NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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**CONFIDENTIAL**

December 2, 2025

**VIA EMAIL TO:** [redacted]@cjc.ny.gov
Celia Zahner, Esq.
Clerk of the Commission
NYS Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

***Re: Matter of John M. Skinner***

Dear Ms. Zahner:

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

Thank you for your attention to this matter.

Very truly yours,

Kathleen E. Klein
Senior Attorney

Enclosures
cc: Hon. John M. Skinner
Columbia Town Justice
[redacted]

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer County.

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**NOTICE OF MOTION FOR SUMMARY DETERMINATION AND SANCTION OF REMOVAL**

**PLEASE TAKE NOTICE** that upon the annexed affirmation of Cathleen S. Cenci, Deputy Administrator, dated December 2, 2025, the annexed exhibits, and the Memorandum by Counsel to the New York State Commission on Judicial Conduct ("Commission"), a motion will be heard by the Commission at 61 Broadway, New York, New York 10006, on the 29th day of January 2026, seeking an order determining that the Honorable John M. Skinner engaged in judicial misconduct and should be removed from office.

**PLEASE TAKE FURTHER NOTICE** answering papers, if any, are required to be filed with the Commission and to be served upon the undersigned on or before December 19, 2025.

Dated: December 2, 2025
Albany, New York

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

To: Hon. John M. Skinner
[redacted]

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Columbia County.

---

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

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

1. I am a Deputy Administrator for the New York State Commission on Judicial Conduct ("Commission"), and I am fully familiar with all of the facts and circumstances set forth herein.

2. I make this affirmation in support of Commission Counsel's motion for summary determination that the Honorable John M. Skinner, a Justice of the Columbia Town Court, Herkimer County ("Respondent"), committed judicial misconduct and should be removed from office.

**Procedural History**

3. On May 2, 2024, the Commission authorized investigation of a complaint alleging that Respondent dismissed dog-at-large and criminal trespass charges against the complainant/victim after considering misleading *ex parte* information by the defendants. The judge then ordered the complainant to appear

in court, notwithstanding that he had no case, and lectured the complainant about the reason for the dismissals while admitting to speaking to the defendants in the absence of a prosecutor.

4. On April 10, 2025, Respondent provided testimony concerning the Commission's investigation.

5. On June 12, 2025, the Commission authorized a Formal Written Complaint ("Complaint"). Respondent was served with a Complaint dated August 27, 2025, containing three Charges that alleged that: (I) with respect to two cases, Respondent (a) engaged in and considered unauthorized *ex parte* conversations with the defendants; (b) improperly considered undated photographs as a basis to dismiss charges and to prejudicially reject a subsequently filed trespass charge against one of the defendants; (c) dismissed the charges without notice to or consent of the prosecution, contrary to the Criminal Procedure Law ("CPL"); (d) summoned the complaining witness to appear before him after dismissing the case, without legal authority to do so; and (e) failed to mechanically record the proceedings as required by law; (II) Respondent conducted unauthorized *ex parte* conversations with the defendants in two traffic matters, and dismissed the charges without notice to or consent of the prosecution, as required by the CPL; and in another case, engaged in an unauthorized *ex parte* conversation with the defendant, who spoke limited English, and accepted a guilty

plea without an official court interpreter or prosecutor present; and (III) in testimony during the Commission's investigation, he demonstrated a lack of understanding of basic legal principles and the proper role of a judge, notwithstanding that he has been a judge since 2009 and was previously censured by the Commission for, *inter alia*, failing to respect and comply with the law and to maintain professional competence in it. A copy of the Complaint is appended as Exhibit A.

6. Respondent received the Complaint on September 2, 2025. Proof of service of the Complaint upon Respondent is contained within Exhibit A at page 278.

7. Respondent's verified Answer was due on September 22, 2025, *i.e.*, 20 days from September 2, 2025, the date he was served with the Complaint. He did not file a verified Answer by that date and has not filed an Answer at present.

8. On October 23, 2025, I wrote to Respondent, notifying him that his Answer had not been received, and that pursuant to Section 7000.6(b) of the Commission's Operating Procedures and Rules, his failure to submit an Answer constitutes an admission of all the allegations in the Complaint and subjects him to a motion for summary determination. As an alternative disposition, the correspondence included a proposed Resignation Stipulation. A copy of the correspondence and its enclosures is appended as Exhibit B.

9. Respondent received the October 23, 2025, letter and the proposed Resignation Stipulation, on October 27, 2025. Proof of service of the letter upon Respondent is contained within Exhibit B at page 284.

10. Respondent's response to Commission Counsel's October 23rd letter was due on November 6, 2025. To date, he has not responded.

11. On November 14, 2025, the Commission received an email from Columbia Town Supervisor Nathan Seamon, enclosing Respondent's handwritten notice of retirement from judicial office dated November 13, 2025, and effective December 31, 2025. A copy of the November 15th email and Respondent's handwritten notice of retirement is appended as Exhibit C.

**Summary Determination is Appropriate and Should be Granted**

12. Commission Counsel now moves for summary determination pursuant Sections 7000.6(c) and 7000.6(f)(1)(i) of the Commission's Operating Procedures and Rules.

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

14. 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 a summary determination that Respondent has engaged in judicial misconduct warranting his removal from office.

* * *

WHEREFORE, it is respectfully submitted that the Commission should grant Commission Counsel's motion for summary determination and render a determination that Respondent has engaged in judicial misconduct and should be removed from judicial office.

I affirm this 2nd day of December, 2025, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

Dated: December 2, 2025
Albany, New York

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

**EXHIBIT A**

NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

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SENIOR ATTORNEY

SHRUTI JOSHI
STAFF ATTORNEY

**CONFIDENTIAL**

August 28, 2025

Hon. John M. Skinner
Justice of the Columbia Town Court
Town of Columbia Justice Court
147 Columbia Center Road
Ilion, New York 13357

***Re: Matter of John M. Skinner***

Dear Judge Skinner:

The State Commission on Judicial Conduct has directed that a Formal Written Complaint be served upon you, pursuant to Section 44, subdivision 4, of the Judiciary Law. Enclosed are the Notice of Formal Written Complaint and the Formal Written Complaint in this matter. For your reference, the Rules Governing Judicial Conduct and the Commission's Operating Procedures and Rules are available on the Commission's website.[1]

Kindly complete the enclosed form advising the Commission of your home address and return the form by mail to the Clerk of the Commission. This information is requested pursuant to a practice of the Court of Appeals. The information is confidential and will be transmitted by the Clerk of the Commission to the Court of Appeals in the event there is a public disciplinary determination. The remainder of the form contains a "Request and Authorization." Please note that the Request and Authorization must be completed in order for your

[1] http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm

attorney to be notified by the Court of Appeals of any public determination filed with the Court by the Commission.

Papers are being served upon you via certified mail addressed to your court. At your earliest convenience please acknowledge receipt of these papers.

If you have any questions concerning this matter, please have your attorney contact me or Senior Attorney Kathleen Klein.

Very truly yours,

Cathleen S. Cenci
Deputy Administrator

Enclosures

CERTIFIED MAIL # 9402 8401 0515 6000 3996 37
RETURN RECEIPT REQUESTED

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer County.

---

**NOTICE OF FORMAL WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, John M. Skinner, a Justice of the Columbia Town Court, Herkimer 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: August 27, 2025
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. John M. Skinner
147 Columbia Center Road
Ilion, New York 13357

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer County.

---

**FORMAL**
**WRITTEN COMPLAINT**

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 John M. Skinner ("Respondent"), a Justice of the Columbia Town Court, Herkimer County.

3. The factual allegations set forth in Charges I through III 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 Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2028. Respondent is not an attorney.

## CHARGE I

5. From in or about November 2023, to in or about March 2024, in connection with his handling of *People v B[redacted] G[redacted]* and *People v B[redacted] G[redacted]*, Respondent:

A. engaged in and considered unauthorized *ex parte* conversations with the defendants;

B. improperly considered undated photographs of a deer carcass as a basis to dismiss dog-at-large charges from cases that occurred months apart, and to prejudicially reject a subsequently filed trespass charge against B[redacted] G[redacted];

C. dismissed the charges without notice to or consent of the prosecution, contrary to Sections 170.45 and 210.45 of the Criminal Procedure Law ("CPL");

D. summoned the complaining witness to appear before him after dismissing the case, without legal authority to do so; and

E. failed to mechanically record the proceedings, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

6. Respondent engaged in the foregoing conduct, notwithstanding having been censured by the Commission in 2018, *inter alia*, for failing to maintain professional competence in the law and failing to mechanically record proceedings.

**Specifications to Charge I**

7. In 2018, Respondent was censured by the Commission for failing to be faithful to the law and maintain professional competence in it, in that, *inter alia*,

he: "(A) unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearances in the matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08." A copy of the Commission's determination is appended as Exhibit 1.

8. On or about November 14, 2023, R G was issued three appearance tickets under the name "B" G, directing him to appear in the Columbia Town Court on November 21, 2023, for violating Section 2010-01(5) of the Dog Licensing and Control Law for the Town of Columbia (Local Law 2010-01, Section 5). The complainant in the matter was Mr. G's neighbor, J T. Copies of the tickets are appended as Exhibit 2.

9. On or about December 19, 2023, Mr. G and his cousin, B G, appeared in court. Respondent did not notify the prosecution or Mr. T of the appearance, and neither was present for the proceeding.

10. During the appearance, Respondent engaged in an extensive *ex parte* discussion with Mr. G and B G regarding their version of the events underlying the tickets, and he viewed photographs they had brought to

court. Although Respondent determined that the defendant was guilty of the charge, he nevertheless dismissed it with a warning that the defendant should keep his dogs off Mr. T's property. A copy of Respondent's incomplete court record memorializing Mr. G's appearance and the warning is appended as Exhibit 3.

11. Respondent did not notify the prosecution or Mr. T of his *sua sponte* dismissal of the charges in the *G* matter.

12. On or about December 18, 2023, Mr. T filed another dog-at-large complaint against R G.

13. On or about December 20, 2023, Mr. G was issued two additional appearance tickets following the new dog-at-large complaint by Mr. T. These tickets directed Mr. G to appear at the Columbia Town Court on January 9, 2024, for violating Local Law 2010-01, Section 5. Copies of the tickets, again issued under the name "B" G, are appended as Exhibit 4.

14. On or about December 26, 2023, Respondent reviewed the complaint form signed by Mr. T on December 18, 2023, and marked it dismissed as follows: "12/26/23…APPEARED 12/19/23…DISMISSED JMS." A copy of the complaint form with Respondent's note memorializing the dismissal is appended as Exhibit 5.

15. On or about December 31, 2023, Mr. T signed an information alleging that B G committed the violation of Trespass in contravention of Section 140.05 of the Penal Law. A copy of the information is appended as Exhibit 6. On or about January 1, 2024, Trooper Flynn filed the information in Respondent's court and asked Respondent to issue a criminal summons for B G. A copy of Trooper Flynn's request is appended as Exhibit 7.

16. On or about January 9, 2024, having been advised by R G and B G during an *ex parte* discussion that Mr. T was illegally harvesting deer, Respondent made a note on the complaint form dated December 18, 2023, as follows: "1/9/2024 DEER CARCAS *[sic]* IN NEIGHBORING YARD…T HARVESTED DEER?" and "ON HOLD…RESCH. 3/19/24." Respondent made this note notwithstanding that Mr. T was a complaining witness against the G and not a defendant in Respondent's court. A copy of the form with Respondent's note is appended as Exhibit 8.

17. On or about January 9, 2024, Respondent orally advised Trooper Flynn that his request for a summons for B G was denied. Respondent then dismissed the trespass charge against B G and noted the court's file: "CRIMINAL SUMMONS DENIED…JUDGE

SKINNER…CASE CLOSED." A copy of Respondent's note memorializing the foregoing is appended as Exhibit 7.

18. In or about February 2024, Mr. T[redacted] confronted Respondent at a town board meeting regarding his handling of the *G*[redacted] matters. At that time, Respondent orally directed Mr. T[redacted] to appear in court on March 5, 2024, in connection with the cases, notwithstanding that he lacked the jurisdiction or authority to do so.

19. On or about March 5, 2024, Mr. T[redacted] appeared in court, as directed by Respondent, who told Mr. T[redacted] that he had been "invited" to court as a "courtesy," "to listen" to Respondent's explanation of what he had done in the *G*[redacted] matters. A copy of the transcript of this appearance is appended as Exhibit 9.

20. During the appearance, Respondent admitted to engaging in *ex parte* discussions with the *G*[redacted] defendants, viewing their photographs, and dismissing the charges against them based upon those communications. When Mr. T[redacted] attempted to explain that the charges involved multiple incidents and that the G[redacted] misled Respondent about the deer during their *ex parte* conversation, Respondent continually interrupted him. Respondent advised Mr. T[redacted] that the charges against R[redacted] G[redacted] and B[redacted] G[redacted] had been dismissed because "They brought in pictures of deer that apparently the dogs went

and ate on." (Exhibit 9, pp 4-5.) He added, "Admittedly, [the dogs] were on adjacent property-- and reputedly, that is your land. That's my understanding of the event." (Exhibit 9, p 5.) Respondent also admitted that Mr. T[redacted]'s interests were unrepresented during the proceeding, stating, "That's what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred." (Exhibit 9, p 7.) Respondent further admonished Mr. T[redacted], "I suggest that you work in harmony with your neighbor and get along with your neighbor." (Exhibit 9, p 12.)

21. Respondent testified before the Commission on April 10, 2025. A copy of the transcript for this proceeding, including exhibits, is appended as Exhibit 10.

22. When asked about hearing and viewing evidence presented by unsworn defendants, Respondent was unable to identify the nature of the proceeding and repeatedly referred to it as an "evaluation." (Exhibit 10, pp 26 and 29.)

23. When Respondent was asked if he had retained the defendant's photographs for the court's file, he indicated the photographs he had relied upon in dismissing the charges were not retained. (Exhibit 10, p 28.)

24. When Respondent was asked if he had dismissed the dog-at-large case against R G, he at first indicated, "No. I give them -- I don't think that's dismissing. That's giving them a specific instruction by virtue of what occurred." (Exhibit 10, p 30.) When Respondent was shown where he noted the file with the word "dismissed," he testified, "It was dismissed with the instructions to keep the dog at home." (Exhibit 10, p 31.)

25. Respondent testified that he did not know what his statutory authority was for dismissing the dog-at-large charges and that he dismissed them notwithstanding that the defendants had done something "inappropriate" in permitting their dogs to run loose on Mr. T's property. (Exhibit 10, pp 30-32.)

26. Respondent testified that he sees nothing wrong with how he handled the case of *People v B G*, stating, "No. I clearly indicated that there is definite complaint, and they clearly indicated why the dog was on the property." (Exhibit 10, p 35.)

27. Respondent failed to mechanically record any of the proceedings involving R G and B G, as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.[1]

[1] Respondent did record the March 5, 2024, appearance of Mr. T.

28. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform the duties of judicial office without bias or prejudice against or in favor of any person, in violation of Section 100.3(B)(4) of the Rules, and failed to accord to every person who has a legal interest in a proceeding the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, in violation of Section 100.3(B)(6) of the Rules.

## CHARGE II

29. From in or about December 2023, to in or about January 2024, in connection with three traffic matters – *People v T[redacted]. N[redacted]*, *People v B[redacted]. M[redacted]* and *People v D[redacted] K[redacted]* – Respondent engaged in the following:

A. In *People v T[redacted]. N[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant and dismissed the charge without notice to or consent of the prosecution, as required by CPL Sections 170.45 and 210.45;

B. In *People v B[redacted]. M[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant and dismissed the charge without notice to or consent of the prosecution, as required by CPL Sections 170.45 and 210.45; and

C. In *People v D[redacted] K[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant, who spoke limited English, and accepted a guilty plea without an official court interpreter or prosecutor present.

30. Respondent engaged in the foregoing conduct notwithstanding having been censured by the Commission in 2018, *inter alia*, for failing to be faithful to the law and maintaining professional competence in it.

**Specifications to Charge II**

31. In 2018, Respondent was censured by the Commission, *inter alia*, for failing to be faithful to the law and maintaining professional competence in it. (Exhibit 1.)

*People v Ti[redacted]. N[redacted]*

32. On or about December 26, 2023, Respondent presided over *People v T[redacted]. N[redacted]*, in which the defendant was charged with speeding at 75 MPH in a 55-MPH zone, in violation of Vehicle and Traffic Law ("VTL") §1180-b. A copy of the court's file in the *N[redacted]* matter is appended as Exhibit 11.

33. During the appearance, and outside the presence of the prosecution, Respondent permitted the defendant to address the court regarding the facts and circumstances underlying the charge against him. The defendant stated he had no points on his license, worked for a medical device company which provided aortic grafts, and was speeding because he was delivering equipment to a hospital under emergency circumstances. A transcript of this proceeding is appended as Exhibit 12.

34. Based at least in part upon the defendant's physical appearance and unsworn representations, Respondent dismissed the speeding charge, without notice to or consent of the prosecution. Respondent later explained to his clerk that the defendant was "dressed very professionally," and "It was nice of him to come-- You know, coming the day after Christmas, and taking care of it." He added, "and I guess I believed him. He was actually doing what he said." (Exhibit 12, p 6.)

*People v B[redacted]. M[redacted]*

35. On or about January 30, 2024, Respondent presided over *People v B[redacted]. M[redacted]*, in which the defendant was charged with moving from a lane unsafely, in violation of VTL §1128(a). A copy of the court's file in the *M[redacted]* matter is appended as Exhibit 13.

36. During the appearance, and outside the presence of the prosecution, Respondent solicited and received *ex parte* information from the defendant regarding the circumstances underlying the charge against him. Respondent repeatedly asked questions of the defendant and permitted him to disclose that, while on his way to work, he had been seriously injured in a motor vehicle accident associated with the ticket. The defendant further advised that he had not been speeding and that his driving record was "good." The defendant asserted that he was head of security at [redacted] in Oneonta, he had been previously employed as a sheriff's deputy in Massachusetts, his brother was Chief of Probation in Worchester, Massachusetts, and his nephew was Chief of Police in Montcalm, New Hampshire. A transcript of this proceeding is appended as Exhibit 14.

37. Based at least in part upon the defendant's unsworn representations, Respondent *sua sponte* dismissed the charge, without notice to or consent of the prosecution.

*People v D[redacted] K[redacted]*

38. On or about January 30, 2024, Respondent presided over *People v D[redacted] K[redacted]*, in which the defendant was issued a ticket for using a mobile telephone to engage in a call while such vehicle is in motion, in violation of VTL §1225-c(2)(a). A copy of the court's file in the *K[redacted]* matter is appended as Exhibit 15. A transcript of this proceeding is appended as Exhibit 16.

39. The defendant, who spoke primarily Ukrainian and only limited English, appeared without an attorney, but with an unidentified man who offered to translate for her. Without an official interpreter or the prosecution present, Respondent spoke to the defendant through the unidentified man, who did not speak Ukrainian himself, but stated that he was able to translate because he spoke Russian. At one point, Respondent explained to the defendant, "I'm half Ukrainian, so I understand some stuff." (Exhibit 16, p 6.)

40. Before asking the defendant how she pled to the charge, Respondent engaged in an *ex parte* conversation with the defendant and attempted to solicit an explanation of the circumstances of her cell phone use on the day in question. Respondent stated, "The court understands that you were on the phone with your

doctor" and asked, "What hospital was the doctor from?" and "the purpose of the call again, was?" (Exhibit 16, pp 2-4.) The defendant declined to elaborate on the substance of the conversation with her doctor and opted to plead guilty to the charge to avoid having to return to court. Respondent accepted the defendant's guilty plea and assessed a fine.

41. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform the duties of judicial office without bias or prejudice against or in favor of any person, in violation of Section 100.3(B)(4) of the Rules, and failed to accord to every person who has a legal interest in a proceeding the right to be heard

according to law and initiated, permitted or considered *ex parte* communications, in violation of Section 100.3(B)(6) of the Rules.

**CHARGE III**

42. Notwithstanding that Respondent has been a judge since 2009, and was censured by the Commission in 2018 for, *inter alia*, failing to respect, comply with, be faithful to and maintain professional competence in the law, in testimony before the Commission on April 10, 2025, Respondent demonstrated a lack of understanding of basic legal principles and the proper role of a judge, as follows:

A. When asked who handles the prosecution of traffic tickets in his court, Respondent asked "[w]hat is defined as the prosecution of traffic tickets?" When asked who "prosecutes" traffic tickets, he testified, "Me. I prosecute them." (Exhibit 10, pp 10-11.)

B. Notwithstanding the requirement that all town and village court proceedings be mechanically recorded,[2] Respondent disputed the necessity of doing so because he takes notes that he believes are "intricately detailed" and "indicate exactly what occurred" during appearances. (Exhibit 10, pp 17-18.)

C. When asked about his failure to provide audio recordings requested by the Commission, Respondent testified that he cannot tell whether the recording device is working and that he requires additional training. (Exhibit 10, pp 19-20.)

D. Respondent did not appear to know the statutory requirement that dismissal of a criminal charge must be in writing and on notice to the prosecution. When asked whether a judge should be faithful to a statutory requirement, Respondent said, "I think

[2] Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

that the Judge is faithful to the wellbeing and harmony within the community." (Exhibit 10, p 57.)

E. Respondent testified that he is able to judge the credibility of litigants based upon their physical appearance and the "thousand cases" he has handled. (Exhibit 10, pp 61-62.)

F. Respondent failed to understand the impropriety of questioning a defendant about the facts of a case without a defense attorney or prosecutor present, and he failed to grasp the distinction between an admission of guilt by the defendant during colloquy and a guilty plea. (Exhibit 10, pp 69-71.)

G. Respondent testified that if something is written on a traffic ticket by a law enforcement officer, "[t]hat makes it a fact." When asked if the facts of a case have to be proven in court, Respondent said he relies on information written by law enforcement officers on traffic tickets. (Exhibit 10, pp 73-74.)

43. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) 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: August 27, 2025
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

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

**VERIFICATION**

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer 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
27th day of August 2025

Notary Public

MELISSA R. DIPALO
Notary Public, State of New York
No. 02DI6231282
Qualified in Suffolk County
Commission Expires January 13, 2027

**EXHIBIT 1**

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

JOHN M. SKINNER,

a Justice of the Columbia Town Court,
Herkimer County.

DETERMINATION

- - - - - - - - - - - - - - - - - - - - - - - - -

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Paul B. Harding, Esq., Vice Chair
Jodie Corngold
Honorable John A. Falk
Taa Grays, Esq.
Honorable Leslie G. Leach
Honorable Angela M. Mazzarelli
Marvin Ray Raskin, Esq.
Richard A. Stoloff, Esq.
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Eteena J. Tadjiogueu, Of Counsel) for the Commission

Honorable John M. Skinner, respondent pro se

The respondent, John M. Skinner, a Justice of the Columbia Town Court, Herkimer County, was served with a Formal Written Complaint dated February 14, 2018, containing two charges. The Formal Written Complaint alleged that respondent delayed

and mishandled a small claims action and failed to mechanically record any court proceedings for more than eight years. Respondent filed an Answer dated April 10, 2018.

On June 6, 2018, the Administrator and respondent entered into an Agreed Statement of Facts pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On June 13, 2018, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2020. Respondent is not an attorney.

As to Charge I of the Formal Written Complaint:

2. As set forth below, from May 2015 to November 2016, while presiding over *Erek Treen-Goff v Heidi Schimmelpfennig*, a small claims proceeding, respondent failed to be faithful to the law and maintain professional competence in it and failed to dispose of the matter promptly, efficiently and fairly, in that he: (A) unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearances in the

matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

3. On April 14, 2015, Erek Treen-Goff filed a notice of small claim in the Columbia Town Court against Heidi Schimmelpfennig. Mr. Treen-Goff sought $3,000 plus $15 court costs for damage caused to his vehicle, which he claimed was sustained when he swerved into a utility pole to avoid hitting Ms. Schimmelpfennig's dog that had run into the road.

4. On April 14, 2015, Janet Elliott, the Town of Columbia court clerk, processed Mr. Treen-Goff's petition and set a hearing date for 6:00 PM on May 19, 2015.

5. On May 12, 2015, Ms. Schimmelpfennig filed an "affidavit of facts" in the Columbia Town Court, demanded a jury trial and paid a jury fee in the amount of $10 and a $50 deposit. The affidavit was not notarized.

6. On May 19, 2015, respondent sent Ms. Schimmelpfennig a letter requesting a notarized written demand for a jury trial and an affidavit of facts, among other items.

7. On June 1, 2015, Ms. Schimmelpfennig re-filed a jury trial demand and "affidavit of facts." Neither the jury trial demand nor the affidavit was notarized.

8. From May 12, 2015, to August 20, 2016, respondent adjourned the hearing date at least three times, notwithstanding that neither Mr. Treen-Goff nor Ms. Schimmelpfennig ever requested an adjournment.

9. Respondent failed to hold a hearing in the case until September 27, 2016. Present in the courtroom on that date were the plaintiff, the defendant, the

plaintiff's grandfather, Fred Treen, and the defendant's friend, Bob Meyer, who was an observer and did not intend to offer any testimony.

10. During the proceeding on September 27, 2016, the parties testified about the accident, and the plaintiff or his grandfather provided a police report and documentary evidence concerning repairs to Mr. Treen-Goff's vehicle.

11. At the conclusion of the proceeding on September 27, 2016, respondent adjourned the matter to provide the plaintiff with time to obtain records from the New York State Electric and Gas Corporation (NYSEG) specifying when the accident occurred and when the utility pole was replaced.

12. On October 11, 2016, the parties again appeared before respondent. Also present in the courtroom were the plaintiff's grandfather, Mr. Treen, and the defendant's son, Evan Schimmelpfennig.

13. During the appearance, Mr. Treen provided respondent with weather reports from the date of the accident, handwritten statements from neighbors who had allegedly witnessed the defendant's dogs in the road, and a document from the utility company regarding repairs to the utility pole.

14. On October 11, 2016, respondent issued a judgment in favor of Mr. Treen-Goff, awarding him $1,000 plus $15 court costs.

15. On October 18, 2016, respondent sent Ms. Schimmelpfennig a copy of the judgment. In a cover letter accompanying the judgment, respondent wrote that Ms. Schimmelpfennig's motion for a jury trial was denied and he returned her $50 deposit and $10 filing fee.

16. On October 31, 2016, Ms. Schimmelpfennig sent a Notice of Appeal to Mr. Treen-Goff and the Columbia Town Court by certified mail, signature required. The caption in the Notice of Appeal stated that the judgment was being appealed to the "Appellate Division of the Supreme Court of the State of New York, Second Judicial Department," although the Columbia Town Court is located in the Third Judicial Department and the proper forum for appeal of a town court decision is County Court.

17. On November 9, 2016, Ms. Schimmelpfennig sent the Columbia Town Court a money order in the amount of $101.50 and a $5 cash filing fee. On November 29, 2016, respondent returned Ms. Schimmelpfennig's money order. He failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court, and he did not otherwise take any action on Ms. Schimmelpfennig's appeal.

18. During the pendency of *Treen-Goff v Schimmelpfennig,* respondent failed to mechanically record any appearances in the case.

As to Charge II of the Formal Written Complaint:

19. From January 1, 2009, when he assumed judicial office, through May 23, 2017, respondent failed to mechanically record any appearances in the Columbia Town Court as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

20. Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 provide that every town and village justice must mechanically record all

proceedings in the court. The recording requirement became effective on June 16, 2008.

21. Respondent did not begin recording proceedings until after he was asked by the Commission during its investigation of the matters herein to provide audio recordings of appearances in *Treen-Goff v Schimmelpfennig.*

Additional Factors

22. Respondent acknowledges that he improperly delayed in holding a hearing in *Treen-Goff v Schimmelpfennig*. Prior to presiding over the matter, respondent had never received a small claims jury trial demand and did not know how to process the petition. Respondent avers that in the future he will immediately contact the Judicial Resource Center for assistance if he encounters a judicial issue that he cannot independently resolve.

23. Respondent also acknowledges that he did not mechanically record proceedings in his court prior to May 23, 2017. Respondent asserts that he did not know how to operate the laptop recorder, and until the Commission's inquiry he did not seek assistance in learning how to operate the recorder. Respondent also asserts that, notwithstanding the clear mandate of Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 that all proceedings be mechanically recorded, he believed his handwritten notes of proceedings were sufficient, even though he had not researched the matter and could point to no authority supporting his interpretation. After the Commission attempted to obtain audio recordings of proceedings in *Treen-Goff v Schimmelpfennig,* respondent received training from a local computer technician, which he acknowledges he could have done years before. Since May 2017, respondent has

complied with the mechanical recording requirement and pledges to continue to comply henceforth.

24. Respondent further acknowledges that it was improper to fail to take action on the defendant's appeal. Respondent states that he was awaiting the results of the Commission's investigation before acting on the appeal, but he now appreciates that it was inappropriate and unfair to the litigants to defer his judicial responsibilities in their case for so long, pending resolution of a disciplinary complaint against him. Respondent further states that he had never previously handled an appeal, but he assures the Commission that in the future he will consult with the Judicial Resource Center in a timely manner concerning his judicial obligations with regard to appeal procedures or any other matters that, as here, may confound him.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1), 100.3(B)(7) and 100.3(C)(1) of the Rules Governing Judicial Conduct ("Rules") and 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. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

The record establishes that respondent inexcusably neglected his duties as a judge by failing to mechanically record any court proceedings for more than eight years, contrary to a statewide administrative order, and by unduly delaying a small claims matter in which he failed to hold a hearing until 17 months after a notice of claim was

filed. Respondent has acknowledged his responsibility for these ethical lapses.

Since 2008, town and village justices have been required to mechanically record all court proceedings pursuant to Administrative Order 245/08, issued pursuant to the Rules of the Chief Judge (22 NYCRR §30.1). Despite this clear mandate, which went into effect shortly before he became a judge, respondent failed to record any proceedings in his court from the time he first took office and continuing for more than eight years. Respondent's claim that he "believed that his handwritten notes of proceedings were sufficient" suggests that he had at least some awareness of the recording requirement, and while he has explained that he "did not know how to operate the laptop recorder," which the court system had provided, his failure for more than eight years to seek assistance in learning to do so is plainly inexcusable. Not until after the Commission contacted him to ask for an audio recording of a particular proceeding did he seek training from a local computer technician and begin to comply with this important mandate.

The absence of a recording in any proceeding is significant since it not only makes it more difficult to determine what transpired at the proceeding but also indicates lack of compliance with an administrative order, which is inconsistent with a judge's ethical responsibilities (Rules, §100.3[C][1]). *See, e.g., Matter of Ridsdale*, 2012 NYSCJC Annual Report 148; *Matter of Allen*, 2012 NYSCJC Annual Report 64. While the cases that have come to the Commission's attention in this regard have generally involved judges who may have forgotten to turn on the recorder in isolated instances, did not ensure that the court staff had activated it or simply did not realize the equipment was not working, respondent's decision to simply ignore this important requirement by failing

to record any proceedings whatsoever was unprecedented and grossly improper.

Respondent was also responsible for significant delay in a small claims action that was filed in his court. By not holding a hearing until 17 months after the notice of claim was filed, he deprived the parties of the opportunity to have the claim resolved in a timely manner. *See Matter of Scolton*, 2008 NYSCJC Annual Report 209 (delays in scheduling a hearing and issuing decisions in six small claims actions); *Matter of Baldwin*, 2009 NYSCJC Annual Report 74 (significant delays in three small claims matters); *Matter of Trickler*, 2016 NYSCJC Annual Report 222 (ten-month delay in scheduling a trial in a case involving alleged violations of the Environmental Conservation Law).

The ethical standards require every judge to dispose of court matters "promptly, efficiently and fairly" (Rules, §100.3[B][7]). The "informal and simplified" procedures for small claims are intended to provide litigants with an efficient and just resolution to their legal disputes (Uniform Justice Court Act ["UCJA"] §1804). This goal is thwarted when a simple matter that could have been resolved expeditiously is delayed for over a year through no fault of the parties. *See Matter of Gilpatric,* 2011 NYSCJC Annual Report 97. A small claim is not insignificant to the parties involved, and for litigants whose cases may represent their only personal involvement with the courts, an unduly delayed resolution of their dispute would likely convey the impression that the judicial system is inefficient and insensitive to their concerns.

Here, respondent's apparent uncertainty about how to process the defendant's demand for a jury trial obviously does not excuse the excessive delay. While

respondent, who had never previously handled a small claims jury trial request, appears to have recognized that the defendant's unsworn submission did not meet the statutory requisite (*see* UJCA §1806; *Village of Castleton on the Hudson v Pillsworth*, 184 Misc2d 284, 285 [Sand Lake Justice Ct Rensselaer Co 2000]) and asked her to submit a notarized filing, it is unclear why he then inexplicably delayed and repeatedly adjourned the matter for over a year, instead of seeking guidance from the City, Town and Village Courts Resource Center.

After the defendant filed a notice of appeal in the matter, respondent further neglected his judicial responsibilities by failing to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court. Respondent's claim that he was awaiting the results of the Commission's investigation before acting on the appeal is patently unacceptable since he was required to comply with the statutory directives, and his unfamiliarity with appeal procedures does not excuse his failure to seek appropriate guidance. *See Matter of Ayres*, 30 NY3d 59 (2017) (judge failed to file the court's return in a timely manner despite multiple directives to do so from County Court). Respondent's failure to diligently discharge his judicial duties in the matter was contrary to ethical standards and statutory mandates, with adverse consequences not only to the litigants, but to public confidence in the administration of justice as a whole.

In accepting the jointly recommended sanction of censure, we note that respondent has acknowledged his misconduct and has assured the Commission that he will seek guidance from the Resource Center when needed, and we trust that he will diligently discharge his judicial duties in the future. We also take this opportunity to

remind all judges of the numerous resources provided by the court system that are available to them, including the Resource Center and the Advisory Committee on Judicial Ethics, when questions about procedures or their judicial responsibilities arise.

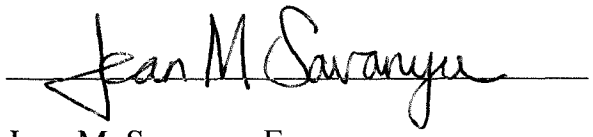
By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

Mr. Belluck, Mr. Harding, Ms. Corngold, Judge Falk, Ms. Grays, Judge Leach, Judge Mazzarelli, Mr. Raskin, Mr. Stoloff and Ms. Yeboah concur.

## CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: June 26, 2018



Jean M. Savanyu, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct

**EXHIBIT 2**

# Town of Columbia Animal Control
## APPEARANCE TICKET

NO 209

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21st day of November, 19 23 at 6:45 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia. Article 7 Agricultural and Markets Law

Committed on Oct 21 23 at — m at Post-28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

[redacted] 11-14-23

Officer's Signature Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 176

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21st day of November, 19 23 at 6:00 P m.

Defendant is accused of the offense of Dog at large - Violation of Local law 2010 #1 Section 5 in the Town of Columbia. Article 7 Agricultural and Markets Law

Committed on Oct. 21, 23 at ——— m at Route 28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

[signature] 11-14-23

Officer's Signature Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 177

Name [redacted]

Addres [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21 day of November, 19 22 at 6:00 P m.

Defendant is accused of the offense of Dog at Large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on OCT. 21-22 at —— m at Route 28

in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-22
Date

# EXHIBIT 3

G[redacted], B[redacted]
DOG CASE

Complainant
J[redacted] T[redacted]

Adjourned to 12/5/23
APPEARED 12/19/23 ([redacted] APPEARED)
WARRANT ISSUED
CASE FILED GUILTY

1/9/24 ADJOURNED
UPDATE SCH
2/12/24

2/14/24 CASE CLOSED

**EXHIBIT 4**

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name B [redacted] G [redacted]

Address [redacted]

[redacted], N [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 20 24 at 6 pm m.

Defendant is accused of the offense of dog at large - Violation of Local Law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

12-20-23
Date

TOLD TO KEEP DOGS OFF NEIGHBORS PROPERTY "BUILT FENCE"

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
## APPEARANCE TICKET

Name B[redacted] G[redacted]

Address [redacted]

[redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 20 24 at 6pm m.

Defendant is accused of the offense of Dog at Large - Violation of Local Law 2010 # 1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

12-20-23
Date

**EXHIBIT 5**

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: J [redacted] T [redacted]

Address: [redacted]

Phone #: [redacted]

12/26/23 APPEARED 12/13/23 DISMISSED JT

Dog Owner's Name (if known) : B [redacted]

Address where dog is harbored: [redacted]

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B [redacted] 2 PIT BULLS ON MY PROPERTY CAUSING A NUSANCE, I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY

[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

**EXHIBIT 6**

STATE OF NEW YORK

TOWN _____ COURT

COUNTY OF HERKIMER

TOWN _____ of COLUMBIA

Defendant: NA
(Relationship to alleged victim)

Alleged Victim: NA
(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

-- VS.--

Date of Birth

B[redacted] G[redacted] [redacted]

Defendant(s)

ACCUSATION

BE IT KNOWN THAT, by this INFORMATION , J[redacted] T[redacted] ,

as the Complainant herein, RESIDING at [redacted] ,

accuses the above mentioned Defendant(s), with having COMMITTED the VIOLATION ,

of TRESPASS in violation of Section 140.05 ,

Subdivision _____ of the PENAL Law of the State of New York.

That on or about 12/31/2023 at about 12:00 PM

in the TOWN of COLUMBIA , County of HERKIMER , the defendant(s)

*did intentionally, knowingly and unlawfully commit the violation of Trespass. A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises. Trespass is a violation.*

FACTS

*To wit: on the aforementioned date and time the defendant B[redacted] G[redacted] did knowingly and intentionally enter onto the duly posted property of J[redacted] T[redacted] without consent having previously been told he was not allowed on the property.*

C.S. DENIED JOHN M SKINNER JM 1/9/24

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon infomation and belief, with the sources of Complainant's information and the grounds for belief being the facts contained in the attached SUPPORTING DEPOSITION(s) of: J[redacted] T[redacted]

NOTICE

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor. **(PL 210.45)**

Affirmed under penalty of perjury

this 31 ST day of DECEMBER , 2023

[redacted]

COMPLAINANT

--OR--

Subscribes and sworn to before me this _____ day of _____, 20 _____

# EXHIBIT 7

Your Honor,

Please see the enclosed, requesting a criminal summons for Trespassing against B[redacted] G[redacted] ([redacted]). The complainant is J[redacted]. T[redacted] ([redacted]). G[redacted] entered his property on December 31st, 2023 without his permission and took a picture of a deer carcass on T[redacted] property.

Please let me know if you have any questions with the matter. I can be reached on my cell at [redacted]-[redacted]

Respectfully,

Trooper Flynn

CRIMINAL SUMMONS DENIED

JUDGE SIGNATURE

CASE CLOSED

**EXHIBIT 8**

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: J[redacted] T[redacted]

Address: [redacted]

Phone #: [redacted]

Dog Owner's Name (if known): B[redacted] G[redacted]

Address where dog is harbored: [redacted]

1/9/2024 → DEER CARCAS IN NEIGHBORING YARD T[redacted] HARVESTED DEER? - ON HOLD "

RESCH 2/12/24 APPR.

RESCH. 3/19/24

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B[redacted] G[redacted] & PIT BULLS ON MY PROPERTY CAUSING A NUSANCE. I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY.

C[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

Slide-1309

# EXHIBIT 9

Transcript of Miscellaneous Proceedings held
March 5, 2024 (6:54:23 PM to 7:38:23 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*(6:54:23 PM to 6:55:34 PM)*

Judge Skinner: The other event with that-- with that gentleman, I'm not sure the outcome. I'm concerned about that guy coming in here. That-- the event that occurred in the town board meeting.

Unidentified ADA: Is there a criminal charge pending against the guy?

Judge Skinner: There is no criminal charge, the event-- the event resulted in him-- and I know he wants to come in-- that he-- have you got-- here's the paper.

Unidentified ADA: Judge it's your courtroom, so.

Judge Skinner: It's just an event that I'm not sure what may be generated by virtue of that guy being here.

Unidentified ADA: Do you want me to call law enforcement?

Judge Skinner: I did, I expected them and I'm going to call them back because I thought they were going to be here in the event, see.

Unidentified ADA: Do you want me to call for them?

Judge Skinner: Yes, please.

Unidentified ADA: I've got a number.

Judge Skinner: Call Herkimer. Just see if anybody will

be here for-- for Mr. T[redacted].

*(7:02:14 PM to 7:02:38 PM)*

Judge Skinner: I got the district-- sorry, I got the district attorney to-- to stay, and he has called law enforcement just in case. We discussed that, I thought they were going to be here, but things change, I understand, so, we'll see.

Unidentified ADA: I can hang out for a while.

Judge Skinner: Pardon me?

Unidentified ADA: I can still hang out.

Judge Skinner: Can you? Thank you, I would appreciate that.

*(7:03:54 PM to 7:04:42 PM)*

Judge Skinner: When are they coming?

Unidentified speaker: (Unintelligible).

Judge Skinner: Yeah, I don't want-- I really don't want him in here without-- and all the intent is, there is no charges, I'm providing him the courtesy of reviewing exactly what the court did (unintelligible).

Court Clerk: Thank you, have a good night.

Judge Skinner: That's what I'm reviewing.

| | | |
|---|---|---|
| | | (Unintelligible). |
| | Court Clerk: | I'm going to check (unintelligible). |
| | Judge Skinner: | Let's proceed. |
| | Court Clerk: | I'm going to call in the remaining traffic tickets? |
| | Judge Skinner: | Yes, well-- because-- |
| | Court Clerk: | There's three more, might as well get them taken care of. |
| | Judge Skinner: | (Unintelligible) He's on his way. |
| | | |
| | | *(7:15:15 PM to 7:15:37 PM)* |
| | Judge Skinner: | Is that gentleman coming or not? The-- is law enforcement coming? What's going on with that situation? |
| | Unidentified ADA: | I don't know. Are they here? I don't know. |
| | Judge Skinner: | I know that that gentleman is here to come in. |
| | Unidentified ADA: | Well, I'll make another call. |
| | Judge Skinner: | Okay, thank you. |
| | | |
| | | *(7:26:20 PM to 7:38:32 PM)* |
| | Judge Skinner: | Mr. T[redacted], you may approach, stand at the black line. |
| | Mr. T[redacted]: | Okay, I'm not here for any kind of a |

matter--

Judge Skinner: No, you're here to listen, because my intent is to update you on exactly what occurred with the violations and update it based on input from the meeting at the-- the town board a couple-- three weeks ago.

Mr. T[redacted]: And then--

Judge Skinner: Then-- and then I invited you back today and thank you for coming back on this day. There's no-- there's no issues other than I'm giving the courtesy of exactly what the court did in a timely fashion on the cases. Okay? So, you're here to listen to what's the court's got to say regarding the cases. You understand?

Mr. T[redacted]: And then may I say my piece?

Judge Skinner: Yeah. Okay. There was a charge of a-- of dogs by a B[redacted] G[redacted]. That individual came in on the appointed date, and they have two dogs-- this is what was conveyed to the court-- this is what was conveyed to the court, okay? They brought in pictures of deer that

| | | |
|---|---|---|
| | | apparently the dogs went and ate on. |
| | | Now, then, listen-- I'm telling you what |
| | | he told me. That's what-- that's the |
| | | intent of the discussions of what was |
| | | told to me by the individuals-- |
| | Mr. T[redacted]: | He lied. |
| | Judge Skinner: | --That came in as a result of this case. |
| | | And they came and said that they |
| | | opened the door, they let the dogs out, |
| | | and the dogs went over and were eating |
| | | on the deer carcass. They showed me-- |
| | | they showed me pictures of the deer |
| | | that were on the adjacent land-- that |
| | | were-- |
| | Mr. T[redacted]: | He trespassed on the land? |
| | Judge Skinner: | Listen. Okay, I told you I would give |
| | | you the opportunity to talk. That was |
| | | given-- I was given pictures of that |
| | | event by them, showing me what |
| | | occurred and why the dogs went out. |
| | | Admittedly, they were on adjacent |
| | | property-- |
| | Mr. T[redacted]: | My land. |
| | Judge Skinner: | --and reputedly, that is your land. |
| | | That's my understanding of the event. |

And the reason they went out there was because-- the reason that they conveyed because they came into court, and they answered the charge, so. So anyway, that was a result of--

Mr. T[redacted]: There should have been--

Judge Skinner: Now, listen.

Mr. T[redacted]: There should have been two, there was two different-- there was one on October 18, way before deer were ever there, there was one in December--

Judge Skinner: Right, that were dismissed. That was dismissed, so. Again, you'll listen. You're listening because I'm conveying to you exactly what the court did with the charges, so both of them-- so they indicated to me they were going to put up some kind of a fence in their yard whether that's required or not to keep their dogs off of your land. So that's the way it was left, that was--

Mr. T[redacted]: There's no fence.

Judge Skinner: That was the way it was left with the court. In addition, to overlay this, there

were two-- there were the charge of trespassing--

Mr. T[redacted]: On New Year's Eve.

Judge Skinner: That was coincidentally occurred and I had both of those charges-- I had both of their charges in front of the court and as a result of what occurred and what they did and the situation and seeing the pictures of the deer. And I requested-- I was requested by the law enforcement officer to consider a criminal contempt charge for the trespassing charge and I dismissed that coincidentally. And they said they would have their dogs off of the property, so the case was closed out as a result of that in a timely fashion. That's what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred.

Mr. T[redacted]: I never received anything to appear and

when I went to Justin who is the dog control officer I asked him, do I need to appear? Will I get anything in the mail? He said I did not need to appear. That's why I never appeared for any of the dog things.

Judge Skinner: Okay.

Mr. T[redacted]: With the criminal trespass, I believe I spoke to you outside of this door before you were privy to it because it was like the next day afterwards. It happened on New Years's Eve, it might have been two days because I think it was the second of January. So, that being said, there were no deer carcasses on my property, I can show you time-stamped pictures of the carcass, it was 12/25. I've been having issues since 10/18 and earlier with him and his dogs.

Judge Skinner: Right, at the time of the charges, that was what-- that was determined in court. That's what the court did. This outcome--

Mr. T[redacted]: You need to recuse yourself from any future anything with me. I've reported

| | | |
|---|---|---|
| | | you twice to the judicial misconduct board. They are currently investigating for a second time. The first time was when you made me pay a second time a traffic charge. Do you remember, from 2011? And I came in in '22 and you said it was a scofflaw, I reported you for that, I reported you again for this for bias. You've said outside this door if you needed anything from me, I would get contacted. I never got contacted. You play your little games, bias games, you don't like me, we have a history. You recuse yourself or you're going to have a lawsuit. And that's it. |
| Judge Skinner: | | No. You have the ability to address these cases through the judicial system. That is your-- |
| Mr. T[redacted]: | | If you're under review you should not be in front of me at all. |
| Judge Skinner: | | You can do that-- you can question them-- |
| Mr. T[redacted]: | | I'm sure you're going to find out about it. |

Judge Skinner: Okay.

Mr. T[redacted]: This was the 16th of February, okay. The day after the-- when I talked to you at the town board meeting because it was the only way that I could get you to talk to me. I went and sat with Jeff for a half hour and BCI and I told him everything that happened. I've had issues with these people since this guy inherited this house from his father.

Judge Skinner: Alright.

Mr. T[redacted]: My question to you is what do I do in the future if these dogs come on my property? I have an acre of land that I can't let my kids play on, I can't put their trampoline there, I can't set up badminton because he's got pitbulls running loose, he's got a half assed little fence up. I'm not busting your balls, dude. They're over there partying all the time, he works for a construction company on the Mohawk, they have big fires. I go to mow my field and I get shit all caught up in it. I don't do anything wrong. I raise my kid, I pay

my taxes, I don't bother anybody. And I got these people--

Judge Skinner: But, okay. I understand--

Mr. T[redacted]: I deserve to be represented by my government fairly.

Judge Skinner: Right. And you can. If you brought that-- you can bring that in question, the outcome of these, go for it.

Mr. T[redacted]: I already have. I've already written a five-page letter and filled out a formal complaint form against you to the bureau of judicial conduct in New York City. This is the second time I've done it with you.

Judge Skinner: I'm not sure-- we're not obligated to anything in New York City but that's okay.

Mr. T[redacted]: You are. It's a state organization that oversees all the towns. You want to see the pamphlet?

Judge Skinner: No, I don't.

Mr. T[redacted]: Right here. I've dealt with them twice because of you and your bias against me because of my past. And I believe that this time it would be in both--

everybody's best interest if ever again, be it civil or criminal, that you recuse yourself from ever interacting with me again. I think it'd be best for every party here.

Judge Skinner: Here's what's going on in your neighborhood. There's ongoing situation and you're in the middle of it and I understand that.

Mr. T[redacted]: I've been there 15 years. He inherited a house from someone, and they're drug addicts--

Judge Skinner: I suggest that you work in harmony with your neighbor and get along with your neighbor.

Mr. T[redacted]: The next time the dogs are on the property, and I was already told by the state police, I can defend myself if they come at me and they try to bite me again. I have to take action against myself and my children.

Judge Skinner: Okay. Well, this I've never done before where I've given you the courtesy of indicating what the court exactly did--

Mr. T[redacted]: (Unintelligible).

| | | |
|---|---|---|
| 1 | Judge Skinner: | --Exactly did with these cases. That's |
| 2 | | why you're in here. |
| 3 | Mr. T[redacted]: | You're screwing around |
| 4 | | (unintelligible)-- |
| 5 | Judge Skinner: | That's why you're in here. I've never |
| 6 | | done that before. So, I've given you the |
| 7 | | courtesy. |
| 8 | Mr. T[redacted]: | The DA is supposed to be here too, and |
| 9 | | Jeff told me personally that he would |
| 10 | | be here. How come he walked out |
| 11 | | when it was my time to come in again? |
| 12 | | Another side-- little side thing that you |
| 13 | | do that is crooked. And maybe I'll |
| 14 | | write them another, or I'll just call |
| 15 | | them tomorrow and let them know that |
| 16 | | I came here and everything was a farce. |
| 17 | | You-- and it's on the minutes, you said |
| 18 | | that you would schedule me. It's on the |
| 19 | | minutes from the meeting. You said |
| 20 | | you would schedule me. |
| 21 | Judge Skinner: | You arrived at 6:35, you were last in |
| 22 | | the row. And I honor everybody-- |
| 23 | Mr. T[redacted]: | I wasn't here at 6:35, I was here about |
| 24 | | 20 after 6. |
| 25 | Judge Skinner: | Whatever it was, you were the last one. |

Mr. T[redacted]: And there were people complaining because it said on their tickets-- no I wasn't the last one here. The last one here was a girl who's gone ahead of me.

Judge Skinner: Alright, thank you.

Mr. T[redacted]: You've heard what I have to say, it's best to recuse yourself or you're going to have a lawsuit.

Judge Skinner: We're all set, thank you for coming in.

Mr. T[redacted]: Yeah. I'll tell you what too. I got about 20 years left in me, you don't. You pass, I'm going to throw a party. And when I find out where they inter you, I'm going to go piss on your grave. That's free speech, first amendment. Carry that until you pass.

Court Clerk: And that's with his kids and his daughter.

Judge Skinner: He's doing that with this little girl.

Court Clerk: He's training that little girl. He brings her every time he does this.

Unidentified Police Officer: He brings her on purpose?

Court Clerk: She's with him every time. I don't know if its because he has no--

| | |
|---|---|
| Judge Skinner: | I don't know if it's his daughter or what it is. |
| Court Clerk: | It's his daughter. It's his daughter. And she's come every time and when he behaves that way and talks that way to the judge. |
| Unidentified Police Officer: | Is that a state police case? |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Is that a state police case that he talked about? |
| Judge Skinner: | No, it was a couple of cases-- it was a trespassing-- |
| Court Clerk: | --his neighbors. |
| Judge Skinner: | Yeah, it's an issue with the neighbor that he has, for trespassing-- |
| Court Clerk: | --everything he deals with, unfortunately. |
| Judge Skinner: | And they have ongoing other major other issues, too, with the neighbors there. So, the intent of this session was-- and I still have this on the recorder-- was to inform this gentleman, which is not normally done, of exactly what occurred on the cases that were submitted to the court. And that's what |

| | |
|---|---|
| | I did. Thank you. Thanks for coming. I appreciate law enforcement being here. |
| Unidentified Police Officer: | Anytime you guys need us, just get ahold of us and we'll be up here. |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Anytime you guys want us up here, just get a hold of us. Someone will try to get up here. |
| Judge Skinner: | Okay. You're out of Herkimer? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | You are? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | Yeah, if there is ever an issue, that's why I kind of tentatively lined up you folks because I knew he was going to be in here. And I really invited him back because I wanted to make clear exactly what the court did with these particular cases, even though he don't agree with them, that's what occurred as a result of this. So, that's the end of it at this point. And thank you for coming. |
| Unidentified Police Officer: | Yeah, no problem. |
| Judge Skinner: | Have a good day. |

*(Columbia Town Court Proceedings)*

| | |
|---|---|
| Unidentified Police Officer: | You as well. |
| Court Clerk: | Have a good night. |
| Judge Skinner: | Take care. So, should I run for another term? |

# C E R T I F I C A T I O N

I, SIERRA G. WHITNEY, a Program Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: July 19, 2024

Sierra G. Whitney

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

**EXHIBIT 10**

**STATE OF NEW YORK**
**COMMISSION ON JUDICIAL CONDUCT**

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In the Matter of an Investigation :
Pursuant to Section 44, subdivision 3,
of the Judiciary Law in Relation to :

**JOHN M. SKINNER,** :

a Justice of the Columbia Town Court, :
Herkimer County.

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -X

Commission Offices
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

April 10, 2025
10:52 a.m.

B e f o r e:

MEAGAN E. DEAN, ESQ.
Referee

P r e s e n t:

KATHLEEN E. KLEIN, ESQ.
Senior Attorney

HON. JOHN M. SKINNER
Witness

A l s o P r e s e n t:

RYAN T. FITZPATRICK
Principal Investigator

ALYSSA WOODWARD
Administrative Assistant and FTR Operator

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THE REFEREE: Good morning, everyone.

Good morning, Judge.

My name is Meagan Dean, and I have been designated by the Commission as referee to hear the testimony of Judge John Skinner. Today is April 11 [sic], 2025, at 10:52 a.m.

So will everyone present please give your appearances on the record?

MS. KLEIN: Yes. Kathleen Klein, Senior Attorney on behalf of the Commission.

MR. FITZPATRICK: Ryan Fitzpatrick, Principal Investigator with the Commission.

THE REFEREE: Judge, could you please note your appearance as well for the record?

JUDGE SKINNER: Judge Skinner, Town of Columbia, Herkimer County. Did you hear -- okay.

THE REFEREE: Great.

JUDGE SKINNER: Did you hear that? Okay.

THE REFEREE: Okay. Great.

These proceedings today are being digitally recorded. The recording will be transcribed. In order to facilitate a clear and accurate record, please speak slowly, clearly, and directly into the microphone. Refrain from moving away from the microphone and talking over other speakers.



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Please refrain from responding until a question is completed, and answer each question with words, not a nod or gesture. Please refrain from creating excessive background noise, as it becomes amplified on the recording.

During the course of these proceeding, the judge is entitled to be represented by counsel. It is my understanding that the judge has been advised of that right and has elected to appear without counsel.

Is that correct, Judge?

JUDGE SKINNER: That's correct.

THE REFEREE: Okay. During this proceeding, I will entertain requests for brief recesses. In the course of the examination by the Commission's Attorney, the Judge may make objections to the questions posed. However, in making objections, the Judge should take into account that this is an investigation and not a trial and that the rules of evidence do not apply.

At the conclusion of questioning by the Commission's Attorney, the Judge may make any additional statements that the judge wishes. This is subject to further questioning by the Commission Attorney. The Judge may make initial and closing oral arguments today. And within seven days of receipt of the transcript of today's proceeding, the Judge may submit a statement in writing. Any other



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written materials may also be submitted at this appearance or within seven days of receipt of the transcript.

You may not make any photographic images or electronic recordings of any portion of this proceeding, such as tape recordings, video recordings, or digital, audio, or visual recordings. Please also be sure to turn off cell phones and other electronic equipment.

Judge, if you could please raise your right hand.

Do you swear or affirm under the penalties of perjury that you are not making and will not make any photographic images or electronic recordings of any portion of this proceeding?

JUDGE SKINNER: Yes.

THE REFEREE: Okay. Do you swear or affirm under the penalties of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

JUDGE SKINNER: Yes.

THE REFEREE: Thank you.

Whenever you are all set.

MS. KLEIN: All right. Do you wish to give an opening statement, Judge? You'll have an opportunity to make a closing statement if you wish, but you also have the ability to make an opening if you wish to.

THE WITNESS: Just a bit about my



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background. In January, I attended my first court session with my dad. And the court was held around a kitchen table. And they brought in a defendant -- the state police did. And they ended up -- there was a issue with it, and I'm sitting in the corner, because I am a young teenager. It is 1960. It was my dad's first court case. We have been involved with being in the judiciary in our town pretty much ever since, almost entirely, but there are some voids in there. I have been a Judge for the last 17 years of that time frame.

My career -- I'm a fiberoptic design specialist. I designed the major fiber routes from Chicago back to Buffalo, major telecommunications installations at the Plattsburgh Air Force Base, the Sing Sing prison, and a variety of location as an employee of Rochester Telephone from 1967 to 1995. 1995, we sold companies to an outfit in Texas. So from 1995 to 2005, I worked in Texas and was a vice president of operations in four different telephone companies that this gentleman owned.

'95, I retired, and I came back here. My dad was still alive. I spent the last few years of my life with him -- his life with me. And then I became Judge, and I've been Judge for the last 17 years, sometime '7 or '8. I'm not sure the exact year. But I've been Judge -- this is my 17th year as Judge. Thank you.



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MS. KLEIN: Okay. Thank you, Judge. And thank you for coming today.

J O H N M. S K I N N E R,

having been duly sworn, was examined and testified as follows:

EXAMINATION BY

MS. KLEIN:

Q. Just some administrative issues at the outset. I'm about to show what has been marked as Commission's Exhibit 1. This is the letter dated March 17, 2025, from our Deputy Administrator Cathleen Cenci. It's a letter that was sent to you with Exhibits -- and I just want you to take a -- if you would be so kind as to take a look at that, Judge. Did you receive that letter?

(Commission Exhibit 1 was marked for identification)

A. I'm looking at what I got here compared to what this is.

Q. Well, it would be --

A. Exhibit 1 corresponds to the first page.

Q. This letter was also faxed to you two days ago at your request.

A. Right, yes.

Q. So that is the same letter.

A. Right.

Q. So I just want to be sure --

A. And my -- and this is the receipt I did of the fax.

Q. Okay. So --



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A. Thank you.
Q. -- so you did receive that via mail, initially, but then via fax two days ago --
A. That's correct.
Q. -- correct?
A. That's correct.
Q. All right. And are you present today for this proceeding pursuant to Ms. Cenci's letter to you?
A. Pardon me?
Q. Are you present today because you received this letter?
A. Yes, but not -- I -- not receiving it the other day. I received shortly after 17 March, because that's the date of the original letter.
Q. All right. And --
A. Yes. I'm here because of that.
Q. Okay. And did you review the enclosures with that letter?
A. And I'll reference paragraph 2, where it says to appear here April 10th at 11 p.m. [sic]. That's why I'm here, because -- and that's in heavy print on page 1 of the 17 March letter.
Q. All right. Did you review the enclosures with the letter, Judge?
A. Yes.
Q. All right. And did you review, as requested, the Court's files for -- there were several matters listed in paragraph 3: *People v B[redacted] G[redacted]*, *People v B[redacted] G[redacted]*, *People v T[redacted] N[redacted]*, *People v B[redacted] M[redacted]*, and *People v D[redacted] K[redacted]*. Did you review those matters?
A. I reviewed those matters. If you have specific questions regarding those



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matters, I'll attempt to answer them for you.

Q. Okay. Thank you, Judge. Some very brief background information, as you have gone over your -- some of your employment history with us. Would you please state and spell your full name for the record?

A. John -- and that's a J-O-H-N; Michael, M-I-C-H-A-E-L; Skinner, S-K-I-N-N-E-R.

Q. Your date of birth, Judge, please?

A. [redacted].

Q. Your home address, please?

A. [redacted].

Q. I'm sorry. What was the town?

A. [redacted], New York.

Q. Okay. Thank you.

A. The nicest upstate town on the map, west of Albany.

Q. What is the court address?

A. 147 Columbia Center Road, Ilion, New York. I don't remember the ZIP Code.

Q. Are you an Attorney, Judge?

A. No.

Q. You've given us some of your employment history, and we also had you -- before the Commission, on July 17, 2017, you gave testimony in connection with a separate investigation where you provided us with your employment history and your education history. So we'll forgo --

A. We'll see if I told you the same story.

Q. We're not going to go over that this time, just because we do --



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A. Okay.
Q. -- have that --
A. That's fine.
Q. -- information from you. And I would just add, Judge, it's a little difficult, but as you know from being in court, this proceeding is being recorded. It's going to be transcribed. So if we speak over each other, we'll have to stop and sort it out, all right?
A. Nobody speaks over each other, not even in my court.
Q. Okay, Judge. What is -- do you have any current employment outside your judicial role?
A. Unofficially.
Q. What is that?
A. I am a vendor of products for farm markets. I grow sweet corn, pumpkins, squash. I have some of the biggest pumpkins in the state.
Q. Okay. Do you know what year you became a Judge?
A. That's why I said -- I'm in my 17th year.
Q. All right.
A. Whatever the math comes out. I've just completed the 16, so that's four terms. So that's 16 years plus several months.
Q. When does your current --
A. We got to back it -- pardon me. I'm sorry.
Q. Sorry. When does your current term expire?
A. It expires 12/31/28. I just was reelected last November.
Q. What is your judicial salary?
A. I think it's 9,000 a year.



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Q. How many judicial positions does the Town of Columbia have?
A. It has a Judge and a Court Clerk.
Q. All right. And --
A. That's --
Q. -- and who is the Court Clerk?
A. It is -- he just got on board. He just was added to our payroll.
Q. Is she relatively new?
A. No, it's a he.
Q. Oh. Is the Court Clerk relatively new?
A. Yes, just started the 1st of January.
Q. The 1st of January this year?
A. Yes. Reed (phonetic) is his first name.
Q. All right. Well, we can come back to that, Judge. So you have a new -- and who was your Court Clerk prior to Reed?
A. From 11/1/2024 to 12/31/2024, there was no Court Clerk. Previous to that, I had a Court Clerk that -- a lady that was also a Paralegal.
Q. What was her name?
A. And I'll get her -- I'll get her name for you, too.
Q. Okay. You're going to provide that name to us at a later date?
A. Yes.
Q. When does the court meet?
A. Every Tuesday at six p.m. And the -- once a month, we have DA night, and that is always the first Tuesday in the month. That is when the ADA is there, and that is where I also have a Defense Lawyer. By the way, in Herkimer County, I was the first one to get a full-time Defense Lawyer. I



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got, you know, friends with a gentleman who lived in Cherry Valley, and he agreed to come, because I was --

Q. Judge --

A. -- not the -- I would not do arraignments --

Q. I'm sorry, Judge. I have to --

A. -- without a Judge.

Q. -- I have to stop you, because I'm just trying to establish some background information.

A. Go ahead.

Q. And I want to be as efficient as possible. So --

A. Very good.

Q. -- while I appreciate some detail -- well, what was the -- what is the name of the Assistant District Attorney that appears in your court?

A. Eisenhut.

Q. Do you know the first name?

A. I believe it's Cliff. He's an ADA, Herkimer County ADA.

Q. And his night to appear is the first Tuesday of every month; is that right?

A. That's correct.

Q. That's correct?

A. Yes.

Q. Who handles the prosecution of traffic tickets for the Town of Columbia?

A. What is defined as the prosecution of traffic tickets?

Q. Who handles state police tickets in your court?

A. The state police tickets are -- we just implanted a new system -- are on the computer, which is up to date with the state records. The tickets



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themselves are printed out by the Court Clerk and provided to me for that particular evening. So for that evening, if there's six people that get traffic tickets, he will have printed them out and give them to me. And this is who we expect in court tonight. Then I'm given the court copies of the tickets and expect those people that evening.

Q. Who prosecutes those tickets?

A. Who prosecutes them? Pardon me? Is that the --

Q. Yes.

A. -- question?

Q. That's the --

A. Yes.

Q. -- question.

A. Me. I prosecute them.

Q. But you're the Judge, correct?

A. I am the Judge.

Q. Are you telling us that you're the Judge and the Prosecutor in the case of traffic tickets?

A. Oh, I'm sorry. The Prosecutor is the DA -- or is the -- Eisenhut. He's the Prosecutor. The Defense Lawyer, it's Cliff Laughlin (phonetic). So I have a Defense Lawyer available if needed -- generally not for traffic tickets. And Eisenhut does -- he is the -- prosecutes all of them. He gets copies of those and discusses the cases -- or no. I will arraign the individual. He does not see them before I arraign them. In other words, there's a first appearance. And if I get a not-guilty plea, he's in the back room. Then I tell the individual to sit down; the District Attorney is



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available for you here this evening to discuss the violation with. And then the piece of paper is forwarded to the District Attorney from me. And he calls them into the back room and discusses it.

Q. So my question to you was -- sorry to interrupt you, Judge -- but who prosecutes the traffic tickets. And is your answer that Cliff Eisenhut, the Assistant District Attorney, prosecutes the traffic tickets for the Town of Columbia?

A. No. I'm telling -- I'm not sure what you mean, prosecute. What I'm telling you is what he does. I get the copy of the traffic violation. I arraign the individual and tell him or her their options. I'd say, "And here's the charge that is against you."

Q. Let me rephrase it, Judge. Who represents the People of the State of New York in traffic matters?

A. Oh, Eisenhut.

Q. Okay. That's the Prosecutor, right?

A. He's the Prosecutor. He's not the first person that sees them. I'm the first person that sees them.

Q. But what relevance does that have?

A. He can't see them until he's been arraigned in front of me. The arraignment is originally done in front of the Court, and then I -- typically, if I typically receive a not-guilty plea, then I tell the individual that he may discuss it with the District Attorney, the Prosecutor. He can discuss your violation with him. If I get a guilty plea, I adjudicate it based on a guilty plea given there. So it doesn't get to the Prosecutor. It's a speeding, I'm guilty, I proceed with the case as the individual -- the



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individual had the option to plead guilty or not guilty.

Q. All right. We'll get back to some of the traffic matters we had some questions about. But at this point, I'd like to change course a little bit. What I have here is marked as Commission's Exhibit 2. This is a copy of a determination by the Commission on Judicial Conduct dated June 26, 2018, and an agreed statement of fact dated May 15, 2018, signed by the Judge. I just want -- Judge, do you remember being before the Commission in connection with another matter that --

(Commission Exhibit 2 was marked for identification)

A. Right. I'm not in a position to review that without previously -- if you want to discuss that, I am very pleased to do that. But without previously --

Q. Judge --

A. -- going -- you're going to bring -- you're bringing up something that's outside of the scope of the evaluation here.

Q. Judge, it's a simple question. Do you recall being before the Commission --

A. I was -- I was before --

Q. You have to --

A. -- the Commission.

Q. -- let me finish the question, right, because we're being recorded. I'm trying to protect the record for you and for the Commission.

A. Right. I --

Q. Do --

A. -- was -- the detail of exactly what occurred at that time --



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Q. It's a yes --
A. -- I'm not in a --
Q. -- or no question. Do you recall being before the Commission in --
A. Yes.
Q. -- 2018? Do you recall the Commission accepting a censure with respect to your --
A. Yes.
Q. -- handling -- please let me finish the question, okay, Judge? I'm doing the best I can to get it out. Do you recall receiving a censure in connection with your handling of a small-claims case?
A. Without saying that small-claims case, I'm not familiar with it.
Q. All right. Let's do this. Do you recall being before the Commission in connection with a complaint that you failed to record court proceedings?
A. I believe so.
Q. And do you recall being censured for failing to record court proceedings?
A. Yes.
Q. All right. And do you remember signing and entering into an agreed statement of fact -- I'm showing you here the last page of Commission's Exhibit 2. Is that your signature at the top of that document?
A. Yes, it is.
Q. Okay. Do you remember --
A. This was a -- this is a '18, and it's now '25. Okay.
Q. All right. But do you remember that they found misconduct on your part in connection with your failure to record proceedings?
A. Right.



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Q. All right. And I'm going to read to you a piece of this document -- a portion of this document that you executed. It is the agreed statement of fact, page 7, paragraph 26. "Respondent also acknowledges that he did mechanically record proceedings in this court prior to May 23, 2017." And at that point, you pledged to comply with the recording requirements going forward. Do you remember that?

A. Yes.

Q. Okay.

MS. KLEIN: May I have this marked, please?

MR. FITZPATRICK: Um-hum.

BY MS. KLEIN:

Q. And do you understand, Judge, that there are laws, there are requirements that a Judge record all proceedings before him or her?

A. Yes.

Q. Okay. Are you currently doing that?

A. Yes.

Q. I have here what's been marked as Commission's Exhibit 3. It is a five-page document which encompasses correspondence between Commission counsel and the Town of Columbia Justice Court, requesting records in connection with the cases of *People v B[redacted] G[redacted]*, G[redacted] --

(Commission Exhibit 3 was marked for identification)

A. Yeah.

Q. -- and *People v B[redacted] G[redacted]*. Do you remember receiving requests for records in connection with those two cases, Judge?



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A. I believe so, yes.

Q. All right. And I will just note, with respect to this exhibit, that on March 19, 2024, Ms. Cenci received an email from Judge Skinner: "Attached, please find a copy of the audio recording for March 5, 2024, as requested in your letter to Millie Buck, Court Clerk, dated March 15, 2024. Copies of all paper records will follow by US Postal Service. Please advise if there is anything further you need from this Court." In response, by email dated March 28, 2024, "Dear Judge Skinner" -- this is from Cathleen Cenci to Judge Skinner -- "the Commission is in receipt of the audio recording for March 5, 2024 and records of the two *G*[redacted] cases that you provided, pursuant to our recent request. In addition to the March 5th audio, also requested were recordings for all appearances held in both *G*[redacted] cases on any other dates. Please provide the additional recordings for these cases, either by mail or to the address provided by the Commission." Do you remember that request coming through, Judge?

A. I believe so.

Q. Do you want to see the exhibit so you know what we're talking about?

A. No.

Q. Okay.

A. Thank you.

Q. Did you provide the audio recordings in connection with the *G*[redacted] matters to the Commission?

A. I believe so, but I'm not sure. Sometimes that recorder doesn't work the way it should. I admit my ability in operating a recorder might be



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marginal at times.

Q. Did you record any appearances in the *G*[redacted] cases that were requested of you?

A. I don't know. There should've been some recordings on there. I'm not sure -- are you asking a question that you didn't find any or --

Q. Well, Judge, we didn't receive a response. Why didn't we receive a response to this email dated March 28, 2024, from Cathleen Cenci, our Deputy Administrator in charge? There was no response. Where are the recordings in the *G*[redacted] matters?

A. I can check the machine and see where they're at.

Q. Do you believe that you recorded the *G*[redacted] matters?

A. I can check -- I can check and see if they're on there or not. I did do the *G*[redacted] matter; there's no question about that.

Q. Why would you not have checked before appearing today?

A. I wasn't requested. I thought you got all the copies you needed to do.

Q. Well, if we had all the copies -- the Commission had all the copies it needed, why would we send you an additional request?

A. I'll check and see what is on the recorder.

Q. What do you want me to tell the Commission about your failure to provide these recordings when you've previously been censured for that conduct?

A. That's up to you.

Q. Do you think that's serious?

A. Pardon me?

Q. Do you think that is serious, that you're not providing recordings or



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recording matters in your court?

A. I'm attempting to record the thing on that darn recorder appropriately.

Q. I asked you a yes-or-no question. Do you think it's serious?

A. I'm not sure the question is serious.

Q. Would you agree with me that if you fail to record a court proceeding, it makes it more difficult, if not impossible, to determine what transpired during that proceeding?

A. I would say not at all.

Q. And why is --

A. Because if you pull that complete file, the notes on that file are intricately detailed and indicate exactly what occurred at the proceeding.

Q. Are you saying that you take notes that are adequate so that you don't need to record cases?

A. I didn't say that. I said, I take notes so that if I'm ever pulled and I pull files from many years before and pull that file, look at that yellow copy and determine exactly what occurred on that, because I take the time to write down everything that was discussed.

Q. Is that what happened in the *G*[redacted] cases?

A. It may have. I don't know. I'd have to check the recording.

Q. Well, we're going to look at their records in a moment, and you're going to tell me exactly what happened, I hope, from your notes, because we don't have a recording.

A. Okay.

Q. Do you think -- do you agree with me that failure to record an appearance indicates a lack of compliance with an administrative order, which is



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inconsistent with a Judge's ethical responsibility?

A. I'm not making all that comment. My --

Q. Judge --

A. -- my important thing -- this is my important thing. The person that sits across from me, the defendant, is the most important person in that courtroom. The discussion between the Judge to indicate to that person exactly what the charges are and what the person's options are are paramount to effectively handling the case. I ensure him -- assure him of that procedure, that if you do this, this happens; if you do that, that happens, from the simplest traffic ticket to the most complicated situation. The person that's there doesn't want to be there. The person's there, I want to make them feel comfortable that we're here to process -- in front of me is paperwork that clearly shows a specific charge to you. I'm going to read that charge to you in detail and make sure you're fully aware of the charge and fully aware of the options if you plead guilty or not guilty to the charge. I'm not suggesting -- I'm not giving them any lawyer advice.

Q. Excuse me, Judge. I have to stop you. What does this have to do with your failure to record proceeding?

A. Well, I admit that I'm probably not as good as I should be at recording.

Q. Why is that?

A. It's the -- there's a issue handling the darn recorder. I put it on, and I say, "I wonder if I have this correct or not." So I need -- and when I've asked for advice or people to come out and do it, I never see anybody from Albany up there to tell me how to do it.



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Q. When did you ask for advice?

A. On probably several occasions. But --

Q. Can --

A. -- if somebody would come and clearly go over that with me, again, so I can handwrite exactly what needs to be done in respect, specifically, to recording, and then do an example of that procedure in detail, and then go over that with me, I would appreciate that entirely.

Q. So are you telling the Commission that you lack training to record these matters?

A. No. I'm telling you that I need additional training.

Q. I will note that, in response to our request for records in connection with the *G* [redacted] matter, Judge, you were able to forward, as per your email dated March 19, 2024, 6:09 p.m., "Attached, please find a copy of the audio recording for March 5, 2024, as requested in your letter to Millie Buck" --

A. But that there, did you receive that?

Q. We did receive that recording from March --

A. Thank you.

Q. -- can I finish, Judge -- from March 5, 2024. We did receive that. However, that was not the *G* [redacted] -- *People v B* [redacted] *G* [redacted] or *People v B* [redacted] *G* [redacted]. That was an appearance by a J [redacted] T [redacted], who was not the defendant in the case. So why did we receive a recording from March 5, 2024, and no recordings in connection with B [redacted] G [redacted] or B [redacted] G [redacted]?

A. For which date?



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Q. Why did we receive March 5, 2024, which pertains to J[redacted] T[redacted], and not the *G*[redacted] matters?

A. Was there -- that the *G*[redacted] matter on the same date?

Q. You would have to tell me that, Judge.

A. We're talking about a matter on March 5, 2024. Are we talking about another matter by the G[redacted] on a different date?

Q. Yes.

A. I'd have to check the recorder as to exactly when that date was that that occurred.

Q. Why didn't you do that before today?

A. I thought somebody come and got all the recordings.

Q. Did you delete any recordings in connection with these cases?

A. I don't delete no recordings, none, ever.

Q. I just have to ask, Judge. It's --

A. Pardon me?

Q. I have to ask you that question, because --

A. All right. No, no, I do not.

Q. -- this has been pending for months, and you're saying you're going to go back and check the recorder. I'm just trying to give you the opportunity, explain to the Commission why we don't have these things.

A. Okay.

Q. Especially when, in 2018, you were censured for failing to record things. Now I have to go back to the Commission and give your explanation, and I'm not clear on it, except that you say you need more training. All right. Let's move on.



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MS. KLEIN: Could you please mark this?

BY MS. KLEIN:

Q. All right. I've asked Mr. Fitzpatrick to mark as Commission's Exhibit 4 records received from the Town of Columbia Justice Court in response to our request for records in connection with the *B[redacted] G[redacted]* matter. It is a -- well, it indicates that animal control, on 12/20/23 -- that's December 20, 2023 -- issued an appearance ticket to B[redacted] G[redacted] for a dog at large violation of local law, 2010, number 1, section 5, in the Town of Columbia; and in violation of Article 7 of the Ag and Markets Law. Judge, would you just take a moment, look at those records? Those are records that your Court Clerk sent us in response to our request for records on B[redacted] G[redacted].

(Commission Exhibit 4 was marked for identification)

A. These are not clear, and I can't read those, these two documents. Oh, and then Mr. T[redacted]s statement that can -- I see Mr. T[redacted]'s statement, yes. This appearance notice is rather vague. Thank you.

Q. First of all, do you know who the Town of Columbia animal control officer is that signed this document?

A. I know of him. I don't know him personally.

Q. Do you know his name?

A. No. They just changed him, too. I'm not sure who it was at that particular time.

Q. All right. Well, I'll just note that this appearance ticket issued by the Town of Columbia Animal Control gave B[redacted] G[redacted] an appearance date of January 9, 2024, at six p.m. He was asked to appear in your court on



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January 9, 2024. Did he appear at that time?

A. I believe so.

Q. Well, this is your Court's file. I'm showing you -- I'll show you page 5 of Exhibit 4, Town of Columbia dog complaint form filled out by J[redacted] T[redacted]. There are notes in the margin, dated 1/9/2024, "Deer carcass in neighbor yard. T[redacted] harvested deer, question mark, on hold," and then, "reschedule 3/19." Would you take a look at that, please, Judge, those notes on the right margin? Are those your notes?

A. Those are my notes.

Q. All right. What do they mean? What do they pertain to?

A. They clearly pertain to why the dogs were out.

Q. I'm sorry. They clearly pertain? Is that --

A. The dogs were out and visited the carcasses that were on the T[redacted] property.

Q. Did B[redacted] G[redacted] appear on January 9, 2024, based on your records?

A. The record indicate the date. You've got that indicated. He did appear. To say -- for me to tell you exactly that date, it's on the record as shown. He did appear, and I did adjudicate that dog violation, based on his appearance. Yes, I did.

Q. Tell me what occurred during the appearance.

A. What occurred during the -- at the appearance, the G[redacted] provided pictures of deer on the T[redacted] property, dead deer -- not live deer, dead deer. I'm a lifelong deer hunter. They were recently shot deer. They were not tagged. They were without antlers. And they were on adjacent property, and they were not attended by any individual. So they were



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dead deer, shot adjacent to the G[redacted] property. And when the dogs went out the door, they went over to those deer. And that was a -- that resulted in the trespassing charge by Mr. T[redacted].

Q. The allegation against B[redacted] G[redacted], as I understand it from the records provided by the Court, is that he was ticketed with dog at large in connection with pit bulls -- his pit bulls running loose on J[redacted] T[redacted]'s neighboring property; is that right?

A. That's a statement that Mr. G[redacted] made, I believe. That's right. That's what he did.

Q. That's the complaint, right?

A. Yes.

Q. Was Mr. G[redacted] arraigned on that charge?

A. He was arraigned on that charge, yes.

Q. How do we know that?

A. On his visit -- on his visit there, he appeared by virtue of the ticket issued by the Dog Warden. So he was arraigned and adjudicated at that appearance.

Q. Did Mr. G[redacted] have an Attorney when he appeared?

A. No.

Q. Who was present?

A. He was present. My Court Clerk was present. And I believe his wife was present.

Q. Whose wife?

A. G[redacted]'s wife.

Q. What's her name?



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A. I don't know her name.
Q. Was anyone else in the courtroom?
A. Not that I know of.
Q. Not that you know of, or you don't --
A. No.
Q. -- recall?
A. There was nobody else in the courtroom. I recall those two people, my Court Clerk, and myself in the courtroom. We're reconciling and recognizing something that occurred 16 months ago. And that's what I recall.
Q. What happened after you arraigned Mr. G[redacted]?
A. I adjudicated that case based on the input that Mr. G[redacted] provided me about his dogs going out the door and running off of his property onto the adjacent property, apparently, Mr. T[redacted]'s property, where the dead deer were. The reason that I determined that they actually went onto the adjacent property were the physical distance of the deer on that property.
Q. Did Mr. G[redacted] enter a plea of guilty or not guilty to the dog at large charge?
A. Not guilty.
Q. How did it come about that you started discussing the deer on the neighbor's property during this appearance?
A. The first thing they showed me, the G[redacted] property, was pictures of the deer, stating that their -- when their dogs left the house, the reason that they went to that location were a result of these deer that they -- pictures they showed me. They were not provided by the Dog Warden or



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anybody like that. They were provided by the G[redacted].

Q. Why were you looking at these pictures?

A. I was looking at the pictures because they came in to answer why their dogs were over there. And their reason for -- the dogs were over there was, the existence of deer, and they wanted to prove to me there were deer on the adjacent property -- dead deer on the adjacent property, not tagged, not processed. There were dead deer on the property. They were clearly shot.

Q. What date were the photos from?

A. Oh, I don't know. The photos were -- the photos were taken by the G[redacted] previous to -- probably the date that the dogs left their premise and went over there or thereabouts. I'm not sure of the exact date that the pictures were taken.

Q. Was this a trial?

A. No. It was an evaluation of their violation charge of being on adjacent property. And they were explaining why their dogs were on adjacent property.

Q. Why did you permit them to explain facts related to the case as they saw it without the other party present?

A. The other party was invited there. He didn't have to be there.

Q. I don't know what that means. Please explain it.

A. The Dog Warden said, "You can be there, but you don't have to be there."

Q. Was this a trial?

A. Just like doing a traffic tickets, an -- it's evaluation of the situation.

Q. Are you supposed to be evaluating facts when you're doing an



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arraignment, Judge?

A. I'm not doing -- I'm not doing an arraignment. I'm doing the -- in an efficient manner, handling the case appropriately.

Q. What's your --

A. In other words --

Q. -- statutory --

A. -- in other words, the --

Q. -- basis for --

A. -- the reason --

Q. Stop. What's your statutory basis for considering evidence outside of the other party and the Prosecution? What permits you to do that? Do you see anything wrong with that?

A. The only thing I see is -- I have two people come -- I have papers in front of me that people -- these people are charged with dogs at large. I come in and explain, "You've been charged with dogs at large." The next step, they lay pictures in front of me, saying, "This is why our dogs were at large." That's what they did.

Q. This file provided by the court, as per Exhibit 4, references tickets issued to B[redacted] G[redacted] in November 21, 2023, for dogs at large, and ticket issued on December 20, 2023. So there were two sets of tickets issued to B[redacted] G[redacted] in connection with loose pit bulls, right?

A. I believe so.

Q. All right. So which case were you discussing when he showed you these pictures?

A. Well, I have to have both cases in front of me to determine that.



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Q. Well, this is your file.

A. Well, thank you. I'm discussing the case when the carcasses were there, whatever that case is.

Q. Are there pictures --

A. But that's the case -- that's the clear cases that I'm discussing.

Q. Okay. Are there pictures of the carcasses in your Court's file?

A. No. They were provided -- they were kept, because they didn't know if they wanted to turn them into the DEC. I said, "Well, that's not anything we would suggest. That's your option as a neighbor," because the deer were clearly shot deer, untagged deer, unattended deer.

Q. What does your note mean here in the Court's file, "Harvested deer, question mark"?

A. Just exactly that, that if you harvest a deer, you do not abandon the deer. You should have -- if there's deer there that have been harvested, somebody needs to be with them. As a lifelong deer hunter, you don't abandon the deer. It's your responsibility to tag the deer appropriately, process the deer appropriately, and move the deer appropriately. Those deer are laying on Mr. T[redacted]s property with nobody there. The reason I say that is, that's the first thing they -- they used that as why their darn dogs were over there. That's what they -- that's what they -- "our dogs were over there because of this."

Q. And when did Mr. T[redacted] get to present his version of events?

A. He had an -- he had an -- he had an opportunity to do that at that time.

Q. How so?

A. He's invited to, and he decided to come -- not to come.



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Q. How was he invited?
A. He's invited by the Dog Warden as part of the issue that -- and he asked the Dog Warden if he needed to be there. And the Dog Warden told him he didn't need to be there.
Q. Well, was it a trial?
A. It was an evaluation --
Q. Was it a trial? I don't know what this evaluation is that you're referring to. Was it a trial?
A. Well, then you got to define exactly what a trial is to me. I have in front of me this paperwork. The paperwork, as indicated, is issued by the Dog Warden. The Dog Warden forwards the paperwork to the court. So what I have in front of me is dog at large violations by this individual with a specific appearance date. That's all the court knows until the individual comes out. So the individual had to come in, pled not guilty to the charge, and show me what -- and showed me pictures. I don't know if I should've looked at the pictures or not at that particular time. But at that time -- and they immediately said, you know, "We want to tell you what our dog -- why our dog was doing this. That's what we want to do."
Q. But you never gave the other side the opportunity to tell their version of events, correct?
A. They had an opportunity to be there just as much as the other -- as the defendant did.
Q. Was Mr. T[redacted] required to be there?
A. No, he was not required to be there.
Q. Did you issue a finding on this day?



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A. Pardon me?
Q. Did you issue a finding on this day? Did you take any action with respect to this case on January 9, 2024?
A. I believe I -- I don't know. What's the note say? Thank you. These individuals were told by the Court to keep their dogs off of the property --
Q. Um-hum.
A. -- and that there would be a necessary follow-up if needed, being following that -- or without that -- or you know, following that. Since that particular time, I don't believe there's any other correspondence since that time, which is a year ago -- more than a year ago. They were clearly told to keep their dogs on their property. That was the instruction provided by the Court.
Q. Did you dismiss the case?
A. No. I give them -- I don't think that's dismissing. That's giving them a specific instruction by virtue of what occurred.
Q. Where does your notes say that?
A. Where's what?
Q. What do your notes say?
A. Dismissed in a respective of no fines, but they were given specific instructions to keep the dogs at home. And even recommendations for fencing, they were given there. Thank you.
Q. So did you dismiss the dog at large case on January 9, 2024?
A. I give them instructions to keep their dog on their side. To dismiss the case would indicate that they weren't doing anything wrong. I didn't say they weren't doing anything wrong. The dogs were on the adjacent



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property. There's no question about that. That's why I give them instruction to keep them at home. Since that particular time, I heard nothing since that particular time.

Q. I'm going to ask you a yes-or-no question. Did you dismiss the dog at large case against B[redacted] G[redacted]?

A. No.

Q. Then why does it say --

A. Well, it says "dismissed", but it -- in reality, I gave them instructions on what to do, okay? Maybe that is not appropriate term. Dismiss means whatever they were doing was okay. That's what this must mean. That is not true. Fact is, they were told to keep the darn dogs on the property.

Q. On what authority did you order the G[redacted] to do anything if there's no charges, charges are dismissed?

A. There is a charge -- you can see a note that might say "dismissed". And that -- and exactly, you're going to show me that. That's okay. Don't show it to me.

Q. Okay. Is that your handwriting?

A. Yeah.

Q. Are those your initials?

A. No, I'm seeing it. Thank you --

Q. I'm asking --

A. -- very much.

Q. -- you. Is that your handwriting?

A. That is -- you asked if it said "dismissed". It was dismissed with the instructions to keep the dog at home.



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Q. Okay.
A. It --
Q. So --
A. -- it was -- you might say, "Well, what does dismiss mean?" Dismiss means, everything you're doing was okay. That's not true at all. Their dogs running around is inappropriate. There's no question about that.
Q. What's your statutory authority for dismissing the charge with instructions?
A. I don't know what the statutory authority is.
Q. Shouldn't you?
A. I didn't --
Q. How long have you been a Judge?
A. I didn't dismiss the -- to dismiss a case means that you specifically say that whatever you were doing is okay. I did not do that. So you're asking me -- you're asking me a question to say, "Well, if you said dismissed, that means whatever they were doing was appropriate." It was not appropriate for their dogs to be on adjacent property. That's a fact. The fact then was given that I told them to keep the darn dogs at home, even though there were dead deer laying, which were -- which is a total other issue.
Q. Were there --
A. But I determined -- excuse me. I'm sorry.
Q. No, go ahead.
A. But I determined that going on the adjacent property by the dogs was a result of the deer -- the dead deer laying -- it's like deer laying in my yard



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next to my property, not in my yard, but in my neighbor's yard over there. They're laying over there. So they let -- they opened the door, and the darn dogs run over, which they wouldn't normally do.

Q. Do you know what *ex parte* communication is?

A. Absolutely.

Q. Were you considering these photographs, purportedly of J[redacted] T[redacted]'s property, *ex parte*?

A. No. They're providing evidence of why their dogs were there.

Q. What does *ex parte* mean?

A. Ma'am, I know what it means.

Q. Did you swear B[redacted] G[redacted] in that day?

A. I believe so, yes.

Q. Did he --

A. All of them were sweared [sic] in at the beginning of court sessions, rather than restating it each time.

Q. And you recorded this proceeding?

A. I believe so, but I -- no, I told you that, that I had to check the recorder in respect that.

Q. You think that J[redacted] T[redacted] should be investigated for the deer carcasses?

A. I'm not in a position to make that recommendation. What I see -- I am in a position, because I'm a lifelong deer hunter. I know exactly how deer ought to be handled.

Q. Okay.

A. They were not handled in appropriate fashion. They were dead deer,



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laying on adjacent property, definitely shot, not cleaned out, not taken care of, not attended or -- by anybody. Any time I've ever harvest a deer -- I've harvested a few -- I was always with that animal. It's my responsibility to appropriately tag that animal and transport that animal appropriately. For a deer to be laying shot dead in the open field --

Q. How do you know that they were J[redacted] T[redacted]'s deer?

A. All I know was they were on his property.

Q. How do you know?

A. The defendants said, "That's his property over there, where my dogs went." And the dogs -- and where the dogs went is where the deer were.

Q. So that makes it a fact?

A. That's what was offered in court when they come in, said -- when they told me that the dogs had went out, because his -- their property is immediately adjacent to the T[redacted] property. I don't believe the T[redacted] property is their homestead. I don't think there was a home there. I think there was just land there. At least -- let's say this. The pictures did not show any facility there, just vacant land, which is reputedly immediately adjacent to the defendant's property. And there --

Q. Just --

A. -- is no barriers between the two, even tree lines or anything that is, you know, relatively close neighbor.

Q. Did B[redacted] G[redacted] make any further appearances in this matter?

A. Not that I know of, no.

Q. And that's because it was dismissed with instruction, correct?

A. Yes.



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Q. And just so the Commission's aware, what is your statutory -- your legal basis for dismissing the charges, just -- I'm giving you the opportunity to explain to the Commission why --

A. Right.

Q. -- it is.

A. The charges -- we're making a statement with instructions and at the same time saying it was dismissed. Well, I guess I can't be dismissed if you got instructions, because if it was dismissed, it would not have any instructions. But appropriate instructions were given about keeping the darn dogs off of the property, on your side of the fence -- not fence -- pardon me. There were no -- there were no fence there. Keep them on your side. Now, they -- who knows what the dogs would've done if there were no deer there. The generation of the visit to the adjacent property was a result of the deer being there.

Q. Do you see anything wrong with how you handled *People v B[redacted] G[redacted]* as you sit here today in connection with that dog at large case?

A. No. I clearly indicated that there is definite complaint, and they clearly indicated why the dog was on the property.

Q. With no input from the complainant, right?

A. With the complainant be fully invited to attend at the same time. Subsequently, I understand the deer were removed, but I don't know who removed them. I know the G[redacted] didn't touch them.

Q. Do you have something against J[redacted] T[redacted]?

A. I have absolutely nothing against J[redacted] T[redacted], other than he is -- I adjudicate him exactly like everybody else. Do I like him? The answer



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is, no, I don't like him. Why? He has belittled my complete family in front of the town board.

Q. When did that --

A. When I was at the town board doing a presentation of books, he comes in, and not at a gentleman's pace, at a screaming pace, tells me, "You shouldn't be the Judge, and the Skinner family just should not be involved with that. They" -- and all of the -- and I didn't say a word. I invited him back to court to further discuss the outcome of the dog case. And he did come back --

Q. All right.

A. -- but I wouldn't do that without having state police there. I'm concerned about --

Q. I'm going to stop you, because --

A. Okay.

Q. -- I'm going to get to your having him appear --

A. Okay. Thank you.

Q. -- in the court. We'll get to that.

A. All righty. Very good.

Q. Thank you. At this point, I have asked Mr. Fitzpatrick to mark as Exhibit 5 what the Commission received from Columbia Town Court as the Court's file in connection with the matter of *People v B[redacted] G[redacted]*. It's a three-page document with an undated letter from Tpr. Flynn to the Judge, an information, and a statement from J[redacted] T[redacted]. Page 1 reads as follows -- this is the letter from Tpr. Flynn -- "Your Honor, please see the enclosed, requesting a criminal summons for a trespassing against



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B[redacted]. G[redacted], [redacted]. The complainant is J[redacted]. T[redacted], [redacted]. G[redacted] entered his property on December 31, 2023, without his permission and took a picture of deer carcass on T[redacted]'s property. Please let me know if you have any questions with the matter. I can be reached on my cell at [redacted]. Respectfully, Tpr. Flynn." Is this the Court's file, Judge?

(Commission Exhibit 5 was marked for identification)

A. Thank you. Do you have that -- they asked for a criminal summons. It was denied. But they actually -- but the state police didn't want to pursue it. I know that besides, but it's officially on that document that it was denied.

Q. So what did you do with Tpr. Flynn's request for a criminal summons?

A. It says right there. It was denied, but there were subsequent discussions with the Trooper in respect to that.

Q. Is that your handwriting saying, "criminal summons -- CS denied, criminal summons denied"?

A. Yes. That's what I indicated, officially.

Q. And that's your signature?

A. Yes.

Q. Case closed?

A. Yes.

Q. All that?

A. Yes, ma'am.

Q. When did you do that?

A. I don't know. Is it dated?



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Q. Page 2 has another CS denied, John M. Skinner, JM, 1/4/24. Is that when you -- is January 4, 2024, when you denied Tpr. Flynn's request for a criminal summons?

A. It was after discussions with Tpr. Flynn.

Q. I asked you, Judge, is that when --

A. It's exactly --

Q. -- you dismissed --

A. -- what it says. So you're saying -- it did say "case denied" and the date of 1/4/24. That is correct.

Q. I'm asking you if that's the date you denied the criminal summons. I don't know from looking at it because the date is there that that's when you did it. Is that when you did it?

A. The note is above, my initials are below, and the date is indicated. So the date is indicated --

Q. How about a yes or a no? Is that the date the --

A. Exactly the way it's indicated on this document. Yes. That's the date it was --

Q. Why? Why did you deny this criminal summons?

A. It was discussions with the Trooper.

Q. What discussions?

A. Brief discussions, because he was requesting the criminal summons be issued. They were -- you know, they overlay each other, these particular charges associated with the trespassing or the dogs at large things.

Q. Was this complaint -- was this information facially sufficient under the law?



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A. I don't know.
Q. Why don't --
A. It was --
Q. -- you know?
A. -- it was -- it was sufficient -- he was trying to get a signature from me to issue a criminal summons and then really decided not to do it.
Q. Why?
A. Ask him. Ask the State Trooper. I concur with it.
Q. Judge, you're --
A. It was an -- it was an open request by the state police, pending their review of the thing, and then they decided not to. So I officially put -- even though it looks like an appearance of an official request -- denied the summons for the -- for that.
Q. On what legal basis did you deny the Trooper's request for a criminal summons?
A. If the state police aren't pursing it or want to get it signed, I'm not signing it. They aren't officially requesting it.
Q. Where does it reflect that in the Court's file?
A. Pardon me?
Q. Where does it reflect that the state police don't want this summons in the Court's file?
A. The discussions that I had with the state police. Let me just -- may I see it again? Thank you.
Q. Sure.
A. Really, we need to look at the dates specifically with the -- they overlay



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each other, this request and the dates that the G[redacted] actually came in. The timing of all of that is an issue. But I know they decided they didn't want to do it. And I concurred with it, and that's why I denied it.

Q. You think that was proper?

A. It's up to law enforcement to determine -- make the final determination whether they want to issue a criminal summons. If he'd have said, "Yes, I do," I would've signed it. Didn't say that.

Q. Where did this --

A. Thank you for showing it.

Q. -- where did this discussion take place? I'm assuming you're talking about -- you had discussions with Tpr. Flynn, correct?

A. Yeah. I believe it was at the troopers' barracks.

Q. Tell me how that came about.

A. I attend the trooper barracks about once a month, just to get an update on tickets and information, stuff like that.

Q. So when did you go to the trooper barracks on this case?

A. Well, I don't know for sure what that was. What's the date on this darn thing here? I may have been there on 1/4. That's the date that -- 1/4/24 -- the date that I denied it. I don't have an official --

Q. Well --

A. -- recollection of -- but it is very official --

Q. Let me ask you this.

A. -- that I denied this thing --

Q. Was it --

A. -- on 1/4 of 2024.



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Q. Why is it official, because you made that note?
A. That's when I -- that's when I denied it, so that I got a record in my file that I denied it, but in fact, they didn't want to pursue at the same time.
Q. Was your conversation with Tpr. Flynn face to face?
A. Yes.
Q. And it took place at the barracks?
A. Pardon me? I believe so, yes.
Q. All right. Tell me what happened during that -- what'd he tell you -- he or she?
A. He decided he didn't want to pursue it.
Q. Why?
A. And I said, you know, "I'm" -- you know why I was there? To hand him that sign. And he said, "I don't want to pursue it." And I said, "Okay."
Q. To hand what --
A. I'm not making a judgment on whether they formulate a criminal summons or not. It's premature for me to make any judgments in that respect. And he said -- I said, "I know you put it in writing." He said --
Q. You were there to hand him what? What did you say you were there to hand him?
A. Oh, I'd be there on several cases.
Q. Why? Why are you going to the state police barracks to discuss cases?
A. I don't discuss cases at all.
Q. What do you do?
A. I don't under -- do you understand that? Again, I don't discuss cases. I make sure I have the appropriate paperwork required for the court to



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process that. Now, up until recently, with the court change and the way we -- and updating the court procedures, we were getting them hand-delivered by the state police. So at this point, from 1/1/25 until now, we're on the current system. And the violations -- every week, the Court Clerk gives me a copy of each violation that is due this evening. The only thing that I do in respect to the state police on that is I request from the state police that they schedule them to appear on DA night for efficiency purposes so that we cannot require an individual -- an individual can clearly clear the case up in one visit.

Q. I'm going to stop you, Judge. Why are you going to the state police barracks to review cases?

A. I don't review cases.

Q. Then what are you doing?

A. I'm picking --

Q. What are you doing at the state police barracks?

A. I'm getting copies of -- making sure I got the correct copies. I don't discuss any cases.

Q. Okay.

A. No cases are ever discussed with the state police.

Q. All right. Thank you. Except for --

A. That is --

Q. -- except for --

A. -- that is --

Q. -- this case --

A. -- improper --



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Q. -- right here?
A. -- inappropriate, and I should never do that. But it is appropriate that I get the required paperwork to handle the case with the defendant. That is entirely appropriate. And up until now -- now, officially, I'm getting them with the current system, and they can be printed out. And I still tell the state police, "Schedule them to come in on DA night," because that is the most efficient way to handle it, given that a typical traffic ticket, they may plead not guilty to it, and the DA is standing over here, and --
Q. I have to stop you, Judge. You've gone --
A. Thank you.
Q. -- off as to why you were there. So let's just -- did there come a time when B[redacted] G[redacted] appeared in the court?
A. We discussed that. Did we, or is that another G[redacted]?
Q. Well, I'm saying, did he appear in the court on the same date as B[redacted] G[redacted], on January 9th?
A. I'd have to take a look at the records. I think it was. I think it was, yes.
Q. But he wasn't charged with anything at that point, because you had denied the summons, correct?
A. Right.
Q. Were there any appearances by either B[redacted] G[redacted] or B[redacted] G[redacted] on these cases involving T[redacted] subsequent to January 9, 2024?
A. Without looking at the record, I'm not sure.
Q. Well, the records are here.
A. Does it show that there was cases or not?
Q. Judge, you told me that you could tell exactly what happened on a case



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by looking at the case file. So I'm hoping that you can do that here.

A. These were -- 12/20 -- pardon me? Restate the question? You were asking about a specific date.

Q. I just want to know, were there any appearances after January 9, 2024, of the G[redacted] in connection with J[redacted] T[redacted]'s complaints?

A. I don't believe so. I don't think so.

Q. Okay. Thank you.

A. I believe -- I can't recall any other appearances during the course of last year --

Q. Okay.

A. -- since that particular 9 January date.

Q. Thank you.

MS. KLEIN: Ms. Dean, would it be okay if we took a ten-minute break at this point?

THE REFEREE: Yes.

MS. KLEIN: And then I -- and then, hopefully, we can wind down a little bit, I'm hoping.

THE REFEREE: Yes, absolutely.

MS. KLEIN: Okay.

THE REFEREE: Go off the record at 12:06.

(Recess from 12:07 p.m. until 12:17 p.m.)

THE REFEREE: We're back on the record at 12:17 p.m. after a short recess.

Whenever you're ready.

MS. KLEIN: Thank you.



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BY MS. KLEIN:

Q. Judge --

A. I'm sorry. I have my hat on. And I should've asked you, is that okay? I'm just so darn used to wearing the thing. Obviously, you would've said something before now.

Q. It's fine, Judge.

A. Is it -- all right. Thank you.

Q. All right. Thanks for asking. It's fine. Judge, just to clarify, when the Dog Warden writes an appearance ticket for Town of Columbia Court, who handles those cases? Like, is there a Prosecutor? Does the dog warden come in? What happens if there's a trial?

A. There's a -- they come in, and it's kind of like a traffic ticket. They come in and provide a guilty or not guilty plea. So the way it initially is, somebody's got a complaint; they call the Dog Warden. The Dog Warden goes out, issues a little, handwritten piece of paper to the individual about a dog that's at large or whatever. And then a copy of that is provided to the Court, and the Court is given the knowledge by virtue of that of the appearance date of that individual. That's the process.

Q. All right. And if the matter goes to trial, who asks the questions?

A. They've never went to trial. They either pled guilty or not guilty. And if it was a not guilty, they typically -- if it was a not guilty plea, they would've went to the District Attorney.

Q. Okay.

A. The District Attorney would review them in the same fashion as a typical



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traffic ticket or anything of that nature.

Q. Okay.

A. And I've handed -- there is a fine schedule. And I've done some fines by virtue of guilty plea here and there, I think, along the road. So that's the way that they're handled. But they're originated by the Dog Warden.

Q. Okay. Thank you.

A. And they're originated by somebody -- the Dog Warden doesn't go out running around looking for a dog running around. The Dog Warden waits for somebody to call them, and then the Dog Warden goes to that individual and say, "What's going on?" And the guy's -- "Well, my neighbor's dog is running around over and over, here and there." And that could generate, again, the paperwork that would come to the court.

Q. Okay. Thank you, Judge. Moving on to J[redacted] T[redacted]. As part of the Court's record -- response to the Commission's record request, you forwarded one audio file from March 5, 2024, wherein the complainant, J[redacted] T[redacted], appeared in the Town of Columbia Court. Before I get to the details of that appearance, when did you first come into contact with J[redacted] T[redacted] in connection with the *G*[redacted] matters, Judge?

A. It would've been at the town meeting, the beginning of 2024, that he attended. I didn't know he was going to be there. I presented independent -- he's sitting somewhere there. And I wouldn't recognize him, anyway. He's sitting in the court -- or in the town board meeting. I presented all of the records as required to the town of the financial records, which needs to be done on a annual basis. Upon completion of that, he took over. He, immediately after completion -- thank you for all



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of that. And then he -- and I'm not sure -- that is not recorded -- or how the town board minutes were read. But he spent ten minutes --

Q. Who's "he"?

A. T[redacted].

Q. Okay. Spent ten --

A. He spent ten minutes, in a very loud voice, indicating the way I handle cases inappropriately, that my family -- that you shouldn't be doing it anymore. And I'm making just very -- summaries of what was said. But then I invited him by -- and I would not get into, at a town board meeting, a discussion between the Court and him at a town board meeting. I think that's totally inappropriate. Let him talk. And the Town Supervisor let him talk. He talked more than I would've liked. I wouldn't say that, but he talked. And then at the end of that, I said, "Mr. T[redacted], I invite you back to a court session" -- and I think you've got that part of it -- "where we will give you the details of the case." And then he subsequently come back then. That's when -- he was only there, and law enforcement was there. But I took the initiative by virtue of those discussions -- not discussions -- statements he made at the town board meeting --

Q. May I --

A. -- to invite him and say, "I understand you were not there at that particular time, but I'm willing to discuss and review the outcome of the case with you."

Q. And you said this during the town board meeting to him?

A. Yeah. I invited him back.

Q. And --



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A. Then I said, "We can discuss it further." That's the end of it.
Q. What did you give him for a date and time to come back?
A. I give him a date and time, but I'm not sure. But he came back, I think.
Q. Okay.
A. I'm sure I give him a date and time at that time.
Q. Okay. And were you face to face during that conversation?
A. Yes.
Q. Okay. Was he hostile?
A. Yes. I would not -- and I would not do it without law enforcement being --
Q. Why was he angry?
A. He just angry with what the court, and I specifically, do.
Q. Was he angry because you dismissed the *G*[redacted] case?
A. No. He's angry at my family and me.
Q. Why?
A. I don't know why. I know his background, but that's neither here nor there.
Q. What's his background?
A. I think he's a multi-convicted felon. I believe so.
Q. For what?
A. Oh, I wouldn't know, because I don't convict any obvious felonies. Apparently, I had him in a case in 2011, and he had to come in and make a payment. And he was angry and said he didn't -- he had already done it.
Q. Um-hum.
A. But I don't -- we're talking 15 years ago -- 12 or 15 years ago. But



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subsequently, I think -- I don't know if you look at his -- you probably -- I don't look at his rap sheet, because his rap sheet had nothing to do with the dog case. His background is inappropriate for me to review in respect to the dog. The dog case is because they were on his property. He has that absolute right.

Q. What happened in 2011?

A. He came in to make a payment and said he'd already made it on some -- there must've been some kind of a case that he had in court. And he came in and made the payment for --

Q. And --

A. -- some type of violation. And to go back and try to figure it out, I don't know -- do you -- figure out exactly the case, what that was. I know he did come in at that time. I knew he did make a payment on some kind of an incident. I do know that.

Q. And did he file a complaint against you about that?

A. No, not then, not that I know of.

Q. All right. So you invited him to come in. Did there come a time where Mr. T[redacted] appeared in your court?

A. Pardon me?

Q. Did there come a time where Mr. T[redacted] appeared in court?

A. By virtue of my invite at the town board meeting, yes.

Q. All right. And was that on March 5, 2024, the audio recording you provided?

A. I presume -- he would not have come in for any other purpose. Yes. I'm saying that's coincidentally works with the timing of the town board



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meeting and subsequently inviting him to court. What was the date, March 5th?

Q. Yes. March 5, 2024, was the date that your court provided -- that you provided audio for of Mr. T[redacted]'s appearance.

A. Okay, okay.

Q. Does that comport with your recollection?

A. Yes, it does. That would follow up with my inviting him at the town board meeting back to court. And it's a courtesy on the Court's part to give him the details of the outcome of the T[redacted] case.

Q. How did you invite him? What did you say, specifically?

A. I said, rather than get into any discussions here are inappropriate. That's at the town board meeting. I'm inviting you back, and the Court is willing to review the outcome of the case. That's not a -- that's not a particular item that's pertinent to review at a town board meeting.

Q. And what case were we talking about?

A. I think the *G*[redacted] case.

Q. Are you aware that Mr. T[redacted] thought that you were ordering him back to the court?

A. No. I wouldn't order him back to court. I was inviting him back to court.

Q. Was he charged --

A. I was doing -- go ahead. I'm sorry.

Q. That's okay.

A. Sorry to interrupt.

Q. Was J[redacted] T[redacted] charged with anything at that time?

A. No, he was not charged. It's just an informational discussion to update



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him on the *G*[redacted] case.

Q. In the Town of Columbia Court, is there an open courtroom?

A. Yes.

Q. Are litigants --

A. But there --

Q. Go ahead.

A. Go ahead.

Q. No, I'll let you finish.

A. But there's -- it's an open courtroom, but there's a limited -- because of the space limitations. I'm not having too many people in there. If it's a busy night, the Court Clerk keeps the people in their cars. Let's say there are five -- let's say I can invite five in -- five people with traffic tickets is reasonable to handle because of the logistics within a courtroom. And then he'll go out and invite five more people in, for example.

Q. How many people can fit in the courtroom, roughly?

A. Yeah, probably 10 or 12, realistically.

Q. But you limit those appearing to about five; is that right?

A. Yeah. I mean, you got Defense Lawyers, somebody with them. To say five bodies -- I might bring in five people with tickets, and there may be eight people, because there's -- they got somebody with them.

Q. How do the people know to come in? Who alerts the people to come inside?

A. The Court Clerk.

Q. All right. So --

A. And the Court Clerk -- the first thing that occurs is they come in and they



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register with the Court Clerk. The Court Clerk writes them all down and tells them to go back, and that he will come back -- let's say it's 5:30, and all these people have come in at six o'clock; it's court time. And then he says -- then he'll contact me and say, "We have these individuals here as their traffic" -- let's call it just traffic violation -- "these are the people that out there for you to see, and this is the order that they signed in." And then I will tell him, usually, if the timing is correct, at six p.m., Bring in the first five on your list" --

Q. All right.

A. -- so that we can effectively handle this.

Q. The audio you provided to the Commission indicates that Mr. T[redacted] appeared in your court on March 5th at about 7:30 p.m. Was he, like -- was he the last case called?

A. There was no -- there was no cases that night. Yeah, there was no case. It was -- I wasn't bringing him in the middle of -- let's see. That's March 5th. So that's a DA night.

Q. Um-hum.

A. That was after all of the DA doings with other cases so that there weren't other people sitting around the courtroom, just him --

Q. And was that --

A. -- and law enforcement.

Q. -- was that deliberate, to call him --

A. Oh, yeah, it was deliberate on my part, because I was concerned about interruptions similar to what he did at the town board meeting.

Q. All right. And what transpired during that appearance?



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A. I indicated to him the discussions about that case. But during that whole case -- I have a distance from me to you to the defendant. And I'm a little higher than him. And he insisted to be at right here. He wanted to be, theoretically, in my face. I said, "No. Please stand back." Now, there's law enforcement near, because I'm concerned. Obviously, I'm concerned with him the -- predicated on what occurred at the town board meeting. That's why I'm -- that's why I was concerned. So that's why I -- and law enforcement was gracious enough to have a representative there. But normally don't have anybody there, other than if they're bringing in somebody from jail; then you've got the -- then you've got the appropriate Deputies that are bringing them in and so forth. But no -- I normally don't have law enforcement. And I'm going to make a quick statement in that respect. All the courts in New York State at DA night ought to have -- ought to law enforcement there --

Q. Okay. Thank you.

A. -- on DA night.

Q. Thank you. All right. So what did -- what transpired while he was there? You discussed the --

A. The --

Q. -- *G*[redacted] matter?

A. -- the intent of my -- of having him there was to go over exactly the outcome of the *G*[redacted] case.

Q. What did you tell him?

A. You know, I told him, in respect to the deer causing the incident, and that was the reason why that they are, and he was instructed to keep his



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animals off of your property.

Q. So you told Mr. --

A. *G*[redacted] -- or not *G*[redacted], but --

Q. You told Mr. T[redacted] --

A. -- T[redacted] that.

Q. -- you told Mr. T[redacted] at that time that you had dismissed the *G*[redacted] charge --

A. No. I told --

Q. -- charges?

A. -- Mr. T[redacted] at that time that they were to keep their animals on their side of the fence. To dismiss it would mean that it was okay where they were at. The term to say dismissed means that everything was okay, what you did. It darn right was not okay. It was not okay for them to be on that adjacent property. That's not his property. That's not the G[redacted] property, even though it was generated by virtue of the darn dead deer on the T[redacted]property.

Q. All right. I'm going to reference for the record Commission's Exhibit 1. This is a transcript, which was an enclosure in the March 17th letter to the Judge. And it's a transcript of the appearance of Mr. T[redacted] on March 5, 2024, before the Judge. I'm just going to read page 6 of this transcript, line 12. "Judge Skinner: Right. That were dismissed. That was dismissed. So again, you'll listen. You're listening, because I'm conveying to you exactly what the Court did with the charges. So both of them -- so they indicated to me they were going to put up some kind of fence in their yard, whether that's required or not, to keep their dogs off



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your land. So that's the way it was left. That was" -- and then it was -- he interrupted you. Is that an accurate statement? Is that what you said during --

A. Right.

Q. -- that appearance?

A. But to say it's dismissed and tell them they have to put a fence up, they don't really go together, because dismiss means they don't need to do anything. But they did. They need to put a fence up, and they need to keep their darn dogs off of the neighbor's property. So --

Q. Are you just making up this definition of dismissed? Where are you getting this?

A. If it says -- if it's dismissed, there was not a fine associated or anything like that with it. Theoretically, it wasn't dismissed. It was -- they were told to keep the animals on their property in consideration of appropriate protection of the animals. To say it was dismissed may be inappropriate. I agree with that. To say -- dismiss means it was all right. It wasn't all right.

Q. So what was the legal conclusion of the case?

A. Well, the legal -- say what you want what the legal conclusion is. The deal was, keep your darn dogs on your property.

Q. But there was no finding of guilt or innocence, correct?

A. No.

Q. And there was no --

A. I guess you wouldn't -- if you want to say that's saying guilty or not -- apparently, if you tell them to keep the dogs, apparently, that's an



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insinuation that there's guilt, because the darn dogs -- I'm telling them to keep it off the property that they were on.

Q. So you're finding them guilty, then?

A. I'm finding them by telling them exactly what to do. So then that -- if that's a guilty plea, that's a guilty plea. Yes. But it -- and not guilty in respect that there wasn't any fines issued or anything of that nature. So I may have said dismissed or something or other. And that may -- and I agree, that may be -- the terminology may be inappropriate. But it was quite clear to the G[redacted] exactly what they had to do. It was quite clear.

Q. And did you say to Mr. T[redacted] at that time, and according to the transcript, page 5, "I was given pictures of that event by them showing me what occurred and why the dogs were out. Admittedly, they were on adjacent property"?

A. That's correct.

Q. All right. And in that, you're referring to the G[redacted]' dogs?

A. Pardon me? The G[redacted]' dogs.

Q. But it was -- but it was -- you're excusing their being -- the dogs being on the property because you believe there was a deer there; is that right?

A. Oh, I was convinced there was a deer by with the pictures that were provided.

Q. Which was outside the presence of Mr. T[redacted] or the DA, right?

A. Right.

Q. Before you dismissed that case, did you provide notice to the District Attorney's Office?



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A. I don't think -- I don't know if I did or didn't.
Q. Are you aware there's a statutory requirement that a dismissal be made in writing and on notice to the prosecution?
A. I may not have done that. I'm telling you that right now.
Q. Do you think that a Judge should be faithful to a requirement under the statute?
A. I think that the Judge is faithful to the wellbeing and harmony within the community.
Q. What about the law?
A. We all have to adhere to the law --
Q. Were you doing that here?
A. -- whether we like them or not. We have to adhere to the law.
Q. Did you do that here?
A. We walk a fine --
Q. Did --
A. I'm sorry. Go ahead. You're talking, and I am, and that's inappropriate.
Q. Did you do that here? Did you adhere to the law in dismissing the case?
A. Officially, it probably says I'm dismissing the case, but I -- but at the same time, I told them they got to keep the darn -- they got to keep the darn dogs off the property. So I am not sure that I'm dismissing the case. Dismissing would, again, mean -- I'm repeating myself -- would, again, clearly mean that --
Q. Was --
A. -- the dogs weren't doing anything wrong.
Q. Was there a motion --



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A. That's wrong. That's --
Q. -- was --
A. -- inappropriate.
Q. -- was there a motion to dismiss before the Court on the *G*[redacted] case, if you recall?
A. No, not that I recall.
Q. All right. Did there come a time where you allowed Mr. T[redacted] to talk during that appearance?
A. Mr. T[redacted] talked most of the time.
Q. All right. How would you describe your demeanor during your interaction with Mr. T[redacted] from the bench that evening?
A. I am wearing a robe. My demeanor is that I give him a fair shake no matter how he acts, that I don't get into any personal or any kind of discussions with him. He might -- now, defendants rant and rave, occasionally. That's no excuse for a Judge to act inappropriately.
Q. Did you suggest to Mr. T[redacted] that you work in harmony with your neighbor to get along?
A. Probably did. I did with the other individuals.
Q. You think that's effective?
A. Do I think it's effective?
Q. Yeah.
A. It's clear from the Court's viewpoint of the position of the Court. Whether it's effective or not in respect to Mr. T[redacted], you can question -- by his demeanor and actions within court.
Q. Judge, I'm going to review a couple of traffic matters with you that came



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to our attention in reviewing the records sent to the Commission. Do you recall presiding over a matter of *People v T[redacted] N[redacted]*? You were asked to review the court's records and audio. We also gave you a transcript. Did you review that before today?

A. Yes. You want to go over that? I don't recall exactly what that case was, but I will quickly.

Q. All right. Well, it appears from the records that T[redacted] N[redacted] appeared in the Town of Columbia Court in December 26, 2023, with respect to a speeding ticket issued by the New York State Police. He was doing 75 in a 55-mile-an-hour zone. He drove from Rochester, and he appeared in court -- worked for a medical company, was delivering a device needed for surgery. Do you remember this gentleman?

A. Yes.

Q. All right. And he had driven to your court from Rochester. And the Court offered the defendant an opportunity to speak; is that right?

A. Yes.

Q. All right. And what did he tell you at that time?

A. To the best of my knowledge, he was delivering some kind of equipment to the hospital -- I believe it was Bassett Hospital in Cooperstown -- that was needed by a patient. And as a result -- well, part of -- he was -- during that delivery process is when the traffic ticket was issued.

Q. Okay. Did you conduct your own investigation into what he was telling you? Did you ask him questions about it?

A. I just used what he told me and what the paperwork told me.

Q. All right. And --



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A. I didn't request anything. I just say, "Do you have a plea" -- and oh, by the way, then I might hear a story or something. I hear lots of stories about traffic tickets. So --

Q. Who prosecutes the state police traffic tickets in your court?

A. Who prosecutes them?

Q. The DA, right?

A. The DA. That's right.

Q. All right. So --

A. What you will find out -- I mean, you're investigating -- the DA probably was not involved.

Q. Involved in --

A. I have had -- I have had previous discussions and procedures in respect to what typically would be offered. So in the interest of time and justice, I will make decisions, very, very few decisions -- not totally independent of the DA, because the DA and I have discussions in respect if it's this type of case, we will do -- we will do this, that kind of a thing. And in respect that, that background served as my vehicle for making judgments on these cases.

Q. Was he under oath, T[redacted] N[redacted]?

A. All the people that come in are under oath.

Q. How -- did you swear him in at that point? It's not on the record.

A. Usually, I like to swear everybody in at the beginning of the thing, rather than do it individually as they walk up to the Court.

Q. That's not recorded here. And you just told me that they wait outside. So was --



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A. Right.
Q. -- this guy sworn or not?
A. Right. I agree that the statements may or may not officially been done under oath.
Q. Okay.
A. That does not mean that they weren't accurate or correct.
Q. How do you know?
A. How do I know if they're under oath whether they're correct or not?
Q. No. How do you know if the statement that he's telling you is accurate or correct? Because he's in a suit?
A. No. It's by virtue of maybe how many thousand cases I've done. I look them -- and I make a judgment. Somebody's got to make a judgment. Is this person telling me what really happened --
Q. Okay.
A. -- or is this person giving me a story? Well, the first thing is, I've reviewed their driver's record. I'm talking generally speaking. So I understand -- which I can do previous to any traffic ticket.
Q. And do you?
A. Yeah. I look -- and I usually look at their driver's record to see what kind of a judgment to place on this individual. If they say -- if they say not guilty, it's going to the DA. I make no recommendations. They're asking me, "What should I do?" And I make a lot of recommendations that there are Lawyers available for you to appropriately review this case with.
Q. So how did you make -- tell me again -- explain to me how you made a determination that he was telling the truth. You were saying, because of



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thousands of cases, it allows you to --

A. Well --

Q. -- look at people?

A. -- that, and the firm is a firm that I'm familiar with that he worked for and stuff like that, that, you know, the delivery -- in fact, the what he was doing. It's hard for me to judge that he was delivering something special would make that kind of a statement to court to try to get out of the ticket.

Q. You didn't think --

A. And he didn't have any other tickets -- excuse me -- by the way, I don't believe.

Q. You didn't think it was likely that he was lying to you; is that what you're saying?

A. That's correct.

Q. And specifically, what gave you that impression?

A. Well, his employer, his driver's record, his physical statements in front of me.

Q. What'd you do with Mr. N[redacted]'s ticket?

A. Pardon me?

Q. What did you do with Mr. N[redacted]'s ticket?

A. They should -- when were they done? Because they -- theoretically, they've got to be shown as dismissed, I believe. If they're not, the paperwork hasn't been done for them. If they're still outstanding, I need to go over that with the Court Clerk. And we officially indicate that that particular case was dismissed.

Q. All right. Here, I'm looking at the *People v T*[redacted] *N*[redacted] transcript



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provided in Exhibit 1, page 4 of that transcript, line 20. "Judge Skinner: The Court's dismissing this ticket. We are dismissing it."

A. Okay.

Q. "We'll send you a notification to this when we get the ticket."

A. Yeah. When was the date of that, ma'am? Sorry to say ma'am, but that's my Texas thing.

Q. That would've been December 26, 2023. Did the date have some relevance in your dismissing it?

A. No, no, the date has no relevance. It's just a -- I was just wondering what Court Clerk -- I had the --

Q. Well, you do say --

A. -- ADA at that time --

Q. -- you do --

A. -- or the --

Q. You do say, "Coming the day after Christmas and taking care of it, it was nice of him to come," on -- that's page 6, line 20.

A. I believe so.

Q. So do you think it was nice of him to make an appearance the day after Christmas? You think that's a relevant consideration for dismissing a ticket?

A. Any appearance on the specific date, as indicated on the ticket, that is made on that date is relevant. It just happened to be the day after Christmas. And I might've said that. But any time they come in on the date they're due, that's a plus on their part --

Q. How about this?



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A. -- because a third of them -- or half of them don't.

Q. How about this? Page 6 of the T[redacted] N[redacted] transcript, line 2, "Going on the date, he's dressed very professionally. Clerk Buck: Yeah, clean cut. Judge Skinner: Right."

A. Right. All of that was -- all of those are factors in the appearance. Respect for the Court, in my opinion, is an important component of the court. And coming in on the appropriate time, treating the Court as a Court, and your appearance are all pluses to the Court.

Q. You're judging whether he's telling the truth by his appearance in this case?

A. I'm not making any judgment on the ticket based on his appearance. I'm just indicating that I'm glad that he came in on the time and he made this appearance.

Q. Was this done *ex parte*? The Prosecutor was not present, so I'm asking you, was this done *ex parte*?

A. Prosecutor is not present at any of the traffic tickets. He isn't there when -- the Prosecutor is not there when I arraign them, and he's not there -- I get them back with a written recommendation by the Prosecutor. Every one of them are returned to me from the Prosecutor with a not guilty plea. And there's notes within the file that say what the Prosecutor's recommendation.

Q. But the Prosecutor never got the case of T[redacted] N[redacted], correct?

A. I'm not sure whether he did or didn't. Maybe he didn't. I may have -- I may have dismissed him, but it's predicated on my familiar dealing with him on an ongoing basis for many years.



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Q. Dealing with who?
A. The Prosecutor.
Q. And which one is that?
A. The one that's been there for years and years.
Q. You don't remember his -- is it Eisencliff [sic], Eisenhut?
A. I think it's Cliff Eisenhut. Maybe it -- I'm not sure his first name, but it's Eisenhut. It's definitely Eisenhut.
Q. Did you ever speak to the Trooper on this case?
A. Pardon me?
Q. Did you ever speak to the Trooper on the *N*[redacted] matter?
A. No.
Q. Do you have a legal basis aside from how he represented himself in court? What is your legal basis for dismissing the ticket? Do you understand that you can't do this, Judge? Do you understand that?
A. The outcome -- if they plead guilty, I adjudicate them appropriately. Am I making judgments based on a very limited basis of thousands of them, very, very, very limited basis that I've dismissed them? Yes, I have. You will find them there. I'll grant you that you will find them there. If that's a judgment you want to make, maybe you ought to look at all the cases that I do, because I do a lot of cases. But anyway --
Q. What's your legal --
A. -- on a very limited -- most -- I mean, 99.9 percent are reviewed by the DA. Probably, in traffic, I get 30 or 40 percent pleas by mail. And generally speaking, they're not guilty pleas. So they go immediately to the -- the DA, when he comes in, he's given that file with the official



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written plea by the traffic violator.

Q. Judge, New York Criminal Procedure Law, section 170.45 and 210.45 require dismissals on such things to be on notice to the Prosecution. You dismiss --

A. Okay.

Q. Okay? So now --

A. All righty.

Q. -- all right -- hold on. You dismissed this case for T[redacted] N[redacted] on December 26, 2023, and did not notify the Prosecution.

A. At that --

Q. You --

A. -- time, you're right.

Q. Okay.

A. You're absolutely right.

Q. Listen.

A. I agree.

Q. Are you in violation of the statute?

A. Apparently, I am, yes.

Q. Is this news to you?

A. It's a violation of the statute.

Q. Yeah, the law, you know, what you're presiding over.

A. Right. We're talking about one out of a thousand or something. But that's the most important ones, apparently. I agree.

Q. Most important what?

A. I agree that I dismissed them independent of the Prosecutor noting about



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that specific case. Is it done independent of ongoing reviews with the Prosecutor as to what their process and procedures are? No. I communicate a lot with the Prosecutor. Is it done from an efficiency standpoint to limit the amount appearances and the requirement? Yes. Is it inappropriate? You can easily make that judgment, yes.

Q. It's in violation of the law, Judge.

A. Okay. Thank you.

Q. Do you understand?

A. All right. Thank you.

Q. Do you understand, though? All right. I'll move on.

A. What the -- I mean, does the law say that a Judge has no ability to dismiss? I'm not sure you're indicating a violation of the law. I agree with this fully. Theoretically, every case that I get a not guilty plea, every case, should go to the District Attorney for a review and a recommendation come back. Now, if that's done, suppose the Judge don't agree with the DA's approach. What's the outcome?

Q. You tell me, Judge. It's your court.

A. I'm the Judge. I have the final say. But --

Q. All right.

A. -- that just doesn't happen. That just doesn't happen. I mean, in respect to cases, they're handled almost entirely as recommended. Nowadays, a typical traffic ticket is a 1214 or an open door. That's the typical process that the District Attorney will recommend. I will review that case. I will make sure that the defendant is fully aware of what has been offered to that individual by the District Attorney.



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Q. All right. I'm going to --

A. I want to make them aware of that, that --

Q. I'm going to move on, Judge.

A. Go ahead. Go for it.

Q. On January 30, 2024, you presided over the matter of *People v B[redacted] M[redacted]*. That's M, as in Mary, [redacted]. We've given you the transcript for this. Defendant was charged with moving from lane unsafely. And you presided over the matter. He told you about injuries sustained in crashing his vehicle in an accident that yielded the ticket. Do you remember that case?

A. I think so. What was the outcome of it?

Q. Well, the outcome of the case is after you discussed his 12-day stay in the hospital over Christmas and not being able to speak with the Trooper, you *sua sponte* dismissed the moving from lane unsafely.

A. Okay.

Q. Do you see any issue with that?

A. The issue is just exactly what you said. Theoretically, I guess it's got to go to the DA if it's -- what happens if nothing occurs on the ticket -- that is, if they don't plead guilty or not guilty? What can the Court do then?

Q. Let me ask you this, Judge. Why did you dismiss his ticket?

A. Which --

Q. Mr. M[redacted]. Do you remember the case?

A. Is that the one where there were -- yeah, that's the one where there was accidents involved --

Q. Yes.



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A. -- an accident involved?
Q. Yes. There is an accident involved. Would you like to review the transcript for a moment?
A. I'll take a quick look at. Thank you for letting me.
Q. I just want to know what you used to determine that you should dismiss that charge.
A. He was on his way to a job at the state hospital emergency on his way to work at -- or in the morning. Right. I did.
Q. All right. How did you come up with that dismissal? What did you -- what did you consider?
A. Based on his existing driver's records and what his actions were at that time, at that time of night.
Q. Okay. Did you take into consideration his injuries?
A. That is his consideration (unintelligible) got through -- all of the discussion was part of the dismissal.
Q. Do you see any danger, Judge, in asking defendants questions when -- did this guy have an Attorney present?
A. No, he didn't have an Attorney.
Q. Do you see any issue with asking defendants questions about the facts of their case without the Prosecution present and without an Attorney present? Do you see any problem with that?
A. There probably is, and you will find these cases. But I'd suggest you look at another thousand or so and see -- that are handled. There are a limited a few I have done that with, and those are the ones that you are looking at, that I personally, as the Judge, dismissed predicated on the facts



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offered by the individual and predicated on the event.

Q. Was this guy sworn?

A. Pardon me?

Q. Was this defendant sworn?

A. They're all officially sworn, but to say if he wasn't sworn, that means he could've made a statement that was incorrect versus if he was sworn, then the statement would've been different.

Q. Well, he's not sworn on the record, right?

A. Correct. So officially, it's -- I guess, because he was not officially sworn, the statement that he made could be interpreted as other than being accurate; is that correct -- if he wasn't sworn in? Does a sworn-in mean that he's going to make a real, accurate statement versus not sworn in, making another kind of a statement? I presume, in all cases, if he's looking at me as the Judge, that he's making an accurate statement. That's what I predicate that on.

Q. What if the defendant makes an admission of guilt without --

A. If he makes an admission of guilt, I have a plea, then, a plea of -- whatever the plea is.

Q. Okay. Hypothetically speaking, if there's no District Attorney present, there's no Attorney present, but the driver who received the V & T infraction is in front of you, starts answering your questions about the incident involving the ticket -- what if they admit guilt to it?

A. Then they're guilty.

Q. And then what do you do? You take a plea?

A. Pardon me?



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Q. Then what do you do next? You take a plea?
A. Well, I think, when you say that, you're saying that they pled guilty.
Q. No. I'm saying --
A. If there's the admission of guilt, and there's a -- and a plea of guilty are two different things?
Q. What if -- well, let's go on to the next case --
A. Okay.
Q. -- *People v D[redacted] K[redacted]*. Also appeared on January 30, 2024, in Town of Columbia Court in connection with a cell phone violation. She appeared with an unidentified translator, because she was Ukrainian. And you began asking her questions about the circumstances of her cell phone use.
A. Through the interpreter, I think.
Q. Correct. Ms. K[redacted] admitted that she was on the cell phone, noted that she was speaking with her Doctor.
A. Okay.
Q. Do you remember having a discussion with her about that?
A. I'm trying to -- and see what the discussion was between the interpreter and her and then back to me. I don't know if doing an interpreter is a correct procedure without having an official interpreter. That's just a question in respect to interpreter's situation. That's just a side question. If somebody comes in and says they want -- I can't talk to you, but this person knows -- can tell you -- we can talk, and he can tell me, whoever he or she is. I think, theoretically, I need a -- I need a official interpreter, I think. I need to, theoretically, dismiss that case -- or not dismiss it, but put it aside until an interpreter is there on your behalf.



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Q. So why --
A. But I --
Q. -- didn't you do that?
A. -- do believe -- I do believe we have had incidences where they brought in somebody that could clearly talk to them and talk to me.
Q. So why didn't you put it over for an interpreter in that case?
A. In the matter of efficiency, it appeared that their communication was pretty accurate between the two of them and what was conveyed to me. This individual was clearly able to interpret her language -- or his language.
Q. But he said, "I don't speak Ukrainian." He spoke Russian, right? So is that reliable?
A. Apparently, their discussions with each other were reliable, was adequate that they could communicate appropriately, whether it was Ukrainian or Russian that they were talking.
Q. In your discussion with Ms. K[redacted], you stated, according to page 2 of the transcript, "The Court understands that this occurred on the 15th of December, ten a.m. The Court understands that you were on the phone with your Doctor. Were you discussing," interrupted, "Yeah. The Doctor was attempting to call her from," and you said, "Okay. What hospital was the Doctor from?" Why is that relevant?
A. I want to confirm that he [sic] was really talking to a Doctor.
Q. Why are you eliciting facts from a defendant who doesn't have an Attorney present, when the DA is not present?
A. I just want to confirm the discussion was with a Doctor.



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Q. Do you see any issue with asking her these questions and engaging in such colloquy?

A. Asking her a question in respect to about the Doctor or where the Doctor was from or something?

Q. Yes.

A. If we -- a discussion just to clarify that she was talking to a particular Doctor. That was the intent of that discussion.

Q. The unidentified male, on page 4 of the transcript, said, "She was using the phone, so," period. "Judge Skinner: Pardon me?" "Unidentified male: She was using the phone." "Judge Skinner: Okay, okay. All right." And ultimately, Ms. K[redacted] enters a plea of guilty to cell phone use; is that right?

A. I believe so.

Q. Were you conducting your own inquiry into this matter when you're --

A. No. I'm clarifying exactly the event.

Q. Okay. But that's the facts of the stop, right?

A. If there's facts writing on a -- written on a piece of paper that I have presented in front of me, I'm going to clarify those facts.

Q. You're deciding what the facts of the case are --

A. No. I'm reading --

Q. -- without taking -- ah, ah (phonetic) -- without --

A. -- I'm reading --

Q. -- taking evidence.

A. I'm only using exactly what's written in front of me.

Q. If it's written on a traffic ticket, does that make it a fact?



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A. If it's written on an official traffic ticket, it's written by probably law enforcement. That makes it a fact. Who else would write -- what else would they write on a traffic ticket?

Q. Don't facts have to be proven in a court of law?

A. On a (unintelligible) traffic ticket as to what exactly occurred, I use what is written on the document in front of me in making that judgment, because that's what the Court has been provided to review.

Q. All right. I'm going to move on from the traffic matters, Judge.

A. Thank you.

Q. Thank you. Judge, there is another complaint that's come to the attention of our office that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law for the months of April through September of 2024 and that your salary was stopped as a result. Is that the case?

A. I never stopped -- I never got my -- well, what occurred in April is I got a call from the state, said, "We can't accept what I've been doing for 17 years and your matter of how to handle these." And that never really got fully clarified exactly how to handle them. In respect to the monies being deposited appropriately, indicated appropriately on reports, that was done. Ultimately, that got totally reconciled by the end of 2024. 2024 was a transitional year in our court because the changing of the type of system, the not having a Court Clerk at a particular time during that. So at this point, starting on 1/1/25 until now, with the new system and a new Court Clerk, things are in a heck of a lot better order, I agree, than they were in 2024.



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Q. But did you --

A. Are you going to find issues in '24? You are definitely going to find issues in 2024. Are you going to find money issues in respect to collecting fines appropriately, putting them a bank in a timely fashion, ultimately reporting them to state? You're not going to find any problem with that. That was done. And in respect to that, too, from 1/1/2024 to the end of October 2024, that were the ten active months. In November and December, there were no activity. And I was in constant contact with the Comptroller's Office about the situation with no Court Clerk. In any case, in retrospect to previous years, the November and December time frames in the operation of the court are slow anyway. There isn't that many cases that we handle in that time frame. During the course of November and December 2024, I had a long case. Nothing in December, one in November that ultimately was cleared in the system in January, which would've been in December in a normal basis, whether --

Q. I'm asking you about April through September 2024, though. That's when the failure to report occurred.

A. Oh, every one of -- every one of those months was -- that's another issue. That's the issue with the state totally changing the methodology that I had in place. Said, "Why can't we do this coincidental with changing the court system," which would've been done by the end of 2024. No. And so we continued to do everything appropriately in respect to collecting the fines, document them, depositing the fines, handling the case work appropriately. In respect to that time frame, to get through the end of 2024, I agree, there were issues to do -- and besides that, we changed the



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system during that time frame. Not only did the state change the methodology in the March-April time frame; the system changed in the November time frame. In any case, the Court -- I spent an inordinate -- a lot of amount of time dealing with the state in respect to making sure all of the monies were handled appropriately and we were doing everything correctly, knowing that we were converting the darn whole system over at the end of 2024. Was it somewhat of a difficult year? It was, but the monies were always handled appropriately. Did the state get their money in appropriate fashion? I can't say that they did. I will say that they -- that the fines were appropriately handled. I'm not sure. I'd have to rereview that, because now it's -- everything is kind of automatic with the new system.

Q. All right. Thank you, Judge. Judge, just before we conclude, are you familiar with the Rules Governing Judicial Conduct? You know that they're out there?

A. Yeah, somewhat, yes.

Q. Rule 100.3 sub (B) sub (1) of the Rules Governing Judicial Conduct states that you have a judicial obligation to be faithful to the law and maintain professional competence in it, right? Do you understand that?

A. Yes, and I do.

Q. All right. And that means -- the law means statutes as well, right, Judge?

A. Right. And you're going to tell me I don't, but that's okay. I understand. And I admit that, during that transitional period -- and I'm going to bring up another situation --

Q. But wait --



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A. -- in 2024.

Q. -- before you do that, Judge. Rules Governing Judicial Conduct section 100.3 sub (B) sub (6), you have to accord every person who has a legal interest in a proceeding the right to be heard according to law. And you -- it's either that person or that person's Lawyer must be heard. And a Judge shall not initiate, permit, or consider *ex parte* communications or consider other communications made to the Judge outside the presence of the parties or their Lawyers concerning proceeding. Do you think --

A. Right. I understand that.

Q. Did you follow that rule during the *G*[redacted] matter?

A. I believe so.

Q. Do you think that you gave the complainant an opportunity to be heard in that case before --

A. I gave --

Q. -- dismissing it?

A. -- I gave the complainant plenty of opportunity to be heard, and he was heard whether you wanted to or not at the town board meeting. Then he was given another opportunity by me, the Judge, to come in and go over the finite details of the *G*[redacted] case with him. That was independent and a result of what he did at the town board meeting.

Q. And Judge, you testified at the outset that you were going to check that -- if there were recordings of *G*[redacted] appearances in connection with these complaints --

A. Yeah.

Q. -- this complaint.



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A. I need to recheck that. I'm not sure around that time frame exactly what occurred. I will -- that's another issue, and I want to bring that up, too.

Q. So we're -- the Commission's going to ask you to go back and look for these recordings and either turn them over or advise us as to whether or not they exist, all right?

A. Okay. Yeah. That hasn't officially been done, or has it be done?

Q. Why don't you know the answer to that? I mean, we asked you for the records, and you haven't given it to us, right?

A. All right. If it's been done, we've given what we had at the time. Yes.

Q. You did supply one audio file, and that was for March 5, 2024 --

A. Okay.

Q. -- all right, in connection with the *G*[redacted] case. If there's any others out there, we'd like you to turn them over.

A. Yeah. I'm not -- I will double-check, but I don't --

Q. Okay.

A. -- I don't think so, but I'll check. Thank you.

Q. And why wasn't it recorded, then?

A. I'm not sure there was any out there to record. I'm going to verify that.

Q. Okay.

A. I don't think there was any -- you're talking about since the March date --

Q. No.

A. -- until now or previous --

Q. No. I'm talking about --

A. The whole situation?

Q. -- the dismissal.



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A. Yeah. Okay. Thank you.
Q. That should've been recorded, right?
A. I believe so, yes.
Q. Well, you believe so, or you know that you should've recorded that?
A. Well, in order for me to do -- to say, I'd have to check the recorder.
Q. No. I'm asking you, if you dismiss a case, should that be recorded in front of the litigants in such (unintelligible)?
A. Oh, yes.
Q. So that should've been recorded, correct?
A. Right. If I dismiss a case, it should be recorded; that's correct.
Q. So should you have recorded the *G*[redacted] matter?
A. I believe so, yes.
Q. Why don't you know?
A. Because I got a lot of cases.

MS. KLEIN: All right. I have nothing further.

THE REFEREE: Judge, do you wish to make any closing statement before we go off the record today?

JUDGE SKINNER: Pardon me, ma'am?

THE REFEREE: Do you wish, Judge, to make any closing statement before we go off the record today?

JUDGE SKINNER: During the course of 2024, it was more of a turbulent year than we would've known. There was a incident in town where the DEC had a major presence by virtue of an existing deer herd. And the -- it's a red deer herd. And they ended up demolishing the herd.



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But they also made a decision to kill several white-tail deer. And they did a lot of this at night in the Town of Columbia without telling anybody -- you know, telling me or anything they were going to do this.

So the outcome was this. I get calls all over the place from the residents and say, "What's going on? Judge, I got lights here," or something or other. And you know, they're asking the Court what's happening as a result of activities of this nature, which are kind of odd and unique. And it resulted in a concern for their individual safety, as well as me. Now, they -- the DEC never contact me and says, "You know, maybe the court -- maybe the town officials ought to know what we're doing if we're going to come in here and do this." They never did that. They just did -- but the outcome was that the Judge got many, many calls as a result of that.

So I'm handling this to try to keep up the harmony and wellbeing of the residents in town. That's a definition of what a Judge is. That's part of a Judge -- the residents of a town assume that, you know -- let's call the Judge and -- why is this happening, or something or other. And do we get officially notified? The incident could require and result in a notification, or it may not result in a notification. So we try to keep that peace and harmony within the court.



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And one other thing. The most important thing here is a number. The number is 591. That is the number of votes I got in November of 2024, running for the town justice. The opponent got, like, 30 or 40 votes. It's an indication, to me, in respect of the -- of what the Court has done in representing the town people themselves. It's a reflection of what has occurred in that town.

And that -- and I take a lot of pride in the fact that my name's on the ballot. The ballot's real simple. The ballot's a long line in November. On the left is one individual that's running for a big office. And far on the right, same line, is another individual, and that's me. And the guy on the left got 597 votes, and the guy on the right got 591 votes, albeit running for different positions. So the people had to go all the way across the ballot and fill in specifically that circle to vote for the justice, as they did with all the other individuals in between. They did. So I take a lot of pride in, that people took the time, even though I really didn't have that much competition, to go way over on the ballot and -- because they know I will talk to them if there is an issue in town in respect to operating the --

And the stuff you brought up, you're absolutely right in some of the ways I've handled those cases. I agree. I agree fully. Is the outcome inappropriate? I don't think so. But I agree. But if you look at 100 percent of the cases,



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you're going to find that 99.9 percent of them are handled appropriate. In respect to the *T*[redacted] case, that's a unique individual situation that generated this to start with. And I appreciate that. And I respect his position, even though I don't like it. I mean, I don't need to like him. I need to respect and honor his position as the Judge. And I do -- and I do that, entirely. I do that.

THE REFEREE: Does that complete your closing statement, sir?

JUDGE SKINNER: Thank you, thank you.

THE REFEREE: Do you have any further questions, Counsel?

MS. KLEIN: I don't. I just wanted to note that the Judge will be receiving a transcript of this proceeding and that he will have seven days from receipt of that transcript to provide any follow-up information that you'd like the --

JUDGE SKINNER: Sure.

MS. KLEIN: -- Commission to know or any response. But we'd also ask that you follow up and advise us at that time as to whether you've located any additional recordings for --

JUDGE SKINNER: Yeah. I can -- I will do that.

MS. KLEIN: -- the *G*[redacted] matter.



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JUDGE SKINNER: Yeah. And I admit -- it was a turbulent time in the year 2024 --

MS. KLEIN: I understand.

JUDGE SKINNER: -- from a lot of perspectives. And I think that -- I think the outcome and the activity of a lot of people, that it's entirely, amazingly positive with a new Court Clerk that's doing a heck of a nice job in respect to making sure the Court Judge is informed of exactly the cases and the situation, the collection of the -- that individual, I've trained that individual on the collection of the fines.

And you will find -- and the Town Supervisor was on me about, "You got 48 hours." Let me tell you what he meant. He meant, you got 48 hours from the time that you collect on Tuesday night to the time you got to deposit it. And I said, "That's not correct." And this is really -- 90 percent -- if you look at 17 years of deposits, probably 75 percent of them are done after court, let's say at nine o'clock on Tuesday night. I take them to town, and I physically deposit them in the night deposit. I get credit for them next day. But I physically deposit it within an hour. To me, that's not an issue.

I do not have any money in court. I will not have money in court. I will handle it promptly, and it will be deposited appropriately. The state will be notified



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appropriately. Now, there's some misgiving because of the changes occurred in '24; I agree that fully. But at this point -- and the final numbers -- and they closed out the books for 2024, and they were exactly the numbers that we have submitted.

Now they're doing an audit. Besides, I -- you know, the state's doing an audit. And so the town board are going to wait until they approve the numbers. They will not make any approvals until the audit is done. So they're sitting on their hands, rather than accepting the outcome, as the State Comptroller has indicated, until a subsequent -- and the audit could be for a lot of things. I mean, they may -- they should -- if I were them, I'd address this deal, that April through December or April through September and submitting to the state -- if I was them, I'd be after me, you know, "What's the situation there?"

So all of this is transpiring in a difficult year. But when I woke up on 1/1/25, everything was absolute order. To get there from here, it took some issues with a new -- with the existing Court Clerk, a new Court Clerk, not having a Court Clerk by part of the time. A major issue was the deer herd that I was contacted many, many times about. So again, I'm saying it was a -- it was a turbulent year. Thank you.

MS. KLEIN: Thank you, Judge.



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THE REFEREE: We're all set. We're going to go off the record. That will conclude today's proceedings. It's 1:30 p.m. Thank you.

(Proceedings concluded at 1:30 p.m.)



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COMMISSION EXHIBITS


| | Description | Ident. |
|---|---|---|
| 1 | Letter from Cathleen Cenci to Judge Skinner dated March 17, 2025, with attachments (53 pages) | 5 |
| 2 | Determination and agreed statement of facts in *Matter of John M. Skinner* (20 pages) | 13 |
| 3 | Requests for court records and audio recordings for *People v R[redacted] G[redacted]* and *People v B[redacted] G[redacted]* with responses from Judge Skinner and court clerk (5 pages) | 15 |
| 4 | Columbia Town Court records for *People v R[redacted] G[redacted]* (10 pages) | 22 |
| 5 | Columbia Town Court records for *People v B[redacted] G[redacted]* (3 pages) | 37 |




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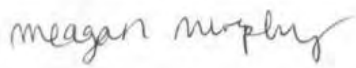
# CERTIFICATION

I, Meagan Murphy, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: April 23, 2025



Meagan Murphy



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**CONFIDENTIAL**

March 17, 2025

Hon. John M. Skinner
Justice of the Columbia Town Court
147 Columbia Center Road
Ilion, NY 13357

Re: File Nos. 2024/A-0087 and 2024/A-0548

Dear Judge Skinner:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating two complaints alleging that: (1) you dismissed dog-at-large and trespass charges against two defendants based on misleading, *ex parte* information, and then directed the complainant to appear in court without jurisdiction to do so; and (2) you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law for the months of April through September 2024, and your salary was stopped as a result. Enclosed are copies of the complaints.

In connection with these investigations, the Commission requires that you appear to give testimony on **April 10, 2025, at 11:00 AM**, at the Commission's office in Albany at Corning Tower, Suite 2301, Empire State Plaza, Albany, New York. Directions are enclosed.

Also enclosed are transcripts for proceedings held in your court on December 26, 2023, January 30, 2024, and March 5, 2024. Prior to your appearance, please review these transcripts as well as the court's files for the matters of *People v B[redacted] G[redacted]*, *People v B[redacted] G[redacted]*, *People v T[redacted] N[redacted]*, *People v B[redacted] M[redacted]*, and *People v D[redacted] K[redacted]*, about which you will be asked to testify. For your reference, the Rules

Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.[1]

Your appearance is required in accordance with Section 44, subdivision 3, of the Judiciary Law. This is not a hearing as provided by Section 44, subdivision 4, of the Judiciary Law. Your testimony will be sworn and recorded, and a copy of the transcription thereof will be provided to you at no cost. You have the right to be represented by counsel and to present material relevant to the complaints.

At your appearance, you may make opening and/or closing statements. After being questioned by Commission counsel, you may be questioned by your own lawyer, subject to further questioning by Commission counsel.

**Please provide confirmation of your scheduled appearance by April 3, 2025, either by letter or phone call at 518-453-4600.** Please feel free to have your attorney call me or Senior Attorney Kathleen Klein with any questions.

Thank you for your prompt attention to this matter.

Very truly yours,

Cathleen S. Cenci
Deputy Administrator

**Enclosures**

**Certified Mail** # 9402 8091 0515 6121 8513 18
**Return Receipt Requested**

[1] http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm

(1)

DEAR SIRS, 2/24/24

ON 10/18/23 I HAD AN ISSUE WITH A NEIGHBORS PITBULL TRESSPASSING ON MY PROPERTY AND TRYING TO BITE ME. MY NEIGHBOR HAS 3 PITBULLS HE LETS THEM RUN FREELY, AND THEY HAVE ATTACKED MY OTHER NEIGHBORS DOG AS WELL. I REPORTED IT TO THE STATE POLICE, AND THEN TO THE ANIMAL CONTROL OFFICER. WHEN IT WENT TO THE JUDGE, HE REFUSED TO DO ANYTHING. HE HAS A PREDISPOSED OPINION OF ME AND IS BIAS.

IN BEGINING OF DECEMBER I HAD ANOTHER ISSUE WITH THE PITBULLS. AGAIN I REPRTED TO THE STATE POLICE, AND ANIMAL CONTROL OFFICER. WHEN I SPOKE WITH ANIMAL CONTROL OFFICER I ASKED IF I NEEDED TO APPEAR I WAS TOLD NO. THAT IF THEY NEEDED ME I WOULD BE NOTIFIED.

(2)

I NEVER RECIEVED ANY NOTIFICATION TO NEEDING TO APPEAR. I I WENT IN FRONT OF THE JUDGE, AND AGAIN HE DID NOTHING. WHEN I QUESTIONED HIM AT THE TOWN OF COLUMBIA MEETING ON 2/8/24 HIS REPLY WAS I DID NOT APPEAR. HOW CAN I APPEAR FOR SOMETHING I WAS NOT NOTIFIED TO. AGAIN HE WAS PLAYING GAMES, AND BEING BIAS AGAINST ME.

ON 12/31/23 AROUND TEN P.M. "NEW YEARS EVE" I HAD AN ISSUE WITH THE SAME NEIGHBORS COUSIN WHO RESIDES AT THAT PROPERTY TRESSPASSING ON MY PROPERTY. I WOULD LIKE TO STATE THAT MY PROPERTY IS CLEARLY POSTED. THIS INDIVIDUAL WAS HIGHLY INTOXICATED. I REPORTE TO THE STATE POLICE. THEY BROUGHT IT TO THE JUDGE, AND AGAIN HE DID NOTHING BECAUSE OF HIS BIAS AGAINST ME.

(3)

I WOULD LIKE TO ADD THAT I HAVE HEARD A LOT OF TALK OF MIS MANAGEMENT IN THE TOWN OF COLUMBIA. THE NEW TOWN SUPERVISOR TOLD ME HE WALKED INTO A COMPLETE MESS.

JUDGE JOHN SKINNER IS OF ADVANCED AGE AND I BELIEVE THAT HE IS BEGINING TO LOSE HIS FACULTIES. HE IS MIS MANAGING TOWN COURT RECORDS, PAYMENT RECIEPTS ARE NOT BEING PUT ON THE STATE SYSTEM IN THE MANNER IT IS SUPPOSED TO BE DONE. HE IS ABOSING HIS POWER ON THE BENCH AND NEEDS TO RETIRE, OR BE REMOVED. THANK YOU FOR YOUR TIME, AND YOUR CONSIDERATION.

[redacted]

2/24/24

# Complaint Form – Confidential

61 Broadway, Suite 1200 ♦ New York, NY 10006
Corning Tower, Suite 2301 ♦ Empire State Plaza ♦ Albany, New York 12223
400 Andrews Street, Suite 700 ♦ Rochester, NY 14604

A complaint to the Commission must be in writing and signed. (See, New York Judiciary Law Section 44.1.) A complaint does not have to be sworn or notarized. You may submit a complaint by letter or by using this complaint form. If you submit a letter, please include the information requested by this form.

*Please do not submit original records.
The Commission cannot return any documents you send us with your complaint.

---

## BACKGROUND INFORMATION

Today's Date: 2/24/24

Your Name: J[redacted] T[redacted]

Address: [redacted]

1340 7

Home Phon[redacted] Business Phone: N/A

Are you represented by a lawyer? ____ Yes ___✓___ No

Lawyer's Name: _____

Address: _____

_____

Telephone: _____

## COMPLAINT INFORMATION

Judge's Name: JOHN SKINNER

Judge's Court: TOWN OF COLUMBIA County: HERKIMER

Date(s) of Incident(s): 10/18/23 12/23 12/31/23

Name of Case (if applicable): _____

Index Number of Case (if applicable): _____

## DETAILS OF COMPLAINT

In the space below, please describe the alleged misconduct. Include as much detailed information as possible, such as what happened, where and when; the names of witnesses; who said what to whom, and in what tone of voice; etc. Use additional sheets if necessary.

THIS IS THE SECOND COMPLAINT I HAVE MADE AGAINST THIS JUDGE. I HAVE ASKED HIM TO RECUSE HIMSELF FROM ANY FURTHER MATTERS WITH ME BE IT ~~CIVIL~~ Civil OR CRIMINAL AT THE TOWN OF COLUMBIA TOWN BOAD MEETING ON FEB 8TH 2024. HE REFUSED AND TOLD THE TOWN BOARD HE WAS GOING TO SCHEDULE ME TO BE IN FRONT OF THE DISTRICT ATTORNEY ON MARCH 5TH 2024 FOR WHAT I DON'T KNOW BECAUSE I HAVE COMMITED NO CRIME. PLEASE SEE ATTACHED LETTER

Complainant's Signature: [redacted] 2/24/24

RECEIVED

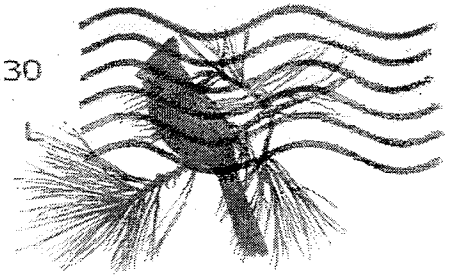
FEB 2 9 2024

NYS COMMISSION ON
JUDICIAL CONDUCT - NYC LEGAL

[redacted]

SYRACUSE NY 130

27 FEB 2024 PM 1 L



FOREVER / USA

STATE OF NEW YORK
61 BROADWAY SUITE 1200
NEW YORK, NEW YORK 10006

10006-270199

# SCJC ALB Received - 12/17/2024

**From:** Coraline Falco
**To:** [redacted]
**Cc:** [redacted]
**Date:** Tuesday, December 17, 2024 1:01:12 PM
**Attachments:** D1E175DF5CD64BC39F0BF4ACEAB15621.png

You don't often get email from cfalco@osc.ny.gov. Learn why this is important

Regarding Justice: Skinner
Justice ID: 2131890361

Dear Town of Columbia CFO:

This is official notification that the above referenced Justice has not properly reported to the Office of the State Comptroller (OSC) for the following month(s):

April 2024 May 2024 June 2024 July 2024 August 2024 September 2024

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the OSC. The report is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to provide an accounting for any money received by such justice, the chief fiscal officer will be notified.

Upon receipt of such notice from OSC, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from OSC that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office.
**Please reply to [redacted]@osc.ny.gov to note that action has been taken.**

Sincerely,

Coraline Falco
Justice Court Fund Manager
Email: [redacted]@osc.ny.gov
Phone: [redacted]

Coraline Falco

Manager, Justice Court Fund

New York State Office of the State Comptroller

Division of Local Government and School Accountability

110 State Street, 12th Floor

Albany, NY 12236

[redacted]@osc.ny.gov | [redacted]

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Transcript of Proceedings in *People v T* [redacted] *N* [redacted] held
December 26, 2023 (6:06:15 PM to 6:15:17 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*December 26, 2023 (6:06:15 PM to 6:15:17 PM)*

Judge Skinner: Mr. N[redacted] [sic], you may approach. Have I pronounced your name incorrectly?

Mr. N[redacted]: N[redacted].

Judge Skinner: N[redacted]?--

Mr. N[redacted]: Yes. Like the time of day. Thank you sir.

Judge Skinner: Thank you. You're charged with speeding in a 55 mile an hour zone, that's doing 75 in a 55. Here are your choices: If you plead guilty to the charge, the court will adjudicate it based on the guilty plea, and that can result in a fine up to $300 and a $93 surcharge, and four points on your license. If you're not guilty--if you plead not guilty to the charge, I can defer that till next Tuesday, when you can speak to the DA regarding the charge. Not that it's going to get reduced, but you would have that opportunity if there was a not guilty plea. So do you have a plea at this time?

Mr. N[redacted]: Uh, not guilty sir.

Judge Skinner: You're a ways away, Ontario's gotta be up by the lake somewhere.

Mr. N[redacted]: Yes sir, over by Rochester. I have to be in Binghamton tomorrow morning, so I figured I would- it worked out perfectly to stop here. And

not--

Judge Skinner: The court's in a position, seeing that you would need to take another trip-- make an alternative route. But between preliminary discussions with the district attorney, and if it's a speeding case kind of a thing, we virtually agreed that a reduction--what is your driver's record like, otherwise?

Mr. N[redacted]: My driver's record is clean, sir. I have no points on my record. May I speak to the day that this happened?

Judge Skinner: If you want to, the day that is indicated here is 11/21/23.

Mr. N[redacted]: Correct.

Judge Skinner: At 11:30 in the morning.

Mr. N[redacted]: Yes sir.

Judge Skinner: What do you want to say about that?

Mr. N[redacted]: So I work for a medical device company. We provide aortic grafts for ruptures and trauma in surgeries, and also provide clinical support throughout the surgery. On that day I had a scheduled surgery in Cooperstown, and travelling from Rochester, I received a call halfway throughout my drive that the patient was unstable, and they needed a product that was in

| | | |
|---|---|---|
| | | my vehicle an hour sooner, and the patient was in the operating room at the time. I don't typically speed whatsoever. In this case, it was an emergency to get to the hospital in time, which is a trauma center as well. My company gives me an emergency medical delivery tag to hang in my window, which I don't believe does much good, and doesn't warrant me speeding, so I just wanted to put that on the record. |
| Judge Skinner: | | Do you have that tag? |
| Mr. N[redacted]: | | I do. It was right in front of me. And that's the company at the bottom. |
| Judge Skinner: | | You had to come from where? |
| Mr. N[redacted]: | | Rochester. Which is approximately three and a half hours- I had left with enough time, but they called that the patient was on the operating table and needed the device sooner- caused a bit of a rush to get to the trauma center sooner. |
| Judge Skinner: | | Which hospital? |
| Mr. N[redacted]: | | That is Bassett Medical Center. |
| Judge Skinner: | | Bassett Medical Center? |
| Mr. N[redacted]: | | Yeah. Cooperstown, New York. |
| Judge Skinner: | | You'd indicated your driver's record is clean? |
| Mr. N[redacted]: | | Yes sir. |
| Judge Skinner: | | When was the last time you got a ticket? |

| | | |
|---|---|---|
| Mr. N[redacted]: | Uh-- |
| Judge Skinner: | Do you think? |
| Mr. N[redacted]: | At least eight years ago. Without having any records in front of me. |
| Judge Skinner: | And tonight is your appointed date to come in-- to appear in court too? |
| Mr. N[redacted] | It is, yes sir. |
| Judge Skinner: | This [redacted], is that your address? |
| Mr. N[redacted]: | It is. |
| Judge Skinner: | How long you been doing this job? |
| Mr. N[redacted]: | I've been doing this job for eight months now. Before that I worked in surgery in Canandaigua, New York, for ten years before that. |
| Judge Skinner: | What did you do there? |
| Mr. N[redacted]: | I was an interventional technologist, so we did minimally invasive surgeries-- |
| Judge Skinner: | Uh-huh. |
| Mr. N[redacted]: | --for patients who couldn't undergo general anesthesia. |
| Judge Skinner: | The court's dismissing this ticket. We are dismissing it. |
| Mr. N[redacted]: | Thank you very much, sir. |
| Judge Skinner: | We will send you a notification to this when we get the ticket. |
| Mr. N[redacted]: | Okay. |

| | | |
|---|---|---|
| Judge Skinner: | But you're okay. |
| Mr. N[redacted]: | Okay. |
| Judge Skinner: | I don't want to see you back again, though. |
| Mr. N[redacted]: | No sir, absolutely not. Absolutely. |
| Judge Skinner: | Okay, I understand the situation, that you're into, and-- |
| Mr. N[redacted]: | Thank you. |
| Judge Skinner: | --have a good holiday. |
| Mr. N[redacted]: | I appreciate it-- |
| Judge Skinner: | Alright. |
| Mr. N[redacted]: | --Happy holidays sir, thank you. |
| Judge Skinner: | Thank you-- |
| Mr. N[redacted]: | Check out or anything? Or I'm all set-- |
| Judge Skinner: | Nope, you're all set, thank you. |
| Mr. N[redacted]: | Alright thank you. You guys have a great night. |
| Clerk Buck: | (unintelligible) |
| Mr. N[redacted]: | Thank you. |
| Clerk Buck: | Our money's right. |
| Judge Skinner: | What's that? |
| Clerk Buck: | Our money is right. |
| Judge Skinner: | Is our money right? |
| Clerk Buck: | Mm-hmm. |
| Judge Skinner: | I dismissed that guy. |
| Clerk Buck: | Why? |
| Judge Skinner: | You know, just, everything-- |

| | |
|---|---|
| Clerk Buck: | Yeah. |
| Judge Skinner: | --going on the date, he's dressed very professionally-- |
| Clerk Buck: | Yeah, clean cut-- |
| Judge Skinner: | Right-- |
| Clerk Buck: | --respectful. |
| Judge Skinner: | and (unintelligible) |
| Clerk Buck: | Conducted himself the way he needed to. |
| Judge Skinner: | And he's driven from-- |
| Clerk Buck: | Rochester-- |
| Judge Skinner: | Yeah, and you have—between Rochester and Oswego, or something-- |
| Clerk Buck: | Yeah. |
| Judge Skinner: | I know, it's-- |
| Clerk Buck: | A long way. |
| Judge Skinner: | Yeah, so it's-- |
| Clerk Buck: | To be here on his-- |
| Judge Skinner: | You know what-- |
| Clerk Buck: | --date and time, that's good. So we'll-- |
| Judge Skinner: | It was nice of him to come-- You know, coming the day after Christmas, and taking care of it. |
| Clerk Buck: | Yeah, I understand. |
| Judge Skinner: | All their issues, and I guess I believed him. He was actually doing what he said. |

# CERTIFICATION

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

Transcript of Proceedings in *People v B[redacted] M[redacted]* held
January 30, 2024 (6:24:14 PM to 6:30:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:24:14 PM to 6:30:35 PM)*

Judge Skinner: Yes sir.

B[redacted] M[redacted]: B[redacted]--

Judge Skinner: --Did you have your paperwork?

Mr. M[redacted]: No, I didn't, sir. (unintelligible)

Judge Skinner: Ok, I do--

Mr. M[redacted]: (unintelligible) I'm so messed up. Suffering from a [redacted].

Judge Skinner: How did you do that?

Mr. M[redacted]: It was out here on 28, just up the road here.

Judge Skinner: Oh, this is part of this occurrence? Is this what happened?

Mr. M[redacted]: Yes.

Judge Skinner: Because it looks like there was a personal injury accident associated with it.

Mr. M[redacted]: That's me.

Judge Skinner: That happened here? And that happened back just before Christmas-- that's a bad Christmas for you. Three days before Christmas, right?

Mr. M[redacted]: Yeah, I was in the hospital for twelve days.

Judge Skinner: Okay--

Mr. M[redacted]: Tell you what happened- I was going down 28, I work at the state hospital in Marcy, and I was on my way into work, it was four o'clock in the morning. And I come around the corner, and a

| | | |
|---|---|---|
| | | tractor trailer was backed across the road, both lanes. And, the lights- his lights were facing into the woods, not towards me so I didn't really know what was going on. And so-- |
| | Judge Skinner: | What time of day was-- oh, they'll show time of day. 4:30, 4:30 AM? |
| | Mr. M[redacted]: | Yeah, 4:30, right. Ok, so I tried to go around him to get into the parking lot where he was backing in, and I went into a ditch. It was like six feet. And when I come out of the ditch, it threw me up into the tractor trailer. And I totaled my truck[redacted]. I come from a family of law enforcement-- I worked for the sheriff's department in Massachusetts for ten years, my brother was a Chief of Probation in Worchester, Mass., for 25 years. I got a nephew who's a Chief of Police up in Montcalm, New Hampshire. I wasn't speeding, I was just on my way to work. But I didn't recognize what I saw, if that makes any sense. With the tractor trailer across the road. |
| | Judge Skinner: | So where do you-- where do you work? |
| | Mr. M[redacted]: | I work at the psychiatric hospital in Marcy. |
| | Judge Skinner: | In Marcy? |

Mr. M[redacted]: Yeah. I live in Cooperstown.

Judge Skinner: Oh, okay, that's your address on here, yes.

Mr. M[redacted]: Scary for the first time. I've been without pain now for-- since it happened, so really, (unintelligible) Supposed to go next week, take a-- [redacted]. So hopefully--

Judge Skinner: Where were you at the hospital?

Mr. M[redacted]: I was at the trauma center up here in Utica, at the new hospital, there. [redacted].

Judge Skinner: Do you think you are attributing, pretty much, your situation, to this occurrence--

Mr. M[redacted]: It's all--

Judge Skinner: --pretty much?

Mr. M[redacted]: It's all to that occurrence, yeah. It's all to it. I was working 50 hours a week. I also work at the-- - in Oneonta [redacted] I'm head of security there. I also (unintelligible) and, I'm healthy, (unintelligible).

Judge Skinner: So, did the State Police show up at the occurrence?

| | | |
|---|---|---|
| Mr. M[redacted]: | Yeah-- |
| Judge Skinner: | Were you there then? |
| Mr. M[redacted]: | I didn't have a chance to talk to him. I was put into an ambulance, on a back board with a neck brace. Right away I was complaining about my back, you know. I didn't get a chance to tell him what I saw, what I didn't see. I just-- I'm just telling you that's exactly what I saw. I didn't see the truck because the headlights were facing-- not facing me, coming down the road. |
| Judge Skinner: | How was your driver's record otherwise? |
| Mr. M[redacted]: | It's good, your Honor. I don't have any incidences. I got in an accident four years ago. That was my-- that was it. |
| Judge Skinner: | It's dismissed. |
| Mr. M[redacted]: | Thank you. |
| Judge Skinner: | Give it to the court clerk, and she'll make a-- she'll have the copies. It's dismissed Millie, so-- |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |
| Clerk Buck: | (unintelligible) give him a copy of this? |
| Judge Skinner: | Yeah, I think that would be just a good thing for him to have. |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |

| | |
|---|---|
| Clerk Buck: | You're welcome. |
| Mr. M[redacted]: | Thank you, your Honor. |
| Judge Skinner: | Thank you, have a good evening, be careful. |

# CERTIFICATION

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

Transcript of Proceedings in *People v D[redacted] K[redacted]* held
January 30, 2024 (6:31:45 PM to 6:47:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:31:45 PM to 6:47:35 PM)*

Judge Skinner: I've got two court copies and I've got four people, so, there's two--

Unid. Male: (unintelligible) translator.

Judge Skinner: --pardon me?

Unid. Male: Translator.

Judge Skinner: A translator?

Unid. Male: Yeah, I'm a translator.

Judge Skinner: Oh, okay. You're not-- so they're not for occurrences? There's only one occurrence? Okay. Are you coming in, part of this group? That you were just invited in?

Clerk Buck: Yes he is.

Unid. Male: Yeah.

Judge Skinner: Okay, have a seat.

Clerk Buck: Oh, I got (unintelligible), I'm sorry. How about we bring these chairs a little further back?

Judge Skinner: Yeah, yeah-- apologize, we got no more than four more bodies--

Clerk Buck: All the way to the wall.

Judge Skinner: --over to the wall please, thank you.

Clerk Buck: (unintelligible)

Judge Skinner: Who are you translating for? Okay. And what's the name?

Unid. Male: D[redacted].

| | | |
|---|---|---|
| 1 | Judge Skinner: | K[redacted]? |
| 2 | Unid. Male: | K[redacted]. |
| 3 | Judge Skinner: | Close. |
| 4 | Unid. Male: | Close enough, right? |
| 5 | Judge Skinner: | Okay. You may approach. You can just stand |
| 6 | | over there please. Yes ma'am, the court |
| 7 | | understands you have a translator that's gonna |
| 8 | | tell you what I'm trying to say. Is that-- okay. |
| 9 | | What language? |
| 10 | Unid. Male: | Russian. |
| 11 | Judge Skinner: | Russian. |
| 12 | Unid. Male: | I don't speak Ukrainian, so, Russian's the next |
| 13 | | closest thing. |
| 14 | Judge Skinner: | Does she do Ukrainian? |
| 15 | Unid. Male: | Yeah. |
| 16 | Judge Skinner: | The court's understanding that the charge is |
| 17 | | improper use of a mobile phone. |
| 18 | Unid. Male: | Yeah. |
| 19 | Judge Skinner: | Okay. The court understands that this occurred |
| 20 | | on the 15th of December at 10:00 AM. The court |
| 21 | | understands that you were on the phone with |
| 22 | | your doctor. Were you discussing-- |
| 23 | Unid. Male: | Yeah, the doctor was attempting to call her from- |
| 24 | | - |
| 25 | Judge Skinner: | Yeah. |

| | | |
|---|---|---|
| Unid. Male: | --the office. |
| Judge Skinner: | Okay. What hospital was the doctor from? |
| Unid. Male: | The doctor's name is Doctor (unintelligible)-- oh, it's [redacted], (unintelligible) office. |
| Judge Skinner: | Oh okay. Not a-- not at a hospital. |
| Unid. Male: | No, not at a hospital. |
| Judge Skinner: | Okay, okay. I will now provide you the implication of making a plea of guilty, if that occurred. The first implication is-- I'll give you is the number of points-- |
| Unid. Male: | Mhm. |
| Judge Skinner: | --remembering that the eleven points is the total you're can have without your license being suspended. If you get up to eleven, then your license will be suspended. |
| Unid. Male: | Mhm. |
| Judge Skinner: | This particular charge has a five point guilty plea charge to it, so, if the court received a guilty plea, five points would be part of the sentence. That's given, that's not an option. |
| Unid. Male: | Okay. |
| Judge Skinner: | That's gonna hurt her. The first offense, which I assume it is-- |
| Unid. Male: | Mhm. |
| Judge Skinner: | --have there been any other offenses of this |

| | | |
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| | | nature? |
| | Unid. Male: | No. |
| | Judge Skinner: | Okay. The fine can be a maximum-- a minimum of $50 and a maximum of $200, and a $93 surcharge. On the high side, that means 200 plus 90-- $293 total, that would be involved with a guilty plea. If the court receives a not guilty plea, then it's postponed until next week at six when the District Attorney is here, and you can talk to the District Attorney regarding the charge. |
| | Unid. Male: | She was using phone, so. |
| | Judge Skinner: | Pardon me? |
| | Unid. Male: | She was using the phone. |
| | Judge Skinner: | Okay, okay. Alright. |
| | Unid. Male: | She was attempting to connect the Bluetooth-- it was a little funky but, she was using the phone-- |
| | Judge Skinner: | And the purpose of the call again, was? |
| | Unid. Male: | The doctor's office was calling her. |
| | Judge Skinner: | Alright. And again, a not guilty plea, you can discuss this charge with the District Attorney. |
| | Unid. Male: | Right. |
| | Judge Skinner: | And from a convenience, if this address is correct-- Richfield Springs address-- |
| | Unid. Male: | Mhm. |
| | Judge Skinner: | --it's reasonably convenient because it's next |

| | | |
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| | | week, at 6:00 PM-- |
| | Unid. Male: | Mhm. |
| | Judge Skinner: | --the District Attorney is here. So do I have a plea? |
| | Unid. Male: | Guilty. |
| | Judge Skinner: | Is this-- are there been any other occurrences-- I may have asked this once, I'm gonna ask it again, if I did-- of use of a mobile phone? |
| | Unid. Male: | No. |
| | Judge Skinner: | Any other occurrences in respect to traffic violations of any type? |
| | Unid. Male: | [redacted]. That's the only thing. |
| | Judge Skinner: | No other occurrences of-- |
| | Unid. Male: | (unintelligible) [redacted] |

| | | |
|---|---|---|
| Judge Skinner: | --that occurrence. And I know it's another trip, and I'll send you around like this. But, I just want to make sure that, you know, the complete implications of a guilty plea. |
| Unid. Male: | She just doesn't want to go through the additional stress of coming back and-- |
| Judge Skinner: | That's why I try to make it clear-- if not, well, if you're sitting over here I'd say-- |
| Unid. Male: | I suggest to 'em-- |
| Judge Skinner: | --you know them well. That I can appreciate that's never done it before-- |
| Unid. Male: | Yeah. I suggest to 'em-- |
| Judge Skinner: | --sitting and watching some individual up here going through this, and want to minimize, do I have to do this darn thing again? |
| Unid. Male: | Yeah. |
| Judge Skinner: | We could go through this all, one more time. |
| Unid. Male: | Right. |
| Judge Skinner: | So-- but I can appreciate you wanting to get it cleared up, so-- |
| Unid. Male: | Yeah, basically she wants to get it cleared up, but, you know, I suggested come next week, but, she just doesn't want to have-- |
| Judge Skinner: | I know you did. I'm half Ukrainian, so I understand some stuff. |

| | | |
|---|---|---|
| 1 | Unid. Male: | Half Ukrainian? |
| 2 | Judge Skinner: | Yes. |
| 3 | Unid. Male: | Okay. |
| 4 | Judge Skinner: | Tolopka, is the Ukrainian name. |
| 5 | Unid. Male: | Okay. |
| 6 | Judge Skinner: | T-o-l-o-p-k-a. Tolopka. So alright-- we're going |
| 7 | | to proceed with a guilty plea? Or were you-- |
| 8 | | have you decided that-- Yes? |
| 9 | Unid. Male: | Yes. |
| 10 | Judge Skinner: | Okay. So, what will occur is there will be-- the |
| 11 | | fine can be, first offense- $50 to $200 and a $93 |
| 12 | | surcharge. So the surcharge is given at 93 and |
| 13 | | the fine is 57. So the total is $150. You able to |
| 14 | | make that payment this evening? |
| 15 | Unid. Male: | Can she come back tomorrow to pay that or no? |
| 16 | Judge Skinner: | She can send it in the mail in the form of a bank |
| 17 | | check or money order or something if she wants |
| 18 | | to do that. You can just send it in the mail, that'd |
| 19 | | be just fine. And the court clerk will give you the |
| 20 | | address to send it to up here, and it's made out to |
| 21 | | the Town of Columbia, and she'll follow up-- |
| 22 | Unid. Male: | Okay. |
| 23 | Judge Skinner: | --with that part of it. Forward this to the court |
| 24 | | clerk, and she will give you a payment notice. |
| 25 | Unid. Male: | Thank you. |

Judge Skinner: Alrighty. Thank you for coming in, thank you.

# CERTIFICATION

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

Transcript of Miscellaneous Proceedings held
March 5, 2024 (6:54:23 PM to 7:38:23 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*(6:54:23 PM to 6:55:34 PM)*

Judge Skinner: The other event with that-- with that gentleman, I'm not sure the outcome. I'm concerned about that guy coming in here. That-- the event that occurred in the town board meeting.

Unidentified ADA: Is there a criminal charge pending against the guy?

Judge Skinner: There is no criminal charge, the event-- the event resulted in him-- and I know he wants to come in-- that he-- have you got-- here's the paper.

Unidentified ADA: Judge it's your courtroom, so.

Judge Skinner: It's just an event that I'm not sure what may be generated by virtue of that guy being here.

Unidentified ADA: Do you want me to call law enforcement?

Judge Skinner: I did, I expected them and I'm going to call them back because I thought they were going to be here in the event, see.

Unidentified ADA: Do you want me to call for them?

Judge Skinner: Yes, please.

Unidentified ADA: I've got a number.

Judge Skinner: Call Herkimer. Just see if anybody will

be here for-- for Mr. T[redacted].

*(7:02:14 PM to 7:02:38 PM)*

Judge Skinner: I got the district-- sorry, I got the district attorney to-- to stay, and he has called law enforcement just in case. We discussed that, I thought they were going to be here, but things change, I understand, so, we'll see.

Unidentified ADA: I can hang out for a while.

Judge Skinner: Pardon me?

Unidentified ADA: I can still hang out.

Judge Skinner: Can you? Thank you, I would appreciate that.

*(7:03:54 PM to 7:04:42 PM)*

Judge Skinner: When are they coming?

Unidentified speaker: (Unintelligible).

Judge Skinner: Yeah, I don't want-- I really don't want him in here without-- and all the intent is, there is no charges, I'm providing him the courtesy of reviewing exactly what the court did (unintelligible).

Court Clerk: Thank you, have a good night.

Judge Skinner: That's what I'm reviewing.

| | | |
|---|---|---|
| | | (Unintelligible). |
| Court Clerk: | | I'm going to check (unintelligible). |
| Judge Skinner: | | Let's proceed. |
| Court Clerk: | | I'm going to call in the remaining traffic tickets? |
| Judge Skinner: | | Yes, well-- because-- |
| Court Clerk: | | There's three more, might as well get them taken care of. |
| Judge Skinner: | | (Unintelligible) He's on his way. |
| | | |
| | *(7:15:15 PM to 7:15:37 PM)* | |
| Judge Skinner: | | Is that gentleman coming or not? The-- is law enforcement coming? What's going on with that situation? |
| Unidentified ADA: | | I don't know. Are they here? I don't know. |
| Judge Skinner: | | I know that that gentleman is here to come in. |
| Unidentified ADA: | | Well, I'll make another call. |
| Judge Skinner: | | Okay, thank you. |
| | | |
| | *(7:26:20 PM to 7:38:32 PM)* | |
| Judge Skinner: | | Mr. T[redacted], you may approach, stand at the black line. |
| Mr. T[redacted]: | | Okay, I'm not here for any kind of a |

| | | |
|---|---|---|
| 1 | | matter-- |
| 2 | Judge Skinner: | No, you're here to listen, because my |
| 3 | | intent is to update you on exactly what |
| 4 | | occurred with the violations and update |
| 5 | | it based on input from the meeting at |
| 6 | | the-- the town board a couple-- three |
| 7 | | weeks ago. |
| 8 | Mr. T[redacted]: | And then-- |
| 9 | Judge Skinner: | Then-- and then I invited you back |
| 10 | | today and thank you for coming back |
| 11 | | on this day. There's no-- there's no |
| 12 | | issues other than I'm giving the |
| 13 | | courtesy of exactly what the court did |
| 14 | | in a timely fashion on the cases. Okay? |
| 15 | | So, you're here to listen to what's the |
| 16 | | court's got to say regarding the cases. |
| 17 | | You understand? |
| 18 | Mr. T[redacted]: | And then may I say my piece? |
| 19 | Judge Skinner: | Yeah. Okay. There was a charge of a-- |
| 20 | | of dogs by a B[redacted] G[redacted]. That |
| 21 | | individual came in on the appointed |
| 22 | | date, and they have two dogs-- this is |
| 23 | | what was conveyed to the court-- this is |
| 24 | | what was conveyed to the court, okay? |
| 25 | | They brought in pictures of deer that |

apparently the dogs went and ate on. Now, then, listen-- I'm telling you what he told me. That's what-- that's the intent of the discussions of what was told to me by the individuals--

Mr. T[redacted]: He lied.

Judge Skinner: --That came in as a result of this case. And they came and said that they opened the door, they let the dogs out, and the dogs went over and were eating on the deer carcass. They showed me-- they showed me pictures of the deer that were on the adjacent land-- that were--

Mr. T[redacted]: He trespassed on the land?

Judge Skinner: Listen. Okay, I told you I would give you the opportunity to talk. That was given-- I was given pictures of that event by them, showing me what occurred and why the dogs went out. Admittedly, they were on adjacent property--

Mr. T[redacted]: My land.

Judge Skinner: --and reputedly, that is your land. That's my understanding of the event.

| | | |
|---|---|---|
| | | And the reason they went out there was because-- the reason that they conveyed because they came into court, and they answered the charge, so. So anyway, that was a result of-- |
| Mr. T[redacted]: | | There should have been-- |
| Judge Skinner: | | Now, listen. |
| Mr. T[redacted]: | | There should have been two, there was two different-- there was one on October 18, way before deer were ever there, there was one in December-- |
| Judge Skinner: | | Right, that were dismissed. That was dismissed, so. Again, you'll listen. You're listening because I'm conveying to you exactly what the court did with the charges, so both of them-- so they indicated to me they were going to put up some kind of a fence in their yard whether that's required or not to keep their dogs off of your land. So that's the way it was left, that was-- |
| Mr. T[redacted]: | | There's no fence. |
| Judge Skinner: | | That was the way it was left with the court. In addition, to overlay this, there |

were two-- there were the charge of trespassing--

Mr. T[redacted]: On New Year's Eve.

Judge Skinner: That was coincidentally occurred and I had both of those charges-- I had both of their charges in front of the court and as a result of what occurred and what they did and the situation and seeing the pictures of the deer. And I requested-- I was requested by the law enforcement officer to consider a criminal contempt charge for the trespassing charge and I dismissed that coincidentally. And they said they would have their dogs off of the property, so the case was closed out as a result of that in a timely fashion. That's what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred.

Mr. T[redacted]: I never received anything to appear and

when I went to Justin who is the dog control officer I asked him, do I need to appear? Will I get anything in the mail? He said I did not need to appear. That's why I never appeared for any of the dog things.

Judge Skinner: Okay.

Mr. T[redacted]: With the criminal trespass, I believe I spoke to you outside of this door before you were privy to it because it was like the next day afterwards. It happened on New Years's Eve, it might have been two days because I think it was the second of January. So, that being said, there were no deer carcasses on my property, I can show you time-stamped pictures of the carcass, it was 12/25. I've been having issues since 10/18 and earlier with him and his dogs.

Judge Skinner: Right, at the time of the charges, that was what-- that was determined in court. That's what the court did. This outcome--

Mr. T[redacted]: You need to recuse yourself from any future anything with me. I've reported

| | |
|---|---|
| | you twice to the judicial misconduct board. They are currently investigating for a second time. The first time was when you made me pay a second time a traffic charge. Do you remember, from 2011? And I came in in '22 and you said it was a scofflaw, I reported you for that, I reported you again for this for bias. You've said outside this door if you needed anything from me, I would get contacted. I never got contacted. You play your little games, bias games, you don't like me, we have a history. You recuse yourself or you're going to have a lawsuit. And that's it. |
| Judge Skinner: | No. You have the ability to address these cases through the judicial system. That is your-- |
| Mr. T[redacted]: | If you're under review you should not be in front of me at all. |
| Judge Skinner: | You can do that-- you can question them-- |
| Mr. T[redacted]: | I'm sure you're going to find out about it. |

Judge Skinner: Okay.

Mr. T[redacted]: This was the 16th of February, okay. The day after the-- when I talked to you at the town board meeting because it was the only way that I could get you to talk to me. I went and sat with Jeff for a half hour and BCI and I told him everything that happened. I've had issues with these people since this guy inherited this house from his father.

Judge Skinner: Alright.

Mr. T[redacted]: My question to you is what do I do in the future if these dogs come on my property? I have an acre of land that I can't let my kids play on, I can't put their trampoline there, I can't set up badminton because he's got pitbulls running loose, he's got a half assed little fence up. I'm not busting your balls, dude. They're over there partying all the time, he works for a construction company on the Mohawk, they have big fires. I go to mow my field and I get shit all caught up in it. I don't do anything wrong. I raise my kid, I pay

| | | |
|---|---|---|
| | | my taxes, I don't bother anybody. And I got these people-- |
| | Judge Skinner: | But, okay. I understand-- |
| | Mr. T[redacted]: | I deserve to be represented by my government fairly. |
| | Judge Skinner: | Right. And you can. If you brought that-- you can bring that in question, the outcome of these, go for it. |
| | Mr. T[redacted]: | I already have. I've already written a five-page letter and filled out a formal complaint form against you to the bureau of judicial conduct in New York City. This is the second time I've done it with you. |
| | Judge Skinner: | I'm not sure-- we're not obligated to anything in New York City but that's okay. |
| | Mr. T[redacted]: | You are. It's a state organization that oversees all the towns. You want to see the pamphlet? |
| | Judge Skinner: | No, I don't. |
| | Mr. T[redacted]: | Right here. I've dealt with them twice because of you and your bias against me because of my past. And I believe that this time it would be in both-- |

| | |
|---|---|
| | everybody's best interest if ever again, be it civil or criminal, that you recuse yourself from ever interacting with me again. I think it'd be best for every party here. |
| Judge Skinner: | Here's what's going on in your neighborhood. There's ongoing situation and you're in the middle of it and I understand that. |
| Mr. T[redacted]: | I've been there 15 years. He inherited a house from someone, and they're drug addicts-- |
| Judge Skinner: | I suggest that you work in harmony with your neighbor and get along with your neighbor. |
| Mr. T[redacted]: | The next time the dogs are on the property, and I was already told by the state police, I can defend myself if they come at me and they try to bite me again. I have to take action against myself and my children. |
| Judge Skinner: | Okay. Well, this I've never done before where I've given you the courtesy of indicating what the court exactly did-- |
| Mr. T[redacted]: | (Unintelligible). |

Judge Skinner: --Exactly did with these cases. That's why you're in here.

Mr. T[redacted]: You're screwing around (unintelligible)--

Judge Skinner: That's why you're in here. I've never done that before. So, I've given you the courtesy.

Mr. T[redacted]: The DA is supposed to be here too, and Jeff told me personally that he would be here. How come he walked out when it was my time to come in again? Another side-- little side thing that you do that is crooked. And maybe I'll write them another, or I'll just call them tomorrow and let them know that I came here and everything was a farce. You-- and it's on the minutes, you said that you would schedule me. It's on the minutes from the meeting. You said you would schedule me.

Judge Skinner: You arrived at 6:35, you were last in the row. And I honor everybody--

Mr. T[redacted]: I wasn't here at 6:35, I was here about 20 after 6.

Judge Skinner: Whatever it was, you were the last one.

| | | |
|---|---|---|
| 1 | Mr. T[redacted]: | And there were people complaining |
| 2 | | because it said on their tickets-- no I |
| 3 | | wasn't the last one here. The last one |
| 4 | | here was a girl who's gone ahead of |
| 5 | | me. |
| 6 | Judge Skinner: | Alright, thank you. |
| 7 | Mr. T[redacted]: | You've heard what I have to say, it's |
| 8 | | best to recuse yourself or you're going |
| 9 | | to have a lawsuit. |
| 10 | Judge Skinner: | We're all set, thank you for coming in. |
| 11 | Mr. T[redacted]: | Yeah. I'll tell you what too. I got about |
| 12 | | 20 years left in me, you don't. You |
| 13 | | pass, I'm going to throw a party. And |
| 14 | | when I find out where they inter you, |
| 15 | | I'm going to go piss on your grave. |
| 16 | | That's free speech, first amendment. |
| 17 | | Carry that until you pass. |
| 18 | Court Clerk: | And that's with his kids and his |
| 19 | | daughter. |
| 20 | Judge Skinner: | He's doing that with this little girl. |
| 21 | Court Clerk: | He's training that little girl. He brings |
| 22 | | her every time he does this. |
| 23 | Unidentified Police Officer: | He brings her on purpose? |
| 24 | Court Clerk: | She's with him every time. I don't |
| 25 | | know if its because he has no-- |

| | |
|---|---|
| Judge Skinner: | I don't know if it's his daughter or what it is. |
| Court Clerk: | It's his daughter. It's his daughter. And she's come every time and when he behaves that way and talks that way to the judge. |
| Unidentified Police Officer: | Is that a state police case? |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Is that a state police case that he talked about? |
| Judge Skinner: | No, it was a couple of cases-- it was a trespassing-- |
| Court Clerk: | --his neighbors. |
| Judge Skinner: | Yeah, it's an issue with the neighbor that he has, for trespassing-- |
| Court Clerk: | --everything he deals with, unfortunately. |
| Judge Skinner: | And they have ongoing other major other issues, too, with the neighbors there. So, the intent of this session was-- and I still have this on the recorder-- was to inform this gentleman, which is not normally done, of exactly what occurred on the cases that were submitted to the court. And that's what |

| | |
|---|---|
| | I did. Thank you. Thanks for coming. I appreciate law enforcement being here. |
| Unidentified Police Officer: | Anytime you guys need us, just get ahold of us and we'll be up here. |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Anytime you guys want us up here, just get a hold of us. Someone will try to get up here. |
| Judge Skinner: | Okay. You're out of Herkimer? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | You are? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | Yeah, if there is ever an issue, that's why I kind of tentatively lined up you folks because I knew he was going to be in here. And I really invited him back because I wanted to make clear exactly what the court did with these particular cases, even though he don't agree with them, that's what occurred as a result of this. So, that's the end of it at this point. And thank you for coming. |
| Unidentified Police Officer: | Yeah, no problem. |
| Judge Skinner: | Have a good day. |

| | |
|---|---|
| Unidentified Police Officer: | You as well. |
| Court Clerk: | Have a good night. |
| Judge Skinner: | Take care. So, should I run for another term? |

# CERTIFICATION

I, SIERRA G. WHITNEY, a Program Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: July 19, 2024

Sierra G. Whitney

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

JOHN M. SKINNER,

a Justice of the Columbia Town Court,
Herkimer County.

DETERMINATION

---

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Paul B. Harding, Esq., Vice Chair
Jodie Corngold
Honorable John A. Falk
Taa Grays, Esq.
Honorable Leslie G. Leach
Honorable Angela M. Mazzarelli
Marvin Ray Raskin, Esq.
Richard A. Stoloff, Esq.
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Eteena J. Tadjiogueu, Of Counsel) for the Commission

Honorable John M. Skinner, respondent pro se

The respondent, John M. Skinner, a Justice of the Columbia Town Court, Herkimer County, was served with a Formal Written Complaint dated February 14, 2018, containing two charges. The Formal Written Complaint alleged that respondent delayed

and mishandled a small claims action and failed to mechanically record any court proceedings for more than eight years. Respondent filed an Answer dated April 10, 2018.

On June 6, 2018, the Administrator and respondent entered into an Agreed Statement of Facts pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On June 13, 2018, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2020. Respondent is not an attorney.

As to Charge I of the Formal Written Complaint:

2. As set forth below, from May 2015 to November 2016, while presiding over *Erek Treen-Goff v Heidi Schimmelpfennig*, a small claims proceeding, respondent failed to be faithful to the law and maintain professional competence in it and failed to dispose of the matter promptly, efficiently and fairly, in that he: (A) unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearances in the

matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

3. On April 14, 2015, Erek Treen-Goff filed a notice of small claim in the Columbia Town Court against Heidi Schimmelpfennig. Mr. Treen-Goff sought $3,000 plus $15 court costs for damage caused to his vehicle, which he claimed was sustained when he swerved into a utility pole to avoid hitting Ms. Schimmelpfennig's dog that had run into the road.

4. On April 14, 2015, Janet Elliott, the Town of Columbia court clerk, processed Mr. Treen-Goff's petition and set a hearing date for 6:00 PM on May 19, 2015.

5. On May 12, 2015, Ms. Schimmelpfennig filed an "affidavit of facts" in the Columbia Town Court, demanded a jury trial and paid a jury fee in the amount of $10 and a $50 deposit. The affidavit was not notarized.

6. On May 19, 2015, respondent sent Ms. Schimmelpfennig a letter requesting a notarized written demand for a jury trial and an affidavit of facts, among other items.

7. On June 1, 2015, Ms. Schimmelpfennig re-filed a jury trial demand and "affidavit of facts." Neither the jury trial demand nor the affidavit was notarized.

8. From May 12, 2015, to August 20, 2016, respondent adjourned the hearing date at least three times, notwithstanding that neither Mr. Treen-Goff nor Ms. Schimmelpfennig ever requested an adjournment.

9. Respondent failed to hold a hearing in the case until September 27, 2016. Present in the courtroom on that date were the plaintiff, the defendant, the

plaintiff's grandfather, Fred Treen, and the defendant's friend, Bob Meyer, who was an observer and did not intend to offer any testimony.

10. During the proceeding on September 27, 2016, the parties testified about the accident, and the plaintiff or his grandfather provided a police report and documentary evidence concerning repairs to Mr. Treen-Goff's vehicle.

11. At the conclusion of the proceeding on September 27, 2016, respondent adjourned the matter to provide the plaintiff with time to obtain records from the New York State Electric and Gas Corporation (NYSEG) specifying when the accident occurred and when the utility pole was replaced.

12. On October 11, 2016, the parties again appeared before respondent. Also present in the courtroom were the plaintiff's grandfather, Mr. Treen, and the defendant's son, Evan Schimmelpfennig.

13. During the appearance, Mr. Treen provided respondent with weather reports from the date of the accident, handwritten statements from neighbors who had allegedly witnessed the defendant's dogs in the road, and a document from the utility company regarding repairs to the utility pole.

14. On October 11, 2016, respondent issued a judgment in favor of Mr. Treen-Goff, awarding him $1,000 plus $15 court costs.

15. On October 18, 2016, respondent sent Ms. Schimmelpfennig a copy of the judgment. In a cover letter accompanying the judgment, respondent wrote that Ms. Schimmelpfennig's motion for a jury trial was denied and he returned her $50 deposit and $10 filing fee.

16. On October 31, 2016, Ms. Schimmelpfennig sent a Notice of Appeal to Mr. Treen-Goff and the Columbia Town Court by certified mail, signature required. The caption in the Notice of Appeal stated that the judgment was being appealed to the "Appellate Division of the Supreme Court of the State of New York, Second Judicial Department," although the Columbia Town Court is located in the Third Judicial Department and the proper forum for appeal of a town court decision is County Court.

17. On November 9, 2016, Ms. Schimmelpfennig sent the Columbia Town Court a money order in the amount of $101.50 and a $5 cash filing fee. On November 29, 2016, respondent returned Ms. Schimmelpfennig's money order. He failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court, and he did not otherwise take any action on Ms. Schimmelpfennig's appeal.

18. During the pendency of *Treen-Goff v Schimmelpfennig,* respondent failed to mechanically record any appearances in the case.

As to Charge II of the Formal Written Complaint:

19. From January 1, 2009, when he assumed judicial office, through May 23, 2017, respondent failed to mechanically record any appearances in the Columbia Town Court as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

20. Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 provide that every town and village justice must mechanically record all

proceedings in the court. The recording requirement became effective on June 16, 2008.

21. Respondent did not begin recording proceedings until after he was asked by the Commission during its investigation of the matters herein to provide audio recordings of appearances in *Treen-Goff v Schimmelpfennig.*

Additional Factors

22. Respondent acknowledges that he improperly delayed in holding a hearing in *Treen-Goff v Schimmelpfennig*. Prior to presiding over the matter, respondent had never received a small claims jury trial demand and did not know how to process the petition. Respondent avers that in the future he will immediately contact the Judicial Resource Center for assistance if he encounters a judicial issue that he cannot independently resolve.

23. Respondent also acknowledges that he did not mechanically record proceedings in his court prior to May 23, 2017. Respondent asserts that he did not know how to operate the laptop recorder, and until the Commission's inquiry he did not seek assistance in learning how to operate the recorder. Respondent also asserts that, notwithstanding the clear mandate of Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 that all proceedings be mechanically recorded, he believed his handwritten notes of proceedings were sufficient, even though he had not researched the matter and could point to no authority supporting his interpretation. After the Commission attempted to obtain audio recordings of proceedings in *Treen-Goff v Schimmelpfennig,* respondent received training from a local computer technician, which he acknowledges he could have done years before. Since May 2017, respondent has

complied with the mechanical recording requirement and pledges to continue to comply henceforth.

24. Respondent further acknowledges that it was improper to fail to take action on the defendant's appeal. Respondent states that he was awaiting the results of the Commission's investigation before acting on the appeal, but he now appreciates that it was inappropriate and unfair to the litigants to defer his judicial responsibilities in their case for so long, pending resolution of a disciplinary complaint against him. Respondent further states that he had never previously handled an appeal, but he assures the Commission that in the future he will consult with the Judicial Resource Center in a timely manner concerning his judicial obligations with regard to appeal procedures or any other matters that, as here, may confound him.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1), 100.3(B)(7) and 100.3(C)(1) of the Rules Governing Judicial Conduct ("Rules") and 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. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

The record establishes that respondent inexcusably neglected his duties as a judge by failing to mechanically record any court proceedings for more than eight years, contrary to a statewide administrative order, and by unduly delaying a small claims matter in which he failed to hold a hearing until 17 months after a notice of claim was

filed. Respondent has acknowledged his responsibility for these ethical lapses.

Since 2008, town and village justices have been required to mechanically record all court proceedings pursuant to Administrative Order 245/08, issued pursuant to the Rules of the Chief Judge (22 NYCRR §30.1). Despite this clear mandate, which went into effect shortly before he became a judge, respondent failed to record any proceedings in his court from the time he first took office and continuing for more than eight years. Respondent's claim that he "believed that his handwritten notes of proceedings were sufficient" suggests that he had at least some awareness of the recording requirement, and while he has explained that he "did not know how to operate the laptop recorder," which the court system had provided, his failure for more than eight years to seek assistance in learning to do so is plainly inexcusable. Not until after the Commission contacted him to ask for an audio recording of a particular proceeding did he seek training from a local computer technician and begin to comply with this important mandate.

The absence of a recording in any proceeding is significant since it not only makes it more difficult to determine what transpired at the proceeding but also indicates lack of compliance with an administrative order, which is inconsistent with a judge's ethical responsibilities (Rules, §100.3[C][1]). *See, e.g., Matter of Ridsdale*, 2012 NYSCJC Annual Report 148; *Matter of Allen*, 2012 NYSCJC Annual Report 64. While the cases that have come to the Commission's attention in this regard have generally involved judges who may have forgotten to turn on the recorder in isolated instances, did not ensure that the court staff had activated it or simply did not realize the equipment was not working, respondent's decision to simply ignore this important requirement by failing

to record any proceedings whatsoever was unprecedented and grossly improper.

Respondent was also responsible for significant delay in a small claims action that was filed in his court. By not holding a hearing until 17 months after the notice of claim was filed, he deprived the parties of the opportunity to have the claim resolved in a timely manner. *See Matter of Scolton*, 2008 NYSCJC Annual Report 209 (delays in scheduling a hearing and issuing decisions in six small claims actions); *Matter of Baldwin*, 2009 NYSCJC Annual Report 74 (significant delays in three small claims matters); *Matter of Trickler*, 2016 NYSCJC Annual Report 222 (ten-month delay in scheduling a trial in a case involving alleged violations of the Environmental Conservation Law).

The ethical standards require every judge to dispose of court matters "promptly, efficiently and fairly" (Rules, §100.3[B][7]). The "informal and simplified" procedures for small claims are intended to provide litigants with an efficient and just resolution to their legal disputes (Uniform Justice Court Act ["UCJA"] §1804). This goal is thwarted when a simple matter that could have been resolved expeditiously is delayed for over a year through no fault of the parties. *See Matter of Gilpatric,* 2011 NYSCJC Annual Report 97. A small claim is not insignificant to the parties involved, and for litigants whose cases may represent their only personal involvement with the courts, an unduly delayed resolution of their dispute would likely convey the impression that the judicial system is inefficient and insensitive to their concerns.

Here, respondent's apparent uncertainty about how to process the defendant's demand for a jury trial obviously does not excuse the excessive delay. While

respondent, who had never previously handled a small claims jury trial request, appears to have recognized that the defendant's unsworn submission did not meet the statutory requisite (*see* UJCA §1806; *Village of Castleton on the Hudson v Pillsworth*, 184 Misc2d 284, 285 [Sand Lake Justice Ct Rensselaer Co 2000]) and asked her to submit a notarized filing, it is unclear why he then inexplicably delayed and repeatedly adjourned the matter for over a year, instead of seeking guidance from the City, Town and Village Courts Resource Center.

After the defendant filed a notice of appeal in the matter, respondent further neglected his judicial responsibilities by failing to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court. Respondent's claim that he was awaiting the results of the Commission's investigation before acting on the appeal is patently unacceptable since he was required to comply with the statutory directives, and his unfamiliarity with appeal procedures does not excuse his failure to seek appropriate guidance. *See Matter of Ayres*, 30 NY3d 59 (2017) (judge failed to file the court's return in a timely manner despite multiple directives to do so from County Court). Respondent's failure to diligently discharge his judicial duties in the matter was contrary to ethical standards and statutory mandates, with adverse consequences not only to the litigants, but to public confidence in the administration of justice as a whole.

In accepting the jointly recommended sanction of censure, we note that respondent has acknowledged his misconduct and has assured the Commission that he will seek guidance from the Resource Center when needed, and we trust that he will diligently discharge his judicial duties in the future. We also take this opportunity to

remind all judges of the numerous resources provided by the court system that are available to them, including the Resource Center and the Advisory Committee on Judicial Ethics, when questions about procedures or their judicial responsibilities arise.

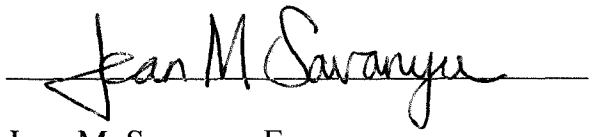
By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

Mr. Belluck, Mr. Harding, Ms. Corngold, Judge Falk, Ms. Grays, Judge Leach, Judge Mazzarelli, Mr. Raskin, Mr. Stoloff and Ms. Yeboah concur.

## CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: June 26, 2018



Jean M. Savanyu, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

**JOHN M. SKINNER,**

**AGREED**
**STATEMENT OF FACTS**

A Justice of the Columbia Town Court,
Herkimer County.

---

Subject to the approval of the Commission on Judicial Conduct ("Commission"):

**IT IS HEREBY STIPULATED AND AGREED** by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Honorable John M. Skinner ("Respondent"), who is representing himself in this matter, that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2020. Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated February 14, 2018. He filed an Answer dated April 10, 2018.

**As to Charge I**

3. From May 2015 to November 2016, while presiding over *Erek Treen-Goff v Heidi Schimmelpfennig*, a small claims proceeding, Respondent failed to be

faithful to the law and maintain professional competence in it, and failed to dispose of the matter promptly, efficiently and fairly, in that:

A. Respondent unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment;

B. Respondent failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and

C. Respondent failed to mechanically record any appearances in the matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

**As to the Specifications to Charge I**

4. On April 14, 2015, Erek Treen-Goff filed a notice of small claim in the Columbia Town Court against Heidi Schimmelpfennig. Mr. Treen-Goff sought $3,000 plus $15 court costs for damage caused to his vehicle, which he claimed was sustained when he swerved into a utility pole to avoid hitting Ms. Schimmelpfennig's dog that had run into the road.

5. On April 14, 2015, Janet Elliott, the Town of Columbia court clerk, processed Mr. Treen-Goff's petition and set a hearing date for 6:00 PM on May 19, 2015.

6. On May 12, 2015, Ms. Schimmelpfennig filed an "affidavit of facts" in the Columbia Town Court, demanded a jury trial and paid a jury fee in the amount of $10 and a $50 deposit. The affidavit was not notarized.

7. On May 19, 2015, Respondent sent Ms. Schimmelpfennig a letter requesting a notarized written demand for a jury trial and an affidavit of facts, among other items.

8. On June 1, 2015, Ms. Schimmelpfennig re-filed a jury trial demand and "affidavit of facts." Neither the jury trial demand nor the affidavit was notarized.

9. From May 12, 2015, to August 20, 2016, Respondent adjourned the hearing date at least three times, notwithstanding that neither Mr. Treen-Goff nor Ms. Schimmelpfennig ever requested an adjournment.

10. Respondent failed to hold a hearing in the case until September 27, 2016. Present in the courtroom on that date were the plaintiff, the defendant, the plaintiff's grandfather, Fred Treen, and the defendant's friend, Bob Meyer, who was an observer and did not intend to offer any testimony.

11. During the proceeding on September 27, 2016, the parties testified about the accident, and the plaintiff or his grandfather provided a police report and documentary evidence concerning repairs to Mr. Treen-Goff's vehicle.

12. At the conclusion of the proceeding on September 27, 2016, Respondent adjourned the matter to provide the plaintiff with time to obtain records from the New York State Electric and Gas Corporation (NYSEG) specifying when the accident occurred and when the utility pole was replaced.

13. On October 11, 2016, the parties again appeared before Respondent. Also present in the courtroom were the plaintiff's grandfather, Mr. Treen, and the defendant's son, Evan Schimmelpfennig.

14. During the appearance, Mr. Treen provided Respondent with weather reports from the date of the accident, handwritten statements from neighbors who had allegedly witnessed the defendant's dogs in the road, and a document from the utility company regarding repairs to the utility pole.

15. On October 11, 2016, Respondent issued a judgment in favor of Mr. Treen-Goff, awarding him $1,000 plus $15 court costs.

16. On October 18, 2016, Respondent sent Ms. Schimmelpfennig a copy of the judgment. In a cover letter accompanying the judgment, Respondent wrote that Ms. Schimmelpfennig's motion for a jury trial was denied and he returned her $50 deposit and $10 filing fee.

17. On October 31, 2016, Ms. Schimmelpfennig sent a Notice of Appeal to Mr. Treen-Goff and the Columbia Town Court by certified mail, signature required. The caption in the Notice of Appeal stated that the judgment was being appealed to the "Appellate Division of the Supreme Court of the State of New York, Second Judicial Department," although the Columbia Town Court is located in the Third Judicial Department, and the proper forum for appeal of a town court decision is County Court.

18. On November 9, 2016, Ms. Schimmelpfennig sent the Columbia Town Court a money order in the amount of $101.50 and a $5 cash filing fee. On November 29, 2016, Respondent returned Ms. Schimmelpfennig's money order. He failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court, and he did not otherwise take any action on Ms. Schimmelpfennig's appeal.

19. During the pendency of *Treen-Goff v Schimmelpfennig*, Respondent failed to mechanically record any appearances in the case.

20. 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 perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to dispose of all judicial matters promptly, efficiently and fairly, in violation of Section 100.3(B)(7) of the Rules, and failed to diligently discharge his administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

**As to Charge II**

21. From January 2009, when he assumed judicial office, through mid-May 2017, Respondent failed to mechanically record proceedings in the Columbia Town Court as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

**As to the Specifications to Charge II**

22. Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08 provide that every town and village justice must mechanically record all proceedings in the court. The recording requirement became effective on June 16, 2008.

23. From January 1, 2009, through May 23, 2017, Respondent failed to mechanically record any appearances in the Columbia Town Court. Respondent did not begin recording proceedings until after he was asked by the Commission during its investigation of the matters herein to provide audio recordings of appearances in *Treen-Goff v Schimmelpfennig.*

24. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge his administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

**Additional Factors**

25. Respondent acknowledges that he improperly delayed in holding a hearing in *Treen-Goff v Schimmelpfennig*. Prior to presiding over the matter, Respondent had never received a small claims jury trial demand and did not know how to process the petition. Respondent avers that, in the future, he will immediately contact the Judicial Resource Center for assistance if he encounters a judicial issue that he cannot independently resolve.

26. Respondent also acknowledges that he did not mechanically record proceedings in his court prior to May 23, 2017. Respondent asserts that he did not know how to operate the laptop recorder, and until the Commission's inquiry he did not seek assistance in learning how to operate the recorder. Respondent also asserts that, notwithstanding the clear mandate of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08 that all proceedings be mechanically recorded, he believed his hand-written notes of proceedings were sufficient, even though he had not researched the matter and could point to no authority supporting his interpretation. After the Commission attempted to obtain audio recordings of proceedings in *Treen-Goff v Schimmelpfennig,* Respondent received training from a local computer technician, which he acknowledges he could have done years before. Since May 2017, Respondent has complied with the mechanical recording requirement and pledges to continue to comply henceforth.

27. Respondent further acknowledges that it was improper to fail to take action on the defendant's appeal. Respondent states that he was awaiting the results of

the Commission's investigation before acting on the appeal, but he now appreciates that it was inappropriate and unfair to the litigants to defer his judicial responsibilities in their case for so long, pending resolution of a disciplinary complaint against him. Respondent further states that he had never previously handled an appeal, but he assures the Commission that, in the future, he will consult with the Judicial Resource Center in a timely manner concerning his judicial obligations with regard to appeal procedures or any other matters that, as here, may confound him.

**IT IS FURTHER STIPULATED AND AGREED** that Respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

**IT IS FURTHER STIPULATED AND AGREED** that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

**IT IS FURTHER STIPULATED AND AGREED** that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated: MAY 15, 2018

**Honorable John M. Skinner**
Respondent TOWN JUSTICE
TOWN OF COLUMBIA
HERKIMER COUNTY

Dated: JUNE 6, 2018

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

**From:** Commission on Judicial Conduct (Albany)
**To:** John M. Skinner
**Subject:** RE: File No. 2024/A-0087
**Date:** Thursday, March 28, 2024 9:43:42 AM
**Attachments:** 2024A0087.Buck.RecReq.2024-03-15.SAN.pdf

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Dear Judge Skinner:

The Commission is in receipt of the court audio recording for March 5, 2024, and records of the two G[redacted] cases that you provided pursuant to our recent request (see attached). In addition to the March 5 audio, also requested were recordings for all appearances held in both G[redacted] cases on any other dates. Please provide the additional recordings for these cases, either by email to this address or by mail to the Commission's Albany office at Corning Tower, Suite 2301, Empire State Plaza, Albany, NY 12223. I have attached the original request for these records.

Thank you for your cooperation.

**Cathleen S. Cenci** | Deputy Administrator in Charge
New York State **Commission on Judicial Conduct**
Corning Tower, Suite 2301 Empire State Plaza
Albany, New York 12223
[redacted] | [redacted])
[redacted] | www.cjc.ny.gov

**From:** John M. Skinner <[redacted]@nycourts.gov>
**Sent:** Tuesday, March 19, 2024 6:09 PM
**To:** Commission on Judicial Conduct (Albany) <[redacted]@cjc.ny.gov>
**Subject:** File No. 2024/A-0087

Dear Ms. Cenci:

Attached please find copy of the audio recording for March 5, 2024, as requested in your letter to Millie Buck, Court Clerk dated March 15, 2024.

Copies of all paper records will follow by U.S. Postal Service.

Please advise if there is anything further you need from this Court.

Thank you.

Sincerely,

John M. Skinner, Justice

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
PRINCIPAL ATTORNEY

KATHLEEN E. KLEIN
SENIOR ATTORNEY

SHRUTI JOSHI
STAFF ATTORNEY

**CONFIDENTIAL**

March 15, 2024

Millie A. Buck
Court Clerk
Columbia Town Court
147 Columbia Center Road
Ilion, New York 13357

Re: File No. 2024/A-0087

Dear Ms. Buck:

Pursuant to Section 42(3) of the Judiciary Law, the Commission requests a copy of all Columbia Town Court records for *People v R[redacted] G[redacted]* and *People v B[redacted] G[redacted]*. Please include copies of all paper records, printouts of any computerized records, and audio recordings of all proceedings held in each case. Additionally, the Commission requests a complete copy of audio recordings for all proceedings held in the court on March 5, 2024. Digital copies may be emailed to [redacted]@cjc.ny.gov. Alternatively, hard copies may be mailed to the above address. If there are any questions about this request, please call Senior Investigator Ryan Fitzpatrick at (518) 453-4600.

Thank you for your cooperation.

Very truly yours,

Cathleen S. Cenci
Deputy Administrator

**TOWN OF COLUMBIA**
**JUSTICE COURT**
**John M. Skinner, Justice**
**147 Columbia Center Road**
**Ilion, New York 13357**

March 19, 2024

New York State
Commission on Judicial Conduct
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

Attn: Cathleen S. Cenci, Deputy Administrator

**Re: File No. 2024/A-0087**

Dear Ms. Cenci:

Enclosed pursuant to your letter dated March 15, 2024, please find enclosed for your review copies of all tickets, Complaints, Appearance Tickets, Supporting Depositions and notes as they relate to ***People v R[redacted] G[redacted]*** and ***People v B[redacted] G[redacted]***.

The audio recording for March 5, 2024 has been forwarded to your office by email from Judge Skinner. Please contact us if that audio recording was not received.

If there is anything further you need from this Court, please do not hesitate to contact us.

Sincerely,

Millie A. Buck,
Court Clerk

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 6 pm m.

Defendant is accused of the offense of dog at large - Violation of Local Law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

NOTE: Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature — Date 12-20-23

TOLD TO KEEP DOGS OFF NEIGHBORS PROPERTY
BUILT FENCE..

EXHIBIT
4
Skinner 4/10/25

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name B[redacted] G[redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 6pm m.

Defendant is accused of the offense of Dog at Large - Violation of Local Law 2010 # 1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

J. Dr 12-20-23

Officer's Signature Date

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 4pm m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 # 1 section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/15/23 at - m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

[redacted] 12-22-23

Officer's Signature Date

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name P [redacted] G [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 6 pm m.

Defendant is accused of the offense of dog at large - Violation of local law 2010 1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 51

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

12-20-23

Officer's Signature Date

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: J [redacted]

Address: [redacted]

Phone #: [redacted]

Dog Owner's Name (if known): B [redacted] G [redacted]

Address where dog is harbored: [redacted]

1/9/2024 → DEER CARCAS IN NEIGHBORING YARD [redacted] T [redacted] HARVESTED DEER?

- ON HOLD "-

RESCH 2/12/24 APPR.

RESCH. 3/19/24

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B [redacted] G [redacted] 2 PIT BULLS ON MY PROPERTY CAUSING A NUSANCE, I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY

[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

8dc-1309

7781

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: [redacted]

Address: [redacted]

Phone #: [redacted]

12/26/23
APPEALED
12/19/23
DISMISSED
JT

Dog Owner's Name (if known) : B[redacted] G[redacted]

Address where dog is harbored: [redacted]

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B[redacted] G[redacted] 2 PIT BULLS ON MY PROPERTY CAUSING A NUISANCE. I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY.

[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 176

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21st day of November, 2023 at 6:00 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on Oct. 21, 23 at ~~~~ m at Route 28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-23
Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

No 177

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21 day of November, 2023 at 6:00 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on OCT. 21-23 at ——— m at Route 28

in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-23
Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 209

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21ST day of November, 1923 at 6:45 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on Oct. 21 23 at ——— m at Route 28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-23
Date

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 11/13/23

Name: J[redacted] T[redacted]

Address: [redacted]

Phone #([redacted]

Dog Owner's Name (if known) : B[redacted] G[redacted]

Address where dog is harbored: [redacted]

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

ON OCT 21ST 2023 I HAD B[redacted] G[redacted] AND WHOEVER RISIDES AT HIS RESIDENCE TRESPASSED OFF MY PROPERTY BY THE STATE POLICE I HAVE HAD ON GOING ISSUES WITH HIS 3 DOGS GOING ON MY PROPERTY AND I HAVE BROUGHT TRAILCAM PICTURES TO ANIMAL CONTROL OFFICERS & HE HAS 3 PITBULLS

Signature of Complainant G[redacted]

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

Your Honor,

Please see the enclosed, requesting a criminal summons for Trespassing against B[redacted]. G[redacted] ([redacted]). The complainant is J[redacted]. G[redacted] entered his property on December 31st, 2023 without his permission and took a picture of a deer carcass on T[redacted] property.

Please let me know if you have any questions with the matter. I can be reached on my cell at [redacted]-[redacted]

Respectfully,

Trooper Flynn

CRIMINAL SUMMONS DENIED

JUDGE SKINNER

CASE CLOSED

STATE OF NEW YORK

*TOWN* COURT

COUNTY OF *HERKIMER*

*TOWN* of *COLUMBIA*

Defendant: *NA*
(Relationship to alleged victim)

Alleged Victim: *NA*
(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

-- VS.--

Date of Birth

*B* [redacted] *G* [redacted] [redacted]

Defendant(s)

ACCUSATION

BE IT KNOWN THAT, by this *INFORMATION*, *J* [redacted] *T* [redacted],

as the Complainant herein, *RESIDING* at [redacted],

accuses the above mentioned Defendant(s), with having COMMITTED the *VIOLATION*,

of *TRESPASS* in violation of Section *140.05*,

Subdivision _____ of the *PENAL* Law of the State of New York.

That on or about *12/31/2023* at about *12:00 PM*

in the *TOWN* of *COLUMBIA*, County of *HERKIMER*, the defendant(s)

*did intentionally, knowingly and unlawfully commit the violation of Trespass. A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises. Trespass is a violation.*

FACTS

*To wit: on the aforementioned date and time the defendant B* [redacted] *G* [redacted] *did knowingly and intentionally enter onto the duly posted property of J* [redacted] *T* [redacted] *without consent having previously been told he was not allowed on the property.*

C.S. DENIED JOHN M SKINNER JM 1/9/24

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon infomation and belief, with the sources of Complainant's information and the grounds for belief being the facts contained in the attached SUPPORTING DEPOSITION(s) of: *J* [redacted] *T* [redacted]

NOTICE

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor. (PL 210.45)

Affirmed under penalty of perjury

this 31 ST day of DECEMBER , 2023

--OR--

Subscribes and sworn to before me this _____ day of _____, 20 _____

[redacted]

COMPLA

SUPPORTING DEPOSITION (CPL §100.20)



NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK
-- vs.

B[redacted] G[redacted]

Defendant(s)

| INCIDENT LOCATION: | LOCATION OF DEPOSITION: |
|---|---|
| STATE OF NEW YORK LOCAL CRIMINAL COURT | STATE OF NEW YORK |
| COUNTY OF HERKIMER | COUNTY OF HERKIMER |
| TOWN of COLUMBIA | TOWN of COLUMBIA |

| On Date | at Time Started | I, Full Name: |
|---|---|---|
| 12/31/2023 | 10:47 PM | J[redacted] T[redacted] |

| Date of Birth | No. and Street | C/T/N | State |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | NY |

State The Following:

*My name is J[redacted] T[redacted] and I am voluntarily speaking with Trooper Flynn on todays date of December 31, 2023 regarding my neighbor trespassing on my property.*

*I reside at [redacted] in the Town of Columbia and have lived here for 15 years. I have been having ongoing issues with my neighbor who lives at [redacted]. His name is B[redacted] G[redacted]. This evening I received a Facebook message from B[redacted] who sent me a picture of a deer carcass that lies on my property. I have the property posted with no trespassing signs and the deer is located well behind my property line. B[redacted] walked onto my property and took this picture. I would like to pursue trespass charges against him.*

*This deposition is true and accurate to the best of my knowledge.*

JT

**Notice**

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A [redacted]

Affirmed under penalty of perjury

this 31ST day of DECEMBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

[redacted]

(WITNESS)

Tpr MH Flynn 2924
(NAME OF PERSON TAKING DEPOSITION)

Time Ended 12/31/2023 11:01 PM

* This [illegible] be sworn to only when specifically required by the court.

**1D24HF5XD6**

New York State - Department of Motor Vehicles

SIMPLIFIED INFORMATION/CERTIFICATE CONCERNING VIOLATION OF LAW RELATING TO VEHICLES

**EXHIBIT 11**

The people of The State of New York VS.

NEW YORK STATE POLICE

Local Police Code

| Last Name(Defendant) | First Name | M.I. |
|---|---|---|
| N[redacted] | T[redacted] | [redacted] |

| Number and Street | Apt. No. | Photo Lic Shown |
|---|---|---|
| [redacted] | | ◉ |

| City | State | Zip Code | Owner is Oper. | Lic. Class |
|---|---|---|---|---|
| [redacted] | | | ○ | D |

| Client ID Number | Sex | Date Expires |
|---|---|---|
| [redacted] | M | [redacted] |

| Lic State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | 1 | 2024 | FORD | BK |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NJ | 12/12/2023 |

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

| Time | Date of Offense | IN VIOLATION OF |
|---|---|---|
| 11:34 AM | 11/21/2023 | NYS V AND T LAW |

| Violation Section | Traffic Infraction | Misd | Felony |
|---|---|---|---|
| 1180B | ◉ | ○ | ○ |

Description of Violation: SPEED OVER 55 ZONE

| MPH | MPH Zone |
|---|---|
| 75 | 55 |

US DOT#

| CDL Veh | Bus | HazMat |
|---|---|---|
| ○ | ○ | ○ |

| City/Town | County | Hwy. No. | Loc. Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2250 | HERKIMER | 28 | 2250 |

| Street Name | Hwy. Type | NCIC/ORI |
|---|---|---|
| STATE ROUTE 28 | 2 | 12101 |

AFFIRMED UNDER PENALTY OF PERJURY

[redacted]

S. MISENCIK

(Officer's Signature)

Officer Operating Radar

| Date of Affirmation | Arrest Type | Badge/Shield | Officer's Com./Div./Stat. |
|---|---|---|---|
| 11/21/2023 | 2 - RADAR | 2820 | D121 |

Officer's Last Name: MISENCIK

| First Name | M.I. |
|---|---|
| L | E |

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:*

COLUMBIA TOWN COURT

Address: 147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

| | Date | Time |
|---|---|---|
| ◉ Return by mail before or in person on: | 12/26/2023 | 8:00 PM |
| ○ Must appear in person on: | | |

FOR COURT USE ONLY

| Court Code | Justice Code | Date Adjudicated | Date Sentence Imposed |
|---|---|---|---|
| 2150 | 21361 | 1/16/24 | 1/16/24 |

Charge Convicted of: ○ AS ABOVE ○ VTL ◉ Other — DISMISSED DECLINED TRAMA SO DOLLAR TO HOSPITAL — Disposition/Sentence: DISMISSED — Fine $ — Surcharge $

| Bail Forfeiture Amount $ | Date | ○ LIC ○ REG | ○ Rev ○ Susp ○ Mand. ○ Perm | DAYS / MONTHS / YEAR |
|---|---|---|---|---|

| DWI Test Type | DWI Test Results |
|---|---|
| | |

Supporting Deposition Issued: None ○ Speeding(Gen101) ◉ Non - Speeding(Gen101a) ○

UTD-1.7 (4/02)

| Date of Arraignment | | |
|---|---|---|
| Court Adjournment Record | | Docket Number |
| Date From | Code | Date To / Requested By |
| | | |
| | | |
| | | |
| | | |

| | Amount | Date | Receipt No. |
|---|---|---|---|
| Bail | | | |
| Refund | | | |
| Fine | | | |
| Surcharge | | | |

**SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW PROVIDES THAT THE DEFENDANT, IN CERTAIN CASES, MUST BE INFORMED IN SUBSTANCE AS FOLLOWS:**

"A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law."

To Judge or Clerk of Court: Checkmark the appropriate box or boxes below.

I HEREBY CERTIFY THAT:

☑ Upon arraignment, that the above instruction was given orally to the defendant.

☑ The defendant appeared in response to a ticket upon which the above instructions were printed in bold type, in accordance with Section 1807 of the Vehicle and Traffic Law.

☑ Defendant entered a plea of guilty in writing pursuant to Section 1805 of the Vehicle and Traffic Law.

I hereby certify that the information given on this certificate is a true abstract from the records of this court.

| Signature of Judge or Clerk of Court | Date |
|---|---|
| [signature] | 1/16/24 |
| Name of Judge: JOHN M SLOCUM | 1/16/24 |

1D24HF5XD6

(DISMISSED)

APPEARED NOT GUILTY ENTERED MED. DEVICE DELIVERY TO COORDINATOR BASSETT MED CTR.

New York State Department of Motor Vehicles
**UNIFORM TRAFFIC TICKET**

**1D24HF5XD6**

To be completed by Police Officer and given to Motorist

POLICE AGENCY: NEW YORK STATE POLICE

| Last Name(Defendant) | First Name | MI |
|---|---|---|
| [redacted] | [redacted] | S |

Number and Street: [redacted] Apt. No. | Police Use Only

City: [redacted] | State | Zip Code | Driver Type | License Class: D

Client ID Number: [redacted] | Sex: M | Date of Birth: [redacted]

| Lic. State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | 1 | 2024 | FORD | BK |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NJ | 12/12/2023 |

**THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS**

| Time | Date of Offense | Charged Under |
|---|---|---|
| 11:34 AM | 11/21/2023 | NYS V AND T LAW |

| Section | Sub Section | Tr Inf | Misd | Felony | MPH | In Zone |
|---|---|---|---|---|---|---|
| 1180B | | ● | ○ | ○ | 75 | 55 |

Description of Charge: SPEED OVER 55 ZONE

US DOT#

| CDL Veh | Bus | Haz Mat |
|---|---|---|
| ○ | ○ | ○ |

| Place of Occurrence | City No. | Police Force |
|---|---|---|
| STATE ROUTE 28 | 28 | 2250 |

| City Name | County | Beat Type | Zip Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2250 | HERKIMER | 2 | 12101 |

[redacted]

| Date Issued | Officer ID |
|---|---|
| 11/21/2023 | D 1 21 |

Speed Type: 2 - RADAR

2620

| Officer Last Name | | Title |
|---|---|---|
| MISENCIK | L | E |

Radar Officer's Signature

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW*

COLUMBIA TOWN COURT

Address: 147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

● RETURN BY MAIL BEFORE OR IN PERSON ON | Date: 12/26/2023 | Time: 6:00 PM

○ MUST APPEAR IN PERSON ON:

**A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.**

Conviction may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law.

Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.

## TO PLEAD BY MAIL
## (NOT TO BE USED FOR MISDEMEANORS OR FELONIES)

- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.
- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.
- Mail this form to the Court noted on the front of this ticket by First Class Mail or by Registered or Certified Mail, Return Receipt Requested.
- DO NOT use this form for misdemeanors or for a third or subsequent speeding violation in an 18 month period. Instead, you must appear in person in the Court noted on the front of this ticket.
- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.
- You may be eligible for a payment plan. For more information, please contact the court noted on the front of this ticket.

### SECTION A - PLEA OF GUILTY

To the Court listed on the other side of this ticket:

I, _____

residing at _____

have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed on the other side of this ticket, and I waive arraignment in open court and the aid of an Attorney. I plead GUILTY to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.

Additionally, I make the following statement of explanation (optional):

_____

_____

All statements are made under penalty of perjury:

Date: _____ Signed _____

### SECTION B - PLEA OF NOT GUILTY

**NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?**

Yes ☐ No ☐

**SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED?**

NO ○ SPEEDING (Gen 101) ● GENERAL (Gen 101A) ○

Signature _____ Date _____

Address _____

_____

City _____ State _____ Zip Code _____

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your appearance date.

**APPLICANTS UNDER 18 YEARS OF AGE MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.**

Name of Parent or Guardian _____

Address _____

City _____ State _____ Zip Code _____

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UT-50 (6/21)

1D24HF5XD6

GENL101 (2/01)

# SUPPORTING DEPOSITION / CPL 710.30(1)(A) NOTICE TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION

COUNTY OF HERKIMER

## LOCAL CRIMINAL COURT
## STATE OF NEW YORK
## THE PEOPLE OF THE STATE OF NEW YORK
## VS

[redacted]

UTT NUMBER 1024HF5XD6

Officer L E MISENCIK of the NEW YORK STATE POLICE

a Police Officer and the Complainant alleges that the Defendant committed a violation of:

1. VTL Section 1180B Description SPEED OVER 55 ZONE
2. Date 11/21/2023 Time 11:34 AM C/T/V of COLUMBIA, TOWN OF - 2250
3. Vehicle Year 2024 Make FORD Color BK - BLACK
License Plate No [redacted] State NJ
4. General Direction of Travel by Defendant SOUTH
5. Highway (Type/Name) 2 - STATE STATE ROUTE 28
6. Defendant's Speed: 75 MPH in a 55 MPH Zone
7. Charge based on Officer's DIRECT OBSERVATION
8. Speed Verified By RADAR Model STALKER DUAL
9. Additional Information

[redacted]

## TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30(1)(A) OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

on 11/21/2023 at 11:35 AM at STATE ROUTE 28 , To

L E MISENCIK a public servant,

IN WHICH YOU SUBSTANTIALLY STATED AS FOLLOWS:

**I AM DELIVERING TRAUMA SUPPLIES TO COOPERSTOWN**

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury

11/21/2023

[redacted]

L MISENCIK

# EXHIBIT 12

Transcript of Proceedings in *People v T[redacted] N[redacted]* held
December 26, 2023 (6:06:15 PM to 6:15:17 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*December 26, 2023 (6:06:15 PM to 6:15:17 PM)*

Judge Skinner: Mr. N[redacted] [sic], you may approach. Have I pronounced your name incorrectly?

Mr. N[redacted]: N[redacted].

Judge Skinner: N[redacted]?--

Mr. N[redacted]: Yes. Like the time of day. Thank you sir.

Judge Skinner: Thank you. You're charged with speeding in a 55 mile an hour zone, that's doing 75 in a 55. Here are your choices: If you plead guilty to the charge, the court will adjudicate it based on the guilty plea, and that can result in a fine up to $300 and a $93 surcharge, and four points on your license. If you're not guilty--if you plead not guilty to the charge, I can defer that till next Tuesday, when you can speak to the DA regarding the charge. Not that it's going to get reduced, but you would have that opportunity if there was a not guilty plea. So do you have a plea at this time?

Mr. N[redacted]: Uh, not guilty sir.

Judge Skinner: You're a ways away, Ontario's gotta be up by the lake somewhere.

Mr. N[redacted]: Yes sir, over by Rochester. I have to be in Binghamton tomorrow morning, so I figured I would- it worked out perfectly to stop here. And

not--

Judge Skinner: The court's in a position, seeing that you would need to take another trip-- make an alternative route. But between preliminary discussions with the district attorney, and if it's a speeding case kind of a thing, we virtually agreed that a reduction--what is your driver's record like, otherwise?

Mr. N[redacted]: My driver's record is clean, sir. I have no points on my record. May I speak to the day that this happened?

Judge Skinner: If you want to, the day that is indicated here is 11/21/23.

Mr. N[redacted]: Correct.

Judge Skinner: At 11:30 in the morning.

Mr. N[redacted]: Yes sir.

Judge Skinner: What do you want to say about that?

Mr. N[redacted]: So I work for a medical device company. We provide aortic grafts for ruptures and trauma in surgeries, and also provide clinical support throughout the surgery. On that day I had a scheduled surgery in Cooperstown, and travelling from Rochester, I received a call halfway throughout my drive that the patient was unstable, and they needed a product that was in

| | | |
|---|---|---|
| | | my vehicle an hour sooner, and the patient was in the operating room at the time. I don't typically speed whatsoever. In this case, it was an emergency to get to the hospital in time, which is a trauma center as well. My company gives me an emergency medical delivery tag to hang in my window, which I don't believe does much good, and doesn't warrant me speeding, so I just wanted to put that on the record. |
| | Judge Skinner: | Do you have that tag? |
| | Mr. N[redacted]: | I do. It was right in front of me. And that's the company at the bottom. |
| | Judge Skinner: | You had to come from where? |
| | Mr. N[redacted]: | Rochester. Which is approximately three and a half hours- I had left with enough time, but they called that the patient was on the operating table and needed the device sooner- caused a bit of a rush to get to the trauma center sooner. |
| | Judge Skinner: | Which hospital? |
| | Mr. N[redacted]: | That is Bassett Medical Center. |
| | Judge Skinner: | Bassett Medical Center? |
| | Mr. N[redacted]: | Yeah. Cooperstown, New York. |
| | Judge Skinner: | You'd indicated your driver's record is clean? |
| | Mr. N[redacted]: | Yes sir. |
| | Judge Skinner: | When was the last time you got a ticket? |

| | | |
|---|---|---|
| Mr. N[redacted]: | Uh-- |
| Judge Skinner: | Do you think? |
| Mr. N[redacted]: | At least eight years ago. Without having any records in front of me. |
| Judge Skinner: | And tonight is your appointed date to come in-- to appear in court too? |
| Mr. N[redacted]: | It is, yes sir. |
| Judge Skinner: | This [redacted], is that your address? |
| Mr. N[redacted]: | It is. |
| Judge Skinner: | How long you been doing this job? |
| Mr. N[redacted]: | I've been doing this job for eight months now. Before that I worked in surgery in Canandaigua, New York, for ten years before that. |
| Judge Skinner: | What did you do there? |
| Mr. N[redacted]: | I was an interventional technologist, so we did minimally invasive surgeries-- |
| Judge Skinner: | Uh-huh. |
| Mr. N[redacted]: | --for patients who couldn't undergo general anesthesia. |
| Judge Skinner: | The court's dismissing this ticket. We are dismissing it. |
| Mr. N[redacted]: | Thank you very much, sir. |
| Judge Skinner: | We will send you a notification to this when we get the ticket. |
| Mr. N[redacted]: | Okay. |

| | | |
|---|---|---|
| Judge Skinner: | But you're okay. |
| Mr. N[redacted]: | Okay. |
| Judge Skinner: | I don't want to see you back again, though. |
| Mr. N[redacted]: | No sir, absolutely not. Absolutely. |
| Judge Skinner: | Okay, I understand the situation, that you're into, and-- |
| Mr. N[redacted]: | Thank you. |
| Judge Skinner: | --have a good holiday. |
| Mr. N[redacted]: | I appreciate it-- |
| Judge Skinner: | Alright. |
| Mr. N[redacted]: | --Happy holidays sir, thank you. |
| Judge Skinner: | Thank you-- |
| Mr. N[redacted]: | Check out or anything? Or I'm all set-- |
| Judge Skinner: | Nope, you're all set, thank you. |
| Mr. N[redacted]: | Alright thank you. You guys have a great night. |
| Clerk Buck: | (unintelligible) |
| Mr. N[redacted]: | Thank you. |
| Clerk Buck: | Our money's right. |
| Judge Skinner: | What's that? |
| Clerk Buck: | Our money is right. |
| Judge Skinner: | Is our money right? |
| Clerk Buck: | Mm-hmm. |
| Judge Skinner: | I dismissed that guy. |
| Clerk Buck: | Why? |
| Judge Skinner: | You know, just, everything-- |

| | | |
|---|---|---|
| Clerk Buck: | Yeah. |
| Judge Skinner: | --going on the date, he's dressed very professionally-- |
| Clerk Buck: | Yeah, clean cut-- |
| Judge Skinner: | Right-- |
| Clerk Buck: | --respectful. |
| Judge Skinner: | and (unintelligible) |
| Clerk Buck: | Conducted himself the way he needed to. |
| Judge Skinner: | And he's driven from-- |
| Clerk Buck: | Rochester-- |
| Judge Skinner: | Yeah, and you have—between Rochester and Oswego, or something-- |
| Clerk Buck: | Yeah. |
| Judge Skinner: | I know, it's-- |
| Clerk Buck: | A long way. |
| Judge Skinner: | Yeah, so it's-- |
| Clerk Buck: | To be here on his-- |
| Judge Skinner: | You know what-- |
| Clerk Buck: | --date and time, that's good. So we'll-- |
| Judge Skinner: | It was nice of him to come-- You know, coming the day after Christmas, and taking care of it. |
| Clerk Buck: | Yeah, I understand. |
| Judge Skinner: | All their issues, and I guess I believed him. He was actually doing what he said. |

# C E R T I F I C A T I O N

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

**EXHIBIT 13**

1D22HJGBSC

New York State - Department of Motor Vehicles
SIMPLIFIED INFORMATION/CERTIFICATE CONCERNING VIOLATION OF LAW RELATING TO VEHICLES

The people of The State of New York
VS.

NEW YORK STATE POLICE
Local Police Code

| Last Name(Defendant) | First Name | M.I. |
|---|---|---|
| M[redacted] | [redacted] | [redacted] |

Number and Street [redacted] Apt. No. Photo I.D. Shown ◉

| City | State | Zip Code | Owner is Oper. | Lic. Class |
|---|---|---|---|---|
| [redacted] | | | ◉ | D |

| Client ID Number | Sex | Date Expires |
|---|---|---|
| [redacted] | M | [redacted] |

| Lic State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | P | 2021 | FORD | BK |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NY | 12/14/2024 |

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

| Time | Date of Offense | IN VIOLATION OF |
|---|---|---|
| 4:36 AM | 12/22/2023 | NYS V AND T LAW |

Violation Section: 1128A

Traffic Infraction ◉ Misd ○ Felony ○

Description of Violation: MOVED FROM LANE UNSAFELY

MPH | MPH Zone

US DOT#

CDL Veh ○ Bus ○ HazMat ○

| City/Town Name | County | Hwy. No. | Loc. Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2260 | HERKIMER | 28 | 2260 |

| Street Name | Hwy. Type | NCIC/ORI |
|---|---|---|
| STATE ROUTE 28 | 2 | 12101 |

AFFIRMED UNDER PENALTY OF PERJURY

(Officer's Signature)

Officer Operating Radar

| Date of Affirmation | Arrest Type | Badge/Shield | Officer's Com./Div./Stat. |
|---|---|---|---|
| 12/22/2023 | 6 - PERSONAL INJURY AC | 4344 | D121 |

Officer's Last Name: VANVOLKENBURG

First Name: L M.I.: D

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:*

COLUMBIA TOWN COURT

Address: 147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

◉ Return by mail before or in person on: ○ Must appear in person on:

| Date | Time |
|---|---|
| 1/30/2024 | 6:00 PM |

Date of Arraignment

| Court Adjournment Record | Docket Number |
|---|---|

| Date From | Code | Date To | Requested By |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

| | Amount | Date | Receipt No. |
|---|---|---|---|
| Bail | | | |
| Refund | | | |
| Fine | | | |
| Surcharge | | | |

COPY

**SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW PROVIDES THAT THE DEFENDANT, IN CERTAIN CASES, MUST BE INFORMED IN SUBSTANCE AS FOLLOWS:**

"A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law."

To Judge or Clerk of Court: Checkmark the appropriate box or boxes below.

I HEREBY CERTIFY THAT:

☑ Upon arraignment, that the above instruction was given orally to the defendant.

☑ The defendant appeared in response to a ticket upon which the above instructions were printed in bold type, in accordance with Section 1807 of the Vehicle and Traffic Law.

☑ Defendant entered a plea of guilty in writing pursuant to Section 1805 of the Vehicle and Traffic Law.

FOR COURT USE ONLY

| Court Code | Justice Code | Date Adjudicated | Date Sentence Imposed |
|---|---|---|---|
| 2150 | 21361 | 1/30/24 | 1/30/24 |

Charge Convicted of: ○ AS ABOVE ○ VTL ◉ Other — DISMISSED

Disposition/Sentence | Fine $ — | Surcharge $ —

Bail Forfeiture Amount $ Date

○ LIC ○ REG ○ Rev ○ Susp ○ Mand. ○ Perm DAYS / MONTHS / YEAR

DWI Test Type | DWI Test Results

I hereby certify that the information given on this certificate is a true abstract from the records of this court.

Signature of Judge or Clerk of Court: [signature] Date: 1/30/24

Name of Judge: JOHN M SCHNOOR

Supporting Deposition Issued: None ○ Speeding(Gen101) ○ Non - Speeding(Gen101a) ◉

UTD-1.7 (4/02)

1D22HJGBSC

Gen1101a (2/01)

# SUPPORTING DEPOSITION / CPL 710.30 NOTICE TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION

COUNTY OF HERKIMER

## LOCAL CRIMINAL COURT
## STATE OF NEW YORK
## THE PEOPLE OF THE STATE OF NEW YORK
## VS

B[redacted] [redacted] M[redacted]

UTT NUMBER 1D22HJGBSC

Officer L D VANVOLKENBURG of the NEW YORK STATE POLICE

a Police Officer and the Complainant alleges that the Defendant committed a violation of

1. (Law/Section/Subsection) 1128A
2. Description of Violation MOVED FROM LANE UNSAFELY
3. Date 12/22/2023 Time 4:35 AM C/T/V of COLUMBIA, TOWN OF - 2250
4. Vehicle Year 2021 Make FORD Color BK - BLACK

License Plate No. [redacted] State NY

5. General Direction of Travel by Defendant: NORTH
6. Highway (Type/Name) 2 - STATE STATE ROUTE 28
7. Charge based on Officer's INFORMATION AND BELIEF
8. Additional Information:

OP V2 BACKING EASTBOUND INTO THE ADDRESS OF [redacted] IN THE TOWN OF COLUMBIA WITH HAZARD LIGHTS ACTIVATED. OP V1 NORTHBOUND ON SAME AND ATTEMPTS TO AVOID V2 LEAVING THE EASTERN SHOULDER STRIKING TRAILER OF V2 IN THE PARKING AREA OF [redacted].

## TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

on at at STATE ROUTE 28 , To

L D VANVOLKENBURG a public servant,

IN WHICH YOU SUBSTANTIALLY STATED AS FOLLOWS:

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury

12/22/2023

# EXHIBIT 14

Transcript of Proceedings in *People v B[redacted] M[redacted]* held
January 30, 2024 (6:24:14 PM to 6:30:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:24:14 PM to 6:30:35 PM)*

Judge Skinner: Yes sir.

B[redacted] M[redacted]: B[redacted]--

Judge Skinner: --Did you have your paperwork?

Mr. M[redacted]: No, I didn't, sir. (unintelligible)

Judge Skinner: Ok, I do--

Mr. M[redacted]: (unintelligible) I'm so messed up. Suffering from a [redacted].

Judge Skinner: How did you do that?

Mr. M[redacted]: It was out here on 28, just up the road here.

Judge Skinner: Oh, this is part of this occurrence? Is this what happened?

Mr. M[redacted]: Yes.

Judge Skinner: Because it looks like there was a personal injury accident associated with it.

Mr. M[redacted]: That's me.

Judge Skinner: That happened here? And that happened back just before Christmas-- that's a bad Christmas for you. Three days before Christmas, right?

Mr. M[redacted]: Yeah, I was in the hospital for twelve days.

Judge Skinner: Okay--

Mr. M[redacted]: Tell you what happened- I was going down 28, I work at the state hospital in Marcy, and I was on my way into work, it was four o'clock in the morning. And I come around the corner, and a

| | | |
|---|---|---|
| 1 | | tractor trailer was backed across the road, both |
| 2 | | lanes. And, the lights- his lights were facing into |
| 3 | | the woods, not towards me so I didn't really |
| 4 | | know what was going on. And so-- |
| 5 | Judge Skinner: | What time of day was-- oh, they'll show time of |
| 6 | | day. 4:30, 4:30 AM? |
| 7 | Mr. M[redacted]: | Yeah, 4:30, right. Ok, so I tried to go around him |
| 8 | | to get into the parking lot where he was backing |
| 9 | | in, and I went into a ditch. It was like six feet. |
| 10 | | And when I come out of the ditch, it threw me up |
| 11 | | into the tractor trailer. And I totaled my truck, [redacted] |
| 12 | | [redacted] |
| 13 | | [redacted]. I come from a family of law |
| 14 | | enforcement-- I worked for the sheriff's |
| 15 | | department in Massachusetts for ten years, my |
| 16 | | brother was a Chief of Probation in Worchester, |
| 17 | | Mass., for 25 years. I got a nephew who's a |
| 18 | | Chief of Police up in Montcalm, New |
| 19 | | Hampshire. I wasn't speeding, I was just on my |
| 20 | | way to work. But I didn't recognize what I saw, |
| 21 | | if that makes any sense. With the tractor trailer |
| 22 | | across the road. |
| 23 | Judge Skinner: | So where do you-- where do you work? |
| 24 | Mr. M[redacted]: | I work at the psychiatric hospital in Marcy. |
| 25 | Judge Skinner: | In Marcy? |

Mr. M[redacted]: Yeah. I live in Cooperstown.

Judge Skinner: Oh, okay, that's your address on here, yes.

Mr. M[redacted]: Scary for the first time. I've been without pain now for-- since it happened, so really, (unintelligible) Supposed to go next week, take a-- I[redacted]. So hopefully--

Judge Skinner: Where were you at the hospital?

Mr. M[redacted]: I was at the trauma center up here in Utica, at the new hospital, there. [redacted].

Judge Skinner: Do you think you are attributing, pretty much, your situation, to this occurrence--

Mr. M[redacted]: It's all--

Judge Skinner: --pretty much?

Mr. M[redacted]: It's all to that occurrence, yeah. It's all to it. I was working 50 hours a week. I also work at the-- - in Oneonta [redacted], I'm head of security there. I also (unintelligible) and, I'm healthy, (unintelligible).

Judge Skinner: So, did the State Police show up at the occurrence?

| | | |
|---|---|---|
| Mr. M[redacted]: | Yeah-- |
| Judge Skinner: | Were you there then? |
| Mr. M[redacted]: | I didn't have a chance to talk to him. I was put into an ambulance, on a back board with a neck brace. Right away I was complaining about my back, you know. I didn't get a chance to tell him what I saw, what I didn't see. I just-- I'm just telling you that's exactly what I saw. I didn't see the truck because the headlights were facing-- not facing me, coming down the road. |
| Judge Skinner: | How was your driver's record otherwise? |
| Mr. M[redacted]: | It's good, your Honor. I don't have any incidences. I got in an accident four years ago. That was my-- that was it. |
| Judge Skinner: | It's dismissed. |
| Mr. M[redacted]: | Thank you. |
| Judge Skinner: | Give it to the court clerk, and she'll make a-- she'll have the copies. It's dismissed Millie, so-- |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |
| Clerk Buck: | (unintelligible) give him a copy of this? |
| Judge Skinner: | Yeah, I think that would be just a good thing for him to have. |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |

Clerk Buck: You're welcome.

Mr. M[redacted]: Thank you, your Honor.

Judge Skinner: Thank you, have a good evening, be careful.

# C E R T I F I C A T I O N

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

1D29HHQJK3

New York State - Department of Motor Vehicles

SIMPLIFIED INFORMATION/CERTIFICATE CONCERNING VIOLATION OF LAW RELATING TO VEHICLES

**EXHIBIT 15**

The people of The State of New York
VS.

NEW YORK STATE POLICE
Local Police Code

| Last Name(Defendant) | First Name | M.I. |
|---|---|---|
| K[redacted] | D[redacted] | |

| Number and Street | Apt. No. | Photo Lic Shown |
|---|---|---|
| [redacted] | | ◉ |

| City | State | Zip Code | Owner is Oper. | Lic. Class |
|---|---|---|---|---|
| [redacted] | NY | 1[redacted] | ◉ | D |

| Client ID Number | Sex | Date Expires |
|---|---|---|
| [redacted] | F | [redacted] |

| Lic State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | 1 | 2014 | HOND | WH |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NY | 10/11/2025 |

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

| Time | Date of Offense | IN VIOLATION OF |
|---|---|---|
| 10:02 AM | 12/16/2023 | NYS V AND T LAW |

| Violation Section | Traffic Infraction | Misd | Felony |
|---|---|---|---|
| 1225C2A | ◉ | ○ | ○ |

Description of Violation
OP MV- MOBILE PHONE

MPH | MPH Zone

USDOT#

| CDL Veh | Bus | HazMat |
|---|---|---|
| ○ | ○ | ○ |

| C/T/V Name | County | Hwy. No. | Loc. Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2250 | HERKIMER | 28 | 2250 |

| Street Name | Hwy. Type | NCIC/ORI |
|---|---|---|
| STATE ROUTE 28 | 2 | 12101 |

AFFIRMED UNDER PENALTY OF PERJURY

[redacted]

S MISENCIK

(Officer's Signature)

Officer Operating Radar

| Date of Affirmation | Arrest Type | Badge/Shield | Officer's Com./Div./Stat. |
|---|---|---|---|
| 12/16/2023 | 1 - PATROL | 2820 | D121 |

Officer's Last Name
MISENCIK

| First Name | M.I. |
|---|---|
| L | E |

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:*

COLUMBIA TOWN COURT

Address
147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

| | Date | Time |
|---|---|---|
| ◉ Return by mail before or in person on: | | |
| ○ Must appear in person on: | 1/30/2024 | 6:00 PM |

FOR COURT USE ONLY

| Court Code | Justice Code | Date Adjudicated | Date Sentence Imposed |
|---|---|---|---|
| 2250 | 21361 | 1-30-24 | 1-30-24 |

| Charge Convicted of: | | | | Disposition/Sentence | Fine $ | Surcharge $ |
|---|---|---|---|---|---|---|
| ◉ AS ABOVE | ○ VTL | ○ Other | | P6/F | 157 | 93 |
| 1225C2A | | | | | | |

| Bail Forfeiture Amount $ | Date | ○ LIC ○ REG | ○ Rev | ○ Susp | ○ Mand. | ○ Perm | DAYS / MONTHS / YEAR |
|---|---|---|---|---|---|---|---|

| DWI Test Type | DWI Test Results |
|---|---|
| | |

Supporting Deposition Issued: None ○ Speeding(Gen101) ○ Non - Speeding(Gen101a) ◉

UTD-1.7 (4/02)

| Date of Arraignment | | | |
|---|---|---|---|
| Court Adjournment Record | | | Docket Number |
| Date From | Code | Date To | Requested By |
| | | | |
| | | | |
| | | | |
| | | | |

| | Amount | Date | Receipt No. |
|---|---|---|---|
| Bail | | | |
| Refund | | | |
| Fine | | | |
| Surcharge | | | |

COPY

**SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW PROVIDES THAT THE DEFENDANT, IN CERTAIN CASES, MUST BE INFORMED IN SUBSTANCE AS FOLLOWS:**

"A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law."

To Judge or Clerk of Court: Checkmark the appropriate box or boxes below.

I HEREBY CERTIFY THAT:

☐ Upon arraignment, that the above instruction was given orally to the defendant.

☑ The defendant appeared in response to a ticket upon which the above instructions were printed in bold type, in accordance with Section 1807 of the Vehicle and Traffic Law.

☑ Defendant entered a plea of guilty in writing pursuant to Section 1805 of the Vehicle and Traffic Law.

I hereby certify that the information given on this certificate is a true abstract from the records of this court.

Signature of Judge or Clerk of Court: JOHN MSKINDZ Date: 1-30-24

Name of Judge: JOHN MSKINDZ

1D29HHQJK3

MV-05888

Genl101a (2/01)

# SUPPORTING DEPOSITION / CPL 710.30 NOTICE TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION

COUNTY OF HERKIMER

## LOCAL CRIMINAL COURT
## STATE OF NEW YORK
## THE PEOPLE OF THE STATE OF NEW YORK
## VS

D[redacted] K[redacted]

UTT NUMBER 1D29HHQJK3

Officer L E MISENCIK of the NEW YORK STATE POLICE

a Police Officer and the Complainant alleges that the Defendant committed a violation of

1. (Law/Section/Subsection) 1225C2A
2. Description of Violation OP MV- MOBILE PHONE
3. Date 12/15/2023 Time 10:02 AM C/T/V of COLUMBIA, TOWN OF - 2260
4. Vehicle Year 2014 Make HOND Color WH - WHITE
License Plate No. [redacted] State NY
5. General Direction of Travel by Defendant: SOUTH
6. Highway (Type/Name) 2 - STATE STATE ROUTE 28
7. Charge based on Officer's DIRECT OBSERVATION
8. Additional Information:

MV OP USE CELL PHONE WHIL VEH IN MOTION

## TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

on 12/15/2023 at 10:04 AM at STATE ROUTE 28 , To

L E MISENCIK a public servant,

IN WHICH YOU SUBSTANTIALLY STATED AS FOLLOWS:

I WAS ON THE PHONE WITH MY DOCTOR

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury

12/15/2023

[redacted]

E MISENCIK

[redacted]

Town of Columbia
147 Columbia Center Road
Town Building
Ilion NY 13357

Date 2/13/2024
Receipt #: 463411
Docket # MV-05888
Before: JMS

| Fine | Surcharge | Civil Fee | Bail | Other | Total | Amount Remaining |
|---|---|---|---|---|---|---|
| $57.00 | $93.00 | $0.00 | $0.00 | $0.00 | $150.00 | $0.00 |

| Defendant Name / Ticket # | Statue Section / Statue Description | Arrest Date | Disp Date / Sentence |
|---|---|---|---|
| [redacted] 1D29HHQJK3 | VTL 1225C2A OP MV-MOBILE PHONE | 12/16/2023 | 1/30/2024 PG/FINE |

Paid By: Defendant

Full Payment

Court Justice / Court Clerk

[redacted]

Town of Columbia
147 Columbia Center Road
Town Building
Ilion NY 13357

Date 2/13/2024
Receipt #: 463411
Docket # MV-05888
Before: JMS

| Fine | Surcharge | Civil Fee | Bail | Other | Total | Amount Remaining |
|---|---|---|---|---|---|---|
| $57.00 | $93.00 | $0.00 | $0.00 | $0.00 | $150.00 | $0.00 |

| Defendant Name / Ticket # | Statue Section / Statue Description | Arrest Date | Disp Date / Sentence |
|---|---|---|---|
| [redacted] 1D29HHQJK3 | VTL 1225C2A OP MV-MOBILE PHONE | 12/16/2023 | 1/30/2024 PG/FINE |

Paid By: Defendant

Full Payment

Court Justice / Court Clerk

pd MO

**TOWN OF COLUMBIA**
**JUSTICE COURT**
**John M. Skinner, Justice**

LOCATION: 147 Columbia Center Road
Town Building, Ilion, NY 13357
Court Time 6:00 p.m. – Tuesdays
Phone: (315) 866-7786
Fax: (315) 866-7786

Date: 1-30-2024

Dear [redacted]

You have been charged with a violation of Section 1225 C 2A of the New York State Vehicle and Traffic Law. Your plea of guilty has been entered in this Court as disposition of your traffic ticket number 1D29HHQJK3.

The fine for this offense is $ 57.00, with a State surcharge of $ 93.00 for a total amount of $ 150.00. This amount is payable by cashier's check or money order and returnable by 2-13-2024. You must include a self-addressed, stamped return envelope to receive your receipt.

Sincerely,

John M. Skinner/mlb

John M. Skinner
Town Justice

**NOTICE**

**Your failure to comply with this request may result in any one or combination of the following:**

- **Suspension of your driver's license.**
- **Negating any agreement made regarding reduced charges.**
- **Warrant being issued for your arrest.**

**TOWN OF COLUMBIA**
**JUSTICE COURT**
**John M. Skinner, Justice**

COPY

LOCATION: 147 Columbia Center Road
Town Building, Ilion, NY 13357
Court Time 6:00 p.m. – Tuesdays
Phone: (315) 866-7786
Fax: (315) 866-7786

Date: 1-30-2024

Dear [redacted]

You have been charged with a violation of Section 1225C2A of the New York State Vehicle and Traffic Law. Your plea of guilty has been entered in this Court as disposition of your traffic ticket number 1D29HHQJK3.

The fine for this offense is $ 57.00, with a State surcharge of $ 93.00 for a total amount of $ 150.00. This amount is payable by cashier's check or money order and returnable by 2-13-2024. You must include a self-addressed, stamped return envelope to receive your receipt.

Sincerely,

John M. Skinner /mlb

John M. Skinner
Town Justice

**NOTICE**

**Your failure to comply with this request may result in any one or combination of the following:**

- **Suspension of your driver's license.**
- **Negating any agreement made regarding reduced charges.**
- **Warrant being issued for your arrest.**

# EXHIBIT 16

Transcript of Proceedings in *People v D[redacted] K[redacted]* held
January 30, 2024 (6:31:45 PM to 6:47:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:31:45 PM to 6:47:35 PM)*

Judge Skinner: I've got two court copies and I've got four people, so, there's two--

Unid. Male: (unintelligible) translator.

Judge Skinner: --pardon me?

Unid. Male: Translator.

Judge Skinner: A translator?

Unid. Male: Yeah, I'm a translator.

Judge Skinner: Oh, okay. You're not-- so they're not for occurrences? There's only one occurrence? Okay. Are you coming in, part of this group? That you were just invited in?

Clerk Buck: Yes he is.

Unid. Male: Yeah.

Judge Skinner: Okay, have a seat.

Clerk Buck: Oh, I got (unintelligible), I'm sorry. How about we bring these chairs a little further back?

Judge Skinner: Yeah, yeah-- apologize, we got no more than four more bodies--

Clerk Buck: All the way to the wall.

Judge Skinner: --over to the wall please, thank you.

Clerk Buck: (unintelligible)

Judge Skinner: Who are you translating for? Okay. And what's the name?

Unid. Male: D[redacted].

| | | |
|---|---|---|
| Judge Skinner: | K[redacted]? |
| Unid. Male: | K[redacted]. |
| Judge Skinner: | Close. |
| Unid. Male: | Close enough, right? |
| Judge Skinner: | Okay. You may approach. You can just stand over there please. Yes ma'am, the court understands you have a translator that's gonna tell you what I'm trying to say. Is that-- okay. What language? |
| Unid. Male: | Russian. |
| Judge Skinner: | Russian. |
| Unid. Male: | I don't speak Ukrainian, so, Russian's the next closest thing. |
| Judge Skinner: | Does she do Ukrainian? |
| Unid. Male: | Yeah. |
| Judge Skinner: | The court's understanding that the charge is improper use of a mobile phone. |
| Unid. Male: | Yeah. |
| Judge Skinner: | Okay. The court understands that this occurred on the 15th of December at 10:00 AM. The court understands that you were on the phone with your doctor. Were you discussing-- |
| Unid. Male: | Yeah, the doctor was attempting to call her from-- |
| Judge Skinner: | Yeah. |

Unid. Male: --the office.

Judge Skinner: Okay. What hospital was the doctor from?

Unid. Male: The doctor's name is Doctor (unintelligible)-- oh, it's [redacted], (unintelligible) office.

Judge Skinner: Oh okay. Not a-- not at a hospital.

Unid. Male: No, not at a hospital.

Judge Skinner: Okay, okay. I will now provide you the implication of making a plea of guilty, if that occurred. The first implication is-- I'll give you is the number of points--

Unid. Male: Mhm.

Judge Skinner: --remembering that the eleven points is the total you're can have without your license being suspended. If you get up to eleven, then your license will be suspended.

Unid. Male: Mhm.

Judge Skinner: This particular charge has a five point guilty plea charge to it, so, if the court received a guilty plea, five points would be part of the sentence. That's given, that's not an option.

Unid. Male: Okay.

Judge Skinner: That's gonna hurt her. The first offense, which I assume it is--

Unid. Male: Mhm.

Judge Skinner: --have there been any other offenses of this

| | | |
|---|---|---|
| | | nature? |
| Unid. Male: | | No. |
| Judge Skinner: | | Okay. The fine can be a maximum-- a minimum of $50 and a maximum of $200, and a $93 surcharge. On the high side, that means 200 plus 90-- $293 total, that would be involved with a guilty plea. If the court receives a not guilty plea, then it's postponed until next week at six when the District Attorney is here, and you can talk to the District Attorney regarding the charge. |
| Unid. Male: | | She was using phone, so. |
| Judge Skinner: | | Pardon me? |
| Unid. Male: | | She was using the phone. |
| Judge Skinner: | | Okay, okay. Alright. |
| Unid. Male: | | She was attempting to connect the Bluetooth-- it was a little funky but, she was using the phone-- |
| Judge Skinner: | | And the purpose of the call again, was? |
| Unid. Male: | | The doctor's office was calling her. |
| Judge Skinner: | | Alright. And again, a not guilty plea, you can discuss this charge with the District Attorney. |
| Unid. Male: | | Right. |
| Judge Skinner: | | And from a convenience, if this address is correct-- Richfield Springs address-- |
| Unid. Male: | | Mhm. |
| Judge Skinner: | | --it's reasonably convenient because it's next |

| | | |
|---|---|---|
| | | week, at 6:00 PM-- |
| | Unid. Male: | Mhm. |
| | Judge Skinner: | --the District Attorney is here. So do I have a plea? |
| | Unid. Male: | Guilty. |
| | Judge Skinner: | Is this-- are there been any other occurrences-- I may have asked this once, I'm gonna ask it again, if I did-- of use of a mobile phone? |
| | Unid. Male: | No. |
| | Judge Skinner: | Any other occurrences in respect to traffic violations of any type? |
| | Unid. Male: | [redacted]. That's the only thing. |
| | Judge Skinner: | No other occurrences of-- |
| | Unid. Male: | (unintelligible) [redacted] [redacted]. |
| | Judge Skinner: | Okay. And again, there's no points on her license now? |
| | Unid. Male: | Not that she knows of. |
| | Judge Skinner: | I just say that double because five points is a lot of points. |
| | Unid. Male: | It is a lot of points-- |
| | Judge Skinner: | Yeah, so it is a lot of points associated with it. The DA has the authority to evaluate-- |
| | Unid. Male: | Mhm. |

| | | |
|---|---|---|
| Judge Skinner: | --that occurrence. And I know it's another trip, and I'll send you around like this. But, I just want to make sure that, you know, the complete implications of a guilty plea. |
| Unid. Male: | She just doesn't want to go through the additional stress of coming back and-- |
| Judge Skinner: | That's why I try to make it clear-- if not, well, if you're sitting over here I'd say-- |
| Unid. Male: | I suggest to 'em-- |
| Judge Skinner: | --you know them well. That I can appreciate that's never done it before-- |
| Unid. Male: | Yeah. I suggest to 'em-- |
| Judge Skinner: | --sitting and watching some individual up here going through this, and want to minimize, do I have to do this darn thing again? |
| Unid. Male: | Yeah. |
| Judge Skinner: | We could go through this all, one more time. |
| Unid. Male: | Right. |
| Judge Skinner: | So-- but I can appreciate you wanting to get it cleared up, so-- |
| Unid. Male: | Yeah, basically she wants to get it cleared up, but, you know, I suggested come next week, but, she just doesn't want to have-- |
| Judge Skinner: | I know you did. I'm half Ukrainian, so I understand some stuff. |

| | | |
|---|---|---|
| Unid. Male: | Half Ukrainian? |
| Judge Skinner: | Yes. |
| Unid. Male: | Okay. |
| Judge Skinner: | Tolopka, is the Ukrainian name. |
| Unid. Male: | Okay. |
| Judge Skinner: | T-o-l-o-p-k-a. Tolopka. So alright-- we're going to proceed with a guilty plea? Or were you-- have you decided that-- Yes? |
| Unid. Male: | Yes. |
| Judge Skinner: | Okay. So, what will occur is there will be-- the fine can be, first offense- $50 to $200 and a $93 surcharge. So the surcharge is given at 93 and the fine is 57. So the total is $150. You able to make that payment this evening? |
| Unid. Male: | Can she come back tomorrow to pay that or no? |
| Judge Skinner: | She can send it in the mail in the form of a bank check or money order or something if she wants to do that. You can just send it in the mail, that'd be just fine. And the court clerk will give you the address to send it to up here, and it's made out to the Town of Columbia, and she'll follow up-- |
| Unid. Male: | Okay. |
| Judge Skinner: | --with that part of it. Forward this to the court clerk, and she will give you a payment notice. |
| Unid. Male: | Thank you. |

Judge Skinner: Alrighty. Thank you for coming in, thank you.

# C E R T I F I C A T I O N

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer 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

**From:** no-reply@pb.com
**To:** Letitia Walsh
**Subject:** Shipment Delivered
**Date:** Tuesday, September 2, 2025 3:47:12 PM

View details below.

view as webpage

pitney bowes

# Your package has been delivered

Your package from State of New York has been delivered. Please see details below.

## Shipment delivery details

| | |
|---|---|
| Tracking number: | 940284010515600039637 |
| Carrier: | USPS |
| Service: | Priority Mail® |
| Delivery date: | September 2, 2025 |
| Delivery address: | 147 Columbia Center Rd Ilion NY 13357-3505 US |
| Shipped on: | 2025-08-28 |

Learn more about sending solutions available from Pitney Bowes

UNITED STATES POSTAL SERVICE

September 2, 2025

Dear Letitia Walsh:

The following is in response to your request for proof of delivery on your item with the tracking number: **9402 8401 0515 6000 3996 37**.

## Item Details

| | |
|---|---|
| **Status:** | Delivered, Left with Individual |
| **Status Date / Time:** | September 2, 2025, 3:40 pm |
| **Location:** | ILION, NY 13357 |
| **Postal Product:** | Priority Mail® |
| **Extra Services:** | Certified Mail™ |
| | Return Receipt Electronic |
| | Up to $100 insurance included |
| **Recipient Name:** | Hon John M Skinner |

## Shipment Details

| | |
|---|---|
| **Weight:** | 1lb, 9.0oz |

## Recipient Signature

Signature of Recipient:

Address of Recipient:

147 COLUMBIA CENTER RD,
ILION, NY 13357

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

**EXHIBIT B**

NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

518-453-4600 TELEPHONE
518-299-1757 FACSIMILE
www.cjc.ny.gov

CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
PRINCIPAL ATTORNEY

KATHLEEN E. KLEIN
SENIOR ATTORNEY

SHRUTI JOSHI
STAFF ATTORNEY

**CONFIDENTIAL**

October 23, 2025

Hon. John M. Skinner
Justice of the Columbia Town Court
Town of Columbia Justice Court
147 Columbia Center Road
Ilion, New York 13357

*Re: Matter of John M. Skinner*

Dear Judge Skinner:

On August 28, 2025, you were served by certified mail, return receipt requested, with a Formal Written Complaint, containing three charges against you. A copy of the Complaint is enclosed. Your Verified Answer, specifically addressing each and every allegation of the Complaint, was due 20 days after service of the Complaint, pursuant to Section 44(4) of the Judiciary Law and Section 7000.6(b) of the Commission's Operating Procedures and Rules (22 NYCRR 7000.6[b])[1]. To date, the Commission has not received your Answer.

Please be advised that pursuant to Section 7000.6(b), your failure to submit an Answer constitutes an admission of all the allegations in the Formal Written Complaint and subjects you to a motion for summary determination, which will establish each of the charged allegations of misconduct.

If your Verified Answer to the Complaint is not received by the Commission by November 6, 2025, Commission Counsel will make a motion for Summary

[1]These authorities may be found on the Commission's website at www.cjc.ny.gov under the Legal Authorities tab.

Determination and, given the seriousness of the charges, will recommend your removal from judicial office.

As an alternative disposition of this matter, Commission Counsel would agree to a public Resignation Stipulation (enclosed), by which you would resign your judicial office and agree never to seek or hold judicial office in the future. The Stipulation would dispose of this matter without further proceedings against you, and without any findings of misconduct against you by the Commission.

If you so choose, please sign, date, and return the enclosed Resignation Stipulation, together with a copy of your letter of resignation, to the Commission at the above address and/or by email to [redacted]@cjc.ny.gov by November 6, 2025. A fully executed copy will be sent to you thereafter.

If you have any questions about this matter, you should consult with an attorney.

Thank you for your prompt attention to this matter.

Very truly yours

Cathleen S. Cenci
Deputy Administrator

Enclosures
CERTIFIED MAIL
RETURN RECEIPT REQUESTED
TRACKING: 9402 8401 0962 8000 2004 12

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

**JOHN M. SKINNER,** **STIPULATION**

a Justice of the Columbia Town Court,
Herkimer 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 John M. Skinner ("Respondent"):

1. Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2028. Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated August 27, 2025, containing three charges.

3. The Formal Written Complaint is appended as Exhibit A.

4. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.

5. Respondent has tendered his letter of resignation, a copy of which is annexed as Exhibit B, stating that he will vacate judicial office on November 28, 2025.

6. Pursuant to Section 47 of the Judiciary Law, the Commission may continue with proceedings against a judge who has resigned and, if it so determines, render and file a determination that the judge should be removed from office. Pursuant to Article VI, section 22(h) of the Constitution, a judge who is removed from office "shall be ineligible to hold other judicial office."

7. Respondent affirms that he will vacate his judicial office at the close of business on November 28, 2025, and 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 in the future, the present proceedings before the Commission will be revived and the matter may proceed to a hearing before a referee, or the Commission may summarily determine that he should be removed from office pursuant to 22 NYCRR 7000.6(c).

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:

_____

**Honorable John M. Skinner**
Respondent

Dated:

_____

**Robert H. Tembeckjian**
Administrator & Counsel to the Commission
(**Cathleen S. Cenci** and **Kathleen E. Klein**, Of Counsel)

**EXHIBIT A**

NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

518-453-4600 518-299-1757
TELEPHONE FACSIMILE
www.cjc.ny.gov

CATHLEEN S. CENCI
DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
PRINCIPAL ATTORNEY

KATHLEEN E. KLEIN
SENIOR ATTORNEY

SHRUTI JOSHI
STAFF ATTORNEY

**CONFIDENTIAL**

August 28, 2025

Hon. John M. Skinner
Justice of the Columbia Town Court
Town of Columbia Justice Court
147 Columbia Center Road
Ilion, New York 13357

***Re: Matter of John M. Skinner***

Dear Judge Skinner:

The State Commission on Judicial Conduct has directed that a Formal Written Complaint be served upon you, pursuant to Section 44, subdivision 4, of the Judiciary Law. Enclosed are the Notice of Formal Written Complaint and the Formal Written Complaint in this matter. For your reference, the Rules Governing Judicial Conduct and the Commission's Operating Procedures and Rules are available on the Commission's website.[1]

Kindly complete the enclosed form advising the Commission of your home address and return the form by mail to the Clerk of the Commission. This information is requested pursuant to a practice of the Court of Appeals. The information is confidential and will be transmitted by the Clerk of the Commission to the Court of Appeals in the event there is a public disciplinary determination. The remainder of the form contains a "Request and Authorization." Please note that the Request and Authorization must be completed in order for your

[1] http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm

attorney to be notified by the Court of Appeals of any public determination filed with the Court by the Commission.

Papers are being served upon you via certified mail addressed to your court. At your earliest convenience please acknowledge receipt of these papers.

If you have any questions concerning this matter, please have your attorney contact me or Senior Attorney Kathleen Klein.

Very truly yours,

Cathleen S. Cenci
Deputy Administrator

Enclosures

CERTIFIED MAIL # 9402 8401 0515 6000 3996 37
RETURN RECEIPT REQUESTED

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer County.

---

**NOTICE OF FORMAL WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, John M. Skinner, a Justice of the Columbia Town Court, Herkimer 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: August 27, 2025
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. John M. Skinner
147 Columbia Center Road
Ilion, New York 13357

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer County.

---

**FORMAL**
**WRITTEN COMPLAINT**

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 John M. Skinner ("Respondent"), a Justice of the Columbia Town Court, Herkimer County.

3. The factual allegations set forth in Charges I through III 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 Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2028. Respondent is not an attorney.

## CHARGE I

5. From in or about November 2023, to in or about March 2024, in connection with his handling of *People v B[redacted] G[redacted]* and *People v B[redacted] G[redacted]*, Respondent:

A. engaged in and considered unauthorized *ex parte* conversations with the defendants;

B. improperly considered undated photographs of a deer carcass as a basis to dismiss dog-at-large charges from cases that occurred months apart, and to prejudicially reject a subsequently filed trespass charge against B[redacted] G[redacted];

C. dismissed the charges without notice to or consent of the prosecution, contrary to Sections 170.45 and 210.45 of the Criminal Procedure Law ("CPL");

D. summoned the complaining witness to appear before him after dismissing the case, without legal authority to do so; and

E. failed to mechanically record the proceedings, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

6. Respondent engaged in the foregoing conduct, notwithstanding having been censured by the Commission in 2018, *inter alia*, for failing to maintain professional competence in the law and failing to mechanically record proceedings.

**Specifications to Charge I**

7. In 2018, Respondent was censured by the Commission for failing to be faithful to the law and maintain professional competence in it, in that, *inter alia*,

he: "(A) unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearances in the matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08." A copy of the Commission's determination is appended as Exhibit 1.

8. On or about November 14, 2023, R G was issued three appearance tickets under the name "B" G, directing him to appear in the Columbia Town Court on November 21, 2023, for violating Section 2010-01(5) of the Dog Licensing and Control Law for the Town of Columbia (Local Law 2010-01, Section 5). The complainant in the matter was Mr. G's neighbor, J T. Copies of the tickets are appended as Exhibit 2.

9. On or about December 19, 2023, Mr. G and his cousin, B G, appeared in court. Respondent did not notify the prosecution or Mr. T of the appearance, and neither was present for the proceeding.

10. During the appearance, Respondent engaged in an extensive *ex parte* discussion with Mr. G and B G regarding their version of the events underlying the tickets, and he viewed photographs they had brought to

court. Although Respondent determined that the defendant was guilty of the charge, he nevertheless dismissed it with a warning that the defendant should keep his dogs off Mr. T's property. A copy of Respondent's incomplete court record memorializing Mr. G's appearance and the warning is appended as Exhibit 3.

11. Respondent did not notify the prosecution or Mr. T of his *sua sponte* dismissal of the charges in the *G* matter.

12. On or about December 18, 2023, Mr. T filed another dog-at-large complaint against R G.

13. On or about December 20, 2023, Mr. G was issued two additional appearance tickets following the new dog-at-large complaint by Mr. T. These tickets directed Mr. G to appear at the Columbia Town Court on January 9, 2024, for violating Local Law 2010-01, Section 5. Copies of the tickets, again issued under the name "B" G, are appended as Exhibit 4.

14. On or about December 26, 2023, Respondent reviewed the complaint form signed by Mr. T on December 18, 2023, and marked it dismissed as follows: "12/26/23…APPEARED 12/19/23…DISMISSED JMS." A copy of the complaint form with Respondent's note memorializing the dismissal is appended as Exhibit 5.

15. On or about December 31, 2023, Mr. T signed an information alleging that B G committed the violation of Trespass in contravention of Section 140.05 of the Penal Law. A copy of the information is appended as Exhibit 6. On or about January 1, 2024, Trooper Flynn filed the information in Respondent's court and asked Respondent to issue a criminal summons for B G. A copy of Trooper Flynn's request is appended as Exhibit 7.

16. On or about January 9, 2024, having been advised by R G and B G during an *ex parte* discussion that Mr. T was illegally harvesting deer, Respondent made a note on the complaint form dated December 18, 2023, as follows: "1/9/2024 DEER CARCAS *[sic]* IN NEIGHBORING YARD…T HARVESTED DEER?" and "ON HOLD…RESCH. 3/19/24." Respondent made this note notwithstanding that Mr. T was a complaining witness against the G and not a defendant in Respondent's court. A copy of the form with Respondent's note is appended as Exhibit 8.

17. On or about January 9, 2024, Respondent orally advised Trooper Flynn that his request for a summons for B G was denied. Respondent then dismissed the trespass charge against B G and noted the court's file: "CRIMINAL SUMMONS DENIED…JUDGE

SKINNER…CASE CLOSED." A copy of Respondent's note memorializing the foregoing is appended as Exhibit 7.

18. In or about February 2024, Mr. T[redacted] confronted Respondent at a town board meeting regarding his handling of the *G*[redacted] matters. At that time, Respondent orally directed Mr. T[redacted] to appear in court on March 5, 2024, in connection with the cases, notwithstanding that he lacked the jurisdiction or authority to do so.

19. On or about March 5, 2024, Mr. T[redacted] appeared in court, as directed by Respondent, who told Mr. T[redacted] that he had been "invited" to court as a "courtesy," "to listen" to Respondent's explanation of what he had done in the *G*[redacted] matters. A copy of the transcript of this appearance is appended as Exhibit 9.

20. During the appearance, Respondent admitted to engaging in *ex parte* discussions with the *G*[redacted] defendants, viewing their photographs, and dismissing the charges against them based upon those communications. When Mr. T[redacted] attempted to explain that the charges involved multiple incidents and that the G[redacted] misled Respondent about the deer during their *ex parte* conversation, Respondent continually interrupted him. Respondent advised Mr. T[redacted] that the charges against R[redacted] G[redacted] and B[redacted] G[redacted] had been dismissed because "They brought in pictures of deer that apparently the dogs went

and ate on." (Exhibit 9, pp 4-5.) He added, "Admittedly, [the dogs] were on adjacent property-- and reputedly, that is your land. That's my understanding of the event." (Exhibit 9, p 5.) Respondent also admitted that Mr. T[redacted]'s interests were unrepresented during the proceeding, stating, "That's what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred." (Exhibit 9, p 7.) Respondent further admonished Mr. T[redacted], "I suggest that you work in harmony with your neighbor and get along with your neighbor." (Exhibit 9, p 12.)

21. Respondent testified before the Commission on April 10, 2025. A copy of the transcript for this proceeding, including exhibits, is appended as Exhibit 10.

22. When asked about hearing and viewing evidence presented by unsworn defendants, Respondent was unable to identify the nature of the proceeding and repeatedly referred to it as an "evaluation." (Exhibit 10, pp 26 and 29.)

23. When Respondent was asked if he had retained the defendant's photographs for the court's file, he indicated the photographs he had relied upon in dismissing the charges were not retained. (Exhibit 10, p 28.)

24. When Respondent was asked if he had dismissed the dog-at-large case against R G, he at first indicated, "No. I give them -- I don't think that's dismissing. That's giving them a specific instruction by virtue of what occurred." (Exhibit 10, p 30.) When Respondent was shown where he noted the file with the word "dismissed," he testified, "It was dismissed with the instructions to keep the dog at home." (Exhibit 10, p 31.)

25. Respondent testified that he did not know what his statutory authority was for dismissing the dog-at-large charges and that he dismissed them notwithstanding that the defendants had done something "inappropriate" in permitting their dogs to run loose on Mr. T's property. (Exhibit 10, pp 30-32.)

26. Respondent testified that he sees nothing wrong with how he handled the case of *People v B G*, stating, "No. I clearly indicated that there is definite complaint, and they clearly indicated why the dog was on the property." (Exhibit 10, p 35.)

27. Respondent failed to mechanically record any of the proceedings involving R G and B G, as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.[1]

[1] Respondent did record the March 5, 2024, appearance of Mr. T.

28. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform the duties of judicial office without bias or prejudice against or in favor of any person, in violation of Section 100.3(B)(4) of the Rules, and failed to accord to every person who has a legal interest in a proceeding the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, in violation of Section 100.3(B)(6) of the Rules.

## CHARGE II

29. From in or about December 2023, to in or about January 2024, in connection with three traffic matters – *People v T[redacted]. N[redacted]*, *People v B[redacted]. M[redacted]* and *People v D[redacted] K[redacted]* – Respondent engaged in the following:

A. In *People v T[redacted]. N[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant and dismissed the charge without notice to or consent of the prosecution, as required by CPL Sections 170.45 and 210.45;

B. In *People v B[redacted]. M[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant and dismissed the charge without notice to or consent of the prosecution, as required by CPL Sections 170.45 and 210.45; and

C. In *People v D[redacted] K[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant, who spoke limited English, and accepted a guilty plea without an official court interpreter or prosecutor present.

30. Respondent engaged in the foregoing conduct notwithstanding having been censured by the Commission in 2018, *inter alia*, for failing to be faithful to the law and maintaining professional competence in it.

**Specifications to Charge II**

31. In 2018, Respondent was censured by the Commission, *inter alia*, for failing to be faithful to the law and maintaining professional competence in it. (Exhibit 1.)

*People v Ti[redacted]. N[redacted]*

32. On or about December 26, 2023, Respondent presided over *People v T[redacted]. N[redacted]*, in which the defendant was charged with speeding at 75 MPH in a 55-MPH zone, in violation of Vehicle and Traffic Law ("VTL") §1180-b. A copy of the court's file in the *N[redacted]* matter is appended as Exhibit 11.

33. During the appearance, and outside the presence of the prosecution, Respondent permitted the defendant to address the court regarding the facts and circumstances underlying the charge against him. The defendant stated he had no points on his license, worked for a medical device company which provided aortic grafts, and was speeding because he was delivering equipment to a hospital under emergency circumstances. A transcript of this proceeding is appended as Exhibit 12.

34. Based at least in part upon the defendant's physical appearance and unsworn representations, Respondent dismissed the speeding charge, without notice to or consent of the prosecution. Respondent later explained to his clerk that the defendant was "dressed very professionally," and "It was nice of him to come-- You know, coming the day after Christmas, and taking care of it." He added, "and I guess I believed him. He was actually doing what he said." (Exhibit 12, p 6.)

*People v B[redacted]. M[redacted]*

35. On or about January 30, 2024, Respondent presided over *People v B[redacted]. M[redacted]*, in which the defendant was charged with moving from a lane unsafely, in violation of VTL §1128(a). A copy of the court's file in the *M[redacted]* matter is appended as Exhibit 13.

36. During the appearance, and outside the presence of the prosecution, Respondent solicited and received *ex parte* information from the defendant regarding the circumstances underlying the charge against him. Respondent repeatedly asked questions of the defendant and permitted him to disclose that, while on his way to work, he had been seriously injured in a motor vehicle accident associated with the ticket. The defendant further advised that he had not been speeding and that his driving record was "good." The defendant asserted that he was head of security at [redacted] in Oneonta, he had been previously employed as a sheriff's deputy in Massachusetts, his brother was Chief of Probation in Worchester, Massachusetts, and his nephew was Chief of Police in Montcalm, New Hampshire. A transcript of this proceeding is appended as Exhibit 14.

37. Based at least in part upon the defendant's unsworn representations, Respondent *sua sponte* dismissed the charge, without notice to or consent of the prosecution.

*People v D[redacted] K[redacted]*

38. On or about January 30, 2024, Respondent presided over *People v D[redacted] K[redacted]*, in which the defendant was issued a ticket for using a mobile telephone to engage in a call while such vehicle is in motion, in violation of VTL §1225-c(2)(a). A copy of the court's file in the *K[redacted]* matter is appended as Exhibit 15. A transcript of this proceeding is appended as Exhibit 16.

39. The defendant, who spoke primarily Ukrainian and only limited English, appeared without an attorney, but with an unidentified man who offered to translate for her. Without an official interpreter or the prosecution present, Respondent spoke to the defendant through the unidentified man, who did not speak Ukrainian himself, but stated that he was able to translate because he spoke Russian. At one point, Respondent explained to the defendant, "I'm half Ukrainian, so I understand some stuff." (Exhibit 16, p 6.)

40. Before asking the defendant how she pled to the charge, Respondent engaged in an *ex parte* conversation with the defendant and attempted to solicit an explanation of the circumstances of her cell phone use on the day in question. Respondent stated, "The court understands that you were on the phone with your

doctor" and asked, "What hospital was the doctor from?" and "the purpose of the call again, was?" (Exhibit 16, pp 2-4.) The defendant declined to elaborate on the substance of the conversation with her doctor and opted to plead guilty to the charge to avoid having to return to court. Respondent accepted the defendant's guilty plea and assessed a fine.

41. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform the duties of judicial office without bias or prejudice against or in favor of any person, in violation of Section 100.3(B)(4) of the Rules, and failed to accord to every person who has a legal interest in a proceeding the right to be heard

according to law and initiated, permitted or considered *ex parte* communications, in violation of Section 100.3(B)(6) of the Rules.

**CHARGE III**

42. Notwithstanding that Respondent has been a judge since 2009, and was censured by the Commission in 2018 for, *inter alia*, failing to respect, comply with, be faithful to and maintain professional competence in the law, in testimony before the Commission on April 10, 2025, Respondent demonstrated a lack of understanding of basic legal principles and the proper role of a judge, as follows:

A. When asked who handles the prosecution of traffic tickets in his court, Respondent asked "[w]hat is defined as the prosecution of traffic tickets?" When asked who "prosecutes" traffic tickets, he testified, "Me. I prosecute them." (Exhibit 10, pp 10-11.)

B. Notwithstanding the requirement that all town and village court proceedings be mechanically recorded,[2] Respondent disputed the necessity of doing so because he takes notes that he believes are "intricately detailed" and "indicate exactly what occurred" during appearances. (Exhibit 10, pp 17-18.)

C. When asked about his failure to provide audio recordings requested by the Commission, Respondent testified that he cannot tell whether the recording device is working and that he requires additional training. (Exhibit 10, pp 19-20.)

D. Respondent did not appear to know the statutory requirement that dismissal of a criminal charge must be in writing and on notice to the prosecution. When asked whether a judge should be faithful to a statutory requirement, Respondent said, "I think

[2] Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

that the Judge is faithful to the wellbeing and harmony within the community." (Exhibit 10, p 57.)

E. Respondent testified that he is able to judge the credibility of litigants based upon their physical appearance and the "thousand cases" he has handled. (Exhibit 10, pp 61-62.)

F. Respondent failed to understand the impropriety of questioning a defendant about the facts of a case without a defense attorney or prosecutor present, and he failed to grasp the distinction between an admission of guilt by the defendant during colloquy and a guilty plea. (Exhibit 10, pp 69-71.)

G. Respondent testified that if something is written on a traffic ticket by a law enforcement officer, "[t]hat makes it a fact." When asked if the facts of a case have to be proven in court, Respondent said he relies on information written by law enforcement officers on traffic tickets. (Exhibit 10, pp 73-74.)

43. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) 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: August 27, 2025
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

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

**VERIFICATION**

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer County.

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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
27th day of August 2025

Notary Public

MELISSA R. DIPALO
Notary Public, State of New York
No. 02DI6231282
Qualified in Suffolk County
Commission Expires January 13, 2027

**EXHIBIT 1**

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

JOHN M. SKINNER,

a Justice of the Columbia Town Court,
Herkimer County.

DETERMINATION

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THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Paul B. Harding, Esq., Vice Chair
Jodie Corngold
Honorable John A. Falk
Taa Grays, Esq.
Honorable Leslie G. Leach
Honorable Angela M. Mazzarelli
Marvin Ray Raskin, Esq.
Richard A. Stoloff, Esq.
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Eteena J. Tadjiogueu, Of Counsel) for the Commission

Honorable John M. Skinner, respondent pro se

The respondent, John M. Skinner, a Justice of the Columbia Town Court, Herkimer County, was served with a Formal Written Complaint dated February 14, 2018, containing two charges. The Formal Written Complaint alleged that respondent delayed

and mishandled a small claims action and failed to mechanically record any court proceedings for more than eight years. Respondent filed an Answer dated April 10, 2018.

On June 6, 2018, the Administrator and respondent entered into an Agreed Statement of Facts pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On June 13, 2018, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2020. Respondent is not an attorney.

As to Charge I of the Formal Written Complaint:

2. As set forth below, from May 2015 to November 2016, while presiding over *Erek Treen-Goff v Heidi Schimmelpfennig*, a small claims proceeding, respondent failed to be faithful to the law and maintain professional competence in it and failed to dispose of the matter promptly, efficiently and fairly, in that he: (A) unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearances in the

matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

3. On April 14, 2015, Erek Treen-Goff filed a notice of small claim in the Columbia Town Court against Heidi Schimmelpfennig. Mr. Treen-Goff sought $3,000 plus $15 court costs for damage caused to his vehicle, which he claimed was sustained when he swerved into a utility pole to avoid hitting Ms. Schimmelpfennig's dog that had run into the road.

4. On April 14, 2015, Janet Elliott, the Town of Columbia court clerk, processed Mr. Treen-Goff's petition and set a hearing date for 6:00 PM on May 19, 2015.

5. On May 12, 2015, Ms. Schimmelpfennig filed an "affidavit of facts" in the Columbia Town Court, demanded a jury trial and paid a jury fee in the amount of $10 and a $50 deposit. The affidavit was not notarized.

6. On May 19, 2015, respondent sent Ms. Schimmelpfennig a letter requesting a notarized written demand for a jury trial and an affidavit of facts, among other items.

7. On June 1, 2015, Ms. Schimmelpfennig re-filed a jury trial demand and "affidavit of facts." Neither the jury trial demand nor the affidavit was notarized.

8. From May 12, 2015, to August 20, 2016, respondent adjourned the hearing date at least three times, notwithstanding that neither Mr. Treen-Goff nor Ms. Schimmelpfennig ever requested an adjournment.

9. Respondent failed to hold a hearing in the case until September 27, 2016. Present in the courtroom on that date were the plaintiff, the defendant, the

plaintiff's grandfather, Fred Treen, and the defendant's friend, Bob Meyer, who was an observer and did not intend to offer any testimony.

10. During the proceeding on September 27, 2016, the parties testified about the accident, and the plaintiff or his grandfather provided a police report and documentary evidence concerning repairs to Mr. Treen-Goff's vehicle.

11. At the conclusion of the proceeding on September 27, 2016, respondent adjourned the matter to provide the plaintiff with time to obtain records from the New York State Electric and Gas Corporation (NYSEG) specifying when the accident occurred and when the utility pole was replaced.

12. On October 11, 2016, the parties again appeared before respondent. Also present in the courtroom were the plaintiff's grandfather, Mr. Treen, and the defendant's son, Evan Schimmelpfennig.

13. During the appearance, Mr. Treen provided respondent with weather reports from the date of the accident, handwritten statements from neighbors who had allegedly witnessed the defendant's dogs in the road, and a document from the utility company regarding repairs to the utility pole.

14. On October 11, 2016, respondent issued a judgment in favor of Mr. Treen-Goff, awarding him $1,000 plus $15 court costs.

15. On October 18, 2016, respondent sent Ms. Schimmelpfennig a copy of the judgment. In a cover letter accompanying the judgment, respondent wrote that Ms. Schimmelpfennig's motion for a jury trial was denied and he returned her $50 deposit and $10 filing fee.

16. On October 31, 2016, Ms. Schimmelpfennig sent a Notice of Appeal to Mr. Treen-Goff and the Columbia Town Court by certified mail, signature required. The caption in the Notice of Appeal stated that the judgment was being appealed to the "Appellate Division of the Supreme Court of the State of New York, Second Judicial Department," although the Columbia Town Court is located in the Third Judicial Department and the proper forum for appeal of a town court decision is County Court.

17. On November 9, 2016, Ms. Schimmelpfennig sent the Columbia Town Court a money order in the amount of $101.50 and a $5 cash filing fee. On November 29, 2016, respondent returned Ms. Schimmelpfennig's money order. He failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court, and he did not otherwise take any action on Ms. Schimmelpfennig's appeal.

18. During the pendency of *Treen-Goff v Schimmelpfennig,* respondent failed to mechanically record any appearances in the case.

As to Charge II of the Formal Written Complaint:

19. From January 1, 2009, when he assumed judicial office, through May 23, 2017, respondent failed to mechanically record any appearances in the Columbia Town Court as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

20. Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 provide that every town and village justice must mechanically record all

proceedings in the court. The recording requirement became effective on June 16, 2008.

21. Respondent did not begin recording proceedings until after he was asked by the Commission during its investigation of the matters herein to provide audio recordings of appearances in *Treen-Goff v Schimmelpfennig.*

Additional Factors

22. Respondent acknowledges that he improperly delayed in holding a hearing in *Treen-Goff v Schimmelpfennig*. Prior to presiding over the matter, respondent had never received a small claims jury trial demand and did not know how to process the petition. Respondent avers that in the future he will immediately contact the Judicial Resource Center for assistance if he encounters a judicial issue that he cannot independently resolve.

23. Respondent also acknowledges that he did not mechanically record proceedings in his court prior to May 23, 2017. Respondent asserts that he did not know how to operate the laptop recorder, and until the Commission's inquiry he did not seek assistance in learning how to operate the recorder. Respondent also asserts that, notwithstanding the clear mandate of Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 that all proceedings be mechanically recorded, he believed his handwritten notes of proceedings were sufficient, even though he had not researched the matter and could point to no authority supporting his interpretation. After the Commission attempted to obtain audio recordings of proceedings in *Treen-Goff v Schimmelpfennig,* respondent received training from a local computer technician, which he acknowledges he could have done years before. Since May 2017, respondent has

complied with the mechanical recording requirement and pledges to continue to comply henceforth.

24. Respondent further acknowledges that it was improper to fail to take action on the defendant's appeal. Respondent states that he was awaiting the results of the Commission's investigation before acting on the appeal, but he now appreciates that it was inappropriate and unfair to the litigants to defer his judicial responsibilities in their case for so long, pending resolution of a disciplinary complaint against him. Respondent further states that he had never previously handled an appeal, but he assures the Commission that in the future he will consult with the Judicial Resource Center in a timely manner concerning his judicial obligations with regard to appeal procedures or any other matters that, as here, may confound him.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1), 100.3(B)(7) and 100.3(C)(1) of the Rules Governing Judicial Conduct ("Rules") and 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. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

The record establishes that respondent inexcusably neglected his duties as a judge by failing to mechanically record any court proceedings for more than eight years, contrary to a statewide administrative order, and by unduly delaying a small claims matter in which he failed to hold a hearing until 17 months after a notice of claim was

filed. Respondent has acknowledged his responsibility for these ethical lapses.

Since 2008, town and village justices have been required to mechanically record all court proceedings pursuant to Administrative Order 245/08, issued pursuant to the Rules of the Chief Judge (22 NYCRR §30.1). Despite this clear mandate, which went into effect shortly before he became a judge, respondent failed to record any proceedings in his court from the time he first took office and continuing for more than eight years. Respondent's claim that he "believed that his handwritten notes of proceedings were sufficient" suggests that he had at least some awareness of the recording requirement, and while he has explained that he "did not know how to operate the laptop recorder," which the court system had provided, his failure for more than eight years to seek assistance in learning to do so is plainly inexcusable. Not until after the Commission contacted him to ask for an audio recording of a particular proceeding did he seek training from a local computer technician and begin to comply with this important mandate.

The absence of a recording in any proceeding is significant since it not only makes it more difficult to determine what transpired at the proceeding but also indicates lack of compliance with an administrative order, which is inconsistent with a judge's ethical responsibilities (Rules, §100.3[C][1]). *See, e.g., Matter of Ridsdale*, 2012 NYSCJC Annual Report 148; *Matter of Allen*, 2012 NYSCJC Annual Report 64. While the cases that have come to the Commission's attention in this regard have generally involved judges who may have forgotten to turn on the recorder in isolated instances, did not ensure that the court staff had activated it or simply did not realize the equipment was not working, respondent's decision to simply ignore this important requirement by failing

to record any proceedings whatsoever was unprecedented and grossly improper.

Respondent was also responsible for significant delay in a small claims action that was filed in his court. By not holding a hearing until 17 months after the notice of claim was filed, he deprived the parties of the opportunity to have the claim resolved in a timely manner. *See Matter of Scolton*, 2008 NYSCJC Annual Report 209 (delays in scheduling a hearing and issuing decisions in six small claims actions); *Matter of Baldwin*, 2009 NYSCJC Annual Report 74 (significant delays in three small claims matters); *Matter of Trickler*, 2016 NYSCJC Annual Report 222 (ten-month delay in scheduling a trial in a case involving alleged violations of the Environmental Conservation Law).

The ethical standards require every judge to dispose of court matters "promptly, efficiently and fairly" (Rules, §100.3[B][7]). The "informal and simplified" procedures for small claims are intended to provide litigants with an efficient and just resolution to their legal disputes (Uniform Justice Court Act ["UCJA"] §1804). This goal is thwarted when a simple matter that could have been resolved expeditiously is delayed for over a year through no fault of the parties. *See Matter of Gilpatric,* 2011 NYSCJC Annual Report 97. A small claim is not insignificant to the parties involved, and for litigants whose cases may represent their only personal involvement with the courts, an unduly delayed resolution of their dispute would likely convey the impression that the judicial system is inefficient and insensitive to their concerns.

Here, respondent's apparent uncertainty about how to process the defendant's demand for a jury trial obviously does not excuse the excessive delay. While

respondent, who had never previously handled a small claims jury trial request, appears to have recognized that the defendant's unsworn submission did not meet the statutory requisite (*see* UJCA §1806; *Village of Castleton on the Hudson v Pillsworth*, 184 Misc2d 284, 285 [Sand Lake Justice Ct Rensselaer Co 2000]) and asked her to submit a notarized filing, it is unclear why he then inexplicably delayed and repeatedly adjourned the matter for over a year, instead of seeking guidance from the City, Town and Village Courts Resource Center.

After the defendant filed a notice of appeal in the matter, respondent further neglected his judicial responsibilities by failing to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court. Respondent's claim that he was awaiting the results of the Commission's investigation before acting on the appeal is patently unacceptable since he was required to comply with the statutory directives, and his unfamiliarity with appeal procedures does not excuse his failure to seek appropriate guidance. *See Matter of Ayres*, 30 NY3d 59 (2017) (judge failed to file the court's return in a timely manner despite multiple directives to do so from County Court). Respondent's failure to diligently discharge his judicial duties in the matter was contrary to ethical standards and statutory mandates, with adverse consequences not only to the litigants, but to public confidence in the administration of justice as a whole.

In accepting the jointly recommended sanction of censure, we note that respondent has acknowledged his misconduct and has assured the Commission that he will seek guidance from the Resource Center when needed, and we trust that he will diligently discharge his judicial duties in the future. We also take this opportunity to

remind all judges of the numerous resources provided by the court system that are available to them, including the Resource Center and the Advisory Committee on Judicial Ethics, when questions about procedures or their judicial responsibilities arise.

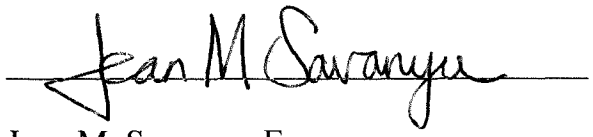
By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

Mr. Belluck, Mr. Harding, Ms. Corngold, Judge Falk, Ms. Grays, Judge Leach, Judge Mazzarelli, Mr. Raskin, Mr. Stoloff and Ms. Yeboah concur.

## CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: June 26, 2018



Jean M. Savanyu, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct

**EXHIBIT 2**

# Town of Columbia Animal Control
## APPEARANCE TICKET

NO 209

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21st day of November, 19 23 at 6:45 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia. Article 7 Agricultural and Markets Law

Committed on Oct 21 23 at — m at Post-28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

[redacted] 11-14-23

Officer's Signature Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 176

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21st day of November, 19 23 at 6:00 P m.

Defendant is accused of the offense of Dog at large - Violation of Local law 2010 #1 Section 5 in the Town of Columbia. Article 7 Agricultural and Markets Law

Committed on Oct. 21, 23 at ——— m at Route 28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

[signature] 11-14-23

Officer's Signature Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 177

Name [redacted]

Addres [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21 day of November, 19 22 at 6:00 P m.

Defendant is accused of the offense of Dog at Large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on OCT. 21-22 at —— m at Route 28

in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-22
Date

# EXHIBIT 3

G[redacted], B[redacted]
DOG CASE

Complainant
J[redacted] T[redacted]

Adjourned to 12/5/23
APPEARED 12/19/23 ([redacted] APPEARED)
WARRANT ISSUED
CASE FILED GUILTY

1/9/24 ADJ'D
UPDATE SCH
2/12/24

2/14/24 CASE CLOSED

**EXHIBIT 4**

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name B [redacted] G [redacted]

Address [redacted]

[redacted], N [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 20 24 at 6 pm m.

Defendant is accused of the offense of dog at large - Violation of Local Law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

12-20-23
Date

TOLD TO KEEP DOGS OFF NEIGHBORS PROPERTY "BUILT FENCE"

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
## APPEARANCE TICKET

Name B[redacted] G[redacted]

Address [redacted]

[redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 20 24 at 6pm m.

Defendant is accused of the offense of Dog at Large - Violation of Local Law 2010 # 1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

12-20-23
Date

**EXHIBIT 5**

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: J [redacted] T [redacted]

Address: [redacted]

Phone #: [redacted]

12/26/23 APPEARED 12/13/23 DISMISSED JT

Dog Owner's Name (if known) : B [redacted]

Address where dog is harbored: [redacted]

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B [redacted] 2 PIT BULLS ON MY PROPERTY CAUSING A NUSANCE, I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY

[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

**EXHIBIT 6**

STATE OF NEW YORK

TOWN _____ COURT

COUNTY OF HERKIMER

TOWN _____ of COLUMBIA

Defendant: NA
(Relationship to alleged victim)

Alleged Victim: NA
(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

-- VS.--

Date of Birth

B[redacted] G[redacted] [redacted]

Defendant(s)

ACCUSATION

BE IT KNOWN THAT, by this INFORMATION , J[redacted] T[redacted] ,

as the Complainant herein, RESIDING at [redacted] ,

accuses the above mentioned Defendant(s), with having COMMITTED the VIOLATION ,

of TRESPASS in violation of Section 140.05 ,

Subdivision _____ of the PENAL Law of the State of New York.

That on or about 12/31/2023 at about 12:00 PM

in the TOWN of COLUMBIA , County of HERKIMER , the defendant(s)

*did intentionally, knowingly and unlawfully commit the violation of Trespass. A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises. Trespass is a violation.*

FACTS

*To wit: on the aforementioned date and time the defendant B[redacted] G[redacted] did knowingly and intentionally enter onto the duly posted property of J[redacted] T[redacted] without consent having previously been told he was not allowed on the property.*

C.S. DENIED JOHN M SKINNER JM 1/9/24

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon infomation and belief, with the sources of Complainant's information and the grounds for belief being the facts contained in the attached SUPPORTING DEPOSITION(s) of: J[redacted] T[redacted]

NOTICE

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor. **(PL 210.45)**

Affirmed under penalty of perjury

this 31 ST day of DECEMBER , 2023

[redacted]

COMPLAINANT

--OR--

Subscribes and sworn to before me this _____ day of _____, 20 _____

# EXHIBIT 7

Your Honor,

Please see the enclosed, requesting a criminal summons for Trespassing against B[redacted] G[redacted] ([redacted]). The complainant is J[redacted]. T[redacted] ([redacted]). G[redacted] entered his property on December 31st, 2023 without his permission and took a picture of a deer carcass on T[redacted] property.

Please let me know if you have any questions with the matter. I can be reached on my cell at [redacted]-[redacted]

Respectfully,

Trooper Flynn

CRIMINAL SUMMONS DENIED

JUDGE SIGNATURE

CASE CLOSED

**EXHIBIT 8**

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: J[redacted] T[redacted]

Address: [redacted]

Phone #: [redacted]

Dog Owner's Name (if known): B[redacted] G[redacted]

Address where dog is harbored: [redacted]

1/9/2024 → DEER CARCAS IN NEIGHBORING YARD T[redacted] HARVESTED DEER? - ON HOLD "

RESCH 2/12/24 APPR.

RESCH. 3/19/24

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B[redacted] G[redacted] & PIT BULLS ON MY PROPERTY CAUSING A NUSANCE. I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY.

C[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

Slide-1309

# EXHIBIT 9

Transcript of Miscellaneous Proceedings held
March 5, 2024 (6:54:23 PM to 7:38:23 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*(6:54:23 PM to 6:55:34 PM)*

Judge Skinner: The other event with that-- with that gentleman, I'm not sure the outcome. I'm concerned about that guy coming in here. That-- the event that occurred in the town board meeting.

Unidentified ADA: Is there a criminal charge pending against the guy?

Judge Skinner: There is no criminal charge, the event-- the event resulted in him-- and I know he wants to come in-- that he-- have you got-- here's the paper.

Unidentified ADA: Judge it's your courtroom, so.

Judge Skinner: It's just an event that I'm not sure what may be generated by virtue of that guy being here.

Unidentified ADA: Do you want me to call law enforcement?

Judge Skinner: I did, I expected them and I'm going to call them back because I thought they were going to be here in the event, see.

Unidentified ADA: Do you want me to call for them?

Judge Skinner: Yes, please.

Unidentified ADA: I've got a number.

Judge Skinner: Call Herkimer. Just see if anybody will

be here for-- for Mr. T[redacted].

*(7:02:14 PM to 7:02:38 PM)*

Judge Skinner: I got the district-- sorry, I got the district attorney to-- to stay, and he has called law enforcement just in case. We discussed that, I thought they were going to be here, but things change, I understand, so, we'll see.

Unidentified ADA: I can hang out for a while.

Judge Skinner: Pardon me?

Unidentified ADA: I can still hang out.

Judge Skinner: Can you? Thank you, I would appreciate that.

*(7:03:54 PM to 7:04:42 PM)*

Judge Skinner: When are they coming?

Unidentified speaker: (Unintelligible).

Judge Skinner: Yeah, I don't want-- I really don't want him in here without-- and all the intent is, there is no charges, I'm providing him the courtesy of reviewing exactly what the court did (unintelligible).

Court Clerk: Thank you, have a good night.

Judge Skinner: That's what I'm reviewing.

| | | |
|---|---|---|
| | | (Unintelligible). |
| | Court Clerk: | I'm going to check (unintelligible). |
| | Judge Skinner: | Let's proceed. |
| | Court Clerk: | I'm going to call in the remaining traffic tickets? |
| | Judge Skinner: | Yes, well-- because-- |
| | Court Clerk: | There's three more, might as well get them taken care of. |
| | Judge Skinner: | (Unintelligible) He's on his way. |
| | | |
| | | *(7:15:15 PM to 7:15:37 PM)* |
| | Judge Skinner: | Is that gentleman coming or not? The-- is law enforcement coming? What's going on with that situation? |
| | Unidentified ADA: | I don't know. Are they here? I don't know. |
| | Judge Skinner: | I know that that gentleman is here to come in. |
| | Unidentified ADA: | Well, I'll make another call. |
| | Judge Skinner: | Okay, thank you. |
| | | |
| | | *(7:26:20 PM to 7:38:32 PM)* |
| | Judge Skinner: | Mr. T[redacted], you may approach, stand at the black line. |
| | Mr. T[redacted]: | Okay, I'm not here for any kind of a |

matter--

Judge Skinner: No, you're here to listen, because my intent is to update you on exactly what occurred with the violations and update it based on input from the meeting at the-- the town board a couple-- three weeks ago.

Mr. T[redacted]: And then--

Judge Skinner: Then-- and then I invited you back today and thank you for coming back on this day. There's no-- there's no issues other than I'm giving the courtesy of exactly what the court did in a timely fashion on the cases. Okay? So, you're here to listen to what's the court's got to say regarding the cases. You understand?

Mr. T[redacted]: And then may I say my piece?

Judge Skinner: Yeah. Okay. There was a charge of a-- of dogs by a B[redacted] G[redacted]. That individual came in on the appointed date, and they have two dogs-- this is what was conveyed to the court-- this is what was conveyed to the court, okay? They brought in pictures of deer that

| | | |
|---|---|---|
| | | apparently the dogs went and ate on. |
| | | Now, then, listen-- I'm telling you what |
| | | he told me. That's what-- that's the |
| | | intent of the discussions of what was |
| | | told to me by the individuals-- |
| | Mr. T[redacted]: | He lied. |
| | Judge Skinner: | --That came in as a result of this case. |
| | | And they came and said that they |
| | | opened the door, they let the dogs out, |
| | | and the dogs went over and were eating |
| | | on the deer carcass. They showed me-- |
| | | they showed me pictures of the deer |
| | | that were on the adjacent land-- that |
| | | were-- |
| | Mr. T[redacted]: | He trespassed on the land? |
| | Judge Skinner: | Listen. Okay, I told you I would give |
| | | you the opportunity to talk. That was |
| | | given-- I was given pictures of that |
| | | event by them, showing me what |
| | | occurred and why the dogs went out. |
| | | Admittedly, they were on adjacent |
| | | property-- |
| | Mr. T[redacted]: | My land. |
| | Judge Skinner: | --and reputedly, that is your land. |
| | | That's my understanding of the event. |

And the reason they went out there was because-- the reason that they conveyed because they came into court, and they answered the charge, so. So anyway, that was a result of--

Mr. T[redacted]: There should have been--

Judge Skinner: Now, listen.

Mr. T[redacted]: There should have been two, there was two different-- there was one on October 18, way before deer were ever there, there was one in December--

Judge Skinner: Right, that were dismissed. That was dismissed, so. Again, you'll listen. You're listening because I'm conveying to you exactly what the court did with the charges, so both of them-- so they indicated to me they were going to put up some kind of a fence in their yard whether that's required or not to keep their dogs off of your land. So that's the way it was left, that was--

Mr. T[redacted]: There's no fence.

Judge Skinner: That was the way it was left with the court. In addition, to overlay this, there

were two-- there were the charge of trespassing--

Mr. T[redacted]: On New Year's Eve.

Judge Skinner: That was coincidentally occurred and I had both of those charges-- I had both of their charges in front of the court and as a result of what occurred and what they did and the situation and seeing the pictures of the deer. And I requested-- I was requested by the law enforcement officer to consider a criminal contempt charge for the trespassing charge and I dismissed that coincidentally. And they said they would have their dogs off of the property, so the case was closed out as a result of that in a timely fashion. That's what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred.

Mr. T[redacted]: I never received anything to appear and

when I went to Justin who is the dog control officer I asked him, do I need to appear? Will I get anything in the mail? He said I did not need to appear. That's why I never appeared for any of the dog things.

Judge Skinner: Okay.

Mr. T[redacted]: With the criminal trespass, I believe I spoke to you outside of this door before you were privy to it because it was like the next day afterwards. It happened on New Years's Eve, it might have been two days because I think it was the second of January. So, that being said, there were no deer carcasses on my property, I can show you time-stamped pictures of the carcass, it was 12/25. I've been having issues since 10/18 and earlier with him and his dogs.

Judge Skinner: Right, at the time of the charges, that was what-- that was determined in court. That's what the court did. This outcome--

Mr. T[redacted]: You need to recuse yourself from any future anything with me. I've reported

| | | |
|---|---|---|
| | | you twice to the judicial misconduct board. They are currently investigating for a second time. The first time was when you made me pay a second time a traffic charge. Do you remember, from 2011? And I came in in '22 and you said it was a scofflaw, I reported you for that, I reported you again for this for bias. You've said outside this door if you needed anything from me, I would get contacted. I never got contacted. You play your little games, bias games, you don't like me, we have a history. You recuse yourself or you're going to have a lawsuit. And that's it. |
| Judge Skinner: | | No. You have the ability to address these cases through the judicial system. That is your-- |
| Mr. T[redacted]: | | If you're under review you should not be in front of me at all. |
| Judge Skinner: | | You can do that-- you can question them-- |
| Mr. T[redacted]: | | I'm sure you're going to find out about it. |

Judge Skinner: Okay.

Mr. T[redacted]: This was the 16th of February, okay. The day after the-- when I talked to you at the town board meeting because it was the only way that I could get you to talk to me. I went and sat with Jeff for a half hour and BCI and I told him everything that happened. I've had issues with these people since this guy inherited this house from his father.

Judge Skinner: Alright.

Mr. T[redacted]: My question to you is what do I do in the future if these dogs come on my property? I have an acre of land that I can't let my kids play on, I can't put their trampoline there, I can't set up badminton because he's got pitbulls running loose, he's got a half assed little fence up. I'm not busting your balls, dude. They're over there partying all the time, he works for a construction company on the Mohawk, they have big fires. I go to mow my field and I get shit all caught up in it. I don't do anything wrong. I raise my kid, I pay

my taxes, I don't bother anybody. And I got these people--

Judge Skinner: But, okay. I understand--

Mr. T[redacted]: I deserve to be represented by my government fairly.

Judge Skinner: Right. And you can. If you brought that-- you can bring that in question, the outcome of these, go for it.

Mr. T[redacted]: I already have. I've already written a five-page letter and filled out a formal complaint form against you to the bureau of judicial conduct in New York City. This is the second time I've done it with you.

Judge Skinner: I'm not sure-- we're not obligated to anything in New York City but that's okay.

Mr. T[redacted]: You are. It's a state organization that oversees all the towns. You want to see the pamphlet?

Judge Skinner: No, I don't.

Mr. T[redacted]: Right here. I've dealt with them twice because of you and your bias against me because of my past. And I believe that this time it would be in both--

everybody's best interest if ever again, be it civil or criminal, that you recuse yourself from ever interacting with me again. I think it'd be best for every party here.

Judge Skinner: Here's what's going on in your neighborhood. There's ongoing situation and you're in the middle of it and I understand that.

Mr. T[redacted]: I've been there 15 years. He inherited a house from someone, and they're drug addicts--

Judge Skinner: I suggest that you work in harmony with your neighbor and get along with your neighbor.

Mr. T[redacted]: The next time the dogs are on the property, and I was already told by the state police, I can defend myself if they come at me and they try to bite me again. I have to take action against myself and my children.

Judge Skinner: Okay. Well, this I've never done before where I've given you the courtesy of indicating what the court exactly did--

Mr. T[redacted]: (Unintelligible).

| | | |
|---|---|---|
| 1 | Judge Skinner: | --Exactly did with these cases. That's |
| 2 | | why you're in here. |
| 3 | Mr. T[redacted]: | You're screwing around |
| 4 | | (unintelligible)-- |
| 5 | Judge Skinner: | That's why you're in here. I've never |
| 6 | | done that before. So, I've given you the |
| 7 | | courtesy. |
| 8 | Mr. T[redacted]: | The DA is supposed to be here too, and |
| 9 | | Jeff told me personally that he would |
| 10 | | be here. How come he walked out |
| 11 | | when it was my time to come in again? |
| 12 | | Another side-- little side thing that you |
| 13 | | do that is crooked. And maybe I'll |
| 14 | | write them another, or I'll just call |
| 15 | | them tomorrow and let them know that |
| 16 | | I came here and everything was a farce. |
| 17 | | You-- and it's on the minutes, you said |
| 18 | | that you would schedule me. It's on the |
| 19 | | minutes from the meeting. You said |
| 20 | | you would schedule me. |
| 21 | Judge Skinner: | You arrived at 6:35, you were last in |
| 22 | | the row. And I honor everybody-- |
| 23 | Mr. T[redacted]: | I wasn't here at 6:35, I was here about |
| 24 | | 20 after 6. |
| 25 | Judge Skinner: | Whatever it was, you were the last one. |

Mr. T[redacted]: And there were people complaining because it said on their tickets-- no I wasn't the last one here. The last one here was a girl who's gone ahead of me.

Judge Skinner: Alright, thank you.

Mr. T[redacted]: You've heard what I have to say, it's best to recuse yourself or you're going to have a lawsuit.

Judge Skinner: We're all set, thank you for coming in.

Mr. T[redacted]: Yeah. I'll tell you what too. I got about 20 years left in me, you don't. You pass, I'm going to throw a party. And when I find out where they inter you, I'm going to go piss on your grave. That's free speech, first amendment. Carry that until you pass.

Court Clerk: And that's with his kids and his daughter.

Judge Skinner: He's doing that with this little girl.

Court Clerk: He's training that little girl. He brings her every time he does this.

Unidentified Police Officer: He brings her on purpose?

Court Clerk: She's with him every time. I don't know if its because he has no--

| | |
|---|---|
| Judge Skinner: | I don't know if it's his daughter or what it is. |
| Court Clerk: | It's his daughter. It's his daughter. And she's come every time and when he behaves that way and talks that way to the judge. |
| Unidentified Police Officer: | Is that a state police case? |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Is that a state police case that he talked about? |
| Judge Skinner: | No, it was a couple of cases-- it was a trespassing-- |
| Court Clerk: | --his neighbors. |
| Judge Skinner: | Yeah, it's an issue with the neighbor that he has, for trespassing-- |
| Court Clerk: | --everything he deals with, unfortunately. |
| Judge Skinner: | And they have ongoing other major other issues, too, with the neighbors there. So, the intent of this session was-- and I still have this on the recorder-- was to inform this gentleman, which is not normally done, of exactly what occurred on the cases that were submitted to the court. And that's what |

| | |
|---|---|
| | I did. Thank you. Thanks for coming. I appreciate law enforcement being here. |
| Unidentified Police Officer: | Anytime you guys need us, just get ahold of us and we'll be up here. |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Anytime you guys want us up here, just get a hold of us. Someone will try to get up here. |
| Judge Skinner: | Okay. You're out of Herkimer? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | You are? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | Yeah, if there is ever an issue, that's why I kind of tentatively lined up you folks because I knew he was going to be in here. And I really invited him back because I wanted to make clear exactly what the court did with these particular cases, even though he don't agree with them, that's what occurred as a result of this. So, that's the end of it at this point. And thank you for coming. |
| Unidentified Police Officer: | Yeah, no problem. |
| Judge Skinner: | Have a good day. |

*(Columbia Town Court Proceedings)*

| | |
|---|---|
| Unidentified Police Officer: | You as well. |
| Court Clerk: | Have a good night. |
| Judge Skinner: | Take care. So, should I run for another term? |

# C E R T I F I C A T I O N

I, SIERRA G. WHITNEY, a Program Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: July 19, 2024

Sierra G. Whitney

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

**EXHIBIT 10**

**STATE OF NEW YORK**
**COMMISSION ON JUDICIAL CONDUCT**

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -X

In the Matter of an Investigation :
Pursuant to Section 44, subdivision 3,
of the Judiciary Law in Relation to :

**JOHN M. SKINNER,** :

a Justice of the Columbia Town Court, :
Herkimer County.

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -X

Commission Offices
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

April 10, 2025
10:52 a.m.

B e f o r e:

MEAGAN E. DEAN, ESQ.
Referee

P r e s e n t:

KATHLEEN E. KLEIN, ESQ.
Senior Attorney

HON. JOHN M. SKINNER
Witness

A l s o P r e s e n t:

RYAN T. FITZPATRICK
Principal Investigator

ALYSSA WOODWARD
Administrative Assistant and FTR Operator

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THE REFEREE: Good morning, everyone.

Good morning, Judge.

My name is Meagan Dean, and I have been designated by the Commission as referee to hear the testimony of Judge John Skinner. Today is April 11 [sic], 2025, at 10:52 a.m.

So will everyone present please give your appearances on the record?

MS. KLEIN: Yes. Kathleen Klein, Senior Attorney on behalf of the Commission.

MR. FITZPATRICK: Ryan Fitzpatrick, Principal Investigator with the Commission.

THE REFEREE: Judge, could you please note your appearance as well for the record?

JUDGE SKINNER: Judge Skinner, Town of Columbia, Herkimer County. Did you hear -- okay.

THE REFEREE: Great.

JUDGE SKINNER: Did you hear that? Okay.

THE REFEREE: Okay. Great.

These proceedings today are being digitally recorded. The recording will be transcribed. In order to facilitate a clear and accurate record, please speak slowly, clearly, and directly into the microphone. Refrain from moving away from the microphone and talking over other speakers.



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Please refrain from responding until a question is completed, and answer each question with words, not a nod or gesture. Please refrain from creating excessive background noise, as it becomes amplified on the recording.

During the course of these proceeding, the judge is entitled to be represented by counsel. It is my understanding that the judge has been advised of that right and has elected to appear without counsel.

Is that correct, Judge?

JUDGE SKINNER: That's correct.

THE REFEREE: Okay. During this proceeding, I will entertain requests for brief recesses. In the course of the examination by the Commission's Attorney, the Judge may make objections to the questions posed. However, in making objections, the Judge should take into account that this is an investigation and not a trial and that the rules of evidence do not apply.

At the conclusion of questioning by the Commission's Attorney, the Judge may make any additional statements that the judge wishes. This is subject to further questioning by the Commission Attorney. The Judge may make initial and closing oral arguments today. And within seven days of receipt of the transcript of today's proceeding, the Judge may submit a statement in writing. Any other



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written materials may also be submitted at this appearance or within seven days of receipt of the transcript.

You may not make any photographic images or electronic recordings of any portion of this proceeding, such as tape recordings, video recordings, or digital, audio, or visual recordings. Please also be sure to turn off cell phones and other electronic equipment.

Judge, if you could please raise your right hand.

Do you swear or affirm under the penalties of perjury that you are not making and will not make any photographic images or electronic recordings of any portion of this proceeding?

JUDGE SKINNER: Yes.

THE REFEREE: Okay. Do you swear or affirm under the penalties of perjury that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

JUDGE SKINNER: Yes.

THE REFEREE: Thank you.

Whenever you are all set.

MS. KLEIN: All right. Do you wish to give an opening statement, Judge? You'll have an opportunity to make a closing statement if you wish, but you also have the ability to make an opening if you wish to.

THE WITNESS: Just a bit about my



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background. In January, I attended my first court session with my dad. And the court was held around a kitchen table. And they brought in a defendant -- the state police did. And they ended up -- there was a issue with it, and I'm sitting in the corner, because I am a young teenager. It is 1960. It was my dad's first court case. We have been involved with being in the judiciary in our town pretty much ever since, almost entirely, but there are some voids in there. I have been a Judge for the last 17 years of that time frame.

My career -- I'm a fiberoptic design specialist. I designed the major fiber routes from Chicago back to Buffalo, major telecommunications installations at the Plattsburgh Air Force Base, the Sing Sing prison, and a variety of location as an employee of Rochester Telephone from 1967 to 1995. 1995, we sold companies to an outfit in Texas. So from 1995 to 2005, I worked in Texas and was a vice president of operations in four different telephone companies that this gentleman owned.

'95, I retired, and I came back here. My dad was still alive. I spent the last few years of my life with him -- his life with me. And then I became Judge, and I've been Judge for the last 17 years, sometime '7 or '8. I'm not sure the exact year. But I've been Judge -- this is my 17th year as Judge. Thank you.



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MS. KLEIN: Okay. Thank you, Judge. And thank you for coming today.

J O H N M. S K I N N E R,

having been duly sworn, was examined and testified as follows:

EXAMINATION BY

MS. KLEIN:

Q. Just some administrative issues at the outset. I'm about to show what has been marked as Commission's Exhibit 1. This is the letter dated March 17, 2025, from our Deputy Administrator Cathleen Cenci. It's a letter that was sent to you with Exhibits -- and I just want you to take a -- if you would be so kind as to take a look at that, Judge. Did you receive that letter?

(Commission Exhibit 1 was marked for identification)

A. I'm looking at what I got here compared to what this is.

Q. Well, it would be --

A. Exhibit 1 corresponds to the first page.

Q. This letter was also faxed to you two days ago at your request.

A. Right, yes.

Q. So that is the same letter.

A. Right.

Q. So I just want to be sure --

A. And my -- and this is the receipt I did of the fax.

Q. Okay. So --



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A. Thank you.
Q. -- so you did receive that via mail, initially, but then via fax two days ago --
A. That's correct.
Q. -- correct?
A. That's correct.
Q. All right. And are you present today for this proceeding pursuant to Ms. Cenci's letter to you?
A. Pardon me?
Q. Are you present today because you received this letter?
A. Yes, but not -- I -- not receiving it the other day. I received shortly after 17 March, because that's the date of the original letter.
Q. All right. And --
A. Yes. I'm here because of that.
Q. Okay. And did you review the enclosures with that letter?
A. And I'll reference paragraph 2, where it says to appear here April 10th at 11 p.m. [sic]. That's why I'm here, because -- and that's in heavy print on page 1 of the 17 March letter.
Q. All right. Did you review the enclosures with the letter, Judge?
A. Yes.
Q. All right. And did you review, as requested, the Court's files for -- there were several matters listed in paragraph 3: *People v B[redacted] G[redacted]*, *People v B[redacted] G[redacted]*, *People v T[redacted] N[redacted]*, *People v B[redacted] M[redacted]*, and *People v D[redacted] K[redacted]*. Did you review those matters?
A. I reviewed those matters. If you have specific questions regarding those



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matters, I'll attempt to answer them for you.

Q. Okay. Thank you, Judge. Some very brief background information, as you have gone over your -- some of your employment history with us. Would you please state and spell your full name for the record?

A. John -- and that's a J-O-H-N; Michael, M-I-C-H-A-E-L; Skinner, S-K-I-N-N-E-R.

Q. Your date of birth, Judge, please?

A. [redacted].

Q. Your home address, please?

A. [redacted].

Q. I'm sorry. What was the town?

A. [redacted], New York.

Q. Okay. Thank you.

A. The nicest upstate town on the map, west of Albany.

Q. What is the court address?

A. 147 Columbia Center Road, Ilion, New York. I don't remember the ZIP Code.

Q. Are you an Attorney, Judge?

A. No.

Q. You've given us some of your employment history, and we also had you -- before the Commission, on July 17, 2017, you gave testimony in connection with a separate investigation where you provided us with your employment history and your education history. So we'll forgo --

A. We'll see if I told you the same story.

Q. We're not going to go over that this time, just because we do --



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A. Okay.
Q. -- have that --
A. That's fine.
Q. -- information from you. And I would just add, Judge, it's a little difficult, but as you know from being in court, this proceeding is being recorded. It's going to be transcribed. So if we speak over each other, we'll have to stop and sort it out, all right?
A. Nobody speaks over each other, not even in my court.
Q. Okay, Judge. What is -- do you have any current employment outside your judicial role?
A. Unofficially.
Q. What is that?
A. I am a vendor of products for farm markets. I grow sweet corn, pumpkins, squash. I have some of the biggest pumpkins in the state.
Q. Okay. Do you know what year you became a Judge?
A. That's why I said -- I'm in my 17th year.
Q. All right.
A. Whatever the math comes out. I've just completed the 16, so that's four terms. So that's 16 years plus several months.
Q. When does your current --
A. We got to back it -- pardon me. I'm sorry.
Q. Sorry. When does your current term expire?
A. It expires 12/31/28. I just was reelected last November.
Q. What is your judicial salary?
A. I think it's 9,000 a year.



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Q. How many judicial positions does the Town of Columbia have?
A. It has a Judge and a Court Clerk.
Q. All right. And --
A. That's --
Q. -- and who is the Court Clerk?
A. It is -- he just got on board. He just was added to our payroll.
Q. Is she relatively new?
A. No, it's a he.
Q. Oh. Is the Court Clerk relatively new?
A. Yes, just started the 1st of January.
Q. The 1st of January this year?
A. Yes. Reed (phonetic) is his first name.
Q. All right. Well, we can come back to that, Judge. So you have a new -- and who was your Court Clerk prior to Reed?
A. From 11/1/2024 to 12/31/2024, there was no Court Clerk. Previous to that, I had a Court Clerk that -- a lady that was also a Paralegal.
Q. What was her name?
A. And I'll get her -- I'll get her name for you, too.
Q. Okay. You're going to provide that name to us at a later date?
A. Yes.
Q. When does the court meet?
A. Every Tuesday at six p.m. And the -- once a month, we have DA night, and that is always the first Tuesday in the month. That is when the ADA is there, and that is where I also have a Defense Lawyer. By the way, in Herkimer County, I was the first one to get a full-time Defense Lawyer. I



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got, you know, friends with a gentleman who lived in Cherry Valley, and he agreed to come, because I was --

Q. Judge --

A. -- not the -- I would not do arraignments --

Q. I'm sorry, Judge. I have to --

A. -- without a Judge.

Q. -- I have to stop you, because I'm just trying to establish some background information.

A. Go ahead.

Q. And I want to be as efficient as possible. So --

A. Very good.

Q. -- while I appreciate some detail -- well, what was the -- what is the name of the Assistant District Attorney that appears in your court?

A. Eisenhut.

Q. Do you know the first name?

A. I believe it's Cliff. He's an ADA, Herkimer County ADA.

Q. And his night to appear is the first Tuesday of every month; is that right?

A. That's correct.

Q. That's correct?

A. Yes.

Q. Who handles the prosecution of traffic tickets for the Town of Columbia?

A. What is defined as the prosecution of traffic tickets?

Q. Who handles state police tickets in your court?

A. The state police tickets are -- we just implanted a new system -- are on the computer, which is up to date with the state records. The tickets



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themselves are printed out by the Court Clerk and provided to me for that particular evening. So for that evening, if there's six people that get traffic tickets, he will have printed them out and give them to me. And this is who we expect in court tonight. Then I'm given the court copies of the tickets and expect those people that evening.

Q. Who prosecutes those tickets?

A. Who prosecutes them? Pardon me? Is that the --

Q. Yes.

A. -- question?

Q. That's the --

A. Yes.

Q. -- question.

A. Me. I prosecute them.

Q. But you're the Judge, correct?

A. I am the Judge.

Q. Are you telling us that you're the Judge and the Prosecutor in the case of traffic tickets?

A. Oh, I'm sorry. The Prosecutor is the DA -- or is the -- Eisenhut. He's the Prosecutor. The Defense Lawyer, it's Cliff Laughlin (phonetic). So I have a Defense Lawyer available if needed -- generally not for traffic tickets. And Eisenhut does -- he is the -- prosecutes all of them. He gets copies of those and discusses the cases -- or no. I will arraign the individual. He does not see them before I arraign them. In other words, there's a first appearance. And if I get a not-guilty plea, he's in the back room. Then I tell the individual to sit down; the District Attorney is



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available for you here this evening to discuss the violation with. And then the piece of paper is forwarded to the District Attorney from me. And he calls them into the back room and discusses it.

Q. So my question to you was -- sorry to interrupt you, Judge -- but who prosecutes the traffic tickets. And is your answer that Cliff Eisenhut, the Assistant District Attorney, prosecutes the traffic tickets for the Town of Columbia?

A. No. I'm telling -- I'm not sure what you mean, prosecute. What I'm telling you is what he does. I get the copy of the traffic violation. I arraign the individual and tell him or her their options. I'd say, "And here's the charge that is against you."

Q. Let me rephrase it, Judge. Who represents the People of the State of New York in traffic matters?

A. Oh, Eisenhut.

Q. Okay. That's the Prosecutor, right?

A. He's the Prosecutor. He's not the first person that sees them. I'm the first person that sees them.

Q. But what relevance does that have?

A. He can't see them until he's been arraigned in front of me. The arraignment is originally done in front of the Court, and then I -- typically, if I typically receive a not-guilty plea, then I tell the individual that he may discuss it with the District Attorney, the Prosecutor. He can discuss your violation with him. If I get a guilty plea, I adjudicate it based on a guilty plea given there. So it doesn't get to the Prosecutor. It's a speeding, I'm guilty, I proceed with the case as the individual -- the



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individual had the option to plead guilty or not guilty.

Q. All right. We'll get back to some of the traffic matters we had some questions about. But at this point, I'd like to change course a little bit. What I have here is marked as Commission's Exhibit 2. This is a copy of a determination by the Commission on Judicial Conduct dated June 26, 2018, and an agreed statement of fact dated May 15, 2018, signed by the Judge. I just want -- Judge, do you remember being before the Commission in connection with another matter that --

(Commission Exhibit 2 was marked for identification)

A. Right. I'm not in a position to review that without previously -- if you want to discuss that, I am very pleased to do that. But without previously --

Q. Judge --

A. -- going -- you're going to bring -- you're bringing up something that's outside of the scope of the evaluation here.

Q. Judge, it's a simple question. Do you recall being before the Commission --

A. I was -- I was before --

Q. You have to --

A. -- the Commission.

Q. -- let me finish the question, right, because we're being recorded. I'm trying to protect the record for you and for the Commission.

A. Right. I --

Q. Do --

A. -- was -- the detail of exactly what occurred at that time --



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Q. It's a yes --
A. -- I'm not in a --
Q. -- or no question. Do you recall being before the Commission in --
A. Yes.
Q. -- 2018? Do you recall the Commission accepting a censure with respect to your --
A. Yes.
Q. -- handling -- please let me finish the question, okay, Judge? I'm doing the best I can to get it out. Do you recall receiving a censure in connection with your handling of a small-claims case?
A. Without saying that small-claims case, I'm not familiar with it.
Q. All right. Let's do this. Do you recall being before the Commission in connection with a complaint that you failed to record court proceedings?
A. I believe so.
Q. And do you recall being censured for failing to record court proceedings?
A. Yes.
Q. All right. And do you remember signing and entering into an agreed statement of fact -- I'm showing you here the last page of Commission's Exhibit 2. Is that your signature at the top of that document?
A. Yes, it is.
Q. Okay. Do you remember --
A. This was a -- this is a '18, and it's now '25. Okay.
Q. All right. But do you remember that they found misconduct on your part in connection with your failure to record proceedings?
A. Right.



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Q. All right. And I'm going to read to you a piece of this document -- a portion of this document that you executed. It is the agreed statement of fact, page 7, paragraph 26. "Respondent also acknowledges that he did mechanically record proceedings in this court prior to May 23, 2017." And at that point, you pledged to comply with the recording requirements going forward. Do you remember that?

A. Yes.

Q. Okay.

MS. KLEIN: May I have this marked, please?

MR. FITZPATRICK: Um-hum.

BY MS. KLEIN:

Q. And do you understand, Judge, that there are laws, there are requirements that a Judge record all proceedings before him or her?

A. Yes.

Q. Okay. Are you currently doing that?

A. Yes.

Q. I have here what's been marked as Commission's Exhibit 3. It is a five-page document which encompasses correspondence between Commission counsel and the Town of Columbia Justice Court, requesting records in connection with the cases of *People v B[redacted] G[redacted]*, G[redacted] --

(Commission Exhibit 3 was marked for identification)

A. Yeah.

Q. -- and *People v B[redacted] G[redacted]*. Do you remember receiving requests for records in connection with those two cases, Judge?



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A. I believe so, yes.

Q. All right. And I will just note, with respect to this exhibit, that on March 19, 2024, Ms. Cenci received an email from Judge Skinner: "Attached, please find a copy of the audio recording for March 5, 2024, as requested in your letter to Millie Buck, Court Clerk, dated March 15, 2024. Copies of all paper records will follow by US Postal Service. Please advise if there is anything further you need from this Court." In response, by email dated March 28, 2024, "Dear Judge Skinner" -- this is from Cathleen Cenci to Judge Skinner -- "the Commission is in receipt of the audio recording for March 5, 2024 and records of the two *G*[redacted] cases that you provided, pursuant to our recent request. In addition to the March 5th audio, also requested were recordings for all appearances held in both *G*[redacted] cases on any other dates. Please provide the additional recordings for these cases, either by mail or to the address provided by the Commission." Do you remember that request coming through, Judge?

A. I believe so.

Q. Do you want to see the exhibit so you know what we're talking about?

A. No.

Q. Okay.

A. Thank you.

Q. Did you provide the audio recordings in connection with the *G*[redacted] matters to the Commission?

A. I believe so, but I'm not sure. Sometimes that recorder doesn't work the way it should. I admit my ability in operating a recorder might be



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marginal at times.

Q. Did you record any appearances in the *G*[redacted] cases that were requested of you?

A. I don't know. There should've been some recordings on there. I'm not sure -- are you asking a question that you didn't find any or --

Q. Well, Judge, we didn't receive a response. Why didn't we receive a response to this email dated March 28, 2024, from Cathleen Cenci, our Deputy Administrator in charge? There was no response. Where are the recordings in the *G*[redacted] matters?

A. I can check the machine and see where they're at.

Q. Do you believe that you recorded the *G*[redacted] matters?

A. I can check -- I can check and see if they're on there or not. I did do the *G*[redacted] matter; there's no question about that.

Q. Why would you not have checked before appearing today?

A. I wasn't requested. I thought you got all the copies you needed to do.

Q. Well, if we had all the copies -- the Commission had all the copies it needed, why would we send you an additional request?

A. I'll check and see what is on the recorder.

Q. What do you want me to tell the Commission about your failure to provide these recordings when you've previously been censured for that conduct?

A. That's up to you.

Q. Do you think that's serious?

A. Pardon me?

Q. Do you think that is serious, that you're not providing recordings or



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recording matters in your court?

A. I'm attempting to record the thing on that darn recorder appropriately.

Q. I asked you a yes-or-no question. Do you think it's serious?

A. I'm not sure the question is serious.

Q. Would you agree with me that if you fail to record a court proceeding, it makes it more difficult, if not impossible, to determine what transpired during that proceeding?

A. I would say not at all.

Q. And why is --

A. Because if you pull that complete file, the notes on that file are intricately detailed and indicate exactly what occurred at the proceeding.

Q. Are you saying that you take notes that are adequate so that you don't need to record cases?

A. I didn't say that. I said, I take notes so that if I'm ever pulled and I pull files from many years before and pull that file, look at that yellow copy and determine exactly what occurred on that, because I take the time to write down everything that was discussed.

Q. Is that what happened in the *G*[redacted] cases?

A. It may have. I don't know. I'd have to check the recording.

Q. Well, we're going to look at their records in a moment, and you're going to tell me exactly what happened, I hope, from your notes, because we don't have a recording.

A. Okay.

Q. Do you think -- do you agree with me that failure to record an appearance indicates a lack of compliance with an administrative order, which is



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inconsistent with a Judge's ethical responsibility?

A. I'm not making all that comment. My --

Q. Judge --

A. -- my important thing -- this is my important thing. The person that sits across from me, the defendant, is the most important person in that courtroom. The discussion between the Judge to indicate to that person exactly what the charges are and what the person's options are are paramount to effectively handling the case. I ensure him -- assure him of that procedure, that if you do this, this happens; if you do that, that happens, from the simplest traffic ticket to the most complicated situation. The person that's there doesn't want to be there. The person's there, I want to make them feel comfortable that we're here to process -- in front of me is paperwork that clearly shows a specific charge to you. I'm going to read that charge to you in detail and make sure you're fully aware of the charge and fully aware of the options if you plead guilty or not guilty to the charge. I'm not suggesting -- I'm not giving them any lawyer advice.

Q. Excuse me, Judge. I have to stop you. What does this have to do with your failure to record proceeding?

A. Well, I admit that I'm probably not as good as I should be at recording.

Q. Why is that?

A. It's the -- there's a issue handling the darn recorder. I put it on, and I say, "I wonder if I have this correct or not." So I need -- and when I've asked for advice or people to come out and do it, I never see anybody from Albany up there to tell me how to do it.



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Q. When did you ask for advice?

A. On probably several occasions. But --

Q. Can --

A. -- if somebody would come and clearly go over that with me, again, so I can handwrite exactly what needs to be done in respect, specifically, to recording, and then do an example of that procedure in detail, and then go over that with me, I would appreciate that entirely.

Q. So are you telling the Commission that you lack training to record these matters?

A. No. I'm telling you that I need additional training.

Q. I will note that, in response to our request for records in connection with the *G* [redacted] matter, Judge, you were able to forward, as per your email dated March 19, 2024, 6:09 p.m., "Attached, please find a copy of the audio recording for March 5, 2024, as requested in your letter to Millie Buck" --

A. But that there, did you receive that?

Q. We did receive that recording from March --

A. Thank you.

Q. -- can I finish, Judge -- from March 5, 2024. We did receive that. However, that was not the *G* [redacted] -- *People v B* [redacted] *G* [redacted] or *People v B* [redacted] *G* [redacted]. That was an appearance by a J [redacted] T [redacted], who was not the defendant in the case. So why did we receive a recording from March 5, 2024, and no recordings in connection with B [redacted] G [redacted] or B [redacted] G [redacted]?

A. For which date?



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Q. Why did we receive March 5, 2024, which pertains to J[redacted] T[redacted], and not the *G*[redacted] matters?

A. Was there -- that the *G*[redacted] matter on the same date?

Q. You would have to tell me that, Judge.

A. We're talking about a matter on March 5, 2024. Are we talking about another matter by the G[redacted] on a different date?

Q. Yes.

A. I'd have to check the recorder as to exactly when that date was that that occurred.

Q. Why didn't you do that before today?

A. I thought somebody come and got all the recordings.

Q. Did you delete any recordings in connection with these cases?

A. I don't delete no recordings, none, ever.

Q. I just have to ask, Judge. It's --

A. Pardon me?

Q. I have to ask you that question, because --

A. All right. No, no, I do not.

Q. -- this has been pending for months, and you're saying you're going to go back and check the recorder. I'm just trying to give you the opportunity, explain to the Commission why we don't have these things.

A. Okay.

Q. Especially when, in 2018, you were censured for failing to record things. Now I have to go back to the Commission and give your explanation, and I'm not clear on it, except that you say you need more training. All right. Let's move on.



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MS. KLEIN: Could you please mark this?

BY MS. KLEIN:

Q. All right. I've asked Mr. Fitzpatrick to mark as Commission's Exhibit 4 records received from the Town of Columbia Justice Court in response to our request for records in connection with the *B[redacted] G[redacted]* matter. It is a -- well, it indicates that animal control, on 12/20/23 -- that's December 20, 2023 -- issued an appearance ticket to B[redacted] G[redacted] for a dog at large violation of local law, 2010, number 1, section 5, in the Town of Columbia; and in violation of Article 7 of the Ag and Markets Law. Judge, would you just take a moment, look at those records? Those are records that your Court Clerk sent us in response to our request for records on B[redacted] G[redacted].

(Commission Exhibit 4 was marked for identification)

A. These are not clear, and I can't read those, these two documents. Oh, and then Mr. T[redacted]s statement that can -- I see Mr. T[redacted]'s statement, yes. This appearance notice is rather vague. Thank you.

Q. First of all, do you know who the Town of Columbia animal control officer is that signed this document?

A. I know of him. I don't know him personally.

Q. Do you know his name?

A. No. They just changed him, too. I'm not sure who it was at that particular time.

Q. All right. Well, I'll just note that this appearance ticket issued by the Town of Columbia Animal Control gave B[redacted] G[redacted] an appearance date of January 9, 2024, at six p.m. He was asked to appear in your court on



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January 9, 2024. Did he appear at that time?

A. I believe so.

Q. Well, this is your Court's file. I'm showing you -- I'll show you page 5 of Exhibit 4, Town of Columbia dog complaint form filled out by J[redacted] T[redacted]. There are notes in the margin, dated 1/9/2024, "Deer carcass in neighbor yard. T[redacted] harvested deer, question mark, on hold," and then, "reschedule 3/19." Would you take a look at that, please, Judge, those notes on the right margin? Are those your notes?

A. Those are my notes.

Q. All right. What do they mean? What do they pertain to?

A. They clearly pertain to why the dogs were out.

Q. I'm sorry. They clearly pertain? Is that --

A. The dogs were out and visited the carcasses that were on the T[redacted] property.

Q. Did B[redacted] G[redacted] appear on January 9, 2024, based on your records?

A. The record indicate the date. You've got that indicated. He did appear. To say -- for me to tell you exactly that date, it's on the record as shown. He did appear, and I did adjudicate that dog violation, based on his appearance. Yes, I did.

Q. Tell me what occurred during the appearance.

A. What occurred during the -- at the appearance, the G[redacted] provided pictures of deer on the T[redacted] property, dead deer -- not live deer, dead deer. I'm a lifelong deer hunter. They were recently shot deer. They were not tagged. They were without antlers. And they were on adjacent property, and they were not attended by any individual. So they were



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dead deer, shot adjacent to the G[redacted] property. And when the dogs went out the door, they went over to those deer. And that was a -- that resulted in the trespassing charge by Mr. T[redacted].

Q. The allegation against B[redacted] G[redacted], as I understand it from the records provided by the Court, is that he was ticketed with dog at large in connection with pit bulls -- his pit bulls running loose on J[redacted] T[redacted]'s neighboring property; is that right?

A. That's a statement that Mr. G[redacted] made, I believe. That's right. That's what he did.

Q. That's the complaint, right?

A. Yes.

Q. Was Mr. G[redacted] arraigned on that charge?

A. He was arraigned on that charge, yes.

Q. How do we know that?

A. On his visit -- on his visit there, he appeared by virtue of the ticket issued by the Dog Warden. So he was arraigned and adjudicated at that appearance.

Q. Did Mr. G[redacted] have an Attorney when he appeared?

A. No.

Q. Who was present?

A. He was present. My Court Clerk was present. And I believe his wife was present.

Q. Whose wife?

A. G[redacted]'s wife.

Q. What's her name?



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A. I don't know her name.
Q. Was anyone else in the courtroom?
A. Not that I know of.
Q. Not that you know of, or you don't --
A. No.
Q. -- recall?
A. There was nobody else in the courtroom. I recall those two people, my Court Clerk, and myself in the courtroom. We're reconciling and recognizing something that occurred 16 months ago. And that's what I recall.
Q. What happened after you arraigned Mr. G[redacted]?
A. I adjudicated that case based on the input that Mr. G[redacted] provided me about his dogs going out the door and running off of his property onto the adjacent property, apparently, Mr. T[redacted]'s property, where the dead deer were. The reason that I determined that they actually went onto the adjacent property were the physical distance of the deer on that property.
Q. Did Mr. G[redacted] enter a plea of guilty or not guilty to the dog at large charge?
A. Not guilty.
Q. How did it come about that you started discussing the deer on the neighbor's property during this appearance?
A. The first thing they showed me, the G[redacted] property, was pictures of the deer, stating that their -- when their dogs left the house, the reason that they went to that location were a result of these deer that they -- pictures they showed me. They were not provided by the Dog Warden or



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anybody like that. They were provided by the G[redacted].

Q. Why were you looking at these pictures?

A. I was looking at the pictures because they came in to answer why their dogs were over there. And their reason for -- the dogs were over there was, the existence of deer, and they wanted to prove to me there were deer on the adjacent property -- dead deer on the adjacent property, not tagged, not processed. There were dead deer on the property. They were clearly shot.

Q. What date were the photos from?

A. Oh, I don't know. The photos were -- the photos were taken by the G[redacted] previous to -- probably the date that the dogs left their premise and went over there or thereabouts. I'm not sure of the exact date that the pictures were taken.

Q. Was this a trial?

A. No. It was an evaluation of their violation charge of being on adjacent property. And they were explaining why their dogs were on adjacent property.

Q. Why did you permit them to explain facts related to the case as they saw it without the other party present?

A. The other party was invited there. He didn't have to be there.

Q. I don't know what that means. Please explain it.

A. The Dog Warden said, "You can be there, but you don't have to be there."

Q. Was this a trial?

A. Just like doing a traffic tickets, an -- it's evaluation of the situation.

Q. Are you supposed to be evaluating facts when you're doing an



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arraignment, Judge?

A. I'm not doing -- I'm not doing an arraignment. I'm doing the -- in an efficient manner, handling the case appropriately.

Q. What's your --

A. In other words --

Q. -- statutory --

A. -- in other words, the --

Q. -- basis for --

A. -- the reason --

Q. Stop. What's your statutory basis for considering evidence outside of the other party and the Prosecution? What permits you to do that? Do you see anything wrong with that?

A. The only thing I see is -- I have two people come -- I have papers in front of me that people -- these people are charged with dogs at large. I come in and explain, "You've been charged with dogs at large." The next step, they lay pictures in front of me, saying, "This is why our dogs were at large." That's what they did.

Q. This file provided by the court, as per Exhibit 4, references tickets issued to B[redacted] G[redacted] in November 21, 2023, for dogs at large, and ticket issued on December 20, 2023. So there were two sets of tickets issued to B[redacted] G[redacted] in connection with loose pit bulls, right?

A. I believe so.

Q. All right. So which case were you discussing when he showed you these pictures?

A. Well, I have to have both cases in front of me to determine that.



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Q. Well, this is your file.

A. Well, thank you. I'm discussing the case when the carcasses were there, whatever that case is.

Q. Are there pictures --

A. But that's the case -- that's the clear cases that I'm discussing.

Q. Okay. Are there pictures of the carcasses in your Court's file?

A. No. They were provided -- they were kept, because they didn't know if they wanted to turn them into the DEC. I said, "Well, that's not anything we would suggest. That's your option as a neighbor," because the deer were clearly shot deer, untagged deer, unattended deer.

Q. What does your note mean here in the Court's file, "Harvested deer, question mark"?

A. Just exactly that, that if you harvest a deer, you do not abandon the deer. You should have -- if there's deer there that have been harvested, somebody needs to be with them. As a lifelong deer hunter, you don't abandon the deer. It's your responsibility to tag the deer appropriately, process the deer appropriately, and move the deer appropriately. Those deer are laying on Mr. T[redacted]s property with nobody there. The reason I say that is, that's the first thing they -- they used that as why their darn dogs were over there. That's what they -- that's what they -- "our dogs were over there because of this."

Q. And when did Mr. T[redacted] get to present his version of events?

A. He had an -- he had an -- he had an opportunity to do that at that time.

Q. How so?

A. He's invited to, and he decided to come -- not to come.



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Q. How was he invited?
A. He's invited by the Dog Warden as part of the issue that -- and he asked the Dog Warden if he needed to be there. And the Dog Warden told him he didn't need to be there.
Q. Well, was it a trial?
A. It was an evaluation --
Q. Was it a trial? I don't know what this evaluation is that you're referring to. Was it a trial?
A. Well, then you got to define exactly what a trial is to me. I have in front of me this paperwork. The paperwork, as indicated, is issued by the Dog Warden. The Dog Warden forwards the paperwork to the court. So what I have in front of me is dog at large violations by this individual with a specific appearance date. That's all the court knows until the individual comes out. So the individual had to come in, pled not guilty to the charge, and show me what -- and showed me pictures. I don't know if I should've looked at the pictures or not at that particular time. But at that time -- and they immediately said, you know, "We want to tell you what our dog -- why our dog was doing this. That's what we want to do."
Q. But you never gave the other side the opportunity to tell their version of events, correct?
A. They had an opportunity to be there just as much as the other -- as the defendant did.
Q. Was Mr. T[redacted] required to be there?
A. No, he was not required to be there.
Q. Did you issue a finding on this day?



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A. Pardon me?
Q. Did you issue a finding on this day? Did you take any action with respect to this case on January 9, 2024?
A. I believe I -- I don't know. What's the note say? Thank you. These individuals were told by the Court to keep their dogs off of the property --
Q. Um-hum.
A. -- and that there would be a necessary follow-up if needed, being following that -- or without that -- or you know, following that. Since that particular time, I don't believe there's any other correspondence since that time, which is a year ago -- more than a year ago. They were clearly told to keep their dogs on their property. That was the instruction provided by the Court.
Q. Did you dismiss the case?
A. No. I give them -- I don't think that's dismissing. That's giving them a specific instruction by virtue of what occurred.
Q. Where does your notes say that?
A. Where's what?
Q. What do your notes say?
A. Dismissed in a respective of no fines, but they were given specific instructions to keep the dogs at home. And even recommendations for fencing, they were given there. Thank you.
Q. So did you dismiss the dog at large case on January 9, 2024?
A. I give them instructions to keep their dog on their side. To dismiss the case would indicate that they weren't doing anything wrong. I didn't say they weren't doing anything wrong. The dogs were on the adjacent



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property. There's no question about that. That's why I give them instruction to keep them at home. Since that particular time, I heard nothing since that particular time.

Q. I'm going to ask you a yes-or-no question. Did you dismiss the dog at large case against B[redacted] G[redacted]?

A. No.

Q. Then why does it say --

A. Well, it says "dismissed", but it -- in reality, I gave them instructions on what to do, okay? Maybe that is not appropriate term. Dismiss means whatever they were doing was okay. That's what this must mean. That is not true. Fact is, they were told to keep the darn dogs on the property.

Q. On what authority did you order the G[redacted] to do anything if there's no charges, charges are dismissed?

A. There is a charge -- you can see a note that might say "dismissed". And that -- and exactly, you're going to show me that. That's okay. Don't show it to me.

Q. Okay. Is that your handwriting?

A. Yeah.

Q. Are those your initials?

A. No, I'm seeing it. Thank you --

Q. I'm asking --

A. -- very much.

Q. -- you. Is that your handwriting?

A. That is -- you asked if it said "dismissed". It was dismissed with the instructions to keep the dog at home.



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Q. Okay.
A. It --
Q. So --
A. -- it was -- you might say, "Well, what does dismiss mean?" Dismiss means, everything you're doing was okay. That's not true at all. Their dogs running around is inappropriate. There's no question about that.
Q. What's your statutory authority for dismissing the charge with instructions?
A. I don't know what the statutory authority is.
Q. Shouldn't you?
A. I didn't --
Q. How long have you been a Judge?
A. I didn't dismiss the -- to dismiss a case means that you specifically say that whatever you were doing is okay. I did not do that. So you're asking me -- you're asking me a question to say, "Well, if you said dismissed, that means whatever they were doing was appropriate." It was not appropriate for their dogs to be on adjacent property. That's a fact. The fact then was given that I told them to keep the darn dogs at home, even though there were dead deer laying, which were -- which is a total other issue.
Q. Were there --
A. But I determined -- excuse me. I'm sorry.
Q. No, go ahead.
A. But I determined that going on the adjacent property by the dogs was a result of the deer -- the dead deer laying -- it's like deer laying in my yard



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next to my property, not in my yard, but in my neighbor's yard over there. They're laying over there. So they let -- they opened the door, and the darn dogs run over, which they wouldn't normally do.

Q. Do you know what *ex parte* communication is?

A. Absolutely.

Q. Were you considering these photographs, purportedly of J[redacted] T[redacted]'s property, *ex parte*?

A. No. They're providing evidence of why their dogs were there.

Q. What does *ex parte* mean?

A. Ma'am, I know what it means.

Q. Did you swear B[redacted] G[redacted] in that day?

A. I believe so, yes.

Q. Did he --

A. All of them were sweared [sic] in at the beginning of court sessions, rather than restating it each time.

Q. And you recorded this proceeding?

A. I believe so, but I -- no, I told you that, that I had to check the recorder in respect that.

Q. You think that J[redacted] T[redacted] should be investigated for the deer carcasses?

A. I'm not in a position to make that recommendation. What I see -- I am in a position, because I'm a lifelong deer hunter. I know exactly how deer ought to be handled.

Q. Okay.

A. They were not handled in appropriate fashion. They were dead deer,



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laying on adjacent property, definitely shot, not cleaned out, not taken care of, not attended or -- by anybody. Any time I've ever harvest a deer -- I've harvested a few -- I was always with that animal. It's my responsibility to appropriately tag that animal and transport that animal appropriately. For a deer to be laying shot dead in the open field --

Q. How do you know that they were J[redacted] T[redacted]'s deer?

A. All I know was they were on his property.

Q. How do you know?

A. The defendants said, "That's his property over there, where my dogs went." And the dogs -- and where the dogs went is where the deer were.

Q. So that makes it a fact?

A. That's what was offered in court when they come in, said -- when they told me that the dogs had went out, because his -- their property is immediately adjacent to the T[redacted] property. I don't believe the T[redacted] property is their homestead. I don't think there was a home there. I think there was just land there. At least -- let's say this. The pictures did not show any facility there, just vacant land, which is reputedly immediately adjacent to the defendant's property. And there --

Q. Just --

A. -- is no barriers between the two, even tree lines or anything that is, you know, relatively close neighbor.

Q. Did B[redacted] G[redacted] make any further appearances in this matter?

A. Not that I know of, no.

Q. And that's because it was dismissed with instruction, correct?

A. Yes.



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Q. And just so the Commission's aware, what is your statutory -- your legal basis for dismissing the charges, just -- I'm giving you the opportunity to explain to the Commission why --

A. Right.

Q. -- it is.

A. The charges -- we're making a statement with instructions and at the same time saying it was dismissed. Well, I guess I can't be dismissed if you got instructions, because if it was dismissed, it would not have any instructions. But appropriate instructions were given about keeping the darn dogs off of the property, on your side of the fence -- not fence -- pardon me. There were no -- there were no fence there. Keep them on your side. Now, they -- who knows what the dogs would've done if there were no deer there. The generation of the visit to the adjacent property was a result of the deer being there.

Q. Do you see anything wrong with how you handled *People v B[redacted] G[redacted]* as you sit here today in connection with that dog at large case?

A. No. I clearly indicated that there is definite complaint, and they clearly indicated why the dog was on the property.

Q. With no input from the complainant, right?

A. With the complainant be fully invited to attend at the same time. Subsequently, I understand the deer were removed, but I don't know who removed them. I know the G[redacted] didn't touch them.

Q. Do you have something against J[redacted] T[redacted]?

A. I have absolutely nothing against J[redacted] T[redacted], other than he is -- I adjudicate him exactly like everybody else. Do I like him? The answer



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is, no, I don't like him. Why? He has belittled my complete family in front of the town board.

Q. When did that --

A. When I was at the town board doing a presentation of books, he comes in, and not at a gentleman's pace, at a screaming pace, tells me, "You shouldn't be the Judge, and the Skinner family just should not be involved with that. They" -- and all of the -- and I didn't say a word. I invited him back to court to further discuss the outcome of the dog case. And he did come back --

Q. All right.

A. -- but I wouldn't do that without having state police there. I'm concerned about --

Q. I'm going to stop you, because --

A. Okay.

Q. -- I'm going to get to your having him appear --

A. Okay. Thank you.

Q. -- in the court. We'll get to that.

A. All righty. Very good.

Q. Thank you. At this point, I have asked Mr. Fitzpatrick to mark as Exhibit 5 what the Commission received from Columbia Town Court as the Court's file in connection with the matter of *People v B[redacted] G[redacted]*. It's a three-page document with an undated letter from Tpr. Flynn to the Judge, an information, and a statement from J[redacted] T[redacted]. Page 1 reads as follows -- this is the letter from Tpr. Flynn -- "Your Honor, please see the enclosed, requesting a criminal summons for a trespassing against



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B[redacted]. G[redacted], [redacted]. The complainant is J[redacted]. T[redacted], [redacted]. G[redacted] entered his property on December 31, 2023, without his permission and took a picture of deer carcass on T[redacted]'s property. Please let me know if you have any questions with the matter. I can be reached on my cell at [redacted]. Respectfully, Tpr. Flynn." Is this the Court's file, Judge?

(Commission Exhibit 5 was marked for identification)

A. Thank you. Do you have that -- they asked for a criminal summons. It was denied. But they actually -- but the state police didn't want to pursue it. I know that besides, but it's officially on that document that it was denied.

Q. So what did you do with Tpr. Flynn's request for a criminal summons?

A. It says right there. It was denied, but there were subsequent discussions with the Trooper in respect to that.

Q. Is that your handwriting saying, "criminal summons -- CS denied, criminal summons denied"?

A. Yes. That's what I indicated, officially.

Q. And that's your signature?

A. Yes.

Q. Case closed?

A. Yes.

Q. All that?

A. Yes, ma'am.

Q. When did you do that?

A. I don't know. Is it dated?



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Q. Page 2 has another CS denied, John M. Skinner, JM, 1/4/24. Is that when you -- is January 4, 2024, when you denied Tpr. Flynn's request for a criminal summons?

A. It was after discussions with Tpr. Flynn.

Q. I asked you, Judge, is that when --

A. It's exactly --

Q. -- you dismissed --

A. -- what it says. So you're saying -- it did say "case denied" and the date of 1/4/24. That is correct.

Q. I'm asking you if that's the date you denied the criminal summons. I don't know from looking at it because the date is there that that's when you did it. Is that when you did it?

A. The note is above, my initials are below, and the date is indicated. So the date is indicated --

Q. How about a yes or a no? Is that the date the --

A. Exactly the way it's indicated on this document. Yes. That's the date it was --

Q. Why? Why did you deny this criminal summons?

A. It was discussions with the Trooper.

Q. What discussions?

A. Brief discussions, because he was requesting the criminal summons be issued. They were -- you know, they overlay each other, these particular charges associated with the trespassing or the dogs at large things.

Q. Was this complaint -- was this information facially sufficient under the law?



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A. I don't know.
Q. Why don't --
A. It was --
Q. -- you know?
A. -- it was -- it was sufficient -- he was trying to get a signature from me to issue a criminal summons and then really decided not to do it.
Q. Why?
A. Ask him. Ask the State Trooper. I concur with it.
Q. Judge, you're --
A. It was an -- it was an open request by the state police, pending their review of the thing, and then they decided not to. So I officially put -- even though it looks like an appearance of an official request -- denied the summons for the -- for that.
Q. On what legal basis did you deny the Trooper's request for a criminal summons?
A. If the state police aren't pursing it or want to get it signed, I'm not signing it. They aren't officially requesting it.
Q. Where does it reflect that in the Court's file?
A. Pardon me?
Q. Where does it reflect that the state police don't want this summons in the Court's file?
A. The discussions that I had with the state police. Let me just -- may I see it again? Thank you.
Q. Sure.
A. Really, we need to look at the dates specifically with the -- they overlay



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each other, this request and the dates that the G[redacted] actually came in. The timing of all of that is an issue. But I know they decided they didn't want to do it. And I concurred with it, and that's why I denied it.

Q. You think that was proper?

A. It's up to law enforcement to determine -- make the final determination whether they want to issue a criminal summons. If he'd have said, "Yes, I do," I would've signed it. Didn't say that.

Q. Where did this --

A. Thank you for showing it.

Q. -- where did this discussion take place? I'm assuming you're talking about -- you had discussions with Tpr. Flynn, correct?

A. Yeah. I believe it was at the troopers' barracks.

Q. Tell me how that came about.

A. I attend the trooper barracks about once a month, just to get an update on tickets and information, stuff like that.

Q. So when did you go to the trooper barracks on this case?

A. Well, I don't know for sure what that was. What's the date on this darn thing here? I may have been there on 1/4. That's the date that -- 1/4/24 -- the date that I denied it. I don't have an official --

Q. Well --

A. -- recollection of -- but it is very official --

Q. Let me ask you this.

A. -- that I denied this thing --

Q. Was it --

A. -- on 1/4 of 2024.



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Q. Why is it official, because you made that note?
A. That's when I -- that's when I denied it, so that I got a record in my file that I denied it, but in fact, they didn't want to pursue at the same time.
Q. Was your conversation with Tpr. Flynn face to face?
A. Yes.
Q. And it took place at the barracks?
A. Pardon me? I believe so, yes.
Q. All right. Tell me what happened during that -- what'd he tell you -- he or she?
A. He decided he didn't want to pursue it.
Q. Why?
A. And I said, you know, "I'm" -- you know why I was there? To hand him that sign. And he said, "I don't want to pursue it." And I said, "Okay."
Q. To hand what --
A. I'm not making a judgment on whether they formulate a criminal summons or not. It's premature for me to make any judgments in that respect. And he said -- I said, "I know you put it in writing." He said --
Q. You were there to hand him what? What did you say you were there to hand him?
A. Oh, I'd be there on several cases.
Q. Why? Why are you going to the state police barracks to discuss cases?
A. I don't discuss cases at all.
Q. What do you do?
A. I don't under -- do you understand that? Again, I don't discuss cases. I make sure I have the appropriate paperwork required for the court to



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process that. Now, up until recently, with the court change and the way we -- and updating the court procedures, we were getting them hand-delivered by the state police. So at this point, from 1/1/25 until now, we're on the current system. And the violations -- every week, the Court Clerk gives me a copy of each violation that is due this evening. The only thing that I do in respect to the state police on that is I request from the state police that they schedule them to appear on DA night for efficiency purposes so that we cannot require an individual -- an individual can clearly clear the case up in one visit.

Q. I'm going to stop you, Judge. Why are you going to the state police barracks to review cases?

A. I don't review cases.

Q. Then what are you doing?

A. I'm picking --

Q. What are you doing at the state police barracks?

A. I'm getting copies of -- making sure I got the correct copies. I don't discuss any cases.

Q. Okay.

A. No cases are ever discussed with the state police.

Q. All right. Thank you. Except for --

A. That is --

Q. -- except for --

A. -- that is --

Q. -- this case --

A. -- improper --



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Q. -- right here?
A. -- inappropriate, and I should never do that. But it is appropriate that I get the required paperwork to handle the case with the defendant. That is entirely appropriate. And up until now -- now, officially, I'm getting them with the current system, and they can be printed out. And I still tell the state police, "Schedule them to come in on DA night," because that is the most efficient way to handle it, given that a typical traffic ticket, they may plead not guilty to it, and the DA is standing over here, and --
Q. I have to stop you, Judge. You've gone --
A. Thank you.
Q. -- off as to why you were there. So let's just -- did there come a time when B[redacted] G[redacted] appeared in the court?
A. We discussed that. Did we, or is that another G[redacted]?
Q. Well, I'm saying, did he appear in the court on the same date as B[redacted] G[redacted], on January 9th?
A. I'd have to take a look at the records. I think it was. I think it was, yes.
Q. But he wasn't charged with anything at that point, because you had denied the summons, correct?
A. Right.
Q. Were there any appearances by either B[redacted] G[redacted] or B[redacted] G[redacted] on these cases involving T[redacted] subsequent to January 9, 2024?
A. Without looking at the record, I'm not sure.
Q. Well, the records are here.
A. Does it show that there was cases or not?
Q. Judge, you told me that you could tell exactly what happened on a case



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by looking at the case file. So I'm hoping that you can do that here.

A. These were -- 12/20 -- pardon me? Restate the question? You were asking about a specific date.

Q. I just want to know, were there any appearances after January 9, 2024, of the G[redacted] in connection with J[redacted] T[redacted]'s complaints?

A. I don't believe so. I don't think so.

Q. Okay. Thank you.

A. I believe -- I can't recall any other appearances during the course of last year --

Q. Okay.

A. -- since that particular 9 January date.

Q. Thank you.

MS. KLEIN: Ms. Dean, would it be okay if we took a ten-minute break at this point?

THE REFEREE: Yes.

MS. KLEIN: And then I -- and then, hopefully, we can wind down a little bit, I'm hoping.

THE REFEREE: Yes, absolutely.

MS. KLEIN: Okay.

THE REFEREE: Go off the record at 12:06.

(Recess from 12:07 p.m. until 12:17 p.m.)

THE REFEREE: We're back on the record at 12:17 p.m. after a short recess.

Whenever you're ready.

MS. KLEIN: Thank you.



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BY MS. KLEIN:

Q. Judge --

A. I'm sorry. I have my hat on. And I should've asked you, is that okay? I'm just so darn used to wearing the thing. Obviously, you would've said something before now.

Q. It's fine, Judge.

A. Is it -- all right. Thank you.

Q. All right. Thanks for asking. It's fine. Judge, just to clarify, when the Dog Warden writes an appearance ticket for Town of Columbia Court, who handles those cases? Like, is there a Prosecutor? Does the dog warden come in? What happens if there's a trial?

A. There's a -- they come in, and it's kind of like a traffic ticket. They come in and provide a guilty or not guilty plea. So the way it initially is, somebody's got a complaint; they call the Dog Warden. The Dog Warden goes out, issues a little, handwritten piece of paper to the individual about a dog that's at large or whatever. And then a copy of that is provided to the Court, and the Court is given the knowledge by virtue of that of the appearance date of that individual. That's the process.

Q. All right. And if the matter goes to trial, who asks the questions?

A. They've never went to trial. They either pled guilty or not guilty. And if it was a not guilty, they typically -- if it was a not guilty plea, they would've went to the District Attorney.

Q. Okay.

A. The District Attorney would review them in the same fashion as a typical



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traffic ticket or anything of that nature.

Q. Okay.

A. And I've handed -- there is a fine schedule. And I've done some fines by virtue of guilty plea here and there, I think, along the road. So that's the way that they're handled. But they're originated by the Dog Warden.

Q. Okay. Thank you.

A. And they're originated by somebody -- the Dog Warden doesn't go out running around looking for a dog running around. The Dog Warden waits for somebody to call them, and then the Dog Warden goes to that individual and say, "What's going on?" And the guy's -- "Well, my neighbor's dog is running around over and over, here and there." And that could generate, again, the paperwork that would come to the court.

Q. Okay. Thank you, Judge. Moving on to J[redacted] T[redacted]. As part of the Court's record -- response to the Commission's record request, you forwarded one audio file from March 5, 2024, wherein the complainant, J[redacted] T[redacted], appeared in the Town of Columbia Court. Before I get to the details of that appearance, when did you first come into contact with J[redacted] T[redacted] in connection with the *G*[redacted] matters, Judge?

A. It would've been at the town meeting, the beginning of 2024, that he attended. I didn't know he was going to be there. I presented independent -- he's sitting somewhere there. And I wouldn't recognize him, anyway. He's sitting in the court -- or in the town board meeting. I presented all of the records as required to the town of the financial records, which needs to be done on a annual basis. Upon completion of that, he took over. He, immediately after completion -- thank you for all



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of that. And then he -- and I'm not sure -- that is not recorded -- or how the town board minutes were read. But he spent ten minutes --

Q. Who's "he"?

A. T[redacted].

Q. Okay. Spent ten --

A. He spent ten minutes, in a very loud voice, indicating the way I handle cases inappropriately, that my family -- that you shouldn't be doing it anymore. And I'm making just very -- summaries of what was said. But then I invited him by -- and I would not get into, at a town board meeting, a discussion between the Court and him at a town board meeting. I think that's totally inappropriate. Let him talk. And the Town Supervisor let him talk. He talked more than I would've liked. I wouldn't say that, but he talked. And then at the end of that, I said, "Mr. T[redacted], I invite you back to a court session" -- and I think you've got that part of it -- "where we will give you the details of the case." And then he subsequently come back then. That's when -- he was only there, and law enforcement was there. But I took the initiative by virtue of those discussions -- not discussions -- statements he made at the town board meeting --

Q. May I --

A. -- to invite him and say, "I understand you were not there at that particular time, but I'm willing to discuss and review the outcome of the case with you."

Q. And you said this during the town board meeting to him?

A. Yeah. I invited him back.

Q. And --



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A. Then I said, "We can discuss it further." That's the end of it.
Q. What did you give him for a date and time to come back?
A. I give him a date and time, but I'm not sure. But he came back, I think.
Q. Okay.
A. I'm sure I give him a date and time at that time.
Q. Okay. And were you face to face during that conversation?
A. Yes.
Q. Okay. Was he hostile?
A. Yes. I would not -- and I would not do it without law enforcement being --
Q. Why was he angry?
A. He just angry with what the court, and I specifically, do.
Q. Was he angry because you dismissed the *G*[redacted] case?
A. No. He's angry at my family and me.
Q. Why?
A. I don't know why. I know his background, but that's neither here nor there.
Q. What's his background?
A. I think he's a multi-convicted felon. I believe so.
Q. For what?
A. Oh, I wouldn't know, because I don't convict any obvious felonies. Apparently, I had him in a case in 2011, and he had to come in and make a payment. And he was angry and said he didn't -- he had already done it.
Q. Um-hum.
A. But I don't -- we're talking 15 years ago -- 12 or 15 years ago. But



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subsequently, I think -- I don't know if you look at his -- you probably -- I don't look at his rap sheet, because his rap sheet had nothing to do with the dog case. His background is inappropriate for me to review in respect to the dog. The dog case is because they were on his property. He has that absolute right.

Q. What happened in 2011?

A. He came in to make a payment and said he'd already made it on some -- there must've been some kind of a case that he had in court. And he came in and made the payment for --

Q. And --

A. -- some type of violation. And to go back and try to figure it out, I don't know -- do you -- figure out exactly the case, what that was. I know he did come in at that time. I knew he did make a payment on some kind of an incident. I do know that.

Q. And did he file a complaint against you about that?

A. No, not then, not that I know of.

Q. All right. So you invited him to come in. Did there come a time where Mr. T[redacted] appeared in your court?

A. Pardon me?

Q. Did there come a time where Mr. T[redacted] appeared in court?

A. By virtue of my invite at the town board meeting, yes.

Q. All right. And was that on March 5, 2024, the audio recording you provided?

A. I presume -- he would not have come in for any other purpose. Yes. I'm saying that's coincidentally works with the timing of the town board



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meeting and subsequently inviting him to court. What was the date, March 5th?

Q. Yes. March 5, 2024, was the date that your court provided -- that you provided audio for of Mr. T[redacted]'s appearance.

A. Okay, okay.

Q. Does that comport with your recollection?

A. Yes, it does. That would follow up with my inviting him at the town board meeting back to court. And it's a courtesy on the Court's part to give him the details of the outcome of the T[redacted] case.

Q. How did you invite him? What did you say, specifically?

A. I said, rather than get into any discussions here are inappropriate. That's at the town board meeting. I'm inviting you back, and the Court is willing to review the outcome of the case. That's not a -- that's not a particular item that's pertinent to review at a town board meeting.

Q. And what case were we talking about?

A. I think the *G*[redacted] case.

Q. Are you aware that Mr. T[redacted] thought that you were ordering him back to the court?

A. No. I wouldn't order him back to court. I was inviting him back to court.

Q. Was he charged --

A. I was doing -- go ahead. I'm sorry.

Q. That's okay.

A. Sorry to interrupt.

Q. Was J[redacted] T[redacted] charged with anything at that time?

A. No, he was not charged. It's just an informational discussion to update



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him on the *G*[redacted] case.

Q. In the Town of Columbia Court, is there an open courtroom?

A. Yes.

Q. Are litigants --

A. But there --

Q. Go ahead.

A. Go ahead.

Q. No, I'll let you finish.

A. But there's -- it's an open courtroom, but there's a limited -- because of the space limitations. I'm not having too many people in there. If it's a busy night, the Court Clerk keeps the people in their cars. Let's say there are five -- let's say I can invite five in -- five people with traffic tickets is reasonable to handle because of the logistics within a courtroom. And then he'll go out and invite five more people in, for example.

Q. How many people can fit in the courtroom, roughly?

A. Yeah, probably 10 or 12, realistically.

Q. But you limit those appearing to about five; is that right?

A. Yeah. I mean, you got Defense Lawyers, somebody with them. To say five bodies -- I might bring in five people with tickets, and there may be eight people, because there's -- they got somebody with them.

Q. How do the people know to come in? Who alerts the people to come inside?

A. The Court Clerk.

Q. All right. So --

A. And the Court Clerk -- the first thing that occurs is they come in and they



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register with the Court Clerk. The Court Clerk writes them all down and tells them to go back, and that he will come back -- let's say it's 5:30, and all these people have come in at six o'clock; it's court time. And then he says -- then he'll contact me and say, "We have these individuals here as their traffic" -- let's call it just traffic violation -- "these are the people that out there for you to see, and this is the order that they signed in." And then I will tell him, usually, if the timing is correct, at six p.m., Bring in the first five on your list" --

Q. All right.

A. -- so that we can effectively handle this.

Q. The audio you provided to the Commission indicates that Mr. T[redacted] appeared in your court on March 5th at about 7:30 p.m. Was he, like -- was he the last case called?

A. There was no -- there was no cases that night. Yeah, there was no case. It was -- I wasn't bringing him in the middle of -- let's see. That's March 5th. So that's a DA night.

Q. Um-hum.

A. That was after all of the DA doings with other cases so that there weren't other people sitting around the courtroom, just him --

Q. And was that --

A. -- and law enforcement.

Q. -- was that deliberate, to call him --

A. Oh, yeah, it was deliberate on my part, because I was concerned about interruptions similar to what he did at the town board meeting.

Q. All right. And what transpired during that appearance?



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A. I indicated to him the discussions about that case. But during that whole case -- I have a distance from me to you to the defendant. And I'm a little higher than him. And he insisted to be at right here. He wanted to be, theoretically, in my face. I said, "No. Please stand back." Now, there's law enforcement near, because I'm concerned. Obviously, I'm concerned with him the -- predicated on what occurred at the town board meeting. That's why I'm -- that's why I was concerned. So that's why I -- and law enforcement was gracious enough to have a representative there. But normally don't have anybody there, other than if they're bringing in somebody from jail; then you've got the -- then you've got the appropriate Deputies that are bringing them in and so forth. But no -- I normally don't have law enforcement. And I'm going to make a quick statement in that respect. All the courts in New York State at DA night ought to have -- ought to law enforcement there --

Q. Okay. Thank you.

A. -- on DA night.

Q. Thank you. All right. So what did -- what transpired while he was there? You discussed the --

A. The --

Q. -- *G*[redacted] matter?

A. -- the intent of my -- of having him there was to go over exactly the outcome of the *G*[redacted] case.

Q. What did you tell him?

A. You know, I told him, in respect to the deer causing the incident, and that was the reason why that they are, and he was instructed to keep his



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animals off of your property.

Q. So you told Mr. --

A. *G*[redacted] -- or not *G*[redacted], but --

Q. You told Mr. T[redacted] --

A. -- T[redacted] that.

Q. -- you told Mr. T[redacted] at that time that you had dismissed the *G*[redacted] charge --

A. No. I told --

Q. -- charges?

A. -- Mr. T[redacted] at that time that they were to keep their animals on their side of the fence. To dismiss it would mean that it was okay where they were at. The term to say dismissed means that everything was okay, what you did. It darn right was not okay. It was not okay for them to be on that adjacent property. That's not his property. That's not the G[redacted] property, even though it was generated by virtue of the darn dead deer on the T[redacted]property.

Q. All right. I'm going to reference for the record Commission's Exhibit 1. This is a transcript, which was an enclosure in the March 17th letter to the Judge. And it's a transcript of the appearance of Mr. T[redacted] on March 5, 2024, before the Judge. I'm just going to read page 6 of this transcript, line 12. "Judge Skinner: Right. That were dismissed. That was dismissed. So again, you'll listen. You're listening, because I'm conveying to you exactly what the Court did with the charges. So both of them -- so they indicated to me they were going to put up some kind of fence in their yard, whether that's required or not, to keep their dogs off



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your land. So that's the way it was left. That was" -- and then it was -- he interrupted you. Is that an accurate statement? Is that what you said during --

A. Right.

Q. -- that appearance?

A. But to say it's dismissed and tell them they have to put a fence up, they don't really go together, because dismiss means they don't need to do anything. But they did. They need to put a fence up, and they need to keep their darn dogs off of the neighbor's property. So --

Q. Are you just making up this definition of dismissed? Where are you getting this?

A. If it says -- if it's dismissed, there was not a fine associated or anything like that with it. Theoretically, it wasn't dismissed. It was -- they were told to keep the animals on their property in consideration of appropriate protection of the animals. To say it was dismissed may be inappropriate. I agree with that. To say -- dismiss means it was all right. It wasn't all right.

Q. So what was the legal conclusion of the case?

A. Well, the legal -- say what you want what the legal conclusion is. The deal was, keep your darn dogs on your property.

Q. But there was no finding of guilt or innocence, correct?

A. No.

Q. And there was no --

A. I guess you wouldn't -- if you want to say that's saying guilty or not -- apparently, if you tell them to keep the dogs, apparently, that's an



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insinuation that there's guilt, because the darn dogs -- I'm telling them to keep it off the property that they were on.

Q. So you're finding them guilty, then?

A. I'm finding them by telling them exactly what to do. So then that -- if that's a guilty plea, that's a guilty plea. Yes. But it -- and not guilty in respect that there wasn't any fines issued or anything of that nature. So I may have said dismissed or something or other. And that may -- and I agree, that may be -- the terminology may be inappropriate. But it was quite clear to the G[redacted] exactly what they had to do. It was quite clear.

Q. And did you say to Mr. T[redacted] at that time, and according to the transcript, page 5, "I was given pictures of that event by them showing me what occurred and why the dogs were out. Admittedly, they were on adjacent property"?

A. That's correct.

Q. All right. And in that, you're referring to the G[redacted]' dogs?

A. Pardon me? The G[redacted]' dogs.

Q. But it was -- but it was -- you're excusing their being -- the dogs being on the property because you believe there was a deer there; is that right?

A. Oh, I was convinced there was a deer by with the pictures that were provided.

Q. Which was outside the presence of Mr. T[redacted] or the DA, right?

A. Right.

Q. Before you dismissed that case, did you provide notice to the District Attorney's Office?



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A. I don't think -- I don't know if I did or didn't.
Q. Are you aware there's a statutory requirement that a dismissal be made in writing and on notice to the prosecution?
A. I may not have done that. I'm telling you that right now.
Q. Do you think that a Judge should be faithful to a requirement under the statute?
A. I think that the Judge is faithful to the wellbeing and harmony within the community.
Q. What about the law?
A. We all have to adhere to the law --
Q. Were you doing that here?
A. -- whether we like them or not. We have to adhere to the law.
Q. Did you do that here?
A. We walk a fine --
Q. Did --
A. I'm sorry. Go ahead. You're talking, and I am, and that's inappropriate.
Q. Did you do that here? Did you adhere to the law in dismissing the case?
A. Officially, it probably says I'm dismissing the case, but I -- but at the same time, I told them they got to keep the darn -- they got to keep the darn dogs off the property. So I am not sure that I'm dismissing the case. Dismissing would, again, mean -- I'm repeating myself -- would, again, clearly mean that --
Q. Was --
A. -- the dogs weren't doing anything wrong.
Q. Was there a motion --



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A. That's wrong. That's --
Q. -- was --
A. -- inappropriate.
Q. -- was there a motion to dismiss before the Court on the *G*[redacted] case, if you recall?
A. No, not that I recall.
Q. All right. Did there come a time where you allowed Mr. T[redacted] to talk during that appearance?
A. Mr. T[redacted] talked most of the time.
Q. All right. How would you describe your demeanor during your interaction with Mr. T[redacted] from the bench that evening?
A. I am wearing a robe. My demeanor is that I give him a fair shake no matter how he acts, that I don't get into any personal or any kind of discussions with him. He might -- now, defendants rant and rave, occasionally. That's no excuse for a Judge to act inappropriately.
Q. Did you suggest to Mr. T[redacted] that you work in harmony with your neighbor to get along?
A. Probably did. I did with the other individuals.
Q. You think that's effective?
A. Do I think it's effective?
Q. Yeah.
A. It's clear from the Court's viewpoint of the position of the Court. Whether it's effective or not in respect to Mr. T[redacted], you can question -- by his demeanor and actions within court.
Q. Judge, I'm going to review a couple of traffic matters with you that came



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to our attention in reviewing the records sent to the Commission. Do you recall presiding over a matter of *People v T[redacted] N[redacted]*? You were asked to review the court's records and audio. We also gave you a transcript. Did you review that before today?

A. Yes. You want to go over that? I don't recall exactly what that case was, but I will quickly.

Q. All right. Well, it appears from the records that T[redacted] N[redacted] appeared in the Town of Columbia Court in December 26, 2023, with respect to a speeding ticket issued by the New York State Police. He was doing 75 in a 55-mile-an-hour zone. He drove from Rochester, and he appeared in court -- worked for a medical company, was delivering a device needed for surgery. Do you remember this gentleman?

A. Yes.

Q. All right. And he had driven to your court from Rochester. And the Court offered the defendant an opportunity to speak; is that right?

A. Yes.

Q. All right. And what did he tell you at that time?

A. To the best of my knowledge, he was delivering some kind of equipment to the hospital -- I believe it was Bassett Hospital in Cooperstown -- that was needed by a patient. And as a result -- well, part of -- he was -- during that delivery process is when the traffic ticket was issued.

Q. Okay. Did you conduct your own investigation into what he was telling you? Did you ask him questions about it?

A. I just used what he told me and what the paperwork told me.

Q. All right. And --



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A. I didn't request anything. I just say, "Do you have a plea" -- and oh, by the way, then I might hear a story or something. I hear lots of stories about traffic tickets. So --

Q. Who prosecutes the state police traffic tickets in your court?

A. Who prosecutes them?

Q. The DA, right?

A. The DA. That's right.

Q. All right. So --

A. What you will find out -- I mean, you're investigating -- the DA probably was not involved.

Q. Involved in --

A. I have had -- I have had previous discussions and procedures in respect to what typically would be offered. So in the interest of time and justice, I will make decisions, very, very few decisions -- not totally independent of the DA, because the DA and I have discussions in respect if it's this type of case, we will do -- we will do this, that kind of a thing. And in respect that, that background served as my vehicle for making judgments on these cases.

Q. Was he under oath, T[redacted] N[redacted]?

A. All the people that come in are under oath.

Q. How -- did you swear him in at that point? It's not on the record.

A. Usually, I like to swear everybody in at the beginning of the thing, rather than do it individually as they walk up to the Court.

Q. That's not recorded here. And you just told me that they wait outside. So was --



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A. Right.
Q. -- this guy sworn or not?
A. Right. I agree that the statements may or may not officially been done under oath.
Q. Okay.
A. That does not mean that they weren't accurate or correct.
Q. How do you know?
A. How do I know if they're under oath whether they're correct or not?
Q. No. How do you know if the statement that he's telling you is accurate or correct? Because he's in a suit?
A. No. It's by virtue of maybe how many thousand cases I've done. I look them -- and I make a judgment. Somebody's got to make a judgment. Is this person telling me what really happened --
Q. Okay.
A. -- or is this person giving me a story? Well, the first thing is, I've reviewed their driver's record. I'm talking generally speaking. So I understand -- which I can do previous to any traffic ticket.
Q. And do you?
A. Yeah. I look -- and I usually look at their driver's record to see what kind of a judgment to place on this individual. If they say -- if they say not guilty, it's going to the DA. I make no recommendations. They're asking me, "What should I do?" And I make a lot of recommendations that there are Lawyers available for you to appropriately review this case with.
Q. So how did you make -- tell me again -- explain to me how you made a determination that he was telling the truth. You were saying, because of



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thousands of cases, it allows you to --

A. Well --

Q. -- look at people?

A. -- that, and the firm is a firm that I'm familiar with that he worked for and stuff like that, that, you know, the delivery -- in fact, the what he was doing. It's hard for me to judge that he was delivering something special would make that kind of a statement to court to try to get out of the ticket.

Q. You didn't think --

A. And he didn't have any other tickets -- excuse me -- by the way, I don't believe.

Q. You didn't think it was likely that he was lying to you; is that what you're saying?

A. That's correct.

Q. And specifically, what gave you that impression?

A. Well, his employer, his driver's record, his physical statements in front of me.

Q. What'd you do with Mr. N[redacted]'s ticket?

A. Pardon me?

Q. What did you do with Mr. N[redacted]'s ticket?

A. They should -- when were they done? Because they -- theoretically, they've got to be shown as dismissed, I believe. If they're not, the paperwork hasn't been done for them. If they're still outstanding, I need to go over that with the Court Clerk. And we officially indicate that that particular case was dismissed.

Q. All right. Here, I'm looking at the *People v T*[redacted] *N*[redacted] transcript



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provided in Exhibit 1, page 4 of that transcript, line 20. "Judge Skinner: The Court's dismissing this ticket. We are dismissing it."

A. Okay.

Q. "We'll send you a notification to this when we get the ticket."

A. Yeah. When was the date of that, ma'am? Sorry to say ma'am, but that's my Texas thing.

Q. That would've been December 26, 2023. Did the date have some relevance in your dismissing it?

A. No, no, the date has no relevance. It's just a -- I was just wondering what Court Clerk -- I had the --

Q. Well, you do say --

A. -- ADA at that time --

Q. -- you do --

A. -- or the --

Q. You do say, "Coming the day after Christmas and taking care of it, it was nice of him to come," on -- that's page 6, line 20.

A. I believe so.

Q. So do you think it was nice of him to make an appearance the day after Christmas? You think that's a relevant consideration for dismissing a ticket?

A. Any appearance on the specific date, as indicated on the ticket, that is made on that date is relevant. It just happened to be the day after Christmas. And I might've said that. But any time they come in on the date they're due, that's a plus on their part --

Q. How about this?



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A. -- because a third of them -- or half of them don't.

Q. How about this? Page 6 of the T[redacted] N[redacted] transcript, line 2, "Going on the date, he's dressed very professionally. Clerk Buck: Yeah, clean cut. Judge Skinner: Right."

A. Right. All of that was -- all of those are factors in the appearance. Respect for the Court, in my opinion, is an important component of the court. And coming in on the appropriate time, treating the Court as a Court, and your appearance are all pluses to the Court.

Q. You're judging whether he's telling the truth by his appearance in this case?

A. I'm not making any judgment on the ticket based on his appearance. I'm just indicating that I'm glad that he came in on the time and he made this appearance.

Q. Was this done *ex parte*? The Prosecutor was not present, so I'm asking you, was this done *ex parte*?

A. Prosecutor is not present at any of the traffic tickets. He isn't there when -- the Prosecutor is not there when I arraign them, and he's not there -- I get them back with a written recommendation by the Prosecutor. Every one of them are returned to me from the Prosecutor with a not guilty plea. And there's notes within the file that say what the Prosecutor's recommendation.

Q. But the Prosecutor never got the case of T[redacted] N[redacted], correct?

A. I'm not sure whether he did or didn't. Maybe he didn't. I may have -- I may have dismissed him, but it's predicated on my familiar dealing with him on an ongoing basis for many years.



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Q. Dealing with who?
A. The Prosecutor.
Q. And which one is that?
A. The one that's been there for years and years.
Q. You don't remember his -- is it Eisencliff [sic], Eisenhut?
A. I think it's Cliff Eisenhut. Maybe it -- I'm not sure his first name, but it's Eisenhut. It's definitely Eisenhut.
Q. Did you ever speak to the Trooper on this case?
A. Pardon me?
Q. Did you ever speak to the Trooper on the *N*[redacted] matter?
A. No.
Q. Do you have a legal basis aside from how he represented himself in court? What is your legal basis for dismissing the ticket? Do you understand that you can't do this, Judge? Do you understand that?
A. The outcome -- if they plead guilty, I adjudicate them appropriately. Am I making judgments based on a very limited basis of thousands of them, very, very, very limited basis that I've dismissed them? Yes, I have. You will find them there. I'll grant you that you will find them there. If that's a judgment you want to make, maybe you ought to look at all the cases that I do, because I do a lot of cases. But anyway --
Q. What's your legal --
A. -- on a very limited -- most -- I mean, 99.9 percent are reviewed by the DA. Probably, in traffic, I get 30 or 40 percent pleas by mail. And generally speaking, they're not guilty pleas. So they go immediately to the -- the DA, when he comes in, he's given that file with the official



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written plea by the traffic violator.

Q. Judge, New York Criminal Procedure Law, section 170.45 and 210.45 require dismissals on such things to be on notice to the Prosecution. You dismiss --

A. Okay.

Q. Okay? So now --

A. All righty.

Q. -- all right -- hold on. You dismissed this case for T[redacted] N[redacted] on December 26, 2023, and did not notify the Prosecution.

A. At that --

Q. You --

A. -- time, you're right.

Q. Okay.

A. You're absolutely right.

Q. Listen.

A. I agree.

Q. Are you in violation of the statute?

A. Apparently, I am, yes.

Q. Is this news to you?

A. It's a violation of the statute.

Q. Yeah, the law, you know, what you're presiding over.

A. Right. We're talking about one out of a thousand or something. But that's the most important ones, apparently. I agree.

Q. Most important what?

A. I agree that I dismissed them independent of the Prosecutor noting about



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that specific case. Is it done independent of ongoing reviews with the Prosecutor as to what their process and procedures are? No. I communicate a lot with the Prosecutor. Is it done from an efficiency standpoint to limit the amount appearances and the requirement? Yes. Is it inappropriate? You can easily make that judgment, yes.

Q. It's in violation of the law, Judge.

A. Okay. Thank you.

Q. Do you understand?

A. All right. Thank you.

Q. Do you understand, though? All right. I'll move on.

A. What the -- I mean, does the law say that a Judge has no ability to dismiss? I'm not sure you're indicating a violation of the law. I agree with this fully. Theoretically, every case that I get a not guilty plea, every case, should go to the District Attorney for a review and a recommendation come back. Now, if that's done, suppose the Judge don't agree with the DA's approach. What's the outcome?

Q. You tell me, Judge. It's your court.

A. I'm the Judge. I have the final say. But --

Q. All right.

A. -- that just doesn't happen. That just doesn't happen. I mean, in respect to cases, they're handled almost entirely as recommended. Nowadays, a typical traffic ticket is a 1214 or an open door. That's the typical process that the District Attorney will recommend. I will review that case. I will make sure that the defendant is fully aware of what has been offered to that individual by the District Attorney.



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Q. All right. I'm going to --

A. I want to make them aware of that, that --

Q. I'm going to move on, Judge.

A. Go ahead. Go for it.

Q. On January 30, 2024, you presided over the matter of *People v B[redacted] M[redacted]*. That's M, as in Mary, [redacted]. We've given you the transcript for this. Defendant was charged with moving from lane unsafely. And you presided over the matter. He told you about injuries sustained in crashing his vehicle in an accident that yielded the ticket. Do you remember that case?

A. I think so. What was the outcome of it?

Q. Well, the outcome of the case is after you discussed his 12-day stay in the hospital over Christmas and not being able to speak with the Trooper, you *sua sponte* dismissed the moving from lane unsafely.

A. Okay.

Q. Do you see any issue with that?

A. The issue is just exactly what you said. Theoretically, I guess it's got to go to the DA if it's -- what happens if nothing occurs on the ticket -- that is, if they don't plead guilty or not guilty? What can the Court do then?

Q. Let me ask you this, Judge. Why did you dismiss his ticket?

A. Which --

Q. Mr. M[redacted]. Do you remember the case?

A. Is that the one where there were -- yeah, that's the one where there was accidents involved --

Q. Yes.



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A. -- an accident involved?
Q. Yes. There is an accident involved. Would you like to review the transcript for a moment?
A. I'll take a quick look at. Thank you for letting me.
Q. I just want to know what you used to determine that you should dismiss that charge.
A. He was on his way to a job at the state hospital emergency on his way to work at -- or in the morning. Right. I did.
Q. All right. How did you come up with that dismissal? What did you -- what did you consider?
A. Based on his existing driver's records and what his actions were at that time, at that time of night.
Q. Okay. Did you take into consideration his injuries?
A. That is his consideration (unintelligible) got through -- all of the discussion was part of the dismissal.
Q. Do you see any danger, Judge, in asking defendants questions when -- did this guy have an Attorney present?
A. No, he didn't have an Attorney.
Q. Do you see any issue with asking defendants questions about the facts of their case without the Prosecution present and without an Attorney present? Do you see any problem with that?
A. There probably is, and you will find these cases. But I'd suggest you look at another thousand or so and see -- that are handled. There are a limited a few I have done that with, and those are the ones that you are looking at, that I personally, as the Judge, dismissed predicated on the facts



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offered by the individual and predicated on the event.

Q. Was this guy sworn?

A. Pardon me?

Q. Was this defendant sworn?

A. They're all officially sworn, but to say if he wasn't sworn, that means he could've made a statement that was incorrect versus if he was sworn, then the statement would've been different.

Q. Well, he's not sworn on the record, right?

A. Correct. So officially, it's -- I guess, because he was not officially sworn, the statement that he made could be interpreted as other than being accurate; is that correct -- if he wasn't sworn in? Does a sworn-in mean that he's going to make a real, accurate statement versus not sworn in, making another kind of a statement? I presume, in all cases, if he's looking at me as the Judge, that he's making an accurate statement. That's what I predicate that on.

Q. What if the defendant makes an admission of guilt without --

A. If he makes an admission of guilt, I have a plea, then, a plea of -- whatever the plea is.

Q. Okay. Hypothetically speaking, if there's no District Attorney present, there's no Attorney present, but the driver who received the V & T infraction is in front of you, starts answering your questions about the incident involving the ticket -- what if they admit guilt to it?

A. Then they're guilty.

Q. And then what do you do? You take a plea?

A. Pardon me?



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Q. Then what do you do next? You take a plea?
A. Well, I think, when you say that, you're saying that they pled guilty.
Q. No. I'm saying --
A. If there's the admission of guilt, and there's a -- and a plea of guilty are two different things?
Q. What if -- well, let's go on to the next case --
A. Okay.
Q. -- *People v D[redacted] K[redacted]*. Also appeared on January 30, 2024, in Town of Columbia Court in connection with a cell phone violation. She appeared with an unidentified translator, because she was Ukrainian. And you began asking her questions about the circumstances of her cell phone use.
A. Through the interpreter, I think.
Q. Correct. Ms. K[redacted] admitted that she was on the cell phone, noted that she was speaking with her Doctor.
A. Okay.
Q. Do you remember having a discussion with her about that?
A. I'm trying to -- and see what the discussion was between the interpreter and her and then back to me. I don't know if doing an interpreter is a correct procedure without having an official interpreter. That's just a question in respect to interpreter's situation. That's just a side question. If somebody comes in and says they want -- I can't talk to you, but this person knows -- can tell you -- we can talk, and he can tell me, whoever he or she is. I think, theoretically, I need a -- I need a official interpreter, I think. I need to, theoretically, dismiss that case -- or not dismiss it, but put it aside until an interpreter is there on your behalf.



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Q. So why --
A. But I --
Q. -- didn't you do that?
A. -- do believe -- I do believe we have had incidences where they brought in somebody that could clearly talk to them and talk to me.
Q. So why didn't you put it over for an interpreter in that case?
A. In the matter of efficiency, it appeared that their communication was pretty accurate between the two of them and what was conveyed to me. This individual was clearly able to interpret her language -- or his language.
Q. But he said, "I don't speak Ukrainian." He spoke Russian, right? So is that reliable?
A. Apparently, their discussions with each other were reliable, was adequate that they could communicate appropriately, whether it was Ukrainian or Russian that they were talking.
Q. In your discussion with Ms. K[redacted], you stated, according to page 2 of the transcript, "The Court understands that this occurred on the 15th of December, ten a.m. The Court understands that you were on the phone with your Doctor. Were you discussing," interrupted, "Yeah. The Doctor was attempting to call her from," and you said, "Okay. What hospital was the Doctor from?" Why is that relevant?
A. I want to confirm that he [sic] was really talking to a Doctor.
Q. Why are you eliciting facts from a defendant who doesn't have an Attorney present, when the DA is not present?
A. I just want to confirm the discussion was with a Doctor.



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Q. Do you see any issue with asking her these questions and engaging in such colloquy?

A. Asking her a question in respect to about the Doctor or where the Doctor was from or something?

Q. Yes.

A. If we -- a discussion just to clarify that she was talking to a particular Doctor. That was the intent of that discussion.

Q. The unidentified male, on page 4 of the transcript, said, "She was using the phone, so," period. "Judge Skinner: Pardon me?" "Unidentified male: She was using the phone." "Judge Skinner: Okay, okay. All right." And ultimately, Ms. K[redacted] enters a plea of guilty to cell phone use; is that right?

A. I believe so.

Q. Were you conducting your own inquiry into this matter when you're --

A. No. I'm clarifying exactly the event.

Q. Okay. But that's the facts of the stop, right?

A. If there's facts writing on a -- written on a piece of paper that I have presented in front of me, I'm going to clarify those facts.

Q. You're deciding what the facts of the case are --

A. No. I'm reading --

Q. -- without taking -- ah, ah (phonetic) -- without --

A. -- I'm reading --

Q. -- taking evidence.

A. I'm only using exactly what's written in front of me.

Q. If it's written on a traffic ticket, does that make it a fact?



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A. If it's written on an official traffic ticket, it's written by probably law enforcement. That makes it a fact. Who else would write -- what else would they write on a traffic ticket?

Q. Don't facts have to be proven in a court of law?

A. On a (unintelligible) traffic ticket as to what exactly occurred, I use what is written on the document in front of me in making that judgment, because that's what the Court has been provided to review.

Q. All right. I'm going to move on from the traffic matters, Judge.

A. Thank you.

Q. Thank you. Judge, there is another complaint that's come to the attention of our office that you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law for the months of April through September of 2024 and that your salary was stopped as a result. Is that the case?

A. I never stopped -- I never got my -- well, what occurred in April is I got a call from the state, said, "We can't accept what I've been doing for 17 years and your matter of how to handle these." And that never really got fully clarified exactly how to handle them. In respect to the monies being deposited appropriately, indicated appropriately on reports, that was done. Ultimately, that got totally reconciled by the end of 2024. 2024 was a transitional year in our court because the changing of the type of system, the not having a Court Clerk at a particular time during that. So at this point, starting on 1/1/25 until now, with the new system and a new Court Clerk, things are in a heck of a lot better order, I agree, than they were in 2024.



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Q. But did you --

A. Are you going to find issues in '24? You are definitely going to find issues in 2024. Are you going to find money issues in respect to collecting fines appropriately, putting them a bank in a timely fashion, ultimately reporting them to state? You're not going to find any problem with that. That was done. And in respect to that, too, from 1/1/2024 to the end of October 2024, that were the ten active months. In November and December, there were no activity. And I was in constant contact with the Comptroller's Office about the situation with no Court Clerk. In any case, in retrospect to previous years, the November and December time frames in the operation of the court are slow anyway. There isn't that many cases that we handle in that time frame. During the course of November and December 2024, I had a long case. Nothing in December, one in November that ultimately was cleared in the system in January, which would've been in December in a normal basis, whether --

Q. I'm asking you about April through September 2024, though. That's when the failure to report occurred.

A. Oh, every one of -- every one of those months was -- that's another issue. That's the issue with the state totally changing the methodology that I had in place. Said, "Why can't we do this coincidental with changing the court system," which would've been done by the end of 2024. No. And so we continued to do everything appropriately in respect to collecting the fines, document them, depositing the fines, handling the case work appropriately. In respect to that time frame, to get through the end of 2024, I agree, there were issues to do -- and besides that, we changed the



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system during that time frame. Not only did the state change the methodology in the March-April time frame; the system changed in the November time frame. In any case, the Court -- I spent an inordinate -- a lot of amount of time dealing with the state in respect to making sure all of the monies were handled appropriately and we were doing everything correctly, knowing that we were converting the darn whole system over at the end of 2024. Was it somewhat of a difficult year? It was, but the monies were always handled appropriately. Did the state get their money in appropriate fashion? I can't say that they did. I will say that they -- that the fines were appropriately handled. I'm not sure. I'd have to rereview that, because now it's -- everything is kind of automatic with the new system.

Q. All right. Thank you, Judge. Judge, just before we conclude, are you familiar with the Rules Governing Judicial Conduct? You know that they're out there?

A. Yeah, somewhat, yes.

Q. Rule 100.3 sub (B) sub (1) of the Rules Governing Judicial Conduct states that you have a judicial obligation to be faithful to the law and maintain professional competence in it, right? Do you understand that?

A. Yes, and I do.

Q. All right. And that means -- the law means statutes as well, right, Judge?

A. Right. And you're going to tell me I don't, but that's okay. I understand. And I admit that, during that transitional period -- and I'm going to bring up another situation --

Q. But wait --



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A. -- in 2024.

Q. -- before you do that, Judge. Rules Governing Judicial Conduct section 100.3 sub (B) sub (6), you have to accord every person who has a legal interest in a proceeding the right to be heard according to law. And you -- it's either that person or that person's Lawyer must be heard. And a Judge shall not initiate, permit, or consider *ex parte* communications or consider other communications made to the Judge outside the presence of the parties or their Lawyers concerning proceeding. Do you think --

A. Right. I understand that.

Q. Did you follow that rule during the *G*[redacted] matter?

A. I believe so.

Q. Do you think that you gave the complainant an opportunity to be heard in that case before --

A. I gave --

Q. -- dismissing it?

A. -- I gave the complainant plenty of opportunity to be heard, and he was heard whether you wanted to or not at the town board meeting. Then he was given another opportunity by me, the Judge, to come in and go over the finite details of the *G*[redacted] case with him. That was independent and a result of what he did at the town board meeting.

Q. And Judge, you testified at the outset that you were going to check that -- if there were recordings of *G*[redacted] appearances in connection with these complaints --

A. Yeah.

Q. -- this complaint.



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A. I need to recheck that. I'm not sure around that time frame exactly what occurred. I will -- that's another issue, and I want to bring that up, too.

Q. So we're -- the Commission's going to ask you to go back and look for these recordings and either turn them over or advise us as to whether or not they exist, all right?

A. Okay. Yeah. That hasn't officially been done, or has it be done?

Q. Why don't you know the answer to that? I mean, we asked you for the records, and you haven't given it to us, right?

A. All right. If it's been done, we've given what we had at the time. Yes.

Q. You did supply one audio file, and that was for March 5, 2024 --

A. Okay.

Q. -- all right, in connection with the *G*[redacted] case. If there's any others out there, we'd like you to turn them over.

A. Yeah. I'm not -- I will double-check, but I don't --

Q. Okay.

A. -- I don't think so, but I'll check. Thank you.

Q. And why wasn't it recorded, then?

A. I'm not sure there was any out there to record. I'm going to verify that.

Q. Okay.

A. I don't think there was any -- you're talking about since the March date --

Q. No.

A. -- until now or previous --

Q. No. I'm talking about --

A. The whole situation?

Q. -- the dismissal.



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A. Yeah. Okay. Thank you.
Q. That should've been recorded, right?
A. I believe so, yes.
Q. Well, you believe so, or you know that you should've recorded that?
A. Well, in order for me to do -- to say, I'd have to check the recorder.
Q. No. I'm asking you, if you dismiss a case, should that be recorded in front of the litigants in such (unintelligible)?
A. Oh, yes.
Q. So that should've been recorded, correct?
A. Right. If I dismiss a case, it should be recorded; that's correct.
Q. So should you have recorded the *G*[redacted] matter?
A. I believe so, yes.
Q. Why don't you know?
A. Because I got a lot of cases.

MS. KLEIN: All right. I have nothing further.

THE REFEREE: Judge, do you wish to make any closing statement before we go off the record today?

JUDGE SKINNER: Pardon me, ma'am?

THE REFEREE: Do you wish, Judge, to make any closing statement before we go off the record today?

JUDGE SKINNER: During the course of 2024, it was more of a turbulent year than we would've known. There was a incident in town where the DEC had a major presence by virtue of an existing deer herd. And the -- it's a red deer herd. And they ended up demolishing the herd.



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But they also made a decision to kill several white-tail deer. And they did a lot of this at night in the Town of Columbia without telling anybody -- you know, telling me or anything they were going to do this.

So the outcome was this. I get calls all over the place from the residents and say, "What's going on? Judge, I got lights here," or something or other. And you know, they're asking the Court what's happening as a result of activities of this nature, which are kind of odd and unique. And it resulted in a concern for their individual safety, as well as me. Now, they -- the DEC never contact me and says, "You know, maybe the court -- maybe the town officials ought to know what we're doing if we're going to come in here and do this." They never did that. They just did -- but the outcome was that the Judge got many, many calls as a result of that.

So I'm handling this to try to keep up the harmony and wellbeing of the residents in town. That's a definition of what a Judge is. That's part of a Judge -- the residents of a town assume that, you know -- let's call the Judge and -- why is this happening, or something or other. And do we get officially notified? The incident could require and result in a notification, or it may not result in a notification. So we try to keep that peace and harmony within the court.



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And one other thing. The most important thing here is a number. The number is 591. That is the number of votes I got in November of 2024, running for the town justice. The opponent got, like, 30 or 40 votes. It's an indication, to me, in respect of the -- of what the Court has done in representing the town people themselves. It's a reflection of what has occurred in that town.

And that -- and I take a lot of pride in the fact that my name's on the ballot. The ballot's real simple. The ballot's a long line in November. On the left is one individual that's running for a big office. And far on the right, same line, is another individual, and that's me. And the guy on the left got 597 votes, and the guy on the right got 591 votes, albeit running for different positions. So the people had to go all the way across the ballot and fill in specifically that circle to vote for the justice, as they did with all the other individuals in between. They did. So I take a lot of pride in, that people took the time, even though I really didn't have that much competition, to go way over on the ballot and -- because they know I will talk to them if there is an issue in town in respect to operating the --

And the stuff you brought up, you're absolutely right in some of the ways I've handled those cases. I agree. I agree fully. Is the outcome inappropriate? I don't think so. But I agree. But if you look at 100 percent of the cases,



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you're going to find that 99.9 percent of them are handled appropriate. In respect to the *T*[redacted] case, that's a unique individual situation that generated this to start with. And I appreciate that. And I respect his position, even though I don't like it. I mean, I don't need to like him. I need to respect and honor his position as the Judge. And I do -- and I do that, entirely. I do that.

THE REFEREE: Does that complete your closing statement, sir?

JUDGE SKINNER: Thank you, thank you.

THE REFEREE: Do you have any further questions, Counsel?

MS. KLEIN: I don't. I just wanted to note that the Judge will be receiving a transcript of this proceeding and that he will have seven days from receipt of that transcript to provide any follow-up information that you'd like the --

JUDGE SKINNER: Sure.

MS. KLEIN: -- Commission to know or any response. But we'd also ask that you follow up and advise us at that time as to whether you've located any additional recordings for --

JUDGE SKINNER: Yeah. I can -- I will do that.

MS. KLEIN: -- the *G*[redacted] matter.



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JUDGE SKINNER: Yeah. And I admit -- it was a turbulent time in the year 2024 --

MS. KLEIN: I understand.

JUDGE SKINNER: -- from a lot of perspectives. And I think that -- I think the outcome and the activity of a lot of people, that it's entirely, amazingly positive with a new Court Clerk that's doing a heck of a nice job in respect to making sure the Court Judge is informed of exactly the cases and the situation, the collection of the -- that individual, I've trained that individual on the collection of the fines.

And you will find -- and the Town Supervisor was on me about, "You got 48 hours." Let me tell you what he meant. He meant, you got 48 hours from the time that you collect on Tuesday night to the time you got to deposit it. And I said, "That's not correct." And this is really -- 90 percent -- if you look at 17 years of deposits, probably 75 percent of them are done after court, let's say at nine o'clock on Tuesday night. I take them to town, and I physically deposit them in the night deposit. I get credit for them next day. But I physically deposit it within an hour. To me, that's not an issue.

I do not have any money in court. I will not have money in court. I will handle it promptly, and it will be deposited appropriately. The state will be notified



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appropriately. Now, there's some misgiving because of the changes occurred in '24; I agree that fully. But at this point -- and the final numbers -- and they closed out the books for 2024, and they were exactly the numbers that we have submitted.

Now they're doing an audit. Besides, I -- you know, the state's doing an audit. And so the town board are going to wait until they approve the numbers. They will not make any approvals until the audit is done. So they're sitting on their hands, rather than accepting the outcome, as the State Comptroller has indicated, until a subsequent -- and the audit could be for a lot of things. I mean, they may -- they should -- if I were them, I'd address this deal, that April through December or April through September and submitting to the state -- if I was them, I'd be after me, you know, "What's the situation there?"

So all of this is transpiring in a difficult year. But when I woke up on 1/1/25, everything was absolute order. To get there from here, it took some issues with a new -- with the existing Court Clerk, a new Court Clerk, not having a Court Clerk by part of the time. A major issue was the deer herd that I was contacted many, many times about. So again, I'm saying it was a -- it was a turbulent year. Thank you.

MS. KLEIN: Thank you, Judge.



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THE REFEREE: We're all set. We're going to go off the record. That will conclude today's proceedings. It's 1:30 p.m. Thank you.

(Proceedings concluded at 1:30 p.m.)



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COMMISSION EXHIBITS


| | Description | Ident. |
|---|---|---|
| 1 | Letter from Cathleen Cenci to Judge Skinner dated March 17, 2025, with attachments (53 pages) | 5 |
| 2 | Determination and agreed statement of facts in *Matter of John M. Skinner* (20 pages) | 13 |
| 3 | Requests for court records and audio recordings for *People v R[redacted] G[redacted]* and *People v B[redacted] G[redacted]* with responses from Judge Skinner and court clerk (5 pages) | 15 |
| 4 | Columbia Town Court records for *People v R[redacted] G[redacted]* (10 pages) | 22 |
| 5 | Columbia Town Court records for *People v B[redacted] G[redacted]* (3 pages) | 37 |




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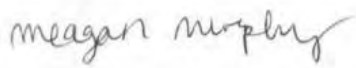
# CERTIFICATION

I, Meagan Murphy, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: April 23, 2025



Meagan Murphy



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COMMISSION ON JUDICIAL CONDUCT

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SHRUTI JOSHI
STAFF ATTORNEY

**CONFIDENTIAL**

March 17, 2025

Hon. John M. Skinner
Justice of the Columbia Town Court
147 Columbia Center Road
Ilion, NY 13357

Re: File Nos. 2024/A-0087 and 2024/A-0548

Dear Judge Skinner:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating two complaints alleging that: (1) you dismissed dog-at-large and trespass charges against two defendants based on misleading, *ex parte* information, and then directed the complainant to appear in court without jurisdiction to do so; and (2) you failed to file reports or remit funds to the Office of the State Comptroller in the time required by law for the months of April through September 2024, and your salary was stopped as a result. Enclosed are copies of the complaints.

In connection with these investigations, the Commission requires that you appear to give testimony on **April 10, 2025, at 11:00 AM**, at the Commission's office in Albany at Corning Tower, Suite 2301, Empire State Plaza, Albany, New York. Directions are enclosed.

Also enclosed are transcripts for proceedings held in your court on December 26, 2023, January 30, 2024, and March 5, 2024. Prior to your appearance, please review these transcripts as well as the court's files for the matters of *People v B[redacted] G[redacted]*, *People v B[redacted] G[redacted]*, *People v T[redacted] N[redacted]*, *People v B[redacted] M[redacted]*, and *People v D[redacted] K[redacted]*, about which you will be asked to testify. For your reference, the Rules

Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.[1]

Your appearance is required in accordance with Section 44, subdivision 3, of the Judiciary Law. This is not a hearing as provided by Section 44, subdivision 4, of the Judiciary Law. Your testimony will be sworn and recorded, and a copy of the transcription thereof will be provided to you at no cost. You have the right to be represented by counsel and to present material relevant to the complaints.

At your appearance, you may make opening and/or closing statements. After being questioned by Commission counsel, you may be questioned by your own lawyer, subject to further questioning by Commission counsel.

**Please provide confirmation of your scheduled appearance by April 3, 2025, either by letter or phone call at 518-453-4600.** Please feel free to have your attorney call me or Senior Attorney Kathleen Klein with any questions.

Thank you for your prompt attention to this matter.

Very truly yours,

Cathleen S. Cenci
Deputy Administrator

**Enclosures**

**Certified Mail** # 9402 8091 0515 6121 8513 18
**Return Receipt Requested**

[1] http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm

(1)

DEAR SIRS, 2/24/24

ON 10/18/23 I HAD AN ISSUE WITH A NEIGHBORS PITBULL TRESSPASSING ON MY PROPERTY AND TRYING TO BITE ME. MY NEIGHBOR HAS 3 PITBULLS HE LETS THEM RUN FREELY, AND THEY HAVE ATTACKED MY OTHER NEIGHBORS DOG AS WELL. I REPORTED IT TO THE STATE POLICE, AND THEN TO THE ANIMAL CONTROL OFFICER. WHEN IT WENT TO THE JUDGE, HE REFUSED TO DO ANYTHING. HE HAS A PREDISPOSED OPINION OF ME AND IS BIAS.

IN BEGINING OF DECEMBER I HAD ANOTHER ISSUE WITH THE PITBULLS. AGAIN I REPRTED TO THE STATE POLICE, AND ANIMAL CONTROL OFFICER. WHEN I SPOKE WITH ANIMAL CONTROL OFFICER I ASKED IF I NEEDED TO APPEAR I WAS TOLD NO. THAT IF THEY NEEDED ME I WOULD BE NOTIFIED.

(2)

I NEVER RECIEVED ANY NOTIFICATION TO NEEDING TO APPEAR. I I WENT IN FRONT OF THE JUDGE, AND AGAIN HE DID NOTHING. WHEN I QUESTIONED HIM AT THE TOWN OF COLUMBIA MEETING ON 2/8/24 HIS REPLY WAS I DID NOT APPEAR. HOW CAN I APPEAR FOR SOMETHING I WAS NOT NOTIFIED TO. AGAIN HE WAS PLAYING GAMES, AND BEING BIAS AGAINST ME.

ON 12/31/23 AROUND TEN P.M. "NEW YEARS EVE" I HAD AN ISSUE WITH THE SAME NEIGHBORS COUSIN WHO RESIDES AT THAT PROPERTY TRESSPASSING ON MY PROPERTY. I WOULD LIKE TO STATE THAT MY PROPERTY IS CLEARLY POSTED. THIS INDIVIDUAL WAS HIGHLY INTOXICATED. I REPORTE TO THE STATE POLICE. THEY BROUGHT IT TO THE JUDGE, AND AGAIN HE DID NOTHING BECAUSE OF HIS BIAS AGAINST ME.

(3)

I WOULD LIKE TO ADD THAT I HAVE HEARD A LOT OF TALK OF MIS MANAGEMENT IN THE TOWN OF COLUMBIA. THE NEW TOWN SUPERVISOR TOLD ME HE WALKED INTO A COMPLETE MESS.

JUDGE JOHN SKINNER IS OF ADVANCED AGE AND I BELIEVE THAT HE IS BEGINING TO LOSE HIS FACULTIES. HE IS MIS MANAGING TOWN COURT RECORDS, PAYMENT RECIEPTS ARE NOT BEING PUT ON THE STATE SYSTEM IN THE MANNER IT IS SUPPOSED TO BE DONE. HE IS ABOSING HIS POWER ON THE BENCH AND NEEDS TO RETIRE, OR BE REMOVED. THANK YOU FOR YOUR TIME, AND YOUR CONSIDERATION.

[redacted]

2/24/24

# Complaint Form – Confidential

61 Broadway, Suite 1200 ♦ New York, NY 10006
Corning Tower, Suite 2301 ♦ Empire State Plaza ♦ Albany, New York 12223
400 Andrews Street, Suite 700 ♦ Rochester, NY 14604

A complaint to the Commission must be in writing and signed. (See, New York Judiciary Law Section 44.1.) A complaint does not have to be sworn or notarized. You may submit a complaint by letter or by using this complaint form. If you submit a letter, please include the information requested by this form.

*Please do not submit original records.
The Commission cannot return any documents you send us with your complaint.

---

## BACKGROUND INFORMATION

Today's Date: 2/24/24

Your Name: J[redacted] T[redacted]

Address: [redacted]

1340 7

Home Phon[redacted] Business Phone: N/A

Are you represented by a lawyer? ____ Yes ___✓___ No

Lawyer's Name: _____

Address: _____

_____

Telephone: _____

## COMPLAINT INFORMATION

Judge's Name: JOHN SKINNER

Judge's Court: TOWN OF COLUMBIA County: HERKIMER

Date(s) of Incident(s): 10/18/23 12/23 12/31/23

Name of Case (if applicable): _____

Index Number of Case (if applicable): _____

## DETAILS OF COMPLAINT

In the space below, please describe the alleged misconduct. Include as much detailed information as possible, such as what happened, where and when; the names of witnesses; who said what to whom, and in what tone of voice; etc. Use additional sheets if necessary.

THIS IS THE SECOND COMPLAINT I HAVE MADE AGAINST THIS JUDGE. I HAVE ASKED HIM TO RECUSE HIMSELF FROM ANY FURTHER MATTERS WITH ME BE IT ~~CIVIL~~ Civil OR CRIMINAL AT THE TOWN OF COLUMBIA TOWN BOAD MEETING ON FEB 8TH 2024. HE REFUSED AND TOLD THE TOWN BOARD HE WAS GOING TO SCHEDULE ME TO BE IN FRONT OF THE DISTRICT ATTORNEY ON MARCH 5TH 2024 FOR WHAT I DON'T KNOW BECAUSE I HAVE COMMITED NO CRIME. PLEASE SEE ATTACHED LETTER

Complainant's Signature: [redacted] 2/24/24

RECEIVED

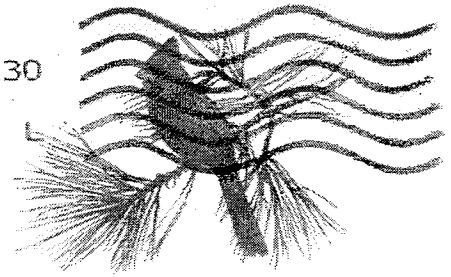
FEB 2 9 2024

NYS COMMISSION ON
JUDICIAL CONDUCT - NYC LEGAL

[redacted]

SYRACUSE NY 130

27 FEB 2024 PM 1 L



FOREVER / USA

STATE OF NEW YORK
61 BROADWAY SUITE 1200
NEW YORK, NEW YORK 10006

10006-270199

# SCJC ALB Received - 12/17/2024

**From:** Coraline Falco
**To:** [redacted]
**Cc:** [redacted]
**Date:** Tuesday, December 17, 2024 1:01:12 PM
**Attachments:** D1E175DF5CD64BC39F0BF4ACEAB15621.png

You don't often get email from cfalco@osc.ny.gov. Learn why this is important

Regarding Justice: Skinner
Justice ID: 2131890361

Dear Town of Columbia CFO:

This is official notification that the above referenced Justice has not properly reported to the Office of the State Comptroller (OSC) for the following month(s):

April 2024 May 2024 June 2024 July 2024 August 2024 September 2024

Pursuant to Section 27 of the Town Law and Section 4-410 of the Village Law, every town and village justice must file a report monthly with the OSC. The report is due by the tenth of the month following the report month (e.g., the April report is due by the tenth of May). A report must be sent even if it is to indicate that no activity occurred in that month. In the event that a justice fails to provide an accounting for any money received by such justice, the chief fiscal officer will be notified.

Upon receipt of such notice from OSC, it shall be unlawful for the town or village to make any further payment of compensation to such justice until receipt of a notice from OSC that a proper accounting has been made.

No further compensation should be made to this Justice until further notice from this office.
**Please reply to [redacted]@osc.ny.gov to note that action has been taken.**

Sincerely,

Coraline Falco
Justice Court Fund Manager
Email: [redacted]@osc.ny.gov
Phone: [redacted]

Coraline Falco

Manager, Justice Court Fund

New York State Office of the State Comptroller

Division of Local Government and School Accountability

110 State Street, 12th Floor

Albany, NY 12236

[redacted]@osc.ny.gov | [redacted]

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Transcript of Proceedings in *People v T* [redacted] *N* [redacted] held
December 26, 2023 (6:06:15 PM to 6:15:17 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*December 26, 2023 (6:06:15 PM to 6:15:17 PM)*

Judge Skinner: Mr. N[redacted] [sic], you may approach. Have I pronounced your name incorrectly?

Mr. N[redacted]: N[redacted].

Judge Skinner: N[redacted]?--

Mr. N[redacted]: Yes. Like the time of day. Thank you sir.

Judge Skinner: Thank you. You're charged with speeding in a 55 mile an hour zone, that's doing 75 in a 55. Here are your choices: If you plead guilty to the charge, the court will adjudicate it based on the guilty plea, and that can result in a fine up to $300 and a $93 surcharge, and four points on your license. If you're not guilty--if you plead not guilty to the charge, I can defer that till next Tuesday, when you can speak to the DA regarding the charge. Not that it's going to get reduced, but you would have that opportunity if there was a not guilty plea. So do you have a plea at this time?

Mr. N[redacted]: Uh, not guilty sir.

Judge Skinner: You're a ways away, Ontario's gotta be up by the lake somewhere.

Mr. N[redacted]: Yes sir, over by Rochester. I have to be in Binghamton tomorrow morning, so I figured I would- it worked out perfectly to stop here. And

not--

Judge Skinner: The court's in a position, seeing that you would need to take another trip-- make an alternative route. But between preliminary discussions with the district attorney, and if it's a speeding case kind of a thing, we virtually agreed that a reduction--what is your driver's record like, otherwise?

Mr. N[redacted]: My driver's record is clean, sir. I have no points on my record. May I speak to the day that this happened?

Judge Skinner: If you want to, the day that is indicated here is 11/21/23.

Mr. N[redacted]: Correct.

Judge Skinner: At 11:30 in the morning.

Mr. N[redacted]: Yes sir.

Judge Skinner: What do you want to say about that?

Mr. N[redacted]: So I work for a medical device company. We provide aortic grafts for ruptures and trauma in surgeries, and also provide clinical support throughout the surgery. On that day I had a scheduled surgery in Cooperstown, and travelling from Rochester, I received a call halfway throughout my drive that the patient was unstable, and they needed a product that was in

| | | |
|---|---|---|
| | | my vehicle an hour sooner, and the patient was in the operating room at the time. I don't typically speed whatsoever. In this case, it was an emergency to get to the hospital in time, which is a trauma center as well. My company gives me an emergency medical delivery tag to hang in my window, which I don't believe does much good, and doesn't warrant me speeding, so I just wanted to put that on the record. |
| Judge Skinner: | | Do you have that tag? |
| Mr. N[redacted]: | | I do. It was right in front of me. And that's the company at the bottom. |
| Judge Skinner: | | You had to come from where? |
| Mr. N[redacted]: | | Rochester. Which is approximately three and a half hours- I had left with enough time, but they called that the patient was on the operating table and needed the device sooner- caused a bit of a rush to get to the trauma center sooner. |
| Judge Skinner: | | Which hospital? |
| Mr. N[redacted]: | | That is Bassett Medical Center. |
| Judge Skinner: | | Bassett Medical Center? |
| Mr. N[redacted]: | | Yeah. Cooperstown, New York. |
| Judge Skinner: | | You'd indicated your driver's record is clean? |
| Mr. N[redacted]: | | Yes sir. |
| Judge Skinner: | | When was the last time you got a ticket? |

| | | |
|---|---|---|
| Mr. N[redacted]: | Uh-- |
| Judge Skinner: | Do you think? |
| Mr. N[redacted]: | At least eight years ago. Without having any records in front of me. |
| Judge Skinner: | And tonight is your appointed date to come in-- to appear in court too? |
| Mr. N[redacted] | It is, yes sir. |
| Judge Skinner: | This [redacted], is that your address? |
| Mr. N[redacted]: | It is. |
| Judge Skinner: | How long you been doing this job? |
| Mr. N[redacted]: | I've been doing this job for eight months now. Before that I worked in surgery in Canandaigua, New York, for ten years before that. |
| Judge Skinner: | What did you do there? |
| Mr. N[redacted]: | I was an interventional technologist, so we did minimally invasive surgeries-- |
| Judge Skinner: | Uh-huh. |
| Mr. N[redacted]: | --for patients who couldn't undergo general anesthesia. |
| Judge Skinner: | The court's dismissing this ticket. We are dismissing it. |
| Mr. N[redacted]: | Thank you very much, sir. |
| Judge Skinner: | We will send you a notification to this when we get the ticket. |
| Mr. N[redacted]: | Okay. |

| | | |
|---|---|---|
| Judge Skinner: | But you're okay. |
| Mr. N[redacted]: | Okay. |
| Judge Skinner: | I don't want to see you back again, though. |
| Mr. N[redacted]: | No sir, absolutely not. Absolutely. |
| Judge Skinner: | Okay, I understand the situation, that you're into, and-- |
| Mr. N[redacted]: | Thank you. |
| Judge Skinner: | --have a good holiday. |
| Mr. N[redacted]: | I appreciate it-- |
| Judge Skinner: | Alright. |
| Mr. N[redacted]: | --Happy holidays sir, thank you. |
| Judge Skinner: | Thank you-- |
| Mr. N[redacted]: | Check out or anything? Or I'm all set-- |
| Judge Skinner: | Nope, you're all set, thank you. |
| Mr. N[redacted]: | Alright thank you. You guys have a great night. |
| Clerk Buck: | (unintelligible) |
| Mr. N[redacted]: | Thank you. |
| Clerk Buck: | Our money's right. |
| Judge Skinner: | What's that? |
| Clerk Buck: | Our money is right. |
| Judge Skinner: | Is our money right? |
| Clerk Buck: | Mm-hmm. |
| Judge Skinner: | I dismissed that guy. |
| Clerk Buck: | Why? |
| Judge Skinner: | You know, just, everything-- |

| | |
|---|---|
| Clerk Buck: | Yeah. |
| Judge Skinner: | --going on the date, he's dressed very professionally-- |
| Clerk Buck: | Yeah, clean cut-- |
| Judge Skinner: | Right-- |
| Clerk Buck: | --respectful. |
| Judge Skinner: | and (unintelligible) |
| Clerk Buck: | Conducted himself the way he needed to. |
| Judge Skinner: | And he's driven from-- |
| Clerk Buck: | Rochester-- |
| Judge Skinner: | Yeah, and you have—between Rochester and Oswego, or something-- |
| Clerk Buck: | Yeah. |
| Judge Skinner: | I know, it's-- |
| Clerk Buck: | A long way. |
| Judge Skinner: | Yeah, so it's-- |
| Clerk Buck: | To be here on his-- |
| Judge Skinner: | You know what-- |
| Clerk Buck: | --date and time, that's good. So we'll-- |
| Judge Skinner: | It was nice of him to come-- You know, coming the day after Christmas, and taking care of it. |
| Clerk Buck: | Yeah, I understand. |
| Judge Skinner: | All their issues, and I guess I believed him. He was actually doing what he said. |

# CERTIFICATION

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

Transcript of Proceedings in *People v B[redacted] M[redacted]* held
January 30, 2024 (6:24:14 PM to 6:30:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:24:14 PM to 6:30:35 PM)*

Judge Skinner: Yes sir.

B[redacted] M[redacted]: B[redacted]--

Judge Skinner: --Did you have your paperwork?

Mr. M[redacted]: No, I didn't, sir. (unintelligible)

Judge Skinner: Ok, I do--

Mr. M[redacted]: (unintelligible) I'm so messed up. Suffering from a [redacted].

Judge Skinner: How did you do that?

Mr. M[redacted]: It was out here on 28, just up the road here.

Judge Skinner: Oh, this is part of this occurrence? Is this what happened?

Mr. M[redacted]: Yes.

Judge Skinner: Because it looks like there was a personal injury accident associated with it.

Mr. M[redacted]: That's me.

Judge Skinner: That happened here? And that happened back just before Christmas-- that's a bad Christmas for you. Three days before Christmas, right?

Mr. M[redacted]: Yeah, I was in the hospital for twelve days.

Judge Skinner: Okay--

Mr. M[redacted]: Tell you what happened- I was going down 28, I work at the state hospital in Marcy, and I was on my way into work, it was four o'clock in the morning. And I come around the corner, and a

| | | |
|---|---|---|
| | | tractor trailer was backed across the road, both lanes. And, the lights- his lights were facing into the woods, not towards me so I didn't really know what was going on. And so-- |
| | Judge Skinner: | What time of day was-- oh, they'll show time of day. 4:30, 4:30 AM? |
| | Mr. M[redacted]: | Yeah, 4:30, right. Ok, so I tried to go around him to get into the parking lot where he was backing in, and I went into a ditch. It was like six feet. And when I come out of the ditch, it threw me up into the tractor trailer. And I totaled my truck[redacted]. I come from a family of law enforcement-- I worked for the sheriff's department in Massachusetts for ten years, my brother was a Chief of Probation in Worchester, Mass., for 25 years. I got a nephew who's a Chief of Police up in Montcalm, New Hampshire. I wasn't speeding, I was just on my way to work. But I didn't recognize what I saw, if that makes any sense. With the tractor trailer across the road. |
| | Judge Skinner: | So where do you-- where do you work? |
| | Mr. M[redacted]: | I work at the psychiatric hospital in Marcy. |
| | Judge Skinner: | In Marcy? |

Mr. M[redacted]: Yeah. I live in Cooperstown.

Judge Skinner: Oh, okay, that's your address on here, yes.

Mr. M[redacted]: Scary for the first time. I've been without pain now for-- since it happened, so really, (unintelligible) Supposed to go next week, take a-- [redacted]. So hopefully--

Judge Skinner: Where were you at the hospital?

Mr. M[redacted]: I was at the trauma center up here in Utica, at the new hospital, there. [redacted].

Judge Skinner: Do you think you are attributing, pretty much, your situation, to this occurrence--

Mr. M[redacted]: It's all--

Judge Skinner: --pretty much?

Mr. M[redacted]: It's all to that occurrence, yeah. It's all to it. I was working 50 hours a week. I also work at the-- - in Oneonta [redacted] I'm head of security there. I also (unintelligible) and, I'm healthy, (unintelligible).

Judge Skinner: So, did the State Police show up at the occurrence?

| | | |
|---|---|---|
| Mr. M[redacted]: | Yeah-- |
| Judge Skinner: | Were you there then? |
| Mr. M[redacted]: | I didn't have a chance to talk to him. I was put into an ambulance, on a back board with a neck brace. Right away I was complaining about my back, you know. I didn't get a chance to tell him what I saw, what I didn't see. I just-- I'm just telling you that's exactly what I saw. I didn't see the truck because the headlights were facing-- not facing me, coming down the road. |
| Judge Skinner: | How was your driver's record otherwise? |
| Mr. M[redacted]: | It's good, your Honor. I don't have any incidences. I got in an accident four years ago. That was my-- that was it. |
| Judge Skinner: | It's dismissed. |
| Mr. M[redacted]: | Thank you. |
| Judge Skinner: | Give it to the court clerk, and she'll make a-- she'll have the copies. It's dismissed Millie, so-- |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |
| Clerk Buck: | (unintelligible) give him a copy of this? |
| Judge Skinner: | Yeah, I think that would be just a good thing for him to have. |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |

| | |
|---|---|
| Clerk Buck: | You're welcome. |
| Mr. M[redacted]: | Thank you, your Honor. |
| Judge Skinner: | Thank you, have a good evening, be careful. |

# CERTIFICATION

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

Transcript of Proceedings in *People v D[redacted] K[redacted]* held
January 30, 2024 (6:31:45 PM to 6:47:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:31:45 PM to 6:47:35 PM)*

Judge Skinner: I've got two court copies and I've got four people, so, there's two--

Unid. Male: (unintelligible) translator.

Judge Skinner: --pardon me?

Unid. Male: Translator.

Judge Skinner: A translator?

Unid. Male: Yeah, I'm a translator.

Judge Skinner: Oh, okay. You're not-- so they're not for occurrences? There's only one occurrence? Okay. Are you coming in, part of this group? That you were just invited in?

Clerk Buck: Yes he is.

Unid. Male: Yeah.

Judge Skinner: Okay, have a seat.

Clerk Buck: Oh, I got (unintelligible), I'm sorry. How about we bring these chairs a little further back?

Judge Skinner: Yeah, yeah-- apologize, we got no more than four more bodies--

Clerk Buck: All the way to the wall.

Judge Skinner: --over to the wall please, thank you.

Clerk Buck: (unintelligible)

Judge Skinner: Who are you translating for? Okay. And what's the name?

Unid. Male: D[redacted].

| | | |
|---|---|---|
| 1 | Judge Skinner: | K[redacted]? |
| 2 | Unid. Male: | K[redacted]. |
| 3 | Judge Skinner: | Close. |
| 4 | Unid. Male: | Close enough, right? |
| 5 | Judge Skinner: | Okay. You may approach. You can just stand |
| 6 | | over there please. Yes ma'am, the court |
| 7 | | understands you have a translator that's gonna |
| 8 | | tell you what I'm trying to say. Is that-- okay. |
| 9 | | What language? |
| 10 | Unid. Male: | Russian. |
| 11 | Judge Skinner: | Russian. |
| 12 | Unid. Male: | I don't speak Ukrainian, so, Russian's the next |
| 13 | | closest thing. |
| 14 | Judge Skinner: | Does she do Ukrainian? |
| 15 | Unid. Male: | Yeah. |
| 16 | Judge Skinner: | The court's understanding that the charge is |
| 17 | | improper use of a mobile phone. |
| 18 | Unid. Male: | Yeah. |
| 19 | Judge Skinner: | Okay. The court understands that this occurred |
| 20 | | on the 15th of December at 10:00 AM. The court |
| 21 | | understands that you were on the phone with |
| 22 | | your doctor. Were you discussing-- |
| 23 | Unid. Male: | Yeah, the doctor was attempting to call her from- |
| 24 | | - |
| 25 | Judge Skinner: | Yeah. |

| | | |
|---|---|---|
| Unid. Male: | --the office. |
| Judge Skinner: | Okay. What hospital was the doctor from? |
| Unid. Male: | The doctor's name is Doctor (unintelligible)-- oh, it's [redacted], (unintelligible) office. |
| Judge Skinner: | Oh okay. Not a-- not at a hospital. |
| Unid. Male: | No, not at a hospital. |
| Judge Skinner: | Okay, okay. I will now provide you the implication of making a plea of guilty, if that occurred. The first implication is-- I'll give you is the number of points-- |
| Unid. Male: | Mhm. |
| Judge Skinner: | --remembering that the eleven points is the total you're can have without your license being suspended. If you get up to eleven, then your license will be suspended. |
| Unid. Male: | Mhm. |
| Judge Skinner: | This particular charge has a five point guilty plea charge to it, so, if the court received a guilty plea, five points would be part of the sentence. That's given, that's not an option. |
| Unid. Male: | Okay. |
| Judge Skinner: | That's gonna hurt her. The first offense, which I assume it is-- |
| Unid. Male: | Mhm. |
| Judge Skinner: | --have there been any other offenses of this |

| | | |
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| | | nature? |
| | Unid. Male: | No. |
| | Judge Skinner: | Okay. The fine can be a maximum-- a minimum of $50 and a maximum of $200, and a $93 surcharge. On the high side, that means 200 plus 90-- $293 total, that would be involved with a guilty plea. If the court receives a not guilty plea, then it's postponed until next week at six when the District Attorney is here, and you can talk to the District Attorney regarding the charge. |
| | Unid. Male: | She was using phone, so. |
| | Judge Skinner: | Pardon me? |
| | Unid. Male: | She was using the phone. |
| | Judge Skinner: | Okay, okay. Alright. |
| | Unid. Male: | She was attempting to connect the Bluetooth-- it was a little funky but, she was using the phone-- |
| | Judge Skinner: | And the purpose of the call again, was? |
| | Unid. Male: | The doctor's office was calling her. |
| | Judge Skinner: | Alright. And again, a not guilty plea, you can discuss this charge with the District Attorney. |
| | Unid. Male: | Right. |
| | Judge Skinner: | And from a convenience, if this address is correct-- Richfield Springs address-- |
| | Unid. Male: | Mhm. |
| | Judge Skinner: | --it's reasonably convenient because it's next |

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| | | week, at 6:00 PM-- |
| | Unid. Male: | Mhm. |
| | Judge Skinner: | --the District Attorney is here. So do I have a plea? |
| | Unid. Male: | Guilty. |
| | Judge Skinner: | Is this-- are there been any other occurrences-- I may have asked this once, I'm gonna ask it again, if I did-- of use of a mobile phone? |
| | Unid. Male: | No. |
| | Judge Skinner: | Any other occurrences in respect to traffic violations of any type? |
| | Unid. Male: | [redacted]. That's the only thing. |
| | Judge Skinner: | No other occurrences of-- |
| | Unid. Male: | (unintelligible) [redacted] |

| | | |
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| Judge Skinner: | --that occurrence. And I know it's another trip, and I'll send you around like this. But, I just want to make sure that, you know, the complete implications of a guilty plea. |
| Unid. Male: | She just doesn't want to go through the additional stress of coming back and-- |
| Judge Skinner: | That's why I try to make it clear-- if not, well, if you're sitting over here I'd say-- |
| Unid. Male: | I suggest to 'em-- |
| Judge Skinner: | --you know them well. That I can appreciate that's never done it before-- |
| Unid. Male: | Yeah. I suggest to 'em-- |
| Judge Skinner: | --sitting and watching some individual up here going through this, and want to minimize, do I have to do this darn thing again? |
| Unid. Male: | Yeah. |
| Judge Skinner: | We could go through this all, one more time. |
| Unid. Male: | Right. |
| Judge Skinner: | So-- but I can appreciate you wanting to get it cleared up, so-- |
| Unid. Male: | Yeah, basically she wants to get it cleared up, but, you know, I suggested come next week, but, she just doesn't want to have-- |
| Judge Skinner: | I know you did. I'm half Ukrainian, so I understand some stuff. |

| | | |
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| 1 | Unid. Male: | Half Ukrainian? |
| 2 | Judge Skinner: | Yes. |
| 3 | Unid. Male: | Okay. |
| 4 | Judge Skinner: | Tolopka, is the Ukrainian name. |
| 5 | Unid. Male: | Okay. |
| 6 | Judge Skinner: | T-o-l-o-p-k-a. Tolopka. So alright-- we're going |
| 7 | | to proceed with a guilty plea? Or were you-- |
| 8 | | have you decided that-- Yes? |
| 9 | Unid. Male: | Yes. |
| 10 | Judge Skinner: | Okay. So, what will occur is there will be-- the |
| 11 | | fine can be, first offense- $50 to $200 and a $93 |
| 12 | | surcharge. So the surcharge is given at 93 and |
| 13 | | the fine is 57. So the total is $150. You able to |
| 14 | | make that payment this evening? |
| 15 | Unid. Male: | Can she come back tomorrow to pay that or no? |
| 16 | Judge Skinner: | She can send it in the mail in the form of a bank |
| 17 | | check or money order or something if she wants |
| 18 | | to do that. You can just send it in the mail, that'd |
| 19 | | be just fine. And the court clerk will give you the |
| 20 | | address to send it to up here, and it's made out to |
| 21 | | the Town of Columbia, and she'll follow up-- |
| 22 | Unid. Male: | Okay. |
| 23 | Judge Skinner: | --with that part of it. Forward this to the court |
| 24 | | clerk, and she will give you a payment notice. |
| 25 | Unid. Male: | Thank you. |

Judge Skinner: Alrighty. Thank you for coming in, thank you.

# CERTIFICATION

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

Transcript of Miscellaneous Proceedings held
March 5, 2024 (6:54:23 PM to 7:38:23 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*(6:54:23 PM to 6:55:34 PM)*

Judge Skinner: The other event with that-- with that gentleman, I'm not sure the outcome. I'm concerned about that guy coming in here. That-- the event that occurred in the town board meeting.

Unidentified ADA: Is there a criminal charge pending against the guy?

Judge Skinner: There is no criminal charge, the event-- the event resulted in him-- and I know he wants to come in-- that he-- have you got-- here's the paper.

Unidentified ADA: Judge it's your courtroom, so.

Judge Skinner: It's just an event that I'm not sure what may be generated by virtue of that guy being here.

Unidentified ADA: Do you want me to call law enforcement?

Judge Skinner: I did, I expected them and I'm going to call them back because I thought they were going to be here in the event, see.

Unidentified ADA: Do you want me to call for them?

Judge Skinner: Yes, please.

Unidentified ADA: I've got a number.

Judge Skinner: Call Herkimer. Just see if anybody will

be here for-- for Mr. T[redacted].

*(7:02:14 PM to 7:02:38 PM)*

Judge Skinner: I got the district-- sorry, I got the district attorney to-- to stay, and he has called law enforcement just in case. We discussed that, I thought they were going to be here, but things change, I understand, so, we'll see.

Unidentified ADA: I can hang out for a while.

Judge Skinner: Pardon me?

Unidentified ADA: I can still hang out.

Judge Skinner: Can you? Thank you, I would appreciate that.

*(7:03:54 PM to 7:04:42 PM)*

Judge Skinner: When are they coming?

Unidentified speaker: (Unintelligible).

Judge Skinner: Yeah, I don't want-- I really don't want him in here without-- and all the intent is, there is no charges, I'm providing him the courtesy of reviewing exactly what the court did (unintelligible).

Court Clerk: Thank you, have a good night.

Judge Skinner: That's what I'm reviewing.

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| | | (Unintelligible). |
| Court Clerk: | | I'm going to check (unintelligible). |
| Judge Skinner: | | Let's proceed. |
| Court Clerk: | | I'm going to call in the remaining traffic tickets? |
| Judge Skinner: | | Yes, well-- because-- |
| Court Clerk: | | There's three more, might as well get them taken care of. |
| Judge Skinner: | | (Unintelligible) He's on his way. |
| | | |
| | *(7:15:15 PM to 7:15:37 PM)* | |
| Judge Skinner: | | Is that gentleman coming or not? The-- is law enforcement coming? What's going on with that situation? |
| Unidentified ADA: | | I don't know. Are they here? I don't know. |
| Judge Skinner: | | I know that that gentleman is here to come in. |
| Unidentified ADA: | | Well, I'll make another call. |
| Judge Skinner: | | Okay, thank you. |
| | | |
| | *(7:26:20 PM to 7:38:32 PM)* | |
| Judge Skinner: | | Mr. T[redacted], you may approach, stand at the black line. |
| Mr. T[redacted]: | | Okay, I'm not here for any kind of a |

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| 1 | | matter-- |
| 2 | Judge Skinner: | No, you're here to listen, because my |
| 3 | | intent is to update you on exactly what |
| 4 | | occurred with the violations and update |
| 5 | | it based on input from the meeting at |
| 6 | | the-- the town board a couple-- three |
| 7 | | weeks ago. |
| 8 | Mr. T[redacted]: | And then-- |
| 9 | Judge Skinner: | Then-- and then I invited you back |
| 10 | | today and thank you for coming back |
| 11 | | on this day. There's no-- there's no |
| 12 | | issues other than I'm giving the |
| 13 | | courtesy of exactly what the court did |
| 14 | | in a timely fashion on the cases. Okay? |
| 15 | | So, you're here to listen to what's the |
| 16 | | court's got to say regarding the cases. |
| 17 | | You understand? |
| 18 | Mr. T[redacted]: | And then may I say my piece? |
| 19 | Judge Skinner: | Yeah. Okay. There was a charge of a-- |
| 20 | | of dogs by a B[redacted] G[redacted]. That |
| 21 | | individual came in on the appointed |
| 22 | | date, and they have two dogs-- this is |
| 23 | | what was conveyed to the court-- this is |
| 24 | | what was conveyed to the court, okay? |
| 25 | | They brought in pictures of deer that |

apparently the dogs went and ate on. Now, then, listen-- I'm telling you what he told me. That's what-- that's the intent of the discussions of what was told to me by the individuals--

Mr. T[redacted]: He lied.

Judge Skinner: --That came in as a result of this case. And they came and said that they opened the door, they let the dogs out, and the dogs went over and were eating on the deer carcass. They showed me-- they showed me pictures of the deer that were on the adjacent land-- that were--

Mr. T[redacted]: He trespassed on the land?

Judge Skinner: Listen. Okay, I told you I would give you the opportunity to talk. That was given-- I was given pictures of that event by them, showing me what occurred and why the dogs went out. Admittedly, they were on adjacent property--

Mr. T[redacted]: My land.

Judge Skinner: --and reputedly, that is your land. That's my understanding of the event.

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| | | And the reason they went out there was because-- the reason that they conveyed because they came into court, and they answered the charge, so. So anyway, that was a result of-- |
| Mr. T[redacted]: | | There should have been-- |
| Judge Skinner: | | Now, listen. |
| Mr. T[redacted]: | | There should have been two, there was two different-- there was one on October 18, way before deer were ever there, there was one in December-- |
| Judge Skinner: | | Right, that were dismissed. That was dismissed, so. Again, you'll listen. You're listening because I'm conveying to you exactly what the court did with the charges, so both of them-- so they indicated to me they were going to put up some kind of a fence in their yard whether that's required or not to keep their dogs off of your land. So that's the way it was left, that was-- |
| Mr. T[redacted]: | | There's no fence. |
| Judge Skinner: | | That was the way it was left with the court. In addition, to overlay this, there |

were two-- there were the charge of trespassing--

Mr. T[redacted]: On New Year's Eve.

Judge Skinner: That was coincidentally occurred and I had both of those charges-- I had both of their charges in front of the court and as a result of what occurred and what they did and the situation and seeing the pictures of the deer. And I requested-- I was requested by the law enforcement officer to consider a criminal contempt charge for the trespassing charge and I dismissed that coincidentally. And they said they would have their dogs off of the property, so the case was closed out as a result of that in a timely fashion. That's what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred.

Mr. T[redacted]: I never received anything to appear and

when I went to Justin who is the dog control officer I asked him, do I need to appear? Will I get anything in the mail? He said I did not need to appear. That's why I never appeared for any of the dog things.

Judge Skinner: Okay.

Mr. T[redacted]: With the criminal trespass, I believe I spoke to you outside of this door before you were privy to it because it was like the next day afterwards. It happened on New Years's Eve, it might have been two days because I think it was the second of January. So, that being said, there were no deer carcasses on my property, I can show you time-stamped pictures of the carcass, it was 12/25. I've been having issues since 10/18 and earlier with him and his dogs.

Judge Skinner: Right, at the time of the charges, that was what-- that was determined in court. That's what the court did. This outcome--

Mr. T[redacted]: You need to recuse yourself from any future anything with me. I've reported

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| | you twice to the judicial misconduct board. They are currently investigating for a second time. The first time was when you made me pay a second time a traffic charge. Do you remember, from 2011? And I came in in '22 and you said it was a scofflaw, I reported you for that, I reported you again for this for bias. You've said outside this door if you needed anything from me, I would get contacted. I never got contacted. You play your little games, bias games, you don't like me, we have a history. You recuse yourself or you're going to have a lawsuit. And that's it. |
| Judge Skinner: | No. You have the ability to address these cases through the judicial system. That is your-- |
| Mr. T[redacted]: | If you're under review you should not be in front of me at all. |
| Judge Skinner: | You can do that-- you can question them-- |
| Mr. T[redacted]: | I'm sure you're going to find out about it. |

Judge Skinner: Okay.

Mr. T[redacted]: This was the 16th of February, okay. The day after the-- when I talked to you at the town board meeting because it was the only way that I could get you to talk to me. I went and sat with Jeff for a half hour and BCI and I told him everything that happened. I've had issues with these people since this guy inherited this house from his father.

Judge Skinner: Alright.

Mr. T[redacted]: My question to you is what do I do in the future if these dogs come on my property? I have an acre of land that I can't let my kids play on, I can't put their trampoline there, I can't set up badminton because he's got pitbulls running loose, he's got a half assed little fence up. I'm not busting your balls, dude. They're over there partying all the time, he works for a construction company on the Mohawk, they have big fires. I go to mow my field and I get shit all caught up in it. I don't do anything wrong. I raise my kid, I pay

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| | | my taxes, I don't bother anybody. And I got these people-- |
| | Judge Skinner: | But, okay. I understand-- |
| | Mr. T[redacted]: | I deserve to be represented by my government fairly. |
| | Judge Skinner: | Right. And you can. If you brought that-- you can bring that in question, the outcome of these, go for it. |
| | Mr. T[redacted]: | I already have. I've already written a five-page letter and filled out a formal complaint form against you to the bureau of judicial conduct in New York City. This is the second time I've done it with you. |
| | Judge Skinner: | I'm not sure-- we're not obligated to anything in New York City but that's okay. |
| | Mr. T[redacted]: | You are. It's a state organization that oversees all the towns. You want to see the pamphlet? |
| | Judge Skinner: | No, I don't. |
| | Mr. T[redacted]: | Right here. I've dealt with them twice because of you and your bias against me because of my past. And I believe that this time it would be in both-- |

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| | everybody's best interest if ever again, be it civil or criminal, that you recuse yourself from ever interacting with me again. I think it'd be best for every party here. |
| Judge Skinner: | Here's what's going on in your neighborhood. There's ongoing situation and you're in the middle of it and I understand that. |
| Mr. T[redacted]: | I've been there 15 years. He inherited a house from someone, and they're drug addicts-- |
| Judge Skinner: | I suggest that you work in harmony with your neighbor and get along with your neighbor. |
| Mr. T[redacted]: | The next time the dogs are on the property, and I was already told by the state police, I can defend myself if they come at me and they try to bite me again. I have to take action against myself and my children. |
| Judge Skinner: | Okay. Well, this I've never done before where I've given you the courtesy of indicating what the court exactly did-- |
| Mr. T[redacted]: | (Unintelligible). |

Judge Skinner: --Exactly did with these cases. That's why you're in here.

Mr. T[redacted]: You're screwing around (unintelligible)--

Judge Skinner: That's why you're in here. I've never done that before. So, I've given you the courtesy.

Mr. T[redacted]: The DA is supposed to be here too, and Jeff told me personally that he would be here. How come he walked out when it was my time to come in again? Another side-- little side thing that you do that is crooked. And maybe I'll write them another, or I'll just call them tomorrow and let them know that I came here and everything was a farce. You-- and it's on the minutes, you said that you would schedule me. It's on the minutes from the meeting. You said you would schedule me.

Judge Skinner: You arrived at 6:35, you were last in the row. And I honor everybody--

Mr. T[redacted]: I wasn't here at 6:35, I was here about 20 after 6.

Judge Skinner: Whatever it was, you were the last one.

| | | |
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| 1 | Mr. T[redacted]: | And there were people complaining |
| 2 | | because it said on their tickets-- no I |
| 3 | | wasn't the last one here. The last one |
| 4 | | here was a girl who's gone ahead of |
| 5 | | me. |
| 6 | Judge Skinner: | Alright, thank you. |
| 7 | Mr. T[redacted]: | You've heard what I have to say, it's |
| 8 | | best to recuse yourself or you're going |
| 9 | | to have a lawsuit. |
| 10 | Judge Skinner: | We're all set, thank you for coming in. |
| 11 | Mr. T[redacted]: | Yeah. I'll tell you what too. I got about |
| 12 | | 20 years left in me, you don't. You |
| 13 | | pass, I'm going to throw a party. And |
| 14 | | when I find out where they inter you, |
| 15 | | I'm going to go piss on your grave. |
| 16 | | That's free speech, first amendment. |
| 17 | | Carry that until you pass. |
| 18 | Court Clerk: | And that's with his kids and his |
| 19 | | daughter. |
| 20 | Judge Skinner: | He's doing that with this little girl. |
| 21 | Court Clerk: | He's training that little girl. He brings |
| 22 | | her every time he does this. |
| 23 | Unidentified Police Officer: | He brings her on purpose? |
| 24 | Court Clerk: | She's with him every time. I don't |
| 25 | | know if its because he has no-- |

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| Judge Skinner: | I don't know if it's his daughter or what it is. |
| Court Clerk: | It's his daughter. It's his daughter. And she's come every time and when he behaves that way and talks that way to the judge. |
| Unidentified Police Officer: | Is that a state police case? |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Is that a state police case that he talked about? |
| Judge Skinner: | No, it was a couple of cases-- it was a trespassing-- |
| Court Clerk: | --his neighbors. |
| Judge Skinner: | Yeah, it's an issue with the neighbor that he has, for trespassing-- |
| Court Clerk: | --everything he deals with, unfortunately. |
| Judge Skinner: | And they have ongoing other major other issues, too, with the neighbors there. So, the intent of this session was-- and I still have this on the recorder-- was to inform this gentleman, which is not normally done, of exactly what occurred on the cases that were submitted to the court. And that's what |

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| | I did. Thank you. Thanks for coming. I appreciate law enforcement being here. |
| Unidentified Police Officer: | Anytime you guys need us, just get ahold of us and we'll be up here. |
| Judge Skinner: | Pardon me? |
| Unidentified Police Officer: | Anytime you guys want us up here, just get a hold of us. Someone will try to get up here. |
| Judge Skinner: | Okay. You're out of Herkimer? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | You are? |
| Unidentified Police Officer: | Yes. |
| Judge Skinner: | Yeah, if there is ever an issue, that's why I kind of tentatively lined up you folks because I knew he was going to be in here. And I really invited him back because I wanted to make clear exactly what the court did with these particular cases, even though he don't agree with them, that's what occurred as a result of this. So, that's the end of it at this point. And thank you for coming. |
| Unidentified Police Officer: | Yeah, no problem. |
| Judge Skinner: | Have a good day. |

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| Unidentified Police Officer: | You as well. |
| Court Clerk: | Have a good night. |
| Judge Skinner: | Take care. So, should I run for another term? |

# CERTIFICATION

I, SIERRA G. WHITNEY, a Program Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: July 19, 2024

Sierra G. Whitney

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

JOHN M. SKINNER,

a Justice of the Columbia Town Court,
Herkimer County.

DETERMINATION

---

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Paul B. Harding, Esq., Vice Chair
Jodie Corngold
Honorable John A. Falk
Taa Grays, Esq.
Honorable Leslie G. Leach
Honorable Angela M. Mazzarelli
Marvin Ray Raskin, Esq.
Richard A. Stoloff, Esq.
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and Eteena J. Tadjiogueu, Of Counsel) for the Commission

Honorable John M. Skinner, respondent pro se

The respondent, John M. Skinner, a Justice of the Columbia Town Court, Herkimer County, was served with a Formal Written Complaint dated February 14, 2018, containing two charges. The Formal Written Complaint alleged that respondent delayed

and mishandled a small claims action and failed to mechanically record any court proceedings for more than eight years. Respondent filed an Answer dated April 10, 2018.

On June 6, 2018, the Administrator and respondent entered into an Agreed Statement of Facts pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On June 13, 2018, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2020. Respondent is not an attorney.

As to Charge I of the Formal Written Complaint:

2. As set forth below, from May 2015 to November 2016, while presiding over *Erek Treen-Goff v Heidi Schimmelpfennig*, a small claims proceeding, respondent failed to be faithful to the law and maintain professional competence in it and failed to dispose of the matter promptly, efficiently and fairly, in that he: (A) unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearances in the

matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

3. On April 14, 2015, Erek Treen-Goff filed a notice of small claim in the Columbia Town Court against Heidi Schimmelpfennig. Mr. Treen-Goff sought $3,000 plus $15 court costs for damage caused to his vehicle, which he claimed was sustained when he swerved into a utility pole to avoid hitting Ms. Schimmelpfennig's dog that had run into the road.

4. On April 14, 2015, Janet Elliott, the Town of Columbia court clerk, processed Mr. Treen-Goff's petition and set a hearing date for 6:00 PM on May 19, 2015.

5. On May 12, 2015, Ms. Schimmelpfennig filed an "affidavit of facts" in the Columbia Town Court, demanded a jury trial and paid a jury fee in the amount of $10 and a $50 deposit. The affidavit was not notarized.

6. On May 19, 2015, respondent sent Ms. Schimmelpfennig a letter requesting a notarized written demand for a jury trial and an affidavit of facts, among other items.

7. On June 1, 2015, Ms. Schimmelpfennig re-filed a jury trial demand and "affidavit of facts." Neither the jury trial demand nor the affidavit was notarized.

8. From May 12, 2015, to August 20, 2016, respondent adjourned the hearing date at least three times, notwithstanding that neither Mr. Treen-Goff nor Ms. Schimmelpfennig ever requested an adjournment.

9. Respondent failed to hold a hearing in the case until September 27, 2016. Present in the courtroom on that date were the plaintiff, the defendant, the

plaintiff's grandfather, Fred Treen, and the defendant's friend, Bob Meyer, who was an observer and did not intend to offer any testimony.

10. During the proceeding on September 27, 2016, the parties testified about the accident, and the plaintiff or his grandfather provided a police report and documentary evidence concerning repairs to Mr. Treen-Goff's vehicle.

11. At the conclusion of the proceeding on September 27, 2016, respondent adjourned the matter to provide the plaintiff with time to obtain records from the New York State Electric and Gas Corporation (NYSEG) specifying when the accident occurred and when the utility pole was replaced.

12. On October 11, 2016, the parties again appeared before respondent. Also present in the courtroom were the plaintiff's grandfather, Mr. Treen, and the defendant's son, Evan Schimmelpfennig.

13. During the appearance, Mr. Treen provided respondent with weather reports from the date of the accident, handwritten statements from neighbors who had allegedly witnessed the defendant's dogs in the road, and a document from the utility company regarding repairs to the utility pole.

14. On October 11, 2016, respondent issued a judgment in favor of Mr. Treen-Goff, awarding him $1,000 plus $15 court costs.

15. On October 18, 2016, respondent sent Ms. Schimmelpfennig a copy of the judgment. In a cover letter accompanying the judgment, respondent wrote that Ms. Schimmelpfennig's motion for a jury trial was denied and he returned her $50 deposit and $10 filing fee.

16. On October 31, 2016, Ms. Schimmelpfennig sent a Notice of Appeal to Mr. Treen-Goff and the Columbia Town Court by certified mail, signature required. The caption in the Notice of Appeal stated that the judgment was being appealed to the "Appellate Division of the Supreme Court of the State of New York, Second Judicial Department," although the Columbia Town Court is located in the Third Judicial Department and the proper forum for appeal of a town court decision is County Court.

17. On November 9, 2016, Ms. Schimmelpfennig sent the Columbia Town Court a money order in the amount of $101.50 and a $5 cash filing fee. On November 29, 2016, respondent returned Ms. Schimmelpfennig's money order. He failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court, and he did not otherwise take any action on Ms. Schimmelpfennig's appeal.

18. During the pendency of *Treen-Goff v Schimmelpfennig,* respondent failed to mechanically record any appearances in the case.

As to Charge II of the Formal Written Complaint:

19. From January 1, 2009, when he assumed judicial office, through May 23, 2017, respondent failed to mechanically record any appearances in the Columbia Town Court as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

20. Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 provide that every town and village justice must mechanically record all

proceedings in the court. The recording requirement became effective on June 16, 2008.

21. Respondent did not begin recording proceedings until after he was asked by the Commission during its investigation of the matters herein to provide audio recordings of appearances in *Treen-Goff v Schimmelpfennig.*

Additional Factors

22. Respondent acknowledges that he improperly delayed in holding a hearing in *Treen-Goff v Schimmelpfennig*. Prior to presiding over the matter, respondent had never received a small claims jury trial demand and did not know how to process the petition. Respondent avers that in the future he will immediately contact the Judicial Resource Center for assistance if he encounters a judicial issue that he cannot independently resolve.

23. Respondent also acknowledges that he did not mechanically record proceedings in his court prior to May 23, 2017. Respondent asserts that he did not know how to operate the laptop recorder, and until the Commission's inquiry he did not seek assistance in learning how to operate the recorder. Respondent also asserts that, notwithstanding the clear mandate of Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 that all proceedings be mechanically recorded, he believed his handwritten notes of proceedings were sufficient, even though he had not researched the matter and could point to no authority supporting his interpretation. After the Commission attempted to obtain audio recordings of proceedings in *Treen-Goff v Schimmelpfennig,* respondent received training from a local computer technician, which he acknowledges he could have done years before. Since May 2017, respondent has

complied with the mechanical recording requirement and pledges to continue to comply henceforth.

24. Respondent further acknowledges that it was improper to fail to take action on the defendant's appeal. Respondent states that he was awaiting the results of the Commission's investigation before acting on the appeal, but he now appreciates that it was inappropriate and unfair to the litigants to defer his judicial responsibilities in their case for so long, pending resolution of a disciplinary complaint against him. Respondent further states that he had never previously handled an appeal, but he assures the Commission that in the future he will consult with the Judicial Resource Center in a timely manner concerning his judicial obligations with regard to appeal procedures or any other matters that, as here, may confound him.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1), 100.3(B)(7) and 100.3(C)(1) of the Rules Governing Judicial Conduct ("Rules") and 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. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

The record establishes that respondent inexcusably neglected his duties as a judge by failing to mechanically record any court proceedings for more than eight years, contrary to a statewide administrative order, and by unduly delaying a small claims matter in which he failed to hold a hearing until 17 months after a notice of claim was

filed. Respondent has acknowledged his responsibility for these ethical lapses.

Since 2008, town and village justices have been required to mechanically record all court proceedings pursuant to Administrative Order 245/08, issued pursuant to the Rules of the Chief Judge (22 NYCRR §30.1). Despite this clear mandate, which went into effect shortly before he became a judge, respondent failed to record any proceedings in his court from the time he first took office and continuing for more than eight years. Respondent's claim that he "believed that his handwritten notes of proceedings were sufficient" suggests that he had at least some awareness of the recording requirement, and while he has explained that he "did not know how to operate the laptop recorder," which the court system had provided, his failure for more than eight years to seek assistance in learning to do so is plainly inexcusable. Not until after the Commission contacted him to ask for an audio recording of a particular proceeding did he seek training from a local computer technician and begin to comply with this important mandate.

The absence of a recording in any proceeding is significant since it not only makes it more difficult to determine what transpired at the proceeding but also indicates lack of compliance with an administrative order, which is inconsistent with a judge's ethical responsibilities (Rules, §100.3[C][1]). *See, e.g., Matter of Ridsdale*, 2012 NYSCJC Annual Report 148; *Matter of Allen*, 2012 NYSCJC Annual Report 64. While the cases that have come to the Commission's attention in this regard have generally involved judges who may have forgotten to turn on the recorder in isolated instances, did not ensure that the court staff had activated it or simply did not realize the equipment was not working, respondent's decision to simply ignore this important requirement by failing

to record any proceedings whatsoever was unprecedented and grossly improper.

Respondent was also responsible for significant delay in a small claims action that was filed in his court. By not holding a hearing until 17 months after the notice of claim was filed, he deprived the parties of the opportunity to have the claim resolved in a timely manner. *See Matter of Scolton*, 2008 NYSCJC Annual Report 209 (delays in scheduling a hearing and issuing decisions in six small claims actions); *Matter of Baldwin*, 2009 NYSCJC Annual Report 74 (significant delays in three small claims matters); *Matter of Trickler*, 2016 NYSCJC Annual Report 222 (ten-month delay in scheduling a trial in a case involving alleged violations of the Environmental Conservation Law).

The ethical standards require every judge to dispose of court matters "promptly, efficiently and fairly" (Rules, §100.3[B][7]). The "informal and simplified" procedures for small claims are intended to provide litigants with an efficient and just resolution to their legal disputes (Uniform Justice Court Act ["UCJA"] §1804). This goal is thwarted when a simple matter that could have been resolved expeditiously is delayed for over a year through no fault of the parties. *See Matter of Gilpatric,* 2011 NYSCJC Annual Report 97. A small claim is not insignificant to the parties involved, and for litigants whose cases may represent their only personal involvement with the courts, an unduly delayed resolution of their dispute would likely convey the impression that the judicial system is inefficient and insensitive to their concerns.

Here, respondent's apparent uncertainty about how to process the defendant's demand for a jury trial obviously does not excuse the excessive delay. While

respondent, who had never previously handled a small claims jury trial request, appears to have recognized that the defendant's unsworn submission did not meet the statutory requisite (*see* UJCA §1806; *Village of Castleton on the Hudson v Pillsworth*, 184 Misc2d 284, 285 [Sand Lake Justice Ct Rensselaer Co 2000]) and asked her to submit a notarized filing, it is unclear why he then inexplicably delayed and repeatedly adjourned the matter for over a year, instead of seeking guidance from the City, Town and Village Courts Resource Center.

After the defendant filed a notice of appeal in the matter, respondent further neglected his judicial responsibilities by failing to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court. Respondent's claim that he was awaiting the results of the Commission's investigation before acting on the appeal is patently unacceptable since he was required to comply with the statutory directives, and his unfamiliarity with appeal procedures does not excuse his failure to seek appropriate guidance. *See Matter of Ayres*, 30 NY3d 59 (2017) (judge failed to file the court's return in a timely manner despite multiple directives to do so from County Court). Respondent's failure to diligently discharge his judicial duties in the matter was contrary to ethical standards and statutory mandates, with adverse consequences not only to the litigants, but to public confidence in the administration of justice as a whole.

In accepting the jointly recommended sanction of censure, we note that respondent has acknowledged his misconduct and has assured the Commission that he will seek guidance from the Resource Center when needed, and we trust that he will diligently discharge his judicial duties in the future. We also take this opportunity to

remind all judges of the numerous resources provided by the court system that are available to them, including the Resource Center and the Advisory Committee on Judicial Ethics, when questions about procedures or their judicial responsibilities arise.

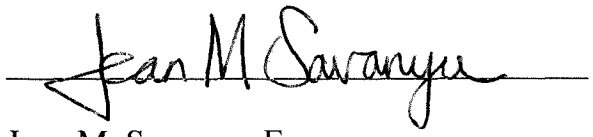
By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

Mr. Belluck, Mr. Harding, Ms. Corngold, Judge Falk, Ms. Grays, Judge Leach, Judge Mazzarelli, Mr. Raskin, Mr. Stoloff and Ms. Yeboah concur.

## CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: June 26, 2018



Jean M. Savanyu, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

**JOHN M. SKINNER,**

**AGREED**
**STATEMENT OF FACTS**

A Justice of the Columbia Town Court,
Herkimer County.

---

Subject to the approval of the Commission on Judicial Conduct ("Commission"):

**IT IS HEREBY STIPULATED AND AGREED** by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Honorable John M. Skinner ("Respondent"), who is representing himself in this matter, that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009. His current term expires on December 31, 2020. Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated February 14, 2018. He filed an Answer dated April 10, 2018.

**As to Charge I**

3. From May 2015 to November 2016, while presiding over *Erek Treen-Goff v Heidi Schimmelpfennig*, a small claims proceeding, Respondent failed to be

faithful to the law and maintain professional competence in it, and failed to dispose of the matter promptly, efficiently and fairly, in that:

A. Respondent unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgment;

B. Respondent failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and

C. Respondent failed to mechanically record any appearances in the matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

**As to the Specifications to Charge I**

4. On April 14, 2015, Erek Treen-Goff filed a notice of small claim in the Columbia Town Court against Heidi Schimmelpfennig. Mr. Treen-Goff sought $3,000 plus $15 court costs for damage caused to his vehicle, which he claimed was sustained when he swerved into a utility pole to avoid hitting Ms. Schimmelpfennig's dog that had run into the road.

5. On April 14, 2015, Janet Elliott, the Town of Columbia court clerk, processed Mr. Treen-Goff's petition and set a hearing date for 6:00 PM on May 19, 2015.

6. On May 12, 2015, Ms. Schimmelpfennig filed an "affidavit of facts" in the Columbia Town Court, demanded a jury trial and paid a jury fee in the amount of $10 and a $50 deposit. The affidavit was not notarized.

7. On May 19, 2015, Respondent sent Ms. Schimmelpfennig a letter requesting a notarized written demand for a jury trial and an affidavit of facts, among other items.

8. On June 1, 2015, Ms. Schimmelpfennig re-filed a jury trial demand and "affidavit of facts." Neither the jury trial demand nor the affidavit was notarized.

9. From May 12, 2015, to August 20, 2016, Respondent adjourned the hearing date at least three times, notwithstanding that neither Mr. Treen-Goff nor Ms. Schimmelpfennig ever requested an adjournment.

10. Respondent failed to hold a hearing in the case until September 27, 2016. Present in the courtroom on that date were the plaintiff, the defendant, the plaintiff's grandfather, Fred Treen, and the defendant's friend, Bob Meyer, who was an observer and did not intend to offer any testimony.

11. During the proceeding on September 27, 2016, the parties testified about the accident, and the plaintiff or his grandfather provided a police report and documentary evidence concerning repairs to Mr. Treen-Goff's vehicle.

12. At the conclusion of the proceeding on September 27, 2016, Respondent adjourned the matter to provide the plaintiff with time to obtain records from the New York State Electric and Gas Corporation (NYSEG) specifying when the accident occurred and when the utility pole was replaced.

13. On October 11, 2016, the parties again appeared before Respondent. Also present in the courtroom were the plaintiff's grandfather, Mr. Treen, and the defendant's son, Evan Schimmelpfennig.

14. During the appearance, Mr. Treen provided Respondent with weather reports from the date of the accident, handwritten statements from neighbors who had allegedly witnessed the defendant's dogs in the road, and a document from the utility company regarding repairs to the utility pole.

15. On October 11, 2016, Respondent issued a judgment in favor of Mr. Treen-Goff, awarding him $1,000 plus $15 court costs.

16. On October 18, 2016, Respondent sent Ms. Schimmelpfennig a copy of the judgment. In a cover letter accompanying the judgment, Respondent wrote that Ms. Schimmelpfennig's motion for a jury trial was denied and he returned her $50 deposit and $10 filing fee.

17. On October 31, 2016, Ms. Schimmelpfennig sent a Notice of Appeal to Mr. Treen-Goff and the Columbia Town Court by certified mail, signature required. The caption in the Notice of Appeal stated that the judgment was being appealed to the "Appellate Division of the Supreme Court of the State of New York, Second Judicial Department," although the Columbia Town Court is located in the Third Judicial Department, and the proper forum for appeal of a town court decision is County Court.

18. On November 9, 2016, Ms. Schimmelpfennig sent the Columbia Town Court a money order in the amount of $101.50 and a $5 cash filing fee. On November 29, 2016, Respondent returned Ms. Schimmelpfennig's money order. He failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court, and he did not otherwise take any action on Ms. Schimmelpfennig's appeal.

19. During the pendency of *Treen-Goff v Schimmelpfennig*, Respondent failed to mechanically record any appearances in the case.

20. 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 perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to dispose of all judicial matters promptly, efficiently and fairly, in violation of Section 100.3(B)(7) of the Rules, and failed to diligently discharge his administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

**As to Charge II**

21. From January 2009, when he assumed judicial office, through mid-May 2017, Respondent failed to mechanically record proceedings in the Columbia Town Court as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08.

**As to the Specifications to Charge II**

22. Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08 provide that every town and village justice must mechanically record all proceedings in the court. The recording requirement became effective on June 16, 2008.

23. From January 1, 2009, through May 23, 2017, Respondent failed to mechanically record any appearances in the Columbia Town Court. Respondent did not begin recording proceedings until after he was asked by the Commission during its investigation of the matters herein to provide audio recordings of appearances in *Treen-Goff v Schimmelpfennig.*

24. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to diligently discharge his administrative responsibilities and maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

**Additional Factors**

25. Respondent acknowledges that he improperly delayed in holding a hearing in *Treen-Goff v Schimmelpfennig*. Prior to presiding over the matter, Respondent had never received a small claims jury trial demand and did not know how to process the petition. Respondent avers that, in the future, he will immediately contact the Judicial Resource Center for assistance if he encounters a judicial issue that he cannot independently resolve.

26. Respondent also acknowledges that he did not mechanically record proceedings in his court prior to May 23, 2017. Respondent asserts that he did not know how to operate the laptop recorder, and until the Commission's inquiry he did not seek assistance in learning how to operate the recorder. Respondent also asserts that, notwithstanding the clear mandate of Section 30.1 of the Rules of the Chief Judge (22 NYCRR §30.1) and Administrative Order 245/08 that all proceedings be mechanically recorded, he believed his hand-written notes of proceedings were sufficient, even though he had not researched the matter and could point to no authority supporting his interpretation. After the Commission attempted to obtain audio recordings of proceedings in *Treen-Goff v Schimmelpfennig,* Respondent received training from a local computer technician, which he acknowledges he could have done years before. Since May 2017, Respondent has complied with the mechanical recording requirement and pledges to continue to comply henceforth.

27. Respondent further acknowledges that it was improper to fail to take action on the defendant's appeal. Respondent states that he was awaiting the results of

the Commission's investigation before acting on the appeal, but he now appreciates that it was inappropriate and unfair to the litigants to defer his judicial responsibilities in their case for so long, pending resolution of a disciplinary complaint against him. Respondent further states that he had never previously handled an appeal, but he assures the Commission that, in the future, he will consult with the Judicial Resource Center in a timely manner concerning his judicial obligations with regard to appeal procedures or any other matters that, as here, may confound him.

**IT IS FURTHER STIPULATED AND AGREED** that Respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

**IT IS FURTHER STIPULATED AND AGREED** that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

**IT IS FURTHER STIPULATED AND AGREED** that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated: MAY 15, 2018

**Honorable John M. Skinner**
Respondent TOWN JUSTICE
TOWN OF COLUMBIA
HERKIMER COUNTY

Dated: JUNE 6, 2018

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

**From:** Commission on Judicial Conduct (Albany)
**To:** John M. Skinner
**Subject:** RE: File No. 2024/A-0087
**Date:** Thursday, March 28, 2024 9:43:42 AM
**Attachments:** 2024A0087.Buck.RecReq.2024-03-15.SAN.pdf

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Dear Judge Skinner:

The Commission is in receipt of the court audio recording for March 5, 2024, and records of the two G[redacted] cases that you provided pursuant to our recent request (see attached). In addition to the March 5 audio, also requested were recordings for all appearances held in both G[redacted] cases on any other dates. Please provide the additional recordings for these cases, either by email to this address or by mail to the Commission's Albany office at Corning Tower, Suite 2301, Empire State Plaza, Albany, NY 12223. I have attached the original request for these records.

Thank you for your cooperation.

**Cathleen S. Cenci** | Deputy Administrator in Charge
New York State **Commission on Judicial Conduct**
Corning Tower, Suite 2301 Empire State Plaza
Albany, New York 12223
[redacted] | [redacted])
[redacted] | www.cjc.ny.gov

**From:** John M. Skinner <[redacted]@nycourts.gov>
**Sent:** Tuesday, March 19, 2024 6:09 PM
**To:** Commission on Judicial Conduct (Albany) <[redacted]@cjc.ny.gov>
**Subject:** File No. 2024/A-0087

Dear Ms. Cenci:

Attached please find copy of the audio recording for March 5, 2024, as requested in your letter to Millie Buck, Court Clerk dated March 15, 2024.

Copies of all paper records will follow by U.S. Postal Service.

Please advise if there is anything further you need from this Court.

Thank you.

Sincerely,

John M. Skinner, Justice

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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COMMISSION ON JUDICIAL CONDUCT

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DEPUTY ADMINISTRATOR

S. PETER PEDROTTY
PRINCIPAL ATTORNEY

KATHLEEN E. KLEIN
SENIOR ATTORNEY

SHRUTI JOSHI
STAFF ATTORNEY

**CONFIDENTIAL**

March 15, 2024

Millie A. Buck
Court Clerk
Columbia Town Court
147 Columbia Center Road
Ilion, New York 13357

Re: File No. 2024/A-0087

Dear Ms. Buck:

Pursuant to Section 42(3) of the Judiciary Law, the Commission requests a copy of all Columbia Town Court records for *People v R[redacted] G[redacted]* and *People v B[redacted] G[redacted]*. Please include copies of all paper records, printouts of any computerized records, and audio recordings of all proceedings held in each case. Additionally, the Commission requests a complete copy of audio recordings for all proceedings held in the court on March 5, 2024. Digital copies may be emailed to [redacted]@cjc.ny.gov. Alternatively, hard copies may be mailed to the above address. If there are any questions about this request, please call Senior Investigator Ryan Fitzpatrick at (518) 453-4600.

Thank you for your cooperation.

Very truly yours,

Cathleen S. Cenci
Deputy Administrator

**TOWN OF COLUMBIA**
**JUSTICE COURT**
**John M. Skinner, Justice**
**147 Columbia Center Road**
**Ilion, New York 13357**

March 19, 2024

New York State
Commission on Judicial Conduct
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

Attn: Cathleen S. Cenci, Deputy Administrator

**Re: File No. 2024/A-0087**

Dear Ms. Cenci:

Enclosed pursuant to your letter dated March 15, 2024, please find enclosed for your review copies of all tickets, Complaints, Appearance Tickets, Supporting Depositions and notes as they relate to ***People v R[redacted] G[redacted]*** and ***People v B[redacted] G[redacted]***.

The audio recording for March 5, 2024 has been forwarded to your office by email from Judge Skinner. Please contact us if that audio recording was not received.

If there is anything further you need from this Court, please do not hesitate to contact us.

Sincerely,

Millie A. Buck,
Court Clerk

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 6 pm m.

Defendant is accused of the offense of dog at large - Violation of Local Law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

NOTE: Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature — Date 12-20-23

TOLD TO KEEP DOGS OFF NEIGHBORS PROPERTY
BUILT FENCE..

EXHIBIT
4
Skinner 4/10/25

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name B[redacted] G[redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 6pm m.

Defendant is accused of the offense of Dog at Large - Violation of Local Law 2010 # 1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

J. Dr 12-20-23

Officer's Signature Date

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 4pm m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 # 1 section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/15/23 at - m at Route 28

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

[redacted] 12-22-23

Officer's Signature Date

**Justice Court Phone: 315-866-7786**

# Town of Columbia Animal Control
# APPEARANCE TICKET

Name P [redacted] G [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, 147 Columbia Center Rd. Ilion, Herkimer County, N.Y. 13357 on the 9th day of January, 2024 at 6 pm m.

Defendant is accused of the offense of dog at large - Violation of local law 2010 1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on 12/18/23 at — m at Route 51

In the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

12-20-23

Officer's Signature Date

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: J [redacted]

Address: [redacted]

Phone #: [redacted]

Dog Owner's Name (if known): B [redacted] G [redacted]

Address where dog is harbored: [redacted]

1/9/2024 → DEER CARCAS IN NEIGHBORING YARD [redacted] T [redacted] HARVESTED DEER?

- ON HOLD "-

RESCH 2/12/24 APPR.

RESCH. 3/19/24

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B [redacted] G [redacted] 2 PIT BULLS ON MY PROPERTY CAUSING A NUSANCE, I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY

[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

8dc-1309

7781

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 12/18/23

Name: [redacted]

Address: [redacted]

Phone #: [redacted]

12/26/23
APPEALED
12/19/23
DISMISSED
JT

Dog Owner's Name (if known) : B[redacted] G[redacted]

Address where dog is harbored: [redacted]

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

I CONTINUE TO HAVE PROBLEMS WITH B[redacted] G[redacted] 2 PIT BULLS ON MY PROPERTY CAUSING A NUISANCE. I HAVE HAD HIM AND THE DOGS TRESSPASSED ALREADY.

[redacted]

Signature of Complainant

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 176

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21st day of November, 2023 at 6:00 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on Oct. 21, 23 at ~~~~ m at Route 28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-23
Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

No 177

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21 day of November, 2023 at 6:00 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on OCT. 21-23 at ——— m at Route 28

in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-23
Date

# Town of Columbia Animal Control
# APPEARANCE TICKET

№ 209

Name [redacted]

Address [redacted]

You are hereby directed to appear personally in the Town of Columbia Court, John Skinner Justice, located at the Town Building, R.D. #2, Spohn Road, Box 523-A, Ilion, Herkimer County, N.Y. on the 21ST day of November, 1923 at 6:45 P m.

Defendant is accused of the offense of Dog at large - Violation of local law 2010 #1 Section 5 in the Town of Columbia.

Article 7 Agricultural and Markets Law

Committed on Oct. 21 23 at ——— m at Route 28 in the Town of Columbia, Herkimer County, N.Y.

**NOTE:** Failure to appear may result in a warrant for your arrest. A plea of guilty to this charge is equivalent to a conviction after trial.

Officer's Signature

11-14-23
Date

# TOWN OF COLUMBIA
# DOG COMPLAINT FORM

Date: 11/13/23

Name: J[redacted] T[redacted]

Address: [redacted]

Phone #([redacted]

Dog Owner's Name (if known) : B[redacted] G[redacted]

Address where dog is harbored: [redacted]

Describe as accurately as possible the nature of your complaint: dog is running at large, habitual barking, howling; damage or destruction of property; harass or intimidate a person, etc. Document the date and time of the incident. If it is repeated barking, etc., write down each date and time. If there is destruction of property obtain pictures if possible. Attach additional pages if necessary.

ON OCT 21ST 2023 I HAD B[redacted] G[redacted] AND WHOEVER RISIDES AT HIS RESIDENCE TRESPASSED OFF MY PROPERTY BY THE STATE POLICE I HAVE HAD ON GOING ISSUES WITH HIS 3 DOGS GOING ON MY PROPERTY AND I HAVE BROUGHT TRAILCAM PICTURES TO ANIMAL CONTROL OFFICERS & HE HAS 3 PITBULLS

Signature of Complainant G[redacted]

Complaint forms must be returned to the Dog Control Officer, David Weiss (phone 858-9223) or the Town Clerk (858-0646).

All dogs over the age of four months must be licensed with the Town Clerk. You may call the clerk to see if a dog is licensed or to obtain information on the Town of Columbia Local Law #2010-01, REGULATING THE LICENSING AND CONTROL OF DOGS IN THE TOWN OF COLUMBIA.

Your Honor,

Please see the enclosed, requesting a criminal summons for Trespassing against B[redacted]. G[redacted] ([redacted]). The complainant is J[redacted]. G[redacted] entered his property on December 31st, 2023 without his permission and took a picture of a deer carcass on T[redacted] property.

Please let me know if you have any questions with the matter. I can be reached on my cell at [redacted]-[redacted]

Respectfully,

Trooper Flynn

CRIMINAL SUMMONS DENIED

JUDGE SKINNER

CASE CLOSED

STATE OF NEW YORK

*TOWN* COURT

COUNTY OF *HERKIMER*

*TOWN* of *COLUMBIA*

Defendant: *NA*
(Relationship to alleged victim)

Alleged Victim: *NA*
(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

-- VS.--

Date of Birth

*B* [redacted] *G* [redacted] [redacted]

Defendant(s)

ACCUSATION

BE IT KNOWN THAT, by this *INFORMATION*, *J* [redacted] *T* [redacted],

as the Complainant herein, *RESIDING* at [redacted],

accuses the above mentioned Defendant(s), with having COMMITTED the *VIOLATION*,

of *TRESPASS* in violation of Section *140.05*,

Subdivision _____ of the *PENAL* Law of the State of New York.

That on or about *12/31/2023* at about *12:00 PM*

in the *TOWN* of *COLUMBIA*, County of *HERKIMER*, the defendant(s)

*did intentionally, knowingly and unlawfully commit the violation of Trespass. A person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises. Trespass is a violation.*

FACTS

*To wit: on the aforementioned date and time the defendant B* [redacted] *G* [redacted] *did knowingly and intentionally enter onto the duly posted property of J* [redacted] *T* [redacted] *without consent having previously been told he was not allowed on the property.*

C.S. DENIED JOHN M SKINNER JM 1/9/24

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon infomation and belief, with the sources of Complainant's information and the grounds for belief being the facts contained in the attached SUPPORTING DEPOSITION(s) of: *J* [redacted] *T* [redacted]

NOTICE

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the State of New York punishable as a Class A Misdemeanor. (PL 210.45)

Affirmed under penalty of perjury

this 31 ST day of DECEMBER , 2023

--OR--

Subscribes and sworn to before me this _____ day of _____, 20 _____

[redacted]

COMPLA

SUPPORTING DEPOSITION (CPL §100.20)



NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK
-- vs.

B[redacted] G[redacted]

Defendant(s)

| INCIDENT LOCATION: | LOCATION OF DEPOSITION: |
|---|---|
| STATE OF NEW YORK LOCAL CRIMINAL COURT | STATE OF NEW YORK |
| COUNTY OF HERKIMER | COUNTY OF HERKIMER |
| TOWN of COLUMBIA | TOWN of COLUMBIA |

| On Date | at Time Started | I, Full Name: |
|---|---|---|
| 12/31/2023 | 10:47 PM | J[redacted] T[redacted] |

| Date of Birth | No. and Street | C/T/N | State |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | NY |

State The Following:

*My name is J[redacted] T[redacted] and I am voluntarily speaking with Trooper Flynn on todays date of December 31, 2023 regarding my neighbor trespassing on my property.*

*I reside at [redacted] in the Town of Columbia and have lived here for 15 years. I have been having ongoing issues with my neighbor who lives at [redacted]. His name is B[redacted] G[redacted]. This evening I received a Facebook message from B[redacted] who sent me a picture of a deer carcass that lies on my property. I have the property posted with no trespassing signs and the deer is located well behind my property line. B[redacted] walked onto my property and took this picture. I would like to pursue trespass charges against him.*

*This deposition is true and accurate to the best of my knowledge.*

JT

**Notice**

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A [redacted]

Affirmed under penalty of perjury

this 31ST day of DECEMBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

[redacted]

(WITNESS)

Tpr MH Flynn 2924
(NAME OF PERSON TAKING DEPOSITION)

Time Ended 12/31/2023 11:01 PM

* This [illegible] be sworn to only when specifically required by the court.

**1D24HF5XD6**

New York State - Department of Motor Vehicles

SIMPLIFIED INFORMATION/CERTIFICATE CONCERNING VIOLATION OF LAW RELATING TO VEHICLES

**EXHIBIT 11**

The people of The State of New York VS.

NEW YORK STATE POLICE

Local Police Code

| Last Name(Defendant) | First Name | M.I. |
|---|---|---|
| N[redacted] | T[redacted] | [redacted] |

| Number and Street | Apt. No. | Photo Lic Shown |
|---|---|---|
| [redacted] | | ◉ |

| City | State | Zip Code | Owner is Oper. | Lic. Class |
|---|---|---|---|---|
| [redacted] | | | ○ | D |

| Client ID Number | Sex | Date Expires |
|---|---|---|
| [redacted] | M | [redacted] |

| Lic State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | 1 | 2024 | FORD | BK |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NJ | 12/12/2023 |

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

| Time | Date of Offense | IN VIOLATION OF |
|---|---|---|
| 11:34 AM | 11/21/2023 | NYS V AND T LAW |

| Violation Section | Traffic Infraction | Misd | Felony |
|---|---|---|---|
| 1180B | ◉ | ○ | ○ |

Description of Violation: SPEED OVER 55 ZONE

| MPH | MPH Zone |
|---|---|
| 75 | 55 |

US DOT#

| CDL Veh | Bus | HazMat |
|---|---|---|
| ○ | ○ | ○ |

| City/Town | County | Hwy. No. | Loc. Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2250 | HERKIMER | 28 | 2250 |

| Street Name | Hwy. Type | NCIC/ORI |
|---|---|---|
| STATE ROUTE 28 | 2 | 12101 |

AFFIRMED UNDER PENALTY OF PERJURY

[redacted]

S. MISENCIK

(Officer's Signature)

Officer Operating Radar

| Date of Affirmation | Arrest Type | Badge/Shield | Officer's Com./Div./Stat. |
|---|---|---|---|
| 11/21/2023 | 2 - RADAR | 2820 | D121 |

Officer's Last Name: MISENCIK

| First Name | M.I. |
|---|---|
| L | E |

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:*

COLUMBIA TOWN COURT

Address: 147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

| | Date | Time |
|---|---|---|
| ◉ Return by mail before or in person on: | 12/26/2023 | 8:00 PM |
| ○ Must appear in person on: | | |

FOR COURT USE ONLY

| Court Code | Justice Code | Date Adjudicated | Date Sentence Imposed |
|---|---|---|---|
| 2150 | 21361 | 1/16/24 | 1/16/24 |

Charge Convicted of: ○ AS ABOVE ○ VTL ◉ Other — DISMISSED DECLINED TRAMA SO DOLLAR TO HOSPITAL — Disposition/Sentence: DISMISSED — Fine $ — Surcharge $

| Bail Forfeiture Amount $ | Date | ○ LIC ○ REG | ○ Rev ○ Susp ○ Mand. ○ Perm | DAYS / MONTHS / YEAR |
|---|---|---|---|---|

| DWI Test Type | DWI Test Results |
|---|---|
| | |

Supporting Deposition Issued: None ○ Speeding(Gen101) ◉ Non - Speeding(Gen101a) ○

UTD-1.7 (4/02)

| Date of Arraignment | | |
|---|---|---|
| Court Adjournment Record | | Docket Number |
| Date From | Code | Date To / Requested By |
| | | |
| | | |
| | | |
| | | |

| | Amount | Date | Receipt No. |
|---|---|---|---|
| Bail | | | |
| Refund | | | |
| Fine | | | |
| Surcharge | | | |

**SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW PROVIDES THAT THE DEFENDANT, IN CERTAIN CASES, MUST BE INFORMED IN SUBSTANCE AS FOLLOWS:**

"A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law."

To Judge or Clerk of Court: Checkmark the appropriate box or boxes below.

I HEREBY CERTIFY THAT:

☑ Upon arraignment, that the above instruction was given orally to the defendant.

☑ The defendant appeared in response to a ticket upon which the above instructions were printed in bold type, in accordance with Section 1807 of the Vehicle and Traffic Law.

☑ Defendant entered a plea of guilty in writing pursuant to Section 1805 of the Vehicle and Traffic Law.

I hereby certify that the information given on this certificate is a true abstract from the records of this court.

| Signature of Judge or Clerk of Court | Date |
|---|---|
| [signature] | 1/16/24 |
| Name of Judge: JOHN M SLOCUM | 1/16/24 |

1D24HF5XD6

(DISMISSED)

APPEARED NOT GUILTY ENTERED MED. DEVICE DELIVERY TO COORDINATOR BASSETT MED CTR.

New York State Department of Motor Vehicles
**UNIFORM TRAFFIC TICKET**

**1D24HF5XD6**

To be completed by Police Officer and given to Motorist

POLICE AGENCY: NEW YORK STATE POLICE

| Last Name(Defendant) | First Name | MI |
|---|---|---|
| [redacted] | [redacted] | S |

Number and Street: [redacted] Apt. No. | Police Use Only

City: [redacted] | State | Zip Code | Driver Type | License Class: D

Client ID Number: [redacted] | Sex: M | Date of Birth: [redacted]

| Lic. State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | 1 | 2024 | FORD | BK |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NJ | 12/12/2023 |

**THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS**

| Time | Date of Offense | Charged Under |
|---|---|---|
| 11:34 AM | 11/21/2023 | NYS V AND T LAW |

| Section | Sub Section | Tr Inf | Misd | Felony | MPH | In Zone |
|---|---|---|---|---|---|---|
| 1180B | | ● | ○ | ○ | 75 | 55 |

Description of Charge: SPEED OVER 55 ZONE

US DOT#

| CDL Veh | Bus | Haz Mat |
|---|---|---|
| ○ | ○ | ○ |

| Place of Occurrence | City No. | Police Force |
|---|---|---|
| STATE ROUTE 28 | 28 | 2250 |

| City Name | County | Beat Type | Zip Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2250 | HERKIMER | 2 | 12101 |

[redacted]

| Date Issued | Officer ID |
|---|---|
| 11/21/2023 | D 1 21 |

Speed Type: 2 - RADAR

2620

| Officer Last Name | | Title |
|---|---|---|
| MISENCIK | L | E |

Radar Officer's Signature

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW*

COLUMBIA TOWN COURT

Address: 147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

● RETURN BY MAIL BEFORE OR IN PERSON ON | Date: 12/26/2023 | Time: 6:00 PM

○ MUST APPEAR IN PERSON ON:

**A PLEA OF GUILTY TO THIS CHARGE IS EQUIVALENT TO A CONVICTION AFTER TRIAL. IF YOU ARE CONVICTED, NOT ONLY WILL YOU BE LIABLE TO A PENALTY, BUT IN ADDITION YOUR LICENSE TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND YOUR CERTIFICATE OF REGISTRATION, IF ANY, ARE SUBJECT TO SUSPENSION AND REVOCATION AS PRESCRIBED BY LAW.**

Conviction may subject you to a mandatory surcharge and/or Driver Responsibility Assessment as prescribed by law.

Your failure to respond may result in a warrant for your arrest or suspension of your driver's license and/or a default judgement against you.

## TO PLEAD BY MAIL
## (NOT TO BE USED FOR MISDEMEANORS OR FELONIES)

- If you are pleading "GUILTY" by mail, place an "X" through SECTION B, then complete and sign SECTION A.
- If you are pleading "NOT GUILTY" by mail, place an "X" through SECTION A, then complete and sign SECTION B.
- Mail this form to the Court noted on the front of this ticket by First Class Mail or by Registered or Certified Mail, Return Receipt Requested.
- DO NOT use this form for misdemeanors or for a third or subsequent speeding violation in an 18 month period. Instead, you must appear in person in the Court noted on the front of this ticket.
- If the Court denies your plea, you will be notified by mail to appear in the Court noted on the front of this ticket.
- You may be eligible for a payment plan. For more information, please contact the court noted on the front of this ticket.

### SECTION A - PLEA OF GUILTY

To the Court listed on the other side of this ticket:

I, _____

residing at _____

have been charged with the violation as specified on the other side of this ticket. I acknowledge receipt of the warning printed on the other side of this ticket, and I waive arraignment in open court and the aid of an Attorney. I plead GUILTY to the offense as charged and request that this charge be disposed of and a fine or penalty fixed by the court.

Additionally, I make the following statement of explanation (optional):

_____

_____

All statements are made under penalty of perjury:

Date: _____ Signed _____

### SECTION B - PLEA OF NOT GUILTY

**NOTICE: YOU ARE ENTITLED TO RECEIVE A SUPPORTING DEPOSITION FURTHER EXPLAINING THE CHARGES PROVIDED YOU REQUEST SUCH SUPPORTING DEPOSITION WITHIN THIRTY (30) DAYS FROM THE DATE YOU ARE DIRECTED TO RESPOND TO THE COURT NOTED ON THE OTHER SIDE OF THIS APPEARANCE TICKET. DO YOU REQUEST A SUPPORTING DEPOSITION?**

Yes ☐ No ☐

**SUPPORTING DEPOSITION PROVIDED WHEN THIS TICKET WAS ISSUED?**

NO ○ SPEEDING (Gen 101) ● GENERAL (Gen 101A) ○

Signature _____ Date _____

Address _____

_____

City _____ State _____ Zip Code _____

NOTE: Mail this NOT GUILTY Plea within 48 hours. The court will notify you by First Class Mail of your appearance date.

**APPLICANTS UNDER 18 YEARS OF AGE MUST SUBMIT NAME AND ADDRESS OF PARENT OR GUARDIAN BELOW.**

Name of Parent or Guardian _____

Address _____

City _____ State _____ Zip Code _____

FAILURE TO ANSWER THIS TICKET WILL RESULT IN THE SUSPENSION OF YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

UT-50 (6/21)

1D24HF5XD6

GENL101 (2/01)

# SUPPORTING DEPOSITION / CPL 710.30(1)(A) NOTICE TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION

COUNTY OF HERKIMER

## LOCAL CRIMINAL COURT
## STATE OF NEW YORK
## THE PEOPLE OF THE STATE OF NEW YORK
## VS

[redacted]

UTT NUMBER 1024HF5XD6

Officer L E MISENCIK of the NEW YORK STATE POLICE

a Police Officer and the Complainant alleges that the Defendant committed a violation of:

1. VTL Section 1180B Description SPEED OVER 55 ZONE
2. Date 11/21/2023 Time 11:34 AM C/T/V of COLUMBIA, TOWN OF - 2250
3. Vehicle Year 2024 Make FORD Color BK - BLACK
License Plate No [redacted] State NJ
4. General Direction of Travel by Defendant SOUTH
5. Highway (Type/Name) 2 - STATE STATE ROUTE 28
6. Defendant's Speed: 75 MPH in a 55 MPH Zone
7. Charge based on Officer's DIRECT OBSERVATION
8. Speed Verified By RADAR Model STALKER DUAL
9. Additional Information

[redacted]

## TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30(1)(A) OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

on 11/21/2023 at 11:35 AM at STATE ROUTE 28 , To

L E MISENCIK a public servant,

IN WHICH YOU SUBSTANTIALLY STATED AS FOLLOWS:

**I AM DELIVERING TRAUMA SUPPLIES TO COOPERSTOWN**

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury

11/21/2023

[redacted]

L MISENCIK

# EXHIBIT 12

Transcript of Proceedings in *People v T[redacted] N[redacted]* held
December 26, 2023 (6:06:15 PM to 6:15:17 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*December 26, 2023 (6:06:15 PM to 6:15:17 PM)*

Judge Skinner: Mr. N[redacted] [sic], you may approach. Have I pronounced your name incorrectly?

Mr. N[redacted]: N[redacted].

Judge Skinner: N[redacted]?--

Mr. N[redacted]: Yes. Like the time of day. Thank you sir.

Judge Skinner: Thank you. You're charged with speeding in a 55 mile an hour zone, that's doing 75 in a 55. Here are your choices: If you plead guilty to the charge, the court will adjudicate it based on the guilty plea, and that can result in a fine up to $300 and a $93 surcharge, and four points on your license. If you're not guilty--if you plead not guilty to the charge, I can defer that till next Tuesday, when you can speak to the DA regarding the charge. Not that it's going to get reduced, but you would have that opportunity if there was a not guilty plea. So do you have a plea at this time?

Mr. N[redacted]: Uh, not guilty sir.

Judge Skinner: You're a ways away, Ontario's gotta be up by the lake somewhere.

Mr. N[redacted]: Yes sir, over by Rochester. I have to be in Binghamton tomorrow morning, so I figured I would- it worked out perfectly to stop here. And

not--

Judge Skinner: The court's in a position, seeing that you would need to take another trip-- make an alternative route. But between preliminary discussions with the district attorney, and if it's a speeding case kind of a thing, we virtually agreed that a reduction--what is your driver's record like, otherwise?

Mr. N[redacted]: My driver's record is clean, sir. I have no points on my record. May I speak to the day that this happened?

Judge Skinner: If you want to, the day that is indicated here is 11/21/23.

Mr. N[redacted]: Correct.

Judge Skinner: At 11:30 in the morning.

Mr. N[redacted]: Yes sir.

Judge Skinner: What do you want to say about that?

Mr. N[redacted]: So I work for a medical device company. We provide aortic grafts for ruptures and trauma in surgeries, and also provide clinical support throughout the surgery. On that day I had a scheduled surgery in Cooperstown, and travelling from Rochester, I received a call halfway throughout my drive that the patient was unstable, and they needed a product that was in

| | | |
|---|---|---|
| | | my vehicle an hour sooner, and the patient was in the operating room at the time. I don't typically speed whatsoever. In this case, it was an emergency to get to the hospital in time, which is a trauma center as well. My company gives me an emergency medical delivery tag to hang in my window, which I don't believe does much good, and doesn't warrant me speeding, so I just wanted to put that on the record. |
| | Judge Skinner: | Do you have that tag? |
| | Mr. N[redacted]: | I do. It was right in front of me. And that's the company at the bottom. |
| | Judge Skinner: | You had to come from where? |
| | Mr. N[redacted]: | Rochester. Which is approximately three and a half hours- I had left with enough time, but they called that the patient was on the operating table and needed the device sooner- caused a bit of a rush to get to the trauma center sooner. |
| | Judge Skinner: | Which hospital? |
| | Mr. N[redacted]: | That is Bassett Medical Center. |
| | Judge Skinner: | Bassett Medical Center? |
| | Mr. N[redacted]: | Yeah. Cooperstown, New York. |
| | Judge Skinner: | You'd indicated your driver's record is clean? |
| | Mr. N[redacted]: | Yes sir. |
| | Judge Skinner: | When was the last time you got a ticket? |

| | | |
|---|---|---|
| Mr. N[redacted]: | Uh-- |
| Judge Skinner: | Do you think? |
| Mr. N[redacted]: | At least eight years ago. Without having any records in front of me. |
| Judge Skinner: | And tonight is your appointed date to come in-- to appear in court too? |
| Mr. N[redacted]: | It is, yes sir. |
| Judge Skinner: | This [redacted], is that your address? |
| Mr. N[redacted]: | It is. |
| Judge Skinner: | How long you been doing this job? |
| Mr. N[redacted]: | I've been doing this job for eight months now. Before that I worked in surgery in Canandaigua, New York, for ten years before that. |
| Judge Skinner: | What did you do there? |
| Mr. N[redacted]: | I was an interventional technologist, so we did minimally invasive surgeries-- |
| Judge Skinner: | Uh-huh. |
| Mr. N[redacted]: | --for patients who couldn't undergo general anesthesia. |
| Judge Skinner: | The court's dismissing this ticket. We are dismissing it. |
| Mr. N[redacted]: | Thank you very much, sir. |
| Judge Skinner: | We will send you a notification to this when we get the ticket. |
| Mr. N[redacted]: | Okay. |

| | | |
|---|---|---|
| Judge Skinner: | But you're okay. |
| Mr. N[redacted]: | Okay. |
| Judge Skinner: | I don't want to see you back again, though. |
| Mr. N[redacted]: | No sir, absolutely not. Absolutely. |
| Judge Skinner: | Okay, I understand the situation, that you're into, and-- |
| Mr. N[redacted]: | Thank you. |
| Judge Skinner: | --have a good holiday. |
| Mr. N[redacted]: | I appreciate it-- |
| Judge Skinner: | Alright. |
| Mr. N[redacted]: | --Happy holidays sir, thank you. |
| Judge Skinner: | Thank you-- |
| Mr. N[redacted]: | Check out or anything? Or I'm all set-- |
| Judge Skinner: | Nope, you're all set, thank you. |
| Mr. N[redacted]: | Alright thank you. You guys have a great night. |
| Clerk Buck: | (unintelligible) |
| Mr. N[redacted]: | Thank you. |
| Clerk Buck: | Our money's right. |
| Judge Skinner: | What's that? |
| Clerk Buck: | Our money is right. |
| Judge Skinner: | Is our money right? |
| Clerk Buck: | Mm-hmm. |
| Judge Skinner: | I dismissed that guy. |
| Clerk Buck: | Why? |
| Judge Skinner: | You know, just, everything-- |

| | | |
|---|---|---|
| Clerk Buck: | Yeah. |
| Judge Skinner: | --going on the date, he's dressed very professionally-- |
| Clerk Buck: | Yeah, clean cut-- |
| Judge Skinner: | Right-- |
| Clerk Buck: | --respectful. |
| Judge Skinner: | and (unintelligible) |
| Clerk Buck: | Conducted himself the way he needed to. |
| Judge Skinner: | And he's driven from-- |
| Clerk Buck: | Rochester-- |
| Judge Skinner: | Yeah, and you have—between Rochester and Oswego, or something-- |
| Clerk Buck: | Yeah. |
| Judge Skinner: | I know, it's-- |
| Clerk Buck: | A long way. |
| Judge Skinner: | Yeah, so it's-- |
| Clerk Buck: | To be here on his-- |
| Judge Skinner: | You know what-- |
| Clerk Buck: | --date and time, that's good. So we'll-- |
| Judge Skinner: | It was nice of him to come-- You know, coming the day after Christmas, and taking care of it. |
| Clerk Buck: | Yeah, I understand. |
| Judge Skinner: | All their issues, and I guess I believed him. He was actually doing what he said. |

# C E R T I F I C A T I O N

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

**EXHIBIT 13**

1D22HJGBSC

New York State - Department of Motor Vehicles
SIMPLIFIED INFORMATION/CERTIFICATE CONCERNING VIOLATION OF LAW RELATING TO VEHICLES

The people of The State of New York
VS.

NEW YORK STATE POLICE
Local Police Code

| Last Name(Defendant) | First Name | M.I. |
|---|---|---|
| M[redacted] | [redacted] | [redacted] |

Number and Street [redacted] Apt. No. Photo I.D. Shown ◉

| City | State | Zip Code | Owner is Oper. | Lic. Class |
|---|---|---|---|---|
| [redacted] | | | ◉ | D |

| Client ID Number | Sex | Date Expires |
|---|---|---|
| [redacted] | M | [redacted] |

| Lic State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | P | 2021 | FORD | BK |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NY | 12/14/2024 |

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

| Time | Date of Offense | IN VIOLATION OF |
|---|---|---|
| 4:36 AM | 12/22/2023 | NYS V AND T LAW |

Violation Section: 1128A

Traffic Infraction ◉ Misd ○ Felony ○

Description of Violation: MOVED FROM LANE UNSAFELY

MPH | MPH Zone

US DOT#

CDL Veh ○ Bus ○ HazMat ○

| City/Town Name | County | Hwy. No. | Loc. Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2260 | HERKIMER | 28 | 2260 |

| Street Name | Hwy. Type | NCIC/ORI |
|---|---|---|
| STATE ROUTE 28 | 2 | 12101 |

AFFIRMED UNDER PENALTY OF PERJURY

(Officer's Signature)

Officer Operating Radar

| Date of Affirmation | Arrest Type | Badge/Shield | Officer's Com./Div./Stat. |
|---|---|---|---|
| 12/22/2023 | 6 - PERSONAL INJURY AC | 4344 | D121 |

Officer's Last Name: VANVOLKENBURG

First Name: L M.I.: D

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:*

COLUMBIA TOWN COURT

Address: 147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

◉ Return by mail before or in person on: ○ Must appear in person on:

| Date | Time |
|---|---|
| 1/30/2024 | 6:00 PM |

Date of Arraignment

| Court Adjournment Record | Docket Number |
|---|---|

| Date From | Code | Date To | Requested By |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

| | Amount | Date | Receipt No. |
|---|---|---|---|
| Bail | | | |
| Refund | | | |
| Fine | | | |
| Surcharge | | | |

COPY

**SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW PROVIDES THAT THE DEFENDANT, IN CERTAIN CASES, MUST BE INFORMED IN SUBSTANCE AS FOLLOWS:**

"A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law."

To Judge or Clerk of Court: Checkmark the appropriate box or boxes below.

I HEREBY CERTIFY THAT:

☑ Upon arraignment, that the above instruction was given orally to the defendant.

☑ The defendant appeared in response to a ticket upon which the above instructions were printed in bold type, in accordance with Section 1807 of the Vehicle and Traffic Law.

☑ Defendant entered a plea of guilty in writing pursuant to Section 1805 of the Vehicle and Traffic Law.

FOR COURT USE ONLY

| Court Code | Justice Code | Date Adjudicated | Date Sentence Imposed |
|---|---|---|---|
| 2150 | 21361 | 1/30/24 | 1/30/24 |

Charge Convicted of: ○ AS ABOVE ○ VTL ◉ Other — DISMISSED

Disposition/Sentence | Fine $ — | Surcharge $ —

Bail Forfeiture Amount $ Date

○ LIC ○ REG ○ Rev ○ Susp ○ Mand. ○ Perm DAYS / MONTHS / YEAR

DWI Test Type | DWI Test Results

I hereby certify that the information given on this certificate is a true abstract from the records of this court.

Signature of Judge or Clerk of Court: [signature] Date: 1/30/24

Name of Judge: JOHN M SCHNOOR

Supporting Deposition Issued: None ○ Speeding(Gen101) ○ Non - Speeding(Gen101a) ◉

UTD-1.7 (4/02)

1D22HJGBSC

Gen1101a (2/01)

# SUPPORTING DEPOSITION / CPL 710.30 NOTICE TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION

COUNTY OF HERKIMER

## LOCAL CRIMINAL COURT
## STATE OF NEW YORK
## THE PEOPLE OF THE STATE OF NEW YORK
## VS

B[redacted] [redacted] M[redacted]

UTT NUMBER 1D22HJGBSC

Officer L D VANVOLKENBURG of the NEW YORK STATE POLICE

a Police Officer and the Complainant alleges that the Defendant committed a violation of

1. (Law/Section/Subsection) 1128A
2. Description of Violation MOVED FROM LANE UNSAFELY
3. Date 12/22/2023 Time 4:35 AM C/T/V of COLUMBIA, TOWN OF - 2250
4. Vehicle Year 2021 Make FORD Color BK - BLACK

License Plate No. [redacted] State NY

5. General Direction of Travel by Defendant: NORTH
6. Highway (Type/Name) 2 - STATE STATE ROUTE 28
7. Charge based on Officer's INFORMATION AND BELIEF
8. Additional Information:

OP V2 BACKING EASTBOUND INTO THE ADDRESS OF [redacted] IN THE TOWN OF COLUMBIA WITH HAZARD LIGHTS ACTIVATED. OP V1 NORTHBOUND ON SAME AND ATTEMPTS TO AVOID V2 LEAVING THE EASTERN SHOULDER STRIKING TRAILER OF V2 IN THE PARKING AREA OF [redacted].

## TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

on at at STATE ROUTE 28 , To

L D VANVOLKENBURG a public servant,

IN WHICH YOU SUBSTANTIALLY STATED AS FOLLOWS:

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury

12/22/2023

# EXHIBIT 14

Transcript of Proceedings in *People v B[redacted] M[redacted]* held
January 30, 2024 (6:24:14 PM to 6:30:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:24:14 PM to 6:30:35 PM)*

Judge Skinner: Yes sir.

B[redacted] M[redacted]: B[redacted]--

Judge Skinner: --Did you have your paperwork?

Mr. M[redacted]: No, I didn't, sir. (unintelligible)

Judge Skinner: Ok, I do--

Mr. M[redacted]: (unintelligible) I'm so messed up. Suffering from a [redacted].

Judge Skinner: How did you do that?

Mr. M[redacted]: It was out here on 28, just up the road here.

Judge Skinner: Oh, this is part of this occurrence? Is this what happened?

Mr. M[redacted]: Yes.

Judge Skinner: Because it looks like there was a personal injury accident associated with it.

Mr. M[redacted]: That's me.

Judge Skinner: That happened here? And that happened back just before Christmas-- that's a bad Christmas for you. Three days before Christmas, right?

Mr. M[redacted]: Yeah, I was in the hospital for twelve days.

Judge Skinner: Okay--

Mr. M[redacted]: Tell you what happened- I was going down 28, I work at the state hospital in Marcy, and I was on my way into work, it was four o'clock in the morning. And I come around the corner, and a

| | | |
|---|---|---|
| 1 | | tractor trailer was backed across the road, both |
| 2 | | lanes. And, the lights- his lights were facing into |
| 3 | | the woods, not towards me so I didn't really |
| 4 | | know what was going on. And so-- |
| 5 | Judge Skinner: | What time of day was-- oh, they'll show time of |
| 6 | | day. 4:30, 4:30 AM? |
| 7 | Mr. M[redacted]: | Yeah, 4:30, right. Ok, so I tried to go around him |
| 8 | | to get into the parking lot where he was backing |
| 9 | | in, and I went into a ditch. It was like six feet. |
| 10 | | And when I come out of the ditch, it threw me up |
| 11 | | into the tractor trailer. And I totaled my truck, [redacted] |
| 12 | | [redacted] |
| 13 | | [redacted]. I come from a family of law |
| 14 | | enforcement-- I worked for the sheriff's |
| 15 | | department in Massachusetts for ten years, my |
| 16 | | brother was a Chief of Probation in Worchester, |
| 17 | | Mass., for 25 years. I got a nephew who's a |
| 18 | | Chief of Police up in Montcalm, New |
| 19 | | Hampshire. I wasn't speeding, I was just on my |
| 20 | | way to work. But I didn't recognize what I saw, |
| 21 | | if that makes any sense. With the tractor trailer |
| 22 | | across the road. |
| 23 | Judge Skinner: | So where do you-- where do you work? |
| 24 | Mr. M[redacted]: | I work at the psychiatric hospital in Marcy. |
| 25 | Judge Skinner: | In Marcy? |

Mr. M[redacted]: Yeah. I live in Cooperstown.

Judge Skinner: Oh, okay, that's your address on here, yes.

Mr. M[redacted]: Scary for the first time. I've been without pain now for-- since it happened, so really, (unintelligible) Supposed to go next week, take a-- I[redacted]. So hopefully--

Judge Skinner: Where were you at the hospital?

Mr. M[redacted]: I was at the trauma center up here in Utica, at the new hospital, there. [redacted].

Judge Skinner: Do you think you are attributing, pretty much, your situation, to this occurrence--

Mr. M[redacted]: It's all--

Judge Skinner: --pretty much?

Mr. M[redacted]: It's all to that occurrence, yeah. It's all to it. I was working 50 hours a week. I also work at the-- - in Oneonta [redacted], I'm head of security there. I also (unintelligible) and, I'm healthy, (unintelligible).

Judge Skinner: So, did the State Police show up at the occurrence?

| | | |
|---|---|---|
| Mr. M[redacted]: | Yeah-- |
| Judge Skinner: | Were you there then? |
| Mr. M[redacted]: | I didn't have a chance to talk to him. I was put into an ambulance, on a back board with a neck brace. Right away I was complaining about my back, you know. I didn't get a chance to tell him what I saw, what I didn't see. I just-- I'm just telling you that's exactly what I saw. I didn't see the truck because the headlights were facing-- not facing me, coming down the road. |
| Judge Skinner: | How was your driver's record otherwise? |
| Mr. M[redacted]: | It's good, your Honor. I don't have any incidences. I got in an accident four years ago. That was my-- that was it. |
| Judge Skinner: | It's dismissed. |
| Mr. M[redacted]: | Thank you. |
| Judge Skinner: | Give it to the court clerk, and she'll make a-- she'll have the copies. It's dismissed Millie, so-- |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |
| Clerk Buck: | (unintelligible) give him a copy of this? |
| Judge Skinner: | Yeah, I think that would be just a good thing for him to have. |
| Clerk Buck: | Okay. |
| Mr. M[redacted]: | Thank you. |

Clerk Buck: You're welcome.

Mr. M[redacted]: Thank you, your Honor.

Judge Skinner: Thank you, have a good evening, be careful.

# C E R T I F I C A T I O N

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

1D29HHQJK3

New York State - Department of Motor Vehicles

SIMPLIFIED INFORMATION/CERTIFICATE CONCERNING VIOLATION OF LAW RELATING TO VEHICLES

**EXHIBIT 15**

The people of The State of New York
VS.

NEW YORK STATE POLICE
Local Police Code

| Last Name(Defendant) | First Name | M.I. |
|---|---|---|
| K[redacted] | D[redacted] | |

| Number and Street | Apt. No. | Photo Lic Shown |
|---|---|---|
| [redacted] | | ◉ |

| City | State | Zip Code | Owner is Oper. | Lic. Class |
|---|---|---|---|---|
| [redacted] | NY | 1[redacted] | ◉ | D |

| Client ID Number | Sex | Date Expires |
|---|---|---|
| [redacted] | F | [redacted] |

| Lic State | Date of Birth | Veh. Type | Year | Make | Color |
|---|---|---|---|---|---|
| NY | [redacted] | 1 | 2014 | HOND | WH |

| Plate Number | Reg. State | Registration Expires |
|---|---|---|
| [redacted] | NY | 10/11/2025 |

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

| Time | Date of Offense | IN VIOLATION OF |
|---|---|---|
| 10:02 AM | 12/16/2023 | NYS V AND T LAW |

| Violation Section | Traffic Infraction | Misd | Felony |
|---|---|---|---|
| 1225C2A | ◉ | ○ | ○ |

Description of Violation
OP MV- MOBILE PHONE

MPH | MPH Zone

USDOT#

| CDL Veh | Bus | HazMat |
|---|---|---|
| ○ | ○ | ○ |

| C/T/V Name | County | Hwy. No. | Loc. Code |
|---|---|---|---|
| COLUMBIA, TOWN OF - 2250 | HERKIMER | 28 | 2250 |

| Street Name | Hwy. Type | NCIC/ORI |
|---|---|---|
| STATE ROUTE 28 | 2 | 12101 |

AFFIRMED UNDER PENALTY OF PERJURY

[redacted]

S MISENCIK

(Officer's Signature)

Officer Operating Radar

| Date of Affirmation | Arrest Type | Badge/Shield | Officer's Com./Div./Stat. |
|---|---|---|---|
| 12/16/2023 | 1 - PATROL | 2820 | D121 |

Officer's Last Name
MISENCIK

| First Name | M.I. |
|---|---|
| L | E |

*THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:*

COLUMBIA TOWN COURT

Address
147 COLUMBIA CENTER RD

| City | State | Zip |
|---|---|---|
| ILION | NY | 13357 |

| | Date | Time |
|---|---|---|
| ◉ Return by mail before or in person on: | | |
| ○ Must appear in person on: | 1/30/2024 | 6:00 PM |

FOR COURT USE ONLY

| Court Code | Justice Code | Date Adjudicated | Date Sentence Imposed |
|---|---|---|---|
| 2250 | 21361 | 1-30-24 | 1-30-24 |

| Charge Convicted of: | | | | Disposition/Sentence | Fine $ | Surcharge $ |
|---|---|---|---|---|---|---|
| ◉ AS ABOVE | ○ VTL | ○ Other | | P6/F | 157 | 93 |
| 1225C2A | | | | | | |

| Bail Forfeiture Amount $ | Date | ○ LIC ○ REG | ○ Rev | ○ Susp | ○ Mand. | ○ Perm | DAYS / MONTHS / YEAR |
|---|---|---|---|---|---|---|---|

| DWI Test Type | DWI Test Results |
|---|---|
| | |

Supporting Deposition Issued: None ○ Speeding(Gen101) ○ Non - Speeding(Gen101a) ◉

UTD-1.7 (4/02)

| Date of Arraignment | | | |
|---|---|---|---|
| Court Adjournment Record | | | Docket Number |
| Date From | Code | Date To | Requested By |
| | | | |
| | | | |
| | | | |
| | | | |

| | Amount | Date | Receipt No. |
|---|---|---|---|
| Bail | | | |
| Refund | | | |
| Fine | | | |
| Surcharge | | | |

COPY

**SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW PROVIDES THAT THE DEFENDANT, IN CERTAIN CASES, MUST BE INFORMED IN SUBSTANCE AS FOLLOWS:**

"A plea of guilty to this charge is equivalent to a conviction after trial. If you are convicted, not only will you be liable to a penalty, but in addition your license to drive a motor vehicle or motorcycle, and your certificate of registration, if any, are subject to suspension and revocation as prescribed by law."

To Judge or Clerk of Court: Checkmark the appropriate box or boxes below.

I HEREBY CERTIFY THAT:

☐ Upon arraignment, that the above instruction was given orally to the defendant.

☑ The defendant appeared in response to a ticket upon which the above instructions were printed in bold type, in accordance with Section 1807 of the Vehicle and Traffic Law.

☑ Defendant entered a plea of guilty in writing pursuant to Section 1805 of the Vehicle and Traffic Law.

I hereby certify that the information given on this certificate is a true abstract from the records of this court.

Signature of Judge or Clerk of Court: JOHN MSKINDZ Date: 1-30-24

Name of Judge: JOHN MSKINDZ

1D29HHQJK3

MV-05888

Genl101a (2/01)

# SUPPORTING DEPOSITION / CPL 710.30 NOTICE TO SUPPORT SIMPLIFIED TRAFFIC INFORMATION

COUNTY OF HERKIMER

## LOCAL CRIMINAL COURT
## STATE OF NEW YORK
## THE PEOPLE OF THE STATE OF NEW YORK
## VS

D[redacted] K[redacted]

UTT NUMBER 1D29HHQJK3

Officer L E MISENCIK of the NEW YORK STATE POLICE

a Police Officer and the Complainant alleges that the Defendant committed a violation of

1. (Law/Section/Subsection) 1225C2A
2. Description of Violation OP MV- MOBILE PHONE
3. Date 12/15/2023 Time 10:02 AM C/T/V of COLUMBIA, TOWN OF - 2260
4. Vehicle Year 2014 Make HOND Color WH - WHITE
License Plate No. [redacted] State NY
5. General Direction of Travel by Defendant: SOUTH
6. Highway (Type/Name) 2 - STATE STATE ROUTE 28
7. Charge based on Officer's DIRECT OBSERVATION
8. Additional Information:

MV OP USE CELL PHONE WHIL VEH IN MOTION

## TO THE ABOVE NAMED DEFENDANT:

PLEASE TAKE NOTICE THAT PURSUANT TO SECTION 710.30 OF THE CRIMINAL PROCEDURE LAW, THE PEOPLE INTEND TO OFFER AT A TRIAL OF THE ABOVE ENTITLED ACTION EVIDENCE OF A STATEMENT MADE BY YOU

on 12/15/2023 at 10:04 AM at STATE ROUTE 28 , To

L E MISENCIK a public servant,

IN WHICH YOU SUBSTANTIALLY STATED AS FOLLOWS:

I WAS ON THE PHONE WITH MY DOCTOR

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed Under Penalty of Perjury

12/15/2023

[redacted]

E MISENCIK

[redacted]

Town of Columbia
147 Columbia Center Road
Town Building
Ilion NY 13357

Date 2/13/2024
Receipt #: 463411
Docket # MV-05888
Before: JMS

| Fine | Surcharge | Civil Fee | Bail | Other | Total | Amount Remaining |
|---|---|---|---|---|---|---|
| $57.00 | $93.00 | $0.00 | $0.00 | $0.00 | $150.00 | $0.00 |

| Defendant Name / Ticket # | Statue Section / Statue Description | Arrest Date | Disp Date / Sentence |
|---|---|---|---|
| [redacted] 1D29HHQJK3 | VTL 1225C2A OP MV-MOBILE PHONE | 12/16/2023 | 1/30/2024 PG/FINE |

Paid By: Defendant

Full Payment

Court Justice / Court Clerk

[redacted]

Town of Columbia
147 Columbia Center Road
Town Building
Ilion NY 13357

Date 2/13/2024
Receipt #: 463411
Docket # MV-05888
Before: JMS

| Fine | Surcharge | Civil Fee | Bail | Other | Total | Amount Remaining |
|---|---|---|---|---|---|---|
| $57.00 | $93.00 | $0.00 | $0.00 | $0.00 | $150.00 | $0.00 |

| Defendant Name / Ticket # | Statue Section / Statue Description | Arrest Date | Disp Date / Sentence |
|---|---|---|---|
| [redacted] 1D29HHQJK3 | VTL 1225C2A OP MV-MOBILE PHONE | 12/16/2023 | 1/30/2024 PG/FINE |

Paid By: Defendant

Full Payment

Court Justice / Court Clerk

pd MO

**TOWN OF COLUMBIA**
**JUSTICE COURT**
**John M. Skinner, Justice**

LOCATION: 147 Columbia Center Road
Town Building, Ilion, NY 13357
Court Time 6:00 p.m. – Tuesdays
Phone: (315) 866-7786
Fax: (315) 866-7786

Date: 1-30-2024

Dear [redacted]

You have been charged with a violation of Section 1225 C 2A of the New York State Vehicle and Traffic Law. Your plea of guilty has been entered in this Court as disposition of your traffic ticket number 1D29HHQJK3.

The fine for this offense is $ 57.00, with a State surcharge of $ 93.00 for a total amount of $ 150.00. This amount is payable by cashier's check or money order and returnable by 2-13-2024. You must include a self-addressed, stamped return envelope to receive your receipt.

Sincerely,

John M. Skinner/mlb

John M. Skinner
Town Justice

**NOTICE**

**Your failure to comply with this request may result in any one or combination of the following:**

- **Suspension of your driver's license.**
- **Negating any agreement made regarding reduced charges.**
- **Warrant being issued for your arrest.**

**TOWN OF COLUMBIA**
**JUSTICE COURT**
**John M. Skinner, Justice**

COPY

LOCATION: 147 Columbia Center Road
Town Building, Ilion, NY 13357
Court Time 6:00 p.m. – Tuesdays
Phone: (315) 866-7786
Fax: (315) 866-7786

Date: 1-30-2024

Dear [redacted]

You have been charged with a violation of Section 1225C2A of the New York State Vehicle and Traffic Law. Your plea of guilty has been entered in this Court as disposition of your traffic ticket number 1D29HHQJK3.

The fine for this offense is $ 57.00, with a State surcharge of $ 93.00 for a total amount of $ 150.00. This amount is payable by cashier's check or money order and returnable by 2-13-2024. You must include a self-addressed, stamped return envelope to receive your receipt.

Sincerely,

John M. Skinner /mlb

John M. Skinner
Town Justice

**NOTICE**

**Your failure to comply with this request may result in any one or combination of the following:**

- **Suspension of your driver's license.**
- **Negating any agreement made regarding reduced charges.**
- **Warrant being issued for your arrest.**

# EXHIBIT 16

Transcript of Proceedings in *People v D[redacted] K[redacted]* held
January 30, 2024 (6:31:45 PM to 6:47:35 PM)
Before Hon. John M. Skinner, a Justice of the
Columbia Town Court, Herkimer County

*January 30, 2024 (6:31:45 PM to 6:47:35 PM)*

Judge Skinner: I've got two court copies and I've got four people, so, there's two--

Unid. Male: (unintelligible) translator.

Judge Skinner: --pardon me?

Unid. Male: Translator.

Judge Skinner: A translator?

Unid. Male: Yeah, I'm a translator.

Judge Skinner: Oh, okay. You're not-- so they're not for occurrences? There's only one occurrence? Okay. Are you coming in, part of this group? That you were just invited in?

Clerk Buck: Yes he is.

Unid. Male: Yeah.

Judge Skinner: Okay, have a seat.

Clerk Buck: Oh, I got (unintelligible), I'm sorry. How about we bring these chairs a little further back?

Judge Skinner: Yeah, yeah-- apologize, we got no more than four more bodies--

Clerk Buck: All the way to the wall.

Judge Skinner: --over to the wall please, thank you.

Clerk Buck: (unintelligible)

Judge Skinner: Who are you translating for? Okay. And what's the name?

Unid. Male: D[redacted].

| | | |
|---|---|---|
| Judge Skinner: | K[redacted]? |
| Unid. Male: | K[redacted]. |
| Judge Skinner: | Close. |
| Unid. Male: | Close enough, right? |
| Judge Skinner: | Okay. You may approach. You can just stand over there please. Yes ma'am, the court understands you have a translator that's gonna tell you what I'm trying to say. Is that-- okay. What language? |
| Unid. Male: | Russian. |
| Judge Skinner: | Russian. |
| Unid. Male: | I don't speak Ukrainian, so, Russian's the next closest thing. |
| Judge Skinner: | Does she do Ukrainian? |
| Unid. Male: | Yeah. |
| Judge Skinner: | The court's understanding that the charge is improper use of a mobile phone. |
| Unid. Male: | Yeah. |
| Judge Skinner: | Okay. The court understands that this occurred on the 15th of December at 10:00 AM. The court understands that you were on the phone with your doctor. Were you discussing-- |
| Unid. Male: | Yeah, the doctor was attempting to call her from-- |
| Judge Skinner: | Yeah. |

Unid. Male: --the office.

Judge Skinner: Okay. What hospital was the doctor from?

Unid. Male: The doctor's name is Doctor (unintelligible)-- oh, it's [redacted], (unintelligible) office.

Judge Skinner: Oh okay. Not a-- not at a hospital.

Unid. Male: No, not at a hospital.

Judge Skinner: Okay, okay. I will now provide you the implication of making a plea of guilty, if that occurred. The first implication is-- I'll give you is the number of points--

Unid. Male: Mhm.

Judge Skinner: --remembering that the eleven points is the total you're can have without your license being suspended. If you get up to eleven, then your license will be suspended.

Unid. Male: Mhm.

Judge Skinner: This particular charge has a five point guilty plea charge to it, so, if the court received a guilty plea, five points would be part of the sentence. That's given, that's not an option.

Unid. Male: Okay.

Judge Skinner: That's gonna hurt her. The first offense, which I assume it is--

Unid. Male: Mhm.

Judge Skinner: --have there been any other offenses of this

| | | |
|---|---|---|
| | | nature? |
| Unid. Male: | | No. |
| Judge Skinner: | | Okay. The fine can be a maximum-- a minimum of $50 and a maximum of $200, and a $93 surcharge. On the high side, that means 200 plus 90-- $293 total, that would be involved with a guilty plea. If the court receives a not guilty plea, then it's postponed until next week at six when the District Attorney is here, and you can talk to the District Attorney regarding the charge. |
| Unid. Male: | | She was using phone, so. |
| Judge Skinner: | | Pardon me? |
| Unid. Male: | | She was using the phone. |
| Judge Skinner: | | Okay, okay. Alright. |
| Unid. Male: | | She was attempting to connect the Bluetooth-- it was a little funky but, she was using the phone-- |
| Judge Skinner: | | And the purpose of the call again, was? |
| Unid. Male: | | The doctor's office was calling her. |
| Judge Skinner: | | Alright. And again, a not guilty plea, you can discuss this charge with the District Attorney. |
| Unid. Male: | | Right. |
| Judge Skinner: | | And from a convenience, if this address is correct-- Richfield Springs address-- |
| Unid. Male: | | Mhm. |
| Judge Skinner: | | --it's reasonably convenient because it's next |

| | | |
|---|---|---|
| | | week, at 6:00 PM-- |
| | Unid. Male: | Mhm. |
| | Judge Skinner: | --the District Attorney is here. So do I have a plea? |
| | Unid. Male: | Guilty. |
| | Judge Skinner: | Is this-- are there been any other occurrences-- I may have asked this once, I'm gonna ask it again, if I did-- of use of a mobile phone? |
| | Unid. Male: | No. |
| | Judge Skinner: | Any other occurrences in respect to traffic violations of any type? |
| | Unid. Male: | [redacted]. That's the only thing. |
| | Judge Skinner: | No other occurrences of-- |
| | Unid. Male: | (unintelligible) [redacted] [redacted]. |
| | Judge Skinner: | Okay. And again, there's no points on her license now? |
| | Unid. Male: | Not that she knows of. |
| | Judge Skinner: | I just say that double because five points is a lot of points. |
| | Unid. Male: | It is a lot of points-- |
| | Judge Skinner: | Yeah, so it is a lot of points associated with it. The DA has the authority to evaluate-- |
| | Unid. Male: | Mhm. |

| | | |
|---|---|---|
| Judge Skinner: | --that occurrence. And I know it's another trip, and I'll send you around like this. But, I just want to make sure that, you know, the complete implications of a guilty plea. |
| Unid. Male: | She just doesn't want to go through the additional stress of coming back and-- |
| Judge Skinner: | That's why I try to make it clear-- if not, well, if you're sitting over here I'd say-- |
| Unid. Male: | I suggest to 'em-- |
| Judge Skinner: | --you know them well. That I can appreciate that's never done it before-- |
| Unid. Male: | Yeah. I suggest to 'em-- |
| Judge Skinner: | --sitting and watching some individual up here going through this, and want to minimize, do I have to do this darn thing again? |
| Unid. Male: | Yeah. |
| Judge Skinner: | We could go through this all, one more time. |
| Unid. Male: | Right. |
| Judge Skinner: | So-- but I can appreciate you wanting to get it cleared up, so-- |
| Unid. Male: | Yeah, basically she wants to get it cleared up, but, you know, I suggested come next week, but, she just doesn't want to have-- |
| Judge Skinner: | I know you did. I'm half Ukrainian, so I understand some stuff. |

| | | |
|---|---|---|
| Unid. Male: | Half Ukrainian? |
| Judge Skinner: | Yes. |
| Unid. Male: | Okay. |
| Judge Skinner: | Tolopka, is the Ukrainian name. |
| Unid. Male: | Okay. |
| Judge Skinner: | T-o-l-o-p-k-a. Tolopka. So alright-- we're going to proceed with a guilty plea? Or were you-- have you decided that-- Yes? |
| Unid. Male: | Yes. |
| Judge Skinner: | Okay. So, what will occur is there will be-- the fine can be, first offense- $50 to $200 and a $93 surcharge. So the surcharge is given at 93 and the fine is 57. So the total is $150. You able to make that payment this evening? |
| Unid. Male: | Can she come back tomorrow to pay that or no? |
| Judge Skinner: | She can send it in the mail in the form of a bank check or money order or something if she wants to do that. You can just send it in the mail, that'd be just fine. And the court clerk will give you the address to send it to up here, and it's made out to the Town of Columbia, and she'll follow up-- |
| Unid. Male: | Okay. |
| Judge Skinner: | --with that part of it. Forward this to the court clerk, and she will give you a payment notice. |
| Unid. Male: | Thank you. |

Judge Skinner: Alrighty. Thank you for coming in, thank you.

# C E R T I F I C A T I O N

I, ALYSSA M. WOODWARD, an Administrative Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: January 17, 2025

Alyssa M. Woodward

Alyssa M. Woodward

**STATE COMMISSION ON JUDICIAL CONDUCT**
**Empire State Plaza**
**Corning Tower Suite 2301**
**Albany, NY 12223**

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer 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

**From:** no-reply@pb.com
**To:** Letitia Walsh
**Subject:** Shipment Delivered
**Date:** Tuesday, September 2, 2025 3:47:12 PM

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| Carrier: | USPS |
| Service: | Priority Mail® |
| Delivery date: | September 2, 2025 |
| Delivery address: | 147 Columbia Center Rd Ilion NY 13357-3505 US |
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September 2, 2025

Dear Letitia Walsh:

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## Item Details

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| **Status Date / Time:** | September 2, 2025, 3:40 pm |
| **Location:** | ILION, NY 13357 |
| **Postal Product:** | Priority Mail® |
| **Extra Services:** | Certified Mail™ |
| | Return Receipt Electronic |
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| **Recipient Name:** | Hon John M Skinner |

## Shipment Details

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## Recipient Signature

Signature of Recipient:

Address of Recipient:

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**Subject:** Shipment Delivered
**Date:** Monday, October 27, 2025 2:21:27 PM

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|---|---|
| Tracking number: | 940284010962800020041 2 |
| Carrier: | USPS |
| Service: | Priority Mail® |
| Delivery date: | October 27, 2025 |
| Delivery address: | 147 Columbia Center Rd Town Of Columbia Justice Court Ilion NY 13357-3505 US |
| Shipped on: | 2025-10-23 |

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UNITED STATES POSTAL SERVICE

October 27, 2025

Dear Alyssa Woodward:

The following is in response to your request for proof of delivery on your item with the tracking number: **9402 8401 0962 8000 2004 12**.

## Item Details

| | |
|---|---|
| **Status:** | Delivered, Left with Individual |
| **Status Date / Time:** | October 27, 2025, 2:16 pm |
| **Location:** | ILION, NY 13357 |
| **Postal Product:** | Priority Mail® |
| **Extra Services:** | Certified Mail™ |
| | Return Receipt Electronic |
| | Up to $100 insurance included |
| **Recipient Name:** | Hon John M Skinner |

## Shipment Details

| | |
|---|---|
| **Weight:** | 1lb, 8.0oz |

## Recipient Signature

Signature of Recipient:

Address of Recipient:

147 COLUMBIA CENTER RD,
ILION, NY 13357

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# EXHIBIT C

**From:** Nathan Seamon
**To:** Ryan Fitzpatrick
**Subject:** Re: Letter Request
**Date:** Friday, November 14, 2025 10:13:02 AM
**Attachments:** Justice John M. Skinner Resignation Letter.11.13.25.pdf

---

Ryan,

See attachment.

We appointed Eugene Doremus, effective January 1st, 2026.

Nate

On Fri, Nov 14, 2025 at 10:02 AM Ryan Fitzpatrick <[redacted]@cjc.ny.gov> wrote:

> Good morning Mr. Seamon,
>
> Per our phone call today, the Commission requests a copy of Judge Skinner's resignation letter. A copy can be emailed via reply to this message. Thank you again.
>
> **Ryan T. Fitzpatrick** | Principal Investigator
>
> New York State **Commission on Judicial Conduct**
>
> Corning Tower, Suite 2301 Empire State Plaza
>
> Albany, New York 12223
>
> [redacted]
>
> [redacted] | www.cjc.ny.gov
>
> PLEASE NOTE: Pursuant to Judiciary Law Section 45, the information contained in this e-mail is PRIVATE AND CONFIDENTIAL and is intended only for the use of the addressee(s) above and others who have been specifically authorized to receive such. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited by law. If you have received this communication in error, or if any problems occur with this e-mail, please notify us immediately by return e-mail and delete all copies of this message from your system. Thank you.

--
Nathan Seamon
Town Supervisor

Town of Columbia
147 Columbia Center Road, Ilion, NY 13357
Office: [redacted]
Cell: [redacted]
E-Mail: [redacted]@gmail.com
Website: townofcolumbia.org

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NOVEMBER 13, 2025

John M Steiner retirement

Columbia Town Justice

Herkimer County

State of New York

It has been an honor to have served the citizens of the Town of Columbia over the last 17 years. Our family has has been involved with the town court since 1960. Carol was bold around the kitchen table at that time.

I have also been involved as secretary of the Herkimer County Magistrates Association.

I will retire 12-31-25.

John M. Steiner

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

**JOHN M. SKINNER,**

a Justice of the Columbia Town Court,
Herkimer County.

---

# MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY DETERMINATION AND SANCTION OF REMOVAL

**ROBERT H. TEMBECKJIAN**
Administrator and Counsel
Commission on Judicial Conduct
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New York, New York 10006
(646) 386-4800

Of Counsel:

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Edward Lindner, Esq.
Denise Buckley, Esq.
David Stromes, Esq.
Kathleen E. Klein, Esq.

Dated: December 2, 2025

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## PRELIMINARY STATEMENT

This Memorandum is respectfully submitted by Counsel to the Commission on Judicial Conduct ("Commission Counsel") in support of a combined motion, pursuant to Sections 7000.6(c) and 7000.6(f)(1)(i) of the Commission's Operating Procedures and Rules, seeking summary determination that the Honorable John M. Skinner ("Respondent"), a Justice of the Columbia Town Court, Herkimer County, has committed judicial misconduct warranting his removal from office.

## INTRODUCTION

Respondent demonstrated a stunning ignorance of basic legal principles and the proper role of a judge while testifying before the Commission as to allegations that he mishandled dog-at-large charges, repeatedly engaged in unauthorized *ex parte* communications, dismissed traffic charges without notice to or the consent of the prosecution, summoned a complainant to appear before him without authority to do so, and failed to mechanically record court proceedings.[1]

On the Commission's authorization, Respondent was served with a Formal Written Complaint containing three charges. He has not responded to those allegations and has ceased communicating with Commission Counsel. Pursuant to the Commission's Operating Procedures and Rules, the allegations in the Formal

[1] The failure to record is significant not only in its own right, inasmuch as Respondent was previously disciplined for such failure, but also because the failure to record concealed the full extent of his competence and the damage he may have done to litigants and the rule of law.

Written Complaint are deemed admitted and this motion for summary determination ensues.

Respondent's egregious misconduct warrants his removal. That result is no less necessary because Respondent has resigned from the bench since absent a determination of removal, nothing would prohibit Respondent from returning to judicial office. Indeed, Judiciary Law Section 47 authorizes this proceeding after resignation in order to prevent such an occurrence. A judge who is removed from office is ineligible under the Constitution to return to the bench. Const Art VI, § 22(h).

Respondent's resignation from the bench should not insulate him from discipline for truly egregious misconduct, which both the Commission and the Court of Appeals have unequivocally said is cause for removal regardless of the underlying allegations.

## PROCEDURAL HISTORY

### A. The Formal Written Complaint

Pursuant to Judiciary Law Section 44(4), the Commission authorized a Formal Written Complaint ("Complaint"), dated August 27, 2025, containing three charges, alleging *inter alia* that Respondent: (1) in connection with dog-at-large charges, engaged in unauthorized *ex parte* conversations with the defendants; improperly considered photographs supplied by the defendants, dismissed the

charges without notice to or consent of the prosecution, summoned the complaining witness to appear without legal authority to do so, and failed to mechanically record the proceedings; (2) in connection with two traffic matters, engaged in unauthorized *ex parte* conversations with the defendants, dismissed the charges without notice to or consent of the prosecution, and in a third traffic matter, engaged in an unauthorized *ex parte* conversation with the defendant, who spoke limited English, and accepted a guilty plea without a court interpreter or prosecutor present; and (3) notwithstanding that Respondent has been a judge since 2009, and was censured by the Commission in 2018 for, *inter alia*, failing to respect, comply with, be faithful to and maintain professional competence in the law, in testimony before the Commission on April 10, 2025, Respondent demonstrated a lack of understanding of basic legal principles and the proper role of a judge.

On September 2, 2025, Respondent was served with a Notice of Formal Written Complaint and Complaint by certified mail, return receipt requested (Affirmation of Cathleen S. Cenci ["Cenci Aff"] ¶ 6).

**B. <u>Respondent's Failure to Answer</u>**

Respondent received the Complaint on September 2, 2025 (Cenci Aff ¶ 6). 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 September 22, 2025. Respondent has not served an Answer to the complaint to date (Cenci Aff ¶ 7).

On October 23, 2025, Commission Counsel wrote to Respondent, notifying him that his Answer had not been received, and that pursuant to Section 7000.6(b) of the Commission's Operating Procedures and Rules, his failure to submit an Answer constitutes an admission of all the allegations in the Complaint and subjects him to a motion for summary determination. As an alternative disposition, the correspondence included a proposed Resignation Stipulation (Cenci Aff ¶ 8).

Respondent received Commission Counsel's letter dated October 23, 2025, and the proposed Resignation Stipulation, on October 27, 2025 (Cenci Aff ¶ 9).

Respondent's response to Commission Counsel's October 23, 2025, letter was due on November 6, 2025. He did not respond by that date and has not responded at present (Cenci Aff ¶ 10).

On November 14, 2025, Commission Counsel received an email from Nathan Seamon, Columbia Town Supervisor, enclosing Respondent's notice of retirement from judicial office effective December 31, 2025 (Cenci Aff ¶ 11).

### C. <u>The Facts</u>

Pursuant to Section 7000.6(b) of the Commission's Operating Procedures and 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.

Respondent has been a Justice of the Columbia Town Court, Herkimer County, since 2009 (Complaint ¶ 4). His current term expires on December 31, 2028 (*Id.*). Respondent is not an attorney (*Id.*).

**Admitted Facts as to Charge I**

From in or about November 2023, to in or about March 2024, in connection with his handling of *People v B[redacted] G[redacted]* and *People v B[redacted] G[redacted]*, Respondent:

A. engaged in and considered unauthorized *ex parte* conversations with the defendants;

B. improperly considered undated photographs of a deer carcass as a basis to dismiss dog-at-large charges from cases that occurred months apart, and to prejudicially reject a subsequently filed trespass charge against B[redacted] G[redacted];

C. dismissed the charges without notice to or consent of the prosecution, contrary to Sections 170.45 and 210.45 of the Criminal Procedure Law ("CPL");

D. summoned the complaining witness to appear before him after dismissing the case, without legal authority to do so; and

E. failed to mechanically record the proceedings, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR § 30.1) and Administrative Order 245/08

(Complaint ¶ 5).

Respondent engaged in the foregoing conduct, notwithstanding having been censured by the Commission in 2018, *inter alia*, for failing to maintain professional competence in the law and failing to mechanically record proceedings (Complaint ¶ 6).

**Specifications to Charge I**

In 2018, Respondent was censured by the Commission for failing to be faithful to the law and maintain professional competence in it, in that, *inter alia*, he: "(A) unduly delayed holding a hearing and failed to decide the defendant's request for a jury trial until after he rendered judgement; (B) failed to direct his court clerk to prepare minutes of the proceeding and to file a return with the County Court pursuant to Section 1704 of the Uniform Justice Court Act; and (C) failed to mechanically record any appearance in the matter, in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR § 30.1) and Administrative Order 245/08" (Complaint ¶ 7, Ex 1).

On or about November 14, 2023, R[redacted] G[redacted] was issued three appearance tickets under the name "B[redacted]" G[redacted], directing him to appear in the Columbia Town Court on November 21, 2023, for violating Section 2010-01(5) of the Dog Licensing and Control Law for the Town of Columbia (Local Law 2010-01, Section 5). The complainant in the matter was Mr. G[redacted]'s neighbor, J[redacted] T[redacted] (Complaint ¶ 8, Ex 2).

On or about December 19, 2023, Mr. G and his cousin, B G, appeared in court. Respondent did not notify the prosecution or Mr. T of the appearance, and neither was present for the proceeding (Complaint ¶ 9).

During the appearance, Respondent engaged in an extensive *ex parte* discussion with Mr. G and B G regarding their version of the events underlying the tickets, and he viewed photographs they brought to court. Although Respondent determined that the defendant was guilty of the charge, he nevertheless dismissed it with a warning that the defendant should keep his dogs off Mr. T's property (Complaint ¶ 10, Ex 3).

Respondent did not notify the prosecution or Mr. T of his *sua sponte* dismissal of the charges in the *G* matter (Complaint ¶ 11).

On or about December 18, 2023, Mr. T filed another dog-at-large complaint against R G (Complaint ¶ 12).

On or about December 20, 2023, Mr. G was issued two additional appearance tickets following the new dog-at-large complaint by Mr. T. These tickets directed Mr. G to appear at the Columbia Town Court on January 9, 2024, for violating Local Law 2010-01, Section 5 (Complaint ¶ 13, Ex 4).

On or about December 26, 2023, Respondent reviewed the complaint form signed by Mr. T[redacted] on December 18, 2023, and marked it dismissed as follows: "12/26/23…APPEARED 12/19/23…DISMISSED JMS" (Complaint ¶ 14, Ex 5).

On or about December 31, 2023, Mr. T[redacted] signed an information alleging that B[redacted] G[redacted] committed the violation of Trespass in contravention of Section 140.05 of the Penal Law (Compliant ¶ 15, Ex 6). On or about January 1, 2024, Trooper Flynn filed the information in Respondent's court and asked Respondent to issue a criminal summons for B[redacted] G[redacted] (Complaint ¶ 15, Ex 7).

On or about January 9, 2024, having been advised by R[redacted] G[redacted] and B[redacted] G[redacted] during an *ex parte* discussion that Mr. T[redacted] was illegally harvesting deer, Respondent made a note on the complaint form dated December 18, 2023, as follows: "1/9/2024 DEER CARCAS *[sic]* IN NEIGHBORING YARD…T[redacted] HARVESTED DEER?" and "ON HOLD…RESCH. 3/19/24." Respondent made this note notwithstanding that Mr. T[redacted] was a complaining witness against the G[redacted] and not a defendant in Respondent's court (Complaint ¶ 16, Ex 8).

On or about January 9, 2024, Respondent orally advised Trooper Flynn that his request for a summons for B[redacted] G[redacted] was denied. Respondent then dismissed the trespass charge against B[redacted] G[redacted] and noted the court's file:

"CRIMINAL SUMMONS DENIED…JUDGE SKINNER…CASE CLOSED" (Complaint ¶ 17, Ex 7) (underlining in original).

In or about February 2024, Mr. T[redacted] confronted Respondent at a town board meeting regarding his handling of the *G*[redacted] matters. At that time, Respondent orally directed Mr. T[redacted] to appear in court on March 5, 2024, in connection with the cases, notwithstanding that he lacked the jurisdiction or authority to do so (Complaint ¶ 18).

On or about March 5, 2024, Mr. T[redacted] appeared in court, as directed by Respondent, who told Mr. T[redacted] that he had been "invited" to court as a "courtesy," "to listen" to Respondent's explanation of what he had done in the *G*[redacted] matters (Complaint ¶ 19, Ex 9).

During the appearance, Respondent admitted to engaging in *ex parte* discussions with the *G*[redacted] defendants, viewing their photographs, and dismissing the charges against them based upon those communications. When Mr. T[redacted] attempted to explain that the charges involved multiple incidents and that the G[redacted] misled Respondent about the deer during their *ex parte* conversation, Respondent continually interrupted him. Respondent advised Mr. T[redacted] that the charges against R[redacted] G[redacted] and B[redacted] G[redacted] had been dismissed because "They brought in pictures of deer that apparently the dogs went and ate on" (Complaint ¶ 20, Ex 9, pp 4-5). He added, "Admittedly, [the dogs] were on

adjacent property – and reputedly, that is your land. That's my understanding of the event" (Complaint ¶ 20, Ex 9, p 5). Respondent also admitted that Mr. T's interests were unrepresented during the proceeding, stating, "That's what occurred, nobody was here at the time that-- in your-- representing your part of it. All I did was listen to-- you have the written charges on the document. You have the written charges and I had them present in court telling what occurred" (Complaint ¶ 20, Ex 9, p 7). Respondent further admonished Mr. T, "I suggest that you work in harmony with your neighbor and get along with your neighbor" (Complaint ¶ 20, Ex 9, p 12).

Respondent testified before the Commission on April 10, 2025 (Complaint ¶ 21, Ex 10). When asked about hearing and viewing evidence presented by unsworn defendants, Respondent was unable to identify the nature of the proceeding and repeatedly referred to it as an "evaluation" (Complaint ¶ 22, Ex 10, pp 26 and 29).

When Respondent was asked if he had retained the defendant's photographs for the court's file, he indicated the photographs he had relied upon in dismissing the charges were not retained (Complaint ¶ 23, Ex 10, p 28).

When Respondent was asked if he had dismissed the dog-at-large case against R G, he at first indicated, "No. I give them -- I don't think that's dismissing. That's giving them specific instruction by virtue of what

occurred" (Complaint ¶ 24, Ex 10, p 30). When Respondent was shown where he noted the file with the word "dismissed," he testified, "It was dismissed with the instructions to keep the dog at home" (Complaint ¶ 24, Ex 10, p 31).

Respondent testified that he did not know what his statutory authority was for dismissing the dog-at-large charges and that he dismissed them notwithstanding that the defendants had done something "inappropriate" in permitting their dogs to run loose on Mr. T[redacted]'s property (Complaint ¶ 25, Ex. 10, p 30-32).

Respondent testified that he sees nothing wrong with how he handled the case of *People v B[redacted] G[redacted]*, stating, "No. I clearly indicated that there is definite complaint, and they clearly indicated why the dog was on the property" (Complaint ¶ 26, Ex 10, p 35).

Respondent failed to mechanically record any of the proceedings involving R[redacted] G[redacted] and B[redacted] G[redacted], as required by Section 30.1 of the Rules of the Chief Judge (22 NYCRR § 30.1) and Administrative Order 245/08 (Complaint, ¶ 27).[2]

**Admitted Facts As to Charge II**

From in or about December 2023, to in or about January 2024, in connection with three traffic matters – *People v T[redacted]. M[redacted]*, *People v B[redacted]. M[redacted]* and *People v D[redacted] K[redacted]* – Respondent engaged in the following:

[2] Respondent did record the March 5, 2024, appearance of Mr. T[redacted].

A. In *People v T[redacted]. M[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant and dismissed the charge without notice to or consent of the prosecution, as required by CPL Sections 170.45 and 210.45;

B. In *People v B[redacted]. M[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant and dismissed the charge without notice to or consent of the prosecution, as required by CPL Sections 170.45 and 210.45; and

C. In *People v D[redacted] K[redacted]*, Respondent conducted an unauthorized *ex parte* conversation with the defendant, who spoke limited English, and accepted a guilty plea without an official court interpreter or prosecutor present.

(Complaint ¶ 29)

Respondent engaged in the foregoing conduct notwithstanding having been censured by the Commission in 2018, *inter alia*, for failing to be faithful to the law and maintaining professional competence in it (Complaint ¶ 30).

**Specifications to Charge II**

In 2018, Respondent was censured by the Commission, *inter alia*, for failing to be faithful to the law and maintaining professional competence in it (Complaint ¶ 31, Ex 1).

On or about December 26, 2023, Respondent presided over *People v T[redacted]. M[redacted]*, in which the defendant was charged with speeding at 75 MPH in a 55-MPH zone, in violation of Vehicle and Traffic Law ("VTL") Section 1180-b (Complaint ¶ 32, Ex 11).

During the appearance, and outside the presence of the prosecution, Respondent permitted the defendant to address the court regarding the facts and circumstances underlying the charge against him. The defendant stated he had no points on his license, worked for a medical device company which provided aortic grafts, and was speeding because he was delivering equipment to a hospital under emergency circumstances (Complaint ¶ 33, Ex 12).

Based at least in part upon the defendant's physical appearance and unsworn representations, Respondent dismissed the speeding charge, without notice to or consent of the prosecution. Respondent later explained to his clerk that the defendant was "dressed very professionally," and "It was nice of him to come-- You know, coming the day after Christmas, and taking care of it." He added, "and I guess I believed him. He was actually doing what he said" (Complaint ¶ 34, Ex 12, p 6).

On or about January 30, 2024, Respondent presided over *People v B[redacted]. M[redacted]*, in which the defendant was charged with moving from a lane unsafely, in violation of VTL Section 1128(a) (Complaint ¶ 35, Ex 13).

During the appearance, and outside the presence of the prosecution, Respondent solicited and received *ex parte* information from the defendant regarding the circumstances underlying the charge against him. Respondent repeatedly asked questions of the defendant and permitted him to disclose that,

while on his way to work, he had been seriously injured in a motor vehicle accident associated with the ticket. The defendant further advised that he had not been speeding and that his driving record was "good." The defendant asserted that he was head of security [redacted] in Oneonta, he had been previously employed as a sheriff's deputy in Massachusetts, his brother was Chief of Probation in Worchester, Massachusetts, and his nephew was Chief of Police in Montcalm, New Hampshire (Complaint ¶ 36, Ex 14).

Based at least in part upon the defendant's unsworn representations, Respondent *sua sponte* dismissed the charge, without notice to or consent of the prosecution (Complaint ¶ 37).

On or about January 30, 2024, Respondent presided over *People v D[redacted] K[redacted]*, in which the defendant was issued a ticket for using a mobile telephone to engage in a call while such vehicle is in motion, in violation of VTL Section 1225-c(2)(a) (Complaint ¶ 38, Ex 15).

The defendant, who spoke primarily Ukrainian and only limited English, appeared without an attorney, but with an unidentified man who offered to translate for her. Without an official interpreter or the prosecution present, Respondent spoke to the defendant through the unidentified man, who did not speak Ukrainian himself, but stated that he was able to translate because he spoke

Russian. At one point, Respondent explained to the defendant, "I'm half Ukrainian, so I understand some stuff" (Complaint ¶ 39, Ex 16, p 6).

Before asking the defendant how she pled to the charge, Respondent engaged in an *ex parte* conversation with the defendant and attempted to solicit an explanation of the circumstances of her cell phone use on the day in question. Respondent stated, "The court understands that you were on the phone with your doctor" and asked, "What hospital was the doctor from?" and "the purpose of the call again, was?" (Complaint ¶ 40, Ex 16, pp 2-4). The defendant declined to elaborate on the substance of the conversation with her doctor and opted to plead guilty to the charge to avoid having to return to court. Respondent accepted the defendant's guilty plea and assessed a fine.

**Admitted Facts As to Charge III**

Notwithstanding that Respondent has been a judge since 2009, and was censured by the Commission in 2018 for, *inter alia*, failing to respect, comply with, be faithful to and maintain professional competence in the law, in testimony before the Commission on April 10, 2025, Respondent demonstrated a lack of understanding of basic legal principles and the proper role of a judge, as follows:

A. When asked who handles the prosecution of traffic tickets in his court, Respondent asked "[w]hat is defined as the prosecution of traffic tickets?" When asked who "prosecutes" traffic tickets, he testified, "Me. I prosecute them" (Complaint, ¶ 42, Ex 10, pp 10-11);

B. Notwithstanding the requirement that all town and village court proceedings be mechanically recorded,[3] Respondent disputed the necessity of doing so because he takes notes that he believes are "intricately detailed" and "indicate exactly what occurred" during appearances (Complaint ¶ 42, Ex 10, pp 17-18);

C. When asked about his failure to provide audio recordings requested by the Commission, Respondent testified that he cannot tell whether the recording device is working and that he requires additional training (Complaint ¶ 42, Ex 10, pp 19-20);

D. Respondent did not appear to know the statutory requirement that dismissal of a criminal charge must be in writing and on notice to the prosecution. When asked whether a judge should be faithful to a statutory requirement, Respondent said, "I think that the Judge is faithful to the wellbeing and harmony within the community" (Complaint ¶ 42, Ex 10, p 57);

E. Respondent testified that he is able to judge the credibility of litigants based upon their physical appearance and the "thousand cases" he has handled (Complaint ¶ 42, Ex 10, pp 61-62);

F. Respondent failed to understand the impropriety of questioning a defendant about the facts of a case without a defense attorney or prosecutor present, and he failed to grasp the distinction between an admission of guilt by the defendant during colloquy and a guilty plea (Complaint ¶ 42, Ex 10, pp 69-71); and

G. Respondent testified that if something is written on a traffic ticket by a law enforcement officer, "[t]hat makes it a fact." When asked if the facts of a case have to be proven in court, Respondent said he relies on information written by law enforcement officers on traffic tickets (Complaint ¶ 42, Ex 10, pp 73-74).

[3] Section 30.1 of the Rules of the Chief Judge (22 NYCRR § 30.1) and Administrative Order 245/08.

## 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 provides 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 *Mater 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 NY 2d 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 file an Answer 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 NY2d at 7; *Petrie*, 54 NY2d at 808.

## POINT II

## RESPONDENT'S MISCONDUCT IS ESTABLISHED AND SUMMARY DETERMINATION IS APPROPRIATE AS TO ALL CHARGES IN THE COMPLAINT

Summary determination is appropriate as to all of the charges in the Complaint, as the admitted allegations as to each charge constitute clear judicial misconduct.

### A. Respondent Committed Judicial Misconduct By Engaging in Unauthorized *Ex Parte* Conversations With Defendants in Cases Pending Before Him and Acting Without Legal Authority.

Judges are strictly prohibited from engaging in, permitting or considering unauthorized *ex parte* communications about a pending or impending matter. Rules 100.3(B)(6). Engaging in such conduct deprives the parties of the right to be heard and to have their cases decided based upon a proper record. *See, eg, Matter of Bishop*, 2010 Ann Rep of NY Commn on Jud Conduct at 104 (judge ruled against the defendant in a summary eviction proceeding based on an *ex parte* communication); *Matter of More*, 1996 Ann Rep of NY Commn on Jud Conduct at 99 (judge *inter alia* disposed of three cases based on *ex parte* communications).

Here, Respondent initiated, permitted and/or engaged in unauthorized *ex parte* communication on at least four occasions: with the defendants in *People v*

*B* *G*, *People v T*. *N*, *People v B*. *M*, and *People v D* *K*. Worse still, Respondent relied upon the substance of those conversations prior to disposing of the cases, and prior to rejecting a subsequently filed trespass charge in one of the matters.

Respondent committed additional misconduct as to the *G* matter by summoning the complainant to court, without legal authority to do so, after dismissing the charges case against the defendant. Respondent had no authority over the complaining witness at that point, as he was not the subject of a pending matter or otherwise within the court's jurisdiction. Moreover, when the complainant appeared in response to the seemingly mandatory summons, Respondent admitted to engaging in *ex parte* communications with the defendants and viewing their photographs before dismissing the charges, and he lectured the complainant to "get along with [his] neighbor" as if the complainant were the guilty party. This conduct "conveyed the impression that [Respondent] was acting in a law enforcement or quasi-prosecutorial role" and "was contrary to the ethical rules requiring a judge to be faithful to the law and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary" *Matter of Gori*, 2006 Ann Rep of NY Commn on Jud Conduct at 168, 169 (internal citations omitted).

Finally, in *People v D K*, Respondent conducted an unauthorized *ex parte* conversation with the defendant, who spoke limited English. Afterward, Respondent accepted the defendant's plea of guilty without an official court interpreter or prosecutor present. In doing so, Respondent deprived the defendant of well-established rights, failed to "be faithful to the law and maintain professional competence in it" and failed to "accord to every person who has a legal interest in a proceeding . . . the right to be heard according to law." Rules 100.3(B)(1), (6).

**B. <u>Respondent Committed Misconduct When He Dismissed Charges Without Notice to or Consent of the Prosecution.</u>**

A judge must accord all interested parties the right to be heard according to law Rules 100.3(B)(6); *Matter of Marshall,* 8 NY3d 741 (2007); *Matter of More,* 1996 Ann Rep of NY Commn on Jud Conduct at 99 (judge *inter alia* dismissed charges in three traffic cases without notice to the prosecutor).

In *People v B G*, *People v T . N*, and *People v B M*, Respondent dismissed the charges without notice to or consent of the prosecution, in violation of Sections 170.45 and 210.45 of the Criminal Procedure Law. The Commission has held that "[s]uch a one-sided disposition, with no opportunity for the prosecution or complaining witness to be heard, is totally contrary to basic principles governing the fair and proper administration of

justice." *Matter of Cook*, 2006 Ann Rep of NY Commn on Jud Conduct at 119, 121-22.

### C. Respondent's Failure to Mechanically Record Proceedings Constitutes Judicial Misconduct.

Respondent committed additional misconduct in *People v B G* by failing to record the proceeding, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08. "The absence of a recording in any proceeding is significant since it not only makes it more difficult to determine what transpired at the proceeding but also indicates lack of compliance with an administrative order, which is inconsistent with a judge's ethical responsibilities . . . ." *Matter of Skinner*, 2019 Ann Rep of NY Commn on Jud Conduct at 239, 246. Respondent's failure to adhere to this important administrative task is exacerbated by the fact that he was censured by the Commission in 2018 for the same misconduct, at which time he pledged to comply with the requirement going forward. Clearly, he has failed to do so.

### D. Respondent's Demonstrated Lack of Understanding of Basic Legal Principles and the Proper Role of a Judge Constitutes Judicial Misconduct.

Every judge has a responsibility to maintain professional competence in the law and to ensure that every defendant is afforded basic procedural due process. Rule 100.3(B)(1); *Matter of Hise*, 2003 Ann Rep of NY Commn on Jud Conduct at

125 (judge convicted and sentenced a defendant charged with a zoning violation, without trial or guilty plea).

Respondent has been a judge since 2009 and was censured by the Commission in 2018 *inter alia* for failing to maintain professional competence in the law. Nevertheless, his testimony at the Commission in the instant matter revealed an astounding ignorance of fundamental legal principles and procedures. Among other things, he:

- believes himself to be the prosecutor of traffic tickets in his court;
- believes that if something is written on a traffic ticket by a law enforcement officer, it is a fact;
- admitted to judging the credibility of litigants based on their clothing and physical appearance;
- did not know the statutory requirements for dismissal of a charge;
- did not understand that it is improper for a judge to question a defendant outside the presence of a defense attorney or prosecutor;
- could not distinguish between an admission of guilt during a colloquy and a formal guilty plea; and
- disputed the necessity of mechanically recording proceedings;

Respondent's ignorance and misapprehensions as to such basic principles demonstrate incompetence in the law rising to the level of misconduct. *See Matter of Cerbone*, 2 NY3d 479 (2004); *Matter of Reeves*, 63 NY2d 105, 109-10 (1984).

## POINT III

## RESPONDENT'S MISCONDUCT WARRANTS HIS REMOVAL FROM JUDICIAL OFFICE

The Commission must determine to remove a judge from office when doing so is necessary to "safeguard the bench from unfit incumbents." *Matter of Esworthy,* 77 NY2d 280, 283 (1991) (quotation marks omitted); *see also Matter of Senzer*, 35 NY3d 216, 219 (2020); *Matter of Duckman*, 92 NY2d 141, 152 (1998). Though removal is an "extreme sanction," it is "warranted where a judge exhibits 'a pattern of injudicious behavior . . . which cannot be viewed as acceptable conduct by one holding judicial office.'" *Senzer*, 35 NY3d at 219 (quoting *O'Connor*, 32 NY3d at 127-28). Removal is no less necessary because respondent has resigned from the bench since absent a determination of removal, nothing would prohibit Respondent from returning to judicial office.[4] Indeed, Judiciary Law Section 47 authorizes this proceeding after resignation in order to prevent just such an occurrence. A judge who is removed from office is ineligible under the Constitution to hold other judicial office. Const Art VI, § 22(h). In making that assessment, the Commission must "consider the effect of the misconduct 'upon public confidence in [the Judge's] character and judicial temperament.'" *Senzer*,

[4] In *Matter of Young*, 2012 Ann Rep of NY Comm on Jud Conduct at 206, a hearing that was scheduled to determine whether misconduct had been committed was canceled after the judge singed a stipulation resigning his judicial office. Without notice to the Commission, the judge subsequently "rescinded" his resignation and was reappointed by the Town Board to fill the position he had just vacated. *Id.* at 207nl.

35 NY3d at 219 (quoting *Matter of Tamsen*, 100 NY2d 19, 21 [2003]) (brackets in original).

Respondent's varied misconduct and ignorance of essential legal principles, when considered as they must be in the aggregate – *see, Matter of Miller*, 35 NY3d 484, 491 [2020]; *O'Connor*, 32 NY3d at 128-29) – demonstrate his lack of fitness to continue to hold judicial office. By repeatedly initiating *ex parte* communications and relying upon them in his decision making, Respondent abandoned his role as a neutral arbiter and severely undermined the integrity of his title. *Matter of Ayres,* 2018 Ann Rep of NY Commn on Jud Conduct at 76; *Matter of Gumo*, 2015 Ann Rep of NY Commn on Jud Conduct at 98. In repeatedly dismissing criminal matters before him based on unsubstantiated information and without notice to or the consent of the prosecution, Respondent "violate[d] fundamental legal principles" at the core of the judicial function. *Matter of Marshall*, 2008 Ann Rep of NY Commn on Jud Conduct at 161, 165. Standing alone, these egregious transgressions warrant serious discipline.

Compounding that misconduct, Respondent demonstrated an inability to understand basic legal principles, as well as incompetence and insensitivity to the proper role of a judge. Respondent's admissions during his testimony at the Commission are damning individually and mindboggling collectively – from his belief that he was the prosecutor in traffic matters, to his judging the credibility of

witnesses based on their clothing and physical appearance, to his view that whatever an officer writes on a traffic ticket is true. Such staggering judicial incompetence is disqualifying on its own, let alone in conjunction with Respondent's other misconduct.

Finally, Respondent's failure to record proceedings in matters before him in violation of Section 30.1 of the Rules of the Chief Judge (22 NYCRR § 30.1) and Administrative Order 245/08 is especially egregious, not only because he was previously censured for the same misconduct, but because the failure to record concealed the full extent of his incompetence and the damage he may have done to litigants in other cases, and to the rule of law.

As the Commission has held, "[p]rior discipline is an aggravating favor militating in favor of a strict sanction, especially where the prior discipline was based on similar misconduct." *Matter of Lamson*, 2013 Ann Rep of NY Commn on Jud Conduct at 235, 244; *see Matter of Rater*, 69 NY2d 208, 209-10 (1987). Respondent's failure to follow this requirement, after pledging before the Commission to avoid such misconduct, cannot be condoned and further militates in favor of removal.

In sum, "Respondent has engaged in a course of conduct which not only violates the relevant ethical standard but also reveals his unwillingness or inability to recognize the fundamental rights of those who appear in his court." *Matter of*

*Reeves*, 1985 Ann Rep of NY Commn on Jud Conduct at 221, 228. Removal is the only way to ensure the proper administration of justice in Respondent's court.

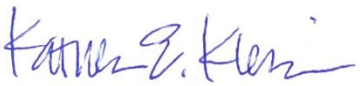
## CONCLUSION

For the foregoing reasons, Commission Counsel respectfully requests that the Commission grant the motion for summary determination, and find that Respondent has committed judicial misconduct which warrants the sanction of removal from office.

Dated: December 2, 2025
Albany, New York

Respectfully submitted,

**ROBERT H. TEMBECKJIAN**
Administrator and Counsel to the
Commission on Judicial Conduct

By: 
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