



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

August 28, 2020

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Village Court Justice in Ulster County Should Be Censured for Giving a Defendant a Ride Home after Arraignment and Other Misconduct

The New York State Commission on Judicial Conduct has determined that Matthew J. Parker, a Justice of the Ellenville Village Court, Ulster County, should be censured for (1) giving a defendant a ride home after arraigning him on a charge of grand larceny, not disclosing it and continuing to preside over the case, (2) failing to advise two defendants of their right to assigned counsel and (3) summarily removing a man from his courtroom for wearing a sleeveless t-shirt.

Judge Parker agreed to the censure.

The Commission decision said Judge Parker's giving the defendant a ride after the arraignment constituted "an extreme lapse in judgment" that he "compounded" by not disclosing it or taking himself off the case.¹

In two other criminal matters, after being advised that the defendants were unemployed, Judge Parker failed to advise them of their right to assigned counsel.² He also

¹ He ultimately accepted the prosecutor's recommendation to reduce the charge and granted an adjournment in contemplation of dismissal.

² These appeared to be isolated lapses. The Commission examined various recordings of court proceedings in which Judge Parker routinely advised defendants of their rights properly.

discourteously directed that a man be removed from his courtroom for wearing a sleeveless t-shirt, without affording him an opportunity to be heard.

Prior Caution

In 2015, Judge Parker was privately cautioned by the Commission for conduct that, while factually dissimilar from these charges, “should have [made him] particularly attentive to his obligations under the Rules [Governing Judicial Conduct] and the law.”

Judge Parker, who is not an attorney, has been a Justice of the Ellenville Village Court, Ulster County, since January 1, 2000, having previously served as an Acting Justice of the Ellenville Village Court from 1993 to 1999. His current term expires on December 31, 2022.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge must be and appear fair and impartial, and effectuate the rights of all who appear in court. Judge Parker failed those standards when he drove a defendant home after arraignment, remained on the case without disclosing it, failed to advise two other defendants of their right to assigned counsel, and summarily kicked a man out of a public courtroom. To his credit, he accepts responsibility and vows to avoid such conduct in the future.”

The Commission Proceedings

Judge Parker was served with a Formal Written Complaint dated May 14, 2020, containing three charges and filed an undated Answer on June 2, 2020.

On July 1, 2020, the Administrator of the Commission and Judge Parker 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 August 6, 2020.

The Commission Determination

The Commission filed a determination dated August 13, 2020, in which all eleven members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Paul B. Harding, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., and Akosua Garcia Yeboah.

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 Parker received it on August 21, 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 Parker 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 336 determinations of censure against judges in New York State. The Commission has issued 175 determinations of removal and 274 determinations of admonition.

The Court of Appeals has reviewed 100 Commission determinations. The Court accepted the Commission's sanctions in 84 cases (75 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.

Counsel

In the proceedings before the Commission, Judge Parker represented himself.

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. Senior Investigator Ryan Fitzpatrick was assigned to the case.

Background Information on Judge Parker

First Took Office: 1993
 Current Term Expires: December 31, 2022

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:

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| 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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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

| Member | Appointing Authority | Term End |
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| Joseph W. Belluck, Esq., Chair | Governor Andrew M. Cuomo | March 31, 2024 |
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| Paul B. Harding, Esq. | Former Assembly Minority Leader Brian M. Kolb | March 31, 2021 |
| Hon. John A. Falk | Chief Judge Janet DiFiore | March 31, 2021 |
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| Hon. Angela M. Mazzarelli | Chief Judge Janet DiFiore | March 31, 2022 |
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