

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

**HOWARD RILEY,**

**STIPULATION**

A Justice of the Harrietstown Town Court,  
Franklin County.

---

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and the Honorable Howard Riley ("Respondent"), as follows:

1. Respondent has been a Justice of the Harrietstown Town Court, Franklin County, since January 1, 2008. His current term expires December 31, 2015.

Respondent is not an attorney.

2. Respondent was served with a Formal Written Complaint dated February 26, 2013, containing two charges of alleged misconduct in his handling of cases between January 2010 and December 2011. The allegations of the Formal Written Complaint included, *inter alia*, that: (1) in numerous cases, predominantly Vehicle and Traffic Law violations, Respondent engaged in inappropriate conversations with unrepresented defendants at their arraignments and other appearances before him and allowed them to make potentially incriminating statements, (2) in numerous cases, Respondent dismissed or reduced charges against defendants without notice to or consent of the district attorney as required by law, (3) in several cases Respondent made statements that appeared to coerce defendants to enter guilty pleas, and (4) in a small claims action, Respondent

directed the defendant to present his defense first, before the claimant presented his case. Respondent filed an Answer dated April 4, 2013, in which he denied all allegations of misconduct.

3. Respondent tendered his resignation, dated June 1, 2013, a copy of which is annexed as Exhibit 1. Respondent affirms that he will vacate his judicial office on or before August 1, 2013.

4. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

5. Respondent affirms that, after vacating his judicial office on or before August 1, 2013, he will neither seek nor accept judicial office at any time in the future.

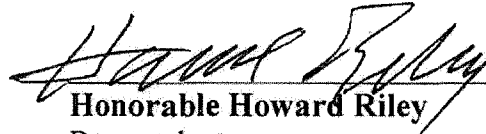
6. Respondent understands that, should he remain on the bench beyond August 1, 2013, or thereafter assume any judicial position at any time in the future, or otherwise abrogate the terms of this Stipulation, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

7. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

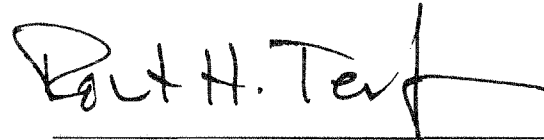
8. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (1) this Stipulation will become public upon being signed by the

signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

Dated: 6-24-2013

  
\_\_\_\_\_  
**Honorable Howard Riley**  
Respondent

Dated: June 26, 2013

  
\_\_\_\_\_  
**Robert H. Tembeckjian**  
Administrator and Counsel to the Commission  
(Thea Hoeth, Of Counsel)

**Robert Bevilacqua, Supervisor  
Town Council Members  
Town of Harrietstown  
30 Main Street  
Saranac Lake, N.Y. 12983**

**June 1, 2013**

**Supervisor Bevilacqua:**

**I am retiring from the position of Town Justice effective August 1, 2013 which coincides with the retirement of the Court Clerk.**

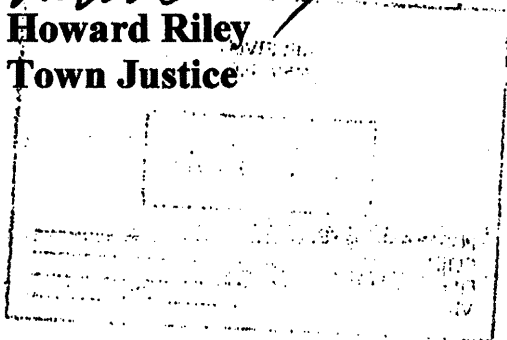
**That leaves ample time for those interested in running for my two-year, unexpired term to file for the November election.**

**It has been my great pleasure to serve the Town of Harrietstown for four years on the Town Council and nearly six years as Town Justice. I appreciate the support and cooperation I have received from the Town Board.**

**Respectfully,**



**Howard Riley  
Town Justice**



**EXHIBIT**

**1**