



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

April 2, 2015

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Steuben County Town Court Judge Should Be Admonished for Mishandling Bail Funds

The New York State Commission on Judicial Conduct has determined that Thomas C. Kressly, a Justice of the Urbana Town Court, Steuben County, should be admonished for mishandling bail funds he received at an arraignment and failing to maintain a record of the proceeding.

Judge Kressly agreed to the admonition.

In 2011, Judge Kressly presided over an after-hours arraignment of a case returnable in the neighboring Wayne Town Court. The judge accepted \$500 cash bail which he failed to deposit into his court account. Without making copies of the court records or of the bail receipt issued, the judge placed the money and the court records inside a manila envelope, on which he wrote "BAIL \$500.00 CASH." Later that day the judge took the envelope to the Town of Wayne municipal building and gave the envelope to an unidentified man who indicated that he would forward it to the Wayne Town Court. A New York State Comptroller's audit of the Wayne Town Court indicated that the \$500 cash bail had not been deposited or properly accounted for in the court's financial records.

Subsequently, a Justice of the Wayne Town Court, who has since left office, reported depositing the funds.

In its determination the Commission stated that the handling of official funds is one of a judge's "most important" responsibilities and that the judge's mishandling of the \$500 cash bail "circumvented the required procedures and was inconsistent with his ethical duty to diligently discharge his administrative responsibilities and to avoid even the appearance of impropriety." The Commission noted that the judge's "departure from the mandated procedures placed the funds at risk and gave rise to questions and uncertainty as to how the money was handled – all of which could have been avoided if he had deposited the bail into his court account as required."

The Commission stated that the judge's "failure to keep any records of the case, or to record the arraignment, was also a violation of the procedural requirements and compound[ed] the appearance of impropriety."

Judge Kressly, who is not an attorney, has served as a Justice of the Urbana Town Court since 1996. His current term expires on December 31, 2015.

The Commission Proceedings

Judge Kressly was served with a Formal Written Complaint dated January 6, 2015, containing one charge, and filed an answer dated January 25, 2015.

On February 17, 2015, the Administrator of the Commission and Judge Kressly 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 March 12, 2015.

The Commission Determination

The Commission filed a determination dated March 25, 2015, in which all ten members concurred: Judge Thomas A. Klonick (the Commission Chair), Judge Terry Jane Ruderman (the Vice Chair), Judge Rolando T. Acosta, Joseph W.

Belluck, Esq., Joel Cohen, Esq., Jodie Corngold, Richard D. Emery, Esq., Paul B. Harding, Esq., Richard A. Stoloff, Esq.¹, and Judge David A. Weinstein.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“To his credit, Judge Kressly readily acknowledged that he did not properly safeguard court funds in this instance, and that a public reprimand was appropriate. We are confident he will be more careful going forward, not only with his fiduciary obligations but also with his duty to record all court proceedings and keep proper records.”

Press Availability

Mr. Tembeckjian 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 Kressly received it on March 30, 2015, 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 Kressly 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.

¹ The vote in this matter was taken on March 12, 2015. Mr. Stoloff's term expired on March 31, 2015.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 256 determinations of admonition against judges in New York State. The Commission has issued 312 determinations of censure and 168 determinations of removal.

The Court of Appeals has reviewed 95 Commission determinations. The Court accepted the Commission's sanctions in 79 cases (70 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.

Counsel

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

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.

Background Information on Judge Kressly

First took office:	1996
Current Term Expires:	December 31, 2015
Prior Judicial Office:	Hammondsport Village Court 1986-2010

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, 2017
Hon. Terry Jane Ruderman, Vice Chair	Chief Judge Jonathan Lippman	March 31, 2016
Hon. Rolando T. Acosta	Chief Judge Jonathan Lippman	March 31, 2018
Joseph W. Belluck, Esq.	Governor Andrew M. Cuomo	March 31, 2016
Joel Cohen, Esq.	Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
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
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Vacant	Senate President Pro Tem	March 31, 2019
Vacant	Governor	March 31, 2017