MRL

COPY

STATE OF NEW YORK COUNTY OF ONTARIO
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK

—*vs*—

ZACHARY ROGERS,

*Defendant.*

RECEIVED
APR 30 2026

IND. # 25-01-024

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed affirmation of attorney Matthew R. Lembke, affirmed April 30, 2026, and the exhibits attached thereto, including the sworn supporting deposition of Ontario County Sheriff's Investigator Nathan Bowerman, dated April 29, 2025 (Exhibit A), and the Resignation Letter of former Ontario County Assistant District Attorney Peter Van Dellon, Esq., dated December 12, 2025 (Exhibit B), and upon all the papers and proceedings heretofore had herein, the defendant Zachary Rogers, by and through his attorney, will move this Court, at a term thereof to be held at the Ontario County Courthouse, 27 North Main Street, Canandaigua, New York 14424, on _____, 2026, at _____, or as soon thereafter as counsel can be heard, for an order: (1) disqualifying the Hon. Kristina Karle from presiding over any further proceedings in this matter, pursuant to the New York State Rules of the Chief Administrator of the Courts Governing Judicial Conduct (22 NYCRR §

RECEIVED
APR 30 2026 PM1:51

ONTARIO COUNTY CLERK'S OFFICE
FILED
APR 30 2026
By _____ County Clerk
ACTING DEPUTY CLERK

100.2 (A) and (B), 22 NYCRR § 100.3 (E) (1), and 22 NYCRR § 100.5 (A) (1)); (2) directing that this matter be reassigned to a different judge for all further proceedings; and (3) granting such other and further relief as to the Court may seem just and proper.

DATED: April 30, 2025

s/ Matthew R. Lembke

Matthew R. Lembke
*Attorney for Defendant*
45 Exchange Blvd., Suite 925
Rochester, NY 14614
Telephone: [585] 454-3323
matt.lembke@cmllawfirm.com

TO: Hon. Jason M. MacBride, Esq.
Ontario County District Attorney
Ontario County Courthouse
Canandaigua NY 14424

STATE OF NEW YORK COUNTY OF ONTARIO
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK

—*vs*—

ZACHARY ROGERS,

*Defendant.*

IND. # 25-01-024

ATTORNEY AFFIRMATION

STATE OF NEW YORK )
MONROE COUNTY ) SS.:

MATTHEW R. LEMBKE, an attorney duly licensed to practice in the state of New York, hereby affirms this 30th day of April 2026, under penalties of perjury under the laws of New York, which may include a fine or imprisonment, that following is true, and I understand that this document may be filed in an action or proceeding in a court of law.:

1. I represent the defendant, Zachary Rogers. I make this affirmation in support of Rogers's motion disqualifying the Hon. Kristina A. Karle ("Judge Karle") from presiding over any further proceedings in this matter, pursuant to the New York State Rules of the Chief Administrator of the Courts Governing Judicial Conduct (22 NYCRR § 100.2 (A) and (B), 22 NYCRR § 100.3 (E) (1), and 22 NYCRR § 100.5 (A) (1)); (2) directing that this matter be reassigned to a different judge for all further proceedings; and (3) granting such other and further relief as to the Court may seem just and proper.

2. This motion is based upon proof that in 2025 Judge Karle actively and personally campaigned for the election of Jason MacBride ("MacBride") as Ontario County District Attorney—the same office now prosecuting Rogers—in violation of the New York State Rules of the Chief Administrator of the Courts Governing Judicial Conduct.

3. Specifically, Judge Karle (1) used her judicial chambers, while conducting official business, to lobby, persuade, or attempt to influence a law enforcement officer to support MacBride's candidacy and to encouraged him to attempt to persuade other law enforcement officers and organizations to support or endorse MacBride for Ontario County District Attorney; (2) disparaged the incumbent District Attorney, who was then a candidate seeking re-election for the Office of Ontario County District Attorney—and his entire staff; (3) sought the endorsement of a political party on MacBride's behalf; and (4) did so after having maintained a close personal friendship with MacBride of nearly twenty years, all of which conduct is in violation of, and prohibited by the Rules of Judicial Conduct as set forth in 22 NYCRR § 100.2 (A) and (B), 22 NYCRR § 100.3 (E) (1), and 22 NYCRR § 100.5 (A) (1) (c) through (g), and creates an appearance of partiality that requires her disqualification.

4. The principal evidence supporting this motion is the sworn deposition of Ontario County Sheriff's Inv. Nathan Bowerman ("Inv.

Bowerman"), a fifteen-year veteran of the Ontario County Sheriff's Office, executed under penalty of perjury on April 29, 2025 (Exhibit A), as well as the letter of former Ontario County District Attorney Peter Van Dellon, Esq. ("Van Dellon") resigning his position as an Ontario County ADA (Exhibit B).

## PROCEDURAL BACKGROUND

5. On March 11, 2025, Rogers was indicted by the Ontario County grand jury on one count of predatory sexual assault against a child (Penal Law §§ 130.96 and 130.75, Subd. 1[b]), alleged to have occurred between January 21, 2021, and January 24, 2025, and one count of endangering the welfare of a child (Penal Law § 260.10, Subd. 2).

6. Rogers was arraigned on this indictment in the Ontario County Court before Acting Ontario County Court Judge Frederick G. Reed ("Judge Reed"), and, until March 2026, Judge Reed presided over all aspects of the case, including the consideration and setting of bail, determination of pre-trial motions, and scheduling the dates for trial.

7. Specifically, in May 2025, defense counsel filed an *omnibus* motion seeking, among other things, dismissal of the indictment for lack of fair notice, inspection of the grand jury minutes, a bill of

particulars, discovery compliance, suppression of statements, and various other forms of relief.

8. These motions were argued and decided by Judge Reed, and Judge Reed issued decisions and orders on Rogers's motions and set a trial date for Rogers's case for January 5, 2026, over which Judge Reed would be presiding. Later, in November 2025, Judge Reed adjourned the trial date to June 5, 2026, at the request of MacBride, who was then-District Attorney Elect having won the general election for that office that same month.

9. On March 24, 2026, I received an email notification from the Ontario County Supreme and County Courts indicating that Rogers's case had been "reassigned" from Judge Reed to Judge Karle for trial, and that the trial was rescheduled to begin on June 11, 2026.

10. Rogers is charged with a class A-II felony carrying a potential sentence of life imprisonment. Rogers is entitled to the full due process protection, including the right to have his case decided by a judge whose impartiality is beyond reasonable question.

## STATEMENT OF FACTS

### *Judge Karle's Political Campaign Activity on Behalf of Then-Candidate for District Attorney Jason A. MacBride*

11. On February 24, 2025, Ontario County Sheriff's Inv. Bowerman went to Judge Karle's chambers at the Ontario County Courthouse to obtain a search warrant in connection with a narcotics investigation, which Judge Karle signed and authorized (Ex. A).

12. After conducting this official judicial business, and while still in her judicial chambers, Judge Karle began pressing Inv. Bowerman to support MacBride in MacBride's campaign for Ontario County District Attorney. Judge Karle told Bowerman that she felt that then-District Attorney James Ritts was not doing a good job and that Ritts should not be re-elected as the Ontario County District Attorney (Ex. A).

13. Inv. Bowerman attempted to explain to Judge Karle that he was staying neutral in the race because of his work at the Sheriff's Office and did not want political issues to impact on his investigations.

14. Despite Inv. Bowerman's hesitancy and attempts to disengage Judge Karle from this political conversation, she persisted (Ex. A).

15. When Inv. Bowerman expressed concern that MacBride's election would cause a mass exodus of assistant district attorneys from the office, Judge Karle dismissed this concern by stating that none of the prosecutors at the Ontario County District Attorney's Office was any good and that they had no other options because they would not get hired anywhere else (Ex. A).

16. When Inv. Bowerman stated that he felt ADA Van Dellon, with whom Inv. Bowerman had worked closely over the years on several cases, was doing "a great job", Judge Karle responded, in sum and substance, that Van Dellon had been fired from Monroe County for being "a drunk" and that no one would hire him (Ex. A).

17. Judge Karle then stated that District Attorney Ritts had promoted a Democrat, Kelly A. Wolford, Esq. ("Wolford") to be his first assistant. When Inv. Bowerman said he did not know Wolford's political party affiliation was Democrat, Judge Karle told Inv. Bowerman that Wolford had been appointed as a Judge in Monroe County as a Democrat and that she could not even win an election as a Democrat in Monroe County (Ex. A).

18. Judge Karle continued to press Inv. Bowerman, stating that having members of law enforcement support MacBride would be more significant, and urged Inv. Bowerman to support MacBride because

she did not want James Ritts to be the District Attorney any longer (Ex. A).

19. Later that same evening, Inv. Bowerman contacted Judge Karle to obtain another search warrant in connection with the same narcotics investigation. He met Judge Karle at the Ontario County Safety Training Center, where she was meeting with the Ontario County Conservative Party seeking that party's endorsement, as Judge Karle was then attempting to secure party nominations as a candidate for November 2025 election for New York State Supreme Court Justice for the New York State's Seventh Judicial District (Ex. A).

20. After Judge Karle signed the second warrant and went in to meet with the Conservative Party, a volunteer working for Judge Karle's Supreme Court campaign, asked Inv. Bowerman to sign a proxy vote for the Ontario County Republican Committee endorsement vote in favor of MacBride. Inv. Bowerman explained that he would have to think about executing this proxy (Ex. A).

*Judge Karle's Personal Friendship with the District Attorney and Personal Political History*

21. Upon information and belief, Judge Karle has been close, personal friends with District Attorney Jason MacBride for nearly two decades (Ex. B, p. 2).

22. Upon information and belief, in 2017 Judge Karle was a candidate to be the Republican Party nominee for Ontario County District Attorney. Her opponent in that primary campaign was James Ritts, who defeated Karle for the nomination and went on to win the general election for Ontario County District Attorney in November 2017 (Ex. B, p. 2).

23. Judge Karle's active support for MacBride's candidacy against Ritts implies a close personal friendship with MacBride, but also a personal political animus toward the prior District Attorney, the very office whose staff she disparaged in her chambers.

24. MacBride has since assumed the office of District Attorney. His office is now prosecuting Rogers.

25. Judge Karle is currently presiding over cases brought by the office of the man she actively campaigned to get elected, including Rogers's case.

*Corroboration of the Sworn Evidence*

26. Inv. Bowerman is a fifteen-year veteran of the Ontario County Sheriff's Office who serves as a criminal investigator. He is also an elected member of the Farmington Town Board and serves on the Town of Farmington Republican Committee and the Ontario County Republican Committee. His vote on the Republican Committee carries

more significance than many other committee members because the votes are weighted based on population (Ex. A)

27. Inv. Bowerman's account of Judge Karle's conduct was independently corroborated.

28. Approximately one month after the February 24, 2025, incident in Judge Karle's chambers, Inv. Bowerman was at the District Attorney's Office dropping off paperwork. While he was there, Inv. Bowerman had a conversation about the ongoing District Attorney's Republican party primary with former Ontario County Assistant District Attorney Victoria Porter and former confidential secretary to the District Attorney Stephanie Sanders. During this conversation, Inv. Bowerman told them about the incident in Judge Karle's chambers, including the disparaging comments about all the members of the DA's office and specifically the comments regarding ADA Van Dellon and First Assistant Wolford (Ex. A).

29. Shortly after that, Bowerman met with ADA Van Dellon, who told Bowerman that he had been made aware of what Judge Karle said. Bowerman confirmed the comments directly to Van Dellon and apologized that he had not informed him sooner (Ex. A).

30. On December 12, 2025, Van Dellon submitted a detailed resignation letter in which he described what Bowerman had told him

about Judge Karle's conduct and its implications for the integrity of the criminal justice system in Ontario County. Van Dellon stated that he felt compelled through his ethical obligations as a prosecutor and as an officer of the Court to inform the people of Ontario County of a threat to the integrity of the criminal justice system (Ex. B, p. 1).

31. Van Dellon further stated in his resignation letter that the investigator in question provided a written statement, sworn to under penalty of perjury, in connection with Judge Karle's misconduct, and that Van Dellon would distribute this sworn statement to the Ontario County Public Defender's Office, the Ontario County Conflict Defender's Office, and any member of the defense bar that wished to obtain it so that they can file any and all appropriate motions to protect their clients' rights (Ex. B, p. 3).

## JUDGE KARLE MUST BE DISQUALIFIED BECAUSE HER IMPARTIALITY MIGHT REASONABLY BE QUESTIONED

32. The Rules Governing Judicial Conduct impose a mandatory obligation of disqualification where a judge's impartiality might reasonably be questioned.

33. The Rules of Judicial Conduct in New York require that a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not

limited to instances where the judge has a personal bias or prejudice concerning a party (22 NYCRR § 100.3 (E) (1) (a) (i)).

34. The rules further provide that a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities. A judge shall respect and comply with the law and shall always act in a manner that promotes public confidence in the integrity and impartiality of the judiciary (22 NYCRR § 100.2 (A)). A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment (22 NYCRR § 100.2 (B)).

35. While the decision on recusal is ordinarily committed to the discretion of the trial judge (*People v. Moreno*, 70 NY2d 403 [1987]), this discretion is not unlimited.

36. Judges must recuse themselves in cases where their impartiality might be reasonably questioned because judges have an obligation to comport themselves within the bounds of judicial ethics and must avoid the appearance of impropriety at all times, particularly when running for election or reelection (*Minckler v D'Ella, Inc*, 223 AD3d 980 [3d Dept 2024]).

37. The Court of Appeals has made clear that not only must judges be neutral, but they must also appear neutral (*People v Novak*, 30 NY3d 222 [2017]).

38. The question is not whether the judge is actually, subjectively biased, but whether the average judge in the same position is likely to be neutral, or whether there is an unconstitutional potential for bias (*People v Towns*, 33 NY3d 326 [2019] quoting *Caperton v AT Massey Coal Co*, 556 US 868 [2009]).

39. The Court of Appeals has further emphasized that judges have a continuing obligation to avoid even the appearance of impropriety (*Putorti v New York State Commission on Judicial Conduct*, 40 NY3d 359 [2023]). The appearance of such impropriety is no less to be condemned than is the impropriety itself (*Id,* quoting *Matter of Spector v State Commission on Judicial Conduct*, 47 NY2d 462 [1979]).

40. The perception of impartiality is as important as actual impartiality (*Matter of Duckman*, 92 NY2d 141 [1998]). Judges must conduct themselves in such a way that the public can perceive and continue to rely upon the impartiality of those who have been chosen to pass judgment on legal matters involving their lives, liberty and property (*Id* quoting *Matter of Sardino v State Commission on Judicial Conduct*, 58 NY2d 286, 290-291 [1983]).

## THE *MINCKLER* STANDARD: ACTIVE CAMPAIGN INVOLVEMENT REQUIRES RECUSAL

41. *Minckler v D'Ella Inc, supra,* is the leading case on judicial recusal in the context of political campaign activity.

42. In *Minckler,* the Third Department reversed the denial of a recusal motion where defense counsel and his law firm were helping the presiding judge's judicial campaign. The record established that the law firm hosted a fundraising event for the judge, that the names of defense counsel and five other attorneys from his firm appeared as supporters on the judge's campaign website, and that defense counsel wrote a favorable opinion letter endorsing the judge's candidacy which appeared in several news publications (*Minckler v D'Ella Inc,* 223 AD3d at 981-982).

43. Critically, the Judicial Campaign Ethics Center had advised the judge that he was disqualified, subject to remittal, from presiding over matters involving defense counsel and his law firm during his judicial campaign. The judge did not disclose this letter to the parties until a month after receiving it, when his campaign results became official and he was elected to a new term of office. The Third Department held that the judge should have disclosed the letter upon receipt and recused himself from the matter as soon as possible (*Id* at 982).

44. The court emphasized that when an attorney who is assisting in a judge's campaign appears before that judge, the judge has a duty to disclose to the parties the nature and level of that attorney's involvement. Although the relationship between lawyers and judges can result in the judge's recusal during and after a campaign, an attorney's attendance at a single campaign event will not require the judge's recusal; recusal is only required where the attorney plays an active role in the judge's campaign (*Id* at 981).

45. The facts here are more compelling than those in *Minckler*. In *Minckler*, the issue was an attorney supporting a judge's campaign. Here, the judge herself was actively campaigning for the MacBride for election as District Attorney, the same office prosecuting Rogers currently. The relationship is not between the judge and an attorney appearing before her, but between the judge and the prosecuting authority itself.

46. If an attorney's active role in a judge's campaign requires recusal, then a judge's active role in the District Attorney's campaign, where the judge will preside over cases prosecuted by that District Attorney, demands recusal with even greater force.

THE *CONCORD ASSOCIATES* STANDARD: POLITICAL COMMENTS BY A JUDGE'S SPOUSE REQUIRED RECUSAL

47. The Third Department's decision in *Concord Assoc LP v EPT Concord, LLC*, 130 AD3d 1404 (3d Dept 2015), is equally instructive. In *Concord*, the court found that the presiding judge abused his discretion in denying a recusal motion where the judge's wife, not the judge himself, had publicly voiced support for one party's competing casino proposal in her capacity as a county legislator. The court held that the appearance of bias and prejudice from an extrajudicial source loomed over the judge's disposition of the case, and that the judge should have recognized that his impartiality might reasonably be questioned (*Id* at 1405-1406).

48. The court was particularly troubled by the fact that the judge's order included references to legislative and policy considerations that were irrelevant to the issues before the court and paralleled the public comments of his wife. The court found that the judge's inclusion of such inherently legislative and policy considerations displayed a striking lack of sensitivity to the aroma of favoritism (*Id* at 1406, quoting *Matter of George (State Commission on Judicial Conduct)*, 22 NY3d 323, 330 [2013]).

49. If a judge's wife's political comments supporting one party require recusal, then the judge's own active political campaigning for

the District Attorney whose office is prosecuting the defendant requires it even more strongly.

THE *WARREN* STANDARD:
THE FOURTH DEPARTMENT HAS REVERSED CONVICTIONS FOR FAILURE TO RECUSE BASED ON POLITICAL CAMPAIGN ACTIVITY

50. The Fourth Department, the appellate court with jurisdiction over Ontario County, has likewise reversed a criminal conviction and granted a new trial before a different judge where the presiding judge's impartiality was reasonably questioned due to conduct connected to political campaign activity. In *People v Warren*, 100 AD3d 1399 (4th Dept 2012), the defendant moved for recusal on the ground that the presiding judge had a personal bias arising from a confrontation between the judge and the defendant's girlfriend at a county fair, where the girlfriend was wearing a t-shirt supporting the judge's political opponent. The prosecutor who tried the case had filed a grievance against the judge based in part on that confrontation, and the defendant and his girlfriend were specifically referenced by name in the grievance.

51. The Fourth Department held that the judge should have granted the recusal motion, reversed the judgment, and granted a new trial before a different judge. The court noted that it may be better practice in some situations for a court to disqualify itself in a special

effort to maintain the appearance of impartiality (*People v Warren*, 100 AD3d at 1400).

52. The facts supporting recusal in our case are more compelling than those in *Warren*. In *Warren*, the judge's bias arose from a single confrontation at a county fair. Here, Judge Karle engaged in a sustained campaign of political activity on behalf of the District Attorney, including lobbying law enforcement in her chambers, disparaging the prior DA's office, seeking party endorsements, and maintaining a decades-long personal friendship with MacBride.

## THE *GEORGE* STANDARD: A JUDGE'S CONTINUING OBLIGATION TO AVOID THE APPEARANCE OF IMPROPRIETY

53. In *Matter of George (State Commission on Judicial Conduct)*, 22 NY3d 323 (2013), the Court of Appeals removed a town court justice who presided over a traffic case involving a friend and former employer without disclosing the relationship, and who engaged in *ex parte* communications with a prospective litigant. The Court emphasized that a judge has a continuing obligation to avoid even the appearance of impropriety (*Id* at 331). The Court further held that a judge's perception of the nature or seriousness of the subject matter of the litigation has no bearing on the duty to recuse or disclose a relationship with a litigant or attorney when necessary to avoid the appearance of bias or favoritism (*Id* at 329).

54. The Court in *George* was particularly troubled by the fact that the judge had previously received a Letter of Dismissal and Caution from the Commission on Judicial Conduct regarding his decision to preside over cases involving the same family, yet he continued to sit on cases involving that family without even considering recusal (*Id* at 329-330).

55. Here, Judge Karle's relationship with MacBride is not merely a social acquaintance. It is a close personal friendship of nearly two decades (Ex. B, p. 2), combined with active political campaigning on his behalf, combined with personal political animus toward the prior District Attorney. Under *George*, Judge Karle has a continuing obligation to avoid even the appearance of impropriety, and that obligation requires her disqualification from cases brought by MacBride's office.

THE FOURTH DEPARTMENT TAKES JUDICIAL BIAS SERIOUSLY

56. The Fourth Department has repeatedly demonstrated its willingness to reverse where a judge's impartiality is reasonably questioned. In *Onondaga County v Taylor*, 229 AD3d 1381 (4th Dept 2024), the court reversed where the Family Court judge had a predetermined outcome of the case in mind during the hearing and took on the function and appearance of an advocate (*Id* at 1382). The

court emphasized that judges must perform their duties without bias or prejudice (22 NYCRR § 100.3 (B) (4)) (*Id* at 1383).

57. Similarly, in *Matter of Anthony J*, 224 AD3d 1319 (4th Dept 2024), the Fourth Department reversed a termination of parental rights where the Family Court Judge displayed bias by stating, after only one witness's direct testimony, that if the mother did not voluntarily surrender her parental rights, the judge was going to terminate them. The court held that the record demonstrated the court had a predetermined outcome of the case in mind during the hearing (*Id* at 1320).

58. These cases confirm that the Fourth Department will not hesitate to reverse where a judge's conduct creates a reasonable question about impartiality. Here, the evidence of Judge Karle's political campaign activity on behalf of the prosecuting authority is considerably more direct and sustained than the conduct at issue in *Taylor* or *Anthony J.*

## THE ADVISORY COMMITTEE FRAMEWORK: JUDGE KARLE'S RELATIONSHIP WITH MACBRIDE FALLS INTO THE CATEGORY REQUIRING DISQUALIFICATION

59. The New York State Advisory Committee on Judicial Ethics has issued extensive guidance on a judge's obligations when a person with whom the judge has a relationship appears before the judge. In

Advisory Committee Opinion 11-125 (2011), the Committee identified three broad categories of interpersonal relationships: acquaintance, close social relationship, and close personal relationship (*See Ahmed v Brucha Mortgage Bankers Corp*, 82 Misc3d 1230 (A) (Sup. Ct., Kings County 2024) (discussing Advisory Committee Opinion 11-125)).

60. Where a judge and another person maintain a close personal relationship, the judge's impartiality might reasonably be questioned, and the judge must disqualify himself or herself (Advisory Committee Opinion 11-125 at 5). A close personal relationship is one where the judge and the other person share intimate aspects of their personal lives, socialize regularly, celebrate significant events in each other's lives, and share interests that are important to them personally (*Id*).

61. Judge Karle's nearly two-decade friendship with MacBride, combined with her active political campaigning on his behalf, her personal political history with the District Attorney's office, and her willingness to disparage MacBride's opponents in her judicial chambers, places this relationship squarely within the "close personal relationship" category that requires disqualification.

APPLICATION TO THIS CASE

62. Applying the standards set forth in *Minckler, Concord Associates, Warren, George*, and the Advisory Committee framework,

Judge Karle's disqualification is required. The evidence establishes that: Judge Karle actively and personally campaigned for the election of the District Attorney whose office is prosecuting Rogers, in her judicial chambers, while conducting official business; has been close personal friends with the District Attorney for nearly two decades; disparaged the prior District Attorney and his entire staff, including making personal attacks on individual prosecutors; sought the endorsement of a political party for MacBride's candidacy; had a surrogate attempt to solicit proxy votes for MacBride from the same law enforcement officer whom Judge Karle had lobbied in her chambers; and has a personal political history with the former District Attorney, having lost the 2017 Republican primary for District Attorney to James Ritts.

63. Under these circumstances, no reasonable person could conclude that Judge Karle's impartiality is not subject to reasonable question. The appearance of partiality is not merely theoretical; it is compelling.

JUDGE KARLE'S CONDUCT VIOLATES THE PROHIBITION ON POLITICAL ACTIVITY BY SITTING JUDGES DEMONSTRATING THAT HER IMPARTIALITY CANNOT BE ASSURED

64. The Rules Governing Judicial Conduct impose a broad and unequivocal prohibition on political activity by sitting judges. The rules states that neither a sitting judge nor a candidate for public

election to judicial office shall directly or indirectly engage in any political activity except (i) as otherwise authorized by the section or by law; (ii) to vote and to identify himself or herself as a member of a political party; and (iii) on behalf of measures to improve the law, the legal system or the administration of justice (22 NYCRR § 100.5 (A) (1)).

65. The Rules enumerate specific categories of prohibited political activity, including: engaging in any partisan political activity; participating in any political campaign for any office or permitting his or her name to be used in connection with any activity of a political organization; publicly endorsing or publicly opposing another candidate for public office; making speeches on behalf of a political organization or another candidate; and attending political gatherings (22 NYCRR § 100.5 (A) (1) (c) through (g)).

66. Judge Karle's conduct on February 24, 2025, violated every one of these prohibitions. She engaged in partisan political activity by lobbying a law enforcement officer to support MacBride. She participated in a political campaign for the office of District Attorney. She endorsed MacBride and opposed Ritts. She made statements on behalf of MacBride's candidacy. And she attended a political gathering, the Ontario County Conservative Party meeting, where she sought endorsements for MacBride.

67. These prohibitions are not aspirational guidelines. They are binding rules of conduct.

68. The Preamble to Part 100 of the Rules of the Chief Administrator of the Courts explicitly states that the text of the rules is intended to govern conduct of judges and candidates for elective judicial office and to be binding upon them.

69. The Court of Appeals has upheld these restrictions as narrowly tailored to serve the compelling state interests of preserving the impartiality and independence of the judiciary and maintaining public confidence in the court system (*In re Raab*, 100 NY2d 305, 315-316 [2003]).

70. In *Raab*, the Court of Appeals sustained misconduct charges against a Supreme Court Justice who, among other things, participated in a phone bank on behalf of a legislative candidate and assisted party officials at a candidate screening meeting. The Court held that these political activity restrictions survive strict scrutiny because they are narrowly constructed to address the state's compelling interest in preventing political bias or corruption, or the appearance of political bias or corruption, in its judiciary (*Id* at 316).

71. The Court of Appeals has also removed judges from office for violating the prohibition on political activity.

72. In *In re Simon*, 28 NY3d 35 (2016), the Court accepted the Commission on Judicial Conduct's recommendation of removal where a village and town court justice, among other things, willfully injected himself into the political process involving the election of an office other than his own, in violation of 22 NYCRR § 100.5 (A) (1) (c) and (d). The Court found that the judge's misconduct was egregious and reflected a pattern of calculated misconduct (*Id* at 38-39).

73. Judge Karle's conduct is at least as egregious as the conduct sanctioned in *Raab* and *Simon*.

74. She did not merely attend a phone bank or a candidate screening meeting. She used her judicial chambers and her position as a superior court judge to lobby a law enforcement officer, while conducting official judicial business, to support a candidate for District Attorney. She disparaged the sitting District Attorney and his staff. She sought party endorsements. And she did all of this in connection with the election of the very office that brings criminal cases before her court.

75. The significance of these violations for the recusal analysis cannot be overstated. A judge who has violated the Rules Governing Judicial Conduct by engaging in prohibited political activity on behalf of the prosecuting authority cannot credibly maintain that her

impartiality is not reasonably subject to question. The violations are not collateral to the recusal issue; they are the recusal issue.

ROGERS'S CONSTITUTIONAL RIGHT TO A FAIR TRIAL BEFORE AND IMPARTIAL TRIBUNAL REQUIRES THAT JUDGE KARLE'S DISQUALIFICATION

76. The right to a fair trial before an impartial tribunal is guaranteed by the Due Process Clauses of the United States Constitution (US Const Amend XIV Sec 1) and the New York State Constitution (NY Const Art I Sec 6).

77. A fair trial in a fair tribunal is a basic requirement of due process (*People v Towns*, 33 NY3d 326, 331 (2019) quoting *In re Murchison*, 349 US 133, 136 (1955)).

78. The Court of Appeals has held that due process requires not only actual neutrality but the appearance of neutrality (*People v Novak*, 30 NY3d 222 (2017)). Where a judge's conduct creates a facial appearance of impropriety that conflicts impermissibly with the notion of fundamental fairness, recusal is required (*Id*).

79. The State has an overriding interest in the integrity and impartiality of the judiciary. There is no higher governmental interest than a state's interest in the quality of its judiciary. Charged with administering the law, judges may not actually or appear to make the dispensation of justice turn on political concerns. The state's interest is

not limited solely to preventing actual corruption through contributor-candidate arrangements. The prevention of the appearance of corruption stemming from public awareness of the opportunities for abuse is equally important (*Matter of Nicholson v State Commission on Judicial Conduct*, 50 NY2d 597 [1980]).

80. In *Towns,* the Court of Appeals reversed a conviction where the trial court entered into a cooperation agreement with a codefendant, holding that the court had denied the defendant his due process right to a fair trial in a fair tribunal by assuming the function of an interested party and deviating from its own role as a neutral arbiter (*People v Towns*, 33 NY3d at 333). The Court emphasized that the pertinent inquiry is not whether the judge is actually, subjectively biased, but whether the average judge in the same position is likely to be neutral, or whether there is an unconstitutional potential for bias (*Id* at 331).

81. Applying that standard here, the answer is clear. A judge who actively campaigned for the election of the District Attorney, who has been close personal friends with the District Attorney for nearly two decades, who disparaged the prior District Attorney and his staff, who used her judicial chambers to lobby a law enforcement officer who is also actively involved in local political party offices and activities to support the District Attorney's candidacy, and who sought party

endorsements on the District Attorney's behalf, cannot reasonably be perceived as a neutral arbiter in a criminal case brought by that District Attorney's office.

82. The nature of the conflict is evident. It is not difficult to conclude that a defendant facing criminal charges before Judge Karle would believe that he or she is getting fair treatment when the judge campaigned for the man whose office is bringing the charge.

83. Judges are not supposed to have political capital at stake in the outcome of the cases before them. Judge Karle, however, spent her political capital on MacBride, and in the process, has undermined her own judicial integrity in cases prosecuted by his office.

84. Moreover, any conviction obtained before Judge Karle would carry a built-in appellate issue that every defendant would be entitled to raise.

85. The Fourth Department has already demonstrated its willingness to reverse convictions and order new trials before different judges where recusal should have been granted (*See People v Warren*, 100 AD3d 1399 [4th Dept 2012]). Proceeding before Judge Karle would not only deprive Rogers of his constitutional rights; it would waste judicial resources and delay the administration of justice.

86. Rogers expects that the People may argue that because Judiciary Law § 14 does not mandate Judge Karle's disqualification, the motion should be denied. This argument should be rejected.

87. It is well-established that even where no statutory basis for disqualification exists under Judiciary Law § 14, the Rules Governing Judicial Conduct compel a judge to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, to refrain from allowing family, social, political or other relationships to influence judicial conduct or judgment, and to avoid even the appearance of impropriety (*Concord Assoc LP v LaBuda*, 121 AD3d 1270 [3d Dept 2014]). Further, while the decision of whether to recuse oneself from a particular matter lies within the discretion of the deciding judge, that discretion is not unlimited (*Id*).

88. The Third Department in *Minckler* expressly held that judges must still recuse in cases where their impartiality might be reasonably questioned, even absent statutory disqualification under Judiciary Law § 14 (*Minckler*, 223 AD3d at 981).

89. The Fourth Department has reached the same conclusion (*See People v Warren*, 100 AD3d at 1400) (reversing conviction and granting recusal absent statutory disqualification).

90. Even in circumstances where recusal is not mandated by statute, a trial judge nonetheless must take steps to ensure that his or her conduct does not create even the appearance of impropriety (*Stampfler v Snow*, 290 AD2d 595, 596 [3d Dept 2002], citing 22 NYCRR § 100.2).

91. The absence of statutory disqualification under Judiciary Law § 14 does not immunize a judge from the obligation to recuse where, as here, the judge's impartiality might reasonably be questioned under the Rules Governing Judicial Conduct and the Due Process Clause.

## CONCLUSION

WHEREFORE, it is respectfully requested that this Court grant the defendant's motion for recusal and disqualification of the Hon. Kristina A. Karle from presiding over any further proceedings in this matter, and that this case be reassigned to a different judge, together with such other and further relief as to the Court may seem just and proper.

Dated: April 30, 2026

*s/ Matthew R. Lembke*

Matthew R. Lembke
CERULLI, MASSARE & LEMBKE
*Attorney for Defendant*
45 Exchange Blvd., Suite 925
Rochester, NY 14614
Telephone: [585] 454-3323
matt.lembke@cmllawfirm.com

**OFFICE OF THE DISTRICT ATTORNEY**
**COUNTY OF ONTARIO**

**SUPPORTING DEPOSITION / AFFIDAVIT**

**STATE OF NEW YORK**
**COUNTY OF ONTARIO SS:**
**TOWN OF** _____

**IN THE MATTER OF THE DEFENDANT(S)/RESPONDENT(S) LISTED BELOW:**

1. _____ _____
**DEFENDANT'S/RESPONDENT'S NAME** **DEFENDANT'S/RESPONDENT'S ADDRESS**

2. _____ _____
**DEFENDANT'S/RESPONDENT'S NAME** **DEFENDANT'S/RESPONDENT'S ADDRESS**

3. _____ _____
**DEFENDANT'S/RESPONDENT'S NAME** **DEFENDANT'S/RESPONDENT'S ADDRESS**

**CHARGED WITH ALLEGED OFFENSES, TO WIT:** _____

Nathan Bowerman _____
**DEPONENT'S NAME** **DEPONENT'S ADDRESS AND PHONE #**

**DEPONENT DEPOSES AND SAYS:**

NB
**My name is Nathan Bowerman, DOB 03/15/1985. I am currently employed by the Ontario County Sheriff's as a criminal investigator and have been with the Ontario County Sheriff's office for 15 years. Outside of my employment as a Sheriff's Investigator, I am also an elected member of the Farmington Town Board and serve on the Town of Farmington Republican Committee, as well as the Ontario County Republican Committee. Based upon the population of Farmington my vote or proxy vote carries more significance than many other committee members because the votes are weighted based on population.**

**On February 24th 2025, my investigative unit was working on a narcotics investigation. I was seeking to have a search warrant signed for the case and I contacted Judge Karle's office. I met with Judge Karle in the afternoon in her chambers at the Ontario County Courthouse. I explained the investigation and the search warrant, at which point she did sign and authorize the warrant. After that Judge Karle began asking me about the upcoming District Attorney election. Judge Karle was asking for me to support Jason MacBride and stating that she felt James Ritts was not doing a good job as the District Attorney. I explained that I liked both of them personally and that I was largely staying out of the race because of my work at the Sheriff's Office and I didn't want any political issues to affect my investigations. Judge Karle continued to argue that Ritts should not be the DA. At that time, I told her that my main concern with MacBride being elected was that there would be a mass exodus of ADA's at the office. Judge Karle responded that no one at the DA's office was any good and they had no other options because they wouldn't get hired anywhere else. At that time, I stated that I felt Peter VanDellon was doing a great job as a prosecutor. Judge Karle responded that, "He was fired from Monroe County for being a drunk. No one will hire him." Judge Karle then stated that Jim Ritts had promoted a democrat to be his 1st Assistant. I stated that I didn't know Kelly Wolford was a Democrat. Judge Karle then stated Kelly Wolford had been appointed as a Judge in Monroe County as a democrat and Judge Karle said "She couldn't even win an election as a democrat in Monroe." I explained that I understood there were concerns about the DA's office but that I still felt I needed to stay out of it because it wouldn't be fair to the other members of my unit if a political position I had negatively impacted cases that we work together. Judge Karle continued to press me and said that I needed to support Jason MacBride because she did not want James Ritts to be the DA any longer. Judge Karle stated that having members of Law Enforcement support Jason MacBride would be more significant. I told her that I would think about it, and then left her chambers to continue the investigation I was working on. Later that evening I contacted Judge Karle to obtain another search warrant in regards to the investigation I was working on. I met with Judge Karle at the Safety Training Center where she was meeting with the Ontario County Conservative Party seeking their endorsement. I explained the nature of the warrant I was seeking and she again granted the warrant. Judge Karle then went in to meet with the conservative party. Annie Chwieko, who is helping with Judge Karle's campaign, then asked me to support Jason MacBride and to sign a proxy**

**EXHIBIT** A

vote for the Ontario County Republican Committee endorsement vote since I wasn't going to be able to attend in person. I explained that I would have to think about doing a proxy.

Approximately one month later, I was in the DA's Office dropping off some paperwork. I was having a conversation regarding the ongoing District Attorney's race. I was speaking with ADA Victoria Porter and Stephanie Sanders, the Confidential Secretary to the DA. I don't recall if who else was present at the time. The conversation came up regarding how people were trying to influence the election and Judge Karle was brought up. At that time, I told them about the incident in Judge Karle's chambers where she made disparaging comments about all the members of the DA's office and specifically the comments regarding ADA VanDellon and first assistant Wolford. Shortly after that I was meeting with ADA VanDellon and he told me that he had been made aware of what Judge Karle said. I confirmed with him the comments that Judge Karle made regarding him and apologized that I had not informed him sooner. ND

NOTICE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS "A" MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE NEW YORK STATE PENAL LAW.

DEPONENT'S SIGNATURE 4/29/25 DATE

WITNESS SIGNATURE 4/29/2025 DATE

# ONTARIO COUNTY DISTRICT ATTORNEY'S OFFICE

ONTARIO COUNTY COURTHOUSE
27 NORTH MAIN STREET
CANANDAIGUA, NEW YORK 14424

**KELLY C. WOLFORD**
*Acting District Attorney*


December 12, 2025

To Whom It May Concern,

I write this letter to inform you of my resignation from the position of Assistant District Attorney, effective at the end of business on Friday, December 12, 2025.

First and foremost, I want to express my sincere gratitude to former District Attorney Jim Ritts and Acting District Attorney Kelly Wolford for allowing me to pursue my career as a prosecutor in Ontario County. For those that know me, this is more than a job – it is a calling. It is something that I feel privileged to do every day in service to my community. Over the last five years, I have been able to pursue that calling in Ontario County with incredible leadership and colleagues that have become lifelong friends. I look forward to continuing the mission of being a prosecutor on the next step of my journey in Wayne County. It saddens me to leave this office and this county, but my professional ethics and personal morals do not allow me to stay.

As I leave, I feel compelled both through my ethical obligations as a prosecutor and as an officer of the Court to inform the people of Ontario County of a threat to the integrity of our criminal justice system.

On February 24, 2025, an investigator from the Ontario County Sheriff's Office went to get a search warrant signed from Ontario County Court Judge Kristina Karle. In addition to their position with the Ontario County Sheriff's Office, this investigator is also a member of the Farmington Town Board, Farmington Republican Committee, and Ontario County Republican Committee.

On that day, while conducting official business in her judicial chambers, Ms. Karle began pushing this investigator to support Jason MacBride in his campaign for District Attorney at the upcoming meeting of the Ontario County Republican Committee. That committee would ultimately make a decision as to whether the Ontario County Republicans would support a particular candidate during the primary process or remain neutral and allow the primary process to play itself out. For those who are unaware, Ms. Karle has been close, personal friends with District Attorney Elect Jason MacBride for nearly two decades and lost to former DA Ritts in the Republican primary in 2017. Ms. Karle specifically indicated to the investigator that she thought DA Ritts was not doing a good job, that she wanted him out, and that she thought the support of law enforcement would be important. The investigator explained to Ms. Karle that he was staying neutral during the election process because he and his office would have to work with whoever won. He did not want to compromise ongoing or future investigations by picking a side.

Ms. Karle, however, would not let up. The investigator attempted to explain that one of his main concerns in Mr. MacBride being elected was that there would be a mass exodus from the District Attorney's Office. Ms. Karle responded by saying that the current members of the District Attorney's Office would have no choice but to stay because none of us were any good at our jobs and we would not be able to find work elsewhere even if we tried. The investigator disagreed, specifically mentioning that he enjoyed working with me and that he thought I was doing a great job. Ms. Karle responded by saying,

**EXHIBIT** B

in sum and substance, "Pete's a drunk. He was fired from Monroe County for being a drunk. And he is unemployable anywhere else because of it."

This comment bears some explaining. In addition to being Peter Van Dellon, prosecutor, my name is Pete, and I am an alcoholic. Like many in the legal field, I deal with issues of addiction and chemical dependency on a daily basis. When I was drinking, it was an absolute living nightmare. There came a time in my active alcoholism when my drinking became so severe that I knew it was killing me. That wasn't the scary part for me. The scary part for me came when I realized that life had become so bad that I wanted it to kill me. I struggled with issues surrounding addiction, depression, and suicide for years. Every night when I drank, I hoped that maybe tonight this would be the end. The worst part of every single day was when I woke up in the morning, knowing that I had failed at my task from the night before.

This ultimately led to the Monroe County District Attorney's Office, who was my employer at the time, asking for my resignation. When I received that phone call, I thought my career was over. Looking back on it now, I wish they had done it sooner. I can report today that my sobriety date is September 4, 2020 and that I have not had a drink since I was asked to resign. There are resources out there for attorneys dealing with addiction issues and I was fortunate to be able to take advantage of some of those services. A group of people that I now consider amongst my closest friends were able to guide me through the early stages of my recovery and provide me with a sustainable manner of living. I now work a strong program of recovery on a daily basis that has made me into the best version of myself and allowed me to maintain my sobriety for over five years.

My sobriety has also allowed me to become the best prosecutor that I can be. In spite of this being a very contentious election, I was the only prosecutor that was publicly endorsed by both sides. While attempting to gain the support of the Ontario County Republican Committee, Mr. MacBride singled me out and praised the work that I have done for the District Attorney's Office and this county. Sheriff David Cirencione, who has publicly supported Mr. MacBride, similarly acknowledged the contributions I have made to this community at the annual Ontario County Sheriff's Office Law Day luncheon. My work product speaks for itself. A simple online search of Eddie Marte, Jeffrey Dibble, Jerry Lovett, Sharif Parker, and Ronnie Boswell will demonstrate that.

Ms. Karle mocking this portion of my life for political gain and what that says about her as a person, I will leave to the individual reader to decide. My concern is the impact of her comments on her ability to discharge the obligations of her office. Pursuant to the Rules of Judicial Conduct, "neither a sitting judge nor a candidate for public election to judicial office shall directly or indirectly engage in any political activity." In spite of this clear prohibition, Ms. Karle, while conducting official business in her chambers, engaged in clear ethical violations.

The reason these ethical rules are in place is very simple. A judge is supposed to be a fair and impartial magistrate with regards to all matters that come before them. Engaging in prohibited political activity reveals partiality and bias that has no place in the courtroom. As a County Court Judge, one of Judge Karle's primary responsibilities is to hear criminal cases. To weigh in on the election which decides who will bring those cases before her was therefore grossly unethical and it should prohibit her from sitting on any and all cases brought by a District Attorney's Office led by Mr. MacBride.

The nature of the conflict is clear. How can any defendant who is facing criminal charges in front of Ms. Karle think that they are getting a fair shot when she brazenly and unethically campaigned for the man bringing the charge? Judges are not supposed to have any political capital at all. Ms. Karle, however, spent hers on Mr. MacBride and is now personally invested in seeing him succeed. She has the power to make that happen based on her role as judge.

Generally, judges have a large degree of discretion with regards to when they have a conflict that requires them to recuse themselves from a case. This does not apply, however, where their partiality is at

issue. Recusal is mandatory where the partiality of the judge is called into question. Ms. Karle's actions are the pinnacle of partiality. She quite literally took a side, knowing full well that the winner of the election would be bringing cases into her Court for years to come. As such, Ms. Karle is ethically obligated to recused herself from all criminal cases brought by the Ontario County District Attorney's Office under Mr. MacBride's leadership. We cannot, however, wait. If she sits on a single case, that will be one too many. The stakes here are too high, and action must be taken.

In a situation such as this, that action should be taken by Mr. MacBride. He should be leading the charge to have Ms. Karle conflict off all criminal cases brought by the Ontario County District Attorney's Office. Now that he is the DA-elect, his obligation is not to old friends or to his political benefactor. His obligation is to crime victims, to law enforcement, and to every citizen of Ontario County, including those who are accused of committing crimes. He owes it to all of those people to make sure that every conviction he obtains stands up on appeal so that criminals in this county will be held accountable. As of right now, every conviction that occurs in front of Judge Karle has a built-in appealable issue, one that every defendant will most likely win. Imagine Mr. MacBride and his office obtaining a conviction on a case where a family member lost a loved one, where the person responsible for that heinous act was finally held accountable, only to watch as that sense of justice was ripped away from them because the case came back on appeal. We are staring that situation directly in the face, and Mr. MacBride owes it to those families, those victims, to law enforcement, and to the community at large to do something about it.

My hopes are not high. While Mr. MacBride has publicly stated that staffing issues will not cause delays in the administration of justice, privately he is singing a much different tune. Privately, he has indicated that if he has to request adjournments on cases, he is "sure Judge Karle will understand." To be clear, staffing issues with the District Attorney's Office are not a reason to deny a defendant his right to a speedy trial. He has not even assumed the responsibilities of District Attorney and he is already expecting favorable treatment from Ms. Karle. His stance in connection with this issue will be very telling early on in his administration. Does he bow to the will of his political benefactor, or does he serve the People of Ontario County and the State of New York, as his oath of office will demand? We will know soon enough.

These statements about Ms. Karle's actions are not mere rumor or hearsay. The investigator in question provided a written statement, sworn to under penalty of perjury, in connection with her misconduct. I am a prosecutor at heart, and that involves more than simply seeking convictions. It means doing the right thing the right way, always, no matter the cost. In order to make sure that the right thing is done the right way after I leave, I will be distributing this sworn statement to the Ontario County Public Defender's Office, the Ontario County Conflict Defender's Office, and any member of the defense bar that wishes to obtain it so that they can file any and all appropriate motions to protect their clients' rights. Only in this way can the rights of the accused be appropriately preserved so that justice can continue to be faithfully administered in Ontario County.

I will end with this. Of the eighteen assistant district attorneys that used to be employed with the Ontario County District Attorney's Office, only one is staying to work for Mr. MacBride. At the beginning of his campaign, Mr. MacBride stated that a mass exodus would not happen, even though he had not spoken to a single one of us. Even after Mr. MacBride won the primary, DA Ritts continued to warn of a mass exodus. Mr. MacBride went on the news and said that "nothing could be further from the truth." Now that the mass exodus has happened, he has tried to spin it by saying that he admires our loyalty to DA Ritts. I am not so arrogant to say that I speak for everyone who left, but I am comfortable in saying that I speak for the majority, and I do not want there to be any mistake – we left because of him. We left not because we are loyal to one man, but because we are loyal to the principles of what it means to be an honest, ethical prosecutor. Given competent, moral leadership, many of us would have stayed. Under Mr. MacBride's leadership, however, being an honest, ethical prosecutor is no longer something that can be pursued in Ontario County. Contrary to Ms. Karle's claims, every single one of us immediately found new jobs, with the overwhelming majority of us remaining as prosecutors. Four

different District Attorneys' Offices in neighboring counties immediately hired anyone who was looking. Two of those counties even added positions to absorb as much talent as they could from what used to be the Ontario County District Attorney's Office. I am saying this because inevitably, Mr. MacBride will respond to this in some form. You can trust the self-serving words of a politician, or you can trust the actions of neighboring counties who know the competency and value of every member of our office that Ontario County just lost. That loss cannot be replaced and its impacts will be felt on this community.

I hope I am wrong. Wherever my journey takes me next, this community is my home, and I do not want to see it or the people in it suffer because of the choices of a few people in positions of power. I wish you all the best, and I am honored to have served you the best I can.

Peter Van Dellon
Former Ontario County Assistant District Attorney

# *Cerulli Massare & Lembke*

*Attorneys*
45 Exchange Blvd., Suite 925
Rochester NY 14614

Dorando J. Cerulli (1912-2000)
Edward J. Massare (1941-2022)
Matthew R. Lembke

Voice: (585) 454-3323
Fax: (585) 873-1106
matt.lembke@cmllawfirm.com


April 30, 2026

Hon. Jason MacBride, Esq.
Ontario County Courthouse,
4th Floor
27 N Main St
Canandaigua, NY 14424

ORIGINAL

*Re: People v Zachary Rogers*
*Indictment No. 25-01-024*

Dear Mr. MacBride

Enclosed, and served upon you, is a copy of our notice of motion and supporting affirmation requesting that Judge Karle recuse herself from presiding over the above-reference matter. We have filed the original with the Court.

As always, thank you for your courtesy and attention to this matter.

Respectfully yours,

*s/Matt Lembke*

Matthew R. Lembke

MRL/ajb
pc: Ontario County Supreme and County Courts