



District Attorneys Association of the State of New York

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In This Issue

- Message from the President
- Spotlight On: DAASNY Summer Conference Honorees
- Loan Assistance for Prosecutors
- Amicus Brief Update

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Message from the President

Hon. Derek P. Champagne, Franklin County District Attorney



It is with great pleasure that I begin my tenure as the President of the District Attorneys Association of the State of New York (DAASNY). Our outgoing president, Kathleen B. Hogan, deserves high praise for her work leading the organization this past year, and I am honored to have the opportunity to continue her tradition of hard-work, integrity, and innovation.

As the District Attorney of Franklin County, I am delighted to be able to add to the geographic diversity of the DAASNY leadership. My experience with law enforcement in one of the northern-most counties in the state will hopefully add a valued perspective on how to tackle issues of law and order throughout New York. In the coming year, I look forward to collaborating with my colleagues in law enforcement as we strive to uphold the highest standards of justice and work to ensure that our communities are a safe place to live.

Spotlight On: DAASNY AWARDS

At the District Attorneys Association of New York Summer Conference this July, several outstanding individuals were recognized for their contributions to safety and well-being of the residents of New York State.

Awards were given to:

- **Kathleen B. Hogan** – For her distinguished service as District Attorney of Warren County and as President of the District Attorneys Association of the State of New York. Hogan's leadership and unwavering commitment to the highest standards of professional conduct mark her as a paragon of prosecutorial excellence.
- **Megan O'Donnell** - NYPTI Prosecutor of the Year in the Trial Category. O'Donnell deftly led the prosecution in *People v. Conroy*, for the killing of Marcelo Lucero in Patchogue. Her consistent excellence in the courtroom provides a model for hate-crime prosecution throughout the state.
- **James Maxwell** - NYPTI Prosecutor of the Year in the Appellate Category. Maxwell successfully argued the appeal of *People v. Nathan Reome* before the New York State Court of appeals. His meticulous reasoning led the Court to re-examine the legal requirements of accomplice corroboration and disavow a standard that they had applied in a 30-year-old case.
- **Kristine Hamann** - NYPTI Prosecutor of the Year in the Executive Leadership Category. We recognize Hamann for her commitment to pursuing the highest standards of prosecutorial conduct through her leadership of the DAASNY Best Practices subcommittee. Her staunch dedication to affecting pragmatic reform has led to a comprehensive revision of and training on identification procedures. Hamann has consistently been an advocate for innovative reform, and we applaud her continued efforts.
- **Senator Dale M. Volker** – For 47 years of dedicated and honorable service to the People of the State of New York. As Chairman of the Senate Codes Committee, Senator Volker played a major role in shaping criminal justice policy for New

Allegany County

Robert T. Johnson
Bronx County

Gerald F. Mollen
Broome County

Lori Rieman
Cattaraugus County

Jon E. Budelmann
Cayuga County

David W. Foley
Chautauqua County

Weeden A. Wetmore
Chemung County

Joseph A. McBride
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Clinton County

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Columbia County

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Erie County

Kristy Sprague
Essex County

Louise K. Sira
Fulton County

Lawrence Friedman
Genesee County

Terry J. Wilhelm
Greene County

James T. Curry
Hamilton County

John H. Crandall
Herkimer County

Cindy F. Intschert
Jefferson County

Charles J. Hynes
Kings County

Leanne K. Moser
Lewis County

Thomas E. Moran
Livingston County

William Gabor
Madison County

James E. Conboy
Montgomery County

Cyrus R. Vance, Jr.
New York County

Michael J. Violante
Niagara County

Scott D. McNamara
Oneida County

William J. Fitzpatrick
Onondaga County

R. Michael Tantillo
Ontario County

York State. He has championed protection for women and children from domestic violence, combated drug use and trafficking, addressed the problem of prison overcrowding, toughened sentences for violent criminals, and strengthened the rights of crime victims. The citizens of New York are greatly indebted to his distinguished legacy.

- **Mary B. Kavaney** – In recognition of her professional accomplishments as NYS Deputy Secretary for Public Safety and her steadfast dedication to enhancing public safety for the People of the State of New York. Kavaney has been instrumental in overseeing the successful functioning of DCJS, the Division of State Police, the Department of Correctional Services, the Division of Parole, the Division of Probation and Correctional Alternatives, the Crime Victims Board, the Office for the Prevention of Domestic Violence, and the State Commission of Correction.
- **Sean M. Byrne** – In recognition of his professional accomplishments as Acting Commissioner of the Division of Criminal Justice Services and his steadfast dedication to enhancing public safety for the People of the State of New York. Byrne has extensive experience in the criminal justice system, including founding the New York Prosecutors Training Institute (NYPTI) and serving as its executive director. At the Division of Criminal Justice Services, Byrne has modernized the division and advocated for legislation promoting criminal justice reform.
- **Anthony Servino** – Recipient of the Exceptional Service Award. We applaud Servino for his many years of dedication and distinguished service to the District Attorneys of the State of New York as the Legislative Secretary of the District Attorneys Association, an active contributor to the Legislative Committee, and an Assistant District Attorney in Westchester County.
- **Emily Theriault** – In recognition of her dedicated service to the District Attorneys Association of the State of New York. In her role as a legislative analyst for the New York County District Attorney's Office for the past two years, Theriault was invaluable in modernizing and expanding the operations of DAASNY.

We thank all of our exceptional honorees. Their support has been instrumental in helping our communities to thrive.

Loan Assistance for Prosecutors

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA) is offering funding under the John R. Justice (JRJ) Grant Program. The John R. Justice (JRJ) Grant Program provides loan repayment assistance for local, state, and federal public defenders and local and state prosecutors who commit to continued employment as public defenders and prosecutors for at least three years.

The purpose of this program is to encourage qualified individuals to enter and continue employment as prosecutors and public defenders. Student loan debt is consistently cited as the overwhelming reason why attorneys decline or leave positions as prosecutors and public defenders. Acknowledging this challenge, Congress enacted the John R. Justice Prosecutors and Defenders Incentive Act, codified at 42 U.S.C. §3797cc-21, and named for the late John Reid Justice of South Carolina, to encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service.

To administer this program, the Bureau of Justice Assistance (BJA) will award funds to each of the 50 states and the District of Columbia to serve eligible recipients working within the state's or District's jurisdiction. Individuals are permitted to apply for JRJ funding only from the state where they are employed. Prosecutors who are employees of the federal government are not eligible.

State agencies are encouraged to use their expertise and discretion in identifying factors to be considered in the evaluation of applicant beneficiaries. In addition to the requirement of giving consideration to an applicant's ability to repay his/her student loan obligations, the state agency may wish to consider the following additional factors:

- Salary cap for initial applicants.

Francis D. Phillips, II
Orange County

Joseph V. Cardone
Orleans County

Donald H. Dodd
Oswego County

John M. Muehl
Otsego County

Adam B. Levy
Putnam County

Richard A. Brown
Queens County

Rich J. McNally, Jr.
Rensselaer County

Daniel Donovan, Jr.
Richmond County

Thomas P. Zugibe
Rockland County

Nicole M. Duvé
St. Lawrence County

James A. Murphy III
Saratoga County

Robert M. Carney
Schenectady County

James Sacket
Schoharie County

Joseph G. Fazzary
Schuyler County

Barry Porsch
Seneca County

Bridget Brennan
Special Narcotics Prosecutor

John C. Tunney
Steuben County

Thomas J. Spota
Suffolk County

James Farrell
Sullivan County

Gerald A. Keene
Tioga County

Gwen Wilkinson
Tompkins County

Holley Carnright
Ulster County

Kevin Kortright
Washington County

Richard M. Healy
Wayne County

Gerald L. Stout
Wyoming County

Jason L. Cook
Yates County

- Distribution of awards to ensure a range of geographic and demographic representatives (i.e., distribution amongst all quadrants of a state and between rural and urban areas).
- Assistance from other sources.
- Amount of qualifying loan debt.
- Amount of the repayment benefit (limited to \$10,000 per beneficiary in a calendar year/\$60,000 aggregate).
- Consideration of academic achievement (e.g., class rank, GPA, academic honors).
- Meritorious service (e.g., high mark job evaluations).

State agencies must give priority to those eligible beneficiaries who have the least ability to repay their loans.

Please note that applications were due on July 27, 2010.

For additional information, please see:

<http://www.ojp.usdoj.gov/BJA/grant/10JohnRJusticeSol.pdf>. and
<http://www.ojp.usdoj.gov/BJA/grant/johnrjustice.html>.

Amicus Brief Update

Morrie Kleinbart, Appeals Bureau Chief, Richmond County District Attorney's Office

As reported in last month's newsletter, we had a very active year filing amicus briefs on behalf of the association. We have also begun posting our amicus briefs on the [DAASNY website](#). If you have an amicus brief that the association filed and is not yet posted on the website, please send it electronically or by mail to Morrie Kleinbart in Richmond County: morrie.kleinbart@rcda.nyc.gov or Morrie Kleinbart, Richmond County District Attorney's Office, 130 Stuyvesant Place, Staten Island, New York 10301.

District Attorneys who would like to request an amicus brief should contact DAASNY President Derek Champagne. Assistant District Attorneys should send amicus inquiries and requests to Lois Raff, Counsel to the Queens County District Attorney.