

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

DETERMINATION

RONALD C. WRIGHT,

a Justice of the Olive Town Court,
Ulster County.

THE COMMISSION:

Lawrence S. Goldman, Esq., Chair
Stephen R. Coffey, Esq.
Colleen C. DiPirro
Richard D. Emery, Esq.
Raoul Lionel Felder, Esq.
Christina Hernandez, M.S.W.
Honorable Thomas A. Klonick
Honorable Daniel F. Luciano
Honorable Karen K. Peters
Alan J. Pope, Esq.
Honorable Terry Jane Ruderman

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci, Of Counsel) for the
Commission

David Lenefsky for the Respondent

The respondent, Ronald C. Wright, a justice of the Olive Town Court,
Ulster County, was served with a Formal Written Complaint dated August 10, 2005,

containing two charges.

On September 19, 2005, the administrator of the Commission, respondent's counsel and respondent entered into an Agreed Statement of Facts pursuant to Judiciary Law §44(5), stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On September 30, 2005, the Commission approved the agreed statement and made the following determination.

1. Respondent has been a justice of the Olive Town Court since January 1996. He is not an attorney.

As to Charge I of the Formal Written Complaint:

2. On April 9, 2002, respondent signed a letter on court stationery, a copy of which annexed as Exhibit 1 to the Agreed Statement of Facts, which he sent to the Town of Olive Police, the New York State Police, the New York State Department of Environmental Conservation, the Ulster County Sheriff's Department and the New York City Department of Environmental Protection Police. Respondent stated in the letter that the Olive Town Court would no longer enforce the 35 mph speed zone along Route 28A and Reservoir Road, and that tickets written for speeds less than 55 miles per hour would be dismissed, as speed zones were "illegally posted."

3. Respondent's April 9th statement that the speed zones were illegally

posted was based upon his own observation of the signs, and not upon any case or matter which had been judicially decided.

As to Charge II of the Formal Written Complaint:

4. On April 22, 1998, the defendant in *People v. Kenneth Barringer* appeared in the Olive Town Court in response to a Speeding charge (53 miles per hour in a 35 mile-per-hour zone). Respondent's co-judge, Vincent Barringer, disqualified himself because he is related to the defendant. Kenneth Barringer is Judge Barringer's nephew.

5. On May 13, 1998, Kenneth Barringer appeared before respondent, who dismissed the Speeding charge without giving reasonable notice to the arresting officer who was assigned to prosecute the case, as was required by Sections 170.45 and 210.45 of the Criminal Procedure Law. On May 13, 1998, respondent notified the arresting officer, after the disposition, that he had dismissed the charge.

6. Respondent failed to make a proper record of the reason for the dismissal of the *Barringer* matter, as was required by Section 170.40(2) of the Criminal Procedure Law. Respondent recorded in his docket "Dismissed-Not a good zone."

7. On May 13, 1998, respondent dismissed two other Speeding charges which had been issued by the same arresting officer as in the *Barringer* case, also on the basis of "not a good zone." Respondent made his determinations on May 13, 1998, that the speed zone in question was not "good" based upon his personal belief that the posted speed signs were improperly placed.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.2(B), 100.2(C), 100.3(B)(1), 100.3(B)(4) and 100.3(B)(6) of the Rules Governing Judicial Conduct and should be disciplined for cause, pursuant to Article 6, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charges I and II of the Formal Written Complaint are sustained, and respondent's misconduct is established.

It was improper for respondent to announce, in a letter sent to law enforcement agencies and signed by respondent and his co-judge, that in future cases he will not enforce the speed limit on a particular road because the speed limit signs were illegally posted. Such a pronouncement, based upon his own observation of the signs and not upon any case or matter which had been judicially decided, is inconsistent with the role of a judge in our legal system, which is to apply the law in each case in an impartial manner, regardless of the judge's personal views (Rules Governing Judicial Conduct, §§100.2[A] and 100.3[B][1]). *See Matter of Tracy*, 2002 Annual Report 167 (Comm. on Judicial Conduct); *see also, Matter of Barringer* (determination issued today).

Respondent has acknowledged that his dismissal of Speeding charges in three cases several years earlier was based upon his "personal belief" that the posted speed signs were improperly placed. A judge's personal views cannot override the judge's obligation to enforce the law faithfully and impartially. Significantly, in one of

the cases, the defendant was a relative of respondent's co-judge, and respondent dismissed the charge without giving reasonable notice to the prosecutor as was required by the Criminal Procedure Law (§§170.45, 210.45). *See, e.g., Matter of More*, 1996 Annual Report 99 (Comm. on Judicial Conduct) (judge dismissed cases without notice to the prosecution). Respondent's handling of that case conveyed the appearance of favoritism and violated his obligation to be faithful to the law and to perform his judicial duties in an impartial manner (Rules Governing Judicial Conduct, §100.3[B][1]).

By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

Mr. Goldman, Mr. Coffey, Ms. DiPirro, Mr. Emery, Mr. Felder, Ms. Hernandez, Judge Klonick, Judge Luciano and Judge Ruderman concur.

Judge Peters did not participate.

Mr. Pope was not present.

CERTIFICATION

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

Dated: October 11, 2005



Lawrence S. Goldman, Esq., Chair
New York State
Commission on Judicial Conduct