

2016

Annual Report



Seeking Justice Through Community Partnerships & Innovation



I am proud to report that in 2016 the District Attorney's Office has continued the initiatives that I promised to pursue when I ran for office in 2013, and that we have continued to implement and improve during the time I have been privileged to be Orange County's district attorney. As the numbers in this report show, in 2016 the District Attorney's Office has continued making an impact fighting crime in Orange County, and in particular, combating the opioid epidemic. This report outlines innovations that we have made in the District Attorney's Office, not only in criminal prosecution, but in crime prevention, and the results of those innovations.

In 2016, our first priority continued to be combating the opioid epidemic. Drugs continue to be the #1 driver for all types of crime. The drug trade devastates individuals, families, and communities. Overdose deaths from illicit drugs continue to claim too many lives. In the three years before I became district attorney, 2011 through 2013, the District Attorney's Office indicted 414 drug felony cases and prosecuted 141 drugs sales. In the three years since, 2014 through 2016, while I've been in office, the District Attorney's Office has obtained 858 drug felony indictments and brought 309 illegal drug sale prosecutions. That represents an over 107 percent increase in felony drug indictments, and an over 119 percent increase in drug sale prosecutions.

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. The Task Force investigates drug trafficking, and aids other law enforcement in investigating drug dealers in their jurisdictions. In 2016, the Task Force continued to be staffed by police officers from a number of departments, and continued to be run by a District Attorney's Office senior criminal investigator and a lieutenant from the Sheriff's Office. In 2016, the Task Force made 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. In 2015 and 2016, the Task Force made 74 purchases of illegal drugs, executed 70 search warrants, and arrested 450 individuals, resulting in 400 prosecutions. We have learned that narcotics trafficking and addiction are pervasive and that our enforcement efforts must address that reality. In addition to seeking strict prison sentences for drug dealers, we have continued to steer drug addicts to treatment courts that address the underlying cause of their criminality and drug abuse issues.

In 2016, we greatly enhanced our prosecution of major narcotics traffickers through an unprecedented use of electronic surveillance. 2016 was the first year that the Orange County District Attorney's Office charged Enterprise Corruption, New York State's version of the federal RICO statute, and the Class A-I felony of Operating as a Major Trafficker. My office will continue to use all means at our disposal to disrupt, dismantle, and displace major drug trafficking organizations.

By all measures, the public benefits fraud initiatives that I promised when I ran for office, and that we started in 2014 and continued through 2016, have been a resounding success, and have had a measurable deterrent effect on welfare fraud. Since I took office, we have brought 163 welfare fraud cases involving over \$1.4 million in fraud. In 2011 through 2013, before my tenure began, there were only 12 such cases brought. This represents an over 1,258 percent increase in welfare fraud prosecutions, and the results have been astonishing. The total future cost savings of cases brought since I became district attorney is over \$15 million, an over 277 percent increase from the \$4 million in costs avoided in the three years prior to my taking office. The last available statistics from the New York State Division of Criminal Justice Services show that, as of the end of the first half of 2016, Orange County was second only to New York County (Manhattan) in revenue collected through the NYS Crimes Against Revenue Program (CARP). That statistic is remarkable, reflecting that Orange County was second in CARP recoveries only to the county with the largest financial sector in the world, and significantly ahead of several counties in New York State with substantially larger populations.

In addition to vigorously prosecuting crime and raising our conviction rate to 97.7 percent, we have continued to prevent crime and be responsive to the needs of different communities. In 2016, we continued the SMART (Strategic Methods Aimed at Reducing Truancy) Program to help keep at-risk students in school. The SMART Program has been an overwhelming success, with school officials reporting that many truant students are back in school consistently after their parents have begun cooperating with school attendance officials. In addition, in 2016 we continued the *It's On Us Orange County, NY* anti-sexual abuse campaign, and continued to issue public service announcements to end elder abuse, gun violence, narcotics abuse, and underage drinking. Those initiatives would not have been possible without the help of our many community partners, including educators throughout the County.

The strides that my office has made have also been recognized statewide. I have been selected Third Vice President and a member of the Board of Directors of the District Attorneys Association of the State of New York, and have been selected as a member of the Board of Directors of the New York Prosecutors Training Institute, in recognition of the achievements that my office has made in the last three years. My office is the only district attorney's office in the state that administers the Gun-Involved Violence Elimination (GIVE) grant.

In 2017, our goal is to keep building upon 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 make available to our law enforcement partners real-time, data-driven, crime intelligence. We will continue to combat fraud affecting taxpayer's wallets; to improve communications between law enforcement, elected leaders, and the community; and to pursue defendant rehabilitation. Needless to say, our past successes 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).

	2014	2015	2016	% Change (2015 to 2016)
Felony Conviction Rate	94	96	97.7	1.8
Felony Filings	811	804	761	-5.3
Dispositions	914	763	866	13.5
Guilty Pleas	839	719	799	11.1
Felony Trials	23	8	15	87.5
Guilty Verdicts	18	8	12	50
Acquittals/Dismissals	36	29	26	-10.3
Other Dispositions	22	7	27	285.7
Cases Pending at Year-End	124	209	140	-33

NARCOTICS & GUN UNIT

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 a number of narcotics enforcement actions, known as "sweeps," targeting drug sellers throughout the County. The Unit also staffed the two County Court drug treatment courts. Although OCDA continues to seek strict prison sentences against drug dealers, the office continues to attempt to steer addicts into appropriate drug treatment programs.

	2014	2015	2016	% Change (2015 to 2016)
Felony Narcotics Indictments and Superior Court Informations	269	286	303	5.9
Prosecution: Sale of Illegal Drugs	133	102	74	-27.5
Guns Recovered	58	95	35	-63.2
Value of Drugs Seized in Sweeps by Orange County Drug Task Force	\$85,000	\$163,000	\$168,600	3.4
Cases Presented to Grand Juries	227	239	250	4.6
Superior Court Informations	42	47	53	12.8

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 Village of Goshen, the Town of Wallkill, the Village of Washingtonville, and the Village of Monroe have assigned police officers to work on the Task Force.

<u>Orange County Drug Task Force Statistics</u>	<u>2014-16</u>
Number of Cases	400
Number of Drug Purchases	74
Number of Search Warrants Executed	70
Number of Targets Arrested	450

SPECIAL INVESTIGATIONS UNIT & CRIMES AGAINST REVENUE PROGRAM

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 prior to presenting the case 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 June and November, 2016, OCDA, in conjunction with the Orange County Department of Social Services and the Orange County Sheriff's Office, conducted welfare fraud enforcement actions, known as "sweeps". Those enforcement actions resulted in 41 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 \$64,380.45 in fraudulently obtained benefits being returned to programs administered by the Orange County Department of Social Services.

DCJS 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 the first half of 2016 alone, Orange County recovered \$1.2 million in CARP money. The money recovered represents a more than 13-fold return on the State's investment in Orange County's CARP effort. In addition, of the 30 counties in New York that have CARP initiatives, Orange County's program outperformed every other county for the first six months of 2016, except for New York County (Manhattan), including four of the counties in New York City, and six much larger counties upstate and on Long Island. Orange

County's CARP recovery alone represented more than 43 percent of the funds recovered by the 25 participating upstate and Long Island CARP counties.

The estimated savings realized by the enforcement actions since District Attorney Hoovler took office is \$15 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.

	2013	2014	2015	2016	% Change (2015 to 2016)
Welfare Fraud Cases Investigated	71	115	123	138	12.2
• Handled as Civil Matters	64	48	68	105	54.4
• Criminally Prosecuted	7	67	55	41	-25.5
• Fraud Represented	\$503,354	\$748,000	\$556,000	\$413,000	-25.7
• Estimated Avoided Costs	\$2.15 million	\$4.3 million	\$4.8 million	\$6 million	25
• Voluntary Recoveries	<\$12,643	\$108,485	\$66,357	\$64,380.45	-2.9
• Intentional Program Violations	49	54	105	119	13.3

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 programs.

The marked increase shows the deterrent effect of the welfare fraud sweeps.

In addition, in 2016 OCDA was determined by the New York State Department of Labor to be the 7th highest county in New York in terms of the amount of funds recovered in Department of Labor cases, recovering more than \$195,114.80. That statistic is remarkable, in that Orange County in the 12th 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:

People v. Donna Ortiz – From 2010 to 2015, the defendant stole about \$1.36 million from her employer. The case was referred by the forensic accountant who was hired by the employer. The original reported larceny amount of around \$740,000 was based on numbers going back only a few years. Records dating back as far as the banks could go established the full amount. An indictment is pending.

People v. Miguel Vasquez – Between June and September 2014, the defendant used a file-sharing program to download child pornography videos, and used the program to offer one of the videos for download by others. On January 14, 2016, following a bench trial, the defendant was convicted of 16 counts of Promoting a Sexual Performance by a Child and 15 counts of Possessing a Sexual Performance by a Child. He was later sentenced to a total of 15 years' incarceration.

OPERATION CHOPPER was a long-term investigation of the Special Investigations Unit in conjunction with the New York State Police Special Investigation Unit. The investigation targeted a large cocaine distribution operation in the Warwick area that was responsible for cocaine sales through several counties in the lower Hudson Valley and northern New Jersey. Operation Chopper saw the first charges of Enterprise Corruption and Operating as a Major Trafficker ever filed by the Orange County District Attorney's Office. Charged defendants have pleaded guilty to those charges and to weapons charges, with one defendant already having been sentenced to 10 years in prison. Other defendants await sentencing.

Vehicular Crimes

People v. Nicole Smith – While under the influence of Methadone and Xanax, Smith attempted to pass another vehicle on Route 17K in Montgomery by crossing over the double yellow line. Smith's car hit the other vehicle, causing Smith's car to go off the roadway, hit an embankment and strike a tree. The car seat that Smith's son was in was not belted into the vehicle properly. The seat was ejected from the vehicle with the two-year-old child in it, killing the boy. Smith pleaded guilty and was sentenced to five to fifteen years in prison.

People v. Christopher Peloso – In December 2014, Peloso led police on a high-speed chase that ended with four vehicles damaged, and two police officers and two civilians injured. After his trial in 2016, Peloso was convicted of a number of crimes, including Attempted Aggravated Assault of a Police Officer. The defendant is awaiting sentencing.

Labor Law Cases

People v. Damone Painting Contractors Corporation – The defendant, a New Windsor-based painting company, pleaded guilty to Failure to Secure the Payment of Compensation for Five or Less Employees in violation of the Workers’ Compensation Law. The Company agreed to pay back over \$4,400 in back wages to an employee who was paid less than the prevailing wage due under New York State Law.

People v. Professional Brushworks, Inc. – A Highland Mills-based painting company pleaded guilty to Offering a False Instrument for Filing in the First Degree. The company admitted to filing false certified payroll reports in connection with a public works project at the Bear Mountain Inn. Under the plea agreement, employees were paid back over \$34,000 in back wages as a result of being paid less than the prevailing wage due to them under New York State Law.

People v. Infinite Services and Solutions, Inc. – Kalobe, Inc., a subsidiary of Infinite Services and Solutions, Inc., the Atlanta, Ga., company that had the contract to provide bus services for West Point, both on and off the federal reservation, pleaded guilty to Fraud In The Sale Of Securities, for failing to make promised 401K pension plan contributions to its employees’ retirement accounts and for making false representations to employees about those payments. Kolobe, Infinite Services and Solutions, Inc., and its owner agreed to pay \$284,917.60 to the United States Department of Labor for 401K plan contributions, vacation, and paid time off, which is still outstanding and which was improperly withheld by Infinite Services and Solutions, Inc. The Department of Labor in conjunction with West Point officials had withheld payments due from West Point to Infinite Services and Solutions, Inc. in an amount sufficient to ensure that all the employees were paid what they are owed. Under the plea agreement, Kalobe, Inc., Infinite Services and Solutions, Inc., and its owners may not accept work on any New York State public works project for five years. In addition, the corporation is required to pay a \$2,500 fine.

Lien Law: Operation Claw Hammer

The SIU participated in an enforcement action entitled “Operation Claw Hammer”, designed to prosecute felony violations of New York State’s Lien Law. The Lien Law provides that when a contractor receives money on a contract to improve real property, such as a house, the contractor holds that money “in trust” for the benefit of those who provide labor on the job, any subcontractors, those who supply the building materials, and, in the case of an improvement to a private residence, the home owner. If the contractor does not work on the project, does not properly pay the money he received to those who worked on the project or supplied materials, and does not return the money to the home owner, he is deemed under the law to have stolen the money. The Lien Law also provides that a contractor who receives money to improve a homeowner’s residence may not use that money on other jobs.

In 2016, the SIU investigated at least 20 Lien Law cases, resulting in at least five unrelated building contractors facing a variety of felony charges for not performing work on improvements to real property and not returning the funds that they received to perform that work.

Veteran Abuse

People v. Dennis Mahoney – Dennis Mahoney had worked for a veterans’ service organization when he first met the victim, but he later separated from the organization. In 2015, Mahoney, pretending that he was still employed by the veterans’ service organization, promised the victim that the organization would secure the victim an apartment in the State of Florida that would accommodate his special needs as a disabled veteran, and convinced the victim to give him \$5,800 to pay for furniture for the apartment. Neither Mahoney nor the service organization – which did not employ Mahoney at the time and had no knowledge of Mahoney’s actions – took any steps to secure the veteran living arrangements in Florida. Mahoney had the victim move to a New Windsor hotel, promising that the service agency would pay for his room, which was also a lie. An Orange County grand jury indicted Mahoney for stealing from both the disabled veteran and the hotel, and Mahoney pleaded guilty to Grand Larceny in the Third Degree.

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. 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, Catholic Charities, and parole authorities with the New York State Department of Corrections and Community Supervision. In 2015, OCDA became the first and only District Attorney’s Office in New York to take the lead on 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 in reducing gun violence in the City, and to offer services to group members and their families. To date, there have been four call-ins, and a number of members of Newburgh’s violent groups have contacted social services representatives to seek assistance.

	2014	2015	2016	% Change (2015 to 2016)
Cases/Defendants Screened	260/310	313/374	289/351	-7.7/-6.1
Indictments Filed	81	78	59	-24.4
Superior Court Informations Filed	43	43	54	25.6

Significant Cases

People v. Dennis McBee – On November 7, 2014, the defendant entered Kucher’s Shoe Repair and Orthopedic on Front Street in the City of Port Jervis, where he beat, stomped on, and robbed the store’s proprietor, 77-year-old Josef Kucher, who later died from his injuries. McBee tried to conceal the bloody pants and boots that he had been wearing at the time of the beating. McBee fled to Wilkes-Barre, Pa., where he was caught and extradited to New York. In 2016, McBee was convicted by a jury of Murder in the Second Degree and other charges, and was sentenced to a total of 26 2/3 years to life.

People v. Christopher Bowman – The defendant entered the Sunoco Gas Station on Monhagen Avenue in Middletown, displayed what appeared a firearm, and stole money from the clerk. Once he was apprehended, he showed the police where the proceeds were. He pleaded guilty to Robbery in the First Degree and was sentenced to 15 years in prison.

People v. Romain Brown – The defendant entered a Rite Aid in Middletown, brandished a sharp object, and demanded money. The defendant cut the phone lines at the store to prevent the employees from calling the police. The defendant pleaded to Robbery in the First Degree and was sentenced to 10 years in prison.

People v. Alton Hall – In 2015, the defendant committed multiple residential burglaries in Orange County. On February 11, 2016, the defendant pleaded guilty to Burglary in the Second Degree and later was sentenced to nine years in prison.

People v. Matthew Bauman – In November 2015, Bauman confronted a man outside a Quick Stop Deli in Harriman and displayed a handgun. The man immediately ran away, and Bauman shot him in the back of the shoulder. The bullet traveled all the way through the man’s shoulder, and then all the way through his arm. Fortunately, the victim’s injuries were not life-threatening, and he was treated and released at Westchester Medical Center. After Bauman was arrested, the defendant admitted that he had stolen his father’s licensed handgun and gone to the deli to commit a robbery to get money to support his heroin addiction. On April 12, 2016, Bauman pleaded guilty to Attempted Robbery in the First Degree and later was sentenced to 11 years in state prison.

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 a victim suffers. 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.

	2014	2015	2016	% Change (2015 to 2016)
Cases Screened	397	476	436	-8.4
Indictments Filed	41	39	26	-33.3
SCIs Filed	17	17	14	-17.3

Significant Cases

People v. Erik Jarama – The defendant pleaded guilty to Rape in the First Degree for having sexual intercourse with a 9-year-old girl. On February 11, 2016 he was sentenced to 12 years in state prison along with 10 years of post-release supervision.

People v. Christopher Redenti – The defendant pleaded guilty to Assault in the First Degree for the brutal assault of his ex-girlfriend. The defendant struck his ex-girlfriend with a blunt object, threw her over his shoulder, and drove her to his home while she was bleeding profusely, where she remained until located by the police. The victim's injuries included 25 staples to her head, multiple stitches to her finger, as well as a fractured vertebrae. The defendant received a sentence of 12 years in state prison, along with five years of post-release supervision.

People v. Greg Jones – The defendant pleaded guilty to Rape in the First Degree on May 12, 2016, in connection with the forcible rape of a woman in an abandoned apartment building. The defendant convinced the woman to enter the building, after she asked him for a light for a cigarette. Once inside the building, the defendant dragged her into a room in the building where he forcibly raped her. The victim managed to free herself and ran outside screaming for help. A neighbor saw the woman screaming and called the police. The defendant was sentenced to 10 years in State Prison along with 10 years of post-release supervision.

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. Among the cases that the Unit handles are cases involving violations of Leandra's Law, which makes it a felony to drive while intoxicated by alcohol or impaired by drugs while a child is present in the vehicle. In 2016, three ADAs were assigned to the General Crimes Unit, working under the supervision of a senior assistant district attorney and the grand jury supervisor.

	2015	2016	% Change (2015 to 2016)
Cases Screened	745	725	-2.7
Cases Indicted	118	160	35.6
Superior Court Informations Filed	127	109	-14.2
Leandra's Law* Cases Filed	23	27	17.4

**Cases involving defendants driving while intoxicated with children in the vehicle*

Significant Cases

People v. Brian Downes – Defendant led police officers on a lengthy car chase from Wallkill to Port Jervis, and nearly back to Wallkill. During the chase, Defendant struck a number of police vehicles. Defendant pleaded guilty to Reckless Endangerment in the First Degree and was sentenced to an indeterminate sentence of two to four years in state prison.

People v. Jessica Forster – Defendant was employed as a bank teller and stole over \$10,000 from her employer while cashing out the ATMs. Defendant pleaded guilty to Grand Larceny in the Fourth Degree and is awaiting sentencing in Orange County Court. She has fully repaid the bank.

People v. James Blazeski – Defendant, a deliveryman in Kiryas Joel, wrote anti-Semitic slurs on a doorway in that village. That constituted a hate crime, elevating what would have been a misdemeanor to a felony. The Defendant pleaded guilty to Criminal Mischief in the Fourth Degree as a Hate Crime, and awaits sentencing in Orange County Court.

THE APPEALS BUREAU

Primarily, the Appeals Bureau handles all matters pending in New York’s 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. Bureau attorneys also handle litigation that relates to OCDA cases in federal courts, including the United States District Court for the Southern District of New York, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court. Bureau attorneys assist other OCDA attorneys in Orange County Court and various local criminal courts; are assigned to the Orange County Animal Abuse Task Force; draft search warrants in assistance of police agencies and OCDA attorneys; assist OCDA attorneys in the area of civil forfeiture; and provide legal advice and training to OCDA staff and to Orange County police agencies. Finally, the Appeals Bureau Chief 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.

In 2016, the New York appellate courts issued 42 decisions involving appeals handled by the Orange County District Attorney’s Office. The District Attorney’s Office was victorious in its two appeals before the New York Court of Appeals; in 29 of 31 cases decided by the Appellate Division, Second Department; and in all nine appeals that were decided by the Appellate Term for the Ninth and Tenth Judicial Districts. In addition, the United State District Court for the Southern District of New York denied petitions for writs of habeas corpus in four cases involving federal challenges that defendants brought to their state court convictions that were prosecuted by the Orange County District Attorney’s Office.

	2014	2015	2016	% Change (2015 to 2016)
Total Matters Handled	556	599	626	4.5
State Appeals	43	34	57	67.6
Federal Habeas Responses	3	8	2	-75
Appellate Arguments	11	11	12	9.1
Post-Judgment Hearings	10	6	1	83.3
FOIL Responses	123	120	101	15.8
Animal Cruelty Cases Reviewed	19	19	9	52.6
Search Warrants Drafted	12	24	3	87.5
Training Sessions Conducted	16	19	41	115.8

Significant Cases

People v. Glenn Smith – The New York Court of Appeals agreed with OCDA that CPL 460.10 requires appellants to file an affidavit of errors in criminal appeals from judgments and orders rendered by town and village justice courts, even in cases where the proceedings are electronically recorded and not by a courtroom stenographer. The decision provided important guidance by clarifying the proper mechanism for taking an appeal in such cases.

Matter of Hoover v. De Rosa – The Appellate Division granted the District Attorney's petition for a writ of prohibition and prohibited the Orange County Court from enforcing an illegal discovery order that had directed the prosecution to provide the defense with the names of New York State Police Forensic Investigation Center forensic scientists that corresponded to initials that appeared on laboratory reports disclosed to the defense in a murder prosecution. The Appellate Division concluded that CPL Section 240.20 does not require the People to respond to the defendant's questions concerning the notations that appeared in the discoverable materials, to affirmatively create or compile material, or obtain it from sources that were beyond their control.

People v. Luis Herrera – The Appellate Division affirmed the defendant's conviction and 12 ½-to-25-year sentence for a vehicular homicide that arose from a car crash that occurred in the City of Newburgh during the early morning hours of November 17, 2012. While speeding, defendant lost control of the vehicle he was driving, crashed into two parked vehicles, and flipped over. The front-seat passenger later died as a result of injuries sustained in the collision. At the time, defendant had a blood-alcohol content of 0.13 percent and had both cocaine and marijuana present in his system. He was also driving on a license that had been suspended as a result of a conviction for driving while ability impaired by drugs.

People v. Quiawon Campbell – Following a jury trial, defendant was convicted of Robbery in the First Degree and other charges stemming from a robbery of a taxi driver. Defendant and a co-defendant stole \$250 and a cell phone after defendant threatened to shoot the driver with a shot gun. The Appellate Division affirmed defendant's conviction and 8-year prison sentence.

People v. Fredy Guitierrez-Pinto – The Appellate Division affirmed defendant's conviction for Attempted Murder in the Second Degree and other charges, stemming from a shooting that occurred on August 5, 2011. Defendant is serving a 20-year state prison sentence.

People v. Jermaine Moody – The Appellate Term reversed a number of orders of the Goshen Village Court that had dismissed criminal charges against defendants who had ignored child support orders of the Orange County Family Court. The court rejected the trial court's determination that the Family Court had exclusive jurisdiction over the matters that acted as a bar to the filing of the criminal charges. In addition to the *Moody* decision, the Appellate Term reversed similar orders in *People v. Joseph Wildrick*, and in *People v. Todd Avery*.

**SPECIAL PROJECTS &
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 2016, Bureau members:

- **Transitioned the District Attorney’s Community Advisory Board into seven regional boards.** The Community Advisory Board is made up of a number of community leaders and representatives, and designed to provide the district attorney with advice on how a community prosecution program might work in Orange County. The regional boards are smaller geographic divisions of the countywide Community Advisory Board 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	45
Cases Still Under Review	28
Cases Where Student Has Returned to Regular School Attendance	9
Cases Where Student Has Withdrawn From School	5
Cases Where Student Has Passed Compulsory Attendance Age	1
Cases Where Case Closed Due to a Finding that Parent Exercised Reasonable Diligence	1
Cases Referred to the Local Police Department	1

- **Formed the Orange County Sexual Assault Prevention and Awareness Team (SAPAT) as part of the District Attorney’s countywide anti-sexual assault campaign,** launched in December of 2015, with the kick-off of the *It’s On Us Orange County, N.Y.* initiative. *It’s On Us* is a White House-created effort designed to change the way people think about sexual assault, and to provide people with tools that will help them to recognize sexual assault before it happens and to intervene to stop it. The role of the SAPAT is to help raise awareness about sexual assault, and to further the prevention message of the *It’s On Us* campaign.

- **Brought *The Uncommon Athlete* to Orange County.** *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. The District Attorney's Office sponsored the program in the spring at an assembly of over 300 school administrators, athletic directors, coaches, team captains, and other student athletes. In the fall, the office sponsored five additional presentations of the program, where 13 high schools participated and brought together an estimated 1,700 student athletes. The program is part of District Attorney Hoovler's effort to reduce bullying and hazing in Orange County schools.

- **Launched an initiative designed to assist Orange County's immigrants in dealing with the criminal justice system.** As part of the initiative, the District Attorney's Office has joined the New York State District Attorneys' League of Immigrant Affairs (DALIA), an organization that comprises five other New York State district attorney's offices, those in the New York City boroughs of Queens, Manhattan, Brooklyn, and the Bronx, as well as Nassau County. In addition, the District Attorney's Office obtained 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 new initiative, immigrants who are victimized will have a single point-of-contact, the immigrant affairs coordinator, for assistance and information about their cases.

- **Initiated the Community Camera Partnership Program,** a program that invites private citizens who use video surveillance at their homes or businesses to register their cameras so that law enforcement can contact them if an investigation reveals that evidence of a crime may have been captured by a particular camera. Participation in the program is strictly voluntary. Information from registrants is stored in a Video Camera Law Enforcement Portal, a secure website that provides a database where only the County's law enforcement agencies may access information about the location of video camera systems throughout the County. Through the use of the Portal, police agencies investigating a crime may gain access to the database to identify the location of video surveillance cameras that may have recorded the crime, the perpetrators before the crime or fleeing from the crime scene, or other evidence relevant to the investigation.

- **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. This 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 partner with the six anti-drug coalitions in the County – TEAM Newburgh, the Middletown Cares Coalition, Operation PJ PRIDE, the Greenwood Lake Coalition, the Warwick Valley Coalition, and the newly-formed Greater PB Partnership in Pine Bush, 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.
- **National Night Out:** District Attorney Hoovler and 12 ADAs appeared at the six 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 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 a countywide forum on the heroin epidemic. The event included presentations from Orange County Sheriff Carl DuBois; Orange County Court Judge Robert Freehill; Dr. Eli Avila, Orange County Commissioner of Health; Darcie Miller, Orange County Commissioner of Social Services and Commissioner of Mental Health; and James Conklin, Executive Director of the Alcoholism and Drug Abuse Council of Orange County. The forum comprised 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 forum 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 are updated on the Office’s initiatives as they pertain to the school system.
 - Coordinated the Women’s Enrichment Program, a 5-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.

- 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 over 300 appearances at town board meetings, schools, and community events.

LOCAL CRIMINAL COURT BUREAU

The Local Criminal Court Bureau is responsible for all operations in the local criminal courts in Orange County's 20 towns, 19 villages, and three cities, many with multiple judges comprising a total of 74 separate local criminal court parts. Local criminal courts meet both in the daytime and at night, and handle misdemeanor and petty offense cases, as well as exercising preliminary jurisdiction over most felony cases. In 2016, 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 2016, 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 10 percent of first-time DWI offenders require some form of treatment.

MISDEMEANORS MATTER DOMESTIC VIOLENCE INITIATIVE

During 2016, OCDA continued to emphasize misdemeanor domestic violence cases, through the Misdemeanors Matter Program, which OCDA created in 2014 to ensure that misdemeanor domestic violence cases are handled with the special attention and expertise that those serious cases deserve. For 2016, the Misdemeanors Matter Program was funded by a grant from the federal Violence Against Women Act Formula Grant Program. That grant funded the ADA responsible for work under the Misdemeanors Matter 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 2016, 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 2016, 137 defendants were mandated to attend Domestic Violence Classes for Men as part of the disposition of their criminal case.

BUDGET/GRANTS

	2014	2015	2016	2017 (adopted)	% Change (2016 to 2017)
Annual Budget	\$9,519,498	\$9,191,427	\$9,342,670	\$10,040,096	7.5
Grants	\$351,215	\$520,665	\$545,465	\$725,995	33.1
• Gun-Involved Violence Elimination (GIVE) Grant	\$213,465	\$213,465	\$213,465	\$213,465	0
• Domestic Violence Grant	N/A	\$75,000	N/A	N/A	N/A
• Byrne Justice Assistance Grant	N/A	\$25,000	\$15,000	\$75,000	400
• Crimes Against Revenue Program (CARP) Grant	\$25,000	\$100,000	\$89,000	\$89,000	0
• GVI Project Manager	N/A	N/A	\$85,000	\$85,000	0
• Video Recording of Statements	\$41,150	N/A	N/A	\$50,967	N/A
• Violence Against Women Formula Grant	N/A	\$35,600	\$35,600	\$35,600	0
• Aid to Prosecution Grant	\$71,600	\$71,600	\$107,400	\$71,600	-33.3
• Non-Fatal Newburgh Shootings	N/A	N/A	N/A	\$105,363	N/A

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.