

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

GREGORY P. STORIE,

a Judge of the County Court,
St. Lawrence County.

**AGREED
STATEMENT OF FACTS**

Subject to the approval of the Commission on Judicial Conduct:

IT IS HEREBY STIPULATED AND AGREED by and between Robert H. Tembeckjian, Administrator and Counsel to the Commission, and the Honorable Gregory P. Storie (“Respondent”), who is represented in this proceeding by William J. Galvin, Esq., that further proceedings are waived and that the Commission shall make its determination upon the following facts and exhibits, which shall constitute the entire record in lieu of a hearing.

1. Respondent was admitted to the practice of law in New York in 2007. He has been a Judge of the County Court, St. Lawrence County, since January 1, 2021, having previously served as a Justice of the Canton Village Court, St. Lawrence County, from 2010 to 2012. Respondent’s term expires on December 31, 2030.

2. Respondent was served with a Formal Written Complaint dated January 4, 2024. He enters into this Agreed Statement of Facts in lieu of filing an Answer.

As to Charge I

3. On January 5, 2023, in connection with *People v Michael J. Snow*, in which the defendant was charged with murder, Respondent initiated and engaged in an unscheduled discussion about the case in chambers, during the course of which he made inappropriate statements to the defense attorney and an Assistant District Attorney who was not assigned to the case, conveying that he (A) was biased against the defendant, (B) would accept a guilty plea from the defendant notwithstanding that the defendant appeared “catatonic,” and (C) would be swayed by public clamor and/or fear of criticism to impose the maximum sentence upon the defendant.

As to the Specifications to Charge I

4. On March 31, 2022, a St. Lawrence County grand jury charged Michael J. Snow with Murder in the Second Degree, Manslaughter in the First Degree, Assault in the First Degree and Criminal Use of a Firearm in the First Degree for allegedly shooting and killing Elizabeth Howell, a SUNY Potsdam student, on February 18, 2022. The case received substantial attention from local media outlets.

5. St. Lawrence County District Attorney Gary M. Pasqua personally handled the prosecution of the defendant. The defendant was represented by St. Lawrence County Public Defender James M. McGahan.

6. On April 11, 2022, Respondent arraigned the defendant and remanded him to the custody of the St. Lawrence County Sheriff.

7. On May 6, 2022, Mr. McGahan filed a Notice of Intent to Proffer Psychiatric Evidence at a trial in *People v Snow*, in connection with the assertion of an affirmative defense of lack of criminal responsibility by reason of mental disease or defect. A copy of the Notice is appended as Exhibit 1.

8. By Order dated November 2, 2022, Respondent scheduled the *Snow* trial to commence on January 30, 2023.

9. On January 5, 2023, Respondent was conferencing unrelated cases in chambers with Mr. McGahan and Assistant District Attorney Michael Abbruzzese of St. Lawrence County. A probation officer was also present.

10. Notwithstanding that *People v Snow* was not scheduled to be conferenced, and in the absence of Mr. Pasqua, Respondent raised the topic of the possibility of the *Snow* case being resolved by a plea to the indictment. When Mr. McGahan reported, in sum or substance, that the District Attorney's Office had offered to permit the defendant to plead to the indictment and leave sentencing to the court's discretion, Respondent stated, in sum or substance, that he would

sentence the defendant to the maximum of 25 years to life because anything less would not look good in the media or to the victim's family. When Mr. Abbruzzese asked Respondent what incentive the defendant would have to plead under that circumstance, Respondent stated, in sum or substance, that the defendant might do so rather than proceed to trial because he appeared to be "catatonic."

11. At a pre-trial conference in the *Snow* case on January 18, 2023, Mr. McGahan and Mr. Pasqua jointly requested that Respondent recuse himself from that matter based upon his comments during the January 5 conference.

12. On January 18, 2023, Respondent recused himself from *People v Snow* and filed a "Reason for Recusal" form, noting the following reason for his recusal: "I wish to avoid any potential appearance of impropriety that my impartiality might be questioned as it may appear that: Counsel has questioned my impartiality in this matter."

13. By reason of the foregoing, Respondent should be disciplined for cause, pursuant to Article VI, 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 of the Chief Administrator

of the Courts Governing Judicial Conduct (“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; and failed to perform the duties of judicial office impartially and diligently, in that he failed to be faithful to the law and maintain professional competence in it and failed not to be swayed by public clamor or fear of criticism, in violation of Section 100.3(B)(1) of the Rules, and failed to perform his judicial duties without bias or prejudice against or in favor of any person and failed to refrain from, by words or conduct, manifesting bias or prejudice, in violation of Section 100.3(B)(4) of the Rules.

Additional Factors

14. Respondent’s inappropriate comments regarding the *Snow* case occurred less than two weeks after the Commission issued him a confidential Letter of Dismissal and Caution, a copy of which is appended as Exhibit 2.¹ The caution letter, which should have prompted Respondent to be especially sensitive to his ethical obligations, included the following admonition pertinent to his misconduct in *Snow*:

¹ Descriptions of those allegations that were not sustained are redacted from the letter.

Finally, in noting that the foregoing conduct occurred while you were running for or were relatively new to judicial office, the Commission hopes you reflect on the qualities of restraint and thoughtful deliberation that contribute to one's success as a judge....

15. Were a hearing to be held before a Referee in this matter herein, Respondent would testify as follows regarding the comments he made as described in paragraph 10 herein:

- A. Respondent acknowledges having made the comments described in paragraph 10 based on Mr. Abbruzzese's and Mr. McGahan's recitations of the January 5 conference. While he does not specifically remember making the comments, Respondent acknowledges that they were inconsistent with his judicial responsibilities.
- B. Respondent did not actually consider the defendant to be "catatonic" or otherwise incapacitated. If he had, he would have ordered him to undergo an examination pursuant to Article 730 of the Criminal Procedure Law. Nevertheless, Respondent acknowledges his comment to that effect was inappropriate.

16. Respondent has been cooperative and contrite throughout the Commission's proceeding. He regrets suggesting that his sentencing decision in

Snow would be influenced by his concern about potentially negative media reaction, and that he would accept a guilty plea from a “catatonic” defendant. Respondent commits to being more circumspect and sensitive to his ethical obligations and the rights of those appearing before him.

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.

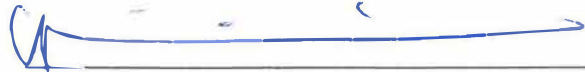
IT IS FURTHER STIPULATED AND AGREED that if the Commission accepts this Agreed Statement of Facts, the parties waive oral argument and waive further submissions to the Commission as to the issues of misconduct and sanction, and that the Commission shall thereupon impose a public Censure without further 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.

Dated: 1/29/24



Honorable Gregory P. Storie
Respondent

Dated: 1/31/24



William J. Galvin, Esq.
Attorney for Respondent

Dated: February 6, 2024



Robert H. Tembeckjian
Administrator & Counsel to the Commission
(**Cathleen S. Cenci** and **S. Peter Pedrotty**, Of
Counsel)

STATE OF NEW YORK
COUNTY COURT

COUNTY OF ST. LAWRENCE

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

MICHAEL J. SNOW,

Defendant.

**NOTICE OF INTENT TO
PROFFER PSYCHIATRIC
EVIDENCE**

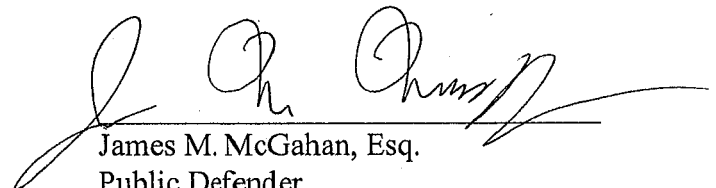
Indictment # 70135-22/001

Index # 24958

PLEASE TAKE NOTICE that the above-named Defendant, upon the trial of above-captioned action will offer psychological and/or psychiatric evidence, including but not limited to expert testimony, opinions and findings made by mental health professionals of the defendant in connection with the assertion of an affirmative defense of lack of criminal responsibility by reason of mental disease or defect.

May 2, 2022

Respectfully submitted,



James M. McGahan, Esq.

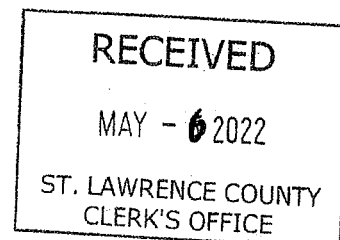
Public Defender

St. Lawrence County, New York

(315) 379 - 2115

TO: CLERK
County Court
48 Court St.
Canton, New York 13617

Gary Pasqua
District Attorney
48 Court Street
Canton, New York 13617





NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

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ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL

CONFIDENTIAL

December 20, 2022

**Via Certified Priority Mail Tracking#: 9402809105156505241070
and Email: [REDACTED]@gmail.com**

Honorable Gregory P. Storie
St. Lawrence County Court Judge
c/o William J. Galvin, Esq.
P.O. Box 320
Ghent, New York 12075

LETTER OF DISMISSAL AND CAUTION

Dear Judge Storie:

The Commission on Judicial Conduct has completed its investigation of four complaints, alleging, *inter alia*, that (1) during your 2020 judicial campaign, you [REDACTED] publicly endorsed other candidates for elective office, and posted and/or solicited posts of photographs of voted ballots on your campaign’s Facebook page; (2) you failed to disqualify yourself in *People v J [REDACTED] B [REDACTED]* and decided the defendant’s motion to withdraw his guilty plea notwithstanding that you are related to the victim and the victim’s mother, a witness in the case; (3) you [REDACTED] arbitrarily increased bail five-fold in *People v A [REDACTED] L [REDACTED]* following an application for bail reduction, [REDACTED] and (4) [REDACTED]

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[REDACTED]

After considering your response to the allegations, the Commission has determined not to institute formal charges.

In accordance with Section 7000.3(c) of the Commission's Operating Procedures and Rules, the Commission has dismissed the complaints with this letter of dismissal and caution.

You are cautioned to adhere to Section 100.1 of the Rules Governing Judicial Conduct ("Rules"), which requires a judge to observe high standards of conduct so that the integrity and independence of the judiciary will be preserved; Section 100.2(A) of the Rules, which requires a judge 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; Section 100.3(B)(1) of the Rules, which requires a judge to be faithful to the law and maintain professional competence in it; Section 100.3(E)(1) of the Rules, which requires a judge to disqualify himself in a proceeding in which the judge's impartiality might reasonably be questioned; Section 100.5(A)(1)(e) of the Rules, which prohibits a judicial candidate from publicly endorsing another candidate for public office; Section 100.5(A)(4)(a) of the Rules, which requires a judicial candidate to maintain the dignity appropriate to judicial office, and act in a manner consistent with the impartiality, integrity and independence of the judiciary; and Section 100.5(A)(4)(c) of the Rules, which prohibits a judicial candidate from authorizing or knowingly permitting any person to do for the candidate what the candidate is prohibited from doing under the Rules.

It was inconsistent with the above-cited Rules for you to allow your 2020 judicial campaign's Facebook page to post what appeared to be photographs of a voted ballot, with a comment appearing to encourage voters to post photographs of their own ballots, in apparent violation of Section 17-130 of the Election Law. It was also improper for you to publish or otherwise permit your campaign Facebook page to endorse a candidate for Congress and a candidate for the New York Assembly.

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You acknowledged that, in *People v J. [REDACTED] B. [REDACTED]*, you should have disqualified yourself from deciding the defendant's post-conviction motion because the victim in the case is your first cousin, once removed. Although the Commission accepts your explanation that you were unaware of your relative's involvement in the case or even that she was related to you, a review of the case file should have revealed that the victim shared your surname, which should have prompted you to make inquiry. Accordingly, you are reminded of your responsibility in each case to determine whether a potentially disqualifying conflict exists, and whether such disqualification would be subject to remittal at the option of the parties.

Additionally, you conceded that your increase of bail in *People v A. [REDACTED] L. [REDACTED]* was "irrational, arbitrary and an abuse of discretion," as the reviewing Supreme Court justice found, because the defendant was already incarcerated due to his inability to post the original bail amount you had set. The Commission takes the opportunity to remind you that a judge's sole concern in setting bail is to select an amount that is no more than necessary to secure a defendant's court attendance when required. In doing so, you must consider the factors enumerated in CPL 510.30(1), including the defendant's individual financial circumstances, ability to post bail without posing undue hardship, and ability to obtain a secured, unsecured or partially secured bond. *See* CPL 510.30(1)(f).

Finally, in noting that the foregoing conduct occurred while you were running for or were relatively new to judicial office, the Commission hopes you reflect on the qualities of restraint and thoughtful deliberation that contribute to one's success as a judge, and that you will not allow hubris to define or mar your tenure.

The various other allegations in the four complaints have been dismissed as unsubstantiated.

In accordance with the Commission's policy, you may either accept this letter of dismissal and caution or request a formal disciplinary hearing. If you choose to accept this letter of dismissal and caution, no further action will be taken. If you request a hearing, the Commission may authorize a Formal Written Complaint against you pursuant to Judiciary Law Section 44, subdivision 4, and designate a referee to hear and report findings of fact

Honorable Gregory P. Storie

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and conclusions of law. If a hearing is held, the Commission may then decide to dismiss the Complaint, issue a letter of caution to you, or file a determination pursuant to Judiciary Law Section 44, subdivision 7, that you be publicly admonished, publicly censured, or removed from office.

The letter of dismissal and caution is a confidential disposition of the current complaints but may be used in a future disciplinary proceeding pursuant to Section 7000.4 of the Commission's Operating Procedures and Rules (22 NYCRR §7000.4).

Please have your attorney send to the Commission, no later than 10 days after his receipt of this letter, your signed acknowledgment that you received this letter of dismissal and caution.

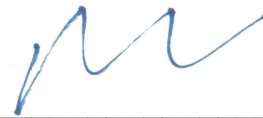
Please advise the Commission in writing no later than 10 days after your attorney's receipt of this letter if you choose not to accept this letter of dismissal and caution and wish to have a hearing on formal charges. If we do not hear from you requesting a formal hearing within 10 days, the letter shall be final.

The Commission's rules and policies are available on our website: <http://cjc.ny.gov/Legal.Authorities/legal.authorities.htm>.

Very truly yours,

COMMISSION ON JUDICIAL CONDUCT

By: _____



Joseph W. Belluck, Esq.
Chair

Re: File Nos. 2021/A-0095, 2021/A-0104, 2021/A-0328, 2022/A-0055