

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

TODD C. WHITFORD,

STIPULATION

a Justice of the Jerusalem Town Court,
Yates County.

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission on Judicial Conduct, and the Honorable Todd C. Whitford (“Respondent”):

1. Respondent has been a Justice of the Jerusalem Town Court, Yates County, since 2018. His current term expires on December 31, 2026. Respondent is not an attorney.
2. Respondent was served with a Formal Written Complaint dated September 10, 2025, a copy of which is appended as Exhibit A.
3. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.
4. Respondent has tendered his letter of resignation, a copy of which is annexed as Exhibit B, stating that he will vacate judicial office on December 10, 2025.

5. Pursuant to Section 47 of the Judiciary Law, the Commission may continue with proceedings against a judge who has resigned and, if it so determines, render and file a determination that the judge should be removed from office. Pursuant to Article VI, section 22(h) of the Constitution, a judge who is removed from office “shall be ineligible to hold other judicial office.”

6. Respondent affirms that he will vacate his judicial office at the close of business on December 10, 2025, and he will neither seek nor accept judicial office at any time in the future.

7. Respondent understands that, should he abrogate the terms of this Stipulation and hold any judicial position at any time in the future, the present proceedings before the Commission will be revived and the matter may proceed to a hearing before a referee, or the Commission may summarily determine that he should be removed from office pursuant to 22 NYCRR 7000.6(c).

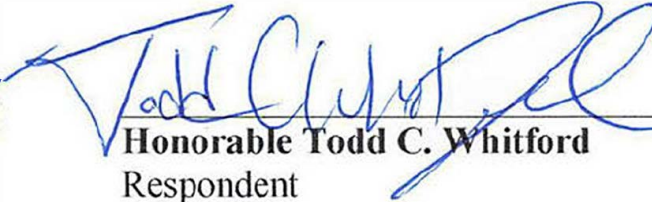
8. Upon execution of this Stipulation by the signatories below, this Stipulation will be presented to the Commission with the joint recommendation that the matter be concluded, by the terms of this Stipulation, without further proceedings.

9. Respondent waives confidentiality as provided by Section 45 of the Judiciary Law, to the extent that (A) this Stipulation will become public upon

being signed by the signatories below, and (B) the Commission's Decision and Order regarding this Stipulation will become public.

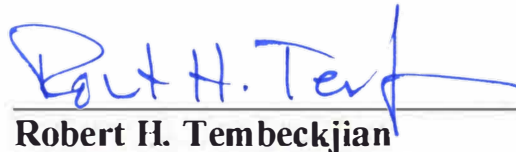
Dated:

12/4/2025



Honorable Todd C. Whitford
Respondent

Dated: December 5, 2025



Robert H. Tembeckjian

Administrator & Counsel to the Commission
(John J. Postel and David M. Duguay,
Of Counsel)

EXHIBIT A

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

TODD C. WHITFORD,

a Justice of the Jerusalem Town Court,
Yates County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Todd C. Whitford, a Justice of the Jerusalem Town Court, Yates 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 Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with his verified Answer to the specific paragraphs of the Complaint.

Dated: September 10, 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: Hon. Todd C. Whitford
3816 Italy Hill Road
Branchport, New York 14418-9613

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

**FORMAL
WRITTEN COMPLAINT**

TODD C. WHITFORD,

a Justice of the Jerusalem Town Court,
Yates County.

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 Todd C. Whitford (“Respondent”), a Justice of the Jerusalem Town Court, Yates County.
3. The factual allegations set forth in Charges I through IV 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 Jerusalem Town Court, Yates County, since 2018. His current term expires on December 31, 2026. Respondent is not an attorney.

CHARGE I

5. On or about March 28, 2022, during a preliminary hearing in *People v*

██████████, Respondent:

- A. Insulted and demeaned a putative victim of domestic violence during her testimony, stating *inter alia* that she had the “brain of a small child,” and her testimony was “garbage;”
- B. Cross-examined the putative victim on materials that had neither been marked nor admitted into evidence;
- C. Expressed disdain for law enforcement personnel and the criminal justice process;
- D. Exhibited bias against women;
- E. Demonstrated his failure to maintain professional competence in the law with respect to orders of protection; and
- F. Considered and thereafter based his ruling on written, out-of-court statements – made by the putative victim to law enforcement personnel – that were neither marked nor admitted into evidence at the hearing.

Specifications to Charge I

6. On or about March 23, 2022, ██████████ was charged with Criminal Contempt in the First Degree pursuant to Penal Law §215.51(b), a felony, and Harassment in the Second Degree pursuant to Penal Law §240.26(1), a violation. The charges involved alleged conduct by Mr. ██████████ toward his wife after an order of protection had been issued in favor of Ms. ██████████. The order of

protection had been issued by another judge and allowed non-offensive contact between the parties.

7. A preliminary hearing on the felony charge in *People v* [REDACTED] [REDACTED] was scheduled before Respondent for on or about March 28, 2022. On or about March 28, 2022, prior to presiding over the preliminary hearing, Respondent reviewed case documents concerning the charges, including the order of protection, two supporting depositions attributed to the putative victim, and arrest and domestic incident reports prepared by the Yates County Sheriff's Office.

8. While reading the documents in the presence of his court clerk, the prosecuting attorney and defense counsel, Respondent made comments that were crude and discourteous, criticized law enforcement, denigrated the putative victim and/or indicated he was biased against and did not believe her, revealed a lack of professional competence of the law, and/or were otherwise improper or contrary to the Rules, including the following.

A. Regarding law enforcement documents, Respondent said:

- i. "Am I supposed to be able to read this bullshit?" and
- ii. "My understanding through all this garbage that the officers did -- Garbage. These officers that are supposed to be professional officers; I, I don't understand."

B. Regarding the effect of an order of protection, Respondent engaged in the following colloquy:

Respondent: ... she got in the car? Is this correct?

Prosecutor: That's correct, Your Honor.

Respondent: Did he grab her and throw her in the car?

Prosecutor: No, Your Honor.

* * *

Respondent: -- So, so, so why isn't she getting arrested?

Prosecutor: Because she didn't -- She can't violate the order of protection, Your Honor.

Court Clerk: It's not a stay-away.

Prosecutor: Even if it was a stay-away, she can initiate contact; he can't.

Respondent: Oh, that makes sense, to me. Not.

C. Regarding the putative victim, Respondent read aloud from her statement as noted in the complaint (identified in italics) and made the comments below (identified in bold):

"Yelled and screamed in my face. He hit me in the face ... Pulled my hair ... made me ... incredibly fearful for my life. He has said bad things and done -- something -- in front of my children. It was affecting them negatively. He was speeding around. Saying he was going to kill me. He looked very scary. I don't want anything to do with [him]. He gives me ... mental health issues. Oh, here we go. Post [unintelligible] on behalf of rapes ... I don't want this to be put . . . in my statements. He violated the order of ... for the millionth time. Hmm. The millionth time ... Do we have a million records of this?"

- D. Regarding the impending preliminary hearing, Respondent said: "I think this should go in front of [the judge who issued the order of protection] because I didn't sign up for this, this, this, this puppet show, this -- It is ridiculous."

A copy of the transcript of this colloquy is appended as Exhibit 1.

9. After the order of protection had been entered as the sole exhibit at the hearing, and while the putative victim was being cross-examined by the defendant's attorney, Respondent *inter alia* said the following:

- A. "She [the putative victim] shouldn't have got [sic] in the car. I mean, apparently she's got the brain of a small child. She gets in cars that she's not supposed to be getting in to, but let's not talk about that;"
- B. "... the order of protection is against him [the defendant]. If it was both ways, I understand it because -- which is the way it should have been. It should have been that way. They should both be in jail right now, you know. Her [the putative victim's] testimony, holy cow. Garbage so far. Garbage;"
- C. "She [the putative victim] has no clue where she's going ... She's pretty specific on certain things but not the important things. I can't even believe this is a witness ... You know, I hope [the judge who issued the order of protection] tears her apart on that. You know, she's supposed to be an adult, and he's supposed to be an adult. Apparently that's not happening in this freaking world ... First it was, poor me, I want to go see my kids, which now I'm going to go with this guys [sic] who's -- I'm not even supposed to be with. This blows me away. She got in his car. He didn't get in her car;"
- D. "I'm a little confused. Did you have marks, yes or no? ... Domestic incident report. Visible marks, no. From your cops;" and

E. ... “why can’t people be honest? Why can’t they be good people? This is blowing me away. These fucking masks. This job is not worth it if you’ve got to deal with people like this. I don’t know what to do. You can tell that she’s mad at him. But did any of this even happen? Let me see, not sure on marks, not sure on roads. So she lied”¹

10. On or about March 28, 2022, after the putative victim completed her testimony, Respondent reviewed certain documents – including two of the victim’s supporting depositions and a domestic incident report – notwithstanding that those documents were never marked for use or admitted as evidence during the hearing. Respondent stated on the record what he believed to be discrepancies between the putative victim’s testimony and the unadmitted material, which he said was relevant to his ruling.

11. On or about March 28, 2022, Respondent ruled that there was no probable cause as to the criminal contempt charge. Respondent announced his ruling in the absence of the defendant and indicated his reliance on material outside the record by stating *inter alia* that he “looked at [the putative victim’s] statements” and that “[h]er statements to the officers are different.” The prosecutor in attendance noted the defendant’s absence and stated that the law required the defendant’s presence for Respondent’s decision. Thereafter, the

¹ This appearance occurred during the COVID-19 pandemic.

defendant arrived in court, and Respondent *inter alia* reiterated the basis for his ruling, saying *inter alia* that “[t]he police reports [had] different statements.”

12. Respondent addressed the orders of protection and, in response to the defendant’s inquiry regarding whether he was still allowed to have contact with the putative victim, advised him:

- A. “Things snowball really fast. It’s obviously her word against yours. I don’t even know why you’d want to even look at her. Don’t even -- if she texts you, don’t text her back . . . you’re going to screw your entire life up. . . . Guys, they have it out for them;” and
- B. “I know it’s hard, but hey, she’s gone. Bye-bye. How old are you? . . . This is like 15-year-old bullshit. . . . They’re going to freaking ruin your life. . . . Don’t make contact with her. . . . Don’t. Go get a freaking lizard or a hamster or something. Spend your time with that. Don’t -- man. Women, don’t do it.”

13. At various times during the proceeding, Respondent could be heard speaking sarcastically and laughing inappropriately. A copy of the transcript of the March 28, 2022, preliminary hearing is appended as Exhibit 2.

14. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to be patient, dignified and courteous to litigants, lawyers and others with whom he dealt with in an official capacity, in violation of Section 100.3(B)(3) of the Rules, and failed to perform his judicial duties without bias or prejudice against or in favor of any person and by his words or conduct manifested bias or prejudice based upon sex, in violation of Section 100.3(B)(4) of the Rules.

CHARGE II

15. On or about June 14, 2021, while presiding over the sentencing proceeding in *People v Justin J. Niver*, a vehicle and traffic matter in which seven people were seriously injured, Respondent: (A) made critical and otherwise inappropriate remarks about the prosecutor and the defense attorney in the case, (B) expressed sympathy for the defendant and questioned whether he was culpable for the dangerous conduct as to which Respondent had found him guilty, (C) used vulgarity, and (D) told the defendant, “I hope you’re not mad at me,” for imposing sentence as required.

Specifications to Charge II

16. On or about August 11, 2020, Justin J. Niver was charged with three offenses pursuant to the Vehicle and Traffic Law (“VTL”): Following Too Closely, in violation of VTL §1129(a), a seatbelt violation pursuant to VTL §1229-C(3)(a), and a violation for failing to exercise due care and colliding with a horse pursuant to VTL §1146-a. He was alleged *inter alia* to have driven his motor vehicle into an open-carriage horse-drawn buggy occupied by a Mennonite family of seven, killing the horse and injuring the seven occupants, all of whom were taken to a hospital, including four who were transported via an air-supported Medevac team.

17. On or about April 26, 2021, Respondent found Mr. Niver guilty of all charges following a trial at which the facts were stipulated.

18. On or about June 14, 2021, the defendant appeared before Respondent for sentencing. At the outset of the proceeding, Respondent said that there was “confusion” regarding why the prosecutor and the defense attorney had “made an agreement for a trial by stipulation,” stating as follows:

“I’m going to put on the record, because I feel it is important, I do not know why the People requested that. I feel it’s, my personal opinion, is because they were lazy.”

19. Respondent confirmed his having found the defendant “guilty on all three trials [sic],” but stated as follows:

- A. “I don’t understand this. I mean, you were in the wrong place at the wrong time. It was an accident. Why did, why did these officers give you these three charges? Blows me away ... Blows my mind;” and
- B. “I believe in what goes around, comes around. Makes me sick. Makes me sick they did this to you. [The prosecutor] can’t, she can’t even, you know, they can’t even make you an offer.”

20. Respondent further criticized the efficacy of the proceeding over which he had presided and the conduct of the participants, stating as follows:

- A. “I didn’t have a choice [as to sentence] ... I’ve lost a lot of sleep on this case ... But as far as these three charges, I just don’t believe it. It just blows me away ... [Addressing the defendant:] Do you understand? ... I hope you’re not mad at me ... I feel that other people did not do their job. Quite a few people did not do their job with this case;” and
- B. “It just blows my mind what people, you know -- Who gives a shit about Facebook and what they post? ... And thank God no one died. Accident or crash. You know there is a difference. Which some people don’t get. This was an accident.”

21. The prosecutor requested that the defendant be sentenced to maximum fines for each of the charges relating to the “crash.” Respondent interrupted, stating, “[t]he accident. There’s a difference between an accident and a crash. This was an accident. So, go ahead. Let’s hear your, your ridiculous response for a, max fines [sic].” A copy of the transcript of the June 14, 2021, sentencing proceeding is appended as Exhibit 3.

22. 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 be patient, dignified and courteous to litigants, lawyers and others with whom he dealt with in an official capacity, in violation of Section 100.3(B)(3) of the Rules.

CHARGE III

23. On or about July 25, 2022, during a suppression hearing in *People v* [REDACTED], Respondent repeatedly laughed at the prosecutor, made gratuitous derogatory comments about his legal skill, directed him to make himself a witness in the proceeding, and derisively commented on one of the objections he made.

Specifications to Charge III

24. On or about January [REDACTED], 2022, [REDACTED] was charged with Assault in the Third Degree pursuant to Penal Law §120.00(3), a misdemeanor, and Endangering the Welfare of a Child pursuant to Penal Law §260.10(1), a misdemeanor. [REDACTED]

[REDACTED]. Both at the scene and later [REDACTED] Ms. [REDACTED] made statements about the event to, respectively, a sergeant and an investigator with the Yates County Sheriff's Office.

25. On or about July 25, 2022, Respondent presided over a suppression hearing to determine whether the statements Ms. [REDACTED] had made to the sergeant and investigator were voluntary and thus admissible at trial. In the course of the proceeding, when the prosecutor made an objection for the first time, Respondent replied, "Let's not start off with objections already." Respondent then laughed at other objections the prosecutor made, and he made gratuitous derogatory comments, including the following:

Prosecutor: Objection, Your Honor. I, again, object to this line of questioning as --

Respondent: Well, I bet you are. You're overruled.

Prosecutor: I have to lay out a record, Your Honor.

Respondent: You're not doing a very good job.

26. After the prosecutor concluded his cross-examination of the defendant, Respondent improperly questioned the prosecutor about a document:

Respondent: So I have a question. What is this with a line through it, and whose initials are those?

Prosecutor: That is -- I can't answer that. I'm not a witness, Your Honor. I cannot be made a witness, Your Honor.

Respondent: Whose paperwork did you just -- who just gave you this? I want you to answer the question. Who gave you this piece of paperwork?

Prosecutor: I did, Your Honor.

Respondent: And you don't know whose initials those are?

Prosecutor: I can tell you, but I can't testify to them, Your Honor.

Respondent: Unbelievable

A copy of the transcript of the July 25, 2022, suppression hearing is appended as Exhibit 4.

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 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to be patient, dignified and courteous to litigants, lawyers and others with whom he dealt with in an official capacity, in violation of Section 100.3(B)(3) of the Rules.

CHARGE IV

28. On or about March 28, 2022, during an appearance in *People v Justin R. Boyd*, at which the defendant pled guilty to a misdemeanor charge of driving while intoxicated (“DWI”), Respondent criticized the law mandating incarceration for a defendant convicted of a misdemeanor DWI after having been convicted of a prior misdemeanor DWI within the proceeding five years, characterizing it as “disgusting” and “wrong” and saying he was “sorry” the defendant was going to jail.

Specifications to Charge IV

29. On or about December 11, 2021, Justin Boyd was charged with various Vehicle and Traffic Law offenses, [REDACTED]

[REDACTED]; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

30. On or about March 17, 2022, the Jerusalem Town Court received a copy of a plea offer letter from the Yates County District Attorney's Office, dated March 11, 2022, to counsel for Mr. Boyd regarding Mr. Boyd's pending charges in the Court. The letter offered that Mr. Boyd could resolve his [REDACTED] [REDACTED] pending charges with a plea to the reduced charge of a misdemeanor DWI, and listed various sentencing conditions. The letter specifically set forth that "as this is Mr. Boyd's second § 1192 conviction with five years, he is required to be sentenced to either five days in jail or thirty days community service as part of his sentence pursuant to VTL § 1193.1-a."

31. On or about March 28, 2022, prior to accepting the defendant's guilty plea to a misdemeanor DWI in satisfaction of all the outstanding charges, Respondent engaged in the following colloquy:

Respondent: [To the defendant] Do you have any questions regarding the People's offer...?

Defense Attorney: [To the defendant] ...So one of the conditions for the offer is that you can be sentenced to either Five days in jail or 30 days of community service...

Respondent: [To the defendant] You don't want to do the 30 days' community service?

Defendant: ...I don't want to not be able to complete it because I don't have rides that are adequate to get me to the community service.

Respondent: [To the defendant] ...Have you been in jail before?

Defendant: No.

Respondent: So the People's offer is five days in jail.

Prosecutor: It is mandatory, Your Honor, under 1193(1)(a).

Respondent: Unbelievable. A person's who's never been in jail is going to go to jail?

Respondent: [To the defendant] I'm sorry that you're going to jail. I think it's disgusting. I think it's wrong ...

Respondent: [To the defendant] I think something like that should be when something happens bad, but I don't make the laws, unfortunately.

A copy of the transcript of the March 28, 2022, appearance is appended as Exhibit 5.

32. 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 be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) 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: September 10, 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

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

VERIFICATION

TODD C. WHITFORD,

a Justice of the Jerusalem Town Court,
Yates 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
10th day of September 2025



Notary Public

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

JERUSALEM TOWN COURT
YATES COUNTY STATE OF NEW YORK

-----X

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

[REDACTED]

-----X

(Addendum to Court Reporter Transcript)

Jerusalem Town Court
3816 Italy Hill Rd
Branchport, New York

March 28, 2022

B e f o r e:

HON. TODD C. WHITFORD
Judge

P r e s e n t:

NICHOLAS J. [DANIEL] REEDER, ESQ.
Assistant District Attorney
Yates County District Attorney's Office
415 Liberty Street
Penn Yan, New York 14527

STEPHEN HAMPSEY, ESQ.
Yates County Public Defender
Yates County Public Defender's Office
415 Liberty Street
Penn Yan, New York 14527

OFFICER CARLSON, OFFICER WALKER
Penn Yan Police Department
125 Elm Street
Penn Yan, New York 14527

[REDACTED]

Defendant

(People v [REDACTED], March 28, 2022)

1 (Counter 1:11:49 - 1:29:56)

2

3 MR. REEDER: The next one is Mr. [REDACTED].

4 JUDGE WHITFORD: Alright.

5 MS. HULLINGS: Are you starting to like my little note
6 papers here?

7 JUDGE WHITFORD: Yeah.

8 MS. HULLINGS: That's good because I like it better.

9 MR. REEDER: (Unintelligible)?

10 MR. HAMPSEY: (Unintelligible).

11 MR. REEDER: Okay. Then you have an appearance here.

12 MR. HAMPSEY: Yeah.

13 JUDGE WHITFORD: So, who, who represented him when he
14 was being-- Greg Bonney--

15 MR. REEDER: --Mm-hmm--

16 JUDGE WHITFORD: --Held for a preliminary hearing. So,
17 there's a [sic] order of protection, adjourn
18 date, March 28th at 6:00 PM to Jerusalem.
19 People of the State of New York, Parker
20 Admonishment. Oh, this is being Parker-
21 ized. Okay, so, the charge was criminal
22 contempt and harassment. Criminal
23 contempt, [REDACTED]
24 [REDACTED]. For a preliminary
25 hearing. Okay. CAP Court. Who will

(People v [REDACTED], March 28, 2022)

1 always know where you are? Mother.
2 She's-- Address. Okay. "During the
3 course of a domestic incident on [REDACTED]
4 Road, it is determined [REDACTED]
5 subjected a female to unwanted physical
6 contact while an order of protection" was
7 placed. A female. Mr. [REDACTED] was
8 arrested and transferred to Yates County
9 for await [sic] arraignment. On March
10 23rd, at eight o'clock, Penn Yan Police
11 Department was called, and Yates County,
12 Department in County of Yates New
13 York, [REDACTED] reported
14 (unintelligible) husband. Refrain from. I
15 have the Town of Italy. Mr. [REDACTED]
16 supposedly struck, elbowed and grabbed
17 [REDACTED] while driving on [REDACTED],
18 on the road. So, who was driving? Mr.
19 [REDACTED] struck Mrs. [REDACTED] while driving.
20 Who was driving? Is this put, is this case
21 put in my-- Did you add him, since he's
22 not on the docket?
23 MS. HULLINGS: No.
24 JUDGE WHITFORD: Okay. Domestic. What's up, what
25 happened tonight with [REDACTED]? He stated

(People v [REDACTED], March 28, 2022)

1 that he's going to kill me. Were weapons
2 used? No. Access to guns? No. Injured?
3 No. In pain? No. This is ridiculous. No
4 visible marks. No strangulation. I cannot
5 read this. [REDACTED] and her new boyfriend,
6 [REDACTED] were walking down [REDACTED] with
7 [REDACTED], and then drove up [REDACTED].
8 While they were driving, [REDACTED] states
9 [REDACTED] hit her and pulled her hair while
10 yelling at her about their relationship.
11 [REDACTED] then drove, I think, into Penn
12 Yan, where they-- something, something--
13 and got into the [REDACTED], where-- I
14 don't know, somebody used a restroom?
15 [REDACTED] followed her and [REDACTED] eventually
16 met back up with her boyfriend. I'm very
17 confused here. Multiple prior incidents.
18 Describe victim's domestic. Threatened to
19 kill you? Strangled you? No. Beaten you
20 while you were pregnant? Yes. I suspect
21 people of killing you or your children.
22 Yes, yes, yes. Is there reasonable cause to
23 suspect the children may be victim of
24 neglect, mistreatment, and endangerment?
25 Oh, so now we're back to a no. Was the,

(People v [REDACTED], March 28, 2022)

1 was the DI arguing with the victim at the
2 scene? Yes. Was victim noticed, given--
3 Was victim's rights notice given to
4 victim? Yes. [REDACTED] -- something-- came
5 to-- Am I supposed to be able to read this
6 bullshit?
7 MR. HAMPSEY: There's lots of records here.
8 JUDGE WHITFORD: --This is ridiculous. You know what?
9 Have your office print.
10 MR. REEDER: (Unintelligible).
11 JUDGE WHITFORD: Maybe use a computer. Quit wasting my
12 time. [REDACTED] came to-- Scribble-
13 - something-- pick me up in-- Don't know
14 what that means-- Penn Yan. Yelled and
15 screamed in my face. He hit me in the
16 face. This is so ridiculous. Pulled my
17 hair, made me incredibly-- something--
18 fearful for my life. He has said bad things
19 and done-- something-- in front of my
20 children. It was affecting them negatively.
21 He was speeding around? Saying he was
22 going to kill me. He looked very scary. I
23 don't want anything to do with [REDACTED].
24 He gives me-- something-- mental health
25 issues. Oh, here we go. Post

(People v [REDACTED], March 28, 2022)

1 (unintelligible) on behalf of rapes. I don't
2 want this to not be put in my-- What is
3 that? In my statements. I don't want this
4 to be put my-- something-- in my
5 statements. He violated the order of ...
6 for the millionth time. Hmm. The
7 millionth time. I did not want-- Do we
8 have a million records of this?
9 UNKNOWN: [Laughing].
10 JUDGE WHITFORD: [REDACTED]. Wait a minute. Now we're
11 at [REDACTED]? Where were you when
12 you came in contact with [REDACTED] tonight?
13 [REDACTED]. When you got into the car
14 with [REDACTED] tonight, where'd you go?
15 What time was it? It's 5:00 PM and we
16 went up [REDACTED]. Who is [REDACTED]?
17 MR. HAMPSEY: His wife--
18 JUDGE WHITFORD: --The victim? His wife? So, she got in
19 the car with him?
20 MR. REEDER: Yes, Your Honor.
21 MR. HAMPSEY: She (unintelligible) asked for a ride
22 (unintelligible)--
23 JUDGE WHITFORD: --What did the vehicle look like? A white
24 [REDACTED]. How did he become
25 physical with you? Uhm, that was a

(People v [REDACTED], March 28, 2022)

1 leading question. He took his hand and
2 slapped me on the elbow while he grabbed
3 my hair. Oops. Tammy, I'm not sure how
4 to add this case to this. Oh, maybe-- Here
5 we go, I think. I think. So, then I do--
6 This is so ridiculous. Okay. When did he
7 make you feel fearful? Wait a minute,
8 wait a minute, wait a second. He
9 elbowed-- Did he make you feel fearful?
10 So, it says, question, "Did he make you
11 feel fearful?" There's no answer.
12 Question, "Was" was, I don't know,
13 "contact between you unwanted?"
14 Answer is yes. How do you know
15 [REDACTED]? We are legally married. Are
16 you-- something-- aware of any
17 court-- I don't know what that is--
18 protection, refrain from. The-- Are you--
19 something-- aware of any court--
20 something-- of protection, refrain from,
21 between the two of you. Answer is yes.
22 Would you like him arrested? Yes. I'm
23 so confused. So, this is a temporary order
24 of protection from Deborah Huff-Tober.
25 I'm a little confused here. Is this the order

(People v [REDACTED], March 28, 2022)

1		of protection?
2	MR. REEDER:	This, Judge, here is the final order of
3		protection that we intended to introduce
4		tonight at-- (Unintelligible).
5	JUDGE WHITFORD:	What is this? Because this one doesn't
6		have a signature. Are you talking about
7		this one?
8	MR. REEDER:	No, Your Honor, I'm talking about this
9		one.
10	MR. HAMPSEY:	(Unintelligible).
11	MR. REEDER:	Yes, Your Honor-- Yes.
12	MR. HAMPSEY:	You can call me Your Honor.
13	MR. REEDER:	Technically you are the honorable.
14	JUDGE WHITFORD:	Italy Town Justice Deborah Huff-Tober.
15		An order of protection. It is hereby
16		ordered that the above defendant,
17		following conditions. Check-- So, she did
18		not check this box.
19	MR. REEDER:	Not on the, not on the formal one, Your
20		Honor--
21	JUDGE WHITFORD:	--Not on the one, correct?
22	MR. REEDER:	Correct, not on the one I intended to
23		introduce tonight, anyways, Your Honor.
24	JUDGE WHITFORD:	What?
25	MR. REEDER:	Not on the one I intend to introduce

(People v [REDACTED], March 28, 2022)

1		tonight, Your Honor.
2	JUDGE WHITFORD:	I'm really confused. Why do we have--
3	MR. REEDER:	--That is a good question, Your Honor.
4		I'm not (unintelligible)--
5	JUDGE WHITFORD:	--So, so, so, I have three orders of
6		protection here.
7	MR. HAMPSEY:	I only have one that makes any sense,
8		but-- Well, it kind of makes sense.
9	JUDGE WHITFORD:	[Sigh].
10	MR. HAMPSEY:	I really don't know.
11	JUDGE WHITFORD:	She did not check "stay away from" on
12		neither of these two. I think everybody
13		can agree to that. She did check "refrain
14		from communication, or any other
15		contact" except for
16		contact/communication as it's permitted
17		by the order to, by Family/Supreme Court.
18		Refrain from assault. Okay. Would step
19		one be checking the box, number one?
20	MR. REEDER:	Okay. Your Honor, that's not the basis for
21		the criminal contempt.
22	JUDGE WHITFORD:	What is--
23	MR. REEDER:	--The basis for the criminal contempt is
24		that there was a valid order of protection--
25	JUDGE WHITFORD:	--Where's the valid order of protection?

(People v [REDACTED], March 28, 2022)

1	MR. REEDER:	It is this one, Your Honor.
2	JUDGE WHITFORD:	I don't have that one.
3	MR. REEDER:	You should have it. You don't have that
4		one?
5	JUDGE WHITFORD:	I have this one that's not signed by a
6		judge, there's nothing here, so this is
7		garbage. I have this one, where the boxes
8		are not checked, so here's three.
9	MR. REEDER:	May I see the-- It is, I believe-- Yes, this
10		is the correct one. Valid order of
11		protection--
12	JUDGE WHITFORD:	--There's no box checked.
13	MR. REEDER:	Not on, not on box one. Box one is only if
14		this is, only a stay-away.
15	JUDGE WHITFORD:	So, he doesn't have to stay away from her.
16	MR. REEDER:	According to this, no he does not.
17	JUDGE WHITFORD:	Okay.
18	MR. REEDER:	According to what was said in court, I
19		believe that is wrong, but that is
20		(unintelligible)--
21	JUDGE WHITFORD:	--Doesn't matter. I, I don't have that here.
22		You didn't bring a record with you.
23	MR. REEDER:	No, Your Honor.
24	JUDGE WHITFORD:	So, you're going to go by "refrain from
25		assault, stalking, harassment"?

(People v [REDACTED], March 28, 2022)

1 MR. REEDER: Yes, Your Honor. And then we must also
2 show that there's a reasonable cause to
3 believe that he physically touched her
4 against her will with the intent to harass,
5 annoy, or alarm--
6 JUDGE WHITFORD: --Okay--
7 MR. REEDER: --while there was a valid order of
8 protection on her.
9 JUDGE WHITFORD: My question is-- This, this is, this is, this
10 is unbelievable that we're here today. So,
11 my question is, that I can-- My
12 understanding through all this garbage that
13 the officers did-- Garbage. These officers
14 that are supposed to be professional
15 officers; I, I don't understand. He drove to
16 [REDACTED], and she got in the car? Is
17 this correct?
18 MR. REEDER: That's correct, Your Honor.
19 JUDGE WHITFORD: Did he grab her and throw her in the car?
20 MR. REEDER: No, Your Honor.
21 MR. HAMPSEY: (Unintelligible).
22 MR. REEDER: Did she-- Did--
23 JUDGE WHITFORD: --So, so, so why isn't she getting arrested?
24 MR. REEDER: Because she didn't-- She can't violate the
25 order of protection, Your Honor.

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1	MS. HULLINGS:	It's not a stay-away.
2	MR. REEDER:	Even if it was a stay-away, she can initiate
3		contact; he can't.
4	JUDGE WHITFORD:	Oh, that makes sense, to me. Not.
5	MR. REEDER:	I agree, but that's not the law of the State
6		of New York--
7	MS. HULLINGS:	--I didn't realize that. Is that new?
8	MR. REEDER:	The victim cannot, by law, violate--
9	JUDGE WHITFORD:	--I think this should go in front of Huff-
10		Tober, because I didn't sign up for this,
11		this, this, this puppet show, this-- It is
12		ridiculous.
13	MR. REEDER:	This is just to find out if there's sufficient
14		cause to hold him as a, as a felon, pending
15		grand jury review.
16	JUDGE WHITFORD:	So, you're going to call him in, and you
17		have a witness?
18	MR. REEDER:	I have a witness, yes, Your Honor.
19	JUDGE WHITFORD:	So, you're going to go first?
20	MR. REEDER:	Yes.
21	JUDGE WHITFORD:	You're going to question your witness,
22		and then you're going to cross, and then
23		you're going to--
24	MR. REEDER:	--Any redirect--
25	JUDGE WHITFORD:	--What's it called, redirect-- And then

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1		you're going to--
2	MR. HAMPSEY:	--Make a motion to dismiss. Have him
3		released.
4	JUDGE WHITFORD:	And then, well, does he get to speak?
5	MR. REEDER:	If he wishes, he may testify, Your Honor.
6	JUDGE WHITFORD:	Okay. Is he testifying?
7	MR. HAMPSEY:	Well, we'll see how it goes.
8	JUDGE WHITFORD:	Does he understand that it's best that he
9		keeps his mouth shut while he's in here? I
10		don't know him. Oh my gosh. Okay.
11	[REDACTED]	[REDACTED]
12	[REDACTED]	[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15		[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20		[REDACTED]
21	[REDACTED]	[REDACTED]
22		[REDACTED]
23	[REDACTED]	[REDACTED]
24	[REDACTED]	[REDACTED]
25		[REDACTED]

(People v [REDACTED], March 28, 2022)

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(People v [REDACTED], March 28, 2022)

1	[REDACTED]	[REDACTED]
2		[REDACTED]
3	[REDACTED]	[REDACTED]
4	[REDACTED]	[REDACTED]
5	[REDACTED]	[REDACTED]
6	[REDACTED]	[REDACTED]
7	[REDACTED]	[REDACTED]
8		[REDACTED]
9		[REDACTED]
10	[REDACTED]	[REDACTED]
11	[REDACTED]	[REDACTED]
12		[REDACTED]
13	[REDACTED]	[REDACTED]
14	[REDACTED]	[REDACTED]
15		[REDACTED]
16	[REDACTED]	[REDACTED]
17	[REDACTED]	[REDACTED]
18	[REDACTED]	[REDACTED]
19	[REDACTED]	[REDACTED]
20	[REDACTED]	[REDACTED]

21
22
23 *WHEREUPON, the next portion of the proceeding is reflected in the*
24 *transcript of the Court Reporter.*
25

1 (Counter 1:59:56 - 2:14:02)
2
3 JUDGE WHITFORD: So, this is, I wouldn't even consider legit
4 right now, you know?
5 MS. HULLINGS: Because he didn't (unintelligible).
6 JUDGE WHITFORD: Right. That's not our job. Okay?
7 MS. HULLINGS: Right.
8 JUDGE WHITFORD: So, we have, I have to go based on her
9 statement--
10 MR. HAMPSEY: --(Unintelligible)--
11 JUDGE WHITFORD: --which is amazing.
12 MS. HULLINGS: You're going on her statement tonight or
13 are you going on her statement to the
14 police? Because she told them that, err,
15 she testified she had marks.
16 JUDGE WHITFORD: She-- Tonight she testified, but before she
17 did not.
18 MS. HULLINGS: That's what I mean, so she's kind of
19 (unintelligible)--
20 JUDGE WHITFORD: --But I have to figure out if I trust her
21 character for this. It had to have been-- I
22 mean-- (unintelligible)-- It just doesn't
23 make sense, like, there's no statement
24 about what happened in the car, testimony.
25 MS. HULLINGS: There's, there's the end of the testimony,

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1		that's (unintelligible).
2	JUDGE WHITFORD:	Well, this testimony was crap, but her
3		statement, which there was no evidence ...
4		During the course of a domestic incident
5		on [REDACTED] Road ... I don't even know
6		what to think.
7	MR. REEDER:	[Background Conversation]
8		(Unintelligible)--
9	MR. HAMPSEY:	[Background Conversation]
10		(Unintelligible)--
11	JUDGE WHITFORD:	--(Unintelligible) chair. Act with gross
12		negligence. (Unintelligible) to
13		(unintelligible). Oh. (Unintelligible).
14	MS. HULLINGS:	[Laughing].
15	JUDGE WHITFORD:	I don't know. (Unintelligible). Almost.
16		Reasonable cause to believe. You just
17		have to have reasonable cause. Criminal
18		contempt in the first, was the charge.
19		Protected party has met (unintelligible)--
20	MS. HULLINGS:	--What is the, what's the definition of
21		criminal contempt in the first?
22	JUDGE WHITFORD:	That is, you know, violating any of these
23		orders.
24	MS. HULLINGS:	Oh.
25	JUDGE WHITFORD:	So, if he-- So ...

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1 MS. HULLINGS: Is the evidence reasonable?

2 JUDGE WHITFORD: (Unintelligible) need, we need [REDACTED] to
3 go see kids, to go see kids. Yeah,
4 (unintelligible) count. I made him angry,
5 so ... [REDACTED], [REDACTED], and her new
6 boyfriend, [REDACTED], were walking down [REDACTED]
7 with [REDACTED]. And then drove up to--
8 [REDACTED] and her new boyfriend, [REDACTED], drove,
9 were walking down [REDACTED] with [REDACTED],
10 and then drove up to--

11 *Telephone Call Commenced*

12 [REDACTED] [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]

18 *Telephone Call Ended*

19 JUDGE WHITFORD: [Whispering] (Unintelligible) pulled my
20 hair, made me (unintelligible) for my
21 (unintelligible). [REDACTED] (unintelligible).
22 (Unintelligible) speeding around and
23 saying he was going to kill me. Looked so
24 scary. Kiss me. [No longer whispering]
25 I'm confused.

(People v [REDACTED], March 28, 2022)

1 MS. HULLINGS: I'm confused, too, with something you just
2 read. The went walking, the three of them
3 were walking--
4 JUDGE WHITFORD: --[REDACTED] and her boyfriend, [REDACTED], were
5 walking down [REDACTED] by [REDACTED]
6 when [REDACTED] was confronted by [REDACTED].
7 She got into the car-- Totally different
8 story. Totally different story.
9 MS. HULLINGS: Mm-hmm.
10 JUDGE WHITFORD: [REDACTED] states [REDACTED] hit her and pulled her
11 hair-- which she did not state-- yelling at
12 her about relationships. [REDACTED] then
13 drove into Penn Yan, where they
14 continued to argue, and then got into
15 [REDACTED] where [REDACTED] used the, used the
16 restroom. Ah-ha. [REDACTED] followed her
17 in, and-- [REDACTED] followed her in, and
18 [REDACTED] eventually met me back with her
19 boyfriend (unintelligible).
20 MS. HULLINGS: (Unintelligible) back in (unintelligible).
21 Otherwise, that happened at, in the
22 Village.
23 JUDGE WHITFORD: This is, this is, yeah, this is at [REDACTED]
24 [REDACTED].
25 MS. HULLINGS: I find it interesting she didn't write down

(People v [REDACTED], March 28, 2022)

1 that she was with another guy.
2 JUDGE WHITFORD: Well, this happened at [REDACTED].
3 MS. HULLINGS: Mm-hmm.
4 JUDGE WHITFORD: [REDACTED] came to, to pick me up in
5 Penn Yan. Okay. So, hold on. This is, I,
6 [REDACTED] Whose statement is this? This is
7 called a--
8 MS. HULLINGS: --(Unintelligible) also--
9 JUDGE WHITFORD: D-I-R. What's up? He stated he was
10 going to kill me.
11 MS. HULLINGS: Oh, this is what she told this officer.
12 JUDGE WHITFORD: Okay. So, this is not a sworn statement.
13 Evidence present, no. Offense committed,
14 yes. Was suspect arrested, yes. Order of
15 protection in effect, yes. It's a refrain
16 from. Order of protection registry
17 checked, yes. D-I-R reposit, check. So,
18 this is a statement, but--
19 MS. HULLINGS: --It's a hearsay statement--
20 JUDGE WHITFORD: --Yeah. Yeah, yeah, yeah. So, this is her
21 statement.
22 MS. HULLINGS: Yeah, she signed that one. That's the
23 same one, I think--
24 JUDGE WHITFORD: --Here it is. I-- Nope, it's different.
25 MS. HULLINGS: Oh, you know what it is--

(People v [REDACTED], March 28, 2022)

1 JUDGE WHITFORD: --Oh wait-- Nope, you're right--
2 MS. HULLINGS: --It's the same--
3 JUDGE WHITFORD: --It's the same--
4 MS. HULLINGS: --Is it?
5 JUDGE WHITFORD: Yeah. It's cut off. It goes like this. See,
6 the top part is missing.
7 MS. HULLINGS: Yeah, but look. This looks different right
8 here. Suspect name is written right here,
9 but here it's not.
10 JUDGE WHITFORD: I'm [REDACTED]. I'm [REDACTED].
11 MS. HULLINGS: It's two different ones. It's even signed
12 differently here.
13 JUDGE WHITFORD: [REDACTED] came to-- something--
14 pick me up in-- something-- Penn Yan.
15 Yelled and screamed. Oh, you're right.
16 They're totally different. Penn Yan.
17 Where were you-- So-- I, [REDACTED]--
18 Penn Yan PD. Penn Yan PD. Officer-- I
19 don't know. [REDACTED] came to pick
20 me up in Penn Yan. In Penn Yan? [REDACTED]
21 [REDACTED] is not in Penn Yan.
22 MS. HULLINGS: Well, some people would--
23 JUDGE WHITFORD: --No, it's not. Yelled and screamed in my
24 face. Hit me in the face, pulled my hair
25 and made me incredibly fearful for my

(People v [REDACTED], March 28, 2022)

1 life. He said bad things to be done, bad
2 things in front of my children. Their
3 children are not there. It was affecting
4 them negatively. He was speeding around
5 saying he was going to kill me. He too--
6 something-- very scary, serious. I don't
7 want anything to do with [REDACTED]. He
8 gives me mental illness. Beatings and
9 rapes. I don't want this to not be--
10 MS. HULLINGS: --Rapes but yet she was going to the hotel
11 with him--
12 JUDGE WHITFORD: --put in my-- I don't know what this is,
13 put in my, in my statements. I--
14 MS. HULLINGS: --My mail, treatment statements--
15 JUDGE WHITFORD: --I don't want this to not be put in my
16 treatment--
17 MS. HULLINGS: --mental, mental health treatment
18 statements--
19 JUDGE WHITFORD: --Okay, in my statements. He violate [sic]
20 order of protection for the millionth time
21 and I did not want contact with him
22 tonight. I did not want him to-- I did, I
23 did not want contact with him tonight?
24 Where are you coming in contact with
25 [REDACTED]? [REDACTED]. Where you got

(People v [REDACTED], March 28, 2022)

1 into the car, [REDACTED] tonight? Where were
2 you when you came in contact with--
3 [REDACTED]. Were you when you got
4 into the car with [REDACTED] tonight?
5 Where'd you go? What time was it? Five
6 PM and we, we went up [REDACTED] Road.
7 When did he become physical with you?
8 Answer, "At the bottom of [REDACTED]
9 Road." What did the vehicle look like?
10 Garbage (unintelligible), physical view.
11 How did he become physical with you?
12 He took his hand and slapped me and
13 elbowed me while he grabbed my hair.
14 Did he make you feel fearful? Question,
15 "Was the contact between you and him?"
16 Yes. Do you know [REDACTED] here? Were
17 you legally married? Are you two aware
18 of any court orders? That's court orders,
19 the protection, refrain from--
20 MS. HULLINGS: --See, they were, they were leading her to
21 say that, weren't they?
22 JUDGE WHITFORD: Yeah.
23 MS. HULLINGS: Because she didn't bring it up to them.
24 JUDGE WHITFORD: I mean not according to this--
25 MS. HULLINGS: --Oh, maybe, right (unintelligible)--

(People v [REDACTED], March 28, 2022)

1 JUDGE WHITFORD: --Threaten to kill you, yes. Strangled or
2 choked you, but it says no. I think we
3 should just let this go to judge that-- I
4 don't--
5 MS. HULLINGS: --I think there's a lot of discrepancy here.
6 JUDGE WHITFORD: Yes. So, what happens-- So, so, I-- If I
7 agree with the People, then what happens?
8 MS. HULLINGS: (Unintelligible)--
9 JUDGE WHITFORD: --This stays here--
10 MS. HULLINGS: --I think the case--
11 JUDGE WHITFORD: Oh, it's a felony. No.
12 MS. HULLINGS: It is a felony.
13 JUDGE WHITFORD: Yeah, criminal contempt is a felony.
14 Harassment in the second. So, you say no
15 to the criminal contempt, and he's still
16 charged with harassment in the second.
17 MS. HULLINGS: Is there something in your book that tells
18 what happens if you find that preliminarily
19 there's not enough evidence?
20 JUDGE WHITFORD: Yeah. (Unintelligible).
21 *Background Conversation*
22 MS. HULLINGS: Is it possible that you would deem them to
23 be enough evidence without prejudice,
24 which would mean they can refile under a
25 different, a different file--

(People v [REDACTED], March 28, 2022)

1 JUDGE WHITFORD: --Okay. I think we got it--

2 MS. HULLINGS: --a different accusation.

3 *Background Conversation*

4 JUDGE WHITFORD: Okay. Gentleman, approach the bench.

5

6 *WHEREUPON, the next portion of the proceeding is reflected in the*
7 *transcript of the Court Reporter*

8

9 **2:23:24 - 2:29:48**

10

11 MS. HULLINGS: Do you want this one, Your Honor?

12 JUDGE WHITFORD: Oh, no. I, I wouldn't know what to tell
13 you. So, officer? Oh, yeah. Come hither,
14 (unintelligible). What do you need to
15 bring the defendant back to jail, and then
16 him to be released?

17 UNKNOWN OFC: (Unintelligible) release of--

18 JUDGE WHITFORD: --A release of what?

19 UNKNOWN OFC: Yeah--

20 JUDGE WHITFORD: --Release of prisoner?

21 UNKNOWN OFC: Yeah.

22 JUDGE WHITFORD: We have that. And released on, so it's ...

23 MS. HULLINGS: It would be other.

24 JUDGE WHITFORD: Sure. Yes.

25 MS. HULLINGS: You're just going to write it in? Because

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1		here's our option. Watch. Oh, where was
2		that number again?
3	JUDGE WHITFORD:	Release of prisoner ...
4	MS. HULLINGS:	We can put your remarks in here.
5	JUDGE WHITFORD:	There's no need for remarks for the jail.
6		He's going to be released today, and he
7		needs a new court date to appear for his
8		charge. Which, did they give him a court
9		date?
10	MS. HULLINGS:	I think that, that remark would have gone
11		under "other." But you don't want to, you
12		don't want anything written there?
13	JUDGE WHITFORD:	Offense date. So, oh, so we got to give
14		him a court date.
15	MS. HULLINGS:	But you don't want to put any reason filed,
16		then?
17	JUDGE WHITFORD:	No.
18	MS. HULLINGS:	Okay.
19	JUDGE WHITFORD:	I mean, the charge was dropped, the first
20		charge? That would be in the comment,
21		right?
22	MS. HULLINGS:	It would.
23	JUDGE WHITFORD:	Okay. Let's do that. I understand what
24		you're saying.
25	MS. HULLINGS:	Okay. You want me to type it in, or are

(People v [REDACTED], March 28, 2022)

1		we going to just write it in?
2	JUDGE WHITFORD:	If you could type it in, that would be
3		fantastic.
4	MS. HULLINGS:	Okay. Please tell me the wording you
5		want exactly.
6	JUDGE WHITFORD:	Penal Law, P-L, 215.51 criminal--
7	MS. HULLINGS:	--Okay--
8	JUDGE WHITFORD:	--contempt--
9	MS. HULLINGS:	--how do you want me to write it--
10	JUDGE WHITFORD:	--dismissed. Yup.
11	MS. HULLINGS:	That's it? You want first? Or no?
12		Criminal contempt first?
13	JUDGE WHITFORD:	215.50.
14	MS. HULLINGS:	.50 or .51?
15	JUDGE WHITFORD:	215.51, I'll find it. Okay, it's 215.51 in
16		the first degree. Sure. So, new court date?
17	MS. HULLINGS:	April 11 th .
18	JUDGE WHITFORD:	April 11 th . Adjourned to give him
19		paperwork. Crane said that he called the
20		office, and they couldn't find the, the
21		disposition.
22	MS. HULLINGS:	Okay.
23	JUDGE WHITFORD:	I don't know if you want me to remind
24		you, but--
25	MR. REEDER:	--I'll redo it, yeah.

(People v [REDACTED], March 28, 2022)

1	JUDGE WHITFORD:	Okay. Do you know that-- Yeah, because
2		that wouldn't be from our court. You're
3		fine, you're fine.
4	MR. REEDER:	Steve, I'm pretty sure the (unintelligible).
5	MR. HAMPSEY:	Okay.
6	JUDGE WHITFORD:	Hot off the press.
7	MR. REEDER:	(Unintelligible).
8	MR. HAMPSEY:	What he get?
9	MR. REEDER:	(Unintelligible).
10	MR. HAMPSEY:	I know, but I can't hear. I'm lucky I get
11		(unintelligible).
12	MR. REEDER:	(Unintelligible).
13	JUDGE WHITFORD:	(Unintelligible), I'm going to give him the
14		new court paperwork, and then I'm going
15		to give him a friendly reminder, not so
16		friendly.
17	MS. HULLINGS:	Let me, let me make some copies. This is
18		a confirmation of the new court date.
19	JUDGE WHITFORD:	Okay.
20	MS. HULLINGS:	I don't think that was the right number,
21		but--
22	JUDGE WHITFORD:	--Oh, that was me.
23	UNKNOWN OFC:	Does this have to be (unintelligible)--
24	JUDGE WHITFORD:	--I was wondering. ROR--
25	MS. HULLINGS:	--I think so. You should probably check.

(People v [REDACTED], March 28, 2022)

1 MR. HAMPSEY: I don't know.

2 JUDGE WHITFORD: Okay. Bring the defendant up here with
3 Mr. Hampsey.

4

5 *WHEREUPON, the remainder of the proceeding is reflected in the*
6 *transcript of the Court Reporter*

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Dated: November 16, 2023



Kathryn Trapani

STATE OF NEW YORK
COUNTY OF YATES
TOWN OF JERUSALEM

-----X
PEOPLE OF THE STATE OF NEW YORK,

-against-

██████████,

Defendant.

-----X

HEARING

March 28, 2022
3816 Italy Hill Road
Branchport, NY 14418

BEFORE: HONORABLE TODD WHITFORD

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

ON BEHALF OF THE PEOPLE:
YATES COUNTY DISTRICT ATTORNEY'S OFFICE
BY: NICHOLAS REEDER, ESQ.

ON BEHALF OF THE DEFENDANT
HAMPSEY LAW FIRM
BY: STEPHEN HAMPSEY, ESQ.

Digitally Recorded Proceeding
Transcribed by: JESSIE GROSS
CSR Court Reporting, LLC

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1 THE COURT: All right. I now call the case of
2 the People of the State of New York vs. [REDACTED].
3 For the record, we have Mr. Nicholas Reeder here from the
4 Yates County District Attorney's Office. We have Mr.
5 Stephen Hampsey from the Yates County Public Defender's
6 Office. The defendant, [REDACTED], is here in
7 person. He is in custody with the Yates County Sheriff
8 Deputy's Office. The two officers that are with him are
9 Officer -- just --

10 OFFICER WALKER: Walker.

11 THE COURT: Walker, and Officer --

12 OFFICER CARLSON: Carlson.

13 THE COURT: -- Carlson. Thank you.

14 The reason we are all here tonight at the Town
15 of Jerusalem Court is for a -- sorry. Let me try. I
16 practiced this earlier -- preliminary hearing regarding
17 the two charges here.

18 The defendant was arraigned in the
19 (indiscernible) Court -- let me get that on the record --
20 on -- page number 1, here we go -- in front of the
21 Honorable George R. Thompson on March 24th, 2022. That
22 would have been at 8:00 in the morning. The defendant
23 was represented by Greg Bonney. The two charges are the
24 criminal contempt and the harassment 2nd.

25 So first, before you go, Mr. Reeder, can you

1 state on the record what our objective is here tonight?

2 MR. REEDER: Yes, Your Honor. The People have
3 to prove that there is -- according to CPL 187.70 -- that
4 there is reasonable cause to believe that the defendant,
5 [REDACTED], has committed a felony. The standard does
6 not require that it even be the felony that is in front
7 of the court but just any felony. And the -- the case
8 that states that is Mattioli, M-A-T-T-I-O-L-I, vs. Brown,
9 citation 71 MISC 2d starting on page 99, Supreme Court
10 1972.

11 We must establish reasonable cause to believe
12 that the defendant has committed some felony, and we are
13 here -- and the People intend to prove that there is
14 reasonable cause to believe that the defendant, [REDACTED]
15 [REDACTED], committed a -- the criminal contempt in the first
16 degree because there was a valid order of protection out
17 of the Town of Italy Court, and that Mr. [REDACTED] violated
18 it and did so by laying hands on another person -- the
19 protected party with the intent to harass, annoy, or
20 alarm in violation of Section 215.51(b)(v).

21 THE COURT: Okay. Do you have anything to say
22 before we go?

23 MR. HAMPSEY: No, Judge.

24 THE COURT: Okay. All right. How many
25 witnesses do you have tonight, Mr. Reeder?

1 MR. REEDER: Just one, Your Honor.

2 THE COURT: Is the witness in front of me right
3 now?

4 MR. REEDER: Yes, Your Honor.

5 THE COURT: Okay. Are you ready to proceed?

6 MR. REEDER: Yes, Your Honor.

7 THE COURT: Are you ready to proceed?

8 UNIDENTIFIED SPEAKER: Yes, Judge.

9 THE COURT: Okay. All right. Ma'am, please
10 turn around and face me. Raise your right hand.

11 Do you swear or affirm that the statements
12 you're about to give are the truth, the whole truth, and
13 nothing but the truth?

14 MS. [REDACTED] Yes, sir.

15 THE COURT: Okay. Please state your first and
16 last name for the record.

17 THE WITNESS: [REDACTED], [REDACTED], [REDACTED], [REDACTED],
18 [REDACTED], [REDACTED].

19 THE COURT: What's your address?

20 THE WITNESS: [REDACTED]
21 [REDACTED].

22 THE COURT: Okay. Okay. Please face Mr.
23 Reeder.

24 DIRECT EXAMINATION

25 BY MR. REEDER:

1 Q. Good evening, Ms. [REDACTED]. Since you've put your
2 name in -- name on the record, let me ask you, who is [REDACTED]
3 [REDACTED] to you?

4 A. He is my husband.

5 Q. Okay. Do you see [REDACTED] in the room?

6 A. Yes. I do.

7 Q. Could you please point to him and identify him by
8 the clothing he's wearing?

9 A. He is right there in front of me wearing a county
10 jumpsuit, but he is not in jail.

11 MR. REEDER: Let the record reflect that the
12 witness has identified defendant.

13 THE COURT: So noted.

14 BY MR. REEDER:

15 Q. I'm going to draw your attention to March 23rd,
16 2022, at approximately 5 p.m. Where were you?

17 A. I was meeting [REDACTED] at [REDACTED].

18 Q. Okay. And is that in the Town of Jerusalem?

19 A. I believe so. Yes.

20 Q. Yates County?

21 A. Yes.

22 Q. State of New York?

23 A. Yes.

24 Q. And did there come a time when you actually did meet
25 up with [REDACTED]?

1 A. Yes.

2 Q. And what was the purpose of that meeting?

3 A. I was meeting him to go visit with my children.

4 Q. Okay. And where were your children at the time?

5 A. At their home in (indiscernible).

6 Q. Okay. When -- and did there come a time when [REDACTED]

7 actually did arrive?

8 A. Yes.

9 Q. And when approximately was that?

10 A. About 5 p.m.

11 Q. Okay. Was he driving?

12 A. Yes.

13 Q. What was he driving?

14 A. He was driving his vehicle, a white [REDACTED].

15 Q. Okay. And how do you know it was his vehicle?

16 A. Because that's been our vehicle -- his vehicle for
17 the last few years.

18 Q. Okay.

19 A. I recognized it.

20 Q. Okay. After you left [REDACTED], where did you
21 go?

22 A. We headed back into the town of Penn Yan.

23 Q. Okay. Was -- were you ever on [REDACTED] Road?

24 A. I don't -- I'm not sure. I believe so at some
25 point.

1 Q. Okay. I'm going to show you -- or I'm going to ask
2 if there's anything that would refresh your recollection?

3 A. Sure.

4 Q. And I'm going to ask you to take a brief look over
5 this.

6 A. Okay.

7 Q. Does it refresh your recollection?

8 A. It does.

9 Q. Then I'll ask you again with -- did there ever come
10 a time when you were around [REDACTED] Road?

11 A. Yes.

12 Q. Okay. During the time on which you were on [REDACTED]
13 [REDACTED] Road, did there ever come a time when you got into a
14 disagreement with (indiscernible) the defendant, Mr. [REDACTED]?

15 A. A disagreement happened on our way into the Town of
16 Penn Yan.

17 Q. And did there ever come a time when he laid his
18 hands on you?

19 A. Yes.

20 Q. Please describe how he laid his hands on you?

21 A. He wrapped his arm around my neck, then squeeze it,
22 and was trying to elbow me in the top of the head with his
23 other hand.

24 Q. And please describe his emotional state at that
25 time?

1 A. Very irate and angry. Just angry.

2 Q. How would -- how do you know -- how would you -- how
3 did you come to that conclusion that he was irate?

4 A. He was yelling at me and very angry.

5 Q. Okay. And now I'm going to show you what I've
6 marked as People's Exhibit.

7 MR. REEDER: Defense Counsel has seen it. I'll
8 show it to the Court.

9 (PEOPLE EXHIBIT A MARKED FOR IDENTIFICATION)

10 THE COURT: I would like to see that.

11 Okay. So I'm going to enter this as the
12 People's evidence. I made a copy of it.

13 (PEOPLE EXHIBIT A RECEIVED INTO EVIDENCE)

14 MR. REEDER: Okay.

15 THE COURT: Okay.

16 MR. REEDER: I'm going to show People's Exhibit
17 A to Ms. [REDACTED].

18 BY MR. REEDER:

19 Q. Please take it and review it briefly.

20 Thank you, Ms. [REDACTED]. Do you recognize this item?

21 A. I do.

22 Q. And what is it?

23 A. It's the order of protection that was issued out of
24 Italy Town Court.

25 Q. And did there ever come a time that you received a

1 copy of this?

2 A. Yes.

3 Q. Okay. Who is the person that is -- who is the
4 protected party?

5 A. I am.

6 Q. Okay. And who is the person against whom you're
7 being protected?

8 A. [REDACTED].

9 Q. Okay. Do you recall what date it was issued?

10 A. I believe it was the 3rd of December.

11 Q. What year?

12 A. Of '21.

13 Q. And do you know how long it was good until?

14 A. One year from that date.

15 Q. Okay. So -- and is this a true and accurate copy of
16 the order of protection you received?

17 A. Yes.

18 Q. Okay.

19 MR. REEDER: The People move this into evidence
20 as People's Exhibit A.

21 THE COURT: So noted.

22 BY MR. REEDER:

23 Q. And the last thing I'm going to have you do is read
24 the paragraph marked 02 out loud, please.

25 A. Refrain from assault, stalking, harassment,

1 aggravated harassment, menacing, reckless endangerment,
2 strangulation, criminal obstruction of breathing or
3 circulation, disorder conduct, criminal mischief, sexual
4 abuse, sexual misconduct, forcible touching, intimidation,
5 threats, identity theft, grand larceny, coercion, unlawful
6 discrimination or publication of intimate images or any
7 criminal offense against myself.

8 Q. Thank you very much.

9 MR. REEDER: I have nothing further.

10 THE COURT: Okay. Now, Mr. Hampsey is going to
11 ask you some questions, okay, if he wants to.
12 Understand?

13 THE WITNESS: Sure. Yes.

14 THE COURT: Mr. Hampsey?

15 MR. HAMPSEY: Thank you, Judge.

16 CROSS-EXAMINATION

17 BY MR. HAMPSEY:

18 Q. Ms. [REDACTED], you said you went to [REDACTED]. How
19 did you get to [REDACTED]?

20 A. I walked.

21 Q. Where did you walk from?

22 A. I was staying in Penn Yan at a friend's house.

23 Q. And did you contact [REDACTED]?

24 A. He had been in contact with me throughout the day.

25 Q. But when you were at [REDACTED], did you contact

1 him?

2 A. No.

3 Q. How did he know to get you there?

4 A. He said that he was going to pick me up there.

5 Q. When he said that, did you call him to have him pick
6 you up?

7 A. I --

8 MR. REEDER: Objection. Relevance. She can't
9 violate the order, Judge, and this is not -- the
10 allegation is not here that this is a stay away order.

11 MR. HAMPSEY: Judge, I'm not saying that it's
12 not stay away. I'm just saying that it's relevant to
13 what's led up to the incident at hand.

14 THE COURT: Overruled.

15 BY MR. HAMPSEY:

16 Q. So Ms. [REDACTED], when you were at [REDACTED] --

17 A. Yes.

18 Q. -- you said that [REDACTED] picked you up.

19 A. Yes. I walked there, and he was waiting there for
20 me.

21 Q. And what was your intent once you met him there?

22 A. To go back to the house in (indiscernible) and visit
23 with my children.

24 Q. But that's not where you went, correct?

25 A. Correct.

1 Q. You went to Penn Yan, correct?

2 A. Correct. But he was picking me up in Penn Yan to
3 take me to see my children. That's why he went to [REDACTED]
4 [REDACTED] was to pick me up and take me home to see my kids.

5 Q. And did that happen?

6 A. It did not.

7 Q. Why not?

8 A. Because he wanted to take me to a hotel in Watkins
9 Glen.

10 Q. Why was that?

11 A. He wanted to stay the night there with me in a
12 hotel.

13 Q. And you agreed to that?

14 A. I don't recall.

15 MR. REEDER: Objection, Your Honor. I'm going
16 to object to this whole line of questioning as to
17 relevance. Quite frankly, the issue is not whether or
18 not they were planning to get into -- they were -- but --

19 THE COURT: All right. Just a minute. Mr.
20 Reeder, I mean, I understand what you're doing. I
21 understand it completely. But unfortunately, you know,
22 he has got the -- you know, the order of protection is
23 against him. If it was both ways, I understand it
24 because -- which is the way it should have been. It
25 should have been that way. They should both be in jail

1 right now, you know. Her testimony, holy cow. Garbage
2 so far. Garbage. I don't -- [REDACTED], I mean, that's
3 where -- well, let's just -- hold on for a minute.

4 I'm not -- I don't mean to interrupt you, Mr.
5 Hampsey. It should be on -- during the course of a
6 domestic incident on [REDACTED] Road. She hasn't even
7 been on [REDACTED] Road.

8 MR. REEDER: Respectfully, Your Honor, I do
9 believe she said --

10 THE COURT: She has no clue where she's going.
11 Respectfully, Your Honor. Were you on [REDACTED]? I
12 don't think so. Well, hold on, let me -- let's -- you
13 know, what did you show her, a GPS thing? [REDACTED]
14 Road, question mark, question mark, question mark,
15 question mark. After looking at whatever Reeder gave
16 her, oh yeah, I went on [REDACTED] Road.

17 She's pretty specific on certain things but not
18 the important things. I can't even believe this is a
19 witness.

20 But the reason we are here today is to see if
21 this gentleman violated Box Number 2 on this fourth copy
22 of an order of protection. That's why we're here. We're
23 not to find out why she got in the car. You know, I hope
24 Huff-Tober tears her apart on that. You know, she's
25 supposed to be an adult, and he's supposed to be an

1 adult. Apparently that's not happening in this freaking
2 world.

3 So let's not worry about why they were going to
4 the hotel, which blows me away. Going to see my kids.
5 Wait a minute. We're going to Watkins Glen.

6 First it was, poor me, I want to go see my
7 kids, which now I'm going to go with this guys who's --
8 I'm not even supposed to be with. This blows me away.
9 She got in his car. He didn't get in her car.

10 So we're not going to discuss why she's going
11 to Watkins Glen. If you want to question her on what
12 happened in the car, that is fine. Her statements
13 regarding the elbows things was pretty -- I mean, who's
14 driving the car? I'm confused. Apparently it's got one
15 of those automatic driving steering wheels, and it's not
16 on [REDACTED], even though the police report says it
17 happened on [REDACTED], yet you were not on [REDACTED].
18 You were on Route [REDACTED] heading to Watkins Glen. And I --
19 I'll go get a map and show you guys.

20 I don't know. This is unbelievable. So Mr.
21 Hampsey, if you want to carry on and ask what happened in
22 the car, that's fine.

23 MR. HAMPSEY: All right, Judge. Thank you.

24 BY MR. HAMPSEY:

25 Q. So have you ever given a false statement to police?

1 A. I have. Yes.

2 Q. That night, were you -- did you consume any alcohol?

3 A. No.

4 Q. What?

5 A. No.

6 Q. No drugs at all?

7 A. No, sir.

8 Q. You made the statement to the police officer that he
9 apparently harassed you. Then you showed the police officer
10 marks.

11 A. I don't recall I did that. I do have a mark still,
12 but I don't recall if I showed them. Honestly, it had been a
13 lot of me having to call the police and nothing happened,
14 so --

15 Q. Yeah. So you're saying you were fearful?

16 A. Yes. I was.

17 Q. And that's why you got into the car with him?

18 MR. REEDER: Objection, Your Honor. Once
19 again, this is --

20 THE COURT: So I'm a little confused. I'm a
21 little confused. Did you have marks, yes or no?

22 THE WITNESS: Yes. I did. Yes.

23 THE COURT: Domestic incident report. Visible
24 marks, no. From your cops.

25 THE WITNESS: Yeah. That's the problem, I

1 think.

2 THE COURT: Come on, guys.

3 MR. HAMPSEY: Judge, I'm going to make a motion
4 to dismiss this. This is -- she's given false statements
5 before. The only --

6 THE COURT: Well, I don't know if she's given
7 false statements.

8 Have you given false statements --

9 THE WITNESS: Yes.

10 THE COURT: -- yes or no? That's all I've got
11 to say.

12 THE WITNESS: Yes, sir.

13 THE COURT: Okay. But we're not here for --
14 why can't people be honest? Why can't they be good
15 people? This is blowing me away. These fucking masks.
16 This job is not worth it if you've got to deal with
17 people like this. I don't know what to do. You can tell
18 that she's mad at him. But did any of this even happen?

19 Let me see, not sure on marks, not sure on
20 roads. So she lied -- she has lied in the past in
21 statements.

22 MR. HAMPSEY: And it's --

23 THE COURT: I don't care right now why she got
24 in the freaking car. She shouldn't have got in the car.
25 I mean, apparently she's got the brain of a small child.

1 She gets in cars that she's not supposed to be getting in
2 to, but let's not talk about that.

3 So stop with your making the motion to dismiss
4 right now of the charge. What else would you like to ask
5 her regarding this charge of violating the order of
6 protection?

7 MR. HAMPSEY: Judge, there's nothing else.
8 It's just his word against her word, and --

9 THE COURT: I agree with that.

10 MR. HAMPSEY: I think I've done (indiscernible)
11 with this. It's (indiscernible).

12 THE COURT: Anything else?

13 MR. HAMPSEY: Nothing further.

14 THE COURT: Okay. So now, we redirect?

15 MR. REEDER: Yes, Your Honor.

16 THE COURT: Stand by. Okay. Mr. Reeder.

17 REDIRECT EXAMINATION

18 BY MR. REEDER:

19 Q. Ms. [REDACTED], I'd like to bring you back to the false
20 statement charge. Do you remember what sort of -- what your
21 charge was?

22 A. Yes. It was not a false statement.

23 Q. Ms. [REDACTED], for the -- I'm going to interrupt you
24 there. I -- I'm just asking you if you remember what the
25 charge was.

1 A. Not specifically. No.

2 Q. Would you recall whether or not it was -- whether it
3 was a false written statement?

4 A. It was not. I know that. It was I believe burglary
5 3rd.

6 Q. But the charge to -- correct -- but did you ever
7 plea to a charge of a false written statement?

8 A. I did. It was a global disposition, and I served
9 one year in jail for that.

10 Q. Okay. Please describe the circumstances of making
11 the statement that was alleged to -- that you did -- that you
12 pleaded guilty to making falsely?

13 A. It had nothing to do with [REDACTED]. It was a
14 total -- I have never lied to the police about that. I have
15 not.

16 Q. I am asking you about the circumstances of the
17 statement you did make, Ms. [REDACTED].

18 A. Yes.

19 Q. Please describe the circumstances of that statement.

20 A. I was heavily intoxicated. I was not in my right
21 mind. I lied to the police to protect [REDACTED]'s cousin, [REDACTED]
22 [REDACTED].

23 Q. Okay. And since that time, have you remediated your
24 drug use?

25 A. Yes. I have gone to treatment and am in outpatient

1 treatment.

2 Q. And at the time of the incident, were you -- had you
3 consumed any alcohol?

4 A. No.

5 Q. Had you consumed any drugs?

6 A. No.

7 MR. REEDER: Nothing further.

8 THE COURT: Mr. Hampsey?

9 RECROSS-EXAMINATION

10 BY MR. HAMPSEY:

11 Q. You were mad at [REDACTED] that night, correct?

12 A. Incorrect, sir. I had not reason to be mad at him.
13 I'm not mad at him. I'm sad for him. That's about it.

14 MR. [REDACTED]: Mr. Hampsey?

15 MR. HAMPSEY: Judge, may I speak to --

16 THE COURT: Yeah.

17 MR. HAMPSEY: Judge, I have nothing further.

18 I'll save it for closing (indiscernible).

19 THE COURT: Okay.

20 MR. REEDER: I have no further witnesses,
21 Judge.

22 THE COURT: Okay. Mr. Hampsey, do you have any
23 witnesses?

24 MR. HAMPSEY: No. I don't.

25 THE COURT: You don't have any witnesses?

1 MR. HAMPSEY: (No audible response)

2 THE COURT: Okay. Mr. -- so who goes -- so it
3 would be you first for closing, correct?

4 CLOSING STATEMENT BY RESPONDENT

5 MR. HAMPSEY: Judge, I think I've established
6 that Ms. [REDACTED] reached out to my client. She couldn't
7 have been fearful of him. She got in a car with him
8 (indiscernible). They were going to go to Watkins Glen
9 to a hotel, not to her children. She's not telling the
10 truth of that. She's making false statements --

11 MR. REEDER: Objection, Your Honor. That has
12 not been established. That is false, and it is
13 misstating the testimony that was set forth.

14 THE COURT: What -- which part? That she was
15 going to the hotel?

16 MR. REEDER: That that was the intent.

17 MS. [REDACTED]: [REDACTED] decided that.

18 THE COURT: I mean, that's what I heard. She
19 was going to a hotel. I haven't heard him talk.

20 MR. HAMPSEY: I think it's relevant because it
21 shows that she's not telling the truth, and that -- this
22 whole thing is based on he said/she said, and that's what
23 I'm getting at.

24 THE COURT: Okay.

25 MR. REEDER: Once again, Your Honor --

1 THE COURT: Just hold on, Mr. Reeder. I'll let
2 you go when Mr. Hampsey's done, and then you can talk as
3 long as he did. These are just closing statements. It's
4 not evidence.

5 Mr. Hampsey, make it quick.

6 MR. HAMPSEY: All right. So she's given false
7 statements to the police before. She obviously has some
8 disagreements with Mr. [REDACTED]. I just can't see there's
9 enough evidence here to hold Mr. [REDACTED] any longer. This
10 is a felony charge, very serious. I can't see where he
11 has done anything wrong.

12 THE COURT: Anything else?

13 MR. HAMPSEY: Nothing else.

14 THE COURT: Okay. Mr. Reeder?

15 CLOSING STATEMENT BY PETITIONER

16 MR. REEDER: Thank you, Your Honor. The
17 testimony you heard tonight from [REDACTED] was under
18 oath. And yes. She does have a history with a
19 conviction of a false written statement to the police.
20 That being said, the circumstances around that arrest and
21 that conviction have been remediated.

22 Moreover, the state -- we are only here for one
23 purpose, Your Honor. We are only here to determine
24 whether or not there is reasonable cause to believe that
25 the defendant has committed the felony of -- in this

1 case, criminal contempt in the first degree, namely that
2 there was a valid order of protection and that the
3 defendant violated that order of protection by laying
4 hands on Ms. [REDACTED] with the intent to harass, annoy, or
5 alarm. Any other circumstances surrounding that are not
6 relevant, Your Honor.

7 THE COURT: Anything else?

8 MR. REEDER: No, Your Honor.

9 THE COURT: Okay. Okay. [REDACTED], you can leave.
10 I'm done with you.

11 Gentlemen, can you take the defendant in the
12 room next door?

13 If you guys want to go that way, that's fine
14 with me.

15 (Whereupon, a recess was taken.)

16 THE COURT: Okay. Gentlemen, approach the
17 bench. All right. This is for the case of the People of
18 the State of New York vs. [REDACTED], who has been
19 charged with criminal contempt on one count penal law
20 215.51.

21 The People put into evidence Exhibit A, the
22 order of protection that was signed by the Honorable
23 Deborah Huff-Tober. It was issued on December 3rd, 2021,
24 expires December 3rd, 2022.

25 The order of protection was between the parties

1 of the [REDACTED] -- between [REDACTED] and his
2 wife, [REDACTED].

3 The People pointed out Box Number 2. The
4 protected party is [REDACTED]. It does state that the
5 defendant needs to refrain from assault, stalking,
6 harassment, aggravated harassment, menacing, reckless
7 endangerment, strangulation, criminal obstruction of
8 breathing circulation, disorderly -- so on and so forth.
9 I don't believe I need to read all of this.

10 The People had one witness, who was sworn in by
11 me tonight. Her testimony, if you listen to the record
12 -- you know, some people don't testify well, which I
13 completely understand. She was probably nervous, so I --
14 you know, I took notes, and I looked at her statements,
15 which we have from -- sworn statements from the officers.

16 I'm not really concerned on the fact that she
17 said that she was going to go see her children, and she
18 was going to the hotel. I'm not worried about that at
19 this time. Her statements -- she stated that her husband
20 grabbed her with one elbow around her neck and hit her in
21 the head with the other elbow.

22 Her statements to the officers are different.
23 She told the officer that he slapped her, grabbed her
24 hair, and elbowed. She did not state that at all.

25 So I would say that it is my responsibility at

1 this time to -- if I have to make my decision tonight
2 regarding just her statement and the statements that she
3 gave the officer -- that her statements -- you know, we
4 have to come up with -- not that --

5 MR. REEDER: Judge, if you're going to render a
6 decision, I think Mr. [REDACTED] needs to be here.

7 THE COURT: Oh. I did not know that. Thanks
8 for the heads up, guys. Bring him in. That's not --
9 yeah. Don't worry about that.

10 (Whereupon, The Defendant was brought in.)

11 RULING

12 THE COURT: Okay. The defendant is in court at
13 this time.

14 So real quick, I was putting on the record that
15 we do have a valid order of protection from the Honorable
16 Judge Huff-Tober. The dates are correct. The protected
17 party is [REDACTED]. The Box Number 2 is checked. The
18 protected party is on Box Number 2.

19 Then I was going to -- about the People's
20 witness and her statement versus her statements that were
21 given to the officer, just the sworn statements.

22 I guess I can understand, I guess -- I mean,
23 she doesn't know where she's going, whether it's [REDACTED]
24 [REDACTED] or Watkins Glen or Town of Italy. Maybe she
25 needs a GPS or something. I don't know. But I think

1 that -- the order of protection doesn't say she can't go
2 on [REDACTED] Road or he can't take her on [REDACTED] Road
3 or to Watkins Glen.

4 The order of protection is talking about your
5 behavior with the protected party as far as assault and
6 hitting and -- you know, physical and stuff. So she said
7 that, you know, you hit her in the -- the defendant had
8 the protected party in a possible headlock, one elbow,
9 and hitting with the other elbow.

10 The police reports different statements, so
11 that was pulling hair, slapping, and elbow.

12 MR. [REDACTED]: All while driving.

13 THE COURT: That -- you don't need to talk.

14 MR. [REDACTED]: All right.

15 THE COURT: It's not a good idea tonight.

16 So is she nervous? She didn't -- you know, she
17 put the elbows in there, which is in her statement. She
18 didn't talk about the hair. I don't know why the two of
19 you guys would be together. Apparently the two of you
20 cannot be trusted to act like adults at this time. It
21 blows me away.

22 But based on the statement of the People's
23 witness, I mean, I get the fact that people get nervous,
24 especially with, you know, the defendant in here, but she
25 just -- it -- you know, I don't know if I trust her based

1 on her holes in her statement.

2 So I feel that the charge of the criminal
3 contempt is a no-go with this Court right now. So I
4 don't feel that the People have enough evidence right now
5 to move forward with that charge.

6 MR. REEDER: There is not reasonable cause to
7 believe that the defendant may have committed a felony
8 under 215.51(b) (5)?

9 THE COURT: Not with her statement. No.

10 MR. REEDER: Understood, Your Honor.

11 THE COURT: Okay.

12 MR. REEDER: All right.

13 THE COURT: Any questions?

14 MR. REEDER: No, Your Honor.

15 MR. [REDACTED]: Thank you, Judge.

16 [REDACTED] [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]?

19 [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED]

23 THE COURT: All right. Okay. Okay. So he
24 will be released tonight and --

25 MR. REEDER: Understood, Your Honor.

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[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]?

[REDACTED] [REDACTED]

THE COURT: Okay. So Tammy, you have paperwork to do.

MR. [REDACTED]: Can I speak to my lawyer, Your Honor?

THE COURT: You may speak to him over there. Yes.

(Whereupon, a recess was taken.)

THE COURT: This is the defendant's. So Mr. [REDACTED], do you know what an order of protection is?

MR. [REDACTED]: Yes, Your Honor.

THE COURT: Do you understand that there's still one in place between you and [REDACTED]?

MR. [REDACTED]: Is it a refrain from or a stay away?

THE COURT: You better talk to your defendant, man.

MR. HAMPSEY: (Indiscernible).

MR. [REDACTED]: Okay. Well --

MR. HAMPSEY: I would be real careful.

MR. [REDACTED]: All right. I just --

THE COURT: I don't even understand why you ask

1 that question right now. You're in handcuffs.

2 MR. [REDACTED]: I know.

3 THE COURT: Things snowball really fast. It's
4 obviously her word against yours. I don't even know why
5 you'd want to even --

6 MR. [REDACTED]: Talk to her.

7 THE COURT: -- look at her. Don't even -- if
8 she texts you, don't text her back. Do not tell him to
9 tell him to tell her something. Don't do it. You're
10 going to screw your entire life up. This is the end,
11 man. I keep seeing it, okay?

12 MR. [REDACTED]: Uh-huh.

13 THE COURT: I'm serious.

14 MR. [REDACTED]: I know. I believe -- I --

15 THE COURT: Guys, they have it out for them.
16 And even if she texts you, I -- do you want to give me
17 money for the kids, you respond -- don't do it. You call
18 him immediately. There's no reason. So do you have any
19 questions -- any other questions regarding this order of
20 protection?

21 MR. [REDACTED]: No, Your Honor.

22 THE COURT: Especially Box 14, refrain from
23 communication, you know, you've got the emails, you've
24 got all that stuff. Don't control her thermostats. All
25 that stuff. Just leave it be. Do you understand?

1 Because if you come in here again with another charge,
2 I'm going to be really pissed.

3 MR. [REDACTED]: Understand.

4 THE COURT: Do you need a copy of the order of
5 protection again?

6 MR. [REDACTED]: No.

7 THE COURT: And remember, this is being
8 recorded, so there's not going to be, oh, I didn't know.
9 Just act like a decent human being and go on your way. I
10 know it's hard, but hey, she's gone. Bye-bye. How old
11 are you?

12 MR. [REDACTED]: 42.

13 THE COURT: 42? This is like freaking
14 15-year-old bullshit. No more. I'm serious. They're
15 going to freaking ruin your life. You're going to ruin
16 your life if you just keep doing this shit. It's in the
17 computer now. It's not in a file in the basement. Don't
18 make contact with her. I can't even believe you said
19 that. Don't. Go get a freaking lizard or a hamster or
20 something. Spend your time with that. Don't -- man.
21 Women, don't do it. Okay. Get him out of here.

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED]

25 (PROCEEDING CONCLUDED)

CERTIFICATE

I, Jessie Gross, certify the foregoing transcript of proceedings in the Jerusalem Town Court of the State of New York, County of Yates, in the matter of People of the State of New York v. [REDACTED], was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: Jessie Gross (electronically signed)

Date: May 27, 2022

Agency: CSR Court Reporting, LLC

214 Reasor Hollow Road

Big Flats, NY 14814

**JERUSALEM TOWN COURT
YATES COUNTY**

STATE OF NEW YORK

-----X

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

JUSTIN J. NIVER

-----X

Jerusalem Town Court
3816 Italy Hill Road
Branchport, New York 14418

June 14, 2021
9:59 AM

B e f o r e:

HON. TODD C. WHITFORD
Judge

P r e s e n t:

NICHOLAS J. (DANIEL) REEDER, ESQ.
Assistant District Attorney
Yates County District Attorney's Office
415 Liberty Street
Penn Yan, New York 14527

CARL J. SCHWARTZ, JR., ESQ.
Defense Attorney
131 Main Street
Penn Yan, New York 14527

JUSTIN J. NIVER
Defendant

(*People v Justin J. Niver*, June 14, 2021)

1 **(Counter 0:50 to 10:51)**

2 JUDGE WHITFORD: Alright. I now call the case of the *People*
3 *v Justin J. Niver*. For the record, we have
4 Mr. Nicholas Reeder here representing the
5 Yates County District Attorney's Office.
6 We have Mr. Carl Schwartz here, and Mr.
7 Schwartz, you want to put your office on
8 the record real quick?

9 MR. SCHWARTZ: Yeah. Carl Schwartz appearing for Justin
10 Niver.

11 JUDGE WHITFORD: And for the record, Mr. Niver is here in
12 person. So, it appears, according to my
13 records, our last appearance, would that
14 have been possibly April 26th?

15 MR. SCHWARTZ: Yes.

16 JUDGE WHITFORD: And for the record, so, we did have a
17 bench trial scheduled for this case, and at
18 the last minute, Ms. Alyx Stanczyk sent an
19 email to the court, far after a DA day,
20 stating that, that her and Mr. Schwartz had
21 made an agreement for a trial by
22 stipulation. The day of the trial we
23 discussed it, try to get all the details out,
24 because there seems to be in, lots of
25 confusion. I'm going to put on the record,

(People v Justin J. Niver, June 14, 2021)

1 because I feel it is important, I do not
2 know why the People requested that. I
3 feel it's, my personal opinion, is because
4 they were lazy. She sat there and said it
5 was going to take too much time to have a
6 trial with all of her witnesses. But for
7 some reason, and I'm not going to hold
8 anything back, the defense attorney did
9 agree to this trial by stipulation. They
10 pled the fifth, correct?

11 MR. SCHWARTZ: Correct.

12 JUDGE WHITFORD: So, therefore, so Mr., Mr. Niver, I just
13 want you to understand, okay, because I
14 did find you guilty on all three trials,
15 charges. Alright? I mean, I don't
16 understand this. I mean, you were in the
17 wrong place at the wrong time. It was an
18 accident. Why did, why did these officers
19 give you these three charges? Blows me
20 away. You were young; accidents happen.
21 I asked on the record, "Where is the DWI
22 charge?" There is none. "Speeding?"
23 None. "Cell phone?" None. None of
24 that. They, they, they-- I'm telling you, a
25 seatbelt ticket they give you? Blows my

(People v Justin J. Niver, June 14, 2021)

1 mind. I believe in what goes around,
2 comes around. Makes me sick. Makes me
3 sick that they did this to you. She can't,
4 she can't even, you know, they can't even
5 make you an offer. So, I didn't have a
6 choice. The attorney pled the fifth. So,
7 here we are today for sentencing. And I
8 want you to know I've lost a lot of sleep
9 on this case. Probably no, nowheres near
10 as much as you did. Because I'm going to
11 tell you, if there was a cell phone ticket,
12 anything like that, you know, then I could,
13 I can understand. But as far as these three
14 charges, I just don't believe it. It just
15 blows me away. Do you understand?
16 MR. NIVER: Yes.
17 JUDGE WHITFORD: I hope you're not mad at me.
18 MR. NIVER: Everyone has a job to do.
19 JUDGE WHITFORD: Well, you're right. I feel that other people
20 did not do their job. Quite a few people
21 did not do their job with this case. So, I
22 just want you to walk tall. You know,
23 people, people can say-- It just blows my
24 mind what people, you know-- Who gives
25 a shit about Facebook and what they post?

(People v Justin J. Niver, June 14, 2021)

1		It's ridiculous. They weren't there. They
2		have no idea, and anybody can have this
3		happen to them. You know? It's just--
4		It's mindboggling. But I bet you're going
5		to be on the-- I don't know if you're an
6		amazing driver or not, but you're even
7		going to be a better driver. Because it can
8		happen so fast. Most people don't
9		experience this in their entire life. And
10		thank God no one died. Accident or crash.
11		You know, there is a difference. Which
12		some people don't get. This was an
13		accident. So, gentlemen, we are here for
14		sentencing, correct?
15	MR. REEDER:	Yes, Your Honor.
16	JUDGE WHITFORD:	Mr. Reeder, do you have anything to say
17		before I sentence this young man?
18	MR. REEDER:	Judge, the People will reiterate our request
19		that the defendant be sentenced to the
20		maximum fines on each of these charges.
21	JUDGE WHITFORD:	And why would that be?
22	MR. REEDER:	We'd-- Given the, given the serious
23		nature of what had, based on the crash that
24		happened, and--
25	JUDGE WHITFORD:	--The accident. There's a difference

(People v Justin J. Niver, June 14, 2021)

1		between an accident and a crash.
2	MR. REEDER:	I understand--
3	JUDGE WHITFORD:	--This was an accident. So, go ahead.
4		Let's hear your, your ridiculous response
5		for a, max fines. I want to hear it. I want
6		this on the record.
7	MR. REEDER:	Judge, given the fact that numerous people
8		had to be airlifted to Strong Memorial
9		Hospital, given the fact that there was a,
10		the, the defendant was found guilty of
11		following too closely, and, and failure to
12		avoid a horse, the People believe that
13		those are, that those charges and the fact
14		that there were many people injured,
15		merits the maximum fine on each of these.
16	JUDGE WHITFORD:	Can I help you, ma'am?
17	ASSISTANT PD:	I'm the Assistant Public Defender.
18	JUDGE WHITFORD:	Okay.
19	ASSISTANT PD:	But am I in the wrong place?
20	JUDGE WHITFORD:	No, you're fine. I'm sorry, Mr. Reeder.
21		Go ahead.
22	MR. REEDER:	Thank you, Your Honor. The People
23		believe that because there is one, one child
24		still who's not able to walk, that these are
25		(unintelligible), these are case, incidents

(People v Justin J. Niver, June 14, 2021)

1		that merit the maximum fines. Usually,
2		we leave these at the sound discretion of
3		the court, and the People believe that in
4		this case we are asking for a maximum
5		fine given each of these charges.
6	JUDGE WHITFORD:	Alright. Anything else?
7	MR. REEDER:	Nothing from the People, Your Honor.
8	JUDGE WHITFORD:	Okay. Mr. Schwartz?
9	MR. SCHWARTZ:	Yes. As I've stated to the court
10		previously, these matters are normally
11		litigated in civil courts where the
12		insurance company is involved. This, as
13		the court has noted, was an accident, and
14		accordingly, I'm seeking the minimal fine
15		on behalf of my client here.
16	JUDGE WHITFORD:	Alright. Mr. Niver, now I want you to ask
17		your attorney first, but you do have the
18		right to say something before you are
19		sentenced. So, if you want to say anything
20		to me, to this court, you are more than
21		welcome to. But, you know, he does
22		represent you. Mr. Schwartz does
23		represent you. So, if he wants to give you
24		a nod or whatever, if there's anything
25		you'd like to say to him, speak freely.

(People v Justin J. Niver, June 14, 2021)

1	MR. SCHWARTZ:	Yeah, I, on behalf of my client, I'm
2		advising he not speak because of the
3		insurance.
4	JUDGE WHITFORD:	Alright. Thank you.
5	MR. SCHWARTZ:	Yup.
6	JUDGE WHITFORD:	So, on the first charge, the 1129, following
7		too closely, I'm going to fine you \$107.
8		The max is 150, so I'm going to do \$107.
9		The no seatbelt ticket, I always do \$50.
10		Okay? That is the max, but it's 50 bucks.
11		Okay? And on the failure to use due care,
12		the max is \$150. I'm going to fine you
13		\$107. There is a cap on surcharges, which
14		is up to \$196. So, normally, it would be
15		93 times 3, but they cap it at \$196. Okay?
16	MR. NIVER:	(Unintelligible).
17	JUDGE WHITFORD:	Okay. So, as far as paying, are you
18		prepared to pay today?
19	MR. NIVER:	Yup.
20	JUDGE WHITFORD:	You are? Okay, alright. Carol will take
21		your money.
22	MS. WARREN:	Oh, I've got to get (unintelligible).
23	JUDGE WHITFORD:	Okay. And then we will see what else is
24		next after he's done taking care of that.
25		Are you going to pay cash or credit card?

(*People v Justin J. Niver*, June 14, 2021)

1 MR. NIVER: Card.
2 JUDGE WHITFORD: Okay. And I am required to tell you that
3 the State charges a 2.99 percent processing
4 fee. So, you're going to get two--
5 MS. WARREN: --(Unintelligible)--
6 JUDGE WHITFORD: --charges. There's the one for the 2.99,
7 and then there's--
8 MS. WARREN: --So, it's 192--
9 JUDGE WHITFORD: --the fine--
10 MS. WARREN: --(unintelligible).
11 JUDGE WHITFORD: But then you'll be done as far as your
12 fines and surcharges here at this court.
13 MR. NIVER: 460 (unintelligible).
14 JUDGE WHITFORD: Yes, 460 total.
15 MS. WARREN: Yup. So, how are you going to pay?
16 MR. NIVER: Card.
17 MS. WARREN: Okay. So, there's a 2.99 percent
18 processing fee on top of that.
19 MR. NIVER: Okay.
20 JUDGE WHITFORD: It's like 14 bucks.
21 MR. NIVER: Uhh.

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24 (WHEREUPON the proceedings in the matter of *People v Justin J.*
25 *Niver* were concluded at 10:09 AM on June 14, 2021.)

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Dated: November 4, 2024

Terry Miller

STATE OF NEW YORK
COUNTY OF YATES
JERUSALEM TOWN COURT

-----X
PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

-against-

,
Defendant.

-----X

HEARING

July 25, 2022
3816 Italy Hill Road
Branchport, NY 11418

BEFORE: HONORABLE TODD WHITFORD

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

ON BEHAL OF THE PEOPLE
ASSISTANT DISTRICT ATTORNEY
BY: NICHOLAS REEDER, ESQUIRE

ON BEHALF OF THE DEFENDANT
YATES COUNTY PUBLIC DEFENDER'S OFFICE
BY: STEPHEN HAMPSEY, ESQUIRE

Digitally Recorded Proceeding
Transcribed by: JESSIE CLEGG
CSR Court Reporting, LLC

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	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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[REDACTED]	25	28	33	

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<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>RECEIVED</u>
Plaintiff's A	[REDACTED] Statement	29	

1 THE COURT: All right. I now call the case of
2 the People of the State of New York vs. [REDACTED].

3 We are here tonight for a Huntley hearing,
4 correct?

5 MR. REEDER: Correct, Your Honor.

6 THE COURT: Mr. Reeder is here from the Yates
7 County District Attorney's Office, and we have Mr.
8 Hampsey here from the Yates County Public Defender's
9 Officer.

10 Mr. Reeder, how many witnesses do you have
11 tonight?

12 MR. REEDER: Two witnesses, Your Honor.

13 THE COURT: Mr. Hampsey, how many witnesses do
14 you have?

15 MR. HAMPSEY: We have one, Judge.

16 THE COURT: So real quick, everybody in the
17 back, please remain silent. No outburst, no snickering,
18 no nothing, okay. Does everybody understand?

19 Court is open to the public, so you are
20 definitely here, you know, to just watch and listen,
21 okay. Once again, everybody's cell phone are off. No
22 distractions, okay.

23 There is a bathroom, which is right over here.
24 If anybody needs to use it right now, please do so.

25 If there is an emergency, we will go out this

1 door the way you came in. The other emergency exit is
2 this one, and then if gets real bad, we got to go down
3 that hall and turn a left, okay.

4 Any questions? Okay.

5 Okay. Are you guys going to be doing opening
6 in segments?

7 MR. REEDER: I believe we both are planning to
8 waive our opening statement.

9 MR. HAMPSEY: That's correct, Judge.

10 THE COURT: For the record, both attorneys have
11 agreed to waive opening statements.

12 Mr. Reeder, do you want to call your first
13 witness?

14 MR. REEDER: Yes, Your Honor. People will call
15 Sergeant Derek Blumbergs to the stand.

16 THE COURT: All right. Sir, please raise your
17 right hand. State your name for the record.

18 SERGEANT BLUMBERGS: Derek Blumbergs.

19 THE COURT: Do you swear or affirm that the
20 statement that you're about to give is the truth, the
21 whole truth, and nothing but the truth?

22 SERGEANT BLUMBERGS: I do.

23 THE COURT: Okay. You may lower your hand and
24 face Mr. Reeder.

25 DIRECT EXAMINATION

1 BY MR. REEDER:

2 Q. Good evening.

3 THE COURT: And I apologize. I just want, for
4 the record, to let everybody know there is a digital
5 recorder operating right now. Everything that is being
6 said is being on -- is being recorded on a digital
7 recorder, okay. Does anybody have any questions
8 regarding that?

9 Okay. All right. I apologize, Mr. Reeder. Go
10 ahead.

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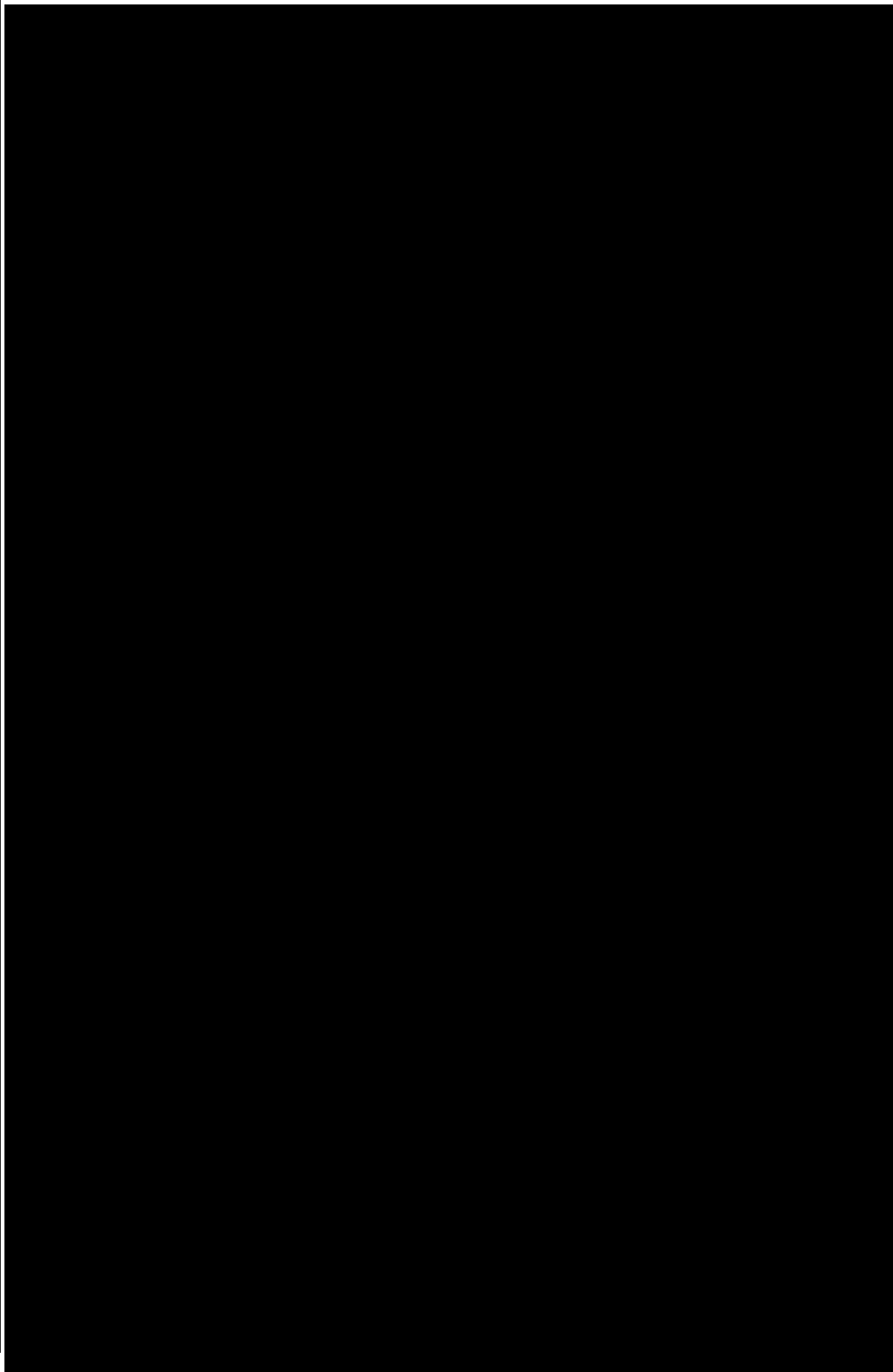
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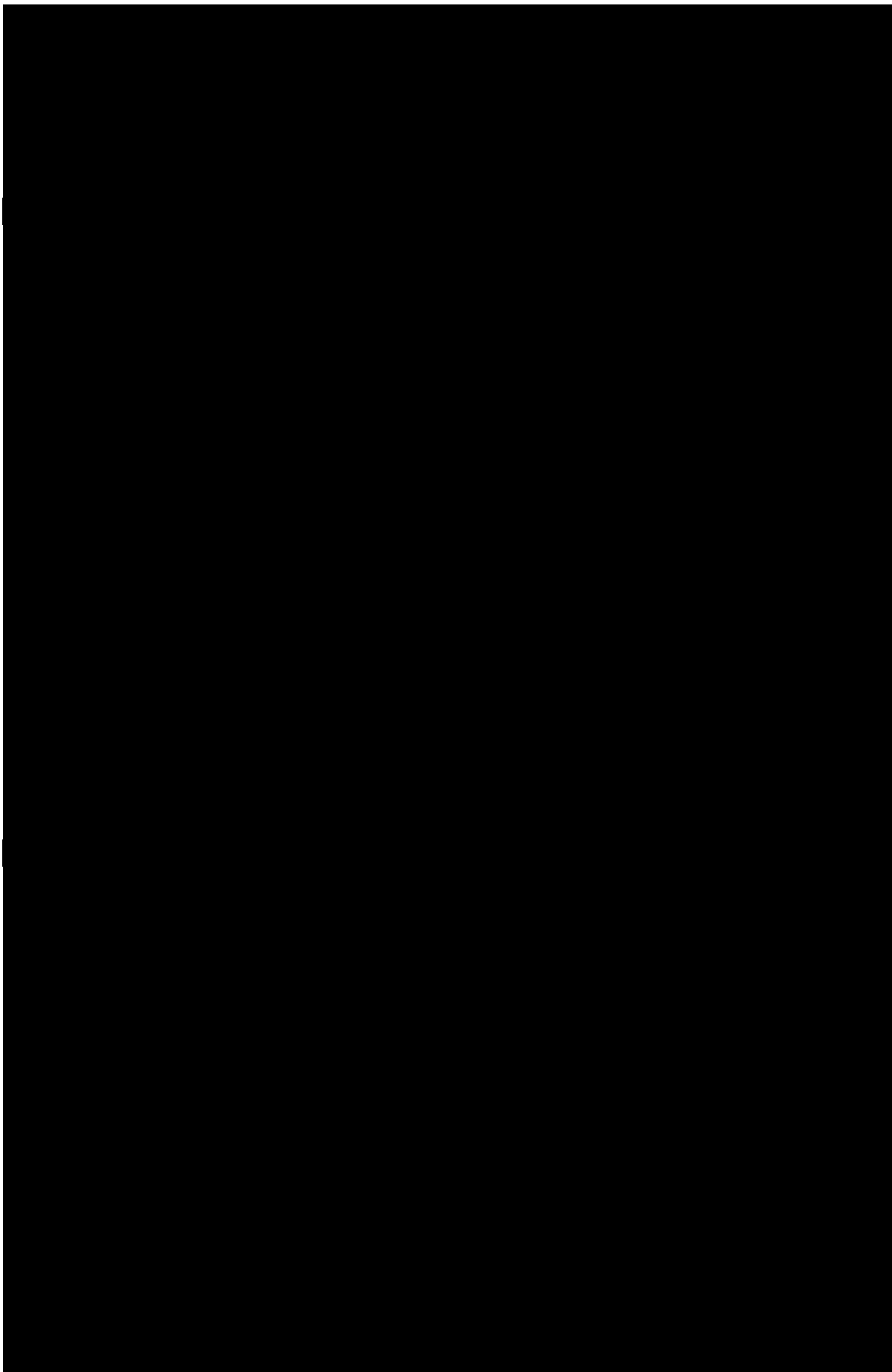
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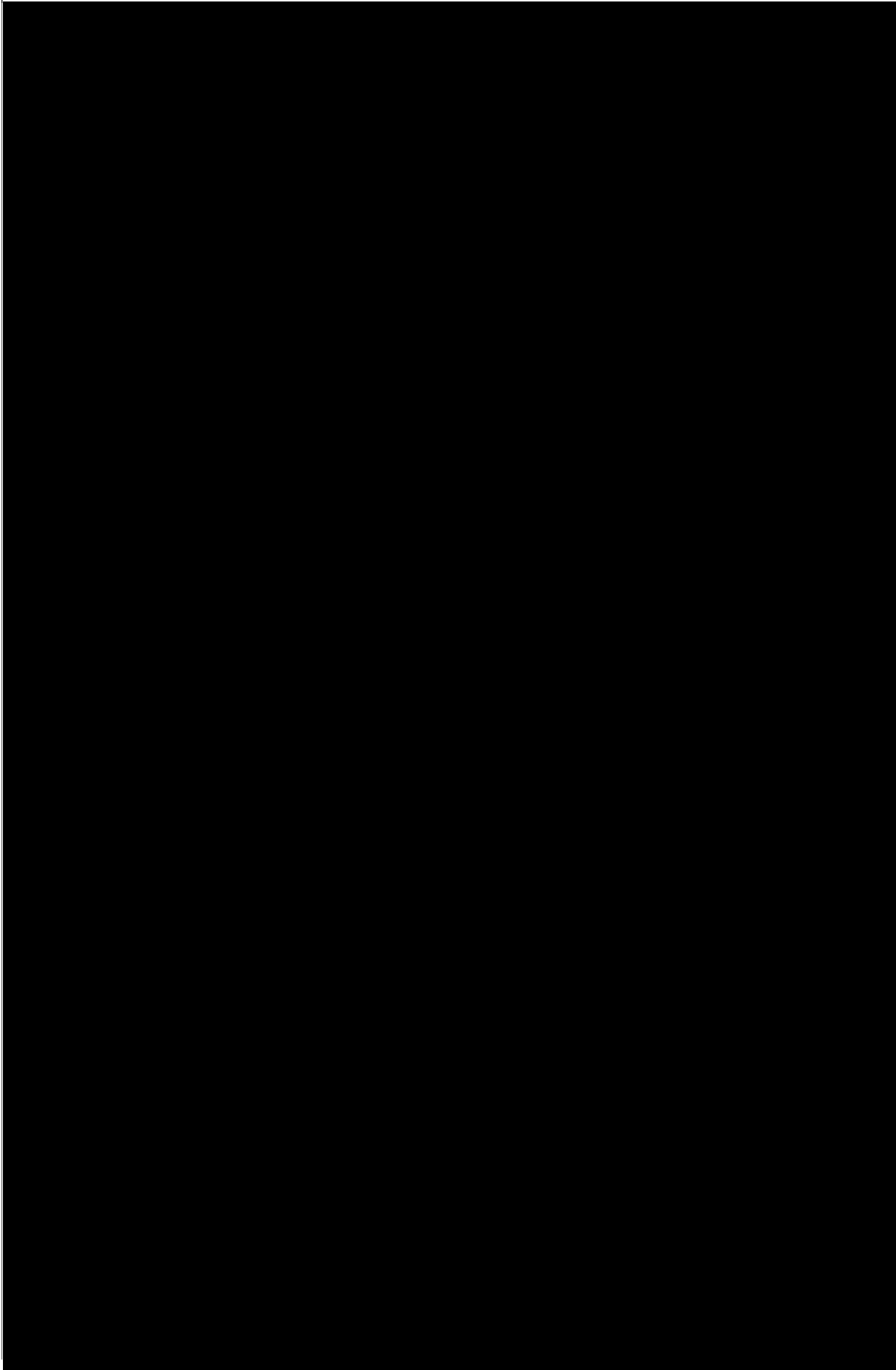
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MR. REEDER: Objection, Your Honor.

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THE COURT: That's --

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MR. REEDER: Where is this going?

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THE COURT: We'll find out. Let's not start

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off with objections already.

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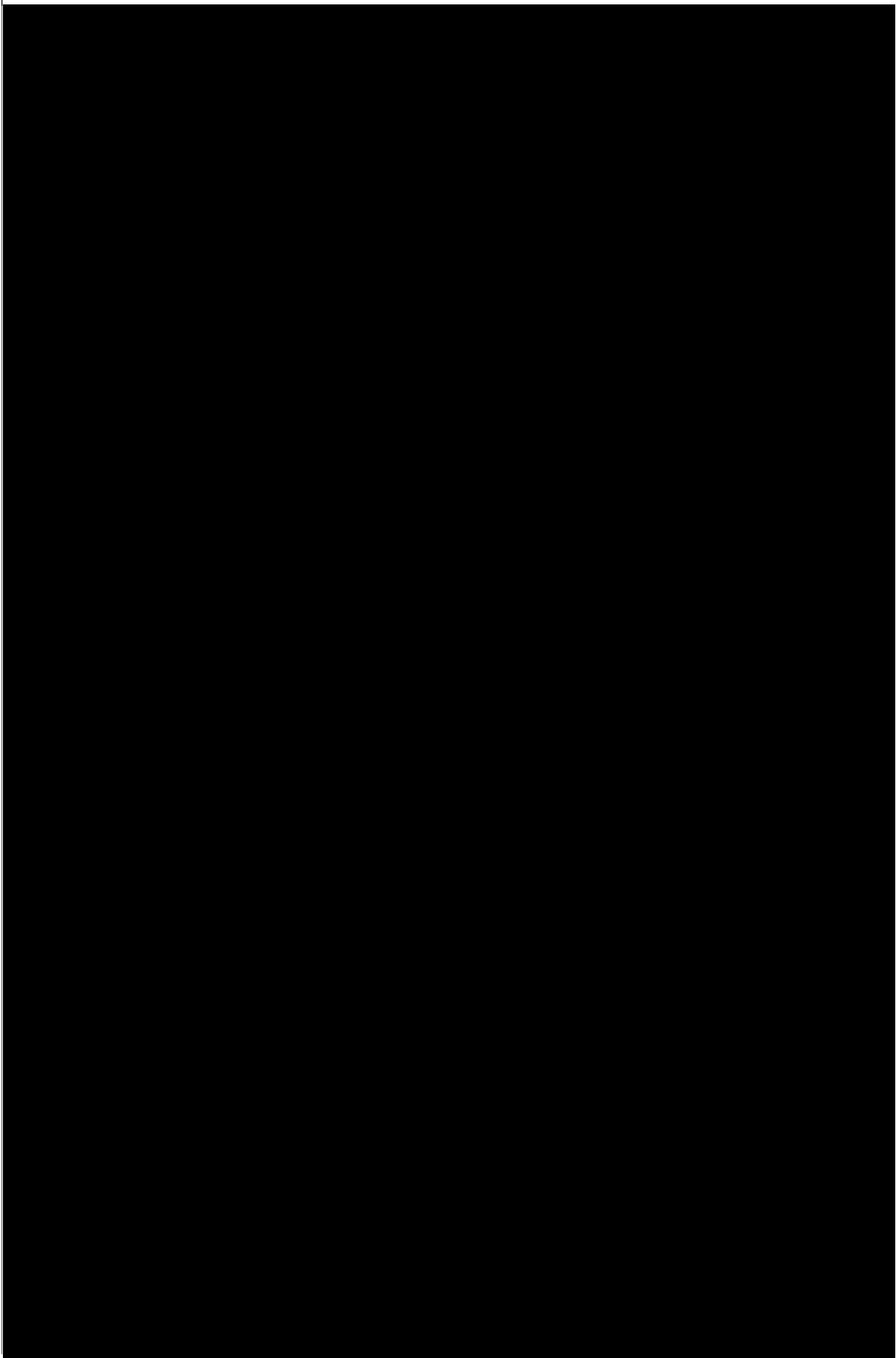
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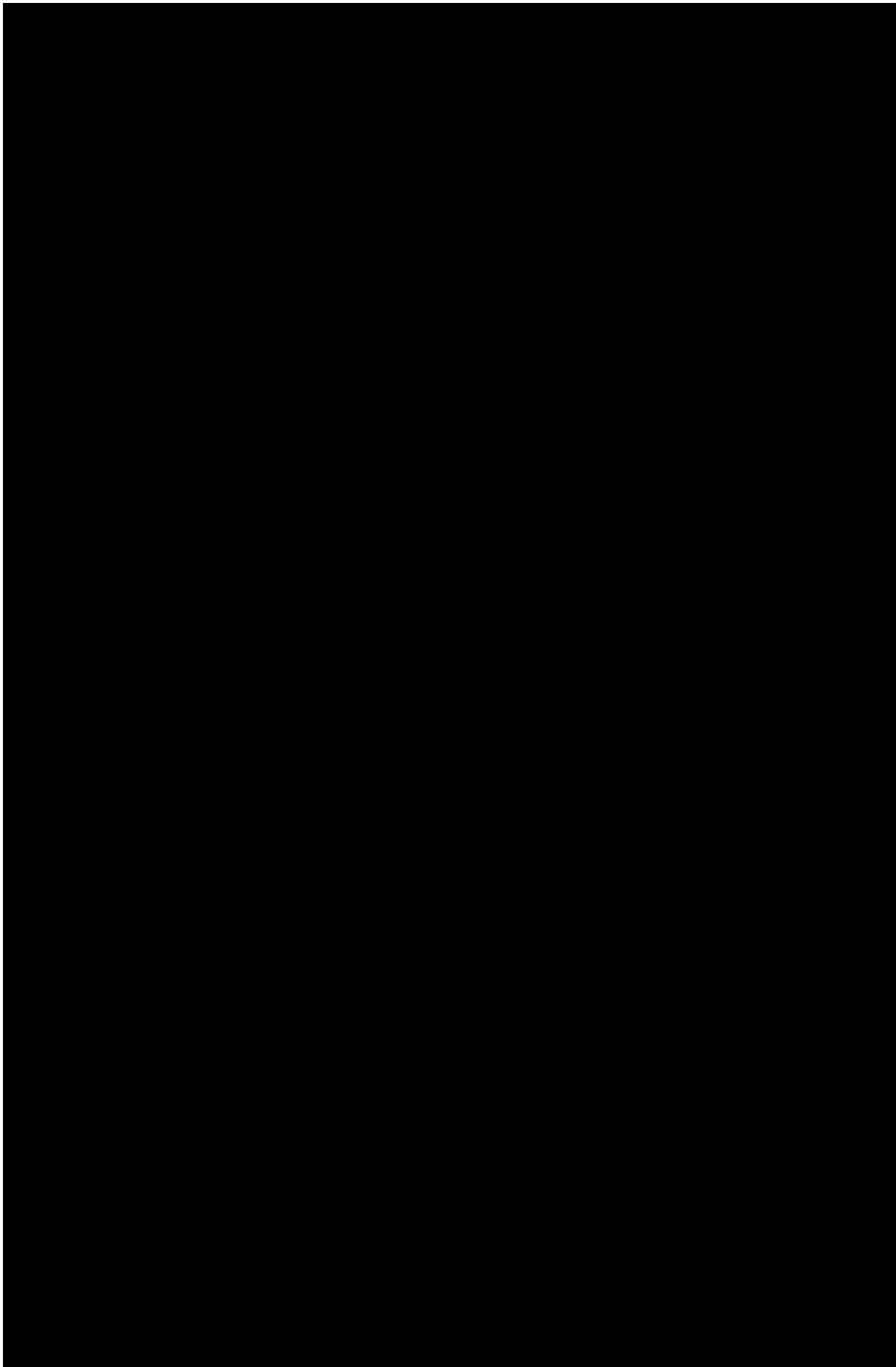
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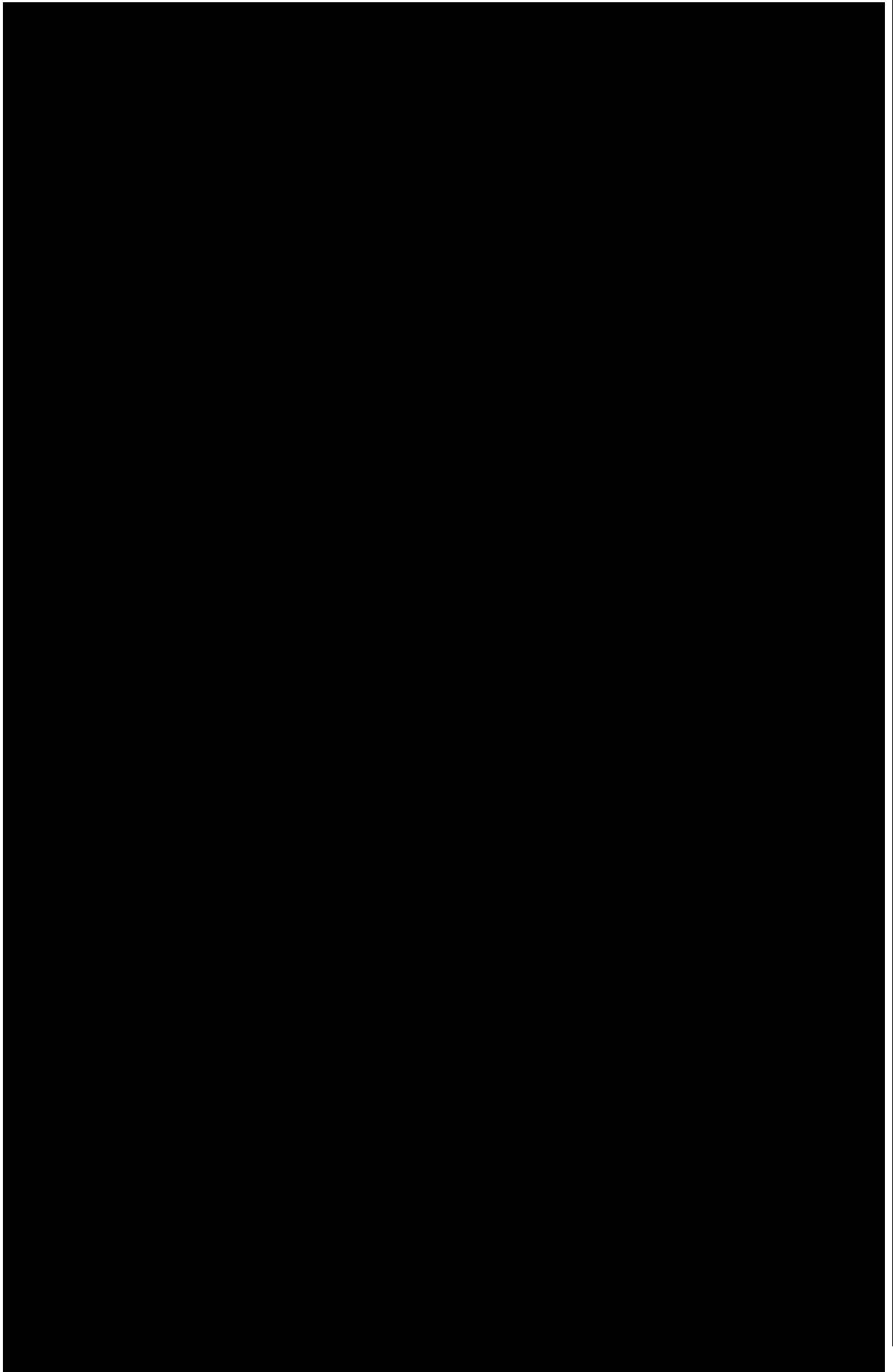


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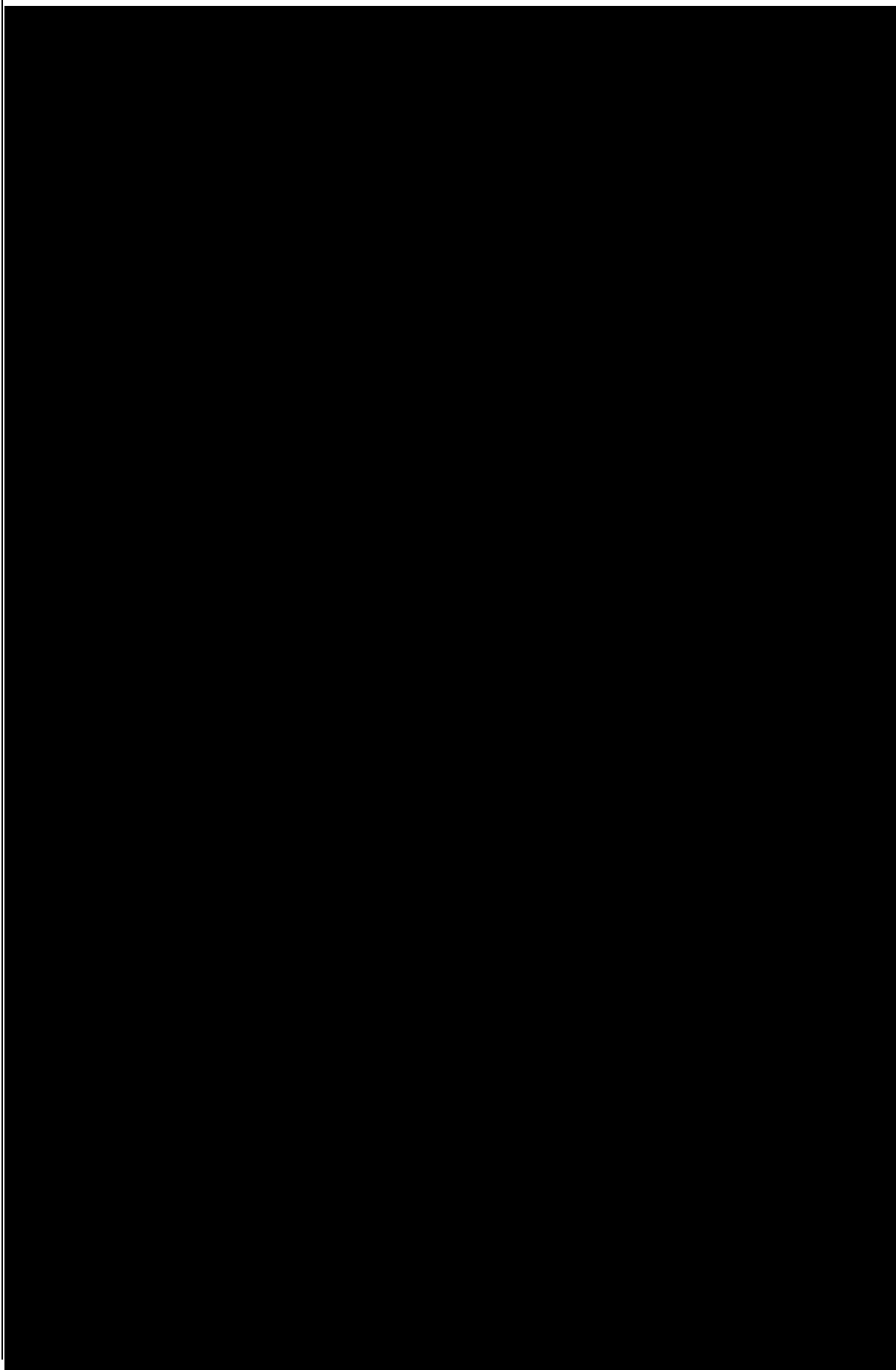
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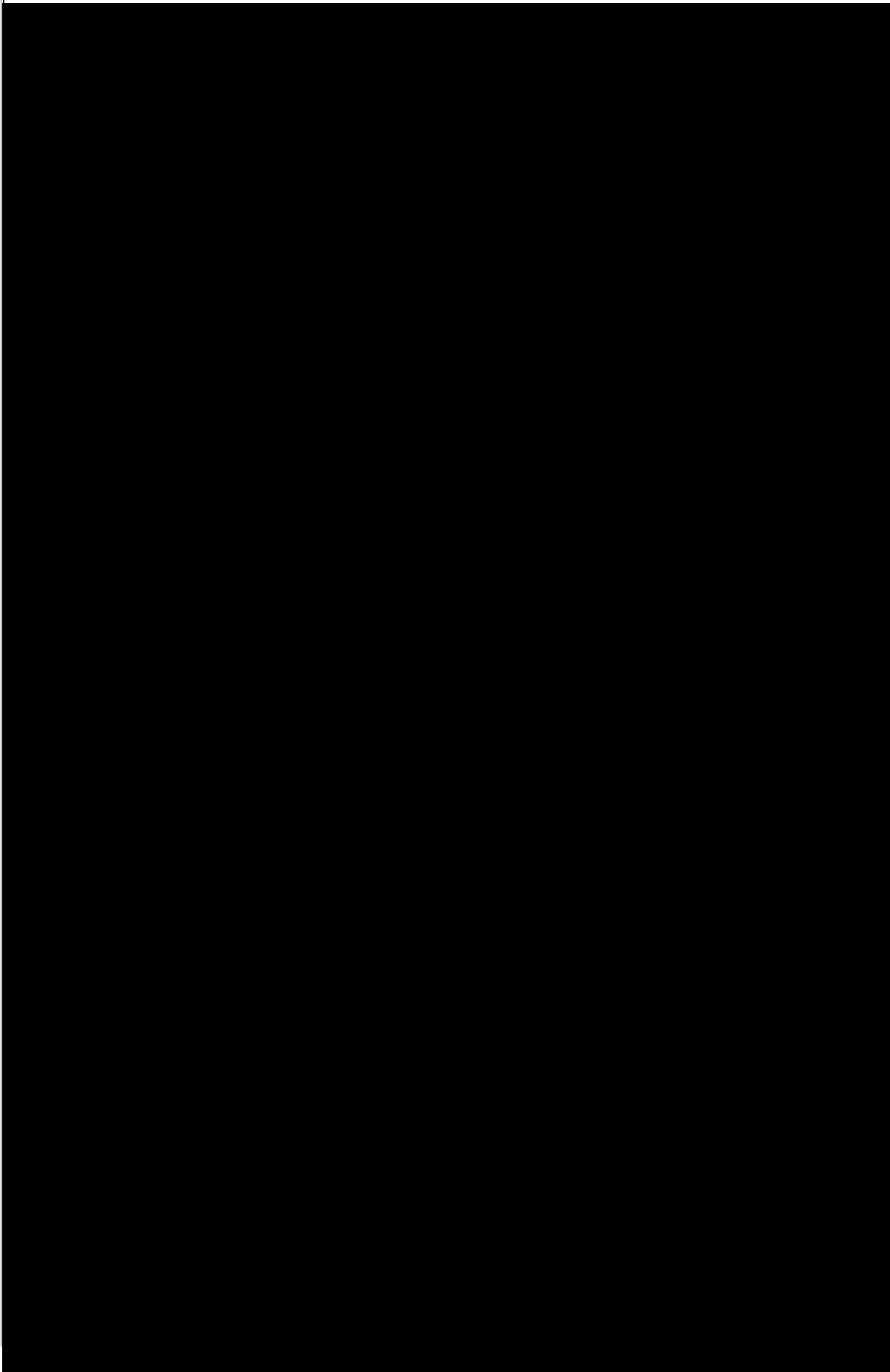
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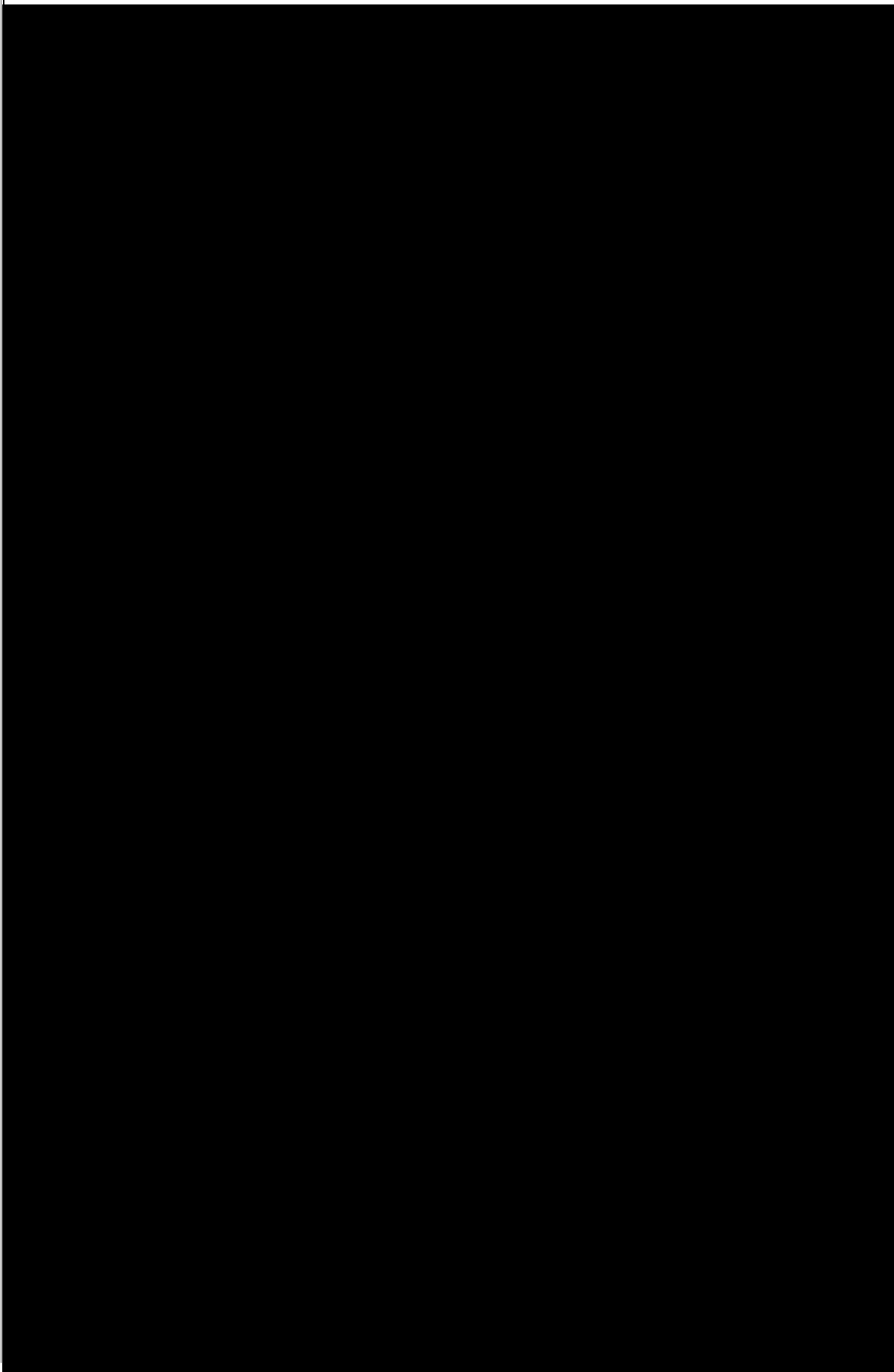


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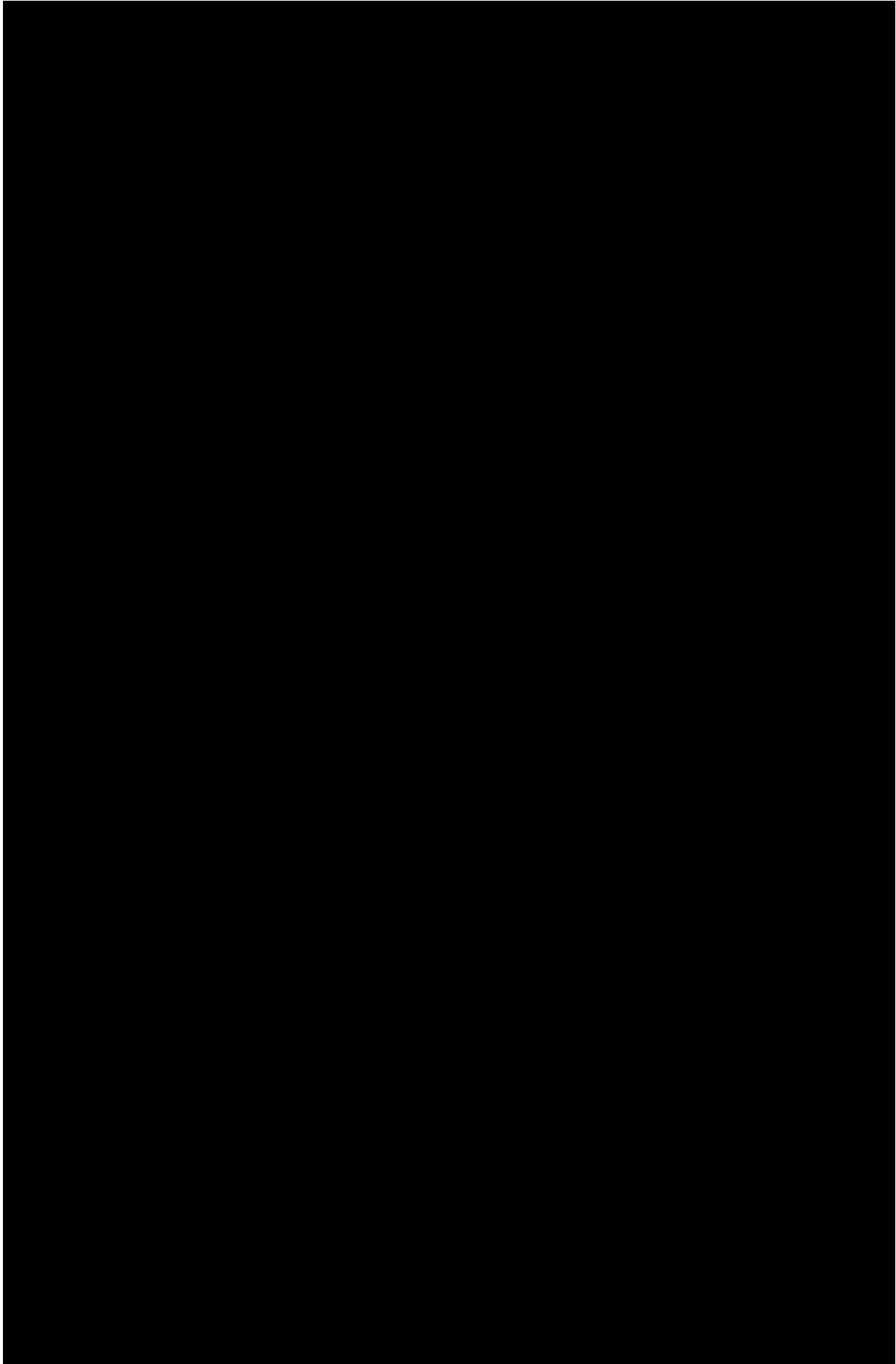
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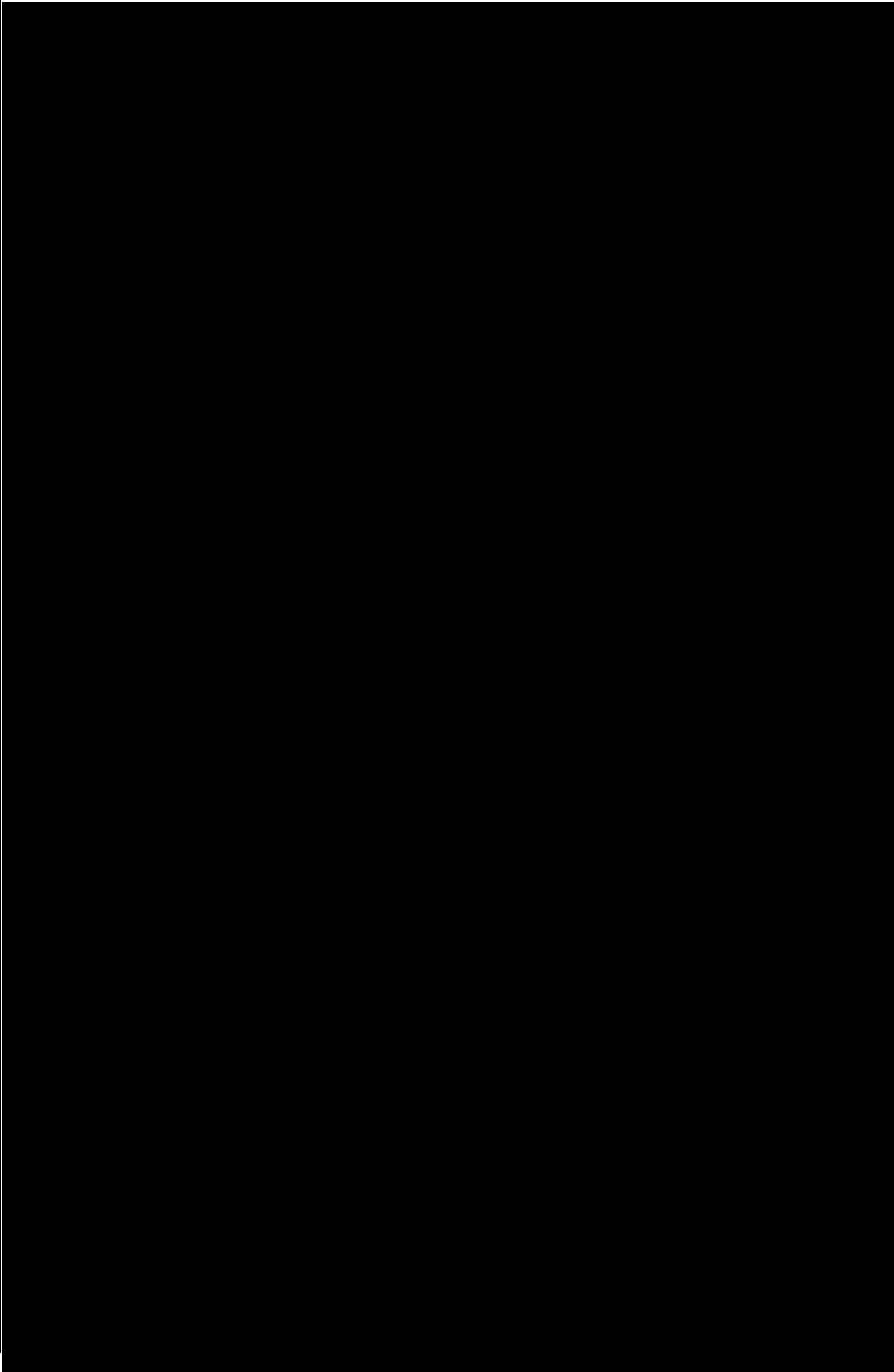
Q. But why do you sometimes use a voluntary statement like this and then sometimes you don't? What is the reasoning behind that?

MR. REEDER: Objection, Your Honor. I, again, object to this line of questioning as --

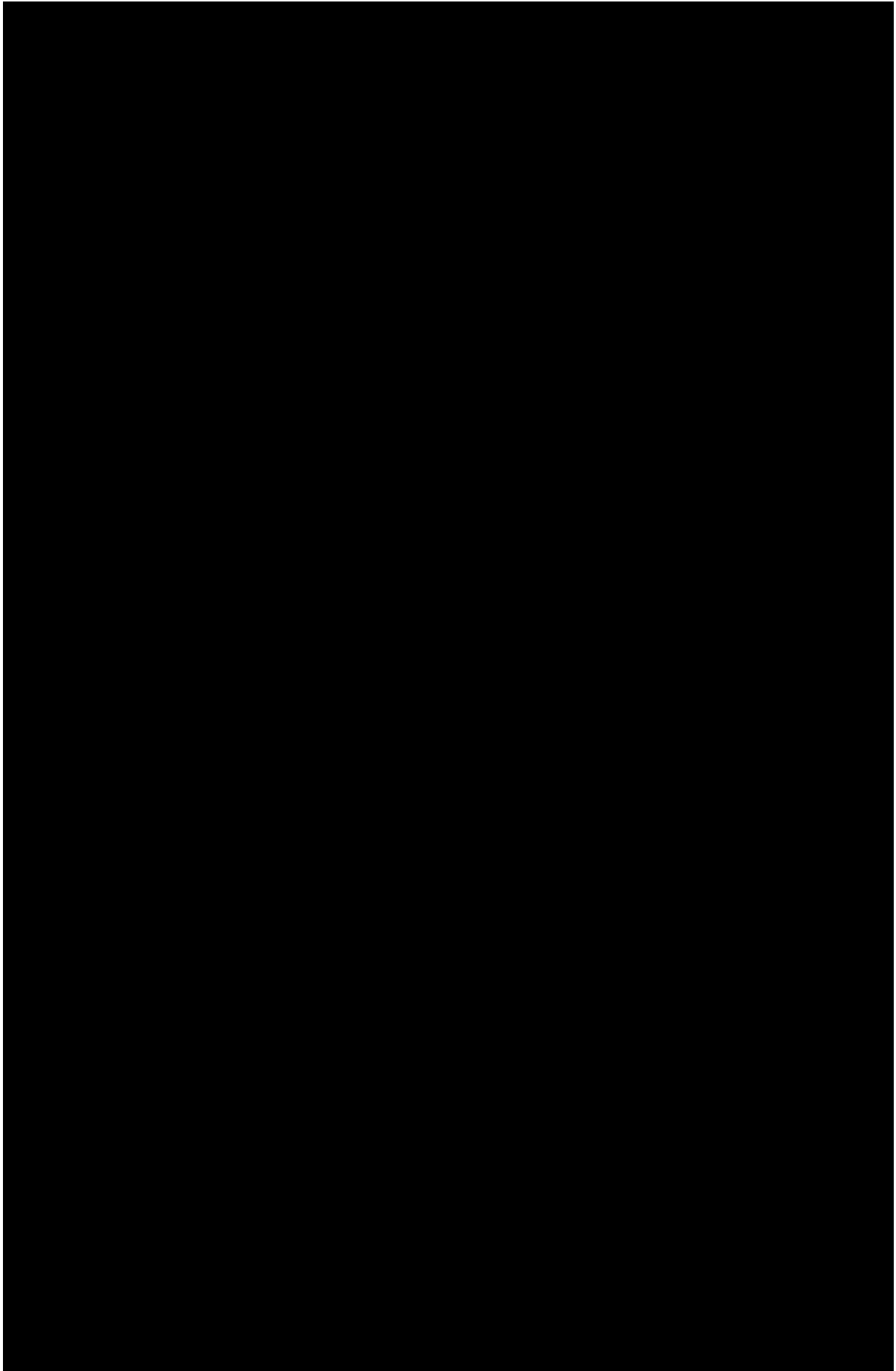
THE COURT: Well, I bet you are. You're overruled.

[REDACTED]

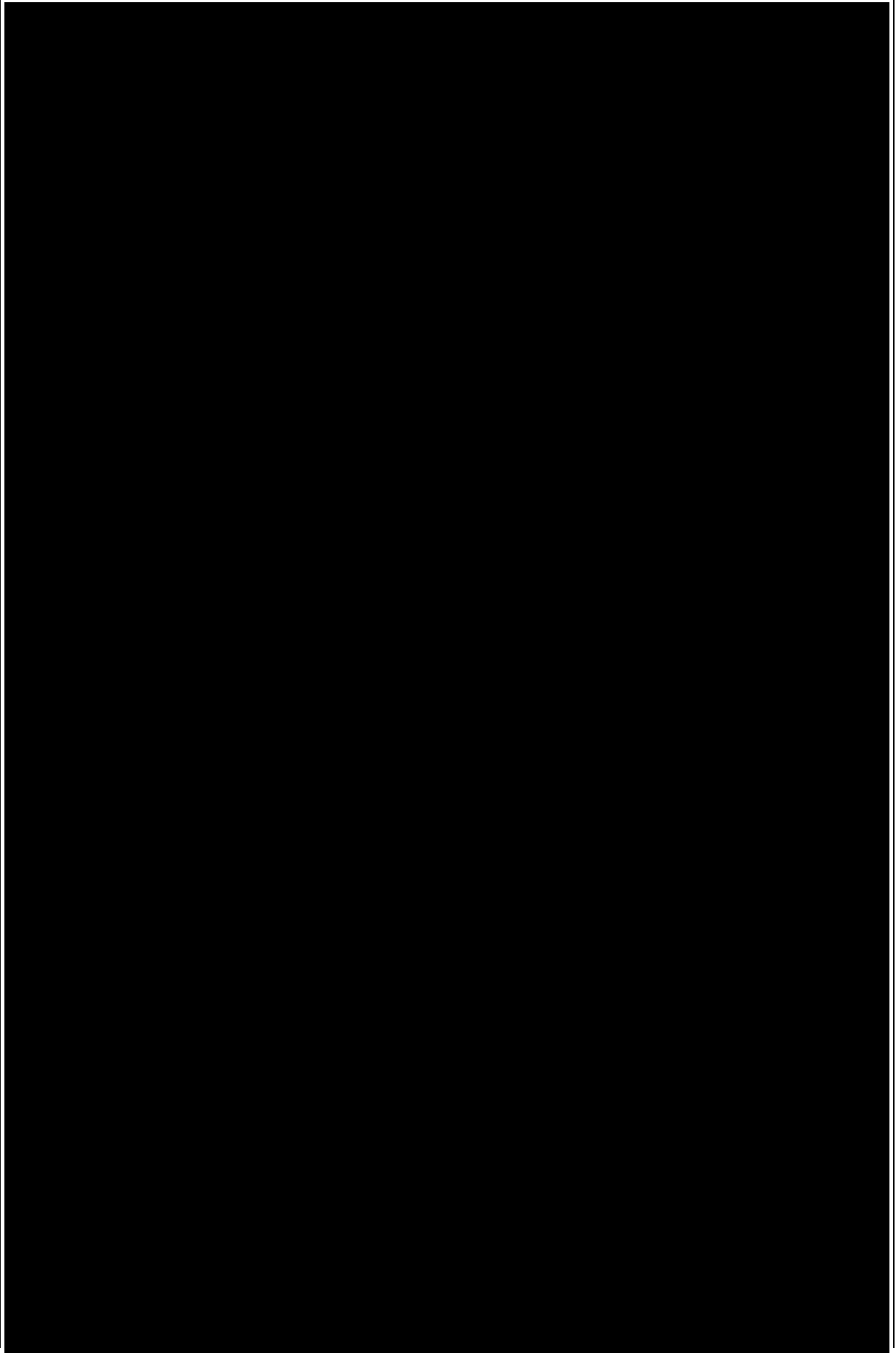
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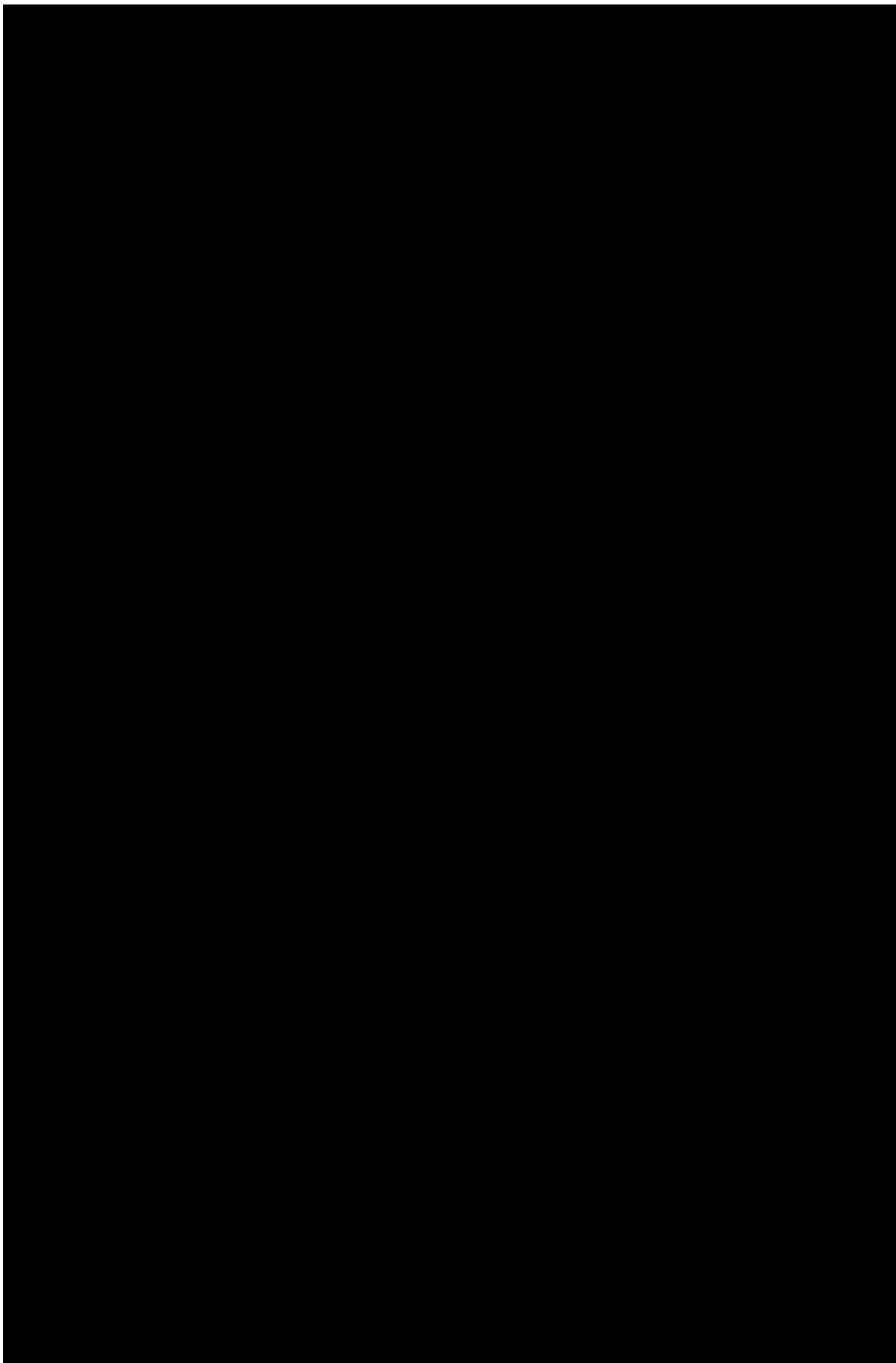
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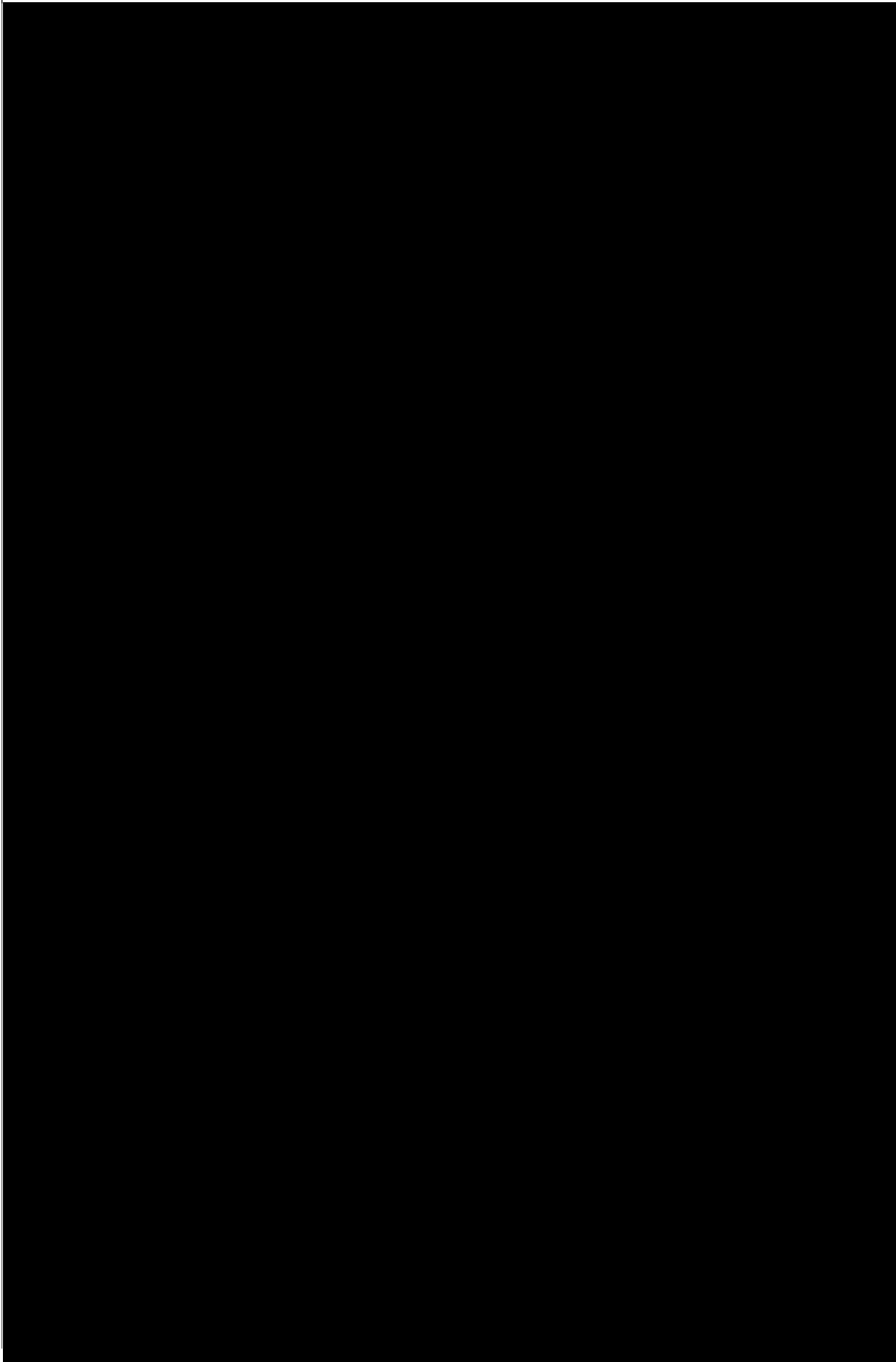


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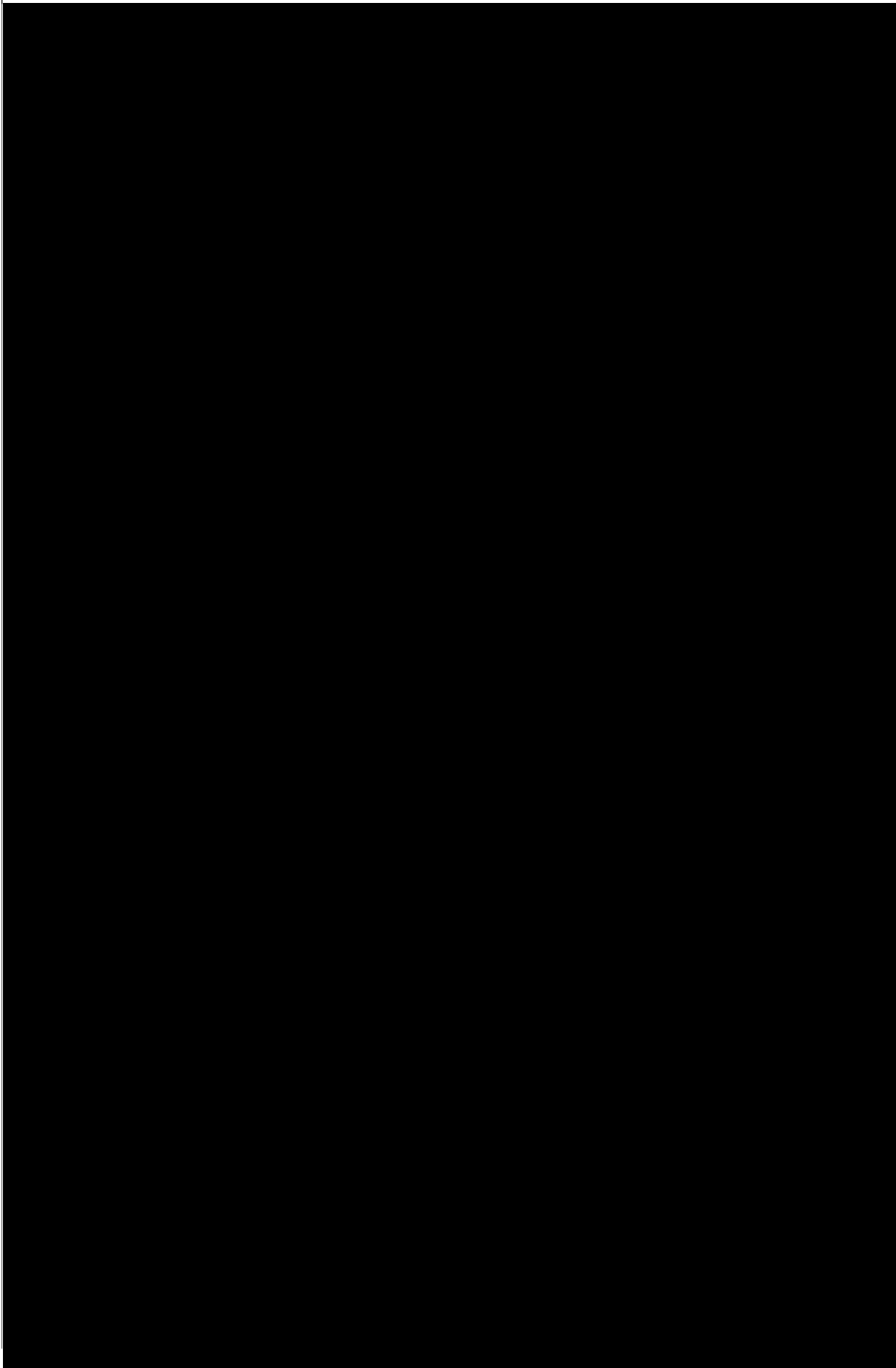


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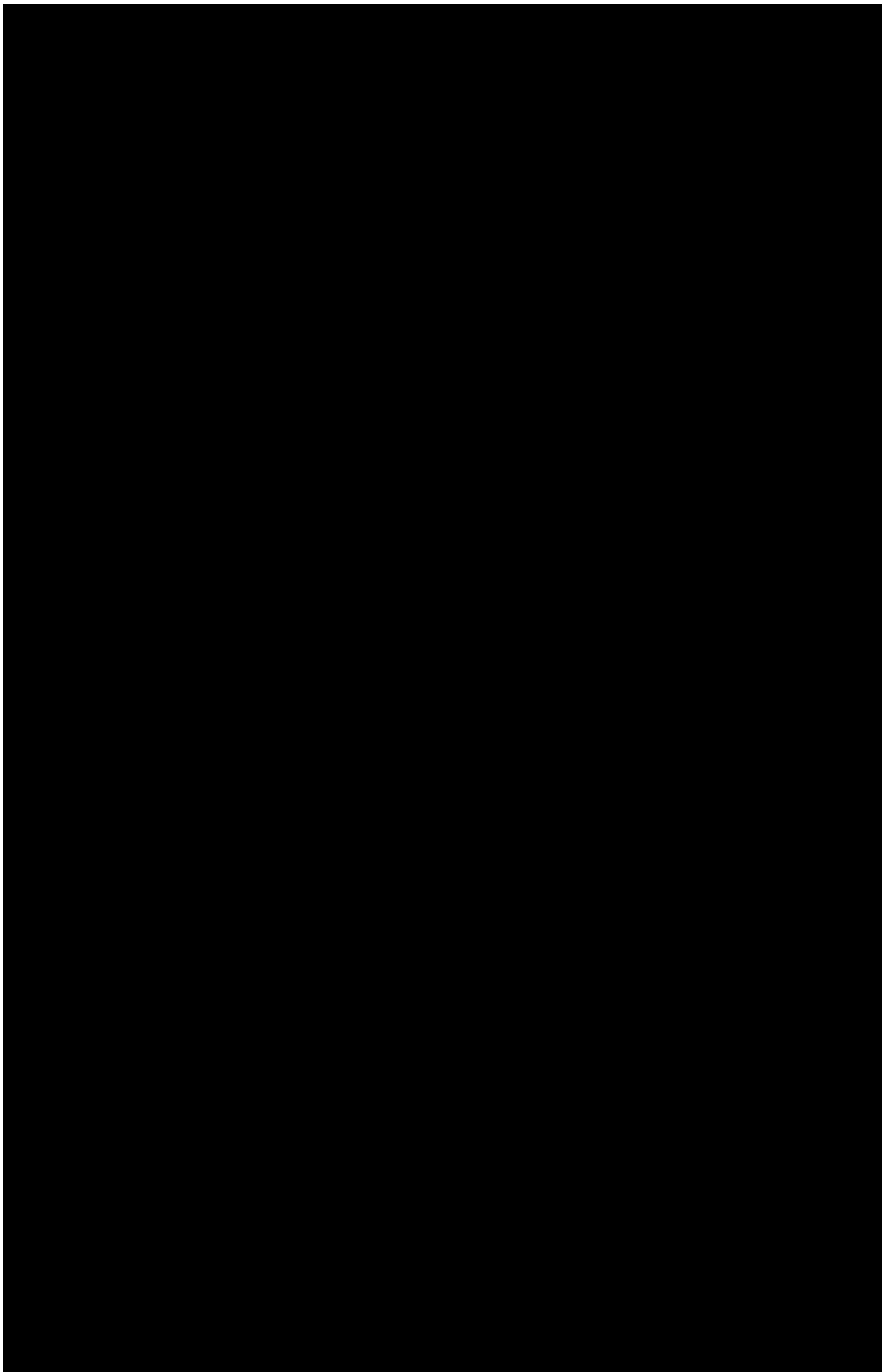


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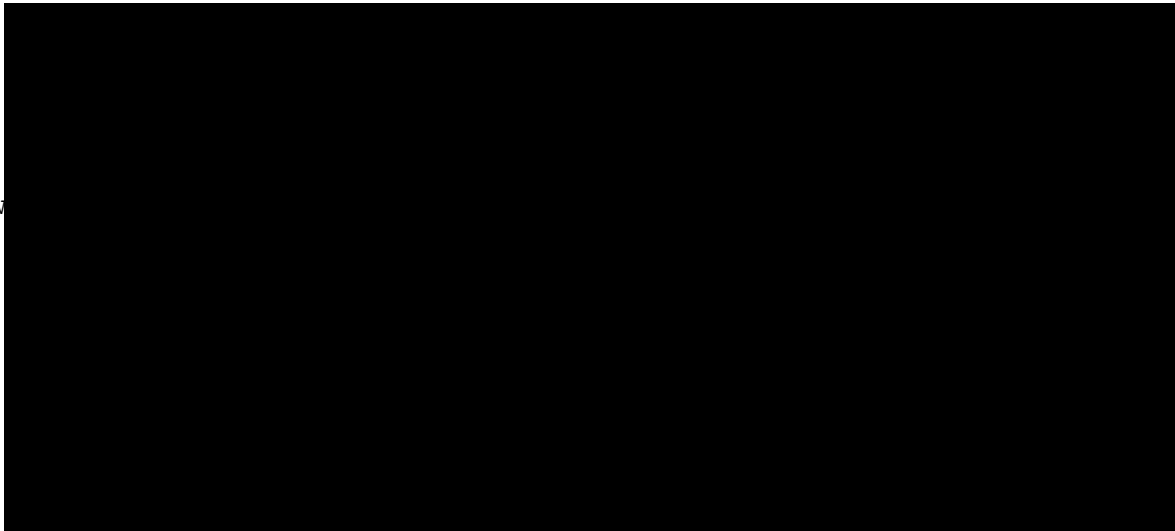
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THE COURT: Where are we going with this here?
I thought we were discussing this statement here.

MR. REEDER: Yes, Your Honor. I'm attempting
to point out the fact that she was not actually under
arrest until [REDACTED] when she received the appearance
ticket.

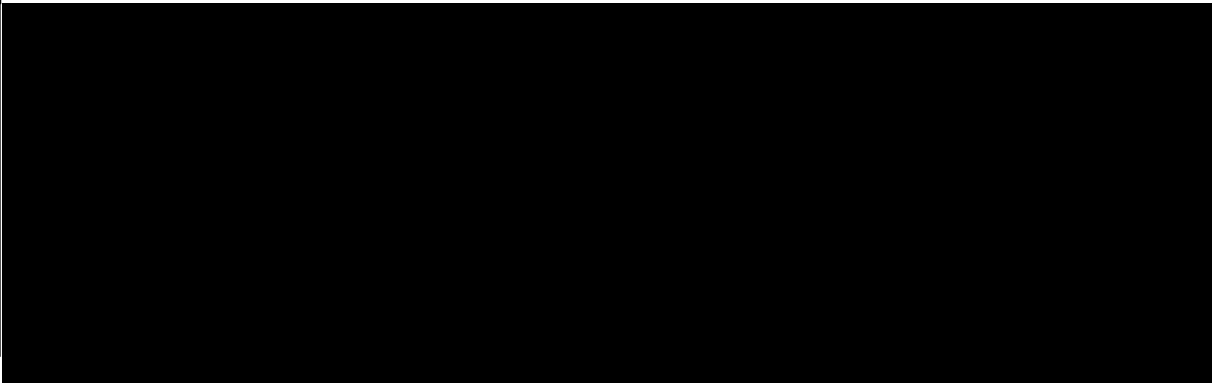
THE COURT: Okay. Well, you're going to have
to be more clear to her because she's not an attorney.

MR. REEDER: I understand that.

THE COURT: Okay. Then do it.

MR. REEDER: I have to lay out a record, Your
Honor.

THE COURT: You're not doing a very good job.



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[REDACTED]

MR. REEDER: Then I have nothing further,
Judge.

THE COURT: So I have a question. What is this
with a line through it, and whose initials are those?

MR. REEDER: That is -- I can't answer that.
I'm not a witness, Your Honor. I cannot be made a
witness, Your Honor.

THE COURT: Whose paperwork did you just -- who
just gave you this? I want you to answer the question.
Who gave you this piece of paperwork?

1 MR. REEDER: I did, Your Honor.

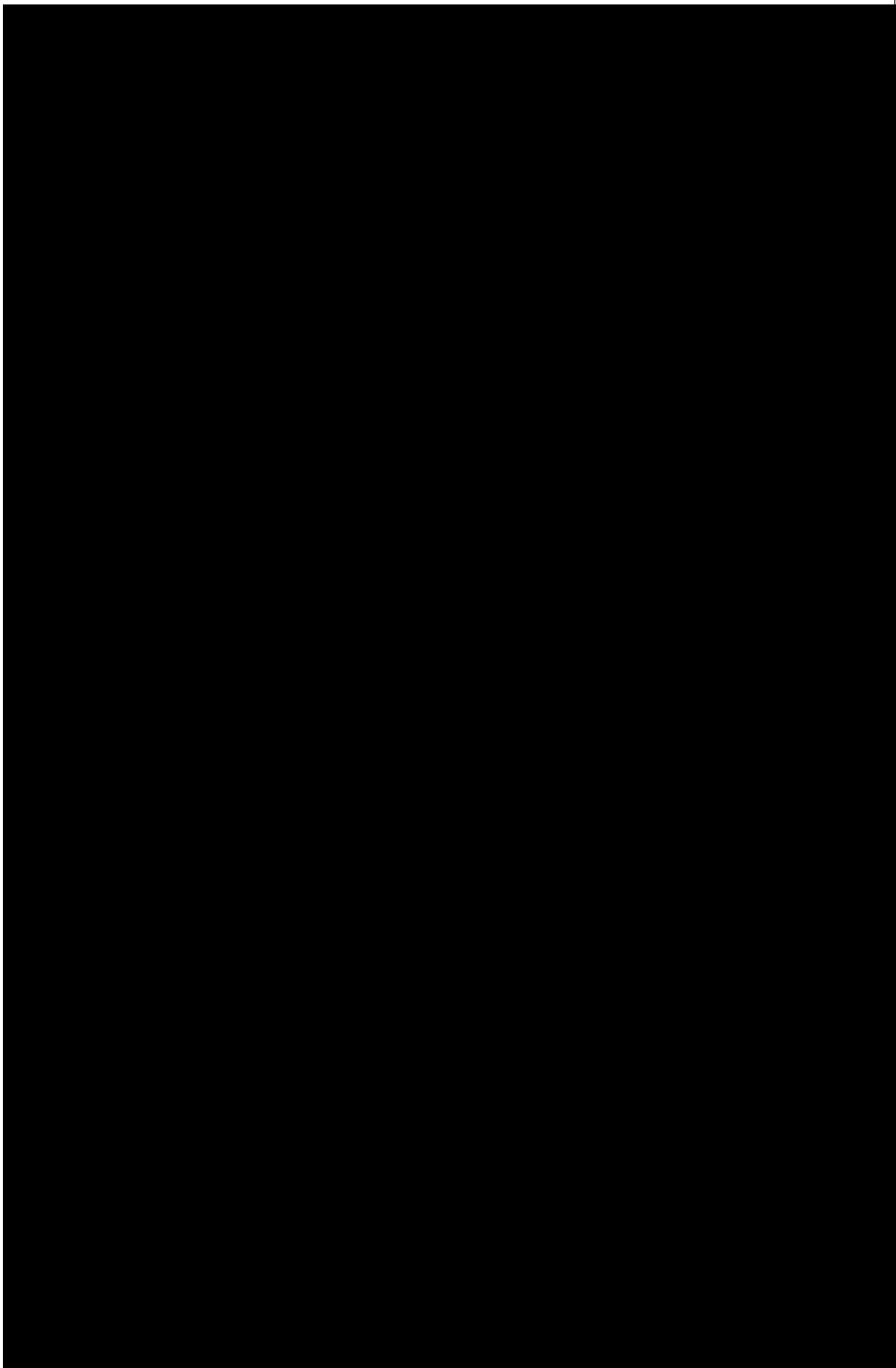
2 THE COURT: And you don't know whose initials
3 those are?

4 MR. REEDER: I can tell you, but I can't
5 testify to them, Your Honor.

6 THE COURT: Unbelievable. You know, what's
7 interesting, on the bottom it says, "I have read this
8 statement, or I have had this statement read to me."

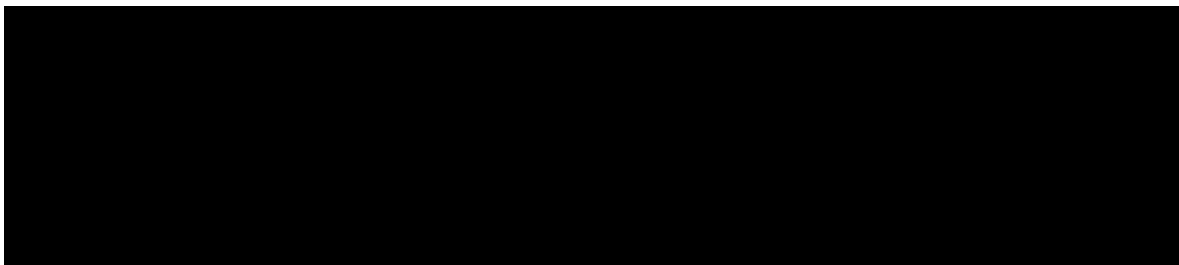
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(PROCEEDING CONCLUDED)

1 CERTIFICATE

2 I, Jessie Clegg, certify the foregoing transcript of
3 proceedings in the Jerusalem Town Court of the State of New
4 York, County of Yates, in the matter of People v. [REDACTED]
5 was prepared using the required electronic equipment and is a
6 true and accurate record of the proceedings.

7 Signature: Jessie Clegg (electronically signed)

8 Date: October 5, 2022

9 Agency: CSR Court Reporting, LLC
10 214 Reasor Hollow Road
11 Big Flats, NY 14814

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STATE OF NEW YORK
COUNTY OF YATES
TOWN OF JERUSALEM

-----X
PEOPLE OF THE STATE OF NEW YORK,

Petitioner,

-against-

JUSTIN R. BOYD,

Respondent.

-----X

HEARING

March 28, 2022
3816 Italy Hill Road
Branchport, NY 14418

BEFORE: HONORABLE TODD WHITFORD

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

ON BEHALF OF THE PETITIONER:
YATES COUNTY DISTRICT ATTORNEY'S OFFICE
BY: NICHOLAS REEDER, ESQ.

ON BEHALF OF THE RESPONDENT:
HAMPSEY LAW FIRM
BY: STEPHEN HAMPSEY, ESQ.

Digitally Recorded Proceeding
Transcribed by: JESSIE GROSS
CSR Court Reporting, LLC

1 THE COURT: I now call the case of the State of
2 New York vs. Justin Boyd. For the record, we have
3 Nicholas Reeder here from the Yates County District
4 Attorney's Office. The defendant, Justin Boyd, is here
5 in person represented by Mr. Hampsey from the Yates
6 County District Attorney's Office.

7 So according to my court's notes, the defendant
8 was arraigned back in December 2021, suspended the
9 driver's license. Defendant was charged with 1192.3,
10 driving while intoxicated; [REDACTED]
11 [REDACTED],
12 [REDACTED].

13 So we are here today because my understanding
14 is the People have had -- made an offer to the defendant;
15 is that correct?

16 MR. REEDER: Yes, Your Honor.

17 THE COURT: Okay. Mr. Hampsey, have you
18 received the offer?

19 MR. HAMPSEY: Yes. I have, Judge.

20 THE COURT: All right. Have you had enough
21 time to review it for yourself?

22 MR. HAMPSEY: I have reviewed --

23 THE COURT: And have you had enough time to
24 speak with Mr. Boyd regarding the offer?

25 MR. HAMPSEY: Yes. (Indiscernible) with Mr.

1 Boyd as well, so he's well familiar with the document.

2 THE COURT: Okay.

3 MR. HAMPSEY: (Indiscernible).

4 THE COURT: Okay. All right.

5 MR. HAMPSEY: If that's agreeable to the Court.

6 THE COURT: It is. Mr. Boyd, have you had
7 enough time to speak with an attorney regarding the offer
8 from the People?

9 MR. BOYD: Yes.

10 THE COURT: Do you understand you still have
11 the right to hire an attorney --

12 MR. BOYD: Yes.

13 THE COURT: -- regarding this matter? Do you
14 want to hire an attorney, or do you want to move forward
15 with -- the Public Defender's --

16 MR. BOYD: I'd just prefer to move forward with
17 that, Judge.

18 THE COURT: Okay. Do you have any questions
19 right now for Mr. Hampsey regarding the People's offer?

20 MR. BOYD: No.

21 THE COURT: Do you have any questions regarding
22 the People's offer for Mr. Reeder?

23 MR. BOYD: I do -- not that I know of.

24 Actually, I have one question for it, and I don't know
25 who to address it to.

1 THE COURT: You would address that to Mr.
2 Hampsey.

3 MR. BOYD: (Indiscernible).

4 MR. HAMPSEY: Yeah. So one of the conditions
5 for the offer is that you can be sentenced to either Five
6 days in jail or 30 days of community service. And what
7 Mr. Boyd is asking for is that that can maybe be pushed
8 out for a bit so that he can (indiscernible).

9 THE COURT: They're not doing weekends.

10 MR. HAMPSEY: Correct. (Indiscernible).

11 THE COURT: Could be never.

12 MR. BOYD: I'm just looking for time so I can
13 make sure I can arrange somebody to watch my kid while
14 I'm there even if I went in over a week or whatever. I
15 need to --

16 THE COURT: You don't want to do the 30 days'
17 community service?

18 MR. BOYD: My understanding is that I don't
19 know when I'm going to be able to get a license, and
20 probation could hinder that, and I don't want to not be
21 able to complete it because I don't have rides that are
22 adequate to get me to the community service.

23 THE COURT: What is 30 days? Don't -- doesn't
24 it have to be hours?

25 MR. BOYD: Two hundred and forty hours, sir.

1 MR. REEDER: Two hundred and forty hours is --
2 it is required by statute, Your Honor.

3 MR. BOYD: And I just don't want to fall short
4 because I can't get to some place.

5 THE COURT: Yeah. Have you ever been in jail
6 before?

7 MR. BOYD: No.

8 THE COURT: So the People's offer is five days
9 in jail.

10 MR. REEDER: It is mandatory, Your Honor, under
11 1193(1)(a).

12 THE COURT: Unbelievable. A person who's never
13 been in jail is going to go to jail? Well, we've got to
14 figure this out then because there's no weekends because
15 of COVID.

16 MR. BOYD: Even if I have to go in -- I mean, I
17 don't know exactly --

18 THE COURT: Like a Friday, Saturday, Sunday,
19 Monday, Tuesday, or a Thursday, Friday, Saturday, Sunday,
20 Monday? That's what you're thinking of doing?

21 MR. BOYD: I was thinking I would go -- if I
22 could have time to push it out so I can make arrangements
23 for my kids to be cared for, if I can go in on a Friday
24 and then just serve the whole sentence and be done.

25 THE COURT: Well, we need --

1 MR. BOYD: I need a week or so to line up
2 people to watch my kids for days.

3 THE COURT: Yep. Where do you live?

4 MR. BOYD: (Indiscernible).

5 THE COURT: Do you own a house or rent a house?

6 MR. BOYD: Own a house.

7 THE COURT: You own a house? Okay. Are you
8 working?

9 MR. BOYD: My wife works overnights right now.

10 THE COURT: Okay. Yeah. No. I just --

11 MR. BOYD: So --

12 THE COURT: Yeah. I don't want you getting on
13 a jet plane and leaving me either.

14 MR. BOYD: No. I'm just down the road from
15 here.

16 THE COURT: Okay. Well, we would need to know
17 when you're -- we can take your plea today, but I can't
18 sentence you until I know when you're going.

19 MR. BOYD: Do you set when I go in, or is that
20 some -- I don't know how that --

21 THE COURT: Yeah. We do the paperwork. We
22 tell the jail when you're going in.

23 MR. BOYD: If you could give me a date that's
24 not now?

25 THE COURT: Oh, yeah. No, no, no, no, no. No.

1 No.

2 MR. BOYD: If you could give me a date that's a
3 week or two out --

4 THE COURT: I'm good with a week. I'd like to
5 get this over with.

6 MR. BOYD: Yeah.

7 THE COURT: I'm sorry that you're going to
8 jail. I think it's disgusting. I think it's wrong, but
9 also, you know, you did something allegedly at this time
10 that could have been very bad.

11 MR. BOYD: I understand that.

12 THE COURT: I think something like that should
13 be when something happens bad, but I don't make the laws,
14 unfortunately.

15 All right. So I'm going to go over the
16 People's offer so it's on the record, okay.

17 So before we go any further --

18 MR. HAMPSEY: (Indiscernible)

19 THE COURT: Oh, yeah. DWI. I saw something I
20 wanted to take a look at, this sentencing. Is that your
21 phone?

22 THE CLERK: It's this phone.

23 THE COURT: Right. That's what I meant.

24 (Telephone conversation, not transcribed)

25 THE COURT: So it looks like it's a \$400

1 surcharge?

2 MR. REEDER: Correct, Your Honor.

3 THE CLERK: (Indiscernible) the offer --

4 MR. REEDER: It's on 1192.3 as a misdemeanor.

5 THE CLERK: Okay. Thank you.

6 THE COURT: That's the offer.

7 THE CLERK: Right. I know that.

8 THE COURT: Okay. Sorry. Stop yelling.

9 All right. Mr. Boyd, the People's offer is if
10 you plead guilty to vehicle traffic law the 1192.3 as a
11 misdemeanor, there's a \$500 fine, a \$400 surcharge, three
12 years probation supervision, six-month driver's license
13 revocation, an ignition interlock in your vehicle for 12
14 months, after six months, if you have no violations, you
15 can contact probation and then they can contact me to see
16 if I will have it taken out after six months. You are in
17 charge of all financial responsibilities for the ignition
18 interlock. You would be going to one session of the
19 Victim Impact Panel. You would be going to one session
20 of the Impaired Driver's program and also five days in
21 jail.

22 Do you understand the People's offer?

23 MR. BOYD: Yes, sir.

24 THE COURT: Are you prepared to make a plea
25 today of guilty or not guilty?

1 MR. BOYD: Yes. I am.

2 THE COURT: All right. I'm going to remind you
3 one more time you do have the right to hire an attorney,
4 okay. You still want to move forward?

5 MR. BOYD: Yes.

6 THE COURT: Okay. So Mr. Boyd, do you
7 understand the terms of this agreement, yes or no?

8 MR. BOYD: Yes.

9 THE COURT: Have any other promises been made
10 to you other than was just stated on the record to induce
11 you to plead guilty?

12 MR. BOYD: No.

13 THE COURT: Has anybody threatened you?

14 MR. BOYD: No.

15 THE COURT: Are you pleading guilty
16 voluntarily?

17 MR. BOYD: Yes.

18 THE COURT: Are you able to speak and
19 understand English?

20 MR. BOYD: Yes.

21 THE COURT: Are you aware that if you are not a
22 citizen of the United States that this plea will subject
23 you to deportation proceedings by the Federal Government?
24 That is me telling you. You don't need to answer that
25 one.

1 Do you have any physical or mental conditions
2 that would prevent you from understanding what is
3 happening here today?

4 MR. BOYD: No.

5 THE COURT: Have you taken any drugs,
6 medications, alcohol, or other substance that might
7 affect your understanding and the ability to enter a plea
8 freely and voluntarily today?

9 MR. BOYD: No.

10 THE COURT: Have you had a sufficient time to
11 discuss this matter with your attorney?

12 MR. BOYD: Yes.

13 THE COURT: By pleading guilty, you are going
14 to give up a series of rights, which includes the right
15 to a trial by jury. You would be presumed innocent and
16 have no burden of proof at that trial. It would be the
17 prosecutor's burden to prove your guilt beyond a
18 reasonable doubt. The DA would have to call witnesses,
19 present evidence to support the charges against you, and
20 you would have the opportunity through your attorney to
21 confront and cross-examine those witnesses, and you would
22 have the opportunity to call witnesses and present proof
23 on your own behalf if you choose, but your silence could
24 not be used against you.

25 Do you understand by pleading guilty you are

1 giving up these rights?

2 MR. BOYD: Yes.

3 THE COURT: Do you understand that a plea of
4 guilty is the same as a conviction after a trial?

5 MR. BOYD: Yes.

6 THE COURT: All right. Do you have any
7 questions? Because you have the right to be heard before
8 I sentence you.

9 MR. BOYD: The only request I have is if I can
10 actually look at my calendar (indiscernible).

11 THE COURT: Yep. All right. So Justin R.
12 Boyd, how do you plea to the crime of the 1192.3?

13 MR. BOYD: Guilty, Your Honor.

14 THE COURT: Okay. The Court accepts your plea
15 of guilty. All right. So Mr. Boyd, Court has accepted
16 your plea of guilty of the 1192.3, so you are being
17 sentenced to a \$500 fine, \$400 surcharge, three years of
18 probation, six months' driver's license revocation, an
19 ignition interlock for 12 months, one session of the VIP,
20 which is the Victim Impact Panel -- you're just going to
21 hear VIP all the time -- one session of the Impaired
22 Driver's Program, IDP, and five days consecutive in the
23 Yates County Jail.

24 Okay, Tammy. You can start the paperwork. Did
25 you see how she did that? Did you guys see that? I am

1 pretty sure she has not done this yet for Yates County.
2 All righty.

3 THE CLERK: Okay. I need the result of the --

4 THE COURT: Oh, the --

5 THE CLERK: -- the (indiscernible) please.

6 THE COURT: That's right.

7 THE CLERK: Is it -- it was a breath test,
8 correct, not a blood draw?

9 MR. HAMPSEY: It was just a -- yes. It was a
10 breath test.

11 THE COURT: So what I have is a breath test of
12 a BAC of a 0.08.

13 THE CLERK: Thank you.

14 MR. REEDER: It's snowing here.

15 THE CLERK: It is. Do we already have his
16 license?

17 MR. HAMPSEY: Yes. You do..

18 THE CLERK: We do have it?

19 THE COURT: Someone does. You might have it in
20 your envelope. So we -- the driver's license was
21 suspended.

22 MR. HAMPSEY: (Indiscernible).

23 THE COURT: Yeah. We've heard that before.

24 THE CLERK: I do have it.

25 THE COURT: Yes. Photo license is attached.

1 THE CLERK: I have it right here.

2 THE COURT: Yep. Okay.

3 THE CLERK: Thank you.

4 THE COURT: Before I ask her -- 1192. How
5 about the payment? Are you prepared to pay that tonight?

6 MR. BOYD: If I can use a credit card, then
7 yes.

8 THE COURT: You're darn right you can. So any
9 vehicles that are registered in your name?

10 MR. BOYD: (Indiscernible).

11 THE COURT: Oh, okay. So that's good.

12 MR. BOYD: (Indiscernible).

13 THE COURT: Okay. Yeah. That's -- so any
14 vehicle that you drive is required to have one, just so
15 you know, whether it's a friend's, like --

16 MR. BOYD: No. I understand.

17 THE COURT: Okay. It's -- if you have a
18 choice, try to make sure it's a vehicle that's running
19 that doesn't have problems with its battery because this
20 device does create a little drop, and if the battery is
21 -- you know, it can kill the battery, and then the new
22 car won't start and then, you know, it can just become a
23 problem. So just make sure the car is in good shape.

24 Twelve months, ignition interlock, one --

25 THE CLERK: Let me ask you what's in here.

1 Letters that are downloaded, except for this one, are not
2 the correct ones. There's a suspension order, if you
3 want to look that over while I pull these others out.
4 Our interlock device is not the right one in here, so
5 you're going to have to do them by hand.

6 THE COURT: Why?

7 THE CLERK: Because the one in here --

8 THE COURT: Did something change?

9 THE CLERK: -- is for Dutchess County. I don't
10 know. Maybe when they did the update, I don't know. But
11 I just went to print it, and it said Dutchess. I'm like,
12 yeah, that is not the right one.

13 THE COURT: Okay. Revoked on March 28th, 2022.
14 That is correct. Part 2, Justin Boyd, male -- violation
15 date 12/11/2021. Yes. Not a youthful offender. Vehicle
16 class, traditional (indiscernible) all others. Revoked
17 for 12 months, yes. Sentence date, yes. Order will be
18 effective on -- yes. Because of your conviction of a --
19 okay. Person convicted of violation of 1192.2, 2-a, 3
20 must be sentenced to conditional discharge
21 (indiscernible) and install (indiscernible). Okay.
22 Motorist is sentenced to probation for three years. The
23 motorist shall obtain permission, no. Thank you. Has
24 the motorist been ordered to install -- yes. License
25 surrendered, yes. Okay.

1 Mr. Hampsey, please go over the order of
2 suspension or revocation to Mr. Boyd. If he understands
3 everything, he can sign where the yellow mark is, please.

4 MR. HAMPSEY: I thought we were doing six
5 months.

6 THE COURT: What? What?

7 MR. BOYD: Oh, to revoke?

8 MR. HAMPSEY: Revokes your license.

9 THE COURT: Correct. Six months. Should we do
10 12?

11 THE CLERK: It's 12 months for the IID, right?

12 THE COURT: Correct.

13 MR. HAMPSEY: Twelve months for the IID.

14 THE COURT: Where do you see that? Revoked on
15 -- oh. Okay. This part. We did suspension revocation
16 where I highlighted needs to be changed to six. Good
17 catch, Mr. Hampsey. Good catch. Just checking to see if
18 you're on your toes tonight. It's Monday.

19 MR. HAMPSEY: (Indiscernible).

20 THE COURT: It's Monday.

21 MR. HAMPSEY: Okay. (Indiscernible).

22 THE COURT: I -- I had to bring my big truck
23 home last night first time. Like I just started driving
24 that thing, Snap-on truck, and it's -- I'm like -- he was
25 in -- I just wanted to pull over, but it was so cold, and

1 I had to get home.

2 MR. HAMPSEY: Yeah.

3 THE COURT: I couldn't figure out how to turn
4 the heat on.

5 MR. REEDER: Well, at least you weren't in
6 Pottsville, Pennsylvania.

7 THE COURT: What happened in Pottsville
8 Pennsylvania.

9 MR. REEDER: There was a like 70-car -- or
10 70-vehicle pileup on I-81.

11 THE COURT: Okay.

12 MR. REEDER: It was my lucky day. I had to go
13 really slow then.

14 MR. HAMPSEY: (Indiscernible).

15 MR. REEDER: Yeah. Riding your bike in the
16 snow is nuts.

17 MR. HAMPSEY: Many people do, though.

18 THE COURT: It's a way of life. They think
19 it's crazy to spend \$45,000 on a vehicle that's going to
20 be worth nothing (indiscernible), you know.

21 MR. HAMPSEY: (Indiscernible).

22 THE COURT: Right? I can't even get my truck
23 fixed because the parts are out of stock.

24 MR. REEDER: Of course.

25 THE COURT: I'm so mad. Round two. We have

1 six months. Mr. Boyd signs down there. Probation three
2 years. Okay.

3 THE CLERK: I don't know where all the forms
4 are. I honestly don't.

5 THE COURT: What do you mean?

6 THE CLERK: I don't know.

7 THE COURT: So nothing's on the computer
8 anymore?

9 THE CLERK: No. These are not the forms that I
10 have highlighted for this event, and -- such as this one
11 96.

12 THE COURT: We need VIP, which is not on there.
13 We need --

14 THE CLERK: Watch this. See what it's
15 converted to?

16 THE COURT: State of New York, County of Yates,
17 Town of Jerusalem. People of the State of New York
18 against Justin Boyd. Presentence ignition interlock
19 ordered. The above defendant has been convicted of
20 violation section of traffic law on the 28th of March
21 '22, is so ordered to install and maintain ignition
22 interlock device and any vehicle owned or operated within
23 10 business days of the order. Said defendant is further
24 ordered to contact the below agency within three business
25 days to make the arrangements.

1 The defendant is responsible for -- yes.
2 Waiver has been granted with payment plan Dutchess County
3 Probation Corrections. It was going so well.

4 THE CLERK: I know. That's what I --

5 THE COURT: I don't understand this.

6 THE CLERK: I don't understand it, either.

7 THE COURT: Because this is actually an awesome
8 form --

9 THE CLERK: It is an awesome form.

10 THE COURT: -- except for the middle.

11 MR. REEDER: Is that the only problem,
12 though --

13 THE COURT: Yeah.

14 MR. REEDER: -- they have? Then I propose that
15 the Court cross that out --

16 THE CLERK: Strike it?

17 MR. REEDER: -- write in the word Yates and
18 initial it.

19 THE COURT: But it -- I don't understand. And
20 you can't modify that.

21 THE CLERK: No. I cannot.

22 THE COURT: They have to?

23 THE CLERK: That's right.

24 THE COURT: I had a full head of hair four
25 years ago when I started this job.

1 MR. HAMPSEY: I remember.

2 THE COURT: Yeah. So give me your little --
3 well, I guess I should probably do it this way, huh? So
4 we do it this way, this way, this way, this way. Waiver
5 has been granted -- oh. Well, it doesn't matter. I'm
6 not granting the waiver. Right there. Todd's signature.

7 Copies will be sent to the court, the
8 defendant, defense counsel, district attorney, IID
9 monitor, and probation. Well, let's waste a lot of
10 paper. March 28th -- dated March 28th, 2022. Something
11 New York, what does that mean? I haven't seen that
12 before, blank New York. (Indiscernible)? I'm going to
13 put Jerusalem.

14 THE CLERK: I don't know.

15 MR. REEDER: It's probably fine Jerusalem.

16 THE COURT: Jerusalem, New York. State of New
17 York, County of Yates, -- I mean, it says it at the top.
18 Who had this job? So this is our presentence ignition
19 interlock order. So ignition interlock, 12 months. Does
20 it say that?

21 MR. REEDER: It says presentence?

22 THE COURT: Yeah. Presentence ignition
23 interlock order. Yeah. This is the wrong one. Where's
24 -- what happened to our --

25 THE CLERK: The -- we have an interlock order

1 for the initial discharge but not with probation.

2 THE COURT: Yeah. The conditional discharge.

3 THE CLERK: You want that one, not -- it
4 doesn't have anything not here about probation.

5 THE COURT: Well --

6 THE CLERK: Let's take a look.

7 THE COURT: -- probation is a condition of the
8 discharge. Ignition interlock order. Conditional
9 discharge, yeah.

10 MR. REEDER: So he can be sentenced to
11 probation, Your Honor, not the conditional discharge.

12 THE COURT: Is this -- this is the one?

13 THE CLERK: I have that one.

14 THE COURT: Oh. But not on the computer?

15 THE CLERK: Right. Not in the computer.

16 THE COURT: Okay.

17 THE CLERK: So there's that one.

18 THE COURT: Because we've used that in the
19 computer.

20 THE CLERK: Right. I -- see, this one is what
21 I have as conditional discharge, and he just sentenced --
22 he sentenced probation, not conditional discharge.

23 THE COURT: Well -- it's right here. Probation
24 for a period of --

25 THE CLERK: For that one, yes.

1 THE COURT: Yeah.

2 THE CLERK: This one in here is different.

3 THE COURT: Oh, my goodness. All right. So
4 let's try this one.

5 THE CLERK: The more they try to help us be
6 efficient, the less it works.

7 MR. REEDER: (Indiscernible).

8 THE COURT: Probation --

9 MR. REEDER: (Indiscernible).

10 THE COURT: Yeah. Probation for a period of
11 three years, so I circle this guy, I X this one off, to
12 expire on, '22-'23, '23-'24, '25, boom. A period of
13 incarceration five days, custody of the New York State
14 Department of Corrections and Community Service, local
15 jail. So it's local jail. The conditional discharge.
16 TACW, TACW, the Court has determined, ordered that the
17 defendant is able to (indiscernible) -- yes. No. There.
18 There's that.

19 (Telephone call, not transcribed)

20 THE COURT: Mr. Boyd, what is your cell phone
21 number? Hold on. This is going to mess me up.

22 Yes, sir.

23 MR. BOYD: Area code [REDACTED] --

24 THE COURT: Yes.

25 MR. BOYD: -- [REDACTED].

1 THE COURT: [REDACTED].

2 MR. BOYD: [REDACTED].

3 THE COURT: [REDACTED].

4 MR. REEDER: On my phone, I have a downloaded
5 copy of the generic Yates County Probation inter -- with
6 ignition interlock terms. Would you like me to forward
7 that?

8 THE CLERK: Sure.

9 MR. REEDER: I just noticed I have that, so --

10 THE CLERK: Sure. It would be in his file if
11 you have it. If you have his fingerprints there, it's
12 one that, and so will this number here. Both of them
13 will be there.

14 THE COURT: So that should be on the arrest
15 report.

16 THE CLERK: Maybe. The first one will be --
17 this one right here.

18 THE COURT: That's your NYSID.

19 THE CLERK: Yeah. That's this number.

20 THE COURT: Okay. If you say so.

21 THE CLERK: It is.

22 THE COURT: [REDACTED]. And then you're saying
23 my CJTN?

24 THE CLERK: Yeah. It's considered also a 501
25 number, but it's not usually on this (indiscernible).

1 It's just the fingerprints, but I don't see any
2 fingerprints.

3 THE COURT: I've never seen fingerprints.

4 THE CLERK: I know. You keep telling me that.

5 THE COURT: Okay. So that's his history.
6 That's the 710.30.

7 THE CLERK: See, when they're fingerprinted, it
8 creates that number for each time they're fingerprinted.
9 So without fingerprints, we don't have --

10 THE COURT: I'm pretty sure Mr. Reeder can
11 access that.

12 THE CLERK: Maybe he can.

13 THE COURT: The CJTN?

14 MR. REEDER: For Mr. Boyd?

15 THE COURT: Yes, please.

16 MR. REEDER: I just forwarded it to you, Tammy.

17 THE CLERK: Thank you.

18 MR. REEDER: You're welcome.

19 THE CLERK: I've got that one.

20 THE COURT: What's this?

21 MR. REEDER: Your Honor, I have a number for
22 you.

23 THE COURT: Yes.

24 MR. REEDER: It is [REDACTED], as in quail.

25 THE COURT: Thank you.

1 MR. REEDER: You're welcome. At this point,
2 Your Honor, it's ready for a signature.

3 THE COURT: All right. So this is for the
4 revocation, so I can highlight that. So we've got --
5 here we go. Ignition interlock order, done. That's that
6 one. This is for six-month revocation. Done. There we
7 go. This is another ignition interlock order. Okay. I
8 need a VIP and Impaired Driving Program orders.

9 THE CLERK: There is what Mr. Reeder just sent.

10 THE COURT: Perfect. All right.

11 MR. REEDER: I know the VIP is in there and put
12 the --

13 THE CLERK: Yeah.

14 THE COURT: Yep.

15 MR. REEDER: -- IDP --

16 THE COURT: You're going to make me fill this
17 out?

18 THE CLERK: Just the back part. I don't know
19 what --

20 THE COURT: Well, serve a five-day term of
21 imprisonment.

22 THE CLERK: Okay.

23 THE COURT: Serve a sentence of blank -- none.
24 Intermittent incarceration Yates County Jail blank from
25 blank. Obey all departmental programs' regulations.

1 Zero hours of community service. Pay a fine of \$500. So
2 he's going to pay that. Four hundred -- make restitution
3 -- there is no restitution, N/A. Zero money restitution.
4 Stay away from any party, gathering, group, whether it's
5 public, private place where alcohol -- yes.

6 Probationer will submit any recognized test to
7 the impairment of the presence of alcohol, marijuana,
8 narcotics. Are they going to do that with him?

9 MR. REEDER: Your Honor, that's generally --

10 THE COURT: That's up --

11 MR. REEDER: -- at their discretion.

12 THE COURT: Okay. So we're just going to -- if
13 probation says, you'll be doing this. Payment for
14 alcohol and drug testing, yes. Completely avoid
15 committing any additional crimes, offenses, and
16 violation, yes. Do not own or possess or have any -- I
17 don't know about any guns. That would be through
18 probation. Stay out of bars, taverns where alcoholic
19 beverages are sold or displayed. That will be through
20 probation. Abstain from alcohol, do not possess
21 marijuana -- whoa. Is this even still supposed to be on
22 here?

23 MR. REEDER: Yes. It is, Your Honor.

24 THE COURT: Okay. Do not use or possess
25 marijuana. Provide a DNA sample in accordance with the

1 executive -- does he have to do that?

2 MR. REEDER: No. He does not, Your Honor.

3 THE COURT: No. Permit a search of any town
4 probate -- person, vehicle -- that will be probation.
5 Undergo available medical, alcohol, drug -- that will be
6 probation. Sign a -- any release information form to
7 allow exchange of information between probation
8 departments. Payment for treatment shall be
9 responsibility of probationer. Any alcohol or drug
10 treatment must be an Oasis certified agency.

11 Participate and successfully complete the
12 Thinking for a Change Program?

13 MR. REEDER: Your Honor, I'm not exactly
14 certain what that is.

15 THE COURT: Then that's a no. Your driver's
16 license was revoked. Do not operate a motor vehicle
17 without a valid license. Do not apply for driver
18 privileges in this state or any other state without prior
19 permission from the Probation Department. Yes.

20 Attend Drunk Impaired Driving Victim Impact
21 Panel as directed by the Court or probation officer.
22 Yes. The defendant is not permitted to own or operate a
23 motor vehicle without an ignition interlock device
24 installed therein. The device shall be installed for a
25 period of 12 months. Yes. It's a Class 2 ignition

1 interlock device, shall be installed in the
2 below-described vehicle within 10 days. You don't have
3 one in your name. You will have to notify us if you do
4 get one.

5 The ignition interlock device shall be
6 installed in any vehicle that's owned or operated by the
7 defendant. Yes. Stay out of bars and taverns. Okay.
8 None at this time. Insurance company -- do you know what
9 your -- well, you'll have to let us know about that.

10 VIP?

11 THE CLERK: Attached right here. I thought you
12 said one of the (indiscernible) here.

13 THE COURT: IDP, Impaired Driving Program paid
14 through -- through DMV.

15 THE CLERK: Oh. So we don't have that?

16 THE COURT: No. That's through -- thank God --
17 through --

18 THE CLERK: Yeah.

19 THE COURT: Okay. Justin Boyd is ordered to be
20 sentenced to probation for three years, expire on March
21 28th, 2025. He's going to serve five days' term of
22 imprisonment in the Yates County Jail. There will be no
23 hours of community service. He's going to pay the
24 following: \$500, mandatory surcharge of \$400.

25 You're going to stay out of trouble. You're

1 going to stay out of bars. You're not going to possess
2 and smoke weed. You're going to abide by whatever
3 probation requires you to get this over and done with,
4 correct?

5 MR. BOYD: Yes.

6 THE COURT: If you do own, drive, borrow, steal
7 -- no -- a vehicle, it's got to have a Class 2 ignition
8 interlock, okay.

9 MR. BOYD: I have to have a license first.

10 THE COURT: It's all in the details. Okay. So
11 he needs to sign -- I have read and received a copy of
12 the above order. This will be probationer, probationer's
13 address, Mr. Hampsey. Read away. Signature of offender,
14 signature of Judge.

15 So -- are you still going over that with him?

16 MR. HAMPSEY: Yeah.

17 THE COURT: Okay.

18 Any questions regarding this?

19 MR. BOYD: No, sir.

20 THE COURT: Okay. You are being ordered to
21 attend a Drunk Impaired Driving Victim Impact Panel,
22 Justin Boyd. You have been sentenced to attend the Yates
23 County Impaired Driving Victim Impact Panel pursuant B
24 and T 1193.(1)(F). The date is Wednesday, April 27th at
25 7 p.m. You must arrive early. Early is not 10 minutes.

1 I would suggest 20 minutes at the least. It's at the
2 Yates County Auditorium, and the address is here, 417
3 Liberty Street.

4 If you fail to attend promptly at stated above,
5 you may be -- okay -- judged guilty of contempt of court,
6 punishable by imprisonment up to 30 days, or a fine up to
7 \$250 or be prosecuted as criminal contempt, a Class A
8 misdemeanor, punishable by imprisonment up to one year
9 and a fine of exceeding \$1000. You must contact the
10 panel coordinator prior to the event if you are attending
11 the Drunk Impaired Driving Impact Panel. Check is 45
12 minutes prior to the start of the panel. So that should
13 say -- breath test is administered. Do not drink even
14 the night before.

15 No smoking, drinking, or eating 15 minutes
16 prior to check-in due to the breath test. No one under
17 the influence of alcohol or drugs will be allowed to
18 attend the program.

19 Entry after 6:45 will not be permitted. If you
20 are late, you will not be admitted. Friends and family
21 members, drivers, you will -- sorry, friends or family
22 members driving you to the panel session may also attend
23 the session.

24 The panel session is approximately 60 to 90
25 minutes. You are required to bring only this form and

1 your ID. You will have to go to the DMV and get a photo
2 ID.

3 MR. BOYD: I already have. They told me it
4 could take two to three weeks.

5 THE COURT: You'll get it because this is three
6 weeks away. You are encouraged to leave purses,
7 handbags, backpacks, pocket knives, sharp instruments,
8 weapons, tasers, pepper spray -- just kidding -- home or
9 in the vehicle or you will be surrender -- oh, so you'll
10 have to surrender it to security upon check-in. Please
11 do not bring any food or drink.

12 Rescheduling is not permitted except in the
13 case of an extreme emergency. In that case, please
14 contact the Jerusalem Court. No cell phones are allowed.

15 Do you have any questions?

16 MR. BOYD: No, sir.

17 THE COURT: Signature. Justin Boyd, being duly
18 sworn, says I am defendant above (indiscernible), and I
19 was charged with operating a motor vehicle while
20 intoxicated, 1192.3?

21 MR. REEDER: Yes, Your Honor.

22 THE COURT: Of the vehicle and traffic law. On
23 March 28th, I entered a plea of guilty and was found
24 guilty of the charge. Okay. I was further instructed I
25 would be required to install and maintain a functioning

1 -- how many different forms are -- you're just going to
2 do them all, right? Okay.

3 THE CLERK: If you don't want that --

4 THE COURT: Oh, no. Right here.

5 THE CLERK: I probably did that one before you
6 got this.

7 THE COURT: Okay. No. This is good because it
8 says I do not own a motor vehicle and I will not be
9 operating --

10 THE CLERK: Oh, that's right. That's --

11 THE COURT: Yeah, yeah, yeah. Okay. So the
12 defendant here, here, here.

13 THE CLERK: Oh, yeah. This is the affidavit of
14 him saying he does not have it. How many copies of these
15 documents do you want?

16 THE COURT: You need a batch for him and a
17 batch for him.

18 THE CLERK: Okay.

19 MR. REEDER: And I request a copy of the
20 probation (indiscernible).

21 THE COURT: Come on. Okay. That's like --

22 THE CLERK: This one.

23 THE COURT: The thick one that I stapled.

24 THE CLERK: Yeah.

25 THE COURT: Okay. So you're going to need

1 three sets of those. I hope -- check the paper first.

2 THE CLERK: Yep. There's the (indiscernible).

3 THE COURT: Thank you. Three years of
4 probation, so you'll be going through Yates County
5 Probation for probation and pretty much your ignition
6 interlock device. The DMV's going to tell you when to
7 attend the Impaired Drivers Program. We told you when to
8 do the Victim Impact Panel. And then the only thing we
9 need now is our start.

10 Mr. Reeder, Mr. Hampsey, Mr. Boyd.

11 MR. REEDER: Thank you, Your Honor.

12 THE CLERK: I need two copies of this set,
13 correct?

14 THE COURT: Correct. Did you talk to your wife
15 yet or text her about when you're going in to jail?

16 MR. BOYD: No. (Indiscernible). That's why I
17 say if I can do it on the 8th or after, then
18 (indiscernible).

19 THE CLERK: (Indiscernible).

20 THE COURT: Have you done that for this county
21 yet?

22 THE CLERK: No.

23 THE COURT: It's a -- it's fun.

24 THE CLERK: Great. There's one.

25 MR. HAMPSEY: (Indiscernible).

1 THE COURT: Yeah.

2 THE CLERK: There's two copies. And you kept
3 the original, right, unless I --

4 THE COURT: Yes. Mr. Boyd, Mr. Hampsey. So
5 he's saying April 8th. Starts April 8th, A-P-R-I-L 8th,
6 2022. What I would recommend is you call the Yates
7 County Jail, ask for booking, and see what we need.

8 THE CLERK: Okay. (Indiscernible).

9 THE COURT: Okay. If you know how to fill it
10 out because nobody else in Yates County knows how to
11 except for the people at the jail.

12 THE CLERK: Okay.

13 THE COURT: Because you start --

14 THE CLERK: So he --

15 THE COURT: -- the date now.

16 THE CLERK: He -- we don't have a form then to
17 fill --

18 THE COURT: Do I have a form?

19 THE CLERK: We don't have one yet?

20 THE COURT: It would be in the computer.

21 MR. REEDER: (Indiscernible).

22 THE CLERK: Let's see what we have in here.

23 THE COURT: Okay. Remanded to the custody of
24 the Yates County Sheriff (indiscernible) until his
25 appearance. No. Do you see it?

1 THE CLERK: No.

2 THE COURT: I don't see it.

3 THE CLERK: You just accept (indiscernible).

4 THE COURT: Release information. Released from
5 custody after being convicted. Seconds -- and seconds do
6 time serviced.

7 THE CLERK: Yeah. That's not right.

8 THE COURT: What is this form?

9 THE CLERK: And it defaulted that in there.
10 It's just the securing order.

11 THE COURT: All right. Oh. You've got to
12 press 8?

13 THE CLERK: Yep.

14 (Phone call, not transcribed)

15 THE COURT: Quick. Print it.

16 MR. BOYD: I'm confused.

17 THE CLERK: Don't argue.

18 THE COURT: I would expect to go there for five
19 days, and whatever happens is a bonus.

20 MR. BOYD: Okay.

21 THE COURT: So handwrite --

22 THE CLERK: This --

23 THE COURT: No.

24 THE CLERK: Yeah. You see this?

25 THE COURT: No. No. We don't -- we do have

1 one. How come it didn't save --

2 THE CLERK: We do have one.

3 THE COURT: Yeah. Shake it. Shake it.

4 THE CLERK: I know. All right. Our ink is
5 worn out tonight.

6 THE COURT: You would think it would give you
7 an update.

8 THE CLERK: It would give me a warning. Come
9 on.

10 THE COURT: So don't get excited.

11 MR. BOYD: I have no idea what he just said.

12 THE COURT: He says you're going to be there
13 for five days. You're going to be coming -- going in on
14 Friday afternoon at 6 p.m.

15 MR. BOYD: Okay.

16 THE COURT: And you expect to be five days, and
17 on the fifth day, you'll be released at 6 p.m.

18 MR. BOYD: So I just go to --

19 THE COURT: That's -- you're --

20 MR. BOYD: -- the Yates County Sheriff.

21 THE COURT: Yates County Sheriff on Main
22 Street.

23 Oh. What did you do? Hit the power button.

24 THE CLERK: I don't know how -- I -- that was
25 not nice.

1 MR. HAMPSEY: (Indiscernible).

2 THE COURT: But I wouldn't --

3 MR. BOYD: Like he said --

4 MR. HAMPSEY: I wouldn't count on it.

5 MR. BOYD: -- plan five --

6 MR. HAMPSEY: Right.

7 MR. BOYD: -- and you're safe.

8 MR. HAMPSEY: Yeah.

9 THE COURT: Maybe I shouldn't have done that on
10 the speakerphone because that's going to be in your head
11 every night, but --

12 MR. BOYD: No. It won't. I still got to cover
13 somebody in case.

14 THE COURT: Expect the worst.

15 MR. BOYD: So --

16 THE COURT: Hope for the best. Hey, I remember
17 that.

18 MR. BOYD: -- the 6 to 6 thing, I'm looking at
19 Friday to Saturday. Friday counts.

20 THE COURT: Friday. So you get there Friday
21 afternoon. Yes.

22 MR. BOYD: So Friday, Saturday, Sunday, Monday,
23 Tuesday --

24 THE COURT: Tuesday.

25 MR. BOYD: -- night at 6 p.m.?

1 THE COURT: Yes.

2 MR. BOYD: Okay. So if I have my kid covered
3 until Tuesday night, I'll be safe. Okay.

4 THE CLERK: And we send this --

5 THE COURT: You've got to write in the --

6 THE CLERK: -- conviction date.

7 THE COURT: -- to be Yates County Jail -- yes.
8 Conviction date, the defendant --

9 THE CLERK: The defendant to --

10 THE COURT: Check in at the Yates County
11 Jail --

12 THE CLERK: Check in.

13 THE COURT: -- no later than 6 p.m. They will
14 give you a breathalyzer. Defendant, check in no later
15 than 6 p.m. on 4/8/2022 to Yates County Jail. Does it
16 say five days?

17 THE CLERK: Two copies and the original. Want
18 this one in here?

19 THE COURT: That's the original? Okay.
20 (Indiscernible) Mr. Boyd.

21 MR. BOYD: (Indiscernible).

22 THE COURT: Yes. Okay. Okay. You're free to
23 go. Oh, no. Take his money. Take his money. Take his
24 money.

25 THE CLERK: Yes.

1 THE COURT: So it's \$900 with a 2.99 percent
2 processing fee if you're going to use your card.

3 MR. BOYD: All I did was bring a checkbook, so.

4 THE COURT: Okay. We only take money orders
5 and cashiers checks, so -- oh, no.

6 THE CLERK: No. It's American Express they
7 don't take.

8 THE COURT: Okay. So --

9 THE CLERK: I think Discover's okay.

10 MR. BOYD: I think (indiscernible). It would
11 definitely cover it. So do I get a hold of probation, or
12 do they get a hold of me? How does that work?

13 THE COURT: You get a hold of probation. Call
14 them tomorrow morning..

15 MR. BOYD: Okay.

16 THE COURT: Tell them what's up.

17 THE CLERK: Yep. It's not going to do it.

18 MR. BOYD: No? I guess you don't take those
19 cards either.

20 THE CLERK: Let me just try one more time.

21 THE COURT: What did it say?

22 THE CLERK: Server not allowed. No.

23 MR. BOYD: Would that do it? I mean --

24 THE COURT: Where do you work?

25 MR. BOYD: Victor. [REDACTED].

1 THE COURT: [REDACTED]? [REDACTED]. What is that?

2 MR. BOYD: It's a machine shop. It makes a
3 little bit of everything.

4 THE COURT: A machine shop?

5 MR. BOYD: (Indiscernible) race car parts,
6 firearms, whatever he can get his hands on.

7 THE COURT: Did that work? Well, that's for
8 the --

9 THE CLERK: For the --

10 THE COURT: -- processing fee for his --

11 THE CLERK: Yeah.

12 THE COURT: See, that's wrong. Please see
13 the --

14 THE CLERK: I think you should --

15 THE COURT: Go for the big one first, not
16 the --

17 THE CLERK: I know. They've got to get their
18 money first, you know.

19 THE COURT: What is it?

20 THE CLERK: All right. Looks like it did. I'm
21 going to give you -- that's the approved. The other one
22 didn't go through, in case they -- there's that. We'll
23 need your signature on these two. This shows the
24 convenience fee and the \$900.

25 THE COURT: What is the convenience fee, like

1 \$18?

2 THE CLERK: Twenty-six.

3 THE COURT: What?

4 THE CLERK: Twenty-six. Three times nine,
5 twenty-seven, twenty-six something.

6 THE COURT: Wow.

7 THE CLERK: Can I have your receipt, please?

8 THE COURT: Oh. I wanted to put that in his
9 folder. Justin Boyd paid in full, right?

10 THE CLERK: Yes.

11 THE COURT: Paid fine and surcharge in full
12 with credit card. Jail start date is April 8th, 2022.
13 Spoke with --

14 THE CLERK: Can I have the stapler, please?
15 Thank you.

16 THE COURT: -- Officer D. Smith. Okay.

17 THE CLERK: There you go.

18 MR. BOYD: Thanks.

19 THE CLERK: Than you.

20 THE COURT: Okay. Have a good night.

21 MR. BOYD: You, too.

22 THE COURT: Thank you.

23 (Proceedings concluded.)

24

25

CERTIFICATE

I, Jessie Gross, certify the foregoing transcript of proceedings in the Jerusalem Town Court of the State of New York, County of Yates, in the matter of People v. Boyd, was prepared using the required electronic equipment and is a true and accurate record of the proceedings.

Signature: Jessie Gross (electronically signed)

Date: May 27, 2022

Agency: CSR Court Reporting, LLC

214 Reasor Hollow Road

Big Flats, NY 14814

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

TODD C. WHITFORD,

a Justice of the Jerusalem Town Court,
Yates County.

Judge's Home Address

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon the judge in accordance with Judiciary Law § 44, subd. 7, the Court of Appeals has asked the Commission to provide the judge's home address.

Judge's Home Address

Request and Authorization to Notify Judge's Attorney of Determination

In the event that a determination of the Commission on Judicial Conduct is made in the above matter requiring transmittal to the Chief Judge and service upon me in accordance with Judiciary Law § 44, subd. 7, the undersigned judge or justice:

(1) requests and authorizes the Chief Judge to cause a copy of my notification letter and a copy of the determination to be sent to my attorney(s) by mail:

Attorney's Name, Address, Telephone

(2) requests and authorizes the Clerk of the Commission to transmit this request to the Chief Judge together with the other required papers.

This request and authorization shall remain in force unless and until a revocation in writing by the undersigned judge or justice is received by the Commission.

Dated:

Signature of Judge or Justice

Acknowledgment:

Signature of Attorney for Judge or Justice

SEND TO: Clerk of the Commission
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006

December 4, 2025

EXHIBIT B

Jamie L. Sisson
Town Supervisor
Town of Jerusalem
3816 Italy Hill Road
Branchport, New York 14418

Dear Mr. Sisson:

It is with a heavy heart that I submit my resignation as Town Justice for the Town of Jerusalem, effective December 10, 2025.

Serving this community for the past seven and a half years has been one of the greatest honors of my life. I have always tried to approach this role with fairness, compassion, and a genuine desire to help the people who came before the court. The Town of Jerusalem is my home, and the responsibility entrusted to me has never been taken lightly.

Recent proceedings before the New York State Commission on Judicial Conduct have placed me in a position where I must make a difficult and painful decision. While I had hoped for the opportunity to fully participate in the process, learn from the concerns raised, and demonstrate my commitment to growth and improvement, I simply do not have the financial means required to secure the level of legal representation necessary to continue. As a part-time justice earning a modest stipend, the cost associated with navigating the Commission's formal procedures is far beyond my resources.

I want to be clear that I take seriously the concerns that have been brought forward. I am committed to learning from this experience. I regret that I will not have the opportunity to continue serving this town, and that I cannot fully take part in the process due to financial limitations, despite my desire to participate and provide the context necessary for a fair and complete evaluation.

This decision is made with deep regret, but also with respect for the integrity of the judicial system and the community I have been privileged to serve. I am grateful to the Town Board, law enforcement, the attorneys who appeared in the court, and especially to the residents of Jerusalem for their trust, patience, and support over the years.

Thank you for allowing me the opportunity to serve. It has truly been an honor.

Sincerely,



Hon. Todd C. Whitford

cc:

Hon. Joseph A. Zayas
Chief Administrative Judge
New York State Unified Court System
25 Beaver Street
New York, New York 10004

Hon. William K. Taylor
Administrative Judge
Seventh Judicial District
Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614