

Defense eager to attack NYC ballot-line case

By **JIM FITZGERALD, Associated Press**

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Defense attorneys said Friday they plan to attack the legal underpinnings of the federal corruption case against a state senator accused of scheming to bribe his way onto New York City's mayoral ballot and five others.

Several lawyers served notice in court that they will file motions seeking dismissal of various counts in the indictment.

Vinoo Varghese, an attorney for New York City Councilman Daniel Halloran, said "almost half the charges against him would go away" if the legal challenges are successful.

State Sen. **Malcolm Smith**, a Democrat, is accused of scheming with Halloran, a Republican, to bribe county Republican leaders for the **GOP** line on this year's mayoral ballot.

Because he is a Democrat, Smith would have needed three leaders' permission. The indictment said two of them, Joseph Savino of the Bronx and Vincent Tabone of Queens, accepted tens of thousands of dollars in exchange for their agreement.

Smith's lawyer, Ross Kramer, said he would challenge "some of the more significant counts." He would not elaborate.

In a separate bribery scheme, Spring Valley Mayor Noramie Jasmin and Deputy Mayor Joseph Desmaret are accused of taking money and property to approve a real estate project.

All the defendants have pleaded not guilty. Each faces up to 20 years in prison if convicted.

Judge Kenneth Karas set a complicated schedule for motions - a short-term schedule for legal challenges to the indictment and a long-term schedule, reaching into January, for other motions such as attacks on the evidence.

Defense teams have been looking through the government's evidence since April, and Kramer said, "The deeper we delve into this case the more confident we are of the outcome."

Much of the evidence comes from recordings made by an undercover **FBI** agent and a cooperating witness. Kramer would not say whether he planned to allege entrapment.

The motion schedule ensures there won't be a trial at least until early next year.

Prosecutor Douglas Bloom said he feared such a long delay "could be against the public interest." Karas then warned the lawyers, "If anyone wants an extension of time, they're going to have to make a compelling case."

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