



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

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www.cjc.ny.gov

NEWS RELEASE

November 13, 2020

Contact:

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(518) 288-8658

Town Court Justice in Rensselaer County Should Be Admonished for Inappropriate Facebook Posts

The New York State Commission on Judicial Conduct has determined that Robert H. Schmidt, a Justice of the Brunswick Town Court, Rensselaer County, should be admonished for making inappropriate Facebook posts and making public comments on Facebook concerning pending proceedings.

Judge Schmidt agreed to the public discipline.

Beginning in August 2019, while he was a candidate for town court justice, a position he had previously held from 2000 through 2015, Judge Schmidt did the following on his Facebook account¹:

- He posted a meme implying that former President Bill Clinton killed Jeffrey Epstein.
- He linked to another Facebook post supporting a candidate for town council, on which he liked a comment supporting the candidate.
- He posted a meme depicting a witch trial hanging that read, “JUST A REMINDER...SALEM, MASSACHUSETTS HAD ‘RED FLAG’ LAWS, TOO.”

¹ Copies of the posts are appended to this press release. The Agreed Statement of Facts is available on the Commission’s website: www.cjc.ny.gov.

- He posted a meme reading “WHAT DOES THE SHEEP SAY? WE NEED COMMON SENSE GUN CONTROL.”
- He posted a meme displaying a photo of a Nazi book burning with the text, “BOOK BURNINGS DON’T JUST LOOK LIKE THIS,” above a second image showing a social media platform warning that posts in violation of the platforms’ guidelines will be removed, with the text “THEY ALSO LOOK LIKE THIS.”
- After completing his first nighttime arraignment of his new term, he posted “Feel like a judge again,” to which another user asked if the defendant had been released before the judge got back to bed; Judge Schmidt responded, “of course. This is NY 2020.”
- He made posts about two different pending cases in which the defendants had been released under the new bail laws.

The Commission found that Judge Schmidt “undermined public confidence” in the judiciary when he made Facebook posts which contained “undignified and disrespectful statements including regarding laws that he would be required to uphold as a judge.” The Commission also noted that it is “well-settled that judges are strictly prohibited from commenting on any pending cases.”

Judge Schmidt, who is not an attorney, has been a Justice of the Brunswick Town Court since January 1, 2020, having previously served there from 2000 to 2015. His current term expires on December 31, 2023.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“Regardless of the forum, judges are prohibited from commenting on pending cases, endorsing political candidates or otherwise making statements that undermine the integrity, independence, and impartiality of the judiciary. In other words, judges cannot say on Facebook or other social media what they cannot say in or out of court.”

The Commission Proceedings

Judge Schmidt was served with a Formal Written Complaint dated August, 24, 2020, containing two charges and filed an answer dated September 25, 2020.

On October 20, 2020, the Administrator of the Commission and Judge Schmidt entered into an Agreed Statement of Facts, stipulating to the facts and sanction and waiving further submissions and oral argument.

The Commission accepted the Agreed Statement on October 29, 2020.

The Commission Determination

The Commission filed a determination dated November 3, 2020, in which all 11 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq. (the Vice Chair), Jodie Corngold, Judge John A. Falk, Paul B. Harding, Esq., Judge Leslie G. Leach, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., and Akosua Garcia Yeboah.

Court of Appeals Review

The Commission transmitted its determination to the Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge Schmidt received it on November 9, 2020, and the Commission was subsequently notified by the Court of Appeals that service was complete. Consequently, the matter is now public.

A judge may either accept the Commission's determination or, within 30 days from receipt, make a written request to the Chief Judge for a review of the determination by the Court of Appeals.

Pursuant to Judiciary Law Section 44, subdivision 7, if Judge Schmidt does not request review by the Court of Appeals, the Commission will admonish him in accordance with the determination.

If a Commission determination is reviewed by the Court of Appeals, the Court may accept the determined sanction, impose a different sanction including admonition, censure or removal, or impose no sanction.

Statistics Relating to Prior Determinations

Since 1978, the Commission has issued 276 determinations of admonition against judges in New York State. The Commission has issued 175 determinations of removal and 337 determinations of censure.

The Court of Appeals has reviewed 101 Commission determinations. The Court accepted the Commission's sanctions in 85 cases (76 of which were removals, six were censures and three were admonitions). Of the remaining 16 cases, two sanctions were increased from censure to removal, and 13 were reduced: nine removal determinations were modified to censure, one removal was modified to admonition, two censures were modified to admonition, and one censure was rejected and the charges dismissed. The Court remitted one matter to the Commission for further proceedings.

Counsel

Judge Schmidt represented himself.

The Commission was represented by Administrator and Counsel Robert H. Tembeckjian; Cathleen S. Cenci, Deputy Administrator in Charge of the Albany office; and Senior Attorney S. Peter Pedrotty. Senior Investigator Ryan Fitzpatrick was assigned to the case.

Background Information on Judge Schmidt

Prior Judicial Tenure: January 1, 2000 to December 31, 2015

Current Term: January 1, 2020 to December 31, 2023

Members of the Commission

The Commission members serve four-year terms. A list of members is appended.

The Public File

The determination is attached. The record of the proceedings upon which the determination is based is available for inspection by appointment during regular business hours at the Commission's three offices:

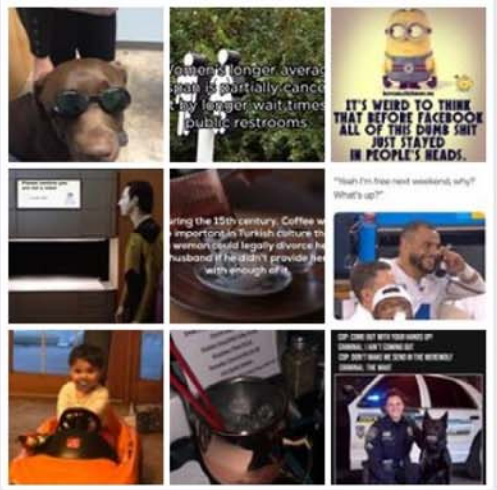
61 Broadway Suite 1200 New York, New York 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, New York 12223	400 Andrews Street Suite 700 Rochester, New York 14604
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MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2023
Jodie Corngold	Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2021
Paul B. Harding, Esq.	Former Assembly Minority Leader Brian M. Kolb	March 31, 2021
Hon. Leslie G. Leach	Chief Judge Janet DiFiore	March 31, 2024
Hon. Angela M. Mazzealli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
Ronald J. Rosenberg, Esq.	Senate Minority Leader John J. Flanagan	March 31, 2024
Akosua Garcia Yeboah	Governor Andrew M. Cuomo	March 31, 2021

- President (title) at Schmidt Agency
- Studied at University at Albany, SUNY
- Went to Tamarac Senior High School
- Lives in Brunswick, New York
- From Brunswick, New York
- Married to Kathy Kane Schmidt

Photos



Friends · 255



Press Enter to post.

Bob Schmidt
August 10, 2019 ·



Women, Weapons Warfare II
August 10, 2019 ·

Like Page

1 4 Comments 1 Share

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James Howard How do you hang self while in prison on suicide watch?
Like Reply · 27w · Edited

Susan Dayton replied · 1 Reply



EXHIBIT A



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Women, Weapons Warfare II
August 10, 2019 · Like Page

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James Howard How do you hang self while in prison on suicide watch?

Like · Reply · 27w · Edited

Susan Dayton James Howard you piss off the Clintons

Like · Reply · 27w

Write a reply...

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Tricia LaRose-Vicedomine



Like · Reply · 27w

Tricia LaRose-Vicedomine Just smells too fishy .

Like · Reply · 27w

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Bob Schmidt Timeline 2019 August

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Tom Reed Susan Dayton Bill Michell



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Life Events



Started School at University at...

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Bob Schmidt

August 16, 2019



Mark Cipperty for Brunswick Town Council

August 15, 2019

Like Page

Mark Cipperty is officially running for Brunswick Town Council! Follow along here on the Mark Cipperty for Brunswick Town Council Facebook Page in the months leading up to Election Day in November and help Mark spread the word by sharing!

6

1 Comment 1 Share

Like

Comment

Share



James Howard Cip is a good man

Like Reply 26w

1



Write a comment...



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EXHIBIT B



Bob Schmidt

Timeline

2019

August

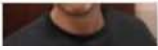
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Daus



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Ingrid Gundrum



Kathy Kane
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Bob Schmidt

August 16, 2019 ·



Mark Cipperly for Brunswick Town Council

August 15, 2019 ·

Like Page

Mark Cipperly is officially running for Brunswick Town Council! Follow along here on the Mark Cipperly for Brunswick Town Council Facebook Page in the months leading up to Election Day in November and help Mark spread the word by sharing!

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1 Comment 1 Share

Like

Share



James Howard Ciperly is a good man

Like · Reply · 26w



Write a comment...



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Mark Cipperly for Brunswick Town Council

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MARK
CIPPERLY

FOR

BRUNSWICK
TOWN COUNCIL

Like Follow Share ...

Send Message

Create Post

Write a post...

Photo/Video Tag Friends Get Messages ...

Posts



Mark Cipperly for Brunswick Town Council

November 6, 2019 ·

We did it! A huge THANK YOU to all of my fantastic supporters for helping me win in yesterday's election. I can't wait to get started as your new Town Councilman!

Ask Mark Cipperly for Brunswick Town Council

"Can you tell me more about yourself?" Ask

"Can I learn more about your background?" Ask

"Are you available to chat?" Ask

Type a question...

Community

See All

238 people like this

245 people follow this

About

See All

Typically replies within a day
Send Message

Friends · 255



Tom Reed Susan Dayton Bill Michell



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Life Events



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Bob Schmidt August 27, 2019



APOC Armory August 25, 2019

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EXHIBIT C



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Bob Schmidt August 31, 2019



EXHIBIT D



Bob Schmidt Timeline 2019 August

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Bill Michell



Sandy Cason Daus



Jayne Tarbox



Robert Duncan



Julie Ann



Ingrid Gundrum



Kathy Kane Schmidt



Women, Weapons Warfare II August 31, 2019

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1 Comment

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Comment

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Matt Wade Bob, seriously, you're running for Town Justice and you're against "common sense" solutions? C'mon man, get with the times. At least for the sake of cross-party voters, don't spread this crap. If anything, the real sheep shrug and say, "Thoughts and prayers." Obviously it's helping so much. 😊

Like · Reply · 24w · Edited



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Bob Schmidt

August 31, 2019





Tom Reed Susan Dayton Bill Michell




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Life Events



Started School at University at...
August 25, 1976

Bob Schmidt August 31, 2019



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We removed your post because it doesn't follow our Community Guidelines on regulated goods. If you violate our guidelines again, your account may be restricted or disabled.

Bob Graham August 23, 2019

EXHIBIT E



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Sandy Cason Daus Jayne Tarbox Robert Duncan



Julie Ann Ingrid Gundrum Kathy Kane Schmidt

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follow our Community Guidelines on regulated goods. If you violate our guidelines again, your account may be restricted or disabled.

Bob Graham August 23, 2019

4

3 Comments 1 Share

Like

Comment

Share



Susan Dayton Facebook should be called Hitler's playbook

Like · Reply · 24w



Matt Wade Lol, Bob, your feed is... medieval. For the sake of the town, which will do well to have you as a town justice again, resist the urge to share crap like this. I hate FB too. But government-imposed book burning is NOT equivalent to FB or social media choosing to censor. One is government (illegal) and the other is private industry (can choose the content it wants to host on its servers). Don't like it? Leave Facebook. (Sounds like a certain president telling actual citizens of an actual country to leave if they don't like his policies, which is not how actual democratic government works—but which platforms to choose? That's entirely the market economy.) C'mon, man, you're better than this.

Like · Reply · 24w · Edited



Bob Schmidt Matt Wade Point taken. I do appreciate your support.

Like · Reply · 24w



Write a reply...



Press Enter to post.



Write a comment...



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Bob Schmidt





Bob Schmidt

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About

To see what he shares with friends, send him a friend request. [Add Friend](#)


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- Work and Education**
- Places Lived
- Contact and Basic Info
- Family and Relationships
- Details About Bob
- Life Events

WORK

 **Brunswick Town Court**
Judge · March 15, 1999 to present · Brunswick, New York
Local Criminal Court Judge

 **Schmidt Agency**
President (title)

EDUCATION

 **University at Albany, SUNY**
Class of 1980 · Albany, New York


 **Tamarac Senior High School**
Troy, New York

EXHIBIT F

Bob Schmidt Timeline Recent

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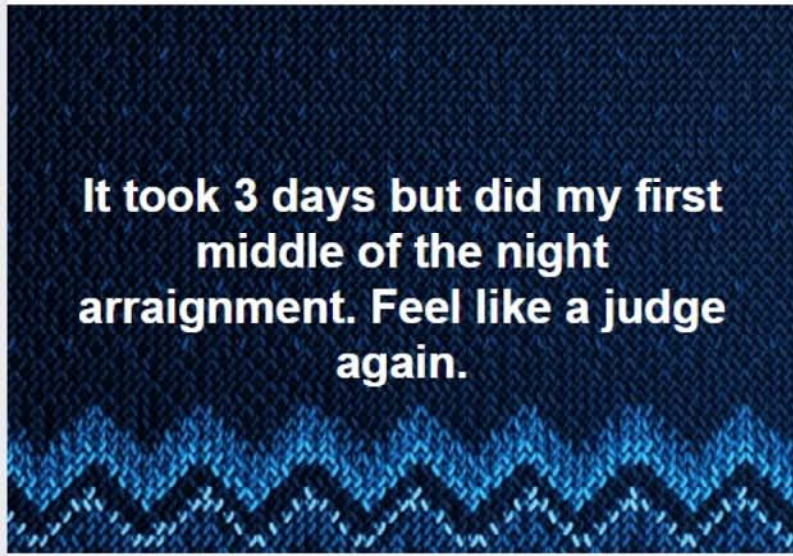
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Bob Schmidt
January 4 · 🌐



64 12 Comments

Like Comment Share

- AI Christian You need to start after noon naps. 🤔🤔
Like · Reply · 6w
- Sandy Cason Daus And did he/she get released before you were back in bed?
Like · Reply · 6w
- Bob Schmidt Sandy Cason Daus of course. This is NY 2020.
Like · Reply · 6w
- Len Johnson Lol congratulations sir
Like · Reply · 6w

EXHIBIT G



Bob Schmidt

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Susan Dayton



Bill Michell



Sandy Cason
Daus



Jayne Tarbox



Robert Duncan



Julie Ann



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Schmidt



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Len Johnson Lol congratulations sir

Like · Reply · 6w



Bob Brower Pretty soon, you won't need a judge. The police will arrest and issue an appearance ticket. Maybe add "don't do it again" but I am sure some snowflake will get upset with that too!

Like · Reply · 6w



Shaun Theoret Sad that they are taking away the power to keep bad people away from the rest of us.

Like · Reply · 6w



Andy James Catch and Release

Like · Reply · 6w



Kathy Kane Schmidt Love you Babe. Be careful out there ❤️

Like · Reply · 6w



Bob Schmidt Kathy Kane Schmidt ❤️

Like · Reply · 6w



Write a reply...



Press Enter to post.



Judy Cushing It's only just begun

Like · Reply · 6w



Kathy Kane Schmidt Judy Cushing indeed

Like · Reply · 6w



Write a reply...



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Mary Hansen Welcome back. ❤️

Like · Reply · 6w



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Bob Schmidt
January 30 at 6:08 PM

Sign of the time



NYPOST.COM

Fatal DWI suspect bragged about bail reform: 'I'll be out tomorrow'

7 1 Comment 1 Share

Like Comment Share

Andy James I predict vigilante mentality will soon return
Like · Reply · 2w

Write a comment...
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Bob Schmidt
January 30 at 3:42 PM

Thought for today

EXHIBIT H

METRO

Fatal DWI suspect bragged about bail reform: 'I'll be out tomorrow'

By Kevin Sheehan and Jorge Fitz-Gibbon

January 30, 2020 | 3:56pm | Updated



Jordan Randolph
Dennis A. Clark

A Long Island man arrested after a fatal drunken wreck Jan. 12 bragged to cops, "The laws changed, I'll be out tomorrow," thanks to new bail reform measures, prosecutors said Thursday.

Jordan Randolph, 40, who did walk free the next day, also told cops the deadly crash was "just a DWI."

SEE ALSO



Details of the boozy bust were revealed Thursday as Randolph was hit with a 24-count indictment for vehicular manslaughter, aggravated vehicular homicide and a slew of other charges in the crash that **killed 27-year-old Jonathan Flores-Maldonado**.

"As Jonathan Flores was left taking his last breaths and dying, this defendant was hurling expletives at both officers and EMTs who were trying to render him aid," Suffolk County Assistant District Attorney Jacob DeLauter said during Randolph's arraignment.

"At one point, the defendant completely trivialized this deadly collision by stating to police, 'F-k you, January 1st the laws changed. I'll be out tomorrow and I will come find you,'" DeLauter said. "He also

2/18/2020

DWI suspect bragged about bail reform prior to release

Alleged drunk driver in fatal LI crash released under bail reform

stated to an EMT that when he gets out, he'll come find her."

DeLauter said Randolph, who has three prior DWI convictions, was driving at "more than 135 miles per hour" prior to the deadly crash, and that it took several officers to subdue the hulking suspect.

Randolph had been **free without bail for weeks** before the Jan. 12 crash — despite an earlier arrest in Suffolk on Jan. 1 and a parole violation in Nassau County on which he was supposed to plead guilty months earlier.

And yet he walked free again after the fatal wreck.

That's because the new law prohibits judges from setting bail on most misdemeanors and many nonviolent felonies — including drunken driving.

"My son became a body count," Flores-Maldonado's mother, Lillian Flores, railed outside the Suffolk courtroom Thursday after Randolph pleaded not guilty to the indictment.

"I'm here to advocate for my son and for any other victims that are subject to the injustices of these new laws," she said. "My name is Lillian Flores. My son is Jonathan Flores-Maldonado, and he was the one that was mowed down on the damned highway."

Under the new bail laws, Randolph could not be held after the crash because Suffolk prosecutors only charged him with drunken driving and not with Flores-Maldonado's death.

Extensive media coverage of the case prompted Nassau County Judge William O'Brien, who was presiding over the parole violation in that county, to order Randolph arrested and jailed.

On Thursday, Suffolk County Judge Fernando Camacho ordered him held without bail on the indictment.



Jonathan Flores-Maldonado
Gofundme

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Bob Schmidt
February 2 at 9:16 PM

NYPOST.COM
Suspect in brutal mugging of elderly woman caught on video released under new bail law

1 1 Comment

Like Comment Share

Debbie DuJack Is this true? , disgusting!
Like · Reply · 2w

Write a comment...
Press Enter to post.

Bob Schmidt
February 2 at 9:57 AM

EXHIBIT I

METRO

Suspect in brutal mugging of elderly woman caught on video released under new bail law

By [Larry Celona](#) and [Ruth Weissmann](#)

February 1, 2020 | 7:32pm | Updated

Not even this brutal, caught-on-video mugging — in which a struggling 83-year-old woman was dragged to the ground, and her purse wrenched away — is enough to get a suspect locked up these days under the state's new bail reform law.

Exclusive video obtained by The Post allegedly shows 56-year-old Dana White, of Jamaica, Queens, walking up behind the victim in front of a building on Eldridge St. on the Lower East Side at about 5:45 a.m. Monday.

The victim is so petite compared to her attacker, that she stands only as high as his chest as he grabs at her scarf.

When the woman, who was walking with a cane, turns to escape his grasp, the thief puts his arms around her neck and drags her to the ground, the video shows.

The brave woman struggles on the pavement and waves her cane as she tries to fight off the fiend, who soon yanks her purse from around her neck and leaves her on the ground.

"She was a tough old woman who didn't want to give it up," a law enforcement source told The Post of the victim and her precious purse.

White was arrested shortly after the coldhearted attack and charged with robbery — but was released without bail by the [new legislation](#), which restricts bail for most low-level crimes.

Cops were fuming after the release, the latest in a [string of repeat offenders](#) sent back onto the streets under the new law, which requires a robbery to have caused an injury before a judge is allowed to set bail.

The sturdy senior had declined medical assistance at the scene.

"This is a crime that was deemed non-violent by Governor Cuomo — what an asshole," one frustrated cop told The Post in outrage.

"How would he like it if the victim was somebody he knew or was related to?"

White has at least 14 previous arrests, including at least 6 robbery charges and charges for criminal possession of a weapon, trespassing, and assault, sources said.

Police were so irritated by White's release that they dug into the case — and found he was on parole for a previous burglary, sources said.

He was taken back into custody shortly after for the parole violation.