



Justice Center for the Protection of People With Special Needs

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Former Counselor at Monticello Group Home Receives Maximum Sentence for Sexually Abusing Resident

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

Monticello, NY - NYS Justice Center for the Protection of People with Special Needs Special Prosecutor/Inspector General Patricia E. Gunning today announced the sentencing of a former counselor at a group home operated by Orange/Sullivan Division of Rehabilitation Support Services. Michael Cubero, (DOB: 11/15/77), who was convicted of sexually abusing a woman in his care, was sentenced to eight years in state prison, the maximum punishment allowed by law.

In June of 2015, a Sullivan County jury found Cubero guilty on charges of:

- Two counts of a Criminal Sexual Act in the third degree, a class E Felony;
- One count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the first degree, a Class E Felony; and
- Two counts of Sexual Abuse in the second degree, a class A Misdemeanor.

At the sentencing hearing, the Honorable Frank LaBuda condemned the defendant for his disregard of the public trust for victimizing a woman receiving mental health services that he was employed to care for-- stating that such behavior cannot be tolerated in this or any other civilized society. In addition to imposing incarceration, Judge LaBuda ordered Cubero to register as a sex offender upon his release.

"This victim displayed extraordinary courage in facing her abuser in court, providing details that allowed the jury to convict," said Special Prosecutor Gunning. "Judge Labuda's imposition of the maximum sentence sends a strong message to perpetrators who would choose to victimize persons receiving care that the Justice Center, along with local law enforcement agencies and district attorneys will continue to vigorously investigate and prosecute such cases of abuse."

An investigation conducted by the Justice Center, with assistance from the Monticello Police Department and the New York State Police found Cubero had been involved in an ongoing sexual relationship with a female resident from June to December of 2013. Rehabilitation Support Services cooperated fully in the investigation and prosecution.

The case was prosecuted by Gunning and Assistant Special Prosecutor Christopher Mirabella.

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.

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. 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 facility where the incident occurred is licensed by the Office of Mental Health (OMH). OMH is one of six state agencies under the jurisdiction of the Justice Center. The Justice Center also oversees certain facilities or programs that are operated, licensed or certified by the Office for People With Developmental Disabilities (OPWDD), 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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