

2014

Bronx County District Attorney Annual Report



Robert Johnson
Bronx County District Attorney
www.bronxda.nyc.gov



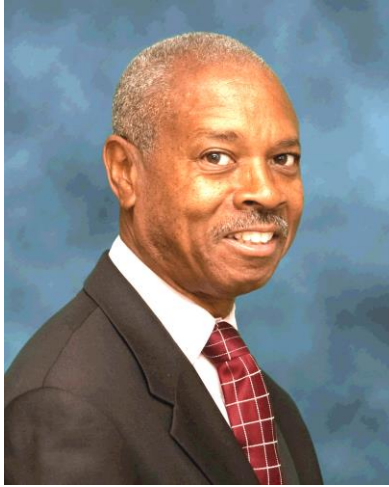
Stained glass mural at 233rd Street on the Number 5 subway line

Cover: The Bronx Borough Courthouse at 878 Brook Avenue (E. 161st Street and Third Avenue), once used for Criminal Court proceedings and Central Booking, shuttered for nearly four decades and recently repurposed for art exhibitions and community programs by the nonprofit group, No Longer Empty.

Photo Courtesy David Kopstein

Back cover: Detail on the rear of the Bronx Borough Courthouse

A Message From Bronx District Attorney Robert Johnson



The Bronx is undergoing a remarkable renaissance.

Safer than ever, violent crime in the borough is at an all-time low, with an impressive 73% decline since 1990. The Bronx is well on its way to becoming the new “hot” place to live, work and play, with new restaurants, businesses, hotels, and other attractions bringing people from all over.

It’s estimated (by *Real Estate Weekly*) that \$2 billion was spent on investment property in the borough in 2014, and that kind of investment and development is set to continue. It was a year that saw the opening of the Mall at Bay Plaza, with major tenants JC Penney and the second Macy’s in the Bronx. New shopping centers opened in Throgs Neck and elsewhere in the borough. 2014 also saw the near-completion of the borough’s fifth golf course, the Trump Links at Ferry Point, and a Marriott hotel at the Metro Center, in addition to the planned opening of more boutique hotels in the borough. Our restaurants and other places to eat have also attracted nationwide attention – the Bronx’s eateries were featured on Chef Anthony Bourdain’s TV show, *Parts Unknown*.

Gun crime continues to threaten our citizens, with an increase of nearly 17% in arrests involving illegal firearms. Guns and gangs remain our number one concern, and this office is teaming with the NYPD in new and different ways, employing data-driven crime strategies in both the apprehension of those who threaten the safety of our streets, as well as in the prosecution of these crimes in our Trial Bureaus and Gangs/Major Case Bureau. In 2014 we have continued to focus on gangs, obtaining convictions and indictments of the St. James Boys, the Bloods, the Gorilla Stone Bloods, Gangland Bloods, the Mac Ballas, the Latin Kings, the Trinitarios, Latin King Goonies, Woodycrimes, Lyman Place Gang (LPG), Forest Over Everything (FOE), SFG 64 Goons, and Six Wild, all gangs whose power is lessened with each prosecution.

Through our Community Affairs Unit, we target gang and gun violence in a variety of ways, through education and prevention. One of our most successful programs is CONCEPT, which reaches middle school children to positively empower them by teaching everything from Internet safety to dealing with peer pressure and bullying, avoiding substance abuse and instilling pride in community. Operation Gun Halt provides forums for parolees and probationers to emphasize the consequences of re-offending with guns, while at the same time, providing counseling and employment resources. These forums focus on certain neighborhoods most affected by gun violence, and are done in conjunction with the NYPD, the US Attorney’s Office, the Bureau of Alcohol, Tobacco and Firearms, and the NYS Department of Corrections & Community Supervision, the NYC Department of Probation, along with service providers.

Working with the NYPD and community groups, our fifth gun buyback means that more than 2,700 guns are no longer on the streets.

A Message From Bronx District Attorney Robert Johnson

One of the most important jobs this office has, across the board and encompassing all of its bureaus, from Intake and Criminal Court to Investigations and Appeals, is the screening of each and every case that comes in, either through arrest or investigation. Every case involves the careful interviews of police, complainants and witnesses, as well as, if they wish, defendants, and a thorough review of the evidence – all to not only eliminate errors in prosecution, but also to determine whether search and seizure was within Constitutional limitations. This is crucial for protecting the rights of all, both victims and defendants.

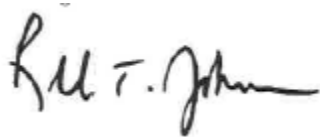
Our office is stronger than ever, since we have been able to add Assistant District Attorneys and support staff this fiscal year. That has meant the more efficient handling of cases. Our arrest-to-arraignment time is now below the mandated 24 hours. In the fall of 2015, we will be hiring three dozen new Assistant District Attorneys, adding to the strength of our bureaus. But we continue to call for more judges, the most necessary part of the effort to keep cases from languishing in the system.



[Soundview Park](#)

Nor is this office's work restricted to merely prosecuting wrongdoers. This office fully represents the victims of crime, not only in the courtroom, but also through the Crime Victims Assistance Unit. Although CVAU primarily serves victims and witnesses of felony crimes involving sexual assault, domestic violence, and homicide, any crime victim may contact the unit for help either on-site or through referral to appropriate service agencies.

This is the 27th Annual Report I have had the pleasure of presenting to the citizens of the Bronx and elsewhere. I remain grateful for the opportunity to serve the people of this borough and lead an outstanding team whose goal is to help make life better for the people of our community.



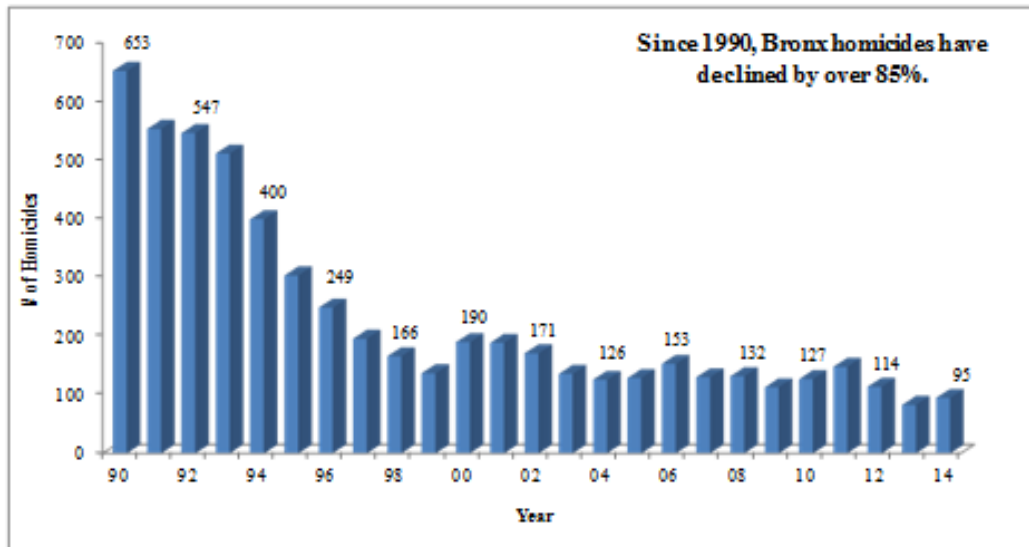
[Jerome Avenue & 170th Street](#)

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Crime Overview

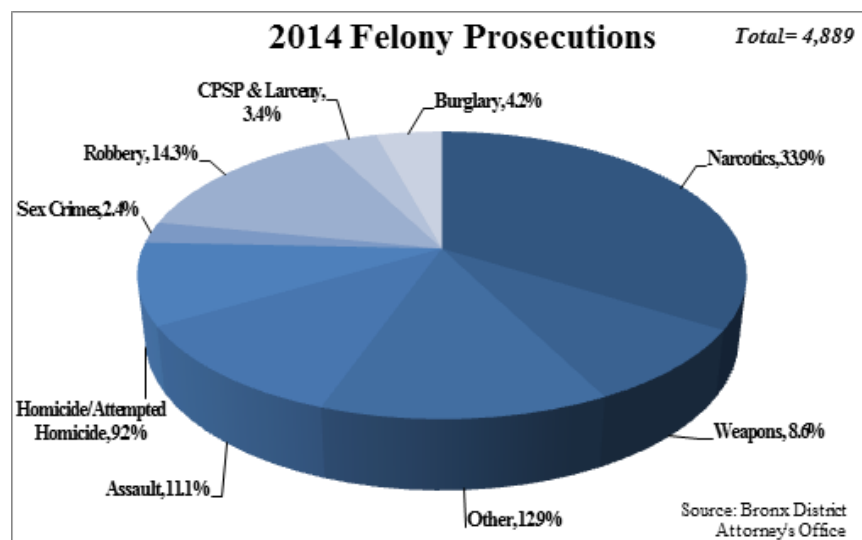
Decline in Homicides, 1990 - 2014



Source: New York City Police Department

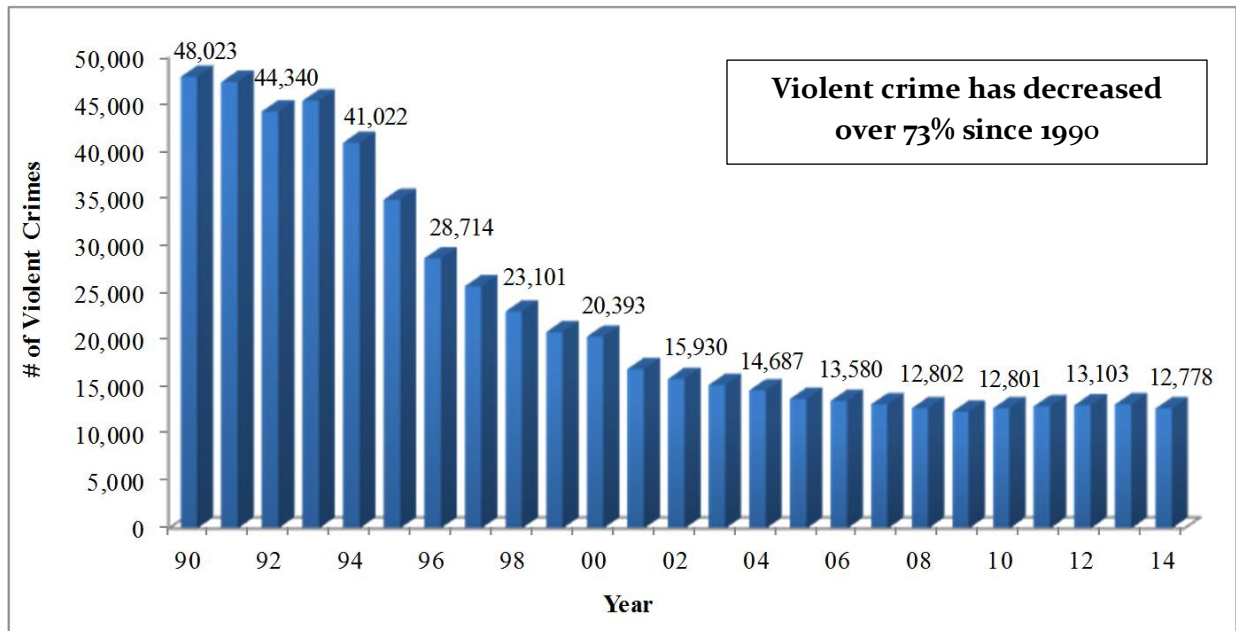
Bronx residents continue to suffer the highest per capita crime rates in NYC. Although Bronx homicides remained under 100 for the second consecutive year, the 95 murders that occurred in 2014 represent a rate of 6.7 per 100,000 population, the highest per capita murder rate among New York's five counties. Last year the Bronx accounted for 29.5% of all shooting incidents. Overall, about 25% of the crimes committed in NYC occur in Bronx County.

Nonetheless, Bronx County is the safest it's been in decades, with homicides declining by more than 85% since 1990, and violent crime decreasing by more than 73% during that same period.



Crime Overview

Violent Crime 1990-2014



Caseloads & Time Constraints

In recent years this Office has worked closely with Mayoral agencies and the Courts to bring arrest-to-arraignment time in Bronx County into compliance with the court-mandates. In 2014, for the second consecutive year, the average time from a defendant's arrest to the completion of the arraignment process dipped below 24 hours. This last occurred in 2001. The average arrest-to-arraignment time in the Bronx declined 3.2% from 2013 to 2014, to 23.16 hours.

The arrest-to-arraignment process requires cooperation and careful coordination. Unlike agencies that have some ability to shape their caseloads and the level of public services they provide, this Office must respond to each case brought before it, independently evaluating each arrest to determine if the person arrested should be charged, what charges should be brought, and whether the defendant should be held in custody or released.

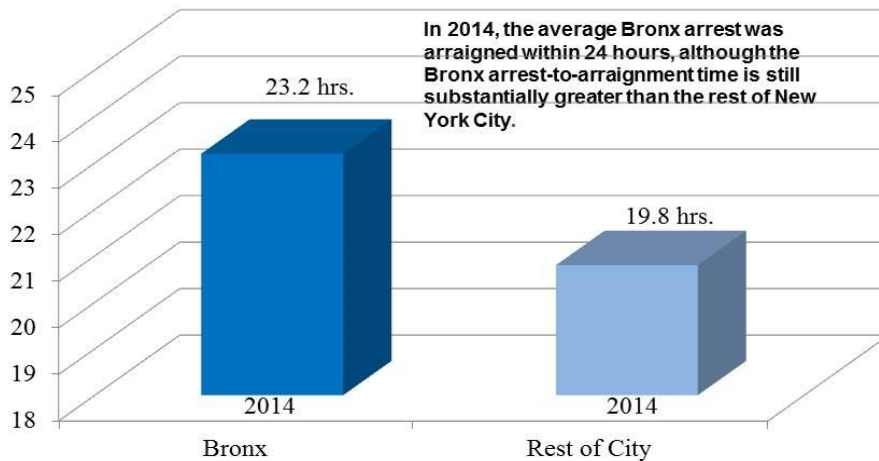
This process requires this Office to interview police, obtain and review relevant documentation and also to interview and provide appropriate support for victims and witnesses. If a crime is charged, Complaint Room staff must draft a legally sufficient accusatory instrument, evaluate the defendant's criminal history and present the relevant facts with an appropriate bail recommendation to the arraignment court.

Following several years of requests, additional funds were finally added in Fiscal Year 2015 in order to make it possible for the Complaint Room to be expanded with additional staff and facilities, adding typists and data entry personnel that will bring the Bronx offices up to speed with their counterparts in the other counties.

Crime Overview

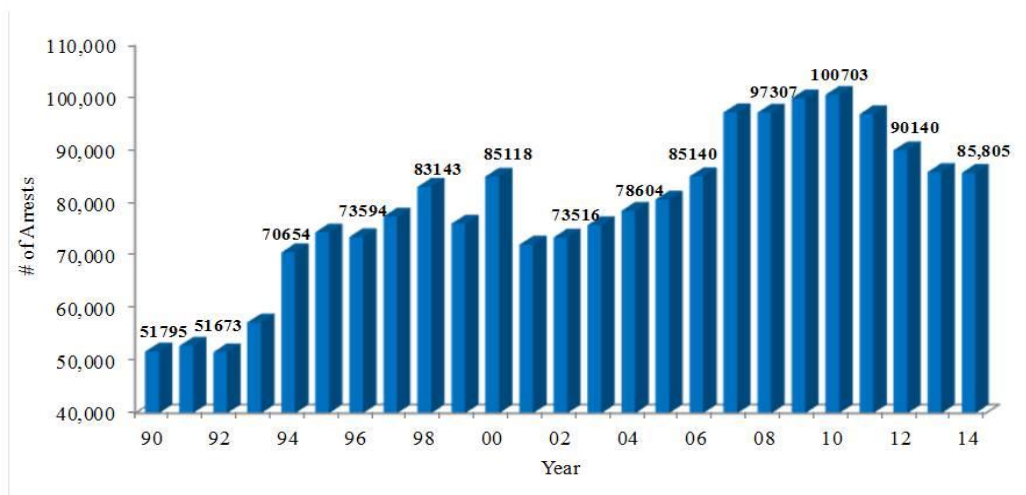
The Office has made significant strides in reducing case processing time, through various initiatives involving the standardization of paperwork, the reduction of paperwork necessary to bring a case, and changes in the video statement process, all initiatives involving the NYC Criminal Justice Coordinator, the Courts, and the NYPD.

Arrest-to-Arraignment Time Bronx vs. Rest of the City

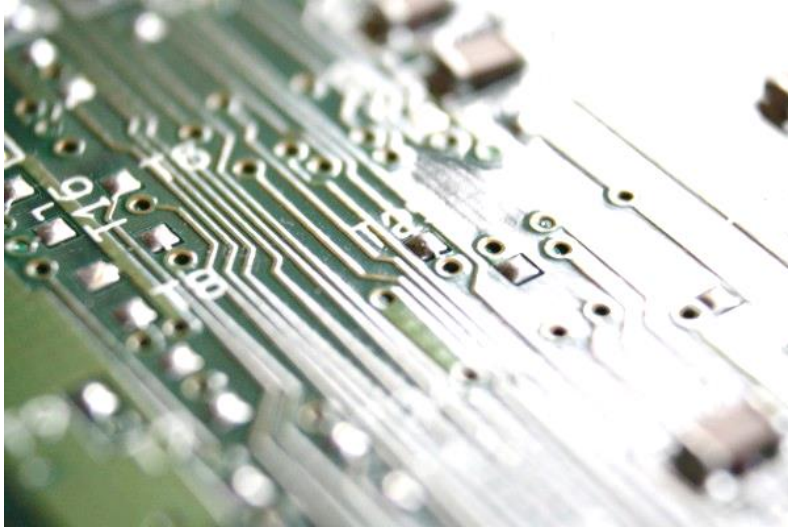


Source: NYPD Criminal Justice Bureau

Increase in Arrests 1990 - 2014



Crime Overview



Crime Strategies & Case Enhancement Unit (CSCEU)

Digital evidence and multimedia are common tools of this Office's investigations. With the growth and broad availability of telephone, computer and video communication, there has been a vast increase in the labor, equipment and software required to collect evidence. An investigation may require hours of listening to the phone conversations of gang targets, Rikers inmates or illegal-cigarette traffickers. Street cameras and interior video monitors are essential tools for identifying suspects and defendants, but they also require hours of careful review. Similarly, it is routine to scan Internet sites such as Facebook and other social networking venues as part of case investigations involving fraud, human trafficking, and drugs.

Thus, in 2014, the Bronx D.A.'s Office began staffing and equipping a Crime Strategies & Case Enhancement Unit to use technology in facilitating investigations and enhancing cases across all of its bureaus. This Unit will have certified digital forensic examiners for computers, cell phones, and other digital media, as well as cell site analysts, social media analysts, and call analysts for Rikers Island calls and others, in order to secure forensically sound results that can be presented by our personnel to the Court and the Grand Jury. A digital evidence custodian will be put in place. The Unit will be seeking certification, as a forensic laboratory, from state and national accreditation organizations. In addition, the Unit is working with the Community Affairs Unit, the National Guard which has a special program within our state, and the NYPD to focus in on, and reduce, shootings and by concentrating on the violence-prone areas and individuals of the Bronx. Using information from DOCCS (parole) and precinct commanders, new arrests of these individuals from the Bronx, and others from across the city, are reviewed and enhanced by the Unit before arraignment.



Crime Overview

We expect other agencies to participate as well, such as the Department of Probation. Assistant District Attorneys in the unit will be assigned to areas in the Bronx, and will monitor crime patterns in coordination with the NYPD and develop strategies to reduce crime with the help of local community groups. They will be monitoring and mapping information gleaned from defendants, the NYPD and our own Video Unit.

CSCEU will work hand-in-hand with the NYPD in its ShotSpotter gunfire detection system, which has been expanded to seven precincts in the borough, and will help determine the shootings and who might be responsible, especially when it concerns monitoring gang activity.

This office has conducted multiple prosecutions involving gang shootings and attempted murders, much evidence of which was clearly laid out in gang members' online chat and back-and-forth postings on Facebook.

The Unit will also work with the NYPD on its Body Worn Camera pilot project and the NYPD Felony Statement Program, in which digital recordings of police interrogations are taken by detectives at their precincts. CSCEU will also use crime mapping with the help of the NYPD, and videocamera site mapping for the Bronx, to take advantage of the proliferation of cameras on the streets, in businesses and in buildings.

A recent example illustrates the dividends these investigations can reap. A case begun in 2011 concluded earlier this year in which three parole officers attempted to return Jonathan Lee to prison after he violated parole on a gun charge. During that visit, a scuffle ensued. Lee seized one of the guns and assaulted an officer, striking her with the gun and attempting to shoot her. During the investigation, this Office obtained Rikers Island recordings of phone calls between the defendant and his friend, in which the defendant bragged about his attempt to kill the parole officer. That evidence was crucial in the defendant's finding of guilt, for which he was sentenced to life. This case illustrates the critical importance of reviewing all available electronic evidence.

The capital funding of this unit from Manhattan D.A. asset forfeitures and our own budget initiatives will allow for a meaningful expansion of intelligence gathering about crime and gang activity.

New technology and new uses of existing technology will facilitate the quick retrieval of data in order to link defendants to other cases – enabling this office and the NYPD to look at who is committing crimes and where the crimes are being committed.



Child Abuse/Sex Crimes

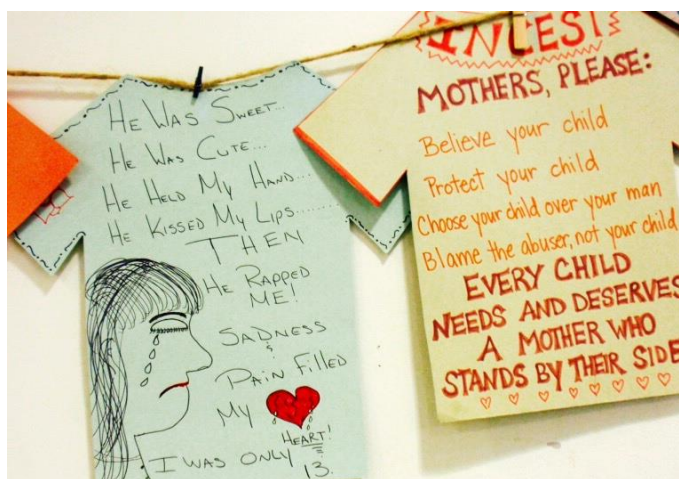
The Bronx District Attorney's Office Child Abuse/Sex Crimes Bureau (CAS) is tasked with the investigation and prosecution of the most sensitive of crimes – those involving physical abuse of children, and those involving all sexual assaults. The Office prosecutes these crimes whether or not the victim knows his or her attacker. The Bronx District Attorney's Office not only prosecutes these crimes, but also makes available to victims a network of support both during and after the life of their cases.

Child Abuse Response Unit

The Bronx District Attorney's Child Abuse Response Unit (CARU), which is part of the Child Abuse/Sex Crimes Bureau, investigates alleged child abuse and serves as a liaison to partner agencies. CARU consists of two coordinating assistant district attorneys, a supervising case manager, four paralegals and two clerical associates.

CARU cases begin with a report through the NYS Central Registry of suspected child abuse or neglect. In 2014, the Bronx alone accounted for almost 15,000 reports, more than 30%, of the approximately 50,000 reports of suspected child abuse and neglect cases investigated in NYC.

Over the last several years, the Bronx DA's Office has participated in anywhere from 200 to 300 joint interviews per year. An assistant district attorney, usually the CARU Coordinator, participates in the joint interview cases. With the establishment of the Bronx co-located Children's Advocacy Center (CAC) in February of 2015, the expectation is that the numbers for the Bronx DA's participation in joint interviews will double or triple. This Center will be staffed by experts from Safe Horizon, the Administration for Children's Services, the New York Police Department, the Bronx District Attorney's Office, the New York City Law Department and Montefiore Medical Center. Together, this team of experts, with support from the New York State Office of Children and Family Services (OCFS) and the New York State Office of Victim Services, will investigate and respond to the most serious cases of sexual and severe physical child abuse in the Bronx.



Child Abuse/Sex Crimes

Crime Victims Assistance Unit

The Bronx District Attorney's Crime Victims Assistance Unit (CVAU)(see page 24) provides comprehensive services to all victims, not only to child abuse and sex crimes victims, but is especially equipped to handle the special needs of these individuals, ranging from information and referrals to individual and group therapy. There is a designated rape victims advocate, and of the approximately 8,000 crime victims a year served by CVAU, at least 200 victims of child abuse and sex crimes were aided in one of CVAU's locations, at our main office, Bronx Criminal and Supreme Courts, and the Bronx DA's Satellite Office.

Bronx Sexual Assault Response Team

The Bronx Sexual Assault Response Team (SART) provides advanced forensic and counseling services to every sexual assault victim seeking treatment at any of the three municipal hospitals in the Bronx. Administered by the Health and Hospitals Corporation, the Bronx SART is on call 24/7, responding within one hour. Responders include a specially-trained forensic examiner and a rape crisis advocate. Because SART members are specially trained in handling the science and the emotions of a sexual attack, the team has greatly assisted BXDA's prosecutions of these crimes.

Cases of Note:

- *Day care operator Athena Skeeter was indicted for the death of 20-month-old Cardell Williamson, who'd been in her care. She faces charges of Murder in the 2nd Degree and Manslaughter in the 1st and 2nd Degree for allegedly throwing the child to the floor, stomping on him, then plunging him into a steaming tub of water.*
- *A 41-year-old former elementary school teacher, Anthony Criscuolo, pled guilty to Rape in the 1st Degree for sexually assaulting one of his P.S. 386 5th grade students, assaulting the 10-year-old in his car. He is serving 14 years in prison, with another 18 years post-release supervision.*
- *41-year-old minister and private school principal Michael Clare was convicted of statutory rape of two young teen girls, ages 13- and 14-years-old, one of whom was in his congregation, the other a student at his school. He will spend five years behind bars.*
- *Sherika Stewart and Leon Walters each, within hours of one another, beat their 3-year-old daughter with a belt, resulting in her death. Both were indicted for Manslaughter in the 1st Degree and took pleas, he to 10 years, she to 8 years behind bars.*
- *Christopher Ezell stabbed his 14-year-old stepdaughter to death – stabbing her more than three dozen times. He was sentenced to 22 years-to-life after being found guilty at trial of Murder in the 2nd Degree.*

Child Abuse/Sex Crimes

- *DNA evidence, as well as fingerprint evidence, connected rapist Terry King to two incidents, one in 2000, the second in 2010. He pled guilty to Rape in the 1st Degree and was sentenced to 19 years behind bars, with another 20 years post-release supervision.*
- *Hours after little 3-year-old India was left with her stepfather while her mother went to work, 911 was called, and emergency workers found the girl cold and lifeless. The diagnosis – blunt force trauma. Stepfather Kenneth Williams pled guilty to Manslaughter in the 1st Degree and will be spending the next 15 years behind bars.*
- *Less than 18 days after he'd been released from a prison sentence for anally sodomizing two boys, Clive Rosario returned to the Bronx. In a Parkchester apartment building, he employed a similar M.O. with yet another young boy, and has gone back to prison for his guilty plea to Attempted Criminal Sexual Act in the 1st Degree, for up to 18 years and another 25 years post-release supervision.*
- *He chatted her up on the #5 train, and then followed the woman to her Bronx hotel. Ivan Jones then pushed his way into her room, choked the young woman and raped her, stealing her cell phone, jewelry and wallet. Charged with Rape in the 1st Degree, a jury found him guilty of Robbery in the 2nd Degree, and he was sentenced to 11 years behind bars.*
- *Little Demi Gray had just celebrated her two-month birthday the day before. Left alone with her father, Gregory “G-Star” Gray, she suffered a beating so severe, her liver was lacerated, and multiple ribs were fractured, causing her death. Gray is serving 17 years behind bars.*
- *Danny Gonzalez helped the young woman open up the Laundromat where she worked, having brought her baby along with her that day. But the act of help turned into quite the opposite, as he threatened her – “Don’t scream or I’ll kill you and your kid.” He took her into a back room, raped the young mother, beat her and stole money from the business. He pled guilty to Rape in the 1st Degree and was sentenced to 25 years behind bars with an additional 25 years of post-release supervision.*



Domestic Violence



Domestic violence remains one of the Bronx's most disturbing crimes, and more pervasive in the Bronx than throughout the rest of the city. In 2014, there were more than 70,000 Domestic Incident Reports (DIR), which comprise 29.6% of the DIRs city-wide.

The emotional nature of domestic violence often

makes these cases difficult to prosecute. Victims often, for a variety of complex reasons, either choose not to cooperate with police or prosecutors, or change their minds and refuse to testify at trial. The BXDA has increased its use of so-called "evidence-based" prosecutions – those cases that are based upon evidence other than the testimony of the victim. Such evidence includes the observations of other witnesses, photographs of the crime or its aftermath, "excited utterances" of the victim that are admissible as exceptions to the hearsay rule, and, of course, statements by the defendant.

But the increased use of evidence-based prosecution of domestic violence cases means that the number of handled by the bureau has risen by at least 10% and is continuing to rise. While many victims continue in their relationships with their batterers, we are sending a strong message that domestic violence will not be tolerated.

Some notable Domestic Violence cases from 2014:

- *In a rage, Roberto Tavaréz, began wildly swinging a samurai sword at his mother and other family members, slicing his mother across her abdomen. When downstairs neighbor Pamela Winfield heard the commotion, she went running, grabbing the victim and pushing the woman into her own apartment. Face-to-face with Tavaréz, and using the survival skills learned during nearly ten years in the Army, Winfield managed to figure out how to avoid some of Tavaréz' swings of the sword, all the while backing toward her door. But he sliced her hands and arms, abdomen and legs – severing one of her hands. Her bravery and clear thinking got her to safety, where she dressed her own and the other woman's wounds, and summoned police. Tavaréz pled guilty to Assault in the 1st Degree and was sentenced to 15 years. In an unexpected but very welcome twist, despite her horrific injuries, Pamela Winfield was so gratified with the work that the Bronx D.A. and Courts do, she has come back to volunteer in our specialized Veterans Court (See section on Specialized Courts, page 17).*
- *Jose Victorino kicked, stomped and stabbed to death his long-time live-in girlfriend. Hours later, he dropped in on a friend in New Jersey, casually telling him, by the way, I killed her.*

Domestic Violence

Victorino turned himself in to police, who found the bloody evidence of his crime. Following a plea of guilty to Manslaughter in the 1st Degree, Victorino was sentenced to 23 years in prison.

- The conviction and sentencing of Johnny Concepcion for Manslaughter in the 1st Degree for the stabbing death of his recently estranged wife. He was sentenced to 22 years behind bars.
- The indictment of Andrew Atkins for Murder in the 2nd degree for the killing of his 19-year-old daughter after the two argued in their Bedford Park home.
- When a 911 call from a third party summoned police to Lawrence Spann's apartment, his wife of 12 years, the mother of his child, initially told police he'd hit her, and pulled out her hair. Police saw the piles of braided hair on the floor. Twelve prior Domestic Incident Reports had been filed, three of which involved violence. But after prosecution was initiated, she kept insisting nothing had happened, and she wanted charges against her husband dropped. Prosecution proceeded, based upon the police officer's observations and other evidence; the defendant pled guilty to Harassment in the 2nd Degree, and the now-estranged wife has a two-year full order of protection.
- Ronald McCullough climbed onto a fire escape and broke in to his ex-girlfriend's apartment by shattering a window, the sounds of the break-in were heard on the 911 call she made. Chasing her into a hallway, he strangled her, and fled before police arrived. The next day, he returned while she was not at home; he was caught on surveillance video walking out of her apartment carrying a flat-screen TV. Complaining witness S.R. became uncooperative during McCulloch's incarceration at Rikers Island, refusing to speak with the A.D.A. on the case. But, using the more than 100 Rikers calls between the Defendant and S.R. (during one of which he even dictated to her the language of a letter she sent to the A.D.A.), this office used evidence that McCullough's actions caused her to become uncooperative and unavailable. The court ruled that the Grand Jury testimony of S.R. could be used in place of her live testimony. Other evidence included the 911 call and the surveillance video. McCullough pled guilty to Petit Larceny and Criminal Obstruction of Breathing, and was sentenced to one year.

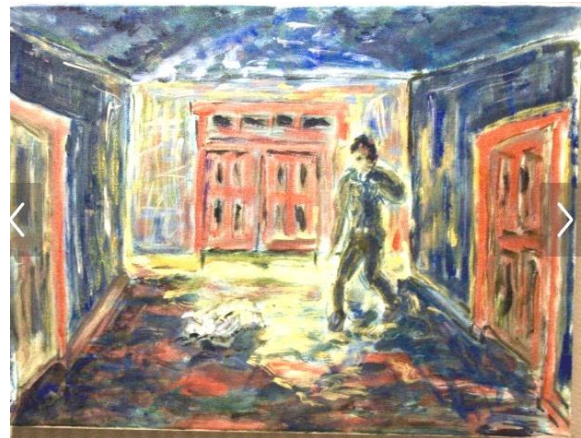


Specialized Courts and Programs

This Office plays a key role in Bronx County's specialized courts and programs. There are currently several of such specialized diversion programs within the county. The Bronx District Attorney's Office has diverted defendants to drug treatment for many years and developed formal partnerships to do so in October 1992. As can be seen from the table below, in 2014 the Bronx District Attorney's Office diverted 605 defendants to treatment through the Drug Treatment Alternative to Prison (DTAP) and other programs. Veterans Court was established in 2013 to further assist former members of the military with additional programs to support their particular needs. Each veteran is paired with a mentor who is also a veteran and thus has a unique perspective.

Bronx Mental Health Court

Recognizing that there are numerous reasons why people commit crimes, and that we must fight crime with many different resources, this Office is deeply committed to serving the needs of the mentally ill. Just as we offer programs to those suffering from drug or alcohol dependence, it is even more important to do so in cases where a defendant suffers from mental incapacity. It is our hope that by offering appropriate services to these offenders, we can change their lives and prevent further crimes. Additionally, permitting mentally ill defendants to serve time in community-based monitoring programs gives them access to individualized mental health care treatment that may not be accessible while incarcerated.



According to the Office of Mental Health 2014 Interim Report, in New York State, approximately 1 in 4 adults suffers from a diagnosable mental illness, with approximately 1 in 17 suffering from a serious mental illness. Further, according to the Action Plan issued in 2014 by Mayor DiBlasio's Task Force on Behavioral Health and the Criminal Justice System, approximately 38% of the jail population in New York City suffers from mental illness, with roughly 7% suffering a serious mental illness. This 38% was a marked increase from the 29% estimated in 2010. Not only are the sheer numbers high, but also mental illness is pervasive in almost every type of case this Office prosecutes.

Notably, our Office, which was designated by the Department of Justice as a Mental Health Court Learning Site in 2006, has been on the forefront of recognizing the specific issues regarding mental illness. To that end, through the Bronx Mental Health Court, we work closely with the defense bar, judges and agencies such as EAC/TASC Network and a multitude of mental health program providers, to carefully balance the needs of the citizens of Bronx County in general, and

Specialized Courts and Programs

more specifically of the complaining witnesses, with the needs of the defendants. This Office has referred all types of cases from nearly all of its Bureaus to the Mental Health Court.

In addition, our multi-faceted approach recognizes that many of the defendants suffering from a mental disorder also suffer from drug addiction. Accordingly, services are provided by many different programs that can tailor treatment plan to the needs of the defendant to achieve better success rates.

Veterans Court

The Bronx Veterans Treatment Court was established on Veterans Day, November 2013, to serve those veterans who, back home from military service, and perhaps even having endured difficult deployments, find their return home is fraught with problems that may lead to run-ins with the law. Modeled after the specialized drug and mental health programs, Veterans Court works with low-level, non-violent felony cases, offering vets drug and/or alcohol abuse counseling, mental health services, and other services that are particular to veterans' needs.



Military veterans also volunteer as mentors to defendants. One such mentor is retired Army [rank] Pamela Winfield, whose encounter as a victim and witness to an horrific crime left her so impressed with the dedication of everyone in the criminal justice system, she returned to volunteer. Hearing a commotion at her upstairs neighbor's apartment, she saw the neighbor's mother bleeding profusely in the hallway, and encountered her son, who was wielding a samurai sword. Taking wild swings, Roberto Tavaréz came face-to-face with Winfield, who used her ten years' of military experience to both get his mother back into the apartment, while trying to avoid the wildly swinging blade. But Tavaréz sliced off one of Pamela Winfield's hands, and badly gouged her legs, one knee so badly injured that bone was exposed. Despite her horrific injuries, Winfield managed to get back into the apartment and, despite her injuries, dressed the neighbor's wounds and her own.

Pamela Winfield was so gratified with the work that the Bronx D.A. and the Courts did in her case, during which Tavaréz pled guilty to Assault in the 1st Degree and was sent to prison for 15 years, that she became a mentor in Veterans Court, and is actively working with defendants.

Specialized Courts and Programs

Drug Treatment Courts

Drug treatment court provides court-mandated substance abuse treatment to non-violent addicted offenders, as well as to juveniles and to parents charged in Family Court child neglect cases, with the aim of ending the cycle of addiction and recidivism. Through our specialized courts in Part C and MICA (Mentally Impaired and Criminally Addicted)/TASC (Treatment Alternative for Safer Communities), special attention is paid to the defendant's needs, with coordination between prosecutors, defense attorneys, treatment and service providers, and law enforcement.

Drug Treatment Enrollment, 1993 – 2014

PROGRAM	1993 - 2011	2012	2013	2014	TOTAL
DTAP	3,715	102	130	173	4,122
BX Treatment Court*	1,819	0	0	0	1,819
Mental Health Court	1,149	45	65	61	1,320
BX Treatment Misd. Court	1,246	42	6	0**	1,294
Other Residential	4,454	89	114	121	4,778
Other	2,685	85	156	159	2,085
Judicial Diversion***	352	251	236	91	930
TOTAL	15,420	614	707	605	17,384

Note: Drug Treatment Alternatives to Prison (DTAP) is for predicate offenders. "Other Residential" includes first-time offenders placed in residential programs. "Other" includes Extended Willard Drug Treatment, residential and outpatient programs and first-time and predicate defendants.

*In 2009 the Bronx Treatment Court closed. Many of the cases formerly handled through this Court subsequently have been placed in drug treatment programs through Judicial Diversion.

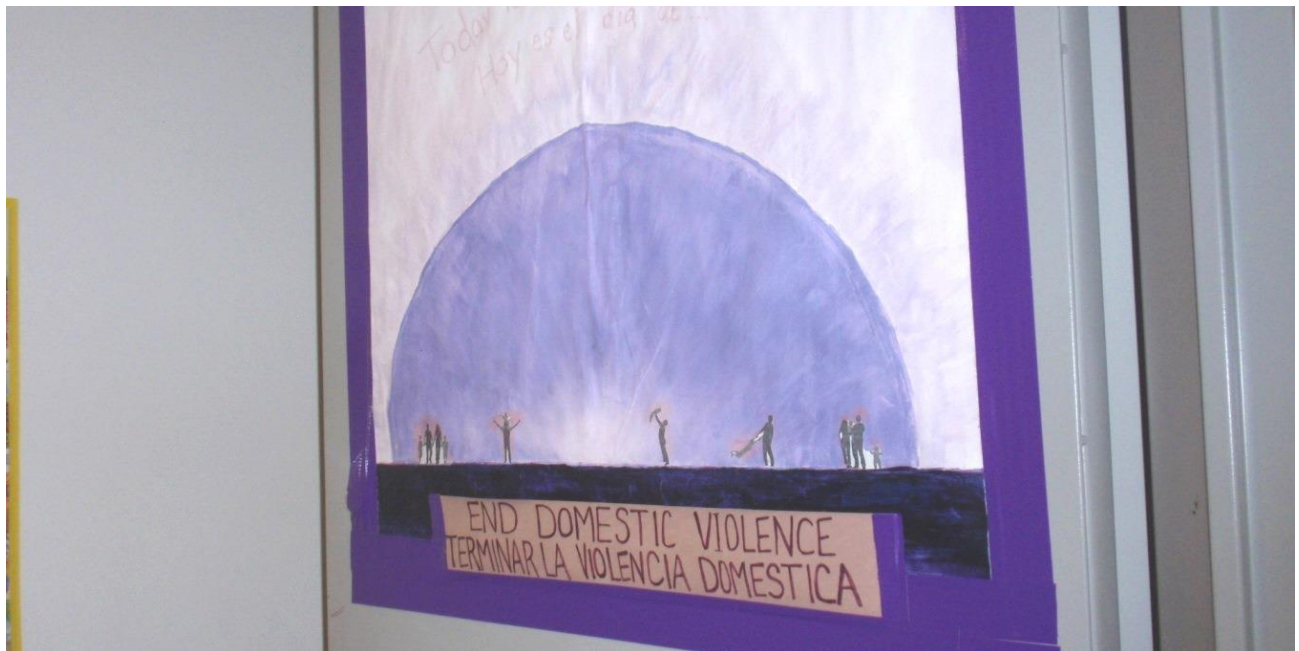
**Following the "demerger" of the Bronx Criminal and Supreme courts in late 2012, OCA closed the misdemeanor treatment court due to a lack of demand for misdemeanor drug treatment. Some MICA (mentally ill chemical abuse) defendants arrested for misdemeanors may still be enrolled in treatment programs.

***Since 2010, the Bronx Court has classified cases even with District Attorney's consent as Judicial Diversion. The District Attorney's Office consents to approximately 95% of all diversions.

Specialized Courts and Programs

Integrated Domestic Violence Court (IDV)

The Bronx IDV Court, the first such court in New York State, serves families by allowing a single judge to hear multiple case types – criminal, family, and matrimonial – when it relates to a single family where the underlying issue is domestic violence. Having one judge hear a family's case, there is greater consistency in the Court's decisions, and the needs of those who require additional services and the monitoring of court orders are better served.



DNA & Prosecutions



DNA is the most rapidly expanding scientific forensic discipline in the courts, the laboratories and the precincts. The effect of DNA evidence cannot be understated in cases handled across the board at the Bronx D.A.'s Office, and it is critical for conducting cases in the trial bureaus, auto-crime prosecutions, and conviction-integrity reviews. Any person in New York State who has been convicted of any crime is now required to be swabbed, and their DNA profile entered into the State DNA Databank. Our DNA Prosecution

Unit services the forensic investigation, prosecution, and litigation for every Bureau in the Office while also responsible for its own investigations and cases.

Among 2014's cases in which DNA has been a critical factor in arrests and convictions:

- *In the span of one month in 2010, two private homes just a couple of blocks apart were burglarized. In the first location, on East Tremont Avenue, a woman walked into her home to find the window to her fire escape open and her home ransacked. She was missing cash, electronics, and a computer. The perpetrator of this crime drank from a juice bottle and left it in the kitchen. A month later on Fairmount Place, another woman came home to find her second floor window open and property missing. A ladder had been positioned outside of her second floor bedroom window, and someone had taken cash, electronics, and a TV, but had left behind a black glove. DNA developed from the juice bottle and the glove led to Devontae Mculin, who is now charged with multiple felonies.*
- *On November 2, 1981, Tolila Brown was found dead on the floor of a shack, bound and with a ligature around her neck. The man who inflicted this torturous death upon her avoided being held responsible for decades. The fingernail clippings taken at the autopsy of Ms. Brown were stored, and after the receipt of a cold case grant, were analyzed. The DNA linked to Jesus Aguilera, who had been convicted of committing two prior murders. Now, also convicted of murdering Brown, a court imposed 15-to-life prison sentence on him. This conviction brought long-delayed closure to Ms. Brown's four children and ensured that a serial killer would likely never be at liberty to kill again.*
- *A drop of blood was all it took to catch and convict a would-be murderer. On the evening of October 15, 2014, livery cabbie Jose Andino Funez was parked on Bryant Avenue. Having just been paid, Mr. Andino tucked his money into his shirt breast pocket. Moments later, a man approached the passenger side window of his cab with a gun and shot Mr. Andino repeatedly before grabbing the cash and running.*



© OCME Alison Domzalski 2011

DNA & Prosecutions

Despite his injuries, Mr. Andino was still able to drive and followed the man, eventually striking him with the car. The perpetrator fell but managed to get up and run away. Because this incident happened so quickly and unexpectedly, Mr. Andino did not get a good look at his attacker's face and was unable to identify anyone. But, when this assailant was hit by the car, he left a single drop of blood on the pavement. The DNA from the blood matched the DNA in the State database for prior convicted felon Christopher Coe. The defendant was subsequently arrested, based on this DNA hit, and was sentenced to ten years in prison.

- *A rapist could hide, but he could not hide from the crimes he committed a decade apart because of DNA. In August, 2000, a 21-year-old victim was working the midnight shift at a laundromat at 1174 Webster Avenue when Terry King ordered her at gunpoint into a back room, after which he forced her to perform oral sex on him and then raped her. In November, 2010, a man abducted a 21-year-old woman from a street near the Monroe Houses, forced her into his vehicle and took her to a deserted parking lot off Bruckner Boulevard, where he raped her and threatened to shoot her to death if she screamed. During that ten year period, the establishment of forensic databases would make it possible to identify and convict Terry King, and send him to prison for 19 years.*



- *In May of 2009, an 18-year-old victim was approached near Kingsbridge Road as she returned home from work. Nine days later, a 17-year-old victim was approached on Kingsbridge Road as she returned home from the gym. In both instances, the women were told that the perpetrator had a gun before he ordered them into an abandoned house, where they were raped. DNA evidence linked these crimes to convicted sex offender Stephen Robinson, who had just been released from prison seven months earlier, after serving time on an unrelated sex crime. He had previously been convicted of sex crimes in the 1980s. The defendant was convicted after trial and sentenced as a mandatory persistent felony offender to 50-years to life.*

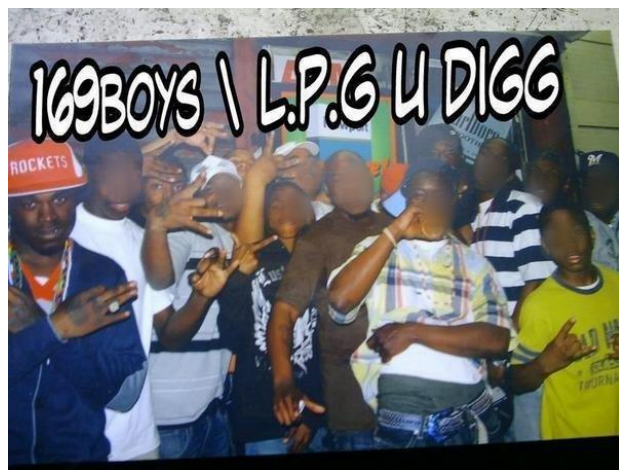
The successful prosecution of serial sexual offenders and murderers provides inestimable value to the victims, their families, their communities and public safety to all those who live and work in our city. The demands on the Unit grow daily as the science evolves and becomes more sensitive and DNA permeates virtually every case.

Gang Violence

The issue of guns, gangs and street violence is often inextricably linked, and the prosecutions of these cases, as well as other major cases, take place primarily under the auspices of the Bronx D.A.'s Gangs/Major Case Bureau. Often, the investigation of these cases is long and intricate, and enlists units from the NYPD, the US Attorney's Office, and other federal and local agencies. In 2014, cases handled by the Office involved the indictments and/or convictions of the St. James Boys, the Bloods, the Gorilla Stone Bloods, Gangland Bloods, the Mac Ballas, the Latin Kings, the Trinitarios, Latin King Goonies, Woodycrimes, Lyman Place Gang(LPG), Forest Over Everything (FOE), SFG 64 Goons, Six Wild, all gangs whose power is lessened with each prosecution. Often, the investigation of these cases is long and intricate, and enlists units from the NYPD, the US Attorney's Office, and other federal and local agencies.

Among 2014's cases:

- *The successful prosecution of Edgar “Puebla” Morales, the St. James Boys gangbanger once convicted under the NYS Terror Statutes, convicted again. After one hung jury, a second trial that ended in conviction but then overturned by the Court of Appeals because the prosecution under the Terror statutes was found inappropriate, a third jury once again convicted Morales of Manslaughter, Attempted Murder and Gang Assault for the shooting at a christening party that took the life of 10-year-old Melaney Mendez and permanently disabled an innocent bystander. Morales has been sentenced to 50 years.*
- *The sentencing (ranging from five to 15 years) of Clivie “Momo” Smith, Carvette “Zico” Gentles, Rohan “Santana” Francis, and Darrell “Dutch” Joe for the notorious shooting of young teen Vada Vasquez, an innocent bystander hit by a bullet fired in a dispute between rival street gangs, the Gorilla Stone Bloods and the Gangland Bloods. It was a dispute fomented in Rikers Island that erupted on the Bronx's streets. The case was part of the gang warfare that ended in a 160-count indictment against 38 “Bloods” members and associates on charges of conspiracy, attempted murder, assault, narcotics trafficking and illegal gun possession. Survivor Vasquez, a standout high school student at the time and now pursuing higher education, became a symbol of the impact of gun violence.*
- *Gun violence took a cruel twist in the case of the shooting death of a 22-year-old man who was attending a memorial vigil for another, unrelated murder victim. For that, Darrell Patillo pled guilty to Murder in the 2nd Degree and Attempted Murder in the 2nd for*



Far left, Clivie “Momo” Smith with members of the 169 Boys/Lyman Place Gangsters, what they called themselves before they all turned Blood.

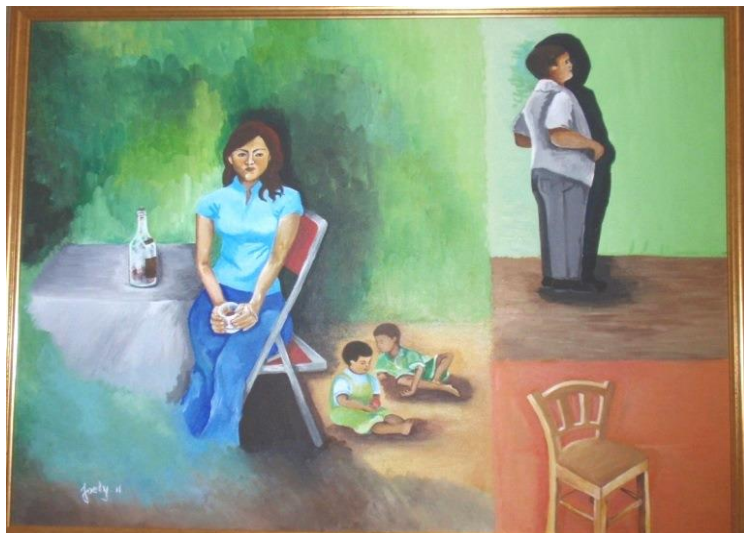
Gang Violence

shooting into a crowd, hitting Jonathan Lewis. The memorial was for late Mac Balla Michael Ikoli, Lewis' childhood friend. Patillo's sentence – 25 years-to-life.

- *63 reputed members of the Bloods and the Mac Ballas were indicted on charges of conspiring to commit murder, attempted murder, assaults, and sell illegal narcotics. The case followed a two-year-long joint investigation with the NYPD, the US Attorney's Office, the DEA, ICE, Homeland Security, and the NYC DOC Gang Intelligence Unit.*
- *Bloods members Mark Laramore and Shawn White were sentenced, both to 23 years in prison, for the unprovoked killing of social worker and father of four Raymond Ortiz. Ortiz, whose fourth child was on the way, was gunned down as he took a rare night off from the two full-time jobs he was holding down. He was returning home from visiting friends when he dozed off while waiting for the BX22 bus in Castle Hill, never to board.*
- *19-year-old Yenfri Ramirez, a member of the Patria subset of the Trinitarios, will be spending the next 44 years behind bars for a triple shooting in Devoe Park that killed two people and wounded another. The shooting followed an argument that broke out about Ramirez' brother. The gang member was convicted of Murder in the 2nd Degree, and sentenced to 44 years-to-life.*
- *Latin Kings member Santos Santiago was found guilty of Manslaughter in the 1st Degree for the stabbing death of Miguel Baret, and sentenced to 20 years. It was a revenge slaying, after Santiago got into an altercation with a number of people with whom his son had a dispute, and Baret had jumped into the fray.*



Crime Victims Assistance Unit

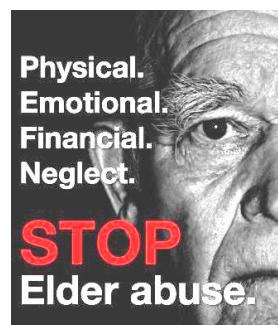


This painting, done by a former client of the Bronx D.A.'s Crime Victims Assistance Unit, portrays what she experienced when she first came in for counseling because of domestic abuse. The artwork depicts the mother's feelings of isolation and emptiness, and the husband/abuser is enveloped in a dark shadow. It hangs prominently in the CVAU corridor.

The Crime Victims Assistance Unit (CVAU) provides comprehensive services to all residents of the Bronx and anyone who has been a victim of a crime in the borough.

Victims and witnesses are generally referred to the Unit by Assistant District Attorneys, however, the CVAU assists anyone, whether or not there's been a police report, an arrest, or a prosecution and regardless of the time that has passed since the incident occurred.

The CVAU staff includes Crime Victim Advocates, Trauma Therapists, a Domestic Violence Advocate, a Rape Victims Advocate, as well as an Elder Abuse Advocate. In an effort to be more accessible to victims, CVAU also has a satellite office in the northeast Bronx.



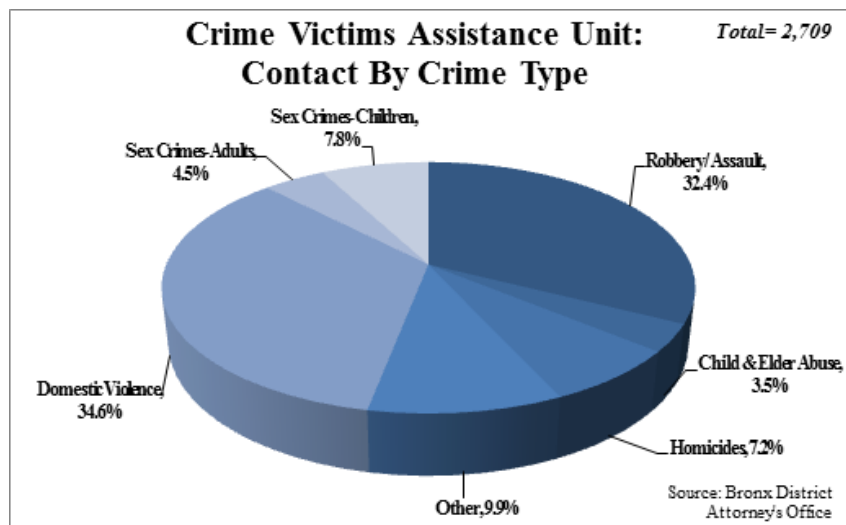
The Unit provides both concrete and supportive services that include: crisis intervention, advocacy, individual and group therapy for the primary victim as well as family members, and assistance in filing a claim for victim compensation through the NYS Office of Victim Services. CVAU also helps victims, witnesses and their families navigate their way through the court system, explaining what the process is, and

even accompanying clients to court if needed.

Additional services include short and long term emergency housing placement, and transportation when necessary to court appearances. Even though a criminal case may be over, a client's contact with CVAU does not have to end, a number of clients have continued to receive services long after the prosecutions of those who were charged.

Crime Victims Assistance Unit

CVAU is also involved in crime prevention by bringing to the public awareness of issues that affect victims of different types of crime. CVAU also conducts educational presentations to the community. The month of October is designated Domestic Violence Awareness Month and CVAU holds two events in recognition – the annual Wellness Day, and a roundtable discussion

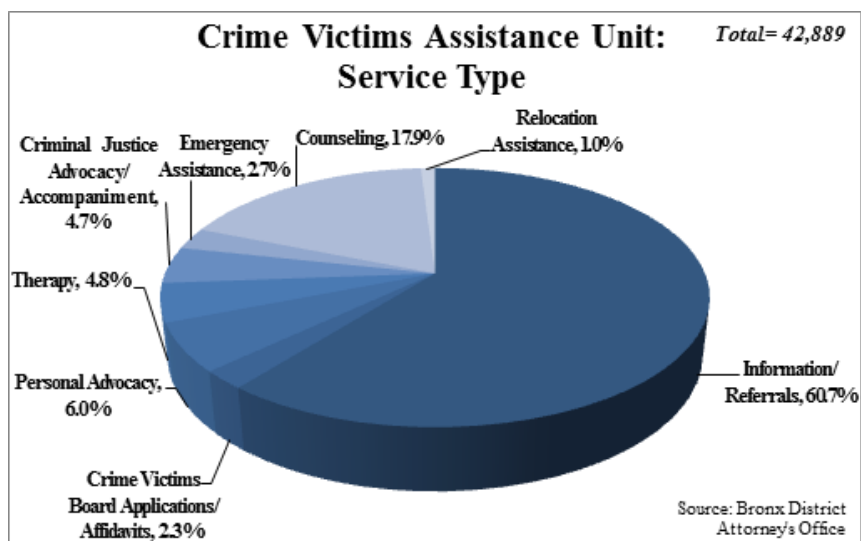


with various professionals and a survivor entitled, “The Many Faces of Domestic Violence.” April is designated Sexual Assault Awareness Month, during which National Victims’ Rights Week also takes place. In 2014, CVAU partnered with the Bronx D.A. Community Affairs Unit to sponsor three separate educational forums: “Protecting our Children: Lessons Learned from Sex

Offenders;” “Morning Story,” which reflects issues of dating violence; and “The Many Faces of Domestic Violence” which has been repeated, because it is always so well attended.

In December, a particularly difficult time for crime survivors, especially those who have lost a loved one to murder, CVAU sponsors two events: “Holiday Blues,” a half-day event that validates how the holidays are different after a victimization has occurred, and the annual “Tree of Angels” ceremony, in which homicide survivors hang a decorative angel on a holiday tree to commemorate the life of their loved one.

CVAU provides comprehensive services to crime victims, ranging from



information and referrals to individual and group therapy. These services are provided at both the Unit’s three sites on 161st Street, which are in close proximity to the courts, and at the CVAU satellite office in the northeast Bronx. CVAU saw a total of 2,709 new clients in 2014. CVAU staff made almost 43,000 service contacts with victims and witnesses during 2014.

Gun Violence

Senseless gun violence continues to plague not just many neighborhoods in the Bronx, but much of New York City. All too often, gun violence threatens the safety and security of our borough's residents. Tragically, innocent bystanders often pay the price. BXDA conducted many high-profile, successful prosecutions in 2014, including those in which a rival gang fight beginning at Rikers and spilling out into Bronx streets ended in the shooting of an innocent bystander, a teen



whose ordeal and survival became emblematic of the illegal gun problem (See page 20). Other cases during the year involved a 57-count indictment charging nearly a dozen members of the Lyman Place Gang with murder and other crimes, and the murder conviction for the second time of a St. James Boys gangbanger who was first tried and convicted

under the state antiterrorism statutes. That first conviction was overturned on appeal (See page 20).

Cases involving gun violence are not limited to one Bureau alone, but can be found prosecuted by any number of them, but especially in the Gangs/Major Case, Narcotics, and Trial Bureaus.

Tragically, innocent bystanders often pay the price.

Among the Bronx D.A.'s high-profile, successful prosecutions in 2014:

- *Jeffrey Ramirez shot and wounded his intended target following a dispute over line-jumping, and also killed young mother Yaritza Pacheco, an innocent bystander. He was apprehended on a jet bridge, about to board a flight in an attempt to flee the country. He was tried and convicted on charges Manslaughter and Attempted Murder, and sentenced to 25 years behind bars.*
- *The 57-count indictment charging nearly a dozen members of the Lyman Place Gang with murder, attempted murder, conspiracy and other crimes– with members who went by street names such as “Shawny Shawn,” “Biggs Sip Lukey,” and “Ice-T Lyman” planning their crimes through Facebook posts and chats.*
- *Joseph Diaz was sentenced to 25 years after being convicted of Manslaughter in the 1st Degree. He fired a .45 semi-automatic wildly into one of the Bronx’s busiest intersections, acting out of a misplaced sense of loyalty, aiming at a man with whom his brother had lost a fistfight. But he struck and killed young mother Aisha Santiago, who died as she tried to crawl toward her 9-year-old son.*

Gun Violence

- *Austin Babb murdered a teen with whom he'd had an earlier "stare-down," and wounded three other people who happened to be in the apartment's common hallway at the time. Convicted of Murder in the 2nd Degree, he will spend 25 years to life in prison.*
- *Convicted killer Robert Mitchell was sentenced to 75 years-to-life on Assault and other charges for the Mother's Day 2010 triple shooting that took place following a toddler's birthday party, when he fired a .45 semi-automatic pistol into a crowd of partygoers in the Mount Hope section of the Bronx.*
- *Tamarkqua "Brees" Garland shot wildly into a crowd of a dozen people, pulling his .32-caliber handgun after arguing with a group of men. But he hit an innocent bystander, a teenage boy, in the leg. Garland was convicted of Assault in the 1st Degree and related crimes and sentenced to 14 years.*
- *In the shadow of Yankee Stadium during a busy lunchtime, Horace Coleman opened fire with a Magnum .357 and fired at two men in a dispute over borrowed money – one of the men died. He was found guilty of Murder in the 2nd Degree, Attempted Murder in the 2nd Degree, and gun crimes, for which he was sentenced to 20-to-life.*
- *Jeffrey Pierre was indicted for the shooting deaths of two men, Kaiison Lewis and Jermaine Johnson, after chasing them from his car to theirs, which was parked on Rombouts Avenue. That's where Pierre allegedly opened fire with a 40-caliber semi-automatic, squeezing off 13 shots.*
- *Jonathan Lee a persistent violent felony offender, scuffled with the officers who came to take him in for violating parole. He grabbed one officer's gun and tried to shoot – the firearm, thankfully, failing. The 25-year-old Lee was sentenced to life for the attempted murder of his parole officer.*



Programs conducted by the Bronx D.A.'s Office's Community Affairs Unit seek to reach members of the community to help get unlicensed guns off the streets and give Bronx residents resources to make their neighborhoods safer. These programs include CONCEPT, Operation Gun Halt, and the Gun Buy Backs.

Narcotics

Narcotics remain an issue for the Bronx, and all of New York City. Perhaps the most striking change in the way illegal drugs are prosecuted took place in 2014, when arrest policies were



changed on low-level marijuana possession. That has somewhat reduced the numbers of cases coming in to Criminal Court. But the majority of cases continue to involve heroin and cocaine, and their trafficking, and two cases below represent major successes this office has had in bringing operations to a halt. The Bronx D.A.'s office has also had a great measure of success with its alternatives to incarceration, and getting treatment for offenders in lieu of incarceration (when programs are successfully concluded), through our specialized courts in Part C and MICA (Mentally

Impaired and Criminally Addicted)/TASC (Treatment Alternative for Safer Communities), Education, Judicial Diversion, and Veterans Court.

The Bureau's Narcotics Eviction Unit is responsible for assisting landlords evict tenants who use their apartments or commercial premises for illegal trade or business, namely the sale or possession of narcotics. Assistant District Attorneys work closely with landlords, community groups, tenant organizations and other city agencies, holding the tenant of record civilly accountable for criminal acts that occur in their premises. The ultimate goal is to rid these buildings and businesses of narcotics activity via the civil court system so that law-abiding citizens can live in a drug-free, crime-free environment. The Unit has recently expanded its scope to include illegal trade beyond narcotics, including but not limited to gambling, prostitution, trademark infringement, untaxed cigarettes, and fencing operations.

- *The "Soundview Shuttle" was brought to its last stop, an organized narcotics trafficking group that shuttled drugs originating in Puerto Rico were shuttled between Manhattan and the Bronx, making their way across Soundview Avenue to their destination, the parking lot of a popular restaurant on Bruckner Boulevard. Each of the five defendants are facing Criminal Sale of a Controlled Substance in the 1st Degree along with other charges, and ringleader Luis Alomar faces some four dozen charges alone relating to the heroin and cocaine sales.*
- *The last of the massive 38-defendant "La Perla" drug organization was broken up with the sentencing of Wilson Guerrero, Franklin "Kelly" Perez, and Antonio "Tony" Carrasquillo, the ringleaders of a highly organized market in which, twice a day, at precisely 4 a.m. and 4 p.m., the deserted streets in three Bronx locations would suddenly be as crowded as Times Square – a hand signal having summoned buyers to purchase La Perla, Tuna, Salsa and Sabroso – not expensive lingerie and lunch – but heroin to the tune of nearly \$300,000 a week in profit alone.*



Investigations, Financial Crimes, Misconduct & Fraud



Money and power were the motives behind many of the financial fraud and other similar cases handled by the BXDA's Arson/Auto/Economic Crime and Rackets Bureaus. From fake Viagra to fake election signatures and even fake Super Bowl tickets, here are some of the cases handled in 2014:

- *The prosecution of Babou Jobe for felony trademark counterfeiting and other crimes, accused of peddling some 13,000 counterfeit Viagra and Cialis pills – labeled with fake Pfizer and Eli Lilly's trademarks and even containing active ingredients of the medications, but not necessarily in the proper amounts. The case was brought to BXDA by the Special Narcotics Prosecutor's Prescription Drug Investigation Unit.*
- *The prosecution of Chetandeo Brij-Raj, a bookkeeper accused of looting more than \$650,000 from a 3rd-generation Bronx business, charged with grand larceny and other crimes.*
- *The conviction and sentencing of Joseph Junkovic, an accountant and financial services advisor, who evaded nearly \$150,000 in personal income taxes owed to New York State. He was previously convicted of skimming more than a third-of-a-million dollars in funds from the state and federal governments relating to a charity through which he was supposed to be helping poor cancer patients. He was sentenced to one-to-three years behind bars, running concurrent with a prior Federal case, and has also been ordered to make restitution of nearly a half-million dollars.*
- *The indictment of former Bronx County Clerk's employee Christopher Goodly, accused of raking in more than \$80,000 while underreporting money taken in for passport applications and business certificates. Following an investigation with the cooperation of the County Clerk's Office, Goodly was charged with Grand Larceny in the 2nd, 3rd, and 4th Degrees, as well as 190 counts of Falsifying Business Records in the 1st Degree. (Rackets Bureau)*
- *Former Letter Carrier Maria Chmielewski of the Woodlawn Station claimed PTSD, panic disorder and agoraphobia after a 2008 incident that rendered her "a prisoner in her own home," and collected more than \$150,000 in disability claims. But after investigators spotted her driving and even on multiple holiday cruises, she was charged with Grand Larceny, Insurance Fraud and other charges.*



Investigations, Financial Crimes, Misconduct & Fraud



- Three campaign workers for a City Council member were charged with Forgery, Falsifying Business Records and related crimes for forging signatures on the politician's petitions for the 2013 Democratic primary. Among the phony signatures – Yankee Derek Jeter, actress Kate Moss, and Giants defensive tackle Rocky Bernard. The Council member was not found to have been aware of these actions.
- Kevin Walker, who tried to make it big selling counterfeit Super Bowl tickets, was charged and pled guilty to Grand Larceny charges following a joint investigation by the NFL, the NYPD, and the BXDA Gangs/Major Case Bureau, in what was the largest single recovery of counterfeit Super Bowl tickets in the NYC area ever. He will spend the next one-to-three Super Bowls behind bars.
- The conviction and sentencing of Latin King Goonies Derrick Brank to 25-to-life in the horrific kidnap and killing of homeless man Glenn Monroe, during which the victim was held captive for days, forced to drink bleach and other household chemicals, and once dead, set afire in an attempt to cover up the crime.

Animal Cruelty:

Animal cruelty cases are generally handled by the BXDA's Arson/Auto/Economic Crime Bureau and charges range from misdemeanors to felonies under the New York State Agriculture and Markets Law. It has been well established that, sadly, animal cruelty is also associated with cruelty to humans, and that can be found in some of the cases prosecuted by the Bronx D.A.'s office. Among some of 2014's animal cruelty prosecutions:



- The indictment of Ernesto Bailey on Aggravated Cruelty to Animals, Arson and other crimes, for allegedly striking a cat with a shopping cart then setting it afire.
- Sharon Mourikis-Shoenf and Steven Sokolokic are facing multiple counts of Torturing and Injuring Animals, accused of living with some 25 animals (dogs, rabbits, cats), in deplorable conditions, the walls of the apartment reportedly covered in feces and urine.
- Karima Cook is facing one count of Torturing and Injuring Animals for the alleged Belmont abuse of an animal left in her care. Cook is accused of neglecting to feed and clean the animal resulting in its emaciation, dehydration and overall weak physical state when discovered by its owner, who had left the dog in her friend's care.
- Gerrard Holman is facing charges of Aggravated Cruelty to Animals, Torturing and Injuring Animals and Disorderly Conduct for the November 2014 abuse of an animal near Parkchester Road. Holman was allegedly caught on surveillance video kicking and throwing his dog to

Investigations, Financial Crimes, Misconduct & Fraud

the ground, causing the dog to suffer ocular trauma to its right eye and damage to its cornea. Holman also has an open case in which he is charged with felony assault, accused of beating his then-boyfriend about the head with a bat.

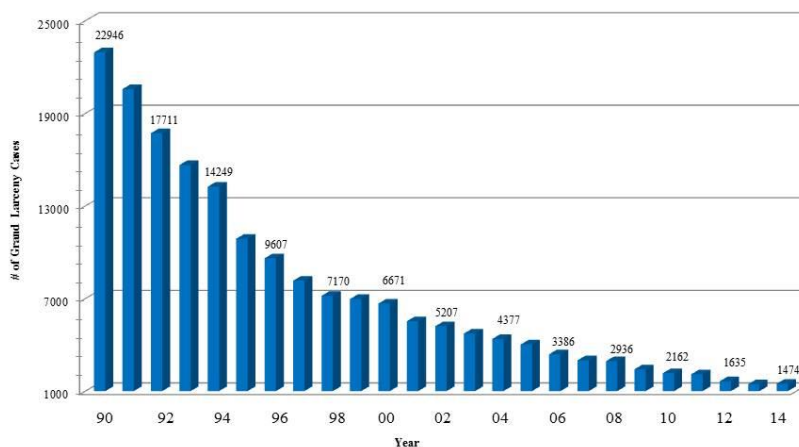


Two pit bulls that were found emaciated, fed only rice and beans, and tied with wire wrapped by their necks to a radiator were seized; their owner was prosecuted for torturing and injuring animals and pled guilty in 2014.

Auto Crime:

The Bronx has seen dramatic reductions in auto theft. This category of crime has dropped from 22,946 in 1990 to 1,474 during calendar year 2014.

**Decline In Grand Larceny Auto:
1990 - 2014**



Source: New York City Police Department

Community Affairs



The Bronx District Attorney and his staff actively participate in a variety of programs and community activities to better serve the residents of the county.

CONCEPT (Creating Opportunities Necessary to Create Empowered Positive Teens):

The CONCEPT program is a life-skills curriculum that offers middle school children the opportunity to attain positive relationships with peers and authority figures, develop a realistic view of criminality and become better thinkers. During an eighteen-week course, students receive classroom-instruction, engage in constructive dialogue/debate, and participate in diverse learning activities taught by qualified personnel from the Community Affairs Unit at the Office of the Bronx District Attorney. The strategy of the CONCEPT program is to promote positive thinking and create behavioral changes through a unique combination of practicing life skills pertaining to real circumstances, cooperative learning, constructive dialogue, and role-playing.

The topics of discussion are as follows: law, decision-making, conflict resolution, problem solving, peer pressure, cyber bullying, anger management, gang affiliation, unlawful weapons, violence, substance abuse, community awareness and goal setting. With continuous skills training and positive reinforcement, students will more than likely exhibit constructive-behavioral skills in practical situations. The material and teaching method are appropriate for sixth-graders. As a subsidiary of the curriculum, however, our office offers workshops tailored to children of grade levels 4-12 and parents. The subject matter of these workshops correlates with the themes of the sixth-grade curriculum.

The demand for sessions is increasing. From January to December 2014, 3,606 participants (i.e., a combination of the 18-week sessions and student/adult workshops) took part in the program. In October 2014, the CONCEPT program expanded into new territory. Our office began collaboration with the New York Archdiocese, bringing the 18-week curriculum to the middle schools of the Catholic community. That trial period was very successful. Two hundred students from St. Ignatius, St. Luke's, Holy Family and Holy Cross participated in the program. Collectively, 250 students from Our Lady of Grace, St. Mary, St. John, and St. Gabriel are currently participating in the program. The need for these workshops and classroom sessions within the public and Catholic school communities can be measured by the growing demand for the CONCEPT program.

Community Affairs

We thank City Council members Fernando Cabrera, Anabel Palma and former Council Member Helen Foster for their moral support and advocacy, and for financing the CONCEPT program.



Students meet with D.A. Johnson during Law Day 2014, during which they have the opportunity to ask him and other members of the Bronx D.A. staff about the criminal justice system.

Project JUMP:

This mentoring program matches sophomores, juniors and seniors from the Law, Justice and Public Service Academy at Theodore Roosevelt High School with volunteers from the Bronx District Attorney's Office on a one-to-one basis.

Students experience the work environment and learn about the functioning of the criminal justice system.

Youth Trial Advocacy Program (YTAP):

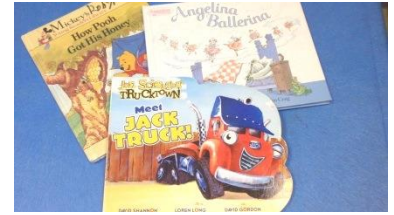
YTAP provides students with an opportunity to explore a career in law. Students from 11 Bronx high schools are divided into teams, and each team, working with an Assistant District Attorney, learns how to develop advocacy skills in preparation for the courtroom setting in a moot court competition. This program currently runs on a weekly basis from January through June.



Community Affairs

Read To Me:

The Office of the Bronx District Attorney has partnered with the Marshall England Early Childhood Learning Centers to hold weekly reading sessions. Support staff and A.D.A.s volunteer each week to read storybooks to classrooms of children ranging in age from two to five-years-old.



The Adult Workshop Series:



“You Be the Judge” Workshop

Monthly adult workshops provide the District Attorney’s Office with an avenue to educate Bronx residents about various issues related to the criminal justice system. Recent workshops done with partner organizations including the IRS, the NYPD, the Department of Education and local banks, have been titled “After the Arrest,” “You Be the Judge,” “Safeguarding Your Child on the Internet,” “Perspectives on Protecting Your Identity,” “Gang Awareness,” “Domestic Violence,” “Knock-Offs: Theft of Intellectual Property” and “Sexual Assault.” In an effort to bring the message to more people, during 2014, the Adult Workshop Series was taken on a “tour of the Bronx.” Many of the workshops were done at community centers, community based organizations, homeowner associations and schools.

Inter-Agency Initiatives:

In realizing that crime prevention through education and outreach is not easily accomplished alone, the Office of the Bronx District Attorney has developed and maintained partnerships with other law-enforcement and government agencies to achieve our ultimate goal. Below is a list of examples where collaboration has worked:

Youth Forums - Youth Forums have been conducted at various NYCHA community centers in conjunction with the NYPD. Youths are engaged in interactive activities which foster open communication with law enforcement. In the beginning of the sessions, many show signs of resistance to being in such close proximity with law enforcement. However, that has all changed by the end of the sessions.

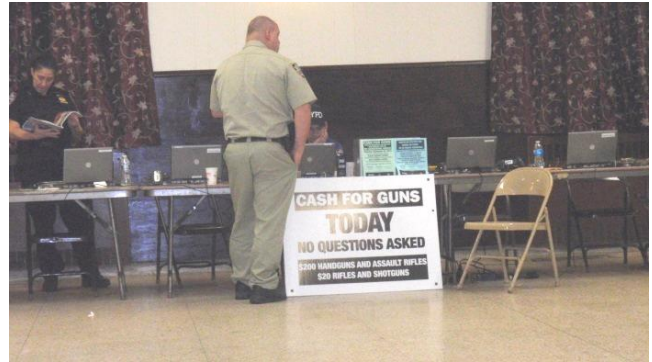
Operation Gun Halt - This program is done in conjunction with the NYPD, the US Attorney’s Office in the Southern District of New York, ATF, the Department of Corrections and Community Supervision, the Department of Probation and re-entry social service agencies. It is based on the Chicago “Cease Fire” model developed by Tracey Meares. The Bronx is one of five sites selected to run this program in target neighborhoods in New York State. The aim is to reduce gun violence by devising content specific strategies through the

Community Affairs

identification of offender target populations which are most involved in gun violence in the 40th Precinct. Recently released parolees and probationers are invited once a month to discuss alternatives available to them.

Gun Buy Back Programs – Since 2009 this Office and NYPD have held gun buy backs at Bronx faith based organizations, the fifth such event took place in 2014. More than 2,700 guns have been taken off the streets because of this collaboration.

PAL Play Streets and Teen Impact Centers - Along with the NYPD and the Office of Special Narcotics Prosecutor, since 2010 there have been six major drug gang “take downs” in the 44th and 46th Precincts. In conjunction with these efforts, our Offices have joined with PAL to run summer play streets, CONCEPT during the fall semester and a Teen Impact Center in the spring at an area middle school that is an evening safe haven for teens close to the location of these “take downs.” These initiatives are funded by asset forfeiture funds. In the 2011-12 school year the program operated in the 46th Precinct at IS 229. In 2013 it operated in the 46th Precinct, and in 2014 it operated in the 44th Precinct at JHS 22.



Center, local clergy, and many other community organizations, have provided invaluable service to the community and contributed to the dramatic drops in violent crime in those, and other, parts of the Bronx.

Operation Weed and Seed also indirectly generates money – every year, the program has operated a Volunteer Income Tax Assistance program in association with the IRS to provide free tax prep services for community members. Trained volunteers prepare and electronically file returns that have reaped hundreds of thousands of dollars in federal tax refunds for members of the community – money that, in turn, gets spent at local businesses.

Rikers Island



Rikers Island, New York City's main correction facility, and the second largest jail in the country, poses a particular challenge for the Bronx District Attorney's Office and represents a unique drain on this office's resources. With the daily inmate population averaging between 11,000 and 12,000 and with nearly 78,000 annual admissions, the investigations and prosecutions consume a large share of BXDA resources. Although the inmate population at Rikers has decreased over the last several years, the

number of arrests referred to BXDA and prosecuted by our office remains at consistent levels – nearly 900 arrests processed through our Complaint Room, with an average of some 60 ongoing investigations at any given time into assaults on staff or assaults on inmates.

Rikers cases encompass everything from assaults on Department of Correction (DOC) staff to excessive use of force by Correction Officers, sexual assault, suspicious inmate deaths, and contraband brought into the facilities. The investigation of a Rikers case, involving monitoring of the 24-hour reports, examination of video, witnesses, and inmate phone calls, is extensive and uses the resources of the Intake and Trial Bureaus, but also the BXDA Rackets/Public Corruption Bureau. The new BXDA Crime Strategies & Case Enhancement Unit will soon be able to assist greatly in gathering evidence from Rikers video and monitored phone calls, and will help enhance cases across all the BXDA bureaus.

Rikers Island continues to be a challenge, but one that this office has stepped up to meet. Much effort and resources have been allocated to enhancing the way crimes committed on Rikers Island are prosecuted, whether those crimes are committed by inmates or those who are tasked with caring for them. We have added staff to the team of Assistant District Attorneys and Detective Investigators who review and prosecute Rikers cases. A full-time Correction Officer, who works with our Intake Bureau, has made it possible to get information more quickly.



Rikers Island

In addition to these cases, prosecuted in 2014, the Office handled between 200-300 cases of inmate assaults on DOC staff, 136 of which were felonies. In addition to assaults, there were more than 425 cases that involved contraband being brought into the facilities. It still takes a good deal of resources to complete each case:

- *Joseph McRae, in a Rikers psych wing awaiting trial on a Manhattan case for punching a woman at Penn Station, turned on a psychology intern at Rikers Island, his one-punch shattering the young woman's jaw in several places. [He was sentenced 2/25/15 after a plea to Assault in the 2nd].*
- *Damel Burton used a homemade knife to stab a fellow inmate in the year. Charged with attempted murder, he pled guilty and was sentenced to five years consecutive to a 95-to-life sentence he is serving for a Queens murder.*
- *While in Rikers for a pending assault case, Maximillian McGarvie was involved in assaults on both staff and inmates, as well as arson and criminal mischief. He pled guilty in the multiple cases to Assault in the 2nd Degree, and Arson in the 3rd Degree, and was sentenced to concurrent sentences of 3-1/3 years in prison on both assault cases, consecutive to 3 years for the arson.*
- *Inmate Ariel Malave, during a routine search of his cell, refused orders to stay silent, swore at the C.O., and then spat in her face and threw feces at her. He pled guilty to Aggravated Harassment of an Employee by an Inmate and was sentenced to three-and-a-half years.*



Joseph McRae, far right, at Rikers' George R. Vierno Center



- *Inmate Brandon Bell, when ordered out of a holding pen to be handcuffed, instead punched a C.O. in the face with a closed fist. Another C.O. who tried to restrain him was also injured in the fray. Bell pled guilty to Assault in the 2nd Degree and is awaiting sentencing.*

- *Pernell Griffin smashed the fire sprinkler in his cell, causing a flood throughout the area. He is charged with Criminal Mischief in the 3rd Degree, a Class E Felony.*
- *A female inmate was charged with Promoting Prison Contraband in the 1st and 2nd Degrees for material discovered during a strip search – a cigarette lighter hidden in her rectum, and a*

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phone charger in her vagina. She also had secreted a mobile phone in a medical waistband. She is currently in alternative drug treatment through a TASC program.

- Carol Lackner, the Correction Officer on tour during the overnight during which inmate Jerome Murdough died, was indicted for failing to tour and inspect the cells of inmates, and then making false log entries claiming she did her job. Murdough's cell in the mental observation unit topped 100 degrees; his cause of death was hyperthermia due to environmental exposure to heat. Lackner is charged with felony Falsifying Business Records, and Offering a False Instrument for Filing, among other crimes.
- Rikers C.O.s Michael Dorsainvil, Christopher Huggins, and Mark Anglin were charged with Attempted Gang Assault in the 1st & 2nd Degrees, other assault and official misconduct and related charges, for allegedly assaulting Rikers Island inmate Carl Williams and then falsifying records to hide the incident. A fourth C.O. Ronald Donnelly, who was not involved in the gang assault, was charged with falsifying business records and official misconduct.
- Jeffrey Taylor, a licensed practical nurse employed by the medical contractor Corizon, was indicted for the felony of promoting prison contraband for taking money from inmates to smuggle in contraband, namely alcohol, tobacco and drugs.
- The indictment of Rikers inmates Kevin Lides, Trent Patterson, and Howard Powell – charged with Bribery and Promoting Prison Contraband for the Jeffrey Taylor case, above.



Vehicular Crimes: Supporting Road Safety



Navigating our streets and highways has never been more challenging. From driving while intoxicated to distracted, unlicensed, and unqualified drivers, it is the Bronx District Attorney's mission to help make our streets safe. Our Vehicular Crimes Bureau's task is to investigate and prosecute traffic collisions, working closely with the NYPD Highway Patrol and NYPD Collision Investigation Squad,

and all its precincts. Its Chief coordinates the NYC STOP DWI Task Force, which meets on a regular basis with NYPD, DOT, and district attorney offices city-wide. The office is also working with Mayor DeBlasio's Vision Zero Initiative. He also is the New York State Traffic Safety Resource Prosecutor, tasked with training prosecutors throughout the state and around the country.

Among some of the vehicular crimes prosecuted this year:

- *Wrong-way driver Edgar Hidalgo is charged with Aggravated Vehicular Assault, 2nd Degree Assault, Aggravated Driving While Intoxicated, and other crimes for driving under the influence and crashing into another vehicle, while going northbound on the southbound Major Deegan Expressway on January 21, 2014.*
- *Sean Farrell is charged with several counts of Aggravated Vehicular Assault, 1st and 2nd Degree Vehicular Assault, 2nd and 3rd Degree Assault, Reckless Driving and other charges related to a March 2014 collision in which he allegedly struck and seriously injured two pedestrians, at the corner of Westchester Avenue and White Plains Road. One of the victims, seven months pregnant, suffered grave injuries. An emergency Cesarean section was performed to save her child's life.*
- *Agustus Jenkins is charged with Vehicular Manslaughter in the 1st and 2nd Degree, Criminally Negligent Homicide, Aggravated Driving While Intoxicated, Aggravated Unlicensed Operation of a Motor Vehicle in the 1st, 2nd and 3rd Degree, Endangering the Welfare of Child and other related charges for his January 2014 crash on East Tremont and Van Nest Avenues in which he is accused of fatally striking a pedestrian while driving with two children in his car.*
- *The indictment of Alex Hernandez on attempted murder charges for the August 2014 incident during which he aimed at a pedestrian who was legally crossing a Bruckner Boulevard intersection, running her over with his car before speeding off. His victim was left in critical condition. Hernandez also faces charges in a separate case, for beating a man and using a cane to smash his car.*

Notes



Inside the lobby of the Old Borough Courthouse, currently being restored.

