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EXCLUSIVE

THE PROSECUTOR AND THE PARTY BOAT



John Scott Prudenti

Spota deputy got
thousands from defense
lawyers for use of his
47-foot vessel

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The following pertains to mailed subscriptions as required by the USPS:

Newsday (USPS# 388-760) (ISSN# 0278-5587) is published daily except Sunday and Christmas Day by Newsday LLC, 235 Pinelawn Rd., Melville, N.Y. 11747. Periodicals postage paid at Huntington Station, N.Y. Postmaster: Send address changes to 235 Pinelawn Rd., Melville, N.Y. 11747.

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Inside ExploreLI

TOP STORIES

DA DEPUTY'S

John Scott Prudenti got thousands from prominent attorneys for use of his boat

**BY GUS GARCIA-ROBERTS
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Longtime Suffolk County prosecutor John Scott Prudenti regularly collected thousands of dollars from local defense attorneys for the use of his boat, potentially violating county ethics and professional conduct standards.

Prominent defense attorneys Raymond Perini and William Collado said that their respective firms jointly made checks out to a corporation run by Prudenti, a bureau chief and 30-year veteran of the Suffolk district attorney's office, in order to rent his 47-foot boat, the Christina Marie, for an annual summer party.

The get-togethers — which Perini called a “knock-around good old time party” — featured lobster, barbecue, “beer, wine and if somebody wanted a shot I always had a bottle of scotch.” Perini said he couldn't be sure when he started booking the Christina Marie for the summer parties but that the arrangement lasted for five or six years. Some of the most powerful people in Suffolk's criminal justice system — including prosecutors, defense attorneys, judges and Suffolk District Attorney Thomas Spota — attended the parties, Perini said.

Defense lawyers also paid Prudenti to charter the Christina Marie for fishing trips, though the boat did not always leave the harbor or even the dock, according to Collado and two other defense attorneys who said they had been on the charters.

The two other defense attorneys, who asked not to be identified, said they went on Prudenti's boat on separate trips and that it was a well-known way to curry favor with Prudenti, who was involved in many of their cases.

Perini and Collado, however, each said the payments for the

EXCLUSIVE


NEWSDAY / JIM PEPLER

John Scott Prudenti, seen in 2006, hosted powerful guests.

TALK ABOUT IT
 Share your thoughts on ethics claims against John Scott Prudenti.
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summer party were never aimed at getting better deals in criminal cases and that they never reaped any advantage from Prudenti.

“I don't think this affected his ability to make decisions at all,” said Perini, a former Suffolk prosecutor who failed in a 2013 bid to unseat Spota as district attorney.

Perini initially estimated the annual payments for the parties were about \$4,000 or \$5,000. Perini, in a later conversation, said that upon reviewing checks, he had paid Prudenti \$1,500 to \$1,800 for some of the parties, a cost that included food and drink.

Perini said he couldn't remember whether those checks covered the entire cost of those parties, or whether Collado had paid an additional amount. Perini declined to provide Newsday copies of the checks he gave to Prudenti.

Suffolk County's ethics code states that public servants cannot “engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.”

The American Bar Associa-

tion mandates that prosecutors must avoid allowing their professional judgment or obligations to be affected by private financial interests.

In 2015, the ABA toughened standards to require that prosecutors inform their supervisors of any matter that “could reasonably be viewed as raising a potential conflict of interest.” Supervisors are then to decide whether disclosure in the courtroom is warranted, and the ABA standards call for a bias in favor of disclosure.

Perini said “Spota always came” to the parties, as did many criminal judges whose identities he said he couldn't remember. “If judges were there, if his boss was there, who is he going to disclose to?” Perini said of Prudenti. “It's not a secret party.”

It's unclear when Prudenti, who did not respond to messages left with the district attorney's office or on his home answering machine, last rented out the boat. Prudenti is listed as the boat's owner in a commercial database, and on Thursday his home voice mail gave callers the option to leave a message about fishing on the Christina Marie.

Paul Sabatino, a former counsel to the Suffolk Legislature and chief deputy county executive who helped craft Suffolk's ethics code, said if Prudenti took money from defense attorneys for use of the Christina Marie, it was improper.

“In all honesty, you don't need an ethics code to tell you that if you are an attorney on one side of a case, you can't be taking a financial benefit from your opposing party or the opposing party's attorney,” Sabatino said. “That's just a basic standard rule.”

Bennett Gershman, a Pace Law School professor and former Manhattan prosecutor, called Prudenti's boat rentals to defense attorneys “potentially a very serious conflict of interest. You can argue it's a bribe.”

Spota spokesman Robert Clifford, in an email responding to



The site of Soleau's Wharf and

a reporter's questions, wrote that before 2010 Prudenti chartered his boat, sometimes to attorneys, and served as captain. Those on board covered boat operating costs, including for bait and fuel, Clifford wrote.

Prudenti hosted a summer gathering on the boat, which remained docked during the party, and members of the defense bar shared the costs of food and beverages, Clifford wrote.

“This event was no different than the many other social events that take place every year including agency, office and law firm holiday parties, golf outings, dinners and summer picnics where members of the law enforcement community, the bench and bar collegially gather,” Clifford wrote.

Scrutiny on DA's office

The revelations about Prudenti's financial transactions with defense attorneys come at a time of increased scrutiny of how the Suffolk district attorney's office has operated.

Newsday reported in January

PAID PARTIES



Marina in Hampton Bays, where the Christina Marie has docked. The boat was a longtime party spot.

that Spota's top corruption prosecutor, Christopher McPartland, is under federal investigation for possible obstruction of justice involving the case of James Burke, the former Suffolk police chief and district attorney's chief investigator who pleaded guilty in February to beating up a suspect and then arranging a cover-up.

In February, Newsday chronicled how Spota's office handled the prosecution of Robert Macedonio, a defense attorney whose felony conviction for cocaine possession was later vacated in an unusual case shrouded by sealed records. After the story, federal authorities subpoenaed records and witnesses concerning Spota's prosecution of Macedonio.

A Suffolk prosecutor since 1986 and former unsuccessful congressional candidate, Prudenti has deep ties to Suffolk politics and the courts. His uncle was deceased Suffolk GOP leader Anthony Prudenti and his cousin is former state chief administrative judge A.

Gail Prudenti.

John Scott Prudenti began his career as a prosecutor under then-District Attorney Patrick Henry. He rose from trying District Court cases to high-profile assignments including a stint as deputy chief of the Major Crime Bureau.

Prudenti — who pleaded guilty to impaired driving after a 1980 arrest, according to a civil deposition he gave in 2007 — currently leads Spota's Vehicular Crimes Bureau.

Perini said there was nothing untoward about his payments to Prudenti for the boat parties. He said that when negotiating plea deals in major cases, he dealt with Spota or his bureau chiefs, not Prudenti, who was a deputy bureau chief at the time.

The parties ended, Perini said, after retired New York Police Department Det. Pete Fiorello, who frequently criticizes Spota on Internet message boards, showed up in the marina parking lot to take photos of people on Prudenti's boat.

"When people are uncomfort-

able or worried about it appearing on the blogs, we might as well not do it," Perini said.

While defense attorney Collado acknowledged that he paid Prudenti for the parties and to charter the Christina Marie for fishing trips, he said he had never done so to influence the prosecutor.

"Ours was exclusively fun," Collado said. "I don't partake in any quid pro quo."

Known for 'making nice'

In interviews with about a dozen defense attorneys and former prosecutors, Prudenti's fiberglass boat, built by AMF Hatteras Yachts in 1979 and docked at a Hampton Bays marina, was described as well-known in the legal community.

One defense attorney, who asked not to be named so as to not jeopardize his legal practice, said he joined others on a charter fishing trip on Prudenti's vessel. The trip was paid for by one of the other defense attorneys, he said. He recalled the lawyers



JOHN ROCA

Suffolk District Attorney Thomas Spota in 2013. Spota 'always came' to the parties, Perini said.



ED BETZ

Defense attorney Raymond Perini, seen in 2013, said he never reaped any advantage.

joking about whether they had to leave the dock because the real purpose of the outing was not fishing but "making nice" with Prudenti.

"The thinking was that he would be more amenable if we chartered the boat," the attorney said of Prudenti.

Another defense attorney, who also did not want to be named because he believed it could jeopardize his current cases, said Prudenti suggested he charter his boat during a period when the prosecutor oversaw many of his clients' criminal cases. The attorney said that his intent in chartering the boat was getting favorable consideration from Prudenti and that the boat never left the harbor.

Perini said the Christina Marie remained docked for the parties he paid for because of a drunken boating accident years earlier on another vessel in which an attorney died.

Collado said that besides his firm splitting the cost of the parties with Perini's firm, he also chartered fishing trips on Prudenti's boat. Those trips often never left the dock, Collado said.

"I'm not a fisherman, and I got sick a couple of times," Collado said, which is why his charter trips on the prosecutor's boat stopped leaving the dock.

Prudenti's boat rentals to defense attorneys appear to have been an open secret in Suffolk courthouses, according to the defense attorneys interviewed. When asked which of his colleagues had been on the boat, Perini said: "Call any lawyer over 40."

Defense attorney and former prosecutor Keith O'Halloran said he'd never chartered the boat himself but had been aboard and didn't "have that

great of a memory of what was going on."

Daniel Russo said he had been on the Christina Marie as both a defense attorney and during his previous career as a Suffolk prosecutor. He said he never personally paid Prudenti, and any suggestion by other attorneys that the prosecutor could be influenced surprises him.

"If they are getting good deals, I want to know how," Russo said. "Because I don't get them."

Other attorneys were more reluctant to discuss whether they had knowledge of Prudenti's charter business.

Defense attorney William Keahon, a former Suffolk prosecutor, responded when asked whether he had been on the boat: "When you tell me who told you that, I'll give you an answer."

Former Suffolk prosecutor John Halverson said asking him about the boat was "reckless."

Defense attorney Andrew Fiore told a reporter, "I just got to call somebody else and see if I can talk to you about this." He never called back.

Former Suffolk prosecutor Craig McElwee, who said he had been on Prudenti's boat when a political fundraiser for a defense attorney spilled from a neighboring bar onto the Christina Marie, acknowledged the troublesome ethics inherent in defense attorneys chartering a boat from a prosecutor overseeing their cases.

"The way I look at it is, why wouldn't you want to rent a boat from somebody you know who has it?" McElwee said. "But obviously, if you're looking at it from a different angle, you might think: 'Hey, what the hell's going on with that?'"

With Matt Clark