



Orange County News

For Immediate Release
June 7, 2017

Contact: Christopher Borek
845.291.3276, 845.238.4245c

District Attorney Hoovler Announces Guilty Verdict in Town of Wawayanda Power Plant Protest Case

*Six Defendants Convicted After Trail of Disorderly Conduct for Obstructing
Traffic During Protest of Construction of Wawayanda Power Plant*

Each Sentenced to Pay Fine

Orange County District Attorney David M. Hoovler announced that on Wednesday, June 7, 2017, all six defendants who were charged with Disorderly Conduct for obstructing traffic on Route 6, in the Town of Wawayanda, on December 18, 2015, during a protest against the construction of a power plant there by Competitive Power Ventures, Inc., were found guilty by Town Justice Timothy P. McElduff.

In finding each of the defendants guilty of Disorderly Conduct in a written decision issued after a bench trial, the Court noted that the defendants “met weeks prior to the protest and determine the roles each would play. On December 18, 2015, Defendants carried out their plan and, for less than one hour succeeded in blocking traffic at the entrance of the power plant.” All six of the defendants refused repeated orders by the New York State Police to cease blocking traffic prior to being charged. In finding the defendants guilty, the judge noted that even “viewing the factual allegations and legal arguments in the light most favorable to the Defendants, the Court finds they have failed to meet the requirements necessary to establish the availability of the defense of necessity under Penal Law § 35.05 (2).” Following the verdict, the Court sentenced the defendants.

The District Attorney’s Office had recommended that in addition to being sentenced to pay a fine, each defendant should also be ordered to complete sixteen hours of community service cleaning up Orange County parks. The Court ordered that each defendant pay a \$250 fine and a \$125 surcharge.

District Attorney Hoovler thanked the New York State Police for their professionalism in handling the incident, and for assisting in the preparation of the trial.

"These defendants selfishly wasted valuable law enforcement resources and inconvenienced innocent civilian motorists wholly unconnected to CPV plant," said District Attorney David M. Hoovler. "Every week protesters responsibly and legally make their opinions known outside of that plant without impeding traffic and interfering with the rights of others. However passionately these defendants may believe in their cause, they had no justification to break the law or to force a confrontation with law enforcement officers, who need to be available for life threatening emergencies. The myriad of legal protest options, and other ways to legally and peacefully voice their opinions, separates this case from past historical instances when civil disobedience was justifiable. Those who use the roads to go to work, transport their children, go shopping, go to doctor's appointments and simply go about living their lives peaceably and productively, cannot be held hostage in their cars every time some small group consciously decides to break the law and inconvenience the public."

District Attorney Hoovler highly commended Senior Assistant District Attorney Maryellen Albanese for her prosecution of the case.

###