

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

**RANDY ALEXANDER,**

**STIPULATION**

a Justice of the Mansfield Town Court,  
Cattaraugus County.

---

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Randy Alexander (“Respondent”), as follows:

1. Respondent began serving as Mansfield Town Justice, Cattaraugus County, in 1989. He was last elected as Mansfield Town Justice in November 2013, to a term commencing on January 1, 2014, and expiring on December 31, 2017. He is not an attorney.
2. Respondent was served with a Formal Written Complaint dated January 20, 2015, containing four charges, a copy of which is appended as Exhibit 1.
3. Respondent enters into this Stipulation in lieu of filing an Answer to the Formal Written Complaint.
4. Respondent forwarded a notice dated November 14, 2014, to John J. Postel, Deputy Administrator of the Commission’s Rochester office, indicating his intent to resign from judicial office, effective December 15, 2014. A copy of the notice is appended as Exhibit 2. The Office of Court Administration, by letter dated January 5,

2015, notified Robert Tembeckjian, the Administrator and Counsel to the Commission, that Respondent's resignation from judicial office became effective December 31, 2014. A copy of the letter is appended as Exhibit 3.

5. Pursuant to Section 47 of the Judiciary Law, the Commission has 120 days from the date of a judge's resignation to complete proceedings, and if the Commission determines that the judge should be removed from office, file a determination with the Court of Appeals.

6. Respondent affirms that, having vacated his judicial office, 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, the present proceedings before the Commission will be revived and the matter will proceed to a hearing before a referee.

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 (1) this Stipulation will become public upon being signed by the signatories below, and (2) the Commission's Decision and Order regarding this Stipulation will become public.

Dated:

2/5/14

  
**Honorable Randy Alexander**  
Respondent

Dated:

Feb. 24, 2015

  
**Robert H. Tembeckjian**

Administrator and Counsel to the Commission  
(David M. Duguay, Of Counsel)

# EXHIBIT 1

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

**RANDY ALEXANDER,**

a Justice of the Mansfield Town Court,  
Cattaraugus County.

-----

**NOTICE OF FORMAL  
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Randy Alexander, a Justice of the Mansfield Town Court, Cattaraugus 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: January 20, 2015  
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: Honorable Randy Alexander  
Mansfield Town Court  
7691 Toad Hollow Road  
Little Valley, New York 14755



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**

**RANDY ALEXANDER,**

a Justice of the Mansfield Town Court,  
Cattaraugus County.

---

1. Article 6, 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 Randy Alexander (“Respondent”), a Justice of the Mansfield Town Court, Cattaraugus County.

3. The factual allegations set forth in Charges I, II, III, and 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 Mansfield Town Court, Cattaraugus County, since 1989. Respondent’s current term expires on December 31, 2017. He is not an attorney.

## **CHARGE I**

5. From in or about September 2014 through in or about January 2015, Respondent failed to cooperate with the Commission during its investigation of the matters herein.

### **Specifications to Charge I**

6. Judiciary Law Section 44(3) and 22 NYCRR Sections 7000.3(c) and (e) authorize the Commission to request a written response from a judge who is the subject of a complaint and to require a judge to appear and give testimony during the investigation.

7. By letter dated August 11, 2014, the Commission notified Respondent that it was investigating complaints alleging that he engaged in numerous acts of judicial misconduct. In connection with the investigation, the Commission requested that Respondent appear to give testimony on September 4, 2014, at the Commission's office in Rochester, New York. A copy of the letter is appended as Exhibit 1.

8. By letter dated August 14, 2014, the Commission notified Respondent that his appearance to give testimony was rescheduled to September 16, 2014. A copy of the letter is appended as Exhibit 2.

9. On September 15, 2015, the Commission received a letter from Respondent dated September 10, 2014, requesting an adjournment of his September 16, 2014 appearance to give testimony, "until Nov because of health reasons." A copy of the letter is appended as Exhibit 3.

10. Between September 15 and September 29, 2014, Commission staff attempted without success on several occasions to communicate with Respondent by telephone. Respondent did not return any of the Commission's telephone calls.

11. By letter dated September 29, 2014, the Commission advised Respondent that it had not received any responsive telephone call from him concerning his adjournment request, and that he was believed to be presiding on his scheduled court nights despite his alleged health issues. The letter also advised Respondent that his appearance to give testimony would be rescheduled and could take place at a location geographically closer to Respondent's home, that his appearance was not optional and that a failure to appear may itself constitute judicial misconduct and be the basis for public discipline. The Commission requested a responsive telephone call from Respondent forthwith. A copy of the letter is appended as Exhibit 4. Respondent failed to reply to the letter.

12. By letter dated October 3, 2014, the Commission advised Respondent that it had received no reply to its letter dated September 29, 2014. A copy of the letter is appended as Exhibit 5. Respondent failed to reply to the letter.

13. By letter dated October 14, 2014, the Commission documented Respondent's failure to respond to prior Commission telephone calls and letters. The letter also rescheduled Respondent's appearance to give testimony before a Commission-appointed referee to November 13, 2014. The letter requested that Respondent confirm his appearance by November 6, 2014. A copy of the letter is appended as Exhibit 6. Respondent failed to reply to the letter.

14. On November 13, 2014, Respondent failed to appear to give testimony as scheduled. Respondent had not communicated with the Commission to request an adjournment. A transcript of the proceeding on November 13, 2014, is appended as Exhibit 7.

15. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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; and 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.

## **CHARGE II**

16. From in or about April 2011 to in or about November 2012, while presiding over *People v Jacob R. Scott*, *People v John D. Newark*, *People v Sebastian P. Polczynski*, and *People v Don C. Smith*, Respondent engaged in *ex parte* conversations with the defendants, dismissed and/or reduced charges, without notice to or the consent of the prosecution, contrary to Criminal Procedure Law §§ 170.30, 170.40, 170.45, 210.45, 220.10(3) and 340.20, and failed to record the proceedings as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief

Administrative Judge of the Courts. In approximately two of the cases, Respondent imposed statutorily unauthorized sentences.

**Specifications to Charge II**

*People v Jacob R. Scott*

17. On or about February 11, 2011, Jacob R. Scott was arrested on charges of false personation (PL §190.23) and unlawful possession of an alcoholic beverage with intent to consume by persons under the age of twenty-one years (Alcohol Beverage Control Law §65[c][1])(“ABC”).

18. Mr. Scott did not appear on his initial court date. By letter dated April 19, 2011, Mr. Scott advised the court that he missed his court date because he had moved to Pennsylvania. Mr. Scott asked Respondent whether there was “any way that we can deal with this without ... appearing before the court?”

19. By letter dated April 28, 2011, Respondent’s court clerk advised Mr. Scott that Respondent was “offering [a] compromise” which provided: “1. False impersonation [sic] charge will be dismissed. 2. Alcoholic Beverage Consumption by a minor will be a [sic] one-hundred dollar charge (\$100). If payment of \$100 is not received by this court on or before May 25, 2011 this offer is null and void and the original charges reinstated.”

20. By letter dated May 25, 2011, Respondent’s court clerk advised Mr. Scott that the court had not received the \$100 payment, that Respondent had signed a warrant for his arrest and that payment by certified check or money order should be made to the court.

21. Neither the April 28<sup>th</sup> nor the May 25<sup>th</sup> letter to Mr. Scott was copied to the Cattaraugus County District Attorney's Office.

22. On or about June 8, 2011, Respondent issued a bench warrant for Mr. Scott. On or about August 29, 2011, Mr. Scott was taken into custody and bail in the amount of \$250 was posted on his behalf.

23. On or about September 21, 2011, Respondent presided over *People v Jacob R. Scott*. No member of the Cattaraugus County District Attorney's Office was present.

24. Respondent dismissed the false personation charge, in the absence of any plea recommendation by, and without notice to or the consent of, the Cattaraugus County District Attorney's Office.

25. Mr. Scott pleaded guilty to the Alcohol Beverage Control charge and paid a \$100 fine that Respondent imposed. The maximum fine provided by statute for Mr. Scott's ABC charge was \$50.

26. Respondent failed to mechanically record the court proceeding on or about September 21, 2011, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts.

*People v John D. Newark*

27. On or about September 15, 2011, Respondent arraigned John D. Newark on a charge of aggravated harassment in the second degree in violation of Penal Law ("PL") §240.30[1]. No member of the Cattaraugus County District Attorney's Office was present. Mr. Newark appeared before Respondent in the custody of the Cattaraugus County Sheriff's Office.



28. Prior to Mr. Newark's appearance, Respondent met privately with Amanda Krug, the criminal complainant. Ms. Krug told Respondent that she wished to drop the charges against Mr. Newark and Respondent told her that she needed to write a statement in order to withdraw the charge. Ms. Krug handwrote a statement in accordance with Respondent's instruction.

29. At the arraignment, Respondent dismissed the charge, in the absence of any plea recommendation by, and without notice to or the consent of, the Cattaraugus County District Attorney's Office.

30. Respondent failed to mechanically record the court proceeding on or about September 15, 2011, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts.

*People v Sebastian P. Polczynski*

31. On or about March 3, 2012, Sebastian P. Polczynski was issued a traffic ticket for failure to keep right in violation of VTL §1120[a].

32. On or about April 11, 2012, Mr. Polczynski entered a plea of guilty by mail to the charge. Respondent subsequently issued Mr. Polczynski repeated fine notices, dated April 21, 2012, April 25, 2012, and May 18, 2012, imposing a sentence of a \$100 fine and \$85 surcharge.

33. On or about June 4, 2012, Respondent presided over *People v Sebastian P. Polczynski*. Mr. Polczynski appeared in person. The town prosecutor was not present.

34. After speaking with Mr. Polczynski, Respondent reduced the charge to a parking violation (VTL §1201[a]) and imposed an \$85 fine as a sentence, in the absence

of any plea recommendation by, and without notice to or the consent of, the Mansfield Town Prosecutor.

35. Respondent failed to mechanically record the court proceeding on or about June 4, 2012, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts.

*People v Don C. Smith*

36. On or about November 14, 2012, Respondent presided over *People v Don C. Smith*, in which the defendant was charged with failure to yield right of way at a stop sign (VTL §1142[a]). The town prosecutor was not present.

37. Mr. Smith pleaded guilty to the charge. On his own motion, Respondent reduced the charge to a parking violation (VTL §1201[a]) and imposed a \$50 fine and \$85 surcharge, in the absence of any plea recommendation by, and without notice to or the consent of, the Mansfield Town Prosecutor. There was no statutory authority to impose any surcharge for the parking charge conviction.

38. Respondent failed to mechanically record the court proceeding on or about November 14, 2012, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts.

39. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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, initiated, permitted or considered *ex parte* communications, or considered other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules, and failed to diligently discharge his administrative responsibilities and failed to maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

### **CHARGE III**

40. From on or about January 11, 2012, to on or about September 12, 2012, Respondent presided over *People v Patricia J. Fitzgerald*, *People v Helen R. Gross* and *People v Ekatarina M. Russell*, engaged in *ex parte* conversations with the defendants in each case, and then dismissed and/or reduced charges, without notice to or the consent of the prosecution, contrary to Criminal Procedure Law §§ 170.30, 170.40, 170.45, 210.45, 220.10(3) and 340.20.

### **Specifications to Charge III**

#### **People v Patricia J. Fitzgerald**

41. On or about January 11, 2012, Respondent arraigned Patricia J. Fitzgerald on a charge of trespass (PL §140.05). No member of the Cattaraugus County District Attorney's Office was present.

42. Respondent discussed factual allegations of the charge *ex parte* with Ms. Fitzgerald, who contended that she entered the premises where the trespass allegedly occurred to serve process. Respondent sarcastically commented, "Sorry you were doing this ... doing your job ... Shame on you." Respondent expressed his personal objection to the charge by stating, "[T]his is tit for tat."

43. Respondent dismissed the charge, in the absence of any plea recommendation by, and without notice to or the consent of, the Cattaraugus County District Attorney's Office.

#### **People v Helen R. Gross**

44. On or about January 11, 2012, Respondent presided over the arraignment of *People v Helen R. Gross* on a charge of uninspected motor vehicle (VTL §306[b]). The town prosecutor was not present.

45. During the arraignment, Respondent asked that the recording of the proceeding be turned off, in violation of Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts and thereafter spoke *ex parte* with Ms. Gross regarding the charge.

46. Respondent then dismissed the charge, in the absence of any plea recommendation by, and without notice to or the consent of, the Mansfield Town Prosecutor.

*People v Ekatarina M. Russell*

47. On or about September 12, 2012, Respondent arraigned Ekatarina M. Russell on a charge of unreasonable and imprudent speed (VTL §1180[a]). The town prosecutor was not present.

48. Respondent reduced the charge to a parking violation (VTL §1201[a]) and imposed an \$85 fine, in the absence of any plea recommendation by, and without notice to or the consent of, the Mansfield Town Prosecutor.

49. In initiating and granting the reduction, Respondent stated, “This is unorthodox. I can do it. I’m not supposed to do it.” Respondent then directed that the recording of the proceeding be terminated, in violation of Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts and spoke *ex parte* with Ms. Russell and her mother regarding the charge.

50. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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, initiated, permitted or considered *ex parte* communications, or considered other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules, and failed to diligently discharge his administrative responsibilities and failed to maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

#### **CHARGE IV**

51. From on or about January 11, 2012, to on or about March 28, 2012, while presiding over *People v Donna Wulff* and *People v Robert J. Ferrando*, Respondent engaged in improper *ex parte* communications and imposed fines in the absence of guilty pleas or any finding of guilt. Respondent failed to record the proceeding on or about February 8, 2012, in *People v Wulff*, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts. Respondent used undignified and discourteous language on the bench on or about March 28, 2012, in *People v Ferrando*.

#### **Specifications to Charge IV**

##### ***People v Donna Wulff***

52. On or about January 11, 2012, Respondent presided over *People v Donna Wulff* (“*Wulff*”). Ms. Wulff had approximately nine local dog law charges pending



against her, alleging that she had allowed her dog to run at large between August 12, 2011, and November 9, 2011.

53. Respondent engaged in a discussion of factual allegations concerning the charges with Ms. Wulff and William Hebdon, a potential witness who appeared with Ms. Wulff. Animal Control Officer Mary Dankert, who filed the complaints and prosecuted dog law charges, was not present. Respondent adjourned the matter without providing notification of the return date to Ms. Wulff.

54. On or about February 8, 2012, notwithstanding that Ms. Wulff had not been notified to appear at court and was not present, Respondent engaged in *ex parte* communications with Officer Dankert and some complainants regarding *Wulff*, and reviewed photographs concerning the pending charges against Ms. Wulff.

55. Respondent failed to mechanically record the February 8, 2012 proceeding, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts.

56. On or about March 14, 2012, Respondent presided over *Wulff* and, in reference to the February 8, 2012 proceeding, stated to Ms. Wulff, "... in court the other night, whenever that was ... I did have enough proof against you with the dogs."

Notwithstanding that Ms. Wulff never entered any plea of guilty, Respondent stated:

right now, I'm going to fine you this time for 100 bucks.  
Okay? If I get any more complaints, any complaints on this  
again, fines are just going to keep doubling ... and doubling  
... and doubling.

57. Respondent did not identify the complaint or complaints for which he was imposing a sentence and did not respond to Ms. Wulff's immediate protest about the court appearance that she was not notified to attend, saying: "This isn't fair. How come the people were here and we weren't?"

58. Respondent stated the names of five complainants and read from three of the complaints filed against Ms. Wulff. Ms. Wulff denied factual allegations and provided information about how long her electric dog fence had been operational. Respondent stated:

... I'm not going to keep getting these complaints. Ain't gonna do it. Okay, I mean, I have to do something. The evidence is in front of me. Okay? Keep the dog tied up. Keep it confined. It's \$100 tonight, fine. I just, I got to do something.

Ms. Wulff paid the \$100 fine.

*People v Robert J. Ferrando*

59. On or about March 14, 2012, while speaking to the court clerk approximately two weeks prior to the scheduled arraignment of Robert J. Ferrando on a charge of trespass (PL §140.05), Respondent referred to Mr. Ferrando as "that numb nuts" and stated that he was going to order Mr. Ferrando to pay Robert Watkins, the complainant, for an alleged vehicle towing cost incurred in connection with the charge.

60. On or about March 28, 2012, Respondent presided over the arraignment in *People v Robert J. Ferrando*. No member of the Cattaraugus County District Attorney's Office was present.

61. After Mr. Ferrando advised Respondent that he had retained counsel and provided his attorney's name, Respondent scheduled an April court date and asked Mr. Ferrando if he had copies of the court papers to give his attorney. When Mr. Ferrando asked if his charge was "just like a ticket," Respondent replied, "Yeah." When Mr. Ferrando asked, "Can't I just pay it and we're over with?" Respondent replied:

Well, yeah. I don't know why you're, why you want to have an attorney, but ... you spend your money any way you want to, because the fine's a hell of a lot less than what your attorney's going to charge you.

62. Respondent imposed a \$100 fine and a \$55 surcharge as a sentence, notwithstanding that Mr. Ferrando never entered a guilty plea or was adjudicated guilty. Mr. Ferrando paid \$155 and was issued a receipt.

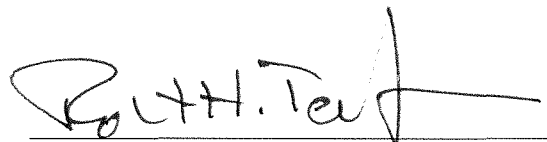
63. Respondent informed Mr. Ferrando that he had spoken with Mr. Watkins earlier in the evening regarding Mr. Ferrando's having already paid for the towing cost incurred in connection with the charge, and that he had told Mr. Watkins in reference to the payment received from Mr. Ferrando, to "Fucking cash the check, why don't you?"

64. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article 6, 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 those with whom he dealt in an official capacity, in violation of Section 100.3(B)(3) of the Rules, initiated, permitted or considered *ex parte* communications, or considered other communications made to the judge outside the presence of the parties or their lawyers concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules, and failed to diligently discharge his administrative responsibilities and failed to maintain professional competence in judicial administration, in violation of Section 100.3(C)(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: January 20, 2015  
New York, New York

A handwritten signature in black ink, appearing to read "Robert H. Tembeckjian", written over a horizontal line.

**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**

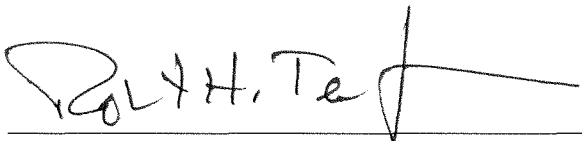
**RANDY ALEXANDER,**

a Justice of the Mansfield Town Court,  
Cattaraugus County.  
-----

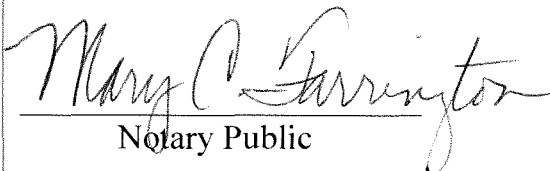
STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

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  
20<sup>th</sup> day of January 2015

  
\_\_\_\_\_  
Notary Public

**MARY C. FARRINGTON**  
Notary Public, State of New York  
No. 02FA6241341  
Qualified in Kings County  
Commission Expires May 16, 2015



# EXHIBIT 1

## NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN  
MEMBERS  
JEAN M. SAVANYU, CLERK

400 ANDREWS STREET, SUITE 700  
ROCHESTER, NEW YORK 14604  
  
585-784-4141 585-232-7834  
TELEPHONE FACSIMILE  
www.cjc.ny.gov

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL  
  
JOHN J. POSTEL  
DEPUTY ADMINISTRATOR  
M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS  
STEPHANIE A. FIX  
STAFF ATTORNEY

### **CONFIDENTIAL**

August 11, 2014

Honorable Randy Alexander  
Mansfield Town Justice  
Mansfield Town Court  
7660 Hollister Hill  
Little Valley, New York 14755-9715

Re: File Nos. 2012/R-0310 and 2013/R-0045

Dear Judge Alexander:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating complaints alleging a range of judicial misconduct, including, *inter alia*, that you have:

- acted as a notary public without a license;
- convicted a defendant without a hearing or a guilty plea;
- dismissed and reduced charges without notice to or the opportunity to be heard by the prosecution;
- engaged in prohibited *ex parte* communications;
- expressed bias against a defendant and continued to preside over the defendant's case through sentencing, notwithstanding such bias;
- failed to record court proceedings in accordance with legal directives;
- failed to return bail in compliance with statutory requirements;
- failed to seal records of terminated criminal actions in compliance with statutory requirements;
- imposed unlawful sentences; and
- used coarse and undignified language on the bench.



*Honorable Randy Alexander*

*August 11, 2014*

*Page 2*

Specifically, it is alleged this misconduct occurred on the following dates and in these specified cases:

I. September 15, 2011

A. *People v John D. Newark*

1. During the defendant's arraignment, you:
  - a) engaged in *ex parte* communication with Mr. Newark and the complainant;
  - b) dismissed Mr. Newark's penal law ("PL") charge of aggravated harassment in the second degree (PL 240.30[1]) without notice to or an opportunity to be heard by the prosecution;
  - c) failed to record the proceeding; and
  - d) failed to seal the record of the criminal action in accordance with criminal procedure law ("CPL"), CPL §160.50.

II. September 28, 2011

A. *People v Courtney L. Bergstrom*

1. During the proceeding you:
  - a) dismissed a vehicle and traffic law ("VTL") charge for refuse on the roadway (VTL §1220[a]) after the defendant had already pled guilty on or about September 10, 2011, with no record evidence supporting the dismissal;
  - b) dismissed an unlicensed operation of a vehicle charge (VTL §509[1]), with no record evidence supporting the dismissal; and
  - c) failed to record the proceeding.

III. April through September 2011

1. *People v Jacob R. Scott*

1. During the proceedings, from in or about April 2011 through in or about September 2011, you:
  - a) engaged in *ex parte* communication with Mr. Scott;

- b) extended a conditional unlawful plea offer;
- c) dismissed Mr. Scott's false personation charge (PL §190.23) with no record evidence supporting the dismissal;
- d) imposed a statutorily unauthorized \$100 fine for Mr. Scott's alcoholic beverage control ("ABC") law charge of unlawful possession of alcohol by a person under 21 (ABC §65[c]), with no evidence of a guilty plea;
- e) failed to preserve record evidence concerning Mr. Scott's drinking alcohol in a motor vehicle charge (VTL §1227[1]) that was listed in his arrest report; and
- f) failed to seal the record of the criminal action in accordance with CPL §160.50.

IV. January 11, 2012

A. *People v Patricia J. Fitzgerald*

- 1. During the proceeding you:
  - a) engaged in *ex parte* communication with Ms. Fitzgerald;
  - b) dismissed her trespass charge (PL §140.05) without notice to or the opportunity to be heard by the prosecution; and
  - c) failed to seal the record of the criminal action in accordance with CPL §160.50.

B. *People v Helen R. Gross*

- 1. During the arraignment you:
  - a) asked that the recording of the proceeding be turned off;
  - b) engaged in *ex parte* communication with Ms. Gross; and
  - c) dismissed a no inspection charge (VTL §306[b]) with no record evidence supporting the dismissal.

C. *Unidentified Defendant*

- 1. During the arraignment on the charge of driving with a suspended or revoked registration and driving while intoxicated, you:
  - a) directed spectators to exit the courtroom and shut the door;

- b) indicated that you were familiar with a man appearing with the defendant and directed that the recording of the proceeding be terminated; and
- c) engaged in prohibited *ex parte* communication.

V. March 2012

A. *People v Robert J. Ferrando*

1. During the proceeding on March 14, 2012 (approximately two weeks prior to Mr. Ferrando's arraignment for a trespass charge [PL § 140.05], while speaking with your court clerk, you:
  - a) referred to Mr. Ferrando as "that numb nuts";
  - b) stated that you would fine Mr. Ferrando for his impending trespass conviction;
  - c) stated that you would require Mr. Ferrando to "make a money order out" to reimburse the complainant for an alleged unpaid towing debt; and
  - d) stated that you would send Mr. Ferrando's money order to the complainant;
2. During the arraignment on March 28, 2012, you:
  - a) incorrectly answered Mr. Ferrando's legal inquiry after he had informed you that he had retained an attorney;
  - b) questioned Mr. Ferrando as to why he would spend money on an attorney to represent him for the charge;
  - c) fined Mr. Ferrando for a trespass conviction without a guilty plea;
  - d) told Mr. Ferrando that you had engaged in *ex parte* communication with the complainant earlier that evening about Mr. Ferrando's reimbursement for an alleged towing debt and had advised the complainant to "...fucking cash the check....";
  - e) referred, during a conversation with an individual appearing with Mr. Ferrando, to an acquaintance in common as a "poor bastard"; and
  - f) failed to seal the record of the criminal action in accordance with CPL §160.50.



VI. June 4, 2012

A. *People v Alice M. Emerson*

1. During the proceeding you:
  - a) reduced Ms. Emerson's operating a vehicle while using a mobile phone charge (VTL §1225[c][2][a]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

B. *People v Charles A. Grover*

1. During the proceeding you :
  - a) reduced Mr. Grover's fictitious inspection certificate charge (VTL §306[e]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

C. *People v Jacob J. Hebdon*

1. During the proceeding you:
  - a) reduced Mr. Hebdon's no inspection charge (VTL §306[b]) to a parking charge (VTL §1201 [a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

D. *People v Aubrey V. Jackson*

1. During the proceeding you:
  - a) reduced Ms. Jackson's speeding charge (VTL §1180[e]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction;
  - b) modified, without explanation, a second fine notice from an \$85 fine only to a statutorily-unauthorized \$55 surcharge only; and
  - c) failed to record the proceeding.

E. *People v John C. O'Rourke*

1. During the proceeding you:
  - a) reduced Mr. O'Rourke's speeding charge (VTL §1180[b]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

F. *People v Sebastian P. Polczynski*

1. During the proceeding and after having issued three fine notices in April and May 2012 in connection with Mr. Polczynski's prior guilty plea to failure to keep right (VTL §1120[a]), you:
  - a) reduced Mr. Polczynski's charge to a parking charge (VTL §1201 [a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

VII. September 12, 2012

A. *People v Ekaterina M. Russell*

1. During the proceeding you:
  - a) stated, "I'm not supposed to do it" and then directed that the recording of the proceeding be terminated;
  - b) engaged in *ex parte* communication with Ms. Russell and/or her mother; and
  - c) reduced Ms. Russell's speeding charge (VTL §1180 [a]) to a parking charge (VTL §1201 [a]) without notice to or the opportunity to be heard by the prosecution.

VIII. November 14, 2012

A. *People v Don C. Smith*

1. During the proceeding you:
  - a) reduced Mr. Smith's failure to yield right of way charge
  - b) (VTL §1142 [a]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction;
  - c) imposed a statutorily unauthorized \$85 surcharge; and
  - d) failed to record the proceeding.

IX. January to November 2012A. *People v Donna Wulff*

1. During the proceedings, from in and about January 2012 through in or about March 2012, you:
  - a) engaged in *ex parte* communication with Ms. Wulff, plaintiffs, and potential witnesses (including on or about January 11, 2012, February 8, 2012, and March 14, 2012);
  - b) failed to record a proceeding on February 8, 2012;
  - c) imposed and collected a \$100 fine for an unspecified conviction or convictions (concerning one or more of approximately 10 pending dog at large charges) without a hearing and without a plea of guilt (March 14, 2012);
  - d) threatened to “keep doubling” fines for future dog at large complaints (March 14, 2012);
  - e) used coarse and injudicious language on the bench, including stating, “...if they got the balls to say it to me...” and “...you got some pissed off neighbors...” (March 14, 2012); and
  - f) told Ms. Wulff to “...take it up with him then,” in reference to an individual who had filed three complaints against her (March 14, 2012).

B. *People v Edward S. Casey*

1. During the proceedings, from in or about March 2012 through in or about October 2012, you:
  - a) stated, during a telephone conversation with Paul Walier, Esq. in March 2012, that you would return the \$700 bail Mr. Walier had posted on behalf of Mr. Casey at Mr. Casey’s next appearance for various VTL charges (driving while intoxicated [VTL §1192(3)]; breath test refusal [VTL §1194(1)]; unsafe lane change [VTL §1128(a)]; and headlight violation [VTL §375(3)]);
  - b) stated, during a telephone conversation with Mr. Walier in October 2012, that his bail money could be used to pay Mr. Casey’s fines and responded to Mr. Walier’s objection by saying, “I will do what I want. You were the hero that posted the bail in the first place”; and



- c) sentenced Mr. Casey, on or about October 10, 2012, for driving while ability impaired (VTL §1192[1]), but failed to return the bail Mr. Walier had posted until on or about November 2, 2013.

*C. People v Pollyann Costello*

1. During the proceedings, from in or about May 2012 through October 2012, you:
  - a) made inappropriate remarks about Ms. Costello while speaking with your court clerk, on or about May 9, 2012, including:
    - i. referring sarcastically to Ms. Costello as “our favorite person”; and
    - ii. stating, “...if she comes in on the 13<sup>th</sup> and she ain’t got shit, send her ass to jail,” in reference to Ms. Costello’s pre-sentence fine and fee payment for her driving while intoxicated charge (VTL §1192[3]), notwithstanding that you had earlier made Ms. Costello a no-jail sentence promise;
  - b) made inappropriate remarks about Ms. Costello while speaking with Ms. Costello’s attorney, on or about July 11, 2012, including:
    - i. saying to Ms. Costello’s attorney, “...your client’s full of shit;” and “She’s a habitual liar, she’s lied in this court ...”; and
    - ii. stated that you believed Ms. Costello was driving every day in violation of the law and threatened to call the police and report her when you saw her driving;
  - c) took inappropriate action during Ms. Costello’s sentencing, on or about October 10, 2012, including:
    - i. signing your name as a notary public on two affidavits signed by Ms. Costello regarding her use of and access to motor vehicles; and
    - ii. failing to record the proceeding;
  - d) failed to keep and maintain accurate file records regarding whether Ms. Costello was convicted of more than one charge and the date and manner of her guilty plea(s).

*Honorable Randy Alexander*

*August 11, 2014*

*Page 9*

Enclosed are copies of the complaints. Also enclosed are transcripts for:

- *People v Pollyann Costello* (05/09/12 and 07/11/12)
- *People v Robert J. Ferrando* (03/14/12 and 03/28/12)
- *People v Patricia J. Fitzgerald* (01/11/12)
- *People v Helen R. Gross* (01/11/12)
- *People v Ekaterina M. Russell* (09/12/12)
- *Unknown Defendant* (01/11/12)
- *People v Donna Wulff* (01/11/12 and 03/14/12)

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.<sup>1</sup>

In connection with this investigation, the Commission requests that you appear to give testimony on September 4, 2014, at 10:00 A.M., at the Commission's office in Rochester at 400 Andrews Street, Suite 700, Rochester, New York 14604.

At your appearance, you will be asked questions about your court policies and practices regarding: bail; interactions with prosecutors, parties, and witnesses; recordation of proceedings; recordkeeping; and sealing records in criminal actions that are terminated. You will be asked to respond to specific inquiries related to the above-identified matters including your status as a notary and the statutes you relied upon in imposing fines and surcharges.

Please feel free to bring with you at the time of your appearance any papers, documents, records or other materials that might assist you in responding to questions regarding this matter.

Your appearance is requested in accordance with Section 44, subdivision 3, of the Judiciary Law. This is not a hearing as provided by Section 44, subdivision 4, of the Judiciary Law. Your testimony will be sworn and recorded, and a copy of the transcription thereof will be provided to you at no cost. You have the right to be represented by counsel and to present material relevant to the complaint.

---

<sup>1</sup> <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

*Honorable Randy Alexander*

*August 11, 2014*

*Page 10*

At your appearance, you may make opening and/or closing statements. After being questioned by Commission counsel, you may be questioned by your own lawyer, subject to further questioning by Commission counsel.

**Please provide confirmation of your scheduled appearance by August 28, 2014, either by letter or phone call at (585) 784-4141.** Please feel free to have your attorney call me and/or David M. Duguay, Esq. with any questions.

Thank you for your prompt attention to this matter.

Very truly yours,



John J. Postel  
Deputy Administrator

JJP:dmd

Enclosures

CERTIFIED MAIL # 7013 1090 0001 8899 7188  
RETURN RECEIPT REQUESTED



*Paul Walier Attorneys*

1369 Abbott Road  
Lackawanna, NY 14218  
Telephone 716-823-1000  
Facsimile 716-822-3969  
wailerpattorney@verizon.net  
Service by Fax or e-mail not accepted

*Attorneys*

Paul S. Walier, J.D., L.L.M.

*Paralegals*

James McConnachie  
Suzanne Rodriguez

November 1, 2012

New York State Commission on Judicial Conduct  
400 Andrews Street  
Rochester, NY 14604

Re: Complaint



To Whom It May Concern:

I am a practicing attorney in the Buffalo area with an office located in Lackawanna, New York. I make this complaint against Judge Randy Alexander. He is the Town Justice in Mansfield Town Court in the County of Cattaraugus. The name of the case is The People of the State of New York v. Edward Casey. I do not have an index number for the case.

I have enclosed a letter that I have sent to the Administrative and Supervising Judge of the Eighth Judicial District, Paula A. Feroletto, J.S.C. I have not had a response from Judge Feroletto as of today. I have had some conversations with the F.B.I. and Congressman Thomas Reed's office, as well as the New York State Police. I am not sure if the local media would be interested in the story. The letter to Judge Feroletto explains my complaint.

With discussions with the F.B.I., it was my understanding that what is going on is the Judge sets high bail in the beginning of the case (sometimes as high as \$1,400.00 for a D.W.I., first offense, no accident, no injury), puts the money into an interest bearing account, and keeps the case going as long as possible to earn as much interest as possible.

This is pure speculation on my part and I have no independent proof of that allegation. However, I do believe it is improper to hold bail after the case has been concluded.

Thank you for your valuable time and consideration in this matter and consideration in this matter and I look forward to hearing from you soon.

Very truly yours,



Paul S. Wailer, Esq.

PSW/jdm  
Enclosure

*Paul Walier Attorneys*

1369 Abbott Road  
Lackawanna, NY 14218  
Telephone 716-823-1000  
Facsimile 716-822-3969  
wailerattorney@verizon.net  
Service by Fax or e-mail not accepted

*Attorneys*

Paul S. Walier, J.D., L.L.M.

*Paralegals*

James McConnachie  
Suzanne Rodriguez

October 30, 2012

Via facsimile to 845-5151 and  
First Class Mail

The Honorable Paula L. Feroletto, J.S.C.  
Supervising Judge, 8<sup>th</sup> Judicial District  
92 Franklin Street, 2<sup>nd</sup> Floor  
Buffalo, NY 14202

Dear Judge Feroletto:

I am a practicing attorney in the Buffalo area with an office located in Lackawanna, NY. On October 9, 2011, my friend, Edward Casey, was arrested for Driving While Intoxicated. I posted \$700.00 bail by credit card for him that night. I have enclosed a copy of the bail receipt.

Edward Casey hired attorney Matthew Swenson to represent him in Mansfield Town Court. Judge Randy Alexander was the Judge assigned to handle the case. As the case progressed for several months, I spoke with Judge Alexander several times regarding the release of the \$700.00 bail on my credit card as I was being charged interest each month. Judge Alexander said he would release the bail on Mr. Casey's first court appearance with his attorney.

I believe the first court appearance was over six months later. However, the bail was not released. The case was fully concluded in the beginning of October, 2012, approximately one year after the arrest. Judge Alexander stated to all parties in the courtroom that the bail would be released immediately.


The bail has not been released. So, again, I called Judge Alexander and asked him to release the bail. He said he would do so after all the fines were paid. I said that my bail money can not be held as ransom until the Defendant's fines are paid and that he would have to release the money immediately. He simply refuses.

I have since contacted the F.B.I., the New York State Troopers, Congressman Thomas Reed's office, and the NYS Commission on Judicial Conduct. I just simply want may bail money released.

My last telephone call with Judge Alexander was not good. He stated that I had to be the "big shot" for posting bail that night and he would only release the bail after "all the paperwork is in order and the fines are paid and if you don't like it, call my supervisor."

I hope this letter explains the situation and I look forward to hearing from you soon.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Paul Walier', with a long horizontal flourish extending to the right.

Paul Walier, Esq.

# RECEIPT FOR BAIL/FINE

STATE OF NEW YORK  
CATTARAUGUS CO. SHERIFF DEPARTMENT  
301 COURT ST., LITTLE VALLEY, N.Y. 14755

DATE Oct 9 2011 NO. 93210  
OF 710 Keridge S. Orchard Park, NY 14107  
PHONE 716 818-7160

FINE PAID BY Paul Walen  
BAIL POSTED BY Paul Walen

\$ 50.00 DOLLARS

FOR Edward Long PHONE 716 818-7160 CHARGE 1070 10/12 PM C

COMMITTING MAGISTRATE Hein TRIAL MAGISTRATE Alexander

APPEARANCE DATE, TIME, PLACE 10-26-11 @ 7:00pm Tpt Mansfield

RECEIVED BY: 4150 Paul  
CATT. COUNTY SHERIFF DEPARTMENT



## ADMINISTRATOR'S COMPLAINT

**In the Matter of:** Randy Alexander  
Mansfield Town Court Justice  
Cattaraugus County

**Complaint # 2013/R-0045**

### Statutory Authorization

This complaint is filed at the direction of the State Commission on Judicial Conduct in compliance with Section 44, subdivision 2, of the Judiciary Law and is intended to serve as the basis for an investigation. In accordance with Section 44, subdivision 3, in the event that the above-named judge is required to appear before the Commission or any of its members or staff, this complaint will be served at the time the judge is notified in writing of the required appearance.

This complaint is not an accusatory instrument. It provides a basis to commence an investigation. Thus, a judge under investigation may be required to reply to other allegations in addition to those set forth below.

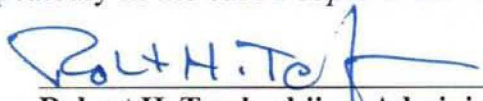
### Complaint

Based upon information obtained in the course of investigating another pending complaint against Judge Alexander, it is alleged that Judge Alexander failed to follow fundamental legal procedures and exhibited discourtesy and other inappropriate demeanor including the following:

1. dismissing a Trespass case without notice to or an opportunity to be heard by the Cattaraugus County District Attorney's office;
2. engaging in *ex parte* communications in a dog control case, imposing a \$100 fine and telling the defendants to "pay the complainants a visit;"
3. repeatedly using profane language in speaking with his court clerk and attorneys in his courtroom including stating, fuck, fucking, ass, son of a bitch and shit;"
4. making flippant remarks to his court clerk and an attorney in *People v. Pollyann Costello*, regarding the appearance of a defendant, stating words to the effect, "if she [the defendant] comes in on the thirteenth and she ain't got shit, send her ass to jail," and "Counselor, you client's full of shit... I see her driving to or from that American Legion in Ellicottville, I'll call the cops myself... She's a liar, cause I know she's a liar and she's lying about it;"
5. submitting documents to the State determining that an interlock device was not required in a case involving a defendant charged with Driving While Intoxicated, after speaking *ex parte* with the defendant;
6. using the word "fucking" repeatedly in the case *People v. Edward Casey*.

New York, New York

Date Signed: 3/29/13

  
Robert H. Tembeckjian, Administrator

Authorized on March 14, 2013

**TRANSCRIPTS PROVIDED TO HONORABLE RANDY ALEXANDER  
BY LETTER DATED AUGUST 11, 2014**

1. Transcripts of the proceedings, *People v Pollyann Costello*, in Mansfield Town Court, on or about May 9, 2012, and July 11, 2012.
2. Transcripts of the proceedings, *People v Robert J. Ferrando*, in Mansfield Town Court, on or about March 14, 2012, and March 28, 2012.
3. Transcript of the proceeding, *People v Patricia J. Fitzgerald*, in the Mansfield Town Court, on or about January 11, 2012.
4. Transcript of the proceeding, *People v Helen R. Gross*, in Mansfield Town Court, on or about January 11, 2012.
5. Transcript of the proceeding, *People v Ekaterina M. Russell*, in Mansfield Town Court, on or about September 12, 2012.
6. Transcript of the proceeding, *Unknown Defendant*, in Mansfield Town Court, on or about January 11, 2012.
7. Transcripts of the proceedings, *People v Donna Wulff*, in Mansfield Town Court, on or about January 11, 2012 and March 14, 2012.

**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

**-X**

**THE PEOPLE OF THE STATE OF NEW YORK**

**- vs -**

**POLLYANN COSTELLO**

**-X**

**(COLLOQUY)**

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
May 9, 2012

**Before:**

**HON. RANDY ALEXANDER**  
Judge

**Present:**

**COURT CLERK**  
Dale Baldwin

*(People v Pollyann Costello, Colloquy, May 9, 2012)*

1   **(2:08 to 3:40)**  
2   JUDGE ALEXANDER:       Okay, our favorite person's not coming in.  
3   MR. BALDWIN:           Who's that, Costello?  
4   JUDGE ALEXANDER:       Yeah. How come you wrote her a letter  
5                            asking her to come in on June the 13<sup>th</sup> with all  
6                            that information?  
7   MR. BALDWIN:           I had talked to you about it.  
8   JUDGE ALEXANDER:       Yeah, I know you did, but I thought you  
9                            meant for tonight.  
10  MR. BALDWIN:           Oh, oh, no, because she wasn't even  
11                            scheduled for tonight.  
12  JUDGE ALEXANDER:       Oh, I thought she was.  
13  MR. BALDWIN:           No.  
14  JUDGE ALEXANDER:       Oh.  
15  MR. BALDWIN:           No.  
16  JUDGE ALEXANDER:       So, she's coming in on the 13<sup>th</sup>.  
17  MR. BALDWIN:           Okay.  
18  JUDGE ALEXANDER:       Okay.  
19  MR. BALDWIN:           Does she have, does she have--  
20  JUDGE ALEXANDER:       --Supposedly she does. He told me that he  
21                            agrees that, Dimmer called me tonight and he  
22                            agrees, if she comes in on the 13<sup>th</sup> and she  
23                            ain't got shit, send her ass to jail.  
24  MR. BALDWIN:           Who was, was that? Was that the, the lawyer?  
25  JUDGE ALEXANDER:       Her, her, the lawyer from public defender's

1 office. James Dimmer. No.  
2 MR. BALDWIN: No, that's not him. That's--  
3 JUDGE ALEXANDER: --That's the old one I used to have.  
4 MR. BALDWIN: Oh.  
5 JUDGE ALEXANDER: Yeah, he's coming in tonight anyways with  
6 somebody else.  
7 MR. BALDWIN: Yeah, I think it's Booth, right here, the blue  
8 folder on your left. Because he asked for a  
9 public defender.  
10 JUDGE ALEXANDER: Yes. Okay, so he's coming in tonight.  
11 MR. BALDWIN: Okay. Well, hey, if she's got that stuff.  
12 JUDGE ALEXANDER: No, well, she ain't got the stuff. She's going  
13 to have the money.  
14 MR. BALDWIN: Oh, okay.  
15 JUDGE ALEXANDER: Or she's going to jail, and he said, "I  
16 understand if she's going to jail, and that's  
17 exactly where she belongs."  
18 MR. BALDWIN: Okay, okay--  
19 JUDGE ALEXANDER: --What the hell's the (unintelligible)--  
20 MR. BALDWIN: --Darryl Bloom.  
21 **(6:17 to 8:34)**  
22 JUDGE ALEXANDER: Alright. Yeah, with that Pollyann, I, I didn't  
23 know that you were sending it out for her to  
24 come in on the 13<sup>th</sup>. I thought it was for her  
25 to come in tonight--

1 MR. BALDWIN: --Oh--  
2 JUDGE ALEXANDER: --you know--  
3 MR. BALDWIN: --okay, well--  
4 JUDGE ALEXANDER: --That's fine. That's fine. Because I told  
5 him-- Because here's the case, I told him  
6 tonight, I said, listen, that's fine, I said, you  
7 know what, let's, let's back it off until the 13<sup>th</sup>  
8 of June. Do you have the 13<sup>th</sup> here--  
9 MR. BALDWIN: --Mm-hmm--  
10 JUDGE ALEXANDER: --Yeah. Because she's promised that she's  
11 going to go to the probation department on the  
12 18<sup>th</sup> of this month. I said, and if she doesn't  
13 show on the 18<sup>th</sup> of this month, then I said,  
14 I'm just automatically sending her to jail, and  
15 he goes, "I'll agree with you then."  
16 MR. BALDWIN: Okay.  
17 JUDGE ALEXANDER: He said she's got nothing, nothing, no, no  
18 backing then.  
19 MR. BALDWIN: And the other reason I scheduled it all, first of  
20 all, we were kind of booked, but secondly, I  
21 also figured I sent it out on the 3<sup>rd</sup>. I didn't  
22 think this would be time enough. So, I mean,  
23 if, if you wanted--  
24 JUDGE ALEXANDER: --I mean, no, you, you were right. I was  
25 wrong. I mean, you were, you were 100

|    |                  |   |
|----|------------------|---|
| 1  |                  | percent right. I was just, got so many other    |
| 2  |                  | things on my plate (unintelligible)--           |
| 3  | MR. BALDWIN:     | --Yeah, and understandable.                     |
| 4  | JUDGE ALEXANDER: | What about, now, isn't, is the, is the public   |
| 5  |                  | defender, or is town--                          |
| 6  | MR. BALDWIN:     | --That's--                                      |
| 7  | JUDGE ALEXANDER: | --prosecutor coming in tonight?                 |
| 8  | MR. BALDWIN:     | That's the 23 <sup>rd</sup> .                   |
| 9  | JUDGE ALEXANDER: | Okay, so, then that girl's coming in.           |
| 10 | MR. BALDWIN:     | Yes, whatever, whoever we have coming in        |
| 11 |                  | on the 23 <sup>rd</sup> .                       |
| 12 | JUDGE ALEXANDER: | Something happened up on-- This, alright, let   |
| 13 |                  | me, let me ask you this, the girl was coming    |
| 14 |                  | in, had (unintelligible) a half mile on Kent    |
| 15 |                  | Road.   |
| 16 | MR. BALDWIN:     | Yeah, let me--                                  |
| 17 | JUDGE ALEXANDER: | --Okay, and the girl that he's asking about the |
| 18 |                  | DWI, that happened up on California Hill        |
| 19 |                  | Road he said.                                   |
| 20 | MR. BALDWIN:     | (Unintelligible)?                               |
| 21 | JUDGE ALEXANDER: | Yeah. So, that hadn't happened, had to          |
| 22 |                  | happen out by your mother's someplace.          |
| 23 | MR. BALDWIN:     | "Place of occurrence, California Hill." She     |
| 24 |                  | never said anything. I'm, I was figuring it     |
| 25 |                  | was on the other side.                          |

*(People v Pollyann Costello, Colloquy, May 9, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  | JUDGE ALEXANDER: | Oh, okay. Over on (unintelligible)--                    |
| 2  | MR. BALDWIN:     | --Yeah.   |
| 3  | JUDGE ALEXANDER: | Over where your friend owns? Boy, you got a             |
| 4  |                  | lot of friends.   |
| 5  | MR. BALDWIN:     | I do.   |
| 6  | JUDGE ALEXANDER: | Mayor and (unintelligible)--                            |
| 7  | MR. BALDWIN:     | --I do. Let me, 23 <sup>rd</sup> , see who's coming in. |
| 8  |                  |   |
| 9  |                  |   |
| 10 |                  |   |
| 11 |                  |   |
| 12 |                  |   |
| 13 |                  |   |
| 14 |                  |   |
| 15 |                  |   |
| 16 |                  |   |
| 17 |                  |   |
| 18 |                  |   |
| 19 |                  |   |
| 20 |                  |   |
| 21 |                  |   |
| 22 |                  |   |
| 23 |                  |   |
| 24 |                  |   |
| 25 |                  |   |



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Dated: August 11, 2014

Terry Miller

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street**  
**Rochester, NY 14604**

**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----X

**THE PEOPLE OF THE STATE OF NEW YORK**

**- vs -**

**POLLYANN COSTELLO**

-----X

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
July 11, 2012

**Before:**

**HON. RANDY ALEXANDER**  
Judge

**Present:**

**ASSISTANT PUBLIC DEFENDER**  
Darryl R. Bloom, Esq.  
175 North Union Street  
Olean, New York 14760

**COURT CLERK**  
Dale Baldwin

1     **(0:00 to 3:20)**  
2     MR. BLOOM:                     --And time chargeable to the People, but I  
3                                     understand Erich Weyand's here August 6<sup>th</sup>,  
4                                     so, I, I guess that would be the next quickest  
5                                     day we could have this matter done.  
6     JUDGE ALEXANDER:             Fine with me, (unintelligible).  
7     MR. BLOOM:                     Thank you.  
8     JUDGE ALEXANDER:             Okay, so, the only other one you got tonight  
9                                     is--  
10    MR. BALDWIN:                  --I, I've got Pollyann.  
11    MR. BLOOM:                     And Raymond Booth.  
12    JUDGE ALEXANDER:             What's Raymond Booth for?  
13    MR. BLOOM:                     Just an AUO 3<sup>rd</sup> case. I don't know if he's  
14                                     cleared his license yet. But even if he did, I  
15                                     don't think we could resolve it without Erich.  
16                                     So, I think August 6<sup>th</sup>--  
17    JUDGE ALEXANDER:             --So, we're going to put him over to August--  
18    MR. BALDWIN:                  --Okay--  
19    MR. BLOOM:                     --And we're probably going to put-- Dale was  
20                                     saying that he hadn't received the PSI report  
21                                     yet. I don't know--  
22    JUDGE ALEXANDER:             --So, we're putting all three of them over to--  
23    MR. BLOOM:                     --I, I think so--  
24    JUDGE ALEXANDER:             --so, do you want to make this formal  
25                                     announcement for all three of them so we can

|    |                  |  |
|----|------------------|--|
| 1  |                  | all leave and get out of here?                             |
| 2  | MR. BLOOM:       | Yeah.  |
| 3  | JUDGE ALEXANDER: | Go right ahead.  |
| 4  | MR. BLOOM:       | Well, actually, I, I should probably wait for              |
| 5  |                  | my client to (unintelligible) but, I'll let them           |
| 6  |                  | know when they get here.                                   |
| 7  | JUDGE ALEXANDER: | Tell your client to hurry on. I've got things to           |
| 8  |                  | do.  |
| 9  | MR. BLOOM:       | Yeah, I guess I would say that we need to                  |
| 10 |                  | adjourn both those matters to August 6 <sup>th</sup> , one |
| 11 |                  | for the PSI report, and I'll have to check the             |
| 12 |                  | status of Mr. Booth's license. If he has                   |
| 13 |                  | cleared it, he, he'll be eligible for a reduction,         |
| 14 |                  | and I guess we need the DA for that, so.                   |
| 15 | JUDGE ALEXANDER: | Okay.  |
| 16 | MR. BLOOM:       | August 6 <sup>th</sup> ? Thank you.                        |
| 17 | JUDGE ALEXANDER: | Alright.   |
| 18 | MR. BLOOM:       | Perfect. And I was telling Dale I had, I                   |
| 19 |                  | called the Moneygram thing, and I-- That                   |
| 20 |                  | thing she handed me must be her application                |
| 21 |                  | to say that there was a lost, that, I mean, she            |
| 22 |                  | must not even know her own Moneygram--                     |
| 23 | JUDGE ALEXANDER: | --Counselor, you--   |
| 24 | MR. BLOOM:       | --serial--   |
| 25 | JUDGE ALEXANDER: | --can think what you want, but your client's               |

|    |                  |   |
|----|------------------|---|
| 1  |                  | full of shit.                                     |
| 2  | MR. BLOOM:       | I think that that --                              |
| 3  | JUDGE ALEXANDER: | --And that's the--                                |
| 4  | MR. BLOOM:       | --I--   |
| 5  | JUDGE ALEXANDER: | --that's the only way that I know how to put      |
| 6  |                  | it. She's a habitual liar, she's lied in this     |
| 7  |                  | court, and I'm going to tell you right now,       |
| 8  |                  | she's going to sign that piece of paper that      |
| 9  |                  | says she doesn't have an access to the car.       |
| 10 | MR. BLOOM:       | Mm-hmm.   |
| 11 | JUDGE ALEXANDER: | And the first time, and this is on record, that I |
| 12 |                  | see her driving to or from that American          |
| 13 |                  | Legion in Ellicottville, I'll call the cops       |
| 14 |                  | myself.   |
| 15 | MR. BLOOM:       | And you should.                                   |
| 16 | JUDGE ALEXANDER: | Because I know she perjured herself by            |
| 17 |                  | signing it.                                       |
| 18 | MR. BLOOM:       | Well, she better not be driving because--         |
| 19 | JUDGE ALEXANDER: | --And she's still driving to this day. She set    |
| 20 |                  | right there and says, I don't have an access to   |
| 21 |                  | the car. She's a liar. She drives every day to    |
| 22 |                  | the Legion. She drives away from the Legion       |
| 23 |                  | every day. She's there every day. I've got        |
| 24 |                  | witnesses that'll tell me she's there every day.  |
| 25 |                  | So, the first time that I ever see her, if I      |

|    |                  |   |
|----|------------------|---|
| 1  |                  | happen to drive by, and, because I don't go       |
| 2  |                  | there, but if I happen to drive by, and I see her |
| 3  |                  | getting in and out of, out of the car behind the  |
| 4  |                  | steering wheel, I will pull up alongside of her   |
| 5  |                  | and look at her. And I'll be on the phone         |
| 6  |                  | calling the cops.                                 |
| 7  | MR. BLOOM:       | Understandable.                                   |
| 8  | JUDGE ALEXANDER: | So make sure she understands that.                |
| 9  | MR. BLOOM:       | I, I will drill that point home.                  |
| 10 | JUDGE ALEXANDER: | Because I know she's a liar. And I know           |
| 11 |                  | she's lying about it, but that's her ass, not     |
| 12 |                  | mine.   |
| 13 | MR. BLOOM:       | And--   |
| 14 | JUDGE ALEXANDER: | --Okay--  |
| 15 | MR. BLOOM:       | --not mine either.                                |
| 16 | JUDGE ALEXANDER: | Alright--   |
| 17 | MR. BLOOM:       | --Yep. Thank you.                                 |
| 18 | JUDGE ALEXANDER: | Yep. So hopefully your clients will hurry in.     |
| 19 | MR. BLOOM:       | Yeah, well, I'll give them a call and tell them   |
| 20 |                  | August 6 <sup>th</sup> .                          |
| 21 | JUDGE ALEXANDER: | Yeah, and just so, go--                           |
| 22 | MR. BLOOM:       | --Okay--  |
| 23 | JUDGE ALEXANDER: | --ahead and that way we can all get out of        |
| 24 |                  | here.   |
| 25 |                  |   |

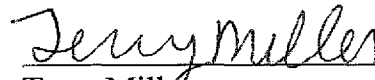
*(People v Pollyann Costello, July 11, 2012)*

|    |                  |                       |
|----|------------------|-----------------------|
| 1  | MR. BLOOM:       | Yeah. Will do, judge. |
| 2  | JUDGE ALEXANDER: | Alright..             |
| 3  | MR. BLOOM:       | Thank you, judge.     |
| 4  | MR. BALDWIN:     | Okay--                |
| 5  | JUDGE ALEXANDER: | --See ya, take care.  |
| 6  | MR. BLOOM:       | See ya, you too.      |
| 7  | MR. BALDWIN:     | See ya.               |
| 8  |                  |                       |
| 9  |                  |                       |
| 10 |                  |                       |
| 11 |                  |                       |
| 12 |                  |                       |
| 13 |                  |                       |
| 14 |                  |                       |
| 15 |                  |                       |
| 16 |                  |                       |
| 17 |                  |                       |
| 18 |                  |                       |
| 19 |                  |                       |
| 20 |                  |                       |
| 21 |                  |                       |
| 22 |                  |                       |
| 23 |                  |                       |
| 24 |                  |                       |
| 25 |                  |                       |

CERTIFICATION

I, Terry Miller, Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: August 11, 2014

  
Terry Miller

**STATE COMMISSION ON JUDICIAL CONDUCT**  
400 Andrews Street  
Rochester, NY 14604



**MANSFIELD TOWN COURT**

**CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----X

**THE PEOPLE OF THE STATE OF NEW YORK**

**- vs -**

**MICHAEL P. ARNOLD**

**ROBERT J. FERRANDO**

**DONNA WULFF**

**JOHN O'ROURKE**

**POLLYANN COSTELLO**

-----X

**(COLLOQUY)**

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
March 14, 2012

**B e f o r e:**

**HON. RANDY ALEXANDER**  
Judge

**P r e s e n t:**

**COURT CLERK**  
Dale Baldwin

(Colloquy, March 14, 2012)

|    |                  |   |
|----|------------------|---|
| 1  | (3:26 to 14:00)  |   |
| 2  | JUDGE ALEXANDER: | Don't worry about the five bucks. Sometimes     |
| 3  |                  | just, if you get cash, give it out right away-- |
| 4  | MR. BALDWIN:     | --Okay.   |
| 5  | JUDGE ALEXANDER: | I don't want to be screwing around with a       |
| 6  |                  | check, because then they're going screw your    |
| 7  |                  | books up.                                       |
| 8  | MR. BALDWIN:     | No, well--                                      |
| 9  | JUDGE ALEXANDER: | --If it does, then I'll take a check, but.      |
| 10 | MR. BALDWIN:     | (Unintelligible) it wouldn't (unintelligible).  |
| 11 | JUDGE ALEXANDER: | Hey, this thing's a piece of shit, ain't it?    |
| 12 | MR. BALDWIN:     | What, the (unintelligible)?                     |
| 13 | JUDGE ALEXANDER: | Yeah.   |
| 14 | MR. BALDWIN:     | Yeah.   |
| 15 | JUDGE ALEXANDER: | Ain't got any idea of a color.                  |
| 16 | MR. BALDWIN:     | Need--  |
| 17 | JUDGE ALEXANDER: | --Gary's using it tonight and it's              |
| 18 |                  | (unintelligible)--                              |
| 19 | MR. BALDWIN:     | --you got to put one or two pages in at a time, |
| 20 |                  | that's it.                                      |
| 21 | JUDGE ALEXANDER: | Okay, I, I couldn't get it to run tonight, so-- |
| 22 | MR. BALDWIN:     | --Oh--  |
| 23 | JUDGE ALEXANDER: | --I say, fuck it. We don't want to spend the    |
| 24 |                  | money for good ones.                            |
| 25 | MR. BALDWIN:     | No, I was surprised, because I told him early   |

*(Colloquy, March 14, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  |                  | on that we needed some, but I didn't figure he        |
| 2  |                  | would--I didn't figure he would just get the          |
| 3  |                  | cheapest ass one he could get. I--even I              |
| 4  |                  | thought even if he got, like, one big one--           |
| 5  | JUDGE ALEXANDER: | --Big (unintelligible)--                              |
| 6  | MR. BALDWIN:     | --for everybody to use, because then you can          |
| 7  |                  | put in, like, ten pieces of paper or something,       |
| 8  |                  | and it just eats right through it. Good God,          |
| 9  |                  | the one we got at the school, you can put in a        |
| 10 |                  | stack of crap for (unintelligible).                   |
| 11 | JUDGE ALEXANDER: | You'll smoke a roll right out of her--                |
| 12 | MR. BALDWIN:     | --Uh-huh--  |
| 13 | JUDGE ALEXANDER: | --but she'll take her.                                |
| 14 | MR. BALDWIN:     | Yep.  |
| 15 | JUDGE ALEXANDER: | So, right now, all we got is Swenson coming           |
| 16 |                  | in on the 28 <sup>th</sup> ?                          |
| 17 | MR. BALDWIN:     | Yeah, and, let's see, then somebody, I got to         |
| 18 |                  | let them know, April 25 <sup>th</sup> is a Wednesday. |
| 19 |                  | I've got him scheduled for--right now, he's           |
| 20 |                  | got one person, but coming in for, for his--          |
| 21 |                  | whatever the hell he does.                            |
| 22 | JUDGE ALEXANDER: | Yeah. I could have put this kid over to that          |
| 23 |                  | tonight, and let him get a parking ticket but I       |
| 24 |                  | didn't feel like scooting around.                     |
| 25 | MR. BALDWIN:     | It, yeah, but I liked it when he's telling you,       |

*(Colloquy, March 14, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  |                  | well, usually what they tell me is what, what               |
| 2  |                  | it's going to be, and I'm, like, so, you've been            |
| 3  |                  | doing this before.  |
| 4  | JUDGE ALEXANDER: | You're not a virgin, huh?                                   |
| 5  | MR. BALDWIN:     | Must be not. Must be not.                                   |
| 6  | JUDGE ALEXANDER: | Well, that numb nuts is coming in the 28 <sup>th</sup> too, |
| 7  |                  | ain't he? The one in your hands.                            |
| 8  | MR. BALDWIN:     | For, yeah. Robert Ferrando, I don't, like                   |
| 9  |                  | CPA, at least he's scheduled to be here, but.               |
| 10 |                  | He trespassed onto Watkins' property and                    |
| 11 |                  | take his, take his own vehicle, that, which had             |
| 12 |                  | been towed by Watkins Towing.                               |
| 13 | JUDGE ALEXANDER: | It doesn't say on there how much he owed                    |
| 14 |                  | Watkins Towing, does it?                                    |
| 15 | MR. BALDWIN:     | It says \$270.  |
| 16 | JUDGE ALEXANDER: | (Unintelligible) we fine him for trespassing, it            |
| 17 |                  | isn't \$270. He's going to make a money order               |
| 18 |                  | out to Watkins Towing, and we'll send it to                 |
| 19 |                  | him, and then pay the trespass charge.                      |
| 20 | MR. BALDWIN:     | Watkins, he towed the vehicle from Monroe                   |
| 21 |                  | Street in Ellicottville to his house for 270                |
| 22 |                  | bucks.  |
| 23 | JUDGE ALEXANDER: | (Unintelligible) the money, huh?                            |
| 24 | MR. BALDWIN:     | His-- That's excessive, but I guess you can                 |
| 25 |                  | charge what you want.                                       |

*(Colloquy, March 14, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  | JUDGE ALEXANDER: | You know, outside of John's Collision, he is      |
| 2  |                  | it:   |
| 3  | MR. BALDWIN:     | Yeah.   |
| 4  | JUDGE ALEXANDER: | You know, Wade's gone.                            |
| 5  | MR. BALDWIN:     | Yeah. Yeah, and I, I did dumb right on the        |
| 6  |                  | first day of Brian's funeral. I was going up      |
| 7  |                  | over the hill, and made a right there to go over  |
| 8  |                  | Caylor Hill, and it was slippery, snowing that    |
| 9  |                  | day, but just as I broke over the hill, there was |
| 10 |                  | a car having trouble coming up, and I let off     |
| 11 |                  | the brake just enough to, to maneuver around,     |
| 12 |                  | and she started sliding, my, the van did, and I   |
| 13 |                  | went, made, started to make a left but went       |
| 14 |                  | right into the snow bank. And she stopped         |
| 15 |                  | before it went on over, thank God, otherwise      |
| 16 |                  | those trees were coming pretty quick. But,        |
| 17 |                  | when I called AAA, I said, you know, "Who         |
| 18 |                  | do you have coming?" I said, "It better be        |
| 19 |                  | John's Collision," and, yeah it was. So, John     |
| 20 |                  | come up. All he did, had, had his little tow      |
| 21 |                  | rope, the little stretchy things, hooked onto it, |
| 22 |                  | backed out, and away we went.                     |
| 23 | JUDGE ALEXANDER: | Do you know him?                                  |
| 24 | MR. BALDWIN:     | John? Just, just for the few times I've needed    |
| 25 |                  | assistance from him. I don't know, then I had     |

(Colloquy, March 14, 2012)

1 where I, I needed rims for the van, because I  
2 hit a rock and, or hit something in the road,  
3 bent two rims, and his boys got them, put  
4 them on, but that's really the extent that I  
5 know him. I don't know if anybody-- I don't  
6 know, everybody's got complaints, you know,  
7 good and bad about anybody, but I don't  
8 know.  
9 JUDGE ALEXANDER: Yeah. You know, somebody's not going to  
10 like him because he didn't kiss their ass the  
11 way they wanted it kissed, you know. Your  
12 mom was down here when I came down.  
13 MR. BALDWIN: Oh yeah, she come down, and she had to get  
14 copies of something--  
15 JUDGE ALEXANDER: --(unintelligible)--  
16 MR. BALDWIN: --I don't know what--  
17 JUDGE ALEXANDER: --some, trying to find a phone number.  
18 MR. BALDWIN: Oh yeah, because some, somebody sent their  
19 money order--  
20 JUDGE ALEXANDER: --And didn't sign it.  
21 MR. BALDWIN: And didn't sign it. Well, didn't sign it, but  
22 then signed the back of it where she signs it.  
23 JUDGE ALEXANDER: Oh, God.  
24 MR. BALDWIN: So, and that reminded me, we've got, the 28<sup>th</sup>  
25 we've got quite a few. Wasn't that Mike

*(Colloquy, March 14, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  |                  |   |
| 2  |                  | Arnold who was just--                             |
| 3  | JUDGE ALEXANDER: | --Yeah, he was just here.                         |
| 4  | MR. BALDWIN:     | I don't know why the hell I have two of them.     |
| 5  |                  | Probably got them in at two different times.      |
| 6  |                  | Let's see, the dog--                              |
| 7  | JUDGE ALEXANDER: | --(Unintelligible) you sent them a letter telling |
| 8  |                  | them to come in, didn't you?                      |
| 9  | MR. BALDWIN:     | Actually, they're supposed to be in here          |
| 10 |                  | tonight.  |
| 11 | JUDGE ALEXANDER: | Are they?   |
| 12 | MR. BALDWIN:     | Mm-hmm.   |
| 13 | JUDGE ALEXANDER: | Alright, you gotta let me have that case then.    |
| 14 |                  | Jesus, she-- I think she just called me and said  |
| 15 |                  | that-- Didn't she call me when I was in           |
| 16 |                  | Albany or something and say they were about       |
| 17 |                  | again?  |
| 18 | MR. BALDWIN:     | I don't know. It's a good thing I looked at       |
| 19 |                  | this, because-- Now, I don't, now that bugs       |
| 20 |                  | me. 3/14/2012, these people should be here,       |
| 21 |                  | this guy should be here too. Why did that         |
| 22 |                  | come up on the-- Sometimes--                      |
| 23 | JUDGE ALEXANDER: | --(Unintelligible)--                              |
| 24 | MR. BALDWIN:     | --that thing worries me.                          |
| 25 | JUDGE ALEXANDER: | Okay, thanks. I'm gonna ask them how many         |



*(Colloquy, March 14, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  |                  | dogs they got when they come in. John           |
| 2  |                  | O'Rourke. I can't believe they just             |
| 3  |                  | (unintelligible). This don't go with my         |
| 4  |                  | statement.                                      |
| 5  | MR. BALDWIN:     | Hmm?  |
| 6  | JUDGE ALEXANDER: | This don't go in here.                          |
| 7  | MR. BALDWIN:     | Why not (unintelligible)? Oh. Is that John      |
| 8  |                  | O'Rourke? Did I give you one?                   |
| 9  | JUDGE ALEXANDER: | Yep.  |
| 10 | MR. BALDWIN:     | What in the fuck did I do? There's another      |
| 11 |                  | one here for him.                               |
| 12 | JUDGE ALEXANDER: | Probably did them twice. If you can, I don't    |
| 13 |                  | know.   |
| 14 | MR. BALDWIN:     | And he's not due in tonight. This must be,      |
| 15 |                  | God. Alright, we won't see him until April.     |
| 16 | JUDGE ALEXANDER: | You fuck up all your work.                      |
| 17 | MR. BALDWIN:     | I must have.                                    |
| 18 | JUDGE ALEXANDER: | But, but I'm gonna tell you right now, you're   |
| 19 |                  | not getting fired, you're not losing your job,  |
| 20 |                  | so, I, I really don't care.                     |
| 21 | MR. BALDWIN:     | God damn it. We haven't heard Pollyann          |
| 22 |                  | Costello. We (unintelligible)--                 |
| 23 | JUDGE ALEXANDER: | --No, all we got to get, hopefully, that-- We-- |
| 24 |                  | You did send that--                             |
| 25 | MR. BALDWIN:     | --I sent that back to them. That was the        |

*(Colloquy, March 14, 2012)*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JUDGE ALEXANDER:

second time.

Now, would you do me a favor and fire off  
her attorney and tell him that we're still  
waiting for the probation report?



**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----**X**

**THE PEOPLE OF THE STATE OF NEW YORK**

**- vs -**

**ROBERT J. FERRANDO**

-----**X**

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
March 28, 2012

**Before:**

**HON. RANDY ALEXANDER**  
Judge

**Present:**

**DEFENDANT**  
Robert Ferrando

**COURT CLERK**  
Dale Baldwin

1     **(0:00 to 4:11)**  
2     JUDGE ALEXANDER:       --and if you can't afford one, the court will  
3                               appoint you one. Do you want an attorney?  
4     MR. FERRANDO:         I have an attorney, yes.  
5     JUDGE ALEXANDER:       (Unintelligible).  
6     MR. FERRANDO:         Scott Perrino [sic], Perrinto [sic].  
7     JUDGE ALEXANDER:       Okay. When do you want to set up court  
8                               night, Dale?  
9     MR. BALDWIN:           We got Wednesday, April 11<sup>th</sup> or April 25<sup>th</sup>.  
10    JUDGE ALEXANDER:       People coming (unintelligible). So, get a hold  
11                               of your attorney.  
12    MR. FERRANDO:          Okay, April 25<sup>th</sup>?  
13    JUDGE ALEXANDER:       At 7 o'clock. You got copies of all of these  
14                               papers to give to him?  
15    MR. FERRANDO:          Yes, sir.  
16    JUDGE ALEXANDER:       Okay.  
17    MR. FERRANDO:          Is it just like a ticket you pay?  
18    JUDGE ALEXANDER:       Yeah.  
19    MR. FERRANDO:          Can't I just pay it and we're over with?  
20    JUDGE ALEXANDER:       Well, yeah. I don't know why you're, why  
21                               you want to have an attorney, but--  
22    MR. FERRANDO:          --I mean, no, I--  
23    JUDGE ALEXANDER:       --you spend your money any way you want to,  
24                               because the fine's a hell of a lot less than  
25                               what your attorney's going to charge you.

|    |                  |   |
|----|------------------|---|
| 1  | MR. FERRANDO:    | Well, I mean, if I just pay you, are we-- Is it |
| 2  |                  | over with?                                      |
| 3  | JUDGE ALEXANDER: | Yeah.   |
| 4  | MR. FERRANDO:    | Okay. Let's just pay it and get it over.        |
| 5  | JUDGE ALEXANDER: | Okay.   |
| 6  | MR. FERRANDO:    | Okay. Saves everybody a lot of time and         |
| 7  |                  | money.  |
| 8  | JUDGE ALEXANDER: | It's \$100 fine and \$55 surcharge.             |
| 9  | MR. FERRANDO:    | Alright.  |
| 10 | JUDGE ALEXANDER: | \$155.  |
| 11 | MR. FERRANDO:    | Okay.   |
| 12 | JUDGE ALEXANDER: | You can pay the court clerk.                    |
| 13 | MR. BALDWIN:     | Okay, (unintelligible)--                        |
| 14 | MR. FERRANDO:    | --There's 100--                                 |
| 15 | JUDGE ALEXANDER: | --(Unintelligible) hire an attorney to have,    |
| 16 |                  | drive out here.                                 |
| 17 | MR. FERRANDO:    | I'm sorry? Well, I--                            |
| 18 | JUDGE ALEXANDER: | --(Unintelligible) for \$155--                  |
| 19 | MR. FERRANDO:    | --plus, do you want to come back--              |
| 20 | JUDGE ALEXANDER: | --bring, bring some of his cards and lay them   |
| 21 |                  | there, because I know they (unintelligible)--   |
| 22 | MR. FERRANDO:    | --I mean, do you want to come back here--       |
| 23 | JUDGE ALEXANDER: | --no, no, no.                                   |
| 24 | UNKNOWN:         | I thought that was going to get real            |
| 25 |                  | complicated real fast, so.                      |

|    |                  |   |
|----|------------------|---|
| 1  | MR. FERRANDO:    | Well, I didn't know, you know, so, I...I'm      |
| 2  |                  | sorry, how much?                                |
| 3  | JUDGE ALEXANDER: | 155.  |
| 4  | MR. FERRANDO:    | There you go.                                   |
| 5  | MR. BALDWIN:     | Okay. Let me get you a receipt for that. Just a |
| 6  |                  | second.   |
| 7  | MR. FERRANDO:    | And the other thing is all handled because I    |
| 8  |                  | paid it. So, we're all set, Your Honor.         |
| 9  | UNKNOWN:         | I know Bob as well, and he was-- And when       |
| 10 |                  | I-- Actually, I told this Bob that, you know,   |
| 11 |                  | just wait, and I'll go talk to Bob because I    |
| 12 |                  | know him, and that's fine--                     |
| 13 | JUDGE ALEXANDER: | --Mm-hmm--                                      |
| 14 | UNKNOWN:         | --but when I went to see him a couple of days   |
| 15 |                  | later, he said, "No, I want the money," so,     |
| 16 |                  | he--  |
| 17 | MR. FERRANDO:    | --Well, I intended on giving him the money.     |
| 18 | UNKNOWN:         | No, no, I--                                     |
| 19 | JUDGE ALEXANDER: | --Well, he came in here tonight, and I can tell |
| 20 |                  | you this, he came in here tonight with a check, |
| 21 |                  | and he goes, "I didn't know if I was supposed   |
| 22 |                  | to cash it or not." I said, "Well, you want     |
| 23 |                  | your money, don't you?" He goes, "Well,         |
| 24 |                  | yeah." I said, "Fucking cash the check, why     |
| 25 |                  | don't you?"                                     |

|    |                  |   |
|----|------------------|---|
| 1  | MR. FERRANDO:    | Right.  |
| 2  | UNKNOWN:         | It's like, he's trying to get a lot bigger than |
| 3  |                  | it's supposed to--                              |
| 4  | MR. FERRANDO:    | --Yeah, right, I mean, why make a mountain      |
| 5  |                  | out of mole hill?                               |
| 6  | UNKNOWN:         | Yeah.   |
| 7  | MR. FERRANDO:    | And what's your name, sir?                      |
| 8  | JUDGE ALEXANDER: | Randy Alexander.                                |
| 9  | MR. FERRANDO:    | Randy, nice to meet you.                        |
| 10 | JUDGE ALEXANDER: | Any place (unintelligible)?                     |
| 11 | MR. FERRANDO:    | Yes, I did--                                    |
| 12 | JUDGE ALEXANDER: | --(Unintelligible). And you too?                |
| 13 | UNKNOWN:         | Yeah, me too. I'm down here more than           |
| 14 |                  | (unintelligible) is. And I know, and I know--   |
| 15 | MR. FERRANDO:    | --He lives here (unintelligible)--              |
| 16 | UNKNOWN:         | --you know, other judges and stuff. I don't     |
| 17 |                  | with you, but, I mean, I hang out with Charlie  |
| 18 |                  | Hebdon--  |
| 19 | JUDGE ALEXANDER: | --Charlie?                                      |
| 20 | UNKNOWN:         | Charlie.  |
| 21 | JUDGE ALEXANDER: | How is poor old Charlie?                        |
| 22 | UNKNOWN:         | He's doing good.                                |
| 23 | JUDGE ALEXANDER: | Poor bastard lost that election because of his  |
| 24 |                  | own relatives. He told us I think               |
| 25 |                  | (unintelligible)--                              |



*(People v Robert J. Ferrando, March 28, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  | MR. BALDWIN:     | --(Unintelligible)--                                |
| 2  | JUDGE ALEXANDER: | --13 of his family didn't come in and vote--        |
| 3  | MR. BALDWIN:     | --(Unintelligible) there you go--                   |
| 4  | UNKNOWN:         | --Well (unintelligible)--                           |
| 5  | JUDGE ALEXANDER: | --Oh, I think the world of Charlie. Charlie's a     |
| 6  |                  | good guy.   |
| 7  | UNKNOWN:         | He is, he's, you know, I, I think it's better for   |
| 8  |                  | (unintelligible)--                                  |
| 9  | JUDGE ALEXANDER: | --Yeah--  |
| 10 | UNKNOWN:         | --I mean he used to get so--                        |
| 11 | JUDGE ALEXANDER: | --but you know one--                                |
| 12 | UNKNOWN:         | --so upset--  |
| 13 | JUDGE ALEXANDER: | --thing I liked about Charlie is that he wasn't     |
| 14 |                  | a yes man.  |
| 15 | UNKNOWN:         | How many felonies?                                  |
| 16 | JUDGE ALEXANDER: | He had something to say to you, he was going        |
| 17 |                  | to say it, and you like it, you like it, you don't, |
| 18 |                  | you don't.  |
| 19 | UNKNOWN:         | And he just, and he never, you know, if it was      |
| 20 |                  | a \$1,000,000 bridge going in or, you know, a       |
| 21 |                  | renovation, or--he would drive out and see          |
| 22 |                  | the--   |
| 23 | JUDGE ALEXANDER: | --Uh-huh--  |
| 24 | UNKNOWN:         | --dang thing. Like, and he cared about that         |
| 25 |                  | stuff--   |

*(People v Robert J. Ferrando, March 28, 2012)*

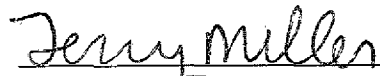
|    |                  |                                    |
|----|------------------|------------------------------------|
| 1  | JUDGE ALEXANDER: | --yeah.                            |
| 2  | UNKNOWN:         | But now, he'll fish a little more. |
| 3  | JUDGE ALEXANDER: | Alright, gentlemen--               |
| 4  | UNKNOWN:         | --That's a theory--                |
| 5  | JUDGE ALEXANDER: | --have a good night--              |
| 6  | MR. FERRANDO:    | --Thank you, Judge Alexander--     |
| 7  | JUDGE ALEXANDER: | --yeah, take care--                |
| 8  | MR. FERRANDO:    | --nice to meet you--               |
| 9  | UNKNOWN:         | --alright--                        |
| 10 | MR. FERRANDO:    | --thank you, sir--                 |
| 11 | UNKNOWN:         | --yep. Have a good night.          |
| 12 | MR. FERRANDO:    | Have a good night.                 |
| 13 | JUDGE ALEXANDER: | Nice to meet you.                  |
| 14 | UNKNOWN:         | You too, sir.                      |
| 15 | JUDGE ALEXANDER: | Yep.                               |
| 16 | MR. BALDWIN:     | Have a good night.                 |
| 17 | UNKNOWN:         | Thanks very much.                  |
| 18 | MR. BALDWIN:     | Okay.                              |

19  
20  
21  
22  
23  
24  
25

CERTIFICATION

I, Terry Miller, Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: August 11, 2014

  
Terry Miller

**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----X

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

**PATRICIA J. FITZGERALD**

-----X

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
January 11, 2012

**B e f o r e:**

**HON. RANDY ALEXANDER**  
Judge

**P r e s e n t:**

**DEFENDANT**  
Patricia Fitzgerald

Unknown Female

1     **(0:00 to 2:36)**

2     JUDGE ALEXANDER:        --under the Penal Law for trespass. You  
3                                   understand that? I'm not saying you did. I'm  
4                                   just saying you're charged with it.

5     MS. FITZGERALD:         Yes, yes.

6     JUDGE ALEXANDER:        Okay, you have a right to have an attorney at  
7                                   this proceedings and any proceedings  
8                                   hereafter. Do you wish to have an attorney?

9     MS. FITZGERALD:         If I need one, I guess.

10    JUDGE ALEXANDER:        Okay.

11    MS. FITZGERALD:         (Unintelligible) will probably provide me with  
12                                   one.

13    JUDGE ALEXANDER:        Okay. How do you plead to this then?

14    MS. FITZGERALD:         Well, I was just serving people, Your Honor.

15    JUDGE ALEXANDER:        Yeah.

16    MS. FITZGERALD:         And I didn't-- I wasn't doing anything. I  
17                                   mean, I just went up on the steps and did what  
18                                   I was told.

19    JUDGE ALEXANDER:        Mm-hmm.

20    MS. FITZGERALD:         I served the paper and, well, she, Mrs. Green  
21                                   come to the door and she had the door opened  
22                                   and she yelled for her husband, so I see the  
23                                   door was open, and I put the paper in, and I  
24                                   said, "You're served." Then I started to go  
25                                   because I heard him yell, and then he started

|    |                  |  |
|----|------------------|--|
| 1  |                  |  |
| 2  |                  | to come after me, Mr. Green.                       |
| 3  | JUDGE ALEXANDER: | Mm-hmm.  |
| 4  | MS. FITZGERALD:  | So, then I got in the car and I left. I didn't--   |
| 5  | JUDGE ALEXANDER: | --What, what papers were you serving?              |
| 6  | MS. FITZGERALD:  | I was serving-- They were some papers for the      |
| 7  |                  | back lot rent.                                     |
| 8  | JUDGE ALEXANDER: | That they owned rent?                              |
| 9  | MS. FITZGERALD:  | Yes.   |
| 10 | JUDGE ALEXANDER: | The Greens did?                                    |
| 11 | MS. FITZGERALD:  | Well, it was his, it was his son, but that was,    |
| 12 |                  | for his son-in-law. But that was the last place    |
| 13 |                  | that, that, that his son-in-law had lived, so, the |
| 14 |                  | office told me to take it there, and that's        |
| 15 |                  | exactly what I did. I wasn't there to do any       |
| 16 |                  | harm.  |
| 17 | JUDGE ALEXANDER: | You didn't stay there or any--                     |
| 18 | MS. FITZGERALD:  | --Oh, no, no. Ms.-- She was with me at--           |
| 19 | UNKNOWN FEMALE:  | --Right. We went there once--                      |
| 20 | JUDGE ALEXANDER: | --How was (unintelligible). Who are you,           |
| 21 |                  | ma'am?   |
| 22 | UNKNOWN FEMALE:  | Oh, I'm her next-door neighbor. I go with her      |
| 23 |                  | when she goes out of town because it's--           |
| 24 | JUDGE ALEXANDER: | --Where are you from?                              |
| 25 | UNKNOWN FEMALE:  | We live in--                                       |

*(People v Patricia J. Fitzgerald, January 11, 2012)*

|    |                  |  |
|----|------------------|--|
| 1  | MS. FITZGERALD:  | --Salamanca.                           |
| 2  | JUDGE ALEXANDER: | Sorry you were doing this--            |
| 3  | MS. FITZGERALD:  | --Just, just--                         |
| 4  | JUDGE ALEXANDER: | --doing your job.                      |
| 5  | MS. FITZGERALD:  | Yes--                                  |
| 6  | UNKNOWN FEMALE:  | --Right--                              |
| 7  | MS. FITZGERALD:  | --sir.                                 |
| 8  | JUDGE ALEXANDER: | Shame on you. Have a good night. Drive |
| 9  |                  | safely--                               |
| 10 | MS. FITZGERALD:  | --Thank--                              |
| 11 | JUDGE ALEXANDER: | --home--                               |
| 12 | MS. FITZGERALD:  | --you so much--                        |
| 13 | JUDGE ALEXANDER: | --this is tit for tat.                 |
| 14 | MS. FITZGERALD:  | Oh, thank you.                         |
| 15 | JUDGE ALEXANDER: | Drive home safely.                     |
| 16 | UNKNOWN FEMALE:  | Okay.                                  |
| 17 | MS. FITZGERALD:  | We will now. We don't be-- I won't be  |
| 18 |                  | scared now.                            |
| 19 | JUDGE ALEXANDER: | Okay. Have a good night--              |
| 20 | MS. FITZGERALD:  | --Bye--                                |
| 21 | JUDGE ALEXANDER: | -- ladies.                             |
| 22 | UNKNOWN FEMALE:  | Yeah.                                  |

23  
24  
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Dated: August 11, 2014

Terry Miller

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street**  
**Rochester, NY 14604**



**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----X

**THE PEOPLE OF THE STATE OF NEW YORK**

**- vs -**

**HELEN R. GROSS**

-----X

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
January 11, 2012

**B e f o r e:**

**HON. RANDY ALEXANDER**  
Judge

**P r e s e n t:**

**DEFENDANT**  
Helen Gross

**COURT CLERK**  
Dale Baldwin

*(People v Helen R. Gross, January 11, 2012)*

1     **(3:45 to 4:43)**  
2     MR. BALDWIN:             Hello.  
3     JUDGE ALEXANDER:        So, and that's how, that's how it was.  
4     MR. BALDWIN:             What's your name?  
5     UNKNOWN:                 How are you doing--  
6     JUDGE ALEXANDER:        --Good. How are you--  
7     MS. GROSS:               --Helen Gross.  
8     MR. BALDWIN:             Okay.  
9     UNKNOWN:                 Good.  
10    MR. BALDWIN:             Helen Gross.  
11    JUDGE ALEXANDER:        Yeah. Is the recorder off?  
12    Recorder turned off from 6:32:06 P.M to 6:48:14 P.M  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Dated: August 11, 2014

Terry Miller  
Terry Miller

**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----X

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

**EKATARINA M. RUSSELL**

-----X

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
September 12, 2012

Before:

HON. RANDY ALEXANDER  
Judge

Present:

DEFENDANT  
Ekatarina Russell

Also Present:

DEFENDANT'S MOTHER  
Unknown

1 (0:00 to 0:30)

2 JUDGE ALEXANDER: --Okay. You got any other marks on your  
3 license?

4 MS. RUSSELL: No.

5 RUSSELL'S MOTHER: She'd only had her license two weeks, judge,  
6 and she was out here, and not familiar with  
7 the roads. She's tell-- She told us the whole  
8 story. (Unintelligible).

9 JUDGE ALEXANDER: Oh, okay. Okay. So, you just starting  
10 driving?

11 MS. RUSSELL: Yes, I got my license August 3<sup>rd</sup>.

12 JUDGE ALEXANDER: Okay. This is unorthodox. I can do it. I'm  
13 not supposed to do it. Speed not reasonable  
14 and prudent--

15 (Recording stopped between 6:28:55 P.M. and 6:45:10 P.M.)

16

17

18

19

20

21

22

23

24

25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Dated: August 11, 2014

Terry Miller

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street**  
**Rochester, NY 14604**

**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----X

THE PEOPLE OF THE STATE OF NEW YORK

- vs -

**UNKNOWN DEFENDANT**

-----X

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
January 11, 2012

**B e f o r e:**

**HON. RANDY ALEXANDER**  
Judge

**P r e s e n t:**

**DEFENDANT**  
Unknown

**DEFENDANT'S MOTHER**  
Unknown

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

Unknown male

1 (4:43 to 6:58)

2 JUDGE ALEXANDER: --operating while registration is suspended or  
3 revoked and a DWI. You have a right to have  
4 an attorney at this proceedings and any  
5 proceedings hereafter. If you cannot afford  
6 one, the court will appoint you one. Do you  
7 understand?

8 DEFENDANT: Yes.

9 JUDGE ALEXANDER: Okay, How do you plead?

10 DEFENDANT'S MOTHER: He said he did that, this, and he knows  
11 (unintelligible)--

12 JUDGE ALEXANDER: --Who are you, ma'am?

13 DEFENDANT'S MOTHER: I am his mom, and I really didn't want to have  
14 to have the expense of a lawyer. He knows  
15 he's done wrong and is moving back into the  
16 house with myself and my boyfriend. I don't  
17 know, I texted him about 2:00 that night, he  
18 was home. He was behaving himself at that  
19 hour at, 5, 4:00.

20 JUDGE ALEXANDER: How old are you?

21 DEFENDANT: Twenty three, (unintelligible).

22 DEFENDANT'S MOTHER: You know, I, I try to keep a good eye on him.  
23 He's got a good job. He's been working  
24 every day. He's actually borrowing my  
25 mom's vehicle at this time, using that, and



1 paying her rental on that, to use that, because  
2 he doesn't have a vehicle, because he made  
3 the big, the big mess up. I mean, a phone call,  
4 came home, and he says, "Mom, I really  
5 f-ed up." I mean, my, my boyfriend, Hank,  
6 came down and spoke with the officers and  
7 (unintelligible) and--  
8 JUDGE ALEXANDER: --Would you other folks step out for a second,  
9 and close the door?  
10 UNKNOWN MAN: Yeah.  
11 DEFENDANT'S MOTHER: We're trying to keep a, you know, a good eye  
12 on him and a couple other boys his age.  
13 JUDGE ALEXANDER: Don't I know you somehow?  
14 DEFENDANT'S MOTHER: Yes.  
15 UNKNOWN MAN: I believe so. How are you sir? Real good.  
16 JUDGE ALEXANDER: I recognize the name.  
17 UNKNOWN MAN: Yeah. Well, I did quite a few years with your  
18 dad.  
19 JUDGE ALEXANDER: Yup.  
20 UNKNOWN MAN: I've been there 32 already.  
21 JUDGE ALEXANDER: Have you really?  
22 UNKNOWN MAN: Right after Thanksgiving.  
23 JUDGE ALEXANDER: Is the recorder off then?  
24 Recording shut off from 6:50:31 P.M. to 7:09:47 P.M.  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATION

I, Terry Miller, Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: February 20, 2014

Terry Miller  
Terry Miller

**MANSFIELD TOWN COURT  
CATTARAUGUS COUNTY**

**STATE OF NEW YORK**

-----  
**-X**

**THE PEOPLE OF THE STATE OF NEW YORK**

**- vs -**

**DONNA WULFF**

-----  
**-X**

Mansfield Town Court  
7660 Hollister Hill Road  
Little Valley, New York 14755  
January 11, 2012

**Before:**

**HON. RANDY ALEXANDER**  
Judge

**Present:**

**DEFENDANT**  
Donna Wulff

**COURT CLERK**  
Dale Baldwin

**Also Present:**

William Hebdon

1     **(11:01 to 16:21)**

2     JUDGE ALEXANDER:        Okay, so, you are?

3     MS. WULFF:               Donna Wulff.

4     JUDGE ALEXANDER:        And you own this dog?

5     MS. WULFF:               Yes. From when we were here last time, we  
6                                have installed an electric fence. So, if the dog  
7                                cannot leave the yard, on 11/1 at 3 P.M., I was  
8                                not even home, and when I leave the house,  
9                                my dog is chained. I called the dog warden  
10                              and told her that I wasn't home that day, and  
11                              there's no possible way that my dog could  
12                              have been anywhere, and the last two tickets,  
13                              there had been some strays that were running  
14                              around. When she gave us, the, them other  
15                              two dates--

16    MR. HEBDON:              --Yeah--

17    MS. WULFF:               --and this--

18    MR. HEBDON:              --the same day she--

19    MS. WULFF:               --guy--

20    MR. HEBDON:              --dropped this off--

21    MS. WULFF:               --came to the door and asked if we had, had,  
22                              you know, I had lost dogs, and I said, "No,"  
23                              and he said, "Well, there's two dogs running  
24                              in the road, and they're quite little," you  
25                              know, "I thought maybe they were yours,"

|    |                  |   |
|----|------------------|---|
| 1  |                  | and I said, "No." Well, the next day I came     |
| 2  |                  | home, and there, the lost dog had been sitting  |
| 3  |                  | next to my dog's dog house, just sitting there. |
| 4  |                  | So, I don't know if those were the dogs that    |
| 5  |                  | these people thought. I have no idea--          |
| 6  | MR. HEBDON:      | --She's got an electric fence--                 |
| 7  | MS. WULFF:       | --but--   |
| 8  | MR. HEBDON:      | --she--   |
| 9  | MS. WULFF:       | --there's no way--                              |
| 10 | MR. HEBDON:      | --I mean--                                      |
| 11 | MS. WULFF:       | --that the dog can leave--                      |
| 12 | MR. HEBDON:      | --she can't get across--                        |
| 13 | MS. WULFF:       | --my property--                                 |
| 14 | MR. HEBDON:      | --it.   |
| 15 | MS. WULFF:       | Can't go, can only go--                         |
| 16 | MR. HEBDON:      | --It's been--                                   |
| 17 | MS. WULFF:       | --can't even get to the end--                   |
| 18 | MR. HEBDON:      | --it's been installed for a while now, so--     |
| 19 | MS. WULFF:       | --of the driveway--                             |
| 20 | JUDGE ALEXANDER: | --What do you mean by electric fence, the       |
| 21 |                  | collar?   |
| 22 | MR. HEBDON:      | Yeah--  |
| 23 | MS. WULFF:       | --Yeah, installed into the ground. So, but the  |
| 24 |                  | dog--   |
| 25 | JUDGE ALEXANDER: | ---So, these--                                  |

1 MS. WULFF: --goes halfway down--  
2 JUDGE ALEXANDER: --so, these--are you saying that these people  
3 are assuming that the dogs they're swerving  
4 for are your dogs?  
5 MS. WULFF: I believe they're not. I only have one dog.  
6 Now there was two dogs that were--  
7 MR. HEBDON: --Yeah, there--  
8 MS. WULFF: --lost--  
9 MR. HEBDON: --was two--  
10 MS. WULFF: --in the neighborhood--  
11 MR. HEBDON: --two strays--  
12 MS. WULFF: --but I don't know--  
13 MR. HEBDON: --come on, boy.  
14 MS. WULFF: I don't know. I called the dog warden to  
15 speak with her but, she's like, she's taking up  
16 (unintelligible)--  
17 JUDGE ALEXANDER: --What color's your dog?  
18 MS. WULFF: Brown.  
19 JUDGE ALEXANDER: It's got white on it?  
20 MS. WULFF: A little bit under the neck area.  
21 JUDGE ALEXANDER: Well, it's the color the dog that was--  
22 MS. WULFF: --There was two dogs, and only--  
23 JUDGE ALEXANDER: --what colors were they--  
24 MS. WULFF: --I only seen--I don't know the two colors, but  
25 the one color was more of a whitish color--

*(People v Donna Wulff, January 11, 2012)*

|    |                  |  |
|----|------------------|--|
| 1  | MR. HEBDON:      | --okay--   |
| 2  | MS. WULFF:       | --that was sitting next to our dog's--           |
| 3  | MR. HEBDON:      | --chill out--                                    |
| 4  | MS. WULFF:       | --dog house when I got home. I pulled in--       |
| 5  | MR. HEBDON:      | --knock it off--                                 |
| 6  | MS. WULFF:       | --the driveway. So, I'm totally confused--       |
| 7  | MR. HEBDON:      | --Hey--  |
| 8  | MS. WULFF:       | --but, we're here.                               |
| 9  | JUDGE ALEXANDER: | Okay. Give us a phone number that you can        |
| 10 |                  | get, we can get a hold of you for.               |
| 11 | MS. WULFF:       | 716-225-5706.                                    |
| 12 | JUDGE ALEXANDER: | Okay, I'm going to get a hold of the dog         |
| 13 |                  | control officer. If she wants to pursue this,    |
| 14 |                  | she can have these people come in--              |
| 15 | MS. WULFF:       | --Okay--   |
| 16 | JUDGE ALEXANDER: | --and say it's your dog.                         |
| 17 | MS. WULFF:       | Alright. Well, the, the last tickets were, like, |
| 18 |                  | in August or whatever, and then we got these     |
| 19 |                  | other ones in November. So, I don't              |
| 20 |                  | understand where, if my dog was, you know,       |
| 21 |                  | out there running around, why there's such--     |
| 22 | JUDGE ALEXANDER: | --Well--   |
| 23 | MS. WULFF:       | --a lapse in tickets. Anyway, my dog can no      |
| 24 |                  | longer, since we were here last, can leave our   |
| 25 |                  | yard. So, I just--                               |

|    |                  |  |
|----|------------------|--|
| 1  | MR. HEBDON:      | --Yeah--   |
| 2  | JUDGE ALEXANDER: | --So, obviously, so, what you're, you're         |
| 3  |                  | telling me is it's not my dog. It's somebody     |
| 4  |                  | else's dog, but--                                |
| 5  | MS. WULFF:       | --Must be--                                      |
| 6  | JUDGE ALEXANDER: | --they're saying it's your dog.                  |
| 7  | MS. WULFF:       | Right.   |
| 8  | JUDGE ALEXANDER: | So, then I want these people to come into        |
| 9  |                  | court, since they were willing to put their      |
| 10 |                  | names on the top of this paper and say they're   |
| 11 |                  | your dogs, I want them to come in and look       |
| 12 |                  | you in the eye and prove to it that your dogs.   |
| 13 | MS. WULFF:       | Okay.  |
| 14 | JUDGE ALEXANDER: | So, I'll have the dog control officer on,        |
| 15 |                  | Dale'll get a hold of the dog control officer,   |
| 16 |                  | and I can get a hold of you when we want you     |
| 17 |                  | to come back in.                                 |
| 18 | MS. WULFF:       | Okay, great.                                     |
| 19 | MR. HEBDON:      | Okay.  |
| 20 | JUDGE ALEXANDER: | Alright.   |
| 21 | MS. WULFF:       | Thank you kindly.                                |
| 22 | MR. HEBDON:      | Okay. Yeah, she can, tell her that she can       |
| 23 |                  | come by and, the, the fence is visible. I mean,  |
| 24 |                  | she can see the dog's got a collar on and stuff. |
| 25 |                  | She--  |



*(People v Donna Wulff, January 11, 2012)*

1 JUDGE ALEXANDER: --Well, you know, what--  
2 MR. HEBDON: --she's, she was, she's been there. She knows  
3 the dog's in there. Either the dog's on the  
4 chain or she's got her collar on--  
5 MS. WULFF: --Yeah, when she dropped the tickets off, I  
6 wasn't--  
7 MR. HEBDON: --but, yeah--  
8 MS. WULFF: --even home, so--  
9 MR. HEBDON: --she--  
10 JUDGE ALEXANDER: --yeah--  
11 MS. WULFF: --I don't know--  
12 JUDGE ALEXANDER: --it sounded to me like the people are saying  
13 they're your dogs. I guess I just, I want those  
14 people to--as long as they're willing to--  
15 MR. HEBDON: --Come on--  
16 JUDGE ALEXANDER: --write those statements, I'll--  
17 MR. HEBDON: --what's your problem--  
18 JUDGE ALEXANDER: --(unintelligible) people--  
19 MR. HEBDON: --you're going to act up--  
20 JUDGE ALEXANDER: --I, I want to be able to come in and look you  
21 in the eye and say they're your dogs.  
22 MS. WULFF: As long as they--I'm telling the truth--  
23 MR. HEBDON: --Yeah, okay--  
24 MS. WULFF: --I don't--like I said, last time we were here I  
25 don't know if somebody--

*(People v Donna Wulff, January 11, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  | MR. HEBDON:      | --Yeah, say bye--                               |
| 2  | MS. WULFF:       | --I have no idea--                              |
| 3  | MR. HEBDON:      | --I'll get out of your hair now--               |
| 4  | MS. WULFF:       | --but, like, when we first moved there, you     |
| 5  |                  | know, obviously the dog was exploring the       |
| 6  |                  | yard and so on and so on, and after we left     |
| 7  |                  | here, I was, like, we got to do something. So,  |
| 8  |                  | we installed--                                  |
| 9  | MR. HEBDON:      | --Yeah--  |
| 10 | MS. WULFF:       | --the wireless--                                |
| 11 | MR. HEBDON:      | --we spent the money--                          |
| 12 | MS. WULFF:       | --electric fence--                              |
| 13 | MR. HEBDON:      | --and went and got the thing--                  |
| 14 | MS. WULFF:       | --so--  |
| 15 | MR. HEBDON:      | --I mean, obviously I--                         |
| 16 | JUDGE ALEXANDER: | --Well, I have it--                             |
| 17 | MR. HEBDON:      | --(unintelligible) the last time--              |
| 18 | JUDGE ALEXANDER: | --for my dogs too, and I think they work great. |
| 19 | MS. WULFF:       | Oh, yeah--                                      |
| 20 | JUDGE ALEXANDER: | --You know--                                    |
| 21 | MS. WULFF:       | --I mean, my dog, my--                          |
| 22 | MR. HEBDON:      | --she don't--                                   |
| 23 | MS. WULFF:       | --dog won't even go now--my dog can go,         |
| 24 |                  | like, halfway down the driveway--               |
| 25 | JUDGE ALEXANDER: | --yeah--  |

|    |                  |  |
|----|------------------|--|
| 1  |                  |  |
| 2  | MS. WULFF:       | --she--  |
| 3  | JUDGE ALEXANDER: | --it's--   |
| 4  | MS. WULFF:       | --won't even go halfway--                        |
| 5  | JUDGE ALEXANDER: | --I know--                                       |
| 6  | MS. WULFF:       | --down--   |
| 7  | JUDGE ALEXANDER: | --because they start to get--                    |
| 8  | MS. WULFF:       | --yeah--   |
| 9  | JUDGE ALEXANDER: | --the little buzz on the neck.                   |
| 10 | MS. WULFF:       | Absolutely.                                      |
| 11 | JUDGE ALEXANDER: | So, obviously--                                  |
| 12 | MS. WULFF:       | --Yeah--   |
| 13 | JUDGE ALEXANDER: | --if you found some other dog sitting next to    |
| 14 |                  | your fence--                                     |
| 15 | MS. WULFF:       | --yes, one dog, yeah--                           |
| 16 | JUDGE ALEXANDER: | --then maybe that's--                            |
| 17 | MS. WULFF:       | --and then--                                     |
| 18 | JUDGE ALEXANDER: | --the dog, but they're just assuming it's yours. |
| 19 | MR. HEBDON:      | Yeah--   |
| 20 | MS. WULFF:       | --Yeah, right. And previous to--                 |
| 21 | JUDGE ALEXANDER: | --So--   |
| 22 | MS. WULFF:       | --that night, some guy pulls in--                |
| 23 | MR. HEBDON:      | --I think our dog's--                            |
| 24 | MS. WULFF:       | --the driveway--                                 |
| 25 | MR. HEBDON:      | --a good--                                       |

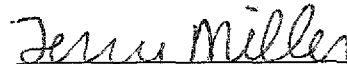
*(People v Donna Wulff, January 11, 2012)*

|    |                  |   |
|----|------------------|---|
| 1  | MS. WULFF:       | --asking for us to--                            |
| 2  | MR. HEBDON:      | --a good road--                                 |
| 3  | MS. WULFF:       | --(unintelligible) and stuff--                  |
| 4  | MR. HEBDON:      | --to drop strays off. We get a lot of critters  |
| 5  |                  | coming through there. We got, we kept one       |
| 6  |                  | of the cats.                                    |
| 7  | MS. WULFF:       | Yeah, a cat--                                   |
| 8  | JUDGE ALEXANDER: | --Whereabouts, whereabouts--                    |
| 9  | MS. WULFF:       | --a (unintelligible) cat--                      |
| 10 | JUDGE ALEXANDER: | --on Toad Hollow do you live?                   |
| 11 | MR. HEBDON:      | Right behind the fairgrounds. That trailer--    |
| 12 | MS. WULFF:       | --As soon as you--                              |
| 13 | MR. HEBDON:      | --that sits up on the left there.               |
| 14 | MS. WULFF:       | As soon as you turn on Toad Hollow.             |
| 15 | MR. HEBDON:      | Yeah, you got that one little straight away     |
| 16 |                  | there. I think people like dropping their stray |
| 17 |                  | animals off.                                    |
| 18 | JUDGE ALEXANDER: | Okay, we'll give you a call.                    |
| 19 | MR. HEBDON:      | Okay--  |
| 20 | MS. WULFF:       | --Great--                                       |
| 21 | MR. HEBDON:      | --thank you--                                   |
| 22 | MS. WULFF:       | --thank you--                                   |
| 23 | JUDGE ALEXANDER: | --Thanks. So, I'm sorry, but get a hold of her. |
| 24 | MR. BALDWIN:     | No, that's all--                                |
| 25 |                  | End of recording.                               |

CERTIFICATION

I, Terry Miller, Secretary of the State Commission on  
Judicial Conduct, do hereby certify that the foregoing is a true and  
accurate transcript of the audio recording described herein to the best of  
my knowledge and belief.

Dated: August 11, 2014

  
Terry Miller

[Quick Tools](#)[Ship a Package](#)[Send Mail](#)[Manage Your Mail](#)[Shop](#)[Business Solutions](#)

## USPS Tracking™

[Customer Service ›](#)  
Have questions? We're here to help.

Tracking Number: 70131090000188997188

## Product &amp; Tracking Information

Postal Product:

Features:  
Certified Mail™

| DATE & TIME               | STATUS OF ITEM | LOCATION                |
|---------------------------|----------------|-------------------------|
| August 12, 2014 , 3:19 pm | Delivered      | LITTLE VALLEY, NY 14755 |

Your item was delivered at 3:19 pm on August 12, 2014 in LITTLE VALLEY, NY 14755.

|                            |   |                         |
|----------------------------|---|-------------------------|
| August 12, 2014 , 10:35 am | Notice Left (No Authorized Recipient Available) | LITTLE VALLEY, NY 14755 |
| August 12, 2014 , 7:33 am  | Out for Delivery                                | LITTLE VALLEY, NY 14755 |
| August 12, 2014 , 7:23 am  | Sorting Complete                                | LITTLE VALLEY, NY 14755 |
| August 12, 2014 , 7:17 am  | Arrived at Unit                                 | LITTLE VALLEY, NY 14755 |
| August 12, 2014 , 5:59 am  | Departed USPS Facility                          | ROCHESTER, NY 14606     |
| August 11, 2014 , 9:45 pm  | Arrived at USPS Facility                        | ROCHESTER, NY 14606     |

## Available Actions

[Text Updates](#)[Email Updates](#)

## Track Another Package

What's your tracking (or receipt) number?

[Track It](#)

## LEGAL

[Privacy Policy ›](#)  
[Terms of Use ›](#)  
[FOIA ›](#)  
[No FEAR Act EEO Data ›](#)

## ON USPS.COM

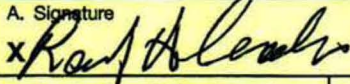
[Government Services ›](#)  
[Buy Stamps & Shop ›](#)  
[Print a Label with Postage ›](#)  
[Customer Service ›](#)  
[Delivering Solutions to the Last Mile ›](#)  
[Site Index ›](#)

## ON ABOUT.USPS.COM

[About USPS Home ›](#)  
[Newsroom ›](#)  
[USPS Service Alerts ›](#)  
[Forms & Publications ›](#)  
[Careers ›](#)

## OTHER USPS SITES

[Business Customer Gateway ›](#)  
[Postal Inspectors ›](#)  
[Inspector General ›](#)  
[Postal Explorer ›](#)  
[National Postal Museum ›](#)

| SENDER: COMPLETE THIS SECTION  |  | COMPLETE THIS SECTION ON DELIVERY  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> |  | A. Signature<br> <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee  |  |
| 1. Article Addressed to:<br>Honorable Randy Alexander<br>Mansfield Town Court<br>7660 Hollister Hill<br>Little Valley, NY 14755<br>CONFIDENTIAL  |  | B. Received by (Printed Name)<br>Randy Alexander<br>C. Date of Delivery<br>12/12/2014<br>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No   |  |
| 2. Article Number<br>(Transfer from service label)   |  | 3. Service Type<br><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.<br>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes |  |
| 7013 1090 0001 8899 7188   |  |  |  |

PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540

7013 1090 0001 8899 7188

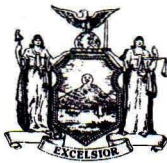
| U.S. Postal Service™   |          |
|--|----------|
| CERTIFIED MAIL™ RECEIPT  |          |
| (Domestic Mail Only; No Insurance Coverage Provided)   |          |
| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ® |          |
| OFFICIAL USE   |          |
| Postage  | \$ 5.05  |
| Certified Fee  | 3.30     |
| Return Receipt Fee<br>(Endorsement Required)   | 2.70     |
| Restricted Delivery Fee<br>(Endorsement Required)  | —        |
| Total Postage & Fees   | \$ 11.05 |

Postmark Here  
08-12-14

|                                    |                          |
|------------------------------------|--------------------------|
| Sent To                            | Hon. Randy Alexander     |
| Street, Apt. No.,<br>or PO Box No. | 1A Ltr                   |
| City, State, ZIP+4                 | 2012/R-0310; 2013/R-0045 |

PS Form 3800, August 2006      See Reverse for Instructions





## EXHIBIT 2

### NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN  
MEMBERS  
JEAN M. SAVANYU, CLERK

400 ANDREWS STREET, SUITE 700  
ROCHESTER, NEW YORK 14604

585-784-4141 585-232-7834  
TELEPHONE FACSIMILE  
[www.cjc.ny.gov](http://www.cjc.ny.gov)

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL  
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN

DAVID M. DUGUAY  
SENIOR ATTORNEYS

STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

August 14, 2014

Honorable Randy Alexander  
Mansfield Town Justice  
Mansfield Town Court  
7660 Hollister Hill  
Little Valley, New York 14755-9715

Re: File Nos. 2012/R-0310 and 2013/R-0045

Dear Judge Alexander:

Due to a scheduling conflict, please be advised that your appearance in the above-referenced matter has been rescheduled to Tuesday, September 16, 2014, beginning at 10:00 A.M. at the Commission's Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604.

Please feel free to contact me at (585) 784-4141 if you have any questions regarding this matter.

Very truly yours,

John J. Postel  
Deputy Administrator

JJP:klt



SUBJECT

File # 5 2012/R-0310-20RR-0045

7000 Hollister Hill Rd.  
Little Valley, NY 14755-9715  
(716) 899-4747

EXHIBIT 3

DATE

9/10/14

John

I AM ASKING FOR AN ADJOURNMENT  
FOR THE ABOVE MATTER UNTIL NOV  
BECAUSE OF HEALTH REASONS

THANK YOU FOR UNDERSTANDING. ITS  
VERY IMPORTANT TO ME FOR THIS  
ADJOURNMENT UNTIL NOV, 14

RECEIVED

SEP 15 2014

NYS COMMISSION ON  
JUDICIAL CONDUCT - ROC

SIGNED

Hon. Paul A. Laporte

Randy Alexander  
7000 Hollister Hill  
Little Valley  
New York 14755

BUFFALO NY 142

11 SEP 2014 PM 1 L



STATE of New York  
400 Andrews ST  
Suite 700  
Rochester New York  
14604

ATT: JOHN T. BISTEK

14604146175





## EXHIBIT 4

### NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN  
MEMBERS  
JEAN M. SAVANYU, CLERK

400 ANDREWS STREET, SUITE 700  
ROCHESTER, NEW YORK 14604  
585-784-4141 585-232-7834  
TELEPHONE FACSIMILE  
www.cjc.ny.gov

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL  
JOHN J. POSTEL  
DEPUTY ADMINISTRATOR  
M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS  
STEPHANIE A. FIX  
STAFF ATTORNEY

### CONFIDENTIAL

September 29, 2014

Honorable Randy Alexander  
Mansfield Town Justice  
Mansfield Town Court  
7660 Hollister Hill  
Little Valley, New York 14755-9715

Re: File Nos. 2012/R-0310 and 2013/R-0045

Dear Judge Alexander:

I received your written request for an adjournment of your appearance to give testimony before a Commission referee by mail on Thursday, September 15, 2014, less than twenty-four hours prior to your scheduled appearance. I have attempted since then to reach you by telephone. You have not returned my calls.

In your letter you advised me that your health prevents you from appearing before the Commission, however, it is my understanding that you continue to preside on your scheduled court nights.

I am writing now to inform you that I will be rescheduling your testimony to take place within the next three weeks. I am willing to arrange for your appearance to take place in Buffalo, if that will be more convenient for you.

*Honorable Randy Alexander*

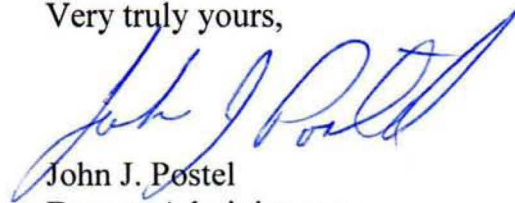
*September 29, 2014*

*Page 2*

Please be advised that your appearance is not optional. A failure to appear as directed may itself constitute judicial misconduct and be the basis for public discipline.

Please call me forthwith to discuss the matter.

Very truly yours,



John J. Postel  
Deputy Administrator

JJP:klt

CERTIFIED MAIL # 7013 1090 0001 8898 9114  
RETURN RECEIPT REQUESTED



| SENDER: COMPLETE THIS SECTION  |  | COMPLETE THIS SECTION ON DELIVERY  |  |
|--|--|--|--|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> |  | A. Signature<br><i>Randy Alexander</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee  |  |
| 1. Article Addressed to:<br>Hon. Randy Alexander<br>Mansfield Town Court<br>7660 Hollister Hill<br>Little Valley, NY 14755<br>CONFIDENTIAL   |  | B. Received by (Printed Name) _____ C. Date of Delivery _____  |  |
| 2. Article Number<br>(Transfer from service label) 7013 1090 0001 8898 9114  |  | D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>If YES, enter delivery address below: _____ |  |
| 3. Service Type<br><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.   |  | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes   |  |
| PS Form 3811, February 2004  |  | Domestic Return Receipt  |  |
|  |  | 102595-02-M-1540   |  |

| U.S. Postal Service™   |         |
|--|---------|
| CERTIFIED MAIL™ RECEIPT  |         |
| (Domestic Mail Only; No Insurance Coverage Provided)   |         |
| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>   |         |
| OFFICIAL USE   |         |
| Postage  | \$ 0.40 |
| Certified Fee  | 3.30    |
| Return Receipt Fee<br>(Endorsement Required)   | 2.70    |
| Restricted Delivery Fee<br>(Endorsement Required)  | —       |
| Total Postage & Fees   | \$ 6.40 |
| Postmark Here: 09-29-14  |         |
| Sent To: Hon. Randy Alexander<br>Street, Apt. No., or PO Box No.: 2012 1A Adj. Grtd<br>City, State, ZIP+4: 2012/R-0310 § 2013/R-0045 |         |
| PS Form 3800, August 2006 See Reverse for Instructions   |         |



## EXHIBIT 5

### NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN  
MEMBERS  
JEAN M. SAVANYU, CLERK

400 ANDREWS STREET, SUITE 700  
ROCHESTER, NEW YORK 14604  
585-784-4141 585-232-7834  
TELEPHONE FACSIMILE  
[www.cjc.ny.gov](http://www.cjc.ny.gov)

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL  
JOHN J. POSTEL  
DEPUTY ADMINISTRATOR  
M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS  
STEPHANIE A. FIX  
STAFF ATTORNEY

### **CONFIDENTIAL**

October 3, 2014

Honorable Randy Alexander  
Mansfield Town Justice  
Mansfield Town Court  
7691 Toad Hollow Road  
Little Valley, New York 14755

Re: File Nos. 2012/R-0310 and 2013/R-0045

Dear Judge Alexander:

Enclosed please find a copy of a letter that I sent to your home address on September 29, 2014. I have still not had the pleasure of your reply.

Very truly yours,

  
John J. Postel  
Deputy Administrator

JJP:klt

CERTIFIED MAIL # 7013 1090 0001 8898 9152  
RETURN RECEIPT REQUESTED



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN  
MEMBERS  
JEAN M. SAVANYU, CLERK

400 ANDREWS STREET, SUITE 700  
ROCHESTER, NEW YORK 14604

585-784-4141 585-232-7834  
TELEPHONE FACSIMILE  
[www.cjc.ny.gov](http://www.cjc.ny.gov)

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL  
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS

STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

September 29, 2014

Honorable Randy Alexander  
Mansfield Town Justice  
Mansfield Town Court  
7660 Hollister Hill  
Little Valley, New York 14755-9715

Re: File Nos. 2012/R-0310 and 2013/R-0045

Dear Judge Alexander:

I received your written request for an adjournment of your appearance to give testimony before a Commission referee by mail on Thursday, September 15, 2014, less than twenty-four hours prior to your scheduled appearance. I have attempted since then to reach you by telephone. You have not returned my calls.

In your letter you advised me that your health prevents you from appearing before the Commission, however, it is my understanding that you continue to preside on your scheduled court nights.

I am writing now to inform you that I will be rescheduling your testimony to take place within the next three weeks. I am willing to arrange for your appearance to take place in Buffalo, if that will be more convenient for you.

*Honorable Randy Alexander*

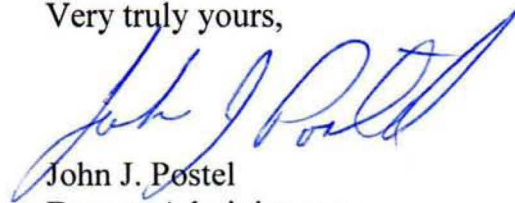
*September 29, 2014*

*Page 2*

Please be advised that your appearance is not optional. A failure to appear as directed may itself constitute judicial misconduct and be the basis for public discipline.

Please call me forthwith to discuss the matter.

Very truly yours,



John J. Postel  
Deputy Administrator

JJP:klt

CERTIFIED MAIL # 7013 1090 0001 8898 9114  
RETURN RECEIPT REQUESTED



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Hon. Randy Alexander  
Mansfield Town Court  
7691 Toad Hollow Rd  
Little Valley, NY 14755  
CONFIDENTIAL

## 2. Article Number

(Transfer from service label)

7013 1090 0001 8898 9152

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

\* Betty Jane Norring

☐ Agent☐ Addressee

## B. Received by (Printed Name)

Betty Jane Norring

## C. Date of Delivery

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

## 3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

7013 1090 0001 8898 9152

|   |         |
|---|---------|
| Postage   | \$ 0.48 |
| Certified Fee                                     | 3.30    |
| Return Receipt Fee<br>(Endorsement Required)      | 2.70    |
| Restricted Delivery Fee<br>(Endorsement Required) |         |
| Total Postage & Fees                              | \$ 6.48 |

Postmark  
Here

10-03-14

## Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

Hon Randy Alexander

1A Adj Resp 2

2012/R-0310, 14/R-0045

PS Form 3800, August 2006

See Reverse for Instructions



## EXHIBIT 6

### NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN  
MEMBERS  
JEAN M. SAVANYU, CLERK

400 ANDREWS STREET, SUITE 700  
ROCHESTER, NEW YORK 14604

585-784-4141 585-232-7834  
TELEPHONE FACSIMILE  
[www.cjc.ny.gov](http://www.cjc.ny.gov)

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL  
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN

DAVID M. DUGUAY  
SENIOR ATTORNEYS

STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

October 14, 2014

Honorable Randy Alexander  
Mansfield Town Justice  
Mansfield Town Court  
7691 Toad Hollow Road  
Little Valley, New York 14755

Re: File Nos. 2012/R-0310 and 2013/R-0045

Dear Judge Alexander:

I wrote to you on September 29, 2014 requesting a response to my prior attempts to contact you by telephone. I have not received a response from you to my letter. As such, I am rescheduling your appearance to give testimony before a Commission-appointed referee for **Thursday, November 13, 2014, at 1:00 PM** at the Commission's Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604.

Attached please find a copy of my original letter to you which included the complaints, various transcripts, and a description of the areas of alleged judicial misconduct about which you will be questioned.

**Please provide confirmation of your scheduled appearance by November 6, 2014, either by letter or phone call at 585-784-4141.** Please feel free to have your attorney call me and/or David M. Duguay, Senior Attorney, with any questions.

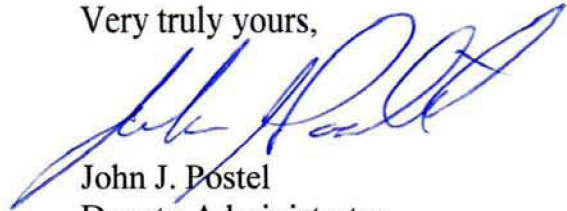
*Honorable Randy Alexander*

*October 14, 2014*

*Page 2*

Thank you for your prompt attention to this matter.

Very truly yours,



John J. Postel  
Deputy Administrator

JJP:klt  
Enclosure

CERTIFIED MAIL # 7013 1090 0001 8898 9176  
RETURN RECEIPT REQUESTED

cc: Margaret Reston, Esq.





NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
JOSEPH W. BELLUCK  
JOEL COHEN  
JODIE CORNGOLD  
RICHARD D. EMERY  
PAUL B. HARDING  
RICHARD A. STOLOFF  
HON. DAVID A. WEINSTEIN  
MEMBERS  
JEAN M. SAVANYU, CLERK

400 ANDREWS STREET, SUITE 700  
ROCHESTER, NEW YORK 14604

585-784-4141 585-232-7834  
TELEPHONE FACSIMILE  
[www.cjc.ny.gov](http://www.cjc.ny.gov)

ROBERT H. TEMBECKJIAN  
ADMINISTRATOR & COUNSEL

JOHN J. POSTEL  
DEPUTY ADMINISTRATOR

M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS

STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

August 11, 2014

Honorable Randy Alexander  
Mansfield Town Justice  
Mansfield Town Court  
7660 Hollister Hill  
Little Valley, New York 14755-9715

Re: File Nos. 2012/R-0310 and 2013/R-0045

Dear Judge Alexander:

Pursuant to Article 2-A of the Judiciary Law, the Commission on Judicial Conduct is investigating complaints alleging a range of judicial misconduct, including, *inter alia*, that you have:

- acted as a notary public without a license;
- convicted a defendant without a hearing or a guilty plea;
- dismissed and reduced charges without notice to or the opportunity to be heard by the prosecution;
- engaged in prohibited *ex parte* communications;
- expressed bias against a defendant and continued to preside over the defendant's case through sentencing, notwithstanding such bias;
- failed to record court proceedings in accordance with legal directives;
- failed to return bail in compliance with statutory requirements;
- failed to seal records of terminated criminal actions in compliance with statutory requirements;
- imposed unlawful sentences; and
- used coarse and undignified language on the bench.

*Honorable Randy Alexander*

*August 11, 2014*

*Page 2*

Specifically, it is alleged this misconduct occurred on the following dates and in these specified cases:

I. September 15, 2011

A. *People v John D. Newark*

1. During the defendant's arraignment, you:
  - a) engaged in *ex parte* communication with Mr. Newark and the complainant;
  - b) dismissed Mr. Newark's penal law ("PL") charge of aggravated harassment in the second degree (PL 240.30[1]) without notice to or an opportunity to be heard by the prosecution;
  - c) failed to record the proceeding; and
  - d) failed to seal the record of the criminal action in accordance with criminal procedure law ("CPL"), CPL §160.50.

II. September 28, 2011

A. *People v Courtney L. Bergstrom*

1. During the proceeding you:
  - a) dismissed a vehicle and traffic law ("VTL") charge for refuse on the roadway (VTL §1220[a]) after the defendant had already pled guilty on or about September 10, 2011, with no record evidence supporting the dismissal;
  - b) dismissed an unlicensed operation of a vehicle charge (VTL §509[1]), with no record evidence supporting the dismissal; and
  - c) failed to record the proceeding.

III. April through September 2011

1. *People v Jacob R. Scott*

1. During the proceedings, from in or about April 2011 through in or about September 2011, you:
  - a) engaged in *ex parte* communication with Mr. Scott;

- b) extended a conditional unlawful plea offer;
- c) dismissed Mr. Scott's false personation charge (PL §190.23) with no record evidence supporting the dismissal;
- d) imposed a statutorily unauthorized \$100 fine for Mr. Scott's alcoholic beverage control ("ABC") law charge of unlawful possession of alcohol by a person under 21 (ABC §65[c]), with no evidence of a guilty plea;
- e) failed to preserve record evidence concerning Mr. Scott's drinking alcohol in a motor vehicle charge (VTL §1227[1]) that was listed in his arrest report; and
- f) failed to seal the record of the criminal action in accordance with CPL §160.50.

IV. January 11, 2012

A. *People v Patricia J. Fitzgerald*

- 1. During the proceeding you:
  - a) engaged in *ex parte* communication with Ms. Fitzgerald;
  - b) dismissed her trespass charge (PL §140.05) without notice to or the opportunity to be heard by the prosecution; and
  - c) failed to seal the record of the criminal action in accordance with CPL §160.50.

B. *People v Helen R. Gross*

- 1. During the arraignment you:
  - a) asked that the recording of the proceeding be turned off;
  - b) engaged in *ex parte* communication with Ms. Gross; and
  - c) dismissed a no inspection charge (VTL §306[b]) with no record evidence supporting the dismissal.

C. *Unidentified Defendant*

- 1. During the arraignment on the charge of driving with a suspended or revoked registration and driving while intoxicated, you:
  - a) directed spectators to exit the courtroom and shut the door;



- b) indicated that you were familiar with a man appearing with the defendant and directed that the recording of the proceeding be terminated; and
- c) engaged in prohibited *ex parte* communication.

V. March 2012

A. *People v Robert J. Ferrando*

1. During the proceeding on March 14, 2012 (approximately two weeks prior to Mr. Ferrando's arraignment for a trespass charge [PL § 140.05], while speaking with your court clerk, you:
  - a) referred to Mr. Ferrando as "that numb nuts";
  - b) stated that you would fine Mr. Ferrando for his impending trespass conviction;
  - c) stated that you would require Mr. Ferrando to "make a money order out" to reimburse the complainant for an alleged unpaid towing debt; and
  - d) stated that you would send Mr. Ferrando's money order to the complainant;
2. During the arraignment on March 28, 2012, you:
  - a) incorrectly answered Mr. Ferrando's legal inquiry after he had informed you that he had retained an attorney;
  - b) questioned Mr. Ferrando as to why he would spend money on an attorney to represent him for the charge;
  - c) fined Mr. Ferrando for a trespass conviction without a guilty plea;
  - d) told Mr. Ferrando that you had engaged in *ex parte* communication with the complainant earlier that evening about Mr. Ferrando's reimbursement for an alleged towing debt and had advised the complainant to "...fucking cash the check....";
  - e) referred, during a conversation with an individual appearing with Mr. Ferrando, to an acquaintance in common as a "poor bastard"; and
  - f) failed to seal the record of the criminal action in accordance with CPL §160.50.

VI. June 4, 2012

A. *People v Alice M. Emerson*

1. During the proceeding you:
  - a) reduced Ms. Emerson's operating a vehicle while using a mobile phone charge (VTL §1225[c][2][a]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

B. *People v Charles A. Grover*

1. During the proceeding you :
  - a) reduced Mr. Grover's fictitious inspection certificate charge (VTL §306[e]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

C. *People v Jacob J. Hebdon*

1. During the proceeding you:
  - a) reduced Mr. Hebdon's no inspection charge (VTL §306[b]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

D. *People v Aubrey V. Jackson*

1. During the proceeding you:
  - a) reduced Ms. Jackson's speeding charge (VTL §1180[e]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction;
  - b) modified, without explanation, a second fine notice from an \$85 fine only to a statutorily-unauthorized \$55 surcharge only; and
  - c) failed to record the proceeding.



E. *People v John C. O'Rourke*

1. During the proceeding you:
  - a) reduced Mr. O'Rourke's speeding charge (VTL §1180[b]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

F. *People v Sebastian P. Polczynski*

1. During the proceeding and after having issued three fine notices in April and May 2012 in connection with Mr. Polczynski's prior guilty plea to failure to keep right (VTL §1120[a]), you:
  - a) reduced Mr. Polczynski's charge to a parking charge (VTL §1201 [a]) with no record evidence for the reduction; and
  - b) failed to record the proceeding.

VII. September 12, 2012

A. *People v Ekaterina M. Russell*

1. During the proceeding you:
  - a) stated, "I'm not supposed to do it" and then directed that the recording of the proceeding be terminated;
  - b) engaged in *ex parte* communication with Ms. Russell and/or her mother; and
  - c) reduced Ms. Russell's speeding charge (VTL §1180 [a]) to a parking charge (VTL §1201 [a]) without notice to or the opportunity to be heard by the prosecution.

VIII. November 14, 2012

A. *People v Don C. Smith*

1. During the proceeding you:
  - a) reduced Mr. Smith's failure to yield right of way charge
  - b) (VTL §1142 [a]) to a parking charge (VTL §1201[a]) with no record evidence for the reduction;
  - c) imposed a statutorily unauthorized \$85 surcharge; and
  - d) failed to record the proceeding.

IX. January to November 2012A. *People v Donna Wulff*

1. During the proceedings, from in and about January 2012 through in or about March 2012, you:
  - a) engaged in *ex parte* communication with Ms. Wulff, plaintiffs, and potential witnesses (including on or about January 11, 2012, February 8, 2012, and March 14, 2012);
  - b) failed to record a proceeding on February 8, 2012;
  - c) imposed and collected a \$100 fine for an unspecified conviction or convictions (concerning one or more of approximately 10 pending dog at large charges) without a hearing and without a plea of guilt (March 14, 2012);
  - d) threatened to “keep doubling” fines for future dog at large complaints (March 14, 2012);
  - e) used coarse and injudicious language on the bench, including stating, “...if they got the balls to say it to me...” and “...you got some pissed off neighbors...” (March 14, 2012); and
  - f) told Ms. Wulff to “...take it up with him then,” in reference to an individual who had filed three complaints against her (March 14, 2012).

B. *People v Edward S. Casey*

1. During the proceedings, from in or about March 2012 through in or about October 2012, you:
  - a) stated, during a telephone conversation with Paul Walier, Esq. in March 2012, that you would return the \$700 bail Mr. Walier had posted on behalf of Mr. Casey at Mr. Casey’s next appearance for various VTL charges (driving while intoxicated [VTL §1192(3)]; breath test refusal [VTL §1194(1)]; unsafe lane change [VTL §1128(a)]; and headlight violation [VTL §375(3)]);
  - b) stated, during a telephone conversation with Mr. Walier in October 2012, that his bail money could be used to pay Mr. Casey’s fines and responded to Mr. Walier’s objection by saying, “I will do what I want. You were the hero that posted the bail in the first place”; and



- c) sentenced Mr. Casey, on or about October 10, 2012, for driving while ability impaired (VTL §1192[1]), but failed to return the bail Mr. Walier had posted until on or about November 2, 2013.

*C. People v Pollyann Costello*

1. During the proceedings, from in or about May 2012 through October 2012, you:
  - a) made inappropriate remarks about Ms. Costello while speaking with your court clerk, on or about May 9, 2012, including:
    - i. referring sarcastically to Ms. Costello as “our favorite person”; and
    - ii. stating, “...if she comes in on the 13<sup>th</sup> and she ain’t got shit, send her ass to jail,” in reference to Ms. Costello’s pre-sentence fine and fee payment for her driving while intoxicated charge (VTL §1192[3]), notwithstanding that you had earlier made Ms. Costello a no-jail sentence promise;
  - b) made inappropriate remarks about Ms. Costello while speaking with Ms. Costello’s attorney, on or about July 11, 2012, including:
    - i. saying to Ms. Costello’s attorney, “...your client’s full of shit;” and “She’s a habitual liar, she’s lied in this court ...”; and
    - ii. stated that you believed Ms. Costello was driving every day in violation of the law and threatened to call the police and report her when you saw her driving;
  - c) took inappropriate action during Ms. Costello’s sentencing, on or about October 10, 2012, including:
    - i. signing your name as a notary public on two affidavits signed by Ms. Costello regarding her use of and access to motor vehicles; and
    - ii. failing to record the proceeding;
  - d) failed to keep and maintain accurate file records regarding whether Ms. Costello was convicted of more than one charge and the date and manner of her guilty plea(s).

*Honorable Randy Alexander*

*August 11, 2014*

*Page 9*

Enclosed are copies of the complaints. Also enclosed are transcripts for:

- *People v Pollyann Costello* (05/09/12 and 07/11/12)
- *People v Robert J. Ferrando* (03/14/12 and 03/28/12)
- *People v Patricia J. Fitzgerald* (01/11/12)
- *People v Helen R. Gross* (01/11/12)
- *People v Ekaterina M. Russell* (09/12/12)
- *Unknown Defendant* (01/11/12)
- *People v Donna Wulff* (01/11/12 and 03/14/12)

For your reference, the Rules Governing Judicial Conduct, the Commission's Operating Procedures and Rules, the Commission's Policy Manual and other documents are available on the Commission's website.<sup>1</sup>

In connection with this investigation, the Commission requests that you appear to give testimony on September 4, 2014, at 10:00 A.M., at the Commission's office in Rochester at 400 Andrews Street, Suite 700, Rochester, New York 14604.

At your appearance, you will be asked questions about your court policies and practices regarding: bail; interactions with prosecutors, parties, and witnesses; recordation of proceedings; recordkeeping; and sealing records in criminal actions that are terminated. You will be asked to respond to specific inquiries related to the above-identified matters including your status as a notary and the statutes you relied upon in imposing fines and surcharges.

Please feel free to bring with you at the time of your appearance any papers, documents, records or other materials that might assist you in responding to questions regarding this matter.

Your appearance is requested in accordance with Section 44, subdivision 3, of the Judiciary Law. This is not a hearing as provided by Section 44, subdivision 4, of the Judiciary Law. Your testimony will be sworn and recorded, and a copy of the transcription thereof will be provided to you at no cost. You have the right to be represented by counsel and to present material relevant to the complaint.

---

<sup>1</sup> <http://www.cjc.ny.gov/Legal.Authorities/legal.authorities.htm>

*Honorable Randy Alexander*

*August 11, 2014*

*Page 10*

At your appearance, you may make opening and/or closing statements. After being questioned by Commission counsel, you may be questioned by your own lawyer, subject to further questioning by Commission counsel.

**Please provide confirmation of your scheduled appearance by August 28, 2014, either by letter or phone call at (585) 784-4141.** Please feel free to have your attorney call me and/or David M. Duguay, Esq. with any questions.

Thank you for your prompt attention to this matter.

Very truly yours,



John J. Postel  
Deputy Administrator

JJP:dmd

Enclosures

CERTIFIED MAIL # 7013 1090 0001 8899 7188  
RETURN RECEIPT REQUESTED



| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY  |
|--|--|
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/> <i>x [Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>  |
| <p>1. Article Addressed to:</p> <p style="font-size: 1.2em;">Hon. Randy Alexander<br/> Mansfield Town Court<br/> 7691 Toad Hollow Rd<br/> Little Valley, NY 14755<br/> CONFIDENTIAL</p>  | <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>   |
| <p>2. Article Number<br/> (Transfer from service label) <span style="border: 1px solid black; padding: 2px;">7013 1090 0001 8898 9176</span></p>   | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/> If YES, enter delivery address below: <input type="checkbox"/> No</p>   |
|  | <p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Certified Mail<br/> <input type="checkbox"/> Registered<br/> <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> C.O.D. </div> </div> |
|  | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>  |

PS Form 3811, February 2004
Domestic Return Receipt
102595-02-M-1540

7013 1090 0001 8898 9176

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

|   |         |
|---|---------|
| Postage   | \$ 1.40 |
| Certified Fee                                     | 3.30    |
| Return Receipt Fee<br>(Endorsement Required)      | 2.70    |
| Restricted Delivery Fee<br>(Endorsement Required) | —       |
| Total Postage & Fees                              | \$ 7.40 |

Sent To

Hon Randy Alexander

Street, Apt. No.,  
or PO Box No.

1A Adl

City, State, ZIP+4

2012/R-0310, 2013R-0045

Postmark  
Here

10-14-14

PS Form 3800, August 2006
See Reverse for Instructions

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

EXHIBIT 7

----- X

In the Matter of an Investigation :  
Pursuant to Section 44, subdivision 3,  
of the Judiciary Law in Relation to :

**RANDY ALEXANDER,** :

a Justice of the Mansfield Town Court, :  
Cattaraugus County.

----- X

400 Andrews Street, Suite 700  
Rochester, New York 14604

November 13, 2014  
1:38 A.M.

B e f o r e:

MARGARET RESTON, ESQ.  
Referee

P r e s e n t:

DAVID M. DUGUAY, ESQ.  
Senior Attorney

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

VANESSA MANGAN  
Investigator and FTR Operator

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COMMISSION EXHIBITS

Description

Ident.

1 Letter from John J. Postel, Deputy Administrator, to  
Honorable Randy Alexander, dated August 11, 2014.

1

2 Letter from John J. Postel, Deputy Administrator, to  
Honorable Randy Alexander, dated August 14, 2014.

2

3 Letter from Honorable Randy Alexander to John J.  
Postel, dated September 10, 2014.

2

4 Letter from John J. Postel, Deputy Administrator, to  
Honorable Randy Alexander, dated September 29,  
2014.

2

5 Return receipt for letter dated September 29, 2014.

3

6 Letter from John J. Postel, Deputy Administrator, to  
Honorable Randy Alexander, dated October 3, 2014.

4

i.



COMMISSION EXHIBITS, cont'd

| <u>Description</u>   | <u>Ident.</u> |
|--|---------------|
| 7 Return receipt for letter dated October 3, 2014.   | 4             |
| 8 Letter from John J. Postel, Deputy Administrator, to<br>Honorable Randy Alexander, dated October 14, 2014. | 4             |
| 9 Return receipt for letter dated October 14, 2014.  | 5             |

(Hon. Randy Alexander)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. RESTON: Good afternoon. My name is Margaret Reston. I have been designated by the Commission as Referee to hear the testimony of Judge Randy Alexander. Today is November 13, 2014, and the time is 1:40. Judge Alexander is not present, but can everyone else who is present in this room please place your appearances on the record?

MR. DUGUAY: David Duguay, Senior Attorney, Commission on Judicial Conduct.

MS. MANGAN: Vanessa Mangan, Investigator, Commission on Judicial Conduct.

MR. DUGUAY: Okay. Ms. Reston, if I could make a record, please?

MS. RESTON: That would be fine.

MR. DUGUAY: Okay. We are here today for a scheduled investigative appearance for the Honorable Randy Alexander, the Mansfield Town Court Justice. I'd like to mark a variety of documents for the record, and then make a, an identifying statement, if I could?

MS. RESTON: That would be fine.

MR. DUGUAY: I'm going to mark as Exhibit number 1 a ten-page document. It is a letter dated August 11, 2014. It's addressed to Judge Alexander at the address of 7660 Hollister Hill in

1.

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street, Suite 700**  
**Rochester, NY 14604**

(Hon. Randy Alexander)

1 Little Valley, New York. It is the address listed in  
2 the OCA record as the address of the Mansfield  
3 Town Court. We believe, however, it is Judge  
4 Alexander's personal residence. This letter, this ten-  
5 page letter, was sent and signed by Mr., excuse me,  
6 signed by J. Postel, John Postel, the Deputy  
7 Administrator of the Rochester Office. And  
8 essentially it notifies the judge that there would be  
9 an investigative appearance originally scheduled for  
10 September 4, 2014. Subsequently a letter was sent  
11 to the same address, dated August 14, 2014. It's a  
12 one-page letter that had rescheduled Judge  
13 Alexander's investigative appearance to the date of  
14 September 16<sup>th</sup>. Judge Alexander did respond. He  
15 sent a document, which I'm marking as Commission  
16 Exhibit number 3, as a one-page document that was  
17 received by the Commission on September 15, 2014;  
18 hand-dated by Judge Alexander, 9/10/14; and signed  
19 Honorable Randy Alexander, requesting an  
20 adjournment for the investigative appearance until  
21 November "because of health reasons." In response,  
22 marked as Commission Exhibit number 4, as the  
23 letter dated September 29, 2014. It's a two-page  
24 letter signed by John J. Postel, Deputy  
25 Administrator, confirming to Judge Alexander that

2.

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street, Suite 700**  
**Rochester, NY 14604**

(Hon. Randy Alexander)

1 the request for the adjournment was received;  
2 explaining to Judge Alexander in paragraph two, the  
3 understanding that the court, that was, that the judge  
4 was continuing to preside over scheduled court  
5 nights; and asking the judge to call forthwith to  
6 discuss the matter. Furthermore, in the first  
7 paragraph of Exhibit 4, Mr. Postel confirms his  
8 attempts to reach Judge Alexander several times by  
9 telephone, and states that "You have not returned my  
10 calls." Again, the date of that letter was September  
11 29, 2014. Commission Exhibit number 5 is a return  
12 receipt for that 9/29/14 letter. The return receipt  
13 appears to bear the signature of Randy Alexander.  
14 Subsequently a letter was sent out on October 3,  
15 2014. It's signed and sent by John J. Postel, Deputy  
16 Administrator; I'll mark as Commission Exhibit  
17 number 7 now. The October 3<sup>rd</sup> letter is the first  
18 letter now that is being sent to the actual courthouse  
19 address of 7691 Toad Hollow Road, Little Valley,  
20 New York. The October 3<sup>rd</sup> letter does contain as an  
21 attachment the September 29, 2014, letter.

22 (Commission Exhibits 1 through 5 were marked for identification)

23 MS. RESTON: Mm-hmm--

24 MR. DUGUAY: --Okay. I'm going to go  
25 off the record for just one moment, please.

3.

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street, Suite 700**  
**Rochester, NY 14604**

(Hon. Randy Alexander)

(OFF THE RECORD)

MR. DUGUAY: I believe we're back on the record. I want to make a correction, I believe.

Exhibit number 4 is a letter dated September 29, 2014, addressed to the Honorable Randy Alexander at the Hollister Hill Road address. Again, that's a two-page letter signed by John J. Postel, Deputy Administrator. Exhibit number 5 is the return receipt for that letter of September 29, 2014. It bears, or appears to bear, the signature of Randy Alexander. Exhibit number 6 now is actually going to be a letter dated October 3, 2014. This is the first letter that's addressed to 7691 Toad Hollow Road, and to the Honorable Randy Alexander. This is the address we believe to be the actual address of the Mansfield Town Court. Attached to the October 3<sup>rd</sup> letter is the prior letter of September 29, 2014. There's a certified return receipt for that letter of October 3<sup>rd</sup>, which bears a signature that appears to be a Betty Jane, and it looks like Horning, H-O-R-N-I-N-G. That's being marked as Exhibit 7. I'm marking as Exhibit 8 a letter dated October 14, 2014. It's a two-page letter signed by John J. Postel, Deputy Administrator. The letter of October 14<sup>th</sup>, which is Exhibit 8, indicates that a letter had been

4.

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street, Suite 700**  
**Rochester, NY 14604**

(Hon. Randy Alexander)

1 sent on September 29<sup>th</sup> requesting a response. It sets  
2 a new date for the investigative appearance, which  
3 would be today, Thursday, November 13, 2014, at  
4 1:00 P.M. at the Commission's Rochester office, 400  
5 Andrews Street, Suite 700, Rochester, New York.  
6 Furthermore, in the letter of October 14<sup>th</sup>, it requests  
7 that the judge contact, either by letter or phone, Mr.  
8 Postel or myself, David M. Duguay, with any  
9 questions. Attached to the Exhibit 8, which is the  
10 letter of October 14<sup>th</sup>, is the original letter sent  
11 October, or August 11, 2014, which is a ten-page  
12 letter informing the judge of the subject matter of the  
13 investigative appearance. Finally, Exhibit number 9  
14 is a return receipt for the October 14<sup>th</sup> letter. It bears  
15 a signature, which appears to be Mirro, M-I-R-R-O,  
16 initial C, last name, it appears to be K-R-I-S.  
17 Currently it's approximately 1:50 or so at this time.  
18 Prior to going on the record I did attempt to contact  
19 Judge Alexander at his personal number. That was  
20 at approximately 1:19. There was no answer. When  
21 I placed the phone call, I did leave a message with  
22 my name requesting a response. I have heard no  
23 response as of this time. I was able to call and speak  
24 with the court clerk for Mansfield Town Court, Dale  
25 Baldwin. Mr. Baldwin confirmed the number I had

5.

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street, Suite 700**  
**Rochester, NY 14604**

(Hon. Randy Alexander)

1 called was an accurate number for the judge. It was  
2 his personal cell phone number. Also, Mr. Baldwin  
3 did confirm that court was held last night and Judge  
4 Alexander did preside in Mansfield Town Court on  
5 November 12, 2014. The number that I did place a  
6 call to is area code 716-498-4747. So, subsequent to  
7 the judge's communication requesting an  
8 adjournment to November, phone calls have been  
9 made to the judge, placed to a number that we  
10 believe to be an accurate number. We have received  
11 no response. We've received no written response or  
12 request from the judge up until today, and again,  
13 we've had no response as of 1:50. We're pushing an  
14 hour beyond the time the judge was scheduled to be  
15 here.

16 (Commission Exhibits 6 through 9 were marked for identification)

17 MS. RESTON: Anything further, counsel?

18 MR. DUGUAY: I have nothing further.

19 MS. RESTON: (Unintelligible) this  
20 investigative appearance has, is expiring, or  
21 terminating, and it is 10 of 2:00.

22 MR. DUGUAY: Actually, one last-- For the  
23 record, I'd like to thank you, Ms. Reston, for being  
24 present.

25 MS. RESTON: I'm happy to do that.

6.

(Hon. Randy Alexander)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. DUGUAY: And giving us your time.

Thank you.

MS. RESTON: You're welcome.

(WHEREUPON the matter concluded at 1:50 on November 13,  
2014.)

7.

**STATE COMMISSION ON JUDICIAL CONDUCT**  
**400 Andrews Street, Suite 700**  
**Rochester, NY 14604**



1  
2 CERTIFICATION  
3

4 I, Terry Miller, a Secretary of the State Commission on Judicial  
5 Conduct, do hereby certify that the foregoing is a true and accurate  
6 transcript of the audio recording of the proceedings transcribed by me, to  
7 the best of my knowledge and belief, in the matter held on November 13,  
8 2014.  
9

10 Dated: January 5, 2015  
11

12  
13 Terry Miller  
14 Terry Miller  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE COMMISSION ON JUDICIAL CONDUCT  
400 Andrews Street, Suite 700  
Rochester, NY 14604

TO

John Postel

FROM

EXHIBIT 2

MANSFIELD TOWN JUSTICE

ACTING EAST OTTO JUSTICE

RANDY ALEXANDER

7660 Hollister Hill Rd.

Little Valley, NY 14755-9715

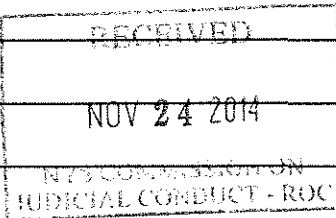
(716) 699-4747

SUBJECT

DATE

11-14-14

Effective Dec 15 2014 I have  
resigned my position as Town Justice



*[Handwritten signature]*

SIGNED



NEW YORK STATE  
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS  
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

PAUL LEWIS, ESQ.  
CHIEF OF STAFF

EXHIBIT 3

ELIZABETH A. HOOKS  
SPECIAL ASSISTANT

January 5, 2015

Robert Tembeckjian, Esq.  
Administrator & Counsel  
Commission on Judicial Conduct  
61 Broadway, 12<sup>th</sup> Floor  
New York, NY 10006

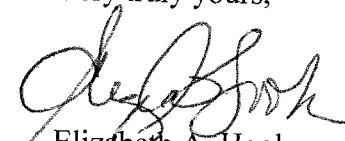
Dear Mr. Tembeckjian:

We have been informed that the following judges have resigned from their respective positions:

- [REDACTED]
- Hon. Randy Alexander, Town Justice, Town Mansfield, Cattaraugus County, effective December 31, 2014.
- [REDACTED]

Please let me know if you have any questions or require additional information.

Very truly yours,

  
Elizabeth A. Hooks

