

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

WALTER J. JONES, :

A Justice of the Canandaigua Town Court,  
Ontario County. :

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**ORAL ARGUMENT**

Commission Office  
61 Broadway, Suite 1200  
New York, NY 10006

January 29, 2026  
10:42 AM

B e f o r e:

Joseph W. Belluck, Esq., Chair  
Taa Grays, Esq., Vice Chair  
Honorable Fernando M. Camacho  
Stefano Cambareri, Esq. (via videoconference)  
Brian C. Doyle, Esq.  
Honorable John A. Falk  
Robin Chappelle Golston  
Nina M. Moore, Ph.D. (via videoconference)  
Honorable Peter H. Moulton  
Marvin Ray Raskin, Esq.  
Commission Members

P r e s e n t:

For the Commission

David Stromes, Esq., Senior Litigation Counsel  
Cassie Kocher, Esq., Senior Attorney

For the Respondent

Charles D. Steinman, Esq.  
Honorable Walter W. Jones

A l s o P r e s e n t:

Celia A. Zahner, Esq., Clerk of the Commission

Edward Lindner, Esq., Deputy Counsel  
Denise Buckley, Esq., Senior Litigation Counsel

Jacqueline Ayala, Assistant Administrative Officer  
Meghan Gentile, Information Technology Specialist  
Richard Keating, Information Technology Director  
Michael Maisonet, Senior Clerk

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MS. ZAHNER: Good morning, Mr. Belluck and members of the Commission. This is the oral argument in the *Matter of Walter W. Jones*, a Justice of the Canandaigua Town Court. Judge Jones is appearing with his attorney, Mr. Steinman. Mr. Stromes is appearing for the Commission.

MR. BELLUCK: Good morning. In the *Matter of Walter W. Jones*, a Justice of the Canandaigua Town Court, this is the oral argument with respect to whether misconduct has occurred and if so, what an inappropriate sanction should be.

Counsel will each have thirty minutes for their argument. Counsel for the Commission may reserve a portion of his time for rebuttal. After the initial presentations, the judge may, if he wishes, make a presentation to the Commission not to exceed ten minutes. Counsel for the respondent may reserve time to speak after the judge but prior to the rebuttal.

The judge and counsel are subject to questioning by the Commission at any time during their presentation. Counsel are advised that their argument should be confined to the

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record and any statements outside the record will be disregarded.

You will notice that there are lights on the podium to indicate the time. The green light means you may continue to speak. The yellow light means that you have two minutes left and the red light means you should stop your argument.

We would like to remind everyone to please silence your cell phones and electronic devices and disable any Wi-Fi connections to prevent interference with the recording of this proceeding.

We have two members Dr. Moore and Mr. Cambareri who are appearing remotely. They are on the screen there. You may get questions from them as if they were present in the room. If there are any technical difficulties due to the remote appearances, we will pause the argument and not count any lost time against your presentations.

Are you ready to proceed, Mr. Stromes?  
MR. STROMES: I am.  
MR. BELLUCK: Thank you.  
MR. STROMES: May I reserve ten

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minutes of my time for rebuttal?

MR. BELLUCK: Of course.

MR. STROMES: Thank you. Good morning, Mr. Belluck and members of the Commission.

Respondent has demonstrated that he holds racial biases incompatible with the impartial performance of his judicial duties. He should be removed from office. Those biases came to light during two incidents over the course of the same week in May of 2024. In the first, he told the story to a captive audience of his court clerk and a defense attorney in which he used the N word multiple times. This Commission has held that no citizen should be required to appear before a judge who uses that word. Separately, four days later, respondent commented from the bench that an African American defendant had “naturally played the race card” in objecting to his bail ruling and further musing aloud that had she not been restrained, she probably would have attacked her defense attorney. In making those comments, respondent perpetuated the same sort of hateful, racist tropes that recently led to removal

1 determinations in the *Gall* and *Putorti* matters.  
2 To make matters worse, at the hearing,  
3 respondent demonstrated that he simply doesn't  
4 get it. He repeatedly minimized his conduct, and  
5 he made statements indicating an unwillingness  
6 or inability to appreciate what he did wrong or  
7 accept responsibility for his misconduct. Based  
8 on the totality of that, removal is the only  
9 appropriate sanction.

10 Now as to Charge I, you don't need me to  
11 stand here and explain why a judge's use of the N  
12 word is problematic. Suffice it to say, the  
13 Circuit Courts of Appeal have called it the most  
14 offensive and inflammatory racial slur in  
15 English, and this Commission has stated that it is  
16 a word that should not be part of a judge's  
17 lexicon and is indefensible. The overwhelming  
18 breadth of Commission and Court of Appeals  
19 precedent states that removal is the appropriate  
20 sanction for a judge's use of that word.

21 Now the crux of respondent's argument is  
22 that when he said the word, he didn't mean it  
23 with racial animus and in fact doesn't hold any  
24 racial biases. But the comments he made at the  
25 S█████ D█████ arraignment a few days thereafter

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really put the lie to that claim. Respondent said, as I quoted before, “naturally she played the race card.” And what the referee found was that in saying that, respondent demonstrated that he holds to the stereotype that Black people are, as the referee said, untruthful and often invoke race as a cynical ploy to curry favor or sympathy or to cast aspersions of the character of others. Worse still respondent prefaced that with the word naturally and his own testimony here is condemning. When asked why he used that word, he candidly said, well, I assume she was going to because she's Black. That is implicit bias on full display. Respondent, in making that comment, demonstrated that he was not making a comment about Ms. D■■■■, but his belief that any Black defendant standing there in Ms. D■■■■'s shoes would have done the same because of the color of her skin. And even more troubling is the comments he made thereafter that had she not been handcuffed, she likely would have attacked her defense attorney.

There is no doubt from the transcript and even more so the recording of the arraignment that Ms. D■■■■ was upset following respondent’s

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bail determination. But in making that statement respondent showed his belief that because she was upset and because she was Black, therefore she would become violent.

MR. BELLUCK: Mr. Stromes –

JUDGE FALK: – Could it have something to do with the charges that she was there for? The charges talked about spitting on a police officer, slapping a police officer, damaging a file cabinet. Do you think that could have played a role?

MR. STROMES: She was there on assault charges. She maintains her innocence and she was standing before respondent with a broken ocular socket and bruises all over her face, claiming that in fact she was a victim, having been beaten by the police in this instance.

Now, true, the charge was that she had been a perpetrator of this assault but for respondent to simply presume that therefore she would be violent in the courtroom, coming on the heels of his comment that she naturally had played the race card. I think the connection there is obvious and cannot be overlooked.

MR. BELLUCK: Mr. Stromes, is there

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anything in the record or the referee report about any mitigation for either of the charges?

MR. STROMES: There is not, your honor. And in fact, just the opposite. The referee found several facts during – in his report indicating aggravating factors. For one respondent, the referee found, minimized his misconduct by giving untruthful testimony at several points during the hearing.

First, he testified that he only said the N word during his story once. And the referee found that incredible. That in fact, as the witnesses had testified, it was multiple perhaps as many as four times. And second, respondent testified that he warned the clerk and the defense attorney that he was going to use offensive vernacular and got their assent before telling the story, which the referee again found incredible as demonstrated by their reactions of shock and abhorrence when he repeatedly said that word. Beyond that, respondent was asked at least fifteen times whether he had said the N word and each time he refused to give an outright answer, qualifying it with well I was quoting my father to the point that the referee himself put the question

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to respondent and said I hear you giving this qualification. You've been asked the question. Now I'm asking you this question. Did you say the N word and respondent said I will not answer without that qualification. And what the referee found on that exact point was that respondent's, and I'm quoting now, refusal to budge from his position is troubling and reflects his incapacity to take ownership over the racial slur he used. That's page 33 in the Referee Report. And furthermore, that his continued defense of his use of the slur in that context reflects, I'm quoting again now page 32, reflects his retrograde attitude about the toxicity of the racially derogatory term today in 2024 and 2025. Oh, I guess now we're in 2026. So, far from finding mitigating circumstances, the referee expressly found those aggravating circumstances.

I'll note as well that respondent makes the representation in his brief that he had no prior disciplinary history with the Commission or complaints against him. That is incorrect. There are two prior cautions, both Letters of Dismissal and Caution, both coming within the last five years, 2021 and 2024. And that second one in

1 2024, respondent was served with that in March,  
2 two months before he engaged in this  
3 misconduct. Now, those weren't racially related,  
4 but two months before he told the story using the  
5 N word and made those comments about S [REDACTED]  
6 D [REDACTED], he had gotten a letter from the  
7 Commission saying you are to be especially  
8 mindful of your ethical responsibilities,  
9 including upholding the integrity and  
10 impartiality of the judiciary. So, I would submit  
11 that the timing of that letter in particular is  
12 telling and just the general rule that prior letters  
13 of dismissal and caution are of course part of the  
14 record and pertinent to sanction.

15 MR. BELLUCK: Could I just ask you one  
16 other question?

17 MR. STROMES: Please.

18 MR. BELLUCK: In the record there is the  
19 information that the court clerk and attorney  
20 thought that somebody nearby in a car had heard  
21 the judge's story being told. Is there anything in  
22 the record whether or not that actually occurred?

23 MR. STROMES: So, there was no  
24 testimony that they thought, there was testimony  
25 that they feared it could be happening.

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So, what you have here, this is a public parking lot outside the jail where the court is set up. And there was a parked car one or two parking spaces away from where the judge's car was. They were standing by the trunk of the judge's car and they were speaking as Miss Barto— as, I'm sorry, the court clerk, Ms. Valenti testified, the judge was speaking very loudly, which the referee credited, and there was someone sitting in the car in the position closest to them. The window was at least halfway down and the court clerk, Miss Bartolotta, said the person in the car was on their cell phone. She saw them using their cell phone and feared that they could have been recording whatever was going on certainly were within earshot. At the same time, the video recording of the parking lot, which doesn't have any audio, shows at least three different people walking in and out of the jail through the parking lot while the telling of the story is going on. Respondent insist that they couldn't have been close enough to hear. I think that is undeterminable. If in fact the judge was getting louder and really acting out the story with his words, especially toward the end when he used the N word repeatedly as the

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referee credited, then it's entirely plausible that even someone you know 10, 20 feet away, 30 feet away, whatever the entrance to the building may have been, could have heard the words.

The point is this was in public. This was in public where other people could have overheard. And even if it were not, the misconduct would be just as bad right after court telling this inappropriate story, using this word to two officers of the court, a public defense attorney and the court clerk in that setting.

JUDGE MOULTON: So, counsel, then context is important then, is that correct?

MR. STROMES: If context is important, the context does not work in respondent's favor in this circumstance. I mean, this is a judge who has just gotten off the bench, is in the court parking lot with his clerk, with the defense attorney who had just appeared before him telling the story. I assume your honor is referring to the quote from *Agresta*, indefensible in any context –

JUDGE MOULTON: – That the referee relied on that quote and said that use of the N word is never context dependent, that doesn't

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seem correct to me.

MR. STROMES: Well, that's what the Commission said in *Agrasta*. Now, what does that mean? Certainly, it means any use of the N word that's in a judicial capacity or anything even abutting a judicial capacity. We have the latter here. Again, court had just ended, we're talking to the clerk and the defense attorney who were just part of the court proceeding in the courthouse parking lot. We have decades of precedent saying that a judge is cloaked in his judicial robe figuratively wherever they go and we have determinations that have disciplined judges for using racial, ethnic, sexist slurs in their personal life having nothing to do with the bench.

Now, can we strain to construct a hypothetical where there could be a context where there wouldn't be misconduct? I suppose. I can think of several plays or even a musical or two that use that word. Could a judge be cast in such and giving a performance? That's so far from the facts before the Commission today that it's really not instructive.

MS. GRAYS: I'd like to –

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JUDGE CAMACHO: – Mr. Stromes, going back to the *D* [REDACTED] matter, you mentioned the transcript of the tape and at one point there's a colloquy between the court clerk at the beginning, the assistant DA and the judge. And then shortly thereafter is an unknown male that talks specifically about what happened in *D* [REDACTED] that one of his friends, appears to be police officer, that one of his friends was almost bitten. Is that, and it appears the judge was there, is that – was that ever raised during the hearing?

MR. STROMES: That was not raised during – was that raised during the judicial conduct hearing for the referee? –

JUDGE CAMACHO: – In the transcript, the judge said something and then it says unknown male, I reached out because my best friend is the one that she bit. I'm like, hey, I heard you had a bad night last night. He said, yeah, good thing she didn't break the skin, but it wasn't a good night. Was that ever raised that conversation? It was the judge said something right before then and then someone who appears to be a police officer makes that statement to the clerk. Was that ever raised during the course of

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the hearing?

MR. STROMES: I don't believe that it was and I don't see, respectfully, why it would matter. Because, even if that could, you know, serve as an indication that the defendant had committed some violent acts, I mean, as Judge Falk pointed out, she was charged. So, clearly there was an allegation that she had been violent. But for respondent to say, naturally she played the race card and admit that he said so because he assumed she would because she was Black. And then on the heels of that say, you know, she was pretty upset. Probably she, not maybe, probably she would have attacked you if she hadn't been restrained demonstrates that racist trope that Black people are violent that the Court of Appeals condemned in *Putorti*, that this Commission condemned in *Gall*.

MS. GRAYS: I'd like to – hello counselor. I'd like to pick up on Judge Moulton's point about the *Agresta* matter. Can you distinguish that matter from this one? Because in that case, the discipline was censure and here you're saying removal. So, how is this even more significant the aggravating factors

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than in *Agresta*?

MR. STROMES: Certainly. And I'll give you two answers to that if I may. The first I'll answer your question directly and distinguish it. In *Agresta*, there was no second charge which we have here. And the second charge being also racial in nature, so being closely connected both in time and substance to the first. And we have two, we have two prior disciplines in this case, the two letters of dismissal and caution, which we did not have in *Agresta*. So *Agresta*, really the use of that word stood on its own. And here there is plainly more. The second thing I'll say about *Agresta* is that it is the outlier. Through its history, the Commission has disciplined seven judges for using the N word, six have been removed. *Agresta* is the only one who was not. And it's important to note the context of that too. He was 76. He was five months from retiring because of, mandatorily retiring because he would age out. At the time the determination came down, *Agresta* was gone anyway.

And if you're looking for an analog, I would point you instead of looking at *Agresta*, look at *Senzer*, which this body decided five

1 years ago. In *Senzer* you have a judge who was  
2 removed for a single use of a different slur, the C  
3 word, C – U – N – T. But also in *Agresta*,  
4 remember there was an allegation that the judge  
5 had used the N word again once and what this  
6 Commission said, this is page 11 of the  
7 Commission's determination, “Standing alone  
8 that would have would unquestionably require  
9 removal if proved.” So, the Commission just  
10 five years ago said that a judge's single use of the  
11 N word standing alone requires removal. It's no  
12 less true today than it was in 2020.

13 JUDGE FALK: Now you just said there  
14 are two prior disciplines. Is a dismissal &  
15 caution a discipline?

16 MR. STROMES: It still is discipline. It's  
17 not public discipline. But it's something that it's  
18 certainly something that the judge would, for  
19 instance, have to report to a screening committee  
20 answering a question if you've ever been  
21 disciplined. Those letters have to be disclosed in  
22 that context. And it is not an outright dismissal.

23 Unless the Commission has further  
24 questions, I'll reserve the remainder of my time  
25 for rebuttal.

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MR. BELLUCK: Thank you, Mr. Stromes.

MR. BELLUCK: Mr. Steinman.

MR. STEINMAN: Good morning. May it please the members of the Commission, my name is Charles Steinman. I'm an attorney from Fairport, New York, and I represent Judge Walter W. Jones, Jr.

I have some comments I'd like to direct following argument by Mr. Stromes, some which I find quite concerning. I'm just kind of going through my own notes. There was a captive audience to the story that Judge Jones was recounting to his clerk and the assistant public defender. Really? He held them at gunpoint? No. What he did was as they were all three leaving the CAP arraignment part, Judge Jones said, hey, for you, Ms. Valenti, the assistant public defender, I know you're an avid reader, as am I. Let me share some books with you. And also, he said to the two ladies, I bought some flowers for my wife for Mother's Day. I'd like to show them to you. They were made out of wood. They were sort of a craft item. This – and they said, okay. This is a captive audience?

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By no means. This is the informality of the situation that was there. And what is critical, I submit, this was not in court unlike *Agresta* which we're going to talk about in great detail. Unlike *Agresta* where the comment was made, there's an N word in the woodpile was made in open court before a Black defendant. This was made in a parking lot in a casual off the record conversation between three acquaintances, one of whom was a judge. And, also in *Agresta*, this was said by the judge in the context of while he's simultaneously trying to extract a plea from someone.

*Agresta* is not an outlier. I will get into it

–

MR. BELLUCK: – Can I –

MR. STEINMAN: – I'm sorry. I'm sorry Mr. Belluck.

MR. BELLUCK: Just with respect to the first point you made, one of the people in the conversation was his court clerk, correct? And the other is a lawyer who has to appear in front of him?

MR. STEINMAN: Right.

MR. BELLUCK: Wouldn't there be an

1 interpretation of that that they would feel  
2 compelled to engage with the judge in that  
3 conversation? In both situations you have  
4 relationships where, you know, there is a  
5 probably more than the potential that he is in a  
6 position of power with respect to both of them.

7 MR. STEINMAN: All true. But we're  
8 now trying to get into the minds of those  
9 individuals, not Miss Bartolotta but Miss Valenti  
10 testified saying, well, I was uncomfortable  
11 because for the factors you mentioned. I appear  
12 in front of the guy, I didn't want to annoy him,  
13 whatever, so I didn't say anything. But when  
14 you say captive, to me that triggers and say, well,  
15 they couldn't have walked away. She could have  
16 been just as open and honest and said, judge, you  
17 know, I'm a little afraid of how this might look  
18 socially. It could be seen as socializing outside  
19 of the context of the courtroom. It might look  
20 bad for me. I'm an assistant public defender.  
21 That might look bad. She never said a word.  
22 Not to going to the car, not to seeing the gifts,  
23 not to accepting the books, not to hearing the  
24 word.

25 Okay. So, could it possibly be? Sure.

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MR. BELLUCK: But I don't want to dwell on this because I'm not sure how relevant it is. But I'll just say I've laughed at a lot of bad jokes by judges who I appear in front of.

MR. STEINMAN: I've been a practicing attorney for fifty-one years, Mr. Belluck, that your experience is not unique, I can assure. And, and much, much worse. But let's get into that. Again, and Mr. Stromes as well. You know, the Court of Appeals was going outside the lines when it decided *Agresta* and didn't remove the judge from the bench. Look, and I cite them at length, I'm not going to trouble the court. But all of those six cases where the judges were removed from the bench, look at the extraordinary obnoxiousness of what those judges did. There is no comparison between *Agresta*, which is much worse than what Judge Jones did. And in one case, the name escapes me at the moment, the judge got into a bar fight with some individuals, one of whom was I believe, African American and was, you know, shouting out the racial epithet there. In another case, he called the police on some 13-year-old kid, threw him into a door frame using vile

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language and expletives. How does that possibly compare with Judge Jones saying, let me tell you a story about the race relations in the South? And I'll spend thirty seconds if I may, and I'd like to reserve ten minutes afterwards, by the way, I'd like to spend thirty seconds or so just recounting that story because it was important to Judge Jones.

Judge Jones grew up in a racist household. As a result of him breaking away from that racist household caused tremendous strain between himself and his parents when he became aware of the emergence of the Civil Rights Movement. Okay. Judge Jones's father worked on a cotton ranch in a farm in Texas, rural Texas, and it had Black workers. And if the Black workers got ahead of Judge Jones's father, Judge Jones's father would be whipped by his grandfather. So, one of the Black workers, a gentleman named Harry who was a kid at the time, encouraged the other Black workers to hold back so that Judge Jones's father wouldn't get whipped. And in the racist south where a friendship between individuals of different races could have costed either or both of them their lives or certainly a

1 cross burning on their lawns, they became  
2 friends as much as was permitted. Thirty years  
3 later – twenty years later, Judge Jones, then a  
4 child in 1957, is riding with his father in a car  
5 and Judge Jones's father saw this gentleman  
6 walking along the highway many years later.  
7 They hadn't seen each other. And he said, not  
8 yelled to Judge Jones, that's N word, Harry.  
9 Okay.

10 And to your point, Judge Moulton, that is  
11 context. I am con –

12 JUDGE MOULTON: – Let's talk about  
13 that because this story sort of came out of  
14 nowhere.

15 MR. STEINMAN: Yes.

16 JUDGE MOULTON: Why even bring it  
17 up?

18 MR. STEINMAN: He thought it was –

19 JUDGE MOULTON: – It's not necessary.

20 MR. STEINMAN: I couldn't agree with  
21 you more. Okay. I couldn't agree with you  
22 more. It was a story that Judge Jones thought  
23 was important to tell at that time.

24 JUDGE MOULTON: Okay. But I mean,  
25 does that show, you know, okay, so we all

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maybe meander sometimes in our conversations,  
but does that show a lack of judgment that he –  
why bring up the story that has this inflammatory  
word in the middle of it –

MR. STEINMAN: – As we have –

JUDGE MOULTON: – in front of people  
you work with?

MR. STEINMAN: As we have said and  
acknowledged, and as Judge Jones said in the  
hearing, I did not intend to, I did not mean to  
upset anybody. And as he will tell you today, I  
will never, ever do it again in any context. I  
don't want to see how far *Agresta* goes. I agree  
with you, Judge Moulton. I share considerable  
concerns about the reach of *Agresta*. The N  
word in its full abhorrence appears not only in  
this Commission's decision, but in the Court of  
Appeals decision for all to read and all to see.  
It's not the N word, it's the word and it's printed  
in the official record of this Commission and of  
the Court of Appeals. Anybody who wants to  
read it can read it, but you can't say it.

DR. MOORE: So, what –

MR. STEINMAN: – Yes, ma'am, I'm  
sorry.

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DR. MOORE: So, what does that mean to you? The fact – what are we supposed to take from your statement that it’s spelled out in full in the record?

MR. STEINMAN: Legally, ma'am, it means nothing. Okay. I too –

DR. MOORE: – Well, you just proffered that, I'm trying to understand what your point was.

MR. STEINMAN: That I am confused by what I view as an incongruity. It goes not towards guilt or innocence, if it were of Judge Jones. In our papers, we acknowledge it. Okay, so if that's an answer to your question, that is my answer. It is wrong. It is a violation of the rules to do it. But I am nonetheless, and maybe I'm reading too much into Judge Moulton's comments, I'm troubled by what *Agresta* means. And for that reason, I say, the difficulty in putting *Agresta* into the context of real life, I think, goes not towards guilt or innocence or responsibility in this case, ma'am, but towards the penalty. If one can be confused by it and in the circumstances under which it can be used, certainly not in open court, not in the presence of

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a Black defendant who's standing before you, but in the parking lot between 2:00 –

DR. MOORE: – Thank you for that.

MR. DOYLE: How do we square that –

DR. MOORE: – I'd like to explore something else and I don't know if you're going to get around to it, but, and I actually don't know if the judge is going to make remarks, but could you talk a little bit about the reference to the race card? And here's the question, like, what is the judge's understanding of what “the race card” is?

MR. STEINMAN: He –

DR. MOORE: – How would the judge define that terminology?

MR. STEINMAN: Okay, first of all, and most importantly, in our papers, we acknowledge it was wrong. In the hearing, Judge Jones said it was a stupid thing to say. It was a dumb thing to say. So, I'm not trying to get around that at all. It was wrong. It is a violation of the rules. Okay.

DR. MOORE: I understand that. But the question that I'm asking is –

MR. STEINMAN – what does he mean –

DR. MOORE: – What does he see is

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wrong?  
MR. STEINMAN: She came in –  
DR. MOORE: – what is the  
understanding?  
MR. STEINMAN: Okay. With the  
understanding that I'm not trying to step away or  
back away from the acknowledgement that it was  
wrong. She came in and the full record  
demonstrates she came in and said this is a racist  
blank county, you're all racists, you're only doing  
this to me because I'm Black. Okay. So, Judge  
Jones testified, and I don't think anybody can say  
what was on his mind except him, he said in his  
testimony, I felt badly for her. I felt badly for  
her because by that she played herself as a  
victim. Now there was comment made, you  
know, she's all beat up. Yeah, yes, there is a  
presumption of innocence, but that doesn't turn  
itself on its head and mean the police beat her up.  
Not at that point, Judge Jones doesn't know what  
happened to her. But anyhow, he testified that I  
felt badly for her, that she felt herself –viewed  
herself as a victim only and not as a person of  
worth and value. That's what he said. That's  
how he meant it, that he and that testimony is in

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the record. I felt badly for her. That's what he meant.

MR. DOYLE: Did he do that on the record –

MR. STEINMAN: – No –

MR. DOYLE: – at the arraignment and explain to her –

MR. STEINMAN: – no, no

MR. DOYLE: – any rights that she had or that he would make efforts to have her taken to the hospital and be seen by a doctor?

MR. STEINMAN: That would have been inappropriate. He can't. And I cite that in my papers. Any – she's in custody under *Estelle v. Gamble* United States Supreme Court case is the obligation of the people who have her in custody to ensure that her serious medical needs are taken care of. It would be inappro– with all due respect –

MR. DOYLE: – Did he say anything on the record to the police or to the DA to say I'd like you know, she's making these claims, is anybody going to make sure that she's seen by a doctor?

MR. STEINMAN: If you will recall from

1 the record was it said before then somebody said  
2 and I believe if I'm wrong, please don't hang me  
3 out to dry, I believe that later on the unidentified  
4 voice was identified as a jail guard or correction  
5 officer or some law enforcement individual on  
6 the record, it was said she has a broken eye  
7 socket. Who could make that statement? Okay.  
8 The people who had her in custody. To me, that  
9 means somebody has taken a look at her and has  
10 made some kind of diagnosis. Okay. I would  
11 respectfully submit and those of you who are on  
12 the bench, for a judge to interject herself or  
13 himself into someone's medical care would be  
14 completely inappropriate. That is the job of the  
15 people who have her in custody.

16 MR. BELLUCK: Can I just go back to the  
17 story that the judge told, that there are facts in  
18 the record that the court clerk and attorney were  
19 concerned about the way the judge told the story,  
20 how loud he was, the ADA, I believe –

21 MR. STEINMAN: – ADA, sir? –

22 MR. BELLUCK: – I'm sorry, Miss  
23 Valenti –

24 MR. STEINMAN: – the ADD, ADD ? –

25 MR. BELLUCK: – said that the way that

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he told the story was inappropriate. And I'm just trying to square that with what you stated, which is to, I think sort of portray this as him telling a story that he thought was worthwhile to share because there were some, you know, positive tone to the story in his eyes about this friendship. But it seems to be contradicted by the eyewitnesses who were there. And not only the substance of the story, but the fact that he repeated the word, that he was speaking loudly, that they felt, you know, like they wanted to get out of the situation.

MR. STEINMAN: If I may.

MR. BELLUCK: Yeah, I would like you to comment on it.

MR. STEINMAN: If such was their intention, it was purely internal. They never said a word. They didn't. They never made any gestures. They never suggested in any manner that they didn't want to be there. They didn't want to hear the story. As I said in my papers, they may very well have thought that they never said anything. Okay. And to the point about the volume, and I think this is critical, I want to get to this. There were three people at that

1 conversation, Judge Jones, Miss Valenti and  
2 Miss Bartolotta. Two of them said he spoke in a  
3 normal conversational tone of voice. Miss  
4 Valenti said he yelled it. She's the only one who  
5 said that. Yet the referee decided to credit that  
6 against, I respectfully submit all external  
7 evidence to the contrary. If somebody is yelling  
8 this word in a parking lot where and I submit  
9 nobody could have heard it anyhow, look at the  
10 tape. If you say you're yelling it and that you can  
11 definitely see that there are people, I think  
12 they're taking a cigarette break on the apron to  
13 the to the jail. And if you hear someone yelling  
14 that word four times, you think somebody's like  
15 huh, huh, nothing, no reaction by anybody. I  
16 submit to you, as I did in my objections, the  
17 referee's saying that Judge Jones yelled this  
18 word on multiple occasion is flatly contradicted  
19 by the testimony of two out of the three people  
20 who were there. So as to that –

21 DR. MOORE: – Counselor –

22 MR. STEINMAN: – Yes, ma'am?

23 DR. MOORE: I'm still sort of struggling.  
24 I'm still sort of struggling for a clear answer as to  
25 what the judge understood or understands, “the

1 race card” to mean. And I want to give you an  
2 opportunity to address this because if I heard  
3 your initial response, you were suggesting that  
4 the judge felt badly that she considered herself to  
5 be a victim of the police beating that she was  
6 subject to. And somehow he felt that was not a  
7 good thing, that she felt she was a victim and  
8 that that perception on her part of being a victim  
9 is what he tied or understood race cards applied  
10 to. I'm just trying to understand what because let  
11 me just put it out here so and give you a chance  
12 to respond. When people use that term race card,  
13 they often are belittling, being dismissive of the  
14 racial dynamics in the country. And they point  
15 to the frequency of the race card, the race card  
16 applying to victimization or victimhood. And it  
17 almost sounds like you're saying that's what the  
18 judge intended.

19 MR. STEINMAN: Again, let me start  
20 with what he said was wrong and he  
21 acknowledged it. Okay.

22 DR. MOORE: I understand that.

23 MR. STEINMAN: Okay.

24 DR. MOORE: Yeah.

25 MR. STEINMAN: And maybe I would

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best left – leave this to Judge Jones to perhaps respond more directly to your inquiry. She said upon repeated times, this is a racist blank county, you're all racist, you're doing this because I'm Black. Okay. And if, and I'm not going to speak for Judge Jones, if he viewed that as playing the race card because again, and you said, well, she was a victim because she was beaten up by the police. Judge Jones doesn't know that. Okay. Yes, she's presumed to be innocent, but you can't flip that on its head and say I'm going to presume that she was beaten up by the police. We don't know. He didn't know. All he knew was that she was saying that his determination as to bail was based upon her race and that would be playing the race card. Okay. And I definitely want to get into that because Mr. Stromes, who wrote in his brief, and I vigorously object to this, said that Judge Jones saddled Ms. D■■■■ with high bail. With all due respect, says who? That is a recommendation that was made by the District Attorney and concurred in by Judge Jones. The record is bare as to whether any application was made to get that bail lowered. I vigorously object to that, that comment. Bail –

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JUDGE CAMACHO: – I’m sorry, Mr. Steinman –

MR. STEINMAN: – No, no. Sir.

JUDGE CAMACHO: You mentioned that I keep going back to the D transcription of the hearing where there is a conversation between the officer and the clerk next to Judge Jones saying that the officer saying that's a friend of mine who almost got bit number one. That's the first. Did the judge Jones, did the judge at any point say please have – don't have this conversation, I don't want to hear it? Secondly –

MR. STEINMAN: – I believe sir, if I may, your honor –

JUDGE CAMACHO: – Yeah. Let me finish the second part of the question because I am going back to it. The second part of the question is you talked about that conversation. So again, it goes on to say at some point Judge Jones says I wasn't really aware of the seriousness of the injury because I couldn't really see where she was. This is the part of the same conversation in his presence. This is the court, this is the officer and the clerk. That eye looks pretty nasty. It's gnarly. And her right eye is

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completely swelled shut. She's got a broken orbital socket. Yeah, but that orbital socket, best to get that squared away because if that shifts, it can mess things up if she does something else.

MR. STEINMAN: But that's not Judge Jones saying that, right?

JUDGE CAMACHO: No. That's a conversation in front of Judge Jones –

MR. STEINMAN: – after the arraignment?

JUDGE CAMACHO: No, that's before the arraignment.

MR. STEINMAN: Okay, sorry. Okay. But, even so, you're a judge, is it your obligation to ensure that people get medical care?

JUDGE CAMACHO: No. To the point that Judge Jones says he didn't realize the nature and the extent of the injury. That conversation was held in front of him, was it not?

MR. STEINMAN: Yes. What I'm – I misunderstood your inquiry. Here's the question. The Commission makes much of the fact. If you look at the actual photograph of Ms. D■■■■, it's got like a softball on her face. Judge Jones said. I knew, essentially, and if I asked, he'll say the

1 same thing. I knew she'd been hurt, but because  
2 of the positioning in CAP court and the way she  
3 was leaning, I didn't see the full thing. She was  
4 leaning the other way. I didn't see all of it. Yes,  
5 he knew she'd been hurt. No question about that.  
6 And I took exception to note that he didn't know  
7 the nature of it. He's not a doctor. He knew she  
8 was hurt. More than that, I submit, he did not  
9 have to do.

10 MR. BELLUCK: Mr. Steinman, is the  
11 judge planning on making a statement or –

12 MR. STEINMAN: – I believe he is.

13 MR. BELLUCK: Okay.

14 MR. STEINMAN: And, of course, is  
15 available for questions.

16 MR. BELLUCK: Yeah. And I believe  
17 you reserved some time.

18 MR. STEINMAN: I did respectfully  
19 request that.

20 MR. BELLUCK: Okay. Judge, please, if  
21 you'd like to stand at the podium.

22 JUDGE JONES: Thank you, members of  
23 the Commission. I think you deserve to hear  
24 from me. First of all, let me say, ma'am, it was a  
25 stupid thing for me to say she played the race

1 card. But truly, I did feel somewhat sorry for her  
2 because she seemed to be a person who viewed  
3 herself as a victim and it flashed through my  
4 mind. It's probably a second and a half that I  
5 wish I could talk with her and encourage her not  
6 to feel like a victim, but to emphasize her good  
7 qualities and get out of the situation where she  
8 had been beaten up. I don't know if she was  
9 beaten by others in a domestic situation before  
10 she came to be arrested or she was beaten by the  
11 policeman. I don't know. But in any event, I did  
12 not want her to go through life feeling like a  
13 victim because that would seriously adversely  
14 affect her forever. Go ahead.

15 DR. MOORE: So, that is what you  
16 understand the race card to mean, Black people  
17 crying victim?

18 JUDGE JONES: No, I don't understand  
19 that to be any such thing. I understood that she  
20 thought that she was a victim.

21 DR. MOORE: Playing the race card?

22 JUDGE JONES: By making that remark  
23 about this was a racist county and I'm only here  
24 because I'm Black. Does that make sense?

25 DR. MOORE: I hear you. Thank you.

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JUDGE JONES: Okay. Others, let me say to you folks, I grew up in a racist home in Kansas. My parents were from Texas and they had the deep-seated prejudices against Black people that we all associate with Southerners in in past years. Harry and my father, this was in the 1930s, it was the depths of the Great Depression. Grown men worked in the fields for less than a dollar a day. Hard to believe, but it's true. And it was in a time when the social structures of Jim Crow were very much in order. Well, not in order, but were there and had to be carefully followed by Blacks and Whites. Despite that, my father and Harry, they were probably in their teens, developed a friendship because Harry caught on to the fact that if the Black workers caught up to him in the fields, he was going to get a beating from my grandfather. And apparently that happens a few times. And Harry caught on and managed to keep the other Black –

JUDGE MOULTON: – Judge, I am sorry to interrupt you, but –

JUDGE JONES: – workers from catching up so that dad –

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JUDGE MOULTON: – Judge? –

JUDGE JONES: – did not get a beating.

JUDGE MOULTON: Absolutely there is, so, there are millions of stories like that.

JUDGE JONES: I'm sure.

JUDGE MOULTON: I'm sure there are. But why bring this up at that particular time in front of two people who work in your courtroom and, and use the N word? It's just sort of like, why was it necessary to bring that story up? It's a very interesting story and it's certainly part of the history of this country. But, why bring it up then?

JUDGE JONES: Why did I tell the story?

JUDGE MOULTON: Yes.

JUDGE JONES; I don't really remember why I told the story, but for some reason it seemed to me to be an important thing for those two people in the parking lot. And they were not captive. They could have walked away anytime they wanted to or have objected.

Let me just go on to sit with the story that I started to tell. The two kids both had trap lines and it was with their way of making money in the 1930s. You could get a rabbit or a squirrel

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and sell the pelt to a man that was two or three miles away for a nickel of pelt. It was one way for them to make money. At one point during the running of the trap lines, this would have been early in the morning, midnight, two o'clock, dad caught Harry stealing chickens from the Jones chicken house. If dad had turned Harry in, Harry would have been subjected to a kangaroo trial and probably would have been sent to Huntsville Prison for about five years. Dad kept quiet. And so, Harry had something on dad because of the – his actions to keep dad from being beaten. Dad had something on Harry because of the chickens. Both of them did the right/wrong thing. And so, they had built a bond of friendship over the years that amazingly endured for a quarter century until 1957 which is when the incident beside the road took place.

The Civil Rights, the Movement was in its infancy at the time. If Harry had been seen riding in the front seat of a white man's car in those years in 1957, he would have been considered to be uppity and he would have been in danger of a flogging or even of lynching. Remember what happened to Emmett Till the

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year before, supposed to have whistled at a white woman then was killed?

DR. MOORE: Can I ask you –

MR. STEINMAN: – Yes, ma'am.

DR. MOORE: Judge, you're offering quite a few insights on race in the South and how it was during the 1930s –

JUDGE JONES: – I am –

DR. MOORE: – 1940s –

JUDGE JONES: – and 50s.

DR. MOORE: May I ask you where you gathered all of your information about racial dynamics in the South?

JUDGE JONES: Personal experiences, listening to my parents and to grandparents and their friends.

DR. MOORE: Okay. And if I could just revisit one other thing.

JUDGE JONES: Sure.

DR. MOORE: You said that you don't recall why you shared this story in the parking lot.

JUDGE JONES: I don't really. I, on reflection, I've thought about that. I don't remember why. It seemed I guess the right thing

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to do at the time. I really don't remember.

JUDGE CAMACHO: Judge, weren't the books that you were going to give the – to the clerk and the other and the attorney about the Old South? Sir, didn't you say in your testimony that the books you're going to give these two people were about the Old South? Do you recall that?

JUDGE JONES: I'm sorry, ask that question again.

JUDGE CAMACHO: When you testified you said the books you were going to give away were books about the Old South.

JUDGE JONES: Oh, no. –

JUDGE CAMACHO: – Do you recall that?

JUDGE JONES: I don't remember what the books were about. I do remember that Miss Valenti and I had post CAP arraignment and the events afterwards. We'd been discussing books that we were reading.

JUDGE CAMACHO: Okay.

JUDGE JONES: And I had recommended to her books by John Sandford. Maybe some of you remember John Sanford about a detective in

1 Minnesota. And I thought they were absolutely  
2 wonderful books and I suggested them to her  
3 about that. It's about that simple.

4 MS. GOLSTON: Judge, can I just ask  
5 you, I mean, you said you kind of don't  
6 remember why you started to tell that story.  
7 How many times have you generally told that  
8 story?

9 JUDGE JONES: I really don't know.  
10 But it's been a long, long time since I told any  
11 stories about what I remember from the Old  
12 South. I can say that I remember listening to my  
13 parents as the Civil Rights Movement was  
14 gathering steam. They would say to me,  
15 muttering sort of when they watched television,  
16 why can't they just stay where they belong?  
17 And I remembered thinking to myself, where do  
18 they think they belong? But it was not a  
19 question I could ask because it would have  
20 provoked a domestic storm. And so, I was a  
21 teenager living at home, and I kept my mouth  
22 shut.

23 MS. GOLSTON: So, when you were  
24 telling the story and use the N word, it didn't like  
25 there was no kind of, oh wait maybe I shouldn't

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say that?

JUDGE JONES: Nope. Nope. I thought I was talking to two friends who might enjoy the story. And it is a good story about how these two kids form this friendship in the Old South, hot, depression and Jim Crow, and I have seen Jim Crow in operation. It is not a pleasant business. And they've managed to retain that friendship over the years to this incident on the road in 1957 with me sitting in the car beside my dad.

MR. DOYLE: How do we square that with your comment about the race card though? The feelings that you had and the revulsion you had for the way your parents behaved then with your comment that you made –

JUDGE JONES: – You're right when you say revulsion. It took me a while to understand that their views were absolutely wrong. How do I square that with what I said in this business? I remember thinking that there's a flash in my mind when she said I'm only arrested because I'm Black and they arrested the wrong, wrong person. I remember the flash saying she feels like she's a victim and I don't like that. I wish I

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could talk with her. It was a second, a second and a half and I had to put it away because that was not my role at the time to have a conversation with her. And so, by the way, the assistant public defender was standing right in front of me, Ms. D [REDACTED] was standing to my left and she had her head slightly down and turned away from me. I could not see her injuries except there was apparently a bruise on one cheek. I had no real idea about the extent of her injuries or their origin, whether it was something that happened before she was arrested in a domestic situation, whether it was the result of mistreatment by police officers, I don't know. And that was not something that I needed to get into. I just needed to decide what to do about the bail situation. And that was a recommendation –

DR. MOORE: – But judge? –

JUDGE JONES: – from the District Attorney. Yes, ma'am.

DR. MOORE: But judge, didn't you really get into that situation? Because you said your immediate reaction was that she was framing herself as a victim and that you didn't want her to do that. And it would seem that all of your

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knowledge about race in the South would incline you to emphasize her as a potential racial victim. But you had the opposite reaction, that you wanted to teach her that she's not a victim.

JUDGE JONES: Of course, I felt that she ought to be able to know that she was not a victim. But that was not anything I could do anything about at that time. Does that help?

DR. MOORE: Thank you.

MR. BELLUCK: Judge, can I just –

DR. MOORE: – I hear you. Thank you, judge.

MR. BELLUCK: Your time is up. But I think there – I have a question and Ms. Grays has a question. But can I just ask you, when you were telling this story to the – about your father –

JUDGE JONES: – Yes –

MR. BELLUCK: – and Harry, why didn't you say N word instead of using the word?

JUDGE JONES: Why did I say the N word when I was recounting the story?

MR. BELLUCK: Correct.

JUDGE JONES: I guess I wanted authenticity and accuracy because that's what my

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dad said. That's not a word I use. I have never used it before in my life. Well, I probably did as a kid because that's what I learned from my parents. But I learned, I read myself out of that milieu, learned that what Martin Luther King said when he said the arc of history bends toward justice, he was right. He was right. I remember saying to myself, my mom and dad are wrong. And so, I don't really know. We all do things that we can't explain.

All I can say to you is that it seemed to me something that I needed to share with Miss Bartolotta and Miss Valenti, and that it was a story that was worthwhile because it helps us all to understand how we can work together, how we can build relationships of trust and respect and even friendship and get over all the problems that we're seeing today. After all, Protestants and Catholics might work things out in Ireland. The Greeks and the Turks worked things out in the Eastern Mediterranean. It seems that it's possible, if we work at it hard enough, for us to get over our racial animus. And it's still there. It is still there. But I don't want to participate in it. I wanted to say something that would, I hope,

1 be a beacon for others to look at and put aside  
2 racial differences, racial animus, and be like my  
3 father, who was a racist, still racist after this  
4 happened. But he did the right/wrong thing by  
5 picking Harry up and taking him to where Harry  
6 wanted to go, which was in the small southern  
7 town of Savoy, Texas. And I'm sure that there  
8 were KKK sympathizers there who, if they had  
9 seen it, could have caused Harry and my dad a  
10 great deal of trouble. But it's a good story about  
11 how the races can work together and develop a  
12 sense of trust, respect, even friendship. That was  
13 my intent. That was it.

14 MR. BELLUCK: Thank you. Ms. Grays?

15 JUDGE JONES: Yes, ma'am.

16 MS. GRAYS: And you asked my question.

17 MR. BELLUCK: I asked yours. I'm sorry.

18 MS. GRAYS: No, no, no. We're aligned.

19 We're aligned.

20 MR. BELLUCK: All right, Mr. Steinman,  
21 you have a few minutes in rebuttal –

22 MR. STEINMAN: – Thank you –

23 MR. BELLUCK: – or continuation if you  
24 would care to address us.

25 MR. STEINMAN: Thank you. Because it

1 was mentioned by counsel and I fall on my  
2 sword on this one. My misapprehension of the  
3 prior dismissed complaints against Judge Jones, I  
4 mischaracterized in the papers as essentially  
5 being non-existent. I shouldn't have done that. I  
6 don't take that against my client. That's me. But  
7 let us look at what they were.

8 The first one was in a situation, you know,  
9 this is not a New York City court, this is a small  
10 rural court. And the first one had to do with a  
11 bookkeeping issue and was precipitated by the  
12 fact the two of Judge Jones's clerks almost got  
13 into a fist fight in his chambers and there was a  
14 considerable amount of discord and confusion  
15 going on and was a financial delay. No monies  
16 were ever stolen. No monies were ever  
17 disappeared. The reporting was done. It was  
18 done. It was late, but it was correct. It was  
19 done. And there was a warning on that.

20 The second one had to do with there was a  
21 large-scale seizure of animals by the Humane  
22 Society in the rural county and Judge Jones, and  
23 was an issue of restitution, Judge Jones asked his  
24 court clerk to call up the Humane Society to find  
25 out what were – they were claiming in terms of

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restitution. That was viewed as an *ex parte* communication.

Again, I hardly think that in the course of twenty-six years on the bench, Judge Jones should be held to have that what is the subject of this inquiry is so exacerbated by those two I, I dare to say minor infractions that this tips him so far over the edge that *Agresta* in terms of its issuance of the sanction should not apply.

MR. BELLUCK: I think the point is that we know that anytime a judge is subject of an investigation by the Commission, gets a letter of dismissal and caution or a letter of any type is, can be a very difficult, anxiety-provoking, worrisome situation. And an expected response is if you've been part of that, you are going to do every possible thing to avoid being part of another investigation.

MR. STEINMAN: Well –

MR. BELLUCK: – And when judges get dismissals and caution even about things like you're mentioning and their response is not, I am going to do everything I can to avoid any more issues, it is concerning because it can signal that the judge is not really aware or capable of not

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engaging in problematic behaviors. I think that's what the point is, not that those two complaints are necessarily related to the conduct here.

MR. STEINMAN: Well, I understood Mr. Stromes' argument to be because he's had these two, that that should exacerbate the penalty that you are looking at. And to that point, like I said, I want to fall on my sword rather than make that because my papers reflect that. I didn't want to make it seem to the Commission that I was trying to dissimulate or lead you astray in any manner as I said.

But to your point, if I may, Mr. Belluck, certainly Judge Jones did not go out on either of those occasions and hope that his conduct was going to be, was going to engender this type of response. We have made clear that they were mistakes. However, the standard, as the Court of Appeals has said, is not, that does not require perfection. It requires the most egregious of conduct to impose the type of sanction that Commission counsel is seeking. And if you look at the cases that the Commission cites, they are not just for the issuance of the N word. I urge the Commission to look at all the cases. And I

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cited them. They are horribly shocking and offensive and they go far beyond the mere issuance of the N word or in this particular case two charges go far, far beyond it. They shock the conscience. I respectfully submit that such is not the case here. I think that the –

MR. CAMBARERI: – Mr. Steinman, let me ask you this question –

MR. STEINMAN: – Sir –

MR. CAMBARERI: – You appear to be relying primarily on *Agresta* for the issue of sanction, correct?

MR. STEINMAN: No.

MR. CAMBARERI: Your brief and your argument here seems to rely on *Agresta* and the manner which you're urging this Commission to define the sanction other than removal.

MR. STEINMAN: It supports my, I'm sorry it's Mr. Cambareri?

MR. CAMBARERI: Yeah.

MR. STEINMAN: It supports my argument from the standpoint of this is what this Commission and what the Court of Appeals did in *Agresta* in what I respectfully submit are far more egregious circumstances. And in *Agresta*

1 the court relied on the fact that the attorney – that  
2 the judge had been on the bench for a long time.  
3 Judge Jones has been on the bench for twenty-six  
4 years. I did not, I'm not thinking about age.  
5 They were talking about his advanced years.  
6 The Court of Appeals' decision mentions  
7 nothing about retirement, nor does the  
8 Commission's decision to the best of my  
9 understanding. In any event, I cite the other  
10 cases, and I do rely upon all the other cases that  
11 are in my brief for the proposition that removal  
12 is only warranted in far more egregious  
13 circumstances than are presented here. Yes, I do  
14 rely on *Agresta*. But if you look at all the other  
15 cases I cite, I do rely on them for the proposition  
16 that removal is only warranted in far more  
17 egregious cases than this. Does that answer your  
18 question, sir?

19 MR. CAMBARERI: So, would you agree  
20 or disagree maybe that the use of the N word  
21 today is viewed far more egregiously than forty  
22 years ago when *Agresta* was decided?

23 MR. STEINMAN: I don't know. I view it  
24 if you're asking for my personal opinion, I view  
25 it as a horribly offensive term. It was horribly

1 offensive then. It's horribly offensive now. I  
2 cannot grade it as how it happened. I, well,  
3 you'd have to know a lot more about me and my  
4 upbringing to know about the use of that  
5 particular word. And that's not relevant here.  
6 But it is not a word that I find acceptable. I  
7 never found it acceptable under any  
8 circumstances. Not forty years ago, not seventy  
9 years ago.

10 JUDGE CAMACHO: Mr. Steinman, so, let  
11 me ask you this question. If this is a public  
12 censure instead of a removal and he remains on  
13 the bench, how can any liti- any Black litigant  
14 who appears before him in the future have any  
15 confidence after this, after these facts are out  
16 there that he or she will be treated fairly?

17 MR. STEINMAN: There was testimony  
18 by both of the Commission's witnesses.

19 Excuse me. That's not going to work.

20 There was testimony by both of the  
21 Commission's witnesses that in their experience  
22 with Judge Jones, he has never discriminated  
23 against any defendant, ever. Miss Bartolotta  
24 testified that in her lengthy experience with  
25 Judge Jones, he treats everybody with dignity

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and respect. Nothing that has had, has occurred will ever change that. I don't know what more I can say. Judge Jones has testified that these were dumb things to say and he's not going to do them again. Hopefully, perhaps by his comments today you've gotten a flavor of what kind of a judge he is. That's buttressed by the testimony of the Commission's witnesses that he is a fair, just and respectful judge. That's not going to change. He's eighty-one years old. I don't think he's going to, I don't think that leopard is going to change its spots.

Thank you very much.

DR. MOORE: If I could follow up on, counsellor?,

MR. STEINMAN: Yes, yes ma'am, yes ma'am.

DR. MOORE: Following up on Judge Camacho's question about public perception and more specifically your response about every litigant coming through the judge's court being treated fairly. So, on that basis, let me ask you, do you have a sense of how many Black litigants appear before him as a way of grounding your remark about fairness in the context of this case?

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MR. STEINMAN: I asked or I'm, I don't know if I asked the question. The question was asked, I believe if I'm wrong, please forgive me. I think it was Miss Valenti. It might have been Miss Bartolotta. In any event, it was one or both of the Commission's witnesses, whether or not they'd ever seen him discriminate against any racial minorities. And the answer was no. So, racial min— and if you want to ask the question —

DR. MOORE: — The question is —

MR. STEINMAN: — Do I know a percentage of how many minorities appear before Judge Jones? It might be best answered by the judge. I don't know. I mean, it's, yes, it's a rural county, but there's plenty of minority people in Canandaigua. Are you looking for a number? Are you looking for a percentage? Are you looking for some sort of sense?

DR. MOORE: A rough guesstimate.

MR. STEINMAN: Judge?

DR. MOORE: A rough guesstimate, ten, twenty?

MR. STEINMAN: What percentage, judge, would you say are of minority?

DR. MOORE: No percentage, just any

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rough number.

MR. STEINMAN: Well, that might be the best, okay.

JUDGE JONES: I would say that it's likely in a year fifteen or twenty people would be Black.

DR. MOORE: Okay. Thank you.

JUDGE JONES: And about that many would be Hispanic.

MR. CAMBARERI: What was the answer?

MR. STEINMAN: Fifteen or twenty might be Black. Fifteen or twenty might be Hispanic.

DR. MOORE: Thank you.

MR. STEINMAN: Okay. Unless there are no further questions from the Commission?

MR. BELLUCK: No, that's it. I just want to note that I do not think that information is in the record. It's being added outside the record, correct?

MR. STEINMAN: What is that? Oh, yes. I'm sorry. What Judge Jones just said? Correct. I didn't want to say that I had said that.

MR. BELLUCK: No, no, no. No, no, no.

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MR. STEINMAN: Thank you very much.

MR. BELLUCK: Alright. Mr. Stromes, we gave the judge and counsel just a little bit additional time.

JUDGE JONES: Do you have another question for me?

MR. BELLUCK: No, no. So, if you need a little additional time, feel free to take it. If you don't, that would be great too.

MR. STROMES: Thank you, Mr. Belluck, I will keep my remarks brief.

To answer the question Judge Camacho just asked, how can the Black litigant or lawyer appear before Judge Jones and get a fair shake? The answer is they can't. It's really that simple. And the fact that respondent continues to insist that neither his use of the N word nor his comments at the *D* [REDACTED] arraignment did not create even the appearance of impropriety, which quite frankly is impossible, highlights the degree to which he just doesn't get it and doesn't understand how damaging his comments are, especially in that context. Now, you heard it here today as well. Respondent stood up here and when asked about whether he was given any

1 pause to saying the N word, I thought I was  
2 talking to friends. Respondent is telling you he  
3 still thinks it's okay to use the N word just when  
4 talking to friends. That's all right. And as the  
5 referee found that demonstrates, I'm quoting  
6 again his retrograde attitude about the toxicity of  
7 the racially derogatory term. More evidence he  
8 still does not get it. And that is important for this  
9 Commission to understand.

10 Two other quick points. Counsel harps on  
11 that the other six cases in which a judge was  
12 removed for this conduct were more egregious.  
13 Look, the fact that judges can do even more  
14 egregious things in conjunction with saying this  
15 word does not mitigate respondent's misconduct.  
16 We know that all of our cases here at the  
17 Commission are *sui generis*. These facts have  
18 not presented themselves yet. And to the extent  
19 you want a close case, the place to look is  
20 *Senzer*, not at *Agresta*.

21 All told, respondent has demonstrated that  
22 he holds these racial biases, at least implicitly.  
23 And the Court of Appeals has said, I'm quoting  
24 now from the *Schiff* and *Esworthy*  
25 determinations in the Court of Appeal that such

1 indicias of racial bias “cast doubt on a judge's  
2 ability to fairly judge all cases before him.” And  
3 quoting again, “necessarily have the effect of  
4 leaving litigants with the impression that our  
5 judicial system is unfair and unjust.” Those  
6 harms cannot be remedied or addressed with a  
7 censure. Removal is the only appropriate  
8 sanction to further the Commission's mandate to  
9 safeguard the bench. Thank you.

10 MR. BELLUCK: And can I just clarify  
11 Mr. Stromes, there is information in the record  
12 that Miss Valenti felt she had a delicate  
13 relationship with the judge, that she had to  
14 appear before him. She sent text saying that they  
15 wanted to crawl into a hole. They were  
16 humiliated. In terms of how they felt compelled  
17 to at least stand there and listen to the story,  
18 correct?

19 MR. STROMES: Yes. Miss Valenti was  
20 expressly asked, excuse me, Miss Valenti was  
21 expressly asked why she did not object to the  
22 word the judge used at the time or walk away  
23 and she said I did not feel that I could he's the  
24 judge and I have to continue to appear before  
25 him. I felt that I could not do that in the

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moment. She gets on her phone. She immediately sends the texts to her supervisor and some other attorneys in the office. The story was completely appropriate. Kristen, referring to Miss Bartolotta and I wanted to crawl into a hole. That was the substance of that text message in the record.

MR. BELLUCK: Okay. Thank you, counsel, Judge, Mr. Stromes. Thank you all very much. That will conclude our hearing.

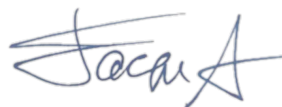
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CERTIFICATION

I, JACQUELINE AYALA, 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 of the proceedings transcribed by me, to the best of my knowledge and belief, in the matter held on January 29, 2026.

Dated: February 18, 2026



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JACQUELINE AYALA