

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**LETICIA D. ASTACIO,**

a Judge of the Rochester City Court,  
Monroe County.

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**NOTICE OF  
SECOND FORMAL  
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Leticia D. Astacio, a Judge of the Rochester City Court, Monroe 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 Second Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Second Formal Written Complaint upon her to serve the Commission at its Rochester office, 400 Andrews Street, Suite 700, Rochester, New York 14604, with her verified Answer to the specific paragraphs of the Complaint.

Dated: August 3, 2017  
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: Robert F. Julian, Esq.  
Attorney for Respondent  
Law Offices of Robert F. Julian  
2037 Genesee Street  
Utica, New York 13501

STATE OF NEW YORK  
COMMISSION ON JUDICIAL CONDUCT

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

**SECOND FORMAL  
WRITTEN COMPLAINT**

**LETICIA D. ASTACIO,**

a Judge of the Rochester City Court,  
Monroe County.

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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 Second Formal Written Complaint be drawn and served upon Leticia D. Astacio (“Respondent”), a Judge of the Rochester City Court, Monroe County.

3. The factual allegations set forth in Charge VI 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 was admitted to the practice of law in New York in 2007. She has been a Judge of the Rochester City Court, Monroe County, since January 1, 2015. Respondent’s current term expires on December 31, 2024.

5. Respondent was served with a prior Formal Written Complaint dated May 30, 2017, containing five charges (I through V), which has not yet been adjudicated and which is still pending. Charges I through V are not repeated here.

### **CHARGE VI**

6. On or about June 8, 2017, Respondent was found to have violated the terms of the conditional discharge imposed in connection with her conviction of driving while intoxicated (“DWI”) in August 2016. She was subsequently sentenced, on or about July 6, 2017, to 60 days in jail and three years probation, which included the condition that she wear a Secure Continuous Remote Alcohol Monitor (“SCRAM”) for six months.

#### **Specifications to Charge VI**

7. On or about August 22, 2016, Respondent was found guilty of DWI in Rochester City Court by the Honorable Stephen D. Aronson and received a one-year conditional discharge.

8. On or about August 22, 2016, Respondent signed and received a copy of her “Conditions of Conditional Discharge.” The document provided, *inter alia*, that Respondent was to “submit to any recognized tests that are available to determine the use of alcohol or drugs.” Respondent was also required to install and maintain a functioning ignition interlock device (IID) in her vehicle.

9. On or about May 10, 2017, Assistant District Attorney V. Christopher Eaggleston forwarded Judge Aronson a notification from the Monroe County Office of Probation that the IID in Respondent’s vehicle had registered a failed start-up test on April 29, 2017. The notification indicated that an individual who could not be seen on

the camera in the vehicle had provided a breath sample with a blood alcohol content of .061%.

10. On or about May 15, 2017, Judge Aronson sent a letter to Assistant District Attorney Eaggleston and Respondent's attorney Edward L. Fiandach, stating that he would not issue a declaration of delinquency concerning the failed start-up test on April 29, 2017, but that he "intend[ed] to enforce the provision of the conditional discharge requiring the defendant to submit to tests for alcohol use" and that Respondent was "require[d]...to submit to an Et[G] lab analysis of her urine sample." Judge Aronson directed that the test "be done **immediately**" (emphasis in original) and that the lab report be provided to the court by her counsel.

11. On or about May 24, 2017, a notice was forwarded from Rochester City Court to Respondent, her attorney Mr. Fiandach, and Assistant District Attorney Eaggleston, advising that if Respondent had not submitted to an EtG lab analysis of her urine sample as directed on May 15, 2017, she was required to appear in Rochester City Court with her attorney on May 30, 2017, at 12:00 p.m.

12. On or about May 30, 2017, Judge Aronson signed a Declaration of Delinquency finding reasonable cause to believe that Respondent had violated the terms and conditions of her conditional discharge by failing to comply with his directives to submit to an EtG test and provide the results on or before May 30, 2017, or to appear in Rochester City Court on May 30, 2017. Judge Aronson also issued a bench warrant for Respondent's arrest for her failure to appear in Rochester City Court as directed.

13. On or about June 5, 2017, Respondent was taken into custody by Monroe County Sheriff's Office personnel pursuant to the bench warrant and was brought before Judge Aronson. Judge Aronson ordered Respondent committed to jail pending a hearing.

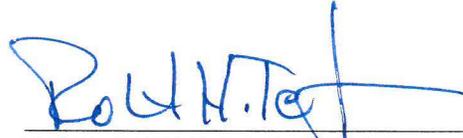
14. On or about June 8, 2017, following a hearing at which Respondent testified, Judge Aronson found that Respondent had violated the terms and conditions of the conditional discharge imposed in connection with her DWI conviction in August 2016. Respondent was remanded pending sentencing.

15. On or about July 6, 2017, Judge Aronson sentenced Respondent to 60 days incarceration and a three-year term of probation, which included the condition that Respondent wear a SCRAM device for six months.

16. 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 she failed to respect and comply with the law and failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary, in violation of Section 100.2(A) of the Rules; and failed to so conduct her extra-judicial activities as to minimize the risk of conflict with judicial obligations, in that she failed to conduct her extra-judicial activities so that they do not detract from the dignity of judicial office, in violation of Section 100.4(A)(2) 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: August 3, 2017  
New York, New York



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**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

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

**VERIFICATION**

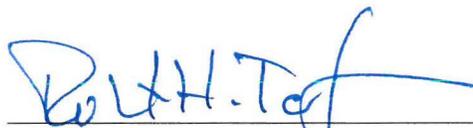
**LETICIA D. ASTACIO,**

a Judge of the Rochester City Court,  
Monroe County.  
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STATE OF NEW YORK            )  
  : ss.:  
COUNTY OF NEW YORK        )

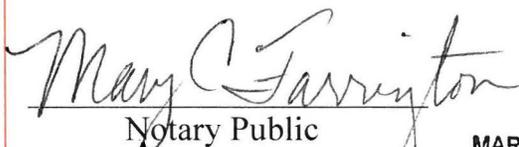
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Second 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  
3<sup>rd</sup> day of August 2017



Notary Public

MARY C. FARRINGTON  
Notary Public, State of New York  
No. 02FA6241341  
Qualified in Kings County  
Commission Expires May 16, 2018