

New York State Defenders Association (NYSDA)

Veterans Defense Program 2018 - 2019 Report

Defending Those Who Defended Us

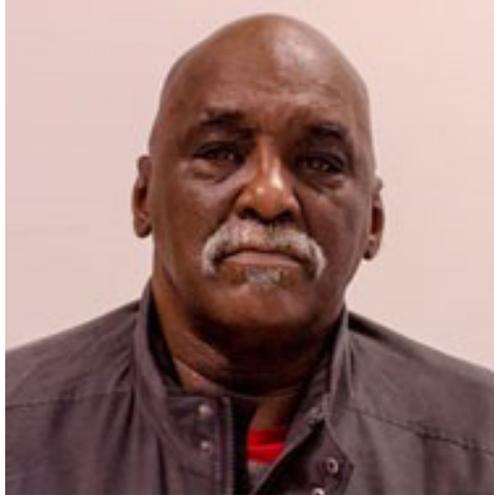


December 2019

The Veterans Defense Program 2018 – 2019 Report front and back cover is the signature purple color as it symbolizes all branches of the military. Purple is the combination of Army green, Coast Guard blue, Air Force blue, Marine red, and Navy blue.

NYSDA Veterans Defense Program

2018 – 2019 Report



In Memory of John “Jay” Coleman 1949 – 2019

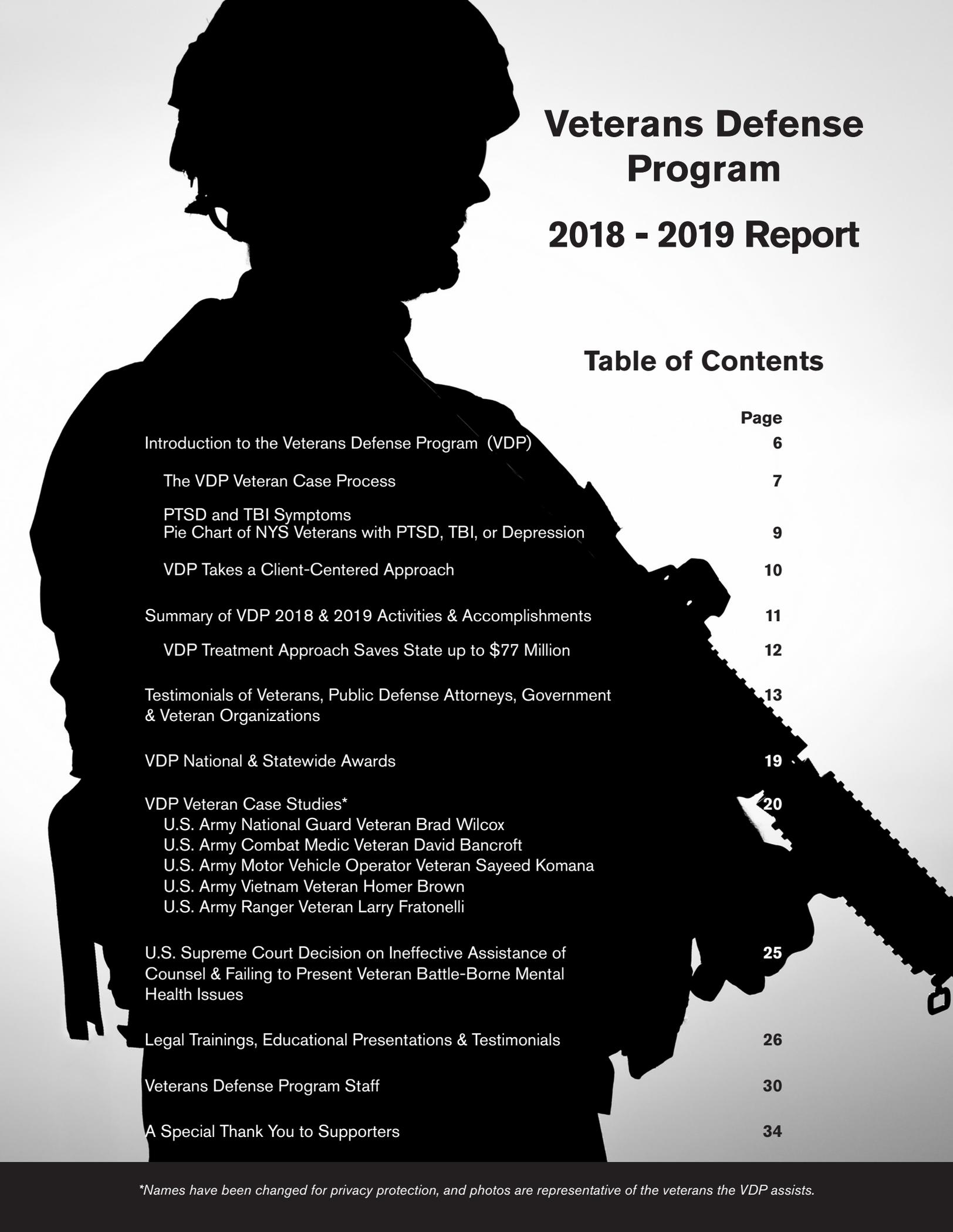
The Veterans Defense Program dedicates this report to Jay Coleman whose incredible work to help justice-involved people transformed many people’s lives. Jay was the Client Coordinator of NYSDA’s Prisoner Pre-Entry Mentoring Program. He mentored hundreds of people, including many veterans, to prepare them to survive prison life, and develop a goal-oriented plan to be productive and healthy. A formerly incarcerated person, Jay gave presentations on prison mentoring around the country, including at Rutgers School of Criminal Justice, National Legal Aid & Defender Association (NLADA), and Osborne Association. He received the *Citizens Against Recidivism Eddie Ellis Lifetime Achievement Award* in 2010 and a *NLADA Client Contribution Award* in 2015.

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Mission Statement

The Veterans Defense Program provides training, support, and legal assistance to promote trauma-informed, client-centered representation of veterans and service members who are suffering from the invisible wounds of war, and become involved in New York State's criminal and family court systems.



Veterans Defense Program

2018 - 2019 Report

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Introduction to the Veterans Defense Program

Defending Those Who Defended Us

The Veterans Defense Program (VDP) provides training, support, and legal assistance to promote trauma-informed effective representation of veterans and service members in New York State's criminal and family court systems. The first of its kind in the nation, the VDP was launched in response to a growing crisis in the number of veterans with service-related mental health illnesses who were lost in the criminal justice system.

Promoting Justice & Fairness

The Veterans Defense Program is a project of the New York State Defenders Association (NYSDA), a statewide non-profit organization working to improve the quality and scope of publicly supported legal representation for people who cannot afford a lawyer.

Intersection of Military Service, Mental Health & Criminal Justice

Military service in general can exact a toll on a person's physical and mental health, and the "unseen wounds" suffered during the intense conditions of combat and multiple, lengthy deployments can be severe. Studies report that depressive disorders, substance abuse, Post-traumatic Stress Disorder (PTSD), and Traumatic Brain Injury (TBI) among veterans are at epidemic proportions. Of the 718,000 Vietnam, Gulf, and Post-9/11 veterans in the state, approximately 215,670 are estimated to have PTSD, TBI, or depression. Studies show up to 50% of those veterans are untreated. (Sources: Invisible Wounds of War: Psychological & Cognitive Injuries, Their Consequences & Services to Assist Recovery, RAND Corporation, 2008; NYS Health Foundation's Veterans & Health in NYS, 2017.)

The U.S. Department of Veterans Affairs (VA) and the Institute of Medicine report that veterans with mental health conditions are at significant risk of arrest as their trauma symptoms may lead them to criminal conduct. PTSD and TBI are linked to incarceration, antisocial behavior, and violence among veterans. The

VA found the association between PTSD and violence is especially strong among post-9/11 veterans.

Attorney Brock Hunter, a recognized national expert on veteran defense, summarized the situation, saying, "We are fighting wars on the backs of volunteers and a smaller military and we recycle the same troops back over and over, with many tours of duty. PTSD rates climb with each additional tour. The military culture is one of service and sacrifice: you deal with your problems privately and don't complain or ask for help. Vets are badly treated and ignored in the criminal justice system. We need to give veterans support when they fall, particularly when they fall into the criminal justice system."

"Left untreated, the emotional wounds of war can have a dramatic and destructive impact on veterans," said Melissa Fitzgerald, Justice Director of the national Justice for Vets. "If we don't intervene at the critical point of arrest, we risk losing veterans to the system forever. We can hold accountable veterans who commit crimes while connecting them to the benefits and treatments they have earned. Men and women who, instead of languishing behind bars, are going back to school, working, raising children, and living as civic assets. Veterans have fought for our freedom—shouldn't we fight for theirs?"

Men and women who, instead of languishing behind bars, are going back to school, working, raising children, and living as civic assets. Veterans have fought for our freedom—shouldn't we fight for theirs?

Justice-involved veterans often do not have the funds to hire an attorney and are represented by public defenders. Public defense attorneys are rarely trained

to adequately represent veterans who suffer from the invisible wounds of war, or to translate the combat experience of their clients to explain resulting criminal behavior. Approximately 7% of Americans are veterans. Thus, it is unlikely that judges, attorneys, and jurors are veterans who understand the military experience.

Defense attorneys need to be educated as to the critical impact of military culture on justice-involved veterans. The modern battlefield conditions require a

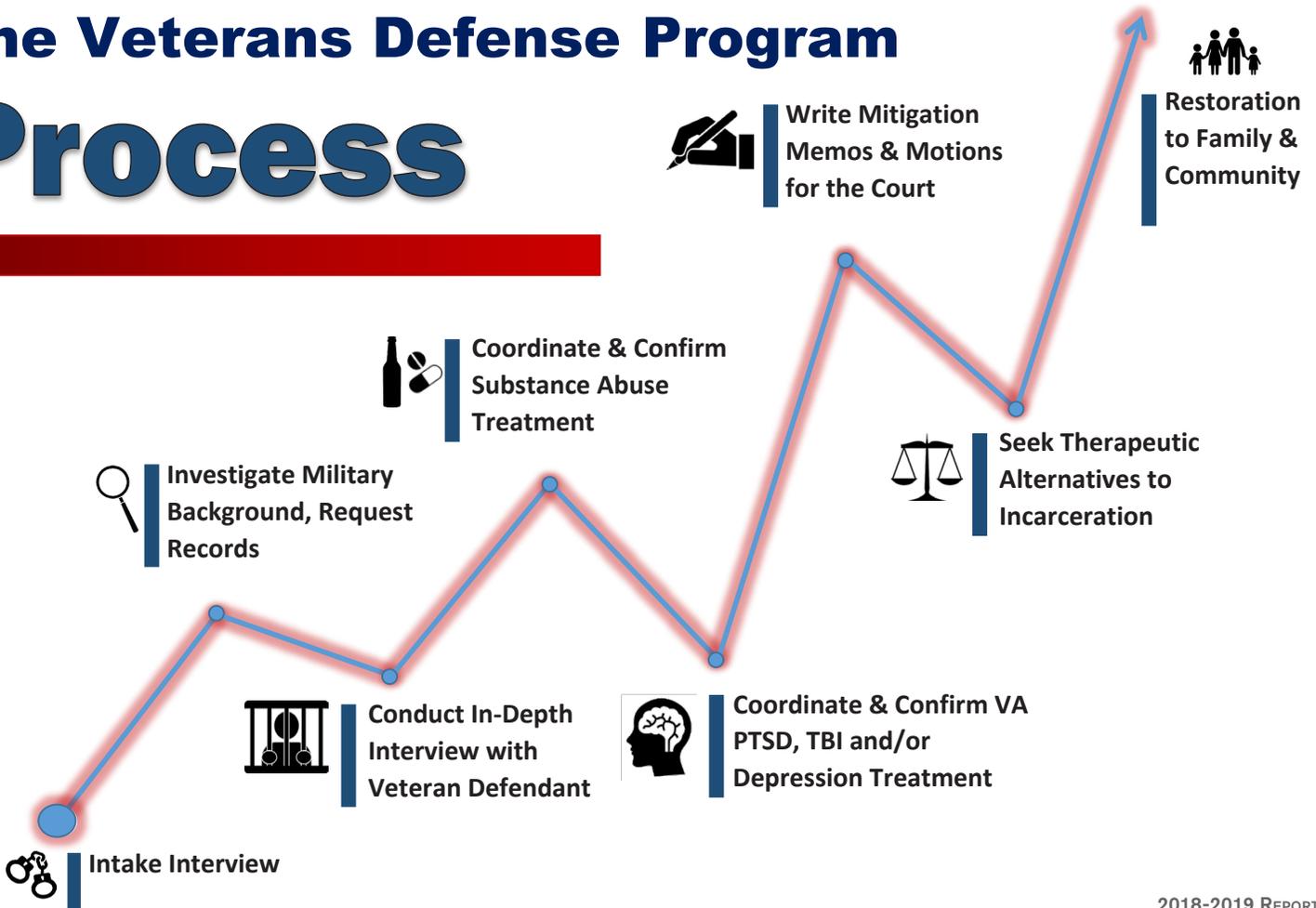
soldier to be alert and ready for an attack that could come at any moment, from any direction, from any person. To prepare for this environment, the military trains individuals to become warriors, to “move, shoot, and communicate” as members of a team, instinctively, even when that requires them to put their own lives in danger. The attitudes and instincts that may mean success in the military—or simply survival—often make reintegration into civilian life extremely difficult without help, and exponentially more so when that person has experienced trauma during military service. Defenders need to understand how a client’s military experience and health issues impact their cases at every stage of representation and gain insight into how their mental health conditions affect them.

Significant progress has been made with the advent of Veterans Treatment Courts to provide a therapeutic health-based approach to respond to the mental health crisis among justice-involved veterans. However, New York has Veterans Treatment Courts in only 31 City, County, or Supreme Courts, and most accept only a small percentage of cases, usually limited to misdemeanors and in some courts,

non-violent felonies. Veterans with mental illnesses in the criminal justice system—the most vulnerable of our returning warriors—deserve an alternative resolution process with treatment and rehabilitation. Incarcerating veterans for medium-level crimes, such as assault and burglary, when mental health treatment is needed and available, closes the door to substantial opportunities for healing, family restoration, and becoming a productive member of society. An alternative treatment track for veterans whose crimes stem from service-related injuries is strongly supported by many veteran organizations, including the Iraq & Afghanistan Veterans of America and the New York State Council of Veterans Organizations.

Defense attorneys need to be zealous advocates for therapeutic justice on behalf of their veteran clients and trained strategists in dealing with their client’s mental health conditions with sensitivity. They need to understand that they are functioning as therapeutic agents in their interactions with their clients, particularly in the plea and sentencing process. However, to accomplish this, understaffed and overburdened public defenders need the support

The Veterans Defense Program Process



services of a resource center. A statewide analysis found the vast majority of public defenders were only able to spend an average of four hours on a case: from arraignment, to motion filing, to court appearances, to visiting clients in jail, to pre-trial hearings, to disposition and sentencing. (NYSDA 2014 Memorandum on Caseload Calculations.)

Legal Support Services for Justice-Involved Veterans

Staffed by award-winning attorneys with deep experience working with veterans, the VDP is committed to giving veterans access to the best possible legal representation. Veterans with battle-borne illnesses need treatment and an alternative resolution process in the criminal justice system. The VDP attorneys provide innovative and case-specific legal assistance, including mitigation, records retrieval, resources, mentoring, and consultation in criminal and family court veteran cases.

A former VDP attorney and U.S. Navy veteran describes the goals of the program. “The most vulnerable of our returning warriors, those who have been injured either physically or mentally and are now in the criminal justice system because of those injuries, are often somehow removed from those ‘troops’ that we support. We support the troops and thank them for their service until they get arrested. Very often their military experiences, which a civilian judge or jury would have a very difficult time understanding, are at the core of their involvement in the criminal justice system. It is difficult for a civilian judicial system to understand what it means to undergo rocket attacks 5 days a week for months on end or know what it is like to spend days crouched in a bunker in fear for your life. That has an effect on you that is difficult to recover from when you get back home. The VDP’s goal is to ensure that each veteran has an effective advocate; each veteran’s story is properly presented to a judge, jury, and prosecutor; and each veteran gets the treatment they need and deserve.”

The VDP advises public defense attorneys on military culture and its impact on their veteran clients’ service-related mental health issues, and client-centered legal approaches that focus on treatment and sentencing mitigation. The VDP assists attorneys during every step of a case, from pre-trial motions to sentencing and re-entry. VDP attorneys conduct in-depth research and interviews, make court presentations, help defenders obtain military or medical experts, and write Mitigation Memoranda and other legal documents.

The following statements from two veterans exemplify the life-changing work of the VDP.

“It is with much gratitude and appreciation and many thanks that I’m sending this message. The VDP’s assistance and professionalism throughout this process has been a great asset and integral part of our defense strategy. Again, I cannot thank you enough for your service and commitment to THIS veteran as well as others across the state.” U.S. Army Specialist Veteran

“I can’t thank you enough and am forever grateful for your help and guidance through one hell of a storm in my life. You were there for me when many turned their backs. I will never forget that.” U.S. Marine Veteran

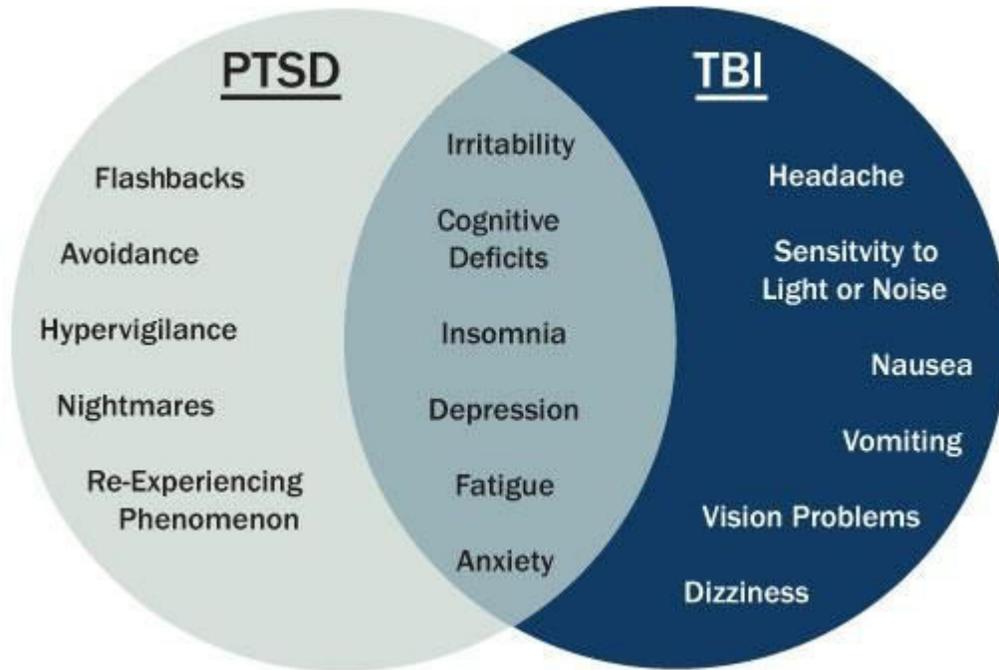
Training Programs and Peer-to-Peer Veteran Mentoring

The VDP attorneys conduct trainings across the state for hundreds of public defense attorneys and also present to bar associations, government agencies, and veteran organizations. The VDP trainings receive excellent reviews. Because NYSDA is an Accredited Provider of Mandatory Continuing Legal Education (CLE), the VDP programs often provide CLE credit to attorney attendees.

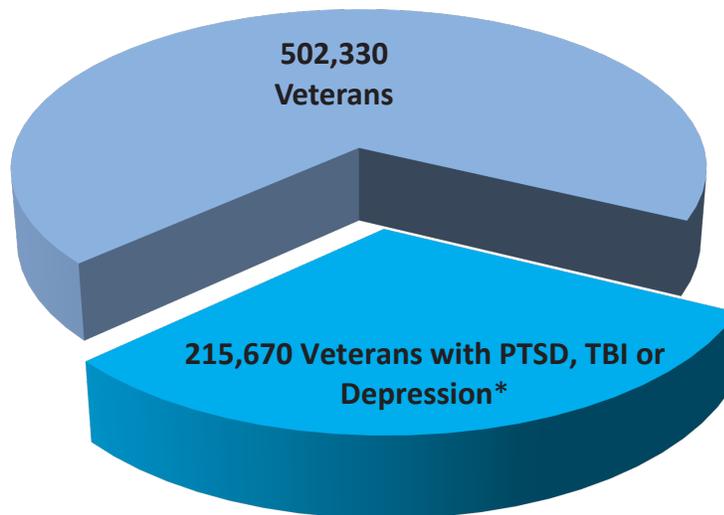
The VDP Veteran Peer-to-Peer Mentors provide counseling, support, and expert referrals to help hundreds of veteran clients annually access treatment and address legal, health, benefits, social services, housing, employment, and other issues.

The Veterans Defense Program provides training, support, and legal assistance to promote trauma-informed, client-centered representation of veterans and service members who are suffering from the invisible wounds of war and involved in New York State’s criminal and family court systems.

PTSD/TBI Symptom Venn Diagram (Post-Traumatic Stress Disorder & Traumatic Brain Injury)



Of the 718,000 Veterans in New York State, an estimated 30%, or 215,670, have PTSD, TBI or Depression



There are significant treatment gaps for veterans. For instance, only an estimated 50% of Post-9/11 veterans are receiving treatment. *The Institute of Medicine and the U.S. Dept. of Veterans Affairs report such veterans are at significant risk of arrest as their trauma symptoms can lead them to criminal conduct.*

Sources: U.S. Department of Veterans Affairs National Center for Veterans Analysis & Statistics "VetPop" 2019; *Invisible Wounds of War: Psychological & Cognitive Injuries, Their Consequences & Services to Assist Recovery*, RAND Corporation; and *The Institute of Medicine*.

VDP Takes a Client-Centered Approach



LEGAL SERVICES

- Assist Attorneys in Collecting and Interpreting Military and VA Records
- Case Consultations
- Veteran Mitigation Memoranda & Motions



TREATMENT

Connect Veteran with PTSD, TBI, Depression & Substance Abuse Treatment.



PRISON ASSISTANCE

Assist with Letters of Commitment, VA Disability Forms, Time Credit Issues, 440 Motions, Entry or Re-Entry Mentoring.



MENTORING & REFERRALS

Provide Veteran Peer-to-Peer Mentoring, and Referrals & Guidance on Family & Civil Issues.



VA BENEFITS COORDINATION

Coordinate Services & Communication with the VA Veterans' Justice Officers & Veteran Service Officers on Veterans' Benefits.



ACTIVE DUTY & RESERVES

Advocate with the Soldier's Command and JAG Officers for Retention, or Favorable Discharge in the Event of a Separation Board Proceeding.



TRAINING & ASSISTANCE FOR ATTORNEYS

Train, Advise & Assist Defense Attorneys to Effectively Represent Justice-Involved Veteran Defendants.

Summary of Veterans Defense Program Activities & Accomplishments in 2018 & 2019*

- **The VDP assisted 924 veterans and trained hundreds of public defenders representing veterans in New York State's criminal and family court systems.**
- **The VDP helped hundreds of justice-involved veterans to be diverted into treatment and probation, avoiding hundreds of years of incarceration with a costs savings to the State of up to \$77 million.**
- **Mentoring and Assistance in 527 Cases to Provide Veterans with Support and Treatment:** The VDP provided legal assistance to defense counsel representing veterans in 527 cases, providing advice on how to obtain military and VA records and assistance with expert referrals, including military culture and medical experts. The VDP also holistically assisted veterans and their families by providing mentoring, facilitating treatment and benefits, and addressing homelessness among other issues.

Assistance Provided in 924 Veteran Cases

The VDP served as a backup resource and support program for attorneys in more than 120 county-based public defender offices, legal aid societies, and assigned counsel programs, and for individual veterans and their families. The VDP's assistance provided a second chance for veterans who have lost their way and facilitated a treatment-oriented mitigation approach focusing on restoration and rehabilitation. The following is a summary of the assistance that VDP attorneys and program staff provided to justice-involved veterans and their defense attorneys.

- **Substantial Legal Assistance in 397 Cases with Many Veterans Receiving Treatment and Probation:** The VDP attorneys provided substantial assistance to defense counsel representing veterans in 397 cases. The VDP's zealous representation resulted in case victories where veterans were saved from incarceration, provided leniency by the court, and sentenced to probation and treatment to address their mental health conditions and/or substance abuse. The VDP conducted veteran client interviews, appeared in court as co-counsel, and drafted legal documents, such as Mitigation Memoranda, Criminal Procedure Law Article 440 Motions, Bail Release Memoranda, and Motions to Dismiss in the Interest of Justice.

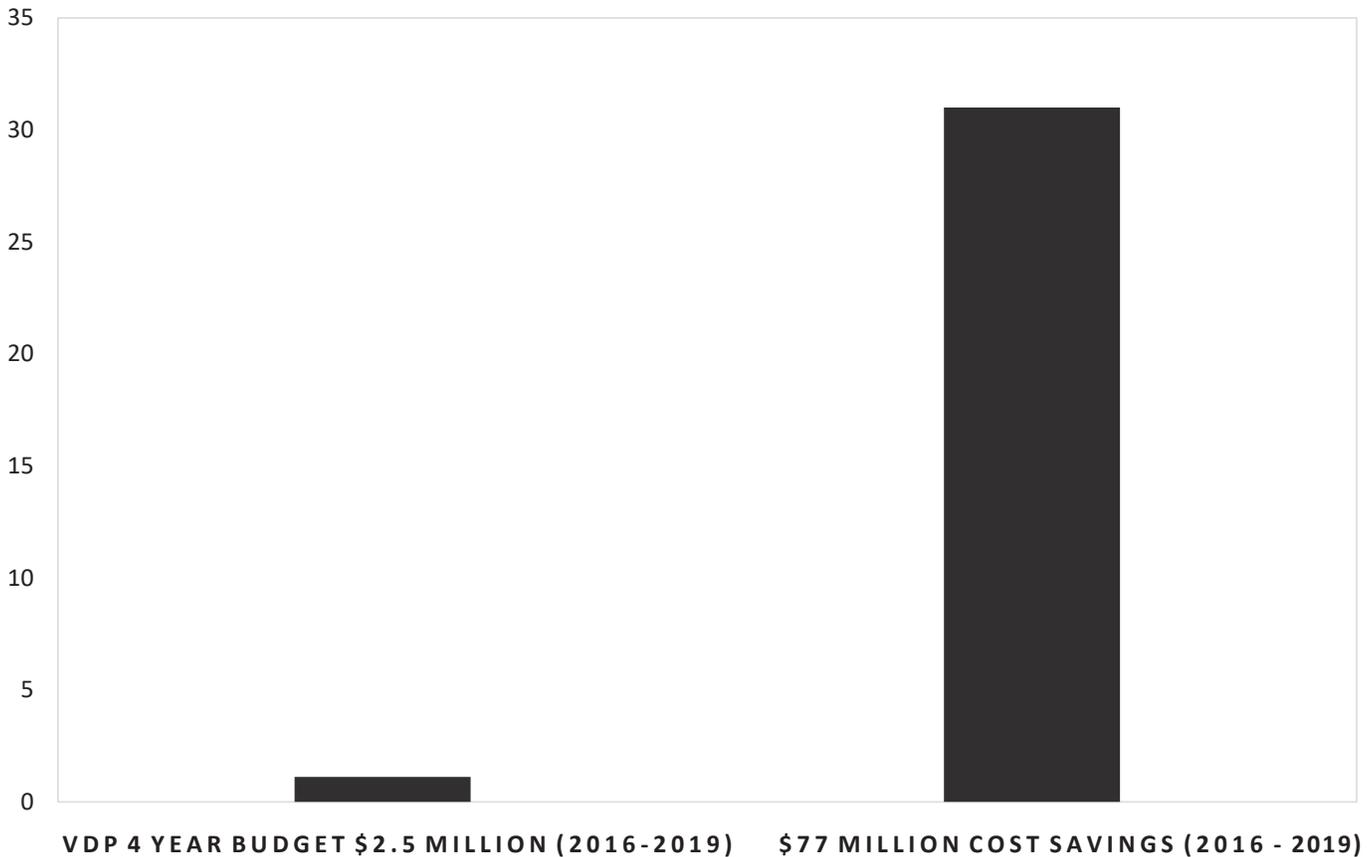
- **Mentoring Veterans to Prepare for Prison:** The VDP partnered with NYSDA's Prisoner Pre-Entry Mentoring Program (PPMP) to provide additional mentoring and support to 12 of the listed veteran clients in 2018 to help them transform their lives. The mentoring focused on education, job training, and wellness activities in prison leading to successful re-entry and reduced recidivism. NYSDA is assessing the PPMP and its continuation in light of the untimely death of the Program's Client Coordinator, Jay Coleman. The VDP also facilitated placement for these veterans in Level III Incarcerated Veteran Programs in the NYS Department of Corrections and Community Supervision (DOCCS). Located in four facilities, these programs offer Veteran Dorms with mental health counseling and peer-to-peer veteran mentoring.

The VDP's assistance provided a second chance for veterans who have lost their way and facilitated a treatment-oriented mitigation approach focusing on restoration and rehabilitation.

*2019 cases included through 10/25/19.

VDP's Treatment-Oriented Mitigation Approach Places Veterans on the Road to Recovery, While Saving the State Up to \$77 Million in Incarceration Expenses*

NY STATE MONEY SAVED (MILLIONS) COMPARED TO VDP 4 YEAR BUDGET



In four years, the VDP helped justice-involved veterans to be diverted into treatment and probation, and avoided hundreds of years of incarceration with a cost saving to the State of up to \$77 million.

The cost saving is calculated by taking the maximum number of incarceration years for the original charge and subtracting the number of years imposed in sentencing. The average cost of incarcerating a person for a year in New York State is approximately \$60,000. (NYS Assembly Committee on Correction Report, December 2018, https://nyassembly.gov/write/upload/postings/2019/pdfs/20190319_0085751.pdf).

Period of Service of Veteran Clients

Post 9/11	49%
Gulf War	17%
Cold War*	24%
Vietnam War	10%

Military Branch of Veteran Clients

Army	51%
Marines	25%
Navy	16%
Air Force	6%
Coast Guard	2%

*According to the U.S. Veterans Administration, the Cold War generally refers to the period of tension between the U.S. and its allies and the Soviet bloc from the end of World War II in 1945 until the collapse of the Soviet Union in the 1990s. <https://www.va.gov/OAA/pocketcard/m-coldwar.asp>

Comprehensive Training Provided for Hundreds of Lawyers Defending Veterans

43 VDP Legal Trainings, Educational Workshops & Presentations

The VDP provided extensive legal training to hundreds of public defenders, legal aid society attorneys, and assigned counsel with training workshops and statewide convenings. The trainings often provided Continuing Legal Education credits for attorneys and received excellent reviews. The VDP gave educational presentations to attorneys, veterans, and legal organizations working on public defense, criminal justice, and veteran issues, at programs sponsored by organizations such as the New York State Bar Association and the NYS Association of Criminal Defense Lawyers. The following statements from participants attest to the quality of the VDP trainings and presentations.

“You definitely gave one of the best CLE presentations I have ever seen. Thanks for your help!”

Diana Salierno, The Legal Aid Society, Queens, NY

“On behalf of my office, I want to thank you for the excellent CLE presented over the past two evenings. I know each of my attorneys who attended the sessions obtained a tremendous amount of information and guidance from you. We greatly appreciate the work of the VDP.”

N. Scott Banks, Attorney in Chief, Legal Aid of Nassau County, Hempstead, NY

“Your presentation was very informative and we received overwhelmingly positive feedback from the attendees. We recognize how important cultural competency is for attorneys who assist veteran clients, and we are very appreciative that you are willing to provide this much-needed training. Again, thank you so much for your involvement in this training and your commitment to the veteran community.”

Dora Galacatos, Executive Director, Feerick Center for Social Justice, Fordham Law School, New York, NY

“The best CLE I have ever attended, and I have been in private practice for nearly twenty years.”

Evaluation comment from an attorney who attended the New York State Bar Association Training, Albany, NY



“You definitely gave one of the best CLE presentations I have ever seen.”

Veterans Defense Program Supporters

An Invaluable Service for Veterans

The VDP is supported by over 70 veteran, legal, and mental health organizations, including the American Legion; AMVETS; Chief Defenders Association of New York; Disabled American Veterans; Marine Corps League; Military Order of the Purple Heart; National Alliance for Mental Illness-NYS; NYS Association of Criminal Defense Lawyers; NYS Council of Veterans Organizations; United War Veterans Council; Veterans of Foreign Wars; and a majority of county public defense programs, such as Brooklyn Defender Services, Bronx Defenders, the Legal Aid Societies of Nassau, Suffolk, and Westchester Counties, Legal Aid Bureau of Buffalo, The Legal Aid Society, and Allegany, Chemung, Monroe, Oneida, Ontario, St. Lawrence, Ulster, and Wyoming County Public Defender offices.

What Veterans & Veteran Organizations Are Saying About the VDP



*VDP Case Manager Michael White,
U.S. Marine Corps Staff Sergeant,
and his son Dominic.*

“I wanted to thank VDP Director Gary Horton for all his support and efforts on behalf of Alan.* I appreciate all he has done for us, and continues to do for this suffering population; who suffer as a result of their sacrifices to defend our country. It is so sad that there are so many who are not seriously made aware that untreated symptoms may result in situations such as ours. I do believe that if it were not for Gary’s assistance, Alan* may not have been saved from a life doomed to being lost in the state prison system. On behalf of struggling veterans, I thank Gary for continuing the fight for them and their families! And know that I thank God for bringing him into our lives!” *Mother of U.S. Army Veteran, Allegany County, Ward, NY*

“The VDP gave Ron* a second chance. Everyone helped him and I feel so grateful. He would just be lost if he didn’t get this chance that you gave. Attorney Blair Hill was unbelievable. She helped so much. The whole program is wonderful!” *Mother of U.S. Navy Veteran, Shirley, NY*

“VDP Director Gary Horton has been very helpful to our son. He has given us hope for justice and assisted with the needs of our son. Everyone whom I’ve been in contact with

has been very professional in our dealings; even though we know that they are so busy handling their heavy caseloads.” *Mother of U.S. Army Veteran, Rome, NY*

“I am writing to you to thank you for all of your assistance during this difficult time in my life. I appreciate all the information and direction offered by the VDP and I will always be in your debt.”

Larry, U.S. Army Veteran, NYSDOCCS Facility, from Queens, NY*

“I can’t wait to get out of prison and pay it forward, and help guys like myself, like the VDP helped me.”

– U.S. Marine Veteran



*VDP Deputy Director Roy Diehl in Afghanistan,
Lt. Col. US Army*

“Our statewide veteran council, representing 30 veteran groups, such as the Marines, Disabled American Veterans, VFW and Fleet Reserves Association, strongly support the critically important work of the VDP. A number of our members have been helped by the VDP and their advocacy for mitigation and treatment to heal a veteran’s battle-borne illness. Justice-involved veterans need the VDP. The VDP is truly defending those who defended America.” *Tom DeMeo, President, NYS Council of Veterans Organizations*

“We are so happy that we met Attorney Blair Hill, in the VDP Long Island office. She is so wonderful, compassionate and knowledgeable.”
Mother of U.S. Army Veteran, Huntington, NY

our members engaged with the criminal justice system. The VDP remains one of the most trusted veteran-specific pro bono legal advisers. It would be impossible to overestimate the impact of the VDP on the lives of New York’s military community.”

Dre Popow, Executive Director, Veterans Rebuilding Lives, Astoria, NY

“The VDP has gone above and beyond in supporting

“The VDP gave Ron a second chance.”
– Mother of U.S. Navy Veteran

“The Veterans Outreach Center serves over 1,000 veterans yearly and many are in need of legal services. Our members appreciate the important work of the VDP to help veterans and service members who find themselves with a family court or criminal court legal matter. VOC is supportive of the great work the VDP does. We see firsthand the lives it impacts.”

Todd Baxter, former Executive Director, Veterans Outreach Center, Rochester, NY

What Government and Defense Attorneys Are Saying About the VDP

“Our attorney reviewed your mitigation report with veteran Danny* yesterday. He just called and asked me to pass along his thanks. He loved the report and really appreciated your thoughtful and well written narrative. Thanks so much!” *Megan Leschak, LGSW, Social Work Supervisor, The Legal Aid Society, New York, NY*

“The judge approved having Mr. Hempstead* go into an in-patient PTSD treatment program instead of state prison. I appreciate all your hard work and attention to his case. Many thanks.” *Arline Hanna, Wayne County Public Defender’s Office, Lyons, NY*

“Bobby* is getting into Veteran Treatment Court! I can’t thank the VDP enough. There is no chance he would have gotten a treatment program without you.” *Nancy Garber, Legal Aid Society of Nassau County, Hempstead, NY*

“The VDP has shown to me that they are professional, caring, loyal, and dedicated in helping our veterans.”
– Mother of Marine Corp Veteran



“It is important for you to know that your hard work and efforts have been the single cause to change the path of Mr. Kendall’s* case. I got a text last night from the prosecutor and they have had a change in their approach. Many thanks.” *Attorney Austin Manhgan, Riverhead, NY*

“Thank you so much for taking the time to help give Mr. Gallivan* the best representation possible. It means a lot to me to see people who are willing to go the extra mile to help our incredible clients.” *Lucy Turner, Assistant Conflict Defender, Schenectady, NY*

“Thank you so much for the case summary. It is extremely helpful and your assistance has been invaluable.” *Lauren Springer, Center for Appellate Litigation, New York, NY*

“The VDP is an excellent organization. I recently had the occasion to use their services for a veteran who was on trial in Queens County. I write this note to tell you of my gratitude and to thank you for your outstanding work on the case.” *Attorney David Bart, Fresh Meadows, NY*

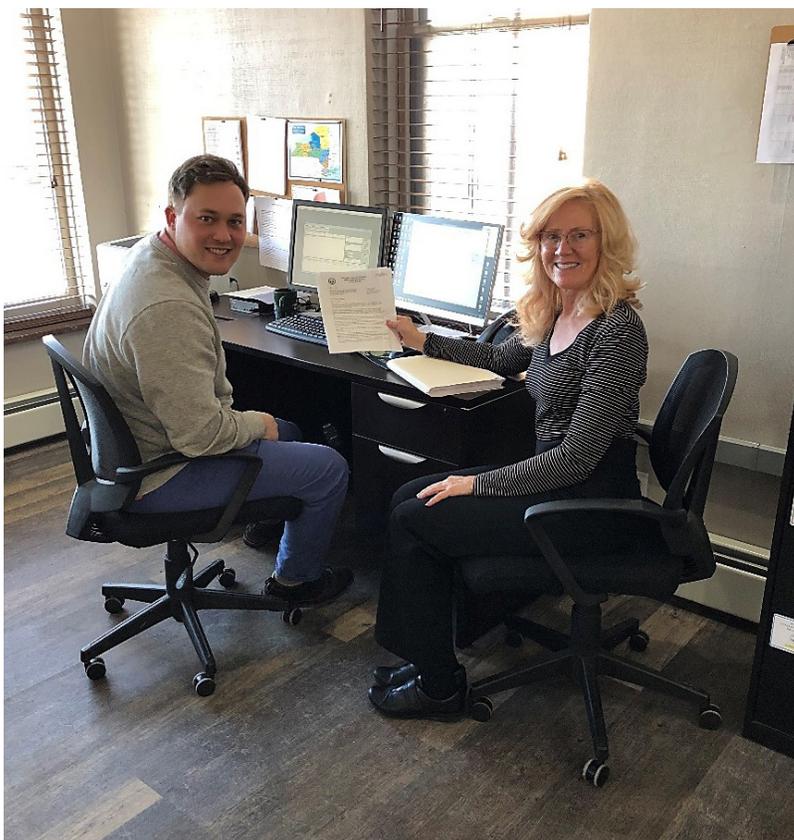
“Mr. Williams* took a plea today with probation and treatment. The Court and the Assistant District Attorney noted that your hard work in assembling the brief helped convince them to come down off of a state prison offer/recommendation. On behalf of Mr. Williams* and Legal Aid, thank you for taking the time to help us with this case. It definitely made a difference.” *Edward Barrett, Legal Aid Society of Westchester County, White Plains, NY*

““The VDP is an incredible resource for public defenders and their veteran clients.”
– Attorney Michelle McGrath

“We are over the moon and very happy. We got a great verdict for Christopher* and saved him from state prison. This is all because of the VDP. Thank you all from the bottom of my heart and on behalf of all justice-involved veterans. The VDP did amazing work.” *Attorney Mary Pat Long, Legal Aid Society of Westchester County, White Plains, NY*

“I have reviewed your mitigation memorandum on Larissa’s* case and it is great. As a result of your memorandum, the Court pretty much directed the District Attorney to go back and rethink their position. Thanks for all your expertise and help in this matter.” *Michael Arcesi, Chemung County Public Defender, Elmira, NY*

“I am impressed and grateful for all the VDP’s work on behalf of my client. It truly helps to have such wonderful backup and a team to work with.” *Attorney Roger Rothman, Esq., Bohemia, NY*



VDP Case Manager Richard Henry, U.S. Marine Corps, and Staff Attorney Sandra Cassidy consult on a veteran's case in the Batavia office.

picture of this combat veteran's brave and valiant service for the court. His admirable service to our nation was a major factor in the court's lenient sentence of 30 days jail and 3 years of probation. Had you not stepped into this case, our client's heroism never would have come to light, as it isn't something he is very fond of talking about. Thank you so much for the help you gave to this veteran." *Attorney John J. Ventosa, McCabe Coleman, Poughkeepsie, NY*

"I am writing to thank and commend the VDP for their assistance, insight and perseverance in assisting in the defense of my client George*. At the sentencing, the Government expressly stated on the record that part of the reason that he was being offered this reduced plea was because of the mitigation put forth by the VDP which outlined his history of service to our Country. If it were not for the VDP's work, the contributions these veterans made in service to our Country would be forgotten altogether. I feel confident that I can speak for the defense bar when I say that we, as defense attorneys, are fortunate to have such dedicated people working on our client's behalf." *Attorney Samuel Karliner, New York, NY*

"I would like to bring to your attention the invaluable assistance of VDP attorneys. I do not have a military background and do not possess the military expertise that was needed to clarify or to fully understand my client's assertions and to decipher the DD 214 and the OMPF. The VDP's assistance was invaluable. They were able to persuade the Assistant District Attorney to give my client an opportunity to be screened for Veterans Treatment Court, and were a tireless advocate for my client." *Jennifer Siletti, Staff Attorney, The Legal Aid Society, New York, NY*

"I'm writing to thank the VDP for your assistance and advocacy on behalf of Specialist Karl*. Without your ability to distill and summarize the literally thousands of pages of military records, we would not have been able to paint a clear

"Had you not stepped into this case, our client's heroism never would have come to light."

– Attorney John Ventosa

"As usual, your work is absolutely stellar, above and beyond anything we could possibly expect. We are blown away." – Social Worker Sara L. Raftery



VDP Case Manager Richard Henry (Right), USMC Corporal, in training in 2015.

“Thank you again so much, VDP Case Manager Michael White. I greatly appreciate your help in this matter. Your assistance really went far above and beyond. It will have a significant impact in my client's case, and his life!” *Sarah Telson, Senior Staff Attorney, South Brooklyn Legal Services, Brooklyn, NY*

“The cases that the VDP assisted us with resulted in highly encouraging outcomes. Thanks for your investment of time, effort, and expertise. The mitigation reports that we received from you were invaluable defense tools.” *Barbara Kelly, Allegany Public Defender, Belmont, NY*

“The VDP attorneys do phenomenal work for veterans.”
– Attorney N. Scott Banks

“Without the assistance of the VDP, it is doubtful that my client would have received the consideration that so many of our veterans deserve and so often do not get. I cannot even count the number of times my client expressed his gratitude for the VDP's hard work on his behalf. I cannot fully appreciate the sacrifices the men and women of our Armed Forces make in the service of our country. The fact that the VDP offers us the means and opportunity to recognize even a fraction of those sacrifices so that we may help our Veterans in their time of need is in itself a service for which, we as citizens, should be grateful.” *Rachit Anand, Staff Attorney, Legal Aid Society of Suffolk County, Riverhead, NY*

“Without the VDP's help, I doubt that I would have been able to obtain the client's full record or make heads or tails of it, certainly not in the limited timeframe. With the VDP's help I was able to provide the court with the requisite documents and the judge dismissed our client's case.” *Alana Roth, Staff Attorney, The Legal Aid Society, New York, NY*

“VDP Program Coordinator Dee Quinn Miller provided invaluable insight and technical assistance, and dedicated a lot of her time to helping us. We really appreciate everything she did for our client.” *Erika Parry, Senior Client Advocate, Center for Appellate Litigation, New York, NY*

“The VDP did amazing work.”
– Attorney Mary Pat Long



VDP Program Coordinator Dee Quinn Miller mentoring a veteran.

*Veteran names were changed to protect their privacy.

VDP National & Statewide Awards

VDP Director Gary Horton Receives National Kutak-Dodds Award From National Legal Aid & Defenders Association

Gary Horton, co-founder and Director of the Veterans Defense Program, was awarded the Kutak-Dodds Prize from the National Legal Aid & Defenders Association (NLADA) in June 2018. The national award, established in 1989, honors legal aid attorneys and public defenders who through the practice of law have significantly enhanced the quality of life for individuals who cannot afford legal representation. Gary Horton was honored for his strong commitment to litigation and advocacy on behalf of veterans and low-income individuals.

“It pleases me that this award will bring recognition to the Veterans Defense Program, its work and initiatives. I am most thankful for the attention that will be brought to the struggle our veterans face reintegrating in their communities, and the need to provide veterans meaningful understanding and help,” Horton said.



VDP Director Gary Horton receiving NLADA Award from Ronald Simpson-Bey, JustLeadershipUSA.

Former VDP Deputy Director Art Cody Receives David S. Michaels Memorial Award From New York State Bar Association

Art Cody, former Deputy Director of the Veterans Defense Program, was awarded the David S. Michaels Memorial Award from the New York State Bar Association in January 2019. The statewide award recognizes courageous efforts in promoting integrity, justice, and fairness in the criminal justice system.

VDP Veteran Case Studies*

VDP Obtains Treatment for Severely Traumatized Afghanistan Veteran



U.S. Army National Guard Brad Wilcox*

Brad Wilcox was a National Guardsman who served in Afghanistan in 2013 and 2014. He was initially charged with second-degree criminal possession of a weapon, a charge carrying a minimum of 3 ½ years in prison. The District Attorney was sympathetic to Brad's military history and offered that minimum sentence in return for a guilty plea. But this was before the VDP became involved and the full story was then told of his exemplary and traumatic military service and the resulting PTSD.

At 17 years old, he volunteered to join the National Guard and was assigned to a maintenance unit as a mechanic. When he was 19 years old, he again volunteered to fight in Afghanistan and was deployed to the Bagram Air Base in the Parwan province. He was rocketed his first evening in Afghanistan and many times after that, and described one harrowing experience.

"I had just drifted off when the bombardment started. This wasn't out of the ordinary, hell, it happened every night. But this one was different. It was close. I felt this immense pressure and then total darkness. At first I was confused as I began to regain consciousness. Because I was laying on my back when this first round hit, but when I woke up I was face down on the concrete floor ... two beds over. My ears are ringing and my head is pounding. As I tried to push myself up, I felt someone push me back down. It went dark again ... when my hearing finally returns I can hear that the bombs are still dropping around us. A battle buddy is laying over me trying to use his armor to protect us both. He is yelling, asking if I am okay. I nod as he checks me: bleeding.

He finds out I hit my head. He helps me with my body armor and helmet, hands me my rifle, and makes a run for the bunker. We get there and it is full. People are already crouched down outside the bunker. We ask, "What about the other bunker on this side?" "It's full too!" Someone shouted as we took off running for the second set of bunkers on the other side. As we run past the end of the tent, another round hits. I hear shrapnel zip past my head After about an hour and a half, we got the all-clear and went back to bed. The next morning, we got put on black out. No communication home. At that moment, we all started looking around. We had all our guys, but the company next to us was not so lucky. Six Killed in Action (KIA). We'd only been in Afghanistan for a month and already 6 KIA."

Brad often went on convoys outside the base to recover damaged vehicles. He was frequently under enemy fire and often witnessed first-hand the death of Taliban fighters from American attack aircraft. He also had to kill at close range. He earned a Combat Action Badge for his bravery, the Afghanistan Campaign Medal, and an Army Commendation Medal.

As so often is the case, when he returned to the United States, he had difficulties reintegrating and suffered from PTSD. He reported that there was little debriefing or counseling in the aftermath of his traumatic service. The VDP brought his story to life before the Court and the District Attorney, which resulted in a disposition wherein Brad would serve no jail time, and would receive treatment from the Veteran's Administration (VA) while on probation.

His Legal Aid Defender had this to say about the VDP's assistance: *"Thank you. This disposition is all because of the VDP. You saved a veteran from state prison. He definitely would've had a violent felony conviction and you saved him from that. Thank you on behalf of all the veterans you help. You do amazing work."*

VDP Obtains Treatment for Combat Medic with PTSD and TBI, Now Making a Fresh Start with a Sound Basis for Success



U.S. Army Combat Medic David Bancroft*

David Bancroft, an Allegany County resident, was a Combat Medic. Recognized as one of the most dangerous jobs in the military, he provided emergency medical treatment on the battlefield. Less than two years after high school graduation, he enlisted, following a family tradition established by his grandfathers, stepfather, and uncles.

He was deployed to the Wardak Province in Afghanistan and was "outside the wire" (off the base) almost daily for patrols on foot or by helicopter as driving vehicles was too dangerous due to Improvised Explosive Devices (IEDs) positioned in roadways by enemy combatants. He treated 16

wounded soldiers from his platoon, who had injuries ranging from blast injuries to wounds resulting from rockets and rocket propelled grenades. He experienced the pain of taking human life while killing an enemy combatant, and witnessed his unit firing on children. He was directly impacted three times by IED blasts. The third time occurred when a suicide bomber detonated a bomb within fifty feet of where David was standing. He was wearing body armor, but did not have his helmet on. The blast threw him fifty feet and he lost consciousness. Diagnosed with TBI, medical personnel wanted to send him home, but he refused.

Shortly after his deployment, he experienced symptoms of PTSD, including sleep disorders, anxiety, hypervigilance, isolation, and avoiding crowds. He did not seek treatment because he did not want to lose his infantry assignment. He began self-medicating with alcohol and opiates, originally prescribed for back pain. After serving for almost four years, he was awarded a Purple Heart, an Army Achievement Medal, and an Afghanistan Campaign Medal with two Campaign Stars.

Soon after he came home to Western New York, his ongoing service-related disabilities, PTSD, and TBI revealed the continuing effects of war on this veteran. He continued to self-medicate with alcohol and drugs, and got involved in a robbery. Charged with third-degree robbery, he faced up to 7 years in prison. The VDP assisted David's public defender by providing a comprehensive treatment-oriented defense strategy, including a Mitigation Memorandum detailing his military experience. He pled to a felony with a sentence of one-year interim supervision and VA treatment. If successful, he will then withdraw his plea and receive a misdemeanor conviction with probation. He is now making a fresh start with a sound basis for success.

Veteran Receives PTSD & Drug Abuse Treatment After Experiencing a Perfect Storm of Traumatic Violence in Iraq

U.S. Army Motor Vehicle Operator Sayeed Komana*

Sayeed Komana, a young resident of Dutchess County, volunteered to go to war at a time when our nation was at the height of its involvement in Afghanistan. While his job in the Army—motor vehicle operator—is not popularly thought of as among the most hazardous, those in the military are well aware of its perils. Specialist Sayeed was “outside the wire” on the roads on a nearly daily basis and was exposed to frequent attacks, deaths of comrades, and viewing dead bodies. Such close and frequent association with violent death does not leave one unscathed. Like many soldiers, his service levied a toll upon him as evidenced by his VA rating for PTSD.



His deployment was a near perfect storm of traumatic violence. He was in one of the most hazardous jobs (vehicle operator) in the service that takes the most casualties (Army) in one of the most lethal provinces (Ghazni) during one of the worst casualty years (2011) of the Afghanistan Conflict. Resupply or supply route reconnaissance missions often required driving over unprotected roads where the dangers included both IEDs and insurgent small arms activity threat. During his tour of duty, three soldiers in his small unit lost their lives, one to an IED, one to small arms, and perhaps most tragically, one to suicide. Those dangers stayed with him long after his departure from the military.

Once home, he struggled with the memories of Afghanistan and—as is commonplace among combat veterans with untreated PTSD—turned to alcohol, leading to an incident in a bar where he was arrested and charged with third-degree assault, a misdemeanor, and faced a year in prison.

The VDP worked with his public defense attorney and wrote a Mitigation Memorandum for the Court, which resulted in a reduced sentence of 30 days in jail, 3 years of probation, and VA treatment. This young veteran, who has received a Combat Action Badge, National Defense Service Medal, Afghanistan Campaign Medal with two Campaign Stars, and other medals, is on the road to recovery.

Without VDP's Help, Isolated, Sick Vietnam Veteran Would Have Lost His Home



U.S. Army Vietnam War Veteran Homer Brown*

On October 10, 2019 the VDP received a call from Homer Brown, a 74-year-old Vietnam veteran in trouble. A retired firefighter, he lived alone in a rural portion of Columbia County and had no internet service. Homer explained that his house was to be sold on October 29, 2019 to pay fines for unregistered cars, broken mowers, and other items in his yard. The town had cited him with code violations and a judge imposed a \$200 a day fine. Damages were assessed under a default judgment against the veteran, by the Veteran Treatment Court (VTC) judge, since Homer had not identified himself as a veteran, the case was not considered for diversion. Homer had left the yard items unaddressed as he was ill, having undergone heart surgery, losing 40 pounds, and dealing with two leaking heart valves. By the time he contacted the VDP, his fines had accumulated to \$55,000, a default judgment was in effect, and the town had imposed more violations.

Homer then retained a lawyer, but the Court still did not know he was a veteran, and nothing was resolved. When the VDP attorney received his call, Homer's house was to be auctioned off in less than two weeks. The VDP quickly took action and reviewed his military background, interviewed Homer, arranged for the offending items to be removed from the yard, and engaged in discussions with the town. The town initially was receptive to vacating the judgment, but a week later refused.

The sale would go forward in two business days. The VDP contacted the county Veteran Service Agency who located a pro bono attorney. Using the information the VDP had gathered, the attorney prepared a Motion for a Temporary Restraining Order to prevent the sale and filed it with the Court the day before the auction. Now informed of the veteran's status, the very judge who had assessed the damages signed the Order staying the sale of the house, and directed the town to appear and show cause as to why the stay should not be made permanent. The case is still pending, but thanks to the VDP's intervention, this Vietnam veteran did not have his home sold last October and he may still be able to remain in his home.

You are Not Forgotten: Peer-to-Peer Mentoring is Vital in Helping Veterans in Need

U.S. Army Ranger Larry Fratonelli*

Larry Fratonelli, was a U.S. Army Sergeant who served during the Cold War period (1976-1990), deploying as a Ranger in Desert Shield and Desert Storm. He received a VA Service Connection Rating of 100% for PTSD. Upon his return home, he was charged with two misdemeanors: third-degree assault and second-degree menacing.

Larry walked into the VDP Batavia office within hours of being released from the Genesee County jail after 60 days, looking for assistance on his charges. VDP Case Manager Michael White calmed him by introducing himself as a veteran and a Staff Sergeant in the U.S. Marine Corps. They quickly developed a great rapport and talked about deployments. Michael then took the opportunity to carefully and methodically explain the court process in “military-friendly” terms.

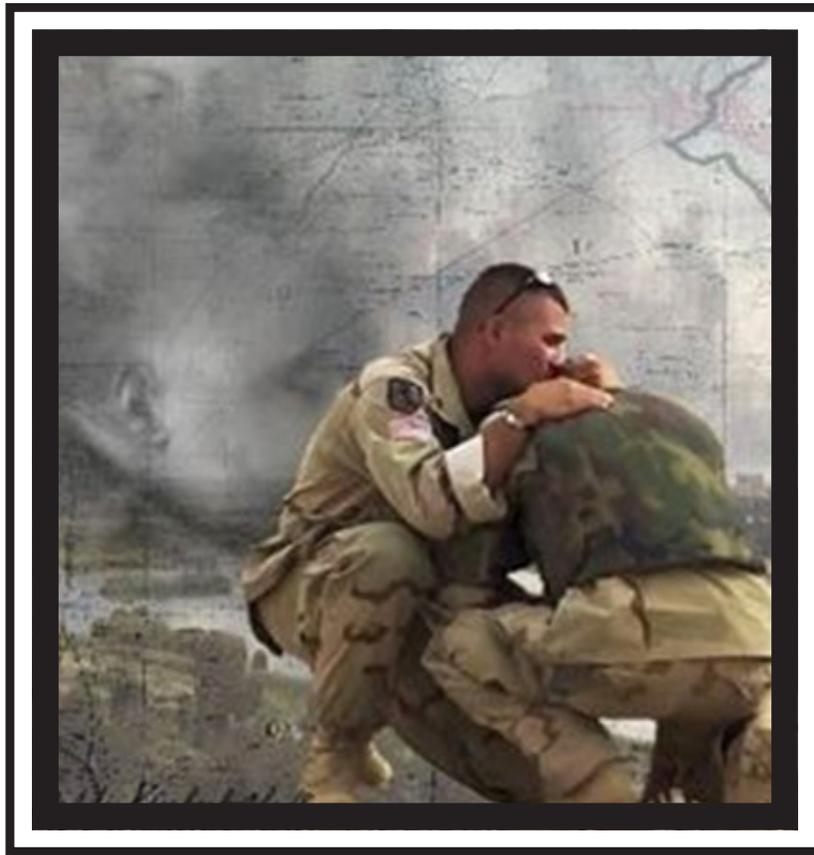


While Larry stayed in a temporary living situation, Michael made visits to check on his welfare, had him sign releases to share information, and they talked about their “war stories.” Michael assisted Larry with finding transitional housing, and eventually secured an apartment and household items while Larry waited for an Order of Protection to be modified so that he could return to his home. During this time, it was very clear to Michael that this phase was difficult for Larry psychologically, physically, and financially. Larry asked the VDP for help with the fiduciary assigned him by Veterans Affairs. The VDP helped him create workable budgets to cover the cost of his house, apartment, and other necessities. Michael often called on veteran community partners for local resources to assist Larry. Michael helped him re-establish medical care at the VA medical facility, and arranged for the continuation of his mental health treatment.

As a mentor, Michael accompanied Larry to court on several occasions, providing moral support and transportation, and drove him to Social Services and VA appointments. He helped him get a 420 medical marijuana card so he could purchase CBD and THC from legal dispensaries, which greatly helped him with his anxiety while still being compliant with the VA’s medical plan. Larry was provided “wrap-around” support by a fellow veteran and is now on the road to recovery.

Michael states, *“It is important to personalize the mentoring relationship to each veteran client. The mentor will provide the opportunity to access multiple resources as well as offering court information, motivation, support, and encouragement. It is vital that the veteran knows they are not alone on this journey. Peer-to-Peer mentoring re-establishes that comradery that was initiated by military service. This connection produces better outcomes because they know they are not forgotten.”*

**Case Study veteran names have been changed for privacy protection. The photographs used in this section are representative of the types of individuals the VDP assists.*



Fulfilling the United States Supreme Court Ruling That Defense Counsel Must Investigate a Veteran Defendant's Military Service & Battle-Borne Mental Health Issues

The VDP is helping public defenders to fulfill their constitutional obligation to investigate their client's military service and any related mental health issues that may have contributed to their offense, and to seek mitigation. In *Porter v. McCollum*, 558 U.S. 30 (2009), **the United States Supreme Court ruled that defense attorneys must adequately investigate their client's military background to include battle-borne mental health issues, such as PTSD, and reasonably present such evidence in mitigation.** Although the defendant was a decorated Korean War veteran, his court-appointed counsel did not present evidence of his military service to the jury, and the Court reasoned this evidence might have swayed the jury. The counsel was found ineffective in this *per curiam* decision.

The Supreme Court emphasized:

"Our Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines as Porter did. Moreover, the relevance of Porter's extensive combat experience is not only that he served honorably under extreme hardship and gruesome conditions, but also that the jury might find mitigating the intense stress and mental and emotional toll that combat took on Porter." (Porter v. McCollum, 558 U.S. 30, 43-44 [2009].)

VDP 2018 – 2019 Legal Trainings and Educational Presentations

The VDP provided extensive training to hundreds of public defenders, legal aid society attorneys, assigned counsel attorneys, and private attorneys in New York State. They also delivered educational presentations through statewide and regional presentations and workshops. The trainings often provided Continuing Legal Education (CLE) credits for attorneys.

VDP Legal Trainings

- Understanding Military Culture and Obtaining & Understanding Military & Veteran Records**, 1/24/18, sponsored by The Legal Aid Society, Staten Island, NY.
- Military Mitigation in Criminal Cases**, 4/13/18, Adirondack Criminal Defense Seminar, sponsored by the New York State Association of Criminal Defense Lawyers, Lake Placid, NY.
- The Veteran Pro Bono Client: Military Culture, Investigation, and Child Support Issues**, 4/16/18, sponsored by Fordham Law School, New York, NY.
- Advocating for Veterans in Criminal Court for Social Workers**, 4/24/18 and 4/26/18, sponsored by The Legal Aid Society, New York, NY.
- Military Cultural Competence, Investigation, and Corroboration**, 6/7/18, sponsored by Patterson, Belknap & Tyler, New York, NY.
- How to Serve Veterans in Your Law Practice**, 6/12/18, sponsored by the New York State Bar Association, Albany, NY.
- Defending the Veteran Client in the Criminal Courts**, 6/22/18, sponsored by the New York State Association of Criminal Defense Lawyers, Clifton Park, NY.
- Military Mitigation in Criminal Cases**, 7/23/18, sponsored by the New York State Defenders Association, Annual Conference, Saratoga Springs, NY.
- Military Mitigation in Criminal Cases**, 8/30/18, sponsored by the New York State Division of Veterans' Services, Human Rights Conference for Vets, New York, NY.
- The Diagnosis, Prevention, and Treatment of Concussions**, 10/17/18, sponsored by Fordham Law School Feerick Center for Social Justice, New York, NY.
- Military Culture in Criminal Cases**, 10/17/18, sponsored by Fordham Law School Feerick Center for Social Justice, New York, NY.
- VDP Intensive Point Person Training**, 10/25/18 and 10/26/18, sponsored by the Cattaraugus County Public Defender's Office, Olean, NY.
- Military Culture in Criminal Cases**, 11/3/18, sponsored by Fordham Law School Feerick Center for Social Justice, New York, NY.
- VDP Intensive Point Person Training**, 11/8/18 and 11/9/18, sponsored by the Monroe County Public Defender's Office, Rochester, NY.
- Statewide Veterans Treatment Court Convening**, 11/30/18, by the Veterans Defense Program, Albany, NY.
- VDP Intensive Mitigation Training**, 12/18/18 and 12/19/18, sponsored by The Legal Aid Society, New York, NY.
- Military Culture in Criminal Cases**, 2/4/19, sponsored by the New York State Office of Court Administration, New York, NY.
- VDP Intensive Mitigation Training**, 2/28/19 and 2/29/19, sponsored by the Legal Aid Society of Suffolk County, Riverhead, NY.



Judge Robert Russell and court personnel meet with VDP Director Gary Horton and VDP Program Coordinator Dee Quinn Miller (Far Right) at the Buffalo Veterans Treatment Court in 2018.

"I created the nation's first Veterans Treatment Court in Buffalo, NY, to address the unique needs of veterans especially those suffering from the invisible wounds of war, such as PTSD, TBI, military sexual trauma and major depression. I am writing in support of the VDP as the program is filling a critical gap in New York's criminal justice system by training and educating public defense attorneys to effectively represent wounded warriors charged with a criminal offense, and to facilitate mitigation, treatment and restoration. I commend the VDP for its important work in helping justice-involved veterans regain their status as productive members of society."

Honorable Judge Robert T. Russell, Jr., City Court Judge, Buffalo Veterans Treatment Court, NY

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- Military Mitigation in Criminal Cases**, 3/14/19, sponsored by the New York State Division of Veterans' Services, Human Rights Conference for Vets, Albany, NY.
 - Military Culture and Essential Forms, Records & Interviews**, 4/5/19, sponsored by the Greene County Public Defender's Office, Catskill, NY.
 - VDP Intensive Mitigation Training**, 4/22/19, sponsored by the Oneida County Public Defender's Office, Utica, NY.
 - Military Mitigation in Criminal Cases**, 4/26/19, sponsored by the New York State Division of Veterans' Services, Human Rights Conference for Vets, Buffalo, NY.
 - Veterans Benefits and Cultural Competency**, 5/8/19, sponsored by Fordham Law School Feerick Center for Social Justice, New York, NY.
 - Military Culture 101 and Collateral Consequences**, 5/8/19 and 5/16/19, sponsored by the Ontario County Public Defender's Office, Canandaigua, NY.
 - Military Mitigation in Criminal Cases**, 5/22/19, sponsored by the New York State Division of Veterans' Services, Human Rights Conference for Vets, Syracuse, NY.
 - Cultural Diversity in America's Military**, 6/12/19, sponsored by the New York State Bar Association, New York, NY.
 - Military Mitigation in Criminal Cases**, 9/25/19, sponsored by the New York State Division of Veterans' Services, Human Rights Conference for Vets, Hempstead, NY
 - Military Culture, Mitigation, and Collateral Consequences of Criminal Convictions for Military Personnel**, 10/4/19, sponsored by the Onondaga Assigned Counsel Panel, Syracuse, NY.
 - Veterans, The Treatment Courts, and Collateral Consequences of Criminal Matters**, 11/7/19, sponsored by the New York State Bar Association, New York, NY.
 - Collateral Consequences Training**, 11/11/19, sponsored by The Legal Aid Society, Queens, NY.
 - Statewide Veterans Treatment Court Convening**, 11/22/19, by the Veterans Defense Program, Albany, NY.
 - Collateral Consequences: Military Impacts of Civilian Justice**, 12/11/19, sponsored by The Legal Aid Society, Queens, NY.

VDP Legal Training Reviews

“We were all profoundly impressed with the VDP’s presentation at the conference. It was superb.” *Attorney Richard Manning, Parishville, NY*

“Thank you for an extraordinary day at the Veterans Human Rights Conference at the Albany Law School today. Many attendees have offered high praise for this conference, and that praise is due entirely to the excellent presentations that you provided. Thank you for your candor, your courage, your depth of insight, and your willingness to address some of the most challenging issues of our time that confront Veterans and their families.” *Benjamin Pomerance, Deputy Director for Program Development, New York State Division of Veterans’ Services*

“You gave definitely one of the best CLE presentations I have ever seen. Thanks for your help!” *Diana Salierno, The Legal Aid Society, Queens, NY*

“On behalf of my office, I want to thank you for the excellent CLE presented over the past two evenings. I know each of my attorneys who attended the sessions obtained a tremendous amount of information and guidance from you. We greatly appreciate the work of the VDP.” *N. Scott Banks, Attorney-in-Chief, Legal Aid of Nassau County, Hempstead, NY*

“Your presentation was very informative and we received overwhelmingly positive feedback from the attendees. We recognize how important cultural competency is for attorneys who assist veteran clients, and we are very appreciative that you are willing to provide this much-needed training. Again, thank you so much for your involvement in this training and your commitment to the veteran community.” *Dora Galacatos, Executive Director, Feerick Center for Social Justice, Fordham Law School, New York, NY*

“Your presentation was very educational and was very well received by those in attendance as reflected by the glowingly positive evaluations. A million thanks to you and thank you as well for your efforts on behalf of veterans.” *Joseph Crowley, Co-Director, Volunteer Lawyers for Veterans Project, New York, NY*

“The presentation was excellent and our attorneys learned a lot.” *Michael Gresco, Patterson Belknap Webb & Tyler, New York, NY*

“I just wanted to touch base and thank you for your excellent presentation at the Suffolk Bar. I’ve spoken with many of our staff attorneys who all found the program superb and highly useful. We deeply appreciate your hard work and dedication to effective veterans’ defense.” *Kent Moston, Director of Training, Legal Aid Society of Suffolk County, Central Islip, NY*

“We thoroughly enjoyed the comprehensive, informative training. Thank you for helping us to better advocate for our veteran client population. Looking forward to future trainings.” *Lynette Miller-Violet, LCSW, Social Work Supervisor, Manhattan Social Work Unit, The Legal Aid Society, New York, NY*

“Probably the best CLE I have ever attended, and I have been in private practice for nearly twenty years.” *Evaluation comment from an attorney who attended the New York State Bar Association Training, Albany, NY*

VDP Educational Presentations

The VDP provided information on its services and treatment-oriented legal approach and resources, and facilitated discussions among groups about how to best meet the needs of justice-involved veterans.

Studying Veteran Treatment Courts, Advisory Working Group Meetings, 5/10/18, 7/9/18, 10/19/18, and 11/16/18, sponsored by the New York State Health Foundation and the national Justice for Vets. VDP Director Gary Horton served on this statewide group to develop policies in support of Veterans Treatment Courts.

Veterans Task Force Meetings, 7/26/19 and 8/12/19, sponsored by Senate Veterans, Homeland Security & Military Affairs Committee Chair John Brooks, Massapequa, NY.

Veterans Advisory Board Meeting, 7/30/19, sponsored by Congressman Chris Collins's Veteran Advisory Group, Buffalo, NY.

A Conversation with Colonel (Ret) Jim McDonough, Jr., Director of New York State's Division of Veteran Services, 9/24/19, sponsored by the New York State Health Foundation and the national Justice for Vets, New York, NY.

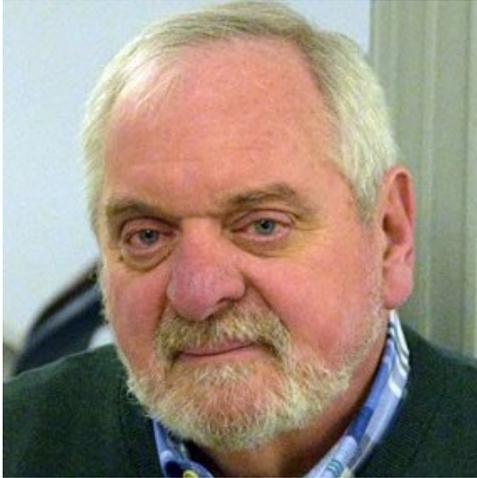
Assembly Committee on Veteran Affairs Legislative Hearing on Veteran Service Programs, 10/17/19, Albany, NY.

In Honor Of TV Show, Former VDP Deputy Director Art Cody gave two interviews on this Staten Island community television program for and about veterans on 1/4/18 and 1/24/18. View the show at https://www.youtube.com/watch?v=qBn4_bgdyy0.



The VDP honored Senator John Brooks, Chair of the Senate Veterans, Homeland Security & Military Affairs Committee (center) with a Distinguished Service Award at a reception for the first anniversary of the VDP Long Island office on December 12, 2019. (L-R) VDP Case Manager Juan Sosa, VDP Deputy Director Roy Diehl, Senator Brooks, VDP Long Island Staff Attorney Blair Hill, and VDP Assistant Program Coordinator Barbara Lombardi.

Veterans Defense Program Staff



Gary A. Horton, VDP Director. Gary directs the VDP, and provides training and legal assistance to justice-involved veterans in Western NY. Previously, he worked in public defense for over 30 years, 20 years of which he was the Chief Public Defender of Genesee County. He is past President of the Genesee Veterans Support Network, and served on NYSDA's Board of Directors. He received the *National Legal Aid & Defenders Association Kutak-Dodds Award* in 2018; *National Alliance for Mental Health-NYS Criminal Justice Award* in 2016; *U.S. District Court for the Western District of New York Special Service Award* in 2005; *the NYS Bar Association Criminal Justice Section David S. Michaels Award* in 2006; and *the NYSDA Wilfred R. O'Connor Award* in 2011. He has a J.D. from Hofstra University School of Law and a B.A. in Political Science from Hobart College.



Roy M. Diehl, VDP Deputy Director. Roy provides legal assistance to justice-involved veterans in the Hudson Valley, Bronx, New York, and Staten Island. He enlisted in the Army in 1984, was commissioned in 1998, and retired as a Lieutenant Colonel in 2015. He graduated from Albany Law School. His military career includes service at Ground Zero in 2001, Iraq in 2005 with the NY Army National Guard's 42nd Infantry Division, and four tours of duty at the Pentagon. Awards include the Army Meritorious Medal, Army Commendation Medal, Army Achievement Medal, and the New York Defense of Liberty Medal with WTC device. His positions include Senior Defense Counsel, International Law Officer, Operational Law Attorney, Russian Transcriber, and Tank Gunner.



Blair Hill, VDP Staff Attorney. Blair provides legal assistance to justice-involved veterans in Long Island, Brooklyn, and Queens. A graduate of Hofstra University School of Law, she graduated *summa cum laude* from Montclair State University. She focused on Public Interest Law at Hofstra, interning with the VDP and Mercy Haven, and was a member of the Veteran Law Student Association and Veteran Legal Assistance Program. Previously, she worked at Sunrise House Foundation as a recreational therapist for people suffering from substance abuse; Nassau/Suffolk Law Services Veterans Rights Program; and Brooklyn Legal Services Corp., representing low-income tenants.



Sandra Cassidy, VDP Staff Attorney. Sandra provides legal assistance to justice-involved veterans in the North Country and Central New York. A graduate of Northern Arizona University and the SUNY University of Buffalo (UB) Law School *cum laude*, she is admitted to practice in all New York State Courts; the Federal Court Western District of NY; the U.S. Court of Federal Claims; and the U.S. Supreme Court. She graduated from Gerry Spence's Trial Lawyers College, and served as an adjunct professor of criminal law. She attended Medical School for Lawyers and obtained a UB School of Management certification in Bioinformatics; and practiced medical malpractice law.



Deanne Quinn Miller, VDP Program Coordinator. Dee assists with trainings and expert referrals, provides mentoring, and navigates the VA and Department of Defense systems to obtain military records for veteran cases at the VDP's Batavia office. She has extensive knowledge of veteran issues and benefits. Previously, she was Executive Director of the Genesee Veterans Support Network. She received the *VA of Western New York's Women Veterans Justice System Award* in 2016, and a *Women of Distinction Award* in 2017 for her work with veterans. She is Director of the Forgotten Victims of Attica. She graduated *cum laude* from the SUNY University at Buffalo with a B.S. in Consumer & Family Studies.



Michael White, VDP Case Manager. Michael mentors veteran clients by providing guidance, support, and expert referrals, as well as support to the VDP staff at the Batavia office. He retired from the Marine Corps in 2014 with 22 years of military experience, including deployments to Haiti, the Philippines, Korea, and Afghanistan. He has extensive firsthand knowledge of the many issues that veterans face and extensive knowledge of military culture, and VA health and education benefits. He has an Associate's Degree in Human Services from Genesee Community College, and is pursuing a Social Sciences B.A. in Health and Human Services Community Mental Health at the SUNY University at Buffalo.



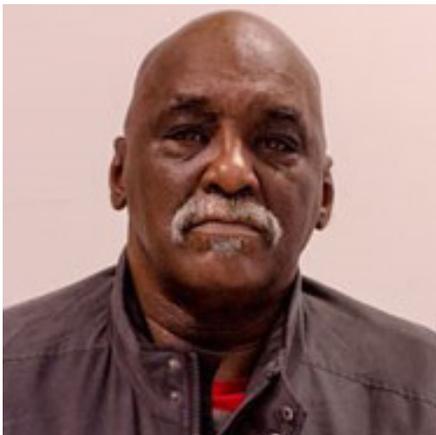
Richard Henry, VDP Case Manager. Richard mentors veteran clients by providing guidance, support, and expert referrals, as well as support to the VDP staff at the Batavia office. He served as a corporal (E-4) Motor Transport Operator for four years in the Marine Corps. During his service, he trained Marine Corps Lieutenants in convoy operations during Logistics Officer Course field exercises. He was attached to a small group in charge of training an advisory team prior to a deployment to Iraq. He will graduate from SUNY Brockport College with degrees in Criminal Justice and Political Science, in May 2020, and hopes to attend law school.



Juan Sosa, VDP Case Manager. Juan mentors veteran clients by providing guidance, support, and expert referrals, as well as support to the VDP staff in the Long Island office. He has a Biology degree from Mercy College. In 1993, he joined the U.S. Army Reserve as a Motor Transport Operator and was deployed to Iraq in 2002 and 2006. He has extensive firsthand knowledge of the many issues that veterans face and extensive knowledge of military culture. He is currently completing 30 years as an Active Army Reservist.



Barbara Lombardi, VDP Assistant Program Coordinator. Barbara coordinates the VDP Long Island office, and assists with staff support, expert referrals, and events coordination. She has extensive administrative experience working for many non-profit organizations and businesses. She has expert knowledge in Section 8 HUD-VASH Housing for homeless veterans, and a desire to assist all who served. She lives on Long Island with her four children, husband, and various pets. She enjoys volunteering at the local animal rescue groups, hiking, and camping.



Jay Coleman, Client Coordinator. As the Prisoner Pre-Entry Mentoring Program founder, Jay mentored veterans to prepare and survive prison life and develop a goal-oriented plan to be productive and healthy until his untimely death in 2019. He was a formerly-incarcerated person and gave presentations on prison mentoring around the country, including at the Rutgers School of Criminal Justice, National Legal Aid & Defender Association (NLADA), and Osborne Association. He received the *Citizens Against Recidivism Eddie Ellis Lifetime Achievement Award* in 2010 and a *NLADA Client Contribution Award* in 2015.



Anne Rabe, VDP Organizing Coordinator. Anne conducts fundraising and communication outreach for the VDP. Previously, she was a Senior Legislative Associate for Assemblyman R. Gottfried; Executive Director of NY Environmental Institute; Executive Director of Citizens' Environmental Coalition; and an organizer for the national Center for Health, Environment & Justice. She has received twelve awards for her work including from the NYS Council of Veterans Organizations, NYS Attorney General's Office, and the NYS Department of Health. She graduated from SUNY Albany with a B.A. in Political Science and Journalism.



VDP Case Manager Juan Sosa, U.S. Army Reserves in Iraq.

A Special *THANK YOU* to Supporters



The VDP greatly appreciates the New York State Legislature's budget appropriation for the VDP in the 2018/2019 and 2019/2020 State Budgets.

Special thanks to NYS Senator John Brooks and NYS Assemblymember Didi Barrett, Chairs of the Senate Veterans, Homeland Security & Military Affairs Committee and the Assembly Veterans Affairs Committee, and NYS Senate Majority Leader Andrea Stewart-Cousins and NYS Assembly Speaker Carl Heastie.

Thanks also to the strong support of many other state legislators, especially many members of the NYS Senate and Assembly Veterans Affairs, Codes, Crimes, Finance, Health, Judiciary, and Ways & Means Committees.



For Information and Assistance, Contact the Veterans Defense Program

List of Attorneys and NYS Judicial District (JD) Coverage Areas

Gary Horton, Director

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