



2017 Annual Report

OFFICE OF THE
BRONX COUNTY
DISTRICT ATTORNEY
DARCEL D. CLARK

“Pursuing Justice With Integrity”



Aerial view of the Bronx, New York City

Front cover top photo: District Attorney Darcel D. Clark with prosecutors and NYPD announcing indictment of heroin/fentanyl traffickers

Front cover bottom photo: District Attorney Darcel D. Clark at the first annual Child Safety Fair

A Message from Bronx District Attorney Darcel D. Clark



The second year of my term saw many exciting changes as well as the cementing of initiatives and reforms begun in 2016 to improve our criminal justice system.

“Pursuing Justice With Integrity” is fully embedded, and reflected in everything we do at the Bronx District Attorney’s Office.

We continued to handle an inordinate share of New York City’s crime in 2017.

The Bronx has 17% of the city’s population, but nearly 25% of the city’s murders and robberies, and 30% of shooting victims, felony assaults and domestic incident reports.

There were 72 homicides in the Bronx last year, down from 98 in 2016. Shooting incidents decreased and fewer people were shot in 2017.

Still, there is too much gun violence, and we are working with anti-violence groups and our law enforcement partners to further reduce the incidents and victims. We are the first borough in the city to have a Strangulation Initiative, a unique partnership with police to help prevent

Domestic Violence homicides, because strangulation is the bellwether of escalating abuse.

We are working to make Rikers Island safer, as the city works to close it in favor of smaller jails in each borough. We support sensible reforms that promote fairness and build confidence in the justice system for the community we serve. My Office has stepped up and embraced changes to both bail and discovery.

We are diverting people as frequently as possible from the criminal justice system.

Our Alternatives to Incarceration Bureau (ATI) assesses the needs of low level offenders struggling with mental illness and drug abuse.

The Bronx had the highest number of opioid overdoses in 2016 and 2017. The ATI Bureau initiated the Overdose Avoidance and Recovery Program (OAR) – New York City’s first court program to divert substance abusers into treatment without having to plead guilty to a crime. My Office also formed a working group of dozens of stakeholders to address the overdose

crisis. And we are prosecuting traffickers of heroin and deadly fentanyl.

We have enhanced our community outreach, dismissing 160,000 summons warrants older than ten years in an unprecedented single act.

We held our “Another Chance” event. It cleared 226 old warrants and helped people move on with their lives.

We held our first Child Safety Fair to educate families about pedestrian and bike safety, safe touch/unsafe touch and bullying prevention, amid fun activities.

Thank you for your support and for the privilege of serving you.

A handwritten signature in black ink that reads "Darcel D. Clark". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

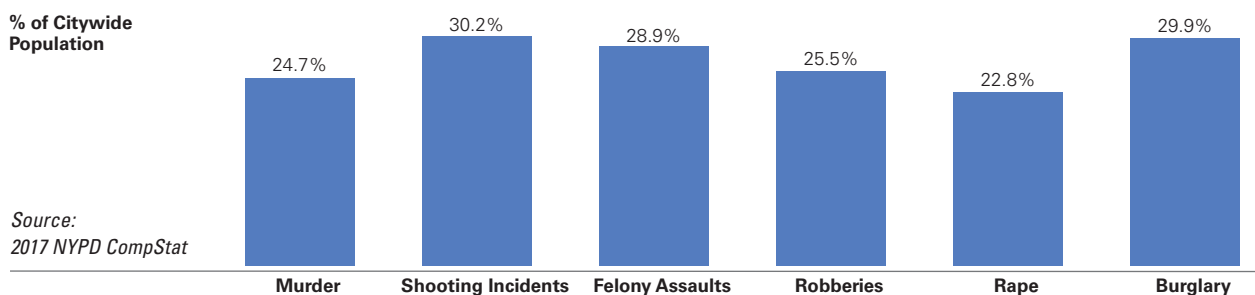
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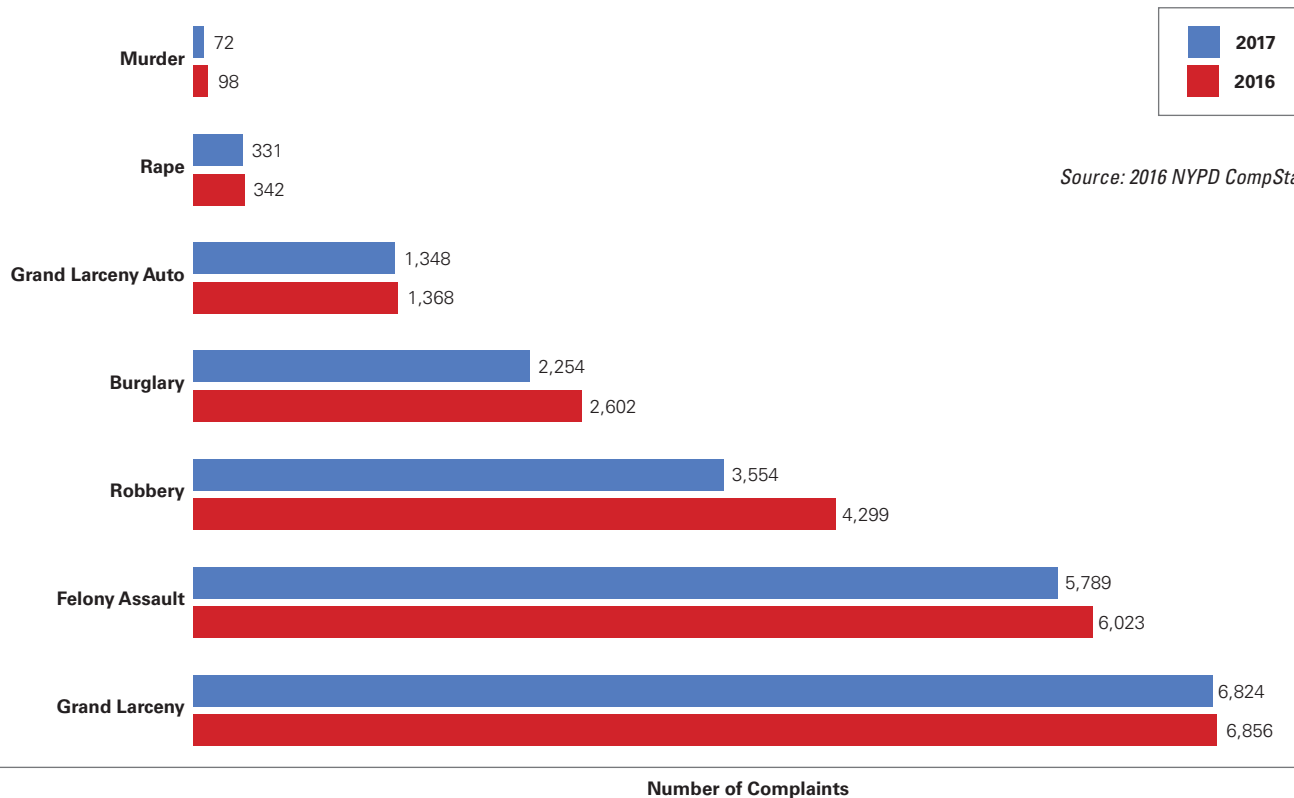
Overview: Crime in the Bronx

Crime, especially violent crime, has been falling in New York City and in the Bronx over the past few decades. For example, there were 72 homicides in the Bronx in 2017. There have not been this few murders in the Bronx since 1962 (when there were also 72 murders). However, the Bronx still experiences a disproportionate share of crime. While the 1.5 million Bronx residents represent just 17.1% of New York City's population, the Bronx experiences a far higher share of violent crime. For instance, the record low 72 homicides in 2017 still represents 24.7% of the City's homicides. Among New York City's five counties, the Bronx had the highest rates of reported murder, rape, robbery, felonious assault, and burglary in 2017.

Bronx Violent Crime 2017: Percentage of Citywide Violent Crime vs. Population



Bronx County Reported Crime Complaints: 2016–2017



Battling the Bronx's Opioid Scourge

Targeting Traffickers

Major Distributors Of Heroin And Fentanyl In The Bronx And Northeast Among 32 People Indicted In International Scheme

**More Than 103 Lbs. of Heroin & Fentanyl —Worth \$22 Million—Seized;
Drugs From Honduras & Mexico Transported Across U.S. By Long-Haul Truckers**

A joint investigation by the Bronx District Attorney's Office, the New York City Police Department and the Drug Enforcement Administration resulted in the indictment of 32 people for Operating as a Major Trafficker and other charges in February. The defendants are also being sued for \$10.5 million in profits of their alleged drug enterprise.

The scheme brought heroin and fentanyl from Honduras through Mexico to Los Angeles, where long-haul truck drivers picked it up and transported it to the New York area in tractor-trailers carrying legitimate cargo.

The investigation, dubbed "Operation Open Market," began in February, 2016, when the NYPD Bronx Gang Squad began investigating flagrant crack cocaine selling on McClellan Street and Grant Avenue in the confines of the 44th Precinct, allegedly overseen by Steven Rivera and Daniel Rivera, who are brothers. They allegedly arranged

drug sales and supplied narcotics to street-level dealers, identified as Juan Santiago, Kareem Hogan, Antoin Ramirez and Harvey Gonzalez.

Police soon determined that people were coming from out-of-state to buy heroin on Bronx streets, and that the defendants were running a wholesale heroin and cocaine trafficking network, allegedly supplied by defendants Jason Alvarez, Viannet Espinal and Joel Velazquez Alvarez.

Defendants Steven Gonzalez and Gina DiBacca, of Worcester,

MA, allegedly purchased \$33,500 worth of heroin a month for at least eight months and took it to Worcester, where they sold it for four times the price they paid in the Bronx.

Alvarez allegedly procured the heroin and fentanyl, arranging for the drugs to be brought from Honduras through Mexico and to the Los Angeles area. He arranged for truck drivers to pick them up and transport them across the country to the east coast.



Saving Lives

The Overdose Avoidance and Recovery (OAR) program, the first court-based program of its kind in New York City to offer treatment in lieu of incarceration for offenders with substance abuse, began in the Bronx on December 4 in an effort to combat the borough's opioid crisis.

The OAR program is an innovative tool for confronting a scourge that has ravaged the Bronx far too long and ruined hundreds of lives. In 2016, the Bronx had the highest number of opioid overdose deaths in the city. The Office's Alternatives to Incarceration Bureau (ATI) developed this program to address defendants who cycle through the criminal justice system because of crimes fueled by drug abuse.

Trained Assistant District Attorneys offer defendants charged with seventh-degree Criminal Possession of a Controlled Substance (NY Penal Law 220.03) the opportunity to take part in OAR. In addition to linking defendants with intensive treatment, Bronx Community Solutions will offer job training, housing and other needed services.

Those who are assessed as high-risk of overdose and accept the program will have their cases adjourned to one of two specialized drug court parts, with prosecution of the case withdrawn pending the OAR outcome.

Participants who meaningfully engage in and fulfill treatment will, upon consent of the Court, have their cases dismissed and sealed, eliminating the burden of a criminal record. There are no penalties for defendants who forgo the use of OAR and their cases will move to court.

The Office began planning OAR in May, 2017, to focus on the population of heroin users who have suffered from addiction for decades. According to data, from January 2013 to July 2017, 879 people died of opioid use in the Bronx, and 551 of those people had prior involvement with the criminal justice system in the Bronx, for an average of 8.9 arrests each. The most frequent top charge was NYPL 220.03.

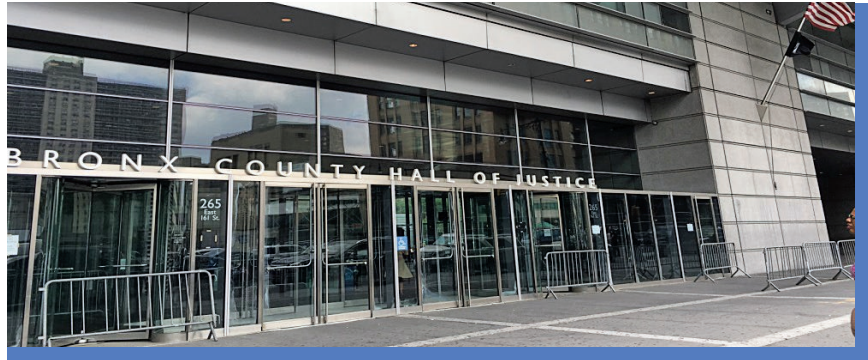


Vertical Prosecution

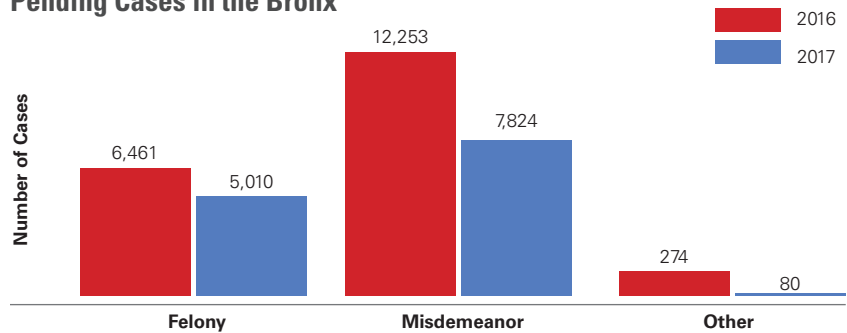
Vertical Prosecution is designed to reduce or eliminate delays that result in a defendant waiting in jail for a trial, and a victim having to wait excruciatingly long for justice. It means one prosecutor handles the case from its early stages until the disposition.

The model has been implemented, thanks to funding received in 2016 from the city. We are fulfilling our mandate.

Quality of cases has improved. So has efficiency. We have reduced the case backlog. We have cut arrest-to-final disposition time by two months.



Pending Cases in the Bronx



Source: OCA, 1/3/16 vs. 12/31/17

Trial Division

HOMICIDE BUREAU

The Homicide Bureau is comprised of some of the most seasoned and experienced Assistant District Attorneys in our Office. The Bureau is also consulted on pre-arrest investigations and cold cases.

TRIAL BUREAUS

Trial Bureaus 20, 30, 40, 50, 60, and 70 prosecute any felony case or misdemeanor that is not handled by a specialized bureau. In consultation with the Vehicular Crimes Unit, trial bureaus also handle vehicular cases.

VEHICULAR CRIMES UNIT

Vehicular Crimes Unit prosecutes DWI (Driving While Intoxicated), aggravated unlicensed operation, reckless driving, leaving the scene and vehicular homicide and vehicular assault cases.

HATE CRIMES UNIT

The Hate Crimes Unit handles crimes committed against persons based upon race, color, national origin, ancestry, gender, religion, religious practice, age, disability, sexual orientation, or gender identification, regardless of whether the belief or perception of the defendant is correct.

Trial Division (continued)

CASES OF NOTE:

Homer Griffin, 51, was sentenced

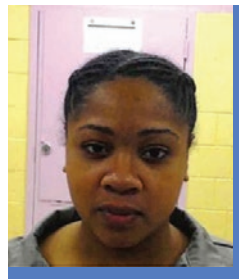
to two consecutive terms of 3 ½ to seven years in prison after pleading guilty to third-degree Robbery and third-degree Criminal Possession of a Weapon. Griffin followed the 81-year-old victim as she stepped into her apartment building elevator. He then pretended to help her exit the elevator before holding a razor blade to her face and telling her, "I want the money, give me the money. I'm going to cut you." Griffin fled with \$200.

Ashleigh Wade, 24, was sentenced

to 40 years to life in prison. According to trial testimony, Wade, who was pretending to be pregnant, reconnected with childhood friend, Angelique Sutton, 22, over social media. On November 20, 2015, Sutton, who was eight-months pregnant, stopped by the defendant's apartment to pick up some baby items before heading to her civil wedding service. The defendant

slashed Sutton's throat, killing her and proceeded to remove

the victim's uterus and cut out the infant. Wade claimed she had given birth to the baby when police later arrived. A jury found her guilty of Murder and kidnapping.



COLD CASES CLOSED

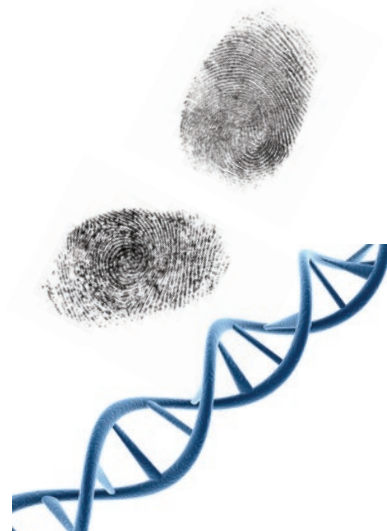
Curtis Batchelor, 41, indicted for

1999 murder. According to the investigation, on or about and between May 25, 1999 and May 27, 1999, in 825 Gerard Avenue, Batchelor stabbed Elsa Grullon multiple times in the neck and chest, in the course of raping her. Batchelor was arrested in January, 2016, and his DNA was taken. In March, 2016, the DNA was found to match semen recovered from the victim's body. Further investigation led to the arrest of Batchelor 18 years later on Feb. 27, 2017.

Michael Stewart, 58, sentenced to

20 years to life in prison. On September 20, 1993, Stewart flew to the island of Jamaica and called his girlfriend's father informing him his daughter was dead. Sophia Blair, 22, was found the same day in her Creston Avenue apartment fatally shot in the head. The toddler son she shared with Stewart, Jamal Blair, had been left unattended in his crib for over ten hours until police discovered Blair's body. Stewart, who had changed his name, escaped justice until he was

arrested in 2014 after returning to the U.S. and his fingerprints matched those found at the murder scene.



Special Victims Division

The Special Victims Division is made up of the Child Abuse/Sex Crimes Bureau and the Domestic Violence Bureau, as well as the Crime Victims Assistance Unit. All misdemeanor and felony sexual assault cases, involving both child and adult victims, as well as physical child abuse cases, are prosecuted by the Child Abuse/Sex Crimes Bureau. The Domestic Violence Bureau focuses on intimate partner violence and works vigorously to prosecute offenders regardless of a victim's cooperation.

Additionally, the Crime Victims Assistance Unit provides comprehensive service to crime victims.

Domestic Violence

In October 2017 the Office partnered with the NYPD in a joint initiative to combat strangulation cases. The Domestic Violence Bureau has since tracked cases of strangulation even without an arrest being made, in an effort to prevent future violence and create early engagement with victims.

The Bureau also continues to operate its Domestic Violence Complaint Room, the city's first when it opened in October 2016. The Complaint Room provides a novel and compassionate way to handle DV complaints. From there, victims can be directed to the Family Justice Center, co-located with the DV Complaint Room, where there is access to plenty of social services. DV Bureau Assistant District Attorneys are there, and they can interview the victims and write up the complaints all in one step.

CASES OF NOTE:

Dionis Espinal, 35, was sentenced to 25 years in

prison after pleading guilty to first-degree Manslaughter for fatally stabbing his ex girlfriend as she lay trapped in an overturned vehicle that he had caused to crash on Pelham Parkway in 2013.

West Spruill, 41, sentenced to life in prison without

parole after a jury convicted him of first-degree Murder for killing the director of a homeless shelter in which he formerly resided.



NYC CRIME BRONX NEW YORK

Homeless ex-con guilty in savage slaying, sex assault of 35-year-old Bronx shelter manager



Child Abuse/Sex Crimes

The Bronx Child Advocacy Center (CAC) entered its second full year in operation. The Center handles child abuse allegations by coordinating the efforts of law enforcement members, family advocates, medical experts, mental health clinicians and child protection staff under one roof in an effort to minimize additional trauma to young victims. CAC arranges families' visits to the center, providing transportation and food. The center conducts forensic interviews of children and also provides family advocacy, crisis intervention and mental health therapy. The first Child Safety Fair, held at Mount Hope Community Center, educated kids and families about pedestrian and bike safety, safe touch/unsafe touch and bullying prevention amid fun activities.



DA Clark at the First Annual Child Safety Fair

CASES OF NOTE:

Francisco Delarosa, 30, was sentenced to 23 years in prison after being found guilty of first-degree Rape, Sexual Abuse and Criminal Sexual Act of a woman who had asked him for directions to the train station in Morris Park in 2015.

Lloyd Watson, 30, was sentenced to 14 years in prison followed by 10 years of post-release supervision after being found guilty of two counts of second-degree Criminal Sexual Act and Endangering the Welfare of a Child for repeated acts of sexual abuse against a 13-year-old boy he coached on a neighborhood baseball team. The defendant was sentenced to two consecutive sentences of seven years.

Jennifer Berry, 37, of Yonkers sentenced to 10 years in prison after pleading guilty to Manslaughter for dropping her newborn infant from a seventh-floor University Heights apartment window.

Russell Smith, 45, of Manhattan was sentenced to 18 years in prison followed by 20 years post-release supervision for choking and raping a female relative in her apartment in December 2015.

Crime Victims Assistance Unit

The Crime Victims Assistance Unit (CVAU) provides extensive services to anyone who has been a victim of a crime in the borough whether or not there's been a police report, an arrest, or a prosecution and regardless of the time that has passed.

The CVAU staff includes Crime Victim Advocates, Trauma Therapists, a Domestic Violence Advocate and a Rape Victim Advocate who help victims and their families navigate the court system. Additional services include short- and long-term emergency housing placement and transportation to court appearances. A number of clients receive services long after the prosecution ends.

CVAU members responded to the Bronx- Lebanon Medical Center shooting in July, in which a former doctor killed a doctor and wounded six people, and assisted victims and their families for several days.

In 2017 the office received a grant of \$593,000 from the Department of Justice, Office of Victims of Crime to identify promising victim-centered and trauma-informed responses to those left behind after a homicide.

The office partnered with the NYPD, the Office of Chief Medical Examiner and the Center for Court Innovation. Detectives from the NYPD make referrals to a victim advocate and a trauma therapist who meet with the family within 24 hours to make an

assessment of their needs and create a plan.

In December—a particularly tough time for crime survivors—CVAU sponsored “Operation Santa,” in which BXDA staff fulfills Christmas lists and hosts a party.



Members of CVAU wear purple for DV Awareness



BXDA Staff at Operation Santa party sponsored by CVAU

CASE OF NOTE:

On December 1, 2016 Mr. F, 55, was viciously assaulted by two young boys resulting in injuries to his body, and the loss of his right eye.

Mr. F was in need of multiple services: financial compensation to cover any medical expenses as he had to have multiple surgeries; relocation, as it was discovered one of the defendants lived in the same building as he; court information; dealing with the loss of his employment; and lastly a referral to help deal with the trauma he endured.

The most pressing issue was his continued medical health. Mr. F had to undergo several surgeries in order to be able to receive a prosthetic eye. CVAU Advocate Patricia Keeney dealt with the concrete needs, and referred Mr. F to our unit Trauma Therapist, Evelyn Trinidad-Armenia.

After many months of therapy and medical attention, his sense of control and ability to attend to daily living activities returned and he went back to work.

In December 2017, Mr. F received a prosthetic eye. He posed for a photograph with Trinidad-Armenia, who said, "This is why I continue to do what I do."

(On January 17, 2017 the defendants pleaded guilty to assault charges. Both defendants were given youthful offender status by a judge—with one receiving four years' probation, the other three years' probation.)



**In 2017, CVAU saw a total of
2,100 new cases and provided nearly
11,000 follow-up services to victims.**

Investigations Division

The Investigations Division is made up of six bureaus: Criminal Enterprise, Economic Crimes, Narcotics and Gangs Investigation, Public Integrity, Rikers Island Prosecution, and Special Investigations. The Division also includes several units: Immigrant Affairs, Firearms Trafficking and Tax and Organizational Fraud.

In 2017, the Division opened up 850 investigations of varying degrees of complexity, broken down by bureau as follows:

Criminal Enterprise Bureau	170
Economic Crimes Bureau	284
Firearms Trafficking Unit	130
Public Integrity Bureau	105
Gangs/Narcotics	5
Rikers Island Prosecution Bureau	145
Special Investigations Bureau	11

Rikers Island Prosecution Bureau

On December 14, 2017, 15 Rikers Island inmates were indicted for the brutal gang assault of a NYC Department of Correction Captain on Thanksgiving Day. The defendants were captured on surveillance video holding a meeting to plan a beating in retaliation for the Captain's prior disciplining of Bloods members. Three weeks earlier the captain had deployed pepper spray to defuse a tense situation after a fight between inmates.

The Captain was beaten in the Otis Bantum Correctional Center (OBCC) 90 minutes after the meeting between the defendants.

For the orchestrated, retaliatory attack, the defendants face up to 25 years in prison.



On August 23, 2017, in a takedown dubbed Operation Zero Tolerance, 29 former and current Rikers Island inmates were arrested and indicted for brutal assaults in the jail. While some defendants had left Rikers Island, they were still held accountable for violent acts committed while jailed there. Among the four incidents, gang members attacked other inmates and two correction officers. One inmate/victim needed 100 stitches for numerous wounds. Defendants were from the Trinitarians, Bloods, MS-13 and Folk Nation gangs.

Public Integrity Bureau

CASES OF NOTE:

On August 16, a

New York City Department of Correction officer pleaded guilty to acting as ringleader



in a web of corruption, receiving thousands of dollars in bribes for contraband including scalpels and narcotics.

District Attorney Clark said, "The defendant disrespected his badge and his fellow Correction Officers by taking bribes, bringing in contraband and adding to the climate of danger and fear that makes Rikers Island notorious for brutality. His crimes show the range corruption can reach and the ends some will go to propagate jailhouse violence. However, our work with the Department of Investigation shows our commitment to relentlessly prosecuting these cases and maintaining order in our city's jails."

The defendant, Kevin McKoy, 32, of Brooklyn pleaded guilty to third-degree Bribe Receiving, first-degree Promoting Prison Contraband and Official Misconduct. He was sentenced to two to six years in prison.



Police Officer Raul Olmeda, 40, of the Bronx, who was assigned to the 42nd Precinct but has been on modified duty, was indicted on sex offenses and other charges stemming from patronizing an underage girl for prostitution and inducing her to perform sex acts in videos.

District Attorney Clark said, "The defendant is charged with 67 counts including numerous sex offenses. The defendant preyed on the vulnerable young woman and videotaped his

demeaning and dehumanizing acts. It is especially disturbing that these crimes are alleged against a member of the NYPD." Olmeda was indicted on 15 counts of Sexually Motivated Felony, five counts of Use of Child in a Sexual Performance, five counts of third-degree Rape, four counts of third-degree Criminal Sexual Act, nine counts of third-degree Aggravated Patronizing a Minor for Prostitution, third-degree Patronizing a Person for Prostitution, five counts of Endangering the Welfare of a Child, five counts of Promoting an Obscene Sexual Performance by a Child, five counts of Possessing an Obscene Sexual Performance by a Child, five counts of Promoting a Sexual Performance by a Child, five counts of Possessing a Sexual Performance by a Child, fourth-degree Tampering with a Computer.

**In 2017, the Investigations Division
opened 850 investigations.**

Economic Crimes Bureau

The Bronx District Attorney's Office was recognized by Governor Andrew M. Cuomo for returning \$216,814 to the Unemployment Insurance Trust Fund in 2017. The return added to a record-high year that saw \$4,500,718 in fraudulently obtained unemployment insurance benefits recovered last year from all the NYC District Attorney Offices. This was possible thanks to the efforts of Assistant District Attorneys in the Economic Crimes Bureau and BXDA Detective Investigators. The return placed the office among the top ten district attorney offices in NY State.

On January 19, Prabhjit Singh, 36, the president of two scaffolding corporations, pleaded guilty to Criminal Tax Fraud and will pay over \$2 million in taxes and penalties and serve 16 weekends in jail for underreporting millions of dollars in income of his Bronx-based businesses.

District Attorney Clark said, "This defendant used a check-cashing scheme to avoid paying nearly \$1 million dollars in taxes on income from city, state and private contracts. Together with the New York City Department of Finance, we investigated this case and the defendant pleaded guilty to felony charges and will pay \$2 million to city and state coffers. Such disregard of the law is a slap in the face of hardworking taxpayers."

The defendant, president of Rock Scaffolding Corporation and

M.S.S. Sidewalk, Bridging and Scaffolding Corporation, pleaded guilty before Bronx Supreme Court Justice John Carter to two counts of fourth-degree City Criminal Tax Fraud. As part of his plea, he will pay \$2 million and serve weekends in jail for four months.

On August 16, Raymond Fontanez, 43, pleaded guilty to promotion of child pornography that depicted children as young as three years old being sexually abused.

District Attorney Clark said, "The defendant promoted disturbing videos of young children— even toddlers— engaged in sexual acts. His actions are abhorrent and we will continue to prosecute anyone who causes irreparable harm to children while hiding

behind a computer screen."

The defendant pleaded guilty to Promoting an Obscene Sexual Performance by a Child and was sentenced to two to six years in prison.

According to the investigation, a detective with the New York Police Department's Vice/ Major Case Squad saw that an Internet Protocol (IP) address was offering to share ten images and videos of child pornography. The address was traced to a computer in Fontanez's apartment. Detectives obtained a search warrant and retrieved Fontanez's laptop, which contained more than 500 videos and images of child pornography. The defendant did not participate in the sexual acts depicted.



Special Investigations Bureau

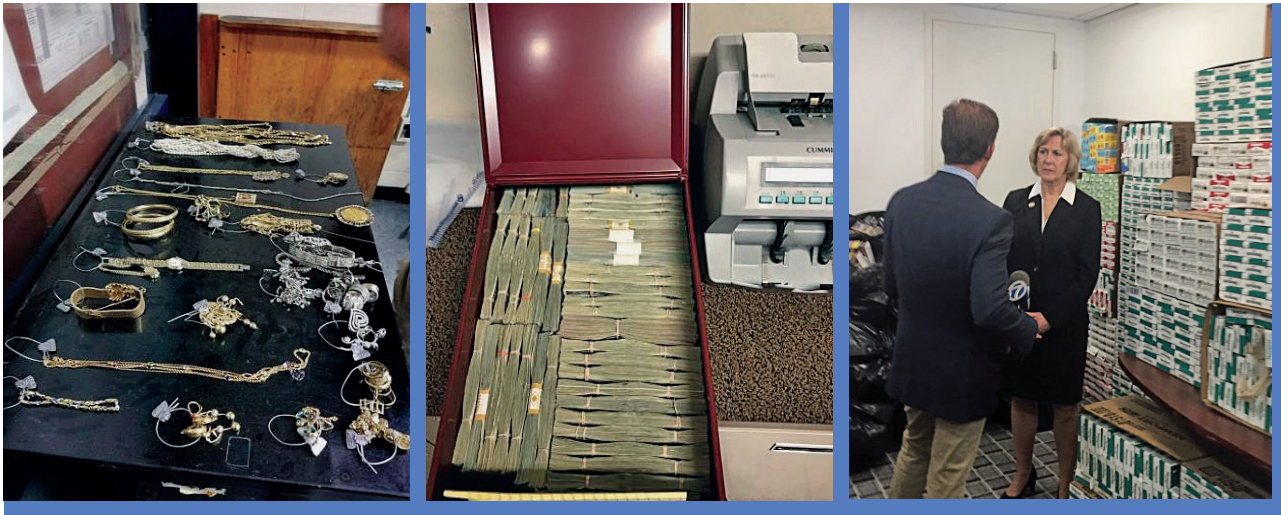
CASE OF NOTE

Twenty-one men were indicted in a massive cigarette smuggling scheme after an investigation by the Bronx District Attorney's Office, New York City Police Department, the New York State Department of Taxation and Finance and Homeland Security Investigations.

District Attorney Clark said the defendants allegedly trafficked hundreds of thousands of cartons of cigarettes from the South to New York City, evading more than \$20 million in taxes and reaping millions of dollars in proceeds.

District Attorney Clark said, "The criminal enterprise not only allegedly cheated the state and city out of taxes, but undercut mom-and-pop stores that serve neighborhoods. Law-abiding businesses cannot compete with stores illegally selling untaxed, cheap cigarettes down the block. We want to extinguish this type of criminal activity, and we will pursue nearly \$17 million in profits from the defendants."

Nearly 10,000 cartons were seized during the investigation, as well as gold jewelry.



Criminal Enterprise Bureau

Prosecutors in this Bureau had 100 pending investigations of human trafficking/sex trafficking in 2017.

Bronx Man Sentenced To Eight Years In Prison In Attempted Sex Trafficking Case Involving Two Girls

On November 8, Miguel Benitez, 29, was sentenced to

eight years in prison after pleading guilty to Attempted Sex Trafficking of young girls he advertised on the website Backpage. The girls engaged in prostitution in Bronx hotels and other locations on numerous occasions.

District Attorney Clark said, "The defendant preyed on vulnerable young girls, treating them as a commodity and profiting from their degradation. Now, he will serve eight years in prison for ruining the lives of these children."

Benitez was sentenced to eight years in prison followed by five years post-release supervision and will also have to register as a sex offender. He pleaded guilty to Attempted Sex Trafficking on October 11.

According to the investigation, in February of 2016, Benitez sexually advertised a 12-year old girl and a 13-year-old girl on the website Backpage. The defendant induced the girls to engage in sexual conduct on several occasions with various individuals. A female co-defendant, Desheen Evans, 35, of Brooklyn drove the girls to two Bronx hotels and rented the rooms in her name.

Animal Cruelty

Roberto Martinez, 25, was sentenced to one year in

jail after pleading guilty to Aggravated Cruelty to Animals. On Sept. 10, 2016, he was videotaped lifting an eight-month-old mixed-breed dog by her harness and slamming her to the floor. The defendant injured the dog's leg so badly the limb had to be amputated. Sally has since recovered and found a new home.



Gang Violence

In 2017, the Bronx District Attorney's Office investigated and indicted numerous alleged gang members in

multiple cases that represent law enforcement's new approach to crime fighting: it's not just mass arrests but removing the core groups of criminals who are responsible for most of the violence in the Bronx.

"SLATTERY AVENUE BOYS" CASE:

A long-term investigation into the "Slattery Avenue Boys"

resulted in the indictment of 20 members in a Conspiracy that caused a wave of bloodshed in the Fordham/Mount Hope neighborhoods over four years that included two murders, assaults on rival gangs and brutal crimes against innocent victims. What began as a dance/rap crew in Slattery Playground on East 183rd Street between Valentine and Ryer Avenues escalated into rival gangs in 2013. Among the incidents found in the investigation: on August 2, 2013, Juan Calderon, Jahkim Wright and Abraham Moore allegedly shot and killed Khaleed Adams in retaliation for a shooting that left Calderon's brother paralyzed; on December 28, 2015, members allegedly stabbed an opposing gang member in the torso,

eviscerating part of his bowel; on June 17, 2016, Tristan Ortiz allegedly acted in concert with another to stab random victim Carl Ducasse, 17, to death when he refused to give them two dollars; on Christmas Eve 2014, a teenager was stabbed twice while shopping with his father.

"LATIN KINGS" CASE:

Latin Kings members Jason

DeJesus, 31, was convicted of second-degree Murder and second-degree Criminal Possession of a Weapon and co-defendant Hector Rodriguez, 39, was convicted of first-degree Manslaughter and Criminal Facilitation. Both were convicted by separate juries in November.

The defendants were found guilty of killing Marcos Cabral, 21, a Bronx man whom they happened upon as they sought to

shoot a rival drug dealer in 2013.

According to the investigation, at about 11 p.m. on May 20, 2013, DeJesus, Rodriguez and another gang member

went to East 162nd Street near Morris Avenue but could not find their intended target. They shot Cabral, who was sitting on a stoop, to send a message to the dealer to leave the block. Cabral was found with two fatal gunshot wounds.

DeJesus has been sentenced to 25 years to life in prison, and Rodriguez to 22 years in prison and 5 years post-release supervision.



Strategic Enforcement/ Intergovernmental Relations Division

The mission of the Strategic Enforcement Division is to collaborate with the NYPD, community groups, and law enforcement partners to identify crime drivers, patterns and trends of crime; and gather and sort intelligence to enhance prosecutorial outcomes. The Division is also tasked with exploring alternatives to incarceration for defendants that include treatment opportunities.

ALTERNATIVES TO INCARCERATION BUREAU

ATI provides treatment and resource opportunities to defendants in appropriate cases. The Bureau coordinates with prosecutors to facilitate these dispositions and exclusively staffs the Judicial Diversion and Treatment (JD/T) and Overdose Avoidance and Recovery (OAR) court parts. Through its Mental Health Unit, ATI staff also offers guidance on various mental health matters.

CRIME STRATEGIES UNIT

CSU works with internal and external stakeholders, including the New York City Police Department, other state, local and federal agencies, government agencies, and community organizations to develop and implement strategies focused on reducing crime, especially violent crime, and improve public safety. The Unit harnesses innovative technologies, data science,

and other information sharing techniques that promote the gathering and dissemination of actionable intelligence.

FORENSIC SCIENCE UNIT

The Forensic Science Unit supports the forensic investigation and litigation that has now become critical to many criminal prosecutions. This unit also plays an essential role in numerous conviction integrity reviews. The unit also conducts investigations and provides office-wide training regarding DNA science, courtroom presentations, discovery, and the admission of DNA evidence.

TECHNICAL INVESTIGATION UNIT

The Technical Investigation Unit is comprised of the Digital Forensic Laboratory and the Video Laboratory. The Digital Forensic Lab performs forensic examinations and provides legal and technical assistance for prosecutors regarding electronic evidence. The

Video Lab is responsible for recording homicide, police-involved shooting and serious felony crime scenes as well as recording suspects' statements.

PROJECT RE-ENTRY

The Bronx District Attorney's re-entry initiative seeks to reduce violent crime recidivism among formerly incarcerated individuals by connecting them to information and resources. District Attorney Clark co-chairs the Bronx Re-Entry Task Force along with the NYS Department of Corrections and Community Supervision and the Education and Assistance Corporation. In 2017, BXDA partnered with DOCCS and the Department of Probation to hold a series of informational forums for newly paroled individuals returning home to the Bronx and for individuals recently sentenced to probation. The re-entry initiative will continue to expand in 2018.

General Counsel Division

The General Counsel Division is comprised of the Appeals Bureau, the Conviction Integrity Unit, the Professional Responsibility Bureau and the Civil Litigation Bureau.

Appeals Bureau

The Appeals Bureau continued to have a success rate of 93% in litigating appeals in 2017.

CASE OF NOTE

After extensive litigation that reached the U.S. Supreme Court, the People prevailed in *People v. Garlick*, a 2011 manslaughter case in which the defendant challenged his conviction, claiming that his Confrontation Clause rights were violated because an autopsy report was introduced at his trial, supposedly without his having an opportunity to cross examine the medical examiner.

Nationally-renowned legal scholars implored the Supreme Court to address the Confrontation Clause aspects of the autopsy report, but BXDA appellate attorneys convinced the Supreme Court to allow the conviction to remain undisturbed.

On December 1, 2017 the Supreme Court denied the defendant's application for certiorari.

Garlick was convicted of fatally stabbing Gabriel Sherwood on a Bronx street on November 1, 2011.

Conviction Integrity Unit

The Conviction Integrity Unit ("CIU"), dedicated to improving the quality and integrity of prosecutions in Bronx County, was created in February 2016.

First, it reviews post-judgment claims of actual innocence and wrongful conviction in our most serious cases. The review is generally fact-based and extra-judicial. When appropriate, the unit thoroughly reinvestigates a case. In select cases where there has been a comprehensive reinvestigation, the CIU makes a recommendation to the District

Attorney as to whether the conviction should stand.

Second, the CIU reviews cases in which the Office has identified an error and attempts to determine what caused it. Further, the unit assesses whether there are discernible patterns in errors. The CIU has a staff of three experienced attorneys. Last

NEWS DESK

A WOMAN'S QUEST TO PROVE HER BROTHER'S INNOCENCE LEADS TO A DISCOVERY



By Jennifer Gonnerman April 17, 2017



Steven Odiase leaving the Bronx Hall of Justice on Monday. He was released after spending nearly six years in prison.

year, the CIU opened 55 cases. The CIU completed its review process in 28 of those cases: 20 were closed after a preliminary review, 7 closed after a full review and one was closed after full reinvestigation.

The conviction of Steven Odiase was vacated and he was freed from prison after CIU found exculpatory evidence that had not been provided to defense for trial.

A lengthy and thorough investigation was conducted as

to whether to retry Mr. Odiase. After determining there was not enough physical evidence or witness cooperation, District Attorney Clark decided in the interest of justice not to proceed to trial and asked the Court to dismiss and seal the case.

Professional Responsibility Bureau

In 2017, the Professional Responsibility Bureau investigated over a dozen instances of allegations involving attorney ethical misconduct and submitted written reports to the District Attorney containing findings, conclusions and recommendations. In every instance, appropriate steps were taken to address prosecutorial concerns that were brought to our attention, and, where

appropriate, to implement systemic changes. The Bureau's Litigation Training Unit conducted approximately 40 internal and external training sessions and CLEs, and revamped Orientation Training to provide an intensive, hands-on regimen for new prosecutors. The Bureau's Best Practices Committee developed office-wide practices and procedures.

Finally, the Professional Responsibility Bureau worked in conjunction with our Office's Conviction Integrity Unit and Legal Recruitment Bureau to help ensure that the Office's high ethical standards were reflected in our assessment of the convictions we obtained, as well as in the quality of our recruits.

Civil Litigation Bureau

The Civil Litigation Bureau brings together Subpoena Compliance, Asset Forfeiture, Freedom of Information Law and Evictions, and also includes a new component, the Property Release Unit.

The Property Release Unit is charged with responding in a timely manner to requests by defendants and their counsel for a written release form addressed

to the Police Department regarding their property or, in the alternative, an explanation of the status of their request.

In 2017 the BXDA Property Release Unit (PRU) oversaw over 3,500 requests for the return of property seized during an arrest. The assistant district attorneys managing the Unit ensured an exemplary office-wide rate of compliance of 99.6% for the

entire year, nine months of which boasted 100% compliance with the statute.

PRU operations are more efficient and effective, the public is more clearly informed of our procedures and of their rights. The success of the BXDA PRU is exemplified by the fact that it has become a model for other District Attorney's Offices.

Administrative Division/ Community Affairs Unit

The Community Affairs Unit is committed to engaging with the Bronx community on a daily basis. Programs range in activities and target audiences but one thing remains the focus: security and justice for Bronx residents.

ADULT WORKSHOPS

Community members have the opportunity to attend in-house workshops as well as workshops in their respective community. Coordinators schedule and organize monthly awareness workshops. In January 2017, a Human Trafficking workshop was held for Human Trafficking Awareness month. A Domestic Violence Awareness workshop: "Love Shouldn't Hurt," was hosted in February, and "After the Arrest" in March and "You Be the Judge" in April.



"You be the Judge" 2017 Workshop

CONCEPT

(Creating Opportunities Necessary to Create Empowered Positive Teens):

The CONCEPT program is a life-skills curriculum for middle school students to promote positive thinking and create behavioral changes. It employs a unique combination of practicing life skills pertaining to real circumstances, cooperative learning, constructive dialogue, and role-playing. The Program is composed of three parts:

- 19-week curriculum program for 6th graders
- Student workshops for grade levels 5-12
- Parent/Adult Workshops

The topics of discussion are: law, decision- making, conflict resolution, problem solving, peer pressure, cyberbullying, anger management, gang affiliation, unlawful weapons, violence, substance abuse, community awareness and goal setting. Approximately 450 students participated in the program last year and workshops were presented to over 1,400 parents and students.



DA at CONCEPT school graduation

YOUTH TRIAL ADVOCACY PROGRAM (YTAP):

YTAP provides students with an opportunity to explore a career in law. Students from 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 December through May. An internship opportunity at the Office of the Bronx District Attorney is awarded to the YTAP student who has the best attendance and best overall mock trial performance.



READ TO ME:

The Office of the Bronx District Attorney partners with the Marshall England Early Childhood Learning Center and the Richard Mangum Learning Center to read storybooks to children ranging in age from two to four years old in their classroom.



OPERATION GUN HALT:

(Parolee & Probationers Forum)

The aim is to reduce city-wide gun violence in collaboration with re-entry social service agencies, the NYPD, the US Attorney's Office in the Southern District of New York, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of Corrections and Community Supervision, and the Department of Probation. Once a month, recently released probationers and parolees are invited to attend a panel presentation, where they are given the opportunity to discuss alternatives and resources available to them. The Bronx is one of five sites selected to run this program in target neighborhoods in New York State. In 2017, 181 Parolees participated in Operation Gun Halt and 129 Probationers participated in the Probation Forum.

PROJECT JUMP:

This mentoring program matches

sophomores, juniors and seniors from the Adlai E. Stevenson High School Campus with volunteers from the Bronx District Attorney's Office on a one-to-one basis.

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

Administrative Division/Support Staff

The Support Staff is the backbone of the Office. Units include:

DETECTIVE INVESTIGATORS



The Bronx District Attorney's Detective Investigators assist in long-term investigations, witness security, arrests, extraditions and other duties. The members of this unit also provide security to BXDA offices and sponsor workshops such topics as Active Shooter Training. In 2017, the DIs were instrumental in numerous investigations that resulted in indictments.

DAT/ CRIMINAL COMPLAINT ROOM/ ARRAIGNMENTS

This unit works with all the divisions and has assigned Assistant District Attorneys and support staff to ensure that cases are handled appropriately at the stage of inception.

HUMAN RESOURCES

The Human Resources Unit oversees the support staff hiring of the Office, recruiting managerial, administrative and clerical personnel and ensuring the effective transition of new employees to the Office. The Unit also disseminates all pertinent policy information to staff and maintains important employee records. The Unit processed 303 new applicants in 2017.

INFORMATION TECHNOLOGY (IT)

Information Technology develops and oversees the telecommunication systems across all BXDA Offices. The Unit provides support on all technical issues and ensures the Office is effectively using case-related services.

LEGAL RECRUITMENT

The Legal Recruitment Bureau oversees the hiring of the Office's Assistant District Attorneys and ensures a seamless transition for every hire. The Bureau oversaw the hiring of 122 new district attorneys last year, marking the largest class in the history of the Bronx District Attorney's Office.

OPERATIONS

The Operations Unit works behind the scenes to provide a professional work environment. It is responsible for office maintenance, mail delivery, moving furniture, and managing caseload storage.

PUBLIC INFORMATION

The Public Information Office responds to media inquiries and provides information to government agencies and individuals. The office also maintains the Bronx District Attorney website and social media accounts.

SUPPORT STAFF TRAINING

This Unit provided numerous sessions of training in 2017 on subjects ranging from the Structure and Procedure of the District Attorney's Office and Rosario, Giglio, Discovery and Brady material; to drafting complaints, and evidence recovery. The training unit also keeps the non-legal staff up to date on all administrative procedures and practices.

Summons Warrants Dismissed



DA Clark asks for the dismissal of 159,394 warrants

On August 9, District Attorney Clark appeared before Honorable George Grasso, Supervising Judge of Bronx Criminal Court, in the Bronx Hall of Justice and moved to dismiss 159,394 outstanding summons warrants involving low-level, quality of life offenses that are 10 or more years old, allowing thousands of Bronxites to advance their lives.

District Attorney Clark said, "These summonses are 10 years or older and are for minor offenses such as drinking alcohol in public or riding a bicycle on a sidewalk. We know that quality of life is important to the

community, but given the ten year passage of time, and many of these offenses are now decriminalized, these offenses no longer pose public safety concerns that would justify jailing people.

"In addition to leading to jail, an unresolved warrant can pose obstacles to employment, obtaining citizenship, housing or educational opportunities, and prevent people from becoming productive members of society.

"The people who have these warrants have not been in trouble with the law for a decade or more, and it is time that they are given the opportunity to

live productive lives, free from summonses hanging over their heads. As a result, I move to vacate and to dismiss these matters in the interest of justice."

District Attorney Clark consulted with the other NYC District Attorneys, the Mayor's Office of Criminal Justice, the NYPD, the City Council and the Office of Court Administration. The Queens, Manhattan and Brooklyn District Attorneys also dismissed old warrants.

Judge Grasso granted the motion, saying, "I am going to grant the motion to vacate. I dismiss each case in the furtherance of justice."

“Another Chance”

Over 300 people attended and 226 warrants were cleared at the 2017 “Another Chance” event, helping people move on with their lives.

District Attorney Clark said, “It was a rewarding event for the community and for my Office. Those who came to the Eastchester Presbyterian Church made the decision to resolve these old warrants so they don’t risk arrest, jail or missed opportunities because they once made a mistake such as drinking alcohol in public or some other quality-of-life offense.

District Attorney Clark kicked off the event on August 5th by personally requesting some dismissals.

The majority of the summonses vacated were for public consumption of alcohol. Participants attended a resource fair, where vendors provided information and resources on jobs, health care and social services. A mobile courtroom was created in the Eastchester Presbyterian Church on Fish Avenue in Baychester and presided over by the Honorable Bahaati Pitt, Bronx Criminal Court Judge. Volunteer Assistant District Attorneys and The Bronx Defenders handled the cases.



On August 6, 2017, the Office held its second annual “Another Chance” event.



DA Clark speaks with media at “Another Chance” event



DA Clark with the BXDA Detective Investigators.

In the Community

NATIONAL NIGHT OUT

BXDA staff volunteered at National Night Out Against Crime on August 1, 2017, an annual event that promotes police-community partnerships to create safer neighborhoods. Legal and support staff attended events in every precinct, and District Attorney Clark also visited all the precincts and Housing Police Service Areas in the Bronx.



PARADES



NEIGHBORHOOD MEETING



District Attorney Darcel D. Clark with Bronx NYPD commanders and investigators at Saint Simon Stock School to inform the community about takedown of Slattery Boys gang.

OUTREACH



District Attorney Darcel D. Clark at "Immigration Now!" forum that provides legal advice to undocumented immigrants.

Executive Staff

Julian Bond O'Connor
General Counsel

Teresa Mason
Chief of Staff

Derek Lynton
Chief Assistant District Attorney

Odalys Alonso
Executive Assistant District Attorney for Operations & Budget

Theresa Gottlieb
Chief of Trial Division

Jean T. Walsh
Chief of Investigations Division

Joseph Muroff
Chief of Special Victims Division

Kerry Chicon
Chief of Strategic Enforcement and Intergovernmental Relations Division

Nicole Keary
Deputy Chief of Trial Division

Maria Cortese
Deputy Chief of Operations Division

Ben Rivera
Deputy Executive ADA for Operations & Budget

Stuart Levy
Deputy Chief of Investigations Division

Carmen Facciolo
Deputy Chief of Strategic Enforcement and Intergovernmental Relations Division

Legal Staff

Alternatives to Incarceration. **Aisha Greene**
Appeals. **Nancy Killian**
Arraignments/Complaint Room **Rene Aponte**
Child Abuse/Sex Crimes. **Rachel Ferrari**
Conviction Integrity. **Gina Mignola**
Crime Strategies. **Nina Carlow**
Criminal Enterprise. **James Goward**
Domestic Violence **Adrienne Giunta**
Economic Crimes **William Zelenka**
Firearms Trafficking **Vladimir Kocheulov**
Forensic Science Unit **Raymond Valerio**
Homicide **Christine Scaccia**
Immigrant Affairs **Miriam Bell-Blair**
Legal Recruitment **Sherry Cohen**

Litigation Training **Pishoy Yacoub**
Narcotics & Gangs Investigation. . . **Gary Heavner**
Professional Responsibility. **Victor Olds**
Public Integrity **Wanda Perez-Maldonado**
Rikers Island Prosecution **Deanna Logan**
Special Investigations. **Tarek A. Rahman**
Tax and Organizational Fraud . . . **W. Dyer Halpern**
Technical Investigation Unit **Peter Kennedy**
Trial Bureau 20 **Meredith Holtzman**
Trial Bureau 30 **Julie DeLeon**
Trial Bureau 40 **Catherine Davis**
Trial Bureau 50 **Lawrence Piergrossi**
Trial Bureau 60 **Hannah Freilich**
Trial Bureau 70 **Jeffrey Glucksman**

Administrative Staff

L. Christopher Standora

Chief Financial Officer

Arthur Simmons

Deputy Administrative Chief

Jeannette Rucker

Chief of Support Staff Training and Development

Javier Valenti

Lt. C.O. of NYPD DA Squad

Meiling Viera-Delgado

Director of Community Affairs

Patrice O'Shaughnessy

Director of Communications

Frank Chiara

Chief of Detective Investigators

Bethann Holzhay

Director of Crime Victims Assistance Unit

Barbara Robles-Gonzalez

Director of Litigation Training

Nate Simmons

Director of Operations

Raymond Vazquez

Director of IT

Cicely Harris

EEO Officer/Career Counselor



BXDA staff with supplies donated by the Office for victims of Hurricane Maria.



Dancing at the office picnic



BXDA holiday dessert party



Bronx County Supreme Court overlooking Yankee Stadium and the 161st Street subway station

Bronx District Attorney's Office at 198 East 161 St.
bronxda.nyc.gov