

Defense Complaints Lead to Declaration of Mistrial

Andrew Keshner, New York Law Journal

A Suffolk County judge has declared a mistrial in a white-collar case after the defense complained of alterations to documents put in front of the grand jury.

Acting Supreme Court [Justice Fernando Camacho](#) declared a mistrial Tuesday in *People v. Datre*, with 11 of 12 jurors picked to hear the case against Thomas Datre Jr., Clara Datre, Gia Gatien and the corporation Daytree at Courtland Square. They face grand larceny, falsifying business records and related charges. In court papers, the defense said Suffolk County Assistant District Attorney Leslie Stevens crossed out dates and work order numbers on original payroll documents, put in new information and submitted the documents as grand jury exhibits.

The defense said Stevens later "attempted to conceal her conduct, carefully erasing her pencil alterations." Assistant District Attorney Edward Heilig responded that the "work product notations" on three of 225 payrolls were mistakenly given to grand jurors. He said prosecutors would dismiss the six counts in the 492-count indictment connected to the documents, downgrade another charge and forgo the documents in the case in chief.

Camacho reserved decision on remaining defense requests, including dismissing the indictment and disqualifying Stevens.

Suffolk D.A. spokesman Robert Clifford said "the mistrial is without prejudice and we intend to move forward and try the case." He said Stevens made the notations to help her track the complicated case and left the document's underlying information visible and unchanged.

In an related case, members of the Datre family are accused of environmental offenses in constructing soccer fields and other projects. They maintain their innocence in both matters.

Kevin Kearon and Donna Aldea, partners at Barket Marion Epstein & Kearon in Garden City, represent Thomas Datre Jr.

Andrew Campanelli, of Campanelli & Associates in Merrick, represents Clara Datre and Daytree at Courtland Square.

Scott Gross of Garden City represents Gia Gatien.