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FEATURED

TOP STORY

Tantillo: 'I enjoyed it immensely'

By MIKE HIBBARD mhibbard@fltimes.com Dec 31, 2017



R. Michael Tantillo is retiring after nearly 30 years as Ontario County district attorney.

Submitted photo

What others are saying about retiring Ontario County District Attorney Mike

CANANDAIGUA — In the late 1970s, then Ontario County District Attorney Jim Harvey argued a case against a young defense lawyer — and apparently was impressed.

Tantillo:

"It has been my honor to work with Mike Tantillo during his entire career at the district attorney's office. Mike set the bar for prosecutorial professionalism and is currently the premier district attorney in New York state, evidenced by Ontario County's annual number one ranking for DWI convictions. Because of his unrelenting quest for justice and the rights of victims, Mike Tantillo has truly made Ontario County a better place to live, work, shop and drive on our county's highways."

— Ontario County Sheriff Phil Povero

"I will always remember District Attorney Tantillo for his role in creating a reputation inside and outside our county that has no tolerance for crime. This county annually has one of the highest felony conviction rates and the highest DWI conviction rate in the state. This reputation certainly does not deter everyone from committing crimes. However, it does help prevent some from going down this path. Mike Tantillo working alongside all law enforcement

A short time later, Harvey offered a job to that attorney — R. Michael "Mike" Tantillo — with one stipulation.

"The only condition was that he wanted me to commit to three years in the office ... and that was 39 years ago," Tantillo said.

After nearly 40 years in the DA's office, the last 28 as the county's top prosecutor, Tantillo is retiring as of this weekend.

"I did not anticipate being here for that long. I thought it would be an interesting experience, but as it turns out I enjoyed it immensely," Tantillo said during a recent interview at his office in the county courthouse. "I ... never wanted to leave. This job is so rewarding and so exhilarating, even though it's so demanding."

Tantillo, who grew up in the Livingston County community of Mount Morris, graduated from SUNY Geneseo and earned his law degree from the University at Buffalo. He was hired by a law firm that had offices in Canandaigua and Phelps, practicing civil and criminal law in both communities.

agencies within this county, the courts and the entire DA's office has provided county residents with a safe place to live, work and raise a family."

— **Jack Marren, chairman of Ontario County Board of Supervisors**

"On behalf of (Troop E commander) Major Allen, we just want to convey that Mike has always been a strong supporter of law enforcement, including the state police, and we've worked on many high-profile cases over the years. His office has always been very professional and Mike has always conducted himself in a professional manner. We think very highly of him. He has been a true staple of this community, and we wish him the best as he begins a new chapter in his life."

— **State Trooper Mark O'Donnell, public information officer for Troop E**

"If I had to sum up Mike's career in one word tenacious would be at the top of the list. He had the dedication and fervor of an individual who always sought justice for the victim(s). Furthermore, he

Not surprisingly given the way his career played out, he enjoyed the criminal law side. He was an assistant district attorney under Harvey for 10 years and was first elected DA in 1989 — the same year Harvey was elected county judge.

"Jim was a great mentor and I really developed a passion for the job," Tantillo said. "When Jim was first elected district attorney in 1975, it was a part-time job. He totally transformed the office from a relatively low-key, part-time office to a much more professional full-time operation and staffed with a number of part-time prosecutors. I was the only full-timer for awhile."

"Jim was a larger-than-life figure. He still is — a very dynamic guy," Tantillo added. "To be perfectly honest, in my early years I tried to emulate him before I realized that everybody has to be true to their own style, and I'm not quite the dynamic personality Jim is. In time, I developed my own style and had my own success."

Secrets to success

Tantillo won contested elections for DA in 1989 and 1993, then was unopposed for his next five elections. During that time he kept a full caseload.

"To be successful, you have to have several attributes. Obviously, you have to know the law inside and out, backwards and forward, and as a DA I did not want to be an administrator exclusively," he said. "I wanted to be in the courtroom because I enjoy that very much. If you want to be a trial lawyer, you have to have good communication skills and engage a jury.

would fight as if the victim was a member of his own family.

I will always appreciate the consistent support he displayed for the STOP-DWI program. He fully understood the devastation that drunk driving imposed on our society. Never should anyone be confused with his soft-spoken manner in a social setting with his courtroom style and professional demeanor."

— **Bob Green, vice chairman of Ontario County Board of Supervisors**

You have to make sure they are in tune and attentive to a case. It does require a certain amount of presence in the courtroom, and you try to do what comes naturally."

Although Tantillo tried a number of major cases, perhaps his most memorable was the trial of Frank Garcia. After being fired as a nursing supervisor in 2009 following sexual harassment complaints by co-workers, he killed two people in Monroe County before going to Canandaigua and killing two more. He is now in prison for life without the chance for parole.

"That was one of the most savage cases and one of the most heinous cases ... he shot three people in Brockport, killing two of them, before coming down here and absolutely traumatizing a family and ultimately executing a mother and father in front of their children," he said. "It was very important that he was convicted and taken out of society for the rest of his life. Like many people who are convicted and sentenced to life in prison, he's made it his career since then to constantly file appeals and challenges to his convictions. I've been responding to those ever since his conviction, and my successor will be responding to those probably for as long as Frank Garcia remains alive."

Tantillo has no trouble recalling his biggest disappointment — the case of Walter Casper. After being convicted of murder for sending the family minivan down Grimes Glen in Naples, killing his wife in 1999, his life sentence was later reduced to manslaughter and he has been out of prison for years.

Tantillo said Casper was convicted of murder due to “depraved indifference,” but the state’s highest court — the Court of Appeals — changed the meaning of that term in state law. They applied it to all future cases and cases that had not been argued on appeal, including Casper’s at that time.

“About 50 convicted murderers in the state got this windfall from the Court of Appeals ... and unfortunately Walter Casper is one of them,” he said. “He should not be out of prison. He should be in prison the rest of his life. I have always felt it was one of the most unfair things I’ve seen in my career as a prosecutor. That is the outcome that troubles me more than anything else in my 39 years as a prosecutor.”

Tough on DWIs

What Tantillo is proud of is Ontario County’s long standing as the top county statewide for DWI prosecutions. He said that started in the 1980s under Harvey, when the DA’s office applied for a federal grant to hire several prosecutors who focused solely on impaired driving cases.

“The stipulation in the grant was no plea bargains for DWI cases. The federal government wanted to experiment to see if a no-tolerance policy could drive down fatality rates, and we absolutely did,” he said. “We had a high number of DWI fatalities decades ago, now we have some years with just one or two.”

Tantillo said the grant ended when the state started its STOP-DWI program, which sees fine money go directly to counties for enforcement, education and prevention. He decided to keep the no plea bargain policy.

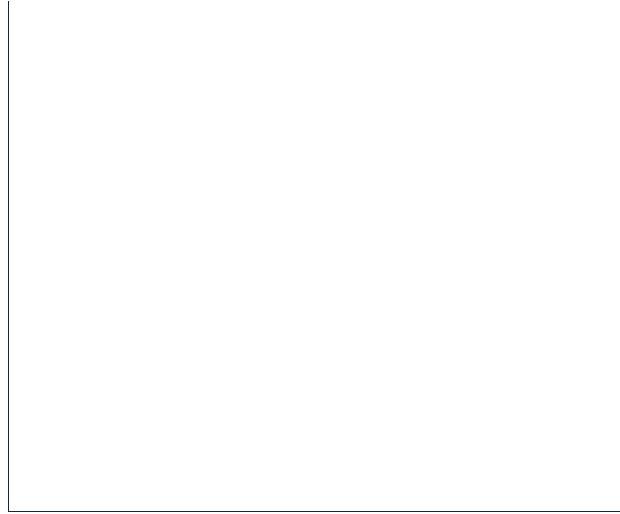
“We’ve seen DWI arrests drop from 900 or more in the 1980s down to between 300 and 400 a year now. A lot of people are modifying their behavior and using designated drivers or drinking less,” he added. “The result has been positive for this county and it’s a safer place to drive.”

Over the years, Tantillo moved the DA’s office from a large number of part-time prosecutors to a smaller number of full-time attorneys. He also insisted his assistants take part in as much outside training as possible.

“First of all, I always tried to hire the best qualified person for the job. Politics plays absolutely no role in my hiring — never has,” he said. “I always would advertise heavily and interview heavily for these jobs, so I always had a good pool of candidates to select from. Consequently, I feel like we have had an outstanding staff on board here for many years. I really feel like we’ve been able to hire the cream of the crop.”

Tantillo is proud that many of his assistants have become recognized for legal expertise in certain areas, and have trained others across the state and country.

“Heather Hines has become a recognized expert in the area of elder abuse,” he said. “Jim (Ritts) and Jason (MacBride) are superbly qualified in the area of child abuse prosecution.”



Ritts, who will succeed Tantillo as district attorney after being elected in November, said it's been an amazing experience to work with his boss and the people he hired.

"He has a great eye for talent, and the staff he is leaving behind is very good, talented and dedicated," Ritts said.

Tantillo also became known for his long hours over the years.

"Mike is one of the first people here in the morning and one of the last to leave, and he is here every weekend. He's a guy who really lived the job and worked hard," Ritts added.

"He literally worked day and night, and I was an eyewitness to some of the long hours when he and I worked together on some of the murder trials over the years. I learned firsthand that hard work and preparation are the keys to being a successful prosecutor," said county Judge Brian Dennis, who was Tantillo's first assistant DA for more than 25 years. "Mike was an excellent boss who supported and encouraged the

efforts of everyone who worked for him. He set a great example for other prosecutors and has been instrumental in ensuring the safety of our communities.”

As the job demands, Tantillo had a good working relationship with area law enforcement agencies.

“I know they appreciate the fact that when they put their time, effort and energy into an investigation, developing a case and presenting it to us for prosecution, they know we are going to take it and pursue it as far as we can. We take their cases seriously and work with them to try to seek an appropriate outcome in every case,” he said. “We don’t take the easy way out and just plea bargain a case because it’s easy and we can get rid of it quickly. Having said that, there are occasions when I will offer a reduction in charge. For example, if it’s a 19-year-old kid whose first transgression is a non-violent crime, I don’t need to tag that kid with a felony conviction for the rest of his life.”

Greg Bendzlowicz, a retired Geneva Police Department lieutenant and detective and now a member of the Ontario County Board of Supervisors, said Tantillo earned a great deal of respect from all the officers he worked with.

“He is a man with great ethics and a great work ethic, and he expected good work out of people,” Bendzlowicz said. “He told the agencies and the officers what was expected, and when the officers took the time to do the work properly, he had a lot of faith in those officers to make decisions on their own and make good decisions on case law.”

Tantillo admits it will be a different feeling come Tuesday, when for the first time in nearly 40 years he will not be going to work on a full-time basis. He hopes to stay in the prosecution field part time, working for a DA's office in the area or doing appellate work.

"I will tell you it's a very weird feeling. I've come to this building for 39 years every day, and I only live a couple of blocks away. This job has defined my entire professional life, so it is kind of a jolt to see it come to an end because I do enjoy it immensely. I definitely want to spend more time with family and I want to do some serious traveling, which I have never done, so those things are going to find a way into my life."

"The opportunity to do something really good for people gives you a great feeling at the end of the day and at the end of a case. There are frustrations as well and we can't win all the time, and frankly a DA shouldn't win all the time because we are constantly told by our appellate court that our job is not to gain convictions at all costs, but to have justice in the long run," he added. "We have been able to give a measure of justice to many, many crime victims through the years, and there is no better feeling. That is what I will miss."