MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

September 18, 2013

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Doe, John (teacher in Cheektowaga) v. Frank A. Sedita, III, Erie County District Attorney; et al.*
Document Received:	Order to Show Cause
Name of Claimant:	"John Doe, a Tenured Teacher Employed by the Cheektowaga Central School District."
Claimant's attorney:	Carl W. Morgan, Esq. 85 Main Street Hamburg, New York 14075

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld
Enc.

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CHEC
SEP 06 2013
ERIE COUNTY
CLERK'S OFFICE

At a Special Term of the Supreme Court, held in and for the County of Erie at the Courthouse, ~~Delaware Avenue~~, Part 4, in the City of of Buffalo, State of New York on the 7 day of Sept., 2013.

PRESENT: HONORABLE

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of an Article 78 Proceeding **JOHN DOE, a Tenured Teacher Employed by the Cheektowaga Central School District** *Petitioner,* vs. **FRANK A. SEDITA, III, ERIE COUNTY DISTRICT ATTORNEY; DAVID ZACK, CHIEF OF POLICE, TOWN OF CHEEKTOWAGA; the TOWN OF CHEEKTOWAGA, the CHEEKTOWAGA CENTRAL SCHOOL DISTRICT, BOARD OF EDUCATION; and DENNIS KANE, SUPERINTENDENT OF CHEEKTOWAGA CENTRAL SCHOOL DISTRICT,** *Respondents.*	**ORDER TO SHOW CAUSE** Index No. Assigned Justice: Hon.

Upon the Petition of Petitioner, **JOHN DOE**, dated and verified the 5th day of September, 2013, together with Exhibits attached thereto;

LET the respondents, **FRANK A. SEDITA, III, ERIE COUNTY DISTRICT ATTORNEY; DAVID ZACK, CHIEF OF POLICE, TOWN OF CHEEKTOWAGA; the TOWN OF CHEEKTOWAGA, the CHEEKTOWAGA CENTRAL SCHOOL DISTRICT, BOARD OF EDUCATION, and DENNIS KANE, SUPERINTENDENT OF CHEEKTOWAGA CENTRAL SCHOOL DISTRICT**, show cause at a Special Term of the Supreme Court to be held in and for the

County of Erie to be held at the Courthouse thereof located at 92 ~~Delaware Avenue~~ Franklin St., Part 4, in the City of Buffalo, New York on the 24 day of September, 2013 at 9:30 o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, why a judgment should not be made and entered herein pursuant to New York Civil Practice Law and Rules Article 78, directing:

a) That respondent, District Attorney Frank A. Sedita III, perform a duty enjoined upon him by law pursuant to Criminal Procedure Law §160.50 – the sealing of the record of the criminal investigation of petitioner's conduct in connection with the recorded telephone calls which were the subject of Cheektowaga Police Chief David Zack's investigation; and

b) That respondents, District Attorney Frank A. Sedita III and Cheektowaga Police Chief David Zack, take all steps necessary to retrieve any and all records, papers and or evidence relating to the criminal investigation which was conducted into the matter and which were improperly released to respondents, Superintendent Daniel Kane and the Cheektowaga Central School District Board of Education, contrary to the directions of Criminal Procedure Law §160.50 (1) (a), (b), (c), and (d); and

c) That respondents, District Attorney Frank A. Sedita III and Cheektowaga Police Chief David Zack, be prohibited, enjoined and restrained from submitting such documents and/or physical evidence obtained and any testimony relating to the said criminal investigation at any subsequent Education Law §3020-a disciplinary Hearing; and

d) That respondents, Superintendent Daniel Kane and Cheektowaga Central School District Board of Education, be prohibited, enjoined and restrained from utilizing any information obtained as a result of the aforesaid criminal investigation made available by respondent, Police Chief David Zack, pursuant to the provisions of Criminal Procedure Law §160.50 and Executive

Law §296 in any subsequent Education Law §3020-a disciplinary proceeding, and or in any report to the State Education Department pursuant to 8 N.Y.C.R.R. §82.1(a); and

e) That a preliminary injunction be issued restraining all respondents from publically disclosing the names of Petitioner Doe, along with the other subject teachers, and that respondent Cheektowaga Central School District Board of Education specifically be restrained from initiating any Education Law Section §3020-a disciplinary proceedings until such time as this Court issues a Decision and Order in connection with petitioner's application in the instant Article 78 proceeding; and

f) That pending a hearing of the application for a preliminary injunction, a temporary restraining order (TRO) issue herein enjoining and restraining the respondents as aforesaid.

And granting such other and further relief as to the Court may seem just and proper.

Oral argument shall be required on the return date of this motion.

Sufficient reason appearing therefor, let service of a copy of this Order and the papers upon which it is granted upon the respondents, on or before the 12th day of September, 2013, be deemed good and sufficient service, ~~and let a copy of this Order be mailed certified mail, return receipt requested to the~~ _____.

Signed this 9th day of September, 2013, in Buffalo, New York.

Answering papers shall be delivered to the Court and petitioner's counsel by the close of business September 23, 2013.

J.S.C.
JOHN M. CURRAN, J.S.C.

GRANTED
SEP 09 2013
Patricia A Cuello
COURT CLERK

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of an Article 78 Proceeding **JOHN DOE, a Tenured Teacher Employed by the Cheektowaga Central School District,** *Petitioner,* vs. **FRANK A. SEDITA, III, ERIE COUNTY DISTRICT ATTORNEY; DAVID ZACK, CHIEF OF POLICE, TOWN OF CHEEKTOWAGA; the TOWN OF CHEEKTOWAGA; the CHEEKTOWAGA CENTRAL SCHOOL DISTRICT, BOARD OF EDUCATION; and DENNIS KANE, SUPERINTENDENT OF CHEEKTOWAGA CENTRAL SCHOOL DISTRICT,** *Respondents.*	**PETITION** Index No. Assigned Justice: Hon.

Petitioner, **JOHN DOE,** by his attorneys, **CARL W. MORGAN, P.C., Carl W. Morgan, Esq., and John J. Gilmour, Esq., of counsel,** complaining of the Respondents, allege:

1) That at all times hereinafter mentioned, petitioner, **JOHN DOE**, (hereinafter "Doe"), was and is a resident of the City of Buffalo, County of Erie and State of New York and a tenured teacher of and for the Cheektowaga Central School District.

2) That at all times hereinafter mentioned, respondent, **FRANK A. SEDITA, III**, (hereinafter "District Attorney"), was and is the duly elected District Attorney in and for the County of Erie and, as such, is responsible for the direction and supervision of the District Attorney's Office of Erie County, a duly incorporated municipal corporation organized and existing pursuant to the laws of the State of New York, and whose duties include, *inter alia*, the investigation and prosecution of individuals alleged to have committed criminal conduct within said County.

3) That at all times hereinafter mentioned, respondent, **DAVID ZACK**, (hereinafter "Chief Zack"), was and is the duly appointed Chief of Police of and for the Town of Cheektowaga, New York, whose duties and responsibilities include, *inter alia*, the direction and supervision of the Town of Cheektowaga Police Department (hereinafter "Police Department") in the investigation of criminal conduct and the arrest of individuals whose conduct constitutes crimes and offenses committed within the Town of Cheektowaga.

4) That at all times hereinafter mentioned, respondent, **TOWN OF CHEEKTOWAGA** (hereinafter "the Town"), was and is a duly incorporated municipal corporation organized and existing pursuant to the laws of the State of New York and the employer of respondent, Chief Zack.

5) That at all times hereinafter mentioned, respondent, **BOARD OF EDUCATION OF THE CHEEKTOWAGA CENTRAL SCHOOL DISTRICT**, (hereinafter "School Board" or "School District"), is the governing body of said School District duly organized and existing as a municipal corporation pursuant to the laws of the State of New York with the responsibility for oversight and management of said School District's affairs, personnel and properties.

6) That at all times hereinafter mentioned, respondent, **DENNIS KANE**, (hereinafter "Superintendent Kane"), is the Superintendent of Schools of and for the Cheektowaga Central School District who serves as the Chief Executive Officer of the same and whose duties and responsibilities include, *inter alia*, the supervision and direction of all teachers within the District, as well as the obligation to report to the Board of Education allegations of teacher misconduct and/or violations of Regulations for said Board's consideration and action.

FACTS

7) Petitioner Doe, is currently employed by respondent, School District, as a tenured teacher and was so employed between February, 2012 and June, 2013. On or about August 20, 2013, Doe was advised by Respondent, Superintendent Kane, that he was being placed on "administrative leave" pending an investigation into his conduct in connection with certain phone calls allegedly made by one, Dontre Jones (hereinafter "Jones"), between February, 2012 and June, 2013 while Jones was an inmate at the Erie County Holding Center and awaiting trial in connection with a homicide that occurred in the Town of Cheektowaga in May, 2011.

8) Upon information and belief, Jones was a student at Cheektowaga Central at the time of the alleged homicide and Petitioner was a teacher at the School.

9) In June, 2013, Jones was convicted of First Degree Manslaughter after a trial before Erie County Judge Michael F. Pietruszka and was sentenced on August 26, 2013.

10) Upon information and belief, the telephone calls made by Jones while he was an inmate and awaiting trial at the Erie County Holding Center to certain teachers at the Cheektowaga School District were recorded. At some point thereafter, these recorded telephone conversations became available to respondent, Chief Zack, who then initiated a criminal investigation into the conduct of said teachers. Thereafter, respondent, Chief Zack, then made the tapes of the recorded telephone conversations available to respondent, District Attorney's Office, as part of that criminal investigation.

11) Upon further information and belief, however, after reviewing the telephone conversations between Jones and the subject teachers, and upon concluding all investigation in connection with their conduct, the District Attorney's Office and the Police Department declined to prosecute Doe and the other subject teachers for any criminal conduct whatsoever. Indeed, Chief

Zack has since concluded that "no laws were broken" by the conduct of said teachers (See **Exhibit "A"** attached hereto and incorporated herein by reference).

12) Consequently, no criminal charges of any kind have ever been initiated by the District Attorney's Office and/or the Cheektowaga Police Department by the filing of an accusatory instrument against the petitioner or the other subject teachers in any Court in Erie County.

13) Nevertheless, on or about August 14, 2013, respondent, Chief Zack met with respondents, Board of Education and Superintendent Kane, and submitted information to them that he had obtained during the criminal investigation including the taped telephone conversations that allegedly took place between Jones, the petitioner and the other subject teachers. Upon information and belief, Chief Zack's purpose was to persuade respondents, Board of Education and Superintendent Kane, to prefer charges of misconduct against said teachers.

14) Indeed, shortly thereafter, respondent, Chief Zack, then scheduled a "meeting" with local media with the expressed intention of publically disclosing the contents of the recorded telephone calls and, potentially, the names of the teachers allegedly involved. It was only after receipt of letters from both counsel for Petitioner Doe, as well as counsel for another teacher implicated in this matter that respondent, Town, directed that Chief Zack's public "meeting" not take place. (See Copy of Statement released by Respondent Chief Zack to local media attached hereto as **Exhibit "B"**).

15) To date, Petitioner Doe remains on administrative leave pending an "investigation" into his conduct, ostensibly to be conducted by respondent, Superintendent Kane. It is believed that the results of that "investigation" will determine whether charges of misconduct are brought against Petitioner Doe and/or his fellow teachers. Upon information and belief, however, that investigation

will be based solely upon information, documentation and evidence-including the recorded telephone calls-derived from the criminal investigation that determined "no laws had been broken".

LEGAL ARGUMENT)

16) This Article 78 proceeding is in the nature of mandamus to compel and/or prohibition. Succinctly stated, in his application, Petitioner is seeking an Order of this Court directing:

a) That respondent, District Attorney, perform a duty enjoined upon him by law pursuant to Criminal Procedure Law §160.50 – the sealing of the record of the criminal investigation of petitioner's conduct in connection with the recorded telephone calls which were the subject of Chief Zack's investigation; and

b) That respondents, District Attorney and Chief Zack, take all steps necessary to retrieve any and all records, papers and or evidence relating to the criminal investigation which was conducted into the matter and which were improperly released to respondents, Superintendent Kane and Board of Education, contrary to the directions of Criminal Procedure Law §160.50 (1) (a), (b), (c), and (d); and

c) That respondents, District Attorney and Chief Zack, be prohibited, enjoined and restrained from submitting such documents and or physical evidence obtained and any testimony relating to the said criminal investigation at any subsequent Education Law §3020-a disciplinary Hearing; and

d) That respondents, Superintendent Kane and Board of Education, be prohibited, enjoined and restrained from utilizing any information obtained as a result of the aforesaid criminal investigation made available by respondent, Chief Zack, pursuant to the provisions of Criminal Procedure Law §160.50 and Executive Law §296 in any subsequent

Education Law §3020-a disciplinary proceeding, and/or in any report to the State Education Department pursuant to 8 N.Y.C.R.R. §82.1(a); and

e) That a preliminary injunction be issued restraining all respondents from publically disclosing any information obtained during said criminal investigation, including the names of Petitioner Doe, along with the other subject teachers, and that respondent Board of Education specifically be restrained from initiating any Education Law § 3020-a disciplinary proceedings until such time as this Court issues a Decision and Order in connection with petitioner's application in the instant Article 78 proceeding; and

f) That pending a hearing of the application for a preliminary injunction, a temporary restraining order (TRO) issue herein enjoining and restraining the respondents as aforesaid.

Criminal Procedure Law § 160.50

17) Criminal Procedure Law §160.50 establishes the general rule that the record of a criminal action or proceeding upon termination in favor of the accused "shall be sealed and not made available to any person or public or private agency" (CPL §160.50 (1) (c)). The statute further specifies that the sealed records may be made available only to the accused and to six enumerated categories of persons or public or private agencies. (CPL §160.50 (1) (d)).

18) The records which are to be sealed and not made available to any person or public or private agency include "all official records and papers, including judgments and orders of the court, but not including published court decisions or opinions or records and briefs on appeal, relating to the arrest or prosecution, including all duplicates and copies thereof, on file with the Division of Criminal Justice Services, any court, police agency, or prosecutors office." (CPL §160.50 (c)).

19) The statute further provides that a criminal action or proceeding against a person shall be considered terminated in favor of such person where:

> (i) [P]rior to the filing of an accusatory instrument in a local criminal court against such person, the prosecutor elects not to prosecute such person. In such event, the prosecutor shall serve a certification of such disposition upon the Division of Criminal Justice Services and upon the appropriate police department or law enforcement agency which, upon receipt thereof, shall comply with the provisions of paragraphs (a), (b), (c) and (d) of subdivision one of the section in the same manner as is required thereunder with respect to an order of a court entered pursuant to said subdivision one (CPL §160.50 (3) (i)).

20) As the facts in the instant matter make clear, respondent, Chief Zack initiated a criminal investigation of the conduct of Petitioner Doe and other teachers in the Cheektowaga Central School District in connection with certain telephone calls allegedly made to them by Dontre Jones from the Holding Center while he was awaiting trial for homicide. That investigation disclosed that there was no criminal conduct on the part of the subject teachers.

21) Based on that determination, there has been no subsequent filing of an accusatory instrument in any local criminal court against Petitioner Doe and/or the other subject teachers, and it is apparent from subsequent statements made by Chief Zack that neither he nor the District Attorney has elected to prosecute Petitioner for any of his alleged conduct in connection with this matter.

22) As a result, pursuant to the specific directives of the Criminal Procedural Law, the criminal proceeding must be considered terminated in favor of Petitioner and the prosecutor is under a statutory obligation to direct the sealing of all official records and papers in the possession of the

Police Department and/or District Attorney's Office and not made available to any person or public or private agency. (CPL §160.50 (1) (c)).

23) Nevertheless, despite this explicit statutory directive, it is apparent that the sealing of the records in connection with this matter was never accomplished. It is further apparent from the recent public statements of respondent Chief Zack: (1) that he has previously disclosed information, documentation and evidence obtained in his investigation to respondents, Superintendent Kane and the Board of Education; (2) that he intends to do the same to the general public through the media; and (3) that his purpose is to persuade respondent Board of Education to bring disciplinary charges against Petitioner Doe and the other teachers to punish them for conduct he views as "inappropriate" (See Exhibits "A" and "B").

24) It has long been the law in New York, however, that a Board of Education is not entitled to obtain the sealed records of a criminal action or proceeding that has terminated in favor of an accused tenured teacher for use in a Hearing under Education Law §3020-a on charges brought against said teacher (see, *In the Matter of Joseph M. vs. NYC Bd. Of Educ.*, 82 N.Y.2d 128 (1993)).

25) In *Matter of Joseph M.*, *supra*, the Court of Appeals has explicitly so held. In that case, a tenured music teacher was arrested on charges of misdemeanor possession of a controlled substance. Upon a jury acquittal of the defendant of those charges, the trial judge sealed the records pertaining to the arrest and prosecution. Thereafter, however, the defendant's Board of Education commenced disciplinary proceedings against him based upon the same misconduct as alleged in the unsuccessful criminal prosecution.

26) At the same time, the Board brought an application in Supreme Court for an order unsealing the criminal records, as well as releasing the prosecutor's file and the physical evidence

> about . . . or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual . . . [which was terminated in his/her favor] in connection with the licensing, employment . . . of such individual . . . as defined in subdivision two (sic) of §160.50 of the Criminal Procedure Law" (Executive Law, §296 (16); see, also, *Matter of Joseph M., supra* at 132).

33) Clearly, to allow respondents, Town of Cheektowaga, Chief Zack, Superintendent Kane and Board of Education, to make public and/or to utilize the information obtained as a result of the aforesaid criminal investigation in support of any Education Law §3020-a disciplinary proceedings would be in direct violation of the provision of the statute that prohibits the "any person, agency or bureau, corporation or association" from making "any inquiry about . . . or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual" (See, *Matter of Skyline Inn Corp v. New York State Liq. Auth.*, 44 N.Y.2d 695 (holding that it was an unlawful for the State Liquor Authority to consider a dismissed criminal charge against licensee in disapproving liquor license renewal applications).

Education Law § 3020-a

34) Under the New York State Education Law, a tenured teacher may not be disciplined or discharged except for "just cause" determined on stated charges after a hearing on those charges. Detailed charges specifying the grounds for discipline must be filed in writing with the Board of Education and the Board Members must then vote, individually, to determine if there is probable cause to bring a 3020-a disciplinary hearing. The vote is conducted in Executive Session. If charges are brought by the Board, the teacher is given notice of the same and the teacher is then given 10 days in which to request a hearing. (*See generally*, NYS Education Law § 3020-a).

35) Unless the teacher requests otherwise, both the 3020-a hearing and any pre-hearing conferences must be held in private. (8 N.Y.C.R.R. 81-1.9) If acquitted, the teacher must be restored to his or her teaching position and the charges must be removed from the teacher's employment record (§ 3020-a (4)(b)).

36) As such, is respectfully submitted that Petitioner is entitled to the designation of "John Doe" within the context of this proceeding in order to maintain – in so far as possible – his anonymity pending a determination under Education Law §3020-a of any disciplinary charges which may be brought against him.

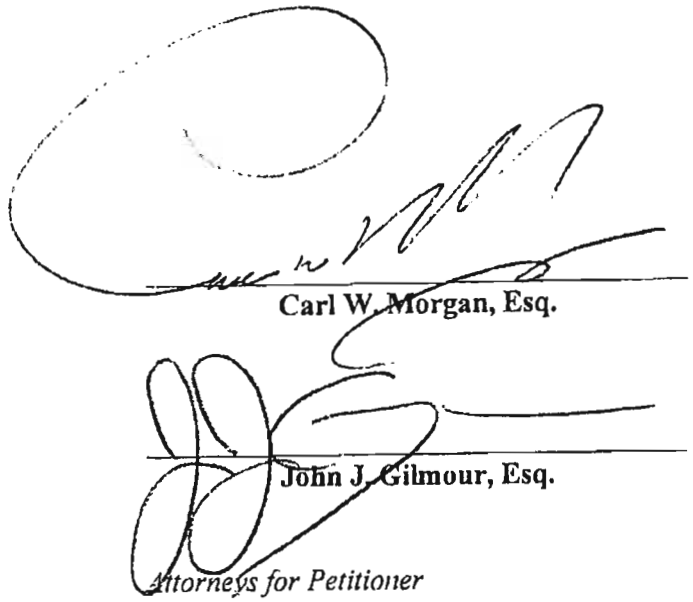
37) Moreover, to allow respondents to make public the names of the teachers involved and/or details of the charges to be brought against them prior to any §3020-a disciplinary hearing would render those specific provisions of the law designed to guarantee the absence of public disclosure a nullity and effectively eliminate those rights and protections afforded to Petitioner by that statute.

38) That the release of Petitioner's name to the public prior to a determination of this proceeding would be an act in violation of Petitioner's rights and would render the judgment ineffectual and result in immediate and irreparable injury, loss and damage to Petitioner. (See, CPRL § 6301, *et seq.*)

39) There has been no previous application made to any Court for the relief requested herein.

WHEREFORE, for all of the aforesaid reasons, it is respectfully requested that this Court issue an Order granting petitioner's application in all respects and for such other and further relief as to the Court seems just and proper.

DATED: Hamburg, New York
September 5, 2013



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E X H I B I T A

Cheektowaga puts 3 faculty members on leave over phone contact they had with inmate

Contact between 3 teachers, murder suspect being investigated

BY: Janice Habuda (mailto:jhabuda@buffnews.com)

Updated: August 20, 2013, 03:52 PM Published: August 20, 2013 03:52 PM

Three teachers in the Cheektowaga Central School District most likely won't be in the classroom at the start of this school year – as district officials investigate their conduct during a murder investigation involving one of their students.

The teachers, whose names were not released, were all placed on administrative leave, with pay, after Cheektowaga police met with the School Board last Wednesday.

Police wanted district leaders to know about telephone conversations the high school teachers had with Dontre Jones as he awaited trial in the May 31, 2011, shooting that occurred in Cheektowaga Town Park.

"I just can't comment on it," said Dennis Kane, Cheektowaga Central's superintendent.

"The board was justifiably shocked ... appropriately shocked," Police Chief David Zack said Tuesday. "They promised swift action."

Zack has scheduled a meeting with local media for Thursday, at which time he intends to disclose the contents of those monitored telephone conversations, which occurred when Jones called the teachers from behind bars.

The phone calls between Jones, who was 18 at the time of the shooting, and his teachers took place between February 2012, when he was charged with second-degree murder (http://www.buffalonews.com/article/20120223/CITYANDREGION/302249910), and [illegible] June, when he was convicted of first-degree manslaughter (http://www.buffalonews.com/20130604/Man_convicted_of_manslaughter_in_fatal_shooting_in_Cheektowaga_park.html) by Erie County Judge Michael F. Pietruszka. Sentencing is scheduled for Monday.

Police said no laws were broken. "The minimum is that they are inappropriate," Zack said.

The conversations, along with the atmosphere in the school, impacted the department's ability to investigate the homicide, he said.

Ira Watkins Jr., 19, of Buffalo, died when he was caught in gunfire near the basketball courts in the park. The shooting stemmed from an argument earlier that day between rival gangs, prosecutors had said. Neither Jones nor Watkins was involved in the dispute, however.

email: jhabuda@buffnews.com

Janice Habuda

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EXHIBIT B

IT WAS MY INTENT TODAY TO MAKE THE PUBLIC AWARE OF A SITUATION THAT DEVELOPED DURING THE INVESTIGATION INTO THE BRUTAL AND SENSELESS MURDER OF IRA WATKINS JR. ON MAY 31ST 2011.

THE DECISION TO DO SO WAS NOT MADE IN HASTE. THE MAJORITY OF FACULTY AT CHEEKTOWAGA CENTRAL ARE EXCELLENT TEACHERS. IT IS NOT OUR INTENT TO TARNISH THE REPUTATION OF THE ENTIRE FACULTY, BY MAKING PUBLIC THE ACTIONS OF A FEW.

HOWEVER, WE ARE NOT JUST POLICE OFFICERS, WE ARE PARENTS. WE ASKED OURSELVES, IF I WAS A PARENT AND MY CHILD WAS A STUDENT AT CENTRAL, WAS WHAT WE KNEW, SOMETHING ALL PARENTS SHOULD.

THE ANSWER WAS YES.

WHEN PARENTS SEND THEIR CHILDREN TO SCHOOL, THEY MUST HAVE FAITH AND TRUST IN THE INSTITUTION. WE FELT STRONGLY, THAT PARENTS WOULD QUESTION THAT FAITH AND TRUST, IF THEY HEARD THE COMMUNICAIONS WE HEARD. PARENTS HAVE A RIGHT TO KNOW WHAT IS TAKING PLACE IN THE SCHOOL, AND IN THE CLASSROOM.

WHEN WE LEARNED TEACHERS AT CHEEKTOWAGA CENTRAL WERE COMMUNICATING WITH DONTRE JONES AS HE AWAITED TRIAL, WE WERE SURPRISED; BUT, NOT OVERLY CONCERNED. THE MANNER IN WHICH THE COMMUNICATIONS WERE BEING FACILITATED WERE HIGHLY QUESTIONABLE AND SOMETHING WE INTENDED TO BRING TO SCHOOL OFFICIALS WHEN THE INVESTIGATION AND TRIAL WERE CONCLUDED.

THERE CAME A POINT; HOWEVER, WHEN WE FELT THOSE COMMUNICATIONS, AND THE MANNER IN WHICH THEY WERE CONDUCTED, WERE NEGATIVELY IMPACTING OUR ABILITY TO INVESTIGATE THE CASE.

WE IMMMEDIATELY REPORTED OUR CONCERNS TO THE ERIE COUNTY DISTRICT ATTORNEY'S OFFICE. WHEN WE PLAYED THE TAPES TO PROSECUOTRS THEY WERE OUTRAGED. IT WAS THEIR FEELING THAT SOME OF THOSE COMMUNICATIONS WOULD NEGATIVELY IMPACT THEIR ABILITY TO SUCCESSFULLY PROSECUTE THE CASE.

THE DISTRICT ATTORNEY'S OFFICE CONTATCED CHEEKTOWAGA CENTRAL WITH THEIR CONCERNS.

THE DISTRICT ATTORNEY WAS ALSO NOTIFIED OF THE INTENT OF THIS PRESS CONFERENCE. WE HAVE HIS FULL SUPPORT

THE CASE WENT TO TRIAL ON MAY 29TH, 2013. DONTRE JONES WAS CONVICTED OF MANSLAUGHTER IN THE FIRST DEGREE ON JUNE 4TH 2013. HIS SENTENCING IS SCHEDULED FOR AUGUST 26TH.

AS I STATED, IT WAS MY INTENT TODAY TO MAKE THE PUBLIC AWARE OF WHAT WAS TAKING PLACE DURING SCHOOL HOURS, IN CLASSROOMS AT CHEEKTOWAGA CENTRAL HIGH SCHOOL DURING THE PAST YEAR.

THERE ARE PERSONS WHO DO NOT WANT THIS INFORMATION TO BE MADE PUBLIC. THE TOWN AND MYSELF HAVE BEEN CONTATCTED BY AN ATTORNEY THREATING CIVIL ACTION IF WE DISCLOSE THE IDENTITY OF ANY PERSONS, OR RELEASE ANY CONTENT WHICH COULD IDENTIFY ANY PERSON ASSOCIATED WITH THE INVESTIAGTION.

AT THIS TIME, UNDER THE ADVICE OF COUNSEL, WE HAVE NO CHOICE, BUT TO WITHOLD INFORMATION WE BELIEVE THE PUBLIC HAS A RIGHT TO KNOW.

TOWN ATTORNEYS ARE NOW RESEARCHING THE MATTER AND ASSESSING ANY LIABILITY WE MAY BE EXPOSED TO.

I CAN ASSURE THE PUBLIC, THAT WE ARE NOT INTIMIDATED. WE ARE NOW, MORE RESOLVED THAN EVER, TO MAKE SURE THE PUBLIC LEARNS OF WHAT WENT ON AT CHEEKTOWAGA CENTARL.

WHEN WE ARE CERTAIN OF WHAT WE CAN LEGALLY RELEASE, WE WILL DO SO PROMPTLY.

ONCE AGAIN, IN THE STRONGEST MANNER POSSIBLE, I WISH TO REITERATE THAT THE FACULTY OF CHEEKTOWAGA CENTRAL CONSISTS OF HARD WORKING, DEDICATED PROFESSIONALS. THE CHEEKTOWAGA POLICE DEPARTMENT ONLY HAS ISSUE WITH A FEW.

I WOULD LIKE TO CONCLUDE BY SAYING THAT THE CHEEKTOWAGA CENTRAL BOARD OF EDUCATION IS TAKING THIS MATTER SERIOSULY. WE TRUST THEY WILL ACT SWIFTLY AND APPROPRIATELY.