

Honorable Rebecca M McGowan
Jewett Town Justice
P.O. Box 132
Jewett, NY 12444

New York State
Commission on Judicial Conduct
38-40 State Street
Albany, NY 12207

Dear Madame:

Enclosed please find by verified answer to the Official Complaint served upon me. To the best of my recollection, the following is a true and accurate account. I would like to begin by describing the community in which I preside so that you may have a deeper understanding of my current situation. Jewett is a small rural community and as such, it is very difficult to not know the majority of the population. I now understand the intent of the law, in regards to presiding over cases where a party is personally known to me. I agree with the intent of the law, however, I find it difficult to adhere to in a small community. My family has lived in this community since 1787. I have encountered a similar situation, as a teacher in the local district. Larger schools have rules that disallow a teacher to have his or her own children, or other relatives as students. This works when there are other teachers in the same grade and subject area. I have had 2 of my own children as students because I am the only one who teacher my grade and subject level. I am very aware of others feelings and ensure that my actions are always fair and equitable. No one has ever indicated that I may be impartial to my children. I feel that the situation in court is very similar. I make every possible attempt to make sure that my judgments are fair, impartial and that the rights of the defendant are provided at all costs.

Charge I. I unfortunately did dismiss those charges on my first night at court. My co-justice assured me that because Charlie and I were not blood relatives, it was no big deal. I was also told that it was only a local law. I was uncomfortable dismissing the charges, but did so anyway. I realize that my actions were wrong and I regret what I did. It was never my intention to lend the prestige of the judicial office to advance the private interest of a family member. . I had no Ex Parte communication with any one.

Charge II.

Paragraph 13. I never granted special consideration to any defendant based on personal knowledge of them. That is not the type of person I am.

Paragraph 14. This is the same as Charge I. The only addition is the accusation that the prosecution was not consulted. To the best of my knowledge, there is no prosecution to notify on a local law.

Paragraph 15. I admit that I arraigned Shane Andrus on July 25, 2005. I only arraigned him because; I was in court that night. He and his attorney come into court. The case was not on the calendar. His attorney requested that the appearance be considered an arraignment. I did disclose to both his attorney and ADA Anne Marie Rabin that Mr. Andrus was my second cousin. Neither of them had an issue with that. The ADA and the defendant's attorney agreed to the adjournments and then notified the court of their actions. I happened to be the one who wrote the memo on the docket because I answered the phone. I had no further action in the case.

Paragraph 16. As previously stated. I had no knowledge of this speeding ticket and was unaware that it was assigned to me. I do not have access to the courts computer. I only know what cases are on the calendar for any given evening when the clerk prints the calendar out. There was no way for me to know that this case existed. I have not touched this case nor do I intend to.

Paragraph 17. I did release Jason Whitcomb from jail in July of 2005. I only spoke to MR. Whitcombs grandfather after Judge Tatar refused to speak with him. My father's relationship with the defendants grandfather had no influence on my actions whatsoever. After analyzing the situation and attempting to discuss it with Judge Tatar, I found that our court was in gross violation of section 180.80 of the Penal law. I felt that by not acting, I was just as guilty as Judge Tatar of violating a defendant's right. I only acted after consulting with ADA Anne Marie Rabin in regards to the matter. She agreed that defendant should be released based on his young age

and the length of time spent in jail. I felt that by taking action I was upholding the integrity of the court as well as the trust placed in our legal system.

Paragraph 18. I did handle the case against Joshua Holdridge. As preciously stated, I do not know how the speeding charge was reduced to disobeying a traffic control device. That was not what I wrote on my disposition. The officer did not show up for court that night after being duly notified of the trial. The attorney asked for a dismissal, which I denied. If my intent were to allow family relationships to influence my decisions, I would have dismissed all of the charges based on the failure to show by the prosecution. Instead, I got the officer on the phone and allowed the attorney and the officer to work out a plea agreement. The three registration charges were dismissed based on evidence provided by the defendant's attorney showing that the vehicle was actually registered and inspected, however the dealer mistakenly put the wrong date on the temporary sticker. I would have dismissed those charges based on the same evidence for any defendant.

Paragraph 19.

In regards to Article 6, section 22(a) section 44(1) I have always tried to uphold the integrity and independence of the judiciary. I have never nor will I ever allowed family or social relationships to influence my conduct or decisions. I have made some mistakes and handled some cases that I should not have. However, under no circumstance was there maliciousness or the intent to undermine the intent of the Constitution of the United States or the New York State Constitution. I have never denied the prosecution the right to be heard and I think that the officers and the ADA would agree with that. I am known for giving the officers every opportunity to be heard, even if that means rescheduling or phone conferences. Unfortunately, I was not as knowledgeable about when I should and should not have disqualified my self. However, I am very aware of those situations now.

I sincerely hope that you take these statements and explanations into consideration when determining any further actions. I will accept whatever the committee determines to be appropriate. I do deeply apologize and regret any possible acts that made the court look biased. I truly do believe in the law and the judicial system. I also hope that you take into consideration the unique situations that arise in a small community.

Sincerely

Rebecca M McGowan

A handwritten signature in cursive script, appearing to read "Rebecca M McGowan", written in dark ink.