

Center for Judicial Accountability, Inc. (CJA)

From: Donald O'Geen <DOgeen@wyomingco.net>
Sent: Friday, October 14, 2016 9:31 AM
To: 'Center for Judicial Accountability, Inc. (CJA)'
Subject: RE: Conflict-of-Interest/Misconduct Complaint vs the DAs to the 4th Dept. Disciplinary Committees, with FOIL records request

Elena,

My office does not have a written policy regarding this issue, however, we take the issue of conflict of interest or the appearance of any impropriety very seriously. We make the determination on a case by case basis and it ultimately comes down to whether my office has a conflict in general or a specific prosecutor has a conflict that either rises to the level of getting a special prosecutor or just handing the case over to another prosecutor within the office. In Western New York we have an understanding that our offices will help handle cases as special prosecutors for each other at no cost to the tax payers. If we agree to handle a case for another county the judge is presented with a request for a special prosecutor as is required under the county law along with a suggested order for him or her to sign. The judge has the discretion to ultimately assign whomever they wish however our system helps the judge make a quicker a determination if they so choose so that the defendants case is not lost or delayed in the system.

In the future, I would suggest that if you have a question like this please don't bury it in things that don't really pertain to me. You obviously have something against DA Soares and that is between you and him and that has nothing to do with me or my office. I do take issue with your insinuation that the increased compensations are invalid or even worse the product of some nefarious conspiracy. The men and women of the DAs association are some of the finest and most hard working, ethical and conscientious people I have ever been around. While I recognize that, like in every profession, we have bad apples we more than anyone know that those people tarnish all of our profession and we take that more seriously than anyone.

I hope this answers your question.

Thanks,

Don

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, October 14, 2016 8:53 AM
To: jcarpenter@herkimercounty.org; kristynam@co.jefferson.ny.us; Imoser@lewiscountyny.org; smcnamara@ocgov.net; williamfitzpatrick@ongov.net; goakes@oswegocounty.com; cayugada@cayugacounty.us; GMcCaffrey@co.livingston.ny.us; mgreen@monroecounty.gov; michael.tantillo@co.ontario.ny.us; ffisher@co.seneca.ny.us; john@co.steuben.ny.us; debral@co.steuben.ny.us; rhealy@co.wayne.ny.us; vgardner@yatescounty.org; SlepKA@alleganyco.com; LPrieman@cattco.org; swansonp@co.chautauqua.ny.us; Michael.flaherty@erie.gov; lfriedman@co.genesee.ny.us; theodore.brenner@niagaracounty.com; ncda@niagaracounty.com; da@orleansny.com; Donald O'Geen
Cc: ad4agc@nycourts.gov
Subject: Conflict-of-Interest/Misconduct Complaint vs the DAs to the 4th Dept. Disciplinary Committees, with FOIL records request

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TO: New York's District Attorneys & Acting District Attorneys within the 4th Judicial Department

In the absence of your response to the Center for Judicial Accountability's correspondence to you, attached is our conflict-of-interest/misconduct complaint against you of today's date, being mailed to the three attorney disciplinary committees of the 4th Judicial Department.

The complaint is posted – with the substantiating evidence to which it refers – on CJA's website, www.judgewatch.org, accessible from the prominent center link: "No Pay Raises for New York's Corrupt Public Officers – The Money Belongs to their Victims!", *via* its #14 menu listing "A New Round of Disciplinary & Criminal Complaints". The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/10-14-16-complaint-vs-soares-etc.htm>.

As set forth at p. 8, the complaint is ALSO a FOIL request for records responsive to the question posed by the penultimate paragraph of CJA's July 8, 2016 letter, which each district attorney/acting district attorney could have voluntarily answered, but did not:

"What are your procedures for handling public corruption complaints, filed with your district attorney offices, where you have financial and other conflicts of interest?" (Exhibit F: at p. 6).

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200