

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

GARY F. ANDERSON,

STIPULATION

A Justice of the Bainbridge Town Court,
Chenango County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and the Honorable Gary F. Anderson ("respondent"), as follows:

1. Respondent has been a Justice of the Bainbridge Town Court, Chenango County, since November 2008. His current term expires December 31, 2013. Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated September 17, 2012, containing six charges alleging that he engaged in judicial misconduct in his handling of cases between in or about February 2011 to in or about September 2012. The allegations of the Formal Written Complaint include, *inter alia*, that respondent: (1) failed to advise a defendant of his right to counsel and to an adjournment to obtain counsel, (2) inappropriately questioned defendants at arraignment, (3) engaged in and considered improper *ex parte* communications concerning the merits of charges in three cases, (4) found a defendant guilty although he had not been served, (5) found a defendant guilty without a trial or the opportunity to cross-examine a witness

and found two other defendants guilty without guilty pleas or trial, (6) allowed and considered unsworn statement and evidence not properly admitted, (7) in two cases, dismissed the charges without notice to or the consent of the prosecution as required by law and (8) in three cases failed to mechanically record all proceedings before him as required by Administrative Order 245/08 issued pursuant to Section 30.1 of the Rules of the Chief Judge.

3. The Formal Written Complaint is appended as Exhibit A. The Complaint has not been adjudicated. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint, without admitting the allegations of the charges.

4. Respondent tendered his resignation, dated October 25, 2012, a copy of which is annexed as Exhibit B. Respondent affirms that he will vacate judicial office as of November 30, 2012.

5. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

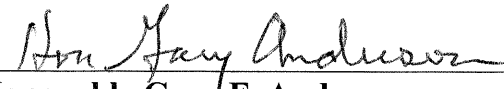
6. Respondent affirms that, once he has vacated his judicial office, he will neither seek nor accept judicial office at any time in the future.

7. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

8. 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.

9. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that: (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 11/13/12


Honorable Gary F. Anderson
Respondent

Dated: 11/20/2012

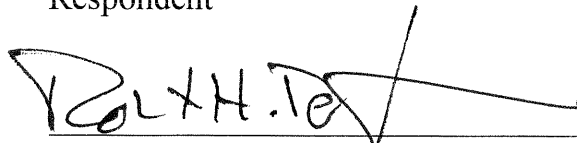

Robert H. Tembeckjian
Administrator and Counsel to the Commission
(Thea Hoeth, Of Counsel)

EXHIBIT A

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

GARY F. ANDERSON,

a Justice of the Bainbridge Town Court,
Chenango County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, GARY F. ANDERSON, a Justice of the Bainbridge Town Court, Chenango 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: September 17, 2012
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. Gary F. Anderson
Bainbridge Town Court
15 North Main Street
Bainbridge, New York 13733-1210

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

GARY F. ANDERSON,

a Justice of the Bainbridge Town Court,
Chenango County.

**FORMAL
WRITTEN COMPLAINT**

1. Article 6, 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 Gary F. Anderson ("respondent"), a Justice of the Bainbridge Town Court, Chenango County.
3. The factual allegations set forth in Charges I through VI 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 Bainbridge Town Court, Chenango County, since November 2008. His current term expires on December 31, 2013. Respondent is not a lawyer.

CHARGE I

5. In or about August and September 2012, while presiding over *People v Jason Sherman*, a case involving alleged violations of local codes pertaining to trash and inoperable motor vehicles, respondent:

A. failed to advise the defendant of his rights pursuant to Criminal Procedure Law Section 170.10(4) and improperly questioned the defendant concerning the facts of the case at arraignment;

B. initiated, received and considered multiple *ex parte* communications concerning the case and made at least one *ex parte* visit to the site of the alleged violations while the charges were pending;

C. found the defendant guilty and imposed sentence without a guilty plea or trial;

D. subsequently, without explanation, dismissed the charges against the defendant and instructed the code enforcement officer to re-file the charges; and

E. failed to mechanically record all the proceedings before him, as required by Administrative Order 245/08 issued pursuant to Section 30.1 of the Rules of the Chief Judge.

Specifications to Charge I

6. At all times relevant to this charge, Jeffrey Webb was the Bainbridge Village Code Enforcement Officer, Brenda Parsons was the Bainbridge Village Clerk and Lisa Graney was the Bainbridge Town Court Clerk.

7. On or about August 15, 2011, Mr. Webb issued to Jason Sherman a Summons and Information for "Accumulation of Trash," alleging a violation of Bainbridge Village Code Section 121-1.1(B), and a Summons and Information for "Motor Vehicles, Junk or Inoperable," alleging a violation of Code Section 145-3(B). Copies of the two Summonses and Informations are annexed as Exhibits A and B. Both charges were returnable in the Bainbridge Town Court on August 25, 2011.

8. Prior to the return date, Court Clerk Lisa Graney conversed about the charges against Jason Sherman with Village Clerk Brenda Parsons. Ms. Graney then wrote and inserted into the court's case file a note which stated, "We need to nail this guy. He thinks he is above the law."

9. Prior to the return date, Ms. Graney had a conversation with Mr. Webb about the charges against Jason Sherman. Ms. Graney then wrote on the bottom of the Summons and Information alleging the violation of Accumulated Trash, "Going on for years/2 or 3 curtisy [sic] letters prior to summons." The annotation appears on Exhibit A.

10. On or about August 22, 2011, Jason Sherman appeared without counsel before respondent at the Bainbridge Town Court to request an adjournment of the August 25th appearance date. Respondent said, "We'll do it right now." Respondent asked the defendant if he would waive the reading of the charges, and the defendant agreed. Respondent then asked, "What are we going to do about it, Jason?" Although respondent viewed the notes written in the defendant's file by the court clerk, he did not provide copies to the defendant. Respondent failed to advise the defendant of his right to counsel and to an adjournment to obtain counsel, as required by Criminal Procedure Law

Sections 170.10(3) and (4). Although the defendant had indicated to respondent that he had consulted an attorney, respondent engaged him in a lengthy conversation concerning the facts underlying the charges. A copy of the transcript of the August 22, 2011 arraignment is annexed as Exhibit C.

11. On or about August 23, 2011, respondent telephoned Mr. Sherman and told him that he was in front of Mr. Sherman's property and that he could not see any violations. Respondent asked Mr. Sherman some questions about what was on the property and then said he would contact Mr. Webb and Brenda Parsons. During the conversation, Mr. Sherman asked respondent for whatever evidence or "testimony" respondent might adduce and specifically requested the hand-written note referred to in paragraph 8 above, which Mr. Sherman had seen but had not received at his arraignment.

12. At some time after August 22, 2011, and prior to finding the defendant guilty, respondent engaged in unauthorized *ex parte* conversations with Mr. Webb about the substance of the allegations in *People v Jason Sherman*. Respondent received from Mr. Webb a photograph of the defendant's property taken after the date of the alleged violations.

13. On or about August 30, 2011, and prior to finding the defendant guilty, respondent again visited and inspected the defendant's property. A copy of respondent's note to the case file indicating that he observed trash is annexed as Exhibit D.

14. Notwithstanding that Mr. Sherman never pled guilty and respondent never accorded him a trial, by letter dated August 30, 2011, a copy of which is annexed as Exhibit E, respondent imposed a fine of \$200, payable immediately.

15. Mr. Sherman returned to court on or about September 12, 2011, without counsel, and requested a copy of all evidence or testimony respondent considered in finding him guilty, including the handwritten note referred to in paragraph 8 above, so that he could file an appeal. Respondent told Mr. Sherman that he had thrown the note away. When respondent gave Mr. Sherman a photocopy of a photograph of the premises marked, "8/26/11," Mr. Sherman asked how that photograph taken weeks after the date of the Summons could be admissible evidence. Mr. Sherman also questioned the code enforcement officer's authority to issue a Summons, pointed out that he was never asked to enter a plea or informed of his right to a trial, and complained that the photograph of his property in the court file had been obtained through trespass on private property. Respondent told Mr. Sherman that both he and Mr. Webb had viewed the property from the railroad tracks. Respondent told Mr. Sherman to pay the fine or respondent would find him guilty of a new charge.

16. Respondent failed to mechanically record the September 12, 2011, court appearance.

17. On or about September 13, 2011, without explanation to the defendant, respondent dismissed the charges and thereafter orally instructed the code enforcement officer to complete a new accusatory instrument which did not contain the word, "summons."

18. 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 perform his judicial duties 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 the defendant the right to be heard according to law and permitted and considered *ex parte* communications or other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules.

CHARGE II

19. From on or about February 7, 2011, to on or about October 6, 2011, in presiding over four cases involving alleged violations of local codes pertaining to trash, inoperable motor vehicles and/or open burning of materials, respondent:

- A. engaged in and considered improper *ex parte* communications concerning the merits of charges;
- B. allowed and relied upon unsworn statements in making his determinations as to charges;
- C. found one defendant guilty of a code violation although he had not been served with the appearance ticket; and
- D. failed in two cases to mechanically record all the proceedings before him, as required by Administrative Order 245/08 issued pursuant to Section 30.1 of the Rules of the Chief Judge.

Specifications to Charge II

20. At all times relevant to this charge, Jeffrey Webb was the Bainbridge Village Code Enforcement Officer.

People v Reginald Lockwood (January 21, 2011)

21. On or about January 21, 2011, Mr. Webb issued a Summons and Information for "Accumulation of Trash," charging Reginald Lockwood with a violation of Bainbridge Village Code Section 121-1.1(B) and directing him to appear in court on February 7, 2011. A copy of the Summons and Information is annexed as Exhibit F.

22. On or about February 7, 2011, Mr. Lockwood appeared without counsel for arraignment before respondent. Respondent failed to mechanically record the appearance. After engaging the defendant in a conversation about the facts underlying the charge, respondent ordered the defendant to clean up the property by February 28,

2011. Neither Mr. Webb nor anyone representing the prosecution was present. There is no record of any sworn testimony.

23. By letter dated February 28, 2011, respondent informed the defendant that “after speaking with Jeff Webb and visiting the property it is hereby ordered that you finish the clean up no later than Monday, March 7th.” A copy of respondent’s letter is annexed as Exhibit G.

24. On or about March 7, 2011, respondent dismissed the charge. The court file indicates that there was a “conference w/ Judge,” but there is no recording of any proceeding that day.

People v Reginald Lockwood (April 21, 2011)

25. On or about April 21, 2011, Mr. Webb issued a Summons and Information for “Accumulation of Trash,” charging Reginald Lockwood with violation of Bainbridge Village Code Section 121-1.1(B) and directing him to appear in court on May 2, 2011. A copy of the Summons and Information is annexed as Exhibit H.

26. On or before May 2, 2011, respondent had an out-of-court conversation with Mr. Webb about the facts underlying the charge against the defendant.

27. Mr. Lockwood appeared without counsel before respondent on May 2, 2011. Respondent failed to mechanically record the appearance.

28. On or about May 2, 2011, respondent dismissed the charge against the defendant and wrote in his case file, “Jeff Webb says it is cleaned up. Next time will be a fine \$200.”

People v Arthur Gribbins

29. On or about July 12, 2011, Mr. Webb issued to Arthur Gribbins a Summons and Information for "Accumulation of Trash," alleging a violation of Bainbridge Village Code Section 121-1.1(B), and a Summons and Information for "Motor Vehicles, Junk or Inoperable," alleging a violation of Section 145-3(B). Each Summons and Information directed him to appear for a hearing in Bainbridge Town Court on July 25, 2011. Copies of the summonses and Informations are annexed as Exhibits I and J.

30. Respondent's court file in *People v Arthur Gribbins* contains no record of service of the Summonses and Informations on the defendant. The defendant did not appear in respondent's court on July 25, 2011.

31. By letter dated July 26, 2011, respondent informed defendant that he was "in violation of the Penal Law, which is punishable by the attached fine [\$200.00] which is due immediately."

32. The defendant paid the fine by mail on or about August 3, 2011, adding a note that he had never received the Summons and Information.

People v Susan Pondolfino

33. On or about July 4, 2011, Environmental Conservation Officer Brett Armstrong issued a ticket to Susan Pondolfino charging a violation of 6 NYCRR 215(2), Unlawful Open Burning, and directing her to reply by mail or appear in court on July 18, 2011. A copy of the ticket is annexed as Exhibit K.

34. On or about July 18, 2011, Ms. Pondolfino appeared without counsel in respondent's court. Respondent summarized the charge against her. Without informing the defendant of her right to an attorney or asking for her plea, and without the prosecution present, respondent said, "Now, let me hear your story." A copy of the transcript of the proceeding is annexed as Exhibit L.

35. Ms. Pondolfino denied the allegation and presented to respondent two notarized letters from friends, only one of whom was present in court, stating that the defendant does not use the type of containers Officer Armstrong allegedly found in the defendant's burn barrel. Respondent placed neither Ms. Pondolfino nor her friend under oath. Respondent made no inquiry concerning why the author of the other letter was not in court to give testimony.

36. Neither Officer Armstrong nor any other representative of the prosecution was present.

37. Respondent dismissed the charge and noted the dismissal on the basis of "supporting papers (notarized)" on the court's copy of the ticket in Exhibit K.

38. 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 perform his judicial duties 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 parties the right to be heard according to law and permitted and considered *ex parte* communications or other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules.

CHARGE III

39. In or about August and September 2011, while presiding over *People v Ryan Gardner*, a motor vehicle case, respondent:

A. engaged in, allowed and considered improper *ex parte* communications concerning the merits of the charges; and

B. found the defendant guilty without a trial or the opportunity to cross-examine a witness.

Specifications to Charge III

40. On or about August 10, 2011, State Police Trooper Jeremy Hicks issued to Ryan Gardner a Uniform Traffic Ticket charging him with a violation of Vehicle and Traffic Law Section 402(1), No Distinctive Plate-Obstructed. By mail, the

defendant pled not guilty and requested a supporting deposition. A copy of the ticket, including the plea of not guilty, is annexed as Exhibit M.

41. By letter dated August 15, 2011, respondent directed Mr. Gardner to appear before the court on September 12, 2011, for a "Conference with the Judge." A copy of the letter is annexed as Exhibit N.

42. By Order dated August 15, 2011, respondent directed Trooper Hicks to provide the requested supporting deposition and indicated September 12, 2011, as a "conference date." A copy of the Order is annexed as Exhibit O.

43. On or about August 27, 2011, Trooper Hicks served and filed a supporting deposition.

44. On or about September 12, 2011, Mr. Gardner appeared without counsel in respondent's court. Neither the arresting officer nor the Assistant District Attorney was in court. A copy of the transcript of the proceeding is annexed as Exhibit P.

45. After summarizing the charge, respondent asked Mr. Gardner, "What do you want to say about it, seeing it's [pled] not guilty on it?" Mr. Gardner explained that two other officers, whom he identified as Caratelli and Beans, told him that his dented license plate would not be a problem. Respondent said, "Let me tell you what Officer Hicks says" and read from a handwritten note in the court's file, which said, "If defendant has a problem with this he is getting a speeding ticket as well-He was given a break." A copy of Officer Hicks' note is annexed as Exhibit Q.

46. Respondent asked Mr. Gardner whether he was speeding, and the defendant admitted he was. Respondent said, "I almost think I have to get you to change your plea, ... unless ... you want me to discuss it with Caratelli and Beans, I can."

47. After respondent informed the defendant that he would verify his story with either Caratelli or Beans, he told the defendant he could leave the court. Respondent subsequently wrote a note to the court file saying, in relevant part: "Per Casey Caratelli Ryan lied about Casey saying it was OK." Neither Officer Caratelli, Trooper Hicks nor any other witness ever appeared in respondent's court to give testimony in *People v Ryan Gardner*. A copy of respondent's note is annexed as Exhibit R.

48. On or about September 12, 2011, respondent had a letter sent to Mr. Gardner imposing a fine of \$50 and a surcharge of \$85. Mr. Gardner paid the full amount.

49. 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, and failed to accord a party the right to be heard according to law and permitted and considered *ex parte* communications made to him outside the presence of the parties or their lawyers concerning a pending proceeding, in violation of Section 100.3(B)(6) of the Rules.

CHARGE IV

50. In or about April and May 2011, while presiding over *People v Codey Miner*, a motor vehicle case, respondent:

- A. engaged in, allowed and considered improper *ex parte* communications concerning the merits of the charges;
- B. allowed and considered evidence not properly admitted; and
- C. dismissed the charges without notice to or the consent of the prosecution as required by law.

Specifications to Charge IV

51. On or about April 14, 2011, State Trooper DiLorenzo issued three Simplified Information Certificates to Codey Miner for violations of the following: Vehicle and Traffic Law Section 401(1)(a), Unregistered Motor Vehicle; Vehicle and Traffic Law Section 319(1), Operating without Insurance; and Vehicle and Traffic Law Section 306(b), No Inspection Certificate.

52. On or about May 2, 2011, Mr. Miner appeared without counsel for arraignment before respondent. Neither the ticketing officer nor any other

representative of the prosecution was present in the court. A copy of the transcript of the arraignment is annexed as Exhibit S.

53. During the proceeding, respondent said to the defendant, "If you're pleading not guilty, looking for a reduction, you contact the ADA....but since these look like unregistered, uninspected, and without insurance, he's not going to be able to do much for you there." The defendant, who was not under oath, explained that the car was only being driven to show a prospective purchaser. Respondent instructed the defendant to obtain a notarized statement from the prospective purchaser. Respondent made no inquiry as to the availability of the prospective purchaser to appear in court to give testimony.

54. On or about May 9, 2011, respondent dismissed the charges. The court file includes a notarized statement signed by both the defendant and the prospective purchaser dated May 3, 2011. A copy of the statement is annexed as Exhibit T.

55. There is no record that the prosecution had notice of or consented to the dismissal as required by Criminal Procedure Law Sections 170.45 and 210.45.

56. 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, and failed to accord a party the right to be heard according to law and permitted and considered *ex parte* communications or other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules.

CHARGE V

57. In or about August and September 2011, while presiding over *People v Christopher Grapes*, a motor vehicle case, respondent inappropriately questioned the defendant at arraignment, outside the presence of the prosecutor, and dismissed the charge without notice to or the consent of the prosecution as required by law.

Specifications to Charge V

58. On or about August 21, 2011, State Trooper DiLorenzo issued to Christopher Grapes a Simplified Information Certificate alleging a violation of Vehicle and Traffic Law Section 1110(a), Disobeyed Traffic Control Device. A copy of the ticket is annexed as Exhibit U.

59. The defendant pled not guilty to the charge on the ticket and returned it to the court.

60. On or about August 29, 2011, respondent sent to the defendant a notice directing him to appear for a "Conference with the Judge" on September 12, 2011. A copy of the notice is annexed as Exhibit V.

61. On or about September 12, 2011, Mr. Grapes appeared without counsel before respondent. The prosecution was not present. A copy of the transcript of the proceeding is annexed as Exhibit W.

62. During the proceeding, respondent asked Mr. Grapes, "Do you want to discuss this?" Mr. Grapes responded that he would like "to potentially make a plea bargain." Rather than refer the defendant to the District Attorney, or inform him of his right to a trial, respondent asked, "What happened?" Without being sworn, defendant recited the events leading to his ticket and, in essence, admitted the charge.

63. Respondent thereupon dismissed the charge, without notice to or the consent of the prosecution in violation of Criminal Procedure Law Sections 170.45 and 210.45. Respondent was unable to produce the court's records concerning the case.

64. 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, and failed to accord a party the right to be heard according to law and permitted and considered *ex parte* communications or other communications made to him outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules.

CHARGE VI

65. In or about September 2011, while presiding over *People v Felicia Scott*, a drug possession case, respondent found the defendant guilty without a guilty plea or a trial.

Specifications to Charge VI

66. On or about August 31, 2011, State Police Trooper Jeremy Hicks issued an appearance ticket and an Information to Felicia Scott, alleging that she violated Penal Law Section 221.05, Unlawful Possession of Marihuana. The return date was September 12, 2011. A copy of the ticket and Information is annexed as Exhibit X.

67. On or about September 12, 2011, Ms. Scott appeared without counsel for arraignment before respondent. Respondent failed to inform the defendant of her rights pursuant to Criminal Procedure Law Section 170.10(4). A copy of the transcript of the arraignment is annexed as Exhibit Y.

68. During the proceeding, respondent said to her, "I hope they don't change this marijuana thing to a misdemeanor someday. Then you've got to get attorneys involved and all that."

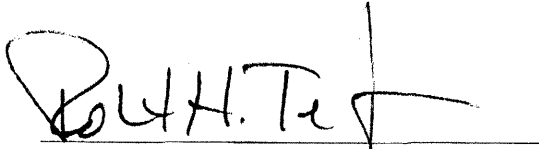
69. Respondent never asked the defendant for her plea. Instead he said, "there is a fine and a surcharge with it....usually that's how we handle these."

70. Respondent imposed a \$50 fine and a surcharge of \$125, notwithstanding that the defendant had neither entered a guilty plea nor been convicted after trial.

71. 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, and failed to accord the defendant the right to be heard according to law, in violation of Section 100.3(B)(6) 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: September 17, 2012
New York, New York

A handwritten signature in black ink, appearing to read "R.H. Tembeckjian", written over a horizontal line.

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
Suite 1200
New York, New York 10006
(646) 386-4800

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

VERIFICATION

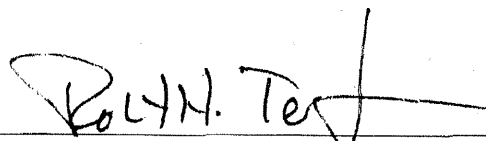
GARY F. ANDERSON,

a Justice of the Bainbridge Town Court,
Chenango 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
17th day of September 2012



Notary Public

LAURA ARCHILLA SOTO
Notary Public, State of New York
No. 01AR6236502
Qualified in Bronx County
Commission Expires 2/28/15

SUMMONS FOR ACCUMULATION OF TRASH

STATE OF NEW YORK: : COUNTY OF CHENANGO
VILLAGE COURT: : VILLAGE OF BAINBRIDGE
THE PEOPLE OF THE STATE OF NEW YORK

-VS-

INFORMATION

Jason Sherman
12 Johnson Street
Bainbridge, NY 13733

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Bainbridge Town Court, County of Chenango, on the 25th day of August, 2011 at 3:00 pm.

ACCUSATION

BE IT KNOWN, by this information, that Village of Bainbridge Code Enforcement Officer Jeffrey Webb being the complainant herein accuses said defendant Jason Sherman of "Accumulation of Trash" on Private Property, and is in violation of Section 121-1.1 Subsection B of the Bainbridge Village Code.

Section 121-1.1 Sub. B of the Bainbridge Village Code States: "No person shall accumulate or permit the accumulation of refuse, trash, rubbish or garbage upon any premises owned or occupied by such person within the Village of Bainbridge, except for the purpose of collection, which shall occur within seven days of such accumulation.

The facts upon which this information is based are as follows:

To Wit: The above named defendant, Jason Sherman did on the 12th day of August 2011 and each day since, including this date, permit the accumulation of garbage and refuse upon property owned by the defendant, located at 12 Johnson Street, within the Village of Bainbridge, Chenango County, N.Y., consisting of tires, metal and trash deposited in the back yard.

Wherefore, your deponent prays that the defendant be dealt with pursuant to law.

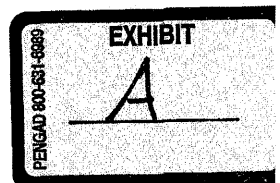
NOTICE

(Penal Law, Sec. 210-45)

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and Affirmed under the penalty of perjury, this 15th day of August 2011.

JSW
Deponent



Going on for years / 2 or 3 curtesy teller prior to summons

SUMMONS FOR MOTOR VEHICLES, JUNK OR INOPERABLE

STATE OF NEW YORK: : COUNTY OF CHENANGO
VILLAGE COURT: : VILLAGE OF BAINBRIDGE
THE PEOPLE OF THE STATE OF NEW YORK

-VS-

INFORMATION

Jason Sherman
12 Johnson Street
Bainbridge, NY 13733

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at
the Bainbridge Town Court, County of Chenango, on the 25th day of August,
2011 at 3:00 pm.

ACCUSATION

BE IT KNOWN, by this information, that Village of Bainbridge Code Enforcement
Officer Jeffrey Webb being the complainant herein accuses said defendant Jason
Sherman of "Outdoor Storage of Junk or Inoperable Motor Vehicles on Private
Property", at 12 Johnson Street and is in violation of Section 145.3 B of the Bainbridge
Village Code.

Section 145-3 Sub. B of the Bainbridge Village Code States: "It shall be unlawful for
any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or
otherwise of property within the Village of Bainbridge, to store or deposit or cause to
permit to be stored or deposited a junk or inoperable motor vehicle or part or piece
thereof, on any private property within the Village of Bainbridge, unless: Such motor
vehicle is stored or deposited in a completely enclosed building".

The facts upon which this information is based are as follows:

To Wit: The above named defendant, Jason Sherman did on the 12th day of
August 2011 permit the outdoor storage of junk or inoperable motor vehicles on private
property owned by the defendant, located at 12 Johnson Street, within the Village of
Bainbridge, Chenango County, N.Y., consisting of three vehicles or parts thereof in the
rear yard, a red truck and a grey car in side driveway.

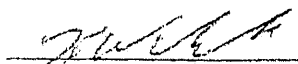
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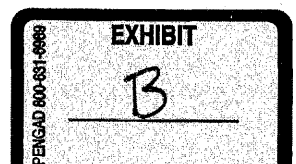
NOTICE

(Penal Law, Sec. 210-45)

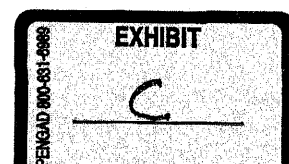
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INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE
A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and Affirmed under the penalty of perjury, this 15th day of August 2011.


Deponent



Transcript of Proceedings in *Matter of People v Jason Sherman* held
August 22, 2011 (5:48:30 to 5:58:11)
Matter of Hon. Gary F. Anderson, a Justice of the
Bainbridge Town Court, Chenango County



(People v Jason Sherman)

1 Judge Anderson: You're Jason Sherman, 12 Johnson Street,
2 Bainbridge, New York?
3 Mr. Sherman: Yes, sir.
4 Judge Anderson: Okay. It says 25th but we'll do it right now. "Be it
5 known by this information, the Village--" can I
6 waive the reading?
7 Unknown: You can waive the reading, Your Honor.
8 Judge Anderson: Okay, then. Section 121-1.1 talks about the trash
9 and also about the trucks, or cars rather that you have
10 there on your property.
11 Mr. Sherman: Yes, sir.
12 Judge Anderson: What are we doing about it, Jason?
13 Mr. Sherman: Well, the cars are gone. The truck is registered and
14 insured. I don't know why that's an issue.
15 Judge Anderson: Okay.
16 Mr. Sherman: The--
17 Judge Anderson: --The cars are gone.
18 Mr. Sherman: Yes.
19 Judge Anderson: And you had one vehicle left?
20 Mr. Sherman: Well, it's my pickup truck. It's--
21 Judge Anderson: --Okay--
22 Mr. Sherman: --but it's registered. I don't know what's--
23 Judge Anderson: --That's the only one left?
24 Mr. Sherman: Yes. The other one I moved inside the garage.
25 Judge Anderson: Oh. And moved inside and it's registered?

(People v Jason Sherman)

1 Mr. Sherman: The pickup, yes.
2 Judge Anderson: Right.
3 Mr. Sherman: Yep. And the information I received said two
4 vehicles. I'm not sure-- I'm sorry, three vehicles.
5 There was only two. I'm not sure what the-- what
6 they consider the third vehicle to be. All's I have is
7 the-- It just says three vehicles. It doesn't say.
8 Judge Anderson: Okay. Then this one, signed by Jeff, also says you
9 have trash consisting of tires and trash in the
10 backyard or something like that?
11 Mr. Sherman: I do have-- I sell tires on e-Bay. I have-- They're
12 all brand new except for maybe 10 of them that I
13 transferred.
14 Judge Anderson: How are we getting rid of them?
15 Mr. Sherman: Well, I don't understand why they would call them
16 trash. They're brand new tires. There's about--
17 Judge Anderson: --I don't know if they're allowed to be there. That's
18 the problem.
19 Mr. Sherman: New tires. I don't know why-- I mean, I understand
20 that but I don't know why they wouldn't be, I guess,
21 either. I'm not trying to, you know--
22 Judge Anderson: --I understand.
23 Mr. Sherman: I want to play by the rules, obviously.
24 Judge Anderson: Right.
25 Mr. Sherman: But I don't know-- I guess I don't understand, you

2.

(People v Jason Sherman)

1 know, why they would be considered trash.
2 Judge Anderson: Well, we got a question on that then, don't we?
3 Mr. Sherman: Yeah.
4 Judge Anderson: They're new tires?
5 Mr. Sherman: Yes. I moved most of them inside my garage but I
6 can't fit them all in there. I got about 10 left that's
7 outside yet. And I tried to put up a fence. I'm not
8 sure-- The State considers race cars exempt from
9 their code, so I don't know--
10 Judge Anderson: --What's that?
11 Mr. Sherman: The State considers race cars exempt from their
12 codes.
13 Judge Anderson: You've got a race car there too?
14 Mr. Sherman: That's what it is. It's a race car.
15 Judge Anderson: That's the one in the garage?
16 Mr. Sherman: It is now. Yeah.
17 Judge Anderson: Right. Okay. Okay.
18 Mr. Sherman: I moved it into the garage. That's what the
19 complaint is, is my race car. They've been
20 complaining about for years now and--
21 Judge Anderson: --Right. That's what I heard that they've been
22 asking you to get that out of there. And it's in the
23 garage. Let's go over this. Your question is why are
24 new tires considered trash. Do you have any other
25 trash there at all?

3.

(People v Jason Sherman)

1 Mr. Sherman: At the time that he was there, there-- I was in the
2 middle of what I'd consider-- would call it stripping
3 out race car-- removing the interior. I don't know if
4 that's what he's talking about. I don't know where
5 he would be able to see that from because it was in-
6 between my house and my garage. But there was a
7 pile of stuff there, yes. But it's only there two days a
8 year.

9 Judge Anderson: But that's gone?

10 Mr. Sherman: Oh, yeah. It's long gone. It was all gone before the
11 summer ended.

12 Judge Anderson: So, what you're saying-- If I go up there now after
13 court tonight or go up tomorrow at 12 Johnson
14 Street--

15 Mr. Sherman: --Mm-hmm.--

16 Judge Anderson: --I'm going to see a pickup truck but it's registered.

17 Mr. Sherman: Mm-hmm.

18 Judge Anderson: It's got plates on it?

19 Mr. Sherman: Yes, sir.

20 Judge Anderson: And new tires that you sell on e-Bay?

21 Mr. Sherman: You're not going to see them, Your Honor.

22 Judge Anderson: The new tires.

23 Mr. Sherman: You're not going to see any tires. They're all behind
24 my fence. They've all been fenced in. That's where
25 they've been.

4.

(People v Jason Sherman)

1	Judge Anderson:	No. But they're in the fence-- They're inside your--
2	Mr. Sherman:	--Yes.
3	Judge Anderson:	Has the neighbors complained?
4	Mr. Sherman:	No, sir.
5	Judge Anderson:	Just Jeff?
6	Mr. Sherman:	I would assume so. I've the-- I spoke with the
7		neighbors before. As a matter of fact, the neighbors
8		that owns the-- 12 Johnson Street is bordered on
9		three sides. I have only one neighbor so to speak.
10	Judge Anderson:	Yep.
11	Mr. Sherman:	And he came over just last week asking to buy a set
12		of tires.
13	Judge Anderson:	What kind are they?
14	Mr. Sherman:	The tires?
15	Judge Anderson:	Yeah.
16	Mr. Sherman:	Mostly, I sell race tires. They're what they
17		considered-- they're called 715 but I do sell regular
18		tires also.
19	Judge Anderson:	Oh. No, I mean brand.
20	Mr. Sherman:	Brand?
21	Judge Anderson:	Yeah, I mean like Firestone, Goodyear, Michelin,
22		what?
23	Mr. Sherman:	Actually, most of them are what's Akuret, A-K-U-R-
24		E-T. Samson is the other one.
25	Judge Anderson:	Okay. I bet the accumulation is-- See, okay. I'm

1 just going by that-- all right. This says it's been
2 going on for years. Two or three courtesy letters
3 prior to this summons. That's what it says. But now
4 you say it's-- they're cleaned up?

5 Mr. Sherman: Your Honor, I got a letter, I want to say maybe six
6 months ago and I removed all the vehicles. I had
7 three there-- I run race-- I do races. That's my
8 hobby. I put up a fence so I thought that was
9 sufficient. Well, I actually put up the fence last year.
10 I got a letter two years ago. I put up a fence.
11 Basically, it was-- I spoke to Hood at the time and
12 he was like, "Well, you'll have to get-- If you have it
13 fenced in, it's not a problem." I said, "Oh, okay. I'll
14 put up the fence. So, I bought the fence. I put up the
15 fence. I thought it was fine. Then I got the letter six
16 months ago and there was one vehicle that could be
17 seen from the road. I removed that vehicle. I am
18 now renting the piece of property that I can keep my
19 race cars on. On Thursday I had a race in Morris.
20 And I had the same race on Monday in Morris. So,
21 the car was there over the weekend and he stopped
22 on Friday. I mean, you know, I'm not trying to give
23 him a hard time--

24 Judge Anderson: --But now you got it-- I'm going to take a look at
25 this--

(People v Jason Sherman)

1 Mr. Sherman: --Mm-hmm. I spoke with, you know, I spoke with
2 Jim Ferdig about it when I got the letter a little over a
3 year ago and--
4 Judge Anderson: --What'd he have to say?
5 Mr. Sherman: He's-- We looked at the State Code and he says that
6 race cars and hobby cars are exempt from junk motor
7 vehicles because I can't get it registered. It's an
8 unregistrable motor vehicle.
9 Judge Anderson: Right.
10 Mr. Sherman: Once-- He said once it becomes--
11 Judge Anderson: You said you put it in the garage anyway.
12 Mr. Sherman: I did put it in the garage anyway. So, it should be a
13 dead issue but I'm just letting you know what--
14 Judge Anderson: Okay. So, that's right. My only issue right now are
15 the tires but they're fenced in. I want to find out
16 about that if that is in the village because I don't
17 know if there's anything-- the word says trash but
18 these aren't trash. You don't have any metal or
19 garbage or anything like that in there, right?
20 Mr. Sherman: No. No.
21 Judge Anderson: So, the only thing we have a question on are brand
22 new tires that you sell in e-Bay?
23 Mr. Sherman: Yes. I can get-- as a matter of fact, I might just see--
24 I left my phone in the car. I think I have some
25 photos on my phone of the tires themselves or I

(People v Jason Sherman)

1 could even bring them in or have them-- whatever
2 you want to do, Your Honor.
3 Judge Anderson: Well, I'm going to take a look--
4 Mr. Sherman: --Okay--
5 Judge Anderson: --and probably drive up there tomorrow and see
6 what's going on. In the meantime too, I'm going to
7 look into and try to find out answers on the fenced in
8 new tires, okay?
9 Mr. Sherman: Okay. I mean, you know, I spent a lot of money on
10 that place, you know. I put new siding and new
11 windows, you know, I don't, you know, I'm not
12 running a junk yard out of there, you know what I
13 mean?
14 Judge Anderson: That's-- Yeah, that's--
15 Mr. Sherman: You know, I just don't know--
16 Judge Anderson: --When I go up Johnson Street now, before the
17 tracks?
18 Mr. Sherman: Right next to the tracks. Yep.
19 Judge Anderson: Across from the-- the left hand side?
20 Mr. Sherman: On the left, yep. Yes, sir.
21 Judge Anderson: As if I'm going up? The last one before the tracks.
22 Mr. Sherman: Yes, sir.
23 Judge Anderson: Okay. I know where you are.
24 Mr. Sherman: You know, I put new siding, new windows, my
25 lawn's always mowed, you know, I'm not-- you

8.

(*People v Jason Sherman*)

1 know, I've had-- Actually, the neighbors have come
2 over and told me that the place looks a whole lot
3 nicer since I bought it, since the people that had it
4 before. You know, I just-- and I try to play by the
5 rules because I spoke with Ferdig and he said,
6 "Well," he says, "the state codes exempts race cars,"
7 you know, it's a hobby that I have. I, you know, the
8 car was at Jerry's Auto. He sponsors my car. The
9 car sat down there up until that Thursday--
10 Judge Anderson: --Jerry?
11 Mr. Sherman: Jerry Ruling.
12 Judge Anderson: Ruling?
13 Mr. Sherman: Yeah.
14 Judge Anderson: Yeah, that's what I thought you were going to say.
15 Mr. Sherman: He sponsors my car. So does Tetco, NAPA--
16 Judge Anderson: --I know Bob. He races too.
17 Mr. Sherman: Yep. Bob races. You know, it's a sanctioned
18 racecar, it's obviously a race car, you know, it's got a
19 roll cage, it's got the windows. I've got a \$2800
20 motor that I just got from Ed Wilson. It's got a
21 \$2,200 mossier (phonetic)-- If I sat down and did
22 the numbers, I probably have somewhere near 6 or
23 \$7,000 dollars. I mean, it's not junk, you know what
24 I mean, it's not-- it runs on its own power, I'm
25 sanctioned under TDPD (phonetic) as a race car--

9.

(People v Jason Sherman)

1 Judge Anderson: How can I get in touch with you by phone?
2 Mr. Sherman: You can call my cell phone probably be the best one.
3 Judge Anderson: Cell? Yep.
4 Mr. Sherman: 229-4121.
5 Judge Anderson: 4121?
6 Mr. Sherman: Yes, sir.
7 Judge Anderson: You related to Ron?
8 Mr. Sherman: Ron Sherman of Acton? I don't believe so. No.
9 Judge Anderson: When I see you at the-- He's the judge-- No. On
10 your shoulder, here, the Afton Police-- He's the
11 judge.
12 Mr. Sherman: Yeah. Yeah. I just went down tonight-- Oh, yeah,
13 yeah. I thought-- There's two Rons down there
14 that's why I got confused.
15 Judge Anderson: Oh, no. I meant the judge.
16 Mr. Sherman: Yes. No. No. No relation to Ron.
17 Judge Anderson: Then you know Ted, of course, Boice?
18 Mr. Sherman: Oh, yeah, yeah. He works for me down there.
19 Judge Anderson: Yep. He calls me up a couple of times. I didn't
20 answer his call on Friday night. I felt bad about it
21 but I was a little tired. He called me Friday night.
22 Why'd you have Friday night, do you remember?
23 Mr. Sherman: Oh, yeah, yeah. (Unintelligible)

24
25

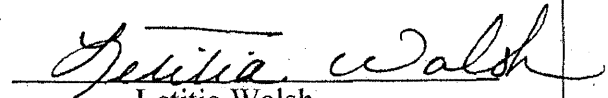
10.

(People v Jason Sherman)

CERTIFICATION

I, LETITIA WALSH, 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 of the proceeding
transcribed by me to the best of my knowledge and belief, in the matter
held on August 22, 2011.

Dated: June 29, 2012


Letitia Walsh

STATE COMMISSION ON JUDICIAL CONDUCT
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223



Silver Tarp over lots of Tires

Steel Rims next to them

Went CAR Fram under tarp behind garage

Also CAR Parts Fenders-hoods

Red Dodge Still in driveway

1:00 PM

8-26-11

I visited the residence and
also saw the trash behind the
garage & house

8/30 1 PM

HA

PCNGAD 800-831-0888

EXHIBIT

D

Bainbridge Town Court

15 N. Main Street
Bainbridge,, NY 13733

Gary F. Anderson
Town Justice

Phone: (607)967-7465
Fax: (607)967-4506

August 30, 2011

Jason Sherman
12 Johnson Rd.
Bainbridge, NY 13733

Case Number: 11080041
Viol. Date: 08/12/2011

Ticket Number	Statute/Section	Charge Text	Disposition	Fine	SurChg
	LL 121-1.1	Trash accumulation	Fine	100.00	0.00
	LL 145.3b	junk car	Fine	100.00	0.00

Total Due: \$ 200.00

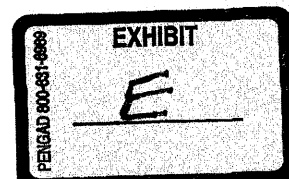
Recently you were issued a summons for failure to comply with the village code listed above. You are in violation of the Penal Law, which is punishable by the attached fine which is due immediately.

Continued failure to comply with village code and/or failure to pay will result in an order authorizing the village of Bainbridge to enter upon your private property, remove such junk and debris, and to assess the cost of such removal, storage and/or disposal against the real property from which such junk is located.

Subsequent offenses will result in fines being doubled and possibly up to 15 days in jail.

Sincerely yours,

Gary F. Anderson
Town Justice



SUMMONS FOR ACCUMULATION OF TRASH

STATE OF NEW YORK: : COUNTY OF CHENANGO

VILLAGE COURT: : VILLAGE OF BAINBRIDGE

THE PEOPLE OF THE STATE OF NEW YORK

-VS-

INFORMATION

Reginald G Lockwood

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Bainbridge Town Court, County of Chenango, on the 7th day of February, 2011, at 2:30 am/pm.

ACCUSATION

BE IT KNOWN, by this information, that Village of Bainbridge Code Enforcement Officer Jeffrey Webb being the complainant herein accuses said defendant

Reginald G Lockwood of "Accumulation of Trash" on Private Property, in violation of Section 121-1.1 Subsection B of the Bainbridge Village Code.

Section 121-1.1 Sub. B of the Bainbridge Village Code States: "No person shall accumulate or permit the accumulation of refuse, trash, rubbish or garbage upon any premises owned or occupied by such person within the Village of Bainbridge, except for the purpose of collection, which shall occur within seven days of such accumulation.

The facts upon which this information is based are as follows:

To Wit: The above named defendant, Reginald G Lockwood did on the 4th day of

January 2011 and each day since, including this date, permit the accumulation of garbage and refuse upon property owned by the defendant, located at 7 East Main St., within the Village of Bainbridge, Chenango County, N.Y., consisting of accumulation of trash
on side yard.

Wherefore, your deponent prays that the defendant be dealt with pursuant to law.

NOTICE

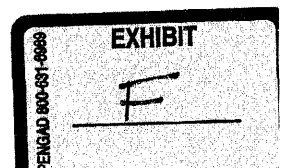
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Signed and Affirmed under the penalty of perjury, this 21st day of

January 2011.

Deponent



Bainbridge Town Court
15 N. Main Street
Bainbridge,, NY 13733

Gary F. Anderson
Town Justice

Phone: (607)967-7465
Fax: (607)967-4506

February 28, 2011

DEFENDANT

Reginald G. Lockwood
7 East Main St.
Bainbridge, NY 13733

VERSUS

PLAINTIFF

Reginald G. Lockwood
7 East Main St.
Bainbridge, NY 13733

Docket #11010044

Next Date: 03/07/2011 Time: 02:30PM

You are hereby directed to appear in this court on the date and time listed above to answer the above captioned charge(s).

After speaking with Jeff Webb and visiting the property on 2/28/2011 it is hereby ordered that you finish the clean up no later than Monday, March 7th prior to your court appearance.

Gary Anderson
Town Justice

EXHIBIT

G

RECEIVED 800-631-6968

SUMMONS FOR ACCUMULATION OF TRASH

STATE OF NEW YORK: : COUNTY OF CHENANGO
VILLAGE COURT: : VILLAGE OF BAINBRIDGE
THE PEOPLE OF THE STATE OF NEW YORK

-VS-

INFORMATION

Reginald Lockwood
7 East Main Street
Bainbridge, NY 13733

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Bainbridge Town Court, County of Chenango, on the 2nd day of May, 2011 at 6:00 pm.

ACCUSATION

BE IT KNOWN, by this information, that Village of Bainbridge Code Enforcement Officer Jeffrey Webb being the complainant herein accuses said defendant Reginald Lockwood of "Accumulation of Trash" on Private Property, in violation of Section 121-1.1 Subsection B of the Bainbridge Village Code.

Section 121-1.1 Sub. B of the Bainbridge Village Code States: "No person shall accumulate or permit the accumulation of refuse, trash, rubbish or garbage upon any premises owned or occupied by such person within the Village of Bainbridge, except for the purpose of collection, which shall occur within seven days of such accumulation.

The facts upon which this information is based are as follows:

To Wit: The above named defendant, Reginald Lockwood did on the 14th day of April 2011 and each day since, including this date, permit the accumulation of garbage and refuse upon property owned by the defendant, located at 7 East Main St., within the Village of Bainbridge, Chenango County, N.Y., consisting of trash deposited in the back yard.

Wherefore, your deponent prays that the defendant be dealt with pursuant to law.

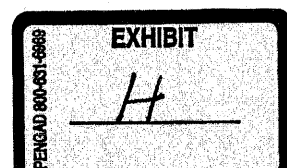
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Signed and Affirmed under the penalty of perjury, this 21st day of April, 2011.

Deponent



SUMMONS FOR ACCUMULATION OF TRASH

STATE OF NEW YORK: : COUNTY OF CHENANGO
VILLAGE COURT: : VILLAGE OF BAINBRIDGE
THE PEOPLE OF THE STATE OF NEW YORK

-VS-

INFORMATION

Arthur Gribbins
12297 Rte. 23 Arc
Ashland, NY 12407

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Bainbridge Town Court, County of Chenango, on the 25th day of July, 2011 at 6:00 pm.

ACCUSATION

BE IT KNOWN, by this information, that Village of Bainbridge Code Enforcement Officer Jeffrey Webb being the complainant herein accuses said defendant Arthur Gribbins of "Accumulation of Trash" on Private Property, and is in violation of Section 121-1.1 Subsection B of the Bainbridge Village Code.

Section 121-1.1 Sub. B of the Bainbridge Village Code States: "No person shall accumulate or permit the accumulation of refuse, trash, rubbish or garbage upon any premises owned or occupied by such person within the Village of Bainbridge, except for the purpose of collection, which shall occur within seven days of such accumulation.

The facts upon which this information is based are as follows:

To Wit: The above named defendant, Arthur Gribbins did on the 14th day of April 2011 and each day since, including this date, permit the accumulation of garbage and refuse upon property owned by the defendant, located at 33 Juliand St., within the Village of Bainbridge, Chenango County, N.Y., consisting of trash deposited in the back yard.

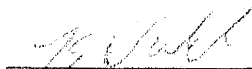
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NOTICE

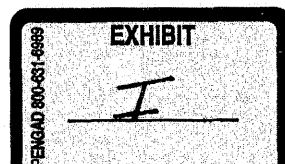
(Penal Law, Sec. 210-45)

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and Affirmed under the penalty of perjury, this 12th day of July 2011.



Deponent



SUMMONS FOR MOTOR VEHICLES, JUNK OR INOPERABLE

STATE OF NEW YORK: : COUNTY OF CHENANGO
VILLAGE COURT: : VILLAGE OF BAINBRIDGE
THE PEOPLE OF THE STATE OF NEW YORK

-VS-

ARTHUR GRIBBINS
12297 RTE 23 ARC
ASHLAND, NY 12407

INFORMATION

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the Bainbridge Town Court, County of Chenango, on the 25th day of July, 2011 at 6:00 pm.

ACCUSATION

BE IT KNOWN, by this information, that Village of Bainbridge Code Enforcement Officer Jeffrey Webb being the complainant herein accuses said defendant Arthur Gribbins of "Outdoor Storage of Junk or Inoperable Motor Vehicle on Private Property", at 33 Juliand St. and is in violation of Section 145.3 B of the Bainbridge Village Code.

Section 145-3 Sub. B of the Bainbridge Village Code States: "It shall be unlawful for any person, firm or corporation, either as owner, occupant, lessee, agent, tenant or otherwise of property within the Village of Bainbridge, to store or deposit or cause or permit to be stored or deposited a junk or inoperable motor vehicle or part or piece thereof, on any private property within the Village of Bainbridge, unless: Such motor vehicle is stored or deposited in a completely enclosed building".

The facts upon which this information is based are as follows:

To Wit: The above named defendant, Arthur Gribbins did on the 6th day of May 2011 and each day since, including this date, permit the outdoor storage of a junk or inoperable motor vehicle on private property within the Village of Bainbridge, Chenango County, N.Y., consisting of a green Chevy Blazer.

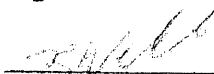
Wherefore, your deponent prays that the defendant be dealt with pursuant to law.

NOTICE

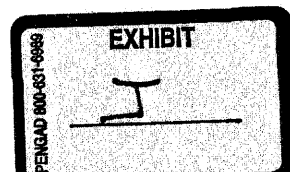
(Penal Law, Sec. 210-45)

IT IS A CRIME, PUNISHABLE AS A CLASS A MISDEMEANOR UNDER THE LAWS OF THE STATE OF NEW YORK, FOR A PERSON, IN AND BY A WRITTEN INSTRUMENT, TO KNOWINGLY MAKE A FALSE STATEMENT, OR TO MAKE A STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE.

Signed and Affirmed under the penalty of perjury, this 12th day of July, 2011.



Deponent



VIOLE + 0-900 + 975 S/C
REC- 925 + 975 S/C

WRITE HARD - YOU ARE MAKING 5 COPIES

BC4946874

New York State - Department of Motor Vehicles

SIMPLIFIED INFORMATION / COMPLAINT

The People of The State of New York VS.

POLICE AGENCY

11070057
DECDLE

LAST NAME

PONDOLFINO

FIRST NAME

Susan E

M.I.

LOCAL POLICE CODE

NUMBER & STREET ADDRESS

134 KEECH RD East

APT. NO.

PHOTO LIC SHOWN

0

CITY

BAINBRIDGE

STATE

NY

ZIP CODE

13733

OWNER IS OPER.

0

LIC CLASS/ID TYPE

I.D. NUMBER

820546313

SEX

F

DATE OF BIRTH (MMDDYY)

073051

STATE

NY

LICENSE EXPIRES (MMDDYY)

073018

VEH. TYPE

VEH. YR.

VEH. MAKE

VEH. COLOR

PLATE #

REG. STATE

REGISTRATION EXPIRES (MMDDYY)

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

TIME (24hour HHMM)

1055

DATE OF OFFENSE (MMDDYY)

070411

VTL

0

TRAFF RULES

0

ADMIN CODE

0

PR-HPL

0

ECL

0

NAV LAW

0

TAX LAW

0

TRANS LAW

0

NYCRR TITLE

6

OTHER LAW

IN VIOLATION OF: (SECTION AND SUBDIVISION)

215.2

TR

0

IN

0

VIOL

0

308B

319-1

509-1

1110A

1111D1

1225C2A

1228C3A

1180

B

C

D

F

DESCRIPTION / NARRATIVE

unlawful open burning

MPH

IN MPH ZONE

COL VEH

0

BUS

0

HAZ MAT

0

US DOT#

PLACE OF OCCURRENCE

134 Keach Rd East

HWY #

LOCATION CODE

0951

HWY TYPE

NOIC

03371

IN THE City Town Village

0 City 1 Town 0 Village

COUNTY OF: Chenango

PRECINCT: 7-7

OF: Bainbridge

COMPLAINANT SIGN AND PRINT NAME/RANK Affirmed under penalty of perjury.

RADAR OPERATOR NAME (Print)

BN ARMSTRONG / ECO

DATE AFFIRMED

070411

ARREST TYPE

28

OFFICER ID #

390

OFFICER'S COMMAND

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN EITHER THE:

TRAFF. VIOL. BUREAU IN: OR THE City Town Village Criminal District

COURT OF:

Bainbridge

COUNTY OF:

Chenango

SUMMONS PART

ADDRESS

15 North Main St

CITY

Bainbridge

STATE

NY

ZIP CODE

13733

RETURN BY MAIL BEFORE OR IN PERSON ON:

0 MUST APPEAR IN PERSON ON: 7/18/11 at 6:00 P.M.

FOR COURT USE ONLY

COURT CODE

0850

JUSTICE CODE

08437

DATE ADJUDICATED

07/18/11

DATE SENTENCE IMPOSED

CHARGE CONVICTED OF:

AS ABOVE

VTL

OTHER

DISPOSITION / SENTENCE

Dismissed

FINE

SURCHARGE

AMT BAIL FORFEITURE DATE

LIC

REV

SUSP

MAND

PERM

DAYS / MONTHS / YEAR

BC4946874



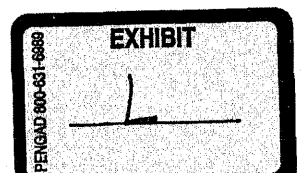
PENGAD 800-681-6888

EXHIBIT

K

COURT ADJOURNMENT RECORD		DOCKET NUMBER	
Date From	Code	Date To	Requested By
Witnesses Sworn			
Name		Address	
Conditions of Sentence/Post Judgment Proceeding			
Date of Arraignment 02/18/11		District Attorney	
Defendant's Attorney		Attorney's Address	
NYSID No.		Court Control No. 0850	
	Amount	Date	Receipt No.
Ball			
Refund			
Fine			
Surcharge			
Other papers submitted or actions taken			
Supporting papers (notarized)			
<input type="checkbox"/> Charges read - If V&T Susp. and/or Revocation - Warning <input type="checkbox"/> Copies furnished to defendant <input type="checkbox"/> You are entitled to an attorney at each and every stage of the proceedings. Do you want to have an attorney? YES NO <input type="checkbox"/> Where defendant can be sentenced to jail, except traffic infraction cases. If you are without funds to secure an attorney, the court will assign an attorney. Do you want to have an assignment? YES NO <input type="checkbox"/> You are entitled to a supporting deposition on a Simplified Information. Do you want a supporting deposition? YES NO <input type="checkbox"/> You are entitled to a trial at which the people must prove the charges beyond a reasonable doubt. Do you want a trial? YES NO <input type="checkbox"/> In Misdemeanor cases. You are entitled to a trial by jury and any waiver must be in writing. <input type="checkbox"/> In other than felonies. Do you want to enter a plea in this case? Guilty Not Guilty <input type="checkbox"/> Jury Trial Waived <input type="checkbox"/> Order D.A. <input type="checkbox"/> Support deposition requested. <input type="checkbox"/> Presentence report ordered. <input type="checkbox"/> Sealed Y.O. <input type="checkbox"/> 160.50 order entered. <input type="checkbox"/> Order assigned counsel. <input type="checkbox"/> Notify arresting officer. <input type="checkbox"/> Plea in writing Guilty Not Guilty Application Granted Not Granted			
Notes:			
Dismissed			
Judge's Signature			
Don Jay Anderson			
UT-50.1 (7/08)			

Transcript of Proceedings in *Matter of People v Pondolfo* held
July 18, 2012 (6:05:00 to 6:10:11)
Matter of Hon. Gary F. Anderson, a Justice of the
Bainbridge Town Court, Chenango County



(*People v Pondolfino*)

1 Judge Anderson: Let me read this first and make sure we understand.
2 You live on Peach Road East, 134?
3 Ms. Pondolfino: Mm-hmm. Yes, sir.
4 Judge Anderson: And it says here that on July 4th-- oh, a nice day for
5 that, around 10:55, I guess, in the morning or
6 evening, it doesn't say. 10:55 it's 24-- It's in the
7 morning.
8 Ms. Pondolfino: It was morning.
9 Judge Anderson: You did some unlawful open burning and it was
10 signed by Mr. Armstrong of the Environment
11 Conservation Department.
12 Ms. Pondolfino: Yes, sir.
13 Judge Anderson: Do you understand those? That you're--
14 Ms. Pondolfino: --Yes.
15 Judge Anderson: Okay. Now, let me hear your story.
16 Ms. Pondolfino: I was framed.
17 Judge Anderson: By whom?
18 Ms. Pondolfino: By my across the street neighbor, good old Ginny
19 Ireland, and I have--
20 Judge Anderson: Ginny?
21 Ms. Pondolfino: Mm-hmm. I have three different letters from people
22 because-- I haven't burned, probably, in five years
23 but I had--
24 Judge Anderson: You already decided that he didn't come and see that
25 it was burning?

1.

(*People v Pondolfino*)

1 Ms. Pondolfino: But see, I had a burn barrel but then I haven't burned
2 in almost five years but I had a former teacher-- her
3 and her husband were up from Florida. She came up
4 to help me get organized. And I had a lot of personal
5 paperwork that had like my social security number
6 and bank accounts, so I put that in the burn barrel,
7 the next thing I know there was the DEC officer
8 saying that he had gotten called. And I said, "I'm
9 just burning papers." I didn't realize--
10 Judge Anderson: --You can't do that--
11 Ms. Pondolfino: --you can't do that anymore. So, he said, "Well, I
12 have to look anyways." Well, he goes out and he has
13 this long stick he pulled out and as he's rummaging
14 through, out comes out a half gallon plastic milk
15 container. And I said, "That's not mine." I said,
16 "Number one, I don't drink milk, and if I do have
17 milk, I always buy it in the cardboard container."
18 And there was a soda can--
19 Judge Anderson: --So somebody else put them in there?
20 Ms. Pondolfino: Her.
21 Judge Anderson: Oh, okay.
22 Ms. Pondolfino: Well, because if you read--
23 Judge Anderson: --Is this just a friend when you're here?
24 Ms. Pondolfino: This is Mrs. Woods. She is one of my neighbors.
25 Judge Anderson: Oh, okay.

2.

(*People v Pondolfino*)

1 Ms. Pondolfino: She wrote up a letter. I have another letter from
2 another friend that has been taking me shopping
3 since I had the stroke. It will verify that I don't ever
4 have those containers. This is one from Ellen and
5 Sylvia McGlynn. They witnessed her videotaping
6 me. I mean, the lady for some reason, and I have no
7 idea why Your Honor, she is trying to-- She's out to
8 get me and I don't know why. I mean, she knows
9 I'm on SSI and limited budget and she knows I've
10 had extra doctor expenses but she knows she's doing
11 this-- and she's a witness also. Saturday night, one
12 of the other neighbors, I don't want to say who--

13 Judge Anderson: --I don't need that one. That one's got nothing to do
14 with the ticket.

15 Ms. Pondolfino: Because one of the other neighbors was burning and
16 they were definitely burning recyclables, old tires
17 and everything. You could tell by the smell. And
18 she didn't turn them in.

19 Judge Anderson: She just doesn't like you, huh?

20 Ms. Pondolfino: Yeah. And I don't understand why because when I
21 moved there, I had her over to my home. When I
22 had my house blessing, her and her husband were
23 invited. Now, she's videotaping me and--

24 Judge Anderson: Well, I'll tell you what. I'm going to make copies of
25 these. I don't need that.

3.

STATE COMMISSION ON JUDICIAL CONDUCT

Corning Tower, Suite 2301

Empire State Plaza

Albany, New York 12223

(People v Pondolfino)

1	Ms. Pondolfino:	You can have those. I have copies at home.
2	Judge Anderson:	You have copies at home? I can keep these for the
3		court records?
4	Ms. Pondolfino:	Uh-huh. Yes, sir.
5	Judge Anderson:	I'm glad you brought them and they're notarized
6		which is good.
7	Ms. Pondolfino:	Yes.
8	Judge Anderson:	One's Samantha and one's by Deborah. Okay. I'll
9		tell you what I'm going to do. I'm going to dismiss
10		this.
11	Ms. Pondolfino:	Bless your heart.
12	Judge Anderson:	How's that sound? Asking her?
13	Ms. Pondolfino:	She doesn't hear good.
14	Judge Anderson:	Oh. Did you hear everything she says. You know
15		the story?
16	Friend:	Yes, I heard everything she said.
17	Judge Anderson:	And you-- I mean.
18	Friend:	Yes, I do.
19	Judge Anderson:	And you believe everything that she's saying?
20	Ms. Pondolfino:	Well, she's been to my house when it's happened.
21	Friend:	Oh, yeah. I know-- I do believe her because I know
22		it's true. I do believe it. Yeah.
23	Judge Anderson:	You're free to go. Have a good night.
24	Ms. Pondolfino:	Thank you, very much Your Honor.
25	Friend:	Oh, good. Praise the lord.

(People v Pondolfino)

1 Judge Anderson: You get in trouble again I'm going to throw you in
2 jail.
3 Friend: Oh, no.
4 Ms. Pondolfino: You can do that because--
5 Friend: --I need her. Don't throw her in jail because I need
6 her. She's my right hand.
7 Judge Anderson: You ever hear from Mike or Linda or don't they
8 even talk to you?
9 Ms. Pondolfino: Linda hasn't for a long time.
10 Judge Anderson: Long time.. Yeah. How about Mike?
11 Ms. Pondolfino: Yep. He's a grandfather again. His youngest,
12 Nicole, had another girl.
13 Judge Anderson: You make sure you say hello to him.
14 Ms. Pondolfino: He's coming up.
15 Judge Anderson: Is he?
16 Ms. Pondolfino: Our stepsister, Annie, over in Greene, her daughter
17 gets married in October, so Michael is coming up, I
18 think, for a week. So, I'll tell him to get his butt up
19 here.
20 Judge Anderson: Let me ask you, just a question here.

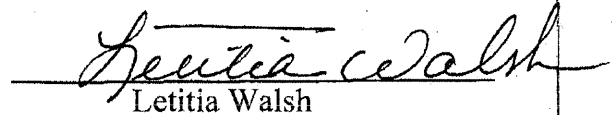
(RECORDING ENDS)

(People v Pondolfino)

CERTIFICATION

I, LETITIA WALSH, 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 of the proceeding
transcribed by me to the best of my knowledge and belief, in the matter
held on July 18, 2011.

Dated: June 29, 2012


Letitia Walsh

STATE COMMISSION ON JUDICIAL CONDUCT
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223



1C2204R3SP

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
11201

Date of Arraignment

Last Name(Defendant) GARDNER		First Name RYAN		M.I. R
Number and Street 178 CORNELL DR		Apt. No.	Photo Lic Shown <input checked="" type="checkbox"/>	
City BAINBRIDGE	State NY	Zip Code 13733	Owner is Oper. <input type="radio"/>	Lic. Class D
Client ID Number 309474108		Sex M	Date Expires 12/31/2013	
Lic State NY	Date of Birth 12/31/1992	Veh. Type FORD	Year 1998	Color GY
Plate Number DWN7596		Reg State NY	Registration Expires / /	

Court Adjourment Record Docket Number
11080029.01

Date From	Code	Date To	Requested By

Amount	Date	Receipt No.

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time 01:11AM	Date of Offense 08/10/2011	IN VIOLATION OF VTL
Violation Section 0402 01		Traffic Infraction <input checked="" type="checkbox"/> Misd <input type="checkbox"/> Felony <input type="checkbox"/>
Description of Violation NO DISTINCTIVE PLATE- OBSTRUCTED		MPH <input type="checkbox"/> MPH ZONE <input type="checkbox"/>
		US DOT# <input type="checkbox"/>
		Comm Veh <input type="checkbox"/> Bus <input type="checkbox"/> HazMat <input type="checkbox"/>
CITY/Name VILLAGE OF BAINBRIDGE	County CHENANGO	Hwy.No 0921
Street Name LINCOLN AVE		Hwy Type 5
		Loc.Code 11201

AFFIRMED UNDER PENALTY OF PERJURY

(Officer's Signature)

Officer operating radar

Date of Affirmation 08/10/2011	Arrest Type 1 - Patrol	Badge/Shield 1451	Officer's Com./Div./Stat. C121
--	----------------------------------	-----------------------------	--

Officer's Last Name

HICKS

First Name

JEREMY

M.I.

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:

BAINBRIDGE TOWN COURT

Address

15 NORTH MAIN ST.

City BAINBRIDGE	State NY	Zip 13733
<input checked="" type="checkbox"/> Return by mail before or in person on:		Date 08/29/11
<input type="checkbox"/> Must appear in person on:		Time 06:30PM

FOR COURT USE ONLY

Court Code NY008221J	Justice Code 08437	Date Arraigned 9/12/11	Date Sentence Imposed 9/12/11
Charge Convicted of <input type="radio"/> AS ABOVE <input type="radio"/> VTL <input type="radio"/> Other		Disposition/Sentence PS	Fine 50
			Surcharge 85

Bail Forfeiture Amount \$	Date	<input type="radio"/> LIC <input type="radio"/> REG <input type="radio"/> Rev <input type="radio"/> Susp <input type="radio"/> Mand. <input type="radio"/> Perm
		DAYS/MONTHS/YEAR

DWI Test Type	DWI Test Results

SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW
PROVIDES THAT 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
10/3/11
Name of Judge
Hon. G.F. Anderson

Supporting Deposition Issued: None ☒ Speeding(Gen101) ☐ Non - Speeding(Gen101a) ☐

EXHIBIT

M

New York State - Department of Motor Vehicles
UNIFORM TRAFFIC TICKET

1C2204R3SP

To be completed by Police Officer
and given to Motorist

POLICE AGENCY

NEW YORK STATE POLICE

Local Police Code

Last Name (Defendant)

GARDNER

First Name

RYAN

MI

Number and Street

178 CORNELL DR

Ap. No.

Photo Lic. Shot

City

BAINBRIDGE

State

NY

Zip Code

13733

Owner Use

D

Class

D

Client ID

309474108

Sex

M

Date Expires

12/31/2013

Lic. State

NY

Date of Birth

12/31/1992

Reg. Type

1

Year

1998

Make

FORD

Model

GY

Plate Number

DWN7596

Reg. State

NY

Registration Expires

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time

1:11 AM

Date of Offense

08/10/2011

VIOLATION OF

NYS V AND T LAW

Section Sub Section

4021

Traffic Misd Felony

• • •

MPH

MPH Zone

Description of Violation

NO DISTINCTIVE PLATE- OBSTRUCTED

US DOT#

CDL Veh

• • •

Bus

• • •

Haz Mat

• • •

Place of Occurrence

LINCOLN AVE

Way No

Loc Code

0921

City Name

BAINBRIDGE, VILLAGE OF - 0921

County

CHENANGO

Way Type

5

Highway

11201

APPROVED UNDER PENALTY OF PERJURY

OFFICER

Date Affirmed

08/10/2011

Off Assign

C 1 21

Patrol

1 - PATROL

Badge #

1451

Officer's Signature

HICKS

First Name

JEREMY

Officer's Signature

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW

BAINBRIDGE TOWN COURT

Address

15 NORTH MAIN ST.

City

BAINBRIDGE

State

NY

Zip

13733

• RETURN BY MAIL BEFORE OR IN PERSON ON

• MUST APPEAR IN PERSON

Date

08/20/2011

Time

6:30 PM

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 this ticket by Registered Mail, or First
Class Mail, with Return Receipt Requested.

- DO NOT use this form for Misdemeanors or Felonies or for a fine or subsequent
speeding violation in an 18 month period, instead you must appear in the Court noted
on this ticket in person.

- If the Court denies your plea, you will be notified by mail to appear in 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:

residing at
I have been charged with the violation as specified on the other side of this ticket. I
acknowledge receipt of the warning printed in bold type 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

The following notice applies to you if the officer did not issue you a supporting
deposition with your ticket.

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

Address

City

Bainbridge

State

NY

Zip Code

13733

NOTE: Mail this NOT GUILTY Plea within 45 days. The court will mail
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 STATE
YOUR LICENSE AND A DEFAULT JUDGEMENT AGAINST YOU.

829

Bainbridge Town Court
15 N. Main Street
Bainbridge, NY 13733

Gary F. Anderson
Town Justice

Phone: (607)967-7465
Fax: (607)967-4506

August 15, 2011

Ryan R. Gardner
178 Cornell Dr
Bainbridge, NY 13733

COPY

People of the State of New York versus:

Ryan R. Gardner
178 Cornell Dr
Bainbridge, NY 13733

Case No: 11080029
DOB: 12/31/1992

<u>TicketNo.</u>	<u>Officer</u>	<u>Statute/Section</u>	<u>Charge Text</u>
1C2204R3SP	Hicks, Trp. Jeremy	VTL 0402 01	NUM PLATE VIO

Conference/Trial date: 09/12/2011 Time: 06:30PM

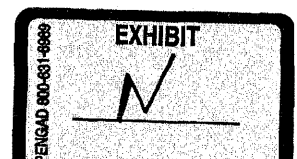
We have received your plea of Not Guilty to the above captioned charge. You are hereby directed to appear before this court at the date mentioned above for one of the following:

☒ Conference with the Judge.

☐ Trial with Arresting Officer

If you plan to be represented by an attorney he or she should accompany you at this time. Written requests for adjournment should arrive at the Court 5-days prior to trial for proper consideration.

Gary F. Anderson
Town Justice



Bainbridge Town Court
15 N. Main Street
Bainbridge,, NY 13733

Gary F. Anderson
Town Justice

Phone: (607)967-7465
Fax: (607)967-4506

August 15, 2011

To:
Trp. Jeremy Hicks
NEW YORK STATE POLICE
Troop C Rte 7
Sidney, NY 13838

Send Supporting Deposition To::
Ryan R. Gardner
178 Cornell Dr
Bainbridge, NY 13733

ATTENTION OFFICER: Hicks, Trp. Jeremy
Defendant's Request Date: 08/15/2011
Defendant's Name: Ryan R. Gardner

Order for Supporting Deposition

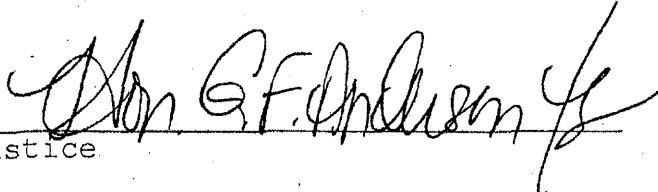
<u>TicketNo.</u>	<u>Officer</u>	<u>Statute/Section</u>	<u>Charge Text</u>
1C2204R3SP	Hicks, Trp. Jeremy	VTL 0402 01	NUM PLATE VIO

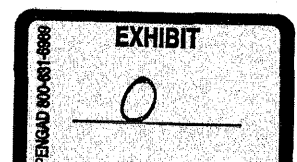
Trial Date: 09/12/2011 Time: 06:30PM

Conference

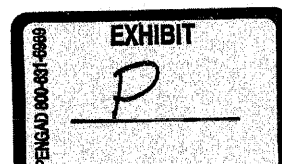
Pursuant to CPL 100.25(2) you are ordered to provide a supporting deposition for the above stated case. The defendant or attorney whose name and address appears above must receive your deposition within 30 days of the defendant's request date and at least 5-days prior to trial. A second copy and the Affidavit of Service is to be filed with the Court. If service is by mail, so state on the affidavit.

Failure to comply will result in a dismissal of the charge pursuant to 100.40(2) of the CPL.


Justice



Transcript of Proceedings in *Matter of People v. Ryan Gardner* held
September 12, 2011 (6:35:30 - 6:41:40 and 6:56:38 - 6:58:31)
Matter of Hon. Gary F. Anderson, a Justice of the
Bainbridge Town Court, Chenango County



(People v Ryan Gardner)

1 Judge Anderson: I think you were next. Ryan?
2 Mr. Gardner: Ryan.
3 Judge Anderson: Gardner? I remember you. Let me get out your ticket,
4 Ryan. The thing is, the problem with this is getting a
5 speeding ticket like this. Now, I guess you don't have a
6 problem with that, then?
7 Unidentified Man: No, sir.
8 Mr. Gardner: No, sir.
9 Judge Anderson: Okay. It says here-- You still live 178 Cornell Drive?
10 Mr. Gardner: Yes, sir.
11 Judge Anderson: It says around August 10, around 1:11 AM, Officer
12 Hicks stopped you for an obstructed plate. Is that your
13 understanding of the charge?
14 Mr. Gardner: Yes, sir.
15 Judge Anderson: What do you want to say about it, seeing it's plead not
16 guilty on it.
17 Mr. Gardner: I was actually-- It was the night before my graduation. I
18 flipped into a fire hydrant and it dented my license plate
19 and Chief Deputy Caratelli gave me a-- I had to talk to
20 him and fill out like an accident report and stuff, and I
21 asked him if it was fine, and he looked at it. He said it
22 was alright and then Officer Beans, he looked at it and
23 he said it was fine, too, so I didn't think any-- I didn't
24 think I had to replace it. And then when I got pulled
25 over by him-- Officer Hicks, he said that it was-- that he

1.

(People v Ryan Gardner)

1 couldn't read it, or something. I don't know. But it
2 didn't pass inspection. The frame-- It didn't pass
3 inspection because the frame had rusted out on it.
4 Judge Anderson: I don't need to see that.
5 Mr. Gardner: This is pretty much that notice. She wanted me to give
6 it to you.
7 Judge Anderson: So, you're putting up-- I don't understand you pleading
8 not guilty if it actually was an obstructed, or-- You said
9 it was-- You put not guilty here, right?
10 Mr. Gardner: Yes, sir.
11 Judge Anderson: And that's because of what Mr. Caratelli and--
12 Mr. Gardner: --Officer Caratelli and Officer Beans said it was fine.
13 That it wasn't obstructing and that they could read it,
14 and they said that I didn't have to replace it.
15 Judge Anderson: Has it been done? You're all done with the plate now?
16 Mr. Gardner: Yeah. Well, actually, I still have the same plates.
17 Judge Anderson: Well, yeah, but--
18 Mr. Gardner: --It's not-- The car's not being drove anymore.
19 Judge Anderson: I want to make a copy of this for my records. Let me
20 tell you what Officer Hicks says. That the defendant has
21 a problem with his ticket. He's getting a speeding
22 ticket, as well. He was given a break. Were you
23 speeding when he stopped you?
24 Mr. Gardner: Yes, sir. That's why he stopped me.
25 Judge Anderson: Right. And he didn't give you a ticket?

2.

(People v Ryan Gardner)

1 Mr. Gardner: No, sir.
2 Judge Anderson: I'm feeling like I should fine you for the plate violation,
3 since it's a lot cheaper than the speeding ticket, you
4 know what I'm saying?
5 Mr. Gardner: Yes, sir.
6 Judge Anderson: I can give you the minimum. You working someplace?
7 Mr. Gardner: Yes, sir.
8 Judge Anderson: Whereabouts?
9 Mr. Gardner: I just started down at the (unintelligible) golf course.
10 Judge Anderson: Oh, you do?
11 Mr. Gardner: Yes, sir.
12 Judge Anderson: What's Chuck, your grandfather?
13 Mr. Gardner: Yeah. Yes, sir.
14 Judge Anderson: Is he? But do you see what I'm saying here about this?
15 Mr. Gardner: Yes, sir.
16 Judge Anderson: Because he said a speeding ticket would be a lot more
17 than this other one. I almost think I have to get you to
18 change your plea, but unless you don't want to and you
19 want me to discuss it with Caratelli and Beans, I can.
20 See what I'm saying?
21 Mr. Gardner: Yes, sir.
22 Judge Anderson: Okay. Let me make a copy of this and I'll talk it over
23 with Caratelli and Beans, okay?
24 Mr. Gardner: Thank you.
25 Judge Anderson: Can you make a copy of that, please? Can you call

3.

(*People v Ryan Gardner*)

1 Casey Caratelli on the system, please? He should be
2 working today, so we should see if he's working. You
3 know what, call either one and if you get them, just let
4 me know. I'll pick up the phone here. You can have
5 that back. Have a seat, okay, Ryan?

6

7

(JUDGE HANDLES OTHER CASES)

8

9 Judge Anderson: Oh. She took the folder in there. What I'm going to do
10 is try to get in touch with Casey, or whatever. Unless
11 you hear different from us, I'm going to dismiss it.
12 Unless-- Be honest with me.

13

Mr. Gardner: Yes, sir.

14

Judge Anderson: But you did talk to them and they said it was okay?

15

Mr. Gardner: Yes, sir.

16

Judge Anderson: Casey and Beans.

17

Mr. Gardner: Beans.

18

Judge Anderson: Officer Beans. Okay. You can go, then.

19

Mr. Gardner: All right. Is there a court charge?

20

Judge Anderson: Well, when I dismiss them, there's nothing. I guess I
21 call you back and find out that nobody says it wasn't
22 that, and then it's going to be worse than what the
23 minimum would have been.

24

Mr. Gardner: I was just making sure. I didn't want to walk out on
25 you. It's my first time, so.

4.

(People v Ryan Gardner)


1 Judge Anderson: I-- Well, I'd come after Chuck or how about the-- what
2 the heck is her name?
3 Mr. Gardner: Marissa? My grandmother?
4 Judge Anderson: No. Your sister.
5 Mr. Gardner: Jessica?
6 Judge Anderson: Married Cornish.
7 Mr. Gardner: Michelle?
8 Judge Anderson: Michelle. Is that it?
9 Mr. Gardner: That's my aunt.
10 Judge Anderson: Your aunt, rather.
11 Mr. Gardner: Yes, sir.
12 Judge Anderson: That's right. That's your aunt. Because-- say-- she's
13 related to the Gardners somewhere in there, right?
14 Mr. Gardner: Yeah.
15 Judge Anderson: I would think so. I forgot her name for a minute, there.
16 Okay. Lisa, no luck with Casey, or--
17 Lisa: No. The situation is that the-- they're not in Bainbridge
18 and Sidney was flooded, so it went up to State Police
19 with them, as well. And they just said that if they see
20 him or talk to him, they'll give him the message.
21 Judge Anderson: Okay. You can go, then.
22
23
24
25

5.

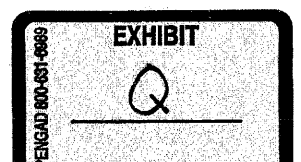
1
2 CERTIFICATION
3

4 I, Emily E. Taaffe, a Secretary II of the State Commission on
5
6 Judicial Conduct, do hereby certify that the foregoing is a true and accurate
7 transcript of the audio recording of the proceeding transcribed by me to the
8 best of my knowledge and belief, in the matter held on September 12, 2011.
9

10
11 Dated: June 27, 2012
12

13 
14 Emily E. Taaffe
15
16
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25

If defendant
has a problem
with this he is
getting a speeding
ticket as well -
He was given a break



Send a fine
notice to Ryan
8-18
50 + 85

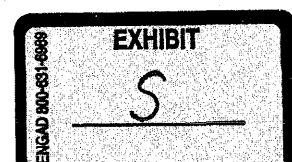
Per Casey Caratelli
Ryan lied about
Casey saying it was
OK

PCNGAD 000-631-6986

EXHIBIT

R

Transcript of Proceedings in *Matter of People v Codey Miner* held
May 2, 2011 (6:08:41 to 6:20:26)
Matter of Hon. Gary F. Anderson, a Justice of the
Bainbridge Town Court, Chenango County



(*People v Codey Miner*)

1	Judge Anderson:	Come on up. Codey Miner.
2	Mr. Miner:	And I got my copies here.
3	Judge Anderson:	Ms. Graney.
4	Ms. Graney:	Hello?
5	Judge Anderson:	Hello.
6	Ms. Graney:	Are you talking to me?
7	Judge Anderson:	Ms. Graney.
8	Ms. Graney:	(unintelligible).
9	Judge Anderson:	Do you have tickets for one Codey-- oh, wait a
10		minute.
11	Ms. Graney:	You have his whole folder.
12	Judge Anderson:	Oh, he has a folder on it. I was looking at the
13		tickets. Hang on.
14	Ms. Graney:	Well, there's a ticket, there's also another charge.
15	Judge Anderson:	Okay. That's right. I've got it. I was looking in the
16		ticket pile. Okay, Codey, it says you live at 1865
17		County Road 39, Bainbridge?
18	Mr. Miner:	Mm-hmm.
19	Judge Anderson:	And you were stopped on 4:10 P.M. on April 14th.
20	Mr. Miner:	Mm-hmm.
21	Judge Anderson:	And you were stopped by Officer DiLorenzo and he
22		says you're operating without insurance, unregistered
23		motor vehicle, and uninspected motor vehicle. Do
24		you understand those charges?
25	Mr. Miner:	Mm-hmm.

1.

(People v Codey Miner)

1 Judge Anderson: Okay. Most of these cases, they're just violations. If
2 you're pleading not guilty, looking for a reduction,
3 you contact the ADA. Is that what you'd like at any
4 of these, but since these look like unregistered,
5 uninspected, and without insurance, he's not going to
6 be able to do much for you there.

7 Mr. Miner: Because I only went two houses down from my
8 house and the thing is is we're in the process of
9 selling the vehicle and it's registered in North
10 Carolina and the guy wanted to make sure the car ran
11 so we drove it right down the road and right back.
12 And the lady who called, called the state troopers.
13 He just showed up right at my house and he wanted
14 to know if it ran and drove and everything before he
15 purchased the car because I have to send the title out
16 with \$250. And I don't know if you can call in the
17 officer or not.

18 Judge Anderson: Fayetteville, North Carolina?

19 Mr. Miner: Yep. Well, that's where I-- I recently moved up
20 here.

21 Judge Anderson: Oh, you moved up to here?

22 Mr. Miner: Yeah. I was on the army base down there.

23 Judge Anderson: And this is just showing the title of the car.

24 Mr. Miner: Yeah. Because I drove on the road because--

25 Judge Anderson: --Why doesn't it have insurance?

2.

(People v Codey Miner)

1	Mr. Miner:	It hasn't been insured since I've-- When you leave
2		North Carolina, they-- you got to cut your insurance
3		and then you got to get a new license up here, too,
4		because everything's through the DMV and all.
5		Because if you don't have insurance down there,
6		they take your license.
7	Judge Anderson:	Who's the person you're selling this to?
8	Mr. Miner:	Brandon Harrington.
9	Judge Anderson:	Here's what I want you to do. Now, that you live
10		here we can communicate. Where's-- How far
11		down the road-- 1865-- towards Sidney or towards
12		Athens?
13	Mr. Miner;	Going back towards Bainbridge. I live--
14	Judge Anderson:	--1865-- Because I live at 1245.
15	Mr. Miner:	No. I live-- you know where the airport is?
16	Judge Anderson:	Oh, you're up that far?
17	Mr. Miner:	Yeah. I up by the airport.
18	Judge Anderson:	Okay.
19	Mr. Miner:	I don't have his address.
20	Judge Anderson:	You're going to get in touch with him though?
21	Mr. Miner:	I can. Okay.
22	Judge Anderson:	What did you say his name was?
23	Mr. Miner:	Brandon Harrington.
24	Judge Anderson:	Brendan?
25	Mr. Miner:	Brandon.

3.

(People v Codey Miner)

1 Judge Anderson: Brandon.
2 Mr. Miner: Yeah. And the officer actually-- the one who
3 stopped at my house, drove past my house previously
4 and saw us all around the car looking at it.
5 Judge Anderson: Okay.
6 Mr. Miner: So, he knew right where to go, anyways.
7 Judge Anderson: He's going to buy the car?
8 Mr. Miner: Oh, I don't know now, after this happened.
9 Judge Anderson: This got nothing to do-- whether you--now that you
10 drove it and was he happy with the car?
11 Mr. Miner: Huh?
12 Judge Anderson: Was he happy with the car?
13 Mr. Miner: Yeah. He's happy with the car. But I still got to
14 send out the title.
15 Judge Anderson: Yep. You work?
16 Mr. Miner: Not now. Not previously, no.
17 Judge Anderson: Here's what I want you to do because these are stiff--
18 especially the insurance, just to let you know.
19 You're not putting this back on the road though?
20 Mr. Miner: No. I'm straight out selling it.
21 Judge Anderson: Straight out selling it. Without insurance, \$200--
22 probably minimum \$200 plus \$85 and then you're
23 going to-- found guilty for at least one year if found
24 guilty an additional civil penalty, \$756 by DMV
25 before applying for a license or a registration can be

(*People v Codey Miner*)

1 issued. Just for driving around without insurance.
2 So, here's what I want you to do. Okay. I want you
3 to get a statement from Brandon--
4 Mr. Miner: --Yes, sir--
5 Judge Anderson: --as to buying the car.
6 Mr. Miner: Mm-hmm.
7 Judge Anderson: Get him to sign a paper to that effect and to his
8 knowledge of the situation about these three and
9 what the-- Was he there when the officer was there?
10 Mr. Miner: No.
11 Judge Anderson: Okay. But--
12 Mr. Miner: --Because I went back-- Because when we left, I left
13 my house, drove to his house, and then he got in the
14 car and we just drove right up the street back to my
15 house--
16 Judge Anderson: --How long is it going to take you to get this?
17 Mr. Miner: What, to get a statement?
18 Judge Anderson: From him.
19 Mr. Miner: I could have it by tomorrow.
20 Ms. Graney: It has to be notarized.
21 Judge Anderson: Yep. I was just getting into that. Make sure he
22 writes it down and then stop and we have to have a
23 notary to verify that he's making that statement.
24 Mr. Miner: Oh, okay. Like I have to have him come with me?
25 Judge Anderson: Yep. You can do that right here. Debbie Hromada.

5.

(People v Codey Miner)

1 Mr. Miner: Could you give me, like, two days?
2 Judge Anderson: Yep.
3 Mr. Miner: Okay. Because I don't know if he's working or not.
4 Judge Anderson: They do that right here in Town Hall.
5 Mr. Miner: Okay.
6 Judge Anderson: Bring him in here to sign that to verify that what
7 you're telling me is fine and that he is going to buy
8 this, etcetera. She's the Town Clerk. Do you know
9 her?
10 Mr. Miner: No.
11 Judge Anderson: Once you get it done and all, you can drop it off with
12 the court clerk that you had that letter and I'll put it
13 in the file and I'll make my decision after that
14 happens. Okay?
15 Mr. Miner: All right.
16 Judge Anderson: And you can take this back and this back. Make sure
17 you get that done as soon as possible because you're
18 not working and these things are awful stiff. You're
19 looking at hundreds of dollars with these three. But
20 if the car is not on the road and you're selling it, then
21 it will be up to him to take care of all that.
22 Mr. Miner: Yeah. Because it hasn't been on the road since.
23 Judge Anderson: What year is it?
24 Mr. Miner: '88.
25 Judge Anderson: '88 what?

(*People v Codey Miner*)

1 Mr. Miner: Nissan 300.
2 Judge Anderson: Nissan 300?
3 Mr. Miner: Yep.
4 Judge Anderson: Codey, C-O-D-E-Y?
5 Mr. Miner: Mm-hmm.
6 Judge Anderson: Usually they just have--
7 Mr. Miner: --just DY?
8 Judge Anderson: Yeah. Okay. Do that for me, please, and then we'll
9 make the decision later. All right? Free to go.
10 Mr. Miner: Take care.
11 Judge Anderson: You take care of the money.
12 Ms. Graney: Is he coming back for ADA day?
13 Judge Anderson: What's that? No. He's going to be here in two days
14 so, if he's going to be--
15 Ms. Graney: For the marijuana charge?
16 Judge Anderson: Who him?
17 Ms. Graney: Yeah.
18 Judge Anderson: No. He don't have that.
19 Ms. Graney: Isn't he Codey Miner?
20 Judge Anderson: Yes.
21 Ms. Graney: He didn't have a marijuana charge?
22 Judge Anderson: No, sir. No, sir. No, ma'am. No, ma'am.
23 Ms. Graney: I got them mixed up.
24 Judge Anderson: Yes, you do. You're all mixed up anyway ever since
25 that Philadelphia trip. I could add these up for you

7.

(People v Codey Miner)

1		since nobody is here to tell what he could have been
2		fined. And he's not working so what's the sense.
3		Uninspected Motor Vehicle, Unregistered Motor
4		Vehicle, and no insurance. Because he let it go
5		because he's selling it to this guy and if that's true,
6		we can get rid of these but--
7	Unknown:	Is everybody else coming in at 7:00?
8	Judge Anderson:	Yes. This guy was scheduled for 7:00 but he knew
9		to come in.
10	Ms. Graney:	His mom called, I think.
11	Judge Anderson:	Oh.
12	Unknown:	All right. I'll be back, Your Honor.
13	Judge Anderson:	Okay.
14	Ms. Graney:	This café doesn't cook dinner, do they?
15	Judge Anderson:	Yes, they do. Monday nights.
16	Ms. Graney:	I haven't had dinner yet. Liv went with her friends,
17		McDonalds. Bill was making a sandwich as I was
18		leaving.
19	Judge Anderson:	You had to either call up and order and then pick it
20		up or just run over there now or whatever. How do
21		you want me-- We'll just set this one aside, okay?
22	Ms. Graney:	What's that?
23	Judge Anderson:	Codey Miner.
24	Ms. Graney:	Okay.
25	Judge Anderson:	If he brings in that statement that this guy is going

8.

(People v Codey Miner)

1

buy the car, we'll get rid of this thing. Attach that

2

note to it.

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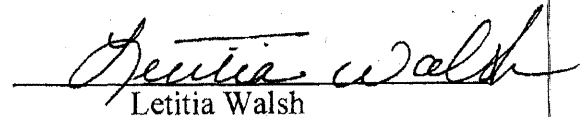
25

(People v Codey Miner)

CERTIFICATION

I, LETITIA WALSH, 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 of the proceeding
transcribed by me to the best of my knowledge and belief, in the matter
held on May 2, 2011.

Dated: June 29, 2012


Letitia Walsh

STATE COMMISSION ON JUDICIAL CONDUCT
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

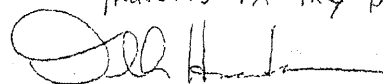
May 3, 2011

I Codey Miner have a 1988 Nissan that has a salvaged title and that is registered in North Carolina. Brandon Harrington is interested in buying it so, I drove right down the road to show Brandon that the car ran good, because I would have to send the title out before selling and so it can be registered in New York State.

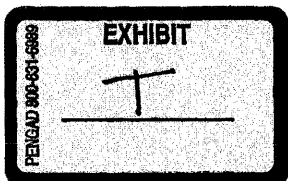
Codey C Miner

Barb L Hunt

On May 3, 2011 before me appeared Codey Miner and Brandon Harrington to me known and who executed their signatures in my presence.



DEBORAH HROMADA
Notary Public, State of New York
County of Chenango, No. 4798869
My Commission Expires July 31, 2013



1C8201C9SP

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
11201

Date of Arraignment

Last Name (Defendant) GRAPES		First Name CHRISTOPHER		M.I. H
Number and Street 37 CRICKET LN		Apt. No.	Photo Lic Shown <input checked="" type="checkbox"/>	
City FULTON	State NY	Zip Code 13069	Owner is Oper. <input checked="" type="checkbox"/>	Lic. Class DM
Client ID Number 975064584		Sex M	Date Expires 08/21/2017	
Lic State NY	Date of Birth 08/21/1980	Veh. Type 2009	Make SUBA	Color RD
Plate Number 364PSU		Reg State NY	Registration Expires 01/30/2013	

Court Adjudgment Record Docket Number
11080065.01

Date From	Code	Date To	Requested By

Amount	Date	Receipt No.

THE PERSON DESCRIBED ABOVE IS CHARGED AS FOLLOWS

Time 02:30PM	Date of Offense 08/21/2011	IN VIOLATION OF VTL
Violation Section 1110 0A		Traffic Infraction <input checked="" type="checkbox"/> Misd <input type="checkbox"/> Felony <input type="checkbox"/>
Description of Violation DISOBEYED TRAFFIC CONTROL DEVICE		MPH <input type="checkbox"/> MPH ZONE <input type="checkbox"/>
		US DOT# <input type="checkbox"/>
		Comm Veh <input type="checkbox"/> Bus <input type="checkbox"/> HazMat <input type="checkbox"/>
City/Name TOWN OF BAINBRIDGE	County CHENANGO	Hwy No 206
Street Name STATE ROUTE 206		Loc Code 0951
		Hwy Type 2
		NCIC/ORI 11201

AFFIRMED UNDER PENALTY OF PERJURY

[Signature]
(Officer's Signature)

Officer operating radar

Date of Affirmation 08/21/2011	Arrest Type 1 - Patrol	Badge/Shield 1835	Officer's Com./Div./Stat. C121
--	----------------------------------	-----------------------------	--

Officer's Last Name

Dilorenzo

First Name

B

M.I.

THIS MATTER IS SCHEDULED TO BE HANDLED ON THE APPEARANCE DATE BELOW IN:

BAINBRIDGE TOWN COURT

Address

15 NORTH MAIN ST.

City

BAINBRIDGE

State

NY

Zip

13733☒ Return by mail before or in person on:

Date

09/12/11

Time

02:30PM☐ Must appear in person on:

FOR COURT USE ONLY

Court Code NY008221J	Justice Code 08437	Date Adjudicated 9/12/11	Date Sentence Imposed
--------------------------------	------------------------------	------------------------------------	-----------------------

Charge Convicted of <input type="checkbox"/> AS ABOVE <input type="checkbox"/> VTL <input type="checkbox"/> Other	Disposition/Sentence <i>Dismissed</i>	Fine \$	Surcharges \$
---	--	------------	------------------

Bail Forfeiture Amount \$	Date	<input type="checkbox"/> LIC <input type="checkbox"/> REG <input type="checkbox"/> Rev <input type="checkbox"/> Susp <input type="checkbox"/> Mand. <input type="checkbox"/> Perm
		DAYS/MONTHS/YEAR

DWI Test Type	DWI Test Results
---------------	------------------

SECTION 1807 OF THE VEHICLE AND TRAFFIC LAW PROVIDES THAT 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] **9/12/11**

Name of Judge

[Signature] **GARRY ANDERSON**

Supporting Deposition Issued: None ☒ Speeding (Gen101) ☐ Non-Speeding (Gen101a) ☐

EXHIBIT

888-800-0000
ENGL-000-000-0000

U



Bainbridge Town Court
15 N. Main Street
Bainbridge,, NY 13733

Gary F. Anderson
Town Justice

Phone: (607)967-7465
Fax: (607)967-4506

August 29, 2011

Christopher H. Grapes
37 Cricket Ln
Fulton, NY 13069

COPY

People of the State of New York versus:

Christopher H. Grapes
37 Cricket Ln
Fulton, NY 13069

Case No: 11080065
DOB: 08/21/1980

<u>TicketNo.</u>	<u>Officer</u>	<u>Statute/Section</u>	<u>Charge Text</u>
1C8201C9SP	Dilorenzo, Tpr. B.E.	VTL 1110 0A	DIS TRFC DEVICE


Conference/Trial date: 09/12/2011 Time: 07:00PM

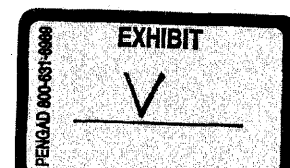
We have received your plea of Not Guilty to the above captioned charge. You are hereby directed to appear before this court at the date mentioned above for one of the following:

X Conference with the Judge.

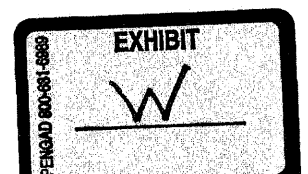
 Trial with Arresting Officer

If you plan to be represented by an attorney he or she should accompany you at this time. Written requests for adjournment should arrive at the Court 5-days prior to trial for proper consideration.


Gary F. Anderson
Town Justice



Transcript of Proceedings in *Matter of People v. Christopher Grapes* held
September 12, 2011(6:25:50 - 6:28:15)
Matter of Hon. Gary F. Anderson, a Justice of the
Bainbridge Town Court, Chenango County



(People v Christopher Grapes)

1 Judge Anderson: Okay. Christopher, it says you live at 37 Cricket Lane in
2 Fulton.
3 Mr. Grapes: Yep. That's correct.
4 Judge Anderson: And it says here, on 8/21 around 2:30 P.M., Officer
5 DeLorenzo stopped you for disobeying the traffic
6 control device.
7 Mr. Grapes: That's correct.
8 Judge Anderson: Okay.
9 Woman 1: And you said March was the last name?
10 Woman 2: Yes.
11 Judge Anderson: Okay. This is just a simple-- Let's see. Where are you,
12 here?
13 Mr. Grapes: I'm a little early, sir.
14 Judge Anderson: Traffic infrac-- That's all right. I want to get home early
15 myself, here. Yup. Traffic Infraction. There is
16 potential of two points if you are-- plead guilty. I see
17 you plead not guilty to it.
18 Mr. Grapes: That's correct.
19 Judge Anderson: Do you want to discuss this?
20 Mr. Grapes: Sir, I--
21 Judge Anderson: You can have this. It is your right to discuss, since you
22 plead not guilty.
23 Mr. Grapes: Sir, I'd like to potentially make a plea bargain, or
24 something along those lines, for potentially a couple
25 traffic tickets. Maybe go to school or something along

1.

(People v Christopher Grapes)

1 those lines. I would prefer not to have points on my
2 driver's license. It can affect my job is really what it
3 comes down to.
4 Judge Anderson: What happened?
5 Mr. Grapes: I passed in a no-passing zone.
6 Judge Anderson: You did what?
7 Mr. Grapes: Passed in a no passing zone.
8 Judge Anderson: Where'd that happen?
9 Mr. Grapes: Route 26.
10 Judge Anderson: 206?
11 Mr. Grapes: 206. Correct, correct. 206.
12 Judge Anderson: And you wrote that down. Okay. Can you tell me a
13 little more about it? What was the--
14 Mr. Grapes: I was following somebody that was-- Have you ever
15 followed somebody that goes down the side of a
16 mountain and rides their brake the whole time?
17 Judge Anderson: Whereabouts on 206 were you? In the Bainbridge or--
18 Mr. Grapes: No. Leaving town. It's a-- It's probably half to three
19 quarters of a mile straight section where it's to--
20 Judge Anderson: --Going up the hill leaving towards--
21 Mr. Grapes: --Right. Right. Exactly.
22 Judge Anderson: Towards Greene.
23 Mr. Grapes: Where it comes down, I was passing and going
24 downhill, and there was several cars coming in the other
25 downhill section where they meet in the valley. And I

(People v Christopher Grapes)

1 mean, I pass in plenty of room, but when the cars-- of
2 course, there's a state trooper, so here I am.

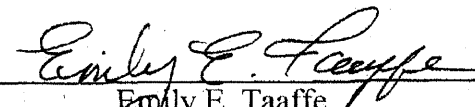
3 Judge Anderson: Have a nice night.

4 Mr. Grapes: Thank you, sir. I appreciate it.
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2 CERTIFICATION
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4 I, Emily E. Taaffe, an Assistant Administrative Officer of the State
5 Commission on Judicial Conduct, do hereby certify that the foregoing is a
6 true and accurate transcript of the audio recording of the proceeding
7 transcribed by me to the best of my knowledge and belief, in the matter
8 held on September 12, 2011.
9
10
11

12 Dated: June 27, 2012
13
14

15 
16 Emily E. Taaffe
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STATE COMMISSION ON JUDICIAL CONDUCT
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

APPEARANCE TICKET*
NEW YORK STATE POLICE

Issued To:	<u>FELICIA A SCOTT</u>	<u>3/28/1991</u>	
	NAME OF DEFENDANT	DATE OF BIRTH	
<hr/>			
<u>136 MARY LYNN LANE</u>	<u>BAINBRIDGE</u>	<u>NY</u>	<u>13733</u>
STREET AND NUMBER	CITY OR TOWN	STATE	ZIP CODE

You are hereby directed to appear in the court described below on

9/12/2011 at 07:00 PM in connection with your alleged

commission of the offense of UNLAWFUL POSSESSION MARIHUANA contrary to the

provisions of section 221.05 of the PENAL law.

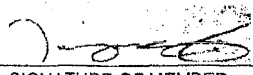
Name of court BAINBRIDGE TOWN COURT

Location of court 15 NORTH MAIN ST. BAINBRIDGE NY 13733

* NOTE - If you fail to appear on the date and at the time indicated, the court may issue a summons or warrant for your arrest (Criminal Procedure Law Section 150.60).

If you have posted bail, the bail will become forfeit upon your failure to comply with the directions of this ticket (Criminal Procedure Law Section 150.30).

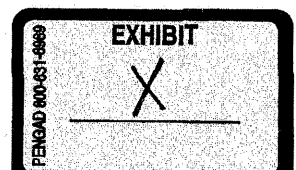
Issued and subscribed by:


SIGNATURE OF MEMBER

1451
SHIELD

C121
TZS / DIVISION/PRECINCT

8/31/2011
DATE ISSUED



STATE OF NEW YORK

COUNTY OF CHENANGO

TOWN _____

COURT _____

TOWN _____

of BAINBRIDGE

Defendant: NA

(Relationship to alleged victim)

Alleged Victim: NA

(Relationship to defendant)

THE PEOPLE OF THE STATE OF NEW YORK

-- VS. --

Date of Birth

FELICIA A SCOTT

3/28/1991

Defendant(s)

BE IT KNOWN THAT, by this INFORMATION, JEREMY HICKS

as the Complainant herein, STATIONED at SP. SIDNEY

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

of UNLAWFUL POSSESSION MARIHUANA in violation of Section 221.05

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

That on or about 8/31/2011 at about 12:05 AM

in the TOWN of BAINBRIDGE, County of CHENANGO, the defendant(s)

DID INTENTIONALLY, KNOWINGLY AND UNLAWFULLY COMMIT THE VIOLATION OF UNLAWFUL POSSESSION OF MARIHUANA. A PERSON IS GUILTY OF UNLAWFUL POSSESSION OF MARIHUANA WHEN HE KNOWINGLY AND UNLAWFULLY POSSESSES MARIHUANA.

PURSUANT TO A TRAFFIC STOP ON STATE ROUTE 7 IN THE TOWN OF BAINBRIDGE SAID DEFENDANT DID POSSESS A SMALL BAGGIE OF MARIJUANA WITH APP. 1.5 GRAMS AND 4 MARIJUANA SMOKING PIPES LOCATED IN THE DEFENDANT'S BACK PACK IN THE REAR OF A 2003 CHEVY CAVALIER BEARING NY REG EVE8360

The above allegations of fact are made by the Complainant herein on direct knowledge.

WHEREAS, an Appearance Ticket was issued to the said Defendant, directing him to appear before this court at 07:00 PM on SEPTEMBER 12, 2011

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

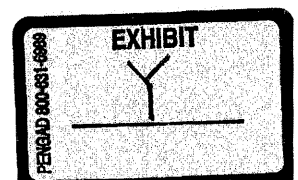
this 31st day of AUGUST, 2011

--OR--

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

COMPLAINANT -

Transcript of Proceedings in *Matter of People v. Felicia Scott* held
September 12, 2011 (6:50:55 - 5:56:38)
Matter of Hon. Gary F. Anderson, a Justice of the
Bainbridge Town Court, Chenango County



(People v Felicia Scott)

1 Judge Anderson: Hi.
2 Ms. Scott: Hello
3 Judge Anderson: And your name?
4 Ms. Scott: Felicia Scott.
5 Judge Anderson: Oh. Uh oh. You've got one of these guys. You get one
6 of those and you get a separate folder.
7 Ms. Scott: Oh boy.
8 Judge Anderson: I don't like to see that.
9 Ms. Scott: I know. Neither do I.
10 Judge Anderson: Let me make sure we have something straight here,
11 though. You live at 136 Marygreen Lane in Bainbridge,
12 or has that changed?
13 Ms. Scott: Well, I just moved to my friend's house a couple days
14 ago.
15 Judge Anderson: This is incorrect, then?
16 Ms. Scott: Yes. At the time, it was correct, though.
17 Judge Anderson: Where are you now?
18 Ms. Scott: 72 North Main Street?
19 Judge Anderson: Do you want to come up?
20 Woman: 72 North Main Street right here in Bainbridge.
21 Judge Anderson: 72 North Main?
22 Woman: Yeah.
23 Judge Anderson: That's going up-- Where's that right next to?
24 Woman: That's right by-- It's down towards Watts Auto and like
25 the bowling alley. A little before that.

(People v Felicia Scott)

1 Judge Anderson: Oh. Out that far?
2 Woman: Yeah.
3 Judge Anderson: Okay. We will make that change.
4 Ms. Scott: Okay.
5 Judge Anderson: Okay. It says here that on August 31st at around 12:05
6 A.M.-- I can't read his writing. Do you remember what
7 officer it was? It doesn't matter, but--
8 Ms. Scott: --I think his name is--
9 Judge Anderson: --It doesn't matter. I don't see it here. I can find out the
10 shield number, but-- if it's on here.
11 Ms. Scott: Officer Hicks.
12 Judge Anderson: Oh. Was it Jeremy Hicks?
13 Ms. Scott: Yes.
14 Judge Anderson: Okay. It says, "Did intentionally, knowingly unlawfully
15 commit the violation Unlawful Possession of
16 Marijuana," okay? Do you understand the charges?
17 Ms. Scott: Yes.
18 Judge Anderson: It's a violation, so it's not a misdemeanor. It doesn't go
19 on your record or anything like that. There is a fine and
20 a surcharge with it, though.
21 Ms. Scott: Okay.
22 Judge Anderson: And usually that's how we handle these.
23 (Unintelligible) County Jail bad.
24 Ms. Scott: Okay.
25 Judge Anderson: But right now-- So, that would be for-- It's \$50 plus

2.

(People v Felicia Scott)

1 \$125 for this state.
2 Ms. Scott: Okay.
3 Judge Anderson: Can you pay that tonight, or do you need time?
4 Ms. Scott: I need time. At least until tomorrow.
5 Judge Anderson: That's fine. I could do-- I'll give you two weeks if we
6 have to, okay?
7 Ms. Scott: Okay.
8 Judge Anderson: I hope that they don't change this marijuana thing to a
9 misdemeanor someday. Then you've got to get
10 attorneys involved and all that.
11 Ms. Scott: Hopefully, I won't have to deal with it ever again. I
12 don't plan to.
13 Judge Anderson: Good. Put that thing right there up in your visor or some
14 place so you can say, "Gee, do I want to do this again?"
15 Ms. Scott: It will probably always be in my wallet.
16 Judge Anderson: Okay. How about next week? You can stop in before
17 next week, sometime?
18 Ms. Scott: Yeah.
19 Judge Anderson: Felicia Scott?
20 Ms. Scott: Yep.
21 Judge Anderson: Okay. What we have here, then, is \$50 plus that. \$175
22 is your total.
23 Ms. Scott: Okay.
24 Judge Anderson: Please stop in by next week, make a payment to the
25 court clerk how much-- either all of it, half of it, or

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STATE COMMISSION ON JUDICIAL CONDUCT
Corning Tower, Suite 2301
Empire State Plaza
Albany, New York 12223

(People v Felicia Scott)

1 something like that.
2 Ms. Scott: Okay.
3 Judge Anderson: And if you make a partial, she'll tell you when you have
4 to stop in and make another one.
5 Ms. Scott: Okay.
6 Judge Anderson: Okay? That's all there is to it, you're free to go.
7 Ms. Scott: Thank you.
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CERTIFICATION

I, Emily E. Taaffe, an Assistant Administrative Officer of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording of the proceeding transcribed by me to the best of my knowledge and belief, in the matter held on September 12, 2011.

Dated: June 27, 2012

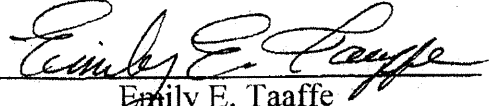

Emily E. Taaffe

EXHIBIT B

Bainbridge Town Court

15 North Main Street
Bainbridge, NY 13733

Tel: (607)967-7465

Fax: (607)967-4506

10/25/12

To : Bainbridge Town Board

RE: Resignation from the position of Bainbridge Town Justice

This is to officially inform you that I am resigning from the position of Bainbridge Town Justice, effective November 30, 2012.

Respectfully,

A handwritten signature in cursive script that reads "Gary Anderson".

Gary Anderson
Bainbridge Town Justice