

BLOGS › THE INSIDER

August 8, 2013 12:45 p.m. Updated 08/08/2013

THE INSIDER

Dan Halloran seeks to have charges dismissed

In court papers filed this week, Queens Councilman Daniel Halloran seeks to dismiss federal charges that he quarterbacked a stunning scheme that shook the New York City mayoral race.

By [Chris Bragg](#) 

In court papers filed this week, Queens Councilman Daniel Halloran seeks to dismiss federal charges that he quarterbacked a stunning scheme that shook the New York City mayoral race.

Mr. Halloran is charged with offering bribes to several officials on behalf of Democratic state Sen. Malcolm Smith, who was allegedly courting the support of at least three of New York City's five Republican county chairmen, which would have allowed him to run in this year's Republican mayoral primary. Gaining such support to run in another party's primary, or as its nominee, is known under state election law as gaining a Wilson-Pakula, named after the authors of the law that enables it. In a highly technical argument made in the court papers, Mr. Halloran's attorney, Vinoo Varghese, states that Mr. Halloran could not have committed a crime, because under New York state law, such an act would not be considered bribery in any case. "The bribery statutes also prohibit payment in exchange for an appointment to a public office," Mr. Halloran's attorney writes. "A Wilson-Pakula certificate, however, is not a promise that someone will be "appointed to a public office" within the meaning of Penal Law ... Under New York statutory law, the terms 'elect' and 'appoint' are held out in contrast to one another." In other words, Mr. Halloran's attorney is saying that even if the alleged actions indeed happened, they would not constitute bribery. The government, which unveiled extensive tape recordings of Mr. Smith, Mr. Halloran and others discussing the alleged plot, has not yet responded.

Besides Mr. Smith, the chairman of the Bronx Republican Party and the vice-chairman of the Queens Republican Party have also been implicated for allegedly accepting bribes. A trial is not expected to occur until 2014.

[Show Temp.pl](#) by [Chris Bragg](#)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- v. -

Case No. 7:13-CR-00297-KMK-2

MALCOLM A. SMITH,
DANIEL J. HALLORAN,
VINCENT TABONE,
JOSEPH J. SAVINO,
NORAMIE JASMIN,
JOSEPH DESMARET,

Defendants.

DANIEL J. HALLORAN'S MEMORANDUM OF LAW
IN SUPPORT OF HIS MOTION TO DISMISS PORTIONS OF
THE INDICTMENT FOR FAILURE TO STATE AN OFFENSE

Vinoo P. Varghese
John G. Mateus
VARGHESE & ASSOCIATES, P.C.
65 Broadway, 7th Floor
New York, New York 10006
(212) 430-6469

MALCOLM SMITH OPINION POLITICS NEW YORK NEW YORK CITY BRONX QUEENS MORE +

GET CRAIN'S MORNING INSIDER

Sign up for the Morning Insider email and receive political news and musings every morning at 6 a.m.

Enter your email address

SUBSCRIBE

[MORE NEWSLETTERS >](#)

COMMENTS



Start the discussion...

Be the first to comment.

ALSO ON CRAIN'S NEW YORK BUSINESS

Exuberance over legal marijuana victories dampened by possible ...

6 comments • 2 days ago

Cathy Wright — Good morning Lawrence. I so agree! Maybe if everyone would just smoke, ingest, or sip a little of this ...

Trump Tower security creates headache for retailers during crucial shopping ...

2 comments • 5 days ago

CityBee — I work in the building next door to the Trump Tower and I thought it was bad during the election. That was ...

Upper West Side apartment complex to drop Trump name

30 comments • a day ago

brklynmind — This will be a trend. People dont want to live in a building whose name is surrounded in controversy and may ...

High taxes and limited enforcement have New York City awash in illegal ...

21 comments • 4 days ago

Edward C. Greenberg — Not "starting"...been that way since the tobacco tax in NYC went to 18+%, ...

CRAIN'S RECOMMENDS

New York puts UPS' culture on trial in \$873 million untaxed cigarette case

Trump transition stalls as Jared Kushner said to oust Chris Christie allies on transition team for President-elect

Mayor Bill de Blasio housing commissioner Vicki Been calls developers to tell them to house homeless

Democratic lawmaker calls for Christie's impeachment

Trump could turn to an unlikely ally in Congress: Chuck Schumer

FROM AROUND THE WEB

The Hearing Aid of the Future is Here

Downsizing? Ditch These 12 Items

Find out if your airbag inflator needs to be replaced

Risks of not treating spine arthritis

Add \$1.2 Million to Your Retirement ... In 15 Minutes

Recommended by

BUSINESS LISTS

- 2016 Book of Lists
- Privately Held Companies
- Technology Employers
- Commercial Property Managers
- Foundations

RESOURCES

- White Papers
- Executive Moves
- Real Estate Deals
- Business Lists
- Book of Lists

GET CRAIN'S MORNING INSIDER

Sign up for the Morning Insider email and receive political news and musings every morning at 6 a.m.

[MORE NEWSLETTERS >](#)

LATEST



Univision laying off nearly 6% of staff



De Blasio meets with Trump, tells him New...



Ditching media, Trump sneaks out to dinner



Unprecedented conflicts of interest face...



De Blasio voices concerns about immigrants...

MOST POPULAR

Trump team vows to dismantle Wall Street...



Upper West Side apartment complex to drop...



Cuomo reaches a deal to revive lucrative...



Expect four years of gridlock, not in...



High taxes and limited enforcement have New...

RELATED NEWS



Queens pol mulls Malcolm Smith challenge



Mayoral bribery scandal infects council race



Bribery scandal may ensnare donors



GOP scandal engulfs powerful politicians



Bribe charges taint slew of powerful politicians

FROM AROUND THE WEB

[The Hearing Aid of the Future is Here](#)

[2016: The End of Social Security](#)

[Bestselling Author Flees US. Chilling Reason Why](#)

Points of Courage Episode 2: A Startup to End Workplace Bullying [↗](#)

Why Customer Service Workers Are More Important Than Ever [↗](#)

Recommended by

READ NEXT

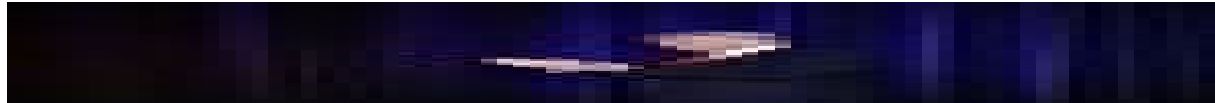
REAL ESTATE



Christine Quinn's homeless-

housing nonprofit reaches deal for Upper East Side project

POLITICS



Trump exploring 'infrastructure

bank' to fix bridges and roads—a Clinton policy he once derided

POLITICS



Steven A. Cohen's general

counsel drops out of Trump transition team



News [▶](#)

Resources [▶](#)

Custom Content [▶](#)

Opinion



Subscribe to Crain's



Email Newsletters



Crain Communications



Blogs



Events



About Crain's New York Business

