



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Mount Morris Town Justice Censured for Coercing Guilty Plea in a Traffic Case and Other Misconduct

The New York State Commission on Judicial Conduct has determined that Walter V. Tripp, a Justice of the Mount Morris Town and Village Courts, Livingston County, should be censured.

In a determination dated April 20, 2010, the Commission found that Judge Tripp should be censured for attempting to coerce a defendant in a traffic case into pleading guilty, among other things by threatening him with jail. After the defendant complained to the Commission, the judge denied the defendant's request for more time to pay the fine, saying in words or substance, "You turned me in to the state and you want me to do you a favor?"

In a separate traffic case, Judge Tripp threatened to send a defendant's father to jail for supposedly being rude to the court clerk, who is the judge's wife, even though the judge had no first-hand knowledge of the alleged incident. Judge Tripp also threatened to arrest the defendant if the fine were not paid within seven days

“In two routine traffic cases, [the judge] allowed his hostile emotions to influence his judicial conduct and judgment and threatened individuals with incarceration out of apparent bias and personal pique,” the Commission said in its determination.

In mitigation, the Commission noted that Judge Tripp was cooperative in the Commission’s proceedings, expressed contrition and promised to avoid such misconduct in the future.

The determination can be found on the Commission’s website:
www.scjc.state.ny.us.

The Commission Proceedings

Judge Tripp was served with a Formal Written Complaint dated August 3, 2009, containing two charges, and filed an answer dated September 24, 2009.

The Administrator of the Commission and the judge entered into an Agreed Statement of Facts on April 2, 2010, stipulating as to the facts and sanction and waiving further submissions and oral argument. The Commission accepted the Agreed Statement on April 15, 2010.

The Commission Determination

The Commission filed a determination dated April 20, 2010. Judge Thomas A. Klonick (the Commission Chair), Stephen R. Coffey, Esq. (the Vice Chair), Judge Rolando T. Acosta, Joseph W. Belluck, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Elizabeth B. Hubbard, Nina M. Moore, Judge Karen K. Peters and Judge Terry Jane Ruderman concurred.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7.

A judge may either accept the Commission's determination or, within 30 days of receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Tripp does not request review by the Court of Appeals, the Commission will censure him in accordance with the determination.

If the Commission's determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has censured 284 judges in New York State. The Commission has issued a determination of removal as to 160 judges and has admonished 238 judges.

The Court of Appeals has reviewed 91 Commission determinations. The Court accepted the Commission's sanctions in 75 cases (66 of which were removals, 6 were censures and 3 were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: 9 removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

In the proceedings before the Commission, Judge Tripp, who is not an attorney, represented himself.

The Commission was represented by Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, John J. Postel, Esq., Deputy Administrator in Charge of the Rochester Office and Senior Attorney David M. Duguay, Esq. Investigator Vanessa Mangan assisted in the investigation.

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

61 Broadway New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Hon. Thomas A. Klonick, Chair	Chief Judge Jonathan Lippman	March 31, 2013
Stephen R. Coffey, Esq., Vice Chair	Former Senate President Pro Tem Joseph L. Bruno	March 31, 2011
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Governor David A. Paterson	March 31, 2012
Richard D. Emery, Esq.	Former Senate Minority Leader Malcolm A. Smith	March 31, 2012
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2013
Elizabeth B. Hubbard	Governor David A. Paterson	March 31, 2011
Nina M. Moore	Governor David A. Paterson	March 31, 2013
Honorable Karen K. Peters	Governor David A. Paterson	March 31, 2014
Hon. Terry Jane Ruderman	Former Chief Judge Judith S. Kaye	March 31, 2012
Vacant	Assembly Speaker Sheldon Silver	March 31, 2014