

Daryl Vonneida's history of sexual abuse convictions stretches back nearly 42 years, but his records are virtually impossible to find

BURIED PAST



Man pleads innocent to sex abuse charges

Montour Falls suspect out on \$10,000 bail

IN THE TIERS

Child abuser given 6-month jail term

Sex suspect has prior convictions

Man charged with sexual abuse

WATKINS GLEN — A Montour Falls man was charged with first-degree sexual abuse Wednesday. Schuyler County Sheriff's Department investigation spurred by a call to the 8881 hotline.



State troopers escort Daryl E. Vonneida into Schuyler County Jail last September. JASON WHONG / STAFF PHOTO

Knowledge, persistence and open records not enough to discover predator's history

By Jason Whong
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The Town of Dix man accused of using religious and morbid themes to make child pornography has sexually abused children before, with his first conviction more than 40 years ago, according to the Star-Gazette archives. But because his three prior sex-abuse convictions happened before New York had a law requiring sex-offenders to register with the state, he

is not listed on the state sex-offender registry. As a result, parents didn't have an easy way of learning that Daryl Vonneida, 61, had abused boys before.

There are legal ways of finding out someone's criminal history.

New York's Freedom of Information Law (FOIL) requires public access to some government agency records; its Judiciary Law and the Uniform Justice Court Acts mandate access to some court records.

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THE SEARCH

This newspaper used state Freedom of Information Law, state laws concerning access to court records, and paid the state Unified Court System's criminal history records search \$65 to confirm Daryl Vonneida's three sexual abuse convictions reported in the Star-Gazette archives. After more than a month, records have been found for only two of the three convictions.

» FOIL requests: Three filed between Feb. 6 and 15. Results: One response that information could not be located; one response with requested information; one pending.

» Court records requests: Three requests between Jan. 25 and March 7. Results: One file sealed; two files not located.

» Unified Court Systems Criminal History Records Search: Search yielded only one of three convictions.

INSIDE TODAY

Editorial: No charges filed



A jury should be allowed to decide the guilt or innocence of the former Tioga lieutenant who beat an inmate in 2010.

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NCAA tournament



Top-seeded Syracuse beats Kansas State, 75-59, in the third round of the East Regional.

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Make a clean sweep



Get a jump on spring cleaning with small tasks, simple steps.

PAGE 1D

A familiar face returns



Kiefer Sutherland, who's back in the new TV series 'Touch,' shares his life lessons.

IN USA WEEKEND

Elmira man killed by train identified

Police: Teens smoke, drink near dangerous tracks

By Christine V. Sulat
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Elmira police have identified the man struck by a train Friday night as Ward A. Wandell, 51, of Horner Street in Elmira.

Wandell was struck by a Norfolk Southern train shortly after 9 p.m. He was still alive

when police arrived and was taken to Arnot Ogden Medical Center in Elmira, and died around 5:30 a.m. Saturday.

The accident occurred near the South Main and West Miller streets section of the railroad tracks, behind Erie Plaza, on the city's Southside.

Police Lt. Mike Suhey on Sat-

urday afternoon said that the conductor on a northbound train Friday night thought he struck someone at the tracks, stopped at the rail depot just south of Woodlawn Avenue and radioed ahead to a supervisor.

Police were immediately notified, Suhey said.

Meanwhile, the conductor on

another northbound train was approaching the accident site, heard the first transmission, slowed to a crawl and was able to stop in time.

Suhey said the Norfolk Southern trains don't go more than 30 miles an hour through that area.

Wandell, who was born and raised in Elmira, had been

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Predator

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The state Unified Court System also offers a statewide criminal history record search service.

For more than a month, this newspaper used these channels to research Vonneida's history of sex offenses, but has experienced only limited success in obtaining records that correspond with previously published articles.

We filed three FOIL requests and made three requests under the court records access laws to verify three incidents on which we previously reported. We also paid the court system to conduct a criminal history search.

So far, the results of those seven requests have turned up only two of the three incidents.

Success with record requests often depends on knowing what records are available and which agency to request them from; having access to the Star-Gazette archive gives us an advantage that most parents do not have when seeking information about a person they don't know.

For concerned parents to find sex offenders who aren't listed on the sex-offender registry, it takes time, money and an idea of where to look, but the results may not be enough to get a full background check and ultimately protect children.

The allegations

In a federal complaint, Vonneida is accused of abusing four boys by pretending to kill them, asking them to play dead and directing them to touch themselves.

A federal grand jury in Rochester returned a 14-count indictment against Vonneida in December.

He is charged with three counts of production of child pornography, nine counts of possession of child pornography and two counts of transportation of minors across state lines for sexual activity.

Vonneida is also charged in Schuyler County Court with three counts of second-degree course of conduct against a child and a count of first-degree sexual abuse.

When this newspaper reported graphic details in December of Vonneida's alleged abuse of four victims, it was not the first time the Twin Tiers had read allegations about Vonneida using morbid themes in sexual abuse.

The Star-Gazette reported in 1988 about Vonneida's conviction in a 1978 case in Montour Falls Village Court. Vonneida touched a 13-year-old Montour Falls boy's chest and stomach for sexual gratification in that case.

He "secured the child's hands and feet with a cord, instructing him to play dead, and injected thumbtacks into his body," according to a criminal complaint.

According to articles in this newspaper's archives, Vonneida has three sex abuse convictions:

- » Second-degree sexual abuse, 1970 in Southport Town Court.
- » Second-degree sexual abuse, 1978 in Montour Falls Village Court.
- » First-degree sexual abuse, 1989 in Schuyler County Court.

After locating these news articles, this newspaper attempted to use the same legal avenues a parent might use to verify the information.

Search begins

Jennifer Marsh, hotline director for the Rape, Abuse and Incest National Network in Washington, D.C., said those three convictions should have showed up on a criminal background check.

But it's not cheap for citizens to do these, and in New York, not all town and village court convictions will show up in searches done by the state Unified Court System's criminal history records search service.

"It really makes the general public reliant on the public registries," Marsh said. But because Vonneida's convictions came before New York required sex offenders to register, he's not in the state's sex-offender registry.

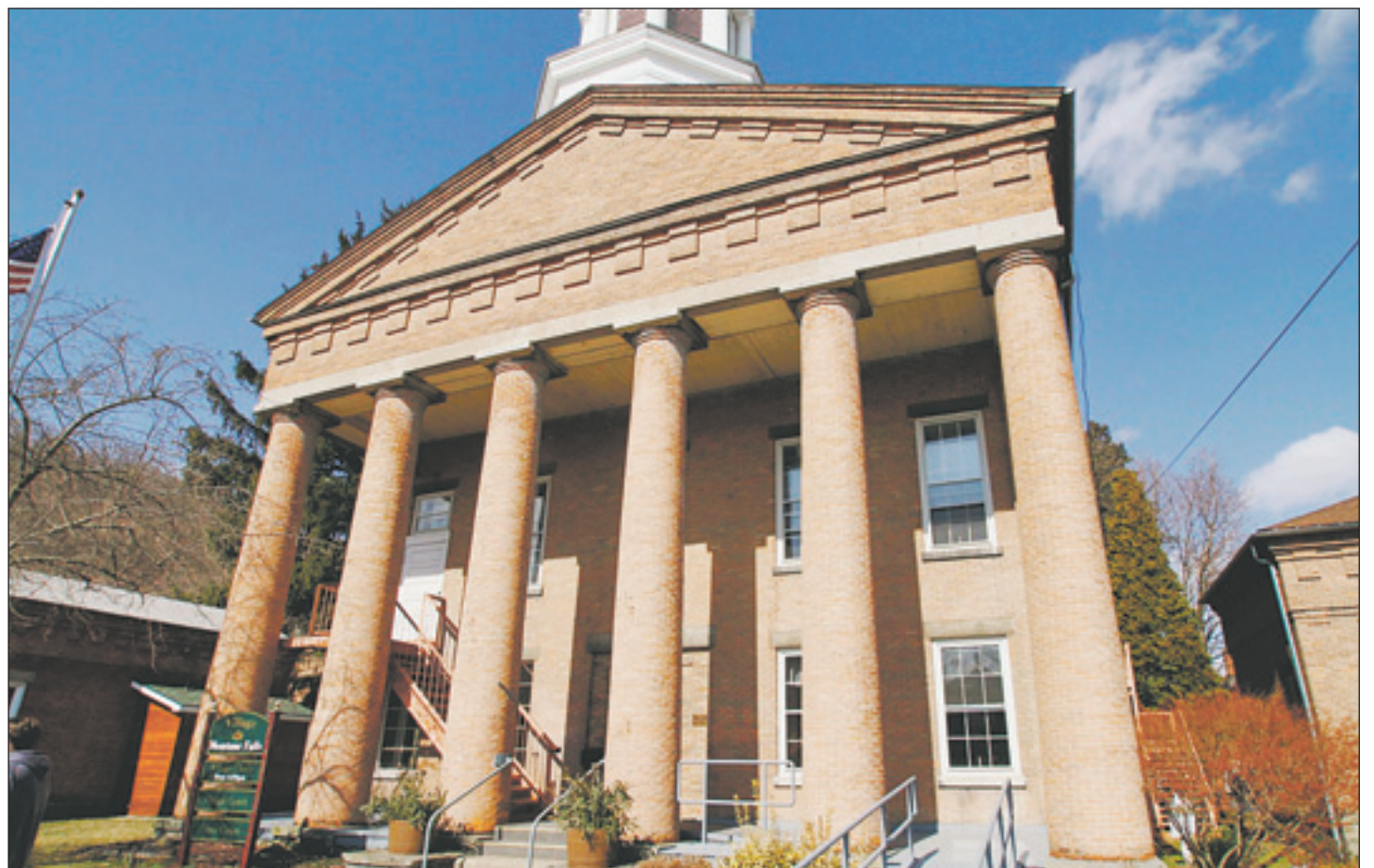
In fact, if Vonneida wanted to register voluntarily, he wouldn't be listed, because nobody can volunteer to be listed in the registry, said Janine Kava, deputy director of public information for the state Division of Criminal Justice Services.

This newspaper paid the Unified Court System \$65 to search for Vonneida's convictions. While information

Southport Town Justice Joseph Holley responded quickly to this newspaper's request for court records regarding Daryl Vonneida's first sexual abuse conviction in 1970. However, clerks have been unable to locate the records.



JEFF RICHARDS/
STAFF PHOTO



Daryl Vonneida was sentenced in 1978 to three years' probation after pleading guilty in Montour Falls Village Court to second-degree sexual abuse. The Montour Falls village court clerk could not locate the court's records for the case, and not all village and town court records show up in the Unified Court System's criminal history search service. JEFF RICHARDS / STAFF PHOTO

about the searches is available online, the general public must submit requests, with payment, by mail or in person at the Office of Court Administration in New York City.

Search results included only one case: the 1989 conviction in Schuyler County Court.

That search was unlikely to reveal Vonneida's 1970 and 1978 convictions, because the first year for which criminal records are complete in the database for Chemung and Schuyler counties was 1981.

The service also doesn't have records of cases in town and village courts from May 1991 through all of 2002; misdemeanors, including second-degree sexual abuse cases, can be handled in town and village courts.

The church where Vonneida is alleged to have found victims in his current case does background checks on people who work with children, and has rules against adults being alone with children.

Vonneida, however, did not work with children in a church capacity, and none of the abuse is alleged to have happened at the church.

The DCJS maintains its own criminal history records, but state law forbids the general public from accessing that information.

1970

Vonneida was 19 and lived at his parents' home on Plymouth Avenue in Southport at the time of his first conviction.

He had dropped out of Alfred Tech (now Alfred State) the year before, after spending a year there studying mechanical technology, according to the college.

According to a Star-Gazette article, Chemung County sheriff's deputies charged Vonneida with second-degree sexual abuse.

On the day of his arrest in June 1970, he admitted to sexually abusing an 11-year-old Town of Ashland boy, according to a Star-Gazette article. Deputies said Vonneida was a Little League baseball coach at the time.

He was due to be sentenced in July 1970 in Southport Town Court, according to the article.

This newspaper attempted to use FOIL and the court open records laws to find documentation of the crime.

We used FOIL on Feb. 6 to request a copy of a case report, incident report or arrest report from the Chemung County Sheriff's Office.

A records clerk in the sheriff's office responded Feb. 13 and noted that the case was not investigated by the sheriff's office but rather by state police.

This newspaper, on Feb. 15, requested the same records from state police.

The state police FOIL unit wrote back

Feb. 23, estimating that a response would be sent within 20 business days. No additional response has been received.

In January, this newspaper also attempted to verify the details of his conviction in Southport Town Court.

Town Justice Joseph Holley responded quickly, though he said the records would be difficult to locate and might not reveal much. The court clerks have not located the records.

1978

According to a 1988 Star-Gazette article, Vonneida was charged in January 1978 with a count of second-degree sexual abuse and pleaded guilty just six days after he was charged. He was sentenced that month to three years' probation.

But after about a year and a half, he was taken off probation, former Montour Falls Village Judge Lewis Stillman told the Star-Gazette in 1988.

Stillman, who sentenced Vonneida in the 1978 conviction, was speaking out 10 years later because Vonneida was again in the news. Stillman died in 1988.

The 1988 newspaper article made mention of records at Montour Falls Village Court.

This newspaper's request for state police records about this incident was part of its Feb. 15 FOIL request to state police. The records have not been received.

This newspaper, on Jan. 25, asked the Montour Falls Village Court Clerk to search the court's files for the 1978 records. The records have not been located.

1988

Vonneida was charged in May 1988 in Schuyler County Court with four counts of first-degree sexual abuse and two counts of endangering the welfare of a child, according to a Star-Gazette article.

Vonneida admitted that he sexually abused a 9-year-old boy when he pleaded guilty to a count of first-degree sexual abuse in January 1989.

Vonneida, who was 38 at the time, told a Schuyler County Sheriff's sergeant, "I'd like to find out why I do these things and to get it to stop," according to the article.

Schuyler County Judge John P. Callanan sentenced Vonneida in February 1989 to six months in the county jail and five years' probation.

"That was not the sentence I recommended," Schuyler County District Attorney Stewart E. McDivitt told the Star-Gazette just after the sentencing.

McDivitt had asked that Vonneida be sentenced to 1 to 3 years in prison. McDivitt, who still practices law in Schuyler County, declined to comment on the case recently, saying that he didn't recall the specifics.

Also after the sentencing, Vonneida's lawyer, Thomas E. Reilly of Elmira, said he thought the sentence was fair and said he was glad his client had been in therapy since his arrest. Reilly declined to comment for this article.

It took the Schuyler County Sheriff's Office only two days to respond to this newspaper's request for records about the case.

Among the documents this newspaper received are a four-page statement from Vonneida to Sgt. Philip C. Barnes, a memo from Sgt. Barnes to McDivitt, explaining what charges could be brought against Vonneida, criminal complaints and two summaries of phone calls received about Vonneida.

Vonneida's description of abuse in his May 24, 1988, statement shares some details with the abuse alleged in his current federal criminal complaint, and with what this newspaper reported about his 1978 conviction.

"I asked him to play dead," Vonneida said, describing the abuse, and admitting taking photos that he later burned. "Yes, I know it was illegal and had been arrested before for it."

Vonneida said the abuse happened off state Route 14 in Watkins Glen, at his own home, at B.C. Cate Elementary School in Montour Falls, at stock car races at Five Mile Point in Broome County, at a motel, and at a campground in Great Bend, Pa.

Vonneida said he found his victims while he was a coach for the Chemung Valley Soccer League in 1984-85.

"I just wish that I could get to be normal again," Vonneida said in the statement.

Vonneida was charged May 25, 1988, with four counts of first-degree sexual abuse and three counts of endangering the welfare of a child.

On Nov. 4, 1988, Barnes told McDivitt that additional charges could be brought against Vonneida in Schuyler County.

Those charges were "numerous counts" of second-degree sodomy, first-degree sexual abuse, second-degree sexual abuse and second-degree unlawful imprisonment, and a count of first-degree reckless endangerment.

Vonneida could also be charged in Broome and Tompkins counties, and in the state of Pennsylvania, Barnes wrote.

While the sheriff's office was quick to respond with its investigation records, getting the record of Vonneida's conviction in Schuyler County Court has been more difficult.

On March 7, this newspaper requested to see the court record from the case at the Schuyler County Clerk's Office.

A deputy clerk said the file was sealed and could not be located that day because it was stored off-site.

On March 8, the County Clerk's Office said it had found the record and that it was marked as sealed, so it could not be opened.

Even the judge's order to seal the record — which would prove that the record is sealed — could not be revealed unless the newspaper petitioned Schuyler County Court for access.

The Court Clerk's Office and a spokeswoman for the state Office of Court Administration said that was proper procedure.

What's next?

This newspaper also used a database of federal court records to learn the status of Vonneida's case in U.S. District Court in Rochester.

The federal Public Access to Court Electronic Records (PACER) database gives access to court dockets at pacer.gov.

It requires an account, and charges 8 cents per page transmitted.

Using PACER, this newspaper obtained documents used in a December article about the allegations against Vonneida.

For this article, we were able to learn the following:

The U.S. Attorney's office has given Vonneida notice that it will seek mandatory life imprisonment if he is convicted, because of his 1989 conviction.

The office also told Vonneida it plans to use his statements, made Sept. 14 and Sept. 30, 2011, to law enforcement officers, as evidence.

It also plans to use computers, CDs, videotapes, trip tickets and souvenirs, camera equipment, travel books and documents related to trips taken with people under 18.

Oral arguments on any defense pre-trial motions in the case are scheduled for 9:30 a.m. April 13 in U.S. District Court in Rochester.