

County Clerk, Jefferson County

Date Filed: _____
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Application for
Pursuant to CP
FEE \$2

CRIMINAL



Gizelle J Meeks, Jefferson County Clerk

2022-00002976

11/01/2022 12:00:33 PM

Receipt # 2022029744

Pages 1

Clerk: AG

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Spaces below to be Typed or Printed by Applicant

Filing Attorney, please check type below:

TITLE OF ACTION OR PROCEEDING
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK,

-v-

ANTHONY R. DIBELLA

(Case No. 22-178)

- Contract
- Tort
- Tax Certiorari
- SCAR (Small Claims Assessment Review)

- Other Civil Case Type
- Criminal

Name and Address of Attorney for Plaintiff or Petitioner	Kristyna S. Mills, Jefferson County District Attorney 175 Arsenal Street Watertown, New York 13601
--	--

Name and Address of Attorney for Defendant or Respondent	
--	--

DO NOT DETACH

Title of action or proceeding to TYPED OR PRINTED by applicant

INDEX NUMBER
FEE \$210.00

County Court
Jefferson County

THE PEOPLE OF THE STATE OF NEW YORK

v.

ANTHONY R. DIBELLA

(Case No. 22-178)

Date Filed: _____
Do not write in this space

Endorse this INDEX NUMBER on all papers and advise your adversary of the number assigned

COMPLETE
THIS STUB

ORIGINAL

IN COUNTY COURT

GRAND JURY

2022 TERM 5

County of Jefferson


Index No.

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

ANTHONY R. DIBELLA,

DEFENDANT.

INDICTMENT	
	2022-00002976
	11/01/2022 12:00:33 PM
	Receipt # 2022029744
	3 Pages
Gizelle J Meeks, Jefferson County Clerk	Clerk: AG

Indictment No. 22-178

THE GRAND JURY OF THE COUNTY OF JEFFERSON, by this Indictment, accuses **ANTHONY R. DIBELLA** of the offense of **MURDER IN THE SECOND DEGREE** in violation of **Section 125.25(1)** of the Penal Law of New York State, committed as follows:

That the said **ANTHONY R. DIBELLA**, on or about the 28th day of April 2022, in the Town of Lyme, in said County of Jefferson and State of New York, intentionally caused the death of another person or third person, to wit: the defendant intentionally caused the death of Wanda Paoli by stabbing her repeatedly with sharp instruments.

SECOND COUNT

AND THE GRAND JURY AFORESAID, by a second count of this Indictment, further accuses the said **ANTHONY R. DIBELLA** of the offense of **ASSAULT IN THE FIRST DEGREE**, in violation of **Section 120.10(1)** of the Penal Law of New York State, committed as follows:

That the said **ANTHONY R. DIBELLA**, on or about the 28th day of April 2022, in the Town of Lyme, in said County of Jefferson and State of New York, with intent to cause serious physical injury to another person, caused such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument, to wit: the defendant, with intent to cause serious physical injury to Wanda Paoli, caused such injury to said victim when he stabbed the victim repeatedly with one or more sharp instruments capable of causing serious physical injury or death.

Kristyna S. Mills
KRISTYNA S. MILLS, ESQ.
DISTRICT ATTORNEY OF THE
COUNTY OF JEFFERSON

THIRD COUNT


AND THE GRAND JURY AFORESAID, by a third count of this Indictment, further accuses the said **ANTHONY R. DIBELLA** of the offense of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of **Section 265.01(2)** of the Penal Law of New York State, committed as follows:

That the said **ANTHONY R. DIBELLA**, on or about the 28th day of April 2022, in the Town of Lyme, in said County of Jefferson and State of New York, possessed any dagger, dangerous knife, dirk, machete, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with the intent to use the same unlawfully against another, to wit: the defendant possessed an awl, a dangerous instrument, with the intent to use the same unlawfully against another.

FOURTH COUNT

AND THE GRAND JURY AFORESAID, by a fourth count of this Indictment, further accuses the said **ANTHONY R. DIBELLA** of the offense of **CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE**, in violation of **Section 265.01(2)** of the Penal Law of New York State, committed as follows:

That the said **ANTHONY R. DIBELLA**, on or about the 28th day of April 2022, in the Town of Lyme, in said County of Jefferson and State of New York, possessed any dagger, dangerous knife, dirk, machete, razor, stiletto, imitation pistol, or any other dangerous or deadly instrument or weapon with the intent to use the same unlawfully against another, to wit: the defendant possessed a bayonet knife, a dangerous instrument, with the intent to use the same unlawfully against another.


KRISTYNA S. MILLS, ESQ.
DISTRICT ATTORNEY OF THE
COUNTY OF JEFFERSON

Index #

Indictment # 22-178

In County Court

County of Jefferson

THE PEOPLE OF THE STATE OF NEW YORK

-against-

ANTHONY R. DIBELLA

INDICTMENT

Murder, 2nd Degree

Penal Law §125.25(1)

Assault, 1st Degree

Penal Law §120.10(1)

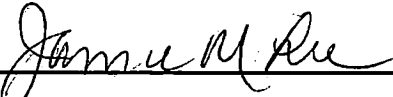
Criminal Possession of a Weapon, 4th Degree

(2 counts)

Penal Law §265.01(2)


Kristyna S. Mills, Jefferson County District Attorney

A TRUE BILL



Foreperson

At a Term of the County Court of the State of New York, held in and for the County of Jefferson at the Jefferson County Court Complex, Watertown, New York, on the 19 day of May, 2023.

Present: HONORABLE DAVID A. RENZI
County Court Judge

PEOPLE OF THE STATE OF NEW YORK

-against-

ANTHONY R. DIBELLA,
Defendant.

DECISION-ORDER

Indictment No.: 178-22
Index No.: 22-2976

Indictment 178-22 accuses the Defendant of one count of Murder in the Second Degree, in violation of §125.25(1) of the Penal Law (hereinafter "PL"); one count of Assault in the First Degree, in violation of Penal Law 120.10(1); and, two counts of Criminal Possession of a Weapon in the Fourth Degree, in violation of Penal Law §265.01(2). The indictment is based upon incidents taking place on or about April 28, 2022, in the Town of Lyme, County of Jefferson, State of New York.

The Defendant has been arraigned on the indictment and has pled not guilty to each charge contained therein. The Defendant's attorney has submitted an omnibus motion which seeks (among other things):

1. Review of the grand jury proceeding for sufficiency of evidence and other defects and dismissal or reduction of the indictment;

2. An order compelling discovery pursuant to *Rosario, Brady* and the Criminal Procedure Law;
3. An order suppressing any statements by the Defendant to law enforcement or for a *Huntley* hearing in the alternative;
4. An order directing hearings to determine the use of any of the Defendant's prior bad acts at trial pursuant to *Sandoval/Ventimiglia*;
5. An order granting the defense permission to file subsequent and/or late motions and reserving the right to further motions.

The Court has received papers from the People responding to that motion.

Review of Indictment

The Court has reviewed the grand jury transcripts and, upon such review, has determined that the competent and admissible evidence presented to the grand jury was legally sufficient to establish that the Defendant committed the offenses charged in the indictment and that such competent and admissible evidence provided reasonable cause for the grand jury to believe that the Defendant committed the offenses charged in the indictment. The Court has further determined that the grand jury was properly instructed by the prosecutors (including any necessary curative and/or limiting instructions) and the instructions were adequate to apprise the grand jurors of the elements of the crimes charged in the indictment and of any applicable defenses.

The Court has also determined that the indictment was not defective; that the grand jury was legally constituted; that at least sixteen (16) jurors were present to hear

the evidence and vote on the indictment; that at least twelve (12) grand jurors voted for the charge in the indictment; that the integrity of the grand jury was not impaired in any way; and, that the presentation was not conducted in a manner that was prejudicial to the Defendant. Finally, the Court has determined that there were no improprieties in the proceeding and that the prosecutors did not engage in misconduct in their presentation of the matter.

The Defendant's motion seeking dismissal of the indictment for lack of legally sufficient evidence and other defects, is denied.

***Rosario* & Section 245 of the Criminal Procedure Law Discovery**

The Defendant's pre-trial motion includes a request for an order directing the People to disclose certain requested evidence to Defense Counsel. Discovery is requested pursuant to Article 245 of the Criminal Procedure Law, and pursuant to the cases People v. Rosario, 9 NY2d 286, *cert. den.* 368 US 866, and Brady v. Maryland, 373 US 83; and their progeny. The Court acknowledges service by the People upon Defense Counsel and the Court of a Certificate of Compliance, together with a Notice and Disclosure Form under Criminal Procedure Law §245.50(1). It appears that all other mandates of Criminal Procedure Law Section 245 have been satisfied. The People and Defense Counsel are reminded of their continuing duty regarding disclosure of evidence and that sanctions may be imposed for failure to fulfill that duty.

Suppression of Statements

Defense Counsel has requested that the Court issue an order precluding the introduction at trial of any statement by the Defendant to law enforcement, or for a *Huntley* hearing in the alternative, on the basis that any such statements were taken in violation of the Defendant's Constitutional rights and without the Defendant having adequately received and understood his *Miranda* warnings.

On November 1, 2022, the People gave notice of the intention to offer evidence of statements made by the Defendant to Investigator Gregory Majo, Deputy Michael Schryver, Trooper Joshua Cox, Trooper Tatiana Edmondson, deputy Gerald Delosh, Trooper Andrew Guyette, Investigator James Eichhorn, Senior Investigator Carl Stonebarger, Senior Investigator Kevin Rose and/or Trooper Bryan Harris on or about April 28, 2022, in the Town of Lyme and/or at State Police Watertown, County of Jefferson, State of New York.

The People deny that the Defendant's Constitutional rights were violated and oppose suppression but do not oppose a hearing.

The Court finds that the People provided notice to Defense Counsel of the intent to offer the above referenced statements in accordance with CPL §710.30. Accordingly, a *Huntley* hearing will be held on **July 19, 2023, at 1:30 p.m.**

Prior Bad Acts

Defense counsel seeks an order prohibiting introduction, via cross examination of the Defendant and in the People's case in chief, of any prior convictions or bad acts of the Defendant. The Court notes that the People have provided the Defendant's criminal

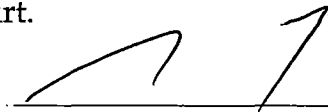
history to Defense Counsel. The People are directed to disclose to Defense Counsel any uncharged vicious, criminal, immoral or anti-social acts by the Defendant they will use to cross-examine the Defendant or that they will use in the People's direct case prior to the commencement of a *Sandoval/Ventimiglia*, which will be held prior to trial and as the Court's calendar permits.

Further Motions


Defense Counsel has moved for permission to review or to submit additional motions as may become necessary as more information is acquired. In order to ensure that justice prevails, Defense Counsel shall be allowed to seek additional relief should she demonstrate good cause as to why the relief was not sought in the time frames provided by statute.

This Decision constitutes the Order of this Court.

ENTER


Hon. David A. Renzi
Jefferson County Court Judge

DECISION-ORDER



2022-00002976
05/22/2023 04:52:27 PM

Gizelle J Meeks, Jefferson County Clerk Clerk: SB

UNIFORM SENTENCE & COMMITMENT

STATE OF NEW YORK
 JEFFERSON COUNTY COURT, COUNTY OF JEFFERSON
 PRESENT HON. DAVID A. RENZI

Court Part: A
 Court Reporter(s): Taryn Leonard
 Superior Ct. Case: IND-70705-22/001
 DA Case Number: 22-178

The People of the State of New York			
-vs-			
Anthony R. Dibella			
Defendant			
Male	1970	15543569H	69934139K
SEX	D.O.B	NYSID NUMBER	CJTN

Accusatory Instrument Charge(s):	Law Section & Subdivision
1. Murder: Intention	PL 125.25 01 AF
2. Aslt W/Int Caus Ser Inj W/Weap	PL 120.10 01 BF
3. Crim Poss Weap-4th: Int To Use	PL 265.01 02 AM
Date(s) of Offense:	04/28/2022

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY PLEA THE MOST SERIOUS OFFENSE BEING A FELONY IS HEREBY SENTENCED ON 09/20/2023 TO:

Crime	Count No.	Law Section and Subdivision	SMF, Hate or Terror	Indeterminate	Definite/ Determinate	Post-Release Supervision
Murder: Intention	1	PL 125.25 01 AF		18 years - Life in prison		

NOTE: For each DETERMINATE SENTENCE imposed, a corresponding period of POST RELEASE SUPERVISION MUST be indicated (PL § 70.45)

Paid	Not Paid	Deferred CPL 420.40(5)	Waived CPL 420.35(2-a)	If deferred, must file written order per CPL 420.40(5). If waived, must make finding per CPL 420.35(2-a).	Paid	Not Paid	Deferred CPL 420.40(5)	Waived CPL 420.35(2-a)	If deferred, must file written order per CPL 420.40(5). If waived, must make finding per CPL 420.35(2-a).
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mandatory Surcharge \$0.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Crime Victim Assistance Fee \$0.00
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DNA Fee \$0.00	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sex Offender Registration Fee
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DWI/Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Supp. Sex Off. Victim Fee
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	Fine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	Restitution

THE DEFENDANT IS HEREBY COMMITTED TO THE CUSTODY OF THE Department of Corrections and Community Supervision (DOCCS) until released in accordance with law, being a person eighteen (18) years of age or older at the time the offense was committed sentenced to a period of incarceration in excess of one (1) year and not presently in the custody of DOCCS, and the Sheriff or Department of Corrections of the county, as applicable, is directed to deliver the defendant to the custody of DOCCS as provided in 7 NYCRR Part 103.

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED
REMARKS:

Pre-sentence investigation report Attached:	No	<input type="checkbox"/> Amended Commitment
Order of Protection Issued:	No	
Order of Protection Attached:	No	

Sentence & Commitment and indicated attachments received by custodial authority

 Officer Name

 Shield No.

09/20/2023
 Date

Jessica L. Zaremba
 Clerk of the Court

By:

Jessica Zaremba
 Signature

Court Assistant
 Title



SENTENCE & COMMITMENT

2022-00002976

09/22/2023 11:26:47 AM

1 Pages

Gizelle J Meeks, Jefferson County Clerk Clerk: SB

1 THE STATE OF NEW YORK
COUNTY OF JEFFERSON COUNTY COURT
2 -----

3 THE PEOPLE OF THE STATE OF NEW YORK,

4 vs. DIN #
NYSID # 15543569H
5 Indictment # IND-70705-22/001
Index # 22-2976
6 DA # 22-178

7 ANTHONY R. DIBELLA,
Defendant.
8 -----

9 SENTENCING held on September 20, 2023, at the
10 Jefferson County Court Complex, 163 Arsenal Street,
11 Watertown, New York 13601.

12
13 B E F O R E : HONORABLE DAVID A. RENZI,
County Court Judge
14

15 A P P E A R A N C E S :

16 For the People: KRISTYNA S. MILLS
Jefferson County District Attorney
17 175 Arsenal Street
Watertown, New York 13601
18 BY: NOLAN PITKIN, ESQ.
Assistant District Attorney II
19

20 For the Defendant: SWARTZ LAW FIRM, P.C.
Attorney at Law
21 200 Washington Street
Suite 301
22 Watertown, New York 13601
BY: ERIC T. SWARTZ, ESQ.
23

24 (Defendant is present.)

25 Reported by: Taryn D. Leonard, RPR
Official Court Reporter

TARYN D. LEONARD, RPR

MINUTES - SENTENCE
2022-00002976
09/22/2023 11:50:22 AM
Gizelle J Meeks, Jefferson County Clerk Clerk: SB

People vs. Anthony R. Dibella
Sentencing

1 THE COURT: Okay. So a few matters on.
2 The first one, it's on for sentencing,
3 People versus Anthony Dibella. I'd ask that that
4 case be called.

5 MR. SWARTZ: Yes.

6 MR. PITKIN: Judge, I believe your chambers
7 got notice of a statement that the victim's sons
8 would like read. I just wanted to make sure the
9 Court got proper notice on that.

10 THE COURT: I did.

11 MR. PITKIN: Perfect.

12 Thank you, Judge.

13 THE COURT: So The People versus
14 Anthony Dibella is on for sentencing.

15 Do the People move sentence,
16 Attorney Pitkin?

17 MR. PITKIN: Yes, Judge. At this time,
18 People move sentence. It'd be my understanding for
19 the defendant's conviction on the indictment here of
20 murder in the second degree that the defendant would
21 be sentenced to 18 years to life per the negotiated
22 disposition.

23 Again, Judge, my understanding is that the
24 victim's sons have a statement that we wish to be
25 read, so I'd ask to read that at some point just at

People vs. Anthony R. Dibella
Sentencing

1 Your Honor's direction.

2 THE COURT: Okay. And, Number 1,
3 Mr. Swartz, do you have any opposition to that?

4 MR. SWARTZ: No, Your Honor.

5 THE COURT: All right. So, Mr. Pitkin, why
6 don't you proceed with that now?

7 MR. PITKIN: For the record, this is a
8 statement from the victim's sons, Josh and
9 Shawn Paoli. It states:

10 "Your Honor,

11 "Wanda was our mother. We were very close
12 to her and loved her very much. The defendant was my
13 mother's brother. He is nothing to us now.

14 "When we heard what happened, we were
15 angry, in shock, and then a deep sadness came over us
16 that I'm afraid will never go away.

17 "Every day is difficult, and no one can
18 ever understand the physiological impact this
19 senseless tragedy has had not only on our lives but
20 on the lives of our entire family because our mother
21 is no longer here with us. I cannot even put into
22 words how much she is missed.

23 "We hope Tony rots in prison with no chance
24 of ever getting out for what he has done. He
25 selfishly and violently took her life and has

People vs. Anthony R. Dibella
Sentencing

1 destroyed our family."

2 And the statement is signed by Josh and
3 Shawn Paoli, who couldn't be with us here today but
4 did want that put on the record for the purpose of
5 being heard at sentencing, Judge.

6 THE COURT: Thank you, Attorney Pitkin.
7 Attorney Swartz, would you like to be
8 heard, sir?

9 MR. SWARTZ: I think that Anthony does.

10 THE COURT: Okay. Mr. Dibella, go ahead,
11 sir.

12 THE DEFENDANT: Yes, Your Honor.

13 I'm not sure if you've already read this
14 for yourself.

15 THE COURT: I have, but go ahead.

16 THE DEFENDANT: To the State of New York
17 and Honorable Judge Renzi and District Attorney.

18 My name is Anthony Dibella.

19 (Sotto-voce discussion off the
20 record.)

21 THE DEFENDANT: My name is Anthony Dibella.
22 I became a U.S. Navy sailor in December of 1989. I
23 deployed to the Middle East on the helicopter carrier
24 USS Inchon with 600 Marines and 400 sailors during
25 Operation Desert Storm. After failing an advancement

People vs. Anthony R. Dibella
Sentencing

1 test to E-5 from E-4, I began self-medicating
2 depression with alcohol during Desert Storm. I was
3 discharged in 1992 on August 28th for self-medicating
4 my schizophrenia and depression symptoms with
5 marijuana. I thought marijuana made me happier.

6 In February or March of 1994, I was
7 officially diagnosed with schizoaffective disorder
8 and bipolar with manic depression. I was
9 hospitalized in Rochester General Hospital for
10 treatment for a period of two weeks in the
11 psychiatric wing. From 1994 to the present, I've
12 been unsuccessful in maintaining a steady job for
13 more than two years at a time. I moved from employer
14 to employer all these years because of my mental
15 sicknesses.

16 In March of 2019, after attending a healing
17 church service, I stopped all my psychotropic
18 medications. Despite all of my willpower, my
19 paranoia got the best of me April 28, 2022.

20 Going back from that date, from
21 August 2020, when I was enrolled at Universal
22 Technical Institute for motorcycle mechanics, until I
23 then quit in October 2020. My paranoia was fed by
24 Wanda Paoli's hostile behavior toward my mother,
25 Rosemary Dibella, witnessed via telephone at the

People vs. Anthony R. Dibella
Sentencing

1 time.

2 She obsessed with reality shows about
3 serial killers and the Amityville murders.
4 Meanwhile, Wanda Paoli told me she had bought and
5 purchased a battery powered chainsaw.

6 MR. PITKIN: Judge, can I just object to
7 this at the current point?

8 We're here for sentencing, not to disparage
9 the victim of an intentional depraved murder here.

10 THE COURT: I'm going to let him talk.

11 MR. PITKIN: Okay.

12 THE COURT: Thank you.

13 MR. PITKIN: Thank you, Your Honor.

14 Just note my objection for the record.

15 THE COURT: Thank you.

16 THE DEFENDANT: She meanwhile told me she
17 idolized the killer from Halloween movies,
18 Michael Myers. In fear for our mother Rosemary's
19 safety, I quit college and came back to Failing
20 Shores in Three Mile Bay on October 28, 2020.

21 My family has been well aware of my
22 concerns of Wanda Paoli possibly causing harm to
23 Rosemary Dibella, our mother. My family knew this
24 from when I came home in October 2020 until April 28,
25 2022, the day I believe Wanda had reached a point

People vs. Anthony R. Dibella
Sentencing

1 where she was going to cause more serious physical
2 harm to our 89-year-old mother, Rosemary Dibella.
3 Noticing bruises on my mom's hands, it was then that
4 I took unsound measures to prevent further harm and
5 sorrowfully killed Wanda Paoli. Below is a list of
6 people I confided in about the issues of home with
7 Wanda from April 2020 forward.

8 Ernie Miller, Watertown Police Department;
9 State Policeman Watkins at Pamela State Police;
10 Jim Collins of Chaumont at (315)767-6600; Sue Collins
11 of Chaumont; Jim Wilkinson of Failing Shores;
12 Kayla Wilkinson of Failing Shores; Chicky Wilkinson
13 of Failing Shores; Al Gonnella of Failing Shores and
14 Greece, New York; Russell Dibella, my brother, at
15 (585)331-7716; Debbie Melos, my sister, at
16 (585)261-0165; and Howie Tiberend, a pastor.

17 I wrote this to you, Your Honor, because I
18 thought if you knew what happened and why you might
19 get me help from a VA hospital instead of go to
20 prison. I believe what -- I believe without a shadow
21 of a doubt that I saved my mother's life that day. I
22 ask you, Your Honor, to please show leniency when
23 passing the sentence on me today.

24 Sincerely with appreciation,
25 Anthony Dibella.

People vs. Anthony R. Dibella
Sentencing

1 THE COURT: Okay. Thank you.

2 Attorney Swartz, is there anything from you
3 on this case in regards to sentencing?

4 MR. SWARTZ: No, Your Honor.

5 THE COURT: So I've had the benefit of a
6 presentence investigation report.

7 Mr. Dibella, I'm very, very, very familiar
8 with the facts of the case. There's, of course, an
9 agreed upon sentence and disposition. We discussed
10 it prior to you entering a guilty plea. I was very
11 familiar with issues that could potentially be a
12 mental health defense. Those, of course, were
13 negated when you entered a guilty plea to murder in
14 the second degree.

15 And we were very careful when I took that
16 plea, and I wanted to make sure that you were
17 entering that plea of sound mind and body. And when
18 we discussed it at the plea, you made it very clear
19 to me that you intentionally caused the death of
20 Wanda Paoli. You described it as unsound measures
21 that you took. Well, it's more than that. You made
22 a choice and a decision to kill somebody.

23 And based on that decision, you're at where
24 you're at today.

25 So it's the sentence of the Court, as

People vs. Anthony R. Dibella
Sentencing

1 agreed upon, Mr. Dibella, that you're sentenced to
2 18 years to life with the New York State Department
3 of Corrections. I'm going to waive a surcharge, and
4 I'm going to waive a DNA fee.

5 Of course, you have the right to appeal
6 this sentence of the Court, and you have 30 days to
7 do so. If you want to do that, please communicate
8 with your attorney about that option and how to
9 facilitate that option.

10 I don't oppose the department of
11 corrections providing you with any mental health
12 treatment that's appropriate. But that's the
13 sentence of the Court today. And that concludes this
14 proceeding.

15 Thank you.

16 THE DEFENDANT: Thank you, Your Honor.

17 MR. SWARTZ: Thanks, Your Honor.

18 THE COURT: Thank you.

19 * * *

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REPORTER'S CERTIFICATE

I, TARYN D. LEONARD, RPR, Official Court Reporter, and Notary Public in the County of Jefferson, State of New York, do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that the witness was duly sworn or affirmed to testify to the truth; that the testimony and/or proceedings were stenographically recorded by me and transcribed under my supervision.

That the foregoing transcript contains a full, true, and accurate record of all the testimony and/or proceedings held on September 20, 2023.

That I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND this 21st day of September, 2023.



TARYN D. LEONARD, RPR
Official Court Reporter