

THE STATE OF NEW YORK
SUPREME COURT: COUNTY OF ALBANY

By: Christopher Baynes, Assistant Attorney General
Public Integrity Bureau
The Capitol
Albany, New York 12224-0341

COUNTS

1. **GRAND LARCENY IN THE SECOND DEGREE**, in violation of N.Y. Penal Law § 155.40 (1), a class C Felony.

COUNT 1

THE GRAND JURY AFORESAID, by this indictment, accuses the defendant, DANILO PESCE, of the crime of GRAND LARCENY IN THE SECOND DEGREE, in violation of Penal Law § 155.40(1), committed as follows:

The defendant, on or about March 17, 2020 through April 30, 2024, in the City of Albany, County of Albany, State of New York, and elsewhere, stole property and the value of the property exceeded fifty thousand (\$50,000) dollars, TO WIT: on the aforementioned date, time and location, the Defendant intentionally and wrongfully took, obtained or withheld in excess of fifty thousand dollars (\$50,000) from the New York State Teachers' Retirement System ("NYSTRS"), disbursements which were intended to pay the pension of Jack Lee Morgan. After Mr. Morgan's death on March 12, 2020, when the NYSTRS pension payments were no longer authorized but erroneously continued to be deposited in Mr. Morgan's depository account, the Defendant regularly withdrew and spent in excess of \$140,000 of said pension payments.

A TRUE BILL


FOREPERSON

LETITIA JAMES
NEW YORK STATE ATTORNEY
GENERAL