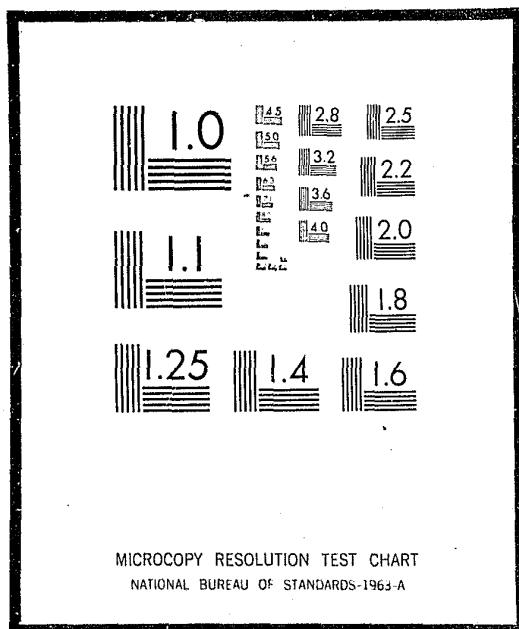


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ANNUAL REPORT 1974

of the

DISTRICT ATTORNEY OF ONONDAGA COUNTY

for 1974

JON K. HOLCOMBE
DISTRICT ATTORNEY

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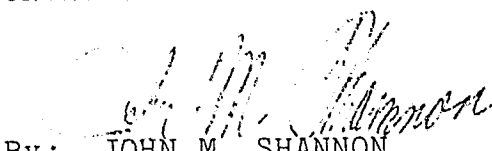
INTRODUCTION

Since January 4th, 1974, I have served as District Attorney of Onondaga County and as such it has been my responsibility not only to prosecute those individuals accused of violating the Penal Law of New York State, but also investigate complaints of wrongdoing by governmental agencies. Superimposed upon each of the duties is the obligation to protect our citizens from unjust prosecution. Soon after my appointment it became apparent that I, as District Attorney, would not be able to personally decide each of the myriad problems confronting my office on a daily basis. To assist me in administering the workload, I sought approval through the Onondaga County Legislature of three Senior Assistant District Attorneys to manage the major departments of the office. This management restructuring was approved by the Legislature, and three of my experienced assistants were appointed as Senior Assistant District Attorneys. During 1974 each of these men supervised departments of the office which were in need of their administrative abilities.

The purpose of this report is to summarize the activities of and achievements of this office during the year of 1974 and to give an evaluation of the programs and special investigations conducted during the year.

I believe that my election to a full term as District Attorney evinced the confidence which the citizens of Onondaga County place in this office and the manner in which it has been managed in the past.

JON K. HOLCOMBE
DISTRICT ATTORNEY
ONONDAGA COUNTY


By: JOHN M. SHANNON
CHIEF ASSISTANT
DISTRICT ATTORNEY

FELONY TRIAL UNIT

During the year 1974 the Felony Trial Unit, operating in the Superior Courts of Onondaga County, processed 483 new matters which included 454 newly indicted cases (601 newly indicted defendants); 26 defendants who were charged with violations of the terms and conditions of their probation, as well as disposition of outstanding fugitive warrants, proceedings to determine competency to stand trial, and other related matters. On January 1, 1974 there was a pending case load remaining from 1973 of 218.

A total of 454 criminal convictions was obtained in the Superior Courts of Onondaga County during 1974 which included 369 felony pleas, including 8 defendants who entered a plea after their trial commenced, and 50 misdemeanor pleas, including 2 defendants who entered a plea after their trial commenced. A total of 55 trials were commenced in Onondaga County Court during 1974. Guilty verdicts were returned in 35 cases, and 8 defendants were acquitted.

As of December 31, 1974, a case load of 248 cases existed while the average pending case load during the year 1974 was 173 cases.

The Felony Trial Unit also advised the New York State Department of Corrections of the case history of 47 felons previously convicted in Onondaga County; this history is then used in the felon's parole hearing.

During 1974, 4 Trial Parts were available for the disposition of felony cases. One part of State Supreme Court designated as a

Criminal Trial Part plus 3 County Court trial parts were staffed by the Felony Trial Unit. The Felony Trial Unit, under the direction of then Senior Assistant District Attorney John M. Shannon, had one attorney assigned to manage the case load of each of the 3 County Court Trial Parts, 2 attorneys assigned to manage the case load of the Supreme Court Criminal Part, and 1 attorney was assigned to handle matters of a special nature.

To furnish a greater insight as to particular types of crimes prosecuted by the Felony Trial Unit this year, the following information is offered:

Homicides

During the year 1974, 18 homicide cases were successfully prosecuted by the District Attorney's Office. All of the convictions were obtained by Senior Assistant District Attorney John M. Shannon with the exception of one obtained by Assistant District Attorney Richard A. Hennessy, Jr. An outline of the nature of these convictions are as follows:

Murder	- 2
Manslaughter 1°	- 5
Manslaughter 2°	- 3
Criminally Negligent Homicide	- 8

The trials gaining the most notoriety during the year 1974 were the case of The People of the State of New York vs. R.B. Rufus and The People of the State of New York vs. Douglas Clark.

Rufus had been accused of murdering Ralph Mathews in January 1974

by means of a pistol. Rufus' brother was present at the shooting and was called as the State's principal witness against him at the trial. After a jury deliberation of approximately 6 hours, Rufus was convicted of murder and sentenced by Judge Albert Orenstein to a maximum of life imprisonment and minimum of 15 years.

Douglas Clark had been indicted for the July 1973 attempted murder and sexual assault on Sherry McGee. The victim remains a quadraplegic and is unable to communicate or care for herself to this day. After a 4 week jury trial before Judge Orenstein, Clark was convicted of attempted murder and was sentenced to 20 years, minimum 5 years.

In addition, Assistant District Attorney Norman A. Mordue assisted the District Attorney of Hamilton County in the prosecution of Robert Garrow for murder indictments pending into that jurisdiction. Mr. Mordue spent approximately 2 months actively working on those cases and will continue to manage the prosecution of the Garrow matters both in this County and in Essex and Warren Counties.

Narcotics

Approximately 21 percent of all Superior Court convictions during 1974 involved the sale or possession of narcotics, dangerous drugs, and controlled substances. A total of 96 defendants were convicted on drug charges. 79 of those defendants convicted were convicted of felonies and 16 of those felonies were for the sale of drugs.

62 defendants were convicted of felony possession of drugs, while 17 were convicted of misdemeanor possession of drugs. There were 9 A Felony convictions, 2 of which were A-II felonies and 7 of which were A-III felonies.

Violent Crimes

This area includes those crimes where the victim's person is actually involved in the commission of the crimes (i.e., Robbery, Assault, Rape). During 1974, there were 37 Robbery convictions. In addition, 44 persons were convicted of Assault (including sexual assaults).

Non-Violent Crimes

Non-violent crimes compose those types of crimes where the victim is generally not present at the commission thereof (i.e., Burglary, Larceny, Arson). During 1974, 122 defendants were convicted of Burglary. This was a 45 percent increase over the number of Burglary convictions in 1973. Also, there were 56 convictions for Larceny (stealing) which was a 22 percent increase over the year 1973, and 13 convictions for forgery type crimes. In addition, there were 14 convictions for the unlawful possession of weapons and 5 convictions involving Arson.

Welfare Frauds

During the year 1974, 11 indictments were returned by the Grand Jury involving charges of Grand Larceny, Violation of the Social Services Law Section 145, or Forged Instrument cases arising out of the negotiation of Department of Social Services checks. 13 City Court informations were also filed charging misdemeanors in the first instance.

At the outset of the year, there were pending 11 cases in this category which have been disposed of along with the 11 new indictments as follows: 17 felony convictions, 2 misdemeanor convictions, and 0 dismissals.

Of the 1974 indictments, 4 defendants have plead guilty to felonies, and 7 cases are presently on the calendar pending disposition. Of those 11 convicted in welfare fraud cases during 1974, 4 received prison or penitentiary sentences and 10 have been given probation with restitution or a conditional discharge, while 4 are presently awaiting sentencing. Assistant District Attorney Richard A. Hennessy, Jr. is in charge of this specialized prosecution in addition to the regular trial work he was assigned to during 1974.

Driving While Intoxicated as a Felony

During 1974 a total of 25 persons were indicted for the felony of Driving While Intoxicated; that is, these individuals had been

previously convicted of DWI within the past ten years. Of these 25 persons indicted for DWI in 1974, 22 have been found guilty as charged; and of those 22, 15 received jail sentences, 4 are now serving probationary sentences and 4 are awaiting sentence.

LAW UNIT

The Law Unit of the District Attorney's office is responsible for all motion and appellate practice, legal research and other specialized proceedings involving the District Attorney's office as, for example, extradition, eavesdropping warrants and search warrants. To perform these necessary duties, members of the Law Unit are required to appear in village and town courts, Syracuse City Court, Onondaga County Court, Supreme Court, the Appellate Division (Fourth Department), the New York State Court of Appeals and, on occasion, the Supreme Court of the United States. The Law Unit was headed by Assistant District Attorney John A. Cirando.

During 1974 the Law Unit argued 340 motions in Onondaga County Court and Supreme Court, 52 coram nobis or postconviction proceedings, 18 appeals from Syracuse City Court and the village and town courts in Onondaga County to Onondaga County Court, 36 appeals in the Appellate Division (Fourth Department), and 2 appeals in the New York State Court of Appeals, the State's highest court. In addition, there were 19 proceedings before individual justices of the New York State

Court of Appeals involving convicted defendants seeking leave to appeal to that Court and 1 petition to the United States Supreme Court.

GRAND JURY

The total number of defendants indicted in 1974 was 601 which was an increase over the year of 1973. This 601 figure included 157 defendants indicted for crimes against the person, 243 persons for crimes against property, 25 defendants for felony Driving While Intoxicated, 135 defendants for selling or possessing illegal drugs, and 28 defendants for illegally possessing weapons. 51 defendants were No Billed by the Grand Jury and the Grand Jury sent 20 cases back to the lower courts to be prosecuted on a misdemeanor level.

It should be mentioned that there was a 25.9 percent increase in the number of defendants indicted during 1974, all of which was in the last six months of the year. There was also an increase of 15.4 percent in the amount of persons indicted for crimes involving drugs.

In addition to hearing criminal cases this year, the Grand Juries also conducted investigations of the County Central Services Department, the City Department of Public Works, the Town of Dewitt Police Department, and the Robert Garrow matter.

FAMILY COURT - CHILD ABUSE

In addition to his work with the Onondaga County Grand Juries, Assistant District Attorney Michael C. Cogswell also made 80 appearances in Onondaga County Family Court during the year 1974 regarding cases involving allegations of child abuse.

LOWER COURT UNIT

Throughout 1974, Senior Assistant District Attorneys Samuel B. Vavonese (City Court) and Morris Schneider (Justice Court) were in charge of the Lower Court Unit. This unit was responsible for the prosecution of all crimes other than felonies which occur within the City of Syracuse or County of Onondaga, in the Syracuse City Courts (6 Judges) and the 30 Justice Courts (46 Judges in Town and Village Courts) in this County. To carry out the responsibility of this unit, the Senior Assistants have 4 full-time and 3 part-time Assistant District Attorneys assigned to them. It should be noted that the Justice Courts have their court proceedings in the evening hours and the part-time Assistants have the responsibility of all prosecutions in these courts which do not require jury trials. In the event a jury trial is required in Justice Court, one of the full-time Assistant District Attorneys is assigned to handle that case. There was a total of 103 cases scheduled for jury trials in the lower courts during 1974, of which verdicts were rendered in

44 cases. In the majority of cases, the defendant would settle the matter by pleading guilty generally on the eve of trial.

In the Syracuse City Court, Criminal Division, 5251 cases were disposed of during 1974, which is an increase of cases from the preceding year. The Syracuse City Court, Traffic Division, was involved in the disposition of 12,992 cases (not including parking tickets) concerning violations of the Vehicle and Traffic Law.

It should be noted that there were 113 convictions for Driving While Intoxicated and 158 convictions for Driving While Impaired in the City Court, Traffic Division this year.

SCREENING UNIT

Under an expanded program initiated in 1972, the Screener again received, reviewed, and approved or disapproved all cases submitted by the Syracuse Police Department or private complainants for warrants of arrest. This appraisal included evaluation for legal sufficiency, accuracy of charge, provability, available alternate remedies and amenability to conciliation of personal differences and to give proper cases full prosecution. In this particular area, a total of 2,190 cases were reviewed as follows: 813 cases were screened; warrants were issued in 639 cases; warrants were refused in 136 cases; and 602 cases were settled by conference or civil compromise.

The Screening Unit continued to review every felony arrest initiated

by any police agency in Onondaga County, which was submitted to the District Attorney's office for Grand Jury action. This aspect of the Unit's work included not only review and study of the case files for sufficiency, analogous to the above appraisal, but also involved meetings and discussions with defense lawyers and witnesses as part of this screening process.

Another area of responsibility for this Unit is to arrange for and represent the People in preliminary hearings. A preliminary hearing is a hearing held in a local criminal court (i.e., City Court or Justice Court) for the purpose of determining if there is sufficient proof to hold a defendant for action by the Grand Jury. During 1974, the Screener arranged for and conducted numerous preliminary hearings. Not only does a preliminary hearing meet the legal demands of a defense counsel, but it is an additional tool by which the Screener may more thoroughly analyze, evaluate, and examine the sufficiency of evidence in felony cases.

As in the past, during 1974 the Screener was available on a continuous basis to all police agencies requesting assistance or advice in regard to conducting investigations and preparing legal documents.

In addition to these private consultations with police officers in regard to particular cases, on several occasions the Screener was called upon to conduct formal training sessions at the Regional Police Academy and at individual police departments. These formal

training sessions were relative to police investigatory procedures, changes in the criminal and penal laws, and the operation of the District Attorney's office.

DISTRICT ATTORNEY'S ADVISORY COUNCIL

The District Attorney's Advisory Council, composed of interested citizens organized to assist the District Attorney, continued through the year 1974 under the leadership of Mr. John White. Assistant District Attorney Michael C. Cogswell and Mrs. Helene Gove were the District Attorney's representatives working with the Council.

During the year 1974, the District Attorney's Advisory Council instituted a Youth Court program in the Town of Camillus with the aid of Assistant District Attorney Robert J. Rossi. It also provided a criminal justice seminar with national and local leaders within the criminal justice system participating. The DAAC also established and implemented a criminal justice slide lecture which was and is being presented to various civic, religious and educational groups throughout the area.

The various standing committees of the DAAC dealing with jail tours, seminars and future projects continue to provide projects for the coming year.

ONONDAGA COUNTY EMERGENCY DANGEROUS DRUG CONTROL PROGRAM

As a result of Chapter 603 of the laws of 1973, New York State allocated over \$255,000 to Onondaga County for implementation of the state-wide Emergency Dangerous Drug Control Program. In Onondaga County, this program is administered by Assistant District Attorney John A. Cirando and includes the following components: New York State Supreme Court; Onondaga County District Attorney's Office; Onondaga County Probation Department; and the Assigned Counsel System.

No one unit within the criminal justice system is able to stand alone and achieve its mandated objectives. Without the assistance of the courts, police agencies, probation department, correctional agencies and other branches of government on all levels, it would have been impossible for this office to make the progress it did in 1974. Praise should also be given to those social agencies such as the Syracuse Court Rehabilitation Program and the City-County Drug Abuse Commission which have worked hand in hand with this office and other governmental agencies to increase rehabilitative aspects of the criminal justice system.

1974 saw a great deal of time and effort expended in the investigation of complaints involving governmental agencies. Without the assistance of David R. Elleman, Comptroller of Onondaga County and the Organized Crime Task Force under the direction of Acting Deputy Attorney General Maxwell B. Spount, it would have been impossible for our office to successfully complete the numerous investigations requiring Grand Jury action.

At the same time, we were able to continue our achievements in the prosecution of homicide cases. The New York State Police, the Onondaga County Sheriff's Department and the Syracuse Police Department all played prominent roles in these investigations and their willingness to cooperate fully

with this office led to the solution of several serious cases. In the past few years, great emphasis has been placed on the increased professionalization of the District Attorney's Office. To achieve this objective, the assistants have participated in the various training programs offered by the New York State District Attorneys Association, have attended seminars sponsored by groups working in the criminal justice field, and have conducted their own in-service training programs. To maintain the level of service desired by the citizens of Onondaga County, the retention of a seasoned professional staff is imperative.

1974 saw a 25% increase in the number of individuals indicted by the Onondaga County Grand Jury. Unfortunately, most of this increase occurred in the last 5 months of the year and coincides with the current economic downturn. Throughout the last 4 months of 1974 we found it necessary to have two Grand Juries sitting simultaneously to handle this increased workload and this is expected to continue during most of the 1975 calendar year.

The increased input, together with the speedy trial rules imposed by the State Legislature and the Appellate Division have placed an inordinate workload on those departments within the office handling cases prior to their indictment. To ease this burden, it has been necessary to request two additional full time Assistant District Attorneys from the

Onondaga County Legislature. Hopefully, these individuals will be able to alleviate the workload pending before the County Grand Juries. If such is not the case and I find that I am unable to meet the speedy trial guidelines, then I will have no alternative but to request either an additional Superior Court Part and/or additional Assistant District Attorneys.

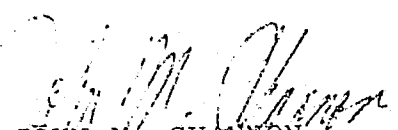
1974 also saw increased emphasis on the prosecution of Driving While Intoxicated cases. This office had nearly 25 convictions for Driving While Intoxicated as a Felony as well as an increase in the number of criminally negligent homicide convictions. Nonetheless, the problem of drunken driving seems to be growing worse. Many solutions have been suggested for this problem, each of which involved the participation of the District Attorney's Office. To combat this problem we have undertaken a local police training course. In addition, we have assigned a full time Assistant District Attorney to schedule and coordinate the Justice Court trials involving Driving While Intoxicated cases, and we have also made it known to members of the Bar and general public that the degree of leniency in prosecuting these cases which is sometimes permitted in other counties, will not be tolerated here. We realize as professional law enforcement officers that there is no single

solution to the drunken driving problem, however, this office will continue working in conjunction with other governmental and social agencies to correct and control this menace.

The beginning of 1975 finds the District Attorney's Office with an increased felony caseload and a number of special investigations still to be completed. These matters insure that 1975 will be a busy work year and I believe that our office, with the cooperation of the executive and legislative branches of county government, will be able to meet the responsibilities assigned to us by law demanded by the citizens of Onondaga County.

In closing, I wish to take this opportunity to thank the members of the Onondaga County Legislature and the Executive Branch of County Government for the assistance provided my office during the past year.

JON K. HOLCOMBE
DISTRICT ATTORNEY
ONONDAGA COUNTY


By: JOHN M. SHANNON
CHIEF ASSISTANT
DISTRICT ATTORNEY

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