

## 'Compassionate' Sentences Dealt

The defense attorney for a Margaretville man who pleaded guilty to drug possession thanked the district attorney for a 'compassionate' resolution to his case in Delaware County Court on Monday.

Robert J. Stutzer, 24, of Margaretville pleaded guilty to fifth-degree criminal possession of a controlled substance and third-degree grand larceny, and he was sentenced to go to a drug-treatment program, avoiding a possible life sentence.

Stutzer had been accused of breaking into the CVS/Pharmacy in Margaretville on Sept. 1 and stealing hydrocodone valued in excess of \$3,000. He originally was charged with first-degree criminal possession of [an error occurred while processing this directive]a controlled substance, a felony, two counts of third-degree burglary, second-degree criminal mischief and third-degree criminal possession of a controlled substance.

Stutzer's lawyer, Mathew Tully, said Delaware District Attorney Northrup worked out a plea in which Stutzer will be admitted to New York state's Extended Willard Drug Treatment Program. Based on the original charges, Tully said, Stutzer could have been sent to prison for life.

"I want to thank the DA for being open-minded and compassionate by downgrading the charges to give my client an opportunity to change his life," Tully said.

When addressing the court, Stutzer said, "I am sorry for what I did. It was wrong, and there is nothing I can do to fix what I did. I want to thank my lawyer and Mr. Northrup for giving me a chance to get my life back on track."

Before sentencing Stutzer, Delaware County Judge Carl Becker said, "It's painfully obvious that you are a drug addict, and you always will be a drug addict, but that is not to say that you will always be a drug user."

Becker sentenced Stutzer to 3 1/2-to-seven years parole supervision to let him participate in the Willard program.

"This sentence enables you to rejoin society and be a productive member of society," Becker said. "But if you screw up, you will spend 3 1/2-to-seven years in a jail cell."

Becker also ordered Stutzer to pay \$5,640 in restitution to CVS and issued an order of protection barring Stutzer from going near the CVS store in Margaretville for five years.

In other cases Monday:

Michael Wright, 24, of Walton was arraigned on two counts of second-degree burglary, two counts of petit larceny and two counts of fourth-degree conspiracy for allegedly burglarizing the home of his grandmother, Marjorie McCall, on Aug. 22 and 23.

Wright was one of eight people arrested in connection with two burglaries in Walton on Aug. 22, in which both victims were related to Wright. The other burglary occurred at the home of

Wright's father, William Wright of Pines Brook Road.

According to court documents, Wright allegedly took \$20 from McCall's home Aug. 22 and took rolled coins Aug. 23.

Northrup said the second-degree burglary charges carry a possible sentence of 15 years in prison.

Michael Mendelson, Wright's court-appointed lawyer, pleaded innocent on his client's behalf.

Becker set Wright's bail at \$5,000 and scheduled his trial to begin June 22.

Wayne Swart, 27, of Stamford pleaded guilty to third-degree grand larceny for stealing a 1997 Pontiac Grand Am belonging to Beth Adams in Stamford on May 8. He wrecked the car shortly after taking it, Northrup said.

Swart originally also faced two unauthorized-use charges stemming from incidents May 9 when Swart allegedly used a vehicle in Delhi and another vehicle in Stamford.

Northrup said Swart's criminal history has sufficient felony convictions to make him eligible to be a persistent felony offender, which could have resulted in a minimum sentence of 15 years to life and a maximum sentence of 25 years to life.

"Mr. Swart has been tried and convicted for similar conduct several times," Northrup said. "He does not seem to understand that he cannot take other people's cars and drive off with them."

Tully, Swart's court-appointed lawyer, said Northrup once again showed compassion by not asking for persistent felon status.

Becker said, "Mr. Swart, you are a persistent felon, and although you haven't hurt anyone yet, you seem to be intent on living your life in prison. I've seen where you are going, and it's a mystery to me why anybody would want to go there."

Becker sentenced Swart to three-to-six years in prison, ordered him to pay \$6,405 to Adams and issued a five-year order of protection on Adams' behalf.

Duane Dibble, 36, of Chadwicks was sentenced Friday to five years' probation with intermittent weekends in jail on a second-degree assault charge.

According to court records, Dibble injured Kevin Johnson on Nov. 30, 2002, in the village of Delhi using a dangerous instrument.