

February 8, 2016

## **Sahn Ward Attorney Serving as an Assistant District Attorney in a Pro Bono Capacity Successfully Argues Before Second Department Appellate Division in Home Invasion Case**

UNIONDALE, NY — [Sahn Ward Coschignano, PLLC](#) has announced that Ralph Branciforte, an Associate with the firm, served in a pro bono capacity as an Assistant District Attorney for the Nassau County District Attorney and successfully argued an appeal in *People v. Valery* before the Appellate Division, Second Judicial Department. The defendant appealed his convictions for burglary in the first degree, attempted robbery in the second and third degree, resisting arrest, and assault in the second degree. The Second Department affirmed all convictions, except for the lesser included offense of attempted robbery in the third degree.

The Nassau County District Attorney's Office has implemented a program that bestows on private-practice attorneys the honor to serve as an Assistant District Attorney in a Pro Bono capacity. The program focuses on appellate cases where the private-practice pro bono attorney works with an Assistant District Attorney in the Appeals Bureau to assist in writing a brief and argue the case before the Appellate Division.

This case was the second matter that Mr. Branciforte handled in a pro bono capacity for the District Attorney's Office. Mr. Branciforte initially participated in the program in 2014. After the Nassau County District Attorney appointed Mr. Branciforte and he took an oath of office for the position, he participated in the drafting of an appellate brief. The defendant in that case withdrew his pending appeal before the case was argued.

In *People v. Valery*, the defendant burglarized a residential home located in Nassau County, tripping a silent alarm. The homeowners were not at home at the time. Two police officers who had responded to the scene caught the defendant "in the act" of stealing the homeowners' personal items from the residence. When the officers attempted to arrest the defendant, the defendant struggled violently, injuring both officers. Ultimately, however, the police officers subdued the defendant and finally placed him under arrest.

The defendant was indicted in Nassau County and charged with two counts of burglary in the first degree, one count of attempted robbery in the second degree, one count of attempted robbery in the third degree, one count of resisting arrest, and two counts of assault in the second degree. A jury convicted the defendant on all counts, and the court sentenced the defendant to a lengthy prison sentence. The Defendant appealed the conviction to the Appellate Division, Second Department, challenging the sufficiency of the evidence used to establish the defendant's guilt and arguing that his trial attorney provided ineffective assistance of counsel. The Second Department affirmed the defendant's conviction, except that it vacated the sentence for third degree robbery, as this was a lesser included offense to the second degree robbery charge.

Serving in a pro bono capacity for the District Attorney's Office afforded Mr. Branciforte an opportunity to serve the People of this State, participate in the justice system, and argue unique legal issues before the Second Department.