

Report Raises Serious Questions

by Edward L. Fiandach

Last Saturday's edition of the Democrat & Chronicle reported on the findings of the investigatory body that examined how Monroe County District Attorney Howard R. Relin and his office disposed of various pending felony matters. Interviewed for his reaction, Mr. Relin indicated that he was glad the commission made no finding of what it termed "any serious misconduct." Far from an exoneration however, the findings of the report raise serious questions as to the competency of Mr. Relin's stewardship over the District Attorneys's Office. In April of 2001, when this newspaper initially disclosed certain anomalies, I called for Mr. Relin's resignation. My concerns at that time were that Mr. Relin did not have sufficient knowledge of how his office handled felony cases and failed to maintain control over their disposition. These concerns have been born out by the investigation and conclusions drawn by the investigatory commission. Among other things, the 66 page report, in analyzing how thousands of serious felony matters were disposed of, detailed the following:

- Despite Mr. Relin's original contention that most of the dead cases were felony DWI cases one attorney handled, cases presented to the grand juries for dismissal included robbery, burglary, sale and possession of a controlled substances, grand larceny, weapons possession, rape, criminal contempt, sodomy, felony assault, forgery, criminal possession of a forged instrument, and reckless endangerment.
- After the Commission began its investigation, Relin's office began an "amnesty" program by which assistant district attorneys could bring all of their cases which exceeded the statutory time limit to senior office staff. Between March 2001 and May 2002, ADAs brought forward thousands of cases to their superiors for dismissal.
- Less than 2% of the dismissed cases were DWI cases. Most cases charged a variety of crimes ranging from Robbery 1st, a class B violent felony, to Grand Larceny 4th, a class E felony. Serious felonies such as rape, robbery and sodomy were among those the Commission found to have been dismissed.
- The number of cases that could no longer be prosecuted due to the failure to timely prosecute within the statutory time limit "was never determined with any certainty" because, according to information provided to the Commission, an agreement as to the cases status could not be reached between Relin's Office and the 7th Judicial District Staff.
- Although some cases had been considered closed by his office, some were nevertheless presented to a grand jury to obtain no-true bills in order to reconcile the office records with the 7th Judicial district's records.
- According to some former ADAs interviewed for the investigation, the office had no

formal training programs and most ADAs learned how to conduct trials and grand jury presentations by watching other more experienced assistants. Some feared showing that they did not know how to handle a case.

- On at least one occasion, all of the cases dismissed on the court's calendar were dismissed as a whole with no particularized reference to the case, defendant or the pending charges.
- For more than a decade, DA Relin's Office did not regularly follow up or notify victims or law enforcement agencies who had originally filed these complaints with the court.
- DA Relin's Office could not explain the discrepancy between the information on the court transcripts, and the information on the plea in satisfaction forms, and the DA's own computer files.

Thus, far from exonerating Mr. Relin and his office, the report casts a long shadow on the caliber of criminal prosecution during the Relin administration. Further, the true price paid by this community for such incompetence may never be known. It may well be that the effect of these massive dismissals, many involving violent criminals can be seen in the horrific number of murders which now plague our community.

While a renewed call for Mr. Relin's resignation seems fruitless in light of his decision not to run, it must nonetheless be made. If such incompetence is permitted to go unpunished, we will forever lower the bar that we expect our DA's to meet. It will be all too easy for future DA's to simply let matters slide and with a shrug of the shoulders declare, "It's OK, Howard did it."

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