

STATE OF NEW YORK
COUNTY OF CAYUGA

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

FELONY COMPLAINT

-vs-

IBS #01-040

PETER J. PINCKNEY,

AAG Mindell
(315) 448-4857

Defendant.

Special Investigator Shaun V. Thurston, Shield No. 111 of the Office of the Attorney General, State of New York, being duly sworn, deposes and says:

On or about the dates set forth below, in the county of Cayuga, State of New York, defendant committed the following offenses:

1. GRAND LARCENY IN THE THIRD DEGREE, Penal Law §155.35.

From on or about, February 10, 1998, to on about December 7, 2001, in the County of Cayuga, State of New York, defendant stole more than \$3,000 from the County of Cayuga.

2. DEFRAUDING THE GOVERNMENT, Penal Law §195.20.

From on or about February 10, 1998, through and including December 18, 2001, in the County of Cayuga and State of New York, defendant, a public servant employed as Sheriff of Cayuga County, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud the County of Cayuga and to obtain property from the County of Cayuga by false and fraudulent pretenses, representations and promises.

3. OFFERING A FALSE INSTRUMENT FOR FILING IN THE FIRST DEGREE, Penal §175.35.

On or about December 3, 2001, knowing that written instruments contained false statements and information, and with intent to defraud the County of Cayuga, defendant offered and presented the instruments to the Cayuga County Sheriff's Department with the knowledge or belief that they would be filed with, registered or recorded, or otherwise become part of the records of the Cayuga County Sheriff's Department.

The offenses were committed under the following circumstances:

Since 1991, defendant has been employed as Sheriff of Cayuga County. The Cayuga County Sheriff's Department maintains a Seized Assets Fund. The Seized Assets Fund includes money seized during drug investigations and which has been the subject of Court-ordered forfeiture. The money in the Seized Assets Fund is specifically earmarked to finance expenditures for law enforcement purposes. Since February 10, 1998, the defendant has repeatedly obtained money from the Seized Assets Fund or which was intended for the Seized Assets Fund which he has converted to his personal use.

On or about February 10, 1998, defendant directed the custodian of the Seized Assets Fund to give him \$500 from the Fund. Defendant obtained this money and used it to pay for personal expenditures.

On or about October 12, 1998, defendant again directed the custodian of the

Seized Assets Fund to give him \$500 from the Fund. Again, defendant obtained this money and used it to pay for personal expenditures.

On or about November 15, 2001, defendant directed a Deputy in his office to obtain \$1,000 from the Seized Assets Fund and to turn that money over to defendant. On or about November 16, 2001, acting under defendant's direction, this Deputy gave defendant this \$1,000 in cash. Defendant did not use this money for a law enforcement purpose but instead used it to pay for personal expenditures, including a family trip to Texas.

On or about December 7, 2001, defendant obtained a \$2,000 check representing seized forfeiture assets belonging to the Cayuga County Sheriff's Office and intended for the Seized Assets Fund. Defendant cashed this check and kept the proceeds. He did not use this money for a law enforcement purpose but instead used it to pay for personal expenditures.

As part of this scheme to steal public funds and to defraud the County of Cayuga, defendant directed individuals under his supervision to prepare and file reports which falsely documented that the money defendant had received had been used in a narcotics investigation. On or about December 3, 2001, defendant directed a Deputy of the Cayuga County Sheriff's Office to file two expenditure reports that falsely reported that the \$1,000 that defendant had obtained on November 16, 2001 from the Seized Asset Fund had been used in a narcotics investigation. Defendant knew that these reports were false because defendant had, in fact, used this money for personal expenditures including a family trip to Texas. These reports were filed by the Deputy at defendant's direction with the Cayuga County Sheriff's Office.

As further part of his scheme, defendant repeatedly and falsely represented that some of the funds that he misappropriated had been or were being used in narcotics investigations.

As further part of this scheme, defendant, on multiple occasions, ordered county employees to do home improvements, maintenance and repairs to defendant's personal residence, and to provide personal services to defendant and his family while those employees were on the County payroll and should have been carrying out their official duties as County employees.

This accusatory instrument is based upon my own personal knowledge and on information and belief. Allegations made upon information and belief are based upon my review of recorded conversations in which defendant made admissions concerning these offenses, my review of an interview of the defendant conducted in the Office of the Attorney General, interviews of the Custodian of the Cayuga County Sheriff's Department Seized Assets Fund and of the Deputy who delivered \$1,000 to defendant on November 16, 2001, and upon my review of the files of the New York State Attorney General's Office, New York State Police, Auburn Police Department and the Cayuga County Sheriff's Department, relating to this investigation.

Making a false statement herein is punishable as a Class A misdemeanor under Penal Law §210.45.

SHAUN V. THURSTON
Special Investigator

Sworn to before me this
3rd day of January, 2002.

Kathleen M. Stanton
Notary Public in the State of New York
Registration No. 01ST6040164
Appointed in Onondaga County
Commission Expires 04/17/2002