

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

KARL RIDSDALE,

a Justice of the Antwerp Town Court,
Jefferson County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct

("Commission"):

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Esq., Administrator and Counsel to the Commission, and Honorable Karl Ridsdale ("respondent"), that further proceedings are waived and that the Commission shall make its determination upon the following facts, which shall constitute the entire record in lieu of a hearing.

1. Respondent has been a Justice of the Antwerp Town Court, Jefferson County, since 2006. His current term expires on December 31, 2013. Respondent is not an attorney.
2. Donald Hull is respondent's co-judge and has been a part-time Justice of the Antwerp Town Court since 1979.
3. Respondent was served with a Formal Written Complaint dated October 8, 2010, and filed an Answer dated October 21, 2010.

As to Charge I

4. On March 12, 2009, respondent's co-judge, Donald Hull, called the New York State Police after an incident at his home involving his 20-year-old son, Tyrone Hull. Tyrone, who had a history of behavioral problems and anger, had intentionally not taken his prescribed medication, [REDACTED]. Tyrone had an explosive outburst toward his mother in which he claimed she put too much salt in a dish she was preparing for the family's dinner. Tyrone yelled and threatened his siblings, warning that he was going to get a gun. Tyrone punched a hole in a wall and rampaged through the house searching for a gun owned by the family. Judge Hull warned Tyrone that he would call the police and Tyrone replied that he might hurt someone. A New York State Trooper and an Antwerp Village Police Officer responded to the call.

5. Tyrone Hull was arrested that evening and charged with Criminal Mischief in the Fourth Degree, a "Class A" misdemeanor and a violation of Penal Law Section 145.00. Tyrone was transported to the Antwerp Town Court for arraignment at about 8:30 P.M.

6. Sometime between 8:30 PM and 9:30 PM on March 12, 2009, respondent presided over the arraignment in *People v. Tyrone Hull*. A New York State Trooper was present.

7. At the arraignment, respondent read the charge to Tyrone Hull and asked him if he understood the charge, which Tyrone said he did. Respondent then advised Tyrone of his right to counsel at every stage of the proceeding, and said that if he

could not afford counsel, one would be appointed. When respondent asked Tyrone if he wanted an attorney, Tyrone declined.

8. Respondent asked Tyrone Hull how he wished to plead to the charge, and Tyrone said that he wished to plead guilty. Respondent advised Tyrone that if he pleaded guilty, he would be sentenced to 30 days in jail. Pursuant to Penal Law Sections 70.15 and 145.00, the maximum sentence of incarceration allowed was one year. Respondent then sentenced Tyrone, who had no prior criminal record, to 30 days in jail. Respondent also ordered that Tyrone receive a mental health exam.

9. At the time he presided over the arraignment, respondent was aware that Tyrone Hull was the son of his co-judge and that his co-judge was the complaining witness. Respondent did not disclose his relationship with Judge Hull to Tyrone Hull or offer to disqualify himself from the case because he did not know that it was improper to preside over a matter involving his co-judge and his co-judge's son.

10. Respondent did not speak to Judge Hull about any aspect of Tyrone's case, prior to Tyrone's arraignment and plea.

11. After the arraignment, respondent telephoned Judge Hull and said he had arraigned Tyrone, and that Tyrone pleaded guilty to Criminal Mischief and was sentenced to 30 days in jail. Respondent indicated that he would issue an Order of Protection against Tyrone, and asked Judge Hull to provide the names and ages of the twelve children residing at the home. Judge Hull and respondent did not discuss anything else about Tyrone.

12. Respondent did not obtain a pre-sentence report prior to sentencing Tyrone Hull because under Section 390.20(2) of the Criminal Procedure Law, a pre-sentence report is not required where a person is convicted of a misdemeanor, except in limited circumstances not applicable here.

13. Respondent was not required to obtain the consent of the District Attorney's Office before sentencing Tyrone Hull upon his guilty plea at arraignment under Section 170.10 of the Criminal Procedure Law. As a general practice, and in this case, the Assistant District Attorney assigned to respondent's court did not ask for the opportunity to make a sentencing recommendation before respondent imposed sentence at arraignment.

14. Respondent had not previously accepted a guilty plea at arraignment from a defendant who chose to proceed without counsel. Respondent accepted Tyrone Hull's guilty plea because Tyrone indicated he wanted to plead guilty, Tyrone understood everything respondent said, and respondent was authorized by law to accept the plea.

15. Mr. Hull served 19 days of his 30-day sentence in the Jefferson County Jail and then was released.

16. 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 to act at all times 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; allowed a professional relationship to influence his judicial conduct, in violation of Section 100.2(B) of the Rules; failed to perform the duties of judicial office impartially and diligently, in that he failed to disqualify himself in a proceeding in which his impartiality might reasonably be questioned, in violation of Section 100.3(E)(1) of the Rules; and failed to disqualify himself in a proceeding in which he had a personal bias or prejudice concerning a party, in violation of Section 100.3(E)(1)(a)(i) of the Rules.

Mitigating Factors

17. Respondent has been contrite and cooperative with the Commission throughout its inquiry.

18. Respondent has no previous disciplinary record. Respondent regrets his failure to know and abide by the applicable Rules in this instance and pledges to conduct himself in accordance with the Rules in the future.

Additional Factors

19. Respondent failed to mechanically record the arraignment and plea proceedings in *People v. Tyrone Hull*, as required by Section 30.1 of the Rules of the Chief Judge and Administrative Order 245/08 of the Chief Administrative Judge of the Courts dated May 21, 2008.¹

¹ The October 8, 2010, Formal Written Complaint charged respondent's failure to mechanically record the proceedings in *People v. Tyrone Hull* as a separate and independent charge of misconduct. Upon reflection, the Administrator agrees that these allegations should be characterized as an aggravating

20. Respondent's practice is to record proceedings, including after-hours arraignments. His court clerk typically turns on the digital recording equipment. When Tyrone Hull appeared before him for arraignment, respondent forgot to turn on his computer and to activate the recording equipment.

IT IS FURTHER STIPULATED AND AGREED that respondent withdraws from his Answer any denials or defenses inconsistent with this Agreed Statement of Facts.

IT IS FURTHER STIPULATED AND AGREED that the parties to this Agreed Statement of Facts respectfully recommend to the Commission that the appropriate sanction is public Censure based upon the judicial misconduct set forth above.

IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further submission of the parties, based solely upon this Agreed Statement. If the Commission rejects this Agreed Statement of Facts, the matter shall proceed to a hearing and the statements made herein shall not be used by the Commission, the respondent or the Administrator and Counsel to the Commission.

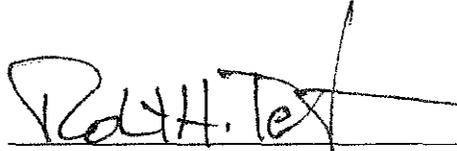
factor for the Commission's consideration with respect to Charge I. Therefore, Charge II of the Formal Written Complaint is withdrawn.

Dated:



Honorable Karl Ridsdale
Respondent

Dated: June 3, 2011



Robert H. Tembeckjian, Esq.
Administrator & Counsel to the Commission
(**Kathleen Martin, Of Counsel**)