

STATE OF NEW YORK
STATE COMMISSION ON JUDICIAL CONDUCT

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In the Matter :
- of - :
Edmund Quinones, : DETERMINATION
A Justice of the Town of :
Lockport, County of Niagara. :
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STATE COMMISSION ON
JUDICIAL CONDUCT

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DETERMINATION OF THE
STATE COMMISSION ON JUDICIAL CONDUCT
IN THE MATTER OF LOCKPORT
TOWN JUSTICE EDMUND QUINONES

PRELIMINARY STATEMENT

This Report and Determination of the State Commission on Judicial Conduct (hereinafter the "Commission") is submitted in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Article 2-A of the Judiciary Law, for transmittal by the Chief Judge of the Court of Appeals to Edmund Quinones, a justice of the Town Court of Lockport in Niagara County.

JUSTICE QUINONES' GRANTING OF EIGHT REQUESTS
FOR FAVORABLE DISPOSITIONS IN TRAFFIC CASES

Edmund Quinones is a justice of the Town Court of Lockport in Niagara County. He is not an attorney. He first took office on January 1, 1974. His current four-year term of office expires on December 31, 1977. Judge Quinones was defeated for re-election on November 8, 1977, and will not succeed himself as Town Court justice of Lockport.

Pursuant to Section 43, subdivision 2, of the Judiciary Law, the present investigation of Judge Quinones commenced on June 29, 1977, after the Commission, in the course of another investigation, discovered a letter to Judge Quinones dated March 11, 1974, from Sebastian Lombardi, a justice of the Town Court of Lewiston in Niagara County. The letter from Judge Lombardi indicated that the following had been agreed upon by the two judges in a prior conversation:

- A summons for Permitting Operation of an Inadequately Equipped Vehicle, issued to Donald F. Landers and returnable on February 2, 1974, before Judge Quinones, would be dismissed.
- A summons for Operating an Inadequately Equipped Vehicle, issued to Nelson E. Landers and returnable on February 2, 1974, before Judge Quinones, would carry a fine of five dollars. A check for five dollars to Judge Quinones from Judge Lombardi was enclosed.

On or about March 16, 1974, Judge Quinones did, in fact, dismiss the charge in People v. Donald F. Landers and impose a fine of five dollars in People v. Nelson E. Landers, as requested by Judge Lombardi.

In the course of its investigation, the Commission discovered seven other instances in which Judge Quinones granted favorable dispositions to defendants in traffic cases, as follows.

On or about August 28, 1976, Judge Quinones reduced a charge of Failure to Keep Right to Unsafe Tires in People v. John Foster as a result of a communication he received on behalf of the defendant from New York Supreme Court Justice Frank J. Kronenberg or someone at Judge Kronenberg's request.

On or about December 7, 1974, Judge Quinones reduced a charge of Unsafe Lane Changes to Unsafe Tires in People v. Robert Bradley as a result of a communication he received on behalf of the defendant from Ms. R. Bower of the County Treasurer's Office or someone at Ms. Bower's request.

On or about January 11, 1975, Judge Quinones reduced a charge of Failure to Stop for a Stop Sign to Unsafe Tires in

People v. Joan Mulvey as a result of a communication he received on behalf of the defendant from "Bill Ryan" or someone at Bill Ryan's request.

On or about March 22, 1975, Judge Quinones reduced a charge of Driving to the Left on a Curve to Inadequate Muffler in People v. David Sabbas as a result of a communication he received on behalf of the defendant from "E. Crowe" or someone at E. Crowe's request.

On or about March 2, 1974, Judge Quinones dismissed charges of No Insurance and No Valid Inspection in People v. Kurt LaRoach as a result of a communication he received on behalf of the defendant from "Woji" or someone at "Woji's" request.

On or about September 6, 1975, Judge Quinones reduced a charge of Unsafe Start to Inadequate Muffler in People v. Paul Eglin as a result of a communication he received from a third party on behalf of the defendant.

On or about October 18, 1975, Judge Quinones reduced a charge of Failure to Stop for a Stop Sign to Inadequate Muffler in People v. Judith Dockery as a result of a communication he received on behalf of the defendant from "John Cole" or someone at John Cole's request.

JUSTICE QUINONES' FAILURE TO COOPERATE
WITH THE COMMISSION

The Commission sent Judge Quinones a letter dated July 20, 1977, asking him to explain the circumstances behind his

dispositions of People v. Donald F. Landers and People v. Nelson E. Landers. Judge Quinones failed to reply to the Commission's inquiry. The Commission sent three additional letters, respectively dated August 3, 1977, August 12, 1977, and September 12, 1977, seeking the judge's response to its original letter of inquiry dated July 20, 1977. Judge Quinones failed to respond to the three subsequent letters as well.

Pursuant to Section 43, subdivision 3, of the Judiciary Law, the Commission requested that Judge Quinones appear before a panel of its members in New York City on October 25, 1977. Judge Quinones appeared as scheduled, with counsel, but refused to answer any questions pertaining to People v. Donald F. Landers, People v. Nelson E. Landers and the seven other cases noted above. In response to each question on these cases, the judge invoked his right under the Fifth Amendment to the United States Constitution, declining to answer on the grounds that his responses may tend to incriminate him.

Pursuant to Section 43, subdivision 5, of the Judiciary Law, the Commission determined that cause existed to conduct a hearing with respect to the judge's apparent misconduct in the cases noted above. On October 31, 1977, Judge Quinones was personally served with a Notice of Hearing scheduled on November 16, 1977, a Formal Written Complaint and a Transcript of the Proceedings of October 25, 1977.

Judge Quinones, by his attorney, submitted an Answer

dated November 7, 1977, to the Charges included in the Formal Written Complaint. The Answer neither denies nor admits the Charges pertaining to his granting favorable dispositions in traffic cases at the request of third parties, and it invokes the Fifth Amendment to the United States Constitution as to the Charge that the judge failed to respond to four Commission letters of inquiry.

Judge Quinones did not appear before the Commission as scheduled on November 16, 1977.

CONCLUSION

By granting favorable dispositions to defendants in traffic cases, at the request of third parties, Judge Quinones was in violation of Sections 33.1 and 33.2 of the Rules of the Administrative Board of the Judicial Conference, which read in part as follows:

Every judge...shall himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. [Section 33.1.]

A judge shall respect and comply with the law and shall conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. [Section 33.2(a).]

No judge shall allow his family, social or other relationships to influence his judicial conduct or judgment. [Section 33.2(b).]

No judge...shall convey or permit others to convey the impression that they are in a special position to influence him... [Section 33.2(c).]

By failing to respond to Commission inquiries into his apparent misconduct, and by failing to appear at a duly scheduled hearing before the Commission, Judge Quinones was in violation of Section 43, subdivision 3, and Section 43, subdivision 5 of the Judiciary Law, which read in part as follows:

In the course of an investigation, the commission may require the appearance of the judge involved before it... [subdivision 3.]

If in the course of an investigation, the commission determines that a hearing is warranted it shall direct...that a hearing be held... [subdivision 5.]

PUBLIC CENSURE

By reason of the foregoing, in accordance with Article VI, Section 22k, of the Constitution of the State of New York, and Section 43, subdivision 7, of the Judiciary Law, the State Commission on Judicial Conduct has determined to issue the following public censure.

It is the determination of the State Commission on Judicial Conduct that Lockport Town Justice Edmund Quinones be publicly censured for granting ex-parte requests for special consideration and favorable dispositions in traffic cases by judges and other people who were in a position to influence him. Justice Quinones' conduct in this regard violated his ethical obligations

to establish, maintain and observe "high standards of conduct so that the integrity and independence of the judiciary may be observed" (Section 33.1 of the Rules Governing Judicial Conduct). Similarly, he did not follow the mandate of Section 33.2 of the Rules Governing Judicial Conduct requiring him to "respect and comply with the law and . . . conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." By using his high office to grant favors, he also violated the following ethical standards (Section 33.2[b] and [c]).

(b) No judge shall allow his family, social or other relationships to influence his judicial conduct or judgment.

(c) No judge shall lend the prestige of his office to advance the private interests of others; nor shall any judge convey or permit others to convey the impression that they are in a special position to influence him.

Ticket-fixing has created two systems of justice -- one for those with special influence and another for most people. It has adversely affected the criminal justice system by injecting favoritism into it, by suggesting to the police, lawyers, prosecutors, judges and the public at large that special influence will lead to special results.

Unfortunately, Judge Quinones has contributed to these conditions by granting favors. Moreover, by not responding to four Commission letters, he failed in his obligation to cooperate with the Commission.

The Commission served Judge Quinones with eight charges dealing with granting of requests for special consideration. The judge chose not to appear at a hearing to contest the charges.

Because he has only a limited time remaining in his term of office, which expires on December 31, 1977, the Commission believes it is impractical and unnecessary to consider other sanctions.

This public censure is issued by the Commission pursuant to Section 43, subdivision 7 of the Judiciary Law, in accordance with its findings on file in its offices.

Respectfully submitted,

State Commission on Judicial Conduct
801 Second Avenue
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Dated: November 30, 1977
New York, New York

APPEARANCES:

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