



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

September 17, 2019

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Town Court Justice in Clinton County Resigns while Charged for Inappropriate Facebook Post

Altona Town Court Justice Kyle R. Canning (Clinton County) has resigned while under formal charges by the New York State Commission on Judicial Conduct for sharing an image on his Facebook account that conveyed racial and/or political bias. Judge Canning, who resigned from office effective June 27, 2019, has 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 formal proceeding.¹

Judge Canning was served with a Formal Written Complaint dated May 7, 2019, containing one charge, alleging that he posted an image of a noose to his Facebook account, with the annotation in white capital letters, "IF WE WANT TO MAKE AMERICA GREAT AGAIN WE WILL HAVE TO MAKE EVIL PEOPLE FEAR PUNISHMENT AGAIN."²

¹ The Stipulation was signed on July 10, 2019. The Commission accepted it and issued an order closing the matter on September 12, 2019.

² A picture of the image is appended to the Stipulation (Exhibit A of the Formal Written Complaint).

Judge Canning 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.

Judge Canning, who is not an attorney, had been a Justice of the Altona Town Court since 2018. His current term would have expired on December 31, 2021.

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

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The noose is an incendiary image with repugnant racial connotations. It is the very antithesis of law and justice. For a judge to use the image of the noose in making a political point undermines the integrity of the judiciary and public confidence in the courts.”

Statistics Relating to Prior Commission Decisions

The Commission has accepted 86 such stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has issued 271 determinations of admonition against judges in New York State, 326 determinations of censure and 172 determinations of removal.

The Court of Appeals has reviewed 99 Commission determinations. The Court accepted the Commission's sanctions in 83 cases (74 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 Canning represented himself.

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 former Staff Attorney Eteena Tadjioqueu. Senior Investigator Ryan Fitzpatrick assisted in the investigation.

Background Information on Judge Canning

First Took Office: 2018
Current Term Expires: December 31, 2021
Salary: \$8,702 (Town of Altona 2019 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

*September 17, 2019**Page 4***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
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Taa Grays, Esq.	Former 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, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021
Vacant	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023