

# Serial graffiti vandal admits to felony charges

BY: Patrick Lakamp / News Staff Reporter | @LakampBuffNews

A serial graffiti vandal who admitted defacing public property told a judge Tuesday that his markings spread “no specific message” but expressed “a rebellion” against authority.

But the 25-year-old who signed himself as “bcuz” all over the city does not look like much of a rebel to community leaders who have tracked his graffiti over the years.

They described Richard Whitefield of Grand Island as one of the area’s most active but least artistically talented vandals.

And now he’s a felon.

Whitefield pleaded guilty to two felony counts of third-degree criminal mischief and two misdemeanor counts of making graffiti for defacing a retaining wall near the Peace Bridge in September and a pedestrian bridge over the Scajaquada Expressway in October.

Whitefield also acknowledged marring dozens of other buildings, bridges and walls with his “bcuz” tag.

“What kind of total loser do you have to be if you’re 25 years old and you’re spray-painting all these walls in the City of Buffalo?” Erie County District Attorney Frank A. Sedita III asked after the plea proceeding.

“Is this a violent crime on the level of murder or rape? Of course not,” Sedita said. “But this is still a crime. This is not a junior [Pablo] Picasso. This is not art. This is vandalism. And it affects the quality of life in neighborhoods fighting blight and trying to make an economic comeback.”

Erie County Court Judge Sheila A. DiTullio told Whitefield she was inclined to spare him prison and instead sentence him to probation if he cleans up his graffiti and stays out of trouble.

The judge, however, said she would keep all sentencing options open and wants to read a presentence report before committing to a sentence.

The felony count carries a maximum four-year state prison term. The misdemeanor count carries a maximum one-year jail term.

Whitefield has no prior record.

Several members of the Regional Anti-Graffiti Task Force attended the court proceeding to watch the part-time Sherwin-Williams paint store warehouse employee plead guilty.

“This is huge,” said Sam Lunetta, a retired Buffalo State College police lieutenant and co-leader of the task force. “He’s one of our biggest serial taggers in the city.”

Lunetta also called him “the most untalented tagger.”

Whitefield’s tag has been found at more than 100 locations across the city, on everything from signal boxes to light poles and on retaining walls, bridges and overpasses, said city spokesman Michael J. DeGeorge.

The task force has tracked Whitefield's tag for years, said Joyce M. Emke, security program manager for Buffalo Place, the downtown business improvement district.

Whitefield does not seem well-connected with other graffiti taggers, she said.

But now he joins a small fraternity of graffiti felons.

In 2006, Eric P. Osborne, then 23, and Christopher A. Fargo, also 23 at the time, were the first two people in the area in recent memory to plead guilty to felonies for vandalism, prosecutors said.

Osborne, who was known for his graffiti signature "Meth" and suspected of defacing nearly 100 buildings in Buffalo, was sentenced to 90 days in jail and ordered to pay restitution and spend 40 hours removing graffiti.

In 2008, graffiti vandals Christopher "Korps" Parwulski and Jacob "HIM" Biondo were ordered to perform 750 hours and 500 hours of community service, respectively, for their felony criminal mischief convictions. Matthew "Worm" Swan was also ordered to perform 500 hours of service for the same conviction. The three were between the ages of 19 and 21 at the time of their convictions.

The anti-graffiti task force members said they would urge the judge to give Whitefield even more hours of community service than Parwulski received.

Anti-graffiti task force members know of about 208 graffiti arrests in the area since 2001, Emke said.

"We also know that there are other arrests associated with graffiti that do not get reported to the task force," she said.

During the plea proceeding, DiTullio sought a better understanding of Whitefield's motivation and asked him to explain his actions.

"I'm trying to understand how you're sending your message," DiTullio said.

But he offered little clarity.

"It's hard to explain why I did what I did," he said softly.

Was it rebellion, the judge asked.

"You could say that," he replied.

Rebelling over what?

"I would say authority and society," he replied.

"Maybe there's a better way to communicate your message," DiTullio said.

"It looks bad," DiTullio said of his graffiti. "It hurts people."

And they have to pay to remove it, she said.

"It's not art. It's criminal defacement of property," said Assistant District Attorney Patrick B. Shanahan, who prosecuted Whitefield. "It was done by a suburban resident. He's not marking up Grand Island."

Whitefield initialed and dated the photographs of some 50 other properties that he acknowledged defacing, Shanahan said in court.

Whitefield will not be prosecuted in the future for any of the other markings he acknowledged making, defense lawyer Michael T. Dwan said in court.

Shanahan said there have not been any new “bcuz” tags since December.

The anti-graffiti task force members said they had followed the “bcuz” tag but had to wait for a break that would put the vandal in a courtroom.

The break they waited for came at Mohawk Place, a since-closed downtown music venue.

Whitefield was caught tagging inside the club.

An employee alerted a friend who is a Buffalo police detective.

Police and City Hall officials recognized how widespread his tag had become in the city, and they responded with urgency, Lunetta said.

Whitefield admitted he was responsible for marking all of the bridges, buildings and retaining walls, Lunetta said.

He paid restitution to Mohawk Place and was not prosecuted for that incident, but he admitted all the rest, Shanahan said.

“It was a negotiated disposition with his attorney,” Shanahan said of the plea. “I think he was trying to minimize his exposure.”