

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

ROBERT J. PUTORTI,

a Justice of the Whitehall Town Court and
Whitehall Village Court, Washington County.

**NOTICE OF FORMAL
WRITTEN COMPLAINT**

NOTICE is hereby given to Respondent, Robert J. Putorti, a Justice of the Whitehall Town Court and Whitehall Village Court, Washington County, pursuant to Section 44, subdivision 4, of the Judiciary Law, that the State Commission on Judicial Conduct has determined that cause exists to serve upon Respondent the annexed Formal Written Complaint; and that, in accordance with said statute, Respondent is requested within twenty (20) days of the service of the annexed Formal Written Complaint upon him to serve the Commission at its Albany office, Corning Tower, Suite 2301, Albany, New York 12223, with his verified Answer to the specific paragraphs of the Complaint.

Dated: June 11, 2020
New York, New York

ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

To: Thomas J. Cerio, Esq.
Attorney for Respondent
407 South Warren Street, 5th Floor
Syracuse, New York 13202

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

**FORMAL
WRITTEN COMPLAINT**

ROBERT J. PUTORTI,

a Justice of the Whitehall Town Court and
Whitehall Village Court, Washington County.

1. Article 6, Section 22, of the Constitution of the State of New York establishes a Commission on Judicial Conduct (“Commission”), and Section 44, subdivision 4, of the Judiciary Law empowers the Commission to direct that a Formal Written Complaint be drawn and served upon a judge.

2. The Commission has directed that a Formal Written Complaint be drawn and served upon Robert J. Putorti (“Respondent”), a Justice of the Whitehall Town Court and Whitehall Village Court, Washington County.

3. The factual allegations set forth in Charge I state acts of judicial misconduct by Respondent in violation of the Rules of the Chief Administrator of the Courts Governing Judicial Conduct (“Rules”).

4. Respondent has been a Justice of the Whitehall Town Court, Washington County, since January 1, 2014. In or about June 2014, Respondent was appointed as an Acting Justice of the Whitehall Village Court, Washington County, and was then elected as a Justice of that court in or about April 2018. Respondent’s current term as Whitehall

Town Justice expires on December 31, 2021, and his term as Whitehall Village Justice expires on March 31, 2021. Respondent is not an attorney.

5. Since at least 2003, and thus at all times relevant herein, Respondent has been licensed in New York State to carry a concealed firearm. His practice has been to have a concealed firearm with him at the bench while presiding over court proceedings.

CHARGE I

6. In or about late 2015 or early 2016, Respondent unjustifiably brandished a loaded semi-automatic handgun at Brandon Wood, an unarmed defendant who was at the Whitehall Village Court for the call of a case.

7. In or about late 2015 or early 2016, Respondent gave an interview to a journalism student at Hofstra University, in which he described his practice of carrying a concealed firearm while presiding on the bench, and in which he stated that he had brandished his handgun in court at a defendant, meaning Mr. Wood. Respondent also described a purported incident in which he had brandished his handgun at an unidentified man while helping his grandfather recover a stolen vehicle, and a purported incident in or about April 2015 in which police officers in Virginia observed him carrying a firearm in a convenience store at 3:00 AM. A copy of the resulting article in the *Long Island Report*, entitled "Carrying in the courtroom," is appended as Exhibit A.

8. On or about October 23, 2018, at a meeting of the Washington County Magistrates Association, Respondent told other judges in attendance that he had once brandished his handgun in the courthouse at a "large black man," meaning Mr. Wood.

9. In or about February 2019, Respondent (A) was counseled by his supervising judge about the incident with Mr. Wood and (B) signed a counseling memorandum agreeing never to display, use, or threaten to use a firearm in court unless he or someone else was facing “deadly physical force.” A copy of the counseling memorandum is appended as Exhibit B.

10. 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 he 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 perform the duties of judicial office impartially and diligently, in that he failed to be patient, dignified and courteous to a litigant, in violation of Section 100.3(B)(3) of the Rules, and failed to perform judicial duties without bias or prejudice against or in favor of any person and without manifesting in words or conduct bias or prejudice based upon race, in violation of Section 100.3(B)(4) of the Rules; and failed to conduct his extra-judicial activities so as to minimize the risk of conflict with judicial obligations, in that he failed to conduct his extra-judicial activities so that they do

not cast reasonable doubt on his capacity to act impartially as a judge and detract from the dignity of judicial office, in violation of Sections 100.4(A)(1) and (2) of the Rules.

WHEREFORE, by reason of the foregoing, the Commission should take whatever further action it deems appropriate in accordance with its powers under the Constitution and the Judiciary Law of the State of New York.

Dated: June 11, 2020
New York, New York



ROBERT H. TEMBECKJIAN
Administrator and Counsel
State Commission on Judicial Conduct
61 Broadway, Suite 1200
New York, New York 10006
(646) 386-4800

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

VERIFICATION

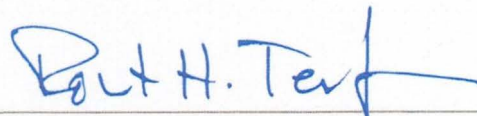
ROBERT J. PUTORTI,

a Justice of the Whitehall Town Court and
Whitehall Village Court, Washington County.

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

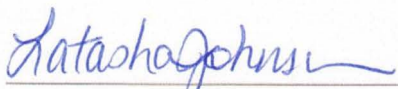
ROBERT H. TEMBECKJIAN, being duly sworn, deposes and says:

1. I am the Administrator of the State Commission on Judicial Conduct.
2. I have read the foregoing Formal Written Complaint and, upon information and belief, all matters stated therein are true.
3. The basis for said information and belief is the files and records of the State Commission on Judicial Conduct.



Robert H. Tembeckjian

Sworn to before me this
11th day of June 2020



Notary Public

LATASHA Y. JOHNSON
Notary Public, State of New York
No.01JO6235579
Qualified in New York County
Commission Expires February 14, 20**23**

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Carrying in the courtroom

Posted by LIR staff on Tuesday, December 8, 2015 ·



SPECIAL REPORT



OUR CULTURE OF FIREARMS

“I’ve pulled my gun twice.” Bobby Putorti, a cousin of this reporter, age 46, carries a gun on him at all times. “The first time, I was retrieving a stolen vehicle [with my grandfather], and someone tried to attack [him] to get it back. I pulled out my gun and said ‘You don’t want to lose your life over a car you didn’t pay for.’ The second time was when I was on duty as a judge and someone came running up the bench. I didn’t know what they were going to do, so I pulled it out and said ‘woah, woah, woah, slow down...’”

Putorti became a judge in Whitehall, NY in 2013. It is a tiny town of about 5,000 people, on the border of Vermont. The courthouse is

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located at 57 Skenesborough Drive, and February 2015 was when he was approached at the bench. He explained that there is generally only an officer in the courtroom if there are inmates coming from jail. He could ask for an officer to be with him at all times if he felt he needed it, but he usually could take care of himself. The courtroom has about 15 chairs in it so it was usually pretty calm . There are emergency safety measures in place should a situation arise. In this particular incident, there was just a misunderstanding and nothing came of it; the individual was confused about the situation.

“I carry a gun now because I’m a judge; I send people to jail and you never know how someone will respond to the calls I make. I carry all the time, especially today, because you never know when someone is going to pull out a gun and start shooting people; if I have a gun at home, that’s not doing anybody any good; if it’s on my hip, I can respond immediately,” said Putorti.



Photo: Reba Putorti

Putorti got his NY state pistol permit in 1995 for simple recreational shooting. He owned six guns and was a member of a local range. In 2005 he got his carry/conceal permit and bought ten more guns. Soon after he got a New Hampshire permit because “it was easy and not a lot of work” .

Since then he’s gotten permits in Connecticut, Florida, Utah, Pennsylvania, Massachusetts, and Maine, so now he’s on a quest to get the whole country. With the

reciprocity from state to state, he currently has only 11 states where he cannot carry/conceal. Illinois opened up permits to out of staters so he’s filing the paperwork for that one now, which will also give him Nevada and Minnesota reciprocity. While his dream would be to travel the country and never have to worry, there are a few states he knows he’ll never get. California only offers permits

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to residents, and he said he wouldn't consider moving there just to get it. Maryland isn't possible either; no one in Maryland can carry because of the safety of Washington D.C. New Jersey is difficult to get and it's only possible "if you have a lot of money or if you know someone." Oregon is also out of the question.

In April 2015, Putorti and his family took a vacation to the Outer Banks in North Carolina. On their way home they stopped at a convenience store in Virginia at 3:00 a.m. Putorti and his wife, Pam, walked into the store to get some snacks. As they walked around the store, a state trooper came in and approached him saying "How ya doin' tonight, sir?" "Doin' alright" Putorti replied. His wife left and another trooper followed her out. He watched her get into their car with a New York license plate. The trooper went back in and said to the other "They're from New York, it's okay." Going about his business, Putorti paid and left.

When he got into the car his wife said, "You know he was following you around. Do you still have your gun on you?" They both looked at his hip. "You idiot", Pam replied. But it all made sense now. The troopers knew that if he was legal in New York, the reciprocity was legal for Virginia too, so the troopers didn't do anything.

Putorti has been a gun advocate for a long time now. He knows the laws and abides by them. While he may not be in full support of every requirement, he does what he needs to do in order to be safe and legal.



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EXHIBIT B

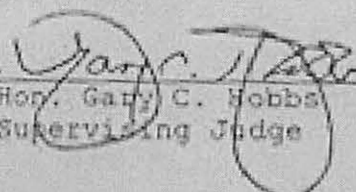
MEMORANDUM:

To: Hon. Robert J. Putorti, Justice, Whitehall Town Court
From: Hon. Gary C. Hobbs, Supervising Judge
Dated: February 28, 2019
Subject: Judge's Possession/Display/Use of Firearms in Court

New York State's rules of ethics for judges do not prohibit a judge from carrying a concealed and safeguarded licensed firearm while performing his/her judicial duties on the bench, so long as there are no legal or administrative barriers that would preclude such possession (Opinion 06-51). However, this rule (Opinion 06-51) does not authorize a judge to display, use or threaten the use of a firearm while in the courtroom. To the contrary, judges must "be patient, dignified and courteous" to those who appear before them (22 NYCRR 100.3[B][3]). Improperly, displaying, using or threatening to use a firearm while in the courtroom constitutes a substantial violation of the Rules Governing Judicial Conduct, as such conduct can seriously undermine public confidence in the judiciary and is inconsistent with a Judge's obligation to "respect and comply with the law" (22 NYCRR 100.2[A]) and be "patient, dignified and courteous" to all litigants (22 NYCRR 100.3[B][3]).

Thus, a judge may only display, use or threaten to use a firearm while in the courtroom when the judge reasonably believes it to be necessary to defend himself or someone else from what the judge reasonably believes to be the use or imminent use of deadly physical force by such individual. Otherwise, the judge's firearm should remain concealed at all times while in the courtroom.

Please sign a copy of this Memorandum and return the signed Memorandum to my attention.



Hon. Gary C. Hobbs
Supervising Judge

I have read this Memorandum and I understand the requirements concerning the possession of a concealed weapon in the courtroom and I agree to abide by the rules. I do possess a valid concealed carry permit for my firearm.

Dated: 5-2-19



Hon. Robert J. Putorti