



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

February 8, 2018

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Clinton County Town Court Justice Resigns While Under Investigation for Abridging Fundamental Rights and Procedures

The New York State Commission on Judicial Conduct announced that Susan R. Castine, a Justice of the Beekmantown Town Court, Clinton County, resigned from office effective December 31, 2017, and agreed never to seek or accept judicial office at any time in the future. The Commission accepted a stipulation to that effect signed by the judge and the Commission's Administrator and closed its investigations.¹

Judge Castine was apprised by the Commission in March 2017, and again in November 2017, that it was investigating complaints alleging that she had abridged or circumvented fundamental rights or procedures in various cases:

- Mishandled a town code proceeding by, *inter alia*, permitting unsworn testimony, failing to advise the defendant of the right to apply for assigned

¹ The Stipulation was signed on January 17, 2018. The Commission accepted it on February 1, 2018, and thereafter issued an Order closing the investigations.

counsel, and making statements on the record that indicated that she had prejudged the defendant as guilty before the trial had been held;

- mishandled matters involving unrepresented, minor defendants;
- required a defendant in a summary proceeding to present her defense before the presentation of the plaintiff's case;
- engaged in out-of-court conversations and/or elicited incriminating statements from parties;
- reduced and dismissed charges without notice to, or consent of, the prosecution;
- failed to advise defendants of the right to assigned counsel or to a preliminary hearing; and,
- failed to have court proceedings audio-recorded in full as required.

Judge Castine, who is not an attorney, had served as a Justice of the Beekmantown Town Court since 2006. Her current term would have expired on December 31, 2018.

Judge Castine waived the statutory provision of confidentiality applicable to Commission proceedings, to the limited extent that the stipulation and Commission's order accepting it and closing the case would be public.

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 72 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 268 determinations of admonition against judges in New York State, 320 determinations of censure and 170 determinations of removal.

The Court of Appeals has reviewed 97 Commission determinations. The Court accepted the Commission's sanctions in 81 cases (72 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.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“A judge is obliged to observe and promote certain fundamental rights and procedures in any court proceeding. For example, the judge must insure that litigants understand and are afforded their right to counsel, that the plaintiff must present evidence before a defendant is asked to offer a defense, and that the prosecution must have an opportunity to be heard before a case is dismissed.”

Counsel

In the proceedings before the Commission, Judge Castine was represented by Frank G. Zappala, Esq., 142 Margaret Street, Plattsburgh, New York 12901, (518) 566-7211.

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; Cathleen S. Cenci, Deputy Administrator in Charge of the Albany office; and Staff Attorney Eteena J. Tadjioqueu. Senior Investigator Ryan Fitzpatrick assisted in the investigation.

Background Information on Judge Castine

First took office:	2006
Current Term Expires:	December 31, 2018
Salary:	\$16,174 (Source: 2017 Town of Beekmantown Budget)

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:

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
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2020
Paul B. Harding, Esq., Vice Chair	Assembly Minority Leader Brian M. Kolb	March 31, 2021
Joel Cohen, Esq.	Former Assembly Speaker Sheldon Silver	March 31, 2018
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2019
Taa Grays, Esq.	Senate Minority Leader Andrea Stewart-Cousins	March 31, 2020
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2020
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2018
Richard A. Stoloff, Esq.	Former Senate President Pro Tem Dean Skelos	March 31, 2019
Hon. David A. Weinstein	Governor Andrew M. Cuomo	March 31, 2018
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021