondent’s lewd and puerile posts were antithetical to the high standards of conduct attendant to Respondent’s status as a judge and violated his ethical obligations to conduct his extra-judicial activities so that they do not detract from the dignity of judicial office. *See Stilson*, 2023 Ann Rep at 292-94; *Doolittle*, 1986 Ann Rep at 88.


CONCLUSION

For the foregoing reasons, Commission Counsel respectfully requests that the Commission grant this motion for summary determination, find that Respondent has engaged in judicial misconduct, and set a schedule for briefs and oral argument before the Commission on the issue of sanction.

Dated: June 1, 2023

Respectfully submitted,

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July 07, 2023

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