

Business	A37
Editorials/Opinion	A32
Flash!	A16
Health & Science	A31
Long Island	A10
Lottery	A63
Movie listings	B8
Nation	A41
Obituaries	A44
Reaching Newsday	A14
TV listings	B38
Weather	A46
World	A42

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INSIDE TODAY'S NEWSDAY

TOP STORIES

Records reveal

Newly unsealed court documents detail case built against Macedonio

BY GUS GARCIA-ROBERTS
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Newly unsealed court records in the criminal case of defense attorney Robert Macedonio provided further confirmation that before he pleaded guilty to felony cocaine possession in 2008, the Suffolk County district attorney's office targeted him in an extensive probe of serious crimes that included mortgage fraud, sale of cocaine, grand larceny and witness tampering.

In the documents, which were unsealed yesterday by acting Suffolk Supreme Court Judge James Hudson in response to a motion by Newsday, investigators for Suffolk District Attorney Thomas Spota alleged in a search warrant affidavit that they had found evidence Macedonio employed unlicensed brokers with criminal records, lied to state banking authorities and filed fraudulent mortgages while operating a real estate business out of his law office. Macedonio was also alleged to have been active in the drug trade, the records show.

Newsday published a story yesterday in which officials familiar with the case criticized Spota's handling of the investigation. Speaking on condition of anonymity for fear of retribu-

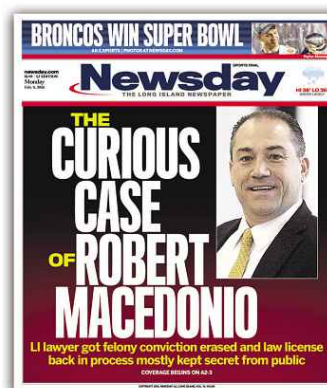
tion, the officials accused the district attorney, his top corruption prosecutor Christopher McPartland and then-chief investigator James Burke of allowing alleged and confirmed criminal activity from the wiretap investigation to go unpunished. Many of the allegations were corroborated by more than 100 pages of documents and other materials reviewed by the newspaper.

Macedonio's sole conviction in the case was for felony cocaine possession, leading to the loss of his law license. But his conviction was later vacated with the support of the district attorney's office, and he regained his law license.

Spota's office opposed the release of any records in the case, in which many court documents were sealed without explanation. In opposition to Newsday's April motion to unseal records, prosecutors had argued that nothing unusual had occurred in the case and that the newspaper's efforts were "an attempt to gin-up interest in the mundane."

Spota did not respond to a request for comment.

After ruling in Newsday's favor, Hudson, who oversaw Macedonio's criminal case, unsealed a search warrant affidavit filed by investigators before a January 2008 raid on the attorney's law office, as well as the


FEB. 8
How Newsday covered the story

felony plea agreement that Macedonio signed in December of that year. Both sets of documents were heavily redacted to shield the names of unindicted co-conspirators, undercover officers, informants and other information Hudson deemed too sensitive to release.

In the search warrant affidavit, an investigator for the district attorney's office stated that toward the end of 2006, Macedonio unlawfully allowed at least four individuals with criminal records to work as mortgage brokers using Macedonio's own license. Macedonio received a split of their commissions, according to the affidavit.

Macedonio then lied in a sworn filing with the New York State Banking Department by attesting that he did not have any felons working for his mortgage company, according to the affidavit and attached exhibits.

The investigator also alleged Macedonio had a role in a suspected narcotics dealer fabricating his occupation on a mortgage application to receive a loan.

In another section of the affidavit, the investigator detailed allegations concerning Macedonio's illegal narcotics activity. The investigator said an informant had told authorities Macedonio fronted money to a drug dealer in return for cash or cocaine and at one point sought to invest thousands in the purchase of a kilo of cocaine, according to the affidavit. It's not known from the documents whether investigators verified those claims.

The plea agreement also released yesterday — bearing the signatures of Macedonio, his attorneys and McPartland — shows that prosecutors agreed not to charge Macedonio with drug and white-collar crimes, as well as witness tampering and intimidation.

Macedonio referred questions to his attorney, Sarita Kedia, who said yesterday she was unfamiliar with claims in the search warrant affidavit. She had previously stated the uncharged crimes on the plea agreement were added only to protect her client from unwarranted charges.

Kedia said Macedonio's light treatment proved he had not committed more serious crimes. "The manner in which he was treated shows that his criminal activity was not ultimately all that serious and was really his own substance abuse problem," she said.

A look at Spota's response to story



BY GUS GARCIA-ROBERTS
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Suffolk County District Attorney Thomas Spota, at a news conference yesterday, criticized Newsday's recent story on his office's investigation of attorney Robert Macedonio, calling it "fundamentally flawed" and urging that it be "disregarded in its entirety."

To support his claim, Spota pointed to a part of the story that involved a tip to investigators in

the Macedonio case. Newsday reported that investigators had been told a prosecutor in Spota's office, John Scott Prudenti, had helped secure the early release of a violent felon Macedonio represented. The alleged bribe was disguised, investigators were told, as a payment to charter Prudenti's boat, Christina Marie.

Spota said at the news conference that it was "absolutely not so" that Macedonio represented the felon, who was convicted in 2000 for his part in a home invasion robbery and sentenced to seven years in prison.

Spota added that Prudenti, who prosecuted the felon, had in fact pressed for a stiff sentence.

Spota was correct about those facts; however, he was not responding to the episode Newsday described. Spota evidently was referring to the felon's initial prosecution and not the events surrounding his 2004 release from prison, which were the focus of Newsday's story. In the court proceedings that led to the early release, records and hearing transcripts show, Macedonio represented the felon and Prudenti argued that he deserved

allegations



Suffolk County Executive Steve Bellone hands letter requesting the resignation of District Attorney Thomas Spota to chief investigator Frank Guidice in Hauppauge yesterday.

on Robert Macedonio case

special consideration.

Spota's office did not respond to an interview request. Newsday stands behind its story, Editor Deborah Henley said.

Spota also said at the news conference that every allegation of public corruption that arose in the Macedonio case was "exhaustively investigated," yet none could be substantiated. Officials familiar with the investigation who spoke to Newsday for its story contradicted that assertion and said attempts at pursuing leads on corruption were consistently frustrated by superiors.

After Spota made his remarks, a reporter at the news conference asked him about the planned robbery of a marijuana dealer mentioned in the Newsday story. Investigators learned of the plot on a wiretap and apprehended two men armed with a gun and zip ties that they planned to use to tie up victims, Newsday reported. The men were not charged, Newsday reported, and officials familiar with the case said they believed that was because Spota's office didn't want to pursue arrests and risk exposing

its investigation.

The reporter asked Spota whether it was in fact true that the men had been let go. Spota responded that one of the men had gone to prison for seven or eight years.

An organizer of the robbery did get an eight-year prison sentence. However, the man went to prison in 2011 — four years after being caught on the wire during the Macedonio probe. The man's conviction and prison sentence were unrelated to his office's Macedonio prosecution years earlier.

3 more Suffolk legislators urge Spota to resign

BY PAUL LAROCCO
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As the intraparty war between Suffolk County Executive Steve Bellone and District Attorney Thomas Spota escalated yesterday, three more county lawmakers called on Spota to resign while Democrats were more restrained.

Bellone, a Democrat, started an hourslong back-and-forth with Spota, also a Democrat, by holding a news conference on the steps of Spota's office to demand he step down, accusing the district attorney of running a "criminal enterprise."

Hours earlier, County Legis. Kate Browning (WFP-Shirley), who caucuses with the Democratic majority, became the first lawmaker to ask Spota to give up his post. She cited disclosures yesterday in Newsday that Spota's office failed to prosecute possible criminal activity uncovered in wiretaps, including drug trafficking that led to the sale of cocaine to local teens. "I'm disgusted. It made me sick to my stomach," said Browning, head of the legislature's public safety committee.

Spota said the report should be "disregarded in its entirety." In a news conference that responded to Bellone, he said the county executive had a "vendetta" against him for investigating his allies.

Republican county legislators used the day's events to reiterate calls that Bellone and Spota step down. Three caucus members — Minority Leader Kevin McCaffrey of Lindenhurst, Tom Cilmi of Bay Shore and Robert Trotta of Fort Salonga — had on Tuesday asked for the resignations, with Leslie Kennedy of Nesconset only joining them in regard to Bellone.

But yesterday, Kennedy and Legis. Thomas Muratore (R-Ronkonkoma) were cited in a

news release as now wanting Spota to resign as well.

The GOP lawmakers have criticized Bellone for naming James Burke as his police chief upon taking office in 2012 — despite an anonymous letter detailing allegations of wrongdoing by him — and then initially standing by Burke when he was accused of beating a burglary suspect in 2012.

Burke pleaded guilty this year to federal charges of violating the burglary suspect's civil rights and orchestrating a cover-up of the crime. Spota stood by the former chief until just recently.

"In light of everything that's been reported, questions should be asked about the conspicuous absence of our Democratic colleagues" in asking for the resignations, Cilmi said.

Democrats hold a 12-6 legislative majority, and none has called for Spota to step down. Presiding Officer DuWayne Gregory (D-Amityville), Deputy Presiding Officer Rob Calarco (D-Patchogue) and Majority Leader Kara Hahn (D-Setauket) all said yesterday they didn't have enough information to join Browning and call for Spota's resignation.

Suffolk PBA president Noel DiGerolamo said there is no reason for Spota to resign, while Suffolk Democratic chairman Richard Schaffer, a Spota backer who has feuded with Bellone, agreed — as he expressed regret over Bellone starting the chain of mudslinging news conferences.

"Everybody needs to take a deep breath, and they need to start acting like adults in their positions," Schaffer said.

Coverage continues

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