

★ EX-SUFFOLK D.A. SPOTA, FORMER

Judge: Sending a message that no one is above the law

POWER ON TRIAL

A corruption saga that began with a prisoner's 2012 beating in a police precinct and reached Suffolk County's highest law enforcement ranks concluded Tuesday with a federal judge sentencing both former District Attorney Thomas Spota and his ex-aide to 5 years in prison.

U.S. District Judge Joan M. Azrack meted out the penalties after a jury previously found Spota and Christopher McPartland, his former anti-corruption chief, tried to conceal that brutality and impede a federal probe to protect then-Police Chief James Burke.

Spota, who spent 15 years at the top of Suffolk's law and order structure before his 2017 federal indictment, said in the Central Islip courtroom that his conviction marked "the lowest point" in his life — one he fears will become his legacy.

The disbarred lawyer, who will turn 80 next month, also shared a simple wish: "I hope not to die in prison alone," Spota told the judge.

Spota added that he felt deep anguish for the shame his conviction brought to his family.

"I've also left them with a shattered legacy and the stain of being a convicted felon," the former district attorney said. "My family will forever be marked by my disgrace."

In 2019, a jury convicted Spota, of Mount Sinai, and McPartland, 55, of Northport, of conspiracy, obstruction of justice, witness tampering and acting as accessories to the deprivation of prisoner Christopher Loeb's civil rights.

The pre-pandemic verdict supported the prosecution's contention that both defendants orchestrated a cover-up of the beating of the shackled burglary suspect that Burke carried out with three detectives inside a Hauppauge precinct.

The assault happened hours after the Smithtown man, then a heroin addict, stole a duffel bag from Burke's department vehicle with items inside it that included Burke's gun belt and



Christopher McPartland leaves federal court in Central Islip.

This story was reported by **Nicole Fuller**, **Bridget Murphy** and **Michael O'Keefe**. It was written by **Murphy**.

ammunition, along with Viagra, sex toys and pornography.

First Assistant U.S. Attorney Nicole Boeckmann said in court Tuesday that Spota still hadn't apologized for actions that had "an absolute chilling effect" on the county's criminal justice system and implored the judge to impose prison time.

'Incalculable damage'

While doing so, Azrack said Spota did "incalculable damage" to the criminal justice system after "not a momentary lapse" in judgment but a years-long conspiracy that included threats against witnesses.

"I hope it sends a clear message that no one is above the law and criminal conduct that betrays the public trust will be punished," the judge said of his sentence.

Spota's attorney, Alan Vinegrad, told the judge his client is "a shadow" of his former self and a "fundamentally good" person who is devoted to his wife of 51 years, his three children and his grandchildren.

He also said Spota recently was given an "uncertain" medical prognosis — but didn't provide further details. Vinegrad also raised the possibility of the former district attorney, who

was vaccinated against COVID-19 becoming infected in prison and then possibly dying.

Loeb, the abused prisoner, also spoke in court Tuesday, telling the judge that Spota "should spend the rest of his life behind bars." He said the criminal justice system in Suffolk isn't just broken, but corrupt by design.

"To see any old man live the rest of his life in a prison cell, possibly dying in jail, that kinda sucks but you have to be accountable for what you did," Loeb added after court.

The judge told Spota to surrender to prison officials on Dec. 10 and also sentenced him to pay a \$100,000 fine. She ordered McPartland to surrender on Nov. 10.

McPartland also addressed Azrack on Tuesday before hearing his sentence.

"It has been a difficult five years and I have lost a lot," the ex-prosecutor said in part.

McPartland also asked the judge to consider how a severe punishment would impact his family and the suffering he said they already have endured.

His attorney, Larry Krantz, lobbied for leniency for a client he called "an honorable, decent, good man" who had "a brutal fall from grace."

Krantz cited what he said was McPartland's history of public service and good deeds, calling him a loving husband and father and someone who worked his way through college and law



Former Suffolk County District Attorney Thomas Spota, center,

school before earning accolades throughout his career. The defense attorney also argued that McPartland should get less prison time than Burke because Burke was responsible for the underlying crime.

But Azrack said that by participating in the cover-up, both defendants sent the message that prosecutorial power in Suffolk can be abused, civil rights violations will be tolerated and that some people in the county are above the law.

The federal judge said prosecutors have enormous power over life, liberty and reputation, but the defendants substantially abused that power by helping to cover up Loeb's assault, forcing detectives to lie to a grand jury and prosecutors and thwarting a grand jury investigation.

Acting Eastern District U.S. Attorney Jacquelyn Kasulis said in a statement after Tuesday's sentencing hearing that justice had been served after "reprehensible violations of the

AIDE ARE SENTENCED TO 5 YEARS



arrives at federal court in Central Islip with his attorney Alan Vinegrad on Tuesday. ■ Video: [newsday.com/li](https://www.newsday.com/li)

public trust” by the defendants. “When a sitting District Attorney and one of his top prosecutors are corrupt and use their power to intimidate witnesses and cover up a brutal assault by a high-ranking law enforcement official, they not only jeopardize the safety of citizens who are entitled to the protection of the law, they also undermine confidence in the integrity and fairness of our criminal justice system,” she said.

“Instead of serving the peo-

ple of Suffolk County, these defendants brazenly abused their exceptional positions of power and public trust to protect their friends and hurt their enemies. With today’s sentences, justice has been served and the defendants have learned the consequences of their crimes, just like anyone else who has broken the law.”

The defense teams for Spota and McPartland had lobbied extensively for sentences of home confinement and community

service for their clients.

‘Shattered man’

Vinegrad described Spota in a court filing as a “shattered man” whose age, declining health and record of public service supported a no-prison sentence. Krantz had argued that McPartland already had lost his reputation, life savings and — like Spota — his law license.

In contrast, the U.S. attorney’s office had sought 8-year sentences for both defendants. Pros-

ecutors said Spota and McPartland did “the exact opposite” of their jobs so they could protect Burke in a nefarious plot aimed at maintaining a power structure controlled by those who believed they were above the law.

The U.S. attorney’s office also argued that the defendants hadn’t accepted responsibility for their actions and deserved more time in prison than sentencing guidelines recommended because of “the need for deterrence” and the “egre-

giousness” of their actions.

The judge said in a ruling last week that the imprisonment range both defendants were facing under federal guidelines was between 57 and 71 months in prison. She found that sentencing enhancements should apply because Spota and McPartland abused their positions of public trust, substantially interfered with the administration of justice, held leadership roles and committed crimes extensive in scope and planning.

Azrack said Tuesday she was intentionally punishing the defendants with more prison time than Burke received. She said that Burke had pleaded guilty quickly after his separate arrest and that, as prosecutors, Spota and McPartland were supposed to be an “essential bulwark against police misconduct.”

Burke pleaded guilty in 2016 to the beating and cover-up, serving most of a 46-month prison sentence before his release to a halfway house.

Spota and McPartland’s trial became the first time that some of those involved in Loeb’s assault spoke about it publicly, with two of the three detectives who took part in the beating with Burke testifying about the police brutality and how the pressure to keep quiet later changed their lives and careers.

It was testimony from James Hickey, a retired Suffolk police lieutenant, that formed the heart of the government’s case. He told jurors he acted as a middleman in a yearslong conspiracy to cover-up Loeb’s beating after being tasked with ensuring the silence of the three detectives.

Hickey linked Spota and McPartland directly to the conspiracy with testimony that included his recalling of a June 2015 meeting in Spota’s office that happened after federal officials relaunched a probe into Loeb’s beating after their initial investigation fell flat in 2013.

Word of a reopened probe panicked Spota, according to Hickey’s testimony. He told jurors Spota grilled him on who he suspected had “flipped,” or started cooperating with federal officials.

“Somebody’s talking. You better find out fast, if it’s not too

See SPOTA on A14

JAMES CARBONE

POWER ON TRIAL



Spota, former aide get 5 years

SPOTA from A13

late," Hickey testified the district attorney also told him that day.

'The Inner Circle'

Hickey, now retired and facing sentencing himself, named Spota, McPartland, Burke, former Suffolk chief of detectives William Madigan and himself as members of a self-appointed group nicknamed "The Inner Circle." He described it as a coalition of five high-powered, corrupt insiders who were behind the cover-up and would take collective aim to discredit and punish their enemies.

The prosecution told jurors during the trial that Spota was the "CEO" of the conspiracy, while McPartland was the scheme's "chief operating officer" as they broke the law they were supposed to uphold.

The government also claimed McPartland was the "architect of the lies," helping Burke craft a story about Loeb being a "junkie thief" who fabricated his tale of an assault — a script everyone who became part of the conspiracy had to follow.

The defense took aim at Hickey, who retired shortly before pleading guilty in 2016 to conspiracy to obstruct justice, and who told jurors he is hoping for leniency at his future sentencing because of his role as a cooperating prosecution witness.

Lawyers for Spota and McPartland portrayed Hickey during the trial as a mentally unstable drunk and serial philanderer who lied repeatedly to his spouse and committed perjury when testifying years ago in a burglary case that a Suffolk judge threw out.

During closing arguments, Krantz presented jurors with a list of "10 reasons why James Hickey cannot be believed" that included "raw self-interest" and a "psychotic break from reality."

Testimony showed Hickey



Former Suffolk District Attorney Thomas Spota leaves federal court in Central Islip on Tuesday. He was sentenced to 5 years in prison.

was hospitalized in 2015 after hallucinations brought on by stress and sleep deprivation, after a separate 2013 hospitalization for pancreatitis after excessive alcohol intake.

The star prosecution witness said during the trial that he began drinking while under extreme pressure to keep his intelligence unit detectives quiet about the Loeb beating. But he insisted his memory wasn't compromised by his drinking and that he never consumed alcohol after his 2013 hospital discharge.

The defense also claimed during the trial that there was no way Spota or McPartland tried to hide Burke's role in Loeb's beating because Burke never confessed to them before admitting his guilt in federal court. They depicted Burke as Spota's "professional child of sorts" and a wise elder who told a golf buddy after Burke's conviction that he shouldn't sympathize with the wayward cop because he "did it to himself."

But the prosecution painted Spota as someone who compromised his ethics to protect his loyal protégé after a nearly four-decade relationship that started when Burke, at 14, was the star witness for Spota in 1979 as he prosecuted another teenager's suffocation murder.

Spota represented Burke years later as a private attorney when Burke faced internal police discipline after 1995 allegations — which were substantiated — that Burke engaged in sex acts with a

known prostitute in police vehicles and failed to safeguard his service weapon.

In 2001, Spota won his first election as district attorney with the backing of police unions while campaigning on an anti-corruption platform. He then arranged for Burke to be transferred to serve as commanding officer of the squad of police officials who worked directly for him as district attorney, prosecutors said during the trial.

They also presented evidence that Spota, as part of his history of covering up for Burke, wrote a 2011 letter to County Executive-elect Steve Bellone's transition team.

In it, Spota raved about Burke's "outstanding leadership" in response to an anonymous letter that had surfaced as selection was underway for a new police chief. The anonymous communication had issued a warning about Burke's internal affairs history, and made reference to a prostitute stealing Burke's service weapon.

But Spota, who knew of Burke's police disciplinary history, responded to the allegation by saying Burke's off-duty firearm was taken in a pattern of burglaries in his neighborhood, prosecutors told jurors.

Burke got the promotion.

Former Det. Anthony Leto testified at the trial that Burke punched, kneed and shook Loeb during the beating he also took part in, with Burke also threatening to give Loeb a "hot

shot" or deadly drug dose.

Leto retired in 2015, later pleaded guilty to conspiracy to obstruct justice and now is awaiting sentencing. He told jurors he testified falsely during a hearing in Loeb's case and feared Suffolk police or prosecutors would fabricate charges against him or his family if he didn't go along with the cover-up.

Retired Det. Kenneth Bombace, who also took part in the beating, testified under an immunity deal that he stashed his family in a hotel in 2015 before testifying separately before a grand jury about the conspiracy. He said he feared he or his family would be falsely accused of a crime if he testified honestly about Loeb's beating.

Jurors delivered their verdict after about seven hours of deliberations in the sixth week of the trial, with the panel's forewoman saying later in an interview that the law should apply equally to everyone.

Bellone, the Suffolk County Executive, said outside the federal courthouse Tuesday he knew he had inherited a government in crisis when he began serving in his role a decade ago. But he said he didn't realize that there was a corrupt conspiracy operating among those at the highest level of law enforcement.

'Paying for that corruption'

"We are paying for that corruption today. The unfortunate truth is that we will be paying for it for years to come. But the good

news is that this culture of corruption has been swept out of the district attorney's office and has been replaced with a culture of integrity," he added.

Suffolk District Attorney Timothy Sini reflected on his predecessor's conviction Tuesday in a statement in which he said the agency he leads needs "to remain focused on continuing our progress and ensuring that the days of the past never happen again."

Sini added that the defendants' actions represented "the worst of law enforcement," while saying their actions "devastated many people individually" and "deprived Suffolk residents of what they deserve from public officials."

Boeckmann, the prosecutor, said outside the courthouse that the long-term damage Spota and McPartland inflicted on the criminal justice system couldn't be overstated.

"These men were the highest ranking prosecutors in Suffolk County and they flagrantly disregarded the law and the sanctity of their public office to protect an equally high-ranking, lawless police officer," she added.

Boeckmann also called their punishments fitting.

"These sentences send the right message to the public, that they can have faith in their criminal justice system, that the system is not broken and that corrupt police officers cannot and will not be protected by power-hungry prosecutors," she said.

Spota's farewell address



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Thomas Spota came into office as Suffolk County district attorney promising to be a reformer, an innovator, an antidote to political corruption.

"I put my heart and soul into this position," Spota, his face red and voice raw, told U.S. District Court Judge Joan M. Azrack before she sentenced him Tuesday.

He was sitting near his usual spot, at the defendant's table, where he'd spent six weeks listening from the start of his trial to the day he'd been convicted by a jury of his peers.

"If I were younger," he told the judge, "I would hope to rebuild . . ."

A few minutes earlier, Spota — like every one else in Azrack's courtroom — had been wearing a protective mask.

When he lowered it, the chin Spota once had held high during news conferences was

angled low.

"My family," he said, "will forever be marked by my disgrace."

At times, his eyes seemed on the verge of spilling tears.

"I had hoped my successes would outweigh my failures," he said, before going on to speak of "a violation of trust."

"I expect," Spota told Azrack, "that is always the way I will be remembered."

". . . I had hoped I would deliver a farewell speech at a retirement party," he said.

And somewhere down the line, "peacefully reflecting on lives well lived."

Spota said he did not want to be separated from his wife of 50 years.

"I hope not to leave her alone," he told Azrack, "which is something I vowed I would [not] do, 50 years ago."

"I hope," Spota went on, "not to die in prison alone."

"My future . . ." he concluded, before pulling up his mask once more, "is left in your honor's hands."

A few beats later, it was the judge's turn.

As she had with Spota's co-

defendant, Christopher McPartland, an hour or so earlier, Azrack made careful work of mapping out where she intended to go.

She said she intended to hand down a lengthy prison sentence.

She said she would do so as a punishment, and as a deterrent.

And as she had before sentencing McPartland, Spota's former anti-corruption chief, she quoted Robert H. Jackson, a former U.S. prosecutor and U.S. Supreme Court Justice.

"The prosecutor has more control over life, liberty, and reputation than any other person in America," she said, quoting a portion of Jackson's speech entitled "The Federal Prosecutor," which goes on:

"His discretion is tremendous. He can have citizens investigated and, if he is that kind of person, he can have this done to the tune of public statements and veiled or unveiled intimations."

But, Azrack said, going on to quote a later portion of the speech, "While the prosecutor at his best is one of the most beneficent forces in our soci-

ety, when he acts from malice or other base motives, he is one of the worst."

As prosecutors, Spota and McPartland abused their positions to help a friend, James Burke, the former chief of department for the Suffolk County police, Azrack said.

And to hurt anyone who came to be perceived as an enemy.

Two of those "enemies," former Suffolk police detectives Robert Trotta and John Oliva, were in court on Tuesday.

Trotta is a Republican Suffolk County legislator; Oliva retired after pleading guilty to a misdemeanor for leaking information to a Newsday reporter.

At one point, as Azrack addressed the defendants, Trotta leaned forward to show a reporter a news release from Tim Sini, a Democrat who is Suffolk's current district attorney. Sini is running for reelection against Ray Tierney, a Republican and former assistant U.S. attorney.

The release said Sini's office would review Oliva's conviction.

But let's get back to the proceedings.

"The facts . . . of this case

are so outrageous," Azrack told Spota.

"The sitting DA, let me repeat that," she said, "the sitting DA [engaged] in a yearslong cover-up."

Among the specifics detailed by the judge was a meeting in the district attorney's office, during which Spota, according to trial testimony, threatened a detective and a police supervisor to maintain silence about the beating Burke gave to a shackled prisoner who had stolen items from the chief's car.

Spota, Azrack said, "sat at his desk, and cloaked with the authority of his office, engaged in shocking conduct."

At the defendant's table, Spota's gaze was down, as he made notes.

A few feet away, McPartland, as he had for most of the proceeding, stared ahead silently.

"Today," Azrack said, "I am compelled to send a clear message to the defendants . . . and citizens of Suffolk County."

She looked toward the tables where Spota and McPartland sat.

"No one," said Azrack, who'd kept her light pink mask up most of the time, "is above the law."

Suffolk DA to probe case against ex-cop

BY NICOLE FULLER
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Suffolk District Attorney Timothy Sini said Tuesday his office is reviewing his disgraced predecessor Thomas Spota's 2014 prosecution of a former Suffolk detective for leaking information to Newsday, a case that a federal judge said was inspired by Spota's "retaliatory motives."

Former Suffolk Police Det. John Oliva pleaded guilty in 2014 to a misdemeanor charge of official misconduct and was sentenced to a conditional discharge and forced to retire from the police department.

"It's been a long time coming," Oliva said of Sini's review. He said he was hopeful Sini's action would clear his record. "It means everything," Oliva said.

Spota, who along with his top aide Christopher McPartland was sentenced by Judge Joan M. Azrack to 5 years in prison Tuesday for his involvement in a cover-up of a prisoner assault at



Former Suffolk Det. John Oliva hopes his record will be cleared.

the hands of former Suffolk Police Chief James Burke.

At Spota's sentencing, which Oliva attended, Azrack said "retaliatory motives" had played a role in Oliva's prosecution.

Sini, in an interview, said his office's Conviction Integrity Bureau opened an investigation into Oliva's conviction, review-

ing the entire case file, including a wiretap Spota's office placed on Oliva's phone as part of the leak investigation. Sini said testimony at the trial of Spota and McPartland as well as comments by the presiding judge are also being reviewed.

"We've since invited Mr. Oliva, through counsel, to submit an ap-

plication with the Conviction Integrity Bureau," said Sini. "We will consider that in totality with all the other evidence and we'll make a determination of whether or not Mr. Oliva is due relief," such as the possibly vacating his conviction.

Sini said he'll make the final decision.

Oliva's attorney, Bruce Baraket, said he planned to file an application very soon and said he was pleased that Sini was giving the case a second look.

At the time of the prosecution, Spota said Oliva's actions had jeopardized officers closing in on two robbery suspects, later arrested and charged.

At Spota and McPartland's 2019 federal corruption trial, witnesses questioned the assertion that Oliva was investigated because he had endangered officers.

Witnesses said that Spota and McPartland targeted Oliva for leaking the information — widely considered a minor

transgression that is against official police department policy but rarely handled as a criminal matter — after Burke removed Oliva and another Suffolk detective from a joint federal-local anti-gang task force.

Oliva has said he shared the information to expose crimes that were being hidden from the public by the police department. Burke labeled Oliva an "enemy," witnesses said, and McPartland and Spota persuaded a judge to authorize a wiretap of Oliva's cellphone for three months to monitor his conversations.

Prosecutor Lara Treinis Gatz, in court Tuesday, called Oliva a "once very highly-regarded detective" who became an enemy of Burke and "thus was targeted for investigation and prosecution by Spota and McPartland."

". . . Oliva got the full Spota-McPartland treatment because he crossed Burke," Treinis Gatz said. "This episode created a climate of abject fear within the ranks of the SCPD."