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**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TIOGA**

February 1, 2022

Martha Sauerbrey, Chair
Tioga County Legislature
56 Main Street
Owego, NY 13827

RE: 2021 Annual Report

Dear Chairwoman Sauerbrey:

Pursuant to your memo, please accept the following as the 2021 Annual Report for the District Attorney's Office.

As always, because of the large number of cases handled in the 16 various town and village justice courts throughout the county, we are unable to keep gross statistics regarding the number of misdemeanor and vehicle and traffic cases that are handled by my office. However, it is estimated that we also handle several hundred felony and misdemeanor charges and over 10,000 vehicle and traffic charges every year.

Apart from the gross criminal statistics, I would like to provide you with some other information relating to this Office's activities in 2021.

NOTABLE CASES

- In May we had a felony trial against Matthew Smith. He was convicted of Criminal Possession of a Controlled Substance in the Second Degree, and four other felony counts of possession and selling. He was sentenced to 8 years in state prison and 5 years post-release supervision on the top count and concurrent sentences on the others.

- In August we had a felony trial against James Gaylord. He was convicted of two counts of Menacing a Police Officer and one count of Menacing in the Second Degree. He was sentenced to 6 years in state prison and 3 years of post-release supervision on the top count and concurrent sentences on the others.
- In October we had a felony trial against Jahmier Everett, for his planning of and participation in the murder of Brian Argro on May 9, 2019, in his home at 5 Dorothy Road in Tioga Terrace, Apalachin. He was convicted of Murder in the Second Degree, and four other felonies. He was sentenced to 25 years to life on the Murder and concurrent sentences on the others.
- In December we had a felony trial against Michael McVicker, for his participation in the same murder. He was found guilty after jury trial of Murder in the Second Degree and four other felonies. He was sentenced to 25 years to life on the Murder and concurrent sentences on the others.
- The other three participants in that crime, Curtis Cuttino, Marcus Nolasco-Gutierrez and Bernard Turner, plead guilty for their particular level of participation and they were all sentenced to state prison.

TRAFFIC DIVERSION

- 1177 applications
- \$238,948.00 application fees
- \$117,700.00 shared with local municipalities
- \$121,248.00 left to Tioga County to offset expenses of the program and my office

CHALLENGES

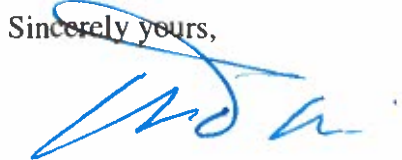
- Dealing with the catch and release nature of the previously enacted bail reform laws that put the vast majority of criminals, some dangerous, back out onto the street

GOALS FOR 2022

- To continue to advocate a return to balance in the criminal justice system where concerns for victims, the police and the safety of the community take precedence over criminals

On behalf of myself and the members of my office, I want to extend my thanks for the continued support that you and the rest of the Tioga County Legislature have given to this office.

Sincerely yours,



Kirk O. Martin