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**EXCLUSIVE**

# INSIDE A SUFFOLK WIRETAP

New details on DA Spota's  
yearlong probe of politically  
connected lawyer Macedonio –  
whose sole charge was later vacated

A2-5 | TALK ABOUT IT AT [NEWSDAY.COM](http://newsday.com)

# New details of Macedonio probe

## Suffolk DA's wiretap caught evidence of drug deals, political corruption that went unpunished

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Throughout most of 2007, day and night, the Suffolk County district attorney's Government Corruption Bureau eavesdropped on a politically connected attorney's wiretapped phone.

The wiretap began with a tip that a prosecutor in the office — John Scott Prudenti — had taken a bribe in exchange for getting a violent felon out of prison. The wiretapped phone belonged to the man who allegedly paid off Prudenti: Robert Macedonio, a cocaine- and alcohol-addicted defense attorney who would occasionally roll up to the courthouse in a Bentley and step out wearing diamonds and a mink coat.

Suffolk investigators and prosecutors listened as Macedonio plotted what they believed to be criminal activity with cocaine traffickers, judges, gang members and various public officials. In some phone calls he was overheard arranging cocaine purchases or tipping off clients to law-enforcement informants, whom he referred to as rats to be poisoned. In other calls, he discussed deals to launder campaign contributions or trade patronage jobs for judgeships.

Operating in secrecy out of an unmarked building in a Hauppauge industrial park, upwards of 15 investigators worked the sprawling case. Some had been pulled from a police narcotics squad, while others were financial special-



Attorney Robert Macedonio. ■ Photos: newsday.com/macedonio

ists probing alleged money laundering and mortgage-fraud schemes orchestrated from Macedonio's Central Islip law office.

Investigators cultivated informants, sent co-conspirators undercover wearing wires, conducted surveillance, issued subpoenas and obtained warrants to wiretap more than a dozen phone numbers, building dossiers not just on Macedonio but also cocaine dealers, armed robbers and public officials.

The top three officials in the Suffolk district attorney's Office managed the operation. District Attorney Thomas Spota signed affidavits detailing evidence of criminal activity that justified the need for wiretaps. His top assistant and chief of the government corruption bureau, prosecutor

Christopher McPartland, often listened in live to the intercepted phone conversations. And James Burke, who at the time was the district attorney's chief investigator, worked in tandem with McPartland to guide the probe.

It looked like a case destined to end with a press conference touting high-profile indictments involving drug trafficking, mortgage fraud, public corruption and cocaine distribution in Long Island high schools. But according to several officials with knowledge of the investigation, most of the criminal activity went unpunished and investigators were left wondering why such an extensive wiretap operation resulted in so few prosecutions.

The officials came to be-



John Scott Prudenti

lieve that Macedonio was a "political bag man" who negotiated behind-the-scenes deals. The investigation "was a goldmine of political information they were getting," said one of the officials, each of whom spoke to Newsday on the condition of anonymity for fear of retribution.

A top law-enforcement official, who reviewed case materials and was briefed by people involved with the investigation, confirmed that the details in this story reflect the investigative record.

The officials familiar with the investigation said McPartland showed particular interest in political conversations caught on the wire, even when they fell outside the scope of what a judge had approved to be intercepted.

"McPartland was directing investigators to listen to political calls they probably should not have been listening to," one of the officials said. Those instructions included recording all calls between Macedonio and

William Keahon, another prominent defense attorney with political connections.

Keahon did not respond to several messages seeking comment.

Newsday has reviewed more than 100 pages of documents and other materials produced during the district attorney's Macedonio probe. Those records, along with information from officials familiar with the wiretap, reveal an array of alleged and confirmed criminal activity that appears to have gone largely unpunished by the district attorney's office.

Spota, McPartland and Prudenti did not respond to multiple interview requests.

The documents from the Macedonio investigation show that in negotiations, prosecutors agreed not to charge him with criminal sale of cocaine, grand larceny, money laundering, mortgage fraud and violating election law. Additionally, prosecutors agreed not to press charges against several of Macedonio's relatives and friends.

Macedonio referred questions to his attorney, Sarita Kedia. Kedia said that there was no "credible evidence" supporting any other charges against Macedonio other than cocaine possession. Kedia said she may have insisted that prosecutors agree in writing not to charge him with other crimes, including sale of cocaine, to protect Macedonio from "further unwarranted allegations."

Newsday published an investigation in February highlighting the unusual circumstances





The Macedonio investigation was run by Suffolk DA's Government Corruption Bureau, headquartered in this building at 355 Marcus Blvd. in Hauppauge.

of the Macedonio prosecution, including that he pleaded guilty to felony cocaine possession in 2008 despite records indicating a more extensive investigation into mortgage fraud and money laundering. Later, Macedonio had his felony drug charge vacated with support from McPartland.

The same month, Newsday filed a motion with acting Suffolk Supreme Court Judge James Hudson, who presided over the Macedonio case, to unseal records related to the attorney's prosecution. Spota and Macedonio opposed unsealing the records, but Hudson ruled in favor of Newsday on May 4. Hudson is expected to make the records available to the public as soon as today.

Federal investigators with the U.S. Eastern District of New York subpoenaed the district attorney's records from the Macedonio case following Newsday's report.

The interest in the Macedonio case comes amid ongoing federal scrutiny of Suffolk's law-enforcement system. Burke, who after his tenure as district attorney's chief investigator was appointed chief of the Suffolk Police Department, pleaded guilty in February to federal charges that he beat a suspect in custody and orchestrated a cover-up of the



Suffolk DA Thomas Spota

crime. In addition, Newsday has reported that McPartland is the target of a federal investigation for possible obstruction of justice charges stemming from the Burke case.

Eastern District Assistant U.S. Attorney Lara Treinis Gatz, who is among the prosecutors involved in the federal Macedonio investigation, did not return a message seeking comment.

**The investigators' work**

As the wiretaps and information from sources generated tantalizing leads on public corruption, investigators grew increasingly frustrated that they were not allowed to aggressively pursue them, according to officials.



Christopher McPartland

Investigators learned that Macedonio had allegedly boasted of paying then-Brookhaven Town Supervisor John Jay LaValle a \$25,000 bribe to get an emergency order that kept a Hamptons bar open from a judge who was at a beauty salon, officials said. State court records confirm that a judge's 2001 order prevented the closing of a Hamptons beachfront bar that state regulators wanted to shutter. Macedonio was close with the family that owned and ran the bar.

LaValle, who is now the Suffolk GOP leader, acknowledged helping to secure the order from the now-retired judge, who was getting her nails done at a Mount Sinai



James Burke

salon. Lavallo said he was "sure I got a referral fee of some sort" for suggesting an attorney to represent the bar's owners but that nothing improper occurred.

"I will answer any question you have as if my hand was on a Bible," LaValle said. "There is nothing I have done wrong." LaValle was never questioned at all, officials said, and his involvement in the Hamptons bar issue went largely unexamined.

Although Macedonio held no formal political position, records from the investigation state that after intercepting his phone calls, "it has become clear that Robert Macedonio acts as an official representative of the Brookhaven Repub-

**DOCUMENT**  
See court documents in request to unseal Macedonio files.  
[newsday.com/politics](http://newsday.com/politics)

lican Party."

Macedonio was recorded in a wiretapped conversation with then-Brookhaven Highway Superintendent John Rouse in which they discussed how Macedonio could circumvent election law by donating to Rouse's re-election campaign in a relative's name past the filing deadline, the officials said.

Investigators took surveillance photos of Rouse retrieving a back-dated check at the business owned by Macedonio's relative. Campaign finance records show a donation of \$1,000 to Rouse from that business at the time in question.

In a separate facet of the investigation involving Macedonio and Rouse, Spota signed documents providing evidence that Macedonio and others were involved in bribery in Suffolk County politics.

In a June 2007 recorded phone call, Macedonio told Rouse there were eight judge-

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# TOP STORIES



Robert Macedonio, second from right, heads to arraignment the day of his arrest, Dec. 9, 2008.

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ships set to be available and said, referring to one of the Republican-controlled spots, if “we give you one of ours, is that something you’d be interested in?”

Rouse, a Democrat, replied that he would be interested.

Two days later, in a recorded conversation with a businessman active in Brookhaven politics, Macedonio discussed an apparent deal in which the Brookhaven Republican Party would cross-endorse Rouse for the judgeship in return for highway department jobs, which he described as four full-time and eight part-time positions.

“If we were going to cross-endorse him he was going to let, you know, us pick who we wanted to put there,” Macedonio said.

“Wow,” the businessman responded.

In sworn court documents, Spota and a Suffolk police detective cited the conversations as probable cause of bribery and conspiracy on Macedo-

nio’s part. As for Rouse, the documents stated that the highway superintendent “has not solicited or even discussed a quid pro quo for a cross endorsement, judgeship or any other benefit in any of the conversations intercepted.”

Because “a person offering a bribe is not a co-conspirator of a person receiving a bribe,” the documents said, there was no similar probable cause that Rouse had also participated in the scheme.

Officials said that McPartland tried to pressure Macedonio by targeting his relative but never moved against Rouse, a former prosecutor with whom he’d worked years earlier in the district attorney’s office. McPartland only agreed to bring in Rouse for questioning after being badgered to do so by investigators, according to the officials.

McPartland and three investigators were present for the brief interview with Rouse, but the corruption bureau chief did all of the talking in what one of the officials described as “more of a gentlemen kind of meeting” than a

traditional interrogation.

McPartland played a few of the taped conversations and Rouse began to cry, the officials said. McPartland asked him whether he’d committed the acts described on the recordings and Rouse simply told him no. He was allowed to leave and no charges were brought.

Rouse was subsequently cross-endorsed by Republicans and elected a Suffolk County Court judge in 2012. Now an acting Suffolk Supreme Court judge, he declined an interview request through a court spokeswoman.

In another wiretapped conversation, officials said, investigators listened as Macedonio secured a job for then-County Court Judge Ralph Gazzillo’s son in the Brookhaven Highway Department controlled by Rouse. Records show that the son was hired by the highway department in April 2007 and still works there.

“To be quite honest, I don’t remember it at all,” Gazzillo, who is an acting Suffolk Supreme Court judge, said when asked about Macedonio’s assistance in securing his son’s

position.

Gazzillo later testified on Macedonio’s behalf at a 2012 hearing to regain his law license.

## Evidence of drug trafficking

The investigators were most troubled by wiretapped conversations revealing drug trafficking linked to the Macedonio case, officials said. The investigators gathered evidence against more than 17 individuals connected to the drug trade or violent crimes, including some who sold significant quantities of cocaine. Some of that cocaine was then peddled to teenagers in Long Island high schools, the officials said.

Officials identified to Newsday many of the individuals believed to be involved in the drug trafficking, and the newspaper used state criminal court records to confirm that none of them were convicted of drug crimes during the time period that coincided with the Macedonio investigation.

Spota signed sworn court records attesting that several of

the drug dealers planned the armed robbery of a Ronkonkoma marijuana dealer who they believed could have tens of thousands of dollars stashed in his house.

A recorded conversation captured the robbery's ringleader in the midst of planning the heist, saying of the marijuana dealer that "we gotta push his roly-poly ass over and go take twenty, ten, twenty, thirty-thousand dollars real quick ya know, just to warm up our, our palms."

"But he is gonna get got this weekend for sure," the man said of the marijuana dealer in another recorded call. "I don't care if he got a hundred grand or ten grand, he getting got."

Investigators heard the robbery plan unfold on the wiretap and caught two men, one who fled into nearby woods, as they waited at night outside the marijuana dealer's house. The men were armed with a gun and zip ties they planned to use to tie people up during the robbery.

Though officers had put themselves in danger to apprehend armed criminals, the robbers were set free and never faced charges. When investigators repeatedly questioned such decisions, McPartland was evasive, the officials said.

The officials said investigators knew that if they brought any of the drug cases to trial, prosecutors would have been forced to disclose the wiretap to defense attorneys.

#### Attorney and the prosecutor

The district attorney's Macedonio probe began, officials said, after investigators spoke with sources who claimed that the defense attorney was involved in various criminal activities, including financing a gang member's cocaine operation and engaging in mortgage fraud.

One claim that immediately grabbed the attention of investigators was that Macedonio allegedly paid a cash bribe to a prosecutor within their own office. A source told investigators that Macedonio paid Prudenti \$2,500 to charter his boat to thank him for arranging the early release of a client, a violent felon convicted of his role in an armed robbery in which a family was bound and held at gunpoint.

Investigators corroborated aspects of the story, the officials said, and found that in order to arrange the early release of Macedonio's client in 2004, Prudenti had misled a judge into believing the felon had cooperated against a criminal associate.

In fact, the investigators found, Macedonio's client had been "absolutely uncooperative" when approached by Prudenti and detectives for information and had only testified to a grand jury against his will because he was subpoenaed to do so, according to officials.

Prudenti's boat again turned up on the 2007 wiretap.

As investigators eavesdropped, Macedonio told Keahon that Prudenti wanted him "to go out on his boat to talk," according to the officials. "Don't rent it," Keahon said. Macedonio responded that he would not rent the boat or take anybody out.

Newsday reported last month that Prudenti had for years taken money from defense attorneys to charter Christina Marie, his 47-foot fiberglass boat. Some defense attorneys who had been aboard the boat told Newsday that renting the boat was a well-known way to curry favor with Prudenti.

Investigators on the Macedonio case were not permitted to interview Prudenti or the felon who had benefited from the favorable deal, and they ultimately suspected that Prudenti had been tipped off about the wiretap by someone within the district attorney's office, according to officials.

Although phone records showed that Prudenti and Macedonio spoke often, their phone conversations ended shortly after the wiretap began, the officials said. Macedonio was even heard on the wire complaining that Prudenti had stopped returning his calls.

The investigation was ultimately exposed when one of Macedonio's co-conspirators sat down in his law office and wrote on a piece of paper that he was wearing a wire. Macedonio and the man went immediately to the office of another defense attorney, and investigators had to ask the lawyers for the return of their own listening equipment, according to

the officials with knowledge of the case.

Investigators later had a different co-conspirator wear a wire and meet with Macedonio. Those meetings took place in the aisles of a Home Depot in Central Islip, presumably because Macedonio no longer trusted that his law office wasn't being monitored. According to officials, Macedonio would not communicate verbally with the co-conspirator during one of the meetings and instead wrote questions and answers on paper that he then chewed and flushed down a toilet in the home-improvement store's bathroom.

#### Investigation ends

Macedonio pleaded guilty in December 2008 to felony possession of cocaine after nearly a year of negotiations between his lawyers, Spota and McPartland. The single count of felony fifth-degree drug possession to which he pleaded was equivalent to having been caught with less than \$50 worth of cocaine. The sentence carried no jail time, but the felony conviction required the automatic forfeiture of his law license.

The officials familiar with the case considered the penalty too light.

"He deserved more charges," one of the officials said of Macedonio, and added that in his view, the case is "a classic example of the DA's office perverting the justice system."

Though the case had been handled by Suffolk's Government Corruption Bureau, the investigation did not result in a single public official being charged with as much as a misdemeanor.

In 2012, McPartland supported Macedonio's unusual court application that allowed him, with the aid of Judge Hudson, to vacate his felony conviction in favor of a misdemeanor plea.

Months later, Macedonio's law license was reinstated after a hearing in which he stated under oath that there had not been "any allegations" that he was involved in the sale of narcotics. It was as if the district attorney's investigation had never happened.

"That's when I wanted to throw up," one of the officials familiar with the case said.

## STUDY LINKS FOLIC ACID, AUTISM RISK

For decades, pregnant women and women who may become pregnant have been advised to take folic acid to help prevent certain birth defects.

But a new study suggests it may be possible to get too much of a good thing: Very high levels of the vitamin folate in mothers' blood at childbirth was linked to higher risk of their children developing autism years later. Other research suggests adequate amounts of the vitamin at conception can significantly reduce the risk of autism.

The findings were presented yesterday at an autism research conference in Baltimore.

Some experts raised questions about the new research, noting that the findings are based on a small number of families seen at one hospital. The study measured the vitamin in mothers' blood at the time of delivery, which may not reveal much about what was going on during early fetal brain development.

The researchers themselves said there's no cause to change public health recommendations. "We are not suggesting anyone stop supplementation," said M. Daniele Fallin of Johns Hopkins University's school of public health. But it raises a question that should be explored, she said.

An outside expert, Dr. Ezra Susser, a Columbia University professor of epidemiology and psychiatry, agreed, saying other researchers have wondered about folic acid levels.

The study followed 1,391 children, mainly from low-income and minority families, born at Boston University Medical Center from 1998 through 2013. About 100 were diagnosed later with an autism spectrum disorder. Sixteen of the mothers had very high blood levels of folate at childbirth, and 15 had extremely high levels of vitamin B12, significantly higher proportions than the moms whose children didn't develop autism. — AP

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