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POWER ON TRIAL

SPOTA'S FALL

**Ex-Suffolk DA and former top aide found guilty
on all counts in cover-up case**

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HISTORIC IMPEACHMENT VOTE SET FOR TODAY **A8-9**

★ CONVICTED ON



Spota, ex-aide
guilty in cover-up
of 2012 beating

BY BRIDGET MURPHY
AND NICOLE FULLER

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Former Suffolk District Attorney Thomas Spota, who ascended to the pinnacle of power as the county's top law enforcement official on an anti-corruption platform nearly two decades ago, on Tuesday joined the ranks of the felons he once prosecuted when a federal jury convicted him and an ex-top aide of concealing police brutality.

Spota won his former position in a 2001 election with political support from police after advocating for law enforcement officials as a private-practice attorney and working hand-in-hand with them as an up-and-coming homicide prosecutor.

But after a more than 15-year tenure as district attorney, it was his decadeslong loyalty to one cop — former Suffolk Police Chief James Burke — that led to his downfall.

A jury in U.S. District Court in Central Islip found — after about seven hours of deliberations — that Spota and Christopher McPartland, his former anti-corruption unit chief, orchestrated a cover-up of Burke's beating of a handcuffed prisoner in a police precinct in 2012.

The panel convicted the defendants on all counts in their 2017 indictment: conspiracy, obstruction of justice, witness tampering and acting as accessories to the deprivation of the civil rights of that prisoner, Christopher Loeb.

The law, jury forewoman Cathy Duque said later, should

Spota leaves federal court after he was found guilty on all felony charges. ■ Video: newsday.com/suffolk

BARRY SLOAN

REACTIONS

Suffolk Legislature Presiding Officer DuWayne Gregory (D-Copiague): "Coming in as someone who's going to correct the issues there and then becoming part of the problem is really full circle, and also emphasizes we have to

hold everyone above the law and to a higher standard. . . . It's going to be up to my colleagues to hold their feet to the fire."

Suffolk District Attorney Tim Sini: "We've been cleaning up [Spota's] mess

and the Eastern District of New York held him accountable today. . . . The conviction of Spota marks the end of the era of not doing the right thing."

Suffolk County Executive Steve Bellone: "The allegations of covert spying, threats

made against perceived enemies, relentless intimidation tactics, and outright fear were spelled out clearly by federal prosecutors and I commend them for their outstanding work."

Suffolk Police Commissioner

ALL CHARGES



BARRY SLOAN

Christopher McPartland leaves federal court in Central Islip.

COUNT ONE	COUNT TWO	COUNT THREE	COUNT FOUR
Conspiracy to tamper with witnesses and obstruct an official proceeding	Witness tampering and obstruction of an official proceeding	Obstruction of justice	Accessory after the fact to the deprivation of Christopher Loeb's civil rights (assault)
GUILTY	GUILTY	GUILTY	GUILTY

apply equally to everyone — the principle she said guided her decision to convict the defendants.

“There is not one individual that is above the law. ... We all need to be conscious of ethical behavior, and particularly when there’s leadership involved,” Duque added.

The Suffolk County resident also said “there was some discussion” about the case among jurors but “not that much” difference of opinion.

Quick deliberations

The verdict was swift, delivered after deliberations over two days in the sixth week of the trial before U.S. District Judge Joan Azrack. Before its decision, the jury had sent notes to the judge asking to review testimony from the government’s star witness and from a former county prosecutor who initially handled Loeb’s case.

Both defendants stayed stone-faced in court while the forewoman announced the verdict.

After the jury left, Spota

hugged his wife and his daughter, who was crying. Then he and his defense attorney, Alan Vinegrad, left the courtroom without commenting.

“We’re very disappointed,” Spota’s wife told *Newsday*.

McPartland also didn’t comment before leaving with his attorney, Larry Krantz.

“There are many more steps in the process and we will continue to fight,” Krantz said.

The government contended during the trial that Spota’s determination to keep Burke out of jail after the top uniformed cop assaulted Loeb led him to abandon his duty as Suffolk’s chief law enforcement officer and carry out a three-year conspiracy to cover up the beating.

Burke, in 2016, pleaded guilty to the beating and cover-up. But in some ways, the trial became the one Burke never had, with two of the detectives who took part in the beating testifying about the assault on Loeb and how pressure to keep quiet about it changed their

lives and careers.

“I’m ecstatic,” Loeb said in an interview at the courthouse minutes after the verdict.

Spota, Loeb said, “allowed Jimmy Burke to rise up the ranks knowing how much of an evil man he is.”

He added: “To hear that he’s guilty on all charges . . . it’s like this dark cloud has been lifted.”

Spota and McPartland are facing up to 20 years in prison under the law but likely will receive less severe sentences.

Eastern District U.S. Attorney Richard Donoghue said outside the courthouse that the verdict, along with other recent federal prosecutions of local elected officials made it clear “that the days of Long Island’s good old boys networks . . . are dead and gone.”

He said Spota, McPartland and Burke had been the “three most powerful state law enforcement officers in Suffolk.”

Long Island’s top federal prosecutor then added: “They thought they were untouchable. But they were wrong.”

Donoghue also said the team of prosecutors who tried the case for his office — assistant U.S. attorney Nicole Boeckmann, chief of the office’s Long Island criminal division, and her colleagues Lara Treinis Gatz, Justina Geraci and Michael Maffei — “brought the truth from the shadows and out into the light.” He added it had been “gutsy” for the government to take on a district attorney.

Suffolk Police Commissioner Geraldine Hart said in a statement that Spota, McPartland and Burke “focused on corruption and cover-ups” rather than “supporting the proud men and women of this department.”

Hart said her agency is in contact with federal prosecutors, examining all trial testimony and evidence and “will take appropriate action if warranted” upon further review.

Spota ‘CEO’ of cover-up

Treinis Gatz told jurors in the prosecution’s closing argument that Spota was the “CEO” of the conspiracy while McPartland, Spota’s former right-hand man, was the scheme’s “chief operating officer” as they broke the law they were supposed to enforce.

But the defense had said at trial that Spota, 78, of Mount Sinai, and McPartland, 54, of Northport, couldn’t have tried to conceal Burke’s guilt because the former police chief never confessed to them before admitting his crimes in February 2016 in federal court.

Burke served most of a 46-month prison sentence before his release to home confinement last year.

“I think he’s happy this whole thing is over with,” Burke’s former attorney, Joseph Conway, said Tuesday of the ex-chief. “He might not be happy with the results, but he can start moving on to the next chapter of his life.”

Loeb’s assault at the Fourth Precinct in Hauppauge on Dec.

14, 2012, happened hours after the now-recovering heroin addict broke into Burke’s department vehicle in St. James and stole a Police Athletic League duffel bag.

The duffel, which prosecutors dubbed Burke’s “party bag,” had items inside it that included his gun belt, ammunition, a box of cigars, police union cards, sex toys, pornography and Viagra, testimony showed.

Much of the government’s case rested on star prosecution witness James Hickey, a retired Suffolk police lieutenant who had headed the department’s criminal intelligence unit. He testified that he was a middleman in the conspiracy who ensured the silence of three of his detectives who had taken part in Loeb’s beating with Burke.

Hickey tied the defendants directly to the conspiracy with testimony that included his recall of a June 2015 meeting in Spota’s office that took place after federal officials relaunched a probe into Loeb’s beating after their initial investigation fell flat in 2013.

Word of the reopened civil rights probe put Spota in a panic, according to Hickey, who said the district attorney grilled him on who he believed had “flipped,” or begun cooperating with federal officials.

“Somebody’s talking. You better find out fast, if it’s not too late,” Hickey testified Spota also told him that day.

See SPOTA on A4

Geraldine Hart:

“All of us in law enforcement take an oath to uphold the Constitution and serve, not our own self-interests, but rather our communities. As we learned, the very people charged with upholding

the law were the ones who were found guilty of assisting James Burke in his attempt to get away with his crime. Instead of being leaders and standing up for justice, they did their best to manipulate the system and everyone who stood

in their way. The actions of former District Attorney Thomas Spota and his chief aide Christopher McPartland go against everything that this department stands for and it is unfortunate that their illegal activities could cast a nega-

tive light on the public’s perception of this police department. Instead of supporting the proud men and women of this department, this trio focused on corruption and cover-ups.”

— RACHELLE BLIDNER, SCOTT EIDLER, THOMAS MAIER

★ Spota, McPartland

SPOTA from A3

Hickey said he retired shortly before pleading guilty in January 2016 to conspiracy to obstruct justice and hoped to avoid jail time because of his role as a cooperating government witness.

He named Spota, McPartland, Burke, former chief of detectives William Madigan and himself as members of a group nicknamed “The Inner Circle,” 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.

Hickey also identified Cliff Lent, another detective, detectives’ union official Russ McCormack and the three detectives who had taken part in Loeb’s beating as participants in the cover-up.

But the defense portrayed Hickey as a mentally unstable drunk and serial philanderer

who lied repeatedly to his wife and committed perjury years ago when testifying in a burglary case that a Suffolk judge threw out.

Two hospitalizations

The ex-lieutenant testified about two hospitalizations he attributed to the pressure of making sure his detectives stayed quiet about Loeb’s beating.

One was in 2013 for pancreatitis caused by excessive alcohol intake and another was in 2015 for hallucinations brought on by stress and sleep loss, testimony showed.

During the trial, Spota’s attorney insisted prosecutors had no credible evidence his client acted corruptly, saying the government’s case was based on “guilt by association” with Burke. Vinegrad portrayed Burke as Spota’s “professional child of sorts” and his client as a wise elder who believed Burke’s contention he didn’t

beat Loeb and that federal officials were retaliating against him for taking Suffolk detectives off a joint gang task force.

McPartland’s attorney acknowledged that McPartland had a friendship with Burke but said Burke lied to McPartland — who “acted properly” and “obstructed nothing.”

Spota’s lawyer said the allegation Burke beat Loeb “seemed unbelievable at the time” because Loeb had a long rap sheet, was on drugs and it seemed “crazy” that a chief would go into a precinct “in broad daylight” and assault a prisoner.

Vinegrad pointed out that testimony showed Spota told the assistant district attorney in McPartland’s unit who initially prosecuted Loeb’s larceny case, Spiros Moustakas, to document problems with the way police handled the case after the Smithtown man’s arrest.

Moustakas testified in part that Spota had advised him to note it in the court file after police asked for a search warrant for items they’d already seized from Loeb’s home and didn’t bring Loeb to court for his arraignment because of what they called a manpower crunch.

The jury had asked to see a transcript of Moustakas’ entire testimony during deliberations.

Spota’s attorney told jurors

that his client “had his chance to just sweep this under the rug” but instead sought a special prosecutor for Loeb’s case.

After prosecutors said the affidavit seeking a special prosecutor portrayed Burke as a crime victim and not a police brutality suspect, Vinegrad countered that Spota relied on subordinates to handle the paperwork.

“This is a cover-up? This is obstruction? Nonsense!” Vinegrad said in his trial summation.

Bond emphasized

The government emphasized the strong bond between Spota and Burke, starting when Burke was the star teen witness in a murder case Spota was prosecuting. Treinis Gatz told jurors Spota had “a history of protecting and covering up for Jimmy Burke.” She reminded the panel that Spota was Burke’s lawyer in the early 1990s when Burke got in trouble with internal affairs as a Suffolk cop in a matter that ended with a finding that Burke was guilty of conduct unbecoming an officer.

Spota knew that Burke in 1993 had a sexual relationship with a prostitute who got possession of his service weapon, but that “checked past” didn’t stop Spota from later boosting Burke’s bid to become police chief, the prosecutor said.

She said Spota wrote a let-

ter in 2011 to County Executive-elect Steve Bellone’s transition team that raved of Burke’s “outstanding leadership” after an anonymous letter warned about Burke’s internal affairs history and tried to derail his promotion.

One detective who participated in the Loeb beating, former Det. Anthony Leto, recalled Burke punching, kneeling and shaking Loeb by his ears while also threatening to give the then-heroin addict a “hot shot” — a deadly drug dose. Before that, Leto said, he and detectives Kenneth Bombace and Michael Malone hit Loeb while trying to get him to confess.

Leto told jurors he retired in 2015 and later pleaded guilty to obstructing a federal investigation. He struggled to stay composed while testifying about how lying about the Loeb case helped destroy his marriage and his relationship with his children, while ending his career.

Leto said he testified falsely in a hearing in Loeb’s case and that he feared Suffolk police or prosecutors would fabricate criminal charges against him or his family if he didn’t go along with the cover-up.

Bombace, now retired, testified he stashed his family at a hotel before testifying in October 2015 before a federal grand jury about the conspir-



Thomas Spota at the district attorney’s office in Riverhead in 1982.

SPOTA TIMELINE

1971-1982. Thomas Spota serves as an assistant district attorney for Suffolk County. Includes stint as chief of homicide bureau, where he prosecuted high-profile cases, including the murder of 13-year-old John Pius in Smithtown. That case featured teenage witness and later Spota protégé James Burke, who would go on to work as Spota’s chief investigator before becoming Suffolk police chief of department in 2012.

1982-2001. Works in private practice. Gains political prominence representing county law enforcement unions.

2001. Switches party affiliation from Republican to Democrat to run for Suffolk district attorney



Suffolk Police Chief James Burke, left, and his mentor, District Attorney Thomas Spota, in July 2015.

against longtime Republican District Attorney James Catterson. After bruising campaign, Spota wins by a large margin.

2003. Releases grand jury report on sexual abuse by 58

priests in the Diocese of Rockville Centre dating back decades. Wins national attention for issuing one of the first such reports in the country.

2005. Wins first reelection,

guilty

acy. The witness, who testified with an immunity deal, said he had feared he or his family would be falsely accused of a crime if he testified honestly about Loeb's beating.

Described assault

He described the assault as a "very chaotic" few minutes in a precinct interview room, with himself, Leto, Malone and Burke "cursing and screaming" as Burke punched Loeb.

The trio of detectives slapped Loeb before Burke came in the room, according to Bombace, who said the cover-up conspiracy began as soon as the beating ended.

Under an immunity deal, Suffolk Det. Brian Draiss testified that he feared crossing Burke. He said he purposely didn't mention to the FBI, to a special prosecutor and during his testimony in Loeb's case in state court that sex toys were among the items found in Burke's gym bag.

The witness said he went with probation officials to Loeb's home to assist them in a follow-up visit after an earlier discovery of metal knuckles there, before authorities coincidentally uncovered the spoils from Loeb's crime spree hours earlier.

Draiss, who said he later testified truthfully before a grand jury, told jurors Burke grabbed his bag in Loeb's bedroom and left with it.

without an opponent and endorsed by all major and minor parties.

2006. Wins conviction of Islip Town Supervisor Peter McGowan, a Republican, on corruption charges stemming from illegal use of \$1.2 million campaign fund.

2009. Wins second reelection, again without an opponent and endorsed by all major and minor parties.

2011. Brokers deal with County Executive Steve Levy that results in Levy not seeking a third term and turning over his \$4 million campaign war chest to Spota's office. Spota closes a criminal investigation into Levy's fundraising. Neither Spota nor Levy has ever provided a detailed explana-

During their first day of deliberations, jurors also asked to see a video of a Spota news conference in which he had criticized the media for endangering officer safety.

The criticism related to a story former Newsday reporter Tania Lopez wrote about a series of robberies that led to a probe by Spota's office into whether now-former Det. John Oliva was leaking confidential information to the media.

Oliva later pleaded guilty to official misconduct. His plea followed an investigation that included a wiretap.

It was a probe that Hickey testified really was about retaliating against Oliva after the same reporter wrote stories seen as critical of Burke — including an exposé about his internal affairs disciplinary history and a story about Suffolk detectives being removed from a federal gang task force. Moustakas testified that Spota had spent hours listening to the Oliva wiretap.

In 2012, Burke took Oliva, and his fellow former detectives Robert Trotta, now a Suffolk legislator, and the late William Maldonado, off the task force. Trotta applauded the guilty verdict in a statement Tuesday, saying he and Oliva "have been vindicated in our claims of corruption" in Suffolk government.

With Michael O'Keeffe and Víctor Manuel Ramos

tion of the agreement.

2013. The state's highest court rules that Suffolk's 12-year term limit does not apply to the district attorney's office, allowing Spota to run for a fourth term. He again receives cross-endorsements from all major parties, defeats a GOP primary challenger and wins reelection.

2015. His protégé James Burke is charged by federal prosecutors with beating a man who had broken into his SUV and then orchestrating an attempted departmentwide cover-up. Burke pleaded guilty and later is sentenced to 46 months in federal prison.

2016. Suffolk County Executive

Beating victim: 'I'm ecstatic'

BY NICOLE FULLER
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Christopher Loeb spent the last few weeks inside a courtroom in federal court in Central Islip at the trial of former Suffolk County District Attorney Thomas Spota, reliving the most difficult moments of his life: His assault seven years ago at the hands of former Suffolk Police Chief James Burke, a Spota protégé.

Loeb listened to testimony from several witnesses in the six-week trial of Spota and his anti-corruption chief, Christopher McPartland, who were convicted Tuesday morning of helping Burke and others cover up Loeb's assault in a Hauppauge precinct on Dec. 14, 2012.

"Seven years later, the hell that I've been through, the trauma," said Loeb, 33 and living in Suffolk, reflecting on the verdict afterward as he stood outside the federal courtroom. "I'm ecstatic. . . . This is the greatest Christmas present."

Loeb said he experienced days of frustration while hearing witnesses give detailed accounts of the beating and the extraordinary lengths he said the defendants had taken to ensure the truth never came out.

But when a jury of his peers announced the guilty verdicts Tuesday morning, the man who was at the center of one of the biggest law-enforcement scandals in Suffolk County said he felt satisfaction and a sense of peace.

"It's ironic that a drug user, who happened to break into a police car, was the linchpin that brought them down," said Suffolk Legis. Robert Trotta, a former police detective who sat through the trial and who one witness testified Spota feared greatly because of his association with federal prosecutors.

Prosecutors say the cover-up started almost as soon as Loeb, a self-described heroin addict, stole Burke's duffel bag containing his gun belt, ammunition, two sex toys, a porn video and Viagra.

Loeb, who said he has been off drugs since February, has his own legal issues. He was arrested by Suffolk County Police in Ridge last March 22 and is facing second-degree assault and reckless endangerment charges in an encounter with police officers

that ended with Loeb fleeing and being bitten on the leg by a police dog. Loeb said he's pleaded not guilty and plans to go to trial.

Tuesday morning, Loeb wasn't in the courtroom when the verdicts were read. He said he had gone over to the nearby county court building to meet someone.

But when he got word that a verdict was in, he ran back to the federal courthouse, he said, with a smile on his face.

"It was validating the truth — what I've been talking about for years," said Loeb, who said he's fielded calls from well-wishers and others seeking his reaction. "My phone's blowing up — everyone, lawyers, news people. Just random people that have been wronged by them."

A painter by trade, Loeb said now that the Spota-McPartland



Christopher Loeb speaks after the verdicts Tuesday.

trial is over, he's looking forward to getting back into the workforce. But he said something deeper is pulling at him. He's had dozens of people in recent years reach out to him with their own stories of police and prosecutorial misconduct, looking for his guidance.

"I wanna get out there, I wanna start publicly speaking, advocating for people," Loeb said. "I love the law and I love exposing corrupt officials and I love helping people."

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Continues on Page A6

Business	A25
Corrections	A11
Editorials/Opinion	A20
Flash!	A14
Health & Science	A24
Long Island	A10
Lottery	A43
Nation	A30
Obituaries	A32
Reaching Newsday	A11
TV listings	B14
Weather	A29
World	A31

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Inside ExploreLI

POWER ON TRIAL

Jury reaches a decision

BY JOYE BROWN
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On Tuesday, 9:30 a.m., jurors deciding the case of Thomas Spota and Christopher McPartland were hard at work.

Throughout the trial, the jury, most of whom are women, had earned a reputation for promptness, even in tricky weather.

The panel had reported straight to the jury room.

And, by 9:45, the courtroom was almost empty.

Spota and McPartland, along with their attorneys, spent most of their time at the defense table.

Prosecutors, presumably, were in their offices a few floors below.

At some point, someone at the defense table was heard to say, "There's a verdict?"

And from there, things moved quickly.

First came confirmation, at 10:50 a.m. or so, that jurors, indeed, had sent a message.

The courtroom began to

fill. Richard Donoghue, U.S. attorney for the Eastern District of New York, spoke briefly to prosecutors before settling into a seat on the last spectator bench, behind the prosecution table.

Christopher Loeb, whose assault at a Suffolk precinct became the center of the conspiracy and cover up charges against Spota and McPartland, was across the way in Suffolk County District Court, which sits behind the Alfonse D'Amato federal courthouse in Central Islip.

"A defense attorney was looking at his phone and he told me, 'There's a verdict,'" Loeb said later. "I started running here from there."

The courtroom reporter filed in, followed a short time later by U.S. District Court Judge Joan Azrack.

The room fell silent as Azrack read the jury forewoman's note aloud.

"We have a verdict," she read.

The note also included a time: 10:43 a.m.

A knock at the door

At 11:03, there was a knock at a side courtroom door — the signal that the jury was about to enter.

Everyone stood, as always, as the panel filed into their seats.

First the front row, then the back.

Jurors did not look at the defense table.

Most didn't look at prosecutors, or spectators in the crowded room, either.

They sat.

We sat.

Then the jury forewoman, when asked, stood and announced the panel's decision.

On the charge of conspiracy to tamper with witnesses and obstruct an official proceeding, against McPartland?

"Guilty," came the reply.

... Against Spota?

"Guilty."

On the charge of witness tampering and obstruction of an official proceeding, against McPartland?

"We find him guilty," the forewoman said.

... Against Spota?

"Guilty."

At the defense table, Spota and McPartland, both veteran prosecutors, stood stone still, and stone-faced.

On the charge of obstruction of justice, against McPartland?

"Guilty."

At the prosecution table, there was little movement as well.

... Against Spota?

"Guilty."

On the charge of being an accessory after the fact to the deprivation of Loeb's civil rights, against McPartland?

"Guilty."

By now, McPartland's face looked pale, and Spota's face appeared to be reddening.

... Against Spota?

"Guilty," the forewoman said, one last time.

With that, a slew of reporters rushed from the courtroom to spread word of convictions on all counts.

Azrack, meanwhile, turned to the jury panel — which had deliberated some seven hours over two days, following five weeks of testimony and arguments — to thank them for their "time, effort

SPOTA TIMELINE

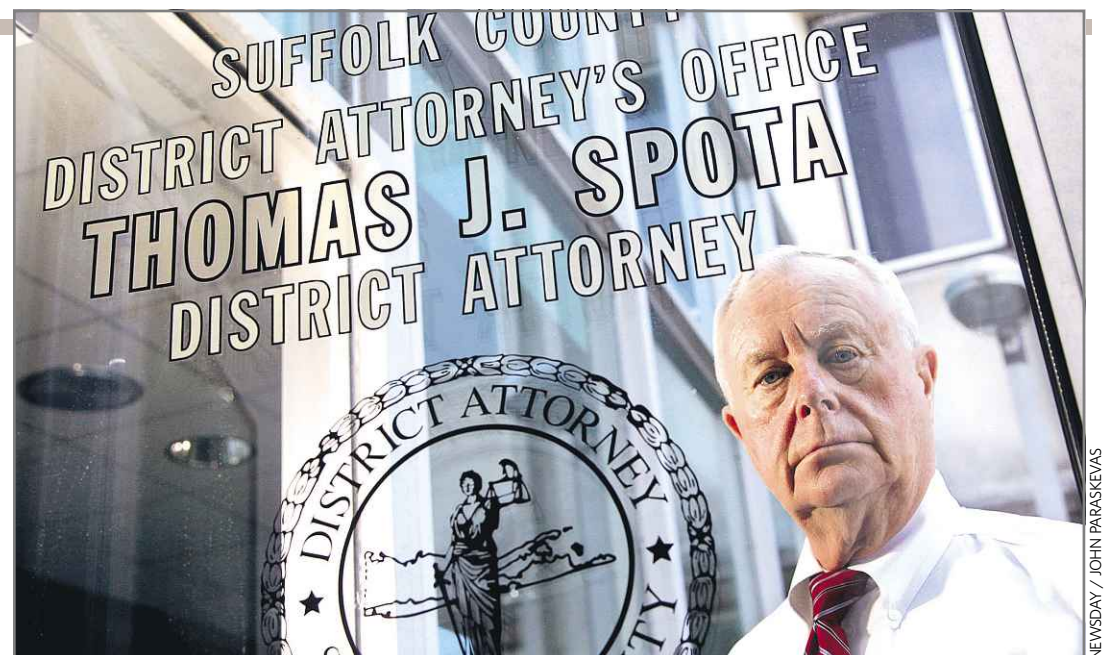
Steve Bellone stands on the steps of Spota's office and asks for his resignation, saying Spota was heading a "criminal enterprise" that used the prosecutor's office to punish enemies and protect friends. Spota accuses Bellone of having a "personal vendetta against me for investigating and prosecuting people he is close to."

2016. Newsday reports that federal prosecutors had opened a criminal investigation into the actions of Spota's office, including handling of the Levy and Burke cases and a 2011 shooting of an unarmed cabdriver by an off-duty Nassau police officer who had been drinking heavily and was never charged. Spota has denied wrongdoing.

MAY 12, 2017. Spota announces he will not seek a fifth term.

OCT. 25, 2017. Spota and one of his chief aides, Christopher McPartland, are indicted on federal charges in a cover-up of Burke's assault of a suspect in 2012. Both plead not guilty.

OCT. 26, 2017. Spota announces he will leave office.



Thomas Spota in 2013. He was elected to a fourth term as district attorney that year.

NOV. 10, 2017. Spota officially retires as Suffolk County district attorney.

DEC. 17, 2019. Spota and his former anti-corruption chief McPartland are convicted of all charges in the four-count indictment against them after a

six-week trial and a short jury deliberation in federal court in Central Islip. The two are convicted of; conspiracy to tamper with witnesses and obstruct an official proceeding; witness tampering and obstruction of an official proceeding; obstruction of justice and accessory

after the fact to the deprivation of Christopher Loeb's civil rights through assault. No sentencing date is set but U.S. District Court Judge Joan Azrack asks lawyers for post-trial motions as soon as possible.

— COMPILED BY
NEWSDAY STAFF