



*State of New York
Court of Appeals*

*John P. Asiello
Chief Clerk and
Legal Counsel to the Court*

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095*

April 24, 2018

(VIA FEDERAL EXPRESS AND FIRST CLASS MAIL)

Hon. Leticia D. Astacio
Judge of the Rochester City Court,
Monroe County
17 Flower City Park
Rochester, NY 14615

RECEIVED

APR 26 2018

NYS COMMISSION ON
JUDICIAL CONDUCT NYC

Re: Matter of the Hon. Leticia D. Astacio

Dear Judge Astacio:

On April 24, 2018, you were served with a determination of the State Commission on Judicial Conduct, dated April 23, 2018. The Court may consider that determination on its pending inquiry into the continuation of your suspension, with or without pay, from the exercise of the powers of Judge of the Rochester City Court, Monroe County, initiated by the letter of this office dated April 11, 2018.

Should you wish to do so, you or your attorney may supplement the April 18, 2018 letter of your attorney Robert F. Julian with a further statement of your position on continuation of the suspension, addressing the Commission's determination.

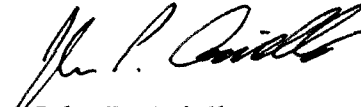
You should file your submission by April 30, 2018. "Filed" means received by the Clerk's Office. Subject to the same filing date and receipt of a copy of this letter, the Commission on Judicial Conduct is also authorized to present its views, if any, with respect to continuation of suspension, with or without pay. All papers shall be filed with proof of service of one copy of the paper on opposing parties.

IMPORTANT: Your response to this inquiry does not excuse the need to file, separately and timely, the written request required by Judiciary Law § 44(7), if review of the Commission on Judicial Conduct's determination is sought.

Hon. Leticia D. Astacio
-Page 2-
April 24, 2018

Questions may be directed to Susan Dautel at 518-455-7701 or Margaret Wood at 518-455-7702.

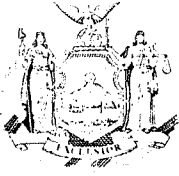
Very truly yours,



John P. Asiello

JPA/ssd/ai

cc: Judges of the New York State Court of Appeals
Robert H. Tembeckjian, Esq., State Commission on
Judicial Conduct (via fax and first class mail)
Hon. Lawrence Marks, Chief Administrative Judge, Office of
Court Administration
John W. McConnell, Esq., Office of Court Administration
Hon. Craig J. Doran, Administrative Judge, 7th Judicial
District
Robert F. Julian, Esq. (via fax [877-292-2037] and
first class mail)



*State of New York
Court of Appeals*

*John P. Asiello
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20 Eagle Street
Albany, New York 12207-1095*

April 11, 2018

Hon. Leticia D. Astacio
Judge of the Rochester City Court, Monroe County
17 Flower City Park
Rochester, New York 14615

Re: Matter of the Hon. Leticia D. Astacio

Dear Judge Astacio:

This Court was notified of a complaint charging you with committing a felony crime in New York State. A copy of the complaint is enclosed.

Pursuant to New York State Constitution article VI, § 22 and Judiciary Law § 44 (8), this Court, on its own motion, has ordered that you be suspended, with pay, effective immediately, from your office of Judge of the Rochester City Court, Monroe County. A copy of the Court's order is enclosed.

Further, pursuant to New York State Constitution article VI, § 22 and Judiciary Law § 44 (8), this Court has directed me to give you notice that it will, on its own motion, consider the continuation of your suspension from judicial office. You may, pro se or by counsel, write to the Court stating your position as to the continuation of the suspension and, if it is continued, whether the continuation of suspension should be with or without pay.

An original and one copy of your submission should be filed at the Courthouse no later than April 23, 2018.

Very truly yours,

John P. Asiello

JPA/ssd/ai

cc: Judges of the New York State Court of Appeals
Hon. Lawrence Marks, Chief Administrative Judge, Office
of Court Administration
Robert H. Tembeckjian, Esq., New York State Commission
on Judicial Conduct
John W. McConnell, Esq., Office of the Court Administration
Hon. Craig Doran, Administrative Judge, Seventh Judicial
District

RECEIVED

APR 16 2018

NYS COMMISSION ON
JUDICIAL CONDUCT NYC

STATE OF NEW YORK
TOWN COURT

COUNTY OF MONROE
TOWN OF HENRIETTA

The People of the State of New York
Against

Astacio, Leticia, D.

dob [REDACTED]

Accusatory Instrument
Felony Complaint

I Investigator Christopher Lockwood, employed by the Monroe County Sheriff's Office, Rochester, New York, by this Felony Complaint makes written accusation as follows:

That Leticia D. Astacio, on April 2nd, 2018 at approximately 1830 hours, at Dick's Sporting Goods, 305 Miracle Mile Drive in the Town of Henrietta, County of Monroe, New York, did commit the offense of Attempted Criminal Purchase or Disposal of a Weapon, a Felony in violation of Sections 110/265.17(1) of the Penal Law of the State of New York, in that she did, at the aforesaid time and place*

Count one: Attempted Criminal Purchase or Disposal of a Weapon

The facts upon which this Felony Complaint is based are as follows: That Leticia D. Astacio did, on April 2nd, 2018, at the above location and time, commit the crimes of Attempted Criminal Purchase or Disposal of a Weapon in violation of section 110/265.17 (1) of the Penal Law of the State of New York, when knowing she is prohibited by law from possessing a firearm, rifle, or shotgun because of prior conviction or because of some other disability which would render him or her ineligible to lawfully possess a firearm, rifle or shotgun in this state, such person attempted to purchase a shotgun from another person. To wit: The above named defendant while knowing the conditions of her sentence of probation imposed by the Honorable Stephen Aronson, which prohibited her from possessing a firearm, dangerous weapon or noxious substance. (Copy of the orders and conditions are attached hereto). At the above said time and date Leticia D. Astacio did enter the Dick's Sporting Good located at 305 Miracle Mile Drive in the Town of Henrietta, State of New York and proceed to the gun department where she attempted to purchase a Maverick 88 .12 gauge shotgun serial #MV0072372 from store associate Brian K. Davin. The said defendant identified herself to Brian K. Davin via her New York State Driver's license as Leticia D. Astacio. All contrary to the provisions of the subdivision in such case made and provided.

The foregoing factual allegations are based upon information and belief, the source of that information and belief being an investigation conducted by your complainant and other members of the Monroe County Sheriff's Office in their official capacity as deputy sheriff's, upon signed depositions given by Dick's Sporting Goods Associates Cristina A. Triassi, Joseph J. Santini and Brian K. Davin and a copy of the said defendants signed Monroe County Probation order and conditions of probation agreement.

Verification by Subscription and Notice
Under Penal Law Section 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 written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury this
10th day of April, 2018


Complainant

STATE OF NEW YORK - COUNTY OF MONROE
TOWN COURT TOWN OF HENRIETTA

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

SUPPORTING DEPOSITION
GENERAL

Astacio, Leticia, D. [REDACTED]

DEFENDANT

Joseph J. Santini employed at Dick's Sporting Goods 305 Miracle Mile Dr, Rochester NY 14623

BY THIS SUPPORTING DEPOSITION MAKE THE FOLLOWING ALLEGATIONS OF FACT IN CONNECTION WITH AN ACCUSATORY INSTRUMENT FILED, OR ABOUT TO BE FILED, WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT .

My name is Joseph Santini and I am currently employed at Dick's Sporting Goods in the Henrietta store, 305 Miracle Mile Drive in the Town of Henrietta. On 4/2/18 at around 6:00 pm I was advised by my assistant manager Cristina Triassi that the Greece store had called and informed her that they had just denied a female by the name of Astacio the sale of a firearm and that she told the assistant manager at the Greece store that she was going to go to a different store to buy it.

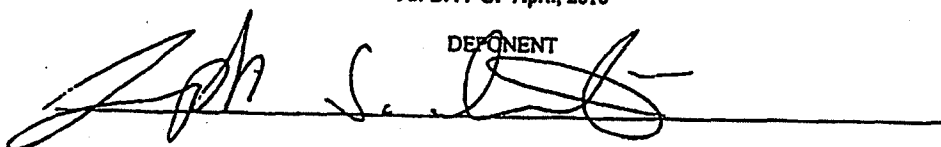
At around 6:30 I was going down the escalator and saw a female that I recognized as Leticia Astacio coming up the escalator. I recognized the woman as Leticia Astacio because I had seen her face in the media associated with her name several times before this incident. She was wearing a pink top and black pants and she looked to be a lighter skinned Hispanic woman. She was about 5'8 or 5'9 and about 200 lbs. She was texting on her phone as she was coming up the escalator towards me. I then called my assistant manager Cristina Triassi on the radio to let her know that Ms. Astacio was in the store. I then went to the front desk to retrieve returns and then returned to the gun department where my fellow associate Brian was already speaking to Ms. Astacio and was holding her license in his hand. He was explaining to her the company policy for when someone is denied the sale of a firearm. After he explained it to her she turned to me and asked me the same question and I told her that what Brian explained to her was correct and at that point she asked me if I was the manager and when I told her I wasn't she asked to speak to a manager so I called Asst. Manager Cristina Triassi on the radio and she came to the department. Christina Triassi explained to her the same thing Brian and I had told her and Ms. Astacio then stated that she didn't even really want a gun but felt she needed one. She then left the store without any further contact with me.

VERIFICATION BY SUBSCRIPTION AND NOTICE
PENAL LAW SECTION 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..

AFFIRMED UNDER PENALTY OF PERJURY THIS
9th DAY OF April, 2016

DEPONENT



STATE OF NEW YORK - COUNTY OF MONROE
TOWN COURT TOWN OF HENRIETTA

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

SUPPORTING DEPOSITION
GENERAL

Astacio, Leticia D. [REDACTED]

DEFENDANT

Brian K. Davin employed at Dick's Sporting Goods 305 Miracle Mile Dr, Rochester NY 14623

BY THIS SUPPORTING DEPOSITION MAKE THE FOLLOWING ALLEGATIONS OF FACT IN CONNECTION WITH AN ACCUSATORY INSTRUMENT FILED, OR ABOUT TO BE FILED, WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT .

My name is Brian K. Davin and I am currently employed at Dick's Sporting Goods, 305 Miracle Mile Drive in the Town of Henrietta. My title here is lodge associate and my daily duties include the sale of firearms. On 4/2/18 at around 6:00 I received a call from my manager Cristina Triassi who advised me that a female by the name of Leticia Astacio had just been denied the sale of a firearm in the Greece store and she had made a comment to the Asst. manager there, Chris Kaseman, that she was going to go to a different store to buy it. At around 6:30 pm I heard someone say on the radio that they thought they saw Ms. Astacio walking towards the escalators and at that point I saw a female wearing a pink jacket walking towards the gun department where I was standing. When she entered the gun area I observed that she was about 170 lbs dark wavy hair and I noticed she had visible acne and acne scars on both sides of her face.

She approached me and stated that she would like to buy a gun and pointed at a gun on the top shelf. I confirmed with her that the gun she was pointing at was a Maverick 88 .12 gauge shotgun and she stated, "Yes." I then asked her to see her identification and she produced a New York State Driver's license. I observed that name on that license as Leticia Astacio and the picture on the license matched the person that was standing in front of me. I don't remember the full address on the license but I think the address had the word "Pine" in it and I think the year she was born in was 1986. I then gave her the license back and took the shotgun off of the shelf. I cleared the gun and made sure it was not loaded and handed the gun to Ms. Astacio. She took the gun in both hands and looked at it for about ten seconds and then handed it back to me. She then stated that she wanted to buy that gun. I then asked her if she had been in the Greece store earlier that day and had been denied the sale of a rifle. Ms. Astacio stated she was in the Greece store earlier and was denied but she never filled out any paperwork for the gun.

VERIFICATION BY SUBSCRIPTION AND NOTICE
PENAL LAW SECTION 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..

AFFIRMED UNDER PENALTY OF PERJURY THIS
9th DAY OF April, 2016

DEPONENT

BKD

STATE OF NEW YORK - COUNTY OF MONROE
TOWN COURT TOWN OF HENRIETTA

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

SUPPORTING DEPOSITION
GENERAL

Astacio, Leticia, D. [REDACTED]

DEFENDANT

Brian K. Davin employed at Dick's Sporting Goods 305 Miracle Mile Dr, Rochester NY 14623

BY THIS SUPPORTING DEPOSITION MAKE THE FOLLOWING ALLEGATIONS OF FACT IN CONNECTION WITH AN ACCUSATORY INSTRUMENT FILED, OR ABOUT TO BE FILED, WITH THIS COURT AGAINST THE ABOVE NAMED DEFENDANT.

Ms. Astacio then asked me how we could deny her the purchase of a gun and I explained to her that it is company policy that Dick's Sporting Goods reserves the right to deny the sale of a firearm to anyone. I also explained to her that she had to return to the Greece store in order to get the denial reversed if she wanted that done because only store that denies her the sale can make any changes. Ms. Astacio then asked for my store manager and that's when Cristina Triassi came to the department to speak to her.

VERIFICATION BY SUBSCRIPTION AND NOTICE
PENAL LAW SECTION 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..

AFFIRMED UNDER PENALTY OF PERJURY THIS
9th DAY OF April, 2016

DEPONENT

[Signature]

ORDER AND CONDITIONS OF PROBATION - ADULT

TO: LARRY P. MATTLE, CHIEF PROBATION OFFICER
OFFICE OF PROBATION - COMMUNITY CORRECTIONS

PROBATION CASE No. CCI-2016-16465

NAME: Leticia D. Astacio

DATE OF BIRTH: [REDACTED]

ADDRESS: [REDACTED]

Having been convicted of VTL 1192.03 U M O Driving While Intoxicated- 1st Offense is this day sentenced to probation for a period of 3 year(s) under your supervision. While on probation he/she shall observe the following conditions of probation and any others which the Court may impose at a later date, and he/she shall also follow the instructions of the Probation Officer as to the way in which these conditions are to be carried out.

CONDITIONS OF PROBATION:

1. Report to a Probation Officer as directed by the Court or the Probation Officer and permit the Probation Officer to visit him/her at his/her place of abode or elsewhere.
2. Remain within Monroe County unless granted prior permission to leave by the Court or the Probation Officer.
3. Truthfully answer all reasonable inquiries by the Probation Officer and notify the Probation Officer PRIOR TO any change in address or employment.
4. Avoid injurious or vicious habits. Shall not violate any Federal, State, or Local law. Notify the Probation Officer if arrested or questioned by any law enforcement officials.
5. Work faithfully at a suitable employment or faithfully pursue a course of study or vocational training that will equip him/her for suitable employment.

The period of probation shall expire on 7/6/20 unless terminated by the Court prior to the aforementioned date.

Dated this 6th day of July, 2017.

[Signature]
Hon. Stephen D. Aronson
Rochester City Court

I have read and understand the above conditions of probation, and I agree to abide by them. I acknowledge that I have received a copy of the Order and Conditions of Probation.

Dated this 13 day of July, 2017.

[Signature]
Leticia D. Astacio
Witness: [Signature]

ORDER AND CONDITIONS OF PROBATION - ADULT

OTHER CONDITIONS, CONTINUED:

1. Probationer is ordered to pay a fine of \$ _____ to be paid through the Office of Probation - Community Corrections by the date of _____.
2. Probationer is ordered to pay a Court Mandatory Surcharge of \$ _____ to be paid through the Office of Probation - Community Corrections by the date of _____.
3. Probationer shall complete a drug/alcohol evaluation within sixty (60) days of sentencing, or as otherwise directed by the Probation Officer, and follow all treatment recommendations. Evaluations and treatment must be provided by an Office of Alcohol and Substance Abuse (OASAS) certified agency.
4. Probationer shall abstain from alcoholic beverages and other mood-altering drugs unless prescribed by a physician and taken in the prescribed dosage.
5. Probationer shall enter into, cooperate with and complete any drug/alcohol program or programs deemed appropriate.
6. Probationer shall submit to any recognized tests that are available to determine the use of alcohol/drugs.
7. Probationer shall not apply for or possess any driver's license without prior written permission of the Court. Probationer shall not operate a motor vehicle without a valid New York State driver's license or without the permission of the Court.
8. Probationer shall attend a DWI Victim Impact Panel as directed by the Probation Officer.
9. Probationer shall be prohibited from possessing a firearm, dangerous weapon, or noxious substance.
10. Probationer shall not possess handcuffs or handcuff keys.
11. Probationer shall not possess or wear law enforcement or security officer clothing, identification, equipment or radio scanners that are capable of monitoring law enforcement channels.
12. Probationer shall complete a mental health evaluation and follow all treatment recommendations.
13. Probationer shall participate in a mental health treatment program as directed until satisfactory termination of said program. Satisfactory participation includes regular attendance, progress toward reasonable treatment goals, and treatment contract compliance.
14. Probationer shall take all medications as prescribed by their physician.

15. The probationer shall submit to a search of his/her person, property, vehicle, place of residence or any other property under his/her control and permit confiscation of any evidence or contraband discovered.
16. Probationer shall sign a waiver of confidentiality form allowing the disclosure of information about the conviction, program participation and treatment among Probation, counselors, physicians, the District Attorney and the Court.
17. Probationer shall be assigned to a continuous alcohol monitoring program (SCRAM), and follow all rules and procedures of said program for a period of 12 months, and pay for all associated costs.
18. The probationer is not permitted to own or operate a motor vehicle without an ignition interlock device installed therein. The device(s) shall be installed for a minimum of 12 months.
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19. An ignition interlock device shall be installed in the vehicle(s) within 10 business days of the probation sentence or release from incarceration. Probationer is not permitted to operate any motor vehicle until probationer's privilege to drive is restored and a fully functioning IID is installed on the vehicle. The vehicle(s) listed are owned or operated by the probationer. If the vehicle is not owned by the probationer, written and notarized permission for the ignition interlock installation must be completed by the vehicle's titled owner.
20. Where applicable, pursuant to NYS Vehicle and Traffic Law §1193(1-a)(c), the device(s) shall be installed during the period of license revocation and its termination, and for each additional period as the court has determined.
21. The probationer shall provide proof of installation of each device to the court and the probation department within three (3) business days of installation.
22. The probationer shall notify the probation officer immediately if any changes occur in the above vehicle(s)- related information.
23. The probationer shall deliver the vehicle(s) identified above and equipped with the ignition interlock device to the installer for the inspection and calibration checks as required by the installer or directed by the court or the probation officer in a manner consistent with DPCA Rules and Regulations Part 9.NYCRR Part 358.
24. Probationer shall not request, solicit or allow any other person(s) to blow into the ignition interlock device, or start the motor vehicle with the device, for the purpose of providing the probationer with an operable motor vehicle.
25. The probationer shall not tamper with or attempt to circumvent an otherwise operable ignition interlock device. Such tampering is a Class A Misdemeanor under Section 1198 of New York State Vehicle and Traffic Law.
26. The probationer shall notify the court and the probation officer of his/her intention to operate his/her employer's vehicle within the scope of his/her employment for business purposes only and shall provide written permission from the employer, to be carried on his/her person and shown to the court or the probation officer, indicating that the employer is aware that the driving

Astacio, Leticia

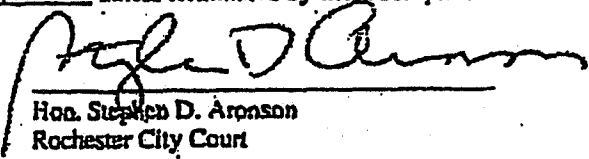
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CCI-2016-16465

privilege of the probationer has been restricted, and permits operation of the business vehicle within the scope of his/her employment without the ignition interlock device. If the business entity is all or partly owned by the probationer or the probationer has a controlling interest in that business entity, the business vehicles are not exempt from having Ignition Interlock Device(s) installed.

The period of probation shall expire on 7/6/20 unless terminated by the Court prior to the aforementioned date.

Dated this 6th day of July, 2017.


Hon. Stephen D. Aronson
Rochester City Court

I have read and understand the above conditions of probation, and I agree to abide by them. I acknowledge that I have received a copy of the Order and Conditions of Probation.

Dated this 13 day of July, 2017.


Leticia D. Astacio
Witness: 
Probation Officer

Form Order and Conditions Adult
Pin#: 150346

COPY

*State of New York
Court of Appeals*

*Decided and Entered on the
eleventh day of April, 2018*

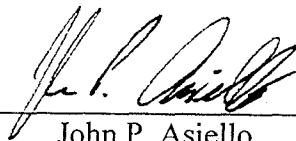
Present, HON. JANET DIFIORE, *Chief Judge, presiding.*

In the Matter of Hon. Leticia D. Astacio, a Judge of the
Rochester City Court, Monroe County.

On the Court's own motion pursuant to New York Constitution, Art. VI, § 22 and
Judiciary Law § 44(8), the Court having considered whether to suspend the Honorable Leticia D.
Astacio from the office of the Rochester City Court, Monroe County, and due deliberation having
been thereupon had, it is

DETERMINED, that the Honorable Leticia D. Astacio is suspended, with pay, effective
immediately, from her office of Judge of the Rochester City Court, Monroe County.

Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman
concur.



John P. Asiello
Clerk of the Court