2023
ANNUAL REPORT

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

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MESSAGE FROM DISTRICT ATTORNEY DAVID M. HOOVLER

District Attorney Hoovler at Summer Safety Kick-Off Press Conference.

The Orange County District Attorney's Office ("OCDA") had many notable successes in 2023, including obtaining felony convictions in nine of the eleven County Court trials we conducted, as well as securing numerous felony convictions involving homicides, sex crimes, guns, and drugs. In 2023, our initiatives to proactively combat crimes affecting residents' lives included the creation of a Joint White-Collar Crimes Task Force, and the inauguration of the Orange County District Attorney's Office's Digital Forensic Unit "DFU", as well as new initiatives to combat gun violence. This report documents the proactive work done by the OCDA's staff in 2023 to accomplish that mission, while at the same time garnering community support for initiatives related to veteran affairs, drug treatment and preventing driving while under the influence of alcohol and drugs. As always, in 2023 we continued to provide unwavering support to local law enforcement agencies, including providing money to enhance police training facilities.

Digital Forensics Unit

As District Attorney, I'm proud of the fact that in 2023, we invested resources and personnel to create a Digital Forensics Unit within the OCDA. This innovative unit is leading the way in the Hudson Valley by accepting evidence from, and working with, a vast array of police agencies, while leveraging state of the art technology. The availability of digital evidence improves the efficiency of criminal investigations. In the past, investigating a case could be a time-consuming process, requiring extensive physical surveillance, witness interviews, and the painstaking collection of evidence. However, with digital phone technology, investigators can access and analyze a suspect's digital footprint, significantly reducing the amount of time needed to gather evidence and build a case. This efficiency both saves resources and ensures that criminals are brought to justice more swiftly. Presenting digital evidence in court not only helps jurors understand the evidence better, but also makes it more memorable, increasing the likelihood of a conviction. Using digital evidence has become increasingly more vital in the accomplishment of our key mission, holding offenders accountable while protecting the innocent. Critically, the DFU is working proactively with other law enforcement agencies to catch pedophiles and those who possess and share child pornography.

Combating Gun Violence

Combating illegal weapons possession has remained a major initiative for the OCDA. Statistically, our gun prosecution rates remained significantly higher than the statewide average. In 2023, the OCDA continued to work with local law enforcement to utilize available technology, including DNA,

body-worn camera footage, surveillance video and phone technology and analysis, to identify and prosecute violent criminals. These cases are prosecuted by the Office's most experienced Assistant District Attorneys. In 2023, we created a new public service announcement "PSA" initiative designed to reinforce our ongoing commitment to aggressively prosecute the illegal possession and use of guns. The "Coming for You/Save a Life" public service initiative was designed to remind potential offenders of the severe consequences faced by those who put others at risk through illegal gun possession and related violence, while also encouraging community members to contribute to making our streets safer by anonymously reporting someone who is carrying an illegal firearm or involved in gun-related violence. To be clear, law enforcement's pursuit of violent offenders does not - and will never - include the vast majority of gun owners who lawfully and safely possess legal firearms. Conversely, it is a fact that 98% of crimes related to illegal gun possession and handgun-related violence in Orange County are committed by less than 1% of the population, and those offenders must be stopped. The concept is simple: If you have an illegal firearm in Orange County, we are COMING FOR YOU. You WILL face felony charges, and you WILL serve prison time.

Illegal Firearm Public Service Announcement

Narcotics

Narcotics motivate the primary drivers of crime in Orange County and every year families grieve for lost loved ones who have succumbed to fatal overdoses as the result of their addiction. In 2023 the OCDA continued to work tirelessly with our law enforcement partners to target and disrupt large-scale narcotics traffickers, while leveraging the use of treatment courts to attempt to get assistance to those who need help in breaking their addiction to these lethal substances. The disruption of high-level narcotics traffickers requires collaboration among many law enforcement agencies, and we are fortunate that the many law enforcement agencies in Orange County, and surrounding jurisdictions, cooperate so well together. An example of this was People v. Shariff Gaul, when, in 2023, the defendant was sentenced to ten years in prison after pleading guilty to Criminal Possession of a Controlled Substance in the First Degree, following a joint investigation by the City of Middletown Police Department, the Town of Deerpark Police Department, the Orange County Sheriff's Office Special Operations Group, the Pike County Pennsylvania Sheriff's Office, Hudson Crime Analysis Center, the Pennsylvania State Police and U.S. Probation. That case alone resulted in the seizure of approximately 940 grams of cocaine, a

loaded handgun, and approximately $1,200 in cash, during search warrant executions. Invariably narcotics trafficking leads to illegal gun possession.

Retail Theft

DA Hoovler with PO Curtis Paul of Warwick at the December 2023 Police Academy Graduation

Retail theft became of increasing concern to Orange County's merchants, particularly after bail reform legislation made it more difficult to incarcerate shoplifting offenders after apprehension. In recent years, organized and habitual theft has become more brazen and violent, raising safety concerns for employees and customers alike—disrupting lives, jeopardizing livelihoods, and undermining the vitality of communities and neighborhood shopping districts. In November 2023, the OCDA announced its participation in a retail theft initiative, working hand-in-hand with community retailers, exchanging valuable insights, fostering a mutual understanding, and collaboratively developing retail crime mitigation strategies. Before "Black Friday", I, and senior members of my staff, visited merchants, including those at the Woodbury Commons and Middletown Galleria, to explore ways of proactively confronting this problem. The results of the initiative are already paying off. Joshua Clayborne, 35, of Newburgh, pled guilty to Grand Larceny in the Fourth Degree after shoplifting over $2,000 worth of merchandise from a Target store in Orange County. It is expected he will be sentenced to one and one half (1.5) to three (3) years in prison when he is sentenced on April 19, 2024.

Joint White-Collar Crimes Task Force

Being the victim of a violent crime is certainly a life altering experience but being defrauded of the funds to build your dream home or losing your small business to fraud can also negatively affect victims' lives for years. On March 1, 2023, I, and Sheriff Arteta, announced the creation of a county-wide Joint White-Collar Crimes Task Force, to enhance the investigation and prosecution of public corruption and financial crimes. The Task Force's mandate includes investigating residential contractor fraud, crimes involving public integrity, public corruption and ethics violations, embezzlement and other complex theft cases, crimes against revenue, wage theft and labor law violations. The Task Force includes a dedicated full-time OCDA Criminal Investigator, Investigators from the Sheriff's Office, and detectives from other agencies, including detectives from police departments in the Town of Newburgh, the Town of Woodbury and the Town of Warwick.

Community Affairs

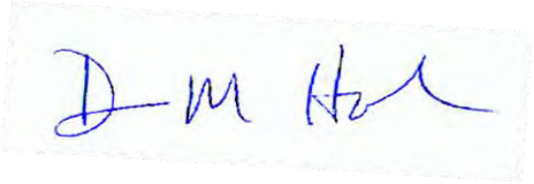
In addition to investigating and prosecuting crimes in 2023, the OCDA continued to work with our community partners to prevent crime and make Orange County a better, safer place. This report chronicles how our Community Affairs Unit engaged in a number of different events with diverse community groups. I am particularly proud of the work that the OCDA has done since teaming up with the Hudson Valley VA Healthcare System to form an Orange County Veterans Suicide Prevention Coalition. In 2023, we, along with our community partners, continued to sponsor programs designed to warn younger residents and others of the dangers associated with drugs,

impaired driving, guns and other dangerous behavior. We have also worked to warn older residents how to avoid becoming the victims of fraud. An important aspect of our work is preventing crimes before they occur.

Continuing to Partner with Law Enforcement

In 2024, I look forward to building on our successes and partnering with law enforcement to find new ways to aggressively combat crime and keep our residents safe. In 2023, I provided funding so police departments could obtain body-worn cameras and other equipment, as well as funds to expand our Police Academy. At the same time, I am aware that police officers alone cannot solve every problem. In 2023, I advocated for imbedding social workers in police departments to aid residents in need, while preserving police resources. Whether it is supporting drug treatment courts and other programs to aid those addicted to narcotics or ensuring that veterans in distress receive the help they need, the community is best served when prosecutors and police partner with others in the community to keep Orange County safe from dangerous offenders, while assisting those who are the most vulnerable to criminal activity.

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 2023, the Office obtained notable convictions on the following homicide cases:

DA Hoovler guest lecturing on gun violence reduction in Minneapolis, MN

People v. Lamont Williams - On July 26, 2023, Lamont Williams, age 29, of Newburgh, was sentenced in Orange County Court to an aggregate term of twenty-five (25) years in prison followed by five (5) years of post-release supervision, in relation to his guilty pleas to Manslaughter in the First Degree and Assault in the Second Degree. In the early evening of September 29, 2022, Williams possessed a loaded pistol that he fired at two people. One of the victims, a 29-year-old Newburgh resident, was struck resulting in wounds that proved to be fatal. The other victim, a five-year-old boy, was also struck and sustained physical injury. After the shooting, Williams fled the location and the jurisdiction. The Orange County Sheriff's Office Fugitive Unit, together with the United States Marshal Service and North Carolina law enforcement, tracked Williams to a location in North Carolina where he was taken into custody. Williams was then extradited back to New York to be arraigned on the sealed indictment. At the plea proceedings, Williams admitted to killing the man and injuring the boy. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation, which led to the arrest of Williams, as well as the many federal, state, and local law enforcement agencies in New York and North Carolina who assisted in the manhunt for Williams. The case was prosecuted by Chief Trial Assistant District Attorney Richard Moran and Assistant District Attorney Nicholas Mangold.

People v. Damante T. Stansberry - On March 30, 2023, Orange County District Attorney David M. Hoovler represented the People in County Court as Damante T. Stansberry, age 24, of Middletown, pled guilty to Murder in the Second Degree in connection with the death of a Wallkill man who was found stabbed multiple times inside the detached garage of his Town of Wallkill residence. Stansberry admitted that on October 30, 2022, at approximately 5:00 PM, he arrived at the residence of his 53-year-old victim and repeatedly stabbed the man, who had been repairing a fence in the backyard of the residence. Stansberry then concealed a mask, rubber gloves, hooded jacket, and a shoe that he had been wearing, by stuffing them into a storm drain. An investigation conducted by the Town of Wallkill Police Department, assisted by the New York State Police, the FBI Safe Streets Task Force, the Orange County Sheriff's Office, the Hudson Valley Crime Analysis Center, and the OCDA, resulted in Stansberry's arrest on November 1, 2022. The case is being prosecuted by Chief Assistant District Attorney Christopher Borek and Assistant District Attorney Bryan Conway.

People v. Enoch Lowe - On October 30, 2023, Enoch Lowe, age 25, of Wallkill, was arraigned in Orange County Court on an indictment charging him with the crimes of Murder in the First Degree, Murder in the Second Degree, Tampering with Physical Evidence and Conspiracy in the Second Degree, in connection with the death of his next-door neighbor, a Wallkill man who was found stabbed multiple times inside the detached garage of his residence. It is alleged that Lowe conspired with Damante T. Stansberry to kill Lowe's neighbor, with whom Lowe had long-standing animosity. Stansberry previously plead guilty to Murder in the Second Degree in connection with the murder and admitted that on October 30, 2022, at approximately 5:00 PM, Stansberry arrived at the residence of his 53-year-old victim and repeatedly stabbed the man who had been as repairing a fence in the backyard of the residence. An investigation conducted by the Town of Wallkill Police Department, assisted by the New York State Police, the FBI Safe Streets Task Force, the Orange County Sheriff's Office, the Hudson Valley Crime Analysis Center, and the OCDA resulted in Lowe's arrest on October 10, 2023. The case was presented to an Orange County Grand Jury which charged Lowe with the crimes including Murder in the First Degree and Conspiracy in the Second Degree. It is alleged that Lowe agreed to pay Stansberry $15,000 to kill the man and acted as look-out, sending Stansberry a signal that the victim was outside of his home, alone, and vulnerable to an attack. District Attorney Hoovler thanked all the law enforcement agencies involved in the arrest of Lowe and Stansberry, and their continuing investigation. The case is being prosecuted by Chief Assistant District Attorney Christopher Borek and Assistant District Attorney Bryan Conway

People v. Horace Duke - On July 25, 2023, Horace Duke, age 23, of Wallkill, was sentenced to eighteen (18) years in prison, and five (5) years post-release supervision, in connection with the fatal stabbing of a 74-year-old man after a road rage incident on October 20, 2022. On April 25, 2023, Duke was convicted after a jury trial of all the counts against him, including Manslaughter in the First Degree and Criminal Possession of a Weapon in the Fourth Degree. Duke was remanded to the Orange County Jail after the verdict. The OCDA recommended that Duke be sentenced to a maximum term twenty-five (25) years in prison. The evidence at trial showed that Duke was involved in a motor vehicle accident with the victim, which escalated into a verbal argument in the vicinity of Exit 119 of State Route 17 in the Town of Wallkill. During the argument, Duke stabbed the victim once in the chest with a kitchen knife, puncturing the victim's heart and causing his death. An investigation was conducted by the Town of Wallkill Police Department, the New York State Police and the OCDA. The case was presented to an Orange County Grand Jury, which charged Duke with the crimes of Manslaughter in the First Degree and Criminal Possession of a Weapon in the Fourth Degree. The case was prosecuted by Assistant District Attorney Richard Giordano and Assistant District Attorney Jessica Sayre-Smith.

DA Hoovler putting up wreath as part of Red Ribbon Day in October 2023

People v. Matthew Mercado - On February 22, 2023, Matthew Mercado, age 40, of Newburgh, was sentenced to a total of sixteen to nineteen (16-19) years in prison for crimes he committed on November 3, 2019, at the Windsor Motel in the Town of New Windsor. On August 25, 2022, Mercado pled guilty to Manslaughter in the Second Degree, Burglary in the Second

Degree, and Tampering with Physical Evidence, in connection with the death of 36-year-old Jessica Lopez, a City of Newburgh woman who was last seen on November 3, 2019, at the Windsor Motel. At the time Mercado pled guilty to Manslaughter in the Second Degree, he admitted that on November 3, 2019, at approximately 5:00 AM, while he and Jessica Lopez were alone inside Room 33 of the Windsor Motel, he caused the death of Jessica Lopez by giving her a variety of illegal narcotics and drugs, which caused Jessica Lopez to have a severe adverse reaction, and that when he observed Jessica Lopez having that reaction, he failed to obtain medical aid for her and instead kept her concealed inside the motel room where she died. Mercado also stated that at the time he saw Jessica Lopez having the reaction to the illegal drugs and failed to obtain medical treatment for her, he consciously disregarded a substantial and unjustifiable risk that she could die from the drugs. Matthew Mercado admitted that had Jessica Lopez received prompt medical care, she could have survived, and that his actions caused her death. Under New York State's Good Samaritan Law, if Mercado had promptly sought medical attention for Ms. Lopez, he could not have been charged with narcotics possession or for giving the narcotics to her. Mercado was sentenced to seven and one-half to fifteen (7½-15) years in prison on the charge of Manslaughter in the Second Degree, the maximum sentence available for that charge. On the Burglary charge, Mercado admitted that on November 3, 2019, at about 1:36 AM, he burglarized a motel room adjoining Room 33, which was occupied by three female high school students. Mercado was sentenced to fourteen (14) years in prison and five (5) years post-release supervision for the crime of Burglary in the Second Degree. Mercado's plea to Tampering with Physical Evidence reflects the fact that he hid Jessica Lopez's body. Mercado admitted that he removed Ms. Lopez's body from Room 33 of the Windsor Motel, placed her in the trunk of her car, and secreted her body so that it could not be found by the authorities. Mercado was sentenced to two to four years (2-4) years in prison on the charge of Tampering with Physical Evidence, the maximum sentence available for that charge. That sentence was ordered to run consecutively to the two other sentences. As a result, Mercado was sentenced to a total of sixteen to nineteen (16-19) years in prison and five (5) years post-release supervision. The sentencing judge told Mercado that he was "a sociopath, a manipulator, and a killer." The case was prosecuted by Chief Assistant District Attorney Christopher Borek and Senior Assistant District Attorney Janine Kovacs.

DA Hoovler with SUNY Orange President Dr. Kristine Young.

People v. Anthony Jones - On October 11, 2023, Anthony Jones, age 26, of Walden, was sentenced in the Orange County Court to the maximum permitted sentence of five to fifteen (5-15) years in prison for his conviction of Manslaughter in the Second Degree, and six (6) years in prison followed by three (3) years of post-release supervision, for his conviction of Assault in the Second Degree. Jones was found guilty after a jury trial of all of the counts against him. Evidence at the trial proved that on August 4, 2021, at approximately 7:00 p.m., Jones was the sole occupant and driver of a Ford Escape that was operating eastbound on State Route 17 in the Town of Wallkill between Exits 118 and 119. Jones became angry at the driver of a van carrying eight people, and he caused his car to collide with the van. The collision resulted in the deaths of three occupants of the van, including the driver, and serious physical injuries to four other

occupants of the van. Another passenger in the van was also injured, although not as seriously. Jones was treated for complaints of pain, transported to a local hospital, and released. Jones was involved in another road rage incident in the Town of Crawford subsequent to the August 2021 crash. The details of the subsequent incident were presented as evidence in the trial against Jones. An investigation conducted by the New York State Police and the OCDA determined that the collision was the result of reckless and negligent actions by Jones, and that he was responsible for causing the collision. Jones was arrested by State Police on September 12, 2022. District Attorney Hoovler thanked the New York State Police for their investigation and the arrest of Jones. The case was prosecuted by Senior Assistant District Attorney Janine Kovacs and Assistant District Attorney Peter Fernandez.

People v. Eric McCollum - On November 14, 2023, Eric McCollum, 28, of Newburgh, pled guilty in Orange County Court to Manslaughter in the First Degree. On December 21, 2023, McCollum was sentenced to fifteen (15) years in state prison and five (5) years of post-release supervision. On May 28, 2023, at approximately 1:45 am, McCollum and the victim engaged in a verbal dispute on Broadway in the City of Newburgh. During the course of the argument, McCollum stabbed the victim once in the torso, piercing his heart, and then fled the scene. City of Newburgh Police officers responded to the scene and gave the victim immediate medical attention, however, the victim later succumbed to his injuries. Detectives from the City of Newburgh Police Department later identified McCollum as the stabber, and he was arrested days after the incident. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and arrest of McCollum. The case was prosecuted by Chief Trial Assistant District Attorney Richard Moran and Assistant District Attorney Cassidy Turi.

People v. Dwayne Hines and Romaine McRae - Dwayne Hines, age 39, and Romaine McRae, age 39, both of Brooklyn, were arrested on July 12, 2023, and were each charged with Murder in the Second Degree and Attempted Murder in the Second Degree. Both defendants were arraigned on July 13, 2023, in the Newburgh City Court and remanded to the Orange County Jail without bail. The arrests stemmed from an intensive and coordinated investigation into a brazen double shooting that occurred on Lander Street in the City of Newburgh at approximately 8:30am on Monday, April 24, 2023. Two men at the location were shot, leaving one man dead and the other paralyzed. The investigation was led by the City of Newburgh Police Department Detective Bureau who worked with the OCDA, the New York State Police, the New York Police Department, and the Hudson Valley Crime Analysis Center. The defendants were taken into custody without incident on July 12, 2023, in Brooklyn, by the City of Newburgh Detective Bureau working with OCDA Investigators. District Attorney Hoovler said, "In the face of such unspeakable violence, the dedicated and tireless efforts of the City of Newburgh Police Department Detective Bureau, working closely with my Office and other law enforcement partners, has brought into custody those individuals alleged to have been responsible. Ultimately, it is the commitment to the identification, collection and analysis of digital forensic evidence that broke this case open." The case is being prosecuted by Senior Assistant District Attorney Ryan Greenbaum and Assistant District Attorney Bryan Conway.

SIGNIFICANT VIOLENT CRIME CASES

Significant violent crime cases that did not include homicide charges in 2023 included:

People v. Melfred Williams - On Monday, March 20, 2023, Melfred Williams, age 53, of Newburgh, was sentenced to twelve (12) years in prison, and five (5) years post-release supervision, in connection with his guilty plea in Orange County Court to Assault in the First

Degree, for the May 21, 2022, slashing of a man on Lander Street in the City of Newburgh. The victim was a life-long acquaintance of Williams. Several witnesses who saw the slashing, immediately rendered first aid to the victim and brought him to St. Luke's Cornwall Hospital. Williams was subsequently arrested by the City of Newburgh Police Department. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and arrest of Williams. "Far too frequently we see the result of violent crime in the City of Newburgh," said District Attorney David M. Hoovler. "The dedicated police officers who patrol and investigate the streets of the city should be commended for their work in this case. Thankfully, the selfless actions of the bystanders who rendered aid to the victim, exemplifies the best aspects of what it means to live in a close-knit and caring community. My Office will continue to pursue the prosecution of violent criminals in order to protect our community." The case was prosecuted by Chief Trial Assistant District Attorney Richard Moran.

DA Hoovler, Sheriff Arteta, Newburgh School Superintendent Dr. Jackielyn Manning Campbell and their staff.

People v. Wayne Lewis - On June 26, 2023, Wayne Lewis, age 36, of Middletown, was sentenced to twelve (12) years to life in prison, in connection with his guilty plea in Orange County Court to Attempted Criminal Possession of a Weapon in the Second Degree. Lewis was also sentenced to a concurrent term of nine (9) years in prison relating to his plea to Criminal Possession of a Controlled Substance in the Third Degree. Because of his criminal history, which includes two prior violent felony convictions, Lewis was found to be a persistent violent felony offender, which resulted in the maximum term of his sentence being life in prison. Evidence showed that on December 21, 2022, Lewis and a co-defendant were seen on surveillance video in the area of Park Circle in the City of Middletown. There, Lewis was seen handing a gun to the co-defendant, who proceeded to shoot another man, striking him in the leg and causing non-fatal injuries. Subsequent investigation linked Lewis to the incident and led to his arrest. At the plea, Lewis admitted to attempting to possess the loaded firearm which was used in the shooting. District Attorney Hoovler thanked the City of Middletown Police Department for their investigation, which led to the arrest of Lewis. District Attorney Hoovler also thanked the New York State Police and the Hudson Valley Crime Analysis Center for their assistance with the investigation. "Persistently violent offenders drive serious crime in the County," said District Attorney David M. Hoovler. "Such offenders must be identified, arrested, prosecuted, and sentenced to terms of imprisonment to keep our streets safe. Our law enforcement partners work closely with my Office to ensure that these drivers of crime are held responsible. I commend the dedicated work of the officers and prosecutors who handled this case and saw it through to its appropriate conclusion. We will continue to pursue lengthy sentences for those who illegally carry and use dangerous weapons." The case was prosecuted by Executive Assistant District Attorney Michael Milza.

People v. Michael Cowan – On August 21, 2023, Michael Cowan, age 37, of Newburgh, was sentenced in the Orange County Court to the maximum permitted sentence of seven (7) years in prison to be followed by five (5) years of post-release supervision, in relation to his conviction after jury trial of Assault in the Second Degree. During the trial, prosecutors argued that on July

31, 2022, at approximately 9:30 pm, outside of a residence on Hidden Creek Boulevard, in the Village of Monroe, Cowan severely beat the man who lived in that residence. When a witness to the attack yelled at Cowan to stop beating the man while the victim was lying defenseless on the ground, Cowan fled, stating that he believed the man owed him money. The victim suffered serious physical injury as a result of the attack, including a broken jaw, which required multiple surgeries. Village of Monroe Police Officers executed a search warrant at Cowan's residence and recovered gloves which appeared to have blood on them. At the trial, prosecutors argued that DNA testing of those gloves, along with other evidence in the case, established that Cowan wore the gloves during his attack on the victim. District Attorney Hoovler thanked the Village of Monroe Police Department for their investigation and the arrest of Cowan. "Violence is never the answer to settle disputes," said District Attorney David M. Hoovler. "Repeat felony offenders, such as this one, deserve, for their violent actions, to be met with stern consequences. The maximum sentence imposed in this case was earned by this defendant's criminal conduct. I commend the dedicated work of the police and prosecutors in this case, that ensured a violent recidivist is no longer free to harm others." The case was prosecuted by Assistant District Attorney Tanja Beemer and Assistant District Attorney Cassidy Turi.

DA Hoovler with St. Patrick's Parade Grand Marshal.

People v. Maleek Phillips - On March 1, 2023, Maleek Phillips, age 38, of Albany, was sentenced to ten (10) years in prison, and five (5) years post-release supervision, in connection with a knife attack on a commercial bus. On January 3, 2023, Phillips pled guilty in Orange County Court to Attempted Assault in the First Degree. Phillips admitted during the plea allocution, that on August 26, 2022, Phillips was a passenger on a commercial bus traveling from Albany to New York City. When the bus traveled through the Town of Newburgh on Interstate 87, Phillips began threatening passengers on the bus. After arguing with the victim of his crime, Phillips pulled out a knife and cut the victim on the neck and chest, causing a collapsed lung. Phillips then fled the bus and cut his own throat before he was located nearby by the police, with the knife still in his hand. District Attorney Hoovler thanked the New York State Police and the Town of Newburgh Police Department for their investigation and arrest of Phillips. "Whatever issues the defendant had, nothing justified this unwarranted attack on a completely innocent victim," said District Attorney David M. Hoovler. "No one expects a peaceful bus trip to turn into the violent nightmare this defendant created. Miraculously, the victim in this case survived the serious injuries caused by the defendant. Violence like this will not be tolerated and my Office will continue to dedicate all available resources to holding violent offenders accountable for their actions. I commend the actions of those on the bus that day, as well as the police, for taking the defendant into custody without issue." The case was prosecuted by Assistant District Attorney Nicholas Mangold.

People v. Hector Luna, Jr. – On January 17, 2023**,** Hector Luna, Jr., 28, of Wallkill, was sentenced to seven and a half (7½) years in prison to be followed by five (5) years of post-release supervision, in connection with his guilty plea to Assault in the First Degree, for having shot a man in front of a Town of Wallkill Restaurant in 2021. The plea agreement in the case was reached after consultation with the victim of the crime, and in furtherance of avoiding his re-

victimization by testifying at trial. The indictment alleged that Luna shot a man outside of the You You Asian Restaurant and Bar, located at 465 Route 211, in the Town of Wallkill, on April 14, 2021, at approximately 9:15 PM. The victim of the shooting had been dining in the restaurant just prior to the shooting. Emergency medical personnel and the Town of Wallkill Police Department responded to the location. The injured man was transported to the hospital for treatment. Luna was taken into custody at the Hampton Inn hotel located in Pike County, Pennsylvania, and waived extradition to face charges in New York. The Town of Wallkill Police Department was assisted in the investigation by the New York State Police, the City of Middletown Police Department, the Orange County Sheriff's Office, the Town of Woodbury Police Department, the FBI Safe Streets Taskforce, the Port Jervis Police Department, the Hudson Valley Crime Analysis Center, the Eastern Pike Regional Police Department, the Pennsylvania State Police, the Pike County District Attorney's Office and the OCDA. District Attorney Hoovler thanked all the state, local and federal law enforcement officials from New York and Pennsylvania, who aided in the investigation and eventual apprehension of Luna. "Violent crimes, such as those committed by this defendant, have significant and often life-long impact on crime victims," said District Attorney David M. Hoovler. "This disposition spared the victim the additional trauma of reliving this horrific incident in front of a jury. I applaud the joint efforts of the various law enforcement agencies that together brought this defendant to justice. As I have made clear, gun violence is a priority for my Office and will not be tolerated." The case was prosecuted by Senior Assistant District Attorney Kelle Grimmer.

ADA Roger Dean at a National Night Out Against Crime event.

CRIMES AGAINST CHILDREN

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 they should be able to trust. Prosecutors are constantly weighing considerations of just punishment against protecting vulnerable witnesses. Significant cases in which children were victims in 2023 include:

People v. Cecilio Navarro – On March 14, 2023, Cecilio Navarro a/k/a Cecilio Navarro Rodriquez, age 35, of Middletown, was convicted after a jury trial, of Predatory Sexual Assault Against a Child, Rape in the Second Degree, and Rape in the Third Degree. At the trial, prosecutors argued, that between December 1, 2016, and October 27, 2018, Navarro engaged in two or more acts of sexual conduct with a child less than thirteen years old, that in 2019 Navarro had sexual intercourse with a child less than fifteen years old, and that in 2021 he engaged in sexual intercourse with a child less than seventeen years old. Navarro was sentenced to twenty-two years to life (22–Life) in prison on the charge of Predatory Sexual Assault Against a Child, seven (7) years in prison on the charge of Rape in the Second Degree, and four (4) years in prison for each of the charges of Rape in the Third Degree. All of those sentences were ordered to run concurrently. District Attorney Hoovler thanked the Orange County Child Abuse Investigation Unit and its member organizations, including the New York State Police and the Orange County Sheriff's Office, for their investigation which led to the arrest of the defendant.

The case was prosecuted by Assistant District Attorney Nicholas Mangold and Assistant District Attorney Amanda Arroyo.

People v. Trevon Hudson – On October 30, 2023, Trevon Hudson, age 28, of Middletown, pled guilty in Orange County Court to Criminal Sexual Act in the First Degree. On February 20, 2024, Hudson was sentenced to fifteen (15) years in prison and ten (10) years of post-release supervision. As part of the sentence, Hudson will also be registered as a sex offender under the New York Sex Offender Registration Act (SORA). The defendant admitted in Court that, being eighteen (18) years or older, he engaged in oral sexual conduct with a child who was less than thirteen (13) years old. District Attorney Hoovler thanked the Orange County Child Abuse Investigation Unit for their investigation and the arrest of the defendant. The case was prosecuted by Senior Assistant District Attorney Julie Mohl.

People v. Robert Hufcut – On March 7, 2023, Robert Hufcut, 56, of Wurtsboro, was sentenced to twenty-two (22) years in prison to be followed by twenty (20) years of post-release supervision, after having been convicted after jury trial in the Orange County Court, of Course of Sexual Conduct Against a Child in the First Degree. As part of the sentence, Hufcut will also be registered as a sex offender under the New York Sex Offender Registration Act (SORA). The jury found, beyond a reasonable doubt, that Hufcut had, over a period of time not less than three months, engaged in two or more acts of sexual conduct with a child less than thirteen years old. District Attorney Hoovler thanked the New York State Police for their investigation and the arrest of the defendant. "The sentence imposed on this defendant is justice, considering the victim will live with the aftermath of the defendant's conduct for life," said District Attorney David M. Hoovler. "I thank the law enforcement officers involved in the investigation of this case that helped to assure that the defendant's actions were brought to light. I praise the courageous survivor in this case who came forward and testified about the traumatic events suffered at the hands of the defendant. Cases such as these remain a priority of my Office, and we will not allow the challenges inherent in these types of cases to stand in the way of our pursuit of justice." Hufcut was formerly the Highway Superintendent of Mamakating, New York. The case was prosecuted by Assistant District Attorney Michael Purcell.

At apprentice training day with the carpenters local # 279

People v. Patrick Lynch – On September 26, 2023, Patrick Lynch, age 44, of Bethel Connecticut, was sentenced in Orange County Court to eighteen (18) years in prison, to be followed by twenty (20) years of post-release supervision, to run consecutive to a prison sentence imposed in the State of Connecticut in relation to his prior guilty plea to Course of Sexual Conduct Against a Child in the First Degree. As part of the sentence, Lynch will also be registered as a sex offender under the New York Sex Offender Registration Act (SORA). The defendant previously admitted in Court that, being eighteen (18) years or older, over a period of time not less than three months in duration, he engaged in two or more acts of sexual conduct which included at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual conduct, with a child who was less than thirteen years old. District Attorney Hoovler thanked the Orange County Child Abuse Investigation Unit and the New York State Police for their investigation and the arrest of the defendant. "The defendant's admitted conduct is deviant and destructive," said District Attorney David M. Hoovler. "The lengthy sentence imposed is appropriate because

there is no adequate response to such behavior short of incarceration for the longest terms possible. My Office will continue to utilize all resources available to pursue and prosecute sexual predators. I hope that the sentence imposed will offer a degree of closure to the victim in this case." The case was prosecuted by Assistant District Attorney Nicholas Mangold.

People v. John Olsen - On May 17, 2023, John Olson, age 60, of Warwick, was sentenced to six (6) years in prison to be followed by ten (10) years of post-release supervision, after having plead guilty in Orange County Court to Attempted Rape in the First Degree and Sexual Abuse in the First Degree. The sentence was ordered to run consecutively to a previously imposed sentence in Delaware County Court for related incidents there. The aggregate sentence imposed on the defendant in both jurisdictions is fourteen (14) years in prison. As part of the sentence, Olson will also be registered as a sex offender under the New York Sex Offender Registration Act (SORA). When he pled guilty, Olson admitted that he attempted to engage in sexual intercourse with a person less than eleven years old and subjected a person who was less than eleven years old to sexual contact. District Attorney Hoovler thanked the Orange County Child Abuse Unit for their investigation and the arrest of the defendant. "The lengthy prison sentence imposed on this defendant is justified based on his admitted abhorrent conduct," said District Attorney David M. Hoovler. "I thank the law enforcement officers involved in the investigation of this case who helped to ensure that the defendant's actions were brought to light. I commend the brave actions of the victim who came forward and made sure the defendant was held accountable. Cases such as these are challenging and remain a priority of my Office as we seek justice on behalf of crime victims." The case was prosecuted by Assistant District Attorney Michael Purcell.

People v. Jesus Torres – On June 5, 2023, Jesus Torres, age 33, of Goshen, pled guilty in Orange County Court to Rape in the First Degree. On January 26, 2024, Torres was sentenced to twenty (20) years in prison and twenty (20) years of post-release supervision, in connection to his guilty plea to Rape in the First Degree. As part of the sentence, Torres will be registered as a sex offender under the New York Sex Offender Registration Act (SORA). At the time he pled guilty, it was anticipated that Torres would face up to fifteen (15) years in prison, but law enforcement investigation uncovered evidence that Torres attempted to contact the victim of his crimes after the plea. The District Attorney's Office proved at a hearing that Torres was in violation of his plea agreement and sought the enhanced sentence that was ultimately imposed. Torres previously admitted in Court that, being eighteen (18) years or older, he engaged in sexual intercourse with another person who was less than thirteen (13) years old. District Attorney Hoovler thanked the New York State Police for their investigation and the arrest of the defendant. District Attorney Hoovler also thanked the Orange County Child Abuse Investigation Unit for their assistance with the case. "This defendant's repulsive conduct was appropriately met with a lengthy prison sentence," said District Attorney David M. Hoovler. "My Office worked to ensure that the defendant's efforts to re-victimize the survivor in this case were punished with an enhanced sentence. I commend the survivor for coming forward and being heard, despite being forced to live every day with the consequences of these barbaric acts. My Office will continue to provide support for victims of sexual assault and seek to hold offenders accountable for their actions." The case was prosecuted by Assistant District Attorney Michael Purcell.

DA Hoovler at St. Patrick's Day seniors' lunch.

People v. Eric Vazquez - On March 23, 2023, Eric Vazquez, age 32, of Newburgh, pled guilty in Orange County Court to Rape in the First Degree and Criminal Sexual Act in the First Degree. On June 27, 2023, Vazques was sentenced to fifteen (15) years in prison and ten (10) years of post-release supervision. As part of the sentence, Vazquez will also be registered as a sex offender under the New York Sex Offender Registration Act (SORA). Vazquez admitted in Court, that being eighteen (18) years or older, he engaged in sexual intercourse with another person who was less than thirteen years old. He also admitted that being eighteen (18) years or older, he engaged in oral sexual conduct with another person who was less than thirteen years old. District Attorney Hoovler thanked the Orange County Child Abuse Investigation Unit and the New York State Police for their investigation and the arrest of the defendant. "Children are the most vulnerable of victims," said District Attorney David M. Hoovler. "It is unspeakable that an adult, in a position of trust, could violate children in this manner. My Office, together with our law enforcement partners will never cease in our pursuit of sexual predators. We will continue to provide support for victims of sexual assault and seek to hold offenders accountable for their actions." The case was prosecuted by Assistant District Attorney Michael Purcell.

<u>The District Attorney Office's New Digital Forensics Unit ("DFU")</u>
<u>Aiding in Child Pornography Investigations</u>

The OCDA Digital Forensics Unit ("DFU"), which was created in July 2023, is dedicated to searching for and analyzing digital evidence retrieved from devices such as cellular telephones, computers and vehicles that have been taken into evidence by police agencies throughout Orange County. The unit is patterned after similar units that exist in the Manhattan and Bronx County District Attorneys' Offices. In addition to searching devices already in evidence, the unit's staff use their extensive experience to aid other Orange County police agencies by assisting at crime scenes, conducting child exploitation investigations, and conducting specialized video DVR extractions. The DFU is led by a Senior Investigator and staffed by two additional full time District Attorney Investigators, who collectively have more than 80 years of law enforcement experience and 1500 hours of specialized training in digital forensics and child exploitation investigations. Significantly, The DFU has also registered as an affiliate of the New York State Internet Crimes against Children Task Force (ICAC). The DFU has entered into partnerships with ICAC, on a New York State and National level, to effectively investigate these horrendous crimes in Orange County and to assist local law enforcement partners with ICAC investigations within their jurisdictions.

People v. James Harris - On November 21, 2023, James Harris, age 71, of Goshen, was arrested by the Village of Goshen Police Department, and charged with Possessing a Sexual Performance by a Child. It is alleged by the police, that Harris traded online in child pornography, including videos and pictures of children engaged in sexual activity with adults. This activity was flagged by the OCDA Digital Forensics Unit ("DFU") through the use of specialized investigative techniques that identified the transfer of these files. Once the DFU identified the activity, they worked with the Village of Goshen Police Department to locate the source of the material. A search warrant was executed at Harris's residence where law enforcement officers seized cellular telephones, tablets, and computers, which, after a forensic examination, were found to contain child pornography. Also assisting in the investigation and arrest were the U.S. Department of Homeland Security Investigations Unit and their electronic sniffing dog that was used during the search warrant execution. The case is being prosecuted by Assistant District Attorney Michael Purcell.

GUN CASES

In 2023, reducing illegal guns remained one of the OCDA's highest priorities. Handguns, when possessed by those who have no legal right to have them, create violent scenarios which plague our city streets. District Attorney Hoovler announced that in 2023, the Office would continue to make the prosecution of illegal handgun and weapons possession a top priority. The Office's gun prosecution initiative focuses on enhancing weapons possession cases by using all available technology, including fingerprints, DNA analysis, facial recognition technology, and ensuring that each seized firearm is entered into the National Integrated Ballistic Information Network (NIBIN). The NIBIN system is an automated ballistic imaging network administered by the Bureau of Alcohol, Tobacco, Firearms and Explosives, that uses markings on spent cartridges to track individual firearms. The use of NIBIN enhances, not only individual firearms prosecutions, but also allows for the tracking of the origin of firearms and the investigation of that gun's prior use in Orange County or elsewhere. "Gun violence in Orange County, and throughout New York State, continues at unacceptable levels, particularly in our cities," said District Attorney Hoovler. "Weapons possession cases are handled by senior members of my staff to ensure that we achieve maximum penalties for those who use or threaten the use of illegal weapons. It has been proven time and time again that there are only a small number of incorrigible offenders who account for the bulk of violent crimes. Lengthy incarceration of these crime drivers is crucial to the safety of our residents." The OCDA's past successes with the Gun Initiated Violence Elimination (GIVE) program, has been touted as a model for other jurisdictions in New York State to follow. In 2023, the OCDA continued to obtain meaningful sentences of incarceration for those who illegally possessed weapons. Gun cases prosecuted in 2023 include:

At Carpenters Local 279 Apprentice Training.

People v. Roger Alleyne - On March 2, 2023, Roger Alleyne, age 34, of Newburgh, was sentenced to eleven (11) years in prison to be followed by five (5) years of post-release supervision, in connection with his guilty plea to Criminal Possession of a Weapon in the Second Degree for illegally possessing a firearm. Evidence in the case showed that on April 26, 2022, police officers in the City of Newburgh were notified of shots fired in the vicinity of Washington Street by ShotSpotter. When the police arrived at the location, they found Roger Alleyne, who refused to respond to police commands. The police thereafter recovered a loaded and illegally possessed .380 Taurus firearm from Alleyne's pocket, and a corresponding shell casing near the area where Alleyne was standing. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and arrest of Alleyne. "Violent and senseless gunplay using illegally possessed weapons poses a grave risk of harm," said District Attorney David M. Hoovler. "Thankfully, the prompt response and investigation by the police officers in this case ensured that this illegally possessed firearm would not cause further irreparable harm. My Office will continue to pursue criminals who disproportionately commit violent crimes in the County. I applaud the hard and dedicated work by the police and the prosecutors who handled the case." The case was prosecuted by Assistant District Attorney Michael Roche.

People v. Aljean Cromartie – On March 15, 2023, Aljean Cromartie, age 21, of Newburgh, was sentenced to nine (9) years in prison to be followed by five (5) years of post-release supervision, in connection with his guilty plea to Criminal Possession of a Weapon in the Second Degree for

illegally possessing a firearm. Cromartie's admissions during the plea allocution and filed charging documents showed, that on July 20, 2022, police officers in the City of Newburgh responded to reports of shots fired. Cromartie was observed on street cameras in the vicinity of the area holding a gun. Subsequent investigation resulted in the issuance of a search warrant for a residence in the City of Newburgh. On August 19, 2022, when the search warrant was executed, Cromartie was inside the residence with an illegally possessed, loaded, 9mm pistol next to him. Cromartie later admitted to police officers that he fired that pistol during the incident on July 20th. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and arrest of Cromartie. "Behind senseless and persistent violence, we often find the dangerous possession and use of unlicensed firearms," said District Attorney David M. Hoovler. "I have made it a priority of my Office to identify and seek to hold accountable the drivers of violent crime in the County. In particular, those who knowingly and illegally possess firearms, particularly in situations where those firearms are used against others, will be brought to justice. I appreciate the dedicated work of the police officers involved in the investigation and arrest of this defendant whose prison sentence will make our community safer." The case was prosecuted by Senior Assistant District Attorney Kelle Grimmer.

DA Hoovler with Congressman Pat Ryan.

People v. Robert Jemerson – On September 21, 2023**,** Robert Jemerson, age 19, of Newburgh, was sentenced in Orange County Court to an aggregate sentence of ten and one third to thirteen (10 1/3-13) years in prison to be followed by five (5) years of post-release supervision. Jemerson was convicted in August 2023, after a jury trial, of Criminal Possession of a Weapon in the Second Degree and Tampering with Physical Evidence after. At the trial, prosecutors argued that on September 8, 2022, members of the City of Newburgh Police Department and the New York State Police, conducted a vehicle and traffic stop in the vicinity of Downing Park in the City of Newburgh. After the vehicle was stopped, Jemerson, who was the passenger in the car, fled from the stop and ran towards the pond in Downing Park. While fleeing from police, Jemerson threw a loaded .38 caliber revolver into the pond and then jumped into the pond himself. Police officers rescued Jemerson before he drowned. Subsequently, law enforcement drained the pond and recovered the firearm Jemerson was seen throwing. The firearm was later test fired and determined to be in operable condition. Jemerson previously faced trial for the charges in May 2023, which resulted in a deadlocked jury. District Attorney Hoovler thanked the City of Newburgh Police Department and New York State Police for their investigation and arrest of the defendant. "Law enforcement will pursue illegally possessed firearms wherever necessary, including at the bottom of a pond," said District Attorney David. M. Hoovler. "Not only was a dangerous and unregistered gun taken off the streets, but a violent offender was held accountable for his actions. I applaud the dedicated work of the City of Newburgh Police and the New York State Police, as well as the prosecutors who handled the case at trial. My Office will continue to prioritize the prosecution of illegally possessed guns in order to make our communities safer." The case was prosecuted by Senior Assistant District Attorney Christopher Kelly and Assistant District Attorney Amanda Arroyo.

People v. Butchie Middleton – On December 12, 2023**,** Butchie Middleton, age 37, of Port Jervis, was sentenced in Orange County Court to an aggregate term of ten (10) years in prison and five (5) years of post-release supervision, in relation to his guilty plea to Criminal Possession

of a Weapon in the Second Degree and Criminal Possession of a Controlled Substance in the Third Degree. Evidence in the case showed, that on July 22, 2022, City of Port Jervis Police Officers responded to a disturbance involving a gun. It was learned that Middleton had threatened another person with the gun which was in a shopping bag. Before the police arrived, Middleton had discarded the weapon, but the victim was able to direct the officers to the location where they recovered the loaded firearm. Subsequent DNA analysis performed on the weapon matched the defendant and he was arrested. While that matter was pending, the City of Port Jervis Police Department conducted an approximately four-month long investigation into Middleton selling cocaine in and around the City of Port Jervis. As a result of that investigation, a search warrant was executed at a residence in the City of Port Jervis, where the defendant was present. The search warrant execution resulted in the recovery of drug paraphernalia, including drug packaging materials, scales, and empty baggies. In court, Middleton admitted both to illegally possessing the gun, and to possessing cocaine with the intent to sell it. District Attorney Hoovler thanked the City of Port Jervis Police Department for their investigation and arrest of Middleton. "Far too often we find illegally possessed firearms in the hands and at the disposal of drug dealers," said District Attorney David M. Hoovler. "I have prioritized the prosecution of illegally possessed firearms for precisely this reason: dangerous guns should not be in the hands of dangerous individuals with dangerous intentions. The lengthy prison sentence here, in light of the defendant's criminal history, is both significant and warranted. I applaud the hard work by the police officers who conducted both investigations. This case underscores the commitment of law enforcement to rid our streets of the dangers associated with drugs and drug dealers." The case was prosecuted by Assistant District Attorney Alexis Gregory.

People v. Jason Mendoza – On January 23, 2023, Jason Mendoza, age 25, of Otisville, was sentenced in Orange County Court to eight (8) years in prison, and five (5) years post-release supervision, on the charge of Criminal Possession of a Weapon in the Second Degree. On December 12, 2021, at approximately 4:00 AM, a person was observed on closed circuit television cameras firing approximately five shots from a handgun, in the vicinity of 428 North Street, in the Town of Wallkill. Police obtained the recording and identified the shooter as Jason Mendoza. On October 17, 2022, Mendoza admitted possessing the loaded and operable handgun at that time and pleaded guilty to Criminal Possession of a Weapon in the Second Degree. The Town of Wallkill Police Department, aided by the City of Middletown Police, investigated the case and arrested Mendoza. Mendoza was also sentenced to one to three years in state prison for having committed the crime of Robbery in the Third Degree. At the time that Mendoza pleaded guilty on that charge, on October 17, 2022, he admitted that on May 22, 2022, at approximately 6:00 PM, near the intersection of Chattel Steet and Linden Avenue, in the City of Middletown, he stole $40.00 from the hand of an Uber driver with whom he had just been involved in a minor traffic accident. When the driver tried to grab Mendoza's hand to prevent him from stealing money from his car, Mendoza punched the driver in the face. The City of Middletown Police Department investigated that incident and arrested Mendoza. The Court ordered the two sentences to run consecutively so that Mendoza's combined sentence is nine to twelve (9-12) years in prison. District Attorney Hoovler

DA Hoovler speaking at BOCES Nursing Program.

thanked the Town of Wallkill Police Department and City of Middletown Police Department for their investigations and the arrests of Mendoza. Both cases against Mendoza were prosecuted by Senior Assistant District Attorney Kelle Grimmer.

"Ghost" handguns and components with 3-D printer used to create semiautomatic gun frames.

People v. Noah James McCagg – On October 30, 2023, Noah James McCagg, age 22, of Port Jervis, was sentenced in Orange County Court to ten (10) years in prison and five (5) years of post-release supervision, in relation to his guilty plea to Criminal Possession of a Weapon in the Second Degree. After conducting a joint narcotics investigation with the Orange County Drug Task Force, members of the City of Port Jervis Police engaged in a foot pursuit with McCagg on March 25, 2023, on Front Street in Port Jervis. There, they recovered a loaded 9mm pistol and arrested McCagg. Investigation revealed that McCagg had created the pistol inside his Prospect Street, Port Jervis, residence using a 3-D printer. In addition to the loaded pistol which McCagg possessed, Port Jervis Police also recovered a 3-D printer that McCagg was apparently using to create operable firearms similar to the one he was possessing on Front Street. These home-made guns, which bear no serial numbers, are commonly referred to as "ghost guns", and are increasingly found during the course of narcotics investigations. The lower part of the pistols can be created out of nylon and plastics using the 3-D printer. Those creating the illegal ghost guns add other gun components, including barrels and trigger assemblies, which are purchased separately. When combined, these create fully functional pistols. The printer and gun components were recovered during the execution of a search warrant at McCagg's residence by the Port Jervis Police, who were aided by the Orange County Sheriff's Office Special Operations Group, and Town of Deerpark Police Department. "Untraceable ghost guns, illegally possessed by drug dealers, contribute to violent crime in our County," said District Attorney David M. Hoovler. "Our dedicated pursuit of violent offenders does not include the vast majority of gun owners who lawfully and safely possess legal firearms. Instead, those who carry weapons to further their illicit other crimes deserve punishment like the sentence imposed in this case. I commend the collaborative work of law enforcement in this case, including the City of Port Jervis Police Department, the Orange County Drug Task Force, the Town of Deerpark Police Department, and the Orange County Sheriff's Office. We will continue to investigate and prosecute those who illegally create and sell ghost guns in order to keep our communities safe." The case was prosecuted by Assistant District Attorney Alexis Gregory.

People v. Antoine Ford – On July 21, 2023, Antoine Ford, age 39, of Newburgh, pleaded guilty in Orange County Court to Attempted Criminal Possession of a Weapon in the Second Degree, for illegally possessing an operable and loaded firearm. Ford admitted that on December 30, 2022, at approximately 10:00 a.m., outside the vicinity of 233 Broadway, in the City of Newburgh, he possessed a .45 caliber Ingram MAC-10 pistol, which he aimed at another person. Although designed to be a fully automatic weapon, the pistol was not fully operational, although it would fire a single bullet loaded into the chamber. On September 26, 2023, Ford was sentenced to

seven (7) years in prison, followed by three (3) years post-release supervision, in connection with his guilty plea. "The residents of the City of Newburgh should not have to tolerate anyone brazenly brandishing an illegally possessed and dangerous weapon on their streets in broad daylight," said District Attorney David M. Hoovler. "My Office will continue to work our law enforcement partners to prosecute those who illegally possess firearms." The case was prosecuted by Senior Assistant District Attorney Kellie Grimmer.

People v. James Boursiquot - On March 23, 2023, James Boursiquot, age 26, of Newburgh, was sentenced to five (5) years in prison, and five (5) years post-release supervision, in connection with his guilty plea in Orange County Court to Criminal Possession of a Weapon in the Second Degree for illegally possessing a loaded handgun City of Newburgh. Evidence in the case and Boursiquot admissions during the plea allocution, showed that on February 6, 2022, police officers in the City of Newburgh responded to reports of shots fired. While no suspects were present at the scene, the police recovered spent shell casings and reviewed camera footage that showed Boursiquot holding a gun with a blue laser sight. On February 11, 2022, Boursiquot ran from police officers into a residence in the City of Newburgh. Inside, Boursiquot was found with a loaded Taurus 9mm handgun with a blue laser sight and an extended magazine. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and arrest of Boursiquot. "This case is yet another example of the dangerous possession and use of unlicensed firearms," said District Attorney David M. Hoovler. "My Office will continue to hold accountable those individuals who illegally possess guns and who choose to use those guns in reckless and dangerous ways. I commend the dedicated work done by City of Newburgh Police officers in order to secure this firearm and ensure that this defendant is unable to harm others." The case was prosecuted by Senior Assistant District Attorney Christopher Kelly and Assistant District Attorney Anthony Molina.

People v. Nicholas Palm - On May 16, 2023, Nicholas Palm, age 29, of Newburgh, was sentenced in the Orange County Court to twelve and one half (12½) years in prison to be followed by five (5) years of post-release supervision. Palm was convicted after a jury trial in March 2023, of Criminal Possession of a Weapon in the Second Degree. At sentencing, prosecutors recommended the maximum sentence of fifteen (15) years in prison. During the trial, prosecutors argued that on July 29, 2022, members of the City of Newburgh Police Department and the New York State Police responded to the area of Fullerton Avenue for a report of a man with a gun. Upon arriving at that location, police officers found Palm, who matched the description of the man with the gun. When the police approached Palm, his hands were on his waistband and a loaded 9mm Taurus firearm was recovered from his pants pocket near where his hands were. The firearm was later test fired and determined to be in operable condition. District Attorney Hoovler thanked the City of Newburgh Police Department and New York State Police for their investigation and arrest of the defendant. "Prosecuting illegal gun possession has been and will remain a top priority of my Office," said District Attorney David. M. Hoovler. "I applaud the steadfast work of the law enforcement officers involved in this case, and others like it. It is through the coordinated efforts of police and prosecutors that we can help keep our streets safe." The case was prosecuted by Assistant District Attorney Bryan Conway.

People v. Kevin Brown - On October 10, 2023, Kevin Brown, 33, of Middletown, was sentenced in Orange County Court to four and one half (4 ½) years in prison to be followed by five (5) years of post-release supervision in relation to his previous guilty plea to Criminal Possession of a Weapon in the Second Degree. Evidence in the case proved that on June 6, 2023, at approximately 7:33 p.m., Town of Wallkill Police responded to the vicinity of the Middletown Motel

for a report of shots fired and a man with a gun. There, the police learned that a utility worker who was in the area had a brief verbal altercation with the defendant who was in a vehicle. Brown told the utility worker he would be right back and then pointed a loaded and illegally possessed pistol at the worker. The utility worker grabbed the gun to protect himself and a struggle over the firearm ensued. As a result, two rounds were discharged from the weapon before the utility worker could wrestle the gun away from the defendant. At the plea proceedings, the defendant admitted to unlawfully possessing the loaded firearm. District Attorney Hoovler thanked the Town of Wallkill Police Department for their investigation and the arrest of Brown. "It is a miracle that the senseless actions of this defendant did not result in serious injury or death to the victim," said District Attorney David M. Hoovler. "Petty disputes should never be resolved with the use of firearms. But for the actions of the victim in this case, the outcome might very well have been tragic. Let the prison sentence imposed on this offender serve as a warning to those who intend to illegally possess dangerous firearms. My Office will continue to seek significant sentences for those who make dangerous decisions to illegally possess weapons that put innocent people at risk. I commend the work of the police for their thorough investigation which resulted in the conviction." The case was prosecuted by Assistant District Attorney Michael Roche.

DA Hoovler with local scholarship recipient

People v. Tyshawn Milligan - On September 7, 2023,Tyshawn Milligan, age 23, of Middletown, was sentenced to eight (8) years in prison, to be followed by five (5) years post-release supervision, in connection with his guilty plea in the Orange County Court to Criminal Possession of a Weapon in the Second Degree and Assault in the Second Degree for illegally possessing a loaded handgun he used to shoot another person in the City of Middletown. Evidence in the case proved that on June 14, 2022, police officers in the City of Middletown responded to reports of shots fired. The police located an individual with a gunshot wound to the right forearm. Subsequent investigation led the police to develop Milligan as a suspect after learning that he had an argument with the victim which led to the shooting. After the shooting, Milligan fled the scene and was later arrested by the police. Milligan admitted in court to possessing the loaded firearm and causing physical injury to the victim by means of a deadly weapon. District Attorney Hoovler thanked the City of Middletown Police Department for their investigation and arrest of Milligan. "The proliferation of illegally possessed guns contributes to unnecessary and dangerous violence," said District Attorney David M. Hoovler. "It is important to identify and prosecute the drivers of violence to keep our communities safe for us all. My Office will continue to hold accountable those individuals who illegally possess guns and who choose to use those guns in dangerous ways. I commend the dedicated work done by City of Middletown Police officers that ensured

that this defendant is unable to harm others." The case was prosecuted by Assistant District Attorney Nicholas Mangold.

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 2023, the 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 2023, 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 outcome of these drugs was tragically demonstrated in the case of People v. Timothy Lempicki, involving someone who sold narcotics, which resulted in a fatal overdose, and was successfully charged with having committed a homicide. Some states, including New Jersey, have laws which enact a strict liability standard, and impose enhanced punishment on those who sell narcotics to someone who dies as a result. New York Law imposes no such strict liability standard on those who sell drugs which result in fatal overdoses. District Attorney Hoovler has stated that, "The Legislature in New York State would do well to examine statutes enacted in other jurisdictions to address the issue of those who kill by dealing narcotics. Enacting similar statutes in New York would be a substantial step in protecting New Yorkers who might fall victim to these substances." Narcotics cases prosecuted in 2023 include:

People v. Timothy Lempicki – On November 30, 2023, Timothy Lempicki, age 36, of Washingtonville, was arraigned in Orange County Court on an indictment, charging him with the crimes of Manslaughter in the Second Degree, Criminally Negligent Homicide and Criminal Sale of a Controlled Substance in the Third Degree. Those charges were filed in connection with the death of a man who was found in the Town of New Windsor, on July 17, 2022. An autopsy revealed that the man had died due to a fatal overdose of the powerful narcotic, fentanyl. The indictment alleges that on July 16, 2022, in the Village of Washingtonville, Lempicki sold the fentanyl to the deceased man. The indictment also alleges that at the time Lempicki sold the drug, he knew, and consciously disregarded, a substantial and unjustifiable risk that the drug might have a lethal effect on the person he sold it to. An investigation into the circumstances under which the man died was conducted by the Village of Washingtonville Police Department and the Town of New Windsor Police Department, who were aided by the OCDA and the Orange County Medical Examiner. The matter was investigated and presented to an Orange County Grand Jury. The Orange County Court issued a warrant for Lempicki's arrest based on the findings of the Grand Jury. On November 30, 2023, Lempicki was arrested by police officers of the Village of Washingtonville Police Department and brought before Orange County Court Judge Hyun Chin Kim. The OCDA follows the same protocols when assisting its law enforcement partners who are investigating fatal overdoses as they do in homicide cases. This includes drafting search

County Executive Steve Neuhaus, County Clerk Kelly Eskew, Sheriff Paul Arteta and DA Hoovler.

warrants and other documents to ensure that the locations where the narcotics were sold and ingested, as well as locations where people succumbed to overdoses, can be processed as crime scenes, and that all available potential evidence is preserved. In some situations, New York State law does not permit the filing of homicide charges against those who sold the narcotics which have resulted in death. In those cases where homicide charges can be filed, the charge is frequently the class C felony of Manslaughter in the Second Degree, or the E felony of Criminally Negligent Homicide, which are lower classes of felonies than the class B felony of Criminal Sale of a Controlled Substance in the Third Degree. District Attorney Hoovler thanked the Village of Washingtonville Police Department and the Town of New Windsor Police Department for their investigation into the fatal overdose, and the Village of Washingtonville Police Department for their arrest of Lempicki. The case is being prosecuted by Assistant District Attorney Nicholas Mangold.

People v. Sherlan Simpson – On March 20, 2023, Sherlan Simpson, age 37, of Newburgh, was sentenced to an aggregate term of imprisonment of twenty to twenty-two (20-22) years in prison to be followed by five (5) years of post-release supervision, in connection to his conviction after a jury trial in the Orange County Court, of all charges against him, including Criminal Possession of a Controlled Substance in the First Degree, Criminal Possession of a Controlled Substance in the Third Degree and Perjury in the First Degree. At sentencing, the Court imposed an eighteen (18) year sentence on the drug counts and two to four (2-4) years on the perjury count, but ordered that those sentences run consecutively, acknowledging both the distinct and serious nature of that charge. Prosecutors at the trial argued that on January 6, 2021, Simpson was stopped for a vehicle and traffic violation in the vicinity of State Route 32 in the Town of Woodbury. New York State Troopers observed a backpack in the back seat of Simpson's vehicle. Simpson then fled the traffic stop in his car, racing into the Woodbury Commons where surveillance video showed a backpack being thrown from the car. Members of the New York State Police recovered the bag from the location where the defendant threw it, and inside was the defendant's personal belongings, as well as two kilos of cocaine with an estimated street value of $200,000. Subsequent DNA analysis of the contents of the bag matched the defendant. When evidence in the case was presented to the Orange County Grand Jury five days later, the defendant elected to testify on his own behalf, as is his right. However, after taking the oath to tell the truth, the defendant proceeded to deny that he ever had a backpack in the car or threw the backpack from the car. District Attorney Hoovler thanked the New York State Police for their investigation which led to the arrest of the defendant. District Attorney Hoovler also thanked the Town of Woodbury Police Department for their assistance during the apprehension of the defendant. "A huge quantity of drugs was intercepted by the police in this case before it could be spread throughout our community," said District Attorney David. M. Hoovler. "The lengthy and appropriate sentence imposed on this defendant reflects the serious nature of his crimes and criminal history. My Office, together with our law enforcement partners, will continue to address through arrest and prosecution the pernicious spread of narcotics in the County. The defendant's bold lies before the Grand Jury strike at the very heart of our criminal justice system and merited the consecutive sentence imposed by the Court." The case was prosecuted by Senior Assistant District Attorney Ryan Greenbaum and Assistant District Attorney Emily Worden.

People v. Richard McInturff and Larry McInturff – On February 8, 2023, Richard McInturff, age 32, of Port Jervis, was sentenced to an aggregate term of seventeen to nineteen (17–19) years in prison to be followed by five (5) years of post-release supervision, in connection with his guilty plea to Operating as a Major Drug Trafficker, Escape in the First Degree and Attempted Assault in the Second Degree. His father, Larry McInturff, age 66, of Port Jervis, was sentenced

to a split sentence of six months in Orange County Jail and five years of probation, in connection with his guilty plea 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 OCDA, was part of an investigation into the illicit sale 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 hisa son, Richard McInturff, via phone while Richard McInturff was incarcerated at Orange County Jail. At his son's direction, Larry McInturff concealed a key ring 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 arrest, prosecution and sentence of this defendant serves as a major disruption to the deadly narcotics trade in western Orange County," said District Attorney David M. Hoovler. "Drug dealers should take heed that law enforcement is laser focused on the battle against the scourge of opioids, particularly fentanyl, that are killing people every day. I applaud the dedicated and coordinated efforts of the City of Port Jervis Police Department, the Orange County Sheriff's Office Special Operations Group, the Sussex County New Jersey Prosecutor's Office and Narcotic Task Force, and the New Jersey State Police, for their work on this investigation. My Office will continue our steadfast prosecution of drug dealers in order to rid our streets of these poisons." The case was prosecuted by Assistant District Attorney Alexis Gregory and Senior Assistant District Attorneys Matthew Healy and Christopher Kelly.

People v. Brive Crosske – On October 10, 2023, Brive Crosske, 50, of Middletown, was sentenced to an aggregate sentence of fifteen (15) years in prison to be followed by five (5) years of post-release supervision, in connection with his guilty pleas to Criminal Possession of a Controlled Substance in the Second and Third Degree. Crosske had five (5) prior felony convictions and had been sentenced to prison on four (4) of those convictions. Crosske admitted during the plea allocation, and evidence in the case proved, that on June 17, 2022, officers of the City of Middletown Police Department attempted to stop the defendant's vehicle after observing violations of the Vehicle and Traffic Law. Crosske refused to stop despite emergency lights being activated. The defendant later stopped the car and ran into a wooded area, discarding over an eighth of an ounce of cocaine, which was recovered by the police. He subsequently was indicted and released on his own recognizance because the 2019 "bail reform" legislation severely limits the courts' ability to set bail for felony offenses involving narcotics. As a result, the charges Crosske was facing were not bail eligible. On February 17, 2023, while Crosske was released on the case from June 2022, members of the City of Middletown Police Department Narcotics Unit executed a search warrant at the defendant's residence and recovered

ADA Bryan Conway, Eddie the Eagle and Senior ADA Matthew Healy at National Night Out Against Crime.

164 grams of cocaine (over four ounces) from the defendant's bedroom, along with a scale, and cash. He was subsequently indicted and pled guilty on both cases in May 2023. District Attorney Hoovler thanked the City of Middletown Police Department for their investigation and arrest of Crosske. "While bail reform legislation has hampered the ability for judges to use their discretion in setting bail, it does not dissuade the police or prosecutors from pursuing drug dealers," said District Attorney David M. Hoovler. "The sentence imposed in these cases reflect the seriousness of both the defendant's conduct, as well as the unrepentant and persistent nature of his criminal history. Law enforcement will continue to prioritize the investigation and prosecution of narcotics offenses that spread deadly drugs in our communities." The case was prosecuted by Assistant District Attorney Alexis Gregory.

People v. Shariff Gual – On December 6, 2023, Shariff Gual, age 38, of Deerpark, was sentenced in Orange County Court to ten (10) years in prison and five (5) years of post-release supervision, in relation to his guilty plea to Criminal Possession of a Controlled Substance in the First Degree. The case was the result of a nearly month-long investigation conducted by the City of Port Jervis Police Department and Orange County Drug Task Force, together with the Pike County Criminal Investigations Division of the Pike County Pennsylvania District Attorney's Office, and the Sussex County New Jersey Prosecutors Office. The investigation revealed that Gual, who had been acting in concert with Reginald Francis, who has been arrested and charged with narcotics offenses in Milford, Pennsylvania, sold and possessed cocaine to resell to others within Orange County, New York, Montague, New Jersey, and Milford, Pennsylvania. The investigation culminated with the execution of multiple search warrants in the City of Port Jervis, Town of Deerpark, Montague, New Jersey, and Milford, Pennsylvania. Search warrants executed during this investigation resulted in the seizure of approximately 940 grams of cocaine, a loaded handgun, and approximately $1,200 in cash. Other law enforcement agencies who provided crucial aid in this investigation included the City of Middletown Police Department, the Town of Deerpark Police Department, the Orange County Sheriff's Office Special Operations Group, the Pike County Pennsylvania Sheriff's Office, Hudson Crime Analysis Center, the Pennsylvania State Police, and U.S. Probation. "The disruption of high-level narcotics traffickers requires both the dedication of long-term law enforcement investigations, as well as the trained eye of officers in the field," said District Attorney David M. Hoovler. "I have made it a priority of my Office to identify and prosecute major drug dealers. Prison sentences, such as those imposed in these cases, are important not only to promote the safety of our communities, but to deter those who might consider the same actions as these defendants. I commend the coordinated efforts of law enforcement and will continue to dedicate the time, effort and resources required to bring drug dealers to justice." The case was prosecuted by Assistant District Attorney Alexis Gregory.

People v. Eric Brown – On December 4, 2023, Eric Brown, age 51, of Enfield, was sentenced in Orange County Court to six (6) years in prison and two (2) years of post-release supervision, in relation to his guilty plea to Criminal Possession of a Controlled Substance in the Third Degree. On February 1, 2023, members of the New York State Police observed a vehicle being operated by Eric Brown on State Route 17 in the Town of Chester in violation of sections of the Vehicle and Traffic Law. After conducting a traffic stop of the vehicle, Troopers observed a Ziploc bag containing approximately 108 grams of cocaine on the passenger side of the vehicle. A subsequent search of the vehicle resulted in the recovery of over a kilogram of cocaine. At the plea proceeding, Brown admitted to possessing the cocaine with the intent to sell it. The case was prosecuted by Assistant District Attorney Alexis Gregory.

People v. Raiquan Falls - On August 11, 2023, Raiquan Falls, age 27, of Newburgh, was convicted after a jury trial in the Orange County Court of Criminal Possession of a Controlled Substance in the Fifth Degree, the sole count of the indictment. On January 31, 2024, Falls was sentenced to the maximum authorized sentence of four (4) years in prison. Evidence at the trial proved that on August 2, 2022, Falls was arrested by members of the City of Newburgh Police Department on outstanding bench warrants. After Falls was handcuffed and walked to the patrol car, he dropped a bag of cocaine he had in his hand, which was observed on police body-worn camera footage. The police recovered the bag, which was submitted to the New York State Police Crime Laboratory for analysis. There, it was determined that the bag contained in excess of 1,000 milligrams of cocaine. District Attorney Hoovler thanked the City of Newburgh Police Department for their investigation and arrest of the defendant. The case was prosecuted by Assistant District Attorney Tanja Beemer.

DA Hoovler at Naturalization Ceremony.

People v. Angelica Rodriguez, a/k/a "Jelly," et al. – On November 2, 2023, Angelica "Jelly" Rodriguez, age 39, of Middletown, pled guilty in Orange County Court to Criminal Possession of a Controlled Substance in the Third Degree and Conspiracy in the Second and Fourth Degrees. On February 27, 2024, Rodriguez was sentenced to an aggregate term of ten (10) years in prison to be followed by three (3) years post-release supervision. The case against Rodriquez, and fourteen other defendants, was the result of a two-year long narcotics investigation that utilized court-ordered eavesdropping. On August 1, 2023, District Attorney David M. Hoovler, Orange County Sheriff Paul Arteta, City of Middletown Police Chief John Ewanciw, and City of Port Jervis Police Chief William Worden, announced at a press conference held at City Hall in Middletown, that fifteen defendants, including Angelica Rodriquez, had been charged with crimes including Conspiracy to Sell Narcotics. Seven search warrants were executed during the investigation which resulted in the seizure of over 1516 grams of crack cocaine, having a street value of approximately $50,000.00, over $167,000.00 in United States currency, and three illegally possessed handguns. The investigation was conducted by the City of Middletown Police Department, the Orange County Drug Taskforce, the OCDA and the City of Port Jervis Police Department. Other law enforcement agencies who provided crucial aid in this investigation included the New York State Police Violent Gang and Narcotics Enforcement Team, the Orange County Sheriff's Special Operations Group, the Hudson Valley Crimes Analysis Center, and the City of Yonkers Police Department. The City of Middletown Police Department, later aided by the Orange County Drug Taskforce, had been engaged in a two-year long investigation into cocaine trafficking in and around the City of Middletown committed by Angelica Rodriguez. After conventional investigative means failed to reveal evidence showing the entire extent of the narcotics conspiracy surrounding Angelica Rodriguez, the District Attorney's Office applied for permission to use court-ordered eavesdropping in the investigation. During the course of the investigation, it was discovered that the same cocaine suppliers who were providing Angelica Rodriguez and her co-conspirators with cocaine to sell, were also supplying narcotics to those in the City of Port Jervis. The City of Port Jervis became active in the investigation. During a traffic stop which occurred on July 14, 2023, police recovered thirty-six (36) grams of cocaine from a vehicle Rodriquez was driving. A search warrant executed at a storage unit she was renting resulted in the seizure of a loaded Smith and Wesson .380 caliber pistol, cutting agents, and a scale commonly used for the processing of

cocaine. The pistol recovered in Angelica Rodriguez's storage unit was previously reported as stolen.

People v. Michael Rodriguez - On Thursday, October 12, 2023, Michael Rodriguez, age 49, of Yonkers, pled guilty in the Orange County Court to Criminal Possession of a Controlled Substance in the First Degree and Conspiracy in the Second Degree, in connection with an investigation into Angelica Rodriguez (no relation). At the time, Michael Rodriguez was the Director of Bronx Rises Against Gun Violence (B.R.A.G.), which is a prominent anti-violence program that receives government money and works in the Bronx to promote safer streets. On January 4, 2024, Michael Rodriguez was sentenced to an aggregate term of ten (10) years in prison to be followed by five (5) years post-release supervision. Rodriguez also agreed to forfeit car and $165,000 as ill-gotten proceeds of his crimes. On July 26, 2023, a search warrant was executed at Michael Rodriguez's Yonkers residence, which resulted in the seizure of 1516 grams (over 1.5 kilograms) of cocaine, $165,509 in United States currency, scales, a money counter, an unlicensed Ruger .380 caliber pistol, an unlicensed Bond Arms .357 caliber handgun, a vacuum sealer, digital scales and jewelry estimated to have a value of approximately $50,000. It is alleged that Michael Rodriguez regularly supplied cocaine to Angelica Rodriguez, who would sell it in and around Middletown, and to another person who would sell it in and around Port Jervis. "It is appalling that the Director of a respected program, which serves to reduce gun violence and help at-risk youth, would himself be a major drug dealer," said District Attorney David M. Hoovler. "Those members of our community who suffer through addiction are vulnerable prey to people like this defendant, who chose a comfortable life cultivated on the backs and over the bodies of his customers." The case was prosecuted by Assistant District Attorney Alexis Gregory, who also aided in the investigation.

<u>"Operation Final Blow"</u>

People v. Christian Shomo a/k/a "Monster" - On March 1, 2023, Christian Shomo, a/k/a "Monster," age 33, of Middletown, pled guilty in Orange County Court to Operating as a Major Trafficker. On May 10, 2023, Shomo was sentenced to twelve (12) years in prison, to be followed by five (5) years post-release supervision. Shomo was arrested as a result of an approximately 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 Violent Gang and Narcotics Enforcement Team, the Pike County Criminal Investigations Division of the Pike County District Attorney's Office, and the OCDA, 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 that aided in the operation included Homeland Security Investigations ("HSI"), the FBI's Safe Streets Taskforce and the United States Marshall's 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, 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 Shomo. The 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. The cases were prosecuted by Assistant District Attorneys Neal Eriksen and Alexis Gregory.

People v. Wayne Smith – On May 10, 2023, Wayne Smith, age 43, of Port Jervis was sentenced in Orange County Court for his role in "Operation Final Blow," the over four-month-long investigation designed to disrupt major narcotics trafficking in the City of Port Jervis and surrounding areas, including Pike County, Pennsylvania. On January 19, 2023, Smith pled guilty to Conspiracy in the Second Degree and Criminal Possession of a Controlled Substance in the Second Degree. He was sentenced to eight (8) years concurrent to six to twelve (6-12) years in prison for an aggregate sentence of eight to twelve (8-12) years. His sentence will be followed by five (5) years of post-release supervision. Smith is being investigated for additional narcotic related crimes in the Commonwealth of Pennsylvania. District Attorney Hoovler thanked all the state, local and federal law enforcement officials who aided in the investigation and eventual apprehension of Smith. The case was prosecuted by Assistant District Attorney Alexis Gregory.

People v. Brian Stevenson - On April 12, 2023, Brian Stevenson, age 45, of Port Jervis, pled guilty in Orange County Court to Conspiracy in the Second Degree, Criminal Possession of a Controlled Substance in the Third Degree, and Forcible Touching. Stevenson was also arrested as part of the "Operation Final Blow" enforcement action. On June 5, 2023, Stevenson was sentenced to five to ten (5-10) years in prison to be followed by three (3) years of post-release supervision on the charge of Conspiracy in the Second Degree, five (5) years in prison and three (3) years post-release supervision on the charge of Criminal Sale of a Controlled Substance in the Third Degree, and, the maximum permissible sentence under the law of 364 days in jail for the misdemeanor of Forcible Touching. At the time of his plea, Stevenson admitted that between July 6, 2022, and September 26, 2022, while in Orange County, New York, he conspired with others to possess and sell cocaine for profit. He further admitted that on December 20, 2022, in Port Jervis, he possessed cocaine with the intent to sell it and forcibly grabbed the breasts of another individual. District Attorney Hoovler thanked all the state, local and federal law enforcement officials who aided in the investigation and eventual apprehension of Stevenson. "The takedown of this broad and dangerous conspiracy to traffic narcotics in Orange County has made our community safer," said District Attorney David M. Hoovler. "Coordinated and dedicated long-term narcotics investigations are necessary in order to rid our streets of high-level drug dealers. I commend the efforts of all of the law enforcement agencies involved in this investigation, which exemplifies the cooperative work that produces tangible results." The case was prosecuted by Assistant District Attorney Alexis Gregory.

DA Hoovler with ROTC students.

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 operated 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. In addition to aiding local police departments with narcotics enforcement, the Taskforce in 2023, spearheaded major narcotics investigations into major narcotics traffickers, using court-ordered eavesdropping such as in the "Operation Final Blow" investigation described above. To further disrupt narcotics trafficking in Orange County, the taskforce also conducts periodic enforcement actions targeting multiple narcotics offenders. These enforcement actions are designed to reach all areas of the county, not just the most populous areas. Enforcement actions conducted by the Orange County Drug Task Force, their partner agencies, and the OCDA in 2023 included:

The February 21, 2023, Enforcement Action - On February 21, 2023, District Attorney Hoovler announced that five (5) defendants were charged with crimes pertaining to the trafficking of cocaine, crack cocaine and ecstasy in the City of Middletown and surrounding areas. The arrests were part of a multi-agency investigation and enforcement action conducted by the Orange County Drug Task Force (OCDTF), the City of Middletown Police Department and the Town of Wallkill Police Department, who were assisted by the OCDA. Over the course of several months preceding the enforcement action, undercover investigators purchased quantities of narcotics from individuals in and around the City of Middletown and the Town of Wallkill. As a result of the investigation, search warrants were executed at residences in the City of Middletown and the Town of Wallkill. During the execution of the warrants, police officers recovered quantities of crack-cocaine, ecstasy, $7,170 in US currency, digital scales and packaging material for narcotics. Also recovered was a .44 magnum Smith & Wesson, loaded with live ammunition.

The March 3, 2023, Enforcement Action/People v. Carlos Martinez - On March 3, 2023, District Attorney Hoovler and Sheriff Paul Arteta announced that Carlos Martinez, age 49, of Chester, was arrested and charged with crimes, including Criminal Possession of a Weapon in the Second Degree. On July 13, 2023, Martinez pled guilty to Criminal Possession of a Weapon in the Second Degree. Martinez' arrest was part of a multi-agency investigation and enforcement action conducted by the Orange County Drug Task Force (OCDTF), Orange County Sheriff's Office Special Operations Group, the Hudson Valley Crime Analysis Center and OCDA. Over the course of the three months preceding the action, police officers conducted an investigated the sale of narcotics and the illegal possession of firearms in and around the Town of Chester. As a result of the investigation, a judicially authorized search warrant was executed at a residence in the Village of Chester on March 3, 2023. During the execution of the warrant, police officers recovered two .9mm ghost guns, equipment used to assemble ghost guns, $5,190 in United States currency, as well as ammunition and scales typically used in the packaging and sale of narcotics. "Ghost guns, which by their nature are illegal to possess, fuel and aid violence in the narcotics trade," said District Attorney David M. Hoovler. "Our law enforcement partners, working together with the dedicated prosecutors in my Office, will continue to pursue offenders who illegally possess these dangerous firearms. I commend the cooperative efforts of the agencies involved in this investigation and arrest. Enforcement actions like this one are intended to keep our streets safe from the scourge of gun violence." The case is being prosecuted by Assistant District Attorney Alexis Gregory.

DA Hoovler at D.A.R.E. event.

The May 26, 2023, Enforcement Action - Orange County District Attorney David M. Hoovler announced on May 26, 2023, that four (4) defendants were charged with crimes pertaining to the trafficking of cocaine and methamphetamine in the Town of Warwick, Village of Greenwood Lake, and surrounding areas. The arrests were part of a multi-agency investigation and enforcement action conducted by the Orange County Drug Task Force (OCDTF), the Orange County Sheriff's Office, the Orange County Sheriff's Special Operations Group, the Town of Warwick Police Department, and the Village of Greenwood Lake Police Department. Those agencies were assisted by the OCDA and the Hudson Valley Crime Analysis Center. Over the course of the five (5) months preceding the action, undercover investigators purchased quantities of narcotics from individuals in and around the Town of Warwick and the Village of Greenwood Lake. As a result of the investigation, search warrants were executed at residences in the Town of Newburgh, the Town of Warwick, and the Village of Greenwood Lake. During the execution of the warrants, police officers recovered quantities of methamphetamine and cocaine, digital scales, and packaging material for narcotics.

ARSON CASES

Arson cases by their very nature involve the destruction of evidence, highly technical scientific proof, and expert testimony. District Attorney Hoovler was previously recognized as the statewide Arson Prosecutor of the Year when he was an Orange County Assistant District Attorney and is aware of the resources that need to be devoted to these cases. The District Attorney's Office has paid for the purchase and training of an arson dog and in 2024 plans to expand the resources devoted to the investigation and prosecution of this most serious of crimes. In addition to District Attorney Hoovler, another Orange County Assistant District Attorney was recognized as statewide Arson Prosecutor of the Year. Executive Assistant District Attorney Stewart Rosenwasser has received statewide awards for the arson prosecution of Zef Gjurashaj:

People v. Zef Gjurashaj - On Wednesday, March 1, 2023, Zef Gjurashaj, 60, of Newburgh was sentenced to a total of twenty-two and one-third years to life (22 1/3-Life) in prison for having burned down his restaurant for profit in 2017. The defendant was convicted after a jury trial. Gjurashai was convicted of crimes including Arson in the First Degree, Conspiracy in the Second Degree, Reckless Endangerment in the First Degree (2 Counts), Insurance Fraud in the Second Degree, and Tax Fraud in the Fifth Degree. Prosecutors argued that Gjurashai and another conspired with each other to intentionally burn down Andiamo Restaurant, which was located in the Town of Newburgh. Gjurashaj knew that the business was in a steep financial decline and decided to burn the business for insurance purposes. The fire was of such ferocity that in addition to decimating the building, it put the first responding firefighters, as well as Gjurashaj's wife, who was present at the time of the fire, at grave risk of death. 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, the New York State Department of Financial Services, the New York State Department of Taxation and Finance and the OCDA. District Attorney Hoovler

also acknowledged the efforts of the Cronomer Valley Fire Department, the Winona Lake Fire Department, the Westchester County Police Department, the New York State Forensic Investigation Center, and Sterling Insurance Company, throughout the course of the investigation. The case was prosecuted by Executive Assistant District Attorney Stewart Rosenwasser and Senior Assistant District Attorney Ryan Greenbaum.

Executive Assistant District Attorney Stewart Rosenwasser Receives Arson Prosecutor of the Year Awards: In recognition of his prosecution of the Gjurashaj case, Executive Assistant District Attorney Stewart Rosenwasser received two prestigious statewide awards. On November 14, 2023, the International Association of Arson Investigators, New York State Chapter 23 awarded Executive Assistant District Attorney Rosenwasser with Arson Prosecutor of the Year. Investigator Vincent Spampinato, Criminal Investigator for New York State Dept of Financial Services and former Town of Newburgh Detective also received an award for his role in the investigation. The award for EADA Rosenwasser came twenty-one (21) years after the same award was given to District Attorney Hoovler, who was then an Assistant District Attorney. DA Hoovler's 2002 award was for his successful arson prosecution before then County Court Judge Stewart Rosenwasser. On September 28, 2023, the Detectives Crime Clinic for Metropolitan New Jersey and New York awarded Executive Assistant District Attorney Stewart Rosenwasser with the Outstanding Law Enforcement Executive for the investigation and ultimate conviction, after jury trial, of Zef Gjurashaj. Investigator Vincent Spampinato was similarly honored.

Executive Assistant District Attorney Stewart Rosenwasser, Investigator Vincent Spampinato and District Attorney Hoovler displaying Arson Awards.

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 the presence 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 many 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 2023 included:

People v. Angel Lahoz - On November 20, 2023, Angel Lahoz, age 35 of Newburgh was convicted after a jury trial of Burglary in the Second Degree and Criminal Mischief in the Fourth Degree. Lahoz faces up to fifteen (15) years in prison when he is sentenced. Lahoz was remanded to Orange County Jail without bail following the jury's verdict. Prosecutors argued that the evidence proved that on January 2, 2023, a City of Newburgh resident was home alone when she heard noises coming from her living room. She saw a man in her living room going through her

purse. As the man walked through the house, the victim recognized the man was a relative of hers. Lahoz grabbed a machete and then approached the victim and threw her to the floor. Lahoz returned to the living room and dropped the weapon which allowed the victim to call the police. The victim's husband and brother arrived and took Lahoz outside, where the police took him into custody. It was later determined that Lahoz had entered the home by breaking a bedroom window. The case was prosecuted by Executive Assistant District Attorney Michael Milza and Assistant District Attorney Aragon Vicenty.

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 2023. 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 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 within which 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. The OCDA will continue to support victims of domestic violence by aggressively prosecuting those responsible for these crimes. All victims of domestic violence are urged to seek out the support available to them by contacting law enforcement, the OCDA or organizations such as Fearless! Hudson Valley, who are all there to assist. These are some of the domestic violence cases that the OCDA handled in 2023:

DA Hoovler, OC Chamber of Commerce Gala honoree Donna Cornell, and Christa Hoovler.

People v. Shawn Beach - On October 3, 2023, Shawn Beach, age 43, of Port Jervis, was sentenced in Orange County Court to an aggregate term of thirty (30) years in prison to be followed by five (5) years of post-release supervision. Beach was convicted in August of two counts of Attempted Murder in the Second Degree and Assault in the First Degree after a jury trial. Beach had a prior violent felony conviction from 2003. The evidence showed that on December 11, 2022, Beach swung a hammer in the direction of his girlfriend in a residence that she and Beach shared in the City of Port Jervis. The woman's eighteen (18) year old son, upon hearing his mother scream, rushed downstairs to her aid. Beach then turned to the man and struck him in the head with the hammer, fracturing his skull. The son was treated at Westchester Medical Center for life-threatening injuries but survived. District Attorney Hoovler thanked the City of Port Jervis Police Department for their investigation and the arrest of Beach. "This violent recidivist was appropriately punished for his horrific actions," said District Attorney David M.

Hoovler. "Domestic violence has life-changing consequences and the victims in this case are to be praised for their bravery in coming forward. I also commend the dedication of the police and prosecutors whose hard work resulted in the conviction". Chief Trial Assistant District Attorney Richard Moran and Assistant District Attorney Bryan Conway prosecuted the case.

People v. Jonathon Harris – On March 6, 2023, Jonathan Harris, age 41, of Middletown, was sentenced to ten (10) years in prison to be followed by five (5) years of post-release supervision, in connection with his guilty plea to Burglary in the First Degree, for a violent home invasion stabbing. Harris admitted during his plea allocution that on July 16, 2022, he broke into the home of his wife in the Town of Wallkill, in violation of a previously issued order of protection. Inside, the victim attempted to call 911, but Harris knocked the phone out of her hands. Harris then stabbed the victim, causing a puncture wound to the victim's liver. Harris fled the residence before he was apprehended after a traffic stop by police. It was later determined that Harris was an active corrections officer for the City of New York. District Attorney Hoovler thanked the Town of Wallkill Police Department for their investigation and arrest of Harris. "The significant sentence imposed in this matter is appropriate in light of the admitted violent conduct of the defendant," said District Attorney David M. Hoovler. "This type of behavior is reprehensible for anyone, let alone a sworn corrections officer who is entrusted to protect and serve". The case was prosecuted by Assistant District Attorney Nicholas Mangold.

People v. Gregory Gonzalez – On October 10, 2023, Gregory Gonzalez, age 56, of Newburgh, was sentenced in Orange County Court to two to four (2-4) years in prison as a result of his guilty plea to Criminal Contempt in the First Degree. The sentence imposed is the maximum permitted under law. Gonzalez had three (3) prior felony convictions, including a felony sex offense. As alleged in statements made and documents filed in court, on April 29, 2023, members of the City of Middletown Police Department responded to an alleyway for a call of an individual screaming for help. There, they found the victim with bruising and swelling to the face. The victim said that the defendant, who was a former intimate partner, had caused the injuries before fleeing the scene. The defendant was located nearby, wearing a ski mask, and refused to comply with police directives before he was eventually taken into custody. It was learned by the police that there was an active order of protection in favor of the victim that ordered the defendant to stay away and not commit any offenses against the victim. At the plea proceedings, the defendant admitted that he struck the victim in violation of the order of protection, which he was aware was in effect. District Attorney Hoovler thanked the City of Middletown Police Department for their investigation and the arrest of Gonzalez. "Violent recidivists, such as this defendant, deserve to face significant prison sentences," said District Attorney David M. Hoovler. "I commend the bravery of the survivor in this case who came forward and was heard". The case was prosecuted by Assistant District Attorney Alexandra Kontos.

People v. Lorenzo Jackson - On June 16, 2023, Lorenzo Jackson, age 59, of Poughkeepsie, was sentenced to one and a half to three (1½–3) years in prison, in connection with his guilty plea to Aggravated Family Offense, for entering the victim's home in violation of an order of protection, shoving her and later threatening her. The conviction was Jackson's thirty-third (33rd) criminal conviction, including eleven (11) prior convictions for domestic violence crimes. As admitted during the plea allocution and/or in charging documents filed in court, on November 27, 2022, Jackson entered the home of the mother of his child in violation of a previously issued order of protection. Inside, Jackson proceeded to argue with the victim, shoved her and refused to leave. Later, after being taken into custody by the police, Jackson made threats to kill the victim. District Attorney Hoovler thanked the Town of New Windsor Police Department for their

investigation and arrest of Jackson. "Everyone deserves to feel safe in their own home," said District Attorney David M. Hoovler. "Where a serial offender refuses to abide by orders of protection, their actions must be met with appropriate criminal sanctions". The case was prosecuted by Assistant District Attorney Alexandra Kontos.

People v. Steven Lillo - On March 27, 2023, Steven Lillo, age 39, of Newburgh, pled guilty in Orange County Court to Assault in the Second Degree. The plea was entered immediately before a trial in the matter was scheduled to commence. On July 24, 2023, Lillo was sentenced to four (4) years in prison to be followed by three (3) years post-release supervision. Evidence in the case showed that in the early morning hours of July 25, 2021, Lillo engaged in an argument with his wife at their shared residence. During the course of the argument, Lillo retrieved a BB gun and shot his wife in the head five (5) times at close range and once in the hand, causing BBs to become lodged in her head. Lillo then repeatedly pistol whipped her with the BB gun, causing lacerations to her forehead. Lillo and the victim's shared seven (7) year old child observed part of the altercation and was the one who called the police. At the plea proceedings, Lillo admitted to using the BB gun to cause his wife physical injury. District Attorney Hoovler thanked the Town of Newburgh Police Department whose investigation led to the arrest of Lillo. "Domestic violence is insidious and intolerable," said District Attorney David M. Hoovler. "While this defendant perpetrated his brutality behind closed doors, the brave actions of the victims in the case ensured that his crimes were brought to light". I applaud the work of the police and prosecutors who brought this defendant to justice." The case was being prosecuted by Assistant District Attorney Nicholas Mangold.

DRIVING WHILE IMPAIRED OR INTOXICATED

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. The lethal consequences of driving while impaired were tragically demonstrated in the case of People v. Ezzial Williams. Driving While Intoxicated cases the OCDA prosecuted in 2023 include:

People v. Ezzial Williams - On Tuesday, May 23, 2023, Ezzial Williams, 38, of Newburgh, was sentenced in Orange County Court to three and one half to seven (3 1/2– 7) years in prison relating to her[1] previous plea to Vehicular Manslaughter in the Second Degree. The plea was entered immediately before a jury trial in the matter was scheduled to commence. The sentence imposed was the maximum permitted under the law. Evidence in the case showed that on October 10, 2021, Williams was operating a motor vehicle on Route 32 in the Town of Cornwall in excess of the posted speed limit, when she crossed over the double yellow line and crashed into the vehicle being driven by a local vascular surgeon. The crash killed the surgeon. Prior to operating the vehicle, Williams smoked crack cocaine, some of which was recovered from a crack pipe found in Williams' belongings after the crash. Members of the New York State Police, including the

[1] Ezzial Williams' preferred pronouns are "she/her."

Collision Reconstruction Unit, investigated the circumstances of the crash and determined that the victim's vehicle was in the proper lane of travel and that the crash was caused as a result of the defendant's impairment, together with her speed and reckless driving, by crossing over the double yellow line. Williams admitted during the plea allocution that she was impaired by the consumption of cocaine at the time of the collision, was speeding, and crossed over the double yellow line, and thereby recklessly caused the death of the victim. District Attorney Hoovler thanked the New York State Police whose investigation led to the arrest of Williams. The case was prosecuted by Senior Assistant District Attorney Christopher Kelly and Assistant District Attorney Anthony Molina.

People v. Christopher Heddinger - On November 30, 2023, Christopher Heddinger, age 49, of Sussex, New Jersey, was convicted following a four-day jury trial in the Village of Greenwood Lake Justice Court, of Aggravated Driving While Intoxicated, Failure to Keep Right, Speeding, and other violations of the Vehicle and Traffic Law. On February 27, 2024, Heddinger was sentenced to thirty days in the Orange County Jail, two years' probation, and faces the loss of his driving privileges as a result of the conviction. At the trial, prosecutors argued that Heddinger was driving on State Route 17A in the Village of Greenwood Lake on November 8, 2022. A police officer of the Village of Greenwood Lake Police Department observed that the car that Heddinger was driving was speeding and crossed over the double yellow line twice, into the opposing lane of traffic. After the police officer stopped the car, Heddinger agreed to take, and subsequently failed, a series of roadside sobriety tests. When brought to the Village of Greenwood Lake Police Department, Heddinger submitted to a chemical test to determine his blood alcohol content which revealed it was 0.31 per centum by weight, almost four times the .08 per centum level that in New York constitutes a crime. District Attorney Hoovler thanked the Village of Greenwood Lake Police Department for their investigation and the arrest of the defendant. "Our roads are a shared resource, and we all deserve to travel free of intoxicated drivers," said District Attorney David M. Hoovler. "This defendant chose to get behind the wheel of a vehicle while severely intoxicated, instead of calling for a taxi or choosing some other safe alternative. By doing so, he chose to place his interests before those of society. I am grateful that the police intercepted him before he caused grievous injury or death to some innocent motorist or pedestrian. My Office will continue to prioritize intoxicated and impaired driving cases." The case was prosecuted by Assistant District Attorney Roger Dean.

OCDA Chief Investigator Tommy Watson, DA Hoovler and former OCDA Chief Investigator Rudy Simmons at Alert Cab event before New Year's Eve.

People v. Matthew Knight - On October 12, 2023, Matthew Knight, age 31, of Warwick, was convicted following a two-day jury trial in the Warwick Village Court of Driving While Intoxicated and a Plate Lamp violation. On February 21, 2024, Knight was sentenced to three years of probation, was ordered to install an interlock ignition device on every vehicle that he drives and

was ordered to attend a victim impact panel. Knight was arrested in the early morning hours of June 18, 2022, after members of the New York State Police observed him drive over hazard markings and with his plate light out, while driving on Clinton Avenue in the Village of Warwick. When the Troopers approached the vehicle, they noticed the tell-tale signs of intoxication. The defendant said that he was heading home from Bethel and had consumed alcohol. The defendant agreed to take and subsequently failed a series of roadside sobriety tests. When brought back to the New York State Police Barracks, the defendant submitted to a chemical test to determine his blood alcohol content, which revealed it was 0.12%. District Attorney Hoovler thanked the New York State Police for their investigation and the arrest of the defendant. "We all expect and deserve that our roads are free of intoxicated drivers," said District Attorney David M. Hoovler. "This defendant chose to place his interests before those of society and I am grateful that the jury in this case held him responsible for his actions. I commend the dedicated work of the New York State Police who patrol our streets to make sure that they are safe for us all. My Office will continue to prioritize intoxicated and impaired driving cases." The case was prosecuted by Assistant District Attorneys Evan Brucia and Daniel Steyskal.

People v. Tobin Zahangir – On July 14, 2023, Tobin Zahangir, age 27, of Hopewell Junction, was convicted following a two-day jury trial in the Newburgh City Court of Driving While Intoxicated and Failure to Obey a Traffic Control Device. On December 12, 2019, Zahangir was previously convicted of the charges after a jury trial. However, the conviction was subsequently overturned by the Appellate Term of the Supreme Court which ordered the defendant a new trial. Zahangir was arrested in the early morning hours of May 4, 2019, after members of the New York State Police observed him disobeying a red traffic light while driving on Broadway in the City of Newburgh. When the Troopers approached the vehicle, they noticed the tell-tale signs of intoxication. The defendant said that he was coming from New Paltz and heading to a hotel. The defendant agreed to take, and subsequently failed, a series of roadside sobriety tests. When brought back to the New York State Police Barracks, the defendant submitted to a chemical test to determine his blood alcohol content, which revealed it was over the legal limit at 0.09%. District Attorney Hoovler thanked the New York State Police for their investigation and the arrest of the defendant. "Our roads are a shared resource, and we all deserve to travel free of intoxicated drivers," said District Attorney David M. Hoovler. "This defendant chose to get behind the wheel of a vehicle while intoxicated, instead of calling for a taxi or choosing a safe alternative. By doing so, this defendant chose to place his interests before those of society, and I am grateful that the jury in this case held him responsible for his actions. I commend the dedicated work of the New York State Police who patrol our streets to make sure that they are safe for us all. My Office will continue to prioritize intoxicated and impaired driving cases." Assistant District Attorney Cassidy Turi is prosecuting the case.

CASES INVOLVING ANIMALS

In 2023 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. Examples of the types of involving animal that the OCDA handled in 2023 include:

People v. Daniel Duthie and Lauretta Duthie - On October 26, 2023, the Appellate Term affirmed the convictions of Daniel Duthie, age 73, and Lauretta Duthie, age 73, of Warwick, who on April 22, 2022, 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

DA Hoovler with ADA Tanja Beemer, Chief ADA Christopher Borek and ADA Nicholas Mangold.

violation of the Agriculture and Markets Law. Leave to appeal was later denied by the Court of Appeals. As a result of their convictions, the defendants were required to register on the Orange County Animal Abuse Registry and will be prohibited from owning dogs for a fifteen-year period. 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-year-old 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 a $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.

People v. Robert Everett - On July 7, 2023, Robert Everett, age 55, of Cuddebackville, was arrested and charged with three counts of Illegal Commercialization of Fish, Shellfish, Crustaceans and Wildlife, and one count of Possession Over the Limit in violation of sections of the New York State Environmental Conservation Laws. It was alleged that Everett sold hundreds of dollars' worth of wild-caught trout on various dates in May 2023. The Department of Environmental Conservation Police executed a search warrant at Everett's residence and recovered trout that was valued at more than $480. In total, the police recovered just under forty (40) pounds of trout with a value of more than $700. It is alleged that Everett sold some of the fish to an undercover police officer. One of the reasons for legislation, such as the laws that prevent the Illegal Commercialization of Fish, Shellfish, Crustaceans and Wildlife, is to ensure that natural resources are preserved for those who engage in activities such as recreational fishing.

THE APPEALS BUREAU

The Appeals Bureau handles all matters pending in the New York State appellate courts, including the New York Court of Appeals. ADAs assigned to the Appeals Bureau respond to federal *habeas corpus* challenges that involve cases prosecuted by the 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 OCDA attorneys in both the Orange County

Court and in various local criminal courts, aid with the drafting of search warrants, and provide legal advice and training to members of the District Attorney's staff and to various police agencies in Orange County. Finally, the Appeals Bureau Chief is designated as the OCDA's Records Access Officer, and, together with other attorneys, is responsible for responses to Freedom of Information Law (FOIL) requests. Appeals Assistants also represent the OCDA as members of the District Attorney's Association of the State of New York's Legislative and Best Practices Committees.

In 2023, the Appeals Assistants handled 403 assignments, including 28 state court appeals, 4 responses to federal habeas corpus petitions, 1 appeal to the United States Court of Appeals to the Second Circuit, 205 motion responses in the trial and state appellate courts, and 135 responses to FOIL requests. As part of the District Attorney's Rebound Program, the Office responded to 19 applications in which members of the public sought to have their older convictions sealed. The Appellate Division issued 24 decisions involving appeals from convictions obtained by the OCDA. Of those decisions, the Appellate Division affirmed the judgments in 17 cases, and in 4 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 four cases where defendants, following the conclusion of their direct appeals in the state appellate courts, or the denial of post-judgment relief, challenged their state court convictions on federal constitutional grounds in cases that were prosecuted by the OCDA. Also, in 2023, members of the OCDA handled one appeal in the United States Court of Appeals for the Second Circuit. In that matter, the Court of Appeals affirmed the District Court decision that denied habeas corpus relief. Some of the appeals cases handled in 2023 include:

DA Hoovler with local building trades union member at Anti-Wage-Theft rally.

People v Michael Taback - Defendant was charged with Assault in the First Degree and related charges following an incident involving defendant and another patron at a bar. The People successfully appealed an order that was issued by the Orange County Court that granted the defendant's motion to dismiss the charges on statutory speedy trial grounds. In reversing the County Court's decision, the Appellate Division agreed that the time period in which the People were required to be ready for trial was tolled by virtue of the Governor's Executive Order that was issued during the COVID 19 pandemic. The Executive Order tolled the applicable time periods prior to the defendant's arraignment on the indictment, without the People having to establish the necessity for the delay in presenting the case to the grand jury. Citing the *Taback* decision, the Appellate Division and the Appellate Term for the Ninth and Tenth Judicial Districts subsequently reversed orders issued by courts in both Rockland and Westchester counties that granted similar motions to dismiss.

People v Lionel Williams - Following a jury trial held in Orange County Court, the defendant was convicted of Attempted Rape in the First Degree and two counts of Tampering with Physical Evidence. Defendant was arrested after he arranged an encounter with the victim, who was a

prostitute, and then followed her, grabbed the victim from behind, and dragged her down a hill, forcibly removed her clothing, and attempted to have intercourse. Defendant is serving an aggregate consecutive prison sentence of sixteen (16) years. On appeal, the Appellate Division affirmed defendant's conviction and sentence.

DA Hoovler at the Newburgh School District's "My Brother's Keeper" kick-off event.

People v Devin Giordano - 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. 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 codefendants then set fire to the premises before they fled from the scene. Giordano pleaded 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, defendant was sentenced to concurrent sentences of twenty years to life, twenty years, and a five-year period of post-release supervision, fifteen years and a five-year period of post-release supervision, five to fifteen years, one and one-third to four years respectively, and one-year sentences on the remaining misdemeanors. Molyneaux also pleaded guilty to Murder in the Second Degree and is serving a sentence of nineteen years to life. Defendant filed a post-judgment motion to vacate his guilty plea, which was denied by the County Court. The United States District Court denied defendant's petition for a writ of habeas corpus in which he sought to attack his conviction on federal constitutional grounds. On appeal, the United States Court of Appeals for the Second Circuit affirmed the District Court's judgment.

People v Jerome Mack and Edgar Wilson - On October 9, 2014, Edgar Wilson picked up Devon Simmons following his release from the Otisville Correctional Facility, after he told Simmons that he had been sent by family members to pick him up. Shortly thereafter, Wilson pulled over after he claimed to be lost, and after Simmons got out of the car to relieve himself, Jerome Mack jumped out of the trunk and shot Simmons three times. Following a jury trial, Jerome Mack was convicted of attempted murder in the second degree and related charges, while Edgar Wilson was convicted of assault in the first degree and related charges. Mack received a thirty-year sentence, while Wilson is serving an aggregate sentence of twenty years. Following the conclusion of their respective state appeals, the defendants commenced separate federal habeas corpus challenges to their convictions. In separate orders, the United States District Court for the Southern District of New York denied their habeas corpus petitions.

JOINT WHITE-COLLAR CRIMES TASK FORCE

Orange County District Attorney David M. Hoovler and Sheriff Paul Arteta announced on March 1, 2023, the creation of a countywide Joint White-Collar Crimes Task Force which will focus on enhancing the investigation and prosecution of public corruption and financial crimes. The Task Force's mandate includes the investigation of residential contractor fraud, crimes involving public integrity, public corruption, ethics violations, embezzlement and other complex theft cases, crimes against revenue, wage theft and labor law violations. The Task Force is led by the OCDA with designated Assistant District Attorneys, who screen and monitor cases accepted for investigation and prosecution. The investigations accepted by the Task Force are directly supervised by Chief Trial Assistant District Attorney Richard Moran.

DA Hoovler at the annual Camp of Champions Section IX football camp speaking with the players on making good choices

The Task Force will include at least two full-time District Attorney's Office Criminal Investigators and utilize the services of other District Attorney Office investigators as needed. The Task Force is also comprised of a Senior Investigator and two Investigators for the Orange County Sheriff's Office. The Task Force has also partnered with multiple state agencies, including the New York State Department of Financial Services, the New York State Department of Taxation and Finance, and several local police agencies including the Town of Newburgh Police Department, the Village of Warwick Police Department, the Village of Goshen Police Department, the Town of Crawford Police Department, and the Town of Woodbury Police Department. The Task Force continues to expand and has extended an invitation to all Orange County Law Enforcement agencies and various state agencies to pool their resources to investigate these complex cases which can be challenging for small agencies to pursue on their own, and which also can have severely detrimental and long-term effects on their victims. Although financial crimes are often the most time-consuming, investigations completed by the Task Force include:

People v. Reginald Williams - On August 10, 2023, Reginald Williams, age 28, of Newburgh, pled guilty in Orange County Court to Grand Larceny in the Second Degree. On October 5, 2023, Williams was sentenced to three to six (3-6) years in prison as a Second Felony Offender. A nearly year-long investigation conducted by the Orange County White Collar Crime Task Force, together with the New York State Department of Financial Services, the Town of Newburgh Police Department and the Town of Woodbury Police Department, revealed that Williams, acting individually and in concert with others, opened a fake business account in order to deposit a $65,000 check belonging to a local Orange County company, without the company's permission. "My Office, together with the Task Force, will do everything in our power to fight fraud that victimizes the citizens of our county," said District Attorney David M. Hoovler. "Cases such as this can be and often are complicated and require the time and resources now available with the cooperative efforts of the agencies involved. I hope this arrest, and other prosecutions like it, stands as a warning to those looking to use fraud in order to enrich themselves. Law enforcement

is watching, and we will seek to hold you accountable." The case was prosecuted by Assistant District Attorney Alexis Gregory and Chief Trial Assistant District Attorney Richard Moran.

People v. Turgaud Dubuisson – On December 8, 2023, Turgaud Dubuisson, age 30, of Newburgh was sentenced in Orange County Court to three and one third to ten (3 1/3 – 10) years in prison in connection with a wide-ranging fraud scheme that spanned from March 2021 through April 2022, and which resulted in a total loss of in excess of $250,000 from local businesses. As detailed in the indictment and in statements made in court, from March 2021 through April 2022, Dubuisson and his accomplices engaged in a scheme of depositing altered and/or fraudulent checks belonging to Ironworkers Local 417, and other area businesses, as well as individuals, into various bank accounts, and then withdrew cash from those fraudulent deposits from multiple banks. These individuals, acting in concert with each other, created fake business accounts to facilitate the check deposits. The total amount of forged and altered checks from the Ironworkers Local 417 is in excess of $190,000, and the total amount of checks deposited from all victims is in excess of $250,000. The investigation was led by the Town of Newburgh Police Department and assisted by the Town of New Windsor Police Department, Dutchess County Sheriff's Office, Orange County District Attorney's Office Investigators, Orange County Sheriff's Office, and the NYS Department of Financial Services. "Sophisticated fraud schemes are often difficult to unravel and require skilled and experienced investigators," said District Attorney Hoovler. "The members of Ironworkers Local 417, and all victims of fraud, should know that my Office will do everything in our power to identify and hold accountable those responsible for their victimization. I commend the collaborative work amongst our law enforcement partners that helped to see this complicated case through to its rightful conclusion." Assistant District Attorney Alexis Gregory and Chief Trial Assistant District Attorney Richard Moran prosecuted the case.

DA Hoovler at the Otisville Sportsmen's Club.

People v. Michael Benedetto - On July 19, 2023, District Attorney David M. Hoovler and Sheriff Paul Arteta announced that the Orange County Joint White-Collar Crimes Task Force had completed its investigation into the theft of approximately $80,000 from a woman who met the perpetrator through a dating website, and that Michael Benedetto, age 21, who was then without a residence, was arrested and charged with Grand Larceny in the Second Degree. It is alleged that Benedetto defrauded the victim by telling her a series of lies that induced her to give him money under false pretenses. After conducting an investigation, the Orange County Joint White Collar Crimes Task Force determined that Benedetto's documented requests for money, which were based on a series of false statements to the victim, constituted a Grand Larceny by false pretenses. The allegations are that in June of 2020, the victim was matched with Benedetto on the dating app 'Bumble'. The two began a relationship shortly thereafter. During that time, Benedetto told the victim that he needed money for various reasons, including his sick dog, medical procedures, and moving costs due to a new home purchase. Benedetto's requests for money for various reasons became more frequent. Investigation revealed that Benedetto had been lying to the victim in order to induce her to continue to give him money. The victim reported a loss of approximately $80,000.00 to the Orange County Sheriff's Office. On July 19th, 2023, at

approximately 11:10 AM, with the assistance of the Town of Clarkstown Police Department, Village of Spring Valley Police Department, the New York State Police, and the Hudson Valley Crime Analysis Center, Benedetto was located in the parking lot of the Home Depot, located at 43 Hutton Ave, Nanuet, NY 10954, where he was subsequently placed under arrest and charged with Grand Larceny in the Second Degree. Benedetto faces up to five to fifteen years in prison if convicted. Due to recent changes in the law, bail cannot be set in the case. The case is being prosecuted by Chief Trial Assistant District Attorney Richard Moran, who also aided in the investigation of the case.

DA Hoovler lecturing at Pine Bush Law and Leadership Academy.

People v. Martin Soudani - On February 27, 2024, Martin Soudani, age 37, formerly of Montgomery, pled guilty to Grand Larceny in the Third Degree. At the time that he pled guilty, Soudani admitted that he stole one million six hundred thousand dollars ($1,600,000) from a relative with whom he resided during the commission of the crime. Soudani admitted that he lured the relative into permitting him to withdraw the funds from the victim's trust account so that the defendant could invest them, on the victim's behalf, on a digital currency exchange. The defendant touted a 10% return on investment to entice the relative into giving him access to the trust fund account and to make transfers to the digital currency exchange. Instead of funding the account on his relative's behalf, Soudani systematically transferred funds to digital currency accounts, called "wallets", established on various exchanges, which he solely controlled. The transfers of digital currency between his own accounts, ultimately making transfers to "cold wallets", made tracing of the funds more difficult if not impossible. To conceal the thefts from the victim, Soudani created a fake website, and fraudulent monthly statements, which purported to show the victim that his "investment" was with a legitimate exchange and that his funds were secure and increasing in value. Investigation revealed that shortly after the victim became suspicious of the "investments" and was planning to change passwords and control of his account and have someone other than the defendant handle the investment, the defendant fled to Colorado, where he made efforts to not use funds which could be traced back to him. The case was investigated by the New York State Department of Financial Services, the Orange County White Collar Crimes Taskforce, and the OCDA. On March 8, 2023, investigators from the New York State Department of Financial Services and the OCDA, aided by the Parker Police Department, executed a search warrant at the residence where the defendant was staying in Parker, Colorado. The defendant was arrested and refused to voluntarily return to New York State to face the charges. The OCDA obtained a governor's warrant and Soudani was extradited to New York. An Executive Assistant District Attorney also accompanied the investigators to Colorado. The case is being prosecuted by Chief Assistant District Attorney Christopher Borek

People v, Shirley Bowens - On August 21, 2023, Shirley Bowens, age 50, of Wallkill, pled guilty in Orange County Court to Grand Larceny in the Third Degree, in connection with a fraudulent insurance scheme. On February 27, 2024, Bowens was sentenced to two to six (2-6) years in prison. Evidence in the case proved that for over approximately two (2) years, between 2019 and 2021, Bowens submitted fraudulent bills to her insurance company that misrepresented that she and members of her family had been hospitalized and received various treatments. In fact, no

such hospitalizations or treatments had occurred. Through this scheme, Bowens, who had prior experience in medical billing, stole approximately $90,000 from her insurance company. At the plea proceedings, Bowens admitted to stealing the money. The investigation into Bowens' actions was conducted by the New York State Department of Financial Services, a member of the Orange County White Collar Crime Task Force. The case is being prosecuted by Chief Trial Assistant District Attorney Richard Moran.

RETAIL THEFT INITIATIVE

In October 2023, Orange County District Attorney David M. Hoovler announced, together with the National District Attorneys Association (NDAA) and the Retail Industry Leaders Association (RILA), and in conjunction with the Orange County Chamber of Commerce, the National Store Walk Month initiative. This initiative intends to address the urgent issue of retail crime and habitual theft, and its rippling effects on our communities, signifying a pioneering step in facilitating crucial dialogue and cooperation between local law enforcement and community retailers. District Attorney Hoovler has designated Investigator Darrin Fulton and Assistant District Attorney Daniel Steyskal to lead Orange County's participation, working hand-in-hand with community retailers, exchanging valuable insights, fostering a mutual understanding, and collaboratively developing retail crime mitigation strategies. The OCDA's commitment to prosecuting these types of cases is ongoing. This unprecedented partnership is designed to provide a robust understanding of the challenges at hand, thereby enabling a unified and potent response. Retail theft collectively costs communities billions annually, undermining local economies and threatening the viability of storefronts in neighborhoods across the country. Equally concerning, in recent years organized and habitual theft has become more brazen and violent, raising safety concerns for employees and customers alike—disrupting lives, jeopardizing livelihoods, and undermining the vitality of communities and neighborhood shopping districts. As part of this initiative, District Attorney Hoovler reaffirmed a commitment to protecting the local community, combating crime, and creating a more prosperous Orange County. "New data from the U.S. Chamber of Commerce reveals that a majority of small retailers have encountered theft-related issues, with over 50% indicating an exacerbation of retail theft in the past year," said Heather Bell-Meyer, President, and CEO of the Orange County Chamber of Commerce. "This surge in retail theft has broader consequences, as it necessitates increased prices for consumers to compensate for the losses. Almost half, or 46%, of small retailers have found it necessary to raise their prices due to incidents of shoplifting. In total, nearly 37% of small businesses report experiencing shoplifting or theft in the previous year, with 14% enduring such incidents on a monthly or more frequent basis. Additionally, approximately one-third of these businesses note a 34% spike in shoplifting or theft during the holiday season. I commend our District Attorney for proactively collaborating with law enforcement and the business community to address this growing issue of crime within our county," said Bell-Meyer. Below is one example of the types of cases which are expected to be developed because of the initiative:

People v. Joshua Clayborne - On June 20, 2023, Joshua Clayborne, 35, of Newburgh, was arraigned on an indictment charging him with Grand Larceny in the Fourth Degree for theft from a Target store in the Town of Monroe. On February 7, 2024, Claybourne pled guilty in Orange County Court to Grand Larceny in the Fourth Degree. Under the plea agreement announced on the record at the time that Clayborne pled guilty, it is expected he will be sentenced to one and one half to three (1 ½-3) years in prison when he is sentenced on April 19, 2024. Evidence in the case showed that on May 30, 2023, Clayborne entered the Target store in the Town of Monroe. Inside, a loss prevention officer, who was familiar with Clayborne, observed him take numerous

items and place them in his cart. The loss prevention officer called the police who responded and also observed Clayborne place items in his cart. The police then saw Clayborne leave the store without paying for the items, which had a total value in excess of $2,000. At the plea proceedings, Clayborne admitted to taking the items and that he had no permission or authority to take them. He further admitted that he was previously convicted of Grand Larceny. The conviction is Clayborne's twenty-eighth (28th) criminal conviction and his third (3rd) felony conviction. The case is being prosecuted by Assistant District Attorney Alexandra Pietropaolo.

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 2023, 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 2023, Unit members participated in the following events:

DA Hoovler at Chamber of Commerce Breakfast.

National Night Out Against Crime - On August 1, 2023, the District Attorney and members of his staff appeared at the eleventh National Night Out Against Crime events being held in Orange County, as part of the District Attorney's community prosecution initiative. District Attorney Hoovler appeared personally at multiple venues. At each of the locations, the OCDA 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, Town of Goshen, Village of Highland Falls and Village of Warwick. "National Night Out underscores the importance that every community places on crime prevention, and, as importantly, fosters the partnership between law enforcement and the public that is so essential to preventing crime," 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, 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."

Coffee with the DA - In September 2023 through October 2023**,** District Attorney Hoovler hosted more sessions of "Coffee with the DA." At these events, citizens came out and spoke with District Attorney Hoovler, his staff and investigators about issues involving law enforcement in our communities. The District Attorney provided coffee, bagels, and pastries for all who attended. The sessions were held in Port Jervis at the Bagel Barn, in Monroe at the Empire Diner, in Newburgh at the Alexis Diner, in Goshen at the Goshen Plaza Diner, and in Middletown at The Colonial Diner. "Year after year, 'Coffee with the DA' has become a great opportunity to meet with members of the community to discuss issues we all have on our mind," said District Attorney Hoovler. "Every year I look forward to meeting with the public so they can hear from me and hear my thoughts on issues in criminal justice and law enforcement. The coffee and snacks are on me, so please stop by one of the sessions and give me your thoughts."

Window Cling Initiative – On January 6, 2023, District Attorney Hoovler along with the Prevention Alliance of Orange County, Dana Distributors, and Orange County STOP-DWI, kick-offed the "Window Cling Initiative," an initiative designed to raise awareness in Orange County about alcohol use and its consequences. 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 use, 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 this initiative to Orange County. The Window Cling Initiative 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 Initiative is to provide local alcohol retailers with window clings to place in their retail locations, designed to encourage people to drink responsibly and to obey the law. The Initiative hopes to increase the impact of the window clings through media coverage of the event and through signs that will be displayed by participating retailers.

Window Cling to protect youth from Drunk Driving

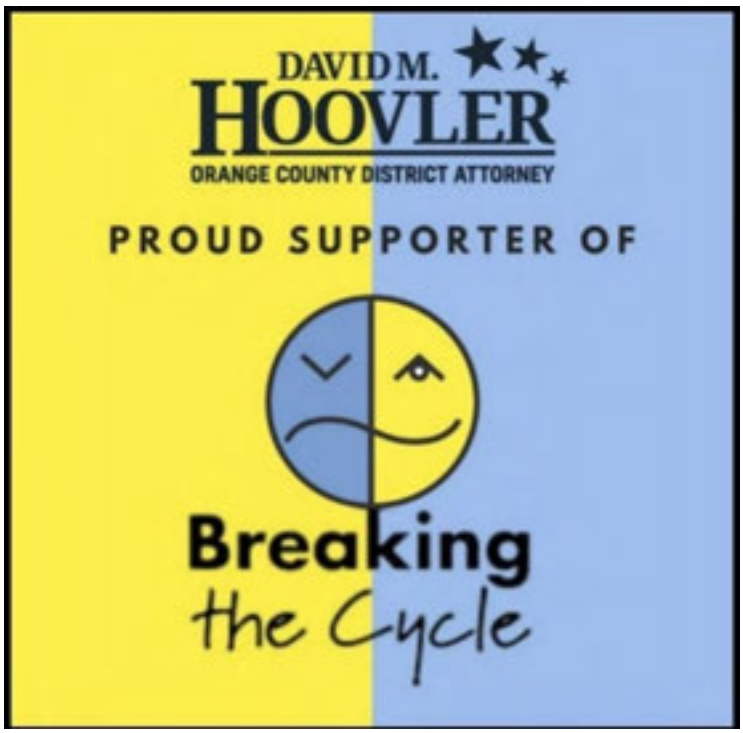
Youth Fishing Derby - On February 24, 2023, District Attorney Hoovler announced the launch of the Third OCDA Youth Fishing Derby. The Fishing Derby is part of District Attorney Hoovler's community outreach program. The Fishing Derby encourages the youth of Orange County to participate in an exciting outdoor sport that can be enjoyed for a lifetime. Any child who has a fish entered in the Derby, big or small, has an equal chance to win a prize. The Derby ran from April 1, 2023, through September 4, 2023 and was open to children between the ages of five and eighteen. Entry into the Youth Fishing Derby was free.

Safety Heading into Summer Season - On May 24, 2023, District Attorney Hoovler held a press conference regarding Summer Safety sponsored by Dana Distributors at the Erie Restaurant

in Port Jervis. The District Attorney was joined by Orange County police chiefs, Orange County Sheriff Paul Arteta, members of the New York State Police, representatives from Orange County STOP DWI, local fire officials, Pennsylvania law enforcement and members of the National Park Service. Members of the community were encouraged to be safe during the summer months. Specifically discussed was how to mitigate the risks inherent in the 100 deadly days of summer from Memorial Day through Labor Day, including during proms and graduations. The District Attorney talked about grilling safety, boating and water safety, including the use of life jackets, and illegal fireworks. Importantly, members of the public were urged to temper the use and abuse of alcohol and drugs for all of the celebrations expected to occur over summer. The public was notified that law enforcement would be on regular patrol looking for impaired or intoxicated drivers and boaters. "The summer months are exciting and filled with celebrations of graduations and other family events," said District Attorney Hoovler. "Let's make sure, together, that these celebrations create joyous memories and do not include impaired or intoxicated driving or boating. It is incumbent on all of us to safely enjoy the summer months. Safety is a conscious choice that is easy to make and will help to keep you and your family secure to enjoy the time together. Orange County has so much to offer us all and I encourage everyone to safely use our waterways and public lands and parks."

Fentanyl Awareness and Narcan Training Event - On September 29, 2023, Orange County District Attorney David M. Hoovler and Orange County Department of Mental Health Commissioner Darcie Miller hosted a Fentanyl Awareness presentation and panel discussion followed by training in the use of Narcan, which can be used to reverse the effects of an opioid overdose. District Attorney Hoovler joined Commissioner Miller and experts in the field of opioids to speak and participate in the panel discussion. The presentation addressed what fentanyl and Narcan (naloxone) are, how naloxone works to save lives, and the resources available in the community for prevention, treatment, and recovery. Following the presentation, a session was held to train individuals in the use of Narcan. The event was hosted in collaboration with the National Institutes of Health Healing Communities Study, the Ramapo Catskill Library System, SUNY Orange, the Orange County Department of Mental Health, and the OCDA. "Fentanyl is killing people every day," said District Attorney Hoovler. "Addressing the scourge of opioids is a herculean task, which requires the coordinated efforts of mental health professionals, doctors, law enforcement and the public. Narcan can and does save lives and it is important for members of the public to be aware of how to use it in the event it is ever needed. I am proud to join together with our partners to fight the opioid epidemic, and the fight begins with awareness. Please register and join us to learn more on this important subject that affects us all."

Coming For You/Save a Life - On November 6, 2023, District Attorney Hoovler announced the kick-off of a new public service initiative meant to reinforce his office's ongoing commitment to aggressively prosecute the illegal possession and use of guns. This two-pronged "Coming for You/Save a Life" public service initiative is designed to (1) Act as a harsh warning/reminder of the severe consequences for those who put our neighbors at risk through illegal gun possession and related violence and (2) Encourage community members to contribute to making our streets safer by anonymously reporting someone who is carrying an illegal firearm or involved in gun-related violence. The initiative features a series of billboards focused on warning offenders of harsh consequences of illegal gun possession, and a series of posters and postcards that encourage the anonymous reporting of those who possess illegal guns in Orange County. In addition, the campaign includes a powerful public service announcement video intended to drive home the negative impacts of illegal gun possession and the need for the community to contribute to making our streets safer. This initiative was not funded at the taxpayers' expense. Instead, costs were covered by asset forfeiture funds seized from people convicted of crimes. To be clear, law enforcement's pursuit of violent offenders does not - and will never - include the vast majority of gun owners who lawfully and safely possess legal firearms. To the contrary, the licensed/lawful possession of guns is an important right in our community. However, those who flout our laws and who use guns unlawfully against others pose a grave risk to us all. Police, prosecutors, and members of our community must work together to keep our streets safe.



Blackout Wednesday - On November 22, 2023, District Attorney Hoovler urged Orange County residents to make safe transportation plans for each Thanksgiving holiday. The National Highway Traffic Safety Administration (NHTSA) has termed the Wednesday before Thanksgiving "Blackout Wednesday" because of the proliferation of dangerous drinking and driving. Each year the public is notified that law enforcement will have enhanced patrols on area roadways in order to identify and stop drivers who are impaired or intoxicated. "Thanksgiving is a joyous holiday and I urge everyone to celebrate safely," said District Attorney Hoovler, "Please don't let the good times result in preventable and terrible outcomes. Far too often we see the choice to drink and drive end with arrest and prosecution, let alone injury or death to other motorists or pedestrians. Our dedicated law enforcement officers will be out on the roads to protect us all. Hopefully, the State legislature will soon pass the Deadly Driving Bill, closing unnecessary loopholes and enhancing police and prosecutors' ability to hold drug-impaired drivers accountable. In the meantime, do your part and arrange for safe transportation home and do not get behind the wheel of a car after you have been drinking. Someone is waiting at home for you."

VETERAN'S ISSUES

DA Hoovler walking with Veteran's Suicide Prevention Members and service animal.

In 2023, the OCDA continued to reach out to veterans, who risked their lives for our freedoms and who can now use some assistance. In November 2021, District Attorney Hoovler joined with the Hudson Valley VA Healthcare System to form an Orange County Veterans Suicide Prevention Coalition. Suicide numbers in Orange County are alarmingly high. Nationwide, about seventeen veterans succumb to suicide every day. Veteran suicide rates are fifty percent higher than non-veteran suicide rates. In an effort to reduce this sad statistic, the OCDA partnered with the Hudson Valley VA Healthcare System to create the Orange County Veterans Suicide Prevention Coalition. On November 6, 2023, 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 has been visiting local stores, businesses, and organizations, in, around and near Orange County, to ask for their help in preventing veteran suicide in their communities. In addition, the Coalition has attended several events with the same message. The response was nothing short of fantastic. More than one thousand and eighty-eight (1,088) stores, events, businesses, and organizations are displaying or have displayed 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 11,000-gun locks, an option for veterans and others to use, should 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, save lives. In addition to gun locks, during the course of this project, over 38,000 Veteran Crisis Line awareness resources were distributed to the public in our area.

Senior ADA Healy, members of Clear Path Veterans Advocate Group and DA Hoovler.

The response from Orange County's residents has been overwhelming. Orange County has the highest percentage of veterans in the Mid-Hudson region. Many businesses have already shown support for service members and veterans by giving veterans discounts. Many Orange County businesses and organizations also have relatives or friends currently serving on active duty in the Armed Forces, which is another reason for the outstanding support given to the Coalition. Government offices and law enforcement agencies have also been essential

ADA Evan Brucia at Veteran's Treatment Court opening ceremony

partners. Firearms dealers have been crucial partners in the distribution of gun locks to veterans wanting this resource.

In late 2023, the District Attorney's Office was instrumental in creating the Veteran's Treatment Court in the Orange County Court. The Court is designed to provide resources and treatment to veterans who may have committed felony offenses, particularly those who committed offences due to substance abuse of mental health issues.

In addition to working with the Coalition, and the creation of the Veteran's Treatment Court, the District Attorney's Office has sponsored events for Veterans which include education on how to access financial and healthcare resources and learning about recreational opportunities.

SUPPORTING LAW ENFORCEMENT

In 2023, the OCDA continued its commitment to work with and support our law enforcement partners. This included providing funding for enhanced training and equipment for our police officers and urging the community to support and appreciate the dangerous work that these brave men and women perform every day to keep tour communities safe. Below are just of a few ways the OCDA continued to support law enforcement in 2023:

Law Enforcement Appreciation Day (LEAD) – On January 9, 2023, District Attorney David M. Hoovler issued a statement recognizing Law Enforcement Appreciation Day (LEAD). LEAD is an annual nationwide day of support for police officers, established by the organization, Concerns of Police Survivors (COPS). As part of the recognition of the dedicated and dangerous work performed by law enforcement officers every day, District Attorney Hoovler visited several police departments with bagels to show his appreciation for their efforts to keep us all safe. All of Orange County's citizens are encouraged to show their support for our police officers. "Every single day, police officers go to work to protect and serve us all," said District Attorney Hoovler, "and every single time they do so, they put their lives at risk. Their work is often thankless in addition to dangerous, so we should all make sure to take time to show our gratitude for our law enforcement officers. Too frequently, the sacrifices of police officers are ignored, in favor of advancing political agendas that seek to blame police officers in those extremely rare cases where their duty to all of us requires them to use force. While LEAD stands as a reminder to appreciate our law enforcement officers, I encourage everyone to show that same appreciation every day of the year. Today, I call on Orange County's citizens to show their support for our men and women who, for us, daily put on uniforms of blue, and black, and gray, and green."

The LEAD organizers at COPS have suggested several ways that citizens may show their support for police officers:

- Change their profile pictures on social media to the .jpg image provided at www.facebook.com/nationalcops.
- Wear blue clothing in support of law enforcement.
- Send a card of support to their local police departments or state police agencies.

- Share a story on social media about a positive law enforcement experience.
- Ask children in their communities to write letters in support of law enforcement.
- Participate in Project Blue Light, by proudly displaying a blue light in support of law enforcement.
- Organize an event or a rally in support of their law enforcement officers.
- Advertise their support through local media outlets or billboards.
- Post a public service announcement supplied by COPS to their organization's webpage or social media pages.
- Most importantly, if they see a police officer, thank a police officer.

For further information about Law Enforcement Appreciation Day, please visit the COPS website at https://www.nationalcops.org/lead.html.

FUNDING FOR IMPROVEMENTS AT THE POLICE ACADAMY – In 2023 District Attorney David M. Hoovler announced that the District Attorney's Office will provide $100,000 to the Orange County Police Chief's Association to be used for building improvements and technology at the Orange County Police Academy. Such improvements will enhance the ability to train and certify new officers throughout the various police agencies in the County. "The Police Chiefs' Association of Orange County is extremely grateful to District Attorney Hoovler for his generous support of the police academy," said Orange County Police Chiefs' Association President and Town of Crawford Police Chief Dominick Blasko. "District Attorney Hoovler has been a proactive and collaborative partner in our efforts in meeting the criminal justice and discovery reforms. His support and efforts will enable us to continue and enhance our efforts to effectively train current and new police officers." "It is imperative, now more than ever, that law enforcement is regularly reinforced by well-trained and prepared new officers," said District Attorney Hoovler, "These funds will contribute to the Police Academy's mission to train new and experienced police officers in preventing and investigating crimes in order to keep our communities safe. Police officers remain on the front line between crime and our communities."

FUNDING FOR BODY-WORN CAMERAS - Orange County District Attorney David M. Hoovler, on Thursday, February 2, 2023, announced that his Office has provided funding to the Town of Wallkill for the purchase of body-worn cameras for officers serving the Town. The funds will be taken from forfeiture proceeds that the OCDA received from narcotics investigations and are part of District Attorney Hoovler's continuing program of providing funding for body-worn cameras to Orange County's police agencies. This was the fifth time the OCDA provided funding for local police agencies to purchase body-worn cameras and is part of District Attorney Hoovler's push for increased transparency in policing.

Presenting check to Town of Wallkill Supervisor for Body-Worn cameras.

"Body-worn cameras help ensure police accountability and transparency," said District Attorney Hoovler, "and can also provide valuable evidence for use in some criminal investigations and prosecutions. I am happy to have provided funding to the Town of Wallkill, as I have with other interested Orange County police agencies, for the purchase of body-worn cameras. Through that funding, we hope to help ensure that our

police agencies have the resources necessary to perform their duties safely and fairly, and to develop the evidence necessary to bring to justice those that are guilty of crime."

George Serrano, the Town Supervisor thanked District Attorney Hoovler and commended him for his support of local police departments, and the funding necessary, to outfit every officer with a body-worn camera.

NEW STAFF

On Friday, December 15, 2023, District Attorney David M. Hoovler announced that he would be appointing Tommy Watson to be the Chief Criminal Investigator of the OCDA on February 2, 2024. The then current Chief Investigator, Rudolph Simmons, retired after a storied career in law enforcement. Upon his appointment, Mr. Watson became the tenth Chief Criminal Investigator appointed to lead the Criminal Investigators who work in the OCDA. Three other experienced criminal investigators have since joined the OCDA: Brian Hammer, Paul Langowsky and Christopher Fox. In 2023, District Attorney Hoovler was also pleased to announce the promotions of Brett Weeden to Deputy Chief Investigator and Francis Pierri and Thomas Reinle to Senior Criminal Investigators. Deputy Chief Weeden was most recently assigned to lead the Office's Digital Forensic Unit ("DFU") and in his new role will help oversee the operations of the Criminal Investigators Unit. Senior Investigator Pierri will be assigned to lead the Criminal Investigators in the Newburgh Office. Senior Investigator Reinle will be assigned to lead the DFU.

Mr. Watson became a Senior Criminal Investigator in the OCDA, assigned to the Orange County Drug Task Force, in 2015. Prior to that he was a Criminal Investigator with the Sullivan County District Attorney's Office, a Town of Goshen Police Officer, and a long time Senior Investigator with the New York State Police. Mr. Watson became a member of the New York State Police in 1986. His assignments with the New York State Police included being assigned to the Community Narcotics Enforcement Team, ("CNET"), where he was the Member in Charge and supervised over twenty law enforcement officers.

District Attorney Hoovler congratulating Tommy Watson on his promotion to OCDA Chief Investigator.

Mr. Hammer is a retired New York State Police Senior Investigator who supervised complex investigations, including homicides. Mr. Hammer was a long time Polygraphist who conducted thousands of polygraph examinations during his career. Later, he supervised the work of other Polygraphists in the New York State Police. He became a Trooper in 1990 and worked continuously for the New York State Police until his retirement.

Mr. Langowsky is also a retired New York State Police Senior Investigator whose work included the investigation of over two hundred homicides and other serious crimes in Orange County and surrounding counties. As a Senior Investigator in the Forensic Identification Unit, he managed a

team of Investigators in the Crime Scene Unit, Collision Reconstruction Unit, and Evidence Custodians. He became a Trooper in 1995 and worked continuously for the New York State Police until his retirement.

Mr. Fox is also a retired New York State Police Senior Investigator whose work included long-term and complex investigations into narcotics sales and trafficking, and violent gangs. Mr. Fox participated in physical and electronic surveillance, which included judicially authorized wiretaps. His assignments included CNET, as well as appointments to a joint task force with the ATF, and as an investigator with the Queens District Attorney's Office. Mr. Fox became a Trooper in 1999. OCDA 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.

District Attorney Hoovler was also pleased to hire ADA Cynthia Dolan. Ms. Dolan is an attorney with over twenty-five years of experience who has argued hundreds of motions and appeals in federal and state courts. In addition to her appellate work in private practice, Ms. Dolan was the presiding Town Justice in the Town of Mamakating in Sullivan County from 2014-2022. In that role, she was designated as an Accessible Magistrate, who was permitted to handle cases involving Adolescent Offenders under New York State Raise the Age legislation. Ms. Dolan works in the OCDA's Appeals Bureau.