

APPENDIX C

Received

AUG 07 2019

Commission on
Judicial Conduct

August 6, 2019

Mr. Howard D. Neff, III
Executive Director
Commission on Judicial Conduct
11 Beacon Street, Suite 525
Boston, MA 02108

Re: Complaint Number 2019-27

Dear Mr. Neff:

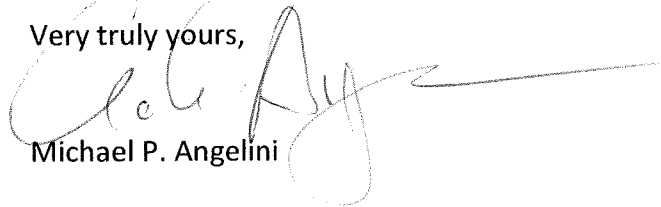
I represent Hon. Paul Sushchuk with respect to this matter. I am enclosing Judge Sushchuk's Statement and Response to the Statement of Allegations which you furnished in your letter dated July 16, 2019. I am also enclosing his letter of apology addressed to Ms. Emily Deines, which Judge Sushchuk requests that you forward to Ms. Deines.

Judge Sushchuk intends to appear before the Commission at its next monthly meeting on September 10, 2019. I will attend with him. Please let us know the time at which we may do so.

In accordance with Commission Rule 6P(1), I request to inspect the Commission's records regarding the investigation of this matter. Please let me know when I may do so.

Thank you very much for your attention to this.

Very truly yours,



Michael P. Angelini

MPA:sp
Enclosures

BEFORE THE COMMISSION ON JUDICIAL CONDUCT

Complaint Number 2019-27

**STATEMENT OF PAUL M. SUSHCHYK IN RESPONSE TO STATEMENT OF
ALLEGATIONS DATED JULY 16, 2019**

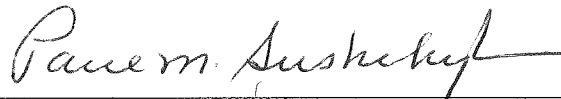
I stand by and reiterate the Statement which I provided to Judge Casey on May 20, 2019. That was then and is now my best recollection of what occurred. It would be tempting to acknowledge that I purposely grabbed Ms. Deines' buttocks and to offer my apology for having done so, but I have no such recollection and therefore cannot do so. However, I do not dispute that I had physical contact with Mr. Deines and I acknowledge that it was inappropriate. I regret what occurred and I apologize to Ms. Deines for it. I enclose a personal letter of apology which I respectfully request be transmitted to Ms. Deines.

I accept Ms. Deines' recollection of what occurred since I believe that she is honest in her recollection. I have no recollection whatsoever of having contacted her intentionally, but the fact that I had contact with Ms. Deines in a way that led her to reasonably believe that I had done so intentionally is unacceptable and I accept and regret that. I want to make it clear to the Commission as well as to Ms. Deines that I respect her and the Commission's role in this and that I accept responsibility for this incident. Any physical contact of this type is completely unacceptable. I did not place one of my hands under her buttocks or pinch or squeeze her buttocks, as alleged in the Statement of Allegations.

The Chair's correspondence to Judge Gants of July 16, 2019 observes that "Judge Sushchuk failed to disclose to Chief Justice Casey that he was in possession of a flask containing whiskey at the time of the incident." That is true. I did not mention this to Judge Casey because I considered it to be irrelevant. It having been raised, though, I want to make sure that I address it.

I do not regularly carry a flask. Very occasionally, at some social of events, I carry this small, three-and-a-half-inch flask. I do so because I enjoy a certain type of Irish whiskey, which is not generally available. On this occasion, I took the flask with me from home. As the statement to Judge Casey indicates, I had two alcoholic drinks that evening, one at the Hospitality Suite earlier in the evening, prior to the meal, and another at the bar at which Ms. Patsos and Ms. Deines and others were present. The drink that I had at the Hospitality Suite was of the whiskey from the flask, which I poured into a glass. At some point in the evening, I recall showing the flask to Ms. Patsos but I don't recall even opening it and I don't recall how it happened that I showed it to Ms. Patsos. In any event, I wish to make it clear that I did not mention this to Judge Casey only because it did not seem to me to be relevant or even important to what was at issue. I recognize that my carrying a flask could lead someone to the wrong conclusion and I will not do so at any time in the future.

I deeply regret this incident and wish to make it clear to the Commission and Ms. Deines that I will make it certain that nothing of this type ever occurs again and that I am mindful of my responsibility never to be in circumstances from which inappropriate conduct of this type could be attributed to me. I look forward to appearing before the Commission on September 10 and to be available to answer any questions and to personally express my regret.



Hon. Paul M. Sushchuk

August 6, 2019

Ms. Emily Deines
c/o Commission on Judicial Conduct
11 Beacon Street, Suite 525
Boston, MA 02108

Dear Ms. Deines:

I apologize to you for the incident that occurred on April 25, 2019.

I assure you that I did not intend to cause you any harm or upset or to touch you inappropriately. I assure you that anything that occurred, however construed, does not reflect either my state of mind, my intention or my character. I am deeply ashamed and embarrassed by this incident and I respect you for the courage to initiate the report to Chief Justice Casey regarding this. I deeply regret what occurred and ask that you accept my apology.

Very truly yours,

A handwritten signature in cursive script that reads "Paul M. Sushchuk". The signature is written in dark ink and is positioned above the printed name.

Paul M. Sushchuk