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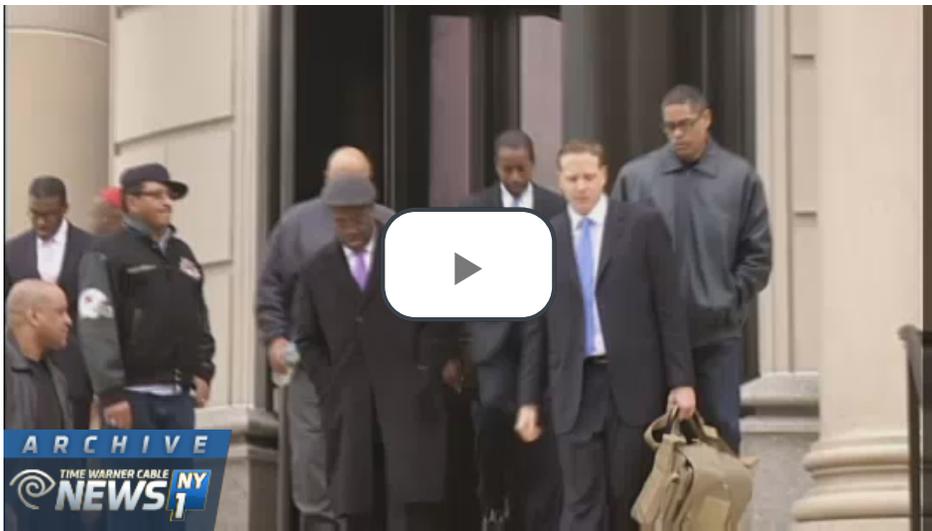
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# Smith, Halloran Fight To Dismiss Some Of The Corruption Charges Against Them

By Courtney Gross  
Friday, December 6, 2013 at 03:07 AM EST



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State Senator Malcolm Smith and City Councilman Dan Halloran were back in court on Thursday, fighting to dismiss some of the corruption charges against them. NY1's Courtney Gross filed the following report.

WHITE PLAINS, N.Y. - If you believe his attorney, taking cash to get state Senator Malcolm Smith on the ballot isn't bribery.

"Payments in exchange for Wilson-Pakula are not bribery," said Vinoo Varghese, the attorney for City Councilman Dan Halloran. "New York State has never prosecuted this as a criminal act."

Both Halloran and Smith were back in court arguing to dismiss some of the federal corruption charges against them, part of a massive bribery scandal that exploded eight months ago.

"What's political and what's legal is the very issues that we were here, and this judge, I think, asked a lot of really good questions today," Halloran said.

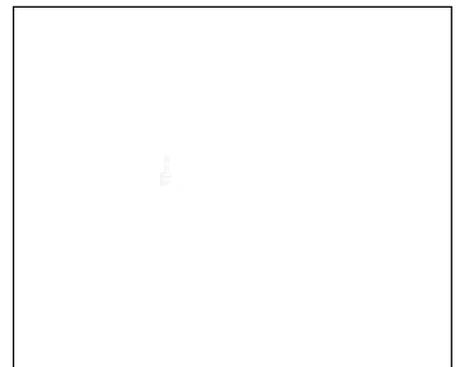
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**Q:** Do you have any comment about today?  
**Smith:** You can speak to my attorney.

It's a case that has fallen out of public view. Halloran, Smith and two Republican Party leaders were accused of orchestrating an unsuccessful bribery scheme to get Smith, a Democrat, on the Republican line for mayor.

That election has come and gone, with a clear Democratic victor.

Halloran did not seek re-election this year.

Smith has returned to the state Senate. The former majority leader faces re-election next year a topic he wasn't interested in covering on Thursday.

For now, it is the case that is moving forward.

Last month, one former party leader, Jay Savino, pleaded guilty. He is now expected to testify for the prosecution at trial.

"I don't know what the expectation is here for other defendants," said Ross Kramer, Smith's attorney. "We haven't talked about it with other defendants, and that's an individual choice for each defendant to make for themselves."

The other party leader, Vincent Tabone, is trying to get every charge against him thrown out.

"I am more than convinced than ever," he said. "I've always maintained my innocence, so I'm more convinced than ever that I will be exonerated."

If that doesn't work, both Tabone and Halloran want three separate trials.

It's unclear when the judge will decide how many trials there will be. He said he was waiting for the "dust to settle," an indication that more plea deals could be coming.



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