

**Ex. 1**



STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

**ANTHONY J. ANNUCCI**  
ACTING COMMISSIONER

**MAUREEN E. BOLL**  
DEPUTY COMMISSIONER AND COUNSEL

August 14, 2013

Mr. Dominic Franza, 92-A-3659  
Mt. McGregor Correctional Facility  
1000 Mt. McGregor Road  
P.O. Box 2071  
Wilton, NY 12831-5071

Dear Mr. Franza:

Governor Cuomo and Acting Commissioner Annucci asked me to respond to your letter regarding your current imprisonment.

The Office of the Governor and state agencies such as the Department of Corrections and Community Supervision are part of the executive branch of government. The judicial branch of government includes the courts within New York State. Determinations made by the judiciary are binding upon the executive branch of government. Accordingly, the Department of Corrections and Community Supervision is bound by the terms of imprisonment imposed upon you by the New York County Supreme Court. It does not have the authority to modify or commute sentences issued by the court system. Thus, this Department is unable to grant the relief your letter indicated was denied to you by the judicial branch of government.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Richard de Simone'.

Richard de Simone  
Associate Counsel in Charge  
Office of Sentencing Review

RdS: 22

cc: IRC, Mt. McGregor CF  
Central Files