

STATE OF NEW YORK
COMMISSION ON JUDICIAL CONDUCT

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

AGREED
STATEMENT OF FACTS

MELISSA A. LOEHR,

a Judge of the County Court,
Westchester County.

Subject to the approval of the Commission on Judicial Conduct:

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Melissa A. Loehr (“Respondent”), who is represented in this proceeding by Michael S. Ross, Esq., that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent was admitted to the practice of law in New York in 2002. She has been a Judge of the County Court, Westchester County, since 2020. Her term expires December 31, 2029. Respondent previously served as a Judge of the Peekskill City Court, Westchester County, from January 1, 2017, to December 31, 2019.

2. Respondent was served with an Amended Formal Written Complaint

dated August 8, 2024.¹ Respondent filed an Answer dated September 23, 2024.

As to Charge I

3. On March 16, 2018, Respondent presided over and dismissed a traffic ticket issued to Ashley Johnson, the daughter of her co-judge at the time, Peekskill City Court Judge Reginald J. Johnson, without disclosing that Ms. Johnson was or had been a friend of her daughter, Zwana Loehr.

Specifications as to Charge I

4. At all times relevant to the matters herein, Respondent and Reginald J. Johnson were judges of the Peekskill City Court.

5. Zwana Loehr is Respondent's daughter, and Ashley Johnson is Judge Johnson's daughter. Zwana Loehr and Ashley Johnson had been friends during middle school and high school, having been classmates, and having spent time at each other's houses.

6. On April 6, 2017, Ashley Johnson was charged with speeding by a New York State Trooper in Peekskill.

7. On March 16, 2018, Respondent presided in Peekskill City Court over a scheduled appearance regarding the *Ashley Johnson* ticket. Ingrid E.

¹ The Amended Complaint superseded the original Formal Written Complaint, dated July 31, 2024. The only difference between the two documents is that paragraph 12 of the Amended Complaint cites Section 100.3(E)(1) of the Rules Governing Judicial Conduct as among the provisions Respondent is alleged to have violated.

O’Sullivan, the Peekskill City Prosecutor, appeared for the prosecution. Ms. Johnson appeared without counsel. Court records indicate this was the only date on which the case was called.

8. Respondent did not make any disclosures on the record about her daughter’s relationship with Ashley Johnson, nor did she disclose that Ms. Johnson was the daughter of her co-judge, Reginald J. Johnson. After a very brief colloquy with City Prosecutor O’Sullivan, Respondent dismissed the charge. A copy of the transcript is appended as Exhibit A.

9. 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 of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”); failed to avoid impropriety and the appearance of impropriety, in that she 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 allowed a family, social or other relationship to influence the judge’s judicial conduct or judgment, in violation of Section 100.2(B) of the Rules; and

failed to perform the duties of judicial office impartially and diligently, in that she failed to perform judicial duties without bias or prejudice in favor of a person, in violation of Section 100.3(B)(4) of the Rules, and failed to disqualify herself in a proceeding in which her impartiality might reasonably be questioned, in violation of Section 100.3(E)(1) of the Rules.

As to Charge II

10. On January 13, 2017, Respondent called the Cortlandt Town Court and spoke with Deputy Court Clerk Maria Pereira about a traffic case in which her daughter, Zwana Loehr, was the defendant. During the conversation Respondent *inter alia* identified herself by name and said, “I don’t know if you know, I’m the judge in Peekskill.”

Specifications as to Charge II

11. On December 6, 2015, Respondent’s daughter, Zwana Loehr, received a traffic ticket for a stop sign violation in the town of Cortlandt.

12. On January 13, 2017, after having missed several appearance dates, Zwana Loehr appeared in Cortlandt Town Court and was ordered to post bail.

13. Shortly thereafter, Zwana Loehr called Respondent from the Cortlandt courthouse and asked for help with bail. Respondent then called the courthouse for the purpose of arranging bail for her daughter. When Deputy Court Clerk Maria Pereira answered the phone, Respondent said she was Melissa

Loehr and that she was calling about her daughter's traffic case. During the conversation, Respondent stated, "I don't know if you know, I'm the judge in Peekskill."

14. On March 16, 2017, Zwana Loehr pleaded guilty to Vehicle and Traffic Law Section 1201(a), a parking violation, and was fined \$100.

15. 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 she 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, allowed a family relationship to influence the judge's judicial conduct, in violation of Section 100.2(B) of the Rules, and lent the prestige of judicial office to advance her own private interest and the private interest of another, in violation of Section 100.2(C) of the Rules; and failed to perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section

100.3(B)(1) of the Rules.

Additional Factors

16. Respondent avers that she and Judge Johnson never communicated with each other about the speeding ticket issued to Ms. Johnson, and there is no evidence to the contrary. Nevertheless, Respondent acknowledges that she should not have presided over the matter, or that she should have disclosed Ms. Johnson's relationship to her co-judge and friendship with her daughter, even if at the time that friendship had waned. Respondent recognizes that the failure to make appropriate disclosures suggested favoritism based on personal relationships.

17. Respondent further acknowledges that, despite her understandable parental interest in helping her daughter post bail in connection with the traffic ticket issued to her in Cortlandt, it was entirely irrelevant and inappropriate to mention her status as a judge when discussing the matter with a representative of the Cortlandt Town Court.

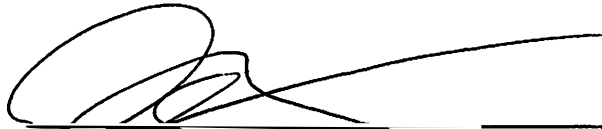
18. Respondent commits herself to a more rigorous adherence to her ethical obligations in the future.

IT IS FURTHER STIPULATED AND AGREED that Respondent withdraws her Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Admonition based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Admonition without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, Respondent or the Administrator and Counsel to the Commission.

Dated: FEBRUARY 5, 2025



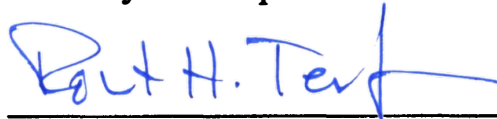
Honorable Melissa A. Loehr
Respondent

Dated: FEBRUARY 5, 2025



Michael S. Ross
Attorney for Respondent

Dated: February 6, 2025



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(Mark Levine, Brenda Correa, and
Stella Gilliland, Of Counsel)

PEEKSKILL CITY COURT
STATE OF NEW YORK: COUNTY OF WESTCHESTER

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THE PEOPLE OF THE STATE OF NEW YORK

: Docket No.

: CR-03322-17

-against-

:

ASHLEY N. JOHNSON

:

Defendant

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PEEKSKILL CITY COURT
Two Nelson Avenue
Peekskill, New York 10566
March 16, 2018

B E F O R E: HONORABLE MELISSA A. LOEHR
City Court Judge

A P P E A R A N C E S:

CITY PROSECUTOR
City Hall, Main Floor - Room 25
840 Main Street
Peekskill, N.Y. 10566
BY: INGRID E. O'SULLIVAN, ESQ.

ASHLEY N. JOHNSON
Pro Se Defendant

Michael A. DeMasi, Jr.
Official Court Reporter

1 THE COURT OFFICER: Number 22, Ashley N. Johnson.

2 THE DEFENDANT: Good afternoon, your Honor.

3 THE COURT: Good afternoon. How are you?

4 THE DEFENDANT: I'm good. How are you?

5 THE COURT: Good.

6 MS. O'SULLIVAN: This is an eight-point speed I
7 have, Judge.

8 THE COURT: Is this on for trial, Ms. O'Sullivan?

9 MS. O'SULLIVAN: I have it on for pretrial. It's
10 on for pretrial conference. It's supposed to be on for
11 trial.

12 THE COURT: I don't know. Was there a supporting
13 deposition served? It was requested last time.

14 MS. O'SULLIVAN: I think it's a trooper. They
15 serve it with the tickets.

16 THE COURT: I don't know if it was requested on the
17 last date. All right. So this case is dismissed.

18 (Continued on next page.)

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1 THE COURT: Thank you.

2 THE DEFENDANT: Thank you.

3 * * * * *

4 THIS IS TO CERTIFY THAT THE FOREGOING
5 IS A TRUE AND ACCURATE TRANSCRIPTION
6 OF THE ORIGINAL STENOGRAPHIC RECORD.

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9 _____
Michael A. DeMasi, Jr.

10 Official Court Reporter

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