



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CORNING TOWER, SUITE 2301
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

MARISA E. HARRISON
PUBLIC INFORMATION OFFICER

518-453-4600 518-299-1757
TELEPHONE FACSIMILE
www.cjc.ny.gov

NEWS RELEASE

September 27, 2024

Contact:

*Marisa E. Harrison, Public Information Officer
(518) 453-4600*

Town Justice in Schuyler County Resigns While Under Investigation for Attending January 6 Rally and Other Misconduct

Donald R. Spaccio, a Justice of the Montour Falls Village Court and the Montour Town Court, Schuyler County, resigned while under investigation by the New York State Commission on Judicial Conduct.

In April 2024, the Commission apprised Judge Spaccio that it was investigating complaints that he:

- Impermissibly attended the political rally in Washington, DC, on January 6, 2021;¹
- Shouted at police officers and invoked his judicial office when they asked him to remove a propane cannon from the roof of his building; and
- Yelled profanities at the Montour Code Enforcement Officer during the course of a dispute.

Judge Spaccio resigned from office by letter dated September 9, 2024, and agreed never to seek or accept judicial office at any time in the future. The Commission

¹ Judge Spaccio testified during the Commission's investigation that he did not participate in the assault on the Capitol that day.

accepted a stipulation to that effect signed by the judge and the Commission's Administrator.²

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

Judge Spaccio, who is not an attorney, had been a Justice of Montour Falls Village Court since 2001, and a Justice of the Montour Town Court since 2005. His current terms would have expired on March 31, 2026, and December 31, 2025, respectively.

The stipulation and the Commission's order 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.

"Judges may not engage in political activity except for a limited time when running for office, and even then there are constraints on what they may do. Whether or not a judge was a candidate, attending the rally in Washington on January 6, 2021, was impermissible. So is invoking one's judicial title in the midst a testy personal dispute."

Statistics Relating to Prior Commission Decisions

The Commission has accepted 140 such permanent resignation stipulations since the procedure was instituted in 2003.

Since 1978, the Commission has also issued 284 determinations of admonition against judges in New York State, 352 determinations of censure and 185 determinations of removal.

The Court of Appeals has reviewed 102 Commission determinations. The Court accepted the Commission's sanctions in 86 cases (77 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

² The Stipulation was signed on September 11, 2024. The Commission issued an order accepting it on September 19, 2024. The judge's resignation is effective October 7, 2024.

rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings. One request for review is currently pending.

Counsel

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

The Commission was represented by Deputy Administrator John J. Postel, Senior Attorney Cassie M. Kocher, and Senior Investigator Betsy Sampson.

Background Information on Judge Spaccio

First took office:

Montour Falls Village Court

November 8, 2001

Montour Town Court

January 24, 2005

Current terms expire:

Montour Falls Village Court

March 31, 2026

Montour Town Court

December 31, 2025

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.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Kathy Hochul	March 31, 2028
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Chief Judge Rowan Wilson	March 31, 2028
Stefano Cambareri, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Brian C. Doyle, Esq.	Senate Minority Leader Robert G. Ort	March 31, 2028
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Nina M. Moore, Ph.D.	Governor Kathy Hochul	March 31, 2027
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Hon. Anil C. Singh	Chief Judge Rowan Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025