

# DA NEWS

FALL 2023



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## Longest Wrongful Conviction in U.S. History Overturned by DNA Evidence

*The Conviction Review Unit's investigation included new DNA hit that led investigators to a registered sex offender who then confessed to the 1975 rape in Greenburgh*



Leonard Mack appeared in Westchester County Court with his attorneys from the Innocence Project, joined by Westchester County District Attorney Miriam E. Rocah and the DA's Office's Conviction Review Unit, when his conviction was vacated on Sept. 5, his 72nd birthday.

### Message from DA Rocah

In this issue, we are proud to share the many ways the prosecutors and staff in my office work hard every day on behalf of the people of Westchester County.

From holding accountable violent offenders, sex offenders and those who abuse their positions of authority, to ensuring conviction integrity...

From looking after our seniors who are increasingly becoming targets of scams, to supporting our law enforcement partners on community outreach efforts related to hate- and bias-motivated crimes and incidents...

We are committed in our work inside and outside the courtroom to seek a fair and more equitable justice system for everyone.

*Miriam Rocah*

Westchester County District Attorney Miriam E. Rocah and her Conviction Review Unit, with the Innocence Project, announced on Sept. 5 the exoneration of Leonard Mack, who served more than seven years in a New York prison for a 1975 rape in Greenburgh that he did not commit.

This is the longest wrongful conviction in U.S. history known to the Innocence Project to be overturned by DNA evidence.

"We were able to prove Mr. Mack's innocence, in large part, due to our independent Conviction Review Unit's commitment and Mr. Mack's unwavering strength fighting to clear his name for almost 50 years," DA Rocah said. "This exoneration confirms that wrongful convictions are not only harmful to the wrongly convicted but also make us all less safe."

The CRU's investigation included new DNA testing that conclusively excluded 72-year-old Mr. Mack as the perpetrator and identified a convicted sex offender, who confessed to the rape.

DA Rocah, the CRU and attorneys representing Mr. Mack from the Innocence Project appeared before New York State Supreme Court Judge Anne E. Minihan, who overturned the conviction of Mr. Mack, who was accused on May 22, 1975 of forcing two high school students at gunpoint into the woods and tying up, gagging and blindfolding them before raping one of the girls twice, and attempting to sexually assault the other.

Susan Friedman, the Innocence Project's attorney for Mr. Mack said, "Mr. Mack has lived with the stigma of this wrongful conviction for nearly five decades. His courage and determination are why we now have indisputable scientific evidence that proves he is innocent. Mr. Mack's case had many of the hallmarks of a wrongful conviction, including multiple witness misidentifications. We are grateful that the Westchester County District Attorney's Conviction Review Unit investigated Mr. Mack's case and reached similar conclusions."

The CRU investigation was conducted by Bureau Chief Anastasia Heeger, Assistant District Attorney Charity Brady and Criminal Investigator James Menton.

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## Defendants Indicted in Sex Crimes Against Teenagers

Richard Olmino was charged in an 18-count indictment for sexually assaulting two teenagers during two separate June attacks in Rye. The defendant allegedly threatened a 16-year-old jogger in Rye Town Park saying he had a knife before tackling her to the ground, exposing himself and sexually assaulting her. DNA evidence linked the defendant to another incident, where the defendant allegedly sexually assaulted an 18-year-old walking home from an after-prom party near Rye High School. **Special Prosecutions Deputy Division Chief Michelle Lopez, Senior ADA Mollie O'Rourke**

Jose Mejia Lopez was indicted for attacking an 18-year-old who was walking with two friends to the North White Plains MetroNorth Station in June. The defendant allegedly forcibly kissed the victim while pinning her against a wall by her neck and holding a knife to her throat before fleeing. The attack was captured on video surveillance. Police recovered a pocket knife following the arrest, where the defendant escaped from police custody. Following a short foot pursuit, during which a police officer was injured, the defendant was apprehended. **Sex Crimes Bureau Chief Wendy Parra, ADA Jessica Taylor**

## Bronx Man Sentenced to 25 Years to Life for Murder

Alexis Rose was sentenced on Aug. 15 to 25 years to life in state prison for the 2021 Yonkers murder of Pennsylvania resident Shaun Hutchinson, a former partner of his ex-girlfriend. The defendant, in violation of an order of protection, showed up at his ex-girlfriend's Yonkers home unannounced while the victim, the father of her child, was leaving. Following a verbal altercation with his ex-girlfriend, the defendant removed a 9mm semi-automatic gun from his waistband and shot the victim multiple times before fleeing. Following his arrest, police recovered an empty box of ammunition, packages and invoices for 9mm firearm parts, gun cleaning kits, and gun paraphernalia from the defendant's home. The investigation also determined that, prior to the murder, the defendant's escalating conduct involved calling and texting his ex-girlfriend from several different phone numbers, in violation of an order of protection. DA Rocah said: "The intersection of domestic violence and gun violence can have devastating consequences. Not only did a victim have his life taken from him, but the defendant's obsessive control and psychological manipulation will cause lasting trauma to the woman who witnessed this cold-blooded murder of her child's father." **Trials and Investigations Division Counsel John O'Rourke, Domestic Violence Bureau Chief Janelle Armentano, Yonkers Deputy Bureau Chief Kristina Dushaj**

## Mount Vernon Man Sentenced for Fatal Shooting

Heyward Bradshaw was sentenced on Aug. 10 to 25 years to life for the 2022 fatal shooting of 41-year-old Mount Vernon resident Kwasi Kirton, after pleading guilty to Manslaughter in the First Degree. The defendant engaged in a verbal dispute with the victim, whom he knew, inside a bodega. The dispute spilled outside where the defendant chased the victim and shot him nine times using a 9mm semi-automatic pistol, striking him seven times. The incident was captured on surveillance video. **Homicide Bureau Chief Lana Hochheiser, ADA Elizabeth Marcus**

## Teaching Assistant Charged with Endangering Student

Suleiman Rabadi, a teaching assistant at the Biondi School in Yonkers, was charged with Endangering the Welfare of a Child, a misdemeanor, for allegedly grabbing an 11-year-old student by the back of his neck and repeatedly pushing the victim's head down to his knees. The defendant allegedly proceeded to push the victim to the ground, and most of the incident was captured on surveillance video. Anyone who may have been victimized by the defendant or may have information about other possible victims can contact the DA's Office Special Prosecutions Division at (914) 995-3000. **Child Abuse Bureau Chief Christine Hatfield**

## Ex-Cop Charged with Stealing Money from His Charity

Christopher Greco, co-founder of Christopher's Voice, Inc., a New Rochelle-based charity for autistic children, was charged with Grand Larceny in the Third Degree for stealing approximately \$24,000 from the not-for-profit organization and spending the money for his own personal purposes between January 2018 and May 2023. The defendant, a 25-year veteran of the New Rochelle Police Department who retired in August 2021, was arrested on Sept. 21 by the Westchester County District Attorney's Office and arraigned in New Rochelle City Court on Sept. 26. **ADA Renee Hassel**

## Delaware Man Sentenced for Execution-Style Murder

Eric Williams was sentenced on Aug. 11 to 25 years to life in state prison for the 2021 murder of 22-year-old Jabree West, of Wilmington, Delaware. The defendant, who had a personal conflict with the victim, used a 9mm semi-automatic pistol to shoot the victim once in the back of the head while he was sleeping on the stoop of a residential building in Yonkers. The defendant was convicted by a jury after trial of Murder in the Second Degree and Criminal Possession of a Weapon in the Second Degree. **Major Case Bureau Chief Nadine Nagler, Senior ADA Adrian Murphy**



## Hate crimes training draws police, prosecutors from near and far

Oct 04, 2023, 6:50pm

By: Nadia Galindo



A first-of-its-kind hate crimes training in the Hudson Valley was held at Westchester Community College hosted by the Westchester District Attorney's Office Oct. 3-5.

The training drew police officers and prosecutors from neighboring counties and from as far away as Florida.

"We are proud to offer this unique opportunity in Westchester County for prosecutors and law enforcement to come together and receive a national training model designed to strengthen our response to hate crimes and bias incidents, and increase support for victims and impacted communities," Westchester District Attorney Miriam Rocah said.

The training event comes after Rocah created the department's first Hate Crime's Unit in 2021. Last year the unit investigated 120 hate crime cases and prosecuted 67 of them.



## DA initiative to provide services instead of prosecution

September 1, 2023 5:12 am

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Westchester DA Miriam Rocah is launching a program to reduce drug prosecutions.

Westchester County District Attorney Miriam Rocah announced on Thursday, International Overdose Awareness Day, the launch of the Westchester Overdose Prevention and Treatment Initiative (OPT-In). The initiative is a diversion program offering community-based treatment and services rather than prosecution to individuals with substance use disorders who have been arrested for misdemeanor drug possession in Westchester.

The pre-arraignment initiative will begin in September with White Plains Public Safety with the goal to expand the program countywide to all police departments in Westchester County.

Announcing the program, Rocah said "On this International Overdose Awareness Day, the Westchester DA's Office recognizes the impact that drug overdoses have on our communities and commits to investing in critical and timely prevention and intervention programs like OPT-In. Through our meaningful partnerships with health care providers, county health agencies, the Legal Aid Society, and law enforcement, OPT-In will redirect individuals in need of drug treatment away from prosecution." Rocah noted that the program is a collaboration of public and private organizations that are working together.

Requests for more information or questions about OPT-In can be directed to the DA's Office at (914) 995-3415.

## New York Law Journal

COMMENTARY August 6, 2023

### Legislation Surrounding Sexual Assault Is Based on a Misogynistic Distrust of Women

*Proposed legislation in Albany would expand New York's definition of rape and, while not as broad as federal law, it would be a significant step toward offering protection for people of all genders and gives survivors the chance to have their attacks classified as rape, the Westchester County district attorney writes.*

Two weeks ago, a federal judge rejected former President Donald Trump's motion for a new trial and upheld the \$5 million jury verdict in the civil case brought by E. Jean Carroll against Trump for sexual assault in the U.S. District Court for the Southern District of New York.

In doing so, the judge who presided over the trial stated that,

consistent with the evidence presented in the case, Trump "raped [Ms. Carroll] ... as many people commonly understand the word 'rape.' Indeed, as the evidence at trial recounted below makes clear, the jury found that Mr. Trump in fact did exactly that." Why was this an issue? Because, unlike many other states, counties, and the federal rape statute, New York employs an extremely limited definition of what constitutes rape. [Read DA Rocah's full OpEd: bit.ly/RocahOpEd8623](https://bit.ly/RocahOpEd8623)

## WCDAO, Law Enforcement Engage with Community for 'National Night Out'

Our dedicated ADAs made up 13 teams that spread out across Westchester County on Aug. 1 for National Night Out, a community-building event with our local law enforcement partners. The WCDAO was proud to participate in this annual festive tradition and engage with the communities we serve, from Yonkers (all four precincts), New Rochelle, Mount Vernon, White Plains and at Kenisco Dam to Port Chester, Greenburgh, Peekskill and Yorktown.



IN THE COMMUNITY



DA Rocah and Senior ADA Livia Rodriguez (third from left) joined colleagues for the Hudson Valley Hispanic Bar Association's 9th Judicial District Hispanic Heritage Month Celebration at the Westchester County Courthouse in White Plains on Oct. 5.



The DA's Office proudly returned to the annual Senior Law Day at Ridge Road Park in Hartsdale where visitors to our table were provided tips on scam prevention targeting the elderly by DA Rocah, Elder Abuse Bureau Chief Christine Hatfield (left) and ADA Jessica Taylor (right) on Sept. 28.



Representing the Westchester DA's Office at job fairs for law students and future prosecutors at Fordham Law School: ADA Omar Youssef (left) and ADA Jill Oziemblewski (not pictured) at the 2023 National Asian Pacific Islanders Prosecutors Association Fall Conference and Diversity Job Fair on Sept. 23; ADA Matthew Kukowski (right) at the first Annual Public Interest Legal Career Reception on Sept. 7.



Deputy Chief Investigator Wade Hardy (second from left) and Rye Branch Chief Cindy Adimari (second from right) joined the Port Chester Youth Bureau's first annual Unity in the Community on July 22.



Senior ADA Emily Rowe-Smith, our Wage Theft Coordinator, (right) attended the White Plains Youth Bureau Social Justice for Youth Program Community Youth Court in White Plains on Aug. 15.

# Welcoming Our New Class

We welcomed eight new ADAs to our 2023 Class on Sept. 5. These fresh-out-of-law school graduates join us from a broad array of internships and experiences, including our office. We're proud they'll start their careers in public service as prosecutors with the Westchester County District Attorney's Office.



(left to right): Criminal Courts & Training Division Chief Anthony Molea, Miranda Princi, Venu Katta, Brittany Rios, Shelbire Pierre Paul, DA Rocah, Noah Field, Tai White, Madeline Theophilus, Erin Gisolfi, Deputy Division Chief Shameika Mathurin.

# 2023 Mock Trials

Our internship program provided our 50 law school and college interns the opportunity to participate in mock trials conducted at the Westchester County Board of Legislators chambers in White Plains from July 17 to 21. Offering first-hand knowledge of criminal law and courtroom procedures, mock trials are simulations of trial proceedings that draw upon hypothetical fact patterns, with interns playing the roles of attorneys and witnesses, and DA Rocah, Executive ADAs and Division Chiefs serving as judges.



# ANNOUNCEMENTS

## Sr. Investigator Honored with Memorial Service Plaque



The Westchester County District Attorney's Office hosted a special ceremony at the DA's Office on Oct. 2 dedicating a service plaque on the 4th floor of the Westchester County Courthouse in memory of former DA's Office Senior Criminal Investigator Stuart "Stu" Cohen, who died in the line of duty in April 2007.

Sr. Criminal Investigator Cohen was 38 years old at the time of his death and was a beloved and valued member of the DA's Office for 11 years. During eight days in November 2006, SCI Cohen and members of the Westchester County District Attorney's Office Narcotics Initiative (WC-DANI) Task Force executed search warrants at a Hartsdale residence resulting in the seizure of heroin valued at more than \$6 million. After the third search warrant, SCI Cohen developed severe physical symptoms in reaction to the narcotics exposure, and was admitted to a hospital for treatment. After his condition worsened, he fell into a coma and passed away on April 8, 2007.

The DA's Office tribute joins the memorials in SCI Cohen's honor at the National Law Enforcement Officers Memorial in Washington, D.C., the New York State Police Officers Memorial in Albany, and The Westchester County Police Memorial in White Plains. He is survived by his wife, two children, his parents and sister.



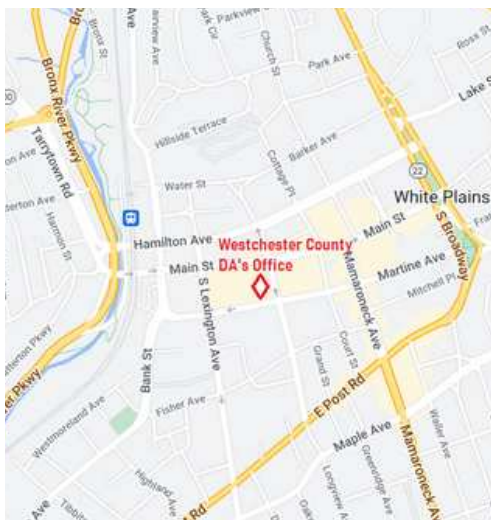
## NY Chapter Wins 'Chapter of the Year' at 2023 National Black Prosecutors Convention in Chicago

ADAs David Hawkes and Kevin Jones (pictured), with Deputy Division Chief Shameika Mathurin, represented the office at the National Black Prosecutors Association's 40th Annual National Conference and Job Fair in Chicago, Illinois Aug. 15. The National Black Prosecutors Association (NBPA) recognized the Sterling Johnson New York Chapter, which ADA Hawkes serves as the Westchester representative, as its 2023 Chapter of the Year.

## Westchester ADA Named HV Hispanic Bar Treasurer

Senior ADA Livia Rodriguez (2nd from left) of the Pleadings and Diversion Bureau was named and sworn in on July 31 as Treasurer of the Hudson Valley Hispanic Bar Association, which launched during the pandemic. The HVHBA serves as the first and only bar association for Hispanic lawyers, judges, and members of the legal community in the Hudson Valley.





### The Westchester County District Attorney's Office

111 Dr. Martin Luther King, Jr. Blvd.  
White Plains, NY 10601  
**(914) 995-3414**

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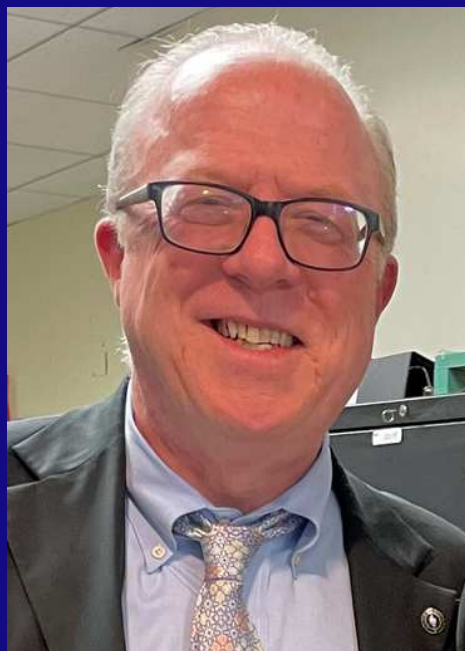
<https://www.westchesterda.net>

or by calling

**(914) 995-TIPS (8477)**

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## In Memorium

Former Assistant District Attorney Patrick Moore, a beloved colleague, mentor and friend, passed away on July 29.

Pat recently retired from a remarkable 35-year career at the Westchester DA's Office, where he was a devoted and distinguished public servant. For those of us who had the privilege to have worked with Pat, we will always remember his dedication to justice, sharp wit, and generosity of spirit. Even in retirement Pat was doing what he loved most—helping others.

His memorial services were held Aug. 5 at St. Margaret's Church in Pearl River, New York. Donations were made in honor of Pat's memory to Guiding Eyes for the Blind in Yorktown, one of eleven schools in the U.S., where Pat was a volunteer, that trains guide dogs to aid the visually impaired.

## October is Domestic Violence Awareness Month

Domestic Violence exists in all communities and crosses age, gender, sexual orientation, socio-economic status and ethnicity. Specially-trained attorneys, victim aides, support staff and our Victims' Justice Center are available to help.

**Domestic Violence Bureau**  
**(914) 995-3000**



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