

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

MATTHEW J. PARKER,

a Justice of the Ellenville Village Court,
Ulster County.

**ANSWER TO FORMAL
WRITTEN COMPLAINT**

I, Matthew J. Parker (Respondent), hereby answers the Formal Written Complaint filed by the Commission on Judicial Conduct, dated May 14, 2020, as follows:

I am not disputing the accusations as put forth in the complaints filed. I do not know what more that I can say regarding them. I have already answered previous questions regarding the incidents.

As to CHARGE 1: The arraignment was held shortly after court was finished, my clerk and I stayed while we waited for the officers. The defendant was brought in then the officers left to get the paperwork. My clerk and I were at the desk waiting and were discussing music. We talked about Phil Collins and the defendant stated that he had played with him as he was a musician. The conversation continued until the officers returned. I then conducted the arraignment and the defendant was ROR'd. As to why it was not recorded, I can only say that after court I turned off the computer and simply forgot to turn it back on.

Once we were leaving the court, the defendant stated that he needed to return to Wurtsboro where he lived. Clearly not thinking, I offered him a ride, as it was on my way to Middletown where I was going shopping. During the ride we conversed about music, but NEVER discussed his case.

The defendant appeared in court the following Tuesday and was represented by William Collier, the public defender. The ADA proposed an ACD as the defendant had no criminal record. The credit card was returned and he made no charges with it. This seemed to be a fair resolution of the case to your respondent, further the agreement between the lawyers was made before court and at no time did your respondent make any suggestions as to what he felt should be the sentence.

Clearly I should not have given a ride to the defendant. It was an act which was only done without thinking more over. I realize that even though I played no part in the proposal of the sentencing, I should have made the lawyers involved aware of what I did. I have regretted it once at that is continuously.

As to CHARGE 2: The individual in court was attired in his underwear shirt. Since I have been on the bench, it has been the policy of the court that a maximum, a sleeved t-shirt should be worn in court. This is not a matter of personal taste, but a sign of respect for the court.

I asked the officer to tell the person to change his shirt. The individual was free to return to

the court after having done so.

Upon hearing that there was a complaint regarding this matter, I checked further and learned that we couldn't have an individual removed from court because of their attire. I immediately informed my court officers of this and we also removed any mention of required attire from our court notices.

I would state that in my many years as a Judge, I cannot recall more than 3-4 times that someone was asked to change any part of their attire. My court is in a poor community and we do not expect people to come to court in suits and ties.

Regarding the final two charges, I can only state that over the course of my career I have been known for respecting the rights of all defendants in my court.

When you conduct thousands of arraignments you tend to form a pattern of what you say and when you say it, it becomes almost rote. In these two instances the ADA was new and offered the conditional discharges before I had finished my admonishments to the defendants. I believe that I continued with her offer, thinking that I had offered the services of the Public Defender as I normally would have.

I have conducted thousands of arraignments over the course of my career and your investigator reviewed hundreds and found only these two instances. Certainly two is too many and I am outlining below the steps I have taken to insure this does not happen again.

Having been made aware of these errors I have taken steps to insure that all defendants are aware of their rights to counsel. With the new legal reform laws in effect, every defendant is represented at arraignment by the Public Defender and is then advised of their right to obtain their own lawyer or keep the Public Defender as they wish.

Any defendant who wishes to represent themselves is subject to extensive questioning by myself, showing their ability to understand the process and present a proper defense. I have previously furnished a copy of this questionnaire to the Commission.

I am not a lawyer, nor do I have the meanings to retain one here. I can only explain these matters as I see them and tell the truth. I am truly sorry, embarrassed and ashamed that the Commission finds it necessary to discipline me on any matter.

I have made every attempt to conduct myself as an example of what a good Judge is. I know that my community respects me and the work that I have done during my over two decade tenure. I can only hope that the Commission will take into account my unblemished record and allow me to serve the remainder of my term, as it is my plan to retire at the end of it.

I thank the Commission for its consideration in this matter.

Respectfully yours,



Hon. Matthew J. Parker