



In the last 72 hours, Sheriff Apple and Tish James have epitomized the worst combination of politics, incompetence and abuse of the law.

- In an unprecedented move, Sheriff Apple filed charges against Governor Cuomo without the authorization of or coordination with the District Attorney, provoking condemnation and outrage from legal experts nationwide.
- Apple DID, however, admit he had been coordinating with Tish James. Tish James publicly praised his actions, using it to validate her sham report while announcing a run for Governor the same day!
- These political bedfellows are abusing their office and putting their agenda over their ethical and constitutional duty, and no one is buying it.
- Apple claims he 'accidentally' filed misdemeanor charges, without notification or authorization of the District Attorney or consent of the complainant, and in an act of desperation stated that he has an 'overwhelming amount of evidence' alleging this incident happened on December 7th.

Let's review that "evidence":

- Flight records to show the governor flew to an event that day.
- A text message with a document sent from the Governor's iPhone to Stephanie Benton.
- State Police pins confirming Ms. Commisso was at the Mansion and swipe records showing she then returned to the Capitol.

These are **uncontested facts proving nothing**. No one disputes that Ms. Commisso was at the Mansion helping the governor with a document on December 7th — as an assistant that was part of her job — in fact, she staffed the Governor at the Mansion dozens of times before and after December 7.

Despite Apple's claim that there is 'overwhelming evidence', he has offered zero evidence corroborating the claim. Likewise the James report did not offer any corroborating evidence of the claim.

**Why after months of investigation and millions of dollars have both James & Apple failed to come up with corroborating evidence? Because it did not happen.**

- Apple identifying December 7 — in direct contradiction of James saying November 16 — as a new date for Ms. Commisso's allegation does prove two important facts:

- Tish James' report was fraudulent.
- It proves the inconsistency of Ms. Commisso's allegation, offering now a fourth possible date of the alleged traumatic incident — an incident that Ms. Commisso does not remember the day, week, or month of.
- Ms. Commisso originally told the Times Union the alleged incident occurred on a date in November. Ms. Commisso later testified to the AG's office that the incident happened 'around the day she photographed a document', which occurred on November 16. The Attorney General definitively identified the date of the alleged incident to have been November 16. Ms. Commisso then said the event occurred 'later in November' around 'November 25'. Apple now offers another alternative, December 7.
- Had the Sheriff done a competent and truthful investigation on his new December 7 theory, he would have discovered the absurdity of December 7 in supporting his claim:
  - Lindsay Boylan commenced her public attacks on Governor Cuomo, claiming toxicity and hostility on December 5. Boylan's claims were reported in the newspaper on December 7 — if this were true, that would mean the incident occurred 2 days after Lindsey Boylan started publicly attacking the governor AND that Ms. Commisso couldn't remember that timing.
  - It defies logic and credibility that the Governor — who, in over 30 years of public service has never been accused of groping — would have forcibly touched Ms. Commisso under any circumstance, but to now suggest he did it two days after Boylan began making public allegations is beyond absurd.
  - What is more incredible is that Ms. Commisso — who could not recall the day, week, or month that she was allegedly traumatically assaulted — wouldn't have remembered that the incident took place the same week Ms. Boylan made sexual harassment allegations.
  - A competent and truthful investigation by Apple and James would have disclosed and reported that this past February, after Ms. Boylan's most salacious attack, Ms. Commisso told Governor Cuomo directly that "no one believes Lindsey Boylan. Everyone knows that you wouldn't do that."
  - If Apple and James had done a competent and honest investigation, they would have disclosed that Ms. Commisso not only could not recall date, and offered no corroborating evidence, but also gave widely varying versions of the incident to different parties.

Politics is to be kept separate from law enforcement. Citizens choose their leaders in elections not by political prosecution of opponents. That is the cardinal rule James and Apple have violated and justice dictates that it must be corrected.

Please read Rita Glavin's full response to James' report regarding this allegation to decide for yourself: [www.andrewcuomo.com/ResponseCommisso](http://www.andrewcuomo.com/ResponseCommisso)

Thank you for your friendship,

Team Cuomo