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FOR LITIGATION

**CONFIDENTIAL**

April 20, 2020

Honorable John P. Asiello  
Chief Clerk of the Court of Appeals  
Court of Appeals Hall  
20 Eagle Street  
Albany, New York 12207- 1095

Re: *Matter of McGuire*, JCR 2020-00004

Dear Mr. Asiello:

The Commission has asked me to reply to your letter dated March 23, 2020, inviting the Commission to present its views with respect to the Court's own motion to consider suspending the Honorable Michael F. McGuire.

The Commission takes no position with respect to whether Judge McGuire should be suspended, leaving the matter to the sound discretion of the Court. The Commission notes that, where a removal determination has been filed against a judge, it is the Court's general practice to suspend the judge, with pay, while review of the determination is pending.

The Commission also notes that, to date, Judge McGuire has not requested review of the removal determination filed against him.

The Commission has been made aware of published reports that Judge McGuire intends to leave the bench this month in order to assume the position of County Attorney for Sullivan County. To date, however, we have not received

*Hon. John P. Asiello*

*April 20, 2020*

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official notification that Judge McGuire has resigned or otherwise vacated his judicial office.

Respectfully yours,

A handwritten signature in blue ink that reads "Robert H. Tembeckjian". The signature is written in a cursive style with a long horizontal stroke at the end.

Robert H. Tembeckjian

cc: Hon. Michael F. McGuire  
Stephen R. Coffey, Esq.