



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

61 BROADWAY, SUITE 1200
NEW YORK, NEW YORK 10006

MARISA E. HARRISON
PUBLIC INFORMATION OFFICER

646-386-4800 646-458-0037
TELEPHONE FACSIMILE
www.cjc.ny.gov

NEWS RELEASE

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Contact:

*Marisa E. Harrison, Public Information Officer
(518) 453-4600*

Washington County Town Justice Should Be Removed for Unjustifiably Brandishing a Gun at a Litigant in Court

The New York State Commission on Judicial Conduct has determined that Robert J. Putorti, a Justice of the Whitehall Town Court and the Whitehall Village Court, Washington County,¹ should be removed from office for unjustifiably pointing a handgun at a defendant, then bragging about it and characterizing the incident in racial terms. The judge also participated in prohibited fundraising activities for his local Elks Lodge.

The Gun Incident and Racial Characterizations

In late 2015 or early 2016, while presiding over a criminal matter, Judge Putorti brandished a semi-automatic handgun at a defendant who did not pose an imminent threat to the judge or anyone else. Subsequently, on several occasions, he described the incident to other judges, variously describing the defendant as a “big Black man,” a “large Black man” about 6 feet 9 inches tall and “built like a

¹ Judge Putorti, who is not an attorney, has served as a Justice of the Whitehall Town Court since 2014. He was appointed as an Acting Justice of the Whitehall Village Court in 2014 and was elected as a Justice of that court in April 2018. His current terms expire on December 31, 2025, and April 6, 2025, respectively.

football player.” (In fact, the defendant was approximately 6 feet tall and weighed 165 pounds.)

Although Judge Putorti said he brandished his gun because the defendant approached the bench “too quickly,” and that the police officer who was standing at the bench at the time joked about how quickly he drew his gun, the judge acknowledged that neither the officer nor the Assistant District Attorney who was present corroborated his story.

Judge Putorti, who was later required to discuss the incident with his supervising judge, signed a counseling memorandum, agreeing never to display, use or threaten to use a firearm in court except in response to “deadly physical force.”

In its determination, the Commission said it was “troubled by [Judge Putorti’s] repeated description of [the defendant’s] race,” noting also that he “exaggerated [the defendant’s] physical stature.”

The Commission found that the judge’s actions “demonstrated that he lacks the appropriate judicial temperament” and that “his actions irreparably undermined confidence in his ability to continue as a judge.”

A Second Gun Incident

In the course of the Commission’s proceedings, it was revealed that on one occasion outside court – when he was purportedly assisting a relative to retrieve an allegedly stolen car that the police had located – Judge Putorti brandished his gun at someone who approached him and his relative.

Unauthorized Fundraising

The Commission found that Judge Putorti “also showed his lack of attention to his ethical obligations when he engaged in improper fundraising” by using his personal Facebook account to promote fundraisers for the Whitehall Elks Lodge on at least seven occasions.

Statement by Commission Administrator

Commission Administrator Robert H. Tembeckjian made the following statement.

“The courthouse is where threats or acts of gun violence are meant to be resolved, not generated. But for the fact that it happened in this case, it would otherwise be unfathomable for a judge to brandish a weapon in court, without provocation or

justification. To then brag about it repeatedly with irrelevant racial remarks is utterly indefensible and inimical to the role of a judge.”

The Commission Proceedings

Judge Putorti was served with a Formal Written Complaint dated June 11, 2020, containing one charge and filed an Answer dated August 14, 2020. The judge was served with a Second Formal Written Complaint dated January 20, 2021, containing one charge and filed a second Answer dated March 8, 2021.

On November 26, 2021, the Administrator, the judge and the judge’s attorney entered into an Agreed Statement of Facts, stipulating that the Commission make its determination based on the agreed facts and requesting that briefing and oral argument be scheduled on the issue of sanction.

The parties waived oral argument and submitted briefs to the Commission with respect to sanction. Counsel to the Commission filed a brief arguing for the judge’s removal and the judge’s counsel argued that a sanction no greater than censure be imposed.

The Commission Determination

The Commission filed a determination dated September 9, 2022, in which 10 members concurred: Joseph W. Belluck, Esq. (the Commission Chair), Taa Grays, Esq., (the Vice Chair), Hon. Fernando M. Camacho, Jodie Corngold, Judge John A. Falk, Judge Angela M. Mazzarelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Graham B. Seiter, Esq., and Akosua Garcia Yeboah.

One member, Ronald J. Rosenberg, Esq., filed a dissenting opinion.

Court of Appeals Review

The Commission transmitted its determination to the Acting Chief Judge of the Court of Appeals, pursuant to Judiciary Law Section 44, subdivision 7. Judge Putorti received it on September 14, 2022, 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 Putorti 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 178 determinations of removal against judges in New York State. The Commission has issued 343 determinations of censure and 280 determinations of admonition.

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 Putorti was represented by Michael D. Root of Cerio Law Offices, 407 S. Warren Street, Suite 5, Syracuse, New York 13202, (315) 422-8769.

The Commission was represented by Deputy Administrator Cathleen S. Cenci, Senior Attorney S. Peter Pedrotty, and Investigator Laura Misjak.

Background Information on Judge Putorti

First Took Office:

Whitehall Town Court	2014
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Whitehall Village Court	2014
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Current Term Expires:

Whitehall Town Court	December 31, 2025
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Whitehall Village Court	April 6, 2022
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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, 2023
Hon. Fernando M. Camacho	Former Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Former Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Former Chief Judge Janet DiFiore	December 31, 2022 ²
Hon. Robert J. Miller	Governor Kathy Hochul	March 31, 2026
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2026
Ronald J. Rosenberg, Esq.	Former Senate Minority Leader John J. Flanagan	March 31, 2024
Graham B. Seiter, Esq.	Assembly Minority Leader William A. Barclay	March 31, 2025
Akosua Garcia Yeboah	Former Governor Andrew M. Cuomo	March 31, 2025

² Judge Mazzarelli's term on the Commission will end upon her retirement from judicial office on December 31, 2022.