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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

4D

May 31, 2023

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

That approval be and hereby is given to the Attorney General to appoint Charles O. Bucca, Position #9U648 (Appropriation #02-20-20-200510-2611-500132) as an Assistant Attorney General at a salary level of \$98,000, effective upon Governor and Executive Council approval or June 16, 2023, whichever is later, for a term ending July 1, 2024.

EXPLANATION

Mr. Bucca, a Hopkinton resident, earned his Bachelor of Arts at Hartwick College in 1994, and his Juris Doctor from Albany Law School of Union University in 1999. For the first six months after being admitted to the New York Bar, he worked part-time as a prosecutor at the Greene County District Attorney's Office in Catskill, New York, and part-time at his father's law office before taking a position as an Associate at Gerstenzang, O'Hern, Hickey & Gerstenzang in Albany, New York (2000 to 2001). Since 2002, he has been a career criminal prosecutor. He first held a variety of positions within the Greene County District Attorney's Office—including Assistant District Attorney (2002 to 2011), Chief Assistant District Attorney (2011 to 2014), and Acting District Attorney (2014). He next moved to the Saratoga County District Attorney's Office in Ballston Spa, New York, where he served as an Assistant District Attorney in the General Felony Bureau (2015 to 2021). Mr. Bucca served as an Assistant United States Attorney in the United States Attorney's Office for the District of Oklahoma prior to joining the New Hampshire Department of Justice, Criminal Justice Bureau in 2022. Mr. Bucca's salary will increase by \$1,898 from \$96,102 to \$98,000. I plan to continue his current assignment. A copy of his resume is attached.

RSA 94:1-a(I)(c)(3) provides that designation of positions, salary levels, and salary increases for attorneys at the Department of Justice shall be determined by the Attorney General,

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subject to approval of the Governor and Council, within appropriations made to the Department of Justice.

I am pleased to offer Mr. Bucca's appointment as an Assistant Attorney General at the above-referenced salary for your approval and respectfully urge your favorable consideration. Thank you.

Respectfully submitted,



John M. Formella
Attorney General

#4031596

CHARLES O. BUCCA, ESQ.

XXXXXXXXXXXX, Hopkinton, NH 03229 | 518-669-XXXX | XXXXXXXX@yahoo.com

EXECUTIVE PROFILE

Seasoned prosecutor with a proven track record of success in the public sector. An ethical, persuasive and diligent litigator who excels in the practical elements, legal components and complexities of the profession. Shows respect for competing viewpoints with a personable yet firm approach. Builds strong relationships and trust with colleagues, witnesses and opposing counsel which proves essential in providing justice for each case. Adapts to rapid change and delivers quality results while remaining composed under pressure. An influencer who works both collaboratively, autonomously and with discretion to make sound decisions. Welcomes the opportunity to work as a commissioned Assistant Attorney General.

CORE COMPETENCIES

- Public sector litigation
- Evidentiary review and analysis
- Felony trial proceedings
- Case management
- Negotiation
- Policy and process development

PROFESSIONAL EXPERIENCE

DEPARTMENT OF JUSTICE, OFFICE OF THE ATTORNEY GENERAL – Concord, NH 6/3/22 - Present

Attorney, Criminal Division 40+ hours per week

-Currently prosecuting cases within Criminal Division including murders, large scale drug offenses, officer-involved shootings, and various post-conviction relief applications, with the concentration of my workload within the homicide unit.

U.S. ATTORNEY'S OFFICE, EASTERN DISTRICT OF OKLAHOMA – Muskogee, OK 5/10/21 – 5/27/22

Assistant United States Attorney, Criminal Division 40+ hours per week

-Served a 1-year term appointment in the Eastern District of Oklahoma to assist with the expanded case load resulting from the United States Supreme Court decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020).

- Managed approximately 25 - 30 felony cases concurrently, with a concentration on violent crime in Indian Country
- Reviewed evidence in assigned cases to determine declination or prosecution
- Prosecuted cases from Grand Jury presentation through guilty plea or trial verdict, including discovery review, motion practice, pretrial hearings, and witness preparation
- Assisted federal, local, and joint task force law enforcement agencies with evidence analysis, search warrant applications, and criminal complaints during standard work hours and as a rotational over-night duty attorney
- Successful jury trial experience within the United States District Court, Eastern District of Oklahoma: *U.S. v. Aaron Isaiah Johnson*, convicted on all nine counts of the indictment on November 12, 2021, and *U.S. v. Elijah DeWayne Hicks*, convicted of all counts of the indictment, including: Murder in Indian Country; Use, Carry, Brandish and Discharge of a Firearm During and in Relation to a Crime of Violence; and Causing the Death of a Person in the Course of a Violation of Title 18 U.S.C. § 924(c), on February 17, 2022.

SARATOGA COUNTY DISTRICT ATTORNEY'S OFFICE – Ballston Spa, NY

1/1/15 – 4/23/21

Assistant District Attorney, General Felony Bureau 40+ hours per week

-Oversaw and litigated high volume caseload of criminal felony and misdemeanor offenses throughout the County of Saratoga which encompasses 22 city, town and village jurisdictions with approximately 20 attorneys

- Managed approximately 50 felony and 100 misdemeanor cases concurrently
- Reviewed evidence in each case to determine felony or misdemeanor level case resolution. Prosecuted in appropriate jurisdiction by way of grand jury presentation and indictment, felony plea or misdemeanor reduction
- Investigated and prosecuted a variety of felony offenses, including violent crime, economic crime, firearms, narcotics, burglary, and robbery in New York State's fastest growing county, from grand jury to trial verdict as necessary
- Prosecuted all misdemeanor criminal offenses in the Town of Malta from arraignment to trial verdict
- Collaborated with defense attorneys to make further determinations on litigation or resolution
- Directly negotiated all aspects of each case disposition
- Maintained approximately 90-95% conviction rate
- Provided legal strategy to colleagues, law enforcement agencies and crime victims
- Collected, analyzed and assessed evidence, documents and data from a wide variety of sources and databases to prepare and present cases to the grand jury, secure indictments and ultimately obtain the appropriate criminal convictions
- Assisted law enforcement agencies with a range of pre and post arrest criminal investigations while reviewing case reports, preparing search warrants, issuing grand jury subpoenas and reviewing material for evidentiary value. Identified and resolved roadblocks and helped investigators obtain additional evidence as needed.

- Advised and served as mentor to new and seasoned prosecutors in the science of criminal prosecution through instruction, guidance and demonstration. Brainstormed, collaborated and help identify what is missing and how to strengthen a case.
- Interacted with victims with a sense of empathy, guidance and confidentiality in challenging and sensitive situations. Referred and introduced individuals and families to the Crime Victim Unit to provide personalized assistance.
- Prepared legal motions and correspondence to ensure they are written with sound judgement, accuracy and timeliness
- Successfully prosecuted a wide variety of felony offenses, including: Murder, Attempted Murder, Homicide, Manslaughter, Terroristic Threat, Arson, Robbery, Assault, Firearms/Criminal Possession of a Weapon, Burglary, Home Invasion, Grand Larceny, Forgery, Falsifying Business Records, Criminal Mischief.

GREENE COUNTY DISTRICT ATTORNEY'S OFFICE - Catskill, NY

1/1/02 – 12/31/14

Acting District Attorney 1/1/14 – 12/31/14 40+ hours per week

-In addition to prosecutorial responsibility, assumed role as *Acting* District Attorney for the duration of the election cycle. Absorbed oversight for all day-to-day operations, staff management, budgeting and policy development.

- Oversaw and prosecuted all criminal offenses from traffic offenses to violent crimes and murder trials including: murder, assault, burglary, promoting prison contraband, economic crimes, fraud, larcenies, public corruption, child pornography, vehicular assault, driving while intoxicated, drug crimes, firearms offenses, robbery and asset forfeiture
 - Notable case: *People v. Maurice Pratt*, convicted after jury trial of Murder 2nd, 03/04/14
- Supervised District Attorney's Office staff with four Assistant District Attorneys, three secretaries and one investigator
- Served as point of contact for all law enforcement agencies and county offices: FBI, DEA, ATF, State Police, Sheriff's Office, all town police departments, Greene County Court, County Attorney, Probation Department, Public Defender's Office, County Administrator, Emergency Services and Social Services
- Served as liaison for office operations, human resources, staff scheduling, financial reporting and asset forfeiture
- Facilitated department head meetings, provided 24/7 legal consultation to all county law enforcement, staff and agencies
- Led development and compliance for county law enforcement policies and procedures, District Attorney's Office budgeting and financial reporting (including recent drug asset seizure policy)
- Served as Greene County Jail Task Force member and legislative consultant regarding new county jail construction
- Implemented county conversion to PCMS 5, a computerized case management system

Chief Assistant District Attorney 1/1/11 – 1/1/14 40+ hours per week

- Directly supervised Assistant District Attorneys, legal secretaries and office investigator. Guided and advised Assistant District Attorneys regarding all aspects of case prosecution throughout the county.
- Conducted felony and misdemeanor prosecutions from grand jury to trial verdict, gaining broad experience planning and executing case strategy in a variety of complex criminal cases
- Oversaw motion practice in all courts within the county
- Served as 24/7 advisor to law enforcement agencies for state criminal law, criminal procedure and office policies

Assistant District Attorney 1/1/02 – 1/1/11 40+ hours per week

- Handled all aspects of criminal prosecutions from intake to verdict, including investigations and interviews, legal research, motion practice, case negotiations, grand jury presentations and jury trials
- As DWI Prosecutor, conducted all contested Driving While Intoxicated litigation, including *Pringle* hearings, *Huntley* hearings, probable cause hearings, refusal hearings, bench trials and jury trials
- As Drug Court Prosecutor, worked closely with the Probation Department, local substance abuse providers and the court to divert non-violent addicts through the County Drug Treatment Court program, an alternative to incarceration

PRIOR LEGAL BACKGROUND

GERSTENZANG, O'HERN, HICKEY & GERSTENZANG – Albany, NY

7/1/00 – 12/31/01

Associate

- Practice areas: statewide criminal defense with a focus on DWI and vehicular crimes

THE LAW OFFICE OF ANTHONY C. BUCCA – Hunter, NY

8/1/99 – 7/1/00

Associate (Bar admission: January 2000)

- Practice areas: general practice with a concentration in real estate and trusts & estates

EDUCATION AND ADMISSIONS

Admitted to practice law in New Hampshire; June 2022 - present

Admitted to practice law in U.S. District Court: NDNY, 2000 – 2007; EDOK, 2021 - present

Admitted to practice law in New York State; January 2000 - present

Albany Law School of Union University – Albany, NY
Juris Doctor; June 1999 GPA 3.14

Hartwick College – Oneonta, NY
Bachelor of Arts in Anthropology/Sociology; June 1994