

Bond Case Briefs

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Town of Turin v. Chase

**Supreme Court, Appellate Division, Fourth Department, New York - June 16, 201720 - 17
WL 2604244 - 2017 N.Y. Slip Op. 05016**

Town brought action against former town justice to recover damages arising from alleged mishandling of fines and fees and failure to maintain complete and accurate books and records while in office.

The Supreme Court, Lewis County, granted defendant's motion for summary judgment. Town appealed.

The Supreme Court, Appellate Division, held that defendant was acting within his jurisdiction, and thus had judicial immunity.

Former town justice acted in his judicial capacity and within scope of his jurisdiction regarding handling of fines and fees, and keeping of related books and records, which were duties mandated by statute and regulation, and thus former town justice had judicial immunity from town's allegations of mishandling of fines and fees and failure to maintain complete and accurate books and records while in office. Statute and regulations required every town justice to deposit any monies received by the court into a separate bank account pending disposition, and to maintain proper books and records.