



Genesee County Prosecutor's Office

David Leyton, Prosecutor



Court of Appeals Upholds Sentencing of Anthony Cunturso Who Plead Guilty in 2009 to Severely Abusing His Mother

April 18, 2011

FLINT -- A Michigan Court of Appeals decision has affirmed the prison sentence handed down against a 49-year-old Flint man who plead guilty in July 2009 to vulnerable adult abuse, second degree.

Genesee County Prosecutor David Leyton said the Court of Appeals' decision on April 14, 2011 is further evidence that the abuse and neglect Anthony V. Cunturso (d.o.b. 3/13/1962) inflicted upon his elderly mother was "horrifying beyond comprehension."

Cunturso was sentenced in September, 2009 by Genesee County Circuit Court Judge Joseph Farah to serve 32 to 48 months in prison which was a departure from Michigan's sentencing guidelines which established a term of zero to nine months, according to Prosecutor Leyton.

Under Michigan law, a trial court may depart from the sentencing guidelines if it states on the record substantial and compelling reasons to do so. In this case, Prosecutor Leyton said "the Court of Appeals affirmed the trial court's decision to depart from sentencing guidelines based on ample evidence that showed Cunturso's actions were exceptionally horrific."

Prosecutor Leyton charged Cunturso with vulnerable adult abuse in April of 2009 after investigators found Cunturso's 73-year-old mother living in conditions of extreme squalor in a house that Cunturso owned and rented to his mother at \$450 per month.

As outlined in the Court of Appeals' decision, the conditions consisted of raw sewage in the basement, an inoperable toilet filled with urine and feces, no running water, a lack of consistent heat, and cockroach feces so abundant that an emergency responder who had training as an exterminator commented that it was beyond his experience. The couch on which the victim slept was covered in feces and urine, and the victim was found to be dehydrated and suffering from a urinary tract infection. The smell in the home was so pervasive that officers were gagging and had to walk outside to get some air.

Investigators had tried to make contact with the victim in January of 2008 and November of 2008, but the victim never came to the door. On April 14, 2009, a registered nurse was denied access to the home by defendant who represented that the victim was able to take care of herself. At the plea proceeding, defendant admitted that he had not been meeting his mother's dietary needs.

In its decision, the Court of Appeals noted that the trial court had emphasized several factors in departing from sentencing guidelines including the fact that Cunturso's mother depended on him for her care, that he had tried repeatedly to conceal her condition from others, that the victim was forced to live in "horrifying" conditions, and that Cunturso had had not addressed either his mother's physical or medical condition or the condition of the home over a period of time.

The Court of Appeals determined that these factors were objective and verifiable and exceptional and, therefore, concluded that the trial court's departure from the sentencing guidelines were "proportionate to the offense and the offender."

"Judge Farah saw the severity of this particular case and rightly departed from the sentencing guidelines under the circumstances," said Prosecutor Leyton.

"I am very pleased the Court of Appeals ruled in our favor," he said.

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