

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**PHILIP J. GENTILE,**

a Justice of the Rossie Town Court,  
St. Lawrence County.

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**NOTICE OF FORMAL  
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Philip J. Gentile, a Justice of the Rossie Town Court, St. Lawrence County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with his verified Answer to the specific paragraphs of the Complaint.

Dated: March 3, 2025  
New York, New York

**ROBERT H. TEMBECKJIAN**  
Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway, Suite 1200  
New York, New York 10006  
(646) 386-4800

To: Henry J. Leader, Esq.  
Attorney for Respondent  
107 East Main Street  
Post Office Box 13  
Gouverneur, New York 13642-0013

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**FORMAL  
WRITTEN COMPLAINT**

**PHILIP J. GENTILE,**

a Justice of the Rossie Town Court,  
St. Lawrence County.

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1. Article VI, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.
2. The Commission has directed that a Formal Written Complaint be drawn and served upon Philip J. Gentile (“Respondent”), a Justice of the Rossie Town Court, St. Lawrence County.
3. The factual allegations set forth in Charges I and II state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).
4. Respondent has been a Justice of the Rossie Town Court, St. Lawrence County, since January 1, 2018. Respondent’s current term expires on December 31, 2025. Respondent is not an attorney.

## **CHARGE I**

5. From in or about November 2022 to in or about March 2024, while presiding over *People v Jesse R. Bender*, Respondent engaged in prohibited *ex parte* communications, made rude and discourteous comments, and otherwise acted inappropriately, in that he:

- A. Spoke with the prosecutor, outside the presence of the defendant and his attorney, concerning (i) the defendant's motion to modify an Order of Protection and (ii) the defendant's reputation and criminal history;
- B. Initiated a conversation with the superintendent of the defendant's son's school, outside the presence of the defendant and the attorneys, concerning the merits of the defendant's motion, which he later denied based in part upon information he learned during the conversation; and
- C. Engaged in an undignified, discourteous, and otherwise inappropriate exchange, on-the-record, with the defendant and the mother of the defendant's son, when they came to court to pay a fine, during which Respondent *inter alia* used profanity, baselessly accused the mother of having "perjured" herself about her marital status, and discussed the evidence presented at the defendant's jury trial as well as the evidence the judge thought should have been presented on the defendant's behalf.

### **Specifications to Charge I**

6. On or about August 7, 2022, Morristown Town Justice James T. Phillips, Jr., arraigned Jesse R. Bender on charges of Assault in the Third Degree, Disorderly Conduct, and [REDACTED]. The charges stemmed from an incident on or about July 4, 2022, in which Mr. Bender and April Price, the mother of his youngest son ("N.B."), were involved in a physical altercation with Arthur and

Lori Howie on the property of the [REDACTED] School. At the arraignment, Judge Phillips issued a temporary Order of Protection, directing Mr. Bender to stay away from the Howies, including their places of employment.

7. At all times relevant herein, N.B. was a student at the [REDACTED]

[REDACTED] School, where Ms. Howie was an employee.

8. On or about September 2, 2022, *People v Jesse R. Bender* was transferred to the Rossie Town Court.

9. On or about November 16, 2022, Mr. Bender appeared with his attorney, Brad Riendeau, before Respondent. Assistant District Attorney Dillon Bullard of St. Lawrence County appeared for the People. At the appearance, Mr. Riendeau made a motion to modify the Order of Protection issued by Judge Phillips on the grounds that it prevented Mr. Bender from going to his son's school. Respondent reserved judgment on the motion until November 23, 2022, to allow the parties an opportunity to reach an agreement regarding a modification. A transcript of the November 16, 2022, proceeding is appended as Exhibit 1.

10. Approximately five minutes after the *Bender* proceeding concluded, without Mr. Bender and Mr. Riendeau present, Respondent engaged in a conversation with Mr. Bullard concerning the *Bender* case, during which:

A. They debated whether Mr. Bender had a constitutional right to go to his son's school;

- B. They discussed (i) that Ms. Price had purportedly been charged with [REDACTED] in Morristown Town Court for entering school property after the school had issued her a notice directing her not to enter the school premises and (ii) whether Mr. Bender had received a similar notice from the school;
- C. Respondent told Mr. Bullard he should consider having the protected party or parties come into court and appear before him at the next appearance. When Mr. Bullard said he did not know how Mr. Bender would react to that, stating, “So, I mean, he’s pretty -- he gets...”, Respondent said, “Animated is the term,” referring to Mr. Bender;
- D. Mr. Bullard said (i) Mr. Bender and Ms. Price had approached him in a parking lot and asked him for things, and (ii) that they “push and push” and that “everybody in [his] office is aware of-- Of dealing with him.” Respondent stated, “Yeah. I know the name just from living around here” and “I guess he has a long history of, you know, of that”; and
- E. Mr. Bullard said, “if [Ms. Price is] not supposed to come into school and [Mr. Bender is] on the road,<sup>1</sup> then somebody’s been able to pick up the child, so.”

A transcript of this conversation is included in Exhibit 1, starting at page 11.

11. Respondent did not disclose this conversation to Mr. Riendeau or Mr. Bender.

12. Between on or about November 16, 2022, and on or about November 23, 2022, without notice to and in the absence of Mr. Bender, Mr. Riendeau and Mr. Bullard, Respondent telephoned and spoke to Douglas McQueer, the superintendent of the [REDACTED] School District. Respondent (i)

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<sup>1</sup> Mr. Bender was employed as a commercial truck driver.

mentioned the Order of Protection against Mr. Bender in favor of Ms. Howie and Ms. Howie's employment at the school, and (ii) inquired if the school had a policy covering such circumstances. Mr. McQueer stated, in sum or substance, that Mr. Bender was not permitted on the school property pursuant to the school district's own directive to him.

13. On or about November 23, 2022, Mr. Bender, Mr. Riendeau and Mr. Bullard appeared before Respondent. After Mr. Riendeau and Mr. Bullard informed Respondent that Mr. Bullard had emailed him a proposed modification to the Order of Protection, Respondent stated, "The school itself has a policy on this. I was in contact with the school district and I'm waiting for . . . their policy and their report on this. They have a policy in place for this specific situation, it looks like." Mr. Riendeau responded, "Your Honor, that may be true but that is outside of what properly this court should consider." Respondent provided no further details at this appearance about whom he had contacted at the school district, what was discussed, or what the school district's purported policy entailed. Nor did Respondent provide the parties with an opportunity to respond to the information he learned during the communication with the superintendent. After apparently locating the email from Mr. Bullard with the proposed modification, Respondent stated he would issue a decision on the motion by the

following week. A transcript of the November 23, 2022, proceeding is appended as Exhibit 2.

14. By Order dated November 30, 2022, Respondent denied Mr. Bender's motion to modify the Order of Protection, writing as follows:

The Court has learned the [REDACTED] School District provides a telephone call service where the School will escort a student from the school building to a defendants' vehicle parked at the school grounds perimeter to avoid contact between a defendant and protected party and to prevent any trespass. The Court finds this service is an acceptable solution to the first oral motion and finds the Defendants [*sic*] justification for relief from the Order of Protection for the second oral motion baseless and nonsensical.

A copy of the Order is appended as Exhibit 3.

15. On or about May 17, 2023, following a jury trial before Respondent, Mr. Bender was found guilty of Assault in the Third Degree and Disorderly Conduct. The jury found him not guilty of [REDACTED].

16. On or about August 2, 2023, Respondent sentenced Mr. Bender to six months in jail and imposed a fine and surcharge totaling \$455 on the Assault charge, and a one-year conditional discharge for the Disorderly Conduct charge. Notwithstanding that Mr. Bender was acquitted of the [REDACTED] charge, the Commitment Order signed by Respondent erroneously indicated that he had been convicted of it.

17. On or about February 7, 2024, after he served his jail term, Mr. Bender appeared in court before Respondent. He was accompanied by Ms. Price.

During a discussion about Mr. Bender's outstanding fine and monthly expenses, Respondent asked if he had a rent or mortgage payment. When Ms. Price stated that she owned their home, Respondent asked if they were married and Ms. Price said, "No." Respondent then demanded that she answer whether they were legally married. When Ms. Price declined to answer, Respondent said, "Are you not speaking because your previous statement was false?" Ms. Price – who was not under oath, had not testified under oath about her and Mr. Bender's marital status at any point during the pendency of *People v Bender* and was not under the court's jurisdiction – replied, in sum or substance, "I'm not the one here, I wasn't in court." When Respondent persisted, "Are you legally married or not?", Mr. Bender interjected that they were legally married in the Commonwealth of Massachusetts. Respondent replied that meant they were legally married in New York State. Respondent then required Mr. Bender to enter into a payment plan whereby he agreed to pay at least \$25 per month to the court until the fine and surcharge were satisfied. Respondent gave Mr. Bender until March 6, 2024, to make his next fine payment. Near the end of the appearance, Ms. Price joined in Mr. Bender's request to be provided with documentation showing that the records pertaining to a dismissed [REDACTED] charge against Mr. Bender had been sealed by the court pursuant to Section 160.50 of the Criminal Procedure Law. Respondent told Mr. Bender he was required to make a motion to receive such records, which



Ms. Price disputed as unnecessary. A transcript of the February 7, 2024, proceeding is appended as Exhibit 4.

18. On or about March 6, 2024, Mr. Bender, who was accompanied by Ms. Price, appeared in court before Respondent. At the outset, Respondent accused Ms. Price of having “perjured” herself and “lied to the court” about her marital status to Mr. Bender.

19. Later in the appearance on March 6, after Respondent agreed to provide Mr. Bender with documentation that the records pertaining to the [REDACTED] charge had been sealed, Mr. Bender also requested documentation showing that the records pertaining to the [REDACTED] charge had been ordered sealed. Mr. Bender pointed out that Respondent’s Commitment Order incorrectly indicated that he had been convicted of [REDACTED], notwithstanding his acquittal of that charge, and asserted that the erroneous conviction was showing up in employer background checks and affecting his ability to gain employment. At one point during a lengthy and at times heated discussion about the court correcting the error, Respondent said to Mr. Bender, “Well, yelling at me isn’t good either, okay? That doesn’t make me want to do shit for you, okay?”

20. At another point during the March 6 appearance, Respondent engaged Mr. Bender in a discussion about the proof that was and was not presented at his jury trial. When Mr. Bender mentioned that Ms. Price’s neck had been broken

during the altercation with the Howies, Respondent replied that no evidence of such an injury had been presented at the trial and questioned why Mr. Bender and Ms. Price had not presented any medical evidence or witnesses in support of it. With respect to calling medical experts as witnesses to authenticate medical documents, Respondent stated, “Oh, shit. If you told-- if that was submitted, I would-- they would have been subpoenaed.” When Ms. Price said the prosecution had copies of their medical evidence, Respondent replied it was Mr. Riendeau’s responsibility to have offered that evidence at the trial, not the prosecutor’s. Respondent stated, “That trial was tough on you, I’ll tell you. . . . [P]eople think . . . I’m an ass-- I’m an asshole for putting people in jail. And . . . you think I enjoy that . . . Well, I’ll tell you. If you think I enjoy that, you need to go back and get an education then, okay?” A transcript of the March 6, 2024, proceeding is appended as Exhibit 5.

21. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and

comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that he failed to require order and decorum in proceedings before him, in violation of Section 100.3(B)(2) of the Rules, failed to be patient, dignified and courteous to litigants and others with whom he dealt in an official capacity, in violation of Section 100.3(B)(3) of the Rules, and failed to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, or considered other communications made to him outside the presence of the parties or their lawyers concerning a pending proceeding, in violation of Section 100.3(B)(6) of the Rules.

## **CHARGE II**

22. On or about January 18, 2023, between presiding over court proceedings but while the court's audio recording system was running, Respondent used profanity and baselessly insinuated to an attorney appearing before him that a town justice in another court, who had presided over a zoning ordinance violation filed against Respondent, had been in a romantic affair with the zoning/code enforcement officer who issued the violation.

### **Specifications to Charge II**

23. By Information and Complaint dated September 9, 2021, the Theresa Town Zoning/Code Enforcement Officer, Terry McKeever, charged Respondent with having violated a Town of Theresa zoning ordinance, related to the location at which he had parked a recreational vehicle.

24. On or about September 21, 2021, Respondent appeared in the Theresa Town Court before Theresa Town Justice Rachel A. Roberts. Respondent was represented by Steven G. Ballan. Mr. McKeever was also present. Amid heated exchanges between Mr. Ballan and Mr. McKeever, Judge Roberts granted Mr. Ballan's request for a 45-day adjournment. The case was subsequently transferred to the Philadelphia Town Court and, in or about December 2021, following a motion to dismiss by Mr. Ballan, and on consent of the legal representative of the Town of Theresa, the charge was dismissed.

25. On or about January 18, 2023, in the Rossie Town Court, in between presiding over court proceedings, Respondent conversed with attorney John Hallett, who also practices law in the Theresa Town Court before Judge Roberts. The court's audio recording system was running. After Mr. Hallett said he had resolved an unidentified zoning matter in the Theresa Town Court, Respondent referenced his own September 2021 appearance in the Theresa Town Court and,

without evidence, said his experience led him to believe that Judge Roberts and Mr. McKeever “were tight” and “boyfriends and girlfriends [*sic*],” and that “it was kind of like . . . Kathleen Turner and William Hurt in *Body Heat* you know because they were so . . . close in the court that they were finishing each other’s sentences and stuff.”<sup>2</sup>

26. Later during the conversation, after saying one of his friends had received a similar zoning violation ticket from Mr. McKeever, Respondent said, “You think they would learn, you know? I mean, you know, [Judge Roberts] got pounded pretty bad for what she did to me, you know? Fucking-- and they just continue on with their . . . .” A transcript of the January 18, 2023, court recording is appended as Exhibit 6.

27. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, Section 22, subdivision (a), of the Constitution and Section 44, subdivision 1, of the Judiciary Law, in that Respondent failed to uphold the integrity and independence of the judiciary by failing to maintain high standards of conduct so that the integrity and independence of the judiciary would be preserved, in violation of Section 100.1 of the Rules; failed to avoid impropriety and the appearance of impropriety, in that he failed to respect and

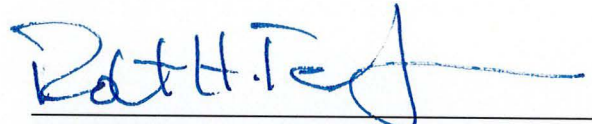
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<sup>2</sup> *Body Heat* is a 1981 film in which William Hurt’s character, a lawyer, begins a passionate affair with Kathleen Turner’s character, and they plot to murder the latter’s husband.

comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to so conduct his extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that he failed to conduct all of the his extra-judicial activities so that they do not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) of the Rules.

**WHEREFORE**, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: March 3, 2025  
New York, New York



**ROBERT H. TEMBECKJIAN**

Administrator and Counsel  
State Commission on Judicial Conduct  
61 Broadway, Suite 1200  
New York, New York 10006  
(646) 386-4800

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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In the Matter of the Proceeding  
Pursuant to Section 44, subdivision 4,  
of the Judiciary Law in Relation to

**VERIFICATION**

**PHILIP J. GENTILE,**

a Justice of the Rossie Town Court,  
St. Lawrence County.  
-----

STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

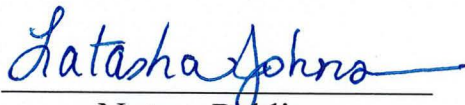
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon  
information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of  
the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this  
3<sup>rd</sup> day of March 2025



Notary Public

LATASHA Y. JOHNSON  
Notary Public, State of New York  
No.01JO6235579  
Qualified in New York County  
Commission Expires February 14, 2027

Transcript of Proceedings in *People v Jesse Bender* held  
November 16, 2022 (2:21:15 PM - 2:35:20 PM)  
November 16, 2022 (2:40:30 PM – 2:46:58 PM)  
Before Hon. Philip J. Gentile, a Justice of the  
Rossie Town Court, St. Lawrence County



*(People v Jesse Bender)*

*November 16, 2022 (2:21:15 PM to 2:35:20 PM)*

1  
2  
3 Judge Gentile: Do you have Bender?  
4 Clerk Olson-Besaw: Hmm-hmm.  
5 Judge Gentile: Hey! Jesse Bender?  
6 Mr. Bender: Yes, Sir.  
7 Mr. Riendeau: Good afternoon, Your Honor.  
8 Judge Gentile: Good afternoon.  
9 Mr. Riendeau: The notice of appearance will be in today's mail.  
10 My secretary was processing it.  
11 Judge Gentile: We received a fax from the Assigned Counsel  
12 Program, too, naming you here.  
13 Mr. Riendeau: The notice of appearance for the district attorney  
14 so that they can start making their obligations for  
15 discovery.  
16 ADA Bullard: I'd like to state that discovery was turned over  
17 Monday.  
18 Judge Gentile: Did you provide them with a copy of it?  
19 ADA Bullard: Yep, it was turned over electronically--  
20 Judge Gentile: --Okay.  
21 ADA Bullard: (Unintelligible)  
22 Judge Gentile: Okay, before we start I just have a disclosure to  
23 make. Last week, on-- I believe it was  
24 Wednesday, Mr. Bender contacted me looking  
25 for relief on his order of protection.

*(People v Jesse Bender)*

1	Mr. Riendeau:	That's correct, Your Honor. He talked to me
2		about that. The order of protection as is now
3		written, keeps him away from his son's school
4		because one of parties on the other side of this
5		dispute, is employed there as a cafeteria worker.
6		So, he can't go to pick his son up if he's ill and
7		his wife's not available, can't go to school
8		events, etc. We think that's a little bit-- It can
9		be written so that he doesn't go into the cafeteria
10		or the kitchen, that would keep them separated.
11		But to say that because she works in the
12		cafeteria, the entire property, the playing fields,
13		the parking lot, the auditorium, are off limits is, I
14		think, a little excessive.
15	ADA Bullard:	I had to-- Do you have a copy of the order of
16		protection, Your Honor? Just so that I can-- It's
17		also my understanding that the school might
18		have some other issue, some other trespass
19		notice. I'm not quite sure. That would be
20		between (unintelligible).
21	Judge Gentile:	It's kind of piecemeal. They typed one here, and
22		this is a handwritten one here. Want copies?
23		You want more copies of that I can make you
24		copies. When you walk out, Sir, did you see that
25		thermostat on the wall?

*(People v Jesse Bender)*

1	Unidentified Male:	Yes.
2	Judge Gentile:	Turn fully counterclockwise, please? Thank
3		you.
4	Clerk Olson-Besaw:	He won't let him. He wants it around 65.
5	Judge Gentile:	Yeah, I want it off is what I want.
6	Clerk Olson-Besaw:	All right.
7	Judge Gentile:	You turn the inner knob. There you go. Thank
8		you.
9	Unidentified Male:	Have a good day.
10	Judge Gentile:	Take care.
11	Mr. Riendeau:	The stay away from the place of employment of
12		Lori E. Howie.
13	Judge Gentile:	Let me ask you a question? How often does--
14		do you pick your son at school for-- is it an
15		everyday thing?
16	Mr. Bender:	Whenever-- I'm an over-the-road truck driver,
17		Sir, and when I'm in town I drop him off, pick
18		him up. If there's a school event, I go to that.
19		He's 10 years old, I mean, I'd like to participate
20		in my son's life as much as possible, unless
21		there's some state law, I prefer to continue to be.
22	ADA Bullard:	I think the People have no objection to it being
23		modified to the outside of school, because he
24		does have a legal right to go to school and pick
25		up his child.

*(People v Jesse Bender)*

1	Mr. Bender:	You got to in and sign him out, you got to go in
2		the office, Halloween parade, Christmas parade,
3		I'm sure I can carry on, like you guys get the gist
4		of-- parent-teacher conference right now, we
5		have to schedule one. That's inside the school.
6		It's in the classroom.
7	Mr. Riendeau:	Well, the school is going to have to
8		accommodate that by taking the teacher outside
9		of the school to a non-school location.
10	Judge Gentile:	Well, the other alternative is Mr. Bender doesn't
11		go to the school.
12	Mr. Riendeau:	Right.
13	Judge Gentile:	What's the People's position on this?
14	ADA Bullard:	I mean, it's tricky because one has a right to go
15		to their-- I mean, to go to their child's school
16		and be involved in their education, however, that
17		is the place of employment of the victim in this
18		matter, so, again--
19	Mr. Riendeau:	--Well, what I'm asking is that if that it be
20		modified to say the cafeteria and the kitchen--
21		because that's where she really works. She's not
22		in the hallway, she's not in the office.
23	Mr. Bender:	Your Honor, we actually found out that
24		information because she FOIL requested that.
25	Judge Gentile:	Do you want him to speak?

*(People v Jesse Bender)*

1	Mr. Riendeau:	Let me speak first. That's the change-- the
2		modification we'd like. That should, you know,
3		due to what the intention was, until we can get a
4		resolution.
5	Judge Gentile:	What do you guys need more time to discuss
6		this?
7	ADA Bullard:	A resolution, yes. I mean, (unintelligible). So,
8		as far the O.P. I mean, I get that his kid--
9		obviously this issue that should probably be
10		addressed today. Again, whatever the school has
11		issued, that is not being handled here.
12	Judge Gentile:	What's--
13	Mr. Riendeau:	--The school sent out some kind of a trespass
14		notice.
15	Judge Gentile:	To the defendant?
16	Mr. Riendeau:	To my client. I don't know if they did to the
17		other party, but when this happened in July, the
18		playground. So, that's--
19	Judge Gentile:	--Do you have a copy of that?
20	Mr. Riendeau:	I don't. I know about it. That's a separate issue.
21	ADA Bullard:	Right.
22	Mr. Riendeau:	Because this court--
23	ADA Bullard:	--I just want to make it clear, that this is not
24		addressing anything with the school's issue.
25	Mr. Riendeau:	Right. Right.

*(People v Jesse Bender)*

1	ADA Bullard:	And I'm not even sure if they have issued
2		anything.
3	Mr. Bender:	I've never been trespassing in the school or
4		received a letter from the school, Sir.
5	Mr. Riendeau:	But the order of protection right now is the thing
6		that it carries with it criminal sanctions if he
7		were to be in that location. It's not like him
8		going into the cafeteria or going into the kitchen.
9	Judge Gentile:	Have you spoke with the protected parties?
10	ADA Bullard:	I have. Just thinking what the best language
11		would be to allow for him to go to the school to
12		get his child, because like I said, he does have a
13		legal right to do so.
14	Judge Gentile:	If you two can come up with wording on an
15		order of protection, I'll entertain that, okay?
16	Mr. Riendeau:	Will you be sitting-- When is the next date you
17		will be sitting in court?
18	Mr. Bender:	We got a parent-teacher conference this week,
19		Brad.
20	Mr. Riendeau:	Okay.
21	Judge Gentile:	The 30 <sup>th</sup> of November. When are we here next?
22		The 23 <sup>rd</sup> ?
23	Clerk Olson-Besaw:	Yeah.
24	Judge Gentile:	Yeah, I can be here on the 23 <sup>rd</sup> .
25	Mr. Riendeau:	Can we just adjourn this to the 23 <sup>rd</sup> and--

*(People v Jesse Bender)*

1 Clerk Olson-Besaw: --when is the day?  
2 Mr. Riendeau: Yeah, we can work on it.  
3 Judge Gentile: What's that? I'm sorry. Twenty-third?  
4 Mr. Riendeau: Yeah.  
5 Judge Gentile: That's next week, right? I can be available. Are  
6 you going to be somewhere?  
7 Clerk Olson-Besaw: No.  
8 Judge Gentile: Okay.  
9 Clerk Olson-Besaw: It shouldn't be too long of a day, though. That's  
10 the day before Thanksgiving.  
11 Judge Gentile: That's the price we pay for being public servants,  
12 okay? So, yeah, if you can come up with  
13 amenable and agreeable wording for this, I'll  
14 entertain a modification of order of protection.  
15 Otherwise, you know, it's going to play out  
16 until--  
17 Mr. Riendeau: --We understand that. We want to get it  
18 changed. I'm going to have to discuss with the  
19 school how they're going to do the parent-  
20 teacher conference.  
21 Judge Gentile: Yeah, and before the next appearance, can you  
22 supply me a copy of the-- of what the school  
23 sent you for the--  
24 Mr. Riendeau: --They didn't send it to me. They sent it, I think  
25 to--

*(People v Jesse Bender)*

1	Ms. Price:	--You've never gotten anything.
2	Mr. Riendeau:	--to somebody.
3	ADA Bullard:	I didn't know who received what so that's why I
4		was--
5	Judge Gentile:	--Well, yeah, I want to see before we proceed on
6		any changes to the order of protection.
7		Especially if it has to do with criminal
8		trespassing. So, is there anything else you have
9		today?
10	Mr. Riendeau:	That's it for now. I'll come back in a week and
11		try to get this straight.
12	Mr. Bender:	(Unintelligible).
13	Mr. Riendeau:	I'm going to be discussing that with you
14		(Unintelligible). I think these are from the
15		court's file?
16	ADA Bullard:	Oh, yeah.
17	Judge Gentile:	Okay.
18	Mr. Riendeau:	Let's talk about this and--
19	Judge Gentile:	--Need copies of the order of protection?
20	ADA Bullard:	I--
21	Judge Gentile:	--Do you have copies of this, Sir?
22	Mr. Riedeau:	I don't have copies of anything, no. I'm
23		assuming I have copies of everything--
24	Judge Gentile:	Okay. And that too, right there. Yeah, I have the
25		accusatory stuff here. Okay, so we'll adjourn the



*(People v Jesse Bender)*

1		matter until-- Are you available 10:00?
2	ADA Bullard:	I can be available, Your Honor.
3	Judge Gentile:	Next Wednesday. Yep. Will we--
4	Mr. Bender:	--So, I got to appear next week, is that's what's
5		going on?
6	Mr. Riendeau:	Well, yeah. It's on the calender.
7	Mr. Bender:	If I'm not working.
8	Mr. Riendeau:	Can I make the appearance without my client,
9		Your Honor? He may not be available.
10	Judge Gentile:	If he's amenable to it, of course, I don't have a
11		problem with that. You okay with that?
12	Mr. Bender:	I'm sorry, Sir?
13	Judge Gentile:	So, the question was your attorney can be here
14		next week. You don't-- If you have to work, are
15		you okay with your attorney representing you
16		here?
17	Mr. Bender:	Oh, absolutely. If by chance, I'm not working
18		though, I prefer to come in.
19	Judge Gentile:	Oh, sure. Yep. Yeah.
20	Mr. Bender:	No, I'm more than good with that.
21	Judge Gentile:	Okay.
22	Mr. Bender:	Is this your regular court date next week, Sir?
23	Judge Gentile:	No. No. I'm coming in special just for this.
24	Mr. Bender:	Yeah, let me write that down because--
25	Judge Gentile:	--The court clerk will give you a-- She'll give



*(People v Jesse Bender)*

1 Judge Gentile: That must have been a rude awakening. Okay.

2

3 *November 16, 2022 (2:40:30 PM to 2:46:58 PM)*

4

5 Judge Gentile: That's Mr. Bender's file there.

6 Clerk Olson-Besaw: (Unintelligible).

7 Judge Gentile: No, the court's really reticent to modify any  
8 orders of protection without hearing any  
9 arguments. I mean, I thought I was-- okay, yeah,  
10 yeah. Thank you. Thank you. The argument on  
11 the phone was that (unintelligible) was the  
12 school, that's what schools do.

13 ADA Bullard: Right.

14 Judge Gentile: That's where the fight took place--

15 ADA Bullard: Right.

16 Judge Gentile: --where the fight took place.

17 ADA Bullard: It was a non-- it wasn't a school day because it  
18 happened on July 4<sup>th</sup>.

19 Judge Gentile: Oh.

20 ADA Bullard: But one does have a constitutional right to get  
21 their kid from school.

22 Judge Gentile: Okay, I kind of follow the constitution, I kind of  
23 read it a few times.

24 ADA Bullard: Right.

25 Judge Gentile: Where's the right-- where's the right--

*(People v Jesse Bender)*

1	ADA Bullard:	Well, it's not explicit, I mean it's New York,
2		there are (unintelligible) that state there's a legal
3		right to--
4	Judge Gentile:	Yeah, they have a legal right to go into the
5		school.
6	Clerk Olson-Besaw:	I hate to interrupt guys, was it a 1210A?
7	Judge Gentile:	1201A, I'm sorry. Here, let me write it here.
8		Yeah, he has-- he can pick up the kids, but if
9		there is an alternate person to pick them up--
10	ADA Bullard:	She has a-- the reason why I brought that up
11		about his wife who was in here, has a [REDACTED]
12		[REDACTED] pending in Morristown because she
13		went to the school.
14	Judge Gentile:	Oh.
15	ADA Bullard:	And that's why I make that statement. I didn't
16		know if they both got one, or--
17	Judge Gentile:	Here you go, sorry.
18	ADA Bullard:	--from school.
19	Judge Gentile:	So, it's with the school then? Is it with--
20	ADA Bullard:	Yeah, that's why I was saying--
21	Judge Gentile:	Is it with him too?
22	ADA Bullard:	That I could get clarity on.
23	Judge Gentile:	Okay.
24	ADA Bullard:	He sounded like he hadn't received anything, but
25		again that would be between him and the school.

*(People v Jesse Bender)*

1		That has nothing to do with us here.
2	Judge Gentile:	Yeah. Well, yeah, but I could consider it and--
3	ADA Bullard:	Yeah, for yeah, for consideration, for sure.
4	Judge Gentile:	Because if it prevents her from going there, how
5		does she have a legal right-- no tress-- obviously
6		forfeit her legal right--
7	ADA Bullard:	That's why-- well I think that's why Brad said
8		that's going to have to be handled civilly. I think
9		she probably does have some type of-- I don't
10		know that they-- I honestly don't know that they
11		can bar her from flat out coming-- I don't know
12		the specifics of all that civil--
13	Judge Gentile:	That's not civil, is it?
14	ADA Bullard:	That would be.
15	Judge Gentile:	Not criminal?
16	ADA Bullard:	It's between the school and them. It's the school
17		that's doing that to them, not us.
18	Judge Gentile:	Oh, because you didn't underwrite the no
19		trespass?
20	ADA Bullard:	Right.
21	Judge Gentile:	They can do that without the People?
22	ADA Bullard:	Yeah, the school can. I mean, a Walmart can do
23		that.
24	Judge Gentile:	Oh, yeah. Yeah, Okay. Yeah. In those terms, yes.
25	ADA Bullard:	Right. And by doing that that gives a crime that

*(People v Jesse Bender)*

1 can be prosecuted.  
2 Judge Gentile: Yeah, but no judge issued a no trespassing  
3 order?  
4 ADA Bullard: Correct.  
5 Judge Gentile: Okay. The school has-- they choose to say we  
6 don't want that person on the property, and if she  
7 does come on the property, we're going to call  
8 the cops--  
9 ADA Bullard: Which they did.  
10 Judge Gentile: Yeah. Oh, they did?  
11 ADA Bullard: Right. And she has a charge now.  
12 Judge Gentile: Oh, that was stupid. Well, she's not part of the  
13 case.  
14 Clerk Olson-Besaw: (Unintelligible).  
15 ADA Bullard: There should be more-- there are codefendants--  
16 she's a codefendant.  
17 Judge Gentile: He's the only one appearing.  
18 ADA Bullard: I think-- I don't know, I need to get with  
19 [REDACTED] to see where the other paperwork is,  
20 because there are two other codefendants.  
21 Because it was a--  
22 Judge Gentile: Yeah, there's a three-way there, yeah. Is that  
23 junior or senior?  
24 ADA Bullard: I think that's senior because there is a junior too.  
25 Yeah. That's right.

*(People v Jesse Bender)*

1	Judge Gentile:	Okay, so his kid works across the street there?
2	ADA Bullard:	I don't know if he still does, but he did. At the
3		time of this, he did. But I'm going to call the
4		school just to see what else they've issued and
5		let them know, I mean, he kind of does have a
6		right to go to the curb--
7	Judge Gentile:	You may want to call the-- for scheduling
8		purposes you may want to call the protected
9		party--
10	ADA Bullard:	Yeah, I'm going to call her.
11	Judge Gentile:	--in the next week and have him appear in front
12		of me.
13	ADA Bullard:	Well, I don't know how he would be with having
14		him here.
15	Clerk Olson-Besaw:	(Unintelligible).
16	Unidentified Male:	I honestly feel like that's what it means.
17	Judge Gentile:	It's still an inflammatory relationship?
18	ADA Bullard:	Yes. So, I mean, he's pretty-- he gets--
19	Clerk Olson-Besaw:	(Unintelligible).
20	Judge Gentile:	Animated is the term.
21	ADA Bullard:	Yeah.
22	Unidentified Male:	Thank you very much.
23	Clerk Olson-Besaw:	You're welcome.
24	Unidentified Male:	Have a good night.
25	Clerk Olson-Besaw:	You too.

*(People v Jesse Bender)*

1	Unidentified Male:	Thank you, your honor.
2	Judge Gentile:	Okay, take care. Yeah, anyway, I-- the request
3		was-- I'm like, why are you calling me? Why
4		isn't your attorney calling me, you know?
5	ADA Bullard:	Right. (Unintelligible). I mean he and his wife
6		approached me in [REDACTED] parking lot asking
7		me for things. That's--
8	Judge Gentile:	Oh, I guess they just don't know any better.
9	ADA Bullard:	Or they-- they are just pushing. They push and
10		push. Everybody in my office are-- this is my
11		first time actually, no-- everybody in my office is
12		aware of--
13	Judge Gentile:	Of dealing with him?
14	ADA Bullard:	Of dealing with him.
15	Judge Gentile:	Yeah. I know the name just from living around
16		here.
17	ADA Bullard:	Right, yeah.
18	Judge Gentile:	He's-- you know-- I guess he has a long history
19		of, you know, of that.
20	ADA Bullard:	If he's on the-- if she's not supposed to come
21		into school and he's on the road, then
22		somebody's been able to pick up the child, so.
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Dated: February 11, 2025

Letitia Walsh

Dated: February 11, 2025

Sierra G. Whitney

**Corning Tower, Suite 2301  
Empire State Plaza  
Albany, NY 12223**

Transcript of Proceedings in *People v Jesse Bender* held  
November 23, 2022 (10:23:00 AM - 10:37:42 AM)  
Before Hon. Philip J. Gentile, a Justice of the  
Rossie Town Court, St. Lawrence County

*(People v Jesse Bender)*

1 Mr. Riendeau: May I have a moment?  
2 Judge Gentile: With what?  
3 Mr. Riendeau: Can I use the bathroom?  
4 Judge Gentile: Sure.  
5 Clerk Olson-Besaw: Is your wife home cooking? Baking?  
6 Judge Gentile: My wife cooking?  
7 Clerk Olson-Besaw: Yeah.  
8 Judge Gentile: No. She's not allowed in the kitchen.  
9 Clerk Olson-Besaw: Oh. I'm going to have a turkey waiting to get  
10 personal with.  
11 Judge Gentile: Actually, she's working tomorrow.  
12 Clerk Olson-Besaw: Is she working tomorrow?  
13 Judge Gentile: Yeah.  
14 Clerk Olson-Besaw: What? What is it-- Was it--  
15 Judge Gentile: --Price Chopper.  
16 Clerk Olson-Besaw: Price Chopper? Oh, wow. I didn't think they  
17 were open or anything.  
18 Judge Gentile: No, they're open at least until 2:00.  
19 Clerk Olson-Besaw: Wow.  
20 Judge Gentile: She volunteered.  
21 Clerk Olson-Besaw: Even Walmart's closed tomorrow.  
22 Ms. Price: My son has to work until 5:00 tomorrow night.  
23 Clerk Olson-Besaw: Really? Wow.  
24 Mr. Riendeau: I apologize, Sir. I tried my best. I don't have it  
25 quite dialed in exactly how long it takes to get

*(People v Jesse Bender)*

1		Watertown here, even though I made the trip
2		many years.
3	Judge Gentile:	Okay. We're ready to proceed?
4	Mr. Riendeau:	We are.
5	ADA Bullard:	Yes, Your Honor.
6	Judge Gentile:	Okay. So, this is <i>People v Bender</i> . This is a
7		hearing on an order of protection. Will everyone
8		make their appearance for the record, please?
9	ADA Bullard:	ADA Dillon Bullard for the People.
10	Mr. Riendeau:	Bradford C. Riendeau for Jesse Bender, who is
11		present with me at the counsel table.
12	Judge Gentile:	Okay, the way we left it was-- We're going to
13		see if there's some acceptable language that you
14		can come up with for the court to review to make
15		a modification to the order of protection. Has
16		that been done?
17	ADA Bullard:	Your Honor, yesterday afternoon the People
18		emailed Your Honor and Attorney Riendeau
19		with some language, and that was done after
20		speaking with the victim in this matter who is
21		agreeable to a limited modification.
22	Judge Gentile:	Let me see if I find it here. Who sent it, you?
23	ADA Bullard:	Yes, Your Honor.
24	Judge Gentile:	No, I'm going back to the 13 <sup>th</sup> , and I don't have
25		anything.

*(People v Jesse Bender)*

1	Mr. Riendeau:	I got it and in accord with it, although I think we
2		could edit it a little bit more concisely.
3		Essentially, what I understand is proposed is to
4		modify the order to allow my client to go to the
5		school, to the main building of the school, as
6		long as he complies with the school's rules.
7	Judge Gentile:	Can you send it to me again?
8	ADA Bullard:	I just, yeah, I just forwarded it again.
9	Judge Gentile:	The school itself has a policy on this. I was in
10		contact with the school district and I'm waiting
11		for a-- their policy and their report on this. They
12		have a policy in place for this specific situation,
13		it looks like.
14	Mr. Riendeau:	Your Honor, that may be true but that is outside
15		of what properly this court should consider.
16		These people may end up, and probably will end
17		up in litigation with the school district over what
18		the school district has done over something that
19		happened when the school was not in session.
20	Judge Gentile:	Well, that's outside this court here, so it's—
21	Mr. Riendeau:	--Right. Our concern is solely that the order of
22		protection issued by this court does not
23		independently create an issue for these people
24		attending functions at the school in the ordinary
25		course of business. Now, if the school says these

*(People v Jesse Bender)*

1		people we don't like, you know, we don't like
2		what they look like, we don't like what color
3		they are, we don't like where they live, we don't
4		like what clothes they wear, that's between them
5		and the school. What we don't want is a-- an
6		order from this court in a criminal matter, which
7		could be enforced to a criminal contempt
8		potentially when somebody goes to drop off a
9		child, pick up a child, attend a Christmas concert,
10		etc.
11	Mr. Bender:	I wasn't able to drop my son off at school
12		Monday. She was out there. What's this email
13		say?
14	Judge Gentile:	Will you grab my cell phone in the-- in my
15		jacket, please?
16	ADA Bullard:	I just (unintelligible)
17	Judge Gentile:	Okay. Yeah, I don't know if it's-- Is there like
18		Microsoft lock on here now, or whatever it is?
19	Clerk Olson-Besaw:	It's that verification thing.
20	Judge Gentile:	Thank you.
21	Mr. Riendeau:	The country and the court system uses a
22		Microsoft product which requires a second code
23		to be entered before any email can be accessed.
24	Judge Gentile:	Do you have the email?
25	Clerk Olson-Besaw:	Yeah, you want me to--

*(People v Jesse Bender)*

1	Judge Gentile:	--Print it out, please?
2	Mr. Riendeau:	Can we have multiple copies of the email? I
3		reviewed it digitally but didn't bring--
4	Judge Gentile:	So, you spoke with the--
5	ADA Bullard:	--I did. I spoke to Ms. Howie on the phone
6		yesterday.
7	Clerk Olson-Besaw:	Additional copies.
8	Judge Gentile:	Thank you. Okay. All right, that's good. I'll
9		have the decision ready for you guys in-- by
10		next week, okay? On this?
11	ADA Bullard:	Okay.
12	Judge Gentile:	And I have some questions on the co-
13		defendants? For the people that-- What's--
14	ADA Bullard:	--It's my understanding that the Hammond Town
15		Court has all of the documents, but I'm not sure
16		what they have done with those.
17	Judge Gentile:	Do you want the court to request that from them,
18		or are you dropping the prosecution of the co-
19		defendants?
20	ADA Bullard:	No, I mean, that case is still open. It's up to
21		Hammond Town Court.
22	Judge Gentile:	Was it transferred here or--
23	ADA Bullard:	--It was transferred-- Just-- Any paperwork they
24		kind of transferred.
25	Judge Gentile:	Well, we'll touch base with them. And, okay,

*(People v Jesse Bender)*

1		are we ready to proceed otherwise in this case?
2	Mr. Riendeau:	Well, Your Honor, that was the issue we raised
3		when, at first appearance with counsel, I'd like
4		time for motions.
5	Judge Gentile:	I'm sorry?
6	Mr. Riendeau:	I'd like 45 days for motions.
7	Judge Gentile:	Okay.
8	ADA Bullard:	(Unintelligible) for extensions, Sir.
9	Judge Gentile:	Sure.
10	ADA Bullard:	The People have no objection.
11	Mr. Bender:	I have one more thing, Your Honor. On this
12		order of protection. Okay, what are we going to
13		do about this commercial driving thing? I'm a
14		commercial driver. Art is a commercial driver.
15		Can we address this on the record? So, if I'm at
16		Hansons, so I have to dump a load of asphalt
17		(unintelligible) shows up or what's going on
18		with that? So, I'm on Railroad Street, we're
19		eye to eye, we're this far away from each other.
20		I can't back up on--
21	Judge Gentile:	--I'm done hearing arguments on the order of
22		protection.
23	Mr. Bender:	Pardon me?
24	Judge Gentile:	I'm done hearing arguments on the order of
25		protection.



*(People v Jesse Bender)*

1 Mr. Riendeau: Then we'll address it in motions, Your Honor?

2 Judge Gentile: Okay.

3 Mr. Riendeau: There are huge problems with these orders the  
4 way that people interpret them, particularly when  
5 you have somebody who is trying to use it as a  
6 sword and not a shield.

7 Judge Gentile: Understood.

8 Mr. Riendeau: And my-- And just so that the People know, my  
9 understanding is that Mr. Howie, who is a  
10 member of the volunteer fire department, which  
11 is with-- less than a block away from my client's  
12 house, has taken to parking a vehicle at the end  
13 of my client's driveway in the street. You know,  
14 that's the sort of problems that arise. They're  
15 both commercial drivers, they can encounter  
16 each other at work, and typically--

17 Judge Gentile: --They both work at the same facility?

18 Mr. Riendeau: They're driving trucks which may get sent to the  
19 same facility. You know, they're independent so  
20 there can be random encounters where one  
21 person has a truck and another person has a truck  
22 and they're going to load asphalt, they're going  
23 to load this, they're going to load or unload  
24 something else and, you know, how do you stay  
25 away with a truck as big as the one that went off

*(People v Jesse Bender)*

1		the road in-- on 37 yesterday morning? You
2		know, what do you do? That's the practical
3		problem we've got. My client, in his
4		conversation with me, is looking for guidance
5		because he wants to be a law abiding but--
6	Judge Gentile:	--Well, the best thing to do if that's the case,
7		then, avoid contact with the person. If you see
8		his truck, drive the other way.
9	Mr. Bender:	You can't when you're pulling a 53 foot trailer
10		on Railroad Street, because I already have this
11		problem down going to Hoosier. You can't back
12		up with a 53-foot trailer behind me.
13		(Unintelligible) You can't back up. I'm this far
14		away from him, nose to nose, with this order of
15		protection, I can't backup. (Unintelligible) I
16		mean, in all due respect.
17	Judge Gentile:	Well, the first problem was the kid being picked
18		up from school, now it's another problem.
19	Mr. Bender:	This is all the same thing.
20	Judge Gentile:	No. What-- No. This should have been
21		addressed last week, okay? You should have--
22	Mr. Riendeau:	Your Honor, the underlying facts hadn't
23		occurred yet to make us aware of the fact that
24		this was going to come up.
25	Mr. Bender:	I thought that's why we're having a hearing,

*(People v Jesse Bender)*

1		Your Honor, with all due respect? To address
2		these issues, this being one of them. The school
3		being one of them.
4	Judge Gentile:	The order of protection was the issue last week,
5		and it-- You should have addressed it last week.
6		If you want to make a motion next time we meet
7		to address something else, then get all your
8		ducks in order here, okay? Get all your
9		complaints about the order of protection in a row
10		here, and then we'll proceed then, okay? I don't
11		want-- I'm not going to piecemeal an order of
12		protection, okay?
13	Mr. Riendeau:	We'll deal with that, Your Honor. We were
14		hoping that we could avoid the potential for
15		additional criminal charges.
16	Judge Gentile:	The best potential is, if you see the truck, sit in
17		your truck, don't say anything, don't talk to him,
18		back up, turnaround, which you got to do. I
19		mean, that's what the order of protection is for.
20	Mr. Riendeau:	As my client pointed out, the tractor-trailer--
21	Judge Gentile:	--If the guy makes it a problem, I'll-- we'll
22		contend with that when and if it happens then,
23		okay?
24	Mr. Riendeau:	That's what we need to understand because this
25		guy is trying to make it a problem.

*(People v Jesse Bender)*

1	Judge Gentile:	I don't want to turn this case into a case on order
2		of protections. It's a case about an assault, so.
3	Mr. Bender:	He did. He assault-- He broke my wife's neck.
4		Right here's the statement on it. There's no way
5		around it!
6	Judge Gentile:	Okay. Control your client.
7	Mr. Riendeau:	Your Honor, if the court would email me the
8		date for the days for motions.
9	Mr. Bender:	Is he going to disclose that he knows some of the
10		witnesses in this case, or not, Brad?
11	Mr. Riendeau:	We're going to address that in motions.
12	Judge Gentile:	You have a problem with me, too?
13	Mr. Bender:	Do you know some of the witnesses, Your
14		Honor?
15	Judge Gentile:	I don't know any of them.
16	Mr. Bender:	Okay. If you could affirm that, that would be
17		great, Sir. Thank you.
18	Judge Gentile:	Well, I'm not the one on trial, here.
19		Unfortunately--
20	Mr. Bender:	--I want a neutral judge that's all I want, Sir.
21	Judge Gentile:	You're entitled to that, too. You'll find one here,
22		believe me.
23	Mr. Bender:	Nothing personal, Your Honor.
24	Mr. Riendeau:	If the clerk would email me a date-- a return
25		date for motions?

*(People v Jesse Bender)*

1 Judge Gentile: Sure. Give him 45 days for motions? And  
2 adjourn the matter until then?  
3 Mr. Riendeau: And I'll discuss matters with my client in the  
4 parking lot.  
5 Judge Gentile: Very good.  
6 Mr. Riendeau: Dillon, I'll be in touch.  
7 ADA Bullard: Okay.  
8 Judge Gentile: Anything else?  
9 Mr. Riendeau: No, that's it.  
10 Judge Gentile: Okay, we're adjourned for-- Until-- What date  
11 we have?  
12 Clerk Olson-Besaw: Eighteenth of January.  
13 Mr. Riendeau: Would you send me an email?  
14 Clerk Olson-Besaw: Sure can.  
15 Judge Gentile: Okay.  
16 Mr. Bender: January 18<sup>th</sup>, Ma'am, what time?  
17 Clerk Olson-Besaw: Two o'clock.  
18 Judge Gentile: Two o'clock.  
19 Mr. Bender: Nothing personal against either one of you,  
20 Ma'am and Sir, just looking for a neutral court.  
21 Judge Gentile: That's-- If you're looking for a neutral court,  
22 you've found one.  
23 Mr. Bender: Thank you, Sir. January 18<sup>th</sup> at what? Two  
24 o'clock?  
25 Judge Gentile: Yes.

*(People v Jesse Bender)*

1 Clerk Olson-Besaw: Two o'clock. Yep.

2 Judge Gentile: She'll give you a--

3 Clerk Olson-Besaw: --I'll give you a card.

4 Mr. Bender: I can remember that because January 18<sup>th</sup> is  
5 actually my birthday, so. Have a good afternoon.

6 Judge Gentile: Take care. Happy Thanksgiving. All right.  
7 Anything else Dillon?

8 ADA Bullard: Nothing further, Your Honor.

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CERTIFICATION

I, LETITIA WALSH, an Assistant Administrative Officer of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: February 11, 2025

*Letitia Walsh*  
Letitia Walsh

STATE OF NEW YORK                    }  
COUNTY OF ST. LAWRENCE        }ss.:  
TOWN OF ROSSIE                    }

ROSSIE TOWN COURT  
908 COUNTY ROUTE 3  
REDWOOD, NY, 13679

ORI 44641J  
Docket No. 22090008

\_\_\_\_\_  
People of the State of New York

## ORDER

- against -

Jesse Bender  
\_\_\_\_\_

Present on both dates:

Mr. Jesse Bender, Defendant

Mr. Bradford Riendeau, Attorney for the Defense

Mr. Dillon Bullard, St Lawrence Co. Assistant DA

On November 16, 2022 the Defense made an oral motion for relief of certain conditions of the Order of Protection issued by Hon. James Phillips, Jr. as a result of the instant matter; an alleged assault occurring August 2022.

Specifically; the Defendant stated that he is an over the road truck driver and due to his job and parenting responsibilities he requires unfettered access to his minor child attending one of the [REDACTED] Schools. A protected party of the Order of Protection is an employee of the same school attended by the Defendants minor child. The remedy demanded by the defense was to strike the protected party place of employment from the Order of Protection. The Court ordered both parties to negotiate a mutually acceptable solution to the motion and submit the written document to the Court on or before November 23, 2022. The matter was adjourned until that date.

At the November 23, 2022 appearance Mr. Bullard submitted an email stating he interviewed the protected party. Mr. Riendeau presented no documents but did state the [REDACTED] School District was prejudiced against the defendant due to previous encounters with the school. A mutual solution was not presented to the Court.

At the same appearance Mr. Bender presented an additional oral argument demanding relief from certain aspects of the Order of Protection due to the nature of his



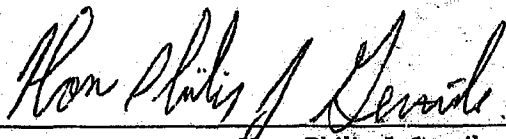
work. Mr. Bender emphasized his employment requires him to operate large delivery trucks to locations where a protected party might be. Mr. Bender argued vehicles of this size cannot be backed up or maneuvered when a protected party appears at the same work site due to the sheer enormity of the vehicle.

The Court has learned the [REDACTED] School District provides a telephone call service where the School will escort a student from the school building to a defendant's vehicle parked at the school grounds perimeter to avoid contact between a defendant and protected party and to prevent any trespass. The Court finds this service is an acceptable solution to the first oral motion and finds the Defendants justification for relief from the Order of Protection for the second oral motion baseless and nonsensical.

Upon due deliberation of the foregoing, it is

ORDERED, The Motions for relief and modification of the Order of Protection are DENIED.

Dated November 30, 2022



Hon. Philip J. Gentile  
Rossie Town Justice

Transcript of Proceedings in *People v Jesse Bender* held  
February 7, 2024 (2:02:15 PM - 2:51:56 PM)  
Before Hon. Philip J. Gentile, a Justice of the  
Rossie Town Court, St. Lawrence County

*(People v Jesse Bender)*

1	Mr. Bender:	Appeal matter, and I'm actually in
2		the court in front of the judge right
3		now, and I'd like to speak with her
4		please.
5	Judge Gentile:	Okay, we're on the record here.
6	Mr. Bender:	Hi Andrea, I am at the Rossie Town
7		Court room, and the judge is here,
8		he's got me on the court record, and
9		he states that I have an attorney and
10		they need to be present in court with
11		me.
12	Judge Gentile:	I didn't say that.
13	Mr. Bender:	Okay, I'm sorry I misquoted you
14		sir, what did you say?
15	Judge Gentile:	You said you had an attorney
16		speaking for you, so, she can speak
17		for you.
18	Mr. Bender:	Okay, I'm requesting an attorney on
19		this matter, and he would like the
20		attorney to appear in court with me.
21	Judge Gentile:	Didn't say that.
22	Mr. Bender:	I'm at a loss here. I need an attorney
23		to represent me. I'm asking for an
24		adjournment so I can have an
25		attorney to represent me.

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1	Judge Gentile:	You don't have a case in front of
2		me today, what you have is, you
3		have a payment that was due today
4		that is going to be converted to a
5		civil judgement. Or you can enter
6		into a payment plan today or you
7		can pay the entire bill if you want
8		today.
9	Mr. Bender:	It's being appealed sir.
10	Judge Gentile:	What's that?
11	Mr. Bender:	I don't have the money, it's being
12		appealed, sir. I can't go to work
13		because of the order of protection,
14		or I would have gladly paid you.
15	Judge Gentile:	We don't have any record that this
16		can't be paid.
17	Mr. Bender:	I am not employed sir. I'll testify to
18		that on a stack of bibles.
19	Judge Gentile:	You can make a payment plan.
20	Mr. Bender:	How am I supposed to pay if I don't
21		have the money?
22	Judge Gentile:	I am not going to discuss this matter
23		with you.
24	Mr. Bender:	Okay, what am I supposed to do,
25		Andrea? I need an attorney.

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1	Ms. Price:	Jesse, isn't the fine under the
2		appeal?
3	Mr. Bender:	The fine is under the appeal, right
4		Andrea? So, what am I supposed to
5		do here? I am not trying to make
6		this judge mad at me. Upon
7		speaking with my attorney, can I
8		have a week adjournment, sir? Or
9		until your next court calendar date?
10		Your DA day or whatever you got
11		going on next, please?
12	Judge Gentile:	There's nothing to adjourn.
13	Mr. Bender:	There's nothing to adjourn, he says.
14		I don't know if you can hear him or
15		not. Okay can I have a couple days
16		on this, sir, to speak with my
17		attorney on this is what she is
18		asking.
19	Judge Gentile:	You have until the close of business
20		today.
21	Mr. Bender:	Close of business today we have to
22		return on this. Yeah, I know. It's
23		funny. Yeah he is going to issue a
24		judgement today. Its \$455. I don't. I
25		asked to put you on speaker and he

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1		declined that. Can we do a payment
2		plan of \$10 a month since I'm not
3		working?
4	Judge Gentile:	You have to enter into a payment
5		plan today or you have to pay it off
6		today, either one.
7	Mr. Bender:	I can't pay it off sir or I would.
8	Judge Gentile:	I gave you the two options, okay.
9		You can enter into a payment plan
10		today, or you can pay it today.
11	Mr. Bender:	I can't afford the whole thing, sir.
12	Judge Gentile:	Then you can enter into a payment
13		plan then.
14	Mr. Bender:	Okay sir, what are you proposing?
15		I'm out—that's why I'm—
16	Judge Gentile:	The court—madam clerk, do you
17		have a payment plan application?
18		She'll bring you out one.
19	Mr. Bender:	An application?
20	Judge Gentile:	Yes.
21	Mr. Bender:	Yeah, I'm at a loss here, I really
22		am. So, what happens when this
23		goes in the judgment, then does that
24		postpone that I can pay it when I get
25		back to work or what?

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1	Judge Gentile:	No, because the court—your
2		attorney can explain that to you.
3	Mr. Bender:	Can you explain that? You're my--
4		attorney can explain that.
5	Judge Gentile:	There is a financial application he
6		needs to fill out before he can make
7		a decision on what's okay.
8	Mr. Bender:	So, it would be a civil judgment, sir,
9		is what you're—
10	Judge Gentile:	Correct.
11	Mr. Bender:	Right. It's on the bottom of the
12		paper I signed, pursuant to the
13		vehicle and traffic law section
14		1802(2) to pay any fines and fees,
15		there's a whole paragraph. It's a fine
16		for this trial that you're working on.
17		For assault in the third degree. Yes,
18		ma'am. Yes ma'am. It says on here
19		too that I pled guilty, sir, I see.
20		Guilty plea for the charges listed
21		above. I never pled guilty, your
22		honor.
23	Judge Gentile:	There's—you're adjudicated.
24	Mr. Bender:	It clearly says that on that letter that
25		I pled guilty, and I didn't. We both

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1		know that sir. Right? That's why we
2		had a whole room full of jurors in
3		here, for a trial. Hi. Okay. Yeah,
4		she—I was on the phone with
5		Andrea and then she put me on hold
6		here for a moment.
7	Judge Gentile:	Is your lawyer on the phone?
8	Mr. Bender:	She was, sir, and then she's like
9		hang on a second and some other
10		woman came on. She was like oh,
11		who are you waiting for? And I was
12		like well I was on the phone with
13		Andrea, and she was like oh, okay.
14		She was on the phone but she's not
15		now, I'm assuming she's going to
16		be back, because she didn't end the
17		phone call, so. Yes. Okay. He was
18		talking about some application, but
19		I haven't seen it yet, I don't know
20		what that is. Something to do with
21		making a payment it sounds like.
22	Judge Gentile:	Did you find that—the application?
23	Clerk Arquitt:	Uh—
24	Mr. Bender:	Yeah, so then when the appeal goes
25		through, I would get the money



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1		back anyway. It is, yeah. It's not
2		restitution, it's a fine—the fine is
3		250 and then it's—the court fee
4		must be 205. Yeah, I don't care for
5		that, no. I'll ask him. So, did you
6		get the court—the transcript—the
7		trial transcripts yet? Did they say
8		they sent it? Okey dokey. Alright,
9		thanks Andrea. Bye. Did you have
10		that application sir?
11	Clerk Arquitt:	We're—I'm in contact with Rhonda
12		where the application is.
13	Mr. Bender:	What is it? Something I got to fill
14		out? Or is it something I—
15	Judge Gentile:	Yes, it's—fill it out, then you start
16		your payment plan then.
17	Mr. Bender:	Well, when's that? Like, right now?
18		Can we do it right now because
19		we're here and—
20	Judge Gentile:	Well, we're looking for the forms
21		right now, you—you can have a seat
22		while she's finding it.
23	Mr. Bender:	It's very simple, I'm unemployed.
24	Judge Gentile:	That's me.
25	Clerk Arquitt:	(Unintelligible).

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1	Judge Gentile:	What did Rhonda say?
2	Clerk Arquitt:	If she finds it on her own, she's
3		going to fax it.
4	Judge Gentile:	Fax it?
5	Clerk Arquitt:	I told her to email it, but—
6	Judge Gentile:	Look in that—Taylor?
7	Clerk Arquitt:	Yeah?
8	Judge Gentile:	Look in that top drawer up there. I
9		thought there was something in
10		there a while back.
11	Mr. Bender:	Sir? Can I just make a payment to
12		you and do that later? Would that
13		simplify things for us right now?
14		Make like a \$10 payment now, one
15		once a month maybe?
16	Judge Gentile:	I—you have to fill out the
17		application before I make a
18		decision, okay?
19	Mr. Bender:	I'm just trying to simplify things,
20		you know.
21	Judge Gentile:	Well, were—
22	Mr. Bender:	--(unintelligible)—
23	Judge Gentile:	--were going to do things by the
24		book today, okay? We're going to
25		fill out an application, then I'll

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1		make a decision and then we can go
2		from there, okay? This is what
3		you'll find on the New York State
4		website regarding fines. You can
5		approach and pick this up if you'd
6		like.
7	Mr. Bender:	Is this for me, or?
8	Judge Gentile:	Yes, that's for you to look—to
9		review. And by the way, the court
10		now takes credit cards too, if you
11		want to pay that by credit card.
12	Mr. Bender:	I don't have a credit card, sir,
13		unfortunately. If I had the money,
14		I'd pay you this to be done with,
15		you know? Been here enough, I'm
16		sure you're probably sick of seeing
17		me too.
18	Judge Gentile:	I'm sorry?
19	Mr. Bender:	I said, if I had the money, I'd pay
20		you. I'm sure you're probably sick
21		of seeing me too as far as that goes
22		and put it all to bed you know.
23	Judge Gentile:	No, I—I'm never sick—sick of
24		seeing people I live near.
25	Mr. Bender:	I don't want to be here. My attorney

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1		was indicating that it should have
2		been set aside because of the appeal.
3	Judge Gentile:	I had no motion in front of me, so.
4	Mr. Bender:	Mr. Riendeau I thought put in a
5		motion that was to be filed, sir.
6	Judge Gentile:	I'm sorry?
7	Mr. Bender:	Mr. Riendeau did, back—
8	Judge Gentile:	Mr. Riendeau is not your attorney
9		anymore, from what I understand.
10	Mr. Bender:	When he was, he put in a note that it
11		was in the court file here.
12	Judge Gentile:	For what?
13	Mr. Bender:	To have the—to have it all set aside,
14		the relief from the whole thing in
15		front of me.
16	Judge Gentile:	The court's not aware of anything
17		like that.
18	Mr. Bender:	It was addressed to this court, sir.
19	Judge Gentile:	If you want to—if you want to make
20		a motion, you can make a motion to
21		present it to the court, okay?
22	Mr. Bender:	I'd like to make a motion to—
23	Judge Gentile:	You have to follow the written rules
24		of—of the CPL for motions, okay.
25	Mr. Bender:	I am not an attorney, sir, that's why

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1		I have—
2	Judge Gentile:	That's why you have an attorney.
3		The court will listen to any motion
4		you want to present, gladly.
5	Mr. Bender:	I'd like to make an oral motion.
6	Judge Gentile:	No. No oral motions.
7	Mr. Bender:	No? What are we waiting on that
8		you can't find the—
9	Judge Gentile:	They're trying to locate the
10		paperwork for you. Taylor, do we
11		have a VTL version of that?
12	Clerk Arquitt:	(Unintelligible).
13	Judge Gentile:	Look—we can modify a VTL
14		version. Or you can accept the
15		payment and issue a fine notice with
16		a balance payable in thirty days or
17		submit to another—another partial,
18		we can do that too. If you speak, the
19		recorder is running, so if you can
20		speak—I prefer that you go outside
21		to speak, instead of whispering in
22		here in case the recorder picks you
23		up, okay? For your own protection.
24	Ms. Price:	I'm just talking about picking our
25		son up.

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1	Judge Gentile:	I don't know what you're talking
2		about, I just want to make it clear
3		that we don't want the court to do—
4		we don't want you to think that the
5		court is listening in on your
6		conversation, okay?
7	Mr. Bender:	That's fine, my son gets out of
8		school—
9	Judge Gentile:	You don't need to tell me anything,
10		okay.
11	Mr. Bender:	(Unintelligible). Excuse me.
12	Judge Gentile:	Excuse me. This is what she sent
13		you?
14	Clerk Arquitt:	Yeah.
15	Judge Gentile:	Do you have this on email or a
16		copy? Okay. You can approach and
17		pick this up right here, and fill that
18		out. And if you'd like, the court will
19		oblige you and wait for you to fill
20		that out, or you can take it home,
21		and—
22	Mr. Bender:	I guess I'd like to do it now, sir—
23	Judge Gentile:	Okay.
24	Mr. Bender:	--can I borrow a pen though? Use a
25		pen? Thank you.

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1	Judge Gentile:	Okay, you need to figure out—you
2		need to enter in right here your
3		driver's license number, your email
4		address.
5	Mr. Bender:	I don't have an email, sir, and I
6		don't know what my driver's
7		license number is off the top of my
8		head.
9	Judge Gentile:	You don't have your license with
10		you?
11	Mr. Bender:	I don't, sir. I didn't drive.
12		(Unintelligible).
13	Judge Gentile:	And you have a \$1200 electric bill
14		every month.
15	Mr. Bender:	No, that's accrued because I have
16		been in jail and well now I'm
17		unemployed so that's where we're
18		at right now.
19	Judge Gentile:	That's not a monthly expense—
20		that's a— that's—
21	Mr. Bender:	(Unintelligible)
22	Judge Gentile:	That's a monthly expense, so you
23		have to correct this, and email
24		address—
25	Mr. Bender:	I don't have one sir. I don't email.

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1	Judge Gentile:	Your total monthly expense is there,
2		you don't pay rent, you don't have a
3		mortgage?
4	Mr. Bender:	No.
5	Judge Gentile:	Well how—
6	Ms. Price:	I own the property.
7	Judge Gentile:	Are you married?
8	Ms. Price:	No.
9	Judge Gentile:	You were married before, now
10		you're not married again? That's
11		the—you're not legally married.
12	Ms. Price:	Not anymore.
13	Judge Gentile:	No, that's—you're not legally
14		married, yes or no? And I'm
15		recording this too, okay, so—so we
16		can refer back to this. You're not
17		married? You're not married, both
18		of you? That's a yes or a no. You
19		answered before, you can answer
20		again. Are you not speaking
21		because your previous statement
22		was false?
23	Ms. Price:	Not mine, I'm not the one here, I
24		wasn't in court, I'm not—
25	Judge Gentile:	Are you legally married or not?



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1	Mr. Bender:	We've been under the
2		commonwealth of Massachusetts,
3		sir.
4	Judge Gentile:	Okay, you're legally married in
5		New York State then. You can
6		finish that—you can fill that out.
7	Mr. Bender:	I've been told that we aren't, so, I
8		don't know—
9	Judge Gentile:	Well, is your—
10	Mr. Bender:	Okay what am I correcting here sir?
11		The electric bill—
12	Judge Gentile:	So, you have to fill the paperwork
13		out fully, okay. Maybe your wife
14		can help you fill that out.
15	Mr. Bender:	Oh, I'm filling it out to the best of
16		my ability. And I don't email sir.
17	Judge Gentile:	That's okay. Not everybody does
18		and I can't blame them if they
19		don't. Okay the court's going to
20		assess the—minimum amount is
21		\$25 per month, and you can pay that
22		now if you'd like. You got—you—
23	Mr. Bender:	May I request a lower amount, sir?
24	Judge Gentile:	No. Nope.
25	Mr. Bender:	No?

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1	Judge Gentile:	\$25 a month. You'll get a copy of
2		this.
3	Mr. Bender:	What happens if I can't afford it?
4	Judge Gentile:	We'll cross that bridge—
5	Mr. Bender:	Or if I default—if I default, I guess
6		it would be a default, wouldn't it?
7	Judge Gentile:	What happens—what could happen
8		is what's on that page there, okay?
9		And it—and that's all—that's what
10		happens right there, okay. That
11		paper explains everything that the
12		court can do to—if you default on it
13		okay. Alright, you want to make the
14		payment now?
15	Ms. Price:	I've got it this time.
16	Judge Gentile:	Here's a copy for you sir. And
17		she'll make out a receipt for 20—
18		25, and then you can—on the fine
19		notice, you can make the next
20		payment due one month from today,
21		okay, with that date being on the—
22		clearly marked on the due date,
23		okay?
24	Mr. Bender:	Is that going to be like another
25		regular court date too, sir?

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1	Judge Gentile:	You can mail it in if you want. It
2		has to be certified funds, or money
3		order, or cash, okay? So, you can
4		show up for court if you want—
5	Mr. Bender:	Will I still get a receipt so that way
6		we know you got it?
7	Judge Gentile:	We'll give you a receipt every time,
8		yes, sure.
9	Mr. Bender:	I don't want to play the lost in the
10		mail game and all that.
11	Judge Gentile:	Yeah, no, you're welcome to show
12		up here and pay it, you can pay it
13		any way you'd like, okay?
14	Mr. Bender:	Seems better for everybody. While
15		we're on the record, sir, I was
16		asking for a 160.50 seal order on
17		my [REDACTED] case that you dismissed.
18	Judge Gentile:	It's been sealed.
19	Mr. Bender:	Can I get a copy of it please, sir?
20	Judge Gentile:	You have to make a motion and you
21		can request a copy of it, okay?
22	Mr. Bender:	By a motion?
23	Judge Gentile:	Sure.
24	Mr. Bender:	That's not what your court clerk
25		told me.

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1	Judge Gentile:	Mr. Bender, have your attorney
2		contact that the court then, okay,
3		and request the paperwork, okay?
4		You're represented by an attorney,
5		and—
6	Mr. Bender:	Not on that case.
7	Judge Gentile:	If it was dismissed, then it was
8		dismissed, okay? You appealed that
9		case, by the way. And I'll gladly
10		bring it back if you don't like my
11		decision on it.
12	Ms. Price:	(Unintelligible).
13	Mr. Bender:	The [REDACTED]?
14	Judge Gentile:	That was dismissed.
15	Ms. Price:	It was dismissed, and by law, under
16		Senate law, you have to return all
17		the fingerprints, seal—
18	Judge Gentile:	We returned—we returned
19		everything, I'm not going to discuss
20		the matter with you, okay?
21	Ms. Price:	The last attorney asked you for the
22		seal order and you refused to give it
23		to him.
24	Judge Gentile:	I didn't refuse anything, we—
25	Ms. Price:	I have an email from you.

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1	Judge Gentile:	Okay.
2	Ms. Price:	Signed by you.
3	Judge Gentile:	Okay, that's—
4	Mr. Bender:	She emails, sir—
5	Judge Gentile:	That's okay. That's okay. Feel free
6		to do whatever you want to do with
7		it, okay. The court has no record of
8		anything that we didn't do, okay.
9	Ms. Price:	Well, Bender—
10	Judge Gentile:	No, we're not opening up—we're
11		not opening up anything today,
12		okay? You have the—you want to
13		make her—payment now and she'll
14		give you a receipt? Have your
15		attorney contact the court, okay?
16	Ms. Price:	The attorney doesn't represent him
17		on [REDACTED].
18	Mr. Bender:	The Commission on Judicial
19		Conduct was actually talking to me
20		about that.
21	Judge Gentile:	I suggest you talk to them more
22		then.
23	Mr. Bender:	I'm going to. I didn't come here to
24		be salty, sir, I just wanted to
25		(unintelligible).

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1	Judge Gentile:	Pardon me?
2	Mr. Bender:	I said I didn't come here to be salty,
3		sir, so please don't take me the
4		wrong way.
5	Judge Gentile:	I'm not taking anyone in the wrong
6		way.
7	Ms. Price:	(Unintelligible).
8	Clerk Arquitt:	All set.
9	Judge Gentile:	What's this right here? Okay the
10		payments start today, February 7,
11		and the payments will be noted—
12		payment date will be noted on the
13		fine notice. The total amount is 430
14		it looks like. Is that—do you—does
15		that sound right to you?
16	Mr. Bender:	No, sir.
17	Clerk Arquitt:	(Unintelligible).
18	Judge Gentile:	After, right? Okay.
19	Mr. Bender:	Oh wait, yeah, because it's minus
20		the—
21	Judge Gentile:	Yup, so this is a sworn statement
22		here, so you can sign that and you
23		can date that, that you—and I'll
24		give you a copy of this also.
25	Mr. Bender:	A sworn statement?

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1	Judge Gentile:	Yup.
2	Mr. Bender:	I've been told not to sign anything,
3		though, by my attorney.
4	Judge Gentile:	Then there's no payment plan then.
5	Mr. Bender:	Really?
6	Judge Gentile:	And we'll convert to a civil
7		judgement, then, so. We're all done
8		here then if you're not going to sign
9		it.
10	Mr. Bender:	Really?
11	Judge Gentile:	Yup.
12	Mr. Bender:	You're forcing me without
13		counsel—
14	Judge Gentile:	I am not forcing you to do anything,
15		okay?
16	Mr. Bender:	I asked for counsel.
17	Judge Gentile:	Have your—get your attorney here.
18	Mr. Bender:	Just being clear, sir.
19	Judge Gentile:	Whatever you want to do, Mr.
20		Bender, okay.
21	Mr. Bender:	I want to be represented by counsel,
22		sir.
23	Judge Gentile:	Have your—then—we're here until
24		your attorney gets here then, or
25		calls, or whatever, Mr. Bender,

*(People v Jesse Bender)*

1		okay?
2	Mr. Bender:	I asked if you could speak with
3		them over the phone and you—
4	Judge Gentile:	The court does not do that. Okay, so
5		you can sign the payment plan or
6		we'll just convert to a civil
7		judgement. That's your choice.
8	Mr. Bender:	So, it's signed under threat, then?
9	Judge Gentile:	No, it's not signed under threat.
10	Mr. Bender:	Because you're threatening me with
11		a judgment.
12	Judge Gentile:	No, I'm not.
13	Mr. Bender:	You just did, sir. Didn't you just
14		threaten me with a judgement?
15	Judge Gentile:	Those are the choices. I'm leaving
16		here in one minute, okay. Those are
17		the choices. You can agree to the
18		payment plan that you asked for,
19		you asked for this—
20	Mr. Bender:	Right—
21	Judge Gentile:	—the court indulged you, okay—
22	Mr. Bender:	And she gave her the money—
23	Judge Gentile:	—gave you the money, we'll give
24		you—we'll sign that—
25	Mr. Bender:	—so the payment is in good faith—



*(People v Jesse Bender)*

1	Judge Gentile:	Yeah, so sign your agreement—
2	Mr. Bender:	Under duress.
3	Judge Gentile:	—that you’re going to make the
4		payments—I don’t know what you
5		mean by that.
6	Mr. Bender:	That it’s under threat. It’s under
7		threat of a judgement.
8	Judge Gentile:	There is no threat, Mr. Bender.
9		There’s no threat. The court doesn’t
10		make threats. It is simply an
11		agreement that you’re going to
12		make monthly payments. If you
13		don’t want to do it, then don’t do it.
14		We’ll give you your money back
15		and we’ll just convert it over to a
16		civil judgement then.
17	Mr. Bender:	Well she’s already taken the money,
18		sir.
19	Judge Gentile:	We’ll give it back to you.
20	Mr. Bender:	She’s already taken it, sir. She
21		accepted the payment.
22	Judge Gentile:	We’ll give it back to you, okay? I’m
23		not going to argue with you
24		anymore, I’m leaving here in a
25		minute, okay? That’s why I said—

*(People v Jesse Bender)*

1		you could have taken care of this six
2		months ago and you didn't.
3	Mr. Bender:	Oh, I was sitting in the county jail
4		six months ago, sir.
5	Judge Gentile:	Well.
6	Mr. Bender:	We both know that.
7	Judge Gentile:	Yes, that's very unfortunate too. I
8		think I mentioned that to you.
9	Mr. Bender:	What's that?
10	Judge Gentile:	That was unfortunate that judges
11		have to do that to people, okay? It's
12		not a good thing to do and judges
13		don't like doing it.
14	Mr. Bender:	You didn't seem like you had any
15		hesitation to do that, sir. You
16		already had the Sheriff here. You
17		had your mind made up. I seem to
18		have survived it pretty well, though.
19	Judge Gentile:	Yeah, well—
20	Mr. Bender:	When a drunk almost hits my kid.
21	Judge Gentile:	—that's why—what's that?
22	Mr. Bender:	When a drunk almost hits my kid on
23		a sidewalk, yeah. That's why we
24		end up in situations like this.
25		Because a drunk, he testified he was

*(People v Jesse Bender)*

1		drunk—
2	Judge Gentile:	Oh.
3	Mr. Bender:	—started drinking at 9:30 in the
4		morning and drove on the sidewalk.
5	Judge Gentile:	That case is closed. There's a copy
6		for you sir.
7	Mr. Bender:	Oh, it's closed.
8	Judge Gentile:	Okay, so we'll see you next month
9		then. Anything else for the court?
10	Mr. Bender:	Yes, sir, I don't have a date on here
11		for my next—or am I not seeing it
12		sir?
13	Judge Gentile:	Here, I'll write it in there for you.
14	Mr. Bender:	I could be overlooking it.
15	Ms. Price:	(Unintelligible).
16	Judge Gentile:	Oh, that's not—this is the payment
17		plan right here, okay. This is the—
18		this is the agreement right here to
19		enter into a payment plan right here.
20	Mr. Bender:	Okay.
21	Judge Gentile:	Okay, put that—this has nothing to
22		do with the payments, okay, with
23		the actual payment. This is—you're
24		saying—I'm requesting that the
25		court give us a payment plan and

*(People v Jesse Bender)*

1		this is saying, yep, you're all set
2		with the payment plan, okay. Hang
3		on a second. You have a—okay
4		she's doing that now.
5	Mr. Bender:	The day you have court, I come pay
6		you again, or whatever.
7	Judge Gentile:	Yep. Yep, she's doing that now—
8		yeah, she's—
9	Mr. Bender:	I'm trying to pay you in good faith,
10		because I want to be done with this.
11		I want to put this to bed, I don't
12		want to have to come back here.
13	Judge Gentile:	I think that's the farthest thing from
14		your mind, Mr. Bender.
15	Mr. Bender:	You're probably a great guy, but
16		under these circumstances I really
17		don't want to be here, sir. You
18		know. We can (unintelligible) over
19		this all day long, but I really don't
20		want to.
21	Clerk Arquitt:	Here's the receipt, for that—
22	Judge Gentile:	Let me see it first, please.
23	Clerk Arquitt:	Oh, okay. There's the receipt for
24		that and also the fine notice.
25	Judge Gentile:	Okay. Yeah, okay. So, this is the

*(People v Jesse Bender)*

1		receipt, now, okay? This shows that
2		you made a payment, that's the total
3		amount due, and the next payment
4		date is March 6, okay?
5	Mr. Bender:	Okay.
6	Judge Gentile:	Read that over before you go to
7		make sure that you don't have any
8		questions on it.
9	Clerk Arquitt:	That is a court day too, so it's at two
10		o'clock even though it's not on
11		there.
12	Mr. Bender:	Alright.
13	Judge Gentile:	And if you want any records, have
14		your attorney contact the court, just
15		to request the records, okay? You
16		said you want a seal notice on some
17		other case?
18	Mr. Bender:	Yeah—
19	Judge Gentile:	Is she representing you? Is she
20		representing you on that case?
21	Mr. Bender:	No, no.
22	Judge Gentile:	Well—
23	Mr. Bender:	I represented myself on it, sir.
24	Judge Gentile:	—have her—you want to proceed
25		pro se on it, okay, well, the

*(People v Jesse Bender)*

1		motions—you can look—drop off a
2		motion next Monday and the court
3		will consider it, okay.
4	Mr. Bender:	I mean all I was trying to get is the
5		seal order, that's pretty simple.
6	Judge Gentile:	Yeah, just—
7	Ms. Price:	Yeah, by law, you're supposed to
8		get it. You're not supposed to put in
9		a motion. Only the prosecutor and
10		the judge is supposed to put—read
11		160.50, I just did before I came
12		here. New York Senate law. It
13		specifically—
14	Judge Gentile:	It's CPL—it's CPL—it's CPL 510,
15		okay, is the motion rules, okay. So,
16		anyway, just make a motion, and—
17		Monday, and then I'll have an
18		answer for you within seven days
19		then, okay, on the response to the
20		motion. Or have your attorney call.
21		Maybe she'll take that case up too
22		for you.
23	Mr. Bender:	Well, there isn't a case if you
24		dismissed it. I'm just trying to get
25		the seal order. The case is gone

*(People v Jesse Bender)*

1		now, right?
2	Ms. Price:	(Unintelligible).
3	Judge Gentile:	Yeah, that's right. Pardon me?
4	Ms. Price:	You were—you denied the original
5		attorney that handled that case—
6	Mr. Bender:	Brad.
7	Ms. Price:	—Brad Riendeau.
8	Judge Gentile:	I denied. What did I deny?
9	Ms. Price:	You denied him to get a copy of the
10		seal order.
11	Judge Gentile:	No, I didn't. No. Taylor, here's the
12		paperwork here. The seal order is
13		sent to the state police. We had—I
14		denied nothing.
15	Ms. Price:	Well, I have your email right from
16		Brad Riendeau who forwarded it to
17		me from this court.
18	Judge Gentile:	You can show it to me, but I don't
19		recommend that you do.
20	Ms. Price:	From Honorable Philip J. Gentile,
21		"Mr. Riendeau, the case has been
22		sealed and I believe you have
23		resigned yourself from representing
24		Mr. Bender—"
25	Judge Gentile:	Oh, that's right. That's right.

*(People v Jesse Bender)*

1	Ms. Price:	Mr. Riendeau asked you for the seal
2		order, or a certified copy—
3	Judge Gentile:	Yeah, we didn't refuse him, what
4		happened was he's no longer the
5		attorney of record for the case, so he
6		has no—
7	Ms. Price:	He was the attorney that—
8	Judge Gentile:	—he has no standing to request it.
9		Review your law, okay. He
10		resigned. He's no longer your
11		attorney, he doesn't have standing
12		to request anything.
13	Ms. Price:	I'm wondering where he resigned—
14		where—
15	Judge Gentile:	If you're going to come in and
16		quote law, you should be prepared,
17		okay.
18	Mr. Bender:	Did he submit a letter to the court
19		that he resigned sir?
20	Judge Gentile:	Oh, absolutely.
21	Ms. Price:	We're entitled to that, correct?
22	Mr. Bender:	I've never seen that. Yeah, no—
23	Judge Gentile:	Call Mr. Riendeau. Call—he still
24		has to give you paperwork that he
25		has for your stuff. So, go ask Mr.



*(People v Jesse Bender)*

1		Riendeau.
2	Mr. Bender:	(Unintelligible) I haven't seen
3		anything.
4	Judge Gentile:	He resigned—well, he had a copy
5		on it, but I mean, he should have
6		copied you on it. The—he resigned
7		from the case, and then he's no
8		longer your attorney, so, I can't
9		divulge information to someone
10		who doesn't represent you anymore,
11		that wouldn't be right. Correct?
12		Wouldn't you agree that if some
13		attorney called me and said give me
14		Jesse Bender's folder, and I did,
15		wouldn't you think that would be
16		inappropriate?
17	Mr. Bender:	I would agree that it would be
18		inappropriate but that does happen.
19	Judge Gentile:	That's why—well, not in this court,
20		you know, Mr. Riendeau resigned,
21		and then if a request was made, he
22		is no longer—he is no longer your
23		attorney so, we're not going to—
24	Mr. Bender:	So that's a legal term that you call it
25		resigned? The case was over wasn't

*(People v Jesse Bender)*

1		it? I mean it was over when you
2		dismissed it.
3	Judge Gentile:	I don't recall the details, but, if
4		you're going to come in here
5		quoting law, you know, you should
6		make sure that you have everything
7		in order, okay.
8	Mr. Bender:	Yeah.
9	Judge Gentile:	It's not Senate law, either. It's CPL,
10		Mrs. Bender.
11	Mr. Bender:	It was a CPL.
12	Ms. Price:	Yes, it is a CPL but it's under—
13	Judge Gentile:	No, it's—you're misled. Okay? But
14		anyway, it—you know—have your
15		attorney—it would be better for you
16		if you had your attorney talk for
17		you. And I'm not going to give you
18		any—that's not advice.
19	Ms. Price:	(Unintelligible) CPL 160, under
20		legislation.
21	Judge Gentile:	That's the law for sealing, that has
22		nothing—
23	Ms. Price:	By order of termination of criminal
24		action in favor of the accused—
25	Judge Gentile:	Yeah, we gave Mr. Riendeau all

*(People v Jesse Bender)*

1		that paperwork, so. He still
2		represents you on that case, he still
3		has that stuff, so you can get that
4		from him.
5	Mr. Bender:	The seal order?
6	Judge Gentile:	You can get everything from him.
7	Mr. Bender:	I didn't know you issued one, that's
8		where the confusion was.
9	Judge Gentile:	Well, you made—you were sure of
10		something because you made a
11		threat to call the Judicial Conduct
12		people again, for the second time,
13		so you know, the—that means that
14		you studied for this right here, for
15		this little speech.
16	Mr. Bender:	Well I did call them, there were two
17		witness who were giving each other
18		oral sex in the parking lot, I'm a
19		little concerned about sequestering
20		jurors—
21	Judge Gentile:	Huh?
22	Mr. Bender:	Your two witnesses were having
23		oral sex in the parking lot.
24	Judge Gentile:	I don't care about that. That's not—
25	Mr. Bender:	How can't you care about that?

*(People v Jesse Bender)*

1	Judge Gentile:	That has nothing to do with
2		requesting a piece of paper for the
3		court.
4	Mr. Bender:	That was one of the reasons why I
5		called the Judicial Conduct in the
6		first place. I don't know if you
7		heard my complaint, sir.
8	Judge Gentile:	Okay, you realize you're on the
9		record now, okay?
10	Mr. Bender:	I'm glad I am.
11	Judge Gentile:	Okay, well. Okay. I prefer that we
12		don't discuss any matters before the
13		Commission on Judicial Conduct
14		with you. Okay, because, I don't
15		know who submitted it, I don't
16		know who did it, I don't know why
17		it was done, so I'm sure it's in
18		process right now.
19	Mr. Bender:	It is.
20	Judge Gentile:	So, let's just—you know—the court
21		doesn't want to talk about it, nor
22		will I talk about it. Okay?
23	Mr. Bender:	Alright. I understand sir.
24	Judge Gentile:	But if you want paperwork from the
25		court, have Mr. Riendeau request

*(People v Jesse Bender)*

1		what he—request whatever you
2		want and the court will respond,
3		okay? It's troublesome responding
4		to all these—all the requests, when
5		we don't know what order you want
6		them in, we don't know what you're
7		looking for exactly, you're not
8		using—
9	Mr. Bender:	It was just—
10	Judge Gentile:	You're not using proper—you're
11		not using proper terminology, so
12		just—just have your lawyer do it
13		and we'll be happy to respond,
14		okay?
15	Mr. Bender:	Alright, you dismissed it, here's a
16		seal order, that's it, go and done, but
17		I never got it, so.
18	Judge Gentile:	Well—
19	Mr. Bender:	That's where the confusion came in.
20		When you said you issued—
21	Judge Gentile:	You need to talk to your lawyer,
22		okay? Your lawyer—your lawyer
23		has all your answers that you'll ever
24		want in regards to—
25	Mr. Bender:	I wouldn't agree with you on that.

*(People v Jesse Bender)*

1		How do we have—
2	Ms. Price:	The other judge over in Hammond
3		has no problems giving seal orders,
4		she doesn't tell us we have to have a
5		motion.
6	Mr. Bender:	No, no. She doesn't—
7	Judge Gentile:	That's not this court, okay?
8	Mr. Bender:	I know that.
9	Ms. Price:	But she's said, by law, what she's
10		required to do. Under her—being as
11		a judge.
12	Judge Gentile:	Thank you very much for visiting.
13	Mr. bender:	Yes, sir.
14	Judge Gentile:	Take care now. Mr. Bender, were
15		you home by the heating season?
16	Mr. Bender:	Huh?
17	Judge Gentile:	Were you home by the heating
18		season?
19	Mr. Bender:	Yeah.
20	Judge Gentile:	I was concerned about that, okay.
21		Take care.
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Dated: February 20, 2025

  
Sierra G. Whitney

Transcript of Proceedings in *People v Jesse Bender* held  
March 6, 2024 (1:52:39 PM - 2:19:58 PM)  
Before Hon. Philip J. Gentile, a Justice of the  
Rossie Town Court, St. Lawrence County



*(People v Jesse Bender)*

1	Judge Gentile:	That's-- whatever you want to do, you can do
2		okay. What I'm saying is that-- read the
3		conditions here, okay.
4	Mr. Bender:	Yeah, I've never seen those. Because you won't
5		give me the paperwork I've requested.
6	Judge Gentile:	Well, we already gave that to you.
7	Mr. Bender:	I didn't receive it, sir.
8	Judge Gentile:	Well, okay. In regards to you, you're Miss April
9		Price, right? The court has determined that
10		you're not married, because you said you're not
11		married here, okay? And you have no legal
12		standing here anymore to make demands on the
13		court for records pertaining to this court matter
14		here.
15	Ms. Price:	(Unintelligible).
16	Judge Gentile:	Well, you were asking last time you were here
17		you made demands for sealing orders, you're
18		quoting senate law, so since you're not married
19		either you perjured yourself and you're married
20		or you're not married to the gentleman here.
21	Ms. Price:	You're asking if I perjured myself under oath?
22	Judge Gentile:	You don't have to, you lied to the court if you're
23		not married, okay? Or I'm sorry, if you're
24		married, that means you lied to the court because
25		you told me you're not married. But then you're

*(People v Jesse Bender)*

1		demanding a sealing order, correct? You
2		remember that?
3	Mr. Bender:	I brought the sealing order, how about that?
4	Ms. Price:	(Unintelligible).
5	Mr. Bender:	I'm asking for one.
6	Judge Gentile:	Well no, I have the recording--
7	Ms. Price:	(Unintelligible).
8	Judge Gentile:	I'm just telling you--
9	Mr. Bender:	(Unintelligible) got a problem, her court got a
10		seal order.
11	Judge Gentile:	I'm just telling you that you have no further
12		standing, okay, in this matter because you're not
13		married to him, okay? And the issue is--
14	Mr. Bender:	(Unintelligible), you're telling him we're not
15		married?
16	Judge Gentile:	What's that? She said she's not married.
17	Mr. Bender:	You testified to that in front of a jury?
18	Ms. Price:	No.
19	Judge Gentile:	Okay--
20	Mr. Bender:	--(unintelligible)--
21	Judge Gentile:	--we're not going down this road, okay?
22	Mr. Bender:	Your honor, apparently, sir, with all due respect,
23		your honor brought it up.
24	Judge Gentile:	Well I'm bringing it up to her, not to you, okay,
25		because I can't give out court information--

*(People v Jesse Bender)*

1	Mr. Bender:	Is this regarding my case at all, sir?
2	Judge Gentile:	Well, no--
3	Mr. Bender:	Oh!
4	Judge Gentile:	--It's about protecting your personal interest --
5		your personal information, she's not married to
6		you, she can't demand anything about your case.
7	Ms. Price:	On eJustice Law it says that if you have a
8		representative--
9	Judge Gentile:	You're not a lawyer--
10	Ms. Price:	No, no, you can give anybody a representative,
11		anybody--
12	Judge Gentile:	No.
13	Ms. Price:	A lawyer, anything, you can call the court and
14		give them permission if they show an ID, they
15		can come out and--
16	Judge Gentile:	No, that's not true.
17	Ms. Price:	Well, look on eJustice.
18	Judge Gentile:	I don't have to-- Ma'am, I'm just telling you that
19		in this matter, in this court, you have no further
20		standing, okay? You don't. You said you're not
21		married, so I don't know-- I don't know--
22	Ms. Price:	Where would any-- why-- where does the
23		standing come up?
24	Judge Gentile:	Because you can't--
25	Ms. Price:	The last time I was speaking on his behalf--

*(People v Jesse Bender)*

1	Judge Gentile:	You can't-- you can't represent him--
2	Ms. Price:	And you acknowledged me.
3	Judge Gentile:	You can't represent him-- I'm speaking. You
4		can't represent him because you're not a lawyer.
5	Ms. Price:	I was not representing him.
6	Judge Gentile:	You're asking for documents in-- you're asking
7		for documents--
8	Ms. Price:	I asked him to ask.
9	Judge Gentile:	No, you asked the court for copies of the seal
10		order. And that's where this conversation is
11		going to stop now, okay? That's it. Okay?
12	Ms. Price:	I think you need to educate yourself, your honor.
13	Judge Gentile:	I made a-- I made a ruling, and that's where it
14		stands okay.
15	Ms. Price:	I'm not in front of you, your honor.
16	Judge Gentile:	I'm letting you know you're not in front of me.
17	Ms. Price:	I'm not, I do not have a case in front of you.
18	Judge Gentile:	So, anyway--
19	Mr. Bender:	File a complaint on him with the Commission on
20		Judicial Conduct.
21	Ms. Price:	I'm going to.
22	Judge Gentile:	File a--
23	Mr. Bender:	File a separate one.
24	Judge Gentile:	So, you want to--
25	Mr. Bender:	I want a seal order, sir, on my [REDACTED] case.

*(People v Jesse Bender)*

1 Judge Gentile: [REDACTED], that case--  
2 Mr. Bender: The one that was dismissed. It was unlawful,  
3 because you violated my rights and had me  
4 arrested. When you solicited the school on  
5 [REDACTED] when you called them. It's in the  
6 complaint that I filed.  
7 Judge Gentile: Yeah, I know. Yeah.  
8 Mr. Bender: Yeah.  
9 Judge Gentile: Well, so let's try to--  
10 Mr. Bender: You admitted to it on the record.  
11 Judge Gentile: What's that?  
12 Mr. Bender; You admitted to it on the record.  
13 Judge Gentile: What's that?  
14 Mr. Bender: This record we got on the computer.  
15 Judge Gentile: We're not talking about anything right now.  
16 Mr. Bender: Oh, really? And so I can't have my seal order?  
17 Judge Gentile: Can you make copies of this seal order please?  
18 Mr. Bender: On the [REDACTED] case, please, sir?  
19 Judge Gentile: Sure.  
20 Mr. Bender: Thank you, sir.  
21 Judge Gentile: Sure, you can have it. You can request it. She  
22 can't.  
23 Mr. Bender: Well, thank you. I'm requesting it.  
24 Ms. Price: He requested it last time.  
25 Mr. Bender: I did, and you wouldn't give it to me. Well now

*(People v Jesse Bender)*

1		that you are, that's great, must be you talked to
2		somebody about that.
3	Judge Gentile:	No, I didn't talk to anybody.
4	Mr. Bender:	Why couldn't I have it before sir, with all due
5		respect?
6	Judge Gentile:	What's that?
7	Mr. Bender:	Why couldn't I have it before when I asked you
8		the last three times I've been here?
9	Judge Gentile:	It's on the record as you requesting it, okay? So,
10		I'll review the record--
11	Ms. Price:	Your honor, you told him you had to make a
12		motion with an attorney. That's why you were
13		on the phone with the attorney.
14	Judge Gentile:	Mr. Riendeau's your attorney, he has that stuff. I
15		don't know why he didn't give it to you.
16	Ms. Price:	No, he doesn't.
17	Mr. Bender:	He says you wouldn't give it to him, I got an
18		email proving that. We could forward these--
19	Judge Gentile:	Oh, no, well that was after he resigned, you
20		know, yeah. He didn't resign.
21	Mr. Bender:	Oh, he resigned? I never got a resign paper.
22	Ms. Price:	No. He resigned from the appeal, that's all he
23		resigned from.
24	Judge Gentile:	So, you have no standing, so you need to be
25		quiet.

*(People v Jesse Bender)*

1	Ms. Price:	I'm speaking to him. I'm speaking to him, your
2		honor.
3	Judge Gentile:	You need to keep quiet.
4	Ms. Price:	This is a free country, I can speak to him. I am
5		not directing my questions or my remarks to you.
6	Judge Gentile:	Okay.
7	Mr. Bender:	I'm not here under a case, am I?
8	Judge Gentile:	No.
9	Mr. Bender:	So, she can talk to me, sir.
10	Judge Gentile:	Just hang on a second.
11	Mr. Bender:	Yes, sir. I wanted to talk to you about the--
12	Judge Gentile:	She's getting it-- she's getting that-- No, we're
13		not discussing that without your attorney here.
14	Mr. Bender:	Why do I have [REDACTED] on here, sir?
15	Judge Gentile:	That was-- that was dismissed.
16	Mr. Bender:	Shows it as a conviction right there, right on the
17		paper you just handed me.
18	Judge Gentile:	No, no it doesn't.
19	Mr. Bender:	Can I get a seal order on that also? I'd like that
20		sealed because it showed up on a FedEx
21		background check for pulling doubles on I-90.
22		[REDACTED], they asked me about it, and I told
23		them I got found not guilty.
24	Judge Gentile:	You're driving?
25	Mr. Bender:	Yes sir, for commercial driving job for FedEx,

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1		they do a background check on me, and it
2		showed up as a conviction.
3	Judge Gentile:	Are you going to pay your fine today?
4	Mr. Bender:	Huh?
5	Judge Gentile:	Are you going to pay your fine today?
6	Mr. Bender:	I'm broke, I'm going on welfare.
7	Judge Gentile:	You're--
8	Mr. Bender:	My wife--my girlfriend might pay it.
9	Judge Gentile:	You have a--you have a-- you have a tentative
10		payment plan, you're not making a payment
11		today?
12	Mr. Bender:	Yes sir, I'm in good faith on that. My wife, I
13		believe, will make a payment.
14	Ms. Price:	I'll pay that.
15	Mr. Bender:	On my behalf, sir.
16	Judge Gentile:	Oh, okay.
17	Mr. Bender:	It is what it is.
18	Judge Gentile:	Here we go. Hang on.
19	Mr. Bender:	Yup. Excuse me.
20	Judge Gentile:	2024--
21	Mr. Bender:	Is this the appearance ticket? This--
22	Judge Gentile:	This is a seal order for what you asked for--
23	Mr. Bender:	Oh, yes sir. On the [REDACTED] case.
24	Judge Gentile:	[REDACTED], yup.
25	Mr. Bender:	Thank you, sir.



*(People v Jesse Bender)*

1 Judge Gentile: Here we go. Alright, so, set a hearing for Mr.  
2 Bender for the 20<sup>th</sup> of this month.  
3 Clerk Cazziol: Okay. (Unintelligible).  
4 Judge Gentile: I think it's a Wednesday.  
5 Mr. Bender: Okay, I'm requesting an attorney on that matter,  
6 sir.  
7 Judge Gentile: Well, yeah. Yeah-- let me get you the forms,  
8 hang on a second.  
9 Mr. Bender: And I do believe I am entitled to one on that.  
10 Clerk Cazziol: What case?  
11 Judge Gentile: It's the--  
12 Mr. Bender: [REDACTED].  
13 Judge Gentile: Conditional discharge. [REDACTED]. No. Not  
14 [REDACTED], that was dismissed. Another one.  
15 Clerk Cazziol: Disorderly conduct.  
16 Judge Gentile: Yes, that's correct.  
17 Mr. Bender: What-- what are you going to do? You want to  
18 go sit in jail? You don't think I can do another  
19 jail bed, or what? Is that what's going on here?  
20 Judge Gentile: No. That's why I'm going to show you're in  
21 compliance with-- with the conditional  
22 discharge.  
23 Mr. Bender: Do I have any cases pending?  
24 Judge Gentile: The court can at any time review a conditional  
25 discharge.

*(People v Jesse Bender)*

1	Mr. Bender:	Okay.
2	Judge Gentile:	Okay? And that's what the court's doing.
3	Mr. Bender:	Okay.
4	Judge Gentile:	We're-- you're going to make an appearance,
5		you're going to bring in job applications--
6	Mr. Bender:	--An attorney.
7	Judge Gentile:	Yeah, applications. You're going to bring in
8		contact information of people, your driver's
9		license number--
10	Mr. Bender:	What does my driver's license have to do with
11		anything?
12	Judge Gentile:	Because the-- because it's a part of that
13		document right there.
14	Mr. Bender:	What if I don't have a driver's license? Does that
15		make me not in compliance?
16	Judge Gentile:	Well, then-- what's that?
17	Mr. Bender:	Would that make me not in compliance if I
18		don't--
19	Judge Gentile:	I don't know, you have to talk to your attorney
20		about that.
21	Mr. Bender:	I mean it doesn't say on here I have to have a
22		driver's license, does it?
23	Judge Gentile:	Well, if you don't have one then I'll write a
24		suspension order, if you don't have one. We'll
25		see what happens.

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1	Mr. Bender:	Huh.
2	Judge Gentile:	Is it a CDL?
3	Mr. Bender:	Well, I don't know, I think I need an attorney on
4		that.
5	Judge Gentile:	You're--
6	Mr. Bender:	So you're going to suspend my driver's license
7		on disorderly conduct?
8	Judge Gentile:	I-- no, I don't know what we're going to do.
9	Mr. Bender:	Are we on the record, sir?
10	Judge Gentile:	Yeah.
11	Mr. Bender:	Is that a threat?
12	Judge Gentile:	No.
13	Mr. Bender:	Why did you just state you're going to suspend
14		my driver's license?
15	Judge Gentile:	No, I said it's a possibility that--
16	Mr. Bender:	Oh, so it is a threat, sir. Because you said it's
17		possible.
18	Judge Gentile:	It-- you can interpret it anyway you please,
19		okay?
20	Mr. Bender:	You just threatened it, you're going to suspend
21		my driver's license.
22	Judge Gentile:	You-- you can interpret it anyway you-- anyway
23		you want, okay. I am not going to argue with
24		you, Mr. Bender.
25	Mr. Bender:	I'm just trying to be clear.

*(People v Jesse Bender)*

1	Judge Gentile:	We're having a hearing to see if you're in
2		compliance with your conditional discharge.
3	Mr. Bender:	Oh.
4	Judge Gentile:	You'll have an attorney, well, you'll fill out the
5		paperwork if you qualify for a public defender
6		then there will be one here then, right?
7	Mr. Bender:	Okay.
8	Judge Gentile:	That's the usual thing, right?
9	Mr. Bender:	You tell me, sir. You're the judge.
10	Judge Gentile:	Well--
11	Mr. Bender:	Because I have asked you for an attorney and
12		you've denied me. Last time I was here we went
13		back and forth on that for half an hour probably.
14	Judge Gentile:	Well, I don't know what the record says on that.
15		They're going to pay-- make a payment on his
16		fine for the criminal conviction-- conviction too.
17		Yup, okay, You need a copy of it? Yeah, let's
18		put a copy in the folder too.
19	Mr. Bender:	Well, sir, in good faith, with all due respect, I did
20		apply for a job with FedEx. And that's carrying--
21		you know what it is. Carrying mail, packages,
22		sort of like the post office, but it's different. And
23		they do a background check on you. And it came
24		back as convicted of [REDACTED]. And we know
25		I wasn't, because you were the judge on the

*(People v Jesse Bender)*

1		bench for the trial. So why is that showing up
2		that that was a conviction? Can I get a seal order
3		please, sir?
4	Judge Gentile:	On what?
5	Mr. Bender:	You left it on, on the [REDACTED].
6	Judge Gentile:	We have a seal order on the [REDACTED] -- that's
7		one case isn't it?
8	Mr. Bender:	Then can we seal it? So it doesn't show up on
9		the background check?
10	Judge Gentile:	I am not going to do anything without an
11		attorney to tell me to do something for you,
12		okay?
13	Mr. Bender:	So you're going to hold me up from getting a
14		job, you're telling me--
15	Judge Gentile:	No.
16	Mr. Bender:	--correct? Then if you're not going to seal it--
17		you're telling me you want me to be employed,
18		but you won't seal it, sir. I mean this is
19		elementary.
20	Judge Gentile:	This conversation is over, Mr. Bender.
21	Mr. Bender:	Oh, okay, so you're telling me to get a job but
22		I'm telling you I can't because of something that
23		wasn't filed correctly.
24	Judge Gentile:	What I'm telling you is that we're still checking
25		on the compliance on the conditional discharge.

*(People v Jesse Bender)*

1 I'm not telling you to get a job. I'm telling you  
2 that--  
3 Mr. Bender: Oh!  
4 Judge Gentile: --we're going to have a hearing in regards to the-  
5 -  
6 Mr. Bender: Right here. You got me showing up to court on  
7 [REDACTED]. You got me coming back on [REDACTED]  
8 [REDACTED]--  
9 Judge Gentile: No-- it's conditional--  
10 Mr. Bender: --on the 20<sup>th</sup>. Are you serious?  
11 Judge Gentile: Yeah.  
12 Mr. Bender: [REDACTED]?  
13 Judge Gentile: No.  
14 Mr. Bender: So, you're going to tell me that you convicted  
15 me of [REDACTED] at that trial. This is  
16 ridiculous. What, are you upset that I got found  
17 not guilty of [REDACTED]? You can't seal it? So I  
18 can get a job? I'm not a thief and I don't like  
19 drunks trying to hit my son. Just to be perfectly  
20 clear, and I know that you have done business  
21 with (unintelligible), who you worked for. Just to  
22 be clear.  
23 Judge Gentile: With who?  
24 Mr. Bender: Dave Steller (phonetic). Oh, let me guess. You  
25 don't know him either, do you?

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1	Judge Gentile:	Who is he?
2	Mr. Bender:	Oh, yeah. Yeah, you don't know him. The little
3		house on the lake back there. Yup. I've done my
4		homework.
5	Judge Gentile:	What house-- what house on the lake?
6	Mr. Bender:	The one you reside in. I've done my homework,
7		sir.
8	Judge Gentile:	What are you talking about?
9	Mr. Bender:	I've done my homework. Talk to Rhonda when I
10		leave about who that is and all that. She knows
11		who it is. He knows who Dave Steller is, yup.
12		That sounds good on the record. What are we
13		doing with this [REDACTED], can I get that sealed
14		so I can get a job? Because you got me showing
15		up on [REDACTED], I was found not guilty of
16		that.
17	Judge Gentile:	Yeah, that's right. (Unintelligible).
18	Clerk Cazziol:	(Unintelligible).
19	Mr. Bender:	Yeah, it's a personal vendetta because he's going
20		to (unintelligible). Yeah--
21	Clerk Cazziol:	Let's see if you have a license.
22	Mr. Bender:	Yeah, let's see if I have one.
23	Judge Gentile:	Why's that? (Unintelligible).
24	Mr. Bender:	Actually, this was witnessed by Rhonda too, so
25		that's even better. (Unintelligible).

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1 Judge Gentile: Mr. Bender, we don't have-- there's no seal  
2 order on that case-- on that particular charge.  
3 Mr. Bender: You got me showing up, this is an appearance.  
4 3/20--  
5 Judge Gentile: Wait, hang on a second-- wait. Which one are  
6 you talking about? Because you-- are you asking  
7 for the [REDACTED]?  
8 Mr. Bender: No, you gave me that sir.  
9 Judge Gentile: Okay. There's no-- let's see.  
10 Mr. Bender: No, you guys just gave me that.  
11 Judge Gentile: We gave you the one for the--  
12 Mr. Bender: Yes sir.  
13 Judge Gentile: --for the [REDACTED], but that was dismissed  
14 though, wasn't it?  
15 Mr. Bender: Yes.  
16 Clerk Cazziol: [REDACTED] was dismissed, I gave him the seal  
17 order on that.  
18 Judge Gentile: Okay, so then what else do we need now? Let's  
19 see.  
20 Mr. Bender: The [REDACTED], that we had at the trial.  
21 Judge Gentile: But that--  
22 Mr. Bender: Because it's still showing up that I was convicted  
23 of it.  
24 Judge Gentile: That was dismissed.  
25 Clerk Cazziol: He was found not guilty.



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1	Judge Gentile:	Not guilty.
2	Clerk Cazziol:	It's noted in here.
3	Judge Gentile:	So, there's no sealing order for it then, right?
4	Mr. Bender:	It's showing up on background checks, sir, like I
5		was convicted at the trial is the problem I'm
6		having right now. FedEx seen that, and they're
7		like, you've been convicted, whatever July,
8		whatever the date is--
9	Judge Gentile:	You know what we do-- do you have any
10		paperwork on that?
11	Mr. Bender:	No, it was a phone call, and they're like, can you
12		prove it was dismissed? I'm like, I can't. I was
13		going to try to ask you for something on it.
14	Clerk Cazziol:	We have a certificate of disposition on it.
15	Mr. Bender:	Can we get it sealed off my criminal history?
16	Judge Gentile:	Yeah, let's do that-- let's start with that, okay.
17	Mr. Bender:	I mean something I can fax them or email them,
18		you know?
19	Judge Gentile:	Hang on a second.
20	Mr. Bender:	That's a start, you know, on clearing this up a
21		little bit here.
22	Clerk Cazziol:	On [REDACTED] --
23	Judge Gentile:	Because they-- the criminal charge, the
24		convictions were sealed, correct? The convicted-
25		- on the convictions, they were sealed, weren't

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1		they?
2	Clerk Cazziol:	Nothing's sealed on that case.
3	Judge Gentile:	Why not? The conditional discharge?
4	Clerk Cazziol:	The order is sealed as far as I know.
5	Judge Gentile:	Pardon me?
6	Clerk Cazziol:	You haven't ordered it sealed, as far as I know.
7	Judge Gentile:	I didn't?
8	Mr. Bender:	Can you seal it sir, so I can get a job?
9	Judge Gentile:	Hold on, well, a seal is automatic, isn't it now?
10	Clerk Cazziol:	No, we have to-- like, you have to tell me to seal
11		it in the computer. So, this is a certificate of
12		disposition on the [REDACTED]. It says not
13		guilty-- found not guilty at trial, and it's got the
14		trial date on there. So with that signature, that'll
15		show that that [REDACTED]--
16	Mr. Bender:	Can we seal it so we can't see it on the
17		background check? Sir-- or your honor?
18	Clerk Cazziol:	You have to initial it.
19	Judge Gentile:	Well--
20	Mr. Bender:	I can't be retried on it, because of the not guilty
21		verdict, I believe is the law, right?
22	Judge Gentile:	Um--
23	Mr. Bender:	Because that don't look good, trying to haul
24		packages.
25	Judge Gentile:	Well, yelling at me isn't good either, okay? That

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1		doesn't make me want to do shit for you, okay?
2	Mr. Bender:	This whole back and forth thing is horrible.
3	Judge Gentile:	Well, you started it, okay. I don't start it.
4	Mr. bender:	You are bringing me here to check on my drivers
5		license.
6	Judge Gentile:	Well, that's-- that's different.
7	Mr. Bender:	That's a threat.
8	Judge Gentile:	That's a different matter.
9	Clerk Cazziol:	Can I have a copy of--
10	Judge Gentile:	Oh, yeah. Here you go.
11	Mr. Bender:	And it's, yeah. I've worked my whole life. She
12		can testify to that. She's known me for 25 years
13		and I've worked all of it. Two and a half
14		decades.
15	Judge Gentile:	She wants to pay the fine for this month too.
16		There's the stamps. Original signature and a
17		raised seal on that.
18	Mr. Bender:	Thank you, sir.
19	Judge Gentile:	And I'll find out about the sealing thing here,
20		and let you know on the 20 <sup>th</sup> . I don't know what
21		the disposition is on that.
22	Clerk Cazziol:	I think I can only (unintelligible) file that you
23		paid it.
24	Judge Gentile:	So, they told you that you were found guilty on
25		that charge?

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1	Mr. Bender:	That's what-- the way they-- somehow they can
2		look up your criminal history when you apply. I
3		mean, you consent to them doing it, you know--
4	Judge Gentile:	Yeah, well yeah-- yeah, it's the credit thing.
5	Mr. Bender:	But yeah, they called me and questioned me
6		about it, and I'm like, well yeah we had a trial,
7		and I told them--
8	Judge Gentile:	Yeah, if there's more questions on that-- on that
9		right there, have them call the court. Take one of
10		the cards over there and give it to them.
11	Mr. Bender:	I told them, you know, I got found not guilty on
12		the [REDACTED] charge, I got found guilty on the
13		assault and the disorderly conduct, and he's like,
14		well we're not really worried about the assault,
15		but the [REDACTED] is a major issue with this type of
16		work.
17	Judge Gentile:	Well, yeah. Yeah, yeah, yeah. Yeah, you're a
18		courier.
19	Mr. Bender:	So he was like, can you prove that it was not
20		guilty or dismissed somehow? And I'm like,
21		well, I can't.
22	Judge Gentile:	Well, that should be-- let me see that again real
23		quick.
24	Mr. Bender:	Well I wish it was-- I wish it would, for lack of a
25		different term, seal, because then when they type

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1		on the computer to do a background check--
2	Judge Gentile:	Not guilty, yeah. Not guilty, okay.
3	Mr. Bender:	I wish they couldn't see it at all on the
4		background check is what I'm trying to get to
5		with this. Then that question wouldn't even
6		come up, or ever-- the topic wouldn't even
7		happen.
8	Judge Gentile:	Yeah, that should work. If it doesn't work-- if
9		that doesn't work then have them call the court
10		or find out specifically what they're looking for
11		to a-- as a curative that removes the impediment
12		to work. And if the court can help, you know,
13		with whatever-- with whatever documents, you
14		know, we'll do that.
15	Mr. Bender:	Your honor, can I ask to have it sealed because
16		it's not guilty?
17	Judge Gentile:	I'm going to find out what's going on with it.
18	Mr. Bender:	It's gone, right?
19	Judge Gentile:	I don't know what's going on with it right now.
20		It's not going to take me a minute to do it
21		because normally the-- do we seal?
22	Clerk Cazziol:	So, I wrote on here, on your copy and my copy,
23		that you made.
24	Ms. Price:	Alright perfect, thank you.
25	Mr. Bender:	Thanks, Rhonda.

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1	Clerk Cazziol:	You're welcome.
2	Mr. Bender:	Rhonda, can I ask you a question? I'm not trying
3		to (unintelligible).
4	Clerk Cazziol:	Depends on what it's about.
5	Mr. Bender:	If it's sealed, they won't be able to see it on a
6		background check, would they?
7	Judge Gentile:	Don't answer that question.
8	Clerk Cazziol:	I can't-- I can't answer.
9	Judge Gentile:	No. You can't answer that question.
10	Clerk Cazziol:	I'm just-- I'm just the clerk and I can't--
11	Judge Gentile:	That's-- you're advising him if you answer that
12		question.
13	Clerk Cazziol:	That's right. I said I can't.
14	Mr. Bender:	Can I get a seal order on it, sir?
15	Judge Gentile:	Yeah. Let me find out what's going on with it
16		first, then we'll have a seal order ready--
17	Mr. Bender:	On the 20 <sup>th</sup> ?
18	Judge Gentile:	What's today? Well, if I give you-- we'll see.
19	Mr. Bender:	Oh, I have to (unintelligible)?
20	Judge Gentile:	Well, you said you know where my house is,
21		right?
22	Mr. Bender:	I had somebody tell me in the neighborhood, it
23		was (unintelligible), I really have no interest in
24		it. I don't know the address to stop by and get the
25		seal order either, if that's what you're getting to.

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1		Do you know where my house is?
2	Judge Gentile:	No.
3	Mr. Bender:	My address is right on here. It's near the school,
4		but (unintelligible), he'd like to play sports.
5	Judge Gentile:	What's that?
6	Mr. Bender:	My son would like to play sports. That's why I
7		asked you to modify the order of protection.
8	Judge Gentile:	I don't understand.
9	Mr. Bender:	My 11-year-old son would like to play
10		basketball.
11	Judge Gentile:	Why can't he?
12	Mr. Bender:	Because of you and your order of protection that
13		your court ordered, your order, the way it's
14		worded I am told not to go there.
15	Judge Gentile:	Look, the court-- the court issued an order of
16		protection as part-- as part of a sentence, okay.
17		It's-- I didn't write a order of protection against
18		you, per se, the court wrote that order of
19		protection because there was reasons for it,
20		okay? Okay. If there was no reasons for it, then
21		we wouldn't have done it.
22	Mr. Bender:	If a drunk man didn't almost hit my son, we
23		would have never met.
24	Judge Gentile:	The court--
25	Mr. Bender:	He testified he started drinking at 9:30AM--

*(People v Jesse Bender)*

1	Judge Gentile:	And how boring would our lives be if that never
2		happened, okay?
3	Mr. Bender:	He sat right there and started drinking at
4		9:30AM, and that was 6 o'clock at night. He's
5		drunker than a church mouse.
6	Judge Gentile:	And how boring our lives would be if we never
7		met, right?
8	Mr. Bender:	Probably would get less-- not as many blood
9		pressure pills. I don't dislike you, sir, I want you
10		to know that. I just want this chapter of my life
11		over with. I'm being serious here, from the heart.
12		I want it over with, I want it behind me. I want to
13		move on.
14	Judge Gentile:	Well, Mr. Bender, there's-- in my life, I'm going
15		to be 66 years old in a few weeks, okay, and
16		there's nobody that I don't like, okay? If you
17		think I have a grudge against you, and if you
18		think I have a problem with you, you're
19		absolutely wrong, okay?
20	Mr. Bender:	I hope so, sir.
21	Judge Gentile:	I'm not the one that convicted you, okay?
22	Mr. Bender:	No, I agree with you.
23	Judge Gentile:	I sat-- I sat here and did my best to make sure
24		that your rights were protected, okay? And if you
25		believe that to be wrong, you would never be



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1		more wrong in your life, okay?
2	Mr. Bender:	I have been wrong in my life, sir. I don't know if
3		that's one of them or not.
4	Judge Gentile:	And as far what transpired, I listened to what
5		everybody told me about your sentence, and I
6		think I made a just sentence. And I took into
7		account your personal requirements, and your
8		personal needs when I did that too.
9	Mr. Bender:	So, do you feel like when he broke the bone in
10		her neck during that altercation, that was fine?
11	Judge Gentile:	I don't know about that.
12	Mr. Bender:	I do.
13	Judge Gentile:	That wasn't--
14	Mr. Bender:	It was in the video.
15	Judge Gentile:	--that wasn't in evidence.
16	Mr. Bender:	It was in the video.
17	Judge Gentile:	Well, no it wasn't, there was-- when you go to
18		trial, you have to bring proof with you. Like if
19		she broke her neck, then there should--
20	Mr. Bender:	Art broke her neck. The drunk man broke her
21		neck.
22	Judge Gentile:	Well, then there should have been a doctor's
23		report, there should have been x-rays, there
24		should have been witnesses from the doctor's
25		office, I mean--

*(People v Jesse Bender)*

1	Mr. Bender:	There were witnesses.
2	Judge Gentile:	Well then how come no one came though?
3	Mr. Bender:	That's what I'm wondering. It's sort of weird.
4	Judge Gentile:	Well, no, why didn't you call witnesses for that?
5	Mr. Bender:	That was brought up. Brad asked her, and she
6		testified that she had the evidence and sat right
7		there.
8	Ms. Price:	(Unintelligible).
9	Judge Gentile:	Who?
10	Mr. Bender:	Brad Riendeau questioned her about that while
11		she was on the witness stand, sir. She had it all
12		right with her. She testified to it.
13	Judge Gentile:	Well, no. No, no, no, no, no--
14	Mr. Bender:	That was wrong, sir.
15	Judge Gentile:	If she was-- if her neck was broke, how did--
16		how are you walking now if you had a broken
17		neck?
18	Ms. Price:	The throat-- the hyoid bone in the throat was
19		completely broke in half. I have a CT scan disk, I
20		have the full--
21	Judge Gentile:	Why didn't you guys bring in a doctor for a
22		witness then?
23	Mr. Bender:	I'm not a lawyer.
24	Ms. Price:	The DA had everything, he had a copy of the CT
25		scan, he had--

*(People v Jesse Bender)*

1	Judge Gentile:	Yeah, yeah that's not proof though.
2	Mr. Bender:	Brad even asked her, she testified to that.
3	Judge Gentile:	You know, I mean-- what I'm saying is that if
4		you look at the rules of evidence, someone can
5		fabricate-- and I'm not saying you guys did-- but
6		someone could fabricate what's on that DVD or
7		medical documents.
8	Mr. Bender:	--call the doctors--
9	Ms. Price:	(Unintelligible).
10	Judge Gentile:	If someone calls-- if the doctor came in and said
11		yes I diagnosed her in the River Hospital ER,
12		you know--
13	Mr. Bender:	That's the exact one.
14	Judge Gentile:	And while-- yeah, my wife-- she used to work
15		there, you know. And, you know, they have
16		actually-- they have PA's and nurses that
17		actually go to-- they go to court to testify for
18		people.
19	Mr. Bender:	Right.
20	Judge Gentile:	You know, I mean, why didn't you do that?
21	Mr. Bender:	Well, here's the other problem--
22	Ms. Price:	It wouldn't have helped if I told him, I said
23		would you be willing to testify? And he brought
24		me out three pages--
25	Judge Gentile:	Oh, shit. If you told-- if that was submitted, I

*(People v Jesse Bender)*

1		would-- they would have been subpoenaed.
2	Ms. Price:	The DA had it. I gave it right to the sheriff's
3		department. They copied it, all at the sheriff's
4		department, and handed it over to the DA.
5	Judge Gentile:	Oh yeah. Well, the problem though is that, let's
6		see. The DA wouldn't do anything about that
7		because the DA is representing the people, not
8		you guys, you know. Yeah, Riendeau should
9		have brought that in. You know.
10	Mr. Bender:	The other problem too we have is a pattern, the
11		drunk man started drinking at 9:30, almost hit
12		my son, he split up with the wife that he got
13		convicted of , got a new girlfriend and she's so
14		drunk she hit a pole down here in Rossie,
15		knocked out the power for 12 hours, got a DUI,
16		went to Rhonda's court, and got convicted of
17		driving while intoxicated. They're a bunch of
18		drunks, sir. This just happened a week ago. She
19		convicted her, the Hammond judge did.
20	Judge Gentile:	Yeah.
21	Mr. Bender:	They're drunks, there's a pattern there.
22	Judge Gentile:	That trial was tough on you, I'll tell you. You
23		know, that whole-- that whole thing, I mean.
24	Mr. Bender:	(Unintelligible).
25	Judge Gentile:	And I'm not counting your shenanigans, either. I

*(People v Jesse Bender)*

1		mean, that's part of the job, you know.
2	Mr. Bender:	What?
3	Judge Gentile:	That, you know-- that people think of you, you
4		know-- like I'm an ass--I'm an asshole for
5		putting people in jail. And then, you don't
6		understand that-- and I know she doesn't
7		understand, you think that I enjoy that, okay.
8	Mr. Bender:	I don't know sir, I can't answer that.
9	Judge Gentile:	Well, I'll tell you. If you think I enjoy that, you
10		need to go back and get an education then, okay?
11		Because there is not a person in the world that I
12		know of that would enjoy doing that to
13		somebody. The people wanted to put you in jail
14		for a year--
15	Mr. Bender:	10 months.
16	Judge Gentile:	--10 months, or whatever it was, right? And you
17		know, and you know-- so I'm saddled with, you
18		know I got to weigh what the people want, you
19		know, and one thing that Brad said that really hit
20		home for me, believe it or not, was-- he heats his
21		house with wood. And, with a sentence, it was 6
22		months right?
23	Mr. Bender:	It was.
24	Judge Gentile:	So, I fixed that so you'd be home by heating
25		time. I mean it sounds funny, but, you know--

*(People v Jesse Bender)*

1	Mr. Bender:	Yeah, well I'd rather be out to do it then, you
2		know, have the woman and kids do it.
3	Judge Gentile:	Well, yeah, well-- that was part of my rationale
4		too-- I use pellets.
5	Mr. Bender:	Some people deserve to be in jail, I mean I'll
6		even go down that road with you-- there ain't no
7		doubt, you can believe the people
8		(unintelligible).
9	Judge Gentile:	Well, anyway, so, let's-- so, we'll meet up on the
10		20 <sup>th</sup> .
11	Mr. Bender:	Oh.
12	Ms. Price:	The application?
13	Judge Gentile:	Yeah, hang on a second.
14	Mr. Bender:	Can I apply for an attorney, or whatever the gig
15		is?
16	Judge Gentile:	Yeah. Well, I can't issue-- I can't apply you--
17		apply for you, but I can get you an application
18		here.
19	Mr. Bender:	Yes, sir. Thank you.
20	Judge Gentile:	And give that to Faith St. Hilaire over at the
21		Office of Indigent Defense.
22	Mr. Bender:	Is that who I've got to--
23	Judge Gentile:	Well, it's on there. Yeah. It's on there, so.
24	Mr. Bender:	Alright.
25	Judge Gentile:	Do you have your receipt? You got it? Okay.

*(People v Jesse Bender)*

1 Mr. Bender: Well, hopefully we don't have withdrawals from  
2 each other before--

3 Judge Gentile: Give me a call tomorrow, okay? Oh god, I like  
4 him.

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CERTIFICATION

I, SIERRA G. WHITNEY, a Program Assistant of the State Commission on Judicial Conduct, do hereby certify that the foregoing is a true and accurate transcript of the audio recording described herein to the best of my knowledge and belief.

Dated: October 17, 2024

A handwritten signature in black ink, appearing to read "Sierra G. Whitney", written over a horizontal line.

Sierra G. Whitney

**STATE COMMISSION ON JUDICIAL CONDUCT**

**Corning Tower, Suite 2301  
Empire State Plaza  
Albany, NY 12223**



Transcript of Miscellaneous Proceedings held  
January 18, 2023 (1:57:45 PM - 2:00:40 PM)  
Before Hon. Philip J. Gentile, a Justice of the  
Rossie Town Court, St. Lawrence County

*(Miscellaneous Proceedings)*

1	Mr. Hallett:	Took care of that zoning matter in
2		Theresa.
3	Judge Gentile:	What happened?
4	Mr. Hallett:	Dismissed.
5	Judge Gentile:	How come?
6	Mr. Hallett:	(Unintelligible). They didn't want to
7		send a town attorney down to
8		prosecute it. It would have cost
9		them hundreds of dollars to
10		prosecute the silly ticket.
11	Judge Gentile:	Yeah, it's-- there's a lot of angry
12		people in that area that-- I don't
13		know why they insist on that crazy
14		law they have. And that guy is--
15		he's--
16	Mr. Hallett:	Yeah, the zoning officer is out of
17		control.
18	Judge Gentile:	Yeah. I mean you heard with me
19		and him, didn't you? Yeah, yeah, he
20		was just-- you know in court and he
21		was belligerent towards me and--
22	Mr. Hallett:	He's not wrapped too tight.
23	Judge Gentile:	That's what I kind of got from that,
24		because him and the judge seemed
25		like they were-- they were very-- I

(Miscellaneous Proceedings)

1		guess you did tell me this once, I
2		thought they were tight. I thought
3		they were boyfriends and girlfriends
4		there for a little while there, the way
5		they--
6	Mr. Hallett:	He's written her many zoning
7		violations.
8	Judge Gentile:	Yeah, I know, I heard that, yeah, it
9		was kind of like-- what's that--
10		Kathleen Turner and William Hurt
11		in <i>Body Heat</i> you know because
12		they were so--
13	Mr. Hallett:	I never saw that.
14	Judge Gentile:	They were so close in the court that
15		they were finishing each other's
16		sentences and stuff.
17	Mr. Hallett:	I'm sure they were being polite to
18		each other, but they really hate--
19	Judge Gentile:	Really, yeah?
20	Mr. Hallett:	They really hate each other.
21	Judge Gentile:	Boy, yeah, I got charged for a
22		misdemeanor on that.
23	Mr. Hallett:	Steve took care of that for you,
24		right?
25	Judge Gentile:	Oh yeah, yeah. Yeah, I mean he-- I

*(Miscellaneous Proceedings)*


1		don't know how many amendments
2		he quoted on that, but it was a
3		beautiful thing. Where's all our
4		clients today?
5	Mr. Hallett:	All I had to do was make a phone
6		call.
7	Judge Gentile:	Yeah, good. Good. Well, I had that
8		property for about ten or eleven
9		years and I really didn't use it and
10		the guy who bought it, he's a buddy
11		of mine. He's a real good guy, and
12		he never causes any trouble, and he
13		got one of the tickets too, and--
14	Mr. Hallett:	Yeah, that's the one in
15		(unintelligible).
16	Judge Gentile:	Yeah, I know, yeah. Yeah, and I'm
17		like, geez, you think they would
18		learn, you know? I mean, you know,
19		she got pounded pretty bad for what
20		she did to me, you know? Fucking--
21		and they just continue on with their
22		-- we went there to the judge for his
23		arraignment, and she wouldn't
24		arraign him. And she told him that
25		we just tell people to pay the fine

*(Miscellaneous Proceedings)*

1		and that's it. And then we drop it.
2		You know, yeah.
3	Mr. Hallett:	I was glad that worked out.
4	Judge Gentile:	Yeah, thanks a lot.
5	Mr. Hallett:	No worries.
6	Judge Gentile:	I'm sure Steve appreciated that. I
7		don't need that.
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Dated: February 11, 2025

  
Sierra G. Whitney

**Corning Tower, Suite 2301  
Empire State Plaza  
Albany, NY 12223**