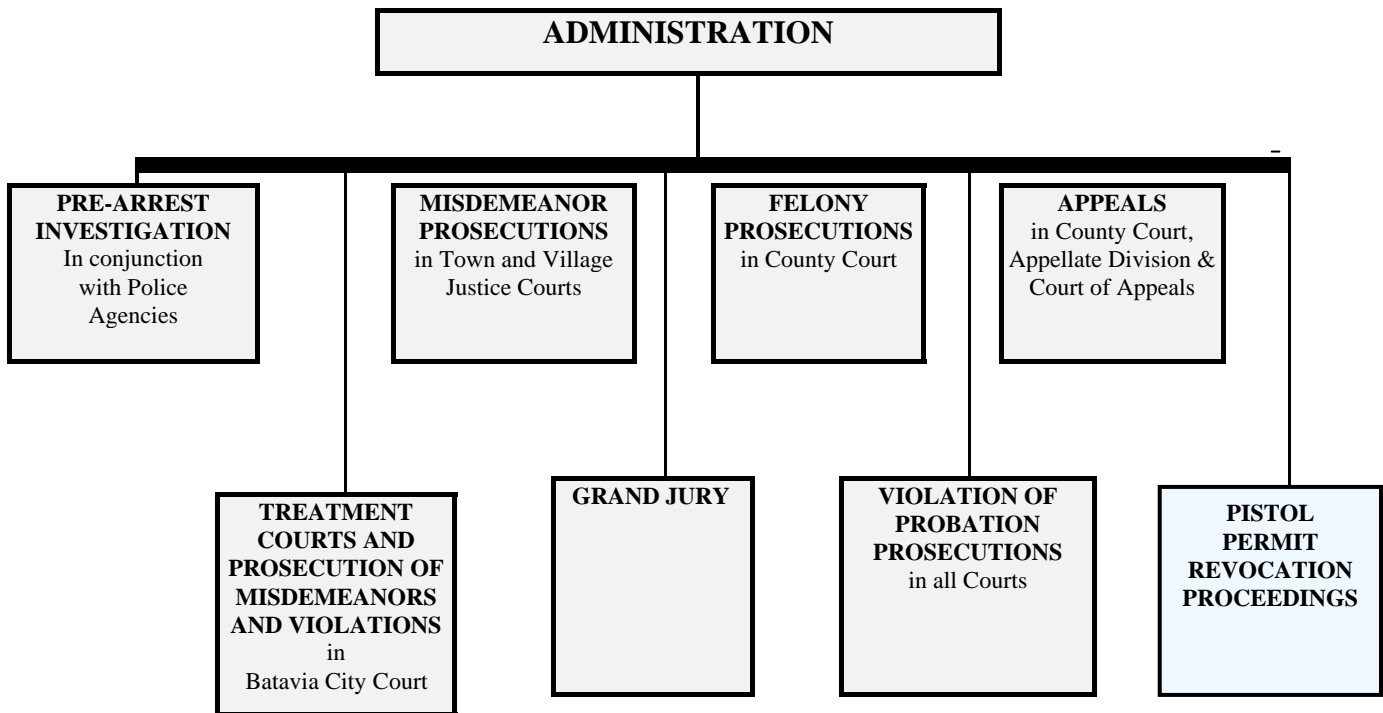


**GENESEE COUNTY  
DISTRICT ATTORNEY'S OFFICE**

**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

## **DEPARTMENT: DISTRICT ATTORNEY**

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 and DWI Treatment Courts, held in the Batavia City Court and the IDV (Integrated Domestic Violence) Court held in the Genesee County Court.

Additionally, the District Attorney's Office prosecutes all pistol permit revocation proceedings in 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 Department, the Batavia Police Department, the LeRoy Police Department, the Corfu Police Department and the New York State Park Police.

#### **Key 2009 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. Served as Coordinator of the New York State Bar Association High School Mock Trial Competition for Genesee, Livingston, Orleans and Wyoming Counties. 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.
2. Spoke at the 4-H Local Government Intern Brunch.
3. Participated in the Genesee County Legislature Student Government Intern Program Tours of the County Government Offices.
4. Participated in the Rape Crisis Service volunteer training program at GCC.
5. Spoke at the Courts Facility with the 4<sup>th</sup> grade students from Robert Morris Elementary School, Pavilion Central School, Alexander Elementary School and John Kennedy Elementary School.
6. Served as a Judge for Student Performances of the Batavia High School Exit Project.
7. Hosted a Job Shadow from Batavia High School.
8. Appeared on the WBTA "County Spotlight" radio program.
9. Served on the local planning committee for National Crime Victims' Rights Week and the Genesee County Mental Health Association's annual Criminal Justice Day.

## **DEPARTMENT: DISTRICT ATTORNEY**

10. Assistant District Attorney William G. Zickl organized and participated in a Mock Trial for Genesee Community College's Rural Police Training Institute.
11. Served on the STOP-DWI Advisory Board, the Criminal Justice Advisory Council (and its crime victim sub-committee and sex offender sub-committee), the Justice for Children Team, the Genesee Community College Criminal Justice Advisory Committee, the New York State District Attorney's Association Executive Committee and Assistant District Attorney Robert R. Zickl served on the Coordinated Community Response to Domestic Violence and Sexual Assault Task Force.

### **FORFEITURES**

Forfeited funds for the first eight months of 2009 total \$6,639.90 (Forfeited funds for 2008 totaled \$1,860. Funds forfeited for 2007 totaled \$7,518). In addition, forfeitures of an additional \$2,418 and a 1960's vintage Plymouth Roadrunner automobile are pending.

### **DRUG RELATED PROSECUTIONS**

The first eight months of 2009 saw 25 Defendants charged with felony drug charges. Fifteen Defendants were charged with felony drug sales and ten Defendants charged with felony drug possession charges. 2008 saw twenty defendants charged with felony level drug possession or sale offenses. Such prosecutions were commenced against 32 defendants in the calendar year 2007 and 35 Defendants in 2006.

### **WELFARE FRAUD PROSECUTIONS**

In the first eight months of 2009, prosecutions were commenced against three defendants involving welfare fraud cases seeking restitution of \$31,400. 2008 saw the commencement of prosecutions against four defendants involving welfare fraud cases seeking restitution of \$16,117. Total prosecutions commenced in 2007 included 6 Defendants and resulted in Orders of Restitution of \$21,140.

In 2009, a 2006 conviction for a thirteen count indictment (which resulted in a restitution order in the amount of \$60,523.50) was reversed on appeal. Re-trial was allowed on only one count. That retrial, on August 3, 2009 resulted in a conviction on that count but is not expected to result in a significant restitution award.

### **SEARCH WARRANTS**

Given the complexity of current search and seizure law, the District Attorney's Office is prepared to and does assist local law enforcement agencies in drafting search warrant applications. The assistance provided by the District Attorney's Office in this regard is available to law enforcement agencies on a 24/7 basis. The District Attorney's Office assisted in the preparation of 20 Search Warrant Applications in the first eight months of 2009. The Office assisted in 17 Search Warrant Applications during 2008 and 15 applications for the 2007 calendar year. In addition to assistance in preparation of Search Warrants, the District Attorney's Office is being called upon by

## **DEPARTMENT: DISTRICT ATTORNEY**

the police agencies for assistance in obtaining Court Orders for electronically stored records for which Court process is required.

### **Key 2010 Goals**

#### **VIDEOTAPING POLICE INTERVIEWS**

The District Attorney applied for and received a \$15,000.00 grant to purchase videotaping equipment, which will be located in our County's police agencies. This equipment will allow the police to videotape interviews of suspects in designated cases. The District Attorney has formed a committee made up of representatives from each of the police agencies located in Genesee County and the District Attorney, in order to evaluate the equipment available from various vendors and make decisions regarding the purchase and use of such. We look forward to the completion and implementation of this project in 2010.

#### **MENTAL HEALTH COURT**

The ever expanding universe of problem solving Courts in Genesee County has come to include a nascent Mental Health Court, to be administered as a part of the Batavia City Court. The District Attorney's Office has participated in the planning process and in a training seminar for the various players (including prosecutors) who will be staffing the Mental Health Court.

The Mental Health Court is predicated upon the understanding that Defendants with certain psychiatric conditions may not respond to traditional court proceedings and the consequences that could flow there from as would others. Based upon this notion, New York State's Mental Health Courts seek to improve public safety, court operations and the well-being of people with mental illness by linking to court-supervised, community-based treatment defendants whose mental illness is related to their current criminal justice involvement and whose participation in the Mental Health Court will not create an increased risk to public safety.

As the Mental Health Court continues to develop in 2010, the District Attorney's Office will prosecute cases before the Court consistent with our mission of providing for the health, safety and welfare of the citizens of Genesee County.

**DEPARTMENT: DISTRICT ATTORNEY**

**BUDGET SUMMARY**

<b><u>Appropriation By Object</u></b>	<b><u>Adopted 2008</u></b>	<b><u>Actual 2008</u></b>	<b><u>Adopted 2009</u></b>	<b><u>Estimated 2009</u></b>	<b><u>Adopted 2010</u></b>
Salary/Fringe	724,962	719,151	729,528	732,139	747,037
Equipment	-0-	-0-	-0-	-0-	15,000
Contractual	<u>57,630</u>	<u>50,244</u>	<u>59,630</u>	<u>59,630</u>	<u>59,630</u>
Total Appropriation	782,592	769,395	789,158	791,769	821,667
Revenue	<u>202,596</u>	<u>215,994</u>	<u>229,179</u>	<u>229,179</u>	<u>183,176</u>
Net County Support	579,996	553,401	559,979	562,590	638,491
FTE's	8.5	8.5	8.5	8.5	8.5

**BUDGET HIGHLIGHTS**

**Salary/Fringe:** The only increases in this area are those that are attributable to increases in longevity, health insurance and retirement.

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

1. Stop DWI (\$46,910): All Assistant District Attorneys. Funding is applied for annually.
2. City Court Prosecutorial Services (\$46,000 is proposed for 2009): Robert R. Zickl, William G. Zickl and Melissa Adams.
3. Aid to Prosecution (the majority of the \$35,300 we receive goes toward Personnel Services): Robert R. Zickl, William G. Zickl, Donna J. Barrett and Marsha Ladd. The latter's entire salary and the County's share of FICA are paid from this grant. Funding is applied for annually.
4. DA Salary Reimbursement (\$49,166): Lawrence Friedman.

**Equipment:** In 2009 the District Attorney's Office received a Byrne JAG Grant in the amount of \$15,000.00 for video taping equipment for police agencies in Genesee County. The cost of the equipment is offset by the grant funds. No taxpayer funds will be used for the equipment.

**Contractual:** Court Reporter – T/V: This line is actually used for Court Reporter services for Stop-DWI and is reimbursed by Stop-DWI.

**INDICATORS**

	<b><u>Actual 2008</u></b>	<b><u>Estimated 2009</u></b>	<b><u>Estimate 2010</u></b>
New Felonies	375	400	410
Violations of Probation	211	218	225
Misdemeanors, Violations, and Infractions	1709	2000	2200
Indictments	94	125	130
Superior Court Informations	116	180	150