

January 5, 2009

**CONSECUTIVE LIFE SENTENCES FOR MANHATTAN MAN FOUND GUILTY
OF TWO GANG RELATED MURDERS IN MOTT HAVEN**

Bronx District Attorney Robert T. Johnson announced today that a 25-year-old Manhattan man has been sentenced to two terms of life imprisonment for two gang related murders within a three week period in December 2005.

Dexter Roman, of 618 West 142nd Street, Manhattan, was found guilty last month on two counts of Murder in the 2nd degree in the deaths of Carlos Arauz, 18, and Laurice Arthur, 19, members of the street gang GMC or Get Money Click.

Acting State Supreme Court Justice Michael Sonberg sentenced Roman to consecutive terms of 25 years to life imprisonment for each of the murders rendering Roman ineligible to apply for parole until he has served a minimum term of 50 years in state prison.

Arauz was shot and killed on December 29, 2005 on a walkway at the Melrose Houses outside 321 East 151st Street. Roman walked up to the deceased and shot him at least five times with a 9MM handgun. The victim was taken to Lincoln Hospital where he was pronounced dead less than an hour later. The fatal shooting was the result of a dispute between the two young men which Arauz believed had been resolved a week earlier. Witnesses testified that a truce that had been brokered a week prior to the murder was a ruse to encourage the deceased to

lower his guard and enable Roman to get close enough to execute the ambush killing.

After Arauz was murdered, Arthur, his closest friend, began wearing sweatshirts designed as memorials to Arauz. The shirts displayed a photographic image of Arauz and the text RIP Ckali GMC. On January 17, 2007, Arthur was wearing one of the sweatshirts when Roman and an accomplice followed him into a bodega at 694 Courtlandt Avenue and shot him with a .22 caliber handgun six times in the face. Arthur died at Lincoln Hospital several hours later.

Last October, Roman's accomplice in murdering Arthur, Christopher Bright, 21, pled guilty to one count of manslaughter and was sentenced to 24 years imprisonment. Another defendant, Carlos Lora ,22, pled guilty in August 2007 to one count of hindering prosecution. He was sentenced to up to 6 years imprisonment. Lora admitted to hiding both murder weapons in his home for "safe keeping". Although Lora and Bright pled guilty to charges related to the killings, neither one testified against Roman, who has ties to a local Bronx street gang BGS or Bronx Gunslingers. Bright is also affiliated with BGS.

Assistant District Attorney Veronica Guariglia of the Gangs / Major Case Bureau prosecuted the case against Roman.

Friday, January 9, 2009

**ACTOR LILLO BRANCATO SENTENCED TO TEN YEARS IMPRISONMENT
FOR AN ATTEMPTED BURGLARY WHICH LED TO THE DEATH OF AN OFF
DUTY NEW YORK CITY POLICE OFFICER**

Bronx District Attorney Robert T. Johnson announced today that 32-year-old actor Lillo Brancato was sentenced to ten years in prison for his role in a botched burglary which resulted in the death of off duty New York City Police Officer Daniel Enchautegui.

Brancato, of Yonkers, was found guilty on December 22, 2008 on one count of Attempted Burglary in the 1st degree at the home of an acquaintance on Arnow Place in the Pelham Bay section of the Bronx.

State Supreme Court Justice Martin Marcus sentenced Brancato to ten years in prison, although the People had argued that he should receive the maximum term of 15 years imprisonment in light of the loss of Officer Enchautegui's life. Enchautegui left his home to investigate the incident when he was shot and killed shortly before dawn on December 10, 2005.

Enchautegui was fatally shot by Steven Armento, Brancato's accomplice, who was found guilty of Murder in the 2nd degree and currently is serving a sentence of 25 years to life imprisonment. Although Brancato was convicted of participating in the attempted break-in, the jury acquitted him of felony murder in Enchautegui's death.

The case was prosecuted by Senior Trial Assistant District Attorney Theresa Gottlieb and Assistant District Attorney April Cohen of the Trial Division.

Thursday, January 22, 2009

**THE DEATH OF AN 18-YEAR-OLD INMATE ON RIKERS ISLAND LAST
OCTOBER LEADS TO NUMEROUS CRIMINAL CHARGES AGAINST THREE
CORRECTION OFFICERS AND TWELVE TEENAGE INMATES**

Bronx District Attorney Robert T. Johnson and New York City Department of Investigation Commissioner Rose Gill Hearn announced today that a grand jury has indicted three New York City Correction Officers and twelve adolescent inmates on charges ranging from manslaughter, conspiracy, enterprise corruption and other offenses stemming from an investigation into the death of an 18-year-old inmate at a Rikers Island detention facility.

The 58 count indictment handed up by a grand jury was unsealed today in State Supreme Court following a joint investigation into the beating death of Christopher Robinson. He was killed on October 18, 2008 in an inmate housing area at the Robert N. Davoren Center. Robinson allegedly was brutally beaten because of his refusal to go along with a violent extortion enterprise against adolescent inmates which was jointly operated by the indicted correction officers and their teenage accomplices.

The four month investigation into the fatal beating uncovered numerous other alleged criminal acts against adolescent inmates, including assaults, acts of coercion, larceny and

extortion. The crimes charged in the indictment involve nine different victims on nine separate occasions between July 10, 2008 and October 18, 2008.

District Attorney Johnson said: “If these allegations are true, the behavior of the Correction Officers was worse than that of some of the young detainees under their supervision. What is most disturbing however is that this conduct turned a detention facility for adolescents into an incubator for violent criminal activity sanctioned by adults in positions of authority. We intend to prosecute this case vigorously and hold these defendants accountable for their actions. They must be punished for conveying to the young people in their charge the message that crime does pay.”

Commissioner Rose Gill Hearn said: “The most chilling revelation of this investigation is that three New York City Correction Officers joined in a systematic and brutal scheme of intimidation and gang assault by and upon adolescent inmates in their custody. That scheme led to the death of an 18-year-old inmate. This is the worst case I have seen involving the City’s Correction Department in my experience in the past seven years. The City is resolved to see that the institutional conditions and practices that allowed the intimidation and violence to thrive are corrected quickly and decisively.”

New York City Department of Correction Commissioner Martin Horn said: “The death of Christopher Robinson was tragic and shocking. If the charges against Correction Officers are

true, they are a stain on the well-earned reputations of officers who perform their difficult and dangerous tasks every day with integrity and compassion. Even with more than 100,000 people in our custody every year, Christopher Robinson's death was the first homicide in a city jail in four years, yet it is one death too many. The city's jails are safer than ever, but that is not enough. We will continue our efforts to make every person in our jails safe and I send a message to all of our staff: those few who fail to live up to their oath of office and our standards, will not be tolerated."

This sweeping indictment charges Correction Officer Michael McKie, 31, of Brooklyn, Correction Officer Khalid Nelson, 34, of Staten Island, and inmates Joseph Hutchinson, 18, of Manhattan, Anquant Bryant, 18, of the Bronx, John Bae, 18, of Queens, Quashawn Babrow, 17, of Brooklyn, and Treyquan Washington, 18, of the Bronx, with Enterprise Corruption. These defendants are facing a maximum sentence of up to 25 years imprisonment if found guilty of this Class B felony offense.

The indictment also charges Bryant, Hutchinson, and Shaddon Beswick, 18, of the Bronx, with Manslaughter in the 1st degree, Gang Assault in the 1st and 2nd degrees, and Assault in the 2nd degrees, in the death of Christopher Robinson. Bryant, Hutchinson and Beswick are facing a maximum sentence of up to 25 years imprisonment if convicted of manslaughter, the most serious offense in connection with Robinson's death. Beswick was not charged with Enterprise

Corruption.

A third Correction Officer, Denise Albright, 43, of Manhattan, was charged with Conspiracy in the 4th and 5th degrees, Assault in the 2nd degree, Coercion in the 1st and 2nd degrees, and Attempted Grand Larceny in the 2nd degree. Albright was not charged with Enterprise Corruption, however it is alleged that she was “acting in concert” with her colleagues McKie, Nelson and others in connection with an inmate assault on August 27, 2008. She is facing a maximum sentence of up to 15 years imprisonment if convicted of the most serious offense charged, Assault in the 2nd degree.

It is alleged that Officers McKie and Nelson acted as managers for an organization referred to as “the Program” which operated within the Robert N. Davoren Center. McKie and Nelson would cede responsibility for maintaining order to inmates known as “the Team” whom they personally selected. In exchange for maintaining order in the unit, McKie and Nelson authorized the “Team” to extort personal property from their victims and to coerce them in a variety of ways. It is also alleged that McKie and Nelson acted to conceal evidence of these crimes.

According to investigators, inmates who went along with the Program agreed to turn over a percentage of the monetary value in their inmate commissary account and also give up some of their phone privileges to the “foot soldiers and enforcers” of the Program. Victimized inmates

could also be forced to give up their shoes or items of clothing. Inmates who refused to go along with the Program were punished by being assaulted by the inmate “enforcers’ upon authorization by defendants McKie and Nelson, in most instances would designate the date, time, location and manner of the “beatdown”. McKie and Nelson allegedly facilitated the assaults by allowing the “enforcers” access to remote areas in the housing unit. The indicted Correction Officers allegedly attempted to conceal their participation in the Program by failing to intervene or stop the inmate assaults, making false reports about the assaults or directing inmate victims to make false reports regarding the assaults or acts of extortion, and by using violence or the threat of violence to ensure the victims’ continued participation in the Program.

Six other inmates are also facing conspiracy and other charges stemming from this investigation: Efrain Centeno, 18, of Queens, James Kelly, 18, of Brooklyn, Joel Beltran, 19, of Brooklyn, Adam Palacios, 18, of Brooklyn, Reginald Wiggins, 17, of Manhattan, and Robert Denis, 17, of the Bronx.

District Attorney Johnson, Commissioner Hearn, and Commissioner Horn thanked the following for their hard work and dedication that resulted in this indictment: Department of Investigation Inspector General Robert Gigante and Assistant Inspector General James Christo; DOI Investigators Robert Clarke, Jerome Cirrica and Rhonda Young; Department of Correction, Chief of Department Carolyn Thomas, Assistant General Counsel Alexandra Fischer, Assistant

Deputy Commissioner, Investigation Division Richard White, Director, Investigation Division, Dennis Wall, Deputy Director, Investigation Division, Ruben Benitez, Captain Angel Camacho, Investigator Bruce Sutton, Investigator Luis Reyes, Investigator Michael Bardales, Investigator Chris Edgars, Deputy Warden Sybenia Collins, Intelligence Unit, Assistant District Attorney Thomas Leahy, Chief of the Rackets Bureau, Assistant District Attorney James Goward, Supervisor, Rackets Bureau, and Assistant District Attorney Maria Mostajo, Rackets Bureau.

Tuesday, February 17, 2009

**DEFENDANT ABRUPTLY PLEADS GUILTY WHILE TESTIFYING AT HIS
TRIAL FOR ARMED ROBBERY**

Bronx District Attorney Robert T. Johnson announced today that a 28-year-old Bronx man pled guilty while testifying in his own defense at his trial for armed robbery and other offenses.

Michael Lennon, of 1670 Townsend Avenue, pled guilty to one count of Robbery in the 1st degree and one count of Assault in the 2nd degree in connection with a home invasion that occurred on October 16, 2007.

Acting State Supreme Court Justice Ethan Greenberg set sentencing for Thursday, March 26, 2009 in Part T-29. Under terms of the plea agreement Lennon will be sentenced to a term of 6 ½ years imprisonment and 5 years of post release supervision once his prison term is completed. Once the guilty plea was entered Justice Greenberg revoked Lennon's bail of \$5,000 and ordered him remanded.

The robbery occurred at an apartment on East 176th Street, the home of Adrian Dorsey. Lennon and an unapprehended accomplice forced their way into the residence and assaulted Dorsey before fleeing with two pieces of jewelry and approximately \$200 (dollars) in cash. Dorsey testified that when he answered a knock on his front door Lennon, who was armed with a

knife, and his accomplice, who was carrying a handgun, pushed their way inside. Lennon struck Dorsey in the mouth with the handle of the knife and also punched him in the face with a closed fist knocking out two of his front teeth. When Lennon demanded that Dorsey surrender his jewelry and money, Lennon's accomplice threatened to shoot Dorsey and his girlfriend, who managed to call 911 during the commotion.

Lennon was caught a short time later while running through an alley behind the victim's apartment building. Police recovered the two gold chains, one with a crucifix and one with an image of Jesus Christ. The defendant testified last Friday that he had purchased the jewelry and just before the case was adjourned for the holiday weekend, the defense said it intended to place into evidence, a receipt for the jewelry in question. When the trial resumed this morning with the defendant still on the stand under oath, Assistant District Attorney Allen Karen told the court that he was prepared to call as a witness for the state the owner of the business that purportedly issued the "receipt." When Karen said that his witness would testify that he never sold the stolen jewelry to the defendant, Lennon changed his plea to guilty.

Senior Trial Assistant District Attorney Allen Karen is being assisted by Assistant District Attorney Ellen Jittrarachit in prosecuting this case.

Wednesday, February 18, 2009

**CURRENT AND FORMER PROPERTY OWNERS FOUND GUILTY IN
DEATHS OF TWO NYC FIREFIGHTERS IN DEADLY ‘BLACK SUNDAY’ BLAZE AT
BRONX APARTMENT BUILDING IN JANUARY 2005**

Bronx District Attorney Robert T. Johnson announced today that a jury has held a landlord and its agent criminally responsible for the deaths of two New York City firefighters who jumped to their deaths while battling a fire in an apartment house in the Tremont section of the Bronx in January 2005.

The jury found Cesar Rios, 52, of New Fairfield, Connecticut, and 234 East 178th Street Limited Liability Company guilty on two counts of Criminally Negligent Homicide, a Class E felony offense, and one count of Reckless Endangerment in the 2nd degree in the deaths of Lt. John Bellew and Lt. Curtis Meyran and injuries to Lt. Joseph DiBernardo, and Firefighters Jeffrey Cool, Eugene Stolowski and Brendan Cawley. Rios, who sold the property a year before the fatal fire occurred, was charged in his capacity as an “agent” for the current owner.

District Attorney Johnson said: “There is absolutely no verdict that can compensate the families of the deceased or the survivors of this tragedy for their loss, their grief and their pain. That being said, it is most appropriate that those who through their greed caused, this needless suffering receive significant punishment.”

Criminally negligent homicide is a Class E felony offense punishable by a maximum sentence of up to four years imprisonment. Reckless Endangerment in the 2nd degree is a Class A Misdemeanor offense punishable by a maximum sentence of up to a year in jail. The company that owned the building, 234 East 178th Street LLC, can be fined as much as \$15,000.

The jury found that the deaths and injuries were the result of the firefighters becoming trapped because of the illegal subdivision of apartments in the building at 236 East 178th Street. Partition walls that were built in order to create additional bedrooms blocked access to a fire escape, thereby forcing the firefighters to jump from a fourth floor window in order to avoid being burned.

The People argued that the evidence showed that the defendants' "reckless toleration" of the dangerous conditions at 236 East 178th Street constituted "criminal negligence" which resulted in the fire. The defendants also were found to have "recklessly engaged in conduct which created a substantial risk of serious physical injury" to firefighters and residents of an occupied building.

The fire was determined to have originated in a third floor apartment in a failed electrical extension cord which overheated and cause a short in an outlet which in turn set a bed on fire. Firefighters were in an identically subdivided apartment directly overhead on the fourth floor searching for any occupants who may have still have been on the premises, when the blaze spread and trapped them.

Today's conviction is the result of a 14-month-long joint investigation with the New

York City Department of Investigation, the New York City Fire Department, and the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives.

State Supreme Court Justice Margaret Clancy set June 1, 2009 for a decision on post trial motions by the defense.

The case is being prosecuted by Senior Trial Assistant District Attorney Jeffrey Glucksman, Senior Trial Assistant District Attorney Miriam Bell Blair and Assistant District Attorney Sharif Nesheiwat of the Investigations Division.

Friday, February 27, 2009

**SUSPECT INDICTED FOR THE STRANGULATION MURDERS OF A BRONX
WOMAN AND HER 9-YEAR-OLD DAUGHTER IN FEBRUARY 1988**

Bronx District Attorney Robert T. Johnson announced today that a 46-year-old man was arrested and charged with murdering a 26-year-old woman and her 9-year-old daughter in February 1988.

Robert Fleming, of 1160 Colgate Avenue, the Bronx, was indicted by a grand jury on 11 counts of Murder in the 2nd degree in the deaths of Selina Cooper and her daughter Joi Little. Fleming was charged with 2 counts of “intentionally” causing the deaths of the victims, and 9 additional counts of felony murder during the alleged commission of rape, sodomy and other sexual offenses against the victims. The alleged sex crimes could not be charged however, because they had occurred beyond the statute of limitations.

Fleming was arraigned before State Supreme Court Justice John Byrne and ordered held without bail. Fleming is next scheduled to appear in court on April 23, 2009 in Part 40.

The murders occurred on February 29, 1988 in Cooper’s apartment on East 174th Street in the Morris Heights section of the Bronx. Today’s arrest was the result of information developed by New York City Police Detectives assigned to the Cold Case Squad.

Senior Assistant District Attorney Nancy Borko is prosecuting the case.

Wednesday, March 18, 2009

BRONX FATHER GUILTY IN THE BEATING DEATH OF TWO YEAR OLD SON

Bronx District Attorney Robert T. Johnson announced today the conviction of a 28-year-old Bronx man in the beating death of his two year old son in March 2005.

Angelo Vanterpool, of 2766 Barnes Avenue, pled guilty to one count of Manslaughter in the 1st degree in the death of Vision Reddick. Under terms of the agreement, Vanterpool will be sentenced to a term of 18 years imprisonment when he appears before State Supreme Court Justice Steven Paynter on Wednesday, April 9, 2009 in Part T-9.

Vanterpool abruptly agreed to plead guilty to manslaughter at the conclusion of jury selection shortly before opening arguments and testimony were to begin.

On March 29, 2005, the baby's mother left the toddler, Vanterpool's biological son, in the defendant's care in the apartment that he was sharing with his current girlfriend. Vanterpool became angry during his son's visit when the little boy wet the couch. Vanterpool admitted beating the child causing bruising on his body and face and recklessly causing his death.

According to the Medical Examiner the cause of death was "blunt force trauma, followed by submersion". The first firefighter to respond to the defendant's 911 call found the toddler was wet and had just been removed from the bathtub.

The case is being prosecuted by Assistant District Attorney Miriam Sanni, of the Child Abuse / Sex Offense Bureau, and Assistant District Attorney Adam Oustacher of the Gangs/ Major Case Bureau.

Monday, March 23, 2009

**GRAND JURY FILES PERJURY CHARGES AGAINST NYPD DETECTIVE IN
CONNECTION WITH TESTIMONY ABOUT ARRESTS STEMMING FROM A LARGE
MARIJUANA SHIPMENT**

Bronx District Attorney Robert T. Johnson announced today that a New York City Police Detective has been arrested and charged with perjury allegedly for testifying falsely while under oath before a Grand Jury.

47th Precinct Detective Debra Eager, 41, was indicted on three counts of Perjury in the 1st degree, a Class D felony offense punishable by a maximum sentence of 7 years imprisonment on each count.

District Attorney Johnson said: “Untruthful testimony, particularly from those who are entrusted to enforce the law, strikes at the very heart of our system of justice and seriously erodes public confidence in our courts. Hopefully this indictment, the second in the last 16 months in which a Police Officer has been charged with perjury, will reinforce the message that we have zero tolerance for false testimony by anyone, including members of law enforcement.”

The crime alleged in this indictment occurred on November 21, 2007 when Detective Eager appeared before a grand jury in connection with the arrests of several defendants who were charged with the criminal possession of 33 pounds of marijuana. It is alleged that Eager’s

testimony was specific in detail and was starkly contradicted by video surveillance recordings at the location where the arrests occurred at 3041 Holland Avenue on November 17, 2007. As a result all felony and misdemeanor charges were dismissed against the defendants in the marijuana possession case.

Eager was arraigned before Acting State Supreme Court Justice Steven Barrett who set bail at \$15,000 in the form of a personal recognizance bond. The defendant was ordered to surrender her passport. The case was adjourned until May 12, 2009 in Part 60.

Assistant District Attorney James Goward of the Rackets Bureau is prosecuting the case.

Tuesday, March 24, 2009

**BRONX MAN SENTENCED TO 14 YEARS IMPRISONMENT FOR SHOOTING
A MAN IN AN ESCALATING DISAGREEMENT OVER A LITTER OF PUPPIES**

Bronx District Attorney Robert T. Johnson announced today that a 30-year-old man was sentenced to 14 years imprisonment for shooting in a dispute over sharing a litter of Pit Bull puppies.

Thor Corbin, of 332 Jackson Avenue, the Bronx, was found guilty last month of Assault in the 1st degree for shooting and seriously wounding Malcolm Scott, 20, on August 27, 2007. Acting State Supreme Court Justice Michael Gross ordered that at the completion of Corbin's 14 year sentence of incarceration, he be placed under post release supervision by the New York State Division of Parole for a period of 5 years.

The shooting occurred on the sidewalk in front of 594 Union Avenue when Corbin opened fire and shot at Scott several times striking him once in the lower back. Witnesses testified that Corbin continued shooting after Scott had fallen to the ground. The gunfire erupted following a fistfight between the two men earlier in the day. The fighting began during an argument concerning a litter of Pit Bull puppies that were in the defendant's possession. According to testimony, Scott and Corbin had made an agreement that in exchange for allowing Scott's dog to mate with his pet, Scott was to have been given two of the puppies from the litter.

The defendant failed to provide Scott with the puppies, as promised, and the two fought in the street. After Scott got the best of the defendant in the fistfight, the defendant retaliated by shooting Scott.

The case was prosecuted by Assistant District Attorney Newton Mendys and Michelle Johnson of the Trial Division.

Friday, April 3, 2009

**BRONX MAN CHARGED WITH CONSPIRING TO HIRE A ‘HIT MAN’ TO
KILL TWO WITNESSES IN A PENDING RAPE CASE AGAINST HIM**

Bronx District Attorney Robert T. Johnson announced today that a defendant in a pending rape case has been charged with conspiring to have two witnesses in the case murdered.

41-year-old Anthony Perez, of 1735 Davidson Avenue, the Bronx, was arrested at a detention facility on Rikers Island following a seven month investigation by the Bronx District Attorney’s Office and the New York City Police Department. Perez was charged with two counts of Conspiracy in the 2nd degree, two counts of Criminal Facilitation in the 2nd degree, and two counts of Criminal Solicitation in the 2nd degree.

Perez was arraigned before State Supreme Court Justice John Moore who ordered that the defendant be remanded on these new charges. Conspiracy in the 2nd degree, the top charge in this indictment, is punishable by up to a maximum sentence of up to 25 years imprisonment on each count.

It is alleged that Perez agreed to pay an undercover detective whom he believed to be a killer for hire, \$100,000 to kill the woman he is accused of raping and a second witness who was in the apartment when the alleged sex crime occurred in April 2006. According to court papers, Perez contracted the “hits” on October 7, 2008 at a face to face meeting with the undercover

detective, while being detained at the city jail on Rikers Island. In addition to negotiating the fee for eliminating the witnesses, Perez also allegedly provided the name and address of one of the women and devised a plan to lure the second intended victim to the first woman's apartment.

It is further alleged in court papers that on February 13, 2009, the defendant had a second meeting with the purported "hitman" during which he discussed possible ways the killings could be carried out and made to look like the result of a robbery. The defendant also discussed making arrangements for a subsequent meeting with a third party, Tawana Leggett, who allegedly provided the undercover detective with a gun. That meeting took place on February 23, 2009 in Brooklyn where Leggett has been charged with criminal possession of a weapon.

According to the criminal complaint filed with the court, Perez' final contact with the undercover detective occurred by telephone on February 25, 2009 at which time the undercover was instructed to call Leggett use the code "get your suit and shoelaces ready" to let her know that the job was done.

Assistant District Attorney Jacob Kaplan of the Rackets Bureau is prosecuting the case.

Friday April 3, 2009

**NEW YORK CITY POLICE OFFICER CONVICTED OF MANSLAUGHTER IN
OFF DUTY SHOOTING DEATH OF HONDURAN IMMIGRANT**

Bronx District Attorney Robert T. Johnson announced today that New York City Police Officer Raphael Lora has been convicted of manslaughter in the shooting death of an unarmed civilian.

Lora was found guilty on one count of Manslaughter in the 2nd degree in the death of Fermin Arzu, 41, in May 2007. Lora was convicted by State Supreme Court Justice Margaret Clancy following a non-jury trial.

Justice Clancy found that Lora “recklessly caused the death” of Arzu when he shot and killed the victim, who was driving near the intersection of Longwood Avenue and Hewitt Place shortly before midnight on May 18, 2007. The defendant was acquitted of the more serious charge of Manslaughter in the 1st degree which alleged that he had acted with “intent to cause serious physical injury” to the victim and thereby caused his death.

Justice Clancy set sentencing for Thursday, May 14, 2009 in State Supreme Court, Part T6. Although Lora is facing a maximum term of up to 15 years imprisonment, by law the sentencing range available to the judge at her Honor’s discretion includes probation.

District Attorney Johnson said: “This is a tragedy that cannot be undone regardless of the

verdict or sentence however we will continue to seek some measure of justice for the bereaved family of Fermin Arzu. Our recommendation to the judge on an appropriate punishment will be subject to one final review of the facts in this case, the background of the defendant, and the impact of Mr. Arzu's death on his family.”

After the verdict was announced, the People asked that Lora's bail be raised to \$250,000 pending sentencing, however the judge continued bail at \$50,000 in the form of a personal recognizance bond.

Lora was indicted by a grand jury in December 2007 following an exhaustive six-month investigation into the facts and circumstances that led to the fatal shooting. The process involved interviews with numerous witnesses, the examination and analysis of physical evidence, and the assessment of that information in the context of the applicable statutes. The evidence included Officer Lora's own testimony before the grand jury that the victim, when asked to produce identification, never removed anything of a threatening nature from the glove compartment of his vehicle, and never pointed a weapon at Lora.

The case is being prosecuted by Senior Investigative Assistant District Attorney Larry

Hartstein and Supervising Assistant District

Attorney James Goward of the

Investigations Division.

Wednesday, April 8, 2009

**GUILTY VERDICT IN TRIAL OF BRONX MAN WHO KILLED AND
DISMEMBERED HIS BOSS BEFORE DUMPING THE BODY PARTS IN GARBAGE
BAGS SCATTERED THROUGHOUT THE NEIGHBORHOOD**

Bronx District Attorney Robert T. Johnson announced today that a 46-year-old roofer was found guilty of murdering his boss in May 2006. Victor Gonzalez was convicted on one count of Murder in the 2nd degree in the death and dismemberment of Wilfredo Pinto Jr. The jury deliberated for about five hours before returning the guilty verdict.

State Supreme Court Justice Caesar Cirigliano set May 28, 2009 in Part T5 for decisions on defense motions to set aside the verdict. Gonzalez, of 923 Kelly Street, is facing a maximum sentence of up to 25 years to life imprisonment.

The murder occurred on May 9, 2006 and was the culmination of an argument that escalated, became physical, and ended with the defendant striking the deceased in the head multiple times with a hammer. There had been a history of “bad blood” between Gonzalez and Pinto who worked together as roofers at two different companies. Pinto was Gonzalez’ foreman on one job and also was dating a woman who rented one of the bedrooms in her apartment to Gonzalez. Gonzalez claimed that he had acted in self defense and that the deceased had repeatedly bullied, mistreated and disrespected him. The jury rejected the defendant’s claim of self defense and found that the brutal murder was intentional.

After the murder, Gonzalez, who had worked as a butcher in Puerto Rico before moving to New York, dismembered Pinto's body and placed the body parts in several plastic garbage bags which were left on the sidewalk for collection at various locations in the neighborhood.

The case is being prosecuted by Assistant District Attorney Gary Weil and Assistant District Attorney Latrice Walker.

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Tuesday, April 14, 2009

**BRONX DISTRICT ATTORNEY'S OFFICE AND NEW YORK CITY POLICE
DEPARTMENT FORMS PARTNERSHIP WITH CLERGY IN LAUNCHING GUN
BUYBACK PROGRAM TO GET FIREARMS OUT OF CIRCULATION**

Bronx District Attorney Robert T. Johnson and Police Commissioner Raymond Kelly were joined by the pastors of six Bronx churches to announce a gun buy-back program in an effort to get illegal hand guns and other weapons off the streets and out of circulation.

Participants will receive a \$200 pre-paid cash card for each eligible weapon surrendered, No Questions Asked. The gun buy-back program will take place on one day only - Saturday, April 25, 2009 - between the hours of 11:00 a.m. and 5:00 p.m. at six drop-off locations.

District Attorney Johnson said, "Ending the proliferation of guns on our streets has been a priority since I became District Attorney 20 years ago. Vigorous enforcement efforts and tougher sentences for the illegal possession of guns have been helpful; however an amnesty program such as the Gun Buyback also has a role to play. Guns are instruments of death that are responsible for much pain and suffering, and whatever we can do remove them from circulation should be encouraged."

Police Commissioner Kelly said, "This is good news, life-saving news for the Bronx. District Attorney Johnson's support means a doubling of the usual reward and a strong partnership with the Bronx clergy - two essential ingredients in getting guns off the street."

On Saturday, April 25, 2009, people who own legal or illegal guns will be able to trade them for \$200 bank cards. All of the transactions will be completely anonymous. There will be no questions asked and a \$200 bank card will be issued for each operable gun that is surrendered. There is no limit on how many guns may be turned in, however participants will only be paid a maximum sum of \$600 for three guns. The bank cards can be used either as a debit card to make purchases or to withdraw cash from any ATM.

Handguns, rifles and shotguns will be accepted, however guns belonging to either active or retired law enforcement officials are **not** eligible for the buy-back program. Functional BB guns and air pistols may be exchanged for a \$20 bank card.

Plainclothes NYPD police officers, Bronx DA Detective Investigators, and members of the NYPD Bronx DA Squad will be on hand at the churches to accept the firearms that are surrendered. Participants are encouraged to bring the unloaded weapons in paper or plastic bags, or shoe boxes. If the weapons are being transported by car, they must be placed in the trunk of the car.

Funding for the gun “buy-back” program is being provided jointly by the Bronx District Attorney’s Office and the NYPD.

Firearms may be surrendered at the following locations:

- **Immaculate Conception R.C. Church**
607 Melrose Avenue
Bronx, New York 10455
(Between 150th Street & 151st Street)
Father Francis Skelly

(718) 292-6970

- **Miracle Revival Temple**
1555 Macombs Road
Bronx, New York 10452
(Between W. Mount Eden Avenue & Goble Place)
Reverend Jay Gooding
(718) 538-3116

- **Immaculate Conception Church**
754 East Gun Hill Road
Bronx, New York 10467
(Between Holland Avenue & Capuchin Way)
Father John LoSasso, O.S.M. CAP
(718) 653-2200

- **The New Gospel Temple, Church of God in Christ**
1554 Minford Place
Bronx, New York 10460
(Off Boston Road at 173rd Street)
Bishop Rodney Canion
(718) 328-3010

- **Holy Cross Roman Catholic Church**
600 Soundview Avenue
Bronx, New York 10473
(Corner of Randall Avenue & Soundview Avenue)
Father Peter Pomposello
(718) 893-5550

- **Community Protestant Church**
1659 East Gun Hill Road
Bronx, New York 10469
(Between Gunther Avenue & Tiemann Avenue)
Reverend Calvin Owens, Pastor
(718) 862-9172

Friday, April 17, 2009

**TAX PREPARER CONVICTED OF STEALING \$100,000 FROM THE STATE
OF NEW YORK IN SCHEME TO FILE FRAUDULENT TAX RETURNS**

Bronx District Attorney Robert T. Johnson announced today that a 61-year-old tax preparer has been convicted of stealing \$100,000 from the State of New York in a scheme to file fraudulent tax returns. This conviction is the culmination of a two year long joint investigation with the New York State Department of Taxation and Finance.

Ramuntxo Bosch, of 205 West 95th Street, Manhattan, pled guilty to one count of New York State Tax Law Section 1807 (b) a Class E felony offense; aiding or assisting in the giving of fraudulent returns. Under terms of the plea agreement Bosch will be sentenced to six months in jail and required to pay full restitution in the amount of \$100,000 to the New York State Department of Taxation and Finance.

Bosch entered his plea of guilty before Acting Supreme Court Justice James Kindler in Part 60. The plea agreement calls for restitution to the State of New York to be paid in full by either a cashier's or certified check, on or before the sentencing date.

At the time of the defendant's arrest last December, District Attorney Johnson and Commissioner Robert L. Megna of the New York State Department of Taxation and Finance

made the following statements:

D.A. Johnson said “The pattern of looting of the State’s coffers, as alleged in this criminal complaint, represents unconscionable greed, particularly during these tough economic times when resources are limited and the need for services is high. Aside from being illegal, conduct of this kind exacerbates the hardship endured by honest citizens. Let this arrest send a strong message that those who engage in this kind of white collar economic crime, will be vigorously prosecuted.”

Commissioner Megna said, “This arrest marks another in the Tax Department’s year-long, statewide investigation of corrupt tax preparers who use their specialized training and knowledge of tax law to game the system. The case also demonstrates how the Tax Department’s enforcement personnel are working closely with prosecutors and aggressively using investigative techniques not previously common in tax enforcement to penetrate the criminal activities of corrupt tax preparers. Together with dedicated and concerned prosecutors like Bronx District Attorney Johnson, we are using these types of techniques to investigate dozens of fraudulent preparers across the state. I thank District Attorney Johnson for his support in this investigation and for his aggressive prosecution of this case.” Bosch, the owner of Bosch Tax Services (a.k.a. Future International Corporation), at 111 West 225th Street in the Marble Hill section of the Bronx filed tax returns for clients which fraudulently claimed a number of foster children as dependents and child care tax deductions for these “phantom” children. The crimes occurred between January 1, 2005 and November 25, 2008.

The scheme began to unravel when the New York State Tax Department of Taxation and Finance noticed that the same children with the same social security numbers were being claimed as dependents on multiple returns by unrelated taxpayers. Bronx District Attorney Detective

Investigator Juan Medina traced the social security numbers in question to children who were born in Puerto Rico, some of whom were enrolled in schools on the Island. Bosch profited from the fraudulent scheme by charging clients extra fees and retaining a portion of the tax refunds. The fraudulent returns were filed electronically.

District Attorney Johnson and Commissioner Megna thanked members of their staffs for their hard work on the investigation that resulted in this arrest. The list of personnel includes NYPD Detective Steven Swindell, of the DA's Squad, Bronx DA Detective Investigator Juan Medina, Attorney-in-Charge, Robert Eisman, New York State Department of Taxation and Finance, and Investigator Angelique Aponte, New York State Department of Taxation and Finance.

Assistant District Attorney Ann Cherry of the Arson/Auto/Economic Crimes Bureau is prosecuting the case.

Thursday, April 23, 2009

**42- YEAR-OLD FITNESS TRAINER CONVICTED OF RAPING AND
VIDEOTAPING SEXUAL ACTS WITH HIS 9-YEAR-OLD DAUGHTER DURING
WEEKEND VISITATIONS**

Bronx District Attorney Robert T. Johnson announced today the conviction of a 42-year-old Bronx man on multiple charges involving the rape and sexual abuse of his daughter during weekend visitation at his home during a two year period when the child was 9 and 10-years-old.

Victor Perez, of 2866 East 196th Street, was found guilty on 8 counts of Predatory Sexual Assault Against a Child, 5 counts of Rape in the 1st degree, 3 counts of Criminal Sexual Act in the 1st degree, 5 counts of Incest in the 1st degree, 3 counts of Use of a Child in Sexual Performance, 1 count of Course of Conduct Against a Child in the 1st degree, and Endangering the Welfare of a Child.

Perez is facing a maximum term of 160 years to life imprisonment if consecutive sentences are imposed on the most serious offense of Predatory Sexual Assault Against a Child. The crimes of Rape in the 1st degree, Criminal Sexual Act, and Incest in the 1st degree are punishable by a maximum sentence of 25 years imprisonment on each count. State Supreme

Court Justice James Kindler set sentencing for Monday, May 11, 2009 in Part T14.

The crimes occurred between Christmas Day, December 25, 2005 and October 7, 2007 during court ordered visitation. Perez, on numerous occasions, took his daughter to his home and forced her to dress up in lingerie and high heeled shoes. He photographed his daughter and also engaged in sexual acts with the girl while recording the sexual performance on video tape. The jury heard testimony by the defendant's daughter, the victim in this case, that her father showed her videos that he said were of other fathers having sexual relations with their daughters.

The crimes came to light on October 7, 2007, the last visitation date between father and daughter, after her mother noticed a rash in the child's genital area. When the child disclosed the sexual abuse that had occurred her mother called 911. The child was examined at St. Luke's Hospital where the defendant's DNA was recovered.

At the time of the defendant's arrest, investigators retrieved 41 separate movie files from Perez' home, as well as 40 photographs depicting his daughter in sexually provocative poses. Investigators also recovered a chest filled with high heeled shoes and women's undergarments.

The case is being prosecuted by Assistant District Attorney Danielle Pascale and Assistant District Attorney Remi Simoes of the Child Abuse / Sex Offense Bureau.

OWNER OF YANKEE TAVERN ARRESTED AND CHARGED WITH EVADING MORE THAN \$1,000,000 IN

BUSINESS AND PERSONAL TAXES OWED TO THE CITY AND STATE

Bronx District Attorney Robert T. Johnson announced today the arrest of the owner of Joe Bastone's Yankee Tavern, a popular bar and grill near Yankee Stadium, on various charges of tax evasion, while the corporate entity of which Bastone is President and Chief Executive Officer, was charged with evading corporate, sales and payroll taxes owed to the City of New York and the State of New York. The total dollar amount involved in these crimes is approximately \$1,000,000 million dollars.

Bastone appeared before State Supreme Court Justice Steven Barrett after surrendering with his attorney to Bronx District Attorney Detective Investigators. Today's arrest is the result of a two year joint investigation with the New York City Department of Finance.

Bastone, 55, of Bronxville, New York, was charged with one count of Grand Larceny in the 3rd degree, one count of Offering a False Instrument for Filing in the 1st degree, one count of False Returns or Reports, and one count of False Returns or Reports; Corporate Taxes in violation of New York City Administrative Code 11-4004 (a). Grand Larceny in the 3rd degree, the most serious offense, is a Class C felony offense punishable by a maximum sentence of up to 15 years imprisonment.

Joe Bastone's Yankee Tavern, the corporate entity, at 72 East 161st Street, the Bronx, was charged with one count of Grand Larceny in the 2nd degree, one count of Offering a False Instrument for Filing in the 1st degree, one count of False Returns or Reports; Corporate Taxes, and one count of False Returns or Reports in violation of New York City Administrative Code 11-4004 (b). The most serious offense charged against Yankee Tavern, the corporate entity, is Grand Larceny in the 2nd degree, a Class C felony offense. If convicted of that offense Yankee Tavern would be facing a maximum penalty of up to \$250,000 in fines.

According to court papers, the charges stemmed from an audit by the New York City Department of Finance of the Yankee Tavern's business records, customer receipts, and financial ledgers from January 1, 2002 through May 1, 2007. City auditors also examined corporate tax returns filed by Yankee Tavern for the calendar years 2002 through 2006. It is alleged that comparisons of the business records and tax returns revealed that the tax documents contained false statements and false information, in that the "defendants' tax returns indicated gross sales and profit less than the amount of gross sales and profit indicated in the business records recovered."

District Attorney Johnson thanked the following for the hard work that resulted in this successful prosecution: Michael Hyman, Assistant Commissioner for Tax, Audit, Policy and Enforcement and members of Hyman's staff at the New York City Department of Finance Office of Tax Enforcement, Assistant District Attorney Thomas Kapp, Chief of the Arson/Auto/Economic Crimes Bureau, Assistant District Attorney Ann Marie Cherry, of the Arson/Auto/Economic Crimes

Bureau, Bronx D.A. Detective Investigators Juan Crosas Medina, Brad Waterman, and Detective Investigator Henry Nurse,
Director of Security.

Monday, April 27, 2009

POPULAR RIVERDALE RESTAURANT GUILTY OF TAX EVASION

Bronx District Attorney Robert T. Johnson announced today that the owner of Jake's Steakhouse, a popular restaurant in Riverdale, has pled guilty to evading, approximately, three years of state and city sales taxes, and unemployment insurance premiums.

Margaret Ryan, 55, owner of Jake's Restaurant, pled guilty to a single count of the New York City Administrative Code 11-4004 (a) False returns or Reports: Corporate Taxes (a Class A Misdemeanor Offense. Prime Cut Realty Corporation, the eatery's corporate entity, pled guilty to a single count of the New York City Administrative Code 11-4004 (b) False returns or Reports; Corporate Taxes, a Class E felony offense. Both pleas covered tax returns filed for the calendar year 2005. The defendants' admissions that they had failed to pay taxes owed to the state and city were made before Acting State Supreme Court Justice Steven Barrett.

Ryan surrendered this morning to Bronx District Attorney Detective Investigators Deirdre Johnson and Modesto Acevedo.

Under terms of the plea agreement Ryan, of East Meadow, New York, and Jake's Steakhouse, at 6031 Broadway, the Bronx, are jointly liable for the payment of a total of some \$525,000 in back taxes, fines, and penalties, including back taxes owed to the city and state for

2004 through 2007. The sum of \$525,000 was paid prior to today's court appearance.

The charges, according to court papers, were the result of an audit by the New York City Department of Finance. Auditors reviewed business records, receipts and financial ledgers and discovered discrepancies between the gross sales reported in those records and the sales and profit figures reported on corporate tax returns.

District Attorney Johnson thanked the following for the hard work that resulted in today's conviction: Martha Stark, Commissioner of the New York City Department of Finance, Michael Hyman, Assistant Commissioner for Tax, Audit, Policy and Enforcement, and members of Hyman's staff at the New York City Department of Finance, Office of Tax Enforcement, Assistant District Attorney Thomas Kapp, Chief of the Arson /Auto/Economic Crime Bureau, Assistant District Attorney Ann Marie Cherry, of the Arson/Auto/Economic Crimes Bureau and Detective Investigator Henry Nurse, Director of Security.

Tuesday, April 28, 2009

MORE THAN A DOZEN REPUTED ‘BLOODS ‘ GANG MEMBERS
ARRESTED ON CHARGES OF CONSPIRACY TO COMMIT MURDER, ATTEMPTED
MURDER, AND DISTRIBUTE NARCOTICS IN AND AROUND THE EDENWALD
HOUSES

Bronx District Attorney Robert T. Johnson announced today the arrests and indictment of twenty one alleged members of the “Bloods” in connection with a pattern of gang related violence in and around the Edenwald Houses.

Acting State Supreme Court Justice Steven Barrett ordered that the defendants, who were arrested today on warrants pursuant to the indictment, be remanded pending formal arraignment in State Supreme Court Part 60 on Monday, May 4, 2009.

The 54 count indictment charges the defendants with Conspiracy in the 1st, 2nd, 3rd, and 4th degrees, one count of Murder in the 2nd degree, eight counts of Attempted Murder in the 2nd degree, eight counts of Assault in the 1st degree, eight counts of Assault in the 2nd degree, eleven counts of Criminal Possession of a Weapon in the 2nd degree, four counts of Criminal Sale of a Controlled Substance in the 3rd degree, four counts of Criminal Possession of a Controlled Substance in the 3rd degree, one count of Criminal Possession of a Controlled Substance in the 4th

degree, three counts of Reckless Endangerment in the 1st degree, and two counts of Menacing in the 2nd degree.

District Attorney Johnson said today's arrests were the result of an eight month investigation into a series of shootings which began in the Summer of 2008, causing serious injury to eight people, and culminating with the fatal shooting of an individual in December 2008. Three of the shooting victims were innocent bystanders. The six other targets allegedly were members of rival gangs.

The investigation was conducted jointly by the Bronx District Attorney's Office, the NYPD Bronx Homicide Task Force and the 47th Precinct Detective Squad.

Four of the defendants, Manuel Soltren, 25, a/k/a "Nori", Joshua Soltren, 23, a/k/a "Bleek", Askia Hinton, 25, a/k/a "Fizzy Woo", and Sean Henry, 21, a/k/a "Wheezy", a/k/a "Cooley", are believed to be the leadership of the Bloods set "BFA" (Brothers For Another). They and eight others were charged with Conspiracy in the 1st degree among other offenses. Conspiracy in the 1st degree is a Class A felony offense punishable by a maximum sentence of up to 25 years to life in prison.

According to the indictment, the defendants, "acting in concert" between December 1, 2005 and April 22, 2009, conspired to commit murder, distribute narcotics, possess and sell crack cocaine, heroin and marijuana, and possess illegal firearms including semi-automatic

weapons. It is alleged that the Soltren brothers, Hinton and Henry would recruit gang members as young as 13 or 14 and put them to work selling drugs, stashing firearms and carrying out shootings.

One of the numerous overt acts cited in the conspiracy is the shooting death of Aaron Wescott, on December 15, 2008. Wescott was gunned down in the vicinity of 4000 Laconia Avenue in a public area at the Edenwald Houses known as the “horseshoe” where alleged gang members congregated and sold narcotics. Jeavon Williams, 19, a/k/a “S.R.” has been charged with Murder in the 2nd degree and faces a maximum sentence of up to 25 years to life imprisonment if convicted.

The first of the shootings in and around the Edenwald Houses occurred on June 14, 2008 outside 1138 East 229th Street near the “horseshoe” when two bystanders, a 21-year-old woman and 19-year-old man, were struck by bullets that were intended for a rival gang member. Charles Hatchett, 19, a/k/a/ “Smalls” has been charged with Attempted Murder in the 2nd degree and Assault in the 1st degree in connection with that incident. A month later, on July 15, 2008 there was another shooting which resulted in charges of Attempted Murder and Assault in the 1st degree being filed against Ronnie Guity, 21, a/k/a “Bishop”.

There was another shooting two weeks later on July 28, 2008 followed by two more incidents on August 2, 2008. Three people sustained serious injuries. Christopher Moore, 17,

a/k/a “Bris” has been charged with Attempted Murder and Assault in the 1st degree in connection with those shootings. On September 9, 2008 two more victims were shot and seriously wounded leading to charges of Attempted Murder and Assault in the 1st degree being filed against Raheem Lewis, 15, a/k/a “RaRa”.

Attempted Murder in the 2nd degree and Assault in the 1st degree are Class B felony offenses. Conviction on either charge is punishable by a maximum sentence of 25 years imprisonment on each count.

On multiple occasions during the course of the investigation varying quantities of narcotics were recovered from sales to undercover detectives. Detectives also confiscated a Luger 9MM semi-automatic handgun, one 45. caliber revolver, one 25. caliber semi-automatic handgun and one 357 Magnum Revolver.

The case is being prosecuted by Assistant District Attorney Christiana Stover and Assistant District Attorney Terry Gensler of the Gangs/ Major Case Bureau under the supervision of Edward Talty, Bureau Chief.



ROBERT T. JOHNSON
DISTRICT ATTORNEY

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— PRESS RELEASE —

**20-YEAR-OLD BRONX MAN INDICTED FOR MURDER IN THE SHOOTING
DEATH OF A LIVERY CAB DRIVER**

—
Bronx District Attorney Robert T. Johnson announced today the indictment of a 20-year-old man in the shooting death of a livery cab driver on Sunday, May 10, 2009.

A grand jury filed one count of Murder in the 2nd degree and one count of Manslaughter in the 1st degree against Francisco Santos in the death of 37-year-old Roberto Pita. Santos, of 31 West Tremont Avenue, the Bronx, is facing a maximum sentence of up to 25 years to life imprisonment if convicted of murder, the more serious of the two charges. Gun possession charges are still pending.

Santos, is being held without bail and is scheduled to be arraigned on the indictment on Thursday, May 28, 2009 in State Supreme Court, Part A.

Santos, a passenger in a livery car that was being driven by the victim, allegedly shot Pita multiple times causing his death. The shooting occurred by a school yard in the rear of 40 West Tremont Avenue.

The case is being prosecuted by Assistant District Attorney Felicity Lung of the Trial Bureau.



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— PRESS RELEASE —

**FRATELLI'S RESTAURANT AND OWNERS ADMIT GUILT IN EVADING
MORE THAN \$600,000 IN TAXES AND INSURANCE PREMIUMS OWED TO THE
STATE AND CITY**

Bronx District Attorney Robert T. Johnson today announced the conviction of Fratelli's Restaurant and its owners on charges of evading more than \$600,000 in taxes and unemployment insurance premiums owed to the city and state of New York.

Ed Bastone, 42, of Mahopac, New York, and Luigi Bastone, 44, of Mahopac, New York, the owners of Fratelli's Restaurant, at 2507 Eastchester Road, each pled guilty to one count of New York City Administrative Code 11-4004 (a), False returns or Reports: Corporate Taxes, (a Class A Misdemeanor). Fratelli's Restaurant, the corporate entity, pled guilty to a single felony count of New York City Administrative Code 11-4004 (b), False returns or Reports: Corporate Taxes.

Although the pleas covered filings from calendar year 2004, the defendants evaded payment of taxes and insurance premiums owed to New York State and New York City from December 1, 2003 through May 31, 2007.

Under terms of the agreement the defendants made restitution in the amount of \$600,015.71, representing New York State and New York City sales taxes, New York City General Corporation Tax, and New York State Insurance Fund premiums. Restitution was made prior to being sentenced to a conditional discharge by Acting State Supreme Court Justice Steven Barrett.

The defendants, accompanied by their attorney, surrendered this morning to Bronx District Attorney Detective Investigators Merrybet Tavarez and Modesto Acevedo. The charges, according to court papers, were the result of an audit by the New York City Department of Finance. Auditors reviewed business records, receipts and financial ledgers, and discovered discrepancies between the gross sales reported in those records and the sales and profit figures reported on corporate tax returns.

District Attorney Johnson thanked the following for the hard work that resulted in today's conviction: Michael Hyman, Interim Commissioner for Tax, Audit, Policy and Enforcement, New York City Department of Finance, Assistant District Attorney Thomas Kapp, Chief of the Arson/Auto/Economic Crimes Bureau, Assistant District Attorney Ann Marie Cherry, of the Arson/Auto/Economic Crimes Bureau, Detective Investigator Merrybett Tavarez, and Detective Investigator Modesto Acevedo and Detective Investigator Henry Nurse, Director of Security.



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— PRESS RELEASE —

**BRONX WOMAN SENTENCED UP TO 6 YEARS IN PRISON FOR
CONSPIRING TO HAVE A WOMAN MAIMED, RAPED AND KILLED AFTER
SUSPECTING THE INTENDED TARGET OF HAVING AN AFFAIR WITH HER
HUSBAND**

Bronx District Attorney Robert T. Johnson announced today that a 45-year-old Bronx woman was sentenced to a maximum term of up to 6 years imprisonment for conspiring to have another woman maimed, raped and killed.

Bonnie Davido, of 1422 Williamsbridge Road, was convicted last month on one count of Conspiracy in the 2nd degree, a Class B felony offense. Acting State Supreme Court Justice Steven Barrett today sentenced Davido to a term of 2 to 6 years imprisonment.

In pleading guilty last month, Davido admitted that she had attempted to hire a "hit man" to kill a woman whom the defendant suspected was having an affair with her husband. The scheme came to light when a man whom Davido had approached on the street reported the incident to police who began an investigation.

The conspiracy began on November 16, 2006 when Davido, according to court papers, told an undercover detective whom she believed to be a "hit man" that she wanted him to throw acid in the victim's face and "make it look like a robbery." Davido said she wanted the victim blinded to prevent her from being able to see the defendant's husband. The detective who was posing as the "hit man" was instructed to retrieve the intended victim's cellular telephone because the defendant had called and left threats on the target's answering machine. Davido provided the intended victim's name, address, and telephone number, and agreed to pay \$2,000 for the job. Five days later, on November 21, 2006, Davido again contacted the undercover detective and instructed him to rape and blind the woman in order to make her sexually unappealing. Davido provided him with a description of the woman including her height, hair color and approximate weight. That conversation was followed by a third communication between Davido and the undercover detective on December 19, 2006 at which time Davido instructed him to "just shoot her. I need this bitch out of my life." The defendant warned that she would get someone else for the job if the target was not killed by the weekend.

The case was prosecuted by Senior Assistant District Attorney Larry Hartstein of the Rackets Bureau.

Wednesday, May 20, 2009

**NYC CORRECTION OFFICER SENTENCED TO 3 YEARS IN PRISON FOR
ATTEMPTING TO SMUGGLE NARCOTICS TO AN INMATE AT THE RIKERS
ISLAND JAIL IN EXCHANGE FOR A CASH BRIBE**

Bronx District Attorney Robert T. Johnson announced today that a former NYC Correction Officer was sentenced to 3 years in state prison following her conviction last month on charges of bribe receiving and the attempted sale of narcotics. The charges were the result of an undercover sting operation by the New York City Department of Investigation.

Tamar Peebles, 27, of Brooklyn, pled guilty to one count of Attempted Criminal Sale of a Controlled Substance in the 2nd degree, and one count of Bribe Receiving in the 3rd degree. She was sentenced by Acting State Supreme Court Justice Steven Barrett to current terms of 3 years in prison on the drug charge and one year incarceration on the bribery charge. Upon the completion of her sentence, Peebles will be subject to post release supervision for 5 years.

Peebles admitted that on January 31, 2008 she accepted a \$1,500 cash payment from an undercover investigator and delivered simulated cocaine and marijuana to an inmate at the Anna M. Kross Center at the City Jail on Rikers Island. Peebles believed that the undercover investigator was a relative of the inmate. The transaction occurred at a McDonald's Restaurant on Astoria Boulevard between 88th and 89th Streets in Queens. Peebles was in uniform at the time and on her way to work on Rikers Island.

Similar cases are still pending against six other Correction Officers who were implicated in the sting operation.

The case against Peebles was prosecuted by Senior Trial Assistant District Attorney Larry Hartstein of the Rackets Bureau.

Friday, May 22, 2009

**72-YEAR-OLD ATTORNEY IS SENTENCED TO A COUNSELING PROGRAM
FOR SEX OFFENDERS FOR GRABBING THE BUTTOCKS OF A 34-YEAR-OLD
FEMALE ATTORNEY IN FAMILY COURT**

Bronx District Attorney Robert T. Johnson announced today that a 72-year-old lawyer was found guilty of sexually abusing a 34-year-old female Law Guardian last August during an appearance in Family Court.

Robert Khan, of the Bronx, was found guilty on one count of Sexual Abuse in the 3rd degree, a Class B misdemeanor offense and one count of Harassment in the 2nd, a violation of the New York State Penal Law, following a non-jury trial before Acting State Supreme Court Justice James Kindler.

Khan was given a Conditional Discharge and sentenced to attend a counseling program for sex offenders.

The incident occurred on August 18, 2008 in Part 3 at Family Court at 200 Sheridan Avenue. According to court papers, Khan placed his hand on the victim's buttocks, "cupping the left side of her buttocks" without her consent, causing her to suffer annoyance and alarm. The unwanted physical contact occurred when the victim leaned over to retrieve a file from her briefcase.

In addition to testimony directly related to the incident of August 18, 2008, the evidence

included a decision by the Departmental Disciplinary Committee for the First Judicial Department suspending Khan from the practice of law for six months effective April 8, 2005.

Khan was suspended after a hearing into charges that he had engaged in “a pattern of misconduct involving sexually oriented or other offensive comments directed at female attorneys, in violation of the Code of Professional Responsibility.”

Assistant District Attorney Danielle Pascale of the Child Abuse / Sex Offense Bureau prosecuted the case.

Friday, May 29, 2009

**BRONX MAN FOUND GUILTY OF SEXUALLY ATTACKING FIVE
WOMEN AT KNIFE-POINT**

Bronx District Attorney Robert T. Johnson announced today the conviction of 29-year-old Bronx man on multiple counts stemming from sexual assaults against five young women at knife-point.

Jamaal Holton, of 1060 Anderson Avenue, was found guilty of 8 counts of Criminal Sexual Act in the 1st degree, 3 counts of Robbery in the 1st degree and 3 counts of Burglary in the 1st degree. All of these crimes are Class B felony offenses punishable by a maximum sentence of up to 25 years imprisonment.

Acting State Supreme Court Justice Martin Marcus set sentencing for Friday June 12, 2009 in Part T-13. Holton is facing a maximum term of up to 125 years imprisonment if the judge imposes consecutive sentences for each of the attacks against the five victims.

The assaults occurred over a period of approximately six months beginning on October 27, 2005 and ending on April 7, 2006. The five young women, ranging in age from 16 to 20, were accosted at knife-point and either forced to the roof of their apartment building or pushed into their apartment after answering a knock on the door. All five were forced to perform oral and /or anal sexual acts. Holton robbed several victims of either cash, personal property or both. In one incident, the victim's 9-year-old sister and 2-year-old daughter were present in the apartment

and threatened. In another incident, the victim's 4-year-old sister, 74-year-old grandfather and 68-year-old grandmother were present when the assault occurred. They were also threatened and forced to give Holton an undetermined amount of cash. In another incident, a victim's 13-year-old brother was present during the attack and threatened

The case is being prosecuted by Assistant District Attorney Julia Chariott and Assistant District Attorney Janelle Winston of the Child Abuse/ Sex Crimes Bureau.

Thursday, June 11, 2009

**39-YEAR-OLD MASSACHUSETTES MAN PLEADS GUILTY TO MURDER IN
CONTRACT KILLING OF 18-YEAR-OLD GIRLFRIEND**

Bronx District Attorney Robert t. Johnson announced today the murder conviction of a 39-year-old man who paid a hit-man to kill his 18-year-old girlfriend.

Carlos Cruz, of Southbridge, Connecticut, pled guilty to one count of Murder in the 1st degree in the shooting death of Chelsea Frazier, also of Southbridge, Connecticut, on April 13, 2008.

Cruz, who pled guilty to the top count in the indictment during jury selection, is facing a maximum sentence of life imprisonment with the possibility of parole. State Supreme Court Justice Barbara Newman set sentencing for Tuesday, October 6, 2009 in Part T-23.

Cruz admitted that he paid his cousin \$700 to kill Frazier because she no longer wanted to have an intimate relationship with him. On the day of the murder Cruz convinced Frazier to drive to the Bronx with him, along with the couple's 14-month-old son, under the guise of a shopping trip to buy clothes for the toddler.

Frazier was shot multiple times while sitting behind the steering wheel of her car at the intersection of Torry and Barrett Avenues in the Bronx. Detectives recovered several shell

casings on the floor by the backseat where the toddler was strapped into a car seat. Cruz, who was sitting in the front passenger seat, got out of the car and told the alleged killer to shoot him in the leg in order to make the “hit” look like a robbery. The alleged killer, Devon Miller, 26, of 1060 Devon Avenue, the Bronx, is still awaiting trial.

The case is being prosecuted by Senior Trial Assistant District Attorney Allen Karen and Assistant District Attorney Wayne Gossnel.

Wednesday, June 24, 2009

**NYPD DETECTIVE CONVICTED OF COMMITTING PERJURY AT THE
TRIAL OF A BRONX MAN CHARGED WITH ATTEMPTED MURDER**

Bronx District Attorney Robert T. Johnson announced today that New York City Police Detective Christopher Perino has been convicted of perjury for lying under oath at the trial of a man whom he had arrested for attempted murder.

Perino was convicted on 3 felony counts of Perjury in the 1st degree and 1 misdemeanor count of Perjury in the 3rd degree. Perino was found guilty by Acting State Supreme Court Justice James Kindler following a non-jury trial. The judge set sentencing for Tuesday, August 18, 2009 in Part T 14. Perino is facing a maximum sentence of up to 7 years imprisonment on each felony count and up to one year in jail on the misdemeanor count.

District Attorney Robert T. Johnson said: “Incarceration in state prison is an appropriate punishment in this case and will be our recommendation to the judge. We cannot even begin to address the public safety issues in the city if the testimony on which we must rely is perjured. The damage is compounded when the person who offers untruthful testimony is a police officer who is sworn to uphold the law.”

Perino’s false testimony was offered in April 2007 at the trial of Erik Crespo who was

charged with attempted murder and other offenses, including criminal possession of a weapon. The perjury concerned Perino's testimony about an interview with Crespo that was conducted on December 31, 2005 at the 44th Precinct. Perino testified falsely under direct examination by the Assistant District Attorney who was trying the case and under cross examination by Crespo's defense attorney. The perjury came to light because Crespo had recorded the entire interview on an MP3 player that he had been listening to when he was brought to the precinct.

Although the Detective Perino's false testimony undermined the attempted murder case, Crespo ultimately pled guilty to the illegal gun charge and was sentenced to 7 years imprisonment.

After delivering the guilty verdict against Perino, Justice Kindler allowed the defendant to remain free on a \$15,000 personal recognizance bond pending sentencing in August. Detective Perino's conviction resulted in his automatic termination from the NYPD.

Senior Investigative Assistant District Attorney Larry Hartstein and Assistant District Attorney Jacob Kaplan of the Rackets Bureau are prosecuting the case.

Thursday, June 24, 2009

LAST OF FIVE DEFENDANTS SENTENCED IN THE BRUTAL BEATING AND STRANGULATION DEATH OF A 21-YEAR-OLD BRONX MAN

Bronx District Attorney Robert T. Johnson announced today that the last of five defendants in the brutal beating and strangulation death of a 21 -year-old Bronx man has been sentenced.

24-year-old Tyshon Cates was sentenced by Acting State Supreme Court Justice John Carter to six years imprisonment for manslaughter in the death of Matharr Cham in June 2006.

Cates was charged with acting-in-concert with four other people, including his step-father, Walter Cates Sr., step-brother Walter Cates Jr. and two family friends, Raheem Davis and Lee Carr.

Tyshon Cates pled guilty to one count of Manslaughter in the 1st degree, (when). He entered the plea after his trial in () ended in an acquittal on a murder charge and a hung jury on the manslaughter charge.

Co-defendants Walter Cates Sr. (a.k.a. Walter Johnson) and Lee Carr were found guilty of Murder in the 2nd degree on May 7, 2009 and are serving a sentence of 25 years to life imprisonment. Walter Cates Jr. and Raheem Davis pled guilty to Manslaughter in the 1st degree on May 20, 2009 and were sentenced to 15 years imprisonment.

The brutal killing occurred on June 21, 2006 in an apartment at the Edenwald Houses at 4030 Laconia Avenue in the the northeast Bronx. Cham, an acquaintance of Tyshon Cates and his family, was jumped and body slammed when he entered the apartment where Walter Cates Sr. was living. As Cates Sr. and Walter Cates Jr. pinned Cham on the floor, Tyshon Cates joined Raheem Davis and Lee Carr in kicking and punching Chan before he was strangled. All five defendants then stripped Chan naked and put his body in a plastic garbage bag. The body was driven to a junkyard on East 233rd Street where it was placed in a dumpster soaked with gasoline and set ablaze. The defendants were arrested following a six month investigation by the 47th Precinct Detective Squad and the NYPD Bronx Homicide Task Force, however the motive for the homicide remains unclear.

The case was prosecuted by Assistant District Attorney Susanna Imbo and Senior Trial Assistant District Attorney Theresa Gottlieb.

Tuesday, July 7, 2009

FORMER FINANCE DIRECTOR AT CARDINAL HAYES HIGH SCHOOL
CHARGED WITH GRAND LARCENY

Bronx District Attorney Robert T. Johnson announced today the arrest of the former Finance Director at Cardinal Hayes High School on charges of grand larceny and other offenses following a year long investigation into the alleged misappropriation of school funds.

Gene Conti, 66, of Sea Cliff, Long Island, has been charged with one count of Grand Larceny in the 2nd degree, and one count of Falsifying Business Records in the 1st degree. The most serious charge, Grand Larceny in the 2nd degree is a Class C felony offense punishable by a maximum sentence of up to 15 years imprisonment.

Conti, who was accompanied by his attorney, surrendered to Bronx District Attorney Detective Investigators and later was arraigned before Acting State Supreme Court Justice Manuel Mendez. Conti was released on his own recognizance.

From September 2005 through February 2009, Conti held dual positions as Finance Director at Cardinal Hayes High School and as Treasurer of the Cardinal and Gold Fund, a not-for-profit organization that provided funding and other support to the Roman Catholic high school.

It is alleged, in court papers, that the defendant, during his 3 ½ year tenure at Cardinal Hayes H.S., stole more than \$63,000 by using a credit card on a school account to make purchases for his personal use, including meals at restaurants, gasoline, and electronic equipment. None of the purchases had anything to do with Cardinal Hayes H.S. Conti has also been accused of paying \$4,000 in charges on his personal credit card with checks drawn on a Cardinal and Gold Fund account that he was not authorized to write.

It is also alleged in court papers that Conti attempted to cover up the misappropriations by either making false entries or no entries at all regarding the nature of the unauthorized payments at issue in the books and records of the Cardinal and Gold Fund.

District Attorney Johnson acknowledged the hard work of members of his staff during the year long investigation that resulted in today's arrest, thanking in particular: Assistant District Attorney Thomas Leahy, Chief of the Rackets Bureau, Assistant District Attorney Elizabeth Brandler of the Rackets Bureau, Julio Santiago, Chief Financial Investigator for the Bronx District Attorney's Office, and Bronx D.A. Detective Investigators Vincent Cantarella, and Marie D'Angelo.

Wednesday, July 15, 2009

**BRONX TEENAGER CONVICTED OF ANIMAL CRUELTY AND ATTEMPTED
BURGLARY IN CONNECTION WITH THE DEATH OF HER FORMER ROOMMATE'S
CAT**

Bronx District Attorney Robert T. Johnson announced today that a 17-year-old defendant was convicted of attempted burglary and animal cruelty in the brutal death of her former roommate's cat.

Cheyenne Cherry, of 871 Westchester Avenue, the Bronx, pled guilty to one count of Attempted Burglary in the 3rd degree and one count of Agriculture and Markets Law 353. Both crimes are Class E felony offenses. The guilty pleas were entered before State Supreme Court Justice Margaret Clancy who set sentencing for Friday, July 31, 2009.

Cherry admitted that she went to her former roommate's apartment to commit a crime and that she participated in an act of animal cruelty by being present when the cat "Tiger Lily", was placed in a heated oven causing its death. The incident occurred on May 6, 2009 at 721 Tinton Avenue, the Bronx.

Under terms of the plea agreement, Cherry will be sentenced to two concurrent terms of one year in jail and has waived early release. Cherry will also be prohibited from either owning

an animal or living in a residence where an animal is present, for a period of three years upon her release from jail. The plea agreement was the result of evaluating the evidence, interviews with witnesses, and consultation with the victim.

A second defendant, a 14-year-old juvenile, is being tried in Family Court.

The case was prosecuted by Assistant District Attorney Jennifer Troiano of the Arson /Auto/Economic Crime Bureau.

Tuesday, August 18, 2009

**GRAND JURY CHARGES BRONX MAN WITH MURDER, MANSLAUGHTER
AND OTHER CRIMES IN DEADLY ‘HIT AND RUN’ THAT KILLED A MAN AND
INJURED SIX OTHER PEOPLE**

Bronx District Attorney Robert T. Johnson announced today that a 36-year-old Bronx man has been indicted on charges of murder, manslaughter and some 48 other criminal acts in connection with a deadly ‘hit and run’ vehicular assault that killed a man and injured six other people.

The grand jury, in a 50-count indictment, charged Mark St. Pierre with 1 count each of Murder in the 2nd degree, Manslaughter in the 2nd degree and Criminally Negligent Homicide; 4 counts of Assault in the 2nd degree; 6 counts of Assault in the 3rd degree; 1 count of Attempted Assault in the 3rd degree; 1 count each of Reckless Endangerment in the 1st and 2nd degrees; 5 counts of Endangering the Welfare of a Child; 7 counts of Criminal Mischief in the 4th degrees; 13 counts of Leaving the Scene of an Incident Without Reporting; and numerous violations of the Vehicle and Traffic Law.

If convicted, St. Pierre, of 3285 Decatur Avenue, is facing a maximum sentence of 25 years to life imprisonment on the murder charge alone, which is the most serious offense in the indictment.

St. Pierre, who is being held without bail, was arraigned on the indictment in State Supreme Court, Part A before Justice John Byrne.

The indictment alleges that St. Pierre “under circumstances evincing a depraved indifference to human life,” recklessly engaged in conduct which created a grave risk of death to

another person, and thereby caused the death of Miguel Colon. St. Pierre has also been charged with causing physical injury to six other people, Tamika Jennings, Richard Lapaix, Jonathan Diaz, Denzel Davis, Timothy McNish and Oliver Williams.

The incident took place on July 12, 2009, and began with an argument between St. Pierre and Tamika Jennings, the mother of his three-year-old daughter, in the parking lot of a Chuck E. Cheese at 1806 East Gun Hill Road, following a birthday party. When Ms. Jennings drove off with the child, St. Pierre pursued her in his own car, which led to a high speed chase in the course of which Mr. Colon, a pedestrian, was struck and killed, and numerous collisions with other vehicles caused the additional injuries.

The charges in the indictment are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

The case is being prosecuted by Assistant District Attorney Lawrence Piergrossi and Assistant District Attorney Jeremy Hamburg of the General Crimes Division.

Tuesday, August 25, 2009

**DNA DATABANK LEADS TO THE ARREST OF A SECOND SUSPECT IN A
15-YEAR-OLD RAPE CASE**

Bronx District Attorney Robert T. Johnson announced today the arrest and indictment of a 33-year-old year-old Bronx man for the alleged forcible rape and robbery of a woman in December, 1993.

Rodney Howard, of 2955 White Plains Road, has been charged with 3 counts of Rape in the 1st degree, 2 counts of Sexual Abuse in the 1st degree and 1 count of Robbery in the 1st degree.

Howard is accused of “acting-in-concert” with Brian Brockington who was arrested in 2007. Brockington, of 159-44 Harlem River Drive, Manhattan, is still awaiting trial and is being held without bail. Brockington, Howard’s younger cousin, was 16 years old in 1993. Both defendants are facing maximum consecutive sentences of up to 25 years imprisonment on each count if convicted of the top counts of first degree rape and first degree robbery.

The crimes occurred on December 5, 1993 when the victim, who was 28 years old, was assaulted, robbed and raped at gunpoint, as she walking near her boyfriend’s house in the vicinity of Burke Avenue in the Bronxwood section. The victim was examined and treated at Jacobi

Hospital where DNA samples from two of her attackers were collected and later entered into a state database. Although the identities of the alleged attackers remained unknown until 2007, an indictment obtained in 2003 charged two defendants named “John Doe” based on the DNA profiles that had been developed.

Brockington,32, was the first to be identified based on a DNA sample that was obtained in connection with his arrest on an unrelated sexual abuse charge stemming from an incident that occurred in 1997. The sample obtained in 2007 was a match for the DNA obtained in the 1993 case as well as a match for another rape involving a third victim in 2003.

Howard, who was 18 years old at the time, was not linked to the 1993 attack until earlier this month when a sample of his DNA was sent to the New York State DNA database following his conviction on a misdemeanor assault charge in Manhattan. Howard was arraigned this afternoon before State Supreme Court Justice Margaret Clancy who ordered that the defendant be held without bail. Both Howard and Brockington are next scheduled to appear before State Supreme Court Justice John Moore in Part M 70 on October 14, 2009.

The case is being prosecuted by Assistant District Attorney Jill Starishevsky of the Child Abuse / Sex Crimes Bureau.

August 26, 2009

BRONX MAN AND ASSOCIATE CHARGED WITH STEALING NEARLY \$1.3 MILLION DOLLARS AN ALLEGED REAL ESTATE SCAM INVOLVING THE SALE OF PROPERTY THAT THE DEFENDANTS DID NOT OWN

Bronx District Attorney Robert T. Johnson announced today that two Bronx men have been charged with bilking three people out of more than one point three million dollars (\$1,300,000) in an alleged scam involving the sale of property that the defendants did not own and were not authorized to sell.

It is alleged that the victims were led to believe that they were purchasing property that had been owned by the City of New York because the previous owners had either failed to pay taxes or correct numerous building code violations.

Mario Tolisano, 59, of 1669 Astor Avenue, and Celestino Orta, 40, of 588 Timpson Street, have been charged with 1 count of Grand Larceny in the 1st degree, 3 counts of Grand Larceny in the 2nd degree and 3 counts of Criminal Possession of Stolen Property in the 2nd degree. Tolisano also was charged with 7 additional counts of Practicing or Appearing as Attorney-At-Law without being Admitted and Registered. Both defendants are facing a maximum sentence of up to 25 years imprisonment if convicted of the most serious charge,

Grand Larceny in the 1st degree, a Class B felony. offense.

Tolisano was arraigned before State Supreme Court Justice Margaret Clancy who set bail at \$250,000. Orta, currently in custody on an unrelated matter in another jurisdiction, is expected to be arraigned next Thursday, September 3, 2009.

It is alleged that in May 2008, the defendants approached real estate investors Jacob Selechnik and Robin Shimoff and offered to sell them various properties that Orta either already had bought or was in the process of buying from the City of New York. Selechnik and Shimoff examined the real estate and agreed on a purchase price of \$710,000 to be paid up front. A few months later in July 2008, the victims allegedly were offered additional properties in the Bronx, Brooklyn, and Queens and for which they paid another \$502,000.

A third victim, Nir Cohen, allegedly also was approached by the defendants in May 2008 and made a \$70,000 down payment for a vacant lot at 539 Union Avenue near Southern Boulevard.

The alleged scam began to unravel when the victims filed complaints against Tolisano and Orta after repeated attempts to schedule closings on the properties were ignored because the defendants, in fact, never had ownership of the properties or authorization to them.

The case is being prosecuted by Senior Investigative Assistant District Attorney Richard Baker of the Arson/Auto/Economic Crimes Bureau.

Friday, September 11, 2009

**BRONX ASSISTANT DISTRICT ATTORNEY TO SPEND A WEEK AT
PROSECUTOR'S OFFICE IN THE NETHERLANDS IN TRANS-ATLANTIC 'JOB
SWAP' CELEBRATING 400 YEARS OF RELATIONS BETWEEN NEW YORK CITY
AND AMSTERDAM**

Bronx District Attorney Robert T Johnson announced today that a member of his staff is one of 11 New Yorkers, including firefighters, lawyers, midwives, bartenders and musicians, who've been selected to spend a week on the job with their counterparts in Amsterdam, the Netherlands.

This "Job Swap" is part of an official Celebration of 400 Years of Relations between Amsterdam and New York City. The relationship between these two cities began in 1609 when Captain Henry Hudson sailed the Dutch ship Halve Maen (Half Moon) into what is now New York harbor.

Assistant District Attorney Amy Litwin, one of the more senior Assistants in the Domestic Violence Bureau, handles homicide cases, serious assaults, and other crimes involving defendants and victims who either had been or still are in relationships with one another. Crimes of domestic violence have been the focus of Litwin's legal practice ever since she was appointed as an Assistant District Attorney in August 2001.

Prior to her scheduled departure for Amsterdam on Sunday, September 13, 2009, Litwin spent the week hosting fellow prosecutor Alexandra Oswald whom Litwin will in turn ‘shadow’ during her time at the District Attorney’s office in the Netherlands. Oswald’s week in New York included getting a taste of a routine patrol shift in the Bronx through the NYPD Ride Along Program, observing cases being screened by ADA’s in the Complaint Room, cases moving through court Arraignment and Trial Parts, as well as the process of jury selection. Numerous conversations and exchanges of information with judges and other Assistant DA’s were significant components of the ‘Job Swap’ experience in the Bronx and are anticipated to be equally informative as they unfold in Amsterdam.

Tuesday, September 15, 2009

**NEW YORK CITY POLICE OFFICER CHARGED WITH ASSAULTING AN
UNARMED CIVILIAN IN ALLEGEDLY UNPROVOKED ATTACK**

Bronx District Attorney Robert T. Johnson announced today that a New York City Police Officer has been arrested and indicted on charges that he allegedly assaulted an unarmed civilian in an unprovoked attack.

The Grand Jury indicted Police Officer Marc Rios, 39, on one count of Attempted Assault in the 1st degree, a Class C felony offense, and one count of Assault in the 2nd degree, a Class D felony offense in connection with an incident that occurred on March 30, 2009 in the Kingsbridge section of the Bronx. Rios is facing a maximum sentence of up to 15 years imprisonment if convicted of the most serious charge, Attempted Assault in the 1st degree. Rios has been a New York City Police Officer for ten years and is currently assigned to the 52nd Precinct.

The Grand Jury alleges that Rios “with intent to cause physical injury to another person, did cause such injury to John Roperto, by means of a deadly weapon or dangerous instrument, that being a PR-24 police baton.”

Rios, accompanied by his attorney, surrendered to the Bronx District Attorney’s Office

this morning and was later arraigned before Acting State Supreme Court Justice Steven Barrett in Part T 60. The judge set bail at \$25,000 in the form of a personal recognizance bond.

It is alleged that Rios struck Roperto in the face with his night stick fracturing the victims' cheekbone and another bone in the vicinity of the victim's nose. The incident occurred on West Kingsbridge Road and Universtiy Avenue shortly after 4:00 A.M. after Roperto and two friends left a nightclub, El Aguila, at 80 West Kingsbridge Road. An investigation turned up no evidence of any threatening actions by Roperto towards Rios or his partner prior to the assault.

Rios and his partner left the area immediately following the incident without charging Roperto with any offense and without filing a report about what had occurred. The matter came to light after Roperto called 911 for an ambulance and said that he had been beaten by a police officer.

The charges in the indictment announced today are merely accusations and the defendant is presumed innocent unless and until proven guilty.

Assistant District Attorney James Cudden of the Rackets Bureau is prosecuting the case.

Friday, October 9, 2009

**FORMER BRONX BUILDING SUPERINTENDENT CONVICTED OF MURDER
IN THE STRANGULATION DEATH OF HIS 14-YEAR-OLD DAUGHTER**

Bronx District Attorney Robert T. Johnson announced today the murder conviction of a father who strangled his 14-year-old daughter who was pregnant with his unborn fetus.

Miguel Matias, 35, pled guilty to one count of Murder in the 2nd degree in the death of Ana Matias on February 16, 2008.

Matias entered the plea before Acting State Supreme Court Justice Steven Barrett who set sentencing for Wednesday, November 4, 2009 in Part 60. The defendant will be sentenced to a term of 25 years to life imprisonment.

The crime occurred at 1005 Walton Avenue where Matias lived and was also employed as the building's superintendent. Investigators recovered what remained of the child's charred body from a furnace where Matias had placed following the murder. It was discovered that the victim was 12 weeks pregnant and that the defendant, according to DNA samples that were taken, was the biological father of the unborn child. Matias and the murdered girl's mother had lived together in Pennsylvania before their relationship ended and Matias moved to New York. After the separation, Ana Matias and two other siblings would often come to the Bronx on

weekends to visit their father.

Matias first admitted to killing his daughter during a telephone call to his uncle and sister when he asked them to come to his Walton Avenue apartment. Matias made a second admission in a later call to a 911 operator.

The case is being prosecuted by Assistant District Attorneys Christiana Stover and Veronica Guariglia of the Gangs /Major Case Bureau.

Friday, October 23, 2009

**FLORIDA MAN FOUND GUILTY OF MURDER IN THE STABBING DEATH
OF A BRONX MAN 15 YEARS AGO IN FEBRUARY 1994 - DEFENDANT WAS
ARRESTED IN 2006 AFTER DNA EVIDENCE LINKED HIM TO THE CRIME SCENE**

Bronx District Attorney Robert T. Johnson announced today that a jury last night convicted a 43-year-old Florida man of murder in the stabbing death of a Bronx man 15 years ago, in February 1994.

Robert Symonds, of Winterpark, Florida, was found guilty on one count of Murder in the 2nd degree in the death of 43-year-old Louis Muscatelli. Symonds was convicted of intentionally causing Muscatelli's death following a six week trial before Acting State Supreme Court Justice Peter Benitez. Muscatelli is facing a maximum sentence of up to 25 years to life imprisonment and is scheduled to be sentenced on Tuesday, November 17, 2009 in State Supreme Court Part T3.

Muscatelli was stabbed 39 times and had his throat slit during a fight and struggle with Symonds. The murder occurred in Muscatelli's home on Tenbroueck Avenue where Symonds had gone to collect a debt that Muscatelli had owed to the defendant's father who was a neighbor of the deceased. Muscatelli fled and remained at large for 12 years. He was identified as a suspect

and arrested in 2006 as a result of hard work by NYPD detectives from the cold case unit aided by advances in DNA technology. Investigators went to Florida and obtained samples of Muscatelli's DNA which linked him to the crime scene.

The case is being prosecuted by Assistant District Attorney Christine Scaccia, Director of Gang Prosecutions of the Gangs /Major Case Bureau, and Assistant District Attorney Patrick Butler.

Wednesday, October 28, 2009

18-YEAR-OLD MAN INDICTED ON CHARGES OF MURDER AND ILLEGAL WEAPON POSSESSION IN THE DEATH OF A 92-YEAR-OLD WOMAN WHO WAS SHOT WHILE SITTING IN HER OWN HOME

Bronx District Attorney Robert T. Johnson announced today that a grand jury has indicted 18-year-old Jamal Blair for murder in the shooting death of 92-year-old Sadie Mitchell. Mitchell was struck and killed in her own home during an altercation on the street outside allegedly involving Blair and other youths.

The grand jury charged Blair, of 855 East 233rd Street, the Bronx, with one count of Murder in the 2nd degree, one count of Manslaughter in the 2nd degree and one count each of Criminal Possession of a Weapon in the 2nd and 3rd degrees. Blair is facing a maximum sentence of up to 25 years to life imprisonment if convicted of the most serious offense, Murder in the 2nd degree. The defendant is being held without bail and is scheduled to be arraigned on the indictment on Friday, November 13, 2009 in State Supreme Court, Part 60.

The fatal shooting occurred on October 20, 2009 on East 224th Street when a bullet crashed through a window at the victim's house a block away from the location where the shot was fired. The grand jury alleges that Blair had acted "in a manner evincing a depraved

indifference to human life.”

The case is being prosecuted by Christina Stover of the Gangs / Major Case Bureau.

Friday, October 30, 2009

**NEW YORK CITY CORRECTION OFFICER CHARGED WITH ASSAULTING
TWO INMATES AT A CITY JAIL FACILITY ON RIKERS ISLAND**

Bronx District Attorney Robert T. Johnson announced today that a New York City Correction Officer has been charged with assaulting inmates at a City jail facility on Rikers Island on two separate occasions.

Timothy Munroe, 24, was indicted by a grand jury on 2 counts of Assault in the 3rd degree, 1 count of Attempted Assault in the 3rd degree, 3 counts of Falsifying Business Records in the 1st degree and 1 count of Offering a False Instrument for Filing in the 1st degree. Munroe is facing a maximum sentence of up to 4 years in prison if convicted of the most serious offenses of Offering a False Instrument for Filing in the 1st degree and Falsifying Business Records in the 1st degree. Both are Class E felony offenses.

This indictment is the result of a joint investigation with the New York City Department of Investigation. These charges are merely accusations and the defendant is presumed innocent unless and until proven guilty.

Munroe was arraigned before State Supreme Court Justice Joseph Dawson who set bail at \$100,000.

It is alleged that the first of the two assaults occurred on December 12, 2008 in a library near a housing area at the Robert N. Davoren Center on Rikers Island. Munroe allegedly punched an inmate in the face and broke the inmate's nose. The alleged beating was punishment for disruptive behavior. The victim reported the incident after being taken to a clinic for medical treatment.

A second unrelated assault occurred on January 24, 2009 when Munroe allegedly left his assigned post at the Davoren Center and had an altercation with an inmate in a different housing area at the facility. Munroe allegedly punched the inmate several times in the face. The inmate, according to investigators, declined a request to befriend and "look out for" another inmate who was an acquaintance of Munroe. Munroe has also been charged with filing a report containing false and misleading information regarding the January 24th incident.

The case is being prosecuted by Assistant District Attorney Maria Mostajo of the Rackets Bureau.

Wednesday, November 18, 2009

NEW YORK CITY POLICE OFFICER CONVICTED OF PERJURY

Bronx District Attorney Robert T. Johnson announced today that a New York City Police Officer has been convicted of lying under oath during his testimony before a grand jury.

Pedro Corniel, 31, pled guilty to a single count of Perjury in the 3rd degree, a Class A Misdemeanor offense punishable by a maximum sentence of up to one year in jail. The guilty plea was entered before State Supreme Court Justice Steven Barrett who set sentencing for January 19, 2010 in Part M 60.

District Attorney Johnson said: “We would hope that this case helps to get the word out that we will not turn a blind eye to this kind of conduct which jeopardizes cases as well as the careers of those who should know better. Testifying falsely under oath is not only illegal, it also undermines the integrity of our criminal justice system and the public’s confidence in our courts.”

Corniel admitted that he gave false testimony to the grand jury on August 18, 2008 in connection with events leading to the arrest of a burglary suspect. According to court papers the perjured testimony pertained to the following exchange:

Question: What did you observe upon entering the house?

Answer: When I went in I heard noise coming from the basement.

Question: Is this inside 2282 Arthur Avnue?

Answer: Yes.

Question: You heard voices in the baement, what did you do?

Answer: I went down to the basement and I observed (xxxx). He was in the basement.

He had a flashlight which was on. The fliash light was inside his right pants pocket. He was holding a water meter.

Corneil later admitted to an Assistant District Attorney that he had not entered the basement at 2282 Artnur Avenue, did not observe the burglary suspect inside the basement and did not observe the suspect holding a water meter. Corneil's admission that he had perjured himself was corroborated by other witnesses who were present at the scene of the burglary. As a result of Corneil's perjured testimony charges against the suspect were dismissed.

Corneil, who was assigned to the 48th Precinct, has resigned.

The case against Corneil is being prosecuted by Assistant District Attorney Omer Wiczuk of the Rackets Bureau.

Wednesday, November 25, 2009

**BRONX MAN SENTENCED TO 20 YEARS IMPRISONMENT FOR HOME
INVASION BURGLARY**

Bronx District Attorney Robert T. Johnson announced today that a violent predicate felony offender has been sentenced to 20 years in prison for a home invasion burglary in the Williamsbridge section of the Bronx in October 2007.

State Supreme Court Justice Ceasar Cirigliano sentenced Lloyd Farquharson yesterday after a jury, earlier this month, convicted the defendant on one count of Burglary in the 1st degree. Farquharson, 30, of 1267 East 222nd Street, the Bronx will be placed under 5 years of post release supervision once he completes his 20 year term of incarceration. He has one prior violent felony conviction in 1998 for Attempted Robbery in the 2nd degree.

The crime for which he was found guilty on November 6th, occurred on October 19, 2007 in a multiple family dwelling on East 222nd Street when Farquharson entered a first floor apartment through a rear doorway, confronted his victim and demanded money. Although the defendant was armed with a knife, the victim resisted and sustained stab wounds to her head, left forearm and left shoulder. The victim managed to flee to a neighbor's apartment upstairs and

call 911. During the struggle the defendant lost an earring which the victim later found and turned over to detectives. The earring was submitted for DNA testing and a profile of the suspect was developed. As a result of a 1998 conviction Farquharson's DNA was already on file in the State's BioTracks Data Bank leading to his subsequent arrest and conviction on this 2007 burglary.

The case was prosecuted by Assistant District Attorneys Diego Hernandez and Peter Kennedy of the Trial Division.

Wednesday, December 2, 2009

**CHARGES ELEVATED AGAINST OFF DUTY NEW YORK CITY POLICE
OFFICER IN THE DEATH OF A 70-YEAR-OLD BRONX WOMAN; TEN COUNT
INDICTMENT INCLUDES CHARGES OF AGGRAVATED VEHICULAR HOMICIDE
AND AGGRAVATED DRIVING WHILE INTOXICATED**

Bronx District Attorney Robert T. Johnson announced today that an off duty New York City Police Officer has been indicted for allegedly driving while intoxicated and causing the death of a 70-year-old Bronx woman.

A grand jury charged Kevin Spellman, 42, with 1 count each of Aggravated Vehicular Homicide, Vehicular Manslaughter in the 1st and 2nd degrees, Manslaughter in the 2nd degree, Criminally Negligent Homicide, Aggravated Driving While Intoxicated, Reckless Driving, Violation of Maximum Speed Limits, Failure to Stop at Steady Red Signals, and two counts of Operating a Motor Vehicle While Under the Influence of Alcohol.

Spellman is now facing a maximum sentence of up to 25 years imprisonment if he is convicted of the most serious charge, Aggravated Vehicular Homicide, a Class B felony offense. Prior to the grand jury's action, the most serious charge was Vehicular Manslaughter in the 2nd degree, which is punishable by a maximum sentence of up to seven years imprisonment.

Spellman, who is free on a \$100,000 insurance bond on a relative's home, was arraigned on the indictment before State Supreme Court Justice Margaret Clancy.

The charges in the indictment that was unsealed today are merely accusations and the defendant is presumed innocent unless and until proven guilty.

Drane Nikac, 70, of the Bronx, was struck and killed while walking across the intersection of West 232nd Street and Kingsbridge Avenue at approximately 6:40 a.m. on October 30, 2009.

Spellman has been a New York City Police Officer for 22 years and is assigned to the Warrant Section of Fugitive Enforcement Task Force.

District Attorney Johnson thanked NYPD Chief of Internal Affairs Charles Campisi and members of his staff, Deputy Inspector John McDermott, Deputy Inspector Ariana Donovan, Lieutenant Mercedes Fabregas, and Sergeant James Weck, for their hard work on the investigation which led to this indictment.

The case is being prosecuted by Assistant District Attorney James Goward of the Rackets Bureau.

Wednesday, December 2, 2009

BRONX TEENAGER PLEADS GUILTY TO ATTEMPTED BURGLARY IN CONNECTION WITH AN INCIDENT IN WHICH A CAT WAS BURNED TO DEATH

Bronx District Attorney Robert T. Johnson announced today that 17-year-old Cheyenne Cherry has been convicted of attempted burglary in connection with an incident that occurred last Spring during which the crime victim's kitten was killed.

Cherry pled guilty to one count of Attempted Burglary in the 2nd degree, a Class D violent felony offense, as well as Animal Cruelty as a misdemeanor. Under terms of the plea agreement, entered before State Supreme Court Justice Margaret Clancy, Cherry will be sentenced to a term of two years in jail on the felony and a concurrent term of one year on the misdemeanor, followed by three years of post release supervision. She has waived her right to appeal this conviction and also cannot own any pets or live in any residence where animals are present for a period of three years after her release from custody. A previous guilty plea by Cherry had been vacated on November 2.

On May 6, 2009, Cherry and an alleged accomplice, a juvenile, entered an apartment in a New York City Housing Authority building on Tinton Avenue and damaged some of the contents

by pouring bleach on a couch before cutting it with a knife and cutting the wires on a television set. Cherry's alleged accomplice is believed to be the person who actually put the crime victim's kitten, "Tiger Lily," in the oven and turned it on before fleeing, leaving the kitten to burn to death. The 15-year-old juvenile is being prosecuted in Family Court.

Sentencing is scheduled for January 21, 2010. Another case against Cherry, involving the violation of probation on an unrelated matter, is still pending and also next scheduled to be heard before Justice Barbara Newman on January 7, 2010 in Part T23.

Both cases against Cherry are being prosecuted by Assistant District Attorney Jennifer Troiano of the Arson/Auto/Economic Crimes Bureau.

Friday, December 4, 2009

**GRAND JURY INDICTS 16-YEAR-OLD TEENAGER AND FOUR OTHERS
FOR ATTEMPTED MURDER IN A SHOOTING THAT SERIOUSLY INJURED TWO
PEOPLE INCLUDING A 15-YEAR-OLD INNOCENT BYSTANDER**

Bronx District Attorney Robert T. Johnson announced today that five young men have been indicted on charges of attempted murder and other offenses in connection with a shooting in which two people were seriously injured, including a 15-year-old innocent bystander.

The grand jury charged defendants Dwayne Taylor, Cleve Smith, Clivie Smith, Rohan Francis, and Carvette Gentles with two counts of Attempted Murder in the 2nd degree, two counts of Assault in the 1st degree, two counts of Gang Assault in the 1st degree, and two counts of Criminal Possession of a Weapon in the 2nd degree. All except the weapons charges are Class B felony offenses punishable by a maximum sentence of up to 25 years imprisonment on each count. The gun charges are Class C felony offenses punishable by a maximum sentence of up to 15 years imprisonment.

Taylor, 23 of 1359 Lymon Place, the Bronx, Cleve Smith, 20, of 1539 Lexington Avenue, Manhattan, Clivie Smith, 19, of 635 Jefferson Place, the Bronx, Francis, 18, of 635 Jefferson

Place, the Bronx, and Gentles, 16, of 625 Jefferson Place, the Bronx, are to be arraigned on the indictment on January 8, 2010 in State Supreme Court Part 60. All five defendants are being held without bail.

It is alleged that Dwayne Taylor, Cleve Smith, Clivie Smith, Rohan Francis and Carvette Gentles, while “acting - in - concert” with intent to cause the death of Tyrone Creighton, 19, shot and seriously injured Creighton and a second victim, Vada Vasquez, 15, an innocent bystander who was walking home from school. The shootings occurred in the vicinity of 818 Home Street on November 16, 2009.

The case is being prosecuted by Assistant District Attorneys Terry Gensler and David Lazarus of the Gangs / Major Case Bureau.

December 23, 2009

**RESTAURANT OWNER AND CORPORATION CONVICTED OF EVADING
MORE THAN \$3,000,000 DOLLARS IN TAXES AND INSURANCE PREMIUMS OWED
TO THE STATE AND CITY**

Bronx District Attorney Robert T. Johnson announced today the conviction of Anthony Bastone, owner of the Pine Tavern (aka Frankie and Johnny's) Restaurant, and its corporate entity, on charges of evading taxes and insurance premiums owed to New York State and New York City.

District Attorney Johnson said: "At a time when the state and city are struggling to balance budgets it is imperative that everyone pays their fair share of taxes owed. This conviction should put wrongdoers on notice that cheating on taxes has consequences."

Acting Commissioner, New York State Department of Taxation and Finance, Jamie Woodward said: "We aggressively pursue cases against sales tax cheats and income tax evaders. In every case, these criminals place their own selfish goals ahead of the needs of ordinary citizens, depriving state and local governments of necessary tax revenue that supports schools, health care and other services."

Commissioner, New York City Department of Finance, David Frankel said: “This sends a message to those who deliberately file false documents and try to duck their responsibilities that we are going to find you and you will be held accountable. This type of behavior puts the screws to everyone else who does play by the rules.”

New York State Insurance Fund Chief Deputy Executive Director Francine James said: “NYSIF actively combats premium fraud, which is the most costly type of workers’ compensation fraud, subjecting honest businesses to an unfair competitive disadvantage and burdening everyone through increased prices for goods and services. In this present economy, when resources are spread thin, it is more important than ever that we weed out premium fraud. NYSIF is grateful for the assistance from law enforcement in seeking justice to help the state’s economy recoup some of the losses from these type of workers’ compensation crimes.”

Bastone, 40, of Pelham Manor, New York, pled guilty to one count of Filing False Returns, a Class A Misdemeanor under Administrative Code 11-4004 Subsection a. Pine Tavern Parking, the corporate entity, pled guilty to one count of Filing False Returns, a Class E Felony under Administrative Code 11-4004 Subsection b. Both pleas, in satisfaction of an indictment by a grand jury handed down on May 9, 2009, were entered before Acting State Supreme Court Justice Steven Barrett in Part 60. The judge set sentencing for March 23, 2010.

Bastone, accompanied by his attorney, surrendered this morning to Bronx District

Attorney Detective Investigators. Under terms of the plea agreement Bastone turned over a check in the amount of \$499,100.65 and also forfeited \$820,865 which was seized during the execution of search warrants on May 1, 2007. Bastone and the Corporation will also pay an additional sum of \$1, 930,000 on or before March 23, 2010. The total sum of approximately \$3.25 million dollars represents money owed in the form of New York State and New York City sales taxes, New York City General Corporation Tax, New York City and New York State personal income taxes, and premiums to the New York State Insurance Fund.

These guilty pleas were the result of a three year investigation that was initiated following an audit by the New York City Department of Finance. Auditors reviewed business records, receipts and financial ledgers and discovered discrepancies between the gross sales reported in those records and the sales and profit figures reported on corporate tax returns.

District Attorney Johnson, Acting Commissioner Woodward, and Commissioner Frankel, thanked the following members of their staffs for the hard work that resulted in today's conviction; Assistant District Attorney Thomas Kapp, Chief of the Arson/Auto/Economic Crimes Bureau, Chief Bronx DA Detective Investigator Stephen Nasta, Deputy Chief Detective Investigator Frank Chiarra, Detective Investigators Brad Waterman, Juan Crosas Medina, and Henry Nurse, Director of Security, Bronx DA Forensic Accountants Lorraine Ciechanowicz, David Lasky, and David Padilla; Special Investigations Unit, NYS Department of Taxation and

Finance; Assistant Commissioner Carlton Butler, NYS Department of Taxation and Finance;
Deputy Commissioner William Comiskey, NYS Department of Taxation and Finance;
Supervising Auditor Nicholas Kapkovic, NYS Department of Taxation and Finance; Auditors
Annella Johnson and Elias Del Rosario, Commissioner William Comiskey NYC Department of
Finance, Director of Enforcement, Maureen Kokeas, NYC Department of Finance, Audit Group
Chief , Michael Schenk, NYC Department of Finance, Auditor Sheila Ford, NYC Department of
Finance;

The case is being prosecuted by Senior Investigative Assistant District Attorney Richard
Baker of the Arson/Auto/Economic Crimes Bureau.