

2017

Annual Report



Doing the Right Thing . . . For Everyone . . . Every Day

FROM THE OFFICE OF
ORANGE COUNTY DISTRICT ATTORNEY

DAVID M. HOOVLER

In 2017, the District Attorney's Office continued to implement new initiatives to fight crime in Orange County. Those initiatives include our most important initiatives, which center on combating the opioid epidemic that continues to devastate far too many lives in Orange County. Statewide recognition of our continued success is reflected in my being selected by other elected District Attorneys from throughout New York State as the Second Vice-President of the District Attorney's Association of the State of New York. That position is rarely awarded to a District Attorney who has served for less than five years. My selection to that position, and as a member of the Board of Directors of the New York Prosecutors Training Institute, over other District Attorneys with far longer tenure in office, is testament to the hard-work and innovative practices adopted by the entire District Attorney's Office staff. In addition, the Orange County District Attorney's Office remains the only district attorney's office in the state that administers the Gun-Involved Violence Elimination (GIVE) grant.



**Crime Victims Vigil
April 2017**

Our first priority in 2017 continued to be combating the opioid epidemic. Drugs continue to be the Number One driver for all types of crime, and new, increasingly potent opioids have caused lethal overdoses to increase at an alarming rate. In 2017, the District Attorney's Office continued to use all means at our disposal to disrupt, dismantle, and displace major drug trafficking organizations, and filed 307 felony narcotic charges in County Court. We have continued the use of court-ordered eavesdropping and other sophisticated investigative tools to go after large-scale narcotics traffickers who cannot be prosecuted using conventional law-enforcement techniques. *Operation Family Ties* was a nine-month investigation conducted in 2017 by the New York State Police, the City of Newburgh Police Department, and the Orange County District Attorney's Office. The investigation targeted two major drug-trafficking organizations that were distributing heroin, cocaine, and other drugs in the City and Town of Newburgh. The investigation resulted in the largest execution of search warrants in recent Orange County history, yielding the arrests of thirty-five individuals, all of whom have been convicted and sentenced, including one who was sentenced to nine to twenty years for Conspiracy in the Second Degree.

In 2015, I kept a campaign promise by forming the Orange County Drug Task Force, in conjunction with the Orange County Sheriff and the Police Chief's Association of Orange County. In 2017, the Task Force continued to make more arrests for narcotics sales than any other law enforcement entity in Orange County. Importantly, the Drug Task Force works in all parts of

Orange County, not just in the cities, where previous narcotics interdiction efforts were almost exclusively concentrated.

Our initiatives to stem the opioid epidemic were not solely tied to incarceration of offenders. We have continued to advocate drug treatment and have actively supported treatment courts to help offenders overcome addiction and regain their lives. We have partnered with community groups, healthcare providers, and school officials to encourage treatment and prevention. Given the increasingly lethal potency of fentanyl, heroin, and other drugs, our public service announcements, which promote treatment, prevention and education are critical to saving lives.

By all measures, the public benefits fraud initiatives we started in 2014 and continued through 2017, have been a resounding success, and have had a measurable deterrent effect on welfare fraud. Since I took office, we have brought 204 welfare fraud cases involving over \$2.5 million in fraud. In 2011 through 2013, before my tenure began, there were only twelve such cases brought. Other office initiatives to protect taxpayers' money include our participation in the New York State Crimes Against Revenue Program. In December 2017 alone, we recouped more than a million dollars in evaded taxes, including more than \$780,000 from three concrete companies, each of which pled guilty to the felony charges of Criminal Tax Fraud in Second Degree.

In 2018, our goal is to keep building on our successes. We are working with local law enforcement to tailor our prosecutorial approaches to the different communities in Orange County. We are exploring ways to work with our law enforcement partners using real-time, data-driven, crime intelligence through a soon-to-be-established Crime Analysis Center. For over three years, I have been advocating that the State establish such an intelligence center in Orange

County, and I am glad to see that the center will be located here. We will continue to combat fraud affecting taxpayer's wallets; to improve communications among law enforcement agencies, elected leaders, and the community; and to pursue defendant rehabilitation. Our past successes were and future chances of accomplishing those goals are only possible with forward planning and community input.

Thank you for the privilege of being Orange County's District Attorney.

David M. Hoovler

COUNTY COURT BUREAU

The County Court Bureau is composed of the Grand Jury Unit and the five specialized prosecution units that handle the felony caseload of the Orange County District Attorney's Office (OCDA).

County Court Statistics	2014	2015	2016	2017	Approximate % Change (2016 to 2017)
Felony Conviction Rate (%)	94	96	98	96	-2
Felony Filings	811	804	761	880	+16
Dispositions	914	763	866	906	+5
Guilty Pleas	839	719	799	843	+6
Felony Trials	23	8	15	12	-20
Guilty Verdicts	18	8	12	6	-50
Acquittals/Dismissals	36	29	26	17	-35
Other Dispositions	22	7	27	37	+37
Cases Pending at Year-End	124	209	140	156	+11

NARCOTICS AND GUN UNIT



**Walden Drug Prosecution Press Conference
February 2017**

The Narcotics and Gun Unit is responsible for prosecuting felony drug sale cases, as well as felony possession of drugs with intent to sell. In addition, the unit prosecutes gun cases that are tied to drug and gang activity. Special emphasis is placed on drug sellers who sell narcotics on school grounds. The Unit has participated with the Orange County Drug Task Force and local police agencies to conduct many narcotics enforcement actions, known as "sweeps," targeting drug sellers throughout the County. The Unit also staffed the Judicial Diversion Court, which completely replaced the Drug Treatment Court. Although OCDA continues to seek

strict prison sentences against drug dealers, the office continues to attempt to steer addicts in to appropriate drug treatment programs.

Narcotics and Gun Unit Statistics	2015	2016	2017	Approximate % Change (2016 to 2017)
Felony Narcotics Indictments and Superior Court Informations	286	303	307	+1
Prosecution: Sale of Illegal Drugs	102	74	78	+5
Guns Recovered	95	35	10	-71
Value of Drugs Seized in Sweep by Orange County Drug Task Force	\$163,000	\$168,000	\$278,000	+65
Cases Presented to Grand Juries	239	250	210	-16
Superior Court Informations	47	53	107	+102

Orange County Drug Task Force

In 2014, the Orange County District Attorney's Office, the Orange County Sheriff, and the Police Chiefs' Association of Orange County created the Orange County Drug Task Force. The Task Force is supervised by a senior criminal investigator from the District Attorney's Office and a lieutenant from the Sheriff's Office, and is composed of personnel from those agencies and other Orange County police departments. Currently the police departments for the Town of Montgomery, the Village of Goshen, Town of Wallkill, and the Village of Washingtonville, have assigned police officers to work on the Task Force. In 2017, the Orange County Drug Task Force conducted three sweeps that targeted drug dealers throughout the county.

<u>Orange County Drug Task Force Statistics</u>	<u>2014-2017</u>
Number of Cases	696
Number of Drug Purchases	155
Number of Search Warrants Executed	79
Number of Targets Arrested	540

Significant Cases

Operation Family Ties was a nine-month investigation conducted in 2017 by the New York State Police, the City of Newburgh Police Department, and the Orange County District Attorney's Office, targeting two major drug trafficking organizations that were distributing heroin, cocaine, PCP, and marijuana in the City and Town of Newburgh. The United States Drug Enforcement Administration, the Town of New Windsor Police, the Town of Newburgh Police, the City of Port Jervis Police, and the New York State Department of Taxation and Finance also aided in the largest execution of search warrants in recent Orange County history, yielding 35 arrests of individuals. All of those arrested have been convicted and sentenced, including one of the major conspirators who received a sentence of nine-to-twenty years in state prison upon his plea of guilty to Conspiracy in the Second Degree.

People v. Robert Burbridge – On April 1, 2016, the Port Jervis Police Department executed a search warrant at Burbridge’s residence and recovered a loaded .380 pistol, as well as cocaine. The defendant pled guilty to Criminal Possession of a Weapon in the Second Degree on January 3, 2017. While out of custody pending sentence, the defendant sold felony weight cocaine several times, and some of those sales were conducted on school grounds. City of Port Jervis detectives arrested the defendant for those cocaine sales, and the defendant was indicted on them. The defendant ultimately pled guilty to the cocaine sales, including a sale on school grounds, and was sentenced on November 13, 2017, to a total of sixteen years in state prison, as well as post release supervision. The defendant also forfeited \$2,066.00 that he had in his possession at the time of his arrest.

SPECIAL INVESTIGATIONS UNIT AND CRIMES AGAINST REVENUE PROGRAM

Over \$22.5 Million in Estimated Savings of Public Funds Since DA Hoovler Took Office

The Special Investigations Unit is responsible for investigating and prosecuting a variety of criminal conduct, including arson felonies, certain vehicular crimes, 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 before being presented to a grand jury, including large-scale white-collar larcenies, public corruption, police misconduct, computer crimes, and Internet child pornography cases. The Unit is also responsible for making appropriate referrals to other agencies when criminal prosecution is inappropriate.

In July 2017, the OCDA, in conjunction with the Orange County Department of Social Services and the Orange County Sheriff’s Office, conducted a welfare fraud enforcement action, known as a “sweep.” That enforcement action resulted in 23 new criminal cases. The continued efforts of the OCDA and its welfare-fraud enforcement partners in investigating and prosecuting public benefits crimes resulted in restitution of over \$145,000 in fraudulently obtained benefits being returned to programs administered by the Orange County Department of Social Services in 2017.

The State Division of Criminal Justice Services provides the Orange County District Attorney’s Office with a yearly \$89,000 grant to partially fund the salary and benefits of one experienced assistant district attorney under the Crimes Against Revenue Program (CARP). In 2017, Orange County’s recoveries of CARP funds more than made up for the amount of funding that the State provides to OCDA’s CARP program. In December 2017 alone, OCDA recouped more than a million dollars in evaded taxes, including more than \$780,000 from three concrete companies, each of which pled guilty to the felony charge of Criminal Tax Fraud in the Second Degree.

The estimated savings realized by the enforcement actions since District Attorney Hoovler took office is over \$22.5 million. That figure represents the amount of money that public benefits programs administered by the Orange County Department of Social Services would have paid

out to those fraudulently obtaining benefits if the enforcement actions had not taken place. The figures for intentional program violations represent civilly handled cases where overpaid program recipients agreed to pay back money and agreed to be disqualified from DSS pro-

Special Investigations Unit Statistics	2013	2014	2015	2016	2017	Approximate % Change (2016 to 2017)
Welfare Fraud Cases	71	115	123	138	115	-17
• Handled as Civil Matters	64	48	68	105	39	-63
• Criminally Prosecuted	7	67	55	41	41	No Change
• Fraud Represented	\$503,354	\$748,000	\$556,000	\$413,000	\$433,532	+5
• Estimated Avoided Costs	\$2.15 million	\$4.3 million	\$4.8 million	\$6 million	\$7.6 million	+27
• Voluntary Recoveries	<\$12,643	\$108,485	\$66,357	\$64,380.45	\$145,483.72	+126

grams.

• Intentional Program Violations	49	54	105	119	121	+2
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Eighth-Highest County in Recoveries in Department of Labor Cases

In 2017, the New York State Department of Labor determined that OCDA was the eighth-highest county in New York in terms of the amount of funds recovered in Department of Labor cases, recovering more than \$187,000.00. That statistic is remarkable, in that Orange County is the twelfth-largest county, by population, in New York, and OCDA's recoveries in Department of Labor cases exceeded the recoveries achieved by several counties with much larger populations.

Significant Cases

Grand Jury Report: *In re City of Newburgh Comptroller* – On November 1, 2017, an Orange County grand jury issued a report that made specific recommendations to the City of Newburgh about how it can better safeguard municipal funds. The grand jury's investigation, which was initiated by District Attorney Hoovler, followed an investigation that led to the prosecution of then-City Comptroller John Aber, who pled guilty to Grand Larceny in the Fourth Degree, for stealing \$9,570 in City funds. During the initial investigation into Mr. Aber's thefts, officials uncovered a general lack of oversight and procedures within the City of Newburgh. The District Attorney's Office was aided by the New York State Comptroller's Office during the investigation into Aber's thefts, as well as in the grand jury investigation that resulted in the issuing of the report.

Immigration Assistance Fraud Cases

People v. Maria Medina – On August 29, 2017, Maria Medina pled guilty to the felony of Immigrant Assistance Services Fraud in the First Degree. Medina admitted that she had defrauded at least four different recent immigrants from Mexico and Columbia, making false promises to them that she would be able to expedite changes to their legal immigration status by providing them with United States residency cards, commonly called "green cards." As part of her plea agreement, Medina agreed to pay \$9,350.00 in restitution to the immigrants she had defrauded. Medina's guilty plea marked the first time that the Orange County District Attorney's Office obtained a conviction for the felony of Immigrant Assistance Services Fraud in the First Degree. The case was brought as part of Orange County District Attorney's Office Immigrant Affairs Initiative.

People v. Byron Castillo – In June 2017, an Orange County grand jury charged Byron Castillo with five counts of Grand Larceny in the Third Degree, as a Hate Crime, and other crimes. The case was also prosecuted as part of the District Attorney's Immigrant Affairs Initiative. It was alleged that Castillo defrauded five recent immigrants from Ecuador, by promising them that their relatives could get United States visas, and by providing them with false visa documents and plane tickets. The indictment alleges that Castillo stole more than three thousand dollars

from at least five victims, and that he selected his victims in whole or in substantial part because of their national origin, making the charges hate crimes. Castillo remains at large.

Tax Related Crimes

People v. Ameen Hawkins – On July 11, 2017, Ameen Hawkins pled guilty to felony charges of Scheme to Defraud in the First Degree and Criminal Tax Fraud in the Third Degree, in connection his operation of Hawk's Community Auto Sales, which operated a used car lot in the City of Middletown.

People v. Raymond Otte – On June 5, 2017, Raymond Otte pled guilty to Criminal Tax Fraud in the Third Degree and Endangering Public Health, Safety, or the Environment in the Fourth Degree, a crime, in connection with his businesses A Thru Z Trucking, Inc., and A Thru Z Farms, Inc., which operated on Route 6 in the Town of Wawayanda. Otte admitted that between January 2012 and July 14, 2015, he had collected \$67,846 in New York State sales tax that he never sent to the Tax Department. Otte also admitted underreporting his income on his New York State personal income tax returns and allowing several other companies to illegally dump construction and demolition debris on his Town of Wawayanda property. Under the terms of Otte's plea agreement, he was required to pay back all of the stolen sales tax, and pay \$15,000 in additional civil forfeiture.

Concrete Company Investigations – On December 21, 2017, three concrete companies, Concrete on Demand, Inc.; Copour, Inc.; and CoMix, Inc., each pled guilty to the Class C Felony of Criminal Tax Fraud in Second Degree for having collected New York State sales tax that they failed to remit to the New York State Department of Taxation and Finance. As part of their plea agreements, each corporation repaid all of the delinquent sales tax, and the total amount paid by all the companies was \$780,642.50. On December 11, 2017, two high managerial agents of the corporations pled guilty in Town of Monroe Court to tax crimes, for failure to remit sales tax. David Gross, a high managerial agent of Concrete on Demand, Inc.; and David Friedman, a high managerial agent of Copour, Inc., and CoMix, Inc., each pled guilty to Criminal Tax Fraud in the Fifth Degree.

Vehicular Crimes

People v. Christopher Peloso – On June 5, 2017, Christopher Peloso was sentenced to twelve years in prison for injuring two police officers and others following a high-speed chase. On December 5, 2016 Peloso had been convicted after a bench trial of Attempted Aggravated Assault Upon a Police Officer or a Peace Officer and numerous other charges resulting from the chase.

VIOLENT CRIMES UNIT

The Violent Crimes Unit prosecutes all violent felonies, including felonious assaults, robberies, residential burglaries, possession and use of loaded guns, and making terroristic threats. The

supervisor of the Violent Crimes Unit is also directly responsible for day-to-day administration of the Gun-Involved Violence Elimination (GIVE) grant and the Newburgh Non-Fatal Shooting Task Force grant. OCDA's GIVE partners include the City of Newburgh Police Department, the Orange County Sheriff's Office, the Orange County Department of Probation, the United States Attorney's Office for the Southern District of New York, and parole authorities with the New York State Department of Corrections and Community Supervision.

Violent Crimes Unit Statistics	2014	2015	2016	2017	Approximate % Change (2016 to 2017)
Cases/Defendants Screened	260/310	313/374	289/351	272/300	-6/-15
Indictments Filed	81	78	59	59	No Change
Superior Court Informations Filed	43	43	54	59	+9

In 2015, OCDA became the first and only District Attorney's Office in New York to take the lead in administering the GIVE initiative. Accordingly, in 2015 OCDA hired a project manager to administer the Group Violence Intervention (GVI) component of the GIVE strategy. Furthermore, beginning in October 2015, OCDA, in conjunction with its GIVE partners, began holding Newburgh GVI call-ins, at which members of the City of Newburgh's most-violent groups appear and listen to presentations designed to help reduce gun violence in the City, and to offer services to group members and their families. To date, there have been five call-ins, and several members of Newburgh's violent groups have contacted social services representatives to seek assistance.

In March 2017, the OCDA and the City of Newburgh Police Department secured funding for the Non-Fatal Shooting Task Force. OCDA and one other District Attorney's Office in the State were selected as pilot jurisdictions to handle non-fatal shootings with uncooperative victims and witnesses. The City of Newburgh PD and OCDA each provide one investigator, who work with a crime analyst and an ADA to investigate non-fatal shootings in which witnesses or victims are uncooperative. The Task Force investigates the cases using non-traditional means to gather evidence to prosecute a legally sufficient case.

GIVE and the Non-Fatal Shooting Task Force represent only two of the innovative strategies that OCDA, the City of Newburgh Police Department, and other partners have been using to reduce violent crime in the City. And those strategies appear to be having a positive effect on the City's crime rate. In 2017, as compared to 2016, the City saw a 65% reduction in bullet-to-body shootings and a 15% reduction in total UCR Part I crime.

Significant Cases

People v. Davion Fryar – (Non-Fatal Shooting Task Force case) – On February 12, 2017, Kadeem Jacklyn was in a taxi cab and was shot in the arm as another passenger got out of the taxi. Information developed by the investigation led to Davion Fryar being the shooter. On March 24, 2017, the New York State Department of Corrections and Community Supervision conducted a

home visit at Davion Fryar's residence and recovered a loaded .32 semi-automatic firearm. That firearm was compared to a projectile that was recovered from the taxi cab, and the projectile was consistent with having been fired from the same firearm. On November 16, 2017, Davion Fryar pled guilty to Criminal Possession of a Weapon in the Second Degree and on December 22, 2017, he was sentenced to ten years in state prison and five years of post-release supervision.

People v. Devin Giordano and Jennifer Molyneaux – On August 2, 2014, the defendants broke into the home of Helen Mills, in the Village of Goshen looking for money. When the victim woke up, the defendants beat her and strangled her to death. Then the defendants set fire to her and her home in an attempt to get rid of evidence. Both defendants pled guilty in 2017 to Murder in the Second Degree. Giordano was sentenced to twenty years to life in prison, and Molyneaux was sentenced to nineteen years to life.

People v. Sean Leath – On April 23, 2016, the defendant and other individuals approached the victim at his residence, regarding an argument that took place earlier in the day. The defendant and his accomplices chased the victim into his residence and then stabbed the victim in the chest. On December 2, 2016, the defendant pled guilty to Burglary in the First Degree. Prosecutors learned that the defendant, through his girlfriend, had paid the victim to not cooperate with the prosecution of the burglary case. On December 5, 2016, the defendant also pled guilty to Attempted Bribing a Witness. On January 19, 2017, the defendant was sentenced to twenty years in state prison and five years' post release supervision on the Burglary in the First Degree count and two to four years in state prison on the Attempted Bribing a Witness charge, with the sentences to run concurrently.

People v. Michael Heil – On August 7, 2016, the defendant slammed, severely shook, or threw his seven-week infant son, Zachary. The infant lived for about two weeks on life support before succumbing to his injuries. At the trial, there was extensive medical testimony from experts establishing that the infant suffered catastrophic head injuries while being cared for by Heil. The evidence established that Heil had subjected his infant son to traumatic head injuries, while the infant's mother was at work. Prosecutors also established, through electronic and social media evidence, Heil's growing pattern of frustration over the victim's inconsolable crying as a result of being diagnosed with colic. This pattern continued in the hours and minutes prior to the victim becoming unresponsive. The defendant was convicted after a jury trial of two counts of Murder in the Second Degree, Manslaughter in the First Degree, and Manslaughter in the Second Degree. The defendant was sentenced to twenty-five years to life in prison on each of the Murder in the Second Degree counts, twenty-five years in prison and five years' post-release supervision on the Manslaughter in the First Degree charge and five to fifteen years in state prison on the Manslaughter in the Second Degree charge.

People v. Joshua DeJesus – After a long-term investigation into a number of bank robberies that occurred in the Hudson Valley, it was determined that the defendant was involved in a bank robbery on August 24, 2015, in the City of Newburgh at the Heritage Federal Credit Union. The defendant displayed what appeared to be a pistol, revolver, or other firearm and stole money

in excess of \$200,000. On January 10, 2017, the defendant pled guilty to Robbery in the First Degree and was subsequently sentenced to sixteen years in state prison and five years' post-release supervision.

People v. Jaylin Smith –The defendant was a self-confessed member of the “Bloods” street gang, and a member of the “Gruddy Gang” which is believed to be a “Bloods” affiliate. On August 31, 2016, the defendant and an accomplice approached several people on a residential street in the Town of Wallkill. At gunpoint, the two men ordered their victims to stand against a nearby car and stole property from them. After the robbery was completed, at least one of the perpetrators shot one of the victims, who suffered two gunshot wounds. Bullets were removed from the victim’s back, near his spine, and from his chest, near his heart. The gunshot victim is currently paralyzed. On May 25, 2017, the defendant pled guilty to Attempted Murder in the Second Degree and was subsequently sentenced to eighteen years in prison and five years' post-release supervision.

People v. Alan Alberto – On December 13, 2016, in the City of Newburgh, the defendant forcibly stole a Santa Fe motor vehicle from the victim by stabbing the victim and then dragging her with her own vehicle, crashing the vehicle into a building. After it crashed into the building, the vehicle almost landed on the victim. The victim sustained serious injuries including a broken hip and fractured toes, foot and ankle, among many other injuries. The defendant pled guilty to Assault in the First Degree and was subsequently sentenced to eighteen years in state prison and five years' post-release supervision.

People v. Michael Robinson – On July 27, 2016, the defendant, acting with others, in the City of Newburgh, possessed a firearm in a motor vehicle. The defendant was convicted after a jury trial of Criminal Possession of a Weapon in the Second Degree and Resisting Arrest. The defendant was subsequently sentenced to twelve years in state prison and post-release supervision.

People v. Kenyatta James – On May 15, 2017, Kenyatta James, a/k/a Nate Bender, was sentenced to 25 years in state prison for a robbery he had committed in 2010. On October 28, 2016, James was convicted of Robbery in the First Degree and Criminal Possession of Weapon in the Third Degree following a jury trial. James had previously been convicted of those same charges in 2011, but that conviction had been overturned by an appellate court on May 6, 2015, due to an improper identification procedure.

SPECIAL VICTIMS UNIT

The Special Victims Unit (SVU) handles cases involving 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, to more effectively prosecute those cases and to lessen the trauma that victims suffer. The SVU also oversees Sex Offender Registration Act

hearings, which are held to determine the sexual offense registry level of a convicted sex offender. 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, including: 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. Attorneys in the SVU are also responsible for proceedings in Orange County's Integrated Domestic Violence Court.

Special Victims Unit Statistics	2014	2015	2016	2017	Approximate % Change (2016 to 2017)
Cases Screened	397	476	436	518	+19
Indictments Filed	41	39	26	71	+173
SCIs Filed	17	17	14	10	-29

Significant Cases

People v. Garfield Bentley – The defendant was convicted after a jury trial of Burglary in the Second Degree and multiple counts of Criminal Contempt in the First Degree for the repeated stalking and harassment of his ex-girlfriend. He was sentenced to nine years in prison.

People v. Gilberto Loza – The defendant pled guilty to Criminal Sexual Act in the First Degree for the sexual abuse of a six-year-old girl. He was sentenced to twelve years in prison.

People v. Stanley Allen – The defendant pled guilty to Criminal Sexual Act in the First Degree for the sexual abuse of a twelve-year-old girl. At sentencing, the people will recommend ten years in prison.

MISDEMEANORS MATTER DOMESTIC VIOLENCE INITIATIVE

During 2017, OCDA continued to emphasize misdemeanor domestic violence cases, through the Misdemeanors Matter Program, a part of the SVU. OCDA created the program in 2014 to ensure that misdemeanor domestic violence cases are handled with the special attention and expertise that those serious cases deserve. For 2017, the Misdemeanors Matter Program was funded by a grant from the federal Violence Against Women Act Formula Grant Program. That grant partially funded the ADA responsible for work under the Program. One ADA was specifically assigned to handle a domestic violence caseload, with special emphasis and training placed on prosecuting cases without the victims' testimony, a strategy known as "evidence-based prosecution."

In 2017, the Misdemeanors Matter Program handled more than 500 domestic violence cases. In addition, OCDA continued to further enhance offender accountability by 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. In 2017, 137 defendants were mandated to attend Domestic Violence Classes for Men as part of the disposition of their criminal cases.

GENERAL CRIMES UNIT

The General Crimes Unit prosecutes felonies that are not assigned to other specialized prosecution units, where defendants are held in jail after arraignment, or where the cases are screened and sent to the Unit by the Local Criminal Court Bureau supervisors. Cases that the Unit handles include felony charges of driving while intoxicated, commercial burglaries, grand larcenies, forgeries, identity theft, promoting prison contraband, and many other crimes. In 2017, four ADAs were assigned to the General Crimes Unit, working under the supervision of a Senior Assistant District Attorney and the Grand Jury Supervisor.

General Crimes Unit Statistics	2016	2017	Approximate % Change (2016 to 2017)
Cases Screened	725	806	+11
Cases Indicted	160	157	Less Than 1
Superior Court Informations Filed	109	109	No Change
Leandra's Law Cases Filed	27	21	-22

Leandra's Law Cases

2017 was the eighth year in which Leandra's Law was in effect. That law makes it a felony to operate a motor vehicle while intoxicated by alcohol or impaired by drugs while a child fifteen years old or younger is in the vehicle, regardless of the existence of prior convictions. All such arrests were prosecuted by members of the General Crimes Unit. The Orange County District Attorney's Office maintains a zero-tolerance policy in those cases. In 2017, that policy resulted in 21 individuals being charged for Leandra's Law violations, either by way of Indictment or Superior Court Information.

Significant Cases

People v. Joseph Keenan – Defendant, recently paroled from state prison for Robbery in the First Degree, was found in possession of a stolen safe containing \$30,000 and assorted jewelry. Initially defendant was charged only with Criminal Possession of Stolen Property. Following additional investigation, however, he was indicted for Burglary in the Second Degree. Defendant pled guilty, admitting he had broken into the residence and stolen the safe, and was sentenced as a second violent felony offender to 9 ½ years in prison and five years' post-release supervision.

People v. Andras Geiger – Defendant, the driver in a single car rollover crash, was charged with Manslaughter in the Second Degree and related charges, stemming from the death of his passenger, who was ejected from the car. Defendant's blood sample yielded a .07% reading for al-

cohol and was positive for byproducts of marijuana. A collision reconstructionist determined defendant was travelling more than 95 miles per hour when he failed to negotiate a curve, struck a guardrail and went airborne over a creek before crashing in the woods. Defendant pled guilty to Manslaughter in the Second Degree and was sentenced to three to nine years in state prison.

People v. Kodjo Kondon - Using a forged driver's license, defendant tried to obtain a loan at a local credit union, and police were notified. When police arrived and tried to arrest the defendant, he struck an officer and fled. Arrested nearby, defendant was found in possession of another forged license. During his jury trial, the defendant fled. He was found guilty of all charges *in absentia*, and sentenced as a second felony offender to seven to fourteen years in state prison. Defendant remains at large.

People v. Jacques Harvey – Defendant, in Orange County Jail for a parole violation, was found in possession of contraband including marijuana, tobacco and an X-Acto blade. He was convicted of Promoting Prison Contraband in the First Degree in a jury trial and sentenced as a second felony offender to 3 ½ to 7 years in prison.

THE APPEALS BUREAU

The Appeals Bureau handles all matters pending in the New York State appellate courts, including the New York Court of Appeals; the Supreme Court, Appellate Division, Second Department; and the Supreme Court, Appellate Term for the Ninth and Tenth Judicial Districts. Attorneys assigned to the Appeals Bureau also respond to federal habeas corpus challenges filed in the United States District Court for the Southern District of New York involving cases prosecuted by the Orange County District Attorney's Office as well as related appeals to the United States Court of Appeals for the Second Circuit and the United States Supreme Court. Bureau attorneys also provide legal assistance to other OCDA attorneys in both the Orange County Court and in various local criminal courts, provide legal assistance in civil forfeiture, assist with the Orange County Animal Abuse Task Force, provide assistance with the drafting of search warrants, and provide legal advice and training to members of the District Attorney's staff and to various police agencies in Orange County. Finally, the Appeals Bureau Chief is also designated as the OCDA's Records Access Officer, and together with other attorneys from the Appeals Bureau and the Special Projects and Community Affairs Bureau, is responsible for responses to Freedom of Information Law (FOIL) requests.

In 2017, the New York State appellate courts issued 52 decisions involving appeals handled by the Orange County District Attorney's Office. The District Attorney's Office was victorious in 30 of the 35 cases decided by the Appellate Division, Second Department, and in twelve of the thirteen cases decided by the Appellate Term for the Ninth and Tenth Judicial Districts. In addition, the United States District Court for the Southern District of New York denied petitions for writs of habeas corpus in six cases involving claims that defendants brought following the con-

clusion of their direct appeals in the state appellate courts, claims challenging state court convictions in cases that were prosecuted by the Orange County District Attorney's Office.

Significant Cases

People v. Gosford Lembhard – The Appellate Division affirmed defendant's convictions for Attempted Murder in the Second Degree, and other charges, arising from two separate incidents that occurred in the City of Newburgh. During the early evening hours on September 9, 2012, defendant fired multiple shots at an occupied vehicle. On December 5, 2012, defendant barricaded himself inside his home as members of the City of Newburgh Police Department attempted to execute an arrest warrant, and then attempted to flee after he climbed out of a rear window. During his apprehension, the police recovered a .45 caliber pistol that was linked to the September 9, 2012, shooting. Defendant was sentenced to an aggregate eighteen-year state prison sentence, followed by a five-year term of post-release supervision.

People v. Anthony DiValentino – Following a jury trial, defendant had been convicted of Attempted Assault in the First Degree, and other charges, stemming from an incident in which defendant struck and forced his ex-girlfriend's vehicle off Interstate 84. The victim sustained injuries from the crash. In turn, while being held in custody on those charges, defendant solicited others to kill the victim. Defendant received an aggregate prison sentence of fifteen years and a five-year period of post-release supervision. The Appellate Division affirmed defendant's convictions and sentences.

Federal Habeas Corpus

Alphonso Kirksey – The United States District Court for the Southern District of New York denied defendant's petition for a writ of habeas corpus, rejecting defendant's federal constitutional challenges to his state court convictions for Attempted Murder in the First Degree and other offenses. Those charges stemmed from an incident that occurred on March 11, 2005, in the City of Newburgh, during which defendant shot his girlfriend five times with a .38 caliber revolver and then fled the residence. Defendant then fired at one of the police officers who responded to the original shooting. Defendant is currently serving an aggregate concurrent sentence of twenty-three years to life.

Appeals Bureau Statistics	2014	2015	2016	2017	Approximate % Change (2016 to 2017)
Total Matters Handled	556	599	626	624	0
State Appeals	43	34	57	82	+44
Federal Habeas Responses	3	8	2	8	+300
Appellate Arguments	11	11	12	6	-50
Post-Judgment Hearings	10	6	1	1	No Change
FOIL Responses	123	120	101	154	+52
Animal Cruelty Cases Reviewed	19	19	9	10	+11

Search Warrants Drafted	12	24	3	6	+100
Training Sessions Conducted	16	19	41	11	-73

SPECIAL PROJECTS AND COMMUNITY AFFAIRS BUREAU

The Special Projects and Community Affairs Bureau continued to reach out to Orange County's communities, and to administer other special initiatives of the District Attorney's Office. In 2017, Bureau members:

- **Continued to run the District Attorney's Regional Community Advisory Boards.** The Regional Community Advisory Boards are made up of community leaders and representatives, and are designed to provide the District Attorney with advice on how a community prosecution program might work in Orange County. The regional boards are divided into seven geographic divisions and are composed of a cross-section of community representatives in those regions. The boards discuss issues of crime and crime-prevention strategies in smaller areas of Orange County, where community issues may be addressed more efficiently on a regional level.
- **Continued to operate the Orange County SMART (Strategic Methods Aimed at Reducing Truancy) Program,** designed to bring the authority of the district attorney to bear on parents of truant students when those parents refuse to cooperate with efforts of school officials to remedy the causes of their children's truancy.

Total SMART Program Cases Referred	78
Cases Still Under Review	46
Cases Where Student Has Returned to Regular School Attendance	15
Cases Where Student Has Withdrawn From School	17
Cases Where Student Is Now Being Home Schooled	3
Cases Closed Due to a Finding that Parent Exercised Reasonable Diligence	0
Cases Referred to Police	1

- **Sponsored *The Uncommon Athlete* program.** *The Uncommon Athlete* is a program developed jointly by Rachel's Challenge and the Cal Ripken, Sr. Foundation. It is designed to impress on young athletes the values that will make them better athletes and better adults – Perseverance, Relationships, Integrity, Courage, and Empathy – values represented in the acronym PRICE. Through those values, the program seeks to help young athletes to better themselves, and to become adults who can lead and improve their communities. In the fall, The District Attorney's Office sponsored six presentations, where approximately 1,300 student athletes, team captains, school administrators, athletic directors, and coaches attended from thirteen high schools. To date over 3,000 students have participated in the program. The program is part of District Attorney Hoovler's effort to reduce bullying and hazing in Orange County schools.
- **Launched the "Connect 2 Disconnect" heroin and opioid awareness campaign.** District Attorney Hoovler designed the "Connect 2 Disconnect" program to provide education to the public in an effort to keep young people away from prescription drugs and heroin. "Connect 2 Disconnect" is designed to educate parents and peers about how they can connect with their children and contemporaries to break the connection between prescription drugs and heroin. The campaign features posters, written materials, and a powerful public service announcement intended to drive home the severity of prescription opiate abuse, and its link to later addiction to heroin and other opiates.
- **Continued assisting Orange County's immigrants in dealing with the criminal justice system.** As a member of the New York State District Attorney's League of Immigrant Affairs (DALIA), the District Attorney's Office continues to attend meetings with representatives from New York State district attorney's offices in Queens, Manhattan, Brooklyn, Bronx, Nassau, and Westchester Counties. In addition, the District Attorney's Office has continued its membership in the Protecting Immigrant New Yorkers (PINY) Task Force, a coalition of state, local, and federal agencies working together to protect immigrants from being defrauded. Under the OCDA's Immigrant Affairs Initiative, immigrants who are victimized have a single point-of-contact, the immigrant affairs coordinator, for assistance and information about their cases. The District Attorney's Office also presented a program about issues of concern to the immigrant community at Temple Sinai in Middletown and participated in a Latinos in Business Event to discuss the Immigrant Affairs Initiative.



District Attorney's League of Immigrant Affairs (DALIA), including Orange County Community Affairs Coordinator Darlene DeJesus (second from left) and Orange County Counsel to the District Attorney Robert Conflitti (far right)

- **Continued to build community relations.** Community prosecution is founded on the idea that prosecutors have a responsibility not only to prosecute cases but to solve public safety problems, prevent crime, and improve public confidence in the justice system. That requires collaborating with others (including residents, community groups, and other government agencies) and becoming an integral part of the community. The Community Affairs Unit has become a part of the community and responded to community needs through the following measures:

- **Anti-Drug Coalitions:** Actively partnering with the seven anti-drug coalitions in the County – TEAM Newburgh, the Middletown Cares Coalition, Operation PJ PRIDE, the Greenwood Lake Coalition, the Warwick Valley Coalition, the Greater Pine Bush Partnership, and the newly-formed Crusader Community Coalition – as well as the Wallkill Police Community Council. The Community Affairs Unit attends monthly meetings for each coalition, where it provides the community with office updates, listens to community issues, and addresses community concerns related to crime.

- The District Attorney's Office presented the Operation PJ PRIDE coalition with a check for \$3,500.00, the office's contribution to launch the *Reality Tour*. The *Reality Tour* is an evidence-based program designed to help prevent substance abuse among young people. The program involves a series of vignettes illustrating the consequences of substance abuse, and brings in children and their parents as the target audience.

- The District Attorney's Office was presented with a Certificate of Appreciation by the Wallkill Police Community Council and recognized by the Warwick Valley Coalition for participation in the Summer Youth Leadership Academy.
- **National Night Out:** District Attorney Hoovler and fourteen ADAs appeared at the seven National Night Out Against Crime events being held in Orange County, in the Cities of Newburgh, Middletown, and Port Jervis; the Town of Wallkill; and the Villages of Greenwood Lake, Walden, and Highland Falls. The District Attorney's Office had a table staffed by two ADAs at each location. The ADAs displayed literature publicizing District Attorney Hoovler's community prosecution program and offered free items designed to provide the public with information that might be valuable in crime prevention. The ADAs also engaged with community members, discussed the office's functions and answered general questions.
- **Heroin Forum:** District Attorney Hoovler sponsored two countywide forums discussing the heroin epidemic. The events included presentations from Orange County Sheriff Carl DuBois; Orange County Court Judge Robert Freehill; Darcie Miller, Orange County Commissioner of Social Services and Mental Health; and James Conklin, Executive Director of the Alcoholism and Drug Abuse Council of Orange County. The forum was composed of a unique set of presentations, bringing together drug-abuse educators, treatment providers, law enforcement, and the segments of the judiciary that deal with drug issues. The forums provided valuable information to parents, educators, and professionals about the scope of the heroin epidemic in our area, the dangers of heroin use, the signs that a loved one might be addicted to heroin, the strategies for dealing with heroin addiction, treatment alternatives, and the legal implications of possessing heroin.
- Continued to build upon community relations by continuing to engage in the following:
 - Sponsored the annual Police Benevolent Association Summit, where the District Attorney and his staff listened to and addressed the concerns of rank-and-file police officers throughout the County.
 - Sponsored the annual Superintendents' Roundtable, where the County's school superintendents were updated on the Office's initiatives as they pertain to the school system.
 - Coordinated three sessions of the Women's Enrichment Program, a five-day program designed to provide information and support to at-risk women. The class seeks to empower women to choose productive and healthy lifestyles by addressing issues of violence, health and health risks, exploitation, and community and educational-vocational resources. The sessions took place in the City of Newburgh, the City of Port Jervis, and the City of Middletown.

- Delivered the keynote address at the Red Ribbon Week Ceremony at Valley Central High School, speaking about ways to remain drug and alcohol-free.
- Served as a guest speaker at Mount Saint Mary College in Newburgh, in the college's "Take Back the Night" program, an anti-sexual assault campaign derived from the "It's On Us" program.
- Spoke to the Warwick Valley High School junior and senior classes about the Orange County Social Host Law, and the consequences of the underage consumption of alcohol, at the Driver Awareness assembly.
- Hosted a series of Senior Fraud presentations to groups of senior citizens throughout the County, including at the Senior Forum & Public Hearing sponsored by the Orange County Office for the Aging.
- Served as a guest speaker at the Orange County Association of Towns to discuss the opioid epidemic.
- Continued to participate in career days throughout schools in the County, to serve as guest speakers at events, and continued tabling at various community events.
- Made approximately 300 appearances at town board meetings, schools, and community events.

LOCAL CRIMINAL COURT BUREAU

Assistants assigned to the Local Criminal Court Bureau are responsible for handling the majority of prosecutions in the local criminal courts in Orange County's 20 towns, 19 villages, and three cities. Combined, there is a total of 72 separate local criminal court parts. Local criminal courts meet both in the daytime and at night, and handle misdemeanor and petty offense cases, and exercise preliminary jurisdiction over most felony cases. In 2017, the Bureau prosecuted approximately 20,000 cases, representing more than 90 percent of OCDA's total caseload.

Attorneys in the Bureau are also responsible for operations in several of Orange County's specialty courts, including:

- Middletown Drug Court;
- City of Newburgh Drug Court;
- City of Newburgh Veterans' Court;
- Middletown Mental Health Court Connections Program;
- Port Jervis Mental Health Court Connections Program;

- City of Newburgh Domestic Violence Court.

Attorneys in the Bureau are also responsible for referring appropriate cases to various diversion programs throughout the County. Those programs include:

- Dispute Resolution Center – sponsoring a number of programs to mediate differences between parties;
- Orange County John School – a program for non-violent sex offenders arrested for soliciting prostitutes, where health and law enforcement officials and community members discuss a variety of topics;
- Shoplifting Prevention Program;
- Teen Victim Impact Panel – Group session held for defendants under 21 years of age, where defendants listen to victims of crimes and share how alcohol-related offenses have affected their lives.

DWI POLICY

In 2017, OCDA continued its restructured DWI policy, which was created in consultation with Orange County police chiefs and the New York State STOP-DWI chairperson. The policy, among other things, compels first-time offenders, in order to be eligible for a guilty plea to a reduced charge, to receive alcohol- and substance-abuse evaluations and, if necessary, treatment, so that they might avoid becoming felons or killing people on the highways. Statistics reflect that approximately ten percent of first-time DWI offenders require some form of treatment.



BUDGET/GRANTS

	2014	2015	2016	2017	2018	Approximate % Change (2016 to 2017)
Annual Budget (adopted)	\$9,519,498	\$9,191,427	\$9,342,670	\$10,040,096	\$10,372,275	+3
Grants	\$351,215	\$520,665	\$545,465	\$725,995	\$656,299	-10
• Gun-Involved Violence Elimination (GIVE) Grant	\$213,465	\$213,465	\$213,465	\$213,465	\$275,129	+29
• Byrne Justice Assistance Grant	N/A	\$25,000	\$15,000	\$75,000	N/A	N/A
• Crimes Against Rev- enue Pro- gram (CARP) Grant	\$25,000	\$100,000	\$89,000	\$89,000	\$89,000	No Change
• GVI Project Manager	N/A	N/A	\$85,000	\$85,000	N/A	N/A
• Video Re- cording of Statements	\$41,150	N/A	N/A	\$50,967	\$50,967	No Change
• Violence Against Women For- mula Grant	N/A	\$35,600	\$35,600	\$35,600	\$35,600	No Change
• Aid to Prose- cution Grant	\$71,600	\$71,600	\$107,400	\$71,600	\$100,240	+40
• Non-Fatal Newburgh Shootings	N/A	N/A	N/A	\$105,363	\$105,363	No Change

NOTE: With respect to the Significant Cases described above, 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.