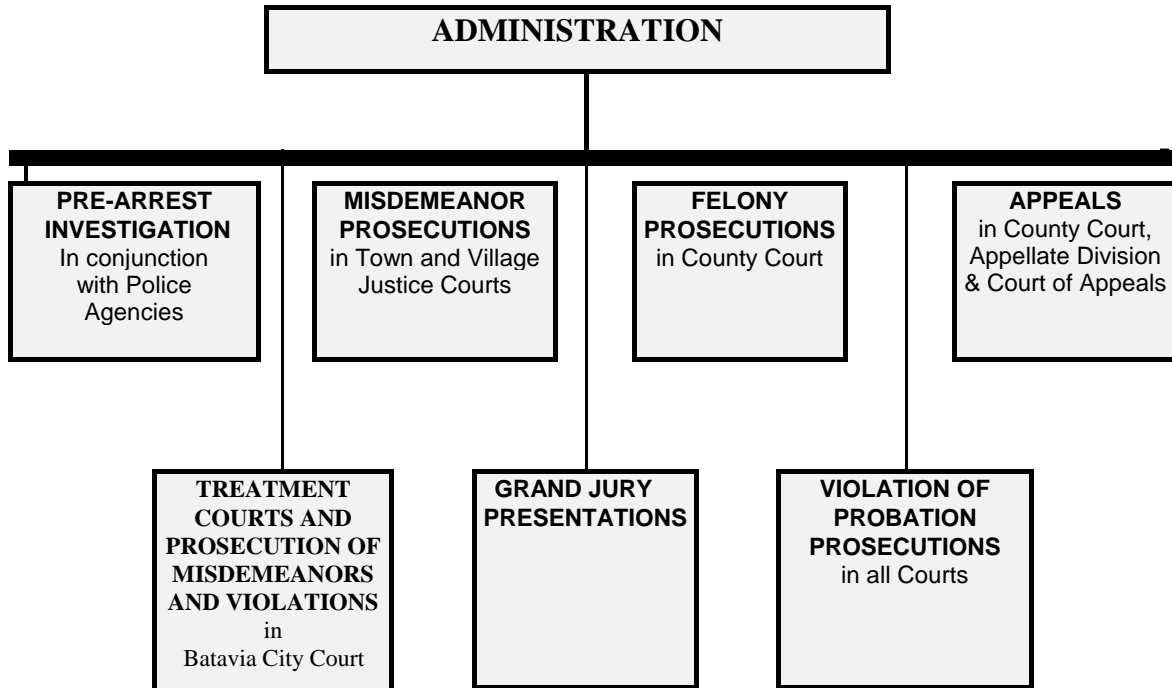


# GENESEE COUNTY DISTRICT ATTORNEY'S OFFICE

## ORGANIZATIONAL CHART



## DEPARTMENT DESCRIPTION

The District Attorney's Office prosecutes all criminal charges brought to this office by various arresting agencies in Genesee County. We assist the police agencies in pre-arrest investigations and applications for Search Warrants and in conjunction with them we prepare applications for eavesdropping warrants or pen register orders; we do legal research; we consult with the police agencies and courts regarding bail; we meet with victims and witnesses and prepare felony cases for Preliminary Hearings and presentation to the Grand Jury. After a case had been indicted by the Grand Jury, the Prosecuting Attorney is present at all court appearances scheduled for the case. We draft all legal documents, prepare for and participate in hearings, negotiate pleas, prepare for trials, select juries and prosecute cases through the verdict and sentencing. At sentencing we must address the issue of restitution for losses sustained by the victims. Proof of losses must be obtained by the District Attorney's office and, if a resolution can not be agreed upon, a hearing is conducted to resolve the matter. After a defendant has been sentenced, the D. A.'s office prepares appeal briefs and argues appeals in the Genesee County Court, the New York State Appellate Division and the New York State Court of

Appeals. We also defend all post-judgment applications to vacate criminal convictions on the grounds of newly discovered evidence (or other grounds).

The District Attorney's office prosecutes all misdemeanor cases in every Town, Village and City Court in the County. Pursuant to a contract between Genesee County and the City of Batavia, we also prosecute Vehicle and Traffic Law violations and Penal Law violations (non-criminal offenses) in the Batavia City Court and provide additional services to this Court and the Batavia Police Department which are not available to the other Local Criminal Courts and Police agencies in the County. Misdemeanor cases are handled in much the same way as felony cases, except that they do not go through the Grand Jury process.

The District Attorney's Office also prosecutes all Violations of Probation at both the County and City/Town/Village levels, as referred to the office by the Genesee County Probation Department. Furthermore, our Office represents the interests of the People of the State of New York in the County's Drug, DWI, Veterans and Mental Health Treatment Courts, held in the Batavia City Court and the IDV (Integrated Domestic Violence) Court held in the Genesee County Court.

## DEPARTMENT: DISTRICT ATTORNEY

### STRATEGIC FRAMEWORK

#### Mission

The District Attorney is elected by the voters of Genesee County and is responsible to them for carrying out the prosecution of criminal cases referred to the District Attorney's Office by the various police agencies within the County, including the New York State Police, the Genesee County Sheriff's Office, the Batavia Police Department, the LeRoy Police Department, the Corfu Police Department and the New York State Park Police.

#### Key 2012 Accomplishments

##### **COMMUNITY EDUCATION, PUBLIC OUTREACH AND ADVISORY POSITIONS:**

Recognizing the need to bring about positive change in the field of criminal justice and educate members of the community with respect to our legal system, District Attorney Lawrence Friedman:

1. Participated in the Genesee County Legislature Student Government Intern Program.
2. Spoke at the Courts Facility with the 4<sup>th</sup> grade students from Robert Morris Elementary School.
3. Appeared on the WBTA "County Spotlight" radio program.
4. Served on the STOP-DWI Advisory Board, the Criminal Justice Advisory Council, the Justice for Children Team, the Genesee Community College Criminal Justice Advisory Committee and the New York State District Attorney's Association Executive Committee.
5. Assistant District Attorney Robert R. Zickl served on the Coordinated Community Response to Domestic Violence Team and Sexual Assault Task Force.
6. Assistant District Attorney William G. Zickl acted as a liaison to the Genesee County Sheriff's Office on use of force issues and spoke to the Genesee County combined ERT regarding use of force issues.
7. All of the Attorneys in our office participated in a training program for area police agencies regarding handling sexual assault cases.

8. All of the attorneys in our office volunteer their time working with the New York State Bar Association High School Mock Trial Competition. District Attorney Lawrence Friedman serves as the coordinator of the program. Assistant District Attorney Robert R. Zickl served as Attorney Advisor for the Notre Dame High School Mock Trial Team. Assistant District Attorney William G. Zickl served as a Judge in the local tournament. Assistant District Attorney Kevin T. Finnell serves as Attorney Advisor for the Pavilion High School Team. Assistant District Attorney Melissa L. Cianfrini serves as Attorney Advisor for the Oakfield-Alabama School Team.
9. Assistant District Attorney Melissa L. Cianfrini served on and chaired a multi-county, multi-discipline committee called the Young Victims Committee (hereinafter, "YVC"), which was formed to address issues with respect to the prosecution of sexual abuse cases involving young children (ages nine and under) and unsworn victims (victims that are unable to take an oath due to age and/or mental/intellectual deficiencies). The YVC created a reference card for interviewing young victims that will be carried by all law enforcement officials (hereinafter, "LE") in the GLOW region. The YVC is also preparing two training sessions for LE in the GLOW region. One training session will be for roll-out of the reference cards and the other training will be on the issues that arise in the prosecution of sexual abuse cases involving young and/or unsworn victims such as the importance or corroboration, recantation of victims, and the Child Sexual Abuse Accommodation Syndrome.
10. All of the Assistant District Attorneys participated in the annual Summer College for District Attorneys sponsored by the New York Prosecutors' Training Institute and held at the Syracuse University School of Law.

### **New Plea Policy**

The District Attorney implemented a new plea policy with respect to all arrests occurring on or after January 1, 2012, requiring Defendants to waive their right to appeal. This policy should save County resources by significantly reducing the number of frivolous appeals.

### **Major Appellate Cases**

People v. Andre Scott: This Defendant was previously convicted of Attempted Murder, Arson 2<sup>nd</sup>, and Burglary 1<sup>st</sup>, following a two week trial. The Defendant is currently serving a twenty year sentence. The appeal included issues relating to the search of the Defendant by his parole officer, the chain of custody of the buccal swab obtained from him and the admissibility of the DNA evidence derived therefrom. The Appellate Division, 4th dept., affirmed the Defendant's convictions and sentence. Leave to appeal to the Court of Appeals was denied. The Defendant continues to pursue post conviction remedies.

People v. Scott Doll: This Defendant was previously convicted of Murder 2<sup>nd</sup>, following a three week trial. The Defendant is currently serving a sentence of 15 years to life. The defense team submitted a 70 page appellate 'brief', which included issues relating to the detention of the Defendant pursuant to the emergency doctrine, the admissibility of his statements, the sufficiency of search warrants issued by the Court and several issues involving the conduct of the trial. Assistant District Attorneys David E. Gann, Melissa L. Cianfrini and William G. Zickl spent many hours researching, drafting and editing our 56 page Respondent's brief, and the administrative staff spent many more hours preparing it for delivery to the 4<sup>th</sup> Department. On March 26<sup>th</sup> William G. Zickl argued the case for the prosecution before the Appellate Division. On July 6<sup>th</sup> the 4<sup>th</sup> Department issued a decision affirming the Defendant's conviction. The defense team has since filed an application for leave to appeal to the Court of Appeals, which was opposed by our office. That application was recently granted and the case will now have to re-briefed and argued in the Court of Appeals in Albany.

### **Key 2013 Goals**

Our goals for 2013 are to continue to implement plea practices which serve the public and reduce the costly expense of frivolous appeals and to be able to continue to effectively prosecute all criminal charges with a reduced workforce, despite the added burdens being placed on our office by Specialty Courts such as Drug Treatment Court, DWI Treatment Court, Mental Health Court and IDV Court together with the escalating workload that we are experiencing.

### **BUDGET SUMMARY**

<b><u>Appropriation By Object</u></b>	<b><u>Adopted 2011</u></b>	<b><u>Actual 2011</u></b>	<b><u>Adopted 2012</u></b>	<b><u>Estimated 2012</u></b>	<b><u>Proposed 2013</u></b>
Salary/Fringe	792,462	775,474	795,672	795,672	824,303
Equipment	-0-	-0-	-0-	-0-	-0-
Contractual	<u>61,619</u>	<u>42,640</u>	<u>57,828</u>	<u>57,828</u>	<u>57,571</u>
Total Appropriation	854,081	818,114	853,500	853,500	881,874
Revenue	<u>191,349</u>	<u>198,107</u>	<u>190,327</u>	<u>190,327</u>	<u>206,497</u>
Net County Support	662,732	620,007	663,173	663,173	675,377
FTE's	9.5	9.5	9.5	8.5	8.5

---

## **BUDGET HIGHLIGHTS**

### **Salary/Fringe:**

For the first time in more than thirteen years, New York State increased Judges salaries (and thus the salaries of the elected District Attorneys). The increase for 2012 was approximately \$20,000.00 and was fully covered by the State's D.A. Salary Reimbursement Grant. In April of 2013 these salaries will once again be increasing by approximately \$7015.00. It is yet to be determined whether or not the State will reimburse the County for the 2013 increase. Otherwise, salary increases included in this years budget pertain to Management and CSEA employees.

Listed below are the salaries that are covered in part or completely by the Revenues generated by this office.

Stop DWI (\$48,870.00): All Assistant District Attorneys. Funding is applied for annually.

City Court Prosecutorial Services: (55,300.00) Part of the salaries of Robert R. Zickl, William G. Zickl and Lacie Snell is paid by the City of Batavia for Prosecutorial Services.

Aid to Prosecution (the majority of the \$29,200.00 we receive goes toward Personnel Services): Robert R. Zickl, William G. Zickl, Donna J. Barrett and Kathleen Schrider. The latter's entire salary and the County's share of FICA are paid from this grant. Funding is applied for annually.

DA Salary Reimbursement (\$59,989.00): Lawrence Friedman.

**Equipment:** No new equipment is proposed for 2012.

### **Contractual:**

There was one line item which was increased, Fax (\$30.00) and one added for the use of WiFi with our iPads (\$627.00). Other line item adjustments result in an overall savings of \$1830.00.

<b><u>INDICATORS (Cases Opened)</u></b>	<b><u>Actual 2011</u></b>	<b><u>Estimated 2012</u></b>	<b><u>Estimated 2013</u></b>
New Felonies (including felony Violations of Probation)	484	495	500
Misdemeanors, Violations, Infractions and misdemeanor	2237	2400	2500

Violations of Probation

Indictments	102	100	110
Superior Court Informations	99	150	160