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COURT OF APPEALS

STATE OF NEW YORK

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MATTER OF HONORABLE J. MARSHALL AYRES

No. 103

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20 Eagle Street  
Albany, New York  
September 6, 2017

Before:

CHIEF JUDGE JANET DIFIORE  
ASSOCIATE JUDGE JENNY RIVERA  
ASSOCIATE JUDGE LESLIE E. STEIN  
ASSOCIATE JUDGE EUGENE M. FAHEY  
ASSOCIATE JUDGE MICHAEL J. GARCIA  
ASSOCIATE JUDGE ROWAN D. WILSON  
ASSOCIATE JUDGE PAUL FEINMAN

Appearances:

HONORABLE J. MARSHALL AYRES, PRO SE

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Sara Winkeljohn  
Official Court Transcriber

1 CHIEF JUDGE DIFIORE: Okay. The next matter on  
2 the calendar is appeal number 103, I believe - - - -5  
3 [sic], excuse me, the Matter of the Honorable J. Marshall  
4 Ayres.

5 Good afternoon, sir.

6 MR. AYRES: Good afternoon. If it please the  
7 court, my name is Marshall Ayres. I would ask for two  
8 minutes rebuttal time, please?

9 CHIEF JUDGE DIFIORE: You may, sir.

10 MR. AYRES: I want to thank you for allowing me  
11 to be here today. This is an honor to be in this - - - I -  
12 - - I found myself just awed by the architecture, if  
13 nothing else. You guys are obviously really prepared for  
14 this, so I'm not going to waste your time on a lot of  
15 issues. Basically, my appeal is in three sections. A  
16 discrepancy section, the charge one involved my daughter  
17 with a cell phone ticket, and the second charge, Mr. Finch  
18 at the restitution hearing.

19 I'm obviously not going to go through the whole  
20 discrepancy things other than to state really quick that  
21 I'm not an attorney. I am a science guy. Because of that,  
22 the Office of Court Administration has set up the Resource  
23 Center. At the first training session, they told us that  
24 if we followed the law - - - the regulations of the  
25 Resource Center, the recommendations, that that will

1 provide us with protection. My position is that - - -

2 CHIEF JUDGE DIFIORE: Protection from what, sir?

3 MR. AYRES: Protection from the Commission from  
4 coming after us if we're doing what the Resource Center  
5 tells us to do. Okay. My position is that that's true.  
6 Their position is that that's not true. This and all the  
7 other discrepancies are obviously your call, but I just  
8 want to request that you look at the content of my appeal  
9 rather than the style. These guys are highly trained  
10 people. I'm a science guy. Okay. So - - - so just - - -

11 JUDGE RIVERA: Let's go - - - let's assume for  
12 one moment we agree with you regarding whatever advice  
13 you're given by the Resource Center somehow being binding  
14 and protective. What - - - what's the advice you're  
15 referring to here?

16 MR. AYRES: Well, they said that we - - - and  
17 this refer to my daughter, Julie's, case. They said - - -  
18 and it was the very first training session they gave us - -  
19 - and I will get into that they concurred. That it is okay  
20 for a judge to go and be at their child, nephew, niece's,  
21 whatever, court proceeding as long as they do not use their  
22 judge's title there. If they go simple as a parent that  
23 it's present - - - that it's allowed. Okay. That - - -  
24 that's - - - does that answer your question?

25 JUDGE RIVERA: Yes. It does. Thank you.

1 MR. AYRES: Okay. Thank you.

2 JUDGE RIVERA: So - - -

3 JUDGE WILSON: So to me there seemed to be a  
4 little bit - - -

5 JUDGE RIVERA: I'm sorry.

6 JUDGE WILSON: - - - of a disconnect between what  
7 you just said, which was also in your papers, which is that  
8 they told you you could go and be present, from actually  
9 doing anything when you're present. That is you're not  
10 claiming, they said, for example, you could represent your  
11 daughter or you could go to the court through a locked door  
12 and talk to the judge privately and ask to have the case  
13 moved. Those are different, I think, from what a parent  
14 who is not a judge would be able to do, right?

15 MR. AYRES: Well, I - - - I did go. And I - - -  
16 the - - - the problem we have is the judge hearing the  
17 case, he and I have got a history, and if you obviously  
18 look through the papers, you'll see that, at least in my  
19 opinion, he should never have had in the first place. Even  
20 when asked to recuse himself, he didn't do it. And I was  
21 trying to get two things done. One, that I get a fair  
22 judge. And secondly, that - - -

23 JUDGE WILSON: You mean that your daughter gets -  
24 - -

25 MR. AYRES: - - - they follow the law. Not - - -

1 JUDGE WILSON: You mean that your daughter gets a  
2 fair judge, not that you get a fair judge.

3 MR. AYRES: My daughter. I'm sorry. Correct.

4 JUDGE WILSON: Right.

5 MR. AYRES: I'm sorry. My daughter gets a fair  
6 judge and that they follow the law and not DA policy. Now  
7 their - - -

8 JUDGE STEIN: But - - - but - - -

9 MR. AYRES: Oh, go ahead.

10 JUDGE STEIN: - - - did you do things that the  
11 average parent would not have been able to avail him or  
12 herself of doing if they were not a judge?

13 MR. AYRES: I did things or I knew things?

14 JUDGE STEIN: Could you - - - no.

15 MR. AYRES: I - - - I didn't understand the  
16 question.

17 JUDGE STEIN: Did you do things - - -

18 MR. AYRES: Okay.

19 JUDGE STEIN: Did you do things? Did you go and  
20 speak to people ex parte? Did you - - - did you assert  
21 that you - - - in a meeting with the ADA, that you - - - as  
22 - - - you would have done it differently if it had been  
23 before you? That sort of thing. Doesn't that take it to a  
24 slightly different level than the average parent who might  
25 appear to support his or her child in a - - - in a child

1 situation?

2 MR. AYRES: I don't think I did anything over and  
3 above what a parent would do. Now did I have more  
4 knowledge going in, absolutely.

5 CHIEF JUDGE DIFIORE: So - - -

6 MR. AYRES: But should I - - -

7 CHIEF JUDGE DIFIORE: So Mr. Ayres - - -

8 MR. AYRES: Go ahead.

9 CHIEF JUDGE DIFIORE: - - - in a - - - in a case  
10 called Matter of Edwards which was decided by this court in  
11 1986, a town justice intervened in his son's traffic ticket  
12 that was pending before a judge in another town, and this  
13 court decided rather than removing the judge, that we would  
14 censure the judge and we did that because we found that  
15 there were many mitigating circumstances in his case. What  
16 would be some mitigating circumstances that you would offer  
17 in this case?

18 MR. AYRES: Okay. I'll freely admit I made  
19 mistakes. Okay. There's - - - there's no question about  
20 that. I went as a good faith effort to follow what I  
21 thought were the regulations. The Commission - - - I mean  
22 you can even ask them. At the last session of the Broome  
23 County - - - or I'm sorry - - - of the New York State  
24 Magistrates' Association in Lake Placid stood up and said  
25 it's okay as a parent to go. I went, as I thought, was a

1 parent.

2 JUDGE FAHEY: But let's say - - -

3 MR. AYRES: I was sitting.

4 JUDGE FAHEY: - - - forget that. You were wrong  
5 about that. All right. So the question is then - - -

6 MR. AYRES: I was wrong about going as a parent?

7 JUDGE FAHEY: You - - - you were wrong about  
8 whether or not you could appear and argue legal issues.  
9 But let's just say that. Assume that for now. What are  
10 the things that we should look at in mitigation and say  
11 well, all right, maybe the penalty shouldn't be so harsh?  
12 That's what we mean by mitigation.

13 MR. AYRES: Right.

14 JUDGE FAHEY: What would you have us look at?

15 MR. AYRES: Okay.

16 CHIEF JUDGE DIFIORE: In Edwards, they looked at  
17 things like the judge's record, how long he was on the  
18 bench, whether he had any prior history with complaints.

19 MR. AYRES: Okay. I was on the bench for nine  
20 years. We have a reputation of being one of the best judge  
21 - - - best-run organizations, courts, in - - - in not only  
22 Broome County. We've have multiple people come and  
23 compliment us on the way we do things, the politeness that  
24 we have. We had one gentleman who does - - - he's a  
25 translator all over the state. He said one of our - - -

1 our courts is one of the best-run courts he's ever been in.  
2 In this situation, it was not my intent to go there and  
3 represent her. I was sitting there to watch - - -

4 JUDGE FAHEY: Forget that for now. Let me just  
5 say this. Forget about that for now. The mitigation  
6 factors are what I'm interested in, you know. I - - - you  
7 made a mistake, so let's take it from there. All right?

8 MR. AYRES: Um-hmm.

9 JUDGE FAHEY: Okay.

10 MR. AYRES: Okay.

11 JUDGE FAHEY: Yeah.

12 MR. AYRES: I was back talking to the DA because  
13 I was - - - she asked me back, and I was always very  
14 polite. I never threatened her. Did I talk forcefully?  
15 Well, if - - - if this is talking forcefully, then, yes. I  
16 did. Did I talk with authority? Well, if you look at the  
17 definition, then, yeah, probably, because that means with  
18 knowledge and background. But I never yelled. I never  
19 screamed. I never - - - she came round and said she never  
20 felt threatened. I was acting, what I thought - - - I mean  
21 I made a good faith effort. I thought I was doing what I  
22 was supposed to do and - - - there as a parent.

23 JUDGE RIVERA: Okay. Can we move to the - - -

24 MR. AYRES: Right.

25 JUDGE RIVERA: - - - second allegation, the

1 People v. Finch appeals? The second allegation?

2 MR. AYRES: Oh, just to move on? I thought you  
3 had a question to follow that. I'm sorry.

4 JUDGE RIVERA: Yes. Because your time is short.  
5 That's why.

6 MR. AYRES: Yeah. As far as the letter to Judge  
7 - - - Judge Smith took my appeal. I got a letter from him.  
8 Did I respond to it? Yes. Was that appropriate? Well, I  
9 know now it wasn't, but at the time I got a letter from a  
10 gentleman so I responded to his letter. My impression was  
11 I thought he was looking for my input of how I came up with  
12 these decisions. And if look at the actual letter I sent  
13 to him, again, I'm a science guy, so I went through bullet  
14 point by bullet point, this is why I made this decision.  
15 This is why I made that decision. I went through and I did  
16 the exact - - - I mean he sent me a letter, so I responded  
17 to it. They're going to say that they were ex parte.  
18 Well, everybody got a copy of them. It wasn't ex parte.

19 JUDGE RIVERA: Well, did you send those copies?

20 MR. AYRES: I sent the copies to the - - - I sent  
21 a letter to the judge knowing that he would distribute to  
22 everybody, and he did. And if you look at Mr. Stoloff's  
23 comment and the - - -

24 JUDGE STEIN: Were you - - -

25 MR. AYRES: I'm sorry?

1 JUDGE STEIN: Were you directed to submit - - -  
2 were you directed to file a return in that - - - in that  
3 appeal?

4 MR. AYRES: Yes. I did.

5 JUDGE STEIN: Okay. And you - - - you were  
6 directed. Did you actually file the return?

7 MR. AYRES: Yes. I did.

8 JUDGE STEIN: When did you do that?

9 MR. AYRES: I believe, if you look at the letter,  
10 you'll see that it was sent twice. I sent one, but then  
11 for some reason I forgot and I sent a follow-up on it. I -  
12 - - I don't have the dates in front of me if that's what  
13 you're looking for.

14 JUDGE STEIN: No. I don't - - -

15 MR. AYRES: Okay.

16 JUDGE STEIN: Just - - - just in general at what  
17 point in the - - - because there were several - - -

18 MR. AYRES: There was a lot of stuff going back  
19 and forth. Absolutely. And I - - - I make it a point to  
20 try and answer within, like, a couple weeks. So if I was  
21 asked something within a certain time period, I certainly  
22 answered it within that time week period. Okay.

23 CHIEF JUDGE DIFIORE: Thank you, sir.

24 MR. AYRES: My light's on? Okay.

25 CHIEF JUDGE DIFIORE: Your time is up.

1 Counsel.

2 MR. LINDNER: Thank you, Your Honor. Good  
3 afternoon; may it please the court. As you read the  
4 Commission's determination and review this record you see a  
5 petitioner who has absolutely no understanding of the  
6 proper role of a judge. And a petitioner who persisted,  
7 stubbornly, in misconduct after his fellow judges attempted  
8 to warn him that he was crossing lines. Judge DiFiore  
9 asked about mitigating factors, and so I'd like to turn  
10 immediately to the most serious aggravating factor, which  
11 is the complete failure to acknowledge real wrongdoing.  
12 And I think you see in the petitioner's brief to this court  
13 what you heard here just a few minutes ago, what the  
14 Commission heard in the oral argument. There is kind of a  
15 generic acknowledgment that things were done improperly,  
16 but when you look at each of the specific allegations in  
17 the formal complaint and in the Commission's determination,  
18 he maintains in every single instance that he acted  
19 properly.

20 So he says on page 16 of his brief to you that  
21 all of his actions with regard to his daughter's traffic  
22 ticket were legal and did not violate any ethical rules.  
23 His tone of voice in terms of dealing with the assistant  
24 district attorney, he says it not only was proper but that  
25 it was desirable. He's never acknowledge that it's

1           improper for a judge to say if this was in my court, I'd  
2           dismiss it or that I've talked with other judges and they  
3           all agree that this ticket needs to be dismissed. His  
4           minor concession on page 17 that he probably should have  
5           told his daughter to hire an attorney is immediately  
6           followed by blaming Judge Coe, saying that if Judge Coe had  
7           recused himself he wouldn't have felt so defensive.

8                         With respect to Charge II, he completely ignores  
9           the fact that it's improper for a judge to make legal  
10          argument, and he argues at page 9 into page 19 of his brief  
11          that all of his legal arguments were correct. He's proud  
12          of them. As to the tone of the letter, he says, well,  
13          that's just an expression of his individuality, subject to  
14          interpretation. And on page 19 he says it's an example of  
15          the Commission being politically correct. Time and time  
16          again over the last year-and-a-half this judge has had the  
17          opportunity to take advice. He's had Judge Smith's four-  
18          page instructive letter, the formal complaint itself, a  
19          damning referee's report, and now the Commission's detailed  
20          determination. And yet, he still can't see that what he's  
21          done is improper. What you have in this record is a  
22          combination of arrogance and ignorance which renders this  
23          individual unfit for judicial office.

24                         JUDGE FEINMAN: So how does this square with the  
25          Ramirez case that just came down from the Commission where

1 the judge who is a lawyer and is trained intervenes or - -  
2 - not on a ticket but in a different situation regarding a  
3 family member and then regarding somebody who was in her  
4 employ and is not removed?

5 MR. LINDNER: I understand, Your Honor. The  
6 Commission really does look at the specific facts of this -  
7 - - of each case. You said in Blackburne that every case  
8 is sui generis, and that's true. You can see in the  
9 Commission's determination, particularly in the last few  
10 pages, that they're really struggling between whether or  
11 not this is a censure or removal. But there are a number  
12 of aggravating circumstances here that you didn't have in  
13 Ramirez, and particularly in this case, this failure to  
14 acknowledge that any of this is wrong, even at this late  
15 date. But you also have - - -

16 JUDGE FAHEY: You know - - - you know, I can - -  
17 - I can see that, your - - - your side of the argument, but  
18 there are a couple of factual things in the case that  
19 strike me as odd. Let me just run through them. First,  
20 the allegation is is that he acted improperly with the ADA.  
21 I guess the question I would ask is if an attorney had  
22 acted that way, would that have been improper? But, you  
23 know, those are very hard for me to tell. You - - - you've  
24 gone through the - - -

25 MR. LINDNER: Well, let me - - - let me - - -

1 JUDGE FAHEY: Let me just finish.

2 MR. LINDNER: I'm sorry.

3 JUDGE FAHEY: You've gone through the fact-  
4 specific analysis. I haven't. It might have been improper  
5 for an attorney. But the DA then has the bureau chief that  
6 talks to that person, I believe, and then eventually the DA  
7 approves a motion to dismiss on the traffic. Am I right  
8 about that factually?

9 MR. LINDNER: That's correct.

10 JUDGE FAHEY: Okay. Then Mr. Ayres meets with  
11 the judge in charge of his case, Judge Coe, privately, and  
12 - - - which was clearly inappropriate. And then two months  
13 later, though, the ticket was actually dismissed. Is - - -  
14 is that - - -

15 MR. LINDNER: Right.

16 JUDGE FAHEY: - - - that's correct, also?

17 MR. LINDNER: That's correct.

18 JUDGE FAHEY: And as far as the restitution  
19 order, if all these ex parte, I think you're right they  
20 were ex parte communications, the County Court actually  
21 affirmed the petitioner's restitution order, didn't he?

22 MR. LINDNER: The second time.

23 JUDGE FAHEY: Ultimately? Second time.

24 MR. LINDNER: The first time it was sent back for  
25 rehearing for lack of - - -

1 JUDGE FAHEY: You see my question here. There  
2 have been a number of actions by the DA's office and the  
3 judges involved, but not the County Court Judge, that  
4 seemed to have sanctioned this behavior.

5 MR. LINDNER: Well, let's start with the - - -  
6 let's start - - -

7 JUDGE FAHEY: It's a little unusual. Usually,  
8 you'd say why - - -

9 MR. LINDNER: There's two questions. I'll try to  
10 separate them out.

11 JUDGE FAHEY: - - - you making a motion? I  
12 guess. Yeah. Or why - - - why did the DA make a motion to  
13 dismiss if he felt his people have been mistreated that  
14 way? He would have brought it to the court's attention.

15 MR. LINDNER: Right.

16 JUDGE FAHEY: Why would the court, then, meet  
17 privately with somebody and then - - - and then report him,  
18 and then he - - - then he granted the motion to dismiss?

19 MR. LINDNER: I - - - I understand - - -

20 JUDGE FAHEY: It makes no sense to me.

21 MR. LINDNER: - - - the question. Let me answer  
22 it as best I can because we don't know why the DA dismissed  
23 this ticket. But here's what we know.

24 JUDGE FAHEY: Well, the DA made the motion. The  
25 judge dismissed the ticket.

1 MR. LINDNER: I'm sorry.

2 JUDGE FAHEY: But go ahead.

3 MR. LINDNER: I'm sorry. I misspoke. The DA  
4 made the motion. Why did the DA make a motion which was  
5 contrary to their written policy manual? This Broome  
6 County DA's Office had a written policy that cell phone  
7 tickets were serious and they were not going to offer  
8 reductions. That's what ADA Parker was going on when she  
9 refused to offer that. If you look at the facts of this  
10 case, you have the testimony of the state trooper, a state  
11 trooper, Sergeant Pokigo, who testified that he was  
12 situated in a place where he could see down on traffic  
13 below him, that he observed Ms. Ayres - - -

14 JUDGE FAHEY: So, in essence, you're saying to me  
15 - - - and you can correct me if I'm wrong - - - that the  
16 petitioner's activities influenced the DA's office to  
17 dismiss it?

18 MR. LINDNER: I can't speak for the DA. I simply  
19 say that it's curious, as we said in the brief, to dismiss  
20 the case for want of proof when it appears that the  
21 testimony of the trooper would have satisfi- - - - satisfied  
22 all the elements of a violation of - - -

23 JUDGE FAHEY: How about the judge?

24 MR. LINDNER: Well, I don't know that the judge  
25 can require the DA's office to go forward in a case that

1 they are asking to be let out of. I think that's a  
2 different question.

3 JUDGE FAHEY: I see.

4 JUDGE RIVERA: Would - - - would - - -

5 MR. LINDNER: Even if the ticket were improper.  
6 Even if there were a valid defense. Even if the accusatory  
7 instrument were blatantly facially invalid, the issue here,  
8 the issue that this judge won't grasp, is that he's not a  
9 lawyer. He's not an advocate. He's a judge, and he can't  
10 assert his judicial office for the benefit of his daughter.

11 JUDGE RIVERA: Would - - - would removal - - -

12 MR. LINDNER: You've said that's wrong since  
13 Edwards.

14 JUDGE RIVERA: Would removal be warranted if we  
15 only had the second charge, the People v. Finch conduct?

16 MR. LINDNER: I think the second charge is less  
17 serious.

18 JUDGE RIVERA: Okay.

19 MR. LINDNER: I'm always somewhat reluctant to  
20 speculate what the Commission would do on hypotheticals,  
21 but I think it would be a much tougher case to argue that  
22 the second charge alone would warrant removal.

23 JUDGE RIVERA: If that - - - if that is - - -

24 MR. LINDNER: I don't think the case law supports  
25 that.

1 JUDGE RIVERA: Okay. Let's go with that for one  
2 moment, and if on the first charge then the resources  
3 center advises a non-lawyer sitting jurist that they can  
4 attend their child's court appearances - - -

5 MR. LINDNER: It's - - -

6 JUDGE RIVERA: Is it - - - is it then warranted?

7 MR. LINDNER: I'm sorry?

8 JUDGE RIVERA: Is it then warranted?

9 MR. LINDNER: Removal? Oh, absolutely.

10 JUDGE RIVERA: If - - - he's got that advice from  
11 the Resource Center?

12 MR. LINDNER: Absolutely. There's no ambiguity  
13 about this. Resource Center is telling judges what the  
14 Advisory Committee has said in numerous opinions, which is  
15 that it's permissible for a judge to attend his or her  
16 family member's court proceeding as long as they don't  
17 insert themselves into the proceeding.

18 JUDGE RIVERA: So your - - - your point is not  
19 with his attendance?

20 MR. LINDNER: Absolutely not.

21 JUDGE RIVERA: It is with his conduct once he is  
22 in the room?

23 MR. LINDNER: The point where he says "That's  
24 right. If it were in my court, I would dismiss it. And by  
25 the way, I've spoken to other judges, and they all agree."

1 Think about it if you're the DA's office. This judge is  
2 not only telling you that he's going to be unhappy if the  
3 DA's office doesn't make this go away. Now he's saying  
4 that there are some unnamed other judges in your  
5 jurisdiction who are all going to be unhappy if my  
6 daughter's ticket doesn't go away. It's an outrageous,  
7 outrageous assertion of office. It's exactly the thing  
8 which you have railed against since Edwards because it  
9 gives the public the perception that justice isn't fair,  
10 that some people get special breaks. It goes to the  
11 integrity of the system. If you have no questions - - -

12 CHIEF JUDGE DIFIORE: Thank you, counsel.

13 MR. LINDNER: - - - we'll rest on our brief.

14 Thank you.

15 CHIEF JUDGE DIFIORE: Mr. Ayres, you have two  
16 minutes for rebuttal time if you care to exercise it.

17 MR. AYRES: Okay. Really quick, as far as the  
18 DA, I specifically told her she must make up her own mind  
19 and do not let the fact that I'm a judge affect her. Judge  
20 Fahey, I believe?

21 JUDGE FAHEY: Right.

22 MR. AYRES: Okay. You made the comment about  
23 talking to the other judge and how inappropriate that was.  
24 I absolutely agree with you, but the circumstances were he  
25 was on the bench in his robe. I was sitting in the - - -

1 in the back - - - in the area back here. He stood up from  
2 the bench, ordered me into the back room, marched right  
3 through the courtroom, ordered me back into the back  
4 conference room, got within inches of me screaming at me  
5 with clenched fists. I did not ask for that meeting. He  
6 ordered me back there. I had no control over that.

7 As far as the tone that they brought up, on page  
8 58, they used the term "astonishing claim." They also use  
9 the term "astoundingly testified." On 59, they used the  
10 term "brazenly violated." They use descriptors, whether  
11 you can use descriptors or not, it should be fair for both  
12 of us. If they get to use descriptors I should be - - -  
13 get - - - allowed to use descriptors. They're saying that  
14 it's the tone and yet they turn around and do the exact  
15 same thing. And I have - - -

16 JUDGE WILSON: You understand that you're a judge  
17 and they're lawyers, right?

18 MR. AYRES: Well, I understand - - - well, this  
19 is still a legal document that they're presenting to you.  
20 It was a letter I was sending to the judge.

21 JUDGE RIVERA: Well, you conceded that one of  
22 your correspondence was snarky, correct?

23 MR. AYRES: Oh, absolutely. Yeah. And - - - and  
24 I, again, from the start said that was wrong. And for them  
25 to say that I acknow- - - - I don't acknowledge wrongdoing,

1 from the start I've acknowledge wrongdoing. My position is  
2 okay. I messed up, absolutely. But does it warrant  
3 removal - - -

4 JUDGE STEIN: What - - - what is it - - -

5 MR. AYRES: - - - and I don't think so.

6 JUDGE STEIN: What is it that you did wrong?  
7 What is it that you did wrong?

8 MR. AYRES: From which case - - - or just in  
9 general?

10 JUDGE STEIN: For either. For either case.

11 MR. AYRES: Okay. For my daughter's case, I  
12 should not have gone anywhere near that thing. Okay. We  
13 were sitting there. The only reason we went back to the DA  
14 is because she asked me back. And I - - - at that point, I  
15 should have said no. I'm not going to get involved in  
16 this. But she asked me back so I went back. That was a  
17 mistake. Going and just trying to get what I considered a  
18 fair judge. That should not have been my judge. I should  
19 have just from the start gotten a local attorney, say hey,  
20 guys, this is the situation, these are the facts, you take  
21 care of it for me. As far as the Finch matter goes, now I  
22 know that it's the DA who's supposed to get it, but at the  
23 time, I got a letter I answered it. You know, I mean there  
24 are obviously - - - all the way down through - - - and I  
25 see my light's on. All the way down, there's a lot of

1 things that I could have done differently. But it's from  
2 lack of experience, lack of knowledge. The intent was  
3 pure.

4 CHIEF JUDGE DIFIORE: Thank you, sir.

5 MR. AYRES: Thank you.

6 (Court is adjourned)

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