



2016

# ANNUAL REPORT

FROM THE OFFICE OF

NEW YORK COUNTY DISTRICT ATTORNEY

CYRUS R. VANCE, JR.

# 2016

YEAR IN REVIEW

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# A MESSAGE FROM THE MANHATTAN DISTRICT ATTORNEY

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Manhattan remains the safest place to live and work in the safest big city in America. The role of the District Attorney's Office is not merely to help keep it that way – it's also our job to help prevent New Yorkers from coming into contact with the justice system in the first place.

**In 2016, we worked with Manhattan communities to advance safety in our streets, integrity in our markets, and reform in our justice system.**

Throughout the year, prosecutors in our Trial and Investigation Divisions leveraged innovative technology and new community partnerships to address the handful of gun traffickers, cyber criminals, and domestic abusers who are responsible for driving what crime remains. We stood up for immigrants, seniors, and others targeted by financial fraudsters, and proactively educated these communities to prevent future crimes. We fought to make construction sites safer amid New York's historic development boom, and secured justice for victims of sex trafficking and hate crimes. And as Manhattan enjoyed continued gains in public safety, our Office's signature, data-driven strategies were replicated in prosecutors' offices across the United States.

At the same time, we demonstrated that New York can safely reduce crime and incarceration. Through groundbreaking new policies, like our Manhattan Summons Initiative, we kept tens of thousands of New Yorkers out of the justice system, and enabled police and prosecutors to focus their resources on more serious and violent crimes. And we continued making major investments inside and outside the justice system with ill-gotten gains seized in our financial crime prosecutions. From boosting social enterprises to employing formerly incarcerated New Yorkers, to expanding alternatives to incarceration like Project Reset, we are seizing on once-in-a-generation opportunities to prevent crime and accelerate reform in the justice system.

Less crime, and less jail. 21<sup>st</sup>-century justice institutions can deliver both things at once. That is our mantra as we head into 2017. I'm excited for the potential the coming year brings. My best wishes for a safe and productive year.

  
CYRUS R. VANCE, JR.

# THE MANHATTAN DISTRICT ATTORNEY'S OFFICE

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The Manhattan District Attorney's Office serves and protects the People of New York through the fair administration of justice, without fear or favor. Building on a rich tradition of prosecutorial independence and courtroom excellence, the District Attorney's Office today is an internationally recognized leader in the development of innovative crime-fighting strategies and public safety initiatives. In 2016, the District Attorney's Office handled approximately 80,000 cases with a staff of more than 500 assistant district attorneys and 870 investigative analysts, paralegals, and other highly trained support staff members. The legal work of the District Attorney's Office is further divided between the Trial, Investigation, and Appeals Divisions.



**500+**

Assistant District Attorneys



**870+**

Investigators, analysts, case managers, and staff members



**80,000**

Cases in 2016



**\$12 billion**

Secured through forfeiture agreements and settlements

*(Since 2009)*



**\$3 billion**

Contributed to city and state treasuries

*(Since 2009)*



**\$870+ million**

Invested in public safety initiatives and programs

## TRIAL DIVISION

The Trial Division is principally responsible for prosecuting felony and misdemeanor crimes that are brought to the District Attorney’s Office by other law enforcement agencies. Collectively comprising six trial bureaus and other specialized units employing approximately 365 assistant district attorneys, each bureau is staffed by a team of prosecutors, legal supervisors, investigative analysts, and paralegals tasked with handling a diverse docket of cases. After an arrest takes place, the case is assigned to an assistant district attorney who is responsible for the case from start to finish. This vertical system of prosecution means that prosecutor stays with the case from start to finish, better serving the victims, witnesses, and members of law enforcement involved. Felony assistants in specialized units also develop particular expertise handling certain types of crime, such as sex crimes, child abuse, domestic violence, cybercrime, and hate crimes.

The Trial Division includes: Trial Bureau 30; Trial Bureau 40; Trial Bureau 50; Trial Bureau 60; Trial Bureau 70; Trial Bureau 80; Special Victims Bureau, including the Sex Crimes Unit, Child Abuse Unit, Domestic Violence Unit, and Elder Abuse Unit; Cybercrime and Identity Theft Bureau; Crime Strategies Unit; Forensic Sciences/Cold Case Unit; Hate Crimes Unit; Vehicular Crimes Unit; Violent Criminal Enterprises Unit; and the Special Litigation Bureau.

## INVESTIGATION DIVISION

The Investigation Division focuses on the prosecution of crimes such as fraud and corruption, as well as crimes with greater global scope, such as white-collar crime, international money laundering, securities fraud, and terrorism. Because of the District Attorney’s Office’s location and geographic jurisdiction, prosecutors are able to bring cases involving criminal conduct against any parties anywhere in the world making use of financial institutions located in Manhattan. The Investigation Division also protects New York’s most vulnerable populations through the work of specialized units tasked with handling fraud against the elderly and diverse immigrant communities, where unfamiliarity with the criminal justice system may make victims reluctant to come forward and report crimes.

The Investigation Division includes: the Forensic Accounting and Financial Investigations Bureau; Major Economic Crimes Bureau; Rackets Bureau; Asset Forfeiture Unit; Tax Crimes Unit; Financial Frauds Bureau; Public Corruption Unit; and Investigations Bureau. The Cybercrime and Identity Theft Bureau, Crime Strategies Unit, and Special Litigation Bureau are also cross-designated as part of the Investigation Division.

## APPEALS

The Appeals Division is responsible for ensuring that convictions properly obtained by the District Attorney’s Office are upheld in New York’s appellate and federal courts. In addition to appellate research, writing, and advocacy, the Appeals Division advises assistant district attorneys on legal and jurisprudential developments relevant to the District Attorney’s Office’s work. The Appeals division collectively handles nearly 700 cases annually.

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CRIMINAL  
JUSTICE  
REFORM

In 2016, amid heightened national debate about crime, fairness, and collateral consequences in the justice system, the District Attorney's Office reaffirmed its position at the forefront of criminal justice reform.

Through groundbreaking policy initiatives and major investments inside and outside the court system, the District Attorney's Office proved that New York can safely reduce crime and incarceration at the same time.

**Arrests for misdemeanors and violations in Manhattan:**

2010 = 92,585  
2016 = 67,246 ↓ **27.4%**

District Attorney Vance believes that many low-level violations and infractions should not be criminally prosecuted, and that law enforcement should focus its resources on more serious and violent crimes. In 2016, the District Attorney's Office redoubled its efforts to safely reduce the number of low-level offenses prosecuted in Manhattan through a number of innovative approaches.

“It behooves all of us who are elected as district attorneys to step up and acknowledge the realities of the criminal justice system that we inherited, and to make sure that during the time that we're privileged enough to hold our offices, **we move the ball forward.**”

— DISTRICT ATTORNEY VANCE  
(WNYC Radio, 10/12/16)

## MANHATTAN SUMMONS INITIATIVE

In March, District Attorney Vance announced that he would end the practice of criminally prosecuting most low-level, non-violent violations and infractions unless there is a demonstrated public safety reason to do so. Rather than being arrested, New Yorkers who commit these offenses – which include littering, public consumption of alcohol, possession of marijuana, and taking up two seats on the subway – are given summonses. The results were stark and immediate: 11,000 fewer low-level cases were referred to the District Attorney's Office in 2016, meaning thousands of New Yorkers were spared from unnecessary arrest and detention, as well as accompanying employment and immigration consequences. Despite a 79% reduction in arrests for low-level violations in Manhattan, 2016 was one of the borough's safest years on record.



## PROJECT RESET

In June, working in partnership with the NYPD and Center for Court Innovation, District Attorney Vance expanded Project Reset, the Office's signature pre-trial diversion pilot program, to cover many 16- and 17-year olds arrested for low-level offenses in Manhattan who do not have a serious criminal record. Under Project Reset, in lieu of ever setting foot in a courtroom, young people are given the option to participate in youth counseling or Youth Court. Upon successful completion of these requirements, the District Attorney's Office declines to prosecute their case. To date, 295 participants have been referred to Project Reset.

Recognizing Project Reset's effectiveness and potential to enhance law enforcement-community relationships, in October, the District Attorney's Office released a Request for Proposals to expand this model to cover all Manhattan adults arrested for low-level offenses who do not have a serious criminal record. The expanded model is expected to result in an additional 6,500 New Yorkers being diverted from the criminal justice system each year.

“Outstanding warrants for years-old, low-level violations drive law enforcement and communities apart. New Yorkers with outstanding summons warrants face unnecessary employment and immigration consequences, and live in fear of arrest following any police encounter, which means they cannot collaborate with the NYPD and District Attorneys to keep our communities safe. I urge anyone with an open summons warrant to join us at Clean Slate.”

— DISTRICT ATTORNEY VANCE

# CLEAN SLATE

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In April, in order to provide a fresh start to those with open summons warrants for low-level offenses, the District Attorney's Office hosted its second Clean Slate warrant forgiveness event in partnership with the NYPD, NYS Office of Court Administration and the Legal Aid Society. In total, more than 1,150 New Yorkers from all five boroughs have participated in the Office's Clean Slate events, and 700 outstanding summons warrants have been resolved. A third Clean Slate is being planned for June 2017 in East Harlem.

## ALTERNATIVES TO INCARCERATION UNIT

In June, District Attorney Vance announced the creation of the District Attorney's Office's Alternatives to Incarceration Unit (ATIU), the first of its kind in New York City. The establishment of the Unit resulted in an immediate increase in the Office's utilization of alternatives-to-incarceration programs. Staffed by veteran attorneys, ATIU helps prosecutors in other bureaus of the Office reach community-based dispositions in appropriate cases. ATIU is also responsible for following up with defendants who have been diverted from the court system to check on their progress in the community. As part of its mission, ATIU collects information on the effectiveness of these programs and shares its data with other city agencies, DAs' offices, and courts.



*DA Vance receives the National Black Prosecutors Association's Presidential Award of Excellence at NBPA's 33<sup>rd</sup> Annual Conference in July.*

“DA Vance has been steadfast in his support of diversity in the field of prosecution. Through his actions within his office, in his jurisdiction of Manhattan, and in supporting the National Black Prosecutors Association's Job Fair since the day he took office, it is clear that recruiting, retaining and advancing diverse prosecutors is of utmost importance to Mr. Vance. As such, it is fitting he receive our highest award.”

— NBPA PRESIDENT MELBA PEARSON



## SATURDAY NIGHT LIGHTS

In 2016, Saturday Night Lights, the District Attorney's Office's signature youth violence prevention initiative, encompassed 17 programs across Manhattan at 14 different locations, including five New York City Housing Authority developments. Since 2011, Saturday Night Lights has provided world-class sports training and academic tutoring to more than 6,000 boys and girls between the ages of 11 and 18, completely free of charge.

**For information on enrolling a child or teen in one of the Saturday Night Lights programs, please email [SNL@dany.nyc.gov](mailto:SNL@dany.nyc.gov) or call (212) 335-9082.**

# VOLLEYBALL

**PAL Armory Center**  
216 Fort Washington Avenue

# TENNIS

**Union Settlement | Washington Houses Community Center**  
1775 Third Avenue  
(Pick-up location)



# BASKETBALL

**PAL Harlem Center**  
441 Manhattan Avenue

**Henry Street Settlement**  
Boys and Girls Republic (BGR)  
888 E. 6<sup>th</sup> Street + 301 Henry Street

**SCAN | El Faro Beacon | M.S. 45**  
2351 First Avenue

**Graham Windham Manhattanville Community Center**  
530 W. 133<sup>rd</sup> Street

**Community Association for Progressive Dominicans (CAPD)**  
M.S. 328 | 401 W. 164<sup>th</sup> Street

**Boys' Club of New York (Boys only)**  
Elbridge T. Gerry, Jr. Clubhouse  
321 E. 111<sup>th</sup> Street

**Union Settlement**  
237 E. 104<sup>th</sup> Street

**PAL Armory Center**  
216 Fort Washington Avenue

**Catholic Charities Kennedy Center**  
34 W. 134<sup>th</sup> Street

**Good Shepherd Services (Brooklyn)**  
653 Schenck Avenue

**New South Bronx PAL Center (Bronx)**  
991 Longwood Avenue

# SATURDAY NIGHT LIGHTS

Athletic Training  
Academic Support



# SOCCER

**City in the Community Corsi Community Center**  
307 E. 116<sup>th</sup> Street

**City in the Community P.S. 57 (Girls only)**  
176 E. 115<sup>th</sup> Street

# LITE FEET

**Union Settlement | Washington Houses Community Center | 1775 Third Avenue**

# KIKI LOUNGE

**Hetrick Martin Institute | 2 Astor Place**

# CHEER DANCE

**Graham Windham | Manhattanville Community Center | 530 W. 133<sup>rd</sup> Street**



# BASEBALL

**Community Association of Progressive Dominicans**  
M.S. 328 | 401 W. 164<sup>th</sup> Street





DISTRICT  
ATTORNEY  
NEW YORK  
COUNTY



# CRIMINAL JUSTICE INVESTMENT INITIATIVE

District Attorney Vance established the Criminal Justice Investment Initiative (CJII) to invest \$250 million in ill-gotten gains seized in the Office's financial crime prosecutions in large-scale efforts to improve public safety, prevent crime, and accelerate reform in the justice system.

## COLLEGE IN PRISON

In January, District Attorney Vance and Governor Andrew M. Cuomo announced a \$7.5 million investment in educational programs at New York State prisons. Funded entirely through CJII, the College-in-Prison Reentry Program will create more than 2,500 seats for college-level education and training for incarcerated New Yorkers in 17 correctional facilities across the state, significantly increasing the likelihood of inmates' successful reentry into the community.

## EXPANDING ACCESS TO SERVICES FOR DIVERSE VICTIMS OF CRIME

In June, District Attorney Vance announced an \$11.4 million investment to expand access to supportive services for victims of crime, particularly those that focus on one or more of the following groups that face significant barriers: immigrants; lesbian, gay, bisexual, transgender, or queer (LGBTQ) individuals; individuals who are D/deaf or hard of hearing; individuals with disabilities; and men of color. Crime victimization can have harmful effects on victims, including increasing the likelihood of mental health issues, negatively affecting occupational functioning, and adversely affecting social relationships. Although supportive services have the potential to decrease the risk of negative outcomes, victims access and use these services at low rates. This is especially true among the groups listed above, for reasons such as stigma; a lack of culturally-appropriate services, or a lack of awareness about them; or fear of retaliation, harassment, or deportation. The District Attorney's Office is funding services that address these barriers in order improve outcomes among these victims.



**Working with the CUNY Institute for State and Local Governance – CJII's technical assistance provider – District Attorney Vance announced a series of major CJII investments in 2016, including:**

**\$11.4 million**

To increase crime victims' access to services

**\$7.5 million**

To fund the College-in-Prison Re-entry Program

**\$7.3 million**

To develop social enterprises to employ at-risk and formerly-incarcerated New Yorkers

**\$6.5 million**

For early diversion programs

**\$5.3 million**

To support older youth aging out of foster care

### **Previous CJII Investments:**

**\$101M** for critical NYCHA security upgrades, including cameras, lighting and keyless access

**\$90M** to equip the NYPD with tablets, handheld devices, and mobile databases for every police officer and patrol car

**\$40M** towards the City's comprehensive mental health initiatives

**\$38M** to help end the national backlog of untested rape kits

**\$25M** to form the cross-border, cross-sector, not-for-profit Global Cyber Alliance

**\$14M** for pre-trial, supervised release for eligible defendants

**\$7.5M** to expand Saturday Night Lights, the Office's signature youth violence prevention program



## SOCIAL ENTERPRISES

In September, District Attorney Vance announced a \$7.3 million investment in “social enterprise” employment opportunities for at-risk youth and formerly incarcerated New Yorkers – the first-ever such funding opportunity from a criminal justice agency in the United States. Social enterprises are non-profit organizations (or non-profit divisions of for-profit entities) which blend the social welfare mission of a non-profit organization with the market-driven approach of a business. Social enterprises offer positive economic impact within communities that offer fewer job opportunities, thus helping to curb the cycle of poverty and unemployment that often correlates with justice-system involvement. Additionally, social enterprises offer job opportunities for individuals re-entering communities following incarceration, who typically face significant barriers to employment, including deterioration of job-related skills, and employer attitudes and policies. Accordingly, the District Attorney’s Office is funding social enterprises which: (i) provide meaningful training and career opportunities to young people at elevated risk of justice-system involvement, as well as formerly incarcerated New Yorkers re-entering their communities; and (ii) generate a positive economic impact in underserved New York City neighborhoods.

# YOUTH AGING OUT OF FOSTER CARE

Many young people involved in the foster care system are at increased risk of involvement with the criminal justice system. In September, District Attorney Vance announced a \$5.3 million investment in educational, employment, and housing services for young people who are “aging out” of New York City’s foster care system. In 2015, 616 young New Yorkers “aged out” of the foster care system without being adopted or returned to the custody of a parent or guardian.

Foster youth face higher rates of incarceration than the general population: a 2015 study focused on a group of young New Yorkers who were discharged from foster care between the ages of 13 and 18 found that 15 percent were incarcerated within six years. Of the foster youth who aged out of the New York City child welfare system in the mid-2000s, one in ten entered a homeless shelter within one year, and one in five entered a shelter within three years. Investments in remedial education and pathways to employment best equip this population to transition out of care successfully. The District Attorney’s Office is funding services which support this population’s educational attainment, workforce development, and housing permanency.



“We can deliver greater public safety and healthier communities if we prevent young people from coming into contact with the justice system in the first place. The ill-gotten gains seized in our financial crime prosecutions represent a windfall opportunity to prevent crime by investing in our youth.”

— DISTRICT ATTORNEY VANCE

# YOUTH OPPORTUNITY HUBS

District Attorney Vance also invested \$45.9 million to create five “Youth Opportunity Hubs” – a first-of-its kind effort to knit together community-based providers and build new spaces for young people in target Manhattan neighborhoods – and an additional \$12 million to help existing organizations expand their services. The investments will reach 100 of New York’s most venerable youth and family service organizations in East Harlem, Central and West Harlem, Washington Heights, and the Lower East Side.

# CYBERCRIME

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Today, nearly every criminal case in Manhattan involves a digital component, as information is increasingly stored on electronic devices, shared on social media, and exchanged through digital networks. In 2016, the District Attorney's Office and its partners took several significant steps to combat malicious cyber activity, including opening a new in-house cyber lab, releasing open-source risk reduction tools, and supporting legislation designed to enhance prosecutors' ability to take cybercriminals and identity thieves offline.

## 2016 CASES

Some of the most common types of cyber schemes and notable cases prosecuted by the Office's Cybercrime and Identity Theft Bureau in 2016 include:

In July, **Fernando Salazar** was sentenced to 3 ½-to-7 years in state prison for his role in an identity theft operation that compromised the personal information of thousands of hospital patients and resulted in more than \$50,000 in fraud. As part of the scheme, the defendant purchased more than 250 items of personal identifying information from a co-conspirator who was employed at the time by Montefiore Medical Center as an assistant clerk. The stolen information was later used to open fraudulent credit cards accounts, buy gift cards, and make thousands of dollars' worth of unauthorized purchases.

In August, **Lakisha Pettus** was sentenced to 2-to-6 years in state prison for stealing designer goods valued at hundreds of thousands of dollars by diverting shipments to and from warehouses and stores. As part of the scheme, the defendant placed more than 200 calls to a shipping company whose services were used by multiple luxury goods companies and falsely claimed to be an employee of the luxury goods companies.

Also in July, **Vadim Polyakov** was sentenced to 4-to-12 years in state prison for coordinating an international money laundering scheme that involved the theft of personal information from StubHub account users and the resale of thousands of illegally acquired event tickets.

In September, **Krystle Steed** was sentenced to 4-to-8 years in state prison after pleading guilty to using personal information stolen from Lenox Hill Hospital patients to take over victims' accounts and make fraudulent purchases of designer goods. The defendant received the stolen information from her husband, Kyle Steed, who was convicted of Attempted Grand Larceny in the Second Degree for his role in the scheme.

In October, **David Kudugulyan** was sentenced to 1-to-3 years in state prison and \$750,000 in restitution for his role in a multi-state credit card skimming and ATM cash-out operation, through which more than \$2 million in criminal proceeds were illegally laundered. To date, all of the defendants indicted in connection with the investigation, including the four principal organizers and eight co-defendants, have been convicted of crimes related to the scheme.

Also in October, **Jamal Mateen** was sentenced to 3 ½-to-7 years in state prison for using stolen information to place fraudulent orders for and acquire Microsoft products valued at more than \$50,000 under the guise of operating a small business.

# CYBER LAB

## BY THE NUMBERS

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**75** STAFF MEMBERS

**2,250** SQ. FOOT LAB

**17,500** SQ. FOOT SUITE

**375** TERABYTES PROCESSED

**\$4.2M** CITY COUNCIL FUNDING

## MANHATTAN DA'S CYBER LAB

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In November, the Office celebrated the opening of its new in-house cyber lab — the first of its kind within a local prosecutor's office in the U.S. The 17,000-square-foot facility houses more than 75 full-time staff members, including assistant district attorneys, forensic experts, and cyber intelligence analysts assigned to the Cybercrime and Identity Theft Bureau, as well as a team of embedded NYPD investigators. The cyber lab features a specially constructed radio frequency shielded room, a machine designed to process items containing biohazardous matter, and workstations accommodating the forensic analysis of digital devices and electronic storage units. The lab enables prosecutors, investigators, and analysts to co-locate within a single facility and process a greater volume of data and devices more efficiently.





*DA Vance opens the Office's 7<sup>th</sup> Annual Financial Crimes and Cybersecurity Symposium at the Federal Reserve Bank of New York.*

## GLOBAL CYBER ALLIANCE

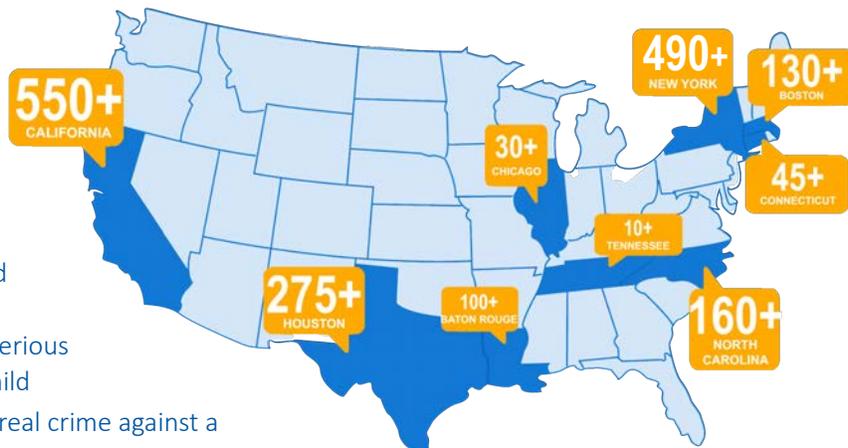
In September, the Office celebrated the one-year anniversary of the Global Cyber Alliance, which District Attorney Vance created in partnership with the City of London Police and the Center for Internet Security as a non-profit, multi-sector coalition of organizations focused on reducing cyber vulnerability through the exchange of threat data and the development of open-source risk solutions. To date, the coalition includes more than 140 global partners across 18 countries.

At the Office's 7th Annual Financial Crimes and Cybersecurity Symposium held at the Federal Reserve Bank of New York in November, District Attorney Vance and GCA's leaders announced the release of a powerful tool to combat phishing attacks, which were the leading cause of economic losses related to data breaches in 2016. The free tool, which is available for download on GCA's website, assists users with the implementation of an anti-phishing "DMARC" (Domain-based Message Authentication, Reporting, and Conformance) message authentication mechanism, which protects organizations against fraudulent emails sent from a seemingly legitimate email address linked to an individual's name or organization. Previously, GCA worked with partners to deploy a beta version of the DMARC tool, and in the case of one participating company, 1 out of every 200 emails apparently sent by the company was determined to be fraudulent. If DMARC mechanisms were deployed globally with similar results, more than 500 million compromised emails could be blocked per day.

SMARTPHONE  
ENCRYPTION  
*and* PUBLIC SAFETY

As recently as 2014, Apple and Google — whose operating systems run 96.7% of the world’s smartphones — would comply with judges’ orders to extract evidence from mobile devices and send the data to prosecutors. In 2014, however, Apple and Google reengineered their operating systems to make their devices encrypted by default, meaning the companies can no longer access their own products.

As of the writing of this report, **490 inaccessible Apple devices** have come into the Manhattan DA Cyber Lab pursuant to judges’ warrants. Thousands more line the shelves of police and prosecutors’ offices in cities around the world. Each is believed to contain evidence crucial to the investigation and prosecution of serious crimes, including homicide and child sex abuse. Each corresponds to a real crime against a real victim who may never receive justice. Others conceal evidence, without which prosecutors cannot hold defendants accountable for their wrongdoing, or can charge them only with lower-level crimes. Some hold information that would exonerate the wrongfully accused. Hundreds of these criminal investigations will remain stalled until Congress intervenes.



“In my view, it is no answer to say, as some suggest, that ‘government’ should develop the capacity to hack into devices. A technological arms race between the federal government and Silicon Valley is not in our collective interest. The enormous cost and energy of such a conflict are better directed against our common enemies, criminals.”

— DISTRICT ATTORNEY VANCE

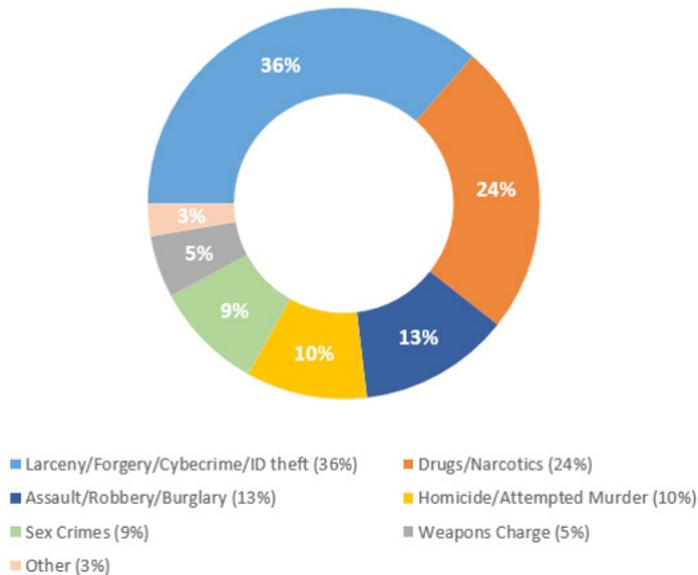
(Testifying before the Senate Armed Services Committee at a hearing in July)

Throughout 2016, DA Vance continued to engage federal, state, and city legislators, the public, and fellow prosecutors in a dialogue about the impact of warrant-proof encryption on state and local law enforcement’s ability to investigate and prosecute crimes. In March, DA Vance testified before the House Judiciary Committee at a hearing entitled “The Encryption Tightrope: Balancing Americans’ Security and Privacy.”

In July, DA Vance also testified before the Senate Armed Services Committee at a hearing entitled “Cybersecurity and U.S. National Security.”

## Warrant-Proof iOS Devices by Crime Type

October 2014 – October 25, 2016



At its 7th annual Financial Crimes and Cybersecurity Symposium in November, the Office released an update to its “Report on Smartphone Encryption and Public Safety,” which further examines the continuing impact that warrant-proof encryption is having on criminal investigations and sets forth legislative recommendations to address the problem.

Throughout the year District Attorney Vance also authored a number of Op-Eds and participated in interviews to educate the public on the impact of smartphone encryption on public safety.

These included a *New York Times* “Room for Debate” piece advocating against allowing private companies to decide who can access key evidence in criminal investigations; a *Los Angeles Times* Op-Ed with Los Angeles County District Attorney Jackie Lacey and San Diego County District Attorney Bonnie Dumanis; a *Massachusetts Institute of Technology (MIT) Technology Review* cover story entitled “What if Apple is Wrong?”; and appearances at MIT’s EmTech Conference and the 9/11 Memorial and Museum.

Also in 2016, the District Attorney’s Office, along with the FBI’s National Domestic Communications Assistance Center (NDCAC), developed a Statistics Collection Tool to better quantify the full impact of encryption on investigations and cases around the country. The Tool was deployed to police departments and prosecutors’ offices in August.

“Centuries of jurisprudence hold that no item is beyond the reach of a court-ordered search warrant. In the past, criminals stored evidence of their crimes in safes, file cabinets and closets. Today, that evidence is found on smartphones. Our laws haven’t kept pace with this evolution in technology, and in the void, large technology companies have rendered themselves—not judges—gatekeepers of the data necessary to solve crimes.”

— DISTRICT ATTORNEY VANCE

# GUN VIOLENCE

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+ PROSECUTORS AGAINST  
GUN VIOLENCE

Since taking office, District Attorney Vance has taken significant steps to reduce gun violence in Manhattan while building a national coalition of prosecutors to advance nonpartisan solutions to this crisis. In 2010, he created the District Attorney’s Office’s Violent Criminal Enterprises Unit (VCEU) to lead these prosecutions with a special focus on disrupting the illegal trafficking of guns into New York City. Since its formation, VCEU has: brought 23 indictments against 74 gun traffickers operating between New York City and states including Virginia, North and South Carolina, Georgia, Ohio, New Jersey, and Pennsylvania; increased gun trafficking prosecutions by more than 1,000 percent; and conducted investigations that have led to the removal of more than 1,100 illegal firearms from the streets of New York City. (In total, more than 3,000 guns have been recovered over the course of prosecutions led by the entire District Attorney’s Office.)

## “GUN KINGPIN” LEGISLATION

Currently, a person who sells 10 illegal guns in New York faces the same penalties as someone who sells 10,000—a minimum of just five years in prison. In May, District Attorney Vance worked with New York State Senator Jeff Klein to introduce a bill that would better deter traffickers by enhancing the penalties that they face. The proposed “Gun Kingpin” bill would create a new class A-1 felony offense, which would subject major firearms traffickers to a minimum sentence of 15-years-to-life in prison. New York State Attorney General Eric Schneiderman later recommended the bill’s passage in a November report on combatting gun trafficking in New York.

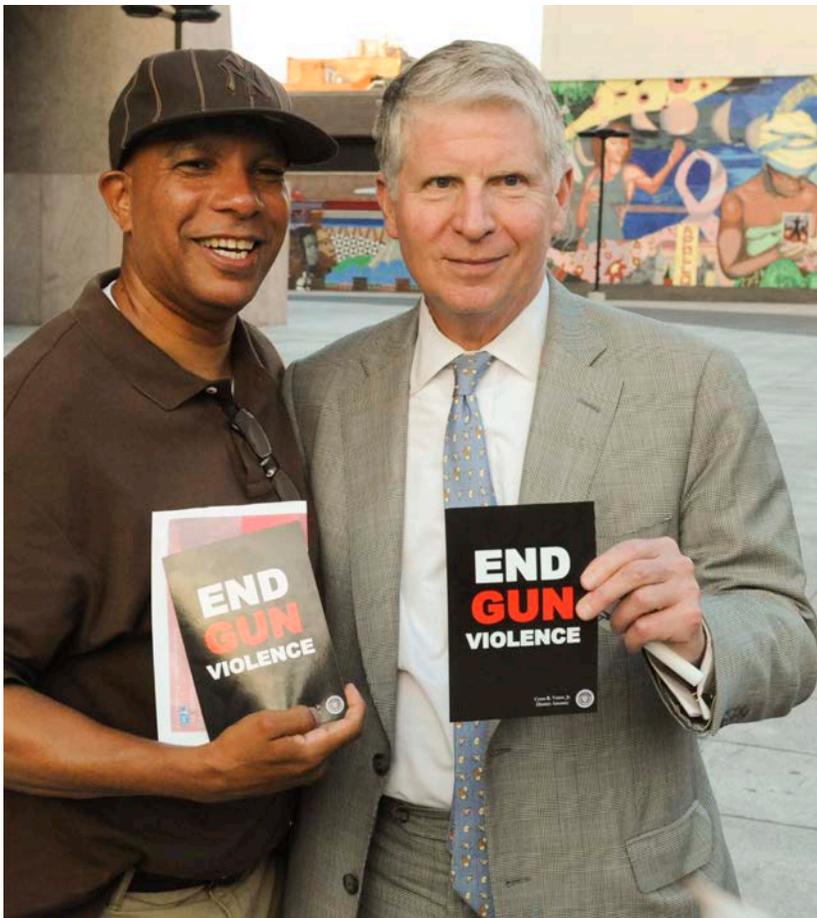
## END GUN VIOLENCE INITIATIVE

In June, in recognition of Gun Violence Awareness Month, District Attorney Vance kicked off the Office’s End Gun Violence Initiative, a six-week-long education and awareness campaign to combat gun violence in Manhattan. As part of the initiative, the District Attorney’s Office organized a borough-wide youth basketball tournament, an open mic event, and a job and resource fair, and eight gang and gun awareness presentations across the borough to raise awareness about gun violence and the impact it leaves on Manhattan communities.

With its partners at NYPD, 100 Black Men, Inc., and Harlem Mother’s S.A.V.E., the District Attorney’s Office also held two gun buyback events in Harlem, where residents surrendered their firearms to NYPD in exchange for prepaid gift cards. The events — one held just before Mothers’ Day and the other just before Fathers’ Day — resulted in the removal of more than 140 guns from New York City streets.

### Notable gun violence prosecutions:

- In April, **Taylorn Murphy**, a member of the “3 Staccs” gang, was convicted at trial of murder and related charges for his role in a violent turf war in West Harlem. He was later sentenced to 50-years-to-life in state prison.
- Also in April, District Attorney and former Police Commissioner Bill Bratton announced the 136-count indictment of six defendants for their roles in an interstate gun trafficking ring that brought 82 firearms into Manhattan from states along the I-95 “Iron Pipeline.”
- In June, **Elliot Morales** was sentenced to 40-years-to-life in state prison for an anti-gay hate crime murder in Greenwich Village.
- In October, **Samuel Barreto** was sentenced to 17 years in state prison and Carl Smalls to 15 years in state prison for their roles as ringleaders in a conspiracy to sell 74 firearms and corresponding ammunition to an undercover police detective who was posing as a Manhattan-based gun dealer.
- In November, Virginia resident **Bryan Rogers** was convicted at trial for fatally shooting his girlfriend’s uncle following a dispute in NYCHA’s Manhattanville Houses on Amsterdam Avenue in West Harlem. He was later sentenced to 25-years-to-life in state prison.
- In December, District Attorney Vance and Police Commissioner James O’Neill announced charges against four defendants for driving from Virginia to New York to sell 86 firearms and corresponding ammunition to an undercover NYPD detective. Virginia is the top source state for firearms trafficked into New York.



## The New York Times

### Elliot Morales, Who Killed Gay Man in West Village, Gets 40 Years to Life

The defendant, Elliot Morales, 36, [was convicted in March](#) of murder as a hate crime for killing Mark Carson, a gay black man, in the West Village in Manhattan three years ago, after spewing homophobic invectives at the victim and his companion.

“I can’t help but perceive or observe the parallel tragedy in Orlando,” the judge, A. Kirke Bartley Jr., said as he imposed the sentence in State Supreme Court in Manhattan. “That parallel is revealed in hatred, self-loathing, fear and death.”

Mr. Morales was convicted after a two-week trial during which he represented himself, assuming the dual roles of defendant and defense lawyer. Addressing Mr. Morales, Justice Bartley said the defendant’s ability to appear “calm, intelligent, well prepared, well behaved” could not deter from the fact that he also seemed to be “something worthy of a character in a Stephen King novel — in short a monster.”

## PRESS HIGHLIGHTS

### DAILY NEWS

#### NYPD purchases 81 guns at Harlem gun buyback, marking a return of the program

The program, run with Manhattan District Attorney Cy Vance started up again last month, when the NYPD bought back 89 guns.

Police had offered \$200 pre-paid bank cards for operable handguns and assault rifles, and \$25 pre-paid cards for rifles, shotguns and BB guns.

Shootings are down by 15% this year. As of May 1, there had been 258 reported shootings, nearly 50 less than over the same period last year.

### THE WALL STREET JOURNAL

#### Six Charged in Gun-Trafficking Case

Officials said up to 82 firearms were brought from Virginia and Georgia to be sold in Manhattan



Manhattan District Attorney Cyrus Vance Jr. said the guns 'are being brought here to be shot.'  
PHOTO: PETER FOLEY FOR THE WALL STREET JOURNAL

Authorities charged six people with selling as many as 82 firearms in just over a month in northern Manhattan, officials said on Monday.

Abdul Davis, 52 years old, was identified as the ringleader of an operation that brought in firearms from Virginia and Georgia where they were eventually sold to an undercover detective in Washington Heights from March 16 to April 19, officials said.

The weapons included 67 pistols, eight revolvers, five assault weapons, two shotguns and corresponding ammunition, officials said. In all, 26 separate transactions were made, officials said.



*DA Vance and Police Commissioner O'Neill announce the indictment of a firearm ring for trafficking 86 illegal guns from Virginia to New York City.*

## PROSECUTORS AGAINST GUN VIOLENCE

In 2014, District Attorney Vance and Los Angeles City Attorney Mike Feuer founded Prosecutors Against Gun Violence (PAGV) – a nonpartisan coalition of prosecutors from cities and towns across the United States – to advance prosecutorial and policy solutions to the national crisis of gun violence.

In February, PAGV and the Consortium for Risk-Based Firearms Policy released “Firearm Removal/Retrieval in Cases of Domestic Violence”, an extensive report analyzing laws and practices around the United States aimed at removing guns from domestic abusers. Joining with experts in gun violence and public health, District Attorney Vance and City Attorney Feuer recommended that federal law be changed to prohibit purchase and possession of firearms by individuals who are subject to temporary domestic violence restraining orders.

In May, PAGV held its third national summit in Los Angeles, which focused on the intersection of gang violence and gun crimes. District Attorney Vance will host the group’s fourth national summit in Manhattan, with a focus on illegal gun trafficking, in early 2017.

“When an abusive partner is permitted access to firearms, the risk that the other partner – usually a woman – will be killed increases more than fivefold. Restricting abusers’ access to firearms is a proven and effective means to reduce domestic violence homicides.”

– DISTRICT ATTORNEY VANCE

HATE

CRIMES



“Crimes of bias are intolerable, and tear at the very fabric of our society. Crimes committed against individuals because of their race, national origin, gender, religion, disability, or sexual orientation do not just inflict physical and emotional damage, but threaten the safety and wellbeing of all New Yorkers.

“The U.S. Constitution equally protects the rights of all Americans, and we are dedicated to enforcing the laws that uphold those rights. New York State law enables the criminal prosecution of those who commit crimes against anyone in New York, whether or not that person is a U.S. citizen.”

— MANHATTAN DISTRICT ATTORNEY CYRUS R. VANCE, JR., QUEENS DISTRICT ATTORNEY RICHARD A. BROWN, BRONX DISTRICT ATTORNEY DARCEL D. CLARK, STATEN ISLAND DISTRICT ATTORNEY MICHAEL E. MCMAHON, AND BROOKLYN DISTRICT ATTORNEY ERIC GONZALEZ

Created by District Attorney Vance in 2010, the Hate Crimes Unit investigates and prosecutes crimes committed against a person targeted because of his or her race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. Specially trained members of the Unit – which include veteran prosecutors, a dedicated hate crimes investigator, and a hate crimes analyst – collaborate with the New York Police Department and community organizations to develop strategies to prevent these bias-motivated crimes. Throughout 2016, District Attorney Vance and members of the Office delivered presentations on preventing and reporting hate crimes to small business associations, immigration advocates, religious organizations, block and tenant organizations, and other community groups.

## CASES

In 2016, the Office secured convictions for several notable hate crimes, including:

In April, **James Dixon** was sentenced to 12 years in prison for the 2013 death of Islan Nettles, a 21-year-old transgender female. Dixon pleaded guilty to Manslaughter in the First Degree for punching the victim in the head, causing a serious brain injury that resulted in her death.

In June, **Elliot Morales** was sentenced to 40 years-to-life in state prison for the 2013 hate crime murder of 32-year-old Mark Carson in Greenwich Village. In March, jury found Morales guilty of all of the charges in the indictment against him, including Murder in the Second Degree as a Hate Crime, for fatally shooting the victim after making homophobic comments and yelling anti-gay slurs.

“We must never allow violence and hate to undermine the progress we have made as a city, a state, and a nation. New Yorkers of all sexual orientations and gender expressions have an inviolable right to walk safely through our communities without being taunted, shot, or killed.”

– DISTRICT ATTORNEY VANCE

INTELLIGENCE-DRIVEN  
**PROSECUTION**

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and the CRIME STRATEGIES UNIT

Driving an already-low crime rate even lower requires an ambitious, proactive approach to crime-fighting that, in many ways, reinvents the role of the big city prosecutor. In furtherance of its crime reduction mission, the District Attorney's Office continues to implement innovative, data-driven approaches to make Manhattan streets safer.

In 2010, District Attorney Vance created the Crime Strategies Unit ("CSU") to operationalize an intelligence-driven approach to crime fighting, deploying prosecutors who are able to harness, analyze, and share intelligence in order to create data-driven prosecution strategies that address crime issues and target priority offenders. Within CSU, Manhattan is divided into five geographic areas, with each area staffed by a senior assistant district attorney focused on analyzing criminal activity. These assistant district attorneys partner with investigators, community liaisons, and intelligence analysts to identify opportunities to reduce and prevent crime by improving the timely and accurate sharing of criminal intelligence gathered not only within the District Attorney's Office, but from other law enforcement agencies as well. Since CSU's inception, multiple jurisdictions throughout the nation have worked with the District Attorney's Office to replicate this approach, with new "Crime Strategies Units" established in Baltimore, Baton Rouge, the Bronx, Brooklyn, San Francisco, St. Louis, Staten Island, and the state of Delaware.

Through CSU, the District Attorney's Office is also using new types of technology to aid assistant district attorneys throughout the office and help them monitor violent individuals and crime trends in their catchment areas.

**The innovative technologies developed by the District Attorney's Office to further data-driven prosecution include:**

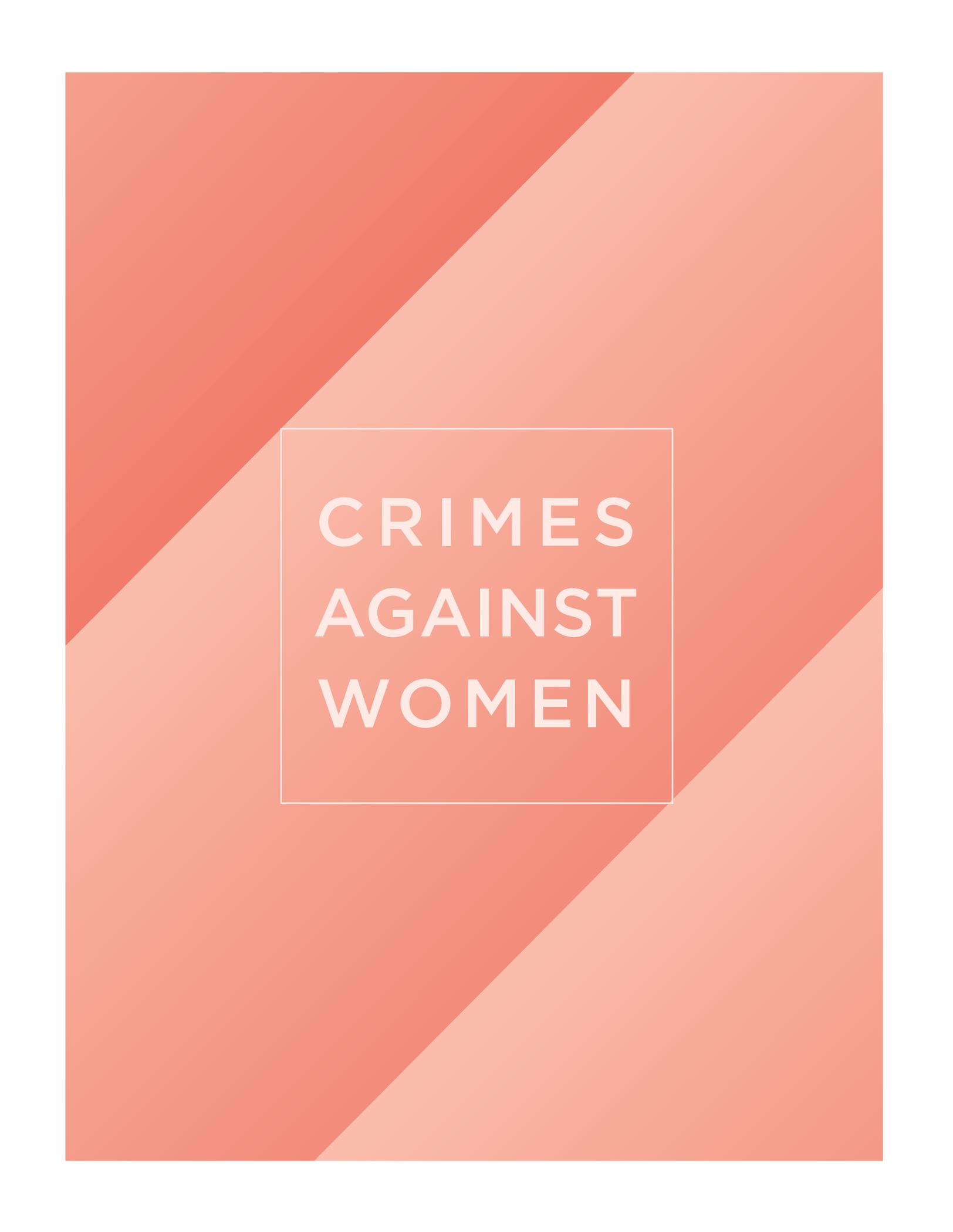
**INTELLIGENCE-DRIVEN PROSECUTION SYMPOSIUM:**

In June, the District Attorney's Office hosted its fourth symposium on Intelligence-Driven Prosecution for prosecutors interested in learning more about the innovative crime-fighting strategies developed by CSU. The two-day event was designed to share best practices, resources, and expert insight with prosecutors from around the country and also created an opportunity for prosecutors to work together and collaborate on contemporary criminal justice issues. The symposium brought together leadership from more than 80 agencies, organizations, and jurisdictions across the United States, and offered sessions on focused prosecutions, community partnerships, and law enforcement collaboration, as well as diversion and re-entry programs.

**ARREST ALERT SYSTEM:**

The Arrest Alert System, managed by CSU, ensures that priority defendants no longer pass through the criminal justice system without notice. It allows assistant district attorneys to receive notifications when a particular defendant has been arrested, and ensures that charging decisions, bail applications, and sentencing recommendations address individual's specific impact on criminal activity in local communities. The system also allows for outside law enforcement personnel to subscribe in order to enhance communication between various agencies.

**S.C.I.M. (Surveillance Camera Interactive Map):** The District Attorney's Office developed a sophisticated mapping capability that enables prosecutors to locate and identify key surveillance cameras throughout Manhattan and then obtain footage.



**CRIMES  
AGAINST  
WOMEN**



*DA Vance welcomes students to the Office's first Human Trafficking Hackathon.*

## HUMAN TRAFFICKING HACKATHON

Housed within the Manhattan Family Justice Center, the District Attorney's Human Trafficking Response Unit (HTRU) investigates and prosecutes sex and labor trafficking cases, and provides support for victims and their families in partnership with advocacy groups. HTRU employs long-term investigative techniques — including wiretaps and forensic analysis — as part of an evidence-based approach used to build these complex cases, in which victims are often unwilling to testify or cooperate with the investigation.

One such technique involves the analysis of online advertisements placed by prostitution services, which enables prosecutors to identify patterns which lead to the discovery of both victims and perpetrators of human trafficking. Using a digital tool called Memex, analysts organize intelligence from open-source, online ads into a database, which allows prosecutors to draw connections between ads, including contact information and photos.

In October, the Office partnered with New York University and Cornell University, as well as technology experts and service providers, to conduct a human trafficking "hackathon," during which dozens of students spent their weekend "coding for a cause." Hosted at Cornell Tech's Chelsea campus, District Attorney Vance and HTRU kicked off the three-day event with a series of informative presentations about the many complexities of human trafficking prosecutions, followed by a discussion led by representatives from the technology sphere regarding the application of sophisticated programming to human trafficking investigations and prosecutions.

Teams of students then spent the next two days coding solutions to a variety of practical hurdles facing investigators, ranging from approaches to organizing and analyzing vast amounts of data records, to leveraging publicly available data to better predict labor trafficking.

## Domestic Violence Initiative **TASK FORCE REPORT**

District Attorney Vance created the Domestic Violence Initiative (“DVI”) in Fall 2014, bringing together experts and practitioners from multiple disciplines to set forth a comprehensive roadmap to eradicate domestic violence in New York City. In consultation with more than 50 stakeholders, DVI established working groups to make recommendations in several areas including community- and hospital-based interventions; prosecutors, criminal court, and family court proceedings; abuser accountability and engagement; and proposed legislation. In October, the District Attorney’s Office released the task force’s report, and committed to funding several of its recommendations, including:

“This crisis demands — and survivors deserve — a comprehensive, cross-sector battle plan that brings together City agencies, law enforcement, victim service providers, and the advocacy community.”

— DISTRICT ATTORNEY VANCE

### **Alternative Light Source Technology**

Law enforcement officers are frequently the first point of interaction between a domestic violence victim and the criminal justice system. Victims are often traumatized, and frequently unwilling to take the stand against their abusers. In these cases, absent the testimony of the victim, physical evidence is critical to hold perpetrators accountable. The DVI report recommended significant improvements to evidence collection, including the use of Alternative Light Source (“ALS”) technology.

The handheld ALS equipment features a lamp that filters light into individual wavelengths in order to capture below-the-skin bruising normally invisible to the naked eye. ALS technology will help corroborate victims’ accounts, particularly in strangulation cases where bruising is rarely visible on the skin’s surface, as well as cases with victims who have darker skin tones. The Office announced a pilot program to equip the Manhattan Family Justice Center and Manhattan Child Advocacy Center with handheld ALS devices. Additionally, the Manhattan District Attorney’s Office will be equipped with a dedicated camera capable of taking infrared photographs to better memorialize these injuries.

The DVI report also recommended holding domestic violence offenders accountable for their actions through programs that seek to change the attitudes and behaviors that contribute to abuse, while incorporating the perspectives of survivors.

The Office released a Request for Proposals through its Criminal Justice Investment Initiative for an Abusive Partner Intervention Program that incorporates a trauma-informed approach, as well as information from experts about the potential to incorporate restorative justice concepts into law enforcement’s work with abusive partners and survivors. Research suggests a link between the experience of childhood trauma and adversity, and perpetration of future domestic violence. Incorporating these approaches may increase the likelihood that the abusive partner will be receptive to and engage in meaningful and sustained behavior change, maximizing the effectiveness of the intervention.

### **Abusive Partner Intervention Programs**



## SHINE THE LIGHT

Each year, the Manhattan District Attorney's Office and its partners in the Upper Manhattan Domestic Violence Services Collaborative organize a procession and peace vigil called "Shine the Light" in Harlem. This year, the Office also organized the first-annual "Shine the Light" event in Washington Heights with other members of the Washington Heights/Inwood Coalition Against Domestic Violence. The Shine the Light marches aim to raise awareness of domestic violence while empowering survivors.



# DAILY NEWS

## Student hackers to help Manhattan DA fight human trafficking; they'll focus on workers with little to no wages

BY

SHAYNA JACOBS  
FOLLOW

NEW YORK DAILY NEWS  
Friday, October 7, 2016, 2:53 PM

It's the coding answer to community service.

Students from Cornell and Columbia universities will be hacking for a good cause over the weekend through a program with the Manhattan District Attorney's Human Trafficking Response Unit.

Specialized prosecutors and staff assigned to the unit will guide technology students in a hackathon as they experiment with ways to bring human trafficking to light, with the goal of identifying criminal activity in the dark corners of the web. Hackathons bring programmers together to work on all kinds of projects.

## 2016 CASES

### Sex Crimes

In October, **Rodney Stover** was sentenced to 20 years-to-life in state prison for sexually assaulting a young woman in the bathroom of a bar in the Flatiron District in April 2015. The violent attack took place two months after Stover was released from prison for a prior rape conviction.

### Sex Crimes

In August, **Joseph Giardala** was sentenced to 22 2/3-to-68 years in prison for raping a woman at knifepoint in Chelsea in 1995. A rape kit was completed immediately afterward, but a DNA profile was not developed until 2002 when the kit was tested as part of NYC's effort to tackle its rape kit backlog. The DNA profile did not match any existing profiles in the national databank, so the Manhattan DA's Office indicted the case as a "John Doe" indictment. In early 2015, Joseph Giardala's DNA profile was processed following an unrelated matter, and matched the DNA profile listed on the "John Doe" indictment. Just over a year later, a jury convicted Giardala at trial of all counts of the indictment against him.

### Human Trafficking

In May, **Karmik Grant Byas** was sentenced to 14-to-42 years in state prison for running a violent sex trafficking ring between May 2012 and November 2013 in which he forcibly trafficked two women using violence, threats of violence, and emotional abuse to maintain control over his victims.

## NEW YORK POST

### Man convicted of rape more than 20 years after crime

By Samantha Tomaszewski and Rebecca Rosenberg

June 13, 2016 | 10:50pm

It took a Manhattan jury just two hours to convict a man of raping a 25-year-old woman in the West Village more than two decades ago.

Joseph Giardala, 46, was found guilty of rape, robbery, sodomy and sexual abuse Monday for the horrifying 1995 crime.

The victim told jurors at the Manhattan Supreme Court trial that Giardala had grabbed her as she walked along West Fourth Street, pushed her into a vestibule at knifepoint and brutally raped her.

### Sex Crimes

In November, **Juan Scott** was sentenced to 14 years in prison for three separate sexual assaults in the East Village in 2014, which he committed over a span of only five months.



## DOMESTIC VIOLENCE AWARENESS MONTH

In October, National Domestic Violence Awareness Month, the District Attorney's Office took part in numerous events designed to raise awareness of this often underreported crime, as well as to provide resources for victims and their families. On October 20th, New York City "Go Purple" Day, members of the Special Victims Bureau donned purple, a symbolic color meant to raise awareness of domestic violence.

## CRIME VICTIMS CANDLELIGHT VIGIL

Each April, during National Crime Victims' Rights Week, District Attorney Vance co-hosts the Crime Victims Candlelight Vigil in conjunction with the Downstate Coalition for Crime Victims and the New York State Attorney General's Office. The offices aim to raise awareness about the needs of crime survivors and reflect on the lives that have been lost or disrupted by crime over the previous year.

## NATIONAL NIGHT OUT AGAINST CRIME

In August, District Attorney Vance visited neighborhoods across Manhattan as part of the annual National Night Out Against Crime, an event designed to strengthen relationships between law enforcement and the residents they protect, and highlight local, community-based initiatives to combat crime. Sixty members of the District Attorney's Office volunteered at 27 locations around the borough during this year's National Night Out.

## Domestic Violence

In January, **Carlos Diaz** was sentenced to 35 years-to-life in state prison for attempting to murder his wife and former employer in Inwood by setting them on fire in January 2013.

## Child Abuse

In October, **Kryzie King** was sentenced to 22 years-to-life in state prison for the murder of four-year-old Myles Dobson, who was left in King's care for approximately three weeks. King previously pleaded guilty to all of the charges against her, including Murder and Assault in the First Degrees, for the abuse, torture, and murder of the child in her midtown apartment.

## 2016 CASES



### Caregiver Who Fatally Beat, Starved NYC Boy Gets 22 Years to Life in Prison

By Lori Bordonaro

The caregiver who fatally beat and starved a 4-year-old New York City boy was sentenced Friday to 22 years to life behind bars.

Kryzie King was sentenced to the prison term a month after she pleaded guilty in the death of Myls Dobson. Dobson was found unconscious in King's apartment in December 2013, and medical examiners ruled Myls died of child abuse, including dehydration.

## Sex Crimes

In November, **Elmo Rivadeneira** was sentenced to 25 years in state prison for violently sexually assaulting two young women in Chelsea in 2004.

## Sex Crimes

In December, **David Newman**, a former emergency room physician, pleaded guilty to all of the counts in the indictment against him for sexually abusing four female patients at Mount Sinai Hospital. He was later sentenced to two years in state prison and three years of post-release supervision.

## Sex Crimes

Also in October, the State's highest court upheld the Office's conviction of **Lerio Guerrero**, who was previously sentenced to 15 years in prison for raping and robbing a woman on the Lower East Side in 1998. In a 6-1 decision, the Court of Appeals held that Guerrero could not contest the validity of the "John Doe" indictment initially brought against him, which Manhattan prosecutors had based on a DNA profile culled from samples of his blood and semen.

## DAILY NEWS

### 'Clubland rapist' gets 25 years for 2004 sex crimes in Manhattan

BY ELLEN MOYNIHAN

NEW YORK DAILY NEWS Friday, November 18, 2016, 6:29 PM

## DENIM DAY

In April, dozens of members of the District Attorney's Office wore jeans in honor of "Denim Day," an annual event held during Sexual Assault Awareness Month that promotes awareness of sexual violence and victim-blaming. Denim Day was sparked by a 1998 Italian Supreme Court decision overturning a rape conviction on the grounds that the victim's jeans were so tight that she must have helped her rapist remove them, implicating her as a consensual partner in the sexual assault.



## UPSKIRTING

In April, the Office launched a social media campaign to raise awareness of "upskirting," the unlawful, voyeuristic act of photographing a person without her knowledge or permission. Those who commit this serious criminal offense face charges of Unlawful Surveillance, a class E felony, which carries a maximum penalty of up to 1 1/3-to-4 years in prison and possible sex offender registration. The campaign aimed to inform the public about the crime and its consequences, as well as locations and methods frequently used by perpetrators, and what to do if upskirting is observed.

**WNYC**

### Manhattan District Attorney Warns of Uptick in Upskirting

Apr 14, 2016 · by WNYC Newsroom

The weather's getting warmer, which means an uptick in "upskirting." That's when criminals take voyeuristic photos without the subject's knowledge or permission.

Manhattan District Attorney Cy Vance unveiled a new social media campaign Thursday to raise awareness. He says the most common device used to take photos is a cellphone, and women are often targeted in busy areas like subways.

# DRUG TRAFFICKING

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From street drugs, like cocaine and heroin, to prescription opioids, like oxycodone, illegal drug sales have dangerous and sometimes deadly consequences for New Yorkers. Since taking office, District Attorney Vance has worked to stem the local supply of dangerous drugs by focusing on the major distributors flooding our communities with deadly narcotics.

## CASES

In 2016, prosecutors from the Violent Criminal Enterprises Unit and Rackets Bureau dismantled eight large-scale drug trafficking organizations following multiple long-term investigations.

In March, District Attorney Vance and former Police Commissioner Bill Bratton announced the arrest and indictment of 20 defendants for their roles in **two major heroin and PCP rings in Manhattan and the Bronx**. Investigators also recovered 14 firearms, 14 kilograms of heroin, and a gallon of liquefied PCP, as well as more than \$100,000 in cash.

In May, District Attorney Vance and former Police Commissioner Bratton announced charges against **12 members of “Deadgang,” a street gang based in the Wagner Houses**, a New York City Housing Authority development in East Harlem — for selling cocaine. Typically, the Deadgang members waited for drug buyers in front of businesses located adjacent to the Wagner Houses, or in a central area within the NYCHA complex. Defendants negotiated with the buyers outdoors, and then directed them inside a building in the Wagner Houses where another “Deadgang” member conducted the sales. The indictment was the result of a long-term investigation which also uncovered eight heroin and cocaine dealers who operated independently within the Wagner Houses.

In June, District Attorney Vance announced the indictment of **three narcotics traffickers** for selling more than \$75,000 worth of cocaine over the course of a year-long conspiracy. The individuals, based on the Lower East Side, are charged with using livery services to deliver cocaine to customers throughout Manhattan.

Also in June, District Attorney Vance announced the arrest of 13 defendants for their role in **two drug sale conspiracies on the Lower East Side**. The defendants sold crack cocaine and heroin throughout the downtown neighborhood, and notably, inside the Lillian Wald Houses — a NYCHA development on Avenue D.

## DAILY NEWS

### Eight nabbed in NYC oxycodone peddling, gambling conspiracies

Eight people charged in oxycodone, internet gambling and benefit scams were busted for conspiracy and other crimes on Tuesday, authorities said.

The defendants — hailing mostly from Staten Island — were hauled into Manhattan Supreme Court for their arraignments after an undercover probe led investigators to a prescription pill operation.

In July, District Attorney Vance, former Police Commissioner Bratton, and New York Waterfront Commissioner Ronald Goldstock announced the indictment of more than 20 individuals for **multiple schemes, including the distribution of marijuana and oxycodone pills**. The marijuana scheme involved cultivating and purchasing marijuana grown in California and transporting it to New York to sell. The scheme made hundreds of thousands of dollars in profit per month. In a separate indictment, three individuals were charged for profiting from the sale of hundreds of illicitly acquired prescription pills. The defendants were also charged in separate indictments for gambling and tax fraud schemes.

In December, District Attorney Vance announced the indictment of **eight individuals for multiple schemes**, including the distribution of oxycodone pills. The defendants are charged with selling as many as 180 illicitly acquired prescription pills per month, as well as carrying out online gambling and tax fraud schemes.

WHITE-COLLAR  
CRIMES

Manhattan is a global financial capital, and when criminal misconduct affects New York consumers, markets and institutions, the District Attorney’s Office has the authority and resources to investigate. Alongside prosecutors who focus on street and cybercrime, more than 80 attorneys within the District Attorney’s Office investigate and prosecute a wide range of white-collar crimes.

## ANTIQUITIES TRAFFICKING

In April, the Office hosted a repatriation ceremony to return a 2<sup>nd</sup>-century “Buddhapada” sculpture to Pakistan. The ceremony was attended by Deputy Chief of Mission for the Embassy of Pakistan to the U.S., Rizwan Saeed Sheikh, and Special Agent in Charge of Homeland Security Investigations New York, Angel M. Melendez. The Kushan Period artifact was stolen from an archeological site in the Swat Region of Pakistan in the 1980s and recovered by the Manhattan District Attorney’s Office.

The repatriation event followed a joint investigation by the Manhattan District Attorney’s Office and Homeland Security Investigations into criminal conduct involving the international smuggling and sale of stolen cultural property, culminating in the arrest and prosecution of an art dealer. Beginning in the 1980s, the defendant acquired and sold stolen antiquities smuggled out of countries in South Asia, including the Buddhapada, which depicts the “footprint of the Buddha,” a symbol appearing in Buddhist art. Objects like the Buddhapada are protected cultural property under Pakistani law.

In his guilty plea, the defendant admitted to arranging to have the sculpture shipped to a gallery on the Upper East Side for sale at a price of approximately \$1.1 million during an annual art event known as Asia Week New York.





## ILLEGAL IVORY

The illegal trade of wildlife is worth an estimated \$7 billion to \$23 billion annually, according to Interpol and the United Nations. Results from the 2016 Great Elephant Census show there are only 352,000 African savanna elephants still living – a decline of 30% over the last seven years. New York has one of the largest markets for elephant ivory in the United States, and District Attorney Vance remains committed to shutting down this market for good.

In September, District Attorney Vance, along with New York State Department of Environmental Conservation (DEC) Commissioner Basil Seggos, and Wildlife Conservation Society (WCS) Executive Vice President of Public Affairs John Calvelli announced the indictment of an antiques store based in Midtown Manhattan, its owners, and a salesperson, for selling more than \$4.5 million worth of illegal elephant ivory.

Under the New York State Environmental Conservation Law, it is illegal to sell, or offer for sale, elephant ivory unless the seller has been granted a license from the DEC. In 2014, with the support of District Attorney Vance, DEC, WCS, and others, Governor Cuomo enacted new restrictions that effectively banned the sale of ivory articles except in very limited circumstances, and strengthened penalties for sellers. Although these defendants had previously held licenses to sell elephant ivory, these statutory changes made it effectively impossible for the defendants to renew their license, and the defendants did not attempt to renew it. Instead, they elected to continue selling elephant ivory without a license.

A search warrant executed at the antiques store uncovered approximately 126 elephant ivory articles, including two pairs of uncarved elephant tusks – standing approximately seven and five feet tall. DEC determined that the smaller pair of tusks were from an African savannah elephant, and that the elephant was a young adult when it died. The retail prices listed for the tusks were \$200,000 and \$150,000. According to records maintained by DEC, **this was the largest seizure of illegal elephant ivory in the history of New York State.**



# The New York Times

## Antiques Dealers Charged in Illegal Sale of Ivory Priced at \$4.5 Million

By JAMES C. MCKINLEY Jr. SEPT. 22, 2016



Cyrus R. Vance Jr., the Manhattan district attorney, with ivory items seized from a store accused Thursday of selling them illegally. Louis Lanzano for The New York Times

## 2016 CASES

In February, **Philip Teplen**, a former attorney, was sentenced to 3-to-9 years in state prison for stealing more than \$2 million from three clients.

In March, **Daniel Fodiman** was sentenced to 2-to-6 years in state prison for defrauding investors through a Ponzi scheme involving the false promise of funding profitable short-term investments. As part of the scheme, the defendant falsely claimed investor funds were used to purchase goods for resale to TJ Maxx stores.

In April, **Yugeshwar Rajkumar**, a booking agent, as well as several entities that he owned and operated, were sentenced to 3 ¼ to 6 ½ years in state prison for stealing more than \$2 million from clients by falsely promising to book famous recording artists for events.

In April, **John Puglisi**, the former manager of a Manhattan-based life settlement provider, was sentenced to 3-to-9 years in state prison for stealing approximately \$5 million through a scheme involving the sale and purchase of life insurance policies.

In May, an employee of a certified public accountant was charged for stealing approximately \$1.1 million from the estates of two deceased clients of the accounting firm where he worked. He was charged with Grand Larceny and Repeated Failure to File Personal Income and Earnings Tax.

### AP

## Ancient Buddhist sculpture returned to Pakistani government

By COLLEEN LONG Apr. 28, 2016 3:00 AM EDT

NEW YORK (AP) — An ancient stone sculpture of Buddha's footprints that was smuggled into the United States and had been expected to sell for more than \$1 million was returned to the government of Pakistan on Wednesday.

Additionally, in May, three men, including a former attorney, were charged with conspiring to steal and launder approximately \$5 million from the escrow accounts of Manhattan-based attorneys over the course of six years. The men face charges of Money Laundering and Grand Larceny, among others.

In May, **John Todorovich**, a former attorney, was sentenced to 2 1/3 to 7 years in state prison for stealing more than \$800,000 from two former clients' estate accounts as well as a deposit owed to a former client. He used his clients' funds for personal expenses, including memberships to country clubs and car payments.

## 2016 CASES

In June, **Luigi Rosabianca**, a former attorney, was sentenced to 4-to-12 years in state prison for stealing more than \$4.5 million from seven of his clients. He stole the funds by withdrawing and misappropriating money held in his attorney escrow account and two estate accounts. As part of the plea, the court executed judgment orders in favor of the victims, holding Rosabianca liable to repay more than \$2.93 million.

In June, **Theodore Werner**, a U.S. citizen formerly living abroad in Bangkok, Thailand, was sentenced to 3-to-9 years in state prison for falsely posing as a securities broker and committing international securities fraud and money laundering. The victims of his scheme were initially contacted by phone by an individual falsely claiming to be a securities broker, and were deceived into believing that they owned highly valuable, desirable stocks and stood to gain significant returns by paying fees to lift restrictions and exercise their stock options. Based on these misrepresentations, the victims wired money to foreign banks, including several based in the U.S. Once the victims wired their funds, Werner and his co-conspirators — posing as U.S. regulators — informed the victims that they were required to pay U.S. withholding taxes before they could receive their returns.

### THE REAL DEAL NEW YORK REAL ESTATE NEWS

#### Luigi Rosabianca sentenced to up to 12 years in prison

Former real estate attorney accused of stealing clients' money  
June 27, 2016 04:45PM  
By Konrad Putzier

« PREVIOUS    NEXT »



Luigi Rosabianca (credit: Robert Caplin)

Former real estate attorney Luigi Rosabianca will spend four to 12 years in prison for grand larceny under a plea deal signed Monday. Manhattan prosecutors had accused him of stealing more than \$4.5 million from escrow and estate accounts he managed on behalf of clients.

Under the deal, Rosabianca will also have to repay his victims a combined \$2.9 million.

"Luigi Rosabianca targeted and preyed upon vulnerable clients, whether that person was suffering from a serious mental illness, caring for a sick spouse, or simply living in a different country," District Attorney Cyrus Vance jr. said in a statement.

In August, a theater producer was indicted for stealing \$165,000 from seven people through a fraudulent investment scheme in a fake Broadway play. As part of the scheme, the producer claimed he had purchased the rights to famed opera singer Kathleen Battle's life story and secured an Oscar-winning actress to star in the play. He faces charges of Criminal Possession of Stolen Property, Grand Larceny and Scheme to Defraud.

In August, a former accounting manager was indicted for stealing approximately \$800,000 from her previous employer, an international steel company. She allegedly stole the money by writing and depositing checks payable to herself and disguised the thefts by making false entries in the company's records. She faces charges of Grand Larceny, Criminal Possession of a Forged Instrument, Criminal Tax Fraud and Offering a False Instrument for Filing.

In August, **Christopher Myles**, a former bookkeeper, was sentenced to 3-to-9 years in state prison for stealing approximately \$1.3 million from his previous employer and several of its affiliate companies. As admitted in his guilty plea, after his employer suffered a debilitating stroke and eventually died, Myles siphoned funds from the company accounts that he oversaw into his own personal accounts to pay for his and his mother's expenses. As part of the plea, the court executed a judgment order, holding Myles liable to repay more than \$1.13 million.

In September, **Jeffrey Lessoff**, a former attorney, was sentenced to 3-to-9 years in state prison for stealing approximately \$500,000 in civil damages awarded to 13 of his clients. As part of the sentence, the court executed judgment orders holding Lessoff liable to repay approximately \$700,000 to his clients.

## 2016 CASES

### DAILY NEWS

#### Bookkeeper who stole \$1.3M gets 3 to 9 years in prison

BY SHAYNA JACOBS FOLLOW

NEW YORK DAILY NEWS Tuesday, August 2, 2016, 2:18 PM



Christopher Myles will spend three to nine years in prison for stealing money from his boss while she was in a coma. (ALEX TABAK/FOR NEW YORK DAILY NEWS)

A greedy bookkeeper who stole \$1.5 million from his coma-stricken boss — both before and after she died — was sentenced Tuesday to three to nine years behind bars.

In September, a woman was indicted for stealing more than \$194,000 that she unlawfully collected from tenants of an apartment building in Harlem while purporting to act as the building's property manager. She faces charges of Grand Larceny, Criminal Tax Fraud, and Repeated Failure to File Personal Income and Earnings Taxes.

In October, **Dan Stern**, a phony real estate agent, was sentenced to 3-to-6 years in state prison for stealing approximately \$250,000 from four potential real estate investors in Harlem. As admitted in his guilty plea, Stern opened "Harlem Village Realty" on East 126<sup>th</sup> Street and advertised several properties for sale unbeknownst to the true owners. He accepted down payments from prospective buyers and then disappeared. As part of the sentence, the court executed judgment orders holding Stern liable to repay approximately \$250,000 to his victims.

In December, **Brian Keenan**, a former financial advisor, was sentenced to 2 1/3-to-7 years in state prison following his guilty plea to Grand Larceny in the First Degree. Keenan admitted to stealing more than \$1.6 million from the beneficiaries of three separate trusts that he managed. The court also executed judgement orders holding the defendant liable to repay the victims in full.

In June, **Anthony Huger** was sentenced to 1 1/2-to-3 years in prison for attempting to sell forged tickets to the Broadway musical Hamilton. The defendant advertised the tickets for sale on Craigslist.com.

# ELDER ABUSE

The District Attorney's Elder Abuse Unit helps protect senior citizens from crimes of physical abuse, domestic violence, financial exploitation, and neglect. The Unit is dedicated not only to the prosecution of perpetrators of crimes against seniors, but also to the prevention of these crimes through educational programs, partnerships, and events.

**If you are a senior who has been the victim of a crime, or you know someone who has been abused or exploited, please contact the Elder Abuse Unit's hotline at (212) 335-9007.**

## NOTABLE CASES:

- In January, **Clemente Rivera** was sentenced to 25 years in state prison for attacking an 84-year-old woman as she entered her apartment in Lower Manhattan. He followed her to her apartment, forced his way inside as she was opening the door, and knocked her onto the ground. He then stole property from her apartment and fled.
- In July, **Jovan Cunningham**, a former bank employee, was sentenced to 2-to-6 years in state prison for stealing approximately \$178,000 from an 83-year-old customer at the bank where he was employed. Cunningham admitted to stealing the majority of the money through more than 50 separate unauthorized cash withdrawals. As part of the plea, the court executed judgment orders, holding Cunningham liable to repay approximately \$166,000.
- In August, **Stephany Hernandez**, a former home health aide, was sentenced to 1 ½-to-4 ½ years in state prison for stealing more than \$260,000 from an elderly woman she previously cared for on the Upper East Side. She admitted to stealing the money by depositing and cashing 102 forged checks. As part of the sentence, the court executed judgment orders, holding Hernandez liable to repay more than \$260,000.
- In October, **an assistant to a 94-year-old** was indicted for stealing approximately \$1.16 million from her elderly employer to finance a gelato and pastry business. She is alleged to have stolen the money through more than 20 unauthorized wire transfers from the victim's personal and business accounts into her own accounts. She faces charges of Grand Larceny and Criminal Tax Fraud.
- In November, **Mary Evans** was sentenced to 1-3 years in state prison for stealing hundreds of thousands of dollars from three elderly men. As a part of her sentence, the court executed judgement orders, holding Evans liable to repay approximately \$295,000 to her victims.

# IMMIGRANT AFFAIRS

**If you have been the victim of a scam targeting immigrants, please call the Immigrant Affairs Unit hotline at 212-335-3600, regardless of immigration status.**

The first of its kind in the country, the District Attorney's Immigrant Affairs Unit is specially dedicated to prosecuting crimes committed against members of Manhattan's immigrant communities.

**The numbers:** To date, the unit's hotline has received more than 4,000 complaints in over 30 different languages, and prosecutors assigned to the unit have secured a number of significant convictions in a variety of cases.

In addition to serving crime victims, the Immigrant Affairs Unit also educates New Yorkers about protecting themselves from scams and fraud.

## Notable cases:

- In May 2016, **Jose Panchana** was sentenced to 1 1/3-to-4 years in state prison for stealing thousands of dollars from immigrant job-seekers through the collection of fake "employment fees." As admitted in his guilty plea, the defendant orchestrated a scam in which he falsely claimed to be a hiring manager for JetBlue who was looking to fill numerous positions. He instructed the job seekers to send him money via wire transfers for uniforms, drug testing, and background checks and, then disappeared with the money.
- In October, **Vivian Cheng**, a travel agent, was sentenced to five years of probation and \$500,000 in restitution for a scam that targeted members of New York's Chinese-American community. The defendant admitted that she defrauded customers of Bestway Travel, a Chinatown-based travel agency that she owned and operated. In some cases, the defendant purchased one-way tickets for travelers who paid her for roundtrip fare, leaving many victims stranded abroad in Asia with no way of returning to the U.S. In other cases, the defendant charged her victims for roundtrip fare but did not purchase tickets at all, instead providing her victims with receipts and itineraries designed to deceive them into believing that they possessed the necessary documentation to travel.

PUBLIC  
CORRUPTION

Public officials and employees who commit crimes erode trust in public institutions and processes. The District Attorney's Office's Public Corruption Unit is tasked with proactively investigating and prosecuting public corruption at all levels, from uniformed officers, to elected officials, to courthouse staff.

In April, District Attorney Vance and New York City Department of Investigation Commissioner Mark Peters announced the sentencing of **Patricia Howard**, a former Department of Corrections Officer, to six years in state prison and five years' post-release supervision for smuggling dangerous and other prison contraband into the Manhattan Detention Complex.

In May, District Attorney Vance announced the trial conviction of **Kevin Hurley** for stealing more than \$200,000 in connection with a massive fraud committed against the Social Security Disability Insurance program by multiple individuals including the defendant, resulting in the loss of hundreds of millions of dollars in federal taxpayer funds. To date, more than 100 individuals — including four principal defendants responsible for coordinating and organizing the scheme — have pleaded guilty to felony charges. In addition, approximately \$25 million in forfeiture funds and restitution orders are being returned to the Social Security Administration. In June, Hurley was sentenced to 2 ½ to 7 ½ years in state prison and ordered to pay a \$400,000 fine.

## 2016 CASES

**The New York Times**

N.Y. / REGION

### *Ex-New York Officer Convicted of Faking Illness for \$200,000 in Benefits*

By JAMES C. MCKINLEY Jr. MAY 18, 2016



A former New York City police officer was convicted on Wednesday of faking a mental disability to get more than \$200,000 in benefits from the Social Security Administration, the first verdict by a jury to arise from an indictment of numerous former officers and firefighters in January 2014.

A jury in State Supreme Court in Manhattan found the former officer, Kevin Hurley, 56, guilty of grand larceny after three days of deliberations.

In May, District Attorney Vance announced the trial conviction of **Jose Nunez**, a former paralegal, and **Benjamin Yu**, a former defense attorney, for bribing a public servant to steer potential clients to them. Co-defendant **Dwane Smith**, also a former defense attorney, previously pleaded guilty and was sentenced in six months in jail and five years of probation. The public employee worked for the New York City Criminal Justice Agency, an entity that provides critical assistance to the courts in order to reduce unnecessary pretrial detention. Under the direction of the defendants, the employee used pretrial interviews to determine which arrestees were likely to be able to afford private attorneys. Nunez and Yu were each sentenced in August to 3-to-9 years in prison.

In March, District Attorney Vance announced the indictment of **Robert Tejada**, for using his position as an Eligibility Specialist at the New York City Human Resources Administration's Senior Works Center in Manhattan to steal the personal identifying information of approximately 137 Electronic Benefits Transaction cardholders, and defraud them of approximately \$36,000 in benefits. In September, Tejada plead guilty to Criminal Possession of Public Benefit Cards, Grand Larceny, Identity Theft, Welfare Fraud, and Defrauding the Government, and was later sentenced to three months in jail and five years of probation.



CONSTRUCTION  
& HOUSING  
FRAUD

New York is one of the hottest real estate markets in the world, resulting in unprecedented levels of construction and development. However, a rush to build can lead to hazardous lapses in safety that are only exposed after the lives of individuals are jeopardized, or in the most tragic cases, lost. In 2016, District Attorney Vance secured landmark convictions in a major case involving a construction-related fatality. As part of an ongoing campaign to enhance construction safety, the Office also launched several initiatives to educate workers and encourage them to report hazards to law enforcement before tragedy strikes.

## FATAL TRENCH COLLAPSE

In 2015, 22-year-old construction worker Carlos Moncayo was killed when an unsecured trench collapsed at a construction site at 9-19 Ninth Avenue in the Meatpacking District, fatally crushing him. Following an investigation by the Rackets Bureau and the New York City Department of Investigation, two individuals and two companies were indicted for causing Moncayo's death by failing to heed warnings about unsafe work conditions at the construction site.

In June, **Harco Construction LLC** (Harco), the general contractor hired to manage and oversee the construction project, was convicted of Manslaughter in the Second Degree, Criminally Negligent Homicide, and several counts of Reckless Endangerment following a trial in New York State Supreme Court. Two individuals were also convicted of crimes related to the incident, including Harco's senior superintendent, **Alfonso Prestia**, who pleaded guilty to Criminally Negligent Homicide, and the on-site foreman, **Wilmer Cueva**, who was convicted by a jury of Criminally Negligent Homicide and Reckless Endangerment and sentenced to 1-to-3 years in state prison.

The landmark conviction of Harco established that a company can be held criminally responsible for the death of a worker at a site managed by the company. However, the maximum penalty for any company convicted of a felony in New York State is a \$10,000 fine, which does not meaningfully deter other companies from this type of misconduct. In 2016, District Attorney Vance has advocated for legislative changes to raise the maximum penalty for corporate conduct leading to death or serious physical injury.

### The New York Times

N.Y. / REGION

#### *Construction Company Guilty of Manslaughter in Immigrant Worker's Death*

By DAVID W. CHEN | JUNE 10, 2016



A general contracting company was convicted of manslaughter and other charges on Friday in the death last year of a construction worker at a Lower Manhattan building site.

“For companies like Harco Construction, \$10,000 is Monopoly money.”

— DISTRICT ATTORNEY VANCE

### THE WALL STREET JOURNAL

U.S. | NEW YORK | NY REGION

#### **Manhattan Prosecutors Go After Builders on Construction-Site Safety**

Charges are being brought, but firms say the work has inherent dangers

By CORINNE RAMEY  
Aug. 26, 2016 5:30 a.m. ET

● 0 COMMENTS

As construction accidents have surged, Manhattan prosecutors are pushing to bring criminal charges against builders they say have sacrificed worker safety for profits.

## CONSTRUCTION SAFETY COMMUNITY PROJECT

In order to prevent similar tragedies, the District Attorney's Office developed two initiatives aimed at increasing safety and investigating crime in the construction industry. The Construction Safety Community Project was launched in January to train construction workers proactively to recognize safety hazards and report them to law enforcement. Through the initiative, prosecutors and community coordinators have given more than two dozen presentations in English and Spanish to more than 850 workers.

## WHATSAPP

The Rackets Bureau also leveraged new technology to enable workers to anonymously send photos, videos, and other information documenting unsafe work conditions directly to the District Attorney's Office. Workers are encouraged to use WhatsApp to contact the Office at 646-712-0298, and in their reports, to include as much information as possible, including: photos or videos depicting the conditions; photos of work permits; the names of the contractor, subcontractor, and any supervisors on the project; the project address; and the date and time of any observed incidents.

## TRAINING & OSHA CARDS

In November, District Attorney Vance and partners hosted an event to provide workers with an opportunity to turn in fake versions of safety training certification cards issued by the Occupational Safety and Health Administration ("OSHA") without penalty. In exchange, workers received proper training and legitimate OSHA cards. Currently, thousands of OSHA cards are circulated throughout the city and used to fraudulently employ workers who have not undergone OSHA training. In some cases, the cards themselves may be fake; in other cases, employers are distributing recycled OSHA cards to untrained workers, many of whom are recent immigrants vulnerable to exploitation. The District Attorney's Office remains a safe place to report fraud and safety violations, regardless of your immigration status.

## 2016 CASES

In February, an East Village building owner and four other individuals were indicted in connection with a deadly gas explosion that occurred at 121 Second Avenue, the site of a seven-alarm fire which claimed the lives of two New Yorkers.

In July, a landlord and building owner, property manager and contractor, and contractor were indicted for endangering the lives of the tenants of 21 East 115th Street by purposefully creating hazardous living conditions through ongoing and illegal construction and renovation, and in addition, coercing the tenants to vacate their rent-stabilized apartment through a campaign of harassment and intimidation.

In October, **Gabriel Nortesano**, the owner of **G&D Petroleum Transportation Inc. and G&D Heating Oil**, pleaded guilty to felony crimes for overseeing and engaging in a scheme to defraud thousands of residential, commercial, and municipal customers throughout New York City by "shorting" heating oil deliveries and reselling the stolen surplus oil to co-conspirators. More than 15 defendants indicted in connection with the investigation had previously pleaded guilty to related crimes, with more than \$7.4 million ordered in restitution, fines, and forfeiture.



District Attorney Vance believes that prosecutors have a key role to play in Citywide efforts to reduce traffic fatalities, and has made the investigation and prosecution of vehicular crimes a priority for the District Attorney’s Office.

“Despite all our gains in public safety, too many pedestrians, cyclists, and law-abiding drivers still perish needlessly at the hands of reckless drivers in New York City each year.”

— DISTRICT ATTORNEY VANCE

## 2016 CASES

In January, following his trial conviction for Criminally Negligent Homicide, **Roberto Mercado** was sentenced to 1-to-3 years in prison for fatally striking 61-year-old Jean Chambers with his car on the Upper West Side in July 2014.

In August, **Tiffany Murdaugh** was sentenced to 2-to-6 years in prison for recklessly driving onto a crowded sidewalk near a school in Lower Manhattan, striking and seriously injury a 37-year-old woman walking with her two young children.

In October, **Danny Lin** was sentenced to 1 2/3-to-5 years in state prison for speeding down the Bowery at twice the legal speed limit, striking and killing a pedestrian. Lin was convicted at trial of the sole count in the indictment against him: Manslaughter in the Second Degree.

In November, **Shaun Martin** was sentenced to 20 years-to-life in state prison for driving his car into a grocery store on East 4th Street — killing one of the grocery store workers and injuring several others — while under the influence of drugs.

The District Attorney’s Vehicular Crimes Unit oversees cases involving vehicle-related crimes, including Vehicular Homicide, Assault, DWI, and others. Assistant district attorneys work closely with the NYPD’s Collision Investigation Squad and Highway Unit — often partnering with case detectives from the time an incident occurs — and routinely visit the scene of a collision to enhance the investigation of these cases. The Unit also investigates cases in which, following a collision, the victim contacts the District Attorney’s Office directly.

In addition to its enforcement efforts, the District Attorney’s Office continues to work with its legislative and law enforcement partners to promote safer streets. In April, District Attorney Vance advocated for the passage of New York State Assembly Member Deborah Glick’s Every School Speed Safety Camera Act, renewing his long-standing call for the installation of speed safety cameras in every school zone in New York City. The Office also continued to host vehicular enforcement training sessions for law enforcement officers across New York City. This year, in addition to hosting trainings for NYPD officers on the proper use of field sobriety tests, the Office presented vehicular homicide trainings for the NYPD’s Collision Investigation Squad and prosecutors from Bronx, Kings, Nassau, Queens, and Richmond County District Attorney’s Offices.

The Manhattan District Attorney’s Office also continued to aggressively enforce New York City’s “Right of Way Law,” and successfully defended the law’s constitutionality in the course of criminal prosecutions through extensive original research and drafting.

# VICTIM ASSISTANCE

The Manhattan District Attorney's Office is a safe place to report crime, and victims are strongly encouraged to contact specialized units for assistance.

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**SPECIAL VICTIMS: (212) 335-4308**

For assistance with issues related to domestic violence, child abuse, human trafficking, and family violence

**SEX CRIMES: (212) 335-9373**

For assistance with issues related to sexual assault, abuse, and other criminal sexual acts

**IMMIGRANT AFFAIRS: (212) 335-3600**

For assistance with issues related to fraud and scams targeting immigrant communities

**ELDER ABUSE UNIT: (212) 335-9007**

For assistance with issues related to abuse and financial crimes committed against senior citizens

**HATE CRIMES: (212) 335-3100**

For assistance with issues related to crimes committed against individuals based on race, religion, gender, and sexual orientation

**CYBERCRIME AND IDENTITY THEFT: (212) 335-9600**

For assistance with issues related to identity theft and cybercrime

**PUBLIC INTEGRITY: (212) 335-8987**

For assistance with issues related to bribery, larceny, false filings, campaign finance abuse, and criminal violations of ethics laws

**FINANCIAL FRAUD: (212) 335-8900**

For assistance with issues related to embezzlement, fraudulent documents, insurance fraud, arson, unauthorized practice of law, bank fraud, and crimes committed by attorneys and other professionals