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Durham's Durhty Local LEOs (Law Enforcement Officers)

At the Town of Durham Town Board Meeting held on Tuesday, February 16, 2010 -- the first Town Board meeting following the conviction of a Durham Police Officer on two counts of sexual misconduct which conviction was based on the jury deciding that Town of Durham Police Chief Tom Sutton and two Town of Durham Police Officers' sworn testimonies were NOT CREDIBLE -- the Town of Durham Supervisor and Councilmembers SAID NOTHING.

There was no call for investigation.

NO call to accountability of the Town of Durham Police Chief.

In fact there was no mention of the lawsuit or conviction whatsoever.

THIS IS A VERY DARK DAY FOR THE TOWN OF DURHAM

The Daily Mail

Serving Greene County since 1792

VAN FLEET FOUND GUILTY Jury convicts former cop of sexual misconduct charges

By Colin DeVries
Hudson-Catskill Newspapers

Published: Friday, February 12, 2010 2:17 AM EST

COXSACKIE -- Former [Durham] police officer Nathan Van Fleet has been found guilty of all charges after having sex with an underage female in Sept. 2008.

The 32-year-old Van Fleet appeared stoic throughout the proceeding on Thursday in the Cocksackie Town Court, showing little reaction after the guilty verdict on two counts of sexual misconduct, a class A misdemeanor, was read in court.

Van Fleet, of Durham, was 30 at the time when he had sexual relations with a 16-year-old Tannersville girl in the town of Jewett on Sept. 13, 2008. Though the victim, now 18, claimed that the sexual intercourse and oral sex with the defendant was consensual, she was under the legal age of consent at the time.

Sentencing is scheduled for 2 p.m., April 12 in Cocksackie Town Court. Cocksackie Town Justice Thomas J. Fori did not remand him to the Greene County Jail. He faces a maximum sentence of two years in jail: one year for each charge.

COXSACKIE

Former cop found guilty

Jury convicts Nathan Van Fleet of sexual misconduct charges

By Colin DeVries
Hudson-Catskill Newspapers

Former police officer Nathan Van Fleet has been found guilty of all charges after having sex with an underage female in Sept. 2008. The 32-year-old Van Fleet appeared stoic throughout the proceeding on Thursday in the Cocksackie Town Court, showing little reaction after the guilty verdict on two counts of sexual misconduct, a class A misdemeanor, was read in court.

Van Fleet, of Durham, was 30 at the time when he had sexual relations with a 16-year-old Tannersville girl in the town of Jewett on Sept. 13, 2008. Though the victim, now 18, claimed that the sexual intercourse and oral sex with the defendant was consensual, she was under the legal age of consent at the time. Sentencing is scheduled for 2 p.m., April 12 in Cocksackie Town Court. Cocksackie Town Justice Thomas J. Fori did not remand him to the Greene

County Jail. He faces a maximum sentence of two years in jail: one year for each charge. The girl's father, who was in attendance with other family members throughout the three-day trial, expressed a sense that justice had been done. "I think the evidence speaks for itself," he said. "There are a lot of good police officers that don't want to be degraded by the bad ones." He said it had been a difficult two years for his family

in dealing with this situation, and emphasized that the family had not initiated the investigation. The situation was handled internally by the Hunter Police Department and the New York State Police Bureau of Criminal Investigation. Van Fleet was employed as a police officer with the Hunter Police Department and the Durham Police Department. The six-member jury, consisting of three men and three women, returned a verdict. Please see Guilty, page A11

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The girl's father, who was in attendance with other family members throughout the three-day trial, expressed a sense that justice had been done.

"I think the evidence speaks for itself," he said. "There are a lot of good police officers that don't want to be degraded by the bad ones."

The six-member jury, consisting of three men and three women, returned a verdict after about an hour and a half of deliberations.

He said it had been a difficult two years for his family in dealing with this situation, and emphasized that the family had not initiated the investigation. The situation was handled internally by the Hunter Police Department and the New York State Police Bureau of Criminal Investigation.

Van Fleet was employed as a police officer with the Hunter Police Department and the Durham Police Department.

One juror, an alternate who did not participate in deliberations, said the key evidentiary elements were the victim's and Van Fleet's DNA links to bedding found where the sex occurred, as well as the Durham Police Department employment records where Van Fleet worked as a police officer.

After jurors were adjourned from service, they collectively said the alibi testimony made by Van Fleet's former Durham Police Department colleagues was not credible. The other elements, including the victim's testimony and the DNA links, were all weighed heavily by the jury.

Special prosecutor John Hillman, Jr., an assistant district attorney of Columbia County, argued during his closing statement that the jury should examine the inconsistencies of testimony given by Van Fleet's former colleagues at the Durham Police Department.

Durham Police Officers Raymond Miller and John Shauger had testified that Van Fleet spent most of the evening of Sept. 13 with them. The officers were on a detail at East Durham's Blackthorne Resort, where a motorcycle rally was being held.

Testimony indicated that Van Fleet had spent time paired with Shauger and Miller from 6 p.m. on Sept. 13 to 4 a.m. on Sept. 14. During that time, Miller testified he and Van Fleet left the resort to pick-up a pizza for dinner. They also participated in a patrol through the town of Durham at a different time during the night. Durham Police Department Officer-in-Chair Thomas Sutton testified that Van Fleet had in fact left the resort, though it was under his authorization.

Time sheet records filled out by Van Fleet show he was scheduled for work that night. Durham police time sheet records are completed by the officers personally, then are approved by Sutton. Sutton testified Van Fleet had been paid for the 10-hour shift that night.

Sutton also testified Van Fleet had not been noticeably absent long enough to make the 30-to-40-minute drive to Hunter, engage in sex for an extended period of time, and make the trip back.

Defense attorney Andrew Jacobs of East Greenbush affirmed that the police officers presented a sufficient alibi for the defendant and that the prosecution's duty was to disprove that alibi beyond a reasonable doubt.

The jury indicated, by their verdict, there was no doubt.

With their verdict, the jury concluded that Van Fleet had engaged in sexual intercourse and oral sex with the victim on or about Sept. 13 and found him guilty of both charges.

Van Fleet did not take the stand in the case and did not offer any comments after the verdict was read.

He was originally charged on Dec. 9, 2008 with third-degree rape and third-degree criminal sex act, both felonies, as well as endangering the welfare of a child and official misconduct, both misdemeanors. The charges were later reduced by a grand jury.

VAN FLEET DEFENSE PRESENTS AN ALIBI

Former police officer charged with two counts of sexual misconduct

By Colin DeVries
Hudson-Catskill Newspapers

Published: Thursday, February 11, 2010 2:18 AM EST

COXSACKIE — Key defense witnesses testified Wednesday in Coxsackie Town Court in the sexual misconduct trial of former police officer Nathan Van Fleet, presenting an alibi that puts him nearly 30 miles away from the crime.

Van Fleet, 32, is charged with two counts of sexual misconduct, a class A misdemeanor. He is alleged to have had sexual intercourse and oral sex with a 16-year-old Tannersville girl in Jewett.

Van Fleet was employed as a police officer for the Hunter Police Department and the Durham Police Department when the incident allegedly occurred "on or about" Sept. 13, 2008.

Police officers from the Durham Police Department said under oath that Van Fleet, a

Durham resident, was working a security detail at the Blackthorne Resort in East Durham on the night of Sept. 13, 2008.

Defense attorney Andrew Jacobs of East Greenbush questioned three of the Durham police officers who said that Van Fleet was under their supervision from 6 p.m. to 4 a.m., only leaving the resort to patrol the town or pick up a pizza for dinner.

The officers were assigned to the resort because, they said, a motorcycle rally was taking place and there were reports of gang violence potentially erupting there.

Prosecutor John Hillman Jr., assistant district attorney of Columbia County, cross-examined the officers in an effort to show windows of opportunity for Van Fleet to abscond from the resort, presumably to rendezvous with the girl.

Durham Police Officer-in-Charge Thomas Sutton affirmed that he had not kept tabs on Van Fleet at all times while at the resort, but said it was unlikely he drove the 40 minutes to Hunter to meet the girl, engage in sexual conduct for a period of about two hours and get back to the resort without anyone noticing.

Sutton, now-retired Officer John Shauger and Officer Raymond Miller all had given statements to state police Investigator Carmen Goffredo in July 2009 claiming that they had been assigned to the resort from 6 p.m. Sept. 13, 2008 to 4 a.m. Sept. 14, 2008 with Van Fleet.

Hillman asked Miller if he could remember the day's events on Sept. 11 or Sept. 15, to which he responded with limited recollection.

"So you can't remember what you did on Sept. 11," Hillman said Miller, "but you remember what you were doing on Sept. 13 with Nathan Van Fleet?"

Miller had testified to driving from the resort with Van Fleet to a local restaurant to pick up a pizza for the officers. He also said Van Fleet spent over half of his time paired with him while walking the beat at the resort. The other time was spent with Shauger.

Time sheet records, which are filled out personally by each officer, were also admitted as evidence, indicating Van Fleet's 10-hour 6 p.m. to 4 a.m. shift spent on duty that night.

Sutton said Van Fleet was paid for that time.

Evidence was also presented by state police forensic specialists regarding the bedding recovered from the victim's aunt's residence in the town of Jewett on Dec. 9, 2008.

Testimony revealed that blood and semen stains were evident on the bedding: a comforter, tan blanket, and two light blue sheets. DNA obtained from the stains were found to match both Van Fleet's and the victim's DNA profiles.

In some instances, the stains were "mixed," meaning both semen and blood existed in one location.

Through cross-examination by Jacobs, state police forensic expert Allyson Goble said she could not tell when the stains were made.

"I can't tell when they (the blood and semen) were deposited," Goble said, "only that they were mixed."

Goble also told Jacobs that the semen stain was easy to identify, but the blood needed closer examination. When asked if laundering could deteriorate the discernability of the stains, Goble said it was possible.

Jacobs then asked if it was possible the blood stain was made at an earlier time than that of the semen stain. She responded that it was possible.

Testimony was also heard Thursday from Van Fleet's former Hunter Police Chief Jennifer Thorpe-Reich.

Thorpe-Reich said that Van Fleet had offered his resignation soon after allegations of him dating a minor had surfaced on Dec. 1, 2008. She was not aware of the sexual allegations and Van Fleet told her he was not dating the girl.

Thorpe-Reich had assisted state police in their investigation before Van Fleet was charged on Dec. 9, 2008.

Both the prosecution and defense rested their cases Wednesday, without the defendant taking the witness stand.

Another witness the prosecution had prepared for rebuttal to the defense's evidence was denied testimony by Cocksackie Town Justice Thomas Fori after an in-chambers conference. Fori said the testimony was inadmissible.

After the jury had been adjourned, Jacobs motioned to have the charges dismissed. He made the request due to the alibi defense, and that one sexual misconduct charge be dismissed because oral sex was left undefined. Fori said the jury should determine the credibility of the alibi, but he would reserve the right to dismiss one of the sexual misconduct charges.

Jacobs cited case law, arguing that oral sex can be misconstrued if not explicitly stated. Jacobs said licking a breast may mean oral sex to some individuals, though it is not covered by the

sexual misconduct statute.

The girl never said what oral sex act was performed, only that she had "sexual intercourse and oral sex" with Van Fleet.

Hillman countered that the victim also said Van Fleet had ejaculated during both instances of sex, inferring that sexual misconduct had occurred.

Fori said he will make his decision on the charge today during a charge conference.

Summations and jury deliberations are expected today.

If convicted, Van Fleet could face a maximum of two years in jail.

FORMER COP'S SEXUAL MISCONDUCT TRIAL BEGINS

Defense argues he can prove Nathan Van Fleet was miles away at time of alleged incident

By Colin DeVries
Hudson-Catskill Newspapers

Published: Wednesday, February 10, 2010 2:19 AM EST

COXSACKIE -- Presentation of evidence began Tuesday in the trial of accused former police officer Nathan Van Fleet, who has been charged with having sexual relations with an underage girl.

Van Fleet, 32, is charged with two counts of sexual misconduct, a class A misdemeanor, with a 16-year-old Tannersville girl, allegedly occurring on Sept. 13, 2008. **Van Fleet, a resident of Durham, was 30 at the time and employed as a police officer in the towns of Hunter and Durham.**

Van Fleet's attorney, Andrew Jacobs of East Greenbush, said during opening arguments in the Coxsackie Town Court that Van Fleet had a legitimate alibi, with supporting witnesses, putting him 30 miles away from where the incident allegedly took place.

The first day of proceedings also heard testimony from the girl, now 18, who confirmed that Van Fleet had sexual relations with him on Sept. 13, 2008. The victim also claimed that the sex was consensual and that she thought Van Fleet was only 24 at the time.

A seven-member jury -- six primary jurors, three female and three male, and one alternate male juror -- was selected prior to opening arguments and the presentation of evidence. Coxsackie

Town Justice Thomas Fori presided over the proceeding.

Special Prosecutor John Hillman Jr., an assistant district attorney from the Columbia County District Attorney's Office, opened the trial with a brief statement that all the evidence of the case would prove, beyond a reasonable doubt, that Van Fleet was guilty of the charges.

Initially, the Greene County District Attorney's Office assisted in the investigation, but the case was turned over to the Columbia County District Attorney's Office for prosecution.

Hillman said that Van Fleet had engaged in sexual intercourse and oral sex with the 16-year-old girl at a location in the town of Jewett "on or about" Sept. 13, 2008.

Jacobs opened by countering the statement made by Hillman, stating that Van Fleet was on duty as a Durham police officer during the time of the incident. He said the defendant was located 25 to 30 miles away from where the incident took place at the Blackthorne Resort in Durham, working a special detail there to support authorities while a "biker gang" held an event there.

Jacobs said that members of the Durham Police Department, including Chief Thomas Sutton, are willing to testify that Van Fleet was assigned to that duty between 6 p.m. on Sept. 13 and 4 a.m. on Sept. 14, the time in which the incident allegedly took place.

There was, however, a time period of about 45 minutes that Van Fleet was not present at the resort, Jacobs said, but during that time he was riding as a passenger in a marked patrol car with another officer under the authorization of Sutton.

"Consider all the elements of this case," Jacobs told the jury, "but know that the district attorney must disprove the defendant's alibi."

Hillman proceeded to present the critical pieces of evidence in the case.

During his direct examination of the girl, Hillman asked her to identify a comforter, tan blanket, and two light blue sheets that were on the bed where the incident allegedly occurred. She confirmed it was the bedding used on the bed occupying the second-floor bedroom of her aunt's home in Jewett, where the girl said she and Van Fleet had sexual relations.

Questioning also revealed that the victim and Van Fleet had first met a few days before the incident, **while he was on duty for the Hunter Police Department.** She said he had pulled his patrol car next to her car in a bank parking lot and asked her about an incident involving letters being changed on the Hunter-Tannersville High School sign. She said they exchanged telephone numbers during the meeting and went on a date to the Mohonk Mountain Preserve in New Paltz the next day.

The girl said she had dated Van Fleet for approximately three months after the Sept. 13, 2008 incident occurred.

During cross-examination by Jacobs, the girl said that Van Fleet was not wearing a bulletproof vest or any police uniform paraphernalia.

State police investigators were directly examined by Hillman and established that the bedding evidence was obtained on Dec. 9, 2008 and DNA evidence samples were obtained from the victim and Van Fleet in early February 2009.

Fori furthered the questioning of state police forensic investigator Michele Meyers, asking if she could tell whether they were the same sheets that were on the bed on Sept. 13, 2008. Meyers replied, "No."

She also indicated that when the sheets were found, the bed was neatly made.

The proceeding will continue today at 10 a.m., weather permitting. The prosecution is expected to rest its case and the defense will begin its presentation of evidence.

If convicted, Van Fleet faces a maximum of two years in prison.

DurhamForThePeople.org:
Community Renewal and Growth Through Open & Transparent Government

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