

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

JUDSON WRIGHT,

a Justice of the Town Court of
Coxsackie, Greene County.

Determination

BEFORE: Mrs. Gene Robb, Chairwoman
Honorable Fritz W. Alexander, II
David Bromberg, Esq.
Honorable Richard J. Cardamone
Dolores DelBello
Michael M. Kirsch, Esq.
Victor A. Kovner, Esq.
William V. Maggipinto, Esq.
Honorable Isaac Rubin
Honorable Felice K. Shea
Carroll L. Wainwright, Jr., Esq.

APPEARANCES:

Gerald Stern (Robert H. Straus, Of Counsel)
for the Commission

Donald F. Larson for Respondent

The respondent, Judson Wright, a justice of the Town Court of Coxsackie, Greene County, was served with a Formal Written Complaint dated November 1, 1979, alleging misconduct with respect to seven traffic cases. Respondent filed an answer dated January 4, 1980.

By order dated February 6, 1980, the Commission designated the Honorable Francis Bergan as referee to hear and report

proposed findings of fact and conclusions of law. The hearing was held on April 8 and May 28, 1980, and the report of the referee was filed on September 9, 1980.

By motion dated October 21, 1980, the administrator of the Commission moved to confirm the referee's report and for a determination that respondent be admonished. Respondent did not oppose the motion. Oral argument was waived.

The Commission considered the record of this proceeding on October 30, 1980. The report of the referee is confirmed, and the Commission makes the following findings of fact.

1. Charge I: On June 7, 1973, respondent sent an ex parte letter on his judicial stationery to Catskill Village Court Justice Frank McDonald, seeking special consideration on behalf of the defendant, who was charged with speeding in People v. Warner A. Berge, a case then pending before Judge McDonald. Respondent's letter confirmed his earlier telephone conversation with Judge McDonald in which he had identified himself as a judge and requested a reduction of the speeding charge to an equipment violation.

2. Charge II: On July 12, 1975, respondent reduced a charge of speeding to a Thruway violation and imposed an unconditional discharge in People v. Jack Gioacchini as a result of an ex parte letter he received from Catskill Town Court Justice Charles Crommie, seeking special consideration on behalf of the defendant, notwithstanding the defendant's plea of guilty, in writing, to the original speeding charge.

3. Charge III: On July 19, 1975, respondent reduced a charge of speeding to a Thruway violation and imposed a fine of \$25 in People v. Daniel R. Fera as a result of an ex parte telephone call and letter he received from Durham Town Court Justice Theodore Wordon, seeking special consideration on behalf of the defendant.

4. Charge IV: On August 20, 1974, respondent reduced a charge of speeding to a Thruway violation and imposed an unconditional discharge in People v. Stewart South as a result of an ex parte telephone call and letter he received from Cairo Town Court Justice Nicholas Bier, seeking special consideration on behalf of the defendant.

5. Charge VI: On March 9, 1976, respondent reduced a charge of speeding to driving with an inadequate muffler and imposed a fine of \$25 in People v. Ronald J. Truesdell as a result of an ex parte letter he received from Greene County Clerk Neil Brandow, seeking special consideration on behalf of the defendant.

6. Charge VII: On March 9, 1976, respondent reduced a charge of speeding to driving with an inadequate muffler and imposed a conditional discharge in People v. Lestar H. Dudley as a result of an ex parte letter he received from Ravenna Town Court Justice Edward Jones, seeking special consideration on behalf of the defendant.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 33.1, 33.2, 33.3(a)(1) and 33.3(a)(4) of the Rules Governing Judicial Conduct and Canons 1, 2 and 3A of the Code of Judicial Conduct. Charges I through IV and Charges VI and VII of the Formal Written Complaint are sustained and respondent's misconduct is established. Charge V of the Formal Written Complaint is not sustained and therefore is dismissed.

It is improper for a judge to seek to persuade another judge, on the basis of personal or other special influence, to alter or dismiss a traffic ticket. A judge who accedes to such a request is guilty of favoritism, as is the judge who made the request. By making an ex parte request of another judge for favorable dispositions for the defendant in a traffic case, and by acceding to such requests from judges and others with influence, respondent violated the Rules enumerated above.

Courts in this and other states, as well as the Commission, have found that favoritism is serious judicial misconduct and that ticket-fixing is a form of favoritism.

By reason of the foregoing, the Commission determines that the appropriate sanction is admonition.

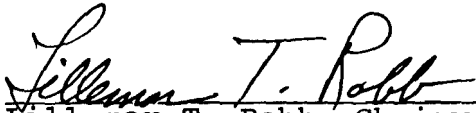
All concur.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct, containing the

findings of fact and conclusions of law required by Section 44,
subdivision 7, of the Judiciary Law.

Dated: February 11, 1981
Albany, New York


Lillemor T. Robb, Chairwoman
New York State Commission on
Judicial Conduct