

CITY COURT OF THE CITY OF MOUNT VERNON
COUNTY OF WESTCHESTER

THE PEOPLE OF THE STATE OF NEW YORK

**MISDEMEANOR
COMPLAINT**

v.

GREGORY CANNATA



Defendant

BE IT KNOWN that the complainant herein: Investigator Edward Salinas of the Westchester County District Attorney's Office, Westchester County, New York, accuses the defendant named above of the following offense(s) committed in the City of Mount Vernon, on or about and between April 9, 2021, to April 12, 2021.

COUNT ONE: The Offense of ATTEMPTED COERCION IN THE THIRD DEGREE, a violation of Penal Law § 110/135.60 (5):

The defendant, at the above date, time, and place, attempted to compel or induce a person to engage in conduct which the latter had a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she had a legal right to engage, by means of instilling in him or her a fear that, if the demand was not complied with, the actor or another would expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule.

COUNT TWO: The Offense of ATTEMPTED COERCION IN THE THIRD DEGREE, a violation of Penal Law § 110/135.60 (9):

The defendant, at the above date, time and place, attempted to compel or induce a person to engage in conduct which the latter had a legal right to abstain from engaging in, or to abstain from engaging in conduct in which he or she had a legal right to engage, by means of instilling in him or her a fear that, if the demand was not complied with, the actor or another would perform any other act which would not in itself materially benefit the actor but which was calculated to harm another person materially with respect to his or her health, safety, business, calling, career, financial condition, reputation or personal relationships.

The offenses were committed under these circumstances:

1. This complaint and allegations of fact contained herein are based on direct knowledge and upon information and belief, the sources of which are conversations with Janice Duarte, and the review of recorded phone calls, text messages, and emails sent by the defendant, and publically available information. I have not included every fact known to me from my

review of these materials and information, but rather set forth only those facts that I believe are sufficient to establish this complaint.

2. I am informed by Janice Duarte and publically available information that, at all times relevant to this complaint, Janice Duarte (“Duarte”) was a member of the City of Mount Vernon City Council (“City Council”) and the defendant was a licensed attorney in New York State and the Chairman of the City of Mount Vernon Board of Ethics. Additionally, the defendant and Duarte submitted petitions to the New York State Board of Elections (“BOE”) to be candidates for City Council seats in the June 2021 Mount Vernon Democratic Party primary.
3. I am informed by Duarte that, on or about April 5, 2021, Duarte’s brother, who was her campaign manager and a District Leader with the City of Mount Vernon Democratic Committee, filed an objection with the BOE to the defendant’s petition.
4. I am informed by Duarte that, on or about April 9, 2021, the defendant left a voicemail for Duarte asking her to call him regarding the election and stated that, “I just want you to understand that there—that there are consequences.”
5. I am informed by Duarte that, on or about April 9, 2021, the defendant engaged in a telephone conversation with Duarte (a recording of the conversation is attached as “Exhibit A”). Regarding the petition objection, the defendant stated, “I want you to know that there are consequences for you to do that [...] I take this personally, I really do, and I, I don’t forget about it.” The defendant further stated that, if Duarte did not withdraw the petition objection, “It will be my singular focus between now and June 22nd to work against you individually,” and said, “I will do everything I can in the next month—two months—to send out emails to every democrat I can, telling them they shouldn’t vote for you.” Later in the conversation, the defendant reiterated that if Duarte did not withdraw the objection, “I am going to be ruthless with you. I will be sending out weekly emails, blasting you every chance I get [...] If I’m off the ballot, then I will be attacking you personally and attacking what you’ve done on the council. And I’m going to make sure everybody in Mount Vernon knows about it. So if you want to take that risk, then you know, then, then, then proceed the way you’re proceeding.” Additionally, the defendant stated that, if his demand was not met, he would bring a lawsuit against Duarte pursuant to the Mount Vernon City Charter for wasted funds, saying in part, “I will sue you. I will sue you personally.”
6. I am informed by Duarte that, on or about April 9, 2021, the defendant sent Duarte a sample of the email he referenced in the phone conversation. The email focused on Duarte’s actions as a councilmember and accused her of waste and inaction. Specifically, the email accused Duarte of orchestrating a “failed \$35,000 pay-off to ex-Mayor Richard Thomas to vacate his office after he pled guilty to corruption charges,” wasting “thousands of tax dollars” in an illegal effort to “remove Wallace as the Mayor,” and doing “nothing” to

protect taxpayer money in response to former Mayor Richard Thomas's "improper money grab" (a copy of this email received by Duarte is attached as "Exhibit B").

7. I am informed by Duarte that, on or about April 11, 2021, the defendant sent a text message to Duarte that stated, "The first letter will go out at 4:00 tomorrow if the objection is not withdrawn" (a screenshot of the text message received by Duarte is attached as "Exhibit C").
8. I am informed by Duarte that, on or about April 12, 2021, the defendant sent a mass email, identical to the aforementioned April 9, 2021 email, to registered democrats in the City of Mount Vernon.
9. I am informed by a BOE letter dated April 12, 2021, that was mailed to David Duarte and the defendant stating that the objections to the defendant's petition were sustained. Specifically, the letter states that 107 of the 358 signatures submitted by the defendant were invalid and BOE regulations required a minimum of 300 signatures. As such, the defendant was removed from the Democratic Primary Ballot (a copy of this letter is attached "Exhibit D").
10. I am informed by Duarte that the defendant's aforementioned actions caused her to fear damage to her reputation and financial condition, and to experience concern for her physical safety.

NOTICE: PURSUANT TO THE PENAL LAW §210.45, IT IS A CRIME PUNISHABLE AS A CLASS A MISDEMEANOR TO KNOWINGLY MAKE A FALSE STATEMENT HEREIN.

April 20, 2021


Investigator Edward Salinas