

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**MATTHEW F. KENNEDY,**

**STIPULATION**

a Justice of the Coxsackie Village Court,  
Greene County.

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THE FOLLOWING IS HEREBY STIPULATED by and  
between Robert H. Tembeckjian, Administrator and Counsel to the  
Commission on Judicial Conduct (hereinafter "Commission"), the  
Honorable Matthew F. Kennedy, the respondent in this proceeding, and his  
attorney Dennis B. Schlenker .

1. This Stipulation is presented to the Commission in connection with a formal proceeding pending against respondent.
2. Respondent has been a Justice of the Coxsackie Village Court, Greene County, since 1998. He is not an attorney
3. On February 2, 2005, respondent was served by the Commission with a Formal Written Complaint, alleging *inter alia* that he released two defendants, charged with felonies, on recognizance without notice to the district attorney concerning bail, as required by law; that he refused to conduct arraignments in four cases when contacted by the police

after they had arrested the defendants on respondent's warrants, and instructed the police to release the defendants instead; that he pressured a state trooper to accord special consideration to a Speeding defendant who had done business with the employer of respondent's wife; and that he authorized his court staff to collect and disburse monetary judgments on behalf of certain civil litigants in cases before him.

4. Respondent submits this Stipulation and his resignation in lieu of an Answer to the Formal Written Complaint.


5. Respondent tenders his resignation, dated March 2, 2005, effective March 7, 2005, and affirms that he will neither seek nor accept judicial office at any time in the future. A copy of respondent's letter of resignation is attached.

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

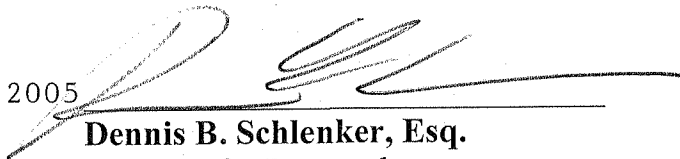
7. All parties to this Stipulation respectfully request that the Commission close the pending matter based upon this Stipulation.

8. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law to the limited extent that this Stipulation will be made public if accepted by the Commission.

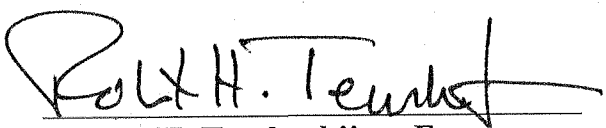
Dated: March 10, 2005

  
**Honorable Matthew F. Kennedy**  
Respondent

Dated: March 10, 2005

  
**Dennis B. Schlenker, Esq.**  
Attorney for Respondent

Dated: 3/10/05

  
**Robert H. Tembeckjian, Esq.**  
Administrator & Counsel to the Commission

March 2, 2005  
68 Lafayette Avenue  
Coxsackie, NY 12051

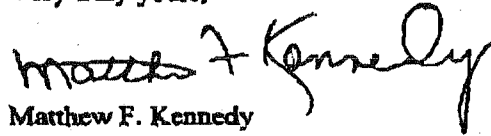
Mayor Henry Rausch  
Village of Coxsackie  
119 Mansion Street  
Coxsackie, NY 12051

Dear Mayor Rausch:

After serious consideration I am tendering my resignation as Coxsackie Village Justice effective Monday, March 7, 2005.

It has been a pleasure serving the people of Coxsackie.

Very truly yours,

  
Matthew F. Kennedy

Cc: Coxsackie Village Board  
Office of Court Administration

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