



Justice Center for the Protection of People With Special Needs

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Former Sunmount Employee Sentenced for Cover Up Of Assault of Service Recipient

NYS Justice Center for the Protection of People with Special Needs Prosecuted Case

Malone, NY – NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning today announced the sentencing of a former employee of the Sunmount Developmental Center in Tupper Lake who was found guilty of providing false information to his employer in an effort to cover up an assault of a resident at the facility.

Jeff Defayette (DOB: 09/13/85) of Piercefild, who was convicted by a Franklin County jury of Offering a False Instrument for Filing in the second degree, a class “A” Misdemeanor in May, was sentenced on June 29, 2016 to an intermittent four month jail sentence to be served every weekend. The defendant was also placed on three years’ probation. Defayette was among five employees who were indicted on charges in connection with the incident last year.

In sentencing the defendant, the Honorable Jerome J. Richards, Acting County Court Judge, expressed his frustration with the defendant’s continued failure to take responsibility for his conduct. In his remarks to the defendant, the Judge stated, “[T]here’s no greater obligation that the People in society have than to take care of the people who are helpless, who can’t take care of themselves.”

“We are pleased with the sentence imposed on this defendant,” said Special Prosecutor Gunning. “It is unconscionable for a state employee to deliberately provide false information regarding a serious medical emergency involving a service recipient. The Justice Center will continue to work closely with the Franklin County District Attorney’s office and the New York State Police to ensure that individuals receiving services at Sunmount have equal access to the criminal justice system.

Defayette was the first of five defendants to be tried in this case. An investigation was initially conducted by State Police who ultimately turned the investigation over to the Justice Center.

The case was prosecuted by Justice Center Deputy Special Prosecutor Jacqueline Kagan and Assistant Special Prosecutor Christopher Mirabella. The remaining defendants’ cases will be handled by Ms. Kagan, Mr. Mirabella and Assistant Special Prosecutor Rachel Dunn. In compliance with Disciplinary Rule 7-107A of the Code of Professional Responsibility, the remaining defendants are presumed innocent until and unless proven guilty.

The Justice Center and its statewide hotline and incident reporting system began operations on June 30, 2013. It is staffed 24-hours a day, seven days a week by trained professionals who receive reports of allegations of abuse and neglect of people with special needs. Once a report is received by its Vulnerable Persons Central Register (VPCR) Hotline, it is logged and assessed. Serious cases of abuse or neglect are assigned to the Justice Center's investigation team or, when appropriate, to a local law enforcement agency for follow-up.

Through the services provided by the Justice Center's Individual and Family Support Unit – victims, their families, personal representatives and guardians receive guidance and information about the reporting and investigation process and support during criminal cases and court proceedings.

The Justice Center also maintains a statewide registry of all persons who have been found to be responsible for serious or repeated acts of abuse and neglect. Once placed on the registry, known as the "Staff Exclusion List" or SEL, they are prohibited by law from ever working again with people with disabilities or special needs.

Sunmount Developmental Center is operated by the Office for People With Developmental Disabilities (OPWDD). OPWDD is one of six state agencies under the jurisdiction of the Justice Center. It also oversees certain facilities or programs that are operated, licensed or certified by the Office of Mental Health (OMH), the Department of Health (DOH), the Office of Children and Family Services (OCFS), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

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