



## Justice Center for the Protection of People With Special Needs

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### **Former Monticello Group Home Counselor Convicted on Felony Sex Charges**

*Case prosecuted by the NYS Justice Center for the Protection of People with Special Needs*

Monticello, NY - NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Inspector General Patricia E. Gunning today announced the conviction of Michael Cubero (DOB: 11/15/77), for having a sexual relationship with a female resident in his care while employed by the Orange/Sullivan Division of Rehabilitation Support Services. The group home is licensed by the NYS Office of Mental Health (OMH).

Cubero, a resident of Monticello was convicted by a jury on the following charges:

- Two counts of a Criminal Sexual Act in the third degree, a class E Felony;
- One count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the first degree, a Class E Felony; and
- Two counts of Sexual Abuse in the second degree, a class A Misdemeanor.

Cubero faces up to eight years incarceration and will be required to register as a sex offender. Cubero is scheduled to return to court on September 11, 2015.

“Vulnerable persons in this state, like the victim in this case, are entitled to the same protections as anyone else,” said Gunning. “Our goal is to level the playing field for vulnerable New Yorkers. We will continue, along with local law enforcement and district attorneys, to investigate and prosecute offenders, like this defendant, who subject individuals in care to criminal sexual acts.”

The investigation was conducted by the Justice Center, with assistance from the Monticello Police Department and the New York State Police, and uncovered that the defendant had been involved in an ongoing sexual relationship with a female resident from June to December of 2013. Rehabilitation Support Services cooperated fully in the investigation and prosecution and he was terminated from his position.

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The case was prosecuted and tried by Gunning and Assistant Special Prosecutor Christopher Mirabella. The Honorable Frank LaBuda of Sullivan County Court presided.

The Justice Center and its statewide hotline and incident reporting system began operations on June 30, 2013. It is staffed 24-hours a day, seven days a week by trained professionals who receive reports of allegations of abuse and neglect of people with special needs. Once a report is received by its Vulnerable Persons Central Register (VPCR) Hotline, it is logged and assessed. Serious cases of abuse or neglect are assigned to the Justice Center's investigation team or, when appropriate, to a local law enforcement agency for follow-up.

The Justice Center also maintains a statewide registry of all persons who have been found to be responsible for serious or repeated acts of abuse and neglect. Once placed on the registry, known as the "Staff Exclusion List" or SEL, they are prohibited by law from ever working again with people with disabilities or special needs.

The NYS Office of Mental Health is one of six state agencies which have programs under the jurisdiction of the Justice Center. The Justice Center also oversees certain facilities or programs that are operated, licensed or certified by the Office for People With Developmental Disabilities (OPWDD), the Department of Health (DOH), the Office of Children and Family Services (OCFS), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

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**Michael Cubero (DOB: 11/15/77)**

