



2020

# Annual Report

GREENE COUNTY DISTRICT ATTORNEY  
JOSEPH STANZIONE ESQ.

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# MEET OUR STAFF



Joseph Stanzione

District Attorney

David Costanzo

Chief Assistant District Attorney

Denise Kerrigan

Assistant District Attorney

Danielle McIntosh

Assistant District Attorney

Clement Lalor

Assistant District Attorney

Jeffrey Low

Assistant District Attorney

Gregory Sager

Criminal Investigator

Lorianne Holliday

Legal Secretary

Sheri Jourdin

Victim Advocate

Patricia Lasher

Paralegal

Kelly Kiley

Confidential Secretary

The Chart below reflects the number of new cases handled by this office during the year 2019 and 2020. The drop in the number of Penal Law cases is mostly attributed to the Covid-19 outbreak. It is interesting to note the increase of 3,433 Vehicle & Traffic offenses in 2020.

We attribute this to:

- 1 An increase of traffic in the community as numerous families spent more time here in Greene County due to the pandemic.
- 2 People traveling through Greene County to arrive at their second home in other upstate NY counties.

	<u>2019</u>	<u>2020</u>
<b>Penal Law Offenses:</b>	<b>1,971</b>	<b>1,750</b>
<b>Vehicle &amp; Traffic: offenses</b>	<b>15,205</b>	<b>18,638</b>
<b>Special Investigations:</b>	<b>14</b>	<b>28</b>



**2020 ANNUAL REPORT**  
**OF THE GREENE COUNTY DISTRICT ATTORNEY**

**Mission Statement**

The Greene County District Attorney's Office is committed to the prosecution of Criminal Offenses in a professional, efficient and ethical manner so as to enhance the safety and security of the citizens of Greene County.

**I. Staff and Functions**

Staff: 5 ADA's, 1 Investigator, 1 Victim Advocate/Legal Secretary, 1 Legal Secretary, 1 Paralegal & 1 Confidential Secretary.

Members of my office appear in the Greene County Court as well as the 16 justice Courts on a daily basis prosecuting Felonies, Misdemeanors, Violations and Traffic Offenses.

Court appearances involve participation in Identification hearings, Probable Cause hearings, Suppression hearings, Violation of Probation hearings, Felony trials, Misdemeanor trials, Sex Offender hearings and many other types of proceedings.

Members of my office closely work with the **11 police agencies** that serve Greene County. They include **New York State Police, Greene County Sheriff's Office, Catskill Village Police Department, Athens Village Police Department, Cairo Police Department, Coxsackie Police Department, Durham Police Department, Hunter Police Department, Windham Police Department., Department of Environmental Conservation & Department of Environmental Protection.** My staff is available 24/7 to assist these agencies during their investigation of criminal activity in Greene County. We are also available 24/7 to take calls from law enforcement seeking input on such issues as: bail recommendations, research on legal questions, questions as to whether a search warrant is required, whether blood can be taken from an unconscious person under certain circumstances, whether evidence needs to be sent to a Lab for DNA or fingerprint processing, whether further investigation is required before an arrest should be made, etc.

My staff also conducts Grand Jury proceedings. Grand Jury is held on nearly a weekly basis. These proceedings require meetings with witnesses of crimes, victims of crimes, investigators, expert witnesses; (such as computer crimes; social workers; accountants; scientist and forensic pathologist) and police officers for purposes of gaining a thorough knowledge of each case and for preparing witnesses to testify.

## **II. Successful Transition to Paperless Files**

Over the past year my office has successfully transitioned to “Paperless Files”.

All police agencies now forward documents to my office electronically. The result is that there is little time delay in receiving documents as it is no longer necessary for an officer to travel to my office to deliver paper documents.

An additional advantage exists in that the service of documents upon defense counsel is now a much quicker and easier process. Service now involves little more than placing check marks to the left of certain documents, and then pressing a button to forward those documents to the defense.

The paperless process is achieved by the use of computers and laptops which may now be brought into the Court Rooms.

This new paperless process made it possible for my office to keep up with the new Discovery Demands that took effect in the year 2020.

The expedited process allows for my staff as well as defense counsel to obtain virtually all documents associated with all cases within a period of days. The benefit is a quick and thorough review of each case by the prosecution in the early stages of the cases, thereby making for a more fair evaluation, assessment and handling of each case; and “Fairness” is always the goal to be achieved by our Criminal Justice System.

## **III. 2020 – The Year of Reform**

2020 has been quite a year for the Criminal Justice System. In 2020 we dealt with “Bail Reform”, “Discovery Reform”, “Police Reform”, the “New Jail” and “COVID-19”. The pandemic resulted in a temporary closure of our County offices. When the offices reopened, they did so on a limited basis.

Although we were initially concerned about relying on computers rather than paper files, if it were not for the existence of our laptops we would not have been able to conduct business at all during the “Office Closures”. As it was, however, electronic transmission of documents allowed each of my staff to continue receiving files and documents at home electronically.

For this reason we were able to keep up with our caseload at all times. There were no dismissals of charges due to time delays, and no cases were neglected.

#### IV.

### NEW DISCOVERY LAWS TRAINING LAW ENFORCEMENT ASSISTANCE OF ALL 1<sup>ST</sup> RESPONDERS

Commencing January 2020 new Discovery & Bail laws became effective. The discovery rules mandate that DA's provide vast amounts of material to defense attorneys within a very short period of time (20/35 days). This change placed **tremendous demands on the manpower & resources of the District Attorney's Office**. Without the use of laptops & electronic files it would be nearly impossible to comply with the new rules.

All of our Police Agencies within the County got on board with the "Paperless Process" and made it possible to work as a single partnership in the electronic sharing of legal documents.

Together my office and the Police Agencies created a procedure for gathering, delivering, & turning over evidence in such a manner as to effectively & expeditiously comply with the new rules.

It is with the cooperation, assistance & organized process of our Police Agencies & 1<sup>st</sup> Responders that we were able to meet the requirements of the new laws throughout the year. To this extent we are well ahead of many other Counties within New York State. Many thanks to our Greene County Officers, 1<sup>st</sup> Responders & local State Police.

#### V. NEW BAIL LAWS

Bail reform was another huge change that became effective on 1/1/20. Under the new law many crimes were classified as "**NON-QUALIFYING OFFENSES**", offenses for which an individual cannot be incarcerated prior to a conviction.

Numerous problems encountered with "Bail Reform", so the Bail Reform laws were again modified effective 7/3/20. The so called "Reform of the Reform Laws" has created much confusion throughout the system in terms of who may or may not be released. My office continues to work with Law Enforcement and the Courts to assist with issues of "Bail" as it exists under the "Reform Laws".

#### VI. EFFECT OF COVID-19

**COVID-19** created a need for social distancing. The effect was that Courts closed for a period of time. Cases are now backed up do to the Court closing. Upon the reopening of

the Courts only a limited number of people will be allowed into the Courtroom at one time (ie: limited blocks of people each hour). As a result, the court sessions will be extended over a greater period of time thereby creating a demand for more ADA hours spent in the courtrooms, and less time in the office. For this reason a plan will have to be created in order to comply with new Discovery laws since fewer staff will be present in the office to handle “Discovery”..

## **VII. RAISE THE AGE**

As of 10/1/19 both 16 & 17 year old persons who commit crimes are considered “**Adolescent Offenders**”. This means that most of these cases will be transferred to the “Family Court”, as opposed to a “Criminal Court”.

There are exceptions to this law. In cases where I believe the exception applies my office will make an application to keep the criminal offense in the criminal part of the court, now known as “Youth Court”, as opposed to the transfer of the case to the Family Court. The result is that the case will be prosecuted criminally, as opposed to being diverted to Family Court.

## **VIII. RED FLAG LAW**

Under the relatively new “Red Flag Law” certain qualified persons may bring to the attention of a Superior Court Judge his/her concern over a person possessing firearms of various sorts. Certain school officials are qualified to engage in this process. During the 2020 year several Red Flag Applications were filed. These matters proceeded to Hearings before our County Court Judges.

Rulings were made by our Judges in a manner that resulted in the protection of our communities, while at the same time insuring that the decisions were not so broad as to adversely affect Second Amendment rights of our citizens.

## **IX. TRIALS**

2020 began with a Felony Assault Trial which rightfully ended with a conviction of the defendant. Shortly thereafter, however, all trials were placed on hold due to the Covid-19 pandemic. Unfortunately, this pause has created quite a backlog of cases that are “Ready for Trial”. These cases include “Murder”, “Attempted Murder”, “Armed Robbery”, “Narcotics Sales”, “Assault”, and others. Once the Office of Court Administration grants clearance to proceed with trials my staff will be quite busy in the Court Room.

## **X. STUDENTS/INTERNS/JOB SHADOW**

Columbia & Greene Counties have many gifted high school & college students who are passionate about their desire to serve the community either as a police officer, prosecutor or defense attorney. We are fortunate to have some of the most talented school teachers & professors teaching our students.

April 2020 would have marked the Greene County District Attorney's 4th year of partnering with Quest Star & Columbia Greene Community College by having their students either "Job Shadow" or "Intern" in our office. Unfortunately due to the shutdown of our Courts, as well as working remotely, we were unable to accommodate interns during the 2020 year.

There was one exception, however, and that involved a local University of Albany student who interned with us in the beginning of the year just before the Courts shut down. Once again this was a great experience for both the student, my staff and the Courts.

## **XI. DRUG OFFENSES**

### **a. Goals**

The District Attorney's Office was involved in numerous drug investigations and prosecutions this past year. We continue to focus on identifying those responsible for the distribution of illegal drugs in our communities, as well as identifying those who are struggling with drug addiction.

### **b. Drug Dealers**

My policy continues to allow little tolerance for **drug dealers**. For this reason my office goal is to secure a conviction and State Prison sentence for those who deal drugs in our community.

### **c. Substance Abusers**

Over the past few years we have learned that many people have become addicted to opioids as a result of work related and sports related injuries. Due to these injuries they were prescribed opioid medications which resulted in an addiction. Once the prescription medication was terminated, some of those who became addicted turned to the street to purchase illegal opioids (such as pills or heroin) to eliminate their pain and satisfy their addiction.

Within the past few years our local medical professionals recognized this problem and have taken extreme steps to protect their patients from becoming addicted. This includes prescribing a one week supply of opioids at a time as opposed to a month supply; or prescribing pain management where appropriate instead of medication.

With respect to individuals who are charged with Criminal Possession of a Controlled Substance my office goal is to get them into treatment and onto the road of recovery.



## **XII. Drug Court**

**Drug Court** is a well-structured and vigorous program that entails “**Treatment**”, in conjunction with “**Probation Supervision**”, in conjunction with weekly meetings with our Drug Court Judge, **Honorable Charles Tailleir**.

Drug Court in Greene County is an alternative to incarceration for those defendants who are charged with crimes, have a non-violent criminal history, reside in Greene County, who are addicted either to substance(s) or alcohol, and demonstrate a desire to lead a sober lifestyle. They are, by and large, county residents who likely would not have been involved in our criminal justice system if they were sober. Our Drug Court provides an opportunity for defendants to achieve goals that they might have accomplished had they not suffered an addiction.

Time has proven that the success of Drug Court; namely, maintaining sobriety, not being rearrested and moving forward in life, far exceeds the success of those offenders who have not participated in Drug Court.

This success is undoubtedly due in part because of a screening process prior to admittance into Drug Treatment Court, but also because the program holds participants accountable through an immense amount of oversight and structure within and outside of the Court.

Participants are required to be evaluated by state certified mental health professionals, as well as alcohol/substance abuse professionals, to sign necessary releases, and to comply with all recommendations of professionals in order to graduate from the program.

Participants are also required to attend at least 3 ‘self-help’ meetings, typically AA, each week, and to call a 1-800 number every morning to see if they have been randomly chosen to subject themselves to an observed alcohol/drug test that day.

Participants are required to appear in County Court regularly during their time in Drug Court (Drug Court has 3 phases, the program lasts between 12 to 18 months). In phase 1 the participant appears in Court every week. Phase 2, every two weeks. Phase 3, every month. Participants in phase 3 are required to complete 25 hours of community service prior to graduation.

All participants in Drug Court are supervised by our County’s Department of Probation, where they are subjected to random home visits, random searches of their person and belongings, and random drug and alcohol screens in addition to those conducted at their treatment facility.

### **Drug Users Who Re-Offend While in Drug Court**

Those participants who fail to comply with the requirements above are sanctioned by the Drug Court Team. The Team is composed of the County Court Judge, an Assistant District Attorney, the state’s Drug Court Coordinator, an Assistant Public Defender, a Probation Officer, a Greene County mental health counselor, and a State certified counselor from Twin Counties. This team meets every week to discuss the progress of every drug court candidate, and discusses the range of sanctions most appropriate for a violation of the Drug Court Rules. Sanctions are swift, and

graduate in range from a verbal reprimand, to writing essays, to performing community service, and to serving jail time.

In the occasional case in which a participant fails out of Treatment Court he/she is exposed to being sentenced up to the maximum jail time allowed for the offense he/she plead to. If sentenced to State Prison, their sentence usually includes **“Shock Incarceration”**. This means that the prison sentence includes a vigorous physical regimen together with a program of intense substance abuse counseling. Success of this rigorous program could result in an early release to parole supervision.

Fortunately, most participants do graduate and participate in a commencement ceremony, which is held at the County Courthouse. The graduates are recognized and lauded by the Judge and Team before the community at large, friends, and family for their achievement and progress. Many a graduate have referenced in their commencement speech how thankful they are that they were arrested and given the opportunity of Treatment Court, and how different their life is now as a result. The presence of many post-graduates and community leaders in the audience at our commencement reflects the strength of Greene County’s Drug Treatment Court Program.

In light of the challenges created by the Covid pandemic, which has its impact on the most vulnerable, we are pleased to report that not one of our Drug Court participants fell back into a cycle of addiction.

### **XIII. Drug Investigations**

My office continues to be directly involved in “undercover drug buys” through the use of various “Confidential Informants”. This process has resulted in arrests of numerous drug dealers, most of which resulted in significant drug prosecutions and sentences.

The investigator in my office continues to devote extensive amounts of time and effort to the investigation and prosecution of illegal drug cases. His work entails working in the field with the Greene County Sheriff’s Office, New York State Police, & local police agencies. This includes setting up & completing “Controlled Buys” of drugs, completing paperwork, writing & executing Search Warrants, etc.

It should be noted that “Drug Dealers” do not have 9:00 AM to 5:00 PM hours, This means that in addition to working in the office, my investigator is in the field working on drug cases during weekends, late night hours & early morning hours. In addition, he is out executing Search Warrants when the need arises, which is at all hours of the day & night.

Our progress would not be possible without the extensive time and effort that our own investigator devotes to these cases.

It has been said that due to our intense focus on drug investigations Greene County does not suffer a high degree of gang violence, or violent crime in general as seen in our adjoining counties.

My office is committed to fight the war on drugs, and I will continue to devote my office resources to prosecuting drug dealers in order to keep drugs off our streets and away from our schools. At the same time I will continue to work to identify “**drug users**” so that we can get these individuals into appropriate treatment programs with a goal of having them once again become productive members of society.

#### **XIV. Violent Crimes**

It is my policy to take a tough stance against “Violent Criminal Behavior”. When criminals display violence against citizens of our communities I believe it is necessary to remove these criminals from society in order to protect the citizens of Greene County.

During the 2020 year my office worked on, and prepared for prosecution such violent crimes as Murder, Attempted Murder, Burglaries (Home invasions), Robberies, Larcenies, Computer Crimes, Felony Assaults, Possession of loaded weapons, and other such offenses. .

My staff and I will continue to zealously prosecute and seek harsh Prison sentences for Violent Felony Offenders.

#### **XV. Weekly Meetings**

I continue to hold weekly staff meetings. These weekly meetings continue to be of tremendous value as our panel of attorneys review complex criminal cases. Our collaborative efforts continue to result in powerful strategies for the prosecution of such criminal cases.

During the 2020 “Covid Closure” weekly staff meetings were conducted virtually through Zoom.

#### **XVI. Substance Awareness/Victim Impact Panel**

I continue to follow the policy that I imposed when I took office requiring **all persons** charged with an alcohol or drug related offense to attend a “Victim Impact Panel”. The “VIP” is a 2 hour program during which attendees hear from a panel of speakers that include:

- (a) People who have served serious sentences as a result of substance related offenses (they discuss how their crime has impacted their lives as well as the lives of their family and friends);
- (b) People who have been seriously injured or who have lost a loved one due to an alcohol or drug related offense;
- (c) Members of the Greene County Sheriff's Office;
- (d) Members of the Greene County Probation Department;
- (e) Members of the Greene County District Attorney's Office; and
- (f) Members of the New York State Police

This program is sponsored by the Greene County Probation Department, Greene County Sheriff Office & the Greene County District Attorney's Office. Our Probation Department selects speakers who are appropriate to deliver a message to participants. Their selections have been excellent as their messages have been very powerful.

During the 2020 year, three Victim Impact Panels were held. Due to the Covid pandemic the panel was pre-recorded and presented virtually.

Although "education" is the goal, an attendance fee is charged, which results in a contribution to the STOP DWI Program. These funds are used for both education and prosecution of DWI and DWAI Offenses. Education, however includes the "Four D's" offenses: Drunk Driving, Drugged Driving, Distracted Driving and Drowsy Driving.

## **XVII. School Involvement in Substance Awareness**

The Greene County Sheriff's Office, Greene County Probation Department and Greene County District Attorney's Office continue to work together to present the Victim Impact Panel to our schools. Our goal is to hold a Victim Impact Panel in each of the school districts each school year.

Unfortunately, due to the Covid Pandemic and School closures a VIP was not held in any of the schools during the 2020 year.

## **XVIII. Crime in the Prisons**

I continue to stress the need to keep Correction Officers within our local Jail and State Prisons (Coxsackie and Greene Correctional) safe. I assist in doing this by prosecuting such crimes as "assaults on Officers", "possession of weapons in the Prisons" and "possession of controlled substances in the Prisons". During the 2020 year, dozens of inmates were indicted and prosecuted on weapons charges, drug charges and assaults.

Statistics show that Prison Crime either levels off or declines when inmates know that their criminal activity within the facility will result in prosecution that adds additional years to their prison sentence.

## **XIX. Computer and Electronic Crimes:**

### **Requirement for Warrants**

With the new age of computers, cell phones and internet, we learn that invaluable evidence is stored and preserved both in a perpetrator's cell phone as well as with cell and computer companies. This has led to a tremendous increase in the number of applications for search warrants. Whenever information is sought from one's cell phone or from a computer or cell company a detailed application must be filed with a judge.

The average application takes approximately 4 to 6 hours to prepare. In addition, many times the warrant itself is prepared by my office, and a mini proceeding is required in front of a judge before a warrant is signed. Such applications have increased the amount of time that a member of my staff must devote to a criminal case. Nonetheless, the warrant process is well worth the time spent as it generally uncovers a tremendous amount of evidence in support of a case. In particular we prosecuted and received restitution pertaining to "fraudulent Internet sales" in which money was paid for goods that were never delivered, or even intended for delivered. In addition, with the good work of the NYSP Investigators, we were able to identify and cause the prosecution of an out of state person who used social media to manipulate a minor into sending nude photos of herself to him. The person then threatened to post the photos on-line if she did not comply with certain "on-line" demands that he made of her. The perpetrator then posted some of the photos. The perpetrator was identified, our NYSP Investigators traveled to the out of state location and the perpetrator was charged, arrested and is being prosecuted.

## **XX. Caseload Comparison**

Although our criminal caseload remains high; unlike some of our nearby counties, the rate of crime has not increased much over the past few years. I like to believe that the aggressive prosecutions of my office staff serves as a deterrent to criminal activity in Greene County. We will continue to maintain a high level of quality prosecution; prosecution that is governed by Ethic & Professionalism.

## **XXI. Vehicle and Traffic Offenses**

In addition to prosecuting criminal offenses, my office also prosecutes Vehicle and Traffic Offenses throughout the county. We prosecute several thousand such offenses each year.

The actual number of tickets prosecuted during the 2020 year has increased by more than 6000. This number is attributed to the increase in upstate traffic here in Greene County.

Section 1144a of the Vehicle and Traffic Law requires a driver to move from a lane which is adjacent to the shoulder where an emergency vehicle is stopped and displaying emergency lights. I am keenly aware of the risk of danger an officer is exposed to each time he/she pulls over a vehicle on a highway. Because the safety and security of our Police Officers is of utmost importance, it is my policy that no violation of section 1144a of the V&T Law shall be reduced or plea bargained to a lesser offense.

### **XXII. Working with schools**

My office continues to assist our school districts in dealing with issues of abuse of student truancy. We remind parents that excessive unexcused absences could well qualify as “neglect” and “child endangerment”.

Unfortunately, “virtual schooling” has resulted in a tremendous increase in the number of students who fail to attend schooling. Attendance is monitored on-line daily. My office has been actively involved in getting these students back on track by cooperating with such resources and agencies as the Youth Bureau, DSS, Probation and Attendance Supervisors.

### **XXIII. Conclusion**

In conclusion, the Greene County District Attorney’s Office continues to be extremely active, and committed to securing the safety of our citizens. Our goal is to prosecute crime in an ethical, professional and efficient manner. My Office works hand in hand with the Greene County Probation Department, the Greene County Sheriff’s Office, the New York State Police and the various local Police Agencies in investigations, arrests and prosecutions of criminals.

I am proud of my staff of dedicated public servants who make up the Greene County District Attorney’s Office.

I will continue to work hard in order to maintain the trust that the citizens of Greene County placed in me to lead the District Attorney’s Office.

I am appreciative of the support our Greene County Administrator and Greene County Legislators have extended to me and to my office since my election. They continue to be genuinely concerned with the safety and welfare of the citizens of our community.

Respectively submitted,

JOSEPH STANZIONE, ESQ.,  
Greene County District Attorney