Monroe County
District Attorney's Office

2006 Annual Report

Hon. Michael C. Green, District Attorney, Monroe County
District Attorney's Website: http://www.monroecounty.gov/org839.asp

A MESSAGE FROM DISTRICT ATTORNEY MIKE GREEN

2006 was another outstanding year for the Monroe County District Attorney's Office. We continued our emphasis on vigorous prosecution of armed violent felons who illegally use and carry guns. Using a variety of investigative measures we worked to apprehend and prosecute major drug dealers and seize the proceeds they derive from their illegal activities. Aggressively pursuing domestic violence and child abuse cases, we obtained a number of significant convictions and prison sentences. We again led the state in DWI conviction percentage for large counties, with a DWI conviction rate that was 20% higher than the state average. Through our participation in the Auto Theft and Insurance Fraud Task Force, stolen vehicle reports in Monroe County continue to drop. We continued our investigation and prosecution of white collar crime cases, including violations of the prevailing wage provisions of the Labor Law.

Many of the cases we prosecute are complicated by issues relating to the nature and availability of our victims and witnesses. The "Stop Snitching" campaign is one of many factors creating an atmosphere in which it is difficult to get witnesses to testify. Often, my investigators are attempting to locate and arrest witness to get them to court for major cases. In spite of these challenges, in 2006 we obtained convictions in over 90% of our superior court felony prosecutions.

In appropriate cases, we continue to aggressively seek out and use effective alternatives to incarceration such as probation, the Rochester Drug Treatment Court, the Road to Recovery drug treatment program, and Mental Health Court. We continued to use the Pre-Trial Diversion program to attempt to change the behavior of DWI offenders. As we attempt to balance our responsibility to do justice and protect the community, we try and find the most effective option for each case.

2006 marked the second year of our highly successful Project Step Up program. Using money seized from drug dealers, my office partnered with the Boys and Girls Club and Ronald McDonald Charities to fund and run Project Step Up for 200 at risk young men and women, many of whom are in high school or college and are truly stepping up. This program is particularly important to me given my belief that any long term solution to our crime problem must involve not only effective enforcement and prosecution to hold those who break our laws accountable, but also address the reasons why we have crime in the first place. We are kidding ourselves if we think that arrests and prosecutions alone will make our crime problem go away.

I am extremely proud of the staff at the District Attorney's Office and all we have accomplished in the past year. Everyone at the office has worked long and hard to make our community a safe and prosperous place to live. They have my thanks and appreciation for a job well done and deserve the thanks of the community as well.

MONROE COUNTY DISTRICT ATTORNEY'S OFFICE
2006 ANNUAL REPORT

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OVERVIEW AND HIGHLIGHTS

Under the leadership of District Attorney Mike Green, the Monroe County District Attorney's Office prosecuted almost 30,000 cases in 2006. Each case is evaluated individually, with the goals of protecting the community and seeking justice for victims factored in, along with the nature of the crime and the background of the accused. Practical concerns also come into play: some cases cannot be fully prosecuted because of lack of evidence, witnesses who do not cooperate, legal technicalities, and the like.

With a total staff of over 130 people, including **75 full time attorneys,** the Monroe County District Attorney's Office is one of the largest law firms in Monroe County, and ranks in the **top ten District Attorney's offices statewide in terms of caseload**. The Office is located in the Ebenezer Watts Building, at 47 South Fitzhugh Street, Rochester, 14614.

As the chief law enforcement officer for Monroe County, District Attorney Green leads the fight against crime by prosecuting criminals and ensuring the rights of crime victims. In addition to investigating and prosecuting crime, Green has implemented and continued innovative policies that will assure the most effective prosecution of all crimes, particularly homicides and other violent crimes.

These initiatives include:

- Expediting presentation of cases to Grand Juries, reducing the number of times witnesses are required to testify, and assuring that violent criminals are prosecuted swiftly.
- Joining forces with various law enforcement agencies to continue to implement and expand **Project Impact/Ceasefire/VEST**, designed to identify violent criminals and focus our full capabilities on them.
- Maintaining the **Project Exile** partnership with the U.S. Attorney's Office to obtain the maximum possible sentences for gun crimes, and recommending that even first-time gun offenders be sentenced to State Prison;
- Holding more domestic violence offenders accountable through our **Evidence-Based Prosecution** policy;
- Continuing the office's commitment to the **Drug Court, Road to Recovery, and Mental Health Court programs**, decreasing the recidivism rate of non-violent offenders with drug problems and mental health issues;

- Partnering with the **Boys and Girls Club** to create and fund **Project Step Up**, giving teens a safe and positive alternative to gangs and drugs, and the crime and violence they incite; and helping fund the **Accelerated Reading Program**, focusing on child literacy.

These initiatives reflect our belief that cooperation between Government officials and private citizens is critical to reducing crime and revitalizing the community. District Attorney Green and all the attorneys in the office are committed to making Rochester and Monroe County a safer place to live, work and visit.

2006 Project Step-Up Program Report

Sponsored By:
Monroe County District Attorney's Office
Ronald McDonald Charities

Program Overview: The Boys & Girls Clubs of Rochester implemented Project Step Up, an anti violence initiative that targeted 200 at risk youth ages 14-19. Project Step Up is a partnership initiated by Monroe County District Attorney Mike Green between the District Attorney's Office, Ronald McDonald House Charities, and the Boys & Girls Clubs of Rochester. The program, established in 2005, is centered around the best summer basketball league available for young people. Project Step Up utilizes a nationally renowned curriculum, STREET SMART, designed to counteract the negative lures of gangs, violence and street influences. STREET SMART is an interactive curriculum that significantly contributes to the development of the abilities young people need as they mature into adulthood. It covers youth gang awareness and prevention, conflict resolution, and positive peer helpers, as well as planning and implementing community events.

Project Step Up participants engaged in the content of the STREET SMART curriculum three nights per week for 45 minutes to an hour. Participation in STREET SMART was a mandatory component of the program if the young person wanted to play in the league each night. The curriculum was implemented each night by a professional facilitator trained to help participants apply curriculum learning to real life experiences. Listed below are some of the sessions covered through the course of the program:

- What is the allure of gangs
- The consequences of gang membership
- Anger recognition/awareness
- Causes of conflict
- Impulse control and its consequences
- Accepting differences
- Giving back
- Identifying leadership skills

Project Step Up, in addition to providing young people with a combination of physical fitness and conflict resolution skill development, also allowed the Boys & Girls Clubs of Rochester to expand its traditional closing hours from 6:00 pm to 11:00 pm. The expansion of hours assists the organization in keeping young people safe by engaging them in activities that keeps them off the streets and away from any potential negative influences.

Project Step Up Results: The Boys & Girls Club through the success of the program was able to increase the number of participants from 137 in 2005 to 200 in 2006. This allowed the Boys & Girls Clubs, along with the District Attorney's Office, the opportunity to provide meaningful activities to young people who otherwise could spend their idle time in areas where they may be potential victims or perpetrators of violence. Here are some of the programs other results:

- All 200 youth that participated also participated in STREET SMART.
- 80% of participants thought the STREET SMART curriculum was informative, and taught ways to avoid conflict.
- 15% of the participating teens acknowledged a need for additional support in literacy
- 65% needed assistance with finding employment for the summer and also long-term employment
- Participants were able to sustain and develop relationships with various members of law enforcement.

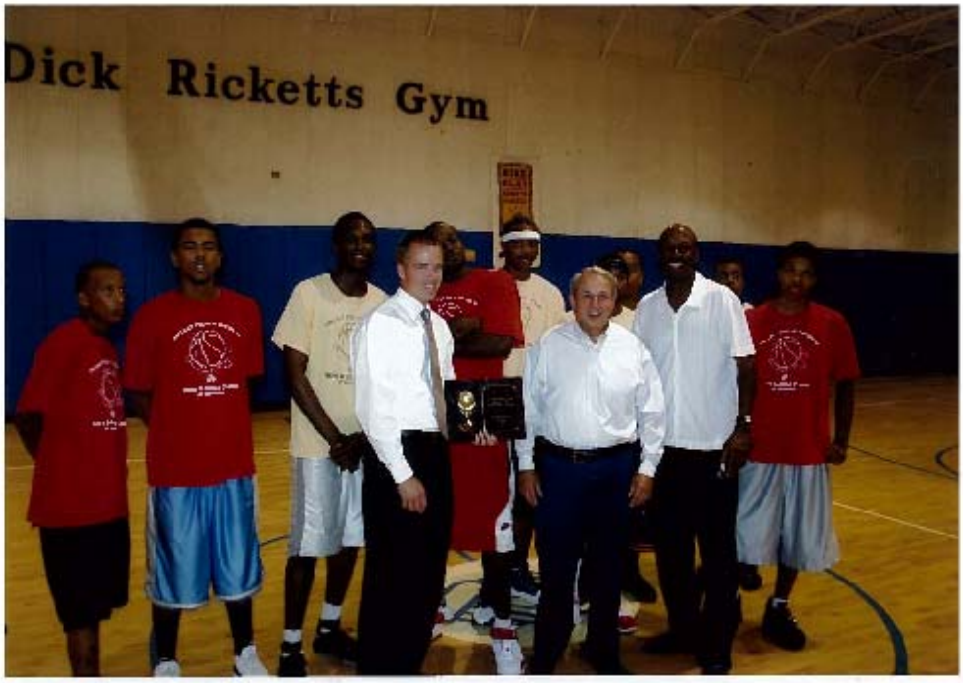
Similar to the first year of the program during the STREET SMART sessions, a large portion of the participating members needed assistance in solving some basic issues that, if solved, could help them seek legal ways to earn money. These issues included (but were not limited to):

1. Transportation to employment
2. Seeking assistance in obtaining a GED
3. Supportive services from Rochester/Monroe County
4. Drug and alcohol counseling
5. Fathers' rights issues
6. Improving living conditions

Participants had the following to say about Project Step-Up:

"I hope we can have a program like this every year. The chance to play against some of the best players in the city and to learn something at the same time is great".

"I had a good time. It's not often in this town that people do things for kids living in the city".



Dwayne Mahoney, Executive Director of the BGC says**:**
"The growth in Project Step Up this year gives clear evidence that young people need programs that provide skills in a manner that make it fun, inviting and a draw for other teens to participate in something positive. We must thank District Attorney Mike Green and his wonderful staff for filling a void many have chosen to ignore. We cannot expect teens that need guidance to develop their programs and support systems. Many are willing to be led, and we thank the District Attorney for taking the lead".

HOMICIDE BUREAU

The Bureau is staffed by the most capable and experienced attorneys from other Bureaus, under the supervision of **First Assistant Ken Hyland**. Some of the convictions obtained by the Homicide Bureau in 2006 included:

Antwon Owens was convicted of Murder in the First Degree, and Lucious Peters, and Jacob Rouse were convicted of Murder in the Second Degree for the murder and attempted robbery of youth minister, Herschel Scrivens, on Magnolia Street in the City of Rochester. Scrivens was just returning with family and friends from a performance of the "Lion King", when he was the victim of an attempted robbery and was shot to death in his car. Rouse was sentenced to 22 years to life and Peters was sentenced to 25 years to

life for their convictions for felony murder. Antwon Owens was sentenced to life without the possibility of parole for his conviction for Murder in the First Degree for firing the shot that killed Mr. Scrivens. All three trials were conducted by **District Attorney Mike Green**.

Robert Spahalski was convicted of five counts of Murder in the Second Degree (four counts of intentional murder and one count of felony murder) for four murders, which he committed during a fifteen-year period from 1990 to 2005. These murders involved the deaths of Moraine Armstrong, Adrian Berger, and Vivian Irizarry in the City of Rochester and the death of Charles Grande in the Town of Webster. Spahalski strangled and/or bludgeoned his victims. Spahalski was given the maximum sentence of 25 years to life for each murder, with each sentence to run consecutively for a total of 100 years to life.

David Zacher was convicted of two counts of Murder in the First Degree and one count of Assault in the first degree for the brutal stabbing deaths of his wife, Karelin, and his 2 year old daughter, Halle Zacher, and the serious assault on another daughter, 4 year old Elizabeth Zacher. These crimes occurred in the Town of Greece. David Zacher was sentenced to life without the possibility of parole for the convictions for Murder in the first degree, and a 25 year determinate sentence on the Assault in the first degree charge, with all sentences to run consecutively.

Carrie Fulmore, and her brother **Nicholas Morgan,** were both convicted of Murder in the second degree in connection with the death of 16 year old Miquiesha Hazzard on Bismark Terrace in the City of Rochester. Both defendants were convicted after an unusual double jury trial. Fulmore was convicted for calling her brother, Nicholas Morgan, and asking him to come to her street and shoot up the house of a neighbor. After receiving that call, Morgan fired 16 shots into a house on Bismark Terrace which was occupied by six people at the time, striking and killing Miquiesha Hazzard. Both Fulmore and Morgan were convicted of Murder in the second degree for conduct that showed depraved indifference to human life. Fulmore was sentenced to 20 years to life, while Morgan was sentenced to the maximum sentence of 25 years to life.

Royal Carmichael was convicted of Murder in the Second Degree and Criminal Possession of a Weapon in the third degree in connection with the shooting death of 12-year-old Frederick Lewis on Langham Street in Rochester. He received the maximum sentence of 25 years to life for Murder in the second degree, and a 3 ½ to 7 year indeterminate sentence for the conviction for Criminal Possession in the third degree, with both sentences to run consecutively for a total of 28 ½ years to life.

Lamar Roundtree was convicted of Murder in the Second Degree and Criminal Possession of a Weapon in the Second Degree for the fatal shooting of a 35 year old mother of two, Lisa Baker, on Thurston Road. Roundtree was sentenced to a total of 40 years to life.

Jeffrey Miller was convicted of the murder of a former girlfriend, Shunda Cuyler, on Woodbine Avenue. Ms. Cuyler was shot to death as she sat in a car outside of her house. Miller was sentenced to the maximum sentence of 25 years to life upon his conviction for Murder in the Second Degree.

Michael Seeler was convicted of Murder in the Second Degree for the shooting death of Paul Hedges. Seeler was sentenced to the maximum sentence of 25 years to life.

In 2006, the Office successfully prosecuted a total of 35 homicide cases. Of those, 17 were sentenced to life in prison, including two defendants who were sentenced to life without the possibility of parole after being convicted of Murder in the First Degree.

LIFE SENTENCES IN MURDER PROSECUTIONS - 2006

DEFENDANT	CRIME	SENTENCE
DAVID ZACHER	First Degree Murder	LIFE w/o PAROLE
ANTWON OWENS	First Degree Murder	LIFE w/o PAROLE
ROBERT SPAHALSKI	Intentional Murder	100 to LIFE
LAMAR ROUNDTREE	Intentional Murder	40 to LIFE
DENNIS BELL	Intentional Murder	40 to LIFE
ROYAL CARMICHAEL	Intentional Murder	28 ½ to LIFE
LUIS RIVERA	Intentional Murder	25 to LIFE
THOMAS KELLY	Intentional Murder	25 to LIFE
JEFFREY MILLER	Intentional Murder	25 to LIFE
DEGLOYDE POLES	Intentional Murder	25 to LIFE
MICHAEL SEELER	Intentional Murder	25 to LIFE
JASON STUBBS	Intentional Murder	25 to LIFE
LUCIOUS PETERS	Felony Murder	25 to LIFE
NICHOLAS MORGAN	Depraved Murder	25 to LIFE
ANTHONY OTT	Intentional Murder	22 to LIFE
JACOB ROUSE	Felony Murder	22 to LIFE
CARRIE FULMORE	Depraved Murder	20 to LIFE

RELEASE OF DOUGLAS WARNEY
CONVICTED OF MURDER IN THE SECOND DEGREE

The Monroe County Grand Jury indicted Eldred Johnson, Jr. on August 25, 2006 for Murder in the Second Degree, charging that he intentionally killed William Beason between December 31, 1995 and January 3, 1996.

Eldred Johnson, Jr. confessed to this crime during a very thorough investigation by the Monroe County District Attorney's Office and the Rochester Police Department. His confession was corroborated by the physical evidence and the DNA results.

Eldred Johnson, Jr. plead guilty to Murder in the Second Degree on March 6, 2007 and was sentenced on May 3, 2007 by Justice Ark to 15 years to life consecutive to the 25 years to life sentence he is currently serving at the Auburn State Prison.

An investigation initiated by District Attorney Michael C. Green and led by the Second Assistant District Attorney Larry K. Bernstein, Chief of the Appeals Bureau, Wendy Lehmann, and Investigator Robert Siersma of the District Attorney's Office, and Investigator Thomas Donovan of the Rochester Police Department resulted in the conviction of Eldred Johnson, Jr. based on DNA evidence and a confession. As a result of the evidence uncovered by our investigation, the People did not oppose an application on behalf of Douglas Warney to vacate his conviction and the dismissal of the indictment against Mr. Warney. Mr. Warney was released from state prison, where he had been incarcerated since his conviction in 1997.

Honorable Thomas M. VanStrydonck, the Supreme Court Justice who presided over the court proceeding that lead to the release of Douglas Warney wrote in his decision about the Monroe County District Attorney Michael C. Green's efforts in this case: "The Court would also like to commend Mr. Green and his entire staff for the efforts they expended in this matter. An effort which was not driven by any statutory mandate or court order, nor by following some kind of 'office policy' requiring the prosecutor to protect a guilty verdict at all cost.

Rather, the motivation of the District Attorney appears to be a recognition that his office has a higher mandate than simply obtaining and defending convictions. That mandate is to assure that justice is done in every case. It is reassuring to know that in this County these decisions are being made not because they have to be but rather because they are the right thing to do. It indeed, sometimes take courage for a District Attorney to do the right thing rather that the expedient thing. Our community should look to this case and be assured that the District Attorney in this County has that courage".

Honorable Thomas VanStrydonck also commended Project Innocence and specifically Mr. Neufeld and his co-counsel Vanessa Potkin and Donald Thompson for their representation of Douglas Warney. Justice VanStrydonck said " These matters are generally unpopular, unusually time consuming, and often quite trying and thankless, but the efforts of the attorneys in this case, and cases like it, are very important to the integrity of the criminal justice system".

MAJOR FELONY BUREAU

Under the leadership of **Chief Joanne M. Winslow and Deputy Chief Sandra Doorley, the Major Felony Bureau** prosecutes violent felony offenders and career criminals. The Bureau's goal is to obtain the sentences warranted by the offense for the benefit of the individual victim as well as for the safety and security of the entire community.

The Bureau prosecutes robberies, burglaries, sexual assaults against adult victims, serious assault cases, and many of the homicide cases. The Major Felony and Gun Bureaus took in 1365 new felony cases in 2006.

The attorneys working in the Major Felony and Gun Bureaus obtained felony convictions in 627 major felony cases in 2006. Their overall Superior Court conviction rate for 2006 was 91% - outstanding considering the challenges bureau members face in getting witnesses to cooperate and testify in many cases. The "Stop Snitching" campaign has created an atmosphere of intimidation, and has caused witnesses to refuse to testify or refuse to testify truthfully, resulting in a number of acquittals.

The office's no-tolerance policy toward gun crimes was typified by cases like:

Don and Rashad Peterkin, who were each convicted of First Degree Robbery, First Degree Burglary, Second Degree Kidnapping, and First Degree Aggravated Sexual Abuse for the Easter weekend gunpoint robbery of a city man and the gunpoint abduction, robbery and sexual assault involving an Irondequoit family who were forced into the trunk of a car and driven throughout the city for three hours until civilian witnesses called 911, alerting police to their plight. Each defendant was sentenced to 50 years in state prison.

Jabad Johnson, who was convicted of Second Degree Attempted Murder for using a handgun to shoot a man six times. He was sentenced to 20 years in state prison.

Jose Mendez and Roberto Astacio, who were each convicted of First Degree Burglary and Assault for entering a home and pistol whipping the 60 year old victim, leaving him permanently blind in one eye, and using rope to tie up a 22 year old girl. Each defendant was sentenced to 20 years in State prison.

Reggie Caswell was prosecuted for attempting to rob a liquor store with what appeared to be a gun, but when thwarted, entered the home of a couple with a 3 year old child who was blind and had just received a bone marrow transplant, and forced the couple to give him money. He then forced them into their car to go get more money, while leaving the child alone in the house asleep. As they backed out of the driveway, police ran up the driveway and captured the defendant. He was convicted of Second Degree Robbery and Burglary and was sentenced under New York's Persistent Violent Felony Offender Law to 45 years to life.

The Major Felony Bureau also prosecuted the following violent felons who received significant sentences:

DEFENDANT	CRIME COMMITTED	SENTENCE
Raymond Guzman	**Criminal Sexual Act in the First Degree**	**25 years**
Dana Buckman	**Robbery in the First Degree**	**18 years**
Jeffrey Blunt	**Robbery in the First Degree**	**15 years**
Donnie Brown	**Robbery in the First Degree**	**15 years**
Leno Gee	**Robbery in the First Degree**	**15 years**
Steven Green	**Robbery in the First Degree**	**15 years**
Christopher Rumph	**Robbery in the First Degree**	**15 years**
Manfred Sachs	**Burglary in the Second Degree**	**15 years**

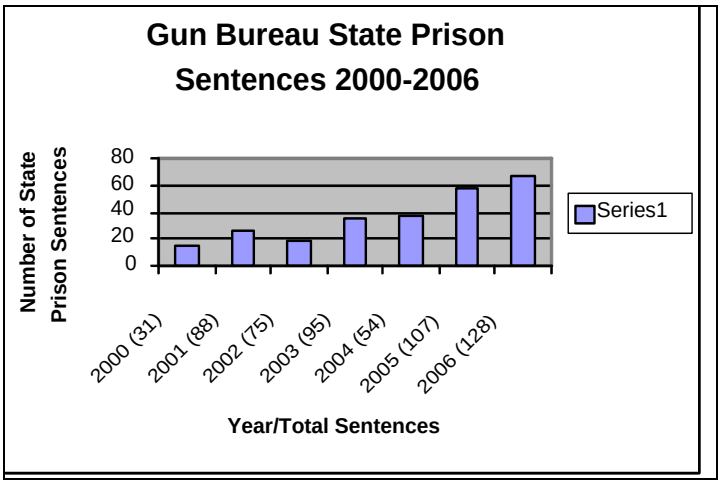
GUN BUREAU/PROJECT EXILE

Most of the violent crime in our community involves the possession and use of illegal handguns. In an effort to prevent violent crime, the Monroe County District Attorney's Office is aggressively prosecuting any individual who possesses an illegal weapon. To further that objective, a special bureau, the Gun Bureau, was formed and operates as part of the Major Felony Bureau. **The objective of this bureau is to take individuals who possess illegal weapons off the street and incarcerate them for as long as possible before they use the guns to commit other violent crimes.** The results

of this program directly impact the community in two ways: first, the individual who possessed the illegal weapon no longer poses a threat to the community; and, second, there is a strong deterrent to those who would otherwise possess illegal weapons.

As part of our commitment to ending gun crimes, the District Attorney's Office has continued to work closely with Federal prosecutors through Project Exile. Project Exile, launched here in 1998, is a joint program between our Office and the United States Attorney's Office designed to ensure that the longest possible prison sentences will be obtained in gun cases. The Office is especially appreciative of the continued commitment of **Terrance P. Flynn**, the U.S. Attorney for the Western District of New York, and Assistant United States Attorney **Bret Puscheck**, in charge of the Rochester office, to the Project Exile program. The positive results seen this year could not have been achieved without their assistance.

Our commitment to Project Exile produced further significant change in our community in 2006, under the supervision of **Ray Benitez**. Prosecutors working in the Gun Bureau have been seeking lengthy prison sentences for those convicted of possessing illegal firearms (as opposed to being sentenced to probation or to the Monroe County Jail), **and as a result, for the third year in a row, the sentence most often imposed (68 of 128 sentences) for felony gun possession was state prison. In addition, 60% of those convicted of felony gun possession charges that were not sent to state prison served at least a part of their sentence as an inmate of the Monroe County Jail.**



ARSON BUREAU

Arson prosecutions are under the direction of **ADA Paul Irving.**

An example of the type of case that the unit prosecuted in 2006 is**:**

Frank J. Povoski Jr. - Indicted on four counts of Arson Third Degree and one count of Criminal Mischief Second Degree for setting four Town of Webster Police cars on fire. While he was pending trial on that indictment, the Arson Unit uncovered a plot by Povoski to have two of the key witnesses for the trial killed. The unit worked closely with the Monroe County Sheriff's Office and the Rochester Police Department to conduct an extensive undercover investigation, including the use of court ordered wiretapping and surveillance. As a result of the investigation, Povoski was indicted on four counts of Conspiracy in the Second Degree for plotting to kill or kidnap the two witnesses, one count of Conspiracy Fifth Degree along with Attempted Escape and Promoting Prison Contraband First Degree for plotting to escape from the Sheriff's custody and possessing a handcuff key while confined in the jail, and two counts of Conspiracy in the Fifth Degree for conspiring to have witnesses commit perjury at his upcoming trials. Povoski pleaded guilty to all of the charges in the two indictments and is serving up to eighteen years in state prison.

SPECIAL INVESTIGATIONS BUREAU

The Special Investigations Bureau (SIB) primarily handles the prosecution of drug offenses. The Bureau Chief is **Timothy L. Prosperi,** and there are six other attorneys assigned to SIB.

2006 was a productive year for the attorneys and staff of SIB. In addition to handling a large volume of drug prosecutions, members of SIB also advised the police agencies during investigations and assisted the police in obtaining court ordered wiretaps, pen registers, and search warrants. The drug investigations and arrests also resulted in the seizure and subsequent forfeiture of drug monies in both state and federal courts. These monies were used to help fund Project Step Up, to purchase law enforcement supplies and vehicles for use by District Attorney Investigators, to pay for victim and witness transportation and relocation, to fund the services of expert witnesses and forensic research, and to provide for additional training for District Attorney staff members. Finally, four of the seven attorneys in SIB also prosecuted a total of six (6) separate homicide cases, and additionally two of those SIB attorneys also sat as the second prosecutor on two (2) separate cases that were handled by the **First Assistant District Attorney, Kenneth C. Hyland.**

BUREAU STATISTICS

During 2006, SIB took in a total of 855 felony cases, and closed 826 cases.
The felony conviction rate was 96 %.

TRIALS

In 2006, SIB attorneys conducted 12 felony trials, and obtained 8 top count convictions, and one conviction on a reduced charge. These numbers do not reflect the number of cases where the defendants entered guilty pleas on the eve of trial, after the ADA's had already prepared the cases for trial.

At least five of the successful SIB jury trials were of individuals who received prison sentences from at least six (6) years in prison up to ten (10) years in prison, because of either their prior records or the circumstances of the case.

The successful homicide prosecutions conducted by members of SIB included the following:

-Defendant **Lawrence Buggs** pled guilty to Manslaughter in the First Degree, and was sentenced to a term of twenty-five (25) years;

-Defendant **Timothy Jones** pled guilty to Manslaughter in the First Degree, and was sentenced to a term of seventeen (17) years;

-Defendant **Theresa Vargas** was convicted of Manslaughter in the First Degree, after a bench trial, and was sentenced to a term of five (5) years;

-Defendant **David Cardinell** pled guilty to the top homicide charge of Manslaughter in the Second Degree, relating to a drug overdose death.

WIRE TAP INVESTIGATIONS

In 2006, wiretap investigations were conducted in both drug investigations, as well as part of homicide investigations.

One significant drug wiretap investigation conducted by SIB and the **Greater Rochester Area Narcotics Enforcement Team (GRANET)** was named "Operation Fade-Away," as one of the primary targets was a barber. The investigation ended with the execution of 22 search warrants, and the arrests of 11 drug dealers. The total seizures from all locations included the seizure of 2.2 kilograms of powder cocaine, about 8 ounces of crack cocaine, $ 85,000.00, 9 vehicles, 6 handguns, and a rifle. The case was referred to the United States Attorney's Office for Federal prosecution, because the Federal system has more favorable rules of evidence that allow a broader conspiracy prosecution, as well as the potential for harsher sentences in Federal Court on some of the cases.

Another significant drug wiretap investigation conducted by SIB and the New York State Police involved a mid-level street drug dealer target. That investigation successfully ended with the arrest of the initial target, two (2) separate customers of that target who were purchasing one or more ounces of cocaine from the target for further distribution, as well as the initial target's kilogram weight cocaine supplier. This investigation also resulted in the seizure of a kilogram of cocaine, a rifle, and over $ 100,000.00.

VIOLENCE REDUCTION/PROJECT EXILE

In 2006, SIB continued in the office wide efforts of violence reduction programs, including coordination with the United States Attorney's Office in the review of gun and drug cases for Federal prosecution under the Project Exile program.

FORFEITURES

Some of the money seizures made during local police agencies' investigations were referred to the United States Attorney's Office for federal adoptive forfeitures. The District Attorney's Office then receives a percentage of those forfeited funds, and in 2006, our office received approximately **$ 113,328.00** in federal adoptive forfeiture monies.

SIB also continued its efforts in pursuing state court ordered forfeitures of monies seized during felony arrests under Article 13 of the New York State Civil Practice Law and Rules, with respect to monies that are not eligible for federal adoptive forfeiture. This program was started by our office in 2004. In 2006, the District Attorney's office initiated state proceedings to forfeit

approximately $ 74,130.00, and our office is earmarked to receive approximately $ 11,119.00 of those funds, Monroe County is to receive $ 8,895.00, and the City of Rochester is to receive $26,687.00.

APPEALS BUREAU

The Appeals Bureau functions primarily to preserve convictions obtained after pleas and trials in all levels of Monroe County Courts as well as providing legal advice to the attorneys in the office. It is supervised by Chief of Appeals Wendy Lehmann and Deputy Appeals Bureau Chief Kelly Wolford.

We have filed almost 200 briefs on direct appeal in 2006. The many affirmances include those of 6 murder convictions: John Bryant, Antoine Parris, Aaron Gawlick, Rodney McFarland, Ian Harewood and Kelvin Owes.

This year we have defended more than 100 cases on collateral attack in the County and Supreme Courts.

In 2006, the New York Court of Appeals affirmed the convictions of Rudoph Young and Brandon Bolling, as well as Michael Barton, in whose case the constitutionality of Rochester=s aggressive panhandling ordinance was at issue.

In federal courts, both the District Court for Western New York and the Second Circuit, we have responded to more than 25 petitions for habeas corpus relief brought by prison inmates.

The Bureau handles all cases involving fugitives from other jurisdictions arrested in Monroe County. In 2006, we dealt with more than 100 cases, in most cases succeeding in sending these defendants out of this county and back to face justice in other states. We also assist ADAs from other bureaus in returning fugitives who have fled to Monroe County.

Defendants and their counsel frequently file notices of appeal, but fail to follow through. This year, as in previous years, we have moved in hundreds of appeals pending in the Appellate Division for dismissal of appeals that have not been pursued after more than two years.

The Appeals Bureau also provides ongoing research and support to the trial bureaus in the office. We give out regular summaries of decisions from the United States Supreme Court, the New York Court of Appeals, and the Fourth Department Appellate Division; ongoing advice and research on current issues; and continuing legal education support. Deputy Bureau Chief Kelly Wolford is in charge of the Continuing Legal Education Seminars. Held twice yearly, these training sessions allow prosecutors fulfill their legal requirement to update their skills annually in a number of different subject areas, and at a very low cost to County taxpayers.

This past summer Wendy Lehmann, Chief of the Appeals Bureau was named 2006 Prosecutor of the Year for Appellate Advocacy by the New York Prosecutors= Training Institute at the New York State District Attorneys= Summer Conference in July, 2006. The award is

given for outstanding appellate advocacy skills, leadership and dedication to the field of criminal prosecution in the Empire State.

DOMESTIC VIOLENCE/CHILD & ELDER ABUSE BUREAU

Child Abuse, domestic violence and elder abuse cases are prosecuted by the Domestic Violence Bureau, under the direction of **Bureau Chief Douglas Randall** and **Deputy Chief Kristina Karle**.

Staff and Workload

Including the **integrated domestic violence court prosecutor,** the bureau consists of seven attorneys with combined prosecutorial experience of nearly forty years. The bureau includes experienced, passionate and successful trial attorneys. They are a cohesive, dedicated unit that prosecutes many of the most difficult cases that involve extremely vulnerable victims. Each receives training in dealing with victims of domestic violence and interviewing child witnesses. The conferences attended by its attorneys included North American Conference on Shaken Baby Syndrome, New York State Police Internet Crimes Against Children Conference with Yahoo, and they participated in several courses at the National Advocacy Center: The Faculty Development Course and teaching Trial Advocacy I to prosecutors from across the United States. They also taught motion practice at a sexual assault/homicide conference NYPTI; and forensic interviewing training at the Bivona Child Advocacy Center.

The Bureau handled close to **six hundred (600)** felony cases in 2006, including numerous homicide cases. The integrated domestic violence court, which assigns a single judge and Assistant District Attorney to handle all aspects of a domestic violence case, has handled over **five hundred (500)** criminal cases, with approximately the same number of associated Family Court cases.

Numerous high profile and serious cases were handled last year with excellent results:

David Zacher was convicted of two (2) courts of Murder in the First Degree, and one (1) count of Assault in the First Degree in connection with the brutal stabbing of his wife and daughters, age 6 and 4, in their Greece home. He was sentenced to the maximum term of two life sentences without parole. He was prosecuted by Bureau Chief **ADA Doug Randall** with assistance from **ADA Kristina Karle**.

Michael Wolochuk was convicted of multiple counts of Possessing a Sexual Performance by a Child on his home computer. He was prosecuted by **ADA Douglas Randall** and received a sentence of three to nine years in state prison.

Jennifer Hayes was convicted of Assault in the First Degree in connection with serious physical abuse of her infant son in Greece. She received a sentence of 13 1/2 years in state prison and 5 years post release supervision. **ADA Douglas Randall** prosecuted this case.

Aaron Fisher - was convicted of Course of Sexual Conduct Against a Child in the First Degree and Course of Sexual Conduct Against a Child in the Second Degree, involving his two nieces, ages 7 and 11. On November 9, 2006, Judge Ark sentenced the defendant to twenty years in state prison. **ADA Kristina Karle** prosecuted this case.

Andrew Hendricks - was convicted of two counts of Course of Sexual Conduct Against a Child in the First Degree involving his two stepdaughters. Judge Renzi sentenced the defendant to 25 years in state prison. **ADA Kristina Karle** prosecuted this case.

Michael Harrington - was convicted of Course of Sexual Conduct Against a Child in the First Degree. Judge Keenan sentenced the defendant to 15 years in the New York State Department of Corrections. **ADA Kristina Karle** prosecuted this case.

THE FOLLOWING DEFENDANTS ALSO RECEIVED STATE PRISON SENTENCES

Eluid Bennett	Attempted Course of Sexual Conduct First – 5 years
Juan Hernandez	Sexual Abuse in the First Degree – 5 years
Johnathan Mosky	Criminal Sexual Act in the First Degree – 5 years
Kevin Nater-Vazquez	Rape in the First Degree – 5 years
Sonny Rivera	Sexual Abuse in the First Degree – 5 years
Edward Stade	Rape in the Second Degree – 5 years
Steven Matyas	Rape in the First Degree – 6 years
Bruce Vaillancourt	Sexual Abuse in the First Degree – 7 years
Alan Nerau	Rape in the First Degree – 10 years
Alan Nerau	Sexual Abuse in the First Degree – 10 years
Javier Amado	Att. Course of Sexual Conduct in the First Degree – 11 years
Billy Arnold	Course of Sexual Conduct in the First Degree – 12 years
Jose Flecha	Criminal Sexual Act in the First Degree – 12 years
Jacob Gardner	Attempted Kidnapping in the Second Degree – 12 years
Demond Campbell	Rape in the First Degree – 15 years
Jermain Lanos	Attempted Murder in the Second Degree – 15 years
Jose Valle	Course of Sexual Conduct in the First Degree – 15 years
Thurman Mack	Criminal Sexual Act in the First Degree – 20 years
Yolanda Williams	Assault in the First Degree – 23 years
Michael Morgan	Course of Sexual Conduct in the First Degree – 25 years
William Every	Criminal Sexual Act in the Second Degree – 4 to 12 years

RECLASSIFICATION OF SEX OFFENDERS

The Bureau coordinated reclassification of over 250 sex offenders who could not be put on the New York State Registry due to a federal lawsuit.

COMMUNITY OUTREACH

Bureau members serve on a number of community boards and within several organizations, including the Society for the Protection and Care of Children, the Monroe County Youth Board, Rape Crisis, the Domestic Violence Consortium, Lifespan and Pittsford Youth Services, Monroe County Child Fatality Review Team, the Domestic Violence Consortium, and the Elder Abuse Consortium.

Members of the Bureau have also been active in the Child Abuse Network, which is an alliance of churches in the Rochester area that was organized to increase and promote awareness regarding child sexual and physical abuse. Through this group, prosecutors have spoken at local churches concerning the misconceptions surrounding child sexual abuse and the prosecution of these types of cases.

Our Bureau members also provide training to various area law enforcement and community service agencies, including the RPD, MCSO, Sexual Assault Nurse Examiners and Child and Adult Protective workers. Bureau members also speak to numerous community and school groups throughout the year on issues related to their work, and the criminal justice system in general. This year they were invited to speak at the New York State Commission of Investigation on Cyber Crime against Children in Buffalo, New York.

NOTABLE EVENTS

Since the **Grand Opening of the Bivona Child Advocacy Center (BCAC)** in 2004, members of our Bureau have taken a leading role in the Multi-Disciplinary Child Abuse Investigation Team. We maintain an office at the BCAC, which enables Bureau members to be present for interviews, investigations and questions that come up. The center serves as a one-stop location that enables law enforcement, child protective personnel, the prosecutor, and medical and social work services personnel to interact with an abused child within a comforting and efficient setting. Through the use of a child-friendly environment, attorneys are able to reduce the trauma experienced by children who are asked to recount their abuse.

FINANCIAL CRIMES, TECHNOLOGY & NON-VIOLENT FELONY BUREAU

The Financial Crimes, Technology and Non-Violent Felony Bureau is staffed with a total of eight ADA's, all under the supervision of **Bureau Chief Jennifer Whitman**. The bureau is divided into a number of functional units.

NON-VIOLENT FELONY BUREAU

This bureau is comprised of 6 Assistant District Attorneys who handle all non-violent D and E Felonies that are not handled by other bureaus in the office. The Bureau has handled over 1100 cases in 2006. The total superior court conviction rate for the bureau is approximately 96%.

In September 2006, Derrick Stubbs, who had been previously convicted and jailed over 4 times for felony robbery and theft crimes, was convicted of Robbery in the Second Degree. He was sentenced December 20, 2006 to 15 to life in state prison as a persistent felony offender.

An integral part of this bureau is a Division of Criminal Justice Services-funded Motor Vehicle Thefts and Auto Insurance Fraud Prosecution unit. This grant allows the Monroe County District Attorney's Office to concentrate efforts in the area of auto theft and auto-related insurance fraud. The Monroe County District Attorney's Office, along with state, county and local law enforcement agencies, has created a task force to combat this type of crime. Some of the highlights this year include:

Reduction in the Stolen Vehicle Rate: Monroe County in 2004 was number one out of 62 counties in New York State per capita for stolen vehicles. Since the grant became operational, there has been a 31% reduction in stolen vehicles in Monroe County from 4102 in 2004 to 2855 in 2005.

VIN Etching Program: Three separate VIN etching programs were held in Monroe County in 2006. . VIN etching is a program where an individual's Vehicle Identification Number and other information are etched on each of the windows of their car to reduce the likelihood that the vehicle would be stolen. It also aids in the recovery of vehicles that are in fact stolen. One program was held in March 2006 and was done jointly with the Monroe County Sheriff's Office. 76 vehicles were etched at this session. A second VIN etching was held jointly with the Irondequoit Police Department in August 2006 involving 78 vehicles. The third VIN etching was co-hosted by the Brighton Police Department and 37 vehicles went through the program.

Motor Vehicle Theft Task Force: Made up of members of several Monroe County police agencies, the New York State Police, and the District Attorney's Office, the Task Force held bi-weekly and monthly meetings to devise and implement the type of coordinated effort needed to combat this type of crime.

The Task Force was involved in an extensive investigation into a staged accident ring operating in Monroe County. An Indictment is pending against the ringleader involving staged accidents from 2002 to 2005, some involving U-Haul trucks.

FINANCIAL CRIMES UNIT

The Financial Crimes and Technology Bureau prosecutes a great variety of criminal offenses such as embezzlement, computer crimes, identity theft and insurance fraud. There are

two Assistant District Attorneys who prosecute approximately 320 cases. In addition to those cases, members of the bureau also aid law enforcement personnel in investigating financial crimes.

The Financial Crimes Unit ended a long investigation and prosecution into a construction fraud case when **John "Jack" Kropp** was sentenced to 1 ½ to 4 ½ years in state prison in

December of 2006, and ordered to pay back the victim over $400,000. Jack Kropp and Joseph Walto stole over $400,000 from Wegman's Food Markets involving the construction of several

Wegman's Food Stores in other states. The investigation and prosecution involved the New York State Police and Wegman's personnel working jointly with the Monroe County District Attorney's Office.

There were many defendants who were sentenced to State prison for stealing money from Monroe County residents. Some highlights include:

Robert Mitchell-Pled guilty to Grand Larceny in the Second Degree, received a sentence of 2 to 6 years in state prison and ordered to pay is employer $389,014 in restitution,

Mary K. Burke-Pled guilty to Grand Larceny in the Second Degree, received a sentence of 1 to 3 years in state prison and ordered to pay $463,114.66 in restitution,

David Green- of Dave Green's Auto World was convicted of Grand Larceny in the Second Degree, and Criminal Possession of a Forged Instrument in the Second Degree after trial. After trial, Dave Green was sentenced to 3 1/3 to 10 years in state prison.

On October 19, 2006, the Monroe County District Attorney's Office Economic Crime Bureau received an award from the Rochester Clearing House Security Committee. This Award was in appreciation to the Bureaus' dedicated service to the Clearinghouse, which is comprised of bank security and law enforcement personnel.

In 2005, the Monroe County District Attorney's Office secured a grant from the Division of Criminal Justice Service and New York State Department of Taxation and Finance. This grant allows the Monroe County District Attorney's Office to prosecute people who file false tax documents or under-report tax income. To date, five defendants have pled guilty and paid over $260,000 in income tax or under-reported sales tax to New York State on their previously unreported income or sales tax. In 2006, the Monroe County District Attorney's Office was able to return $57,780.55 to Monroe County for unreported sale tax that should have been reported for sales made in Monroe County.

DWI BUREAU

DRUNK DRIVERS POSE A SIGNIFICANT THREAT to the safety of our community. The **DWI Bureau** prosecutes all repeat offenders charged with felony DWI, vehicular assaults and homicides, and related cases such as First Degree Aggravated Unlicensed

Operation of a Motor Vehicle. **Kristin Splain** was Bureau Chief for 2006 and was succeeded by **Christopher K. Rodeman**.

MONROE COUNTY IS THE STATE LEADER

The DWI Bureau was assigned 582 felony cases in 2006. In total, the bureau had a

total superior court conviction rate of 98% - among the best in New York State.

The chart below shows that in 2006 Monroe County again lead all large counties in the State in DWI conviction percentage for all DWI cases, including both misdemeanors and felonies with a conviction percentage that was over 20 percentage points higher than the State average.

(New York State Department of Motor Vehicles, Division of Research and Development Statistics for 2006)
(Counties with over 1000 convictions)

COUNTY	2006 DWI	2006 DWAI	TOTAL CONVICTIONS	2006 DWI %
MONROE	**1546**	**742**	**2288**	**67.57%**
ALBANY	499	1161	1660	30.06%
DUTCHESS	668	735	1403	47.61%
ERIE	1488	1880	3368	44.18%
KINGS	775	1160	1935	40.05%
NASSAU	1840	1051	2891	63.65%
NEW YORK	513	760	1273	40.30%
NIAGARA	401	701	1102	36.39%
ONONDAGA	577	1013	1590	36.29%
ORANGE	927	847	1774	52.25%
QUEENS	1308	1597	2905	45.03%
ROCKLAND	506	558	1064	47.56%
SUFFOLK	2357	2301	4648	50.60%
ULSTER	510	654	1164	43.81%
WESTCHESTER	929	1539	2468	37.64%

*Source: New York State Department of Motor Vehicles, Division of Research and Development.

While the Monroe County District Attorney's Office takes a tough stand on alcohol related vehicular crimes, part of the mission of the Bureau is to prevent these crimes from recurring in the future. To that end, defendants charged with felony DWI who surrender their license and demonstrate a commitment to dealing with their alcohol problem may be offered the opportunity to participate in the Pre-Trial Diversion (PTD) program. Participants in the PTD Program receive counseling and other services to deal with their alcohol issues; if they are

successful, they are offered a plea to a misdemeanor DWI. Last year 166 cases were referred to the PTD program, 137 were accepted, and 87% successfully completed it.

VEHICULAR ASSAULTS AND HOMICIDES: The DWI Bureau prosecuted a number of defendants in 2006 for their involvement in vehicle related deaths or serious injuries.

John Delvaux was found guilty of Vehicular Homicide in the Second Degree after trial. He was driving on French Road toward Winton Road in the Town of Brighton. Delvaux was driving at an excessive speed, failed to negotiate a sharp turn, and struck a guardrail. The passenger, Paul Kent was partially ejected from the vehicle causing fatal head injuries. Delvaux was driving with a blood alcohol content of at least .18%. He was sentenced to State Prison for this offense.

Christopher Smith plead guilty to Attempted Assault in the Second Degree and Felony Driving While Intoxicated. Smith resisted arrest for Driving While Intoxicated, which caused injury to New York State Trooper Thomas Loweke. Smith was sentenced to State Prison in November of 2006.

William Vazquez plead guilty to Assault in the Second Degree and Driving While Intoxicated. Vazquez was driving drunk on Buffalo Road and struck Rochester Police Department Officer Nicole Tambeurello as she was attempting to aid another individual who was struck by a car during a previous incident. Vasquez then struck a second pedestrian, Anthony Harris and attempted to flee the scene. He was sentenced to seven years in State Prison.

Charles Rhoads plead guilty to the indictment charging him with Manslaughter in the Second Degree, Vehicular Manslaughter in the Second Degree, Assault in the Third Degree and Driving While Intoxicated. Rhoads was driving on Route 390 and was attempting to get on the Ontario State Parkway, which resulted in a roll over crash that killed a passenger in the car, Michael Bollweg.

Kevan McDermott plead guilty to Vehicular Manslaughter in the Second degree for causing the death of Joanne Chirinko while he was driving under the influence of marijuana and crashed into the car being driven by Ms. Chirinko.

LOCAL COURT BUREAU

25,000 misdemeanors and violations from the village, town and city courts, as well as traffic infractions in many courts, were prosecuted by the attorneys in the **Local Court Bureau**. This bureau is staffed by 19 attorneys assigned directly to the various courts, in addition to **Bureau Chief Vince Rizzo and Deputy Bureau Chief Bill Gargan**. There are 10 attorneys assigned to cover the 46 courts in 22 towns and villages located in Monroe County. There are a

total of nine city court judges, with one assistant district attorney assigned to each. These attorneys handle caseloads of well over 1500 cases per year. Nearly all of the office's felonies are initiated in the various local courts.

Our **Pre-Warrant Hearing** section provides a procedure whereby certain less serious matters are diverted from formal entry into the criminal justice system by way of a pre-warrant mediation process. This process attempts to mediate disputes after police involvement but before they result in the actual filing of criminal charges. Approximately 1200 such cases were heard in 2006.

There are various other "specialty" courts and programs, which are staffed and/or overseen by the Local Courts Bureau:

DRUG TREATMENT COURT: Rochester was the first city in the State of New York to implement this innovative program designed to provide long-term assistance to offenders, while at the same time protecting the community and reducing recidivism. Defendant's are required to successfully complete an extensive drug and/or alcohol treatment and rehabilitation program, obtain a diploma from high school or G.E.D., and secure employment or enrollment as a full-time student. The National Drug Court Institute has documented the positive impact the program in Monroe County has had on recidivism rates. Suitable cases which the District Attorney's Office might consent to being transferred to this court include some misdemeanors, some non-violent felonies, and violations of probation. D.W.I., domestic violence, sex crimes, drug sales or violent felony offenders are excluded from consideration.

"ROAD TO RECOVERY": This is a treatment program funded by a state grant and administered through the drug treatment court as an alternative sentence in cases where a state prison sentence is the other likely disposition. It is comprised of a rigorous, long-term in-patient treatment program, including NYSDOC's Willard Program, in which the defendant is removed from the community. Successful completion of the 12-18 month treatment program is required if the offender is avoid the more traditional state prison term of incarceration.

INTEGRATED DOMESTIC VIOLENCE COURT: Intended to consolidate criminal domestic violence cases, criminal cases related to Family Court cases involving the same individuals, and divorce-related Supreme Court matters. All of the cases are adjudicated jointly in order to facilitate resolution of multiple related and/or unrelated issues involving one family by a single judge.

MENTAL HEALTH COURT: Increasingly, the criminal justice system and the jail are becoming the repository for those with mental illness. The mission of this court is to improve public safety, modify court procedures as to the treatment of the mentally ill, and address the long-term needs of this population, and in the process promote their overall well-being. The practical ultimate goal is to be more responsive and sensitive to these unique situations while at the same time accomplishing the much-desired related consequences of significant reductions in recidivism and savings in precious tax dollars to the citizens.

2006 HIGHLIGHTS: The bureau implemented and continued a number of initiatives in the past year.

$ Ongoing emphasis on "evidence based" prosecutions in domestic violence cases, resulting in many convictions in cases where victims could not or would not testify.

$ Restricted plea bargaining policy on certain **community impact/safety cases:**

-D.W.I. & Driving While Ability Impaired by Drugs
-Drug possession
-Firearms Use Possession
-Prostitution
-Underage drinking parties involving parental consent or participation
-School or institution "bomb scares"

$ Cooperation with various community agencies, including:
-THRESHOLD YOUTH SERVICES
-THE URBAN LEAGUE
-PRE-TRIAL SERVICES CORP.
-THE DOMESTIC VIOLENCE CONSORTIUM
-LYELL AVENUE BUSINESS ASSOCIATION/ "Lyell Avenue Street Prostitution Working Group/Lyell Avenue Neighbors
-CENTER FOR DISPUTE SETTLEMENT
-FINGER LAKES RESTORATIVE JUSTICE PROGRAM

GRAND JURY BUREAU

The Grand Jury Bureau under the supervision of **Bruce Goldman**, is responsible for scheduling all cases that are presented to the Grand Jury for indictment. The Bureau is staffed by two clerks, who provide support for the ADA's presenting cases, and by Grand Jury stenographers.

The function of the Grand Jury is to decide whether there is reasonable cause to believe that a person committed a crime. Two separate Grand Juries meet daily for a term of one month each. They are comprised of 23 citizens from the community.

In 2006, there were **almost 1880 cases presented** to these two Grand Juries and about **60% resulted in felony indictments** (compared to 38% in 2003). The rest were either dismissed for lack of evidence or returned to local courts for misdemeanor prosecution.

VICTIM -WITNESS BUREAU

Victims of crime often experience physical, emotional, and financial trauma as a result of their victimization. The advocates in the **Victim -Witness Bureau**, under the direction of **Carrie Noble**, assist victims in understanding their rights and provide supportive services to victims and witnesses of crime. These services include, but are not limited to, assistance with Crime Victims Board applications, providing case information, court accompaniment, parole information, and referral services. Members of the Bureau also provide community education through speaking engagements and written materials.

Throughout the year, advocates attend on-going training offered by various human service agencies as well as attend an annual three-day crime victims' rights conference, presented by The New York State Crime Victims Board.

Working relationships are maintained with organizations that assist victims of crime on local, state and national levels. These relationships increase the ability of the Victim - Witness Bureau to provide continuity of care and promote victims rights. Active membership is held with The Monroe County / City of Rochester Coalition for Crime Victims and the Coalition for Crime Victims of Western New York.

During 2006 members of the Victim-Witness Bureau provided services to nearly 2200 victims and /or witnesses of crime.

INVESTIGATIONS BUREAU

The **District Attorney's Investigation Bureau**, staffed by thirteen (13) full and part-time investigators is supervised by **Chief Investigator Mark Kelley**. These investigators, each with more than twenty years of experience, are sworn police officers.

District Attorney Investigators provide investigative support to all other bureaus in the office. This support directly assists in the effective prosecution of misdemeanor and felony cases. Post-arrest case review, crime scene analysis, witness protection, witness interviews, and the service of subpoenas, arrest warrants and material witness orders are some of the services provided by District Attorney Investigators. District Attorney Investigators also conduct on-going investigations and inquiries into allegations of public corruption and official misconduct.

District Attorney Investigators continue to participate with various local, state and federal agencies in on-going multi-agency enforcement/prosecution initiatives such as Project Impact/Ceasefire and the Monroe County Auto Theft and Insurance Fraud Task Force.

Investigators with specialized training, education and experience are assigned to specific bureaus within the District Attorney's Office. These bureaus include Major Felony, Arson/Fire

Investigation, Special Investigations, Domestic Violence and Economic Crime.

In providing the above-referenced investigative support for the thousands of misdemeanor and felony prosecutions, District Attorney Investigators served a total 24,652 subpoenas, provided transportation for 1454 witnesses, conducted 25,590 interviews and 1910 witness/suspect locates.

ADMINISTRATION

District Attorney Mike Green heads up the Monroe County District Attorney's Office and is ultimately responsible for every aspect of the Office's efforts to combat crime in Rochester.

First Assistant Ken Hyland and **Second Assistant Larry Bernstein** work closely with District Attorney Green in supervising the work of the Office. **Ken Hyland** is in his **29th year in the District Attorney's Office**. He has tried more than 100 felony cases, including more than 30 homicides and attempted homicides. As First Assistant, Hyland oversees the Homicide, Major Felony, Special Investigations, Arson and Appeals Bureaus. He also continues to personally prosecute major cases, particularly homicides.

Larry Bernstein has been with the Office **for 27 years**. He has prosecuted over 30 homicides and attempted homicides, and over 100 other major felony cases. As Second Assistant, Bernstein oversees the Domestic Violence, Economic/Computer, Non-Violent Felony, DWI, Local Court, Victims Assistance and Grand Jury Bureaus. He also continues to prosecute homicides and major felony cases.

The various Bureau Chiefs and Deputy Bureau Chiefs directly supervise the day-to-day work of the attorneys in their respective Bureaus. In 2006, they were:

Bureau/Unit	Chief Prosecutor	Deputy
Major Felony	**Joanne Winslow**	**Sandra Doorley**
Special Investigations	**Timothy Prosperi**	**Ann Chase**

Appeals	**Wendy Lehmann**	**Kelly Wolford**
Domestic Violence	**Doug Randall**	**Kristina Karle**
Econ/Comp/Non-Violent	**Jennifer Whitman**	
DWI	**Christopher Rodeman/ Kristin Splain**	
Local Courts	**Vince Rizzo**	**William Gargan**
Arson Prosecutor	**Paul Irving**	
Grand Jury	**Bruce Goldman**	
Gun/Exile Liaison	**Ray Benitez**	
Victim/Witness Bureau	**Carrie Noble**	**Paula Penna**

Support Staff

The District Attorney's support staff ensures that all of the internal functions of the District Attorney's Office work smoothly. They keep case information up-to-date and accurate, prepare required documents correctly and in a timely manner, and ensure that the other segments of the criminal justice system operating in Monroe County (police, probation officers, judicial and court personnel, and the defense bar) are provided with the information they need to perform their jobs.

District Attorney Administrator Richard Christopher is ultimately responsible for the overall supervision of all non-attorney and non-investigative staff. In addition to managing all personnel functions (payroll, personnel issues, time off requests, and scheduling), he is also responsible for formulating the yearly budget request for the

District Attorney's Office (over $12,000,000 in 2005), monitoring expenditures, authorizing payments to vendors for supply purchases, and contracting with expert witnesses for their services. Another big part of the DA Administrator's duties is to seek out possible sources of grant funding, to apply for grants that would enhance the ability of the office to prosecute crimes, and to coordinate grant acceptance process through the Monroe County Legislature. Assisting the District Attorney Administrator in managing the support functions required to keep the office running smoothly are the following key personnel:

The **District Attorney Research Analyst, Gary Campanaro**, is responsible for processing all felonies. This involves reviewing, entering and making bureau assignments. Gary also assists in the Data Entry Operation.

Five **Data Entry Operators** are supervised by **Superior Court Calendar Clerk Vicki Smith**. The Data Entry Operators are responsible for opening cases in our case management system, and entering all information from Monroe County Court Dockets. This year's totals were 25,000 misdemeanor cases entered and 5,000 felony cases entered. Data Entry also maintains entering plea and sentence information.

Four paralegals are currently on staff assisting over 70 Assistant District Attorneys with Court and Trial preparation, collecting information and evidence for use in all cases.

Thirteen secretaries do all secretarial work for over 80 attorneys preparing all court and Grand Jury documents and maintaining case files. **Two receptionists** handle all inquiries from Law Enforcement, Attorneys, the public and victims/witnesses both in person and via telephone. All are supervised by **Confidential Assistant to the District Attorney Karen Farsace**.

Conrad Ziarniak is the **Acting Systems Administrator**, overseeing and administering the case management system, computer network and acts as liaison with County Information Services Department. He also troubleshoots problems, and advises the District Attorney and the District Attorney Administrator on potential future equipment and infrastructure requirements.

All of these primary support personnel also participate in committees which decide procedural issues involving preparation of court documents, data entry protocols, and case management and case processing workflows.

OUTREACH, TRAINING AND INTERNSHIP PROGRAMS

In addition to the day-to-day prosecution of crimes, the District Attorney's Office is engaged in a number of outreach and training programs for the betterment of the attorneys in the office as well as the community at large. These include:

- In-house Continuing Legal Education Courses to ensure that all attorneys are kept up to date new laws and decisions and improve their practice skills.

- Outside Continuing Legal Education sessions presented by the New York

Prosecutor's Training Institute, the National College of District Attorneys and National District Attorney's Association.

- Bringing in experts on important developments in criminal law, such as DNA testing.

- Involvement in various community-based groups focusing on criminal justice problems and victim advocacy.

- Internship programs with various local High Schools and Colleges. These interns provide invaluable support service, while learning about the criminal justice system.

2006 BUDGET HIGHLIGHTS

The District Attorney has maintained a budget for the past four (4) years with only a one (1) percent increase.

The District Attorney's Office received additional funding for its **Project Impact/Cease-fire** program in 2006. This joint program, launched in late 2003 with the Rochester Police Department, the Monroe County Probation Department, the Monroe County Sheriff's Office, and other law enforcement agencies as partners, targets gang violence and drug and gun-related crime in the City of Rochester. Funding was increased to $1,410,000 for the period July 1, 2006 through June 30, 2007, an amount that is more than two and a half times more that the original 2004 award. The District Attorney's Office share of this funding increased by more that $200,000 over the previous year's amount.

The District Attorney's Office also continued to receive grants from the **New York State Division of Criminal Justice Services** to target auto theft and suspected instances of auto insurance fraud in Monroe County (the **Motor Vehicle Theft and Insurance Fraud Prosecution Program**), to monitor participants in drug treatment programs (the **STEPS/Road to Recovery Program**), to enhance the prosecution of repeat violent felony offenders (the **Aid to Prosecution Program**), to prosecute individuals and businesses that fail to pay income, sales, and employment taxes and recoup the lost tax revenue caused by these crimes (the **Crimes Against Revenue Program**), and to support the victims of violent crime in Monroe County (the District Attorney's Office **Victim/Witness Assistance Bureau**). Aggregate funding for these programs increased by more than $40,000 over the previous year's amounts.

In addition to securing continued funding for these programs, new funding in the amount of $100,000 was obtained from the **New York State Division of Criminal Justice Services** to expand the capacity of the District Attorney's Office to respond to appeals convicted felons.

PROJECT SAFE NEIGHBORHOODS REPORT

John Klofas and Nicholas Petitti of the Rochester Institute of Technology have prepared an independent report regarding the prosecution of felony cases by the Monroe County District Attorney's Office Working Paper #124, June 26, 2007. This report can be viewed at the below website.

http://www.monroecounty.gov/da-index.php

District Attorney Mike Green welcomes any comments from the public regarding the performance of the office. Just visit the District Attorney website above and click on the "e-mail" button.