

Mr. Young,

I have completed my review of the Report of Investigation regarding Director Denise O'Donnell and I do not feel it is an accurate nor fair account of the facts and allegations made against Director O'Donnell and BJA. I have summarized my comments below based on my review and have documented the page number in the report where relevant.

Under section B, Page 2, Jeffries stated in the interview that he was unsure as to which judge was present during the lunch, he stated that he needed to respond at a later date with the information. Although it was not Judge Schwartz and it was Judge Russell, it doesn't negate that there was a meeting at lunchtime in the food court of the conference hotel where specific questions were made to me from Director O'Donnell about funding a New York jurisdiction (Judge Russell admitted in the document that this meeting took place). The emphasis on the report seemed to be more of denying any communication with Schwartz and Rochester and that not a NY friend of the Director was having a detailed conversation about receiving funds for their drug court without applying for such funds. Pertaining to Jeffries' recollection being vague, it was the name of the judge and the specific city that he did not recall, not the fact that a meeting occurred in an atrium next to a food court of a hotel with a glass ceiling; the meeting occurred right after the Director spoke to state representatives with a NY Judge which is crystal clear and the fact that Rochester and Buffalo are relatively close within 70 miles distance, Mr. Jeffries was focused more on the fact that it was a NY judge than specifically which jurisdiction needed funding to continue operations without applying for the funding. Jeffries was crystal clear in telling the Judge and Director that funding had already been assigned for the year (which occurred just before the conference and made the conversation very odd and memorable)

Under allegation #2 on page 4, Jeffries did some recent and extensive investigation and identified that it was Judge Thomas Amodeo; Chief Judge of Buffalo who visited the Director and not Judge Schwartz. Judge Amodeo attended the meeting along with several of his staff including I believe his drug court coordinator Jeff Smith (blond hair middle aged Caucasian male who sat to Jeffries' left in the directors conference room, which is attached to the Directors office) Judge Amodeo sat in the far back of the room at the rear head of the table and the Director sat at the right of the table with several other staff who attended whom I can't recall. I can recall I was asked at the last minute to attend the meeting with Buffalo staff (8th judicial circuit) to identify how they could receive additional drug court funding for their jurisdiction. To say that Jeffries didn't recall what occurred at the meeting is misleading, to say that Jeffries was uninformed as to the purpose of the meeting prior and why NY representatives were in a meeting is accurate.

Under allegation #3 on page 6, Mahoney is misleading by saying O'Donnell would announce she recused herself. She only recently in the last year has removed herself from the process by not discussing NY applications after the allegations raised by Jeffries were made public. In fact, Mahoney and Qazilbash specifically told O'Donnell twice in 2015 that she must not talk about NY applications as Denise was saying that a "NY jurisdiction had a good prosecutor" which she couldn't say had she allegedly left the room or skipped that application while allegedly recusing herself. I want to be clear, Denise did not recuse herself during the year in question, and asked specific questions about two NY applications that were not recommended and she made specific nods to the detailed content within the applications about the applicant needing this requested data system (grant request). Mahoney is only referencing the FY 16 year where Denise did not participate in the process, but is misleading the reader to think she recused herself in any of the prior year discussions. Denise is misleading when she said staff would skip over applications because she is referring to a review that happened two years later (once again after Jeffries' allegations were made)

Page 16, Jeffries would like to note that he can't be responsible for knowledge of every jurisdiction and region within the USA. Jeffries used Rochester and Buffalo synonymous as he connected the judges Schwartz (Rochester) and Amodeo (Buffalo) not knowing that there is 75 miles between the two jurisdictions. More importantly, Jeffries recounted that meetings occurred with the Director and NY entities as well as discussion around NY grants where the Director was supposed to recuse herself. Mr.

Jeffries also would not be privy to the recusal process of the Director nor the Ethics Obligations the Director signed to report such violation based on only what the Director knew of her conflict. Jeffries attended the meeting with his three supervisors.

Page 17 Conclusion, it is false to say Jeffries did not accurately recall what occurred in 2012, Jeffries did not accurately recall the jurisdiction Rochester or Buffalo 75 miles apart, but Jeffries accurately recalled the request to provide funding to a NY jurisdiction even though the grant funding was just awarded within days of the conference. In Jeffries mind, details of how the individuals convened 4 years ago at a conference with more than 3,000 attendees was less relevant than what transpired with which state representative and what was asked of Jeffries. Jeffries can recount the exact description of the hotel area where the discussion took place, and Jeffries can account for the exact language used during the investigation regarding a request for additional funding especially since funding had been allocated within days prior to the conference.

Most importantly, Page 18 Places Judge Russell in conversation with O'Donnell, although HE denies the funding conversation, he admits to the exact conversation Jeffries described at the exact lunchtime meeting about "alleged general pleasantries". This is the meeting where Jeffries was asked multiple times about what he can do to fund the NY jurisdiction because they needed the money. Mr. Jeffries specifically said the funding is competitive and exhausted for that FY and it was repeatedly asked of Jeffries the question of what BJA can do to fund the Judges court. (A judge who is personal friends with the Director who is from Rochester)

Page 20, Jeffries urges the OJP IT specialist to search O'Donnell's meeting notes with Judge Thomas Amodeo of Buffalo who is confirmed to be the name of the judge who came to meet with the Director. Mr. Jeffries did not know the names of any of the attendees in the room prior to the meeting and was not told in advance to prepare for the meeting so he would have no prior calendar invite or meeting notes from the meeting. Again, Mr. Jeffries can recall what was said at the meeting and the positioning of the people in the room, however he had not met most of the people in the room to know their specific names. Page 21, to suggest that Jeffries did not recall what occurred at the meeting is completely false, to state he was unaware as to why he was asked to attend or unaware of the underpinnings of the meeting and backstory is accurate.

Page 24, Mahoney's recollection is of the current protocol for Denise to recuse herself, it is not of the protocol that occurred for the FY in question. The Director only recently removed herself from the room after allegations were raised by Jeffries. Otherwise the Director was in the room and completely vocal about the applications from NY to go as far as mention things like, "this new York applicant has a good prosecutor, and why are we not funding this New York application because they need a data system for their state" I will swear under oath that these comments were said in front of Mahoney and Qazilbash and their attempt to mislead the investigators regarding FY 16 protocol to be consistent with FY 13,14, and 15 protocol is misleading and inaccurate accounts of events for this investigation. Again, Mahoney and Qazilbash both intervened and told the Director in FY 15 that she had to NOT discuss any NY applications after she made mention of a NY prosecutor that she knew in one of the applicants. They specifically mentioned that she must not comment (after the Director commented twice) in FY 15.

Thank you for your time and attention in this matter. I take these incidences seriously and realize im not making friends by revealing this information, but feel it is accurate and the best to my recollection.