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INTRODUCTION

This report focuses on the last 10 years of the 35-year tenure of Robert M. Morgenthau as the District Attorney of New York County. During the decade, the dramatic drop in violent crime in Manhattan that began at the end of the 20th century has continued. In addition to insuring that the community remains safe and secure, the Office continues to be in the forefront in the prosecution of those who commit economic and financial crimes in one of the world’s great financial centers.

In 1975, the year Mr. Morgenthau became District Attorney of New York County, there were 648 murders reported in Manhattan. In 2008, there were 62, a reduction of over 90 percent. This drop was not due simply to the dawn of gentler times. In 1975, Manhattan’s share of New York City’s homicides was 39.4 percent. In 2008, Manhattan’s share of city homicides was less than 12 percent. In 1975, there were 30,138 robberies and 51,703 burglaries in Manhattan. In 2008, 4,462 robberies and 4,046 burglaries were reported. Today serious crime in Manhattan remains at historically low levels. [See Chart 1; Tables 4.1 and 4.2 in Statistical Appendix].

Although the decline of crime has been a national phenomenon, New York leads all states with the greatest decrease in violent crime. New York City’s decline has been greater than that in the rest of the State. Furthermore, the decline of crime in Manhattan has been greater than that in the rest of the city. More specifically, according to data from government reports, in 1990, 62 percent of New York State’s violent crime was committed in New York City. In 2007, the percentage had gone down to 43 percent. From 1975 through 2008, reported robberies and burglaries in Manhattan decreased by 85 and 92 percent respectively. In 1975, Manhattan’s share of New York City robberies was 36.2 percent. Its share of burglaries was 29.2 percent. In 2008, Manhattan’s share of City robberies was 20.1 percent. Its share of burglaries was 19.7 percent. [See Table 4.4 in Statistical Appendix].

Nationally, the decrease in crime has been accompanied by a substantial increase in the prison population. A New York Times editorial of March 30, 2009, entitled “Reviewing Criminal Justice,” states the following:

The United States has the highest reported incarceration rate in the world. More than 1 in 100 adults are now behind bars, for the first time in history. The incarceration rate has been rising faster than the crime rate, driven by harsh sentencing policies … which impose long sentences that are often out of proportion to the seriousness of the offense.

Keeping people in prison who do not need to be there is not only unjust but also enormously expensive, which makes the problem a priority right now … In the last two decades, according to a Pew Charitable Trusts report, state corrections spending soared 127
percent while spending on higher education increased only 21 percent.

Meanwhile, as governments waste money putting the wrong people behind bars, gang activity has been escalating, accounting for as much as 80 percent of the crime in much of the country.

The editorial neglected to include the praise heaped upon New York State in the Pew Report which concluded as follows:

The questionable value of prisons as a deterrent, combined with other factors that reduce incarceration’s effectiveness and overshadowed by a constellation of factors that drive and suppress crime rates, add up to an often overlooked truth: states can carefully reduce incarceration and still protect – and even improve – public safety.

New York has demonstrated this point in dramatic terms. Between 1997 and 2007, New York experienced both the greatest decrease in violent crime and, simultaneously, the greatest decrease in prison population and incarceration rate of any state in the country. During that decade, the national prison population grew by more than 350,000 inmates, a 28 percent jump that corresponded to a 14 percent increase in the national incarceration rate. Over the same time period, New York’s prison population declined by almost 6,500 inmates, a 9.4 percent dip that amounted to a 15 percent drop in the incarceration rate. To the surprise of many at the time, New York’s violent crime rate fell a remarkable 40 percent during the decade, while the national violent crime rate dropped by a much smaller measure, 24 percent. In terms of crime and prison contraction, New York led all regions of the country and every individual State.


More than 48 percent of the reduction in New York State prison commitments from 1997 through 2008 can be attributed to Manhattan. [See Chart 3 and Table 3.2 in Statistical Appendix]. Law enforcement officials have reduced crime and reduced incarceration rates by efficiently targeting serious offenders.

The Office has thus succeeded in its fundamental mission to insure a community where people are safe on the streets and in the subways, and secure in their homes and workplaces. There is, however, much more to the story. Vigorous pursuit of economic and financial crime is also a critical part of the work of the New York County District
Attorney’s Office. Manhattan is a world financial center. Therefore, the Office has been in the forefront of efforts to stop law breaking by bankers, brokers, and corporate executives — “crime in the suites.” Sophisticated offenders use financial institutions to hide money obtained through fraud and illegal drug and weapons transactions, as well as for funneling funds to terrorists and criminals around the world. Financial crimes are often committed by those who abuse a position of power or trust. Government officials, health care professionals, and lawyers are among those who have committed offenses. The goal of pursuing those who commit financial crimes goes beyond the incarceration of offenders. Restitution to victims, recovery of tax revenue, reform of institutions which have been marred by pervasive illegal activity, and insuring transparency in monetary transactions are vital parts of the work.

By uncovering and ending the flow of illegal funds, the Office contributes to the safety and security not only of the Manhattan community, but also the national and international communities. Criminals route transactions through “off-shore” locales and other “bank secrecy” jurisdictions to evade tax obligations and escape financial regulation, sometimes with potentially disastrous effects. In particular, unfriendly nations and terrorists use corrupt foreign financial institutions to obtain materiel from suppliers in violation of American and international sanctions designed to stop the production of illicit weaponry. This Office’s location at the financial crossroads of the world has given us opportunities to detect and halt some international economic crime and to deter others who would commit it.

In these and other areas, the ultimate question for a prosecutor must be, “Does this criminal activity have a substantial negative social or economic impact on New York residents?” If the answer is yes, this Office will do all it can to find sufficient resources to tackle the problem, without regard to stereotyped views of the proper reach of a local prosecutor. At this point, the Office employs 80 detective investigators and 25 accountant investigators to pursue its investigations. A recent priority for some of them, to take one example, has been investigating contractors who underpay construction workers in cash, in violation of city, state and federal law. These criminals fail to pay taxes, cheat their workers out of benefits, pension payments, and the mandatory “prevailing wage,” corrupt shop stewards and other union officials, and obtain unfair economic advantages over honest contractors who do pay fair wages and are outbid as a result. The menu of social harms is a lengthy one, and this Office intends to search out this type of activity and put an end to it. To stretch its ability to investigate, the Office creates partnerships with federal and state agencies that can supply investigative resources. For example, the State Police were instrumental in helping the Office break the traditional organized crime stranglehold on the carting industry, which had cost city businesses untold millions in “tribute” every year.

An ancillary benefit of pursuing those who commit economic and financial crime is the generation of revenue which is desperately needed by New York City and State during a period of governmental budget crises. In 1975, when Mr. Morgenthau became District Attorney, New York City was on the verge of bankruptcy. The New York County District Attorney’s Office had been left without enough money to pay even its telephone
To keep operating, the Office had to make emergency applications to the Federal Law Enforcement Assistance Administration for grant money and also had to borrow money from the New York City Special Narcotics Prosecutor’s Office.

Today, the New York County District Attorney’s Office is on sound financial footing and has been a major source of revenue for the City and State. In 2009, the final year of Mr. Morgenthau’s incumbency, the Office has returned to the City and State an astonishing and unprecedented sum of over half a billion dollars — about $575 million. Notably, those 2009 recoveries amount to over seven times the Office’s official city budget, and enough to pay all the expenses for the year of all five city District Attorneys and the Special Narcotics Prosecutor. Indeed, since 2005, the Office has recovered a combined total of more than a billion dollars from fines, forfeitures, and deferred prosecution agreements. These recoveries are not the point of the prosecutions, which is instead to stop financial manipulations. The recoveries are, however, welcome in hard economic times.

A number of factors contributed to the remarkable reduction in crime rates and prison commitments from Manhattan as well as the remarkable successes in the prosecution of economic and financial crime. Certainly, one of the major reasons is the effective work of New York State’s law enforcement community, and the contribution to that work by the New York County District Attorney’s Office is described in this report.

The Office has continued to enhance its position as one of the leading criminal justice agencies in the nation in many ways. An important element in enabling the Office to maintain a preeminent position is the quality and competence of its staff. Each year the Office hires the finest 55 of more than 2000 applicants from across the country who apply for positions on the legal staff. In doing so, the Office maintains a commitment to diversity in its hiring program. In 1975, 11 percent of the Office’s lawyers were women, and 4 percent were minorities. In 2009, 52 percent of the lawyers are women; 22 percent are minorities. Sonia Sotomayor, who recently was appointed an Associate Justice of the Supreme Court of the United States, began her legal career in 1979 at the New York County District Attorney’s Office. In addition to the highly qualified and diverse staff of young attorneys, the Office has retained a core of dedicated professional career prosecutors who guide investigations and trial work. More than 70 current assistant district attorneys have served in the Office for 20 years or more. Furthermore, these able attorneys are aided in their work by a full support staff ranging from paralegals to technical experts.

Legal training is another essential element playing in the success of the Office. In 1975, the Office did not have a formal training program. Now, when assistants first join the Office they participate in an intensive six-week program. At the conclusion of the first year of practice, they participate in a two-week trial advocacy program which sharpens their developing trial skills. During their second year, there is additional training in grand jury practice and the handling of felony cases. The Office has been designated a New York State Continuing Legal Education Provider for ongoing training for all members of the legal staff in order to enhance skills that promote reliable criminal
investigations and prosecutions and to instill habits which insure that staff employ the highest ethical standards in the pursuit of justice.

Critical to the Office’s success has been its philosophy of “vertical prosecution,” an innovation for a large prosecutor’s office that quickly redeemed a 1974 campaign pledge. In the “horizontal” system, an inexperienced junior attorney or even a police officer had been charged with the drafting of an accusatory instrument. Typically, the Criminal Court arraignment was handled by another attorney, the preliminary hearing by a third, the grand jury presentation by a fourth, the Supreme Court arraignment by a fifth, and the trial by a sixth. Along this assembly line, presentations suffered, victims and other witnesses were inconvenienced, cases were stalled, and bad advocacy and even dismissals resulted. The “vertical” system was the answer. One lawyer of appropriate seniority now handles the typical case from arrest to sentencing. Indictments are quickly obtained, so that preliminary hearings have disappeared. Dismissals are down and convictions of the guilty are up. Perhaps most importantly, the interests of the victims and the witnesses are now far better served.

A short time later the Office created a Spanish Language Program. Up until that point, the many Manhattan victims and witnesses who are most comfortable speaking Spanish had no easy way to communicate with employees of the Office, which was not yet home to many Spanish speakers. The new unit resolved that problem, providing ready translation services and otherwise making it possible for the Office to better serve the Hispanic community. In addition, the Office maintains a North Manhattan satellite office, where members of the uptown community can bring criminal complaints and obtain other services. On another front, it was all too apparent during the violent period of the 1970s and 1980s that many witnesses were in physical danger from those against whom they dared file complaints. The Office therefore created a witness protection program and a Witness Aid Services Unit. Witnesses now are kept informed about their cases and about the incarceration status of defendants and can obtain many other social services, including assistance with relocation and housing where called for.

The Office continues to implement other innovative and creative programs to carry out its mission. One of the Office’s newest units, established in 2007, is the Immigrant Affairs Program. More than one-third of the people living in New York City were born in foreign countries. Certain criminals prey on the vulnerability of documented as well as undocumented immigrants. An essential element of the program is outreach to aid victims and witnesses who fear cooperating with law enforcement because of their immigration status. The Office has established a policy of not reporting an undocumented immigrant crime victim or witness to immigration authorities. Thus, the underlying principle of the program is the pursuit of justice for all victims of crime.

The Immigrant Affairs Program is only the latest of the units that the Office has created since 1975 in order to offer expert, sympathetic, protective assistance and support to vulnerable victims of crime. Other special units include the Elder Abuse Program and the Family Violence and Child Abuse Bureau. The office also established the position of Advisor to the District Attorney on Gay, Lesbian, Bisexual and Transgender Issues. In
addition, programs have been added in the Criminal Court to divert misdemeanor substance abuse offenders to rehabilitation and to focus additional resources to prosecute misdemeanor recidivists vigorously.

Other important Office Units have been created to insure the proper screening of cases and the targeting of individuals who are responsible for a large proportion of crime. In 1975, with funding from the Federal Law Enforcement Assistance Administration, the Office established an Early Case Assessment Bureau and one of the nation’s first Career Criminal Programs. The Early Case Assessment Bureau is composed of a group of experienced senior assistant district attorneys who evaluate a case as soon as it is referred to the Office by the police. Decisions are made at an early stage as to whether the case should be handled as a felony or a misdemeanor and also as to any investigatory steps required, so that the vertical prosecution system can then kick in.

The Career Criminal Program provided additional resources in order to identify, prosecute, and incarcerate the relatively small percentage of defendants who were responsible for a large percentage of violent crime. In the 1980s and 1990s, the concepts of the Career Criminal Program were extended with the establishment of the Homicide Investigation Unit and the Firearms Trafficking Unit, which focus on violent gang activity in Northern Manhattan and illegal interstate gun trade. The prosecution of gun crimes by gang members and others remains a top priority. The Office works with the police to target problem locations where guns are used or sold, conducts investigations, and utilizes strong new state laws to ensure that violent criminals are incapacitated and potential criminals are deterred. In that regard, the law now severely restricts plea bargaining in gun cases, and the Office is committed to a tough approach to pleas in this area.

In 2000, the Office instituted the DNA Cold Case Project, which focuses on effectively using the latest advances in DNA technology to solve crimes. The Office pioneered the practice of bringing indictments against unidentified individuals based on their DNA “footprint” in order to allow for future prosecution upon apprehension, even after the expiration of the time allowed by the Statute of Limitations. The two senior assistant district attorneys who began and continue to work on the Project have become nationally recognized experts on the subject and have provided training to thousands of investigators and prosecutors across North America.

In 2004, the Office established an Identity Theft Unit. In an era in which violent crime has declined sharply, incidents of identity theft are growing exponentially. Many identity theft rings obtain confidential information through high-tech forms of thievery, such as computer hacking, computer viruses, and email scams. Members of the Identity Theft Unit engage in sophisticated long-term investigations to stop this type of crime, which has become a scourge of the first decade of the 21st century. Moreover, the Vehicular Crimes Unit specializes in the prosecution of dangerous and often intoxicated drivers who kill or injure other drivers, their passengers, and pedestrians through reckless violations of the law.
There are also many units in the Office which have been created since 1975 to pursue those who commit financial crimes. They include Investigation Division Central, the Asset Forfeiture Unit, the Labor Racketeering Unit, the Construction Industry Strike Force, the Money Laundering and Tax Crimes Unit, and the Public Assistance Fraud Unit. Without fear or favor, these units pursue those in powerful positions who undermine the safety, economy, and integrity of New York City by their criminal acts as well as those in lesser positions who abuse and undermine the functioning of our city agencies for their own profit.

Overall, there are now 34 units and bureaus in the Office which did not exist in 1975 and through which much of the Office’s work is done. However, the work of the Office is not limited to investigations and the prosecution of cases. An effective district attorney’s office is also responsive to the community it serves. Each year the Office participates in more than 1,000 community events to provide information and education as well as to respond to community concerns about neighborhood crime and quality of life.

Molding the law by proposing and supporting legislation also plays an important role. To further that goal, the Office organized and provided impetus to the New York State Law Enforcement Council. The Council is a partnership among the state’s District Attorneys, other city and state law enforcement officials, and the Citizens Crime Commission, and its purpose is to press for criminal justice reform in Albany. For over ten years, the District Attorney of New York County has served as the Counsel to the group, and an Office attorney has served as Coordinator of the group’s activities. In recent years, working together with the Council, the Office has succeeded in creating new sanctions for identity theft and for vehicular homicide. Legislation has also expanded the DNA data bank, strengthened laws against handguns, and streamlined criminal procedure. Perhaps most importantly, the Council, and the Office in particular, lobbied hard in support of recent amendments which have prevented injustices in sex crimes cases. The new laws eliminate the statute of limitations in those very serious cases, thus placing them in a category with homicide. The provision recognizes that sex crimes can now be very reliably resolved by DNA evidence even decades after they occur.

The year 2009 marks the end of an era in the Manhattan District Attorney’s Office. District Attorney Robert M. Morgenthauretires at the end of the year after completing 35 years of service to the people of New York County. As the longest serving district attorney in New York City’s history, he has surpassed the achievements of his two legendary predecessors, Thomas E. Dewey and Frank S. Hogan, in building an office that is known around the world as a model ministry of justice.
I. INSURING A SAFE AND SECURE COMMUNITY

A basic goal of the New York County District Attorney's Office is to insure a community where people are safe on the streets and in the subways, and secure in their homes and work places. To keep serious crime rates at historically low levels, those individuals who are incorrigible recidivists or violent offenders must be targeted for vigorous prosecution and, after conviction, must be isolated from the community by the imposition of long prison sentences.

The following are examples of cases in which violent offenders and recidivists were sentenced to substantial prison terms to maintain a safe and secure community.
Violent Offenders and Recidivists

SANTE AND KENNETH KIMES

Sante and Kenneth Kimes, a mother-and-son team, were responsible for a cross-country trail of fraud, arson, and homicide. They had committed murders in Hawaii, California, and the Bahamas, but had never been brought to trial. In Manhattan, they were charged with the 1998 murder of an 82-year-old widow in order to steal her $8 million Upper East Side townhouse. There was, however, no direct evidence. The body of the deceased was never found. There were no eyewitnesses, no confessions, no false exculpatory statements, no informants, no cooperating co-conspirators, no blood, and no DNA.

Assembling the groundbreaking circumstantial evidence case was an enormous undertaking. Four assistant district attorneys and 17 detectives worked full-time on the investigation. In 2000, the People’s case at trial was presented over a period of three months. More than 400 exhibits were admitted into evidence, and 130 witnesses testified. The People’s closing statement, which wove all the pieces of circumstantial evidence together, was a 12-hour presentation.

A jury found Sante and Kenneth Kimes guilty of multiple charges including murder, robbery, burglary, and conspiracy. Kenneth Kimes was sentenced to a prison term of 130 years to life, and Sante Kimes was sentenced to a term of $27 ⅔ years to life. Sante Kimes’ conviction and sentence were unanimously affirmed on appeal. The Appellate Division, First Department, after reviewing evidence in this case, stated in its opinion, “… [T]he People brought mother and son to trial for murder on circumstantial evidence that gave new life to the traditional maxim that circumstantial proof will often paint a far stronger picture of guilt than direct evidence.”

After the conviction, New York County assistant district attorneys aided California law enforcement. This Office’s assistance made it possible for the Los Angeles District Attorney’s Office to convict mother and son for a 1998 murder they committed four months prior to the Manhattan murder. Kenneth Kimes pled guilty to the murder and testified against his mother at a trial in which a jury found her guilty. Each was sentenced to a prison term of life without parole. During the California trial, Kenneth Kimes testified that in New York he had strangled the 82-year-old widow on his mother’s orders and had dumped the body in a trash bin in New Jersey.
ROBERT WILLIAMS

On an April night in 2007, Robert Williams forced his way into a Columbia University journalism student’s apartment in Hamilton Heights. For 19 horrific hours, he tortured her in unimaginable ways using bleach, boiling water, glue, and a pair of scissors. He sexually assaulted, beat, drugged, robbed, and attempted to kill her. Before he left, Williams tied her to a futon and set the apartment ablaze. The victim used the flames to melt the computer cables which bound her wrists and fled the apartment.

A week later, Williams was arrested in Queens on an unrelated robbery. DNA, surveillance video, and the victim’s identification helped link the defendant to the crime. At the time of the defendant’s arrest, he was wearing a black shirt stained with the victim’s blood. He also had the victim’s earphones and a plastic case in his pocket; his DNA was found on both items. While in the apartment, Williams had worn the victim’s grey t-shirt and then had left it behind. Forensic analysis revealed the defendant’s DNA on the collar and armpits of the garment.

Williams had stolen the victim’s backpack, iPod, laptop computer, and two ATM cards. Surveillance footage from a bodega on 141st Street showed the defendant using the victim’s bank cards.

The victim remembered the defendant’s physical characteristics, including identifying scars and a gold tooth, and picked him out of a lineup.

In 2008, after a jury trial, Williams was convicted of multiple counts of attempted murder, kidnapping, rape, burglary, robbery, arson, predatory sexual assault, criminal sexual assault, and attempted assault. He was sentenced to 422 years to life in prison.
Peter Braunstein was a journalist and writer. On Halloween night 2005, dressed in firefighter gear, he set off smoke bombs inside a Chelsea apartment building. He then knocked on a woman’s apartment door, stating that he was investigating a smoke condition in the building. Seeing thick smoke in the hallway, she let him into her apartment. Once inside, Braunstein put a gun to her head, tied her hands behind her back, and placed a chemical-soaked cloth over her face until she passed out. When she regained consciousness, she was lying on her bed, almost naked, with her arms and one leg restrained with green cord. Her wrists and ankle were bruised, and she had chemical burns on her face and shoulder. During the ordeal, Braunstein wore a dark-colored ski mask and a law enforcement badge. He placed a knife by the victim’s bed, made her ingest liquid cough medicine, and sexually assaulted her. After remaining in her apartment for 13 hours, Braunstein finally left, taking a Gucci fur coat, a Louis Vuitton luggage bag, the victim’s driver's license and resume, as well as $800 cash.

Six weeks later, after committing a gunpoint robbery in Ohio, Braunstein was arrested in Tennessee. When he was arrested on the University of Memphis campus, he was in possession of smoke bombs, an air pistol, flex cuffs, and a journal with writings about the crimes. All of the victim’s stolen items, except for the cash, were recovered from his rented storage locker in Queens, along with smoke bombs, green rope, a law enforcement badge, chloroform, potassium nitrate, and other items. Computer records showed he used the Internet to purchase many of the items (firefighter gear, law enforcement paraphernalia, etc.) utilized for the crime.

It was determined that Braunstein and the victim had been employed by the same publishing company and had worked a few desks away from one another. In addition, Braunstein had a criminal history. In 2005, he pled guilty to menacing for stalking an ex-girlfriend and had been sentenced to three years probation and five days community service. He was on probation for the menacing case when he committed the crime in Chelsea.

In 2007, the Halloween case went to trial. The victim in the Chelsea case and the ex-girlfriend in the menacing case both testified at the jury trial. Braunstein was convicted of multiple counts of kidnapping, sexual abuse, burglary, and robbery and was sentenced to 18 years to life in prison. In 2008, he pled guilty to the Ohio crime and was sentenced to an additional 23 years in prison.
DENNIS FARRELL

During one month in 2001, Dennis Farrell went on a crime spree on the Upper East Side. He committed four robberies and seriously injured three people as he attempted to elude capture by the police. In three of the robberies, Farrell entered small convenience stores, brandished a pistol, bound or restrained the sole employee, and stole cash and merchandise before fleeing. Several days after the last store robbery, Farrell entered a parking garage, threatened the attendant with a gun, cocked the weapon, forced the attendant to the ground, and bound his wrists. Farrell then took cash and fled in a car that had been parked in the garage with the keys left on the floor.

Shortly thereafter, police officers, who had been alerted to the plate number of the stolen car, pulled up beside Farrell, who sped away and led a chase up Park Avenue at speeds of nearly 80 miles an hour. After going several blocks, Farrell plowed the stolen car into a livery cab. The force of the impact cut the cab in half and pinned the three occupants inside the vehicle. Farrell fled on foot and was caught minutes later, hiding under a parked car. He left a loaded pistol and cash behind in the stolen car and was wearing the garage attendant’s bracelet. The victims of the crash sustained permanent disabling injuries. The most seriously injured individual suffered severe brain damage that left her in a persistent comatose state with no hope of recovery.

In 2003, a jury convicted Farrell of multiple counts of robbery, assault, possession of a weapon and reckless endangerment. In view of the seriousness of his crimes and his three prior felony convictions for burglary, robbery and weapons possession, he was sentenced as a persistent violent felony offender to an aggregate term of 125 years to life in prison.
PAUL FRAZIER

Paul Frazier’s New York State criminal history began in 1980, when he pled guilty to committing two robberies and was sentenced to 2 to 6 years in prison. In 1982, less than two months after release on parole, he was arrested for possession of a loaded pistol. He pled guilty and was sentenced to 2 ½ to 5 years. In 1985, after less than a month on parole release, he was arrested once again for a gunpoint robbery. He was convicted after trial and sentenced as a persistent violent felon to 14 years to life.

Five months after his release on lifetime parole in 2002, he was identified as the person who had committed four gunpoint robberies during a six-day period on a subway line in northern Manhattan. In each case, he pointed a gun at the victim’s head and demanded money and jewelry. In two robberies, he grabbed wedding rings, and in one he escaped with a $10,000 diamond engagement ring. When police arrested him, Frazier was carrying an unloaded automatic pistol in his pocket.

In 2003, after a jury conviction on two robberies and possession of a weapon, Frazier was sentenced to an aggregate term of 50 years to life in prison. He will not be eligible for release on parole until he is 89 years old.
RONALD POPADICH

In a span of three days, Ronald Popadich hit 25 people with his car, injuring 24 and killing one. He also shot a cabdriver.

On February 12, 2002, Popadich drove his car into Manhattan from New Jersey. He made an illegal right turn in Chelsea and plowed into three people who were crossing Seventh Avenue. Popadich initially stopped his car, and the police responded, but then he drove away. As he approached 32nd Street, he struck a man crossing the street. The man later died of complications from the injuries he sustained. Popadich continued driving and hit three bicyclists. At one point his car went up on the sidewalk, striking three more people. He then rammed into a teacher and seven of his teenaged students. Popadich continued to 17th Street where he grazed a balloon messenger who tried to stop him from driving the wrong way. Then he abandoned his car in Chelsea and fled.

The following evening, Popadich hailed a cab in Midtown. When the cab stopped at a light in the East Village, Popadich shot the driver twice in the head and ran from the taxi. The driver survived.

On the morning of February 14, Popadich again drove into Manhattan in a car, which he had stolen at gunpoint from a woman in New Jersey. He drove the car into seven people who were crossing the street or standing on the sidewalk in the Garment District. He again abandoned the car in Chelsea and then took a cab to his home in New Jersey. His loaded gun was later found inside the car.

Popadich was arrested later that evening in New Jersey. In 2004, Popadich pled guilty to murder and attempted murder. He was sentenced to 25 years to life in prison.
ANDREW GOLDSTEIN

In 1999, Andrew Goldstein pushed Kendra Webdale, a 32-year-old stranger, off a subway station platform in front of an oncoming train, causing her death. Shortly after the attack, when police arrived on the platform, Goldstein claimed that he was suffering from mental illness and requested to be taken to a hospital.

After his criminal court arraignment, Goldstein had multiple psychiatric evaluations. Although Goldstein was found to be mentally ill, he understood the nature and consequences of his conduct and knew right from wrong. Over the years, he had successfully used his mental illness to avoid criminal responsibility for assaulting others when he was angry and frustrated.

After a month-long trial, a jury was unable to agree as to whether or not Goldstein’s mental illness excused his criminal conduct. After a second month-long trial in 2000, a jury determined that he was responsible and found him guilty of murder. He was sentenced to 25 years to life in prison.

After Goldstein was sentenced, and while his appeal was pending, the United States Supreme Court handed down the decision in the case of Crawford v. Washington, which changed the constitutional rule of evidence about the admissibility at trial of statements made by people who do not testify. This new rule applied to all cases on appeal at the time of the decision. Under this new rule, it was determined that Goldstein’s rights were now deemed to have been violated because the People’s psychiatric expert, in explaining the basis for her opinion that Goldstein was criminally responsible for his crime, testified about statements made to her by individuals who did not testify in court. Even though all the evidence was properly admitted in accordance with the constitutional rules of evidence at the time of the trial, the conviction was set aside. In 2006, after the case was remanded for a new trial, Goldstein pled guilty to manslaughter and was sentenced to 23 years in prison with 5 years of post-release supervision. The Department of Correctional Services placed him in a secure facility where he receives psychiatric treatment.

The case against Goldstein led to the passage of Kendra’s Law, which provides for the supervision of mentally ill patients who are not institutionalized. Under the law, caseworkers, family members, or roommates can seek court orders to force mentally ill patients to comply with medical treatment and take prescribed anti-psychotic medications.
ANTOINE GUMBS

Ali Nasserdine sold sneakers and boots at a flea market on the second floor of a building in Chelsea. In 2005, Antoine Gumbs purchased two pairs of shoes from Nasserdine; but soon after the buy, Gumbs changed his mind and tried to get a refund on one of the items. Nasserdine pointed to a sign stating that refunds were not given but offered him store credit. Gumbs became enraged, pulled out a gun, and demanded his money back. He threatened to rob Nasserdine and shot him once in the leg; Nasserdine fell forward. Samer El Nader, who worked at an adjacent store selling clothing, heard the ruckus and came to investigate. Gumbs shot El Nader once in the back, but El Nader was able to get away and survived the shooting. Gumbs then shot Nasserdine multiple times in the head, torso, and extremities, killing him. Gumbs fled, but four days later detectives received an anonymous tip that Gumbs was the shooter.

In 2006, Gumbs was convicted after a jury trial of murder, attempted murder, and assault. Gumbs was sentenced to 50 years to life in prison.
On an early June morning in 2005, a large crowd exited the Cherry Lounge, a hip hop club in Harlem. Thomas Brown and Jarvis Bradford, a college student, accidentally bumped into each other in front of the club. A heated verbal argument ensued. The argument was cut short because a police cruiser was parked on the street monitoring the crowd. Bradford left with his friends, climbed into a car, and drove to a McDonald’s restaurant on West 125th Street and Broadway. Brown and Giovanni Alvarado walked to their van, and Alvarado got into the driver’s seat. Brown climbed into the rear of the van in order to retrieve a revolver, which was stowed there. Brown directed Alvarado to follow Bradford’s car. After tailing Bradford for three blocks, they parked outside the same McDonald’s. Brown walked to the back of the McDonald’s to the pedestrian takeout window where he found Bradford waiting to be served. Brown sneaked up behind Bradford, pulled out the gun, and shot Bradford four times. One of the bullets pierced Bradford’s heart, and he died immediately. Afterward, Brown ran back to the van where Alvarado was waiting; the two fled the scene. A week later, they drove to Atlanta, Georgia where they lived for several months. Brown was linked to the Cherry Lounge, the McDonald’s, and the murder through surveillance photos and videos, as well as eyewitness accounts.

In 2006, Brown was arrested in Baltimore, Maryland. In 2007, Brown’s case went to trial. Alvarado testified against Brown. On the day Alvarado was on the stand, approximately 150 members of the Bloods and the Black Mafia Family gangs crowded the courtroom, dressed in their war colors in order to intimidate the witness. Brown was convicted by the jury of murder and criminal possession of a weapon and was sentenced to 28 years to life in prison. In 2006, Alvarado pled guilty to criminal facilitation and was sentenced to 3 to 6 years in prison.
PARIS DRAKE

On an afternoon in 1999, a 27-year-old office worker waited at the busy intersection of Madison Avenue and 42nd Street. A male stranger threw a six-pound brick at her head then fled the area. The victim collapsed at the scene. The blow had fractured her skull. Although she had not seen her assailant, bystanders had witnessed the incident. Two good Samaritans chased the suspect, but were unable to catch him. The trauma to the side of the victim’s head caused extensive neurological injuries and required two surgeries. She was left with long-term pain, hearing loss, and difficulty coping with everyday tasks. She moved out-of-state and now lives with her mother.

Based on eyewitness accounts of the attack, the Police Department conducted a citywide manhunt. Two weeks later, they arrested Paris Drake. At the trial in 2000, prosecutors used the testimony of two witnesses who had seen Drake attack the victim. There was additional testimony from two informants who had heard Drake boast about the attack. The jury convicted Drake of assault and criminal possession of a weapon. He was sentenced as a second felony offender to an aggregate term of 25 years in prison.

RUFUS GRAHAM

Rufus Graham, whom the press dubbed the “Spider-Man burglar” due to his agility in scaling building walls, scaffolding, and fire escapes, was responsible for at least 11 residential and commercial burglaries across Upper Manhattan in a one-month period. During some of the burglaries, Graham ate or drank items he found on the premises, frequently leaving behind half-consumed beverages. On one occasion, he left a fingerprint on a bottle of juice. He sometimes left his own clothing at the crime scene in exchange for garments he liked better. Graham stole electronic equipment, cash, and debit cards. During one burglary, he stole a check for $325 and took two cell phones, which he used to call his mother.

Graham was caught in 2003, when he tripped a burglar alarm inside a commercial building in the Theatre District. Responding police officers spotted him on a window sill. Graham jumped out the window onto a roof, ran through Times Square, climbed over a barbed wire fence, and eventually was cornered on a church’s fire escape. Graham confessed to most of the burglaries, and forensic evidence linked him to several of the break-ins.

In 2004, Graham was convicted at a jury trial of multiple counts of burglary, forgery, criminal possession of a forged instrument, and grand larceny. Graham, who had prior convictions for burglary and drug possession, was sentenced as a persistent felony offender to 25 years to life in prison.
During 2001 and 2002, George Lucas and Trevers Jackson were leaders of a burglary ring responsible for stealing $2.5 million in computers, video and audio equipment, clothing, perfume, Persian rugs and other merchandise from Manhattan stores. Lucas and Jackson worked closely with William Coleman, John Gong, and other fences who owned retail stores in Brooklyn and the Bronx and sold the stolen merchandise. The fences regularly placed orders for specific products at negotiated prices. They also provided burglars tools and storage space. Bryant Wheeler and Wesley Johnson were among the burglars who, with Lucas and Jackson, broke into the stores, tore down walls and doors, monitored the area around targeted premises using walkie-talkies, and transported the merchandise to designated locations.

The Police Department and the District Attorney’s Office began an investigation after an arrest was made during the commission of one of the burglaries. This break-in fit a pattern of more than 23 similar crimes.

In 2004, Jackson, Coleman, Gong, and Johnson were convicted of enterprise corruption, conspiracy, burglary, grand larceny, and possession of stolen property after an 11-week jury trial. Jackson was sentenced as a persistent felon to 25 years to life in prison. Coleman, Gong, and Johnson received sentences of 8 ¼ to 25 years, 5 to 15 years, and 10 to 20 years respectively. Lucas and Wheeler, who pled guilty to multiple charges including enterprise corruption, received sentences of 11 to 22 years and 12 ½ to 25 years. Ten other members of the ring also pled guilty and received lesser sentences.
RUDY FLEMING, DAVID SIMMON, SERVISIO SIMMON, ASHLEY EVANS, AND TATIANNA McDONALD

In 2005, at 1:45 AM, Rudy Fleming, 19, David Simmon, 18, a separately-charged 15-year-old juvenile and four of their friends passed an off duty security guard on the Lower East Side. Fleming, Simmon, and the juvenile approached the victim and demanded his leather jacket. When the victim refused, Fleming hit him over the head with a silver revolver, causing a cut and a bruise. Simmon and the 15-year-old punched and held the victim, who would not relinquish his coat. Eventually, the three gave up and rejoined their friends. An hour later, one block away, the group came upon two couples walking home from a bar. Fleming pulled out a gun and demanded money from everyone. Servisio Simmon, 21, stood next to the four victims, penning them in. Ashley Evans, 18, and Tatianna McDonald, 14, stood behind Fleming. One male victim tried to keep walking, and Fleming hit him in the face with his gun. Fleming grabbed one of the female victim’s purses and tossed it to the two female defendants. McDonald rifled through the bag and took a cell phone. Servisio Simmon apologized to the man who was hit in the face and said they just wanted money. Nicole Dufresne, a playwright and actress, approached Fleming, scolded him, and said, “You got what you want. What are you going to do now, shoot us?” Fleming fired once at pointblank range, hitting her in the chest. Dufresne died in her fiancé’s arms. All the defendants fled. Surveillance video, which showed the group in the area at the time of both incidents, helped lead to their arrest. The loaded silver revolver was recovered from Fleming’s apartment.

In 2006, Fleming was convicted at a jury trial of multiple counts of murder, robbery, attempted robbery, and criminal possession of a firearm. Fleming, David Simmon, and Servisio Simmon all had prior convictions. Fleming was sentenced to life without parole. In 2007, Evans, Servisio Simmon, and McDonald pled guilty to robbery. Evans was sentenced to six years; Simmons to 10 years; and McDonald to 1 to 3 years as a youthful offender. David Simmon, who pled guilty to attempted robbery for the first incident, was sentenced to six years in prison. The separately-charged juvenile’s case was handled by Family Court because he was involved in the first incident, but not the murder.
In 2003, Ezekiel Jiles, a 29-year-old rap artist known as Freaky Zeeky, had performed at a club in the Bronx. Afterwards, Jiles, Eric Mangrum, and two friends traveled in a Jeep Cherokee, driven by Mangrum, to an after hours nightclub in Greenwich Village. John Mingo was driving a Dodge Intrepid with Chauncey Dillon and three friends inside the car. While Mangrum was parking his SUV on West 21st Street near the club, the Intrepid crashed into the side of his car. Following the accident, the men from both groups exited their cars, inspected the damage, and tried to determine who was at fault. Mingo's car was extensively damaged; the SUV had a small scrape. Both parties did not want the police involved and went around the corner to West 22nd Street to discuss the incident. After a heated argument erupted over money, Mingo and Dillon drew loaded guns. Nobody in Jiles' group was armed. Jiles was wearing a white platinum and diamond crusted medallion worth approximately $150,000. At gunpoint, Mingo demanded that Jiles hand over the chain. When Mingo reached for Jiles' chain, the two men began to fight. Then at least two guns were fired. Five bullets struck Mangrum. Jiles was shot once in the chest. Someone removed Jiles' necklace from his neck and tossed it in the street; Jiles was able to retrieve it. During a struggle, Dillon hit Jiles in the head and mouth with the butt of a gun. Mingo, Dillon, and their companions then jumped in the Intrepid and fled the scene; the car hit Jiles as they drove away. A video surveillance camera recorded portions of the incident. Mangrum died a few hours later; Jiles survived.

Mingo hid for six weeks after the shooting. When he was finally arrested, he asked the detective, "Who gave me up?" Surveillance video and still photographs, ballistics and physical evidence, and eyewitness accounts linked Mingo and Dillon to the crime scene.

In 2004, Dillon was convicted by a jury of multiple counts of murder, attempted robbery, assault, criminal possession of a weapon, and reckless endangerment. He was sentenced to 30 years to life in prison. In 2005, Mingo was convicted at a jury trial of multiple counts of murder, assault, attempted robbery, and criminal possession of a weapon. He was sentenced to 25 years to life in prison.
NORMAN SPENCER GARY

Norman Spencer Gary was a popular doorman at an apartment building in Morningside Heights. In July 2003, he was charged with hiring a “hit man” to kill a woman. The “hit man” was actually an undercover police officer.

Gary had a prior conviction for check fraud and had served time in state prison. While in prison, he had become romantically involved with a fellow inmate. The relationship continued after Gary’s release. He even arranged to obtain visiting privileges so that he could regularly spend time with his partner, who remained in prison serving a sentence for manslaughter. Over time, Gary became jealous of his partner’s girlfriend, who had a five-year old child, fathered by her inmate boyfriend. Gary decided to hire someone to murder the girlfriend.

After a confidential informant alerted authorities, investigators from the Police Department and the District Attorney’s Office arranged for Gary to meet an undercover officer posing as a hit man. Over the course of five meetings, Gary provided the undercover officer with detailed information about the woman he wanted killed, including her address, daily schedule, and physical description. Gary gave the officer the murder weapon, a .380 caliber semi-automatic pistol, and offered to pay $6,000 for the hit. Gary told the officer that he would get the money from a check scam, using stolen checks and mail from a woman who lived in the building where he worked as a doorman.

Gary was arrested when he met the undercover officer and identified a photograph of the intended victim. The evidence against the doorman included over three hours of incriminating surveillance video, which depicted Gary arranging specific chilling details of the hit with the “hit man.” In September 2003, Gary pled guilty to conspiracy to commit murder and was sentenced to 9 to 18 years in prison.
Gangs – Guns, Drugs, and Murder

In the 1980s, when the crime rates were at their highest, police estimated that more than 70 percent of murders were related to drug gangs whose members were also involved with firearms trafficking. Pursuing gang members and removing them from the community became one of the high priorities of the New York County District Attorney's Office. Much of the gang activity was concentrated around large public housing projects. Most of the firearms that gang members used to commit their crimes were brought into New York City from southern states.

The following cases show how the Office, working with local and federal law enforcement agencies, has vigorously pursued gangs to reduce crime and maintain safe neighborhoods.
From 1999 to 2005, a drug organization selling crack cocaine flourished in the Frederick Douglass Housing Complex, a 17 building public housing development between West 100th and 104th Streets. In 2003, the District Attorney's Office and the Police Department started investigating the gang's narcotics trafficking and related incidents of violence. Street level dealers in the gang controlled crack sales in the Houses. The gang conducted sales in lobbies and courtyards out of view of security cameras. They used lookouts to avoid law enforcement detection. The drug business netted over $1,000 per day. The gang's upper echelon also supplied wholesale amounts of crack cocaine to other street level operations. The gang's reach extended from New York City to Pennsylvania and Virginia.

The gang leaders were Albert Javier and Tony Council. They employed Michael Wilson, Ramon Pequero, Raynaldo Mojica, and many others to sell drugs around the Houses. Javier and Council used apartments in the complex to cook powdered cocaine into crack. The crack was then cut, packaged, distributed, and sold. The gang used violence to protect and control their turf at the complex.

In one incident, Pequero, who was a top lieutenant and lead gang enforcer, beat a dealer who worked for the organization, but was poaching on the gang's business by selling his own narcotics. In 2004, Pequero pled guilty to assault in connection with that crime; he received a sentence of three years. It was later discovered that in August 2001, Pequero had killed two rival drug dealers in the Housing complex. He used the same handgun in each shooting. Mojica witnessed one of the murders. In 2003, Pequero was also involved in a shoot-out on Christmas Eve with rival drug members. That shoot-out left one of his gang members paralyzed.

Undercover detectives and surveillance techniques were used to infiltrate the gang's drug activities. In 2005, investigators arrested Javier and other gang members. After a six-week jury trial in 2006, the five principals of the drug organization were convicted and sentenced to lengthy prison terms. Javier, convicted of multiple counts of drug sale and conspiracy, was sentenced to 40 years to life in prison. Council, convicted of drug sale, was sentenced to 30 years to life. Wilson, convicted of conspiracy, was sentenced to 7 to 21 years in state prison. Pequero, convicted of multiple counts of murder, attempted murder, conspiracy, weapons possession, and burglary, was sentenced to 50 years to life. In 2006, Mojica pled guilty to manslaughter and conspiracy and was sentenced to 12 years in prison.
The investigation into Frederick Douglass Houses also resulted in the prosecution of a Douglass House resident, Bruce Swiney, a cocaine and firearms dealer. In 2003, Swiney pled guilty to drug and gun sales and was sentenced to four years to life in prison.

In addition, the undercover operation targeted an association of wholesale narcotics dealers who operated from an illegal basement social club on Columbus Avenue. This group was a source of supply for the Douglass Houses. Nine defendants were convicted of drug sale charges in connection with the social club and received a variety of sentences, from three years to life to six years to life in prison.

**THE KING TOWERS GANG AND THE SCHOMBERG CREW**

**BOBBY FERRELL, COLLIN SMALL, ENOCH DURHAM, AND KAREEM SNYDER**

In 2005, the District Attorney’s office and the Police Department launched an operation to disrupt the sale of street level narcotics and eliminate the violence in the area of East 110th to East 115th Streets, between Lenox and 5th Avenues (in which there are five public schools). The investigation was the result of community complaints about drug dealing and related shootings in the neighborhood. The targets of the probe were members of rival gangs: the King Towers Gang, from the Martin Luther King Jr. housing project, and the Schomberg Crew, from Schomberg Towers Plaza. Both gangs sold heroin and crack cocaine. The King Towers Gang also were well known purveyors of PCP (angel dust), sold in baby food jars. The annual combined drug sales were estimated to be more than $1.5 million.

In 2006, a grand jury indicted members of both gangs. Most were charged with drug sales; some were charged with assault; one was charged with selling guns to an undercover police officer. One defendant, Bobby Ferrell, of the Schomberg Crew, was charged with the murder of Devon Palmer, of the King Towers Gang.

By the end of 2007, the defendants had pled guilty. Ferrell was sentenced to 15 years to life in prison after pleading guilty to the murder. Collin Small and Enoch Durham, of the King Towers Gang pled guilty to assault, for injuring members of the rival gang, and were sentenced to prison terms of 11 years and 10 years, respectively. Kareem Snyder pled guilty to selling firearms and was sentenced to 10 years. Most of the drug sellers received lesser state prison terms.
POLO GROUNDS TOWERS AND RANDEL HOUSES

MARC NOWELL, JOHN CANCEL, RAPHAEL TARRATS, DALE RIZER, KEITH SIMMONS, AND ARTHUR BOOKER

In 2006 and 2007, the District Attorney's Office and the Police Department conducted two separate year-long investigations into crack cocaine and heroin dealing in and around the Polo Grounds Towers housing development in Harlem. The majority of the individuals arrested, most of whom resided in the Polo Grounds and some of whom were members of “The Best Out” Bloods gang, pled guilty to criminal sale of a controlled substance.

The first investigation concerned dealers who sold cocaine, crack cocaine, and heroin in the lobbies, stairwells and hallways of their four apartment buildings in the Polo Grounds Towers, as well as on the adjacent corner of West 155th Street and 8th Avenue.

The second investigation targeted a crew of Polo Grounds based crack dealers, all of whom were members or associates of “The Best Out,” or “TBO,” Bloods gang. The investigation revealed that this gang was intercepting their customers in public spaces around Polo Grounds Towers and then completing drug deals inside the buildings. These dealers also brought buyers into a grocery store and a Chinese restaurant on 8th Avenue across from the Polo Grounds complex in order to conceal the transactions. Undercover detectives were able to increase the amount of crack they purchased in each transaction, from a handful to hundreds of bags of crack at a time. At the time of arrest, one person was in possession of 289 bags of crack cocaine. Thirteen search warrants executed in the Polo Grounds Towers, the Rangel Houses, and a safe deposit box in a bank resulted in the recovery of firearms, stun guns, and cash.

In 2007, ten defendants pled guilty to drug sale or attempted drug sale. Marc Nowell was sentenced to six years in prison; John Cancel to five years in prison; and Raphael Tarrats, 4 ½ years in prison. Dale Rizer, Keith Simmons, and Arthur Booker were sentenced to four years in prison. Four defendants received from 1 to 5 years probation.
In 2003, the District Attorney's Office and the Police Department investigated three wholesale cocaine centers operating from adjacent store fronts in Hamilton Heights across the street from City College. At that time, the area had been identified as the primary source for wholesale narcotics in the city and the hub of cocaine distribution in the tri-state region.

One of the store fronts utilized was a pizzeria, where drug dealers could eat a slice while negotiating for, receiving, and weighing the narcotics they ordered. The second was a multi-services store, which provided telephone and other communications services for its customers. The third was a record store. These dealerships sold drugs to lower level drug dealers, who in turn resold the product to users at locations throughout the tri-state area.

In 2004, 10 people were convicted of drug sales in connection with this investigation. Misael Burgos was sentenced to 11 ½ years to life in prison. Christian Romero and Kermus Batista were sentenced to eight years to life. Four defendants were sentenced to 7 ½ years to life in prison; three defendants were sentenced to 6 ½ years to life, four years to life, and 3 ½ years to life in prison.

While the case was pending, it was discovered that Burgos was soliciting other inmates to assassinate a Supreme Court Judge. Also, at Burgos’ direction a death threat was made against a prosecutor and his family, and a phone call was made to 911 falsely indicating a bomb threat to 100 Centre Street, the Criminal Court Building. During Burgos’ plea agreement, in lieu of prosecution for all the threats, he admitted under oath to all three plots, which enhanced the length of his sentence.

After the initial arrest of the storefront organizations, the remaining members of the drug association relocated to Seaman Avenue in Inwood. This remnant was infiltrated by undercover officers and then indicted. In 2005, Ramon Hiciano and Luis Vasquez pled guilty to criminal sale of a controlled substance. Hiciano was sentenced to eight years to life in prison; Vasquez, to six years in prison. In 2006, Rafael Bonilla pled guilty to criminal sale of a controlled substance and was sentenced to 4 ½ years to life in prison.
From 1993 to 2000, a violent drug gang called the “Blue Top Mob” or “BTM” terrorized an East Harlem neighborhood. The gang sold millions of dollars worth of crack cocaine and viciously defended its five block turf from other drug dealers. The gang’s name came from the small vials of crack with blue tops which members sold in bundles on the street. The organization was led by Anthony Bello. The drugs were processed and manufactured in the Bronx and sold in Manhattan. Bello hired hit men as enforcers and employed boys under the age of 16 to sell drugs on the street. The group became so brash that they gave members gang t-shirts and baseball hats emblazoned with the words, "BTM 4 LIFE" and "Mess with the Best, Die like the Rest."

In 1995 and 1997, Bello ordered the murders of two individuals whom he perceived as threats to his narcotics business. Richard Maisonet, one of Bello’s hit men, shot and killed both men in the street. After these murders, police and prosecutors launched an investigation into BTM and its illegal activities. The two-year investigation involved undercover narcotics purchases, extensive video and electronic surveillance, and the use of confidential informants. The primary BTM conspiracy indictment charged 37 people, but the investigation generated several related indictments. Fifty individuals were convicted for their participation in the gang. The charges included murder, extortion, conspiracy, and the sale and possession of crack cocaine.

In 2001, Maisonet pled guilty to two murders and was sentenced to 18 years to life in prison. In 2002, Bello pled guilty to murder and conspiracy charges and received a sentence of 22 years to life. Even Bello's mother, Anna Mendez, was charged for her involvement with the drug distribution ring. After pleading guilty to conspiracy and drug possession, she was sentenced to three years to life in prison. In 2002, Alfred Dancy was convicted by a jury of murder and weapons possession. He was sentenced to 25 years to life.

In 2004 and 2006, Angel Rivera pled guilty to drug sale, manslaughter, and rape in three separate cases and was sentenced to 30 years to life. In 2004, Juan Diaz was convicted by a jury of murder for using a cinderblock to beat a wheelchair-bound amputee to death in an alley in East Harlem. He was sentenced to 25 years to life. The majority of the BTM members pled guilty to conspiracy or criminal drug sale. The sentences varied, with most members receiving lengthy prison terms. Many received 6 to 18 years; a few received 10 to 20 years; others, 8 to 24 years in prison.
Enterprising criminals have made large profits based upon divergent prices for illegal drugs and firearms in New York City versus the Southeastern United States. They buy drugs in New York City and transport them south, where they sell them at prices far above the New York City market price. With the profits from the drug sales, they purchase guns in the south and transport them to New York City, where they sell them for much more than their purchase price. According to the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, for the last three years Virginia has been the source of more guns that were used to commit crimes in New York City than any other state.

In 2007, the District Attorney’s Office, working with the Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives, put an end to the business of three men who were engaged in the “flipping” of guns for drugs between New York and Virginia. Josue Pierre and Peguy Desir, with the assistance of Rahman Grimsley, sold a variety of firearms to undercover police officers in the vicinity of the South Street Seaport. The weapons included semi-automatic pistols, revolvers, shotguns, and a Russian made MK99 semi-automatic rifle. Several of the weapons had been purchased from pawn shops in Virginia after the defendants had sold heroin and crack cocaine in that state. The defendants took digital pictures with their cell phones of some of the guns and transmitted the images to the undercover officers, to expedite completion of the transaction. On some occasions, Desir and Pierre would sell heroin and crack cocaine, as well as firearms, to the undercover officers.

After indictment, each defendant pled guilty. Pierre, Desir, and Grimsley were sentenced to terms in state prison of nine years, eight years, and 1½ to 3 years respectively.
Fred Kuletsky was the patriarch of a criminal group that engaged in firearm sales, narcotics trafficking, fencing stolen property, loan sharking, and the promotion of illegal gambling. His prior criminal record included convictions for grand larceny in 1980 and a federal felony for illegal dealing in firearms, for which he received a six-year prison sentence in 1993. His son, Michael, was his chief assistant in the criminal enterprise. John Arpa was a wholesale cocaine supplier.

In 2000, the Kuletsky Group became the focus of an investigation, in which an undercover detective, posing as a drug dealer and “highjacker,” penetrated the group’s inner circle. Over several months, the undercover purchased 185 weapons, including submachine guns and pistols with silencers. The undercover also purchased large quantities of cocaine. He pretended to participate in the fencing operation by selling the Group counterfeit designer merchandise which had been seized by the Police Department’s Trademark Infringement Unit. With information from the undercover and court approved wiretaps, the Kuletsky Group’s loan sharking activities and its maintenance of illegal slot machines were corroborated.

In 2001, at the time of arrest, police seized 125 guns, $100,000 in cash, and three gambling machines from Fred Kuletsky’s home.

In 2002, John Arpa pled guilty to supplying the group with cocaine. He was sentenced to 7 ½ to 22 ½ years in prison. In 2003, father and son pled guilty to enterprise corruption. Fred Kuletsky also pled guilty to drug and firearm sales. Michael Kuletsky was sentenced to 6 to 18 years; Fred Kuletsky to 12 years to life in prison.
DNA Evidence

Effective use of DNA technology has played an important role in reducing the number of unsolved crimes and insuring a safe and secure community. DNA tests have also exonerated the innocent. The use of DNA took a giant step forward in 2000, when New York State joined CODIS (Combined DNA Index System), the national DNA databank, and the New York City Police Department submitted 17,000 stored rape evidence kits for DNA testing. Armed with evidence from the DNA databank system, senior assistant district attorneys unearthed evidence, located witnesses, and obtained indictments and convictions in homicides and serious sexual assaults where victims had long since given up hope of seeing their attackers brought to justice.

As a result of the power of DNA evidence to revive cases that were years and even decades old, crime victims joined with the New York County District Attorney’s Office to appeal to legislators to lift the statute of limitations that allowed sex crime offenders to go free, even in cases with solid forensic evidence. In 2006, that effort resulted in legislation eliminating the statute of limitations in the most serious sexual assault cases. In the same year the legislature expanded the State DNA database to include all convicted felons and individuals convicted of designated misdemeanors.

The following are samples of significant cases in which DNA evidence played a vital role.
AROHN KEE

AROHN KEE

Arohn Kee, a serial rapist and murderer, preyed on young women between the ages of 13 and 19 years old. Kee's first known murder victim was a 13-year-old Colombian girl who had been in this country for seven months. In January 1991, she was abducted from an elevator in her own building. Later that evening, her lifeless body was found on a walkway next to the FDR Drive. She had been strangled, stabbed, and sexually mutilated. In September 1997, Kee killed a 19-year-old woman. He asphyxiated her and then transported her corpse in a shopping cart to a nearby rooftop. Kee then burned her body beyond recognition in an attempt to destroy all evidence and mask her identity from authorities. The victim was eventually identified via pieces of jewelry. In June 1998, Kee raped and strangled an 18-year-old Fashion Institute of Technology student. After killing her, he dumped her body in a stairwell of a nearby apartment building.

In addition to being a serial murderer, Kee was also a serial rapist. Between March 1994 and November 1998, Kee raped and robbed four young women, all 13 to 15 years old. They all lived in Harlem, and all were strikingly similar in appearance. The seven crimes were initially believed to be unrelated. However, in January 1999, DNA testing conclusively established that biological evidence collected from the bodies of six of the victims came from the same man. The remaining victim was linked to the pattern by phone records and testimonial evidence.

Kee became a suspect based upon an anonymous tip and his connection to a grey sweatshirt discarded at one of the crime scenes. In February 1999, detectives began surveillance of Kee in an effort to obtain a sample of his DNA for comparison to the pattern. On February 8, 1999, Kee was arrested on an unrelated theft charge and placed in a group holding cell at the Midtown North Precinct. All the inmates in the group holding cell were served beverages in paper cups; Kee drank from one of the cups. At this time, Kee was unaware that he was a rape and murder suspect. While being held at the precinct, detectives privately debriefed Kee and asked questions about the murdered girls. Kee was then placed in a holding cell by himself. There were other incarcerated inmates in adjoining cells. The inmates were again served drinks in paper cups. In order to mislead authorities, Kee ripped up his paper cup and flushed the pieces down the toilet. He borrowed a cup from an individual in an adjoining cell and passed this cup off as his own. Not surprisingly, the DNA from the borrowed cup did not match the profile of the Harlem rapist and murderer. Unbeknownst to Kee, the first set of paper cups was recovered for DNA testing and forensically processed. It was determined that one of the inmates in the holding cells had committed the gruesome crimes. That inmate was Arohn Kee.

While the sample was being examined, Kee, who had been released on the petty theft charge, disappeared with a teenage girlfriend. Police conducted a manhunt, which led to Kee’s capture in a hotel in Miami, Florida. The girl was returned to her family unharmed.
The DNA sample obtained from Kee after his arrest confirmed his link to six of the seven cases. In December 2000, following a two-month trial in which Kee and 119 witnesses testified, a jury convicted the defendant on multiple felony counts. In January 2001, in a courtroom filled with victims and families, Kee was sentenced to life in prison without the possibility of parole.

In April 2004, with the availability of additional DNA evidence, a grand jury indicted Kee for the rape of a 17-year-old girl in Harlem. In August 2004, he pled guilty to rape and was sentenced to an additional 10 to 20 years in prison.
CLARENCE WILLIAMS

In 1973, Clarence Williams climbed through an open window into an apartment in Chelsea and raped and robbed a 25-year-old woman at knifepoint. He held a sheet over the victim’s head, so she never saw his face. A neighbor, hearing screams, called 911. Soon after, police chased Williams out of the building and arrested him. In 1974, after posting bail in Manhattan, the defendant committed another sex crime in Queens.

In Williams’ 1974 trial for the Manhattan rape, the jury was unable to reach a verdict. In 1975, Williams was tried on the Queens charges, was found guilty of attempted murder and attempted rape, and was sentenced to 10 years in prison. After this conviction, the defendant pled guilty to the charges in Manhattan. In 1976, while he was in prison, William’s conviction in Queens was overturned on appeal. Because of the reversal, the defendant was able to withdraw his plea in the Manhattan case.

Released on bail pending retrial of the two cases, Williams absconded in 1978. Warrants were issued for his arrest. In 2004, Williams, a fugitive for 26 years, attempted to purchase a shotgun in Georgia. When, as required, he submitted information for a background check, the open warrants surfaced, and he was taken into custody. He was returned to New York for retrial on the Chelsea sexual assault.

In 1973, DNA testing of crime scene evidence had not existed. By 2004, DNA testing and analysis had been deemed a reliable method to identify suspects and was used to solve crimes. When assistant district attorneys retrieved the case file from storage, they found the victim's underwear sealed in plastic. That underwear was submitted to the Chief Medical Examiner for DNA testing. A DNA profile from the semen in the underwear was developed and was uploaded into the CODIS DNA database, where it was compared to national rape kit evidence.

The District Attorney’s Office was notified in 2005 that DNA on the victim's underwear from the 1973 case matched DNA from Williams, as well as DNA from a series of unsolved sexual assaults in Maryland known as the work of the "Silver Springs Rapist." From 1987 through 1991, 21 women were raped in late-night attacks that fit a similar pattern. The Maryland cases were also linked via the DNA database to two unsolved sexual assault cases in New Jersey.

In 2005, Clarence Williams went to trial in Manhattan for the second time — 32 years after his initial indictment. The five-year statute of limitations, eliminated in 2006, did not apply here because the defendant had been indicted before he had fled. The victim testified a second time. This time the jury convicted Clarence Williams of rape and robbery for the 1973 crime. He was sentenced to 15 ⅓ to 46 years in prison.
VICTOR RONDON

The victim was a 20-year-old Canadian college student who also worked part-time in a veterinarian's office. One night in 1993, as she unlocked the front door to her apartment building on the Upper West Side, a man pushed in behind her and put a gun to her back. He forced her into the elevator and up the stairs toward the roof landing. The door to the roof had an alarm, so he forced her into an alcove where bikes were stored. At gunpoint, he ordered her to disrobe and took cash and a chain necklace with a crucifix. Then he raped her. Before he fled, he threatened to kill her if she followed him or called the police. The victim immediately reported the crime and went to the hospital. A rape kit was assembled; hospital personnel recovered biological evidence. The police analyzed the crime scene, dusted for prints, canvassed the area, and showed the victim mug shots. Initially there were no leads, and the victim moved back to Canada.

In 2002, as part of an effort to reduce the backlog of untested DNA samples from unsolved cases, the victim’s rape kit was sent for testing and a DNA profile was developed. In 2003, as the ten year statute of limitations neared, assistant district attorneys presented the case to a grand jury and obtained a John Doe indictment, in which the defendant is identified by his DNA Profile. This profile is then uploaded into the national DNA databank, which has profiles from local, state and federal authorities.

Initially, there were no matches between the John Doe DNA profile of the 1993 attacker and those in the data bank, but in 2007, there was a DNA hit — Victor Rondon. Three months after the 1993 Manhattan rape, Rondon had been arrested for drug sale in upstate New York. Over the years, he had been in and out of prison; as a result, in 2006, he was required to submit his DNA. In 2008, 15 years after the rape, Rondon was convicted at a jury trial of multiple counts of rape, criminal sexual act, burglary, robbery, and sexual abuse. He was sentenced to 25 to 50 years in prison.
CARLTON EVANS

On a morning in 2000, a 52-year-old partially paralyzed woman, who used a cane, slowly walked toward her apartment building in Washington Heights. A man verbally harassed her and exposed himself; she tried to ignore him. When she unlocked the door, he came behind her and pushed her inside the building. He then began to beat her, covered her mouth, and threatened to harm her if she screamed. He dragged her to a hallway toward the back of the building and raped her. No one was arrested at that time, and the case was eventually closed.

Five months later, a 69-year-old woman left her apartment building in Washington Heights to feed the pigeons. She noticed a man from the neighborhood standing in the lobby. When she returned to the building, the lobby was empty, and she took the elevator alone to the sixth floor. As she opened the elevator door to exit, the man stepped inside, held her against her will, and stopped the elevator between floors. He beat her until she lost consciousness and then raped her. As the man left the elevator, he threatened to kill her and her family if she told anyone what had happened. Both victims went to the hospital after the attacks. Sexual assault evidence collection kits were prepared. Hospital personnel recovered semen in both instances. In 2001, full DNA profiles developed from the biological evidence revealed that the same man had raped both victims.

In 2002, Evans was identified as the perpetrator of both crimes when his DNA was found to match the profiles from the semen samples in both victims’ rape kits. Evans was arrested while serving a three-year sentence for groping an adolescent girl in 2001. In 2003, he was convicted at a jury trial of the two rapes and a criminal sexual act. Due to his criminal history, he was sentenced to 40 years in prison.

JOE FELDER

In 1998, a Macy’s employee walked into the Herald Square department store stockroom looking for a bathrobe that was on sale. In the stockroom, a stranger raped her and robbed her of money from a newly cashed paycheck. During the attack, the victim stabbed the rapist with the pin on her employee badge, causing him to bleed on the bathrobe. DNA from the bloody bathrobe was collected, and a profile of the then unknown assailant was developed. The case remained cold for four years.

In 2002, Joe Felder provided a DNA sample in an unrelated burglary case. His DNA profile was now entered in the New York State DNA Databank. Felder was arrested as a result of a DNA cold hit, which matched his DNA to the DNA evidence collected in the 1998 rape case. In 2003, Joe Felder was convicted at a jury trial of rape, robbery, and burglary. He was sentenced to 40 years in prison.
LEROY JOHNSON

On an evening in 1996, a man forced his way into a Greenwich Village apartment, covered his face, and then raped and robbed two roommates at knifepoint. The women were blindfolded during the attacks. Before the man left the apartment, he cut the telephone lines and warned the women that if they reported him to the police, he would return to kill them. He then fled, taking with him any property that would have contained biological evidence. The victims immediately reported the crime. Sexual assault evidence collection kits were prepared for each victim. Using testing techniques available in 1996, serologists were unable to obtain a DNA profile.

As part of a New York County District Attorney's Office review project, this case was re-examined in 2004. During the review, the Chief Medical Examiner retested the evidence. In 2005, using advanced techniques unavailable in 1997, a DNA profile was obtained and uploaded to the national DNA databank. The profile was a match for that of Leroy Johnson, who was living in the Bronx. In 2006, Johnson was convicted at trial of multiple counts of rape, robbery, criminal sexual act, and burglary and was sentenced to 50 years in prison.

MICHAEL SHAW

On an early evening in 1993, a man entered a building in the Garment District and broke into a textile company on the fourth floor. A female production manager was alone in the office and about to lock up. At knifepoint, the intruder robbed and raped her. At some point during the ordeal, he cut her knee. After the assault, the distraught victim reported the crime. At the hospital a rape kit was assembled. Semen from the rapist was preserved, but for nine years the case remained unsolved. In 1995, the victim died of unrelated causes.

In 2002, as part of an effort to reduce the backlog of untested DNA samples from unsolved cases, the victim's rape kit was sent out for testing and a DNA profile was developed. The profile matched Michael Shaw’s DNA in the national DNA databank. Shaw’s DNA had been submitted in 1999 after he was convicted of a burglary. A police detective interviewed Shaw in prison, where he was serving the last day of a six-year sentence. Initially, Shaw denied ever being in the building or meeting the victim. However, when confronted with the fact that his DNA had connected him to the crime, he changed his story. Another DNA sample was collected from Shaw, and again Shaw’s DNA matched the crime scene evidence.

In 2004, after trial, a jury found Shaw guilty of rape and burglary. He was sentenced to 20 to 40 years in prison. In 2007, the conviction was overturned on issues unrelated to the evidence which proved his guilt. In 2008, the case was retried. Again, Shaw was convicted of rape and burglary. He was sentenced to 15 to 30 years in prison.
In April 2004, a 13-year-old girl was admitted to the Bellevue Hospital Pediatric Unit for treatment of her blind left eye. The next morning, a stranger entered her room, snatched her from her bed, dragged her into an empty conference room, strangled her into unconsciousness, and sexually assaulted her. After regaining consciousness, the victim struggled to the nurses’ station where she blacked out again. Later, after treatment in the intensive care unit, she was able to describe her attacker. During the abduction, she had scratched his face.

An off duty police officer heard a description of the assailant on a radio news report. Earlier in the day, this officer had taken a woman to Bellevue’s psychiatric ward. A man who had accompanied the woman matched this description. The officer alerted the detectives investigating the case. The detectives found Hector Ramirez visiting the woman in the hospital psychiatric ward. Ramirez not only matched the description, but also had fresh scratch marks on his face and a cut on his swollen right hand.

The investigation by the Police Department and the District Attorney’s Office established a strong case against Ramirez. Bloodstains on his boots matched the victim’s DNA. The victim’s DNA was also on clothing recovered from the defendant’s apartment during the execution of a search warrant. Ramirez’s fingerprint was recovered from the inside doorknob of the victim’s hospital room. A videotape from the hospital surveillance camera showed Ramirez entering the Pediatric Unit shortly before the attack. At a lineup, witnesses identified him as someone they had seen in the Unit around the time of the attack, and the victim identified him as her attacker.

In spite of the overwhelming evidence against him, the defendant did not plead guilty. In 2005, a jury convicted him of multiple crimes including attempted murder, attempted rape, sexual abuse and assault. Ramirez had a prior record of robberies, burglaries, and assaults. At the time of this crime he had been on parole for less than a year after serving nine years in prison for robbery. He was sentenced as a persistent violent felony offender to 37 years to life in prison.
Cell Phones and Computers

Since 2000, the widespread use of cell phones and computers has generated records that provide evidence which assists in establishing the guilt of those who have committed serious crimes. Whenever a cell phone is used to make or receive a call, there is a record of the time of the call and the location of the phone. These telephone and cell site records can be used to place victims and assailants near or at crime scenes. The records can also be used to prove that exculpatory statements made by suspects are false. In cases where cell phones were stolen from a crime scene and used or sold after the incident, the records often led back to those who were responsible for the crimes.

Computer records likewise may contain inculpatory information, including admissions of criminal conduct and Internet purchases of instrumentalities of a crime. With the advancement of technology, there has also been an increase in computer-related crimes, such as cyberstalking, cyberbullying, and identity theft.

In the following cases, cell phone and computer evidence played a significant role in establishing guilt.

PAUL CORTEZ

Paul Cortez, age 25 in 2005, was a personal trainer at Equinox gym. Catherine Woods was a 21-year-old aspiring ballet dancer. They had dated on and off since 2004; but she had tried on several occasions to break off their stormy relationship. Obsessed with Woods, Cortez constantly called her and appeared at her apartment unannounced. In 2005, Cortez waited outside Woods’ Upper East Side building until he saw her roommate leave, went inside her apartment, and then used a knife to slash Woods’ throat multiple times. Woods’ roommate returned an hour later to find the victim’s dead body. Cortez was interviewed by police early in the investigation. He stated that on the day of the crime he had called Woods a number of times from his apartment, but she had not answered the phone. Cortez claimed he had neither seen Woods nor gone to her apartment or the vicinity of her apartment on the day she was murdered. However, telephone and cell site records revealed numerous phone calls from Cortez’s phone to Woods’ phone shortly before the murder. The calls were relayed from cell site towers near Woods' apartment, showing that his story was a lie. No calls were made from Cortez’s cell phone after Woods’ death. Cortez’s partial bloody fingerprint was found on the wall in Woods’ bedroom.

In 2007, a jury convicted Cortez of murder. He was sentenced to 25 years to life in prison.
In 2004, a maintenance man found a dead body at the side of the Palisades Parkway near Alpine, New Jersey. An autopsy revealed that the male had been shot twice in the head, once from the front and once from the rear. Agmet Jabard Wallace, a 25-year-old college graduate, was identified via fingerprints; he had been missing for four days.

Wallace had been involved in dealing heroin and cocaine. His partner in the drug business was Gabriel Cabrera, a friend from college. Cabrera had a criminal history for burglary and trespass. Wallace and Cabrera had also shared in a business venture together, a telecommunications company. Over time, Wallace had started distancing himself from his partner because he was convinced that Cabrera had cheated him. Four days before Wallace’s body was found, Wallace had gone to Cabrera’s Manhattan apartment in order to straighten out the money situation. Cabrera shot Wallace twice in the head, wrapped the corpse in plastic garbage bags, and dumped the body along the parkway in New Jersey. Cabrera disposed of the murder weapon, as well as the victim’s car, two cell phones, and personal identification. The gun, the phones, and the victim’s identification were never found. The victim's car, stripped and burned, was recovered in the Bronx.

Cabrera told conflicting stories to the deceased's family and friends and to New Jersey law enforcement regarding his contact with Wallace on the day the victim was murdered. Cabrera claimed he was with Wallace until 6:00 p.m. at an apartment in lower Manhattan, but denied being in his own Upper West Side apartment on the day of the murder. However, cell site records for Cabrera’s and Wallace’s cell phones showed them both in that vicinity. Cell site records for Cabrera’s cell phone also showed him near the area where the body was dumped in New Jersey at 4:00 a.m. on the day the body was found at 10:00 a.m. Wallace’s blood was recovered from a couch in Cabrera’s apartment. An unused round of ammunition, which matched the ammunition in the victim’s body, was found in a desk in Cabrera’s apartment. In 2007, Cabrera was convicted by a jury of murder, criminal possession of a firearm, and tampering with physical evidence. He was sentenced to 27 years to life in prison.
RAYMOND MUNDO JR., RAFAEL “DOGGY” RIOS, SALATHIEL DUARTE, JAVIER PEREZ, AND MARIA DeJESUS

During the summer of 2001, Maria DeJesus approached Rafael “Doggy” Rios for help finding a hit man to murder Carmen Quinones, her husband's ex-wife. Rios introduced her to Raymond Mundo Jr., who agreed to kill Quinones for $15,000. DeJesus gave Rios $5,000 as a down payment. She also gave him an envelope which contained Quinones’ photograph, her home and work addresses, two keys to her house, and a description of Quinones’ boyfriend’s car. Mundo Jr. enlisted two cohorts, Salathiel Duarte and Javier Perez, to assist in the hit. On a November night in 2001, Duarte drove Rios, Mundo, and Perez from the Bronx to Quinones’ brownstone in East Harlem. Duarte remained in the car. Perez was the lookout while Rios and Mundo forced their way into Quinones' apartment, where she was spending the evening with her new boyfriend, Ruben Frederick, and her three-year-old granddaughter. Mundo and Rios stabbed Quinones and Frederick 24 times, killing them. The granddaughter witnessed the crime. The defendants then bound the toddler’s mouth and hands with duct tape and placed her in one of the bedrooms. Before they left the apartment, they stole money and Frederick's jewelry and cell phone. Police officers discovered the bodies the next day. The day after the murders, DeJesus dropped off $10,000, the balance of the contract murder fee, at Rios’ apartment.

Records for Frederick's stolen cell phone led the police to Rios and Mundo, who were arrested and indicted in 2001. DeJesus, Duarte, and Perez were arrested in 2003. In 2003, Mundo was convicted after a jury trial of murder, and was sentenced to life in prison without parole. In 2006, Rios and Duarte testified against DeJesus at trial. DeJesus was convicted by the jury of multiple counts of murder and conspiracy. She was also sentenced to life in prison without parole. In 2005, Perez, who pled guilty to assault, was sentenced to 23 years in prison. In 2006, Rios, who pled guilty to murder, was sentenced to 22 years to life in prison. Duarte, who pled guilty to manslaughter, received 12 years in prison.
DAVID SILVERMAN

In 2007, after a month of online communication with a 14-year-old girl via MySpace, David Silverman, 21, drove the teen and her two girlfriends, ages 14 and 15, to a building near the Jacob Javits Center. He took them upstairs to an apartment and poured alcoholic drinks for the three girls, who became increasingly intoxicated. He then engaged in sexual conduct with all three underage girls. Silverman took digital images of the incident, which were downloaded to his laptop computer and shown to the girls.

At the time of his 2007 arrest, Silverman’s laptop was recovered by police, vouchered as evidence, and delivered to the District Attorney’s IT Forensic Unit. There it was examined, but no photographs were initially recovered. Over a year later, the IT department further analyzed the computer and was able to recover a large number of explicit and incriminating digital photographic evidence. These photos were all located in the deleted (or unallocated) memory of the laptop. In 2009, in the middle of jury selection, Silverman pled guilty to rape, criminal sexual act, and endangering the welfare of a child. He waived his right to appeal, was advised that he would have to register as a sex offender, and was informed that there would be full orders of protection as to each of the three girls. Silverman was sentenced to 1 to 4 years in prison. The orders of protection run for eight years starting on the date he is released from prison.
WILLIAM VANLUVENDER

In 2004, a male detective in the Police Department’s Sexual Exploitation of Children Squad entered an Internet chat room as part of an undercover investigation into pedophilia on the Internet. The detective assumed the identity of a 14-year-old girl. Shortly thereafter, he received a private instant message from William Vanluvender, a Brooklyn resident and foreman in a Brooklyn warehouse. Vanluvender engaged the undercover, who he believed was a female teenager, in an explicit sexual discussion and communicated his desire to perform a sexual act on her. Three months later, the same detective entered a different chat room and assumed the identity of a 12-year-old girl. Almost immediately, he received a private instant message from Vanluvender. Over the next three months, Vanluvender contacted the “adolescent” with approximately 12 instant message communications and two email messages. During those communications, Vanluvender repeatedly described specific sexual acts, including intercourse that they could engage in if they met in person. Eventually, Vanluvender planned a trip to Manhattan when his wife went on vacation. In July 2004, an undercover female officer, posing as the 12-year-old girl, went to a pre-determined spot and met Vanluvender. Vanluvender walked the undercover officer to a location he believed to be the young girl’s home. The defendant was arrested in the vestibule of the downtown Manhattan apartment building.

Four witnesses testified for the People at trial, including the detective who conducted the online chats with the defendant and the police officer who posed as the 12-year-old girl. Also taking the stand was a detective from the police Computer Crimes Squad who had conducted a forensic examination of the defendant's computer that revealed evidence of the defendant's online chats. A representative from the defendant's Internet service provider also testified. In 2005, Vanluvender was convicted by the jury of multiple counts of attempted criminal sexual act, attempted disseminating indecent material, and attempted endangering the welfare of a child. He was sentenced to four years in prison.
THOMAS SHEEHAN

In 2005, Thomas Sheehan, a New York City attorney, used the screen name “brasam8” to engage in multiple sexually explicit internet conversations with a person he thought was a 13-year-old girl named Emily. “Emily” was actually a New York City undercover detective. On two occasions, Sheehan arranged to meet in Tompkins Square Park with a female undercover who resembled a 13-year-old girl. After the first meeting, the online chats become more sexual. Sheehan used explicit language and expressed an interest in performing sexual acts with the “teen.” During the second meeting with “Emily,” Sheehan invited the female undercover officer to his apartment to engage in sexual acts. Investigators audiotaped the conversation. When Sheehan unlocked the door to his building, the police arrested him.

The case proceeded to trial. Witnesses who testified for the People included a detective who had analyzed Sheehan’s computer. He spoke about items recovered from the computer, such as explicit email chats, screen names, and online profiles. The undercover detective who pretended to be the 13-year-old girl also testified about Sheehan’s computer conversations, as well as the technological procedures and programs used to capture online images and conversations. Cell phone records and the audiotaped conversation corroborated the evidence. Sheehan was convicted by a jury of attempted criminal sexual act, attempted disseminating indecent material to minors, attempted endangering the welfare of a child, and attempted sexual abuse. He was sentenced to four months in jail, five years probation, and was suspended from the practice of law. Sheehan was also indicted in Nassau County for communicating with an undercover detective he thought was a 14-year-old girl. He was sentenced to probation in that case.
Acquaintance Violence –
Murder, Domestic Violence, Sexual Assault, and Child Abuse

In addition to keeping the streets safe, the New York County District Attorney’s Office works to keep people protected in their homes. As murder rates and violent crimes decline, the percentage of cases that involve acquaintance violence increases. For example, a review of sexual assault cases conducted by the Office revealed that in 80 percent of those crimes the victim and the assailant were acquainted.

The Office provides professional, secure, and compassionate support for the vulnerable victims of sexual assault, domestic violence, and child abuse. Assistant district attorneys work closely with the Special Victims Squad of the Police Department, often interacting with the victim and the detectives from the moment the crime is reported. Assistants also work with other agencies to help victims obtain a variety of services, including counseling and medical treatment. The Office obtains orders of protection at the first court appearance after arrest. Services for victims are provided at the District Attorney’s Northern Manhattan Branch Office, as well as at the courthouse. In 2009, a Child Advocacy Center opened in Harlem to house medical, law enforcement, and social services for abused children at one location. A child is interviewed once and observed by all relevant agencies.

Office representatives regularly meet with community groups to provide information about available services and to conduct training sessions for case workers and the police. The Office has also successfully proposed legislation that raises penalties for the most egregious sexual assaults, streamlines certain procedures, and modernizes the definition of forcible sexual contact.

The following cases are examples of acquaintance violence.
**ROBERT BIERENBAUM**

Gail Katz vanished on a summer day in 1985. A day later, her husband, Dr. Robert Bierenbaum, a surgeon and licensed pilot, filed a missing persons report with the Police Department. He reported that after an argument inside their Upper East Side apartment, Katz had gone to Central Park and had not returned. Bierenbaum had always been a suspect in his wife’s disappearance. Fourteen years later, he was indicted for murder.

In 1997, after new evidence emerged, the District Attorney's Office had reopened the case. Detectives and prosecutors conducted an exhaustive investigation. They reexamined physical evidence and traveled to 10 states to interview 50 people, including psychiatrists who had treated the couple. Notably, detectives unearthed flight logs, which Bierenbaum had tried to alter, showing that on the day his wife vanished he had driven to a New Jersey airport, and suggesting that he had flown his private airplane over the ocean for two hours. In the flight logs, the original notation was changed to a date a month after Katz’s disappearance.

His trial began in September 2000. Prosecutors made their case without Katz’s body. Instead, they used circumstantial evidence to prove their case. It was established that the couple had a stormy marriage. Katz had filed a domestic violence complaint against her husband. The day Katz disappeared, she had intended to ask for a divorce. Testimony also established that Bierenbaum, a surgical resident, had a famous temper and was capable of killing his wife and dismembering her body. The evidence established as well that he could have carried her body in a flight bag to his car, driven to the airport, and used his private plane to dump Katz’s remains into the ocean. In October 2000, the jury convicted Bierenbaum of murder. He was sentenced to 20 years to life in prison. Katz’s body has never been found.
SEAN SALLEY AND ANDRE SMITH

On a May evening in 2001, Sean Salley and Andre Smith entered Jennifer Stahl's apartment above the Carnegie Deli in Midtown to steal money and drugs. Stahl was known among friends in the entertainment industry as a high-grade marijuana dealer. Salley knew Stahl through connections in the music industry. Salley convinced Smith that robbing Stahl would be easy because she catered to an upscale clientele that would offer no resistance. At the time of the robbery, Stahl, a former actress, was entertaining four friends. Upon entering the apartment, Smith pulled out a gun and ordered Stahl's four guests to lie on the floor. He then took Stahl into another room and told her to fill a backpack with money and marijuana. In the living room, Salley bound the hands and feet of the guests with duct tape.

As Stahl was filling the backpack, Smith came into the living room to finish the taping and told Salley to hold the gun on Stahl. Salley shot and killed Stahl. Each of the guests was then shot execution style in the back of the head. Six minutes after entering the apartment, Salley and Smith left with approximately $1,000 and less than a pound of marijuana. Three of the victims died, two survived.

A manhunt for the two killers began immediately. Ten days later, Smith, who had been identified from a building surveillance video, turned himself in to the police. He later made a confession. It took several more months and tips from America's Most Wanted to track Salley to a homeless shelter in Miami where he was living under a false name.

In 2002, the two men were tried at the same time, but with separate juries, because they each implicated the other in the crime. After a seven-week trial, both juries found them guilty of multiple counts of murder, burglary, weapons possession, and assault charges. Smith was sentenced to 113 years to life, and Salley to 119 years to life in prison.
ERIC LOUISSAINT AND CONNIE LEUNG

Connie Leung, 17, and Eric Louissaint, 20, had dated for a year. Leung’s parents were opposed to their daughter’s relationship with Louissaint. A quarrel ensued after Leung’s father found Louissaint in Leung’s bedroom. Leung and Louissaint decided that they could be together only if her parents were dead. On a November evening in 2000, Leung and Louissaint strangled her parents, Stephen and Chilin Leung, inside the family’s East Harlem apartment. The young couple hid the bodies and lived in the apartment for several days. They withdrew $2,000 in cash from the Leung’s bank account, took over $1,000 in cash and valuables from the apartment, and pawned several items. Eventually, Leung and Louissaint dumped her parents’ bodies in the East River.

Leung’s sister filed a missing persons report after she had not heard from her parents or sister for several days. Early November, Stephen Leung’s decomposed body was recovered from the East River at 61st Street. Chilin Leung’s body was discovered nine days after her husband’s. On a tip from school friends, the police found Connie Leung and Eric Louissaint hiding at a YMCA on the Upper West Side.

Louissaint and Leung pled guilty to both murders and were each sentenced to 30 years to life in prison.

ANGEL QUINONES

For over three years, Angel Quinones lived with Maritza Valpais, his fiancée. Cecilia Ruiz was Valpais’ mother; Carlos Ruiz, her stepfather. One evening in 2006, Cecilia called Valpais to tell her that Quinones was inebriated and spending the night at the Ruiz’s Lower East Side apartment. The next day, Valpais repeatedly called her parents’ home; no one answered the phone. Valpais went to the apartment and found their dead bodies. They had been bludgeoned and strangled. The door to the apartment was locked and there was no sign of forced entry; the apartment had not been burglarized.

Four days later, Quinones, accompanied by a lawyer, surrendered to detectives. Bloody barefoot prints, which were found on the living room floor of the crime scene, were analyzed and matched to Quinones. His DNA and both victims’ DNA were found on an iron pot. Quinones had beaten the Ruizes with the pot and a ceramic figurine and then strangled them to death. He pled guilty to both murders and was sentenced to 20 years to life in prison.
EVERETT GEORGE

Everett George, a former Rikers Island corrections officer, and Tishaun Middleton, his estranged common law wife, had two children, Dominick, aged 12, and one-year-old Kristina. Middleton had custody of both children. On an early morning in 2004, Middleton was preparing to take her son to the school bus stop. When she opened the door of her East Harlem apartment, George sprayed pepper spray in her face and propped open the door with his foot. He shot Dominick, who was standing inside the apartment. Next George entered the apartment and walked to the living room where he shot Kristina in the jaw while she sat in her highchair. The bullet entered her chest, pierced the back of the highchair and ricocheted off the opposite wall toward Middleton’s grandmother. George pointed the gun at Middleton, but the weapon jammed, and she was able to flee. Both children died.

In 2008, George was convicted of multiple counts of murder, burglary, and criminal possession of a weapon. He was sentenced to two life terms in prison without the chance of parole.

MANUEL MARTINEZ

George Kogan, a wealthy businessman, was murdered in 1990 in front of his mistress’s Upper East Side apartment. Three gunshots ended his life. The story of Kogan’s death could have been written in Hollywood. His wife, Barbara Kogan, was an immediate suspect. Upon his death, she collected approximately $4.3 million from four insurance policies on her husband’s life. Manuel Martinez, Barbara Kogan’s divorce lawyer, was also a suspect. An investigation revealed that Barbara Kogan, in the midst of a divorce, plotted with Martinez to hire a hit man to kill her husband.

A grand jury indicted Martinez in 1996 for hiring the killer. At that time, he was serving a jail term in Mexico in an unrelated drug case. He was required to serve out his jail term before being extradited to the United States.

In 2008, 18 years after the murder, Martinez was convicted at a trial in New York of murder and criminal solicitation. The jury found him guilty of arranging George Kogan’s murder at Barbara Kogan’s behest. Martinez was sentenced to 25 years to life in prison. A case against Barbara Kogan is still pending. The gunman has not been arrested.
HASSON ZARIF

Hasson Zarif and his wife Zaheerah were married for almost 30 years. In the late 1960s, Zaheerah opened her own hair salon, which was initially very successful. Over the years, business slowed. In the early 1990s, Zaheerah relocated her salon to a building on West 145th Street and Bradhurst Avenue in Manhattan. Eventually, Hasson and Zaheerah sold their home on Long Island and moved into the store. Family members and coworkers often heard Zaheerah and Hasson arguing about money. On numerous occasions, Hasson berated and threatened Zaheerah.

In 1996, Zaheerah disappeared. Hasson gave her sisters and cousins conflicting explanations as to her absence. Zaheerah’s family suspected foul play as it was unlike Zaheerah to go away without notifying anyone, and she would never have left behind her prized possessions, such as an urn containing her deceased son’s ashes, a shrine, and a cat. Also, when Zaheerah was alive the salon was immaculate; but now, the salon was a mess. Hasson was not cooperative with the police. Two years after Zaheerah’s disappearance, he filed a missing person’s report and attempted to get a death certificate so he could collect on his wife’s $100,000 insurance policy.

In 1999, three years after Zaheerah had disappeared, Hasson confessed to detectives that he had murdered his wife. Hasson admitted that one night in 1996, Zaheerah and he were in the rear of the store quarreling about the salon’s continuing financial decline. The argument escalated, and Hasson pushed her to the floor. He then went to the closet and returned with a pistol. At close range, he repeatedly fired his gun, striking her several times in the head, chest, and leg. He left her corpse in the salon for almost two weeks. He then put her body in the trunk of his car and a week later disposed of her remains in a vacant lot in Brooklyn. Two weeks later, he discarded the gun in the Hudson River, and one year later, he abandoned the car at a gas station.

In 2000, although Zaheera’s body was never recovered, a jury convicted Hasson of murder. He was sentenced to 22 years to life in prison.
WILLIE GAYMON, COREY WILLIAMS, ANGEL KIRK GRACE, AND CONNIEL SCOTT

Christopher Betts was a music producer who had a music studio in his Upper West Side apartment. Willie Gaymon, an aspiring rap musician, had used Betts’ studio to record some short pieces of music. Gaymon believed that Betts had misappropriated music that Gaymon had created. In 1999, to revenge the perceived wrongdoing, Gaymon planned to steal Betts’ recording equipment as payment for the stolen track. Gaymon enlisted Corey Williams and Angel Kirk Grace, members of his rap group, as well as Conniel Scott to invade Betts’ apartment/studio. The four men arrived at Betts’ apartment in a U-Haul rental truck. In the course of the robbery, Gaymon choked Betts into unconsciousness and then allowed him to fall to the floor, face first. As the motionless and defenseless Betts lay on the floor, Gaymon struck him with a machete and nearly decapitated him. Gaymon and his colleagues then ransacked the apartment and stole a sampling drum machine, a keyboard, a cell phone, and a chain. Eventually, Gaymon and Grace fled to South Carolina and pursued a rap career.

In 2000, a fingerprint, which had been found on a drinking glass at the murder scene, was matched to Gaymon. He was arrested for the crime in the spring of 2003. In 2004, Gaymon was convicted after a jury trial of murder and robbery. He was sentenced to life in prison without parole. In 2004, Scott pled guilty to burglary and was sentenced to 15 years to life in prison. In 2005, Williams pled guilty to assault and was sentenced to 8 years in prison. Grace, who pled guilty to murder, was sentenced to 25 years to life imprisonment.

KENNY SMITH AND PARRIS FRANCE

In 2004, Kenny Smith and Parris France went to 13-year-old Tyisha McCoy’s apartment in Washington Heights. Their goal was to recover $100 that McCoy allegedly owed Smith for braiding her hair. The men planned to rob McCoy if she refused to give Smith the money. Once inside the apartment, Smith went into McCoy’s bedroom and bound her hands with a telephone cord, gagged her, and then strangled her to death with a boot lace. While Smith was murdering McCoy, France was in another room stealing CDs and other items. The two men ransacked the apartment; took jewelry, DVD's, perfume, and liquor; and then fled.

In 2005, Smith pled guilty to murder. He was sentenced to 25 years to life in prison. France, who pled guilty to burglary, was sentenced to 18 years in prison, followed by five years post-release supervision.
ZAHIRA MATOS AND CARMEN MOLINA

Zahira Matos’ son, Yovanny, was almost two years old when he was beaten to death. The medical examiner concluded that the death was caused by Fatal Child Abuse Syndrome after finding that the child’s liver had been torn, his intestines damaged, his ribs broken, and a left leg deformed from a bone that had been fractured by a powerful blow. His body was covered with 60 bruises.

After questioning by police, Matos and her partner, Carmen Molina, admitted that they had punched, slapped, and whipped the child with a belt in connection with toilet training. Matos claimed that she was out of the apartment when the fatal blows were struck, and that she asked a neighbor to call 911 when she returned to find her son unconscious on the bathroom floor. After her son’s death, Matos’ two daughters, ages three-and-a-half years old and two months old, were taken from her custody and placed in foster care by the Administration for Children’s Services.

In 2007, Carmen Molina pled guilty to murder and was sentenced to 15 years to life in prison. At a 2008 trial, Matos claimed that Molina bore sole responsibility for the death. The evidence, however, established that Matos was an active participant in the pattern of abuse and had not promptly called for help when the child was seriously injured. A jury convicted Matos of murder. She received a sentence of 20 years to life.

TYRONE BOWMAN

In 2003, Velna Prince left Tyshae Prince, her five-week-old daughter, in the family apartment in the care of the baby’s father, Tyrone Bowman. When Velna returned, she heard Tyshae crying and moaning as if in pain. Bowman was leaning over the bassinet, attempting to put a pacifier in the baby’s mouth. Bowman denied that anything was wrong and flew into a rage. He disconnected the phone when Prince attempted to call 911. After Prince carried Tyshae to Harlem Hospital, doctors determined that the baby had strangulation marks on her neck and injuries to her brain. Tyshae had seizures, went into respiratory arrest, fell into a coma, and then died 12 days later. As the baby lay dying, Bowman changed his story and said the infant fell off the bed. However, an autopsy told a different story. The medical examiner determined from Tyshae’s head and neck injuries that she was either hit several times or hit into something several times.

In 2004, Bowman was convicted of depraved indifference murder. The jury found him guilty of forcefully and repeatedly striking the baby in the head. Bowman was sentenced to 25 years to life in prison.
NOELLA ALLICK

After the 2005 birth of Sarah Jane, her parents hired Noella Allick, a live-in baby nurse. Allick had taken a three-day training course in infant care, but was not a licensed nurse. The first few days that Allick worked for the family went smoothly. Then one morning Allick tried to wake the five-day-old baby for a feeding and the baby did not rouse right away. She grabbed the infant by the upper chest and violently shook her a few times, which caused the newborn’s head to jerk back and forth. For the next several days, the child was limp, sluggish, and wouldn’t nurse. Allick did not tell the parents about the incident. The child's mother, along with Allick, took the child to two appointments with a pediatrician; Allick kept silent. The baby was eventually taken to Lenox Hill Hospital and diagnosed with two fractured collarbones, injured ribs, bleeding to the brain, and brain damage.

When a detective interviewed Allick and the parents, Allick finally confessed to shaking the baby. Allick pled guilty to assault and was sentenced to 10 years in prison.

As a result of his baby’s traumatic injury, the victim’s father started “The Sarah Jane Brain Project,” whose mission is to create a model system for children suffering from all Pediatric Acquired Brain Injuries.

JAIME CORTES

In 2009, Jaime Cortes, a Bronx pediatrician, pled guilty to criminal sexual act for sexually abusing a 13-year-old male patient in his Upper West Side office. Cortes began soliciting sexual contact with the victim when the boy was 10 years old. Cortes was sentenced to five years in prison. His license to practice medicine was revoked.

SHELDON SILVER

In 2008, Sheldon Silver pled guilty to course of sexual conduct against a child for molesting his 12-year-old daughter inside his Manhattan apartment. He had been sexually abusing her for three years. Silver was sentenced to 20 years in state prison.
REYNALDO PEREZ

In 2007, Reynaldo Perez was arrested for sexually touching a nine-year-old girl at a family birthday party. An investigation into that case revealed that he had also been sexually abusing his two step daughters, ages nine and 11, for many years. In 2008, Perez pled guilty to sexual abuse for fondling the nine-year-old child and was sentenced to nine months in jail. In 2009, Perez pled guilty to course of sexual conduct against a child for sexually abusing his two step daughters and was sentenced to 18 years in state prison. Perez had prior convictions for sexual abuse, robbery, disorderly conduct, and theft of services.

CARMELO NORIEGA-ABAD

In 2005, Carmelo Noriega-Abad took his 13-year-old daughter out of Mexico, away from her mother and five siblings. He brought her back-and-forth between Charleston, South Carolina and Manhattan, where he beat her and kept her as a sex slave for almost a year. In 2007, after a non-jury trial, Noriega-Abad was convicted of multiple counts of criminal sexual act, sexual abuse, and rape. He was sentenced to 25 years in prison.

ANTHONY HILL

In 2009, Anthony Hill was convicted of multiple counts of rape, endangering the welfare of a child, sexual abuse, assault, and criminal sexual act for sexually abusing, beating, and threatening his 16-year-old daughter since she was nine years old. He was sentenced to 150 years in prison.

ODILON GEORGIS

In 2009, Odilon Georgis pled guilty to criminal sexual act for sodomizing his six-year-old autistic stepson. Georgis was sentenced to 16 years in state prison.

JOSHUA TRIMIAR

Joshua Trimiar, 19, was a volunteer at an after school program. In 2009, Trimiar was convicted by a jury of multiple counts of predatory sexual assault against a child, criminal sexual act, and sexual abuse for sexually assaulting a seven-year-old girl in a stairwell inside the school. He was sentenced to 13 years to life in prison.
KASEEM SHABAZZ

In 2008, Kaseem Shabazz pled guilty to assault for repeatedly punching his girlfriend in the face and body and kicking her with a steel toed boot when she refused to have sex with him. Shabazz beat her so severely that she was hospitalized for two months with facial and rib fractures, and internal bleeding. As a result, the victim gave her grand jury testimony by video from the hospital. Shabazz was sentenced to 10 years in prison, five years post-release supervision, and a final order of protection.

HORACIO BLACKWOOD

Horacio Blackwood was a talent agent from Los Angeles. The victim was a 17-year-old acting student who lived in New York City. In 2007, Blackwood was in Manhattan and made plans to meet the teen for dinner. During the course of the evening he gave her alcohol and ecstasy; at some point, she blacked out. He raped her in his hotel room. In 2009, Blackwood was convicted after a jury trial of rape and facilitating a sex offense with a controlled substance. He was sentenced to five years in prison with five years post-release supervision.

CHARLES WILLIAMS

The victim was a tourist visiting New York City for a wedding. After she met Charles Williams in Manhattan, the two went out drinking and dancing in the Bronx. Williams invited the victim back to his Manhattan apartment where he beat her, tried to smother her with a pillow to stifle her screams, choked her until she lost her breath, and attempted to rape her. In 2007, Williams pled guilty to attempted rape by forcible compulsion. He was sentenced to five years in prison with five years post-release supervision.

RONALD SHORT

For many years, Ronald Short, a real estate manager, physically, emotionally, and financially abused his wife, Jolanta. In 1999, during a heated argument, Jolanta threatened to divorce him and take custody of their children. After the quarrel, Short took their seven-year-old and three-year-old sons to a commercial basement in Chelsea and bludgeoned them to death with a dual hatchet and hammerhead tool. Short repeatedly lied and told his family and the police that the children were safe. The boys’ bodies were found after a massive two-week search. Short mounted an insanity defense, but on the eve of trial, he pled guilty to the two murders. In 2001, he was sentenced to life in prison without parole.
MELVIN KELLEY

In 2003, Melvin Kelley became acquainted with a man at a drug and alcohol treatment program. A few weeks later, they bumped into each other and decided to smoke crack together in the West Village. After they walked to a clandestine area down a stairwell, Kelley exposed himself and attempted to sexually assault the victim. When the victim tried to leave, Kelley pinned him facedown against the stairs, placed a box cutter to his throat, and pulled off the victim’s pants. As the victim begged Kelley not to kill him, Kelley repeatedly sexually assaulted and sodomized him. Kelley also stabbed the victim on the top of his head. Immediately after the crime, the victim fled and had a brief exchange with a local store clerk. The victim did not seek medical attention and initially did not report the incident; as a result, there was no physical, medical, or photographic evidence. Three years after the assault, a detective contacted the victim regarding an unrelated investigation. During the course of their interactions, the victim told the detective about the attack.

In 2007, the case went to trial. Kelley was convicted by a jury of a criminal sexual act, sexual abuse, assault, and aggravated sexual abuse. Kelley had a lengthy criminal history dating back to 1978. He had been convicted of rape in Arizona and had numerous convictions in New York State for attempted rape, sexual abuse, assault, and failing to register as a sex offender. Kelley, a persistent felony offender, was sentenced to 25 years to life in prison.

VICTOR SANTIAGO

In 2003, Victor Santiago pled guilty to aggravated criminal contempt and received a sentence of 2 to 4 years in prison. The incident was the latest in a pattern of many years of abusing his live-in girlfriend (who was also the mother of his daughter), which resulted in numerous arrests, followed by reconciliations and dismissed cases. When that cycle repeated itself, and the victim said she would not testify truthfully at trial, the People proved that the defendant’s pattern of misconduct had caused his victim to be practically unavailable. In a decision that has drawn notice around the country, the judge agreed that even pre-arrest misconduct by the defendant can be said to have caused the victim’s unavailability, resulting in the defense losing its right to cross examine the victim at a trial. Thus, the judge permitted the introduction into evidence of the victim’s out-of-court hearsay statements in order to prove the charges. That prompted the defendant to plead guilty.
MICHAEL GARCIA

In 2004, Michael Garcia was convicted in a non-jury trial of multiple counts of assault, attempted assault, criminal possession of a weapon, criminal mischief, endangering the welfare of a child, and aggravated cruelty to animals. He had attacked his live-in girlfriend, her son, and their pets, and then threatened the girlfriend with a gravity knife. Garcia was sentenced as a second violent felony offender to a maximum of 25 years in prison.

JUAN VASQUEZ

In 2004, Juan Vasquez was convicted by a jury of assault for throwing hot oil on his live-in girlfriend. He was sentenced to 12 years in prison.

OSVALDO CABRERA

In 2003, a jury convicted Osvaldo Cabrera of assault for stabbing his wife 14 times, causing two punctured lungs, among other serious wounds. The victim disappeared the night before she was to testify in the trial, and when she resurfaced she claimed in her testimony that she had lunged at the defendant prior to his stabbing her. The jury rejected her contention that he was defending himself. It was later found that the defendant had spoken with the victim by phone about 175 times during the three months leading up to the trial. The defendant was sentenced to 20 years in prison.

BRADLEY NORMAN

In 2003, a jury convicted Bradley Norman of aggravated criminal contempt for assaulting his live-in girlfriend and throwing her through a glass door in violation of an order of protection. On the day she was scheduled to testify, the victim disappeared. The trial proceeded based upon her excited utterances when the police responded and physical evidence recovered at the scene. The defendant was sentenced to 2 to 4 years in prison.
Other Vulnerable Victims — Immigrant, Elderly, Gay, Lesbian, Bisexual, and Transgender

Other vulnerable victims of crime include documented as well as undocumented immigrants, the elderly, and members of the gay, lesbian, bisexual, and transgender community. Victims in these groups are often particularly fearful of reporting crime and attending court proceedings. Specially trained assistant district attorneys and support staff members assist victims and witnesses by providing transportation and escorting them to court proceedings, as well as answering questions about the case and the criminal justice system. They help victims connect to appropriate services, such as free counseling and crime victims’ compensation. The Office also engages in community outreach and education to inform victims that they will be treated with dignity, respect, and support as they pursue a criminal case. By working collaboratively, members of the community and the District Attorney’s Office can address the problem of crimes impacting on vulnerable communities and provide victims and witnesses with relief and a sense of restorative justice.

The following cases are examples of crimes committed against these vulnerable victims.

ADELA HOLZER

In 1990, Adela Holzer was sentenced to 4 to 8 years in prison for stealing millions of dollars through fraudulent investment schemes. Shortly after she was released on parole, she began a new criminal enterprise — scamming immigrants, many of whom spoke little English, with promises of permanent residence status in the United States. Over a five-year period, she stole a total of $1.5 million from more than 700 victims. Holzer claimed that she was a “special friend” of South Carolina Senator Strom Thurmond. She used forged documents to convince her victims that Senator Thurmond would obtain permanent resident status for them by sponsoring private bills in the Senate. After her arrest, police seized over 20,000 documents related to the scam from her apartment. In preparing for trial, assistant district attorneys interviewed hundreds of witnesses, including family and friends of the victims, federal immigration and naturalization officials, and members of Senator Thurmond’s staff. In 2002, after a month-long trial, a jury convicted Holzer of multiple counts of grand larceny, possession of forged instruments, and scheme to defraud. Even though she was 73 years old, she was sentenced to 9 to 18 years in prison.

Victims relied on Holzer to handle their immigration matters. As a result of this trust, many of the immigrant victims lost their savings and jeopardized legitimate claims for documented permanent residence status.
ANTHONY D. MARSHALL AND FRANCIS X. MORRISSEY

Brooke Astor, the heir to the Astor fortune, was a revered philanthropist and socialite. As she approached the end of her life, she became afflicted with Alzheimer’s disease. Anthony D. Marshall, her son, and Francis X. Morrissey, a lawyer, took advantage of her diminished capacity to steal from her over the course of several years. The thefts were accomplished between 2001 and 2007 and entailed, among other things, adding a codicil to Astor’s will so that the residuary would be left to Marshall outright. This was opposed to Astor’s prior plan, which had left a life interest to Marshall but gave approximately $30 million dollars to charity.

In October 2009, both men were convicted of multiple felonies in connection with their efforts to steal money and property from Astor. Marshall was also convicted of stealing two valuable paintings from Astor, one by Giovanni Domenico Tiepolo and one by John Frederick Lewis. Marshall was convicted as well of stealing money to pay the wages of a secretary and the captain of his yacht, and stealing over $1 million by abusing his power of attorney to give himself a raise as Astor’s business manager. Morrissey was convicted of forging Astor’s signature on another codicil to her will, which had the effect of shifting millions of dollars from charity to Marshall, Morrissey, and Marshall's wife. Marshall and Morrissey received prison sentences of 1 to 3 years.

IVORY FIELDS, Jr., LESGAR GRANT, CHRISTIAN POLANCO, AND TERRANCE BLACKETT

From 2000 through 2004, phony stockbrokers from ITF Enterprises, Inc., an unregistered company, victimized their family members, friends and co-workers in the African and Caribbean immigrant communities in Brooklyn and Dominican communities in Manhattan with the promise of big financial returns. The victims thought they were investing in a lucrative business opportunity; unfortunately, the “investment” was an elaborate pyramid scheme. Many individual investors, who gave from approximately $2,000 to approximately $250,000 to ITF, lost their life savings. About $200,000 from the $3.3 million collected was legitimately invested in high-risk commodity futures; all of this money was lost. Of the sum total that was stolen, only $1.5 million was returned to investors in the form of interest payments, commissions, or repayment of investments in order to perpetuate the Ponzi scheme.

In 2005, Ivory Fields, Jr., Lesgar Grant, Christian Polanco, and Terrance Blackett pled guilty to grand larceny for stealing from about 130 unwary immigrants. In pleading guilty, the defendants admitted to taking more than $1 million to use for personal items and cash withdrawals not related to the company. As part of their plea, all four defendants agreed to pay $1.8 million in restitution to their victims and were given a seven-month timeframe before sentencing to raise the money. As no restitution payments were made in the seven months, Fields, Jr. was sentenced to 5 to 15 years in prison; Grant, 4 to 12 years in prison; and Polanco and Blackett 3 to 9 years in prison.
In September 2005, Janet Costello, 32, wearing a nurse’s uniform, arrived at the door of an 81-year-old man’s brownstone. She claimed to be a nurse from a local hospital and said she was there to take the man’s blood pressure as part of the hospital’s outreach to the elderly.

After befriending the victim, she told him that she had no health insurance and needed money for breast cancer treatment. In a six-month period, the victim wrote 46 checks made out to cash in amounts varying from $500 to $9,800. He wrote “Rx,” “chemo,” or “hospital surgery” on the memo lines of most of the checks. Costello would often accompany the man to the bank and wait outside as he cashed the checks for the supposed medical treatment.

In November 2005, Costello, saying she needed more money to pay her surgeon, convinced the victim to write her a check for $42,000 made out to “Paramus Auto Mall.” The same day, she purchased a 2006 Hummer at the Auto Mall.

In March 2006, the victim’s family discovered what had happened and reported the situation to the District Attorney’s Office, which found that Costello was not a nurse and did not have breast cancer. At the time of her arrest, Costello no longer had the Hummer. She had traded it in for a 2007 Cadillac Escalade. However, she still had the Hummer paperwork and license plates inside the Escalade.

Costello pled guilty in 2007 to grand larceny for scamming the victim out of $208,300 and was sentenced to 1 to 3 years in prison. She also signed a confession of judgment and surrendered the Escalade. Unfortunately, after the Escalade was sold, there was little money left to provide restitution for the victim.
Kevin Aviance, an entertainer and drag performer, was walking through Gramercy Park on a June night in 2006. As Aviance passed Gerrard Johnson spray painting the word “Bloods” on the front of a bagel shop, Johnson swore at him and called him derogatory names referring to his sexual orientation. Aviance tried to calm Johnson down, but was unable to defuse the situation. The enraged Johnson threw two garbage bags and an aerosol paint can at Aviance. Johnson chased Aviance down the street and punched him in the back of the head, causing him to stumble. Then Gregory Archie, Jarrell Sears, and Akino George joined the attack. Sears and George tackled Aviance. All four men circled the victim and repeatedly kicked him as he lay in a fetal position on the ground. Aviance suffered a broken jaw, a sprained knee, and numerous bruises all over his body. He was transported to Beth Israel Medical Center where he had to get his jaw wired.

In 2007, Johnson pled guilty to assault as a hate crime and was sentenced to 17 years in prison. George and Sears pled guilty to gang assault and were sentenced to eight years in prison. Archie pled guilty to assault and received six years in prison.

Sean Del

In 2007, Sean Del picked up a transgender individual, who agreed to get into his car. The victim was propositioned for a sexual act, and a price was agreed upon. After Del parked the car, however, he pulled the victim’s hair, placed an open box cutter against the individual’s face, sexually assaulted the victim, stole a purse, and threatened the victim’s life. After a jury trial, Del was convicted of committing a criminal sexual act and robbery. He was sentenced to five years in prison with five years post-release supervision.
Vehicular Crimes

Another way to maintain safe streets is to control reckless drivers. Individuals who drive in a depraved or reckless manner, often under the influence of alcohol or drugs, are capable of causing horrific automobile crashes. In the most egregious cases, where innocent victims were killed and the drivers had prior convictions for intoxicated, unlicensed, and reckless driving, the District Attorney’s Office has sought substantial prison sentences. In cases where there is no serious injury and the offender has no prior record, the Office may recommend alternatives to incarceration. In addition to participating in therapeutic programs, some individuals who commit these crimes are required to install an ignition interlock device, which prevents a car’s engine from starting unless the driver can establish sobriety by blowing into a tube. Another method of control is requiring the use of a SCRAM (Secure Continuous Remote Alcohol Monitoring) bracelet, which is worn by the offender to insure that no alcohol is ingested. Every 30 minutes, the device measures the individual’s alcoholic intake by analyzing the body’s perspiration.

In 2005 and 2006, the Office was successful in advocating the passage of laws in the New York State Legislature to increase the criminal penalties for leaving the scene of an accident where there has been a death, as well as increasing the penalties for aggravated vehicular homicide. Another new law treats out-of-state convictions for driving while intoxicated as the equivalent of New York State convictions in determining whether or not an individual is a repeat offender and subject to enhanced penalties.

The following are among the serious vehicular crime cases prosecuted in Manhattan over the last decade.
Neville Wells, 41, had twice been convicted of driving under the influence of alcohol in New Jersey. He had even attended an intoxicated driver rehabilitation course, which taught the hazards of drinking and driving.

In 2004, after drinking an abundant amount of alcohol, Wells sped through the streets of lower Manhattan in a minivan. He ran a red light at Waverly Place and Broadway and almost crashed into a man driving a pickup truck. The man yelled at Wells and chased him for a few blocks in an attempt to get his license plate number. Wells increased his speed, crashed into a parked car, and kept driving along Grand Street. A 67-year-old man was driving south on Allen Street with his 37-year-old daughter. Wells ran another red light and smashed into the passenger door of that car at the intersection of Grand and Allen Streets. There were no pre-crash skid marks on the street — Wells had not applied his breaks before the crash. The victim’s car was hit with such force that it flipped over and was momentarily airborne. The daughter, a mother of three boys, died from her injuries. The father suffered internal bleeding and was in a coma for three weeks. After the crash, Wells, mumbling incoherently, stumbled out of his van. Though extremely intoxicated, he tried to run away. However, two witnesses held him at the scene. Wells’ blood alcohol content was between .25 and .27. The legal limit is 0.08 percent.

In 2005, after a non-jury trial, Wells was convicted of murder for recklessly causing a death, with depraved indifference to human life. He was also convicted of vehicular manslaughter and assault. Wells was sentenced to 17 years to life in prison.
GURPREET OBEROI

On a January evening in 2004, Peter Hornbeck, 26, began crossing Park Avenue at the corner of 96th Street with a group of friends. One block from his home, Hornbeck was struck, killed, and dragged 250 feet by a car speeding north. The driver did not stop or attempt to slow down; he left no skid marks at the scene. Police recovered the abandoned vehicle at 100th Street and Lexington Avenue.

Gurpreet Oberoi, also 26, was the driver of the car. Several years earlier his license had been revoked for multiple speeding violations and failure to pay fines. After abandoning his car, he boarded a bus and continued his planned gambling trip to Atlantic City. Two of his friends, who had been inside the car with him at the time of the collision, remained behind and went to a police station. They also called Oberio and persuaded him to return to New York to surrender.

After an investigation, which included expert crash reconstruction and analysis, the grand jury charged Oberoi with manslaughter for recklessly causing Hornbeck’s death and leaving the scene of an accident. The defendant pled guilty to both charges and was sentenced to 3 to 9 years in prison.

BRANDON COLON

In the middle of a winter night in 2006, Brandon Colon, a 30-year-old off duty police officer, drove his Ford Explorer the wrong way on a closed outer roadway of the 59th Street Bridge. This particular entrance to the bridge had been blocked by a vehicle and traffic cones to prevent access. The inebriated defendant drove past the barricades and disregarded warnings to stop his car. While driving along the service roadway, Colon hit and killed Julio Alberto Ortega-Moncada, a 30-year-old artist from Queens, who had been walking along the bridge taking photographs. Colon attempted to drive away from the scene, but was blocked from leaving the bridge by a service vehicle. Colon’s blood alcohol content was .139. In 2007, Colon pled guilty to manslaughter and was sentenced to 2 to 6 years in prison.
Other Crimes of Negligence, Recklessness, or Depravity

Vehicular crimes are not the only cases in which criminally negligent, reckless, or depraved conduct endangers the safety and security of the community. The following are three such cases, one involving a criminally constructed building scaffold, another involving the unlicensed practice of medicine, and a third involving an unjustified shooting by a police officer. Each defendant caused the death of one or more innocent people.

PHILIP MINUCCI

In 2001, a scaffold collapsed at a Gramercy Park building. Five immigrant construction workers were killed, and four others were seriously injured. The scaffold had been erected by a company owned and operated by Phillip Minucci. Minucci, a contractor who was neither a licensed architect nor an engineer, designed and built the 13-story scaffold in violation of city building codes. He was the only bidder for the contract who was willing to build the scaffold with planking on each floor, so that laborers would not have to move planks as work progressed, but he never determined how much weight the scaffold could bear. The weight of the scaffold in fact exceeded the weight it could carry by more than 200 percent. Its certain collapse could have been predicted by a trained professional.

In 2003, Minucci pled guilty to manslaughter for recklessly causing the deaths of the construction workers. He was sentenced to a prison term of 3 ½ to 10 ½ years. The sentence stands in sharp contrast to the maximum federal penalty which could have been imposed under the Occupational Safety and Health Administration Act – six months in prison and a $10,000 fine.
Dean Faiello was neither a doctor nor authorized to practice medicine. In 1998, he pled guilty in Manhattan Criminal Court to criminal possession of a forged instrument for using prescription pads stolen from a dermatologist to write prescriptions for himself. He was sentenced to mandatory drug treatment and three years probation. In 2003, he pled guilty in New York State Supreme Court to a violation of the education law for pretending to be a dermatologist, diagnosing medical conditions, and offering to use a laser and inject anesthesia into three female undercover investigators. This case was handled by the New York State Attorney General’s Office. While out on bail and waiting to be sentenced, Faiello continued to see patients.

In 2003, Faiello was pretending to be a dermatologist when a 35-year-old financial analyst, Maria Cruz, found him on the Internet. On four occasions, Cruz went to Faiello’s “office” in Chelsea for laser treatment of a growth on her tongue. On April 13, 2003, Cruz started convulsing during a treatment. Faiello called a doctor friend and, admitting that he had administered lidocaine or a similar anesthetic into her tongue, said that Cruz was having a seizure. The physician advised Faiello to call an ambulance. Instead, Faiello called another friend and told him that Cruz was reacting badly to anesthesia and had no vital signs. The friend offered to call 911, but Faiello told him not to. In a subsequent phone call to the same friend, Faiello lied and claimed Cruz was fine; he stated he had taken her to St. Vincent's Hospital. Investigators checked the records of all hospitals in the area, including St. Vincent's. None of the hospitals had a record for Cruz or anyone matching her description with symptoms of an adverse reaction to anesthesia.

Cruz's family, friends, and co-workers never heard from her after April 13, 2003. Cruz had vanished. At the time of Cruz’s disappearance, Faiello was living in a house in Newark, New Jersey. The house was sold in May 2003. Faiello’s companion claimed that, on the night before the closing, he saw the defendant laying a concrete slab on the ground floor of the house.

In September 2003, Faiello fled to Costa Rica. In October, a bench warrant was issued for the New York State Supreme Court case. In 2004, investigators broke apart the concrete slab in Faiello’s former home and discovered a garbage bag containing a suitcase which held the decomposed body of a woman. Dental records established that the body was Maria Cruz.

In 2005, after 15 months in jail in Costa Rico, Faiello was extradited to the United States. In 2006, Faiello pled guilty to assault and unauthorized practice of a profession. He was sentenced to 20 years in prison. On the same day, he was also sentenced in the Attorney General’s case to 1 ⅓ to 4 years.
In 2003, Bryan Conroy, age 27, was part of a team of police officers who went to Chelsea Mini Storage in Manhattan to execute a search warrant for counterfeit CDs and DVDs. The seven-story facility contained over six thousand storage units, rented to members of the general public. Ousmane Zongo, 43, an African immigrant and a married father of two, was an artisan who sold and repaired African art in the storage facility. Zongo utilized a storage unit on the third floor of the warehouse in connection with his business; his storage unit was not the subject of a search warrant.

As a result of the search warrant, two men had been arrested and charged with possessing and selling counterfeit CDs and DVDs. Conroy, wearing a mailman’s uniform with his police badge pinned to his shirt, was assigned to safeguard a particular storage unit filled with seized contraband on the third floor. Conroy noticed Zongo appear in the hallway. Conroy drew his gun and pointed the weapon at him; a chase ensued. Over police radio, Conroy alerted other members of his team that he was in pursuit of a man. Conroy then fired his gun five times at Zongo, who sustained four wounds and later died in the hospital. An autopsy concluded that Zongo died from three of the gunshot wounds, which perforated his lung, liver, kidney, spleen and stomach. There was no evidence that Zongo had been involved in any wrongdoing.

A grand jury charged Conroy with recklessly causing Zongo’s death. In 2005, the case went to trial. When the jury could not reach a unanimous verdict on the reckless manslaughter charge, a mistrial was declared. Conroy waived his right to a re-trial by a jury. Later that year, his bench trial commenced. At Conroy’s request, the judge considered a lesser charge of criminally negligent homicide. The judge convicted Conroy of that charge and sentenced him to five years probation and 500 hours of community service.
II. ECONOMIC AND FINANCIAL CRIMES

Economic and financial crimes are often committed by those who abuse a position of power or trust. Corporate executives, brokers, bankers, members of the clergy, union leaders, government officials, health care professionals, lawyers, even police officers are among those who have committed offenses. Economic and financial crimes include securities and real estate fraud, money laundering, embezzlement, insurance fraud, public assistance fraud, tax evasion, and identity theft.

Corporate Executives

DENNIS KOZLOWSKI AND MARK SWARTZ

Tyco, a conglomerate corporation with more than 2,000 subsidiaries, employs hundreds of thousands of people worldwide, and has billions of dollars in annual revenue. Its businesses include electronics, telecommunications, healthcare products, fire prevention, and security services. From 1995 through 2002, Dennis Kozlowski and Mark Swartz, the chief executive officer and the chief financial officer, looted Tyco of hundreds of millions of dollars. The two men committed many of their crimes by awarding themselves unauthorized compensation, mainly in the form of bonuses and loans, the repayment of which was subsequently forgiven. They then took steps to conceal these payments from the board of directors, the public, as well as government regulatory and taxing authorities. They used the millions they stole to buy expensive homes, yachts, artwork, and jewelry. They invested in private family trusts and sports teams. They used corporate funds to pay the salaries of personal employees and for a birthday bash in the Mediterranean island of Sardinia.

In 2004, after a six-month trial, a jury was unable to reach a verdict on multiple counts of grand larceny, securities fraud, falsifying business records, and conspiracy. After a second trial, a jury found Kozlowski and Swartz guilty these charges. The jury acquitted the defendants of one charge of falsification of business records. In 2005, the defendants were each sentenced to 8 ⅜ to 25 years in prison and ordered to pay a combined $240 million in fines and restitution, $105 million of that money was a fine paid to New York City.
MICHAEL SHERMAN, OLEG OSTROFSKY, AND FRANK CARONE

Michael Sherman and Oleg Ostrofsky were president and vice president of a company which oversaw the sale of bankrupt businesses. Frank Carone was the owner of a company that appraised and auctioned off corporate assets.

In 2003 and 2004, the three men, working together with colleagues, systematically stole more than $27 million from companies going into bankruptcy, including the retail chains of Ames Department Stores and Jamesway Corporation. Their activities included misstating the proceeds of auctions, failing to disclose the existence of assets, and pocketing the proceeds from their sales.

Sherman, who pled guilty to falsifying business records and possession of stolen property was sentenced to 2 ½ to 7 ½ years in prison. His company was ordered to pay $6 million to New York City. Ostrofsky pled guilty to attempted possession of stolen property and was sentenced to 1 to 3 years in prison. Carone pled guilty to multiple counts of grand larceny and received 2 to 6 years in prison. Carone and his company were also ordered to pay New York City and New York State $2 million each. Five other employees of the defendants’ firms pled guilty to felony larceny charges and received lesser sentences.
Take-Two Interactive Software Inc. publishes, develops, and distributes videogames. From 1998 to 2004, Take-Two systematically backdated stock option grants for its executives. By falsely dating stock option grants to coincide with the dates of lower trading prices for Take-Two stock, rather than using the actual dates, the company hid millions of dollars in compensation from accounting records and tax authorities. The investigation, which began in 2006, revealed that Take-Two falsified business records and misled auditors in connection with this activity. In addition, Take-Two took no action to rectify the misconduct after it had become apparent.

In 2007, Ryan Brant, Take-Two’s Chief Executive Officer and Chairman of its Board of Directors, pled guilty to falsifying business records. In settlements with the District Attorney’s Office and the United States Securities and Exchange Commission, Brant paid a total of more than $7 million in penalties and restitution. In addition, Brant has been permanently barred from holding any “control management positions” in publicly traded companies.

Patti Tay, Comptroller of Take-Two from 1998 to 2006 and Chief Accounting Officer from 2002 to 2005, supervised the maintenance of records relating to stock options. She also received falsely dated stock. In 2007, Tay, who pled guilty to falsifying business records, was required to disgorge $300,000 which she had made on the stock scheme and was barred from holding “control management positions” in publicly traded companies for five years. She also agreed to a lifetime bar from practicing before the SEC as an accountant. Tay was sentenced to three years probation.

Kenneth Selterman, General Counsel at Take-Two from 1999 to 2007, pled guilty in 2007 to falsifying business records. His plea related to a letter to the NASDAQ Stock Market concerning the types of stock options issued to executives at Take-Two. Selterman, in response to a 2002 request by NASDAQ, failed to inform NASDAQ that certain executive officers had received “non-plan” options. Selterman was required to pay a $50,000 fine and was permanently barred from holding “control management positions” in publicly traded companies. In addition, he agreed to a lifetime bar from practicing before the SEC as an attorney. Sentenced to three years probation and 200 hours community service, Selterman has also disgorged his profits from the misdated option grants in a settlement with the company.
Banks

LLOYDS BANK AND CREDIT SUISSE

In 2009, the District Attorney's Office entered into separate deferred prosecution agreements with Lloyds TSB and Credit Suisse AG, two European banks. Both banks assisted Iranian banks and others with illicit transactions in the United States financial markets in violation of federal sanctions. Each bank falsified the business records of Manhattan financial institutions in a systematic process of altering or “stripping” wire transfer information to hide the identity of its clients.

More specifically, from 2001 to 2004, Lloyds’ conduct permitted the illegal transfer of more than $320 million on behalf of Iranian and Sudanese banks and their customers. Lloyds voluntarily exited the Iranian business by 2004, but the Sudanese business continued until 2007. The transfers allowed Iranian and Sudanese entities to buy goods and services from United States companies and to finance the purchase of goods and services from foreign vendors who sought payment in dollars. The District Attorney’s Office and the Department of Justice joined forces.

From 2002 through the end of 2006, on behalf of Iranian, Libyan, Sudanese and other sanctioned clients, Credit Suisse processed over $700 million in payments that violated United States sanctions. In addition, this Swiss bank processed over $1.1 billion in payments that were formatted or manipulated to hide their Iranian origin, but may not have violated United States sanctions. Further, from 2000 to 2006, a London-based Credit Suisse subsidiary, Credit Suisse Asset Management Group, illegally invested over $150 million of funds belonging to a banned Libyan bank and a banned Sudanese bank. This group executed trades involving United States securities through its accounts at Credit Suisse Securities (USA) in New York using code names to hide the identities of the banks. In 2006, Credit Suisse voluntarily exited the Iranian and sanctioned entity clearing business. At the same time, The Federal Reserve Bank of New York, the Office of Foreign Assets Control of the United States Department of the Treasury, and the Department of Justice were beginning their own parallel investigations of Credit Suisse.

The investigations into Lloyds and Credit Suisse grew out of an inquiry into the suspicious movement of money by alleged Iranian front companies and charities. The District Attorney’s Office began an investigation in 2006 into the relationship between the Government of Iran and two New York entities, the Alavi Foundation and Assa Corporation, which jointly owned an office building in Midtown Manhattan. During this investigation, the Office uncovered evidence that Lloyds and Credit Suisse were engaged in the illegal transfer of funds into Manhattan on behalf of sanctioned Iranian banks. The District Attorney’s Office found evidence of wire payments from Bank Melli, an Iranian bank, to individuals associated with the Alavi Foundation. These payments were processed by Lloyds and Credit Suisse, as well as other banks. As a result of the settlements and deferred prosecution agreements with both the District Attorney’s Office
and the Department of Justice, Lloyds and Credit Suisse agreed to adhere to best practices for international banking transparency, to cooperate with ongoing law enforcement investigations, and to conduct an internal review of past transactions. Lloyds agreed to pay fines and forfeiture totaling $350 million. Credit Suisse agreed to pay $536 million in monetary penalties. Half of those amounts were forfeited to New York State and New York City. These agreements were designed to impose a substantial punishment on both banks and send a strong message of deterrence to other banks.

**LIMMT**

**LI FANG WEI**

In 2009, Li Fang Wei, a Chinese citizen, and his company, Limmt Economic and Trade Company, Ltd., were indicted for charges of falsifying business records and conspiracy relating to the misuse of Manhattan banks and the export of illicit missile and nuclear technology to Iran. Li engaged in fraudulent business practices to gain access to the United States financial system. Limmt, a provider of metal alloys and minerals to the global market, supplied banned weapons material to the Iranian military. As a result, in 2006, the United States Department of the Treasury, Office of Foreign Assets Control sanctioned Limmt for its role in the export of weapons of mass destruction to Iran. Limmt was banned from engaging in transactions with or through the United States financial system.

Subsequently, Li and Limmt used aliases and shell companies to continue Limmt’s criminal international business. Li’s goal was to maintain access to the United States financial system, to deceive United States and international authorities, and to continue sending banned weapons material to Iran. To achieve his illicit goals, Li mislead United States banks into processing his transactions. The result was the falsification of business records at Manhattan banks relating to dozens of illegal transactions. Li is currently a fugitive in China.
In 2004, the District Attorney’s Office reached a settlement with Hudson United Bank. The agreement related to the failure of the bank’s branch located in Manhattan's financial district to monitor the money-laundering risks posed by its international wire transfer business. Specifically, the bank’s accounts engaged in more than $65 million in transactions originating or terminating with individuals and companies doing illicit business in the South American tri-border region of Paraguay, Brazil, and Argentina, as well as with other bogus South American money transmitters.

Hudson United Bank’s activities were uncovered by the Office as part of its investigation of Manhattan banks doing business for international money services. Investigators traced wire transfers from South American customers into accounts at the bank’s financial district office. Employees of that office failed to take appropriate measures to guard against money-laundering through those accounts, including the risk that the accounts might be used to launder drug proceeds through the United States monetary system. In 2003, the bank closed its international business at the branch. During a 16-month period, well over a billion dollars had flowed through that location.

As part of the settlement, Hudson United Bank agreed to reform its anti-money laundering policies and procedures and to pay $3.5 million to New York City.
In 2005, the District Attorney's Office reached a settlement with the Israel Discount Bank of New York, which had allowed illegal Brazilian money transmitters to move $2.2 billion over five years. Investigators had uncovered considerable sums of money being illegally transferred on behalf of clients in the South American tri-border region of Paraguay, Brazil, and Argentina, which is known for supplying funds to terrorists in the Middle East.

The resolution was the result of related investigations into the use of two New York based financial institutions, Beacon Hill Services Corporation and Hudson United Bank, to launder money through foreign money service businesses. The settlement related to Israel Discount Bank’s deficiencies in its anti-money laundering controls. The bank failed to monitor customers who engaged in illegal activity, thereby enabling these customers to move funds illegally from Brazil into the bank’s Manhattan office.

As part of the settlement the bank was to pay a total of $8.5 million to the City and State of New York. In addition, the bank agreed to install controls to ensure compliance with all anti-money laundering requirements.
In 2004, Beacon Hill Service Corporation, an unlicensed Manhattan money transmitter, was convicted by a jury of illegally receiving and transferring billions of United States dollars in offshore transactions.

The investigation into Beacon Hill was one of several that sought to identify illegal money transmitters and expose the flow of payments to and from offshore banks. The investigation followed a probe into a bank in the Bahamas and yielded evidence that Beacon Hill had been violating New York banking laws.

From 1997 to 2003, Beacon Hill moved $6.5 billion, by wire transfers alone, through 40 bank accounts. Over $31 million was transmitted to accounts in the Middle East. The corporation also failed to record its transactions. By transferring money to banks in offshore locations with stringent secrecy laws, Beacon Hill hoped to make the funds of its clients, often narcotics traffickers, difficult to trace or tax.

In 2003, Beacon Hill’s operations in Midtown were shut down. In 2004, the corporation was the first to be convicted after trial of operating as an unlicensed money transmitter, in violation of the New York Banking Law. As a result of the conviction, in a collateral civil proceeding Beacon Hill was forced to forfeit about $11 million. The funds, distributed pursuant to the forfeiture statute, included payments to the New York State Office of Alcohol and Substance Abuse Services.

The District Attorney's Office shared information with authorities in Brazil, which led to "Operation Beacon Hill," one of the largest law enforcement initiatives in Brazilian history. Eighteen federal prosecutors and 800 federal agents were involved in the operation, which led to the arrest and conviction of dozens of Brazilian money launderers.
In 2007, the District Attorney's Office reached a settlement agreement with the Bank of America Corporation stemming from its deficiencies in handling foreign money service business clients.

A two-year investigation, conducted with federal law enforcement in Brazil, revealed that the bank failed adequately to assess the risk that certain South American money service business customers were conducting illegal activity through a Manhattan office of the bank. Many of these Brazilian businesses conducted illegal transmittal operations through the account of a Uruguayan money remitter at the office of a subsidiary, Bank of America, N.A., in Midtown. From 2002 to 2004, over $3 billion flowed through the Uruguayan remitter’s account. Most of this money came from offshore shell companies chartered in Panama and the British Virgin Islands, but controlled by illegal Brazilian money service operations. The owners of the Brazilian businesses were prosecuted by Brazilian authorities for operating in violation of Brazilian law.

As part of the settlement, Bank of America recognized its failure to take adequate steps to verify information supplied by their South American customers. The bank also acknowledged that its internal anti-money laundering controls were deficient, revised its anti-money laundering controls, and cooperated with the investigation into offshore remittance systems. In addition, the bank agreed to abide by any changes recommended by banking regulators regarding improvements in enhanced anti-money laundering and Bank Secrecy Act compliance programs. The bank also made a $6 million payment to the City and State of New York.
In 2003, the District Attorney's Office reached settlements with J.P. Morgan Chase & Co. and Citigroup, Inc. This agreement related to $8.3 billion that the financial institutions loaned to Enron Corporation in transactions which the energy company, by now in bankruptcy, had falsely accounted for in its financial statements. Chase and Citigroup structured the transactions, which were actually loans, as complex commodities transactions that enabled Enron to account for the funds as if they were cash flow from operations, thus hiding billions of dollars in debt from investors and other interested parties.

The settlements required Chase and Citigroup to abide by reforms they had initiated in policies and procedures pertaining to structured finance, such as the Enron transactions. In addition, the banks were obligated to abide by the provisions of separate agreements reached with the United States Securities and Exchange Commission, the Federal Reserve Bank of New York, the Office of the Comptroller of the Currency and the New York State Banking Department.

The banks were required to pay a total of $12.5 million to the State of New York and the same to the City. Under the agreement with the Securities and Exchange Commission, the banks made additional payments totaling $255 million, nearly all of which will be available to pay claims of the victims of the Enron collapse.

To assist the District Attorney’s Office investigation into the role of Chase and Citigroup in the Enron collapse, the Attorney General and the Financial Services Commission in the Isle of Jersey arranged for investigators from the District Attorney’s Office to obtain records and interview witnesses concerning the offshore entities used by Chase. This was done pursuant to Jersey law in response to a letter of request sent directly to the Jersey authorities.
Brokers

The District Attorney’s Office has prosecuted groups of deceitful brokers for criminal activity. These financial agents committed their crimes using similar “pump and dump” methods. Often these schemers started with stocks that had little value and proceeded to inflate or “pump up” stock prices artificially by buying and selling the shares among themselves. The conspirators then used high pressure sales techniques, deceptively concealing the true value of the stocks from unsuspecting investors. When the victim investors tried to sell their shares, they were either dissuaded or disregarded; the transactions were never completed. Once the stock prices rose due to market manipulation, the dishonest brokers sold off or “dumped” their own stocks at a profit. They took large commissions and bonuses for themselves on the transactions. When the prices of the artificially inflated stocks plummeted, the victims were left holding nearly worthless stocks.

The following cases are examples of crimes committed by corrupt brokers.
Twin brothers Anthony and Salvatore Marchiano, President and Vice President, respectively, started the firm A.S. Goldmen and Company, whose only business was defrauding investors. Even the name of the firm, purposely chosen to echo the “Goldman Sachs” name, confused many clients. The Marchiano brothers dealt with companies which they could control. They acquired the securities of the companies. Next, in classic “pump and dump” style, they manipulated the prices upwards and then sold them to unsuspecting customers at many times their actual value. When investors later saw the value of the securities plunge, the criminal conspirators at the firm referred the victims to a non-existent complaint office, forged and destroyed documents, or simply refused to follow orders to sell. The investors lost nearly $100 million.

After a lengthy investigation, the Marchiano brothers and their accomplices were indicted. One of the accomplices was Stuart Winkler, who had served as the chief financial officer, chief compliance officer, and primary investment banker of A.S. Goldmen. During the pre-trial motion stage of the case, Winkler hatched a plan to murder the presiding judge. Winkler approached inmates in Rikers Island, the jail where he was being held pending trial, to make arrangements for the contract killing of the judge. Fortunately the plot was thwarted, and Winkler was indicted for the conspiracy. Winkler’s case was severed from that of the other defendants. Winkler’s defense at his attempted murder trial was that a fellow inmate had entrapped him into committing the crime. A jury convicted Winkler of conspiring to murder the judge. In 2001, he was sentenced to a term of 8 ⅓ to 25 years in prison. After he was sentenced, Winkler pled guilty to enterprise corruption for his role in the A.S. Goldmen stock fraud and received an additional sentence of 3 to 9 years.

Later that year, in a six-month trial, the defense claimed that Winkler bore sole responsibility for all the crimes committed at A.S. Goldmen. Anthony Marchiano, Salvatore Marchiano, and senior broker Charles Trento were convicted by a jury of enterprise corruption, securities fraud, and related crimes. The jury found their office manager, Paul Cilmi, guilty of falsifying business records. Anthony Marchiano was sentenced to 10 to 30 years in prison; Salvatore Marchiano to 5 to 15 years; Trento to 4 to 12 years; and Cilmi to 2 to 4 years. Each defendant was ordered to pay restitution. The National Association of Securities Dealers was appointed as the administrative agent to distribute restitution according to a court-approved formula.
D.H. BLAIR AND COMPANY

KENTON WOOD, ALAN STAHLER, VITO CAPOTORTO, AND ALFRED PALAGONIA

D.H. Blair and Company, a Wall Street securities brokerage firm founded in 1904, was a member of the New York Stock Exchange. In the 1990s, however, the firm and some of its managers and brokers became involved in a massive scheme of fraud and price manipulation using the usual methods of the deceitful stock brokers. Thousands of customers suffered severe economic losses. A 70-year-old man lost $250,000 from his Individual Retirement Account (IRA) after receiving false price guarantees to prevent him from selling. A physically disabled man, who lost $150,000 from a disability settlement, was unable to pay for his medical and living expenses.

During 2002 and 2003, defendants from D.H.Blair pled guilty to securities fraud and related crimes. The chairman, Kenton Wood, vice chairman, Alan Stahler, head trader Vito Capotorto, and the highest earning salesman, Alfred Palagonia, were each sentenced to state prison. The defendants and the firm also paid $21 million in restitution.

LCP CAPITAL

EMANUELL SCARSO, DEAN GIASI, AND JOHN MONTEFORTE

In 2004, brokers who ran the securities firm LCP Capital Corporation as a criminal enterprise were indicted for grand larceny and related crimes. They engaged in the typical “pump and dump” tactics to defraud hundreds of customers out of millions of dollars. All the brokers pled guilty. Three of them, Emanuell Scarso, Dean Giasi, and John Monteforte, were sentenced to state prison terms.
CHRISTOPHER JANISH AND ROBERT SHOBLOCK

Christopher Janish was the leader of a group of Wall Street stockbrokers who swindled close to $30 million from investors. Janish and his associates manipulated the price of Stratus, a company run by his uncle, which provided temporary office staffing services. The defendants fraudulently induced customers to buy shares of the thinly traded, risky Stratus stock by lying about the stock’s value in order to inflate the market price. The defendants ultimately sold their stock through various investment vehicles and the value of a share of the stock then fell from the artificial high of $6.00 to a low of two cents. The victims of the scheme included doctors, lawyers, and accountants.

In 2008, Janish pled guilty to enterprise corruption, grand larceny, and related crimes. He was sentenced to 4 to 12 years in prison. His chief assistant in the scheme, Robert Shoblock, pled guilty to the same crimes and was sentenced to 3 to 9 years. In addition, the defendants were ordered to pay restitution.

WILLIAM J. ZYLKA, JAMES CONROY, AND MARTIN W. BOELENS

William J. Zylka, James Conroy, and Martin W. Boelens, Jr. stole $27.7 million from Evergreen Security, Ltd., an offshore investment fund located in the British Virgin Islands and managed in Orlando, Florida.

Beginning in 1991, 2,100 investors, primarily retirees, were persuaded to deposit millions of dollars in offshore trusts in the Bahamas and Costa Rica. Those funds were then invested with Evergreen. The investors were promised an annual return of nine percent to 12 percent on their investments. Many of the investors deposited their life savings in Evergreen. However, the investment fund was actually a Ponzi scheme. The money from later investors was used to pay earlier investors. Investors lost $214 million in the scam. Evergreen filed for bankruptcy in January 2001.

As part of the conspiracy, Zylka, the owner of Evergreen; Conroy, a corporate attorney; and Boelens, Jr., the fund manager, created an assortment of corporate shells or fronts. The conspirators embezzled money from Evergreen and channeled it through some of the shell companies.

In 2002, Zylka, who pled guilty to multiple counts of grand larceny, scheme to defraud, and conspiracy for looting Evergreen and conspiring with Conroy and Boelens, was sentenced to 6 to 18 years in state prison. In 2002, Boelens pled guilty to grand larceny and conspiracy and was sentenced to 1 to 3 years imprisonment. In 2003, Conroy was convicted of grand larceny and conspiracy. In 2008, after an appeal, he was sentenced to 4 to 12 years in prison.
Meyers Pollock Robbins Inc. was a securities firm based in Manhattan. From 1992 through 1997, more than 16,000 Meyers Pollock investors lost in excess of $176 million. The firm shut its offices in December 1997 after action by state regulatory agencies.

During an investigation that continued through 2000, the District Attorney’s Office found shell companies and offshore bank accounts, several in the Isle of Man. Meyers Pollack brokers used these offshore vehicles to trade illegally in their own stocks, generate fictitious trades to drive up prices, and to cheat on their taxes. Meyers Pollock had a network of offices in Manhattan, Long Island, Florida, and Nevada. At least one owner, principal, supervisor, or registered representative in each branch office was convicted.

The firm’s president Michael Ploshnick coordinated the Meyers Pollock criminal enterprise. He assisted in selling overvalued and worthless stock, enabled unlicensed people to operate branches, and collected "consulting fees" from stock promoters and a percentage of the gross from each branch. Ploshnick also paid cash bribes to facilitate his operation. Two of the main actors in the scheme were Salvatore Marasa and Thomas Gucciardo, who were supervisors and branch managers.

In 2000, Ploshnick and Gucciardo pled guilty to enterprise corruption and were respectively sentenced to 2½ to 7½ and 3 to 9 years in prison. In 2003, Marasa was sentenced to 5 to 15 years, after a four-month trial in which a jury found him guilty of enterprise corruption, grand larceny, a scheme to defraud, securities fraud and related crimes. Thirteen other owners, brokers, and employees pled guilty and received prison sentences with maximum terms of three years or longer.
In 1987, four stockbrokers founded Oxford Capital Securities as a mutual funds
and insurance firm located in Chelsea. The company initially did a legitimate business,
but by 1989, Oxford executives and brokers began defrauding their investors. In six
years, Oxford stole over $10 million from about 300 investors; most of these customers
lost their entire investments.

Oxford promised clients safe investments, at high rates of return, if investors put
their money into one of the numerous companies recommended by Oxford. In reality, the
companies were all created by Oxford, and were largely fictitious. Oxford executives
used the funds to buy vacation homes, luxury apartments, sports cars, and expensive
suits. Oxford moved from one group of investors to the next, preying first on middle and
working class investors, then on elderly people living on IRAs.

In 1991, a victim alerted the National Association of Securities Dealers. The
Association suspended Oxford and alerted the District Attorney's Office, which began an
investigation of the company, executing search warrants and conducting an audit and
analysis of Oxford's books and records. Even after the suspension, Oxford continued
selling bad investment contracts to clients. In 1992, the U.S. Securities and Exchange
Commission issued an injunction against Oxford and closed the offices. Oxford had
operated a large scale Ponzi scheme, which had a devastating impact on its victims.

Fifteen Oxford employees were convicted of enterprise corruption, scheme to
defraud, grand larceny, violating New York's securities law, and other crimes. Eight
brokers pled guilty. In 1995, a jury convicted seven defendants, including the Oxford
founders Samuel Forson, James Sehn, and Heyward Mitchell, and Yvonne Thomas, of
enterprise corruption, securities fraud, scheme to defraud, and grand larceny. In 2001,
Forson was sentenced to 7 to 21 years in prison and was ordered to pay restitution of $2
million. Mitchell was sentenced to 1 $ to 4 $ years in prison, and ordered to pay
$500,000 restitution. Thomas was sentenced to 2 to 6 years and was ordered to pay
$89,000. In 2002, Sehn was sentenced to 2 $ to 7 years, and ordered to pay $2 million in
restitution.
Public Servants

GUY VELELLA

Guy Velella, a lawyer, was chairman of the Bronx County Republican Party and a New York State Senator representing the Bronx and Westchester. After an investigation by the District Attorney’s Office and the New York State Police, Velella, Hector Del Toro, and Manuel Gonzalez were accused of taking bribes in exchange for assistance in obtaining public funding on New York State and City projects. Del Toro, the Vice President of the New York State Housing Finance Agency, was in charge of its subsidiary, the Affordable Housing Corporation. Gonzalez was a consultant with the Hunts Point Multi-Service Centers, a Bronx nonprofit social service provider.

From 1995 to 2000, the three men had solicited more than $250,000 in bribes. Velella accepted at least $137,000 of that amount. The payments, made principally in the form of "legal fees" for which little to no legal work was done, were sought in connection with applications for public works projects, bridge painting contracts, and the lifting of tax liens on a vacant Bronx car dealership. The bribes were paid through two law firms controlled by Velella.

In 2004, Velella, Del Toro, and Gonzalez pled guilty to conspiracy. Velella was sentenced to one year in jail; Del Toro, nine months in jail; Gonzalez, eight months in jail. As part of the plea agreement, Velella lost his law license and resigned his positions as State Senator and as chairman of the Bronx County Republican Party.

After serving only three months of a year-long sentence, Velella was released from jail by the Local Conditional Release Commission, a New York City agency and mayoral panel. Gonzalez and Del Toro were also released very quickly. After an investigation, Mayor Michael Bloomberg dismissed the panel members and appointed new ones. The commission then ordered all three men back to Rikers Island. Velella ultimately served 182 days in jail.
New York State Assemblywoman Gloria Davis controlled the Bronx Citizen’s Committee, Inc., a nonprofit group which operated an alcohol and substance abuse facility located in her district in the Bronx. As part of her official duties as a legislator, Davis lobbied for and obtained state funding to renovate the facility. Because she controlled the nonprofit, she was able to control the selection of the contractor chosen to do the work. In 2001, Davis accepted a $24,000 kickback from the president of a construction company in return for steering the contract to him. Davis admitted to using her influence as an Assemblywoman to see that the contractor received additional government funded contracts in her district.

Davis also received free transportation between the Bronx and Albany in exchange for lobbying on behalf of Correctional Services, Inc., a company that ran halfway houses under contract with the state Department of Corrections. This company had been running halfway houses for a number of years and had been awarded a contract to continue, but the registration of the renewal contract was held up on procedural grounds. Davis intervened on the company's behalf in order to allow it to continue providing services until the procedural problems could be worked out. In exchange, she received free round-trip transportation during the Legislative session from 1998 until 2002.

Because some of the bribes took place in Manhattan, the case against Davis was handled by the New York County District Attorney’s Office. In 2003, Davis pled guilty to bribe receiving and was sentenced to three months in jail followed by 4 ¾ years probation. She made restitution of $20,000, agreed to resign from the New York State Assembly, and agreed that she would not seek or hold public office of any kind in the future.
Alex Figliolia, Sr., his wife Janet, and his son Alex, Jr. were in the plumbing business. Father and son serviced several buildings of the Metropolitan Transportation Authority (MTA). Janet was their office manager. In 2003, after an internal investigation that began with the inspection of shoddy plumbing work, the executive director and the inspector general of the MTA referred the matter to the District Attorney’s Office.

In addition to providing deficient plumbing work, the Figliolias stole millions of dollars. They submitted exorbitant bills for material, such as $26 for a 49 cent pipe fixture and $338 for a $24 brass pipe component. They paid their workers less than $20 an hour, but billed at the prevailing plumbers rate of $65 an hour.

The Figliolias bribed the MTA officials responsible for overseeing the work and approving payments. Howard Weissman, the Director of Facility Operation and Support, received cash payments, jewelry, and free trips with a total value of $550,000. Ronald Allan, the Facilities Manager, and Gary Weissbard, a building manager, received $20,000 and $9,000, respectively.

Investigators also discovered that the Figliolias issued more than $5 million in corporate checks, classified as business expenses, to pay for work done on the family residence in New Jersey and to purchase jewelry and antique furniture for themselves.

In 2004, all the defendants pled guilty. Father and son each pled guilty to enterprise corruption. Alex, Sr. was sentenced to 1 ¾ to 5 ¼ years in prison; Alex Jr. to 2 ¾ to 8 ¼ years in prison. Janet Figliolia pled guilty to bribery and received probation. The Figliolias were also ordered to pay $6 million in restitution. Weissman pled guilty to enterprise corruption and was sentenced to 1 ½ to 4 years in prison. Allan, who pled guilty to bribe receiving, was sentenced to 1 to 3 years. Weissbard, who pled guilty to receiving a reward for official misconduct, received probation. Each of the former MTA employees was also ordered to pay restitution.
MICHAEL O’CONNOR

From 1997 to 2001, Michael O’Connor, a project manager for the New York State Dormitory Authority (DASNY), took kickbacks in cash, merchandise and services on dormitory construction jobs at four City University of New York colleges. The campus projects included building repairs and roofing, upgrading a fire alarm system, renovating utility tunnels, replacing the air conditioning and heating system, and installing a parking lot. O’Connor manipulated work orders, inflated invoices, and had subcontractors omit work in order to finance the kickbacks. On many of the jobs, contractors gave O’Connor cash, construction materials, computer equipment, cameras, and furniture.

On one project, O’Connor canceled a job that a subcontractor was scheduled to do. Instead of notifying the DASNY, he took the money allocated for the work in kickbacks, receiving $30,000 in cash and $26,000 in construction materials, which he used to renovate his home and to pay for the services of a carpenter. In another scheme, at O’Connor’s direction, DASNY paid a contractor $90,000 for the services of a former taxi dispatcher to work on DASNY jobs. The individual, however, spent most of his time running personal errands for O’Connor.

In 2003, O’Connor pled guilty to grand larceny. He was sentenced to a prison term of 3 to 9 years and was ordered to pay restitution of $300,000.

DERWIN BLANKS

Police Officer Derwin Blanks was assigned to patrol the subways in Upper Manhattan. After receiving complaints that he was also working as a drug courier for his cousin, the District Attorney’s office and the Police Department Internal Affairs Bureau began an investigation. In 2002, Blanks was arrested after he parked a BMW at a prearranged location in Washington Heights with more than a pound of cocaine in the trunk. He had picked up the car and the cocaine, which had a street value of $15,000 to $20,000, as well as a cash payment of $1,500 from a police informant. Investigators had videotaped the entire transaction. Blanks pled guilty to drug possession and received a 3 to 9 year prison sentence.
In 2008, four New York City traffic agents, Davey Griffin, Raheem King, Julian Fisher, and Gregory Baird, were convicted of issuing false parking tickets, mostly to out-of-state drivers.

In 2007, after numerous motorists complained about being issued false parking tickets, the Police Department started an internal statistical review of the traffic agents’ performances. The Internal Affairs Bureau observed the four agents issue a total of 46 false summonses. The agents jotted down license plate numbers, usually at the beginning of their work tour. The phony tickets were issued much later, for infractions that had never occurred, on handheld parking traffic summons devices. The phony tickets that Griffin, King, and Fisher wrote were all issued while the agents sat in their patrol cars. They never exited their vehicles to serve a ticket on any driver or put a ticket on a car windshield. Baird, who was on foot patrol, never approached any of the vehicles he ticketed.

Griffin and King pled guilty to forgery and were sentenced to probation. Fisher and Baird pled guilty to disorderly conduct and were sentenced to a conditional discharge and two days of community service. All four traffic agents lost their jobs. The phony tickets were voided. The motorists who had paid the fraudulent tickets were reimbursed, and the pending tickets were annulled.
Real Estate Fraud

CARLA ZIMBALIST, PAM CHANLA, JENNIFER WILKOV

In 2005 and 2006, Californians Carla Zimbalist and Pam Chanla stole over $1.6 million from 25 investors largely from the New York area. The two defendants found these investors through Jennifer Wilkov, a New Yorker, who at the time was a certified financial advisor at American Express Financial Advisors. Wilkov took advantage of her position at American Express to solicit her clients and others for fraudulent investments, which were not endorsed by American Express.

The three women told the victims that Zimbalist and Chanla would use their investment money to purchase and renovate nine southern California residential properties. The investors were promised large profits after the properties were fixed up and sold. Zimbalist and Chanla never owned six of the nine advertised properties. Instead, the two women used a large portion of the investors’ money to pay for personal expenses and civil judgments that had been entered against them for similar thefts from other California victims. Zimbalist and Chanla gave Wilkov $142,000 for recruiting investors. In August 2005, Wilkov left American Express to open her own financial advice company.

The scam unraveled in 2006 when one of the victims complained to the District Attorney's Office. Wilkov, in addition to being indicted, was sued for forfeiture. In 2008, she pled guilty to multiple counts of securities fraud and scheme to defraud. She was sentenced to six months in jail and five years probation, and was ordered to pay $142,000 in restitution. Also, in 2008, Zimbalist pled guilty to multiple counts of securities fraud, grand larceny, and scheme to defraud and was sentenced to 4 to 12 years in prison. Chanla, who also pled guilty to multiple counts of securities fraud, grand larceny, and scheme to defraud, was sentenced to 2 ½ to 7 ½ years. Zimbalist and Chanla were ordered to pay restitution of $1,663,000.
Embezzlers

AGNES DICKINSON

For 15 years, Agnes Dickinson worked as Andrew Roos’ personal secretary at GVA Williams, a real estate holding company in Midtown. Roos was a principal holder at GVA. As his assistant, Dickinson had access to his personal checks and bank accounts, and was the first point of contact whenever a bank called. In 2006, on a day Dickinson was out of the office, the bank contacted Roos about a $16,000 check written for a BMW car payment. The check was written on an account that Roos merely used for ATM withdrawals. Notably, Roos did not own a BMW. Roos confronted Dickinson with this theft and filed a complaint with the District Attorney’s Office. An investigation revealed that from 1997 through 2006, Dickinson had stolen over $3 million from her boss. She had forged Roos’ name on his personal checks and pilfered money from all his accounts, even his deceased sister’s estate account, in order to pay her own bills as well as the expenses of her family members.

In 2008, Dickinson pled guilty to multiple counts of grand larceny, forgery, money laundering, offering a false instrument for filing, and tax evasion. She admitted stealing $3 million, was sentenced to 4 ⅓ to 13 years in prison, and agreed to pay full restitution.

IRA BERMAN

Ira Berman, a Manhattan lawyer, deposited real estate down payments into his firm’s escrow account and then withdrew $2.1 million to pay his personal living expenses and to fund his law firm’s operating costs.

The case was referred to the District Attorney’s Office by Berman’s own attorney after a seller discovered that the sale of his co-op could not proceed because the escrow money was missing. In other cases, the buyer of an inn on Long Island lost $2 million and a buyer of a brownstone in Manhattan almost $500,000. Investigators found that Berman had stolen money from an additional seven people who had deposited money in his escrow account.

In 2007, Berman was suspended from the practice of law, and a trustee was appointed to disburse the funds remaining in the escrow account. Victims also were able to seek compensation from the Lawyer’s Fund for Client Protection of New York State. In 2008, Berman pled guilty to grand larceny and was sentenced to 3 to 9 years in prison. He also signed a confession of judgment for all the victims who had civil claims against him.
JOHN WOOLSEY

As the pastor and secretary-treasurer of John the Martyr Parish on the Upper East Side, Monsignor John Woolsey controlled the financial books. From 1997 to 2004, he embezzled more than $50,000, and perhaps as much as $1.1 million, from the Parish. Woolsey funneled money into his personal bank accounts, including money bequeathed to the Parish. He also used Parish checking accounts to pay for personal items, such as expensive watches and clothes, fine dining, domestic and international travel, and country club fees.

He hid his thefts by failing to disclose a number of Parish accounts in the financial reports he filed with the Archdiocese. He also falsified check registers by making false entries on check stubs. Parishioners were not allowed access to church financial records.

His activities came to light when the executor of a late parishioner’s estate complained about large transfers of money from the parishioner to Woolsey. After an Archdiocese investigation uncovered large numbers of unexplained withdrawals from Parish accounts, the Archdiocese referred the case to the District Attorney’s Office.

In 2006, Woolsey pled guilty to grand larceny for stealing over $50,000. He paid the Parish $250,000 in restitution and received a 1 to 4 year prison sentence.
MARIA ARNJAS

Maria Arnjas, a bookkeeper, had a history of stealing from her employers. She had two prior felony convictions for theft. One came in a Manhattan case where she pled guilty in 1998 to forgery and was sentenced to 5 years probation. The other theft was handled by the United States District Court in Manhattan. In 2003, Arnjas pled guilty to uttering a forged security and was sentenced to two years in federal prison. In both instances, she had stolen money from a boss.

While on probation in 2004, Arnjas worked as a bookkeeper for Naeem Khan, Ltd., a Manhattan high fashion design firm. From 2004 to 2007, Arnjas stole more than $400,000 from the firm and used the money to pay her own bills and personal expenses. She stole the bulk of the money by means of an ATM card and checks payable to herself or cash. Using the identities of her parents, she opened a bank account in the name of "NaenKahn Designs Inc.," a name similar to that of Naeem Khan’s firm. At the time Arnjas opened the account, her father was deceased, and her 68-year-old mother was living in Serbia. The account was solely created to embezzle Khan’s money. As his bookkeeper, Arnjas had full access to Khan’s mail; as a result, she handled the payment checks received on orders that Khan completed for retailers such as Bergdorf Goodman, Saks Fifth Avenue, Neiman Marcus, Nordstrom, and other specialty stores. Arnjas deposited 35 checks received from those customers into her "NaenKahn Designs" account.

Arnjas also provided Khan with her mother’s name and social security number for payroll and taxation purposes; however, she did not file taxes for the years 2005 and 2006 under her mother’s name. Arnjas jointly filed taxes with her husband, but disclosed no wages or salary from Naeem Khan Limited for the years 2005 and 2006.

In 2008, Arnjas pled guilty to grand larceny, identity theft, and tax evasion for her crimes against Naeem Kahn. She was sentenced to 7 to 14 years in prison. She also pled guilty to grand larceny and fraudulent disposition of mortgaged property for stealing from two more victims. The first crime was a theft from an employer called Forest Uniform Corp., an apparel and accessory store in Manhattan. The second was mortgage fraud, for stealing money from First Alliance Mortgage Corp. Arnjas was concurrently sentenced to 7 ½ to 15 years in prison for these crimes.

Arnjas will be required to pay restitution in of approximately $500,000 upon her release from prison. The restitution will be paid in installments, proportionate to the salary she is earning after she is released.
In 2005, Calvin R. Darden, Jr., a former stock broker, was convicted of stealing almost $6 million from 11 victims.

In 2001, Darden fraudulently induced Smith Barney to hire him and give him a loan (or bonus) of $344,000 by misrepresenting his experience and productivity in his previous job at Merrill Lynch. A financial firm may sometimes give money to brokers with lucrative client bases as a bonus for joining the firm. The bonus may be in the form of a loan, all or part of which may be "forgivable" (absolved from payment) based on the broker's future production and other factors. Darden embellished his past performance as a broker and maintained this deception by documents, which he altered or fabricated and then presented to Smith Barney. Two years later, he repaid the portion of the Smith Barney loan which was not forgiven with money taken from an investor.

In 2003, after two years at Smith Barney, Darden used misrepresentations and altered printouts of his production and of his clients' assets to tempt Wachovia Securities to form an affiliation with him and to give him a loan of $632,000. After less than six months with Wachovia, Darden once again used misrepresentations and false documents, claiming he had a list of celebrity clients and $1.2 billion in clients' assets, to obtain a position with Canadian mutual fund AIC, Ltd. and a loan of more than $3 million. However, Darden spoke in half-truths. He did have a few famous clients, but he inflated the value of their assets.

Although Darden promised AIC that he would use the loan to repay his outstanding loan from Wachovia (which he told AIC was $3 million), he never did so. Instead, Darden used his AIC loan entirely for personal consumption. He did not repay the loans from AIC or Wachovia.

In addition to stealing from these three Wall Street firms, Darden stole from eight individual investors. In 2003, shortly before the theft from AIC, Darden stole $570,000 from an 87-year-old investor. Darden told the investor that half of her money would be invested in a tobacco company and the other half would be invested in an apartment in Manhattan. However, Darden used some of her money as part of the down payment for his multi-million dollar home in Long Island. The rest was used to pay part of the Smith Barney loan he had obtained in one of the earlier frauds. The elderly investor was paid back only $300,000, which Darden had stolen from another victim.

In 2005, Darden pled guilty to multiple counts of grand larceny and scheme to defraud. He admitted to the Ponzi scheme and the theft from all 11 victims. He was sentenced to 4 to 12 years in prison and ordered to repay more than $6 million to his victims.
EDWARD CANALE AND MICHAEL CONNOLLY

Edward Canale was managing director and Michael Connolly was a vice president and manager in the New York office of BNP Paribas, one of France’s largest banks. Acting together, the men had the authority to buy and sell junk bonds from the bank’s portfolio at distressed prices.

From 2001 through 2004, Canale and Connelly stole more than $12 million from BNP Paribas by selling bonds to shell companies which they controlled, at prices which were far below prevailing market prices. They then sold the bonds back to the bank at prices far above market value.

When bank auditors discovered irregularities, the case was referred to the District Attorney’s Office. Canale and Connolly pled guilty to attempted grand larceny and were sentenced to 2 to 6 years and 1 ½ to 4 ½ years in prison respectively. They also agreed to make full restitution to the bank.

JOHN HOEFFNER

John Hoeffner was a project accountant employed by Tishman Construction Corporation. His duties included receiving invoices, writing checks for the senior Tishman managers to sign, and distributing the signed checks to those who provided goods and services for the company.

From 2006 through 2008, Hoeffner altered and forged invoices and checks to embezzle more than $2.8 million from Tishman. His elaborate scheme included creating a shell company with a name similar to that of a legitimate surveying company used by Tishman. He altered the checks made out to the legitimate company and deposited them into the bank account of the phony company, which he controlled. Another way he stole was by adding his last name to checks made out to Mr. John, the portable toilet company, and depositing them in his personal bank account.

After discovering irregularities, company auditors referred the case to the District Attorney’s Office. In 2008, John Hoeffner pled guilty to grand larceny. He was sentenced to 7 to 14 years in prison as a predicate felon due to a previous larceny conviction and was ordered to pay restitution.
Health Care Fraud

ABRAHAM PUSTILNIK, ISABELLA PUSTILNIK, INNA PUSTILNIK, VICTOR BASBUS, AND GERARDO YANAYACO

The Premier Medical Care Clinic in Greenwich Village specialized in treating accident victims. Many of the patients had been injured in accidents involving city buses. Insurance companies and the New York City Transit Authority paid millions of dollars in claims to the clinic.

In 2003, the District Attorney’s Office, the Police Department, and the New York State Insurance Fraud Bureau began an 18-month investigation using undercover officers posing as patients. The clinic submitted three types of fraudulent claims related to the treatment of the undercover “patients”: billings for dates when there had been no treatment; billings claiming excessive length for procedures or doctor’s visits; and billings for tests that were never performed or were unnecessary. In one case, a brain scan was ordered for an undercover who had complained only of minor back pain.

The clinic was owned and operated by a mother and son, Isabella and Abraham Pustilnik, neither of whom were doctors. State law requires that such clinics be owned by licensed professionals who treat patients. The Pustilniks used Dr. Victor Basbus, a neurologist, Dr. Gerardo Yanayaco, an internist, and Dr. Inna Pustilnik, Abraham’s wife, a psychologist, as “fronts” to hide their ownership.

In 2005, the three Pustilniks, Basbus, and Yanayaco, were among 21 people charged with a multi-million dollar fraud committed at the clinic in Manhattan, as well as at a clinic in Brooklyn.

In 2007, the Pustilniks pled guilty to enterprise corruption. Abraham, a prime mover of the fraud, was sentenced to 2 to 6 years in prison. Isabella and Inna were sentenced to probation. The defendants were also ordered to pay $4 million in restitution. Basbus and Yanayaco both denied that they were participants in the fraud. After a six-week trial, a jury found Basbus guilty of enterprise corruption, scheme to defraud, and related crimes. The jury acquitted Yanayaco of enterprise corruption, but found him guilty on multiple counts, including scheme to defraud and insurance fraud. Basbus received a sentence of 2 to 6 years in prison; Yanayaco, 10 months in jail.
SHERMAN TAUB AND JUDAH TAUB

Ocean House in Queens was home for 125 mentally disabled adults. The home received $1.4 million each year from the Social Security Administration to care for the residents. The facility was owned and operated by Sherman Taub, a disbarred lawyer, who installed his son, Judah, as the nominal president of the managing corporation.

Investigators from the District Attorney’s Office, visiting Ocean House on an unrelated matter, were so appalled by the conditions that they filed a report with the New York State Commission on Quality of Care for the Mentally Disabled. Investigators from both offices uncovered a scheme of massive theft by Sherman Taub, who had taken control of the facility after the previous owner declared bankruptcy. He purchased the mortgages for $400,000, and transferred the mortgages to a company he owned, adding an extra zero to the sum owed on them. Ocean House, therefore, had to pay off a $4 million mortgage, rather than a $400,000 mortgage, to Taub’s company. The payments came from the mentally disabled patients’ Social Security income and disability funds.

Sherman Taub also obtained a bank loan of $1.4 million to pay for renovations at Ocean House. He inflated the invoices from the construction costs and then illegally siphoned off money to pay for a new kitchen and the renovation of bathrooms in his son’s home for $135,000.

In 2004, Sherman Taub pled guilty to grand larceny. He was sentenced to 1 to 3 years in prison and ordered to pay $1.65 million in restitution. In addition, under the terms of a civil settlement with the Attorney General’s Office, he was permanently barred from the adult home industry in New York State. Judah Taub pled guilty to offering a false instrument for filing and was sentenced to probation.
Construction Industry

LUCCHESE CONSTRUCTION GROUP

STEVEN CREA, DOMENICK TRUSCELLO, JOSEPH DATELLO, PHILIP DeSIMONE, ANTHONY PEZZULLO, ARTHUR ZAMBARDI, ANDREW REYNOLDS, ALESSANDRO PALMERI, AND GUIUSEPPE PALMERI

"The Lucchese Construction Group," an organized crime enterprise, engaged in a number of labor bribery, bid-rigging, and anti-competitive schemes that systematically siphoned millions of dollars from both public and private construction projects. The Lucchese Construction Group was comprised of corrupt union officials, unscrupulous contractors and members of the Lucchese crime family, a vestige of one of the original New York "five families" or mafia. To generate criminal proceeds, the contractors, who are required to use union labor and pay prevailing wages, instead used non-union labor and paid workers less than the legal wage. The contractors then billed their clients as if they were paying wages commensurate with the law. Part of the difference was paid to corrupt union officials and to members of the Lucchese family as a "mob tax" of at least 5 percent of the contract's value.

In addition, the contractors employed members of the Lucchese crime family as "no show" or "no work" employees. A "no show" job meant that the person being paid was not present at the job site, while a "no work" job meant that the person would be present at the site, but do no work. These jobs provided ostensibly legitimate sources of income, as well as pensions and benefits, for these "family" members.

In 1997, the District Attorney's Office, in cooperation with the Police Department, initiated a three-year investigation into these corrupt practices. Between 2001 and 2004, nine members and associates of the Lucchese crime family pled guilty to enterprise corruption. Among them were acting-boss Steven Crea; “Captain” Domenick Truscello; soldiers Joseph Datello, Philip DeSimone, Anthony Pezzullo, and Arthur Zambardi; and associates Andrew Reynolds, Alessandro Palmeri, and Guiuseppe Palmeri. They received sentences ranging from 2 to 6 years to 3 to 9 years in prison. Twenty other defendants, including corrupt union officials and participating contractors, as well as seven associated companies, pled guilty to offenses involving restraint of trade and competition in the construction industry in violation of New York State's Donnelly Act and/or the receipt of bribe payments.
THE ASBESTOS GROUP

JOHN SKINNER, MICHAEL ADAMS, JOSEPH VARSALONA, AND ROBERT LEARY

From 1999 to 2004, “The Asbestos Group,” a criminal enterprise of individuals and corporations, defrauded the Port Authority and the New York State University Construction Fund on asbestos abatement work. The investigation began in 2000, when the Port Authority Inspector General discovered that a principal of one of the companies had been convicted of a felony and that the company was over-billing the Port Authority for time and materials.

John Skinner and Michael Adams, president and vice president of Specialty Service Contract, Inc., directed the over-billing schemes. Joseph Varsalona worked with a group in the company who prepared two sets of invoices in order to steal money from the New York State University Construction Fund. Robert Leary, a contract employee, received bribes and switched tainted asbestos samples with negative ones. Other members of The Asbestos Group approved the use of ghost employees, provided false information to the New York City Department of Environmental Protection on projects they monitored, and rigged a bid for work at a New York City hospital.

In 2006, Leary was sentenced to 1 to 3 years in prison after pleading guilty to grand larceny and offering a false instrument for filing. In 2007, Adams, Skinner, and Varsalona each pled guilty to enterprise corruption. Adams and Skinner were sentenced to 2 to 6 years in prison; Varsalona to 1 to 3 years. Six others pled guilty to a variety of charges and received lesser sentences. Cases against several defendants are pending.
LOCAL UNION NO. 8

ANTHONY GUARDINO, JOHN BARBATO, SABATINO RUSSO, JOHN ESPOSITO, AND MICHAEL VERDI

From 2005 through 2007, Local Union Number 8 of the United Union of Roofers, Waterproofers, and Allied Workers and five individuals were convicted for extorting more than $2 million from roofing contractors. Anthony Guardino was the union’s business manager; Sabatino Russo and John Esposito were its business agents. Some of the bribes and proceeds of the extortion were funneled to Genovese organized crime figures John Barbato and Michael Verdi.

In 2003 Guardino had become Local 8’s business manager in an election that Barbato rigged. Local Union Number 8 members who were not present at the election meeting signed phony attendance sheets which then allowed their “votes” to go to Guardino. Barbato received cash payments from Guardino. Verdi, Barbato’s bodyguard and chauffeur, arranged meetings between Barbato and Guardino. Russo and Esposito regularly extorted money and received bribes from roofing contractors to allow the roofers to use less costly non-union workers.

In 2005, Russo pled guilty to enterprise corruption and was sentenced to 1 to 3 years in prison. In 2006, Barbato pled guilty to enterprise corruption, and Verdi pled guilty to possession of stolen property. They were sentenced to 2 to 6 years in prison and one year in jail, respectively. After a two-month trial, a jury found Guardino guilty of enterprise corruption, grand larceny, and bribe receiving. In 2007, he was sentenced to 6 to 18 years in prison. Esposito, whom the same jury found guilty of bribe receiving, was sentenced to one year in jail.

In 2006, Local Union Number 8 pled guilty to enterprise corruption. The plea was the first time that a union as an entity pled guilty to such a charge. An independent court monitor was appointed to insure that the union remains free of corruption. In 2011, if the monitor certifies that the union has not engaged in any unlawful activity, the guilty plea may be withdrawn. If not, the plea will stand, the monitor will continue, and the union will forfeit $250,000.
Tax Evasion

ARRIGO CIPRIANI, GIUSEPPE CIPRIANI, DENNIS PAPPAS, AND JAMES ORTENZIO

The Cipriani family is renowned for their lavish restaurants in Italy and the United States. Arrigo Cipriani, the patriarch of the family business, owns Cipriani S.A., the Luxembourg based parent company. His son, Giuseppe, is the chief executive officer of Cipriani U.S.A.

Cipriani S.A. owns the rights to the trademark Cipriani name, recipes, and distinctive restaurant décor. In a licensing agreement, Cipriani U.S.A. agreed to pay a royalty of 11½ percent of its sales to Cipriani S.A. for use of the trademark property. From 1998 through 2004, Cipriani U.S.A. deducted more than $30 million in royalty payments on its tax returns. After receiving a detailed anonymous letter, and despite difficulty in obtaining financial records from Luxembourg, investigators from the District Attorney’s Office discovered that royalty payments were never made. Through this scheme, Cipriani U.S.A. fraudulently evaded paying $10 million in New York State and New York City corporate taxes for the tax years 2003 and 2004.

In 2007, father and son, and the three entities owned by Cipriani U.S.A., pled guilty to filing false corporate tax returns. Arrigo was sentenced to a conditional discharge. Giuseppe was sentenced to probation. Arrigo, Giuseppe, and the corporate defendants are required to file audited tax returns for tax years 2004 through 2011. In addition to paying $10 million in back taxes with penalties and interest, the Cipriani companies will have an independent monitor through 2012, to ensure that all taxes are paid.

Dennis Pappas, vice president of Cipriani U.S.A. from 2000 until 2006, obtained the position even though he had a prior federal felony fraud conviction. Investigators discovered that Pappas, claiming total disability due to a heart condition, was collecting disability insurance from the Social Security Administration and three private insurance companies during the period when he was employed by the Ciprianis. In 2007, Dennis Pappas pled guilty to insurance fraud. He was sentenced to 1½ to 4½ years in state prison and ordered to pay $1 million in restitution.

James Ortenzio, a major meat supplier to Cipriani restaurants, was also chairman of the New York County Republican Party from 2003 to 2007, and from 1991 to 2003 served as chairman of the Hudson River Trust, an organization that created a park along the Manhattan shoreline. During the Cipriani investigation, accountants in the District Attorney’s Office discovered that in 2004, Ortenzio received a consulting fee of $100,000 from a real estate company, and in 2005, he received $80,000 for arbitrating a dispute between two competing helicopter flight services. He did not report these fees on his state tax returns or on his annual financial disclosure statement with the New York State Ethics
Commission, as is required for public officers and high-ranking political party officials. In 2007, James Ortenzio pled guilty to a felony charge of tax evasion as well as a misdemeanor of violating the Public Officers Law. He was sentenced to probation and a $50,000 fine, and was required to file amended tax returns, paying interest and penalties.

CLAYTON HARRIS

In 2001, Clayton Harris, a minister with the Church of God of Prophecy in Brooklyn, filed a fraudulent personal income tax return for the year 2000 claiming that he had paid New York State and City taxes on a $250 million income; as a result, he was entitled to a refund of more than $5.4 million. He then received a $5,476,398 refund, which was electronically transferred to his overdrawn personal bank account. He instructed the bank that part of the refund was to be used to pay for two luxury cars and two pieces of North Carolina property valued at about $750,000. He also wrote a check for $1 million on the account and deposited it in the account of "Clayton Harris Ministries" at another bank. After an alert employee at the first bank noted the transfer of funds from the constantly overdrawn account, the New York State Department of Tax and Finance had the accounts frozen. Harris had also filed false reports with the New York State Department of Taxation & Finance for the tax years 1993 to 2001.

In 2008, Harris pled guilty to grand larceny and multiple counts of offering a false instrument for filing for cheating on his New York State and City income tax returns. He was sentenced to 1 ½ to 4 ½ years in prison. Most of the stolen money was recovered.
ABRAHAM HIRSCHFELD

Abraham Hirschfeld, a real estate developer and sometimes political activist, was involved in a series of corrupt business practices. After a referral from the New York State Department of Taxation and Finance, the District Attorney’s Office began investigating Hirschfeld's finances. Between 1988 and 1993, Hirschfeld made illegal transactions among seven of his businesses. By misrepresenting his companies' earnings, he defrauded New York City and State out of over $13 million in personal and corporate tax revenue. In 1997, he was indicted for tax evasion and other financial crimes.

Hirschfeld's foray into violent crime involved his business partner, Stanley Stahl. Hirschfeld and Stahl owned three buildings and a garage in Manhattan. By the mid-1990s, the two men were involved in disputes and lawsuits with one another based on Hirschfeld’s desire to sell the properties or manage them himself. Hirschfeld un成功fully tried to persuade Stahl to sell out. In 1996, Hirschfeld used an employee as an intermediary to pay a man $75,000 cash to kill Stahl. The middleman warned Stahl, who contacted the Police Department.

While the state tax fraud case was pending, the District Attorney’s Office launched an investigation into the hit man allegations. Hirschfeld's phone was tapped and one of his secretaries wore a hidden microphone. In December 1998, Hirschfeld was indicted for criminal solicitation. The Office tried the tax evasion and murder-for-hire cases separately. In 1999, after his first tax evasion trial deadlocked, Hirschfeld offered to pay each of the jurors $2,500; all but one accepted his offer. This prompted state lawmakers to create a law forbidding defendants to pay jurors, not only during, but also after a trial in both criminal and civil actions. After the deadlock, a hearing was held because Hirschfeld had violated the judge’s order to cease communicating with the jury through the press. He was convicted of multiple counts of criminal contempt and sentenced to 90 days in jail. In 1999, the criminal solicitation trial also ended in a mistrial.

In 2000, while the tax case was awaiting re-trial, Hirschfeld pled guilty to 123 counts, including scheme to defraud, grand larceny, and various tax offenses. He was sentenced to a conditional discharge, ordered to pay a $1 million fine, and directed to pay a tax judgment of more than $13 million to the city and state.

During Hirschfeld's second criminal solicitation trial, prosecutors played a secretly recorded tape in which Hirschfeld discussed the plot to kill Stahl with his secretary. The People also used informants’ testimony, along with corroborating evidence, to prove their allegations. In June 2000, the jury found him guilty of criminal solicitation. Although Hirschfeld was over 80 years old, he was sentenced to 1 to 3 years in prison. The hit man was never identified.
WE JIN SHON

We Jin Shon was an Ivy League graduate and had been an investment banking analyst for Morgan Stanley in London. In 2007, We tried to withdraw $189,681 from a North Fork Bank account; however, an observant assistant manager noticed that the source of the funds was a New York State tax refund in the name of another person. The bank did not permit the defendant to withdraw the funds and then notified the New York State Department of Taxation and Finance.

An investigation revealed that We had electronically filed 30 fraudulent 2006 New York personal income tax returns with state tax authorities using phony names. On each tax return, the defendant claimed that the alleged taxpayer, described as an investment banker, a trader, a broker or a managing director, paid taxes on wage income ranging from $6.7 million to $9.7 million. These tax returns also claimed charitable deductions ranging from $3 million to $4 million. Each tax return claimed a refund ranging from $123,148 to $232,542. Although We sought $5,212,532 in tax refunds, he received just $575,522 from three refunds. This amount was wired into bank accounts in his name. He had opened in his own name accounts at Manhattan branches of many financial institutions, including J.P. Morgan Chase, North Fork Bank, Commerce Bank, Banco Popular, Sovereign Bank, and Bank of America.

In 2007, We pled guilty to grand larceny and attempted grand larceny for stealing over $500,000 from the New York State tax department and attempting to steal an additional $4,640,000 in the form of tax refunds claimed on fraudulent tax returns. He was sentenced to 1 ½ to 4 ½ years in state prison and ordered to pay restitution to New York State.
Public Assistance Fraud

ROBERT POTTER AND DIATRA HESTER-BEY

In 2004, Robert Potter called Brooklyn police to report that his girlfriend, Diatra Hester-bey, had confessed to killing her own son several years earlier. From 1999 through 2001, Hester-bey had lived at the Red Cross Emergency Family Center homeless shelter in Midtown Manhattan with three of her six children. Devon Rivers, 13 months old, was her youngest child. At the end of February 2000, Devon was no longer living with the family. Hester-bey had told various tales about Devon’s whereabouts. She told her two children and a shelter social worker that Devon was staying with his grandmother. She did not notify the Human Resources Administration, which paid for her Public Assistance welfare benefits for three dependent children, that Devon was no longer in her care. She initially told detectives that Devon was living with his father. Eventually, Hester-bey confessed to detectives that in 2000 she suffocated Devon in his crib, put his dead body in a stroller, traveled to Queens via subway, and discarded the corpse in a dumpster. Hester-bey never reported the child’s death. From 2000 to 2004, she continued collecting Public Assistance for Devon and her two other children. When she filed the annual documents to continue receiving welfare benefits, she listed Devon as one of her dependents. She had received $3,600 for Devon’s care, including money for food stamps and Medicaid. When the Human Resources Administration examined the situation, they found that both Hester-Bey and Potter had submitted a form in November 2000 in which they claimed that Potter would be providing daycare for three of Hester-Bey’s children, including Devon. Initially, payments for Potter’s babysitting costs were made to Hester-Bey; but, starting in 2002, checks were sent directly to Potter. From 2002 to 2004, Potter received over $30,000 for childcare, at least $13,000 of which was for Devon.

In 2005, a jury convicted Hester-bey at trial of welfare fraud, grand larceny, and offering a false instrument for filing. Hester-bey was sentenced to 2 to 6 years in prison for these convictions. The jury acquitted her of manslaughter and deadlocked on a criminally negligent homicide charge. In 2006, after a second trial, Hester-bey was convicted of criminally negligent homicide. She was sentenced to 1 ⅓ to 4 years in prison (to be served consecutively). Thus, her aggregate sentence was 3 ⅜ to 10 years. Devon’s body was never found.

In 2005, Potter pled guilty to welfare fraud and was sentenced to five years probation and ordered to pay $13,000 restitution.
EUGENIA AND EDWARD FIAMETTA

In 2005 and 2006, Eugenia Fiametta and her husband Edward used their electronic welfare cards to steal nearly $55,000 in food stamp credits from 17 stores on the Upper West Side.

In New York City, recipients of Public Assistance programs, including food stamps and cash benefits, use debit cards issued by the Human Resources Administration. Food stamp recipients use the cards to pay for groceries. Those who receive benefits can use the cards at ATM machines.

Until 2004, the Fiamettas received public assistance benefits. In 2005 and 2006, Eugenia Fiametta, pretending to be an employee of the agency managing the debit cards, called grocery store managers to inform them that their stores’ food stamp card machines were not working properly and gave them the dormant numbers of the couple’s debit cards. The grocery store managers then inadvertently activated a transfer of food stamp credits into the inactive accounts of the Fiamettas. The defendants went to other stores where they managed to obtain cash in exchange for their food stamp credits.

After the Human Resources Administration observed irregularities in the Fiametta’s food stamp profile, the Police Department and the District Attorney’s Office began an investigation.

Both Fiamettas pled guilty to felony larceny charges. In 2008, Edward was sentenced to six months in jail, and in 2009, Eugenia Fiametta was sentenced to one year. They were also ordered to pay restitution. The stores that gave the defendants cash for the credits faced federal administrative charges in which they could lose their privileges to participate in the food stamp program.
Post-9/11 World Trade Center Fraud

After the destruction of the World Trade Center Towers on September 11, 2001, a grieving nation opened its hearts and wallets to various charities which, together with government agencies, directed the money to those in need. Sadly, the District Attorney’s Office brought more than 500 cases against individuals who fraudulently obtained a total of more than $5 million from charitable organizations, government agencies, and other sources.

The following are examples of 9/11 fraud cases.

MATTHEW WEISSMAN AND EVELYN WELLENS

At the time of the World Trade Center attacks, Matthew Weissman was a partner in a two attorney law firm in lower Manhattan. Evelyn Wellens, Weissman’s girlfriend, claimed that the 9/11 tragedy had caused her to lose her job and suffer financial distress. Although Wellens had never worked for Weissman or his firm, he provided her with an employment verification letter stating that she was a salaried employee in his law office. In truth, she was a real estate agent at an office in New Jersey. Weissman also provided Wellens with an eviction notice, which stated that he was her landlord and that because of delinquent rent payments, she and her five children were facing eviction from their home. Yet, both defendants lived in Weissman’s condominium in New Jersey. For eight months, starting in December 2001, Wellens used the documents to get $80,469 in emergency funds from various government agencies and charitable organizations such as Safe Horizon, Federal Emergency Management Agency (FEMA), the American Red Cross, the Salvation Army, and the New York State Department of Labor.

Weissman also claimed to have suffered after September 11. He alleged that his law firm was closed for over a month; as a result, his monthly income declined by $22,000 and he was forced to lay off all of his employees. He further stated he needed help paying his mortgage because his tenant, Wellens, was behind on the rent. In 2002, he applied to FEMA for emergency financial assistance, but FEMA rejected his application. In reality, Weissman's office was closed for one week, no one was laid off, and he grossly overstated his loss of revenue.

A criminal investigation was initiated after Weissman’s former law partner contacted FEMA. In 2003, Wellens and Weissman were convicted in a joint jury trial of multiple counts of grand larceny, scheme to defraud, and falsifying business records. Wellens was sentenced to 2 to 6 years in prison. Weissman was sentenced to one year in jail and lost his law license. Wellens received a higher sentence because the judge found that she was the instigator of the fraud.
CYRIL KENDALL

Cyril Kendall operated an unlicensed counseling center in Queens. He reported that on September 11, 2001, his 29-year-old son Wilfred had a job interview on the 91st floor of the World Trade Center and had perished in the tragedy. Kendall filed a missing person’s report, filled out an application for a death certificate, gave a DNA sample, and provided phony documentation, including a forged birth certificate. Kendall received $162,417 from the Red Cross and Safe Horizon for financial assistance. In reality, Kendall had concocted a nonexistent son.

In 2003, after a jury trial, Kendall was convicted of multiple counts of grand larceny, criminal possession of a forged instrument, and offering a false instrument for filing. He was sentenced to 5 to 15 years in prison.

BEATRICE KAUFMAN

Beatrice Kaufman, 68, owned a temporary employment agency for lawyers, a summer home in the Hamptons, and planned to join and renovate two apartments she owned at 176 Broadway. She made arrangements to stay at the Helmsley Carlton Hotel on the Upper East Side during the construction period and was due to check-in on September 11, 2001. At the time of the terrorist attacks, she was living in the Hamptons.

Kaufman officially moved into the Helmsley Carlton Hotel on September 12. Several months later, she submitted identical bills for her hotel fees and living expenses to her personal and business insurance carriers, as well as to FEMA. She falsely claimed that the World Trade Center attacks had caused her unexpectedly to evacuate her apartment and that her agency had lost valuable business contracts. She also told her insurers and FEMA that she was physically and emotionally unable to return to her apartment until February 2002, a date which happened to coincide with the completion of her apartment renovation. She also claimed her apartment was unlivable, while at the same time she told her employees that it was safe to return to her office at 170 Broadway. In total she received $108,713 from her insurance companies and $5,940 from FEMA.

In 2004, Kaufman pled guilty to insurance fraud and grand larceny. She received a split sentence of six months jail and 4 ½ years probation and was ordered to pay $250,000 in fines and restitution.
FELIX VELAZQUEZ

After the attacks on the World Trade Center, 15 wooden and metal coffins were donated to charitable agencies. However, they were deemed unnecessary and were instead transported to the Bellevue Hospital Center for families in need. Felix Velazquez, the coordinating manager of the morgue at Bellevue, was convicted of stealing the coffins and selling them to various funeral home directors without Bellevue’s permission. Velazquez sold six of the caskets for between $150 and $300; the caskets are normally sold at wholesale for $1,500 and retail for $3,000 to $5,000 each. Seven of the coffins were recovered at the Bellevue morgue before they could be sold by the defendant. Two coffins were never recovered.

In 2003, Velazquez pled guilty to petit larceny. He was sentenced to 15 days community service and agreed to repay $500, half the amount he earned from the coffin sales.

STEPHEN FELDER AND JENNIFER GRANT

Two defendants, Stephen Felder and Jennifer Grant, separately claimed that they were injured by falling debris on 9/11. Felder took old medical records from the summer of 2001 and altered them. His amendments made it appear that Grant and he had been injured by falling fragments, taken to St. Vincent’s Medical Center in Manhattan, and then transferred and admitted to Bronx Lebanon Hospital. Neither defendant had been injured on September 11. Nevertheless, they both submitted the same, altered hospital records to the American Red Cross, Safe Horizon and FEMA. As a result, Felder received $29,061.40 from the American Red Cross, $11,000 from FEMA, and $5,221.60 from Safe Horizon. Grant received $35,176.35 from the American Red Cross and $10,000 from Safe Horizon.

In 2003, Felder pled guilty to grand larceny and was sentenced to 2 to 4 years in prison. Grant pled guilty to grand larceny and was sentenced to five years probation.

DANIEL DJORO

Daniel Djoro, from Michigan, reported that his brother, Daniel Zagbre, had been at the World Trade Center for a business meeting at the time of the attacks. Daniel Zagbre was in fact a fictitious name, an alias the defendant had used in the past. Djoro obtained $272,800 from the Red Cross and Safe Horizon. In 2002, he pled guilty to grand larceny and was sentenced to 1 ½ to 4 ½ years in state prison.
CARLTON McNISH

Carlton McNish reported that his wife, Jisley McNish, went to work on September 11, 2001, at Cantor Fitzgerald and never returned home. He filed a missing person’s report, submitted DNA from a hairbrush and a comb to the office of the Chief Medical Examiner, and applied for a death certificate. McNish applied to the American Red Cross, Safe Horizon, and the Salvation Army for financial assistance, claiming he was dependent on his wife's income and obligated to support their three children. He received $104,000 from various charitable organizations.

McNish even arranged a funeral and memorial service in the Bronx for his wife. The funeral home helped the defendant apply to the Crime Victim's Assistance Board in Albany to get funds to pay for the memorial service. The defendant also submitted the funeral bill to the American Red Cross and Safe Horizon and received money from both charities for the full amount of the bill, which totaled $6,279. In reality, no one by the name of “Jocelyn McNish” or “Jasclliny McNish” ever worked for Cantor Fitzgerald. The defendant was neither married to anyone by the name of Jascllincy, Jisley or Jocelyn McNish nor did he have three children. His fictional wife’s name was read from the list of those killed at the World Trade Center during the 2002 and 2003 memorial services.

In 2004, McNish pled guilty to grand larceny and was sentenced to 2 ½ to 7 ½ years in state prison.
Identity Theft

Identity theft crimes range from using a stolen credit card for a single purchase to opening multiple accounts in a victim’s name, falsifying documents, and/or assuming someone else’s identity. Many identity theft rings obtain stolen identity information through computer hacking, computer viruses, and email scams. Internet crimes have become international in scope.

In 2002, the Office was actively involved in obtaining legislation which created three degrees of classification for the crimes of identity theft and unlawful possession of personal identification information. Furthermore, since 2004, the Office has tracked identity theft cases in a specially-designed database.

Through presentations to community groups, distribution of a “Protecting Yourself from Identity Theft” brochure, and establishing an identity theft hotline, the Office has led efforts to educate the public on steps that can be taken to prevent victimization and to limit the damage for those who fall prey to the crime.

The following are examples of major identity theft cases.
IGOR KLOPOV AND WESTLEY WATSON

Igor Klopov, the Russian ringleader of a multi-million dollar identity theft ring from 2005 to 2007, controlled his Internet operation from his home in Moscow. He targeted Americans who owned expensive property and had high credit lines. He recruited accomplices in the United States using online job hunting sites. Klopov, using many cyber identities, interacted with his accomplices via email and instant messaging. Using stolen credit card numbers, Klopov paid for his recruits’ travel, reservations at luxury hotels, and limousine services.

In 2006, Klopov became the subject of a joint investigation by the United States Secret Service, the New York City Police Department, and the District Attorney’s Office. An undercover investigator with the District Attorney’s Office, who infiltrated the ring by pretending to be an accomplice, developed an online relationship with Klopov.

In 2007, Klopov was lured from his home in Moscow to the financial district in lower Manhattan. Klopov had arranged for one of his accomplices, Westley Watson, to use stolen personal identifying information from a wealthy American, withdraw $7 million from J.P. Morgan Chase Bank, and purchase gold with the funds. Klopov made arrangements to fly from Russia through the Dominican Republic and then, on a private jet, illegally enter New York to retrieve the gold. Unbeknownst to Klopov, the “private jet” belonged to the Secret Service, and his traveling companions included undercover investigators.

In 2008, Klopov and Watson pled guilty to multiple charges, including grand larceny, conspiracy, and identity theft, and received sentences of 3 ½ to 10 ½ and 2 ½ to 7 years respectively. Three of their accomplices also pled guilty and received lesser sentences.
In 2003, Robert Miraglia installed an ATM machine in a small grocery store on the Upper East Side. When anyone withdrew cash from the machine, all the information on the ATM card, as well as the individual’s PIN number, was “skimmed” and stored. After a few weeks, the innocent storeowner asked Miraglia to remove the machine because Miraglia failed to keep it filled with cash.

Two months later, Miraglia, Nedzad Korac, and Selin Hakjanian used the information retained by the ATM machine to steal almost $225,000 in a single day from J.P. Morgan Chase and Citibank ATMs with forged bank cards.

The investigation began when the Brooklyn District Attorney’s Office referred a tip about the suspicious ATM machine to Manhattan. Undercover officers arrested the defendants after observing them repeatedly swipe ATM cards at a Citibank branch, near the grocery store. At the time of their arrest, the defendants possessed more than 280 forged bank cards and almost $20,000 in cash.

In 2004, the three men pled guilty to grand larceny. Miraglia was sentenced to 4 to 8 years in prison; Korac to 3 to 6 years in prison; and Hakanjian six months in jail and five years probation.
III. APPEALS

A case does not always end when a criminal is sentenced. Assistant district attorneys file briefs and argue appeals to uphold convictions or, in some instances, to persuade a court to reverse a ruling that has had an adverse impact on the People’s case. Even after a conviction is upheld on appeal, litigation routinely continues in state and federal courts with motions to set aside judgments, habeas corpus and coram nobis proceedings, and civil rights actions.

The ramifications of appellate court rulings go far beyond decisions in particular cases. An appellate decision establishes a rule for all future cases. Therefore, the Office plays a critical role in presenting effective expositions to guide courts to reasonable outcomes. In a typical year, New York County assistant district attorneys handle many hundreds of appeals in the New York appellate courts, including about one-third of the criminal appeals heard by the New York Court of Appeals. In addition, because of the expertise and reputation of the legal staff, the Office is asked to appear as a friend of the court in significant cases in which it would not otherwise be involved.

Most of the convictions described in earlier sections of this report were successfully defended on appeal. The following cases are just a few examples of how the convictions of others who have committed crimes have been upheld, and how the law of New York State has been molded by the appellate work of the Office.
In 1998, Felix Soriano Guerrero slashed the throat of Rosa Soriano, his estranged wife, during an argument. The knife caused a six-inch wound and severed Rosa’s jugular vein, thyroid gland, and trachea. She died shortly thereafter. The next day, after collecting his paycheck, Soriano Guerrero left the New York area and eventually fled to Mexico. Police found bloody fingerprints at the crime scene, and an eyewitness saw Soriano Guerrero enter the apartment just before the victim was killed and leave just before her body was found. Over seven years later, after running a computer check, a detective learned that Soriano Guerrero was in custody in Arizona. He had been apprehended by border patrol agents after entering the United States illegally. Two detectives and an assistant district attorney went to Tucson, Arizona to interview Soriano Guerrero, who told them that his wife had accidentally slit her own throat while they were fighting. In 2005, he was extradited to New York and charged with Rosa’s murder. In 2006, Soriano Guerrero pled guilty to murder and was sentenced to a prison term of 19 years to life.

In 2005, an 86-year-old woman suffering from Alzheimer’s disease met Bajro Hoti in a park and invited him up to her apartment in the Theatre District. Once inside, Hoti bound her hands behind her back, gagged her, beat her with his fists, and stole her jewelry. The victim was rushed to a hospital immediately after the attack. She was severely bruised and had a broken wrist. Hoti’s fingerprints were found on a beer can that he drank from during the robbery, and a pawn shop confirmed that Hoti had pawned the victim’s jewelry. In 2007, Hoti pled guilty to robbery and was sentenced to 8 years in prison followed by 5 years post-release supervision. The determinate sentence was to run consecutively with a 1 to 3 year indeterminate sentence, which he was already serving for a 2005 conviction in Sullivan County.

As part of their guilty pleas, both Soriano Guerrero and Hoti admitted their guilt in front of a judge, on the record. Both defendants waived their rights to trial and affirmed that their pleas were voluntary. Although it was not discussed on the record at the plea and sentencing proceedings, both defendants were ordered to pay mandatory surcharges, which are standard to all criminal convictions.

After sentencing, the defendants filed related appeals in both of these cases, arguing that the judgements should be reversed because the counts had not followed New York State law in the plea proceeding in Hoti’s case or in the sentencing proceeding of Guerrero’s case. The law to which they referred states that in order for a guilty plea to be “knowing and voluntary” as the law requires, the court taking the plea must inform the defendant during the plea proceeding, on the record, about any post-release supervision he may have to serve in connection with his sentence. In addition, the sentencing court at the time of sentencing must also orally pronounce to the defendant the terms of any such post-release supervision.

In both cases, the defendants sought to extend the reasoning behind this rule about post-release supervision, which is a form of parole, to include the monetary surcharges.
that the law requires be imposed in connection with all criminal convictions. The defense argued that Hoti’s plea was not “knowing and voluntary” because the judge did not inform him of the surcharge during the plea proceeding, and that Soriano Guerrero’s sentence was invalid because the judge did not pronounce the surcharge orally when imposing the prison sentence.

In response to that appeal, which reached the New York State Court of Appeals, assistant district attorneys argued that the law had not been violated and thus defended the convictions. This Office reasoned that the financial repercussions at issue, surcharges or fees assessed in all criminal cases, are civil in nature, not punishments designed to fit the particular crime. The Court of Appeals affirmed both convictions, holding that surcharges and fees need not be explained during plea proceedings in a criminal court, nor expressly pronounced at sentencing proceedings. The ruling effectively averted the immediate reversal of thousands of guilty pleas and sentences.

PAUL STUART

In 2000, Paul Stuart had become obsessed with a 21-year-old stranger. For over five weeks, he repeatedly followed the woman in her neighborhood and near her school, gym, library, and dormitory. He approached her numerous times, tried to give her flowers and gifts, and tracked her into the subway. The terrified victim filed reports with her local police precinct, altered her daily routines, and restricted her social activities in an effort to avoid Stuart. Stuart was charged under New York's Anti-Stalking statute, which had been enacted the previous year. After Stuart waived his right to a jury trial, a judge found him guilty of misdemeanor stalking. He was sentenced to 90 days in jail.

On appeal, Stuart challenged the conviction on the grounds that the anti-stalking statute was unconstitutionally vague on its face and as to him. He argued that the statute failed to provide adequate notice of what conduct it prohibited and does not give sufficient guidance to those charged with enforcing it. The Office defended the conviction in the Appellate Term and the Court of Appeals. Both courts rendered decisions sustaining Stuart’s conviction, upholding the constitutionality of the anti-stalking statute.
In 1995, Harry Rosen sexually abused a four-year-old girl. Initially, Rosen pled guilty to sexual abuse. The judge informed him that he would impose a sentence of 3 to 6 years, rather than the maximum of seven years. The judge ordered a psychiatric evaluation as part of the pre-sentence report. Based on the report, an assistant district attorney sought a hearing to have Rosen sentenced as a persistent felony offender, which would authorize an increase in his sentence beyond seven years. The judge gave Rosen an opportunity to withdraw his guilty plea and explained that if the plea were not withdrawn, and if Rosen were adjudicated a persistent felon, the judge would consider the People’s application to increase the length of the prison sentence. Rosen refused to accept the possibility of a longer sentence and the judge therefore vacated the guilty plea. The case went to trial. In 1996, Rosen was convicted of sexual abuse and endangering the welfare of a child. Based upon Rosen’s two prior felony convictions, for sexually abusing his 18-month-old son and possessing stolen property, he was sentenced as a persistent felony offender to 25 years to life in prison.

On appeal to the New York Court of Appeals, Rosen contended that New York's persistent felony offender statute violated the constitutional right to a jury trial based upon the United States Supreme Court decision in the case of Apprendi v. New Jersey. The holding of Apprendi requires that any fact, other than a prior conviction, that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt. The defense argued that in addition to the two prior felony convictions, the statute requires a finding that the nature and circumstances of an offender’s criminal conduct indicate that extended incarceration will best serve the public interest. Therefore, the defense contended, a jury rather than a judge must make the decision. Assistant district attorneys opposed that contention on two grounds. First, they argued that the defendant's claim that his sentence violated his right to a jury trial could not properly be heard for the first time on appeal. Second, they argued that New York's persistent felony offender statute did not violate the right to a jury trial because, other than the two prior felony convictions, a judge did not find any additional facts beyond those found by a jury. The New York Court of Appeals agreed with the Office on both counts. In 2001, upholding the defendant's conviction and sentence, the Court held that Rosen's claim could not be reviewed, because it had not been preserved in the sentencing court, and in any event, New York's persistent felony offender sentencing scheme did not violate the Apprendi rule.
In January 1994, Winston Gajadhar and an armed cohort visited the Manhattan apartment where Sammy Fiki and his brother, Mosad Elfeky, conducted a taxi business. Gajadhar believed that Fiki owed him about $1,500. Upon entering the apartment, Gajadhar and his co-conspirator demanded that Fiki turn over the money, but Fiki refused. Gajadhar then ordered his accomplice to “take care” of Fiki and Elfeky. Elfeky struggled with Gajadhar and the cohort.

At that point, Hishaim Omar emerged from another room and saw the struggle. He immediately recognized Gajadhar from a prior meeting and saw that Gajadhar’s accomplice was holding a gun. Gajadhar’s accomplice shot Elfeky in the chest and then shot Omar in the abdomen. As Fiki managed to call 911 from the office phone, Gajadhar’s accomplice shot him in the stomach. Gajadhar and the armed accomplice fled the apartment together.

Soon, police and emergency medical personnel arrived and rushed the three shooting victims to the hospital. Elfeky was pronounced dead shortly after his arrival. Fiki and Omar had severe internal injuries, but survived. During the investigation that followed, Fiki and Omar each told detectives that Gajadhar was one of the men who had attacked them.

Thereafter, a grand jury charged Gajadhar with numerous offenses, including intentional murder, felony murder, attempted murder and attempted robbery. Gajadhar proceeded to a jury trial. During jury deliberations, one of the jurors had to be hospitalized. Gajadhar vociferously opposed the declaration of a mistrial and adamantly insisted on his right to proceed to verdict with 11 jurors. After lengthy discussions between the court and the parties, and upon the advice of counsel, Gajadhar executed a written waiver of his right to a jury of 12. Deliberations resumed. Thereafter, the 11-person jury acquitted Gajadhar of several charges, but convicted him of felony murder and attempted robbery. For those crimes, Gajadhar was sentenced to an aggregate term of from 20 years to life imprisonment.

Following his conviction, Gajadhar — disappointed with the verdict that had been returned by the jury of his choosing — changed his position entirely from his trial stance that he had a right to waive a jury comprised of 12 persons. On an appeal that reached the New York Court of Appeals in 2007, he argued that the consented-to deviation from a jury of 12 constituted a fundamental error that entitled him to an automatic reversal of his conviction and a new trial. Relying on People v. Cancemi, a 100-year-old New York Court of Appeals precedent, Gajadhar argued that a trial by a jury of fewer than 12 persons constituted a mode of proceedings error that could not be waived by a defendant.

In response to Gajadhar’s arguments, this Office reviewed the evolution of New York law regarding a defendant’s right to a jury trial since Cancemi was decided. The Office showed that, given the changes in the law over the past 100 years, the holding in
Cancemi no longer stood as an immutable bar to a waiver of a jury of 12 persons. In rendering its decision, the Court of Appeals adopted the Office’s position and held that there was no longer an absolute constitutional impediment to a defendant consenting to the continuation of deliberations by 11 jurors. Accordingly, the Court determined that Gajadhar’s written waiver of his right to a 12-person jury was valid and enforceable, and that he was bound by the verdict.
EDMUND KO

Hyeseung Lynda Hong, a 26-year-old Columbia Law School student, was murdered in March 1998. Two days later, her boyfriend discovered her dead body on the floor of her apartment in Morningside Heights. Her throat had been slashed. She was dressed in the same clothing she had worn two nights earlier when they had met for dinner. Investigators determined that after their date, Hong spoke on the telephone with a friend. Their conversation was interrupted when Hong took an incoming call. Hong's friend reported that when she resumed their conversation, Hong excitedly stated, "It's Ed, he's coming over." The phone call ended when the visitor arrived. That was the last time Hong’s family or friends spoke to her.

The next day, police arrested Hong's ex-boyfriend, Edmund Ko. The Police Department and the District Attorney's Office assembled forensic and circumstantial evidence, which placed Ko in Hong’s apartment and proved he was Hong’s killer. The Medical Examiner found that she had died shortly after having dinner with her boyfriend. A bloody footprint impression on a booklet removed from the crime scene was consistent with the shape of Ko’s left foot. Police witnesses testified that when they asked Ko's girlfriend, Claudia Seong, if she could identify a bloodstained shirt and sweatpants left at the scene she stated that they belonged to Ko. The investigation also revealed Ko's motive: he killed Hong in order to impress and appease his violently jealous current girlfriend. In fact, Ko and this girlfriend had assaulted another of Ko’s former girlfriends in 1997; the victim had survived the attack. In 2000, a jury convicted Ko of murder. He was sentenced to 25 years to life in prison.

For the first time in New York State, the results of mitochondrial DNA testing (analysis of maternally inherited DNA) were introduced at a criminal trial. The mitochondrial DNA profile obtained from hairs that were recovered from the bloody clothing matched Ko's mitochondrial DNA profile. In addition, fibers from the clothing matched fibers found in the car Ko drove the night of the murder, as well as fibers recovered from his apartment. Surveillance videotapes showed Ko leaving his apartment building just before the time of the murder and returning approximately two hours later.

On his appeal to the Appellate Division, First Department, Ko raised a number of challenges including one to the DNA evidence. He argued that mitochondrial DNA testing was still too new to be introduced at criminal trials. The Office defended his conviction in the Appellate Division and noted that mitochondrial DNA testing had been found reliable by the scientific community and the results of such tests had been introduced in courts in other states. The court agreed and held that the evidence that Ko's mitochondrial DNA profile matched that recovered from the hairs on the clothing was properly admitted.

While Ko's appeal was pending, the United States Supreme Court decided Crawford v. Washington. In Crawford, the Supreme Court adopted a new test regarding the admissibility of out-of-court statements by non-testifying declarants under the Confrontation Clause. The Court held that such "testimonial statements," which included
formal statements made to government officials investigating crimes, were inadmissible against a defendant under the Confrontation Clause, unless the non-testifying declarant was unavailable for trial and was previously cross-examined by the accused. Ko subsequently petitioned the United States Supreme Court for a writ of certiorari, alleging that Seong's statements to the detectives that the bloody clothes belonged to Ko were testimonial statements barred by the Confrontation Clause. The Supreme Court granted Ko's petition to the extent of ordering the Appellate Division to review the claim.

The Office defended the case on this second appeal in the Appellate Division. The Office agreed that Seong’s statements were testimonial, but argued that Ko had opened the door to their introduction because Ko had asked the trial court, before the trial began, for permission to cross-examine the police witnesses about the statements. The Appellate Division agreed that Ko had opened the door to the testimony and affirmed his conviction.
Herb Griffin was a veteran New York City police detective assigned to the 19th Precinct. On New Year’s Day 2005, Matthew Sanchez, Nenad Jurlina, and Anthony Amitrano assaulted Griffin and his friend Liam McCormack. Amitrano attacked McCormack, while Sanchez and Jurlina repeatedly punched and kicked Griffin. A school teacher witnessed the larger younger men accost Griffin, who never hit or kicked back, and who eventually succumbed “like a rag doll,” as “his body just went limp.” Even then, Sanchez and Jurlina continued the assault. A passing tow truck operator chillingly described how Sanchez, an Annapolis Naval Academy soccer player, stood over Griffin while Sanchez’s telltale trench coat “flailed about” as he repeatedly kicked Griffin, who was lying helpless on the ground. The beating caused Griffin to suffer a series of skull fractures and bleeding on his brain. At 39 years old, with a wife and school-aged children, Detective Griffin was forced to retire from the police department and could no longer work. Sanchez, Jurlina and Amitrano were all charged in connection with the assault and proceeded to a joint jury trial. At the end of the trial, Sanchez and Jurlina were found guilty of gang assault for the beating, and Amitrano was convicted of misdemeanor assault for his attack on McCormack. Sanchez was sentenced to a term of six years in prison. Jurlina received a prison term of nine years and Amitrano received a jail term of two months.

On appeal, Sanchez challenged the court’s instructions to the jury defining the element of gang assault that required proof that he was “aided by two or more other persons actually present.” In particular, Sanchez claimed that the gang-assault statute required proof that each defendant was aided by two full-fledged accomplices who shared his culpable mens rea, which, in this case, was an intent to cause physical injury to Griffin.

In defending the conviction, the Office argued that an analysis of the language and history of the gang assault statute established that the Legislature intended to punish a defendant based on his own mens rea and his actions, not on the intent of anyone else. Consequently, the Legislature crafted the statute to provide that an “aider” need not share the specific mental culpability of an accomplice.

The New York Court of Appeals agreed with the Office that the “statute, on its face, speaks only to the intent of the defendant and not to his aiders. No particular mental state is expressly required of those who comprise the gang. They must simply be present and render aid to the defendant. The Legislature did not provide that they must share defendant’s intent to cause physical injury.” Thus, the Court held that “a defendant can be found guilty of gang assault, if he or she acts with the requisite mens rea and aid, even if one or more of the persons who aid do not share his intent to cause physical harm.” This ruling serves to clarify the gang assault statutes and the second degree robbery statute, which contains nearly identical language.
In July 2001, Craig Lewis hit his former girlfriend over the head with a dinner plate. Lewis was arrested, and an order of protection was issued against him. The order required Lewis to stay away from his ex-girlfriend’s apartment. In addition, it barred Lewis from having any contact with his ex-girlfriend, menacing her, threatening her, or interfering with her household. One month later, Lewis entered his ex-girlfriend’s apartment in violation of the protective order. Once inside, Lewis threw some of her personal effects out the window. When his ex-girlfriend returned home, she found Lewis lying in her bed and told him to leave. Lewis refused and spewed a series of expletives at her. The ex-girlfriend called the police. When police officers arrived and took Lewis into custody, he threatened his ex-girlfriend, saying, “I'm going to get you for this” and “You are through.”

Lewis went to trial and was convicted of burglary, for the illegal entry, and criminal contempt, for violating the order of protection. On an appeal to the Court of Appeals, Lewis challenged his burglary conviction. While conceding that the protective order barred him from entering his ex-girlfriend’s apartment, Lewis argued that the People had not proven a second, required element: that he had entered the apartment with the intent to commit a crime therein. This Office contended that Lewis’ unlawful entry into the apartment with the intent to commit acts in violation of the protective order satisfied the elements of burglary, including the intent element. The New York Court of Appeals agreed with the Office’s position and sustained the conviction.

People v. Lewis set a significant precedent for domestic violence cases. If a domestic abuser enters his victim’s apartment in violation of an order of protection, with the intent to violate the protective order further by confronting, harassing or threatening his victim inside, he is guilty of burglary — a much more serious crime than merely violating the order of protection.
In November 1997, Jerry Glenn purchased over one-half ounce of cocaine for $550 in upper Manhattan and then headed downtown in a livery cab. Three police officers in an unmarked car saw the cab driver turn a corner without signaling. The officers noticed that Glenn was sitting in the middle of the rear seat of the cab, leaning forward. Suspecting that Glenn might be robbing the cab driver, the officers stopped the cab. During the car stop, the officers observed drug paraphernalia on the rear seat, near Glenn, and arrested him. Police recovered bags of cocaine and heroin from Glenn and other drug-related evidence.

Glenn moved to suppress the drugs and other evidence, contending that the car stop was unlawful under New York law because the officers had used the traffic violation as a “pretext” for stopping the cab and that the officers’ actual motivation for the stop was to investigate their hunch that defendant was committing a robbery. Glenn’s motion was denied, after which Glenn pled guilty to felony drug possession and was sentenced to a prison term of from 4 ½ to 9 years.

The Court of Appeals granted an appeal in this case, along with two companion cases (a Bronx case, People v. Robinson, and a Monroe County case, People v. Reynolds), all of which raised the issue of whether a “pretextual” car stop was lawful under New York law: i.e., whether the New York Constitution was violated by a car stop that was objectively justified by a traffic infraction but that was actually motivated by a police officer’s desire to investigate another matter. The United States Supreme Court, in Whren v. United States, 517 U.S. 806 (1996), held that, as a matter of federal constitutional law, a police officer’s actual motivation for stopping a car was not a relevant factor in determining the lawfulness of a car stop. Glenn and the defendants in the companion cases argued to the New York Court of Appeals that it should not adopt the Whren rule. Rather, they urged the Court to hold that a “pretextual” stop was unlawful under the New York Constitution, a view that some intermediate appellate courts in New York had taken. This Office argued that the Whren rule should be adopted as a matter of New York law. In particular, the Office contended, New York Court of Appeals precedents did not call for adoption of a pretext rule. Such a rule would hamper law enforcement efforts to combat crime and would not serve any compelling state interest. In its decision determining the three appeals, the Court of Appeals adopted the Whren rule as a matter of New York law, holding that a car stop, when objectively justified by a traffic violation, was lawful even if the police officer’s actual motivation for the stop was to investigate another matter.
JAMES BESSER AND JERRY CIAURI

James Besser and Jerry Ciauri were Associates in the Colombo family’s criminal enterprise. The Colombos conducted any number of illegal money-making operations, including loan sharking, gambling and extortion. They used intimidation, violence and even murder to advance and protect those operations, as well as their own positions within the organization. In particular, for nine months, from December of 1989 through August of 1990, Besser, Ciauri, and other members of the Colombo Family stole more than $60,000 by committing extortion, coercion and robbery against the owners of a grocery store in Brooklyn.

Based on that extended course of criminal conduct, a host of Colombo members were arrested from June through August of 1992, and some became cooperating government witnesses. Besser and the Ciauri brothers were arrested in May of 1993. A jury found Besser and Ciauri guilty of the crime of enterprise corruption. In reaching their verdict, the jurors concluded that Besser had committed numerous pattern acts, including robbery, grand larceny by extortion, and grand larceny for stealing more than $1,000 in worthless checks. The jurors also concluded that Ciauri had committed a number of pattern acts, including conspiracy to commit murder, robbery, grand larceny by extortion, and coercion.

On appeal, Besser and Ciauri challenged the application of the accomplice corroboration rule to an enterprise corruption prosecution. In 2001, the Court of Appeals held that the jury was properly charged that the testimony of the accomplices need not be corroborated for each pattern act (such as robbery or grand larceny), but was sufficiently corroborated if the jury determined that some independent evidence tended to connect defendants to the offense of enterprise corruption.
IV. CRIMINAL COURT

Assistant district attorneys working in Criminal Court handle approximately 100,000 cases each year. Despite the huge caseload and the chronic problem of judicial understaffing, the overall conviction rate for the years 2000 through 2008 was 62 percent. A Criminal Court Supervisor in each of the six general trial bureaus of the Trial Division provides full-time, first-line leadership for the Criminal Court assistants.

The Criminal Court Complaint Room is the place where felony, misdemeanor, and violation arrests are evaluated and court complaints are drafted by assistant district attorneys and paralegal assistants who interview police and civilian witnesses. Staff members are assigned to this room seven days a week, and include expediters who manage the flow of cases. Though complaint drafting has been computerized since 1988, an entirely new and significantly more comprehensive system was implemented in 2000. It tracks the case from first receipt in the Complaint Room through arraignment. Manhattan’s arrest-to-arraignment time consistently meets state law requirements.

Offenders in Criminal Court are screened for eligibility for diversion programs, and for their history of recidivism. Often, a subway turnstile jumper, for example, may have committed other, more serious offenses. Paying attention to what appear to be minor crimes may lead to the discovery and even prevention of major crimes. Alternatives to incarceration are appropriate for some defendants, but incarceration is necessary for others.

One successful diversion program in Criminal Court provides court-supervised substance abuse treatment for drug-addicted misdemeanor offenders. The cases are adjourned to a specialized court part where screening criteria determine which offenders might be eligible for the program. They are then assessed for substance abuse by case workers, who recommend out-patient or residential treatment and make referrals to appropriate treatment facilities. Accepted defendants plead guilty to a misdemeanor, sign a plea agreement, and agree to a deferral of sentencing. During periodic court appearances, the offender’s progress is assessed by the court, the People, and defense counsel. Assistance with educational and vocational goals is also available. Upon successful completion of the program, defendants’ cases are dismissed, but not sealed. Individuals who do not complete each phase of the program are sentenced to the jail alternative stated in the plea agreement.

In addition to diversion programs in Criminal Court, the Office created a Recidivist Misdemeanant Tracking Program to focus on the relatively small number of individuals who commit a disproportionately large percentage of the crime, and adversely affect quality of life. Defendants in 11 categories of crime are targeted if they have the qualifying number and incidence of prior arrests: criminal trespass, drug possession, fraudulent accosting, graffiti, marijuana sale and possession, MetroCard crime, prostitution, shoplifting, trademark counterfeiting, and untaxed cigarettes. As a result, memos are generated in the Complaint Room for arrested targets. These memos alert staff that the defendant is a recidivist and offer guidelines. When a recidivist is arrested, a
senior assistant district attorney is given the file, with the memo attached, to determine the appropriate charges (including any applicable felony counts), bail, jail time or other disposition. Approximately 600-700 defendants are targeted each year for such enhanced prosecution.

In 2009, the Office of the Mayor and New York City’s District Attorneys collaborated to identify, in each of the five boroughs, the twelve worst quality-of-life misdemeanants, or “The Dirty Dozen.” All of the defendants had been convicted ten or more times in the past two years. About 84 percent of the convictions were for drugs, petit larceny/possession of stolen property, criminal trespass, theft of services, and prostitution. The “Dirty Dozen” program works in the same way as the Recidivist Misdemeanant Tracking Program. Whenever an arrested defendant is determined to be one of the current “worst” offenders from Manhattan or another borough, attorneys in the Complaint Room review the defendant’s instant offense and criminal history in order to determine appropriate legal action. Recidivist lists are updated periodically to add and remove targets based on changing arrest and conviction patterns.

New York City’s Criminal Court, one of the busiest in the land, is where most of Manhattan’s citizens come into contact with the criminal justice system.
V. CIVIL PROCEEDINGS — NARCOTICS EVICTION PROGRAM AND ASSET FORFEITURE

At times, the law gives a district attorney’s office the opportunity to begin a civil proceeding in order to safeguard a community, or to insure that those who commit financial crimes are not allowed to retain monetary gain from their criminal conduct. Some of the civil proceedings are related to a companion criminal case; others are not.

As to safeguarding members of the community, the Narcotics Eviction Program targets drug dealers who have moved their activities into apartments and commercial buildings. The program evicts drug dealers by using a state civil statute, the Real Property Actions and Proceedings Law. Pursuing eviction under civil law, in addition to criminal prosecution, allows the Manhattan District Attorney’s Office to help neighbors open a second front in the attack on drug dealers. After a case has been deemed to have sufficient evidence, the Program notifies the landlord and requests that eviction proceedings be initiated. Should the landlord fail to comply, the Office has the authority to proceed as though it were the owner of the premises. In most cases, the landlord is more than willing to help evict the tenant and welcomes the support of the Office. The Program assists landlords in court by arranging for testimony by police officers and by providing the necessary paperwork. The Program also provides a staff attorney or paralegal to assist and monitor the proceedings. With the cooperation of the New York City Housing Authority, the District Attorney’s Office itself has litigated many eviction actions involving subsidized rental units. The Narcotics Eviction Program is an effective tool for removing drug dealers and other illegal businesses from Manhattan. Since its inception in 1988, the program has succeeded in removing tenants who threaten the safety and security of the community from more than 6,000 locations. Despite the large volume of evictions, the District Attorney’s Office carefully reviews each case and may not seek eviction if fairness requires a different solution.

The New York State Asset Forfeiture Law, another civil statute, allows a district attorney to bring a lawsuit to forfeit real property when there is proof that the owners knew that the property was being used for and contributed directly and materially to the commission of crimes. Other sections of the Forfeiture law provide for seizing cash and other assets of offenders, even when the criminal conduct takes place in another state or country. The forfeited funds are distributed pursuant to the state Civil Procedure Law and Rules, which provides that a portion of certain forfeitures be paid to the New York State office of Alcoholism and Substance Abuse Services.

The following are examples of asset forfeiture cases.
The District Attorney’s Office, as part of a 2002 investigation into unlicensed money transmissions through New York, discovered that more than 60 people, all Brazilian citizens and all foreign-based money transmitters, were operating unlicensed money transmission businesses in New York County. The 60 Brazilians accomplished their crimes using accounts at Merchant’s Bank/ Valley National Bank in Manhattan, and then transmitted the funds to other accounts which were designated by their customers. In order to facilitate this criminal activity, the individuals “employed” Carolina Nolasco, a corrupt employee of Valley National Bank, via bribery payments to manage their accounts and attend to their business interests in New York. The corporate defendants were chiefly offshore shell corporations that were used by the individual defendants.

The District Attorney’s Office brought a civil suit to recover over $656 million in illegally transferred funds. An order of attachment obtained by the Office seized approximately $17 million in cash. The magnitude of the case became obvious when assistant district attorneys realized they had to serve the forfeiture summons and complaint upon 60 people in Brazil within a short time period. The accomplishment of that feat was a testament to the high degree of cooperation between the Brazilian authorities and the New York County District Attorney’s Office. The subsequent convictions and forfeitures resulted in millions of dollars being repatriated to Brazil. As a result of litigation surrounding the service of the forfeiture summonses in Brazil, the New York State Court of Appeals ruled that service of process upon a foreign national in a foreign country is legitimate if done in a manner that complies with New York State law.
In 2006, the District Attorney’s Office filed a civil lawsuit seeking $1.9 million against Louis Renzo, the owner of CLB Check Cashing, William DeRespino, one of his employees, and James Gass, a former Bank Examiner at the New York State Banking Department. A temporary restraining order freezing their assets was also obtained. The civil case was filed in conjunction with a criminal case against the three defendants and against CLB Check Cashing and other check cashing businesses owned by Renzo. Renzo and DeRespino had bribed Gass, while he was working as a Bank Examiner for the New York State Banking Department, to provide them with confidential information regarding CLB’s business competitors, and to facilitate CLB’s purchase of another check cashing business. In exchange for his services, Gass received a substantial sum of cash and a lucrative job following his retirement.

In 2007, Renzo and DeRespino pled guilty to rewarding official misconduct. Gass pled guilty to receiving a reward for official misconduct. Each man was sentenced to five years probation. At the same time, the District Attorney’s Office successfully settled the civil asset forfeiture case against Renzo, DeRespino and Gass for the full $1.9 million. The money was distributed pursuant to the Civil Procedure Law and Rules to the New York State Office of Alcoholism and Substance Abuse Services and to the New York County District Attorney’s Office.
In 2005, the District Attorney’s Office sued a high-ranking employee of Solomon Smith Barney/Citigroup, his wife, and his shell company for $642,000, the criminal proceeds in a commercial bribery scheme. The suits were based on evidence uncovered during an investigation conducted by the Office and the New York State Police.

Evidence established that Thomas Moogan, who wielded influence in awarding construction, technology and operations jobs at Smith Barney facilities, solicited and received $642,000 in bribes over a five-year period in exchange for giving two vendors millions of dollars worth of work at Smith Barney. As part of Moogan’s scheme, the vendors sent checks, money orders and wire transfers ranging up to $25,000 per month to Moogan or a third party, to pay for phantom work done by Empire Communications Group, Inc., a shell company located in the Moogans’ New Jersey home. Joan Moogan, the only employee of Empire Communications, regularly received a paycheck from Empire, the conduit for the bribes. The checks were then deposited into the couple’s joint bank account. The couple falsified business records and failed to report this income on their tax returns.

Moogan, his wife, and his company were all indicted for crimes including commercial bribe receiving and offering a false instrument for filing. In 2006, Thomas Moogan pled guilty and was sentenced to 1 to 3 years in prison. The indictment against his wife was dismissed as part of a forfeiture agreement. The couple agreed to forfeit $542,000 in available assets immediately, and Thomas Moogan agreed to a confession of judgment for the remainder of the $642,000.
On the basis of complaints received from the community, the District Attorney’s Office opened an investigation into crime at the Sherman Hotel, a single room occupancy hotel located on West 47th Street. The hotel was a hotbed of criminal activity, involving drugs, assaults, murders, prostitution, and gambling. In 2002, the Office brought a civil forfeiture case against the property’s owners. To date, this case remains the only suit brought in New York State under a section of the Forfeiture Law that allows the district attorney to obtain the forfeiture of real property when it can be shown that the owners knew the property was being used for the commission of crimes and that the property contributed directly and materially to the commission of crimes. As a result of the forfeiture suit, in 2006 there was an agreement to turn the hotel into an Econo Lodge franchise and renovate it from top to bottom, abiding by the franchise specifications. The hotel management is now a part of the law-abiding Times Square community.
VI. MAINTAINING A MODERN OFFICE RESPONSIVE TO THE COMMUNITY

TECHNOLOGICAL SUPPORT

Information Technology

Effective use of modern technology is critical to successful case management and office administration. Information Technology is responsible for all computer services in the Office, including management of the Office’s computer network, purchasing, and new PC installations and upgrades. Staff members maintain and manage all court case data and case assignments via DANY Case Search, a computer database which has case information from 1988 to the present; the Indictment Processing System; and investigative documents in Workbench, a system for managing assistant district attorneys’ cases, including templates for writing legal documents. IT is responsible for providing support for office computer systems and conducting in-house computer training. IT analysts research and develop new applications, such as Case Service, which provides a list of available services for Office employees. Data control specialists also maintain support for certain outside systems, such as the Department of Motor Vehicles and the NYC Court Case Tracking System.

The Forensic Unit in Information Technology provides technical assistance for drafting and executing search warrants involving computer equipment. Analysts extract and preserve electronic evidence, such as digital photographs, videos, and files from seized computers for use in criminal investigations. IT staff will make examination copies of computer evidence. The staff has testified about computer search, seizure, and examination activities. Analysts also conduct background investigations of witnesses and organizations using a wide range of computer databases. Specialists process and analyze subpoenaed telephone data received from telephone companies and extract pertinent data, such as cell phone contact lists, digital photographs, call history, short message service, and text messages. Each year, the Forensic Unit processes data from hundreds of hard drives and cell phones. Since the beginning of 2008, DANY’s Computer Forensics Unit has processed data from approximately 700 hard drives, with as many as 70 drives analyzed in a single month. Over the same period, the lab has analyzed 960 phones, with as many as 61 analyzed in a particular month.

In 2009, the Office developed a Courtroom Technology Lab, which provides increased resources and training for the use of technology in effective courtroom presentations. The Lab was set up as a small mock courtroom, which gives attorneys preparing for trial a place to practice a PowerPoint presentation or witness testimony involving computer-generated visual display. The Lab features all the hardware, including laptops, flat screen televisions, and overhead projectors, which can be used to make presentations as realistic as possible, ensuring a seamless transition from practice to trial.
Visual Evidence: Photographs, Engineering, and Video

Visual Evidence is important for investigating, prosecuting, and eventually presenting case information in a courtroom setting. Photographs, engineering exhibits, audios and videos are invaluable tools.

In the Photography Unit, staff members take, develop, and preserve photos of crime scenes, victim injuries, and evidence. Photographers will often take aerial pictures from a helicopter to get a better view of a crime scene. Media service technicians can develop and enlarge photos from the medical examiner’s office. Photography staff will sometimes make binocular recreations. The Office has an in-house photo lab where staff can develop film and photos from digital media, such as CDs and all types of memory cards. Individuals can also copy photographs without negatives or a digital source, using color photographic copier or scanners. Technicians can enlarge and print photos and color slides.

In the Engineering Unit, technicians recreate crime scenes as scaled diagrams or models. The staff is also responsible for mounting and preserving all exhibits and photographs that are used at trial. Engineering provides street maps of Manhattan. Housing Authority and park maps are also available. Engineering also has a series of aerial photographs of the five boroughs. There are body charts that the Medical Examiner can use when testifying at trial. Via PowerPoint, DNA charts, and timelines can be created. Excel charts can be printed and mounted. Engineers can build a large-scale 3-D model of an indoor or outdoor crime scene.

The Video Unit acquires, prepares and presents visual evidence. Technicians are available 24 hours a day. They videotape and preserve statements from defendants and witnesses and videotape crime scenes; perform video analysis, including enhancement and clarification of audio and video media, recovery of video evidence from surveillance systems, and duplication of all types of visual media. Hard copy prints and digital stills are produced. Technicians have sometimes recorded statements from child and “special” witnesses. Forensic Video Analysis is also available. For presentation at judicial proceedings, the unit provides analog media playback, DVD/CD playback, Laptops, Plasma television screens, microphones and amplification, as well as expert testimony.
Witness Aid Services

The Witness Aid Services Unit is a victim and witness assistance program. The program provides victims, witnesses, and their families with comprehensive social services, clinical counseling services, court-related services, and advocacy and support throughout the criminal justice process. The Program also provides criminal justice orientation, essential court-related information and victims’ rights information. The unit works with assistant district attorneys to facilitate cooperation in the prosecution of criminal cases.

The unit is comprised of five departments: Victim Assistance Center, Social Services Department, Counseling Department, Notification Department, and Property Release Department. Spanish-speaking staff members are available in each of the unit's departments. Interpreters for other languages are also available. All services offered by the unit are free of charge.

The Victim Assistance Center is a secure, comfortable, supportive environment where victims, witnesses and their families are introduced to the services available to them. Center staff explains the prosecutorial process, assist victims in the complaint room, respond to case status inquiries, ensure that court documents are signed, and refer victims to other services. Upon entering the Center, the victim is welcomed by a victim advocate coordinator. Victim advocates orient victims in the criminal justice system, explain the victim’s role in the prosecutorial process, and serve as the victim’s liaison with prosecutors, police and the court. These advocates can arrange transportation and hotel placement for witnesses and assist with orders of protection.

A Domestic Violence Victim Advocate assists in domestic violence prosecutions by maintaining contact with the victim, informing the victim of the status of the case, and describing the services provided by Witness Aid. The advocate is also able to explain the order of protection issued in arraignments and to deal with any other issues that arise.

The Homicide Outreach and Disposition Letter Program provides an immediate outreach and condolence letter to family members of the deceased. The letter also provides the family with the name and contact information of the assistant district attorney assigned to the case. The letter further explains how the family may obtain services from Witness Aid, such as counseling from certified social workers and compensation for funeral expenses.

The Social Services Department assesses the needs of crime victims, witnesses, and their families and is able to offer a wide variety of specialized social services, including domestic violence safety services; advocacy and referrals to emergency and battered women shelters; assistance with applying for compensation through the New York State Crime Victims Board; advocacy and referrals to drug treatment programs and employment agencies; application for public housing and public assistance; obtaining court orders of protection; court accompaniment; and arranging transportation to and
from court. The Social Services Department also has a Child Victim Program, which provides specialized assistance for child victims and their families.

The social workers in the Counseling Department provide individual therapeutic counseling to victims, witnesses, and their families. Group counseling is also offered to specially targeted victim populations, including victims of domestic violence and survivors of homicide victims. The Counseling Department also provides assistance with the preparation and submission of victim impact statements to the City Department of Probation, the sentencing court, and the State Division of Parole. The overall goal of this department is to assist people in overcoming the psychological trauma and anxiety associated with their victimization, and to encourage active participation in the legal process.

The Notification Department is responsible for civilian and police notifications including assistance with signing court documents on criminal court cases, processing of court orders of protection, the coordination and processing of disposition letters, and assisting victims with requests for notification of an inmate’s release.

The Property Release Department assists victims in recovering stolen property held as evidence by the Police Department. This department is also responsible for issuing property releases to defendants.
Other Support Services

The District Attorney’s Office is a large agency that functions with the help of a full staff. Every unit and department plays an important role.

The District Attorney’s Office Squad is a New York City Police Department unit under the supervision of the department’s Chief of Detectives. The Squad conducts investigations into sophisticated and sensitive crimes. Among other responsibilities, they execute eavesdropping warrants, conduct physical surveillance, perform extraditions, and guard material witnesses. In addition, they perform undercover investigations. The Squad’s technical branch, the “Wire Room,” maintains an inventory of electronic equipment. They also prepare high-speed reproduction of audiotapes and prepare recorders for playback at trials.

Financial Crimes is staffed with accountants and financial analysts who assist the legal staff by conducting financial investigations relating to allegations of bribery, commercial fraud, securities fraud, embezzlement, and organized crime.

The Investigation Bureau is staffed by District Attorney Investigators who investigate fraud, official corruption, organized crime, and other criminal matters for the Investigation and Trial Divisions. The investigators are also called upon to investigate allegations of police brutality or other misconduct. Among the areas of responsibility are conducting in-house lineups; maintaining a NYSPIN (New York Statewide Police Information Network) Intelligence Computer Terminal; managing all electronic surveillance orders, recordings and videotapes; and handling office security.

Internal office security is handled by security officers, a group within the Investigation Bureau. A district attorney investigator supervises the security officers.

The Spanish Language Program has bilingual staff. Individuals are available to act as consultants on cases with Spanish-speaking witnesses and offer translating and interpreting services to the office.

The Human Resources Department is responsible for all personnel and payroll functions, including employee and labor relations, payroll services, recruitment, support staff training, and timekeeping.

Fiscal is responsible for managing the Office’s financial resources, budget, payroll, purchasing expenditures, state and federal grants, and travel arrangements.

Operations is responsible for administrative services, including facilities design, interpreter services, facilities management, communication, and purchasing.

There is a massive amount of court case information, materials, and mail to manage. Records Management includes Imaging, which scans Criminal Court files and
other materials. The Mail/Messenger Unit picks up and delivers intra-office and United States Postal mail. Reproduction is in charge of reproducing large volume office materials.

In the Planning and Management Department, individuals perform a variety of functions designed to support the strategic and operational management of the office and its resources. Among other tasks, staff members prepare the annual New York City and New York State budget letters, which request funding for new Office initiatives; write grant proposals; provide statistical analyses that measure the performance of prosecutorial activities; and study operations and recommend measures designed to ensure the most effective and efficient use of office resources and personnel.

Public Information Officers serve as the point of contact between the news media and the Office. Spokespersons respond to inquiries from the media, other law enforcement agencies, and the general public concerning pending and closed cases, office policy, and other related matters. Individuals in this department coordinate large and small-scale press conferences, as well as write and distribute press releases to the media.

Bureau Administrators supervise and train paralegals and support staff. They oversee the bureau/unit to make sure everything runs smoothly.

Paralegals aid assistant district attorneys in all aspects of investigations, trials, and appellate litigation. They compile and analyze case documents for hearings and trials, and coordinate case schedules with courts, law enforcement officials, witnesses and defense attorneys. They also draft correspondence and legal documents for attorneys; proofread and cite-check; and prepare court calendars.

Secretaries provide assistance to attorneys preparing cases for trial. They draft documents for motion practice and type indictments and bureau correspondence. They are directly responsible for the financial accounting and distribution of funds allocated to the bureau for investigations, witness fees, and expenses.

The Office's library contains a comprehensive collection of New York criminal law materials. The library houses a variety of resources, from printed material dating from the 1700s to electronic research software. The library maintains a highly specialized database containing cases, briefs, training manuals, and trial and appellate legal memoranda. The library also provides the staff with reference and legal services, such as LexisNexis and Westlaw, computer assisted legal research instruction and support, document delivery, and inter-library lending services. In addition, the library now monitors Office tweets on the Twitter Website.

Grand Jury Stenographers record grand jury testimony and transcribe the minutes of that testimony upon request.

Prosecution Support Services processes all cases and provides a variety of support services for misdemeanors. Included are: Alternative sentencing, which monitors defendants who receive community service sentences; Central Services, which manages
records of declined prosecutions, processes extradition requests, and orders lab reports; Midtown Court, which coordinates the operation of the Midtown branch of Criminal Court; and Open Cases, which maintains all pending Criminal Court case files.

Community Affairs

Community Relations

An important facet in fighting crime is the development and maintenance of positive relationships between the Office and the citizens of New York County. Community Affairs staff members keep abreast of local community issues, target neighborhood crime problems, educate the public about the Office, and ultimately help reduce crime. Office representatives attend over 1,500 community meetings each year in order to address a variety of concerns, from drug dealers and gun problems to identity theft. Staff members meet with block associations, tenants' groups, landlords, social service providers, community coalitions, site managers, senior citizen groups, gay and lesbian organizations, business improvement districts, major corporations, community boards, and other community organizations. Members of the legal staff meet on a regular basis with precinct commanders, narcotics officers and other governmental officials in order to address particular criminal problems of concern to the community groups. In addition, the Office holds symposiums and seminars in the community to discuss local concerns.

The Office in collaboration with the Police Department sponsors community forums on gun violence, financial crime, and tenant issues. The Office also participates in community alliance organizations with neighborhood residents, local elected officials, state officials, police precinct representatives, local businesses and agencies, and community boards. Alliances meet regularly to foster good community relations, and develop and keep a safe neighborhood.

In 2008, the Office and the Police Department joined with five northern Manhattan churches, which opened their doors for people to surrender operable guns. Individuals who brought a working firearm to a participating church received a $200 bank card in exchange for the weapon, with no questions asked. Functional BB guns and air pistols were exchanged for a $20 bank card. The Gun Buyback Program was the first initiative of its kind in Manhattan. In one day, 744 weapons were collected, including 255 revolvers, 175 semi-automatic pistols, and 10 assault weapons.
Community Education

Education is a critical component in the fight against crime. The educational programs sponsored by the Community Affairs Unit of the District Attorney's Office are designed to educate Manhattan students, as well as to support their parents and teachers.

The Legal Bound Program is a series of educational initiatives that teach elementary, junior high, and high school students about the criminal justice system and other law-related topics. Classroom lectures, tours, seminars, summer internships, assistance with mock trial preparation, and mentoring are offered to public, private, and parochial schools throughout the borough. Assistant district attorneys visit schools and alternative school programs, giving lectures and using curricula designed to highlight important issues that affect our city's youth. Attorneys volunteer throughout the school year, making hundreds of school visits, talking to students, and supervising mock trials. Curriculum topics range from crimes in cyberspace and bias and hate crimes to belonging to a gang. Tours and lectures at the District Attorney’s Office and in the courtroom are available to schools and community groups.

For 15 years, one senior assistant district attorney has been lecturing students, at-risk youths, and young offenders about the dangers of joining a drug gang. Along with the Video Unit and a professional producer, this attorney helped create a documentary about defendant Martin Mejias, aka Chango, a drug dealer who in the mid-90s was a member of the “Young Talented Children” drug gang. In the film, Chango talks about his life selling drugs, living in a maximum security prison for 12 years, and the consequences of his choices. He also references the status of friends and associates in his drug crew; most were murdered or are serving lengthy prison sentences.

Every summer, the New York County District Attorney’s Office welcomes a group of 45 to 50 Manhattan junior high and high school student interns. Early July kicks off an intensive six-week internship program at the Office. Students have the opportunity to observe the inner workings of the Office to see what it is like to be an assistant district attorney or a paralegal, listen to topical lectures, participate in a mock trial, assist in a legal or non-legal unit, and witness an actual criminal trial.

Through its Criminal Justice Information Seminars, adults are invited to visit courtrooms, observe trials and meet with assistant district attorneys to discuss the prosecutor’s role in the criminal justice system. These monthly seminars can also be designed to address a community group's specific concerns.
Legal Training

Legal training is essential to a prosecutor’s career. The District Attorney’s Office has an extensive four-week, full-time training program that begins when assistant district attorneys first enter the Office and extends throughout their time as prosecutors. Through an Orientation and Criminal Court Training Program, arriving assistants are instructed in the fundamentals of prosecution. Orientation includes lectures, workshops, panels, demonstrations, and tours. A range of subjects is covered, including the New York Criminal Procedure law, the New York Penal law, search and seizure law, the history of the Office, computer training, case assessment, drafting complaints, interviewing witnesses, arraignments, hearings, and even a ride-along in a patrol car with police officers. Rookies further develop their skills through the Criminal Court Lecture Series. These lectures include such topics as domestic violence, child abuse, identity theft, official corruption, driving while intoxicated, and bias incidents and hate crimes.

At the conclusion of the first year of practice, assistants participate in the Trial Advocacy Program, which offers them the opportunity to sharpen their developing trial skills. The program begins with a lecture series that covers all phases of trial practice. Assistants are then assigned to small groups, each led by a senior assistant. Each participant prepares motions, openings, directs, crosses, and summations based on case materials. Expert trial attorneys from the Office and the Criminal Bar and Bench meet with participants and critique their performances. In addition, some of the New York State’s leading criminal attorneys offer demonstrations. The program culminates in a mock trial held in New York State Supreme Court, with a real judge and volunteer jurors and witnesses.

The Grand Jury and Supreme Court Training Program introduces second-year Criminal Court assistants to Supreme Court practice. Grand Jury training focuses on case assessment and investigation, evidence analysis, search warrants, and all phases of Grand Jury practice, and consists of lectures, demonstrations, and a series of workshops with individualized instruction.

In addition, the Office offers ongoing training programs which enable assistants to remain abreast of changing legal matters and develop expertise in particular areas. The Office has been designated a New York State Continuing Legal Education provider. The training programs are focused on educating attorneys in areas that will increase their legal knowledge and the effectiveness of their criminal prosecution practice. The goal of the training is to enhance skills that promote reliable criminal investigations and prosecutions, and instill ethical habits. Management training is also provided for legal staff supervisors who play an essential role in guiding and shaping staff, and maintaining the Office’s standing as a model for prosecutors throughout the nation. In addition to formal training, assistants receive informal mentoring from their supervisors and more experienced peers. The Office has a group of experienced trial, appellate, and investigative attorneys who are strongly committed to mentoring the attorneys in the Office.
The Office also offers training opportunities for law students. The Benjamin N. Cardozo School of Law offers its second- and third-year students a clinical program which involves a full-time, one-semester internship in the Office. Selected students are sworn in as student assistant district attorneys. They participate in the orientation program for newly hired assistants and then work in trial bureaus. These law students assist with felony and misdemeanor cases, and are assigned to prosecute a narcotics eviction case under a student practice order with the Appellate Division, First Department. They also attend weekly Office meetings with a senior prosecutor as well as weekly seminars with that prosecutor at their school. The Office also offers summer and semester internships for law students from other schools who wish to gain experience in litigation in the public sector. The students work closely with assistant district attorneys. They research and write briefs, and assist with investigations, hearings, and trials. Several informational programs, including a weekly lecture series, are provided.

Legal Hiring and Diversity

Recruiting and hiring assistant district attorneys, summer legal interns, and other clinical interns is done by Office attorneys. From August through early spring, legal hiring board members interview potential law school graduates in the Office and at over 40 law schools and job fairs across the country. The hiring board also interviews experienced attorneys throughout the year. Each year more than 2,000 law school graduates and admitted attorneys apply for positions as assistant district attorneys. Most of the staff is hired directly out of law school. Some staff members join the Office after clerking or practicing law elsewhere. In early winter, applicants for summer internships are interviewed and selected.

The District Attorney’s Office is committed to the recruiting, hiring, retention, and promotion of a diverse staff. The hiring process is guided by the belief that the staff should reflect the community it serves, which in turn results in a stronger Office. New York City is enriched by its diverse population; the Office embraces and reflects this diversity.

The Office is fortunate to have a diverse staff. More than half of the attorneys are women, many in supervisory positions. Minorities hold positions on the Executive Staff, as well as supervisory positions throughout the Office. The office takes pride in having staff members from different cultural, educational, religious, and ethnic backgrounds. Of the 504 members of the legal staff, 262 are women and 243 are men. Out of this total number, 113 attorneys are minorities.

In addition to a commitment to the recruitment and hiring of a qualified and diversified legal staff, the Office is also committed to providing a supportive environment in which new assistants can develop professionally. To that end, the Office established a Mentoring Program for all incoming assistants in order to provide them with an
additional resource to discuss and address matters ranging from substantive legal questions to professional development and support. Although many experienced assistants in the Office fill the mentoring role on an informal basis, this formal program is a significant addition to the maintenance of a fulfilling work environment for new assistants.

The Diversity Outreach Committee

The Diversity Outreach Committee focuses on diversity-related issues of recruiting, hiring, and retention of employees. This in-house committee of attorneys is empowered to develop creative approaches to enhance the applicant pool and overall diversity efforts. Attorneys on the Committee also engage in informal mentoring to enhance the professional development of junior attorneys.

The Diversity Committee

The supportive environment found in the Office is also fostered by the work of the Diversity Committee, which is composed of legal and non-legal staff. Committee members also work to promote open dialogue on diversity issues within the Office. The Committee hosts a variety of events featuring guest speakers and presentations, such as the 2006 event honoring the life and work of Eunice Roberta Hunton Carter. Carter was the first African American woman to serve as a prosecutor in New York State. In the 1930s Carter worked with Special Prosecutor Thomas Dewey as an assistant special prosecutor and was a member of Dewey’s legendary “Twenty Against the Underworld” prosecution team. Her efforts were critical in the successful prosecution of Lucky Luciano, one of the most powerful organized crime bosses. She joined Dewey as an assistant district attorney when he was elected District Attorney of New York County and continued her service until the mid-1940s in the Office of Dewey’s successor, District Attorney Frank Hogan. The 2006 Diversity Committee event included a biographical video produced by the Diversity Committee, a personal reminiscence by her grandson, Stephen L. Carter, the William Nelson Cromwell Professor of Law at Yale Law School, and the dedication of a commemorative plaque, which is on display in the New York County District Attorney's Office.
VII. Statistical Appendix
Chart 1. Murders Reported in Manhattan 1975-2008

Overall Reduction in Murder of 90.4%
(586 Fewer Annual Reported Murders)

Source: Appendix Table 4.1.

Murders Reported in New York City
1975

- Manhattan: 39.4%
- Rest of New York City: 60.6%

Murders Reported in New York City
2008

- Manhattan: 11.85%
- Rest of New York City: 88.15%

Source: Appendix Table 3.2.
### Table 1.1
**Manhattan Supreme Court Case Activity* 2000-2008**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Indictments Filed</td>
<td>6,199</td>
<td>5,517</td>
<td>5,814</td>
<td>5,351</td>
<td>5,185</td>
<td>5,010</td>
<td>5,725</td>
<td>5,164</td>
<td>5,458</td>
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<tr>
<td>Convictions**</td>
<td>6,116</td>
<td>6,244</td>
<td>6,069</td>
<td>5,718</td>
<td>5,274</td>
<td>5,140</td>
<td>5,111</td>
<td>5,214</td>
<td>5,069</td>
</tr>
<tr>
<td>Guilty Pleas</td>
<td>5,713</td>
<td>5,869</td>
<td>5,683</td>
<td>5,396</td>
<td>4,943</td>
<td>4,817</td>
<td>4,824</td>
<td>4,915</td>
<td>4,808</td>
</tr>
<tr>
<td>Conviction Rate**</td>
<td>92.5%</td>
<td>93.0%</td>
<td>92.0%</td>
<td>92.4%</td>
<td>91.3%</td>
<td>92.1%</td>
<td>92.5%</td>
<td>91.5%</td>
<td>92.8%</td>
</tr>
<tr>
<td>Defendant Verdicts</td>
<td>516</td>
<td>491</td>
<td>490</td>
<td>429</td>
<td>460</td>
<td>428</td>
<td>385</td>
<td>412</td>
<td>330</td>
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<tr>
<td>Convicted After Trial**</td>
<td>403</td>
<td>375</td>
<td>386</td>
<td>322</td>
<td>331</td>
<td>323</td>
<td>287</td>
<td>299</td>
<td>261</td>
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<tr>
<td>Trial Conviction Rate**</td>
<td>78.1%</td>
<td>76.4%</td>
<td>78.8%</td>
<td>75.1%</td>
<td>72.0%</td>
<td>75.5%</td>
<td>74.5%</td>
<td>72.6%</td>
<td>79.1%</td>
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<tr>
<td>Pre-Trial Hearings</td>
<td>520</td>
<td>836</td>
<td>520</td>
<td>720</td>
<td>731</td>
<td>634</td>
<td>603</td>
<td>787</td>
<td>684</td>
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<tr>
<td>Dispositions</td>
<td>6,611</td>
<td>6,711</td>
<td>6,599</td>
<td>6,191</td>
<td>5,777</td>
<td>5,581</td>
<td>5,526</td>
<td>5,701</td>
<td>5,463</td>
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<tr>
<td>Appearances Per Disposition</td>
<td>7.4</td>
<td>7.7</td>
<td>7.3</td>
<td>6.9</td>
<td>7.2</td>
<td>6.8</td>
<td>7.4</td>
<td>7.8</td>
<td>8.2</td>
</tr>
<tr>
<td>Dismissal Rate</td>
<td>10.4%</td>
<td>9.5%</td>
<td>11.9%</td>
<td>11.4%</td>
<td>11.0%</td>
<td>12.3%</td>
<td>13.0%</td>
<td>12.6%</td>
<td>13.0%</td>
</tr>
</tbody>
</table>

*Excluding Special Narcotics Cases.
**Includes non-jury convictions.

### Table 1.2
**Summary Figures 2000-2008**

<table>
<thead>
<tr>
<th></th>
<th>Overall Conviction Rate</th>
<th>Overall Trial Conviction Rate</th>
<th>Total Indictments Filed</th>
<th>Total Convictions</th>
<th>Total Guilty Pleas</th>
<th>Total Dismissals</th>
<th>Total Dispositions</th>
<th>Total Convicted After Trial</th>
<th>Overall Dismissal Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>92.2%</td>
<td>75.8%</td>
<td>49,423</td>
<td>49,955</td>
<td>46,968</td>
<td>9,562</td>
<td>54,160</td>
<td>2,987</td>
<td>11.7%</td>
</tr>
</tbody>
</table>

*Excluding Special Narcotics Cases.
**Includes non-jury convictions.

**Sources:**
1. New York County District Attorney's Office (AJIS)
2. New York State Office of Court Administration (OCA)
### Table 2.1

#### Manhattan Criminal Court Case Activity 2000-2008

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
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<td>Felony Filings</td>
<td>21,570</td>
<td>19,450</td>
<td>19,753</td>
<td>17,537</td>
<td>17,348</td>
<td>16,824</td>
<td>16,328</td>
<td>16,207</td>
<td>15,728</td>
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<tr>
<td>Misdemeanor Filings</td>
<td>83,182</td>
<td>72,437</td>
<td>69,142</td>
<td>68,246</td>
<td>72,667</td>
<td>68,819</td>
<td>69,769</td>
<td>75,445</td>
<td>74,131</td>
</tr>
<tr>
<td>Violation/Infraction Filings</td>
<td>5,235</td>
<td>6,287</td>
<td>5,749</td>
<td>7,065</td>
<td>9,015</td>
<td>6,389</td>
<td>7,041</td>
<td>8,640</td>
<td>9,474</td>
</tr>
<tr>
<td>Other Filings*</td>
<td>11,928</td>
<td>6,974</td>
<td>6,686</td>
<td>7,041</td>
<td>5,361</td>
<td>3,008</td>
<td>3,248</td>
<td>3,596</td>
<td>3,638</td>
</tr>
<tr>
<td>Total Filings</td>
<td>121,915</td>
<td>105,148</td>
<td>101,330</td>
<td>99,889</td>
<td>104,391</td>
<td>95,040</td>
<td>96,386</td>
<td>103,863</td>
<td>102,971</td>
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</table>

<table>
<thead>
<tr>
<th>Dispositions</th>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Guilty Pleas</td>
<td>66,274</td>
<td>57,681</td>
<td>54,022</td>
<td>53,824</td>
<td>56,749</td>
<td>52,670</td>
<td>52,592</td>
<td>54,073</td>
<td>53,613</td>
</tr>
<tr>
<td>Trial Convictions</td>
<td>161</td>
<td>109</td>
<td>162</td>
<td>116</td>
<td>129</td>
<td>114</td>
<td>126</td>
<td>60</td>
<td>80</td>
</tr>
<tr>
<td>Total Convictions</td>
<td>66,435</td>
<td>57,790</td>
<td>54,184</td>
<td>53,940</td>
<td>56,878</td>
<td>52,784</td>
<td>52,718</td>
<td>54,133</td>
<td>53,693</td>
</tr>
<tr>
<td>Acquittals</td>
<td>100</td>
<td>73</td>
<td>99</td>
<td>86</td>
<td>89</td>
<td>69</td>
<td>75</td>
<td>42</td>
<td>41</td>
</tr>
<tr>
<td>Dismissals**</td>
<td>36,047</td>
<td>34,076</td>
<td>32,464</td>
<td>30,435</td>
<td>34,719</td>
<td>33,468</td>
<td>33,612</td>
<td>38,766</td>
<td>39,078</td>
</tr>
<tr>
<td>To Grand Jury &amp; SCI</td>
<td>9,095</td>
<td>8,201</td>
<td>8,555</td>
<td>7,299</td>
<td>7,207</td>
<td>6,829</td>
<td>7,181</td>
<td>6,637</td>
<td>6,605</td>
</tr>
<tr>
<td>Other</td>
<td>12,080</td>
<td>7,129</td>
<td>6,876</td>
<td>7,360</td>
<td>5,521</td>
<td>3,113</td>
<td>3,314</td>
<td>3,919</td>
<td>4,043</td>
</tr>
<tr>
<td>Total Dispositions</td>
<td>123,757</td>
<td>107,269</td>
<td>102,178</td>
<td>99,120</td>
<td>104,414</td>
<td>96,263</td>
<td>96,900</td>
<td>103,497</td>
<td>103,460</td>
</tr>
</tbody>
</table>

| Trials Commenced              | 323   | 169   | 263   | 209   | 171   | 149   | 118   | 72    | 99    |
| Trial Conviction Rate         | 61.7% | 60.0% | 62.0% | 57.0% | 59.0% | 62.0% | 63.0% | 58.8% | 66.1% |
| Total Conviction Rate         | 64.8% | 62.9% | 62.5% | 64.0% | 62.0% | 61.0% | 61.0% | 58.2% | 57.9% |
| % Disposed at Arraignment     | 60.0% | 57.0% | 53.0% | 51.0% | 52.0% | 49.0% | 50.0% | 51.0% | 50.7% |
| Dismissal Rate                | 35.1% | 37.0% | 37.0% | 36.0% | 38.0% | 39.0% | 39.0% | 41.7% | 42.1% |

### Table 2.2

#### Summary Figures 2000-2008

<table>
<thead>
<tr>
<th></th>
<th>936,858</th>
<th>1,057</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Dispositions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Filings</td>
<td>930,933</td>
<td></td>
</tr>
<tr>
<td>Total Convictions</td>
<td>502,555</td>
<td>312,665</td>
</tr>
<tr>
<td>Overall Conviction Rate</td>
<td>61.6%</td>
<td>38.3%</td>
</tr>
<tr>
<td>Overall Convicted After Trial</td>
<td></td>
<td>1,057</td>
</tr>
<tr>
<td>Total Guilty Pleas</td>
<td>501,498</td>
<td></td>
</tr>
<tr>
<td>Total Acquittals</td>
<td>674</td>
<td></td>
</tr>
<tr>
<td>Overall Disp. at Arraignment Rate</td>
<td>52.6%</td>
<td></td>
</tr>
</tbody>
</table>

*Other Filings includes: mental health returns, bench warrant returns, restorals, and appellate stays.

**Other Dismissals includes: abatements, commitments, transfers to another court, and consolidations.

**Source:**

i. New York State Office of Court Administration (OCA)
<table>
<thead>
<tr>
<th>Year</th>
<th>United States</th>
<th>New York State</th>
<th>% of United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>1,743,643</td>
<td>70,026</td>
<td>4.02%</td>
</tr>
<tr>
<td>1998</td>
<td>1,816,931</td>
<td>72,638</td>
<td>4.00%</td>
</tr>
<tr>
<td>1999</td>
<td>1,893,115</td>
<td>73,233</td>
<td>3.87%</td>
</tr>
<tr>
<td>2000</td>
<td>1,937,482</td>
<td>70,199</td>
<td>3.62%</td>
</tr>
<tr>
<td>2001</td>
<td>1,961,247</td>
<td>67,534</td>
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</tr>
<tr>
<td>2002</td>
<td>2,033,022</td>
<td>67,065</td>
<td>3.30%</td>
</tr>
<tr>
<td>2003</td>
<td>2,081,580</td>
<td>65,198</td>
<td>3.13%</td>
</tr>
<tr>
<td>2004</td>
<td>2,135,335</td>
<td>63,751</td>
<td>2.99%</td>
</tr>
<tr>
<td>2005</td>
<td>2,193,798</td>
<td>62,732</td>
<td>2.86%</td>
</tr>
<tr>
<td>2006</td>
<td>2,258,983</td>
<td>63,315</td>
<td>2.80%</td>
</tr>
<tr>
<td>2007</td>
<td>2,293,157</td>
<td>62,620</td>
<td>2.73%</td>
</tr>
<tr>
<td>2008</td>
<td>2,304,115</td>
<td>60,347</td>
<td>2.62%</td>
</tr>
</tbody>
</table>

Change: 32.1% -13.8% -1.4%

*Includes inmates held in local jails or state and federal prisons.

Sources:
Table 3.2
Prison Commitments Breakdown 1997-2008

<table>
<thead>
<tr>
<th></th>
<th>New York State</th>
<th>New York City</th>
<th>Manhattan</th>
<th>Manhattan % of State</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>20,801</td>
<td>13,888</td>
<td>5,250</td>
<td>25.24%</td>
</tr>
<tr>
<td>1998</td>
<td>19,495</td>
<td>12,659</td>
<td>4,881</td>
<td>25.04%</td>
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<tr>
<td>1999</td>
<td>19,156</td>
<td>11,162</td>
<td>4,556</td>
<td>23.78%</td>
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<tr>
<td>2000</td>
<td>18,561</td>
<td>10,919</td>
<td>4,763</td>
<td>25.66%</td>
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<tr>
<td>2001</td>
<td>16,497</td>
<td>9,555</td>
<td>4,069</td>
<td>24.67%</td>
</tr>
<tr>
<td>2002</td>
<td>16,999</td>
<td>9,669</td>
<td>4,093</td>
<td>24.08%</td>
</tr>
<tr>
<td>2003</td>
<td>17,337</td>
<td>9,370</td>
<td>4,072</td>
<td>23.49%</td>
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<tr>
<td>2004</td>
<td>16,354</td>
<td>8,131</td>
<td>3,308</td>
<td>20.23%</td>
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<tr>
<td>2005</td>
<td>16,334</td>
<td>7,775</td>
<td>3,154</td>
<td>19.31%</td>
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<tr>
<td>2006</td>
<td>16,866</td>
<td>7,999</td>
<td>3,290</td>
<td>19.51%</td>
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<tr>
<td>2007</td>
<td>17,225</td>
<td>8,156</td>
<td>3,329</td>
<td>19.33%</td>
</tr>
<tr>
<td>2008</td>
<td>15,798</td>
<td>6,907</td>
<td>2,820</td>
<td>17.85%</td>
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</table>

Manhattan's Share of New York State Reduction: 48.6%

Sources:
i. New York State Department of Corrections (DOCS)
### Table 3.3

<table>
<thead>
<tr>
<th>Year</th>
<th>Units States</th>
<th>New York</th>
<th>Difference</th>
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<tbody>
<tr>
<td>1997</td>
<td>444</td>
<td>381</td>
<td>63</td>
</tr>
<tr>
<td>1998</td>
<td>461</td>
<td>385</td>
<td>76</td>
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<tr>
<td>1999</td>
<td>476</td>
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<td>2000</td>
<td>478</td>
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<tr>
<td>2001</td>
<td>470</td>
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<td>2002</td>
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<td>2003</td>
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<td>2004</td>
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<td>2005</td>
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<td>2006</td>
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<td>326</td>
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</tr>
<tr>
<td>2007</td>
<td>506</td>
<td>322</td>
<td>184</td>
</tr>
<tr>
<td>2008</td>
<td>504</td>
<td>307</td>
<td>197</td>
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</tbody>
</table>

Change: 14.0% -19.4%

*Imprisonment rate is the number of prisoners sentenced to more than 1 year under state or federal jurisdiction per 100,000 U.S. residents. Resident population estimates are from the U.S. Census Bureau for January 1 of the following year for the year-end rates.

**Sources:**


(Note: For all reports prior to 2008, incarceration rate refers to imprisonment rate.)
## Table 4.1
Murder Complaints 1975-2008

<table>
<thead>
<tr>
<th>Year</th>
<th>Nationwide Complaints</th>
<th>New York State Complaints</th>
<th>New York City Complaints</th>
<th>Manhattan Complaints</th>
<th>Rest of City Complaints</th>
</tr>
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<tbody>
<tr>
<td>1975</td>
<td>20,510</td>
<td>1,996 9.73%</td>
<td>1,645 8.02%</td>
<td>648 3.16%</td>
<td>997 60.61%</td>
</tr>
<tr>
<td>1976</td>
<td>18,780</td>
<td>1,969 10.48%</td>
<td>1,622 8.64%</td>
<td>597 3.18%</td>
<td>1,025 63.19%</td>
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<tr>
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<td>1,115 68.49%</td>
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Change: -20.66% -58.12% -4.59% -68.21% -4.81% -90.43% -2.78% -25.05% -27.54% -53.76% 27.54%

*The murder and nonnegligent homicides that occurred as a result of the events of September 11, 2001, are not included in this table.

**Sources**
ii. Crime Comparison Report, New York City Police Department
iv. Homicide Trends in the United States, Bureau of Justice Statistics
Table 4.2
Top Crime Complaints in Manhattan 1975-2008

<table>
<thead>
<tr>
<th>Year</th>
<th>Murder</th>
<th>Forcible Rape</th>
<th>Robbery</th>
<th>Felonious Assault</th>
<th>Burglary</th>
<th>Grand Larceny</th>
<th>Motor Vehicle</th>
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% Reduction: 90.4% 79.0% 85.2% 64.2% 92.2% 49.1% 89.0%

*The murder and nonnegligent homicides that occurred as a result of the events of September 11, 2001, are not included in this table.

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% Reduction: **68.2%**  **66.9%**  **73.3%**  **42.3%**  **88.4%**  **45.6%**  **83.8%**

*The murder and nonnegligent homicides that occurred as a result of the events of September 11, 2001, are not included in this table.

Sources:

i. *Crime Comparison Report*, New York City Police Department

## Table 4.4
Manhattan's Share of Top Crime Complaints in New York City 1975-2008

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<th>Year</th>
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<th>Burglary</th>
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% Reduction: 27.5% 11.8% 16.1% 11.8% 9.5% 2.8% 5.0%

---

*The murder and nonnegligent homicides that occurred as a result of the events of September 11, 2001, are not included in this table.

**Sources:**

i. *Crime Comparison Report*, New York City Police Department

# VIII. District Attorney’s Office — New York County Legal Staff

## As of October 2009

**ROBERT M. MORGENTHAU**  
District Attorney

- **Leroy Frazer Jr.**  
  First Assistant D.A.
- **Mark Dwyer**  
  Chief Assistant D.A.
- **Frederick J. Watts**  
  Counsel to District Attorney/Executive Assistant D.A.
- **Robert S. Holmes**  
  Special Assistant D.A.
- **Michael T. Dougherty**  
  Administrative Assistant D.A.

- **Herculano Izquierdo**  
  Deputy Chief of Trial Division  
  Narcotics Coordinator
- **Nancy E. Ryan**  
  Chief of Trial Division
- **Gary J. Galperin**  
  Deputy Chief of Trial Division
- **Amyjane Retthew**  
  Appellate Counsel to Investigation Division
- **Patrick Dugan**  
  Chief of Investigation Division
- **Eric Seidel**  
  Counsel to the Investigation Division

### Assistant District Attorneys

| Juan Abreu | Jennifer Barron | Penelope Brady |
| Jasmina H. Ahmetovic | Martha Bashford | John Brancato |
| Helen Ahn | Nahal Batmanghelidj | Daniel Brody |
| Michael Albanese | Sheila Bautista | George Bronner |
| Tami Alpert | Michele Bayer | Marques Brooks |
| Lauren Angelo | Daniel Bayles | Molly Brottmiller |
| Tanya Apparicio | Christopher Beard | Alana Brown |
| Seth Applebaum | Barbara Beermann | Heather Buchanan |
| Sharon Appelbaum | William Beesch | Richard Buckheit |
| Ché Arguello | Raffaela Belizaire | John Buza |
| Jordan Arnold | James Bergamo | Reynaldo Cabrera |
| Eric Arnone | Jason Berland | Claudine Caracciolo |
| Shira Arnow | Joanna Berlin | Antoinette Carter |
| Daniela Arregui | Albert Berry III | Siobhán Carty |
| Craig Ascher | Vimi Bhatia | Kristen Caruso |
| Emily Auletta | Pamela Blandino | Peter Casolaro |
| Susan Axelrod | Nicole Blumberg | David Casanova |
| Jaime Bachrach | Matthew Bogdanos | James Cesarano |
| Patricia Bailey | David Bornstein | Jonathan Chananie |
| Coleen Balbert | Kavita Bovell | Malancha Chanda |
| John Bandler | Daniel Boylan | Benjamin Cheeks |
Ilene Kalter
Douglas Kaufman
Adam Kaufmann
Christine Keenan
Leah Keith
Lisa Kelchman
Robert Kennedy
Leila Kermani
Kern Kern
Sarah Khan
Eun-Ha Kim
Charles King III
Kassandra King
Jennifer Kirkland
Michael Kitsis
Kristin Knapp
Lindsey Knepper
Hope Korenstein
Eryck Kratville
Natallia Krauchuk
Marc Krupnick
Evan Krutoy
Abigail Kweskin
Erin LaFarge
Alexandra Lane
Lucy Lang
Jeanine Launay
David Lauscher
Nicholas Leddy
Elizabeth Lederer
Gregory LeDonne
Scott Leet
Jonathan Lenzner
Jeffrey Levinson
Amanda Levy
Samuel Levy
Judith Lewis
Joanne Li
Douglas Liebafsky
James Lin
Mao Yu Lin
Charles Linehan
Lauren Littman
Elizabeth Loewy
Emily Logue
Julia London
Shannon Lucey
Bernadette Lumas
Codrington
Garrett Lynch
Jessica Lynn
Jessica Macari
William Mahoney
Ryan Malkin
Heather Manley
Toni Mardirossian
Gilda Mariani
Christopher Marinelli
Angel Marshall
John Martin
William Mason
Sean Masson
Jamie Masten
Maurice Mathis
Elizabeth Maurer
Frank Mazzarelli
Robin McCabe
Artie McConnell
Brian McDonald
Megan McDonald
Laurie McGuire
Matthew McKenzie
Shawn McMahon
Michael McIntosh
James Meadows
Daysi Mejia
Andrew Mercer
Antonia Merzon
Victoria Meyer
Gina Mignola
Laura Millendorf
Adam Miller
Tara C. Miner
Jeanette Molina
Gerard Monusky
Matthew Montana
Thomas Mooney
Audrey Moore
Philip Morrow
Deborah Morse
Peirce Moser
Jessica Moss
Melissa Mourgues
Matthew Murphy
Warren J. Murray Jr.
Richard Nahas
David Nasar
Noam Neeman
Lawrence Newman
Carey Ng
Virginia Nguyen
Julie Nobel
Steven Nuzzi
Kerry O’Connell
Maureen O’Connor
Patricia O’Connor
Fionnuala O’Doherty
David O’Keefe
Meghan O’Neill
Sheila O’Shea
Michael Ohm
Stephanie Oliva
Jeanne Olivo
Bernice Ordonez
Craig Ornter
Nicole Ortsman-Dauer
Eleanor Ostrow
Jung Park
Michael Pasinkoff
Julie Pasquale
Rachana Pathak
Rena Paul
Christine Payne-Daly
Heather Pearson
Elizabeth Pederson
Nicholas Penfold
Joseph Perry
Lauren Perry
Alfred Peterson
Melissa Penabad
Melissa Pennington
Jeremy Pfetsch
Tricia Phillips
Steve Pilnyak
Sean Pippen
Ariel Pizzitola
Dana Poole
Erik Porcaro
Eugene Porcaro
Beth Potashnick
Vernessa Poole
Daniel Poulos
Richard Preiss
Molly Presant
Christopher Prevost
Sally Pritchard
Ann Prunty
Vanessa Puzio
Dennis Rambaud
Archana Rao
Dan Rather
Jonathan Rebold
Daryl Reed
Special Narcotics — New York County
Legal Staff

As of October 2009

Bridget G. Brennan
Special Narcotics Prosecutor

Steven Goldstein
Chief Assistant D.A.

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Deputy Chief Assistant D.A.

Joseph Tesoriero
Chief of Investigations

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Counsel for Special Projects

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Clark Abrams
Mark Bini
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Jacqueline Chavez
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Eva Dowdell
Kathleen Doyle
Christopher Edel
Nigel Farinha
Margaret Gandy
Nina Giuliano
Matthieu Goddeyne

Nancy Greenberg
JoyMarie Hohenthaler
Joseph Ippolito
Jodie Kane
Bradley King
Eli Koppel
Peter Kougasian
Susan Krischel
Brian Kudon
Christopher LaForgia
Susan Lanzatella
Francesca Liquori
Michael Lui
James Mandolfo
Nicholas Mauro
Shannon Michaels
Atalanta Mihas

Terence O’Leary
Jannine Parker
Marcel Philippe
Kaitrin Roberts
Aaron Rubin
Sarah Sacks
Kofi Sansculotte
Patrick Scruggs
Bryan Serino
Kathryn Spota
Richard Sullivan
Hafeez Taiwo
Anne Ternes
Jane Tully
Richard Washington
Justin Wechsler
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