



*State of New York
Court of Appeals*

*Heather Davis, Esq.
Chief Clerk and
Legal Counsel to the Court*

December 18, 2025

*Clerk's Office
20 Eagle Street
Albany, New York 12207-1095
518-455-7700*

Hon. David M. Miller

Re: Matter of Hon. David M. Miller, a Justice of the Wolcott Village Court

Dear Justice Miller:

This Court was notified of a felony complaint charging you with committing a felony in New York State. A copy of the complaint is attached.

Pursuant to New York State Constitution article VI, § 22, and further pursuant to Judiciary Law, § 44 (8), this Court has, on its own motion, ordered that you be suspended, with pay, effective immediately, from your office of Justice of the Wolcott Village Court, Wayne County. A copy of the Court's order is enclosed.

Further, pursuant to New York State Constitution article VI, § 22, and Judiciary Law, § 44 (8), this Court has directed me to give you notice that it will, on its own motion, consider the continuation of your suspension from judicial office. You may, pro se or by counsel, write to the Court stating your position as to the continuation of the suspension and, if it is continued, whether the continuation of suspension should be with or without pay. An original and one copy of your submission shall be filed at Court of Appeals Hall no later than December 29, 2025. The Commission on Judicial Conduct, by receipt of a copy of this letter, is also authorized to present its views, if any, to the Court on or before December 29, 2025, with respect to any aspect of this matter relevant at this time.

Very truly yours,

Heather Davis

cc: Judges of the Court of Appeals
Robert H. Tembeckjian, Esq.
Hon. Joseph A. Zayas

STATE OF NEW YORK

COUNTY OF WAYNE

LOCAL CRIMINAL COURT

VILLAGE OF WOLCOTT

THE PEOPLE OF THE STATE OF NEW YORK

--VS--

DAVID M. MILLER

dob: [REDACTED]

DEFENDANT

FELONY COMPLAINT

BE IT KNOWN THAT, by this complaint, Investigator Andrew J. Palizay, as the Complainant herein, stationed at Troop E – Major Crimes Unit, Farmington, New York, accuses **David M. Miller**, the above-mentioned Defendant, with having committed the FELONY of **GRAND LARCENY IN THE THIRD DEGREE**, in violation of Section 155.35, subdivision 1 of the Penal Law of the State of New York.

That on or about September 27, 2025, in the village of Wolcott, county of Wayne, state of New York, the defendant did intentionally, knowingly, and unlawfully, commit the crime of Grand Larceny in the Third Degree. A person is guilty of Grand Larceny in the Third Degree when such person steals property and: 1. when the value of the property exceeds three thousand dollars.

TO WIT: on or about September 27, 2025, the defendant, David M. Miller, dob: [REDACTED], did intentionally, knowingly, and unlawfully steal an aggregate of approximately \$5334.00 worth of Quick Draw lottery tickets, while working as the bartender for the Wolcott Elks Lodge, located at 6161 W. Port Bay Rd, in the village of Wolcott, county of Wayne, state of New York. From approximately 4:08 p.m. until approximately 9:19 p.m., the defendant purchased approximately \$9,498.00 in New York Quick Draw lottery tickets, which produced approximately \$4,164.00 in winning tickets, resulting in a balanced owed of approximately \$5,334.00. The defendant did not pay money to the Elks Lodge for the Quick Draw lottery tickets he played via an online terminal located at the bar. The defendant made verbal admissions regarding playing the Quick Draw lottery, not keeping a written tally of purchases and amount owed, not paying any money for the tickets played, and for throwing away the printed lottery tickets.

All contrary to the above-named statute.

The above allegations of fact are made by the Complainant herein on direct knowledge and/or upon information and belief, with the sources of Complainant's information and the grounds for belief being the supporting depositions of Christopher Luckey, Scott Bates, Jeffrey Drake, John Budinock, and Cheryl Garlock, along with the facts contained in an official police investigation.

IN A WRITTEN INSTRUMENT, ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT WHICH SUCH PERSON DOES NOT BELIEVE TO BE TRUE HAS COMMITTED A CRIME UNDER THE LAWS OF THE STATE OF NEW YORK, PUNISHABLE AS A CLASS A MISDEMEANOR. (PL 210.45)

Affirmed under penalty of perjury
this 31st day of October 2025

Inv. # 5630
COMPLAINANT – Investigator Andrew J. Palizay
Troop E – Major Crimes Unit