

DISTRICT ATTORNEYS ASSOCIATION OF THE STATE OF NEW YORK



PRESIDENT
CYRUS R. VANCE, JR.
NEW YORK COUNTY

PRESIDENT-ELECT
KATHLEEN RICE
NASSAU COUNTY

1st VICE PRESIDENT
FRANK A. SEDITA, III
ERIE COUNTY

2nd VICE PRESIDENT
GERALD F. MOLLEN
BROOME COUNTY

3rd VICE PRESIDENT
CINDY F. INTSCHERT
JEFFERSON COUNTY

SECRETARY
ADA EDWARD D. SASLAW
QUEENS COUNTY

TREASURER
ADA REBECCA WINER
NASSAU COUNTY

BOARD OF DIRECTORS

CHAIRPERSON
JANET DIFIIORE*
WESTCHESTER COUNTY

ROBERT T. JOHNSON*
BRONX COUNTY

JON E. BUDELMANN
CAYUGA COUNTY

ANDREW J. WYLIE
CLINTON COUNTY

DEREK P. CHAMPAGNE*
FRANKLIN COUNTY

LAWRENCE FRIEDMAN
GENESEE COUNTY

CHARLES J. HYNES*
KINGS COUNTY

SCOTT D. MCNAMARA
ONEIDA COUNTY

WILLIAM J. FITZPATRICK*
ONONDAGA COUNTY

R. MICHAEL TANTILLO
ONTARIO COUNTY

FRANCIS D. PHILLIPS, II*
ORANGE COUNTY

ADAM B. LEVY
PUTNAM COUNTY

RICHARD A. BROWN*
QUEENS COUNTY

RICHARD J. MCNALLY, JR.
RENSSELAER COUNTY

DANIEL M. DONOVAN, JR*
RICHMOND COUNTY

THOMAS P. ZUGIBE
ROCKLAND COUNTY

NICOLE M. DUVÉ
ST. LAWRENCE COUNTY

JAMES A. MURPHY, III*
SARATOGA COUNTY

ROBERT M. CARNEY*
SCHENECTADY COUNTY

BRIDGET G. BRENNAN
SPECIAL NARCOTICS

THOMAS J. SPOTA, III
SUFFOLK COUNTY

KATHLEEN B. HOGAN*
WARREN COUNTY

RICHARD M. HEALY
WAYNE COUNTY

* PAST PRESIDENT OF DAASNY

May 10, 2013

The Honorable Sheldon Silver
Speaker, New York State Assembly
Legislative Office Building, Room 932
Albany, NY 12248

The Honorable Dean G. Skelos
Majority Leader, New York State Senate
Legislative Office Building, Room 909
Albany, NY 12247

The Honorable Jeffrey D. Klein
Leader, Independent Democratic Conference
Legislative Office Building, Room 304
Albany, NY 12247

Dear Speaker Silver and Majority Leaders Skelos and Klein:

On behalf of the District Attorneys Association of the State of New York (DAASNY), a voluntary organization comprised of the 62 elected District Attorneys in our State and the Special Narcotics Prosecutor of the City of New York, I write in support of S4391-A, A7202 (O'Brien, Morelle), which provides enhanced penalties for the murder of a prosecutor.

Prosecutors are, without question, subject to threats and incidences of violence -- and even murder -- because of their profession.

The most recent examples are the tragic murders of Assistant District Attorney Mark Hasse and District Attorney Mike McLelland and wife, Cynthia, in North Texas. Charged with these murders is a former justice of the peace who lost his job and his license to practice law after he was convicted of stealing county computers in a case prosecuted by Hasse and McLelland.

We have been fortunate in New York State because we have not yet suffered a retaliatory crime this horrific. But the reality is that there have been credible threats and attempts to murder prosecutors that have thus far been thwarted.

DISTRICT ATTORNEYS ASSOCIATION OF THE STATE OF NEW YORK

As recently as 2009, a New York County convicted offender sent threatening letters to the prosecutor who tried his case – one to her office and one addressed to her husband at home -- containing white powder and threatening to use his gun to kill her.

Also in 2009, a drug defendant was charged with brandishing a razor blade and choking a federal prosecutor during sentencing in Kings County. He was convicted of assault.

In 2011, an Onondaga County man charged with trying to run down police officers during a chase involving a dump-truck also threatened to assault and kill the prosecutor in the case.

The cold-blooded murders of District Attorney and Mrs. McLelland along with Assistant District Attorney Hasse serve as a stark reminder that prosecutors, like police officers, peace officers, judicial personnel, and first responders, are engaged in jobs that make them targets for violence.

Yet, unlike these other groups, there are no enhanced penalties for the murder of a prosecutor.

S4391-A, A7202 (O'Brien, Morelle) remedies the disparity by addressing the murder of a prosecutor. Using language that pulls directly from existing Penal Law §125.27(1)(a)(xii) regarding the murder of a judge, this proposal simply sets forth that the murder of a prosecutor or a district attorney -- because of their role as a prosecutor -- would now constitute Murder in the First Degree. District attorneys would join police officers, peace officers, firefighters, correction officers, physicians, registered nurses, and judges -- all already included under Murder in the First Degree -- as professionals recognized as more vulnerable due to the nature of their professional duties.

A strong and clear message must be sent that prosecutors, like judges and police officers are an integral part of our justice system and any attempt to cause harm or otherwise thwart the administration of justice will be addressed with enhanced penalties.

DAASNY supports S4391-A, A7202 and thanks to Senator O'Brien and Assembly Member Morelle for introducing this bill.

Sincerely,



Cyrus R. Vance, Jr.
President, DAASNY

cc: Senator Ted O'Brien
Majority Leader Joseph D. Morelle