

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,  
FOURTH JUDICIAL DEPARTMENT

Felicia Pitts Davis v. The Onondaga County District Attorney's Office

2026 NY Slip Op 03524 · No. 172 KA 25-00132 · Decided June 5, 2026

SUMMARY

The Appellate Division, Fourth Department, affirmed an order accepting an Onondaga County grand jury report recommending removal of a City Court Judge and sealing the report pending appeal. The court held that the grand jury had authority under CPL 190.85 to issue the report and that the report and order should be made public after affirmance because the confidentiality provisions governing the Commission on Judicial Conduct did not apply to matters before the court.

CASE DETAILS

|                       |                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department                                                                                        |
| WRITING FOR THE COURT | Bannister, J.P.; Montour, J.; Greenwood, J.; Nowak, J.; Hannah, J.                                                                                                            |
| JURISDICTION          | New York Supreme Court, Appellate Division, Fourth Department                                                                                                                 |
| DECIDED               | June 5, 2026                                                                                                                                                                  |
| DOCKET                | 172 KA 25-00132                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Appeal from an Onondaga County Court order accepting a grand jury report recommending appellant's removal from judicial office and ordering the report sealed pending appeal. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                     |
| PARTIES               | Felicia Pitts Davis v. The Onondaga County District Attorney's Office                                                                                                         |

TOPICS

- grand jury
- criminal procedure
- appellate procedure
- statutory interpretation
- legislative intent

PRACTICE AREAS

- criminal procedure
- judicial discipline
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the New York Commission on Judicial Conduct has exclusive jurisdiction to review and determine alleged misconduct by a sitting judge, thereby precluding a grand jury report under CPL 190.85.
2. Whether the grand jury report and County Court order had to remain sealed after the Appellate Division determined the appeal because Commission on Judicial Conduct proceedings are confidential.

## HOLDINGS

1. The Commission on Judicial Conduct does not have exclusive jurisdiction that prevents a grand jury from issuing a report under CPL 190.85 (1) (a) concerning misconduct or non-feasance in public office by a judge.
2. After the Appellate Division affirmed the order accepting the report, the report and order had to be made public; the confidentiality provisions governing Commission on Judicial Conduct proceedings did not apply to the matter before the court.

## KEY QUOTATIONS

*“Judges fall within the broad definition of public servant”* ([\*1])

*“If, as here, the order accepting a report is appealed, the report and the order must be sealed by the court and may not be filed as a public record until the determination of the appeal”* ([\*1])

## FACTUAL BACKGROUND

An Onondaga County grand jury issued a report concerning appellant, a City Court Judge, recommending her removal from the bench for misconduct or non-feasance in public office. County Court accepted the report and temporarily sealed it pending determination of the appeal. The Appellate Division determined that the grand jury reporting provisions applied and that the report and order should become public after the appeal was decided.

## PROCEDURAL HISTORY

An Onondaga County grand jury submitted a report under CPL 190.85 (1) (a) recommending removal of appellant, a City Court Judge, based on alleged misconduct or non-feasance in public office. Onondaga County Court accepted the report and ordered it sealed pending appellate review under CPL 190.90. The Appellate Division affirmed and directed that the order and report be made public.

## DISPOSITION

affirmed

## CASES CITED

- People v Garson, 6 NY3d 604, 613 (2006)
- Genesee County Fish & Game Protective Assn., Inc. v Sullivan, 239 AD3d 1245, 1247-1248 (4th Dept 2025)
- Matter of New York State Commn. on Jud. Conduct v Doe, 96 AD2d 638, 639 (3d Dept 1983), affd 61 NY2d 56 (1984)

- Matter of Nicholson v State Commn. on Jud. Conduct, 50 NY2d 597, 612-613 (1980)

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