



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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NEWS RELEASE

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Cayuga County Town Justice Should Be Removed for Posting Nazi Imagery and Demeaning Women

The New York State Commission on Judicial Conduct has determined that William H. Futrell, a Justice of the Montezuma Town Court, Cayuga County, should be removed from office for posting Nazi imagery on his Facebook page and publicly displaying “Likes” of Facebook pages that denigrated and objectified women. Among other things:

- Judge Futrell’s Facebook profile picture was an image of a human skull that appeared identical to the Nazi SS/Totenkopf forces insignia, with the letters “FF” (for “Futrell Firearms”) appearing in the style of the Nazi “SS” abbreviation. He also posted a meme of Facebook co-founder Mark Zuckerberg in Nazi military garb.
- Judge Futrell’s Facebook “Likes” page included such pages as “Dirty Biker Trash” and “Porngirls” that “consisted of numerous photographs of scantily-clad women in sexually provocative poses.”

Judge Futrell, who is not an attorney, became a Justice of the Montezuma Town Court in 2020. His current term expires on December 31, 2023.¹

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“It is astonishing and utterly contemptible that anyone, let alone a judge, would adopt or promote Nazi imagery. Needing to say this in 21st Century America is both mindboggling and distressing.

“That the same judge would denigrate women on social media is unsurprising and dispiriting. The only appropriate result in such a case is removal from office.”

The Commission Proceedings

Judge Futrell was served with a Formal Written Complaint dated May 15, 2023, containing two charges. He did not file an Answer.

By motion dated September 20, 2023, the Administrator moved for summary determination. The judge did not submit a response. The motion was granted on October 12, 2023, determining that the factual allegations of the Complaint were sustained and that the judge’s misconduct was established.

Counsel to the Commission filed a brief arguing for the judge’s removal and waived oral argument unless the judge was to appear. The judge did not make a submission on the issue of sanction, respond to the administrator’s brief or appear for oral argument.

The Commission Determination

The Commission filed a determination dated December 12, 2023, in which 10 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Hon. Fernando M. Camacho, Brian C. Doyle, Esq., Judge John A. Falk, Judge Robert J. Miller, Nina M. Moore, Marvin Ray Raskin, Esq., Graham B. Seiter, Esq., Judge Anil C. Singh, and Akosua Garcia Yeboah.

Taa Grays, Esq., (the Vice Chair), did not participate.

¹ On February 28, 2023, the judge sent an email to the Town of Montezuma Supervisor in which he resigned his judicial office effective that same day. However, it does not appear that the judge submitted a resignation to the Chief Administrator of the Courts, the method of resignation for justices of the unified court system specified in Public Officers Law, Section 31(1)(d), NY CLS Pub O §31(1)(d).

The Commission's removal decision said in part:

...when [Judge Futrell] posted Nazi imagery on Facebook, including in his Facebook profile, [Judge Futrell] engaged in truly egregious and troubling conduct that warrants removal. He also detracted from the dignity of judicial office when he promoted posts that demeaned women. Moreover, his decision to ignore the Commission's proceedings aggravated his underlying misconduct.

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 Futrell received it on December 18, 2023, 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 Futrell does not request review by the Court of Appeals, the Court of Appeals will remove 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 180 determinations of removal against judges in New York State. The Commission has issued 349 determinations of censure and 283 determinations of admonition.

The Court of Appeals has reviewed 102 Commission determinations. The Court accepted the Commission's sanctions in 86 cases (77 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

In the proceedings before the Commission, Judge Futrell represented himself.

The Commission was represented by Deputy Administrator John J. Postel, Senior Attorney David M. Duguay and Senior Investigator Vanessa Mangan.

Background Information on Judge Futrell

First Took Office: 2020
Current Term Expires: 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 and other records are available on the Commission's website:
www.cjc.ny.gov.

MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT

Member	Appointing Authority	Term End
Joseph W. Belluck, Esq., Chair	Former Governor Andrew M. Cuomo	March 31, 2024
Taa Grays, Esq., Vice Chair	Senate President Pro Tem Andrea Stewart-Cousins	March 31, 2027
Hon. Fernando M. Camacho	Former Chief Judge Janet DiFiore	March 31, 2024
Brian C. Doyle, Esq.	Senate Minority Leader Robert G. Ort	March 31, 2024
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Nina M. Moore	Governor Kathy Hochul	March 31, 2027
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Hon. Anil C. Singh	Chief Judge Rowan Wilson	March 31, 2026
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025