



STATE OF NEW YORK
UNIFIED COURT SYSTEM
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June 5, 2008

ANN PFAU
Chief Administrative Judge

MICHAEL COLODNER
Counsel

Frank Parlato, Jr.
209 Sweet Briar Road
Tonawanda, New York 14150

Dear Mr. Parlato:

The Office of the Administrative Judge of the Eighth Judicial District has carefully reviewed the circumstances underlying the issuance of a warrant for your arrest by Niagara Falls City Court Judge Mark Violante for your failure to appear in that court on February 6, 2006, and upon which you were arrested on May 1, 2006. That investigation included examination of the court file and communication with court officers and employees, and the corporation counsel handling your case, who would have participated in the process by which notice of the court hearing would have been given, if any had been given.

The investigation has confirmed that there is nothing in the court file that shows that notice of that hearing date was given formally or informally to either you or your attorney. While the custom of most courts is to document in writing notices of appearances as a safeguard against erroneously issuing warrants for non-appearance, there is nothing in the file that indicates that you or your attorney were given notice to appear. Based upon these conclusions, it is likely that you were not given notice of the hearing and, if so, your arrest for failure to appear was for a court date of which you were not notified.

The courts of the Eighth Judicial District take very seriously the responsibility to properly notify parties and to avoid false arrest. The general procedure of the Niagara Falls City Court is to give formal notice. Consequently, if you were arrested falsely, as appears likely, then this office proffers its apologies and assurance that this will not happen to you or others in the future.

I hope this satisfied your concerns.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael Colodner", with a long horizontal flourish extending to the right.

Michael Colodner

cc: Hon. Sharon S. Townsend
Michael B. Powers, Esq.