

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

ROBERT C. MURPHY,

a Judge of the Binghamton City Court,
Broome County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to respondent, Robert C. Murphy, a Judge of the Binghamton City Court, Broome 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, The Hampton Plaza, 38-40 State Street, Albany, New York 12207, with his verified Answer to the specific paragraphs of the Complaint.

Dated: June 15, 2007
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

To: Charles O. Ingraham, Esq.
Attorney for Respondent
Aswad & Ingraham
46 Front Street
Binghamton, New York 13905

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

ROBERT C. MURPHY,

a Judge of the Binghamton City Court,
Broome 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 Robert C. Murphy (“respondent”), a Judge of the Binghamton City Court, Broome County.
3. The factual allegations set forth in Charges I through V 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 was admitted to the practice of law in New York in 1987. He has been a Judge of the Binghamton City Court, Broome County, since June 2002, serving part-time. In addition to serving as a part-time judge, respondent maintains a private law practice in Binghamton.

CHARGE I

5. From in or about June 2002, to in or about April 2006, respondent permitted his law partners and associates to appear representing clients in the Binghamton City Court before the other judges of the court, in violation of Section 471 of the Judiciary Law and Section 100.6(B)(3) of the Rules Governing Judicial Conduct.

Specifications to Charge I

6. Respondent was appointed as a part-time Judge of the Binghamton City Court in June 2002. At that time, respondent was a partner in the Binghamton law firm of O'Connor, Gacioch, Pope and Tait. Partners and associates of the firm included James C. Gacioch, Alan J. Pope, Jeffrey A. Tait, Hugh B. Leonard, Patricia A. Cummings, Kurt D. Schrader, respondent, Andrea B. Sarra and Linda M. Blom.

7. In or around January 2003, respondent, Alan J. Pope and Jeffrey A. Tait formed the law firm of Pope, Tait and Murphy. Partners and associates of the firm included Alan J. Pope, Jeffrey A. Tait, respondent, Kurt D. Schrader, Andrea B. Sarra and Linda M. Blom. In or around July 2003, James A. Sacco joined the firm as a partner.

8. In or around January 1, 2004, after Jeffrey A. Tait became a Justice of the Supreme Court, the law firm of Pope, Tait and Murphy was dissolved, and respondent, Alan J. Pope, Kurt D. Schrader and James Sacco formed the law firm of Pope, Schrader and Murphy. The law firm of Pope, Schrader and Murphy remained in existence until in or about May 2006, when respondent left the firm to open his own law office as a sole practitioner.

9. As set forth more fully on the appended Schedule A, from in or about June 2002, to in or about April 2006, respondent permitted his law partners and associates to appear in numerous criminal and civil cases before other judges of the Binghamton City Court.

10. 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 at all times 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 lent the prestige of judicial office to advance his own private interest and the private interest of others, in violation of Section 100.2(C) of the Rules; failed to conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he engaged in financial and business dealings that may reasonably be perceived to exploit the judge's judicial position, in violation of Section 100.4(D)(1) of the Rules; and permitted his partners or associates to practice law in the court in which he is a judge, in violation of Section 100.6(B)(3) of the Rules.

CHARGE II

11. In or about July 2005, respondent failed to disqualify himself and presided over *Wilder and Indira Valle v. Dawn Marvin and Emmanuel Martinez*, and granted judgment in favor of the petitioners, notwithstanding that the petitioners were clients of respondent's law partner, Kurt D. Schrader, and Mr. Schrader had personally appeared in court before respondent representing the petitioners in this case.

Specifications to Charge II

12. On or about July 28, 2005, the petitioners in *Valle v. Marvin and Martinez* appeared before respondent, along with their attorney, Kurt D. Schrader, in connection with their petition for eviction and rent due. The respondents did not appear. Respondent permitted Mr. Schrader to withdraw as counsel and the petitioners to proceed *pro se*. The transcript of the proceeding is appended hereto as Exhibit 1.

13. At the conclusion of the proceeding, respondent stated that he would sign a warrant of eviction and that he was granting judgment in favor of Mr. and Mrs. Valle in the amount of \$1,695. Subsequently, on motion of the respondents in the case, another judge of the Binghamton City Court, William Pelella, vacated the default and heard the matter *de novo*.

14. 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 at all times 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 lent the prestige of judicial office to advance his own private interest and the private interest of others, in violation of Section 100.2(C) of the Rules; failed to perform the duties of judicial office impartially and diligently, in that he failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, in violation of Section 100.3(E) of the Rules; failed to conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he engaged in financial and business dealings that may reasonably be perceived to exploit the judge's judicial position, in violation of Section 100.4(D)(1)(a) of the Rules; and permitted his partners or associates to practice law in the court in which he is a judge, in violation of Section 100.6(B)(3) of the Rules.

CHARGE III

15. In or about August and September 2005, respondent failed to disqualify himself and presided over two summary proceedings, *Forte Management v. Jennifer Breeze and Boris Landesbaum v. Shamecia Jordan*, in which the petitioners were represented by attorney Thomas J. Dellapenna, Jr., who both practiced law in Broome County and was a part-time Justice of the Union Town Court in Broome County, and was therefore prohibited by Section 100.6(B)(2) of the Rules Governing Judicial Conduct from appearing before respondent.

Specifications to Charge III

16. On or about August 23, 2005, Thomas J. Dellapenna, Jr., appeared before respondent on behalf of the petitioners in the *Fort Management* and *Landesbaum* cases. Respondent Jennifer Breeze appeared but respondent Shamecia Jordan did not appear. Mr. Dellapenna, who did not know before appearing that the cases would be heard by respondent, pointed out to respondent that, as both a part-time judge and practicing lawyer in the same county as respondent, he was prohibited from appearing before respondent. Respondent then allowed another attorney, James Mack, who was present in court, to stand in for Mr. Dellapenna. Respondent adjourned the proceedings so that proper service on the respondents could be effected. The transcript of the proceeding on August 23, 2005, is appended hereto as Exhibit 2.

17. Thereafter, Judge Dellapenna filed new affidavits of service in both cases with the court, and on or about September 8, 2005, respondent issued warrants of eviction for non-payment of rent in both cases.

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 at all times 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; failed to perform the duties of judicial office impartially and diligently, in that he failed to disqualify himself in proceedings in which his impartiality might reasonably be questioned, in violation of Section 100.3(E) of the Rules; and took substantive action in two matters notwithstanding that he knew the petitioners were represented by a lawyer who was also a part-time judge in Broome County, in violation of Section 100.6(B)(2) of the Rules.

CHARGE IV

19. On or about February 25, 2006, in *People v. Scott Robinson*, respondent accepted a guilty plea to a felony charge of Criminal Sale of a Controlled Substance, 3rd Degree, from the defendant at arraignment, notwithstanding that pursuant to Section 10.30 of the Criminal Procedure Law, respondent did not have jurisdiction to dispose of a felony charge. A transcript of the arraignment is attached as Exhibit 3.

20. By reason of the foregoing, respondent should be disciplined for cause, pursuant to Article 6, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety in that he failed to respect and comply with the law and failed to act at all times 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.

CHARGE V

21. From in or around August 2005 to in or around April 2006, in the six cases set forth in the specifications below, respondent made statements to the defendants at arraignment which implied that he had prejudged their guilt.

Specifications to Charge V

22. On or about August 23, 2005, respondent arraigned the defendant in *People v. Brendan Sullivan* on a charge of Criminal Possession of Stolen Property, 5th Degree. Respondent set bail at \$300 cash, \$600 bond. At the conclusion of the arraignment, respondent stated to the defendant, "Again, Mr. Sullivan, I would hope that someone who is attending Elms College would, you know, not passing on the truth or falsity of the charge, would have better judgment than to get tied up with something like this." The transcript of the arraignment is attached as Exhibit 4.

23. On or about March 14, 2006, respondent arraigned the defendant in *People v. Edward R. Bokal* on a charge of Criminal Mischief, 3rd Degree. After the defendant requested to be represented by the public defender and respondent entered a not guilty plea on his behalf, respondent said to the defendant, "This is not your first clambake, Mr. Bokul. You seem to -- when you do you seem to go right to it don't you." Respondent also said to the defendant, "At some point in time there becomes a point in our lives when we manage to figure out that destroying other people's property or

damaging it is a bad thing. When do you think you hit that?" Respondent also said, "I'm saying do you understand it is not for you to touch anyone else's stuff.... Since about five years old or so, six?" Respondent also told the defendant he needed to "grow up." The transcript of the arraignment is attached as Exhibit 5.

24. On or about March 21, 2006, respondent arraigned the defendant in *People v. Scott Friedman* on charges of Driving While Intoxicated as a felony and Deviating From a Straight Course, and after the defendant stated that he would retain counsel and pled not guilty, respondent stated that he had concerns about the defendant's "ability to stay out of trouble" and warned the defendant that if he drove and was stopped, respondent would send him to jail. The transcript of the arraignment is attached as Exhibit 6.

25. On or about March 21, 2006, respondent arraigned the defendant in *People v. Gerardo Valdes* on charges of Resisting Arrest, Criminal Impersonation, 2d Degree and a violation of Local Law 14-38. After advising the defendant of the charges and prior to advising him of his rights, respondent stated, "I'm not passing on the truth or falsity of the charges but that's snatching defeat from the jaws of victory there, Mr. Valdes." After the defendant indicated that he wished to be represented by the public defender and respondent entered a not guilty plea on his behalf, respondent engaged the defendant in a colloquy, in which *inter alia*, respondent stated, "I'm not passing on the truth or falsity of the charge, but this is taking something that was very little into something that was very big, okay, all right, so I'm hoping at this point in time that we all -- everyone can learn from the situation," and respondent elicited from the defendant an

admission that he had a problem with drugs. The transcript of the arraignment is attached as Exhibit 7.

26. On or about April 14, 2006, respondent arraigned the 16-year-old defendant in *People v. [REDACTED]*, on charges of Harassment, 2d Degree, and Endangering the Welfare of a Child. After the defendant indicated that she wanted to be represented by the public defender and respondent entered a not guilty plea on her behalf, respondent said to the defendant, *inter alia*, "You're about ten years older than six or seven years old, right? I'm not passing on the truth or the falsity of the charge but I would expect that a sixteen year old woman would start to try to start acting like that." Respondent also stated, "Well, if you can definitely come back to court then can I rely upon you not to get into fights with anyone...especially people holding babies for the next thirty days or so?.... Is that a hard thing to figure out?" Respondent also stated that "the behavior that's alleged is not something a rational person does." Respondent admonished the defendant that, "You know the next time you come back to court it won't be your first charge and that you'll probably go to jail. Not probably, if you come in front of me you'll definitely go to jail, do you understand that?.... So if you were to go out here and give [the complaining witness] or anyone else a hard time and you came in front of me, your next stop is the Broome County Jail, do you understand that?" The transcript of the arraignment is attached as Exhibit 8.

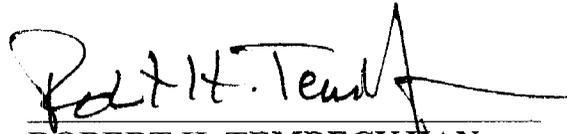
27. On or about April 14, 2006, respondent arraigned the defendant in *People v. Kyle Bidwell* on a charge of False Personation; the defendant had been arrested on a warrant for failure to pay a surcharge in connection with an earlier conviction for

Driving While Ability Impaired. After the defendant requested to be represented by the public defender and respondent entered a not guilty plea on his behalf on the new charge, respondent, *inter alia*, told the defendant that he might have some substance abuse “issues” that needed to be addressed, and questioned whether the defendant’s employment at two local restaurants was appropriate, stating, “Well, I know the restaurant business is a good business for somebody whose got a controlled substance abuse problem. It’s late nights, closing up, having drinks as people are closing up, talking, going out and partying, all right?” The transcript of the arraignment is attached as Exhibit 9.

28. 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 at all times 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 by his words and conduct, he manifested bias or prejudice against the defendants, in violation of Section 100.3(B)(4) 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: June 15, 2007
New York, New York

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

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway
New York, New York 10006
(212) 809-0566

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

ROBERT C. MURPHY,

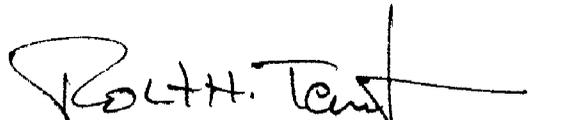
VERIFICATION

a Judge of the Binghamton City Court,
Broome County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

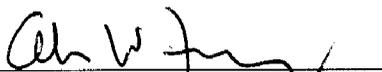
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

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
15th day of June 2007



Notary Public

ALAN W. FRIEDBERG
NOTARY PUBLIC, State of New York
No. 31-4511070
Qualified in New York County
Commission Expires Aug. 9, 2009

HON. ROBERT C. MURPHY

Schedule A to Formal Written Complaint

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Wayne M. A.</i> (2002-75048, sealed) Assault, 3 rd	Kurt Schrader (retained) from 1/16/03	11/22/02-4/9/03	JTH
<i>People v. Ryan D. Ballard</i> (2004-82001) DWI; Speeding; Crossed Pavement Markings	Kurt Schrader (retained) from 6/24/04	6/22/04-1/10/05	MAL, WCP
<i>People v. David A. B.</i> (2002-7446) Loitering; Possession of Marijuana	Kurt Schrader (assigned by MAL) from 4/9/03 (representation terminated due to conflict of interest)	10/7/02-10/20/03	MAL
<i>People v. David A. B.</i> (2003-76523, sealed, YO) Sexual Misconduct	Kurt Schrader (assigned by MAL) from 4/9/03 (representation terminated due to conflict of interest)	10/7/02-10/20/03	MAL
<i>People v. Michael T. Banks</i> (2005-86972) Robbery, 2 nd	Kurt Schrader (assigned by WCP) from 7/14/05	7/12/05-2/28/06 (Transferred to County Court)	MAL, WCP
<i>People v. Duane F. Beecher</i> (2005-84642) Menacing, 2 nd	Kurt Schrader (assigned by WCP) from 3/15/05	1/17/05-10/13/05	MAL, WCP
<i>People v. Duane F. Beecher</i> (2005-87457) Bail Jumping, 3 rd	Kurt Schrader (assigned by MAL) from 9/9/05	8/29/05-10/13/05	MAL
<i>People v. Brenda B.</i> (2003-76524, sealed, YO) Assault With Intent To Cause Physical Injury With A Weapon; Criminal Possession Of Weapon, 4 th	Kurt Schrader (assigned by JTH) from 5/16/03	4/14/03-11/12/03 (Transferred to County Court)	JTH, RCM ²

¹ JTH = Hon. John T. Hillis
MAL = Hon. Mary Anne Lehmann
WCP = Hon. William C. Pelella
RCM = Hon. Robert C. Murphy
DFC = Hon. David F. Crowley

² Judge Murphy's involvement in each case on this schedule preceded the appearance in that case of a member of his law firm, with the exception of *Valle v. Wilder and Martinez*.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Everett P. Brand</i> (T2003-4856) Speeding	James Sacco (retained) from 9/9/03	9/5/03-10/6/03	MAL
<i>People v. Robert J. Brault</i> (2006-89390) Harassment, 2 nd	Kurt Schrader (assigned by WCP) from 3/24/06	2/7/06-pending ²	MAL, RCM ² , WCP
<i>People v. Robert J. Brault</i> (2006-89519) Criminal Contempt, 2 nd	Kurt Schrader (assigned by WCP) from 3/24/06	2/17/06-pending ³	WCP
<i>People v. Robert J. Brault</i> (2006-89520) Criminal Contempt, 1 st	Kurt Schrader (assigned by WCP) from 3/24/06	2/17/06-pending ³	WCP
<i>People v. Barry O. B.</i> (2003-76764, sealed) Patronizing A Prostitute, 4 th , reduced to Disorderly Conduct	Kurt Schrader (retained) from 5/30/03	5/20/03-3/12/04	MAL
<i>People v. Kenneth B.</i> (2003-76665, sealed) Criminal Trespass, 3 rd	Kurt Schrader (assigned by JTH) from 6/19/03	4/22/03-9/22/03	JTH
<i>People v. Richard Christaldi</i> (2002-73800) Assault, 3 rd	Kurt Schrader (assigned by MAL) from 4/3/03	8/21/02-6/18/03	MAL
<i>People v. Gary James C.</i> (2004-83358, sealed) Unlawful Possession Of Marijuana	James Sacco (retained) from 10/21/04	10/14/04-6/15/05	DFC
<i>People v. Robert L. Covello</i> (2004-80229) Attempted Assault, 1 st , Aggravated Harassment, 2 nd	James Sacco (assigned by MAL & JTH) from 2/6/04 (prior assignment in County Court)	2/6/04-9/20/04	MAL

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RCM = Hon. Robert C. Murphy
DFC = Hon. David F. Crowley

² Judge Murphy's involvement in each case on this schedule preceded the appearance in that case of a member of his law firm, with the exception of *Valle v. Wilder and Martinez*.

² Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. John E. Daniel</i> (2005-88023) Assault, 3 rd	Kurt Schrader (assigned by WCP) from 10/14/05	10/4/05-3/23/06	MAL, WCP
<i>People v. Mustafa F.</i> (2003-78333, sealed) Disorderly Conduct	James Sacco (assigned by MAL) from 12/12/03; (assigned by DFC) from 7/19/04	8/28/03-5/3/05	DFC, MAL
<i>People v. Teresa K. Franzen</i> (2006-89061) DWI; other V&Ts	James Sacco (retained) from 1/11/06	1/11/06-2/16/06	MAL
<i>People v. John L. F.</i> (2003-78062, sealed) Harassment, 2 nd	Kurt Schrader (retained) from 8/15/03	8/4/03-2/19/04	MAL, RCM ²
<i>People v. Charles A. Furman</i> (2005-85997) Petit Larceny (2 counts)	Kurt Schrader (assigned by MAL) from 8/30/05	5/10/05-11/22/05	MAL
<i>People v. Charles A. Furman</i> (2005-85998) Trespass (2 counts)	Kurt Schrader (assigned by MAL) from 8/30/05	5/10/05-11/22/05	MAL
<i>People v. Charles A. Furman</i> (2005-87034) Criminal Contempt, 2 nd	Kurt Schrader (assigned by MAL) from 8/30/05	7/20/05-11/22/05	MAL
<i>People v. Erin M. Giblin</i> (2006-89443) Operating While Registration Suspended/Revoked; No Distinctive Plate	James Sacco (retained) from 3/14/06	2/17/06-pending ³	WCP
<i>People v. Shamarr T. Grant</i> (2004-83809) Criminal Possession Of A Weapon, 4 th ; Resisting Arrest; Trespass; Disorderly Conduct	Kurt Schrader (assigned by MAL) from 5/2/05	11/8/04-2/8/06	WCP

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MAL = Hon. Mary Anne Lehmann
WCP = Hon. William C. Peella
RCM = Hon. Robert C. Murphy
DFC = Hon. David F. Crowley

² Judge Murphy's involvement in each case on this schedule preceded the appearance in that case of a member of his law firm, with the exception of *Valle v. Wilder and Martinez*.

³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Shamarr T. Grant</i> (2005-88418) Disorderly Conduct	Kurt Schrader	1/11/06-pending ³	MAL
<i>People v. Shamarr T. Grant</i> (2005-85778) Criminal Possession of Weapon, 3 rd ; Reckless Endangerment, 2 nd	Kurt Schrader (assigned by MAL) from 5/2/05	4/16/05-7/21/05 (transferred to County Court)	MAL, RCM ²
<i>People v. Andrew P. Hauser</i> (2003-78541) Assault, 2 nd (reduced to Assault, 3 rd)	Kurt Schrader (assigned by MAL) from 9/30/03	9/9/03-2/11/04	MAL, RCM ²
<i>People v. Damian M. H.</i> (2003-79386, sealed) Burglary, 1 st	James Sacco (assigned by Patrick Matthews and by MAL) from 12/8/03	11/14/03-1/7/04	MAL
<i>People v. Michele M. H.</i> (2002-73795, sealed) Assault, 3 rd	Kurt Schrader (assigned by MAL) from 12/19/02	8/22/02-3/7/03	MAL
<i>People v. Thomas A. Hodges</i> (2005-85221) Aggravated Unlicensed Operator, 2 nd ; Cell Phone In Motor Vehicle	Kurt Schrader (retained) from 8/29/05	2/22/05-pending ³	MAL, WCP
<i>People v. Thomas A. Hodges</i> (2005-87641) Criminal Contempt, 2 nd	Kurt Schrader (retained) from 9/23/05	9/7/05-pending ³	MAL
<i>People v. Tina M. Hollister</i> (2004-81022) Unauthorized Use Of A Motor Vehicle; Aggravated Unlicensed Operator, 3 rd	James Sacco (assigned by MAL) from 5/7/04	4/2/04-9/15/04 4/3/04-9/15/04	MAL
<i>People v. Gary Hutchings</i> (2005-87274) Assault, 2 nd	James Sacco (retained) from 8/12/05	8/11/05-pending ³ (proof of community service)	WCP, MAL

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. Denton A. J.</i> (2003-76000, sealed) Criminal Trespass, 2 nd	Kurt Schrader (assigned by MAL) from 7/17/03	2/27/03-9/30/03	JTH, MAL
<i>People v. Denton A. Johnson</i> (2004-84289) Robbery, 2 nd (reduced to Petit Larceny)	Kurt Schrader (assigned by MAL) from 1/6/05	12/16/04-8/4/05	DFC, MAL, WCP disposed
<i>People v. Marcus Johnson</i> (2003-79809) Aggravated Harassment, 2 nd	Kurt Schrader (assigned by MAL) from 8/30/04	12/23/03-12/2/04	MAL
<i>People v. Simon J.</i> (2002-73080, sealed) Criminal Possession Of A Controlled Substance, 3 rd	Kurt Schrader (assigned by JTH) from 7/8/02	7/2/02-8/21/02	JTH
<i>People v. Perry K.</i> (2005-86219, sealed) Harassment, 2 nd	James Sacco (retained) from 5/26/05	5/26/05-1/13/06	MAL
<i>People v. Kimberly K.</i> (2004-83824, sealed) Disorderly Conduct; Petit Larceny	Kurt Schrader (assigned by MAL) from 11/23/04	11/10/04-2/24/05	DFC, MAL
<i>People v. Summer L.</i> (2003-76489, sealed) Criminal Trespass, 2 nd	Kurt Schrader (assigned by JTH) from 10/7/03	4/4/03-12/16/03	JTH
<i>People v. Nora E. L.</i> (2003-74116, sealed) Petit Larceny	Kurt Schrader (assigned by MAL) from 1/23/03	9/18/02-10/9/03	JTH, RCM ² , MAL
<i>People v. Aaron R. Lown</i> (2004-84398) DWI (reduced to DWAI)	Kurt Schrader (retained) from 1/3/05	12/26/04-3/7/05	WCP, MAL

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. Jeffrey S. Manning</i> (2004-83228) Unlawful Possession Of Marijuana; Endangering The Welfare Of A Child	Kurt Schrader (assigned by MAL) from 10/21/04	9/24/04-5/2/05	MAL
<i>People v. Albert L. Mason</i> (2005-87952) Petit Larceny	Kurt Schrader (assigned by WCP) from 2/23/06	9/28/05-pending ³	WCP, MAL
<i>People v. Miguel M.</i> (2002-71667, sealed) Harassment, 2 nd	Kurt Schrader (assigned by JTH) from 7/31/02	7/22/02-9/23/02	JTH, MAL
<i>People v. Francis J. M.</i> (2003-78401, sealed) Patronizing A Prostitute, 4 th	James Sacco (retained) from 9/2/03	9/2/03-10/2/03	MAL, RCM ²
<i>People v. Francis J. McBride, Jr.</i> (2003-79658) Suspended Registration; (T2003-6718) No Insurance	James Sacco (retained) from 1/13/04	12/9/03-2/10/04	MAL
<i>People v. Nicholas F. McKnight</i> (2002-72598) Aggravated Unlicensed Operator, 2 nd ; No Tail Lights	Kurt Schrader (retained) from 6/14/02	5/30/02-1/28/03	MAL, JTH
<i>People v. Heather Michaels</i> (2003-77698) Petit Larceny	Kurt Schrader (assigned by MAL) from 8/25/03	7/8/03-2/9/04	MAL
<i>People v. Anthony T. M.</i> (2002-75309, sealed) Robbery 1 st	Kurt Schrader (assigned by MAL) from 12/27/02	12/19/02-6/30/03	MAL, JTH

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Marsha D. Miles Lewis</i> (2004-83251) Multiple V&T's including Aggravated Unlicensed Operator, 3 rd (7 charges total)	Kurt Schrader (retained) 9/29/04, then discharged; Scott Kurkoski from 9/29/04	9/29/04-3/7/05	MAL
<i>People v. Matthew Millard</i> (2003-78863) Sodomy, 1 st	James Sacco (retained) from 10/2/03	10/2/03-1/13/04 (transferred to County Court)	MAL
<i>People v. Renee C. Milligan</i> (2005-87199) Unauthorized Use Of Motor Vehicle	Kurt Schrader (assigned by MAL) from 8/12/05	8/3/05-pending ³	MAL
<i>People v. Seamus W. Murphy</i> (2005-85192) No Front Plate; Aggravated Unlicensed Operator, 3 rd	Kurt Schrader (retained) from 3/16/05	3/4/05-8/16/05	MAL arraignment, Hon. Maureen Byrne (from 3/21/05)
<i>People v. Raymond Noel</i> (2004-80789) Burglary	Kurt Schrader (assigned by MAL) from 4/8/04 (representation terminated after defendant hired private counsel)	3/20/04-5/14/04 (transferred to County Court)	MAL
<i>People v. Eileen O.</i> (2002-73503, sealed) Assault, 3 rd	Kurt Schrader (retained) from 8/5/02	7/31/02-6/24/03	MAL, RCM ²
<i>People v. Joseph C. Piccolo</i> (2005-87770) Criminal Mischief, 3 rd ; Assault, 2 nd ; Obstruction Of Governmental Administration; Criminal Possession Of Forged Instrument	James Sacco (retained) from 9/16/05	9/15/05-pending ³	MAL

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. Joseph C. Piccolo</i> (2005-87771) Criminal Tampering, 3 rd	James Sacco (retained) from 9/19/05	9/15/05-pending ³	unrecorded
<i>People v. Joseph A. Pistoia</i> (T2004-0849) Stopped In Roadway	Kurt Schrader (retained) from 4/28/04	2/22/04-5/26/04	MAL
<i>People v. Joseph A. Pistoia</i> (T2004-1208) Operating Out Of Class; Failed To Yield Left Turn	Kurt Schrader (retained) from 4/28/04	3/11/04-5/26/04	MAL
<i>People v. Joseph A. Pistoia</i> (T2004-1357) No Headlights	Kurt Schrader (retained) from 4/28/04	3/26/04-5/26/04	MAL
<i>People v. Joseph A. Pistoia</i> (2004-83081) Illegal Operation Of Taxicab; Operating Taxicab Without A Permit	Kurt Schrader (retained) from 10/7/04)	9/16/04-8/16/05	DFC, MAL
<i>People v. Joseph A. Pistoia</i> (2005-86142) Operating Cab Without A Permit	Kurt Schrader (retained) from 5/24/04	5/20/05-pending ³ (ACD)	MAL, WCP
<i>People v. Joseph A. P.</i> (2005-84547, sealed) No Taxi Driver Permit	Kurt Schrader (retained) from 1/7/05	1/19/05-2/16/06	MAL
<i>People v. Mary L. P.</i> (2004-82177, sealed) Harassment, 2 nd	Kurt Schrader (assigned by DFC) from 7/23/04	7/13/04-12/15/04	DFC, MAL
<i>People v. Richard Purdy, Jr.</i> (2005-86240) Harassment, 2 nd ; Criminal Mischief, 4 th	Kurt Schrader (assigned by WCP) from 6/3/05	5/23/05-pending ³ in DV court	MAL, WCP

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Kevin Qi</i> (2006-89473) Criminal Trespass, 3 rd	James Sacco (retained) from 2/21/06	2/15/06-pending ³	WCP
<i>People v. Alison I. S.</i> (2002-74627, sealed) Resisting Arrest; Obstructing Governmental Administration	Kurt Schrader (assigned by MAL) from 1/14/03	10/23/02-2/14/03	MAL, RCM ²
<i>People v. William S. S.</i> (2002-72758, sealed) Harassment, 2 nd	Kurt Schrader (assigned by MAL) from 7/25/02	6/28/02-3/11/03	MAL, JTH
<i>People v. William S. Savage</i> (2002-73733) Sexual Misconduct	Kurt Schrader (assigned by MAL) from 9/11/02	8/1/02-10/3/03	MAL, RCM ²
<i>People v. Jared M. Scanlon</i> (2005-85494) Petit Larceny	Kurt Schrader (assigned by MAL) from 9/16/05	3/29/05-9/21/05	RCM ² , MAL
<i>People v. Jared M. Scanlon</i> (2005-87460) Criminal Trespass, 2 nd	Kurt Schrader (assigned by MAL) from 9/16/05	8/24/05-9/21/05	MAL
<i>People v. Stephen M. Sedlock</i> (2004-81701) Forcible Touching	James Sacco (retained)	5/28/04-7/12/05	MAL
<i>People v. Wayne M. S.</i> (2004-80168, sealed) Resisting Arrest; Disorderly Conduct	James Sacco (assigned by JTH) from 3/8/04	1/28/04-8/9/05	JTH, MAL, WCP
<i>People v. Jolene Spoonhauer</i> (2000-62918 and 2001-64822) Assault 3 rd and Issuing Bad Checks	Kurt Schrader (assigned by JTH) from 2/28/03	9/12/00-9/1/04; 1/25/01-9/1/04	JTH, MAL

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Jamie S.</i> (2005-88338, sealed) Disorderly Conduct; Obstructing Governmental Administration, 2 nd	Kurt Schrader (assigned by MAL) from 12/15/05	11/2/05-3/21/06	MAL, WCP
<i>People v. Jamie S.</i> (2005-88339, sealed) Petit Larceny	Kurt Schrader (assigned by MAL) from 1/17/06	12/22/05-3/21/06	MAL
<i>People v. Adrian I. Stevenson</i> (2004-82315) Criminal Trespass, 2 nd	James Sacco (assigned by DFC) from 11/12/04	7/24/04-5/20/05	MAL
<i>People v. Edward J. S.</i> (2003-78102, sealed) Criminal Possession Of Controlled Substance, 3 rd	James Sacco (assigned by MAL) from 8/14/03	8/6/03-2/4/04	JTH, MAL
<i>People v. Laureen S. Swartz</i> (2004-82179) Petit Larceny	Kurt Schrader (assigned by MAL) from 12/10/04	7/9/04-5/27/05	MAL
<i>People v. Laureen S. Swartz</i> (2004-84134) CPFI, 2 nd	Kurt Schrader (assigned by MAL) from 12/10/04	12/1/04-5/19/05 (transferred to County Court)	MAL, RCM ²
<i>People v. Laureen S. Swartz</i> (2005-86739) Petit Larceny	Kurt Schrader (assigned by MAL) 8/12/05	6/26/05-pending ³	MAL, RCM ²
<i>People v. Jeffrey A. Tait</i> (T2003-2585) Speed (reduced to Failure To Obey Traffic Device)	Kurt Schrader (retained) from 5/19/03	5/19/03-6/13/03	unrecorded
<i>People v. Justin Tanner</i> (2005-88225), Aggravated Harassment, 2 nd	Kurt Schrader (assigned by MAL) from 12/20/05	11/2/05-pending ³	WCP, MAL

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Derek E. T.</i> (2005-85230, sealed) Criminal Mischief, 4 th ; Assault, 3 rd	Kurt Schrader (assigned by MAL) from 4/6/05	3/7/05-5/10/05	WCP, MAL
<i>People v. Derek E. T.</i> (2005-85514, sealed) Assault, 3 rd	Kurt Schrader (assigned by MAL) from 4/6/05	3/30/05-5/10/05	MAL
<i>People v. Natalie Thomas</i> (2003-79382) Petit Larceny	Kurt Schrader (assigned by JTH) from 12/23/03	11/13/03-5/21/04	MAL, JTH
<i>People v. Julie T.</i> (2002-73853, sealed) Unauthorized Use Of A Motor Vehicle	Kurt Schrader (assigned by JTH) from 11/12/02	9/3/02-2/14/03	JTH, RCM ² , MAL
<i>People v. Errol A. T.</i> (2003-78134, sealed) Obstructing Governmental Administration, 2 nd	Kurt Schrader (assigned by JTH) from 11/7/03	8/14/03-5/13/04	JTH, RCM ²
<i>People v. Kenyetta L. Turner</i> (2001-67771) Violation Of Conditional Discharge (failure to pay restitution)	Kurt Schrader (assigned by WCP) from 2/3/06	11/20/02-pending ³	MAL, JTH, WCP
<i>People v. Allen T. Waddell</i> (2004-80379) Assault, 3 rd	James Sacco (assigned by DFC) from 8/27/04	3/6/04-1/14/05	JTH, RCM ² , DFC
<i>People v. Allen T. Waddell</i> (2004-80600) Aggravated Unlicensed Operator, 3 rd ; Unlicensed Operation	James Sacco (assigned by DFC) from 8/27/04	3/6/04-1/13/05	MAL, RCM ²

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge¹</u>
<i>People v. Alan (sic) T. Waddell</i> (2004-81428) Loitering	James Sacco (assigned by DFC) from 8/27/04	5/17/04-1/14/05	MAL
<i>People v. Kristopher A. W.</i> (2004-84390, sealed) Assault, 2 nd	Kurt Schrader (assigned by DFC) from 12/28/04	12/27/04-5/10/06	MAL, DFC
<i>People v. Lloyd W. Westbrook</i> (2004-79877) Criminal Mischief, 4 th ; Obstruction Governmental Administration, 2 nd	James Sacco (assigned by MAL) from 1/12/04	12/31/03-3/31/04	MAL, RCM ² , JTH
<i>People v. Charles W.</i> (2003-76325, sealed) Harassment, 2 nd ; Criminal Mischief, 4 th	James Sacco (assigned by MAL) from 8/25/03	3/21/03-10/20/03	MAL
<i>People v. Steven P. W.</i> (2003-76154, sealed) Assault, 2 nd	Kurt Schrader (assigned by JTH) from 3/14/03	3/8/03-8/19/03	RCM ² , MAL
<i>People v. Steven P. Wolcott</i> (2003-76481) Criminal Contempt, 2 nd ; Resisting Arrest	Kurt Schrader (assigned by MAL) from 4/24/03	4/6/03-5/28/03	MAL, RCM ² , JTH
<i>People v. Steven P. Wolcott</i> (2003-76624) Resisting Arrest	Kurt Schrader (assigned by MAL) from 4/28/03	4/23/03-5/28/03	MAL, RCM ² , JTH
<i>People v. Mary Beth Yerdon</i> (T2002-7920) Failure To Yield Right Of Way At Stop Sign (reduced to V&T 1110a)	Kurt Schrader (retained) from 12/27/02	12/16/02-3/27/03	JTH

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Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>People v. Alvin A. Young</i> (2004-83714) Criminal Possession Of Controlled Substance, 3 rd ; Criminal Possession Of Controlled Substance, 5 th	James Sacco (assigned by MAL) from 12/17/04	11/30/04-3/31/05 (Transferred to County Court)	MAL
<i>People v. Alvin Young</i> (2004-83909) Criminal Possession Of Controlled Substance, 1 st	James Sacco (assigned by MAL) from 12/17/04	11/30/04-3/16/05 (Transferred to County Court)	MAL
<u>Civil Cases</u>			
<i>Nour Abdelgelil v. Jill Degroat Banks & Otis Banks</i>	Linda Blom Johnson of Pope, Tait & Murphy for plaintiff	2/4/03-2/27/03	MAL, JTH
<i>America's Business Express v. Allen Pope & O'Connor & Gacioch (and counterclaim)</i>	Alan Pope for defendant	7/14/03-8/14/03	MAL
<i>Binghamton Precast & Supply Corp. v. Brian Hodges et al.</i>	Alan Pope of Pope, Schrader & Murphy for respondents, Jonathan and Michelle Wolbert	1/21/04-9/3/04	settled
<i>Cool 100 WCDW-FM v. Afton Speedway (and counterclaim)</i>	Alan Pope for defendant	12/14/04-3/8/05	WCP
<i>Michael G. Dunlap v. Ina L. Fusco</i>	Linda Blom of O'Connor, Gacioch, Pole & Tait for defendant	1/10/02-1/9/03	JTH
<i>Dan Getter/Direct Discount Auto v. Gilbert A. Adams, Jr.</i>	Kurt Schrader for plaintiff	12/27/05-pending ³	WCP

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>Dan Getter/Direct Discount Auto v. Patricia Molazena & Ahmet H. Molazem</i>	Kurt Schrader for plaintiff	12/27/05-5/1/06	MAL
<i>Granite Capital Holdings v. Fitzgerald Plumbing and Heating</i>	Alan Pope for defendant	4/25/03-6/24/05	WCP
<i>Frederick Kocan v. Brian Anderson</i>	Kurt Schrader for plaintiff	11/28/05-1/20/06	MAL
<i>Frederick Kocan v. Brian Anderson</i>	Kurt Schrader for plaintiff	1/20/06-pending ³	WCP
<i>Joseph J. Materese v. Town of Union</i>	Alan Pope for defendant	1/12/06-pending ³	Hon. Elizabeth A. Burns assigned 5/2/06
<i>Platinum Financial Services Corp. v. Carol Mikoda</i>	Kurt Schrader for defendant	6/4/02-6/16/03	settled
<i>Pope, Schrader & Murphy, LLP v. Thomas Lancaster</i>	James Sacco for plaintiffs	3/15/05-4/21/05	MAL
<i>Pope, Schrader & Murphy, LLP v. Aaron Lown</i>	Kurt Schrader for plaintiffs	12/5/05-3/29/06	Hon. Elizabeth A. Burns
<i>RPI Construction, Inc. v. A. Anthony Corporation</i>	Alan Pope for defendant	8/3/05-pending ³	MAL, then Hon. Elizabeth A. Burns assigned 1/24/06
<i>Southern Tier Insulation Dist., Inc. v. Monroe Piping & Sheet Metal</i>	Andrea Sarra of O'Connor, Gacioch, Pope & Tait for plaintiff	7/15/03-8/19/03	settled

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³ Pending as of May 2006.

Hon. Robert C. Murphy: Schedule A to Formal Written Complaint (cont'd.)

<u>Case</u>	<u>Attorney</u>	<u>Dates of Case</u>	<u>Judge</u> ¹
<i>Robert F. Sullivan Trust v. David Ponti</i> (eviction proceeding)	Andrea Sarra of O'Connor, Gacioch, Pope & Tait for petitioner-landlord	2/4/03-3/13/03	JTH
<i>Karen Titus v. McDonald's</i>	Kurt Schrader for plaintiff	5/13/05-7/1/05	MAL sent out notices
<i>United Medical Associates v. Donald Markoff</i>	Kurt Schrader for defendant	12/3/03-3/11/05	MAL
<i>Wilder & Indira Valle v. Dawn Marvin & Emmanuel Martinez</i>	Kurt Schrader for plaintiff	7/20/05-8/19/05	WCP, RCM ²
<i>J. W. Wellman v. Atlas Van Lines</i> (and counterclaim)	Alan Pope for defendant	3/6/03-4/29/04	MAL

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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

ROBERT C. MURPHY,

a Judge of the Binghamton City Court,
Broome County.

**REQUEST AND AUTHORIZATION BY JUDGE OR JUSTICE FOR
NOTIFICATION TO ATTORNEY OF COMMISSION DETERMINATION**

In the event that a determination of the Commission on Judicial Conduct is made affecting me and requiring transmittal to the Chief Judge and service upon me in accordance with Section 44, subdivision 7, of the Judiciary Law, the undersigned judge or justice:

- (1) requests and authorizes that the Commission transmit the request to the Chief Judge together with the other required papers and
- (2) requests and authorizes the Chief Judge to cause a copy of my notification letter from her and a copy of the determination to be sent to my attorney(s) by mail.

(Name, Address, Tel. No.)

This request and authorization shall remain in force unless and until a revocation in writing by the undersigned judge or justice is received by the Commission.

Dated:

Judge or Justice

Acknowledgment

Attorney(s) for Judge or Justice

1 JULY 28, 2005

2 (Whereupon, an off-the-record discussion was held at the
3 bench between the Court and Mr. Schrader, after which other
4 matters on the Court's calendar were called, thereafter the
5 following proceedings took place before the Court.)

6 THE COURT: Wilder Valle and Indira Valle versus
7 Dawn Marvin and Emmanuel Martinez.

8 MR. SCHRADER: Good morning, Your Honor.

9 THE COURT: Mr. Schrader.

10 MR. SCHRADER: Your Honor, we initiated this
11 proceeding on behalf of Mr. Valle and Mrs. Valle and I
12 indicated to them that I can't --

13 THE COURT: Go forward.

14 MR. SCHRADER: I can't go forward in your presence.
15 At this point I'd make an application to withdraw as
16 counsel and indicate that the respondents have been
17 properly served with a Notice of Petition and do not
18 appear here.

19 THE COURT: All right, at this point in time what
20 I'll do is see what's in the file, but at this point in
21 time if you're withdrawing as counsel I'll accept your
22 withdrawal and, Mr. Valle, apparently you want to -- are
23 asking to go forward?

24 MR. VALLE: Yeah, sure.

25 THE COURT: All right, you're excused, Mr.

1 Schrader.

2 MR. SCHRADER: Thank you very much.

3 THE COURT: Actually, you should probably leave,
4 too.

5 MR. VALLE: The couple that we rent to the
6 apartment --

7 THE COURT: Excuse me, you need to speak up.

8 MR. VALLE: The couple that we rent to the
9 apartment to, they been lacking with the rent for the
10 past four to five months. They had some issues with
11 some problems, I guess, and we had told them because
12 they kept stalling and saying that they were going to
13 get some type of government help so, you know, we
14 proceed month by month and they were only paying like,
15 say, sixty dollars, one hundred dollars of it.

16 THE COURT: Um-hm.

17 MR. VALLE: But what happened was they stopped
18 paying and they wouldn't answer my phone call and I
19 wrote them several times and they wouldn't respond.

20 THE COURT: Um-hm.

21 MR. VALLE: So I had them served two weeks ago for
22 the amount that they owe in a three-day notice.

23 THE COURT: All right.

24 MR. VALLE: And they never replied with the letter.

25 THE COURT: Okay. Dawn Marvin and Emmanuel

1 Martinez. All right, they were noticed to be here at
2 10:00, it is now 10:20. The landlords Wilder or Wilder
3 and Indira Valle are here in the courtroom. I have a
4 Notice of Petition and Petition that has been filed and
5 served personally upon both Dawn and Emmanuel and based
6 upon that what I will do is -- do you have a proposed
7 Warrant of Eviction?

8 MR. WILDER: Yes.

9 THE COURT: You don't apparently have a Warrant of
10 Eviction with you. What I will do is I will sign a
11 Warrant of Eviction that's been submitted to the court.
12 All right, I will sign the Warrant of Eviction if it's
13 submitted to the court and I will enter a Judgment in
14 the amount of \$1,000 --

15 MR. VALLE: I will --

16 THE COURT: Well, let me finish. Based upon the
17 Notice of Petition I will enter judgment in the amount
18 of \$1,695 for non-payment of the rent based on the
19 default of the respondents in this action and if you
20 submit the notice of -- the Warrant of Eviction I'll
21 sign it, like I said, all right. That's it. Have a
22 good day.

23 MS. VALLE: Thank you.

24 (Whereupon, the proceedings were concluded.)

25 * * * * *

EXHIBIT 2

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

FORTE MANAGEMENT GROUP, LLC,
Plaintiff,

-vs-

Index No.: C63360

JENNIFER BREEZE,
Defendant.

BORIS LANDESBAUM,
Plaintiff,

-vs-

Index No.: C63361

SHAMECIA JORDAN,
Defendant.

Binghamton City Court
Binghamton, New York
August 23, 2005

B I N G H A M T O N C I T Y C O U R T

B e f o r e:

HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s:

THOMAS J. DELLAPENNA, JR., Attorney for Plaintiff

JAMES MACK, Substituting for Attorney for Plaintiff

JENNIFER BREEZE, Defendant

1 THE COURT: Mr. Dellapenna, can you come here?

2 MR. DELLAPENNA: Your Honor, can I approach?

3 THE COURT: Yes.

4 MR. DELLAPENNA: I have two small claims, but
5 I can't (inaudible).

6 THE COURT: Let me see if I can get Judge
7 Pelella to do a cameo appearance.

8 MR. MACK: Either that or I can do it, Judge.
9 I'll do it for him.

10 MR. DELLAPENNA: However you want to proceed.

11 MR. MACK: I'm here on one myself, so it
12 doesn't make any difference to me.

13 THE COURT: I feel intimidated by Mr. Mack.
14 All right. Boris Landesbaum versus Shamecia
15 Jordan.

16 MR. DELLAPENNA: That's one of mine, Judge.

17 THE COURT: All right.

18 MR. DELLAPENNA: Mr. Mack is going to --

19 THE COURT: Mr. Mack, do you want to -- yep.

20 MR. MACK: I'm sorry. Good morning, again,
21 Your Honor.

22 THE COURT: Good morning. Apparently, we have
23 -- I do have a fifteen minute flat tire rule so
24 I'll give Ms. Jordan another few minutes but by the
25 time we do the other couple maybe we'll have --

1 MR. MACK: That's fine.

2 THE COURT: -- already served that one.

3 MR. MACK: Okay.

4 THE COURT: What else do you have?

5 MR. MACK: I have Jennifer Breeze, but that's
6 another one that belongs to Forte Management versus
7 Jennifer Breeze.

8 THE COURT: Oh, there it is. Forte Management
9 Group, LLC versus Jennifer Breeze. Do you have
10 another one?

11 MR. MACK: And then I'm here on John Richard
12 versus Patricia Gallogly.

13 (Whereupon, other matters on the Court's calendar
14 were called, after which, the following proceedings
15 took place before the Court.)

16 THE COURT: Next is Boris Landesbaum versus
17 Shamecia Jordan. I take it you're representing Mr.
18 Landesbaum?

19 MR. MACK: Yes, Your Honor.

20 THE COURT: And Shamecia Jordan was noticed to
21 be here at 10:00. It is now 10:26 and she is not
22 in the courtroom. I have a Notice of Petition and
23 Petition having been personally served or actually
24 served by substituted service.

25 MR. MACK: Correct, Your Honor.

1 THE COURT: What I will have to do is no
2 judgment here but --

3 MR. DELLAPENNA: Yes, I understand you'll be
4 issuing a Warrant.

5 THE COURT: Yep. I got a problem here. I
6 guess on both of these files I have notes here.
7 The Affidavit of Service.

8 MR. DELLAPENNA: Um-hm.

9 THE COURT: Rather than being served within
10 one day of the affixing by mail was three days,
11 four days. On the 16th. It looks like they were
12 nailed on the 12th.

13 MR. DELLAPENNA: Within three days of service.

14 THE COURT: It should be one day. What I can
15 do at this point in time is I can keep the file,
16 you know, the same files. You can refile or
17 reserve them again, the same Petition but I don't
18 have jurisdiction without the -- do you see that?

19 MR. DELLAPENNA: Yes, I see. I see it on the
20 Affidavit of Service, okay.

21 THE COURT: All right, so --

22 MR. MACK: I'll explain it to him, Judge.

23 THE COURT: Okay, well, actually, this is
24 what's filed so I can't give it to you.

25 MR. MACK: Yeah, well, I've got the copy that

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I think I gave you, yeah.

THE COURT: Okay.

MR. MACK: Thank you, Your Honor.

THE COURT: I'm sorry there.

(Whereupon, the proceedings were concluded.)

* * * * *

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

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss
Court Reporter

DATED: November 1, 2006

EXHIBIT 3

1 STATE OF NEW YORK : COUNTY OF BROOME

2 CITY OF BINGHAMTON

3 -----

4 THE PEOPLE OF THE STATE OF NEW YORK,

5 Plaintiff,

6 -vs-

Docket No.: 2006-89582

7 SCOTT ROBINSON,

8 Defendant.

9 -----

10 Binghamton City Court
11 Binghamton, New York
12 February 25, 2006

12

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14 B I N G H A M T O N C I T Y C O U R T

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18 B e f o r e:

19 HONORABLE ROBERT C. MURPHY

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21 A p p e a r a n c e s:

22 SCOTT ROBINSON, Defendant

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1 THE COURT: Good morning, Mr. Robinson.

2 MR. ROBINSON: Good morning.

3 THE COURT: You're charged with violation of New
4 York state Penal Law Section 220.39. It is Criminal
5 Sale of Controlled Substance in the Third Degree, which
6 is a Class B Felony. I'll give you a copy of the
7 Complaint. Do you want me to read the Complaint out
8 loud or do you want to waive the reading?

9 MR. ROBINSON: You can read it out loud.

10 THE COURT: Okay, that on the 24th day of February,
11 2006, in the City of Binghamton, Broome County, New
12 York, said defendant did knowingly and unlawfully sell a
13 controlled substance to another person. To wit: said
14 defendant did sell a quantity of a white chunky
15 substance that field tested positive as cocaine to
16 another person for a fee all contrary to the provisions
17 in the statute in such case made and provided.

18 You do have a right to an attorney at all stages of
19 these proceedings, right to an adjournment to retain an
20 attorney. If you so choose and cannot afford an
21 attorney, an attorney will be provided to you by the
22 court through the Public Defender's Office. Would you
23 like the Public Defender?

24 MR. ROBINSON: No, is it possible can you take a
25 plea now?

1 THE COURT: At this point in time you would
2 be -- you would be taking a plea to a Class B Felony. I
3 could sentence you to a Pre-Sentence Investigation. I
4 could take a plea if you so desire, but.

5 MR. ROBINSON: Yes, just go with it, Your Honor.
6 I'm not going to waste no time here.

7 THE COURT: Do you realize by pleading guilty
8 you're waiving your right to a trial?

9 MR. ROBINSON: Yeah.

10 THE COURT: Challenge the prosecution's witnesses?

11 MR. ROBINSON: Yeah.

12 THE COURT: Bring witnesses in your own behalf?

13 MR. ROBINSON: Yeah.

14 THE COURT: And do you realize you're waiving any
15 defenses that you may have?

16 MR. ROBINSON: Yeah.

17 THE COURT: Okay, you also -- no one is compelling
18 you to do this?

19 MR. ROBINSON: No.

20 THE COURT: Okay, you're not under the, you know,
21 drugs or alcohol right now?

22 MR. ROBINSON: No.

23 THE COURT: Okay. And you do realize you do have a
24 right to consult to an attorney prior to doing that?

25 MR. ROBINSON: Yeah.

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THE COURT: All right. What I'll do at this point in time is I am going to -- I'll accept your plea of guilty. And you're admitting that on the 24th day -- I'll allocute to the charge, that on the 24th day of February, 2006, that you did sell a quantity of cocaine in the City of Binghamton and Broome County, New York, is that correct?

MR. ROBINSON: Yes.

THE COURT: All right, at this point in time what I'll do is enter the plea of guilty to the charge and I'll request a PSI, Pre-Sentence Investigation, and remand you to the Broome County Jail pending sentencing.

(Whereupon, the proceedings were concluded.)

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

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I, ROXANNE BUSS, Court Reporter and Notary Public in
and for the State of New York, do hereby certify that
foregoing is a true and accurate transcript of the recorded
proceedings herein at the time and place noted in the
heading hereof to the best of my knowledge and belief.

Roxanne Buss

Court Reporter

DATED: April 3, 2006

EXHIBIT 4

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

-vs-

Docket No.: 2005-87420

BRENDAN SULLIVAN,

Defendant.

Binghamton City Court
Binghamton, New York
August 23, 2005

B I N G H A M T O N C I T Y C O U R T

B e f o r e:

HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s:

BRENDAN SULLIVAN, Defendant

1 THE COURT: Brendan Sullivan. Mr. Sullivan,
2 here's a copy of your charge. Mr. Sullivan, you're
3 charged in violation of New York State Penal Law
4 Section 165.40, Criminal Possession of Stolen
5 Property in the Fifth Degree, which is a Class A
6 Misdemeanor.

7 You do have a right to a -- do you want me to
8 read the charge out loud?

9 MR. SULLIVAN: I don't care.

10 THE COURT: Excuse me?

11 MR. SULLIVAN: Yes.

12 THE COURT: Okay. Is that on the 23rd day of
13 August, 2005, in the City of Binghamton, Broome
14 County, New York, while on Millard Avenue at Leroy
15 Street in the City of Binghamton, County of Broome,
16 State of New York, Brendan did knowingly possess
17 stolen property with intent to benefit himself or a
18 person other than the owner thereof. The stolen
19 property consisted of a Wilson Hammer tennis racket
20 with case, Audiophase car stereo system faceplate,
21 Eddie Bauer sunglasses with case, sunglasses with
22 brown leather case, and a case containing
23 thirty-six music compact discs.

24 You have a right to an attorney at all stages
25 of these proceedings, a right to an adjournment to

1 obtain an attorney. If you so choose and cannot
2 afford an attorney, an attorney will be provided to
3 you by the court through the Public Defender's
4 Office.

5 Would you like the Public Defender?

6 MR. SULLIVAN: Sure.

7 THE COURT: All right, based upon your request
8 for a Public Defender I'll enter a plea of not
9 guilty on your behalf. Mr. Sullivan, where do you
10 live?

11 MR. SULLIVAN: South Hadley, Massachusetts.

12 THE COURT: And do you attend school?

13 MR. SULLIVAN: I will be in the fall, yes.

14 THE COURT: Where?

15 MR. SULLIVAN: Elms College.

16 THE COURT: Where?

17 MR. SULLIVAN: Elms College.

18 THE COURT: Where is that?

19 MR. SULLIVAN: Chicopee, Mass.

20 THE COURT: What are you doing in Binghamton?

21 Do you have family here? Friends?

22 MR. SULLIVAN: Visiting.

23 THE COURT: Who?

24 MR. SULLIVAN: Friends.

25 THE COURT: So are you going to be a freshman

1 in Elms College?

2 MR. SULLIVAN: Yeah.

3 THE COURT: Who do you live with at South
4 Hadley?

5 MR. SULLIVAN: My parents.

6 THE COURT: Well, Mr. Sullivan, there doesn't
7 seem to be a whole lot holding you here in the City
8 of Binghamton, okay, so it looks like bail is going
9 to be set. Can you give me a reason I shouldn't
10 set bail high so that I can make sure you make it?

11 MR. SULLIVAN: What was that?

12 THE COURT: Is there a reason why I shouldn't
13 set bail very high so I make sure you make it here
14 to court next time? You go to college outside of
15 the State of New York and you live outside of the
16 State of New York and you're visiting unknown
17 friends, okay, --

18 MR. SULLIVAN: When do I have to come back?

19 THE COURT: -- which means to me that you're a
20 high risk that you're not going to come back here
21 the next time you get invited back.

22 MR. SULLIVAN: When do you think that will be?

23 THE COURT: I don't know, I haven't decided
24 that yet.

25 MR. SULLIVAN: Okay.

1 THE COURT: I'm asking for some input from
2 you.

3 MR. SULLIVAN: I will come back.

4 THE COURT: Again, I'm not trying to pass on
5 the truth or falsity of the charge, but. All
6 right, what I'm going to do at this point in time
7 is I'm going to set bail at \$300 cash, \$600
8 property.

9 MR. SULLIVAN: Is there a way that I could not
10 have to come back or do I automatically have to
11 come back?

12 THE COURT: You know, you can look at -- an A
13 misdemeanor can put you in the Broome County Jail
14 for up to one year.

15 MR. SULLIVAN: Okay.

16 THE COURT: Criminal Possession of Stolen
17 Property in the Fifth Degree is what you're being
18 charged with, okay, so you're coming back.

19 MR. SULLIVAN: All right, I was just
20 wondering.

21 THE COURT: You can come back the easy way or
22 the hard way is kind of the situation.

23 MR. SULLIVAN: Okay.

24 THE COURT: All right?

25 MR. SULLIVAN: Yep.

1 THE COURT: I could have set bail higher. I'm
2 taking into consideration that you're a student,
3 but if you don't come back a Warrant will be issued
4 for your arrest and it will be hanging over your
5 head until (inaudible).

6 MR. SULLIVAN: Yep.

7 THE COURT: All right. Again, Mr. Sullivan, I
8 would hope that someone who is attending Elms
9 College would, you know, not passing on the truth
10 or falsity of the charge, would have better
11 judgment than to get tied up with something like
12 this. All right?

13 MR. SULLIVAN: Thank you.

14 (Whereupon, the proceedings were concluded.)

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

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss

Court Reporter

DATED: October 30, 2006

EXHIBIT 5

1 STATE OF NEW YORK : COUNTY OF BROOME
2 CITY OF BINGHAMTON

3 -----

4 THE PEOPLE OF THE STATE OF NEW YORK,

5 Plaintiff,

6 -vs- Docket No.: 2006-89701

7 EDWARD R. BOKAL,

8 Defendant.

9 -----

10 Binghamton City Court
11 Binghamton, New York
12 March 14, 2006

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14 B I N G H A M T O N C I T Y C O U R T

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18 B e f o r e:

19 HONORABLE ROBERT C. MURPHY

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21 A p p e a r a n c e s:

22 EDWARD BOKUL, Defendant

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1 THE COURT: Edward Bokul.

2 THE COURT: Good morning, Mr. Bokul.

3 MR. BOKUL: Good morning.

4 THE COURT: Okay, Mr. Bokul, you're charged with
5 violation of New York State Penal Law Section 145.05,
6 which is Criminal Mischief in the Third Degree, which is
7 a Class E Felony. I'll give you a copy of the charge
8 and the supporting deposition. Do you want me to read
9 that to you or do you want to read it to yourself?

10 MR. BOKUL: You can read it if you'd like to.

11 THE COURT: All right, it is really up to you,
12 actually.

13 MR. BOKUL: (Inaudible.)

14 THE COURT: Okay, all right. On the 8th day of
15 March, 2006, City of Binghamton, Broome County, New
16 York, said defendant when having no right to do so nor
17 any reasonable ground to believe that he has such right
18 intentionally damages property of another person in an
19 amount exceeding \$250. To wit: said defendant did
20 intentionally kick the driver's side rear door of a 2001
21 Mazda, PA registration DVF8296, owned by Robert M.
22 Alfieri, causing a large dent and scratches to the door.

23 Mr. Bokul, you do have a right to an attorney at
24 all stages of these proceedings, right to an adjournment
25 to retain an attorney. If you so choose and cannot

1 afford an attorney, an attorney will be provided to you
2 by the court through the Public Defender's Office.

3 Would you like a Public Defender?

4 MR. BOKUL: Yes, I would.

5 THE COURT: Based upon your request for a Public
6 Defender I'll enter a plea of not guilty on your behalf.
7 This is not your first clambake, Mr. Bokul. You seem
8 to -- when you do you seem to go right to it, don't you.
9 Quick question for you is are you currently employed?

10 MR. BOKUL: Yes.

11 THE COURT: Where?

12 MR. BOKUL: TruGreen LawnCare.

13 THE COURT: And where is that?

14 MR. BOKUL: Johnson City.

15 THE COURT: Is it --

16 MR. BOKUL: It's like off of Main Street.

17 THE COURT: And how long have you been employed
18 there?

19 MR. BOKUL: I start tomorrow.

20 THE COURT: Have you been working the last few
21 months?

22 MR. BOKUL: I was working at NCI up until they were
23 doing cut backs because they were bought out by Verizon.

24 THE COURT: All right, Mr. Bokul, the issue is at
25 this point in time is whether or not to set bail on you,

1 remand you to the Broome County Jail or find something
2 else to deal with. Are you currently on probation?

3 MR. BOKUL: No.

4 THE COURT: You're not?

5 MR. BOKUL: No, sir.

6 THE COURT: All right, I'm not going to pass on the
7 truth or falsity of the charges pending against you
8 today, however, how old are you?

9 MR. BOKUL: Nineteen.

10 THE COURT: Nineteen. At some point in time there
11 becomes a point in our lives when we manage to figure
12 out that destroying other people's property or damaging
13 it is a bad thing. When do you think you hit that?

14 MR. BOKUL: Excuse me?

15 THE COURT: When do you think you hit that point?

16 MR. BOKUL: When do I think I hit the point of
17 doing that or?

18 THE COURT: No, no, no, no, I'm not asking you
19 that. I'm saying do you understand it is not for you to
20 touch anyone else's stuff.

21 MR. BOKUL: Yes, I understand.

22 THE COURT: Since about five years old or so, six?

23 MR. BOKUL: Yes.

24 THE COURT: All right, you're well beyond that, all
25 right? I'm not here busting your chops, I'm just here,

1 you know, it's old, okay.

2 MR. BOKUL: Yes.

3 THE COURT: All right, it's boring. All right?

4 MR. BOKUL: Yes, sir.

5 THE COURT: All right, so I could send you to jail
6 and put the taxpayers, have them spend about three
7 hundred dollars a day for the privilege of doing that or
8 you can go out and get a job and grow up. What do you
9 want to do?

10 MR. BOKUL: Go out and get a job and grow up.

11 THE COURT: Okay, why don't you do that. At this
12 point in time if you come back in front of me again
13 you're going to go to jail just so you know because I
14 recognize you and I don't know why.

15 MR. BOKUL: I know your son.

16 THE COURT: Okay, maybe that's why, okay. All
17 right, but don't, you know -- grow up, all right? All
18 right, at this point in time I'm going to release you in
19 your own recognizance. I'm going to direct that you
20 avoid any violations of the law whatsoever. Do not kick
21 people's doors, all right? All right, that's it, have a
22 good day.

23 MR. BOKUL: Do I have to go over to the Public
24 Defender's?

25 THE COURT: Yeah, go straight to the Public

1 Defender's Office, get an appointment slip and come
2 back, okay. Okay, have a good day.

3 (Whereupon, the proceedings were concluded.)

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

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11 I, ROXANNE BUSS, Court Reporter and Notary Public in
12 and for the State of New York, do hereby certify that
13 foregoing is a true and accurate transcript of the recorded
14 proceedings herein at the time and place noted in the
15 heading hereof to the best of my knowledge and belief.

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Roxanne Buss

Court Reporter

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22 DATED: April 3, 2006

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EXHIBIT 6

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

-vs- Docket No.: 2006-89833

SCOTT FRIEDMAN,
Defendant.

Binghamton City Court
Binghamton, New York
March 21, 2006

B I N G H A M T O N C I T Y C O U R T

B e f o r e:

HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s:

SCOTT FRIEDMAN, Defendant

1 THE COURT: Scott Friedman.

2 MR. FRIEDMAN: Good morning.

3 THE COURT: Good morning, Mr. Friedman, how
4 are you doing?

5 MR. FRIEDMAN: Okay.

6 THE COURT: Mr. Friedman, you've been charged
7 in violation of New York State Vehicle and Traffic
8 Law Section -- or the following violations of New
9 York Vehicle and Traffic Law Sections, 1192.3,
10 Driving While Intoxicated, which is a Class E
11 Felony. You've also been charged with a violation
12 of Section 1163A of the Vehicle and Traffic Law,
13 Deviating From a Straight Course, and you do have a
14 right to -- and I'll give you a copy of those
15 charges.

16 You do have a right to an attorney at all
17 stages of these proceedings, a right to an
18 adjournment to obtain an attorney. If you so
19 choose and cannot afford an attorney, an attorney
20 will be provided to you by the Court through the
21 Public Defender's Office. Would you like a Public
22 Defender?

23 MR. FRIEDMAN: No, I'd like to obtain my own
24 attorney.

25 THE COURT: Okay, do you want me to actually

1 read the charge out loud, the Felony DWI?
2 MR. FRIEDMAN: Excuse me?
3 THE COURT: Do you want me to read the Felony
4 DWI charge out loud?
5 MR. FRIEDMAN: Um.
6 THE COURT: Or you can waive the reading.
7 MR. FRIEDMAN: I can read it.
8 THE COURT: Okay, all right, so I'll waive the
9 reading. Again, you do have a right -- would you
10 like the Public Defender?
11 MR. FRIEDMAN: Excuse me?
12 THE COURT: Would you like the Public Defender
13 or are you going to get your own attorney?
14 MR. FRIEDMAN: I'm going to have my own.
15 THE COURT: Do you know who that is?
16 MR. FRIEDMAN: Remy Perot.
17 THE COURT: All right, based upon that I'll
18 enter a plea of not guilty on your behalf. I need
19 a letter from Remy Perot within one week of today's
20 date. And you live at One Andrea Drive, Vestal,
21 New York?
22 MR. FRIEDMAN: Yes, sir.
23 THE COURT: Okay, are you currently employed?
24 MR. FRIEDMAN: Yes.
25 THE COURT: Where at?

1 MR. FRIEDMAN: I work with my neighbor doing
2 construction. I'm actually applying for a state
3 job at Broome Developmental. I'm actually waiting
4 to take the test. I'm just doing odds and end jobs
5 for now.

6 THE COURT: Do you have your license with you
7 right now?

8 MR. FRIEDMAN: Yes.

9 THE COURT: I'm going to suspend your license
10 based on the nature of your refusal, I have an
11 affidavit from the officer who issued the ticket
12 stating that you did refuse, there will be a
13 hearing on April 10, 2006, at one p.m. at the State
14 Office Building in regard to that suspension. This
15 is of a conditional driver's license apparently as
16 well.

17 MR. FRIEDMAN: Is there a way that I can get
18 off from that for like five days so that I can get
19 some work? There's no way that you cannot suspend
20 it for five days?

21 THE COURT: No, at this point, sir, being that
22 your last conviction was on the October 5th, I'm
23 deciding whether or not I'm going to send you to
24 jail right now, okay, so what I have concerns about
25 to be perfectly honest with you is your ability to

1 stay out of trouble and such that you won't be
2 rearrested for some other charge or injure somebody
3 in the process.

4 Is that something that I need to be worrying
5 about?

6 MR. FRIEDMAN: No, sir.

7 THE COURT: Okay, you should have been able to
8 say that, probably a week ago you should have been
9 able to say that, shouldn't you have? So you say
10 you're working construction?

11 MR. FRIEDMAN: Yes.

12 THE COURT: With your neighbor?

13 MR. FRIEDMAN: Yes.

14 THE COURT: He'll probably give you a ride,
15 correct?

16 MR. FRIEDMAN: No, I'm the one with the car
17 but that's okay. I'll have to do it.

18 THE COURT: Well, you may have the car, he may
19 have the license, all right. You cannot drive, do
20 you understand that?

21 MR. FRIEDMAN: Yes, sir.

22 THE COURT: Because if you do drive you'll be
23 in a misdemeanor faster than will make your head
24 spin, okay?

25 MR. FRIEDMAN: Yes, sir.

1 THE COURT: And then I will put you in jail,
2 okay?

3 MR. FRIEDMAN: I understand.

4 THE COURT: All right? All right, at this
5 point in time what I am going to do is do you live
6 with your family or by yourself?

7 MR. FRIEDMAN: I live with my cousin.

8 THE COURT: I'm going to release you in your
9 own recognizance. I'm going to direct that you
10 avoid any violations of the law whatsoever. If you
11 do get into a car and you are stopped and you come
12 in front of me, you will go to jail, do you
13 understand that?

14 MR. FRIEDMAN: Yes.

15 THE COURT: That's a promise, all right?

16 MR. FRIEDMAN: Yes.

17 THE COURT: So your license is suspended, act
18 like it, okay?

19 MR. FRIEDMAN: Yes.

20 THE COURT: All right.

21 MR. FRIEDMAN: What date am I supposed to come
22 back?

23 THE COURT: Excuse me?

24 MR. FRIEDMAN: What date am I supposed to come
25 back?

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THE COURT: You will have one week from today to provide a letter of representation from Mr. Perot.

COURT CLERK: (Inaudible.)

THE COURT: I'm sorry, I'm sorry.

COURT CLERK: (Inaudible.)

THE COURT: Okay, sorry, yep. All right, that's it. Why don't you have a seat and I'll give you a copy of this, all right?

(Whereupon, the proceedings were concluded.)

* * * * *

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

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I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss

Court Reporter

DATED: October 31, 2006

EXHIBIT 7

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

-vs-

Docket No.: 2006-89811

GERARDO VALDES,
Defendant.

Binghamton City Court
Binghamton, New York
March 21, 2006

B I N G H A M T O N C I T Y C O U R T

B e f o r e:

HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s:

GERARDO VALDES, Defendant

1 THE COURT: All right, Gerardo Valdes. Good
2 morning, Mr. Valdes. How are you doing?

3 MR. VALDES: Good morning, Judge, how are you
4 doing?

5 THE COURT: Mr. Valdes, you've been charged
6 with three violations of New York State Penal Law.
7 First, violation of Section 205.30, Resisting
8 Arrest, which is a Class A Misdemeanor, violation
9 of Section 190.25, Subdivision 1, Criminal
10 Impersonation in the Second Degree, which is a
11 Class A Misdemeanor, and violation of section
12 Binghamton Local Law 14-38, which is a violation.

13 I'm not passing on the truth or falsity of the
14 charges but that's snatching defeat from the jaws
15 of victory there, Mr. Valdes.

16 MR. VALDES: Um-hm.

17 THE COURT: All right. You do have a right to
18 an attorney at all stages of these proceedings,
19 right to an adjournment to obtain an attorney. If
20 you so choose and cannot afford an attorney, an
21 attorney will be provided to you by the court
22 through the Public Defender's Office. Would you
23 like the Public Defender?

24 MR. VALDES: Yes, sir.

25 THE COURT: All right, based upon your request

1 for a Public Defender I'll enter a plea of not
2 guilty on your behalf. Based on the natures of the
3 charges, Resisting Arrest and Criminal
4 Impersonation, A Misdemeanors, I have to decide
5 whether or not to set bail on you or find some
6 other solution. You live at 15 Munsell Street?

7 MR. VALDES: Yeah.

8 THE COURT: How long have you lived at 15
9 Munsell?

10 MR. VALDES: I've been there like two months
11 now.

12 THE COURT: How long have you lived in the
13 Binghamton area, Broome County?

14 MR. VALDES: Going on sixteen years.

15 THE COURT: Sixteen years?

16 MR. VALDES: Yeah.

17 THE COURT: All right. Your date of birth
18 is -- what year were you born, '81?

19 MR. VALDES: Yeah.

20 THE COURT: So you are twenty-five years old?

21 MR. VALDES: Um-hm.

22 THE COURT: All right, Mr. Valdes, I have to
23 decide whether or not you're going to show up in
24 court. I have to decide whether or not to set bail
25 on you. Is there a reason why you wouldn't show up

1 in court?

2 MR. VALDES: Well, I show up in court every
3 time.

4 THE COURT: Okay, you haven't been charged
5 with any other -- is there any other thing that I
6 need to worry about at this point in time?

7 MR. VALDES: No, sir.

8 THE COURT: Are you currently employed?

9 MR. VALDES: I applied to a few places. I'm
10 waiting to get called (inaudible).

11 THE COURT: Excuse me?

12 MR. VALDES: I went for my phone.

13 THE COURT: You went?

14 MR. VALDES: Oh, I went --

15 THE COURT: For a call from someone?

16 MR. VALDES: Yeah, they're going to give me a
17 (inaudible).

18 THE COURT: Um-hm.

19 MR. VALDES: So I'm just waiting for them to
20 call me so I can be interviewed and get a drug test
21 and all that (inaudible).

22 THE COURT: And where else? You wouldn't just
23 apply to one place for a job, would you?

24 MR. VALDES: No, no, and right over here on
25 Front Street where the place work with the old

1 people and all of that.

2 THE COURT: Um-hm.

3 MR. VALDES: And I applied to McDonald's.

4 THE COURT: Are these the only charges that
5 you have pending against you, Mr. Valdes?

6 MR. VALDES: Well, I got -- I had a ticket in
7 Binghamton like a few weeks ago.

8 THE COURT: Um-hm.

9 MR. VALDES: That was it.

10 THE COURT: All right, Mr. Valdes, you're
11 twenty-five years old.

12 MR. VALDES: Um-hm.

13 THE COURT: At this point in time I kind of
14 expect, again, I'm not passing on the truth or
15 falsity of the charge, but this is taking something
16 that was very little into something that was very
17 big, okay, all right, so I'm hoping at this point
18 in time that we all -- everyone can learn from the
19 situation.

20 I'm going to release you in your own
21 recognizance --

22 MR. VALDES: Okay.

23 THE COURT: -- at this point in time. Now,
24 the fact of the matter is that I'm concerned about
25 you showing up in court. Is there some underlying

1 issue that's making you use bad judgment? Do you
2 think there's problems with drugs and alcohol --

3 MR. VALDES: Yeah.

4 THE COURT: -- that might be not making you
5 compute?

6 MR. VALDES: Yeah, I've got a problem with
7 drugs.

8 THE COURT: Okay, do you think you might want
9 to get that counseling before you show up in court
10 on these two Class A Misdemeanors? It might be a
11 good idea, all right?

12 Again, I'm not passing on the truth or falsity
13 of the charges, but you can address the problems on
14 your own, which is the best way of doing it, or you
15 can wait until some judge kicks you, okay, which is
16 not the best way of doing it.

17 Mr. VALDES: Okay.

18 THE COURT: But I'm guessing looking at this
19 situation and looking at you right now is that
20 there is some issues going on, all right?

21 MR. VALDES: Yeah.

22 THE COURT: Take care of it, all right?

23 MR. VALDES: Thank you.

24 THE COURT: All right, take care. Have a good
25 day.

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(Whereupon, the proceedings were concluded.)

* * * * *

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

I, ROXANNE BUSS, Court Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing is a true and accurate transcript of the recorded proceedings herein at the time and place noted in the heading hereof to the best of my knowledge and belief.

Roxanne Buss

Court Reporter

DATED: October 31, 2006

EXHIBIT 8

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

-vs-

Docket No.: 2006-90101

D. [REDACTED]

Defendant.

Binghamton City Court
Binghamton, New York
April 14, 2006

B I N G H A M T O N C I T Y C O U R T

B e f o r e :

HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s :

D. [REDACTED], Defendant

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THE COURT: D [REDACTED]. Good morning, [REDACTED] how are you doing?

[REDACTED]: I'm good.

THE COURT: All right, [REDACTED] you're charged with two violations of the New York State Penal Law. First, violation of Section 240.26, Subdivision 1, Harassment in the Second Degree, which is a violation, and also violation of Section 260.10, Subdivision 1, Endangering the Welfare of a Child, which is a Class A Misdemeanor. I'll give you copies of both charges.

All right, do you want me to read the charges out loud or do you want to waive the reading?

[REDACTED]: (Inaudible.)

THE COURT: Do you want me to read them out loud or do you want to read them yourself?

[REDACTED]: I'll read them myself.

THE COURT: All right. You do have a right to an attorney at all stages of these proceedings, right to an adjournment to obtain an attorney. If you so choose and cannot afford an attorney, an attorney will be provided to you by the court through the Public Defender's Office. Would you like a Public Defender?

[REDACTED]: Yes.

1 THE COURT: All right, based upon your request
2 for a Public Defender I'll enter a plea of not
3 guilty on your behalf. And I have to decide
4 whether or not to set bail on you or remand you to
5 the Broome County Jail.

6 [REDACTED]: Excuse me?

7 THE COURT: Um-hm.

8 [REDACTED]: Can I say something?

9 THE COURT: Well, I'm just going to caution
10 you that you are being recorded so anything that
11 you say may be used against you so if you'd like to
12 say something, go ahead.

13 [REDACTED]: So far as me fighting that girl, I
14 don't remember me hitting no kid and I know that
15 that's not true for a fact.

16 THE COURT: Okay, well that's -- -- I'm
17 not -- here's the situation and I have to decide
18 whether or not to set bail on you and based on the
19 fact of the incident. Where do you live?

20 [REDACTED]: I live at [REDACTED]

21 THE COURT: How long have you lived at [REDACTED]
22 [REDACTED]?

23 [REDACTED]: For about thirty days.

24 THE COURT: Thirty days, okay. Where did you
25 live prior to [REDACTED]?

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[REDACTED] Excuse me?

THE COURT: Where did you live prior to Beman Street?

[REDACTED] [REDACTED]

THE COURT: Okay, how long have you lived in the Binghamton area?

[REDACTED] About six, seven years.

THE COURT: Six or seven years. Do you have family up here?

[REDACTED]: Yes.

THE COURT: Who?

[REDACTED]: [REDACTED] which is my mother. [REDACTED], which is my stepfather. My brother, [REDACTED] and my sister, [REDACTED].

THE COURT: And you are seventeen years old?

[REDACTED] No, I'm sixteen.

THE COURT: Sixteen. But you're older than about six or seven, right?

[REDACTED]: Excuse me?

THE COURT: You're about ten years older than six or seven years old, right? I'm not passing on the truth or the falsity of the charge but I would expect that a sixteen year old woman would start to try to start acting like that.

[REDACTED] Excuse me?

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THE COURT: Yeah.

[REDACTED] I don't understand what you're saying.

THE COURT: You're being charged.

[REDACTED] Um-hm.

THE COURT: Just so you understand.

[REDACTED]: Um-hm.

THE COURT: With getting into a fisticuffs involving somebody holding a baby, okay, so those are the charges, all right? I have to decide whether or not you are going to make it to court, okay. Based on that I have to decide whether your mature enough that I can trust you to do that.

[REDACTED] Yes, I can.

THE COURT: Okay, based on what these allegations are I wonder whether you are.

[REDACTED] I'll definitely come back to court.

THE COURT: Well, if you can definitely come back to court then can I rely upon you not to get into fights with anyone --

[REDACTED]: Yes.

THE COURT: -- especially people holding babies for the next thirty days or so?

[REDACTED] Yes.

THE COURT: Is that a hard thing to figure

1 out?

2 [REDACTED] No.

3 THE COURT: Okay. Did your grandmother teach
4 you that?

5 [REDACTED] No.

6 THE COURT: Mother?

7 [REDACTED] No.

8 THE COURT: No one taught you that?

9 [REDACTED]: No.

10 THE COURT: Do you kind of know that in your
11 bones?

12 [REDACTED]: Yes.

13 THE COURT: Okay, so somebody taught you that.
14 All right. So who do you live with?

15 [REDACTED] I live with my boyfriend's mother
16 right now, but I'm moving back with my mother who
17 spoke with my stepfather today but then the cops
18 came and got me. She was supposed to pick me up
19 around one or two o'clock to take me --

20 THE COURT: Do you go to school?

21 [REDACTED] Yes, I'm going to be attending a
22 job corp. I got a tour on April 20th, which is
23 Thursday coming up.

24 THE COURT: My concern is that based on the
25 allegations and I'm looking at you, the impression

1 that I'm getting from you is that you don't really
2 think this is a very serious situation.

3 [REDACTED] Yes, I --

4 THE COURT: And it makes me feel that you may
5 not show up in court.

6 [REDACTED] That's my word, I promise that I
7 will show up in court. I promise. I will give you
8 the names and addresses that I would be at.

9 THE COURT: Where are you moving to?

10 [REDACTED] Excuse me?

11 THE COURT: Where are you moving to?

12 [REDACTED] My mom is getting an apartment in
13 Endicott. She's staying at the shelter in Endicott
14 by Wendy's, right across the street from Endicott
15 -- she's getting --

16 THE COURT: So you don't know the address
17 you're going to be at?

18 [REDACTED] No, but I have -- I definitely have
19 the number and I can give you the address when we
20 move. It's 607-754 --

21 THE COURT: What is this, the phone number?

22 [REDACTED] Yes, to where she's staying at. It
23 is like a shelter until she gets an apartment,
24 which will be hopefully by the first. My mom told
25 me any time I need to get there to call a cab

1 and --

2 THE COURT: Do you think there's any
3 underlying issues you need to resolve before your
4 next court appearance? I want you to think about
5 that. If there's something -- if there's something
6 burning in you that you need to take care of I
7 would suggest that you take care of that, whether
8 it's getting some counseling, whether -- whether
9 it's any substance abuse or any issues like that
10 that are out there, all right, because the
11 behavior -- again, I'm not passing on the truth or
12 the falsity of the charge, but the behavior that's
13 alleged is not something a rationale person does,
14 all right? Do you understand that? Do you
15 understand what I'm saying?

16 [REDACTED] Yes, um, I have a question.

17 THE COURT: Go ahead.

18 [REDACTED] Speaking of the counseling, where
19 can I actually go to to get myself some counseling?

20 THE COURT: Well, you can probably talk to the
21 Public Defender you're being assigned to on that.
22 That would probably be a step ahead.

23 [REDACTED]: Okay.

24 THE COURT: And if Ms. Ponte asks me for an
25 Order of Protection I would grant it, do you

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understand that?

[REDACTED] Um-hm.

THE COURT: What I'm going to do is I'm going to release you to the -- are you on Probation or Parole?

[REDACTED] No.

THE COURT: This is your first charge?

[REDACTED] Yes.

THE COURT: You know the next time you come back to court it won't be your first charge and that you'll probably go to jail. Not probably, if you come in front of me you'll definitely go to jail, do you understand that?

[REDACTED] Um-hm.

THE COURT: So if you were to go out here and give Ms. Ponte or Ms. -- or anyone else a hard time and you came in front of me, your next stop is the Broome County Jail, do you understand that?

[REDACTED] Yes.

THE COURT: All right, I just want to be clear with you, okay, because if you come in front of me, I don't want any tears about going to jail, all right? All right, at this point in time I'm going to release you to the pre-trial release program and to serve as a reminder to you to make your court

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appearances. If you fail to do that, if you fail to maintain contact with the folks at the pre-trial release program --

[REDACTED] Um-hm.

THE COURT: -- you will go to jail, okay, so you got to start thinking beyond whatever -- whatever is in front of you, all right. All right, that's it.

(Whereupon, the proceedings were concluded.)

* * * * *

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

I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss

Court Reporter

DATED: October 31, 2006

EXHIBIT 9

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STATE OF NEW YORK : COUNTY OF BROOME
CITY OF BINGHAMTON

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiff,

-vs-

Docket No.: 2006-90178

KYLE BIDWELL,
Defendant.

Binghamton City Court
Binghamton, New York
April 14, 2006

B I N G H A M T O N C I T Y C O U R T

B e f o r e :

HONORABLE ROBERT C. MURPHY

A p p e a r a n c e s :

KYLE BIDWELL, Defendant

1 THE COURT: Kyle Bidwell. Good morning, Mr.
2 Bidwell.

3 MR. BIDWELL: Hello.

4 THE COURT: Okay, Mr. Bidwell, you're charged
5 with violation of, well, two things. First of all,
6 there's a Warrant issued for your arrest.
7 Actually, how old are you?

8 MR. BIDWELL: Twenty.

9 THE COURT: Actually, at this point in time
10 I'll -- take this. I have a Warrant issued for
11 your arrest by Judge Lehmann on February 24, 2006,
12 apparently for your failure to appear in court as
13 directed. That's apparently to deal with a
14 surcharge letter. I do have a Warrant for your
15 arrest issued yesterday, I mean, well -- a
16 Misdemeanor Information for your -- a charge of
17 False Personation in violation of Section 190.23,
18 False Personation, which is a Class B Misdemeanor.
19 Do you want me to read the charge out loud or do
20 you want to waive the reading?

21 MR. BIDWELL: I'll waive the reading.

22 THE COURT: All right. You do have a right to
23 an attorney at all stages of these proceedings,
24 right to an adjournment to obtain an attorney. If
25 you so choose and cannot afford an attorney an

1 attorney will be provided to you by the court
2 through the Public Defender's Office. Would you
3 like a Public Defender?

4 MR. BIDWELL: Yes.

5 THE COURT: All right, based upon your request
6 for a Public Defender I'll refer you to the Public
7 Defender's Office, enter a plea of not guilty in
8 your behalf. Is there a reason why you didn't show
9 up in court for Judge Lehmann?

10 MR. BIDWELL: No, I just totally forgot about
11 it. I thought it was actually in May.

12 THE COURT: Excuse me?

13 MR. BIDWELL: I thought it was in May. I just
14 mixed up the dates. That was my fault.

15 THE COURT: You thought it was in May?

16 MR. BIDWELL: Yes.

17 THE COURT: Versus February.

18 MR. BIDWELL: Um-hm.

19 THE COURT: I appreciate your candor, but how
20 old are you?

21 MR. BIDWELL: Twenty.

22 THE COURT: Do you know how to operate a
23 calendar?

24 MR. BIDWELL: Yes.

25 THE COURT: Is there a reason why you didn't

1 operate a calendar?

2 MR. BIDWELL: No, I just -- I don't know.

3 THE COURT: Where do you live?

4 MR. BIDWELL: Three Chadwick Road.

5 THE COURT: Who do you live there with?

6 MR. BIDWELL: My parents.

7 THE COURT: All right, so how much is -- how
8 much of the fine and the surcharge have you paid?

9 MR. BIDWELL: None of it yet.

10 THE COURT: None of it?

11 MR. BIDWELL: No.

12 THE COURT: From August?

13 MR. BIDWELL: Yeah, I get paid tomorrow and
14 that's when I was planning on making my first
15 payment.

16 THE COURT: You know that's a hard sell.

17 MR. BIDWELL: Yeah, I understand.

18 THE COURT: Because you're probably saying
19 that because you're sitting here in handcuffs in
20 front of me, it is not because you were probably
21 planning on making your first payment tomorrow.

22 MR. BIDWELL: Today when I get paid.

23 THE COURT: I understand that but you've had a
24 lot of other paydays between August 19, 2005, and
25 today.

1 MR. BIDWELL: Yes.

2 THE COURT: And there's probably not a good
3 reason why you didn't make it there.

4 MR. BIDWELL: Well, I was out of work for a
5 few weeks.

6 THE COURT: Okay, so I'll give you three of
7 those weeks, okay? All right?

8 MR. BIDWELL: Yes.

9 THE COURT: So now what are we doing?

10 MR. BIDWELL: I'm going to make my first
11 payment today when I get my check.

12 THE COURT: Well, the other thing is you're
13 going to pay in a \$500 chunk, \$185 chunk, okay.

14 MR. BIDWELL: Um-hm.

15 THE COURT: There's not a payment plan that
16 you can deal with.

17 MR. BIDWELL: I can pay off the \$185 first.

18 THE COURT: And so to be perfectly honest with
19 you, if you had just come in at any time because
20 you probably got an appearance letter --

21 MR. BIDWELL: Yes, I did.

22 THE COURT: -- if you come in at any time and
23 say I know there's a Warrant out, do you know what,
24 you wouldn't be sitting here in handcuffs in front
25 of me right now.

1 MR. BIDWELL: I understand that.

2 THE COURT: So when you -- were you kind of
3 sticking your head in the sand?

4 MR. BIDWELL: Huh?

5 THE COURT: Were you sticking your head in the
6 sand rather than facing your problems?

7 MR. BIDWELL: Yes.

8 THE COURT: And what did that get you?

9 MR. BIDWELL: This right here.

10 THE COURT: Does it feel good?

11 MR. BIDWELL: No, not at all, especially not
12 for my parents.

13 THE COURT: Well, I suspect that you have
14 some, you know, the underlying charge is a -- is a
15 plea of guilty to a violation of Section 1192.2,
16 which is Blood Alcohol Content .08 or more,
17 correct? So you probably had friends with you when
18 you were drinking, is that right?

19 MR. BIDWELL: Yes.

20 THE COURT: Do you want to turn around and see
21 if you see any of those friends here today?

22 MR. BIDWELL: No.

23 THE COURT: Turn around.

24 MR. BIDWELL: No, there's not.

25 THE COURT: I want you to look, all right.

1 MR. BIDWELL: I did look.

2 THE COURT: Visually, all right. Not a one,
3 okay.

4 MR. BIDWELL: Um-hm.

5 THE COURT: Are they here for you right now?

6 MR. BIDWELL: No.

7 THE COURT: Who is here for you right now?

8 MR. BIDWELL: My parents.

9 THE COURT: Okay. It's Easter weekend, too,
10 isn't it? Okay. Again, I'm not here to -- I'm not
11 here to throttle you down here or anything like
12 that, but the bottom line is that there's some
13 issues here that don't seem to be getting
14 addressed. If I look at your -- this is not your
15 first time that you've been charged with something
16 and you got a DWI here, you got a Petit Larceny and
17 just knocked down from a Grand Larceny and it has
18 all of the ear marks of somebody that's got some
19 issues that need to be addressed, whether it's
20 controlled substances, marijuana, cocaine, alcohol,
21 it's all pretty much the same or something else,
22 all right, so I'm just telling you that's what it's
23 screaming to me right now, all right.

24 I have to decide whether or not to set bail on
25 you. I do recognize that you are here. Your

1 friends aren't here, but your parents are, all
2 right, which goes in your favor. The fact that you
3 didn't show up, I have to decide whether or not to
4 set bail on you at this point in time in which case
5 you could be processed out of the Broome County
6 Jail. Is that something that you think I need to
7 do?

8 MR. BIDWELL: No, I don't.

9 THE COURT: Well, why don't I need to do that?

10 MR. BIDWELL: Because I learned from this
11 right now that I will pay -- I will make the first
12 payment today and get the money as quick as I can
13 to pay it off.

14 THE COURT: Um-hm.

15 MR. BIDWELL: To get this put behind me.

16 THE COURT: All right. You've also been
17 charged with False Personation.

18 MR. BIDWELL: Um-hm.

19 THE COURT: Which is the kind of charge that
20 shows an attempt to evade or not make -- deal with
21 legal process, all right, so it's very easy for a
22 Judge in that situation just to say, do you know
23 what, you're not working with us, we are not
24 working with you, which means that you go to jail.
25 So what -- do you work?

1 MR. BIDWELL: Yes.

2 THE COURT: Where at?

3 MR. BIDWELL: I'm a cook at Hooter's and I'm
4 going to be starting a second job at Nirchi's.

5 THE COURT: At Nirchi's?

6 MR. BIDWELL: Yes.

7 THE COURT: And how many hours do you work?

8 MR. BIDWELL: At Hooter's I work about thirty-
9 two and at Nirchi's I'm going to be working in the
10 morning.

11 THE COURT: Have you gone to school, going to
12 school, thinking about school?

13 MR. BIDWELL: I went to school for a little
14 while.

15 THE COURT: Um-hm.

16 MR. BIDWELL: And then I dropped out and I'm
17 thinking about picking back up for Marine Biology.

18 THE COURT: Marine Biology, all right.

19 MR. BIDWELL: Yes.

20 THE COURT: And did you finish high school?

21 MR. BIDWELL: Yes.

22 THE COURT: How did you do in high school?

23 MR. BIDWELL: Pretty good, I was a good
24 student.

25 THE COURT: Okay, so do you want to -- do you

1 want to be a chef at Hooter's or Nirchi's, which is
2 a perfectly fine thing to do as long as you're
3 happy with it.

4 MR. BIDWELL: (Inaudible.)

5 THE COURT: What?

6 MR. BIDWELL: I want to do something else with
7 my life.

8 THE COURT: All right, and that may be why
9 you're doing some other stuff, all right, so think
10 about that. If it's not something that's really
11 kind of engaging all of your engines, you know, you
12 may not be happy with yourself, all right. If you
13 love cooking it's a great thing to do, I'm not
14 saying, you know, I worked as a chef myself, so,
15 all right?

16 MR. BIDWELL: Um-hm.

17 THE COURT: But if that's not what you want to
18 do then you might want to think about applying
19 yourself a little bit more and avoiding some of the
20 problems. I'm not comfortable releasing you right
21 now, though, because I think you're just going to
22 get in more trouble.

23 MR. BIDWELL: I won't, sir, I have to work
24 this whole weekend anyway, so, I'm just going to be
25 laying low until I pay these fines off.

1 THE COURT: Well, I know the restaurant
2 business is a good business for somebody whose got
3 a controlled substance abuse problem. It's late
4 nights, closing up, having drinks as people are
5 closing up, talking, going out and partying, all
6 right? Am I close to the numbers there or?

7 MR. BIDWELL: Yes.

8 THE COURT: All right, so what you need to
9 start thinking about doing is avoiding the people
10 and places and things that might get you into a
11 jackpot, all right?

12 MR. BIDWELL: Um-hm.

13 THE COURT: Maybe get some counseling.

14 MR. BIDWELL: Um-hm.

15 THE COURT: I'll tell you what I'm thinking
16 right now is that if you were to get counseling I
17 might be willing to not set bail on you right now
18 and you can go home, all right?

19 MR. BIDWELL: I will get counseling then.

20 THE COURT: What?

21 MR. BIDWELL: I will get counseling.

22 THE COURT: All right. And other various
23 places and other various places where people can go
24 and I've personally observed it where they can just
25 go and they don't deal with it, they go and they

1 tell their counselors they do what they need to do
2 to either screw the test up or avoid the tests, all
3 right, and a lot of those places won't do it. I
4 know a couple of places that do take care of things
5 and will address the underlying issues. Do you
6 realize it can be a pretty expensive process?

7 MR. BIDWELL: Yes.

8 THE COURT: All right, so you have to commit
9 to it.

10 MR. BIDWELL: Um-hm.

11 THE COURT: Do you think you're willing to
12 commit to that?

13 MR. BIDWELL: Yes, because I want to change.

14 THE COURT: You want to keep coming --

15 MR. BIDWELL: No.

16 THE COURT: -- and having Judges that don't
17 know you sit there and lecture you?

18 MR. BIDWELL: Not at all.

19 THE COURT: It's kind of a drag, isn't it? I
20 mean, I know I wouldn't want it, all right.

21 All right, I'll tell you what I'm going to do
22 at this point in time. I don't know if Kyle is
23 still on your insurance plan or anything like that
24 or whether he is or is not.

25 MS. BIDWELL: Yes, he is.

1 THE COURT: And if there is any programs that
2 would be covered by your plan that you're familiar
3 with. Are you or --

4 MS. BIDWELL: Yes.

5 MR. BIDWELL: There are plans that will take
6 our insurance, yes.

7 THE COURT: And where do you work?

8 MS. BIDWELL: Lourde's Center For Oral Health
9 right here in Binghamton.

10 THE COURT: And there are programs there?

11 MS. BIDWELL: Yes, we have an excellent
12 program.

13 THE COURT: Okay, that's the program on Main
14 Street?

15 MS. BIDWELL: Yes.

16 THE COURT: I mean, not Main Street.

17 MS. BIDWELL: On Front Street.

18 THE COURT: Front Street, okay. All right,
19 and you think you can have him get into that
20 program?

21 MS. BIDWELL: Yes, I can. Kyle, are you
22 willing?

23 MR. BIDWELL: Um-hm.

24 THE COURT: Is that something that you're
25 willing to do? Is that a yes?

1 MR. BIDWELL: Yes.

2 THE COURT: All right, here's the condition.
3 This is going to be my condition as far as
4 releasing you today is I'm going to release you at
5 this point in time conditioned upon your obtaining,
6 getting -- signing up for that program as soon as
7 you can no greater than one week. Do you have a
8 phone?

9 MR. BIDWELL: Yes, 722 --

10 THE COURT: 722.

11 MR. BIDWELL: 6973.

12 THE COURT: 6973. Is that a home phone number
13 or cellphone?

14 MR. BIDWELL: That's cellphone.

15 THE COURT: All right. I am going to call.
16 Today is the 14th, I'm going to call on the -- I'm
17 going to call on the 21st, which is next Friday,
18 and by that time even with Easter weekend you
19 should be able to have had an answer for me as to
20 where you're -- where you are within that program
21 as far as signing up and where that is. Is that
22 something that's doable?

23 MR. BIDWELL: Yes.

24 THE COURT: I know it's doable.

25 MR. BIDWELL: Yes.

1 THE COURT: I'm saying are you willing to do
2 it?

3 MR. BIDWELL: I'll do it first thing Monday
4 morning.

5 THE COURT: All right, and it might be
6 Tuesday, then I want you at that point in time to
7 contact the court and inform the court. This is
8 you, this is not anyone else. This is not
9 something I expect your mother to do or anyone else
10 to do as far as that goes. You're twenty years
11 old, it is grow up time, all right.

12 MR. BIDWELL: Um-hm.

13 THE COURT: You can grow up, you know, dealing
14 with your issues or you can not deal with your
15 issues and you can grow up in jail, okay, or just
16 grow up just, you know, always wondering when the
17 next police car is going to stop you for having a
18 taillight out and having a Warrant, okay? All
19 right. I would also strongly urge you, I'm not
20 passing on the truth or falsity of the charges, if
21 for whatever reason you have something in the
22 future happen like that and I know you won't
23 because you're going to address this, you know,
24 sometimes honesty is the best policy. I'm sure you
25 heard that growing up.

1 MR. BIDWELL: Yes.

2 THE COURT: There's a reason why those old
3 things stick around, because they're probably true,
4 you know, all right, so I'm going to give you --
5 I'm going to give you a shake at Easter weekend. I
6 suggest very strongly that you go to work, go home,
7 keep it low on the radar scale, all right.

8 MR. BIDWELL: Thank you.

9 THE COURT: All right, and I will be expecting
10 you know, confirmation from this office, from the
11 Lourde's --

12 MS. BIDWELL: Center For Oral Health.

13 THE COURT: All right, Center For Oral Health,
14 whatever program they have for the -- now, whatever
15 your issues, I don't need you to sit there and
16 spill yourself out right now, but if you have, you
17 know, whether it's substance abuse or marijuana,
18 cocaine, speed, alcohol, and alcohol alone can do
19 it, all right, it is usually a mixture of the
20 cocktail, all right, that you go ahead and take
21 care of it, all right, and be honest with yourself
22 first as to what your issues are and then be honest
23 with your family, okay, because that's how things
24 are going to go and everyone has got to be honest
25 with each other, all right, so if there are issues

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

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I, ROXANNE BUSS, Court Reporter and Notary Public
in and for the State of New York, do hereby certify that
the foregoing is a true and accurate transcript of the
recorded proceedings herein at the time and place noted
in the heading hereof to the best of my knowledge and
belief.

Roxanne Buss

Court Reporter

DATED: October 31, 2006

