

For immediate release, Tuesday, November 7, 2023

NY State's highest court rejects appeal of former Lake George Watershed Coalition's convictions

David Decker expected to surrender for sentence on November 17

WARREN COUNTY, NY -- **Warren County District Attorney Jason Carusone** announced today that the New York State Court of Appeals has declined to hear the appeal of **David J. Decker**, the former director of the Lake George Watershed Coalition who was convicted of stealing hundreds of thousands of dollars of public funds while in charge of local environmental projects.

In a decision released this week, the Court of Appeals, New York State's highest court, declined to review the mid-level appeals court's ruling from July 2023 that affirmed Decker's convictions and sentence.

The Appellate Division 3rd Department previously upheld the decision of a Warren County jury that convicted Decker in March 2020 after a month-long trial. The Appellate Division found that that trial evidence supported David Decker's convictions for grand larceny and fraud as well as false filings relating to his tax returns. That decision held that there were no grounds to overturn his convictions or sentence.

At trial the Warren County District Attorney's Office presented evidence that showed he stole hundreds of thousands of dollars in NY State and federal grant funds while overseeing environmental projects in the Lake George region.

Decker, a resident of Burnt Hills, was refusing to pay local municipalities, not-for-profit organizations, and businesses by misleading these entities into believing that grant funds had not yet been received when in fact they had been diverted into his personal accounts.

The evidence also showed that Decker failed to report thousands of dollars of income, including funds he obtained and funneled through a youth basketball tournament scheme.

District Attorney Carusone said: "Despite his convictions and sentence the defendant has remained at liberty pending the appeals process. Now, the decision of the Court of Appeals means the defendant's sentence will begin, including the requirement that he pay restitution to the victims. He will be directed to surrender himself to begin serving the sentence that was imposed for his betrayals of the public trust. As District Attorney for Warren County I am thankful for the tireless work of those who investigated and prosecuted this lengthy and complicated case. I commend the Warren County Sheriff's Office, New York State Office of the State Comptroller, and the New York State Department of Taxation and Finance for their efforts to seek justice. I am particularly thankful to Assistant District Attorney Ben Smith and Acting Assistant District Attorney Christine Stevens for the tireless work they put into presenting this

complex case to the jury. Finally, I am grateful for the efforts of Assistant District Attorney Bob McCarty who reviewed thousands of pages of transcripts so that he could successfully respond to the defendant's appeals."

It is expected that the defendant will be required to appear at the Warren County Court on November 17th to begin his sentence.

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Man sentenced to up to 6 years in prison for fatal DWI crash

WARREN COUNTY, NY, 11/4/23 -- Warren County District Attorney Jason Carusone announced today that Michael Campbell II, of Granville was sentenced to 2 to 6 years in the New York State prison system for his guilty plea to causing a fatal drunken driving crash in Queensbury earlier this year.

Campbell, 40, pleaded guilty to second-degree vehicular manslaughter, a felony, in connection with the May 3, 2023 head-on collision on Quaker Road that claimed the life of a 33-year-old Nicholas Canning of Queensbury. Campbell's blood-alcohol content was found to be 0.13% after the collision.

Campbell was found to be intoxicated after the crash and admitted he had been drinking beer in the hours before the crash. He pleaded guilty to the top charge he faced, and Warren County Judge Robert Smith imposed sentence on Friday, November 3.

District Attorney Carusone thanked the civilian witnesses who stopped at the crash scene to render aid to the victim.

"Their efforts immediately after the crash were crucial in helping Patrol Officer Will Greene, Sgt. Ben Geisler, and Investigator Jesse Wittenberg, all members of the Warren County Sheriff's Office, and New York State Police Trooper Joseph Port to put together an excellent investigation," Carusone said. He went on to praise the work of Warren County First Assistant District Attorney Matthew Burin, who was the chief prosecutor for the case, the director of victim assistance program Manon Affinito, and Deondra Davis, who served as the legal clerk.

For immediate release, October 17, 2023

Queensbury man pleads guilty for knifepoint robbery

WARREN COUNTY, NY -- Warren County District Attorney Jason Carusone announced today that Justin M. Cabral, 36, of Queensbury has pled guilty to first-degree robbery, a felony, for the knifepoint robbery of a clerk at the Speedway gas station/convenience store on Aviation Road in Queensbury on the morning of July 04, 2023. Honorable Warren County Judge Robert Smith sentenced the defendant, a prior felon, to 13 years in NY State prison to be followed by 5 years of post-release supervision.

An accomplice in the case, Garrett A. Murray, 25, of Greenwich, who drove the getaway vehicle, had previously pled guilty to third-degree robbery, a felony, and awaits sentencing for his role in the case.

Carusone said the store clerk's calm demeanor and the rapid response by law enforcement led to the swift capture of both defendants.

Carusone complimented NY State Trooper Jason Heggelke's quick reaction in securing Cabral who, after leaving the getaway vehicle, attempted to flee on foot across the Northway. Carusone thanked NY State Police investigators Justin Mootz and Jon Deyette, along with other members of law enforcement, who identified and arrested the driver of the getaway car.

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For immediate release, August 30, 2023

Man pleads guilty in connection with Queensbury shooting

Warren County District Attorney Jason Carusone announced today that **Adrian A. Simental, of Moreau**, pleaded guilty to two felony charges in connection with a November 27, 2022 shooting in Queensbury that left another man seriously injured.

Simental, 34, pleaded guilty to charges of **second-degree assault** and **second-degree criminal possession of a weapon** for the shooting at the Walmart store on Route 9 in Queensbury. Simental fired a handgun into the torso of the victim after a verbal dispute that occurred when Simental followed the victim to the store after an aggressive driving encounter on a nearby road.

Simental is being held in Warren County Correctional Facility pending sentencing by the Honorable Warren County Judge Robert Smith on September 14, 2023. Simental is expected to receive a sentence that will include 12 years in New York State prison, 3 years of post-release supervision, an order of restitution and order of protection on behalf of the victim.

District Attorney Carusone thanked the Warren County Sheriff's Office, Saratoga County Sheriff's Office and New York State Police for the investigation that led to a successful prosecution in this case.

###

For immediate release, Thursday, July 27, 2023

Appeals court upholds convictions in Lake George fraud case

Warren County District Attorney Jason Carusone announced today that the Appellate Division, Third Department of NY Supreme Court has upheld the felony theft and fraud convictions of David Decker, former director of the Lake George Watershed Coalition, in a unanimous, 19-page decision.

The appeals court affirmed that trial evidence supported David Decker's convictions for grand larceny and fraud and that there were no technical errors made during his month-long trial. The

Court also upheld the 8- to 24-year state prison sentence imposed by then-Warren County Judge Hon. John S. Hall Jr.

Decker, of Burnt Hills, was found guilty of six felonies, including Grand Larceny in the Second Degree and Scheme to Defraud in the First Degree, by a Warren County jury after the Warren County District Attorney's Office presented evidence that showed he stole hundreds of thousands of dollars in NY State and federal grant funds while overseeing environmental projects in the Lake George region. When questions were raised about nonpayment to local municipalities, not for profits, and businesses, David Decker misled these entities into believing that grant funds had not yet been received when in fact they had been diverted into his personal accounts. The appeals court also upheld convictions for the false filing of New York State tax returns where David Decker failed to report hundreds of thousands of dollars of income, including funds he obtained and funneled through youth basketball tournaments.

Warren County District Attorney Jason Carusone said: "We are gratified that the Appellate Division upheld all of the convictions and found there was sufficient evidence that the defendant stole public funds, and engaged in a scheme to defraud the people of Warren County."

District Attorney Carusone also praised the tireless efforts of prosecutors who worked on the trial, appellate brief, and oral argument, saying: "Assistant District Attorneys Benjamin Smith and Robert McCarty, as well as Acting Assistant District Attorney Christine Stevens from the Tax Department, put countless hours into this complicated case, and we are glad to see that their hard work has been affirmed by the Appellate Division."

Carusone went on to thank the Warren County Sheriff's Office, Office of the New York State Comptroller and New York State Department of Taxation and Finance for the many months spent investigating these crimes.

Decker has been free since the date of his conviction pending the decision on his appeal. It is anticipated he will return to Warren County Court on a future date to begin serving his sentence.

For immediate release, Tuesday, January 31, 2023

Man pleads guilty for fatal motorcycle crash in Lake George

WARREN COUNTY, NY -- **Warren County District Attorney Jason Carusone** announced today that Anthony J. Futia, 33, pleaded guilty in Warren County Court to five charges in connection with a fatal motorcycle collision in Lake George on June 12, 2022.

Futia entered guilty pleas to aggravated vehicular homicide for causing the death of two people and second degree assault for causing serious physical injury to a third person. He also entered guilty pleas to misdemeanor charges of driving while ability impaired by combined influence of drugs and alcohol; reckless driving; and aggravated unlicensed operation of a motor vehicle. His pleas occurred before the Hon. Warren County Judge Robert Smith.

The charges stem from a June 12 collision that occurred off Route 9 in Lake George, when Futia drove a motorcycle at high speed off the highway onto the Warren County Bikeway near Bloody Pond Road.

Futia struck three people, killing Lake George residents Jamie Persons, 38, and Quinton Delgadillo, 8, and seriously injuring Delgadillo's mother, Jasmine Luellen.

Futia faces a potential sentence of up to 15-years-to-life in state prison if the court sentences him as a persistent felon.

District Attorney Carusone said: "This case highlights the destruction that comes from drunk and drugged driving. The defendant stands convicted for his senseless conduct, which has devastated a family and a community. Today's plea provides the victim's family some closure without the stress and uncertainty of a trial. Now, after a hearing, the defendant could face a life sentence."

District Attorney Carusone thanked first responders for their life saving efforts at the scene and he further thanked the New York State Police for their thorough investigation as well as the Warren County Sheriff's Office for their assistance.

Futia is being held at Mohawk Correctional Facility pending sentencing. No sentencing date has been set.

###

Man convicted of felony, misdemeanors during trial in Warren County Court

WARREN COUNTY, NY -- Warren County District Attorney Jason Carusone announced today that Robert S. Hedrick was convicted of Aggravated Criminal Contempt, a class D felony, and misdemeanors of resisting arrest, and false personation in Warren County Court on Friday evening, January 20, 2023, after a week-long trial. The case was prosecuted by Warren County Assistant District Attorney Connor Smith, with Assistant District Attorney Avi Goldstein serving as second chair.

The Warren County jury heard evidence that Hedrick, 31, intentionally violated a court order by having contact with a protected party. When Hedrick was confronted by police he gave a false name, ran, and resisted Glens Falls Police officers. The violation of the order of protection was observed by law enforcement and other witnesses.

Carusone thanked the members of the Glens Falls Police Department who investigated the case, and commended the other witnesses for coming forward and seeing the case through to verdict.

Carusone said: “This crime was solved due to the diligence of a member of the public, along with the quick action of the Glens Falls Police Officers who secured the defendant. The defendant’s flagrant disregard for the court’s order, false statements to the police and resisting arrest have all been proven and now he must account for those choices.”

Hedrick was remanded to Warren County Jail. Warren County Court Judge Hon. Robert A. Smith set a sentencing date of February 03, 2023.

###

Man indicted in connection with Queensbury shooting

Warren County District Attorney Jason Carusone announced Friday, January 6, 2023 that a Warren County grand jury has filed a six-count indictment against Adrian A. Simental, 33, in connection with a November 27, 2022 shooting in Queensbury.

Simental faces the following charges:

- Criminal Possession of a Weapon in the Second degree, firearm (felony)
- Criminal Possession of a Weapon in the Second degree, loaded firearm (felony)
- Criminal Possession of a Weapon in the Fourth degree (misdemeanor)
- Menacing in the Third Degree (misdemeanor)
- Attempted Assault in the First Degree (felony)
- Assault in the Second Degree (felony)

Simental pleaded not guilty during arraignment Wednesday, January 4, 2023 before Warren County Judge Robert Smith, and was remanded to Warren County Jail for lack of bail. He is due back in Warren County Court on February, 15, 2023.

The charges stem from an incident in the parking lot of the Walmart store at 891 Route 9 in Queensbury, during which Simental is accused of firing a handgun at another man.

###

Queensbury man convicted of sex offenses during trial in Warren County

(10/24/22) WARREN COUNTY, NY -- **Warren County District Attorney Jason Carusone** announced today that Jose Omar Aguilar Gomez of Queensbury was convicted of felony charges of Predatory Sexual Assault Against a Child and Sexual Abuse in the First Degree and misdemeanor Endangering the Welfare of a Child In Warren County Court on Friday, October 21, 2022, after a week-long trial.

The trial jury heard evidence that Gomez, 28, engaged in a course of sexual conduct against a child under 11 years old. The case was prosecuted by Warren County Assistant District Attorney Benjamin Smith with Assistant District Attorney Connor Smith serving as second chair. The Director of the Warren County Crime Victims Assistance Program, Manon Affinito, worked closely with the victim and their family.

District Attorney Carusone said: “This child victim, who had been through so much trauma, bravely faced their abuser in court and gave compelling testimony that was supported by DNA and medical evidence. I’m grateful that the jury’s verdict will hold the defendant accountable and provide some justice for this young victim.”

District Attorney Carusone also thanked the members of the New York State Police who investigated the case with special emphasis on Sgt. Adam Norton, Investigator Cecile Labarron and Forensic Scientist Kristine Robinson. He also praised the tireless efforts of the staff of the Warren/Washington County Child Advocacy Center, Nadia Giumarra, Director of the Sexual Assault Nurse Examiner program at Glens Falls Hospital, and the many other medical professionals who assisted in treating the child victim.

Warren County Court Judge Hon. Robert A. Smith scheduled a sentencing date of December 2nd, 2022. Gomez faces a minimum sentence of 10-years-to-life and a maximum of 25-years-to-life in state prison on the top count of Predatory Sexual Assault Against a Child. The defendant was remanded to Warren County Jail by the court and is also held in custody by a U.S. Immigration & Customs Enforcement detainer.

Queensbury man pleads guilty in child sexual assault case

(October 5, 2022)

WARREN COUNTY, NY – Warren County District Attorney Jason Carusone announced today that Brian A. Combs, of Queensbury, pleaded guilty Wednesday, October 5, 2022 to one felony count of Course of Sexual Conduct Against a Child in the First Degree. The guilty plea occurred before the Hon. Warren County Judge Robert A. Smith.

As a result of the plea, Combs agreed to serve 10 years in a state correctional facility, serve an additional 10 years of post-release supervision when he is released, register as a sex offender and provide a sample of his DNA for the New York State Database. Sentencing is scheduled in Warren County Court on November 16th, 2022.

Warren County District Attorney Jason Carusone said: “The victims showed true bravery by coming forward to law enforcement and standing firm through the course of the prosecution. Their resolve and the State Police investigation helped our office hold the defendant accountable and protect the community from this sexual predator.”

The case was investigated by the New York State Police and was prosecuted by Warren County Assistant District Attorneys Benjamin Smith and Ann Vondrak, with the assistance of Senior Crime Victim Specialist Manon Affinito.

The defendant is being held in the Warren County jail pending sentencing.

###

New indictment filed in Lake George fatal crash case

(September 27, 2022)

WARREN COUNTY, NY – Warren County District Attorney Jason Carusone announced today that a superseding indictment has been filed against an Albany man accused of crimes in connection with a fatal motorcycle crash in Lake George on June 12th, 2022.

Anthony J. Futia faces 15 charges, with a Warren County grand jury adding two (2) new felony charges of aggravated vehicular homicide. In addition to the new charges, Futia continues to face three (3) other counts of aggravated vehicular homicide, two (2) counts of second-degree manslaughter, two (2) counts of vehicular assault and one (1) count of second-degree assault, all felonies. He also is accused of misdemeanor charges of driving while intoxicated, driving while under the combined influence of drugs and alcohol, reckless driving and aggravated unlicensed operation of a motor vehicle.

Futia will be arraigned on the new indictment on a future date. He is being held in custody pending further court action.

The charges stem from an incident the afternoon of June 12 where Futia is accused of driving a motorcycle from Route 9 onto Warren County Bikeway, striking a group and leading to the death of an 8-year-old boy, serious injury to the boy's mother, and the death of her 38 year old fiancé. The accused is afforded the legal presumption of innocence.

As the case is pending, the District Attorney's Office will have no further comment on the matter at this time.

Queensbury man receives 20-year prison sentence for child sexual abuse

WARREN COUNTY, NY – Warren County District Attorney Jason Carusone announced September 16, 2022 that Zachary A. Mead has been sentenced to 20 years in a state correctional facility to be followed by 20 years of post-release supervision for child sexual assault. The sentence was imposed Friday by the Honorable Warren County Judge Robert A. Smith.

Mead, of Queensbury, entered a guilty plea to Course of Sexual Conduct Against a Child in the First Degree, a felony, on May 25th, 2022 while jury selection in his trial was ongoing. The charge stemmed from repeated sexual assaults of a child.

The defendant later attempted to withdraw his plea and that request was denied by Judge Smith.

Carusone praised the work of Warren County Assistant District Attorney Benjamin Smith and his co-counsel, First Assistant District Attorney Matthew Burin. Carusone also complimented the Warren and Washington Counties CARE Center for their work with the victim, and the investigate efforts of the Warren County Sheriff's Office.

District Attorney Carusone said: "This case was protracted due to the COVID-19 pandemic, and yet the victim and her family remained strong throughout the process. This sentence holds the defendant accountable and serves to protect the community from this sexual predator." Mead will be required to register as a sex offender and a sample of his DNA will be entered into the New York State DNA database.

###

Glens Falls man pleads guilty for bank robbery

WARREN COUNTY, NY – Warren County District Attorney Jason Carusone announced Friday, September 16, 2022 that Joseph L. Skellie has pleaded guilty to Robbery in the third degree, a felony, for the March robbery of a bank branch in Glens Falls.

Skellie, of Glens Falls, pleaded guilty Friday, September 16, 2022 before Honorable Warren County Judge Robert Smith for robbing Glens Falls National Bank on Broad Street on March 28, 2022. The Glens Falls Police Department investigation determined that while the defendant did not use or display a weapon, he did submit a handwritten note to a bank teller demanding money.

An undisclosed amount of money was stolen, and the robbery note was recovered during the investigation.

Skellie is expected to be sentenced on October 5, 2022 to an indeterminate term of imprisonment of 3 ½ - 7 years in prison, which is the maximum sentence for a predicate felon on the charge of Robbery in the third degree. He is being held in Warren County Jail pending sentencing.

###

New York City man headed to prison in heroin, crack cocaine case

WARREN COUNTY, NY – Warren County District Attorney Jason Carusone announced Monday, September 12, that Saquan Lamont entered guilty pleas to all charges pending against him in an indictment brought for possession of cocaine and heroin.

The guilty pleas occurred as a jury trial was beginning in the case Monday in Warren County Court. Lamont pleaded guilty to felony charges of first-degree criminal of a controlled substance and third-degree criminal possession of a controlled substance and two (2) misdemeanor charges of criminally using drug paraphernalia.

Lamont, of New York City, was arrested with 11 ounces of crack cocaine and 1.48 ounces of heroin during a traffic stop by State Police March 21, 2021 in Queensbury.

The honorable Warren County Court Judge Robert Smith is expected to sentence the defendant to 10 years in New York state prison to be followed by up to 5 years of post release supervision. Sentencing is scheduled on December 21, 2022.

District Attorney Carusone complimented the work of New York State Police Trooper Peyton Ogden and Investigator Aaron Mound for their handling of the case. Carusone thanked First Assistant District Attorney Matthew Burin and Assistant District Attorney Grant Jones for their work preparing the case for trial.

The defendant was represented by Taalib Horton. The defendant is being held on bail in the Warren County Jail pending sentencing.

Man pleads guilty in rape case

WARREN COUNTY, NY -- Warren County District Attorney Jason Carusone announced today that Bruce Haywood, of Indianapolis, Indiana, pleaded guilty Friday, September 2, 2022 to all charges in an indictment that charged him with three felony counts of Rape in the Third Degree and one misdemeanor count of Endangering the Welfare of a Child.

The plea occurred in Warren County Court at the commencement of trial, just prior to the beginning of jury selection.

Warren County Court Judge Hon. Robert A. Smith indicated that the defendant would be sentenced up to eight years in a state correctional facility when sentencing occurs on October 20th, 2022, at 11 a.m. The defendant is free on bail pending sentencing, and sentence enhancement warnings were issued by Judge Smith if the defendant violates bail or release conditions before sentencing.

The case was prosecuted by Warren County Assistant District Attorneys Benjamin Smith and Morgan Cosentino. The case was investigated by the Glens Falls Police Department.

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District Attorney Carusone announces 13-count indictment for Lake George motorcycle fatalities

WARREN COUNTY, NY -- Warren County District Attorney Jason Carusone announced Tuesday that Anthony J. Futia has been indicted on 13 charges by a Warren County Grand Jury in

connection with the June 12th motorcycle crash in Lake George that resulted in the deaths of an 8-year-old boy and a man who was walking with the boy.

Futia, 33, of Albany, pleaded not guilty to the indictment Tuesday before the Honorable Warren County Judge Robert Smith, and was remanded to the custody of the Warren County Sheriff's Office pending further court action.

Full orders of protection were issued for the survivors of the collision. The defendant was represented by the Warren County Public Defender's Office.

The indictment includes counts of aggravated vehicular homicide, a Class B Felony punishable by up to 8-1/3 to 25 years in state prison, and lesser felony charges of second-degree manslaughter, aggravated vehicular assault and second-degree assault, as well as the misdemeanors of driving while intoxicated, driving while ability impaired by the combined influence of alcohol and any drug or drugs, reckless driving and aggravated unlicensed operation of a motor vehicle. (A copy of the indictment is attached.)

The charges stem from an incident the afternoon of June 12 where Futia is accused of driving a motorcycle onto Warren County Bikeway, striking a group on the bike path near Bloody Pond Road.

The Warren County District Attorney's Office has no further comment on this case at this time.

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