



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Franklin County Town Justice Resigns, Ending Inquiry into Misconduct Allegations

The New York State Commission on Judicial Conduct has completed formal proceedings against Howard Riley, a Justice of the Harrietstown Town Court, Franklin County. Pursuant to a stipulation dated June 26, 2013, Judge Riley, who resigned by letter dated June 1, 2013, agreed to vacate judicial office on or before August 1, 2013, and agreed not to seek or accept judicial office in the future. On that basis, the proceedings were discontinued and the matter was closed on August 1, 2013.

Under the terms of the stipulation, Judge Riley, who is not an attorney, waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission decision and order would be made public. Judge Riley has served as a Justice of the Harrietstown Town Court since 2008.

The judge was served with a Formal Written Complaint dated February 26, 2013, containing two charges, alleging that he engaged in misconduct in his handling of cases between January 2010 and December 2011. The allegations in the Formal Written Complaint included:

- Engaging in inappropriate conversations with unrepresented defendants, predominantly Vehicle and Traffic Law violators, at their arraignments and other appearances before him and allowing them to make potentially incriminating statements;
- Dismissing or reducing charges against defendants without notice to or consent of the district attorney, as required by law;
- Making statements that appeared to coerce defendants to enter guilty pleas;
- Directing a defendant in a small claims action to present his defense first, before the claimant presented his case.

Judge Riley filed an answer dated April 4, 2013, in which he denied all allegations of misconduct.

The stipulation and the Commission's order closing the case can be found on the Commission's website: www.cjc.ny.gov.

Statistics Relating to Prior Commission Decisions

The Commission has accepted 43 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 250 determinations of admonition against judges in New York State, 305 determinations of censure and 167 determinations of removal.

The Court of Appeals has reviewed 93 Commission determinations. The Court accepted the Commission's sanctions in 77 cases (68 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.

Press Availability

Mr. Tembeckjian is available throughout the day by telephone: (646) 386-4800.

Counsel

In the proceedings before the Commission, Judge Riley represented himself.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Senior Attorney Thea Hoeth. Senior Investigator Donald Payette assisted in the investigation.

Background Information on Judge Riley

First took office:	2008
Resignation Effective Date:	August 1, 2013
Current Term Expires:	December 31, 2015
Lawyer or Non-Lawyer Judge:	Non-Lawyer Judge
Judicial Salary:	\$8,456 (Source: Town of Harrietstown 2013 Budget Supplement)
Prior Judicial Office:	None

Members of the Commission

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

The Public File

The stipulation and order are attached. They are also available for inspection during regular business hours at the Commission's three offices:

<p>61 Broadway Suite 1200 New York, New York 10006</p>	<p>Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223</p>	<p>400 Andrews Street Suite 700 Rochester, New York 14604</p>
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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, 2017
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
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2015
Richard D. Emery, Esq.	Former Senate Minority Leader John L. Sampson	March 31, 2016
Paul B. Harding, Esq.	Former Assembly Minority Leader James Tedisco	March 31, 2017
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, 2017