

**KEHOE & DEROSE**  
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May 11, 2017

Mr. W. Preston Marshall, Esq.  
5 Fifth Avenue  
Randolph, NY 14772

RE: Patrick A. Morton Date of Incident 02/13/2016  
Original Charge: .16 BAC  
Court: Great Valley Town Court  
Disposition Following Trial: Traffic Offense

Dear Attorney Marshall a/k/a PRICK (Prick)<sup>1</sup> a/k/a PUNK (Punk)<sup>2</sup>:

As a consequence of your cowardly, spineless, criminal conduct as partially delineated in footnote 2 below, the following ensued:

- a). **Embarrassment:** You embarrassed yourself and your boss, Ms. Lori Pettit Rieman, and you are an embarrassment to your colleagues in the District Attorney's Office.
- b). **Waste of Limited Resources:** You selfishly wasted the valuable and limited resources of the Cattaraugus County Sheriff's Department, as well as the New York State Police to the extent that a Trooper was called in to assist the Sheriff's Department in its effort to stop my motor vehicle. Moreover, Ms. Rieman was constrained to assign two separate ADAs during the course of the prosecution of this case, presumably because she deemed you unfit to do so.

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<sup>1</sup> Prick: You are an unqualified Prick for refusing to provide me with a courtesy copy of the arrest report when we met on 05/11/2016 to review the file for possible disposition. Furthermore, it was abundantly clear to me that you had not even reviewed the file as you were not conversant with the facts. I endeavored to explain to you that there were proof issues which required your attention, however, you dismissed me out of hand.

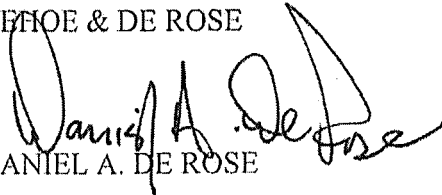
<sup>2</sup> Punk: Following our meeting on 05/11/2016, in a malicious fit of emotion, [it is never prudent to act upon one's emotions ... experience teaches that one is well served by taking action with their brain], you surreptitiously texted your "buddy" (a Sergeant with the Cattaraugus County Sheriff's Department) on the Sergeant's private cell phone and falsely, maliciously, spinelessly, vindictively and illegally [in all likelihood criminal conduct on your part] reported that I was then operating a motor vehicle while intoxicated. Notwithstanding the fact that the Sergeant, Sheriff Whitcomb, the New York State Trooper who was summoned by the Sergeant to assist in the stop of my motor vehicle and I knew that you were the "tipster", you requested that your identity remain anonymous [spineless conduct on your part], such that you were erroneously referred to as an "anonymous tipster" which, indeed, you were not. You are a PUNK in every sense of the word.

- c). **Suspect Expenditure of Limited County [Tax Payer] Funds:** Upon information and belief, you and Ms. Rieman caused Cattaraugus County to expend upwards of several thousand dollars to defend your defenseless conduct. This was wrong and inexcusable and an affront to County tax payers, as **your conduct** (see footnote 2) was wholly outside of the scope of your duties as an Assistant District Attorney and amounted to a classic "**frolic and detour**". You acted in your individual capacity as a malicious, misguided, purported "good Samaritan", a later-day Robin Hood if you will. [Unlike yourself who spinelessly demanded anonymity, Robin Hood would certainly have been pleased to have the world know of his good deed in removing an intoxicated driver from the public roadways].
- d) **Public Trough:** Having spent your entire work-life feeding from the public trough and having a "cozy" relationship with law enforcement officials, you probably believe that you can engage in the type of conduct described herein with impunity. You should not be so protected ... you are **not** above the law.
- e). **Abuse of Morton's Rights:** The most sinister aspect of your egregious conduct was that defendant Morton was denied and deprived of his right to a timely day in Court. Regrettably, Defendant Morton had to wait for a period in excess of one (1) year until his trial was scheduled. Parenthetically, following a trial, Mr. Morton was convicted of a traffic infraction.

Good job ... keep it up ...

Sincerely yours,

KETHOE & DE ROSE

  
DANIEL A. DE ROSE

DAD:pv

Enclosure

cc: Mr. Patrick A. Morton, via First Class Mail  
Cattaraugus County Sheriff, Timothy S. Whitcomb via First Class Mail  
Ms. Lori Pettit Reiman, Esq., Cattaraugus County District Attorney via First Class Mail  
Mr. Eric M. Firkel, Esq., Cattaraugus County Attorney via First Class Mail  
Mr. Benjamin J. Smith, Esq., Eye Witness via First Class Mail  
Mr. Matthew R. Swenson, Esq., Eye Witness via First Class Mail  
Mr. Bryan R. Milks, Esq., Eye Witness via First Class Mail