

# 2018

## Annual Report



*“Supporting Victims . . . Combating Illegal Opioids.”*

FROM THE OFFICE OF  
ORANGE COUNTY DISTRICT ATTORNEY

DAVID M. HOOVLER

In 2018, the District Attorney's Office continued to successfully partner with other state, local, and federal law enforcement agencies to fight crime in Orange County. The most important of those collaborations centered on combating the opioid epidemic that continues to devastate far too many lives. For instance, when it became apparent that two rival narcotics groups in Middletown were committing violent acts, including the murder of Coree White, our office partnered with the City of Middletown Police Department, the New York State Police, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives to prosecute members of the "Coke Wave" group, not only for conspiring to commit murder, but also for conspiring to traffic the narcotics that invariably lead to violence. At the same time, we coordinated our efforts with the Federal Bureau of Investigation and the United States Attorney's Office so that they could simultaneously prosecute the rival "Guap Gang." The resulting joint enforcement action in August 2018, and the subsequent prosecutions, devastated both groups and included lengthy prison sentences for the defendants after they pled guilty to Murder, Conspiracy to Commit Murder, and Conspiracy to Distribute Narcotics.



District Attorney Hoovler, playing kickball with Montgomery Elementary School DARE class, June 2018.

Statewide recognition of our continued success is reflected in my being selected by other elected District Attorneys from throughout New York State as the First 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 six 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.

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. 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 2018, have been a resounding success, and have had a measurable deterrent effect on welfare fraud. Since I took office, we have brought 255 welfare fraud cases, involving millions of dollars 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 (CARP). In 2018, we recouped more than \$630,000 in fraudulently obtained state funds, and for the second year in a row were recognized for having the largest return on investment of any District Attorney's Office in the CARP program, resulting in a 27% increase in our grant award for 2019.

In 2019, our goal is to keep building on our successes. We will continue working with local law enforcement to tailor our prosecutorial approaches to the different communities in Orange County. We are now using real-time, data-driven, crime intelligence through the recently established Hudson Valley Crime Analysis Center (HVCAC). For over three years, I have been advocating that the State establish such an intelligence center in Orange County, and I am proud to have been selected to be a member of the Board of Directors of HVCAC. 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 our 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 four specialized prosecution units that handle the felony caseload of the Orange County District Attorney's Office (OCDA).

County Court Statistics	2014	2015	2016	2017	2018
Felony Conviction Rate (%)	94	96	98	96	94
Felony Filings	811	804	761	880	839
Dispositions	914	763	866	906	900
Guilty Pleas	839	719	799	843	834
Felony Trials	23	8	15	12	12
Guilty Verdicts	18	8	12	6	11
Acquittals/Dismissals	36	29	26	17	33
Other Dispositions	22	7	27	37	23
Cases Pending at Year-End	124	209	140	156	160

## INVESTIGATIONS AND NARCOTICS UNIT

In 2018, OCDA's Special Investigations Unit and its Narcotics and Gun Unit were merged, to form the Investigations and Narcotics Unit. That merger was the result of a determination that combining the two units would take better advantage of the OCDA's resources.

### DRUG PROSECUTIONS

The Investigations and Narcotics Unit is, in part, responsible for prosecuting felony drug sale cases, as well as felony possession of drugs with intent to sell. In addition, the unit prosecutes gun

At right, District Attorney Hoovler and Orange County Sheriff Carl DuBois discuss the opioid epidemic at Leadership Orange, Summer 2018



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 several narcotics enforcement actions, known as “sweeps,” targeting drug sellers throughout the County. The Unit also staffed the Judicial Diversion Court, which has completely replaced the Drug Treatment Court. Although OCDA continues to seek strict prison sentences against drug dealers, the office continues to attempt to steer drug users into appropriate drug treatment programs.

<b>Drug and Gun Prosecution Statistics</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Approximate % Change 2017-2018</b>
Felony Narcotics Indictments and Superior Court Informations	286	303	307	408	+33
Prosecution: Sale of Illegal Drugs	102	74	78	140	+79
Guns Recovered	95	35	10	32	+220
Value of Drugs Seized in Sweeps by Orange County Drug Task Force	\$163,000	\$168,000	\$260,000	\$204,975	-21
Cases Presented to Grand Juries	239	250	210	212	+1
Superior Court Informations	47	53	107	86	-20

### **Orange County Drug Task Force**

In 2014, the Orange County District Attorney’s Office, the Orange County Sheriff’s Office, 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, Town of Wallkill, and Town of Highlands have assigned police officers to work on the Task Force. In 2018, the Orange County Drug Task Force conducted three sweeps that targeted known drug dealers throughout the county.

<b><u>Orange County Drug Task Force Statistics</u></b>	<b><u>2014-2017</u></b>	<b><u>2018</u></b>
Number of Cases	696	383
Number of Drug Purchases	155	171
Number of Search Warrants Executed	79	16
Number of Targets Arrested	540	125

## Significant Narcotics Cases

*People v. Terrance Burton* – On February 22, 2017 and February 23, 2017, as part of an ongoing investigation, the Village of Walden Police Department intercepted two packages containing drugs intended for Terrance Burton. The drugs totaled four kilograms of cocaine. On April 30, 2018, Burton pled guilty to Criminal Possession of a Controlled Substance in the First Degree. On July 30, 2018, Burton was sentenced to nine years in prison and five years of post-release supervision.

## SPECIAL INVESTIGATIONS

The Investigations and Narcotics Unit is also 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 grand juries, 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.



Orange County Senior Forum.

Featuring, from left, Orange County Legislator James O'Donnell; Orange County Executive Steve Neuhaus; Orange County Sheriff Carl DuBois; OCDA Community Affairs Coordinator Darlene DeJesus; District Attorney David Hoovler.

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### **Nearly \$30 Million in Estimated Savings of Public Funds Since DA Hoovler Took Office**

In October 2018, OCDA, in conjunction with the Orange County Department of Social Services (DSS) and the Orange County Sheriff's Office, conducted a welfare fraud enforcement action, known as a "sweep." That enforcement action resulted in 25 new criminal cases. To date, the continued efforts of the OCDA and its welfare-fraud enforcement partners in investigating and prosecuting public benefits crimes has resulted in restitution of over \$685,000 in fraudulently obtained benefits being returned to programs administered by DSS.

Since the enforcement actions began in June 2014, DSS has also collected approximately \$480,000 from recipients who voluntarily paid back benefits that they received but were not entitled to. Those recipients repaid those funds after being contacted by DSS civil investigators, without any additional arrest or prosecutorial action by the Sheriff’s Office or the District Attorney’s Office.

By comparison, in the three years before the first enforcement action, DSS civil investigators only collected \$48,165.61 from similarly situated recipients. In 2011, 2012, and 2013, only \$12,127.31 was recovered as a result of welfare fraud prosecutions, and only four defendants were charged. Three prosecutions were brought in 2011, one was brought in 2012, and no prosecutions were brought in 2013 against those who defrauded DSS.

In 2018, the State Division of Criminal Justice Services (DCJS) provided OCDA with a \$84,200 grant to partially fund the salary and benefits of one experienced assistant district attorney under the Crimes Against Revenue Program (CARP). In 2018, Orange County’s recoveries of CARP funds more than made up for the amount of funding that the State provided to OCDA’s CARP program. OCDA recouped more \$630,000 in total CARP revenue, nearly seven and a half times DCJS’s grant investment in OCDA’s CARP program. For the second year in a row, OCDA has shown the highest return on the investment of DCJS grant funds of any county in New York State. As a result, for 2019 DCJS raised OCDA’s CARP award to \$112,810, a 27% increase.

The estimated savings realized by the enforcement actions conducted since District Attorney Hoovler took office is nearly \$30 million. That figure represents the amount of money that public

<b>Special Investigations Statistics</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Welfare Fraud Cases	71	115	123	138	115	114
• Handled as Civil Matters	64	48	68	105	39	77
• Criminally Prosecuted	7	67	55	41	41	51
• Fraud Represented	\$503,354	\$748,000	\$556,000	\$413,000	\$433,532	\$266,986
• Estimated Avoided Costs	\$2.15 million	\$4.3 million	\$4.8 million	\$6 million	\$7.6 million	\$7.2 million
• Voluntary Recoveries	<\$12,643	\$108,485	\$66,357	\$64,380.45	\$145,483.72	\$97,006.44
• Intentional Program Violations	49	54	105	119	121	82

benefits programs administered by DSS 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 programs.

### **Orange County Awarded “Certificate of Merit” from State Department of Labor**



District Attorney Hoovler receiving Certificate of Merit from Milan Bhatt, New York State Department of Labor Assistant Deputy Commissioner for Worker Protection

On October 4, 2018, representatives of the New York State Department of Labor awarded “Certificates of Merit” to District Attorney David M. Hoovler and five Orange County assistant district attorneys for “successfully prosecuting unemployment insurance fraud in Orange County, resulting in the return of over one million dollars to the Department of Labor Unemployment Trust Fund.” The awards were presented by Milan Bhatt, the Department of Labor’s Assistant Deputy Commissioner for Worker Protection. During the presentation, Assistant Deputy Commissioner Bhatt noted that Orange County has returned over one million dollars to the Unemployment Trust Fund since District Attorney Hoovler took office.

The District Attorney’s Office has prioritized crimes that are the result of fraud committed against the government. Unemployment insurance fraud cases are no exception, and those cases are handled under the auspices of the designated CARP assistant district attorney.

In Orange County, most unemployment insurance fraud investigations are initially referred by the State Department of Labor to the State Police. The State Police, in turn, conduct their investigation in consultation with the District Attorney’s Office, which offers advice and guidance about what additional evidence is needed to enhance the cases. After the cases are presented to the District Attorney’s Office, the assigned assistant district attorney works closely with investigators from the Department of Labor. The collaborative efforts of all three agencies often result in viable prosecutions.

### **Significant Cases:**

*People v. Lori Bailey* – On September 17, 2018, defendant Lori Bailey, a former Town of Highlands police officer and former Treasurer of the Town of Highlands Police Benevolent Association (PBA), pled guilty to one count of Grand Larceny in the Fourth Degree in connection with her misappropriation of PBA funds, while purporting to be paying the Town of Highlands' PBA's legal dues and money earmarked for a fellow officer's daughter's medical expenses. As part of the plea, Ms. Bailey was required to pay back all restitution.

*People v. Jeanne Perrotta* – On August 15, 2018, defendant Jeanne Perrotta, a former social services employee for the Orange County Department of Health, pled guilty to a misdemeanor in connection with her falsification of time records to the Department of Health for social services that were purportedly, but never actually rendered to a student participating in the Department's intervention services. As part of the plea, Ms. Perrotta has one year to forfeit her state social services license.

*People v. Johnethia Burden* – On September 12, 2018, defendant Johnethia Burden, a state employee with the Office of Children and Family Services, pled guilty to Falsifying Business Records in the Second Degree, in connection with her falsifying time sheets at day care centers in Orange County that she was tasked with inspecting. The investigation showed that Ms. Burden reported that she was at the facilities for far less time than was being reported, in dereliction of her official duties. As part of the plea, Ms. Burden resigned from her position.

### **Conspiracy to Commit Murder Investigation in the City of Middletown:**

On August 17, 2017, Coree White was shot to death in the City of Middletown. In August 2018, District Attorney Hoovler announced the indictment and arrest of four defendants, all alleged to be members of a Middletown gang calling itself "Coke Wave," a gang that sold narcotics, illegally possessed firearms, and committed violent acts against rival groups, including Guap Gang. The indictment alleged that White was killed in furtherance of Coke Wave members' conspiracy to sell narcotics. The defendants were charged in connection with White's murder, as well as with drug charges.

Three defendants, Tramel Morman, a/k/a "Biggs," a/k/a "Splash;" Juwan Dolson, a/k/a "La Capone," a/k/a "Wanny;" and Isaya Dolson, a/k/a "Dolo," pled guilty on September 28, 2018, before



District Attorney Hoovler, outside the Orange County Legislature, after it adopted a resolution recommended by the District Attorney's staff and calling on New York State to better regulate fentanyl analogues, December 2018

County Court Judge William DeProspo. Morman pled guilty to Murder in the Second Degree and was later sentenced to eighteen years in prison. Juwan Dolson pled guilty to Attempted Murder in the Second Degree and was later sentenced to ten years in prison and five years of post-release supervision. Isaya Dolson pled guilty to Conspiracy in the Second Degree, for conspiring with Morman and Juwan Dolson to murder Coree White, and was later sentenced to three to nine years in prison. A fourth defendant, Taino Lopez, pled guilty to Criminal Possession of Controlled Substance in the Third Degree and is awaiting sentencing.

#### **Contractor Cases/Lien Law Cases:**

New York State's 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 presumed under the law to have stolen the money. The Lien Law also provides that a contractor who receives money to improve a home-owner's residence may not use that money on other jobs.

*People v. Daniel McInerney* – On July 16, 2018, Daniel McInerney was sentenced by Orange County Court Judge Craig Stephen Brown to a total of more than seven years in prison for weapons possession, felony tax evasion, and defrauding customers of his home improvement contracting business. On August 18, 2016, McInerney had pled guilty to Criminal Possession of a Weapon in the Second Degree and Criminal Possession of a Weapon in the Third Degree, for having illegally possessed two handguns. On that same date McInerney had also pled guilty to Criminal Tax Fraud in the Fourth Degree, for failing to report and remit New York State personal income taxes, and Scheme to Defraud in the First Degree, for having defrauded customers on home improvement contracts.

*People v. Charles Neustadt* – On June 26, 2018, Charles Neustadt and his corporation, JC Builders, Inc., pled guilty to felonies for defrauding property owners who had hired him to construct homes

on real property that they owned. Neustadt pled guilty before Orange County Court Judge William DeProspero to Grand Larceny in the Third Degree and Theft of Services. JC Builders, Inc., pled guilty to felony charges of Grand Larceny in the Third Degree and Scheme to Defraud in the First Degree. Under the terms of a plea agreement, Neustadt must pay a total of \$175,000 to six property owners who had given him money to construct residences on their property, and who neither had their residences completed nor received their money back. If Neustadt pays all the money to the landowners by January 3, 2019, he will be sentenced only on misdemeanor charges. If he fails to pay the restitution by that date, he will be subject to up to two and one-third to seven years in prison.

*People v. Courtesy Maintenance, Inc.* – On January 9, 2018, Courtesy Maintenance, Inc., a Bronx-based commercial cleaning company whose owner lives in Cornwall, pled guilty before Orange County Court Judge Robert H. Freehill, to the C Felony of Criminal Tax Fraud in Second Degree for having underreported its income by over \$1,000,000, thereby evading taxes in an amount in excess of \$88,000. As part of a plea agreement, the corporation and its owner paid all the outstanding taxes on July 24, 2018, the date that the sentence was imposed. On January 10, 2018, the company’s owner, Alvaro Merino pled guilty in Town of Cornwall Court to Criminal Tax Fraud in the Fifth Degree and was sentenced to a conditional discharge.

#### **Investigation into City of Newburgh Serial Rapist:**

*People v. Javier Vilchez Salazar* – On November 25, 2017, Javier Vilchez Salazar was arrested by the City of Newburgh Police Department for two counts of Rape in the First Degree, after a joint investigation with the Orange County District Attorney’s Office. On March 12, 2018, Salazar pled guilty to those charges, admitting that on two separate dates he had picked up young women in his cab near the Newburgh waterfront, and that he had driven the women to the area of Lake Street in New Windsor, where he forcibly raped the women. On May 24, 2018, Vilchez Salazar was sentenced by Orange County Court Judge Craig Stephen Brown to twenty-one years in prison and ten years of post-release supervision.

#### **Investigation into Anti-Semitic Symbols at Beth Shalom Cemetery:**

*People v. Eric Carbonaro* – On February 21, 2018, Eric Carbonaro pled guilty to Tampering with Physical Evidence and Conspiracy in the Fifth Degree, as a hate crime, both of which are felonies. The charges stem from an investigation into the spray-painting of swastikas and other anti-Semitic symbols at the Beth Shalom Cemetery in the Town of Warwick during the overnight hours of October 8, 2016, into the early morning hours of October 9, 2016. The District Attorney’s Office had recommended that Carbonaro be sentenced to six months in jail, and five years of probation. The District Attorney’s Office had also recommended that Carbonaro not be sentenced as a “youthful offender,” a designation that the court can impose that replaces a felony conviction with a non-

criminal finding. In 2019, the defendant is expected to be sentenced and the court is expected to determine whether to grant the defendant youthful offender treatment.

## **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.

In 2018, OCDA also assigned a Senior Assistant District Attorney to coordinate anti-violence efforts in the City of Newburgh. That attorney is directly responsible for day-to-day administration of the Gun-Involved Violence Elimination (GIVE) grant and the Newburgh Non-Fatal Shooting Task Force grant.

In 2015, OCDA became the first and only District Attorney's Office in New York to take the lead in administering the GIVE initiative. 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. 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 eight 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 New York State were selected as pilot jurisdictions to enhance enforcement of cases involving 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 2015, the City experienced 55 bullet-to-body shootings; in 2018, there were only eight.

<b>Violent Crimes Unit Statistics</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Approximate % Change (2017 to 2018)</b>
Cases/Defendants Screened	260/310	313/374	289/351	272/300	259/304	-5/+1
Indictments Filed	81	78	59	59	71	+20
Superior Court Informations Filed	43	43	54	59	16	-73

### Significant Cases

*People v. Carlos Melendez* – On May 20, 2017, on Broadway in the City of Newburgh, Carlos Melendez used a padlock and chain as a flail to strike two men in the head. One of the men suffered life threatening serious physical injuries as a result of the assault and required hospitalization. In 2018, Melendez was convicted after a jury trial of Assault in the First Degree and other charges arising from the incident. Melendez received an aggregate prison sentence of from 21 1/3 to 24 years, along with five years of post-release supervision.

*People v. Antonio Harriott* – On August 4, 2017, Antonio Harriott and another man were involved in a verbal confrontation with others on Lander Street in the City of Newburgh. During the confrontation, the defendant pulled out a semiautomatic handgun which he fired in the air. The City of Newburgh Police recovered a .380 caliber shell casing from the scene but never recovered the actual weapon. In 2018, Harriot was convicted after trial of Criminal Possession of a Weapon in the Second Degree and was sentenced to thirteen years in prison and five years of post-release supervision.



Law Enforcement Appreciation Day.  
 Featured, from left, Officer LEGO; District Attorney Hoovler; Michael McGinn, President of Fraternal Order of Police Jason Conklin Memorial Lodge #957; Orange County Sheriff Carl DuBois.

*People v. John Elliott* – Between December 2016 and December 2017, John Elliott robbed three businesses in the Monroe area, two at gunpoint. Elliott robbed the Charming Charlie women’s store, Edible Arrangements, and Sally Beauty Supply. The New York State Police in conjunction with the Orange County District Attorney’s Office conducted a year-long investigation that led to Elliott’s arrest. In 2018, Elliott pled guilty to two counts of Robbery in the First Degree and was sentenced to eleven

years in prison plus five years of post-release supervision. Elliott faces additional charges in the State of Florida.

*People v. Omarrio Morrison, Dejoire Fox, and Tyrees Canigan* – On June 21, 2017, the defendants conspired to rob the victim in his apartment in the City of Newburgh. Morrison planned the robbery, solicited Fox and Canigan to commit the robbery, and supplied them both with loaded firearms. Fox shot and killed the victim while attempting to rob him. Fox and Canigan then returned the firearms to Morrison. Fox and Canigan each agreed to cooperate and testify at trial against Morrison. In 2018, Morrison was convicted by a jury of murder, attempted robbery, and weapons charges, among others, and was sentenced to an aggregate term of from 27 2/3 years to life. For their cooperation, Fox and Canigan were permitted to plead guilty to lesser charges. Fox received a sentence of 20 years in prison and a term of post-release supervision. Canigan received a sentence of seven years in prison and a term of post release supervision.

*People v. Antoine Johnson* – On March 4, 2018, Antoine Johnson fired multiple shots at a man, striking him outside the 411 Lounge in the City of Newburgh. Johnson pled guilty to Attempted Murder in the Second Degree and admitted that he had illegally possessed a loaded handgun which he fired multiple times at a vehicle being driven by the victim and bullets from that weapon hit the vehicle, striking the victim in the elbow. Johnson admitted that he was attempting to kill the victim at the time he fired the shots. Johnson was sentenced to eighteen years in state prison and five years post release supervision.

*People v. Moises Almanzar* – On January 4, 2017, a uniformed Middletown Police Officer approached Almanzar on Linden Avenue and informed him that a warrant for his arrest had been issued by the City of Middletown Court and that he had to take Almanzar into custody. Almanzar struggled with the officer, and during the struggle Almanzar and the police officer fell to the ground. The officer suffered a knee injury which caused him to miss six weeks of work. Almanzar fled, jumping over fences, until other officers caught him. He struggled with those officers, too. Almanzar was convicted by a jury of Assault in the Second Degree and two counts of resisting arrest, and was sentenced to four years in prison and a term of post-release supervision.

## **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.

<b>Special Victims Unit Statistics</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Cases Screened	397	476	436	518	472
Indictments Filed	41	39	26	71	60
SCIs Filed	17	17	14	10	20

### **Significant Cases**

*People v. George Bawn* – Defendant George Bawn pled guilty to Murder in the Second Degree, in connection with the shooting death of his brother on February 6, 2018, at Mountain Lodge Park in Blooming Grove. Bawn admitted that he intentionally killed his brother by shooting him. The defendant shot the victim four times in the head and torso with a .45 caliber pistol. On October 22, 2018, Bawn was sentenced to twenty years to life in prison.

*People v. Nicholas McAteer* – Defendant Nicholas McAteer, a former New York City Police Department Lieutenant, pled guilty to two counts of Rape in the First Degree for acts that he committed against two separate victims. McAteer was sentenced to 18 years in prison.

*People v. Anthony Martinez* – Defendant Anthony Martinez pled guilty to three counts of Sexual Abuse in the First Degree, for the sexual abuse of three minor children. He was sentenced to fifteen years in prison.

*People v. Alton Royal* – Defendant Alton Royal pled guilty to Use of a Child in a Sexual Performance, for video recording sexual acts between himself and a minor female. He was sentenced to five to fifteen years in prison.

*People v. Nathan Oglesby* – Defendant Nathan Oglesby, an employee of Bon Secours Hospital, was found guilty after a jury trial of Criminal Sexual Act in the Third Degree, for having had sexual contact with a patient while she was admitted to the hospital. Oglesby was sentenced to the maximum of four years in prison.

*People v. Mary Thompson* – Defendant Mary Thompson, a teacher's assistant, was found guilty of two counts of Rape in the Third Degree and two counts of Criminal Sexual Act in the Third

Degree after a bench trial, for having had sexual contact with an underage student. She was sentenced to six years in prison.

*People v. Eric Gilchrist* – Defendant Eric Gilchrist was found guilty after a jury trial of Assault in the Second Degree, for smashing his ex-girlfriend’s face into a motor vehicle. Gilchrist is currently pending sentence. He is facing a possible life sentence a persistent felon.

## **MISDEMEANORS MATTER DOMESTIC VIOLENCE INITIATIVE**

During 2018, 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 2018, the Misdemeanors Matter Program continued to receive funding through 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 misdemeanor domestic violence caseload, with special emphasis and training placed on prosecuting cases without the victims’ testimony, a strategy known as “evidence-based prosecution.” In addition, in 2018, 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.

## **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 2018, three ADAs were assigned to the General Crimes Unit, working under the supervision of a Senior Assistant District Attorney and the Grand Jury Supervisor.

### **Leandra’s Law Cases**

2018 was the ninth 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 2018, that policy resulted in 22 individuals being charged for Leandra’s Law violations, either by way of Indictment or Superior Court Information.

<b>General Crimes Unit Statistics</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Approximate % Change (2017 to 2018)</b>
Cases Screened	725	806	760	-6
Cases Indicted	160	157	141	-10
Superior Court Informations Filed	109	109	141	+29
Leandra's Law Cases Filed	27	21	22	+5

### **Significant Cases**

*People v. Dennis Wilson, Jr.* – Defendant was involved in a motor vehicle collision during which he drove across a double yellow line into the opposing lane of travel, striking the other vehicle head-on, killing the driver. An investigation revealed that at the time of the collision, the defendant had a blood-alcohol content of .20 per cent. The defendant pled guilty to Aggravated Vehicular Homicide and was sentenced to five to fifteen years in prison.



District Attorney Hoover with Orange-Ulster BOCES CTEC law enforcement students

*People v. Robert Stevens* – Defendant was responsible for two separate bank robberies at Citizen’s Bank in the City of Newburgh on December 15, 2016 and February 9, 2018. On both occasions, the defendant entered the bank with a mask, demanded money, and fled. He received in excess of \$3,000.00 each time. After a joint investigation between the City of Newburgh Police Department and Orange County District Attorney’s Office, the defendant was arrested and pled guilty to two counts of Robbery in the Third Degree related to both incidents. He was sentenced to 2-6 years in prison on each count to be served concurrently.

*People v. Jeffrey Burns* – Defendant was involved in a motor vehicle collision on Route 17 in the Town of Goshen. An investigation at the scene revealed the defendant to be in an intoxicated condition, with a blood alcohol content of .16 per cent. Upon his arrest, a search of the vehicle revealed a modified assault rifle, five large-capacity magazines, and body armor. The defendant

pled guilty to both driving while intoxicated, as well as a violent felony weapons offense. He was sentenced to seven years in prison with five years of post-release supervision.

*People v. Melissa Kearns* – Defendant was an employee of Sonic in the Town of New Windsor and systematically stole cash deposits over a one-month period for a total of \$12,240.00. The defendant pled guilty to Grand Larceny in the Third Degree and was sentenced to two to four years in prison, together with restitution.

## **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 2018, New York State appellate courts issued 57 decisions involving appeals handled by the Orange County District Attorney's Office. The District Attorney's Office was victorious in two of the three cases decided by the New York Court of Appeals, 35 of the 38 cases decided by the Appellate Division, Second Department, and in ten of the twelve cases decided by the Appellate Term for the Ninth and Tenth Judicial Districts. The Orange County District Attorney's Office also successfully defended three convictions in the Appellate Division, Third Department, appearing as the Special District Attorney in those matters, both in the trial court and on appeal. In addition, the United States District Court for the Southern District of New York denied petitions for writs of habeas corpus in two cases involving claims that defendants brought following the conclusion 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. Natascha Tiger*, 32 N.Y.3d 91 (2018) – On a People’s appeal, the New York Court of Appeals reversed the Appellate Division’s decision and held that a defendant who enters a guilty plea is barred from raising a free-standing claim of actual innocence in a post-judgment motion to vacate the judgment made pursuant to CPL 440.10(1)(h).

*People v. Victor Koltun*, 163 A.D.3d 720 (2d Dept. 2018) – Defendant was convicted after a jury trial of three counts of murder in the first degree, two counts of conspiracy in the second degree, and one count of criminal possession of a weapon in the second degree. The charges against defendant stemmed from the November 2010 execution-style killings of Francis Piscopo and his nephew, whose bodies were discovered on November 4, 2010, in an abandoned building in the City of Newburgh, after they had arranged to meet Koltun at that location to collect a debt that was owed by Koltun. The investigation into their murders revealed that Koltun conspired with Frank Lewis and Craig Fennell, both of whom pled guilty to the conspiracy charges, to carry out the killings. Koltun is serving a sentence of life without parole upon each of his first-degree murder convictions and separate state prison sentences upon his remaining convictions. The Appellate Division affirmed defendant’s convictions and sentences.

*People v. Nija Johnson*, 164 A.D.3d 522 (2d Dept. 2018) – The Appellate Division affirmed defendant’s convictions for two counts of murder in the second degree and five counts of attempted murder in the second degree, arising from a shooting incident that occurred in the City of Newburgh on October 30, 2016. Defendant went to a party, and once inside fired at a group of people, intending to kill rival gang members. Instead, he killed two women and seriously injured five other people before he fled from the scene and was subsequently apprehended in Virginia. Johnson pled guilty and was sentenced to consecutive determinate terms of imprisonment of twenty years to life, as well as concurrent twenty-five year sentences on each of the remaining counts.

*People v. David Stevenson*, 158 A.D.3d 825 (2d Dept. 2018) – Following a jury trial, defendant was convicted of murder in the second degree, arson in the second degree, two counts of criminal possession of a weapon in the third degree, and animal cruelty, and was sentenced to an aggregate concurrent sentence of twenty-five years to life. On the morning of January 15, 2013, defendant entered the home of his girlfriend, repeatedly struck her in the head, and then slit her throat. Defendant then attempted to burn the house down. He was found at the scene after he sustained serious burns from the fire. The Appellate Division affirmed his conviction and sentence.

*People v. Larry Ganntt, Jr.*, 159 A.D.3d 986 (2d Dept. 2018) – At about 2:30 a.m., on November 3, 2012, members of the City of Newburgh Police Department responded to a report of a fight at a local bar and found a large number of persons engaged in a brawl. The police observed defendant striking another male and attempted to subdue him. Defendant struggled with the officers and

stabbed an officer in the neck and in the arm. Following a jury trial, defendant was convicted of assault in the first degree, attempted aggravated assault upon a police officer, two counts of assault in the second degree, and criminal possession of a weapon in the fourth degree, and is serving an aggregate state prison sentence of fifteen years. The Appellate Division affirmed defendant's convictions and sentences.

*People v. Alexander Adams*, 162 A.D.3d 680 (2d Dept 2018) – The Appellate Division affirmed defendant's convictions for sex trafficking, criminal possession of a weapon in the second degree, and criminal possession of a controlled substance in the second degree. Defendant was sentenced upon his respective pleas of guilty to an indeterminate term of imprisonment of five to fifteen years for sex trafficking and to concurrent determinate terms of imprisonment of nine years on the remaining counts.

*People v. Gilberto Nunez*, 160 A.D.3d 1225 (3d Dept. 2018); 160 A.D.3d 818 (3d Dept. 2018); and 160 A.D.3d 1227 (3d Dept. 2018). The Orange County District Attorney's Office served as the Special District Attorney in connection with an investigation of the murder of the husband of a woman with whom defendant was having an extramarital relationship. The investigation resulted in the defendant's convictions under three separate indictments for two counts of criminal possession of a forged instrument in the second degree, after investigators found forged documents on defendant's computer in which he claimed to be an agent with the CIA; perjury in the second degree; offering a false instrument for filing in the first degree; and making an apparently false written statement in the first degree, after investigators discovered that defendant had falsely claimed in a gun permit application that was on file with Ulster County that he had not been discharged from the military for cause; grand larceny in the third degree; insurance fraud in the third degree; and falsifying business records in the first degree. Defendant was sentenced to an aggregate consecutive sentence upon the three sets of charges of two and one-third to seven years. The Appellate Division affirmed all three sets of convictions and sentences.



District Attorney Hoovler receiving the Award of Excellence from New York State Humane Association President Patricia Valusek, November 2018

degree; and falsifying business records in the first degree. Defendant was sentenced to an aggregate consecutive sentence upon the three sets of charges of two and one-third to seven years. The Appellate Division affirmed all three sets of convictions and sentences.

### **Animal Cruelty Cases**

*People v. Jeanne Ryan* – Following a non-jury trial in Orange County Court, defendant was found guilty of ten counts of Aggravated Cru-

elty to Animals in violation of Agriculture and Markets Law §353-a and ten counts of Animal Cruelty in violation of Agriculture and Markets Law §353. The charges against defendant stemmed from the investigation of the severe starvation of ten horses that defendant owned and kept in a barn on her property. On July 29, 2017, a search warrant was executed on the property, leading to the discovery of a severely malnourished horse. The investigation also revealed that between March 2016 and July 2017 nine other horses died as a result of defendant’s intentional severe starvation and neglect of those horses. On September 6, 2018, defendant was sentenced to nine concurrent two-year definite terms of imprisonment and ten concurrent one-year terms of imprisonment to be served in the Orange County Jail. On the remaining felony count, the court sentenced defendant to a conditional discharge and further ordered that defendant not own, harbor, or have custody or control of other animals for fifteen years.

*People v. Kevin Gould* – Defendant was charged with four counts of Animal Cruelty in violation of Agriculture and Markets Law §353, following the execution of a search warrant that led to the discovery and removal of four Rottweiler dogs that were being kept in small cages that lay on a cement floor of a detached garage in the Town of Greenville. The floor was covered with urine and feces, and the interior lacked light or fresh air or fresh water, and an overwhelming stench of feces and urine was present. Each of the dogs was also found to be covered in urine and feces. Defendant pleaded guilty to one count of animal cruelty and agreed to surrender the dogs. Defendant was sentenced on October 3, 2018, to a three-year term of probation and was also ordered to pay restitution for the care of the dogs in the amount of \$17,182.00. The court also directed defendant to register with the Orange County Animal Abuse Registry and further barred defendant from owning pet animals.

<b>Appeals Bureau Statistics</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>Approximate % Change (2017 to 2018)</b>
Total Matters Handled	559	626	624	675	+8
State Appeals	34	57	82	46	-44
Federal Habeas Responses	8	2	8	7	-13
Appellate Arguments	11	12	6	18	+200
Post-Judgment Hearings	6	1	1	3	+200
FOIL Responses	120	101	154	171	+11
Animal Cruelty Cases Reviewed	19	9	10	7	-30
Search Warrants Drafted	24	3	6	3	-50
Training Sessions Conducted	19	41	11	19	+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 2018, Bureau members:

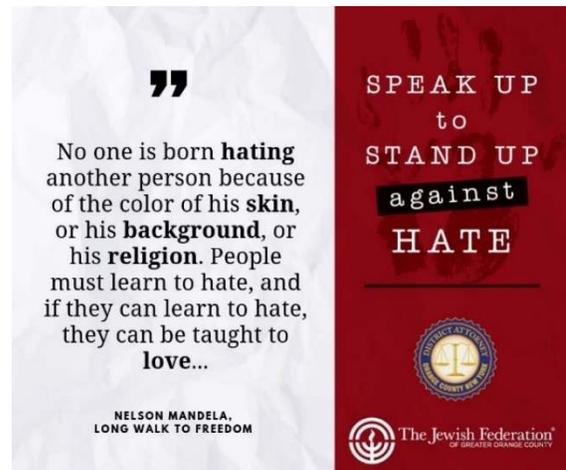
- **Continued to run the District Attorney's Regional Community Advisory Boards.** The Regional Community Advisory Boards are made up of community leaders and representatives and are designed to provide the District Attorney with advice on how a community prosecution program might work in Orange County. 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 a setting where community issues may be addressed on a regional level.
- **Continued to promote the "Connect 2 Disconnect" heroin and opioid awareness campaign.** District Attorney Hoovler designed the "Connect 2 Disconnect" program to provide education to the public 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, Westchester, Rockland, and Richmond Counties. In addition, the District Attorney's Office has continued its membership in the



District Attorneys' League of Immigrant Affairs, including OCDA Community Affairs Coordinator Darlene DeJesus (second from right)

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 collaborated with Catholic Charities and the YWCA in order to refer for immigration legal services victims of crimes who are eligible for U-visas but lack legal representation. The District Attorney's Office presented in a series of events to promote the Immigrant Affairs Initiative: Community ID Program, Catholic Charities Legal Services and Clinic, and at an Orange-Ulster Boces ESL class. Finally, the Unit continues to process the certification of U-visa applications in conjunction with OCDA's Chief Trial ADA.

- **Established the Hate Crimes Awareness Initiative.** The initiative is designed to raise awareness about the prevalence of hate crimes in our communities and to enhance the investigation and prosecution of hate crimes. The initiative is, in part, the result of investigations into several hate crimes that have been committed in Orange County in recent years. As part of the initiative, the District Attorney's Office, with funding from the Jewish Federation of Greater Orange County, has developed an informational brochure, *Speak Up to Stand Up Against Hate*, and a related poster, both of which are available for public distribution. The District Attorney's Office conducted a training seminar for law enforcement officers and school officials, to provide them with information about how to recognize and investigate hate crimes, so that the perpetrators of those crimes may be successfully prosecuted. The District Attorney's Office has established a Hate Crimes Hotline, (800) 378-1411, that people can use to report hate crime incidents, and District Attorney Hoovler has assigned a senior prosecutor to coordinate efforts to investigate and prosecute hate crimes.



- **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.
- **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 eight anti-drug coalitions in the County – TEAM Newburgh, the Middletown Cares Coalition, Operation PJ PRIDE, the Greenwood Lake Coalition, the Warwick Valley Coalition, the Tri-County Community Partnership, the Crusader Community Coalition, and the Town of Highlands 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.



Town of Wallkill Narcan Training Event. Featured: Annette Kahrs, Tri-County Community Partnership (third from left); Robert Hertman, Town of Wallkill Police Chief (center); Sgt. Julio Fernandez, National Guard Counterdrug Task Force (third from right); OCDA Community Affairs Coordinator Darlene DeJesus (at right).

- The District Attorney's Office participated in the *Reality Tour* Planning Committee. 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. In 2017, the Office presented the Operation PJ PRIDE coalition with a check for \$3,500.00, the office's contribution to launch the *Reality Tour*. The first *Reality Tour* session is scheduled for January 2019, the first of its kind in New York State.

- The District Attorney's Office co-sponsored a Narcan training in conjunction with the Town of Wallkill Police Department, the Wallkill Police Community Council, the Tri-County Community Partnership, and the New York National Guard.
- The District Attorney's Office was a sponsor for M-W CARES (Compassion, Acceptance, Respect, Empowerment, Success) Day. More than 100 presenters shared their inspirational stories of how they overcame personal challenges to achieve a healthy, positive outlook on life. Their real-life experiences served to bring hope and inspiration to the students of Monroe-Woodbury High School.
- **National Night Out:** District Attorney Hoovler and fourteen ADAs appeared at the eight National Night Out Against Crime events held in Orange County, in the Cities of Newburgh, Middletown, and Port Jervis; the Towns of Wallkill, Montgomery, and New Windsor; and the Villages of Greenwood Lake and Highland Falls. The District Attorney's Office had a table staffed by ADAs at each location, some of which ultimately ended up being canceled due to inclement weather. 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.
- Continued to build upon community relations by continuing to engage in the following:
  - Coordinated the Women's Enrichment Program in the City of Newburgh, 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.
  - 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.
  - Continued to participate in career days in schools throughout the County, to serve as guest speakers at events, and to table at various community events.

- Served as a guest speaker at the Red Ribbon Week Ceremony at Pine Bush High School, speaking about ways to remain drug- and alcohol-free. Red Ribbon Week is an ideal way for people and communities to unite and take a visible stand against drugs. The Red Ribbon Week Campaign was started when drug traffickers in Mexico City murdered DEA agent Enrique “Kiki” Camarena in 1985. This began the continuing tradition of displaying red ribbons as a symbol of intolerance towards the use of drugs. The mission of the Red Ribbon Campaign is to present a unified and visible commitment towards the creation of a drug-free America.



District Attorney Hoovler during Red Ribbon Week, with Pine Bush High School students who pledged to remain drug-free, October 2018

- Continued to support and on occasion serve as a guest speaker at the Breaking the Cycle assemblies on the topic of non-violent conflict resolution through forgiveness. Breaking the Cycle's main goals are to counteract youth violence; address bullying, peer pressure and racism; promote self-respect and respect for others; and to build links between educators, parents, students and law enforcement.
- Implemented a mock trial session for the City of Middletown and City of Newburgh Junior Police Academies. The Junior Police Academies are designed to engage juveniles and provide them with insight and experience with basic police procedures. The mock trial session involved the participants studying a fact pattern and assuming the roles of judge, prosecutor, defense attorney, defendant, victim, witness, and juror, with the help and guidance of a local judge, prosecutor, and defense attorney. The participating prosecutor and defense attorney delivered an opening statement, questioned the witnesses, and delivered a summation.
- Participated in the Gidney Avenue Memorial School literacy program, by volunteering as a community leader. As volunteers, the Unit read to at least four classes per session. Grades ranged from K-5 and included English as a Second Language classes.

- 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 most prosecutions in the local criminal courts in Orange County's 20 towns, 19 villages, and three cities. Combined, there are 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 2018, 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

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

- Dispute Resolution Center – 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 2018, 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

	2015	2016	2017	2018	2019	Approximate % Change (2018 to 2019)
Annual Budget (adopted)	\$9,191,427	\$9,342,670	\$10,040,096	\$10,372,275	\$10,473,280	+1
Grants – Total	\$520,665	\$545,465	\$725,995	\$656,299	\$646,749	-1
Gun-Involved Violence Elimination (GIVE) Grant	\$213,465	\$213,465	\$213,465	\$275,129	\$275,129	No Change
Byrne Justice Assistance Grant	\$25,000	\$15,000	\$75,000	N/A	N/A	N/A
Crimes Against Revenue Program (CARP) Grant	\$100,000	\$89,000	\$89,000	\$89,000	\$112,810	+27
GVI Project Manager	N/A	\$85,000	\$85,000	N/A	N/A	N/A
Video Recording of Statements	N/A	N/A	\$50,967	\$50,967	\$9,732	-81
Violence Against Women Formula Grant	\$35,600	\$35,600	\$35,600	\$35,600	\$35,600	No Change
Aid to Prosecution Grant	\$71,600	\$107,400	\$71,600	\$100,240	\$100,240	No Change
Non-Fatal Newburgh Shootings	N/A	N/A	\$105,363	\$105,363	\$113,238	+7

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.