# ASSIGNED COUNSEL FOR THE INDIGENT PROGRAM

CAYUGA COUNTY COURT HOUSE
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AUBURN, NEW YORK 13021
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(315) 253-1544 FAX

**Lloyd E. Hoskins**
Administrator

**Diane A. Paxhia**
Deputy Administrator

**To:** **Members of the Cayuga County Legislature**
**Members of the Cayuga County Bar Association**

**From:** **Lloyd E. Hoskins, Administrator**
**Assigned Counsel Program**

**Date:** **February 1, 2016**

**The following Annual Report reflects the activities of the Assigned Counsel program for 2015. This report profiles the activities of participating attorneys and the various courts that they have appeared before. In 2015, there were thirty-nine attorneys that received appointments to over sixteen hundred criminal and family court cases.**

**In addition to providing indigent legal services in criminal and family court, the Assigned Counsel program continues its participation with the Auburn City Court Counsel at First Appearance, Auburn Behavioral Health Court, Misdemeanor and Felony Drug Court.**

**It was with sadness that we learned of the loss of two of our assigned counsel members this past year. Attorneys Andrew Fusco and Douglas Bates were highly respected by our legal community for their deep commitment defending the rights of the indigent. The legal community also lost retired Judge Robert Contiguglia. Judge Contiguglia was a firm supporter of the services that were provided by this office. All three men were deeply compassionate with a stated need to give back much of themselves to those who needed their help.**

**I would like to thank the Cayuga County Legislature for their support and cooperation throughout 2015. I would also like to thank the attorneys and judges who utilized services of the Assigned Counsel program. I look forward to 2016 in having the Assigned Counsel program provide services mandated by the Constitution and New York State statutes.**

*" There can be no equal justice when the kind of trial a man gets depends on the amount of money he has."*
*Griffin v. Illinois, 351 U.S. 12,19(1956)(Justice Hugo Black)*

# LEGAL COUNSEL

LLOYD E. HOSKINS, ADMINISTRATOR

DIANE A. PAXHIA, DEPUTY ADMINISTRATOR

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DOUGLAS P. BATES, ESQ.

CYNTHIA B. BRENNAN, ESQ.

ANN E. BUNKER, ESQ.

ROME CANZANO , ESQ.

MAXSEN D. CHAMPION, ESQ.

JOHN A. CIRANDO, ESQ.

JUSTIN M. CORETTI, ESQ.

MICHELE R. DRISCOLL, ESQ.

ANDREW S. FUSCO, ESQ.

DOMINIC V. GIACONA, ESQ.

JAMES A. LEONE, ESQ.

CHARLES A. MARANGOLA, ESQ.

RYAN J. MULDOON, ESQ.

ALBERTO A. POLA, ESQ.

JOSEPH J. SAPIO, ESQ.

JARROD W. SMITH, ESQ.

SAM M. TAMBURO, ESQ.

JILL L. TERRY, ESQ.

THOMAS F. TURTURO, ESQ.

ROBERTA G. WILLIAMS, ESQ.

LISA A. BLAIR, ESQ.

TIMOTHY J. BRENNAN, ESQ.

STEVEN H. BUSCHMAN, ESQ.

ALISON N. CHAMBERLAIN, ESQ.

NORMAN J. CHIRCO, ESQ.

HEIDI S. CONNOLLY, ESQ.

RUSSELL W. DOMBROW, ESQ.

DAVID P. ELKOVITCH, ESQ.

KRISTIN L. GARLAND, ESQ.

MARIO J. GUTIERREZ, ESQ.

CHRISTOPHER D. LUCCHESI, ESQ.

SIMON K. MOODY, ESQ.

CHRISTOPHER M. PALERMO, ESQ.

MAUREEN N. POLEN, ESQ.

THOMAS J. SHAMON, ESQ.

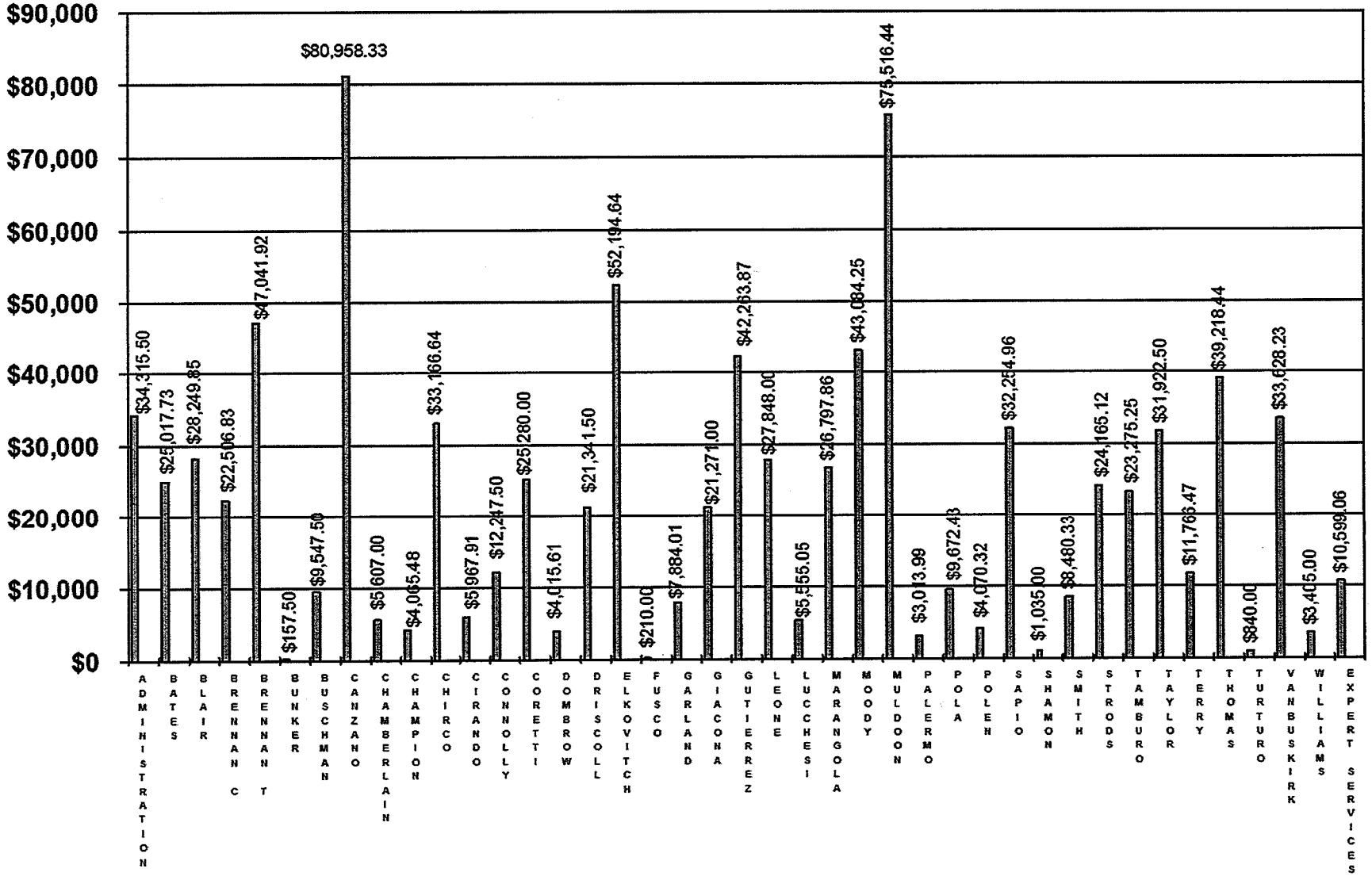
JONIS J. STRODS, ESQ.

KEVIN R. TAYLOR, ESQ.

CHARLES M. THOMAS, ESQ.

ADAM H. VAN BUSKIRK, ESQ.

# 2015 ASSIGNED COUNSEL BUDGET
# $899,459.02



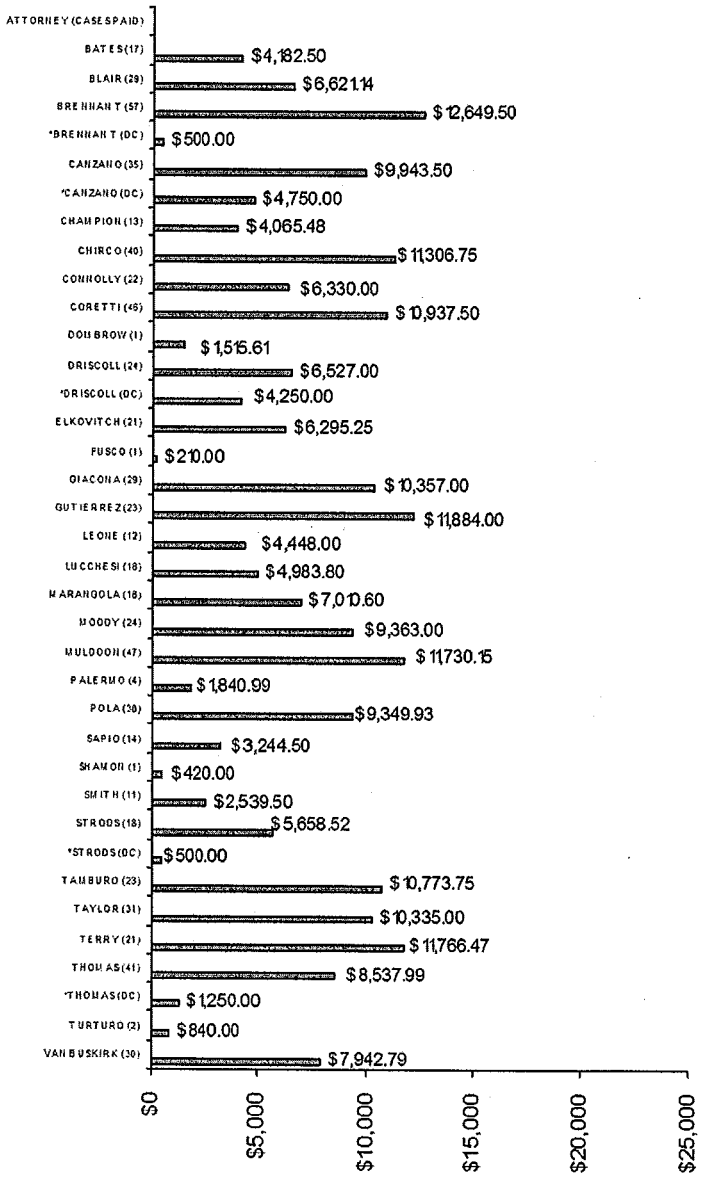
| 2015 ASSIGNED COUNSEL PAYMENTS | AUBURN CITY COURT | DRUG BH/DV COURT | COUNTY COURT | FAMILY COURT | APPELLATE COURT | TOWN/ VILLAGE COURT | PAROLE APPEALS | COUNSEL AT FIRST | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| ADMINISTRATION | | | | | | | | | $34,315.50 |
| BATES, D. | $5,056.65 | $0.00 | $9,116.33 | $10,506.00 | $0.00 | $338.75 | $0.00 | $0.00 | $25,017.73 |
| BLAIR, L. | $6,264.75 | $0.00 | $438.43 | $11,763.45 | $658.32 | $643.84 | $1,481.06 | **$7,000.00** | $28,249.85 |
| BRENNAN, C. | $0.00 | $0.00 | $0.00 | $19,132.50 | $3,374.33 | $0.00 | $0.00 | $0.00 | $22,506.83 |
| BRENNAN, T. | $4,617.00 | $2,000.00 | $10,177.50 | $11,151.42 | $0.00 | **$12,600.00** | $296.00 | $6,200.00 | $47,041.92 |
| BUNKER A. | $0.00 | $0.00 | $0.00 | $157.50 | $0.00 | $0.00 | $0.00 | $0.00 | $157.50 |
| BUSCHMAN, S. | $0.00 | $0.00 | $0.00 | $9,547.50 | $0.00 | $0.00 | $0.00 | $0.00 | $9,547.50 |
| CANZANO, R. | $8,674.50 | $5,000.00 | **$38,103.90** | $12,247.50 | $0.00 | $6,969.00 | $4,163.43 | $5,800.00 | **$80,958.33** |
| CHAMBERLAIN, A. | $0.00 | $0.00 | $0.00 | $5,607.00 | $0.00 | $0.00 | $0.00 | $0.00 | $5,607.00 |
| CHAMPION, M. | $3,866.50 | $0.00 | $0.00 | $0.00 | $0.00 | $198.98 | $0.00 | $0.00 | $4,065.48 |
| CHIRCO. N. | $6,653.40 | $0.00 | $14,471.24 | $3,693.75 | $0.00 | $8,348.25 | $0.00 | $0.00 | $33,166.64 |
| CIRANDO, J. | $0.00 | $0.00 | $0.00 | $0.00 | $5,967.91 | $0.00 | $0.00 | $0.00 | $5,967.91 |
| CONNOLLY, H. | $6,330.00 | $0.00 | $0.00 | $5,917.50 | $0.00 | $0.00 | $0.00 | $0.00 | $12,247.50 |
| CORETTI, J. | $7,005.00 | $1,250.00 | $3,327.50 | $7,785.00 | $0.00 | $4,727.50 | $1,185.00 | $0.00 | $25,280.00 |
| DOMBROW, R. | $1,515.61 | $0.00 | $0.00 | $2,500.00 | $0.00 | $0.00 | $0.00 | $0.00 | $4,015.61 |
| DRISCOLL, M. | $7,497.50 | $4,250.00 | $0.00 | $9,594.00 | $0.00 | $0.00 | $0.00 | $0.00 | $21,341.50 |
| ELKOVITCH, D. | **$13,003.00** | $0.00 | $11,455.15 | $0.00 | **$20,087.69** | $1,048.80 | $0.00 | $6,600.00 | $52,194.64 |
| EXPERT SERVICES | $98.25 | $0.00 | $1,112.50 | $3,974.50 | $4,937.46 | $476.35 | $0.00 | $0.00 | $10,599.06 |
| FUSCO, A. | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $210.00 | $0.00 | $0.00 | $210.00 |
| GARLAND, K. | $0.00 | $0.00 | $0.00 | $7,884.01 | $0.00 | $0.00 | $0.00 | $0.00 | $7,884.01 |
| GIACONA, D. | $10,035.50 | $0.00 | $1,365.00 | $0.00 | $0.00 | $3,870.50 | $0.00 | $6,000.00 | $21,271.00 |
| GUTIERREZ, M. | $7,311.60 | $0.00 | $2,503.00 | $1,605.00 | $11,553.21 | $8,390.45 | $5,100.61 | $5,800.00 | $42,263.87 |
| LEONE, J. | $5,115.50 | $6,000.00 | $0.00 | $16,732.50 | $0.00 | $0.00 | $0.00 | $0.00 | $27,848.00 |
| LUCCHESI, C. | $1,974.00 | $0.00 | $0.00 | $71.25 | $0.00 | $3,309.80 | $0.00 | $200.00 | $5,555.05 |
| MARANGOLA, C. | $5,384.20 | $0.00 | $0.00 | $5,769.95 | $13,384.81 | $2,258.90 | $0.00 | $0.00 | $26,797.86 |
| MOODY, S. | $12,998.00 | $0.00 | $24,960.00 | $0.00 | $0.00 | $1,672.50 | $3,453.75 | $0.00 | $43,084.25 |
| MULDOON, R. | $7,652.00 | $0.00 | $31,602.64 | $10,575.00 | $5,725.95 | $12,408.40 | $2,152.45 | $5,400.00 | $75,516.44 |
| PALERMO, C. | $0.00 | $0.00 | $0.00 | $0.00 | $1,173.00 | $1,840.99 | $0.00 | $0.00 | $3,013.99 |
| POLA, A. | $4,644.00 | $0.00 | $0.00 | $0.00 | $0.00 | $5,028.43 | $0.00 | $0.00 | $9,672.43 |
| POLEN, M. | $0.00 | $0.00 | $0.00 | $0.00 | $4,070.32 | $0.00 | $0.00 | $0.00 | $4,070.32 |
| SAPIO, J. | $9,769.50 | $0.00 | $19,780.46 | $2,165.00 | $0.00 | $540.00 | $0.00 | $0.00 | $32,254.96 |
| SHAMON, T. | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $1,035.00 | $0.00 | $0.00 | $1,035.00 |
| SMITH, J. | $3,195.08 | $0.00 | $4,049.25 | $0.00 | $0.00 | $1,236.00 | $0.00 | $0.00 | $8,480.33 |
| STRODS, J. | $9,023.49 | $500.00 | $7,301.01 | $5,750.43 | $0.00 | $1,590.19 | $0.00 | $0.00 | $24,165.12 |
| TAMBURO, S. | $7,280.25 | $0.00 | $5,975.00 | $0.00 | $0.00 | $10,020.00 | $0.00 | $0.00 | $23,275.25 |
| TAYLOR, K. | $5,433.00 | **$7,000.00** | $3,090.00 | **$10,650.00** | $0.00 | $5,749.50 | $0.00 | $0.00 | $31,922.50 |
| TERRY, J. | $11,766.47 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $11,766.47 |
| THOMAS, C. | $9,307.94 | $2,000.00 | $8,095.50 | $1,065.00 | $0.00 | $5,102.00 | **$6,848.00** | $6,800.00 | $39,218.44 |
| TURTURO, T. | $840.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $840.00 |
| VANBUSKIRK, A. | $7,226.50 | $0.00 | $12,136.05 | $112.50 | $7,703.89 | $6,449.29 | $0.00 | $0.00 | $33,628.23 |
| WILLIAMS, R. | $0.00 | $0.00 | $0.00 | $3,405.00 | $0.00 | $0.00 | $0.00 | $0.00 | $3,405.00 |
| | | | | | | | | | |
| Total | $189,539.19 | $28,000.00 | $209,060.46 | $179,363.26 | $78,636.89 | $106,063.42 | $24,680.30 | $49,800.00 | **$899,459.02** |

($169,881.60) State Aid

$729,577.42 2015 Cost to County

# MISDEMEANOR PAYMENTS
# $225,185.28

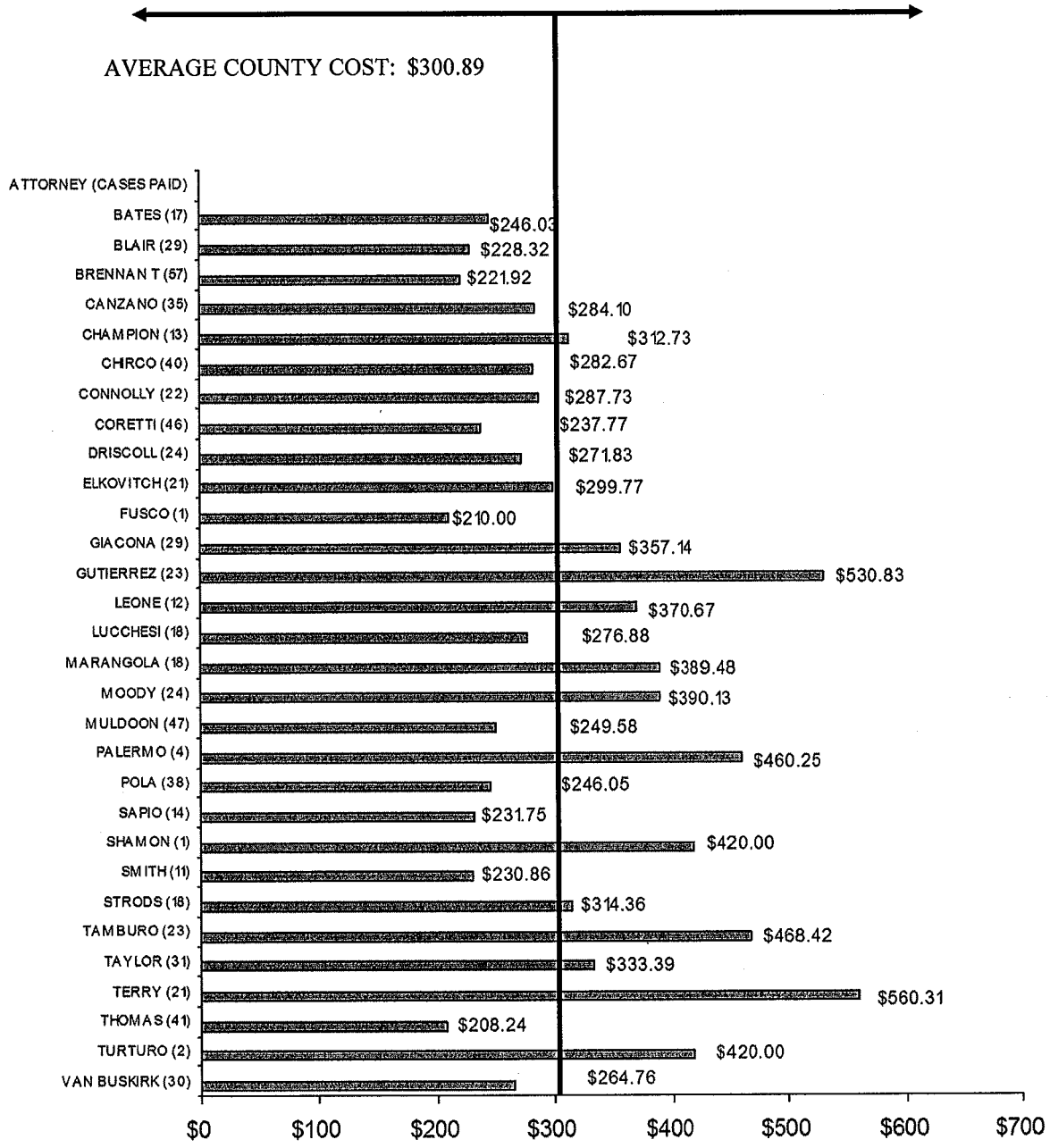
CAYUGA COUNTY EXPENDED **$225,185.28** FOR LEGAL COUNSEL IN **711** MISDEMEANOR CASES REPRESENTING INDIGENT DEFENDANTS. THE AVERAGE COUNTY EXPENSE PER CASE WAS **$300.89**. THIS COMPARES WITH **742** MISDEMEANOR CASES WITH AN AVERAGE EXPENSE PER CASE OF **$307.12** IN **2014**.




*DC-Auburn City Drug Court

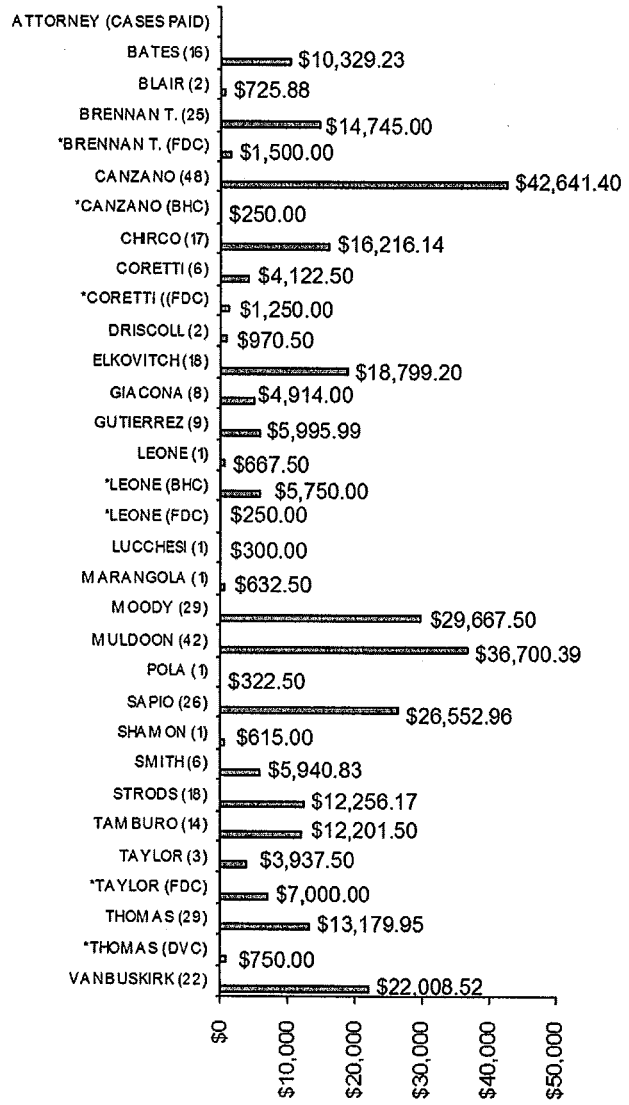
# MISDEMEANOR PAYMENTS

## ATTORNEY AVERAGE CHARGE



# FELONY PAYMENTS
# $295,686.69

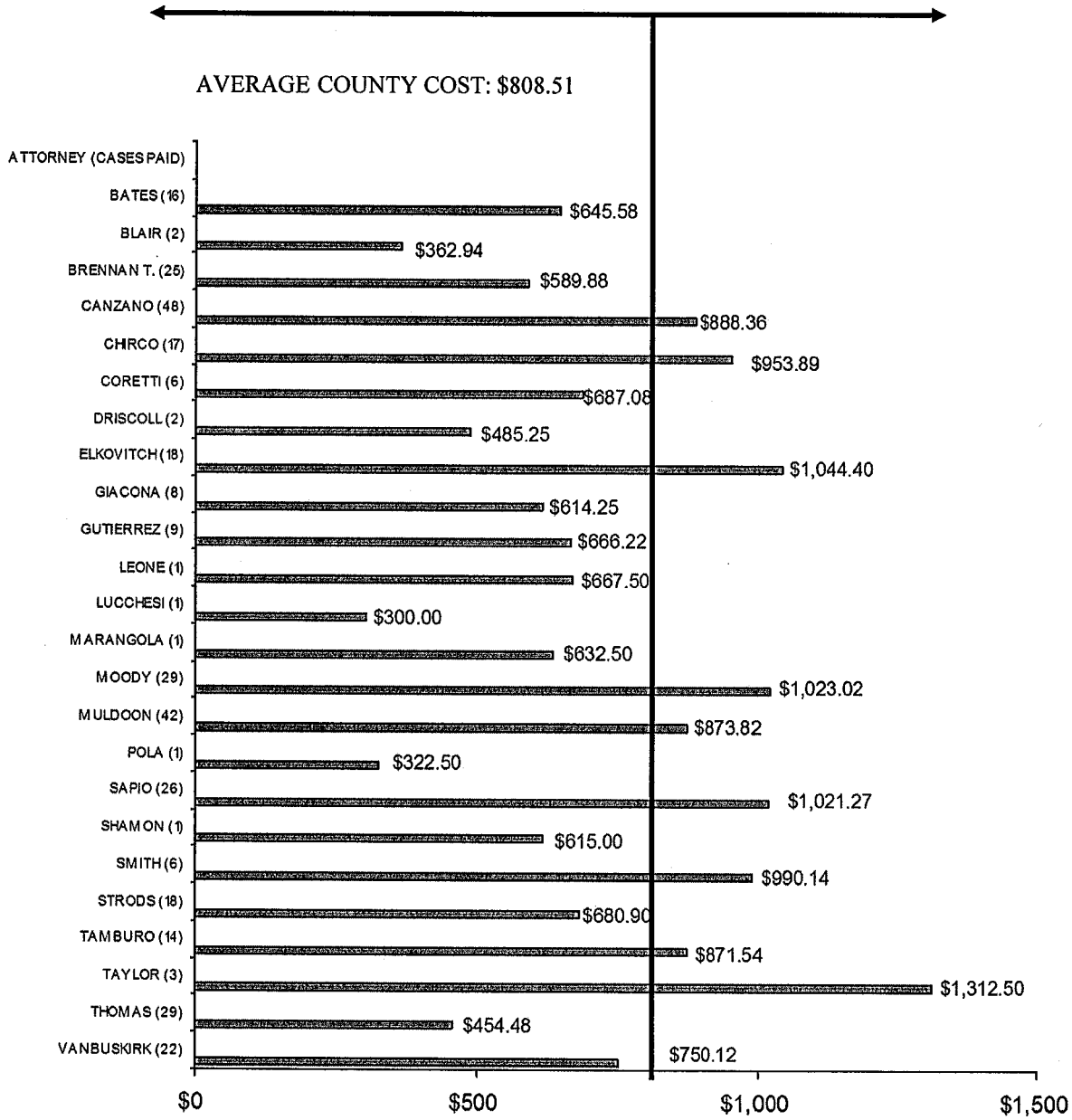
CAYUGA COUNTY EXPENDED **$295,686.69** FOR LEGAL COUNSEL IN **345** FELONY CASES REPRESENTING INDIGENT DEFENDANTS. THE AVERAGE COUNTY EXPENSE PER CASE WAS **$808.51**. THIS COMPARES WITH **366** FELONY CASES WITH AN AVERAGE EXPENSE PER CASE OF **$877.35** IN **2014**.




* FDC-Felony Drug Treatment Court
*BHC-Behavioral Health Court
*DVC-Domestic Violence Court

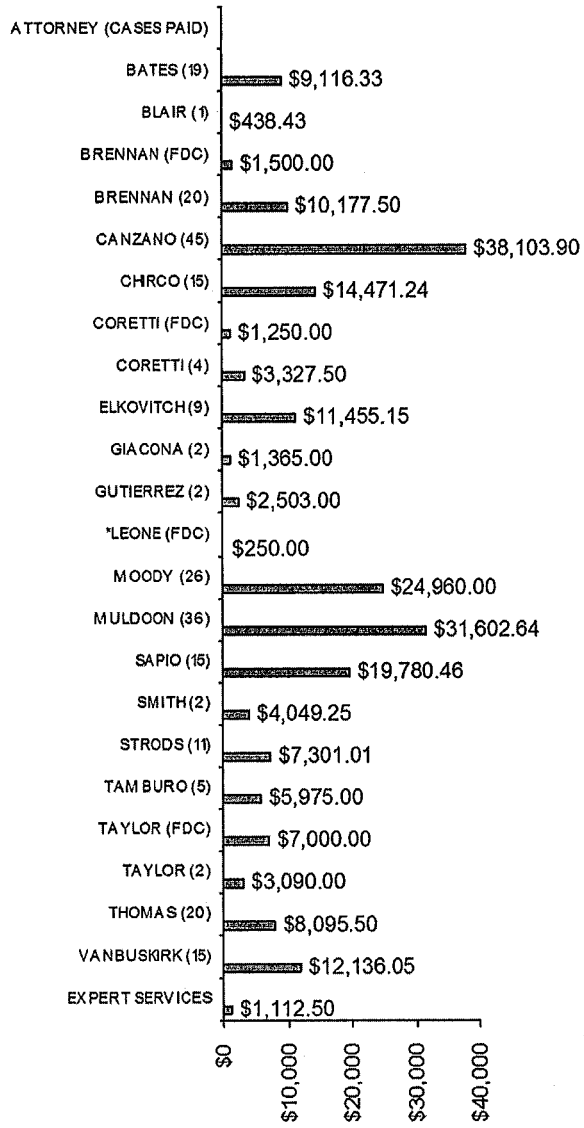
# FELONY PAYMENTS

## ATTORNEY AVERAGE CHARGE



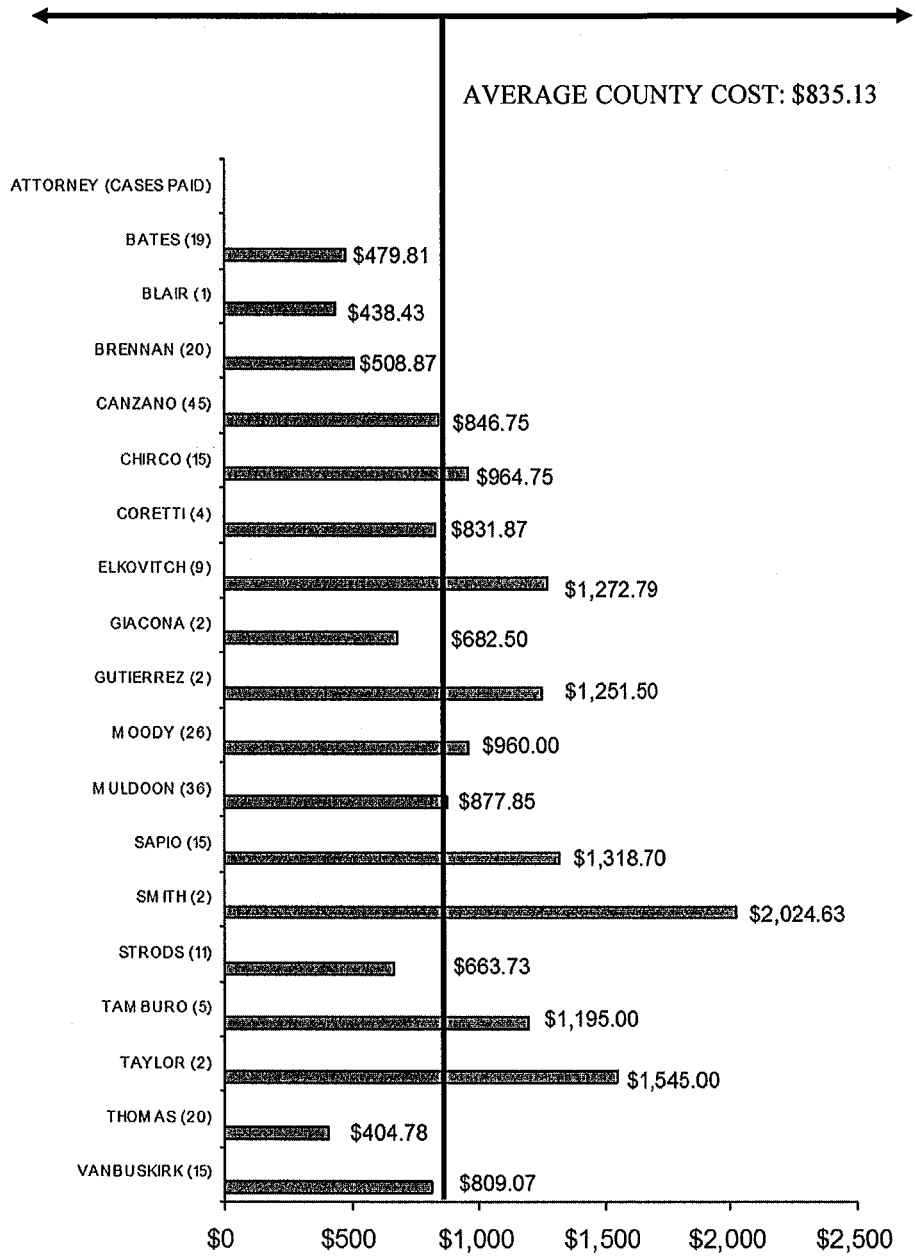
# COUNTY COURT
## $219,060.46

THE COST OF PROVIDING LEGAL COUNSEL TO INDIGENT DEFENDANTS IN **COUNTY COURT** FOR **2015** WAS **$219,060.46.** THIS COMPARES TO A COST OF **$287,011.00** IN **2014**. THE AVERAGE COST OF THE **249** CASES IN **2015** WAS **$835.13**. IN **2014**, THE AVERAGE COST FOR **288** CASES WAS **$880.64.**



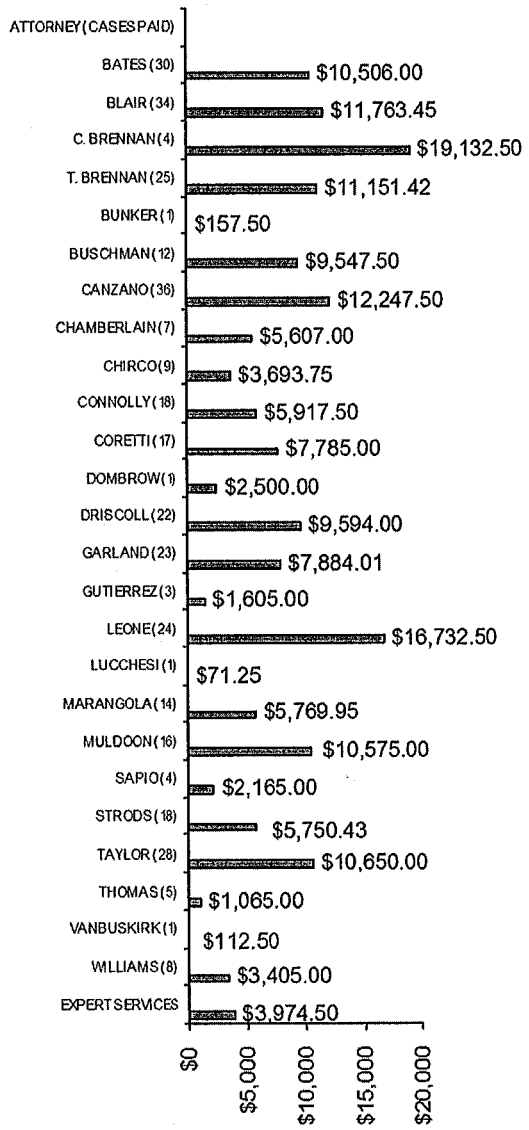

***FDC-Felony Drug Treatment Court**

# COUNTY COURT
## ATTORNEY AVERAGE CHARGE



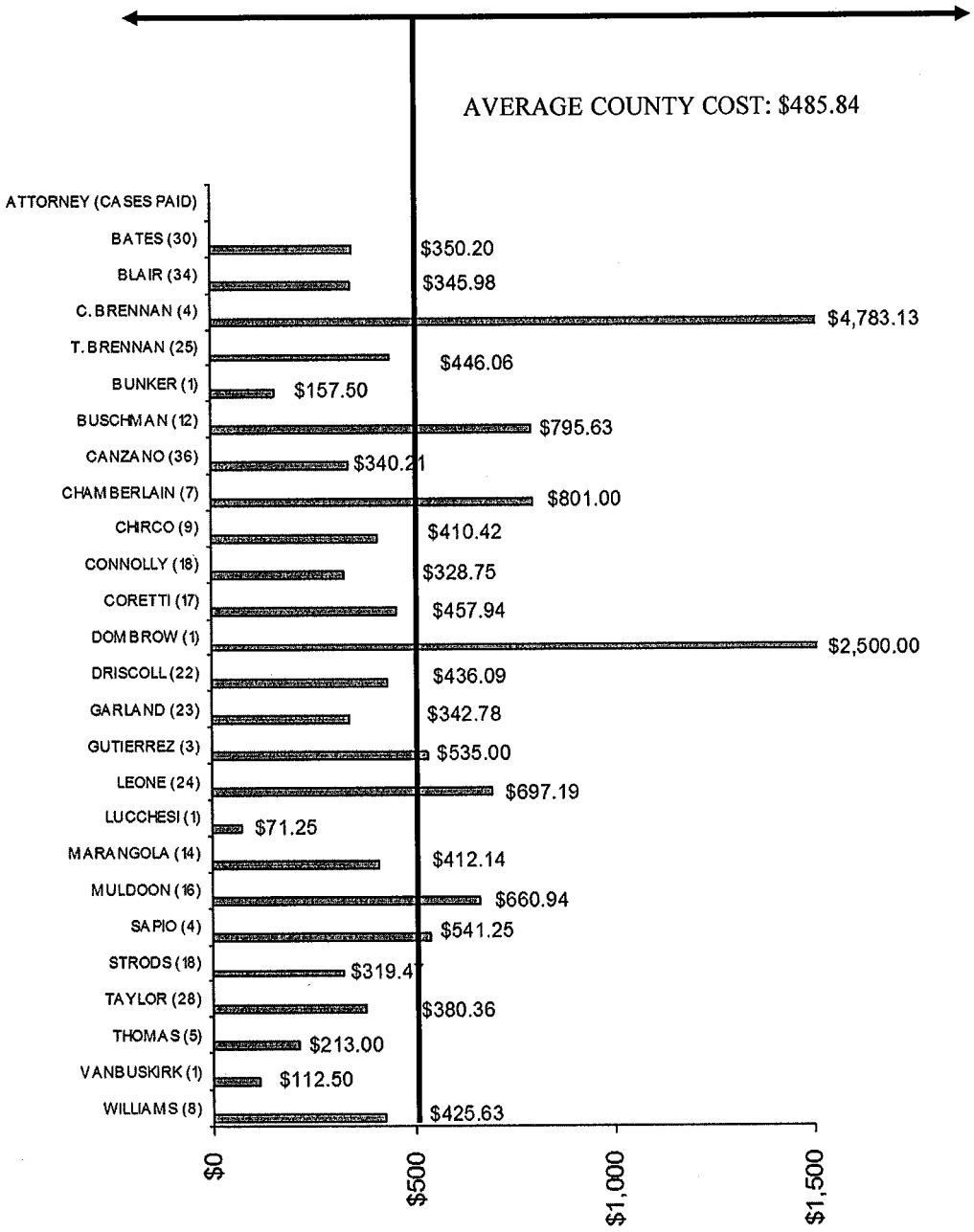
# FAMILY COURT
## $179,363.26

PAYMENT WAS MADE TO LEGAL COUNSEL FOR **361** CASES ORIGINATING FROM **FAMILY COURT**. THESE CASES INVOLVED INDIGENT RESPONDENTS INVOLVED IN VISITATION, FAMILY OFFENSES, AND CUSTODY PROCEEDINGS. THE TOTAL COST IN ASSIGNING LEGAL COUNSEL WAS **$179,363.26** AS COMPARED TO **$189,448.34** IN **2014**. THE AVERAGE **2015** COST PER CASE WAS **$485.84** COMPARED TO **$444.13** IN **2014.**



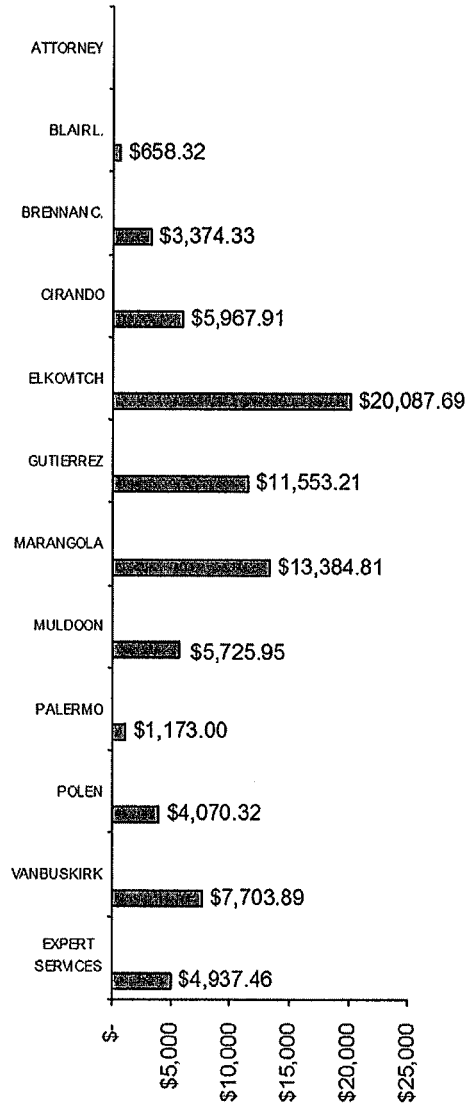
# FAMILY COURT

## ATTORNEY AVERAGE CHARGE

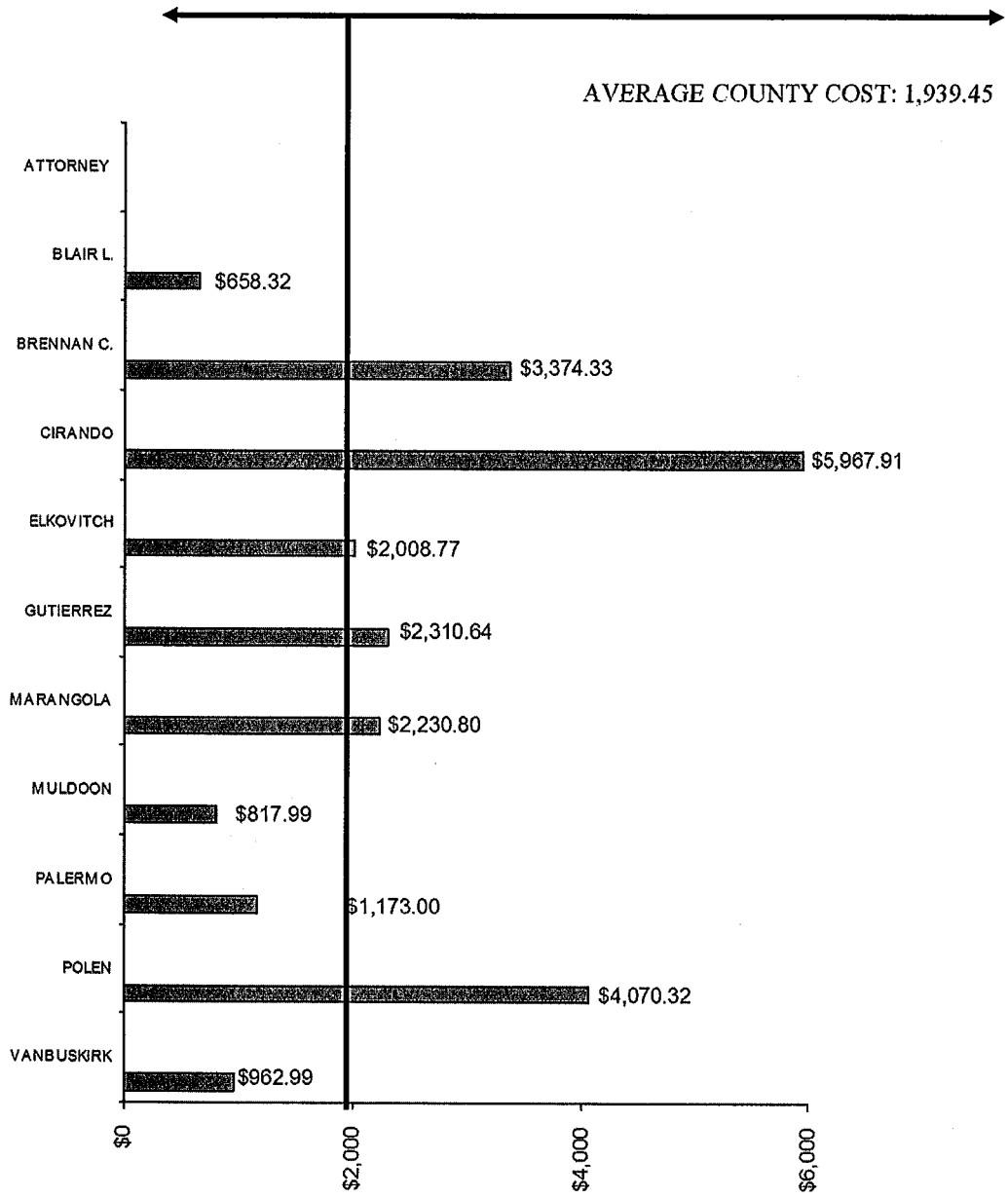


# SUPREME COURT:APPELLATE DIVISION
# $78,636.89

UPON AN APPEAL IN A CRIMINAL ACTION, THE **APPELLATE COURT** WILL DETERMINE IF APPELLANT IS ELIGIBLE FOR ASSIGNED COUNSEL. IN **2015**, CAYUGA COUNTY PAID **$78,636.89** FOR **38** CASES BEFORE THE APPELLATE DIVISION. **17** CASES ARE STILL OPEN AND THE AVERAGE CASE COST FOR THE COMPLETED **21** CASES WAS **$1,939.45**.



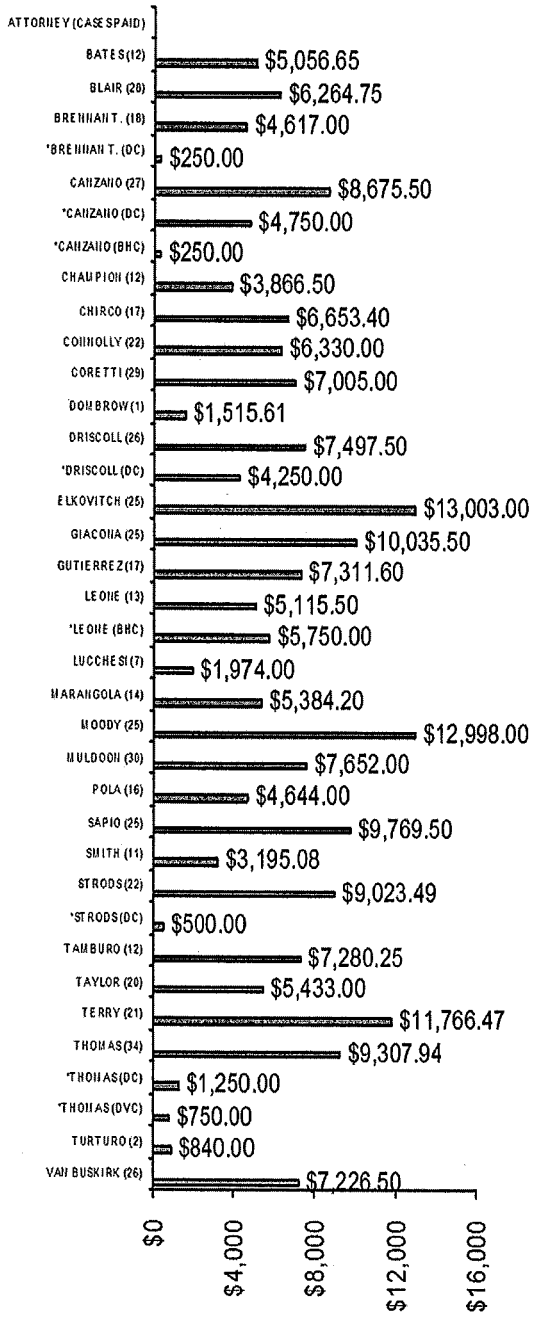
# SUPREME COURT:APPELLATE ATTORNEY AVERAGE CHARGE



# AUBURN CITY COURT
## $207,539.19

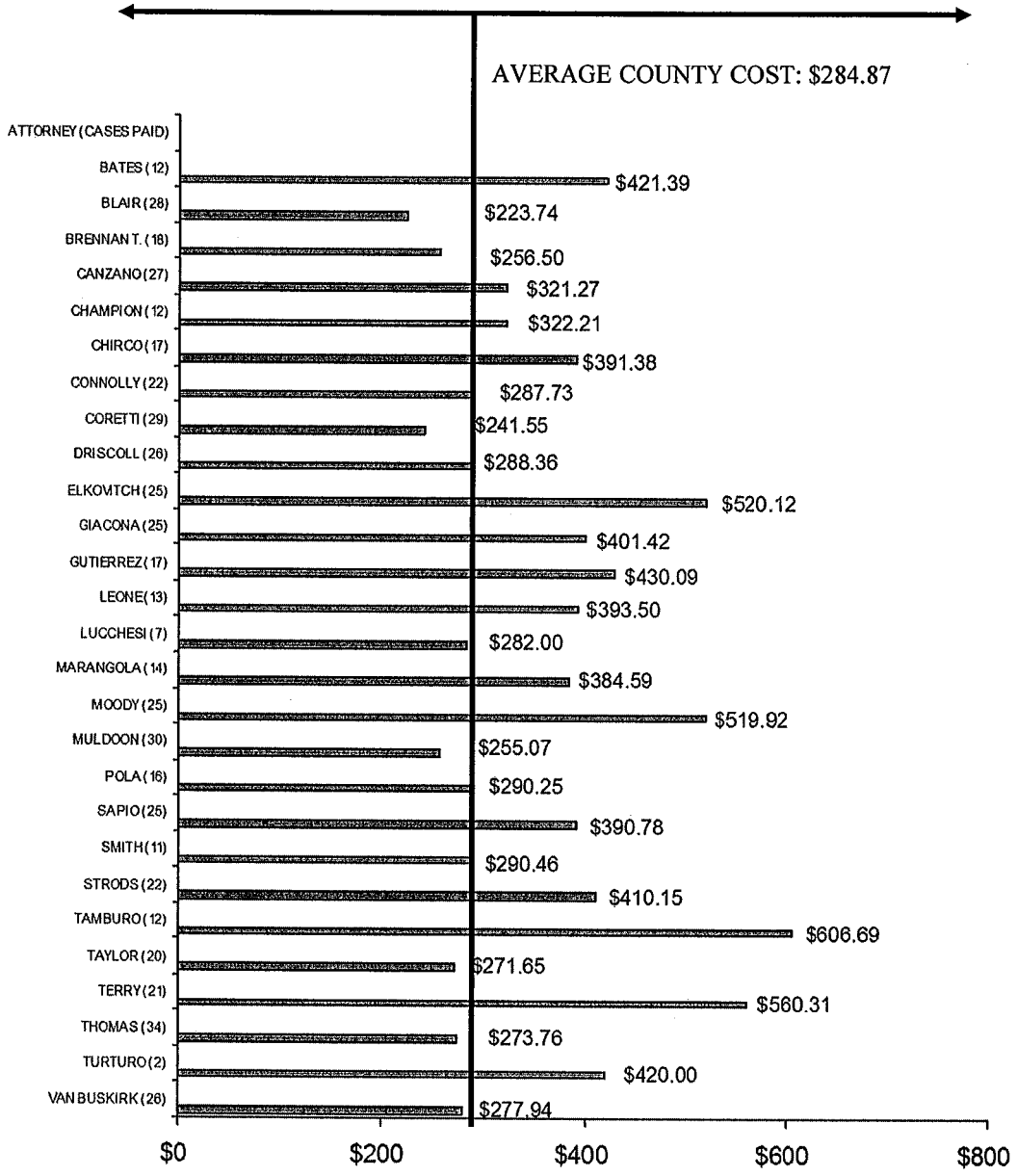
IN **2015**, CAYUGA COUNTY PAID **$207,539.19** FOR INDIGENT LEGAL COUNSEL IN **AUBURN CITY COURT**. THIS COMPARES WITH **$209,590.55** IN **2014**. A TOTAL OF **665** CASES WERE SUBMITTED FOR PAYMENT COMPARED TO **529** CASES IN **2014**, THE AVERAGE PAYMENT PER CASE IN **2015** WAS **$284.87** AS COMPARED TO AN AVERAGE OF **$354.89** IN **2014**.

*DC-Drug Court
*BHC-Behavioral Health Court
*DV-Domestic Violence Court



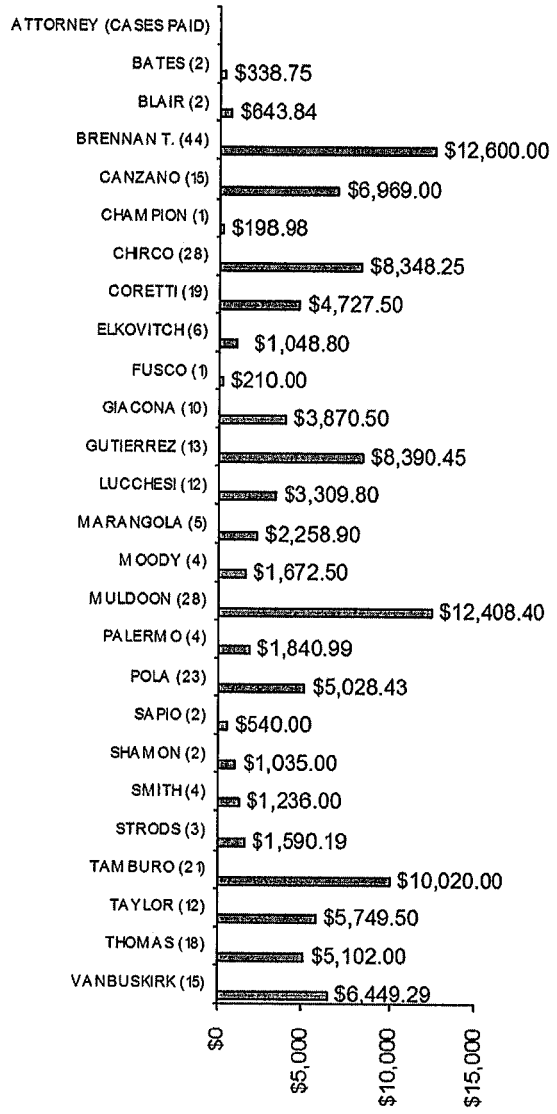
# AUBURN CITY COURT

## ATTORNEY AVERAGE CHARGE

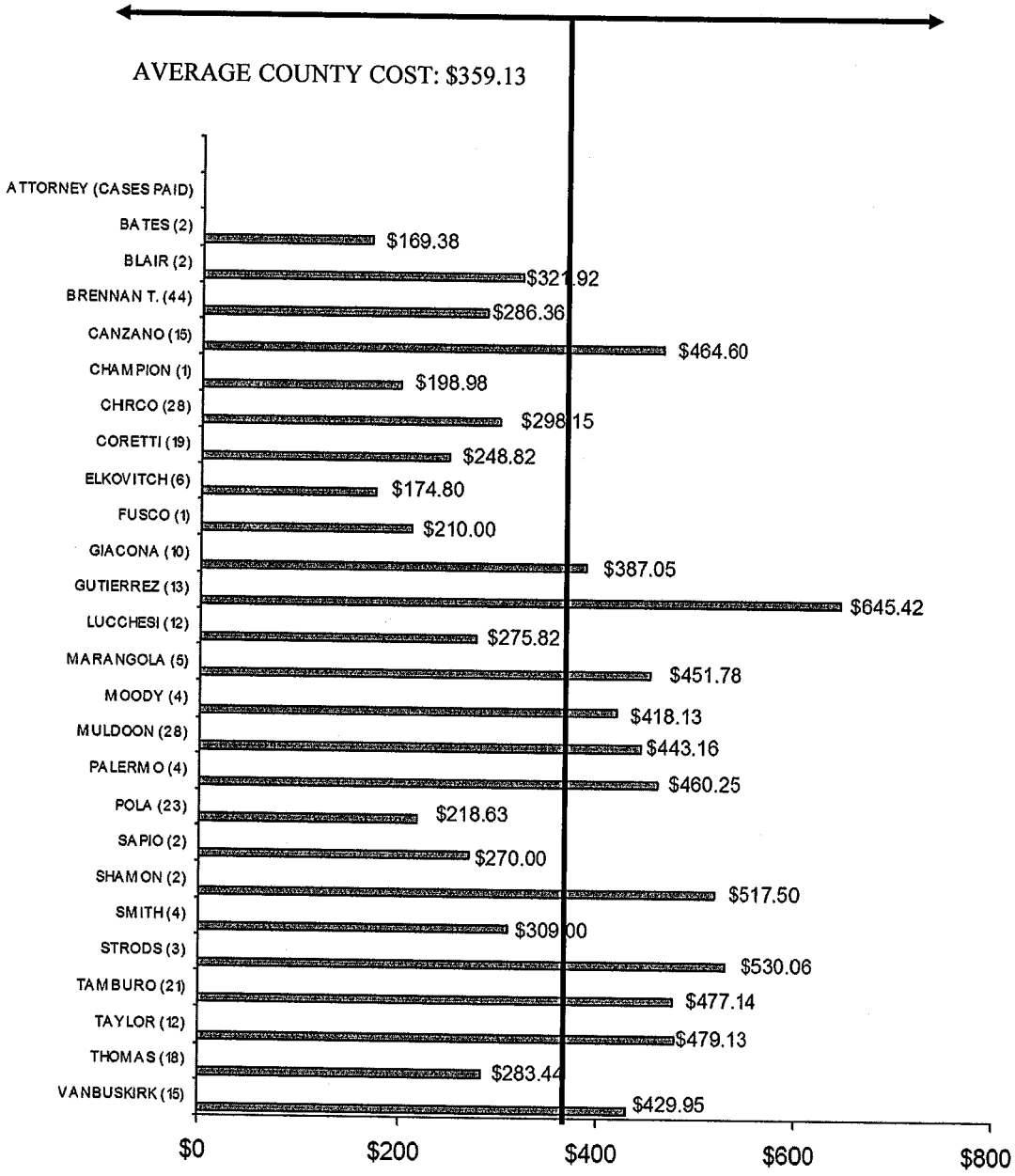


# JUSTICE COURT
## $106,063.42

THE COST TO CAYUGA COUNTY IN PROVIDING LEGAL COUNSEL TO INDIGENT DEFENDANTS IN **TOWN AND VILLAGE COURTS** FOR **2015** WAS **$106,063.42.** PAYMENT WAS MADE FOR **294** CASES WITH THE AVERAGE CASE COSTING **$359.13.** IN **2014,** CAYUGA COUNTY PAID OUT **$113,853.27** FOR **308** CASES AT AN AVERAGE COST OF **$369.65** PER CASE.

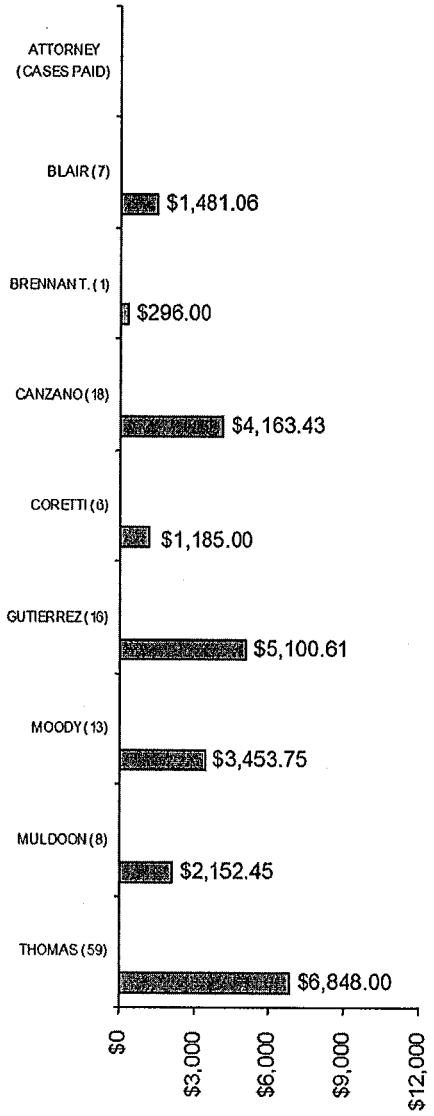


# JUSTICE COURT
## ATTORNEY AVERAGE CHARGE

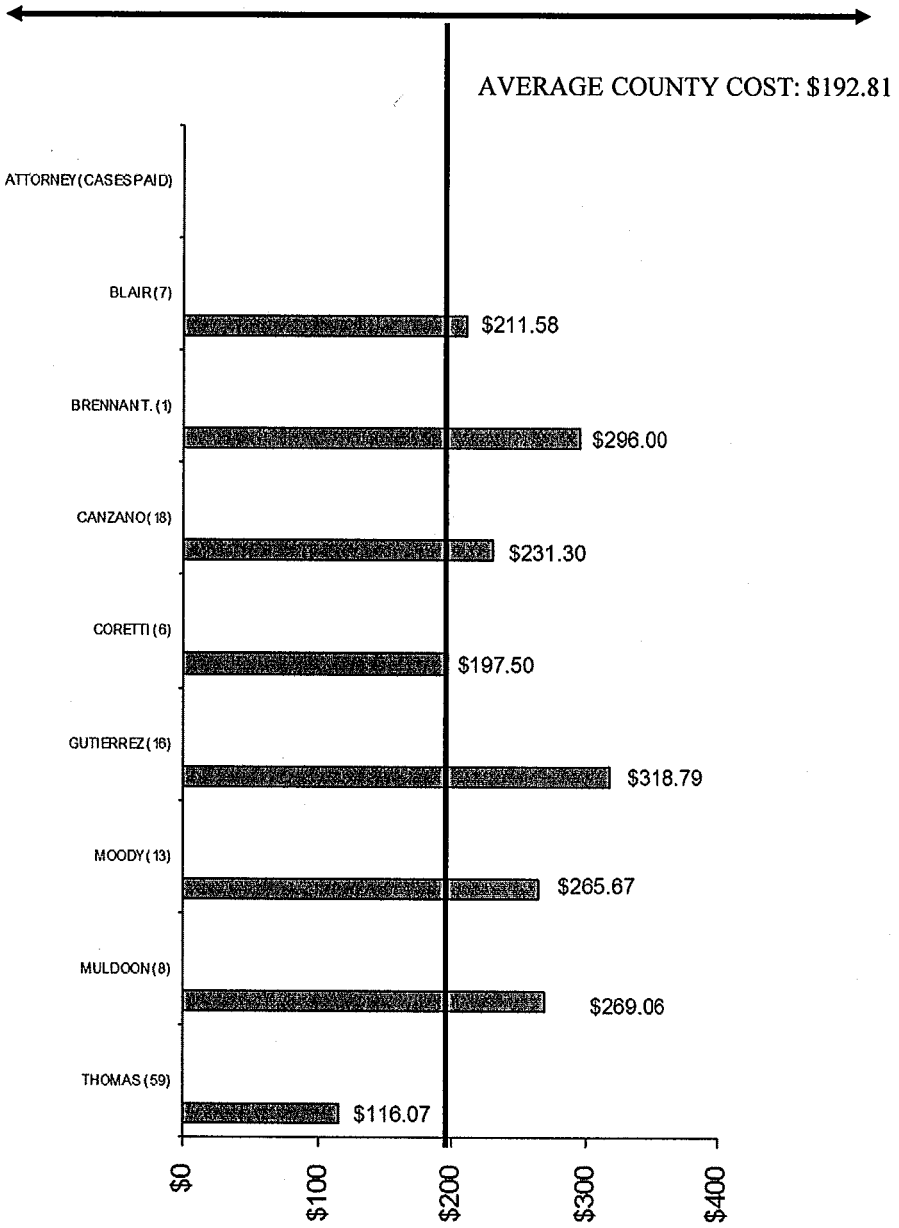


# PAROLE APPEALS
## $24,680.30

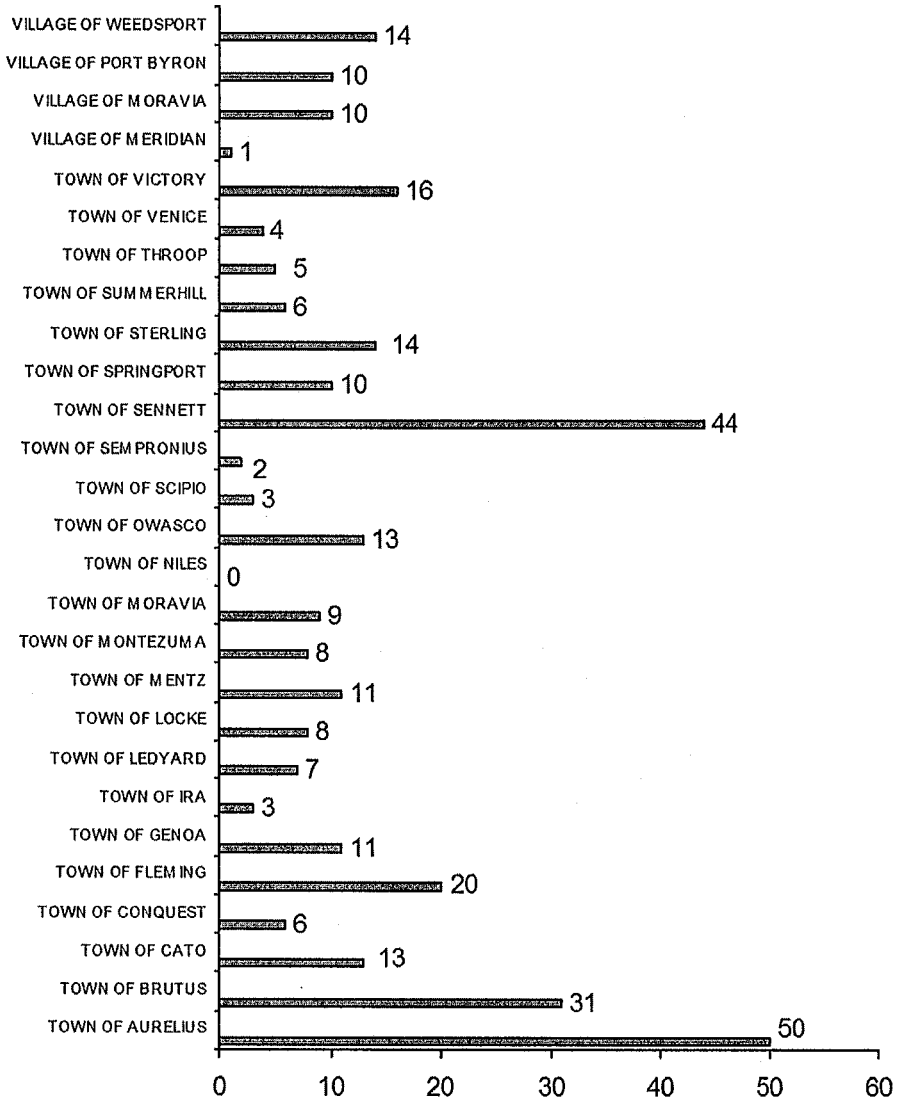
A TOTAL OF **$24,680.30** WAS EXPENDED TO REPRESENT PAROLEES IN CONNECTION WITH APPEALS FROM A DENIAL OF PAROLE RELEASE AND/OR REPRESENTATION AT PAROLE REVOCATION PROCEEDINGS AND APPEALS. IN **2015**, THERE WERE **128** CASES AT AN AVERAGE COST OF **$192.81** PER CASE. IN **2014**, CAYUGA COUNTY PAID **$24,343.20** FOR **118** CASES WITH AN AVERAGE COST OF **$206.29** PER CASE.

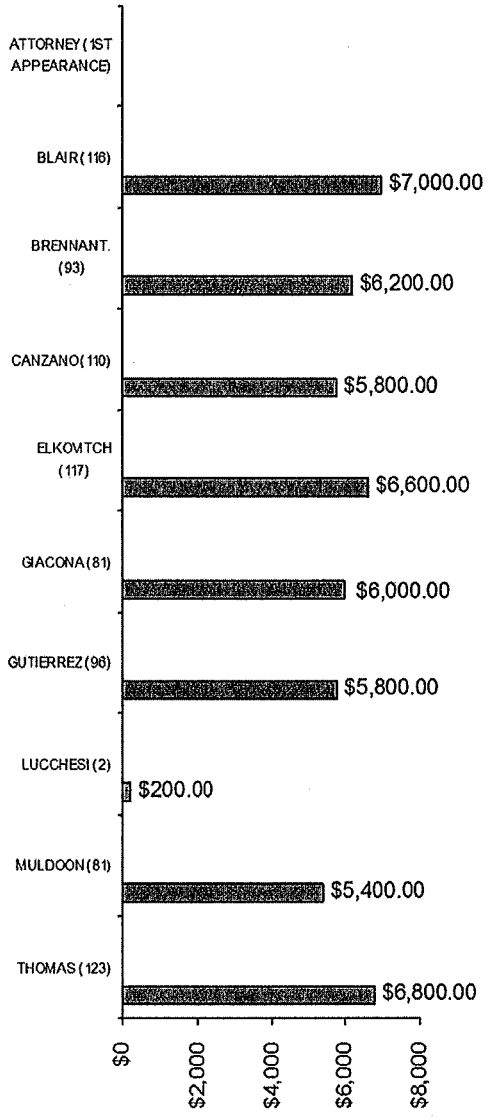


# PAROLE APPEALS
## ATTORNEY AVERAGE CHARGE



# JUSTICE COURT
## CASES ASSIGNED



# COUNSEL AT 1ST APPEARANCE
# $49,800.00

A TOTAL OF **$49,800.00** WAS EXPENDED TO REPRESENT DEFENDANTS AT FIRST APPEARANCE IN AUBURN CITY COURT. ON A ROTATIONAL BASIS, EIGHT ON-CALL ATTORNEYS ARE ASSIGNED MONDAY THROUGH FRIDAY FOR FIRST APPEARANCE ARRAIGNMENTS. A TOTAL OF **819** DEFENDANTS WERE REPRESENTED AT FIRST APPEARANCE. OF THE 819 DEFENDANTS, **525 (64%)** WERE RELEASED ON THEIR OWN RECOGNIZANCE OR THE CASE WAS DISPOSED OF.