

JOINT LEGISLATIVE PUBLIC HEARINGS

ON THE 2026/2027 EXECUTIVE BUDGET PROPOSAL

Written Testimony to

The New York State Senate Finance Committee
and
The New York State Assembly Ways and Means Committee on
the Human Services Budget

Nancy J. Farrell
Director
Veterans Defense Program
New York State Defenders Association, Inc.

February 5, 2026



Thank you for the opportunity to submit written testimony to the Joint Legislative Public Hearing on the Human Services section of the 2026/2027 Executive Budget Proposal as it relates to veterans' programs. I am Nancy Farrell, the Director of the Veterans Defense Program (VDP), a statewide program of the New York State Defenders Association (NYSDA). The VDP provides assistance and expertise to attorneys and their veteran clients who suffer from the invisible wounds of war and are involved in the criminal and family court systems across the state.

I want to thank the Senate and Assembly for sponsoring the 2025/2026 Legislative add to the budget of \$500,000 for the statewide VDP (with a match of \$250,000 from the Assembly and \$250,000 from the Senate), and the Senate's sponsorship of \$220,000 for the VDP's Long Island/New York City office. The \$720,000 we received was instrumental in our ability to provide services to veterans. **This year, we are requesting restoration of the \$720,000 for the VDP in the state budget to ensure we can continue to provide crucial legal support to public defense attorneys representing veterans and peer-to-peer mentoring services.** NYSDA will also present this funding request in its budget testimony at the Public Protection hearing.

Intersection of Military Service, Mental Illness, and Criminal and Family Court Systems

Veterans returning home face indifference when suffering from a military-related mental illness and all too often do not receive timely treatment. After making tremendous sacrifices, many suffer from Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Major Depressive Disorder (MDD), and/or substance use disorder that negatively affect their cognitive abilities, judgment, and behavior, potentially drawing them into the criminal legal and family court systems and possibly leading to incarceration and/or loss of custody of their children.

Veterans often come into contact with these systems because they are struggling to integrate back into society while coping with these conditions. Many veterans experience one or more of the following barriers when leaving the military: difficulty securing employment because it can be difficult to translate military experience into the civilian workforce; unstable housing; social services that are hard to navigate or do not exist in their area; undiagnosed conditions or a lack of medical providers who have experience with treating veterans; and a lack of family connections and social networks outside of the military. When we overlook or ignore these unique challenges, as society often does, struggling veterans may end up being arrested, triggering a host of collateral consequences and further derailing their lives, resulting in homelessness, unemployment, estrangement from children and family members, or suicide. Veterans charged with a crime end up lost in a criminal legal system that does not address their core issues nor treat their underlying condition(s). There is no mechanism to identify veterans in the criminal legal system nor the family court system, and many are sentenced by courts that are unaware of their military experience, let alone any untreated health conditions that caused or contributed to their offense.

Justice-involved veterans often do not have the funds to hire an attorney and are represented by public defenders. Many public defense attorneys do not have the time and resources to gain sufficient training or expertise 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. Judges, prosecutors, private criminal defense lawyers, and family defense attorneys do not receive extensive training regarding veterans either. Given that less than 7% of Americans are veterans, almost all the attorneys and judges who appear in criminal and family courts do not have personal or family military experience to draw from when addressing cases involving veterans.

Attorney Brock Hunter, a recognized national expert on veteran defense, summarized the situation: “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 legal system.” Defense attorneys need expert assistance and training to develop trauma-informed strategies for working with their veteran clients and mitigating their cases. This is exactly what the VDP provides.

The VDP’s Positive Impact

The VDP was the first program of its kind in the nation. Our goal is to ensure that each veteran has an effective advocate in New York’s criminal and family courts. The VDP is staffed with attorneys and support personnel who have extensive experience with and deep commitment to working for veterans in the criminal and family courts. Our case managers, who are all veterans, provide peer-to-peer mentoring and assistance to veterans and their families.

The VDP strives to make sure that every veteran’s story is properly presented to the court with the goal of securing the treatment veterans need and deserve, and ensuring just, trauma-informed dispositions. In many of the cases where the VDP attorneys provided substantial legal assistance, veteran clients received treatment and probation, avoiding incarceration. Our 2024 Annual Report (attached) includes examples of the VDP’s impact on individual cases. Our 2025 Annual Report showing our recent accomplishments will be available soon and will be distributed to legislators.

In addition to the direct work the VDP attorneys do with veteran clients and their primary attorneys, the VDP also trains defense attorneys in best practices for representing veterans, including military culture and cultural competence, the effects of PTSD, TBI, MDD, and Military Sexual Trauma (MST), and trauma-informed representation. Additionally, as Veterans Treatment Courts continue to expand throughout New York State, the VDP is working closely with the newly formed courts and existing courts to provide training and other technical assistance to judges, prosecutors, defense attorneys, mentors, coordinators, and other stakeholders.

Restoring State Funding for the VDP Helps Guarantee Justice for Veterans

Despite the services we provide to New York’s veterans, the proposed Executive Budget does not include any funding for the Veterans Defense Program. Veterans with visible and invisible military wounds need treatment and an alternative resolution process in the criminal and family legal systems. The Legislature needs to restore the \$720,000 in funding that was appropriated for

the VDP in the 2025/2026 State Budget. Without restoration, the VDP will no longer be able to operate in New York.

NYSDA's Veterans Defense Program: 2026/2027 amounts needed for restoration	
Assembly	\$250,000
Senate	\$250,000
Senate- Long Island/NYC office	\$220,000
Total	\$720,000

The VDP Strongly Supports Funding for Other Veteran Programs

The VDP has developed excellent working relationships with a large number of veteran agencies and groups across the state, including the New York State Department of Veteran Services, VA Health Administration, Veteran Justice Outreach Program offices, county Veterans Service Officers, and longstanding veteran organizations such as the Rochester Veterans Outreach Center, the Buffalo Veterans One Stop Center of Western New York, and Clear Path For Veterans.

We ask the Legislature to support continued funding for the Joseph P. Dwyer Veterans Peer Support Project so that it is available to veterans in every county. We also support full funding for Veterans Service Officers (VSOs) so they can continue offering training and services, such as assistance with discharge upgrades and benefit applications, which in turn bring added federal dollars into New York.

Conclusion

The VDP is committed to giving justice-involved veterans access to the best possible legal representation and connections to needed treatment and other valuable supports. We need your help to continue our crucial work around all of New York State.

For the 2026/2027 SFY, we request restoration of the \$500,000 for the statewide VDP (with a match of \$250,000 from the Assembly and \$250,000 from the Senate), and restoration of the Senate's sponsorship of \$220,000 for the Long Island office, which supports veterans in Nassau and Suffolk counties, as well as the five boroughs of New York City.

New York State Defenders Association
Veterans Defense Program
2024 Annual Report



DEFENDING THOSE WHO DEFENDED US

Message From the Director

Dear Colleagues,

I have been reflecting at the end of my first year as Director, and I would like to express my appreciation to the staff of the Veterans Defense Program (VDP) and New York State Defenders Association (NYSDA) for embracing my leadership and the changes we made to enhance our support of justice-involved veterans. I also thank everyone who has supported our efforts, including the New York State Legislature, the New York State Department of Veterans' Services, and the New York Health Foundation, as well as the defender programs, veteran organizations and defense counsel who have welcomed our assistance in their representation of veterans all around the state.

In 2024, we celebrated our 10th Anniversary with a reception during our Annual Veterans Treatment Court Convening. The Honorable Robert T. Russell, founder of the nation's first Veterans Treatment Court (VTC), gave an opening address highlighting the great work of the VDP. He also shared the experience he had that convinced him of the need for a specialized veterans court. I am also very pleased to announce that on May 30th, the New York State Assembly adopted a resolution commemorating the VDP's 10th Anniversary and recognizing its founders, Jonathan Gradess and Gary Horton, and the VDP's ongoing "substantial impact on the lives of veterans and their families." And in June, the VDP received a grant from the New York Health Foundation to work with six VTCs and contiguous counties over the next two years with the goal of increasing the use of CPL 170.15, which allows a veteran's criminal case to be transferred from a county without a VTC to a contiguous county that has one.

Enlisting in the U.S. military takes courage and a willingness to make a tremendous sacrifice. The experience often includes distance, physically and emotionally, from family and friends due to the separation that is common with training and deployments. And any of these events may also expose a military service person to extremely traumatic experiences that result in invisible wounds such as Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and moral injury. These injuries impact our veterans long after their return to civilian life and can often result in criminal and family court involvement. We owe a duty to our service members to ensure their sacrifices are given special consideration and that they are afforded treatment options in lieu of incarceration.

In the following pages, you will come to appreciate the assistance provided by the VDP, and how the program seeks to promote and contribute to the vigorous representation of our veterans and positive outcomes for them. At the VDP we serve our veterans with honor, respect, and gratitude. We take a holistic approach to assisting our veterans, meeting their needs outside their court case, and assisting in a successful transition back to civilian life. We are honored and proud to continue this incredibly important work. Thank you for supporting the Veterans Defense Program.

Sincerely,

A handwritten signature in cursive script that reads "Nancy J. Farrell".

Nancy J. Farrell
VDP Director



VALUES

The Veterans Defense Program promotes military cultural competence while seeking therapeutic alternatives to incarceration and open access to services to restore healthy veterans to their families and communities.

MISSION

The Veterans Defense Program provides training, support, and legal assistance to promote trauma-informed, client-centered representation of veterans and service members involved in New York State's criminal and family courts.

VISION

The Veterans Defense Program provides justice-involved veterans specialized legal representation from an attorney who understands their military experience and culture and the effects of those experiences, and who can present this information to the court in support of therapeutic outcomes.

What Does VDP Do?



LEGAL SERVICES

Help attorneys collect and interpret military and VA records, provide case consultations, and write military-specific document summaries



TREATMENT

Connect veterans with treatment for PTSD, TBI, depression, and substance use disorder



MITIGATION

Prepare mitigation reports based on the individual's military experience and its effects on the veteran's life, done through careful review of the veteran's military and VA records and thorough interviews with the veteran and others



CONTINUING LEGAL EDUCATION

Provide Continuing Legal Education presentations on topics including but not limited to: Military Cultural Competence and Trauma-Informed Representation



PRISON ASSISTANCE

Assist veterans in prison with letters of commitment, VA disability forms, time credit issues, and 440 motions



MENTORING & REFERRALS

Provide veteran peer-to-peer mentoring, and referrals and guidance on family and civil issues



VA BENEFITS COORDINATION

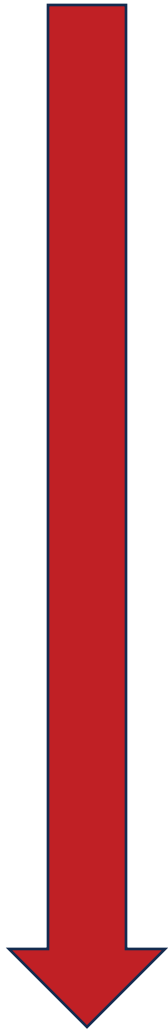
Coordinate services & communication with the VA Veterans' Justice Outreach Specialists & county Veteran Service Officers on veterans' benefits



ACTIVE DUTY AND RESERVES

Advocate with the soldier's command and JAG officers for retention, or favorable discharge in the event of a separation board

VDP Process



INTAKE INTERVIEW



INVESTIGATE MILITARY BACKGROUND, REQUEST RECORDS



CONDUCT IN-DEPTH INTERVIEW WITH VETERAN CLIENT



REFER TO PTSD, TBI, AND/OR DEPRESSION TREATMENT IF NEEDED



REFER TO SUBSTANCE USE TREATMENT IF NEEDED



WRITE COMPREHENSIVE MITIGATIONS MEMO OR MOTIONS



ADVOCATE FOR THERAPEUTIC ALTERNATIVES TO INCARCERATION



RESTORATION TO FAMILY AND COMMUNITY



VDP Impact

IN-DEPTH MITIGATIONS

VDP attorneys completed **46** mitigations in **24** New York counties in 2024.

The process for finalizing a mitigation report can take weeks, sometimes months, to complete a thorough and well-developed document.

VDP's mitigations have a proven track record of reducing punitive outcomes for the veterans, increasing the likelihood of acceptance into Veteran Treatment Courts, and connection to necessary treatment and services.

OUTREACH

In 2024, the VDP attended more than **60** Outreach events which included: program presentations, attending Stand Downs, tabling community events, career fairs, veteran panel discussions, and guest appearances on a podcast.

PEER TO PEER

The VDP case managers recorded over **150** Peer to Peer support calls in 2024. These calls helped VDP veteran clients navigate and alleviate their anxieties and concerns over both legal and nonlegal matters.

CONTINUING LEGAL EDUCATION (CLE)

In 2024, VDP attorneys provided nearly a **dozen** veteran-specific CLEs to more than **550** defense attorneys on topics including: Military Culture, Trauma Informed Representation, Collateral Consequences, and VTC Best Practices.

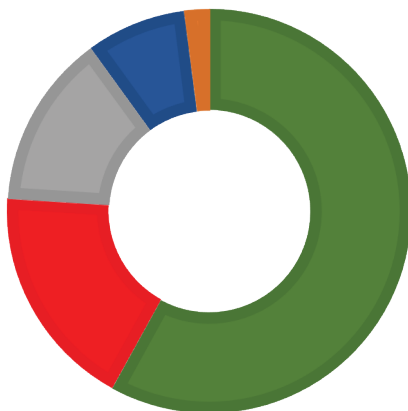
INTENSIVE ATTORNEY ASSISTANCE

In 2024, the VDP assisted veteran clients in **45** of New York's **62** counties, assisting: public defenders, assigned counsel attorneys, legal aid attorneys, and private attorneys. These cases range from violations to violent felonies, and child support to neglect and abuse matters.

VDP Client Demographics

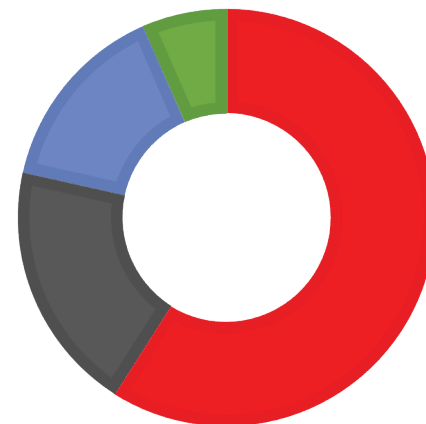
MILITARY BRANCH*

- Army - 58%
- Marine Corps - 18%
- Navy - 14%
- Air Force - 8%
- Coast Guard - 2%



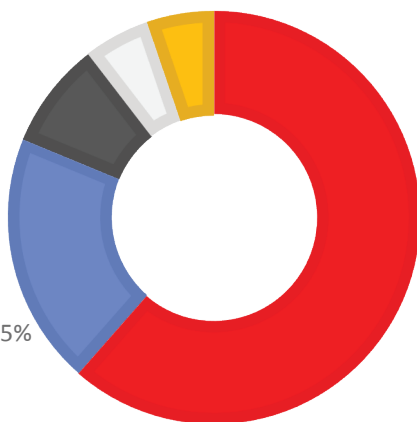
PERIOD OF SERVICE

- Post 9/11 - 59%
- Cold War - 19.5%
- Gulf War - 15%
- Vietnam War - 6.5%



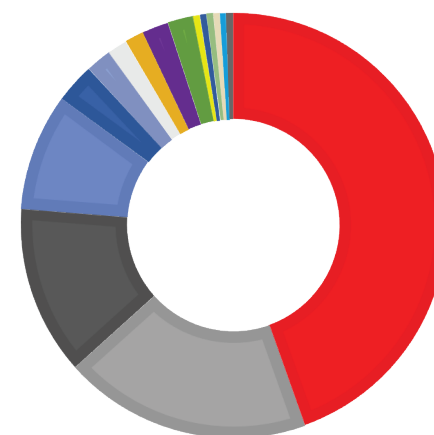
IDENTIFIED HEALTH ISSUES**

- PTSD - 59%
- Other Medical Issues - 19%
- Mental Health - 8%
- Substance Use Disorder - 5%
- Military Sexual Trauma (MST) - 5%



TYPE OF CASE

- Criminal - 45%
- Info Request - 19%
- Civil - 13%
- Family - 9%
- VA Benefit Assistance - 3%
- Appeal - 2%
- Records Request - 1.5%
- Collateral Consequences - 1.5%
- SORA - 1.5%
- Federal - 1.5%
- CPL 440 Motion - 0.5%
- Parole Hearing - 0.5%
- Peer to Peer - 0.5%
- Immigration - 0.5%
- Habeas - 0.5%
- Probation - 0.5%



*Includes Active and Reserve components

**Approximately 31% of our veteran clients are service connected (a designation by the VA indicating a veteran has a medical condition caused by their military service)

In 2024, the VDP provided services to 90% male and 10% female veterans/servicemembers.

Case Study by VDP Director Nancy Farrell



In October 2023, United States Marine Staff Sergeant Daniel Miller* reached out to the VDP after receiving a referral from the Syracuse Veterans Justice Outreach Officer (VJO). SSgt Miller was involved in a contentious family court matter, while also navigating the consequences of a criminal conviction. He reached out to the VDP because he felt he was not receiving the representation he needed from his primary attorney and that exacerbated his anxiety and depression. Additionally, his criminal conviction for DWI was impacting his ability to work, which affected his ability to pay child support, and that influenced the judge's position on visitation with his children. VDP Director Nancy Farrell quickly realized SSgt Miller did not understand all the Department of Motor Vehicles (DMV) consequences of a DWI and thoroughly explained what documents and courses he needed to complete to have his driver's license reinstated. Nancy also assisted him in multiple phone calls and trips to the DMV after discovering a DMV error that was hindering his ability to get a conditional license. SSgt Miller lived in a rural area, limiting his job opportunities due to lack of transportation. Once the DMV error was corrected, he was immediately issued a conditional driver's license. Nancy then connected him with Clear Path For Veterans, an agency that assists in finding employment with organizations who proudly employ veterans, including those with criminal convictions. While navigating the DMV and employment matters, Nancy was able to work with a local attorney who was assigned to represent SSgt Miller in family court. Fortunately, the attorney had family law experience and excellent communication skills. Through Nancy's efforts and support of SSgt Miller's relationship with his attorney, SSgt Miller was able to satisfactorily resolve both the child support and custody/visitation matters. Lastly, SSgt Miller's assigned probation officer was creating what appeared to be unnecessary roadblocks that hindered SSgt Miller's progress. Nancy assisted SSgt Miller in drafting and filing a motion for early release from probation. SSgt Miller went to court and the judge granted him early release from probation. SSgt Miller's case benefited from the full spectrum of services that the VDP offers, from assisting in family court issues and criminal legal matters, to referrals to other veteran organizations.

SSgt Miller shared in a letter, "the Veterans Defense Program (VDP) has been instrumental in helping me get my life back on track."

It was our pleasure SSgt Miller. Thank you for your service.

**Not the client's real name/stock photo*

Case Study by VDP Special Counsel Gary Horton



Lance Corporal (LCpl) John Williams* grew up with his mother, father, and two younger brothers. His father was a corporate officer, ensuring the family financial stability. Despite this picture of “normalcy” however, not all was well at home. John reported that his mother and father constantly argued and that he and his brothers were routinely beaten by their father with a metal dog chain. The effects of this childhood trauma would resurface later in life.

In 2004, John enlisted in the United States Marine Corps (USMC). At that time, the United States was involved in wars with Afghanistan and Iraq, and he knew he would likely be involved in combat operations.

In 2005, LCpl Williams was deployed to Iraq, stationed near Mosul. He was assigned to constant vehicle patrols as either a gunner or a driver in a Humvee. While in Iraq, he received a letter from his wife stating that she had met someone else and no longer wanted to be married. He had to emotionally process the betrayal and loss of his marriage while literally in the middle of a war zone.

One month into this deployment, LCpl Williams was a Humvee gunner in a convoy being led by an Iraqi Police vehicle. LCpl William's Humvee was directly behind the Iraqi Police vehicle. As the convoy proceeded through a village, a suicide bomber driving a pickup truck pulled out from a side street and rammed into the Iraqi Police vehicle. The bomb exploded and completely destroyed the Iraqi Police vehicle. LCpl Williams described seeing a huge fireball while shrapnel and body parts rained down on him from the explosion.

In 2006, just six months after his deployment to Iraq, he was then deployed to Afghanistan. This deployment resulted in more significant trauma after he observed the body of an Afghanistan citizen who had been decapitated, and had their arms and legs separated from their torso. LCpl Williams experienced PTSD symptoms while still deployed due to the trauma from his first deployment and this additional horrific event. He began to have dreams and flashbacks that always centered on his exposure to the dismembered body. He was hospitalized briefly and after he was released, members of his unit belittled him, and called him weak and unable to handle what he had experienced. The Marine Corps failed to screen LCpl Williams for PTSD or provide him with treatment options beyond medication. After his Honorable Discharge, LCpl Williams continued to experience PTSD symptoms. He used both legal and illegal drugs to self-medicate. He sought treatment through the Veterans Administration Health System (VA) and was finally diagnosed with PTSD. He was ultimately awarded a 100% service-connected disability rating by the VA due to PTSD.

LCpl Williams' primary attorney reached out to the VDP after LCpl Williams was charged with first-degree burglary, a Class B violent felony that carries a mandatory state prison sentence with a minimum of five years and a maximum of 25 years. The VDP prepared a mitigation brief that highlighted LCpl Williams' notable military service despite multiple traumas. This brief was presented to the sentencing court and the prosecution. This resulted in an offer from the prosecutor of a plea to a lesser felony with a sentence of six months' local incarceration and five years of probation.

**Not the client's real name/stock photo*

Case Study by VDP Attorney Elyse Sheehan



Private (PVT) Michael Perez*, a United States Marine Corps veteran and immigrant, was arrested and detained by Immigration and Customs Enforcement (ICE) in early 2024. Non-citizens can join the U.S. military if they meet certain requirements, including being a lawful permanent resident. If a noncitizen veteran is accused of violating immigration law, ICE may seek to remove the veteran from the country. However, ICE policies require them to take additional steps prior to removal actions, such as considering a veteran's service record. ICE failed to follow its policies. Fortunately, his primary immigration attorney reached out to the VDP for assistance in resolving PVT Perez's immigration proceedings by providing the court with a summary of his military service record.

Michael Perez enlisted in the United States Marine Corps in November 2019. After Basic Recruit Training, PVT Perez was assigned the Military Occupational Specialty (MOS) 3043, a Supply Chain/Material Management Specialist, where he underwent specialized training for the job. Specialists in this role are responsible for controlling the distribution of supplies within the unit they are assigned. They must have good record-keeping skills, be extremely organized, and be able to focus on tedious tasks for an extended period of time.

After five months, PVT Perez was honorably transferred from active duty, completing Basic Recruit Training and Supply School and earned both the National Defense Service Medal and the Sharpshooter Rifle Qualification Badge. He began service with his local Marine Reserve Unit in 2020.

VDP Attorney Elyse Sheehan wrote a summary mitigation that PVT Perez's primary immigration attorney submitted to the court. The judge overseeing his immigration case ultimately granted relief, allowing PVT Perez to remain in the United States.

PVT Perez's primary immigration attorney informed Elyse, "A large part of the Judge's decision to grant relief was based on [Perez's] status as a former U.S. Marine with U.S. Marine specialized training – so the documental evidence provided was extremely helpful for establishing his claim. Thank you so much for your help on this case."

**Not the client's real name/stock photo*

VDP Peer-to-Peer Case Studies



Navy Veteran Peter Altman's* primary attorney contacted VDP Senior Case Manager Michael White (SSgt. Retired, United States Marine Corps) to verify information from Mr. Altman's military documents. As a former Marine Recruiter, Michael has expertise in interpreting documents. After reviewing the client's military file, Michael immediately noticed that events and dates did not correspond to Mr. Altman's DD 214, so he did deeper research into the Navy records. After an intense investigation, he learned there were several errors on the client's DD 214 that had not been corrected. The Navy confirmed the errors after Michael brought them to their attention. One major error was an incorrect discharge status, which was in fact an Honorable Discharge. An Honorable Discharge made Mr. Altman eligible for VA services and benefits that he had previously been denied due to this serious error.

The report with the incorrect information had been filed with the court by another agency. Michael prepared a memorandum for the defense attorney which corrected the misinformation. This story is an example of how crucial it is that military paperwork is read and accurately interpreted by someone with Michael's experience, including more than twenty-two years of military service and eight years as a VDP Case Manager.



United States Navy Veteran, Warren George*, was arrested for a DWI. He stopped by our main office in Batavia and met with our VDP case managers. During the conversation, it was revealed that the DWI charge was not his main concern at that moment. Mr. George was scheduled for a medical procedure involving a recovery time of six weeks. He desperately needed to find care for his emotional support dog, Apollo, during his surgery and six weeks of post-op care.

Once our case manager, Amanda Luce (United States Air Force Veteran), realized how concerned he was about Apollo, she immediately reached out to agencies the VDP collaborates with. There were some roadblocks due to Apollo's breed, a Rottweiler, however after an extensive search Amanda found Chris Kreiger, a U.S. Army Veteran. He is the President and Co-Founder of WNY Heros, Inc., and the organization agreed to take on Apollo for FREE. Amanda was able to call Mr. George and let him know that Apollo would be well cared for during his surgery and recuperation.

Mr. George is an honorably discharged veteran; the Veterans Administration awarded him a 70% service-connected disability related to the psychological wounds he suffered during his time serving in the U.S. Navy. Apollo has been Mr. George's emotional support animal for four years but is currently not a certified service animal. However, while Apollo is being boarded with WNY Heros, they are going to have Apollo trained and certified to be an official service dog! This is a true testament to veterans helping veterans. Our VDP case managers help our veterans deal with urgent concerns that cannot be addressed in the courtroom. Mr. George has been able to address his critical medical circumstances and will have a newly certified Apollo with him as he faces his legal challenges.

**Not the client's real name/stock photo*

***Porter v. McCollum*, 558 U.S. 30 (2009)**

U.S. Supreme Court Ruling on Effective Assistance of Counsel for Veterans

The VDP helps public defenders 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 public defenders must adequately investigate their client's military background, including battle-borne mental health issues such as PTSD, and present such evidence in mitigation.**

Although the defendant, Porter, 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 Court concluded that counsel was ineffective.

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.”

***People v. Jackson*,, 202 A.D.3d 1483 (4th Dept 2022)**

A decision from the Appellate Division, Fourth Department in *People v. Jackson*, 202 A.D.3d 1483 (4th Dept 2022), underscored defense counsel's obligations in representing veterans. The Appellate Division stated:

“We conclude on this record that defendant met his burden of establishing that he received less than meaningful representation. Pursuing an EED defense was the best trial strategy for defendant, and defendant demonstrated the absence of any strategic or other legitimate explanation for defense counsel's failure to obtain certain records, her failure to introduce other records in evidence, and her failure to secure an expert to support an EED defense (see generally *Oliveras*, 21 N.Y.3d at 348). We therefore reverse the order, grant the motion to vacate the judgment of conviction, and grant defendant a new trial.”

VDP Accolades

"I am beyond thankful for the role that the NYSDA Veterans Defense Program has played in my recent legal situation. These times have been among the most challenging in my life. Gary and Michael from the Veterans Defense Program have helped me navigate this process greatly. Gary has guided me with his years of Legal experience helping me understand the legal process while putting together a Veteran character and service package to present to Prosecution, Michael checked on my mental well-being and overall morale, connecting with my brother to brother as we're both Marines. Words alone cannot express my gratitude towards these gentlemen and the Veterans Defense Program."

~ Combat USMC Veteran 1994-2009

"Just wanted to give you the update that today client's felony and misdemeanor pleas were vacated and dismissed and he was sentenced on a violation! Thanks again for your advocacy."

*~ Adam Cole, Esq.
Brooklyn Defender Services*

"To whom it may concern & to the credit of the Veterans Defense Program,

Hello, First let me start with a well-deserved 'Thank You' to Gary A. Horton, Michael White and their fellow team members.

I am a 2x Iraq War Veteran with a 80% Disability Rating due to PTSD and a Traumatic Brain Injury received on the battlefield. My depression led to substance use which led to trouble with the law. I paid for an attorney but that attorney just could not fathom my medical conditions. While inpatient at the VA PTSD clinic of Batavia, I was referred to them by the staff there. (As they have helped Veterans of the facility in the past.) The procedures they take to paint a picture of who I was and all my struggles was far beyond the abilities and knowledge of my current Attorney. I was able to remain in the treatment I needed and the custody of the VA during my legal issue rather than jail. Eventually my court dates came and passed. I was put on probation and the attorney I paid for was nowhere to be found. The Veterans Defense Attorneys were always there to answer my questions and provide much needed assistance. I still call on them till this day. Over the last few years I have referred 3 other Veterans to their services to which they made great contributions to their legal defense and a much different outcome than originally anticipated. This is a priceless service much needed in order to properly represent a honored portion of New York's population.

With much Gratitude,"

~ Combat Army Veteran 2005-2010

"Our client is in the process of getting enrolled in Veteran's court in Nassau to do their program! We would have never gotten him into it without your help—I had to fight them tooth and nail for months and months on this because they were offering a plea to a misdemeanor with jail and probation up until very recently. Now the offer if he completes Veteran's court is still a plea to the A misdemeanor (unfortunately) but with a conditional discharge as a sentence. It seems like a minor victory but it is so great for him because it takes care of a lot of elements of this case he did not want to deal with. Also, I don't know if you know but his discharge was FINALLY updated to honorable last month with full benefits!!!! Which is so amazing! So he is doing really well and finally in a good place in his personal life and with this case. Again, could never have done it without your help which I appreciate so very much."

*~ Bailey Waltman, Staff Attorney
Legal Aid Society of Nassau County*

"Our client was sentenced yesterday. He received the promised 3/5 term. The Judge commended him for his military service and took note of the PTSD. Thank you for the mitigation materials, which I believe were instrumental in accomplishing the negotiated plea and sentence reductions."

*~ Richard Roxin, Esq.
Canandaigua, NY*

VDP Legal Staff



Nancy J. Farrell
Director
Central New York



Gary A. Horton
Special Counsel
Batavia Office



Elyse B. Sheehan
Staff Attorney
Long Island Office



Deanne Quinn Miller
Program Coordinator
Batavia Office

Nancy J. Farrell became Director of NYSDA's Veterans Defense Program in January 2024 after serving as a staff attorney. Prior to becoming a part of the VDP team, she practiced criminal and parental defense in Ontario County as an Assistant Public Defender and then as the Public Defender in Schuyler County. Nancy's familiarity with veterans developed during her time as the primary defense attorney in the Ontario County Veterans Treatment Court. In 2014, she started her Family Court practice at Hiscock Legal Aid Society in Syracuse, NY. She is the recipient of the 2017 NYS Bar Association *Denison Ray Defender Award* and the 2018 *Ella B. Family Justice Award* for her role in ensuring parents were represented at removal hearings. Nancy graduated from Western New England University in 2011. Nancy has been a regular CLE presenter for NYSDA since 2015 and is a former member of NYSDA's Board of Directors.

Gary A. Horton, Special Counsel with the Veterans Defense Program, has worked at NYSDA for 10 years, serving as the VDP's Director through 2023. As Special Counsel, he provides training, support, and legal assistance to justice-involved veterans and service members, and the public defense attorneys representing them. Previously, his legal practice centered on public defense for over 30 years, serving 20 years as the Public Defender of Genesee County. He served on NYSDA's Board of Directors for 12 years, including as Board Vice President. He received the 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, NYSDA's *Wilfred R. O'Connor Award* in 2011, the 2016 *Criminal Justice Award* from the National Alliance on Mental Illness-NYS, and in 2018, the *Kutak-Dodds Prize for Outstanding Service in Public Defense* by the National Legal Aid & Defenders Association (NLADA). He has a J.D. from Hofstra University School of Law.

Elyse B. Sheehan graduated as an International Relations Major and Pre-Law Minor from SUNY New Paltz. She received her J.D. from Hofstra Law School. At Hofstra, she focused on Public Interest Law, interning with The Safe Center and Suffolk County Legal Aid Society's Children's Law Bureau. Throughout law school, she was a member of the Pro Bono Scholar Program and accepted placement at Nassau/Suffolk Law Service's Domestic Violence Project, providing legal representation to victims of domestic violence in Suffolk County. During law school she also worked as a Legislative Reporter for Assemblyman Felix Ortiz. Prior to joining the VDP, she was a Staff Attorney with the Suffolk County Legal Aid Society's District Court Criminal Division, safeguarding the rights of clients and ensuring equal access to justice.

Deanne (Dee) Quinn Miller assists with trainings and expert referrals, provides mentoring, and navigates the VA and Department of Defense systems to obtain military records for veteran cases. 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. In 2025, she will be completing her 11th year with the VDP. She is Director of the Forgotten Victims of Attica and completed her memoir in 2021, *The Prison Guard's Daughter, My Journey through the Ashes of Attica*.

VDP Program Staff



Michael White
Senior Case Manager
Batavia Office

Michael White mentors veteran clients by providing guidance, support, and expert referrals; he also supports the VDP legal staff in the Batavia and Long Island offices. He retired from the Marine Corps as a Staff Sergeant in 2014 with 22 years of military experience, including deployments to Haiti, the Philippines, Korea, and Afghanistan. He has extensive firsthand knowledge of military culture and the many issues that veterans face, as well as VA health and education benefits. He has an Associates Degree in Human Services and a B.A. in Health and Human Services Community Mental Health.



Juan Sosa
Case Manager
Long Island Office

Juan Sosa mentors veteran clients by providing guidance, support, and expert referrals; he also supports the VDP legal staff in the Long Island office. He has a Biology degree from Mercy College. In 1993, he joined the U.S. Army Reserves as a Motor Transport Operator and deployed to Iraq twice, in 2002-03 and 2006-07. He has extensive firsthand knowledge of military culture and the many issues that veterans face. In September of 2022, Juan was called up to EUCOM Command for 10 months. He deployed again in December 2024. He is currently a Master Sergeant with the 301st Information Operations Battalion and is credited with over 30 years of service.



Amanda Luce
Case Manager
Batavia Office

Amanda Luce mentors veteran clients by providing guidance, support, and expert referrals; she also supports the VDP legal staff in the Batavia and Long Island offices. Amanda served in the U.S. Air Force from 2003-2009 as a Nondestructive Inspection Journeyman on military aircraft and deployed to Afghanistan in 2005 for six months. She discharged as a Staff Sergeant. She has extensive firsthand knowledge of military culture and the many issues that veterans face, especially female veterans, as well as VA health and education benefits. It has been her goal to assist other veterans.



Selina McJury
Administrative Assistant
Batavia Office

Selina McJury is the VDP's newest employee. Selina is the Administrative Assistant for the New York Health Foundation Grant that was awarded to the VDP. This project seeks to promote robust implementation of CPL § 170.15(5) to increase the number of veterans who receive treatment through a Veterans Treatment Court, ultimately improving the lives of those veterans, their families, and their communities. Selina brings to the project over 30 years of office and project management experience. In her free time Selina enjoys spending quality time with family, golfing, bowling, drawing, painting, crafting, and of course rooting for the Buffalo Bills.

Thank You to Our Supporters

*Thank
you!*

Special thanks to the NYS Legislature for the VDP budget appropriations in the FY 2023/2024 and 2024/2025 State Budgets. Deep appreciation to NYS Senator Jessica Scarcella-Spanton, Chair of the Senate Veterans, Homeland Security & Military Affairs Committee; NYS Assemblymember Kimberly Jean-Pierre, Chair of the Assembly Veterans Affairs Committee; 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, Codes, Crime and Corrections, Finance, Health, Judiciary, and Ways & Means committees.



**Department of
Veterans' Services**

With gratitude to the New York State Department of Veterans' Services for the grant award to increase the capacity of the VDP's Case Managers' peer-to-peer support.



The VDP was gratefully awarded a 2024-2026 grant from the New York Health Foundation to assist in Veteran Treatment Court matters across the state.



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