

Oneida County Public Defender
Criminal Division

ANNUAL REPORT 2002

Frank J. Nebush, Jr.
Oneida County Public Defender
Criminal Division

**Staff Edition
Unabridged**

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Appellate Bureau
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Chief Appellate Counsel

City Courts Section
James F. Kehoe - Utica
Attorney-in-Charge
Jeffrey S. Frederick - Utica
Third Assistant Public Defender
Tina L. Hartwell - Utica
Third Assistant Public Defender
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First Assistant Public Defender

Tuesday, May 14, 2003

Hon. Ralph J. Eannace, Jr.
Oneida County Executive
800 Park Avenue
Utica, NY 13501

Hon. Gerald J. Fiorini
Chairman, Oneida County Board of Legislators
800 Park Avenue
Utica, NY 13501

Re: Submission Letter
2002 Annual Report

Gentlemen:

Enclosed for filing pursuant to Article 24 of the Oneida County Charter is our 2002 Annual Report.

Sincerely,



Frank J. Nebush, Jr.
Oneida County Public Defender, Criminal Division

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**From the Oneida County Public Defender
*Criminal Division***

Each year's annual report is a blueprint for change. It's used to study staffing patterns and adjust caseloads, court schedules and court assignments as well as track caseload patterns and project future caseloads in the various courts in Oneida County. Increases and decreases in case types indicate trends in prosecution and law enforcement focus allowing us to plan training for attorneys and staff assigned to our criminal defense sections and units.

This year we have added some additional areas and published *Annual Report 2002* in two versions. The unabridged or staff version contains a complete listing of criminal cases in the United States Supreme Court and the New York State Court of Appeals. It serves as a ready reference, review and update for staff attorneys and staff and is meant for posting on our website for easy access. The abridged edition eliminates these materials and this edition is filed with the Oneida County Executive and the Board of Legislators as required by the Oneida County Charter.

Dedication

Annual Report 2002 is dedicated to the attorneys of the Utica City Court Unit of our City Courts Section. As criminal defense counsel in the busiest criminal court in Oneida County, this unit performs a demanding, stressful and critical role in providing representation to the indigent clients assigned to them by the Utica City Court judges. This unit of three attorneys had 578 criminal cases pending at year's end 2001, opened 2,920 new cases in 2002 including 408 felonies, 1,976 misdemeanors and 441 violations before the three city court judges or 44% of our total caseload for the year. By December 31, 2002 the unit had obtained dispositions in 2,851 criminal matters and held over 200 preliminary hearings in felony cases. Attorney-in-Charge James F. Kehoe with the able assistance of Assistant Public Defenders Tina L. Hartwell and Patrick J. Marthage are to be commended for the dedication they have shown to their clients, the court and judges they serve, and the Criminal Division of the Oneida County Public Defender's office. They have a demonstrated record of professionalism, dedication, and sense of purpose. As Chief Public Defender, it is a distinct pleasure to dedicate *Annual Report 2002* to assistant public defenders assigned to the Utica City Court Unit, City Courts Section of the Criminal Division.



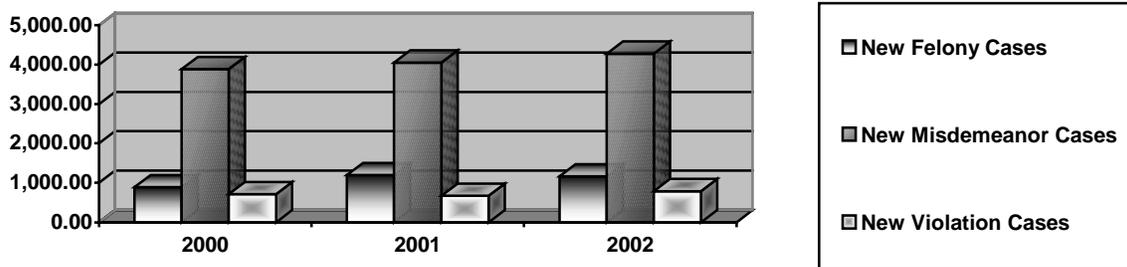
Introduction

2002 witnessed an increase in total opened cases from the 6,219 new opened cases in 2001 to 6,572 new open cases – an increase of 5.7%. Tracking increases from the year 2000, we experienced a total increase of 9.7% during that two-year period.

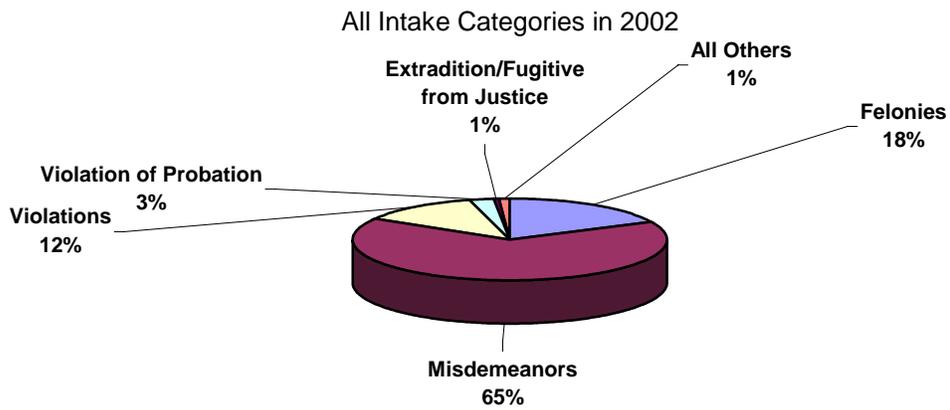
CASE INTAKE

	2000	2001	2002
New Felony Cases	888	1,197	1,163
New Misdemeanor Cases	3,886	4,052	4,275
New Violation Cases	712	672	789

Major Case Intake 2000-2002



All Intake Categories in 2002	
Felonies	1,168
Misdemeanors	4,323
Violations	799
Violation of Probation	165
Extradition/Fugitive from Justice	39
Failure to Comply with Conditional Discharge or a Program	22
Failure to Pay a Fine, Restitution or Surcharge	36
Sex Offender Registration	13
Traffic Infraction	6
Petition for Habeas Corpus	1
Total Intake:	6,572



The office was responsible for handling clients in forty different cities, town, and village courts as well as Oneida County Court and the Appellate Division of the Supreme Court, Fourth Judicial Department in Rochester and the New York State Court of Appeals in Albany. For a list of charges handled during the year see **Appendix E.**

Cases Opened & Closed by Court

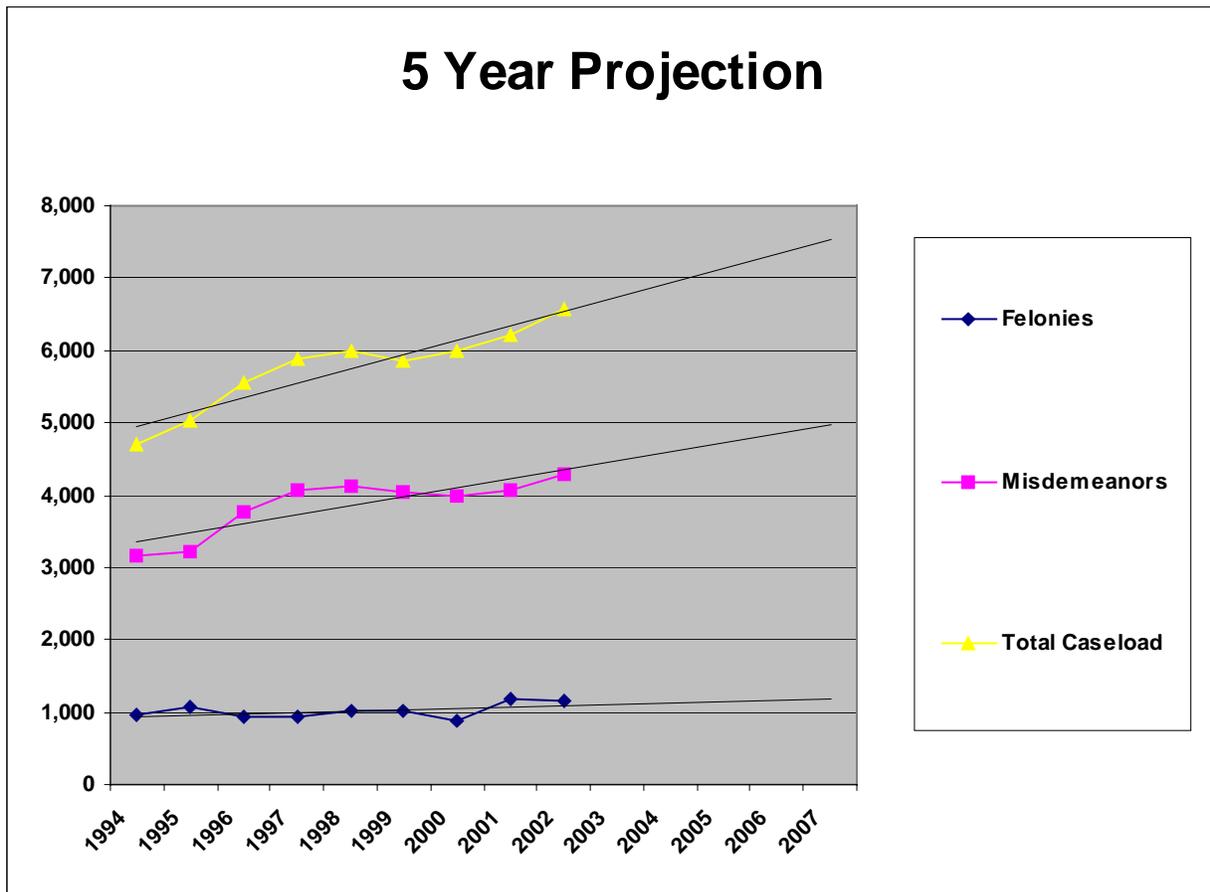
To properly gauge activity in all of the courts the Criminal Division is responsible for and provide adequate coverage, opened and closed cases in all of the courts are compared. The charts below indicate this activity for 2002.

2002 Cases Opened and Closed					
COURT	Pending on 1/1/02	TOTAL CASES OPENED	TRANSFERRED TO COUNTY COURT & Other Courts	TOTAL CASES CLOSED	PENDING 12/31/02
Annsville Town Court	1	44	1	41	3
Augusta Town Court	6	12	1	12	5
Ava Town Court	2	6	1	5	2
Boonville Town Court	5	21	0	19	7
Boonville Village Court	6	38	1	35	8
Bridgewater Town Court	8	28	2	29	5
Camden Town Court	8	75	1	69	13
Deerfield Town Court	3	15	1	16	1
Florence Town Court	2	4	0	5	1
Floyd Town Court	9	55	6	57	1
Forestport Town Court	1	14	0	14	1
Kirkland Town Court	6	25	2	24	5
Lee Town Court	4	52	3	47	6
Marcy Town Court	14	115	10	106	13
Marshall Town Court	0	13	1	12	0
New Hartford Town Court	76	722	14	710	74
New Hartford Village Court	2	16	5	13	0
New York Mills Village Court	23	106	11	89	29
Oneida County Court	197	495	4	552	136
Oriskany Village Court	15	44	8	33	18
Paris Town Court	11	47	0	43	15
Remsen Town Court	4	25	1	25	3
Rome City Court	217	1,309	53	1,183	290
Sangerfield Town Court	2	9	0	6	5
Sherrill City Court	2	34	0	28	8
Steuben Town Court	4	7	0	8	3
Sylvan Beach Village Court	13	47	2	48	10
Trenton Town Court	10	58	4	60	4
Utica City Court	578	2,920	116	2,851	531
Vernon Town Court	2	55	3	51	3
Vernon Village Court	4	8	2	6	4
Verona Town Court	14	96	2	93	15
Vienna Town Court	11	33	3	35	6
Waterville Village Court	2	7	1	3	5
Western Town Court	1	16	1	14	2
Westmoreland Town Court	6	59	0	57	8
Whitesboro Village Court	20	70	2	63	25
Whitestown Town Court	22	145	2	132	33
TOTAL CASES	1,311	6,845	233	6,594	1,329

Courts with the most activity throughout the year are evaluated to provide the supervising attorneys with current caseload information. By reviewing specific courts, the adequacy of attorney assignments can be determined. See **Appendix A** for information detailing activity in the various courts in Oneida County, caseload growth and charges.

Projections

In dealing with caseload information for the various courts over a defined period of years, relatively accurate caseload projections allow for planning staff requirements for the various courts and sections within the Criminal Division.



Attorney Caseloads & Assignments

The staff of the Criminal Division is divided into four separate and distinct sections:

The City Courts Section – Under the supervision of Attorney-in-Charge Jim Kehoe, this section is responsible for the city courts of Utica, Rome and Sherrill and a majority of the local criminal courts in the county;

The Major Crimes Section - Major Crimes is under the direct supervision of Chief Trial Counsel Lee McCormac. The attorneys in the section are responsible for all non-violent cases in Oneida County Court;

The Violent Crimes Section – The Chief Trial Counsel heads up Violent Crimes. The VCS is responsible for representing clients charged with the most serious crimes in the Penal Law – from homicide to rape to robbery;

The Appellate Bureau – Under the experienced eye of Chief Appellate Counsel Esther Cohen Lee, the two attorneys assigned to the bureau are dedicated to the preparation of criminal appeals assigned by the Appellate Division, Fourth Department in Rochester.

City Court Section

The City Courts Section has two branches - the Utica City Court Unit with three attorneys and a paralegal assistant operating from the branch office within the Utica City Courthouse and the Rome City Court Unit with an office provided in the Rome City Courthouse. In Utica City Court, an attorney is assigned to each of the three city court judges and rotate through the terms of court (Criminal, Trial, and Traffic) with the judge. This arrangement provides for vertical representation to our clients. Rome City Court has a full-time judge and a part-time judge and one attorney assigned to that court. Support is provided to Utica City Court by investigators and secretaries as needed. Rome City Court's support is provided by the City Courts Support staff within the main office. City court attorneys handle the bulk of the misdemeanors and violations assigned to the office and conduct the preliminary hearings for clients charged with felonies.

Major Crimes Section

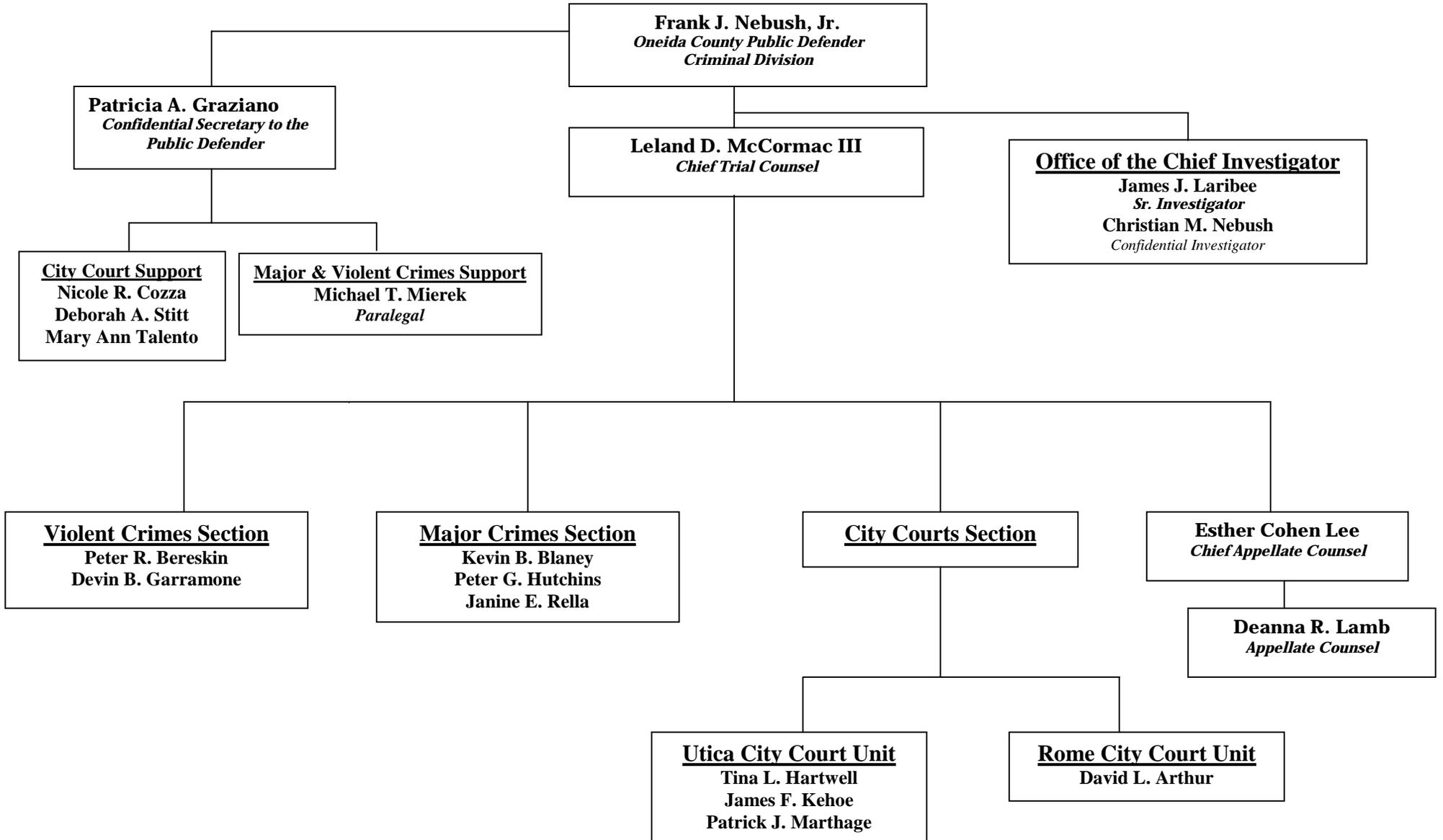
This section is comprised of four attorneys under the direct supervision of the Chief Trial Counsel. The section is responsible for all of the non-violent felony cases and county court matters assigned to the Criminal Division. Felony cases are assigned to an attorney in the section within twenty-four hours of intake. The assigned attorney is responsible for representing the client and the case progresses through the court system.

Violent Crimes Section

Two top trial attorneys and the Chief Trial Counsel comprise the VCS. The section is assigned the most egregious cases the office handles. From homicide to sex crimes, the section concentrates on clients charged with the most serious violent offenses. A special investigator is attached to the section with the sole responsibility of investigating cases assigned to the section's attorneys.

For a breakdown of attorney caseloads, see ***Appendix B.***

Organizational Chart



State Inmate Cases (Section 606 Reimbursement)

Pursuant to Section 606 of the Correction Law, the Public Defender represents inmates of state correctional institutions accused of committing a crime while residing in one of the four prisons in Oneida County. Reimbursement for the cost of representation is borne by the State of New York. The number of cases assigned to this office that originate in the correctional facilities (Marcy, MidState, Mohawk, Oneida and the Central New York Psychiatric Center) continues to fluctuate. During 2000, 37 cases were assigned compared to the 54 cases assigned in 2001 and 26 assigned in 2002. Since many of these clients are transferred to other Department of Corrections facilities around the state after they have been charged with committing a crime within a local prison, the Sr. Investigator spends a great deal of time tracking clients movement within the prison system and travelling to prisons throughout New York State to interview them. Each attorney assigned these cases is required to meet with their client at their prison of residence prior to indictment. Assistant Public Defenders assigned these cases make numerous prison visits to consult with their clients.

Client Financial Status

31% of clients fell into the "Employed Full-Time" category of eligibility with an average income of \$208.50. 26% fell into the "Unemployed with no assets" category. Of the 16.5% that were employed part-time, the median income was \$131.72. Eligibility is determined by the Federal Poverty Guidelines published annually by the Legal Services Corporation.

21.2% of the client base in 2002 had no dependents, 18% had one, 17.8% had two, 16% had three, 11.4% had four, and 15.4% had more than four dependents.

In 2002, 72% of our clients were single and 15% were married.

74% of all clients were male and 26% were female

A more complete breakdown of the financial status of clients can be found at **Appendix C**.

For geographical location of clients represented see **Appendix F**.

Cost Per Case & Budget Information

During 2002 the total average cost per case handled by the Criminal Division was \$216. After revenues were calculated, the actual cost to Oneida County was \$202.

Total expenses were \$1,419,686. Net expenses after the application of revenues for that year were \$1,324,793.

For a chart tracking cost per case over the last ten years and a complete budget analysis, see **Appendix D**.

Strategic Plan

The Strategic Plan for the Criminal Division during 2002 was centered around support services for the Violent Crimes Section. Developing the tasks and protocols for the Special Investigator, second-seating major trials, training, and document management technology were and continue to be top office priorities. Included in the present strategic plan and under continuous development are the following goals and objectives:

- Developing protocols and policies for the Violent Crimes Section and their Special Investigator;
- Second-seating major trials in the Violent Crimes Section with attorneys assigned to Major Crimes or the City Courts Section. This goal is aimed at providing valuable assistance to the attorneys in the VCS while training less experienced attorneys in trial practice techniques;
- Training has been a constant issue in a number of different areas.

Attorney Training

Attorney training is one of the top priorities every year especially in light of recommendations by professional malpractice carriers and the increasing complexity of many of the criminal cases. Not only are criminal defenses becoming increasingly complex, forensic sciences are gaining sophistication and greater acceptance in the criminal courts. From DNA to psychology, the wide range of topics necessary to provide adequate representation to those accused of criminal offenses necessitates more than basic familiarity with elementary principles of law and science. The best training is available through various bar associations, attorney membership groups and on-line, legal service providers. Fortunately, groups like the New York Association of Criminal Defense Lawyers (NACDL) and the New York State Defenders Association, Inc. provide relevant training to criminal defense lawyers.

In-House Staff Training

Attorneys

Various methods of enhancing attorney skills using existing, veteran staff are being utilized on an individual peer-to-peer basis whenever possible. Most of these efforts are centered around assisting attorneys in the VCS with trials, mentoring, and regular section meetings.

Support staff

As the office increasingly utilizes sections to handle various caseloads and creates areas of specialization and concentration, there is progressive reliance on support staff. The need to acquire and provide technical expertise in computer applications and have more than a fundamental grasp of issues in criminal law is required of our support staff

from secretaries, paralegals and investigators. Whenever feasible, support staff are sent with attorneys to legal seminars and conferences. Many legal service providers allow such arrangements without charging a fee to non-attorneys who are part of a government entity when at least one of the attorneys of that entity attends.

In-house workshops exploiting existing office personnel and county, state and outside agencies are also used to give our support staff the tools to competently and aggressively assist the trial sections. We are presently in the planning and documenting stages of various one-hour programs aimed first at improving their proficiency and knowledge in these areas:

- ✓ Fundamentals of criminal law
- ✓ Forensic sciences
- ✓ Eligibility for state prison rehabilitation services
- ✓ Drug court procedures
- ✓ Computer applications

Trial Section Document Management and Support

Techniques, practices and procedures for litigating cases has advanced substantially with the advent of computer technology. Making these advances available to trial attorneys with the support of staff trained to use them is essential. Some of the simplest methods of searching documents and presenting evidence are primary targets:

- ▶ Complete and searchable client files assigned to the Violent Crimes Unit over the network using Adobe .pdf formats for felony complaints, supporting depositions, investigator's reports, and other legal documents
- ▶ Development of powerpoint presentations for training and trial presentations

Intranet Development

With e-mail and networking quickly becoming mainstays of legal practice, an office intranet is being planned to provide scheduling, legal education, training, and other information to the staff

Website

A public defenders website is being designed to inform clients on eligibility requirements, arrest and bail procedures and information on fundamental criminal procedures. The website can be utilized to assist assigned counsel obtain forms, briefs and other legal documents. One of the primary uses will be to provide recruiting information on attorney, intern and staff vacancies.

Staffing

Planning and development is an integral part of running a law office the size of the Criminal Division. Despite computers and advanced technology, the very existence of the office depends on people. Competent counsel, savvy investigators, sharp paralegals and of course, the backbone of any office, administrative professionals are the real keys for operating a successful and effective law office. People move on however and others move in. 2002 was no different than any other year.

A Tribute To Those Who Left Us in 2002

Daniel F. Maggio, Jr., Chief Trial Counsel
Harpur College/SUNY
B.A. in Political Science, Cum Laude, Phi Beta Kappa
Vermont Law School
Juris Doctor 1979
Counsel to the New York State Senate
Office of Senator James Donovan
Third Assistant Public Defender of Oneida County
June 5, 1997
Second Assistant Public Defender
September 16, 1998
Chief Trial Counsel
November 18, 1999 – August 5, 2002

Few people had more of an impact on shaping office policy, instituting new procedures, training new attorneys and just generally being available to help anyone with a problem than Dan Maggio. An experienced criminal trial lawyer before joining us in June, 1997, he brought to his job a sense of purpose and expertise we are seldom able to recruit. Initially assigned to Utica City Court, it quickly became obvious that as effective as he was in handling the large caseloads and the three judges in that court, major felony cases were his forte. When the in-house position of Chief Trial Counsel was formally created by the Board of Legislators in 1999 to provide the Public Defender a chief deputy, he was appointed to that position on November 18, 1999. Dan was never daunted by high profile cases and tried more than his share. He assisted his trial staff in investigating, developing and preparing hundreds of other cases. A fanatic weight trainer in his spare time, he could be frequently found after work at the at the Brookside Athletic Club. He resigned his position on August 5, 2002 to move to Florida. His easy manner and friendly demeanor are sorely missed. A few months after moving, he was involved in a bicycle accident in Florida resulting in severe injuries to both of his arms requiring extensive surgery. He is presently recuperating at his Florida home. The staff of the Criminal Division wishes him a swift and full recovery.



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Deanna R. Lamb, Appellate Counsel, First Assistant Public Defender
 Utica College of Syracuse University
B.S. May 1981
 Syracuse University School of Law
Juris Doctor May 1986
Third Assistant Public Defender of Oneida County
March 21, 1988
Second Assistant Public Defender
September 21, 1989
Appellate Counsel, First Assistant Public Defender
March 21, 1992 – December 27, 2002 (retired)

Deanna Lamb was appointed a Third Assistant Public Defender of Oneida County on March 21, 1988. Like all new attorneys, she was assigned to Utica City Court for training. Recognizing her unique writing and research skills, the Public Defender re-assigned her to the Appellate Bureau and she became an Appellate Counsel on October 31, 1988. Under the skilled tutelage of Chief Appellate Counsel Esther Cohen Lee, Deanna honed her appellate skills and spent the major part of her legal career perfecting our clients appeals to the Appellate Division, Fourth Department in Rochester. Over the years she spent in the Appellate Bureau, she demonstrated her acumen in computer technology by compiling brief banks on appellate issues and developing a complete computer system of appellate and client information forms. Her distinguished work in the Appellate Bureau made her an asset to the Criminal Division. On December 27, 2002, Deanna retired from the Division to pursue other interests. Deanna Lamb will certainly be remembered by all of us in the Criminal Division. We we wish her enjoyment and health in her retirement.

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Ann M. Torrance, Senior Typist, Major & Violent Crimes Section
 State University of New York at Oswego
BS in Social Science, 1981

From time to time, people join our staff and over time become very special to all of us. Ann Torrance was just that sort of person. Providing support to both the Major and Violent Crimes Sections when they were in their infancy was a demanding position requiring knowledge of criminal law and procedure and attention to critical case details. Although a novice to the criminal law when she was appointed on June 22, 1998, she proved a quick study and developed a genuine rapport with the attorneys assigned to the sections, the investigators working the cases, and the other office support staff. Ann's sense of humor and practical jokes made her a favorite with all the attorneys and co-workers. Rarely at a loss for words, she would liven up the atmosphere in the office with a stories about her experiences as a devoted mother and avid golfer which seldom failed to evoke a laugh. Her husband Jim was the Superintendent of Schools for the Clinton Central School District and resigned his position to take an executive position in Albany. On April 5, 2002, Ann resigned her position to join him. Her humor, personality and dedication are missed by all of us.



#####

**Jerry R. Briggs, Special Investigator, Violent Crimes Section
Utica Police Department, Special Investigation Unit (retired)**



With the creation of the Major and Violent Crimes Sections within the Criminal Division, it quickly became apparent that Violent Crimes needed investigative support. The type of cases and their very nature required a more concentrated effort by the section attorneys to develop a thorough case background, timeline and factual basis. For years Inv. Jerry Briggs had been the nemesis of every assistant public defender assigned to Utica City Court and Oneida County Court. As an investigator with the Utica Police Department's Special Investigation Unit, Jerry and his partner Ted Kaczor were known as "Batman and Robin" within the criminal defense community. They testified for the prosecution in literally hundreds of felony drug arrests. To their credit, they also sought to arrange rehabilitation and treatment for many of the defendants they arrested in lieu of jail. They are the only Utica police officers to receive a plaque of recognition from the Public Defender upon their retirement. Some years after retiring, Jerry who was elected a town judge for the Town of Russia, visited the office because as a judge he was having difficulty obtaining assigned counsel for people accused of violations and felt strongly that they have attorneys appointed to represent them. In the course of assisting him research and resolve this problem, the Criminal Division was organizing the Major and Violent Crimes Sections. His advice and counsel in developing protocols and policies for the sections led to his employment as the first Special Investigator for the Violent Crimes Section. He served with distinction in that role until accepting another position. All of us enjoyed his ready wit, humor and "war" stories. His professionalism and field experience assisted the attorneys in Violent Crimes gain valuable insight into their cases.

...And Those Who Joined Us in 2002

Jeffrey S. Frederick, Third Assistant Public Defender of Oneida County

Syracuse University

Bachelor of Arts in Economics, May 1995

State University of New York, Buffalo School of Law

Juris Doctor, May 1999

Taxation Law Certification, June 1999



On November 18, 2002, Jeff Frederick was appointed an Assistant Public Defender of Oneida County. He was posted to the City Courts Section, Utica City Court Unit and assigned to the courtroom of the Hon. John S. Balzano. Prior to his appointment, Jeff was associated with Hage & Hage and the Rose Law Office in Little Falls.

Michael T. Mierek, Paralegal Assistant, Major & Violent Crimes Sections

State University of New York at Brockport
Bachelor of Science in History & Criminal Justice, May 1999



Syracuse University
Paralegal Certificate, August 2001

A graduate of Holland Patent High School and a football player at Brockport, Mike was appointed on April 15, 2002 and assigned to the support staff of the Major & Violent Crimes Unit. He comes to us from the Nancy Rose Stormer Law Office. An avid hunter, fisherman, and sportsman, he is a member of the office bowling squad and looks forward to wiping out the District Attorney's team again in the annual inter-office basketball game.

INTERNS 2002

Internship programs provide assistance to the attorneys and staff assigned to courts throughout Oneida County. These students are a valuable asset to the office. At the same time, the learning experience each student receives is invaluable. Whether the student simply gains some insight into the legal profession or sees first hand how the court and legal systems operate, the time spent observing, listening and learning provides a solid core of knowledge to each individual. Alumni of the Oneida County Public Defender – Criminal Division’s Intern Program are scattered throughout the United States from as far as San Diego to as close as our own District Attorney’s office. Whether they take part in a high school program, the county’s summer College Student Corps or through an individual college or law school internship program, we are proud to have had these students work with us.

	<u>Law School</u>
Paul Deep	California Western School of Law
	<u>College</u>
Robert Furbish	SUNY/Oswego
Lucas Morris	SUNY/Buffalo
Michael Paratore	SUNY/Oswego
Carli Saladin	SUNY College of Technology/Paralegal Program
	<u>High School</u>
Stephanie Anderson	Whitesboro/SABA/Shadow Student
Lauren Bankert	Proctor
Cindy Brink	Whitesboro/SABA/Shadow Student
Mark Butler	Rome Free Academy
Christopher DeCarlo	Whitesboro/New Visions
Tara Huzarewicz	Whitesboro/SABA/Shadow Student
Ken Hyles	New York Mills
Melissa Jarosz	New Visions/BOCES
Rebecca Joseph	BOCES Regional Program for Excellence
Michelle Lombard	Whitesboro/BOCES
Charles Lungren	New Visions/BOCES
Marc Manno	Proctor/Shadow Program
Kara Nash	Holland Patent/SABA/Shadow Student
Sean McNerny	New Hartford/SABA/Shadow Student
Casimir Niedzielski	Holland Patent/Shadow Student
Omar Novillo	Proctor
Darrell Vines	Proctor/Shadow Program
Nicole Zinkovitch	New York Mills

Legal Time Lines – What happened in 2002?

Although we seldom stop to think about it, the law is an ever present force in American life and world events. Every day of our lives, every newspaper in every town carries at least one legal story. A great deal of the time, those stories have some criminal consequences. Culled from the history of 2002, the following list of legal events filled the headlines.

World Events from the History Channel

- American Taliban John Walker Lindh appeared in court in July, pleading guilty to aiding the Taliban and carrying explosives in the commission of a felony. In October a jury sentenced him to 20 years imprisonment.
- James Traficant, the former Ohio Congressman, was found guilty of bribery and racketeering in April. Traficant became only the second member of [Congress](#) to be expelled since the Civil War and was sentenced to eight years in prison.
- The remains of missing Washington intern Chandra Levy were discovered in a D.C. park and medical examiners concluded she was murdered. Gary Condit, who reportedly told police he'd had an affair with Levy, was no longer considered to be a suspect in the case. Condit lost his Californian Democratic Primary race in March.
- January marked the beginning of a difficult year for the [Catholic Church](#), as a deluge of child sex abuse claims made the headlines. [Pope John Paul II](#) was criticized for being too slow in condemning the actions of abusers within the church, but in April he promised a plan of action to prevent future scandals.

And in the Criminal Law...

The criminal law lives and breaths every appellate season. It challenges, changes, evolves and from time to time revolutionizes the way we live. The Annual Report this year includes some of those changes. For the criminal attorney it serves as a quick review of recent decisions by the United States Supreme Court and New York State Court of Appeals and indicates trends in the criminal law. For administrators and the executive and legislative branches, it indicates the intricacies of standing at the bar and representing persons charged with crimes and the constant need for continuous attorney and staff training to ensure the competency of defense counsel.

From the United States Supreme Court Compliments of FindLaw

- **Court:** U.S. Supreme Court **Topic:** Constitutional Law, Education Law, Health Law **Title:** [BD. OF EDUC. OF INDEP. SCH. DIST. NO. 92 OF POTTAWATAMIE COUNTY v. EARLS](#) **Date:** 06/27/02 **Case Number:** 01-332 **Summary:** A school district policy, requiring students participating in extracurricular activities to consent to drug testing, reasonably furthers the district's important interest in preventing and deterring drug use by students, and does not violate the Fourth Amendment.
- **Court:** U.S. Supreme Court **Topic:** Constitutional Law, Elections, Judges and the Judiciary **Title:** [REPUBLICAN PARTY OF MINNESOTA v. WHITE](#) **Date:** 06/27/02 **Case Number:** 01-521 **Summary:** A canon of judicial conduct, prohibiting a candidate for judicial office from "announcing his or her views on disputed legal or political issues," violates the First Amendment; the canon is not "narrowly tailored" to serve impartiality, the pursuit of which is not a compelling state interest.
- **Court:** U.S. Supreme Court **Topic:** Civil Rights, Constitutional Law, Criminal Law & Procedure **Title:** [HOPE v. PELZER](#) **Date:** 06/27/02 **Case Number:** 01-309 **Summary:** Corrections officers were not entitled to qualified immunity for acts of handcuffing an inmate to a hitching post, because a reasonable corrections officer would have known that such punishment was unlawful under the Eighth Amendment, based on the lack of any safety concern or emergency, and obvious cruelty inherent in such a practice.

- **Court:** U.S. Supreme Court **Topic:** Civil Rights, Constitutional Law, Criminal Law & Procedure **Title:** [ATKINS v. VIRGINIA](#) **Date:** 06/20/02 **Case Number:** 00-8452 **Summary:** Executions of mentally retarded criminals are "cruel and unusual punishments" prohibited by the Eighth Amendment.

- **Court:** U.S. Supreme Court **Topic:** Constitutional Law **Title:** [WATCHTOWER BIBLE & TRACT SOC'Y OF NEW YORK, INC. v. VILLAGE OF STRATTON](#) **Date:** 06/17/02 **Case Number:** 00-1737 **Summary:** Provisions of a village ordinance, making it a misdemeanor to engage in door-to-door neighborhood "canvassing" without first registering with the mayor's office and receiving a permit, violate the First Amendment as it applies to religious proselytizing, anonymous political speech, and the distribution of hand bills.

- **Court:** U.S. Supreme Court **Topic:** Criminal Law & Procedure **Title:** [US v. DRAYTON](#) **Date:** 06/17/02 **Case Number:** 01-631 **Summary:** The Fourth Amendment does not require police officers to advise bus passengers of their right not to cooperate and to refuse consent to searches.

- **Court:** U.S. Supreme Court **Topic:** Constitutional Law, Criminal Law & Procedure **Title:** [MCKUNE v. LILE](#) **Date:** 06/10/02 **Case Number:** 00-1187 **Summary:** The Sexual Abuse Treatment Program serves the vital penological purpose of rehabilitation, and offering inmates minimal incentives to participate does not amount to compelled self-incrimination under the Fifth Amendment.

- **Court:** U.S. Supreme Court **Topic:** Constitutional Law, Criminal Law & Procedure, Sentencing **Title:** [BELL v. CONE](#) **Date:** 05/28/02 **Case Number:** 01-400 **Summary:** State court's finding, that defense counsel's failure to present mitigating evidence against imposition of the death penalty, and waiver of final argument did not amount to ineffective assistance, was neither "contrary to" nor an "unreasonable application" of federal law under the Strickland standard.

- **Court:** U.S. Supreme Court **Topic:** Civil Rights, Constitutional Law, Criminal Law & Procedure, Sentencing **Title:** [ALABAMA v. SHELTON](#) **Date:** 05/20/02 **Case Number:** 00-1214 **Summary:** A suspended sentence which may result in deprivation of liberty may not be imposed unless the defendant was accorded the assistance of counsel in the prosecution for the crime charged.

- **Court:** U.S. Supreme Court **Topic:** Constitutional Law, Cyberspace Law **Title:** [ASHCROFT v. FREE SPEECH COALITION](#) **Date:** 04/16/02 **Case Number:** 00-795 **Summary:** Section 2256(8)(B) of the Child Pornography Prevention Act of 1996, which bans "virtual child pornography," and Section 2256(8)(D), which prohibits the production of pornographic material pandered as child pornography, abridge the freedom to engage in a substantial amount of protected, lawful speech, and are therefore unconstitutional and overbroad.

- **Court:** U.S. Supreme Court **Topic:** Criminal Law & Procedure, Habeas Corpus, Ethics & Professional Responsibility **Title:** [MICKENS v. TAYLOR](#) **Date:** 03/27/02 **Case Number:** 00-9285 **Summary:** In order to demonstrate a Sixth Amendment violation where the trial court fails to inquire into a potential conflict of interest about which it knew or reasonably should have known, a defendant must establish that the conflict adversely affected his counsel's performance; here, even though defendant's counsel represented the victim in a previous case and did not notify the defendant, court or co-counsel of the potential conflict, no violation found.

- **Court:** U.S. Supreme Court **Topic:** Constitutional Law, Criminal Law & Procedure, Government Benefits, Landlord Tenant Law **Title:** [DEPT OF HOUSING AND URBAN DEV. v. RUCKER](#) **Date:** 03/26/02 **Case Number:** 00-1770, 00-1781 **Summary:** Section 1437d(1)(6) of the Anti-Drug Abuse Act of 1998, 42 U.S.C. 11901(3), gives local public housing authorities discretion to evict public housing tenants when either a member of the tenant's household or a guest engages in drug-related criminal activity, regardless of whether the tenant knew, or had reason to know, about such activity.

- **Court:** U.S. Supreme Court **Topic:** Criminal Law & Procedure **Title:** [KANSAS v. CRANE](#) **Date:** 01/22/02 **Case Number:** 00-957 **Summary:** A state must show that a sexual offender lacks some ability to control his violent behavior to justify confining him under its sexually violent predator laws.

- **Court:** U.S. Supreme Court **Topic:** Criminal Law & Procedure **Title:** [US v. ARVIZU](#) **Date:** 01/15/02 **Case Number:** 00-1519 **Summary:** Under the totality of the circumstances test for investigatory stops, an officer may rely on combination of otherwise innocent observations to briefly pull over a suspect vehicle.

...And in the New York State Court of Appeals

December 17, 2002

- [2 No. 154: The People &c. v. Jared Carr-El, also known as Jared Carrel](#)

The question of immediacy in this case is an issue of fact -- much like the question whether the defendant threatened the "immediate use of physical force" to obtain property (*see* *People v Woods*, , [41 NY2d 279](#), 282 [1977]), and whether a homicide occurred in "immediate flight" from a felony (*see* *People v Slaughter*, , [78 NY2d 485](#), 490 [1991]; *People v Gladman*, , [41 NY2d 123](#), 129 [1976]). In determining the legal sufficiency of the evidence for a criminal conviction we indulge all reasonable inferences in the People's favor, mindful that a "jury faced with conflicting evidence may accept some and reject other items of evidence" (*see* *People v Ford*, , [66 NY2d 428](#), 437 [1985]; *see also* *People v Contes*, , [60 NY2d 620](#) [1983]).

December 17, 2002

- [1 No. 159: The People &c. v. Terick James, a/k/a Issac Delay \[LII Summary \]](#)

Finally, the exclusion of jurors on the basis of race continues to plague the judicial system, and courts must be vigilant in eradicating this problem. The Equal Protection Clauses of both the Federal Constitution (14th Amendment) and State Constitution (article I, § 11) prohibit the exclusion of persons on the basis of race (*People v Kern*, , [75 NY2d 638](#), 649 [1990]). Moreover, service on a jury is a civil right which cannot be arbitrarily denied (New York State Constitution, article I, § 1; [Civil Rights Law § 13](#), *People v Kern*, 75 NY2d at 649). Nevertheless, any claim of improper discrimination in the selection of jurors must be specific and timely made. When, as here, a party raises an issue of a pattern of discrimination in excluding jurors, and the court accepts the race neutral reasons given, the moving party must make a specific objection to the exclusion of any juror still claimed to have been the object of discrimination. It is incumbent upon the moving party to be clear about any person still claimed to be improperly challenged.[\[4\]](#)

December 12, 2002

- [1 No. 157: The People &c. v. Charles Jackson \[LII Summary \]](#)

This case presents our third occasion in as many years to determine the validity under the [Fourth Amendment](#) of a suspicionless police stop of a motor vehicle (*see* *People v Abad*, , [98 NY2d 12](#) [2002]; *Matter of Muhammad F.*, , [94 NY2d 136](#) 1999], *cert denied* [531 US 1044](#)).

- [4 No. 162: The People &c. v. Carl Gee \[LII Summary \]](#)

Defendant was convicted of robbery for an armed hold-up of a clerk in a convenience store. The robbery was recorded on the store's surveillance videotape, which the clerk viewed shortly after the event. As his chief contention on this appeal, defendant asserts that the clerk's identification testimony should have been precluded, owing to the People's failure to serve him with notice of the surveillance tape viewing (*see* CPL 710.30). Under the facts of this case, we disagree and affirm defendant's conviction.

November 21, 2002

- [1 No. 151: The People &c. v. Dario Berroa \[LII Summary \]](#)

This case calls upon us to examine whether a defendant's right to effective assistance of counsel is compromised when defense counsel stipulates to facts directly contradicting defense witnesses' statements.

- [3 No. 152: The People &c. v. Lawrence D. Harris, a/k/a "Dahu", a/k/a "D" \[LII Summary \]](#)

This joint appeal presents us with two distinct attorney conflict situations and defendants' claims that such conflicts deprived them of their constitutional right to effective assistance of counsel. Defendant Lawrence Harris maintains that his attorney's pre-trial concurrent representation of a confidential informant, a key prosecution witness, was a conflict of interest that deprived him of effective assistance of counsel. Defendant Anthony Wright maintains that his attorney's prior representation of another prosecution witness, James Hill, created a conflict not obviated by Hill's consent to be cross-examined at trial by the attorney, and was further compounded by the Trial Judge's failure to conduct an inquiry into the conflict. We conclude, under the circumstances presented here, that neither alleged conflict deprived defendants of effective assistance of counsel.

November 19, 2002

- [1 No. 146: The People &c. v. Emilio Roque \[LII Summary \]](#)

In this appeal, we are asked to decide whether, in the context of a stop made in the course of a "vertical sweep" of a residential apartment building, reasonable suspicion that a particular person has committed, is committing or is about to commit a crime arose, justifying police detention of a suspect. We conclude that the record supports a finding of reasonable suspicion justifying police detention of the defendant and therefore affirm defendant's conviction.

- [1 No. 145: The People &c. v. Robbie Pines](#)

In *People v Martinez* (, [80 NY2d 444](#), 447-448 [1992]), we noted that reasonable suspicion, and not probable cause, continues to be the standard for a police stop or detention short of actual arrest, and that a "defendant's flight may be considered in conjunction with other attendant circumstances" in determining whether reasonable suspicion justifying a seizure exists. Whether the particular circumstances of a case give rise to reasonable suspicion is a mixed question of law and fact beyond our review if there is support in the record. Here, the record supports the Appellate Division's conclusion that reasonable suspicion existed justifying the pursuit.

- [1 No. 144: The People &c. v. Jose Mundo \[LII Summary \]](#)

Defendant, a passenger in a lawfully stopped vehicle, was arrested when the police found almost a kilogram of cocaine in the trunk. The courts below found that the furtive movements of defendant prior to the stop when coupled with evasive actions of the automobile warranted a limited search of the vehicle. Because we agree that the police action was proper, we affirm.

November 14, 2002

- [1 No. 140: The People &c. v. Rodney Samuels \[LII Summary \]](#)

Defendants have been convicted of criminal sale of a controlled substance, third degree ([Penal Law § 220.39](#)[1]) on the basis of their offer to sell crack cocaine to an undercover police officer. They argue that there was insufficient evidence to support conviction on an "offer to sell" theory, and that the jury instructions failed to state the elements of the crime. Neither argument has merit.

- [1 No. 148: The People &c v. Jerome Thompson \[LII Summary \]](#)

Defendant and his co-defendant were arrested for stealing a decoy pocketbook from an undercover officer in the cosmetics department of Macy's Herald Square store in New York City. The pocketbook contained a "dummy" credit card, which had been provided by American Express to the New York City Police Department with a \$100 limit under a fictitious name for the purpose of conducting undercover sting operations. The dispositive issue on this appeal is whether the card constitutes a "credit card" within the meaning of [Penal Law § 155.00](#)(7) and [General Business Law § 511](#), elevating its theft to grand larceny in the fourth degree and criminal possession of stolen property in the fourth degree. We agree with the courts below that it does.

October 24, 2002

- [1 No. 116: The People &c. v. George Gonzalez \[LII Summary \]](#)

Defendant in each of these unrelated appeals was convicted of criminal sale of a controlled substance in the third degree ([Penal Law § 220.39](#)[1]) and criminal sale of a controlled substance in or near school grounds ([Penal Law § 220.44](#)[2]) based on a single drug transaction. Defendants now claim that their simultaneous convictions for offenses based on a single act violate the [Fifth Amendment](#)'s prohibition against double jeopardy

- [CoCt No. 130: The People &c. v. Terry Hitchcock \[LII Summary \]](#)

These appeals involve the charge of endangering the welfare of a child as applied in the context of shooting accidents in which a child in the household of a gun owner obtained unauthorized possession of a weapon and inadvertently discharged it, resulting in another child's injury or death. Under [Penal Law § 260.10](#)(1), a person endangers the welfare of a child when "[h]e knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old." The common issue in both appeals is whether the evidence was legally sufficient to establish the basic elements of endangering the welfare of a child: namely, whether defendants "knowingly" acted in a manner "likely to be injurious" to a minor. We hold that the evidence was legally sufficient in *Hitchcock*, but insufficient in *Duenas*.

October 22, 2002

- [2 No. 120: The People &c. v. Hilberto Ramos \[LII Summary \]](#)

In *People v Kinchen* (, [60 NY2d 772](#), 773-774 [1983]), we held that "a claimed deprivation of the State constitutional right to counsel may be raised on appeal, notwithstanding that the issue was not preserved by having been specifically raised in a suppression motion or at trial." On this appeal, defendant argues that an intentional delay of arraignment for the purpose of obtaining a confession gives rise to a valid State constitutional right to counsel claim which, under *Kinchen*, may be raised for the first time on appeal. We disagree, and conclude that defendant has not stated a valid right to counsel claim, but rather asserts a violation of the prompt-arraignment statute (CPL 140.20), which must be preserved for appellate review (*see* CPL 470.05[2]). Defendant's failure to do so renders his claim unreviewable before this Court.

· [4 No. 127: The People &c. v. Shakiya Robinson](#)

In each case, the order of the Appellate Division should be affirmed.

Defendants contend that the Appellate Division violated their appellate due process rights when it denied their requests for access to Grand Jury minutes. As a threshold matter, a party seeking disclosure of Grand Jury minutes must establish a compelling and particularized need for them. Only then must the court balance various factors to assess, in its discretion, whether disclosure is appropriate under the circumstances presented (*People v Fetcho*, , [91 NY2d 765](#), 769 [1998]; *Matter of Lungen v Kane*, , [88 NY2d 861](#), 862-863 [1996]; *Matter of District Attorney of Suffolk County*, , [58 NY2d 436](#), 444 [1983]). This two- step procedure comports with the requirements of due process (*see generally*, *People v Ramos*, , [85 NY2d 678](#), 684 [1995]).

October 17, 2002

· [1 No. 123: The People &c. v. Ronald Jackson \[LII Summary \]](#)

Defendant Ronald Jackson's convictions in this case stem from an armed robbery. The central issue before us is the effect of the post-*Wade* hearing loss of a lineup photograph on defendant's appeal of the hearing court's determination that the lineup was not unduly suggestive.

· [4 No. 124: The People &c. v. Pete Nicholas, a/k/a Pete Nichols](#)

The order of the Appellate Division should be affirmed. Once again we emphasize that prospective jurors who give some indication of bias but do not provide an unequivocal assurance of impartiality must be excused for cause.

October 15, 2002

· [2 No. 125: The People &c. v. Charles Collins \[LII Summary \]](#)

It is true that a criminal defendant has the "right to be present during instructions to the jury 'where the court is required to state the fundamental legal principles applicable to criminal cases generally, as well as the material legal principles applicable to a particular case and the application of the law to the facts' * * * as well as the court's instructions in response to the jury's questions about evidence" (*People v Harris*, , [76 NY2d 810](#), 812 [citations omitted]). These rights are implemented in CPL 310.30 when a deliberating jury requests further information or instruction.

· [4 No. 132: The People &c. v. Jayson Davidson](#)

Following a jury trial, defendant was convicted of loitering "in a public place for the purpose of gambling with cards, dice or other gambling paraphernalia" (Penal Law § 240.35[2]). He moved to set aside the verdict pursuant to CPL 330.30(1) on the ground that Penal Law § 240.35(2) is unconstitutional.

October 10, 2002

• [1 No. 118: The People &c. v. Philip D'Angelo](#)

A temporary order of protection prohibited defendant from making contact with specified persons who had complained that he was harassing them. Despite the order, defendant left a series of threatening messages on the voicemail of one of those persons

• [AppT No. 119: The People &c. v. Lynette Cooper \[LII Summary \]](#)

After a bench trial, defendant was convicted of attempted assault in the third degree and attempted criminal possession of a weapon in the fourth degree, both class B misdemeanors. On appeal, defendant contends the charges should have been dismissed as untimely under CPL 30.30. We disagree.

• [SCJC No. 122: In the Matter of Honorable Kenneth W. Gibbons, Justice of the Glenville Town Court, Schenectady County. Petitioner, For Review of a Determination of State Commission on Judicial Conduct v. \[LII Summary \]](#)

Petitioner, a Justice of the Glenville Town Court, Schenectady County, seeks review of a determination of the State Commission on Judicial Conduct sustaining one charge of misconduct and imposing the sanction of removal from office (*see* NY Const, art VI, § 22; Judiciary Law § 44). The charge alleges that after petitioner signed a search warrant authorizing investigators to search the premises of Capitaland Motors for environmental violations, he phoned the company's attorney and informed him of the impending search.

September 17, 2002

• [CoCt No. 169 SSM 13: The People &c. v. Michael G. Blair](#)

The order of County Court should be reversed, defendant's motion to dismiss denied, and the case remitted to City Court for further proceedings on the accusatory instrument.

Forty-five minutes after he was stopped for a traffic infraction, defendant took a breathalyzer test indicating that he had a .08% blood alcohol level. He was charged with violating Vehicle and Traffic Law § 1192 (3), common-law driving while intoxicated. Vehicle and Traffic Law § 1195(2)(c) provides that "[e]vidence that there was more than .07 of one per centum but less than .10 of one per centum by weight of alcohol in such person's blood shall be prima facie evidence that such person was not in an intoxicated condition." The parties agree that this section establishes a rebuttable presumption

July 9, 2002

- [2 No. 70: The People &c. v. Oswaldo Sanche \[LII Summary \]](#)

Defendant was convicted, after a jury trial, of "depraved indifference" murder ([Penal Law § 125.25](#)[2]) for the shooting death of Timothy Range. The sole issue before us is whether the evidence was legally sufficient to support the verdict....Thus, the properly framed issue before us is whether, on this record, based on an objective assessment of the risk defendant recklessly created and disregarded, the likelihood of causing death from defendant's conduct was so obviously severe that it evinced a depraved indifference to human life.

- [SupC No. 80: The People &c. v. Darrel K. Harris \[LII Summary \]](#)

1. Whether a prosecutor is required to give an instruction on an intoxication defense to a grand jury.
2. Whether the felony-murder provision of [Penal Law § 125.27](#)(1)(a)(vii) irrationally includes some felonies, rendering them death-eligible, while excluding others.
3. Whether [CPL § 270.20](#)(1)(f), which excludes for cause prospective jurors who entertain views either for or against the death penalty that preclude them from performing their duties, violates the New York State Constitution.
4. Whether it is error for a trial court to instruct a venire panel on the standards for juror qualification.
5. Whether it is error for a trial court to preclude rebuttal testimony from a defense expert witness, where the witness is being called to refute the findings of the People's expert witness.
6. Whether a trial court's instruction to jurors that they "make every effort to harmonize their various views so that they [could] come to [a] unanimous agreement as to the facts of [the] case" is sufficient to convey the need for unanimity with respect to the establishment of an affirmative defense.

July 2, 2002

- [CoCt No. 90: The People &c. v. Joseph Smietana \[LII Summary \]](#)

Defendant was convicted of harassment in the second degree after a non-jury trial. On appeal, he contends that the charge should have been dismissed on statutory speedy trial grounds. We disagree.

- [4 No. 91: The People &c. v. Alexander J. Molnar \[LII Summary \]](#)

Defendant was convicted of murder for brutally bludgeoning and strangling his paramour. After a neighbor complained to police about an overwhelming odor emanating from defendant's apartment on Herkimer Street in Buffalo, officers entered and found the victim's decomposing body in the closet. Defendant argues that because the police did not have a search warrant, the body and all evidence stemming from its discovery must be suppressed. We conclude that no warrant was required because the police were responding to an emergency. We therefore affirm defendant's conviction under the emergency exception to the [Fourth Amendment](#)'s warrant requirement.

July 1, 2002

- [4 No. 97: The People &c. v. Charlie Hicks \[LII Summary \]](#)

Was defendant's false denial of his criminal conduct to the Probation Department -- in violation of an explicit written plea condition that he truthfully answer questions asked of him by the Department -- an appropriate basis for enhancement of his sentence? In this case it was.

June 13, 2002

- [1 No. 61: The People &c. v. Jose Hernandez \[LII Summary \]](#)

Defendant was convicted of manslaughter and criminal use of a firearm after he shot and killed James Carter inside the Bronx apartment building where defendant resided. At trial, defendant pursued a [Penal Law § 35.15](#)(2) justification defense, asserting that the victim, a guest of another tenant, had attacked him in the lobby and a struggle ensued on a common stairwell which culminated in the shooting. On appeal, defendant contends Supreme Court erred when it refused to instruct the jury that defendant had no duty to retreat from the lobby and stairwell because these areas were part of his dwelling under [Penal Law § 35.15](#)(2)(a)(i). We disagree.

- [AppT No. 99 SSM 10: The People &c. v. Gary Schaum](#)

Defendant was charged with a violation of a noise ordinance in the Town of Islip. After a bench trial, District Court granted defendant's motion to dismiss, holding that defendant was entitled to immunity from prosecution. Because defendant was acting within the scope of his duties as a firefighter for a municipal fire district, the court reasoned that the public safety concerns of the fire district precluded prosecution under the noise ordinance. The court, however, declined to rule on the underlying facts of the charged offense. The Appellate Term dismissed the People's appeal, characterizing the determinations of the District Court as a "verdict of acquittal." A Judge of this Court granted the People leave to appeal.

- [2 No. 77: The People &c. v. Kevin Jenkin \[LII Summary \]](#)

The issue here is whether the trial court abused its discretion by denying defendant's motion for preclusion of evidence contained in a ballistics report that was allegedly first disclosed after defendant had begun to present his defense. Because we conclude that the Trial Court did not abuse its discretion and defendant was not unduly prejudiced, we affirm the order of the Appellate Division.

June 11, 2002

- [1 No. 64: The People &c. v. Michael Arroyo \[LII Summary \]](#)

This appeal requires us to address a classic constitutional dilemma -- the inherent conflict between a defendant's right to counsel and the right of self-representation.

After a jury trial, defendant Michael Arroyo was convicted of robbery in the second degree and grand larceny in the fourth degree. During trial, Arroyo informed Supreme Court of his desire to proceed pro se, expressing dissatisfaction with his attorney's efforts on his behalf

- [1 No. 65: The People &c. v. Charles Lineberger](#)

The order of the Appellate Division should be affirmed.

During pretrial and trial proceedings, defendant successfully requested on two occasions that assigned counsel be relieved based on allegations of misfeasance or nonfeasance. After the unfavorable jury verdict, he adamantly refused the continued services of his third assigned attorney for sentencing and despite counsel's competence, defendant refused to cooperate with him. At a subsequent sentencing hearing, defendant obstinately refused to enter the courtroom after asserting that he had fired his attorney despite numerous requests and options proffered by the court. Defendant had been informed in unequivocal terms that the Trial Judge intended to sentence him that day.

June 6, 2002

- [3 No. 67: The People &c. v. William "II" \[LII Summary \]](#)

In the cases before us, the People concede that reasonable suspicion was required to support both the stop and attempted frisk in *People v William II*, and the traffic stop in *People v Rodriguez*. The common issue is whether the facts and information the police possessed, when coupled with an anonymous tip that a described individual was carrying a gun, established reasonable suspicion for the intrusions. We hold they did not.

- [1 No. 96 SSM 9: The People &c. v. Edwin Tosca](#)

The order of the Appellate Division should be affirmed. The trial court did not abuse its discretion in admitting the police officers' testimony concerning an unidentified cab driver's report of a recent encounter with the armed defendant. The testimony was admitted not for its truth, but to provide background information as to how and why the police pursued and confronted defendant (*see* *People v Till*, , [87 NY2d 835](#), 837). Further, the trial court twice explicitly instructed the jury on the limited use it could make of the testimony and that the testimony was not to be considered proof of the uncharged crime

June 4, 2002

- [AppT No. 72: The People &c. v. Bedros Yavru-Sakuk \[LII Summary \]](#)

Defendant, a dentist, was convicted of sexual abuse in the third degree ([Penal Law § 130.55](#)) for fondling a 17-year-old girl during an appointment. The issue in this case is whether the loss on appeal of a trial exhibit -- a tape recording of a conversation in which defendant responded to the victim's allegations of abuse -- warranted summary reversal of defendant's conviction on the ground that the loss deprived the Appellate Term of the ability to conduct any meaningful appellate review.

- [1 No. 75: The People &c. v. Andre Arnold \[LII Summary \]](#)

At issue on this appeal is whether a trial court, in the exercise of discretion, can call its own witness after both the People and the defense have rested. Under the circumstances presented here, we conclude that it was error for the court to do so.

- [1 No. 78: The People &c. v. Ramon Roche \[LII Summary \]](#)

In this prosecution stemming from the brutal stabbing by defendant of his common-law wife, the Appellate Division reversed defendant's conviction of murder in the second degree based on the trial court's failure to charge the jury concerning the affirmative defense of extreme emotional disturbance. Because the evidence at trial was insufficient to support the defense of extreme emotional disturbance, we reverse the Appellate Division order and reinstate defendant's conviction.

- [3 No. 82 SSM 12: The People &c. v. Donald W. Wright](#)

The order of the Appellate Division should be reversed, defendant's motion to suppress denied, and the case remitted to the Appellate Division for consideration of the facts.

After receiving a tip from an unidentified complainant concerning the reckless driving of a red Suzuki, with the top down or removed, a State Trooper immediately commenced a search for the allegedly offending vehicle. He observed a Suzuki matching the description and, while following it, ascertained that it had a faulty muffler (*see* *Vehicle and Traffic Law § 375[31]*). The Trooper then activated his siren and pulled the vehicle over. Based upon his observations, defendant's failure to pass sobriety tests and his admission as to drinking, the Trooper arrested the defendant for driving while intoxicated. Defendant was ultimately indicted and convicted of felony driving while intoxicated.

May 7, 2002

- [1 No. 19: The People &c. v. Cyrus Wolf \[LII Summary \]](#)

In 1983 the Legislature created the felony crimes of first degree commercial bribing and commercial bribe receiving by adding an additional element to the definitions of the corresponding prior commercial bribery Class A misdemeanors: that "the bribe causes economic harm to the employer or the principal in an amount exceeding two hundred fifty dollars" (L 1983, ch 577, [Penal Law §§ 180.03](#), 180.08). The primary issue on this appeal is the legal sufficiency of the evidence to establish that Aetna Life and Casualty Company, and Commercial Union Insurance Company, incurred the requisite economic harm as a result of defendant's bribery of their employees, as alleged in the two felony commercial bribing counts of the indictment. Resolving that issue requires us to determine the nature of the proof required to demonstrate economic harm under the circumstances of this case.

- [AppT No. 40: The People &c. v. Bulmaro Hernandez \[LII Summary \]](#)

As the result of a warrantless arrest, defendant was charged in a misdemeanor complaint with consumption of alcohol in a public place, disorderly conduct and resisting arrest. The trial court dismissed the complaint pursuant to CPL 140.45. That section requires dismissal when an accusatory instrument filed pursuant to warrantless arrest provisions is facially insufficient and the "court is satisfied that on the basis of the available facts or evidence it would be impossible to draw and file" a sufficient accusatory instrument (CPL 140.45). The People appealed pursuant to CPL 450.20(1) and the Appellate Term reversed and reinstated the accusatory instrument. The Appellate Term was in error.

- [4 No. 42: Mark J. Mahoney, et al. v. George E. Pataki, as Governor of the State of New York, et al. \[LII Summary \]](#)

In November 1996, and again in December 1998, this Court approved fee schedules for certain court-appointed capital defense expenses pursuant to [Judiciary Law § 35-b\(5\)\(a\)](#). Among the fees approved were rates for reasonably necessary legal and paralegal assistance to capital counsel. Defendants here, the Governor and the Director of the State Division of the Budget (DOB), contend that the Appellate Division screening panels and the Court of Appeals exceeded their statutory authority in setting a schedule of fees that included compensation for legal and paralegal assistance. We conclude, however, that [Judiciary Law § 35-b\(5\)\(a\)](#) authorizes a schedule of fees for capital representation that includes legal and paralegal assistance and, therefore, the determination that the fees were permissibly set should be affirmed.[\[1\]](#)

May 2, 2002

- [2 No. 49: The People &c. v. Thomas Gilmour \[LII Summary \]](#)

On this appeal, we must determine when the Attorney General may undertake prosecution of a criminal case pursuant to Executive Law § 63(3). Most criminal prosecutions are conducted by District Attorneys, who are authorized to prosecute "crimes and defenses cognizable by the courts of the count[ies]" in which they serve (County Law § 700). The District Attorney's prosecutorial power, however, is not exclusive. The Legislature has authorized the Attorney General to prosecute crimes upon the request of certain officials, including "the *head* of any * * * department, authority, division or agency of the state" (Executive Law § 63[3] [emphasis added]). In the case before us, the request to prosecute was made not by the department head but by the department's counsel. The Appellate Division concluded that defendant's resulting conviction was a nullity because it was not clear that the head of the department (the Superintendent of State Police) authorized the request or even knew of it. We hold that the prosecutorial request did not conform to Executive Law § 63(3), and therefore affirm the order of the Appellate Division reversing defendant's conviction and dismissing the indictment

- [1 No. 55: The People &c. v. Tony Brown \[LII Summary \]](#)

On this appeal, we must determine when the Attorney General may undertake prosecution of a criminal case pursuant to Executive Law § 63(3). Most criminal prosecutions are conducted by District Attorneys, who are authorized to prosecute "crimes and defenses cognizable by the courts of the count[ies]" in which they serve (County Law § 700). The District Attorney's prosecutorial power, however, is not exclusive. The Legislature has authorized the Attorney General to prosecute crimes upon the request of certain officials, including "the *head* of any * * * department, authority, division or agency of the state" (Executive Law § 63[3] [emphasis added]). In the case before us, the request to prosecute was made not by the department head but by the department's counsel. The Appellate Division concluded that defendant's resulting conviction was a nullity because it was not clear that the head of the department (the Superintendent of State Police) authorized the request or even knew of it. We hold that the prosecutorial request did not conform to Executive Law § 63(3), and therefore affirm the order of the Appellate Division reversing defendant's conviction and dismissing the indictment

April 30, 2002

- [2 No. 43: The People &c. v. Keith Campbell, a/k/a Leroy Miller \[LII Summary \]](#)

Issue(s) Whether a general waiver of the right to appeal secured in conjunction with the entry of a negotiated plea of guilty encompasses a claim of unreasonable delay in imposing sentence under [CPL 380.30\(1\)](#). Disposition: No. A [CPL 380.30\(1\)](#) claim survives a defendant's general waiver of the right to appeal.

- [2 No. 58: The People &c. v. Imanu Farrow, a/k/a Imanu Flowers](#)

The order of the Appellate Division should be reversed and the case remitted to that court for further proceedings in accordance with this memorandum.

On July 14, 1999, a confidential informant told the Mount Vernon Police that a person would conduct a drug transaction near the Mount Vernon Public Library. As a result of that conversation, the police went to the location. One police officer observed defendant, who fit the description given by the confidential informant. The officer observed defendant reach inside his pants and remove two pinkish translucent bags. These bags appeared to contain a white chunky substance and did, in fact, contain crack cocaine. The police subsequently arrested defendant and, after searching him, charged him with criminal possession of a controlled substance and criminal possession of a weapon.

April 25, 2002

- [1 No. 44: The People &c. v. Eddy Abad \[LII Summary \]](#)

ISSUE & DISPOSITION-Issue(s): Whether a police officer may stop and visually inspect a taxicab without cause where the vehicle owner voluntarily participates in a Police Department safety program that entails giving advance consent to such stops. Disposition: Yes. Given the gravity of the public interest, the voluntariness of the program, the public nature of its operations, and the explicit, neutral limitations it places upon police officers' conduct, searches conducted under the program's rubric can pass constitutional muster.

- [1 No. 45: The People &c. v. Robert Maldonado \[LII Summary \]](#)

Issue(s)- Whether a composite sketch used to identify a defendant can be admitted as evidence to prove the defendant's guilt. Disposition: No. Composite sketches are barred by the hearsay rule and thus are generally inadmissible against defendants to prove guilt. However, as an exception to the hearsay rule, a composite sketch may be admissible in cases where the testimony of an identifying witness is assailed as a recent fabrication.

- [2 No. 48: The People &c. v. Lee Woods](#)

On July 2, 1997 two police officers received radio reports about a gunpoint robbery involving three African-American men, two of whom had bicycles. According to one report, the victim, an African-American man dressed in all white clothing, was waiting for assistance on the corner of Mott and Central Avenues in Queens County. Less than a minute after receiving the report, the officers arrived at that location and observed defendant -- an African-American male dressed in white carrying a white jacket. One of the officers got out of the car, approached defendant and inquired about his well-being. The officer also asked defendant to identify the direction the perpetrators fled, and to assist in canvassing the area.

March 21, 2002

- [4 No. 22: The People &c. v. Bart Alexander \[LII Summary \]](#)

Issue(s): 1. Whether a court-ordered psychiatric examination under [Crim. Proc. Law Art. 730](#) that failed to address Defendant's mental competency at the time he pleaded guilty constituted reversible error. 2. Whether a trial court abused its discretion by denying Defendant's motion to withdraw his guilty plea when Defendant subsequently claimed to be incompetent and the victim wished to drop charges prior to sentencing. Disposition: 1. No. An [Article 730](#) examination is intended to determine whether, at the time of the examination, a defendant is mentally competent to proceed. 2. No. Based on the facts of this case, the trial court could find Defendant to be competent at the time of his guilty plea; furthermore, Defendant's claims of innocence or mistake based on the victim's willingness to drop the charges are insufficient to support a finding of abuse of discretion.

March 19, 2002

- [1 No. 14: The People &c. v. Tarkisha Brown \[LII Summary \]](#)

Issue(s)

1. Whether the trial court abused its discretion in allowing the introduction of expert testimony regarding operating methods of street-level drug transactions to offer a plausible explanation as to why a person might not possess money or drugs shortly after selling narcotics.
2. Whether the disproportionate use of peremptory challenges to remove members of a racial minority from a jury selection suffices to establish a prima facie showing of discrimination.

Disposition

1. No. The trial court has discretion to allow the introduction of expert testimony when the expert's specialized knowledge will help the jury reach a verdict.
2. No. A defendant must show facts and other relevant circumstances to support a finding that the use of peremptory challenges excludes potential jurors because of their race.

- [4 No. 23: The People &c. v. Quintin Chambers \[LII Summary \]](#)

Issue(s)

1. Whether the trial court abused its discretion in allowing the introduction of expert testimony regarding operating methods of street-level drug transactions to offer a plausible explanation as to why a person might not possess money or drugs shortly after selling narcotics.
2. Whether the disproportionate use of peremptory challenges to remove members of a racial minority from a jury selection suffices to establish a prima facie showing of discrimination.

Disposition

1. No. The trial court has discretion to allow the introduction of expert testimony when the expert's specialized knowledge will help the jury reach a verdict.
2. No. A defendant must show facts and other relevant circumstances to support a finding that the use of peremptory challenges excludes potential jurors because of their race.

- [1 No. 20: The People &c. v. Vincent Williams](#)

The order of the Appellate Division should be affirmed.

Defendant was convicted of manslaughter in the first degree after a jury trial. Defendant sought to introduce expert psychiatric evidence with regard to his justification defense "[i]n order to have the jury properly understand [his] state of mind as it impacts on his intent." To give defendant's request the "in-depth thought that it deserves," the trial court asked for an offer of proof as to the content of the proposed expert psychiatric evidence. Defendant indicated that the expert would testify that "at the time of the murder [defendant] demonstrated paranoid delusional thinking and behavior" and "believed the victim of the murder was going to rob him of thousands of dollars worth of jewels." The trial court denied the request, and the Appellate Division subsequently affirmed defendant's conviction.

"As a general rule, the admissibility and limits of expert testimony lie primarily in the sound discretion of the trial court" (*see*, *People v Lee*, , [96 NY2d 157](#), 162; *People v Cronin*, , [60 NY2d 430](#), 433). We agree with the Appellate Division to the extent it determined that the trial court properly exercised its discretion in excluding the testimony of the expert.

- [4 No. 24: The People &c. v. Marva Horne \[LII Summary \]](#)

Issue(s)

Whether a trial court's issuance of a restitution order as a penalty for failure to disclose accurate income information on social services benefits forms violates [N.Y. Penal Law § 60.27](#) where the defendant has been acquitted of related charges.

Disposition

No. New York law promotes the use of restitution in order to reimburse victims for monetary losses caused by criminal conduct, and does not bar restitution where a defendant has been acquitted of related charges.

February 19, 2002

- [Mo. No. 118 : The People &c. v. Stephen LaValle](#)

Defendant's motion for (1) reconsideration of this Court's prior denial of his request for new counsel, (2) appointment of new counsel, and "in the alternative, if new counsel is not assigned," (3) change of lead counsel within the Capital Defender's Office, should be denied. Defendant has failed to present particularized allegations that his assigned counsel will be ineffective owing to an irreconcilable conflict with him, so as to warrant an evidentiary hearing or a change in assigned counsel. As we have previously noted, "good appellate practice might require a retained attorney to take a different approach from that urged by the client when experience has proven that the attorney's approach is in the client's best interest" (*People v White*, , [73 NY2d 468](#), 479). This rationale also holds true for a defendant represented by assigned counsel (*see Jones v Barnes*, [463 US 745](#), 751-754). Moreover, this Court's decision to allow defendant an opportunity to file a supplemental pro se brief insures that all issues defendant wishes to argue will, in fact, be before the Court for its consideration.

- [3 No. 3: The People &c. v. Eric More, a/k/a Brian Smith \[LII Summary \]](#)

Issue(s)

Whether, during a warrantless strip search conducted incident to an arrest, a police officer may ordinarily conduct a body cavity search or seize potential evidence protruding from a body cavity.

Disposition

No. Absent certain exigent circumstances, a search warrant is required in order to conduct a body cavity search incident to an arrest, and, accordingly, evidence discovered in a body cavity without such a warrant is inadmissible under the [Fourth Amendment](#) of the United States Constitution.

February 14, 2002

- [4 No. 13: The People &c. v. Mamoun Deis](#)

The order of the Appellate Division should be reversed and the indictment dismissed, without prejudice to an application by the People for leave to resubmit the charge of criminally negligent homicide to a grand jury.

- [3 No. 9: The People &c. v. Gordon M. Mower \[LII Summary \]](#)

Issue(s)

Whether the Court's previous determination that sections [220.15\(5\)\(e\)](#) and [220.30\(3\)\(b\)\(vii\)](#) of the Criminal Procedure Law are unconstitutional and invalid eliminates a trial court's statutory authorization to impose a sentence of life without parole for a guilty plea to murder in the first degree.

Disposition

No. Where the People do not seek the death penalty, a trial court may sentence a defendant who pleads guilty to murder in the first degree to life without parole under [Crim. Proc. Law § 400.27\(1\)](#), regardless of the constitutional infirmities of sections [220.15\(5\)\(e\)](#) and [220.30\(3\)\(b\)\(vii\)](#).

February 13, 2002

- [4 No. 2: The People &c. v. Remus Smith \[LII Summary \]](#)

Issue(s)

Whether a trial court must grant a mistrial motion when the jury receives, in error, the statement of a non-testifying witness.

Disposition

No. The harmless error doctrine applies if the remaining evidence is overwhelming and the court has issued a curative instruction to the jury.

February 7, 2002

- [3 No. 1: The People &c. v. Percival F. Hayes \[LII Summary \]](#)

Issue(s)

Whether an appellate court may invoke a categorical limit on the scope of a trial court's discretion in order to justify reversing the trial court's decision to allow cross-examination about a criminal defendant's prior convictions.

Disposition

No. A trial court exercises reviewable discretion in light of the facts and circumstances of each case to determine whether, and to what extent, it can permit impeachment of a defendant based on prior convictions; an appellate review, like the ruling itself, should involve a case-by-case evaluation, as opposed to a method employing fixed rules or prohibitions.

- [2 No. 8: The People &c. v. Keith Brady \[LII Summary \]](#)

Issue(s)

Whether the cross-examination of a defendant during a *Sandoval* hearing may include a limited inquiry into the defendant's admission of guilt for another crime without impinging on the defendant's right against compulsory self-incrimination.

Disposition

Yes. Allowing cross-examination during a *Sandoval* hearing regarding a defendant's prior admission of guilt for another crime does not violate the defendant's right against compulsory self-incrimination.

SUMMARY

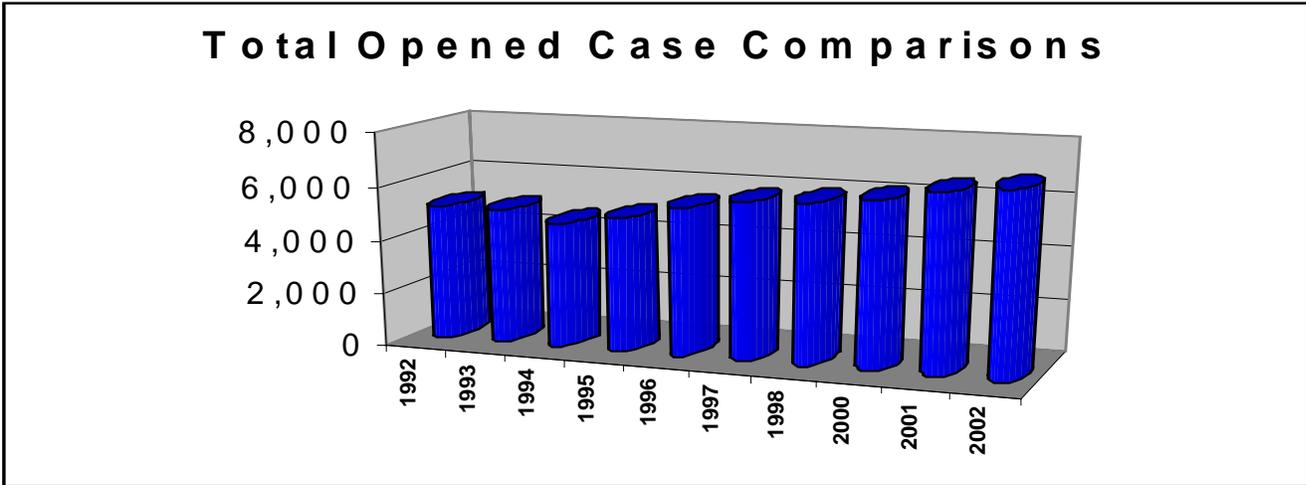
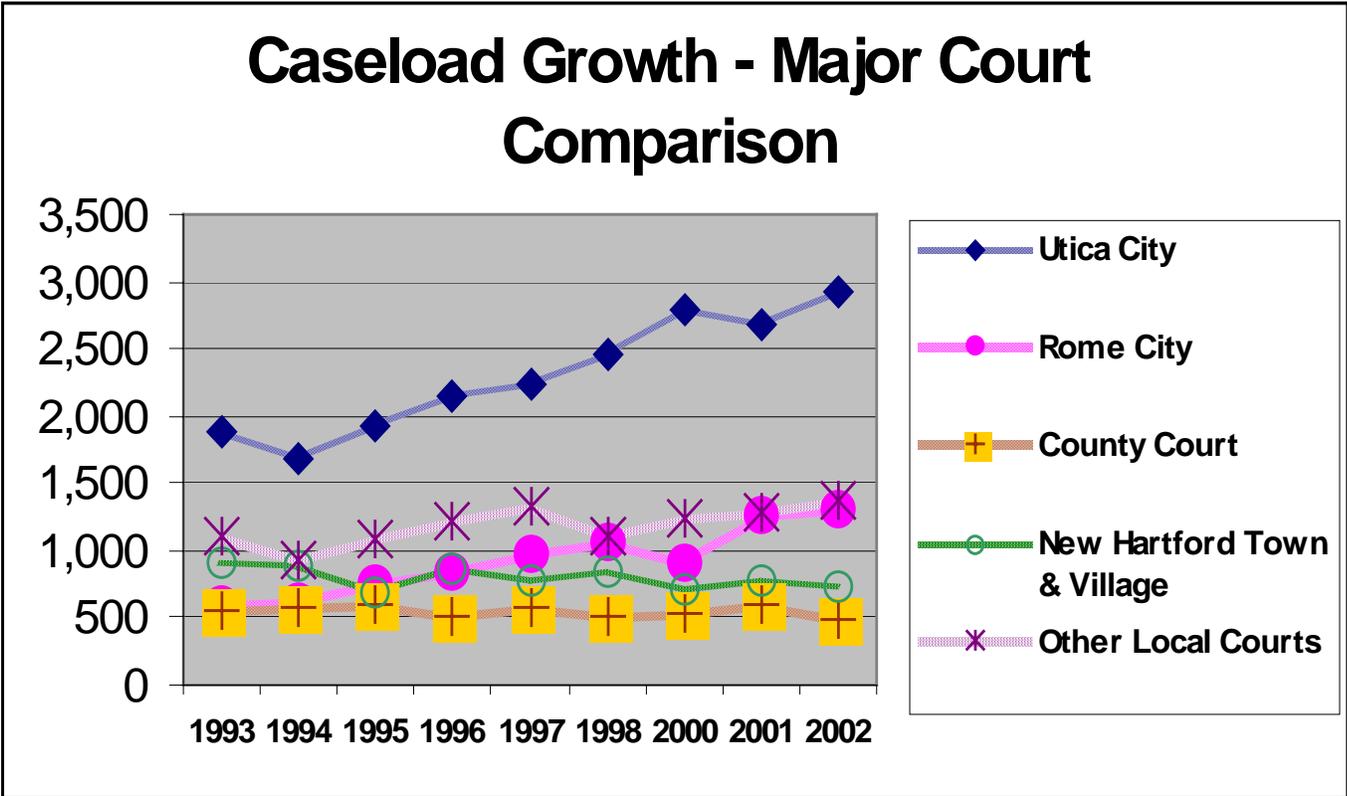
Defendant pleaded guilty to the charge of robbing \$70 from three children in a McDonald's restaurant at gunpoint. Prior to being sentenced for the McDonald's robbery, Defendant was arrested for another robbery. At a *Sandoval* hearing conducted after indictment for the second robbery charge, the Prosecution sought to cross-examine Defendant about the McDonald's robbery for which Defendant had pled guilty but had not yet been sentenced. Defendant objected on the grounds that such an inquiry would be prejudicial, as it could lead to a propensity evidence effect. The court allowed the cross-examination but precluded any reference to Defendant's use of a gun. The inquiry was therefore limited to Defendant's admission to the crime. Defendant was convicted, and the Appellate Division affirmed.

The Court of Appeals affirmed. The Court distinguished the instant case from *People v. Betts*, 70 N.Y.2d 289 (N.Y. 1987), where the Court ruled that allowing a defendant to be questioned regarding a pending charge could force the defendant to incriminate himself and thereby infringe upon the defendant's Fifth Amendment right against self-incrimination. The Court noted that in *Betts* the defendant was still facing trial, whereas in the instant case Defendant had already pled guilty and was merely awaiting sentencing. The Court further noted that Defendant had never challenged the status of his prior guilty plea, nor had Defendant

voiced any concerns to the trial court about the prospect of self-incrimination. Consequently, because the Prosecution's limited inquiry into Defendant's prior robbery foreclosed any incriminating evidence beyond what Defendant had already admitted in the earlier hearing, Defendant's fear of self-incrimination was misplaced, and therefore the trial court had acted appropriately in allowing cross-examination regarding the prior admission.

Appendix A – Case Information

	1993	1994	1995	1996	1997	1998	2000	2001	2002
Utica City	1,892	1,683	1,917	2,138	2,236	2,449	2799	2691	2920
Rome City	607	628	745	837	971	1,054	912	1264	1309
County Court	563	576	592	508	570	517	538	595	495
New Hartford Town & Village	907	876	690	856	767	841	711	781	738
Other Local Courts	1,106	935	1,085	1,213	1,333	1,112	1231	1286	1383
Totals	5,075	4,698	5,029	5,552	5,877	5,973	6,191	6,617	6,845
		* Information for 1999 Unavailable							



Appendix B – Attorney Caseloads

2002 Attorney Activity

Violent Crimes Section - Bereskin

Peter R. Bereskin	Opened	Closed
Oneida County Court*	21	21
Oriskany Village Court	38	30
Paris Town Court	29	23
Rome City Court	2	2
Sylvan Beach Village Court	2	1
Trenton Town Court	0	1
Utica City Court	5	5
Verona Town Court	1	1
	98	84

* Represented in lower court and County Court

Oneida County Court: Assigned	130
Oneida County Court: Dispositions	62
Lower Court Dispositions	55
Pending Disposition	13

Assignments		
Aggravated Sexual Abuse 1	1 Grand Larceny 3	3
Aggravated Sexual Abuse 3	1 Grand Larceny 4	1
Arson 3	1 Murder 2	3
Assault 1	3 Promoting Prison Contraband 1	3
Assault 2	24 Rape 1	1
Attempted Assault 1	1 Rape 2	3
Attempted Burglary 1	1 Reckless Endangerment 1	2
Attempted Criminal Possession of a Controlled Substance 3	2 Robbery 1	7
Attempted Robbery 2	2 Robbery 2	7
Burglary 1	5 Robbery 3	3
Burglary 2	11 Sexual Abuse 1	5
Criminal Contempt 1	1 Sodomy 1	3
Criminal Mischief 2	1 Stalking 2	1
Criminal Mischief 3	2 Violation of Probation	9
Criminal Possession of a Controlled Substance 3	4	Total Assignments: 130
Criminal Possession of a Weapon 3	9	
Criminal Possession of Stolen Property 4	2	
Criminal Sale of a Controlled Substance 3	1	
Criminal Sale of Marihuana 2	1	
Extradition	1	
Forgery 2	1	
Fugitive From Justice	3	
Gang Assault 2	1	

Violent Crimes Section – Garramone

Devin B. Garramone	Opened	Closed
Augusta Town Court	2	0
Floyd Town Court	2	0
Marshall Town Court	1	1
New Hartford Town Court	42	37
New York Mills Village Court	2	1
Oneida County Court	21	22
Oriskany Village Court	1	1
Remsen Town Court	0	1
Rome City Court	2	1
Sangerfield Town Court	8	6
Steuben Town Court	6	7
Sylvan Beach Village Court	0	1
Utica City Court	3	9
Waterville Village Court	7	3
Whitesboro Village Court	33	27
	130	117

Oneida County Court: Assigned	141
Oneida County Court: Dispositions	65
Pending Disposition	13
Lower Court Dispositions	63

Assignments		
Arson 3	2 Forgery 2	3
Assault 1	2 Fugitive From Justice	2
Assault 2	21 Gang Assault 1	2
Attempted Assault 2	6 Grand Larceny 4	4
Attempted Robbery 3	1 Hindering Prosecution 2	1
Burglary 1	4 Intimidating A Victim or Witness 3	1
Burglary 2	14 Murder 2	1
Burglary 3	3 Promoting Prison Contraband 1	3
Conspiracy 2	1 Rape 2	2
Course of Sexual Conduct Against a Child 1	1 Rape 3	1
Criminal Contempt 1	2 Reckless Endangerment 1	2
Criminal Mischief 3	1 Robbery 1	6
Criminal Possession of a Controlled Substance 3	10 Robbery 2	8
Criminal Possession of a Controlled Substance 5	1 Robbery 3	2
Criminal Possession of a Forged Instrument 2	1 Scheme to Defraud 1	2
Criminal Possession of a Weapon 3	9 Sex Offender Registration	4
Criminal Possession of Stolen Property 4	1 Sexual Abuse 1	5
Criminal Trespass 2	1 Sodomy 1	2
Extradition	1 Sodomy 2	1
Falsifying Business Records 1	1 Violation of Probation	6
	Total Assignments:	141

Violent Crimes Section – McCormac

Leland D. McCormac III	Opened	Closed
Augusta Town Court	3	2
Kirkland Town Court	1	0
New Hartford Town Court	169	171
New Hartford Village Court	10	8
Oneida County Court	36	40
Oriskany Village Court	1	0
Rome City Court	1	1
Utica City Court	0	3
Whitesboro Village Court	15	15
	236	240

Oneida County Court: Assigned	145
Oneida County Court: Dispositions	58
Lower Court Dispositions	75
Pending Disposition	12

Assignments			
Assault 1	2	Forgery 2	5
Assault 2	17	Fugitive From Justice	6
Attempted Burglary 2	1	Gang Assault 1	1
Attempted Burglary 3	2	Gang Assault 2	1
Attempted Murder 1	1	Grand Larceny 3	1
Attempted Murder 2	1	Grand Larceny 4	13
Attempted Robbery 2	4	Murder 2	2
Burglary 1	7	Offering a False Instrument for Filing 1	1
Burglary 2	11	Promoting Prison Contraband 1	3
Burglary 3	2	Rape 1	1
Criminal Mischief 2	1	Reckless Endangerment 1	1
Criminal Possession of a Controlled Substance 3	2	Robbery 1	4
Criminal Possession of a Forged Instrument 2	3	Robbery 2	5
Criminal Possession of a Weapon 3	11	Robbery 3	3
Criminal Possession of Stolen Property 4	3	Sex Offender Registration	5
Escape 1	1	Sexual Abuse 1	4
Extradition	1	Sodomy 1	2
Falsely Reporting an Incident 1	5	Violation of Probation	12
		Total Assignments:	145

Major Crimes Section – Blaney

Kevin B. Blaney	Opened	Closed
Oneida County Court	13	14
Oriskany Village Court	2	2
Sylvan Beach Village	0	1
Utica City Court	1	1
	<u>16</u>	<u>18</u>
Oneida County Court: Assigned	206	
Oneida County Court: Dispositions	56	
Lower Court Dispositions	131	
Pending Disposition	19	

Assignments			
Aggravated Criminal Contempt	2	Criminal Sale of a Controlled Substance 5	1
Assault 2	1	Criminal Sale of Marihuana 2	3
Attempted Assault 2	1	Driving While Intoxicated	1
Attempted Burglary 3	1	Falsifying Business Records 1	1
Attempted Grand Larceny 3	1	Forgery 1	1
Burglary 2	23	Forgery 2	12
Burglary 3	20	Fugitive From Justice	1
Criminal Contempt 1	9	Grand Larceny 2	1
Criminal Mischief 2	3	Grand Larceny 3	2
Criminal Mischief 3	9	Grand Larceny 4	24
Criminal Mischief 4	1	Menacing 1	1
Criminal Possession of a Controlled Substance 1	1	Menacing 2	1
Criminal Possession of a Controlled Substance 3	36	Petit Larceny	1
Criminal Possession of a Controlled Substance 4	1	Promoting Prison Contraband 1	2
Criminal Possession of a Controlled Substance 5	3	Reckless Endangerment 1	5
Criminal Possession of a Controlled Substance 7	1	Robbery 2	1
Criminal Possession of a Forged Instrument 2	9	Scheme to Defraud 1	1
Criminal Possession of Marihuana 2	1	Sex Offender Registration	1
Criminal Possession of Stolen Property 4	10	Sodomy 3	1
Criminal Sale of a Controlled Substance 3	2	Violation of Probation	10
			<u>206</u>

Major Crimes Section – Hutchins

Hutchins	Opened	Closed
Annsville Town Court	3	2
Augusta Town Court	8	11
Camden Town Court	30	17
New Hartford Town Court	5	5
New York Mills Village Court	2	0
Oneida County Court	33	34
Oriskany Falls Village Court	2	0
Oriskany Village Court	1	0
Rome City Court	14	11
Sylvan Beach Village Court	32	34
Utica City Court	3	0
Vernon Town Court	46	45
Vernon Village Court	49	0
Verona Town Court	58	55
Westmoreland Town Court	2	2
Whitestown Town Court	17	23
	<u>305</u>	<u>239</u>
Oneida County Court: Assigned	242	
Oneida County Court: Dispositions	85	
Lower Court Dispositions	135	
Pending Disposition	22	

Major Crimes Section – Hutchins(continued)

Assignments			
Aggravated Harassment of an Employee by an Inmate	1	Criminal Trespass 2	1
Arson 3	1	Driving While Intoxicated	1
Assault 2	2	Extradition	4
Attempted Arson 3	1	Falsifying Business Records 1	2
Attempted Burglary 3	2	Forgery 2	12
Attempted Grand Larceny 3	1	Fugitive From Justice	2
Attempted Robbery 3	1	Grand Larceny 3	5
Burglary 2	19	Grand Larceny 4	31
Burglary 3	7	Hindering Prosecution 2	1
Criminal Contempt 1	15	Leaving the Scene of a Personal Injury Accident	1
Criminal Contempt 2	1	Petition for Writ of Habeas Corpus	1
Criminal Mischief 2	1	Possessing a Sexual Performance by a Child	1
Criminal Mischief 3	9	Prohibition of Animal Fighting	2
Criminal Possession of a Controlled Substance 2	1	Promoting Prison Contraband 1	5
Criminal Possession of a Controlled Substance 3	37	Promoting Prison Contraband 2	1
Criminal Possession of a Controlled Substance 4	1	Rape 1	1
Criminal Possession of a Controlled Substance 5	3	Rape 3	1
Criminal Possession of a Forged Instrument 2	16	Reckless Endangerment 1	4
Criminal Possession of a Weapon 4	1	Robbery 2	1
Criminal Possession of Marihuana 2	2	Robbery 3	2
Criminal Possession of Stolen Property 3	2	Sex Offender Registration	1
Criminal Possession of Stolen Property 4	11	Tampering With a Witness 3	1
Criminal Sale of a Controlled Substance 3	4	Violation of Probation	20
Criminal Sale of Marihuana 2	2		242

Major Crimes Section – Rella

Rella	Opened	Closed
Annsville Town Court	18	16
Camden Town Court	17	20
Lee Town Court	33	29
Marcy Town Court	75	69
New Hartford Town Court	3	3
Oneida County Court	50	51
Rome City Court	6	5
Utica City Court	1	5
Vernon Town Court	1	1
Whitesboro Village Court	0	2
Whitestown Town Court	21	14
	225	215
Oneida County Court: Assigned	226	
Oneida County Court: Dispositions	117	
Lower Court Dispositions	98	
Pending Disposition	11	

Assignments			
Aggravated Unlicensed Operation 1	7	Criminal Sale of a Controlled Substance 2	1
Assault 2	2	Criminal Sale of a Controlled Substance 3	3
Attempted Forgery 2	1	Criminal Sale of a Controlled Substance 5	1
Bigamy	1	Driving While Intoxicated	41
Burglary 2	14	Forgery 2	6
Burglary 3	9	Fugitive From Justice	5
Criminal Contempt 1	11	Grand Larceny 3	4
Criminal Mischief 2	2	Grand Larceny 4	20

Criminal Mischief 3	9	Promoting Prison Contraband 1	1
Criminal Possession of a Controlled Substance 2	2	Reckless Endangerment 1	2
Criminal Possession of a Controlled Substance 3	27	Robbery 2	1
Criminal Possession of a Controlled Substance 5	2	Robbery 3	1
Criminal Possession of a Forged Instrument 2	11	Sex Offender Registration	1
Criminal Possession of a Weapon 3	1	Vehicular Assault 2	1
Criminal Possession of Marihuana 3	1	Violation of Probation	35
Criminal Possession of Stolen Property 3	1		226
Criminal Possession of Stolen Property 4	2		

City Courts Section

David L. Arthur	Opened	Closed
Ava Town Court	6	5
Florence Town Court	4	4
Floyd Town Court	33	34
New Hartford Town Court	2	2
Oneida County Court	1	1
Rome City Court	1002	935
Sherrill City Court	19	16
Western Town Court	9	8
	1076	1005

Jeffrey S. Frederick	Opened	Closed
Utica City Court	7	1
Western Town Court	2	1
	9	2

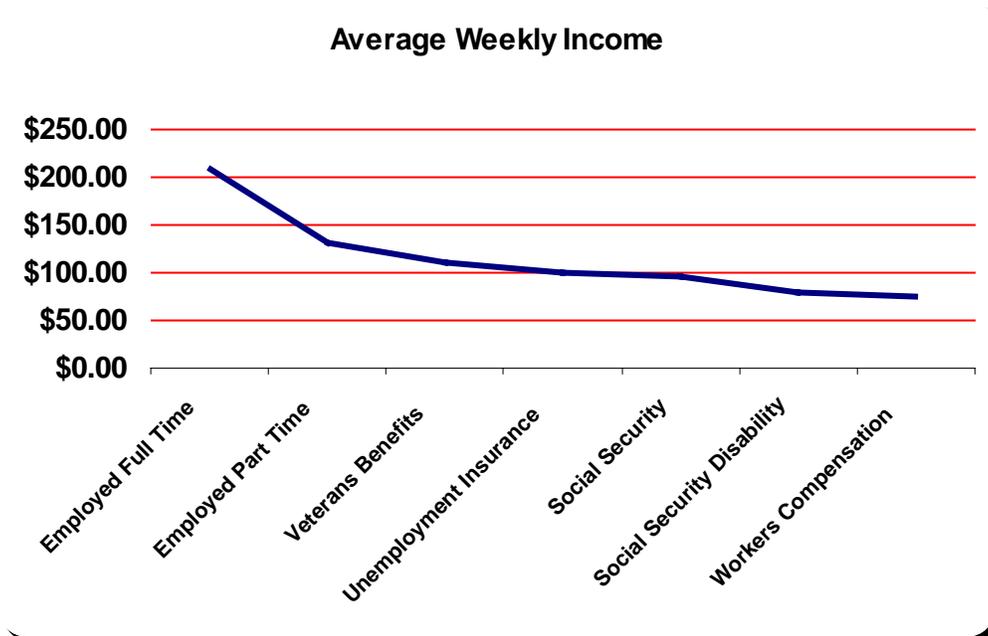
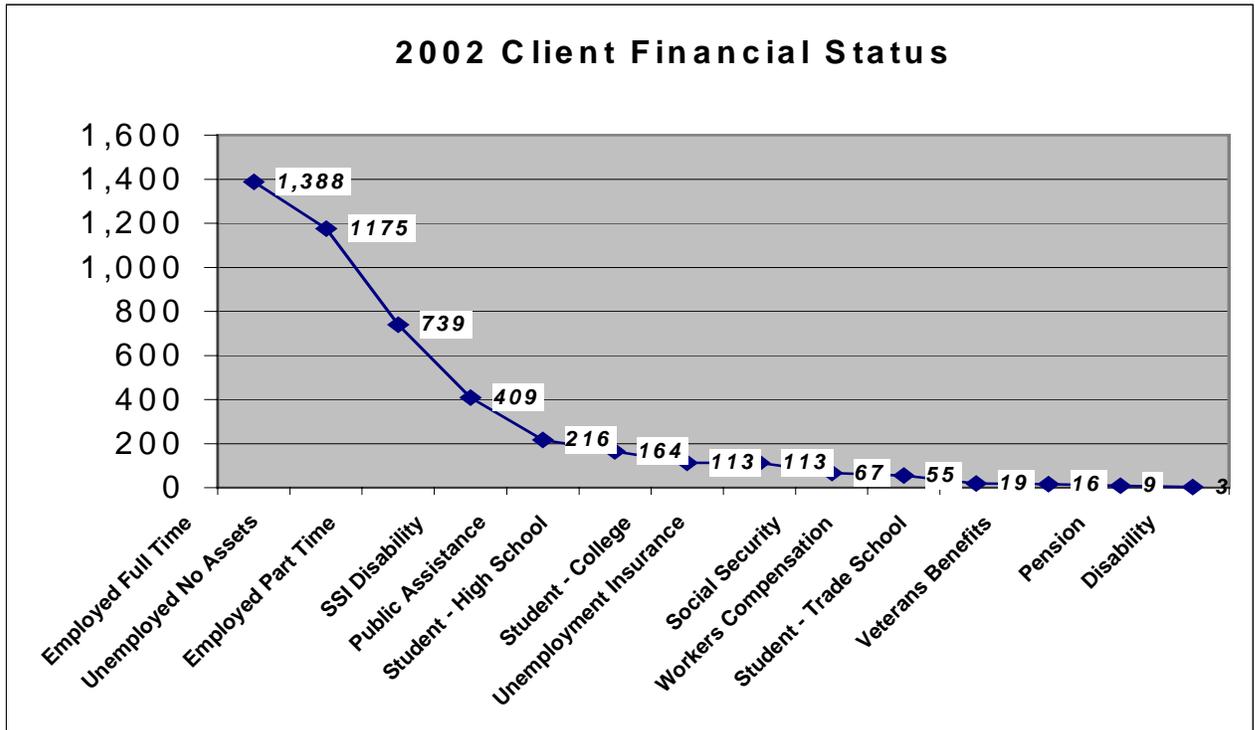
Tina L. Hartwell	Opened	Closed
Camden Town Court	3	2
Forestport Town Court	1	1
Marcy Town Court	2	1
Marshall Town Court	1	1
New Hartford Town Court	52	36
New York Mills Village Court	86	73
Oneida County Court	1	0
Paris Town Court	2	2
Remsen Town Court	18	18
Rome City Court	3	3
Sangerfield Town Court	1	1
Steuben Town Court	1	1
Trenton Town Court	1	1
Utica City Court	711	651
Vienna Town Court	27	30
Whitesboro Village Court	3	1
Whitestown Town Court	69	65
	982	887

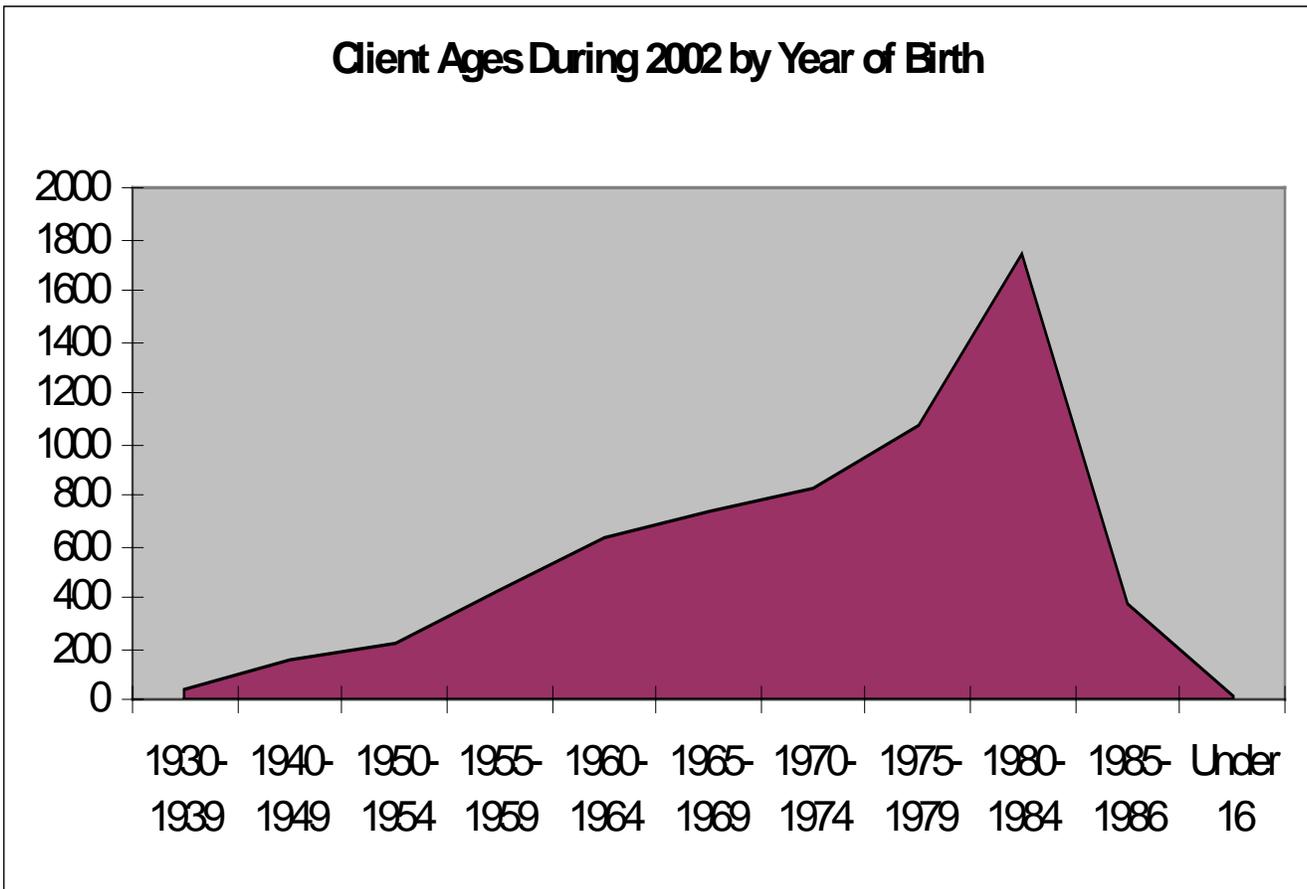
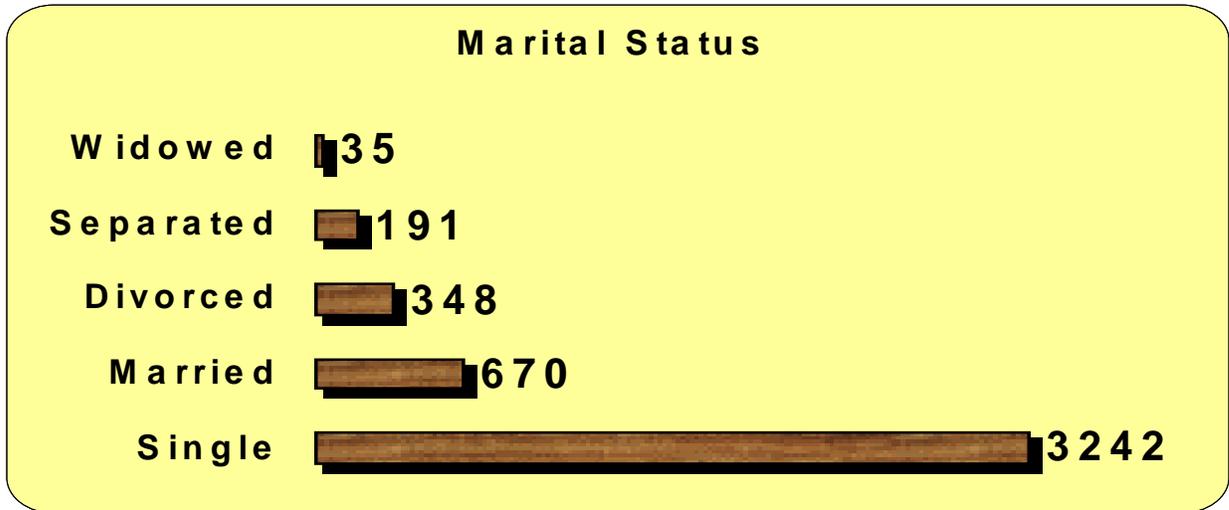
James F. Kehoe	Opened	Closed
Boonville Town Court	15	13
Boonville Village Court	33	30
Deerfield Town Court	13	14
Florence Town Court	0	1
Floyd Town Court	4	4
Forestport Town Court	10	10
Kirkland Town Court	16	17
Marcy Town Court	3	5
Marshall Town Court	1	1
New Hartford Village Court	2	2
New York Mills Village Court	2	1
Paris Town Court	4	6
Remsen Town Court	1	1
Rome City Court	14	12
Utica City Court	750	701
Verona Town Court	2	2
Westmoreland Town Court	3	3
Whitesboro Village Court	7	3
Whitestown Town Court	2	1
	882	827

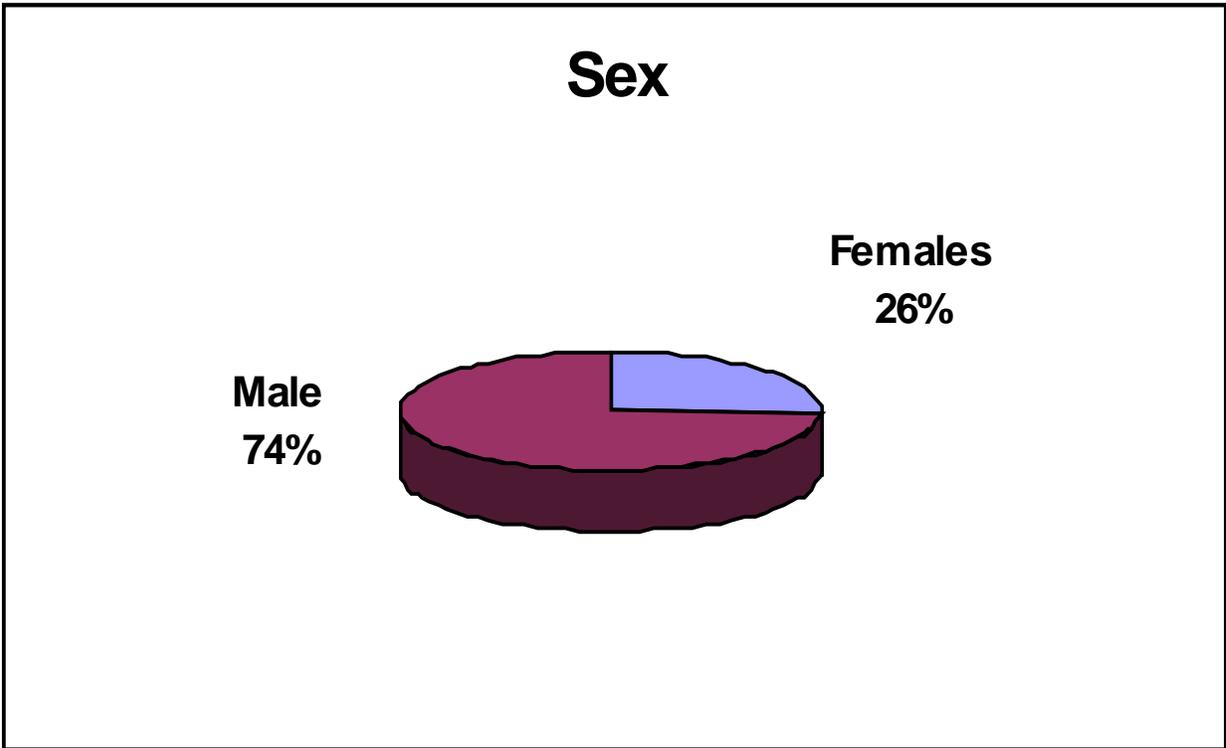
Frank Nebush	Opened	Closed
New Hartford Town	43	51

Patrick J. Marthage	Opened	Closed
Bridgewater Town Court	21	22
Kirkland Town Court	2	1
Marcy Town Court	3	2
New Hartford Town Court	8	7
Remsen Town Court	1	0
Rome City Court	13	21
Trenton Town Court	42	43
Utica City Court	715	725
Westmoreland Town Court	34	32
Whitesboro Village Court	2	4
Whitestown Town Court	0	1
	841	858

Appendix C – Client Financial Information

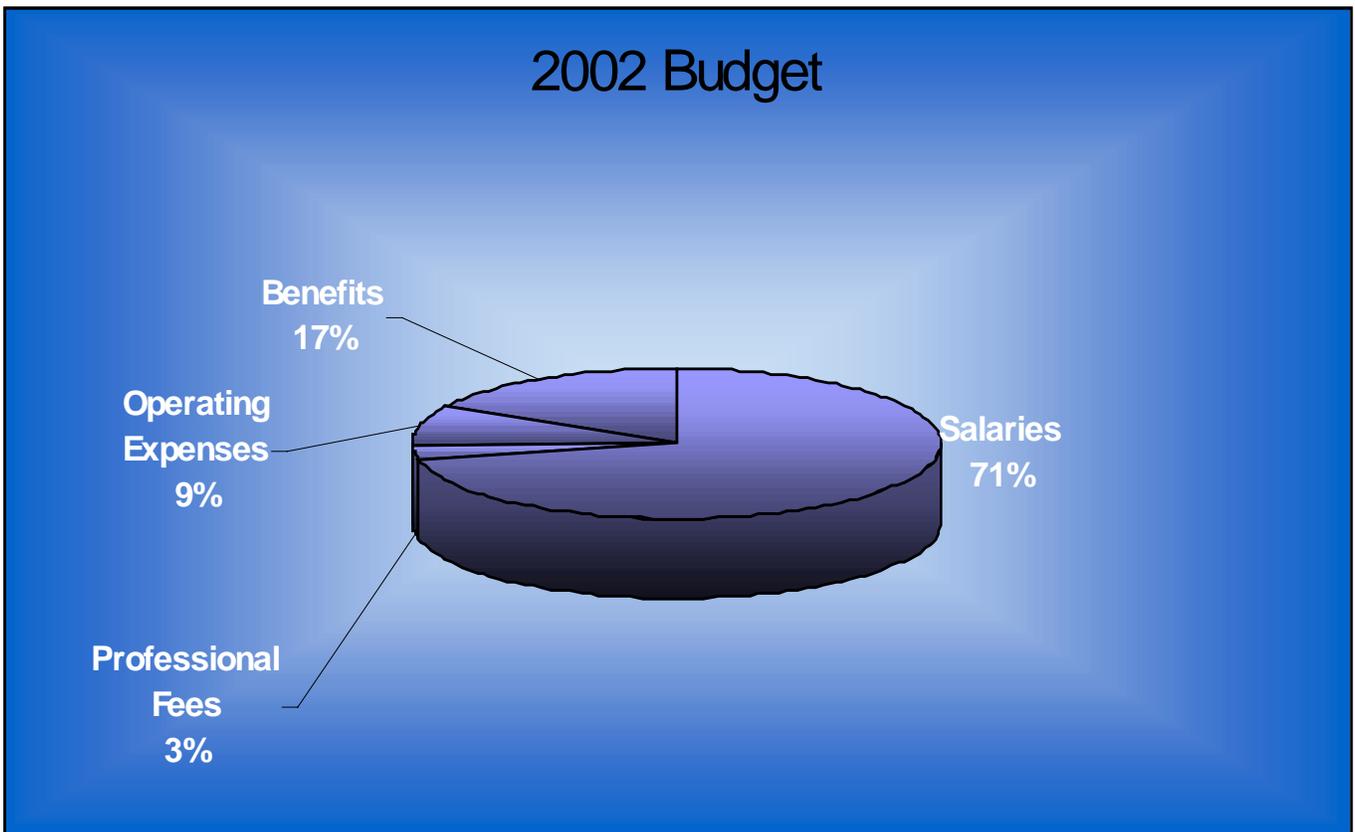
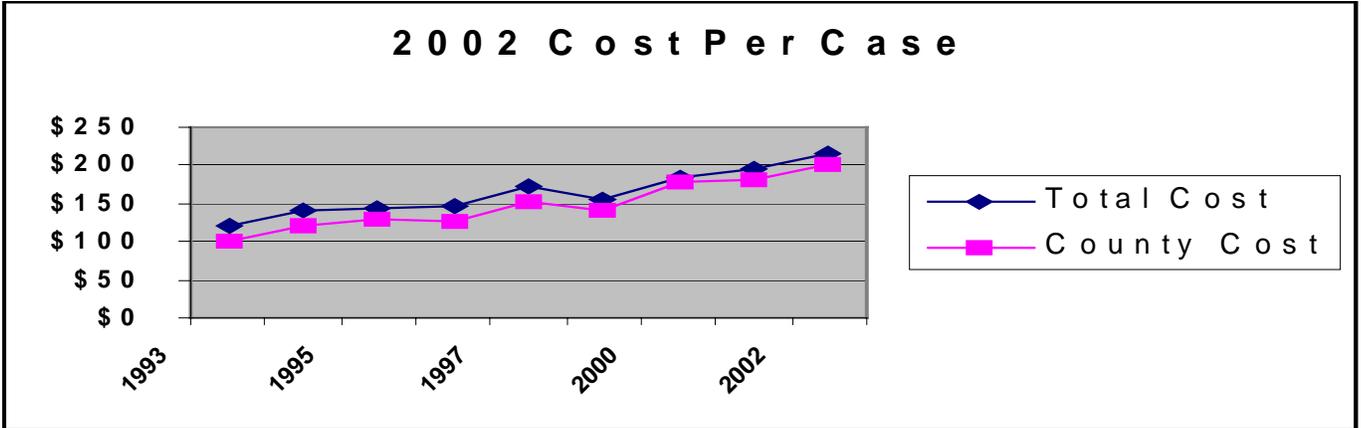






Appendix D – Budget Information

	1993	1994	1995	1996	1997	1998	2000	2001	2002
Total Cost	\$120	\$140	\$145	\$147	\$173	\$155	\$183	\$195	\$216
County Cost	\$102	\$122	\$129	\$126	\$152	\$140	\$178	\$181	\$202
1999 Information is not available									



1170: Public Defender - Criminal Division

The Public Defender - Criminal Division is charged with representing indigent criminal defendants throughout Oneida County, and on appeal to the Appellate Division - Fourth Department and the New York State Court of Appeals. This jurisdiction extends to 42 city, town and village courts, Oneida County Court and the four State prisons contained within the County.

Budget Accounts		Appropriations				Budget Year 2003	
Account	Description	Adopted	Modified	Year End Projected	Departmental Request	County Executive Proposed	Adopted Budget
A1170.101	Salaries	994,333	1,037,231	1,011,061	1,066,444	1,010,349	1,010,349
A1170.103	Overtime	2,700	2,700	2,700	2,700	2,700	2,700
A1170.1951	Other Fees and Services	35,000	56,800	44,888	52,000	52,000	52,000
A1170.211	Office Equipment	0	1,353	1,353	0	0	0
A1170.212	Computer Hardware	0	10,647	10,647	0	0	0
A1170.411	Office Supplies	7,500	7,840	5,462	7,500	7,500	7,500
A1170.412	Insurance & Bonding	12,000	12,000	11,101	12,000	12,000	12,000
A1170.413	Ren/Lease - Equipment	8,355	8,200	8,158	8,200	7,583	7,583
A1170.416	Telephone	9,000	28,339	28,057	27,830	27,830	27,830
A1170.4163	Cellular Telephone Charges	3,000	3,482	3,482	3,500	3,500	3,500
A1170.418	Meter Postage	1,000	2,000	1,731	2,000	2,000	2,000
A1170.425	Training & Special Schools	0	0	0	0	0	0
A1170.454	Travel - Meetings, seminars etc.	0	0	2,285	2,500	2,500	2,500
A1170.455	Travel & Subsistence	17,500	25,000	27,264	25,000	25,000	25,000
A1170.491	Other Materials & Supplies	10,600	10,460	10,460	10,000	10,000	10,000
A1170.492	Computer Software & Licenses	0	2,173	2,171	153	153	153
A1170.493	Maintenance, Repair & Services	3,500	3,784	3,783	3,500	3,500	3,500
A1170.4951	Other Expenses	10,000	9,000	5,474	7,500	7,500	7,500
A1170.810	Retirement	8,047	20,681	20,681	28,366	20,783	20,783
A1170.830	Social Security	76,503	79,369	79,369	81,790	78,766	78,766
A1170.840	Workers Compensation	24,438	23,918	24,797	29,936	27,067	27,067
A1170.850	Unemployment Insurance	4,888	2,600	2,600	2,673	2,574	2,574
A1170.860	Health Insurance	102,946	112,162	112,162	125,797	125,797	125,797
A1170.901	Contingent Savings Account	0	260	0	0	0	0
Appropriations Totals:		1,331,310	1,459,998	1,419,686	1,499,389	1,429,102	1,429,102

Budget Accounts		Revenues				Budget Year 2003	
Account	Description	Adopted	Modified	Year End Projected	Departmental Request	County Executive Proposed	Adopted Budget
A1266	Public Defender Fees	500	500	0	250	250	250
A2202	Aid To Defense	29,393	29,393	29,393	29,393	29,393	29,393
A2204	Reimbursement For Defense Stat	70,000	70,000	65,500	80,000	80,000	80,000
Revenue Totals:		99,893	99,893	94,893	109,643	109,643	109,643
Net County Share		1,231,417	1,360,105	1,324,793	1,389,746	1,319,459	1,319,459

APPENDIX E – Charge Lists

Appendix E – Charge Lists

2002 Opened Cases by Charge

FELONIES	Category	Class	Law	Count
Aggravated Assault Upon a Person Less Than Eleven Years Old	F	E	PL	1
Aggravated Criminal Contempt	F	D	PL	2
Aggravated Harassment 1	F	E	PL	1
Aggravated Harassment of an Employee by an Inmate	F	E	PL	1
Aggravated Sexual Abuse 1	F	B	PL	1
Aggravated Sexual Abuse 3	F	D	PL	1
Aggravated Unlicensed Operation 1	F	E	V & T	12
Arson 3	F	C	PL	4
Assault 1	F	B	PL	7
Assault 2	F	D	PL	71
Attempted Arson 3	F	D	PL	1
Attempted Assault 1	F	C	PL	1
Attempted Assault 2	F	E	PL	5
Attempted Burglary 1	F	C	PL	1
Attempted Burglary 2	F	D	PL	4
Attempted Burglary 3	F	E	PL	8
Attempted Criminal Possession of a Controlled Substance 3	F	C	PL	2
Attempted Forgery 2	F	E	PL	1
Attempted Grand Larceny 3	F	E	PL	2
Attempted Murder 1	F	A-1	PL	2
Attempted Murder 2	F	B	PL	3
Attempted Rape 1	F	C	PL	2
Attempted Robbery 2	F	D	PL	7
Attempted Robbery 3	F	E	PL	2
Attempted Sexual Abuse 1	F	E	PL	1
Bigamy	F	E	PL	1
Burglary 1	F	B	PL	17
Burglary 2	F	C	PL	103
Burglary 3	F	D	PL	48
Conspiracy 2	F	B	PL	1
Course of Sexual Conduct Against a Child 1	F	B	PL	1
Criminal Contempt 1	F	E	PL	42
Criminal Mischief 2	F	D	PL	9
Criminal Mischief 3	F	E	PL	32
Criminal Nuisance 1	F	E	PL	1
Criminal Possession of a Controlled Substance 1	F	A-I	PL	1
Criminal Possession of a Controlled Substance 2	F	A-II	PL	8
Criminal Possession of a Controlled Substance 3	F	B	PL	132
Criminal Possession of a Controlled Substance 4	F	C	PL	2
Criminal Possession of a Controlled Substance 5	F	D	PL	11
Criminal Possession of a Forged Instrument 1	F	C	PL	1
Criminal Possession of a Forged Instrument 2	F	D	PL	45
Criminal Possession of a Weapon 2	F	C	PL	1
Criminal Possession of a Weapon 3	F	D	PL	33
Criminal Possession of Marihuana 2	F	D	PL	4
Criminal Possession of Marihuana 3	F	E	PL	1

APPENDIX E – Charge Lists

Criminal Possession of Stolen Property 3	F	D	PL	4
Criminal Possession of Stolen Property 4	F	E	PL	33
Criminal Sale of a Controlled Substance 2	F	A-II	PL	1
Criminal Sale of a Controlled Substance 3	F	B	PL	12
Criminal Sale of a Controlled Substance 5	F	D	PL	2
Criminal Sale of Marihuana 2	F	D	PL	6
Criminally Negligent Homicide	F	E	PL	1
Driving While Intoxicated	F	E	V & T	124
Escape 1	F	D	PL	1
Failing to Personally Register and Verify Registration as a Designated Level Three Sex Offender	F	D	Corr L	1
Falsely Reporting an Incident 1	F	D	PL	1
Falsifying Business Records 1	F	E	PL	9
Forgery 1	F	C	PL	1
Forgery 2	F	D	PL	45
Gang Assault 1	F	B	PL	3
Gang Assault 2	F	C	PL	3
Grand Larceny 1	F	B	PL	1
Grand Larceny 2	F	C	PL	1
Grand Larceny 3	F	D	PL	18
Grand Larceny 4	F	E	PL	99
Hindering Prosecution 2	F	E	PL	2
Intimidating A Victim or Witness 3	F	E	PL	1
Leaving the Scene of a Personal Injury Accident	F	E	V & T	2
Manslaughter 2	F	C	PL	1
Menacing 1	F	E	PL	1
Murder 1	F	A-I	PL	1
Murder 2	F	A-I	PL	9
Offering a False Instrument for Filing 1	F	E	PL	1
Possessing a Sexual Performance by a Child	F	E	PL	1
Prohibition of Animal Fighting	F	E	Ag & Mrkts	2
Promoting Prison Contraband 1	F	D	PL	19
Rape 1	F	B	PL	3
Rape 2	F	D	PL	6
Rape 3	F	E	PL	2
Reckless Endangerment 1	F	D	PL	21
Robbery 1	F	B	PL	19
Robbery 2	F	C	PL	26
Robbery 3	F	D	PL	12
Scheme to Defraud 1	F	E	PL	4
Sexual Abuse 1	F	D	PL	14
Sodomy 1	F	B	PL	7
Sodomy 2	F	D	PL	1
Sodomy 3	F	E	PL	2
Stalking 2	F	E	PL	1
Tampering With a Witness 3	F	E	PL	1
Unauthorized Use of a Vehicle 1	F	D	PL	1
Unauthorized Use of a Vehicle 2	F	E	PL	4
Vehicular Assault 2	F	E	PL	1
TOTAL FELONIES:				1,168
MISDEMEANORS				
Aggravated Harassment 2	M	A	PL	203

APPENDIX E – Charge Lists

Aggravated Unlicensed Operation 2	M	U	V & T	100
Aggravated Unlicensed Operation 3	M	U	V & T	838
Arson 5	M	A	PL	2
Assault 3	M	A	PL	316
Attempted Assault 3	M	B	PL	1
Attempted Criminal Possession of Stolen Property 5	M	B	PL	1
Attempted Grand Larceny 4	M	A	PL	1
Attempted Petit Larceny	M	B	PL	9
Conspiracy 6	M	B	PL	2
Criminal Contempt 2	M	A	PL	97
Criminal Facilitation 4	M	A	PL	4
Criminal Impersonation 2	M	A	PL	22
Criminal Mischief 4	M	A	PL	214
Criminal Nuisance 2	M	B	PL	2
Criminal Possession of a Controlled Substance 7	M	A	PL	184
Criminal Possession of a Forged Instrument 3	M	A	PL	12
Criminal Possession of a Weapon 4	M	A	PL	30
Criminal Possession of Marihuana 4	M	A	PL	7
Criminal Possession of Marihuana 5	M	B	PL	9
Criminal Possession of Stolen Property 5	M	A	PL	63
Criminal Sale of Marihuana 4	M	A	PL	4
Criminal Sale of Marihuana 5	M	B	PL	4
Criminal Solicitation 4	M	A	PL	1
Criminal Tampering 2	M	A	PL	2
Criminal Trespass 2	M	A	PL	92
Criminal Trespass 3	M	B	PL	17
Criminally Using Drug Paraphernalia 2	M	A	PL	1
Cruelty to Animals	M	A	Ag & Mrkts	2
Discharging a Firearm Over a Public Highway	M	U	EnCon L	1
Driving While Ability Impaired	M	U	V & T	3
Driving While Intoxicated	M	U	V & T	193
Driving While License Suspended or Revoked	M	U	V & T	60
Driving While Registration Suspended or Revoked	M	U	V & T	36
Endangering the Welfare of a Child	M	A	PL	99
Endangering the Welfare of an Incompetent or Physically Disabled Person	M	A	PL	1
Escape 3	M	A	PL	1
Failing to Personally Register and Verify Registration as a Designated Level Three Sex Offender	M	A	Corr L	1
Failure to Provide Proper Sustenance	M	A	Ag & Mrkts	4
Failure to Surrender License Suspended/Revoked License or Registration	M	U	V & T	6
Failure to Surrender License/Registration/Plates after Revocation	M	U	V & T	2
False Personation	M	B	PL	41
Falsely Reporting an Incident 2	F	E	PL	1
Falsely Reporting an Incident 3	M	A	PL	9
Falsifying Business Records 2	M	A	PL	1
Forcible Touching	M	A	PL	4
Forged Inspection Sticker	M	U	V & T	1
Forgery 3	M	A	PL	2
Growing Cannabis by an Unlicensed Person	M	A	Pub Health L	4
Harassment 1	M	B	PL	4

APPENDIX E – Charge Lists

Issuing a Bad Check	M	B	PL	289
Leaving the Scene of a Personal Injury Accident	M	A	V & T	8
Loitering for the Purpose of Engaging in a Prostitution Offense	M	B	PL	6
Making a Punishable False Written Statement	M	A	PL	23
Making Graffiti	M	A	PL	7
Menacing 2	M	A	PL	69
Menacing 3	M	B	PL	18
Misapplication of Property	M	A	PL	6
Misuse of Food Stamps	M	A	Soc Serv L	2
Obscenity 3	M	A	PL	2
Obstructing Governmental Administration 2	M	A	PL	20
Offering a False Instrument for Filing 2	M	A	PL	3
Operating a Commercial Motor Vehicle While Under the Influence of Alcohol or Drugs	M	U	V & T	1
Operating an Unregistered Motor Vehicle	M	U	V & T	1
Overdriving, Torturing and Injuring Animals	M	A	Ag & Mrkts	2
Patronizing a Prostitute 4	M	B	PL	15
Petit Larceny	M	A	PL	711
Possession of Burglar's Tools	M	A	PL	4
Possession of Gambling Records 2	M	A	PL	1
Promoting Prison Contraband 2	M	A	PL	25
Promoting Prostitution 4	M	A	PL	2
Prostitution	M	B	PL	54
Public Lewdness	M	B	PL	7
Reckless Driving	M	A	V & T	14
Reckless Endangerment 2	M	A	PL	23
Reckless Endangerment of Property	M	B	PL	2
Resisting Arrest	M	A	PL	110
Scheme to Defraud 2	M	A	PL	1
Selling Alcohol to a Minor	M	U	ABC L	1
Sexual Abuse 2	M	A	PL	13
Sexual Abuse 3	M	B	PL	5
Sexual Misconduct	M	A	PL	9
Shooting Within 500 Ft of Dwelling	M	U	EnCon L	1
Speed Contests and Races	M	U	V & T	1
Stalking 4	M	B	PL	4
Taking Antlerless Deer Without A Permit	M	A	EnCon L	1
Tampering With a Witness 4	M	A	PL	1
Theft of Services	M	A	PL	16
Unauthorized Use of a Vehicle 3	M	A	PL	69
Unlawful Assembly	M	B	PL	1
Unlawful Imprisonment 2	M	A	PL	3
Unlawfully Dealing With a Child 1	M	A	PL	36
Unlawfully Dealing With a Child 2	M	B	PL	11
Unlawfully Dealing With Fireworks and Dangerous Fireworks	M	B	PL	4
Unlawfully Possessing or Selling Noxious Material	M	B	PL	1
Unlawfully Receiving Public Welfare Assistance and Care	M	A	Soc Serv L	2
Violation of Domicile Restriction	M	A	PL	4
TOTAL MISDEMEANORS:				4,323

APPENDIX E – Charge Lists

VIOLATIONS			
City Ordinance	V	City	2
Codes Violation	V	Codes	14
Disorderly Conduct	V	PL	149
Dog Running at Large	V	City	1
Driving While Ability Impaired	V	V & T	6
Exposure of a Person	V	PL	1
Facilitating Aggravated Unlicensed Operation of a Motor Vehicle 3	V	V & T	1
Harassment 2	V	PL	502
Inadequate Brake Lights	V	V & T	1
Leaving the Scene of a Property Damage Accident	V	V & T	5
Littering	V	Codes	1
Loitering	V	PL	1
Open Container	V	City	2
Taking Black Bass Out of Season	V	EnCon L	1
Trespass	V	PL	98
Unlawful Possession Marihuana	V	PL	4
Unlawful Possession of a Weapon Upon School Grounds	V	PL	1
Unlawful Possession of an Alcoholic Beverage with the Intent to Consume by a Person Under 21	V	ABC L	4
Unlawfully Dealing With Fireworks and Dangerous Fireworks	V	PL	2
Unlicensed Operator	V	V & T	2
Possession of a Controlled Substance by Ultimate Users Original Containers	V	Pub Health L	1
TOTAL VIOLATIONS:			799
Extradition/Fugitive from Justice			39
Violation of Probation			165
Violation of Conditional Discharge			18
Failure to Complete Offender Work Program			1
Failure to Comply with Court Evaluation Unit			3
Failure to Pay Restitution			2
Failure to Pay Fine or Surcharge			34
Sex Offender Registration			13
Traffic Infractions			6
Petition for Writ of Habeas Corpus			1
TOTAL 2002 OPENED CASES:			6,572

APPENDIX F – Geographical Location of Clients

Appendix F – Geographical Location of Clients

STATES		New York State		E. Syracuse		Manchester		Smyrna	
Connecticut	1	Adams	1	Earlville	1	Manhattan	2	Solvay	1
Florida	5	Albany	1	East Brunswick	1	Marcy	43	Sonyea	2
Georgia	3	Albion	1	Eaton	4	Mattydale	43	St. Johnsville	1
Louisiana	1	Alden	2	Edmeston	1	Messena	1	Stanford	1
Massachusetts	3	Attica	4	Endicott	2	Middletown	1	Staten Island	1
Maryland	1	Auburn	3	Evans Mills	2	Middleville	5	Steuben	2
Maine	3	Ava	16	Far Rockaway	1	Mohawk	3	Stittville	6
Michigan	1	Ballston Spa	1	Florence	2	Moravia	2	Stormville	1
North Carolina	4	Barker	2	Floyd	1	Morris	1	Sylvan Beach	18
New Jersey	2	Bainbridge	1	Flushing	1	Morrisville	4	Syracuse	34
New York	2,110	Barneveld	16	Fonda	1	Mount Upton	1	Taberg	69
Ohio	1	Batavia	2	Forestport	11	Mt Vernon	1	Trenton	1
Pennsylvania	3	Beacon	1	Fort Drum	2	Munnsville	12	Tully	3
Texas	1	Bethlehem	1	Frankfort	35	N. Syracuse	3	Utica	264
Virginia	4	Binghamton	3	Franklin Springs	1	New Berlin	2	Vernon	32
Vermont	1	Blossvale	56	Fulton	2	New Hartford	77	Vernon Center	10
		Boonville	47	Geneva	3	New London	1	Verona	10
		Bouckville	1	Glenfield	1	New Port	2	Verona Beach	10
		Brewerton	1	Glens Falls	1	New York	6	Washington Mills	1
		Bridgeport	4	Gowanda	1	New York Mills	29	Watertown	3
		Bridgewater	11	Grand Gorge	1	New York Mills	57	Waterville	31
		Bronx	17	Greig	2	Newark	86	West Anboy	1
		Brookfield	5	Hamilton	2	Newport	3	West Burlington	1
		Brooklyn	18	Hannibal	1	North Bay	8	West Coxsackie	1
		Brooktondale	1	Hartford	1	North Brookfield	2	West Edmeston	5
		Buffalo	2	Herkimer	21	North Western	1	West Exeter	1
		Burlington Flats	1	Herman	1	Norwich	2	West Leyden	7
		Calcum	1	Hinckley	8	Ogdensburg	1	West Monroe	2
		Camden	47	Hobart	1	Old Forge	1	West Winfield	18
		Canastota	21	Holland Patent	30	Oneida	55	Westdale	2
		Canton	1	Hubbardsville	4	Poland	7	Western	1
		Cape Vincent	1	Huntington	1	Port Byron	1	Westernville	13
		Carthage	1	Ilion	29	Port Leyden	7	Westmoreland	21
		Cassville	13	Inlet	1	Pratts Hollow	1	Whitesboro	71
		Cayuga	1	Jamaica	1	Prospect	2	Whitestown	1
		Cazenovia	1	Jefferson	1	Queens	1	Wileyden	1
		Chadwicks	12	Jewell	1	Raymondville	1	Williamstown	6
		Chittenango	4	Johnson City	1	Redfield	2	Woodgate	2
		Clark Mills	17	Jordanville	1	Remsen	35	Yonkers	3
		Clayville	19	Kirkland	1	Rensselaer Falls	1	Yorkville	32
		Cleveland	11	Lake Katrina	1	Rensselaer	1		
		Clifton Park	1	Lancaster	1	Richfield Springs	5		
		Clifton Springs	2	Lansing	1	Richmond Hills	1		
		Clinton	35	Latham	2	Rochester	5		
		Cold Brook	10	Lee	3	Rome	248		
		Collins	1	Lee Center	43	Romulus	4		
		Comstock	1	Leonardsville	1	Salisbury Center	2		
		Constableville	2	Little Falls	15	Sangerfield	2		
		Cooperstown	1	Liverpool	10	Sauquoit	30		
		Coxsackie	2	Livingston	1	Schenectady	8		
		Dannemora	1	Long Beach	1	Schuyler	2		
		Deansboro	2	Lowville	1	Schuyler Lake	1		
		Deerfield	6	Lyons Falls	4	Sharon Springs	1		
		Dolgeville	1	Madison	8	Sherburn	1		
		Durhamville	4	Malone	3	Sherrill	12		

APPENDIX G – Arresting Agencies

Appendix G – Arresting Agencies

ARRESTING AGENCIES*	
Boonville Police Department	22
Camden Police Department	29
Kirkland Police Department	10
New Hartford Police Department	513
New York State Police	667
New York State Dept. of Labor	1
NY Mills Police Department	4
Oneida County District Attorney Inv.	8
Oneida County Probation	28
Oneida County Sheriff Department	104
Oneida Police Department	1
Oriskany Police Department	5
Rome Police Department	567
Sherrill Police Department	14
SUNY Police in Marcy	1
Utica Police Department	540
Vernon Police Department	6
Whitesboro Police Department	43
Whitestown Police Department	38
Yorkville Police Department	7

* This information is representative only due to the fact that not all client records indicate the arresting agency.