



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Oswego County Town Justice Should Be Admonished for Engaging in a Public Physical Altercation

The New York State Commission on Judicial Conduct has determined that Douglas Brian Horton, a Justice of the Mexico Town Court, Oswego County, should be admonished for engaging in a physical altercation with his longtime girlfriend.

In 2010 during a Mexico Town Volunteer Fire Department annual dinner at a local restaurant, Judge Horton was involved in an altercation with his then-girlfriend in the foyer of the restaurant. During the argument the judge grabbed the woman and pushed her, causing her to fall to the floor. She was not injured. A witness to the incident called 911 and the state police came to the restaurant. No criminal charges were filed.

In its determination the Commission stated: “By engaging in an unseemly public altercation with his longtime girlfriend... [Judge Horton] engaged in conduct that detracted from the dignity of his judicial office and brought the judiciary as a whole into disrepute.”

In mitigation the Commission noted that Judge Horton had no previous disciplinary record and has had no further confrontations with his former girlfriend since their relationship ended in late 2010. The judge was contrite and apologized for his conduct.

Judge Horton, who is not an attorney, has served as a Justice of the Mexico Town Court since 2008. His current term expires on December 31, 2013.

The Commission Proceedings

Judge Horton was served with a Formal Written Complaint dated June 1, 2012 containing one charge, and filed an answer dated June 20, 2012.

On September 24, 2012, the Administrator of the Commission, Judge Horton and Judge Horton's attorney entered into an Agreed Statement of Facts, stipulating as to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on December 6, 2012.

The Commission Determination

The Commission filed a determination dated December 10, 2012, which was unanimous. Judge Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joel Cohen, Esq., Richard D. Emery, Esq., Paul B. Harding, Esq., Nina M. Moore, Richard A. Stoloff, Esq., and Judge David A. Weinstein concurred.

Joseph W. Belluck, Esq., was not present. There is one vacancy on the 11-member Commission.

Press Availability

Mr. Tembeckjian will be in New York City on December 27 and is available throughout the day by telephone: (646) 386-4800.

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. Judge Horton received it on December 18, 2012, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from 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 Horton does not request review by the Court of Appeals, the Commission will admonish him in accordance with the determination.

If a Commission 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 issued 247 determinations of admonition against judges in New York State. The Commission has issued 166 determinations of removal and 304 determinations of censure.

The Court of Appeals has reviewed 92 Commission determinations. The Court accepted the Commission's sanctions in 76 cases (67 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine 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. One request for review is pending.

Counsel

In the proceedings before the Commission, Judge Horton was represented by James K. Eby, Esq. 91 West Third Street, Oswego, New York 13126, (315) 342-1773.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, John J. Postel, Deputy Administrator in Charge of the Rochester office, and Senior Attorney M. Kathleen Martin. 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 Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 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
Hon. Terry Jane Ruderman, Vice Chair	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2014
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2014
Richard D. Emery, Esq.	Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2013
Nina M. Moore	Former Governor David A. Paterson	March 31, 2013
Richard A. Stoloff, Esq.	Senate President Pro Tem Dean Skelos	March 31, 2015
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2014
Vacant	Governor	March 31, 2015