

PostStar.com

Mother claims teacher hit son in classroom

Police: No injury resulted and teacher notified authorities

By DON LEHMAN

dlehman@poststar.com

Thursday, January 15, 2009 12:27 PM EST

SALEM -- The mother of a Salem boy has filed a notice of claim against the Salem Central School District alleging her son was hit by a teacher in a classroom.

Lisa Hudson has filed the notice, which indicates an intent to file a lawsuit if a settlement isn't reached, on behalf of her 12-year-old son.

The lawyer who prepared the notice of claim, Gerard Amedio, said he plans to seek a criminal charge against the teacher as well.

The Washington County Sheriff's Office investigated the Dec. 10 incident, and concluded there was no basis for a criminal prosecution. Amedio said police concluded the physical contact was "justified."

Amedio, though, said the boy was hit on the back of the head by teacher Patricia Mullen because he had not completed his homework. He said Mullen called the boy's mother that day and apologized and asked her not to report the incident.

The boy was not injured, but suffered "extreme pain, suffering, discomfort and public humiliation." He is still in Mullen's class, Amedio said.

Washington County Sheriff's Investigator Tony LeClaire said the alleged victim's complaint was investigated, but conflicting statements and a lack of evidence led to a conclusion no crime could be prosecuted. He said the boy told him the teacher "maybe hit me with two fingers." There was no injury, the child reported no pain and the other children did not witness any improper contact, LeClaire said.

Mullen said she put her hands on the boy's shoulder to get his attention, LeClaire said. It is not illegal for her to do so, he said.

"She (Lisa Hudson) called State Police before she called us and on advice of their counsel's office they declined to bring any charges," LeClaire said.

Amedio -- a former police officer -- said he did not agree with that decision, and said there was plainly probable cause that the offense of harassment occurred. He said there were numerous witnesses.

"It's not up to the police to determine whether it was 'justified'," Amedio said.

Amedio said he plans to file a criminal complaint in Salem Town Court and seek to have the judge file a charge.

A woman who answered the phone at the Salem Central School superintendent's office on Thursday morning said the superintendent, Charles Kremer, had no comment on the issue.

A phone message left on Mullen's school voice mail was not returned.

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Toddler's mother gets year in jail
Woman who left her daughter to wander highway is sentenced

By Don Lehman
dlehman@poststar.com
Updated: Thursday, November 20, 2008 1:57 AM EST

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QUEENSBURY - The South Carolina woman who left her badly injured toddler alone in a motel room, allowing the girl to wander into a busy highway last summer, has been sentenced to a year in Warren County Jail.

Town Justice Robert McNally imposed the one-year term on Helen M. Prince, 34, of South Carolina, after she pleaded guilty to endangering the welfare of a child, a misdemeanor.

The sentence was the maximum for the charge, although with time off for good behavior, she could be released after serving as little as 8 months.

Prince was arrested July 19 after her partially dressed 3-year-old daughter was found walking across Route 9 in Queensbury, just north of Wal-Mart. Passers-by stopped and pulled her out of traffic, and saw that she had two black eyes, facial cuts, a broken collarbone and bite marks on her arm.

The injuries led to an investigation by the Warren County Sheriff's Office that led to Prince's arrest and that of a 15-year-old boy in her care who police believed had repeatedly abused the girl, physically and sexually.

The teen was charged as well, but the counts against him were dropped after Warren County Family Court Judge J. Timothy Breen ruled that police improperly questioned him without a parent or guardian present.

Prince was charged with endangering the welfare of a child and reckless endangerment, both misdemeanors.

She agreed to a plea deal in which she pleaded guilty to endangering the welfare of a child and the reckless endangerment count was dropped. No agreement was made on her sentence and McNally determined the maximum was warranted.

Warren County District Attorney Kate Hogan said her office believed the maximum jail term was appropriate in light of the facts of the case.

"When you saw the injuries on the child, and know that the mother left her in that situation, we had to advocate for that sentence," she said.

Prince, the girl and two teenage boys, who are the sons of her boyfriend, were staying at the Budget Inn motel on Route 9 as the family moved north. She was leaving the toddler in the care of the boys while she worked at a Wilton truck stop, and she told police she had left the motel room for only a few minutes when the girl wandered off.

Prince's lawyer, Gerry Amedio, said Prince did not mean any harm to the child, and was trying to work, care for the children and find a home for the family as they moved to the area. Her boyfriend had remained in South Carolina to work as Prince juggled things in Warren County.

"She just had a lot on her plate," he said.

Amedio said the family plans to stay in the area after Prince is released from jail.

Hogan said her office understood the girl's father had custody of her in South Carolina.

Amedio said the girl is doing well.

Hogan said the case is one that the state district attorney's association is using to lobby state legislators to create a felony-level charge of endangering the welfare of a child.

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COMMENTS

EAuditor wrote on Nov 20, 2008 10:03 AM:

" Yet another great job by the Warren County Sheriffs. Thanks guys...really, the worst offender in this case walks free. "

it's just me wrote on Nov 20, 2008 9:36 AM:

" What is the world coming to when a defenseless baby is sexually abused...physically beaten AND BITTEN, with broken bones and bruises, left to wander a major highway(where countless idiots just passed her by!!) and the baby raper GETS OFF and the so called "mother" gets a year...B/C SHE JUST HAD TOO MUCH ON HER PLATE!!!!? Guess what people...I am a mom of 2 little ones, I go to school full time, my husband works constantly, we are very busy and chaotic sometimes with schedules & we HAVE ALOT ON OUR PLATES too, but I can manage to take proper care of my kids! This makes me SICK! This poor baby...and how do you know she is going well? The baby's mother was certainly no prize....can only imagine what daddy is like!! God bless this innocent little one...pray she has a good & safe life!! "

rhoda wrote on Nov 20, 2008 9:24 AM:

" There are some serious problems with the Warren County justice system---especially in the Queensbury town court with McNally and Muller. I agree with mongoo, this story disgusts me. If you'll notice, Post Star only says "police improperly questioned him. That comes down to the Warren County Sheriff's Department again". There's something wrong with Gerald Amedeo who would rather see a child abuser walk without any punishment or treatment but then what do you expect, his partner is Kurt Mausert. And Mausert thought he should be a Family Court judge. Yeah, right. Good thing voters said no "

Ed wrote on Nov 20, 2008 9:04 AM:

" sometimes it just amazes me that the Warren County district attorney's office spends so much time on one case and so little on another. A guy who shot himself in the foot gets a lot of attention for carrying a pistol in the woods. A 15 year old child molester gets off scott free. "

prospect wrote on Nov 20, 2008 8:46 AM:

" Kate had to advocate for the max because of the damage done to the child, but to slam it through she plead down to a single charge, dropping the felony? Yeah, great job. You really sent the message there. Plus the 15 year old that did the damage is walking free. You really dropped the ball on this one. I'm sure we will read about him repeating this type of abuse again. "

deMaven wrote on Nov 20, 2008 8:30 AM:

" Honestly, in this day and age did the cops screw up the questioning so badly that the person who actually did the beating walked out scott free? Yes officer, no officer, attaboy officer, thank you officer. Guess they must be real proud of themselves. Back to the speed traps, they do that real well at least. "

kathy wrote on Nov 20, 2008 7:45 AM:

" So I take it that this woman can just get this child back after she serves her time? If so that is so wrong, she should have been placed in foster care , who knows what this father is like if he let this woman take this child off on her own in the first place . God only knows what other tortures this poor little girl has endured before she was rescued from this thing that called herself a mom. "

kakia wrote on Nov 20, 2008 7:36 AM:

" The another thing that should be addressed by lawmakers is that even if the 15 year old WAS questioned correctly, he would have gotten off with nothing anyway. It would have been on his record until he was 18 and then it would have been sealed because he was a minor at the time of the incident. Unfortunately, if he did it once, he will do it again to another child. Thank you government officials for protecting our children. "

tmi5 wrote on Nov 20, 2008 7:32 AM:

"The teen was charged as well, but the counts against him were dropped after Warren County Family Court Judge J. Timothy Breen ruled that police improperly questioned him without a parent or guardian present."

Absolutely sick to my stomach over the whole thing...still! Where is justice for this poor little girl? Where is the help or counseling for this teenager who will most likely commit this abuse again to some other poor victim? This mother had to have known what was happening! I hope that the officers involved in the 'improper questioning' have been re-trained! "

Mrs G wrote on Nov 20, 2008 7:30 AM:

" Good Job Warren county Family court..Why would you even allow a plea deal when a child was being abused? The Budget Inn should be shut down, It's nothing more than housing for sex offenders and scum. I wonder if people that make reservation with their family to stay in this hotel are aware of what kind of place it is?im so happy that some people came along and helped this baby girl.The lawyer is saying the mother was trying to make a better life for her family by working.People go to work every day but would never leave their children to be beaten by the siter.Im sorry but your children come first always.And yes mongoo where is the 15 year old that did this to this baby girl? "

Jessica 977 wrote on Nov 20, 2008 6:53 AM:

" This story makes me sick to my stomach. The girl is "doing well"?!?! Maybe her physical wounds have healed, but she will never be the same again. She could have been killed! The police really dropped the ball on this one. "

princessmommy wrote on Nov 20, 2008 6:36 AM:

" I'm glad to see that the girl is doing well. I hope the father takes better care of her! "

Cricket wrote on Nov 20, 2008 6:19 AM:

" Good going, police, for allowing these people (this teenager) get away with abusing this child due to improper questioning procedures. I would have thought this would be something basic taught in college along the way.

I looks like this upstanding family beat the system once again at the sake of an innocent baby. You must sleep well at night. "

mongoo wrote on Nov 20, 2008 6:01 AM:

" Where is the 15 yr old that abused the girl in the first place? Is he still in the area stalking his next victim? Did the police fail to read him his rights when they improperly questioned him? Where is justice and protection for the little girl? I am disgusted by this whole story. "

The comments on this article do not represent the views of The Post-Star.

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Toddler's mother gets year in jail

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By Don Lehman

diehman@poststar.com

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The Record 2-17-02

Details surface in Kannes' incident

Cop who allegedly hid evidence has ties to prosecutor

By Jamie D. Gilkey

The Record

RENSSELAER — The city cop who allegedly hid a computer disk in his locker for more than a year after a fatal car crash took the life of Mark Goca had ties to the prosecutor's office that handled the resulting criminal case, *The Record* has learned.

Gerard Amedio, a 15-year veteran of Rensselaer's force, received the disk and a separate micro-cassette shortly after Goca, a fellow cop, was killed in a late-night auto accident on May 19, 2000. But Amedio kept both items in his locker at the department's stationhouse until after another veteran officer, Ken Kannes, was convicted of vehicular manslaughter in the case nearly a year later, according to several sources.

Amedio was Rensselaer's lead forensic officer and head of the city's police union when he was given the disk by Police Officer Thomas Rudolph, who is facing disciplinary action in the matter. But, unlike Rudolph, Amedio was a witness in the case against Kannes and did not disclose the existence of the disk or cassette during testimony.

Amedio's failure to turn over the material led to his being hit with a disciplinary charge first reported in *The Record* on Jan. 10. However, his ties to the Albany County District Attorney's office did not come to light until Wednesday, when a copy of Amedio's testimony at an evidence suppression hearing became available.

Several sources have indicated that the disk, which was taken from Goca's locker after he died, includes investigative notes supporting Kannes' contention that the pair were involved in an ongoing criminal investigation at the

Rensselaer: Details surface

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time the automobile they were traveling in flipped-over near I-90.

That accident took place in Albany County and the criminal case against Kannes was handled by that office. An attorney for Kannes questioned Amedio's ties to the prosecutor's office in a pre-trial hearing, but did not know about the material secreted in Amedio's locker at the time.

Amedio's connection to the prosecutor's office is discussed on page 104 of the hearing's transcript, when he indicates that he served as an intern there in the Spring of 2000. That nearly coincides with the time he started keeping the disk and cassette.

The latest disclosures may fuel the problems that have sharply split Rensselaer's 27-member police force in recent months. Those issues have been coming to a head since Mayor Mark Pratt, a Republican, won an upset victory in November.

A Rensselaer County grand jury started investigating the department last Thursday and has called at least ten witnesses including Police Chief Frederick Fusco and James Muller, a police officer. Ed Farrell, a former city cop who got in trouble with the law on more than one occasion, has

accused Muller and Fusco of wrongdoing in a June 6, 2000 stationhouse fight.

Several witnesses have told the grand jury that, during the confrontation, Farrell was handcuffed to a bench and was attacked by Muller. Muller, through his attorney, has publicly denied the charge.

Prior to the grand jury starting its work, Fusco lodged disciplinary charges against many of the department's senior officers. The chief has said that the charges are part of a general effort to tighten procedures in the department since Goca's death.

Fusco's critics in the department have repeatedly questioned the chief's motives saying that he is retaliating against them for their role in approving a no-confidence vote last spring.

The Albany County District Attorney's office could not be reached for comment Wednesday afternoon. Amedio did not return an evening phone call to Rensselaer's stationhouse. Rudolph could not be reached for comment.

the Rensselaer Knights of Columbus in September 2000. The city has already settled a civil claim brought by Farrell. The case against Smith, and co-defendant Deputy City Clerk Marcia Carryofilos, is scheduled to be heard in North Greenbush Town Court on Oct. 17.

Another of Fusco's supporters, Officer Gerard Amedio, is facing internal charges of withholding evidence. Amedio has been out on sick leave since the charges were filed, but union members say Amedio has attended law school, taken the bar exam and has been working in the department on overtime while off his regular shift.

Asked during the council meeting about Amedio's status, Pratt said he would investigate. But he acknowledged that he had not required the officer to be examined by the city's own physician.

... posted by David Baker at 3:17 PM

A COMMENT FROM A READER

"David....this is great stuff! Do you mind if I refer to it from time to time?"

— Ed Martin, talk show host, Radio 810 WGY

... posted by David Baker at 3:09 PM

DUNN BRIDGE LAMPS FINALLY SWITCHED OFF

Many people who regularly drive or walk over the Dunn Memorial Bridge have noticed that the street lamps on the span have been on all day for a very long time.

Three years, in fact.

In early August, after two letters to Niagara Mohawk's CEO, the lights were finally put on the normal dusk-to dawn operation. Until then, the 40 or so lamps had been burning all day long, even during the heat waves this year and in 1999, when the state and NiMo were warning that blackouts could be necessary to conserve energy. Conserve a little, save a lot, they said.

Apparently it does not apply to NiMo. Or to the state's conservation department.

In 1998, a pair of peregrine falcons laid a set of eggs under the bridge span. The following year, the state Department of Environmental Conservation set up a camera to monitor the hatching of the endangered birds. The camera needed power, so DEC tapped into the circuit that feeds the lamps on the bridge. The camera operated 24 hours a day, but rather than run a new line, NiMo simply disabled the light-sensing device that switched the lamps off at dawn.

And that's how it was left. For 24 hours a day, the lamps burned, even during the eight months of the year that there were no birds on the bridge.

It took five letters to NiMo – two of them to its CEO – and several phone calls to persuade the company to end this very visible waste of energy. Even then, it was not until early August – six weeks after

on suspension since last August is once again wearing a badge. Sgt. Thomas Rudolph has been hired as a part time officer by the Town of Schodack Police Department.

Rudolph was suspended on Aug. 29 of last year, the same day he was arrested and charged with forgery.

The charges alleged that in 1994 Rudolph altered a document from Hudson Valley Community College to show a passing grade of 'B' instead of an 'F' in order to receive reimbursement of about \$250 from the city for the cost of the course. Because he did not complete the course, he was not entitled to the money.

Rudolph denied altering the document, and a grand jury later refused to indict the 10-year veteran on two felony counts brought against him by Police Chief Rick Fusco. The only remaining charge, a misdemeanor, was dropped because the statute of limitations had expired.

But despite that, Fusco has refused to drop the internal charge, and, prior to the grand jury's decision, filed two further complaints against the officer.

Separate arbitration hearings on the three charges are pending.

The first is scheduled for Dec. 13. Meanwhile, Rudolph says he is glad to be back in a uniform.

"My faith in the criminal justice system was restored when the grand jury found no evidence to indict me," he said. "I never even had to testify. And I feel good that another police department has faith in me and has hired me."

Rudolph says he expects to work one or two shifts a month in Schodack.

The two further internal charges are unrelated to the first case. In December, Rudolph was accused of misusing the department's computers by using them to pay bills on line, something he says was an accepted practice in the department. Then in January, just after his second 30-day unpaid suspension expired, he was charged with mishandling evidence in a criminal case.

That evidence was a computer disk and a microcassette tape that Rudolph found in a locker used by Mark Goca, the officer who died when the unmarked department car he was riding in ran off of I-90 and flipped over in May 2000.

The driver of the car, former Det. Kenneth Kannes, is now serving a prison sentence for manslaughter and DWI.

The disk and tape were believed to contain information on what the two officers were doing on the night of the fatal crash. The day after finding them, Rudolph gave the disk and tape to Investigator Gerard Amedio.

The internal charge accuses him of handing the items to the wrong person.

Amedio then allegedly placed the disk and tape in his locker, where they remained for about a year, until Kannes's wife, Debra, insisted that Fusco search the locker. During that time, Amedio testified against Kannes, without saying anything about the possible evidence that was in his possession.

Amedio, who is listed as a witness in Fusco's case against Rudolph, was brought up on an internal charge of withholding evidence. But he was immediately allowed to go out on medical leave, and has not been suspended. He has since continued to attend law school, taken the bar exam and, according to several officers and council members, has been paid by the city for work done in the department on overtime while off his regular duties.

The Record 2-17-02

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Kannes' evidence surfaces too late

20-01-1

Disk found after cop is sentenced

By Jamie D. Gilkey

The Record

RENSELAER — A day after city police Officer Mark Goca died in a car crash on May 19, 2000, one of his fellow officers discovered a computer disk and a microcassette containing details of the criminal investigation Goca was working on the night of his death.



Kannes

However, while the disk was given to Rensselaer's lead forensic officer just hours after it was found, *The Record* has learned that Police Chief Frederick Fusco did not get possession of it until a year later. By then, Police Officer Kenneth Kannes had already been convicted of vehicular manslaughter in Goca's death.

Fusco obtained the disk after it was uncovered in a search of a

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stationhouse locker used by Gerard Amedio, according to several sources who requested that they not be named. A key prosecution witness in Kannes' trial, Amedio was the president of Rensselaer's Patrolmen's Benevolent Association at the time he received the material. He was also a supervisory officer on the force at the time it was given to him by another city cop, a source said.

The search of Amedio's locker occurred only after Kannes' wife Debra ques-

tioned the police chief about the existence of the disk. *The Record* was told by an informed source.

A well-known local cop, Kannes was sentenced to 2 1/3 to 7 years after being convicted of vehicular manslaughter in the death of his fellow officer. He is still serving that sentence, but supporters have questioned how Rensselaer's police force handled its role in investigating the crash.

During the trial, Kannes, Rensselaer's DARE officer at the time, contended he and Goca were working on a

criminal investigation on the night of the fatal auto accident.

Multiple sources familiar with what happened told *The Record* on Wednesday that the disk and microcassette contained material supporting Kannes' explanation. However, neither Kannes nor his attorney Peter Gerstenzang knew of the material's existence until after the trial was over, according to sources.

The existence of the disk and microcassette comes to the surface this week as Rensselaer's Board of Public Safety moved to take disciplinary action against two

police officers — Thomas Rudolph and Amedio.

The records of that disciplinary action are confidential, and Fusco declined to comment on it. But sources familiar with the decision indicated Rudolph faces a 30-day suspension without pay to take effect when a suspension he is currently on ends in mid-January.

Amedio faces the prospect of a 45-day suspension but it is not expected to take effect until a hearing.

Neither Rudolph nor Amedio could be reached for comment.