



ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

2014

ANNUAL REPORT

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A MESSAGE FROM THE DISTRICT ATTORNEY

In 2013, when I was seeking to become Orange County District Attorney, I announced a plan to take back our cities, to combat fraud, to improve communication between the District Attorney's Office, law enforcement, and other elected officials, and to reach out to the greater Orange County community. My overall goal is to promote the fair, impartial, and expeditious pursuit of justice, to hold offenders accountable, and to ensure that the welfare of victims always comes first. This report demonstrates the strides we made in 2014 toward accomplishing those goals, and highlights some of our successes. We will build on those successes in the years to come.

In 2014, conviction rates were up, but a prosecutor's effectiveness cannot be measured merely by how many offenders go to prison, or for how long. Some non-violent offenders benefit from drug treatment and probation supervision more than from incarceration. I have instructed my staff to formulate plea offers for non-violent offenders, and those who are not drug-dealers, that encourage offenders struggling with addiction to receive the treatment they need. In addition to prosecuting offenders, the job of the District Attorney is to educate the public on public safety issues and to be an advocate for crime victims. This report shows the work our newly-created Community Affairs Bureau, along with the rest of the office, has done to educate the general public, students, and elected leaders on the dangers of narcotics, drunk driving, and gun violence. Our public service announcements have won international awards and, hopefully, will dissuade those who might be tempted to commit crimes.

The District Attorney Office's proactive policy of education, treatment, and enforcement in narcotics cases has been copied by New York State. We have utilized specifically tailored drug investigations and prosecutions, along with our community prosecution initiatives, to focus on disrupting, displacing and dismantling the drug trade. Our interaction with community leaders has supported my belief that drug sellers are the major crime drivers who denigrate the quality of life in our communities. Our countywide drug sweeps in 2014 targeted narcotics dealers in all three cities, as well as in the surrounding towns. Those sweeps have been the result of community input, the cornerstone of community prosecution. I am grateful that over thirty law-enforcement agencies have been involved in those operations. The results have been astounding. In 2014, my office prosecuted 133 defendants for selling drugs, compared to only 55 similar prosecutions that occurred in 2013, before I took office. Twenty-one guns were recovered from those 133 dealers, showing the clear nexus between guns, violence, and the drug trade, and eleven were charged with selling on or near school grounds. The value of the narcotics seized in those operations was approximately \$4.1 million.

Our drug initiatives did not focus solely on seeking to incarcerate offenders. Over 20% of drug offenders, those who were not dealers, were recommended for treatment through court-

ordered diversion programs, or were recommended to Drug Court or probation. We have attempted to better the lives of those offenders who are addicted to drugs by a policy of education, treatment, and empowering them to resist the allure of illegal drugs.

Our efforts to proactively combat violent crime in 2014 included not only going after violent drug dealers, but helping to fund a gun buyback program in the City of Newburgh. In addition, under the Gun-Initiated Violence Elimination (GIVE) grant, we became part of an unprecedented partnership to combat gun violence, alongside the City of Newburgh Police Department, the Orange County Sheriff's Office, the Orange County Department of Probation, the parole side of the New York State Department of Corrections and Community Supervision, and the United States Attorney.

Our initiatives in 2014 to combat frauds that effect taxpayers' wallets have resulted in unparalleled success. We partnered with the Department of Social Services to combat welfare fraud in two enforcement actions. The effectiveness of those actions is clear. In 2014, a total of 115 welfare fraud cases were investigated in Orange County, with 48 being handled as civil matters and 67 being prosecuted criminally by the District Attorney's Office. The fraud represented by those cases was approximately \$748,000, and it is estimated that the costs that were avoided in 2014 by those investigations were approximately \$4.3 million. In contrast, in 2013, of a total of 71 cases, only seven were handled as criminal prosecutions and the cost avoidance was approximately half of what it was in 2014. The deterrent value of the enforcement actions was demonstrated by the fact that in the seventeen months before our first enforcement action, the County recovered only \$12,643 in voluntary recoveries. In the six months after that first action, there were almost \$100,000 in voluntary recoveries, all without bringing additional prosecutions.

In 2014, we proactively sought to prosecute violations of the Labor Law, and reached out to organized labor. The District Attorney's Office prosecuted 26 cases referred by the Department of Labor in 2014, and recovered over \$100,000 in unemployment fraud proceeds, ranking us ninth out of the state's 62 counties. We are striving to combat fraud in the workplace and have worked with labor unions to root out prevailing wage fraud, labor crimes and tax offenses. One example of the success of working with organized labor was a case where a union complaint was investigated, leading to an application for search warrants, and the prosecution of an electrical contractor for felony offenses.

Our efforts to educate the public and others resulted in the creation of our Community Affairs Bureau, which has made over 160 appearances at town board meetings, schools, and community events. We educated the public concerning law enforcement and safety issues, and they expressed their concerns about problems we could address in their communities, notably where drug dealers were operating. We have met with the County's police chiefs six times, and conducted Policemen's Benevolent Association summits to learn the concerns of rank and file

police officers. We have met with religious leaders and school superintendents and have supported anti-bullying programs. In conjunction with school officials, we created the Strategic Methods Aimed at Reducing Truancy (SMART) Program, designed to bring the authority of the District Attorney to bear on parents who neglect their responsibility to see that their children get an adequate education. We have attempted to foster good government by efforts such as working with a grand jury to produce a report outlining recommendations to improve Orange County's Ethics Law.

One of our most important initiatives was a restructuring of our DWI policy. This was done in consultation with the Orange County Police Chiefs and the New York State STOP-DWI chairperson. The new policy compels first time offenders to receive treatment, so that they might avoid becoming felons and killing people on the highways. Another important initiative in 2014 was our "Misdemeanors Matter" domestic violence initiative, aimed at enhancing domestic violence prosecutions in the local courts.

The budget we proposed in 2014 was 3.4% lower than in the previous year. Nonetheless, I pledge to continue to build on our successes, even as we struggle to do more with less. To that end, I have sought more in state and federal grants than ever before, in an effort to enhance our prosecution programs. Grant money supports the Crimes Against Revenue Program, the Misdemeanors Matter Program, and the GIVE Program. I hope that we can continue to supplement the cause of criminal prosecution in this County, together with other initiatives designed to reduce crime in our communities.

I am thankful for the privilege of being Orange County's District Attorney.

DAVID M. HOOVLER

WHO WE ARE

The Orange County District Attorney's Office (OCDA) is the twelfth largest district attorney's office in the State of New York. At the close of 2014, OCDA had an authorized legal staff of 42, which included District Attorney David M. Hoovler and 41 assistant district attorneys (ADAs). In 2014 the District Attorney hired eight entry-level ADAs to fill vacant positions. In addition, during 2014, OCDA had a staff of eleven district attorney's investigators and seventeen support staff, which included secretaries, receptionists, and records clerks.

Operations in OCDA are divided among three office locations. The main office at 40 Matthews Street in Goshen serves as home base for the District Attorney and the Chief ADA. In addition, the Goshen office houses the County Court Bureau, under the supervision of the Chief Trial ADA. The Goshen office also houses the bulk of the OCDA's investigative staff.

The County Court Bureau is comprised of several specialized prosecution units, each under the supervision of a Senior ADA or an ADA Grade IV. Those prosecution units are as follows:

The Narcotics and Gun Unit;

The Special Investigations Unit;

The Violent Crimes Unit;

The Special Victims Unit;

The General Crimes Unit.

The OCDA's Middletown satellite office is located on Orange County's Middletown Community Campus at 18 Seward Avenue. Two Executive ADAs supervise the daily operations in the Middletown Office. The Middletown office houses several OCDA bureaus. The Appeals Bureau is composed of an Executive ADA who supervises three ADAs. The Local Criminal Court Bureau is composed of twelve ADAs, under the supervision of a Senior ADA and one ADA Grade IV. The Special Projects and Community Affairs Bureau is made up of an Executive ADA and one ADA who acts as the OCDA's Community Affairs Coordinator.

The OCDA's Newburgh satellite office houses two ADAs who are assigned to the Local Criminal Court Bureau, and three district attorney's investigators.

THE COUNTY COURT BUREAU

Organization

In 2014, the Chief Trial Assistant District Attorney supervised the daily operations of the County Court parts, and was responsible for assigning ADAs to cover daily court calendars and directing and supervising felony litigation. The Chief Trial ADA also supervised the work of all of five felony litigation teams: Special Victims, Violent Crimes, Narcotics and Gun, Special Investigations, and General Crimes Units.

Operation

Litigation in County Court includes trials, pretrial hearings to determine the admissibility of evidence, and violation of probation hearings. ADAs also respond to hundreds of labor-intensive legal papers, called “motions,” which require the District Attorney’s Office to respond in writing.

Throughout this report, we will refer to cases against particular defendants. A criminal charge is merely an allegation that a defendant has committed a violation of the criminal law, and it is not evidence of guilt. All defendants are presumed innocent and entitled to a fair trial, during which it will be the State of New York’s burden to prove guilt beyond a reasonable doubt.

Caseload: 914 Dispositions/94% Conviction Rate

As of January 1, 2015, 914 felony defendants had their cases disposed of in 2014. Those dispositions included indictments filed in 2013, or earlier, but disposed of in 2014. A total of 856 of these defendants have been convicted so far.

In 2014, 839 defendants pled guilty in County Court, eighteen were found guilty after trial, and 36 cases resulted in acquittal or were dismissed. Additionally, 2.4%, or 22 cases, were disposed of in other ways, including defendants who were found not responsible by reason of mental disease or defect and committed to psychiatric institutions. Dismissals included cases in which evidence was suppressed or co-defendants “took the weight” and exculpated a co-defendant.

The 23 felony trials in 2014 amounted to a 26% increase over the seventeen trials completed in 2013. For statistical purposes, trials are counted by the number of defendants. Of the 23 trials that resulted in verdicts, eighteen defendants were convicted and five were acquitted. The overall 2014 felony conviction rate was 94%. As of January, 2015, there were 124 felony cases pending in County Court.

Significant County Court Cases

People v. Victor Koltun – City of Newburgh Murder in the First Degree

In 2010, the defendant conspired with two other men to murder Francis Piscopo. Koltun had been involved in a financial dispute with Francis Piscopo, who was demanding money from him. Koltun masterminded the conspiracy to have Francis Piscopo killed in order to avoid paying that debt, and recruited Frank Lewis and Craig Fennell to help him commit the murder. On November 4, 2010, Koltun lured Francis Piscopo to 12 Liberty Street in the City of Newburgh, under the guise of meeting to settle their financial dispute. In reality, it was Koltun's intention to have Francis Piscopo killed. When Francis Piscopo arrived at the meeting with his nephew, Gerald Piscopo, both were shot in the head and killed. Koltun's co-conspirators, Frank Lewis and Craig Fennell, pled guilty to Conspiracy in the Second Degree in 2011 and were sentenced to 12 ½ to 25 and 5 to 10 years in prison, respectively. After a four-week jury trial, Victor Koltun was convicted in February, 2014, of three counts of Murder in the First Degree, two counts of Conspiracy in the Second Degree, and Criminal Possession of a Weapon in the Second Degree. He was sentenced to two consecutive terms of life without the possibility of parole, one concurrent term of life without the possibility of parole, two consecutive terms of 8 1/3 to 25 years in prison, and one concurrent term of fifteen years in prison.

People v. David Stevenson – Port Jervis Murder/Arson

On January 15, 2013, David Stevenson, 39, of Port Jervis, murdered his live-in girlfriend, the mother of his child, by bludgeoning her to death with a hammer and by slashing her throat numerous times with a butcher knife. Stevenson then set fire to the Port Jervis home where he and the victim lived with her three children. The victim's dog also died in the fire. The apparent motive for the murder was the victim's plan to take her children and leave Stevenson. Stevenson had written a note stating that he could never be happy without the victim, and so no one should be happy. He was convicted after trial of crimes including Murder in the Second Degree and Arson in the Second Degree. Stevenson received sentences of 25 years to life for Murder in the Second Degree, consecutive to a 25-year sentence for Arson in the Second Degree.

People v. Jaquelle James – City of Newburgh Murder in the Second Degree

On January 6, 2014, Jacquelle James, 21, of Newburgh, and an accomplice were in his victim's car in the vicinity of Mount Saint Mary College in the City of Newburgh, attempting to rob him of marijuana. James shot the victim multiple times after pistol-whipping him. Following the shooting, the victim tried to flee, but his car struck a building on the campus of Mount Saint Mary College. Following an investigation by the City of Newburgh Police Department and the District Attorney's Office, aided by the police departments of the City and Town of Poughkeepsie, the United States Marshals Service, and Georgia law enforcement authorities, it was deter-

mined that James had committed the murder. James was extradited from Georgia and prosecuted. James pled guilty to Murder in the Second Degree and was sentenced to 22 years to life in prison.

People v. Gosford Lembhard – City of Newburgh Attempted Murder

On September 9, 2012, Gosford Lembhard, 27, of Newburgh, drove up to a residence on Grand Street in the City of Newburgh and fired a .45 caliber pistol eight times at his intended victim, who was in a nearby parked car. The victim's girlfriend was also still in the car, and her child was playing on the sidewalk nearby. Nearly three months later, on December 5, 2012, Lembhard barricaded himself inside a family member's home for ten hours when City of Newburgh police attempted to arrest him on a warrant arising from the shooting incident. Lembhard jumped out of a back window and tried to flee, carrying the pistol he had used in the earlier shooting. Lembhard was convicted after trial and was sentenced to concurrent prison sentences of eighteen years for Attempted Murder in the Second Degree, fifteen years for Attempted Assault in the First Degree, fifteen years for Criminal Possession of a Weapon in the Second Degree, and two and one-third to seven years for multiple counts of Reckless Endangerment in the First Degree, together with one-year county jail sentences on charges of Criminal Mischief in the Fourth Degree, Endangering the Welfare of a Child, Criminal Possession of a Weapon in the Fourth Degree, and Resisting Arrest.

Kwamane Degraffenried – City of Newburgh Attempted Murder

Around 3:00 in the morning on New Year's Day, 2014, Kwamane Degraffenried, 24, of Newburgh, was leaving a bar located on Broadway in the City of Newburgh, where he had checked his coat. As he was leaving the bar, he started an argument with the coat check clerk and threatened to "get" her. Outside, Degraffenried obtained a pistol, and fired three shots through a front window of the bar, in the direction of the coat check clerk inside. Luckily, the victim was not hit by a bullet, although she did receive hospital treatment for glass in her eye. A bullet was found within two feet of where her head had been. Degraffenried was prosecuted and eventually pled guilty to Attempted Murder in the Second Degree. He was sentenced to fifteen years in state prison.

People v. Atiq Weston – Middletown Manslaughter and Robberies

On May 6, 2012, Atiq Weston used a .32 caliber pistol to steal the purse of a 26-year-old woman in the City of Middletown. During the course of the robbery, Weston hit the woman in the face with the butt of the gun, breaking her nose and causing other injuries to her face. As he fled the scene, Weston gratuitously discharged the gun at the woman's van, striking the vehicle's front quarter panel. On May 21, 2012, Weston, together with his girlfriend, Deanna Molina, carjacked a 79-year-old Pennsylvania man. During the carjacking, Weston discharged that same .32

caliber pistol inside the vehicle as he drove. The two carjackers then forced the man from the vehicle and drove away, thereby causing serious physical injury to the man. Weston pled guilty to two counts of Robbery in the First Degree and was sentenced to fifteen years in prison, followed by five years of post-release supervision.

In addition, on April 30, 2008, Weston, then aged fifteen, encountered a man who was walking home from work in the City of Middletown. Weston stabbed the man one time in the neck with a pocket knife, killing him. Although Weston was previously indicted for the killing, that case became untenable after prosecutors learned that one of the main witnesses in the case had committed perjury in his testimony before the grand jury. Weston pled guilty to one count of Manslaughter in the First Degree in connection with the homicide. He received a sentence of three and one-third to ten years in prison for the manslaughter charge, the maximum allowable by law, given his age at the time of the crime, concurrent to the sentences he received on the robbery charges.

THE NARCOTICS AND GUN UNIT

Organization

The Narcotics and Gun Unit (NGU) consists of a Senior ADA and two ADAs. The unit is responsible for prosecuting all felony drug sale cases as well as felony possession of drugs with intent to sell. In addition, the unit prosecutes gun cases when tied to drug and gang activity.

Operation

Drugs are the root of most violent and property crime in Orange County. Therefore, the NGU concentrates on prosecuting drug sellers, including defendants who possess narcotics with the intent to sell. Special emphasis is placed on drug sellers who sell narcotics on school grounds. In 2014, NGU charged eleven defendants with selling drugs on or near school grounds. The NGU works closely with all police agencies in Orange County in order to target drug sellers and their associates. In an attempt to curb the growing heroin epidemic that has claimed the lives of many young Orange County residents, the NGU has worked with several police agencies that execute search warrants and use undercover officers posing as drug buyers so that neighborhood drug dealers may be properly caught and prosecuted.

In addition, Orange County's highways present a convenient means for drug dealers to travel throughout the state. The NGU works to resist this criminal commerce by prosecuting those found in possession of drugs on our highways. By firmly and fairly prosecuting those engaged in the selling and transporting of narcotics, the NGU seeks to ultimately enhance the quality of life of the County's citizens by ebbing the destructive influence of drug activity on our communities.

Caseload

The NGU presented 227 cases to the grand jury in 2014. In addition, 42 cases were handled by way of superior court information.

Felony Drug Treatment Court

NGU ADAs deal with the vicious cycle of drug crime, cognizant that drug treatment may work as an alternative to incarceration for certain non-violent drug-addicted offenders. The Drug Court provides enhanced oversight of the defendants who enroll to ensure that they achieve certain educational, occupational and substance-free goals. Failure in the program results in a felony conviction as well as incarceration in the local jail or state prison.

The countywide Drug Court team, consisting of members of the City of Newburgh and City of Middletown Drug Courts, met on a quarterly basis throughout the year to share and consider Drug Court operational issues. An ADA from the NGU was present for all of the Drug Court team meetings and calendar conferences. In 2014, the procedure for entry into the program was streamlined, and the eligibility criteria further sharpened.

Judicial Diversion

The Judicial Diversion Program allows for various non-violent offenders to have their criminal prosecutions deferred in lieu of court-ordered drug treatment, regardless of the position or consent of the OCDA. Like Drug Court, the Judicial Diversion Program provides oversight of the defendants to ensure that they achieve educational, occupational and substance-free goals. Upon successful completion of the program, defendants may have their cases – and their felony convictions – “diverted” into misdemeanor convictions or even dismissed entirely. Failure in the program can result in the defendant’s felony conviction standing, as well as incarceration in the local jail or state prison.

Enrollees in the Judicial Diversion Program must attend regularly-scheduled court calendars with a judge, an ADA, and defense counsel present. As the enrollee advances within the program, he or she reports to those calendar appearances less frequently.

Narcotics Enforcement Actions – “Sweeps”

In response to the growing heroin epidemic, the NGU made it a priority to work with law enforcement to target drug dealers throughout Orange County.

Together OCDA and members of law enforcement proactively conducted four major narcotics enforcement actions, or “sweeps,” in Orange County in 2014. The sweeps were conducted during the months of January, March, May, and October. The sweeps not only concentrated on the three cities in Orange County, but also included many towns and villages throughout the County. Collectively, those narcotics sweeps resulted in the arrest of 133 drug dealers and their associates. As a result of the operations, eleven of the targets were arrested for selling narcotics on school grounds. Narcotics having a street value over \$85,000, including over 1500 decks of heroin and several ounces of cocaine, were taken off the street. Also, 21 guns, including eight handguns, one sawed-off shotgun, and twelve long guns, as well as two high-capacity pistol magazines, and quantities of ammunition that were illegally possessed by drug dealers were seized during those operations.

Significant NGU Cases

People v. Enrique Becerra Mendoza and Joaquin Ramos Hernandez – Largest Seizure of Narcotics in Orange County History

On April 16, 2014, the largest drug bust in Orange County history occurred when the New York State Police arrested Enrique Becerra Mendoza and Joaquin Ramos Hernandez, who had been traveling in a tractor-trailer on Interstate Route 84 in Wawayanda with over twelve kilograms of heroin hidden in the truck. The street value of the drugs was in excess of \$4,000,000. The NGU successfully prosecuted that case, with each defendant pleading guilty to Criminal Possession of a Controlled Substance in the First Degree. Both defendants each ultimately received ten years in state prison. Orange County District Attorney David M. Hoovler, commenting on the case, said: “[T]he amount of heroin seized by the New York State Police from this truck would have caused untold misery in our community. My office will continue to seek severe punishment for narcotics traffickers and will continue to urge those addicted to these substances to seek treatment.”

People v. Allen Simonson – 47 Pounds of Marijuana

On November 8, 2014, officers from the Town of Deerpark Police Department responded to a homeowner’s complaint that a package was delivered to his house, addressed to an unknown person, and that the package contained a large amount of marihuana. Officers immediately responded to the location and began conducting surveillance. Allen Simonson, 31, of Port Jervis arrived shortly thereafter to collect the package. Following his arrest, law enforcement authorities collected and tested the marihuana inside, which weighed approximately 47.5 pounds with a street value of approximately \$225,000. Simonson was charged by an Orange County grand jury with Criminal Possession of Marijuana in the First Degree.

People v. Anthony Sanchez – New Windsor Drug Dealer

On April 24, 2014, a search warrant was executed at the residence of Anthony Sanchez in the Town of New Windsor. The New Windsor Police Department recovered over two kilograms of cocaine along with approximately \$11,695 within a safe in Sanchez’s bedroom. Sanchez was prosecuted and pled guilty to Criminal Possession of a Controlled Substance in the Third Degree, admitting that he intended to sell the cocaine, and that the \$11,695 was the proceeds of narcotic sales he had made. In addition to Sanchez being sentenced to six years in state prison, he also forfeited \$35,000, which he admitted was the proceeds of his narcotic sales.

THE SPECIAL INVESTIGATIONS UNIT

Organization

In 2014, the Chief ADA and two ADAs were assigned to the Special Investigations Unit (SIU). The unit is responsible for investigating and prosecuting a wide variety of criminal conduct and for making appropriate referrals to other agencies when criminal prosecution is inappropriate.

Operation

The responsibilities of the SIU were significantly redefined in 2014. The unit currently investigates and prosecutes arson felonies, financial elder abuse cases, and special assignments from the District Attorney or the Chief ADA. The unit also prosecutes complex crimes that require significant investigation prior to presenting the case to the grand jury, including large-scale white-collar larcenies, public corruption, police misconduct, computer crimes, and Internet child pornography cases. The prosecution responsibilities of the SIU overlap those of other prosecution units within the office. Due to the complex nature of the cases assigned, the members of the unit work extensively with police agencies on pre-arrest investigations.

Significant SIU Cases

People v. Alexander Adams – New Windsor Sex Trafficking

For nearly four years, between April, 2009 and March, 2013, Alexander Adams trolled the streets of the City of Newburgh, recruiting at least ten women, who were often heroin-addicted, homeless, and hungry, into working for him as prostitutes in motels in the Towns of New Windsor and Newburgh. Adams promised the women that he would put them in a clean motel room, bring them food and clothing, and provide them with the drugs that they needed to support their habits. In exchange, Adams made the women continue to act as prostitutes, turning over all their profits to him. They were not allowed leave their rooms or refuse customers, and were forced to end all contact with friends and family. Adams essentially isolated the women in their rooms and threatened them with physical violence if they failed to adhere to his rules. In some instances Adams forced women to undress and lie face down on a bed while he whipped them in the buttocks with a belt. He ran an organized prostitution business, cataloging his female victims in his computers and advertising their services as prostitutes on the Internet. The women were required to call Adams and inform him when they got a “client,” when the “client” arrived and when the “client” paid them. Adams would then go to the motel room, collect all of the money and leave the women with only heroin and cocaine. Adams was convicted of Sex Trafficking, Criminal Possession of a Weapon in the Second Degree, and Criminal Possession of a

Controlled Substance in the Second Degree, and was sentenced to a total of nine to fifteen years in state prison, plus five years of post-release supervision.

People v. Bryan Caballero-Gonzalez – Warwick Computer Trespass

While working as a salesman at a car dealership in Warwick, New York, the defendant surreptitiously accessed and copied personal files from an Apple iPhone belonging to a female co-worker, including nude photographs of the victim and a video of her engaged in sexual intercourse with her boyfriend. The defendant then showed the photos and the video to other co-workers. The defendant's actions were done without the knowledge or permission of the victim. After a jury trial, the defendant was convicted of two counts of Computer Trespass and one count each of Unlawful Duplication of Computer Related Material in the First Degree and Criminal Possession of Computer Related Material. He was sentenced to one year in the Orange County Jail.

Grand Jury Investigation into the Conduct of an Orange County Legislator in Conjunction with the Proposed County Government Center Project

At the District Attorney's request, a special grand jury was empaneled to investigate the actions of an Orange County legislator who accepted employment with a firm that had contracted to provide services in connection with renovations to the Orange County Government Center. The grand jury heard testimony from twenty witnesses, consisting of nearly 935 pages of testimony, and considered 117 exhibits, which collectively totaled over 5,000 pages. The grand jury also examined the Orange County Ethics Law. The grand jury determined that although no crimes had been committed, there were serious deficiencies in both the Orange County Ethics Law and in how that law is being implemented. The grand jury filed a report and made specific recommendations which included the following: the Orange County Board of Ethics should pursue their investigation into the legislator's actions; Orange County's Financial Disclosure Form should be replaced with a better form; Orange County should post the Financial Disclosure Form on the County's website; the Board of Ethics should provide advisory opinions on its website and should promptly report its opinions; there should be annual mandatory ethics training for all county employees; the County should institute ethical standards for employees leaving county employment; county officials should be prohibited from soliciting employment from county contractors and should be required to disclose conflicts of interest; contractors who provide services to the county should be subject to the Orange County Ethics Law; and the Legislature should clarify its own rules about whether or not it may censure members for misconduct. Both the Legislature and the Board of Ethics have said that they will consider the grand jury's recommendations.

Crimes Against Revenue Program (“CARP”)

At the beginning of 2014, the SIU handled cases involving thefts from the state, such as unemployment fraud and welfare fraud. Midway through the year, however, those cases were spun off to a specialized Crimes Against Revenue Program (CARP) ADA within SIU, whose salary will be supported by a grant from New York State directed at the investigation and prosecution of revenue crimes that cost the State and County money. For instance, OCDA prosecuted 26 cases referred by the Department of Labor in 2014, and recovered over \$100,000 in unemployment fraud proceeds, ranking us ninth out of the state’s 62 counties. In 2014, OCDA investigated and prosecuted 109 misdemeanor and felony cases involving thefts of public funds. Eleven of those cases resulted in felony indictments in 2014. In 2014, OCDA’s efforts in investigating and prosecuting financial crimes resulted in court-ordered restitution of \$150,627.94, with \$54,188.27 actually having been returned to the state.

Significant CARP Tax Cases

People v. Scott Duffie – Town of Newburgh Tax Case

An electrical contractor, Scott Duffie, and several corporations related to him, came to the attention of the District Attorney’s Office through a complaint from a labor union, as a direct result of the Office’s efforts to combat labor crimes. OCDA investigators, in conjunction with investigators from the New York State Department of Taxation and Finance and Orange County Sheriff’s deputies, executed search warrants at the contractor’s home, at his shop, and in several vehicles related to his business. In those searches, investigators recovered numerous business records related to the target’s electrical contracting business, as well as approximately \$12,000 in cash. A review of Duffie’s tax records disclosed that he and his corporations had failed to file and pay New York State personal, corporate, franchise, and withholding taxes since 2006. Duffie was arrested and charged with Criminal Tax Fraud in the Third Degree, based on his failure to collect withholding tax from his employees. Investigation of the case is ongoing.

People v. John A. Ravert – Chester Payroll Tax Thefts

John A. Ravert was the owner of a company that operates a payroll service. Ravert has been charged with Grand Larceny in the Second Degree, Scheme to Defraud in the First Degree, and Repeated Failure to File Personal Income Tax Returns, for repeatedly stealing funds from over a dozen customers. It is alleged that Ravert took the money from his clients, claiming that he would remit that money to the Internal Revenue Service and the New York Tax Department to pay tax obligations that those customers owed. Instead, Ravert stole the money. The complaint alleges that he stole in excess of \$300,000 from his clients and failed to file New York State personal income tax returns. In December, 2014, OCDA investigators, in conjunction with investi-

gators from New York State Tax Department and Orange County Sheriff's deputies, executed search warrants at Ravert's residence and business. The investigation of the case is ongoing.

Public Benefits Fraud Prosecutions

In 2014, as part of our CARP initiative, the OCDA prosecuted 67 defendants for welfare fraud and larceny, due to their illegally obtaining over \$748,000 in public assistance benefits administered through the Orange County Department of Social Services. The defendants were arrested during two enforcement actions that occurred in June, 2014 and November, 2014. The enforcement actions were the result of the collaborative efforts of the OCDA, the Department of Social Services Special Investigations Unit, and the Sheriff's Office. During the investigation of the cases, Department of Social Services investigators reviewed files of public assistance benefit recipients suspected of fraud, interviewed recipients, and forwarded cases to the Sheriff's Department and District Attorney's Office for further investigation. Investigators from the District Attorney's Office and Sheriff's Office interviewed many of the recipients before arresting them.

A total of 115 welfare fraud cases were investigated in Orange County in 2014, with 48 being handled as civil matters and 67 being prosecuted criminally by the District Attorney's Office. The fraud represented by those cases was approximately \$748,000, and it is estimated that the costs that were avoided in 2014 by those investigations totaled approximately \$4.3 million. In contrast, in 2013, of a total of 71 cases, only seven were handled as criminal prosecutions and the cost avoidance was approximately half of what it was in 2014. The deterrent value of the enforcement actions was demonstrated by the fact that in the seventeen months before our first enforcement action, the County recovered only \$12,643 in voluntary recoveries. In the six months after that first action, there were almost \$100,000 in voluntary recoveries, all without bringing additional prosecutions. Thus, the first enforcement action has resulted in a more than 600% increase in fraud repayments in 2014 as compared to 2013.

Significant Public Benefits Fraud Cases

People v. Natasha Brenton and Dorothy Faison

Natasha Brenton, 35, and her mother, Dorothy Faison, 66, both of Newburgh, were each charged by an Orange County grand jury, in a 284-count indictment, with Welfare Fraud in the Second Degree and Grand Larceny in the Second Degree. In addition, Brenton was charged with 141 counts each of Offering a False Instrument for Filing in the First Degree and Falsifying Business Records in the First Degree. Faison was charged with 132 counts each of Offering a False Instrument for Filing in the First Degree and Falsifying Business Records in the First Degree. It is alleged that the defendants stole \$64,239 in day care benefits as the result of Brenton falsely claiming that she was working hours that required her mother to take care of her children. Faison submitted false time records purporting to show that she had provided day care services

for her daughter which she did not provide. Brenton pleaded guilty to Welfare Fraud in the Second Degree and Faison pleaded guilty to Welfare Fraud in the Fifth Degree.

People v. Kelly Graham

Kelly Graham, 36, of Middletown, was indicted by an Orange County grand jury and charged with Welfare Fraud in the Third Degree, Grand Larceny in the Third Degree, as well as six counts each of Falsifying Business Records in the First Degree and Offering a False Instrument for Filing in the First Degree. It is alleged that Graham stole \$41,540 in day care benefits by failing to report that her child's father, who was employed, was living in the household.

People v. Kadeen Tate

Kadeen Tate, 33, of Newburgh, was charged by an Orange County grand jury with Welfare Fraud in the Third Degree and Grand Larceny in the Third Degree, as well as ten counts each of Falsifying Business Records in the First Degree and Offering a False Instrument for Filing in the First Degree for stealing \$22,873.97 in public assistance benefits. It is alleged that Tate falsely obtained day care benefits, Supplemental Nutrition Assistance Program (SNAP), or "food stamp" benefits, and Medicaid benefits, by concealing the fact that she was receiving income using her cousin's name and social security number. Tate pled guilty to Welfare Fraud in the Third Degree.

THE VIOLENT FELONY UNIT

Organization

The Violent Felony Unit (VFU) consisted of a Senior ADA and two ADAs. The VFU caseload includes felonious assaults, robberies, home burglaries, possession and use of loaded guns, and making terroristic threats. VFU attorneys also assist local police agencies during the investigation of those cases both before and after arrest.

Caseload

In 2014, the VFU screened 260 cases involving a total of 310 defendants. The unit was responsible for 81 indictments and 43 waivers of indictment. The remaining cases are either awaiting grand jury presentment or were turned over to other units for prosecution.

Operation

The VFU worked closely with police agencies on criminal investigations. The VFU ADAs assisted in writing search warrants, orders to show cause to obtain the DNA of suspects, and court orders to identify the location of suspects' cell-phones, in an effort to locate those suspects. VFU also continued to coordinate the sharing of information between police agencies of different jurisdictions in an effort to identify and apprehend perpetrators who commit crimes in multiple jurisdictions.

Operation IMPACT and GIVE

For several years OCDA, in conjunction with the City of Newburgh Police Department, the Orange County Sheriff's Office, and other agencies, has participated in Operation IMPACT, a series of strategies funded by the New York State Division of Criminal Justice Services (DCJS) and designed to reduce crime in the City of Newburgh. In 2014, DCJS ended the IMPACT initiative, and replaced it with funding under the Gun-Initiated Violence Elimination (GIVE) Program, a similar program, but focused on gun-related violence. During 2014, OCDA staff, together with officers from the City of Newburgh Police Department, the Orange County Sheriff's Office, the Orange County Probation Department, parole officers from the New York State Department of Corrections and Community Supervision, and representatives of the United States Attorney's Office, attended a number of training programs, designed to bring various strategies to bear on gun violence in the City of Newburgh. Several of the GIVE strategies are already in place and have resulted in an approximately 16% reduction in gun-related crimes in the City of Newburgh. The GIVE participants are considering other strategies for 2015.

Significant VFU Cases

People v. Chaz Zachary – City of Newburgh Assault of a Police Officer

On May 9, 2013, members of the City of Newburgh Police Department and members of the Orange County Sheriff's Office were working together as part of Operation IMPACT focusing on quality of life offenses in the City of Newburgh. The defendant was spotted by the police with an open alcoholic beverage. As the police approached, he shattered the bottle and ran from them. As he was apprehended, the defendant punched a police officer in his head which resulted in physical injury causing the officer to receive three staples to his head. On January 17, 2014, the defendant was convicted after a jury trial of Assault in the Second Degree, Attempted Assault in the Third Degree, and related charges. On May 27, 2014, the defendant was sentenced to seven years in prison plus post-release supervision.

People v. Joseph Clarke – City of Newburgh Assault

On August 1, 2013, the defendant was arrested for shooting at the victim and striking him in the foot during the middle of the day on a City of Newburgh street. On April 10, 2014, the defendant pled guilty to Criminal Possession of a Weapon in the Second Degree, and on May 9, 2014, he was sentenced to twelve years in prison plus post-release supervision.

People v. Wayne Steinhilber – Stabbed Victim During Burglary

On July 7, 2011, the defendant went into the victim's residence, through a basement window in the middle of the night, and demanded money from the victim. The defendant stabbed the victim in the hand with a knife and fled. On August 1, 2012, after a bench trial, the defendant was convicted of Burglary in the First Degree, Attempted Robbery in the First Degree, and related charges. On February 19, 2014, he was sentenced to fifteen years in prison plus five years of post-release supervision.

People v. Christopher Rossi – Robbed Two Cab Drivers

On July 6, 2013, Christopher Rossi robbed a cab driver with a knife in the Town of New Windsor. On July 14, 2013, Rossi robbed an 81-year-old cab driver in the Town of Newburgh by repeatedly punching him. On November 25, 2013, Rossi pled guilty to Robbery in the First Degree for the July 6, 2013 incident and also pled guilty to Robbery in the Second Degree for the July 14, 2013 incident. In 2014, Rossi was sentenced to twelve years in the state prison plus post-release supervision for the July 6, 2013, incident and nine years in state prison plus post-release supervision for the July 14, 2013, incident.

GIVE Grant and Gun Prosecutions

People v. Dante Johnson – City of Newburgh Gang Dispute

On April 4, 2014, in the City of Newburgh, Dante Johnson, then sixteen years old, shot at his victim over an alleged gang dispute with the victim's brother. The victim was not struck by bullets. On June 26, 2014, Johnson pled guilty to Criminal Possession of a Weapon in the Second Degree. Johnson was sentenced to five years in state prison plus five years of post-release supervision.

People v. Justin Joseph – City of Newburgh Witness Intimidation Shooting

On April 7, 2014, in the City of Newburgh, Justin Joseph, then sixteen years old, shot at the same victim as Dante Johnson, in retaliation for the victim "snitching" on Johnson. On August 6, 2014, Joseph pled guilty to Attempted Assault in the First Degree and on September 8, 2014, he was sentenced to 3 ½ years in state prison and five years of post-release supervision.

People v. Bladimir Romero – Shooting Handgun by City of Newburgh School

On April 4, 2014, in the City of Newburgh, Police responded to a call of shots being fired in close proximity to the Newburgh Free Academy Main Campus, as students were being dropped off. Bladimir Romero was found to be firing the gun into the air and no one was struck by any bullets. On October 7, 2014, the defendant pled guilty to Criminal Possession of a Weapon in the Second Degree and on December 2, 2014, he was sentenced to seven years in state prison plus five years of post-release supervision.

Investigation into Burglary of Port Jervis Gun Shop

On October 14, 2013, a burglary occurred at Sam and Mabel's Sports Shop in the City of Port Jervis. In the burglary, numerous handguns and rifles were stolen. After an investigation was conducted by the City of Port Jervis Police Department, it was discovered that Scott Corr drove the getaway car, while Ryan Etchie and Curt Vanriper were the two men who broke into the store and stole the items. Scott Corr and his wife Rose Corr later transported the stolen guns to the City of Newburgh, where they attempted to sell the weapons. During the investigation of the case, a number of the weapons surfaced in various shootings and car searches in the Newburgh area, and three weapons were turned in at the Orange County District Attorney's Office. During the investigation of the case, investigators learned that Scott Corr conspired with another to have a witness killed. Scott Corr, Etchie, and Vanriper all pled guilty to felony charges and were sentenced to prison. Rose Corr, in light of her minor role and limited criminal history, was permitted to plead guilty to a misdemeanor drug charge and was sentenced to a conditional discharge.

THE SPECIAL VICTIMS UNIT

Organization

The Special Victims Unit (SVU) consists of one Senior ADA and two ADAs. Cases handled by the SVU involve sexual abuse, domestic violence, elder abuse, child victims of violence, victims with emotional or special mental needs, and all felonies between family members or current or former intimate partners. The unit provides a coordinated response to those designated cases, in order to more effectively prosecute those cases and to lessen the trauma a victim suffers. The SVU also oversees Sexual Offense Registration Act (SORA) hearings, which are held to determine the sexual offense registry level of a convicted sex offender.

Caseload

In 2014, the SVU screened 397 cases. The total number of felony prosecutions was 58. The unit was responsible for 41 indictments and seventeen waivers of indictment. The remaining cases are either awaiting grand jury presentment or were referred to other units for prosecution.

Operation

In order to more effectively serve victims, and to work towards the goals of offender accountability and victim safety, the SVU works closely with numerous other agencies that are available to victims. Those include the Orange County Safe Homes Project, the Sexual Assault Nurse Examiners' Unit, the Orange County Child Abuse Investigations Unit, the Mental Health Association in Orange County, the YWCA, Child Protective Services, and Adult Protective Services. The SVU provides information to crime victims regarding services available to them, facilitates contact between government agencies available to provide services to crime victims, and informs victims regarding their rights.

The SVU includes both a domestic violence prosecutor and a child sex crimes prosecutor. The SVU now includes a victim advocate from Safe Homes and a domestic violence probation officer, both formerly included in the OCDA's Domestic Violence Unit. The victim advocate position is funded by Orange County.

The SVU also works with other agencies to provide Domestic Violence Classes for Men, aimed at encouraging cooperation with each agency to provide an intensive community response to the issue of domestic violence.

Significant SVU Cases

People v. Lisa Franklin – Town of New Windsor – Raped Twelve-Year-Old Boy

Lisa Franklin, a 44-year-old former teacher at the Sacred Heart School in Newburgh, was arrested and charged with multiple crimes, including Rape in the Second Degree, for engaging in sexual intercourse with a twelve-year-old boy in 2012 and 2013 in the Town of New Windsor. Franklin pled guilty to Rape in the Second Degree on December 10, 2013, and on March 6, 2014, was sentenced to 2 ½ years in state prison along with ten years of post-release supervision.

People v. Larry Rau – City of Newburgh – Assaulted Girlfriend

On March 5, 2013, in the City of Newburgh, Larry Rau assaulted his girlfriend with his hands and with his boots. The victim suffered serious physical injury, including injuries to her brain requiring extensive rehabilitation to regain her motor coordination. On December 10, 2013, the defendant pled guilty to Assault in the First Degree, and on January 31, 2014, he was sentenced to ten years in state prison along with five years of post-release supervision.

People v. Keith Turse – Village of Unionville – Raped Twelve-Year-Old Girl

Keith Turse, age 23, was arrested September 6, 2013, and charged with multiple crimes, including Rape in the First Degree and Criminal Sexual Act in the First Degree, for engaging in sexual intercourse and oral sexual conduct with a twelve-year-old girl in Unionville. On March 11, 2014, the defendant was convicted after a trial of Rape in the First Degree, Criminal Sexual Act in the First Degree, Rape in the Third Degree, and Criminal Sexual Act in the Third Degree. Turse was sentenced to twelve years in prison along with ten years of post-release supervision.

People v. Edward Cepero – New Windsor – Sent Sexual Images to Thirteen-Year-Old Boy

Edward Cepero was arrested on May 1, 2014, in the Town of New Windsor and charged with Disseminating Indecent Material to Minors, Endangering the Welfare of a Child, and related charges, for sending explicit text messages, including sexual images, to a thirteen-year-old boy. The sexual images were of the boy's mother. On October 24, 2014, the defendant was convicted after trial of Disseminating Indecent Material to Minors, Endangering the Welfare of a Child, and related charges. On December 16, 2014, he was sentenced to 1½ - 3 years in state prison as a second felony offender.

People v. Peterson Duchatellier – City of Newburgh – Assaulted Four-Week-Old Son

Peterson Duchatellier was arrested on January 23, 2014, and charged with Assault in the First Degree in the City of Newburgh for causing serious physical injury, including severe brain injuries, to his four-week-old son. On October 9, 2014, the defendant pled guilty to Assault in the

First Degree, and on November 19, 2014, he was sentenced to fifteen years in state prison along with five years of post-release supervision.

People v. Peter Donnery – Abducted Woman from Street and Raped Her

The defendant was arrested on July 8, 2014, and charged with Rape in the First Degree and Kidnapping in the Second Degree after a joint investigation between the City of Newburgh police and the Town of New Windsor police for a July 3, 2014, incident where a woman was abducted off a Newburgh street, driven to a remote area in New Windsor, and sexually assaulted and raped. The defendant pled guilty to Rape in the First Degree on December 4, 2014. Pursuant to a plea agreement where he will receive a negotiated sentence of eighteen years in state prison along with ten years of post-release supervision.

THE GENERAL CRIMES UNIT

Organization

In 2014, three ADAs were assigned to the General Crimes Unit (“GCU”), and worked under the supervision of a Senior ADA and the Grand Jury Supervisor. The members of the unit prosecuted cases sent to them from the Local Criminal Court Unit supervisors.

Operation

The members of GCU prosecute the most diverse caseload of any of the felony prosecution units. Cases include all felony DWI and other felonies in the Vehicle and Traffic Law, Commercial Burglaries, Grand Larceny, Forgeries, Identity Theft, and many other crimes.

Caseload

Members of the General Crimes Unit screened 735 felony cases for grand jury presentation in 2014. Of those, the members obtained 131 indictments after grand jury presentation, accounting for 33% of all the indictments returned by the grand jury in 2014. The remainder of the cases were either reduced to misdemeanors and prosecuted in local criminal courts, or were prosecuted as felonies by way of superior court information. Members of the General Crimes Unit handled 112 superior court informations, accounting for 43% of all such felony filings in 2014.

Members of the Unit conducted eight felony trials in County Court. This represented 34% of all felony trials for 2014.

Leandra’s Law Cases

2014 was the fifth year in which Leandra’s Law was in effect. Leandra’s Law makes it an automatic felony to operate a motor vehicle while intoxicated by alcohol or drugs while a child less than sixteen years of age is a passenger in the vehicle, regardless of the lack of any prior convictions. All such arrests were prosecuted by members of the GCU. The Orange County District Attorney’s Office has maintained a zero tolerance policy in those cases, and in 2014 that policy led to twenty individuals being indicted by the grand jury under Leandra’s Law along with seven others being prosecuted by way of superior court information, a 42% increase in such prosecutions over 2013.

THE APPEALS BUREAU

Organization

In 2014, four assistants were assigned to the Appeals Bureau, including an Executive ADA, who supervises the Bureau's operations. The Executive ADA and a second ADA were also assigned to the Orange County Animal Cruelty Task Force, and provided assistance in the prosecution of animal cruelty cases in the local criminal courts. One of the other assistants also continued to handle litigation in Orange County Court, and two of the appeals ADAs were also each assigned to handle a nighttime local criminal court. The Bureau supervisor is also designated as the OCDA's Records Access Officer and, together with the Chief of the Special Projects and Community Affairs Bureau, is responsible for responses to Freedom of Information Law (FOIL) requests.

Operation

The ADAs assigned to the Appeals Bureau regularly handle matters in the New York State Supreme Court, Appellate Division (Second Department), the Appellate Term for the Ninth and Tenth Judicial Districts, the New York State Court of Appeals, the Orange County Court, New York State Supreme Court, Orange County, and in various local criminal courts. The OCDA also responds to all federal habeas corpus petitions arising from criminal convictions prosecuted by the OCDA. Those petitions are filed in the United States District Court for the Southern District of New York, and appeals related to those petitions are heard in the United States Court of Appeals for the Second Circuit and the United States Supreme Court.

In addition, Bureau ADAs provide legal advice and guidance to all prosecution units in the OCDA and to members of local police departments and the New York State Police, assist with the drafting of search warrants and animal seizure orders, and review and draft local criminal court accusatory instruments. Bureau assistants also provide office training to both felony and local criminal court assistants and training to local police departments.

Caseload

In 2014, the members of the Bureau handled 556 total matters, including 46 state appeals and responses to federal habeas corpus petitions in the United States District Court for the Southern District of New York, three appeals to the New York State Court of Appeals, one appeal to the United States Court of Appeals for the Second Circuit, 305 appellate and trial motion responses, eleven oral arguments, and ten post-judgment hearings in Orange County Court and in various local criminal courts. Members also reviewed 23 new animal cruelty complaints.

Bureau ADAs also assisted with the drafting of twelve search warrants and responded to 123 FOIL requests. Additionally, members of the Appeals Bureau conducted sixteen training sessions.

New York State Court of Appeals

In 2014, Bureau ADAs filed three briefs in the Court of Appeals, resulting in two reported decisions. An additional appeal is currently pending before the Court of Appeals and is expected to be argued and decided in 2015.

Appellate Decisions

In 2014, appellate litigation handled by the Appeals Bureau resulted in a total of 30 decisions, with 29 victories and only one reversal in the Appellate Division, and three decisions issued by the United States District Court that dismissed federal habeas corpus challenges that were commenced after the defendants had exhausted their state court appeals.

Significant Decisions

New York State Court of Appeals

People v. Kevin Kruger – Town of Blooming Grove Burglary in the Second Degree

The Court of Appeals affirmed the Appellate Division Decision and Order denying the defendant's claim of ineffective assistance of appellate counsel. Kevin Kruger pled guilty to burglary in the second degree in satisfaction of the charges contained in Orange County Indictment Number 2006-506, and on March 22, 2007, was sentenced to a determinate term of imprisonment of twelve and one-half years and to a five year period of post-release supervision. Defendant appealed his conviction to the Appellate Division, which affirmed his judgment on December 1, 2009 (*People v. Kruger*, 68 AD3d 784 [2009]), but did not file a leave application to the New York Court of Appeals. He also did not move for permission to file a late leave application. In 2012, defendant filed a petition for a writ of error coram nobis in the Appellate Division, in which he claimed that his attorney had failed to file a leave application to the New York Court of Appeals and that, as a result, he was denied effective assistance of appellate counsel. In a decision in which the Court of Appeals decided three companion cases, the Court rejected defendant's claim and held that because there was no Sixth Amendment right to counsel in connection with the filing of a discretionary leave application, defendant failed to demonstrate ineffective assistance of appellate counsel (*People v. Andrews*, 23 NY3d 605 [2014]).

Appellate Division, Second Department

People v. Cory Byrd – City of Newburgh Murder in the Second Degree

Cory Byrd was convicted of Murder in the Second Degree (depraved indifference murder) and two counts of Tampering with Physical Evidence, stemming from the death of defendant's girlfriend's four-year-old son. On December 14, 2009, defendant reported that the boy was missing and had suggested that the boy had gone next door to a relative's home. Over the next eight days, members of the City of Newburgh Police Department, joined by members of the New York State Police, and canine units from Westchester County and from private organizations, conducted a search of the surrounding community and the banks of the Hudson River. That search effort was ended on December 23, 2009, and additional searches were conducted in January, 2010. On March 24, 2010, a State Police Canine Unit discovered the boy's remains that had been buried under a pile of tree limbs in a wooded lot that was approximately two and one-half blocks from the family's home. On March 8, 2012, the County Court sentenced defendant to an indeterminate term of imprisonment of twenty-five years to life for murder in the second degree, and to consecutive indeterminate terms of imprisonment of twenty-five years to life as a discretionary persistent felony offender upon the tampering counts. The Appellate Division affirmed defendant's judgment, and in particular, rejected his legal sufficiency challenge to his depraved indifference murder conviction as well as his challenge to the length of his sentence. (*People v. Byrd*, 116 AD3d 875, *lv. denied*, 24 NY3d 1001 [2014]).

People v. Kim Gore – Town of Deerpark Aggravated Vehicular Homicide

The Appellate Division affirmed defendant's convictions for Aggravated Vehicular Homicide and Manslaughter in the Second Degree. Defendant was convicted as a result of a fatal traffic collision that occurred during the early morning hours of June 23, 2009, along Route 209 in the Town of Deerpark. Defendant's three-year-old daughter, who was observed unrestrained and standing up in the front passenger seat just before defendant drove off and crashed into an earthen embankment, died from injuries that she sustained during the crash. Toxicology tests also revealed the presence of cocaine in defendant's blood. Defendant was sentenced to concurrent indeterminate terms of imprisonment of eight-and-one-third to twenty-five years and five to fifteen years respectively. (*People v. Gore*, 117 AD3d 845, *lv. denied*, __ NY3d __ [Dec. 3, 2014]).

People v. Peter Starr – City of Middletown Sodomy in the First Degree

The Appellate Division affirmed the defendant's conviction of Sodomy in the First Degree, two counts of Sexual Abuse in the First Degree, Assault in the Third Degree, and Criminal Solicitation in the Second Degree. The charges against defendant stemmed from an incident that occurred in October, 2002, in the City of Middletown. Defendant followed a female and then grabbed her, groped her, and sodomized her before fleeing. Following defendant's arrest, he also

offered to pay a fellow inmate to kill the female and a Middletown detective, and was separately indicted for Criminal Solicitation in the Second Degree. Defendant is currently serving a determinate term of imprisonment of twenty-five years, as well as consecutive state prison sentences for his separate sexual abuse and criminal solicitation convictions. (*People v. Starr*, 114 AD3d 813, *lv. denied*, 23 NY3d 1068 [2014]).

People v. Kelly Santos – City of Newburgh Burglary in the First Degree

Following a retrial, defendant was convicted of Burglary in the First Degree, Attempted Assault in the Third Degree, Criminal Possession of a Weapon in the Fourth Degree, and Endangering the Welfare of a Child. Defendant was sentenced to a determinate term of imprisonment of fifteen years and a five year period of post-release supervision, and to concurrent jail sentences on the misdemeanor convictions. On appeal, the Appellate Division modified the judgment and dismissed the conviction for attempted assault in the third degree, and, as modified, affirmed defendant's judgment and sentence. (*People v. Santos*, 115 AD3d 993, *lv. denied*, 24 NY3d 1004 [2014]).

Animal Abuse Task Force

Organization

The Orange County Animal Cruelty Task Force is composed of ADAs from OCDA's Appeals Bureau and members from the Orange County Sheriff's Office. The Task Force provides local police and members of the New York State Police with assistance in animal cruelty cases, including drafting search warrants and seizure orders, answering legal questions, drafting local criminal court accusatory instruments, and crime scene investigation. The members of the Task Force also provide training in the investigation and prosecution of animal cruelty cases to members of local police departments, local animal control officers, members of local humane organizations, and ADAs.

Operation

ADAs work with citizens, police agencies, animal control officers, and members of local organizations, such as local branches of the Humane Society and the Hudson Valley SPCA, to investigate animal cruelty complaints and to save abused domestic animals and place them in shelters. After an investigation is complete and the offender is arrested, misdemeanor cases are prosecuted by the Local Criminal Court Bureau. Felony animal abuse charges are referred to the County Court Bureau for prosecution. In appropriate cases, OCDA seeks bond and court-ordered restitution to help cover the costs of the maintenance and care of the abused animals that are the subject of the criminal prosecution, and also seeks orders that bar convicted defendants from ownership of pets.

Caseload

In 2014, the Task Force investigated 23 new complaints, which resulted in criminal charges being filed in nineteen cases in the local criminal courts charging either misdemeanors or violations under the New York Agriculture and Markets Law. Four matters were closed after the completion of the investigation without charges being filed. Since the Task Force's inception in 2004, members of the OCDA have investigated more than 200 complaints of animal abuse and neglect.

Significant Cases

People v. Constance Dirago – Town of Hamptonburgh

Constance Dirago was charged with five counts of animal cruelty under the Agriculture and Markets Law in the Justice Court, Town of Hamptonburgh, following an investigation by members of the New York State Police, who received assistance from agents of the Hudson Valley SPCA. The investigation revealed that in early March, 2014, the defendant had moved more than thirty horses onto a rental property in Hamptonburgh, and that the horses were not receiving sufficient food or sustenance. Five horses were removed from the property, and all five were found to be emaciated and on the verge of starvation. Dirago pled guilty to all five counts of animal cruelty. In January 2015, the court sentenced Dirago to three years of probation; ordered her to make approximately \$14,000 in restitution to Equine Rescue, Inc., an animal rescue agency that cared for the horses during the pendency of the case; and ordered that she have no personal or professional contact with horses for the three years of her probationary term. Dirago was also the subject of a separate animal cruelty prosecution in Ulster County in relation to the remaining horses.

People v. Jay Testa – Town of Goshen

The defendant was charged in the Justice Court, Town of Goshen, with Animal Cruelty and Criminal Mischief in the Fourth Degree (reckless criminal mischief), after he struck a dog with a high speed riding lawn mower that the defendant was operating in the yard. At the time, defendant was working for a landscaping business. As a result, of the incident, the dog's left front paw was severed. The defendant then left, without notifying anyone or seeking emergency assistance for the injured dog, which was found outside about a half an hour later. The dog was treated for its injury, and its left leg was amputated. On December 9, 2014, the defendant pled guilty to the top count of animal cruelty in violation of Agriculture and Markets Law Section 353, and the matter was adjourned for sentencing.

People v. Thomas Hughes – Town of Deerpark

Defendant was charged with three counts of Animal Cruelty after three dogs that were the subject of a separate proceeding in the City of Port Jervis were found tied up on vacant property in the Town of Deerpark in frigid temperatures without adequate food, water, or shelter. Defendant pled guilty to Animal Cruelty, and was sentenced to a \$500.00 fine and ordered to pay restitution in the amount of \$1,002.00. In addition, the sentencing court issued a “no-pet” order that bars defendant from owning dogs in the future.

People v. Ishmael Gillian – City of Port Jervis

Defendant was charged with Animal Cruelty after he was observed swinging a puppy from a chain against the side of a house. The defendant was also found to be in possession of a number of items that are commonly associated with training for dog fighting. Defendant pled guilty to Animal Cruelty and on March 31, 2014, was sentenced to three years of probation and ordered to pay restitution in the amount of \$826.00. In addition, the court issued a “no-pet” order.

People v. Gerald Shears – Town of Wallkill

Defendant was charged with multiple counts of Animal Cruelty and inadequate shelter after a number of severely tick-infested dogs were found living in a dilapidated shed that was strewn with urine, feces, and garbage. The shed had been nailed shut to prevent the dogs from getting out. Defendant pleaded guilty to one count of Animal Cruelty, and on June 5, 2014, the court sentenced defendant to three years of probation and ordered him to pay \$900.00 in restitution.

People v. Katherine Darling – City of Middletown

The defendant was charged with two counts of Animal Cruelty after two cats were found inside of a filthy cage in a motel room without food or water and lying in urine and feces. Defendant pled guilty to Animal Cruelty and was sentenced to a conditional discharge. As part of the disposition, the defendant also surrendered the cats.

THE LOCAL CRIMINAL COURT BUREAU

In 2014, twelve ADAs were assigned at a time to the Local Criminal Court Bureau, with two of those assistants and one support staff member assigned to OCDA's Newburgh Office. The Local Criminal Court Bureau was divided between two teams, and each team was supervised by a Senior ADA or an ADA Grade IV.

Operation

The Local Criminal Court Bureau prosecuted cases in twenty towns, fourteen villages, and three cities, in a total of 74 separate local criminal court parts. Those courts meet both in the daytime and at night, but ADAs receive no additional compensation in the form of overtime or compensatory time for extra hours spent in night courts. Many of the cases involve petty offenses that can be dealt with by diversion of offenders out of the criminal justice system. Prosecution services are provided to 36 separate police agencies.

Beginning in November, 2014, 25 night courts held monthly in various towns and villages were reassigned to felony assistants assigned to the County Court Bureau, as well as to assistants in the Appeals and Special Projects and Community Affairs Bureaus. In fact, the Chief ADA and two executive-level ADAs each took over night court assignments. The assignment of felony assistants to cover those courts enables members of the public to have more regular contact with experienced ADAs, results in a higher percentage of cases being handled by more experienced assistants, and provides for more permanent staffing of many of the local night court parts by reducing the need to frequently reassign those courts. In addition to those assignments, a Senior ADA is assigned to the Integrated Domestic Violence Part held in Orange County Supreme Court, and a second supervisor is assigned to the City of Middletown Drug Treatment Court.

Caseload

In 2014, the Local Criminal Court Bureau prosecuted approximately 21,000 cases, representing more than 90% of OCDA's total caseload. ADAs in the Local Criminal Court Bureau are responsible for all aspects of the prosecution of misdemeanor cases in their courts, including case evaluation, motion practice, and litigation, including pretrial hearings and trials. Local Criminal Court Bureau ADAs had an average caseload of approximately fifteen hundred cases. Those cases included all Penal Law misdemeanors and violations, misdemeanors and accompanying traffic infractions under the Vehicle and Traffic Law, and certain Agriculture and Markets Law misdemeanors and violations.

Prosecuting drunk drivers continues to be a high priority for the OCDA. In 2014, the OCDA undertook 1398 driving while intoxicated prosecutions, a 13.8% increase over 2013. The OCDA works closely with groups such as Mothers Against Drunk Driving (MADD) and STOP-DWI, not only to prosecute drunk drivers, but also to educate the public on the dangers of such actions. The District Attorney has a strict policy in dealing with first offenders, as well as repeat offenders. As part of the District Attorney's policies, first-time offenders are mandated to be evaluated by an OASAS certified alcohol- and substance-abuse provider to determine if the offender has alcohol or other substance abuse issues and, where the assessment indicates that the offender would benefit from a treatment program, to successfully complete an alcohol- or substance-abuse treatment program. Offenders are also mandated to complete the Drinking Driver Program and to attend the Victim Impact Panel.

DWI Victim Impact Panel

All individuals convicted of DWI or DWAI are mandated to attend a session of the Victim Impact Panel. Sponsored by the STOP-DWI Program and MADD, attendees hear from panelists who have had family members killed or injured by drunk drivers, or drivers themselves who have killed or injured others by driving while intoxicated. On average, over one thousand offenders are ordered to attend the Victim Impact Panel every year.

Early Felony Case Assessment

In addition to their other duties, Local Criminal Court Bureau ADAs are responsible for preliminary case screening and evaluation of the more than 2,400 felony arrests for which charges are initially filed in the local criminal courts and not immediately referred to one of the specialized felony prosecution units in the Goshen office. The preliminary screening of felonies is undertaken to determine whether the cases warrant prosecution as felonies in the Orange County Court, or whether they should be prosecuted as misdemeanors in the local criminal courts.

Local Criminal Court Litigation

Assistant district attorneys in the Local Criminal Court Bureau conducted more than sixty total trials in 2014 in the three city courts and the town and village justice courts, including nine jury trials and more than fifty non-jury trials. The number of local court trials conducted in 2014 exceeded the 51 trials that were conducted in 2013.

Specialized Misdemeanor Courts

In addition to traditional prosecution, the OCDA also participates in a number of programs that are aimed at defendants who appear in local criminal courts, and who have committed petty offenses or are first time offenders. The District Attorney recognizes the value of, and need

for, diversion programs. The OCDA oversees or provides programs to offenders in order to seek alternatives to the traditional processes of the criminal justice system. These important, and labor intensive, courts are unfunded mandates imposed by the Office of Court Administration.

Two City Drug Courts

The primary mission of Drug Court is to improve the quality of life for communities by providing an alternative to traditional criminal prosecution for non-violent drug defendants. Before entering into Drug Court, defendants must plead guilty to the crime charged. Participants are afforded the opportunity to receive treatment, counseling, training and education in order to break the cycle of drug addiction. Many eligible offenders opt for jail time rather than face the rigors of intensive treatment programs.

There are two active misdemeanor-level Drug Treatment Courts in Orange County. The City of Newburgh Drug Court opened in 2003, followed by the Drug Court in the City of Middletown in 2004. Each of the courts is a “hub” court, accepting transfer cases from surrounding jurisdictions.

Low-level offenders who successfully complete drug rehabilitation through judicial intervention return to communities as more-productive citizens, free from drug addiction. Defendants who are charged with misdemeanors related to their substance abuse, and who are genuinely addicted to narcotics, are afforded an opportunity to change their lives by having their cases referred to a Drug Court.

Successful completion of the Drug Court program enables a defendant to have his or her original charge reduced or dismissed. The community benefits because individuals who have graduated from Drug Court are less likely to continue in a life of crime. Defendants cannot be compelled to enter Drug Court.

Mental Health Connections Programs

The Mental Health Connections program, established in Middletown and Port Jervis City Courts, handles cases in which defendants have legitimate mental or psychological problems. The program began as an initiative of the City of Middletown Court in August 2009, and OCDA has become a partner. The Program expanded into Port Jervis in 2014. In 2014, 28 offenders participated in the program.

The program allows the judge, a defense attorney, or an ADA to “flag” a case with a defendant who has a mental health issue. Some defendants in Middletown already are being treated by the Rockland Outpatient Forensic Support Team at the Middletown Community Campus. If a

defendant is in need of mental health treatment, but he or she is not already being seen by the Rockland team, Orange County Mental Health provides screening.

When the Court, defense attorney, and ADA agree that mental health treatment is advised, the defendant must waive any medical privileges and plead guilty to the charge. After pleading guilty, defendants are assigned to mental health professionals who work with the defendants to address their specific issues. The sentence is a conditional discharge, with mental health treatment being the primary condition of the discharge. The judge will direct that the defendant be treated by the Rockland Psychiatric Center outpatient program or similar programs such as Occupations, Inc. Other sentencing conditions such as restitution or community service might also be imposed.

The Court, along with the District Attorney's Office, monitors the progress of each individual. Defendants who are enrolled in Mental Health Connections periodically appear before the judge with a letter from their provider stating whether or not the defendant is complying with the Court's mental health treatment directives. If not, the case is placed back on a regular court calendar.

The Veterans Track at the City of Newburgh Court

The Veterans Track was initiated in the late summer of 2012 as an initiative to supplement the Newburgh Drug Treatment Court and to specifically target those defendants who are veterans with alcohol or substance abuse problems. The Veterans Track enables liaisons from the local VA Hospital to assist the Drug Court treatment team of providers to better handle the problems of veterans charged with crimes who may have mental health issues, such as post-traumatic stress disorder, that need to be addressed as part of the defendant's recovery and successful participation in the Veterans Track.

OCDA ADAs participated in training with the assistance of Orange County Veterans' Services and local VA officials. The Track, when fully operational, will be a "hub court," allowing veterans charged in other local courts in Orange County to benefit from the program by having their case transferred to the City of Newburgh Court.

City of Newburgh Domestic Violence Court

This specialized court was created in 2006, and handles misdemeanor crimes of domestic violence. Professionals who are specially trained to understand the particulars of domestic violence are assigned to the Court and provide victims' services to address the community problem of domestic violence. Priority is placed on offender accountability and victim safety.

The OCDA works in conjunction with victims' support groups, such as Safe Homes and the Orange County Probation Department, to ensure that victims' rights are protected and their concerns heard and addressed.

Misdemeanors Matter Program

During 2014, the Orange County District Attorney's Office began to place an added emphasis on misdemeanor domestic violence cases. Two ADAs were specifically assigned to handle a predominantly domestic violence caseload, with special emphasis and training placed on prosecuting cases without the victims' testimony, a strategy known as "evidence-based prosecution." The District Attorney's Office has also conducted police training regarding evidence gathering in domestic violence cases.

In addition, in order to further enhance offender accountability, greater focus was placed on mandating that defendants attend and successfully complete the program of Domestic Violence Classes for Men. That program consists of either 26 or 52 weeks of classes that provide offenders with an opportunity to learn about the harmfulness of behaviors that they have perpetrated against their partners. At the beginning of 2014, seven defendants were enrolled in the classes. Since March 2014, when OCDA began to emphasize misdemeanor domestic violence cases, 98 defendants have been required to complete the course as part of the disposition of their case.

For 2015, the Misdemeanors Matter Program will be funded by two grants; one state and one federal. The District Attorney's Office was the recipient of a New York State legislative member-item grant sponsored by State Senator William Larkin, as well as a grant through the federal Violence Against Women Act Formula Grant Program. Those grants will fund the ADAs responsible for work under the Misdemeanors Matter Program.

Integrated Domestic Violence Court

In October, 2005, the Orange County Integrated Domestic Violence (IDV) Court opened. IDV is a branch of the New York State Supreme Court that is dedicated to globally dealing with domestic violence issues in criminal cases, Family Court cases, and matrimonial cases. The IDV Court has jurisdiction to hear cases from all of Orange County's courts, civil and criminal, superior courts and local criminal courts. If the parties are involved in both a criminal case and a Family Court case, or both a criminal case and a matrimonial case, those cases are automatically transferred to IDV court. Although each case retains its own identity, the cases are handled in one court in order to promote judicial economy, victim convenience, and information sharing. The District Attorney's SVU participated in the planning stages of IDV during 2005. As part of the Misdemeanors Matter Program, IDV was handled by the misdemeanor DV unit. In 2014, the unit handled 41 new cases in the IDV Court.

Diversion of Offenders From Prosecution

Each year hundreds of criminal defendants have their cases removed or diverted from criminal court to special programs. These programs provide a framework for responding to crime, and view crime as harm against both victims and the communities in which they live. In 2014, a continuing goal of the OCDA was to expand the use of such restorative justice practices in Orange County.

Group Conferencing

The District Attorney's Office, working with the Probation Department, increased its use of accountability group counseling. In these settings, a victim and a defendant, along with a trained facilitator, meet in a group setting. During the meeting, a victim details the damage the defendant inflicted and how it adversely affected the victim's life. The defendant, in turn, acknowledges the criminal conduct and apologizes. An agreement is reached wherein the defendant makes reparations to the victim. Through the use of group counseling, the victim is able to directly participate in the criminal justice process. Types of offenses that are handled through group conferencing are criminal mischief, harassment, larceny, and trespass.

Since 2008, approximately 150 defendants have gone before group conferences. The positive feedback from victims has validated the use of this important restorative practice.

Community Accountability Boards

Community Accountability Boards are currently established in the cities of Newburgh and Middletown. They are a community-led initiative rooted in restorative justice principles. Young offenders referred by the Orange County Probation Department and their victims go before a volunteer community board to discuss the harm caused and to come to an agreement to repair the damage caused.

The Community Accountability Boards are a joint venture of the Orange County Department of Social Services, the Orange County Probation Department, the New York State Office of Children and Family Services, and the Dispute Resolution Center.

Orange County John School

The Orange County John School was created by the District Attorney's Office in 2003. The John School is a county-wide court-referral program designed for non-violent offenders who have been arrested for soliciting prostitutes. This one-day program is a collaborative effort by the Department of Health, Newburgh Family Health Center, Inc., the City of Newburgh Police Department, and the District Attorney's Office.

The program provides a holistic approach to solicitation crimes that are often misperceived to be victimless crimes. The victims impacted by these crimes include the neighborhoods and families who live where prostitution and related criminal activities are conducted.

Since its inception, fourteen sessions of the John School have been held, and approximately 130 defendants have successfully completed the program. Successful completion of the program may result in a reduction or dismissal of charges.

The Orange County John School is funded entirely by the enrollment fees paid by the participants who attend the program. The John School is presented at the Newburgh Family Health Center, Inc., at Three Washington Center in the City of Newburgh.

Women's Enrichment Program

Another successful restorative justice program created by the OCDA is the Orange County Women's Enrichment Program. The county-wide program is designed for at-risk women and is available for all female offenders. It is funded, in major part, by the fees collected from participants in the John School. As another multi-agency collaborative effort, the Women's Enrichment Program is facilitated by the following agencies: Orange County Department of Health, Orange County Probation Department, Newburgh Family Health Center, Inc., Best Resource Center, Newburgh Ministries, and Catholic Charities.

Participants attend five sessions designed to educate and enhance self-esteem. The class seeks to empower women to choose productive and healthy lifestyles. Upon successful completion of the program, the criminal charges may be reduced or dismissed. The Women's Enrichment Program also accepts interested applicants who have no criminal charges pending but are nonetheless "at-risk" women in the need of help and guidance.

The program began in the Newburgh area, but in 2011, it was expanded to the Middletown area with referrals made from the City of Middletown Court. In 2014, a total of six programs were held, three in the District Attorney's Middletown Office, two in the City of Newburgh, and one in the City of Port Jervis.

Shoplifting Prevention Program

Each year there are hundreds of arrests for shoplifting. The Orange County Shoplifting Prevention Program, begun in 2005, is a response to the need to combat the problem of shoplifting in Orange County. Shoplifting not only affects local merchants, but also impacts citizens who must defray the losses due to shoplifting by paying higher prices for consumer products. Research has shown that many defendants start their criminal careers by shoplifting at an early age.

Shoplifting behavior is a symptom of a problem. The Orange County Shoplifting Prevention Program recognizes that problem through education in order to change shoplifters' behavior to decrease the likelihood of recidivism. Defendants of any age who are arrested for shoplifting are eligible for the program. After admitting their guilt in court, the offender's case is adjourned in order to take and complete a six hour on-line course administered by the National Association for Shoplifting Prevention. The course helps offenders understand, among other things, the underlying reason for shoplifting.

The program is entirely funded by participants. Upon completion of the program, and upon restitution being made, the defendants may have their cases reduced or dismissed. Since its inception in 2005, over 2,200 individuals have successfully completed this program in Orange County, 344 in 2014 alone.

Teen Victim Impact Panel

The District Attorney's Office recognizes the continued and widespread problem of underage drinking. With the assistance of the Orange County STOP-DWI Program, Teen Victim Impact Panels are regularly held throughout the year. The Teen Victim Impact Panel targets underage offenders who have been charged with alcohol- and drug-related offenses.

Teen offenders who attend sessions are educated on the hazards of alcohol-related offenses, in order to deter them from committing similar acts in the future. Teen Victim Impact Panels provided speakers who were victims or past offenders to tell their stories to the attending teens. Since its inception, over 1,200 youths have benefited from the program.

DOING MORE WITH LESS

The operating budget for the District Attorney's Office is set in the preceding year. When District Attorney Hoovler took office, the budget for 2014 had been set at \$9,519,498. The OCDA was not only able to operate within that budget, but to institute the additional programs set forth in this report and to increase the number of felony prosecutions that the office brought. By finding ways to cut costs without cutting efficiency, District Attorney Hoovler was able to recommend a budget for 2015 that is 3% less than the OCDA's budget for 2014. District Attorney Hoovler's recommended budget has been adopted by the County Legislature and the County Executive.

One of the ways OCDA has been able to achieve enhanced prosecutorial initiatives in a cost effective manner is by applying for grants. Projected grant funds for the OCDA's 2015 budget are in excess of \$520,660. That is more than twice the grant funding in place when District Attorney Hoovler took office. In 2014 grant funds received by the OCDA were only \$207,250. By applying for additional grant money, the OCDA was able to obtain for use in 2015 a \$213,465 gun violence reduction "GIVE" grant, a \$75,000 Domestic Violence grant, a \$25,000 Byrne Justice Assistance grant, a \$100,000 Crimes Against Revenue Program "CARP" grant and a \$35,600 Violence Against Women Formula Grant, while maintaining a \$71,600 Aid to Prosecution grant.

THE SPECIAL PROJECTS AND COMMUNITY AFFAIRS BUREAU

For the first time in 2014, District Attorney Hoovler established the OCDA's Special Projects and Community Affairs Bureau. The Bureau's primary mission is to develop and maintain a community prosecution program in Orange County. Through vigorous community outreach, the goal of the community prosecution program is to open lines of communication between the OCDA and all sectors of Orange County's communities, in an effort to discover the underlying issues that cause crime in those communities, and to seek out creative solutions to those issues.

The Bureau is composed of two attorneys, an Executive ADA who acts as the Chief of the Bureau, and an ADA who acts as the Community Affairs Coordinator. Together, in 2014, those Bureau members reached out to various Orange County community leaders, including municipal leaders, police chiefs, school superintendents, county anti-drug coalitions, and others. As a result of those outreach efforts, Bureau members attended approximately 160 meetings and

events with community leaders. District Attorney Hoovler attended approximately thirty of those events in person.

In addition, Bureau members helped to coordinate District Attorney Hoovler's county-wide Community Advisory Board (CAB). The District Attorney established the CAB during the transition between his election in November, 2013, and his swearing-in at the end of that year. The CAB meets periodically, and is designed to provide the District Attorney with input about how a community prosecution program might function in Orange County. In addition, the CAB has divided Orange County into seven regions, so that community issues might be addressed more efficiently on a regional level. Each region will have its own CAB, which will meet periodically to discuss regional crime issues and solutions. So far, the Region 2 CAB has met twice, discussing issues in the Middletown-Walkill-Wawayanda area. Bureau members are continuing to recruit members for additional regional CABs.

In 2014, the Bureau either initiated or participated in several community prosecution programs. For example, in August, 2014, the Bureau launched the Orange County SMART Program, Strategic Methods Aimed at Reducing Truancy. Statistics show that a consistent record of school attendance is important to keeping children from becoming involved in crime later in life. The SMART Program is designed to bring the authority of the OCDA to bear on the parents of truant students who refuse to cooperate with efforts of school officials to remedy the causes of their children's truancy. As an adjunct to efforts of the Orange County Probation Department and the Orange County Department of Social Services, the SMART Program seeks to provide one more avenue to get truant students' families the help they need in order to deal with the issues that are causing the students to be truant in the first place. So far, school personnel have been reaching out to the Bureau for information about the program, though no cases have yet been referred to OCDA under the SMART Program.

In addition, Bureau members have been collaborating with the Alcoholism and Drug Abuse Council of Orange County and the Orange County Department of Mental Health on a series of programs entitled *From Medicine Cabinet to Heroin Addict*, which has been presented at six area high schools and at Mount Saint Mary College. The program is designed to inform the audience about the well-recognized link between the abuse of prescription narcotics and the later development of addiction to heroin. The Bureau's participation in the program is part of the District Attorney's three-part strategy to address the heroin epidemic: Education, the Empowerment to Seek Treatment, and Enforcement.

In 2014, the OCDA's Community Affairs Coordinator became a member of the Port Jervis Connections Advisory Council. That organization was created to address the issues surrounding the establishment of the Port Jervis Court Connections Program for defendants suffering from mental health issues.

In the area of Special Projects, the Bureau, in conjunction with the Appeals Bureau, has been providing a periodic email update on the law to police administrators and PBA presidents countywide. Those updates have included recent developments in case law, updates about new legislation affecting law enforcement, and refreshers about relevant areas of criminal law and procedure.

In 2015, the District Attorney plans to expand the Special Projects and Community Affairs Bureau to four ADAs. With those additional personnel, the Bureau hopes to establish some significant new initiatives:

A narcotics eviction program, designed to remove drug dealers and others running illegal businesses on rental property;

Introduction in the Orange County Legislature of a social host law, designed to prevent property owners from “looking the other way” while underage children drink alcohol on their premises;

Establishment in Orange County of the Mears Reentry Program, a program designed to assist parolees in reentering society without recidivism;

Participation in the Youth Police Initiative, a program designed to bridge the gap between police and youth who are at-risk to commit crime.