



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

61 BROADWAY, SUITE 1200
NEW YORK, NEW YORK 10006

MARISA E. HARRISON
PUBLIC RECORDS OFFICER

646-386-4800 646-458-0037
TELEPHONE FACSIMILE
www.cjc.ny.gov

NEWS RELEASE

February 5, 2020

Contact:

*Marisa E. Harrison, Public Records Officer
(518) 453-4614*

Town Court Justice in Ulster County Should Be Censured for Drinking and Driving

The New York State Commission on Judicial Conduct has determined that Michael J. Miranda, a Justice of the Shandaken Town Court, Ulster County, should be censured for the consequences of excessive drinking and driving, for which he was charged with Driving While Intoxicated (DWI) and pled guilty to Driving While Ability Impaired (DWAI).

Judge Miranda agreed to the censure.

In March 2018, after consuming at least eight alcoholic drinks before and during a flight from Florida to Albany, then another while driving home, Judge Miranda lost control of his car and crashed, causing damage to the car, two stop signs and two benches. He then lied about how much alcohol he had consumed when police officers responded to the scene, telling them it had only been two drinks.

Judge Miranda failed three standard sobriety tests, was placed under arrest and taken to the police barracks, where his blood alcohol concentration (BAC) was tested and measured at 0.17%. That is more than twice the legal limit for a DWI and more than three times the legal limit for a DWAI. During the arrest Judge Miranda let the responding state trooper know he was a judge and said he would

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“never again” conduct an arraignment for the State Police. (There was no evidence that he ever followed through on this threat.)

The Commission stated that in addition to creating “a significant risk to himself and to the lives of others,” Judge Miranda aggravated his “serious misconduct” by making “false statements” to the police concerning how many alcoholic drinks he consumed and by asserting his judicial office.

In censuring him, the Commission stated that this case came “very close to removal,” but that Judge Miranda’s misconduct involved a single incident and that he “has averred that he is committed to continuing his treatment for his Alcohol Use Disorder and to abstaining from alcohol.”

The Commission noted that it would have suspended the judge from office without pay if that sanction were available, which under the law it is not.

Judge Miranda has served as a Justice of the Shandaken Town Court since 2006. His current term expires on December 31, 2021.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge is obliged to respect and comply with the law. Driving under the influence of alcohol is a serious offense, with dangerous and potentially deadly consequences. A judge who excessively drinks and drives can expect public discipline. By invoking his judicial office to evade the consequences, and threatening not to conduct arraignments for the State Police, Judge Miranda came close to being removed, which would likely have been the result if he had followed through on his threat.”

The Commission Proceedings

Judge Miranda was served with a Formal Written Complaint dated February 14, 2019, containing two charges and filed an Answer dated March 21, 2019.

On September 5, 2019, the Administrator of the Commission, Judge Miranda and his attorney entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on October 17, 2019.

*February 5, 2020***The Commission Determination**

The Commission filed a determination dated January 30, 2020, in which nine members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Paul B. Harding, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Taa Grays, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Judge Robert J. Miller, and Akosua Garcia Yeboah. Marvin Ray Raskin, Esq., was not present. There is currently one vacancy on the 11-member Commission.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge Miranda received it on February 1, 2020, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Miranda does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 330 determinations of censure against judges in New York State. The Commission has issued 173 determinations of removal and 272 determinations of admonition.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission's sanctions in 83 cases (74 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings. One request for review is pending.

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Counsel

In the proceedings before the Commission, Judge Miranda was represented by Alfred B. Mainetti of Mainetti & Mainetti, P.C., 130 North Front Street, Suite 300, Kingston, New York 12401, (845) 403-7973.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen S. Cenci, Deputy Administrator in Charge of the Albany office; and Senior Attorney S. Peter Pedrotty. Investigator Laura Misjak assisted in the investigation.

Background Information on Judge Miranda

First took office:	2006
Year Admitted to NYS Bar:	1975
Current Term Expires:	December 31, 2021

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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*February 5, 2020***MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT**

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Former Assembly Minority Leader Brian M. Kolb	March 31, 2021
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Taa Grays, Esq.	Former Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021
Vacant	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023