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**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TIOGA**

March 13, 2019

Martha Sauerbrey, Chair
Tioga County Legislature
56 Main Street
Owego, NY 13827

RE: 2018 Annual Report

Dear Chairwoman Sauerbrey:

Pursuant to your memo, please accept the following as the 2018 Annual Report for the District Attorney's Office. As in the past, our annual report reflects felony prosecutions only. Because of the large number of cases handled in the 16 various town and village justice courts throughout the county, we are unable to keep gross statistics regarding the number of vehicle and traffic, and misdemeanor only cases that are handled by my office.

Apart from the felony statistics that I have attached, I would like to provide you with some other information relating to this Office's activities in 2018.

NOTABLE CASES

Between October 15 and 19, 2018, Melissa Bright, Curtis Carnrike, Jason Deskin, Craig Franks, Delvin Jackson, Michael Saunders, David Stevenson, Kevin Stoudt, Kristi Vallette, Daniel Webb and James Wilson were all apprehended and arraigned or remanded on Tioga County Court felony indictments. This was part of a multi-month, multi-agency investigation into the sale and distribution of heroin, methamphetamine and diverted prescription medications in Tioga County that was spearheaded by the Tioga County District Attorney's Office. These cases are still pending.

I personally prosecuted Michael Kelly for burglarizing Sweeney's Market in Apalachin and, after a jury trial in which he was convicted, he was sentenced on July 27th to 3 to 6 years in state prison.

First Assistant District Attorney Cheryl Mancini and I jointly prosecuted Wayne Wood for an attempted forcible rape that he committed on Broad Street in the Village of Waverly. On March 20th, half way through the opening day's testimony, he plead guilty. He was sentenced on June 11th to 10 years in state prison.

I personally prosecuted Robert Patton, who was arrested in the Village of Waverly for possessing methamphetamine and cocaine at a stash house with the intent to sell it. On July 20, 2018, he was sentenced to a total of 13 years in state prison.

And, Jeffrey Ryan was at long last brilliantly captured by the Tioga County Sheriff's Office after being in hiding since 2013. On October 29th he plead guilty to Failure to Register as a Sex Offender and Bail Jumping. He received a sentence of 1 to 3 years in state prison and 3.5 to 7 years in state prison, respectively. Those sentences will run consecutively.

TRAFFIC DIVERSION

As you also know, at my urging the Legislature authorized the adoption of a Traffic Safety Diversion Program through my office, which allows qualified motorists to take some steps in lieu of having their ticket prosecuted. The Program has been an unqualified success. All graduates have completed a defensive driving class, making our roads and communities safer.

For calendar year 2018, the Program took in 1,485 applications and received \$395,759.11 in application fees. Of that total, over \$140,000 was shared with the local municipalities in which the tickets originated and \$254,229.11 was left to Tioga County to offset the expenses of operating the Program and my office. Importantly, all of the fees have stayed in Tioga County.

CHALLENGES

Although many great things have been accomplished, the District Attorney's Office also faces many challenges.

The first challenge, of course, is the continued presence and abuse of drugs, which is a primary contributor to many types of criminal activity including property crimes, burglaries and crimes of violence. Tioga County continues to suffer the ill effects of the opioid crisis, which is fueled in large part by the improper and over prescription of pharmaceutical opioids and their then criminal diversion. Unfortunately, we have also recently experienced a reemergence of both cocaine and methamphetamine.

The second but less obvious challenge is the recent leftward direction of the state government and court system. The trend is unmistakably clear – the rights of defendants and the guilty will gain ground at the expense of victims, the innocent and law abiding. As a result I fully expect the legal, regulatory and financial burdens on the District Attorney's Office to rapidly accumulate. These new burdens will not only take the form of an unfunded financial mandate, but will serve only to encourage criminal activity and violence and to make it more difficult in the future to control crime or prosecute cases.

GOALS FOR 2019

The District Attorney's Office will need to address the new demands placed on us by the state.

On behalf of myself and the members of my office, I want to extend my thanks for the continued support that you and the rest of the Tioga County Legislature have given to this office.

Sincerely yours,

Kirk O. Martin

2018 TIOGA COUNTY DISTRICT ATTORNEY'S OFFICE

County Court Indictments and Superior Court Informations filed 113

Assault 2 nd	2
Aggravated Unlicensed Operation 1 st	5
Bail Jumping	1
Burglary 2 nd	3
Burglary 3 rd	6
Criminal Contempt 1 st	3
Criminal Mischief 3 rd	3
Criminally Negligent Homicide	1
Criminal Possession of a Controlled Substance 2 nd	2
Criminal Possession of a Controlled Substance 3 rd	9
Criminal Possession of a Controlled Substance 4 th	2
Criminal Possession of a Controlled Substance 5 th	5
Criminal Possession of Marihuana 1 st	1
Criminal Possession of Marihuana 2 nd	1
Criminal Possession of Stolen Property 4 th	1
Criminal Sale of a Controlled Substance 3 rd	10
Criminal Sale of a Controlled Substance 4 th	1
Criminal Sale of a Controlled Substance 5 th	12
Criminal Sex Act 1 st	1
Criminal Sex Act 3 rd	1
Criminal Possession of a Weapon 2 nd	1
Criminal Possession of a Weapon 3 rd	1
DWI	14
Fail to Register as a Sex Offender	3
Grand Larceny 3 rd	7
Grand Larceny 4 th	4
Menacing a Police Officer	1
Rape 2 nd	1
Reckless Endangerment 1 st	1
Robbery 1 st	3
Robbery 3 rd	1
Sex Abuse 1 st	4
Unlawful Manufacture of Methamphetamine	<u>2</u>