

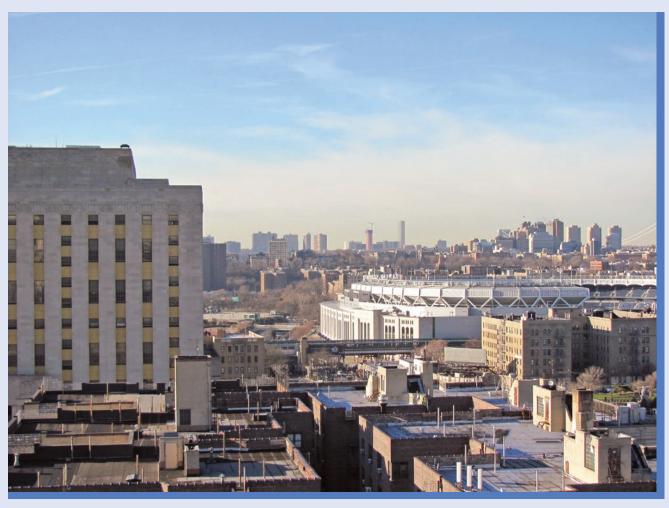
# 2016 Annual Report

OFFICE OF THE BRONX COUNTY DISTRICT ATTORNEY DARCEL D. CLARK





**66** Pursuing Justice With Integrity **55** 



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# A Message from Bronx District Attorney Darcel D. Clark



"Pursuing Justice with Integrity" That is my mission statement.

The Bronx has experienced a sea change over the last two decades—becoming a

safer, more pleasant place in which to live, work, raise a family, open a business, and buy a home.

Since 2016, this Office has undergone a transformation as we strive to carry out our mission.

For too long, this great borough—my hometown—has not received its fair share when it comes to the public safety and criminal justice funding necessary to provide Bronx citizens with the District Attorney's Office they deserve.

In 2016, we asked for and received \$11 million in additional funding from the City Council and Mayor de Blasio in the City Budget.

We put it to use immediately and hired more than 300 additional staff, opened a site on Rikers Island, changed the way we prosecute cases to a Vertical Model, created new units and bureaus to target specific areas of crime, established bureaus to ensure professionalism and integrity in our prosecutions, and opened the city's first Complaint Room for victims of domestic violence.

We realize that, as 21st Century prosecutors, our duty has always been to seek justice, not just convict.

With Alternatives to Incarceration programs, the streamlining of prosecutions, and efforts with the city in bail reform, we are changing the image of criminal justice in the Bronx.

We have enhanced our community outreach. In conjunction with other agencies, we held an "Another Chance" event, to forgive quality-of-life summons warrants. It was attended by 500 people, and cleared 270 old warrants and helped people move on with their lives.

It also reinvigorated the community's trust in the justice system.

Public safety is the top priority of the Bronx District Attorney's Office, and as part of our fight to end gun violence, we held a Gun Buyback in August that took 165 firearms—most of them semi-automatic pistols—off the streets of the Bronx.

There were 98 murders in the Bronx last year, up from 89 in 2015. Shooting incidents decreased by 22% last year, from 315 to 244, and 79 fewer people were shot than in 2015.

We bear a disproportionate share of the city's crime: the Bronx has 17% of the city's population, but nearly 30% of the city's murders, felony assaults and robberies.

We have worked with the NYPD on pinpointing the drivers of crime, resulting in a powerful impact on the safety of neighborhoods. We are focusing on the relentless scourge of heroin, targeting dealers and assisting addicts.

While we still face many challenges, I believe that we will continue to make great strides in 2017. Thank you for your support and your faith in me.

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## Overview: First Year in Office



District Attorney Darcel D. Clark testified on March 7, 2016, with the city's other District Attorneys and the Special Narcotics Prosecutor before the City Council's Committee on Public Safety.

#### DA Clark testified that she required \$11 million in

additional funds in order to enhance the Bronx District Attorney's Office, to make it a 21st Century model of fairness and justice, and begin the process of eliminating persistent delays and backlogs in felony cases that have plagued the criminal justice system in the Bronx for about a decade, if not longer. The Office received the requested allocation in extra funding for the Office. A significant portion went to hiring more than 300 people, including Assistant District Attorneys and support staff.





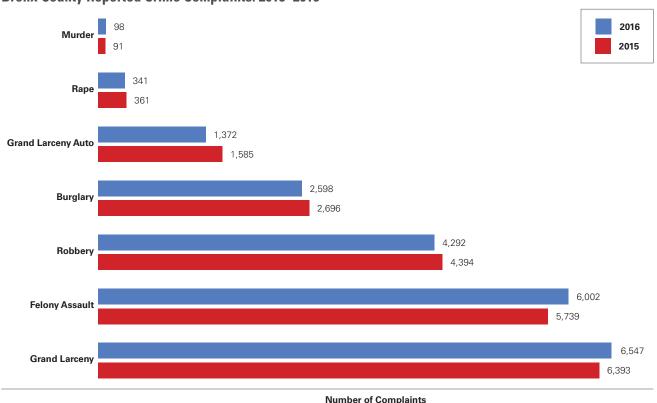
Class of September 2016 shown at Orchard Beach, during a stop on a bus tour of the Bronx to get the new ADAs acquainted with the diverse communities of the borough they will be serving.



DA Clark with BXDA staff and Councilwoman Vanessa Gibson and Staten Island DA Michael McMahon announcing FY 2017 budget.

## **Overview: Crime in the Bronx**

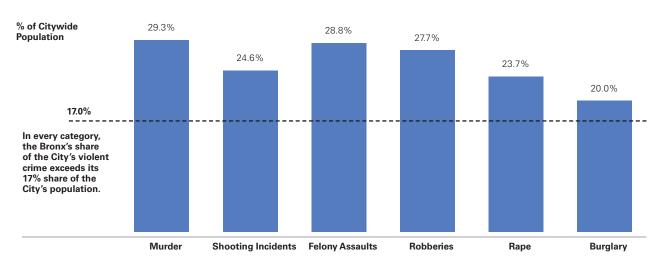
#### **Bronx County Reported Crime Complaints: 2015–2016**



**Number of Complaints** 

Source: 2016 NYPD CompStat

#### Bronx Violent Crime 2016: Percentage of Citywide Violent Crime vs. Population



Source: 2016 NYPD CompStat

#### The Bronx has 1.4 million people, comprising 17% of

the New York City population, but last year nearly 25% of the city's shootings occurred in the Bronx.

There were 54 firearm-related homicides, accounting for more than half the borough's murders last year. We had 237 non-fatal firearm-related incidents.

Shooting incidents decreased by 23% last year, to 246 from 320, and there were 286 gunshot victims, 83 fewer than in 2015.

But more people were carrying guns in 2016: police arrested 894 people on firearms charges, up from 843 in 2015.

Our office had 61 felony convictions for gun possession in 2016, and referred 30 cases for federal prosecution under "Operation Triggerlock."

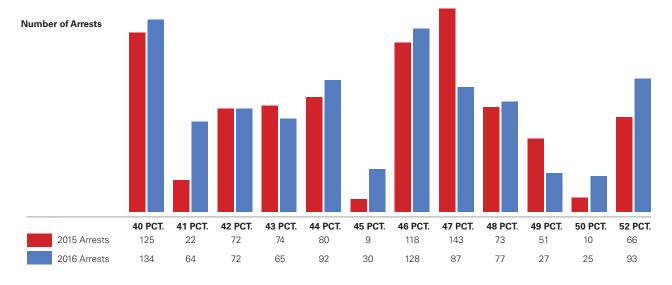
The Bronx District Attorney's Office is working with everyone, from the NYPD and



federal agencies, to schools and community groups and the New York City Mayor's Office, to reduce gun violence and to prosecute gun cases more quickly.

This Office is being proactive, with programs geared to reduce violence by pinpointing groups, such as youth, parolees, and gang members.

#### **Bronx Gun Arrests by Precinct: 2015–2016**



## Restructuring the Office

### **Establishment of New Bureaus**

The Office is comprised of divisions, each of which contains bureaus and units addressing specific areas of crime.

#### **Trial Division**

- Homicide\*
- Gangs/Major Case
- —Trial Bureaus
- Vehicular Crimes Unit
- Complaint Room/Arraignments
- Extraditions/Renditions
- Hate Crimes Unit

#### **Investigations Division**

- Rikers Island Prosecution Bureau\*
- Special Investigations Bureau\*
- Criminal Enterprise Bureau
- Firearms Trafficking Unit\*
- Public Integrity Bureau\*
- Economic Crimes Bureau
- Immigrant Affairs Unit\*
- Tax and Organizational Fraud Unit\*
- Narcotics Bureau

#### **Special Victims Division**

- Child Abuse/Sex Crimes Bureau
- Domestic Violence Bureau
- Crime Victims Assistance Unit

## Strategic Enforcement/Intergovernmental Relations Division

- Alternatives to Incarceration/
   Mental Health Unit\*
- Crime Strategies and Case
   Enhancement Unit
- DNA Prosecutions Unit
- Computer Forensics Laboratory\*

#### **General Counsel Division**

- Appeals Bureau
- Civil Litigation Bureau\*
- Professional Responsibility Bureau\*
- Conviction Integrity Unit\*

\*New bureau or unit



## **Vertical Prosecution**

#### The Bronx District Attorney's Office now has a

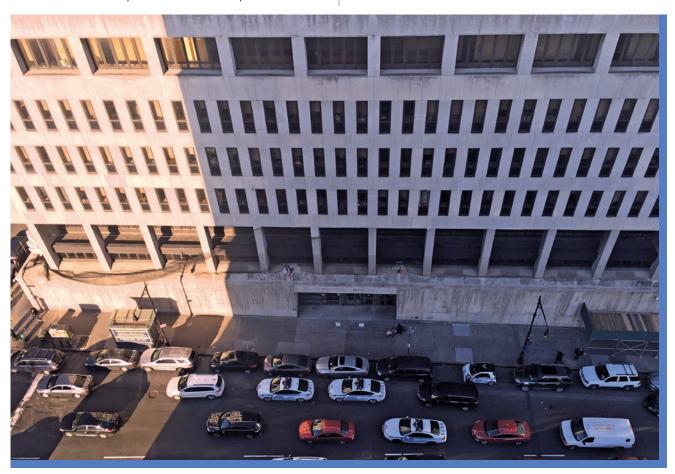
Vertical Prosecution model, enacted in July, 2016. It is designed to reduce or eliminate delays that result in a defendant waiting in jail for a trial, and a victim having to wait excruciatingly long for justice.

When a case gets old, witnesses disappear, memories fade, detectives retire, evidence gets lost, and many things can happen that do not favor the prosecution.

The Vertical Prosecution model means we now have one prosecutor who handles the case from its inception until the disposition. This eliminates victims from having to speak to multiple prosecutors throughout the history of the case.

And it will mean no more backlog of cases.

We have already made great inroads in reducing the notorious backlog of misdemeanor cases. Last year, we decreased the misdemeanor backlog from 16,539 to 9,358. This accomplishment earned us recognition from the Chief Judge of the State of New York, Janet DiFiore, in her State of the Judiciary Speech on February 22, 2017.



Bronx Criminal Court Building

## **Trial Division**



#### The Homicide Bureau is comprised of some of the

most seasoned and experienced Assistant
District Attorneys in our Office. The Bureau is
tasked with prosecuting all homicides occurring
in Bronx County. The Bureau is also consulted on
pre-arrest investigations and cold cases.

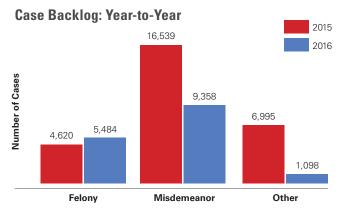
The Gangs/Major Case Bureau was formed to combat the street violence and narcotics activity by local street gangs or crews. The Bureau's mission is to neutralize violence by identifying neighborhoods where crime is spiking and determining what group (or groups) is driving the violence.

Trial Bureaus 20, 30, 40, 50, 60, and 70 prosecute any felony case or misdemeanor that is not handled by a specialized bureau. This includes, among other cases, burglaries, robberies, assaults, attempted murders, and weapons possessions. In consultation with the Vehicular Crimes Unit, trial bureaus also handle vehicular cases.

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

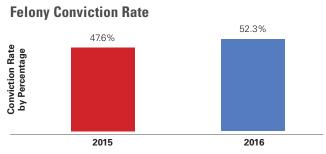
The Hate Crimes Unit handles crimes committed against persons based upon race, color, national origin, ancestry, gender, religion, religious practice, age, disability, sexual orientation, or gender identification, regardless of whether the belief or perception of the defendant is correct.

The Complaint Room/Arraignments/DAT Bureau processes every new crime in the borough. The Complaint Room, which is open 365 days a year and 24 hours a day, ensures all incoming cases are written up with their corresponding paperwork and entered into the system before being sent to Arraignments.



Source: Office of the Bronx District Attorney

## Our conviction rate is up—from 48% in 2015 to 52% by the end of 2016.



Source: NYS Division of Criminal Justice

#### **CASES OF NOTE:**

#### Jeffery Harris, 38, was convicted of Attempted

Murder second-degree. According to trial testimony, on November 7, 2014, Harris fired one shot in the lobby of 1805 Crotona Avenue in the Murphy Houses, striking Dee Jones, 33, in his leg and shattering his femur bone. The victim would not participate in the prosecution. The jury convicted Harris using the video and audio evidence from a surveillance camera in the lobby that showed him there before the shooting, and five minutes later when he reappeared with his face covered. A gun and an arm can be seen when the shots are fired. Evidence also included Harris's statements. made in a Rikers Island phone call, regarding the video surveillance: "They seen me come in... Me... the pictures." And, "They show me some... pictures... I'm like, yeah, that's me. Because it is me."

#### **Duvale Stevens, 38, was sentenced to 25 years in**

prison after pleading guilty to first-degree Manslaughter. Stevens fatally stabbed Andrea Hurd, a 49-year-old blind woman on June 9, 2016 in her apartment. Stevens stabbed Hurd approximately 28 times and tossed her body from the roof of her apartment building. He then proceeded to sleep in her apartment until he was apprehended the next day by police.

#### Jesswill Perez, 21, was convicted of second-degree

Murder and second-degree Criminal Possession of a Weapon with Intent to Use. According to trial testimony, on December 20, 2013, Perez argued with Edwin Molina, 19, whom he knew. Perez pulled a .25-caliber pistol and shot Molina three times. Perez was later arrested with the murder weapon in his possession. The firearm was suppressed at a pre-trial hearing but a Facebook photograph of Perez's arm—with an ornate tattoo reading "Money Power Respect," the hand holding the .25-caliber pistol—was entered into evidence.



### **Gangs—Targeting Drivers of Violence**

#### **GANGS/MAJOR CASE BUREAU:**



District Attorney Clark thanks Sgt. Robert Clark and Police Officers Sean Brown, Jawuan Hubbard and James Garcia for their excellent work on the takedown of the "Sev O" gang.

#### In 2016, this Bureau investigated and indicted

numerous alleged gang members in multiple cases that represent law enforcement's new approach to crime fighting: it's not just mass arrests but removing the core groups of criminals who are responsible for most of the violence in the Bronx and make the lives of decent, hardworking residents unbearable.

A year-long investigation into the "Sev-O" crew by Gangs/Major Case Bureau and the 44th Precinct's officers led to 12 defendants being indicted in a conspiracy that includes four shootings, three robberies, and a check scam



Sev-O Crew proceeds posted on Facebook, member flashing gang sign.

that netted them more than \$200,000 from ATM machines.

The defendants—ranging in age from 17 to 23 years old—engaged in street violence, as well as electronic thievery. They brazenly posed with wads of cash and bragged about their exploits on social media. This crew is an offshoot of the Bloods gang. They were charged in an indictment that included Conspiracy, Attempted Murder second degree, Criminal Possession of a Weapon, Assault, Robbery, Grand Larceny, Criminal Possession of a Forged Instrument, and narcotics charges.

#### **GANG ALLIANCE CASE:**

#### In the largest gang takedown in Bronx history as

of March 2016, 84 alleged gang members were indicted for committing 22 shootings in the West Bronx and flooding towns in Massachusetts and New Hampshire with cocaine, fentanyl, and heroin.

With reckless brutality, four gangs formed an alliance that battled on the streets of the Bronx over drug profits made throughout New England, or purely for the sake of violence, sometimes trapping innocent bystanders in the crossfire. One defendant alone was charged in connection with 11 attempted murders.

These gangs trafficked narcotics to Manchester, NH and Cape Cod, MA and brought firearms back to the Bronx, wreaking havoc on the neighborhoods of Tremont, Fordham, and High Bridge.

The 'Eden Boys,' 'Miami Ave,' 'UGZ,' and 'RGZ' gangs allegedly fed drug addiction throughout the Northeast via sales of crack cocaine and heroin. The DEA Strike Force, NYPD and the Bronx District Attorney's Office



Heroin, fentanyl, and weapons seized during investigation of Gang Alliance

worked on the investigation. The defendants are charged with a total of 386 counts including Conspiracy to Commit Murder, Conspiracy to Distribute Narcotics, Attempted Murder, and weapons charges. Fifty-eight of them were charged with Operating as Major Traffickers, which carries up to life in prison if convicted.

Heroin, fentanyl, and weapons were seized during the investigation of Gang Alliance.

#### "BLOOD HOUND BRIMS" CASE:

#### Forty alleged gang members, including the leader of

the "Blood Hound Brims"—one of the largest Bloods sets on the East coast—were indicted for 40 acts of violence dating back to 2012 in the Fordham section of the Bronx.

The "Nine-Four Crew's" disputes with Crips and other gangs led to numerous shootings that turned a swath of the neighborhood into a bloody battleground. The defendants are accused of conspiracy involving homicides, shootings, stabbings, and robberies. The alleged leader, Latique Johnson, gave orders to attack rival gangs from his cell in Rikers Island. This criminal network reached beyond the walls of the jails to devastate neighborhoods.

#### **CASE OF NOTE:**

#### Two Latin Kings members pleaded guilty to

manslaughter for the shooting of an innocent bystander and received prison sentences. Alphonza Bryant was weeks away from graduating high school when he was killed in a hail of bullets. Raul Pacheco, 25, pleaded guilty to first-degree Manslaughter and was sentenced to 18 years in prison and five years post-release supervision. Eric Landron, 26, pleaded guilty to first-degree Manslaughter and was sentenced to 10 years in prison and five years post-release supervision.

According to the investigation, on the night of April 22, 2013, 17-year-old Bryant was hanging out with friends on Fox Street in Morrisania. Pacheco and Landron, who are both affiliated with the Latin Kings, fired 10 shots to send a message to rival Latin Kings members who lived on that block. Bryant was struck in the chest, and died at Bronx Lebanon Hospital. Bryant's death was cited by then-Mayor Michael Bloomberg as an example of senseless murder, and his mother, Jenaii Van Doten, spoke out against guns and gangs.



Facebook photo discovered during Sev-O investigation

#### **Vehicular Crimes Unit**

#### **CASE OF NOTE:**

#### A 53-year-old Bronx man was indicted for killing

three pedestrians with his car after he suffered a seizure on Halloween in 2015. The defendant, Howard Unger, was indicted on second-degree Manslaughter, Criminally Negligent Homicide, second-degree Assault, second-degree Reckless Endangerment, and False Statements. According to the investigation, on the afternoon

of October 31st, 2015, Unger allegedly suffered an epileptic seizure, a result of not taking his epilepsy medication as prescribed, while driving his 2011 Dodge Charger. The car jumped the curb on Morris Park Avenue and struck pedestrians who were out Trick-or-Treating. Louis Perez, 65, his granddaughter, 10-year-old Nyanna Aquil, and Kristjan Leka, 24, were killed.

## Special Victims Division

#### The Special Victims Division prosecutes some of the most heinous crimes against children and adults. The

Assistant District Attorneys work closely with advocates and other city agencies to go beyond their legal duties and help provide emotional and financial support for victims.

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

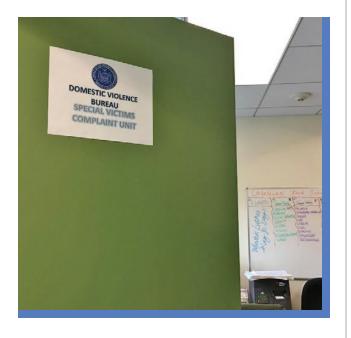
Additionally, the Crime Victims Assistance Unit provides comprehensive service to crime victims, such as crisis intervention, advocacy, individual and group therapy for the primary victim as well as family members, and assistance in filing a claim for victim compensation through the NYS Office of Victim Services. The Crime Victims Assistance Unit also helps victims, witnesses and their families navigate their way through the court system.

#### **Domestic Violence**

## The Domestic Violence Bureau has grown by 50% in order to accomplish its goals.

The Office opened the city's first Domestic Violence Complaint Room in October 2016, providing a novel and compassionate way to handle Domestic Violence complaints. The first few hours can be critical in dealing with a Domestic Violence victim. The question for that person may be: do I cooperate with law enforcement? And the answer to that question sometimes can be life or death. That person could be in crisis and may need services immediately; she or he may need to know what to do with the kids, where to go, where to sleep, and what is next.

They can be directed to the Family Justice Center, co-located with the DV Complaint Room in the Office, where there is access to plenty of social services. Domestic Violence ADAs are there, and they can interview the victims and write up the complaints all in one step.



#### **CASES OF NOTE:**

#### Bahsid McLean, 26, was sentenced to 25 years to

life in prison after a jury convicted him of second-degree Murder for killing his mother, Tanya Byrd, and dissecting her body. He took "selfie" photos with her severed head.



#### Dee Jackson, 20, was sentenced to 25 years in

prison after pleading guilty to first-degree Manslaughter for fatally shooting and beating his mother, Tihesha Savage, when he was 16 years old.

#### Raymond Mayrant, 28, was sentenced to 50 years

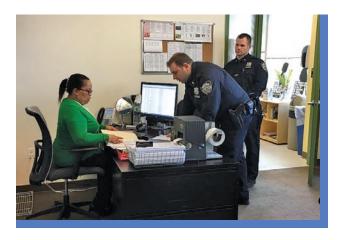
to life in prison for second-degree Murder and Attempted Murder for shooting his girlfriend, Diamond Dunn, and killing her mother, Elzina Brown.

#### A trial courtroom focused on the resolution of

Domestic Violence cases was implemented in July, 2016 and has two rotating judges. As a result, more trials are being conducted and cases are being resolved at a guicker rate.

This is essential, as the longer it takes to resolve a Domestic Violence case, the more likely victims will become uncooperative due to stress, concerns for their safety and an overall desire to move past their abuse. Evidence Based Prosecution has also allowed for the prosecution of domestic violence cases regardless of a victim's cooperation.

### **Child Abuse/Sex Crimes**



Officers visit the new Domestic Violence Complaint Room

#### The Bronx DA's Office became the first in the nation

to enact policy complying with federal standard for HIV testing of defendants in sexual assaults. Assistant District Attorneys prepare a motion for HIV testing of a defendant immediately upon the request of a forcible sexual assault victim so that a judge may issue a ruling by the time the indictment is filed, enabling testing to occur within 48 hours. This serves victims of sexual assault to the highest legal standard available.

Last year marked the first full year for the Bronx Child Advocacy Center (CAC), which handles child abuse allegations by coordinating the efforts of law enforcement members, family advocates, medical experts, mental health clinicians and child protection staff under one roof in an effort to minimize additional trauma to young victims. CAC arranges families' visits to the center, providing transportation and food. The center conducts forensic interviews of children and also provides family advocacy, crisis intervention and mental health therapy. Notably, the Bronx CAC was accredited by the National Children's Alliance as a nationally recognized model for the protection of children.

#### **CASES OF NOTE:**

#### Kenneth Washington, 36, of Harlem, was sentenced

to 17 years in prison and 20 years of postrelease supervision for raping a woman he
met online and taking her on a terror ride in
the Bronx, a case that should be seen as a
caution in regard to using online dating sites.
Washington was convicted by a jury of firstdegree Criminal Sexual Act, third-degree Rape,
fourth-degree Grand Larceny, second-degree
Reckless Endangerment, second-degree
Unlawful Imprisonment, and other charges.

#### Christopher Stevenson, 46, of the Bronx, was

sentenced to 20 years in prison and five years of post-release supervision for the vicious knife attack on his son and stepson in their home in 2014. He pleaded guilty to two counts of Attempted Murder.

#### Raymond Johnson, 29,

was sentenced to four to 12 years for the sex trafficking of a Manhattan teen who was forced into having sex with several men after running away from home. Johnson



Raymond Johnson

pleaded guilty to Sex Trafficking and must register as a sex offender.

#### **Crime Victims Assistance Unit**



Members of the Crime Victims Assistance Unit wear purple on National Purple Thursday during Domestic Violence Awareness Month.

#### The Crime Victims Assistance Unit (CVAU) provides

extensive services to all residents of the Bronx and anyone who has been a victim of a crime in the borough. The CVAU assists anyone, whether or not there's been a police report, an arrest, or a prosecution and regardless of the time that has passed since the incident occurred.

The CVAU staff includes Crime Victim Advocates, Trauma Therapists, a Domestic Violence Advocate, a Rape Victims Advocate, as well as an Elder Abuse Advocate. In an effort to be more accessible, CVAU also has a satellite office in the northeast Bronx. The Unit provides supportive services that include: crisis intervention, advocacy, individual and group therapy for the primary victim as well as family members, and assistance in filing a claim for victim compensation through the NYS Office of Victim Services.

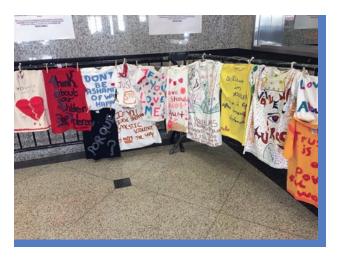
CVAU also helps victims, witnesses and their families navigate their way through the court system, explaining what the process is, and even accompanying clients to court if needed. Additional services include short- and long-term emergency housing placement and transportation to court appearances. Even though a criminal case may be over, a client's contact with CVAU does not have to end; a number of clients have continued to receive services long after the prosecutions of those who were charged.

CVAU is also involved in preventing crime by bringing public awareness to issues that affect victims of different types of crime.

During October, which marks Domestic Violence Awareness Month, CVAU holds two events in recognition: the annual Wellness Day, and a roundtable discussion with various professionals and a survivor entitled, "The Many Faces of Domestic Violence."

In April, during Sexual Assault Awareness Month, CVAU commemorates National Victims' Rights Week.

Meanwhile, in December—a particularly tough time for crime survivors—CVAU sponsors two events. One is "Holiday Blues," a half-day event that validates how the holidays are different after victimization has occurred.



Shirts made by survivors of domestic violence, graced the lobby of BXDA throughout October in honor of Domestic Violence Awareness Month. The display is part of The Bronx Clothesline Project which allows survivors to "break the silence" surrounding their victimization.

The other is the annual "Tree of Angels" ceremony, in which families of homicide victims are invited to hang a decorative angel on a holiday tree to commemorate the life of their loved one.



DA Clark lights the "Tree of Angels"

In 2016, CVAU saw a total of 2,069 new cases and provided more than 10,000 follow-up services to victims.

## **Investigations Division**

#### The Investigations Division is made up of six bureaus: Rikers Island Prosecution, Public Integrity, Economic

Crimes, Criminal Enterprise, Special Investigations and Narcotics. The Division also includes several units: Immigrant Affairs, Firearms Trafficking and Tax and Organizational Fraud.

Experienced Assistant District Attorneys of the Division conduct lengthy investigations into many crimes that are not highly visible such as public corruption, gambling, and the sale of narcotics. Many long-term investigations involve the use of electronic and physical surveillance that further develop the case.

The Division works closely with police officers, specialized detectives, investigative agencies, and victim advocates.

#### **Rikers Island Prosecution Bureau**

#### **Bronx District Attorney Darcel D. Clark and then-**

New York City Department of Correction Commissioner Joseph Ponte officially opened the Bronx District Attorney's Rikers Island Prosecution Bureau on Rikers Island on September 22, 2016, ensuring faster prosecution of jailhouse crimes to make the facility safer for staff, inmates, and visitors.

The Bureau represents the first time the Bronx District Attorney's Office—which has jurisdiction over Rikers Island—has a physical presence there.

"This humble trailer stands as a bold signal that the Bronx District Attorney's Office means business, and it shows that we are working side by side with the front line of the Department of Correction to make the city safer by making Rikers Island safer," DA Clark said at the opening.

The Rikers Island Prosecution Bureau is part of the District Attorney's Investigations Division. Its staff of Assistant District Attorneys, investigators, and support staff works with Department of Correction personnel to conduct investigations in real time. The legal team will continue to expand.

The Bureau was made possible by \$1.842 million in funding, part of \$11.5 million in extra funding for the Bronx District Attorney's Office allocated by Mayor de Blasio in the City Budget. The support of the New York City Council's Public Safety Committee was instrumental.

State Senator Jeff Klein secured a \$100,000 appropriation from the New York State Department of Criminal Justice Services, which provided vehicles, computers, and security implementations for the trailer housing the Bureau.



DA Clark meets with Investigations Division and Rikers Island Prosecutors

The Rikers Island Prosecution Bureau is currently handling indictments against 163 defendants and 200 pending felony investigations involving inmates and visitors.

Last year, the Office prosecuted almost 1,100 cases of crimes committed on Rikers Island. Approximately 350 of those cases were felonies, and over 700 were misdemeanors. Those charged included inmates as well as family, friends, and DOC staff who actively participated in the smuggling of contraband into the jails.

The Office has arranged for the NYPD to provide training to a greater number of DOC investigative staff as well as to Rikers Island Prosecution Bureau detective investigators and DOI personnel.

As to the courts, with the assistance of the Honorable George Grasso, the New York City Criminal Court's Citywide Administrative Judge for Arraignments, there was a clearing of a backlog of over 100 Rikers cases that had been pending arraignment for long periods of time. More importantly, through better communication and coordination with DOC and the Court, the Office should never be placed in the position of having another large backlog.

The Bureau's investigations have found that contraband is a catalyst for violence. And, it is a very clear and present danger for both staff and inmates. Small amounts of tobacco and marijuana can rake in thousands of dollars on Rikers Island. And the smuggling of tiny scalpel blades has led to assaults.

Five ionizing body scanners that can detect secreted blades were purchased by DOC. But because of a state law prohibiting their use except in medical facilities, they have been sitting in a closet for several years. The state law must be changed to allow these scanners to be used in Rikers for safety purposes.

DA Clark will continue to support DOC's recommendations on body scanner technology, along with new state legislation that would allow its use on Rikers Island.



Contraband seized from Correction Officers, inmates, and visitors includes drugs, scalpels, and tobacco

### **Public Integrity Bureau**

#### Since the creation of this Bureau in March 2016, there have been convictions of 17 Department of Correction

Officers at Rikers Island on charges of Promoting Prison Contraband, Assault, Offering a False Instrument for Filing, and Official Misconduct. The prosecutors in this Bureau are on call continuously with respect to incidents that involve the uniformed and other public servants in our City.

#### **CASES OF NOTE:**

#### Seventeen people, including two New York City

DOC officers, a DOC-employed cook and six inmates, were indicted for conspiring to bring scalpels, narcotics and other contraband into Rikers Island in exchange for thousands of dollars in bribes. It was a joint investigation by the Bronx District Attorney's Office and the NYC Department of Investigation.

"Aside from tarnishing his badge by taking bribes from inmates, Correction Officer Kevin McKoy allegedly smuggled in scalpels," District Attorney Clark said. "Even after his fellow



Correction Officer, Ray Calderon, was slashed on his face, requiring 20 stitches, and photos of his grisly wound were publicized, McKoy allegedly continued to bring in these weapons."

The defendants are charged in four indictments with a total of 84 counts including Bribery, Bribe receiving, Promoting Prison Contraband, Attempted Possession, and Attempted Sale of Controlled Substances and Conspiracy. The two Correction Officers and the cook are also charged with official misconduct. The alleged center of the main conspiracy is Kevin McKoy, 31, who was a Correction Officer assigned to the Anna M. Kross Center. He allegedly received bribes totaling at least \$10,000 for bringing in scalpels wrapped in duct tape to avoid metal detectors, K2 (synthetic marijuana) and suboxone (opioid) strips to inmates.

#### **Eight New York City**

Department of
Correction Officers,
including a former DOC
security chief, were
convicted in connection
with the beating of
inmate Jamal Lightfoot
and then attempting to



Inmate Jahmal Lightfoot

cover it up. Eliseo Perez Jr., former Assistant Chief for Security who ordered the beating, was sentenced to 6½ years in prison and three years' post-release supervision, and Captain Gerald Vaughn was sentenced to 5½

years in prison and three years' post-release supervision. Correction Officers Alfred Rivera, Tobias Parker, David Rodriguez and Jose Parra were sentenced to 4½ years in prison and 2½ years' post-release supervision.

The defendants were convicted in June after a 12-week trial before Bronx Supreme Court Justice Steven Barrett of Attempted Gang Assault first-degree, Attempted Assault first-degree, second-degree Assault, first-degree Falsifying Business Records, and Official Misconduct. Rivera, Parker, Rodriguez, and Parra were also found guilty of first-degree Offering a False Instrument for Filing, and Vaughn was also convicted of first-degree Offering a False Instrument for Filing and Official Misconduct.

Correction Officers Harmon Frierson and Dwayne Maynard, convicted of Official Misconduct, a Class A Misdemeanor, were sentenced to one-year Conditional Discharge and 500 hours of community service.

According to trial testimony, on July 11, 2012, Perez, while overseeing an institutional search of the jail, ordered members of the Emergency Services Unit to assault inmate Jahmal Lightfoot in the intake area at the George R. Vierno Center.

Minutes later, Rivera, Parker, Parra, and Rodriguez carried out the order in the Intake Search Pen. They held Lightfoot down and kicked him in the face with their boots about a dozen times, causing fractures to both of his eye sockets and other facial bones.

#### **Economic Crimes Bureau**

#### The Bronx District Attorney's Office returned a total of \$1,102,000 in restitution to the New York State

Department of Labor between 2012–2016 for successful prosecutions of Unemployment Insurance Fraud. According to the Department of Labor, the Office is one of only six District Attorney Offices in New York State to have reached this level. The money goes back into the state unemployment insurance fund, helping out-of-work people who are truly in need of the benefits.

#### **CASES OF NOTE**

#### Mark Alexopoulos, a Bronx man who headed an

online company which sold salvaged cars, paid \$570,000 in restitution to 63 victims across the globe who purchased vehicles and never received them. He defrauded people worldwide. Individuals looking to buy a vehicle, whether it was a 2004 Jaguar for \$5,000 or a 2008 Lamborghini for \$50,000, lost their money in this scheme.

According to the investigation, in early 2010 the Bronx District Attorney's Office received several complaints from individuals who had used EZSalvage.com to bid on salvaged vehicles. Complainants had wired thousands of dollars in payments, and despite numerous attempts to contact the seller never got the vehicle they purchased or their money back. Alexopoulos's company was out of business by August 2010 and Alexopoulos himself had left the country. He was arrested on a warrant flying back to Miami in February 2011 and was



extradited to Bronx County. Alexopoulos, 43, pleaded guilty to third-degree Grand Larceny and first-degree Scheme to Defraud.

#### Jason Marks, 42, of the Bronx, has been indicted on

multiple counts of grand larceny and possession of stolen property for taking \$81,171.19 in unauthorized withdrawals from a bank account belonging to the Bronx County Clerk's Office, and using the funds to pay his shopping and restaurant bills. The defendant is currently serving a prison term for filing fraudulent tax returns and receiving U.S. Treasury funds.

The indictment charges Marks with one count of second-degree Grand Larceny, one count of third-degree Grand Larceny, 32 counts of fourth-degree Grand Larceny, 54 counts of Petty Larceny, 32 counts of fourth-degree Criminal Possession of Stolen Property, 54 counts of fifth-degree Criminal Possession of Stolen Property, and 86 counts of third-degree Unlawful Possession of Personal Identification Information.

According to the investigation, between January 2014 and June 2014, 86 unauthorized electronic withdrawals were made from a Chase bank account belonging to the Bronx County Clerk's Office to a Capital One credit card account belonging to Marks. Marks faces up to 15 years in prison if he is convicted.

### **Firearms Trafficking Unit**

#### This unit works with the NYPD and the Bureau of

Alcohol, Tobacco, Firearms and Explosives to combat gun runners through long-term investigations. It reviews all Bronx firearms-related arrests to gather and develop intelligence.

Last July, in conjunction with the NYPD, the new unit indicted 10 defendants who sold 50 firearms to an undercover detective. They trafficked the weapons from Pennsylvania. It was a year-long investigation dubbed "Straight Outta Highbridge." A week before Christmas, 2015, the defendants delivered an assault rifle to the undercover officer gift-wrapped.



### **Animal Cruelty**

#### Raul Cruz, 45, was sentenced

to one year in jail after pleading guilty to Aggravated Cruelty to Animals. On Jan. 28, 2015, he was videotaped striking his pit bull numerous times



with a shovel. Two days later, Raul Cruz he was again seen striking the canine and burying her in the snow, where she was discovered by the NYPD.

The pit bull, renamed Peanut Butter, was rehabilitated and has since been adopted.

Cruz will also sign an agreement declaring he won't own any pets and will register with the New York City Animal Abuse Registry.





ADA Kate Cristobek with an ASPCA worker and Peanut Butter

### **Narcotics Bureau**

#### The Narcotics Bureau investigates the sale and

possession of heroin and fentanyl and continues to work with the NYPD and community groups in the fight against the Opioid Overdose Epidemic.

The Bureau's goal remains to identify the source of the drugs that are killing people and prosecuting the drug dealers behind their sale.

The Heroin Overdose Team was created by the NYPD. It is comprised of detectives who respond to overdose scenes. The team then interviews victims and any witnesses and collects evidence. They also attend community meetings throughout the Bronx in order to educate residents on Naloxone, a medication which saves the lives of those who have overdosed on heroin.

The Office is pursuing the dealers and distributors, but diverting the addicted to alternatives to jail with programs such as TASC (Treatment Alternatives for Safer Communities).



DA Clark speaks at Town Hall on Heroin/Opioids



Seizure of heroin and fentanyl brought from Mexico to the Bronx

## Strategic Enforcement/ Intergovernmental Relations Division

#### The mission of the Strategic Enforcement and Intergovernmental Relations Division is to collaborate with the

NYPD, community groups, and law enforcement partners to identify crime drivers; identify patterns and trends of crime; gather and sort intelligence, to enhance prosecutorial outcomes and target priority offenders through the application and implementation of intelligence-driven prosecution.

The Division is also tasked with exploring alternative sentences for defendants that include treatment opportunities. These alternatives would work to help the defendants not reoffend and ultimately benefit the community at large. The Division is comprised of the Crime Strategies and Case Enhancement Unit, the Computer Forensics Laboratory, DNA Prosecution Unit, the Video Unit, and the Alternatives to Incarceration Program.

### Crime Strategies and Case Enhancement Unit

#### This unit addresses the core group of crime drivers

that endanger the people of the Bronx. It provides technical and intelligence support for all Divisions by developing or assisting investigations. The unit has built an all-purpose arrest alert which contains intelligence from various sources in law enforcement.

The unit builds bail applications for recidivists and high priority cases. Further, it provides legal support to Assistant District Attorneys regarding crime analysis, with Criminal Analysts testifying in court, and advising legal staff on the tools and programs used in crime analyses.

The unit provides technical and intelligence support, and keeps in close contact with NYPD commands concerning "hotspots" of criminal activity. It maps shootings where someone is hit, all shots-fired incidents and Shotspotter results. It analyzes thousands of phone calls and extensive amounts of computer data each year, enhances video evidence, and monitors social media for criminal activity. Last year, the unit began mapping drug sales and opioid overdose locations.

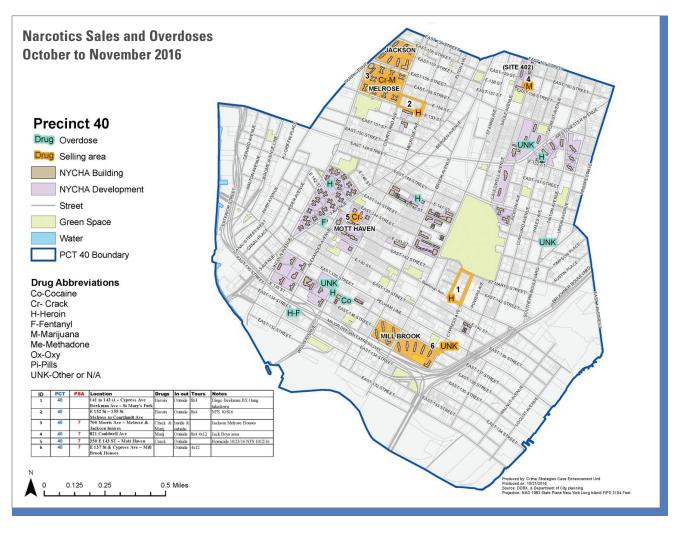


#### **OPERATION CEASEFIRE:**

#### This anti-violence program is for those who have

been involved in a shooting, to prevent further gunfire in retaliation. It is targeted toward gang/ group members, with the goal of keeping them alive and out of prison. The Office partners with city, state and federal law enforcement and community groups. Participants are offered confidential services and warned of the consequences for the next violent act that occurs: a coordinated enforcement action will be implemented against all members of the gang/group.

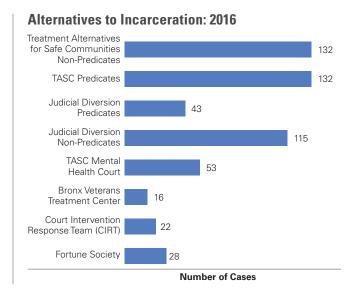
### **Crime Strategies and Case Enhancement Unit**



Source: Office of the Bronx District Attorney

### **Alternatives to Incarceration Unit**

The Bronx District Attorney's Office provides several diversion programs for both misdemeanor and felony defendants who have drug addiction or mental health issues. In 2016, 541 people were given alternatives to incarceration.



## **General Counsel Division**

### **Appeals Bureau**

The Appeals Bureau continued to have a success rate of over 90% in litigating appeals in 2016. It obtained a reversal of an adverse ruling affecting a murder conviction in the U.S. Court of Appeals for the Second Circuit, the nation's second-highest court.

### **Conviction Integrity Unit**

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

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

Second, the CIU reviews cases in which the Office has identified an error and attempts to determine what caused the error in a particular case. Further, the unit assesses whether there are discernable patterns in errors or types of errors.

The CIU has a full-time staff of three experienced attorneys. Since its inception, the CIU has received applications to review 74 cases. The CIU completed its review process in 29 of those cases. Since April 2016, the CIU initiated a comprehensive re-investigation in nine cases.

In June, the District Attorney agreed to an order dismissing murder charges against Richard Rosario. The charges stemmed from



the 1996 fatal shooting of 17-year-old Jorge L. Collazo II.

The CIU reviewed thousands of documents and interviewed Mr. Rosario's alibi witnesses, eyewitnesses who testified at the trial, and numerous other people who were part of the narrative of the case. Investigators also developed and pursued new avenues of inquiry. Following a robust re-investigation, the District Attorney concluded that, among other things, trial counsel's failure to interview all of the alibi witnesses, and to investigate Mr. Rosario's alibi fully and thoroughly, had deprived him of a fair trial. The District Attorney consented to a court order vacating Mr. Rosario's conviction and freeing him after he had been imprisoned for twenty years. The District Attorney also decided, in the interest of justice, not to retry Mr. Rosario.

The murder of Mr. Collazo remains under investigation.

## Professional Responsibility Bureau

#### **Bronx District Attorney Darcel D. Clark created the**

Professional Responsibility Bureau, the first of its kind among the 62 District Attorney's Offices in New York State, in September, 2016.

Its primary purpose is to ensure ethical practices and fairness in our dealings with victims, defendants, defense counsel and the courts. To do this effectively, each prosecutor must possess a thorough knowledge of the applicable law, be well-trained in Office policies and procedures, and be fully cognizant of the professional conduct.

The Professional Responsibility Bureau is comprised of three main parts: Best Practices Committee, Litigation Training Unit, and an Ethics Committee.

The Professional Responsibility Bureau reviews cases that were tried by our Assistant District Attorneys to ensure that our prosecutors are performing their tasks in accordance with the applicable law and the New York Rules of Professional Conduct.

### **Civil Litigation Bureau**

#### The Civil Litigation Bureau brings together

Subpoena Compliance, Asset Forfeiture, Freedom of Information Law and Evictions, and also includes a new component, the Property Release Unit.

The Property Release Unit is charged with responding in a timely manner to requests by defendants and their counsel for a written release form addressed to the Police Department regarding their property or, in the alternative, an explanation of the status of their request.

With this new unit, the Bronx District Attorney's Office has accelerated the return of property confiscated during criminal investigations, by deciding whether items confiscated will be released—or held—after a case closes, instead of requiring property owners to request a review. Documents authorizing property release will be scanned by the Bronx DA and are available at the Office's property release window, to further speed up the return process. Requests will be monitored by an electronic tracking system.



## In the Community

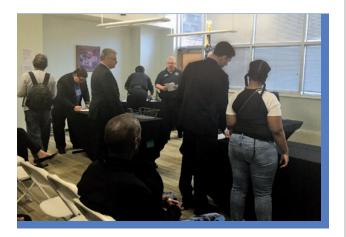
### **Another Chance**

#### In the Bronx's first warrant forgiveness event,

500 people attended "Another Chance" and 270 of them had a total of 355 summons warrants dismissed, helping them move on with their lives.

District Attorney Clark said, "I think it's just great to connect with the community like this. We helped people clear their records in an enjoyable event, and forged closer ties between my office, the courts and the people we serve. The people who walked out of the Mount Hope Community Center today can look ahead to a bright future instead of looking over their shoulders because they have an outstanding warrant."

Peter Jones, Attorney-in-Charge of Legal Aid Society's Bronx Criminal Defense Practice, said, "It's a big step towards building community and credit to District Attorney Clark for getting it done. It was a great opportunity for people



to come in quickly and efficiently to resolve warrants. Outstanding warrants are a real impediment to people in the community, even on low level infractions. They create impediments to housing and employment and often create immigration issues. The opportunity to come in and quickly and easily resolve them creates a more inclusive environment."

Many of the warrants dismissed involved summonses for public consumption of alcohol or trespassing.

A mobile courtroom was created and presided over by two judges—Honorable Alvin Yearwood, Acting Bronx Supreme Court Justice, and Honorable Julio Rodriguez, Criminal Court Judge—and Legal Aid Society attorneys and volunteer Assistant District Attorneys handled the cases. Participants attended a resource fair, where vendors provided information on jobs, health care, and social services.



Court officers and judges with DA Clark after Another Chance

## Administrative Division/ Community Affairs Unit

## Community Engagement Coordinators

#### **Representatives of the District Attorney are**

assigned to community boards and police precincts borough-wide. Within each area they serve, they are liaisons to the community by coordinating, scheduling, and participating in a variety of activities including community meetings, special interest outreach, and other public engagement.



BXDA's Community Engagement Coordinators James Santos, Raeshawn Horry (2nd and 3rd from left) and Robert Barnes (at far right) at National Night Out

#### **CONCEPT**

(Creating Opportunities Necessary to Create Empowered Positive Teens):

The CONCEPT program is a life-skills curriculum

that offers middle school children the opportunity to attain positive relationships with peers and authority figures, develop a

realistic view of criminality, and become better thinkers. During an eighteen-week course, students receive classroom instruction, engage in constructive dialogue/debate, and participate in diverse learning activities taught by qualified personnel from the Community Affairs Unit. The strategy of the CONCEPT program is to create behavioral changes through a unique combination of practicing life skills pertaining to real circumstances, cooperative learning, constructive dialogue, and role-playing.

The topics of discussion are as follows: law, decision-making, conflict resolution, problem solving, peer pressure, cyber bullying, anger management, gang affiliation, unlawful weapons, violence, substance abuse, community awareness, and goal setting. With continuous skills training and positive reinforcement, students will more than likely exhibit constructive behavioral skills in practical situations. The material and teaching method are appropriate for sixth-graders. As a subsidiary of the curriculum, however, our office offers workshops tailored to children of grade levels 4-12 and parents. The subject matter of these workshops correlates with the themes of the sixth-grade curriculum. The demand for sessions is increasing: from October 2015 to August 2016, 3,745 student participants and 277 parents took part in the program, a rise of more than 75%.

### **Community Affairs Unit**

### YOUTH TRIAL ADVOCACY PROGRAM (YTAP):

#### YTAP provides students with an opportunity to

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



DA Clark addresses graduates of YTAP Program

#### **GUN BUYBACK:**

#### A Gun Buyback was held on August 6, 2016, at two

churches at opposite ends of the Bronx: the Fellowship Tabernacle Church of God in Christ on Gun Hill Road in Laconia, and Evangelical Garifuna Church on Brook Avenue in Mott Haven. The event was sponsored by the Bronx District Attorney's Office and the New York City Police Department. It was a sweltering day, but dozens of people came out to turn in 165 firearms. Ninety-nine of them were turned in at the Fellowship Tabernacle, and 66 were brought to Evangelical Garifuna Church. Of the 165 firearms: there were 61 revolvers, 52 semi-automatic pistols, three assault rifles, 12 rifles, 10 shotguns, and 27 BB guns, air pistols, and starter pistols.

#### **OPERATION GUN HALT:**

#### This program works in conjunction with the NYPD,

the U.S. Attorney's Office for the Southern District of New York, Bureau of Alcohol, Tobacco and Firearms, the NYS Department of Corrections and Community Supervision, the Department of Probation and re-entry social service agencies.

The Bronx is one of five sites selected to run this program in target neighborhoods in New York State. The aim is to reduce gun violence by devising content specific strategies through the identification of offender target populations which are most involved in gun violence in the 40th Precinct. Recently released parolees and probationers are invited once a month to discuss alternatives available to them.

#### **ADULT WORKSHOPS:**

#### The Community Affairs Unit organizes monthly adult

workshops for Bronx residents that cover various issues related to organizations including the IRS, the NYPD, the Department of Education and local banks. In 2016, a workshop "Counterfeit Products and You" was held in December at Mount Hope Community Center, and in November, an "Identity Theft" Workshop was held at the Sonia Sotomayor Community Center.

#### PROJECT JUMP:

#### This mentoring program matches sophomores,

juniors and seniors from the Law Justice and Public Service Academy at Theodore Roosevelt High School with volunteers from the Bronx District Attorney's Office. Students experience the work environment and learn how the criminal justice system functions.

### **COMMUNITY EVENTS**

#### BXDA staff volunteered at National Night Out Against Crime on August 5, 2016, an annual event that promotes

police-community partnerships to create safer neighborhoods. Legal and support staff attended events in every precinct, and DA Clark also visited all the precincts and Housing Police Service Areas in the Bronx.



Dancers at Co-op City's National Night Out



DA Clark at the 32nd Annual Bronx Veterans Day Parade, meeting with veterans and their families and celebrating their commitment to the United States



The view at the Oval in Parkchester during National Night Out



DA Clark with the Van Nest Neighborhood Alliance

## **Executive Staff**

Joseph J. Dawson
Chief Assistant District Attorney
& General Counsel

Teresa Mason Chief of Staff

Julian Bond O'Connor

Deputy General Counsel & Policy Advisor

Odalys Alonso
Executive Assistant District Attorney for Operations & Budget

Jeremy Shockett Chief of Trial Division Jean T. Walsh
Chief of Investigations Division

Joseph Muroff Chief of Special Victims Division

Nicole Keary
Deputy Chief of Trial Division

Maria Cortese
Deputy Chief of Trial Division

Ben Rivera
Deputy Executive ADA for Operations & Budget

Stuart Levy
Deputy Chief of Investigations Division

#### **Administrative Staff**

L. Christopher Standora Chief Financial Officer Frank Chiara
Chief of Detective Investigators Squad

Arthur Simmons
Deputy Administrative Chief

Bethann Holzhay

Director of Crime Victims Assistance Unit

Jeannette Rucker
Chief of Support Staff Training and Development

Javier Valenti Lt. C.O. of NYPD DA Squad Barbara Robles-Gonzalez Director of Litigation Training

Brenda Velazquez
Director of Planning & Analysis

Nate Simmons
Director of Operations

Patrice O'Shaughnessy
Director of Public Information

Raymond Vazquez
Director of IT

# Legal Staff

Appeals	. Nancy Killian
Arraignments/Complaint Room	. Rene Aponte
Computer Forensics Laboratory	. Peter Kennedy
Conviction Integrity	. Gina Mignola
Child Abuse/Sex Crimes	. Rachel Ferrari
Crime Strategies and Case Enhancement	. Nina Carlow
Criminal Enterprise	. James Goward
DNA Prosecutions	. Raymond Valerio
Domestic Violence	. Amy Litwin
Economic Crimes	. William Zelenka
Firearms Trafficking	. Vladimir Kocheulov
Homicide	. Christine Scaccia
Immigrant Affairs	. Miriam Bell-Blair
Legal Recruitment	. Sherry Cohen
Litigation Training	. Pishoy Yacoub
Mental Health	. Ginger James
Narcotics	. Irene Cassetta
Professional Responsibility	. Victor Olds
Public Integrity	. Wanda Perez-Maldonado
Rikers Island Prosecution	. Deanna Logan
Special Investigations	. Tarek A. Rahman
Tax and Organizational Fraud	. W. Dyer Halpern
Trial Bureau 20	. Meredith Holtzman
Trial Bureau 30	. Derek Lynton
Trial Bureau 40	. Catherine Davis
Trial Bureau 50	. Nelida Velez
Trial Bureau 60	. Hannah Freilich
Trial Bureau 70	. Jeffrey Glucksman

## In Memoriam



**Edward Talty** 

Chief, Homicide Bureau

July 9, 2016

Magnificent Prosecutor, Beloved Mentor





**Bronx District Attorney's Office at 198 East 161 St.** 

bronxda.nyc.gov