



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

*February 2, 2022*

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### **Allegany County Town Justice Should Be Removed for Inappropriate Facebook Posts, Soliciting Donations for NRA**

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The New York State Commission on Judicial Conduct has determined that David R. Stilson, a Justice of the Alma Town Court, and an Associate Justice of the Andover Village Court, Allegany County, should be removed from office for posting sexist and otherwise sexually charged content on Facebook and engaging in fundraising for the National Rifle Association (NRA).

In 2014 Judge Stilson did the following on his Facebook account<sup>1</sup>:

- He posted an image of a woman with the caption, “Boobies Are proof that men can focus on two things at once!”
- He posted an image listing 10 reasons why “Country Girls are Hotter.” The list included a variety of reasons such as, “Their boobs are real” and “Sex in the woods is way better.” The judge then commented to the post, “Can[']t argue this one bit. Very True.”

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<sup>1</sup> Copies of the posts are appended to the determination.

- He posted a meme with an image of a woman tied to a bed by her wrists and ankles and another of a man fishing, with the caption, “SHE ASKED ME TO TIE HER UP AND DO ANYTHING I WANT.”
- He posted that he was “Looking for a few more friends to attend the Friends of the NRA Banquet in Olean on March 15<sup>th</sup>” at “\$180.00 each person.”
- He shared an article from “COPSSUPPORTGUNRIGHTS.COM” entitled “New York Troopers and Sheriffs refusing to Enforce SAFE Act – Cops Support Gun Rights,” with the caption “Come [to] the Friends of The NRA Banquet with me and learn more about this.”

The Commission stated that Judge Stilson failed to “promote public confidence in the judiciary” when he made several posts that “objectified and denigrated women and included degrading, vulgar and disturbing images of women that are not appropriate for a judge to be posting publicly.”

The Rules Governing Judicial Conduct prohibit judges from “personally participat[ing] in the solicitation of funds or other fund-raising activities.” Judges are also prohibited from engaging in activities which “cast reasonable doubt on the judge’s capacity to act impartially as a judge.” Judge Stilson compounded his misconduct when he solicited funds for the NRA and when he invited the public to join him in learning more about law enforcement officers refusing to enforce the SAFE Act.

Judge Stilson did not proffer a defense nor otherwise engage in the Commission proceeding against him. The Commission found the judge’s decision not to participate to exhibit “a disdain for the Commission’s important role.”

In determining to remove Judge Stilson, the Commission found the “totality of [his] misconduct and his unwillingness to participate in Commission proceedings” made him “unfit for judicial office.”

Judge Stilson, who is not an attorney, has served as a Justice of the Alma Town Court since 2001, and an Associate Justice of the Andover Village Court since 2019. His current terms expire on December 31, 2025 and May 31, 2022, respectively. He previously served as a Justice of the Willing Town Court from 2001 to 2013.

**Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“There is no place on the bench for a judge who demeans women or seems to have no idea why public confidence in the courts would be undermined when a judge posts the image of a woman tied to a bed or makes juvenile references to a woman’s breasts on social media. That Judge Stilson also engaged in prohibited fundraising for the NRA only underscores his disregard for judicial ethics and unfitness for office.”

**The Commission Proceedings**

Judge Stilson was served with a Formal Written Complaint dated May 10, 2021, containing two charges. He did not file an Answer.

By motion dated October 7, 2021, the Administrator moved for summary determination. The judge did not submit a response. The motion was granted on October 28, 2021, 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 January 7, 2022, in which all 11 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. Mazzaelli, Judge Robert J. Miller, Marvin Ray Raskin, Esq., Ronald J. Rosenberg, Esq., Graham B. Seiter, Esq., and Akosua Garcia Yeboah. Mr. Rosenberg filed an opinion concurring with the sanction and dissenting in part that the Facebook postings involving the women were not cause for discipline.

**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 Stilson received it on January 18, 2022, and the Commission was subsequently notified by

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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 Stilson 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 176 determinations of removal against judges in New York State. The Commission has issued 340 determinations of censure and 278 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**

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

The Commission was represented by Robert H. Tembeckjian, Administrator and Counsel to the Commission; John J. Postel, Deputy Administrator in Charge of the Rochester office; and Senior Attorney David M. Duguay. Senior Investigator Vanessa Mangan was assigned to the case.

**Background Information on Judge Stilson**

## First Took Office:

Alma Town Court 2001

Andover Village Court 2019

## Current Term Expires:

Alma Town Court December 31, 2025

Andover Village Court May 31, 2022

## Previous Judicial Office:

Willing Town Court 2001-2013

**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**

<b>Member</b>	<b>Appointing Authority</b>	<b>Term End</b>
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	Chief Judge Janet DiFiore	March 31, 2024
Jodie Corngold	Former Governor Andrew M. Cuomo	March 31, 2023
Hon. John A. Falk	Chief Judge Janet DiFiore	March 31, 2025
Hon. Angela M. Mazzarelli	Chief Judge Janet DiFiore	March 31, 2022
Hon. Robert J. Miller	Former Governor Andrew M. Cuomo	March 31, 2022
Marvin Ray Raskin, Esq.	Assembly Speaker Carl E. Heastie	March 31, 2022
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