



APPENDIXES

The Department of Investigation's Examination of the Local Conditional Release Commission's Procedures and the Early Release of Guy Velella, Hector Del Toro and Manuel Gonzalez

November 2004



APPENDIXES

APPENDIX A: Letters of support for Guy Velella, Hector Del Toro and Manuel Gonzalez.

Each of the three men submitted letters of support to the LCRC. Velella's submission contained approximately 57 letters of support; Del Toro's submission contained four; and Gonzalez put forward the materials he previously submitted to the DOP in connection with his sentencing, which included approximately 30 letters. The attorney submissions and some of the letters of support are included in Appendix A. Several letters were withheld and/or redacted for legal and privacy reasons. Letters of support for Gonzalez that were withheld include letters from family members, former City officials, a prominent sports figure, lawyers and community people.

APPENDIX B: New York State Commission of Investigation Report Entitled: Into The Allegations By The Livingston County Board Of Supervisors Against Sheriff John York And The Operations Of The Livingston County Conditional Release Commission, dated June 1999.





GUY VELELLA



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

425 PARK AVENUE
NEW YORK, N.Y. 10022

CHARLES A. STILLMAN
JULIAN W. FRIEDMAN
PAUL SHECHTMAN
PETER A. CHAVKIN
SCOTT M. HIMES
MARJORIE J. PEERCE
JOHN B. HARRIS
JAMES A. MITCHELL
MICHAEL J. GRUDBERG
NATHANIEL Z. MARMUR

TELEPHONE
(212) 223-0200
FACSIMILE
(212) 223-1942

SARA BETH SAVAGE
PATIENCE ELIZABETH ATKIN
KARIN KLAPPER
DIANA J. NEHRO
CAROLYN BARTH RENZIN
BRENDAN R. MCGUIRE
MAUREEN NAKLY
LARA M. SHALOV

BY HAND

July 21, 2004

Ms. Eileen Sullivan
Director of Conditional Release
New York City Department of Probation
33 Beaver Street
New York, NY 10004-2319

Re: Guy J. Velella

Dear Ms. Sullivan:

On behalf of Guy Velella I am enclosing an original and three copies of a submission we are making on his behalf concerning his application for Conditional Release. Please do not hesitate to contact me if you have any questions.

Sincerely,



Marjorie J. Peerce

MJP:sam
Enclosure



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

425 PARK AVENUE
NEW YORK, N.Y. 10022

CHARLES A. STILLMAN
JULIAN W. FRIEDMAN
PAUL SHECHTMAN
PETER A. CHAVKIN
SCOTT M. HIMES
MARJORIE J. PEERCE
JOHN B. HARRIS
JAMES A. MITCHELL
MICHAEL J. GRUDBERG
NATHANIEL Z. MARMUR

TELEPHONE
(212) 223-0200
FACSIMILE
(212) 223-1942

BY HAND

July 21, 2004

SARA BETH SAVAGE
PATIENCE ELIZABETH ATKIN
KARIN KLAPPER
DIANA J. NEHRO
CAROLYN BARTH RENZIN
BRENDAN R. MCGUIRE
MAUREEN NAKLY
LARA M. SHALOV

Ms. Eileen Sullivan
Director of Conditional Release
New York City Department of Probation
33 Beaver St.
New York, NY 10004-2319

Re: Guy J. Velella

Dear Ms. Sullivan:

We are counsel for Guy J. Velella, who pleaded guilty on May 17, 2004 to a Class E felony, § 105.10, and on June 21, 2004 was sentenced and began serving a one year term of imprisonment. We are writing pursuant to Corrections Law Article 12, §§ 270-275 to request that the Conditional Release Board exercise its power under Corrections Law §§ 272-273, and conditionally release Mr. Velella on August 20, 2004, when he will have served 60 days of incarceration. Both the District Attorney and the Court specifically agreed that they will take no position as to conditional release.

A. Background

Prior to the events which led to his guilty plea Guy Velella enjoyed a highly successful career as a senior state senator, the chairperson of the Bronx Republican Committee



and a lawyer. In May of this year, however, before commencing trial, he concluded that it was important to accept responsibility for his actions and bring matters to a close.

Thus, he publicly admitted that he violated the law. As he said at his plea:

As a State Senator I made phone calls and met with government officials to help clients who paid fees in excess of ten thousand dollars (\$10,000) to a law firm other than mine in which I was not a partner but my father was. I knew that those fees resulted in a financial benefit to my father and ultimately to me. Some of those meetings and phone calls were in New York County. I made these phone calls with the understanding that my efforts on behalf of these people could assist them in obtaining business from these government agencies. I knew that making these calls under such circumstances was wrong.

[REDACTED]

[REDACTED]

[REDACTED]

At his sentencing he expanded upon that expression of heartfelt remorse even further:

I truly regret the events that have placed me in the position I find myself today. To those who have placed their confidence in me and were disappointed I apologize. To those who have continued to support me since May 17th - I thank you. I have been fortunate in my life and God has been good to me. I have much to be thankful for but at the same time I have a debt to society that must be paid. I have begun repayment of that debt by resigning from the Senate and losing my right to practice law. Today I begin writing the final chapter of that debt and I am prepared to accept your sentence, serve it and begin my new life as a private citizen. The value of a man is not what he does with his successes in life but how he handles his failures. I intend to pay my debt, and move into my future with a greater appreciation of all that has been my good fortune to have earned. Your Honor I'm ready to begin that new life.



B. Guy Velella's Punishment

Guy Velella has unquestionably been severely punished already. As this letter is written he is serving his sentence on Rikers Island, a stark reminder of how far he has fallen. From his status as the Senior Assistant Majority Leader of the New York State Senate; the head of the Bronx County Republican party; and a lawyer in good standing for 33 years, he is now a convicted felon who will forever be referred to not for his good works, of which there were many, but for his wrongful conduct.

His punishment began before he entered prison: he lost his law license, something that he worked very hard to obtain and cherished; he resigned his Senate seat, a position he held for 18 years, serving as a top ranking Republican in the state; he stepped down as the chairperson of the Bronx Republican County Committee, and he suffered through weeks of horrible publicity, pillorying him for his admitted wrongdoing, demeaning all the good he had done. The decades of public service, the thousands of constituents he helped and the scores of legislation he championed, all get lost because of his wrongful conduct here. The legacy he hoped to leave to his children and grandchildren of a dedicated hardworking public servant is gone.

To compound the consequences of his conviction, certain personal issues are also taking a toll on him. Ten days before he was sentenced and began his incarceration, his brother-in-law Richard Collura, with whom Guy was extremely close, died of brain and lung cancer, having been diagnosed just four months earlier. His father Vincent, who is 90 years old, lives alone and suffers from multiple ailments. Prior to his incarceration, Guy Velella spent a great deal of time with his father, including having meals with him, and taking him to doctors' appointments. Others have had to try to fill the void left by Guy's absence. Guy is now the



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

reluctant patriarch of his extended family and his inability to be physically with his family to help them through this stressful period is extremely difficult on all concerned.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We respectfully submit that serving 60 days in prison, along with all the other collateral consequences flowing from conviction, will more than adequately satisfy the relevant purposes of sentencing: general deterrence (detering other elected officials from engaging in similar conduct), specific deterrence (detering him from engaging in criminal conduct again), and retribution. In short, for an elected official to be taken out of Court by court officers and sent to jail sends a powerful message to him as well as others that wrongful conduct will be sanctioned severely. As the *New York Times* recently noted, in his fall, Guy Velella went from a Senator to a stock boy “dispensing chips, and toiletries to other inmates from behind a Plexiglas barricade.” His own letter to you annexed at Tab B,¹ describes what that life has been like, and how you can be assured he will never violate the law again.

¹ He wrote the letter while incarcerated and we typed it for your reading ease.



C. **Guy Velella's Eligibility for Conditional Release and His Plans if Released to Probation**

1. **Eligibility**

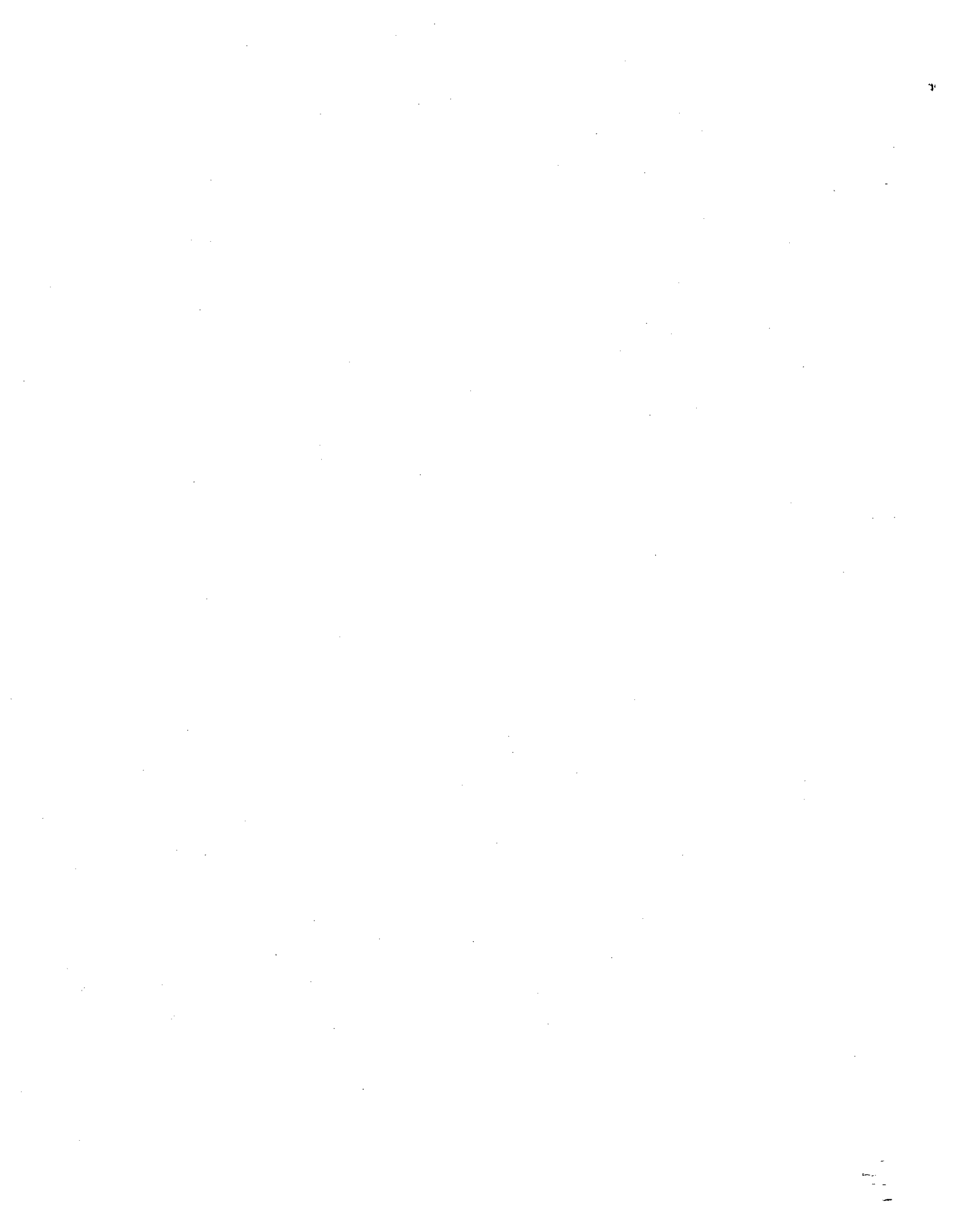
In terms of his eligibility to be considered for conditional release, he was never arrested before, he has no substance abuse problem, and at no time in either his past or in connection with the instant offense has there been an iota of a suggestion of any violence. Moreover, he is financially secure, through savings as well as retirement monies from his 32 years of public service and his private law practice; therefore release will not pose a financial burden to the state.

2. **Living arrangements**

In terms of his living arrangements, he will be living at home with his wife of almost 40 years, Patricia, and two of his children, both of whom are college graduates, are gainfully employed, and have no criminal record. His two married daughters, both of whom have graduate degrees, live just around the corner from the family home with their husbands and children. His 90 year old father also lives a few houses away. Other extended family live nearby, such as his niece who is a professor of accounting of Fordham University as well as his recently widowed sister. Prior to his incarceration it was routine for his family to gather at his house on weekends, with him spending hours with his three grandchildren. He plans, upon release, to resume that tradition.

3. **How he plans to spend his time**

If he is granted conditional release, he intends to continue his public service work as a private citizen and to be active in the Archdiocese of New York, as well as in his own parish, the Church of St. Clare of Assisi.



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

The Reverend Monsignor Thomas E. Gilleece has written to the Board on behalf of the Archdiocese of New York,

urg[ing] the Board to exercise its discretion under the law to allow him to be released after he has served sixty days...Edward Cardinal Egan, the Archbishop of New York, has spent time with [Guy] both before and after his guilty plea and is well-aware that he has accepted full responsibility for what he has done. (Tab C.)

Reverend Monsignor Gilleece continues and offers that if the Board wishes, a condition of the conditional release could be that Guy Velella donate his many talents to the Archdiocese during his community probation for whatever time the Board deems appropriate, continuing the service he provided to the Church long before his conviction.

Moreover, as the Reverend John Vaglio, a priest at Guy Velella's own parish, said,

I am sure that Guy could be a tremendous aid to both our parish and community and to many of the groups he served. Knowing him as I do, I feel he would be very available and helpful to those who are in need. His help to the senior citizens, often meeting with our group on Monday afternoons, giving them advice and helpful hints in dealing with community problems was a great service to our people. ... His kindness and concern for the ordinary person always came across as real and not just something politically made up. (Tab D.)

During his service as a Senator he was instrumental in conceiving and implementing several social service programs under the umbrella of the North Bronx/Westchester Neighborhood Restoration Association. These include a bereavement program, a displaced homemakers program, a caregivers program, a crime victims program, a consumer protection program, and many others. The letter from James K. Walsh, Co-Chairperson of the Board of Directors of the NBWNRA, annexed at Tab E, describes many of these initiatives ("None of this would have happened without the support and dedication of Guy



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

Velella, a 'true' champion of his community"). He hopes to contribute significant time to those programs along with a program he conceived during his incarceration called the Fallen Idols Program, which we discuss below, as a way to try to pay back society for his conduct.

His experience as an indicted defendant, and now as a convicted, incarcerated felon have focused him on the need to deter others from breaking the law by educating others on the consequences of engaging in wrongful conduct. Being separated from his family, living as an inmate, working as a stock-boy in the commissary, and living with the stigma of conviction have made the consequences of his conduct very real. While at Rikers he has spent time devising a program he would like to initiate as soon as he is released to educate other politicians, businesspeople, executives, doctors, lawyers, and other professionals about what life is like as a convicted felon. He hopes to impress upon them how important it is that they not engage in wrongful conduct, recognize that the public will not tolerate this conduct and that the courts will strictly enforce the law and jail the offenders, no matter who they are. A proposed outline of such a program, which he wrote while incarcerated, is annexed at Tab F.²

It is his intention to keep active and occupied by his charitable works, community service, possible part time employment and reserve the balance of his time for his family, a luxury that 30 years of politics has denied him until now. Finally, he intends to do whatever he can to get on track to try to be readmitted as a lawyer in seven years -- not so he can practice law at the age of 67, but so he can try to recover at least part of the legacy he wanted to leave his children. This strong desire of his will certainly keep him on a lawful and productive track.

Without question, Guy Velella is overwhelmingly qualified for consideration, and we respectfully suggest that he is an excellent candidate for conditional release. For almost 30

² He wrote this while at Rikers, and we typed it for your ease of reading.



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

years before his conviction he was a respected state legislator, first as an assemblyman and then for 18 years as a senator, and three years as an unsalaried School Board President, who worked tirelessly for his community and constituents. People from all walks of life, and on both sides of the political aisle have written expressing their views of Guy Vellela, supporting his conditional release.

So, for instance Patrick J. Lynch, President of the Patrolmen's Benevolent Association, writes,

I always found Mr. Vellela to observe the highest degree of integrity in all of his interaction with the New York City PBA. He often made tireless efforts to assist New York City Police Officers... I urge the Commission to grant Senator Vellela's request for conditional release. (Tab G.)

Herman Badillo, former United States Representative for the 21st District, writes,

I found [Guy Vellela] to be a dedicated public official who did not let politics interfere with programs which were needed, not just in his senatorial district but throughout the Bronx and the City. To me, he was a man of his word and his support was indispensable in achieving goals such as raising educational standards at the City University during the years of 1997-2000... I believe he is one who should get early release, and I support such action on the part of your Board. (Tab G.)

State Senator Michael Nozzolio, who is Chairperson of the New York State Senate Standing Committee on Crime Victims, Crime and Corrections, writes

Not even Mr. Vellela's strongest detractors could maintain that a threat to the community would be posed upon his re-entry into the community. It is my belief that punishment has been meted out to this point, prison time has been served and a legal and political career has been terminated. I would further support the re-entry of Guy Vellela to the Community he has served for more than thirty years at this time. (Tab G.)

Furthermore, noting that "community involvement was and hopefully will soon again be the trade mark of his life," former New York State Parole Board member (1995-1998)



and Wayne County Probation Officer (1974-1978) Michael Finnerty, who interviewed thousands of inmates in his career and has known Guy Velella since 1986, writes,

I can not think of anyone during those two separate professional periods of my life that would be more qualified for release into the community and presents less of a risk in said community than Mr. Velella. (Tab G.)

Fabian Palomino, who sent a letter to you directly, wrote:

From a penalogical point no purpose would be served by denying him a conditional release.... Accordingly, I request that he be granted a conditional release from serving the remainder of his sentence.

Lance W. Elder, President and CEO of the Education & Assistance Corporation, writes of Guy Velella's assistance in securing funding for Bronx Treatment Alternatives to Street Crime (TASC), a program that "works closely with the criminal justice system to identify effective alternatives that assist the offender and save public funds through eliminated prison/jail time for nonviolent offenders.... He knew that time in jail would serve little useful purpose as it was treatment that would turn these felon's lives around.... without hesitation I would likewise say that for Senator Velella to serve his full sentence would also serve no useful purpose for our society." (Tab G.)

When he is released, Guy Velella will not be returning to public life, so the opportunity to repeat the conduct which led to his conviction in the first place will never be presented to him again. In short, Guy Velella is the type of inmate for which this program was designed.

D. Guy Velella's Positive Impact on His Community

We also thought it would be helpful to provide you with the views of others who either knew or have had their lives affected by Guy Velella, so you can have a more complete



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

picture of Guy Velella. Over his terms as a Senator he helped initiate and obtain funding for deserving programs in his district, ranging from Boy Scouts to hospital projects. Some letters addressing these invaluable contributions are annexed at Tab G in alphabetical order. He helped fund innovative programs for the Bronx District Attorney's office, as well as several programs which provide alternatives to incarceration. For example, the Youth Shelter Program of Westchester, Inc., "provides a home-like alternative to incarceration for 16-21 year old males located in Mount Vernon, New York," writes Executive Director William Jones. Guy Velella introduced legislation that would enable the Program to receive State funding, without which the Program would not have continued. "It was due to [Guy] Velella's commitment to our youth that we were able to change the lives and brighten the future of our young people." (Tab G.) His long-time presence on its advisory board is reflective of his commitment to these alternative sentencing programs. The Youth Shelter Program would welcome Guy Velella as a volunteer should he be conditionally released.

As former New York City Mayor Ed Koch writes, "Senator Velella was in the vanguard" of those legislators supporting the Second Chance proposal, "intended to give a second chance to non-violent drug offenders sentenced under the New York State so-called Rockefeller Drug Law for the possession or sale of illicit drugs." (Tab G.)

Denis Hughes, President of the New York State AFL-CIO, writes, "Guy Velella was the leading legislative advocate for the Safe Streets Act, which is the legislation that funded and continues to fund the successful campaign against street crime in our neighborhoods. It was through his work with unions that money from the Act was directed toward keeping libraries open so that children would have a safe environment to study after school." (Tab G.)



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

Danielle Williams, a Domestic Violence Support Group Facilitator, writes of Mr. Velella's efforts to establish assistance and support groups for victims of domestic violence. "Throughout the five years of existence, over 200 women received the information and support necessary to take steps to end the cycle of violence. As the facilitator for this group I can honestly say that without this support group many women living in this area would continue to suffer in silence, be reluctant to end the violence and continue to live in perpetual state of hopelessness.... Without the assistance of Senator Guy J. Velella none of this would be possible." (Tab G.)

These letters speak volumes about the true person and are much more illustrative of Guy Velella's character than are the acts which led to his conviction.

Beyond these efforts for his direct constituents, he was also enormously productive in introducing legislation which benefited all New Yorkers. A list of some of significant legislative accomplishments is annexed at Tab H. The first legislation Guy Velella ever introduced was what is now Chapter 646 of the Laws of 1986. Known as the "armor piercing ammunition" or "cop killer" legislation, the bill made it a felony to possess any ammunition capable of being used in pistols or revolvers that contains a projectile or projectile core. This legislation ensured that police officers wearing bulletproof vests would not be killed or seriously injured by armor piercing ammunition. The measure was strongly endorsed by many law enforcement groups and government agencies, including the Patrolmen's Benevolent Association, the Division of State Police, the State Department of Correctional Services, and the Division of Parole. (Tab H.)

He also spearheaded legislation which greatly enhanced New York State's Forfeiture and Seizure Laws, enabling law enforcement to seize the fruits and instrumentalities



of criminal conduct and recycle funds obtained by forfeiture to drug education, prevention, rehabilitation and enforcement efforts. He was responsible for a myriad of beneficial legislation; requiring Open Enrollment and Community Rating for health insurance, which kept health insurance costs down for lower income and health-challenged policy holders; Living Benefits and Viatical Settlements which benefit terminally ill patients, particularly those suffering from AIDS; Mandatory Insurance Coverage for Mothers and Newborns to require a minimum coverage stay of at least 48 hours and mandatory coverage for all mastectomies and post-mastectomy reconstructive surgery; the Baby AIDS Law (recently hailed by the Daily News as saving 70% of poor children's lives); as well as the Holocaust Reparation Laws for New York State.

At Tabs I-J are additional letters we received from a wide range of people, from homemakers to retired judges, all of which demonstrate that the admitted wrongful conduct is not a true reflection of the entire person and strongly support that granting conditional release at this time is warranted.³

Guy Velella's service benefited the youngest New Yorkers as well, most of whom were outside his own district. Democratic State Assemblywoman Nettie Mayersohn worked with Guy Velella to pass the Baby AIDS Law. "As a result of our legislation, the State has seen a 78% reduction in transmission of HIV from infected mothers to their newborns since the law went into effect. ... Guy Velella worked tirelessly with me for the three year period it took to pass the legislation. The results of his efforts saved lives." (Tab I.)

³ We have annexed the letters we quote behind Tab I, in alphabetical order. Behind Tab J are some additional letters from which we are not quoting but which also speak eloquently about Guy Velella. We urge that all of these letters be read in their entirety to get a complete picture of his true character.



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

Lillian Roberts, the leader of District Council 37, aptly summarizes Guy Velella's career of public service: "He has given of himself to those who had nothing to give." (Tab I.) Charles G. Moerdler, former Chairperson of Community Board No. 8, former Chairperson of the New York State Insurance Fund and Member of the Board of Trustees of St. Barnabas Hospital, echoes those sentiments. "On the basis of all of those dealings [with Guy Velella], I can tell you without a scintilla of reservation that I continue to have the highest respect for his integrity, his dedication to the public interest, and his fundamental decency." (Tab I.)

Similarly, retired Presiding Justice of the Appellate Term of the New York State Supreme Court Stanley Parness, writes,

[Guy Velella's] conviction has already cost him much -- position, law license, lost income, and cost of litigation, and most of all the honor and prestige he enjoyed in the state and community. I therefore believe that his continued incarceration serves no necessary or useful punishment purpose. I know he is genuinely contrite and only wishes to go on with his life. He certainly poses no present or future danger to the public. (Tab I.)

Retired New York State Supreme Court Justice Jerry L. Crispino echoes these sentiments.

It is my belief as a former member of the Judiciary, member of the City Counsel, and member of the Bar, that Guy Velella's plea and sentence, and thus loss of his position and Bar membership has been a significant punishment and that continued incarceration serves no purpose.... He poses absolutely no danger to the Community or the Public. (Tab I.)

Finally, also attached to this letter at Tab K are just a few of the many letters he received after the rumors started in the beginning of May of a possible resolution of his case. The letters once again reflect how appreciated he was as a Senator.

* * *



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

None of the forgoing is offered as an excuse for Guy Velella's conduct. There is no excuse. It is presented, however, to provide a broad and true picture of him so that the Conditional Release Board's decision can be made with the benefit of knowing these other factors.

Upon release, Guy Velella will no longer practice law or be a public official. Instead he intends to begin his life as a private citizen, spending part of his time working with his church and continuing to expand his volunteer work as a small token of repayment to society. He has learned his lesson the very hard way and this Board can rest assured that he will not repeat his past misconduct. We urge that his visibility as a public figure not be seen as an impediment to affording him conditional release.

As former District Attorney and Chief Administrative Judge of Bronx County, Burton Roberts writes: "I respectfully ask that the sentence imposed upon Guy Velella be tempered with mercy. He has been disgraced. He has resigned from the State Senate. He will be disbarred and has been serving his sentence as a commissary clerk at Riker's Island. Society could certainly benefit from his spending the remaining incarcerated time in community service." (Tab I.)

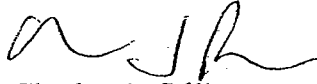
We hope that the information presented has caused you to conclude that Guy Velella is indeed deserving of conditional release and that no useful purpose would be served by extending his incarceration beyond two months.



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

Please do not hesitate to contact either one of us if you have any questions or if there is any further information we can provide or if you need substantiation of any of the foregoing.

Sincerely,



Charles A. Stillman
Marjorie J. Peerce

CAS/MJP:sam







July 21, 2004

Ms. Eileen Sullivan
Director of Conditional Release
New York City Department of Probation
33 Beaver Street
New York, NY 10004-2319

Dear Ms. Sullivan and Board Members:

After having served 30 years as a Senator and Assemblyman and 3 years as President of a School Board, and having been a practicing attorney for over 33 years, I am writing the most important letter of my life to make a personal appeal for your leniency and approval of my early release on August 20, 2004.

I have had a distinguished political career and had always hoped, as I approached retirement, that I would be leaving my children a legacy and public record of accomplishment that they could be proud of. Instead by my own misdeeds, I have destroyed their legacy and put an indelible black mark on my name that will be a detriment to them. The only possible way I can recover some degree of respect is to begin anew and be a productive member of society through philanthropic and charitable works. As I said at my sentencing, "The value of a man is not what he does with his successes in life, but what he does with his failures". I intend to take this failure on my part, call upon my experience and rebuild a positive record of good works in my community. The final chapter in the life of Guy Velella shall not be dishonor, disgrace and jail but an example of someone who picked himself up and built a new life of service to his fellow man.



As I sit in my cell writing to you, asking for your favorable consideration, I ask myself what would convince me that this man deserves another chance and what can be gained by his release as opposed to his further incarceration.

As for my deserving an early release, I believe the guidelines and factors outlined in my attorneys' letter regarding my record, background, future environment and lack of likelihood to engage in further criminal activity, speak favorably for my application. I also feel that the plans for my future upon my release also support my application and show that early release would outweigh my further incarceration.

I fully understand that my early release is not a right, it must be earned. I have used my time in jail to create a new program that I truly believe would have helped me avoid the pitfalls of my life. If my punishment and fall is to be a deterrent to future white collar crime, the implementation of the program I have created, while in jail and which I intend to actively pursue, will be perhaps the best benefit of this nightmare. (See outline of Fallen Idols Program, which I hand wrote and had my attorneys type for your ease in reading.)

While my early release is the issue before this board, I think it is important to note that my punishment goes beyond the time I serve in this institution. I have surrendered my seat in the New York State Senate, my political career as well as my license to practice law. I have freely and openly admitted my guilt, which spared the People a costly and lengthy trial. Aside from the sentence of the Court, much of my life, as I know it, is gone as a result of my conduct. I accept full responsibility for my crime and my obligation to repay society. I intend to do this with more than my incarceration, but with my active participation and advocacy of the "Fallen



Idols” program which will hopefully prevent others from following my path of conduct, and my continued dedication to community service through church and other volunteer programs.

I desire to turn this experience into something positive by beginning my new life of service as soon as possible. At 60 years old, coupled with my physical condition, I am too old for traditional shock incarceration which would reduce my sentence. Accordingly, my only hope is that this Board act favorably on my application.

I understand that it is important for society to be assured that a convicted felon has learned his lesson and that he has appropriately suffered for the crimes he has committed. My words cannot explain to you the total humiliation, shock, and fear I have suffered through during my time at Rikers. I had so much, a respected job, a support staff and the admiration of my family, constituents and colleagues. To have all this has made my fall all the more painful, shocking and punishing. The humiliation of having my hands and feet shackled twice a day when I am moved to have my diabetes checked, the humiliation of the many strip searches and cell searches I have been subjected to, the humiliation of having my wife and children searched when they desire to see me, the fear of my daily interactions with prisoners who are street hardened and possibly violent, the constant fear that I will say or do the wrong thing when a guard yells out orders or during prison counts, the shock of being confined to a small cell without the simplest of freedoms, the shock of living in a world where strengths and toughness count while intellect, education and knowledge mean nothing. These have all become a part of my daily life. I have been totally dehumanized. I can swear to this board that I have already fully experienced the retribution and punishment that I believe was intended by my sentence. I desire



to become a productive member of society once again where I can use my talents to help others, not hide from them for fear of being perceived as weak and vulnerable.

In closing, I realize God has been good to me -- these tangible successes I lost were only granted by his good grace. I have been disgraced before the public, my constituents, colleagues, friends and family. I have no one to blame for this but myself. I have learned my lesson, miss my family, and desire to start rebuilding the sunset of my life as soon as possible. Those who have written support letters for me have come forward because in some way I helped them in my prior life. Their support in my time of need to help relieve my pain humbles me. I will not disappoint them again.

I am forever a convicted felon. I cannot even think of being an attorney for another seven years and I can spend up to eight months of my life that is left in jail. I urge you to grant my request for early release as of August 20, 2004. Allow me to become a productive member of society once again and perhaps with my Fallen Idols Program and other works help others from following this hurtful and destructive course I followed.

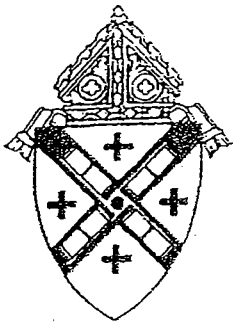
Grant me this one wish and opportunity to show my repentance by turning this nightmare into a productive force for me, my family and society.

Thank you.

A handwritten signature in cursive script, appearing to read "S. Gupta".







CHANCERY OFFICE
ARCHDIOCESE OF NEW YORK

July 12, 2004

Dear Members of the Conditional Release Board:

I am writing in connection with Mr. Guy Vellella's application for conditional release. Although we understand that Mr. Vellella has admitted to committing a crime, we also realize that he is paying other significant debts to society in losing his position in the Senate, his law license, his good name and serving a period of incarceration at Rikers Island. We respect the sentence that the criminal justice system has imposed, but we urge the Board to exercise its discretion under the law to allow him to be released after he has served sixty days.

Mr. Vellella has been known to the authorities of the Archdiocese of New York for many years. Edward Cardinal Egan, the Archbishop of New York, has spent time with him both before and after his guilty plea and is well-aware that he has accepted full responsibility for what he has done.

Thus it is that we here in the Archdiocese are hopeful that you will consider a conditional release. If it would be helpful, we would be happy to have Mr. Vellella work for an agency of the Archdiocese, as you direct, performing tasks that would be of assistance in our various charitable and educational efforts.

Should you need any further information about this matter, please do not hesitate to contact me. My address is 1011 First Avenue, New York, NY 10022; and my telephone number is 212 371-1000 ext. 2900

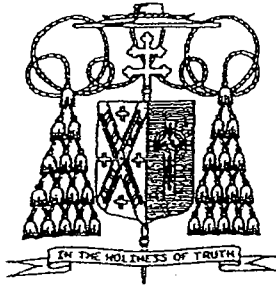
With gratitude for your consideration, may I remain

Very truly yours,

Reverend Monsignor Thomas E. Gilleece
Chancellor

Conditional Release Board
33 Beaver Street
New York, New York 10004





OFFICE OF THE CARDINAL
1011 FIRST AVENUE
NEW YORK, NY 10022

May 13, 2004

Personal and Confidential

Dear Senator Velella:

These are difficult days for you and your loved ones. Be assured that all of you have a special remembrance at my Masses and in my prayers. If I can be of assistance, please do not hesitate to let me know.

With prayerful best wishes, may I remain

Very truly yours in Christ,

Edward Cardinal Egan
Archbishop of New York

The Honorable
Guy J. Velella
2019 Williamsbridge Road
Bronx, NY 10461



D



CHURCH OF ST. CLARE OF ASSISI
1918 Paulding Avenue
Bronx, New York 10462

(718) 863-8974
Fax # (718) 931-6909

N.Y.C. Probation Dept.
Local Conditional Release Commission
June 30, 2004

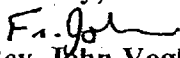
Dear Sirs,

I write this letter on behalf of Guy Velella. For the past seven years I have worked as a priest in the parish of St. Clare of Assisi in the neighborhood of Morris Park. Very early in my term here I saw the effect of Senator Velella's efforts and hard work in my community. To the senior citizen groups, local community groups and anything doing with children, he gave his very best. In a special way, Senator Velella made himself available, especially for those less fortunate and people considered powerless. He was not afraid to give of his time or the use of his office to help those no one else wanted to deal with.

As a parishioner he was both a faithful and active member of our church community and a real example to others who saw him actively involved in his church. Both our church and our community are definitely hurt without his presence.

I am sure that Guy could be a tremendous aid to both our parish and community and to many of the groups he served. Knowing him as I do, I feel he would be very available and helpful to those who are in need. His help to the senior citizens, often meeting with our group on Monday afternoons, giving them advice and helpful hints in dealing with community problems was a great service to our people. In speaking before our parent groups, Guy was always very direct in giving advice toward the care of disabled and handicapped children, what services were available to the parents for their children in need. His kindness and concern for the ordinary person always came across as real and not just something politically made up.

I thank you for your time and consideration and I will offer my prayers that you take into consideration the many good works Senator Velella did to our community and state.

Sincerely,

Rev. John Voglio
Parochial Vicar



E



N
B
W
N
R
A

North Bronx Westchester Neighborhood Restoration Association, Inc.

1136-1138 Neill Avenue • Bronx, NY 10461

(718) 823-7704 • Fax: (718) 518-9052

July 9, 2004

To Whom It May Concern:

In 1981 Assemblyman Guy J. Velella was instrumental in establishing the NBWNRA. The organization has continuously received his support and encouragement. Because of his foresight thousands of his constituents have benefited from the services provided.

At its inception NBWNRA offered landlord tenant assistances, tenant organization, regrants and community enrichment.

As the community dynamics changed, so did the NBWNRA's programs with Senator Velella's assistance. Services to the senior population include entitlement assistance providing them with access to programs that reduce their expenses. R.U.O.K., the Telephone Reassurance program, and Senior Medical I.D. cards have saved the lives of several seniors. Aerobic programming in senior centers is geared to their specific needs and has seen great results. Enrichment programs provide diversion and entertainment to those who often cannot access it on their own. Transportation services get seniors to their medical visits, shopping and to and from senior centers--often their only contact with others.

As Senator Velella saw the need, he suggested NBWNRA address the problems of working parents. After-school programs provide hundreds of families with a safe alternative to latch key situations. Homework is done and the children have the opportunity to engage in sports or crafts activities.

A trained intake worker assists with applications for the Child Health Plus program. These are done at our location at hours that fit into the parent's schedule.

Yearly, approximately 1,000 school age children have been provided with a live performance at the New York Botanical Garden. For many this is their first such experience and their initial exposure to the Garden. Safety packets are distributed on Halloween to all schools in the area.

The Graffiti Removal Program, initiated as a result of Senator Velella's continual concern about the quality of life of his constituents, cleans 400 sites annually.

The Domestic Violence issue has been the impetus for several programs. Primary Prevention Programs have been provided in local high schools. Case work has provided the pathway to safety for victims. Most recently, our first Life



Skills Training Program has provided the first step to independence. This resulted from a survey done by Senator Velella the prior year.

Caregivers have been provided with assistance and strength in the support groups. A sandwich generation conference offered aid and guidance to those "caught in the middle." Many of his constituents have voiced their frustration about this new role in their lives. Guy Velella could appreciate their problems and acted.

Consumer issues are ongoing--mediation has seen hundreds of dollars in refunds, while educational materials attempt to prevent problems.

Bereavement Support Groups comfort and assist families through a most difficult time.

Our popular Summer Concert series has, since 1988, provided residents with live entertainment in their local parks, part of the program "Take Back Our Parks."

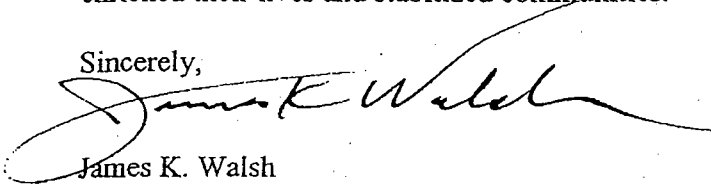
Historically, over 500 groups have been able to carry out their mission within their community with the assistance received from NBWNRA's regrant program. Outstanding among them are the mobile patrols. Registered patrols have been provided with communication equipment to help insure their safety and carry out their duty to serve the community.

None of this would have happened without the support and dedication of Guy Velella-- a "true" champion of his community.

Programming has been extended to Mount Vernon with the Bronx-Westchester Community Awareness Program providing entitlement and tenant assistance. For the past three years they have supported a court monitoring program.

Guy Velella has always been on the forefront of program development to better serve his constituency. His interest and concern for his constituents have enriched their lives and stabilized communities.

Sincerely,



James K. Walsh
Co-chairman Board of Directors
Director, Campaign Finance Enforcement
Board of Elections, City of New York





FALLEN IDOLS PROGRAM

NON-PROFIT

Purpose: To provide a realistic and direct presentation to Corporate Executives, Public Officials, Government Workers and Professional Associations detailing the very real ramifications of the punishment for so called "White Collar" crimes.

Similar to the Scared Straight program that puts the fear of prison into teenagers this will not only put the fear of prison into potential white collar criminals. It will also show that no matter how powerful a person may be they can and will fall.

Implementation: A program of no more than 2 hours in a format delivered by former Executives, Doctors, Politicians, Lawyers, etc. Depending on the group appropriate "fallen idols" will tell of their experience. A format is being prepared for such talks to cover.

- I. You are not above the law
- II. Your friendships will go just so far
- III. But we always did it that way
- IV. No one would dare challenge me

Also included will be a realistic explanation of prison life by Correction Officers and former inmates.

- I. There is No Club Fed
- II. Coping
 - A. with disgrace
 - B. loneliness
 - C. humiliation
 - D. Fear
 - E. prison is for real
- III. Money and success may work against you.
- IV. No such thing as "victimless" crime
- V. Was it worth it?
 - A. What you lose (you are a felon)



1. Reputation and respect
2. Status professionally and socially

B. Earnings

1. Employment - pretrial, during trial, during incarceration
2. If fired or suspended no income
 - a. Possible lower level paying job
 - b. Inability to maintain life style

C. Attorney's fees

D. Loss of all income while in jail

VI. It will affect your health

- A. Heart (blood pressure)
- B. Mind (depression)
- C. Diabetes (sugar levels)

Resources: A market study will be done to determine if in fact corporations, political entities and professional associations and groups will support such a program. With many organizations trying to insulate themselves from potential liability or negative publicity, it is felt that such programs will be supported similar to programs on sexual harassment in the work place or sensitivity programs on discrimination. Perhaps the fallen idols concept will dovetail with such programs.

Funding: Once developed the program will seek support from former inmates, cops and prosecutors and hopefully employ former inmates to prepare talks. Additionally, many corporations plead guilty to various crimes due to the misdeeds of their executives. The executives escape prosecution and the corporation pays a fine. It is our intention to try and use these fines and/or corporate contributions as a possible revenue stream for the program.

Additionally, we will seek to encourage lawyers to participate by seeking approval from the proper authorities to allow "CLE" (Continuing Education Credits) for lawyers who lecture on our behalf.

Inmate Employment: Various corporations and business entities will be encouraged to hire former inmates and provide entry level and where appropriate advanced level employment. The presence of former inmates in the companies' employment will be a reminder to company executives and staff of the realities of violating the law. Encouraging this employment by corporations will be part of the educational component to this program in addition to onsite monitoring of corporate compliance.



G



FISCHBEIN • BADILLO • WAGNER • HARDING

909 THIRD AVENUE
NEW YORK, NEW YORK 10022

(212) 826-2000

FACSIMILE (212) 644-7485

WWW.FBWHLAW.COM

LONG ISLAND OFFICE
105 MAXESS ROAD, SUITE 124
MELVILLE, NY 11747
(631) 694-8000
FACSIMILE (631) 694-2100

NEW JERSEY OFFICE
235 FROST AVENUE
PHILLIPSBURG, NJ 08865
(908) 454-4570
FACSIMILE (908) 454-5827

(212) 453-3711

HBADILLO@FBWHLAW.COM

July 20, 2004

PERSONAL AND UNOFFICIAL

Ms. Eileen Sullivan
Director of Conditional Release
New York City Department of Probation
33 Beaver Street
New York, NY 10004

Dear Ms. Sullivan:

I am writing on behalf of Former Senator Guy Veleva to recommend that he receive early release when sixty (60) days of incarceration are completed. I understand that such action is permissible.

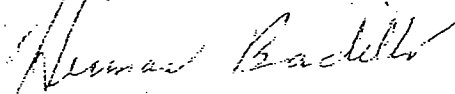
I have known Senator Veleva for many, many years, and have worked with him during the time I served as President of The Bronx, Member of Congress, Deputy Mayor of New York City, Trustee and Chairman of the Board of Trustees of the City University, a period of over 35 years.

During most of that period, I was an elected or an appointed official in the Democratic Party and he was a Republican. Nevertheless, we worked closely together for the benefit of the people of the Bronx. I found him to be a dedicated public official who did not let politics interfere with programs which were needed, not just in his senatorial district but throughout the Bronx and the City. To me, he was a man of his word and his support was indispensable in achieving goals such as raising educational standards at the City University during the years of 1997-2000.

I know how much Senator Veleva has suffered as a result of his conviction and imprisonment. His political career which he hoped one day would lead him to the judiciary, has come to an end and his personal life is in shambles.

Under those circumstances, I believe he is one who should get early release and I support such action on the part of your board.

Sincerely,



Herman Badillo



EAC



Education & Assistance Corporation

50 Clinton Street, Suite #107, Hempstead, N.Y. 11550
(516) 539-0150 FAX # (516) 539-0160
www.eacinc.org

Lance W. Elder
President & CEO

Executive Board

- Chairman
M. Allen Hyman, Esq.
Certiman Bain Adler & Hyman LLP.
Vice Chairman
Matthew L. Smith, MAI, SRA
Smith & Salerno Valuation Services, Inc.
Vice Chairman
Richard M. Bivone
R.M.B. Drafting Services, Inc.
Electrical Inspectors, Inc.
Secretary
John Fabio
Nassau OTB
Treasurer
David E. Pasettiner, Esq.
Jaspan, Schlesinger, Hoffman, LLP
Counsel to the Board
Joseph A. Quatela, Esq.
Morgenslem & Quatela
Member at Large
Michael T. Schroder, Esq.
Schroder & Strom, LLP
Member at Large
Nancy Coffeary

Directors

- Sal Asaro
Simply Lite Foods
Thomas Boerum
Cardone, Gordon & Assoc.
Noreen Carro
LMN Printing Co., Inc.
John A. Chercock
Provitil, Inc.
Dr. Gerald L. Corva
Garden City Physical Medicine & Rehab.
John J. Glazek, Jr.
Long Island Goffer Magazine
Mary Dolan Grippo
New York Islanders
Tom Gubitosi
Marie Gubitosi Foundation
Carmine Inserra
NAI Long Island
Richard Kessel
LIPA
Phyllis Kreftman
New York Institute of Technology
Joseph A. Lagano
Cushman & Wakefield, Inc.
Maria-Christina Poons
Hispanic Community of Great Neck
Andrew Rothstein
Newaday
Joanne Seltzer, Esq.
Jackson Lewis, LLP
Lifetime Board Members
Steven J. Eisman, Esq.
Abrams, Fensterman, Fensterman,
Flowers & Eisman
Louis C. Grassi
Grassi & Company, CPAs, P.C.
Robert P. McBride
We Mean Business
Dominick J. Scotto
Armbage/Group
Angelo Zaffuto
Zaffuto Construction Co., Inc.

July 16, 2004

Marjorie Pearce
Stillman & Friedman
425 Park Avenue, 26th Floor
New York, NY 10022

To Whom It May Concern:

I wanted to take the opportunity to express my support for Senator Guy J. Velella. I have known him for a number of years and have had the pleasure of working with him on an important program for The Bronx community, Bronx TASC.

Bronx TASC, (Treatment Alternatives to Street Crime), is part of Education & Assistance Corporation's Criminal Justice Division. The program provides alternatives to incarceration for both adults and youth offenders who have committed crimes as a result of drug and/or alcohol addictions. The program works closely with the criminal justice system to identify effective alternatives that assist the offender and save public funds through eliminated prison/jail time for nonviolent offenders.

Bronx TASC serves hundreds of nonviolent drug addicted predicate and non-predicate felony offenders each year. Overall, the TASC programs proudly boast of a 70% success rate and they have saved New York State millions of dollars above and beyond the costs of the program.

Senator Velella was a partner in the Bronx TASC program providing not only his support but by securing \$480,000 in funding to ensure the program's continuation. Senator Velella understood the need for the program, not just to save scarce State resources, but to provide the treatment these individuals so desperately needed. He knew that time in jail would serve little useful purpose as it was treatment that would turn these felon's lives around.

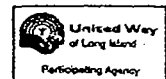
Without hesitation I would likewise say that for Senator Velella to serve his full sentence would also serve no useful purpose for our society. He has certainly paid his debt to society and his life has been drastically altered. By giving up both his political and legal career, he no doubt will be constantly reminded of his actions and the result of those actions. I believe that society would be better served if Senator Velella were once again a private taxpaying citizen.

Very truly yours,

[Handwritten signature of Lance W. Elder]

Lance W. Elder
President & Chief Executive Officer

LWE/js





Michael Finnerty

Conditional Release Board
New York City Department of Probation
33 Beaver Street
New York, New York

July 7, 2004

To whom it may concern,

I have known Guy Velella since I lived next door to him eighteen years ago during his initial State Senate campaign.

As a Member of the New York State Parole Board from 1995 through 1998 it was my duty to interview over four thousand inmates as potential candidates for release. Previously, I served as a Wayne County Probation Officer from 1974 to 1978, during which time I conducted numerous interviews, investigations and supervisions concerning individuals convicted of committing criminal acts. It was also my responsibility to recommend early release to the sentencing court for those probationers who I deemed worthy of such treatment.

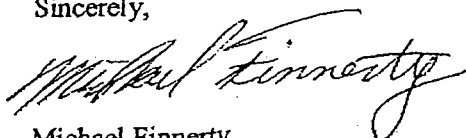
I can not think of anyone during those two separate professional periods of my life that would be more qualified for release into the community and presents less of a risk in said community than Mr. Velella.

Community involvement was and hopefully will soon again be the trade mark of his life. Always willing to extend a helping hand to those less fortunate than himself, he spearheaded numerous community activities not only as a father, Assemblyman, and Senator, but also as President of his Neighborhood School Board Association. At the same time he never lost site of individuals with problems and was there for them when they needed his assistance.

Guy Velella has served his community well in the past. After losing his name, his law license and currently residing in protective custody at Rikers, he has paid dearly for his conduct, and certainly in my opinion, deserves the chance to be released.

Thank you for reviewing this letter and allowing me to share my thoughts with you.

Sincerely,



Michael Finnerty





DENIS M. HUGHES
President

PAUL F. COLE
Secretary-Treasurer

50 Broadway - 35th Floor
New York, NY 10004-1687
(212) 777-6040
FAX 777-8422

100 South Swan Street
Albany, NY 12210-1939
(518) 436-8516
FAX 436-8470

July 13, 2004

Marjorie Pearce, Esq.
Stillman and Friedman
425 Park Avenue
New York, NY 10023

Re: Guy Velella,
Local Conditional
Release Applicant

Dear Ms. Pearce:

I request that you make available to the Local Conditional Release Commission this letter, which is written on behalf of Guy Velella, an applicant for conditional release.

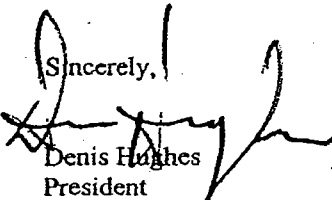
Guy Velella has been well known as a friend to working men and women for many years. He has been personally known to myself and members of my staff for some 30 years. Guy Velella has been an extremely effective legislator in advancing the interests of working New Yorkers. His accomplishments are so numerous, only a few can be mentioned.

Guy Velella was the leading legislative advocate for the Safe Streets Act, which is the legislation that funded and continues to fund the successful campaign against street crime in our neighborhoods. It was through his work with unions that money from the Act was directed toward keeping libraries open so that children would have a safe environment to study after school.

Guy Velella was the lead sponsor and prime mover of legislation that provides pension cost of living adjustments so that elderly retirees will no longer be left destitute by inflationary cost of living. Guy Velella through his interest in workers, established a program which has provided millions of dollars for young working families to obtain child care so that these young parents, often single mothers, could seek and hold down a job without worrying about their young children. He has sponsored and worked hard to ensure victories not yet achieved for minimum wage increases and for restoration of adequate workers' compensation benefits.

Therefore, I would request review of Guy Velella's considerable record of laudable community service, and his release under supervision to the community he has so long devoted himself to. Mercy is a trait of the strong and confident. Justice, not tempered by mercy, is ill served.

Sincerely,



Denis Hughes
President

DH:mkn
Opeiu-153

"Helping Working Families Achieve a Better Life"





YOUTH SHELTER PROGRAM OF WESTCHESTER, INC.

220 EAST EIGHTH STREET, MOUNT VERNON, NY 10550

Phone: (914) 668-4702 Fax: (914) 668-4994

www.youthshelter.org

July 16, 2004

OFFICERS

Rebecca Schenk, Esq.
President

Phillis Rosenthal, Esq.
Carolyn Grain
Vice Presidents

Gloria Rosner
Treasurer

Pamela D. Stockton, Esq.
Secretary

DIRECTORS

George C. Branche, MD
Bernard Brickel, Esq.
Rudy Coombs
Carolyn F. Grain
Virginia M. Irwin
Julie Medina
Barry E. Nesson, Esq.
Arlene Popkin, Esq.
Phillis H. Rosenthal, Esq.
Gloria Rosner
Rebecca Schenk, Esq.
Catherine Schonberg, CSW
Pamela D. Stockton, Esq.
Caverly (Lee) Stringer
Jacqueline Williams-Walsh, CSW
Margaret Weinstock
Estelle Williams

ADVISORY COMMITTEE

Keith Clarke, CPA
Hon. Arthur J. Doran, Jr.
Hon. Audrey Hochberg
Claire McIntee
Hon. Sezi Oppenheimer
Stephen J. Pittari, Esq.
Commissioner Rocco Pozzi
Hon. Gary Pretlow
Ted Salem
Hon. Mary H. Smith
Hon. Bruce E. Tolbert
Joseph Vandernoot
Hon. Guy Vellela

William Jones
Executive Director

To Whom it May Concern:

My name is William Jones, I am the Executive Director of the Youth Shelter Program of Westchester, Inc. The Youth Shelter is a unique not-for-profit program which provides a home-like alternative to incarceration for 16-21 year old males located in Mount Vernon, New York. YSP opened its doors in 1977 with support from Westchester County and the United States Law Enforcement Assistance Administration.

Our residents are primarily first-time offenders, hailing mainly from Westchester's low-income urban communities. They are awaiting trial for various criminal charges and may not have functioning homes to receive them from the County jail. They have been jailed with an Alternate Remand form signed by the arraigining judge, permitting their acceptance into the Program.

Beyond the basics of food, shelter, and medical care, YSP provides a positive environment of discipline, structure, responsibility, and individual attention. At the Shelter, residents receive psychological counseling, substance abuse treatment, and various social and recreational programs. Many of these young people have never had any social guidance before. By interrupting the usual criminal justice downward spiral and giving hope a chance to triumph, the Shelter saves lives.

Senator Vellela has been very supportive and helpful with our program. Due to a flaw in the reimbursement stream for our educational program there was a problem which threatened its success. In 1999 we approached Senator Vellela asking for his assistance. Under the previous statute only correctional facilities maintained by a county, or the City of New York, were eligible to draw funding from the State for providing educational services to incarcerated youth. Though State funds are already being paid for the Youth Shelter individuals, these funds were transferred to the individual school districts, which in turn meant that the Youth Shelter was not always receiving reimbursement for services. As a not-for-profit organization this left the Shelter at a severe economic disadvantage.

In response, Senator Vellela introduced legislation that would expand eligibility to include "youth shelters." Signed into law as Chapter 564 of the Laws of 2001, the bill addressed the problem by treating 'youth shelters' in the same manner as correctional facilities. As such, the local school district receives funding directly from the State for Youth Shelter residents rather than soliciting it from the youth's home district.

It was due to Senator Vellela's commitment to our youth that we were able to change the lives and brighten the future of our young people.

Sincerely,

William Jones
Executive Director





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

STEPHEN B. KAUFMAN
Assemblyman 82nd District

COMMITTEES
Judiciary
Housing
Insurance
Oversight, Analysis & Investigation

July 8, 2004

Marjorie Peerce
Stillman & Friedman
425 Park Ave, 26th Floor
New York, New York 10022

Dear Ms. Peerce:

It is with great pride that I tell you of my working relationship with State Senator Guy Velella.

Although we are of different parties, I have worked together for more than a decade with Guy Velella in order to make our mutual district a better place for our constituents. In tandem we stopped the Iroquois gas pipeline from going through our community as well as arranging a bipartisan bill in Albany, which created the Legislative Cadet Appointment enabling highly qualified students from throughout the state to attend our mutual district's SUNY Maritime College tuition free. It was truly a feat.

As a state legislator, it has been my pleasure to work with Senator Velella. We have sponsored many different bills together that have not only benefited our constituents, but also the residents of New York State. In 1996, the Senator and I both sponsored the Baby AIDS bill, which is now law mandating that all newborns in New York State be tested for AIDS. According to a recent *Daily News* article, the State Health Department denotes a 78% drop in the "Number of infected babies..." Working together, Guy Velella and I have made a difference.

As a state senator, Guy Velella has done an excellent job and I will be hard pressed to find a partner in government to fill that void. His work on behalf of his constituents cannot be surpassed and will be sorely missed.

Sincerely,

Stephen B. Kaufman
Member of Assembly



Edward I. Koch

1290 Avenue of the Americas
37th Floor
New York, New York 10104

Tel: (212) 541-2100
Fax: (212) 541-1321
E-Mail: eikoch@bryancave.com

July 14, 2004

To Whom It May Concern:

I have known Guy Velella for more than 30 years and have a high regard for him.

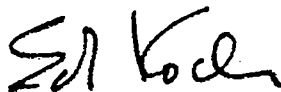
When I was mayor of New York City, Guy was one of the state senators on whom I could rely to represent and support the city's position on difficult legislative matters.

After I left office, I continued to be involved in public matters, one of which is the Second Chance proposal. That legislative proposal is intended to give a second chance to non-violent drug offenders sentenced under the New York State so-called Rockefeller Drug Law for the possession or sale of illicit drugs. I proposed that after serving their sentences, non-violent offenders could, subject to a number of conditions, be given the right to answer "no" to the question on most employment applications, "Have you ever been convicted of a crime?" Those now having to answer "yes" to that question are often unable to secure jobs. Recidivism is rampant among drug offenders who without jobs are unable to marry and have families which would stabilize their lives. Senator Velella was in the vanguard of those supporting the legislation in the New York Senate.

I am not familiar with the facts regarding Guy Velella's conviction other than what I have read in the media. However, I can state without reservation that in all of my dealings with him, I have found him to be an honorable person whose word was his bond.

All the best.

Sincerely,



Edward I. Koch



*Patrolmen's
Benevolent
Association*

Of The City Of New York, Incorporated



OFFICE OF THE PRESIDENT

July 19, 2004

Stillman and Friedman
425 Park Avenue, 26th Floor
New York, NY 10022
Attn: Marjorie Peerce

Dear Ms. Peerce:

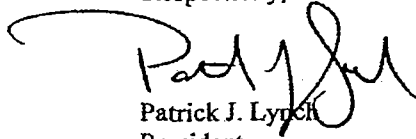
I am writing this letter on behalf of Senator Guy Veleva. I am aware that he will be eligible for conditional release and that his case will be presented to the NYC Local Conditional Release Commission. This has been an ordeal of considerable significance for Senator Veleva. He has suffered many consequences both in his personal and professional life.

I have known Senator Veleva professionally and personally for a number of years and would encourage consideration of his many redeeming qualities and personal and professional commitments. I always found Mr. Veleva to observe the highest degree of integrity in all of his interaction with the New York City PBA. He often made tireless efforts to assist New York City Police Officers. He has also made significant contributions to improving New York State government and is considered by all who know him to be hard-working, loyal and dedicated.

For all of these reasons, I urge the Commission to grant Senator Veleva's request for conditional release.

Thank you for your consideration.

Respectfully,


Patrick J. Lynch
President

PJL:ta



Janice Melowsky

State Senator Mury Ueella
2019 Williamabridge Road
Bronx, New York 10469

Dear Senator Ueella:

My name is Janice Melowsky.

I am writing this letter to thank-you for forming The Life Skills Training Program. I am learning a lot from it and it is developing my speaking skills in a group. This gives me an incentive to go into the business field again, after being retired for two years. I have made some new friends which I enjoy very much.

The people who are running it are excellent people and deserve much praise. They put a lot of time and energy in it. I hope you can run a program like this again about other topics related to the outside world.

I also wanted to tell you my husband & I follow your summer concerts in the Park. We travel to them unless a bus or train does not go there.

yours truly

Janice Melowsky





MICHAEL F. NOZZOLIO

Member of The Senate
State of New York

July 19, 2004

To Whom It May Concern:

For more than thirty years Guy Velella served the people of New York State with distinction and honor.

As a New York State Assemblyman and State Senator, Guy Velella has improved the quality of lives of countless individuals. The listing of community organizations which have positively benefited from the public service of Guy Velella are too numerous to list.

I fully understand that punishment must be meted out to individuals to serve as a deterrent to criminal activity.

It is the responsibility of each local conditional release board to make re-entry decisions based on many factors, but most importantly, the potential threat to the community must be primarily considered. Not even Mr. Velella's strongest detractors could maintain that a threat to the community would be posed based upon his re-entry into the community.

It is my belief that punishment has been meted out to this point, prison time has been served and a legal and political career has been terminated. I would further support the reentry of Guy Velella to the community he has served for more than thirty years at this time.

Please feel free to contact me if you would like to discuss this matter in greater detail.

With best wishes.

Sincerely,

Michael F. Nozzolio
Senator, 54th District



NEW YORK CITY HEALTH & HOSPITALS CORPORATION
North Bronx Healthcare Network

Jacobi Medical Center • 1400 Pelham Parkway South • Suite 1S9 Jacobi • Bronx, New York 10461 • Tel. (718) 918-8141 • Fax (718) 918-4607

Joseph S. Orlando, FACHE
Senior Vice President

July 9, 2004

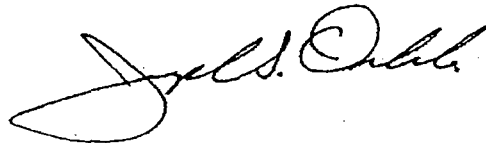
Senator Guy Velella
c/o Marjorie Peerce, Esq.
Stillman and Friedman
425 Park Avenue
26th Floor
New York, NY 10022

Dear Senator:

I must send you this letter; I would be irresponsible as a healthcare executive in this community if I did not communicate to you the "palpable" loss we are all experiencing without you. I hope I can describe, for you, the feelings we have, as we reflect on the contributions you have made to our community and the healthcare of its residents. I, personally, have seen your dedication to Jacobi Medical Center and North Central Bronx Hospital. The kinds of things you did have a lasting impact on what we do each and every day. Most people may not know of the many times the Health and Hospitals Corporation visited you in Albany and requested your support on a piece of legislation critical to the future of the corporation. There are many examples, but I remember vividly your efforts to turn back Medicaid cuts that would have been devastating to HHC. Your leadership in reversing a Gubernatorial Veto, against tremendous upstate pressure, was a great example of courage and a true commitment to your constituents. We knew we could count on you. You always came down "on the side of the people we serve;" the poor and the uninsured and all those in need. This included global issues having to do with Medicaid reimbursement and local issues of community affairs and relations.

Your perseverance is missed and your efforts appreciated. Thank you.

Sincerely,



Joseph S. Orlando

• MEMBER FACILITIES •

JACOBI MEDICAL CENTER • NORTH CENTRAL BRONX HOSPITAL • HEALTH CENTER AT CROTONA • HEALTH CENTER AT TREMONT •
HEALTH CENTER AT GUNHILL • CHILD HEALTH AT GLEBE





NorthEast Bronx Association Inc.

"neighbors watching out for neighbors"

July 6, 2004

To Whom It May Concern:

We are proud to call Guy Velella our friend. The NorthEast Bronx Association may never have gotten off the ground without the support provided by Senator Velella. However, if you were to survey any of the community associations in Senator Velella's district, you will find he was supportive of them all! He sincerely believed in grass-roots efforts, working with ordinary citizens to address their concerns and improve their quality of life. The slogan in his last election campaign was "He's our Guy!" And for 28 years that is exactly what he was to the northeast Bronx.

Guy sent out mailings to keep his constituents informed on a variety of practical concerns including Identity theft, Scams and Insurance. He formed the North Bronx Westchester Neighborhood Restoration Assn. that promoted programs to assist caregivers for the elderly, victims of domestic violence, and crime victims. Senator Velella also sponsored a Child Safety program to assist in the recovery of missing children. Over the years Guy has donated critical equipment to blood banks, hospitals, police and firefighters.

Senator Velella also formed Bronx Salutes America which has produced the world class extravaganza "Celebration of the American Spirit" for our Independence Day celebrations the last 3 years. And for the families of our soldiers in Afghanistan and Iraq, he set up "Freedom Mail", allowing them to use his computers to correspond with their loved ones in the service. Guy was also instrumental in the establishment of the Bronx Columbus Day parade.

Guy's dedication to crime fighting and preserving the quality of life was second to none. He supported the NYPD's Community Policing programs and made possible the establishment of many Civilian Mobile Patrols and Blockwatchers programs, resulting in some of the lowest crime statistics in the city.

There are only a rare few individuals that actually make a difference in this world. Guy Velella is one of those special people who always strived to leave the community he served a better place than he found it – and he did! We can only hope that whoever becomes our next State Senator has the same spirit and dedication to his constituents as Guy Velella had.

Sincerely,

Vincent T. Prezioso, Director

Post Office Box 681, Baychester Station, Bronx, NY 10469-0681
Mr. Vincent T. Prezioso, President Phone & Fax: 718 231-8569

Email: info@nebxassn.com



July 9, 2004

To whom it may concern,

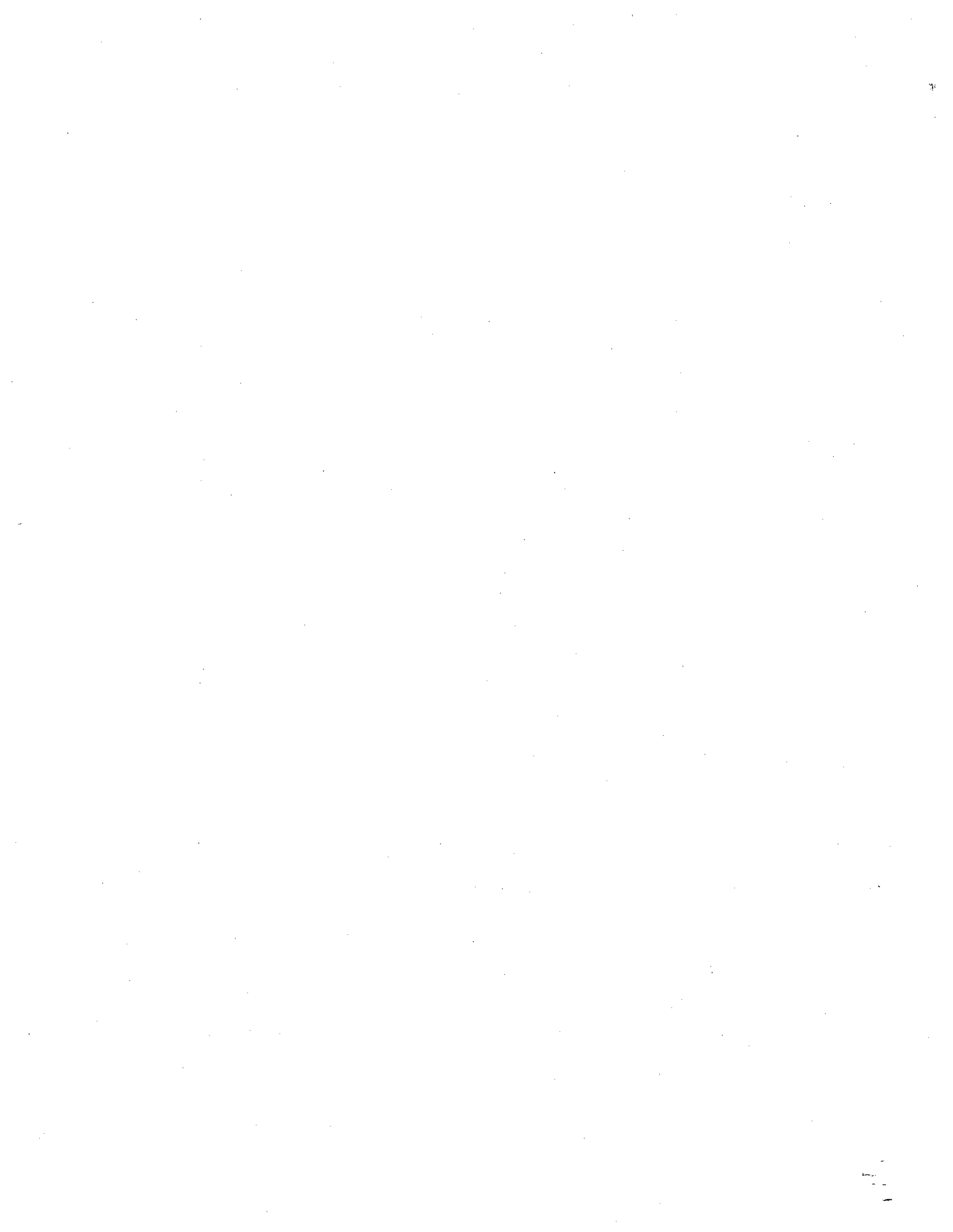
I am writing to express my gratitude for the many years of service Senator Guy J. Velella provided to victims of domestic violence in the Northern Bronx and the Southern tier of Westchester County.

For over five years Senator Guy J. Velella through the Northern Bronx Crime Victims Assistance Program, provided a safe haven for victims of domestic violence to seek ongoing assistance by supporting and providing funding for a support group for victims of domestic violence. Throughout the five years of existence, over 200 women received the information and support necessary to take steps to end the cycle of violence. As the facilitator for this group I can honestly say that without this support group many women living in this area would continue to suffer in silence, be reluctant to end the violence and continue to live in perpetual state of hopelessness. It is only due to the willingness of the Senator to take on the hard issues and lend his support to all his constituents no matter how difficult the task may seem that these women recognized there is hope. The goal of a support group facilitator is to provide individuals with information and options in hope that they will one day have the courage to make life saving decisions and choices. Without the assistance of Senator Guy J. Velella none of this would be possible, so again I thank him on behalf of over 200 victims of domestic violence for giving us the vehicle to help us recognize there is hope and to get the courage to make life saving decisions.

Danielle Williams



Domestic Violence Support Group Facilitator



H



SENATOR VELELLA FUNDING HIGHLIGHTS

Delivered over \$60 million for local projects and programs ranging from senior exercise programs to youth drug prevention programs.

LEGISLATIVE HIGHLIGHTS

First Amusement Park Safety Standards set in the Nation

Mandated 48 hour maternity stay to protect mothers and newborns

Consumer bill of rights for cable TV subscribers

Mandated notification of partners of AIDS patients

NYS apparel workers fair Labor conditions and procurement act

Mandated reconstructive surgery following a mastectomy

Co-authored legislation creating the Tuition Assistance Program

Allowed living benefits for the terminally ill through viatical settlements

Allowed study of the effects of obesity on young people by enacting the Obesity Prevention Act

Provided an automatic cost of living adjustment for certain public employees

Created the New York Institute for Special Education

Enacted the "Child Performer Education and Trust Act of 2003" to ensure child performers who in work in the state are provided with adequate education and a portion of the earnings are kept in trust

Made sale or possession of "Cop Killer" bullets illegal in New York State

Established standards for vehicle glass etchings

Prohibited the use of state funds to promote or deter union organizing

Protected rate payers from utility companies from passing their costs to consumer the costs of their mismanagement such as the radiation leak at Indian Point 2 Nuclear facility of 2000

Extended the Hudson Valley Greenway to include The Bronx

CONSTITUENT HIGHLIGHTS

Since 1999, Senator Guy Velella recovered nearly \$500,000 for constituents



Armor Piercing Ammunition

In his first act as a newly elected State Senator, Guy Velella sponsored legislation to define "armor piercing ammunition" and make it a felony for anyone to possess such ammunition.

Armor piercing ammunition, also known as "cop killers", is defined as any ammunition capable of being used in pistols or revolvers containing a projectile or projectile core, or a projectile or projectile core for use in such ammunition, that is constructed entirely (excluding the presence of traces of other substances) from one or a combination of any of the following: tungsten alloys, steel, iron, brass, bronze, beryllium copper, or uranium.

The bill also found a person to be guilty of criminal possession of a weapon in the fourth degree when "He possesses any armor piercing ammunition with intent to use the same unlawfully against another".

The obvious purpose of Senator Velella's legislation was to ensure that police officers using bulletproof vests are not killed or seriously injured by the use of bullets capable of penetrating the vest. In the memorandum of support, it was stated that in the year prior to the introduction of this bill 158 law enforcement officers were killed and 40,000 were wounded. 250 officers were protected from death or serious injury by the use of bulletproof vests. Armor piercing ammunition has no legitimate purpose in civilian activities. Recognition of this fact is evident.

This legislation, signed into law as Chapter 646 of the Laws of 1986, was strongly endorsed by the Police Conference of New York, the Patrolmen's Benevolent Association, the Metropolitan Police Conference, the Division of State Police, the State Department of Correctional Services, the State Commission of Correction, the Division of Parole and the Crime Victims Board, amongst others.



Testing of Babies for HIV/AIDS

In 1996, Senator Velella introduced S. 7729, to ensure that newborns exposed to HIV receive prompt and immediate care and treatment in order to prolong and possibly save their lives. Signed into law as Chapter 220, it exempted the testing of newborns from confidentiality laws, and required the testing, disclosure, counseling, and educational services of newborns and their parents.

Before the introduction of S. 7729, HIV tests were performed on all newborns born in New York State hospitals. However, the results of those tests were not released to the parents of an infected or exposed child unless they specifically requested the results. While the Public Health Law set forth the authority to order this testing, because of the strict interpretations that were applied to confidentiality laws surrounding the AIDS epidemic, the Commissioner had not been able to order routine HIV testing, even though it is deadlier and far more prevalent than the other testable diseases.

Senator Velella recognized that parents and physicians must be made aware of an infant's HIV antibody status in order to ensure proper medical care and provide the best possible environment to maintain an infant's health. Fortunately, 75% of the newborns who test positive for the antibody are not truly infected; they are simply carrying their infected mothers' antibodies which their own bodies will throw off within months. The ultimate horror is, however, that if the mother is not told that she is infected and she breast-feeds the baby, a known method of HIV transmission, she may actually infect her otherwise healthy newborn. Significantly, the widespread availability and use of cutting edge technological advances enables doctors to determine which children are truly infected. Having this information would allow health care providers to direct infected infants and their mothers immediately into appropriate medical programs and counseling.

For instance, a mother who suspects that she may be infected can defer breast-feeding until test results come back. Even if she has already started breast-feeding and the test results come back positive, she should be counseled to stop because the risk of transmission increases with the duration of breast-feeding. For those infants who actually are infected, doctors and parents must take important steps to enhance and prolong their lives. Infected children require a more aggressive approach to every day childhood diseases which may be fatal to them because of their defective immune systems. They may require a different immunization schedule that takes their lower resistance into account. Senator Velella saw that these deaths were preventable if an infected child is identified and treated.

Prior to 1996, the Department of Health had tried to provide voluntary HIV testing programs for pregnant women. Unfortunately, their effects left much to be desired. Although the Department had invested millions of dollars in these programs since 1987 and some had been successful, the overall results were disappointing. Despite a heavy concentration of money and resources, only about 40% of infected newborns were identified at birth. The other 60% were sent home from the hospital undiagnosed and untreated. In addition, prenatal counseling and testing are useless for babies whose mothers never receive prenatal care, an all too common scenario for those infected women who also suffer from other societal problems such as poverty and drug abuse.



Senator Velella felt all infants were entitled to treatment and a chance at life. As with any other disease, education and prevention are the preferable approach. Nonetheless, there is an obligation to treat and care for all of those who fall victim to the disease, regardless of when it was discovered. Prevention and treatment cannot be presented as an either-or choice. This legislation addressed the deficiencies of a voluntary newborn testing program by authorizing the Commissioner to adopt new regulations making such testing universal.

The tremendous effects of this landmark legislation can be seen in a recent study released by the Department of Health, which examined the number of babies born with HIV between 1997 and 2002. In that study it was determined that babies born in New York with HIV dropped a dramatic 78%. In fact in 2002, only 2.4% of infants born to women with HIV were infected, compared to 10.9% in 1997, and up to 25% before passage of Senator Velella's legislation.



Mandatory Maternity Stay

Also, in 1996, Senator Velella introduced S. 5742-A, later signed into law as Chapter 14. This legislation addressed the disturbing trend of "Revolving Door Deliveries," in which HMOs, insurance companies and hospitals restricted the length of maternity stay for mothers and newborns following childbirth to 24 hours or less, based upon financial rather than public health considerations. In many cases, such early discharges could be detrimental to the health of both mother and newborn, particularly because many conditions which affect newborns, such as jaundice, do not manifest themselves during the first 24 hours of life. In order to ensure that mothers and newborns received the full scope of appropriate professional maternity care, the bill established mandatory minimum periods of coverage and care for maternity stay. It required that all health insurance policies and HMO contracts provide coverage for maternity care services for at least 96 hours following a caesarean section and at least 48 hours following delivery.

Coverage would also include, at minimum, parent education, assistance and training in breast or bottle feeding and the performance of any necessary maternal and newborn clinical assessments. In the event that the mother exercised her option to be discharged earlier than the minimum periods established, coverage would include at least one home care visit. Such home care visit would be in addition to, rather than in lieu of, any home health care coverage available under the policy. The home care visit may be requested at any time within 48 hours of delivery (96 hours for caesarean section) and must be provided within 24 hours after discharge or the time of the mother's request, and is not subject to deductibles, coinsurance or copayments.

In order to expand the scope of the legislation, it also required that a general hospital which provides maternity care must offer inpatient care for mothers and newborns of at least 48 hours (96 hours for caesarean section) following childbirth, and longer when medically necessary. These provision did not limit the mother's option to be discharged earlier than these time periods. In making decisions about early discharge, however, it is recommended that the mother consult with her physician and that such discharge be arranged, consistent with the provisions of this act, according to the discharge guidelines developed jointly by the medical specialty societies recognized by the American Board of Medical Specialties, including the American College of Obstetricians and Gynecologists (ACOG) and the American Academy of Pediatrics (AAP). Although the bill mandated that 48 hours of hospital care must be offered, it does not mean that all health care plans must pay for this period of care. The Legislature lacks the statutory authority to compel ERISA self-insurers and other insurers not regulated by New York State law to comply. Therefore, the bill further required that the informational leaflet provided by hospitals to maternity patients include an explanation of the special provisions relating to maternity coverage and care established by this act and a suggestion that expectant parents check their insurance policies for the details of their specific coverage.



Enhancement of the Forfeiture and Seizure Laws

In 1988, as Chairman of the Senate Standing Committee on Alcoholism and Drug Abuse, Senator Velella introduced legislation to correct a deficiency in the State laws regarding the forfeiture of property and assets obtained through criminal conduct. In particular, the legislation addressed the forfeiture and seizure of the ill-gotten gains of drug dealers. Specifically, S. 8452-A would accord State and local law enforcement agencies with the same benefits provided under federal statute, thereby assisting these agencies in waging a more effective war on drugs. Those benefits include the retention of seized property for the furtherance of criminal investigations, allowing for the full recovery of the cost of the forfeiture proceeding, and permitting the forfeiture of any real property used by criminals as an instrument in the furtherance of the crime.

In 1990, Senator Velella's proposal became part of larger omnibus legislation that was signed into law as Chapter 655. This important reform of the State laws represented a significant step forward in the war against drugs and enhanced the efforts of police and prosecutors to deprive drug dealers of the proceeds and instruments of their crimes. Specifically, the bill allowed for the forfeiture of real property when used in the commission of felony drug offenses, simplified and expedited State forfeiture procedures by permitting prosecutors to seek forfeiture as part of a criminal prosecution, created a presumption that cash found near drugs are the proceeds of illicit drug activities, enhanced the ability to identify and trace illicit proceeds by allowing prosecutors to obtain subpoenas prior to commencement of forfeiture actions, and revised the distribution schedule for forfeited assets, assisting police and prosecutors in recovering some of the costs of bringing forfeiture actions.

Living Benefits and Viatical Settlements

In 1991, Senator Velella sponsored legislation, which was later signed into law as Chapter 428, to authorize life insurance companies to offer a product commonly referred to as "living benefits" or "accelerated death benefits". This would enable the owner of a life insurance policy to accelerate payment of the policy's death benefit upon the diagnosis of a life threatening illness. Previously, life insurance policies provided for cash surrender and loan values which could be used to meet the financial needs of the policy holder. However, the amounts available were usually substantially less than the face value of the coverage.

Senator Velella's proposal allowed insurers to provide acceleration of the policy's death benefits in the event of the diagnosis of a terminal illness, a medical condition that would require extraordinary medical care, or diagnosis that would require continuous care in a long term facility or at home. These benefits would be funded by the life insurance policy and the supporting reserves. In addition, the bill provided provisions to shield consumers from adverse financial consequences and required disclosure of important information to consumers considering the purchase of a policy which includes a living benefit option or contemplating using this option. This information is particularly important because these decisions are often made under very difficult circumstances.



At the time of its enactment, the Gay Mens Health Crisis (GMHC) noted that "People with AIDS routinely face an economic double bind: not only are they unable to work, but the medical costs associated with AIDS are enormous. The use of these benefits to help meet economic needs could be a source of significant practical and psychological support." Former State Attorney General, Robert Abrams stated, "The bill targets a highly vulnerable population -- people suffering from advanced stages of AIDS, cancer or other terminal illnesses -- and would allow them to live out the remainder of their lives in greater dignity and comfort than they otherwise might. Permitting such individuals, who may be impoverished, to have access to proceeds normally payable only upon death is a necessary and humane step."

In 1993, Senator Velella further strengthened the consumer protection conferred under Chapter 655, by introducing another bill to regulate viatical settlement companies. This bill was signed into law as Chapter 638. Viatical settlement companies are those which offer to purchase life insurance benefits from terminally ill people, and provide the policyholder with much needed monies.

For those living with a terminal illness, viatical settlements are sometimes necessary to assist in paying for expenses not covered by insurance, such as rent, food, utilities and other essential needs. Companies that buy these life insurance policies play an invaluable role. However, due to the potential for abuse, Senator Velella's legislation provided added protections to ensure that consumers were clearly informed and educated in the use of these companies. Specifically, the bill required the licensing of all viatical companies with the State Insurance Department, provided safeguards to protect an individuals confidentiality, required consumers to be informed of the impact of these payments on obtaining public assistance and on their taxes, required consumers to be informed of alternatives and allowed for a "cooling off" period should they reconsider.

In its memorandum of support, State Wide Senior Action Council noted that "Some companies are arranging sales of life insurance policies to investors who can collect quick profits by exploiting selected seniors who die of terminal illnesses. Some companies offer investors a list of patients to choose from containing their medical condition and life expectancy."

Senator Velella's proposal preserved viatical settlements as a viable option for those facing life-threatening illnesses and maintained a strong competitive market while protecting the rights of consumers who must make these decisions under extreme circumstances.







Hon. Jerry L. Crispino

July 16, 2003

Conditional Release Board
New York City Department of Probation
33 Beaver Street
New York, NY 10004

RE: Guy J. Velella

Members of the Board:

Please be advised that the undersigned is a retired Supreme Court Justice of the State of New York, having served in that capacity from January 1, 1992 until my voluntary early retirement October 14, 2003. Prior to that I was a Council Member of the City of New York from October 1975 through December 1991. I was Chair of various Committees of the City Council during that time, namely Health, Public Safety and Land Use.

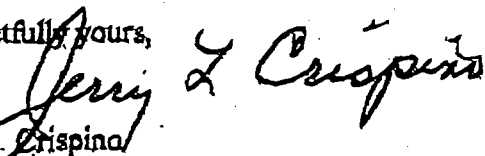
Guy Velella's Senatorial District over-laped my Council District, which made it possible for he and I to work together on many community problems. One that stands out in my mind was the opening of several Little League Fields, at the sole expense of the Metropolitan Transportation Authority. This was just one of many community services that we would work on together.

Senator Guy Velella and his family have been personal friends to my family and me for more than 45 years. I am also proud to say that I have known him to be a very honest, hardworking family man. He enjoyed a reputation amongst Judges, members of the Bar and members of the Community of never saying no and always trying his best to resolve problems.

It is my belief as a former member of the Judiciary, member of the City Council, and member of the Bar, that Guy Velella's plea and sentence, and thus loss of his position and Bar membership has been a significant punishment and that continued incarceration serves no purpose. He should be permitted to continue his relationship with his family, especially his grandchildren whom I have met on several occasions. He poses absolutely no danger to the Community or the Public.

I strongly urge that this Board not hesitate to grant Conditional Release to Guy Velella. In the event you require any further comments of me at a Hearing of your Board, I would be pleased to attend and certainly respond to any questions as to the many, many reasons I believe Guy Velella should be granted Conditional Release.

Respectfully yours,



Jerry L. Crispino
Retired Justice of the Supreme Court State of New York





THE ASSEMBLY
STATE OF NEW YORK
ALBANY

NETTIE MAYERSOHN
Assemblywoman 27TH District

ALBANY OFFICE
Room 746, Legislative Office Building
Albany, New York 12248
(518) 455-4404

DISTRICT OFFICE
159-06 71ST Avenue
Flushing, New York 11365
(718) 969-1508

COMMITTEES
Rules
Health
Labor
Housing
Governmental Operations
Insurance

July 8, 2004

Marjorie Pierce
425 Park Avenue
26th Floor
New York, NY 10022

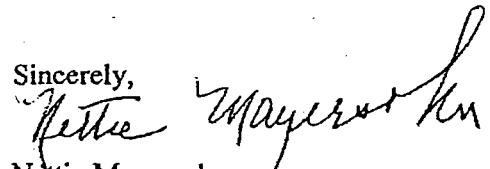
Dear Ms. Pierce:

I am writing this letter in support of former State Senator Guy Vellela.

While in the Senate, Guy was the sponsor of a key piece of legislation I had introduced in the Assembly. The Baby AIDS law, as it became known, was signed into law 1996, making it mandatory for doctors to tell new mothers of their newborns' HIV status. As a result of our legislation, the State has seen a 78% reduction in transmission of HIV from infected mothers to their newborns since the law went into effect. We have already saved countless babies and will probably save thousands more before the AIDS epidemic is finally brought under control.

Guy Vellela worked tirelessly with me for the three year period it took to pass the legislation. **The results of his efforts saved lives.** I will forever be grateful for his heroics in the Senate on the behalf of these children. I hope that this will be taken into consideration along with his other good work up in Albany.

Sincerely,


Nettie Mayersohn
Member of Assembly

NM/sw



Charles G. Moerdler



July 1, 2004

Marjorie Pearce, Esq.
Stillman & Friedman
425 Park Avenue – 26th Floor
New York, New York 10022

Re: Guy J. Velella

Dear Ms. Pearce:

I write to you concerning Guy J. Velella.

I have known Senator Velella in essentially four roles. First, as Chairman of Community Board No. 8, Bronx County, and later as Land Use Chairman of that Community Board, I have dealt with the Senator repeatedly over the years. Second, as a Member of the Board of Trustees of St. Barnabas Hospital, I have likewise dealt with Senator Velella. Third, as Chairman of the New York State Insurance Fund, I dealt with Senator Velella in his capacity as Chairman of the Senate Insurance Committee. Fourth, as a lawyer and as a constituent I had frequent occasion to deal with Senator Velella.

On the basis of all of those dealings, I can tell you without a scintilla of reservation that I continue to have the highest respect for his integrity, his dedication to the public interest, and his fundamental decency.

The Riverdale-Kingsbridge community will suffer a most grievous loss by the absence of Guy Velella in the State Senate. No elected public official—and I use the term “no” most advisedly—has ever done more for his constituents in advancing their legitimate concerns than Guy Velella has done for the Riverdale-Kingsbridge community. One illustration aptly makes the point. For years, the Riverdale community had sought to achieve rezoning to preserve the environment, natural areas, and livability. Not one public official was able to move the City Fathers to give the project a high priority. However, Guy Velella took the time to make the visits and the calls, and the project became the highest priority for the City Planning Commission. Because of that effort, Riverdale-Kingsbridge will remain an area fit for people and for living.

St. Barnabas Hospital serves, primarily, minority communities desperately in need of medical attention. On each occasion, when St. Barnabas Hospital has required



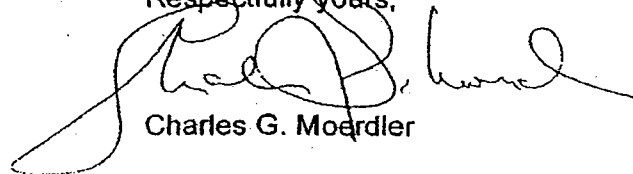
assistance from either the state or the city, Guy Velella has been there to bear the laboring oar and to do it successfully.

As Chairman of the New York State Insurance Fund—to which I was initially appointed as Commissioner by successive Democratic governors (a point I make to eliminate any suggestion of partisan politics)—I turned time and again to Senator Velella to insure that, to the maximum degree possible, the interests of policyholders and the public interest were protected against self-seeking interests, whether in the insurance industry or among special categories of insureds. On every occasion, Guy Velella gave it his all.

As a lawyer and a constituent, I turned to Guy Velella, not to advance personal interests, but to gain the benefit of his insights and expertise. Thus, in securing the settlement of Holocaust claims lodged against the largest financial institutions in Austria, it fell to me to suggest a member who would address the claims and insure fair, honest, and prompt payments to the ever-diminishing array of Holocaust survivors. Guy Velella was one of the original members of that Claims Committee, and served with distinction.

As should be obvious, I speak passionately when it comes to the service rendered by Guy Velella. I do so fully conscious of the fact that he has entered a plea of guilty to a felony. As a lawyer long active in the enforcement of ethical standards in the First Department, I am fully aware of all that such a plea connotes. Nonetheless, I can categorically state that, with all of Senator Velella's current baggage, there are relatively few people who are more deserving of accolades and of any mercy and consideration that the Law can provide than Guy J. Velella.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Charles G. Moerdler". The signature is written in dark ink and is positioned above the printed name.

Charles G. Moerdler



STROOCK

July 1, 2004

Stanley Parness
Direct Dial 212-806-5548
Direct Fax 212-806-2548
SParness@stroock.com

Conditional Release Board
New York City Department of Probation
33 Beaver Street
New York, NY 10004

Re: Guy Vellela


Members of the Board:

I am writing to you in support of conditional release for Guy Vellela. I am a retired presiding Justice of the Appellate Term of the Supreme Court. I am presently Counsel to the Stroock firm. During my twenty-seven years on the bench I sat both in Manhattan and the Bronx and can unequivocally state that Mr. Vellela enjoyed an enviable reputation among the Judges and members of the Bar. In his many years of public service, he has given much of his time and efforts to the community without thought of compensation. His conviction has already cost him much – position, law license, lost income, and cost of litigation, and most of all the honor and prestige he enjoyed in the state and community. I therefore believe that his continued incarceration serves no necessary or useful punishment purpose. I know he is genuinely contrite and only wishes to go on with his life. He certainly poses no present or future danger to the public.

For all of the above reasons, I submit that Mr. Vellela is an appropriate candidate for conditional release and urge that he be favorably considered for such release.

Thanking you for your consideration.

Very truly yours,


Stanley Parness

SSL-DOCSI 1474122v1



FISCHBEIN • BADILLO • WAGNER • HARDING

909 THIRD AVENUE
NEW YORK, NEW YORK 10022

(212) 826-2000

FACSIMILE (212) 644-7485

WWW.FBWHLAW.COM

LONG ISLAND OFFICE
105 MAXESS ROAD, SUITE 124
MELVILLE, NY 11747
(631) 694-8000
FACSIMILE (631) 694-2100

NEW JERSEY OFFICE
235 FROST AVENUE
PHILLIPSBURG, NJ 08865
(908) 454-4570
FACSIMILE (908) 454-5827

BURTON B. ROBERTS
COUNSEL

(212) 453-3968

BROBERTS@FBWHLAW.COM

July 14, 2004

To Whom It May Concern:

I send this letter on behalf of my friend, Guy Velella.

It has been brought to my attention that the Conditional Release Board of the New York City Department of Probation has the right, under the law, to release him after he has served 60 days of his one year sentence. I most respectfully ask that this be done. The legislation creating the aforementioned Board recognizes that sentencing is extremely difficult. Defendants committing the same crime are different. The nuances involved in the commission of a specific crime are different. There is no way to program these differences in the cold words of a statute. That is why we have this Board.

I spent more than 50 years in government service. I have been an Assistant District Attorney, Chief Assistant District Attorney, District Attorney for the Bronx for six years and Justice of the Supreme Court for 25 years, 15 of which were spent as Administrative Judge of the Bronx Supreme Court. The toughest part of these jobs was recommending or imposing sentence.

Guy Velella was an outstanding legislator. He has led the charge on many occasions in trying to prevent the City from being shortchanged. About 38 years ago, he was employed by me as an intern (no salary) at the Bronx District Attorney's Office. He has shown me throughout his career as a legislator that he would have been a good Assistant District Attorney, one who would have tempered justice with mercy.

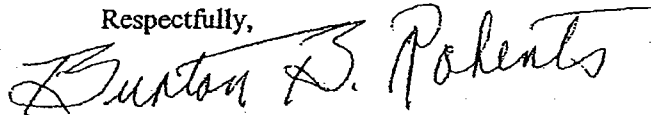
I respectfully ask that the sentence imposed upon Guy Velella be tempered with mercy. He has been disgraced. He has resigned from the State Senate. He will be disbarred and has been serving his sentence as a commissary clerk at Riker's Island. Society could certainly benefit from his spending the remaining incarcerated time in community service.



July 14, 2004
Page 2

He certainly has been punished and I ask that he be given a chance for redemption. People can be redeemed. Certainly people of the caliber of Guy Velella can be redeemed. I respectfully urge that he be released so that redemption can begin.

Respectfully,

A handwritten signature in cursive script that reads "Burton B. Roberts". The signature is written in black ink and is positioned above the printed name.

Burton B. Roberts

BBR/scl



Lillian Roberts



July 8, 2004

To Whom It May Concern:

For over 30 years I and numerous District Council 37 (DC 37) members have enjoyed a very strong and meaningful relationship with Senator Guy Veleva.

DC 37 was the first labor union that supported Mr. Veleva in his first run for public office. He has been a true personal friend and an institutional partner on behalf of the individuals I represent.

DC 37 membership is made up of 121,000 members, 40,000 retirees – representing over 1000 titles in all city agencies that on average make \$29,000 a year.

Over the years, Senator Veleva has assisted DC 37 members, many of whom were his constituents, our staff, and the leadership and rank and file members with distinction.

Legislatively, he worked to better the lives of our members through many pension reform initiatives, securing a cost of living adjustment (COLA), guaranteeing that those in need would receive the health care that they deserved through the adoption of Medicare Part B and he worked in the communities where our members live to provide a safe and secure recreational facility for them and their families use.

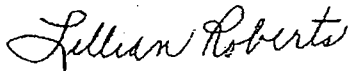


Page 2

He has without fail and on numerous occasions been instrumental in improving the quality of life of our members, been responsive to their needs and served as an exemplary representative on their behalf.

Through our partnership, he has made what in his absence would have been the impossible – possible. He has given hope to those who without his assistance would have remained hopeless. But most importantly, he has given of himself to those who had nothing to give – and made them true friends and appreciative recipients of his dedication and service, and for this we will always remain grateful.

Sincerely yours,

A handwritten signature in cursive script that reads "Lillian Roberts". The signature is written in dark ink and is positioned above the printed name.

Lillian Roberts



J

10

10



T
M

ST. MARGARET OF CORTONA CHURCH
6000 RIVERDALE AVENUE
BRONX, NEW YORK 10471-1604

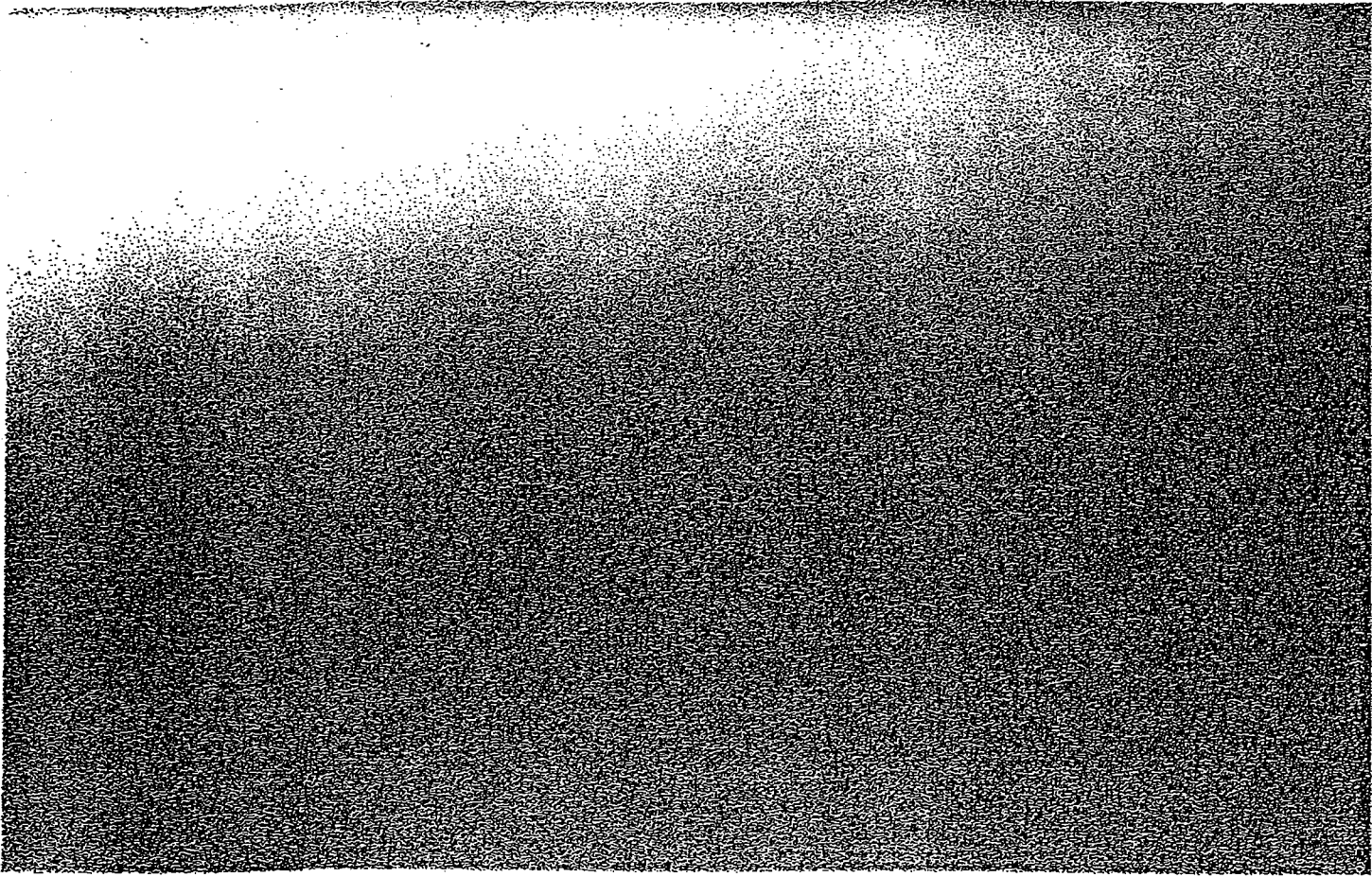
TEL: (718) 549-8053

FAX: (718) 543-3432

July 3, 2004

Dear Senator,

Peace! Although you have admitted to doing some
wrong things, I know that you are a good
person. You have also done a remarkable number
of good things. You have helped many people.
You have been a vibrant presence in this community.
At this difficult time, my prayers are with





you and your family and your staff.

If I can be of any assistance to you, please let me know.

God bless you.

Max. J. J. Farley



Ben Wilson,
Your friendship and never-
ending support of our community
will always be greatly appreciated.

You are an exemplary stationer
as well as a kind and caring
neighbor.
We thought and matter
support are with you.

With great respect
and heavy hearts.

John Updey,
Parent Coordinator, 192


You'll always be there for
our PTA any time I can
ever do - Let me know
Here!

I hope knowing
how much you're cared about
brings a touch of comfort
to your day
and makes you smile.





If you need anything:
Karen Argenti + Dennis Nagle



5-14-04

Dear Guy,

May God give you the strength
to make it thru this dark period of
your life by making good decisions.

The sun will come out tomorrow. Don't
forget you are still Loved + Respected,

Karen + Dennis

[Karen Argenti ran against Guy Velella in
the 1992 New York State Senate election.]





*The Model for the Relief
of Cancer Pain and Symptoms
for Over a Century*

Office of the President

July 7, 2004

To whom it may concern:

I am writing regarding former Senator Guy Velella. While he was in office, and representing the district Calvary Hospital is located in, he was always available to help Calvary Hospital.

As you may know, Calvary Hospital is a 200-bed acute care hospital located in the Bronx, New York, with a 25-bed satellite facility located in Lutheran Medical Center in Brooklyn, New York. The Hospital is the only acute care hospital in the country exclusively providing palliative care to adult, advanced cancer patients. It serves a vital role in the provision of end-of-life care to advanced-stage cancer patients, and is a recognized leader in the field of palliative care research.

Knowing how vulnerable Calvary's patient population is, former Senator Velella has been helpful to Calvary Hospital in several areas, including:

- As a member of the Morris Park Kiwanis Club, he advocated for them to volunteer their services, which led to the establishment of regular ongoing monthly birthday parties for our patients.
- Notable support of Calvary Hospital, through his association with the Knights of Columbus, in their charitable giving to the Hospital.

Please know that I feel it is important to recognize that former Senator Velella's assistance to Calvary Hospital, through many years, has been beneficial to Calvary's patients and their families.

Sincerely,

Frank A. Calamari
President/CEO

FAC:dl



July 9, 2004

To Whom It May Concern:

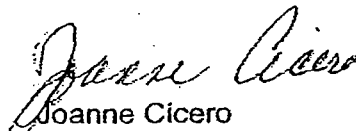
As program director of Crime Victims Assistance Services and a lifelong resident of this community, I am writing on behalf of Senator Guy Velella. For more than two decades Senator Velella has championed quality programs in the 34th Senate District to address the immediate needs of his constituency.

One such program is our very successful Crime Victims Assistance Services (CVAS), which was established to help innocent victims of crime in a historically underserved area of The Bronx and lower Westchester. As a staunch supporter of other programs such as this in other areas of the city and state, Senator Velella recognized it was time to implement a similar effort in his district and collaborated with the North Bronx Westchester Neighborhood Restoration Association, Inc. (NBWNRA) a non-profit organization, which applied for, and was awarded, a grant from the New York State Crime Victims Board.

Since our first caseload in February 1998, CVAS has provided direct, comprehensive client services to over 3,500 crime victims. These services include, but are not limited to advocacy to all appropriate governmental and not-for-profit agencies; one-to-one counseling with a certified social worker; full-time domestic violence advocate and wide range of services for domestic violence victims; assistance filing for NYS Crime Victims Board compensation; criminal and/or civil court support; support groups; emergency financial assistance for funeral costs; and information and referrals to other service providers.

I believe Senator Velella deserves to be recognized and credited for implementing a crime victims program for our community. And I highly commend Senator Velella for his outstanding leadership, vision, unwavering commitment and guidance in the creation of this vital community resource.

Sincerely,


Joanne Cicero
Director.

JC/dd



Always in the forefront

Dear editor,

I had to write this letter to help the community understand what Senator Guy Vellela has meant to our area. He has funded neighbor patrols to the extent where we had more community patrols by far than any other community in the city. His funding helped make Jacobi Medical Center, one of the finest city hospitals in the country. The senator not only funded our little leagues, a softball and hockey league, but attended their parades and fund raisers. The Bronx Columbus Day and Bronx St. Patrick's Day Parades are made possible in part by his funding. Show me another elected official who would cut short a European vacation to attend a community association dinner dance. Senior centers are another area of the Senator's concern and he worked hard to make sure their needs were met. He has always been in the forefront for the fight for our community.

There is a reason that in a predominately Democratic area a Republican can win so constantly and convincingly. The reason is hard work and a commitment to all the people he represents. Whether it be at Sunday Mass or at a local dinner or restaurant he always has time for his neighbors. He is a loved and respected member of our community and we owe him our support and gratitude for all he has done for us. Thanks for a great ride senator.

Al D'Angelo



JOHN C. DEARIE
RICHARD M. WHITE
PATRICK TIMMINS
JAMES LLOYD
TIMOTHY F.X. JONES
SAMUEL MORRIS
OSCAR HOLT III
ROBERT J. REID
THOMAS A. BOYLE, JR.

Law Offices of
John C. Dearie
& Associates
Attorneys at Law

515 MADISON AVENUE - SUITE 1118
NEW YORK, NEW YORK 10022

TELEPHONE (212) 980-0404
FAX (212) 980-9889

TOLL FREE 1-800-2 DEARIE
WWW.DEARIELAW.COM

3265 JOHNSON AVENUE
BRONX, NEW YORK 10463
TELEPHONE (718) 543-1100
FAX (718) 543-1361

18 CORPORATE WOODS BLVD.
4TH FLOOR
ALBANY, NEW YORK 12211
TELEPHONE (518) 436-1100
FAX (518) 436-1176

571 WHITE PLAINS ROAD
EASTCHESTER, NEW YORK 10709
TELEPHONE (914) 771-4100
FAX (914) 771-6229

OF COUNSEL
MARY KILCOOLEY CABALA*

*Admitted in NY and NJ

July 6, 2004

Marjorie Pearce, Esq.
Stillman, Friedman
425 Park Avenue - 26th Floor
New York, New York 10022

Dear Ms. Pearce:

While considerable attention has focused on a single State Contract, my perspective of Guy Vellela, from a former fellow State Legislator, citizen and friend, hopefully may shed some view on a life touching countless other lives in small and big ways.

My initial contact with Guy began over three decades ago, in 1972, when we were then both young candidates of differing parties, from adjoining Assembly Districts, campaigning for seats in the New York State Assembly. With successful elections for each of us, we began a full decade (five elections) sharing some of the same, overlapping Bronx neighborhoods, dealing with numerous issues affecting the same constituents and, in the process, worked closely together on several legislative fronts.

During this period, a genuinely healthy respect developed for the important traits of hard work, sincere interest in people and well-motivated desire to serve our respective Districts and its residents. In 1982, based on reapportionment, a development, neither of us wished, ensued forcing us to oppose each other in a General Election, for the same Assembly seat.

I mention this historical fact as a predicate to noting that we were also, for a brief moment, political opponents. That fact never caused me to lose sight of Guy's energy and commitment to his constituents.

Over the following ten years, Guy was both a citizen active in his community through involvement on the local School Board and later succeeding to election in the New York State Senate. After I retired from the Legislature in 1992, I have observed, for this dozen years, Guy's work responding to literally thousands of requests for a traffic light on this street, throwing out a local Little League first ball, attending hundreds and hundreds of civic





meetings of tenants, or homeowners, getting funding for a neighborhood civilian patrol volunteer group, speaking at local school ceremonies, and on and on.

Guy touched lives.....thousands of them.....in a positive way. In no small measure, did his attentiveness to constituents throughout his District contribute to a remarkable string of bi-annual political election victories.

Over this past decade, (removed as I have been from the political process) I have come to admire, even more, his ability to be selfless with his time in meeting with people, organizations and groups who have sought his help or support. On a personal basis, I have known his wife, Patricia, and his family as loving, caring and supportive - key necessities of anyone so deeply involved in political life.

While I am saddened by the current circumstances that have engulfed Guy and his family, it is utterly necessary not to lose sight of the fullness of an individual's life and its basic motivation in reaching out to - and lending a hand to - thousands of individuals. If mistakes were made (and who of us has not made them) that mis-step must be measured against a lifetime of good steps on the right path benefitting so many others.

My purpose in writing has simply been to offer an insight, from a contemporary, whose life and times have paralleled Guy's, in many ways. Public officials, former political opponents are but fleeting moments, but friends are for the marathon runners and please convey my warmest friendship to Guy.

Warmest Regards.



JOHN C. DEARIE, ESQ.

JCD:lm



[REDACTED]
July 6, 2004

Ms. Marjorie Pearce
Stillman & Friedman
425 Park Avenue - 26th Floor
New York, N.Y. 10022

Dear Ms. Pearce:

As a constituent and friend of Senator Guy J. Veleva I would like to submit the following comments. Over the years Senator Veleva has provided leadership and gained the cooperation and support of both Democratic and Republican lawmakers to pass legislative reform that was vital to the quality of life for all of his constituents.

His commitment and dedication has ensured the growth and stability of our community. Senator Veleva has received widespread recognition and praise for his extraordinary efforts in promoting quality education, economic development and strong measures to reduce crime.

On a personal note, in 1986 my late husband Michael J. Durso and Senator Veleva found themselves in a special election after the sudden death of Senator John Calandra. After the election, my husband and Guy remained good friends because there was a great level of respect and trust for one another. Both men had a definite sense of community and were dedicated leaders.

Respectfully,

Rosemary Durso
Rosemary Durso





HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20615

ELIOT L. ENGEL
SEVENTEENTH DISTRICT
NEW YORK

July 15, 2004

To Whom It May Concern:

During the course of my serving in elective office, since our districts were adjacent or overlapping, I had many occasions to take note of the work done by Guy Velella in his capacity as both an Assemblyman and State Senator.

Guy Velella assisted various community groups and associations in order to aid much needed programs, benefiting the various neighborhoods he represented. Many organizations such as little leagues and homeowner and block associations were helped.

Sincerely,

Eliot L. Engel



Letters to the editor

Velella went beyond district boundary to help individuals in need

Dear editor,

A slew of articles and editorial in various newspapers reported the recent resignation from office of Senator Guy Velella. Disturbing as that was, what shocked my wife and myself the most was the viciousness of the attacks on his character and performance.

From personal experience, we had an altogether different impression of him. Our first encounter was at a street fair in the Bronx sponsored by the Riverdale Jewish Community Council, where we approached him to ask for his support for legislation that would include Familial Dysautonomia, a devastating inherited disease, in the list that already existed of developmental disorders in the New York State Mental Health law. Up to that point, many of its victims suffered delay or denial of entitlements for lack of familiarity by the bureaucracy of this rare disorder that afflict Jews, virtually exclusively.

Despite the obvious noise and other distractions of the event, Senator Velella listened attentively and responded positively, requesting material and adding these touching words, "If it helps kids, I'll support it." He did not require that we be his constituents, members of his political party, or even suggest that he expected any favors in return.

Then, as an outstanding example of

statesmanlike bipartisanship, together with Assemblyman Jeffrey Dinowitz, who introduced the bill in the state Assembly, the legislation was enacted into law that same session.

Unlike the bad press Senator Velella was receiving, in general, the article by your reporter, Bret Nolan Collazzi, "Velella steps down (May 20); community ponders its future," was a real "eye-opener." In the context of his article, he quoted many individuals who reflected our own impression of a lawmaker who dispensed countless favors in support of activities that are the glue of our community.

In what may have been his last official act in office which epitomizes the measure

of his concern and compassion for the people and institutions of his community, he secured funding for the Molecular Biology Laboratory for FD of Fordham University, long recognized as the premier educational institution of the Bronx. That laboratory's team of researchers, headed by Drs. Boris Rubín and Sylvia Anderson, had recently discovered genetic mutations that cause inherited disorders, and therapies to improve the quality of life as well as extend their lives.

As the headline to reporter Bret Collazzi's article points out, this community has good reason to "ponder its future." To that I would add miss the good senator's performance - always with panache.

Theodore Fettman

MAY 27, 2004

BRONX TIMES REPORTER



Hon. Louis Fusco, Jr.

(212) 585-4440

Fax: (212) 585-4450

July 10, 2004

Conditional Release Board
33 Beaver Street
New York, NY 10004

Conditional Release Board re: Guy Velella

Please consider Senator Guy Velella for an early Conditional Release.

I am sure that his recent conduct is an aberration for an otherwise exemplary life.

I am a retired Supreme Court Justice of the State of New York and a former Administrative Judge of the 12th Judicial District of the Supreme Court - Civil Division. I am fully familiar with the facts in the case of which Senator Guy Velella pled guilty .

I have known the Senator Guy Velella for forty years and I am fully aware of his contributions to his community and to his church. I have known the Senator as an honest person, a man of integrity, and a family man who enjoys a fine reputation in the community and among his friends. He has never said no when it came to helping people in need and expected nothing in return.

I so strongly believe in his character that I offered him office space in my suite when he is released.

I am proud to say that he is my friend and I do not hesitate to make this request for his early conditional release.

Respectfully yours,



Louis Fusco Jr.



7'03

Rabbi Israel Greenberg

July 15, 2004

To whom it may concern:

I have known Guy J. Velella for the past two decades. I have always known him to be an honorable, trustworthy public servant who was totally dedicated to serving his constituents. He has always been there to serve the diverse needs of the various neighborhoods that comprise the Bronx and he was devoted to delivering vital services for the benefit of the entire community.

Guy Velella's public service career was exemplary. He took great pride in championing the cause of all those in need including the poor, the disenfranchised, and the elderly. He was responsible for many legislative initiatives that improved the quality of life for all residents of New York State. He is a man of his word who was unafraid to take on any challenge on behalf of the communities that he so effectively represented.

I consider it a privilege to know Guy Velella and I continue to pray for his welfare. His many significant accomplishments for the New York metropolitan community are well documented. May G-d bless and protect him.

Sincerely,

Rabbi Israel Greenberg

Rabbi Israel Greenberg



6/30/04

DEAR MRS. M'KEEGAN:

I AM A COMBAT VETERAN OF THE FIRST MARINE DIVISION DURING WORLD WAR TWO.

IN ALL MY YEARS AS A RESIDENT OF MIRRLS PARK, SENATOR VELELLA NEVER FAILED ANY REQUEST I EVER MADE. HE REMINDS ME A GREAT DEAL OF MY GUNNERY SERGEANT OF WHOM I HOLD THE GREATEST RESPECT.

I CONSIDER MYSELF VERY FORTUNATE TO KNOW SENATOR VELELLA AND I WISH HIM THE VERY BEST. HE CAN ALWAYS COUNT ON MY SUPPORT!

SEMPER FIDELIS

William F. Johnson



William F. Johnson





June 1st, 2004

Dear Senator Velella,

It is with great sadness that we write this letter, in fact it has taken us these many days to face the fact of life in this community without the strong support of your presence.

You have always been a light for the people of our district, some one to rely on, someone to call on for help in any and all situations. Senator Guy Velella was always the staunch representative the people depended on and you were always available to them.

Your numerous contributions to our community and to individuals living here during your terms in the State Senate is far above that of any representative of the people in government. We truly thank you for all you have done for all of us.

You are especially respected and loved by our family. We go back a long way. You have been with us in the good times and you have stood with us through the hard and sad times. We hope that friendship will live on.

We have wonderful memories of the campaigns and of the highs of the victories. Thank you for the great memories.

We hope that one day soon we will once again be able to participate in a campaign for you if that is what you choose to do. If there is anything we can do for you, please call on us we will be more than happy to help in any way we can.

Our love, our friendship, and our prayers are always with you.

Sincerely

Agnes Lynch
Pat Lynch
Agnes and Pat Lynch



Hon. Angelo R. Martinelli

July 20, 2004

Conditional Release Board
New York City Department of Probation
33 Beaver Street
New York, N.Y. 10004

Re: Guy J. Velella

Members of the Board:

As the former Mayor of the City of Yonkers (1974-70, 1982-87) and having known Guy Velella for over thirty years, I am writing this letter to ask you to grant Conditional Release to Mr. Velella.

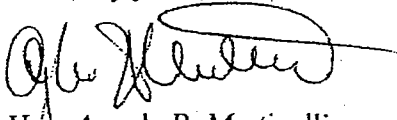
In all the years that I have known him he has always conducted himself in a very honest and sincere manner and while I do not know all the details of the charges that he has pleaded guilty to, it is my understanding that this is the first crime that Guy Velella has ever been convicted of. While a lesson must be taught to those who commit a crime, I do hope that you temper the sentence with a degree of mercy. While this is in your discretion, I do not think that further incarceration should be the remedy for the crime. I would hope that some community service might better serve as a lesson, and I am sure that Mr. Velella will never be involved in any other crime.

In plain ordinary words, Guy Velella has been and can continue to be a credit to his community if he has the opportunity to get by this mistake in his life.

Certainly, he, his wife and children have paid a price already for that mistake, the disgrace, the loss of his State Senate position and his Bar membership along with the publicity, etc. I do hope that you will give him the opportunity to put his life together again. I can assure you that you will never regret it.

Thank you for any consideration you give to this matter.

Sincerely yours,



Hon. Angelo R. Martinelli



Office of the President Emeritus

July 16, 2004

To Whom It May Concern:

I have been asked to write a letter in support of former Senator Guy Veleva. I do so gladly. During the 19 years I served as President of Fordham University (1984-2003), former Senator Veleva represented the district in which Fordham's Bronx campus (the original of the University's three campuses and still its major campus) is located. During these years, Senator Veleva was consistently responsive to the needs of the University and ably represented not only Fordham's interests in Albany but the aspirations of the entire educational community in the Bronx.

In particular, Senator Veleva played a leading role in securing N.Y. State funding for the establishment of the William D. Walsh Family Library in 1997 on our Rose Hill campus in the Bronx, including a grant to establish the Regional Educational Technology Center that enables Fordham University to offer assistance to the high schools of the Bronx and lower Westchester in developing new programs of learning and teaching made possible by advances in information technology.

Senator Veleva always displayed a lively interest in the programs of Fordham University and the aspirations of its faculty and student body and was always helpful in the University's efforts to support not only its own community of alumni, faculty and students but the wider community of the borough, city and state. I should point out that Senator Veleva's efforts on behalf of his constituents at Fordham University were never associated with even the most indirect requests for support of his political campaigns. Fordham University makes no contributions to political campaigns of elected officials, nor has it sponsored other forms of political support for individual candidates.

Based on my personal association with Senator Veleva over the better part of two decades, I am happy to confirm that he was always an engaged and effective representative of the interests of his constituents at Fordham University.

Sincerely,

Joseph A. O'Hare, S.J.
Joseph A. O'Hare, S.J.





July 20, 2004

Ms. Eileen Sullivan
Director, Local Conditional Release Program
NYC Dept of Corrections
33 Beaver Street
New York, NY 10004

Re: Hector Deltoro

Dear Ms. Sullivan:

I am writing this letter of behalf of our employee Hector Deltoro who is presently being considered before the Conditional Release Program under your jurisdiction.

He has been employed with our company since September 2002. Initially Hector's responsibilities were limited to estimating. Subsequently, we decided to use his vast experience in the Real Estate arena to create our Real Estate Division. Based on his past performance in this area we were comfortable giving him full reign of this Division.

His responsibilities expanded to include pinpointing sites to acquire property, coordinating with professional staff including architects and engineers for initial submissions to planning and zoning boards as well as subsidiary boards. His responsibilities also included attendance at board meetings and making presentations regarding application submissions of the projects. Once approval was acquired Hector would then coordinate all trades to commence the initial work on the project from the construction perspective. Simultaneously, he would also assume the marketing role including but not limited to advertising, dealing with brokers, negotiating with prospective tenants, drafting and negotiating leases and tenant build outs. Lastly he managed the property for the duration of the leases.

Hector's departure is having a crippling effect on our day to day operations as well as creating delays on projects already in the pipeline. This is preventing the expansion of this Division as Hector and I had envisioned it.

We would gladly re-employ Hector in the same capacity if conditional release is granted. However, due to the fast track nature of the business we will be unable to hold his position for the anticipated five months needed to complete his sentence. Our greatest



MADELINE PROVENZANO
COUNCIL MEMBER, 11TH DISTRICT
BRONX

DISTRICT OFFICE
2931 WESTCHESTER AVENUE
BRONX, NY 10461
(718) 931-6063
FAX (718) 518-8443

CITY HALL OFFICE
250 BROADWAY, 17TH FLOOR
NEW YORK, NY 10007

provenzano@council.nyc.ny.us



THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR
HOUSING & BUILDINGS

COMMITTEES
FINANCE
GOVERNMENT OPERATIONS
RULES, PRIVILEGES & ELECTIONS
STANDARDS & ETHICS

July 7, 2004

Senator Guy J. Velella
2019 Williamsbridge Road
Bronx, New York 10461

Dear Senator Velella:

I thought you might be able to use a few words of support in these tough moments. I've known you for most of my twenty-five years in political life and I know there are so many things you can look back on with pride in your years as a legislator.

You always served your constituents well and addressed their concerns with your own concern. You were a constant at community events, civic meetings, "emergency" meetings, openings, closings, etc., etc., etc. Although we represent different political parties, I feel we always found a common ground in the constituency we serve.

One of our most fruitful collaborations was TNCAP, which you supported with Byrne funding every year. When I introduced my c-summons initiative, you were wholeheartedly supportive (letters enclosed). More recently, we worked together to establish the Community Advisory Board at Albert Einstein College of Medicine in response to AECOM's agreement with Jacobi Medical Center. We felt a need to protect our community and were tireless when it came to answering the numerous questions raised by the community.

There were so many cooperative efforts that we worked on together in my six and half years as a legislator and I know that our community is better for our efforts and ability to work together in spite of party lines.

Your diligent efforts will always be applauded by the community you served. I have always found it a pleasure to work with you.

I wish you only the best!

Sincerely,

A handwritten signature in black ink, appearing to read 'Madeline Provenzano'.

Madeline Provenzano
Councilwoman



AARP Chapter

July 7, 2004

**Dan Firrincili
2019 Williamsbridge Road
Bronx, NY 10461**

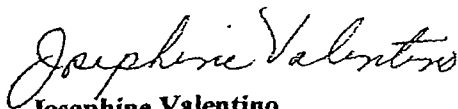
To Dan Firrincili;

I am writing this letter with sadness regarding the resignation of Senator Velella.

The AARP Gun Hill Chapter members have held Senator Velella in high esteem. We benefited from his kindness and he never asked for anything in return. We will always be indebted to him. We wish him and his family our best wishes for many years to come.

As for his office staff, we can't say enough for the courtesy you all have shown us through the years. Hopefully our good relationship will continue in the future.

Yours truly,



**Josephine Valentino
President Gun Hill Chapter 3339
129 Raintree Lane
Mahwah, NJ 07430**



K





ThomasAndruss@aol.com
05/17/2004 04:57 PM

To Velella@senate.state.ny.us
cc thecommunityfund@earthlink.net, Pmahnen@aol.com,
dspold@eastchester.org
bcc
Subject Thanks

Senator Velella:

Thank you for your efforts in securing a \$25,000 grant for the D.A.R.E. Eastchester program. This program not only teaches the children about the dangers of using drugs, but also enables them to develop a healthy relationship with Eastchester police officers at an early age. This can only help the children, the police department, and the town itself.

Best wishes to you and your family in the upcoming difficult time.

Thomas G. Andruss
Community Fund of Bronxville, Eastchester and Tuckahoe





Dorrie Weinberg Burke 1410 Rowland Street Management Bronx, New York 10461

May 20, 2004

Honorable Guy J. Velella
[REDACTED]

Dear Senator Velella,

I hope you will forgive my sending this letter to your home, but I wanted very much for you to receive it directly. As many, many others who you have represented and worked with, I want to express my deepest thanks for your support and advocacy for me personally, for my Dad and family, and for our community for so many years.

I believe from the time I registered to vote, you were either my Assemblyman or State Senator. In the late 1970's, I distinctly remember your call to me in response to a complaint I had made about the 'Chez Sensual' disco that operated at Westchester Avenue just down the block from my home at 1410 Rowland Street, and your intervention to address the many quality of life issues this establishment was impacting. There were numerous other personal issues for which I always knew I could turn to your office for help. Needless to say, your participation in helping the Einstein Division of Substance Abuse establish its community relations program ultimately led to my now 23 years at the Division, serving the institution, as well as our community and other Bronx neighborhoods.

I also want you to know how grateful I am for your support for my Dad, Herbert Weinberg, who passed away just this February, a month short of his 89th birthday. My Dad lived at and was owner of 1410 Rowland Street, and was also an inaugural officer of the Zerega Community Association (ZCA), a 'patrolee' and Financial Secretary during John DeCicco's presidency. I know of your office's tremendous assistance to my father in issues impacting his tenants and building, and also of your unfailing work with ZCA. Those were very good times for our community, with community pride high and service groups active and effective. Even as my Dad aged, on Election Day, he would get out as early as possible to vote for 'his' State Senator.

Senator, my best thoughts and wishes are with you and your family as you confront this very difficult time. I, as I know many others do, feel a sense of great loss for our community, and look forward to a future time and future initiatives through which we may continue our work together.

Sincerely yours,

Dorrie Weinberg Burke



Leake and Watts Services, Inc.
463 Hawthorne Avenue
Yonkers, New York 10705
914 375 8700
914 375 8800 fax
www.leakeandwatts.org

1529-35 Williamsbridge Road
Bronx, NY 10461
'18 794 8200
'18 794 8302 fax

Central Admissions
14 375 8880

Community Based
IOS Programs
Day Care
Early Childhood Education
Family Resource Center
Head Start
Preventive Services

Residential
Foster Care and Adoption
Group Homes
Independent Living
Juvenile Secure Detention
Nursery/Infant Residences
Outpatient Secure Detention
Residential Treatment
Residential Apartments
Social Education
Specialized Foster Care
Substance Abuse Treatment

Medical Services
ACCREDITED

ACCREDITED
FOR ACCREDITATION
PROCESS FOR ANNUAL
AND CHANGING THE

Member Agency of:



UNITED WAY
OF NEW YORK CITY
Helps Here



Officers
William A. Kirk Jr.
President
Margery E. Ames, Esq.
Patricia Gadland Morrisey, D.S.
Vice Presidents
G. Crossan Seybolt Jr.
Treasurer
Elinor G. Platner
Secretary
Phoebe R. Stanton
Chairperson, Executive Comm

Directors
Patricia Ardila
Susan S. Benedict
Robert L. Davis
Rev. Dr. Stuart H. Hoke
Joseph C. Hoopes Jr.
Karen M. Hopkins, M.D.
The Very Rev. Dr. J.A. Kowalski
Anthony D. LeCour
Ernesto Lopezera
Frances Reese Olivieri, Esq.
Elizabeth M. Parry
Bernard L. Smith Jr.
Gregory M. Weston

Honorary Directors
Carol Oughton Biondi
Frank J. Biondi Jr.
J. Dennis DeLafield
Charles H. Erhart Jr.
Fredell W. Iglehart
Nora S. Schaaf
David F. M. Todd
Suzanne W. Todd

Lawrence B. Thompson, Esq.
Counsel to the Board

Executive Staff
James J. Campbell
Executive Director

Donald Batista
Dionisio Castro
Associate Executive Directors

Carlton L. Mitchell
June B. Reece
Assistant Executive Directors

May 18, 2004

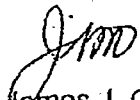
The Honorable Guy J. Velella
The Senate of New York State
2019 Williamsbridge Road
Bronx, NY 10461

Dear Senator Velella:

I just heard about your leaving the Senate after all these years. It's a well-known fact that you've served your constituencies unflinchingly over these years. Even though we've had some differences in the past, I know that in recent months our relationship has gotten better because you've given us the opportunity to prove to you and the community that this work that we do is worthwhile and can have a positive impact.

Needless to say, we will miss you and your straightforward way of expressing your opinion. Personally, I wish you the very best in the future. You deserve it after so many years of representing the people who overwhelmingly elected you again and again.

Best wishes,


James J. Campbell
Executive Director

JJC:rws

Building Brighter Tomorrows for Children & Families Since 1831



The Rose E. Scala
Public School 71
3040 Roberts Ave. Bronx, N.Y. 10461
718.822.5351

Lance Cooper
Principal

Phyllis Calzolaio
Fausto Cordero
Assistant Principals

Diana Mannarino
Susan Vaughan
Antionette Casali
Secretaries

Dennis Mortensen
Custodial Engineer

May 7, 2004

Senator Guy Velella
2019 Williamsbridge Road
Bronx, NY 10461

Dear Senator,

On behalf of the staff and students at The Rose E. Scala School - PS71, we express our heartfelt support to you during these trying times. You have always been extremely altruistic and supportive to our school. You have enabled us to continue programs for our children throughout the years. Your generosity has provided our students with extra learning materials for the classrooms. We have you to thank for after school sports programs for the children. We are extremely appreciative to you and your staff. You have always been and will always be a large part of our PS71 family. We send you our admiration and best wishes.

Respectfully,



Lance Cooper
Principal



HEARTSONG INCORPORATED

"You make a living by what you get, but you make a life by what you give."
Winston Churchill

May 14, 2004

FOUNDER/EXECUTIVE DIRECTOR
GAYLE M. CRATTY

OFFICERS
THOMAS A. CRATTY
Chairman

JAMES J. VENERUSO, ESQ.
Vice Chairman

LISA KUNSTADTER
Secretary

ANN O'CONNOR
Treasurer

PAUL D. RANIERI
Assistant Treasurer

BOARD OF DIRECTORS

RUTHANN F. BRAZILL
ROSE C. CRAWFORD
JOSEPH E. GODFREY, III
TIBSAY A. GUZMAN
PAUL F. HAGGERTY
ELIZABETH A. HERY
DAVID L. KAPUT
MEGAN MCKINLEY
JULIA R. MEADE
PHILIP J. ORLANDO
JOHN PELLITTERI, PH.D.
HELEN H. RICE
LAURA RULON-MILLER
JOAN TOFFOLON



The Honorable Guy J. Vellela
New York State Senate
2019 Williams Bridge Road
Bronx, NY 10461

Dear Senator Vellela,

On behalf of the Board of Directors and the families of Heartsong, we wish to express our deepest gratitude for your request of \$10,000 from New York State as part of the 2004/2005 State budget for the purpose of supporting Heartsong's music and art therapy program for children with disabilities. We are grateful to you on behalf of the New York State Senate, and to your dedicated staff, for ongoing support in providing this critical funding. Given the growing number of children with disabilities in our communities, this support is needed now more than ever.

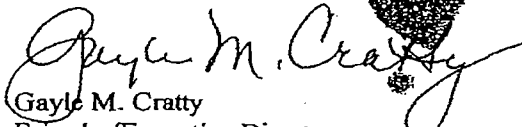
The Heartsong program reaches a constituency base of 242 children and their families, plus more than 100 community volunteers from a dozen local schools and colleges that support our activities on a weekly basis. We have enclosed information on recent community activities, including a recent fundraiser on our behalf by the Mount Pleasant Police Benevolent Association.

The program has children attending our sites in Westchester County and surrounding areas. More than 140 children are on the waiting list—a record high, making support from New York State more important than ever. We serve children with autism, cerebral palsy, mental retardation, spina bifida, developmental delay and other disabilities.

The grant will have an immediate and positive critical impact on our ability to bring more children out of isolation and improve their functionality.

Thank you again for your generosity and support of our program.

Gratefully yours,


Gayle M. Cratty
Founder/Executive Director

A MUSIC AND ART THERAPY PROGRAM FOR CHILDREN WITH DISABILITIES

MAIL: P.O. BOX 195 • BRONXVILLE • NEW YORK • 10708
OFFICE: 590 CENTRAL PARK AVENUE, SUITE C • SCARSDALE • NEW YORK 10583
TEL: (914) 725-9272 • FAX (914) 725-9274 WWW.HEARTSONG.ORG



Woodlawn Heights Library
Support Group
4355 Katonah Avenue
Bronx, NY 10470

May 3, 2004

State Senator Guy Velella
2019 Williamsbridge Road
Bronx, NY 10461

Dear Senator Velella:

We would like to take this opportunity to thank you for your generous gift of \$2000. to our library. As you know in these times of fiscal crisis library money has been cut and vital materials cannot be purchased. With your gift our library will be able to purchase some of the following materials: books, videos, cassettes and other necessary items.

As you may or may not know our branch library serves three elementary schools and one high school, as well as a large community; therefore your funding will be helping a vast amount of very grateful citizens of your district.

Again, please accept our thanks for all you have done for our library.

Cordially,



Susann DiRusso
President

SDR/jd



Church of Our Lady of the Assumption

1834 Malpas Avenue

Bronx, NY 10461

Tel: (718) 824-5454 • Fax: (718) 824-5456

May 17, 2003

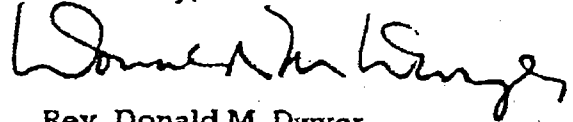
The Honorable Guy Vellela
2019 Williamsbridge Rd.
Bronx, N.Y. 10461

Dear Senator Vellela:

Thank you for your kind letter of May 14, 2004 informing me that you will be leaving the NYS Senate after a distinguished career serving the East Bronx. I write to express my gratitude for the thousands of acts of kindness that you happily preformed for your constituents for the past 30 years. Your record of public service is impressing and memorable. You should be proud of your many accomplishments. The interest and concern that you have shown for the good of the people of our community is genuine.

If there is anything that I can do for you in the future, please do not hesitate to ask us. I wish you well in your future endeavors and want to assure you of my prayers and best wishes for you and your family.

Gratefully,



Rev. Donald M. Dwyer
Pastor





JEWISH COMMUNITY COUNCIL OF PELHAM PARKWAY

2157 HOLLAND AVENUE
BRONX, NY 10462

Fax: (718) 892-3661

Telephone (718) 792-4744

PRESIDENT
CHARLES LANDSBERG

VICE PRESIDENTS
BARBARA DAVIS GELNICK
HAROLD CHILTON
EVELYN TYSZLER

TREASURER
LOUIS ATLAS

SECRETARY
RABBI MELVIN SACHS

EXECUTIVE DIRECTOR
DAVID EDELSTEIN

May 18, 2004

Mr. Guy J. Velella
2019 Williamsbridge Road
Bronx, NY 10461

Dear Mr. Velella:

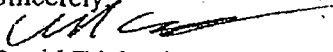
Your friends at the Jewish Community Council of Pelham Parkway want to extend our best thoughts to you in these difficult times.

You responded as a friend whenever we called upon you and never failed to be supportive and kind to us. We thank you too for all of your service to our State and its people.

We are saddened by recent developments and wish you well as you confront the months ahead.

Our thoughts and prayer are with you.

Sincerely


David Edelstein
Executive Director

MEMBER ORGANIZATIONS

- ALBERT EINSTEIN COLLEGE OF MEDICINE
- ALBERT EINSTEIN SYNAGOGUE
- ASTOR PARK CHAPTER WOMAN'S AMERICAN ORT
- ASSOCIATION OF PARENTS OF AMERICAN ISRAELIS
- AMIT WOMEN, DAHLIA CHAPTER
- AMIT WOMEN, REMONA CHAPTER
- BETH ABRAHAM HEALTH SERVICES
- BETH JACOB/BETH MIRIAM SCHOOL
- BRONX HOUSE, JEWISH COMMUNITY CENTER
- BRONX HOUSE SENIOR ACTIVITIES CLUB
- BRONX JEWISH COMMUNITY COUNCIL
- HOME ATTENDANT PROGRAM INC.
- COMMUNITY CENTER OF ISRAEL
- CONGREGATION KHAL ADATH YESHURUN
- CONGREGATION OHEL MOSHE
- CONGREGATION SONS OF ISRAEL
- EDUCATIONAL JEWISH CENTER
- JEWISH BOARD OF FAMILY AND CHILDREN'S SERVICES
- JEWISH CENTER OF WILLIAMSBRIDGE
- JUDEA REFORM TEMPLE
- MORRIS PARK HEBREW CENTER
- NATIONAL COUNCIL OF JEWISH WOMEN
- PELHAM PARKWAY CHAPTER WOMEN'S AMERICAN ORT
- PELHAM PARKWAY JEWISH CENTER
- PELHAM PARKWAY LADIES AUXILIARY #789
- JEWISH WAR VETERANS OF AMERICA
- PELHAM PARKWAY POST #769
- JEWISH WAR VETERANS OF AMERICA
- TEMPLE JUDEA SISTERHOOD
- YOUNG ISRAEL OF ASTOR GARDENS
- YOUNG ISRAEL OF PELHAM PARKWAY
- ZIONIST ORGANIZATION OF AMERICA DISTRICT 11



**METROPOLITAN COUNCIL
ON JEWISH POVERTY**
1125 W. 181st Street
Bronx, NY 10461
www.metcouncil.org

SUPPORTED IN PART BY A GRANT FROM U.J.A. - FEDERATION
A member of the Metropolitan Council on Jewish Poverty





Providence Rest



May 17, 2004

Senator Guy Veleva:
[REDACTED]

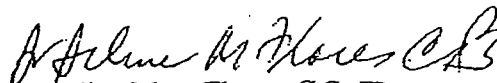
Dear Senator Veleva:

On behalf of all of us at Providence Rest, I wish to express our deep gratitude for all the good you have done for us and for the entire community of the Bronx during your years of service.

You have always been someone to whom we could turn to when we needed a helping hand. You leave a legacy of kind deeds. Know that you and your family will be gratefully remembered in the daily prayers of the Sisters.

Sincerely in Christ,

PROVIDENCE REST


Sr. Seline Mary Flores, C.S. JB.
CEO/Administrator

SS:rs

3304 Waterbury Avenue, Bronx, New York 10465
(718) 931-3000 Fax: (718) 863-0185 Website: www.providenccrest.org





<sloopiel@aol.com>
05/08/2004 06:56 PM

To "Senator Guy Velella" <velella@senate.state.ny.us>
cc
bcc
Subject WWW Email Submittal

Sandi Lusk
2868 Harrington Avenue
Bronx, NY 10461
sloopiel@aol.com

Westchester Square-Zerega Improvement, Inc.
2868 Harrington Avenue
Bronx, New York 10461
718-597-5058
sloopiel@aol.com

May 8, 2004

New York State Senator Guy J. Velella
2019 Williamsbridge Road
Bronx, NY 10461

Dear Senator Velella:

I would like to thank you for your recent grant to the Westchester Square Branch Library on behalf of the many people (and many, many children) who will benefit from your generosity. The branch library is a vital, important part of the community, utilized by people of all ages for so many different reasons: reading of course, but also writing programs, arts and crafts, storytelling, children's entertainment, book sales, informational programs, films..

In this time of rapidly changing technology and increasingly sophisticated day to day life, literacy and education are more important than ever. We know you have always been a great champion of both.

Once again, thank you; your support is very much appreciated.

Sincerely,

Sandi L. Lusk
WSZIO



Providence Rest Convent

3304 Waterbury Ave., Bronx, New York 10465



718-931-3000

Fax 718-931-3523

Senator Guy Velella
2019 Williamsbridge Road
Bronx, New York, 10461

5/20/04

Dear Senator Velella,

On behalf of all the Sisters of St. John the Baptist of Providence Rest, I offer you our love, support and prayers. You were always there for us in many, many ways and we ask God to give you His strength and His peace especially during the difficult days ahead. As the gospel says "this too shall pass". You just have to trust in Him that all will be well. And it will!

During your many years of service you have done so much for so many. There are many standing beside you with their support and love. And as far as we are concerned you will always be Senator Velella.

May God continue to bless you and be with you and your family in the days ahead.

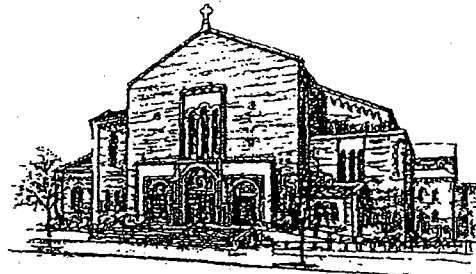
Sr. Margaret Mary and all
your Sisters at Providence Rest Convent.



Saint Benedict's Parish

2969 Otis Avenue
Bronx, New York 10465-2198

Tel: 718-828-3403
Fax: 718-829-1304



21 May 2004

Senator Guy J. Velella
2019 Williamsbridge Road
Bronx, NY 10461

Dear Senator Velella,

No matter what, you will always be *Senator Velella* to St. Benedict's Parish. In the midst of all else that is going on, please allow me a few words of deep gratitude from St. Benedict's Parish for all that you have done for our community, our parish, and our parish school. With your assistance and guidance, we have been able to do some great things here, and for this we shall always be grateful. This gratitude extends beyond the financial assistance which you have found for us to something which is perhaps more important - you always took the time to be personally interested in the people who benefit from the programs you help to "happen". This personal interest and kindness has impressed me since our first meeting three years ago, and for me is a true blessing for our community. Thank you for your personal concern, kindness, and willingness to assist so many people in countless ways. This is what will be remembered above all else, no matter what current events may be.

Know of my personal gratitude for all that you have done for us, and be assured of my continued prayers for you and your family.

With every best wish,

Gratefully,

A handwritten signature in black ink, appearing to read 'E. Whalen'. The signature is fluid and cursive, written in a dark ink.

(Rev. Msgr.) Edmund J. Whalen, S.T.D.
Pastor

EJW/cj





ThomasAndruss@aol.com
05/17/2004 04:57 PM

To: Velella@senate.state.ny.us
cc: thecommunityfund@earthlink.net, Pmahnen@aol.com,
dspeld@eastchester.org
bcc:
Subject: Thanks

Senator Velella:

Thank you for your efforts in securing a \$25,000 grant for the D.A.R.E. Eastchester program. This program not only teaches the children about the dangers of using drugs, but also enables them to develop a healthy relationship with Eastchester police officers at an early age. This can only help the children, the police department, and the town itself.

Best wishes to you and your family in the upcoming difficult time.

Thomas G. Andruss
Community Fund of Bronxville, Eastchester and Tuckahoe



Peter Young Housing, Industries, and Treatment

PYHIT

40 Eagle Street
Albany, NY 12207

518) 463 -8485
Fax (518) 463 -8684



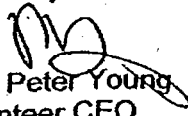
18th May 2004

Honorable Guy J. Velella
501 Capitol
Albany NY 12247

Dear Guy:

A note to thank you for your help with our programs over the years. You have been a strong supporter of our work with the addicted in recovery ; you will be missed. I will pray that all goes well for you.

Sincerely,


Rev. Peter Young
Volunteer CEO
PYHIT

*Altamont Program, Inc.
820 River Street, Inc
Peter Young Shelter Services, Inc.
VESTA Community Housing Development Board*





THE SENATE
STATE OF NEW YORK
ALBANY 12247

DALE M. VOLKER
59TH DISTRICT

CHAIRMAN
COMMITTEE ON CODES

VICE CHAIRMAN
MAJORITY CONFERENCE

PLEASE RESPOND

ALBANY OFFICE:
ROOM 427
CAPITOL
ALBANY, NEW YORK 12247
518-455-3471

DISTRICT OFFICE:
4729 TRANSIT ROAD, SUITE 5
FORESTREAM PLAZA
DEPEW, NEW YORK 14043-4880
716-656-8544

DISTRICT OFFICE:
143 NORTH MAIN STREET
ROOM 103
WARSAW, NEW YORK 14569
585-786-5048

July 27, 2004

Raul Russi, Chairman
New York City Local Conditional
Release Commission
New York City Department of Probation
33 Beaver Street
New York City, NY 10004

Attn.: Eileen Sullivan
Director of Local
Conditional Release Commission

Dear Mr. Russi,

I am writing you as Chairman of the New York City Local Conditional Release Commission as regards inmate Guy Velella, Case # 3600400127 who is presently incarcerated at Rikers Island Prison. Mr. Velella was sentenced to a year in prison in June.

Mr. Velella is, I believe, around 63 and has never previously been arrested or convicted of any criminal offense. His conduct previous to the recent offense has been exemplary and he has always been considered one of the most outstanding citizens of New York City. As a 32 year legislator, he has provided leadership in Albany and New York City in some of the most difficult times. He has provided millions of dollars in funding to charitable, civic, alcohol and drug prevention organizations in New York City and Westchester County.

I am going to be very candid and state that Guy Velella is my good friend. We came together to the Assembly in 1973 and we both have served in both Houses since then. Obviously, the conviction has totally disrupted Guy's life. He has lost his reputation, his law license, his seat in the Senate and the comfort of his loving family. He has suffered as few men in my memory have. Once again, he has no previous record of any kind and it would be ludicrous to say that he would be a danger to society. I appeal to you and your Commission to allow him the earliest possible release.



Thank you so much for your patience and consideration.

Very truly yours,

A handwritten signature in black ink, reading "Dale M. Volker". The signature is written in a cursive style with a large, looping initial "D".

DALE M. VOLKER





THE SENATE
STATE OF NEW YORK
ALBANY 12247

DALE M. VOLKER
59TH DISTRICT

CHAIRMAN
COMMITTEE ON CODES

VICE CHAIRMAN
MAJORITY CONFERENCE

PLEASE RESPOND
ALBANY OFFICE
ROOM 427
CAPITOL
ALBANY, NEW YORK 12247
518-455-3471
DISTRICT OFFICE:
4729 TRANSIT ROAD, SUITE 5
FORESTREAM PLAZA
DEPEW, NEW YORK 14043-4880
716-656-8544
DISTRICT OFFICE:
143 NORTH MAIN STREET
ROOM 103
WARSAW, NEW YORK 14569
585-786-5048

September 15, 2004

Honorable Raul Russi, Chairman
City of New York
Conditional Release Commission
33 Beaver Street, 23rd floor
New York, NY 14004

Re: Guy J. Veleva
Case # 3600400127
Application for Conditional Release
#20046683

Dear Mr. Russi:

I must tell you that other than the above mentioned, Guy Veleva, I have never sent a letter to your Conditional Release Commission or any other for that matter. Admittedly, I am not objective since I have known Guy Veleva for 32 years. We were both part of the largest Freshman Class in the Assembly in the history of New York. Now with Guy leaving the Senate, the only members from that class left are Joe Lentol and myself. Both Joe Lentol's father and mine served together in the Assembly. I firmly believe that the only reason Guy Veleva is in prison today is because of his father. Whatever you say about Guy, I deeply admire him for that.

I am well aware that your honorable body denied Guy on August 13th, 2004 as regards his 60-day petition. However, I have asked his lawyer to resubmit a request since his 90-day time is approaching. It is particularly important in my opinion, because he has emotionally been having a very difficult time in prison. I have been communicating weekly with him by mail, but others who have visited him, have told me how difficult his prison adjustment has been. I am very concerned for his emotional well-being.

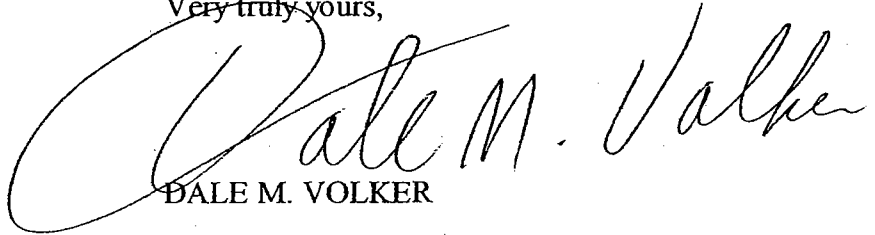
In addition to the aforementioned, I have to honestly tell you that in the 32 years I have been in the Legislature, other than Senator John Marchi of Staten Island, I do not believe anyone has done more to represent New York City's best interest. As far as the Bronx is concerned, no one has done more than Guy Veleva.



I am not going to tell you that he is perfect, but I do not believe he intentionally committed a crime.

In any case, your Commission has an excellent reputation for fairness and I feel confident that you will give a fair review to Guy.

Very truly yours,

A handwritten signature in cursive script that reads "Dale M. Volker". The signature is written in black ink and is positioned above the printed name. The first letter "D" is large and loops around the first part of the name.

DALE M. VOLKER

DMV:jdb





July 26, 2004

Guy J. Vellella
Book & Case No. 3600400127
North Infantry Command
Rivers Island - Unit 2B
1500 Hazen Street
Barr Elmhurst, NY 11370

Dear Senator Vellella:

We are writing to say thank you.

There is no way that the minimum wage bill would have passed without your early and consistent support and involvement. It was exciting for us to be in Albany for the vote on the bill, and we hope you took both pride and pleasure in its passage. There are hundreds of thousands of lower-income New Yorkers whose lives are going to improve as a result of what we continued to call "the Vellella bill" in all of our conversations with your Conference.

We know this is a difficult time for you, but we also know that you are a strong person and that you will continue to make a contribution to society. You certainly made one this year with the minimum wage.

Our sincerest regards,

Bob

Bob Master
CWA & WFP Co-Chair

Dan

Dan Connor
WFP Executive Director

www.workingwifeparty.org

CAPITAL DISTRICT OFFICE
64 CENTRAL AVENUE
ALBANY, NY 12206
402.0903 - fax 510.455.2290

SOUTH OFFICE
68 THIRD AVENUE, 4TH FLOOR
BROOKLYN, NY 11217
718.222.3788 - fax 718.244.3718

LABOR OFFICE
13 WEST 40th STREET
NEW YORK, NY 10001
212.647.8601 - fax 212.627.0412

WESTERN NEW YORK OFFICE
C/O UAW Region 9
4265 GARDNER ST. - BUFFALO, NY 14225
716.832.1540 - fax 716.832.1707



Kenneth E. Riddett

July 28, 2004

Raul Russi, Chairman
New York City Local Conditional
Release Commission
New York City Department of Probation
33 Beaver Street
New York, NY 10004

Personal and Unofficial

Attn: Eileen Sullivan, Director
Local Conditional Release Commission

Re: Guy J. Velella

Dear Mr. Russi:

I am writing to you in my personal capacity as a longtime friend of former Senator Guy Velella. Having worked with Guy Velella for over 20 years, I believe I know him well. I also believe that the criminal acts which he pleaded guilty to were not reflective of his true character in a life dedicated to public service. He has worked hard to represent his constituents and to effect policies which have greatly benefited the people of New York State.

Since Guy Velella's criminal indictment, the consciousness of the Senate Majority members has been elevated with respect to the laws governing the business practices of members of the state legislature. I can gauge this by the increase in the number of questions I have received from members who want to avoid even an appearance of impropriety. I believe this speaks to the deterrent effect that Guy Velella's prosecution has had on his former colleagues.



Guy Velella has suffered public humiliation, the loss of his public and political offices, the loss of his right to vote and the loss of his law license. His confinement is degrading, and I know it is causing him great pain. Given the palpable deterrent effect his sentence has had already, and the personal suffering he has endured, I respectfully ask you to consider authorizing his release from prison on conditional release after he has served sixty days so that he can contribute his time to worthy causes while on probation.

As you know, the original intent of the local conditional release program was to effect early release of first time, nonviolent offenders to allow localities to use their limited incarceration facilities most effectively. Guy Velella poses no threat to society, and his release would be consistent with the program's goals.

I thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "KER", with a long horizontal flourish extending to the right.


Kenneth E. Riddett

KER:tbw



CORRECTED LETTER

Fabian G. Palomino



July 19, 2003

Hon. Eileen Sullivan
Director, Local Conditional Release Program
NYC Department of Probation
33 Beaver Street
New York, NY 10004

Re: Guy J. Vellella
2919 Williamsbridge Road
Bronx, NY 10461

Dear Director Sullivan:

I am writing this letter to request that you extend as much consideration as is reasonable to the conditional release of the above-named prisoner, Guy J. Vellella.

He did not solicit me to write it. After he pleaded guilty, I met a person assisting his attorneys and expressed my surprise that his career should end this way because I always knew him to be a decent and dedicated legislator. She then stated I might be able to help him. She later asked me to write a letter on his behalf.

I am not a social friend of his nor am I a member of his political party. My knowledge of him is purely professional in that over the years while he was a member of the legislature, I served on the staff of two Governors, as Associate Counsel to the President *Pro Tem* of the Senate, and on legislative committees and a commissions. On several occasions in those capacities I had to solicit his vote. If it was not a matter in which his party required his vote or in his judgment did not adversely affect his constituents (he zealously protected and advanced his constituents' interests), he would



consider the measure and if he agreed, he would vote for it.

I have been informed that the District Attorney is not taking any position on his application for conditional release. From a penological point no purpose would be served by denying him a conditional release. He has taken full responsibility for his conduct and demonstrated his contrition, by pleading guilty rather than insisting upon a trial. He has lost everything. It is not feasible for him to run for public office or a party position and he is on the verge of losing his license to practice law for pleading guilty to a felony. To compel him to serve the remainder of his sentence would be superfluous.

Accordingly, I request that he be granted a conditional release from serving the remainder of his sentence

Very truly yours,

A handwritten signature in cursive script that reads "Fabian G. Palomino".

Fabian G. Palomino



77

Dear Mrs. Eileen Sullivan,

I am writing you this letter with the hope that you can consider my husband Guy for conditional release or house arrest if that is possible.

He realizes he made a terrible mistake and is very remorseful. I can assure you he will never ever violate the law again. He has learned his lesson.

He has suffered terribly in the last two years. His suffering started even before he went to prison. He lived the last two years under great anxiety, being tough to the outside world but with his family it was evident that



it tore him apart. Then with his
guilty plea he gave up his law license
after he worked so hard to go to
law school while working and having
a child. He also resigned from his
senate seat after he sacrificed so
many things and so much time
with his family for his constituents

Our children are finding it very
difficult without him here. He is
missing our Sunday family get
togethers and our weekly family
dinners. Despite always participating
in community activities on weekends
and weeknights, Guy always found
time to join us, often between events.
Our grandchildren, ages 9, 4 and 16 months
miss going to mass with him every
Sunday and then having breakfast
together.



Just ten days before he was sentenced, we lost our brother-in-law, Richie after a brief but intense battle with lung cancer. He died on the same day that Guy's mother passed away seven years earlier. We are all grieving this loss, but it is especially hard on Guy's sister. Guy and Richie were best friends for over 50 years and were as close as brothers. Guy is now facing his grief alone and we are facing it without him.

Guy's family has been my only family since I was an only child and my parents died less than one year after we married. My mother had a very small family that was not very close knit and my father was orphaned as a child shortly after his parents emigrated from Ireland. For my entire adult life,



Guy's family has been my family.
We built a strong family together
despite the demands his public
service put on him and other problems
that we worked through together.

He will continue to pay for his
actions long after he is released.
His current incarceration has been
extremely difficult for him as well
as for our children and me.

I feel holding him any longer
than 60 days will serve no purpose
other than to make him suffer
mentally as well as our children,
grandchildren and myself. He intends
to devote much of his time when
he is released to the church and
community programs in an effort
to make amends for his actions.



He also intends to do all he can
to regain his law license in seven
years, not to practice law, but to
regain a small piece of his dignity.
That alone can give you comfort
that he will abide by the law.

Please help my husband and
our family.

Sincerely,
Patricia Pell



LAW OFFICES
STILLMAN & FRIEDMAN, P.C.

425 PARK AVENUE
NEW YORK, N.Y. 10022

CHARLES A. STILLMAN
JULIAN W. FRIEDMAN
PAUL SHECHTMAN
PETER A. CHAYKIN
SCOTT M. HIMES
MARJORIE J. PEERCE
JOHN B. HARRIS
JAMES A. MITCHELL
MICHAEL J. GRUBBERG
NATHANIEL Z. MARMOR

TELEPHONE
(212) 223-0200
FACSIMILE
(212) 223-1842

SARA BETH SAVAGE
PATIENCE ELIZABETH ATKIN
KARIN KLAPPER ORENSTEIN
DIANA J. NEHFO
CAROLYN BARTH RENZIN
MAURFEE NAKLY
LARA M. SHALOV
PEGGY M. CROSS
EDWARD J. JOYCE

By Telecopier: (212) 232-0755

September 14, 2004

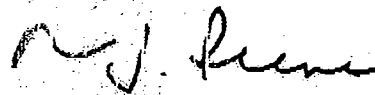
Ms. Eileen Sullivan
Director of Conditional Release
New York City Department of Probation
33 Beaver St.
New York, NY 10004-2319

Re: Guy J. Veleva

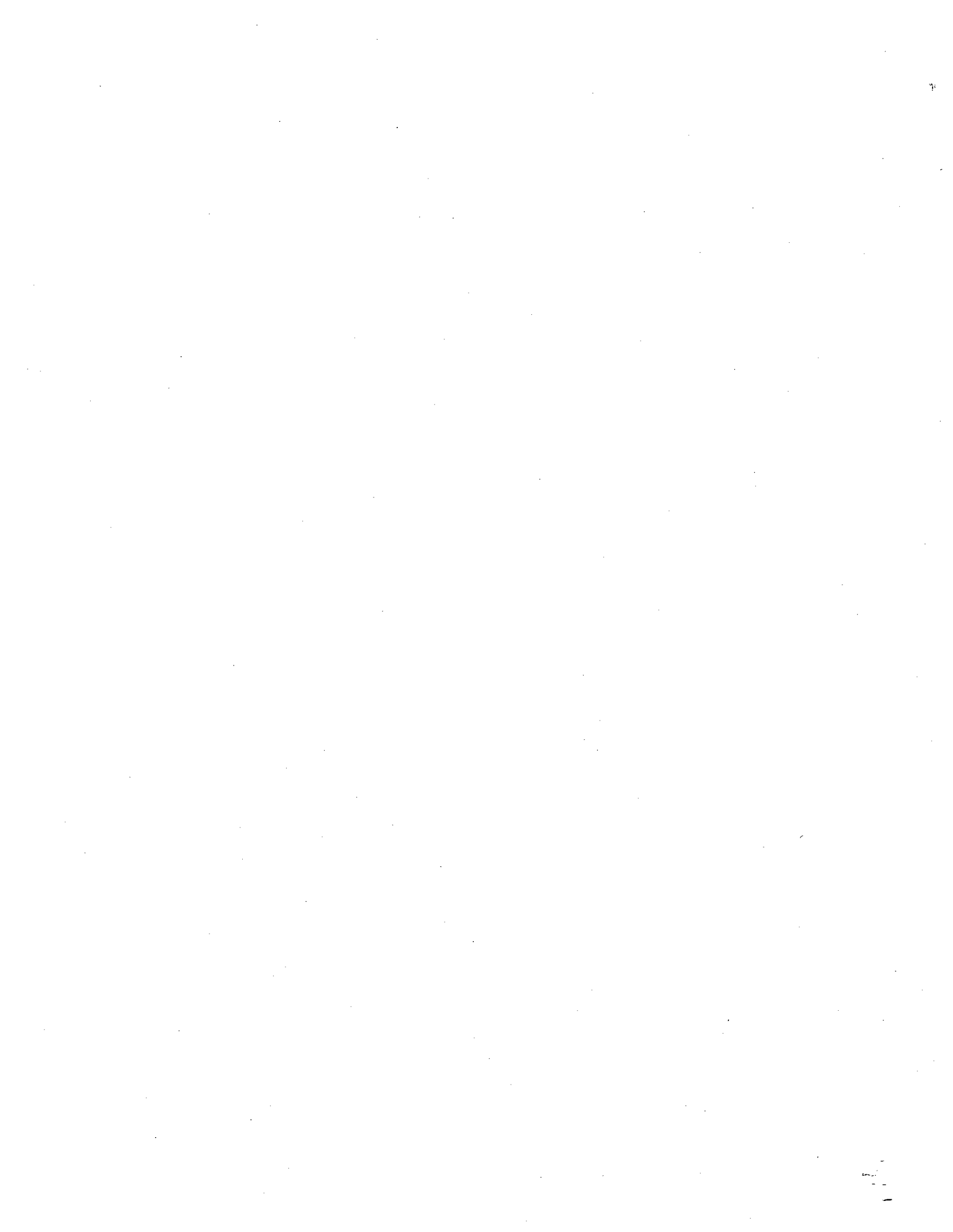
Dear Ms. Sullivan:

On behalf of Guy Veleva please accept this letter as an application for reconsideration of the Conditional Release Commission's August 13, 2004 decision concerning his application for conditional release. Should you need any further information from us or Mr. Veleva concerning this reapplication please do not hesitate to contact me.

Sincerely,


Marjorie J. Pearce

MJP/ern



HECTOR DELTORO



STEVEN R. KARTAGENER

ATTORNEY AT LAW

225 BROADWAY

SUITE 2700

NEW YORK, NEW YORK 10007

TELEPHONE (212) 732-9600

FAX (212) 732-6966

BY HAND

July 29, 2004

Ms. Eileen Sullivan
Local Conditional Release Program
New York City Department of Probation
33 Beaver Street
New York, NY 10004

RE: Hector DelToro
Inmate No. 3600400129

Dear Ms. Sullivan:

On June 21, 2004, my client Hector DelToro, a first-time offender, was sentenced to a term of nine months' incarceration by Hon. Joan Sudolnick in Supreme Court, New York County. The sentence was based upon Mr. DelToro's earlier-entered plea of guilty to the non-violent crime of Conspiracy in the Fourth Degree, a class E felony. Mr. DelToro is currently serving his sentence at Rikers Island, specifically at the North Infirmary.


By this letter, Mr. DelToro respectfully seeks to be released conditionally, following his service of 60-days' imprisonment, as permitted by law. Pursuant to the terms of Mr. DelToro's plea and sentence agreement, this application will be unopposed by the Court and the District Attorney's Office, since they have agreed to take no position with respect to this application.

This request for conditional release is based essentially on two grounds. The first concerns the substantial adverse impact that Mr. DelToro's incarceration has had on his immediate family. The second ground concerns the adverse impact that Mr. DelToro's absence is having on his employer, Verde Electric Corp., and the danger that it will have to hire someone else to take over Mr. DelToro's duties if he remains incarcerated for the entire term of his sentence. The permanent loss of that employment would be a terrible thing for Mr. DelToro and his family.



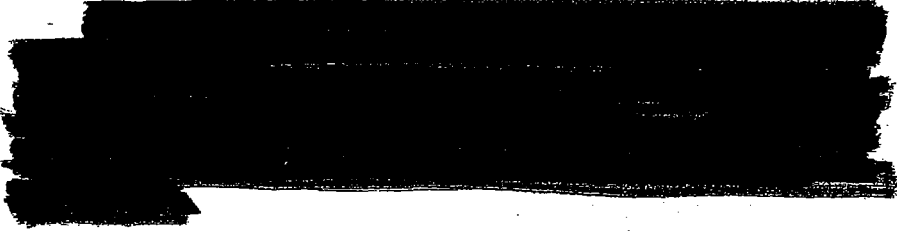



The adverse effect that Mr. DelToro's continuing incarceration is having on his family

Mr. DelToro is a man in his fifties. In 1996, he married the much younger Matilde Pena-DelToro, and they now have a son, Angelo, who is just over two years old. They live together at a house that the DelToros own in Mt. Vernon, New York. Until recently, the DelToros have been depending on both Hector's and Matilde's incomes to pay the almost \$2,500 monthly mortgage, and a wide array of other expenses. Prior to his incarceration, Mr. DelToro was earning approximately \$80,000 annually as an employee of Verde Electric Corp., which is located in Mt. Vernon. Ms. Pena-DelToro is an attorney engaged primarily in landlord-tenant work. She earns approximately



The loss of Mr. DelToro's income has had a staggering effect on his wife. She has had trouble making ends meet financially, and her ability to practice her profession effectively has been compromised by her inability to find someone to babysit for Angelo in the evenings. In the past, Mr. DelToro would watch his son if Matilde was late at work. The accompanying letter from Matilde Pena-DelToro plaintively explains the extraordinary stress to which she has been subjected due to Mr. DelToro's incarceration:





[REDACTED]

Letter of Matilde Pena-DelToro, pp. 1-2 (emphasis added).

The absence of Mr. DelToro has not only affected Matilde, but, significantly, it has also had an extremely negative impact on his son, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Letter Matilde Pena-DelToro, p. 1, (emphasis added).



From the foregoing it should be apparent that Mr. DeToro's incarceration is having serious collateral consequences for his wife and son. It is respectfully submitted that severe emotional hardship inflicted on a two-year old child is a real-world concern of the sort that, in and of itself, should play some meaningful role in persuading the Conditional Release Board to exercise its discretion in favor of granting Mr. DeToro his liberty as soon as is legally permissible.

The adverse impact that Mr. DeToro's incarceration is having on his employer, and the danger that Mr. DeToro may lose his job permanently

Prior to his incarceration, Mr. DeToro was earning a substantial salary as an employee of Verde Electric Corp., located in Mt. Vernon, New York. Because of his considerable experience and exemplary work ethic, Mr. DeToro had become an essential component of Verde's quickly expanding Real Estate Division. The President of Verde, Giulio C. Monaco, Jr., whose letter is attached to this submission, is fully prepared to re-employ Mr. DeToro as soon as he is released from incarceration, *provided that* Mr. DeToro is able to leave prison in the near future. Otherwise, the realities of the business world will make it necessary for Verde to obtain a permanent replacement for Mr. DeToro, because his absence has had a "crippling effect" on Verde's day-to-day operations. Mr. Monaco explains:

"[Mr. DeToro] has been employed with our company since September 2002. Initially Hector's responsibilities were limited to estimating. Subsequently, we decided to use his vast experience in the Real Estate arena to create our Real Estate Division. Based on his past performance in this area we were comfortable giving him full reign of this Division.

"His responsibilities expanded to include pinpointing sites to acquire property, coordinating with professional staff including architects and engineers for initial submissions to planning and zoning boards as well as subsidiary boards. His responsibilities also included attendance at board meetings and making presentations regarding application submissions of the projects. Once approval was acquired Hector would then coordinate all trades to commence the initial work on the project from the construction perspective. Simultaneously, he would also assume the marketing role including but not limited to advertising, dealing with brokers, negotiating with prospective tenants, drafting and negotiating leases and tenant build



outs. Lastly he managed the property for the duration of the leases.

“Hector’s departure is having a crippling effect on our day to day operations as well as creating delays on projects already in the pipeline. This is preventing the expansion of the Division as Hector and I envisioned it.

“We would gladly re-employ Hector in the same capacity if conditional release is granted. However, due to the fast track nature of the business we will be unable to hold his position for the anticipated five months needed to complete his sentence. Our greatest concern is that we will be forced to find a replacement which will be particularly difficult because of Hector’s vast areas of experience and expertise. His knowledge is absolutely indispensable to our company.

“We respectfully request that you grant this release so as not to disrupt Hector DelToro’s normal course of employment as well as the company’s operation.”

Letter of Giulio C. Monaco, Jr., pp. 1-2 (emphasis added).

The permanent loss of Mr. DelToro’s salary at Verde Electric Corp. would be a terrible blow to the DelToro family. Both Mr. DelToro and Matilde believe that the permanent loss of that employment would raise a serious threat to their ability to continue to make the mortgage payments on their home, a matter with which Matilde is already struggling on her limited income. It is respectfully submitted that no legitimate concern of modern day penology would be furthered by the loss of the DelToro home based on the fact that Mr. DelToro was required to serve the entire six months of incarceration normally attending his nine-month sentence. One of the reasons for the existence of a Conditional Release Program, we submit, is to permit an enlightened criminal justice system to address the extremely negative practical concerns that will be facing the DelToros, should Mr. DelToro be required to serve the entirety of his sentence behind bars, at Rikers Island, where nothing very positive is really being accomplished.

This threatened loss of permanent employment and a family home should be factors, we believe, which the Conditional Release Board takes into consideration when making its determination whether Mr. DelToro should be granted early release from incarceration.



Additional factors militating in favor of early release

In addition to the foregoing reasons why we are urging the Conditional Release Board to exercise its discretionary powers in favor of early release, I would like to add a few additional comments, as the attorney who has been representing Mr. DeToro for the past two years. During that period of time, I have found him to be a remarkably decent, respectful fellow who is extremely loyal to his family, his friends, and his community. Mr. DeToro, who served his Country in the United States Marine Corps and was honorably discharged after attaining the rank of Sergeant, has tremendous respect for the criminal justice system and our political processes. He stands convicted of a crime that is grounded in the political arena, based on a misguided understanding of how that system was supposed to work. His act of wrongdoing did not involve violence, and it did not victimize any vulnerable person who suffered some form of irreparable injury.

To the extent that Mr. DeToro did anything wrong, he has accepted full responsibility and made a clean breast of it. There is no danger that he would ever repeat his inappropriate conduct, particularly in light of the fact that he is no longer eligible to hold public-sector employment. It is respectfully submitted that the District Attorney's decision to take no position on Mr. DeToro's application for Conditional Release reflects its well-reasoned conclusion that Mr. DeToro does not pose any threat to the public.

Mr. DeToro has suffered considerable embarrassment and humiliation as a result of his conviction, but he has borne it with quiet dignity, looking forward towards a positive future, rather than lamenting uselessly about the past. Indeed, the accompanying letter of William Jones, Executive Director of the Youth Shelter Program of Westchester, Inc., reveals that all the while that defendant has been shouldering his own problems, and those of his family, he has been quietly working with this community based, not-for-profit organization to create an important alternative-to-incarceration training program for troubled 16-21 year old youths living in Mr. DeToro's home communities of Mt. Vernon and the North Bronx. If successfully established, this program of intensive career training might indeed divert many frustrated youths from a life of crime, and channel their energies into one of the fruitful construction-industry trades. Allowing Mr. DeToro to return expeditiously to these efforts to create a meaningful public training program of this sort should, it is respectfully submitted, be something that the Conditional Release Board would want to permit.

For all of the foregoing reasons, we respectfully submit that the Conditional Release Board of the Department of Probation should act favorably with respect to Mr. DeToro's application for Conditional Release from his present confinement at Rikers Island.



Ms. Eileen Sullivan
July 29, 2004
Page 7

Thank you for your consideration of this submission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven R. Kartagener". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Steven R. Kartagener

SRK/ms
enc.





YOUTH SHELTER PROGRAM OF WESTCHESTER, INC.

220 EAST EIGHTH STREET, MOUNT VERNON, NY 10550

Phone: (914) 668-4702 Fax: (914) 668-4994

www.youthshelter.org

July 19, 2004

OFFICERS

Rebecca Schenk, Esq.
President

Phyllis H. Rosenthal, Esq.
Carolyn Grain
Vice Presidents

Gloria Rosner
Treasurer

Pamela D. Stockton, Esq.
Secretary

DIRECTORS

George C. Branche, MD
Bernard Brickel, Esq.

Rudy Coombs
Carolyn F. Grain
Virginia M. Irwin
Julio Medina

Barry E. Nesson, Esq.
Arlene Popkin, Esq.
Phyllis H. Rosenthal, Esq.

Gloria Rosner
Rebecca Schenk, Esq.
Catherine Schonberg, CSW
Pamela D. Stockton, Esq.
Caverly (Lee) Stringer
Jacqueline Williams-Walsh, CSW
Margaret Weinstock
Estelle Williams

ADVISORY COMMITTEE

Keith Clarke, CPA
Hon. Arthur J. Doran, Jr.
Hon. Audrey Hochberg
Laird McIntee
Hon. Suzi Oppenheimer
Stephen J. Pittari, Esq.
Commissioner Rocco Pozzi
Hon. Gary Pretlow
Ed Salem
Hon. Mary H. Smith
Hon. Bruce E. Tolbert
Joseph Vandernoot

William Jones
Executive Director

Re: Hector DelToro

To Whom It May Concern:

My name is William Jones, I am the Executive Director of the Youth Shelter Program of Westchester, Inc. The Youth Shelter is a unique not-for-profit program which provides a home-like alternative to incarceration for 16-21 year old males located in Mount Vernon, New York. YSP opened its doors in 1977 with support from Westchester County and the United States Law Enforcement Assistance Administration.

Our residents are primarily first-time offenders, hailing mainly from Westchester's low-income urban communities. They are awaiting trial for various criminal charges and may not have functioning homes to receive them from the County jail. They have been jailed with an Alternate Remand form signed by the arrainging judge, permitting their acceptance into the Program.

Beyond the basics of food, shelter, and medical care, YSP provides a positive environment of discipline, structure, responsibility, and individual attention. At the Shelter, residents receive psychological counseling, substance abuse treatment, and various social and recreational programs. Many of these young people have never had any social guidance before. By interrupting the usual criminal justice downward spiral and giving hope a chance to triumph, the Shelter saves lives.

I am writing this letter on behalf of Mr. Hector DelToro, who is presently applying for the Conditional Release Program under your jurisdiction. I have known Hector since the early 1990's. His reputation was that of the kind of government official who volunteered his time and energy to many Not-For-Profit organizations throughout New York State.

More recently and importantly, Hector approached me with a brilliant idea. We discussed a unique development/construction project that would service the Westchester and North Bronx communities. This project would involve the construction and development of a building of over 45,000 square feet in the City of Mount Vernon. The project would involve the NYS BOCES programs that would provide indispensable services such as career training, educational services, employment counseling and job placement opportunities to the youths in the program. It is our hope that the project, if it comes to fruition would provide comprehensive training in plumbing, electrical, framing, masonry, heating ventilation and air conditioning (HVAC) as well as many other areas in the construction field. This training will not only be classroom based but will provide on the job-training as well.

I believe that Hector is the ideal candidate for the Conditional Release Program. Prior to Hector's incarceration, he began to put the necessary pieces together which would include the local municipality, the county government and the actual development and construction of the property. His expertise in these areas is absolutely indispensable for this project to become a reality.

I respectfully ask that he be granted early release as soon as possible so that we can continue our efforts for this important project.

Sincerely yours,

William Jones
Executive Director



EDAD Inc.
128 East 112th Street
New York, N.Y. 10029

(212) 369-3600

Fax (212) 369-5086

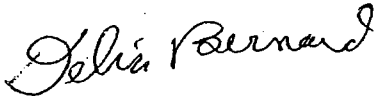
July 21, 2004

To Whom It May Concern:

EDAD Inc. is a non profit organization servicing the East Harlem community. I am writing in regards to Mr. Hector Del Toro who has volunteered his time to help our organization in various projects ranging from community clean-ups, to preparing meals for the elderly and disabled. Hector has always tried to lend a helping hand to people thru his volunteer services, he has always tried to help as best he could. I am writing to inform you that Hector has contributed in the past to this community thru his volunteer services and I believe that in the future Hector will continue to provide positive assistance to the people of East Harlem.

I would hope your decision is based on Hector's whole life and that it is made with compassion.

Sincerely,

A handwritten signature in cursive script that reads "Delia Bernard".

Delia Bernard
President



July 26, 2004

Ms. Eileen Sullivan
Director, Local Conditional Release Program
New York City, Department of Corrections
33 Beaver Street
New York, New York 10004

Re: Hector DelToro

Dear Ms. Eileen Sullivan:

I am the wife of Hector DelToro, who is presently incarcerated and being considered for early release.

As you may know, Hector and I have been married for eight years and have a beautiful two-year old son, Angelo.

Angelo is very close to his father and misses him terribly.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

It has been very difficult for me as well both emotionally and has affected my work. I am a single practioner and I have my law office in my house. This was set up so I could spend more time with my son. However, I find myself spending more time in court during the day and having to get work done in the evenings for the following day or motion papers that are due. Normally, Hector would care for Angelo in the evenings when I had to work late.

[REDACTED]

[REDACTED]

[REDACTED]


[REDACTED]

[REDACTED]

Anyway, these are just some of the incidents; I've been dealing with in the last month without Hector at home.

[REDACTED]

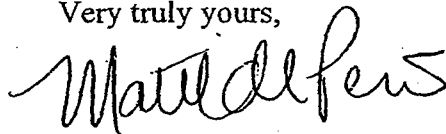




Ms. Sullivan, I hope you will take everything my son and I as well as his family are going through not having Hector home and truly consider him for early release. Hector is truly ashamed and remorseful of what he has done and I know that an early release would in no way lessen the shame and embarrassment he feels.

As you know, Hector is a former U.S. Marine and served his country during a time of need and has always been a positive individual to his family and community. He has never had a problem with the law before and has always been a productive member of society. This has been a very painful and dramatic experience for Hector and our family and has threatened the mental health of our son and I know it will not occur again. We need Hector to come home.

Very truly yours,



MATILDE PENA-DEL TORO





July 20, 2004

Ms. Eileen Sullivan
Director, Local Conditional Release Program
NYC Dept of Corrections
33 Beaver Street
New York, NY 10004

Re: Hector Deltoro

Dear Ms. Sullivan:

I am writing this letter of behalf of our employee Hector Deltoro who is presently being considered before the Conditional Release Program under your jurisdiction.

He has been employed with our company since September 2002. Initially Hector's responsibilities were limited to estimating. Subsequently, we decided to use his vast experience in the Real Estate arena to create our Real Estate Division. Based on his past performance in this area we were comfortable giving him full reign of this Division.

His responsibilities expanded to include pinpointing sites to acquire property, coordinating with professional staff including architects and engineers for initial submissions to planning and zoning boards as well as subsidiary boards. His responsibilities also included attendance at board meetings and making presentations regarding application submissions of the projects. Once approval was acquired Hector would then coordinate all trades to commence the initial work on the project from the construction perspective. Simultaneously, he would also assume the marketing role including but not limited to advertising, dealing with brokers, negotiating with prospective tenants, drafting and negotiating leases and tenant build outs. Lastly he managed the property for the duration of the leases.

Hector's departure is having a crippling effect on our day to day operations as well as creating delays on projects already in the pipeline. This is preventing the expansion of this Division as Hector and I had envisioned it.

We would gladly re-employ Hector in the same capacity if conditional release is granted. However, due to the fast track nature of the business we will be unable to hold his position for the anticipated five months needed to complete his sentence. Our greatest



VERDE ELECTRIC CORP.

July 20, 2004

Page 2 of 2

Re: Hector Deltoro

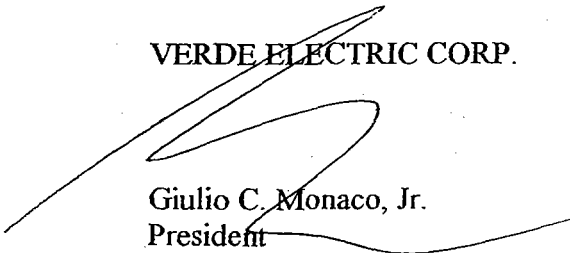
concern is that that we will be forced to find a replacement which would be particularly difficult because of Hector's vast areas of experience and expertise. His knowledge is absolutely indispensable to our company.

We respectfully request that you grant this release so as not to disrupt Hector Deltoro's normal course of employment as well as the company's operation.

Thank you in advance for your consideration.

Very truly yours

VERDE ELECTRIC CORP.



Giulio C. Monaco, Jr.
President



July 26, 2004

Ms. Eileen Sullivan
Local Conditional Release Program
New York City Department of Probation
33 Beaver Street
New York, New York 10004

Re: Inmate Number: 3600400129

Dear Ms. Sullivan:

My name is Hector DelToro and I am presently incarcerated at Riker's Island. This letter is in support of my application for release under the Conditional Release Program.

My wife told me that she and others have written letters in support of my early release.

I am thankful for their support, but I also think it is important that you know how this experience has impacted on me and my life's outlook.

During my time here, I have had a chance to reflect on this nightmare along with my actions which brought me here. I have caused a tremendous amount of pain and embarrassment to my wife, family and friends and for that I am truly sorry. The pain and embarrassment will always be embedded in my heart and mind. There is no question in my mind that what I did was wrong and it will not occur ever again. Please do not think for a second that early release of four months will lessen the shame and embarrassment I feel and know I have caused my family and friends.

I want to take this experience and make it a positive milestone in my life. My first priority is to spend quality time with my wife and my 2 year old son Angelo, whom have suffered tremendously from this separation. My wife has also told me that my former employer has written and informed you that they will rehire me if I am released before September 2004. I am happy to hear that and I look forward to returning to work as soon as possible.

I know how hard my wife has been working, trying to keep the family together. Personally knowing that I have been unable to contribute to these responsibilities has been hard and difficult for me. I know that once I am gainfully employed I will once again take on these responsibilities.

I also know that I have a responsibility to prevent other young people from getting into trouble. I hope to volunteer my time with The Youth Shelter Program of



Ms. Eileen Sullivan

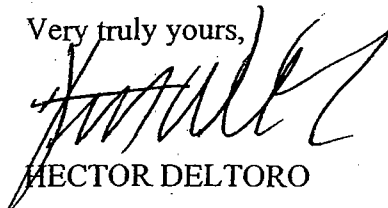
Pg 2

July 26, 2004

Westchester Inc. a program dedicated to providing alternatives to incarceration. I feel obligated to sharing my experience here with these young people to deter them from making more mistakes that will lead to incarceration. I pray that God will guide me in my return to the community.

I want to thank you in advance for considering my application for early release.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hector Del Toro", written over the typed name.

HECTOR DELTORO



September 13, 2004

Eileen F. Sullivan, Director
NYC Conditional Release Commission
33 Beaver Street, 23rd Floor
New York, N.Y. 10004

RE: Hector Del Toro
Inmate # 3600400129

Dear Ms. Sullivan:

On July 29, 2004 I, a first time offender, applied for early release under the Conditional Release Program and such application was denied on August 13, 2004. The denial letter indicated that I could apply for reconsideration after thirty (30) days.

This letter will serve to notify you that I wish to have my application for early release reconsidered. It is not intended in any way to deny or diminish my guilt to the crime to which I plead guilty. It is intended to explain the facts and circumstances surrounding my plea.

Upon reviewing your denial letter, I find that you have raised three issues that I would like to address. The first being the "seriousness of the offense". There is no question that the offense is serious as I acknowledged through my Plea Agreement and for that I was sentenced to nine (9) months, a month more than my co-defendant, M. Gonzalez, who has been released. I am serving time for the offense at Riker's Island. Although it is a serious offense, the Plea Agreement does not state that I received any financial gain or that I would have received any financial gain.

I wish to unequivocally state that I never asked for money from the developers mentioned in the indictment. The two developers involved in the indictment never stated to the District Attorney or in their testimony before the Grand Jury that I requested, asked or demanded money from them.

Further, I wish to elaborate on the housing matters mentioned in the Probation Report. In regards to the Brook Avenue Gardens Project, also known as the Casket building, the City of New York, Housing Development Corp, not the State Affordable Housing Corp, (AHC), the agency where I was Vice-Resident, funded this project. The project never came before AHC or my attention. The second project, Tinton Avenue Project was before the New York State Division of Housing and Community Renewal, (DHCR), not before the State Affordable Housing Corp. Again the project never came before AHC or my attention. However, I did pressure Client Number Two to provide technical assistance to the Hispanic non-for-profit organization, Hunts Point Multi-Service Center, who was filing an application before DHCR. Lastly, the Poughkeepsie Project was submitted to the Affordable Housing Corp. by the City of Poughkeepsie, not by any particular developer. The Affordable Housing Corp. by statute only allows cities, municipalities or non-for-profit organizations to submit applications for funding. The applicant selects the participants in the project. The Affordable Housing Corp., where I



was Vice President could not and did not select the developer mentioned in the indictment. In this case, the City of Poughkeepsie selected the developer. I had no input or discussions with the City of Poughkeepsie regarding the selection of the developer however the developer informed me that he was trying to get selected by the City of Poughkeepsie for an economical development project.

The developer told me that the economic development project was a water front development consisting of a restaurant, a museum, a promenade and a theatre on the Hudson River. He also told me that he was one of the three finalists on the project and that the other two developers were local developers.

He asked if I could help him get some local support. I suggested he go see Senator Vellella and ask for an introduction to local officials, which he did. He also obtained very strong local support from the local press and City Counsel on his own or through other sources.

The project was a total economic development package and not really a housing project. However a minor portion of the project included housing, mostly market rate housing and some affordable housing, which was before AHC.

I now realize that I should have recused myself from any consideration on this project because of the portion of affordable housing involved to avoid even the slightest appearance of impropriety, but I foolishly did not. I now know that I was wrong even though I did not profit from my actions.

I would also like to point out to the Commission that my only involvement in this case was the above-mentioned housing projects.

Secondly, I would like to clear a matter in the Plea Agreement that may help to clarify the time frame issue. Upon reviewing my Plea Agreement and the Indictment in reference to the length of time of the conspiracy, the Plea Agreement erroneously states that the length of conspiracy took place from late 1995 to June 2002. The indictment on page 3, paragraph 4, acknowledges correctly that I was employed from November 1997 to October 1999. Technically there could not have been a conspiracy until I became employed in the position of Vice President, special program development at the State of New York, Affordable Housing Corporation. My employment was terminated in October 1999.

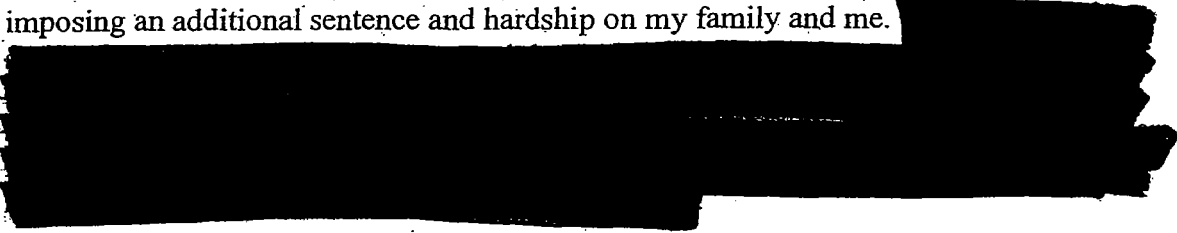
Finally, granting me early release does not depreciate the seriousness of the offense, what it does do is help the Commission meet its mission. The purpose of the Conditional Release Commission is to rehabilitate and be the bridge that makes it possible for a non-violent offender to re-enter society and to become a productive member of society. In this case, I have a job offer that I know the Commission will want to act on. My employer, Verde Electric Corp. will hold my position open until the end of September 2004, which will help integrate me back into society, where I will be employed in the private industry and no longer involved with public funding.



On a personal note, I wish to point out that before being charged in any indictment I was already being punished as a result of this case by the State of New York, who terminated my employment in 1999, prior to the indictment. It then took me three years to find a full time job due to my age, publicity of the case, pending charges, and ongoing investigation.

After this three-year nightmare, I finally found employment, which utilized my skills and knowledge. Unfortunately, soon after starting my new job, I was indicted, plead, and was incarcerated. My employer has been kind enough to hold my position open until the end of September anticipating my early release. If I am not released, my employer will withdraw his job offer.

This will have an undue hardship on my family and me because it will be extremely difficult for me to find a suitable job due to my age, education, and now a felony conviction. In essence, by not granting me early release, the Commission will be imposing an additional sentence and hardship on my family and me.

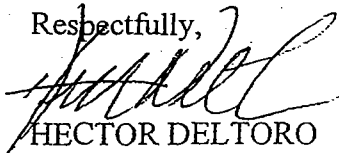


I am very distressed about my family's mental health and I am afraid that financially my family is at a crucial stage. As the Commission probably knows, I am not a man of economical means. I have no stocks or bond, not even a savings account. We live paycheck to paycheck with only our salaries. I implore, the Commission to take these matters into consideration and grant me conditional release.

I further wish to point out to the Conditional Release Commission that the District Attorney and the Court took into consideration the "public trust" when they decided not to oppose my early release.

The punishment for me has not only been this period of incarceration but my loss of employment, my subsequent three years of unemployment, the public humiliation, my felony conviction, incarceration and the separation from my family and loved ones. Everything that I have gone through will serve me in my rehabilitation process and will ensure my regaining the "public trust".

Respectfully,



HECTOR DELTORO



MANUEL GONZALEZ



ORTIZ & ORTIZ, L. L.P.
ATTORNEYS AT LAW
127 LIVINGSTON STREET
BROOKLYN, NEW YORK 11201

FRANK A. ORTIZ
NORMA E. ORTIZ*
LEITHA M. ORTIZ
*ADMITTED IN NEW YORK AND NEW JERSEY

TEL. (718) 522-1117
FACS. (718) 596-1302
EMAIL: email@ortizandortiz.com

VIA CERTIFIED MAIL

June 25, 2004

Eileen Sullivan, Director
Early Release Panel
33 Beaver Street, 23rd Floor
New York, New York 10004

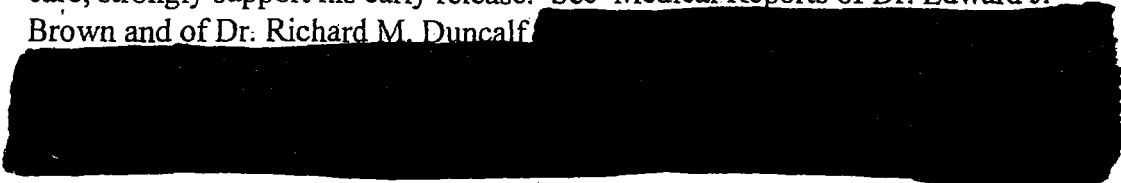
Re: People vs. Manuel Gonzalez
Indictment No. 2272-02 - Inmate No. 360-04-00128

Dear Ms. Sullivan:

I enclose herewith for the Panel's consideration a true copy of the Pre-Sentence Memorandum on behalf of Manuel Gonzalez previously submitted to the Hon. Joan C. Sudolnik and Probation Officer Lewis Papier.

At the time that the Memorandum was prepared, I had not been served with a copy of the Probation Report or with any comments from the District Attorney's office. Those documents were served upon me just prior to sentencing on June 18, 2004. If the Panel deems it necessary, I would appreciate the opportunity to make a further submission limited to those documents.

The following are factors which I respectfully request be given due consideration by the Panel in making a determination of whether to grant Mr. Gonzalez early release:

- (A) Neither the Court nor the District Attorney's office will take a position regarding Early Release.
 - (B) The medical needs of Mr. Gonzalez for the treatment of his life-threatening health condition: Mr. Gonzalez's advanced age, frailty, and his 20% to 25% mortality rate per year with present health conditions even with the best medical care, strongly support his early release. See Medical Reports of Dr. Edward J. Brown and of Dr. Richard M. Duncalf
- 



[REDACTED]

(C) Based upon his personal history and background, which demonstrate an exemplary lifestyle of many years, his acceptance of responsibility for the offense committed, the punishment already suffered by him and his family, the mature behavior exhibited by him in dealing with this serious problem, and the obvious support of family and friends, it is reasonable to anticipate that he will be an excellent candidate for post-release supervision.

(D) [REDACTED]

It should be noted that the District Attorney dismissed the case against Vincent Vellella, allegedly a principal player in the conspiracy charged, and that the District Attorney entered into a plea agreement with Finbar O'Neil that provide for a sentence of Probation. These defendants received such treatment despite the allegation that O'Neil introduced Nick Margaritis, the principal of Keystone Construction Corp., to Mr. Gonzalez when Margaritis needed help to obtain the Verrazano Bridge contract as the low bidder and subsequently provided the false invoices from his own company to conceal the nature of the payments of \$40,000.00 made by Margaritis through Gonzalez.

(E) [REDACTED]

(F) The conduct for which Mr. Gonzalez was convicted is not of the type that requires his isolation for the preservation of the safety and tranquility of the community in general.

(G) The expense to be incurred by the City to provide the required medical treatment of Mr. Gonzalez in compliance with his constitutional rights.



[REDACTED]

There is no doubt that Mr. Gonzalez admitted that the means employed to accomplish the goals of his clients (wrongful use of the Senator Official position) violated the law and that he was motivated to participate in the wrongful transactions for profit. However, notwithstanding the illegality of his conduct, the results sought on behalf of his client were not per se violations of any laws. For example, it was not per se unlawful for a client to seek legal protection for his rights as a low bidder to be awarded a public works contract, nor for the not-for-profit client to seek the timely registration of contracts legitimately granted to it by the City of New York.

For the reasons stated, it is respectfully submitted that if the foregoing factors are given due consideration, Mr. Gonzalez should be released upon appropriate conditions at the earliest date permitted.

Respectfully submitted,

Frank A. Ortiz

Frank A. Ortiz
Attorney for Manuel Gonzalez

FAO:lr
Enclosure



APPENDIX B



**STATE OF NEW YORK
COMMISSION OF INVESTIGATION**



**INVESTIGATION INTO ALLEGATIONS BY THE
LIVINGSTON COUNTY BOARD OF SUPERVISORS
AGAINST SHERIFF JOHN YORK AND THE
OPERATIONS OF THE LIVINGSTON COUNTY
CONDITIONAL RELEASE COMMISSION**

June, 1999

**270 Broadway
New York, New York 10007**



COMMISSION OF INVESTIGATION

OF

THE STATE OF NEW YORK

INVESTIGATION INTO ALLEGATIONS BY THE LIVINGSTON
COUNTY BOARD OF SUPERVISORS AGAINST SHERIFF
JOHN YORK AND THE OPERATIONS OF THE LIVINGSTON
COUNTY CONDITIONAL RELEASE COMMISSION

STEPHEN L. WEINER

Chairman

JOSEPH S. DOMINELLI

SALVATORE R. MARTOCHE

HENRY J. NAHAL

VINCENT F. NICOLosi

Commissioners

BARBARA DiTATA

Deputy Commissioner/
Chief Counsel

WILLIAM F. FRIEDLIEB

Chief Investigator

JEROME LIGHTFOOT

Deputy Chief Investigator

ANN E. RYAN

Supervising Senior Assistant Counsel

LAURENCE SNYDER

Special Agent

HUGH FLANAGAN

Special Agent

Copies of this report are available on the Internet at [HTTP://WWW.SIC.STATE.NY.US/](http://www.sic.state.ny.us/)



TABLE OF CONTENTS

I.	Introduction.....	1
II.	The Allegations by the Board of Supervisors Against York.....	5
	A. The Release of Jeffrey McDonald.....	5
	B. The Approval of the Awarding by the IDA of a Security Contract to D'Aprile Investigative Services.....	8
	C. Use of the NYSPIN Computer.....	13
III.	Operations of the Livingston County Conditional Release Commission.....	17
IV.	The Treatment of Jeffrey McDonald's Application for Conditional Release	30
V.	Lack of Oversight by the County.....	34
VI.	Conclusion.....	39
	A. The Allegations Against Sheriff York.....	39
	B. The Conditional Release Commission.....	40



AN INVESTIGATION INTO ALLEGATIONS BY THE
LIVINGSTON COUNTY BOARD OF SUPERVISORS AGAINST
SHERIFF JOHN YORK AND THE OPERATIONS OF THE
LIVINGSTON COUNTY CONDITIONAL RELEASE
COMMISSION

I. Introduction

The Board of Supervisors of Livingston County, in June 1998, requested the Governor to investigate whether Livingston County Sheriff John York (1) improperly intervened in the conditional release by the Livingston County Conditional Release Commission (LCCRC) of his former deputy sheriff, Sergeant Jeffrey McDonald; (2) improperly attempted to influence the Director of the Livingston County Industrial Development Agency (IDA) in his approval of the awarding of a contract to provide security at a construction project in which the IDA was involved; and, (3) misused the New York State Police Inquiry Network (NYSPIN)¹ computer terminal in April, 1997 to obtain the name and address of the registered owner of a private vehicle for other than official business.

¹ The New York State Police Inquiry Network (NYSPIN) is a statewide police communications network that serves municipal, state and federal agencies. Among its many functions, it provides law enforcement agencies access to various information systems, including criminal histories and vehicle registration information.



In July 1998, the Governor requested the New York State Temporary Commission of Investigation (SIC) to conduct an investigation into the allegations made by the Livingston County Board of Supervisors against Sheriff York. The SIC conducted an extensive and wide-ranging investigation, which included reviewing all pertinent documents and interviewing more than thirty (30) witnesses. Eleven of these witnesses testified before the SIC at private hearings.

The SIC has concluded that no basis exists to recommend the removal of Sheriff York from office.

The SIC found no evidence that the Sheriff was improperly involved in the release of his former deputy sheriff, Sergeant Jeffrey McDonald, or that he was improperly involved with the decision by LCCRC Commissioner Thomas Tremmer to grant McDonald's application for early release from the Livingston County Jail.

The SIC found no evidence that York improperly attempted to interfere with the awarding of a contract. Although the IDA Director, Patrick Rountree, testified that he felt "threatened" by the efforts of Sheriff York to influence his approval of a particular security contract and was "afraid" after York made



certain comments to him, the correspondence between Rountree and Sheriff York, exchanged contemporaneously with the incident in question, belies the existence of any threats, and contradicts in its substance and tone, the testimony of Rountree on this issue.² Furthermore, after testifying before the SIC, and despite Rountree's claim that he felt threatened and fearful of repercussions from York, his correspondence with the Sheriff almost ten months later suggests that the two men continued to share a cordial and professional relationship with one another.³ Thus, other than Rountree's testimony before the SIC, which is undercut by his own written correspondence with Sheriff York, there is no other evidence to support Rountree's claim that York acted improperly.

As to the allegation of unauthorized use of the NYSPIN computer by Sheriff York, the SIC found that it was an error in judgement by the Sheriff. The unauthorized use does not amount to misconduct or misfeasance warranting proceedings for his removal

² The letter from Rountree to York, dated May 20, 1998, and the response to Rountree from York, dated May 26, 1998, are attached as Exhibits A and B respectively.

³ This letter, dated March 11, 1999, is attached as Exhibit C. In it, Rountree, as the Livingston County Economic Developer, thanked York for his aid in preparing the applications which were successful in obtaining funds for two new county projects.



from office. Sheriff York admitted that he used the NYSPIN system to check the license plate of a New York State trooper whose personal vehicle displayed a bumper sticker supporting Gustave D'Aprile, who was running against York in the upcoming election. York claimed that his intention was to educate the trooper concerning a particular issue between the Sheriff and the State Police which was being aired during the campaign. Although his action did not violate any criminal statute, it was, however, a violation of the agreement between the Sheriff's Office and the State Police requiring that the NYSPIN system only be used for legitimate law enforcement or criminal justice purposes.

During its investigation of Sheriff York's alleged role in the early release of McDonald, the SIC uncovered abundant evidence that the LCCRC itself had been acting *ultra vires* during most of its existence.⁴ In fact, the LCCRC operated in violation of virtually all statutory requirements set forth in the Corrections Law. These violations included the failure, at particular times, to have a

⁴ As discussed in greater detail below, Corrections Law § 270 et seq. requires that the City of New York and the other 57 New York State counties have conditional release commissions. One of the functions of these commissions is to review the applications of inmates in the local jail for conditional release. If an inmate is eligible, the inmate may be released from jail by the majority vote of the conditional release commission after he has served 60 days regardless of the Court's sentence.



minimum of three members on the LCCRC; its failure to have a majority of its three members present to make decisions on the granting or denying of applications; and the failure to provide those inmates whose applications were denied, with written reasons in support of the denial. Moreover, the LCCRC did not maintain minutes of its meetings or keep records of its proceedings for most of its existence. Finally, no Livingston County public official or agency provided any meaningful oversight or supervision to the LCCRC. Indeed, up until the release of Jeffrey McDonald in June 1998, which generated wide-spread media attention within the County, members of County government appear to have been only dimly aware of the existence and operations of the LCCRC.

II. The Allegations by the Board of Supervisors Against York

A. The Release of Jeffrey McDonald

On October 14, 1997, Jeffrey McDonald, a sergeant in the Livingston County Sheriff's Department, was arrested and charged with Hindering Prosecution for providing information to a drug dealer in return for narcotics. He entered a plea to two counts of Official Misconduct and on April 8, 1998, was sentenced to a term of nine months imprisonment on each count, the sentences to be



served consecutively.⁵ The Probation Department, as a matter of routine, made inquiry of the arresting officer as to his recommendation on sentencing. This request was sent to McDonald's former employer, Sheriff York. York recommended that a probationary sentence be imposed, a position which, through the Probation Department's pre-sentence report, was made known to the sentencing judge prior to McDonald being sentenced. York also requested, albeit unsuccessfully, that the special prosecutor handling McDonald's case and the Monroe County District Attorney recommend a probationary sentence for McDonald.

After being sentenced on April 8, 1998, McDonald began to serve his sentence at the Steuben County Jail. He was returned to the Livingston County jail two days later and within ten days thereafter was provided with an application for conditional release by jail personnel. As discussed in greater detail below, the Corrections Law requires that an inmate serve thirty (30) days of his sentence before being eligible to apply for conditional release. McDonald, however, applied when he had served only twenty-six (26) days of his sentence.

⁵ The case against McDonald was prosecuted by a special prosecutor from the Monroe County District Attorney's Office and presided over by a judge from another county.



LCCRC Commissioner Thomas Tremmer testified before the SIC that after he received McDonald's application, he went to see the Sheriff at his office. Tremmer solicited York's opinion as to whether McDonald was an appropriate candidate for early release. According to York, Tremmer explained that this was part of his effort to determine if an applicant for conditional release had a "good potential for a success." Tremmer wanted information concerning McDonald's history in the Sheriff's office, his work ethic and his current family status, and if McDonald was released, how it might affect the morale of the Sheriff's Office. York told Tremmer that he thought McDonald was a good candidate for the program, that he did not think morale in his office would not be adversely affected, and repeated his belief that McDonald should never have been sentenced to jail in the first place. After speaking to York, Tremmer, acting on his own without the input of the only other Commissioner serving on the LCCRC at that time, ordered the release of McDonald.⁶

⁶ Certain news accounts reported that both Tremmer and York denied speaking with each other regarding McDonald's release. Tremmer and York each testified that the reporter who authored the accounts never asked them whether they had spoken with one another on the subject of McDonald's release. York testified that the reporter had asked him to identify the members of the conditional release commission. Tremmer testified that the reporter had asked him if he had any written communication with York.



The SIC finds that Sheriff York did not act inappropriately in publicly expressing his position that McDonald not be incarcerated, or voicing this position to Tremer when, as McDonald's former employer, he was consulted about McDonald's suitability for early release. The SIC, however, finds that other aspects relating to McDonald's release were handled in such a manner that created a public perception that McDonald received special treatment. McDonald was permitted to apply for early release before serving the minimum thirty (30) days in jail; his approved order of release was personally picked up by a member of the Probation Department, and he was released from jail within minutes after midnight on his first day of eligible release -- circumstances that did not routinely occur with other applicants for conditional release. The totality of these actions, whether or not they were intended by jail or Probation Department personnel to favor McDonald over other applicants, lent credence to the perception that McDonald, as a former sergeant in the Sheriff's Office, was given favored status.

B. The Approval by the IDA of the Awarding of a Security Contract to D'Aprile Investigative Services

In 1998, the Livingston County Industrial Development Agency (IDA) was involved in a project to open a salt mine in the County.



As part of the project, the Genesee and Wyoming Railroad was to build a railroad spur from its existing tracks to the new mine. Opposition to the project, however, caused concern that efforts would be made to interfere with its construction and, therefore, it was decided to employ security personnel at the site. Only two of the three companies that had been solicited for bid proposals had, in fact, submitted bids on the job. Of those two companies, D'Aprile Investigative Services, owned by Gustave D'Aprile, was the lower bidder. Once D'Aprile's references were checked, IDA Director Patrick Rountree approved the awarding of the contract to D'Aprile's firm. D'Aprile, a retired police officer, had run against York during the past election for Sheriff in November 1997.

On May 15, 1998, York called Rountree to discuss the manner in which the IDA awards its contracts since the Sheriff was interested in having retired deputies from the Sheriff's Office perform the work to supplement their retirement income. According to Rountree's testimony before the SIC, once he told York that the contract had already been awarded to D'Aprile, the tone of the conversation changed. Rountree testified that York told him that he had "friends in high places and positions of influence that could make my (Rountree's) job difficult." According to Rountree, York also said that the agency, which Rountree interpreted to mean



the Genesee and Wyoming Railroad and, by extension, the IDA, should expect little in terms of his department cooperating with the firm they had selected (D'Aprile Investigative Services). Rountree, a twenty year veteran of the public sector, testified before the SIC that he was "afraid," and interpreted York's remarks as a clear threat, not only to his ability to complete the salt mine project by its deadline, but to his future employment as well. Rountree felt that York's conduct was "out of line," but at the conclusion of their conversation, Rountree informed York that if he had any problems with Rountree's action or the IDA's performance, York should raise them at the next IDA meeting.

York's account of what transpired in his conversation with Rountree is in direct contradiction to that of Rountree. In his testimony before the SIC, York categorically denied that he threatened Rountree or said that he, York, had friends in high places and positions of influence that could hold up the project. York further testified that after this conversation with Rountree, he called the County Administrator, Dominick Mazza, and complained that the retired deputies were not being considered for the job. When interviewed by SIC staff about this incident, Mazza stated that York had told him that he, Mazza, should do something about Rountree's awarding the contract to D'Aprile because of all the



things that D'Aprile had done to the County. York encouraged Mazza to see what he could do to prevent the contract from being awarded to D'Aprile's company, and went on to tell Mazza that he, York, "could effect those grant monies." Mazza recounted that York's tone of voice during this conversation indicated that he was very angry. Mazza believed York's main concern was that D'Aprile's company had been awarded the security contract, and seemed less focused on the issue of obtaining additional work for retired deputies. According to Mazza, he told York that he would look into the matter and speak to Rountree about it. Later that same day, Mazza and Rountree spoke and Rountree repeated to him the earlier conversation he, Rountree had with York. Mazza told the SIC investigators that Rountree told him of York's desire that D'Aprile not get the security contract, and his alleged statement that with friends in high places, York could get them to influence payments to the IDA. Mazza instructed Rountree to proceed with having the IDA approve the contract with D'Aprile's company and not to be influenced by the Sheriff.

Three days after York's conversation with Rountree, an IDA meeting was held. According to IDA board member Anthony Morrow, Rountree recounted that he had been contacted by York, but did not claim that he felt threatened or intimidated by the call from the



Sheriff. Instead, Rountree gave the impression that the IDA should look at future awards of these contracts, and consider consulting the Sheriff about them. In a subsequent conversation Morrow had with Rountree on this subject, Rountree still did not raise any concern or mention that he felt threatened or intimidated by York.

On May 20, 1998, Rountree wrote a letter to York which he explained the IDA's role in the awarding of the security contract, which was essentially to oversee that there was compliance with the bidding procedures.⁷ Nowhere in this letter did Rountree indicate any objection to York's earlier comments, nor suggest in any way that he felt "threatened" by anything that York had said to him. Rather, Rountree indicated that he "underst[oo]d and [was] sympathetic to [York's] concerns," and that he "appreciate[d] and respect[ed York] for bringing [his] concerns directly to" Rountree. Rountree concluded the letter by thanking York for having contacted him. When questioned by the SIC as to why he did not mention any fear of or threats by York in this letter, Rountree explained that his purpose in writing to York was to further explain his action and to defend the position of the IDA, rather than to get York to agree with the position he had taken.

⁷ York responded with a letter asking Rountree to identify the consultants to the railroad, and reiterating his belief that retired deputies should be given an opportunity to perform the job.



On March 11, 1999, after he had testified before the SIC, Rountree sent another letter to York, this one thanking him for his aid in preparing applications which were successful in getting the County two new projects.⁸ Whatever the actual conversation was between York and Rountree relating to the awarding of the security contract, the substance and tone of his letters to York contradict Rountree's testimony before the SIC that he felt threatened or intimidated by York. Rather, the correspondence from Rountree to York, both immediately after the alleged threats by York, and almost ten months thereafter, indicates that Rountree viewed his relationship with the Sheriff to be cordial and professional.

C. Use of the NYSPIN Computer

On April 3, 1997, Sheriff York ran a check through the New York State Police Investigation System (NYSPIN) computer on the license plate number of a car parked in a New York State Police barracks parking lot. The car in question had a bumper sticker on it supporting Sheriff York's opponent, Gustave D'Aprile, in the upcoming November 1997 election. When questioned about this incident, York testified that upon learning the identity of the

⁸ This letter is attached as Exhibit C. Rountree, in his capacity as director of the Livingston County Economic Development Office, and Aaron B. Gagne of that office, both signed the letter.



vehicle's owner, he left a message for the trooper to call him. When they spoke later over the telephone, the trooper "blew up" at him accusing York of having violated his rights. York testified that he said, "this isn't about police services, ... this is about politics, isn't it?" York said he believed that the best thing he could do then was not to say anything on the subject, and just let the trooper finish. The trooper, who was interviewed by SIC staff, stated that when he returned York's telephone call, the trooper accused the Sheriff of having violated his rights. That trooper then hung up the phone on York.

York testified that he also called the trooper's supervisor, Major David Christler. York explained to Christler that his concern over the trooper's support of D'Aprile "has nothing to do with politics, it has to do with the issues." York told Christler that "maybe if these guys clearly understood some of these management level issues, it would not create such hostility on the road patrol issues, about call taking, [and] call jumping."

York explained to the SIC that he and the State Police had different views on which agency should be dispatched to respond to 911 calls. D'Aprile, running against York in the up-coming



election, was a supporter of the "closest car response,"⁹ a position which the State Police favored. York explained that he wanted to speak directly with the trooper whose car bore the D'Aprile bumper sticker to educate him on his (York's) position on this issue. York did not believe the rank and file members of the State Police knew of, or fully understood, the basis for York's opposition to this policy. York testified that he wanted an opportunity to explain his view to the trooper, and cure any mis-impressions the trooper may have had.

Although York testified that his reason for running the license plate related to the issue of "closest car response," when he was first interviewed by SIC staff, he told investigators that, in addition to his position on 911 response calls, he ran the license plate because he felt that it was "inappropriate" to have a vehicle with a D'Aprile bumper sticker parked at a State Police facility, believing that it gave the impression that the State Police endorsed his opponent.

York testified that he was aware of the restriction that the NYSPIN computer be used for law enforcement purposes, but that in

⁹ "Closest car response" mandates that whichever emergency responder vehicle is closest to the scene, be it state or local, that the 911 dispatcher notify that car.



running the license plate of a D'Aprile supporter, he did not intend to interfere with the upcoming election.¹⁰ In his testimony before the SIC, York stressed that he did not run the license plate simply because the car bore a D'Aprile bumper sticker. He explained that were his motivations political, he would have run the license plate of every car bearing a bumper sticker supporting his opponent, something he did not do.

Whatever York's rationale or motives in running a check on the license plate, doing so violated the terms of the agreement that the Sheriff's Office had with the State Police for using the NYSPIN system. The NYSPIN Operating Manual sets forth guidelines for use of the computer, restricting it to law enforcement related purposes. The manual specifically limits the "use of vehicle registration ..." to "official law enforcement, criminal justice or DMV purposes only. Curiosity inquiries are forbidden."¹¹ Although the information obtained through the NYSPIN computer is not available to the public, York, like any other member of the public, could have obtained this same information from the Department of

¹⁰ York's running of the license plate was an election issue which received media coverage in the intervening months from April to November 1997. The voters of Livingston County, nonetheless, chose to re-elect Sheriff York for another term.

¹¹ NYSPIN Operating Manual, Chapter 1, Section 4.1 (7).



Motor Vehicles. He chose, instead, to use law enforcement resources. While his actions did not violate any criminal statutes, they did violate the terms of the NYSPIN agreement, and indicated a lack of judgement. The use of the NYSPIN computer, under the circumstances York described, may have created the appearance that he was using his official position for personal reasons, rather than a legitimate law enforcement function.

III. Operations of the Livingston County Conditional Release Commission

While the SIC has determined that the Sheriff did not act improperly in the release of McDonald, it found that the LCCRC was responsible for releasing McDonald in violation of the statute governing conditional release. It became apparent, however, that McDonald was not the only inmate whose application was improperly ruled upon by the LCCRC. Upon examining the operations of the LCCRC since 1991, the SIC found it operated in violation of virtually every statutory requirement.

County conditional release commissions were first authorized



in 1989, with the amendment of the Corrections Law¹². Responsibility was transferred from the New York State Division of Parole to each individual county to determine which inmates in local correctional facilities would be granted a conditional (early) release. Among the reasons underlying this transfer of responsibility was the belief that local officials would be in the best position to evaluate the impact of a particular inmate's release upon their community. The statute called for the establishment of a local conditional release commission by each county.¹³ The commission must consist of a minimum of three Commissioners, each having a four year college degree and a minimum of five years experience in certain related law enforcement or corrections related fields.

The functions and powers of conditional release commissions are extensive. The conditional release commission is empowered to decide which inmates are eligible to be granted conditional

¹² Corrections Law § 270 et seq. (McKinney's 1989). The statute expires on September 1, 1999. As of this writing, a bill to extend the law has not been introduced to the legislature.

¹³ Under Corrections Law § 271(1), the county executive is mandated to appoint the commissioners. Corrections Law § 270(3) defines a county executive as the county commissioner, county manager, county director, mayor or county president. Livingston County does not have a county executive but instead, operates under direction of the Board of Supervisors. The Chair of the Board of Supervisors is the chief elected official in Livingston County.



release; it may instruct the probation department to conduct supplemental investigations; it maintains legal custody of the those released, until the expiration of the term of their conditional release or their return to custody; it may issue declarations of delinquency, revoke a conditional release, or transfer the inmate's probation supervision to another county. Also, for the purpose of conducting any investigation necessary in the performance of its duties, the conditional release commission has the power to issue subpoenas, and to compel the attendance of witnesses and the production of documents pertinent to its inquiry. It also has the power to authorize any of its members to administer oaths and take testimony.¹⁴

The SIC heard testimony from Thomas Tremer, Gustave D'Aprile, Marc Connolly and Joseph Temperato, all of whom served on the LCCRC. Each of them were questioned regarding their appointment as commissioners, the manner in which meetings were scheduled and held, and the procedures for receiving compensation for their services. Although their testimony varied in certain of these aspects, it was clear from each of them that the LCCRC did not operate as intended by the enabling statute and governing laws. It is not surprising that these violations occurred since each of

¹⁴ See Corrections Law § 272.



these witnesses testified that, during their tenures, although appointed as commissioners, they had not read the statute which set forth the requisite qualifications of the members of the LCCRC and the duties and responsibilities of the LCCRC itself. Although Tremer and Temperato qualified, under the Corrections Law, to serve as commissioners, neither D'Aprile or Connolly did.¹⁵ All four witnesses indicated that they were unaware of the requirement that any action by the LCCRC, whether granting or denying an application, be by a majority of the at least three commissioners present. The LCCRC was not composed of a minimum of three commissioners at various times.¹⁶ Among the other statutory requirements that the LCCRC violated, were failing to provide written reasons to the inmate for a denial of the inmate's application; permitting an inmate to apply before having served a minimum of thirty (30) days of the court imposed sentence¹⁷; and

¹⁵ Tremer and Temperato possessed both the educational and employment experience to qualify as commissioners. D'Aprile had relevant law enforcement experience, but lacked the requisite four year college degree, and Connolly, while having the educational degree, lacked the employment experience.

¹⁶ A chart of the LCCRC Commissioners and their terms is attached as Exhibit D.

¹⁷ As discussed in greater detail below, McDonald applied for conditional release before he had served thirty (30) days.



17
3

permitting an inmate to be released before having served the requisite minimum of sixty (60) days.¹⁸

Tremer, an assistant professor who teaches criminal justice at SUNY Brockport, was a member of the LCCRC since February 1990. He had also been employed by the Livingston County Probation Department from 1974 until 1985, starting as a trainee and gradually being promoted to a senior probation officer. According to all of the other LCCRC members who testified, Tremer acted as the *de facto* Chair of the LCCRC, although Tremer himself denied that was his role.¹⁹

¹⁸ One inmate was released prior to his having served sixty (60) days.

¹⁹ Although there is no formal designation of any LCCRC member as the commission's chairperson, according to the testimony of Temperato, it was Tremer who explained the workings of the LCCRC, contacted him to notify him of any meetings, brought the paperwork with him to the meetings and left with it. This was substantially corroborated by Connolly. Tremer was the only member of the LCCRC that the conditional release monitors at the jail ever dealt with and, according to Deputy Michael Hillier, he and other personnel at the jail, forwarded the applications to Tremer at a particular address (which was Tremer's residence). Since at least 1994, with one exception (involving two applications), Tremer was the only individual that members of the Probation Department ever dealt with regarding conditional release applications. However, Tremer testified that D'Aprile had held himself out to be the chairman, something that D'Aprile denied in his testimony before the SIC.



Tremer testified that he had never read governing statute, was unaware of its requirements and received his directions, which were minimal, from Probation Director Robert Davoli,²⁰ who was also serving as the coordinator for the LCCRC when Tremer was first appointed. This testimony is, in fact, contradicted by the minutes of the March 7, 1990 meeting of the LCCRC²¹. In relevant part, those minutes state:

Mr. Tremer was welcomed to his first meeting, and his participation completes the minimum three members required, and makes possible the conducting of commission business for the first time since the resignation of John Paulis [sic] in October of 1989.

These same minutes reflect that the three members of the LCCRC agreed that a majority vote of the LCCRC would be required before an inmate who had been granted conditional release, could be re-incarcerated for having violated the conditions of his release. Interestingly, it was Tremer who raised the issue of whether the LCCRC should increase the number of its members due to that regulation.

²⁰ When interviewed by SIC staff, Davoli explained that he was not "certain" whether he instructed Tremer about the workings of the LCCRC but "would think" that he did.

²¹ These minutes, as redacted, are attached as Exhibit E. Tremer testified that he was not aware of these minutes before he was shown them during the investigation. Tremer also testified that he had suffered a stroke in 1990 but believed that it did not affect his memory.



At his appearance before the SIC, Tremer testified that he believed that he could act unilaterally to grant an early release to an inmate, as could any other commissioner, although Tremer believed that it was necessary that a majority of the commissioners had to vote to violate an inmate. Additional documentary evidence exists which contradicts Tremer's testimony of his knowledge of and role in the LCCRC. A copy of a letter from Davoli to Tremer, dated February 27, 1990, indicates that Davoli sent materials on the LCCRC to Tremer in order to bring Tremer up to date on the commission.²² The materials included legislation, policy and procedures, and a description of the members' responsibilities. Finally, minutes of the LCCRC meeting on November 7, 1991 indicate that Tremer and D'Aprile received a "manual," although Tremer testified that he did not recall ever receiving it.²³

In June 1992, the term of one of the original commissioners expired, but it took the County almost a year to appoint a replacement. Marc Connolly, the new commissioner, only attended meetings for six months, from July 1993 to December 20, 1993. From

²² A copy of this letter, with Tremer's address redacted, is attached as Exhibit F.

²³ D'Aprile also testified that he did not recall receiving a manual. A copy of these LCCRC minutes, as redacted, are attached as Exhibit G.



that date on, until the release of McDonald in June 1998, the LCCRC never met with the required number of commissioners present. Connolly testified that he thought he was no longer being notified to attend any LCCRC meetings because its function had been supplanted by the Alternatives to Incarceration Program, and therefore, very few inmates were applying to the LCCRC. He also explained that D'Aprile had told him that there were long periods of time when no inmates submitted applications.

Joseph Temperato testified that he joined the LCCRC in 1994. Based upon his conversations with Tremer, Temperato believed there was a third commissioner, Marc Connolly, who was also a member of the LCCRC. Temperato testified, at his first two meetings, he questioned Tremer about Connolly's absence. Tremer told him he would try to contact Connolly. Tremer's efforts in this regard, according to his testimony before the SIC, was that he tried telephoning Connolly on a few occasions but, when he could not reach him, ceased calling him. Tremer testified that he left messages for Connolly at his job but was unsure if Connolly returned the calls. According to Connolly, he continued to reside in Livingston County and worked for the same employer. Connolly testified that he did not recall receiving any telephone calls from Tremer after the December 20, 1993 meeting. Tremer made no



additional efforts to have Connolly attend meetings. According to Tremer, he did not believe it was his responsibility to contact Connolly to inform him of these meetings.

For the most part, after February 1992, the LCCRC failed to document its work. Minutes of the LCCRC that were obtained by the SIC reflect that seven meetings were held between August 3, 1989 and February 6, 1992.²⁴ After February 1992, no minutes appear to have been kept. As Temperato testified, the LCCRC did not maintain minutes but rather they were "very informal." Tremer also testified that he never kept records concerning the LCCRC's work including copies of the applications it ruled upon. Tremer testified that he was never instructed to keep such records and assumed that the Probation Department was processing the applications and related paperwork, and keeping copies thereof. After 1992, the only evidence of the number of times the LCCRC met, is contained in the vouchers submitted by the commissioners for their compensation. Certain vouchers include specific dates when meetings were held, others merely indicate, without particularizing

²⁴ Information from the minutes that are available to the SIC is contained in a list of the meetings and its participants that is attached as Exhibit H. However, vouchers submitted from 1990 through 1996 reflect that various members of the LCCRC were compensated for an additional three meetings in 1990 and two meetings in 1991. A table of the dates of meetings and the commissioners compensated is attached as Exhibit I.



the date, that a certain number of meetings occurred during the period covered by that voucher. However, they do not indicate which applications were reviewed or what action was taken on them.²⁵

During the period from January 1994 through May 1998, it was the general practice of the LCCRC to grant or deny applications for conditional release based on the action of either one or two commissioners, rather than having the minimum three members required by the statute. Of the fifty-five (55) applications ruled during this time period, at least thirty (30) were decided by only one Commissioner, Thomas Tremmer, acting on his own and without consultation with any other member of the LCCRC.²⁶

²⁵ A comparison of the submitted vouchers to the records maintained by either the Probation Department or the jail, sometimes reveals what case(s) were likely considered at a particular meeting but, in several instances, the correlation is not obvious.

²⁶ The number of applications unilaterally acted upon cannot be absolutely determined since the records and witnesses are either incomplete or somewhat vague on this point. The SIC reviewed all the available applications for the period of from 1989 to May 1998. For the period of 1994 to May 1998, fifty-five (55) applications were decided by the LCCRC. For two of these applications Temperato signed the release order. Except for these two applications and McDonald's, it is not clear from the records which commissioner(s) evaluated and decided particular applications. Temperato estimated that he, along with Tremmer, acted on approximately twenty-four (24) of the applications, which would leave the remaining thirty-one (31) applications having been ruled on by Tremmer unilaterally. Tremmer, who was the only LCCRC member who handled the paperwork, testified that he had no recollection of the number of applications that he acted upon on his own.



Deputy Michael Hillier testified that the normal procedure followed at the Livingston County jail was that, after an inmate had been incarcerated for thirty (30) days after being sentenced, he would inquire of the inmate if he was interested in applying for conditional release.²⁷ If so, an application would be completed by the inmate and returned to Hillier, who would then complete the two sections that the jail was to fill in. Hillier would mail the application to Tremer's home as per instructions he had received from the previous conditional release monitor.

After receiving the conditional release application, Tremer would normally go to the probation office and request the pre-sentence investigation report that a probation officer would have prepared before the inmate was sentenced.²⁸ Tremer might attempt to reach one of the other LCCRC commissioners, Joseph Temperato, but this was not always the case. If he met with Temperato, Tremer would bring the application with him and take it back with him when he left, along with any additional paperwork, such as the order of

²⁷ If an inmate requested the application before he had served thirty (30) days, Hillier would provide a copy of it to the inmate.

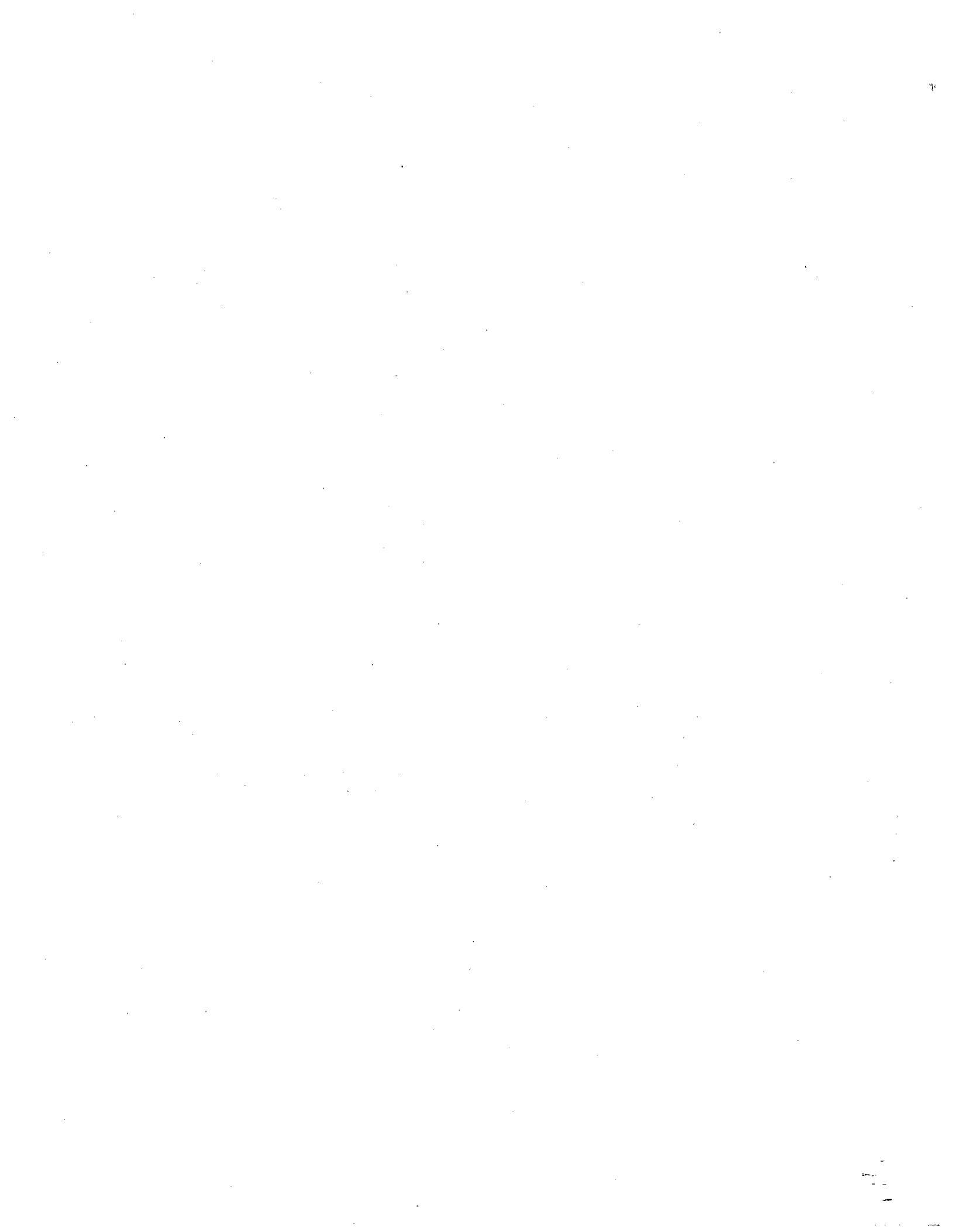
²⁸ Tremer testified that if he received information concerning an inmate's application over the telephone he would "probably not" include that information in the file. His rationale is that it was not the desire of the caller to reduce the information to writing.



release if the application had been granted. Temperato, who never unilaterally made a decision, signed only two release orders himself. After acting on his own, or with the input of Temperato, Tremmer would then bring all the paperwork to the Probation Department, where, if the application had been granted, a secretary would type up the release order, with any additional conditions that Tremmer had indicated to be included. Typically, Tremmer would wait for the order to be prepared and sign it at that time.

Since it was the responsibility of the Probation Department to supervise those inmates who were granted conditional release, the Probation Department maintained the applications of those inmates, along with the Order with conditions of their release. It did not, however, keep copies of the applications that were denied. Those applications, after being dropped off at the offices of the Probation Department, were delivered to the jail. Tremmer testified that when an application was denied, he would attach a slip of paper or "post-it" to the application itself. Many of the notes did not list the inmate's name, and could easily be lost or switched. Some of the denied applications did not even have such a note attached when it reached the jail.²⁹ Under the Corrections

²⁹ For the period of 1994 to McDonald's release, five of the thirty-two denied applications do not indicate any reason for the denial. Several of the notes detailing a reason for a denial, are



Law an application for conditional release must be acted upon within thirty (30) from the receipt of such application by the commission, and the reasons for the denial of any application must be provided to the inmate in writing.³⁰ These notes did not conform to the statutory requirement that an inmate be notified in writing of the specific factors and reasons for such denial within fifteen days of the decision by the LCCRC. When asked about this procedure, Tremer testified that he assumed that the Probation Department would notify the inmate of the reasons for the denial.

Probation Supervisor Karen Weidman testified that, as to the granted applications, usually within 24 hours of Tremer's signing an order, she would inform the inmate that (s)he had been granted release and review with him or her the conditions to which they had to agree. As to the denied applications, her general practice was

undated, unsigned and do not contain the name of the inmate who made the application. Deputy Michael Hillier of the Livingston County Sheriff's Office, the conditional release monitor at the jail from 1995 to the present, testified that if an application had a written note attached to it, stating the basis of the denial, Hillier would convey this information to the inmate.

³⁰ Tremer also testified that he had been told by Davoli that as a commissioner, his duty was to review the applications that were submitted and make a decision on them within thirty (30) days of the date the inmate signed the application. Even using Tremer's own mis-informed date from the time the inmate signed the application, he nevertheless failed to act within this time period in fourteen (14) cases of the twenty (20) release orders signed by Tremer from 1994 to May 1998.



simply to forward all the papers to the jail. She did not discuss with the inmates the reasons for the denial by the LCCRC.³¹

IV. The Treatment of Jeffrey McDonald's Application for Conditional Release

The manner in which the release of Jeffrey McDonald was handled differed from that of every other inmate who was granted conditional release in Livingston County. According to the testimony of Deputy Michael Hillier, the conditional release monitor at the Livingston County Jail, McDonald's was "the most accelerated application" he had seen since first becoming involved in the conditional release program in 1995. Both the supervisor at the Probation Department, Karen Weidman, and Deputy Hillier testified that in their handling of McDonald's application, standard practices were not followed. For instance, McDonald's application was submitted to the LCCRC prior to his having served the minimum thirty (30) days in jail. Hillier's supervisor, Corporal Donald Lubanski, instructed Hillier to call Tremer to inform him that the application was being sent to him. Tremer made

³¹ On several cases in 1994 and 1995, Weidman or a Probation Department secretary sent to the jail a note in their own handwriting, along with the denied applications, explaining the reasons for the LCCRC actions. Weidman testified that these notes were based upon information from Tremer.



his decision to grant the release almost three weeks before McDonald was eligible to be released. The conditional release order was sent to Tremer's home by the Probation Department for Tremer's signature, and picked up from there by Weidman, who then met with McDonald at the jail and prior to his eligible release date, and reviewed the conditions of his release with him. Thus, within minutes of midnight on the very first day that he was eligible to be released, McDonald was able to walk out of jail.

In McDonald's case, he received the application from Hillier sometime between April 10th and April 20th, 1998. Hillier believed that he received the completed application from McDonald late in the day on May 1, 1998. Hillier only completed one of the two parts of the application that he would normally complete and requested instead that his supervisor, Corporal Lubanski, complete that portion of the application relating to the inmate's behavior in the jail. Hillier testified he took this unusual step because he was uncomfortable completing the application, as he was aware that McDonald was a high profile case involving a member of his own department. After the application was completed, Lubanski instructed Hillier to call Tremer to inform him that application was in the mail. Hillier does not recall whether he reached anyone. This was the only time Hillier attempted to relay such a



message. Hillier did not realize that the application had been forwarded to the LCCRC prior to McDonald's having served thirty (30) days until that fact was brought to his attention by SIC staff during its investigation.

On or about May 18, 1998, Tremmer brought McDonald's application and one other approved application to the offices of the Probation Department. Tremmer did not know on what date McDonald would be eligible for release, so Weidman called the jail and was told that McDonald's 60th day of incarceration would be June 4th. According to Weidman, this was the only time she had ever called the jail to determine an inmate's eligible release date, and the first time she learned that an application had been approved so far in advance of an inmate's eligible release date. Weidman testified that during this call, she informed Lubanski that the LCCRC had decided to grant McDonald his early release.

Another "first" was that Tremmer did not wait for the release order to be typed for his signature at the time he brought the approved application to the Probation Department. Tremmer recalled that a problem had occurred that day with the computer system at the Probation Department, which prevented the order from being completed immediately. Instead, the release order, when it was



prepared for Tremer's signature, was mailed to his home. On June 1, 1998, Weidman personally went to Tremer's home and picked up the signed order of release for McDonald. This was the only time she had done this, and she explained that it was only because she had a court appearance in the vicinity of Tremer's home and was in the area. On June 3, 1998, the day prior to his release, Weidman went to the jail and reviewed the conditions of his release with McDonald. This was only the second time of which she was aware of when she saw the inmate prior to the date he was eligible to be released. At 12:05 a.m. on the sixtieth (60) day of his sentence, June 4, 1998, McDonald was released from the Livingston County Jail.

Although York did not act improperly, the overall manner of and special treatment that McDonald's application received, whether intended or not, gave rise to the appearance that he was given favorable consideration as a former member of the law enforcement community. Thus, it contributed to the public's perception that members of the law enforcement community receive certain benefits not afforded to other members of the public who have broken the law.



v. Lack of Oversight by the County

Before McDonald's release was publicized, the public and those in County government were only dimly aware of the existence or operations of the LCCRC. No individual public official or agency provided any meaningful oversight or supervision of the LCCRC. No one reviewed or confirmed that the commissioners being appointed actually met the qualifications of the statute. Indeed, up until the release of Jeffrey McDonald in June 1998, which received widespread media attention within Livingston County, members of the Board of Supervisors and its Judicial Committee seemed only dimly aware of the existence of the LCCRC and how it was operating. The Probation Department, which the Board of Supervisors and its Judicial Committee assumed was overseeing the operations of the LCCRC, was not performing such a function, and, in fact, did not believe that it was the responsibility of the Probation Department to do so. According to Probation Department Director Barbara Campbell, oversight of the LCCRC was not within the scope of the Probation Department's responsibility.

Dennis House, the Chair of the Board of Supervisors testified that he believed that the Probation Department was overseeing the LCCRC and would report any problems to the Judicial Committee of



the Board which oversaw the Probation Department. This committee then would report to the Board of any problems or concerns it had.³² Emery Jaeger, who served from January 1998 to the present, as the head of the committee was under the impression that the operations of the LCCRC came under the umbrella of the Probation Department and that any problems relating to the conditional release program would be raised by Barbara Campbell the Director of Probation, who reported to the committee at its regularly scheduled meetings. Campbell had, since replacing Davoli as the Director of Probation, reported to the committee about the vacancies on the LCCRC, and the funds that had been allocated by the County to her department for the compensation of the LCCRC commissioners. It is unclear to whom Tremmer and the other LCCRC commissioners believed they reported, if anyone. It was Tremmer's testimony regarding all paperwork relating to the applications, and processing of the applications through the system, was handled by the Probation Department.

Campbell understood the role of her department to include assisting the LCCRC in conducting supplemental investigations of inmates, if asked to do so; reviewing with the inmates the

³² House had been appointed chairman of the Judicial Committee for 1993 and served in that capacity until he became chairman of the Board in 1995. In that capacity, he continued to attend meetings of the standing committees including the Judicial Committee.



conditions of their release and the terms of their supervision by the Probation Department; and supervising those inmates who had been granted conditional release. Additionally, members of her staff performed a ministerial or administrative function of typing up the release orders. She did not believe it was her responsibility to administer, oversee or report on the actual operations of the LCCRC. She did, however, approve the vouchers that were submitted to her department by the commissioners for their compensation, and, if she learned of a vacancy on the LCCRC, she would in turn, report this to the members of the Judicial Committee.

According to House, the Board of Supervisors, by resolution, would either confirm an appointment made by its Chairman, or adopt the resolution of the Board's Judicial Committee. The manner in which it was determined that a vacancy existed on the LCCRC and who should fill it, was a best, informal. For instance, Temperato's first term of office expired September 5, 1995. However, it was not until February 12, 1997, that the Board of Supervisors resolved that he be reappointed retroactively, from September 1995, to September 1999.³³

³³ The Judicial Committee minutes for June 5, 1997, more than three months later, indicate that a motion to reappoint Temperato was carried on that date. As a practical matter, under



House admitted that, although he was the Chair of the Board of Supervisor and had formerly served as the Chair of the Judicial Committee, prior to McDonald's release, he possessed only a limited knowledge of statutes governing the conditional release commission. Before the public hue and cry over McDonald's release, House was unaware that a conditional release commission needed three members, and that a majority of the three members actually present needed to vote on an application, that there were minimum requirements to serve one's sentence before being eligible to apply for or be granted conditional release.

House testified that prior to June 1998, he did not know which individual or government entity was responsible for overseeing of the workings of the LCCRC, even though, by virtue of his position on the Board, he was the official who could remove a commissioner for cause.³⁴ It was his experience when he served on the Judicial Committee, that Probation Director Campbell would report on

the holdover provisions of the Public Officers Law, Temperato was still authorized to act. No one who has testified before the SIC, however, gave this as a justification for the delay.

³⁴ The statute gives the power to remove, for cause, a conditional release commissioner to the county executive. Corrections Law § 271(4). Although the definition of county executive in the statute does not take into account those counties who operate under the Board of Supervisors form of county government, historically, the chief elected official in Livingston County acted in that capacity.



vacancies on the LCCRC that needed to be filled. Since Campbell never reported on any other aspect of the functioning of the LCCRC, House assumed that the LCCRC was functioning appropriately, reasoning that if there were any problems with the LCCRC, Campbell, as head of the Probation Department, would also report to the committee on those issues.

Emery Jaeger, was appointed to the Board's Judicial Committee in 1998 and serves as its Chair. Until McDonald's release, he too had never read the laws governing conditional release, nor realized that his committee or the Board was responsible for the LCCRC. He, like House, believed that the Probation Department was overseeing the LCCRC, although neither of them had read the law or could point to any discussion or directive where Campbell, or anyone else in the Probation Department had indicated their acceptance of responsibility in that regard.³⁵

³⁵ It may be that Davoli, who preceded Campbell as the Director of Probation, gave the Board and Judicial Committee this impression since, as an original member of the LCCRC and, during his tenure on the commission, he acted as its coordinator. According to Campbell, the Board of Supervisors believed it would be a conflict of interest if the Director of Probation, or any member of the Probation Department, also served on the LCCRC. Thus, Campbell never joined the LCCRC.



VI. Conclusions

A. The Allegations Against Sheriff York

Based upon the SIC's investigation of the allegations made by the Livingston County Board of Supervisors against Sheriff York, there is no basis to remove him from office. The SIC finds that the Sheriff was not improperly involved in the conditional release of former Sergeant Jeffrey McDonald, nor is there any credible evidence that he improperly intervened in the IDA's approval of the awarding of a contract. As to the Sheriff's use of the NYSPIN computer system to run the license plate of the trooper whose car had the bumper sticker of his election opponent, while an error in judgment, it does not rise to the level necessary for us to recommend that removal proceedings be commenced. As to any of these allegations, the District Attorney can investigate and take whatever steps he deems appropriate.³⁶

³⁶ As to the NYSPIN claim, D'Aprile wrote to the District Attorney and requested that a special prosecutor be appointed to investigate the matter, the District Attorney referred the matter to the court, which rejected the request to appoint a special prosecutor. The SIC is not aware that the District Attorney has considered either Rountree's allegations concerning the threats by York or McDonald's release by the LCCRC.



B. The Conditional Release Commission

While the Sheriff did nothing wrong in connection with the release of Jeffrey McDonald, the LCCRC certainly did. Not only in the case of McDonald, but in a great number of its decisions, the LCCRC did not function properly. For many years, there was a failure by members of the LCCRC, and County officials to ensure that the LCCRC complied with the law. Commissioners accepted their appointments without ever reading the statute governing their responsibilities or requesting any training about the manner in which the conditional release program was to be run. Responsibility to oversee the workings of the LCCRC fell through the cracks, with no individual or agency acknowledging this function.

There was a clear failure on the part of the members of LCCRC itself to take responsibility for educating themselves about their job functions and duties. None of the former commissioners who testified before the SIC admitted to asking for any explanation of their duties other than a general summary of the LCCRC function. None were provided with training. The granting of early release to inmates serving a court ordered jail sentence requires applications to be given serious and deliberate consideration, and that the



public have confidence that the commission is acting within the bounds of its lawful authority when injecting itself into the domain of the sentencing court. What became apparent once the SIC examined the working of the LCCRC in detail was such was not the case. None of the commissioners knew the law under which they operated and made only a perfunctory attempt to get information about the operations of the LCCRC. They could not document their meetings or decisions since records were not routinely kept of their proceedings or of the action they took. The situation was permitted to occur because no one - no governmental authority or individual public official - took responsibility for overseeing the action of the LCCRC. Neither the Board of Supervisors, its Judicial Committee, or the Probation Department believed it was their responsibility to do so.

The previous operations of the LCCRC were inexcusable. It operated with a glaring lack of defined authority, and a complete lack of communication between the various branches of County government. While Tremmer and the other LCCRC members took no steps to find out the scope and legal limitations of their responsibilities as commissioners, County government abdicated its responsibility to oversee the commission. While the Board looked to one of its committees, that committee, in turn, looked to the



Probation Department. The Probation Department, however, had neither *de jure* or *de facto*, oversight over the LCCRC.

Based on the testimony of both House and Jaeger, and the SIC's review of the July 2, 1998 minutes of the Judicial Committee, the SIC has determined that since the release of McDonald, the Board of Supervisors has adopted new policies and procedures governing the LCCRC. Proposed candidates for commissioners are now screened to determine if they have the requisite educational and employment qualifications. New members have, in fact, been appointed so that there are currently five (5) members serving on the commission. Meetings of the LCCRC are regularly scheduled and minutes of their proceedings kept. The applications and record of the commissions' action thereon are now maintained, and the Chair of the LCCRC is required to make a reports to the Judicial Committee.³⁷ These new procedures should help ensure that the citizens of Livingston County that their local government is acting responsibly and can be held accountable for its actions.

³⁷ No one has been released by the LCCRC since McDonald's release on June 4, 1998.



Exhibit List

- A. Letter from IDA Director Patrick J. Rountree to Sheriff John York dated May 20, 1998.
- B. Letter to IDA Director Patrick J. Rountree from Sheriff John M. York dated May 26, 1998.
- C. Letter from Patrick J. Rountree and Aaron B. Gagne of the Livingston County Economic Development Office to Sheriff John M. York dated March 11, 1999.
- D. Summary of LCCRC Commissioners from 1989 to May 26, 1998.
- E. Minutes of March 7, 1990 LCCRC Meeting (Redacted).
- F. Letter to Thomas Tremer from Robert Davoli dated February 27, 1990 (Redacted).
- G. Minutes of November 7, 1991 LCCRC Meeting (Redacted).
- H. Summary of Dates of and Participants at LCCRC Meetings as reflected in LCCRC Minutes from 1989 to May 1998.
- I. Summary of Vouchers Submitted by Members of the LCCRC from 1990 to May 1998.



EXHIBIT A





LIVINGSTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

LIVINGSTON COUNTY GOVERNMENT CENTER
6 COURT STREET, ROOM 306
GENESEO, NEW YORK 14454-1043

TRICK J. ROUNTREE
DIRECTOR

PHONE: 716-243-7124

FAX: 716-243-7126

E-MAIL: livecodv@frontiernet.net

May 20, 1998

Sheriff John York
Livingston County Sheriff's Department
Court St.
Geneseo, New York 14454

Dear Sheriff York:

I felt I should respond to you regarding the concerns you addressed to me last week about my handling of approving contracts on behalf of the County Industrial Development Agency, especially agreements that, at some point in time, could result in an involvement by your department.

On April 7th the State Court of Appeals cleared the last legal obstacle challenging the validity of the permits for the new mine construction. On April 23, American Rock Salt accepted the State's offer of financial assistance removing the largest barrier in GE Capital's financing commitment letter. The project was now a go for a projected July start of construction. Prior to these events, all parties did only the absolute minimum in planning, engineering and responding to permit conditions to avoid all non-essential costs as the project's viability was quite questionable without satisfaction of these two events.

After April 23, the IDA asked that ARS and the Railroad, along with State DOT officials from the region and Albany attend meetings on May 1st that included the Agency's regular meeting for a comprehensive review of both projects. The purpose of the meeting was to refine the mine/railroad project schedule, identify critical actions that needed immediate and 30 day authorizations, to have the State review and comment on each of these actions and give immediate approvals as necessary.

Two immediate actions were identified, one of which was the immediate commencement of a Phase III cultural resources inventory. Much of the discussion on this matter cited the important need for immediate security for locations subject to archaeological investigation. At this meeting, all parties agreed that the two actions must proceed at once pending DOT's and my review that all proper procedures for the awarding of contracts were properly conducted.

Also at the meeting, State DOT emphasized that the IDA's role in administering the State rail contracts was only oversight over the contract award process, independent inspection and verification of work completed and cost and compliance accounting. The IDA has no jurisdiction in any way in the invitation and selection of contractors except to ensure proper



procedures are followed in that process. The Agency's consent is required however before contacts may be signed. That consent means that the Agency verifies that the work is necessary and required and that all compliance matters have been satisfied. We have stipulated to both ARS and the Railroad that local vendors, if available and qualified, be solicited for quotation and work on these respective projects. We refer the companies in the most current edition of the Livingston County Business Directory which contains and categorizes over 1800 Livingston County registered businesses. Personal services contacts, whereby the individual is not registered as a business in any way, are not permitted unless no other qualifying services are available.

Dolby and Associates invited three firms to submit quotation proposals. He indicated the firm that was eventually selected was the low bid. I indicated that the documentation accompanying his recommendation should include evidence of qualifications and references. One of the recommendations came from American Rock Salt which previously had used the firm satisfactorily on its project.

This information was reviewed by me and forwarded to NYSDOT for their review and comment. Having received no comments from NYSDOT by the last day the Cultural Resource proposal was still valid, and having concluded by own review, I acted on May 12 to give the Agency's consent to the five recommended contracts functioning under the authority granted to its Administrative Director by the Agency operating bylaws. As is customary, I reported to the Agency my actions between meetings. The Agency affirmed my actions by unanimous vote at its special meeting on May 18th.

I understand and am sympathetic to your concerns. I also appreciate and respect you for bringing your concerns promptly and directly to me. I attempted to do the best job I could given the limits of my authorizing authorities and the time I had to commit to this activity as a one person department.

I hope this explanation of the decision I made on behalf of the Agency will address some of your concerns. The IDA and myself have always been highly appreciative of the cooperation and services rendered by you and your department, particularly over the long history of the salt mine project. We hope that is unchanged. I personally value our working relationship and will do my part to ensure these recent actions do not change that.

Thank you for contacting me.

Sincerely,



Patrick J. Rountree
Director

c: George Traber



EXHIBIT B



ADMINISTRATIVE OFFICES
4 COURT STREET
GENESEO, NEW YORK 14454
(716) 243-7120
FAX: (716) 243-7104

CRIMINAL INVESTIGATIONS
(716) 243-7170

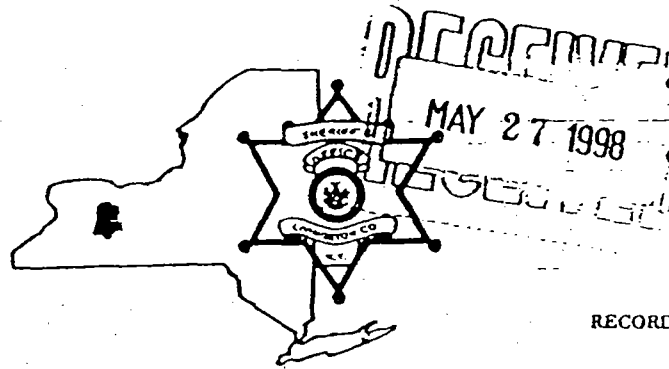
JUVENILE AID
(716) 243-7150

JAIL DIVISION
(716) 243-7180

RECORDS DIVISION / CRIMINAL ACCIDENT
(716) 243-7140

DEAF LINE
(716) 243-0050

CIVIL DIVISION
(716) 243-7130



JOHN M. YORK
SHERIFF

ANIEL P. MALONEY
UNDERSHERIFF

SHERIFF OF LIVINGSTON COUNTY

May 26, 1998

Mr. Patrick J. Rountree
Director
Livingston County Economic Development Office
Livingston County Government Center
6 Court Street
Room 306
Geneseo, New York 14454-1043

Dear Pat:

I appreciate your correspondence, but I guess my biggest question is who is Dolby and Associates, and who are they to decide which three (3) firms submit quotation proposals?

I find it without conscience that we have not even stopped to think about the retired police officers throughout this County, the retired deputy sheriff's whom many have given as much as thirty years of service to our communities and are also looking for outside work. To not even offer people such as this an opportunity for short term employment or to enhance their retirement systems as a measure of saying thank you for the long and committed career services to our County residents.

I would hope that in the future we give those qualified retirees the opportunity to do this job, instead of hiring outside retirees from another county and some who have caused much confusion, frustration, and serious concern and alarm for agencies in this County.

Sincerely,
John M. York

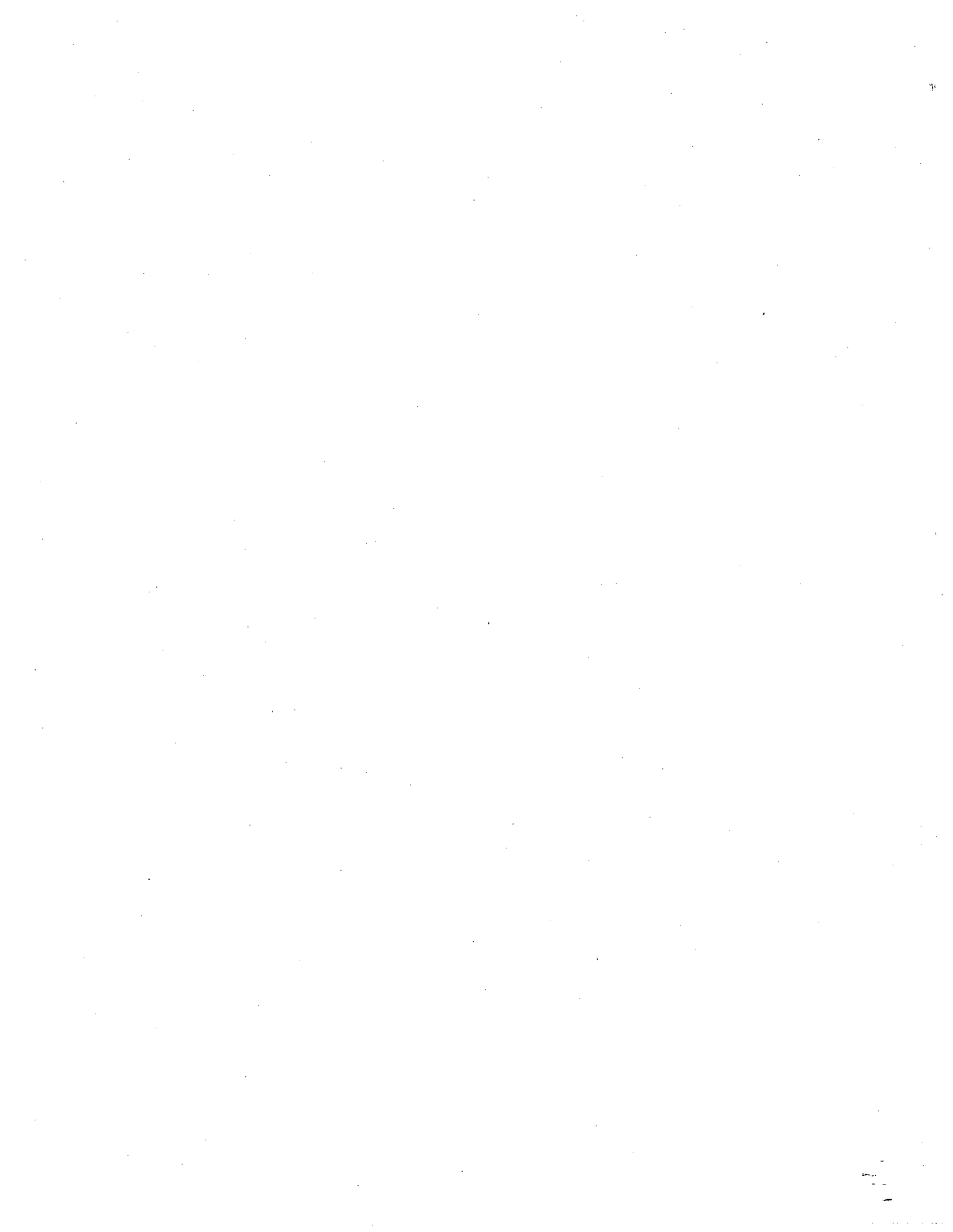
John M. York
Sheriff

cc: George Trabor

Address all communications to Sheriff of Livingston County
Make all checks payable to Sheriff of Livingston County



EXHIBIT C





LIVINGSTON COUNTY
ECONOMIC DEVELOPMENT OFFICE

LIVINGSTON COUNTY GOVERNMENT CENTER
6 COURT STREET, ROOM 306
GENESEO, NEW YORK 14454-1043

Patrick J. Rountree
Director
Aaron B. Gagné
Deputy Director

phone: 716-243-7124
fax: 716-243-7126
e-mail: livecodv@frontiernet.net

March 11, 1999

Mr. John M. York, Sheriff
Livingston County Sheriff's Department
4 Court Street
Geneseo, New York 14454

Re: Build Now - NY Site Awards
Dansville Industrial Park and Avon Crossroads Industrial Park

Dear Sheriff York:

As you are well aware by now, Livingston County was the deserved recipient of two Build Now - NY awards as announced by Governor George E. Pataki. Our Dansville Industrial Park and Avon Crossroads Industrial Park will now be entered into the aggressive marketing and site preparation program set forth in the Build Now program, and we sincerely believe that the entire County will reap the benefits.

With that said, we would like to thank you most sincerely for your role in preparing the two applications. We were presented with a very short timetable in which to prepare two very substantial applications, and your assistance helped us to deliver them both successfully.

Thank you for your commitment to growing Livingston County, and to furthering economic development to the benefit of all of our citizens.

Sincerely,

Handwritten signature of Patrick J. Rountree in cursive.
Patrick J. Rountree
Director

Handwritten signature of Aaron B. Gagné in cursive.
Aaron B. Gagné
Deputy Director

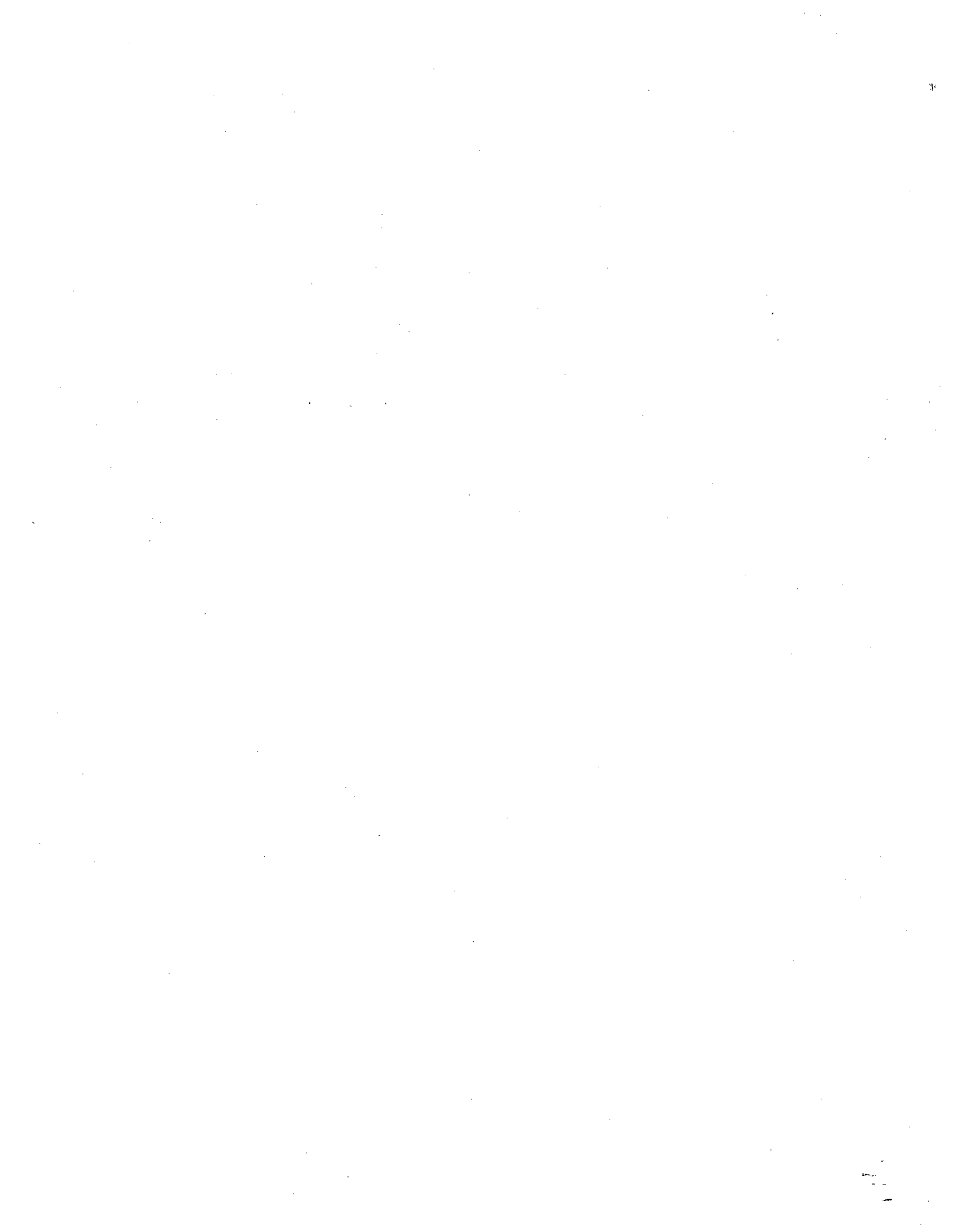


EXHIBIT D



LCCRC COMMISSIONERS APPOINTED FROM 1989 TO MAY 26, 1998

Commissioner	Term
John Paulus*	July 1989-October 1989
Robert Davoli*	July 1989- September 1991
Rev. E. Thomas Taylor*	July 1989-June 1992
Thomas Tremmer (replaced Paulus)	February 1990- July 1998
Gustave D'Aprile (replaced Davoli)	September 1991-Winter 1993/1994
Marc Connolly (replaced Taylor)	June 1993-June 1997
Joseph Temperato (replaced D'Aprile)	March 1994-June 1998

* In 1989, the Board of Supervisors by resolution established the LCCRC and these three commissioners were appointed to terms expiring in June 1992.



EXHIBIT E



CONDITIONAL RELEASE COMMISSION

MINUTES

3/7/90

The commission met on 3/7/90 at the offices of the Probation Department in Geneseo, New York. In attendance were commission members; Robert Davoli, Reverend E. Thomas Taylor, and Thomas Tremmer. Mr. Tremmer was welcomed to his first meeting, and his participation completes the minimum three members required, and makes possible the conducting of commission business for the first time since the resignation of John Paulis in October of 1989.

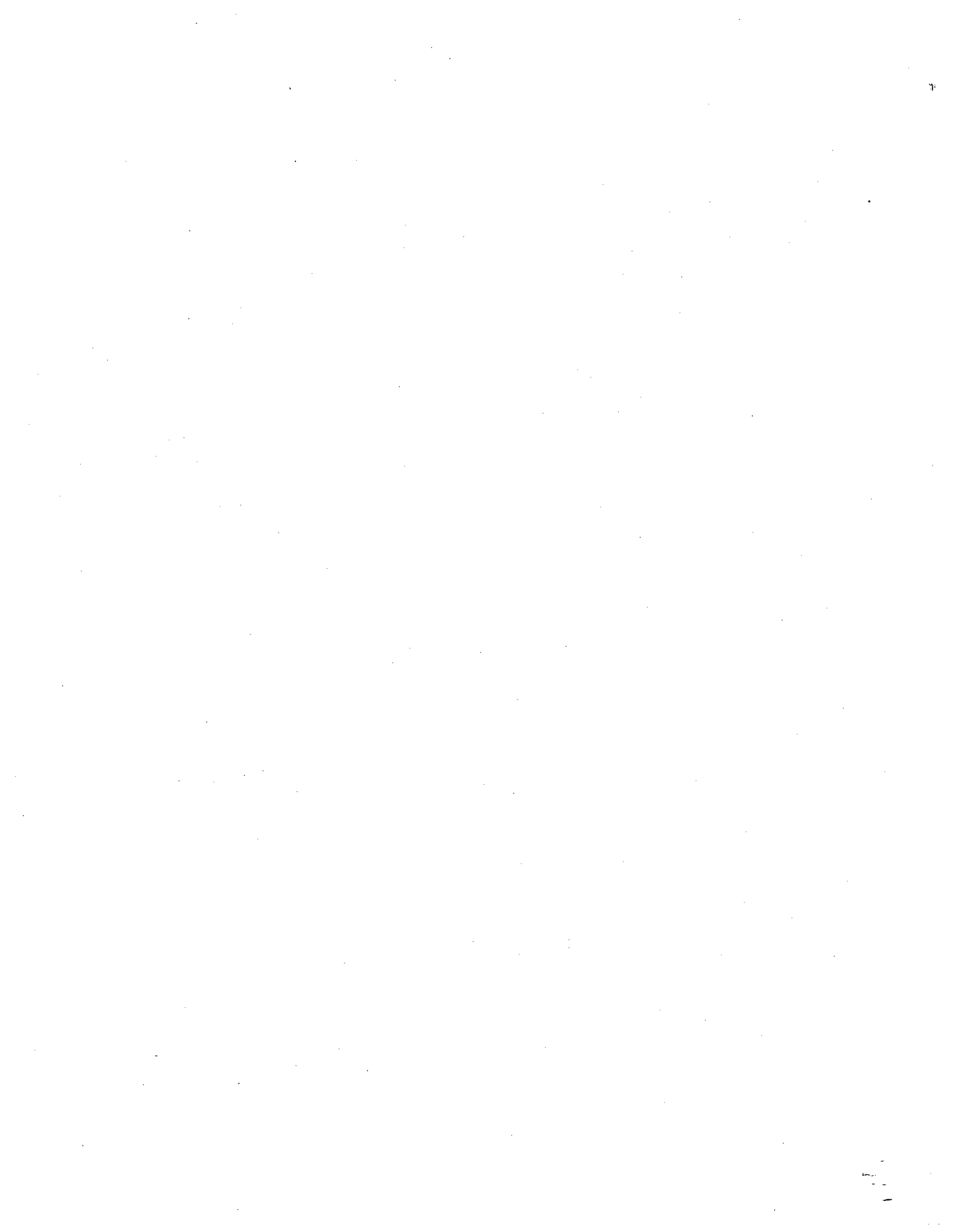
Two applications for early release were reviewed.

1. [REDACTED] was denied due to: a) his intended return to the same residence he was living in at the time of his apprehension, which appears to have little, if any control over his behavior. b) no specific employment plan. An employment affidavit was not completed. c) a prior criminal history indicating failure to comply or respond to previous Court orders, and/or requirements of the law. d) the nature of the offenses, which appeared over a lengthy period of time, and indicated pre-meditation and complicity on his behalf. e) his irresponsible attitude indicated by three disciplinary reports while an inmate in the jail.
2. [REDACTED] - the commission members agreed to release [REDACTED], based upon certain conditions. The conditions are that he enter a drug treatment program on an in-patient basis, followed by an outpatient program, and remain in such programs until successful completion and/or released positively by the treatment agency. It was agreed that R. Davoli would present these conditions to [REDACTED] at the jail, to determine his opinion and decision. Without agreement to the conditions, the commission would deny the application. On 3/12/90 [REDACTED] was advised of the decision of the commission, and stated that he would contact his parents and his attorney.

It was also agreed that all commission members would meet and decide on any violation reports, and that all violations would require all three members voting.

Tom Tremmer raised a question of the form used for conditional release warrants. Enclosed are copies of two warrants, previously promulgated by Division of Probation and Correctional Alternatives, which were inadvertently omitted from the conditional release commission materials provided to Mr. Tremmer.

Mr. Tremmer questioned whether additional members should be added to the commission, due to the regulation requiring the majority vote of three members to decide on violations. It was agreed to defer this decision until it could be determined whether the conditional release commission would be continued in Livingston County after the legislation sundowns or expires on March 31, 1990.

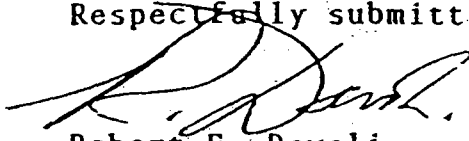


It was agreed that the conditional release commission would request quarterly reports of all persons supervised on conditional release from the supervising Officer for review.

County vouchers were signed by all commission members and will be submitted to the Probation Department's Account Clerk.

No specific meeting date was set for the next commission meeting, although it was agreed that at this time it will be held in April.

Respectfully submitted,



Robert E. Davoli
Conditional Release
Commission Member

RED: ig
3/16/90



EXHIBIT F



Livingston County Probation Bureau

4241 LAKEVILLE ROAD
GENESEO, NEW YORK 14454
TELEPHONE (716) 243-2500



2/27/90

Thomas Tremmer
[REDACTED]

Daer Tom,

Enclosed are materials to bring you up to date on the conditional Release Commission. These include the legislation, policy and procedures, and a description of the members responsibilities. I hope that this will be sufficient to give you an understanding of the program and your role in it.

Also please be advised that we will be meeting at the Probation Dept. offices on Thursday, March 8th, 1990 beginning at 7:00PM. At that time we will be reviewing two applications and you will be able to meet our third member, Reverend Thomas Taylor.

If you are unable to make that meeting please call me at 243-2922 as soon as possible.

Sincerly

A handwritten signature in black ink, appearing to read "Robert E. Davoli".

Robert E. Davoli
Probation Director II

RD/RD
2/27/90



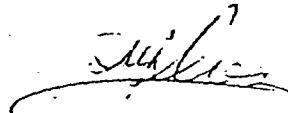
EXHIBIT G



MINUTES FOR CONDITIONAL RELEASE COMMISSION
11/7/91

Meeting called to order at 7:00 p.m. Present were Gustave D'Aprile and
Tom Tremor, Commissioners; Philip Klos, Factotum. Absent was the Rev.
Raylor, Commissioner. Manuals were distributed to Mr. D'Aprile and Mr.
Tremor by Klos for their review. Two cases were considered, [REDACTED]
[REDACTED] whose conditional release was approved and [REDACTED] whose
conditional release was disapproved due to the short amount of time that
he had been incarcerated coupled with the serious nature of the
conviction. Factotum was directed to notify both individuals of the
Commission's decision. Meeting was adjourned following these reviews.

Respectfully,


Factotum

WK/bb



EXHIBIT H



SUMMARY OF DATES AND PARTICIPANTS AT LCCRC
MEETINGS AS REFLECTED IN MINUTES OF LCCRC
MEETINGS FROM 1989 TO MAY 1998

DATE OF MEETING	COMMISSIONERS PRESENT
August 3, 1989	Davoli, Paulus, Taylor
October 4, 1989	Davoli, Paulus, Taylor
November 8, 1989	Davoli, Paulus, Taylor
March 7, 1990	Davoli, Taylor, Tremmer
September 26, 1991	Taylor, Tremmer, D'Aprile
November 7, 1991	Tremmer, D'Aprile
February 6, 1992	Taylor, Tremmer, D'Aprile



EXHIBIT I



**SUMMARY OF VOUCHERS SUBMITTED BY MEMBERS OF
THE LCCRC FROM 1991 TO MAY 1998**

1990

Date of Meeting	Commissioners¹
March 8, 1990	Taylor, Tremer
June 28, 1990	Taylor, Tremer
August 23, 1990	Tremer
October 25, 1990	Tremer

1991

Date of Meeting	Commissioners
March 21, 1991	Taylor, ² Tremer
April 25, 1991	Taylor, Tremer
September 26, 1991	Taylor, D'Aprile
November 7, 1991	D'Aprile

1992

Date of Meeting	Commissioners
February 6, 1992	Taylor, Tremer, D'Aprile
February 25, 1992	Tremer
March 19, 1992	Tremer, D'Aprile
May 12, 1992	Taylor, Tremer, D'Aprile
October 20, 1992	Tremer, D'Aprile

¹ Davoli never submitted any voucher during his tenure on the LCCRC.

² Only the second side of Taylor's voucher is available. That side does not indicate the date of the meeting. Rather that voucher was approved on the same date as the voucher that Tremer submitted for the March 21, 1991 meeting.



1993

Date of Meeting	Commissioners
January 6, 1993	Tremer, D'Aprile
March 9, 1993	Tremer, D'Aprile
April 27, 1993	Tremer, D'Aprile
May 26, 1993	Tremer, D'Aprile
July 22, 1993	Tremer, D'Aprile, Connolly
Date of meeting is unknown but the three vouchers were approved on July 14, 1993	Tremer, D'Aprile, Connolly
October 18, 1993	Tremer, D'Aprile, Connolly
November 8, 1993	Tremer, D'Aprile, Connolly
December 9, 1993	Tremer, D'Aprile
December 20, 1993	Tremer, D'Aprile, Connolly

1994

Date of Meeting	Commissioners
April 14, 1994	Temperato
September 12, 1994	Tremer, Temperato
November 14, 1994	Tremer, Temperato
December 6, 1994	Tremer, Temperato



1995

Date of Meeting	Commissioners
July 25, 1995	Tremer, Temperato
August 9, 1995	Tremer, Temperato
"5 meetings for conditional release" between "Oct 95 thru Dec 95" or "10/1/95-12/1/95"	Tremer, Temperato ³

1996

Date of Meeting	Commissioners
"5 cases" between "5/1-6/17/96" or "5-1-96/6/17/96"	Tremer, Temperato
"7 meetings" between "7/96-9/1/96"	Tremer

1997

No vouchers submitted.

1998 Through May

No vouchers submitted.

³ This voucher was not signed by Temperato.

