

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

JOAN M. KLINE,

**AGREED
STATEMENT OF FACTS**

A Justice of the Guilford Town Court, the
Oxford Town Court and the Oxford Village
Court, Chenango County.

Subject to the approval of the Commission on Judicial Conduct

("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and Honorable Joan M. Kline ("Respondent"), who is represented in this proceeding by Scott Clippinger, Esq., that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. From 2008 to the present, Respondent has been a Justice of the Guilford Town Court, Chenango County. Her current term expires December 31, 2017.
2. From March 2013 to July 2016, Respondent served as Acting Justice of the Oxford Village Court, Chenango County. From March 2013 to May 4, 2017, Respondent also served as Clerk of the Oxford Village Court, Chenango County.
3. From 2009 to May 4, 2017, Respondent served as a clerk of the Oxford Town Court, Chenango County.

4. From 2013 to the present, Respondent has served as a clerk of the Bainbridge Town Court, Chenango County.

5. On May 16, 2017, Respondent was temporarily assigned as a Justice of the Oxford Town Court, Chenango County, by Sixth Judicial District Acting Administrative Judge M. Rita Connerton, for a term to expire on December 31, 2017.

6. On May 17, 2017, Respondent was temporarily assigned as a Justice of the Oxford Village Court, Chenango County, by Sixth Judicial District Acting Administrative Judge M. Rita Connerton, for a term to expire on December 31, 2017.

7. Respondent is not an attorney.

8. Respondent was served with a Formal Written Complaint dated July 11, 2017. She filed an Answer dated August 29, 2017.

As to Charge I

9. From December 2014 to January 2015, with respect to *People v Nathaniel R. Smith* and *People v Leslie G. Lapham*, in which the defendants were charged in the Oxford Village Court with violations of the Vehicle and Traffic Law (“VTL”), Respondent, while acting in her capacity as Court Clerk but simultaneously holding the position of Acting Justice, acted in a manner that appeared intended to coerce the defendants to plead guilty by telling them that they could not enter a plea of not guilty to the charges against them.

As to the Specifications to Charge I

People v Nathaniel R. Smith

10. On December 5, 2014, Nathaniel Smith was charged in Oxford Village Court with “DISOBEYED TRAFFIC CONTROL DEVICE,” a violation of VTL Section 1110(a). The simplified information and supporting deposition both indicated “N.CANAL 57-40.”

11. Mr. Smith pled not guilty by mail. Mr. Smith also sent a letter to the Oxford Village Court, dated December 18, 2014, stating, “I am hoping my charges can be reduced or possibly thrown out.”

12. On December 19, 2014, Mr. Smith initiated a telephone conversation with Respondent, who told him that he was not allowed to plead not guilty because he had “already had a reduction.” Mr. Smith told Respondent that he would change his plea to guilty. On Mr. Smith’s letter of December 18, 2014, Respondent wrote: “He is remailing a Guilty Plea.”

13. By letter dated December 21, 2014, then-Oxford Village Justice John V. Weidman notified Mr. Smith that the court accepted his guilty plea and assessed a fine and surcharge totaling \$220.

14. By letter dated January 1, 2015, Mr. Smith wrote to the court “to formally change [his] plea to guilty” and enclosed a check in the amount of \$220.

People v Leslie G. Lapham

15. On December 27, 2014, Leslie G. Lapham was charged in Oxford Village Court with “DISOBEYED TRAFFIC CONTROL DEVICE,” in violation of VTL Section

1110(a), as to which a conviction would result in two points on a driver's license. The ticket and supporting deposition both indicated "S. CANAL 50 IN 30."

16. On January 5, 2015, Mr. Lapham telephoned the court and first spoke with Respondent. Mr. Lapham asked for directions, stating that he had received a traffic ticket and that he wanted to appear in court. Respondent did not give him directions but discouraged him from coming to court by stating that he could not plead not guilty to the charge in court and that, if he pled not guilty by mail, the police officer would rewrite the ticket for speeding. Conviction on such a charge would result in six points on a driver's license.

17. Respondent then transferred Mr. Lapham's call to Judge Weidman, who also told Mr. Lapham that he could not plead not guilty in court, that if he pled not guilty by mail the officer who issued the ticket would rewrite it for speeding, that the matter would then go to a jury trial, that the district attorney would probably want to interview him and that he may want to retain an attorney.

18. On January 6, 2015, Mr. Lapham pled guilty to the ticket by mail but attached a two-page explanation to Judge Weidman requesting that he consider dismissing the charge.

19. On January 8, 2015, the court issued a letter, signed by "Joan M. Kline, Court Clerk" over the typed name of Judge Weidman, accepting Mr. Lapham's guilty plea and assessing a fine and surcharge totaling \$220.

20. 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 perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to accord every person who has a legal interest in a proceeding the right to be heard according to law, in violation of Section 100.3(B)(6) of the Rules.

As to Charge II

21. From July 2014 to September 2014, while presiding over three cases in which the defendants were each charged with at least one misdemeanor, Respondent engaged in the following conduct:

- A. In *People v Randy McCole*, in which the defendant appeared without counsel, Respondent failed to properly inform the defendant of his right to an attorney and/or his right to assigned counsel if financially eligible, then accepted a guilty plea to a misdemeanor without conducting an inquiry into whether the defendant had knowingly entered the plea.

- B. In *People v Bridgitt Eggleston*, Respondent (i) refused the defendant's request for an adjournment due to the absence of her attorney, (ii) negotiated a plea agreement with the prosecutor in the defense attorney's absence and (iii) accepted the defendant's guilty plea without confirming whether the defendant waived her right to counsel and without allocuting the defendant.
- C. In *People v D█████ R█████*, Respondent engaged in an improper *ex parte* conversation about potential evidence with the defendant and prematurely destroyed and/or failed to maintain the court's records of the case, contrary to Section 2019 of the Uniform Justice Court Act, the Uniform Civil Rules for the Justice Courts at 22 NYCRR 214.11(a)(1) and the Rules of the Chief Administrator of the Courts at 22 NYCRR 104, which require the retention of dismissed misdemeanor cases for six years.

As to the Specifications to Charge II

People v Randy McCole

22. On July 22, 2014, Respondent presided in Guilford Town Court over *People v Randy McCole*, involving charges, dating from 1998, of Aggravated Unlicensed Operation in the Second Degree, in violation of VTL Section 511(2)(a)(i), a misdemeanor, and Speeding, in violation of VTL Section 1180(b).

23. Mr. McCole, who appeared without an attorney, told Respondent that he had previously been represented on the charges by an attorney who was now a judge and no

longer practicing law. Mr. McCole also stated that he had talked to the assistant district attorney, who advised him that he should seek representation. A transcript of the court appearance is appended as Exhibit A.

24. Respondent did not inform the defendant of his rights to the aid of counsel, to an adjournment to obtain counsel or to assigned counsel if he were financially eligible.

25. After Mr. McCole had an opportunity to speak with the prosecutor, Respondent accepted Mr. McCole's guilty plea to reduced charges of Aggravated Unlicensed Operation in the Third Degree, a misdemeanor under VTL Section 511(1)(a), and Disobeying a Traffic Control Device, a violation under VTL Section 1110(a), without conducting an inquiry to determine whether the defendant was entering the plea knowingly and intelligently.

People v Bridgitt Eggleston

26. On September 11, 2013, Bridgitt Eggleston was charged with Facilitating Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree, a violation of VTL Section 511-a(1), and was arraigned in Guilford Town Court on October 8, 2013.

27. On May 15, 2014, Ms. Eggleston was charged with Operation While Registration or Privilege Suspended or Revoked, a misdemeanor under VTL Section 512, and was arraigned in Guilford Town Court on May 29, 2014.

28. On July 22, 2014, Ms. Eggleston appeared before Respondent in Guilford Town Court in relation to the two above-referenced charges. Ms. Eggleston told Respondent that she was unable to meet with her attorney, Joseph Ermeti, before her appearance, but that he had instructed her to request an adjournment. Respondent replied

that she would do nothing until she heard from Ms. Eggleston's attorney. When Ms. Eggleston asked what would happen if that did not occur that day, Respondent said, "then that means he is not your attorney and you will have to answer this." Respondent did not adjourn Ms. Eggleston's case. A transcript of the court appearance is appended as Exhibit B.

29. Approximately one hour later, Respondent called the assistant district attorney to the bench where, in the absence of Ms. Eggleston, Respondent said, "What I am going to do is I am going to cover the facilitating." The assistant district attorney agreed. Respondent then called Ms. Eggleston to the bench and, without giving the defendant an option to decline, said "[T]he assistant DA to this court, has agreed to reduce 512 down to a 401(1)(a), which is an unregistered motor vehicle and you have a \$177 fine and a mandatory \$93 surcharge." When Ms. Eggleston indicated she did not have the money to pay, Respondent said, "What I'm going to do is give you until August 21st." Ms. Eggleston said, "Okay. Thank you very much." Respondent made no inquiry as to whether Ms. Eggleston had waived her right to counsel and failed to conduct a plea allocution.

People v D [REDACTED] R [REDACTED]

30. On September 11, 2014, in Guilford Town Court, Respondent arraigned D [REDACTED] R [REDACTED], who was charged with Failure to Provide Proper Sustenance, a misdemeanor, in violation of Section 353 of the Agriculture and Markets Law. Respondent advised Mr. R [REDACTED] that he was "entitled to an attorney at each and every part of these proceedings" and asked if he wished to have an attorney. Mr. R [REDACTED] responded, "Not

at this time.” Notwithstanding the provisions of Sections 170.10(3) and (4) of the Criminal Procedure Law (“CPL”), Respondent did not inform the defendant of his right to have assigned counsel if he were financially eligible. A transcript of the appearance is appended as Exhibit C.

31. At the arraignment, at which neither a prosecutor nor defense counsel was present, Respondent engaged in a discussion with the defendant about the animals he was alleged to have neglected, viewed photographs of the allegedly abused animals that the defendant had with him, and inappropriately commented on their admissibility, noting that the photographs were undated.

32. On September 23, 2014, Respondent dismissed the charge against the defendant.

33. Respondent prematurely destroyed and/or failed to maintain the court’s records pertaining to *People v D* [REDACTED] *R* [REDACTED], contrary to Section 2019 of the Uniform Justice Court Act, the Uniform Civil Rules for the Justice Courts at 22 NYCRR 214.11(a)(1) and the Rules of the Chief Administrator of the Courts at 22 NYCRR 104, which require the retention of dismissed misdemeanor cases for six years.

34. 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 perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to perform her judicial duties without bias or prejudice against or in favor of any person, in violation of Section 100.3(B)(4) of the Rules, failed to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, in violation of Section 100.3(B)(6) of the Rules, and failed to maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

As to Charge III

35. From April 2013 to October 2014, in connection with summary proceedings to recover possession of property pursuant to the Real Property Actions and Proceedings Law, Respondent conveyed an appearance of bias or prejudice in favor of landlords and against tenants by engaging in the following conduct:

- A. In *Drapaniotis v Coffyn*, Respondent provided advice to and engaged in *ex parte* conversations with the landlords about the substance of the grounds for eviction, without disclosing to the tenant the substance of such *ex parte* communications or offering to recuse herself as a result of such *ex parte* communications.

B. In *Hills v DeMorier*, Respondent threatened to incarcerate the tenant if he failed to make timely payment of the amount Respondent awarded to the landlord.

As to the Specifications to Charge III

Drapaniotis v Coffyn

36. On July 24, 2014, Yuliya and Theodore Drapaniotis appeared before Respondent and Respondent's then co-judge, David P. Daniels, in the Guilford Town Court and stated that they were seeking to evict their tenant, Mitchell Coffyn. A transcript of the appearance on July 24, 2014, a proceeding on August 5, 2014, and an appearance on October 9, 2014, is appended as Exhibit D.

37. On July 24, 2014, in the absence of Mr. Coffyn, Respondent and Judge Daniels engaged Drapaniotises in an *ex parte* conversation lasting approximately 45 minutes, during which, *inter alia*, the Drapaniotises alleged that Mr. Coffyn had brandished a shotgun at Mr. Drapaniotis, threatened and harassed them, was living with a woman who was verbally abusive to Ms. Drapaniotis, used illicit drugs and damaged their property.

38. Respondent gave detailed instructions to the Drapaniotises about how to effectuate personal and substituted service of the summary proceeding papers on Mr. Coffyn. She also assisted them in completing the legal forms.

39. Judge Daniels called a law enforcement authority to determine whether charges had been filed against Mr. Coffyn as a result of the alleged shotgun incident, then informed Respondent and the Drapaniotises that Mr. Coffyn had been incarcerated after

being charged in another court with obstruction of governmental administration.

Respondent and Judge Daniels advised the Drapaniotises that it was unclear whether the obstruction charge was related to the alleged shotgun incident.

40. On August 5, 2014, Respondent presided over *Drapaniotis v Coffyn*, a summary landlord-tenant proceeding to recover possession of real property. Respondent neither disclosed to Mr. Coffyn (the tenant) the substance of the *ex parte* conversation that had occurred on July 24, 2014, nor offered to recuse herself from the matter as a result of such conversation.

41. During the proceeding, Ms. Drapaniotis testified that she was seeking the tenant's eviction "[a]s a consequence of the mobile home tenant criminal action in violation of the law." After an extensive discussion, Mr. Coffyn stated that he was willing to move his trailer off the landlord's property, and Respondent ordered the tenant to remove the trailer within 90 days and to clean up the lot.

42. After the proceeding concluded, Respondent and Judge Daniels continued to converse with the Drapaniotises in the courtroom. Respondent said she would have "gladly given" the Drapaniotises an order of protection if criminal charges had been filed against the tenant in her court. Respondent also stated, "I wish I could have done more ... I know you are upset with me."

43. On October 9, 2014, the Drapaniotises appeared again before Respondent and, *inter alia*, complained that Mr. Coffyn was dismantling the trailer, had broken the water line and left dogs on the property. Mr. Coffyn was not present in court. In a conversation lasting approximately 16 minutes, the Drapaniotises catalogued several

instances of their tenant's misbehavior, Respondent asked many questions and advised the Drapaniotises to call the sheriff. Respondent also said that if the tenant had not vacated the premises by the court's deadline, she would "do a letter for criminal contempt." If the tenant failed to appear, Respondent stated she would "send a warrant out for him." Despite professing that she could not give legal advice and that the landlords should seek an attorney, Respondent advised them they could file a civil claim for the damaged water pipe.

Hills v DeMorier

44. On April 2, 2013, in Guilford Town Court, Respondent presided over *Hills v DeMorier*, a summary landlord-tenant proceeding to recover possession of real property for failure to pay rent. A transcript of the proceeding is appended as Exhibit E.

45. After the parties agreed that the tenant could remain on the premises until the end of April and pay the landlord rent in the amount of \$635, Respondent gratuitously threatened the tenant that if he failed to pay the amount "by the end of April . . . we will put you in jail."

46. 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 perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, or considered other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules.

As to Charge IV

47. On October 21, 2014, while presiding over the arraignment in *People v D [REDACTED] E [REDACTED]*, Respondent engaged in the following conduct:

- A. Respondent failed to properly read the charges to the defendant;
- B. Respondent asked questions of the defendant that created the appearance that Respondent had prejudged the case and which could and did elicit incriminatory responses;
- C. Respondent adjourned the charges in contemplation of dismissal without notice to and the consent of the prosecution, as required by CPL Section 170.55(1); and
- D. Respondent prematurely destroyed and/or failed to maintain the court's records pertaining to the case, contrary to Section 2019 of the Uniform Justice Court Act, the Uniform Civil Rules for the Justice

Courts at 22 NYCRR 214.11(a)(1) and the Rules of the Chief Administrator of the Courts at 22 NYCRR 104, which require the retention of dismissed violations cases for six years.

As to the Specifications to Charge IV

48. On October 8, 2014, D [REDACTED] B [REDACTED] was issued four appearance tickets, directing her to appear in Guilford Town Court on October 21, 2014, on two counts of failure to license and six counts of dog running at large, in violation of Sections 118(1)(a) and (d) of the Agriculture and Markets Law.

49. On October 21, 2014, Ms. B [REDACTED] and her husband appeared in court before Respondent. Ms. B [REDACTED] was not represented by counsel and the prosecutor was not present. A transcript of the court appearance is appended as Exhibit F.

50. Without informing Ms. B [REDACTED] of the sections of law with which she was charged or furnishing her with copies of the accusatory instruments, as required by CPL Section 170.10(2), Respondent immediately asked, "Why are [the dogs] running at large and where are they running at large? Are they running on the neighbors?" and "Are they leashed?" The B [REDACTED] answered Respondent's questions and discussed the circumstances in which their dogs were kept. Respondent adjourned the case in contemplation of dismissal without notice to or the consent of the prosecution, as required by CPL Section 170.55(1).

51. Respondent prematurely destroyed and/or failed to maintain the court's records pertaining to *People v D [REDACTED] B [REDACTED]*, contrary to Section 2019 of the Uniform Justice Court Act, the Uniform Civil Rules for the Justice Courts at 22 NYCRR

214.11(a)(1) and the Rules of the Chief Administrator of the Courts at 22 NYCRR 104, which require the retention of dismissed violations cases for six years.

52. 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 perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to accord to every person who has a legal interest in a proceeding the right to be heard according to law, and initiated, permitted or considered *ex parte* communications, or considered other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding, in violation of Section 100.3(B)(6) of the Rules, and failed to maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

As to Charge V

53. On various occasions from February 2014 to September 2014, Respondent made undignified, discourteous and, at times, threatening remarks to defendants, and in

one such case Respondent purposely or ignorantly misled the defendant by fundamentally misstating the meaning and significance of an adjournment in contemplation of dismissal.

As to the Specifications to Charge V

People v Desiree Prosser

54. On February 25, 2014, Desiree Prosser appeared before Respondent in the Guilford Town Court, on a warrant for failure to pay a court-ordered surcharge of \$125 for a conviction of harassment, a violation. With the consent of the prosecutor and Ms. Prosser's public defender, Respondent vacated the original sentence of a conditional discharge and the imposition of the surcharge and resentenced Ms. Prosser to 15 days in jail, to run concurrently with a sentence imposed by another court. A transcript of Ms. Prosser's court appearances on February 25, 2014, and April 20, 2014, is appended as Exhibit G.

55. During resentencing, Respondent said to Ms. Prosser, "If you're in here again, it's not going to happen again. There will be no reduction anywhere. Not a one." Respondent added, "No more reductions for future charges. That means no matter what you come in here with, I don't care if it's a misdemeanor, felony, I don't care, you are not going to get a reduction.... I'm sick of seeing you in here for stupid things."

56. Respondent wrote on the cover of the defendant's case file, "No Reduction(s) on future charges." Respondent also wrote on the commitment order, dated February 25, 2014, "No more reductions for future charges."

57. On April 20, 2014, Ms. Prosser appeared before Respondent. Respondent stated that Ms. Prosser was produced in court as a result of "court error." After a deputy

sheriff noted that Ms. Prosser was going to be released from jail the next day, Respondent said to Ms. Prosser:

[Y]ou really don't want to be back in this court Because there will be no reductions. You will go to jail. You will have whatever jail time we can give you I have this note on your file, "No reductions on future charges." And we will not reduce it, no matter what the DA says, no matter if the officers come in and say you've been behaving yourself, it does not matter You will go to jail I deal with the Village of Oxford, the Town of Oxford, the Town of Bainbridge. If you're in any of those three courts, you're going to be brought here because this is part of it. You're not getting into any trouble, and you will go to jail for it. So, you've got four courts at least that you don't want to be anywhere near.

People v Peter J. Seneck, Jr.

58. On May 8, 2014, Peter J. Seneck, Jr., was charged with Trespass, in violation of Penal Law Section 140.05, a violation, and Removal of Trees, in violation of Environmental Conservation Law Section 09-1501, a misdemeanor.

59. On July 22, 2014, Mr. Seneck appeared before Respondent in the Guilford Town Court. Respondent advised Mr. Seneck that his application for a public defender had been denied. Mr. Seneck stated, "I was going to get an attorney. I just can't afford one at this time." Respondent adjourned the case to August 26, 2014, but stated, "This is the last time I'm adjourning it. After that, if you don't show up with an attorney, then I'll just send you to jail." A transcript of the court appearance of July 22, 2014, is appended as Exhibit H.

People v D [REDACTED] S [REDACTED]

60. On August 27, 2013, Respondent's then co-judge, David P. Daniels, granted an adjournment in contemplation of dismissal for a period of six months to D [REDACTED] S [REDACTED], who had been charged with Trespass, in violation of Penal Law Section 140.05. Respondent was present at the proceeding. A transcript of Mr. S [REDACTED]'s four court appearances on August 8, 2013, August 27, 2013, August 12, 2014 and August 19, 2014, is appended as Exhibit I.

61. According to the court's case history report and the certificate of disposition, the charge against Mr. S [REDACTED] was dismissed by Judge Daniels on February 27, 2014, pursuant to the expiration of the period of the adjournment in contemplation of dismissal.

62. On August 12, 2014, Mr. S [REDACTED] came to the Guilford Town Court and asked to speak confidentially with Respondent about the "expungement" of his record. Mr. S [REDACTED] implored Respondent, *inter alia*, to confirm that his record had been "expunged," that all law enforcement agencies had been notified of the disposition of his case, and that his certificate of disposition include a reference to Section 160.50 of the "penal code."

63. Notwithstanding the provisions of CPL Sections 160.50(3)(b) and 170.55(8), Respondent repeatedly and erroneously told Mr. S [REDACTED] that the disposition of his case had not been favorable to him. She told him, *inter alia*: "You were found guilty," "You know you were found guilty of it," "This was not an order dismissing the entire instrument," "It wasn't a complete acquittal," and "There is nothing which invalidated the conviction."

64. When Mr. S [REDACTED] asked about the return of his fingerprints, Respondent interrupted him and repeatedly and sharply asked if he was an attorney. When Mr. S [REDACTED] acknowledged that he was not, Respondent said, “[W]hen you become an attorney, sir, then you can come back and talk to me. Otherwise, I am done with you.”

65. Once, when Mr. S [REDACTED] stated that the certificate of disposition of his case needed to include a reference to the “penal code,” Respondent said sharply, “Unless you’re an attorney, sir, I’m going to give it to you the way you have it...Then you will take the seal as it is.”

66. On August 19, 2014, Mr. S [REDACTED] returned to court to discuss the status of his records again. Respondent began the conversation with, “I’ll listen to you one more time and that’s it...And then we’re done...I’ve done all I could...If it’s not what you want, I don’t care.” Respondent explained to Mr. S [REDACTED] that she had confirmed with an attorney at the OCA resource center that his records had been sealed, not expunged. When Mr. S [REDACTED] questioned whether that meant his records were “destroyed” and then interrupted Respondent, she said, “Just listen to me or I will throw your butt out of here.” Respondent attempted to explain that she had notified the appropriate authorities that his file was “sealed” and that, as a result, no one could access it. In contrast to her erroneous statements on August 12, 2014, Respondent confirmed that Mr. S [REDACTED] had not been convicted of any crime. But when Mr. S [REDACTED] continued to ask about the expungement of his court records, Respondent said, “[Y]ou need to leave...or I will get you for contempt of court and then you will be in jail. You don’t want that.” Respondent explained that when his file was sealed at the expiration of his adjournment in

contemplation of dismissal period, it was like “[i]t never happened.” Respondent stated that she would no longer speak to him about the issue but offered to speak further with his attorney, if he returned to the court with one.

People v Michael Gronowski

67. On September 16, 2014, in Guilford Town Court, Respondent arraigned Michael Gronowski, who was charged with Speeding, a violation of VTL Section 1180(b).

68. Respondent inquired as to how Mr. Gronowski knew to contact the assistant district attorney before appearing in court and then admonished him for having done so, stating, “You just jumped over the court and I’m not thrilled about it.” Respondent stated that she would accept the plea agreement to a reduction, adding, “I’m not happy about it but, if you ever get another ticket, don’t ever leave the court out of the proceedings Like I said, there’s nothing on the ticket that says go to the district attorney.” After imposing a \$127 fine and \$93 surcharge, Respondent threatened, “And since you got one reduction already, if you ever get another ticket in this court, there will be no reduction.” A transcript of the court appearance is appended as Exhibit J.

69. 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 perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, failed to be patient, dignified and courteous to litigants, in violation of Section 100.3(B)(3) of the Rules, and, by words and conduct, manifested bias or prejudice, in violation of Section 100.3(B)(4) of the Rules.

As to Charge VI

70. From December 2008 to December 2015, Respondent engaged in the improper practice of routine destruction of court records, by shredding the contents of Guilford Town Court, Oxford Village Court and Oxford Town Court records for VTL cases, contrary to Section 2019 of the Uniform Justice Court Act, the Uniform Civil Rules for the Justice Courts at 22 NYCRR 214.11(a)(1) and the Rules of the Chief Administrator of the Courts at 22 NYCRR 104.

As to the Specifications to Charge VI

71. Respondent engaged in the improper practice of routinely shredding the contents of the courts' records of VTL cases, within one year of the dispositions of the cases, making no electronic or any other copy of the destroyed documents, nor even summarizing the contents of the destroyed documents, notwithstanding various authorities requiring retention of all court records of VTL cases for six years and permission to destroy or to reproduce records in alternative formats. Respondent did not

seek permission of the Deputy Chief Administrator for Management Support or other competent authority before shredding of court records, notwithstanding the requirement to do so.

72. The result of the unauthorized destruction of the paper records of Respondent's courts is that the only remaining indication of the charges, actions and dispositions of such cases are the entries made by Respondent into the court's computer-generated case history reports and the Simplified Informations and supporting depositions as originally transmitted electronically by the arresting officers.

73. 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 perform the duties of judicial office impartially and diligently, in that she failed to be faithful to the law and maintain professional competence in it, in violation of Section 100.3(B)(1) of the Rules, and failed to maintain professional competence in judicial administration, in violation of Section 100.3(C)(1) of the Rules.

As to Charge VII

74. At various times from March 2008 to October 2016, Respondent held the extra-judicial positions of Oxford Village Court Clerk and Guilford Fire Department police officer, which are incompatible with judicial office.

As to the Specifications to Charge VII

75. From June 2008 to October 2016, Respondent served as a fire police officer with the Guilford Fire Department, while simultaneously serving as Guilford Town Justice, Oxford Town Justice and/or Acting Oxford Village Justice.

76. Respondent became a fire police officer in 2004, several years prior to becoming a town or village justice. In her capacity as fire police officer, Respondent received training in the direction of traffic control and directed traffic during responses to fire calls. Respondent avers that she avoided directing traffic related to vehicular accidents to avoid potential conflicts of interest, that she issued no tickets or citations and that she did not carry a firearm. The Administrator has no evidence to the contrary.

77. Pursuant to CPL Sections 1.20(33) and 2.10(41) and Section 209-c of the General Municipal Law, members of fire police squads “have the powers of and render service as peace officers.”

78. Respondent resigned from her position as fire police officer effective October 5, 2016, as confirmed in a letter from the Fire Chief, appended as Exhibit K.

79. In March 2013, Respondent was appointed by the Oxford Village Board to the positions of Acting Oxford Village Justice and Court Clerk of the Oxford Village

Court. As Court Clerk, Respondent reported to Oxford Village Justice John V. Weidman.

80. By letter dated July 21, 2016, Respondent notified the Oxford Village Board that she was resigning from her office as Acting Oxford Village Justice effective July 31, 2016, while retaining the Court Clerk position. Respondent's letter cited the Commission's inquiry into her practice as the reason for her resignation.

81. 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; failed to conduct her extra-judicial activities so that they do not interfere with the proper performance of her judicial duties or are incompatible with judicial office, in violation of Section 100.4(A)(3) of the Rules, and accepted appointment as a peace officer, in violation of Section 100.4(C)(2)(b) of the Rules; and accepted public employment that was incompatible with judicial office and interfered with the proper performance of the judge's duties, in violation of Section 100.6(B)(4) of the Rules.

Additional Factors

82. Respondent avers that she has halted the practice of the unauthorized destruction of court records, as a result of the Commission's investigation. She had believed she was complying with applicable record-retention requirements as long as the court's computer had a case history report. She now understands and acknowledges that she is required to keep and maintain all court records pertaining to criminal actions and civil proceedings for the time periods provided in the records retention and disposition schedules promulgated by the Office of Court Administration Division of Court Operations Office of Records Management ("ORM"). She further acknowledges that before disposing of any records pursuant to the retention and disposition schedules, she must first submit a records disposition request form to ORM and receive ORM's prior approval.

83. Although Respondent avers that she was acting in her capacity as Oxford Village Court Clerk to former Judge Weidman when she improperly informed defendants Smith and Lapham (Charge I, *supra*) that they could not enter a plea of not guilty to the charges against them, she also acknowledges that, having simultaneously held the position of Acting Village Court Justice, she was bound by the Rules Governing Judicial Conduct to respect, be faithful to and professionally competent in the law. Respondent acknowledges that her statements to the defendants were inaccurate and could have been perceived as coercive, and she pledges to refrain from any such conduct in the future.

84. Respondent now understands that her simultaneous holding of the positions of both court clerk and justice created the potential for conflicts of interest and for the receipt of and engagement in impermissible *ex parte* communications.

85. Respondent now understands that she must not engage litigants, including but not limited to those seeking to file petitions in landlord/tenant proceedings, in *ex parte* substantive conversations concerning their pending or impending proceedings.

86. Respondent acknowledges that her demeanor toward defendants and litigants as indicated herein was inappropriate, and she pledges to be patient, dignified and courteous to all those with whom she deals in an official capacity in the future.

87. Respondent now understands that it is inappropriate to ask defendants questions at arraignments that could potentially elicit incriminatory responses, and she pledges to refrain from such conduct in the future.

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

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

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction,

and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the Respondent or the Administrator and Counsel to the Commission.

Dated: Honorable Joan M. Kline
Honorable Joan M. Kline
 Respondent

Dated: Scott Clippinger, Esq.
Scott Clippinger, Esq.
 Attorney for Respondent

Dated: October 17, 2017 Robert H. Tembeckjian
Robert H. Tembeckjian
 Administrator & Counsel to the Commission
 (Cathleen S. Cenci and S. Peter Pedrotty, Of
 Counsel)

**Transcript of Proceedings in *People v Randy McCole*
held July 22, 2014 (7:55 PM to 8:00 PM, 8:27 PM to 8:36 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.**



(People v Randy McCole)

1 Judge Kline: Mr. McCole. Okay. I have Randy McCole. And
2 where it was signed, plead-- for both. One here and
3 one there.
4 Unidentified Male: He signed guilty?
5 Judge Kline: He signed guilty.
6 Mr. McCole: Yeah, yeah, yeah.
7 Judge Kline: That's 12/12/98. That's why you're suspended.
8 Mr. McCole: I'm here. I had an attorney. I don't know if you
9 have a letter there from a Daniel King.
10 Judge Kline: No. No, all I have is a suspension back in '98.
11 Mr. McCole: When they put a warrant for me and I called the
12 court clerk here--
13 Judge Kline: --Well, there's no clerk. You talked to me.
14 Mr. McCole: Okay. Well, you told me on my record there was a
15 Daniel King as my attorney. You even gave me his
16 phone number.
17 Judge Kline: Okay.
18 Mr. McCole: He is no longer an attorney.
19 Judge Kline: He said he was a judge somewhere.
20 Mr. McCole: He is a judge for Lewis County. Okay. And his
21 phone number does no longer work because he is not
22 in practice and his partner is retired.
23 Judge Kline: So (unintelligible) is-- Back in April 24th, 1999,
24 that's when your license was suspended. Your
25 license is revoked. So--

(People v Randy McCole)

1 Judge Daniels: You're licensed down in Connecticut?
2 Mr. McCole: Yup.
3 Judge Kline: Do you have another license?
4 Mr. McCole: I'm out of the State of New Jersey, but my license is
5 not valid right now.
6 Judge Kline: (Unintelligible) New York?
7 Mr. McCole: No.
8 Judge Kline: You talked to Mr. Genute and what did he say?
9 Mr. McCole: I didn't really talk to him. He told me, because it
10 was an aggravated unlicensed driver, that I should be
11 obtaining counsel, which I thought I did and this was
12 taken care of, but I didn't know it wasn't until the
13 police were at my house.
14 Judge Kline: Yeah, that's never a good thing. I did recall the
15 warrant.
16 (UNRELATED PROCEEDINGS FROM 7:59 PM TO 8:27 PM)
17 Judge Kline: Mr. McCole? Okay. Okay. We're back. Mr.
18 McCole, I'm Judge Kline, Judge Daniels is seated--
19 You are in Guilford Town Court. Vehicle and
20 Traffic Law 511(2)(A)(1), AUO 2nd, aggravated
21 unlicensed operator, and Vehicle and Traffic Law
22 1180B, which is speeding 71 in a 55. And you had a
23 chance to talk to Mr. Genute, who has agreed to
24 reduce the AUO 2nd down to an AUO 3rd and the
25 speed down to an 1110A. How do you plead?

(People v Randy McCole)

1 Mr. McCole: Guilty.

2 Judge Kline: I believe the suspension fee at that time was \$35, so
3 that would be a total of \$510.

4 Mr. McCole: Okay. Can I give you two tonight?

5 Judge Kline: Oh. This-- Okay.

6 (UNINTELLIGIBLE CONVERSATION FROM 8:31 PM TO 8:34 PM)

7 Judge Kline: Okay. I scribbled all over it. Here is your receipt. It
8 says you owe \$310, which is exactly what it says. I
9 did take (unintelligible). And I gave you until-- I
10 had to put the old date in to get (unintelligible). So
11 it's due August 21st.

12 Mr. McCole: Okay.

13 Judge Kline: Okay. Here you go.

14 Mr. McCole: Just-- Mail a money order or--

15 Judge Kline: --Money order or bank certified check.

16 Mr. McCole: Okay. Thank you.

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CERTIFICATION

I, LISA SAVARIA an Assistant Administrative Officer 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: December 22, 2015

Lisa Savaria

Lisa Savaria

**Transcript of Proceedings in *People v Bridgitt Eggleston*
held July 22, 2014 (7:47 PM to 7:48 PM, 8:37 PM to 8:45 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.**



(People v Bridgitt Eggleston)

1 Judge Kline: Ms. Eggleston? Bridgitt Eggleston. What is going
2 on with you?
3 Ms. Eggleston: I was unable to meet with Mr. Ermeti before today.
4 Judge Kline: We don't have anything, I believe, that says he is
5 your attorney.
6 Ms. Eggleston: Okay. So--
7 Judge Kline: --He needs to be sending us something that says he
8 is.
9 Ms. Eggleston: Okay. So if he-- He requested that I come here
10 today and ask for-- request for an adjournment.
11 Judge Kline: Okay. I'm not going to do anything until I hear from
12 him.
13 Ms. Eggleston: Okay, so what--
14 Judge Kline: --So, it's staying on tonight until I get a letter from
15 him saying that he is your attorney.
16 Ms. Eggleston: So, what do I need to do (unintelligible)?
17 Judge Kline: You need to get a hold of him and you need to tell
18 him that he gets a hold of us-- contact us by letter,
19 fax or whichever, saying that he's the attorney. And
20 then I will send him a letter.
21 Ms. Eggleston: Okay. And then what happens if he does not contact
22 you today?
23 Judge Kline: Well, then that means he is not your attorney and you
24 will have to answer this. Okay?
25 Ms. Eggleston: Okay.

(People v Bridgitt Eggleston)

1 (UNRELATED PROCEEDINGS FROM 7:48 PM TO 8:37 PM)
2 Judge Kline: Mr. Genute, I need to talk to you.
3 Mr. Genute: Judge?
4 Judge Kline: You do know she has two tickets.
5 Mr. Genute: Yeah, I know she's got the facilitating, which
6 happened when she was hanging out with that
7 gentleman who was being sought out-- That one I
8 was willing to dismiss because she represents him,
9 and how could I possibly prove that she knew or had
10 reason to know that his license was suspended.
11 Judge Kline: So I got to dismiss this?
12 Mr. Genute: That's fine. They were looking for him.
13 Judge Kline: Would that be him?
14 Mr. Genute: The one that's out.
15 Judge Kline: Mm-hmm. I know who you're talking about.
16 Mr. Genute: Yeah. Yeah.
17 Judge Kline: Okay. All right.
18 Mr. Genute: She made some bad decisions. I mean, mostly who
19 she's just hung out with-- She is trying to do right
20 now.
21 Judge Kline: All right. What I am going to do is I am going to
22 cover the facilitating.
23 Mr. Genute: What's that?
24 Judge Kline: Cover.
25 Mr. Genute: What's that?

(People v Bridgitt Eggleston)

1 Judge Kline: DA would facilitate (unintelligible).
2 Mr. Genute: We'll do what?
3 Judge Kline: Cover that with this one.
4 Mr. Genute: You want to do it that way instead? That's fine.
5 Instead of dismissing the one? Yeah, I'll let her
6 know. That's fine.
7 Judge Kline: You call her up.
8 Mr. Genute: What she'll do is-- What you're going to do is-- It's
9 going to be a (unintelligible), but still no points.
10 (Unintelligible) plead guilty to facilitating agg
11 unlicensed and then the other stuff gets dismissed?
12 At the end of day the (unintelligible) will be a little
13 bit more of a fine. That's all. Okay. No
14 misdemeanor (unintelligible).
15 Judge Kline: So, I am looking at this. I'm, like, wait a minute.
16 Ms. Eggleston: Yeah.
17 Judge Kline: What we're going to do is-- I am Judge Kline.
18 Judge Daniels is on my right. You are in the
19 Guilford Town Court on Vehicle and Traffic Law
20 512, which is operating a vehicle with a suspended
21 registration. You also have Vehicle and Traffic Law
22 511(A), which is facilitating an unlicensed operator.
23 These proceedings are being recorded so please state
24 your name and date of birth.
25 Ms. Eggleston: Bridgitt M. Eggleston, [REDACTED].

(People v Bridgitt Eggleston)

1 Judge Kline: Okay. What we're going to do is we're going to
2 cover the facilitating unlicensed operator. Mr.
3 Genute, the assistant DA to this court, has agreed to
4 reduce 512 down to a 401(1)(a), which is an
5 unregistered motor vehicle and you have a \$177 fine
6 and a mandatory \$93 surcharge. It's going to be a
7 total of \$270.
8 Ms. Eggleston: \$270 or \$280?
9 Judge Kline: \$270. Can you pay that tonight or do you need time?
10 Ms. Eggleston: Can I have just a little bit of time? I get paid on
11 Thursday.
12 Judge Kline: What I'm going to do is give you until August 21st
13 and if it's not paid by then, it will go back to the
14 original charges. Okay? I highlighted the date and
15 time and amount. No personal checks and it can be
16 paid online.
17 Ms. Eggleston: Okay. Now, do-- If I don't pay on line, do I just
18 come in here when court's open?
19 Judge Kline: Or you can send a money order, bank check.
20 Ms. Eggleston: Okay. Thank you very much.
21 Judge Kline: All right.
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CERTIFICATION

I, LISA SAVARIA an Assistant Administrative Officer 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: December 22, 2015

Lisa Savaria

Lisa Savaria

Transcript of Proceedings in *People v D [REDACTED] R [REDACTED]*
held September 11, 2014 (7:02 PM to 7:20 PM, 7:25 PM to 7:27 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.



1 Judge Kline: Okay, who's next? Hi, can I help you? Do we have
2 a charge in this court?
3 Mr. R [REDACTED]: What's that?
4 Judge Kline: Do we have a charge here?
5 Mr. R [REDACTED]: I had my poultry down-- Country Care in Afton.
6 Judge Kline: Okay, Mr. R [REDACTED], you are here in the Guilford Town
7 Court on an Ag and Markets violation of 353, failure
8 to provide proper sustenance. It's an A
9 misdemeanor. I'm Judge Kline. Judge Daniels is on
10 my right. You are entitled to an attorney at each and
11 every part of these proceedings. Do you wish an
12 attorney?
13 Mr. R [REDACTED]: Not at this time.
14 Judge Kline: Okay. These proceedings are being recorded so
15 please state your name-- date of birth and your
16 name.
17 Mr. R [REDACTED]: D [REDACTED] R [REDACTED], [REDACTED].
18 Judge Kline: Okay. So, you have a misdemeanor here. It says you
19 failed to provide proper sustenance--
20 Mr. R [REDACTED]: --Do you get a statement from the Country Care--
21 the birds--
22 Judge Kline: --I haven't gotten anything.
23 Mr. R [REDACTED]: You haven't gotten anything? You don't have it?
24 Judge Kline: They didn't mail anything. They didn't fax anything.
25 Mr. R [REDACTED]: So, there is no supporting deposition?

1 Judge Kline: There is nothing.
2 Mr. R [REDACTED]: There is nothing.
3 Judge Kline: Not (unintelligible).
4 Mr. R [REDACTED]: Well, anyway, I haven't received a letter from my vet
5 on their letterhead yet. It didn't show up in the mail
6 and-- but he mailed me that with the pictures of the
7 animals.
8 Judge Kline: Okay.
9 Mr. R [REDACTED]: And--
10 Judge Kline: Okay. Actually, I need a guilty or not guilty-- not
11 providing sustenance is a misdemeanor.
12 Mr. R [REDACTED]: Well, I think that-- I think I am entitled to a
13 supporting deposition before I make a plea either
14 way and I think the statement from the veterinarian
15 speaks for itself, and I have a recording on my cell
16 phone from--
17 Judge Kline: I can't dismiss anything. I can't reduce anything.
18 It's a misdemeanor. If you are--
19 Mr. R [REDACTED]: --Can I--
20 Judge Kline: --pleading not guilty then we will bring you back in
21 on September 23rd to talk to the assistant DA.
22 Mr. R [REDACTED]: Can I get my birds?
23 Judge Kline: No. Like I said, this is a misdemeanor.
24 Mr. R [REDACTED]: Well, I have a statement from a licensed vet that says
25 that-- It says, "I found the birds, both turkeys and

1 ducks"--
2 Judge Kline: --I hate to--
3 Mr. R [REDACTED]: --(unintelligible) "with no signs of inadequate diet,
4 Rebecca L. Wylie, DVM." And I have a-- her
5 message recording on my cell phone from Country
6 Care stating that they called and talked to the sheriff,
7 and the deputy--
8 Judge Kline: --You can't verify that that's who they are. I don't
9 know who they are.
10 Mr. R [REDACTED]: Well, if they give their name and their telephone
11 number.
12 Judge Kline: (Unintelligible.) There's lots that goes on and
13 (unintelligible) so we can't take that.
14 Mr. R [REDACTED]: Okay. When will the next court date be on?
15 Judge Kline: September 23rd.
16 Mr. R [REDACTED]: And my birds will be there at that time and this will
17 require--
18 Judge Kline: --They're not going to be here.
19 Mr. R [REDACTED]: Well, they are going to be at Country Care until that
20 time and the county is going to be paying for the
21 charges of those birds?
22 Judge Kline: I am not sure who is going to be paying it. It all
23 depends on what is decided that night.
24 Mr. R [REDACTED]: Okay. I would like to get my birds back because,
25 like I say, I would hate to see them be (unintelligible)

1 more than they have been. What would it take for
2 me to get you to release the birds?
3 Judge Kline: I can't-- I'm not going to release--
4 Mr. R [REDACTED]: --Yeah, but even if-- even if my (unintelligible)
5 gives you two written statements from two different
6 vets stating that they are in perfect health?
7 Judge Kline: I can't-- I am not going to release them until this
8 case is heard. And it's not going to be heard until
9 the 23rd. We can't dismiss anything. We can't
10 reduce anything. The assistant DA is the one that
11 starts that, that procedure.
12 Mr. R [REDACTED]: Is there any way I can speak to the assistant DA so I
13 can get my birds back? I would like to have my
14 birds.
15 Judge Kline: Mr. Genute is the assistant DA to this court.
16 Mr. R [REDACTED]: Like I say, they even went and inspected to see the
17 (unintelligible) of their pens and said-- Like I say,
18 this whole thing is-- It just seems like everything,
19 you know, the officer, you know-- I had-- I called
20 the State Police and thought that somebody stole--
21 Judge Kline: I-- Like I said, I don't know anything about it except
22 I signed the paperwork so the officer can go in and
23 he must have felt that there was some questionable
24 (unintelligible).
25 Mr. R [REDACTED]: Well, like I say, we can-- they can battle that out

1 but, like I say, there is no issue with the birds. But I
2 can't believe-- So, when will I get my supporting
3 deposition?
4 Judge Kline: I will send in for it tonight.
5 Mr. R [REDACTED]: Well, I have a court date for the, what was it, the 5th
6 and you weren't here.
7 Judge Kline: On the 9th.
8 Mr. R [REDACTED]: On the 9th, yes, excuse me, on the 9th, and you
9 weren't here, and then I come back and it's still--
10 there is still no supporting deposition?
11 Judge Kline: Right. You have to ask for it. They don't give you
12 one.
13 Judge Daniels: (Unintelligible.) Okay. Get ready, Judge. They just
14 shut down. We love computers. The worst thing is I
15 didn't even do anything. I was clear over there. Five
16 minutes.
17 Judge Kline: Okay. Now (unintelligible) laws, so I highlighted in
18 green the date and time to be here and also I
19 highlighted the assistant DA to this court and their
20 new address. You can go over and see the district
21 attorney, that is going into the office, they will want
22 a copy (unintelligible).
23 Mr. R [REDACTED]: (Unintelligible).
24 Judge Kline: Well, you're still going to have to at least talk to him,
25 Mr. R [REDACTED].

1 Mr. R [REDACTED]: At least I can go visit my birds.
2 Judge Kline: You haven't been able-- You haven't been
3 (unintelligible)?
4 Mr. R [REDACTED]: No. I went over and I tried to expl-- spoke to them.
5 I went to the office and they-- I was at home. They
6 asked me to come down, so I drove to the-- and I
7 tried to work it out with him. There was no working.
8 I asked them where they were and he told me. And
9 I said, "Can I go see them?" He says, "Sure." And
10 he gave me the address where they were. I went
11 down and they wouldn't allow me to see them. I
12 went and I called him up and he says, "No, it's up to
13 the judge." And then-- So then I called him back
14 and asked if I could have a vet to go-- a vet go
15 examine them because at this time I didn't know if
16 somebody injured them when they moved them or
17 what was going on.
18 Judge Kline: I have no problem with you seeing them.
19 Mr. R [REDACTED]: Can you give me a note stating because they--
20 Because like I said-- See, because I really don't
21 know if they are feeding them the proper diet for the
22 birds or not and, so, the diet that I was giving them.
23 I really don't know.
24 Judge Daniels: Normally mine is the lead computer so if this goes
25 down, hers goes down, but she lucked out.

1 Judge Kline: Huh. I lucked out? Okay.

2 Mr. R [REDACTED]: And this is all being recorded, correct?

3 Judge Kline: Yes. Turkeys and--

4 Mr. R [REDACTED]: Ten turkeys and nine ducks. And why did the

5 charges get changed from animal cruelty from not

6 getting sustenance, but it doesn't matter either way.

7 Judge Kline: That's what it comes up as, 353.

8 Mr. R [REDACTED]: But anyway, it doesn't matter because both of them

9 are bogus.

10 Judge Kline: Well, I don't have anything that states that.

11 Mr. R [REDACTED]: I have-- I have it.

12 Judge Kline: It doesn't--

13 Mr. R [REDACTED]: --What do you mean it doesn't? Like I said, I have

14 pictures of the birds.

15 Judge Kline: Is there a date and time on those pictures?

16 Mr. R [REDACTED]: Well, there is a-- No, but there's pictures--

17 Judge Kline: --Okay, so there's nothing there that says when you

18 took the pictures, sir. I'm just giving-- you know,

19 playing the-- against you so that you are, you know,

20 are thinking because the pictures you could have

21 taken any time, okay?

22 Mr. R [REDACTED]: If-- Your Honor--

23 Judge Kline: --And the ADA will--

24 Mr. R [REDACTED]: --Well-- But think-- But you have to look at the

25 date--

1 Judge Kline: --And the ADA might come up with that question
2 also.
3 Mr. R [REDACTED]: But the e-mail here has a date on it and time when it
4 was sent. And the vet was present with-- veterinary
5 came down there.
6 Judge Kline: I'm talking when the pictures were taken, sir.
7 Mr. R [REDACTED]: Well, it shows that the file-- that there is an
8 attachment with this file and, so, that means the
9 pictures had to be taken before that time.
10 Judge Kline: Not necessarily. There's no date. There's no time
11 on those pictures, sir. There is no (unintelligible),
12 okay?
13 Mr. R [REDACTED]: Okay. Okay. Like I say, I guess-- Like I say, you
14 can treat it that way.
15 Judge Kline: I am just--
16 Mr. R [REDACTED]: --Like I say, you can treat it that way, like-- but
17 anyway, I see that this is not-- There is something
18 more to this than this.
19 Judge Kline: Well, like I said, that's why we are having you come
20 back.
21 Mr. R [REDACTED]: That's what-- That's, you know, like I say--
22 Another court appearance and then none of the
23 paperwork is here.
24 Judge Kline: Okay. There is a letter that says you can visit your
25 birds. That's all I can do for right now, sir.

(People v D [REDACTED] R [REDACTED])

1 Mr. R [REDACTED]: Thank you, very much.
2 Judge Kline: Okay.
3 Mr. R [REDACTED]: You have to understand the frustration. You have to
4 under--
5 Judge Kline: --Oh, I understand, but there is nothing I can do
6 about it.
7 Mr. R [REDACTED]: Because I've had them since they were a day old.
8 Thank you.
9 Judge Kline: Okay. Okay. I gave the letter, it says, "the court has
10 no problem with Mr. D [REDACTED] visiting his birds.
11 Please allow him to do so."
12 Judge Daniels: Mm-hmm.
13 Judge Kline: There's nothing else I can do right now.
14 Judge Daniels: Yeah. Let him have them, pick them up.
15 Judge Kline: Huh?
16 Judge Daniels: You should have let him pick them up because the
17 cost of keeping them is going to be not fair, not fair
18 on his part.
19 Judge Kline: I don't--
20 Judge Daniels: I know where you are coming from.
21 Judge Kline: I know he has these pictures but there is no date, no
22 time on them.
23 Judge Daniels: I very distinctly told him last night, if you remember
24 listening to me, that he was to bring a letter in from
25 his veterinarian or we weren't going to--

1 Judge Kline: --He didn't bring a letter. He brought an e-mail.
2 Judge Daniels: Yeah, so you are doing good, Judge.
3 (UNRELATED CONVERSATIONS FROM 7:21 TO 7:25)
4 Mr. R [REDACTED]: I just want to ask, again, when I am going to get the
5 supporting deposition.
6 Judge Kline: I am going to send a letter out tonight and--
7 Mr. R [REDACTED]: When will I get one in the mail or how will I receive
8 it?
9 Judge Kline: They should be sending you one and sending the
10 court one.
11 Mr. R [REDACTED]: Okay.
12 Judge Kline: And I don't know how long that's going to take. I
13 don't know what their schedule is, but we'll get it
14 here as soon as we can.
15 Mr. R [REDACTED]: Okay.
16 Judge Kline: Okay?
17 Mr. R [REDACTED]: Because, like I say, I can't go to a lawyer. They're--
18 definitely they are going to want that--
19 Judge Kline: Yeah.
20 Mr. R [REDACTED]: --you know, because like I say--
21 Judge Kline: --I don't know who complained or anything, so--
22 because that's not on the paperwork.
23 Mr. R [REDACTED]: It has to be. It has to be on the supporting
24 deposition.
25 Judge Kline: I am not talking about the supporting deposition. I

1 am talking about the warrant they had me sign.
2 Mr. R [REDACTED]: Oh, ma'am--
3 Judge Kline: --Okay, it's not the depos--
4 Mr. R [REDACTED]: --I read the law and it says the magistrate has to
5 sign-- sign it, the warrant.
6 Judge Kline: Right.
7 Mr. R [REDACTED]: So, you did your job. I am not upset with this but I
8 will, like I say, we'll take this up another time, other
9 matters--
10 Judge Kline: --Yup.
11 Mr. R [REDACTED]: --because there has been a lot of things that have not
12 done-- been done proper that are supposed to have
13 been done by the sheriff's department, and I will tell
14 you that right now.
15 Judge Kline: Well, I--
16 Mr. R [REDACTED]: --And every--
17 Judge Kline: --And I don't know. All I did was sign the paper,
18 so--
19 Mr. R [REDACTED]: --But like--
20 Judge Kline: --Okay? We will see you September 23rd.
21 Mr. R [REDACTED]: --I know. Like I say, you know, that is-- Like I say,
22 you know, because basically there is supposed to be
23 a veterinarian present when they took the animals.
24 Judge Daniels: Okay, the courtroom is empty and we are off the air.
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CERTIFICATION

I, LISA SAVARIA an Assistant Administrative Officer 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: December 22, 2015

Lisa Savaria

Lisa Savaria

Transcript of Proceedings in *Drapaniotis v Coffyn*
held July 24, 2014 (7:50 PM to 8:35 PM),
August 5, 2014 (7:15 PM to 7:39 PM),
and October 9, 2014 (7:27 PM to 7:43 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.



July 24, 2014 (7:50 PM to 8:35 PM)

1
2 Judge Kline: Okay. Come on up.
3 Mr. Drapaniotis: (Unintelligible.)
4 Judge Kline: All right.
5 Mr. Drapaniotis: I saw you in Oxford last week.
6 Judge Kline: Imagine that one. Okay.
7 Mr. Drapaniotis: We have a very unique case.
8 Judge Kline: What have you got?
9 Ms. Drapaniotis: We have a tenant who is walking around and point a
10 shotgun at my husband and he threatened me,
11 harassing me that he is-- I don't know who he is and
12 I don't know what he is going to do to me and there
13 is--
14 Judge Daniels: --Talk to this judge.
15 Ms. Drapaniotis: --And there is-- He brings all kinds of people who is
16 not living-- supposed to live there in the trailer, so I
17 don't know who lives there right now and I don't
18 know who is coming this moment--
19 Mr. Drapaniotis: --We came here for an eviction.
20 Ms. Drapaniotis: And we want to evict all of them as soon as possible,
21 please.
22 Judge Kline: Judge, what did you do with that pile?
23 Mr. Drapaniotis: Of course we're getting a lot of threats here and we
24 don't know how to deal with them.
25 Ms. Drapaniotis: My land, on my property and I want to evict all of

(Drapaniotis v Coffyn)

1 Judge Kline: Can you read that?
2 Ms. Drapaniotis: (Unintelligible). No, I didn't (unintelligible).
3 Judge Kline: See, we don't have any charges in this court.
4 Mr. Drapaniotis: But, the eviction.
5 Judge Kline: Right. But, I mean, for this.
6 Ms. Drapaniotis: We can find out his name. We can (unintelligible)
7 his name.
8 Judge Kline: So, Mitchell is-- Mitchell Coffyn--
9 Ms. Drapaniotis: --Is the tenant.
10 Judge Kline: Is the tenant.
11 Ms. Drapaniotis: I rent the property.
12 Mr. Drapaniotis: It's another-- It's this girl there.
13 Ms. Drapaniotis: And he keeps (unintelligible).
14 Mr. Drapaniotis: We don't even know who she is. She lives there.
15 She calls me (unintelligible) and all these names.
16 She-- You know, I mean, I'm 53 years old. Nobody
17 ever called me these names.
18 Ms. Drapaniotis: And they are (unintelligible) month after month. She
19 thrown him out of his own trailer, as well.
20 Mr. Drapaniotis: So, we don't know what to do here.
21 Ms. Drapaniotis: So, right now, I don't know if he lives there, who is
22 this woman, and what are the rights that she has to be
23 there.
24 Mr. Drapaniotis: We're not violent people.
25 Judge Kline: Okay. So, what I'm-- What I'm looking at is

(Drapaniotis v Coffyn)

1 paperwork from either the sheriff's department or the
2 state troopers and have them come in on these,
3 because you've got charges. Without anything from
4 the officers, we can't do anything about this. The
5 eviction, we can.

6 Mr. Drapaniotis: Yes. Beautiful.

7 Judge Kline: Okay.

8 Judge Daniels: Can I see that?

9 Judge Kline: But, you know, we don't have any--

10 Mr. Drapaniotis: Without-- She hasn't seen her brother for 15 years.
11 He came from Ukraine for a month and
12 (unintelligible) watching the property.

13 Ms. Drapaniotis: Yes, I have visitors. I have visitors. You know, my
14 brother is visiting me after 14 years and we didn't
15 see him, so all of this happening at the same time,
16 and now all my property and somebody else walking
17 around and doing all of this.

18 Judge Kline: Yeah.

19 Ms. Drapaniotis: You know what I mean? We have plans. Instead of
20 going enjoying the trips, you know, taking trips
21 around New York City and Virginia Beach, maybe,
22 and stuff like that, now this is what I have to face.

23 Mr. Drapaniotis: And this girl that lives there--

24 Ms. Drapaniotis: --And I never dealt this before, so it's something
25 that--

(Drapaniotis v Coffyn)

1 Judge Kline: --Right.

2 Mr. Drapaniotis: And it's this girl that lives there, we don't even know
3 who she is, and we ask her to leave and, you know,
4 she's calling me, you know, (unintelligible).

5 Judge Kline: Okay. Do you have-- Okay. Do you have a written
6 lease?

7 Mr. Drapaniotis: I don't think he ever gave it to me, back-- But, we
8 have a lease with everybody. The leases here, where
9 we have-- I cannot find-- I don't think he ever gave it
10 to me back.

11 Judge Kline: So, you're going to have to go through that packet.

12 Ms. Drapaniotis: I understand what you-- Something like this--
13 Something like this, I handle this with the other
14 tenant. I have two trailer parks.

15 Judge Kline: But that's your lease.

16 Ms. Drapaniotis: Yes, but, his lease, I don't exactly remember if I had
17 it returned back from him or not. And, you know, so
18 I'll keep looking for that. Hopefully I'll find it in my
19 house, you know? But somehow I have all of the
20 papers and--

21 Judge Kline: --Okay. Make sure you bring that back with you.

22 Ms. Drapaniotis: Okay.

23 Judge Daniels: What are we doing for receipts on this?

24 Judge Kline: Well, I gave them a receipt. I didn't make one out
25 for her.

(Drapaniotis v Coffyn)

1 Unidentified Female: I'm good.
2 Judge Kline: I just got-- They owe-- Still owe \$115.
3 Judge Daniels: You got a release and--
4 Judge Kline: Right. I gave Ms. Anderson--
5 Unidentified Female: Brianna.
6 Judge Daniels: Okay. Very good. As long as we got a record, that's
7 all I want to know.
8 Unidentified Female: I trust you guys anyway, so--
9 Ms. Drapaniotis: (Unintelligible) he's going to live there for six more
10 months and he doesn't want to pay anything. And
11 he'll be very comfortable. And (unintelligible) that
12 he came to me to sign his papers for food stamps and
13 I did it. So they're going to be there eating and
14 living very comfortably. I supply them with water
15 and the sewer.
16 Judge Kline: Okay. So, is it a house or a trailer that he's living in?
17 Ms. Drapaniotis: A trailer and it is his trailer as well.
18 Judge Kline: It's his trailer?
19 Ms. Drapaniotis: It's his trailer.
20 Judge Kline: On your land.
21 Ms. Drapaniotis: On my land, yes.
22 Judge Kline: Okay. So, he's going to have to move everything.
23 And (unintelligible).
24 Judge Daniels: Is it his house trailer?
25 Mr. Drapaniotis: We're not going to put anybody--

(Drapaniotis v Coffyn)

1 Judge Daniels: --Does he own the house trailer or is it your house
2 trailer?
3 Mr. Drapaniotis: His trailer, our land.
4 Judge Kline: His trailer, your lot.
5 Ms. Drapaniotis: On the lot, yes. Thanks. On the lot.
6 Judge Daniels: Okay. That's a nightmare. Okay.
7 Ms. Drapaniotis: Yeah, it's complicated. I'd prefer (unintelligible).
8 Judge Kline: I'm putting an X on the ones that you need to fill out,
9 okay?
10 Ms. Drapaniotis: Mm-hmm.
11 Judge Kline: I don't usually do that, but I will.
12 Ms. Drapaniotis: (Unintelligible) everybody's (unintelligible) with the
13 trailer.
14 Mr. Drapaniotis: We're not going to rent it (unintelligible) no more. I
15 mean, come on.
16 Ms. Drapaniotis: Not only that, he told me that that woman, she has no
17 place to live and she has no place to go to. So, if
18 anybody who has no place to go to goes to somebody
19 else's lots and stay there-- I'm like, no, it's not
20 going to, you know.
21 Judge Daniels: Was it the state troopers or was it the sheriff's
22 department (unintelligible)?
23 Mr. Drapaniotis: Sheriff's department.
24 Ms. Drapaniotis: Sheriff's department in Norwich, above Lowe's.
25 Judge Daniels: Well, above Lowe's, that's the sheriff's department.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: Yes. That's where we went.

2 Ms. Drapaniotis: This one that--

3 Judge Daniels: --No, I say you had an officer that filled this out.

4 Were you at the sheriff's office?

5 Mr. Drapaniotis: Sheriff's office.

6 Judge Daniels: Okay. Thank you.

7 Judge Kline: Okay, if you do personal service--

8 Mr. Drapaniotis: --We don't want to talk to these people no more.

9 Judge Kline: I know that. Okay. Now-- Okay. Now, I've

10 marked the four pages you really need to fill out.

11 There's only one-- No, no, let me see. You can have

12 somebody put it on their door, nail it to their door

13 or--

14 Mr. Drapaniotis: You are going to rip it and throw it in the garbage.

15 Judge Kline: Well, you can have somebody do that who is willing

16 to come to court or they notarize--

17 Mr. Drapaniotis: --Sheriff's department.

18 Judge Kline: Well, but like-- Somebody that's not interested in the

19 outcome, like one of your friends or coworkers or

20 whatever. I'm just-- Okay, I marked-- Let me see.

21 Ms. Drapaniotis: I'd prefer not to get involved-- other people in this

22 situation, if it's possible. Would you--

23 Judge Kline: I marked page--

24 Ms. Drapaniotis: --Would you--

25 Judge Kline: --15, 17, 19 and 20.

(Drapaniotis v Coffyn)

1 Ms. Drapaniotis: Post office? Post office? From the post office?
2 Mr. Drapaniotis: Certified mail.
3 Ms. Drapaniotis: Certified mail?
4 Judge Kline: Yes, certified mail or you can have, like I said,
5 somebody you know go do it that can be-- would go
6 in front of a notary public and sign it. I did put Xs
7 on the affidavit of personal service and also on
8 substitute, conspicuous place, like on the door. Not
9 in the mail box, okay?
10 Mr. Drapaniotis: The problem we have-- Well, what if file a civil
11 because, you know, we got damage. He went and
12 put water in my lawn mower the other day, except
13 the--
14 Judge Kline: --Well, that's something entirely different from this.
15 Mr. Drapaniotis: We don't know who's (unintelligible).
16 Ms. Drapaniotis: Okay. I might do that. I might go to the trailer door
17 and I can, like, take tape and stick it to the door.
18 Judge Kline: No, you can't.
19 Ms. Drapaniotis: I can't.
20 Judge Kline: You're involved in this.
21 Ms. Drapaniotis: Okay. So, it has to be someone who's--
22 Judge Kline: Right. Somebody who doesn't live with you.
23 Ms. Drapaniotis: More people get involved.
24 Judge Daniels: It's what we call the service. You're providing him
25 with a note that says he's got to come to court. The

1 person that does that has to be over the age of 18,
2 cannot do it on a Sunday, okay? And it has to be
3 somebody that has no interest in the outcome of the
4 court proceedings. So, if you got a friend of yours
5 that's over the age of 18 that knows these people, he
6 can walk over and say, "You've been served," and
7 walk away.

8 Ms. Drapaniotis: What if he has a gun there and he steps out of the
9 door to the gun, and--

10 Judge Daniels: --Then you call the sheriff's office.

11 Ms. Drapaniotis: And what if it's going to be too late already?

12 Judge Daniels: Well, I can't foresee that.

13 Ms. Drapaniotis: Okay.

14 Judge Daniels: Okay? But that's why we want somebody that's not
15 party to the action.

16 Mr. Drapaniotis: (Unintelligible).

17 Judge Daniels: Anybody that you know that can say, "I served this
18 on this individual known to me"--

19 Judge Kline: --These are the main four pages that need to be filled
20 out. There are others that I put an X on. That's for
21 the personal service and this is in case you want to
22 nail it to the door.

23 Mr. Drapaniotis: We're going to have a hard time, because they're not
24 going to answer the door, first of all.

25 Judge Kline: Well, then you won't do the personal. You will put

1 it on the door. Okay? And you can make copies of
2 any of this. We have no problem with that.
3 Mr. Drapaniotis: And they get-- and notarize it?
4 Judge Kline: If there-- Yeah. The one that's personal service, if
5 they hand deliver it, then they need to get the
6 paperwork notarized and it explains in there. I really
7 can't give you legal advice, but, you know, there's
8 directions in there and if you need help with it--
9 Mr. Drapaniotis: Well, we definitely need help because we don't
10 know what to do here.
11 Judge Daniels: How about Legal Aid, hon?
12 Judge Kline: Well, I never remember which one I get that out of
13 and it's never the first one I look in.
14 Ms. Drapaniotis: (Unintelligible) open tomorrow?
15 Judge Kline: I really should have that wrote down somewhere.
16 Mr. Drapaniotis: And after we serve them, what do we do after we put
17 this on the door?
18 Judge Kline: Pardon?
19 Mr. Drapaniotis: After we put this on the door, what we do after that?
20 Judge Kline: Well, you don't put the whole packet on it.
21 Mr. Drapaniotis: Okay.
22 Judge Kline: Just the one letter.
23 Mr. Drapaniotis: One letter.
24 Judge Kline: You know, it will say in a conspicuous spot.
25 Judge Daniels: You can do the letter right up for them, Judge, for

(Drapaniotis v Coffyn)

1 the hearing date.

2 Judge Kline: 23 and 25. Okay, number 23 is if somebody hands it

3 to them and says, "You're served."

4 Mr. Drapaniotis: Okay.

5 Judge Kline: That person has to be-- have this paper notarized,

6 okay? This one is where you nail it to the door if

7 they don't answer.

8 Mr. Drapaniotis: So we can do it ourselves?

9 Judge Kline: No.

10 Judge Daniels: No.

11 Mr. Drapaniotis: Okay.

12 Ms. Drapaniotis: We cannot do it ourselves.

13 Judge Kline: Okay. Also see 23 and 25. Those are the ones

14 where you have somebody hand deliver it to them, or

15 you nail it on the door. Or have someone do it. It's

16 not you.

17 Mr. Drapaniotis: And after we nail it to the door, what do we do?

18 Judge Kline: Well, they will get paper-- A letter in the mail--

19 Okay, let me-- Damn it. Pass that (unintelligible).

20 These people may be able to answer your questions.

21 Okay? I wrote down the address and the phone

22 number.

23 Ms. Drapaniotis: And who gets the rest of the paperwork? Do I bring

24 it back to you?

25 Judge Kline: You have to bring it back here so I can put it in the

1 folder and look at it. There's one that I have to sign,
2 or Judge Daniels, whoever is here at the time, so.
3 Mr. Drapaniotis: (Unintelligible) are going to be here and, you know
4 we (unintelligible) just yet.
5 Judge Kline: Okay, so you just-- So how does that work, Judge?
6 Judge Daniels: What's that?
7 Judge Kline: You're not asking for any-- Does he pay lot rent?
8 Ms. Drapaniotis: Yes.
9 Judge Kline: And is he still paying it?
10 Ms. Drapaniotis: Six months.
11 Mr. Drapaniotis: We don't want the lot rent--
12 Ms. Drapaniotis: --No. He says he won't pay it. He says he's going to
13 (unintelligible).
14 Judge Daniels: Does he owe you money?
15 Mr. Drapaniotis: Well, he did damage to the property. That's a
16 different thing.
17 Judge Daniels: No, my question is, does he owe you back lot rent?
18 Mr. Drapaniotis: No. Not-- No.
19 Ms. Drapaniotis: No.
20 Judge Daniels: Okay. So--
21 Judge Kline: --So, you're just looking for, you know, simple
22 eviction.
23 Judge Daniels: You're just-- All you're looking for is simple
24 eviction. You want your property back.
25 Ms. Drapaniotis: Yes, that's true. That's exactly it.

(Drapaniotis v Coffyn)

1 Judge Daniels: Okay. So, they need to serve a three-day and a 30-
2 day along with a hearing date.

3 Ms. Drapaniotis: Oh, nice. (Unintelligible) so we return this paper
4 and work with anybody who is in the office or
5 straight to (unintelligible).

6 Mr. Drapaniotis: (Unintelligible) she'll have to bring it to court.

7 Judge Daniels: And bring it back to court. Yeah, we're only here on
8 Tuesdays and Thursdays.

9 Ms. Drapaniotis: So, it would be next Tuesday.

10 Mr. Drapaniotis: Of course, the people next door, they know me, you
11 know. I'm here for a while.

12 Ms. Drapaniotis: Ten years.

13 Judge Kline: What's non-payment-- Judge, she's calling-- Okay.
14 Which is the 30-day-- No, three-day-- All right.

15 Judge Daniels: You're going to need this one too, Judge.

16 Judge Kline: Yeah, but that's non-payment. Right?

17 Judge Daniels: Just-- This notice of petition is all.

18 Judge Kline: Well, this is what this is. This is just a different copy
19 of it, Judge.

20 Judge Daniels: Oh, okay.

21 Judge Kline: I'll help you with this.

22 Ms. Drapaniotis: Mm-hmm. Okay.

23 Mr. Drapaniotis: We need a lot of help.

24 Judge Kline: Huh?

25 Mr. Drapaniotis: We need a lot of help because we're looking at a

(Drapaniotis v Coffyn)

1 dangerous guy--

2 Ms. Drapaniotis: And now that woman is (unintelligible) who is she

3 and I don't know how to-- What to do with her,

4 now.

5 Judge Kline: Okay. Are you both on the lease or is it one of you?

6 When--

7 Mr. Drapaniotis: --This is our property. She owns the house.

8 Judge Kline: Okay, so you're the only one on the lease.

9 Ms. Drapaniotis: (Unintelligible) yes.

10 Judge Kline: And was it Yuliya?

11 Ms. Drapaniotis: Yuliya. Yes.

12 Judge Kline: Yuliya? Okay. Now you're going to have to spell it.

13 Y-U-L--

14 Ms. Drapaniotis: I-Y-A.

15 Judge Kline: Y-U-L--

16 Ms. Drapaniotis: I-Y-A.

17 Judge Kline: I-Y-A. How do you say your last name?

18 Ms. Drapaniotis: Drapaniotis. Drapaniotis. D-R-A-P-A--

19 Judge Kline: --I got that. Against Mitchell Coffyn?

20 Mr. Drapaniotis: And I know people live there.

21 Judge Kline: And, what's his address?

22 Mr. Drapaniotis: [REDACTED].

23 Judge Kline: [REDACTED]

24 Mr. Drapaniotis: [REDACTED].

25 Judge Kline: Oh.

(Drapaniotis v Coffyn)

1 Ms. Drapaniotis: He's right there, but the address belongs to South
2 New Berlin.
3 Judge Daniels: Whereabouts exactly is the property?
4 Mr. Drapaniotis: Near Mount Upton.
5 Ms. Drapaniotis: Mount Upton. It's the border.
6 Mr. Drapaniotis: Two trailer sides belong to Mount Upton.
7 Ms. Drapaniotis: And there was, like, in the corner--
8 Judge Daniels: --I know (unintelligible).
9 Ms. Drapaniotis: --(unintelligible) corner with white house with a
10 green roof and there's only two trailers. Across there
11 is Cliff's junk yard.
12 Judge Daniels: You're right on Route 8?
13 Mr. Drapaniotis: Yes.
14 Ms. Drapaniotis: On Route 8, yeah. By the bridge.
15 Judge Daniels: You're right by the bridge?
16 Ms. Drapaniotis: Yeah.
17 Judge Daniels: Okay. That's definitely in our jurisdiction, Judge.
18 Judge Kline: It is?
19 Judge Daniels: Yeah. You got to (unintelligible) up the White-- up
20 to the White Wolf auction barn to--
21 Mr. Drapaniotis: Oh, we're before that.
22 Judge Daniels: Before that. So, you're definitely in ours.
23 Judge Kline: I wanted some good news, Judge. Okay.
24 Judge Daniels: The thing is is that we aren't attorneys so we can't
25 give you legal advice, but there's certain things that

(Drapaniotis v Coffyn)

1 we can guide you on to make sure that, you know,
2 we don't have to start over in another court.

3 Ms. Drapaniotis: Yes.

4 Judge Daniels: And with the mailing address in South New Berlin,
5 that runs up a flag, but we also have South New
6 Berlin addresses the other side of Gilbertsville
7 because South New Berlin is the rural delivery.

8 Judge Kline: Okay, what date, Judge?

9 Judge Daniels: I'd do it on a Thursday night. You're going to hand
10 deliver it, right? So not quicker than five days from
11 today, not farther than 12. So, today's what, the 20--
12 24th?

13 Judge Kline: Yeah.

14 Ms. Drapaniotis: That's five days (unintelligible) on the 29th?

15 Judge Daniels: I would be looking at August the 7th.

16 Ms. Drapaniotis: Mm-hmm.

17 Judge Kline: Twelve days is Tuesday.

18 Judge Daniels: Tuesday what?

19 Judge Kline: The 5th.

20 Judge Daniels: Huh?

21 Judge Kline: 5th.

22 Ms. Drapaniotis: Good.

23 Judge Daniels: You can do Tuesday the 5th. I just figured it would
24 be less confusion the 12-- The 5th is good.

25 Judge Kline: Do you want it Tuesday night or Thursday night?

(Drapaniotis v Coffyn)

1 Ms. Drapaniotis: Tuesday. Tuesday.
2 Mr. Drapaniotis: The sooner the better.
3 Ms. Drapaniotis: The sooner the better.
4 Mr. Drapaniotis: What day your brother leaves?
5 Ms. Drapaniotis: He leaves on the 15th.
6 Mr. Drapaniotis: Okay. He wants us to take him to New York, and we
7 cannot leave right now.
8 Ms. Drapaniotis: Yeah, it's really--
9 Judge Daniels: --New York is a wonderful place to go visit, but I
10 love being up here.
11 Mr. Drapaniotis: He loves to be up here, but he wants to see the Statue
12 of Liberty, he wants to--
13 Judge Daniels: Oh, yeah.
14 Ms. Drapaniotis: Yeah, he is in New York State and he is close to
15 New York City.
16 Judge Daniels: Yup.
17 Ms. Drapaniotis: We got to figure out something. In good time. It's
18 kind of hard (unintelligible).
19 Judge Daniels: I think you still got it, Judge. How about here--
20 right there?
21 Mr. Drapaniotis: My neighbor, Ronald, says he's fixing my lawn
22 mower today. He went to my barn and he put water
23 in (unintelligible).
24 Judge Daniels: Ronald who?
25 Mr. Drapaniotis: Ronald (unintelligible).

(Drapaniotis v Coffyn)

1 Judge Daniels: He put water in your--
2 Ms. Drapaniotis: --No, no, no. Not Ronald (unintelligible).
3 Mr. Drapaniotis: No, not him. He's my friend. He's fixing it.
4 Judge Daniels: Oh, okay. Because last I knew he had cancer and
5 wasn't doing very good at all.
6 Mr. Drapaniotis: He's my friend. He's a good man.
7 Judge Daniels: Mm-hmm.
8 Mr. Drapaniotis: Yeah, he drives-- He helped me with the oxen.
9 Ms. Drapaniotis: He's getting around.
10 Judge Daniels: Yeah, like I say--
11 Ms. Drapaniotis: --He's getting around with an oxen (unintelligible).
12 Judge Daniels: I know him fairly well, but his health was not--
13 Mr. Drapaniotis: He's deteriorating, yeah.
14 Judge Daniels: Yeah. Was deteriorating fast.
15 Mr. Drapaniotis: But even as bad as he is, he's still working. We
16 know everybody.
17 Ms. Drapaniotis: He went fishing and he brought me, like, a trout, a
18 trout this big, less than--
19 Mr. Drapaniotis: And he gave it to my wife, we baked it, you know.
20 Our neighborhood--
21 Judge Daniels: --Are you by the Clark house?
22 Mr. Drapaniotis: Yes.
23 Judge Daniels: Bob and Mary Clark's?
24 Ms. Drapaniotis: Yeah, yeah. Bob and Mary Clark.
25 Judge Daniels: Okay.

(Drapaniotis v Coffyn)

1 Ms. Drapaniotis: Yeah, that's the-- You know the trailer park.
2 Judge Daniels: Okay. Yeah, now I know where you are at, exactly.
3 Ms. Drapaniotis: Yeah. So, it's not in New Berlin, it's right in Mt.
4 Upton, the address is--
5 Judge Daniels: Mm-hmm.
6 Mr. Drapaniotis: See, I was telling you not to rent it. I said, you
7 know, come on, do we need the income?
8 Ms. Drapaniotis: Yeah, hold on one more months and find the right
9 person.
10 Mr. Drapaniotis: That's a wife.
11 Ms. Drapaniotis: Now everything is going to happen, you see?
12 (Unintelligible) take back our property and peace of
13 mind.
14 Judge Kline: Okay. And-- Okay. The trailer is-- in [REDACTED]
15 [REDACTED]?
16 Ms. Drapaniotis: His trailer.
17 Mr. Drapaniotis: His trailer, yes, [REDACTED].
18 Ms. Drapaniotis: Okay. My husband suspects that Mitch went to our
19 barn and put the water in our lawn mower.
20 Judge Kline: Without proof, though.
21 Ms. Drapaniotis: Yeah, exactly.
22 Mr. Drapaniotis: Yeah, we can't-- He did many more things.
23 Ms. Drapaniotis: My sister-in-law happened to be by the kitchen
24 window and say I saw him working in the barn, and
25 he walked out of the barn.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: That's why we can't leave now.
2 Judge Daniels: Yeah.
3 Ms. Drapaniotis: They have to get out.
4 Mr. Drapaniotis: Because we haven't locked anything there.
5 Everybody knows everybody.
6 Judge Daniels: Unfortunately, we have to keep a fair and open mind
7 on it--
8 Mr. Drapaniotis: --Yes.
9 Judge Daniels: --and we can't really listen to too much of any of that
10 going on in case it ever does come here, all right?
11 Judge Kline: Okay. I put down that the landlord wants her lot back
12 that the trailer owned by tenant sits on. The landlord
13 wants the trailer removed and the lot cleaned up.
14 Mr. Drapaniotis: Yes.
15 Judge Kline: Good enough?
16 Ms. Drapaniotis: Good enough. That's exactly what we want.
17 Judge Daniels: Now, the letter she's going to give you on it will be
18 in an envelope and everything. You've got to have
19 somebody over the age of 18, that has no interest in
20 the outcome of the court hearing, to walk up to this
21 individual and say, "You've been served," and hand
22 him the envelope.
23 Mr. Drapaniotis: Well, what if he's in jail?
24 Ms. Drapaniotis: Do you want to make an envelope on this?
25 Judge Daniels: Yeah. If you go to the door and he doesn't open the

(Drapaniotis v Coffyn)

1 door, set it on the steps and say, "You've been
2 served."
3 Judge Kline: My God--
4 Judge Daniels: --Three?
5 Judge Kline: Yeah. (Unintelligible.) I can never find this the first
6 time around. There's a lot of people I give this to.
7 Ms. Drapaniotis: What if he's not there? I don't see him there.
8 Mr. Drapaniotis: No, it's (unintelligible).
9 Judge Kline: If he's not there, you have someone nail it on his
10 door. Put a thumbtack on it or something.
11 Ms. Drapaniotis: (unintelligible) there, right? Okay.
12 Judge Kline: Okay. It's going to be \$20.
13 Judge Daniels: Whoever is going to serve that really needs to
14 monitor it and watch for him to be there. If he pulls
15 in, he gets out of the car and they can meet him right
16 at the car door, you know? But if it's somebody he
17 doesn't know, it's that much easier because all
18 they're going to do is hand him one letter and say,
19 "You've been served," and walk away.
20 Mr. Drapaniotis: Yes. And very fast, too, so he probably don't get
21 shot.
22 Ms. Drapaniotis: Cash, right? Cash? Well, you got lots of
23 information, so.
24 Judge Kline: But, you know, if you really, you know, want
25 information, get ahold of an attorney.

(*Drapaniotis v Coffyn*)

1 Judge Daniels: The original is included, Judge.
2 Mr. Drapaniotis: Yes. When we using (unintelligible) but they told us
3 to come and do it ourselves. They told us to go--
4 Because we don't even know, who-- You know, I
5 mean, we don't even know the name of the lady and
6 she's worse than him.
7 Ms. Drapaniotis: Oh, that woman who--
8 Mr. Drapaniotis: --We asked her to leave, but she doesn't.
9 Judge Daniels: Well, he can have whoever he wants or however
10 many he wants on it. That is his trailer.
11 Ms. Drapaniotis: Yeah. All right.
12 Judge Daniels: And unless you have something in documentation
13 that says he's only allowed to have one kid--
14 Ms. Drapaniotis: --But it was agreement with his mom. She said it
15 was going to be two his-- two of his children
16 coming once a week. I've seen everybody else but
17 the kids.
18 Judge Daniels: And, but like I said, it's his premises.
19 Ms. Drapaniotis: Yeah.
20 Judge Daniels: You can't tell him what he can have and can't have
21 there.
22 Mr. Drapaniotis: You know what surprised me the most? These
23 people, they know the laws so good.
24 Judge Daniels: Oh yeah.
25 Ms. Drapaniotis: They know how to get away with the-- This is what

1 they keep doing.

2 Judge Daniels: Yes.

3 Judge Kline: Yeah, but I am saying, you know, good for them.

4 We don't know what we're doing.

5 Judge Daniels: Mm-hmm.

6 Judge Kline: Okay.

7 Ms. Drapaniotis: And she threw my tenant out, this woman, so he

8 doesn't even live there most of the time. Do you

9 understand?

10 Judge Daniels: Right, yeah, but she has a right to come and go.

11 Ms. Drapaniotis: I have my tenant. I know who's a tenant. So it's

12 very confusing. It's--

13 Judge Daniels: But you're only renting it to one person, the person

14 that owns-- actually physically owns that trailer.

15 Ms. Drapaniotis: Yeah.

16 Judge Daniels: Now, be advised that after the hearing, they have 90

17 days to move it and they can stay right there for 90

18 days because that is a mobile home and it has to be

19 jacked up and towed.

20 Ms. Drapaniotis: Yeah, and they know that, too. That's why they

21 come up with their mouths like that, so.

22 Mr. Drapaniotis: We let him know that-- He told me, "I'm going to

23 make some money and then I leave." He said, with a

24 shotgun in his hand. Run, run, run, told me to go,

25 shoot, shoot him and (unintelligible).

(Drapaniotis v Coffyn)

1 Judge Daniels: No, let's not do that.
2 Ms. Drapaniotis: (Unintelligible.)
3 Mr. Drapaniotis: He said if it was me (unintelligible).
4 Judge Kline: Let me see.
5 Mr. Drapaniotis: They gave us an order of protection, Judge.
6 Protection, I think, from (unintelligible).
7 Judge Kline: They gave you one?
8 Mr. Drapaniotis: I think, yes.
9 Judge Daniels: Who issued that to you?
10 Judge Kline: He was--
11 Mr. Drapaniotis: --The sheriff's department.
12 Judge Kline: Was he arrested?
13 Mr. Drapaniotis: Yeah. It was menacing. I'm pretty sure they are
14 going to arrest him.
15 Ms. Drapaniotis: We don't know.
16 Judge Kline: Okay.
17 Ms. Drapaniotis: But they were going to--
18 Judge Kline: --Okay, because we don't have this here, you know,
19 the-- with the shotgun, so if we don't have that in
20 our court yet, so--
21 Ms. Drapaniotis: --He might, he might not.
22 Judge Daniels: What court did they put it in, Judge? Why--
23 Ms. Drapaniotis: --He might, he might not.
24 Judge Daniels: If somebody's holding a gun at another one, I don't
25 know why we weren't called.

(Drapaniotis v Coffyn)

1 Judge Kline: Okay. July 19th. We weren't here.
2 Judge Daniels: Okay. That would make sense. Okay, what court is
3 it in now?
4 Judge Kline: I don't know.
5 Judge Daniels: 3-3-8-0 and get some idea of what's going on.
6 Judge Kline: What?
7 Judge Daniels: 3-3-4-5-3-8-0. Pass the paperwork over so I can
8 have the names that-- Drapaniotis or however I
9 guess.
10 Mr. Drapaniotis: Drapaniotis is the way you--
11 Judge Kline: Let me try that.
12 Judge Daniels: Yes. Hey, Judge Daniels, Town of Guilford. Pretty
13 good. Are things quiet tonight? Darn. Hey, I have a
14 couple in front of me here that, apparently, we've
15 had a road patrol at their residence. A guy who was
16 wielding a shotgun around down there in Lathams
17 Corners. How about a Theodore Drapaniotis? It's
18 D-R-A-P--
19 Mr. Drapaniotis: --He killed my name.
20 Judge Daniels: --A-N-I-O-T-I-S. This took place on July the 19th.
21 We weren't around here. We have no record of this
22 in our court yet. I was just wondering if they took
23 him to some other court or-- Can you-- Can you put
24 me down to road patrol or corrections or-- July 19th
25 they're telling us. I know we were out of the country

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then. We don't know. Yeah. If you would, please. Thank you. Yes. Hey, Judge Daniels, Town of Guilford. Hey, I kind of got a dilemma here and I'm not sure where to go with it. I have-- This happened back on July 19th when we were out of country. We had a guy over in Lathams Corners that was whirling a shotgun around at his landlord. I don't know if you remember any of that or not. How about a Mitchell Coffyn? C-O-F-F-Y-N. And, "Mitchell was holding a shotgun at my chest." Okay. He was incarcerated? Okay. Is he out on bail now or--

Judge Kline:

Who put him in?

Judge Daniels:

Okay, because my court has not received any paperwork. That's what I was wondering about. I have the complainants right here at this time and they are wanting to do an eviction on a house trailer that they live-- These people live on their property, and that's what they're filing for but, you know, when we found out that it was a dispute in progress, we were wondering why we didn't have any record of it.

Okay. Who did the original arraignment? Okay.

That's not an issue. All righty. Well, if you could, I'm right in the courthouse until you call me back.

Okay. Hey, thank you. Good bye. He was incarcerated for 18 days. He's going to go pull up

(Drapaniotis v Coffyn)

1 the file and let us know who put him over there and
2 what the deal is.

3 Mr. Drapaniotis: He may (unintelligible) for a different case. He
4 was-- He told my wife he cannot think straight
5 because he smokes crack. My wife doesn't know
6 what crack is. And I tell her--

7 Ms. Drapaniotis: --I know it's a drug, but I don't want to know the
8 details.

9 Judge Kline: You know.

10 Ms. Drapaniotis: He's like, "Yeah, you want to tell me anything else?"
11 And she has no place-- people have no place to live,
12 so everybody who has no place to live go to
13 somebody else's property-- sit there.

14 Judge Kline: Here's your receipt for the \$20. And--

15 Mr. Drapaniotis: (Unintelligible) taken care of.

16 Ms. Drapaniotis: Exactly. Yes.

17 Mr. Drapaniotis: Do the best I can. I mean, he can insult the neighbor,
18 all the neighbors, the people next door, you know,
19 and the county clerk. They all know us. We don't
20 look for problems.

21 Judge Kline: Judge, you didn't look over my paperwork.

22 Judge Daniels: Were you looking for that Brooks file or did you find
23 it? Matt Brooks.

24 Judge Kline: Yeah. I--

25 Judge Daniels: --Do you mind or--

(Drapaniotis v Coffyn)

1 Judge Kline: --No, I don't want him.
2 Judge Daniels: Okay.
3 Judge Kline: Now, here is two copies-- one for you, one to have
4 somebody nail on his door. You're going to need
5 another one for the sheriff's.
6 Judge Daniels: You're going to put one in the mail and leave the
7 other one on the porch. Set a big rock on it. You
8 can't nail it on the side of the house trailer because
9 the metal--
10 Judge Kline: Oh, yeah. Yeah, put a rock on it or something.
11 Judge Daniels: On the step.
12 Mr. Drapaniotis: Tape?
13 Judge Daniels: Tape, as long as it don't blow off. You're going to
14 really prefer somebody that's, you know, a friend of
15 yours, is no party to the action, it's not you,
16 obviously.
17 Mr. Drapaniotis: (Unintelligible).
18 Judge Daniels: Yeah. But, the best bet is, whoever is going to do it,
19 you know, say, "Hey," whatever his name is on it,
20 hand it to him and it's been served or, if you're
21 looking through the door and he refuses to open the
22 door up, "You've been served," and set it on the
23 steps. Just don't wait and go over when he's not
24 around. If you know he's not there, because that's
25 not direct service.

(Drapaniotis v Coffyn)

1 Judge Kline: Okay, so I'm going to mail him one of these so that
2 he knows--
3 Ms. Drapaniotis: --What's coming. He knows what's coming, yeah.
4 Judge Kline: Here. Let me see those two.
5 Judge Daniels: I don't want to reprint all of those, Judge. I looked
6 through this whole month and I can't find it.
7 Judge Kline: Who?
8 Judge Daniels: Yeah, right. The last part of the last hyphen name is
9 Listor on it, D-G Bungee-Listor (phonetic).
10 Judge Kline: Yeah, but what is-- Okay. Did you look under--
11 Judge Daniels: I got it. Wait a minute. Guilford Town Court, Judge
12 Daniels. Yes. Judge Brillinger. Okay.
13 Judge Kline: Oh, geez.
14 Judge Daniels: Really? I can't even read the officer that signed this.
15 The defendants [sic] are here telling me that he was--
16 Wait a minute, that it was a sheriff's department
17 person. I got a supporting deposition, but no charges
18 on it. I-- And he's going back to Judge Brillinger's
19 case-- court, then. Hey, can you fax a copy of that
20 to me? I'm sorry, okay. 8-9-5-6-8-3-2. Okay. Hey,
21 thank you very much. Bye.
22 Judge Daniels: Okay. Governmental-- They did not hold him on
23 the shotgun episode.
24 Mr. Drapaniotis: What did they hold him for?
25 Judge Kline: What was it?

(Drapaniotis v Coffyn)

1 Judge Daniels: Brillinger incarcerated him on obstruction of
2 governmental administration. He resisted arrest.
3 Judge Kline: For what, that?
4 Judge Daniels: No. Don't know. The officer I was just talking to
5 said there was no mention of shotguns or anything on
6 that.
7 Mr. Drapaniotis: It's a different case.
8 Ms. Drapaniotis: (Unintelligible.)
9 Judge Daniels: No charges, so, I don't know. This has got me--
10 Brillinger's normal taking care of business.
11 Judge Kline: Yeah, we don't go there.
12 Mr. Drapaniotis: So, it's a different case, you say?
13 Judge Kline: Well, we don't know. Okay, so one of those is to
14 hand-- Somebody hand deliver it to him, say, "You
15 are served." The person that does it, in one of those
16 forms that I X'd on, they have to fill that out and
17 sign it in front of a notary.
18 Judge Daniels: That or come back to court with you on that night.
19 Judge Kline: Yes.
20 Mr. Drapaniotis: But we can hire a process server, too, right?
21 Judge Kline: Oh, yeah.
22 Mr. Drapaniotis: Because I was going to (unintelligible) with matches
23 and everything. I catch him--
24 Judge Daniels: Well, there's what they call process servers out there,
25 but you're going to pay \$25-\$175 where if you got a

(Drapaniotis v Coffyn)

1 friend they can do the same thing, they just need to
2 come to court with you that night or affirm that that--
3 By the notary, that they hand delivered that to him.
4 Mr. Drapaniotis: I don't want anybody to get hurt, that's the problem.
5 I don't know who's in there.
6 Judge Kline: Okay. So, like I said, one copy is for you, one is for
7 someone to hand deliver it and we will see you back
8 here on August 5th at 7:00.
9 Mr. Drapaniotis: 5th. Thank you so much--
10 Judge Kline: --Okay?
11 Mr. Drapaniotis: --Judge Kline, Judge Daniels. You know, hopefully
12 we're going to--
13 Judge Kline: Hopefully we'll get it taken care of.
14 Mr. Drapaniotis: (Unintelligible). We'll figure it out when the time
15 comes.
16 Judge Kline: Okay.
17 Mr. Drapaniotis: Thank you very much.
18 Judge Kline: Okay. Have a good one.
19 Ms. Drapaniotis: Have a good night.
20 Judge Daniels: Be cautious out there.
21 Mr. Drapaniotis: We will, but that's what we do. We watch the
22 windows, we will have guests in the house with their
23 kids (unintelligible) other people.
24 Ms. Drapaniotis: Yeah, it's not something he can come to me and say,
25 "I'm sorry." No. I say, "No, no." I'm not

1 (unintelligible).
2 Judge Daniels: Okay. Good night.
3 Judge Kline: Okay. Good luck.
4 Mr. Drapaniotis: Thank you very much.
5 Judge Daniels: I got two-- Why don't you take a deep breath and--
6 I don't know what they're doing. They did not-- We
7 do not have any paperwork.
8 Judge Kline: I know. Do you want to fax that to them?
9 Judge Daniels: To Brillinger?
10 Judge Kline: No. Are we being-- recording?
11 Judge Daniels: Yeah.
12 **August 5, 2014 (7:15 PM to 7:39 PM)**
13 Judge Kline: Okay.
14 Judge Daniels: You're an A student, you know that Judge?
15 Judge Kline: Pardon?
16 Judge Daniels: That's nice of you.
17 Judge Kline: What. (Unintelligible). Are we recording, Judge?
18 Judge Daniels: Yes, we are.
19 Judge Kline: Okay.
20 Judge Daniels: Your small claims eviction notice.
21 Judge Kline: All right. I need-- Let me see, Yuliya Drapaniotis--
22 I know I'm butchering it-- and Mitchell Coffyn.
23 Okay. All right. So, you two are witnesses? Okay.
24 I am going to have you all raise your right hand.
25 Swear to tell the truth and nothing but the truth?

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: I swear.
2 Ms. Drapaniotis: I swear.
3 Mr. Coffyn: Yup.
4 Judge Kline: Okay. I am going to need you-- Start at that end.
5 Your name?
6 Ms. Canfield: Rebecca Canfield.
7 Judge Kline: And how you're involved.
8 Ms. Canfield: I'm his girlfriend. I live with him.
9 Judge Kline: Okay.
10 Mr. Coffyn: My name is Mitchell Coffyn.
11 Judge Kline: Okay.
12 Mr. Drapaniotis: Theodore Drapaniotis.
13 Ms. Drapaniotis: Yuliya Drapaniotis. Mitchell is my tenant.
14 Judge Kline: Okay.
15 Ms. Drapaniotis: The other people, I don't know who they are and
16 why they-- claiming them-- to be tenants.
17 Judge Kline: Pardon? They're what?
18 Ms. Drapaniotis: I don't know why the other people are claiming that,
19 "I'm their tenant." There's only one tenant, Mitchell
20 Coffyn.
21 Mr. Drapaniotis: We-- We get--
22 Judge Kline: Well-- Don't go there. Okay? All right. Okay, so I
23 need Yuliya. I'm going to just say your first name
24 because I won't get your last name right. Okay,
25 since you're the petitioner, I need you to state your

(Drapaniotis v Coffyn)

1 case.
2 Ms. Drapaniotis: Stating my case? I need my land and my property--
3 back to me, and I need to evict Mr. Mitchell out of
4 my land.
5 Judge Kline: Okay.
6 Ms. Drapaniotis: Okay. As a consequence of the mobile home tenant
7 criminal action in violation of the law, we beg the
8 court-- I want the tenant from our property.
9 Mr. Drapaniotis: (Unintelligible).
10 Judge Kline: Let me make a copy of it for them.
11 Mr. Drapaniotis: (Unintelligible).
12 Ms. Drapaniotis: And there's also a second (unintelligible).
13 Judge Kline: Mr. Coffyn. Okay. Is that all you have, Yuliya, at
14 this time?
15 Ms. Drapaniotis: (Unintelligible) civil charges as well. Harassment--
16 Mr. Drapaniotis: Which has the (unintelligible)--
17 Judge Kline: --We're not even doing the civil charges. That has
18 nothing to do with this. This is just the eviction.
19 Mr. Drapaniotis: No. We just beg the court to give us the name of the
20 lady over there, because we don't know who she is.
21 She's been coming in and out of the property, the
22 cops follow here after the property. They're
23 supposed to be separated. They're not supposed to
24 live together by law. We called the sheriff's office.
25 Ms. Drapaniotis: (Unintelligible) police and sheriffs. They don't

1 know what's going on there. And she throwing my
2 tenant out of his house.

3 Judge Kline: All right, stop. All right, so this case is that you want
4 your lot back that the trailer owned by the tenant sits
5 on, right?

6 Mr. Drapaniotis: Our safety back.

7 Ms. Drapaniotis: Yeah, and our safety. (Unintelligible) kids and I
8 want them to know that they'll be safe on my land.

9 Judge Kline: No, I'm just-- Ma'am, stop.

10 Judge Daniels: Answer the questions as asked.

11 Judge Kline: And you don't say anything unless I ask you.

12 Judge Daniels: Answer the questions. Thank you.

13 Judge Kline: What I'm seeing here is the landlord wants her lot
14 back that the trailer owned by the tenant sits on. Do
15 you own the trailer, sir?

16 Mr. Coffyn: Correct.

17 Judge Kline: Okay. And the landlord wants the trailer with the lot
18 cleaned up, right?

19 Ms. Drapaniotis: That's right.

20 Judge Kline: Okay. Your turn.

21 Mr. Coffyn: All right. And I was here-- I just want to know how
22 long I can get to get it moved, and I got-- Concern is
23 I paid for my first month's rent down and last, and I
24 gave them \$1,000 down to get a telephone pole
25 fixed, and it never got fixed. And if I can get that

(Drapaniotis v Coffyn)

1 money back, that'd be my money to move the trailer.
2 Judge Kline: Okay. Did he give you \$1,000 to fix the telephone
3 pole?
4 Mr. Drapaniotis: They never did. They were just--
5 Judge Kline: --I'm not asking you.
6 Ms. Drapaniotis: Not in my hands. No.
7 Judge Kline: Okay. Now, I will ask you. Did you get \$1,000
8 from him to fix the telephone pole?
9 Mr. Drapaniotis: It wasn't for the telephone. It was for the sale of the
10 trailer.
11 Judge Kline: For the what?
12 Mr. Drapaniotis: The sale of the trailer. I sold him the trailer for
13 \$2,500. It was business transaction.
14 Judge Kline: Okay.
15 Mr. Coffyn: Well, I bought the trailer for \$1,500 cash and then he
16 wanted \$1,000 for the telephone pole. That includes
17 it for \$2,500.
18 Judge Kline: Then, what do you say to that?
19 Mr. Drapaniotis: What I say to that? I charged him \$2,500 because
20 that was a business transaction.
21 Judge Kline: Okay. Do you have anything that says, a receipt or
22 anything that says what the \$2,500 was for?
23 Mr. Coffyn: Well, my parents actually sold their house to move to
24 Florida and they bought me the trailer. And I had to
25 work to keep paying them back for it. And when I

(*Drapaniotis v Coffyn*)

1 moved in there, yes, I was a single man. And now I
2 got my woman and my kid back there living with me
3 but, no, I got the receipt for the house back at the
4 house, yeah. The bill of sale or, actually, she
5 brought it right with us. And I'm not sure if my
6 parents have that pole on anything or not, but--
7 Judge Daniels: --Do you mind copying that, Judge?
8 Judge Kline: Yeah.
9 Mr. Coffyn: They weren't happen to be able to make it tonight.
10 Ms. Drapaniotis: The only reason I want him--
11 Judge Kline: --Nope. Hang on.
12 Ms. Drapaniotis: --on my property.
13 Mr. Drapaniotis: That's okay. She is going to get that.
14 Judge Kline: Just hang on. Okay. What I'm looking at,
15 Mr. Coffyn, it says that, "Theodore Drapaniotis,
16 owner sell 10 X 50 Hillcrest mobile home as is with
17 no title to Mitchell M. Coffyn for the sum of
18 \$2,500." There's nothing in this-- It just says,
19 "Included in the sale also are the following items:
20 refrigerator, gas range/oven, and washing machine."
21 Nothing on that says \$1,000 for a telephone pole.
22 Mr. Coffyn: What if I was able to bring my mother and my father,
23 the witnesses that gave me money--
24 Judge Kline: --Well, you should have brought them tonight.
25 This-- It's not going any farther than tonight, okay?

1 But the bill of sale says that a trailer was sold for
2 \$2,500. Okay. Do you have anything further?
3 Ms. Drapaniotis: Of course, the only reason I brought Mr. Mitchell as
4 a tenant on my property because his mom begged
5 me, good boy, the only reason. That's why--
6 Judge Kline: --Yeah, that's nothing to do with the case--
7 Ms. Drapaniotis: --it was a verbal agreement. She begged me over
8 and over again--
9 Judge Kline: --Right, that has nothing to do with this case. Okay?
10 All I want to hear is stuff about the case, about the
11 trailer, the lot, that's it.
12 Ms. Drapaniotis: That's what I'm saying. I never wanted to-- We can
13 bring the mom and the mom was begging me to do
14 that.
15 Judge Kline: Well, that's none of my business.
16 Ms. Drapaniotis: My husband agreed on the other tenant and I had
17 (unintelligible).
18 Judge Kline: All right.
19 Ms. Drapaniotis: And they (unintelligible) have the written note on my
20 board, which is hanging on the kitchen, which just
21 says, "Mr. Mitchell, three dogs, and two kids once a
22 week." I've seen everyone else's--
23 Judge Kline: --There's nothing in the bill of sale that says he can't
24 have anybody else there. There's nothing that says
25 who he can't have and who he can have unless you

1 have the lot rent.

2 Ms. Drapaniotis: Unless the mom is going to come in and say
3 something.

4 Judge Kline: No. I'm just telling you, if you have something in
5 writing that says he can't only have, you know,
6 himself and a dog or whatever--

7 Ms. Drapaniotis: --Yeah, I have it in writing. Right there on my
8 kitchen board, I kept it in writing. Here, and the
9 mom was there. That's my evidence for that.

10 Mr. Drapaniotis: Okay. This (unintelligible).

11 Judge Kline: But there's nothing that he signed.

12 Ms. Drapaniotis: No.

13 Mr. Drapaniotis: He-- I did give him a lease to sign. He never gave it
14 back to me and the reason was when I went to pick
15 up my (unintelligible), he was begging
16 (unintelligible) by his cousin.

17 Judge Kline: Without anything in writing, everything else is in
18 writing. There's nothing I can do. Okay. But,
19 Mr. Coffyn?

20 Mr. Coffyn: Yeah. I got something to say, too, though. My
21 parents actually came back from Florida and actually
22 visited, and they actually came over and told me I
23 couldn't even have my parents there.

24 Judge Kline: All right.

25 Mr. Coffyn: But I didn't want to sit here and bicker. I can

(Drapaniotis v Coffyn)

1 actually-- I'm willing and able to move the trailer,
2 and I need every cent I can get.
3 Judge Kline: All right. Okay. That's all right.
4 Ms. Drapaniotis: The trailer with the agreement--
5 Judge Kline: --Stop.
6 Ms. Drapaniotis: One person.
7 Judge Kline: Mr. Coffyn.
8 Mr. Coffyn: Yeah.
9 Judge Kline: I'm going to have you move the trailer.
10 Mr. Coffyn: Yeah, I'm more than able-- willing and able. I want
11 to move it.
12 Judge Kline: Okay. I cannot give you the \$1,000 back because the
13 bill of sale says the trailer for \$2,500. Okay?
14 Mr. Coffyn: Okay.
15 Judge Kline: That's the only reason. It's right here. And they also
16 want the area cleaned up.
17 Mr. Coffyn: Well, that's not a problem at all.
18 Judge Kline: I don't know what that means, but, you know, don't
19 leave it a dump.
20 Mr. Coffyn: No.
21 Judge Kline: So, what we need is to know how long it's going to
22 take you to move it and clean it up.
23 Mr. Coffyn: The main concern is getting the money to be able to
24 move it right now. I just actually paid this month's
25 rent because it came up before I came here.

(*Drapaniotis v Coffyn*)

1 | Judge Kline: All right. What I'm going to do is give you 90 days
2 | to move the trailer and clean up the lot, all right?
3 | Mr. Coffyn: Yeah.
4 | Judge Kline: Okay.
5 | Mr. Coffyn: That's the maximum I can get?
6 | Judge Kline: That's the maximum.
7 | Ms. Canfield: That's three months, correct?
8 | Judge Daniels: And you're still responsible for the rent.
9 | Mr. Coffyn: Oh, yeah. Yeah. Yeah.
10 | Judge Daniels: By law, we have to give you 90 days. If you're not
11 | off there by that time, then the sheriff's department
12 | will come in and move it at your expense to the road.
13 | Mr. Coffyn: Got it. (Unintelligible).
14 | Judge Kline: All right? So, you have 90 days, which is-- I have
15 | no idea. November 5th. You have until November
16 | 5th, which is three months, okay?
17 | Mr. Coffyn: Yeah.
18 | Judge Kline: All right.
19 | Ms. Drapaniotis: So, are you going on my lot-- Any kind of people
20 | are going to go back because (unintelligible)--
21 | Judge Kline: --Nothing I have in writing says anything about how
22 | many people.
23 | Ms. Drapaniotis: It was other things they told me, that she has have no
24 | place to live, so anyone who has no place to live can
25 | go in there and live there?

(Drapaniotis v Coffyn)

1 Judge Kline: Nope, it's his trailer.
2 Mr. Drapaniotis: Your Honor--
3 Judge Kline: --It's on your lot, but it's his trailer.
4 Ms. Drapaniotis: Okay. Okay.
5 Mr. Drapaniotis: One thing we have to ask the court to please give us
6 an order of protection. We don't want these people
7 to walk on our property--
8 Judge Kline: --I have nothing--
9 Mr. Drapaniotis: --touching our stuff--
10 Judge Kline: --I have nothing for an order of protection.
11 Mr. Drapaniotis: The police department.
12 Judge Kline: Well, I don't have any case in front of me.
13 Mr. Drapaniotis: It's right here. I have it in writing.
14 Judge Kline: If I don't have the case in front of me, I can't do it.
15 Mr. Drapaniotis: And one more thing, okay? We need the name of
16 this person. We-- The manufacturer (unintelligible),
17 we have to know who lives on our property. We
18 don't know this woman.
19 Judge Daniels: He still has--
20 Mr. Drapaniotis: --He has to provide a name.
21 Judge Daniels: It's his at the time that he bought that trailer and
22 moved it onto your property. That's his property,
23 then. You own it, but it's his to do as he feels fit
24 with, within realms of your agreed upon contract,
25 okay? He has the perfect right to have the mother to

(Drapaniotis v Coffyn)

1 his children living with him.
2 Ms. Drapaniotis: He informed me she has no place to live.
3 Judge Daniels: But, they'll both be gone in 90 days.
4 Ms. Drapaniotis: And he informed me (unintelligible) drugs,
5 (unintelligible) have to deal with this.
6 Judge Daniels: And by law we have to give them 90 days because
7 they have to move that trailer.
8 Ms. Drapaniotis: He is also dealing with the with the drug problem.
9 Judge Kline: Ma'am, stop.
10 Ms. Drapaniotis: Sorry.
11 Judge Kline: 90 days. If you're not out of there by--
12 Judge Daniels: --November 5th--
13 Judge Kline: --November 5th, the sheriff's department will be over
14 there to move you. All right?
15 Mr. Coffyn: I appreciate it. Yup.
16 Judge Kline: Okay.
17 Mr. Drapaniotis: Thank you. We are required by law to know who
18 lives on our property. By law.
19 Judge Kline: They--
20 Mr. Drapaniotis: --I'm going to ask the sheriff's department because
21 we sustained extensive monetary damages. My
22 driveway, all the poles and everything. Everything
23 was broken. If we're going to bring civil charges,
24 we have to know who we're going to sue. We don't
25 know who she is.

(Drapaniotis v Coffyn)

1 Judge Kline: Well, like I said, they got 90 days, you know. Just,
2 basically, stay away from them.
3 Mr. Drapaniotis: I-- We will, that's what we do.
4 Judge Kline: Fine. I know. I know.
5 Ms. Drapaniotis: Do I need to put any other thing (unintelligible) 90
6 days? (Unintelligible).
7 Judge Kline: Sure.
8 Mr. Drapaniotis: Your Honor, if they start breaking things apart, can I
9 come to court to get anything--
10 Judge Kline: If you want to do so, call the sheriffs.
11 Mr. Drapaniotis: I will, but if they start doing things.
12 Judge Kline: Right.
13 Mr. Drapaniotis: I can come and (unintelligible) or both of us.
14 Judge Kline: Then you can-- Then you can start a civil case. Yes.
15 (UNINTELLIGIBLE CONVERSATION BETWEEN
16 MR. AND MS. DRAPANIOTIS.)
17 Mr. Drapaniotis: I don't know. We don't even know. She is the
18 (unintelligible).
19 Judge Daniels: Well, there is not much we can do on that, okay?
20 Mr. Drapaniotis: I know.
21 Ms. Drapaniotis: She's--
22 Judge Daniels: --And because--
23 Judge Kline: (Unintelligible). I am going to give you two of them.
24 Yeah, now, if you have something that showed that
25 they had signed it saying that, you know, there are so

1 many (unintelligible) trailer over there and he had
2 already signed it instead of just on a board.
3 Mr. Drapaniotis: Besides the court (unintelligible). His mother, his
4 father, four dogs and a kid living in a room like this,
5 living in (unintelligible).
6 Judge Kline: But it's their trailer.
7 Mr. Drapaniotis: I-- Truly, I-- What happens--
8 Judge Kline: I know.
9 Judge Daniels: That's the problem with this. It's their trailer on
10 your--
11 Mr. Drapaniotis: --I mean, is that humanly possible?
12 Ms. Drapaniotis: Not only that. She threw my tenant, over and over
13 again, out. He doesn't even live there. I don't who
14 live there. Do you understand?
15 Mr. Drapaniotis: They had a divorce case anyways. Social services
16 was there.
17 Judge Kline: Well, like I said--
18 Judge Daniels: --This is none of our business.
19 Judge Kline: --they have 90 days.
20 Mr. Drapaniotis: Thank you very much for whatever you did. I
21 understand but, you know, this is-- Like-- People
22 like that is like, you know, it seems like strange to
23 me (unintelligible).
24 Judge Daniels: Unfortunately it's one of the times when the law
25 favors on the side of the defendant, not the plaintiff.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: Yeah, and I understand that. I want to, you know,
2 my wife's case-- understand that we got a favorable
3 decision.
4 Judge Daniels: Mm-hmm.
5 Mr. Drapaniotis: I'll probably get her name from the sheriffs.
6 Ms. Drapaniotis: This is the first time I'm dealing with something like
7 this.
8 Mr. Drapaniotis: Thank you very much, Your Honors.
9 Judge Kline: Just make sure, you know, if you do it again, just
10 make sure everything is in writing, you know?
11 Mr. Drapaniotis: We had a lease and he never gave it to me back.
12 Judge Kline: Yeah, well, like I said, you know, make sure you
13 have everything in writing and get it back, you know.
14 And make sure you have copies.
15 Mr. Drapaniotis: And I tell you that that came as a surprise to me. He
16 thought he was going to stay there for six months for
17 free. But it came as a big surprise to him. Well,
18 anyway, thank you for your time. I'm sorry.
19 Hopefully nobody's--
20 Judge Daniels: --As far as, like, an order of protection or something,
21 we can't do anything unless there are charges and
22 you would have to--
23 Mr. Drapaniotis: --I have called the police.
24 Judge Daniels: --Oh, you have called the police and--
25 Judge Kline: --Right, but we don't have them here.

(Drapaniotis v Coffyn)

1 | Judge Daniels: It was never filed with the courts.
2 | Mr. Drapaniotis: Yeah.
3 | Judge Kline: If we had it then I would have, you know, gladly
4 | given you an order of protection.
5 | Mr. Drapaniotis: I mean, somebody who walks with a shotgun around
6 | is a dangerous individual but, hopefully, we're going
7 | to stay quiet. Hopefully he leaves.
8 | Judge Kline: Okay. Just try and stay away from him and they'll be
9 | out by the 90 days.
10 | Mr. Drapaniotis: That's what we basically do right now.
11 | Judge Kline: Yeah.
12 | Mr. Drapaniotis: Stay away from him.
13 | Judge Kline: I wish I could have done more but, you know.
14 | Mr. Drapaniotis: I know. I know. I will explain it to my wife.
15 | Judge Kline: Yeah, I know you are upset. I know you are upset
16 | with me.
17 | Ms. Drapaniotis: No (unintelligible). It's something I am dealing with
18 | the first time. I don't-- These people live in the
19 | court. Do you understand? They live in the court
20 | (unintelligible).
21 | Judge Kline: Yeah.
22 | Judge Daniels: They know the ins and outs.
23 | Judge Kline: The thing is, you know, yeah-- People-- For the
24 | ones that use the courts for their own whatever--
25 | Mr. Drapaniotis: --Yeah.

(Drapaniotis v Coffyn)

1 Judge Kline: --but I think he thought that I was going to let him
2 stay there but they're wrong.
3 Mr. Drapaniotis: No. Thank you for your decision and we're going to
4 stay quiet and hopefully nobody is going to get hurt
5 here because he is a psychopath.
6 Judge Kline: All right.
7 Mr. Drapaniotis: You know? He's not a good (unintelligible).
8 Judge Kline: Good luck.
9 Mr. Drapaniotis: Thank you very much, Your Honors.
10 Judge Kline: Okay.
11 Mr. Drapaniotis: Thank you. Bye.
12 Judge Kline: Have a good one.
13 **October 9, 2014 (7:27 PM to 7:43 PM)**
14 Judge Kline: Okay. How can I help you?
15 Mr. Drapaniotis: Theodore Drapaniotis. I know you gave him to
16 November the 1st. We don't get no rent or
17 something. We understand that. We're having a
18 problem. First of all, this is what we're facing. He
19 constantly comes, wherever he goes. They pee
20 around my trees. But the biggest problem we have--
21 Judge Kline: --Okay. Which case is this?
22 Mr. Drapaniotis: The case, Mitchell Coffyn, the eviction. It's right
23 here.
24 Ms. Drapaniotis: The eviction of--
25 Judge Kline: --What's the-- How is the last name spelled?

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: Drapaniotis. I know you forgot with all these cases,
2 but--
3 Judge Kline: Okay. So, has the trailer been moved?
4 Mr. Drapaniotis: No. Everything is on the ground but the problem we
5 have--
6 Ms. Drapaniotis: --He is pulling it apart piece by piece.
7 Mr. Drapaniotis: He broke my water line. I had to bring a
8 (unintelligible).
9 Ms. Drapaniotis: It's (unintelligible) broken. I cannot have any access
10 to my water lines, my pump pipe lines, the electric
11 lines, the sewer-- sewer lines.
12 Mr. Drapaniotis: This is the problem. For two weeks, the dogs lived
13 by themselves.
14 Ms. Drapaniotis: And he is not there, but the dogs are there.
15 Judge Kline: Okay. Is he taking care of them?
16 Ms. Drapaniotis: He comes in the middle of the night sometimes with
17 flashlights. Sometimes he come by for
18 (unintelligible).
19 Judge Kline: Okay. So they are being fed and watered?
20 Ms. Drapaniotis: Yeah, but they walk around. Sometimes they are
21 (unintelligible).
22 Mr. Drapaniotis: They were (unintelligible). I got phone calls from
23 neighbors, they were walking around the
24 neighborhood. Am I responsible for these dogs?
25 Judge Kline: Call the officers.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: Who?
2 Judge Kline: Call the officer. Either the State Police or the
3 sheriff.
4 Ms. Drapaniotis: You mean 9-1-1?
5 Judge Kline: Yeah. Well, yes, or 3-3-4-2-0-0-0, which is the
6 sheriff's department.
7 Ms. Drapaniotis: 3-3-4-2-0-0-0.
8 Mr. Drapaniotis: Okay. I never saw anything like it. They're barking,
9 you know, I mean.
10 Judge Kline: Yeah but even if they are, you know, if he does come
11 back and feed and water them, there is nothing that
12 can be done with it.
13 Ms. Drapaniotis: Oh, really?
14 Judge Kline: As far as I know. I am not an attorney, so--
15 Ms. Drapaniotis: --Are the dogs renting?
16 Judge Kline: --You know, yeah. With something like that, I
17 would call the officer or I would get a Legal Aid
18 attorney or something.
19 Mr. Drapaniotis: He has till November-- November the 1st. Is there
20 any way to-- Because this guy, you know, he said it
21 to my wife. He called and threatened her and said,
22 "If you touch me or something, I am going to call the
23 cops." I mean, he is pulling (unintelligible) on ours.
24 Ms. Drapaniotis: (Unintelligible) to call police on us.
25 Mr. Drapaniotis: For the confrontation. After November the 1st, is

(Drapaniotis v Coffyn)

1 | there any possibility that we can get, like, a
2 | restriction order so this guy doesn't come on our
3 | property no more because he is a moron, you know.
4 | I mean--
5 | Judge Kline: --Yeah, but is-- the trailer is his, right?
6 | Mr. Drapaniotis: Yes, but he broke it. He--
7 | Ms. Drapaniotis: --That is all broken. Everything is broken and I am
8 | (unintelligible) my pipelines, my sewer lines are
9 | there, you know, so--
10 | Mr. Drapaniotis: --We cannot do nothing.
11 | Ms. Drapaniotis: What he does, he walks without shirts.
12 | Mr. Drapaniotis: He goes pee on the trees they told me.
13 | Ms. Drapaniotis: With the flashlights (unintelligible).
14 | Mr. Drapaniotis: Every time I leave the house, he is there.
15 | Ms. Drapaniotis: The dogs are barking. They are looking at--
16 | Mr. Drapaniotis: He's stalking us, I don't know but, you know, we're
17 | having--
18 | Judge Kline: --You know, if you think he is harassing you or
19 | stalking or whatever, talk to an officer.
20 | Mr. Drapaniotis: Talk to the police. Talk to the sheriff's. Okay. I'll
21 | probably--
22 | Judge Kline: See what they say. I really don't know.
23 | Mr. Drapaniotis: Me either. I haven't met a moron like this and, to be
24 | honest with you, I want to give him an old-fashioned
25 | beating but I know I'm going to get in trouble. But,

(Drapaniotis v Coffyn)

1 | you know, I mean, he's a moron. I don't want no
2 | problems.
3 | Judge Kline: Right.
4 | Mr. Drapaniotis: I just want him to leave and that's it.
5 | Judge Kline: Now did we give him a time?
6 | Mr. Drapaniotis: Yes, November the--
7 | Judge Kline: --Can I see that real quick?
8 | Mr. Drapaniotis: Yeah. Am I going to get a-- if it's possible, to get
9 | some restrictive order or something so this guy don't
10 | come back after he leaves? Because I am sure he is
11 | going to wait for November the 3rd, if that's the case.
12 | Ms. Drapaniotis: Yeah, he doesn't pay rent. Of course, he stopped.
13 | Mr. Drapaniotis: So what I am going to do is I am going to go to the
14 | sheriff's department.
15 | Ms. Drapaniotis: Oh, that's right. I (unintelligible) the mortgage. You
16 | can go to the (unintelligible) the mortgage, because
17 | it's very important. (Unintelligible) the dogs are
18 | supposed to reside (unintelligible). Am I right now?
19 | Mr. Drapaniotis: She said if he feeds them, there is nothing she can
20 | do.
21 | Ms. Drapaniotis: I am not (unintelligible).
22 | Mr. Drapaniotis: He knows the laws better than they do, right?
23 | Ms. Drapaniotis: (Unintelligible).
24 | Judge Kline: Okay, so we gave him until November 5th.
25 | Ms. Drapaniotis: Mm-hmm. Yes.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: What happens after that?
2 Judge Kline: I-- Like I said, I would talk to an attorney. I can't
3 give you any legal advice, so (unintelligible).
4 Mr. Drapaniotis: I never saw anything like that in my life.
5 Judge Kline: Well, I've seen a lot of different people come in
6 courts, but there is--
7 Mr. Drapaniotis: --He's a moron. I don't want no--
8 Judge Kline: --worse than that so, yeah, November 5th. If it's not
9 cleaned up by then, we can do a contempt of court
10 but, like I said, I would talk to an attorney and see
11 what they suggest. Legal Aid--
12 Mr. Drapaniotis: --They don't have Legal Aid. The others, you said in
13 Norwich, they closed for years.
14 Judge Kline: They're closed?
15 Mr. Drapaniotis: Yeah.
16 Judge Kline: They're in the phone book, the last phone book.
17 Mr. Drapaniotis: I know, but they're not there no more for, like, three
18 years.
19 Judge Kline: Did they give you a--
20 Mr. Drapaniotis: --There is no Legal Aid so I have to pay an attorney
21 and, at this point--
22 Judge Kline: --Well, I've seen-- Look in--
23 Mr. Drapaniotis: --Because they don't have any more Legal Aids.
24 Judge Kline: There's got to be. We dealt with them in other
25 courts and here. Did you go on-- Can you get on the

(Drapaniotis v Coffyn)

1 internet and go look up Legal Aid?

2 Mr. Drapaniotis: Yes. Yes.

3 Judge Kline: Attorneys?

4 Mr. Drapaniotis: Yes, but it's like there is nothing around here. That's
5 the honest to God truth. They had one in Norwich.
6 It's closed for three years.

7 Judge Kline: Huh. I didn't realize that.

8 Mr. Drapaniotis: I really don't understand or, I mean, I understand if
9 you can't-- don't give us some advice but we want--
10 After November the 5th-- I mean, we're going to-- I
11 cannot leave the house, to be honest with you,
12 because I left the house to go pick up my medicine
13 and he broke the pipe. The water was running out--
14 Ms. Drapaniotis: --(Unintelligible) for two days he was covering it
15 with buckets because it (unintelligible).

16 Judge Kline: Okay. Do you have-- You can do a civil claim on
17 that where he has to pay for the pipe.

18 Ms. Drapaniotis: But I can't come close to him. This is what he wants
19 me, to come close so he calls the police.

20 Judge Kline: Now, but if he breaks the pipes.

21 Ms. Drapaniotis: Yeah, but I can see it from the distance. Now, I
22 don't know how he got it out there or something. I
23 don't know what the situation with my sewer, my
24 water line. That's what I supply the trailer with.

25 Mr. Drapaniotis: The bottom line, we're very busy. My daughter, she

1 is playing soccer for GMU. She is practicing five
2 days a week. My little guy, I take him to Guilford
3 (unintelligible) three times a week. So, we have a
4 lifestyle with the kids.

5 Judge Kline: Oh, yes.

6 Mr. Drapaniotis: This kid is in and out anytime he wants. He
7 sometimes comes 2:00 in the morning.

8 Ms. Drapaniotis: With a flashlight. And there is no (unintelligible).

9 Mr. Drapaniotis: And, you know, I am going-- want to talk to the
10 sheriff and everything, but--

11 Judge Kline: --See if, you know, just call an attorney to see if they
12 will, you know, if you could just talk to them for,
13 you know, ask their opinion or something.

14 Ms. Drapaniotis: It's no talking to his mentality and to go--

15 Mr. Drapaniotis: He knows that if he does nothing, we cannot touch
16 him.

17 Ms. Drapaniotis: He breaks everything, so--

18 Judge Kline: --Yeah, but if he's breaking your pipes and he's
19 messing up your sewer or whatever else--

20 Ms. Drapaniotis: Well, probably I will find out after he moves.

21 Judge Kline: No, you need to, you know, find out now.

22 Ms. Drapaniotis: And how can you do that without him calling anyone
23 on me?

24 Judge Kline: Well, he is not there 24 hours a day, is he?

25 Ms. Drapaniotis: Yeah, but I can't trespass into his trailer leftovers,

(Drapaniotis v Coffyn)

1 can I?
2 Judge Kline: It's sitting on your land.
3 Mr. Drapaniotis: We can, right?
4 Judge Kline: It's your land.
5 Mr. Drapaniotis: Go inspect? Okay.
6 Ms. Drapaniotis: Inspect my pipes. I can do that, right? I can go and
7 see my pipelines, where they--
8 Judge Kline: --You're not going into the-- into the wood, right?
9 Mr. Drapaniotis: There's nothing there, you know. (Unintelligible) is
10 nothing.
11 Judge Kline: If you can see it without going-- stepping over the
12 wood or anything--
13 Ms. Drapaniotis: Yeah, but it's under those.
14 Mr. Drapaniotis: Yes, and everything is glass and everything. He just
15 threw everything on top so it's going to be very hard
16 to get-- to have access there and--
17 Ms. Drapaniotis: --(Unintelligible).
18 Judge Kline: Otherwise, he could, you know, get you for
19 trespassing or something like that because it's still
20 his trailer--
21 Ms. Drapaniotis: --Yeah. It's still his leftovers.
22 Judge Kline: --even though it's in pieces.
23 Ms. Drapaniotis: Yeah, it's pieces. That's what he does.
24 Judge Kline: Yeah. I would call around and see if an attorney will
25 just give you, you know, options or something.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: Oh, he probably wasn't going to get a lawsuit, but
2 there is nothing we're going to collect from this guy
3 anyway. I mean, this is just one-- The only-- The
4 only--
5 Judge Kline: --Well, you can put a mechanic's lien on it where he
6 can't get a vehicle or you could take his vehicle.
7 Ms. Drapaniotis: They are going to-- if he has no vehicle and he
8 doesn't want to break it. They are going to break it
9 before anyone else going to do anything. He broke
10 his own trailer.
11 Mr. Drapaniotis: Which instead of making money from the trailer, he
12 broke it. He's a moron.
13 Ms. Drapaniotis: This is something I can't explain. I've never seen
14 anything like this.
15 Mr. Drapaniotis: He's a moron. Tomorrow I'm going to talk to the
16 sheriff, I am going to try to get a (unintelligible).
17 Judge Kline: You know, see what the sheriff says to you and see if
18 you can, you know, call around and, you know, even
19 if you have to make ten phone calls--
20 Ms. Drapaniotis: --Okay.
21 Judge Kline: To see if you can talk to an attorney, if they can give
22 you, you know, something.
23 Mr. Drapaniotis: The only thing we are asking from the court, I am
24 sorry for the interruptions, after November the 5th,
25 can we get some kind of restriction?

(Drapaniotis v Coffyn)

1 Judge Kline: We are going to-- We would do a contempt of court
2 and if he doesn't show up on the day, then I will
3 send a warrant.
4 Ms. Drapaniotis: Mm-hmm.
5 Mr. Drapaniotis: Okay.
6 Judge Kline: And then we will discuss the issue.
7 Ms. Drapaniotis: Mm-hmm.
8 Mr. Drapaniotis: And keep him away from our lives?
9 Judge Kline: Yeah. So--
10 Mr. Drapaniotis: --So, just in case he comes back, then I file the--
11 Judge Kline: --Actually, after the 5th-- When is the 5th? It's a
12 Wednesday. If you come in on the 6th, let me know
13 what is going on. I will do-- If he's still got his stuff
14 there, I will do a letter for criminal contempt. I'll
15 have him brought in. He will have to come in that
16 following week. If he doesn't show up, send a
17 warrant out for him.
18 Ms. Drapaniotis: Where?
19 Judge Kline: Where?
20 Ms. Drapaniotis: Where?
21 Mr. Drapaniotis: You're not going to be able to find him.
22 Ms. Drapaniotis: He has no address. Those people are going from
23 house to house. That's something that is impossible.
24 Judge Kline: Well, the sheriff will go, you know, looking for him.
25 They'll find him.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: They'll find him. Yeah. (Unintelligible).
2 Judge Kline: Yeah. They'll find him.
3 Mr. Drapaniotis: Okay, we do that because--
4 Judge Kline: --No, but, you know, and if you want an order of
5 protection, we can do that at that time.
6 Mr. Drapaniotis: Okay.
7 Judge Kline: Okay?
8 Mr. Drapaniotis: An order of protection, the restrictions. We don't
9 want him on our property no more.
10 Judge Kline: It's going to be a stay-away order which means he is
11 not going to be able to--
12 Mr. Drapaniotis: --Beautiful.
13 Judge Kline: --come near it. He's got until November 5th to move
14 that stuff. If he doesn't move it--
15 Mr. Drapaniotis: The rent, we haven't received any rent and
16 (unintelligible) told him to pay his rent.
17 Ms. Drapaniotis: Well, a few things. He doesn't like that so he
18 doesn't have to pay rent, and the dogs can stay there
19 for free.
20 Judge Kline: Let me see if I can find it. I put somewhere.
21 Ms. Drapaniotis: (Unintelligible) dollars for September.
22 Judge Kline: There it is.
23 Mr. Drapaniotis: If it's cold (unintelligible) because--
24 Judge Kline: --Judge Daniels is sick tonight, so--
25 Mr. Drapaniotis: It doesn't matter. He just told him-- He told him,

(Drapaniotis v Coffyn)

1 like, you pay the rent.

2 Judge Kline: Okay. He doesn't have any damages, cost, interest,
3 nothing. It's just the removal of the trailer so if it's
4 not moved by--

5 Mr. Drapaniotis: --November the 5th we'll proceed. I have to stay in
6 my house (unintelligible).

7 Judge Kline: November 6th I expect to see you here.

8 Mr. Drapaniotis: I will (unintelligible).

9 Judge Kline: Then we will take care of it.

10 Ms. Drapaniotis: Thank you.

11 Mr. Drapaniotis: Get him out of our lives and if he comes back, then--

12 Judge Kline: Just stay away from him as much as--

13 Mr. Drapaniotis: --That's what we do.

14 Judge Kline: I know, but as much as you can because you don't
15 want to get into any arguments.

16 Ms. Drapaniotis: No.

17 Mr. Drapaniotis: I don't see him. He knows when I'm there. My
18 neighbors tell me he goes and pees on the trees
19 outside, in the open. And, you know, (unintelligible)
20 the dogs, they were loose. My neighbors, they are on
21 top of my hairs and there is nothing I can do. What
22 do you want from me? He says, "Oh, look over
23 (unintelligible)." I say, "I cannot do nothing. I
24 cannot help it."

25 Judge Kline: Well, if they get loose again, call the town clerk.

(Drapaniotis v Coffyn)

1 Mr. Drapaniotis: The sheriff's department will come and pick him up,
2 yeah.
3 Judge Kline: Call the town clerk. We do have--
4 Ms. Drapaniotis: 3-3-4-2-0-0-0, you said, or is this--
5 Judge Kline: --Well, the sheriff's department is 2000, here. I
6 usually sit over here so I know where everything is.
7 Over here, I don't know nothing.
8 Mr. Drapaniotis: He's a moron. I mean-- And we find out he did it
9 before. This is the last thing. He did it to other
10 people, the same thing.
11 Judge Kline: Okay. November 6th.
12 Mr. Drapaniotis: All right.
13 Ms. Drapaniotis: Yeah, my daughter got that from her school and her
14 friend if this bus and your house--
15 Mr. Drapaniotis: With the shotgun again.
16 Ms. Drapaniotis: Not only have they invited themselves
17 (unintelligible).
18 Judge Kline: Okay. I put down the sheriff's number and I put
19 November 6th be in court if not cleaned up.
20 Mr. Drapaniotis: Okay.
21 Judge Kline: If it's cleaned up, then I don't want to see you.
22 Ms. Drapaniotis: Okay.
23 Mr. Drapaniotis: If it's clean-- If it's cleaned up, we don't want to
24 see, you know-- What happens after November the
25 5th and 6th if this guy comes to my property? I can

(Drapaniotis v Coffyn)

1 ask him to (unintelligible)?
2 Judge Kline: Well, by that time we will have other things in place
3 and he can be arrested.
4 Mr. Drapaniotis: Okay.
5 Judge Kline: Okay?
6 Mr. Drapaniotis: So, he-- You know, because he don't seem like he
7 wants to go nowhere. He's there.
8 Judge Kline: He's not going to have a choice after November 5th.
9 Mr. Drapaniotis: He has no place, he has no trailer, it is broken down,
10 but he is there. Thank you very much.
11 Judge Kline: So-- And the dogs are on your land, too?
12 Mr. Drapaniotis: Yes.
13 Judge Kline: Okay. We'll have, you know-- We'll-- Like I said,
14 if it's not taken care of by November 5th, I need to
15 see you here in court on the 6th. If it's all taken care
16 of, I don't want to see you and if I don't see you I'll
17 say, "Okay. It's all done. We'll close it and get rid
18 of it," but--
19 Mr. Drapaniotis: --If it's broken, but if he leaves it like that, then we'll
20 come back.
21 Judge Kline: If it's still there, you need to come back.
22 Mr. Drapaniotis: Okay.
23 Judge Kline: Okay?
24 Mr. Drapaniotis: Thank you.
25 Judge Kline: We'll take care of it. All right. Good luck.

**Transcript of Proceedings in *Hills v DeMorier*
held April 2, 2013 (6:51 PM to 6:56 PM, 8:06 PM to 8:32 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.**



(Hills v DeMorier)

1 Judge Daniels: Okay, last name, sir.
2 Mr. Oman: DeMorier is-- Oman. (Unintelligible). That's not
3 me.
4 Judge Daniels: Your first name?
5 Mr. Oman: Neil DeMorier.
6 Judge Daniels: That's D-E-M--
7 Mr. Oman: D-E, capital M, O-R-I-E-R. In fact, he's in the
8 men's room.
9 Judge Daniels: Okay.
10 Mr. Oman: Is it going to be a crowd this evening?
11 Judge Daniels: Not until about 8:00. Then it will be interesting.
12 Mr. Oman: Okay. But the complainant, he is supposed to be
13 here at 7:00 also?
14 Judge Daniels: Yeah.
15 Mr. Oman: Okay. Then--
16 Judge Daniels: And who is the other gentleman?
17 Mr. Oman: I do not know.
18 Judge Daniels: Okay.
19 Mr. Oman: I am just coming here to help him out.
20 Judge Daniels: Mm-hmm.
21 Mr. Oman: I think you'll be heard at around 7:00.
22 (Unintelligible.) And do you have a receipt for the
23 deposit? We'll check for the deposit. The deposit,
24 \$500 deposit.
25 Mr. DeMorier: (Unintelligible) down in the-- the copies will be

(Hills v DeMorier)

1 down at the bank and I didn't get there today. They
2 didn't call him up and (unintelligible) and they didn't
3 call me up. And I called back and they said, "Yeah,
4 (unintelligible) and we got them, and I should have
5 went to the branch on Route 55, (unintelligible) and
6 55. I didn't get there. If they are there at the bank--
7 I don't know why (unintelligible) to call them back
8 because, well, the program (unintelligible).

9 (UNRELATED PROCEEDINGS UNTIL 8:06 PM)

10 Judge Daniels: Okay, you are on the record.

11 Judge Kline: Okay. I am Judge Kline. Judge Daniels is on my
12 right. Would John and Vickie Hills step forward,
13 and Neil DeMorier?

14 Judge Daniels: Mr. DeMorier has indicated that he has a hearing
15 problem so--

16 Judge Kline: --Okay.

17 Judge Daniels: That will be easier for you to work with because I
18 can't hear either.

19 Judge Kline: Okay.

20 Mr. DeMorier: May I speak, Your Honor?

21 Judge Kline: Not yet. Okay. Let's see. Mr. DeMorier, all of
22 these proceedings are being recorded so please state
23 your name and date of birth.

24 Mr. DeMorier: Neil DeMorier, [REDACTED].

25 Judge Kline: Okay. Mr. Hills?

(Hills v DeMorier)

1 Mr. Hills: John Hills, [REDACTED].
2 Ms. Hills: Vickie Hills, [REDACTED].
3 Judge Kline: Okay. All right. This is for back rent, returned
4 check. Okay. First of all, all of you raise your right
5 hand. Swear you will tell the truth, but nothing but
6 the truth?
7 Ms. Hills: Yes.
8 Mr. DeMorier: I do. Now may I speak, Your Honor?
9 Mr. Oman: No. Don't speak. Trust me.
10 Judge Kline: Yes. I will give you a chance to speak,
11 Mr. DeMorier. Okay. Mr. Hills, you may start.
12 Mr. Hills: Okay. I am asking that Neil DeMorier be removed
13 from my premises and I am asking for back rent and
14 he is into the next month so I am asking for the
15 current month's rent also. And then I had a returned
16 check and I am asking for \$20 I believe it was for
17 that.
18 Ms. Hills: And the court fee.
19 Mr. Hills: And the court fee.
20 Judge Kline: Mr. DeMorier, you may speak.
21 Mr. DeMorier: Thank you, Your Honor, but I can't hear. I can't
22 hear anything. This is why this gentleman is here to
23 speak for me.
24 Mr. Oman: The situation is that Mr. DeMorier concedes that he
25 is going to leave.

(Hills v DeMorier)

1 Judge Kline: Okay.
2 Mr. Oman: He is going to be forced to leave. There will be no
3 problem there. It's going to be hard to leave
4 (unintelligible) so the only thing he would hope for
5 is an extension and make it as long as possible in
6 terms of removing his belongings and finding a
7 place.
8 Judge Kline: Okay. What about the \$1,100 back rent plus the rest
9 of this month?
10 Mr. Oman: Okay. He is in financial straits of a dire sort and
11 \$1,100, of course, is very inflated. And it's hardly
12 sensible, it would seem, to charge him April's rent
13 when he is removing from the premises. And one of
14 the reasons that he canceled payment on that check
15 was the assumption that he has a deposit of \$500,
16 and that's what covered that.
17 Judge Kline: Right. But you just don't cancel checks and think
18 that it's going to be taken care of.
19 Mr. Oman: Well, the problem was he gave them the check and
20 he also told them he is going to be out of here in
21 three days. He needs money to make a deposit on a
22 new place. He is just in this untenable situation.
23 Judge Kline: All right. They have March for \$550. Today--
24 Excuse me. Today is the 2nd. Would you like to
25 speak to Mr. DeMorier about the April rent or--

(Hills v DeMorier)

1 How much is the deposit?
2 Mr. DeMorier: \$500.
3 Mr. Oman: \$500.
4 Mr. Hills: That's his security.
5 Ms. Hills: His security deposit.
6 Judge Kline: Right. It would be your choice whether you wanted
7 to use that toward the rent and prorate April.
8 Mr. Hills: Here is how I would do it. I would-- If Neil can pay
9 up the rent, pay all of the fees, and I will take the
10 \$500 and it would be an additional \$50 because rent
11 is \$550 now, all right? I would let him stay until the
12 end of the month.
13 Judge Kline: Okay. So, he'd have to have-- You're going to
14 charge him the full April, right?
15 Mr. Hills: Yeah. Yeah. And then he'd be through April.
16 Judge Kline: Okay. So, you would have to have \$600 by the end
17 of April.
18 Mr. Hills: No.
19 Mr. Oman: No.
20 Mr. Hills: Immediately.
21 Mr. DeMorier: Well, the checkbook--
22 Judge Kline: --If you are going to let him stay until the end of
23 April--
24 Mr. Hills: --He owes for--
25 Judge Kline: --No. You have taken the \$500.

(Hills v DeMorier)

1 Mr. Hills: Oh, okay. I see what you are saying.
2 Judge Kline: Okay? So he would have the \$50 from the \$550, and
3 \$550 for April. So, he would have to owe you \$600.
4 Mr. Hills: Plus the \$20 for the check, returned check and the
5 court fee.
6 Judge Kline: Right. Okay. So, \$635.
7 Mr. DeMorier: The March rent was \$500. I'm lost.
8 Judge Kline: No. The--
9 Mr. Oman: --You're lost. The question is this. Do you want to
10 pony up \$625?
11 Ms. Hills: Thirty-five.
12 Judge Kline: \$635.
13 Mr. Oman: \$635.
14 Judge Kline: And stay to the end of April, your choice.
15 Mr. DeMorier: Do I?
16 Judge Kline: Or you could pay \$50 plus prorate and move out
17 within a week.
18 Mr. DeMorier: I guess I will stay until the end of April.
19 Judge Kline: Okay.
20 Mr. Oman: You got to have the money, then.
21 Judge Kline: Right, you're going to have to--
22 Mr. Oman: --Right up front.
23 Judge Kline: --pay the \$635 as soon as you can, but by the end of
24 April. Otherwise, we will put you in jail.
25 Mr. DeMorier: Okay.

(Hills v DeMorier)

1 Judge Kline: Sir? Mr. Hills?
2 Mr. DeMorier: Anyway what-- Wait a minute.
3 Mr. Oman: When were this--
4 Judge Kline: Can you take--
5 Mr. DeMorier: --Wait a minute. Let him speak.
6 Judge Kline: --the \$500--
7 Mr. Oman: --Let me assure him. Can I do it?
8 Judge Kline: Sure.
9 Mr. Oman: He has a check coming, right? You got a disability
10 check coming that should be there now.
11 Mr. DeMorier: Could possibly be. Yeah. I think--
12 Mr. Oman: --It will be a day or so, maybe.
13 Mr. DeMorier: Yeah, a day or so.
14 Mr. Oman: So, he could make it that he gets paid within five
15 days or something like that rather than at the end of
16 the month.
17 Judge Kline: Okay. As soon as possible would be great for these
18 folks.
19 Mr. Hills: I-- Then I need something in writing that that
20 security deposit is going to be used for rent.
21 Judge Kline: Right. And as soon as I find the thing, I will write--
22 I will write something up that states that the security
23 deposit is going to be paid toward the rent and you
24 can pay the \$635, which is owed, within how long?
25 Two weeks?

(Hills v DeMorier)

1 Mr. DeMorier: What is the--
2 Mr. Oman: --It could be the end of April but, yeah.
3 Judge Kline: At the latest.
4 Mr. DeMorier: Within reason. Yeah.
5 Mr. Hills: No. No.
6 Judge Kline: No?
7 Judge Daniels: A week. He said it was going to be here today or
8 tomorrow. No more than that.
9 Mr. Hills: (Unintelligible.)
10 Judge Kline: Okay.
11 Mr. Hills: I want it before the 10th of the month. That would be
12 reasonable.
13 Judge Kline: Okay.
14 Mr. Oman: It should be before, but that would be the latest, the
15 10th.
16 Judge Daniels: If it isn't there by the 10th, I will have the sheriff's
17 office come in and move him out.
18 Judge Kline: The 10th is-- The 10th is--
19 Judge Daniels: This has gone on enough.
20 Mr. Oman: He understands.
21 Judge Kline: Next Wednesday, right?
22 Ms. Hills: Yeah.
23 Judge Kline: Okay.
24 Ms. Hills: Let me see.
25 Mr. DeMorier: I'm sorry. I didn't hear what he said, but--

(Hills v DeMorier)

1 Mr. Oman: Don't worry about it.

2 Mr. DeMorier: Okay. I'll take your word for it, Lenny. That's why
3 you're here.

4 Judge Daniels: Sir, what I said is if it isn't there by the 10th, I will
5 have the sheriff's department move you out.

6 Mr. DeMorier: Oh, thank you, sir.

7 Mr. Oman: Okay. So, you can do that tomorrow maybe.

8 Mr. DeMorier: Hmm?

9 Mr. Oman: You can do that tomorrow.

10 Mr. DeMorier: Yeah. I assume I can.

11 Mr. Oman: You want to do it and you want to do it soon.

12 Mr. DeMorier: Yeah. Mm-hmm. Yeah.

13 Mr. Oman: Do you want to do it cash money?

14 Mr. DeMorier: Yeah, as long as I get a receipt. That's fine.

15 Mr. Oman: Okay. No, this is good. This is reasonable.

16 Mr. DeMorier: Whatever. I can write a good check, but nobody
17 believes that either.

18 Mr. Oman: Even I don't believe that.

19 Mr. DeMorier: We won't go there.

20 Judge Kline: You might as well sit down for about five minutes or
21 so, and I will have this letter wrote up and you all
22 can sign it. Okay?

23 Mr. Hills: Thank you, Your Honor.

24 Judge Daniels: I am going to go down the hall. Be right back.

25 Judge Kline: Sure. I just got an ADA night in the Village of

(Hills v DeMorier)

1 Oxford. You never know where I am going to be.
2 Okay. Mr. Hills, or, sorry, Mr. DeMorier, when will
3 you be moving out?
4 Mr. DeMorier: On or before the last day of the month.
5 Judge Kline: Is that--
6 Mr. Oman: --The quicker the better, Judge.
7 Judge Kline: Okay. Okay. Come on up. Sir, would you state
8 your name, please, for the record?
9 Mr. Oman: Leonard Oman.
10 Judge Kline: Oman? How do you spell that?
11 Mr. Oman: O-M-A-N.
12 Judge Kline: Because you're all going to sign this. We are,
13 except-- Now, this letter says, "To whom it may
14 concern. Mr. DeMorier is willing to allow the
15 security deposit of \$500 to be paid towards the back
16 rent for March 2013. This will leave a balance of
17 \$50 for March 2013 and the rent for April 2013 of
18 \$550. This and a return check fee of \$20 plus the
19 court fee of \$15 equals \$635 to be paid to John and
20 Vickie Hills. The money will be paid by April 10,
21 2013. Mr. DeMorier will be moving out by the end
22 of April 2013 or before." I signed my-- I am going
23 to sign my name. It is going to be witnessed by Neil
24 DeMorier, Leonard Oman, John Hills and Vickie
25 Hills. Is that fair enough?

(Hills v DeMorier)

1 Mr. Hills: Yes, it is.
2 Judge Kline: Okay.
3 Mr. DeMorier: Should it actually say the date of April and/or just
4 thereabouts? Not the 30th.
5 Judge Kline: Well, there is-- On or before the end of April.
6 Mr. DeMorier: We're assuming the end of April is the 30th.
7 Judge Kline: Or sooner. Right. Okay. I am going to do just do
8 one copy and copy the rest, so you don't have to sign
9 all five. I am just going to make one copy.
10 Mr. DeMorier: Just--
11 Judge Kline: --And you all sign it and then I will make a copy of
12 that so you don't have to sign five times, unless you
13 want to sign five times. I am just trying to make it a
14 little easier. Sign above your name. Mr. DeMorier,
15 you will sign in this spot. Mr. Oman, here. Mr.
16 Hills-- Okay.
17 Mr. Hills: Okay.
18 Mr. DeMorier: Now that we got that settled, what about the noise
19 and the (unintelligible) with the car next door?
20 Mr. Hills: In the car?
21 Mr. DeMorier: In the car.
22 Mr. Oman: Not get into anything here.
23 Mr. DeMorier: But it was my window.
24 Mr. Hills: What window?
25 Mr. DeMorier: The side window on the car.

(Hills v DeMorier)

1 Mr. Hills: Whose car?
2 Judge Kline: I thought somebody hit a deer on the way over.
3 Ms. Hills: We saw a couple.
4 Judge Kline: They were crossed in front of me.
5 Mr. Oman: You got a broken window in the car?
6 Mr. DeMorier: Mm-hmm. Side window, and I got all the receipts.
7 Mr. Oman: Oh yeah?
8 Judge Kline: Okay. I am giving you one for each. Do you want
9 another one? Okay. Well, good luck everybody.
10 Mr. DeMorier: It would save the time if--
11 Mr. Oman: --Thank you, Your Honor.
12 Ms. Hills: Do you want the paperwork that we had served?
13 You got the affidavit? Okay. Thank you.
14 Judge Kline: You're welcome.
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**Transcript of Proceedings in *People v D [REDACTED] B [REDACTED]*
held October 21, 2014 (6:57 PM to 7:02 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.**



1 Judge Kline: Okay. I am Judge Kline. Judge Daniels is on my
2 right. All these proceedings are being recorded so
3 please state your name.
4 Ms. B [REDACTED]: D [REDACTED] B [REDACTED].
5 Mr. B [REDACTED]: R [REDACTED] B [REDACTED].
6 Judge Kline: You have two counts of no license for two dogs.
7 And you (unintelligible) licensing. Now, you have
8 six counts on two dogs running at large on three
9 different days each. Why are they running at large
10 and where are they running at large? Are they
11 running on the neighbors?
12 Mr. B [REDACTED]: Well, the one neighbor to the left of us has 600 acres.
13 He said he didn't care if the dog was on his
14 property. We didn't realize across the road, to the
15 left, was somebody else's property. But we let them
16 out to go to the bathroom and sometimes they go,
17 you know, go down there and the kids let them out a
18 couple of times, even though they had talked to us.
19 We try to keep them in at night but we have a cage,
20 an outdoor cage to put them in so they can go to the
21 bathroom and then bring them back inside. He said
22 it wasn't a problem, but it's hunting season right now
23 and that's what he's upset about, so we are trying our
24 best--
25 Judge Kline: --Work with the neighbors?

1 Mr. B [REDACTED]: Yes. We don't want to start a war.

2 Ms. B [REDACTED]: Then on (unintelligible) the dogs paws. It was a
3 school bus. The school bus (unintelligible). He ran
4 over and then we'd come back.

5 Judge Kline: Are they leashed?

6 Mr. B [REDACTED]: Yes. The little dog, no, but the big dog's been on a
7 leash before. Yes.

8 Judge Kline: Okay. What I am going to tell you-- What I am
9 going to do is I am going to what they call ACD
10 these, which means adjournment in contemplation of
11 dismissal. It means-- (Unintelligible) not a lot I can
12 give it (unintelligible). That's when I (unintelligible)
13 then they will be sealed (unintelligible). But you are
14 going to have some time where you (unintelligible).
15 I have (unintelligible).

16 Mr. B [REDACTED]: All right.

17 (UNINTELLIGIBLE CONVERSATION WHILE
18 JUDGE DANIELS SPEAKS WITH ANOTHER DEFENDANT.)

19 Judge Kline: (Unintelligible.) So, what I am going to do is
20 (unintelligible).

21 Mr. B [REDACTED]: Well, gun season starts November 17th
22 (unintelligible).

23 Judge Kline: Okay. What I am going to do is-- So, it will be over
24 by-- Hunting season is done when, Judge?

25 Judge Daniels: Pardon me?

1 Judge Kline: Hunting season. When is it over?
2 Judge Daniels: Oh, like the middle of December?
3 Mr. B [REDACTED]: That's what I thought. At Christmastime.
4 Judge Kline: Okay.
5 Judge Daniels: It don't go quite that long. It's, like, 15th or 18th of
6 December.
7 Judge Kline: December 30th.
8 Judge Daniels: Yeah, are you (unintelligible) black powder and bow
9 on it?
10 Judge Kline: I said hunting, Judge. I wasn't specific. I'm putting
11 you in the same category as her. All right.
12 Judge Daniels: I like my weapons of choice, so.
13 Judge Kline: Right.
14 Judge Daniels: Okay.
15 Judge Kline: All right. So, December 30th and if we have any
16 complaints during that time (unintelligible). And
17 then we have to think of something different. And
18 then there will be fines and surcharges, so yeah. I
19 know how easy it is. We're just very lucky that she
20 doesn't do that but I know. I used to have a dog
21 that-- But anyway. When he got loose, he'd come
22 back to him and I killed him. (Unintelligible.) All
23 right. I am going to ACD it until December 30th. If I
24 hear anything more about it, the (unintelligible).
25 Okay? Just keep an eye on them. That's all you can

(People v D [REDACTED] B [REDACTED])

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do, so.

CERTIFICATION

I, LISA SAVARIA an Assistant Administrative Officer 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.

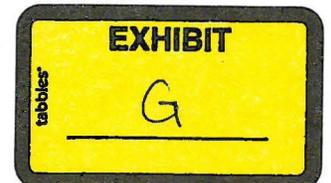
Dated: December 22, 2015

Lisa Savaria

Lisa Savaria

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**Transcript of Proceedings in *People v Desiree Prosser*
held February 25, 2014 (7:34 PM to 7:47 PM) and
April 20, 2014 (9:40 AM to 9:44 AM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.**



(People v Desiree Prosser)

February 25, 2014 (7:34 PM to 7:47 PM)

1
2 Judge Kline: All right. Okay. I am Judge Kline, Judge Daniels is
3 on my right. All these proceedings are being
4 recorded so please state your name and date of birth.
5 Ms. Prosser: Desiree Prosser, [REDACTED].
6 Judge Kline: Okay. We sent a warrant out on December 26th. I
7 don't know how long she has been in Chenango
8 County.
9 Mr. Dean: She has been in since November 14th, Your Honor.
10 Judge Kline: Okay. She was supposed to have paid this by
11 September 26th. We gave her three months and then
12 we put the warrant out. So, she owes \$125.
13 Mr. Dean: It's my understanding, Your Honor, she had entered
14 a plea to a simple harassment charge.
15 Judge Kline: Yes. And it was a surcharge.
16 Mr. Dean: Okay.
17 Judge Kline: So, how long is she in?
18 Mr. Dean: She is in a little longer.
19 Judge Kline: Do you know what date?
20 Mr. Dean: 10 March.
21 Judge Kline: Okay. How much time after you get out of
22 Chenango County Correctional Facility are you
23 going to need to pay us?
24 Ms. Prosser: Depending if I get a job, probably a month, maybe
25 two months to get back on my feet.

(People v Desiree Prosser)

1 Mr. Dean: Sixty days, Your Honor, otherwise she could--
2 Judge Kline: --Well, actually--
3 Mr. Dean: --I've spoken with the assistant district attorney
4 about this. He would have no objection to her being
5 resentenced to 15 days and, further, have no
6 objection to it running concurrent with her existing
7 sentence. The likelihood of you getting the whatever
8 is much greater if we traded time for cash.
9 Mr. Genute: I have no objection, Judge. Obviously, ultimately,
10 it's your call, so--
11 Mr. Dean: --Yeah. I just wanted to get her arraigned on that
12 warrant. It's my understanding she hadn't been
13 brought before you on it yet.
14 Judge Kline: No.
15 Mr. Dean: Perhaps because nobody realized she was down
16 there, through no fault of yours. Believe me. I can't
17 even find out who I have down there.
18 Judge Kline: Well, I can either give you until May 22nd to pay the
19 \$125, or we can give you the 15 days.
20 Mr. Dean: Is she going to get the 15 concurrent with her--
21 because she is a sentence prisoner at the moment.
22 That's all I'm asking, Judge.
23 Judge Kline: She is a what?
24 Mr. Dean: A sentence prisoner out of another court at the
25 moment, so if she got a concurrent, I know she is

(People v Desiree Prosser)

1 going to jump all over it, the 15 days. That's with
2 the-- If the prosecution doesn't have an issue with it
3 but ultimately sentencing, that's up to you, Your
4 Honor. Otherwise she respectfully requests 60 days
5 upon her release within which to attempt to settle up
6 with you. But the economy being what it is and her
7 skills being what they are, I think the-- it would be
8 better off having a civil judgment.

9 Judge Kline: What I am going to agree to-- What is she in the
10 correctional facility for? Do you know?

11 Ms. Prosser: Promoting prison contraband. I finally got
12 sentenced.

13 Judge Kline: All right. Now, I am going to ask a question of you,
14 Mr. Dean. If I give her a concurrent--

15 Judge Daniels: --Concurrent is happening at the same time.

16 Judge Kline: Right. I know that.

17 Judge Daniels: Okay.

18 Judge Kline: But--

19 Mr. Dean: She can be resentenced for up to 15 days.

20 Judge Kline: Right, but can we have-- Well. I just have to think
21 about it for a second. All right. I will agree to the
22 15 days concurrent with a warning. If you're in here
23 again, it's not going to happen again. There will be
24 no reduction anywhere. Not a one. You've been in
25 here too many times, all right? Is that okay with you,

(People v Desiree Prosser)

1 Judge Kline: That's it.

2 Ms. Prosser: Thank you, Mr. Dean.

3 Mr. Dean: You're welcome. Take care, Desiree.

4 April 20, 2014 (9:40 AM to 9:44 AM)

5 Judge Daniels: This is Judge Daniels and Judge Kline. We are here
6 in the Guilford Town Court Sunday, April 19th?

7 Judge Kline: 20th.

8 Judge Daniels: 20th, at 9:40-- 35 AM. We have a Desiree Prosser
9 here picked up on a warrant, and we have Deputy--

10 Deputy Hayner: --Hayner.

11 Judge Daniels: --Hayner and badge number, deputy?

12 Deputy Hayner: 0-7-0-5.

13 Judge Daniels: As well as the defendant.

14 Judge Kline: Okay. Judge-- Okay. Well, Judge, deputy and Ms.
15 Prosser, I believe it's court error. We did-- That
16 usually doesn't happen. So-- We did resentence her
17 to 15 days concurrent with other charges on February
18 25th, so we'll recall this warrant.

19 Deputy Hayner: (Unintelligible) no, it's fine, we get it taken care of
20 so she can get released tomorrow. She is supposed
21 to be out tomorrow at 7:00, so that is why we are
22 doing with this today.

23 Judge Kline: You do realize, though, you really don't want to be
24 back in this court.
25

(*People v Desiree Prosser*)

1 Ms. Prosser: Yes. Yes.
2 Judge Kline: Because there will be no reductions. You will go to
3 jail. You will have whatever jail time we can give
4 you.
5 Ms. Prosser: Okay.
6 Judge Kline: No ifs, ands or buts.
7 Ms. Prosser: I understand. I am just ready to put my past behind
8 me. I'm done dealing with-- just everything that
9 I've done in my past. I am ready to just get it out of
10 the way here, and I'm too old--
11 Judge Kline: --I sincerely hope so because I have this note on your
12 file, "No reductions on future charges." And we will
13 not reduce it, no matter what the DA says, no matter
14 if the officers come in and say you've been behaving
15 yourself, it does not matter.
16 Ms. Prosser: Okay.
17 Judge Kline: You will go to jail.
18 Ms. Prosser: You will not see me again, Your Honor.
19 Judge Kline: And I am going to tell you now, I deal with the
20 Village of Oxford, the Town of Oxford, the Town of
21 Bainbridge. If you're in any of those three courts,
22 you're going to be brought here because this is part
23 of it. You're not getting into any trouble, and you
24 will go to jail for it. So, you've got four courts at
25 least that you don't want to be anywhere near. Okay.

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Dated: December 22, 2015

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**Transcript of Proceedings in *People v Peter Seneck*
held July 22, 2014 (9:17 PM to 9:22 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.**



(People v Peter Seneck)

1 Judge Kline: Okay, Mr. Seneck, come on up. You have one
2 violation and one misdemeanor. They denied you a
3 public defender.
4 Mr. Seneck: I was going to get an attorney. I just can't afford one
5 at this time.
6 Judge Kline: I would suggest going to Legal Aid.
7 Mr. Seneck: Legal Aid?
8 Judge Kline: Legal Aid.
9 Mr. Seneck: Who's that?
10 Judge Kline: In Norwich.
11 Mr. Seneck: In Norwich? Right in the county office building or
12 something?
13 Judge Kline: Nope. You'll probably never find it but
14 (unintelligible).
15 (UNRELATED CONVERSATION FROM 9:18 PM TO 9:20 PM)
16 Judge Kline: Okay. This is the last time I'm adjourning it. After
17 that, if you don't show up with an attorney, then I'll
18 just send you to jail. Okay. August 26th at 7:00.
19 And like I said, last time, okay?
20 Mr. Seneck: All right. Thanks.
21 Judge Kline: Okay.
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Dated: December 22, 2015



Lisa Savaria

Transcript of Proceedings in *People v D* [REDACTED] *S* [REDACTED]
held August 8, 2013 (4:58 PM to 5:34 PM),
August 27, 2013 (7:38 PM to 7:53 PM),
August 12, 2014 (6:42 PM to 7:11 PM)
and August 19, 2014 (7:07 PM to 7:18 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.



August 8, 2013 (4:58 PM to 5:34 PM)

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Mr. S [REDACTED]: And not telling me the right way, how to even deal with it. They just keep quiet and these people, they know the law. I don't know the law. I keep to myself. I have my own personal problems and my health reasons. I have my family problems and then I have to be mistreated because these people trespass on my land, my property, and they have me arrested? You know, there is a saying. What you sow is what you reap and what they do to me, they will get in return, you know, because God-- I believe in God and God sees everything. But I live in this world and God-- You know, not everybody believes in God and that is the issue, and that's where this confrontation and this conflict comes in. That's why. Everything will work out in due time. He made a fool-- What I know it as (unintelligible) and fools, disrespecting me and doing what is wrong against, ultimately, God. Nonetheless against me. Even overall against me as well. That's fine.

Judge Daniels: Is this recording?

Judge Kline: Okay. I need the defendant to fill this out. That table there is real light. Do you want to just pull it over? Here is a clipboard, trooper. (Unintelligible.)

Trooper: Just have him fill it out in his seat there or-- Just

1 have him fill it out in his seat there?
2 Judge Daniels: (Unintelligible.)
3 Trooper: What (unintelligible). It's part of the process, now.
4 It's an application for a public defender. So you are
5 going to go ahead and fill it out. So, sit down for
6 me, okay, because I am going to go ahead and put
7 you in front so you can fill this out. Okay? Just turn
8 and face to the right for me so I can-- Start to turn
9 around for me, please (unintelligible).
10 Mr. S [REDACTED]: You understand (unintelligible) just being surprised
11 about this. Wouldn't you be upset if someone
12 surprised you at your home like this regarding
13 something that is not true and not, you know, valid
14 based on the overall situation?
15 Trooper: Go ahead and have a seat and go ahead and fill that
16 out. There is a pen right on top there. Fill it out to
17 the best of your ability, D [REDACTED]. If you don't know
18 something, just to the best of your knowledge.
19 Mr. S [REDACTED]: I wanted to know who do I speak to to know exactly
20 all of the legality, how to deal with this entire
21 situation, everything that happened to transpire prior
22 to him, during and everything (unintelligible).
23 Trooper: Go ahead and fill it out. That's what you are filling
24 out right now. (Unintelligible.)
25 Mr. S [REDACTED]: Okay. Because I don't want them to (unintelligible)

1 the record.

2 Trooper: (Unintelligible) for a public defender. So, if you are

3 approved, the court will provide you with a public

4 defender. If not (unintelligible).

5 Mr. S [REDACTED]: I am on Social Security and am having trouble with

6 that. I don't have money all the time. You know,

7 this (unintelligible) infuriate someone

8 (unintelligible).

9 Trooper: Just go ahead and fill it out to the best of your

10 knowledge.

11 Mr. S [REDACTED]: (Unintelligible.)

12 Unidentified Male: Here is the original warrants and these are--

13 Mr. S [REDACTED]: --Really. I (unintelligible) gotten a summons, solely.

14 That's--

15 Trooper: --(Unintelligible).

16 Mr. S [REDACTED]: That's why I am upset over this. Yeah.

17 Unidentified Male: That's his own information. I gave him both copies

18 of the depositions.

19 Trooper: (Unintelligible.)

20 Unidentified Male: I have two (unintelligible).

21 Trooper: Your mailing address would be a PO Box or

22 something, where you get your mail at the same

23 place?

24 Mr. S [REDACTED]: So I would put it in the first one and the second one

25 would be blank?

(People v D [REDACTED] S [REDACTED])

1 Trooper: Well, if it's the same one (unintelligible). Oh,
2 pardon me.
3 Unidentified Male: I am going to go grab a note pad so I can
4 (unintelligible).
5 Judge Kline: Is this for the order of protection?
6 Unidentified Female: That's for the people at school.
7 Unidentified Male: Right. Okay.
8 Mr. S [REDACTED]: When I say-- Oh.
9 Unidentified Male: Judge, were you going to do a temporary one or just
10 have them do the application for it?
11 Judge Kline: I am going to do a temporary.
12 Unidentified Male: Okay. Okay.
13 Judge Kline: Yup. That's just for the information so I can put it
14 on here.
15 Unidentified Male: Okay.
16 Mr. S [REDACTED]: Is this the judge I am going to be speaking with?
17 Trooper: Yup. Just go ahead and fill it out, and she will call
18 you up when she is ready, okay?
19 Mr. S [REDACTED]: Well, she heard everything about my anger, my
20 outburst. I don't want her to use that against me.
21 This-- It's really-- I am not fortunate to give up. I
22 mean, if I speak calmly, that-- that's, you know,
23 because some of that is true, whether I speak in an
24 angry way or in a calm way, it doesn't matter. It's
25 truth. Right is right. Okay. (Unintelligible.) Who

(People v D [REDACTED] S [REDACTED])

1 fills out this? The court?
2 Trooper: Yeah. That's for the court.
3 Mr. S [REDACTED]: This is not a-- doesn't apply because I sign at the X,
4 right?
5 Trooper: Let's see. Just sign it and--
6 Judge Kline: Sign and date it.
7 Trooper: We'll let you know.
8 Mr. S [REDACTED]: These people need to be punished for this, you
9 know? That's why I want to know exactly, in the
10 terms of the court system, what I can do against
11 them. If they want to be evil, then they're going to
12 get evil in return. I'll use the court system to go
13 against them. They're unbelievable. In fact, I am
14 going to file criminal charges against them for
15 trespassing on my land and they admitted to this
16 farce. Unbelievable.
17 Judge Kline: Okay. Just to the best of your ability.
18 Mr. S [REDACTED]: These people. I can just put (unintelligible) same
19 places-- (Unintelligible) to get arrested for this most
20 ridiculous thing and because people are ganged up
21 on me, (unintelligible) all get arrested and then I
22 gang up on all of them. Unbelievable. Unbelievable
23 what (unintelligible) period. Today is the 7th?
24 Unidentified Male: Today is the 8th.
25 Mr. S [REDACTED]: The 8th.

1 Judge Kline: Thank you.
2 Unidentified Male: Yup. Thank you.
3 Mr. S [REDACTED]: I have been (unintelligible) and I have to have this,
4 you know? I-- Is this the procedure that everybody
5 who is arrested gets this regardless of whether it's a
6 violation or a crime or whatever it is?
7 Unidentified Male: If it's arrested then, yeah. You get the handcuffs on
8 and you come in to see the judge and get processed.
9 Mr. S [REDACTED]: Okay. Okay. What happens with my house? Does
10 anybody go down and break down since I came here
11 that there is a reasonable-- to have a search warrant
12 for my house for any reason-- There was only a
13 search warrant to search for me, to try to get me to--
14 because I have an arrest warrant and because they--
15 that's the reason why you went right to that house
16 down (unintelligible) so I can access but since they
17 were to have people to have access--
18 Unidentified Male: --Nobody else has gone in your house.
19 Mr. S [REDACTED]: There is no reason not to go, for any reason, other
20 than-- since I am here arrest, there is no reason-- No
21 one is going to go on my property for any reason or
22 anything like that?
23 Unidentified Male: Correct.
24 Mr. S [REDACTED]: Well, my concern is about neighbors. Since they
25 arrested me, what are they going to do on my

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property now, you know? I have-- Since I live by myself, who do I have to protect my property, you know? They make a fool out of me. These are the kind of people that-- the most cunning people who act like they're-- that they're lambs but they are wolves in sheeps' clothing, you know. These are the kind of people and what law is there to protect me against them? You know, I seek to do it the right thing and there is no one to help me. I don't have family to help me. I don't have people around me to help me. I have these neighbors that are harassing me and they keep quiet. Those are little evil fools, you know? They use the law, you know, improperly, okay? And I'm going to see how I use God's law and that is very much properly in time. Everything happens in time. People who believe in God, they know, you know? I have tasted it. I know supernatural-- I know natural things, you know, but it's very hard to prove that. But I experienced it firsthand. So I will (unintelligible) and how much more I am going to go through? It sucks. If I did property damage, (unintelligible) and I get arrested? To check to confirm the date of the damage for them to be arrested. I was going to call on them if I would have found something there. Unbelievable. They

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removed my postings. They put one-- They have one there so if I were to step somewhere where they removed the postings, you know? I am going over this. The first time I go over there-- The second time what happened I go over that side. I am trying to examine to see my land. I am a new homeowner and they're-- And I saw how many times they cut my trees down and you are going to tell them that you were going to go in the back with them and you lied to me. Is this-- Is this the law of practice? I understand to a point you can try to, you know-- Okay. Fine. This is principle. This is warfare, principle warfare between good and evil. Do you understand? There's a physical, and there is a principle warfare against principalities, morality, what people believe, right and wrong. What is evil and evil is good for them. That's the warfare and you get an opinion about that. You should rather be happy that I am saying that. Not to be offended, but there is-- I could have easily got to warfare. So what? Just to prove to you so that I can say almost, he did military. What do you get offended about that? If you are offended about me being harassed and abused by evil people, I am the one who is affected, that you don't have an impression on me.

(People v D [REDACTED] S [REDACTED])

1 Judge Kline: Are you ready, sir?
2 Mr. S [REDACTED]: Yes, I am. Do I sit here?
3 Judge Kline: No. You come forward.
4 Mr. S [REDACTED]: Okay.
5 Judge Kline: Mr. S [REDACTED]?
6 Mr. S [REDACTED]: Yes.
7 Judge Kline: I am Judge Kline and you are here in the Guilford
8 Town Court--
9 Mr. S [REDACTED]: --Yes.
10 Judge Kline: --on a warrant of trespass, 140.05 of the penal law.
11 It is a violation. Do you understand that charge?
12 Mr. S [REDACTED]: I don't understand. What is it supposed to be?
13 Judge Kline: Yes or no.
14 Mr. S [REDACTED]: I understand that you are saying it's a violation. Yes.
15 Judge Kline: Yeah.
16 Mr. S [REDACTED]: But I haven't gone--
17 Judge Kline: --All these--
18 Mr. S [REDACTED]: --Okay.
19 Judge Kline: All of these proceedings are being recorded so please
20 state your name and date of birth.
21 Mr. S [REDACTED]: Yes. My name is D [REDACTED] S [REDACTED], [REDACTED].
22 Judge Kline: Okay, along with myself and the defendant, there are
23 troopers--
24 Unidentified Male: --(Unintelligible).
25 Judge Kline: And badge?

(People v D [REDACTED] S [REDACTED])

1 Unidentified Male: 4-4-4-5.
2 Tpr. Thatford: And Thatford, 5-0-5-5.
3 Judge Kline: Okay. Now, you are entitled to an attorney at each
4 and every part of these proceedings. Do you wish an
5 attorney?
6 Mr. S [REDACTED]: If I need one, yes.
7 Judge Kline: Do you want one?
8 Mr. S [REDACTED]: If that's require-- I don't understand the procedure,
9 what's involved with that? If I require an attorney--
10 Judge Kline: I am telling you that you are entitled to an attorney at
11 each and every part of these proceedings.
12 Mr. S [REDACTED]: Yes, I would like one.
13 Judge Kline: Okay. The paperwork you filled out is for a public
14 defender.
15 Mr. S [REDACTED]: Okay.
16 Judge Kline: I know it's a violation, but I will send it up to the
17 public defender's office and tell them that you would
18 like a public defender for your attorney. If you
19 decide you don't want them then, if you need an
20 attorney, then you are going to have to get it on your
21 own.
22 Mr. S [REDACTED]: But a public defender is an attorney, right?
23 Judge Kline: If you don't want a public defender. If you have a
24 public defender and you don't want--
25 Mr. S [REDACTED]: --I have--

1 Judge Kline: --for whatever reason, then you go get your own.
2 Mr. S [REDACTED]: Okay. But if I have no money, then I have no option
3 to get my own attorney, is that correct?
4 Judge Kline: Well, there is also Legal Aid out there. So--
5 Mr. S [REDACTED]: Is that-- What is the difference between Legal Aid
6 and public defender, or a public attorney?
7 Judge Kline: The public defender is who we-- they are attached to
8 this court. Legal Aid you are going to have to do
9 your own follow up, it's on your own.
10 Mr. S [REDACTED]: Okay, so public defender--
11 Judge Kline: --It has nothing to--
12 Mr. S [REDACTED]: --pays for everything so I don't have to pay
13 anything?
14 Judge Kline: That-- I don't know how it works. I just know that
15 they do-- they will do it for nothing or minimal. I
16 am not really sure how it does work.
17 Mr. S [REDACTED]: But I have no money so I can't pay anybody.
18 Judge Kline: If you are found guilty of trespass, then the
19 maximum fine would be \$250, with a mandatory
20 \$125 surcharge, and you could get 15 days in jail.
21 And do you understand that?
22 Mr. S [REDACTED]: Yes, I do. Yes.
23 Judge Kline: I am also looking at two people that would like an
24 order of protection and I will give them one. And I
25 am also sending you to Chenango County

1 Correctional Facility on a \$250 cash bail or \$500
2 insurance bond. If you need a phone to call
3 somebody to take care of your house or whatever
4 until you can get out on bail or back here in court on
5 August 13th at 7:00 PM. Do you need to use a
6 phone?
7 Mr. S [REDACTED]: For someone to pay my bail?
8 Judge Kline: No. To call somebody to let them know where you
9 are.
10 Mr. S [REDACTED]: Okay, but where am I going right now?
11 Judge Kline: Chenango County Correctional Facility on \$250 cash
12 bail.
13 Mr. S [REDACTED]: And then I can go home?
14 Judge Kline: If you pay it, yes.
15 Mr. S [REDACTED]: But didn't I just say I am on Social Security, I have
16 no money? Can you please show me mercy? I have
17 no money. I didn't do this.
18 Judge Kline: That has to be decided.
19 Mr. S [REDACTED]: But why--
20 Judge Kline: --I am only here to do the arraignment, to let you
21 know your rights, what your rights are. You are
22 entitled to an attorney at each and every part of these
23 proceedings.
24 Mr. S [REDACTED]: But could you please--
25 Judge Kline: --And also I am sending you to the correctional

1 facility.
2 Mr. S [REDACTED]: Why? Is it because I was upset over there?
3 Judge Kline: No.
4 Mr. S [REDACTED]: Because you interpreted me, that I am deserving of
5 this? I don't understand. What--
6 Judge Kline: Most everybody that comes in here in handcuffs
7 usually goes to jail. There is no, you know, buddy
8 system or anything else.
9 Mr. S [REDACTED]: And they have to pay as well? There is no option to
10 not pay? Because I didn't do this.
11 Judge Kline: If you want to get out of jail, then \$250 has to be
12 paid in cash or use \$500 insurance bond.
13 Mr. S [REDACTED]: Okay. Could they pay with credit card or debit card?
14 Judge Kline: Yes, they can, over at the jail.
15 Mr. S [REDACTED]: Wow.
16 Judge Kline: So, just have a seat and I will get all of this other--
17 Mr. S [REDACTED]: --And can I recoup that money back?
18 Judge Kline: --paperwork--
19 Mr. S [REDACTED]: --Can I recoup that money back by suing them or
20 doing something against them for false harassment?
21 Judge Kline: You will get the money back after your case is
22 decided.
23 Mr. S [REDACTED]: Okay.
24 Judge Kline: You are going to come back on the 13th of-- yes,
25 August.

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: Okay.
2 Judge Kline: Unless your attorney states otherwise.
3 Mr. S [REDACTED]: Okay. I come back in this building?
4 Judge Kline: Yes.
5 Mr. S [REDACTED]: Okay. And do these people who put this order of
6 protection or restraining order, they come also?
7 Judge Kline: No.
8 Mr. S [REDACTED]: Hmm.
9 Judge Kline: Like I said, you need to talk to an attorney.
10 Mr. S [REDACTED]: Okay.
11 Judge Kline: Okay? Okay, so, just like I said, just have a seat so I
12 can get all this paperwork done. I am almost done.
13 And do you need to make a phone call?
14 Mr. S [REDACTED]: Yes, I do. Yes. So, you're saying if I don't make
15 this payment, I have to stay in the correctional
16 facility until the 13th?
17 Judge Kline: Yes.
18 Mr. S [REDACTED]: Wow. What if no one answers?
19 Unidentified Male: You will have the opportunity at the jail to make
20 another phone call.
21 Mr. S [REDACTED]: And what if no one answers there as well?
22 Unidentified Male: Then I am sure you can make another phone call.
23 Mr. S [REDACTED]: Okay.
24 Unidentified Male: Judge, this says "line in use." Is there a dial tone or--
25 Is there usually a dial tone with this phone?

1 Judge Kline: (Unintelligible).
2 Unidentified Male: No, that's (unintelligible).
3 Judge Kline: Okay. Well, we had somebody working on the
4 computers yesterday, so-- Your hat's over there,
5 too.
6 Unidentified Male: Yeah. I was just going to bring it over and don't
7 forget it because it's bad if you forget it. There's
8 another phone line maybe?
9 Judge Kline: No. Should all be one, but he must have switched
10 them to Judge Daniels' desk. (Unintelligible.) He'll
11 fix it. I know nothing about electrical or mechanical.
12 Mr. S [REDACTED]: Is there any possible way that I can do this without
13 having to pay because I have financial-- my family
14 has financial problems. I have financial problems.
15 Is there any way I can sign something where I will be
16 at the court, but I don't understand why I need to pay
17 for someone who doesn't have funds. I understand
18 this is what the court system-- I understand that
19 there is an option to not pay if you decide it. Can
20 you please, you know, show me mercy regarding this
21 because I don't understand why I would pay if I
22 can't afford this.
23 Judge Kline: Like I said, if it is paid, then the person or persons
24 putting up the bail will get it back minus three
25 percent.

(People v D [REDACTED] S [REDACTED])

1 Unidentified Male: Shoot. I can't get a dial tone on this one.
2 Judge Kline: I'll have Judge Daniels look into it.
3 Unidentified Male: It is saying the lines are being used.
4 Judge Kline: Yeah.
5 Unidentified Male: That's what that one kept saying. It kept saying,
6 "Line in use."
7 Judge Kline: Yeah.
8 Unidentified Male: It sounds like there is an open line somewhere.
9 Mr. S [REDACTED]: I don't understand, why the officer didn't confront
10 me if I was trespassing at that moment.
11 Unidentified Male: At that moment you weren't, D [REDACTED]. We talked
12 about this.
13 Mr. S [REDACTED]: Why don't they speak to me? Why did they just
14 come to just arrest me, you know? You speak to
15 somebody. That's an issue. You want to cuff me
16 and I said no. But no. Arrest him because they
17 signed a sworn deposition. I could have done the
18 same thing if I was given the option but if someone
19 decides to show one mercy and the other one, you
20 know, wants to do this unjustly, I don't understand
21 how this someone could be arrested just because
22 someone says so and they have no proof, like I don't
23 have any proof. Do you know how many times I
24 called police on them? They do me property damage
25 and I have to be arrested just walking my perimeter.

1 Unbelievable. It's not like I went to their house and
2 I walked in front of their house and I wanted to do
3 them harm, you know. Walking my perimeter to see
4 that they don't do me harm, stealing the trees. I see
5 how many trees that they cut there. Violation?
6 This is not a violation.
7 Judge Kline: Do they both live at [REDACTED]?
8 Unidentified Male: That's correct. Yes.
9 Judge Kline: Okay. I will make them on one, then.
10 Unidentified Male: Okay. Thank you.
11 Mr. S [REDACTED]: I understand. Some people are loving and some
12 people are not.
13 Judge Kline: Do Mr. M [REDACTED] and Ms. D [REDACTED] work?
14 Unidentified Male: I don't know, Your Honor.
15 Judge Kline: Okay.
16 Mr. S [REDACTED]: They said that they are on Social Security retirement.
17 That's what they told me.
18 Unidentified Male: You have family in the area, D [REDACTED]?
19 Mr. S [REDACTED]: No. I am by myself.
20 Unidentified Male: Where is your family?
21 Mr. S [REDACTED]: In the New York City area. I don't know if I
22 mentioned it to you or someone else, but they were--
23 probably in one of the police reports they mentioned
24 that I called several times and I told them where-- I
25 came from my-- I thought that this would be a better

1 place, but these people who do these kind of things
2 to me and they are so conniving so, you know,
3 devious and, so, you know, they know how to, you
4 know, try to set me up. Unbelievable. I did nothing
5 wrong. Walking my perimeter. How many times
6 have they come on my perimeter? The other day
7 they had their sheep, they come on my land, and I
8 say-- and I said, you know, normally I call the
9 police, you know, trespassing, but I would be happy
10 to help you retrieve it. This and that. You know,
11 but, you know, but I showed them compassion. I
12 didn't call police on them. I didn't put this-- the
13 deposition to arrest them, things like that. I showed
14 compassion about them but they just keep plotting. I
15 mean, just, you know-- This is fine. I just don't
16 want them to do this anymore to me. I want to walk
17 my perimeter to just see-- (unintelligible) they don't
18 do, you know-- How many times do they go hunting
19 and they go past my perimeter and I don't have
20 anybody arrested?

21 Judge Kline: Okay, Mr. S [REDACTED], I am going to read this to you.

22 Mr. S [REDACTED]: Yes.

23 Judge Kline: This is a temporary order of protection.

24 Mr. S [REDACTED]: And what does that mean versus permanent?

25 Judge Kline: It means stay away from G [REDACTED] M [REDACTED] and P [REDACTED]

(People v D [REDACTED] S [REDACTED])

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D [REDACTED] and the home of G [REDACTED] M [REDACTED] and P [REDACTED] D [REDACTED]. Refrain from communication or any other contact by mail, telephone, e-mail, voice mail or other means with G [REDACTED] M [REDACTED] and P [REDACTED] D [REDACTED]. Refrain from assault, stalking, harassment, menacing, reckless endangerment, disorderly conduct, intimidation, threats or any criminal offense or interference with the victim or victims of or designated witnesses to the alleged offense, being such members of the family or household of such victims or witnesses as shall be specifically named, G [REDACTED] M [REDACTED] and P [REDACTED] D [REDACTED]. Specify other conditions defendant must observe, no texting and no third-party communication. Do not have another neighbor or a friend or a family member go and talk to them on your behalf. Okay. It is further ordered this order of protection shall remain in effect until February 8th of 2014, and then I will have you sign this and I will make copies of it.

Mr. S [REDACTED]:
Judge Kline:
Mr. S [REDACTED]:
Judge Kline:
Mr. S [REDACTED]:
Judge Kline:

What was that date again?
February 8th.
2014?
Yes.
Okay. And what happens after that?
Then depending on your case--

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: --So, my case is I go to August 13th, come back here
2 and how long does it take for my entire case to be
3 resolved?
4 Judge Kline: It shouldn't take that long.
5 Mr. S [REDACTED]: Okay. How--
6 Judge Kline: Right here.
7 Mr. S [REDACTED]: Okay. Thank you. I appreciate it. Okay. I don't
8 know how they could be so cruel and not show me
9 mercy as I have shown them mercy. Wow. This is a
10 lesson, a very good lesson.
11 Unidentified Male: You understand what the judge just said, right?
12 Mr. S [REDACTED]: Yeah.
13 Unidentified Male: Absolutely, 100 percent, stay away or else you are
14 violating an order and you will be arrested on a
15 violation.
16 Mr. S [REDACTED]: I can't control what other people do. My family,
17 they speak because sometimes they are--
18 Unidentified Male: On your behalf. They can't-- You can't say, "Mom,
19 go talk to them and tell them I said."
20 Mr. S [REDACTED]: I never tell them. I tell them not to do that.
21 Sometimes they call them, you know, so therefore I
22 told them don't speak to them because--
23 Unidentified Male: --As long as it is not communication on your behalf.
24 Mr. S [REDACTED]: If they mention me, that's not--
25 Unidentified Male: --That's not on your behalf.

1 Mr. S [REDACTED]: Okay. Well, I don't want to be in trouble because of
2 that. I don't even want to speak to them. That's why
3 I put the no trespassing signs. I don't want to do it
4 again, you know? They are trespassing on my
5 property. I am the one that put the signs there. If I
6 was trespassing on their land, they would put the
7 same signs. How many signs did I put? Don't you
8 see, logically, who is doing what to who? But-- So,
9 can I speak to my public attorney and ask him
10 exactly what can I do in terms of defending myself
11 and what I can do to (unintelligible) you know--
12 Unidentified Male: That's his job. That's his job, or her job.
13 Mr. S [REDACTED]: You know, I don't want to be punished. Let them be
14 punished because they are the ones that are the
15 criminals, not me. And I will be (unintelligible).
16 Unidentified Male: That's what the attorney is for. Let them do what
17 they need to do on your behalf.
18 Mr. S [REDACTED]: Thank you. I appreciate it and I apologize for being
19 upset earlier.
20 Unidentified Male: You weren't upset with us. (Unintelligible.)
21 Mr. S [REDACTED]: You can understand my situation. You can
22 understand why I would do that, you know, basically,
23 you know, considering everything, you know, why I
24 am responding this way. Can I make that phone call
25 or--

1 Judge Kline: These phones aren't working. I am sure the person
2 that did the computers yesterday but-- from 8:00 to a
3 quarter to 3:00 flipped something off and--
4 Mr. S [REDACTED]: --Can I pay without going to corrections or do I have
5 to go because that's procedure?
6 Unidentified Male: You can make a phone call when you get there. I'll
7 let you.
8 Mr. S [REDACTED]: Will they keep letting me until I get in touch with
9 him or if I have to leave a message for him to call
10 back at that number?
11 Unidentified Male: I would ask them. I don't know what they
12 (unintelligible) given the opportunity to make a
13 phone call.
14 Judge Kline: Oh, what did I do with it?
15 Mr. S [REDACTED]: And you said have \$500 bail bondsmen, so I can get
16 it through them?
17 Judge Kline: Yes.
18 Unidentified Male: A bondsman, yes.
19 Mr. S [REDACTED]: And I would have to pay him at a later time. That
20 means--
21 Unidentified Male: --You got to talk to the bondsman. Fill out
22 information for a bond up at the jail.
23 Mr. S [REDACTED]: Okay. That's worst case scenario if (unintelligible)
24 to pay it because I don't want to spend the time in
25 jail for what reason.

1 Judge Kline: Okay. Here is the original. Here is one for the
2 defendant and (unintelligible) the victims, give one
3 to each of them I guess.
4 Mr. S [REDACTED]: Oh, I get one as well?
5 Unidentified Male: Yeah. You'll get a copy of it. This one is for Mr.
6 S [REDACTED] here?
7 Mr. S [REDACTED]: Thank you. I appreciate it. Do I need to bring this to
8 court?
9 Judge Kline: No.
10 Unidentified Male: No. That's just your copy saying that you are aware
11 that you signed a piece of paper that you are to have
12 no contact with P [REDACTED] and G [REDACTED].
13 Judge Kline: Yeah, and we will see you back here on the 13th.
14 Unidentified Male: And if you do get bail, D [REDACTED], you have to be back
15 here on the 13th on your own at 7:00 PM. If you are
16 not here, they will issue another warrant for you for
17 failure to appear.
18 Mr. S [REDACTED]: Definitely I will be here.
19 Unidentified Male: The 13th of August at 7:00 PM.
20 Judge Kline: Yeah, which is Tuesday.
21 Unidentified Male: Tuesday. It's next Tuesday.
22 Judge Kline: Yeah.
23 Mr. S [REDACTED]: Okay. And who do I bring with me and what
24 information about this--
25 Unidentified Male: --Just bring yourself here and if your attorney is here

1 to talk with you. If not, they will postpone it so you
2 can talk to your attorney.

3 Judge Kline: Actually--

4 Mr. S [REDACTED]: --Do I have to contact an attorney or will they from
5 the court?

6 Unidentified Male: If you are in jail, they will contact you.

7 Judge Kline: What I am going to do is--

8 Mr. S [REDACTED]: --No (unintelligible).

9 Judge Kline: What is today, Thursday?

10 Unidentified Male: Today is Thursday, the 8th.

11 Judge Kline: Okay. The one attorney only works three days a
12 week. Must be nice, you know, but yeah, I will get a
13 hold of the head honcho over there and tell them that
14 they need to get somebody there.

15 Mr. S [REDACTED]: An attorney will be contacted automatically to come
16 here to meet me on--

17 Judge Kline: --They'll-- If you are in jail, they will meet you at
18 the jail.

19 Mr. S [REDACTED]: Today?

20 Judge Kline: Not today. Today is a little late for them. Maybe
21 tomorrow or maybe Monday.

22 Mr. S [REDACTED]: Okay. So, once I paid this bail, I come back on the
23 13th.

24 Judge Kline: Right. You come back on the 13th. By that time you
25 should have some knowledge of who your public

1 defender is going to be and if they are going to still
2 have you come back on the 13th or if they are going
3 to ask for an adjournment until the 27th.

4 Mr. S [REDACTED]: And how do they contact me?

5 Judge Kline: If you are in jail, they will come see you.

6 Mr. S [REDACTED]: Okay.

7 Judge Kline: Otherwise, they will call you or else they will send a
8 letter, and then you get a hold of them at that point.
9 So--

10 Mr. S [REDACTED]: Could I have their information now so I can contact
11 them because I--

12 Judge Kline: --I know you are not going to get a hold of the one
13 attorney, but I will write down the number for you.

14 Mr. S [REDACTED]: This situation is abusive for me. It's hurt-- bothers
15 my health, my wellbeing. There must be something,
16 you know, recourse that I can do or some action that
17 I can do to confront this illegitimate action against
18 them, but their intention, their purpose is malicious,
19 not something that is legitimate. It's something that
20 is right and justified compared to what they do, and
21 it's not even true at all, but what they did is true.
22 But, how does the attorney prove that I didn't do
23 these things? I don't understand.

24 Judge Kline: Whatever you tell them, you know, he will have to
25 listen to it. I can't give you legal advice, so--

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: --So it's ultimately the judge that makes the decision
2 based on what is told to the judge?
3 Judge Kline: It's going to be basically a three-way agreement
4 between your attorney, an assistant DA and one of
5 the two seated judges.
6 Unidentified Male: Who is the ADA down here, Judge Kline?
7 Judge Kline: Mr. Genute.
8 Unidentified Male: Is it Genute?
9 Judge Kline: Okay, I gave you John Cameron, his office over in--
10 Unidentified Male: --Cameron is in Sherburne?
11 Judge Kline: 8-4-7.
12 Unidentified Male: New Berlin.
13 Judge Kline: Okay. The public defender's office, and this is the
14 public defender that is attached to our court--
15 Mr. S [REDACTED]: --Okay.
16 Judge Kline: --Mr. Mavady, so either call them first. I am still
17 going to fax everything over. You can call them
18 tomorrow, maybe. It depends on what they let you
19 do. Mr. Mavady or John Cameron.
20 Mr. S [REDACTED]: So, what's the difference between public defender
21 and a court-appointed defender?
22 Unidentified Male: They're same.
23 Mr. S [REDACTED]: Is it the same thing?
24 Judge Kline: The same thing. He is the public defender for this
25 court and he is the top public defender, attorney.

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: Okay. So, these two are defenders. This is an
2 office?
3 Judge Kline: Right. This is the main office.
4 Mr. S [REDACTED]: For both of them?
5 Judge Kline: Yes.
6 Mr. S [REDACTED]: Okay. And where is this located at?
7 Judge Kline: Norwich.
8 Mr. S [REDACTED]: Norwich. Okay.
9 Judge Kline: In the county office building.
10 Mr. S [REDACTED]: Okay. And I would have to call him and tell him
11 that--
12 Unidentified Male: --If you get out of jail, you need to contact them
13 yourself. If you are in jail, they will contact you.
14 Judge Kline: Right.
15 Mr. S [REDACTED]: Okay. So-- Okay, so you would provide this
16 information to them as well to contact me?
17 Judge Kline: They are getting all this paperwork faxed to them.
18 Mr. S [REDACTED]: Okay. Thank you. I appreciate it. Will I come to
19 see you again or a different judge?
20 Judge Kline: You will come to see me probably.
21 Mr. S [REDACTED]: Okay. Thank you. And I apologize for being upset.
22 You understand-- You understand what my--
23 Judge Kline: --I understand that. Believe me.
24 Mr. S [REDACTED]: --the reason why I was upset.
25 Unidentified Male: Thank you, Judge.

1 Judge Kline: Okay. Thanks. Have a good one.
2 **August 27, 2013 (7:38 PM to 7:53 PM)**
3 Judge Daniels: How can I help you?
4 Mr. Mavady: Mr. S [REDACTED], Judge.
5 Judge Daniels: Your client was charged with trespass?
6 Mr. Mavady: That's correct.
7 Judge Daniels: Okay. And what are we doing?
8 Mr. Mavady: What we are going to do is we are going to ACD for
9 a period of six months. If my math is correct, it
10 would end Feb-- What did I say?
11 Mr. Genute: February 27th.
12 Mr. Mavady: February 27, 2014--
13 Mr. Genute: --February (unintelligible).
14 Mr. Mavady: Oh, yeah. That's why-- I wrote it on there, yeah.
15 Can I get that first?
16 Judge Daniels: Yup.
17 Mr. Mavady: Because-- So I will repeat again. It would be an
18 adjournment in contemplation of dismissal for a
19 period of six months. Six months would run out
20 February 27th, 2014. I believe that that--
21 Judge Daniels: --Now, you have a relative of yours who has
22 threatened the clerk in every which way-- Correct.
23 We're not real happy.
24 Mr. S [REDACTED]: Judge, I don't know--
25 Judge Daniels: --I have a packet right here. We totally could not

1 talk to her because it would be *ex parte*. She got real
2 nasty with us. She turned around and sent it in the
3 mail. She sent a letter besides. I am very reluctant
4 to do much of anything when I have people coming
5 after us like that.

6 Mr. S [REDACTED]: I apologize. I wasn't aware of that.

7 Mr. Mavady: Judge, I was not-- I was not aware of any
8 communication, third-party communication, Judge. I
9 don't know--

10 Judge Daniels: --And when we told her that it was *ex parte*, it didn't
11 make any difference. They kept on going.

12 Mr. S [REDACTED]: I apologize. I wasn't aware of that.

13 Mr. Mavady: Judge--

14 Judge Daniels: --That's not your fault.

15 Mr. Mavady: That's the relative, Judge. I don't-- I don't know. I
16 can't say what the relative's intent is, but I am just
17 representing my client in light of the fact that he does
18 not have any--

19 Mr. S [REDACTED]: --I'll make sure that-- I will speak to them to make
20 sure that they don't do that.

21 Mr. Mavady: In light of the fact that he does not have a criminal
22 history, we are going to ACD this matter for a period
23 of six months. Again, it would run out on February
24 27, 2014.

25 Judge Daniels: She threatened us to go to the FBI. Good Lord. Go

1 ahead. I have nothing to hide. Now, I am really
2 upset over it.
3 Mr. S [REDACTED]: Again, I apologize for that. I wasn't aware at all
4 regarding that.
5 Judge Daniels: It took place more than once and then she had the
6 nerve to go in and lay into my town-- my court. Not
7 the court clerk, the town clerk who has absolutely
8 nothing to do with my court.
9 Mr. S [REDACTED]: Again, I apologize for that. I wasn't aware of that.
10 Judge Daniels: I will accept the ACD, but it is reluctant.
11 Mr. S [REDACTED]: All right. Thank you. I appreciate that.
12 Mr. Mavady: Judge, the other thing is I believe there is an order of
13 protection. I believe so. I don't know that, as a
14 matter of fact. I believe it is an A, as we speak. And
15 that A order of protection is going to be converted
16 down to a B order of protection, again for the period
17 of the ACD.
18 Judge Daniels: Would you do an order of protection up, Judge?
19 Judge Kline: Yeah.
20 Mr. Mavady: I believe I have that.
21 Judge Daniels: We did record it with the family registry.
22 Mr. Mavady: There it is right there, right there. Okay. So,
23 anyway--
24 Judge Daniels: --The order of protection--
25 Mr. Mavady: --When does that run out?

1 Judge Daniels: It runs out February 8th.
2 Mr. Mavady: Okay. That or-- This current order of protection, an
3 A order of protection would then be reduced down to
4 a B order of protection. It is going to run, again,
5 until February 27th, 2014. It's going to be--
6 Judge Kline: --What is this? Can I jump in here? Why do they
7 want us to reduce it down to a B one?
8 Mr. S [REDACTED]: In case--
9 Mr. Mavady: --Because, Judge, we have--
10 Judge Daniels: Are there kids in common?
11 Mr. Mavady: No, no, no, no, no. This is neighbor stuff. We have
12 reason to believe, and I think Mike is agreeing with
13 me, that this is-- This is retaliation, Judge. We have
14 documentation that was signed--
15 Judge Daniels: --Do you realize they even threatened the arresting
16 officers and accused them of having illegal arrests?
17 Mr. S [REDACTED]: No, I didn't.
18 Mr. Mavady: Judge, I don't know what was said, okay? All I
19 know is there has been some evidence that I've put
20 forth to the district attorney to the point that he has
21 agreed to ACD this and reduce it down to a B. I
22 don't know what third party is threatening the court.
23 Judge Daniels: I am not sure what the advantage of the present order
24 of protection wouldn't do.
25 Mr. Mavady: Because right now it is our position that this was

1 retaliation. There has been history.
2 Judge Daniels: The way this order of protection is written, right here
3 and now--
4 Mr. Mavady: --Okay.
5 Judge Daniels: This simply says he will not go to the home of G [REDACTED]
6 M [REDACTED] and P [REDACTED] D [REDACTED]. D [REDACTED]?
7 Mr. Mavady: I thought it was an A order, Judge.
8 Judge Kline: It's a stay away.
9 Judge Daniels: It's a stay away.
10 Mr. Mavady: Right.
11 Judge Daniels: No texting.
12 Mr. Mavady: I understand, Judge.
13 Judge Daniels: I don't see what the changing it brings-- the changes
14 to go to that is going to be of any value either way.
15 Mr. Mavady: Because we all know that this can be used as a
16 sword. I mean, if he goes out in public to a store,
17 they happen to go into the store well, guess what, he
18 walks the other way.
19 Judge Kline: I'd go with it, Judge.
20 Mr. Mavady: Okay.
21 Judge Kline: I would agree to amend it.
22 Mr. Mavady: I mean, that's why. This is an ongoing thing. They
23 are retaliating, so that is part of the reason why we
24 will reduce it down to a B. It does not-- Obviously,
25 a B is no harassment, no menacing, no stalking and

1 stuff like that, but it does allow him contact. In other
2 words, if you go to a store and they walk in, so what?
3 Judge Daniels: This here does not--
4 Mr. Mavady: --No, no, no. This here does. It prevents my client--
5 If he goes to a store and they walk in, he has to walk
6 out.
7 Judge Kline: I would go with the B.
8 Judge Daniels: You are going to do a B order?
9 Judge Kline: Can I just write on here amended?
10 Judge Daniels: Mm-hmm.
11 Mr. Mavady: Yeah, however you want to do it as long as--
12 Mr. S [REDACTED]: I have my copy as well.
13 Mr. Mavady: Well, I am going to get a copy of the amended back.
14 Judge Daniels: We have to make how many copies and give them to
15 the other parties also.
16 Mr. S [REDACTED]: I just want to make sure the name is spelled
17 incorrectly, so I don't know if that makes a
18 difference.
19 Judge Kline: The what?
20 Mr. Mavady: The name-- The defendant's name is spelled
21 incorrectly. S- [REDACTED].
22 Mr. S [REDACTED]: No, [REDACTED].
23 Mr. Mavady: [REDACTED].
24 Mr. S [REDACTED]: Yes.
25 Mr. Mavady: And there was something else. Oh--

(People v D [REDACTED] S [REDACTED])

1 Mr. Genute: Was it \$250?
2 Mr. S [REDACTED]: I think it was \$296.
3 Judge Daniels: Now, this is recording with the registry, which
4 means that it will be so noted on your driver's
5 license.
6 Mr. S [REDACTED]: Okay.
7 Judge Daniels: Okay?
8 Mr. S [REDACTED]: Meaning what? Meaning what? I am not--
9 Judge Daniels: All orders of protection go to the registry now.
10 Mr. S [REDACTED]: I understand.
11 Judge Daniels: Whether they are family or not. It also ties into his
12 driver's license and stuff so if you should happen to
13 get stopped-- if there somebody else in the vehicle,
14 they are going to verify who it is.
15 Mr. Mavady: I-- Right. Right. I understand that.
16 Mr. S [REDACTED]: And is that the reason why they asked-- why it was
17 sent--
18 Judge Daniels: --Mm-hmm.
19 Mr. S [REDACTED]: --to mail the request, the actual driving record?
20 Judge Daniels: Yeah. And once the time period is gone, it's out of
21 there. It's gone.
22 Mr. Mavady: Right.
23 Mr. S [REDACTED]: Okay. Do you need this abstract of the driving
24 record?
25 Judge Daniels: No.

(People v D [REDACTED] S [REDACTED])

1 Mr. Mavady: The other stuff I, Judge, is that there is a bail that
2 was-- Who bailed you out?
3 Mr. S [REDACTED]: My mom.
4 Mr. Mavady: His mother posted bail.
5 Judge Daniels: I am showing \$250.
6 Mr. Mavady: Okay. I didn't know how much it was.
7 Judge Daniels: Now, it will be returned back to the rightful payee.
8 Mr. Mavady: Do you have the address?
9 Judge Daniels: Minus the three percent.
10 Mr. Mavady: Is there an address, Judge? I just want to make sure
11 you have the right address. That's all.
12 Judge Daniels: Okay. I got to pull up that case.
13 Mr. S [REDACTED]: How will it be issued? It would be a check or--
14 Mr. Mavady: Yeah, the judge will issue a check minus the three
15 percent.
16 Mr. S [REDACTED]: Okay.
17 Judge Daniels: I tell you, I don't like being threatened. That just
18 irks me to no end.
19 Mr. Mavady: I agree, Judge. I agree.
20 Judge Daniels: We didn't do anything to deserve that kind of
21 treatment.
22 Mr. S [REDACTED]: I understand.
23 Mr. Mavady: Does your mother have the receipt? Do you have the
24 receipt?
25 Judge Daniels: I have it. I have a Val-- Is it Valerina?

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: Same last name, yes.
2 Judge Daniels: I have her at [REDACTED].
3 Mr. S [REDACTED]: Yes.
4 Mr. Mavady: I'm sorry. I'm sorry. One second. What is the
5 address?
6 Mr. S [REDACTED]: It's my address.
7 Judge Daniels: [REDACTED]? Is that the correct address?
8 Mr. S [REDACTED]: Yeah, because the other one (unintelligible).
9 Judge Kline: Yes, that's correct. Mr. Mavady, I am going to leave
10 it to-- on the 8th. I am not going to move it back
11 (unintelligible).
12 Mr. Mavady: That's fine. And can we have a copy of that, please?
13 Well, I don't need a copy. I would like a copy for
14 my client.
15 Judge Kline: Yes.
16 Mr. Mavady: Thank you.
17 Judge Daniels: And I will put the check in the mail.
18 Mr. S [REDACTED]: Thank you.
19 Mr. Mavady: And, Judge, how do we-- I don't know what the
20 court does in terms of the ACD, the documentation
21 for the ACD. Do you send that to him?
22 Judge Daniels: We carry what we call an ACD file--
23 Mr. Mavady: --Okay.
24 Judge Daniels: --at which time that ACD is up, I get notice from
25 criminal justice--

1 Mr. Mavady: --Okay.
2 Judge Daniels: That was there. It's also programmed in here the
3 date it's out--
4 Mr. Mavady: --Okay.
5 Judge Daniels: --when that comes out, it comes off the file, goes in
6 the history. And that one will be there for three
7 years and then destroyed.
8 Mr. Mavady: Okay. And then would you send him something or--
9 Judge Daniels: --No.
10 Mr. Mavady: Okay.
11 Mr. S [REDACTED]: I don't have to sign anything at a later date?
12 Judge Daniels: No.
13 Mr. S [REDACTED]: It just automatically takes into effect? Thank you.
14 Judge Daniels: It will dissolve itself at that time.
15 Mr. S [REDACTED]: Thank you very much, Your Honor. I appreciate it.
16 Judge Daniels: Just remember if you get in any sort of trouble in the
17 meantime, then we go back and we open this up as if
18 it is a brand new case that just happened.
19 Mr. S [REDACTED]: Yeah, I understand.
20 Mr. Mavady: Judge, the way I've explained to him is that it's the
21 Penal Law, not traffic violation.
22 Judge Daniels: That's right.
23 Mr. Mavady: Not a traffic stop. Now, did you want all these
24 things back or not, all this paperwork that you sent
25 me?

1 Judge Daniels: Can I see your copy of your paper there for just a
2 second for my notes? Thank you.
3 Judge Kline: If I've done it right, we'll (unintelligible).
4 Mr. Mavady: You do it one at a time?
5 Judge Daniels: Thank you, Mr. Mavady.
6 Mr. Mavady: Thank you, Judge. I am just waiting for the order.
7 That's what I was about to ask, Judge. You
8 anticipated me.
9 Judge Kline: What?
10 Mr. Mavady: The-- What is that? The seal. That's what I was
11 going to tell you. So, has this been amended? Okay.
12 Judge Kline: The name change.
13 Mr. Mavady: B order. Okay. It's just a seal.
14 Judge Kline: This is (unintelligible).
15 Mr. Mavady: Judge, I know I am being a pain in the ass, but I
16 know what you said, amended, and I know when you
17 said B order of protection but if I am looking at it
18 from the perspective of a police officer, it says B
19 order, but then you have other stuff checked out. If
20 you can X it and put your initial on it, it would be--
21 Sorry, Judge.
22 Judge Kline: No, you're not.
23 Mr. Mavady: I really am.
24 Judge Kline: Is that the only one?
25 Mr. Mavady: And the next one. Yeah, that's fine, Judge.

1 Judge Kline: So, the first two, right?

2 Mr. Mavady: Yes. Yes.

3 Mr. S [REDACTED]: That's (unintelligible) copy of (unintelligible).

4 Mr. Mavady: Yeah. This is out. This is out, okay? So that's

5 why-- That's why-- Let the judge put her initial on

6 it, okay?

7 Mr. S [REDACTED]: (Unintelligible.)

8 Mr. Mavady: Yeah. This is the seal. This is the official one

9 because it's got the seal. You don't want to lose that

10 one.

11 Mr. Mavady: And I will have one, too.

12 Mr. Genute: Okay. Thank you, Judge.

13 Judge Kline: Is it set now?

14 Mr. Mavady: That's it. That's what I need for now and we will

15 wait for the check.

16 **August 12, 2014 (6:42 PM to 7:11 PM)**

17 Mr. S [REDACTED]: Judge Kline, this is also what I consider confidential.

18 I would like to speak to you or go into the back when

19 he is finished with-- because there is a lot of people

20 I can just wait until--

21 Judge Kline: Let's see. Okay, where were you looking at for the

22 160.50 was it, or what?

23 Mr. S [REDACTED]: Well, basically I would rather do this in private, not

24 being here, if you could-- New York State law

25 permits expunging arrest records where the charge is

1 resolved in favor of the arrestee, the arrested person,
2 and--
3 Judge Kline: --Well, it wasn't, though.
4 Mr. S [REDACTED]: Well, an ACD is considered favorable-- in favor
5 because it's including dismissal, ACD. Basically all
6 of this is favorable.
7 Judge Kline: You were found guilty.
8 Mr. S [REDACTED]: No, I was found innocent--
9 Judge Kline: --No.
10 Mr. S [REDACTED]: --Through the ACD dismissal. It says if-- This is
11 what it says. In New York, at least after an ACD is
12 cleared, it should be like you never even got arrested
13 in the first place. And, basically, the way you moved
14 the documents so didn't include the penal code next
15 to the description as well as to the arrest date so that
16 anybody can take a look at that and there is a \$52
17 charge.
18 Judge Kline: No, they can't.
19 Mr. S [REDACTED]: Based on what I read, yes they can because it was not
20 officially sealed because it doesn't include the penal
21 code next to all the documented and included
22 descriptions.
23 Judge Kline: You don't want the penal code on there. If you want
24 the penal code on this, I can unseal it and then it will
25 be open for everything.

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: No, but--
2 Judge Kline: --What you're getting-- What you're getting is
3 sealed. If I put the penal law in there, that means
4 that they can go in and look. Yes.
5 Mr. S [REDACTED]: If you don't put the penal code, then the--
6 Judge Kline: If I kept the penal code in there, that means that seal
7 is going to come out of there.
8 Mr. S [REDACTED]: What I read is different from that because the DCJS
9 would notate all of this. It's in the New York State
10 record.
11 Judge Kline: Right.
12 Mr. S [REDACTED]: And if the penal code is not there--
13 Judge Kline: --Which is what I did through the computer.
14 Mr. S [REDACTED]: Well, it has to show on the deposition slip.
15 Judge Kline: No.
16 Mr. S [REDACTED]: The disposition slip.
17 Judge Kline: No.
18 Mr. S [REDACTED]: That's what I read. It has to show--
19 Judge Kline: --I don't care what you read. If you have an
20 attorney, then I'll talk to him but, otherwise, that's
21 sealed. You had the penal code law-- If you have
22 the penal law in there, it's going to show exactly
23 what you were found guilty of.
24 Mr. S [REDACTED]: If I don't-- If I don't have the penal code, they will
25 record it as if it is still showing.

(People v D [REDACTED] S [REDACTED])

1 Judge Kline: It's--
2 Mr. S [REDACTED]: --and anybody can look.
3 Judge Kline: No. No. That's not true.
4 Mr. S [REDACTED]: What I read in the New York State law, that's what I
5 read. That's what it shows.
6 Judge Kline: Then you show me the law.
7 Mr. S [REDACTED]: Well, the law is over there. You should corroborate
8 that. That's what I read online and that's where I
9 read when I spoke to--
10 Judge Kline: What number?
11 Mr. S [REDACTED]: To an attorney.
12 Judge Kline: You talked to an attorney?
13 Mr. S [REDACTED]: 160.50. I am innocent of these charges and, you
14 know, based on the situation-- That's why it was
15 dismissed through ACD and that's why I qualify for
16 an expunction.
17 Judge Kline: You know you were found guilty of it. You were
18 supposed to be-- keep clean for six months. After
19 that, it was sealed.
20 Mr. S [REDACTED]: An ACD is not found guilty. And ACD--
21 Judge Kline: Adjournment in contemplation of dismissal. But you
22 had six months where you had to keep clean.
23 Mr. S [REDACTED]: But I was not found guilty. An ACD is as if it never
24 happened if I kept clean. And because I followed the
25 procedure, it should be expunged. Now is the time

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for me to request that, for a motion of expunction, because I don't want this on my record. And you also mentioned to me that no one sees the sealed documents but they do. The government does see that as well as in office, if you go and apply for a government job as well as for a gun license. She said that if I applied for that and no one sees it up there, no one is actually (unintelligible) who will see this on record and plus because I am innocent from this, this was a retaliation--

Judge Kline:

--But if it's--

Mr. S [REDACTED]:

--I don't deserve to have this on my record and that is why I am requesting that this be expunged because I am in the right and they are the ones who did it, due to-- to wrong me. And for me to have my entire life-- to have this on the record, that is not right. And based on the law, that I qualify and request that this motion of expungement to be done. And, also, there is some other procedures to send a second sealing to the DCJS and to other policing agencies.

Judge Kline:

I sent it through the computer that it is sealed.

Mr. S [REDACTED]:

Okay. But they require for them to send it to each of these agencies and also it needs to be 160.60--

Judge Kline:

--Who requires it?

Mr. S [REDACTED]:

--seals in the court records. It you don't put the

1 penal code, it won't seal it in court records and it
2 won't seal it in every other record because if it's
3 160.55, then it doesn't seal it in the record and
4 160.50 seals it to a certain extent. The purpose of
5 this is to give you relief from this-- And they stated
6 specifically to forward this to all of the agencies that
7 have this on record so it can be officially sealed and
8 at least to notate that penal code CPL. And also I
9 need to request it to not-- to be sealed from my rap
10 sheet as well because I don't want an employer, at
11 least an asterisk needs to be next to the arrest date so
12 that new employers--
13 Judge Kline: --Who said that?
14 Mr. S [REDACTED]: --no employers can see that.
15 Judge Kline: Who said that?
16 Mr. S [REDACTED]: That's where it said, on--
17 Judge Kline: --Where?
18 Mr. S [REDACTED]: On-- Associated with these-- with this--
19 Judge Kline: Does it say it in here?
20 Mr. S [REDACTED]: It says it in the law that I read for the New York--
21 Judge Daniels: Sir? Sir? Sir?
22 Mr. S [REDACTED]: With the New-- Yes.
23 Judge Daniels: I am going to highly recommend you take your stuff,
24 either go to Norwich City Court or get an attorney.
25 Judge Kline: Judge, Judge, Judge, hang on a second.

1 Mr. S [REDACTED]: I basically want to resolve this so this is not on my
2 record because it was unfair what these neighbors
3 did to me.

4 Judge Daniels: But you're giving us a hard time. It has already been
5 sealed. That means there is no record.

6 Mr. S [REDACTED]: It is still on record. They are still able to see it.
7 Those particular charges--

8 Judge Kline: --(Unintelligible) I sealed it on whatever day I sealed
9 it.

10 Mr. S [REDACTED]: And I also need confirmation that it was sent to the
11 sheriff's and the State Police, to the DA and to the
12 Division of Criminal Justice Service, which is the
13 DCJS, to make sure that this is, indeed, notated and
14 indeed has been removed from my record, expunged
15 and not sealed, because this is what I am requesting.

16 Judge Kline: ACDs are sealed.

17 Mr. S [REDACTED]: If I am found-- If it's in the favor of the defendant,
18 based on what was agreed, I can-- a motion to
19 request for it to be expunged based on the
20 circumstances of the situation and based on my
21 evidence as to why I received the ACD, because it
22 was done in terms of retaliation and not something
23 that I am guilty of.

24 Judge Kline: No, that's not what it was for. It wasn't for
25 retaliation, sir.

1 Mr. S [REDACTED]: Yes, it was, because that's what the defense attorney
2 provided. That's the reason why the district attorney
3 agreed to offer me the ACD instead of a flat out
4 dismissal, which I would have had to go to trial.
5 And then he explained all the entire situation but,
6 either way, I was not found guilty because an ACD--
7 If I am found guilty, then why am I going to get an
8 ACD if I am found guilty, so that is contradicting
9 because it wouldn't make any sense. They told me if
10 it doesn't show these-- the penal code, it's not
11 properly sealed.

12 Judge Kline: Okay. This was not an order dismissing the entire
13 instrument.

14 Mr. S [REDACTED]: That's what was negotiated, for them to do, to
15 dismiss everything because (unintelligible).

16 Judge Kline: No.

17 Mr. S [REDACTED]: If it was in writing, then I didn't sign anything,
18 whether it was partial or complete or (unintelligible).
19 After six months a dismissal. Basically, I have the
20 right to request and this is my life. I don't want this
21 on my record and this was agreed upon.

22 Judge Kline: Okay, you didn't have a complete acquittal. You
23 didn't have a trial.

24 Mr. S [REDACTED]: After six months it is a complete acquittal to avoid a
25 trial, which I could have done that time.

1 Judge Kline: It wasn't a complete acquittal.

2 Mr. S [REDACTED]: After six months they said it would be as if it didn't
3 even exist.

4 Judge Kline: No, it wasn't a complete acquittal.

5 Mr. S [REDACTED]: Who said that? That's what--

6 Judge Kline: They did not dismiss it right off the bat. You had six
7 months.

8 Mr. S [REDACTED]: After six months it would be considered as if--

9 Judge Kline: --No.

10 Mr. S [REDACTED]: --it is completely acquitted after the six-month
11 period. There is a timeframe that I had to wait.

12 Judge Kline: The order wasn't vacated.

13 Mr. S [REDACTED]: But it is acqui-- After the six-month period, it would
14 be terminated.

15 Judge Kline: There is nothing which invalidated the conviction.

16 Mr. S [REDACTED]: Yes, there is. There is the time period. I just have to
17 wait.

18 Judge Kline: No. No. It didn't have a local criminal court.

19 Mr. S [REDACTED]: Where was this in writing? (Unintelligible) case,
20 which obviously that wouldn't make any sense for
21 that to be the case.

22 Judge Kline: They did not-- They did not choose to not proceed.

23 Mr. S [REDACTED]: They--

24 Judge Kline: --So--

25 Mr. S [REDACTED]: --They chose not to proceed because they offered me

1 the ACD.

2 Judge Kline: Okay. Okay. They are sealed at the court level and

3 also sealed in Albany, New York. Even Albany

4 maintains a special electronic file. The rest of it is

5 not disclosed except under very limited

6 circumstances.

7 Mr. S [REDACTED]: Okay. What about in the correctional facility and the

8 State Police, the arresting agency? Is it considered

9 legal nullity? Which means under New York law

10 that says it never happened.

11 Judge Kline: Okay. ACDs, other forms of dismissal and

12 acquittals, which are not the same.

13 Mr. S [REDACTED]: Misdemeanors and felonies don't get the qualified

14 expungements, but those that are in--

15 Judge Kline: --Get the full seal.

16 Mr. S [REDACTED]: Okay, but I qualify for an expunction. This is not a

17 misdemeanor or a felony and I was acquitted of this

18 with an ACD and that's why I am requesting an

19 expunction, so I don't have this on my record

20 (unintelligible) to affect me in the future when I

21 (unintelligible).

22 Judge Kline: What I am going to do is send a copy of the

23 certificate of disposition that you have a copy of, and

24 I am going to fax it over to the State Police in

25 Norwich. And then they will take care of it.

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: Okay. The only thing that there seems to be a
2 discrepancy is based on what they told me. It
3 doesn't become official unless the penal code is next
4 to the--
5 Judge Kline: --I don't care what it says. It doesn't say anything
6 like that.
7 Mr. S [REDACTED]: That's what they told me. It has (unintelligible).
8 The New York State--
9 Judge Kline: --Who told you?
10 Mr. S [REDACTED]: The New York State--
11 Judge Kline: --I need a person's name.
12 Mr. S [REDACTED]: It's the law.
13 Judge Kline: Unless you're an attorney, sir, I'm going to give it to
14 you the way you have it.
15 Mr. S [REDACTED]: It's the law. It's the law.
16 Judge Kline: Well, then I will take it out of seal and then you will
17 have your penal law code. That's the only way it's
18 going to show up in that. You have your choice.
19 You either want it sealed if you want the penal code
20 in there.
21 Mr. S [REDACTED]: I want it to be expunged based on the agreement that
22 was made.
23 Judge Kline: Okay. Then you will take the seal as it is.
24 Mr. S [REDACTED]: The seal is different from expungement. The seal is
25 still on record. People are still able to see it and they

1 are able to--
2 Judge Kline: --Right, but once it goes, like I said, I will send it to
3 the State Police in Norwich.
4 Mr. S [REDACTED]: This just says general seal. It doesn't give a
5 description of what was sealed and it doesn't say it
6 was sealed next to the date of--
7 Judge Kline: --Now, why would you show what is sealed? If it
8 shows up on that, then that's not sealed. Anybody
9 can take that paper away from you and see, "Hey,
10 he's got a penal law."
11 Mr. S [REDACTED]: No. The whole point-- purpose of this paper is for
12 me to have it for my records, right? But on their
13 records it's supposed to show the penal code next to
14 it as well as in my records. It's supposed to show
15 160.50.
16 Judge Kline: Now, can you show me where that says that and then
17 I will-- Otherwise, I'm not here.
18 Mr. S [REDACTED]: How can I show you where it shows-- I cannot print
19 it from the website. From the New York State law,
20 which you are governed to enforce that law.
21 Judge Kline: Right.
22 Mr. S [REDACTED]: So that's the easiest penal code that you should be
23 aware of. Why am I to show you? I am supposed to
24 mention it to you and you are to take--
25 Judge Kline: --I got this book. I just looked it up. It doesn't say

1 anything about putting a penal law code in there.
2 Mr. S [REDACTED]: If you are not-- I don't know what you have there,
3 but that's what it says. That's the New York State
4 law.
5 Judge Kline: And I am telling you that I am not going to put the
6 penal law in there because it doesn't print it out like
7 that. It's-- That is the disposition.
8 Mr. S [REDACTED]: If it will be better not to put the penal code in, you
9 are better to just expunge it. Then there would be no
10 need to put any penal code or anything. That's the
11 reason I am requesting it.
12 Judge Kline: I sealed it.
13 Mr. S [REDACTED]: I requested it to be expunged because I don't want it
14 to be on my record.
15 Judge Kline: I-- Like I told you, I was going to send it to the State
16 Police.
17 Mr. S [REDACTED]: Okay.
18 Judge Kline: Okay? Judge--
19 Mr. S [REDACTED]: I am not guilty. I wasn't convicted of anything. This
20 was indeed terminated and it was a favorable
21 outcome to the defendant. If it just sealed and not
22 expunged, it will still be on record and the arrest
23 records will still be there. It's not-- If it does not
24 include a certain penal code and anybody
25 (unintelligible) in certain areas are able to request

1 this documentation. You just paid a (unintelligible)
2 fee. There is different agencies. There is the court
3 agency, there is the DCJS as well as the other
4 authority agencies, the arresting agencies, and that's
5 the reason why. They told me to ask the court to
6 send a second sealing to all those agencies and--
7 Judge Kline: --I am sending it to the State Police in Norwich and
8 to the Chenango County Sheriff's Department.
9 Mr. S [REDACTED]: What about the DCJS?
10 Judge Kline: I've already sent it through the computer, sir.
11 Mr. S [REDACTED]: Okay. Okay. But what I am requesting is an
12 expungement, not a seal because it's nullified based
13 on the situation and based on what transpired.
14 Judge Kline: I told you what I was going to do.
15 Mr. S [REDACTED]: Okay, but--
16 Judge Kline: --And then the-- those will take care of it on their
17 end.
18 Mr. S [REDACTED]: Okay, but they said for me to request this from the
19 judge, this motion for expungement.
20 Judge Kline: Who said?
21 Mr. S [REDACTED]: That's what they told me. I had the right to request
22 this.
23 Judge Kline: Who?
24 Mr. S [REDACTED]: The law. The law--
25 Judge Kline: --Who said? You said they said.

1 Mr. S [REDACTED]: The New York State law. The New York State law.
2 That's what I meant. They said that I had that right
3 and because of my terminology, you know, I
4 apologize but that shouldn't be a reason for you to
5 not grant me what I am requesting based on the law.
6 Judge Kline: I am granting it to you, sir, but you are going on the--
7 Mr. S [REDACTED]: --But sealing is not expunction.
8 Judge Kline: Sir, once I've sent it to them, it will be expunged.
9 Don't go there. Don't.
10 Mr. S [REDACTED]: If I have to bring an attorney to--
11 Judge Kline: --If you want to bring an attorney, that's fine. Then
12 you go do that, sir.
13 Judge Daniels: That's what we've been asking you to do.
14 Mr. S [REDACTED]: But why would you ask me to do that when you can
15 just request me what I am requesting according to
16 the law?
17 Judge Kline: I am giving what you requested and if you don't like
18 it--
19 Mr. S [REDACTED]: --Okay.
20 Judge Kline: --get an attorney and come back. I am Tuesday and
21 Thursday night at 7:00.
22 Mr. S [REDACTED]: But I need-- I need that-- I--
23 Judge Kline: You have one.
24 Mr. S [REDACTED]: I need to be sent copies of these things.
25 Judge Kline: You have one.

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: My--
2 Judge Kline: --This is the same as what you got there.
3 Mr. S [REDACTED]: My fingerprints, my palm records and my
4 photograph. That needs to be destroyed under the
5 penal code, and I need proof of that that that was
6 done.
7 Judge Kline: Well, then you will have to go to these different
8 agencies and find out if they went for it.
9 Mr. S [REDACTED]: And-- Okay. Okay. But that's-- What you are doing
10 is not according to the law.
11 Judge Daniels: Yeah, this is Judge Daniels and I need an officer
12 right at the court now.
13 Mr. S [REDACTED]: Okay, well I am recording this and I am going to
14 make a complaint.
15 Judge Daniels: He is just disrespectful.
16 Mr. S [REDACTED]: No, I am not disrespectful.
17 Judge Daniels: Yes, thank you.
18 Mr. S [REDACTED]: You are not abiding by the law and you are being
19 recorded so if I make a complaint to the justice
20 department--
21 Judge Kline: Okay.
22 Judge Daniels: I got patrol coming.
23 Mr. S [REDACTED]: Why do you have a patrol coming? You are being
24 disrespectful to me. This is my livelihood. You are
25 not willing to grant me according to the law.

(People v D [REDACTED] S [REDACTED])

1 Judge Daniels: I am done talking to you.
2 Mr. S [REDACTED]: Then you will have to talk to your superiors that you
3 answer to because you are not granting me according
4 to the law.
5 Judge Daniels: That's fine.
6 Mr. S [REDACTED]: Why are you not willing to give me an expunction?
7 My case is dismissed.
8 Judge Kline: I am giving it to you, sir.
9 Mr. S [REDACTED]: Okay. Then, I will confirm that.
10 Judge Kline: And if you don't like the way I am doing it, then you
11 need to get an attorney and bring him back on a
12 Tuesday or a Thursday night at 7:00, if you don't
13 like what I am doing.
14 Mr. S [REDACTED]: Will you grant it then? Will you grant it then if he
15 explains it to you?
16 Judge Kline: I am giving you the expungement. It's sealed in
17 ours. It's sealed in DCJS.
18 Mr. S [REDACTED]: Will they return my fingerprints, my records to me?
19 Judge Kline: They are not going to return it to you.
20 Mr. S [REDACTED]: That's what they told me-- That's what the law told
21 me they were going to do. I have to request that.
22 Judge Kline: Sir, are you an attorney?
23 Mr. S [REDACTED]: I read--
24 Judge Kline: --Are you an attorney?
25 Mr. S [REDACTED]: I read the law.

(People v D [REDACTED] S [REDACTED])

1 Judge Kline: Yes or no?
2 Mr. S [REDACTED]: I read the law.
3 Judge Kline: Yes or no?
4 Mr. S [REDACTED]: No, but I read the law.
5 Judge Kline: Thank you.
6 Mr. S [REDACTED]: I don't need to be an attorney to know the law, so I
7 know the law and yes, that's the reason why I am
8 mentioning that. I appreciate it.
9 Judge Kline: Once I get the seal, they will expunge it.
10 Mr. S [REDACTED]: Okay, thank you.
11 Judge Kline: But you weren't listening to me. That's what I've
12 been telling you for the last--
13 Mr. S [REDACTED]: --I just want validation and proof to be sent to me
14 that this was expunged from all those--
15 Judge Kline: --I have no idea what they are going to do.
16 Mr. S [REDACTED]: --agencies.
17 Judge Kline: I don't know if they will send you--
18 Mr. S [REDACTED]: --Well, they said that the clerk needs to be sent this
19 record to them to request to be sent to me.
20 Judge Kline: You keep saying they but all of a sudden it's only
21 you reading the law. The law has gray areas. There
22 is nothing cut in marble with the law.
23 Mr. S [REDACTED]: Okay. Well--
24 Judge Kline: --There are many ways of looking at the law.
25 Mr. S [REDACTED]: Well, the law is quite clear. It's just how it is

1 applied, there's gray areas, so that's--
2 Judge Kline: Well, when you become an attorney, sir, then you
3 can come back and talk to me. Otherwise, I am done
4 with you.
5 Mr. S [REDACTED]: Do you have that on record so I can expect my copy?
6 Judge Kline: I am done, sir.
7 Mr. S [REDACTED]: (Unintelligible.)
8 Judge Kline: I am done. I am done with you.
9 Mr. S [REDACTED]: Is this the same one that you faxed here?
10 Judge Kline: Yes.
11 Mr. S [REDACTED]: Did you notate to them for them to expunge it once
12 they receive this?
13 Judge Kline: Sir, I sent it to them.
14 Mr. S [REDACTED]: Okay.
15 Judge Kline: What they do with it once they get that, that's up to
16 them.
17 Mr. S [REDACTED]: Well, how do I copy-- prove that it was received this
18 and they (unintelligible)?
19 Judge Kline: (Unintelligible) go to the Chenango County jail and
20 find out if they did, or you can go to--
21 Mr. S [REDACTED]: --Which department do I speak to?
22 Judge Kline: The jail.
23 Mr. S [REDACTED]: What is their contact information?
24 Judge Kline: It's in the book. Or it's up on 279 County Road--
25 County Route 46 in Norwich. It's up beside Lowe's.

1 Mr. S [REDACTED]: Okay. Well, you told me that this you would have
2 faxed last week, but you haven't done that even
3 though I requested it.
4 Judge Kline: I did.
5 Mr. S [REDACTED]: (Unintelligible) give me a hard time regarding this
6 and--
7 Judge Kline: --Yes, I did.
8 Mr. S [REDACTED]: --that seems to be biased--
9 Judge Kline: --I did fax it. I sent it-- I sent it again.
10 Mr. S [REDACTED]: Well, then, I am going to have to take legal actions
11 against this court and against you because you are
12 being recorded as well. And I also recorded the cell
13 phone conversation (unintelligible).
14 Unidentified Male: I don't want to be next.
15 Judge Kline: Tough. Who's next? He wasn't listening to what I
16 was saying.
17 Unidentified Male: Oh, absolutely. There is no doubt about that. There
18 is no doubt about that.
19 Judge Kline: Okay.
20 **August 19, 2014 (7:07 PM to 7:18 PM)**
21 Judge Kline: All right, Mr. S [REDACTED]. I'll listen to you one more
22 time and that's it.
23 Mr. S [REDACTED]: Thank you. I appreciate it.
24 Judge Kline: And then we're done. I am not going to give you
25 any more paperwork. I'll tell you right off the bat.

1 Mr. S [REDACTED]: I appreciate it.
2 Judge Kline: I've done all I could.
3 Mr. S [REDACTED]: Okay.
4 Judge Kline: If it's not what you want, I don't care.
5 Mr. S [REDACTED]: Your Honor, the last time we discussed, you wanted
6 to see documents that (unintelligible) procedure that
7 I was referring to and I was able to obtain those
8 documents to show you that I qualify for the motion
9 of expungement, and this is where I outlined and the
10 location where I found it. Basically, here is the
11 160.50 where it permits an expungement based on
12 noncriminal dispositions, violations, including
13 ACDs, and it shows over there--
14 Judge Kline: --And that is what the seal is for.
15 Mr. S [REDACTED]: And the reason why I am requesting expunction is
16 because of the retaliation which I can prove, based
17 on these documents, that these people that falsely
18 had me arrested and brought me this-- all the
19 instances that they were trespassing, all these things,
20 sort of basically I can prove that they did it for
21 retaliation, so that's why I am qualified based on the
22 ACD dismissal.
23 Judge Kline: And that's what you got.
24 Mr. S [REDACTED]: Yeah, what--
25 Judge Kline: You have an ACD dismissal and it's sealed. Nobody

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can get into there.

Mr. S [REDACTED]: Okay. Well, the reason why I am requesting it to be expunged is because it's-- the arrest record is still there. There is no conviction, but there is an arrest record still and that's why I wanted to put this behind me.

Judge Kline: If it's sealed, it doesn't show up.

Mr. S [REDACTED]: Well, based on here they say that the only way it can show up is it will show up to law enforcement and will still be on record based on it not being expunged. And it still shows in certain places based on the information I have here. It still shows up in courts and law enforcements and, basically, if I applied for an employer, they still show it over there. They can still see it as an arrest, even though it's sealed, and now the court--

Judge Kline: --If it's sealed, we usually say there is no record because it's like it was never there.

Mr. S [REDACTED]: Well, then, why did they tell me based on this New York procedure law that--

Judge Kline: --Do you want to go into who they are?

Mr. S [REDACTED]: The New York procedural law that New York State--

Judge Kline: --Okay. Right. Did you talk to an attorney like I told you to?

Mr. S [REDACTED]: I-- Well, briefly over the internet and they provided

1 this information for me.

2 Judge Kline: Yeah.

3 Mr. S [REDACTED]: So, that's why I--

4 Judge Kline: --Well, I've done everything I could. I sent it to the

5 jail. I sent it to the state troopers.

6 Mr. S [REDACTED]: So, is it--

7 Judge Kline: --And it's sealed.

8 Mr. S [REDACTED]: So, like you say--

9 Judge Kline: --It's done.

10 Mr. S [REDACTED]: You said the way it's sealed, you said it would be

11 expunged. Is it expunged or is it sealed?

12 Judge Kline: It is no longer there.

13 Mr. S [REDACTED]: So is it expunged or is it sealed?

14 Judge Kline: It's sealed.

15 Mr. S [REDACTED]: Okay.

16 Judge Kline: We have what we call a resource center, sir.

17 Mr. S [REDACTED]: What does that mean?

18 Judge Kline: That is a bunch of attorneys that if we have

19 questions, we can ask them and they said that they

20 don't give back fingerprint cards or anything like

21 that. It's sealed--

22 Mr. S [REDACTED]: --They destroy it?

23 Judge Kline: --and that's it.

24 Mr. S [REDACTED]: Were they destroyed?

25 Judge Kline: I didn't ask them that because he is an attorney, he is

1 not the agency that arrested you.
2 Mr. S [REDACTED]: Okay. Well--
3 Judge Kline: --So, that is all I am going to tell you, sir, is that it is
4 sealed. If you want the penal law code on that paper
5 that I gave you--
6 Mr. S [REDACTED]: --Yes.
7 Judge Kline: --Just listen to me or I will throw your butt out of
8 here.
9 Mr. S [REDACTED]: I am listening. I respect you. I understand what you
10 are saying.
11 Judge Kline: Well, if you need the penal law code on that
12 disposition--
13 Mr. S [REDACTED]: --Yes.
14 Judge Kline: --then it has to be taken out of seal. You don't want
15 that.
16 Mr. S [REDACTED]: Okay. Is this town court a different law based on
17 other--
18 Judge Kline: --No. Nope.
19 Mr. S [REDACTED]: --counties or-- New York State, whether it's city,
20 town or village, it's all the same.
21 Judge Kline: No. Towns and villages are different from cities.
22 Mr. S [REDACTED]: Okay. Okay. So--
23 Judge Kline: --So, it is sealed. Nobody can get to it.
24 Mr. S [REDACTED]: Well, what is this law a reference to?
25 Judge Kline: If you want-- Like I told you before, if you want to

1 talk to an attorney, you are more than welcome to.
2 Mr. S [REDACTED]: And what would he--
3 Judge Kline: --But that's it.
4 Mr. S [REDACTED]: What would he be able to help me with--
5 Judge Kline: --I have no idea.
6 Mr. S [REDACTED]: --regarding duties and--
7 Judge Kline: --You are going to have to talk to him or her.
8 Mr. S [REDACTED]: But are you familiar with this procedure?
9 Judge Kline: Sir, I sealed it and that's as far as I'm going.
10 Mr. S [REDACTED]: Okay. Are you--
11 Judge Kline: --If you want something different--
12 Mr. S [REDACTED]: --Are you able to--
13 Judge Kline: --then you need to go see an attorney. They can give
14 you the legal ins and outs where I can't.
15 Mr. S [REDACTED]: Okay. I wanted to ask, is the-- this court, are they
16 allowed or able to, based on my type of case? Are
17 they able to expunge this type of case?
18 Judge Kline: It's sealed.
19 Mr. S [REDACTED]: But is it able to be expunged?
20 Judge Kline: Nobody can get to it, sir. If somebody came into this
21 court and wanted to see your record, we would say
22 we don't have a record.
23 Mr. S [REDACTED]: Well, that is not main concern. My concern is--
24 Judge Kline: --Well yes, it is.
25 Mr. S [REDACTED]: --if-- It's not in this database in this court or in that

1 State Police or the sheriffs, but it is still in the DCJS
2 and it is still--
3 Judge Kline: --I've sent it to them. I sent it to the State Police and
4 the jail.
5 Mr. S [REDACTED]: Okay. So, when you say it is sealed, no one can see
6 it?
7 Judge Kline: Right.
8 Mr. S [REDACTED]: But is there still a record of it?
9 Judge Kline: I don't know what they do in their agencies. I know
10 that we don't let anybody look at them. It is sealed
11 in the computer. Nobody can-- Even if somebody
12 hacked into the computer, they'd never be able to see
13 what it was.
14 Mr. S [REDACTED]: Okay. Is there anybody who-- Is the court-- Are
15 they able to pull up this record if they requested it for
16 any reason, for legal reasons or anything like that?
17 Judge Kline: No. There is no-- There is no record.
18 Mr. S [REDACTED]: There is no unsealing based on this type of case?
19 Judge Kline: There is no record.
20 Mr. S [REDACTED]: Okay. Well, what I find frustrating is what they are
21 telling me here, it's a different procedure, so I am
22 confused of whether this is a universal law or this
23 only applies to certain districts or city versus town
24 and if you can take a look at that. Basically, I circled
25 all of that. That explains it, basically everything.

1 Judge Kline: Okay. Sealing of cases that were dismissed, which it
2 was, and it's terminated, which means ended. New
3 York does not allow expungement or sealings of
4 cases where a conviction was entered. So, it's
5 sealed.
6 Mr. S [REDACTED]: But I was not convicted.
7 Judge Kline: Right.
8 Mr. S [REDACTED]: Okay.
9 Judge Kline: So that's why it got sealed.
10 Mr. S [REDACTED]: Okay. If you read on, it says where I qualified for
11 expungement based on--
12 Judge Kline: --Well, the attorney I talked to said that it is just a
13 play on words. It's sealed. Nobody can get into it.
14 Mr. S [REDACTED]: Is there any expunction? Any way I qualify for that?
15 Judge Kline: There is nothing. It's sealed. That means it's not
16 there.
17 Mr. S [REDACTED]: But it says-- Expunge means it's completely erased.
18 I can put it behind me so there is no known record.
19 Judge Kline: Right.
20 Mr. S [REDACTED]: Because I am concerned about it still being on record
21 based on what I read over there and based on the
22 attorney that I spoke to.
23 Judge Kline: It's like it never happened when I seal it.
24 Mr. S [REDACTED]: But there is still an arrest record.
25 Judge Kline: I don't know.

1 Mr. S [REDACTED]: That's what it says there. That's what--
2 Judge Kline: --Well--
3 Mr. S [REDACTED]: --And that's what the attorney gave me.
4 Judge Kline: Yeah. If you want to know what this says, what it
5 means, you need to talk to an attorney.
6 Mr. S [REDACTED]: I did, and that's why I--
7 Judge Kline: --Well, you need to talk to one in person. Anybody
8 on the internet can say they are an attorney.
9 Mr. S [REDACTED]: Well, I spoke to a law firm and I confirmed
10 everything.
11 Judge Kline: Well, then, you want to bring them to court? I will
12 gladly talk to them but, otherwise, we're done.
13 Mr. S [REDACTED]: And you will be able to grant expunction then?
14 Judge Kline: We're done. It's sealed. Nobody can get to it, sir.
15 You're not listening to what I'm saying. You didn't
16 listen to me the last time.
17 Mr. S [REDACTED]: No, I understand what you're saying.
18 Judge Kline: Okay. Then you need to leave--
19 Mr. S [REDACTED]: --Okay. When does an expungement--
20 Judge Kline: --or I will get you for contempt of court and then you
21 will be in jail. You don't want that.
22 Mr. S [REDACTED]: Okay. But I want to ask if an attorney is necessary
23 because of financial reasons so that's why I wanted
24 to know if I could resolve this without them because
25 they said that I don't need an attorney if I could just

1 state these penal--
2 Judge Kline: --Who is they?
3 Mr. S [REDACTED]: The attorneys that I spoke to, all of them, and I
4 confirmed with them. So, that's why if you can save
5 me the trouble of, you know, paying for them
6 unnecessarily. If you could just resolve--
7 Judge Kline: --I told you it's sealed. Nobody can get to it. It's
8 done.
9 Mr. S [REDACTED]: Do you get to--
10 Judge Kline: --It's like it never happened.
11 Mr. S [REDACTED]: Well, do you ever offer expunctions or only sealings
12 in this court?
13 Judge Kline: Sealed.
14 Mr. S [REDACTED]: Only seals? Never--
15 Judge Kline: --It's--
16 Mr. S [REDACTED]: --You expunge certain records?
17 Judge Kline: Sir, you had an adjournment in contemplation of
18 dismissal.
19 Mr. S [REDACTED]: Yes.
20 Judge Kline: Okay? Which means that when it became the six
21 months--
22 Mr. S [REDACTED]: --Yes.
23 Judge Kline: --it was sealed--
24 Mr. S [REDACTED]: --Yes--
25 Judge Kline: --which means it was like it was never there.

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: Okay. Automatically it was sealed.
2 Judge Kline: When it was sealed. Yes.
3 Mr. S [REDACTED]: Okay. Well--
4 Judge Kline: --And I know you got a little upset last time and so
5 did I--
6 Mr. S [REDACTED]: --Yes, and I apologize, Your Honor.
7 Judge Kline: --and the thing is I don't live here, okay? I come in
8 Tuesdays and Thursdays unless I am coming in some
9 other time to put somebody in jail, okay?
10 Mr. S [REDACTED]: Yeah, I understand.
11 Judge Kline: That's why it got sealed that night and that's why it
12 got sent out to the sheriff-- the jail and the state
13 troopers that night.
14 Mr. S [REDACTED]: Okay.
15 Judge Kline: So it is a done deal and I really don't want to hear
16 about it again, so you need to understand that it's
17 sealed. It never happened.
18 Mr. S [REDACTED]: It never happened.
19 Judge Kline: Okay?
20 Mr. S [REDACTED]: Okay.
21 Judge Kline: And if you have any more questions, you need to
22 bring an attorney in because I am not going to listen
23 to any more.
24 Mr. S [REDACTED]: Okay.
25 Judge Kline: Okay?

(People v D [REDACTED] S [REDACTED])

1 Mr. S [REDACTED]: And you wouldn't be--
2 Judge Kline: --We're done.
3 Mr. S [REDACTED]: --You wouldn't be able to expunge it ever?
4 Judge Kline: We're done.
5 Mr. S [REDACTED]: Okay. Thank you.
6 Judge Kline: Okay?
7 Mr. S [REDACTED]: Thank you. I appreciate it.
8 Judge Kline: Have a good night.
9 Mr. S [REDACTED]: Okay. Do I need to make an appointment when I
10 come with an attorney or I can--
11 Judge Kline: --Any Tuesday or Thursday night at 7:00.
12 Mr. S [REDACTED]: And I just come in with the attorney. Okay. And if
13 they say differently and you are able to do that,
14 would you be able to do that then?
15 Judge Kline: I talked-- Like I said, I talked to the attorneys that
16 deal with these courts and they said I've done what
17 I'm supposed to do and that's it.
18 Mr. S [REDACTED]: And that's the maximum, the highest you can do and
19 that's considered expunction, which you did?
20 Judge Kline: Yes.
21 Mr. S [REDACTED]: And, Judge, there is no higher than that at all--
22 Judge Kline: --No.
23 Mr. S [REDACTED]: --based on the ACD that I received?
24 Judge Kline: That's it.
25 Mr. S [REDACTED]: Okay. If that's the highest, I'll confirm with the

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attorney but, based on this law, this is what I find confusing that they say something else so that's-- if it's the same universal law, then one of the laws is wrong or it just-- I'm a little confused but I appreciate it. Thank you.

Judge Kline:

Maybe I should have taken you first. You might not like me now.

Judge Daniels:

You have a lot more patience than I'm going to have. I wanted to destroy him last time.

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3 **CERTIFICATION**

4 I, LISA SAVARIA an Assistant Administrative Officer of
5 the State Commission on Judicial Conduct, do hereby certify that the
6 foregoing is a true and accurate transcript of the audio recording
7 described herein to the best of my knowledge and belief.

8 Dated: December 22, 2015
9

10
11 *Lisa Savaria*

12 Lisa Savaria
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**Transcript of Proceedings in *People v Michael Gronowski*
held September 16, 2014 (7:06 PM to 7:11 PM)
Matter of Hon. Joan M. Kline, a Justice of the
Guilford Town Court and Acting Justice
of the Oxford Village Court, Chenango County.**



(People v Michael Gronowski)

1 Judge Kline: Okay. Who's next? Okay. Okay. I don't have to
2 accept this, you know.
3 Mr. Gronowski: Okay.
4 Judge Kline: Now, your name is-- How do you say your last
5 name?
6 Mr. Gronowski: Gronowski.
7 Judge Kline: Okay. All right. I'm Judge Kline. You're in the
8 Town of Guilford Court on a Vehicle and Traffic
9 Law, 1180B of speed 70 in a 55. You are entitled to
10 an attorney at each and every part of these
11 proceedings. Do you wish an attorney?
12 Mr. Gronowski: No.
13 Judge Kline: Okay. I need you to state your name and date of
14 birth for the record, please.
15 Mr. Gronowski: Michael Gronowski, [REDACTED].
16 Judge Kline: Okay. How did you know to go to Mr. Genute?
17 Mr. Gronowski: My mother.
18 Judge Kline: Okay. She's an attorney?
19 Unidentified Female: No. No, Your Honor.
20 Judge Kline: Well, nothing on this ticket says to go to the district
21 attorney, okay?
22 Mr. Gronowski: Mm-hmm.
23 Judge Kline: What you need to do-- The procedures are if you get
24 a ticket, you sign it. Guilty or not guilty. If you sign
25 it guilty, we'll send you a fine and surcharge letter.

(People v Michael Gronowski)

1 If you plead not guilty, we'll set you up to talk to the
2 assistant DA. You just jumped over the court and
3 I'm not thrilled about it. Do you have your abstract?
4 Mr. Gronowski: Not with me.
5 Unidentified Female: It's at the house.
6 Judge Kline: I'm not talking to you, ma'am. I'm talking to him.
7 Unidentified Female: Sorry.
8 Judge Kline: Well, I'll agree to it. I'm not happy about it but, if
9 you ever get another ticket, don't ever leave the court
10 out of the proceedings.
11 Mr. Gronowski: Okay.
12 Judge Kline: Like I said, there's nothing on the ticket that says go
13 to the district attorney.
14 Mr. Gronowski: Yes, ma'am.
15 Judge Kline: It will be a \$127 fine and a mandatory \$93 surcharge,
16 \$220.
17 Mr. Gronowski: Okay.
18 Judge Kline: Can you pay that tonight or do you need time?
19 Mr. Gronowski: I can pay it now.
20 Judge Kline: Okay.
21 Mr. Gronowski: Pay it right here or--
22 Judge Kline: --Yup.
23 Mr. Gronowski: Okay.
24 Judge Kline: And since you got one reduction already, if you ever
25 get another ticket in this court, there will be no

(People v Michael Gronowski)

1 reduction.
2 Mr. Gronowski: Okay.
3 Judge Kline: Okay. Remember, no more speeding tickets in
4 Guilford.
5 Mr. Gronowski: Thank you.
6 Judge Kline: Okay.
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CERTIFICATION

I, LISA SAVARIA an Assistant Administrative Officer 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: December 22, 2015

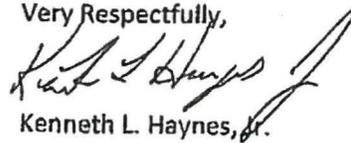


Lisa Savaria
Lisa Savaria

To Whom It May Concern:

Joan Kline has resigned from the Guilford fire department fire police squad as of October 5, 2016.

Very Respectfully,



Kenneth L. Haynes, Jr.

Guilford Fire Department, Fire Chief

