

**2022**  
**ANNUAL REPORT**



**FROM THE OFFICE OF**  
**ORANGE COUNTY DISTRICT ATTORNEY**  
**DAVID M. HOOVLER**

***Enhancing Safety by Seeking Justice***

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## MESSAGE FROM DISTRICT ATTORNEY DAVID M. HOOVLER



*District Attorney Hoovler with County Executive Steve Neuhaus and Sheriff Paul Arteta at a firefighters' graduation.*

In January 2022, as I began my third term as Orange County's District Attorney, I stated that the most pressing goals of the Orange County District Attorney's Office (OCDA) were to clear the backlog of cases occasioned by the COVID-19 pandemic, and its associated court closures, and to continue the Office's success on reducing gun and narcotics crimes, while continuing to promote public safety collaborations with our law enforcement partners and community groups. As you will see in this report, and notwithstanding the increasingly challenging environment that prosecutors work in due to changing bail and discovery laws, in 2022 the Office achieved notable success in all these areas. The OCDA obtained felony convictions in each of the twelve County Court trials it

conducted in 2022.

Reducing gun violence continues to be a main priority for the Office. On September 6, 2022, defendant Cory Owens was sentenced to fifteen (15) years in state prison for Criminal Possession of a Weapon in the Second Degree, and on March 3, 2022, defendant Kaeshawn Kerr was sentenced to twelve (12) years in prison for that same crime. Both defendants were sentenced after being found guilty by juries in Orange County Court. Kerr, who was not in custody, even failed to appear at his trial and was tried "*in absentia*". These cases, and the other cases outlined in this report, where defendants who were convicted of weapons offenses received lengthy state prison sentences, demonstrate my Office's resolve in reducing illegal weapons possession.

We work with police officers every day and witness firsthand their bravery and sacrifices. I have always made it an Office policy to support law enforcement. In 2022, this support took many forms, including spending an unprecedented amount from narcotic forfeiture funds to aid in the construction of a wing at Orange County's Police Academy, sponsoring police training, providing money for police equipment such as body-worn cameras, and advocating for higher police salaries to recruit and retain the police officers needed to keep our County safe. Unfortunately, cases in 2022 reminded us of the dangerous situations that police officers regularly encounter as they risk their lives to protect Orange County residents. On May 13, 2022, an Orange County jury convicted defendant DeSean Owens of Attempted Murder in the First Degree, for the shooting of a City of Middletown Police Officer while he was attempting to come to the aid of Owen's former intimate partner. Owens was sentenced to fifty-eight and one-half years to life (58½–Life) in prison. On February 9, 2022, defendant Guy Dixon pled guilty to Assault on a Police Officer for injuring a Port Jervis Police Officer by closing a glass door which

District Attorney Hoovler has repeatedly been asked to present his gun reduction strategy to other District Attorney's Offices across the State, due to the OCDA's success.

shattered and cut the officer while he was responding to a domestic violence call. Dixon was sentenced to five (5) years in prison.

The opioid crisis continued in New York State and Orange County. Fatal overdose numbers remained appallingly high in 2022. My Office follows the same investigative protocols in overdose fatalities as we do in homicides. While we continue to advocate for treatment courts for some offenders with addiction issues, higher level dealers must be incarcerated if we are going to rein



*District Attorney Hoovler receives award from the FBI National Academy Northeast Region*

in the devastation that these lethal substances continue to cause in our communities. To achieve these goals we continue to work with different police agencies, notably the Orange County Drug Task Force, to investigate and prosecute those who sell these potentially lethal substances. In 2022 we continued to use Court-ordered electronic surveillance to stop higher-level dealers who insulate themselves from street sales where they might encounter an undercover police officer. In the recent "Operation Final Blow" narcotics investigation, police and prosecutors from three states coordinated their efforts with each other, and federal law enforcement, to disrupt major narcotics traffickers bringing

drugs into the Port Jervis area. Convictions resulting from that operation include defendant Joseph Bruno, who pled guilty to Conspiracy in the Second Degree and Criminal Possession of a Controlled Substance in the Second Degree and defendant Richard McInturff, who pled guilty to Operating as a Major Drug Trafficker. Defendant Paul Smith was sentenced on November 16, 2022, to a total of ten to twenty-five (10-25) years in prison after pleading guilty to Operating as a Major Drug Trafficker and Conspiracy in Second Degree, in connection with the "Operation Bread, Whites, and Blues" enforcement action.

In addition to merely prosecuting narcotics offenders, my Office has worked to educate the public and dissuade younger residents from getting involved with narcotics. Assistant District Attorneys have spoken at school events about the dangers of fentanyl and other drugs. We continue to use public service announcements, appropriately paid for with monies forfeited from drug dealers, to alert the public about just how lethal those substances can be. While we continued our commitment to using drug treatment courts for appropriate offenders, one of the consequences of the new bail laws is that, because most of our drug treatment interventions are centralized in the jail, it has become harder to get offenders into the drug treatment programs that so many of them desperately need.

Our success in 2022 on homicide cases includes defendants Cornelius Stubbs and Carlos Rivera being sentenced to Life in Prison Without the Possibility of Parole (Life without Parole), and thirty years to life (30-Life) in prison, respectively, for the 2019 fatal shooting of a twenty-one-year-old female college student. Rivera pled guilty during jury selection, and Stubbs was convicted after trial. In 2022, defendant Andrew Goodenough was sentenced to twenty years to life (20-Life) in prison in connection with the 2016 fatal stabbing of a man in a supermarket. Defendant Matthew Mercado pled guilty to crimes including Manslaughter in connection with the death of a woman whose body has never been recovered, marking the second time in Orange County history when

a homicide conviction was obtained without the victim's remains being recovered. In 2022 defendant Ryan Veloce was convicted after a jury trial of crimes including Murder in the Second Degree and Arson in the First Degree, for intentionally setting fire to a Montgomery residence where three people were sleeping, killing one of them.

Having been previously honored as "Arson Prosecutor of the Year," I am aware of the many technical and legal challenges faced by prosecutors on arson cases. Further, there are horrible costs in lives and property that arson brings to homeowners, business owners, and the brave fire fighters, both paid and volunteer, who risk their lives to keep residents and property safe. In addition to the Ryan Veloce arson/murder case, the OCDA successfully prosecuted several other significant arson cases in 2022. Defendant Zef Gjurashaj was convicted after a jury trial of crimes including Arson in the First Degree for the torching of his restaurant while a non-participant to the crime was present. Gjurashaj faces up to twenty-five years to life (25 – Life) in prison. Defendant Larry Hickmon was sentenced to eighteen (18) years in prison following his guilty plea to Arson in the Second Degree for starting a fire in the apartment of his former girlfriend. Defendant Nicholas Fontaine was sentenced to nine (9) years in prison for Arson in the Second Degree, in connection with setting fire to the car and residence of a former girlfriend when he knew that it was likely that there would be people sleeping in the residence.

In addition to investigating and prosecuting crimes in 2022, the OCDA continued to work with our community partners to prevent crime and make Orange County a better, safer place. This report chronicles how our Community Affairs Unit engaged in a number of different events with diverse community groups. I am particularly proud of the work that the OCDA has done in 2022 since teaming up with the Hudson Valley VA Healthcare System to form an Orange County Veterans Suicide Prevention Coalition. On October 18, 2022, Senior Assistant District Attorney Matthew Healy was presented with a Certificate of Appreciation by the United States Department of Veterans Affairs ("VA"). Representatives of the VA came to the District Attorney's Office and surprised Senior Assistant District Attorney Healy with the Certificate of Appreciation, honoring him, "For actively assisting in VA Hudson Valley Health Care System outreach efforts and preventing Veteran suicide."

In 2023, I look forward to building on our successes and aggressively combatting the dual scourges of illegal weapons possession and narcotics. My staff will continue to do all in our power to keep Orange County safe from repeat offenders who remain on our streets due to recent changes in the law.

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



DAVID M. HOOVLER

*One of the foundations of our criminal justice system is the presumption of innocence. A criminal charge is merely an allegation that a defendant has committed a violation of the criminal law, and it is not evidence of guilt. All defendants, including the ones referenced in this report, are presumed innocent and entitled to a fair trial, during which it will be the State of New York's burden to prove guilt beyond a reasonable doubt.*

## HOMICIDE CASES

Taking another's life is the most serious crime an offender can commit. Although no prosecution, however successful, can alleviate the pain and loss felt by the family and loved ones of homicide victims, the OCDA places all of its resources at the disposal of experienced prosecutors working on these most serious of cases so justice can be done, safety to the community can be restored, and hopefully, there can be some measure of closure to those who have lost so much. In 2022 the Office obtained notable convictions on the following homicide cases:

***People v. Matthew Mercado*** - On August 25, 2022, Matthew Mercado, 39, of Newburgh, pled guilty in Orange County Court to Manslaughter in the Second Degree, Burglary in the Second Degree, and Tampering with Physical Evidence, in connection with the death of a 36-year-old woman whose body has never been recovered. (This marked the second time in Orange County history where a homicide conviction was obtained without the victim's body being recovered). At the time Mercado pled guilty, he admitted that on November 3, 2019, while he and the woman were alone inside the Windsor Motel, he caused her death by giving her a variety of illegal narcotics and drugs, which caused the woman to have a severe adverse reaction, and that when he observed her having that reaction, he failed to obtain medical aid and instead kept her concealed inside the motel room where she died. Mercado admitted that when he saw the woman having the reaction, he consciously disregarded a substantial and unjustifiable risk that she could



*District Attorney Hoover meets with members of his senior staff*

die from the drugs if she did not receive medical care. Mercado admitted that had she received prompt medical care she could have survived and that his actions caused her death. Mercado's plea to Tampering with Physical Evidence concerned his having hid Ms. Lopez' body. As part of the plea agreement Mercado agreed to provide accurate information concerning where he secreted Jessica Lopez' body, and further agreed to comply with all lawful requests of the Orange County District Attorney's Office, and any law enforcement agency designated by the Orange County District Attorney's Office, to aid in the recovery of his victim's remains. District Attorney Hoover highly commended the Town of

New Windsor Police Department for their investigation and unceasing efforts in the case, as well as the many law enforcement agencies that aided in the investigation, including the Town of Newburgh Police Department, the City of Newburgh Police Department, the Federal Bureau of Investigation, the New York State Department of Environmental Conservation Police, and the New York State Police, as well as the civilian volunteers who have searched for the woman. The case is being prosecuted by Chief Assistant District Attorney Christopher Borek and Senior Assistant District Attorney Janine Kovacs.

***People v. Cornelius Stubbs/People v. Carlos Rivera*** - On September 20, 2022, Cornelius Stubbs, age 51, of Newburgh, was sentenced to Life in Prison Without the Possibility of Parole, plus an additional twenty-five years to life (25 – Life) in prison, to run consecutively to the Life in

Prison sentence. The co-defendant in the case, Carlos Rivera, age 49, also of Newburgh, was sentenced to thirty (30) years to life in prison. Stubbs was previously convicted following a jury trial in the Orange County Court of all thirty-one (31) charges against him including Murder in the First Degree. Rivera pled guilty to all ten (10) counts he was facing, including Murder in the First Degree, during the jury selection phase of the trial on May 2, 2022. At the time of sentencing, over forty (40) friends and family members of the victims were present, as well as numerous members of Law Enforcement representing the Town of New Windsor Police Department and the New York State Police. The charges arose from the September 2019 shooting death of a twenty-one-year-old female college student inside a New Windsor residence. The deceased woman was in the apartment visiting her boyfriend, who is the brother of the mother of one of Stubbs' children. The indictment also charged Stubbs with a pattern of harassment of that same mother, as well as her family. At trial, Stubbs was convicted of Murder in the First Degree, two counts of Attempted Murder in the First Degree, Attempted Murder in the Second Degree, Burglary in the First Degree, Assault in the First Degree, and Criminal Possession of a Weapon in the Second Degree, for having broken into the brother's New Windsor apartment, shooting the brother, and fatally shooting his girlfriend. The brother was seriously injured in the attack. Rivera pled guilty to Murder in the First Degree, two counts of Attempted Murder in the First Degree, two counts of Murder in the Second Degree, Attempted Murder in the Second Degree, Burglary in the First Degree, Assault in the First Degree, Assault in the Second Degree, and Criminal Possession of a Weapon in the Second Degree, for his role in breaking into the apartment and shooting the girlfriend and brother. Stubbs was also convicted of ten counts of Criminal Contempt in the First Degree, Coercion in the First Degree, eight counts of Criminal Contempt in the Second Degree, three counts of Aggravated Harassment in the Second Degree, and two counts of Harassment in the Second Degree, for having repeatedly threatened and harassed the mother of his child, as well as her brother. District Attorney Hoovler thanked the Town of New Windsor Police Department and New York State Police for their investigation and the arrest of the defendants, as well the City of Newburgh Police Department, the Town of Newburgh Police Department, and the Hudson Valley Crime Analysis Center who aided in the investigation. "By their vile, heinous and incorrigible actions, these defendants deserve every single day of the sentences that were imposed," said District Attorney David Hoovler. "While the hard-fought convictions and sentences will not bring back the victim in this case, I hope that the victims' families and loved ones will be afforded a measure of closure. This case highlights the destructive and irreversible consequences of domestic violence. My Office will not cease in the pursuit of justice on behalf of victims and survivors in cases such as this one." Senior Assistant District Attorney David Byrne and Assistant District Attorney Michael Roche prosecuted the case.

***People v. Andrew Goodenough*** – On March 28, 2022, Andrew Goodenough, 41, of New Windsor, was sentenced to twenty years to life (20 – Life) in prison. On February 2, 2022, Goodenough pled guilty in Orange County Court to Murder in the Second Degree in connection with the stabbing death of a man in a supermarket in 2016. At the time that he pled guilty, Goodenough admitted that on June 11, 2016, he stabbed and killed a man who was shopping at a supermarket in the Town of New Windsor. Police and prosecutors were unable to discover any prior interaction between Goodenough and the victim. In a written plea agreement, Goodenough maintained that the victim had threatened him in the past, but acknowledged that the victim was not threatening him, or posing any imminent threat to him at the time of the stabbing. In the same agreement, the Orange County District Attorney's Office reiterated its belief that the two had no prior interaction. District Attorney Hoovler thanked the Town of New Windsor Police Department for their investigation of the case. "The victim in this case lost his life in a random

encounter with a defendant who killed him for absolutely no discernable reason,” said District Attorney David M. Hoovler. “My deepest condolences go out to family and friends of the victim, who must live with the fact that their loved one was killed when doing nothing more provocative than simply grocery shopping on a Saturday. Andrew Goodenough’s actions on that day were reprehensible and he knew at the time that what he was doing was wrong.” The case was prosecuted by Chief Assistant District Attorney Christopher Borek and Assistant District Attorney Nicholas Mangold.



*District Attorney Hoovler and local law enforcement play with students at Montgomery Elementary School.*

***People v. Ebraheem Chowdhury***

- On February 3, 2022, Ebraheem Chowdhury, 24, of Elmont, pled guilty to one count of Vehicular Manslaughter in the Second Degree, in connection to an August 2020 car crash that killed a passenger while Chowdhury was operating the vehicle impaired by alcohol and marijuana. On June 10, 2022, the Court sentenced Chowdhury to one to three (1-3) years in prison. On August 25, 2020, the defendant was impaired by the combined influence of alcohol and marijuana when he drove his vehicle through a traffic circle and into a tree in the Town of Highlands. As a result of the crash, a twenty-one-year-old occupant of

the defendant’s vehicle was killed. The New York State Police investigated the crash and obtained a court order to obtain the defendant’s blood. Analysis of the blood showed the presence of alcohol and marijuana. District Attorney Hoovler thanked the New York State Police for their investigation which resulted in the charges. District Attorney Hoovler also thanked the New York State Park Police and the Town of Highlands Police Department for their assistance in the case. “Alcohol and drug-related driving offenses make our roads a danger to all who use them,” said District Attorney Hoovler, “and law-abiding drivers must be protected from those who drive under the influence. This case stands as a stark example of the consequences of impaired driving.” Senior Assistant District Attorney David Byrne prosecuted the case.

***People v. Nicole Layman*** - On March 28, 2022, Nicole Layman, 23, of Port Jervis was sentenced to four to fifteen (4-15) years in prison in connection with the death of her newborn infant. On December 10, 2021, Layman pled guilty in Orange County Court to Manslaughter in the Second Degree. The District Attorney’s Office recommended that she be sentenced to five to fifteen (5 - 15) years in prison. On the night of November 12, 2019, City of Port Jervis Police Officers responded to a report of a deceased infant found in a vacant lot adjacent to Hornbeck Avenue, in the City of Port Jervis. Upon their arrival police officers observed the body of a newborn baby. Subsequent investigation revealed that the baby girl had been born that night and died of exposure to the elements. An investigation was conducted by the City of Port Jervis Police Department, aided by the New York State Police, the Orange County Medical Examiner’s Office and the Orange County District Attorney’s Office. The investigation included executing a search warrant at Layman’s residence, conducting an autopsy on the deceased infant, and obtaining



laboratory analysis of tissue samples obtained during the autopsy. At the time that Layman pled guilty, she admitted that she had just given birth to the infant and had left the newborn exposed to the elements without notifying anyone. District Attorney Hoover thanked the City of Port Jervis Police Department, for their investigation and the arrest of Layman, as well as the New York State Police and the Office of the Orange County Medical Examiner, who assisted in the investigation. The case was prosecuted by Senior Assistant District Attorney Julie Mohl and Senior Assistant District Attorney Christopher Kelly.

***People v. Ryan Veloce*** – On August 23, 2022, Ryan Veloce, age 32, of Montgomery, was sentenced to twenty-five years to life (25 – Life) in prison, the maximum sentence he faced, after having been convicted following a jury trial in the Orange County Court of crimes including Murder in the Second Degree and Arson in the First Degree. During the court appearance, the sentencing Judge said to Veloce that one of the greatest ironies of the case was that the victim saved Veloce’s life the night before, by administering Narcan to reverse the effects of a drug overdose. The Judge further noted that had it not been for the heroic actions of the victim alerting other occupants in house to the fire, more people would have died. The convictions were in connection with a fire which destroyed a single-family house located on Barron Road in Town of Montgomery on the morning of June 10, 2021. A 46-year-old man, who resided in that home, was rescued by firefighters after becoming trapped in the house. The man died later that morning at St. Luke’s Cornwall Hospital as the result of smoke inhalation. During the trial, Chief Assistant District Attorney Christopher Borek argued that Veloce, who had been an overnight guest in the home, had intentionally set the fire using kerosene because he believed that the deceased man, who was asleep at the time, had stolen Veloce’s cocaine the night before the fire. On June 10, 2021, at approximately 7:00 a.m., the Town of Montgomery Police Department and firefighters responded to the burning home on Barron Road. Veloce, who initially denied having been in the house, was seen walking from the vicinity of the fire. The Town of Montgomery Police were aided in the investigation by the New York State Police, Orange County Fire Investigators, the Orange County Sheriff’s Office, the New York State Office of Fire Control and Prevention and the Orange County District Attorney’s Office. A trained arson detection canine team from the Orange County Sheriff’s Office aided arson investigators in determining the point of origin of the fire. Subsequent laboratory testing conducted at the New York State Police Laboratory in Albany confirmed that a liquid accelerant, likely kerosene, was used to start the fire, and that the fire had been started in the bedroom the defendant had occupied. District Attorney Hoover highly commended Chief Assistant District Attorney Christopher Borek and Assistant District Attorney Michael Roche who handled the prosecution of Veloce.

## **SIGNIFICANT VIOLENT CRIME CASES**

Significant violent crime cases that did not include homicide charges included:

***People v. Danny Flores-Garcia*** – On August 5, 2022, Danny Flores-Garcia, 20, of Newburgh, was sentenced to an aggregate sentence of fifteen (15) years in prison and five (5) years post-release supervision in connection with his guilty pleas in Orange County Court to two counts of Attempted Murder in the Second Degree, Assault in the Second Degree, and Criminal Possession of a Weapon in the Second Degree, for shootings in the City of Newburgh. When Flores-Garcia pled guilty, he admitted that he shot three people on September 17, 2021, in the vicinity of 69 Mill Street, in the City of Newburgh. At the time that he pled guilty on March 25, 2022, Flores-Garcia admitted that he was trying to kill two of the people at the time that he shot them and that he seriously injured those two people. Flores-Garcia admitted causing physical injury to the

third person he shot. Flores also admitted that on July 13, 2021, in the vicinity of 88 Benkard Avenue, in Newburgh, he possessed a loaded and defaced Ruger pistol. A “defaced” firearm is one where the serial number has been removed. This is often done to prevent law enforcement officials from tracing where the gun was last been possessed legally. The case was prosecuted by Executive Assistant District Attorney Leah Canton.

***People v. Jonathan Esson*** - On November 15, 2022, Jonathan Esson, 34, of Newburgh, was sentenced to twelve (12) years in prison to be followed by five (5) years of post-release



supervision after pleading guilty to Attempted Murder in the Second Degree for a daytime stabbing in the City of Newburgh. It was alleged that Esson drove his taxicab passed a man who was at the rear of his vehicle near his fiancée and two children, on July 9, 2021, in the City of Newburgh. It was also alleged that Esson had been stalking the man’s fiancée for a period of time leading up to that day. Upon seeing the man, Esson stopped his taxicab, crossed the street, and stabbed the man a single time in the back as he was taking groceries out of his trunk. Esson then fled the scene before being located and taken into custody, when he was found to be in possession of the knife used in the attack. The victim drove to the hospital and was treated for serious injuries. At the time of his plea, Esson admitted that he attempted to kill the man when he stabbed him in the back. The case was prosecuted by Senior Assistant District Attorney Ryan Greenbaum.

*District Attorney Hoovler and Congressman Pat Ryan*

***People v. Lavelle Stackhouse/People v. Joshua Hendrick*** - On September 16, 2022, Lavelle Stackhouse, 25, of Newburgh, was sentenced in Orange County Court to twenty-two (22) years in prison. On June 22, 2022, Stackhouse was convicted after a bench trial in the Orange County Court of all charges against him including Attempted Murder in the Second Degree. Stackhouse was charged with and convicted of Attempted Murder in the Second Degree, Criminal Possession of a Weapon in the Second Degree, Assault in the Second Degree, Criminal Possession of a Weapon in the Third Degree, and Reckless Endangerment in the First Degree. The man that Stackhouse was convicted of shooting, Joshua Hendrick, 22, of Newburgh, pled guilty on March 2, 2022, in Orange County Court to Criminal Possession of a Weapon in the Second Degree for his role in the shootout. As proven at trial, Stackhouse approached Hendrick on the street, pulled out a firearm and fired at Hendrick, striking Hendrick in the torso and leg. Hendrick pulled out a firearm and returned fire at Stackhouse as Stackhouse ran down the street. Another individual was shot in the shoulder during this incident. The entire shooting was captured on video.

Stackhouse fled the scene and was eventually apprehended with the assistance of the United States Marshals Fugitive Taskforce. The City of Newburgh Police Department was assisted in the investigation by the Orange County Sheriff's Office, the New York State Police, the FBI Safe Streets Taskforce, the United States Marshals Fugitive Taskforce, and the Orange County District Attorney's Office. Stackhouse was sentenced to twenty-two (22) years in prison, and five (5) years post-release supervision, on the charge of Attempted Murder in the Second Degree; five to fifteen (5 – 15) years in prison, and five (5) years post-release supervision, for Criminal Possession of a Weapon in the Second Degree; three and one-half to seven (3 ½ - 7) years in prison, for Criminal Possession of a Weapon in the Third Degree; seven (7) years in prison, and five (5) years post-release supervision, for Assault in the Second Degree; and, three and one-half to seven (3½ - 7) years in prison for Reckless Endangerment in the First Degree. All the sentences were ordered to run concurrently with each other. Senior Assistant District Attorney Christopher Kelly and Assistant District Attorney Matthew Bennett prosecuted Stackhouse. Assistant District Attorney Nicholas Mangold prosecuted Hendrick.

***People v. Ariana Sanchez*** – On February 1, 2022, Ariana Sanchez, 23, of Newburgh, was sentenced to ten (10) years in prison and five (5) years post-release supervision related to her guilty plea to Assault in the First Degree in connection with the stabbing of a woman on Dubois Street in the City of Newburgh, on June 19, 2021. At the time that she pled guilty, Sanchez admitted to repeatedly stabbing the woman on Dubois Street, causing the victim to suffer serious physical injuries. At the sentencing hearing, the District Attorney's Office recommended that Sanchez be sentenced to twelve (12) years in prison. District Attorney Hoover thanked the City of Newburgh Police for their investigation of the case and the arrest of the defendant. The case was prosecuted by Assistant District Attorney Christine Maggiore.

***People v. Justina Ferguson*** – On February 17, 2022, Justina Ferguson, 46, of Middletown, was sentenced in Orange County Court to seven (7) years in prison, and three (3) years post-release supervision, in connection with an assault on her former boyfriend and a woman in a Wallkill hotel room. On November 24, 2021, Ferguson pled guilty to Assault in the Second Degree. Prosecutors alleged that August 15, 2020, at about 1:00 AM, Ferguson, who was accompanied by others, tricked hotel staff into giving her a key to the room where her former boyfriend was staying. An Orange County Grand Jury charged Ferguson with assaulting her former boyfriend, as well as a woman who was sleeping in the room. At the time Ferguson pled guilty, she admitted entering her former boyfriend's room and assaulting the woman with a weapon consisting of a knotted rope containing a weight. The assault was recorded by one of the individuals who accompanied Ferguson to the room. The weapon, which is commonly called a "monkey-fist," is designed to be used as a flail. The woman suffered a serious headwound in the attack. District Attorney Hoover thanked the New York State Police for their investigation and the arrest of the defendant. District Attorney Hoover highly commended Chief Trial Assistant District Attorney Richard Moran who prosecuted the case.

***People v. Kervin Jeanty*** - On October 24, 2022, Kervin Jeanty, 36, of Port Jervis, was found guilty by an Orange County jury of Tampering with Physical Evidence and Reckless Endangerment in the Second Degree. The evidence at trial detailed how Jeanty fired a pump-action shotgun through the floor of his bedroom moments after an argument with his wife. When police responded to the residence a short time later, Jeanty was outside the residence, wearing a bulletproof vest and was armed with a flare gun. Other residents of the apartment house described how the shotgun slug pierced through two different apartments within the building,

striking a toy box and coming to a rest approximately one foot from where a child was sleeping. The investigation revealed that prior to the police officers' arrival, Jeanty took the shotgun apart and concealed it by wrapping it in a blanket. District Attorney David M. Hoovler thanked his staff and the City of Port Jervis Police Department, who conducted the investigation and arrested Jeanty. District Attorney Hoovler highly commended Assistant District Attorney Tanja Beemer who prosecuted the case.

***People v. Leonard Dolson*** – On March 1, 2022, Leonard Dolson, 45, of Beekman, pled guilty to Robbery in the First Degree and Grand Larceny in the Fourth Degree, in connection with the knife-point theft of a car in the City of Newburgh, and stealing money from a bank in the Village of Goshen. On May 2, 2022, Dolson was sentenced to a total of fifteen (15) years in prison and five (5) years post-release supervision. At the time he pled guilty, Dolson admitted that on March 19, 2021, at about 3:15 PM, he forcibly stole a car from the Save-A-Lot grocery store parking lot located at 97 Lake Street, in the City of Newburgh. Prosecutors argued that Dolson approached a woman who was loading groceries into her car, threatened her with a knife as he demanded her car keys, and forced her to get out of the car. Dolson then drove away in the car. Dolson admitted that at about 4:50 pm that day, he drove the stolen car to the Rhinebeck Bank branch in the Village of Goshen, where he entered the bank and handed the teller a note demanding money. Dolson admitted stealing \$1,219.00 from the bank. Following the theft from the bank, Dolson fled in the stolen car. Dolson was apprehended in Rockland County after being chased both in the stolen vehicle and then on foot by members of the New York State Police. District Attorney Hoovler thanked the New York State Police, the City of Newburgh Police Department, and the Village of Goshen Police Department for their work on the case. The case was prosecuted by Assistant District Attorney Tanja Beemer.

***People v. Miles Peterson*** – On March 16, 2022, Miles Peterson, 26, of Newburgh, was sentenced to nine (9) years in prison and five (5) years of post-release supervision in connection with the stabbing of a woman on Travis Lane, in the Town of Newburgh, on June 21, 2021. On Tuesday, December 15, 2021, Peterson pled guilty to Assault in the First Degree. At the time he pled guilty, Peterson admitted to stabbing the woman multiple times, causing the victim to suffer serious physical injuries. District Attorney Hoovler thanked the Town of Newburgh Police Department. "I hope the state prison sentence that this defendant received serves as a deterrent for those tempted to engage in violence in Orange County," said District Attorney David M. Hoovler. "The community will be safer during the nine years this defendant is in state prison." The case was prosecuted by Executive Assistant District Attorney Michael Milza.

## **CRIMES AGAINST CHILDREN AND INFANTS**

Children are, of course, the most innocent of victims and can be traumatized further when testifying against those who abuse them, particularly when the abuser is someone who they should be able to trust. Prosecutors are constantly weighing considerations of just punishment against protecting vulnerable witnesses. Significant cases where children were victims in 2022 include:

***People v. Kenneth Washington*** - On January 13, 2022, Kenneth Washington, age 49, of Jamestown, was sentenced to fifteen (15) years in prison, and ten (10) years post-release supervision, in connection with having committed repeated acts of sexual conduct with a child. On October 22, 2021, Washington pled guilty to a Superior Court Information which charged him

with the crime of Course of Sexual Conduct against a Child in the First Degree. At the time Washington pled guilty, he admitted that between December 2015 and December 2017, he engaged in two or more acts of sexual conduct with a child who was less than thirteen years old. Pleading guilty to a Superior Court Information is a legal mechanism which enables a defendant to be prosecuted on felony charges in County Court, without having been presented to a grand jury. When a case proceeds by Superior Court Information, child-victims do not have to testify before the grand jury. District Attorney Hoovler thanked the City of Port Jervis Police Department for their investigation and arrest of Washington, as well as the City of Jamestown Police Department and the Orange County Child Abuse Investigations Unit. District Attorney David Hoovler said, "I am thankful that this disposition spared the victim the trauma of testifying. My Office will continue to work with all our law enforcement partners, and the Orange County Child Advocacy Center, in protecting children and will continue to seek severe punishment for all who commit violent crimes against defenseless children." The case was prosecuted by Senior Assistant District Attorney Julie Mohl.

***People v. Robert Hufcut*** - On December 9, 2022, Town of Mamakating Highway Superintendent Robert Hufcut, 55, of Wurtsboro, was convicted after a jury trial of the crime of Sexual Conduct Against a Child in the First Degree. The jury found that Hufcut, over a period of time of not less than three months, engaged in two or more acts of sexual conduct with a child less than thirteen years old. Hufcut faces a potential sentence of twenty-five (25) years in prison when he is sentenced on March 7, 2023. As part of the sentence, Hufcut will also be registered as a sex offender under the New York Sex Offender Registration Act (SORA). Hufcut was remanded to the Orange County Jail without bail following the jury's verdict. District Attorney Hoovler thanked the New York State Police for their investigation and the arrest of the defendant. District Attorney Hoovler highly commended Assistant District Attorney Michael Purcell who prosecuted the case.

***People v. Kimberly Bennett*** - On August 30, 2022, Kimberly Bennett, 46, of Middletown, was sentenced to twelve (12) years in prison, and five (5) years post-release supervision, for assaulting Bennett's seven-month-old granddaughter, for whom Bennett was the primary caregiver. On October 27, 2021, Bennett pled guilty to Assault in the First Degree. The assault which occurred on February 22, 2020, at Bennett's home on Bedford Avenue, in the City of Middletown, resulted in the child suffering serious physical injury including damage to her brain and eyes, and rendered the child blind. On February 22, 2020, City of Middletown Police Officers and ambulance personnel responded to Bennett's residence and found the seven-month-old baby unresponsive and exhibiting facial bruising. A joint investigation was conducted by the City of Middletown Police Department and the Orange County District Attorney's Office, with assistance from the New York State Police. The case was prosecuted by Senior Assistant District Attorney Janine Kovacs and Assistant District Attorney Neal Eriksen.

**People v. Leticia Bravo and Arturo Cuacuas** - On June 21, 2022, Leticia Bravo, 40, of Newburgh, was sentenced to fifteen (15) years in prison and five (5) years post-release supervision in connection with the starvation death of seven-year-old Peter Cuacuas. Bravo pled guilty to Manslaughter in the First Degree on March 16, 2022. Bravo was charged by an Orange County Grand Jury with crimes including Murder in the Second Degree, in connection with the starvation death of a seven-year-old boy, Peter Cuacuas, who prosecutors alleged she kept secreted inside of her City of Newburgh apartment, while he starved to death. On February 10, 2021, Bravo brought Peter Cuacuas' lifeless body to St. Luke's Hospital in Newburgh. He was pronounced dead shortly thereafter. An investigation conducted by the City of Newburgh Police Department, aided by the New York State Police and the Orange County District Attorney's Office, revealed that during the school year that commenced in September of 2020, Bravo became the primary caretaker of Peter Cuacuas. Bravo was the girlfriend of Peter Cuacuas' father, Arturo Cuacuas. An autopsy conducted by the Orange County Medical Examiner concluded that Peter, who weighed just 37 pounds, died because of malnutrition. It was alleged that Bravo kept Peter secreted in a bedroom behind a door that locked from the outside. Arturo Cuacuas was charged on October 7, 2021, with Criminally Negligent Homicide for his role in Peter's death, and on February 4, 2022, pled guilty to that charge pursuant to an agreement that he will serve the maximum legally permissible state prison sentence, and agreed to cooperate and testify in the case against Leticia Bravo. The case was prosecuted by Chief Trial Assistant District Attorney Richard Moran and Assistant District Attorney Alexis Gregory.



*District Attorney Hoovler and Chief Trial Assistant District Attorney Richard Moran listening to City of Newburgh Police Commissioner Jose A. Gomez announce charges in child's starvation death.*

Bravo was pronounced dead shortly thereafter. An investigation conducted by the City of Newburgh Police Department, aided by the New York State Police and the Orange County District Attorney's Office, revealed that during the school year that commenced in September of 2020, Bravo became the primary caretaker of Peter Cuacuas. Bravo was the girlfriend of Peter Cuacuas' father, Arturo Cuacuas. An autopsy conducted by the Orange County Medical Examiner concluded that Peter, who weighed just 37 pounds, died because of malnutrition. It was alleged that Bravo kept Peter secreted in a bedroom behind a door that locked from the outside. Arturo Cuacuas was charged on October 7, 2021, with Criminally Negligent Homicide for his role in Peter's death, and on February 4, 2022, pled guilty to that charge pursuant to an agreement that he will serve the maximum legally permissible state prison sentence, and agreed to cooperate and testify in the case against Leticia Bravo. The case was prosecuted by Chief Trial Assistant District Attorney Richard Moran and Assistant District Attorney Alexis Gregory.

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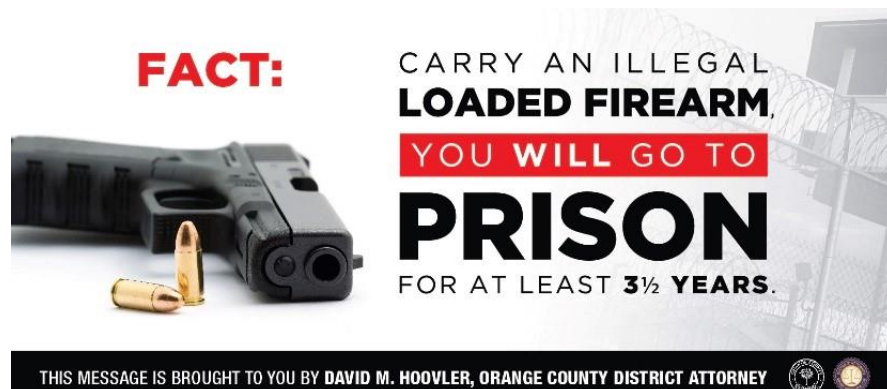
**People v. Byron Romero** - On October 3, 2022, Byron Romero, 36, of New Windsor, was sentenced to eighteen (18) years in prison and twenty (20) years post-release supervision in connection with his guilty plea to Course of Sexual Conduct Against a Child in the First Degree for having engaged in numerous acts of sexual conduct with a child under the age of thirteen (13). Prior to his release from state prison, Romero will be registered as a sex offender under the New York Sex Offender Registration Act (SORA). District Attorney Hoovler thanked the Town of New Windsor Police Department for their investigation and the arrest of the defendant. After the sentence, District Attorney Hoovler said, "This defendant's vile and outrageous conduct permanently affected the innocent victim of his crime. While the conviction and sentence cannot restore what this child has lost, it will ensure that this defendant will not be able to victimize anyone again. I applaud the painstaking investigation by law enforcement and the prosecutor who handled the case." The case was prosecuted by Senior Assistant District Attorney Julie Mohl.

## GUN CASES

In 2022, reducing illegal guns remained one of the highest priorities of the OCDA. Handguns possessed by those who have no legal right to have them create the violent scenarios which plague our city streets. In 2022, the OCDA continued to obtain meaningful sentences of incarceration for those who illegally possessed weapon. Gun cases prosecuted last year include:

***People v. Corey Owens*** - On September 6, 2022, Corey Owens, 29, of Newburgh, was sentenced to fifteen (15) years in prison and five (5) years post-release supervision following his conviction after a jury trial of Criminal Possession of a Weapon in the Second Degree. The sentence was the maximum sentence permitted by law. Owens's criminal history includes a previous conviction for felony weapons possession, felony assault with the use of weapon, and a previous felony conviction for animal fighting. The jury found that Owens illegally possessed a loaded 9 mm semiautomatic pistol in the City of Newburgh on March 1, 2022. On that day, the City of Newburgh Police Department received a report of a man with a handgun in the vicinity of Van Ness Street. A City of Newburgh police officer, monitoring City operated street cameras, observed a man discard his jacket by Van Ness Street and Carpenter Street when police vehicles were nearby. City of Newburgh police officers recovered the jacket and found it to contain a 9 mm semiautomatic pistol that was loaded with ten bullets. Police Officers stopped the man who discarded the jacket and identified him as Corey Owens. DNA evidence taken from the gun corroborated that the gun was possessed by Owens. Executive Assistant District Attorney Michael Milza prosecuted the case.

***People v. Kaeshawn Kerr*** - On March 3, 2022, Kaeshawn Kerr, 27, of Brooklyn, was sentenced to a total of twelve (12) years in prison, and five (5) years post-release supervision, for illegal



**FACT:** CARRY AN ILLEGAL  
**LOADED FIREARM,**  
**YOU WILL GO TO**  
**PRISON**  
FOR AT LEAST **3½ YEARS.**

THIS MESSAGE IS BROUGHT TO YOU BY DAVID M. HOOVLER, ORANGE COUNTY DISTRICT ATTORNEY

possessing a handgun and a forged driver's license. On September 15, 2021, a jury found Kerr guilty of Criminal Possession of a Weapon in the Second Degree and Criminal Possession of a Forged Instrument in the Second Degree. The top-count convictions occurred after Kerr, who had been at

liberty after posting bail, failed to appear in court as directed, and was not present in court at any time during the trial. New York State law allows courts to try and sentence defendants "*in absentia*" if they voluntarily and willfully refuse to come to court. A warrant for Kerr's arrest was issued. During the trial, Assistant District Attorney Nicholas Mangold argued that on January 1, 2021, Kerr was driving a car on Harriman Drive, in the Town of Goshen, when he was stopped by a New York State Trooper for speeding. After giving the Trooper a false name, Kerr fled in the vehicle to a home improvement store in Chester. Troopers waited outside of the store and when Kerr emerged, called to Kerr, who attempted to flee on foot. During the chase Kerr threw away a loaded 9 mm Smith and Wesson semi-automatic handgun and a forged Connecticut driver's license. In January 2021, bail was set for Kerr in the amount of fifty-thousand dollars cash or one-hundred-thousand dollars secured bond or two-hundred-fifty-thousand dollars partially secured bond. Kerr eventually posted a bond and was at liberty. Kerr received a sentence

of twelve (12) years in prison, and five (5) years post-release supervision, on the charge of Criminal Possession of a Weapon in the Second Degree, and a concurrent sentence of three and one-half to seven years (3 ½ - 7) in prison on the charge of Criminal Possession of a Forged Instrument in the Second Degree. Kerr was arrested on January 11, 2022, by and Orange County Sheriff's Investigator assigned to the United States Marshals Service Fugitive Task Force. In addition to the weapons and forged instrument charges, Kerr was charged by an Orange County Grand Jury in a separate indictment with Bail Jumping in the Second Degree. Assistant District Attorney Nicholas Mangold prosecuted the case.

***People v. Jordan Myles*** - On June 8, 2022, Jordan Myles, 28, of Newburgh, was sentenced to seven (7) years in prison and five (5) years post-release supervision in connection with illegally possessing a handgun. The defendant pled guilty to all charges of the indictment against him, including Criminal Possession of a Weapon in the Second Degree, during the trial. At the sentencing, the District Attorney's Office recommended that the defendant be sentenced to fifteen (15) years in prison. On March 8, 2022, a trial commenced in County Court against Jordan Myles, and another person who was a passenger inside of the car with Myles, when it was stopped in the City of Newburgh on May 15, 2020, at about 7:50 PM, in the vicinity of Johnson Street and First Street. A loaded and operable .25 caliber Beretta handgun was found in the car. At the trial, prosecutors argued that the gun was recovered underneath the seat where Myles had been seated. In the face of overwhelming evidence against him, the defendant elected to plead guilty. During his plea, the defendant admitted to illegally possessing the loaded firearm. District Attorney Hoovler highly commended Executive Assistant District Attorney Leah Canton and Assistant District Attorney Alexandra Pietropaolo prosecuted the case.

***People v. Louis Dessources*** - On November 2, 2022, Louis Dessources, age 38, of New Jersey, was sentenced to seven and one half (7½) years in prison and five (5) years post-release supervision after being convicted by a jury of Criminal Possession of a Weapon in the Second Degree and Operating a Motor Vehicle While Under the Influence of Alcohol. On August 15, 2021, at approximately 2:47 a.m., the New York State Police stopped a Lincoln Navigator that was driving southbound on the New York State Thruway, in the Town of New Windsor, for traffic violations. Dessources was the driver and sole occupant of the car. The troopers noticed that Dessources had the odor of an alcoholic beverage on his breath and appeared intoxicated. Dessources, who refused to take a breathalyzer test, was arrested for misdemeanor Operating a Motor Vehicle While Under the Influence of Alcohol. A loaded 9mm Smith and Wesson semi-automatic pistol was found in Dessources' book-bag which was recovered from the front passenger seat of the car. After he is released from prison, Dessources will be subject to an order to install an alcohol ignition interlock device in any vehicle he owns or operates. The case was prosecuted by Assistant District Attorney Peter Fernandez and Senior Assistant District Attorney Julie Mohl.

***People v. Christopher Sicina*** - On July 19, 2022, Christopher Sicina, 22, of Port Jervis, was sentenced to eight (8) years in prison and five (5) years post-release supervision in connection with his guilty plea to one count of Criminal Possession of a Weapon in the Second Degree and one count of Reckless Endangerment in the First Degree. On November 3, 2021, the Port Jervis Police Department responded to shots fired in the vicinity of Hammond Street. The investigation revealed that multiple gun shots were discharged into a residence on Hammond Street, narrowly missing occupants inside. Through the investigation, the police developed Sicina as a suspect. When police attempted to take Sicina into custody, he fled from the authorities before he was ultimately arrested. At the time of his plea, Sicina admitted to possessing an illegal and loaded



firearm and recklessly engaging in conduct which created a grave risk of death to another person by discharging the firearm in the direction of people inside the home. District Attorney Hoovler thanked the City of Port Jervis Police Department for their investigation and the arrest of Sicina. The case was prosecuted by Chief Trial Assistant District Attorney Richard Moran.

***People v. Deon Patterson and Deandre Peacock*** - On September 1, 2022, Deon Patterson, age 23, and Deandre Peacock, age 22, both of Newburgh, pled guilty to Criminal Possession of a Weapon in the Second Degree. On October 24, 2022, Patterson was sentenced to eight (8) years in prison and five (5) years of post-release supervision. On December 13, 2022, Peacock was sentenced to eight and one-half (8½ ) years in prison and five (5) years of post-release supervision. On July 5, 2022, the City of Newburgh Police Department received a report of shots fired in the area of Farrington Street. During the course of their investigation, the police received a call from a resident in a nearby building who found a backpack with a handgun inside. The police recovered a loaded .45 caliber handgun from the backpack. City of Newburgh detectives reviewed surveillance video from the area which showed both defendants entering the building without a backpack and subsequently Patterson exiting the building wearing the backpack, which he placed under a box and left. Further video shows Peacock hand a different firearm to Patterson, who then put that firearm into a nearby garbage can. Police officers recovered the loaded .38 caliber revolver from the garbage can where Patterson put it. During the plea proceedings, both Patterson and Peacock admitted that they unlawfully possessed a loaded firearm. The District Attorney's Office recommended a longer sentence for Patterson in light of his possession of both guns, as well as in consideration of his prior criminal history. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and the arrest of Patterson and Peacock. The case was prosecuted by Executive Assistant District Attorney Leah Canton.

***People v. Steven Velez, a/k/a "Shooter"*** - On April 19, 2022, Steven Velez, a/k/a "Shooter", 31, of Port Jervis, pled guilty to Criminal Possession of a Weapon in the Second Degree. On June 10, 2022, Velez was sentenced to six (6) years in prison and five (5) years of post-release supervision. On June 8, 2021, after a months-long narcotics investigation, Port Jervis City Police and the Orange County Sheriff's Office Special Operations Group executed warrants at two apartments located at the Port Jervis Townhouses at 111 Ryan Street. There, the police recovered a loaded, illegal .40 caliber High Point assault rifle that also had an illegal collapsible stock and pistol grip and forward hand grip. Also recovered at the locations were quantities of narcotics and another illegal handgun. At the time of the plea, Velez admitted that he possessed the illegal assault rifle. District Attorney Hoovler thanked the City of Port Jervis Police Department and the Orange County Sheriff's Office for their investigation and the arrest of Velez. District Attorney Hoovler also thanked the Bureau of Alcohol, Tobacco, Firearms, and Explosives for their assistance with the case. The case was prosecuted by Assistant District Attorney Neal Eriksen.

***People v. Daniel Cabral*** - On February 10, 2022, Daniel Cabral, 34, of Sparrowbush, was sentenced to seven (7) years in prison, and five (5) years post-release supervision, for illegally selling three handguns in the Town of Deerpark in July of 2021. On December 13, 2021, Cabral pled guilty to Criminal Possession of a Weapon in the Second Degree for possessing guns sold to an undercover police officer. On July 15, 2021, Cabral sold a Glock 27 .40 caliber pistol and ammunition to an undercover police officer for \$500. On July 19, 2021, Cabral sold a Ruger .357 caliber revolver to an undercover officer for \$550, and finally on July 20, 2021, Cabral sold a Taurus 9 mm. pistol and matching ammunition to an undercover officer for \$600. District Attorney Hoovler thanked the City of Port Jervis Police Department, Orange County Drug Task Force and

the Town of Deerpark Police Department for their investigation and the arrest of Cabral. The case was prosecuted by Assistant District Attorney Neal Eriksen.

## **NARCOTICS ENFORCEMENT**

The narcotics epidemic affects every community in the State without regard to socioeconomic status, and the connection between violent crime and narcotics is undeniable. In 2022, OCDA continued to respond to the spike in fatal overdoses in Orange County, which mirrors similar spikes in overdoses throughout New York State. Illegal guns and violence inevitably become part of the drug trade. In 2022, the OCDA continued to work with law enforcement agencies, including the Orange County Drug Task Force to prosecute those who endanger the community by selling narcotics. More complicated enforcement operations which use court-ordered eavesdropping are necessary to successfully prosecute higher level dealers who insulate themselves from street sales and undercover police officers.

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

In 2015, the OCDA, the Orange County Sheriff's Office, and the Police Chiefs' Association of Orange County created the Orange County Drug Task Force (OCDTF). The Drug Task Force is run under the supervision of a Senior Criminal Investigator from OCDA and a Senior Investigator from the Orange County Sheriff's Office. In addition to personnel from those agencies, the Drug Task Force is composed of police officers from other Orange County police departments. Currently the Town of Montgomery Police Department, the Wallkill Police Department, and the Highlands Police Department have committed to assigning police officers to work on the Task Force. The Drug Task Force assists other agencies in conducting narcotics investigations, including undercover investigations, throughout the County. Some of the agencies that assisted in the enforcement actions conducted by the Task Force include the Orange County Sheriff's Office, the City of Newburgh Police Department, the Town of Newburgh Police Department, the Town of Montgomery Police Department, the Town of New Windsor Police Department, the Town of Wallkill Police Department, the Town Warwick Police Department, the Village of Monroe Police Department, the Village Walden Police Department, the U.S. Marshals Fugitive Task Force, and the Hudson Valley Crime Analysis Center. Enforcement actions conducted by the Orange County Drug Task Force, their partner agencies and the OCDA in 2022 included:

**Operation Final Blow** - On September 28, 2022, District Attorney David M. Hoovler, Orange County Sheriff Carl E. DuBois, Pike County District Attorney Raymond Tonkin and City of Port Jervis Police Chief William Worden were joined by the New York State Police, Pennsylvania State Police, New Jersey State Police and other law enforcement officials, to announce charges against 36 defendants that resulted from an over four month long investigation designed to disrupt major narcotics trafficking in the City of Port Jervis and surrounding areas, including Pike County, Pennsylvania. The investigation, dubbed "Operation Final Blow" was initially started by the City of Port Jervis Police Department, the Orange County Drug Task Force, the New York State Police



*District Attorney Hoovler at the scene of an arson in Port Jervis.*

Violent Gang and Narcotics Enforcement Team, the Pike County Criminal Investigations Division of the Pike County District Attorney's Office, and the Orange County District Attorney's Office, and included the use of court ordered eavesdropping, as well as the execution of seventeen search warrants. Other law enforcement agencies who provided crucial aid in the investigation included the Town of Deerpark Police Department, the City of Middletown Police Department, the Town of Walkkill Police Department, the Pennsylvania State Police, the New Jersey State Police, the

Sullivan County Sheriff's Office, the Sussex County Guns, Gang and Narcotics Taskforce, and the Sussex County Prosecutor's Office. Federal agencies who aided in the operation included Homeland Security Investigations ("HSI"), the FBI's Safe Streets Taskforce and the United States Marshals Service Fugitive Task Force. Search warrants executed during the investigation resulted in the seizure of approximately two kilograms of cocaine, 74 grams of heroin, 165 grams of fentanyl, 1,600 ecstasy pills and 235 pills containing oxycodone, as well as seven illegally possessed firearms and \$153,690. Eleven automobiles, four motorcycles and two ATVs were also taken into evidence. In addition to court ordered eavesdropping and search warrants, the investigation included controlled narcotic purchases. The 2019 bail "reform" legislation severely limits the courts' ability to set bail for offenses involving narcotics sales. In narcotics sweeps in Orange County prior to the legislation, some bail was set by the court for almost all defendants charged with selling narcotics. Although the District Attorney's Office has requested bail in every bail eligible case, to date only seven of the defendants charged were held on bail in connection with the enforcement action. The Orange County, New York cases are being prosecuted by Assistant District Attorney Neal Eriksen and Assistant District Attorney Alexis Gregory.

**Newburgh Area Drug Sweep** - On June 10, 2022, eleven defendants were charged with crimes pertaining to the trafficking of crack cocaine and heroin throughout the City of Newburgh, and surrounding areas. The arrests are part of a multi-agency investigation and enforcement action conducted by the Orange County Drug Task Force (OCDTF), the Orange County Sheriff's Office

Investigations and Patrol divisions, the Town of New Windsor Police Department, the Town of Wallkill Police Department, and the City of Port Jervis Police Department, who were assisted by the Orange County District Attorney's Office, the Hudson Valley Crime Analysis Center and the City of Newburgh Police Department Detective Bureau. Over the course of several months, undercover investigators purchased quantities of narcotics from individuals in and around the City of Newburgh and the Town of Wallkill. The narcotics purchased included crack cocaine as well as heroin. Nine of the defendants were arrested and charged with crimes including Criminal Sale of a Controlled Substance in the Third Degree, for the sale of narcotics to undercover police officers. In 2019 bail "reform" legislation was enacted that severely limits the courts' ability to set bail for offenses involving narcotics sales. In narcotics sweeps in Orange County prior to the legislation, some bail was set by the court for almost all defendants charged with selling narcotics. Although the District Attorney's Office has requested bail in every bail-eligible case, to date only two of the defendants charged were held on bail in connection with the enforcement action.

## **Significant Narcotics Cases**

Other significant narcotics cases handled by the OCDA in 2022 included:

***People v. Joseph Bruno*** - On December 5, 2022, Joseph Bruno, 44, of Port Jervis, pled guilty to Conspiracy in the Second Degree and Criminal Possession of a Controlled Substance in the Second Degree. Under the plea agreement announced on the record at the time that Bruno pled guilty, he faces an aggregate term of ten to twenty-one (10-21) years in prison and five (5) years of post-release supervision. As part of his plea, Bruno agreed to forfeit \$55,364 and three vehicles as fruits of his crimes. Bruno was arrested following an over four-month-long investigation designed to disrupt major narcotics trafficking in the City of Port Jervis and surrounding areas, including Pike County, Pennsylvania. The investigation, dubbed "Operation Final Blow," was initiated by the City of Port Jervis Police Department, the Orange County Drug Task Force, the New York State Police Violent Gang and Narcotics Enforcement Team, the Pike County Criminal Investigations Division of the Pike County District Attorney's Office, and the Orange County District Attorney's Office, and included the use of court ordered eavesdropping, as well as the execution of seventeen search warrants. Other law enforcement agencies who provided crucial aid in the investigation included the Town of Deerpark Police Department, the City of Middletown Police Department, the Town of Wallkill Police Department, the Pennsylvania State Police, the New Jersey State Police, the Sullivan County Sheriff's Office, the Sussex County Guns, Gang and Narcotics Taskforce, and the Sussex County Prosecutor's Office. Federal agencies who aided in the operation included Homeland Security Investigations ("HSI"), the FBI's Safe Streets Taskforce and the United States Marshals Service Fugitive Task Force. Search warrants executed during the investigation resulted in the seizure of approximately two kilograms of cocaine, 74 grams of heroin, 165 grams of fentanyl, 1,600 ecstasy pills and 235 pills containing oxycodone, as well as seven illegally possessed firearms and \$153,690. Eleven automobiles, four motorcycles and two ATVs were also taken into evidence. District Attorney Hoovler thanked all the state, local and federal law enforcement officials who aided in the investigation and eventual apprehension of Bruno. "This case exemplifies the benefits of coordinated and dedicated enforcement actions by police and prosecutors," said District Attorney David M. Hoovler. "This operation helped to disrupt the flow of narcotics being trafficked in the western part of Orange County by bringing the higher-level dealers, including this defendant, to justice. I applaud the cooperation among the varied law enforcement agencies who conducted a careful investigation that led to the conviction of this defendant. My Office will continue to prioritize the investigation and prosecution of drug dealers

who peddle their poison in Orange County.” The case was prosecuted by Assistant District Attorneys Neal Eriksen and Alexis Gregory.

**People v. Richard McInturff and Larry McInturff** - On February 8, 2023, Richard McInturff, age 31, of Port Jervis, was sentenced to an aggregate of seventeen to nineteen (17 -19) years in prison to be followed by five (5) years post release supervision after pleading guilty in July of 2022 to Operating as a Major Drug Trafficker and Escape in the First Degree. His father, Larry McInturff, age 66, of Port Jervis, was sentenced to a split sentence of six months in Orange



*District Attorney Hoovler speaking at a press conference for “Operation Final Blow.”*

County Jail and five years of probation after pleading guilty in Orange County Court to Tampering with Physical Evidence. On March 18, 2021, members of the Port Jervis City Police Department and the Orange County Sheriff’s Office Special Operations Group executed a search warrant at Richard McInturff’s residence located in the City of Port Jervis. The search warrant, which was drafted with the aid of the Orange County District Attorney’s Office, was part of an investigation into the illicit sales of the narcotic drug heroin in the City of Port Jervis. Detectives recovered 7,892 packets of suspected heroin and a scale of the type commonly used to weigh narcotics when they are being packaged for sale. During the plea proceedings, Richard McInturff admitted that he, acting as a profiteer, knowingly possessed 7,892 glassine envelopes of a powdery substance containing fentanyl/heroin, with the intent to sell them, and that the value of the narcotics exceeded \$75,000. Richard McInturff further admitted to escaping from custody while at the Port Jervis Police Department on March 19, 2021, after having been charged with the class A felony of Operating as a Major Trafficker. In his plea, Larry McInturff admitted that on March 20, 2021, he was speaking with son, Richard McInturff, via phone while Richard McInturff was incarcerated at Orange County Jail. At his son’s direction, Larry McInturff concealed a keyring with keys to an apartment that belonged to Richard McInturff, while knowing it would be used as evidence in the trial against his son. The case is being prosecuted by Assistant District Attorney Alexis Gregory and Senior Assistant District Attorneys Matthew Healy and Christopher Kelly.

**People v. Cory Williams** - On March 18, 2022, Cory Williams, 46, of Middletown, was sentenced to thirteen (13) years in prison, and three (3) years of post-release supervision for possessing cocaine which he intended to sell. On December 6, 2021, Williams was convicted following a jury trial of Criminal Possession of a Controlled Substance in the Third Degree. On December 18, 2019, the City of Middletown Police Department, aided by the Orange County Sheriff’s Special Operations Group and the New York State Police, executed a search warrant at Williams’ residence

on Little Monhagen Road, in the City of Middletown. The police also had a warrant to search the defendant's vehicle as well as the defendant's person. Williams was apprehended in the car at approximately 6:11 AM. A total of nineteen individually packaged bags of cocaine were recovered from the defendant's groin area and from between the defendant's buttocks. At the trial, prosecutors argued that Williams intended to sell the cocaine he possessed. District Attorney Hoover thanked the City of Middletown Police Department for their investigation and the arrest of the defendant, as well as the Sheriff's Special Operations Group and New York State Police for their assistance in executing the search warrants. District Attorney Hoover highly commended Assistant District Attorney Tanja Beemer and Assistant District Attorney Alexis Gregory who prosecuted the case.

**People v. Sequan Lewis** - On March 25, 2022, Sequan Lewis, 32, of Monticello, was sentenced to a total of fifteen (15) years in prison in connection with guilty pleas that he entered during a



jury trial for narcotics and weapons possession. On February 14, 2022, Lewis pled guilty to one count of Criminal Possession of a Controlled Substance in the Third Degree and one count of Criminal Possession of a Weapon in the Third Degree. Lewis pled guilty during a jury trial that commenced on February 9, 2022. Prosecutors at the

trial argued that on September 4, 2020, police officers from the City of Middletown Police Department, the Ulster Regional Gang Enforcement and Narcotics Team "URGENT", and the Department of Homeland Security Investigations, were conducting surveillance on a suspected narcotics dealer when they saw a car containing Sequan Lewis pull up to where the target of their investigation was parked. The police officers observed Lewis enter that person's car and then return to the car he arrived in. City of Middletown Police Officers and URGENT followed the car with Lewis in it, which eventually stopped in the City of Middletown. Police approached the car and recovered a loaded .22 caliber Smith and Wesson pistol. Lewis ran away, inadvertently leaving one of his shoes behind. Police arrested Lewis and recovered the shoe, which contained 6.5 grams of cocaine. At the time that he pled guilty, Lewis admitted possessing the loaded pistol as well as the narcotics, which he intended on selling. District Attorney Hoover highly commended Assistant District Attorneys Tanja Beemer and Peter Fernandez, who prosecuted the case.

**People v. Sheldon Cooper** - On June 21, 2022, Sheldon Cooper, age 36, of Port Jervis, was sentenced to an aggregate sentence of ten (10) years in prison and three (3) years post-release supervision following his conviction by a jury of all charges against him including Criminal Possession of a Controlled Substance in the Third Degree. Cooper was arrested following the execution of a search warrant at the Hampton Inn hotel located in the Town of Wallkill. The Orange County Sheriff's Office Special Operations Group aided in the execution of the search warrant at the hotel. The seizure was the result of an investigation conducted by the City of Port



*District Attorney Hoover and Senior Assistant District Attorney Matthew Healy meet with Carl LaFaro, of the Hudson Valley VA Healthcare System.*

old child in the room with the suspected narcotics. The search warrant, which was drafted with the aid of the Orange County District Attorney's Office, was part of an investigation into illicit narcotics sales in the City of Port Jervis. The case was tried by Senior Assistant District Attorney Janine Kovacs.

**People v. Jarves Evans** - On November 1, 2022, Jarves Evans, a/k/a "J", 26, of Newburgh, was sentenced to a total of twenty (20) years in prison and three (3) years post-release supervision following his by a jury of two counts of Criminal Sale of a Controlled Substance in the Third Degree, Criminal Possession of a Controlled Substance in the Third Degree and Criminally Using Drug Paraphernalia in the Second Degree. In Court, the District Attorney's Office recommended that Evans be sentenced to thirty (30) years in prison. It was proven at trial that in January of 2022, Evans sold a quantity of heroin and fentanyl to a known individual in the City of Port Jervis. Less than a week later, Evans again sold a quantity of crack cocaine to the same person. A judicially authorized search warrant was executed at an apartment in the City of Port Jervis where Evans was located, which resulted in the recovery of narcotics as well as packaging materials for narcotics and the proceeds of the drug sales. District Attorney Hoover highly commended Assistant District Attorney Alexis Gregory and Senior Assistant District Attorney Jessica Dovico who prosecuted and tried the case.

Jervis Police Department, who were assisted by the Orange County Drug Task Force, and the Town of Wallkill Police Department. Cooper was arrested by the Town of Wallkill Police Department. Among the items seized during the execution of the search warrant were approximately 43 grams of fentanyl, approximately 9.5 grams of cocaine, a digital scale, packaging materials commonly used for narcotics sales, \$4,621.00 and approximately 34.5 grams of a substance commonly used as cutting agent by those involved in narcotics sales. At the time of the execution of the warrant, there was also a two and a half year

**People v. Glenn Bradshaw** - On January 20, 2022, Glenn Bradshaw, 30, of Middletown, was sentenced in Orange County Court to a total of fourteen (14) years in prison, and three (3) years post-release supervision, related to his trial conviction for numerous sales of narcotics to an undercover officer of the City of Middletown Police Department and a violation of probation. In November of 2021, Bradshaw was convicted by a jury of three counts of Criminal Sale of a Controlled Substance in the Third Degree and three counts of Criminal Possession of a Controlled Substance in the Third Degree. During the trial, prosecutors argued that Bradshaw sold cocaine



*District Attorney Hoover supports the Danny Mulvey Foundation event with Dan Mulvey Sr.*

to an undercover police officer of the City of Middletown Police Department on July 15, 2019, July 23, 2019, and August 15, 2019. As a result of bail "reform" legislation, Bradshaw was released with no monetary bail being set during the pendency of the case, including during the trial. Bradshaw was remanded to the Orange County Jail without bail following the verdict. District Attorney Hoover thanked the City of Middletown Police Department for their investigation and the arrest of the defendant. District Attorney Hoover highly commended Assistant District Attorney Tanja Beemer and Assistant District Attorney Alexis Gregory who prosecuted the case.

**People v. Ashley Evans** - On April 11, 2022, Ashley Evans, 33, of Hallstead, Pennsylvania, pled guilty to one count of Conspiracy in the Second Degree and one count of Criminal Possession of a Controlled Substance in the Third Degree. On July 20, 2022, Evans was sentenced to five to fifteen (5 - 15) years in prison and two (2) years post-release supervision. The case was the result of a five month joint investigation by the Orange County

Drug Task Force (OCDTF) and the City of Port Jervis Police Department which revealed the unlawful possession and sale of firearms and methamphetamine occurring primarily in Western Orange County. As part of the investigation, authorities learned that Evans sold a total of 275 grams of methamphetamine, commonly known as "crystal meth," and that she possessed an additional 200 grams of methamphetamine. At the time of her plea, Evans admitted to participating in a conspiracy to sell methamphetamine in and around Port Jervis and to possessing a large quantity of methamphetamine with the intent to sell it. District Attorney Hoover thanked the OCDTF and the City of Port Jervis Police Department for their joint investigation and the arrest of Evans. The case was prosecuted by Assistant District Attorney Neal Eriksen.



**People v. Deshell Powlus** - On November 1, 2022, Dashell Powlus, 25, of Port Jervis, was sentenced to nine (9) years in prison and three (3) years post-release supervision following his plea to Criminal Possession of a Controlled Substance in the Third Degree in connection with his possession of fentanyl with the intent to sell it. While pending sentence for that conviction, Powlus was charged with Promoting Prison Contraband in the First Degree, for which he was sentenced to two (2) to four (4) years in prison. Powlus was the subject of an investigation by the City of Port Jervis Police Department into the sale of heroin. On April 30, 2021, the City of Port Jervis Police Department, aided by the Orange County Sheriff's Office's Special Operations Group, executed a search warrant at Powlus's apartment on East Main Street, in the City of Port Jervis. At that time, police officers recovered 123 glassine envelopes of fentanyl, a digital scale, additional glassine bags as well as money. At the time Powlus pled guilty, he admitted that he intended to sell the fentanyl that was recovered from his apartment. While pending sentencing on the fentanyl charges, Powlus was charged with acting individually and in concert with others to introduce Suboxone into the Orange County Jail.



*District Attorney Hoover speaks to a local football team*

Powlus pled guilty to the additional charges and admitted to his conduct. The case was prosecuted by Assistant District Attorney Alexis Gregory.

**People v. Paul Smith** - On November 16, 2022, Paul Smith, 52, of Deerpark, who had been a paid Lieutenant with the City of Middletown Fire Department at the time of his arrest on February 5, 2019, was sentenced to a total of ten to twenty-five (10 - 25) years in prison to be followed by five (5) years of post-release supervision in connection with the enforcement action dubbed "Operation Bread, White and Blues." On April 8, 2019, Smith pled guilty to Operating as a Major Trafficker and Conspiracy in the Second Degree. Smith was sentenced to eight and one third to twenty-five (8 1/3 - 25) years in prison on the charge of Conspiracy in the Second Degree and ten (10) years in prison and five (5) years post-release supervision on the charge of Operating as a Major Trafficker. The sentences were ordered to run concurrently resulting in Smith having a combined sentence of ten (10) to twenty-five (25) years in prison. Additionally, Smith agreed to forfeit \$315,000 that he made from selling cocaine pursuant to the conspiracy, as well as a 2014 Dodge Ram pick-up truck, a 2008 Corvette automobile, and a 2012 Harley Davidson motorcycle that he used to transport narcotics. Indictments arising from the enforcement action outlined two separate conspiracies, one of which primarily involved members and associates of self-professed "outlaw" motorcycle clubs trafficking cocaine, and another of which involved the sale of narcotic

pills which were represented to contain oxycodone, but which contained fentanyl, a highly addictive and frequently lethal narcotic. The name of the operation referred to the co-conspirators use of the term "bread" to mean money they obtained through the sale of narcotics, "white" to represent the cocaine which was sold, and "blues" to represent the blue colored pills which were being trafficked. Most of the defendants in the action were arrested in a series of early morning raids and search warrant executions which occurred on February 5, 2019. On February 5, 2019, members of the New York State Police Community Narcotics Enforcement Team aided by the New York State Police Special Operations Response Team and the Federal Bureau of Investigation, executed multiple search warrants and made over twenty arrests throughout Orange County and Rockland County. The arrests and search warrant executions were a result of a six-month long narcotics investigation. Law enforcement officials recovered more than \$500,000, 25 handguns, one assault rifle, multiple rifles, ten vehicles, two motorcycles, over 2.5 pounds of cocaine and 1,300 Fentanyl pills. The New York State Police were assisted by the Orange County District Attorney's Office, the Orange County Sheriff's Office, the Drug Enforcement Agency, and the Federal Bureau of Investigation. Assistant District Attorney Neal Eriksen and Senior Assistant District Attorney David Byrne prosecuted the case.

## **ARSON CASES**

Arson cases by their very nature involve the destruction of evidence, highly technical scientific proof, and expert testimony. In addition to the arson/homicide prosecution of Ryan Veloce described in the homicide section earlier in this report, the OCDA prosecuted a number of other arson cases in 2022, with the assistance of police agencies and paid and volunteer fire fighters. These are some of the arson cases prosecuted in 2022:

***People v. Zef Gjurashaj and Marina Gjurashaj*** - On September 26, 2022, Zef Gjurashaj, 60, of Newburgh, was convicted after jury trial of all counts considered by the jury, including Arson in the First Degree, Conspiracy in the Second Degree, two counts of Reckless Endangerment in the First Degree, Insurance Fraud in the Second Degree and Tax Fraud in the Fifth Degree. Gjurashaj faces a sentence of twenty-five years to life (25 – Life) in prison on the Arson conviction when he is sentenced. Prior to the trial, Gjurashaj's co-defendant, Marina Gjurashaj, 38, of Yonkers, who was the wife of his nephew, pled guilty to Arson in the Third Degree and Conspiracy in the Fourth Degree for her role in setting the fire. As part of her plea agreement, Marina Gjurashaj testified against Zef Gjurashaj at trial. At the trial Counsel to the District Attorney Stewart Rosenwasser argued that the defendants conspired with each other to intentionally burn down Andiamo Restaurant, which was located at 5025 Route 9W, in the Town of Newburgh, Orange County, New York in September of 2017. Zef Gjurashaj, who operated the restaurant



*District Attorney Hoovler, Counsel to the District Attorney Stewart Rosenwasser and members of law enforcement at a press conference announcing charges against Gjurashaj.*

business in the fall of 2017, knew that the business was in a steep financial decline and decided to burn the business for insurance purposes. He instructed Marina Gjurashaj on how to start the fire and removed a plug from a propane line in the kitchen, which allowed for the free flow of propane into the room once the valve was turned. The investigation into the fire revealed that on September 6, 2017, at the direction of Zef, Marina Gjurashaj intentionally set fire to the building for the financial benefit of her "uncle" by spraying an ignitable liquid on the floor of the kitchen,

opening the valve to the propane line and lighting the liquid. The subsequent fire was of such ferocity that in addition to decimating the building, it put the first responding firefighters, as well as Zef Gjurashaj's wife, who was present at the time of the fire, at grave risk of death. Thereafter, and in furtherance of the conspiracy, beginning in December of 2017, Zef Gjurashaj presented to his insurance company a fraudulent Proof of Loss seeking payment for damage caused by the fire. In support of the fraudulent Proof of Loss, Zef Gjurashaj submitted further fraudulent documents to the insurance company through 2018. On three occasions in 2018, Zef Gjurashaj testified falsely during an Examination Under Oath (EUO) conducted by the insurance company regarding observations at the scene of the fire. The investigation also revealed that Zef Gjurashaj under-reported cash income from the restaurant as part of New York State tax filings. District Attorney Hoovler thanked the Town of Newburgh Police, who were assisted in the investigation of the fire by the Bureau of Alcohol, Tobacco, Firearms and Explosives, New York State Department of Financial Services, New York State Department of Taxation and Finance and the Orange County District Attorney's Office. District Attorney Hoovler further acknowledged the efforts of the Cronomer Valley Fire Department, the Westchester County Police Department and Sterling Insurance Company throughout the course of the investigation. District Attorney Hoovler highly commended Counsel to the District Attorney Stewart Rosenwasser for his prosecution of the case, as well as Senior Assistant District Attorney Ryan Greenbaum, who assisted at trial.

**People v. Larry Hickmon and Emanuel Watson** - On January 27, 2022, Larry Hickmon, 30, Middletown, pled guilty to Arson in the Second Degree in connection with a fire at an apartment complex located on Concord Lane in Middletown. On March 24, 2022, Hickmon was sentenced to eighteen (18) years in prison and five (5) years post-release supervision. It was alleged that on May 17, 2021, Hickmon assaulted his girlfriend inside their apartment at an apartment complex



*District Attorney Hoover, County Executive Neuhaus and Cardinal Dolan at a meeting in Newburgh.*

on Concord Lane, in the City of Middletown. After the woman fled from the apartment, it was alleged that the defendant started a fire in the apartment knowing that there were other residents in the apartment complex, including a number of children. No one was injured as a result of the fire, however multiple families had their residences destroyed. When he pled guilty, Hickmon admitted setting the fire and knowing there were other residents in the apartment complex when he set the fire. District Attorney Hoover thanked the City of Middletown Police Department for their investigation and the arrest of Hickmon, as well as the City of Middletown Fire Department, and other first responders who assisted at the

fire scene. The case was prosecuted by Executive Assistant District Attorney Michael Milza.

**People v. Nicholas Fontaine** - On January 24, 2022, Nicholas Fontaine, 23, of Monroe, was sentenced to nine (9) years in prison and five (5) years post-release supervision in connection with a house fire which occurred in the early morning hours of May 5, 2021, on Juniper Drive, in Monroe. On October 26, 2021, Fontaine pled guilty to Arson in the Second Degree. The defendant's former girlfriend and her family were in the house at the time the fire erupted, damaging the outside of the residence and destroying a car in the driveway of the residence. Prosecutors argued that at about 1:40 AM on May 5, 2021, Fontaine and another person repeatedly poured gasoline over a 2018 Hyundai Elantra belonging to Fontaine's former girlfriend which was parked next to her residence. Ring camera recordings showed the car being set ablaze and the fire quickly spreading to the siding of the residence, which became engulfed in flames. Fontaine admitted that he had reason to believe that the residence was occupied at the time the fire was started. Fortunately, no one was injured in the incident. On Thursday, October 28, 2021, Emanuel Watson, 24, of Monroe, admitted acting in concert with Fontaine in setting the fire. On December 14, 2021, Watson was sentenced to five (5) years in prison, and five (5) years post-release supervision, in connection with his actions in helping Fontaine set the fire. District Attorney Hoover thanked the New York State Police for their investigation of the case and the fire companies who responded to the fire. The case was prosecuted by Assistant District Attorney Tanja Beemer.

## **SEXUAL ASSAULT CASES**

Cases involving sexual abuse require the full attention of compassionate and experienced prosecutors. In 2022 the OCDA continued our commitment to handle these most serious of cases with all the resources at our disposal. The courage and determination that survivors of sexual

abuse demonstrate when they aid in the prosecution of their offenders is worthy of everyone's admiration and respect. Testifying publicly, and particularly being subjected to cross-examination in these circumstances, is never easy, but it is the only way that those who commit these types of crimes can be brought to justice. The OCDA will continue to recommend that those who subject others to sexual abuse receive meaningful prison sentences. One notable case that went to trial in 2022 was:

***People v. Lucas Xavier*** - On May 12, 2022, Lucas Xavier, age 24, of Brookfield, Connecticut, was convicted following a jury trial in the Orange County Court of Rape in the Third Degree.

District Attorney Hoovler thanked the New York State Police for their investigation and the arrest



*District Attorney Hoovler raising awareness for the "Start by Believing" protocol in sexual assault investigations.*

of the defendant. "When someone says no, it means no," said District Attorney David M. Hoovler. "Sexual assault victims have the right to be heard and, by their verdict in this case, the jury has heard the victim here. I commend the brave actions of the survivor in this case who came forward and testified about the traumatic day she was sexually assaulted." Xavier was sentenced to three

and one-half (3 ½) years in prison and ten (10) years post-release supervision on June 21, 2022. As part of the sentence, Xavier was required to registered as a sex offender under the New York Sex Offender Registration Act (SORA). District Attorney Hoovler highly commended Executive Assistant District Attorney Michael Milza who prosecuted the case.

## BURGLARY CASES

Prosecuting residential burglaries remains one of the top priorities of the District Attorney's Office. A stranger breaking into one's home is every homeowner's nightmare and acts of violence like those deserve a strong commitment from law enforcement. DNA technology has evolved to the point where we can often solve burglary cases based upon some bit of biological material that a perpetrator left behind at the crime scene. Technology, coupled with good police work can bring perpetrators to justice, and can bring relief to man victims and communities. "People deserve to feel safe in their homes, and the harm done by residential burglaries extends far beyond the loss of property," said District Attorney Hoovler. "Those who commit residential burglaries deserve lengthy incarceration." Some of the burglary cases prosecuted by the OCDA in 2022 included:

***People v. Jorge Martinez*** - On March 17, 2022, Jorge Martinez, 60, of Newburgh, pled guilty to Attempted Burglary in the Second Degree, in connection with a daytime break-in at a single-family home in the Town of Newburgh. The guilty plea was entered during the jury trial of the case, after the People had given their opening statement. Martinez was sentenced to sixteen years to life (16 – Life) in prison. On December 16, 2019, a homeowner returned to his single-family residence where he lived with his wife and daughter. Upon entering his home, the victim

saw that their property was strewn throughout the house and discovered that numerous items, including a laptop, a GPS watch, and money belonging to his daughter were missing. The homeowner reviewed security camera video from inside and outside his home which showed Martinez brazenly breaking the door in order to enter. The video also showed Martinez entering various rooms in the house, taking the missing property and fleeing. Detectives with the Town of Newburgh Police Department tracked the vehicle Martinez drove to the home and, through further investigation, identified the defendant as the perpetrator of the crime. The items stolen were never recovered. District Attorney Hoovler thanked the Town of Newburgh Police Department for their investigation which resulted in the charges. District Attorney Hoovler also thanked the City of Newburgh Police Department for their assistance during the investigation. District Attorney Hoovler highly commended Assistant District Attorney Neal Eriksen for handling the prosecution of Martinez.

***People v. Jesus Vazquez*** – On January 25, 2022, Jesus Vazquez, 41, of Newburgh, pled guilty to two counts of Burglary in the Second Degree, in connection with committing two residential burglaries in the City of Newburgh. The guilty pleas were entered immediately before a jury trial was to commence. Vazquez was sentenced to fourteen (14) years in prison on the two charges of Burglary in the Second Degree on March 14, 2022. On January 8, 2019, the defendant was



*District Attorney Hoovler speaking at a press conference with members of law enforcement*

stopped by the City of Middletown Police Department while driving a truck that had been reported stolen from the City of Newburgh. The keys to that truck had been stolen from inside of a residence in the City of Newburgh. At the time he pled guilty, Vasquez admitted to entering the residence with the intent to steal and further admitted that he stole the keys to the truck. In compliance with the bail "reform" Laws enacted in January of 2020, the defendant was released from custody without bail being set. (The laws were subsequently amended to allow bail to be set on residential burglaries.) On April 6, 2020, defendant was stopped by the City of Newburgh Police Department while possessing a stolen bag and three stolen laptops. The bag and laptops were stolen from inside of a residence in the City of Newburgh. At the

time of his plea, Vasquez admitted to entering the residence with the intent to steal property and further admitted that he stole the bag and the laptops. District Attorney Hoovler thanked the

City of Newburgh Police Department and the City of Middletown Police Department for their investigation which resulted in the charges. District Attorney Hoovler commended Senior Assistant District Attorney Janine Kovacs and Assistant District Attorney Matthew Bennett for handling the prosecution of Vazquez.

***People v. Brandi Wickliffe*** - On April 7, 2022, Brandi Wickliffe, 46, of Newburgh, pled guilty to one count of Burglary in the Second Degree and one count of Offering a False Instrument for Filing in the First Degree. On August 4, 2022, Wickliffe was sentenced to four (4) years in prison and five (5) years post-release supervision on the charge of Burglary in the Second Degree and one to three (1-3) years in prison on the charge of Offering a False Instrument for Filing in the First Degree. Prosecutors were prepared to argue at the trial that on January 29, 2020, Wickliffe entered into a residence in the Town of Newburgh and stole an X-Box gaming system. After stealing the property, Wickliffe sold the system at a store in Poughkeepsie. On January 31, 2020, Wickliffe entered a different residence in the Town of Newburgh and stole various items of jewelry. The owners of both homes were strangers to Wickliffe. After an investigation by the Town of Newburgh Police Department, Wickliffe was developed as a suspect. Wickliffe later identified herself in surveillance video from the crimes, as well as in video from the store where she sold the X-Box. The trial for the burglary counts was scheduled to commence on March 22, 2022. On March 21, 2022, Wickliffe failed to appear in Court and told Court staff that she had contracted COVID. In support of her claim, Wickliffe submitted to the Court a report from an urgent care facility that purported to show that Wickliffe had tested positive. It was quickly discovered that the test results were forged and submitted to the Court to excuse her absence. District Attorney Hoovler thanked the Town of Newburgh Police Department for their investigation and the arrest of Wickliffe. The case was prosecuted by Assistant District Attorney Nicholas Mangold.

## **DOMESTIC VIOLENCE CASES**

Prosecuting cases where the defendant and the victim either are, or were formerly intimate partners, remained a high priority for OCDA in 2022. The Office continued its relationship with Fearless! Hudson Valley, Inc., formerly known as Safe Homes of Orange County, a not-for-profit organization that is dedicated to helping victims of domestic abuse and has supplied victim-advocate services to OCDA for many years. Most notably, those services include making a victim's advocate available to speak with victims of domestic violence as they go through the criminal justice system. At least one advocate is always available at the OCDA to assist victims. Advocates work closely with the victims and assistant district attorneys, particularly when the victims must testify in a grand jury. Victims of intimate partner violence frequently are hesitant to report crimes and to follow through on prosecutions. Victims' degree of trust and cooperation has grown due to the close interaction between OCDA and Fearless!, resulting in a working relationship where victims are more likely to receive appropriate services and report instances of domestic violence, which greatly lessens the chance that they will be victimized in the future. These are some of the domestic violence cases that the OCDA handled in 2022:

***People v. Marcellous Williams*** - On March 2, 2022, Marcellous Williams, 21, of Newburgh, was sentenced to seven and one half (7½) years in prison and five (5) years post-release supervision related to his guilty plea to Attempted Robbery in the First Degree in connection with the attempted gunpoint robbery of a woman in the City of Newburgh on October 25, 2020. When he pled guilty, Williams admitted to displaying what appeared to be a pistol at the mother of a woman Williams previously dated. Williams then demanded money, but was thwarted from

further violence when the victim was able to close the door to the residence and call the police. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation of the case and the arrest of the defendant. "Domestic violence crimes such as this one tear at the fabric of our community," said District Attorney David M. Hoovler. "While serious injury was thankfully avoided in this case, the defendant's brazen possession and use of a firearm demands the significant sentence imposed. My office will continue to pursue justice on behalf of victims of domestic violence and hold responsible those who turn to guns to settle their disputes." The case was prosecuted by Assistant District Attorney Christine Maggiore.

***People v. Alex Livingston*** - On August 5, 2022, Alex Livingston, 37, of Newburgh, was sentenced to nine (9) years in prison and five (5) years post-release supervision in connection with his guilty plea on February 15, 2022, to Burglary in the Second Degree for having violated a full stay-away order of protection in favor of Livingston's former intimate partner by breaking into her Town of Newburgh home and terrorizing her and her family. At the time that Livingston pled guilty, he admitted that on December 22, 2020, a valid court-ordered order of protection was in effect which commanded him to stay away from a former intimate partner and her home. Livingston admitted breaking into his former partner's home and damaging property throughout her house. Prosecutors argued that Livingston broke through the door of the residence and entered the home while demanding to see children who were hiding in a closet with their grandmother. The defendant was also of taking his former partner's phone to prevent her from calling 911 and striking her. After the burglary, Livingston fled to the State of Georgia, where he was eventually arrested and returned to New York State to face these and related charges. The case was prosecuted by Senior Assistant District Attorney Ryan Greenbaum.

***People v. Ricardo Mendoza*** - On October 3, 2022, Ricardo Mendoza, 28, of Newburgh, was sentenced to nine to eleven (9 - 11) years in prison to be followed by five (5) years of post-release supervision after being convicted after a trial of nine counts including Burglary in the Second

Degree and Criminal Contempt in the First Degree. The indictment was in connection with a series of acts of domestic violence that Mendoza committed against a



*District Attorney Hoovler, Sheriff Arteta and members of the 2022 New York State Champion James I O'Neill football team*

former intimate partner. Evidence at the trial proved that in August of 2021, the Newburgh City Court issued an order of protection against Mendoza in favor of his former intimate partner which directed him to stay away from her. On October 23, 2021 Mendoza entered the woman's home, in violation of the order, and grabbed her arm, trying to drag her out of bed. On December 1, 2021, Mendoza again entered the woman's home in violation of the order, grabbed her phone from her hand and stole items from her pocketbook before fleeing out the front door. On January



13, 2022, the woman returned to her home to find Mendoza inside. He proceeded to punch, kick and squeeze the neck of the woman and throw her phone in order to prevent her from calling the police. After these incidents, Mendoza fled the home and could not be located by the police. An indictment charging Mendoza for these crimes was secured and he was returned to Orange County Court on an arrest warrant before proceeding to trial which resulted in guilty verdicts. District Attorney Hoovler thanked the City of Newburgh Police Department who conducted the investigation that led to the eventual apprehension of Mendoza. "The cycle of domestic violence ends when perpetrators, such as this, are held to account for their actions," said District Attorney David. M. Hoovler. "I commend the strength and bravery of the survivor in this case who deserves to live her life free of the fear of this defendant." District Attorney Hoovler highly commended Assistant District Attorney Michael Purcell who prosecuted the case.

***People v. Sorino*** - On August 10, 2022, Anthony Sorino, age 38, of Port Jervis, pled guilty to Burglary in the First Degree. On October 12, 2022, Sorino was sentenced to twelve (12) years in prison and five (5) years of post-release supervision. On April 26, 2022, Sorino broke into his ex-girlfriend's home in the City of Port Jervis by breaking a glass window on the back door with a hammer. When he entered the home, Sorino was wearing a ski mask and gloves, carrying a roll of duct tape, and was armed with a knife. Upon seeing Sorino, the victim attempted to call 911, but Sorino took the phone and denied there was any problem. The victim yelled for help in the background of the call. Sorino then threatened the victim, cut his own neck and wrists, and fled. Port Jervis Police Officers, responding to the 911 call, located Sorino nearby and took him into custody. During the plea proceedings, Sorino admitted that he unlawfully entered the home and threatened the victims with a knife. District Attorney Hoovler thanked the City of Port Jervis Police Department for their investigation and the arrest of Sorino. "The facts of this case are downright terrifying," said District Attorney David M. Hoovler. "Thankfully, no one other than the defendant was injured, and thanks to the dedicated work of the Port Jervis Police Department, this offender will be removed from society for a long time. All victims of domestic violence should know that my Office will vigorously pursue these cases and that organizations such as Fearless! Hudson Valley are here to help them." The case was prosecuted by Assistant District Attorney Nicholas Mangold.

***People v. Yon Renee Woodson Renner*** - On June 14, 2022, Yon Renee Woodson Renner, age 61, of Middletown, was convicted following a jury trial in the Middletown City Court of all charges against her, including Criminal Contempt in the Second Degree and Criminal Trespass in the Second Degree. Renner was arrested following an incident at the home of her estranged husband in the Town of Mount Hope where video from the doorbell camera showed the defendant attempting to gain entry to the home. The defendant used a locksmith to pick the lock to the front door and thereafter entered into the home. These actions were in violation of an order of protection issued out of Orange County Family Court which directed the defendant to stay away from her estranged husband as well as his home. After the defendant's arrest in 2019, the case was subsequently transferred to the Middletown City Court. There, the defendant continued a pattern of persistently and willfully failing to appear as directed in court, even after having posted bail in certain instances. The defendant was eventually returned to the jurisdiction and remanded to custody. The jury found the defendant guilty of all charges. District Attorney Hoovler thanked the Town of Mount Hope Police Department for their investigation and the arrest of the defendant, as well as the Orange County Sheriff's Office for their assistance in returning the defendant to face the charges against her. "Contempt for the order of the court strikes at the heart of our criminal justice system," said District Attorney David M. Hoovler. On July 21, 2022, Renner was sentenced to six months in jail. "While recent bail reform legislation has tied the hands of local

judges and their ability to ensure defendants appear in court, my Office will continue to bring offenders to justice and to hold them accountable. I commend the dedicated work of law enforcement to track this defendant down and to bring her into custody to face the charges she was ultimately convicted of by a jury of her peers.” District Attorney Hoovler highly commended Assistant District Attorneys Bryan Conway and Cassidy Turi who prosecuted the case.

## DRIVING WHILE INTOXICATED CASES

Prosecuting drunk drivers continues to be a high priority for the OCDA. The OCDA works closely with groups such as Mothers Against Drunk Driving (MADD) and STOP-DWI, not only to prosecute drunk drivers, but also to educate the public on the dangers of such actions. The District Attorney has a strict policy in dealing with first offenders, as well as repeat offenders. As part of the District Attorney’s policies, first-time offenders are mandated to be evaluated by an OASAS certified alcohol and substance-abuse provider to determine if the offender has alcohol or other substance abuse issues and, where the assessment indicates that the offender would benefit from a treatment program, to successfully complete an alcohol or substance-abuse treatment program. Offenders are also mandated to complete the Drinking Driver Program and attend the Victim Impact Panel. Driving While Intoxicated cases the OCDA tried in 2022 include:

***People v. Allan Jones*** – On January 31, 2022, Allan Jones, 27, of Warwick, was convicted by a jury in the Town of Warwick Court of Driving While Intoxicated and related traffic offenses. During the trial, prosecutors argued that on December 27, 2020, in the Town of Warwick, Jones operated a motor vehicle in a reckless fashion while turning off his headlights to avoid detection by the police. Officers were eventually able to stop Jones’s car, which struck a police vehicle in the process. Jones failed a series of roadside field sobriety tests and then submitted to a blood test,



*District Attorney Hoovler, Sheriff Arteta and members of the 2022 New York State Finalist NFA football team*

which was analyzed and revealed the presence of both alcohol and marijuana. On April 26, 2022, Jones was sentenced to three (3) years probation and was ordered to complete the Victim Impact Panel and the Impaired Driver Program. He also was required to install an Ignition Interlock Device on every motor vehicle that he used or had access to. His license was revoked for six months. District Attorney Hoovler

thanked the New York State Police and the Town of Warwick Police for their investigation and the arrest of the defendant. District Attorney Hoovler highly commended Assistant District Attorneys Alycia DeMilio Amanda Arroyo and who prosecuted the case.

***People v. James Call*** - On June 17, 2022, James Call, age 41, of Monroe, was convicted following a three day jury trial in the Chester Town Court of all charges against him including two counts of Driving While Intoxicated, Moving from Lane Unsafely and Speeding. On September 13, 2022, Call was sentenced on the Driving While Intoxicated conviction to a three-year sentence of probation, a \$1,000 fine, a \$400 surcharge, 20 hours of Community Service, and was ordered to complete of the Victim Impact Panel and Impaired Driver Program. He also had to install an Ignition Interlock Device on every motor vehicle that he uses or has access to. The Court also ordered six-month license revocation. He was sentenced on the Moving from Lane Unsafely ticket to a \$150 fine and a \$93 surcharge; and was sentenced on the Speeding ticket to a \$150 fine and a \$93 surcharge. Call was arrested in the early morning hours of November 29, 2020, after members of the New York State Police observed him swerve from his lane of travel and speed while driving on State Route 17 in the Town of Chester. When the Troopers approached the vehicle, they noticed the tell-tale signs of intoxication. Call agreed to take and subsequently failed a series of roadside sobriety tests. When brought back to the New York State Police Barracks, Call submitted to a chemical test to determine his blood alcohol content which revealed it was nearly twice the legal limit at 0.14%. At trial, Call and several witnesses on his behalf testified and denied that he had consumed alcohol except for much earlier in the day. The jury rejected Call's and his witnesses' testimony and returned a verdict of guilty on all counts. Assistant District Attorneys Emily Worden and Sarah Purtill prosecuted the case.

## **CASES INVOLVING ANIMALS**

In 2022 the OCDA continued its commitment to hold those who abuse animals accountable by working with local humane societies, the Hudson Valley Society for the Prevention of Cruelty to Animals and local law enforcement agencies on animal abuse cases. An example of the types of animal abuse cases that the OCDA prosecuted in 2022 was:

***People v. Daniel Duthie and Laretta Duthie*** - On April 22, 2022, Daniel Duthie, age 73, and Laretta Duthie, age 73, of Warwick, were convicted following a jury trial in the Warwick Town Court of the charges of Overdriving, Torturing and Injuring Animals and Failure to Provide Proper Sustenance in violation of the Agriculture and Markets Law. The charges against the Duthies stemmed from the investigation of a complaint made by a former employee who was working for Laurdan Kennels, LLC, a small kennel that was operated by the Duthies on their property. On November 22, 2019, members of the Town of Warwick Police Department executed a search warrant at a cottage located on the defendants' property and removed a thirteen yearold blind and deaf English Springer Spaniel named Jenna, who was found wandering inside the cottage, along with eleven other dogs who were found to be living in cages and steel kennels. Jenna had a baseball size ulcerated tumor on her back that was infected and smelled of rotting flesh, as well as an injury to her forehead and heavy matting on her legs. At trial, the evidence showed that the defendants were aware of Jenna's condition more than a year earlier and ignored the recommendations of two veterinarians to have the tumor surgically removed. The defendants also moved Jenna from the main house to the cottage, where she was found living with the other dogs in dirty conditions and without fresh air. On July 12, 2022, each of the Duthies were sentenced to a \$500.00 fine and \$205.00 surcharge. The Duthies were required to register with the Orange County Animal Abuse Registry and will be prohibited from owning dogs for fifteen (15) years. The case was prosecuted by Executive Assistant District Attorney Andrew Kass and Assistant District Attorney David Kempinger.

## APPEALS

The Appeals Bureau handles all matters pending in the New York State appellate courts. ADAs assigned to the Appeals Bureau also respond to federal habeas corpus challenges filed in the United States District Court for the Southern District of New York that involve cases prosecuted by OCDA, as well as related appeals to the United States Court of Appeals for the Second Circuit and the United States Supreme Court. Bureau attorneys also provide legal assistance to other ADAs in both the Orange County Court and in local criminal courts. The Appeals Bureau Chief is designated as the OCDA's Records Access Officer, and, together with other attorneys from the Appeals and other bureaus, is responsible for responses to Freedom of Information Law (FOIL) requests. In 2022, the Appeals Assistants handled 402 assignments, including 34 state court appeals and responses to federal habeas corpus petitions, 150 motion responses filed in New York State Supreme and County Courts and in the local criminal courts, and 100 responses to FOIL requests. As part of the District Attorney's Rebound Program, the Office responded to 27 applications in which members of the public sought to have their older convictions sealed. The Appellate Division issued 19 decisions involving appeals from convictions obtained by the OCDA. Of those decisions, the Appellate Division affirmed the judgments in 16 cases and in two cases, modified the judgments, and as modified, affirmed the judgments, while reversing just one conviction. The United States District Court for the Southern District of New York denied petitions for writs of habeas corpus in five cases where defendants, following the conclusion of their direct appeals in the state appellate courts or the litigation of post-judgment claims, challenged their state court convictions in cases that were prosecuted by the OCDA. Significant appeals cases in 2022 included:

***People v Omarrio Morrison*** – Following a jury trial, defendant was convicted of Murder in the Second Degree (felony murder), Attempted Robbery in the First Degree, Criminal Possession of a Weapon in the Second Degree (two counts) and Tampering with Physical Evidence (two counts.) On June 21, 2017, in the City of Newburgh, New York, defendant provided handguns to two co-defendants and instructed them to rob the occupant of a basement apartment in Newburgh who the defendant believed was a rival drug dealer. During the attempted robbery, one of the co-defendants fired the handgun when he encountered the intended target of the robbery and shot and killed that person. The defendant then discarded the two handguns that he gave to the co-defendants, which were recovered by the police. The Appellate Division affirmed the defendant's conviction. Defendant is serving a state prison sentence of twenty years to life (20 – Life).

***People v Gregg Marinelli*** – Following an investigation that was conducted by the New York State Police and the OCDA concerning several major drug trafficking organizations that were operating in Orange County and elsewhere in New York State. The defendant, who was a police officer with the New York City Department of Environmental Protection, pled guilty to Criminal Possession of a Weapon in the Second Degree and Hindering Prosecution in the Second Degree. The defendant was sentenced to a ten (10) year state prison sentence and a five (5) year period of post release supervision and to a concurrent sentence of one and one-third to four (1 1/3) years. The defendant was arrested after that investigation revealed that the defendant was selling firearms to members of those organizations, and to outlaw motorcycle clubs. The investigation also linked the defendant to the manufacture and sale of "ghost guns" and further revealed that the defendant, who in his capacity as a police officer, had learned of the larger

investigation, and informed a target of the on-going investigation. On appeal, the Appellate Division affirmed the defendant's conviction and sentence.

***People v Chelsea Johnson*** – The defendant was charged for the fatal stabbing of her boyfriend that occurred on January 21, 2020, in the City of Middletown, New York. The defendant pled guilty to Manslaughter in the First Degree and was sentenced to an eighteen (18) year term of imprisonment and a three (3) year period of post-release supervision. The Appellate Division affirmed the defendant's conviction and sentence.

***People v Devin Giordano*** – The defendant was charged in connection with a burglary and the death of 81-year-old Helen Mills that occurred during the early morning hours of August 2, 2014 in the Village of Goshen, New York. The defendant and co-defendant Jennifer Molyneaux cut through a window screen and entered the residence, and during the course of the burglary, assaulted, choked, and strangled to death Helen Mills, who was asleep in her bedroom. The co-defendants then set fire to the premises before they fled from the scene. Giordano pled guilty to Murder in the Second Degree (felony murder), Burglary in the First Degree, Burglary in the Second Degree, Arson in the Third Degree, Tampering with Physical Evidence (four counts), Criminal Possession of Stolen Property in the Fifth Degree, and Conspiracy in the Fourth Degree (two counts). On March 30, 2017, the defendant was sentenced to concurrent sentences of twenty years to life (20 – Life), twenty (20) years and a five (5) year period of post-release supervision, fifteen (15) years and a five (5) year period of post-release supervision, five to fifteen (5-15) years, one and one-third to four (1 1/3 - 4) years respectively, and one-year sentences on the remaining misdemeanors. Molyneaux also pled guilty to Murder in the Second Degree and is serving a sentence of nineteen years to life (19 – Life) in prison. The defendant filed a state court post-judgment motion to vacate his guilty pleas, which was denied by the County Court. The United States District Court denied the defendant's petition for a writ of habeas corpus in which he sought to attack his conviction on federal constitutional grounds.

***People v Atiq Weston*** – The defendant pleaded guilty to two counts of Robbery in the First Degree and to Manslaughter in the First Degree and was sentenced to concurrent sentences of fifteen (15) years and a five (5) year period of post-release supervision upon each of the robbery convictions and, as a juvenile offender, to a concurrent state prison sentence of three and one-third to ten (3 1/3 – 10) years upon the manslaughter conviction. On direct appeal, the Appellate Division rejected the defendant's claims that his guilty pleas were coerced and that he was denied effective assistance of counsel and affirmed his conviction and sentence. The United States District Court denied the defendant's petition for a writ of habeas corpus in which he sought to attack his conviction on federal constitutional grounds.

***People v Earl Melvin*** – The defendant was arrested on June 7, 2016, and was charged with Operating as a Major Trafficker following an investigation conducted by the New York State Police, the Federal Drug Enforcement Agency and the OCDA that resulted in charges being brought against twenty-four codefendants under a 68 count indictment. The defendant pleaded guilty to Operating as a Major Trafficker and was sentenced to a thirteen (13) year prison sentence and a five (5) year period of post-release supervision. On appeal, the Appellate Division affirmed the defendant's conviction and sentence. The United States District Court denied the defendant's petition for a writ of habeas corpus in which he sought to attack his conviction on federal constitutional grounds.

## SUPPORTING LAW ENFORCEMENT PARTNERS

In 2022 the OCDA continued its commitment to work with and support our law enforcement partners. This included prosecuting cases where they were victimized while attempting to perform their jobs, and providing equipment such as body worn cameras, which are designed to keep law enforcement officers safe, and the public confident that police officers are accountable. Examples include:

***People v. DeSean Owens*** - On October 12, 2022, Desean Owens, 31, of the Bronx, was sentenced to a total of fifty-eight and one-half years to life (58 ½ - Life) in prison for the August 29, 2020, shooting of City of Middletown Police Officer Evan Barone. On May 13, 2022, a jury found Owens guilty of crimes including Attempted Murder in the First Degree, Aggravated Assault Upon a Police Officer, Assault in the First Degree, Criminal Possession of a Weapon in the Second Degree, Reckless Endangerment in the First Degree, and Criminal Trespass in the First Degree, for the incident which occurred on Myrtle Avenue in Middletown. At the trial, Chief Assistant District Attorney Christopher Borek argued that Owens attempted to kill City of Middletown Police Officer Evan Barone by shooting him one with a 9mm pistol. Police Officer Barone had been



*District Attorney Hoovler with City of Newburgh Police Commissioner Gomez, Chief Geraci, Sheriff Arteta and other law enforcement officers at 2022 Crime Victims Ceremony.*

flagged down while on patrol by a man who stated that the defendant was refusing to leave a house which he had illegally entered. The police officer accompanied the man to the residence. When Owens emerged from the residence, he fired a bullet from a 9mm pistol at PO Barone, which passed through the officer's left arm, permanently damaging a nerve and shattering a bone, and which then hit PO Barone in the chest area of his body armor carrier. Police Officer Barone immediately fired back, hitting the defendant before he could fire again. Both Police Officer Barone and the defendant were treated for gunshot wounds. Owens was also

found guilty of Reckless Endangerment because a car contained children was behind PO Barone. Owens was also convicted of Criminal Trespass in the First Degree for entering and remaining unlawfully in the house while possessing the 9mm semiautomatic pistol. The Court sentenced Owens to forty years to life (40 – Life) in prison on the charge of Attempted Murder in the First Degree; twenty-five years (25) in prison and five (5) years post-release supervision on both charges of Aggravated Assault Upon a Police Officer and Assault in the First Degree; and three and one-half to seven years (3½ - 7) in state prison on the charge of Reckless Endangerment in the First Degree. All those sentences were ordered to run concurrently. Owens was sentenced to an additional consecutive term of fifteen (15) years in prison and five (5) years post-release

supervision on the charge of Criminal Possession of a Weapon in the Second Degree, as well as an additional consecutive term of three and one-half to seven (3 ½ -7) years in prison for Criminal Trespass in the First Degree, for a total of fifty-eight and one-half years to life (58 ½ - Life) in state prison. Chief Assistant District Attorney Christopher Borek and Assistant District Attorney Peter Fernandez prosecuted the case.

***People v. Guy Dixon*** - On February 9, 2022, Guy Dixon, 38, of Port Jervis, pled to Assault on a Police Officer, in connection with an incident where a Port Jervis Police Officer was seriously injured. The guilty plea was entered during the jury selection phase of trial. On April 7, 2022, Dixon was sentenced to five (5) years in prison and five (5) years post-release supervision. On August 16, 2021, police were called to a residence on Barcelow Street in the City of Port Jervis in response to a report of a domestic violence related robbery. The defendant, who was alleged to have forcibly stolen the cell phone belonging to the mother of his child, yelled at and taunted the officers from the porch and vestibule of the residence. When the officers attempted to speak to the defendant and place him under arrest, the defendant slammed the door of the residence onto one of the police officers, causing a glass insert in the door to shatter. As a result, the officer sustained serious lacerations to his hand which required immediate medical attention and subsequent surgery. District Attorney Hoovler thanked the City of Port Jervis Police Department for their investigation. "Police officers are duty bound to respond to calls for service that regularly place those officers in dangerous situations," said District Attorney Hoovler. "Responding to domestic violence calls is particularly dangerous. Those who cause injury to police officers who are doing the crucial job that keeps us all safe must be held accountable for their actions. My office will continue to support the brave men and women in our police departments and seek severe punishment for those who injure officers or place them at risk of injury." District Attorney Hoovler commended Senior Assistant District Attorney Ryan Greenbaum and Assistant District Attorney Matthew Bennett for handling the prosecution of Dixon.

***Police Training on Extreme Risk Protection Orders*** - On June 28, 2022, the OCDA presented a training program to members of law enforcement regarding amendments to the laws authorizing Extreme Risk Protection Orders (ERPOs.) The training provided valuable information about the mechanism to take guns away from people who are likely to hurt themselves or others. Counsel to the District Attorney Stewart Rosenwasser gave the presentation to a crowd of law enforcement professionals who are on the frontline in handling instances giving rise to an ERPO. Under Article 63-A of New York's Civil Practice Law and Rules, passed in 2019, the New York Supreme Court can issue an ERPO against a person who possesses or has access to certain types of guns. Police officers, school administrators, district attorneys, or family/household members of the person and certain mental health professionals are permitted to file a petition in Supreme Court seeking an ERPO. After a hearing, if the court determines that the person is likely to engage in conduct that would result in serious harm to the person or to others, the court may issue an ERPO. The order would require that firearms, rifles, or shotguns that the person possesses, or has access to, be surrendered to police, and would permit police to seize guns of those types from the person. There are time limits on the length of an ERPO, and the order may be renewed under certain circumstances. "I fully support an individual's constitutional right to bear arms," said District Attorney Hoovler. "Hopefully, this training will help to equip law enforcement with the information they need to implement procedures to utilize ERPOs where appropriate."

**Orange County Law Enforcement Memorial Service** - On May 6, 2022, Orange County District Attorney David M. Hoovler and Michael McGinn, President of the Fraternal Order of Police Jason Conklin Memorial Lodge #957, again spoke at the Orange County Law Enforcement Memorial Service. The annual event honors Orange County law enforcement officers who have died in the line of duty and whose names have been enshrined on two memorial walls outside the Orange County Courthouse in Goshen. Since becoming District Attorney, Mr. Hoovler has never missed attending this service. In 2022, the Fraternal Order of Police honored five members of the New York City Police Department, who were also Orange County residents, who died due to exposure to toxic substances during their selfless service at the World Trade Center site. The memorial service also honored the memory of the thirty-eight officers, troopers and federal agents that are enshrined on the Orange County Law Enforcement Memorial. "We must honor and respect the selfless service of those law enforcement officers who put their lives on the line to keep us all safe," said District Attorney Hoovler. "These officers have our unending gratitude, as do their families and loved ones, who they left behind. I will continue to support law enforcement in the performance of their noble, dangerous, and difficult calling."

**Urging Municipal Leaders to Raise Police Pay** - On February 16, 2022, Orange County District Attorney David M. Hoovler issued a statement encouraging Orange County's municipalities to take steps to raise the pay of their current police officers, and to offer higher salaries to potential future officers in their police departments. That action is necessary to stem the loss of qualified officers to agencies in other counties or out of the policing profession altogether. "Our local police officers are on the front line in protecting our citizens," said District Attorney Hoovler, "and are usually the first responders to all types of emergencies, including medical emergencies. We count on them for a variety of services, over and above their duties in investigating and preventing crime. Unfortunately, increased demands on policing and salaries that don't keep pace with those demands and with the cost of living have resulted in many officers retiring from policing



*District Attorney Hoovler at Orange Ulster Boces Medical Services Program.*

and leaving the profession for more lucrative opportunities in other fields. Even those that stay in policing often leave local agencies for higher paying positions in other counties or states, or in federal or state service. The same is, unfortunately, true of prosecutors and all others involved in protecting the public safety. The result is a loss to this County of the knowledge and expertise of those that leave service here. I realize that municipalities have to keep an eye on their budgets. However, in doing that, municipalities should put a priority on salaries for police. Public safety demands that we recruit, train, and retain the best police officers available. Only through an increase in their salaries can we accomplish that."

**Providing License Plate Reader** – In July of 2022, the Orange County District Attorney's Office provided for the use of a License Plate Reader (LPR) by the City of Port Jervis Police Department. The device allows for the rapid detection of stolen vehicles, as well as those vehicles being operated with forged or suspended registrations. The LPR will help to free up police resources which can be redistributed to other areas of critical need within the Department and for the



citizens of the City. LPRs, particularly when used in conjunction with the resources of the Hudson Valley Crime Analysis Center, provide leads on patterns of criminal activity, including information that can lead to the identity of those committing shootings and drug transactions. This useful law enforcement technology is often beyond the budgetary limits of local law enforcement agencies.

## HATE CRIMES

The OCDA has taken a proactive approach to combating hate crimes. In 2018 the OCDA, with funding from the Jewish Federation, developed an informational brochure, *Speak Up to Stand Up Against Hate*, and a related poster, both of which are available for public distribution. The OCDA also established a Hate Crimes Hotline, (800) 378-1411, that people can use to report hate crime incidents. Below is an example of a hate crime case that was prosecuted in 2022:

***People v. William Ryan*** - On Thursday, August 18, 2022, William Ryan, age 61, of Newburgh, pled guilty in Orange County Court to Menacing in the Second Degree as a Hate Crime and Criminal Possession of a Weapon in the Third Degree. Under the plea agreement announced on the record at the time that Ryan pled guilty, the District Attorney's Office will recommend that he serve a split sentence of six months incarceration and five years of probation as well as five hundred (500) hours of community service when he is sentenced. On June 11, 2022, an off-duty Town of Wallkill Police Lieutenant was driving with his son in the City of Newburgh. There, Ryan engaged in a verbal dispute with the Lieutenant before calling him a racial epithet and driving off. Ryan then proceeded to follow the Lieutenant and waive a knife at him. Ryan approached the Lieutenant's vehicle, threatened him, and displayed a blade inches from his face. Ryan then left before again confronting the Lieutenant, cursing, and using racial epithets and jabbing the blade into the open window of the Lieutenant's vehicle while threatening to stab him. After fleeing, the City of Newburgh Police were later able to identify Ryan as the suspect. Upon his arrest, Ryan admitted to being the perpetrator. During the plea proceedings, Ryan admitted that he unlawfully possessed a knife that he used to place or attempt to place the Lieutenant in reasonable fear of physical injury, serious physical injury or death. He further admitted that he was motivated, in whole or in part, to commit the offenses against the Lieutenant based on a belief or perception about his race. He apologized for his actions on that day. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and the arrest of Ryan. "Hate has no place in our community," said District Attorney David M. Hoovler. "This defendant's reprehensible conduct is particularly troubling because of the hatred that motivated it. While thankfully no one was hurt during this violent episode, it is nevertheless a reminder that we must be diligent in addressing such conduct. I hope that not only does this defendant learn the consequences of his actions, but that the case stands as a warning to others that hate crimes will not be tolerated." The case is being prosecuted by Executive Assistant District Attorney Michael Milza.

## FINANCIAL CRIMES

In 2022, the OCDA obtained convictions of financial crimes that affected both governmental and private victims, including:

***People v. Valerie White*** - On April 14, 2022, Orange County District Attorney David M. Hoovler and New York State Comptroller Thomas P. DiNapoli announced that Valerie White, 58, of Middletown, pled guilty to Grand Larceny in the Third Degree. Under the plea agreement announced on the record at the time of the guilty plea, White was ordered to pay restitution in the amount of \$51,532.64, which is the total funds that White stole from the state pension system. White's mother was a pensioner, vested in the New York State and Local Retirement System (NYSLRS). At the time that White's mother retired in 2000, she elected to receive her pension benefits in full until her death. When White's mother died in 2017, the death was not reported to NYSLRS and pension benefits continued to be made to an account that White jointly held with her mother. As a result, from 2017 until NYSLRS learned of the pensioner's death in 2019, over \$54,000 were unjustly deposited into the account. While NYSLRS was able to claw back approximately \$2,500 of the amount stolen, the remaining was spent by White on personal expenses. At the time of her plea, White admitted to stealing the money and that she knew she did not have permission or authority to take the funds. District Attorney Hoovler thanked the New York State Comptroller's Office and the New York State Police for their joint investigation of White that led to her arrest. "Hard-working public servants throughout the State, and their families rely on the stability and integrity of the State pension system," said District Attorney Hoovler. "That this defendant would seek to manipulate the system for her own benefit is reprehensible. I am thankful for the dedicated investigation conducted by the Comptroller's Office together with the New York State Police that ensured this defendant would be held accountable for her actions." "Ms. White thought she could get away with defrauding the New York State and Local Retirement System of over \$50,000, but she was wrong," said New York State Comptroller Thomas P. DiNapoli. "Today's guilty plea should be a warning sign to anyone attempting to steal state pension benefits that my office will find you and work with law enforcement to hold you accountable. I thank Orange County District Attorney Hoovler and the New York State Police for their continued partnership and steadfast commitment to holding those who try to defraud the public accountable." The case was prosecuted by Assistant District Attorney Tanja Beemer.

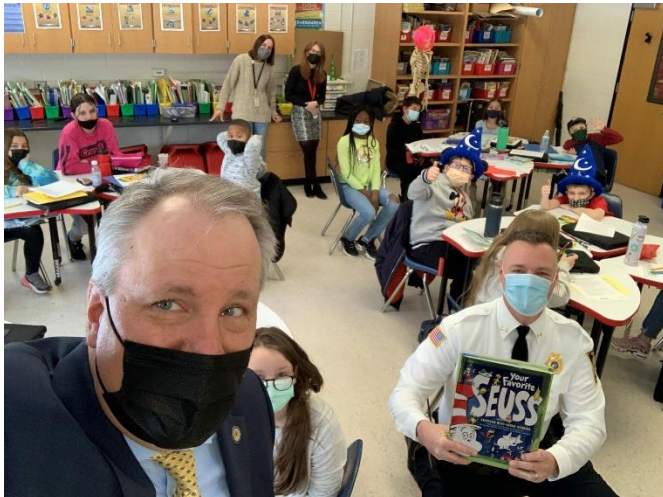
***People v. Shayla Sellars*** - On February 8, 2022, Shayla Sellars, 38, of Newburgh, pled guilty to the felony charge of Scheme to Defraud in the First Degree, for having defrauded three sets of victims in connection with renovations to houses that they had purchased through Sellars in the City of Newburgh. When Sellars was sentenced on July 19, 2022, she was ordered to pay \$344,154.32 in restitution to her victims. The charges against Sellars were the result of an investigation conducted by the New York State Department of Financial Services, the City of Newburgh Police Department and the OCDA and included the execution of a search warrant at the defendant's residence for financial documents. Sellars was indicted by an Orange County Grand Jury and charged with two counts of Grand Larceny in the Second Degree, Grand Larceny in the Third Degree and Scheme to Defraud in the First Degree. Each of the larceny counts alleged that she had misappropriated funds that she had received as a contractor on a home improvement project in violation New York State's Lien Law and Penal Law as to a particular victim. The Scheme to Defraud in the First Degree count encompassed all of the victims. District Attorney Hoovler thanked the City of Newburgh Police Department and the New York State Department of Financial Services for their investigation and the arrest of Sellars. The case was

prosecuted by Chief Assistant District Attorney Christopher Borek and Assistant District Attorney Darlene De Jesus-Rosenwasser.

## THE COMMUNITY AFFAIRS UNIT

Since 2014, the OCDA has adopted the nationally recognized best practice of “community prosecution,” in which prosecutorial responses are tailored to the needs of each specific community. Reaching out to community members to find out how the District Attorney’s Office can be more responsive to their needs has been an important initiative of the OCDA since 2014 when District Attorney Hoovler created the Community Affairs Unit. One of the hallmarks of the OCDA’s community prosecution model is to prevent crime, in addition to prosecuting it. In 2022, the Unit continued to build upon community relations, in person, and virtually, by making appearances at meetings, schools, and community events, including presentations to educate the community regarding the office’s events and new initiatives. In 2022, Unit members participated in the following events:

**National Night Out Against Crime** - On August 2, 2022, the District Attorney and members of his staff appeared at the ten National Night Out Against Crime events being held in Orange



*District Attorney Hoovler reads to local school children*

County as part of the District Attorney’s community prosecution initiative. District Attorney Hoovler personally appeared at multiple venues. At each of the locations, the District Attorney’s Office had a table staffed by Assistant District Attorneys that displayed literature publicizing District Attorney Hoovler’s community prosecution program. The staff also offered free items designed to provide the public with information that might be valuable in crime prevention. District Attorney Hoovler regularly appears at National Night Out venues in the County. Events were held in the City of Newburgh, City of Middletown, City of Port Jervis, Town of Wallkill, Town of Mount Hope, Town of Crawford, Town of

Newburgh, Town of New Windsor, Village of Highland Falls and Village of Warwick. “Law enforcement and the public can and do work best together to help prevent crime in this County,” said District Attorney Hoovler. “National Night Out epitomizes that philosophy, which is the driving force behind my community prosecution initiative. My Special Projects and Community Affairs Bureau, which we created in 2014, has worked with community leaders and agencies, and appeared at countless public events. Together, we communicate with the public in order to identify the issues that lead to crime in our communities, and in order to come up with solutions to those issues, so that we might prevent crime in the first place. National Night Out is just part of our community prosecution efforts, but an important one that helps to maintain the sense of community between law enforcement and the public.”

**Project Sticker Shock** – In late December of 2022, OCDA coordinated with the Prevention Alliance of Orange County and Orange County STOP-DWI on “Project Sticker Shock,” an initiative designed to raise awareness in Orange County about alcohol use and its consequences. The

official kick-off of "Project Sticker Shock" was on January 6, 2023. The announcement came at a press conference that day held outside the County Government Center in Goshen. Also present at the press conference were representatives of Orange County STOP-DWI and several anti-drug coalitions and agencies that make up the Prevention Alliance of Orange County. In addition, Tom Kennedy of Dana Distributors appeared at the press conference and offered his company's support to the initiative. The Prevention Alliance of Orange County is a collaboration of Orange County's drug-free community coalitions, which partner with different sectors and prevention agencies in several of Orange County's communities to prevent and reduce youth substance abuse, including alcohol, marijuana and prescription drugs. The Alliance has joined forces to address the increased consumption of alcohol during the holiday season and are combining efforts to bring "Project Sticker Shock" to Orange County. "Project Sticker Shock" is a county-wide effort designed to raise awareness about the statistics regarding alcohol sales and consumption, and about related consequences, including deaths, that occur during the holiday season. The project represents a partnership between coalitions, retailers, prevention professionals and law enforcement, designed to educate the public. The goal of the Project is to provide local alcohol retailers with free stickers to place on alcohol packaging and bags. These stickers are designed to encourage people to drink responsibly and to obey the law. Examples of the stickers are below:



District Attorney Hoover said, "I'm proud to support Project Sticker Shock, and its efforts to educate our citizens about responsible behavior with alcohol during the holidays, and about responsible use of alcohol around our young people. Hopefully, we can get the word out to enough people so that we can keep our children and our roadways

as safe as possible." For additional information, or if you are a retailer interested in participating in the Project, please contact Megan Robbins of Operation PJ Pride at (845) 856-6344, Ext.1832, or by email to [megan.robbins@cccsos.org](mailto:megan.robbins@cccsos.org); or Darlene De Jesus-Rosenwasser at the Orange County District Attorney's Office at (845) 615-3663 or by email to [ddejesus@orangecountygov.com](mailto:ddejesus@orangecountygov.com).

**Youth Fishing Derby**—



*Community Affairs Coordinator Assistant District Attorney Darlene DeJesus-Rosenwasser at a community event*

On December 27, 2022, District Attorney Hoover announced the winners of the second District Attorney’s Office Youth Fishing Derby. The Fishing Derby is part of District Attorney Hoover’s community outreach program. Unfortunately, in 2021 most youth sports and activities were in limbo due to COVID-19. Participation in fishing skyrocketed with New Yorkers during the COVID-19 crisis, because that activity can be enjoyed at almost any age, in the outdoors with friends and family, while social distancing. The Fishing Derby encourages the youth of Orange County to participate in an exciting outdoor sport that can be enjoyed for a lifetime. Any fish caught during the Derby, big or small, gave the young angler an equal chance to win a prize. The Derby ran from April 1, 2022 through September 5, 2022 and was open to children between the ages of five and eighteen. All winners received a Orange County District Attorney Youth Fishing Contest Tee Shirt and a Mystery Tackle Kit. Entry into the Youth Fishing Derby is free. “I commend all of the participants in the District Attorney’s Office Youth Fishing Derby,” said District Attorney Hoover, “and I hope that you enjoyed your time in our great outdoors. Fishing is a great opportunity to see and experience the best of Orange County and to do so in a safe way. I encourage all families to make use of the great outdoors throughout

our County.”

**Warning Public About Dangerous Drugs in High School** – On March 15, 2022, District Attorney David M. Hoover and Town of Crawford Police Chief Dominick Blasko, speaking on behalf of the Police Chiefs’ Association of Orange County, issued a warning to Orange County residents that there has been a recent alarming increase in Orange County high school students needing medical attention because they have ingested a variety of substances, including synthetic marijuana, commonly called “K2” or “spice,” substances purporting to contain THC or CBD oils, as well as other synthetic substances which are being ingested through the use of electronic-cigarettes or “E-cigarettes”. According to the Center for Disease Control and Prevention, E-cigarettes are sometimes called “e-cigs,” “vapes,” “e-hookahs,” “vape pens,” and “electronic nicotine delivery systems (ENDS).” Some e-cigarettes are disposable and look like regular cigarettes, cigars or pipes. Some look like USB flash drives, pens, and other everyday items. Based on the recent uptick in overdoses for teenagers who are vaping, it is apparent that high concentrations or other dangerous substances have been introduced into the substances these high schoolers are ingesting. “For every parent and educator the health and safety of children and teenagers is of paramount importance,” said District Attorney Hoover. “It is imperative that young people be warned about dangerous substances by adults that they trust, and that responsible adults be vigilant in ensuring that those in their care are safe.”

**Recommendation to Fund Opioid Addiction Recovery Efforts** – On November 22, 2022, District Attorney Hoovler called upon elected leaders on the state, county, and local levels to use settlement funds from lawsuits against opioid manufacturers and distributors to directly address the primary issues caused by the opioid epidemic. Specifically,



*District Attorney Hoovler and Community Affairs Coordinator Assistant District Attorney Darlene DeJesus-Rosenwasser at Fiesta Latina in Monroe.*

District Attorney Hoovler recommended that these funds be used to enhance drug addiction prevention programs, treatment and recovery programs directed toward children, teens and adults who suffer from opioid addiction, and to ensure adequate supportive housing for those struggling through recovery. "I know that as the chief law enforcement officer in Orange County, many might expect me to recommend that a majority of these funds should go to law enforcement efforts," said District Attorney Hoovler. "While law enforcement is a necessary part of

solving the opioid crisis, I believe that most of these funds should be used on prevention, treatment, housing, and other services to assist those trapped in the circle of addiction to get their lives back on track. Criminal enforcement is necessary to stop those who profit from the addiction of others, and to stop those who endanger others by selling these lethal substances and thereby destroying the fabric and quality of life of our communities. However, law enforcement is unable to provide the necessary resources victims of addiction need to fully recover."



*District Attorney Hoovler and Orange County Court Judge Craig Brown at a DARE event*

**Speaking along with Local Leaders about the Unintended Consequences of Bail and Discovery Reform in Orange County**

- On August 25, 2022, Orange County District Attorney David M. Hoovler and local elected leaders including Town Supervisors, Legislators, Mayors and Police Chiefs held a press conference to discuss unintended consequences of bail and discovery reform in Orange County and how those consequences affect public safety. "Law enforcement agencies and prosecutors have seen a stark, sudden and dangerous proliferation of drug overdoses in Orange County and throughout New York State in the wake of the passage of bail and discovery reform laws," said District Attorney Hoovler. "Specifically, there has been an explosion in the presence of deadly fentanyl both in substances recovered and tested, as well as in toxicology reports for those who have overdosed. Fentanyl is increasingly being found incorporated into counterfeit pills that appear to be legitimate prescription medications but are sold on the street to unwitting buyers. When combined with the fact that virtually no drug offenses are

bail eligible any longer, there is a revolving door that allows those addicted to drugs to immediately go back to the streets and to the poisons killing them. We have seen a marked decrease in applications for drug court. Unfortunately, the unintended consequences of bail and discovery reform include putting further distance between drug addicts and the help that they so desperately need to avoid the worst outcomes."

**Educating about Campus Sexual Misconduct Allegations** - It has long been the policy of the OCDA to encourage prosecutors to volunteer take on larger roles in the community. In 2022, District Attorney Hoovler commended Senior Assistant District Attorney Julie Mohl for co-authoring a scholarly article on the possible legal ramifications of sexual misconduct allegations on college campuses for *WILS Connect*, a publication of the Women in Law Section of the New York State Bar Association. The article was authored by Senior Assistant District Attorney Mohl and Pamela D. Bass, Esq., an attorney who provides legal advice to school districts, institutions of higher learning and municipalities. The article examined the different civil and criminal investigations that must be conducted under Federal and New York State laws when there are allegations of sexual misconduct on college campuses. The article closely examined the different procedures and standards of proof required under each of the statutes, as well as the responsibilities of the schools and rights of both accusers and the accused.

## VETERAN'S ISSUES



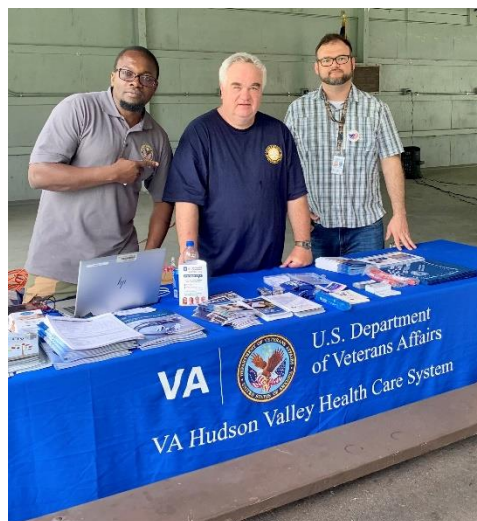
*District Attorney Hoovler receives award from the Association of the United States Army for work on veterans issues.*

assistance to veterans who need the help. "I am glad to participate in any way to render assistance to our country's veterans," said District Attorney David M. Hoovler. "Those who have given so much for us all deserve our attention and support. I am thrilled to work with Sharon Toney-Finch and the Yerik Israel Toney Foundation to help wherever possible."

**Combatting Veteran Suicide** – On November 17, 2022, Orange County District Attorney David M. Hoovler, and Carl LoFaro from the Hudson Valley VA Health Care System, announced that the Orange County Coalition to Prevent Veteran Suicide, aided by over 650 Orange County businesses, events and organizations distributed Veteran's Administration anti-suicide materials throughout Orange County and surrounding areas. The Coalition also manned an information table during the New York Air Show at Orange County Airport on August 27 and August 28, 2022, to hand out veteran crisis materials. More than six hundred and fifty stores, events, businesses, and organizations are displaying Veteran Crisis Line resources in the form of cards, magnets, stickers, posters, coasters, pill organizers, hankies, bookmarks, and stress balls to increase awareness and promote access to this important resource for veterans in crisis. The Coalition also distributed over 4,700 gun locks, an option for veterans and others to use, should

In 2022, the OCDA continued to reach out to veterans, who risked their lives for our freedoms and who now can use some assistance.

**Fighting Veteran Homelessness** - In 2022, the OCDA teamed up with the Yerik Israel Toney Foundation to fight homelessness for veterans. Together, the OCDA and the Yerik Israel Toney Foundation has donated 100 sleeping bags to be used by veterans facing housing instability. Additionally, the Office will provide support to assist veterans with food and other necessary services. This collaboration will give aid to those who have selflessly served the nation and will assist in preventing the unnecessary criminal justice cycle that often befalls veterans in need. Founded in 2016, the Yerik Israel Toney Foundation is a not-for-profit full 501(c)3 foundation based in Monticello, New York which helps families with premature newborns, military service veterans and their families. The Foundation helps provide housing, healthcare and other necessary



*Senior Assistant District Attorney Matthew Healy at a VA event.*



they decide to, to reduce access to a firearm for the veteran during a time of crisis. Research shows that barriers between a person with suicidal thoughts and the means to carry them out saves lives. In addition to gun locks, over 20,000 Veteran Crisis Line awareness resources were distributed before this past Veterans Day weekend to the public in our area. If you would like additional Veteran Crisis Line materials to display in your business or organization or have questions, please contact Mr. Carl LoFaro by email at [carl.lofaro@va.gov](mailto:carl.lofaro@va.gov) and we will quickly send you resources.



*Senior Assistant District Attorney Matthew Healy awarded citizen of the month.*

**Assistant District Attorney Honored for Veterans Outreach Efforts**

- On October 18, 2022, Senior Assistant District Attorney Matthew Healy was presented with a Certificate of Appreciation by the United States Department of Veterans Affairs ("VA"). Representatives of the VA came to the District Attorney's Office and surprised Senior Assistant District Attorney Healy with the Certificate of Appreciation. The Certificate was awarded for, "actively assisting in VA Hudson Valley Health Care System outreach efforts and preventing Veteran suicide," and noted Senior Assistant District Attorney Healy's "Dedication and Commitment to

reach and connecting our Veterans to their hard-earned benefits reflects a commitment to continued service to our great Nation." Since November of 2021, Senior Assistant District Attorney Healy, a former Army paratrooper, spearheaded the OCDA's efforts by partnering with Carl LaFaro, of the Hudson Valley VA Healthcare System, in forming the Orange County Veterans Suicide Prevention Coalition.

## **NEW CHIEF INVESTIGATOR**

On January 1, 2023, District Attorney David M. Hoovler appointed Rudolph Simmons to be the Chief Criminal Investigator of the Orange County District Attorney's Office. The last Chief Investigator, Wilfredo Garcia, resigned at the end of 2022 to become the Undersheriff of Orange County. Chief Investigator Simmons is the ninth Chief Criminal Investigator appointed to lead the ten Criminal Investigators who work in the District Attorney's Office. District Attorney Office Criminal Investigators are police officers who work to enhance cases for litigation and investigate crimes, sometimes independently, and sometimes in conjunction with other police agencies. They frequently respond and assist at homicide investigations and assist other law enforcement agencies with a diverse range of criminal investigations. Chief Investigator Simmons became a Criminal Investigator in the OCDA in March 20, 2018. Prior to that he was Senior Investigator with the New York State Police. Chief



Investigator Simmons became a member of the New York State Police in September 1988. His assignments with the New York State Police included being assigned to the Community Narcotics Enforcement Team, "CNET, and the Major Crimes Unit, where he investigated homicides and public corruption cases. Chief Investigator Simmons was also a Union Delegate with the New York State Police Investigators Association. Chief Investigator Simmons was also specially trained at the New York State Police to investigate Bias/Hate crimes.