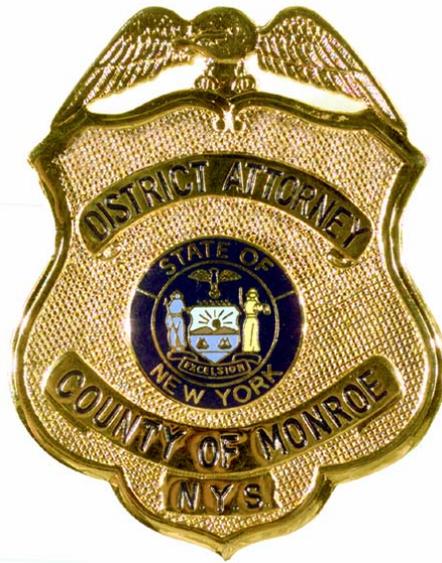


Monroe County District Attorney's Office



2007 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

2007 was a productive and gratifying year for the District Attorney's Office and me personally. As an office we continued to fight crime and work to make our community safer. Acting on our belief that true long term crime prevention must include not only good police work and prosecution, but also efforts aimed at the social factors underlying crime, we continued and build on our partnership with the Boys and Girls Clubs of Rochester.

One area that stands out this year and throughout my first term, is our effort to combat violent crime and firearms. We changed plea policies and the way we prosecuted cases in large part to hold more violent felons and gun carrying criminals accountable and get them off our streets, and this year we continued to get great results as you will see in this report. We could not have accomplished this without the help of our partners, including all of the police and law enforcement agencies we work with, the United States Attorney's Office, Gary Mervis and the Project Exile Advisory Board, and John Klofas and his "crew", who help with the research that guides our work.

I am equally proud of successes we have achieved in other areas as. We continued to emphasize the prosecution of child abuse and domestic violence cases, and our partnerships with the Bivona Child Advocacy Center, the Domestic Violence Consortium and others have been invaluable. We continue to be a state leader in DWI prosecution. With assistance from New York State, we are at the forefront in many areas of non-violent crime and white collar prosecution, including motor vehicle theft and crimes against revenue (tax fraud). Our drug prosecutions continue to target major drug dealers and also seize proceeds of illegal activity, some of which go to our crime prevention programs. Our Appeals Bureau is one of the best in the state.

Where we can do so without jeopardizing public safety, we continue to look to use effective alternatives to incarceration, like probation, Drug Court, Mental Health Court, Road to Recovery and the Pre Trial Diversion program to address the issues that lead people into the criminal justice system, reduce recidivism, and ultimately save the taxpayers money.

During my re-election campaign, I spent time in every part of our county. I received overwhelmingly positive feedback from the community regarding the job the District Attorney's Office is doing in the face of substantial challenges. I have always worked to run an office that serves everyone, regardless of economic status, race, or political affiliation. I was particularly gratified that on election day, I won every town in Monroe County as well as the City of Rochester. I will close this message with a very sincere thank you to the people of Monroe County for your support, to all of our partners for your invaluable assistance, and to the hard working members of the Monroe County District Attorney's Office for all your hard work and another job well done!

**MONROE COUNTY DISTRICT ATTORNEY’S OFFICE
2007 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 2007 as well as thousands of traffic violations in town and village courts. 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 **79 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.

2007 Project Step-Up Program Report



Sponsored By:
Monroe County District Attorney's Office

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 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 and developing employment opportunities.

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 keep 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 191 in 2007. 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 191 youth that participated also participated in STREET SMART.
- Participants thought the STREET SMART curriculum was informative, and taught ways to avoid conflict.
- Participating teens acknowledged a need for additional support in literacy
- Participants 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.

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

2007 ADDITIONAL ACHIEVEMENTS:

1. This year the Rochester Police Department was actively involved by assigning a school resource officer each night of the program. The partnership allowed the Rochester Police Department an opportunity to interact with participating Step Up members.
2. Corporations like Palmer Foods, Kyler Construction, and Henderson Automotive were instrumental in providing employment opportunities, and/or employment skills training to Project Step Up participants who expressed an interest in seeking employment. Bryant & Stratton was one of many companies that provided young people with information on job training and the connection between school and the world of work. Bryant and Stratton brought Rochester Razor Sharks coach Rod Baker to provide the participants with a motivational speech on preparing for the future.
3. Finally, Project Step Up continues to produce participants who are pursuing a college education. This past year 5 more Project Step participants graduated from local colleges and serve as an inspiration to other participants in the league.



Dwayne Mahoney, Executive Director of the BGC says:

“The Boys and Girls Club is pleased to work with the Monroe County District Attorney’s Office as both agencies understand the critical need in providing high quality prevention programs to offset crime activity and give our city teens a safe place to be after dark”.



HOMICIDE BUREAU

THE HOMICIDE BUREAU prosecutes those accused of the ultimate crime - the taking of the life of another. 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 2007 included:

Kevin “Deuce” Lewis was convicted of Murder in the second degree for killing **Leroy Buggs** on Dewey Avenue in the City of Rochester. Lewis was also convicted in a second trial of Attempted Murder in the second degree, Assault in the first degree, Robbery in the first degree and Burglary in the first degree. **Kevin Lewis** received a total sentence of 65 years to life for both incidents. This case was prosecuted by Assistant District Attorney **Michelle Crowley**.

Eric Hill was convicted of two counts of Murder in the second degree for a double homicide involving the deaths of **Marvin Joseph** and **Marvin Crawford**. This incident occurred outside the Garage Door restaurant on Ridge Road in Rochester in September, 2005. Eric Hill was sentenced to a total of 50 years to life. This case was prosecuted by Special Assistant District Attorney **Vince Rizzo**.

Donyell McKenzie was convicted of Murder in the second degree in connection with the stabbing death of his girlfriend, **Tiffany Porter**, on Rosewood Terrace. **McKenzie** had stabbed the victim to death in front of her seven year old daughter only three days before Christmas. **McKenzie** was sentenced to the maximum sentence of 25 years to life. This case was prosecuted by Special Assistant District Attorney **Kristina Karle**.

Jessica Santiago was convicted of two counts Murder in the second degree for smothering her two year old son, **Lashawn Dunbar**, on Weld Street in Rochester. **Santiago** was sentenced to 20 years to life. Both **Donyell McKenzie** and **Jessica Santiago** were prosecuted by Special Assistant District Attorney **Kristina Karle**

Christopher Hunter was convicted of Murder in the second degree in connection with the stabbing death of his estranged wife, **Melissa Hammond**, on Avenue D in the City of Rochester. **Hunter** was sentenced to the maximum sentence of 25 years to life. This case was prosecuted by Assistant District Attorney **Jason MacBride**.

Christopher Gifford, was sentenced to 50 years to life in connection with the

homicides of **Patricia Daggett**, from November, 1995 and **Lachelle Weaver**, from August, 1996. His accomplice in the Daggett homicide, **Howard Wright**, was sentenced to 25 years to life for his involvement in Daggett's murder. Both cases were prosecuted by Special Assistant District Attorney **Sandra Doorley**. These convictions were the result of a single investigative lead that came to light through the DNA data bank of convicted offenders.

Steven Simard was sentenced to 25 years to life in connection with the murder of **Jeannette Washburn**. Ms. Washburn had been beaten with a hammer and had her throat slashed before her body was dumped near Irondequoit Bay. His accomplice, **Rosa Resto**, was sentenced to 13 years upon a conviction for Manslaughter in the First Degree. Both cases were prosecuted by Special Assistant District Attorney **Sandra Doorley**.

Luis Velazquez was convicted of Murder in the second degree and sentenced to 25 years to life in connection with the drug-related shooting of **Noel Olmeda Ortiz** on Murray Street. This case was prosecuted by Special Assistant District Attorney **Ann Chase**.

Paul Linnan was convicted after trial of Murder in the second degree for the bludgeoning death of his girlfriend, **Donna Sokolski**, on Dudley Street in 2001. He was sentenced to the maximum sentence of 25 years to life. This case was prosecuted by Special Assistant District Attorney **Jennifer Whitman**.

LIFE SENTENCES IN MURDER PROSECUTIONS - 2007

<u>DEFENDANT</u>	<u>CRIME</u>	<u>SENTENCE</u>
KEVIN LEWIS	Intentional Murder	65 years to LIFE
CHRISTOPHER GIFFORD	Intentional Murder	50 years to LIFE
ERIC HILL	Intentional Murder	50 years to LIFE
HOWARD WRIGHT	Felony Murder	25 years to LIFE
CHRISTOPHER HUNTER	Intentional Murder	25 years to LIFE
PAUL LINNAN	Intentional Murder	25 years to LIFE
DONYELL MCKENZIE	Intentional Murder	25 years to LIFE
DEMETRIUS SAMPSON	Intentional Murder	25 years to LIFE
STEVEN SIMARD	Intentional Murder	25 years to LIFE
LUIS VELAZQUEZ	Intentional Murder	25 years to LIFE
JESSICA SANTIAGO	Intentional Murder	20 years to LIFE
EUGENE RUSH	Intentional Murder	15 years to LIFE
ELDRED JOHNSON	Intentional Murder	15 years to LIFE

During the year 2007 the District Attorney's Office successfully prosecuted thirty-four homicide cases.

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 1188 new felony cases in 2007.

The attorneys working in the Major Felony and Gun Bureaus obtained felony convictions in 673 major felony cases in 2007. Their overall Superior Court conviction rate for 2007 was 92% - 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:

- **Charles "KB" Wilson and Kenneth Boykins**, who were each convicted of Robbery in the First Degree, for their role in the gunpoint robbery of Ramon Releford. Mr. Releford arrived home with his three children, only to find Wilson and Boykins already in his home, demanding money from him and shooting him when he had little to offer them. In the process of shooting Releford repeatedly, they stuck his 10 year old son in the legs, and left Mr. Releford for dead. The defendants were sentenced to determinate sentences in state prison of 82 years each.
- **James Parker**, who was convicted of Assault in the First Degree, for repeatedly shooting a handgun at two young men who were walking down the street, hitting one of the victims in the leg while striking the other victim seven times, many of those shots fired as the victim was trying to crawl to safety after being struck in both feet with bullets, and unable to walk. He was sentenced to 45 years in state prison.

- **Derek McNeil** was convicted of Assault in the First Degree for hiding in a local auto shop and lying in wait for the victim to arrive so the defendant could shoot him. After the victim arrived and began repairing a vehicle, the defendant burst out of his hiding spot and fired a barrage of bullets, shooting the victim and a friend of the victim. The defendant, before fleeing the auto shop and the state, stood over the victim who lay on the floor, bleeding, and fired several more shots into the victim's chest. The defendant was sentenced to 40 years in state prison.

In 2007, the Major Felony Bureau successfully prosecuted a number of defendants under New York's Persistent Violent Felony Offender Law, which allows for Life sentences in cases of repeat offenders who are shown to be persistently violent pursuant to that law.

DEFENDANT	CRIME COMMITTED	SENTENCE
George Herring	Attempted Aggravated Murder	40 years to LIFE
Calvin Mays	Robbery in the First Degree	25 years to LIFE
Turemail McCullough	Robbery in the First Degree	22 years to LIFE
Anthony Colbert	Sexual Abuse in the First Degree	16 years to LIFE
Rickey Owens	Burglary in the Second Degree	16 years to LIFE
Victor Gilchrist	Attempted Robbery in the Second Degree	14 years to LIFE

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

DEFENDANT	CRIME COMMITTED	SENTENCE
Jimmy Vega	Burglary in the Second Degree	42 years
Christopher Wester	Kidnapping in the Second Degree	23 years
Davis-Wright	Robbery in the First Degree	20 years
Kevin Lipford	Robbery in the First Degree	19 years

DEFENDANT	CRIME COMMITTED	SENTENCE
Brian Harmon	Robbery in the First Degree	18 years
Joyce Powell	Burglary in the First Degree	16 years
Jaquan Johnson	Robbery in the First Degree	15 years

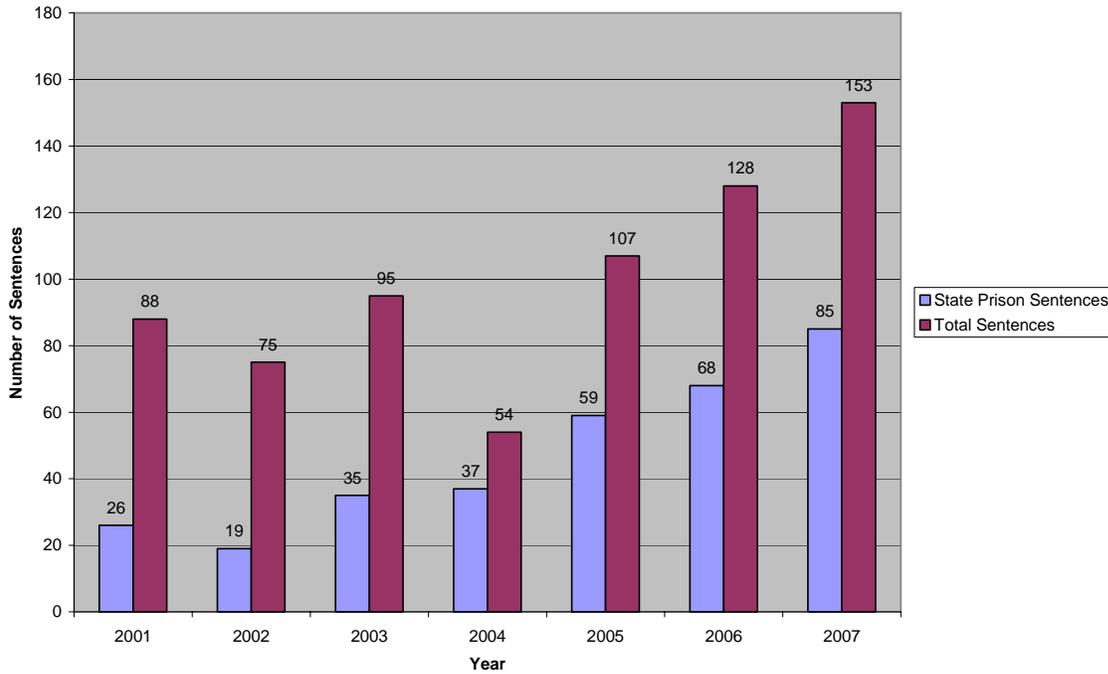
GUN BUREAU/PROJECT EXILE

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 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 2007, under the supervision of Ray Benitez. Prosecutors working in the Gun Bureau have been seeking 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 fourth year in a row, the sentence most often imposed for felony gun possession was state prison. In addition, 75% 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 at the Monroe County Jail.

Felony Gun Sentences 2001-2007



ARSON BUREAU

ARSON UNIT

The Arson Unit is under the direction of Paul Irving. Paul Irving has had extensive arson prosecution training from the Bureau of Alcohol Tobacco Firearms and Explosives at the Federal Law enforcement Training Center in Glynco Georgia. The training covered investigative methods and techniques, cause and origin determination, arson strategies and trial tactics. He has also attended training seminars conducted by the Rochester Police Department Bomb Squad and the Bureau of Alcohol Tobacco Firearms and Explosives in explosives investigation.

The Arson Unit is responsible for the investigation and prosecution of arson and explosives cases. The unit works closely with local fire investigators and the Bureau of Alcohol Tobacco Firearms and Explosives agents to achieve outstanding results in arson and explosive prosecutions. The unit has also worked with both local and federal law enforcement to conduct undercover investigations of the unlawful manufacture and sale of improvised explosive devices.

Some examples of the type of cases that the unit handled in 2007 include:

Victor Deponceau - Frank Povoski, Jr. was indicted on four counts of Arson Third Degree and one count of Criminal Mischief Second Degree for lighting 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. While Povoski was in custody during the investigation, Deponceau was the main player on the outside. 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, Deponceau was indicted on four counts of Conspiracy in the Second Degree for plotting to kill or kidnap the two witnesses, and two counts of Conspiracy in the Fifth Degree for conspiring to have witnesses commit perjury at his upcoming trials. Deponceau was convicted on all counts after a jury trial and received a sentence of ten to twenty years consecutive to ten to twenty years in the New York State Department of Corrections.

Ilia "Nikki" Santini- Another co-conspirator of Frank Povoksi's in the plot to kill witnesses in his Arson case. She cooperated with the Sheriff's investigators and the District Attorney's Office in the case against Povoski and Deponceau and eventually testified in Deponceau's jury trial. Her testimony was crucial in proving that Deponceau was guilty. For her cooperation she received a sentence of two to six years in the New York State Department of Corrections

Artemio Morales - Indicted for Arson Third Degree for setting fire to a vacant building. He pleaded guilty to the indictment and received a sentence of two to six years in state prison

SPECIAL INVESTIGATIONS BUREAU

SPECIAL INVESTIGATIONS BUREAU

The Special Investigations Bureau (SIB) primarily handles the prosecution of drug offenses. The Bureau Chief is Timothy L. Prosperi and the Deputy Chief is Ann Chase. There are six other attorneys assigned to SIB.

2007 was a productive year for the attorneys and staff of SIB. In addition to handling a large volume of drug prosecutions, members of SIB advised the police agencies during investigations and also 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. Members of the Special Investigation Bureau also prosecute Homicide cases which often times are drug related.

Drugs and violence in our community have been directly correlated and the District Attorney's Office together with various police agencies have implemented strategies through Project Impact, Ceasefire, and VEST to vigorously prosecute drug and violent offenders in an effort to make our neighborhoods a safer place to live.

Bureau Statistics

During 2007, SIB took in a total of 874 felony cases, and closed 879 cases from both 2007 and prior years. In 2007, the bureau had a 98% Superior Court conviction rate..

Trials and Significant Pleas

Significant drug and homicide pleas and trials conducted by members of SIB in 2007 included the following:

-Defendant **Luis Velazquez** was convicted after a jury trial of the crime of Intentional Murder in the Second Degree, relating to the shooting death of the victim at the victim's home, and the defendant was sentenced to an indeterminate prison term of twenty-five (25) years to life;

-Defendant **Carlos Pichardo** was retried and convicted after a jury trial of the crime of Criminal Possession of a Controlled Substance in the First Degree for possessing about 4 kilograms of cocaine, with a wholesale value of about \$ 100,000. The defendant was sentenced to a prison term of 19 years.

-Defendant **Alfredo Ariosa** pled guilty to the crime of Criminal Possession of a Controlled Substance in the First Degree, after an investigation that included the execution of court ordered wire taps and the seizure of both a kilogram of cocaine and a gun, and he received a prison sentence of 13 years.

-Defendant **Rafeal Belliard** pled guilty during trial to the crime of Criminal Possession of a Controlled Substance in the First Degree and was sentenced to a prison term of 12 years.

There also were over 25 defendants that were major dangerous drug dealers who received prison sentences of at least five years or more.

Wire Tap Investigations

In 2007, wire tap investigations were conducted in both drug investigations, as well as as part of homicide investigations.

One significant drug wire tap investigation conducted by SIB and the Greater Rochester Area Narcotics Enforcement Team (GRANET) involved the distribution of marijuana in Monroe County. This local investigation ultimately resulted in the seizure of about 800 pounds of marijuana from a drug supplier in the Bronx. The marijuana market like other drug markets has been associated with violence in Rochester, including numerous homicides in the last several years.

Violence reduction/ Project Exile

In 2007, 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.

Drug Treatment

In 2007, there were 79 felony cases transferred to the Drug Treatment Court, and 22 defendants who were referred to the State Willard Drug Treatment 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 2007 our office received approximately \$ 36,177. in federal adoptive forfeiture monies.

SIB also continued in its efforts of 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 2007, the District Attorney's office initiated state proceedings to forfeit approximately \$ 39,255.00, and our office is earmarked to receive approximately \$ 5,888.00 of those funds, Monroe County is to receive \$ 4,710.00, and the City of Rochester is to receive \$ 14,132.00.

APPEALS BUREAU

The Appeals Bureau functions primarily to preserve convictions obtained after pleas and trials in courts of all levels in Monroe County. It is supervised by Chief of Appeals Wendy Lehmann and Deputy Appeals Bureau Chief Kelly Wolford.

We filed more than 200 briefs on direct appeal in 2007. Two convictions were affirmed in the Court of Appeals. In the 183 appeals decided by the Appellate Division in 2007, we had a more than 90% success rate in preserving convictions. Those decisions include the affirmances of 23 homicide convictions: Rocky DeCapua, Charles Pierre, Rafael Diaz, Dean Manor, Terrance Washington, Derrick Carter, Ukiah Atkins, Darlena Lopez, Terry Manuel, Ronald McFadden, Antonio Williams, Jose Santiago, Rahad Ross, Lucius Wright, Shawn Collier, Cornelius Green, Edwin Morales, Jerold Ponder, Brandon McGrady, Joseph Mullen, Larry Vought, Jesse Jamison, and Danny Hopkins.

This year we have defended about 70 cases on collateral attack in the County and Supreme Courts.

In federal courts, both the District Court for Western New York and the Second Circuit, we have responded to more than 40 petitions for habeas corpus relief brought by prison inmates.

The Bureau handles all cases involving fugitives from other jurisdictions arrested in Monroe County. In 2007, 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 from 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 distribute regular summaries of decisions from the United States Supreme Court, the New York Court of Appeals, and the Fourth Department Appellate Division; provide ongoing advice and research on current issues; and organize continuing legal education support. Deputy Bureau Chief Kelly Wolford is in charge of the Continuing Legal Education Seminars. Held twice yearly, these training sessions, which are certified by the New York State Continuing Legal Education Board, allow prosecutors to 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.

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 Bureau Chief Kristina Karle.

Staff and Workload:

The bureau consists of eight (8) attorneys with the combined prosecutorial experience of nearly forty five (45) years. They are a cohesive, dedicated unit that prosecutes many very difficult cases that involve extremely vulnerable victims. The bureau includes experienced, passionate, and successful trial attorneys. Each attorney receives training in dealing with victims of domestic violence and interviewing child witnesses. The attorneys in the Domestic Violence Bureau work closely with the Monroe

County Domestic Violence Consortium, Lifespan, the Bivona Child Advocacy Center, the National Center for Missing and Exploited Children, the NYS Office of Children and Family Services and Monroe County's Child Protective Services. This year bureau members attended various conferences including the 17th Annual National Conference on Domestic Violence, the Dallas Crimes Against Children Conference, the Department of Justice's Project SAFE CHILDHOOD Conference, the NYS Child Advocacy Resource and Consultation Center Forensic Interviewing Best Practices Course, and the NYS Office for the Prevention of Domestic Violence Family Justice Conference.

The Bureau handled over six hundred fifty (650) felony cases in 2007, including numerous homicide cases. The attorney assigned to the Integrated Domestic Violence Court, which assigns a single judge to handle all aspects of a misdemeanor domestic case, handled over 400 criminal cases. The Court adjudicated approximately the same number of associated civil matters (family court and or matrimonials)

Numerous high profile and serious cases were successfully prosecuted last year:

Eloy Colon: this defendant was convicted after a jury trial of Criminal Sexual Act in the First Degree, on February 2, 2007, before Hon. John J. Connell, County Court. He was sentenced to the maximum term of 25yrs in the NYS Dept of Corrections., 5 yrs post release supervision on March 2, 2007.

People v. Lawrence Presha: The defendant was charged with Sodomy in the First Degree (2 counts). Honorable Alex Renzi sentenced the defendant to 18 years in the New York State Department of Corrections.

Daniel Delgado: the defendant pled guilty to an indictment charging him with Assault in the First Degree, and Attempted Murder in the Second Degree, before Hon. Francis Affronti, Supreme Court. He was sentenced on 9/18/07 to 14 yrs in the NYS Dept. Of Corrections, and 5 yrs Post Release supervision, for repeatedly stabbing the mother of his child.

People v. Michael Bennett (Pepper Hill Daycare Case): The defendant pled guilty to three separate counts of Sexual Abuse in the First Degree involving two separate victims under the age of five. The case was investigated by the Monroe County Sheriff's Office. The defendant was sentenced twenty one years in the New York State Department of Corrections by the Honorable Alex Renzi of Monroe County Court.

LaPadre Hampton was convicted of Rape in the First Degree on 2/15/07 , before Hon. Richard A. Keenan, County Court: and was sentenced on 3/29/07 to a term of 15

years in the NYS Dept. of Corrections, and 5 years post release supervision.

Eric Kennedy: was convicted after jury trial of Course of Sexual Conduct Against a Child in the First Degree and Sexual Abuse in the Second Degree on 5/2/07, and was sentenced on 6/6/07 to 12yrs in the NYS Dept. of Corrections, and 5 yrs. Post release supervision.

Darryl R. Brown: convicted after trial in Supreme Court of Criminal Sexual Act in the First Degree and sentenced to 15 years in Department of Corrections.

People v. Francsico Rosa-Rivera: The defendant was charged with Rape in the First Degree and Criminal Sexual Act in the First Degree. The defendant pled guilty to Rape in the First Degree and received a 15 year determinate sentence in the New York State Department of Corrections.

People v. Ronald Price: The defendant pled guilty to Criminal Sexual Act in the First Degree and Honorable Joseph Valentino sentenced the defendant to 13 years in the New York State Department of Corrections.

Solomon Snowden: pled guilty to Assault in the First Degree on 3/19/07 and was sentenced on 4/26/07 to 10 yrs in the NYS Dept. of Corrections, and 5 yrs. Post release supervision.

Glen Goff:was convicted after a jury trial of Criminal Sexual Act in the First Degree and three counts of Sexual Abuse in the Second Degree on 4/11/07, . He was sentenced on 5/21/07 to a term of 8 years in the NYS Dept. of Corrections with five years post release supervision.

Otis Stewart: pled guilty to three counts of Possessing a Sexual Performance by a Child for possessing child pornography, and was sentenced to three to nine years in the NYS Dept. Of Corrections on 10/3/07.

People v. Natalie Rivers: The defendant was charged with Course of Sexual Conduct against a Child in the Second Degree, Sexual Abuse in the Second Degree, Criminal Sexual Act in the Second Degree and Endangering the Welfare of a Child. A jury found the defendant guilty of all charges. Honorable Alex Renzi sentenced her 4 years determinate in the New York State Department of Corrections.

David Heil: A Rochester City School District Elementary Teacher, was convicted after a jury trial of two counts of Sexual Abuse in the first degree, and Endangering the Welfare of a Child, He was sentenced to three years in state prison and three years post

release supervision.

Mark Cole: pled guilty to three counts of Possessing a Sexual Performance by a Child and was sentenced to two and one third to seven years in state prison.(The defendant, a Livingston County Sheriff’s corporal, took his home computer into computer repair shop in Henrietta where child pornography was discovered and reported to MCSO)

Robert Crawford: the defendant was convicted Attempting to Disseminate Indecent Material to a Child after soliciting an undercover Sheriff’s deputy in an online chatroom. The conviction was based on the use of the defendant’s words to solicit sexual acts. This was a case of first impression in NYS and was later upheld by the Court of Appeals in the People v. Kozlow case.

THE FOLLOWING DEFENDANTS RECEIVED STATE PRISON SENTENCES

		Years
COLON, ELOY	Criminal Sexual Act 1st	25
HENDRICKS, ANDREW	Course of Sexual Conduct 1st	25
GAYDEN, JOHN	Course of Sexual Conduct 1st	22
BENNETT, MICHAEL	Sexual Abuse 1st	21
ANTONETTI, SANTOS	Criminal Sexual Act 1st	20
PRESHA, LAWRENCE	Criminal Sexual Act 1st	18
HAMPTON, LAPADRE	Rape 1st	15
HARRINGTON, MICHAEL	Course of Sexual Conduct 1st	15
RIVERA-ROSA, FRANCISCO	Criminal Sexual Act 1st	15
PRICE, RONALD	Rape 1st	13
RAJAB, RAMADHA	Rape 1st	13
THOMAS, CHESTER	Criminal Sexual Act 1st	13
BATTAGLIA, DANIEL	Criminal Sexual Act 1st	12
KENNEDY, ERIC	Course of Sexual Conduct 2nd	12
BROOKS, JASON	Assault 1st	10
SNOWDEN, SOLOMON	Assault 1st	10
GREER, ANDREW	Course of Sexual Conduct 1st	9
BERRY, JOE LEE	Burglary 2nd	8
SCHIRMER, PATRICK	Rape 1st	8
SMITH, ANTOINE	Robbery 2nd	8
BAKER, LEONARD	Course of Sexual Conduct 2nd	7.5
BROWN, CHARLES	Attempted Criminal Sexual Act 1st	7
COPE, STEPHEN	Sexual Abuse 1st	7
MILLER, JOSHUA	Attempted Criminal Sexual Act 1st	7
MOSS, DWIGHT	Course of Sexual Conduct 1st	7
TAE, SUNG B	Rape 1st	7
GISCOMBE, ANTHONY	Rape 1st	5
WARNER, CARL L	Rape 1st	5
HEARD, ALEX J	Assault 2nd	4.5
CAMPBELL, CHRISTOPHER	Sexual Abuse 1st	4
RIVERS, NATALIE	Course of Sexual Conduct 2nd	4
HOLT, MARK	Attempted Criminal Sexual Act 1st	3.5

JONES, JOANN	Attempted Assault 1st	3.5
BAKER, THOMAS	Sexual Abuse 1st	3
CLINKSCALES, CALVIN	Assault 2nd	3
FRAISAR, GREGORY	Burglary 1st	3
HEIL, DAVID	Sexual Abuse 1st	3
KIESZNOWSKI, KEVIN	Criminal Sexual Act 1st	3
MORRISON, PATRICK	Reckless Assault on a Child	3
PRESLEY, ROYCE	Sexual Abuse 1st	3
SAMPSON, JOSHUA	Sexual Abuse 1st	3
SNYDER, JAMES	Course of Sexual Conduct 2nd	3
TORRES, RAMON	Sexual Abuse 1st	3
TRAVET, RODNEY	Course of Sexual Conduct 2nd	3
HARVEY, LAMAR	Attempted Burglary 2nd	2
ROBINSON, CEPHUS	Attempted Burglary 2nd	2
WHITE, JARRETT	Attempted Robbery 1st	2
DALE, WILLIAM	Attempted Criminal Contempt 2nd	
SMITH, JOHN AL	Criminal Contempt 2nd	
GOWDY, DARRELL	Sexual Misconduct	
HALTER, ROBERT	Sexual Abuse 1st	
STEWART, OTIS	Att. Disseminating Indecent Mat.	3
VAN WAGNER, JAMES	Att. Disseminating Indecent Mat.	2.3
EICHEL, TRACY	Forgery 2nd	2
JAMES, KENARDO	Reckless Endangerment 1st	2
JOHNSON, KEVIN	Criminal Contempt 2nd	2
MYLES, JOSEPH	Att. Failure to Register Sex Off.	2
WILKINS, WENDY	Rape 3rd	1.33
EDWARDS, MATTHEW	Attempted Assault 2nd	1
FICK, ALAN	Criminal Contempt 1st	1.5
HEARD, JAMES	Rape 2nd	1
KERBER, DAVID	Attempted Assault 2nd	1
MACKEY, ALAN L	Rape 2nd	1
OSBORN, ALBERT	Criminal Contempt 1st	1
ROBINSON, DERRICK	Rape 3 rd	1
SCHROM, BRIAN	Burglary 3rd	1
WEBB, DIAMOND	Reckless Endangerment 1st	1.5
WHITMORE, MICHA	Grand Larceny 3rd	1
WILSON, SHUN	Criminal Contempt 1st	1.5

CLASSIFICATION OF SEX OFFENDERS

The bureau continued to coordinate the classification and registration of sex offenders pursuant to Megan's Law (Corrections Law Article 6, Section 168), working in conjunction with the U.S. Marshall's Service, the Monroe County Sheriff's Office, the Rochester Police Department, the NYS Board of Sex Offender Examiners, and the NYS Department of Corrections.

COMMUNITY OUTREACH

Bureau members sit on numerous boards and agencies. They volunteer as coaches in youth baseball, hockey and the law explorers program.

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 1050 cases in 2007. The total superior court conviction rate for the bureau is approximately 97%.

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 3030 in 2006.

VIN Etching Program: One VIN etching program was held in Monroe County in 2007. 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. The program was held on November 8, 2007 and was done jointly with the Task Force at the St. Paul Boulevard Fires Department in the Town of Irondequoit. Approximately 65 vehicles were etched at this session..

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 charged the ringleader Thomas Boyde IV with staging accidents from 2002 to 2005, some involving U-Haul trucks. The Defendant plead guilty

to Grand Larceny and Insurance Fraud felonies and was sentenced to 5-10 years in state prison as a Second Felony Offender on January 8, 2008.

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 360 cases. In addition to those cases, members of the bureau also aid law enforcement personnel in investigating financial crimes.

The Financial Crimes Unit with the aid of the New York State Police Department and Food and Drug Administration ended a long investigation into allegation of body stealing, grave robbing and unlawful dissection involving three (3) funeral homes in Monroe County and Bio-Medical Technologies. The Grand Jury indicted seven (7) individuals in a 179 count Indictment charging Public Health Law and Penal Law crimes.

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

Clemmon Jones-The Defendant was convicted of Criminal Possession of a Forged Instrument in the Second Degree, two counts, for possessing fake ID documents. A persistent felon hearing was requested by the assistant district attorney handling the case and the Judge ruled the defendant was a persistent felony offender. The Defendant was sentenced to 15 years to life in state prison.

Gerard aka Gerald Ippolito- The Defendant was convicted after a jury trial of bilking an 87 year old woman of approximately \$700,000 by using a Power of Attorney. The jury convicted the Defendant of Grand Larceny in the Second Degree and numerous counts of Criminal Possession of a Forged Instrument in the Second Degree. On October 31, 2007, the Defendant was sentenced to 14 ½ to 29 years in state prison.

Todd Clifford-The Defendant pled guilty to Forgery in the Second Degree, Grand Larceny in the Third Degree, Grand Larceny in the Fourth Degree and Bail Jumping. The Defendant was working as a contractor in Monroe County and taking deposits for work that he never performed. As a result of his plea, he received a sentence of 6-12 years in state prison.

John Szymonek-Another contractor who would accept deposits and then never do any work also pled guilty and is serving a state prison sentence. The Defendant pled guilty in September, 2007 and in November, 2007 received a 2 to 4 years

sentence in state prison.

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, eight defendants have pled guilty and paid over \$308,000 in income tax or under-reported sales tax to New York State on their previously unreported income or sales tax. In 2007, the Monroe County District Attorney's Office was able to return \$48,036.61 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. Christopher K. Rodeman was Bureau Chief for 2007 and was succeeded by Julie M. Finocchio.

While the Monroe County District Attorney's Office takes a tough stance 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. This year 148 cases were referred to the PTD program, 110 cases successfully completed the program, an 80% rate.

VEHICULAR ASSAULTS AND HOMICIDES: The DWI Bureau prosecuted a number of defendants in 2007 for their involvement in vehicle related deaths or serious injuries.

Samuel Sierra was found guilty of Manslaughter in the Second Degree, Vehicular Homicide in the Second Degree and Driving While Intoxicated after jury trial. He was driving on Portland Avenue at a high rate of speed with a BAC of .17 and ran the red light at the intersection of Portland and Norton. He struck the vehicle being driven by Michael Civiletti throwing his car into an adjacent building killing Mr. Civiletti instantly. He was sentenced to the maximum term 7 ½ to 15 years in state prison.

Vanessa McKinney was convicted after jury trial to Leaving the Scene of a Personal Injury Accident involving death. McKinney was driving on St. Paul Street in the City of Rochester and struck twenty-six year old Social Worker Bertina Forde as she crossed the street in a designated cross-walk. McKinney did not stop and fled the scene. She was sentenced to the maximum term of 2 1/3 to 7 years in State Prison.

Bryan Glass plead guilty to Assault in the First Degree. In January of 2007, 19 year old Glass was at a house party on Brayer Street in the City of Rochester. He became involved in a fight with other party goers. After the fight was over, Glass drove away in his car, then turned around and intentionally drove into a group of people standing on the sidewalk containing a person whom he had fought. Glass struck Kevin Sedita and Justin Helm injuring both individuals. Justin Helm sustained permanent head injuries as a result of being struck. Glass was sentenced to 15 years in State Prison.

Michael Mattot plead guilty to Vehicular Assault in the second degree for causing serious injuries to 20 year old Daniel Munson. Mattot was driving on Rt 31 in the Town of Sweden behind a pick up truck being driven by **Carl Turner**. As Mattot's vehicle was weaving severely, it struck the pickup truck that Turner was driving causing it to be thrown into the opposite lane of oncoming traffic striking the car being driven by Daniel Munson. Turner fled the scene on foot. Mattot had a blood alcohol level of .17. He was sentenced to 1 to 3 years in State Prison. **Carl Turner** plead guilty to Leaving the Scene of a Personal Injury Accident and was sentenced to 1 year in jail.

Karen Green was convicted of Reckless Driving after a jury trial in connection with the death of Robert Crump, a passenger in her vehicle. Crump's death was caused by Green losing control of her car resulting in a crash after engaging in acts of road rage with another vehicle.

MONROE COUNTY IS THE STATE LEADER

The DWI Bureau was assigned 764 felony cases in 2007. In total, the bureau had a total superior court conviction rate of 97%.

The chart below shows that in 2007 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 2007)
(Counties with over 1000 convictions)

COUNTY	2007 DWI	2007 DWAI	TOTAL CONVICTIONS	2007 DWI %
MONROE	1516	725	2241	67.65%
ALBANY	580	935	1515	38.28%
BRONX	599	493	1092	54.85%
DUTCHESS	622	682	1304	47.70%
ERIE	1338	1930	3268	40.94%
KINGS	767	1337	2104	36.45%
NASSAU	1956	983	2939	66.55%
NEW YORK	557	1121	1678	33.19%
NIAGARA	431	678	1109	38.86%
ONONDAGA	672	957	1629	41.25%
ORANGE	978	929	1907	51.28%
QUEENS	1402	1780	3182	44.06%
SUFFOLK	2936	1524	4460	65.83%
ULSTER	459	596	1055	43.51%
WESTCHESTER	1227	1484	2711	45.26%

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

LOCAL COURT BUREAU

26,000 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. Furthermore, the "Zero Tolerance" initiative of the Rochester Police Department in the Fall and early Winter of 2007 resulted in arrests and ongoing prosecutions of hundreds of additional misdemeanor and violation cases in the Rochester City Court Bureau.

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 900 such cases were heard in 2007.

There are various other "specialty" courts and programs which are staffed and/or overseen by the Local Court 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 to protect the community and reduce 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 to adjudicated jointly in order to facilitate resolution of multiple related and/or unrelated issues between 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 a significant reductions in recidivism and savings in precious tax dollars to the citizens.

2007 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/ Menacing with a Firearm
 - 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 ADAs presenting cases, and 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 sit daily for a term of one month each. They are comprised of 23 citizens from the community.

In 2007, there were **1831 cases presented** to these two Grand Juries and about **63% 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 as crime victims and offer supportive services to victims and witnesses of crime. These services include, but are not limited to, assistance with Crime Victims Board applications, providing case specific information, court accompaniment, parole information, and referral services. Members of the Bureau also provide community education thru speaking engagements and written materials.

Throughout the year, advocates attend training offered by various criminal justice and 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 who 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.

Membership is held with The National Center for Victims of Crime, The Monroe County / City of Rochester Coalition for Crime Victims, Rochester / Monroe County Domestic Violence Consortium, and the Coalition for Crime Victims of Western New York.

INVESTIGATIONS BUREAU

The District Attorney's Investigation Bureau consists of 14 full and part-time investigators, each with more than 20 years of investigative experience as sworn police officers. These investigators are supervised by Chief Investigator Mark Kelley and Senior Investigator Robert Siersma.

Investigators provide important support services to assist prosecutors as they prepare their cases for preliminary hearing, grand jury and trial. These services include but are not limited to: locating and interviewing witnesses, subpoena service, the service of material witness arrest warrants, case review and analysis, crime scene review and analysis and witness protection.

Investigators with specific training and experience are assigned to specialized bureaus within the District Attorney's Office. The Major Felony Bureau, Special Investigation Bureau, Domestic Violence Bureau and the Economic Crime Bureau all have dedicated investigative support.

In 2007 Monroe County District Attorney Investigators served 23,778 subpoenas, conducted 24,942 interviews, provided transportation for 1,280 witnesses and conducted background investigations to locate 1,919 victims/witnesses. During this same time period investigators arrested more than 20 individuals on Material Witness Arrest Warrants.

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 **30th 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 28 years**. He has prosecuted more than 30 homicides and attempted homicides, and more than 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:

<u>Bureau/Unit</u>	<u>Chief Prosecutor</u>	<u>Deputy</u>
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/ Julie Finocchio	
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 2007), 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 the 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 26,000 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 79 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 79 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:

- I. 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.
- II. 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.
- III. Bringing in experts on important developments in criminal law, such as DNA testing.
- IV. Involvement in various community-based groups focusing on criminal justice problems and victim advocacy.
- V. Internship programs with various local High Schools and Colleges. These interns provide invaluable support service, while learning about the criminal justice system.

2007 BUDGET HIGHLIGHTS

New York State (DCJS) has dedicated over two million dollars in 2007 to Monroe County, City of Rochester and the District Attorney's Office for its **Project Impact/Cease-fire** program. 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. The County's share of this funding was increased to \$1,467,920 for the period July 1, 2007 through June 30, 2007; the District Attorney's Office share of this funding increased by \$178,074.00 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**), to support the victims of violent crime in Monroe County (the District Attorney's Office **Victim/Witness Assistance Bureau**), and to expand the capacity of the District Attorney's Office to respond to appeals by convicted felons (the District Attorney's Office **Aid to Prosecution Appeals Program**).

New funding in the amount of \$66,246.00 was obtained from the **New York State Division of Criminal Justice Services** for a **District Attorney Retention Program** to provide a financial incentive to experienced prosecutors to remain with the office. This new program was expanded and refunded for 2008.

District Attorney Mike Green welcomes any comments from the public regarding the performance of the office. Just visit the District Attorney website by entering the following link on your web browser: <http://www.monroecounty.gov/da-index.php>.