April 2022

Decision in Art. 78 proceeding - Taylor, Lawrence (2022-03-25)

SUPREME COURT-STATE OF NEW YORK
IAS PART-ORANGE COUNTY

Present: HON. ROBERT A. ONOFRY, J.S.C.

SUPREME COURT : ORANGE COUNTY

----------X

In the Matter of the Application of
LAWRENCE TAYLOR,

Petitioner,

- against –

TINA M. STANFORD, Chairperson, DIVISION OF PAROLE,

Respondent.

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules.

----------X

To commence the statutory time period for appeals as of right (CPLR 5513[a]), you are advised to serve a copy of this order, with notice of entry, upon all parties.

Index No. EF000128-2022

DECISION, ORDER and JUDGMENT

Petition Date: February 9. 2022

The following papers numbered 1 to 7 were read and considered on a proceeding pursuant to CPLR Article 78 to review a determination of the New York State Board of Parole, dated March 26, 2021, which, after a hearing, denied the Petitioner's request to be released to parole, and upon such review, to annul and set aside the determination and order a new hearing.

Notice of Petition- Verified Petition- Memorandum of Law- Exhibits A-H	1-4
Answer and Return- Exhibits 1-11	5-6
Memorandum of Law in Reply	7

Upon the foregoing papers, it is hereby,

ORDERED, ADJUDGED and DECREED, that the petition is denied and the proceeding dismissed.

Factual/Procedural Background

On July 30, 2001, the Petitioner and two accomplices, brandishing weapons, pushed their way into an apartment in New York City and accosted the occupants– a man and his wife/fiancee and three children. The man was thrown to the floor and a pillow and gun were placed at his

head. The Defendants and his accomplices stole cash, personal property, cash from the children's piggy banks and jewelry. Before leaving the scene, one accomplice shot the man point blank in the back. Witnesses saw the Defendant and his accomplices running down the street with firearms. The Petitioner was also seen putting items into a mailbox, including a gun. He was arrested approximately 10 minutes later.

For these acts, the Petitioner was convicted of first-degree burglary, first-degree robbery, attempted first-degree robbery, first-degree assault, second-degree criminal possession of a weapon, and third-degree criminal possession of a weapon.

On October 16, 2003, the Petitioner was sentenced to an aggregate of 20 years-to-life in prison.

He became eligible for parole in July of 2021.

On March 24, 2021, the Petitioner appeared before the Board.

The COMPAS Report

A Correctional Offender Management Profiling for Alternative Sanction (hereinafter "COMPAS") report was prepared.

The report rated the Petitioner a "low" risk rating in the following categories– Risk of Felony Violence; Arrest Risk; Abscond Risk; Criminal Involvement and Prison Misconduct.

He was rated high (9) for a History of Violence.

He was rated "probable" for Re-Entry Substance Abuse.

As for his criminal history, the COMPAS report noted that the Petitioner had eleven (11) prior instances of a criminal arrest and/or a juvenile delinquency petition; five plus (5+) prior arrests for a felony property offense that included an element of violence as an adult; and three

(3) prior weapons offense arrests as an adult.

While in prison, he had two (2) Tier 2 infractions within 24 months of the report.

The Petitioner was noted to have a history of substance abuse that should be treated.

The COMPAS report recommended Supervision Status 4.

The Parole Hearing

At the parole hearing, it was noted that this was the Petitioner's second period of incarceration in New York, and that he had committed the offenses at bar while on parole for a previous robbery offense.

In 1987, while in prison on the prior robbery, he was convicted of Attempted Promoting Prison Contraband in the First Degree.

As to the facts of the crimes at bar, the Petitioner stated that he was driving through his old neighborhood when he saw a friend (one of his co-defendants in the underlying case). The friend asked him to drive him to the apartment of a person who owed him money. It was the Petitioner's intent to wait outside. However, when his friend did not come back outside, the Petitioner went in. Once inside, he heard shots fired and saw his two co-defendants come running down the stairs. One handed the Petitioner his weapon, which he took and dropped in a mailbox. The Petitioner stated that he was responsible for everything that happened, and was deeply bothered by the fact that the incident involved children.

He stated that his substance abuse issues and lack of higher education had prevented him from advancing, and that he realized that he needed help with substance abuse, which he had gotten while in prison. He noted that he initially smoked a lot of marijuana in prison, which got him into trouble. However, he stated, while in the Special Housing Unit in 2014, he had an

epiphany and realized he needed to change.

When confronted with the fact that he had recently denied his guilt of the crimes at bar when interviewed on December 16, 2020, he denied that he would continue to maintain his innocence. When asked why, he stated:

> You know why, because the change I'm making is true. I take responsibility for what's written in there, because I'm thinking maybe I didn't explain myself to her, properly. I did let her know I was trying to challenge my conviction throughout my whole bid. In 2014, when I woke up in SHU, I had an epiphany that I was basically lying to everybody; myself, my family, the judge, everybody. I wasn't accepting responsibility for my role. What I did was I got up, and I ripped up my legal work. I wrote a letter to my family, and I explained to them that I've been lying all this time. As far as my drugging, I'm tired of going to SHU and being punished for my drugging.

When asked about the age of his victims on his prior robberies, he stated that he "had no age range" and would take money from anyone, including a minor.

Of his classes in prison, he stated that the most impactful was the Parole Reconciliation class, because it helped him dig into his toxic past and find out his true nature.

He earned a Bachelor's Degree and was a certified alcohol counselor, and had completed various other programs while in prison.

As to offenses in prison, he noted that he had been in trouble a lot for smoking marijuana, and that he was also disciplined for having an excessive amount of cigarettes. He initially asserted that the cigarettes were merely left over from before he quit smoking. However, he admitted that he was selling or trading the cigarettes for food.

Finally, he agreed that it was somewhat surprising that the COMPAS report indicated he was a low risk for future felony violence and arrests.

The Parole Board denied parole.

The Board stated as follows.

After a review of the record, your interview and weighing the statutory factors, this panel determined that if released at this time, there is a reasonable probability that you would not live and remain at liberty without again violating the law and that your release would be incompatible with the welfare of society. The Board of Parole deliberated and your discretionary release is denied.

You were convicted of Burglary 1st, two counts of Robbery 1st, Assault 1st, Criminal Possession of a 19 Weapon 2nd, and Criminal Possession of a Weapon 3rd, after being found guilty by jury trial of burglarizing the home of your victims, while armed with a firearm and stealing cash, personal property, cash from the children's piggybank and jewelry. You committed these crimes with two co-defendants, and one of them, before leaving the apartment, shot the adult male point blank in the back. Witnesses saw you running down the street with a firearm shortly before you were arrested. Information provided indicates that you wore a face mask and latex gloves, and that the victims in the home included two adults and three minor children, who were terrorized and traumatized by this crime.

During sentencing, Honorable Bonnie Wittner stated that you had been previously convicted of armed robberies and that you do not do well on the outside. This is reflected by your criminal history, which consist primarily of forceful larcenous crimes, weapons possession and the fact that you were on Parole Supervision, for several months, when you committed the instant offense.

Additionally, during one period of NYS incarceration you were convicted of Attempted Promoting Prison Contraband 1st, and sentenced to 18 months to 3 years to run concurrent with the state time you were already serving.

We reviewed your case plan goals and during the interview you seemed proud and enthusiastic about your participation in the Parole Reconciliation class, P.A.C.E., Criminal Justice Initiative (CJI) and the Lifer's Program. During the interview we also discussed your Parole Packet, which was well prepared and included numerous letters of assurance from re-entry programs and letters of positive support. We acknowledge your two college degrees, prior work history and potential employment opportunities.

You noted that upon release you would like to work with adolescents, and that was the only time during the interview that you expressed any remorse for your minor victims, but failed to acknowledge the extent of the impact of your criminal behavior on your two adult victims. In evaluation of your release, we also reviewed the COMPAS Risk and Needs Assessment and depart from it scoring you as a low risk of felony violence and low risk of arrest, and find that due to your lengthy criminal history, which consist primarily of violent crimes against others and possession of weapons, that your risk score for

violent felony and of arrest should both be scored as high risk.

The panel agreed that COMPAS should have also scored you as high in the area of criminal involvement, and that COMPAS correctly scored you high in the area of history of violence, which supports our position that your score for risk of felony violence should be high.

Your poor institutional behavior also confirms our assessment of your potential risk of harm to others in the community, as you continue to display unwillingness to follow the rules - while incarcerated and also when you were under Parole Supervision. The instant offense represents your 2nd period of New York State incarceration and it's clear that prior sanctions have not deterred your criminal behavior.

Your persistent criminal conduct while in the community, and while incarcerated, along with your continued criminal thinking is of concern to this panel.

During this period of incarceration you received numerous misbehavior reports, for which the majority have been for drug use. To your credit, you have not received a ticket for drug use since 2011 and have not received a ticket for alcohol/intox since 2014. The most recent ticket was a Tier 2 for excess tobacco, which you tried to minimize, but then admitted and acknowledged that selling tobacco while incarcerated was a continuation of your criminal thinking and disregard for the prison rules. You are on the ASAT waitlist and have completed other required programs. You said that you have been working hard at making positive and personal changes, and we encourage you to continue to do so.

Seek to enter and complete ASAT and work to gain insight into what is or are the underlying issues that lead you to use drugs, which, unfortunately, negatively impacted your life and that of your many victims.

At this time this panel does not find that your rehabilitation is complete and find that your release, at this time, would pose a risk of harm to members of society.

The Petitioner's administrative appeal of the denial of parole was denied on or about October 1, 2021.

The Proceeding at Bar

The Petitioner commenced this proceeding seeking a *de novo* parole hearing.

In the petition, the Petitioner argues as follows.

The Board of Parole made two critical errors.

First, the Board expressly departed from low COMPAS risk scores on three bases, but failed to "specify any scale within the [COMPAS report] from which it departed and provide an individualized reason for such departure." *9 N.Y.C.R.R. §8002.2(a).*

Second, the Board failed to disclose whether victim impact statements were included in the parole file and, if so, failed to provide the same to the Petitioner in violation of Executive Law 259-i(2)(c)(B).

As factual background, the Petitioner notes that he was youngest of four siblings, and had a father who was incarcerated and a mother who was addicted to drugs. As a result, he asserts, he drifted into drug use and criminal conduct at an early age, dropping out of school in the ninth grade.

Starting at the age of 14, he committed robberies to get money to buy drugs.

Concerning the crimes at bar, he asserts that he now "understands that by acting as a getaway driver, he was a participant in a terrible crime committed against the victims" and that he "takes responsibility for the entire robbery and feels deep regret for how his actions contributed to the robbery of the DeWint family, the shooting of Mr. DeWint, and the traumatization of the DeWint children."

Concerning any victim impact statement considered by the Board, he notes as follows.

In March of 2021, while preparing his parole packet, he requested any victim impact statements, or letters, that would be considered by the Board. In response, the Respondents stated, "we are not able to confirm or deny the existence of victim letters." The Petitioner argues that he is entitled to any such statements or letters.

In opposition to the petition, the Board argues that the record as a whole, including the

interview transcript, reflects that the Board considered the appropriate factors. This includes the offenses at bar; that the Petitioner was on parole when the offenses were committed; the Petitioner's lengthy criminal history, which features five previous convictions for armed robberies and other forceful larcenous crimes, weapons possession; and the fact that the Petitioner was a convicted of Attempted Promotion of Prison Contraband while in prison and has numerous misbehavior reports, mostly for drug use. Conversely, the Board notes, it considered the Petitioner's betterment efforts during prison, which include his placement on the ASAT waitlist, his completion of other required programs, his participation in the Parole Reconciliation class, P.A.C.E., Criminal Justice Initiative, and the Lifers Program; and his two college degrees. Further, they considered his prior work experience and potential employment opportunities; and his plans to live with his sister and work in construction when released. They also considered, among other things, the case plan, the COMPAS report, the sentencing minutes, and Petitioner's parole packet, which featured letters of assurance from reentry programs and letters of support.

Thus, the Board argues, it acted within its discretion in determining that release would not satisfy the standards provided for by Executive Law § 259- i(2)(c)(A). Indeed, it asserts, in reaching this conclusion, it permissibly relied on the fact that the instant offense was committed while the Petitioner was on parole, the Petitioner's criminal history, the Petitioner's poor disciplinary record, the Petitioner's lack of insight into underlying issues that lead to his drug use and criminal behavior, and the Petitioner's need to complete recommended programming.

Further, the Board argues, it properly considered the Petitioner's COMPAS report, but expressed disagreement with the low scores for risk of felony violence, arrest risk, and criminal involvement in light of Petitioner's lengthy criminal history– consisting primarily of violent

crimes against others and possession of weapons - and the Petitioner's poor institutional behavior, reflecting an unwillingness to follow the rules and his continued criminal thinking.

Further, it asserts, as to the COMPAS report, the Board identified the scales from which it was departing and provided an explanation for the same consistent with 9 N.Y.C.R.R. § 8002.2(a). Indeed, the Board notes, during the interview, the Petitioner himself acknowledged that he was surprised that his risk scores were low, considering his extensive criminal history.

Finally, the Board argues, the Petitioner is not entitled to confidential victim impact statements, absent a court order. *Executive Law § 259-i(2)(c)(B); 9 NYCRR. § 8002.4(e).*

In reply, the Petitioner argues that the Board did not explain its departure from the COMPAS report. Rather, it merely makes the conclusory assertion that it did.

Similarly, he asserts, in responding to his second point, the Board fails to address the fact that applicable New York law limits the non-disclosure of victim impact statements to the name and address of the victim, and not to the entire statement.

Discussion/Legal Analysis

In New York, the Parole Board holds the power to decide whether to release a sentenced prisoner on parole. *Matter of Silmon v. Travis*, 95 N.Y.2d 470, 476 *Ferrante v. Stanford*, 172 A.D.3d 31 [2nd Dept. 2019]. The decisions are discretionary and not subject to judicial review if made in accordance with statutory requirements. *Executive Law § 259–i[5]*; *Ferrante v. Stanford*, 172 A.D.3d 31 [2nd Dept. 2019]. That is, judicial review of a determination is narrowly circumscribed, and a determination may be set aside only where it evinces "irrationality bordering on impropriety." *Matter of Russo v. New York State Bd. of Parole*, 50 N.Y.2d 69; *see also*, *Ferrante v. Stanford*, 172 A.D.3d 31 [2nd Dept. 2019].

"Discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined but after considering if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for law," *Executive Law § 259–i[2][c][A]*. In making the parole release determination, the Board must consider the relevant statutory factors set forth in Executive Law § 259–i[2][c][A]. These include: "(i) the institutional record including program goals and accomplishments, academic achievements, vocational education, training or work assignments, therapy and interactions with staff and inmates; (ii) performance, if any, as a participant in a temporary release program; (iii) release plans including community resources, employment, education and training and support services available to the inmate; (iv) any deportation order issued by the federal government against the inmate while in the custody of the department and any recommendation regarding deportation made by the commissioner of the department pursuant to section one hundred forty-seven of the correction law; (v) any statement made to the board by the crime victim or the victim's representative, where the crime victim is deceased or is mentally or physically incapacitated; (vi) the length of the determinate sentence to which the inmate would be subject had he or she received a sentence pursuant to section 70.70 or section 70.71 of the penal law for a felony defined in article two hundred twenty or article two hundred twenty-one of the penal law; (vii) the seriousness of the offense with due consideration to the type of sentence, length of sentence and recommendations of the sentencing court, the district attorney, the attorney for the inmate, the presentence probation report as well as consideration of any mitigating and aggravating factors, and activities following arrest prior to

confinement; and (viii) prior criminal record, including the nature and pattern of offenses, adjustment to any previous probation or parole supervision and institutional confinement."

The Board is not required to address each factor in its decision, or to give all factors equal weight. *Matter of King v. New York State Div. of Parole*, 83 N.Y.2d 788; *Ferrante v. Stanford*, 172 A.D.3d 31 [2nd Dept. 2019].

The Board need not expressly discuss each of the statutory guidelines in its determination, and is not required specifically to articulate every factor considered. Rather, whether the Board considered the proper factors and followed the proper guidelines are questions that should be assessed based on the written determination, as evaluated in the context of the parole hearing transcript. *Siao-Pao v Dennison*, 11 N.Y.3d 777 (2008); *Ferrante v. Stanford*, 172 A.D.3d 31 [2nd Dept. 2019]; *Jackson v. Evans*, 118 A.D.3d 701 [2nd Dept. 2014]; *Fraser v Evans*, 109 A.D.3d 913, 971 N.Y.S.2d 332 [2nd Dept. 2013].

In general, it is impermissible for the Board to deny parole based solely on the seriousness of the underlying offense. *Ferrante v. Stanford*, 172 A.D.3d 31 [2nd Dept. 2019]; *Silmon v Travis*, 266 A.D.2d 296 [2nd Dept. 1999]. However, a Board may permissibly find that an inmate's institutional and educational achievements are outweighed by the serious and brutal nature of the underlying crime, and a lack of remorse and insight. *Almeyda v. New York State Div. of Parole*, 290 A.D.2d 505 [2nd Dept. 2002]; *Silmon v Travis*, 266 A.D.2d 296 [2nd Dept. 1999].

Absent a convincing demonstration to the contrary, the Board is presumed to have acted properly in accordance with statutory requirements, and judicial intervention is warranted only where there is a showing of irrationality bordering on impropriety. *Jackson v. Evans*, 118

A.D.3d 701 [2nd Dept. 2014].

There is no constitutionally protected liberty interest to be released to parole. *Briguglio v. New York State Bd. of Parole*, 24 N.Y.2d 21 (1969); *Banks v. Stanford*, 159 A.D.3d 134 [2nd Dept. 2018].

If a Board's determination, in denying release, departs from the COMPAS scores, "the Board shall specify any scale within the Department Risk and Needs Assessment from which it departed and provide an individualized reason for such departure." *9 NYCRR 8002.2(a).*

Here, the Petitioner did not demonstrate that the Board's decision indicated irrationality bordering on impropriety.

The Petitioner expressed remorse for his conduct, and has planned for employment and housing if released. Further, he has pursued educational and social betterment while imprisoned.

However, significantly, as noted by the Board, he clearly lacks insight into his criminal conduct.

Initially, the Petitioner denied that he was guilty of the crimes at issue.

Further, the Board noted, just months prior to this proceeding, in December 2020, the Petitioner was still denying his involvement, despite his claim at the hearing that he had a epiphany into his criminal behavior in 2014.

In addition, although the Petitioner indicated that he had taken responsibility for the criminal offenses at bar, he clearly has not, to wit: During the initial sentencing, the Assistant District Attorney noted that all three Defendants had entered the apartment; that all three Defendants were armed with handguns; and that the Petitioner and another accomplice were wearing masks and latex gloves. Further, it was noted, the Defendant was directly responsible

for terrorizing the main victim's wife/fiancee and children.

At the hearing at bar, the Petitioner asserted that he was merely driving a friend to collect a debt and intended to wait inside. However, that due to boredom, impatience or concern, he entered the building and became, in effect, an unwitting direct accomplice in the crime, *i.e.*, an actual participant handed him a gun during his escape.

Further, as noted by the Board, the Petitioner has a long and significant history of violent criminal conduct, had committed the crimes at bar while on parole, and had engaged in criminal activity and other misconduct while in prison.

Finally, the Court notes, the Petitioner attributes his criminal activity and misconduct, at least in large part, to his substance abuse issues. Here, the COMPAS report rated the Petitioner "probable" for Re Entry Substance Abuse.

In sum, the record demonstrates that the Board considered the appropriate statutory factors in denying the Petitioner's application for release to parole, and did not fail to adequately explain its departure from the COMPAS report ratings.

Thus, the Petitioner failed to sustain his burden of demonstrating that the challenged determination was irrational bordering on impropriety. *LeGeros v. New York State Bd. of Parole*, 139 A.D.3d 1068 [2nd Dept 2016].

Concerning the issue of victim impact statements, the Petitioner argues as follows.

Pursuant to Executive Law § 259-k(2):

> The [parole] board shall make rules for the purpose of maintaining the confidentiality of records, information contained therein and information obtained in an official capacity by officers, employees or members of the board of parole.

Pursuant to this authority, he notes, the Board promulgated 9 NYCRR 8002.4(e), which

provides:

> A written victim impact statement or written report of an oral statement shall be maintained in confidence by the division, unless disclosure to the inmate is expressly authorized by the victim or by court order.

Further, the Board promulgated 9 NYCRR § 8000.5(2)(i), which provides that the Board may deny access to those portions of the probation case record that would reveal sources of information that were obtained under a promise of confidentiality or, if disclosed, might result in harm to any person.

However, the Petitioner notes, pursuant to Executive Law 259-i(2)(c)(B):

> Where a crime victim or victim's representative as defined in subparagraph (A) of this paragraph, or other person submits to the parole board a written statement concerning the release of an incarcerated individual, the parole board shall keep that individual's name and address confidential.

The Petitioner argues that Executive Law 259-i(2)(c)(B) limits the Board's authority to promulgate confidentiality rules concerning victim impact statement or letters to the names and addresses of the same. Thus, he asserts, any further protections promulgated by the Board are in excess of the authority vested in the Board by the Legislature.

However, the Court notes, the Petitioner has not cited, and research has not revealed, any authority for this proffered interpretation of the Executive Law.

Further, the Court notes, it does not find that such a conclusion may be reached by application of the rules of statutory construction.

Under well-established rules, analysis begins with the language of the statute. *Colon v. Martin*, 35 N.Y.3d 751 (2020). This is because the primary consideration is to ascertain the legislature's intent, of which the text itself is generally the best evidence. *Colon v. Martin*, 35

N.Y.3d 751 (2020). A court should construe unambiguous language to give effect to its plain meaning. *Colon v. Martin*, 35 N.Y.3d 751 (2020). Further, a statute must be construed as a whole and its various sections must be considered together and with reference to each other. The circumstances surrounding the statute's passage are also a useful aid in understanding its meaning. *Colon v. Martin*, 35 N.Y.3d 751 (2020).

The maxim *expressio unius est exclusio alterius* applies in the construction of the statutes, so that where a law expressly describes a particular act, thing or person to which it shall apply, an irrefutable inference must be drawn that what is omitted or not included was intended to be omitted or excluded. *McKinney's Cons Laws of NY, Book 1, Statutes § 240*; *Colon v. Martin*, 35 N.Y.3d 751 (2020). In other words, the doctrine is an interpretive maxim that the inclusion of a particular thing in a statute implies an intent to exclude other things not included. The maxim is typically used to limit the expansion of a right or exception—not as a basis for recognizing unexpressed rights by negative implication. *Colon v. Martin*, 35 N.Y.3d 751 (2020).

Under the last antecedent rule of statutory construction, relative and qualifying words or clauses in a statute are to be applied to the words or phrases immediately preceding, and are not to be construed as extending to others more remote. *Colon v. Martin*, 35 N.Y.3d 751 (2020). Thus, the word such, when used in a statute, must, in order to be intelligible, refer to some antecedent, and will generally be construed to refer to the last antecedent in the context, unless some compelling reason appears why it should not be so construed. *Colon v. Martin*, 35 N.Y.3d 751 (2020).

Here, a plain reading of the statute does not support a conclusion that the Legislature intended to limit the Board ability to promulgate rules concerning the confidentiality of victim

impact statements and letters to the name and address of the victim. Indeed, this goal, if intended, could have been easily achieved (*e.g.*, by the inclusion of the word "only.") Moreover, in many cases, such as the case at bar, such limited protections would, in effect, be meaningless.

Further, the Court notes, it does not find that the statutory language at issue is an appropriate opportunity to apply the maxim *expressio unius est exclusio alterius*. As noted *supra*, the Board is expressly authorized to promulgate regulations concerning the confidentiality of documents and records, and the more reasonable interpretation of the language at issue is that it was intended to be a floor, not a ceiling, on the protections to be given victim statements and letters. Indeed, as noted *supra*, in many cases, such limited protections would be, in effect, meaningless, and the maxim *expressio unius est exclusio alterius* should not be applied to defeat the purpose for which the statute was enacted. *Goldstein v. City of Long Beach*, 28 A.D.2d 558 [2nd Dept. 1967].

In sum, the Board did not err in failing to provide the Petitioner with any victim impact statements or letters.

Accordingly, and for the reasons stated herein; it is hereby,

ORDERED, ADJUDGED and DECREED, that the petition is denied and the proceeding dismissed.

The foregoing constitutes the decision and order of the court.

Dated: March 25 , 2022
Goshen, New York

ENTER

HON. ROBERT A. ONOFRY, J.S.C.

VIA NYSCEF

TO: SEYFARTH SHAW LLP
Attorney for the Petitioner
Office & P.O. Address
620 Eighth Avenue
New York, New York 10018

LETITIA JAMES
Attorney General of the State of New York
One Civic Center Plaza, Suite 401
Poughkeepsie, New York 12601