

NEW YORK COUNTY
DISTRICT ATTORNEY'S OFFICE

ANNUAL REPORT

HIGHLIGHTS FROM 2013



A MESSAGE FROM THE NEW YORK COUNTY DISTRICT ATTORNEY



As I start my second term as the New York County District Attorney, I am extremely proud of the work that my Office – the prosecutors, investigators, and staff – has done to fight all areas of crime and bring justice to victims and their families. And I am grateful for the opportunity to serve New Yorkers for another four years.

To best fight crime, the Manhattan DA's Office has pioneered an "Intelligence-Driven Prosecution" strategy to focus the collective resources of the Office on one goal: reducing crime, particularly violent crime, through the most effective and innovative law enforcement and community partnerships. We apply this philosophy of using intelligence to prosecute all areas of crime, whether it is human trafficking, domestic violence, cybercrimes, grand larceny, or white collar crime.

Looking ahead, I remain committed to keeping our city's crime rates at historic lows – on the streets, in our homes, and in the marketplace. I will continue to make it one of my Office's top priorities to remove violent gangs, illegal guns, and drug traffickers from our neighborhoods. In 2013, our Violent Criminal Enterprises Unit removed hundreds of illegal guns from the streets. But we know that there are many more out there.

In our effort to combat domestic violence and keep New Yorkers safe in their homes, I am proud to announce that the first ever Manhattan Family Justice Center has opened, bringing a variety of important services for victims under one roof.

In the area of white collar crime, we aim to ensure the integrity of the market by holding corporations, institutions, and individuals accountable for financial misconduct. In 2014, we will open a new money laundering center within our Major Economic Crimes Bureau, which will work alongside the new Financial Intelligence Unit that I created in May 2013. My Office's Cybercrime and Identity Theft Bureau also will expand our already significant efforts to combat these crimes with a new state-of-the-art computer forensics laboratory, allowing us to conduct investigations even more efficiently and effectively.

There is no doubt that working closely with communities has been critical to our public safety successes. In 2013, my Office's Saturday Night Lights initiative, a youth sports program that has reached thousands of kids, opened its seventh location in Manhattan.

This Annual Report highlights just some of my Office's efforts and successes in 2013 in our work to keep New York City one of the safest big cities in the world. Feel free to contact my Office if you have any questions or concerns, or to learn how you can participate in one of our community outreach programs.

CYRUS R. VANCE, JR.





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THE
TRIAL DIVISION
INVESTIGATION
DIVISION
and
APPEALS BUREAU



The Manhattan District Attorney's Office is unlike any other prosecutor's office in the country. The Office, which employs more than 500 Assistant District Attorneys, handles approximately 100,000 criminal cases each year, with a diverse docket that includes everything from homicides, drug-related offenses, assaults, sex crimes, burglaries, robberies, and other types of violent crime, to identity theft, cybercrime, fraud, white collar crime, public corruption, and terrorism.

These cases are handled by the Office's three principal divisions, which include the Trial Division, the Investigation Division, and the Appeals Bureau. Together with our law enforcement partners, these divisions have played a significant role in reducing crime in New York City; since 2010, homicides are down 34 percent, shootings are down 22 percent and overall arrests for violent crime in Manhattan have fallen 19 percent.

At the same time, the Office's overall conviction rate has risen 9.5 percent.

THE TRIAL DIVISION

The Trial Division is principally responsible for prosecuting misdemeanor and felony crimes committed in Manhattan. Collectively comprised of six trial bureaus and employing approximately 365 Assistant District Attorneys, each trial bureau is staffed by a team of Assistant DAs, legal supervisors, investigative analysts, and paralegals tasked with handling a diverse number of cases from arrest to sentencing. As preparation, every first-year Assistant completes a comprehensive training program and begins his or her career handling misdemeanor prosecutions in Criminal Court. As Assistants gain experience, they move on to handling more serious felony cases in Supreme Court.

Assistants in the Trial Division prosecute cases vertically; after an

arrest takes place, the case is assigned to an ADA who is responsible for the prosecution until a disposition by trial or plea. This system of vertical prosecution means that a prosecutor stays with a case from start to finish, better serving the victims, witnesses, and members of law enforcement involved. In 2013, the trial plea and conviction rate of Supreme Court cases was 93.6 percent.

Felony assistants in the Office's specialized bureaus and units also develop particular expertise handling certain types of crime, such as sex crimes, child abuse, domestic violence, cybercrime, elder abuse, hate crimes, and vehicular offenses.

THE INVESTIGATION DIVISION

The Office's 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 crimes, international money laundering, securities fraud, and terrorism. Because of the Office's location and geographic jurisdiction, it is able to bring cases addressing criminal conduct against any parties that make use of New York's financial institutions, whether abroad or at home in the United States. As an ancillary benefit, the Office's willingness and ability to prosecute major financial crimes have allowed it to make substantial financial contributions to the City. Since 2009, the Office has returned more than \$416 million to the City treasury, more than

five times the Office's annual funding.

The Investigation Division also aims to protect New York's most vulnerable communities through the work of specialized units that handle fraud against the elderly, as well as the city's many diverse immigrant populations – where unfamiliarity with the criminal justice system may make victims reluctant to come forward and report crimes.

THE APPEALS BUREAU

Lastly, the Office's Appeals Bureau is responsible for handling cases in New York State's appellate courts and federal courts to ensure that properly obtained convictions are upheld, and that defects at trial proceedings do not unduly affect either the defendant or the community.

The work of the Office is not limited to prosecuting crime. A crime prevented is far better than a crime prosecuted, and to that end, community outreach, education, and constructive partnerships with other law enforcement agencies and organizations are also a critical part of the Office's overall mission to make New York a safer city. In addition, staff from the Video and Photography units, Communications, Legislative Affairs, and numerous other teams and individuals provide invaluable support and assistance to the ADAs. Thanks to this unparalleled staff, the Office is able to send a strong message that preventing crimes is equally as important as prosecuting them.



Intelligence-Driven Prosecution:
GANGS, GUNS *and*
DRUG TRAFFICKING



We know that a large percentage of the city's crimes are committed by a small number of individuals. For that reason, we cannot adequately address the problem of street violence without focusing on the gangs that terrorize some of our neighborhoods with guns and drugs.

CRIME STRATEGIES UNIT

As crime rates continue to decline in New York City, the Manhattan District Attorney's Office is implementing innovative strategies to make the City even safer. This is called "Intelligence-Driven Prosecution." The Office's Crime Strategies Unit (CSU) is tasked with developing comprehensive, Office-wide strategies to focus the Office's resources on identifying crime "hotspots" in Manhattan and the individuals who are most responsible for driving crime.

In essence, CSU is an intelligence unit that enables the Office to connect the dots between ongoing prosecutions and investigations; to know where these cases fit into the Office's crime reduction and prevention efforts; and to allocate resources where they are most beneficial to those efforts.

Upon its formation by DA Vance in 2010, CSU began mapping out, precinct-by-precinct, where crime was taking place throughout Manhattan. The intelligence developed by CSU became the Office's roadmap of where to focus its street crime resources in the coming years.

STREET GANGS

One of CSU's primary objectives was to identify the pockets of gang-driven violence, and to systematically target these gangs. Using CSU's data, the Office's Violent Criminal Enterprises Unit (VCEU) has successfully prosecuted 13 gangs in Manhattan since 2010. In March and April 2013 alone, the VCEU charged 122 gang members from 6 gangs.

These cases include indictments against three street gangs alleged to have committed many acts of violence: Air It Out, True Money Gang, and Whoadey. Sixty-three members were charged with

terrorizing sections of East Harlem in a campaign of violence dating back to at least 2009. The indictments chronicle a bloody gang war that claimed the lives of at least three teenagers, led to the shootings of dozens of individuals, and put bounties on people's lives. The defendants are charged with conspiracy to commit murder, gun trafficking, assault, gang assault, and other charges.

There were 170 gun possession complaints in 2013.

DRUG TRAFFICKERS

High-drug areas are often breeding grounds for violence. In 2013, the VCEU, working with the NYPD, dismantled several gangs that used sections of Manhattan as headquarters for their drug trafficking operations.

For example, in March, the unit brought an indictment against 18 defendants for possessing and selling crack cocaine and marijuana in East Harlem.¹

One month later, the VCEU brought charges against two cocaine trafficking rings based on the Lower East Side, known as the Blocc Boyz and the Money Boyz. Four of the Blocc Boyz defendants were charged under the "Drug Kingpin" statute, among other charges, for delivering cocaine to customers' doorsteps throughout Manhattan for a marked up price. This was the first major drug trafficking ring dismantled on the Lower East Side in a number of years.

GUN TRAFFICKERS

Without strong, uniform federal gun laws and regulations, it has become too easy for traffickers to flood New York

¹ The charges contained in indictments are merely allegations, and all defendants mentioned in this report are presumed innocent unless and until proven guilty.

City with dangerous weapons from other states, often in the South. The Office remains committed to using the tools we have to stop illegal guns from falling into the hands of criminals and killing innocent New Yorkers.

In September 2013, two men were indicted for selling more than 45 illegal guns to an undercover police detective, including mailing 14 of those weapons from Georgia to New York through the United States

There were 114 shooting complaints in 2013.

Postal Service. This was the 16th gun trafficking indictment brought by the Violent Criminal Enterprises Unit, with nearly 800 illegal guns taken off the streets since 2010.

In 2013, the Office also secured convictions against 14 defendants for crimes related to two gun trafficking networks that sold more than 110 illegal firearms. At least 11 of the guns originated from other states, including 10 weapons from South Carolina and one weapon from Virginia. The illegal guns sold included a TEC-9, a DEC-9, a MAC 10, a .22 caliber assault rifle, a RPB fully-automatic machine pistol, and more than 1,000 rounds of ammunition.

GUN VIOLENCE

In 2013, there were 115 shooting incidents in Manhattan – 37 fewer shootings than the previous year. Although they are greatly encouraging, these statistics provide little comfort to those who have lost loved ones, including their young children, to gun violence. Those in law enforcement, parents, and communities must all do a better job of keeping kids safe from senseless gun violence, as well as keeping illegal guns out of the hands of young people.



HIGHLIGHTED GUN-RELATED CONVICTIONS IN 2013:



• In November, **Mario Rodriguez** was sentenced to 22 years in prison for shooting and wounding 3 people on the Lower East Side in 2010, including 2 innocent bystanders. He was convicted by a jury of Attempted Murder, Assault, Criminal Possession of a Weapon, and Reckless Endangerment. On October 26, 2010, Rodriguez argued with another man in front of 195 Stanton Street, during which he fired a loaded 9-millimeter semi-automatic pistol at the man, striking him in the torso. The bullets also struck two bystanders – a 44-year-old man and 52-year-old woman – leaving one bleeding in the street. Rodriguez fled, but was tracked to Jersey City and later arrested by members of the NYPD's 7th Precinct.

• In November, **Roberto Nunez** was sentenced to life in prison without parole for fatally shooting three men in a parked car in Harlem in 2012. Nunez was convicted by a trial jury of all counts in the indictment against him, including three counts of Murder in the First and Second Degrees. Nunez, who was seated in the backseat of a BMW parked on West 122nd Street between Broadway and Claremont Avenue, shot each of his victims at close range with a .38-caliber Smith & Wesson revolver. The car's owner, Heriberto Suazo, was struck once in the head; Amaury Rodriguez, who was in the driver's seat, was shot once through his shoulder and neck; and Luis Catalan, who was seated next to the defendant in the back seat, was shot twice, once in the side of his chest and once in the head. All three victims died from their wounds.

• In August, **Khalid Rahman** was sentenced to 19 years in prison for fatally shooting an innocent victim, Matt Shaw, near the AK Houses in East Harlem on July 5, 2012. Shaw was just 21-years-old and on his way to graduate school that fall when he was gunned down. Rahman pleaded guilty to Manslaughter in the First Degree, Criminal Possession of a Weapon in the Second Degree, and Reckless Endangerment in the First Degree.

• In July, **Jason Teneyck** was sentenced to 31 1/3 years in prison for trafficking in firearms, including selling the four police-issued weapons that former NYPD officer Nicholas Mina had stolen from his colleagues' lockers in the 9th Precinct Station House. On June 24, 2013, Teneyck was convicted by a jury of all 18 counts in the indictment, including Criminal Possession of a Weapon and Criminal Sale of a Firearm. All six defendants involved in this gun-and-drug-trafficking ring have been convicted.

• In July, **Christian Perez**, a resident of the Lincoln Houses, was convicted of shooting and attempting to kill an acquaintance. In September, Perez was sentenced to 20 years in prison on his convictions for Attempted Murder in the Second Degree and Criminal Possession of a Weapon in the Second Degree.

• In June, **Tyshawn Brockington** was sentenced to 25 years-to-life in prison for the murder of Tayshana "Chicken" Murphy, an 18-year-old high school senior and star of her school's basketball team. Brockington was found guilty by a jury of Murder in the Second Degree, Burglary in the First Degree, and Criminal Possession of a Weapon in the Second Degree. Brockington and a separately charged defendant, both of whom are affiliated with the Manhattanville Houses, were involved in a fight with rivals from the Grant Houses, another public housing project in West Harlem. When the victim and a group of friends saw the defendants outside the Grant Houses on September 11, 2011, they fled and ran inside 3170 Broadway. Murphy was later discovered in the building's fourth floor hallway, fatally shot three times in the wrist, hip, and chest.

• In February, **Sentell Smith** was sentenced to 42 years in prison for selling 7 loaded firearms and 4 additional guns to undercover NYPD officers over the course of 7 months in 2011. On January 25, 2013, the defendant was convicted by a jury of all the counts in the indictment, including Criminal Possession of a Weapon and Criminal Sale of a Firearm. The guns sold by the defendant included a .38-caliber semi-automatic pistol, a loaded 9-millimeter semi-automatic pistol, a .40 caliber semi-automatic pistol, a .38-caliber revolver, and a .223 caliber Remington R-15.

• In January, **Selwin Wilkes** was sentenced to 15 years in prison for selling 15 illegal guns to an undercover officer over the course of a 5-month period. On December 6, 2012, Wilkes pleaded guilty to Criminal Sale of a Firearm for selling multiple firearms, including a semi-automatic rifle, semi-automatic handguns, ammunition, and seven high-capacity magazines, to an undercover police officer in eight separate transactions.

Keeping our city safe isn't just about prosecutions; Equally important is preventing crime from happening in the first place. This means maintaining a strong partnership between law enforcement and the communities we serve. One of our major crime prevention initiatives is youth outreach – helping young people to stay safe and away from gangs, guns, and street violence.

YOUTH OUTREACH AND THE SATURDAY NIGHT LIGHTS PROGRAM

The fall of 2013 marked the third year of the DA's Office's Saturday Night Lights (SNL) initiative. The program offers young people an opportunity to train with professional basketball, volleyball, and baseball coaches at seven locations throughout Manhattan on Friday and Saturday nights. There is also an eighth site in Brooklyn, modeled after the Manhattan sites.

DA Vance established SNL in response to the prosecution of several gangs that recruited teenagers and young girls to carry guns and drugs for gang members. The program aims to keep young people safe by giving them a safe, fun place to go on weekend nights when they are most at risk of being victimized or getting into trouble themselves.

Currently in its third year, SNL has served more than 3,000 young people, aged 11 to 18. The year-round program is free of charge for all participants and funded in part by money forfeited in drug prosecutions, which is used to hire world-class professional sports trainers from Pro Hoops, Inc., AllStarr Volleyball, and Harlem RBI. The program is a collaboration between the DA's Office, the Drug Enforcement Administration, the New York City Police Department, the Police Athletic League, and numerous other community organizations.

In December 2013, the Saturday Night Lights program received the Attorney General's Award for Outstanding Contributions to Community Partnerships for Public Safety from U.S. Attorney General Eric Holder. The award recognizes outstanding achievement in the development and support of partnerships designed to address public safety within a community. According to the U.S. Department of Justice, "The

partnership of this program with local law enforcement and social services agencies helps reduce youth violence and increase high school graduation rates."

Additionally, through the complementary Advocate to Graduate academic support program, the Saturday Night Lights initiative seeks to ensure that all student athletes are also succeeding academically in middle and high schools. The Graduate Advocates provide access to tutoring, a safe place to study, and other resources focused on successful completion of middle school and high school.

OUR SITES

Drill & Play Basketball

PAL Harlem Center
441 Manhattan Avenue

Boys and Girls Republic
888 E. 6th Street

Johnson Houses Community Center
1829-1839 Lexington Avenue

Polo Grounds Community Center
3005 8th Avenue

George Washington High School
549 Audubon Avenue

Frederick Samuel Community Center
669 Malcolm X Boulevard

Miccio Community Center
110 W. 9th Street (Brooklyn)

AllStarr Volleyball

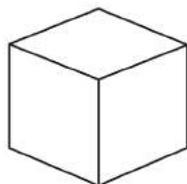
George Washington High School
549 Audubon Avenue

Baseball Training

Corsi Community Center
307 E. 116th Street







CYBERCRIME

In 2010, DA Vance created the Cybercrime and Identity Theft Bureau to centralize the Office's investigative, prosecutorial, and digital resources. Since then, the Office has been recognized as a national leader in the prosecution of 21st century digital crimes, including the theft of personal information, intellectual property, proprietary code, trademarks, patents, and licenses.

In the last decade, the DA's Office has trained more than 2,000 prosecutors and investigators in state-of-the-art digital forensic techniques and analysis. The Office's partnerships with other organizations and law enforcement agencies have allowed Manhattan Assistant District Attorneys to share their expertise with prosecutors across the country.

As demonstrated by the remarkably diverse cases that the Cybercrime and Identity Theft Bureau handles every year, even a seemingly simple case of identity theft – such as stolen credit card information – might be part of a much larger criminal operation. In August 2013, 15 defendants were convicted of trafficking more than 95,000 stolen credit card numbers, resulting in more than \$5 million in credit card fraud. Egor Shevelev, who ran the operation out of an apartment in Kiev, Ukraine, bought and sold the identities of nearly 100,000 victims in the United States on online forums, earning millions of dollars in digital currencies such as E-gold and WebMoney. Shevelev laundered the

profits through his co-defendant, Vadim Vassilenko, who served as President and CEO of a company called Western Express. Douglas Latta and Anna Ciano, a married couple living in Brooklyn, purchased more than 800 stolen credit card numbers from Shevelev and others between 2004 and 2007 and used the information to forge new credit cards, with which they bought expensive consumer products like laptops, computers, designer handbags, and video game consoles. Through their eBay account, Latta and Ciano collectively fenced more than \$100,000 worth of fraudulently purchased merchandise.

This case involved a sophisticated digital operation that was complex and global in scale, crisscrossing the globe from Russia to the Czech Republic to Brooklyn. The DA's Office spent 8 years investigating and preparing the prosecution of this case, culminating in the guilty pleas of 12 defendants and the trial convictions of 3. It was the first international cyberfraud case of this magnitude to be prosecuted at the state level, but as

prosecutors are well aware, the number of cyberfraud cases in the United States has skyrocketed in recent years, creating an entirely new class of victims and resulting in millions of dollars of fraud, at levels law enforcement has never seen before.

The resolution of this case, which involved significant prison time for the principal players, demonstrates that there are serious consequences for criminal conduct – even for those who try to hide behind faceless computer terminals in far away countries.

CYBERCRIME LAB

The kinds of cases handled by the Cybercrime and Identity Theft Bureau are not limited to digital crimes. Every prosecutor handling a case involving a cell phone, smart phone, laptop or computer relies upon the resources and expertise of analysts and forensic data examiners in the High Technology Analysis Unit to process data-rich streams of digital information. The Office's in-house digital lab has been

so instrumental in the prosecution of complex crimes with digital components that the New York City Council awarded the DA's Office approximately \$4.2 million to expand the cybercrime lab and bring together investigators, analysts, and prosecutors in a single facility.

INTELLECTUAL PROPERTY CONFERENCE

In addition to prosecuting large-scale, international identity theft rings, cyber intrusions, and fraud, the Cybercrime and Identity Theft Bureau is actively involved in fighting intellectual property crimes, in light of the increase in both digital piracy and theft of digital intellectual property. Every year, counterfeiting and piracy cost the U.S. economy between \$200 billion and \$250 billion, and are responsible for the loss of 750,000 American jobs, according to the U.S. International Trade Administration.

“As theft continues to move from street markets to digital markets, law enforcement must evolve to combat intellectual property theft and counterfeiting. Though my Office remains committed to investigating and prosecuting street counterfeiters, intellectual property theft is not limited to handbags and DVDs. From counterfeit prescription medication to counterfeit baby formula, criminally made products skirt the law and threaten the health and safety of our citizens. This conference is an important step in uniting leaders in the private sector with law enforcement to protect intellectual property rights and keep consumers safe.”

CYRUS R. VANCE, JR.

On September 27, 2013, the DA's Office hosted a conference on the subject of intellectual property rights at the John Jay College of Criminal Justice, convening specialists from the Office's Cybercrime and Identity Theft

NOTABLE IDENTITY THEFT CASES IN 2013:

- In May, **Ricky Marech** was sentenced to 3½-to-7 years in prison for using stolen credit card information from five victims to purchase more than \$18,000 worth of luxury items. The defendant placed the goods on hold at high-end stores in Manhattan, and then called the stores to purchase those items with stolen credit card information. The defendant would either pick up the items or have them delivered. Using this scheme, Marech purchased thousands of dollars worth of goods, including shoes and a handbag at Barneys department store, a mink coat and other clothes at Intermix fashion boutique, a carpet at ABC Carpet & Home, and expensive chocolate at La Maison du Chocolat.
- In April, **Petr Murmylyuk** pleaded guilty to submitting phony tax returns in the names of hundreds of victims to the Internal Revenue Service (“IRS”) to steal their tax refunds. The defendant stole the personal identifying information of more than 300 people by creating a fake job placement website, jobcentral2.net, and falsifying wage information on the false tax returns to generate the refunds. Using an e-filing vendor, the defendant claimed fraudulent refunds ranging from approximately \$3,500 to \$6,500 each. Murmylyuk successfully obtained refunds in the names of 108 of the approximately 300 different victims who had visited jobcentral2.net, yielding more than \$450,000 in stolen taxpayer funds.
- In March, **Luis “Damian” Jacas**, a/k/a Damien Jacas, a/k/a “DJ,” was sentenced to 4½-to-13½ years in prison for directing and overseeing an organized criminal credit card forgery and theft ring that used skimming devices to steal credit card data from unsuspecting diners at high-end restaurants. Jacas recruited servers at popular Manhattan steakhouses to steal patrons' credit card numbers using handheld data skimming devices. The stolen credit card data was then returned to Jacas, who used the information to forge new credit cards, which were then distributed to a network of complicit shoppers who used them to purchase luxury goods from retailers in New York, as well as California, Connecticut, Massachusetts, and other states. The merchandise was later resold at lower prices for profit. The investigation culminated in the arrest and indictment of 29 people, including charges under the Organized Crime Control Act. Many of the defendants have since pleaded guilty to various charges.

Bureau, members of law enforcement, and leaders in business and technology to discuss the challenges and solutions to enforcing intellectual property rights – something that is not only important to businesses, but also critical to consumer safety. While counterfeit products such as fake designer handbags and bootleg DVDs are still sold out of street-side storefronts, a wide range of counterfeit products are now available for purchase online, as well. These products can

be particularly dangerous if they do not comply with established safety regulations and standards, because while wearing fake Ray-Bans may not hurt an individual, taking counterfeit prescription medication can do serious harm. Indeed, the global marketplace is filled with examples of counterfeit products that threaten the public safety, from prescription medication and baby formula, to tires and airline equipment.

IMMIGRANT
AFFAIRS

COMMON TYPES
OF IMMIGRATION
FRAUD INCLUDE:

- **The “Evil Spirits” scam:** In June, five Chinese nationals pleaded guilty to all the charges in the indictment against them – including Attempted Grand Larceny in the Third Degree as a Hate Crime and Scheme to Defraud in the First Degree – for attempting to steal thousands of dollars from an elderly woman whom the defendants targeted as part of a phony “evil spirits” scam. Variations of the hoax, which is also known as the “Chinese blessing scam,” have been reported across the country and typically involve the exchange of money or valuables for supposed spiritual purification rituals. In this case, the defendants attempted to distract the victim while they concealed her money inside a bag that the defendants took for themselves.

- **Immigration assistance scams:** In August, **Martin Mannert**, a naturalized U.S. Citizen from Austria, was indicted for stealing thousands of dollars from his victims and falsely representing himself as a legal advisor and immigration consultant to numerous victims from Europe, Asia, and South America who wished to adjust their status in the U.S. Victims paid Mannert, who is not an attorney, an average of \$10,000 apiece after he falsely represented himself as someone qualified to provide assistance with benefit application forms.

- **Identity Theft and Travel Scams:** In July, **Cecilia Suarez**, a freelance travel agent, was indicted for defrauding more than 30 travelers to and from the Dominican Republic and using their credit card information to make unauthorized purchases. While charging her victims for round-trip airfare, Suarez provided some of them with one-way tickets only, leaving some of her victims stranded in the Dominican Republic until their families were able to raise enough money to afford tickets back to New York. In January 2014, Suarez pleaded guilty to Grand Larceny in the Third Degree, Identity Theft in the First Degree, and Scheme to Defraud in the First Degree; she was sentenced to 1 1/2 - to - 4 1/2 years in prison.

The Immigrant Affairs Program was created to prosecute those who commit crimes against immigrants, as well as serve and empower Manhattan’s diverse immigrant communities through local outreach and educational initiatives. Immigrants who may be unfamiliar with New York’s complex legal and social services systems are particularly vulnerable to fraud.

Since the creation of the Immigrant Affairs Program, this hotline has handled more than 2,500 complaints in 30 different languages. The Office also hosts workshops and presentations with local organizations to educate individuals about how they can protect themselves

The DA’s Office encourages anyone who feels that she or he may have been the victim of a crime to call the Office’s Immigrant Affairs Hotline at (212) 335-3600 – regardless of immigration status.

from unscrupulous scam artists and criminals. For example, the Office has previously partnered with the Northern Manhattan Coalition for Immigrant Rights, the People’s Theatre Project, and *Centro Altagracia de Fe y Justicia* to host presentations on immigration scams, reenacted by local actors.

The most common types of scams are committed by individuals who are not authorized to offer legal or other services, but nonetheless pretend to be licensed attorneys, immigration officials, notaries or other qualified service providers. These perpetrators often tell their victims that they can help them legalize their status in the U.S. or obtain other social services in exchange for a payment or fee, and then file falsified documents – or in some cases, nothing at all – after stealing hundreds or thousands of dollars from their victims. Other scammers have falsely promised to help their victims file for divorce, make travel arrangements, or exorcise what they claim to be evil spirits plaguing a person’s family.

Even in cases where a relatively small amount of money is stolen, that money could have been essential to an

immigrant starting a new life in the U.S. These scams not only rob victims of their hard-earned money, but often erode the newcomer’s trust in our legal system. To protect both immigrants’ bank accounts and their faith in the criminal justice system, the Immigrant Affairs Program aggressively investigates and prosecutes scams of all levels of theft.

NEW YORK COUNTY LAWYERS’
ASSOCIATION PARTNERSHIP

The Immigrant Affairs Program regularly organizes workshops, presentations, seminars, and discussions to inform communities about the resources and services available to them. In September, the DA’s Office partnered with the New York County Lawyers’ Association for the first time to offer small business owners the opportunity to participate in a series of free and confidential workshops designed to help participants understand and comply with New York State and City tax laws and regulations – as well as avoid falling accidentally afoul of them. Beginning in September and running through October, the workshop series was developed to empower local business owners with as much information as possible in order to help them build successful businesses, as well as ensure their financial longevity.

IMMIGRANT AFFAIRS PUBLIC
INFORMATION VIDEO

In October, the DA’s Office, the Coalition of Latin American Consuls General in New York, and WXTV Univision 41 introduced a new Spanish-language video about the work of the DA’s Office and the resources available to immigrant victims of crime. The video, which is being played at 15 different Latin American Consulate offices in Manhattan that receive approximately 3,000 visitors daily, disseminates fraud prevention information and encourages victims to come forward to report crimes – regardless of immigration status or language unfamiliarity.

SPECIAL VICTIMS

DOMESTIC VIOLENCE HUMAN TRAFFICKING
CHILD ABUSE SEX CRIMES ELDER ABUSE

and

*the Manhattan
Family Justice Center*

The District Attorney's Office's Special Victims Bureau handles cases involving some of Manhattan's most vulnerable victims, including victims of domestic violence, child abuse, sex crimes, human trafficking, and elder abuse. The Bureau's investigators and prosecutors, working with the Office's Witness Aid Services Unit, are specially trained to not only bring justice to the victims in court, but also to help them to recover from trauma, return to a place of safety, and move forward with their lives.

DOMESTIC VIOLENCE

Domestic violence is not just a criminal justice crisis – it is a national public health crisis that affects all neighborhoods and communities. Abuse in the home threatens our most vulnerable family members, particularly women and children.

Society tends to associate violent crime with tragedies that happen to strangers on the street. All too often, however, domestic violence victims become homicide victims at the hands of someone whom they know and love. In September 2013, Nicholas Brooks was sentenced to 25 years-to-life in prison for strangling and drowning his girlfriend, swimsuit designer Sylvie Cachay, in December 2010. Brooks was convicted by a jury of Murder in the Second Degree for the brutal attack on this young woman.

The Manhattan DA's Office screened more than 6,500 domestic violence cases in 2013.

Although the world has come a long way in changing its perception of domestic violence, it remains a vastly underreported crime. One conservative estimate holds that only one-quarter to one-half of domestic violence incidents are ever reported to the police. Raising awareness about this public health crisis is critical, as early intervention can mean the difference between life and death. Members of the DA's Community Partnerships Unit, together with Assistant District Attorneys, regularly travel throughout Manhattan to give presentations on domestic violence

prevention – particularly during October, Domestic Violence Awareness Month. The goal of these presentations is to raise awareness, help families understand what signs to look for, and what resources are available to victims.

In 2013, the Office began to use the 2012 Aggravated Domestic Violence legislation – strongly supported in Albany by DA Vance – that addresses one of the underlying problems of domestic violence, namely, the ability of offenders to abuse their victims again and again without serious consequences. The law created a class E felony for an abuser who commits two or more misdemeanor domestic violence offenses within five years, including those involving intimate partners, non-traditional familial

According to the New York City Mayor's Office to Combat Domestic Violence, 38 percent of battered women will be victimized again within 6 months.

relationships, and adult children abusing parents. Defendants can be placed under probation supervision for five years, and in more serious cases, can be sent to state prison for up to four years. This law also extends the period of time for orders of protection, because felony orders cover periods almost twice as long as those in misdemeanor cases.

NOTABLE DOMESTIC VIOLENCE CASES IN 2013 INCLUDE:

- In June, **Reynaldo Lebron** pleaded guilty to Murder in the Second Degree for the May 2010 fatal shooting of his estranged wife in front of their three children. Lebron chased the victim into the hallway of her West Harlem apartment, shot her twice in the chest, and fled the scene, as the victim's three children, ages four through eight, watched through the open apartment door. Following his conviction, he was sentenced to 18 years-to-life in prison.
- In March, **Michael Kenny** was sentenced to 25 years-to-life in prison for murdering his wife in the bathroom of the West 35th Street hair salon where she worked. Earlier that same month, a jury found him guilty of Murder in the Second Degree and Aggravated Criminal Contempt for stabbing his wife multiple times in the chest, leg, hand, and forearm, before fleeing apprehension. Kenny had prior convictions for threatening and assaulting his wife, as well as violating orders of protection.
- In February, **Edward Demirdjian** was convicted by a jury of fatally shooting his daughter's mother while she slept in her East Harlem apartment in July 2009. The victim gave birth to Demirdjian's daughter in 2006, but moved to New York when the relationship soured, leaving her daughter with the defendant in Florida. The victim regularly visited her daughter and sought to gain full custody of the child and bring her to New York. In April 2009, the defendant purchased a .357-caliber semi-automatic pistol and drove to New York where he fatally shot the victim three times. He was sentenced to 25 years-to-life.

SEX CRIMES

Regardless of whether sexual assaults take place inside the home or in a public space, or whether the defendant is a stranger or is known to the victim, these crimes are taken extremely seriously by the criminal justice system. New Yorkers should feel safe whether they are in the privacy of their own homes, or enjoying the many public parks, landmarks, shops, or restaurants New York City has to offer.

This year, the Manhattan DA's Office secured significant prison sentences against those who violated this sense of public safety by attacking women in public parks. In September, Jonathan Stewart was sentenced to 35 years in prison for sexually assaulting a 21-year-old woman in Hudson River Park in September 2012. The victim was

sitting on a bench inside the park near West Street and Harrison Street when Stewart approached her and started talking to her. When she tried to walk away, Stewart physically assaulted her, dragged her to a nearby area, and raped her.

85% of sex crimes trials resulted in a conviction in 2013

And in October, David Mitchell was sentenced to 30 years in prison for brutally raping a 73-year-old woman in Central Park in August 2012. In a case that combined elements of sex crimes and elder abuse, Mitchell attacked the woman while she was enjoying her favorite pastime, bird watching, and fled with her camera bag.

HUMAN TRAFFICKING

Human trafficking is a crime that has a devastating impact on its victims and preys upon some of the most vulnerable members of our society. Because of the deep physical and psychological scars left upon victims of human trafficking, many do not report their abuse and remain hidden in the shadows. Only through the coordinated efforts of partners in law enforcement, service providers, and advocates will we bring this problem into the light and get justice for victims.

At the Manhattan District Attorney's Office, our prosecutors are using every tool available to combat domestic human trafficking. From training prosecutors to identify signs of human trafficking early on in a case, to helping connect victims with resources to escape their situation, to using financial forensics to catch and prosecute traffickers, the DA's Office is at the forefront of innovation in fighting this terrible crime.

In early 2012, DA Vance created the Human Trafficking Program within the Special Victims Bureau to employ all of the Office's resources in a coordinated effort against sex and labor trafficking. The Program draws on the expertise of all areas of the Office, including Cybercrime, Major Economic Crimes, Asset Forfeiture, and Witness Aid Services. This approach allows the Office to better identify trafficking victims and investigate and prosecute sex traffickers.

Each prostitution-related case goes to a specific Midtown community court part where a prosecutor specially trained in identifying the signs of human trafficking supervises every case. That prosecutor decides how to proceed on an individualized, case-by-case basis, and can connect the individual arrested for prostitution with resources that can help him or her leave the sex industry.

The DA's Office also has continued to aggressively prosecute sex traffickers, successfully seeking significant prison terms for those who coerce victims into prostitution. For instance, in April, Donnell Baines was sentenced to 50 years in prison for

NOTABLE SEX CRIMES CASES IN 2013 INCLUDE:

- In September, **Andrey Ignatyev**, a homeless man, was sentenced to 15 years in prison after being convicted by a jury of Sexual Abuse and a Criminal Sexual Act for sexually assaulting a 23-year-old woman on Franklin D. Roosevelt Drive. According to the victim's testimony, she had been drinking with friends earlier in the evening, left the bar in a cab, and awoke to find herself being forcibly sexually attacked. After the assault, the woman was able to flee, hail another cab, and call 911.
- In June, **Lawrence Elliot** pleaded guilty to Predatory Sexual Assault for sexually assaulting a 21-year-old college student inside her Hamilton Heights apartment building and threatening to shoot her if she resisted. Elliot, who told the victim he had a gun, followed her into her building, and forced her into her apartment before sexually assaulting her and forcing her to perform sex acts. The defendant told the victim that he would shoot her if she made any attempt to call 911 or police officers. Elliot was sentenced to 13 years-to-life in prison.
- In March, **Ivan Ramos** was sentenced to 20 years in prison for sexually assaulting a woman in the exterior stairwell of an apartment building in the West Village. Ramos approached the 29 year-old victim – who had lost her cell phone, money, and other personal items earlier in the evening – and falsely told her that he was a member of the Neighborhood Watch. The victim requested that Ramos take her to the nearest police precinct, but instead, Ramos led her to an isolated stairwell and raped her in the dark and enclosed space for a quarter of an hour, using his hands to stifle her screams. Neighbors who heard the victim's cries alerted police officers and identified the defendant, who was arrested shortly afterwards.
- In January, **Steven Grijalva** was sentenced to 25 years in prison for sexually assaulting a woman in her Manhattan apartment, and then attempting to sexually assault a different woman the same night. Using the first victim's rape kit, the NYC Office of Chief Medical Examiner developed a male DNA profile, which was entered into the state DNA databank and matched the defendant's profile. Testing of the blood on the second victim's jacket resulted in a DNA profile that also matched the defendant.

operating a sex trafficking ring out of his Upper East Side Apartment. Baines was convicted by a jury of Rape in the First Degree, Sex Trafficking, and Promoting Prostitution for using physical force and threats of violence to compel women to engage in prostitution, including beating them for the slightest infraction of his strict rules.

In addition to the physical abuse, this case represents the many other types of coercion sex traffickers will use to maintain control over their victims, including emotional manipulation and threats to harm their financial security or immigration status. Baines, like many sex traffickers, preyed upon vulnerable women in need of money. In at least one case, Baines required a woman to prostitute herself inside the defendant's apartment, at several Manhattan hotels, and even in another state. To force victims to stay with him, Baines took their identification, claimed he would expose private information about them, and threatened to harm their families.

In another case, Leon Brown, a/k/a Sean Brown, was sentenced in September to 10-to-20 years in prison for forcing a teenage girl to work as a prostituted woman and violating an order of protection to harass her while he was imprisoned at Rikers Island. Brown was convicted at trial of Sex Trafficking, among other charges, for using physical violence, threats of harm, and psychological manipulation to compel the 17-year-old girl to engage in acts of prostitution and turn over all the money she earned to Brown, who also branded the teenage girl with his pimp name, "Sean the Don."

Because the reality is that most sex trafficking victims are unlikely to be cooperative with law enforcement, the Office uses every technique at its disposal to uncover these enterprises. Trafficking at its core is a crime motivated by money; some estimates suggest that worldwide trafficking is a roughly \$32 billion-a-year industry. Financial institutions are in a unique position to spot red flags and report them to law enforcement, helping to hold traffickers responsible.

Trafficking operations commit financial crimes that can both flag their existence, and serve as a basis for



criminal charges that do not rely upon the cooperation of a victim – which can be essential to these complex prosecutions. At times, trafficking victims may believe they love their abuser, or simply may not see another way of life as an option.

In December, the Office secured a Sex Trafficking and Promoting Prostitution conviction against defendant Taye Elleby, in part through the introduction of financial evidence at trial. Elleby was a brutal pimp who frequently posted ads on Backpage.com, advertising his victims and the sex acts they would perform. Prosecutors were able to trace information contained in the ads back to the defendant's financial records, connecting Elleby to the advertisements posted of his 17-year-old victim.

The Elleby case demonstrates one of the reasons why analysts in the Office's Financial Intelligence Unit have been cross-trained in fields like human trafficking and immigration – because sometimes the first indication prosecutors have of those kinds of crimes will be in a Suspicious Activity Report filed by an employee at a major financial institution.

TRUST WOMEN CONFERENCE

Cooperation between law enforcement and financial institutions is essential to these efforts. In April, the DA's Office partnered with the Thomson Reuters Foundation to host two high-level roundtables with representatives from some of the world's leading financial institutions, including American Express, Citigroup, JP Morgan Chase, TD Bank,

and others. The roundtables aimed to assist corporations in identifying irregularities in financial transactions made by potential traffickers, and to discuss cross-border solutions to combat global human trafficking, including filing these Suspicious Activity Reports.

In December, these parties met again in London for Thomson Reuters' "Trust Women" Conference, where DA Vance delivered a keynote address on the work law enforcement is doing in New York to combat human trafficking.

THE FAMILY JUSTICE CENTER

Combatting domestic violence requires consistent, concerted efforts to identify victims, prosecute offenders, and help victims find a place of safety. As part of these efforts, it must be less difficult for victims to break out of the cycle of violence and to access counseling and social services. In December, the Manhattan DA's Office, the Mayor's Office to Combat Domestic Violence, and the Manhattan Borough President celebrated major progress in opening the first Manhattan Family Justice Center. The Family Justice Center brings comprehensive services for victims in one centralized place, creating a streamlined process that will eventually help hundreds of victims.

The Center offers counseling, safety planning, medical referrals, assistance with accessing shelter and applying for housing, and assistance with family court matters. It is staffed by experts in every discipline, committed to looking at all angles of domestic violence cases.





ELDER ABUSE

The 20 specially trained prosecutors in this unit investigate and prosecute cases involving the physical and financial exploitation of older victims by family members, companions, caretakers, con artists, accountants, bankers, and others. Many additional cases go unreported because victims feel shame, embarrassment, guilt, or are simply too infirm to be aware of the exploitation.

In an ongoing effort to increase reporting of abuse, the Office conducts

There were 817 elder abuse arraignments in 2013.

That is up 20% from 2011 - 2013, and up 8% from 2012 to 2013.

trainings for various professionals, including those who make home visits about how to detect, prevent, and report cases of physical and financial elder abuse. Every year during the holidays, Citymeals-on-Wheels delivers hot meals to more than 20,000 older adults. The DA's Office has partnered with Citymeals since 2011 to raise awareness of elder abuse and ensure that all meal recipients get a special placemat with information about where seniors can anonymously report abuse.

The most common form of elder abuse is financial exploitation. Of the nearly 900 cases handled by the Elder Abuse Unit in 2013, the majority were cases of financial abuse. On November 21, 2013, Barry Palczewski, a fiduciary accountant, was sentenced to 2-to-6 years in prison for stealing more than \$1.2 million from an elderly Holocaust survivor. The defendant worked at the law firm where the victim's attorney worked, oversaw the victim's bank accounts, and had access to her personal checks. From 2008 through 2010, the

defendant stole more than 100 checks from the victim's personal checking account and forged each check as if he were the victim's attorney, making them payable to himself. The checks were

34% of crimes against older adults were financial crimes.

used to pay the defendant's rent, fund his consulting business, pay for hot tub repairs, and deposited into his personal checking account.

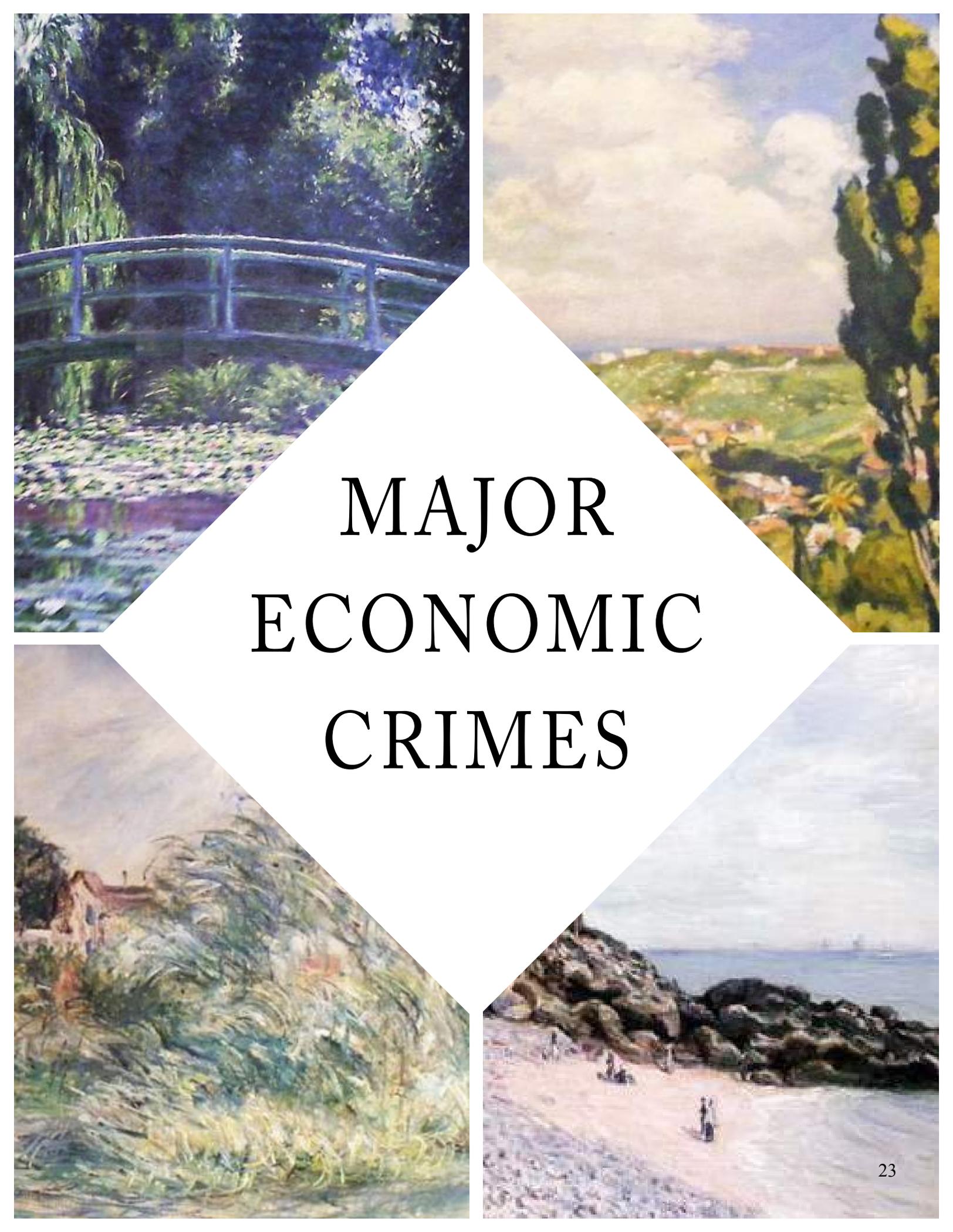
In an unrelated case, on February 25, 2013, Edward Lewando, a former bank employee, pleaded guilty and was sentenced to 3-to-9 years in state prison for stealing more than \$300,000 from the accounts of an elderly woman suffering from dementia. Lewando was working as a banker when he met the victim and persuaded her family to consolidate multiple bank accounts into one and to allow him to assist her in writing her weekly checks. The defendant made regular visits to the victim's home, where he produced checks drawn from her accounts for her signature. Lewando pleaded guilty to making many of these checks out

89% of elder abuse trials resulted in conviction.

That is up 24.6% from 2012 to 2013.

to cash and using the proceeds to pay his own personal credit card bills and to purchase luxury items from Louis Vuitton, Bergdorf Goodman, and other retailers.

On November 7th, 2013, DA Vance joined NYPD Community Affairs Bureau Chief Thomas Chan and visited the Project Open Door Senior Citizens Center in Chinatown to raise awareness among seniors of the various schemes in the Chinese community that target the elderly.



MAJOR
ECONOMIC
CRIMES

White collar crime weakens the stability of our financial markets and imposes staggering costs on the law-abiding public. Continuing the Manhattan DA's Office's long history of leadership in the battle against white collar crime, the Major Economic Crimes Bureau is aggressively prosecuting cases ranging from investment schemes that shake investors' faith in the integrity of the financial system to swindlers who steal from businesses and consumers. The Office has also aggressively sought to stem the tide of terrorist financing by rogue nations by holding financial institutions accountable for ensuring that U.S. sanctions are not evaded.

SANCTIONS AND ASSET FORFEITURE

Transactions that take place on foreign shores often leave an electronic footprint in Manhattan. In addition to policing local markets, the Manhattan District Attorney's Office is uniquely positioned to prevent terrorist organizations and rogue states from obtaining the money they need to operate. These cases are critically important for international public safety, and for the security of our banking system.

"Keeping our Office and its investigations firmly rooted in the 21st Century means mining troves of data previously unavailable to prosecutors and investigators to uncover wrongdoing. As financial information has made the leap from ledger books to online sources, the Financial Intelligence Unit will be tasked with making sure these sets of data are analyzed, which will enhance our prosecutions of everything from classic white collar crimes to street crimes to cybercrime. We are proud to work with both local and federal agencies on this effort."

CYRUS R. VANCE, JR.

Since 2009, the DA's Office, working with federal partners, entered into separate Deferred Prosecution Agreements (DPAs) with six banks that were moving money in violation of international sanctions, including those against Iran, Libya, and Sudan. As a result of these cases, each institution has stopped the flow of money to state sponsors of terrorism or other hostile nations, and, in total, surrendered more than \$2.4 billion in funds, much of it using asset forfeiture laws.

DPAs have given our prosecutors an important tool, which – in the right cases – holds companies accountable with fines and significant policy changes without severe collateral consequences, including potentially going out of business, which only harms employees and shareholders. Under the DPAs, the banks agree to cooperate with law enforcement, adhere to best practices for international banking transparency, implement procedures and training designed to ensure U.S. sanctions compliance, and pay millions of dollars in fines under state and federal law.

The Office's previous DPAs with Lloyds TSB Bank, Credit Suisse, Barclay's, and ING Bank resulted in \$1.8 billion in fines that were distributed equally between the federal government and the Manhattan DA's Office. The Office, in turn, distributed \$876.6 million to New York City and New York

State, as required by state law.

Last year, the Office worked with the U.S. Department of Justice to reach settlements with two additional banks for similar conduct – HSBC and Standard Chartered. They were fined a total of \$702 million. These cases were handled through federal asset forfeiture, which distributed \$168 million directly to the Office to be used for public safety initiatives, under the direction and guidelines of the DOJ. The DA's Office will work with our law enforcement partners, including other district attorneys and the NYPD, to identify projects that will best enhance public safety in New York City. These projects include increasing the computer and telephone forensic capacity of other DAs' Offices, enhancing data sharing between agencies, conducting more gun buybacks, and funding community-based juvenile crime prevention programs.

NOTABLE CONVICTIONS IN 2013 INCLUDE:

- In December, **Muhammad Saleem**, founder and CEO of a now-defunct Park Avenue bank, pleaded guilty to defrauding at least six potential investors between 2005 and 2011 and stealing approximately \$375,000. Saleem persuaded friends and associates to invest hundreds of thousands of dollars to support and found at least two fictitious, supposedly Sharia-compliant banks. Each time a victim-investor gave money to Saleem, he drained the funds for personal use and expenses, including credit card bills, rent, cash withdrawals, and his daughter's \$27,800 wedding.
- In July, **Steven Bingaman** was sentenced to 4-to-12 years in prison for stealing nearly \$2 million from 18 victims through a securities fraud and Ponzi scheme. Instead of safely investing his victims' money, as he falsely promised, Bingaman used the funds to pay for personal expenses, and in some cases, to pay back victims who had previously been defrauded.
- In June, **Sean Thomas** was sentenced to 1-to-3 years in prison and full restitution of \$229,000 for stealing from the U.S. subsidiary of Fritz Hansen, a century-old Danish furniture manufacturer known for its high-end midcentury designs. Thomas was convicted by a jury of Grand Larceny in the Second Degree.

FINANCIAL INTELLIGENCE UNIT

In May, DA Vance announced the formation of the Financial Intelligence Unit (FIU) within the Office's Major Economic Crimes Bureau. The new unit conducts proactive investigations into illicit financial activities and supports ongoing prosecutions across all areas of the Office. Specially trained FIU analysts use financial intelligence gained by collecting and reviewing banking, regulatory, law enforcement, and open-source data to combat and solve crime. The FIU works with local law enforcement, including investigators from the DA's Office, the U.S. Secret Service, the Internal Revenue Service, and the Federal Bureau of Investigation, and refers information to other law enforcement partners if analysts are unable to bring a case for jurisdictional reasons.

The creation of the FIU expands on the success of the Major Economic Crimes Bureau's Suspicious Activity Report (SAR) Review Team, which began operating in November 2010. The Office has specially trained analysts reading these SARs in order to trace suspicious funds, identify criminal patterns, and search for and develop targets.

BUSINESS AND INVESTOR FRAUD

Financial markets are governed by rules that keep investors safe and the marketplace stable. The Major Economic Crimes Bureau is continuing to root out and prosecute individuals who steal from investors and businesses, and who create mistrust and instability in our financial markets.

CORRUPT GROUPS AND ENTERPRISES

The Office's Rackets Bureau conducts long-term investigations into the corrupt activities of criminal enterprises, including matters involving construction fraud and labor investigations, public corruption, organized crime, and terrorist activities.



ART FRAUD

New York City's art scene is a vital part of the city's culture and economy, and New York is an important center of commerce for the international art world. Though many think of art crimes as heists or capers, other common art cases involve tax fraud, which denies the state of millions of dollars in revenue. Because the art industry is largely unregulated, it is particularly important to hold accountable those who fraudulently handle works of art entrusted to them.

FEATURED PIECES

Page 26 (Counter clockwise from upper left quadrant):

Claude Monet's "Le Bassin aux Nymphaes" (also known as "Japanese Footbridge Over the Water-Lily Pond at Giverny"), 1899, (the "Water-Lily")

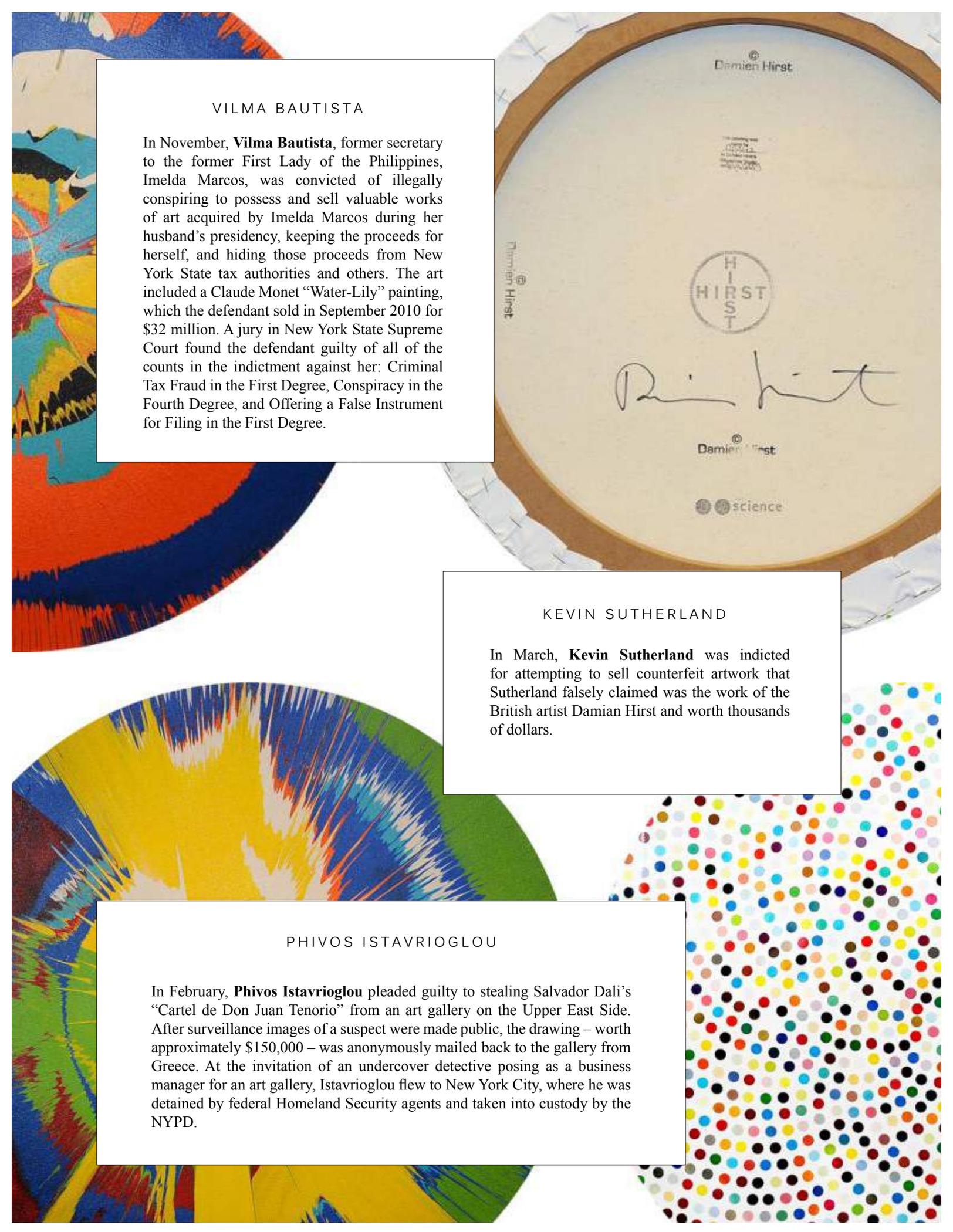
Claude Monet's "L'Eglise et La Seine a Vetheuil" (also known as "L'Eglise a Vetheuil"), 1881, (the "Vetheuil")

Alfred Sisley's "Langland Bay," 1887

Albert Marquet's "Le Cypres de Djenan Sidi Said" (also known as "Algerian View"), 1946

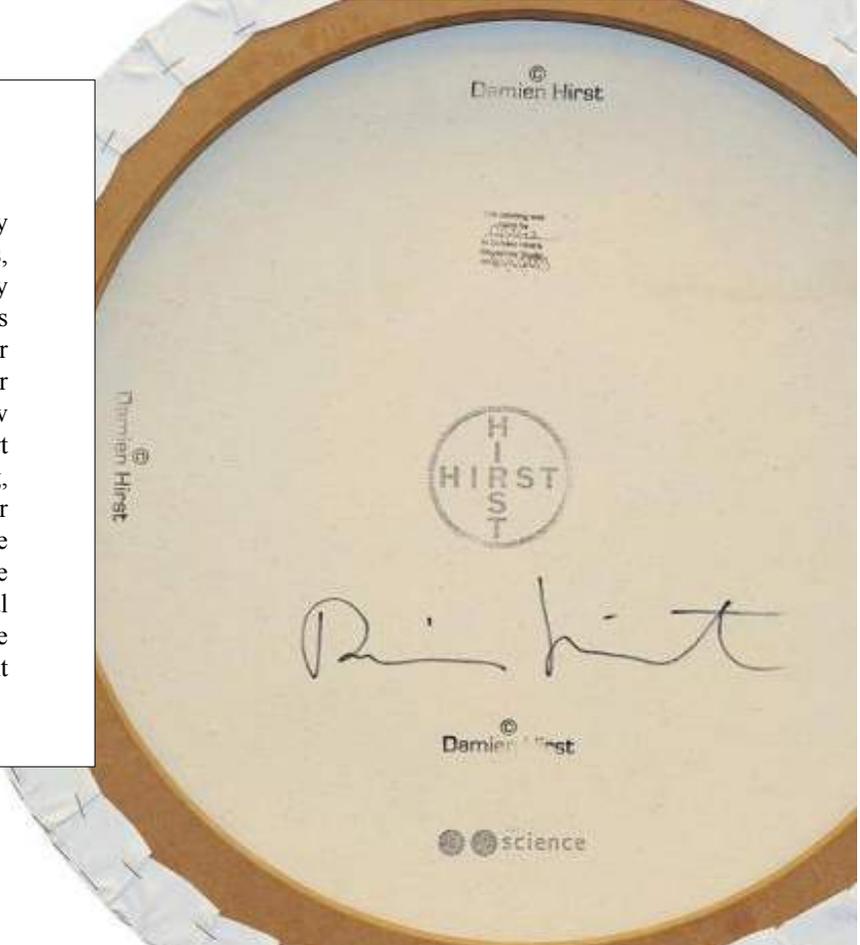
NOTABLE CONVICTIONS IN 2013 INCLUDE:

- In December, **Stephen Baptiste** and **Lisette Bermudez** were convicted at trial of systematically defrauding hundreds of job seekers out of thousands of dollars by falsely promising them high-paying jobs as security guards after completing training at their sham security guard school, Allianz Security Protection LLC. Rosemond Bottex was convicted of stealing application fees from job seekers as part of the same ruse.
- In November, **Richard Paul**, the former bookkeeper for the Kings County Public Administrator's Office, was convicted of stealing more than \$2.6 million from the estates of individuals who died without a will by manipulating the agency's check writing system. Taryn Miller was convicted by the same jury of Grand Larceny in the First Degree for helping facilitate the scheme and receiving stolen funds.
- Also in November, **United Hispanic Construction Workers, Inc.** and **Daryl Jennings** were convicted of Enterprise Corruption, among other charges, for directing and participating in the extortion of builders working for nine construction companies at sites throughout Manhattan and the Bronx. Carrying pick axe handles, bats, and other weapons, coalition members intimidated and coerced builders into hiring UHCW workers, paying the coalition for "no-show" jobs or for services that were not provided, or paying the coalition in exchange for freedom from violence.



VILMA BAUTISTA

In November, **Vilma Bautista**, former secretary to the former First Lady of the Philippines, Imelda Marcos, was convicted of illegally conspiring to possess and sell valuable works of art acquired by Imelda Marcos during her husband's presidency, keeping the proceeds for herself, and hiding those proceeds from New York State tax authorities and others. The art included a Claude Monet "Water-Lily" painting, which the defendant sold in September 2010 for \$32 million. A jury in New York State Supreme Court found the defendant guilty of all of the counts in the indictment against her: Criminal Tax Fraud in the First Degree, Conspiracy in the Fourth Degree, and Offering a False Instrument for Filing in the First Degree.



KEVIN SUTHERLAND

In March, **Kevin Sutherland** was indicted for attempting to sell counterfeit artwork that Sutherland falsely claimed was the work of the British artist Damian Hirst and worth thousands of dollars.

PHIVOS ISTAVRIOGLOU

In February, **Phivos Istavrioglou** pleaded guilty to stealing Salvador Dali's "Cartel de Don Juan Tenorio" from an art gallery on the Upper East Side. After surveillance images of a suspect were made public, the drawing – worth approximately \$150,000 – was anonymously mailed back to the gallery from Greece. At the invitation of an undercover detective posing as a business manager for an art gallery, Istavrioglou flew to New York City, where he was detained by federal Homeland Security agents and taken into custody by the NYPD.



CRIMINAL COURT REFORM

QUALITY OF LIFE COURT PART

In coordination with the Office of Court Administration, District Attorney Vance created the Quality of Life Initiative in March 2011, a single, specialized court part designed to address misdemeanors and violations for non-violent and non-repeat offenders. Enforcing quality of life laws are crucial to the continued success of our city. But when those thousands and thousands of low-level arrests arrive in the criminal justice system, they overwhelm the capacity of the courts, and pull resources from more serious misdemeanor cases, such as those involving domestic violence, assault, and Driving While Intoxicated.

The quality of life cases adjourned to this specialized court part are low-level cases such as marijuana possession, unlicensed general vending, petit larceny, theft of services, trespass, and administrative code violations.

As of December 1, 2013, more than 9,100 cases have been diverted to the part. In its first year of operation alone,

more than 4,000 cases were diverted to the Quality of Life Part, which went a long way to making a significant dent in the backlog of pending cases elsewhere in criminal court. Removing such cases from the regular criminal court calendar and rotating ADAs through the Quality of Life part has led to a 66 percent reduction in speedy trial dismissals since 2009 and reduced the average caseload for first-year ADAs by 36 percent.

MENTAL HEALTH COURT

Together with the Office of Court Administration, DA Vance created Manhattan's first Mental Health Court dedicated to handling the non-violent cases of defendants with serious and continuing mental illness. The goal is to address directly underlying illnesses that caused or contributed to these arrests, particularly with an eye toward recidivists whose mental health needs are not being met.

Located within the New York State Supreme Court, the Mental Health Court receives cases referred

by judges, prosecutors, the Department of Probation, mental health personnel, and others. Defendants are admitted into the program after the Mental Health Court determines that their behavior can be stabilized through community-based treatment. These treatments look both to the defendants' needs and to public safety concerns when making determinations about participation in the program.

In appropriate circumstances, eligible defendants will be placed in treatment programs monitored by the Court and linked to valuable services and housing providers, reducing the chances of recidivism and increasing safety in New York City.

HUMAN TRAFFICKING INTERVENTION PART

Each prostitution-related case goes to a specific Midtown Community Court part, where a prosecutor specially trained in identifying the signs of human trafficking supervises every case. That prosecutor decides how to proceed on an individualized, case-by-case basis, and can connect the individual arrested for prostitution with resources that can help him or her exit the sex industry.

While there is no "most common" punishment for defendants convicted of patronizing prostitution – sentences vary by case and by judge – the Manhattan DA's Office generally seeks to include a mandatory health education class as part of dispositions for these defendants. This health education class, which is monitored by the Office of Court Administration, includes a portion sponsored by the Manhattan DA's Office about the victimization of trafficked individuals through forced prostitution. This segment teaches those convicted of patronizing prostitution about human trafficking and how victims are trafficked. Instructors explain to the defendants that patrons cannot tell the difference between victims forced into prostitution and those engaging willingly.





Stolen vehicles seized by the Manhattan DA's Office and the NYPD



Manhattan's roadways are among the most congested in the country for motorists, cyclists, and pedestrians. Public safety is a top priority of the Manhattan DA's Office. Though not every car crash is a crime, every death is tragic, and it is part of the Office's job to investigate crashes.

VEHICULAR CRIMES

DA Vance has been outspoken for the last five years about the need to improve traffic safety in a variety of ways.

For example, as part of the Office's overall effort to make our roadways safer, DA Vance wrote in support of legislation in Albany that will allow New York City to install speed cameras near City schools. The pilot program was signed into law on August 1, 2013, by Governor Cuomo.

The Vehicular Crimes Unit, created by DA Robert Morgenthau and expanded significantly by DA Vance, supervises Assistant District Attorneys throughout the Office in Vehicular Homicide, Assault, Driving While Intoxicated, and other motor vehicle cases. The Unit works closely with the New York City Police Department's Collision Investigation Squad, frequently interacting with detectives from the time a crash occurs. ADAs routinely go to crash scenes to enhance the investigation of these cases, putting to work their specialized vehicular crime training.

Vehicular Crimes prosecutors this year secured convictions in numerous vehicular manslaughter cases where the driver killed a pedestrian

HIGHLIGHTED VEHICULAR CRIMES CASES:

- In November, **Steve Drappel** was convicted at trial of all the counts in the indictment against him, including Vehicular Manslaughter in the Second Degree, Criminally Negligent Homicide, and Operating a Motor Vehicle While Intoxicated, for operating a tour bus while intoxicated and killing a pedestrian in midtown Manhattan.
- In October, **Argelis Alcantara** was convicted of all counts in the indictment against him, including Vehicular Manslaughter, Criminally Negligent Homicide, Leaving the Scene of an Incident without Reporting Resulting in Death, and Operating a Motor Vehicle While Under the Influence of Alcohol, for fatally striking a pedestrian in Washington Heights.
- Also in October, **Richard Aquilone** pleaded guilty to the top counts in the indictment against him, Vehicular Manslaughter in the Second Degree and Vehicular Assault in the Second Degree, for boating while intoxicated and crashing into another boat, killing one passenger and injuring two others.
- In September, **Joseph Darlington** was convicted by a jury of Aggravated Vehicular Assault and other charges relating to a 2012 crash on the Lower East Side that critically injured two pedestrians. Darlington was driving while under the influence of alcohol when he collided with another car and struck two pedestrians.
- In August, **Lataya Carter** was sentenced to three years in prison after being convicted by a jury for driving a car into two construction workers in midtown Manhattan. Carter had a Blood Alcohol Content of .19 percent when she struck a parked garbage truck and pinned two workers between her vehicle and the garbage truck. Bystanders were able to free the first victim, but the second victim's leg was crushed and had to be amputated at the knee. Carter was convicted of Vehicular Assault, Assault, and Operating a Motor Vehicle While under the Influence of Alcohol.

THE FOLLOWING INSTRUCTIONS MUST BE STRICTLY FOLLOWED, WITHOUT ANY VARIATION UNLESS MY APPROVAL IS FIRST OBTAINED.

I understand that the above place is a house of prostitution set forth above all of the information which I have which is useful to you.

Hit this house at 9 P.M. tonight on a jump raid. Make every effort to make a complete case which will stand up in Court.

A P P E A L S

The Appeals Bureau has been at the forefront of ensuring that defendants who commit crimes with firearms receive appropriately significant sentences. For example, in *People v. Abreu*, 20 NY3d 1040 (2013), the Appeals Bureau persuaded the New York Court of Appeals that defendants may receive consecutive sentences for felony murder and possession of a weapon with the intent to use it unlawfully. Similarly, in *People v. Brown*, 2013 Westlaw 6008845 (Nov. 14, 2013), the Court agreed with the Appeals Bureau that the defendant may receive consecutive sentences for possession of a weapon without such an intent and crimes committed with that weapon. And in *People v. Jones*, 2013 Westlaw 6062086 (Nov. 19, 2013), the Appeals Bureau successfully argued in New York's highest court that defendants are guilty of an aggravated gun possession crime if they have a prior criminal record, even when they possess the guns in their own homes or places of business.

The Appeals Bureau also secured a just result in the case against Anthony Marshall, the son of philanthropist Brooke Astor. Marshall had been convicted by a trial jury of looting his mother's vast estate of millions of dollars. In *People v. Marshall*, 106 A.D.3d 1 (1st Dept. 2013), the First Department upheld Marshall's conviction and state prison sentence.

David J. McAuliffe,
Deputy Chief Inspector.

Ernest P. Thompson

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LEGISLATION

In addition to investigating and prosecuting cases, the Manhattan District Attorney's Office advocates for legislation that increases public safety by giving prosecutors stronger and more effective tools to combat crime, provides greater protection to victims, and increases justice for all individuals who come before the court.

REFORMING NEW YORK'S GUN LAWS

This year, DA Vance strongly supported comprehensive laws to help curb gun crimes that plague communities throughout New York State. In a letter signed by all 62 district attorneys, the District Attorneys Association of the State of New York (DAASNY) made legislative proposals addressing a wide range of issues that contribute to senseless gun violence. On January 15, 2013, Governor Cuomo signed the SAFE Act into law, which adopted many of DAASNY's recommendations. The law includes provisions that better enable prosecutors to combat gun trafficking and violent gangs, and others that close the state gun show loophole and regulate large-quantity sales of ammunition and firearms.

WHITE COLLAR CRIME TASK FORCE

During his tenure as president of DAASNY, DA Vance convened the White Collar Crime Task Force to study and suggest amendments to New York's antiquated white collar laws. In September, the Task Force delivered its comprehensive report and will pursue its implementation in the 2014 Legislative Session. The white collar criminal law in New York State has not undergone a comprehensive revision since 1965. With the exception of the 2008 changes in state criminal tax laws, the last substantial modernization of white collar crime laws occurred in 1986. The Task Force was comprised of elected district attorneys and assistant district attorneys, members of the defense bar and academia, and other government officials, including a federal prosecutor. The committee was chaired by Erie County District Attorney Frank A. Sedita, III, and former Manhattan Chief Assistant District Attorney Daniel R. Alonso. The members examined New York's laws and made recommendations for reform in several relevant areas.

RECOMMENDATIONS OF THE WHITE COLLAR CRIME TASK FORCE:

Recommendations to Streamline Fraud & Trademark Counterfeiting

Laws: Our Penal Law is largely a product of the analog age and requires many updates in the areas of Fraud and Trademark Counterfeiting.

Anti-Corruption Recommendations:

The alarming number of corruption scandals implicating elected officials in the last several years compelled the Task Force to recommend strengthening New York's anti-corruption laws in the public and private sectors.

Cybercrime & Identity Theft

Recommendations: Because of New York's status as a global financial center, we are especially vulnerable to cybercriminals and identity thieves. In keeping with its approach to update our penal laws, the Task Force concluded that several changes are necessary to bring laws governing cybercrime and identity theft up to date.

Elder Fraud Recommendations:

Because New York is home to the third-largest elder population in the country, it is critical to update our laws to protect this group from exploitation.

Procedural Reform

Recommendations: White collar and corruption cases are impaired by New York's antiquated grand jury rules, often forcing prosecutors to choose between foregoing critical testimony or relying upon the testimony of a witness who has been given a free pass via immunity.

INTERNSHIPS

As one of the premier prosecutor's offices in the United States, the Manhattan DA's Office offers many opportunities to students interested in a career in criminal justice.

FOR ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOL STUDENTS

The Legal Bound Program provides students with the opportunity to learn about the criminal justice system through classroom lectures, tours of the courts, summer internships, assistance with mock trial preparation, and mentoring by experienced Assistant District Attorneys.

High school students entering their junior and senior years are encouraged to apply to the Legal Bound Summer Internship Program, an intensive six-week internship for high school students who live in Manhattan and have a strong interest in the law.

APPLY

*Students who are interested in this opportunity may learn more at:
<http://manhattanda.org/high-school-internship>*

FOR UNDERGRADUATE COLLEGE STUDENTS

Seasonal internships are available to college students who wish to learn more about the criminal justice system through firsthand exposure to the work of the DA's Office. While working closely with Assistant District Attorneys and other staff members, interns may assist with trial preparation, prepare and analyze non-legal documents and pending legislation, perform research tasks, attend trials, and participate in outreach programs.

Students interested in a Fall or Spring Semester Internship are required to work as least one full day and one half day for a minimum of 12-to-14 hours a week during the course of the semester, with a minimum 12-week commitment to the internship. Students must have

completed their freshman year of college to be eligible for this internship.

Students are required to work full time during the 10-week Summer program. The program starts in June and provides a weekly stipend to participants.

APPLY

*College sophomores and juniors are eligible to apply and may learn more about internship opportunities at:
<http://manhattanda.org/college-internship>*

FOR LAW STUDENTS

Law students may work closely with Assistant District Attorneys from the Office's Trial and Investigation Divisions, assisting with the preparation and litigation of many different types of cases, including larceny, domestic violence, sexual assault, narcotics, homicides, rackets, and white collar crime.

Last October, the DA's Office also announced the development of a clinical law program – created in partnership with New York Law School – in order to give legal interns hands-on experience in the Quality of Life court part handling non-violent misdemeanor and violation cases under the supervision of experienced Assistant District Attorneys. Created in May 2011, the Quality of Life court part has successfully handled more than 4,500 cases, effectively and efficiently improving the everyday experience of the city and lessening the burden on criminal court parts.

APPLY

*All applications for law internships at the DA's Office must be submitted online. Interested applicants may visit
<http://manhattanda.org/law-school-semester-internship>
and
<http://manhattanda.org/law-school-summer-internship>
for more information.*





Chief Assistant DA Karen Friedman Agnifilo and Executive Assistant DA David Szuchman partnered with the Born This Way Foundation to educate students about cyberbullying and online safety at Booker T. Washington Middle School in June 2013.

VICTIM ASSISTANCE

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

SPECIAL VICTIMS UNIT: (212) 335-4308

Investigates and prosecutes crimes concerning domestic violence, child abuse, human trafficking, and family violence

SEX CRIMES UNIT: (212) 335-9373

Investigates and prosecutes all acts of sexual assault, including rape, sexual abuse, and other criminal sexual acts

IMMIGRANT AFFAIRS PROGRAM: (212) 335-3600

Focuses on fraud and scams targeting immigrant communities

ELDER ABUSE UNIT: (212) 335-9007

Investigates abuse and financial crimes committed against senior citizens

HATE CRIMES: (212) 335-3100

Investigates and prosecutes crimes that target victims based on race, religion, gender, and personal affiliation

CYBERCRIME AND IDENTITY THEFT: (212) 335-9600

Investigates and prosecutes ID theft and digital crimes

PUBLIC INTEGRITY: (212) 335-8987

Investigates and prosecutes crimes such as bribery, larceny, false filings, Election Law crimes, campaign finance abuses, and criminal violations of ethics laws

SPECIAL PROSECUTIONS: (212) 335-8900

Investigates and prosecutes financial crimes such as embezzlement, fraudulent documents, insurance fraud, arson, unauthorized practice of law, bank fraud, and crimes committed by attorneys and other professionals

CONVICTION INTEGRITY PROGRAM:

(212) 335-4016

