

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

GREGORY P. STORIE,

DETERMINATION

a Judge of the County Court,
St. Lawrence County.

THE COMMISSION:

Joseph W. Belluck, Esq., Chair
Taa Grays, Esq., Vice Chair
Honorable Fernando M. Camacho
Brian C. Doyle, Esq.
Honorable John A. Falk
Honorable Robert J. Miller
Nina M. Moore, Ph.D.
Marvin Ray Raskin, Esq.
Graham B. Seiter, Esq.
Honorable Anil C. Singh
Akosua Garcia Yeboah

APPEARANCES:

Robert H. Tembeckjian (Cathleen S. Cenci and S. Peter Pedrotty, Of
Counsel) for the Commission

William J. Galvin for respondent

Respondent, Gregory P. Storie, a Judge of the County Court, St. Lawrence

County, was served with a Formal Written Complaint (“Complaint”) dated January 4, 2024 containing one charge. The Complaint alleged that on January 5, 2023, in connection with *People v Michael J. Snow*, in which the defendant was charged with murder, respondent initiated and engaged in an unscheduled discussion about the case in chambers and made inappropriate statements to the defense attorney and an Assistant District Attorney who was not assigned to the case, conveying that he was biased against the defendant, would accept a guilty plea from the defendant notwithstanding that the defendant appeared “catatonic,” and would be swayed by public clamor and/or fear of criticism to impose the maximum sentence upon the defendant.

On January 29, 2024, the Administrator, respondent’s counsel and respondent entered into an Agreed Statement of Facts (“Agreed Statement”) pursuant to Section 44, subdivision 5, of the Judiciary Law, stipulating that the Commission make its determination based upon the agreed facts, recommending that respondent be censured and waiving further submissions and oral argument.

On March 14, 2024, the Commission accepted the Agreed Statement and made the following determination:

1. Respondent was admitted to the practice of law in New York in 2007. He has been a Judge of the County Court, St. Lawrence County, since January 1, 2021, having previously served as a Justice of the Canton Village Court, St.

Lawrence County, from 2010 to 2012. Respondent's term expires on December 31, 2030.

2. On March 31, 2022, a St. Lawrence County grand jury charged Michael J. Snow with Murder in the Second Degree, Manslaughter in the First Degree, Assault in the First Degree and Criminal Use of a Firearm in the First Degree for allegedly shooting and killing Elizabeth Howell, a SUNY Potsdam student, on February 18, 2022. The case received substantial attention from local media outlets.

3. St. Lawrence County District Attorney Gary M. Pasqua personally handled the prosecution of the defendant. The defendant was represented by St. Lawrence County Public Defender James M. McGahan.

4. On April 11, 2022, respondent arraigned the defendant and remanded him to the custody of the St. Lawrence County Sheriff.

5. On May 6, 2022, Mr. McGahan filed a Notice of Intent to Proffer Psychiatric Evidence at a trial in *People v Snow*, in connection with the assertion of an affirmative defense of lack of criminal responsibility by reason of mental disease or defect.

6. By Order dated November 2, 2022, respondent scheduled the *Snow* trial to commence on January 30, 2023.

7. On January 5, 2023, respondent was conferencing unrelated cases in chambers with Mr. McGahan and Assistant District Attorney Michael Abbruzzese of St. Lawrence County. A probation officer was also present.

8. Notwithstanding that *People v Snow* was not scheduled to be conferenced, and in the absence of Mr. Pasqua, respondent raised the topic of the possibility of the *Snow* case being resolved by a plea to the indictment. When Mr. McGahan reported, in sum or substance, that the District Attorney's Office had offered to permit the defendant to plead to the indictment and leave sentencing to the court's discretion, respondent stated, in sum or substance, that he would sentence the defendant to the maximum of 25 years to life because anything less would not look good in the media or to the victim's family. When Mr. Abbruzzese asked respondent what incentive the defendant would have to plead under that circumstance, respondent stated, in sum or substance, that the defendant might do so rather than proceed to trial because he appeared to be "catatonic."

9. At a pre-trial conference in the *Snow* case on January 18, 2023, Mr. McGahan and Mr. Pasqua jointly requested that respondent recuse himself from that matter based upon his comments during the January 5 conference.

10. On January 18, 2023, respondent recused himself from *People v Snow* and filed a "Reason for Recusal" form, noting the following reason for his recusal: "I wish to avoid any potential appearance of impropriety that my impartiality

might be questioned as it may appear that: Counsel has questioned my impartiality in this matter.”

Additional Factors

11. Respondent’s inappropriate comments regarding the *Snow* case occurred less than two weeks after the Commission issued him a confidential Letter of Dismissal and Caution. The caution letter, which should have prompted respondent to be especially sensitive to his ethical obligations, included the following admonition pertinent to his misconduct in *Snow*:

Finally, in noting that the foregoing conduct occurred while you were running for or were relatively new to judicial office, the Commission hopes you reflect on the qualities of restraint and thoughtful deliberation that contribute to one’s success as a judge....

12. Were a hearing to be held before a Referee in this matter herein, respondent would testify as follows regarding the comments he made as described in paragraph 8 herein:

- A. Respondent acknowledges having made the comments described in paragraph 8 based on Mr. Abbruzzese’s and Mr. McGahan’s recitations of the January 5 conference. While he does not specifically remember making the comments, respondent acknowledges that they were inconsistent with his judicial responsibilities.
- B. Respondent did not actually consider the defendant to be “catatonic” or otherwise incapacitated. If he had, he would have ordered him to undergo an examination pursuant to Article 730 of the Criminal Procedure Law. Nevertheless, respondent acknowledges his comment to that effect was inappropriate.

13. Respondent has been cooperative and contrite throughout the Commission's proceeding. He regrets suggesting that his sentencing decision in *Snow* would be influenced by his concern about potentially negative media reaction, and that he would accept a guilty plea from a "catatonic" defendant. Respondent commits to being more circumspect and sensitive to his ethical obligations and the rights of those appearing before him.

Upon the foregoing findings of fact, the Commission concludes as a matter of law that respondent violated Sections 100.1, 100.2(A), 100.3(B)(1), and 100.3(B)(4) of the Rules Governing Judicial Conduct ("Rules") and should be disciplined for cause, pursuant to Article VI, Section 22, subdivision a, of the New York State Constitution and Section 44, subdivision 1, of the Judiciary Law. Charge I of the Formal Written Complaint is sustained and respondent's misconduct is established.

The Rules require judges to maintain high standards of conduct and to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." (Rules, §§100.1, 100.2(A)) The Rules also require that judges "shall not be swayed by . . . public clamor or fear of criticism" and "shall perform judicial duties without bias or prejudice against or in favor of any person." (Rules §§100.3(B)(1) and (4)) When respondent stated that if the defendant in the *Snow* matter pled guilty to the indictment, he would sentence him

to the maximum of 25 years to life because a lesser sentence would not look good in the media or to the victim's family, respondent violated the Rules. Moreover, when respondent indicated that rather than go to trial, the *Snow* defendant might plead guilty under those circumstances because the defendant appeared to be "catatonic", respondent gave at least the impression that he was biased against the defendant.

Judges are required to be independent and not swayed by public opinion concerning matters pending before them. "The ability to be impartial and to appear impartial is an indispensable requirement for a judge." *Matter of Frati*, 1996 Ann Rep of NY Commn on Jud Conduct at 83, 84 (citation omitted) (judge "made it appear that he was influenced by community hostility" toward a litigant); *Matter of Dickerson*, 2002 Ann Rep of NY Commn on Jud Conduct at 93 (as a result of unfavorable publicity, judge announced a change in his view of the law) Here, respondent explicitly indicated that his sentencing decision in the *Snow* matter would be influenced by how the sentence would be viewed in the media. When he made this statement, respondent undermined public confidence in the independence and impartiality of the judiciary.

Furthermore, respondent improperly gave at least the appearance that he was biased against the defendant in the *Snow* matter when he described the defendant as "catatonic" and suggested that he would accept a guilty plea from a "catatonic"

defendant. *See, Matter of Knopf*, 2021 Ann Rep of NY Commn on Jud Conduct at 118 (judge exhibited the appearance of bias when he referred to a defendant as a “deadbeat”). Here, respondent’s improper statements caused defense counsel and the prosecutor in the *Snow* matter to make a joint request that respondent recuse himself.

We find it troubling that respondent engaged in this misconduct approximately two weeks after the Commission issued him a confidential Letter of Dismissal and Caution in which he was cautioned to adhere to the Rules Governing Judicial Conduct. After receiving the Letter of Dismissal and Caution, respondent should have been especially attentive to his obligation to follow the Rules. Instead, respondent’s misconduct in this matter was exacerbated because it took place shortly after he received the Letter of Dismissal and Caution from the Commission. *See, Matter of Pebler*, 2021 Ann Rep of NY Commn on Jud Conduct at 263, 270-271.

In accepting the jointly recommended sanction of censure, we have taken into consideration that respondent has acknowledged that his conduct was improper and warrants public discipline and that he has committed to being more sensitive to his ethical obligations and the rights of individuals who appear before him. We trust that respondent has learned from this experience and in the future

will act in strict accordance with his obligation to abide by all the Rules Governing Judicial Conduct.

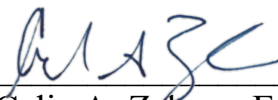
By reason of the foregoing, the Commission determines that the appropriate disposition is censure.

Mr. Belluck, Ms. Grays, Judge Camacho, Mr. Doyle, Judge Falk, Judge Miller, Ms. Moore, Mr. Raskin, Mr. Seiter, Judge Singh and Ms. Yeboah concur.

CERTIFICATION

It is certified that the foregoing is the determination of the State Commission on Judicial Conduct.

Dated: April 3, 2024



Celia A. Zahner, Esq.
Clerk of the Commission
New York State
Commission on Judicial Conduct