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Monroe DA's staff won't be taken off DWI homicide case

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Staff writer

A judge has refused to disqualify the Monroe County District Attorney's Office from prosecuting a Rochester man charged with a drunken-driving death.

County Court Judge Patricia D. Marks declined Monday to appoint a special prosecutor for Samuel Sierra, who withdrew his guilty plea to vehicular homicide after another judge said he would no longer abide by a sentence promise made when Sierra pleaded guilty.

Sierra's lawyer, Assistant Public Defender Donald Scalia, claimed that the District Attorney's Office had prejudiced his client's right to a fair trial. But Marks said she didn't see "an articulable reason that requires disqualification."

Sierra, 42, pleaded guilty April 27 to a six-count indictment in the death of Michael H. Civiletti, 45, on Oct. 14, 2006. County Court Judge John J. Connell promised a prison term of 4½ to nine years.

After the plea, Assistant District Attorney Christopher Rodeman said the District Attorney's Office believed Sierra should receive the maximum prison term of 7½ to 15 years.

Connell repudiated the plea deal May 24, claiming Rodeman misled him into believing the prosecution supported the deal. Connell, who gave Sierra the option of withdrawing his plea and going to trial or standing by the plea and accepting whatever sentence the judge chose, later recused himself.

Sierra allegedly ran a red light at Portland Avenue and Norton Street and hit a car driven by Civiletti, on his way home from church.

Sierra, who has a previous manslaughter conviction for killing another man during a 1993 gunfight, is charged with second-degree manslaughter, second-degree vehicular manslaughter, DWI, first-degree aggravated unlicensed operation of a vehicle and running a red light.

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What's next

Samuel Sierra's case is now before state Supreme Court Justice David D. Egan. Sierra has withdrawn his guilty plea and is expected to appear in court July 11 to set a trial date.

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