

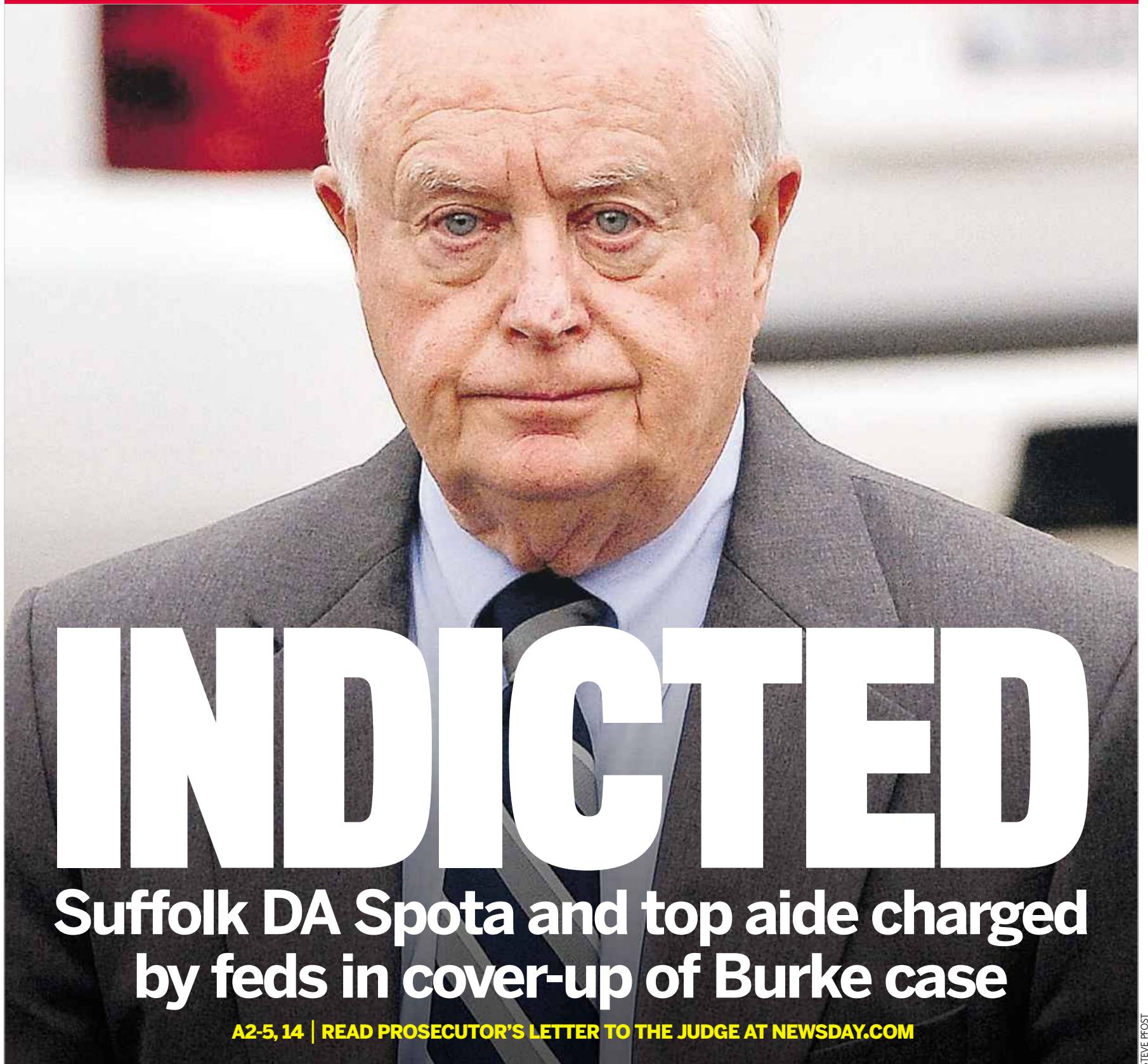
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INDICTED

**Suffolk DA Spota and top aide charged
by feds in cover-up of Burke case**

A2-5, 14 | READ PROSECUTOR'S LETTER TO THE JUDGE AT [NEWSDAY.COM](http://newsday.com)

FEDS CHARGE

Spota, top aide indicted over role in cover-up of former Police Chief Burke's assault case

BY ROBERT E. KESSLER
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Longtime Suffolk County District Attorney Thomas Spota and one of his chief aides have been indicted on federal charges that they were involved in a cover-up of former Suffolk Police Chief James Burke's assault of a suspect in 2012.

Spota, a Democrat, the top law enforcement officer in the county who was first elected as a corruption fighter, and his aide, Christopher McPartland, who runs the political corruption unit, pleaded not guilty Wednesday at a brief arraignment in U.S. District Court in Central Islip.

Both were released on \$500,000 bond. They showed no emotion before the packed courtroom.

Spota, 76, of Mount Sinai, and McPartland, 51, of Northport, along with Burke and other members of the Suffolk County Police Department "had numerous meetings and telephone conversations wherein they discussed the assault," the victim's allegations against Burke, and the federal investigation, prosecutors said in a letter to the judge asking for strict bail conditions.

They "agreed to conceal Burke's role in the assault and to obstruct and attempt to obstruct the federal investigation in order to protect Burke," prosecutors said in the letter.

Federal prosecutors said the two men were accused of "using intimidation threats and corrupt persuasion to pressure . . . witnesses, including co-conspirators not to cooperate with the federal investigation, to provide false information, including false testimony under oath, and to withhold relevant information from" federal investigators.

NOW ONLINE
Spota prosecutors
letter to federal judge
newsday.com/crime



For more coverage on the Spota story, watch News 12 Long Island.

Acting U.S. Attorney Bridget M. Rohde said in the letter that Spota and McPartland have "demonstrated their utter contempt for the laws they were charged with upholding."

The "nature and circumstances of the crimes charged are shocking and appalling as the defendants . . . are alleged to have grossly and outrageously violated their positions of trust and operated in a manner more akin to criminal enterprise than a district attorney's office," the letter said.

"Specifically, over a period of more than four years, the defendants attempted to cover up the assault of a handcuffed prisoner by Burke by obstructing the federal grand jury investigation and, when they learned that the scope of the investigation expanded into an investigation of the obstructive conduct, the defendants then attempted to obstruct the obstruction investigation," Rohde wrote.

U.S. District Court Judge Leonard Wexler, at their arraignment, ordered Spota and McPartland not to have contact with each other without their lawyers present in matters of the indictment, and not to con-

tact any witnesses.

The judge said a third party, agreed to by prosecutors and defense attorneys, has to be involved in any joint regular work at the district attorney's office by Spota and McPartland.

In asking for such conditions, prosecutors argued that the defendants still had considerable influence.

They wrote in the bail letter there "is a serious risk that the defendants will continue to obstruct or attempt to obstruct justice, and continue to threaten, intimidate or attempt to threaten or intimidate prospective witnesses without these conditions."

After the hearing, Spota's attorney, former acting Eastern District Attorney Alan Vinegrad, disputed prosecutors' assertions. "Tom Spota committed no crime," Vinegrad said outside the federal court. "In fact, for many years of a very long and distinguished career, Tom has worked hard to investigate and prosecute crime and deliver justice to the residents of Suffolk County."

Vinegrad added: "Tom categorically denies the government's charges and looks forward to vindicating himself in court."

After that statement, he and Spota left without comment.

McPartland's attorney, Lawrence Krantz, said in a statement afterward: "Chris McPartland has always been an honest and dedicated public servant. He vehemently denies the charges and asserts his innocence. He looks forward to his day in court."

Spota would not comment on whether he will resign.

In addition to the \$500,000 bond, secured by their homes, Spota and McPartland were restricted to traveling within the continental United States.

Eastern District Assistant



DEC. 9, 2015



JUNE 11, 2016

United States Attorneys Lara Treinis Gatz and John Durham said in the letter that the strength of the government's case "is overwhelming and consists of dozens of witnesses . . . fully corroborated by numerous sources of evidence . . . including telephone call detail records, cell site records, photographs, financial records . . . and other documentary evidence."

Many of the government witnesses are members of the Suffolk County police and the Suffolk County district attorney's office, the prosecutors said in the letter. The investigation was undertaken by the FBI and special investigators attached to the U.S. attorney's office for the Eastern District of New York.

An attorney for Burke could not be reached for comment.

Spota and McPartland each faces four counts: conspiracy to



Suffolk County District Attorney

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 civil rights, accord-

SUFFOLK DA



Thomas Spota leaves Federal Court in Central Islip after pleading not guilty Wednesday in an alleged cover-up. ■ Video: [newsday.com/crime](https://www.newsday.com/crime)

ing to the indictment.

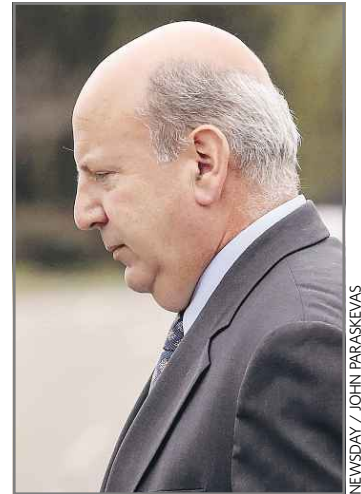
If convicted, they each would face up to 20 years in prison, but would most probably receive less.

Newsday has reported that federal prosecutors and investi-

gators had been probing whether Spota and McPartland took part in the cover-up of the assault by Burke on Christopher Loeb, who stole a duffel bag from the chief's department SUV, parked in front of

Burke's St. James home in December 2012. The duffel bag reportedly contained a gun belt, cigars, sex toys and adult pornography, officials said. Loeb is not named in the indictment.

"Of all the problems that have existed in Suffolk County over the decades, what seems to have broken the back of Suffolk law enforcement was a kid who didn't want to take a beating from a cop," said Bruce



NEWSDAY / JOHN PARASKEVAS

Christopher McPartland, head of the DA's political corruption unit, was also charged.

Barket of Garden City, Loeb's attorney.

"It's an unfortunate, sad thing, but a very good occurrence for the county," Barket said. "It's good for law enforcement. The old guard had to go."

He said Spota should resign immediately, and that there is no point to sticking around for the last two months of his term. "He needs to go," Barket said.

Spota, who is the longest-serving district attorney in county history, announced in May he was not planning to run for a fifth term in November.

In announcing his decision, Spota said the "deciding factor . . . is that life is too short [especially at my age] and it's time to spend quality time with my wife, children and grandchildren, with two more on the way."

District attorney spokesman Robert Clifford declined to comment Wednesday.

Suffolk Democratic Party chairman Rich Schaffer said Spota should be allowed to serve out his term because "it's an accusation" and he has not been found guilty.

"It's sad for him and his family, that they have to go through this at the end of his career," Schaffer said. "And we'll give

See SPOTA on A5

WHO ARE THEY?

Thomas Spota, Suffolk County district attorney

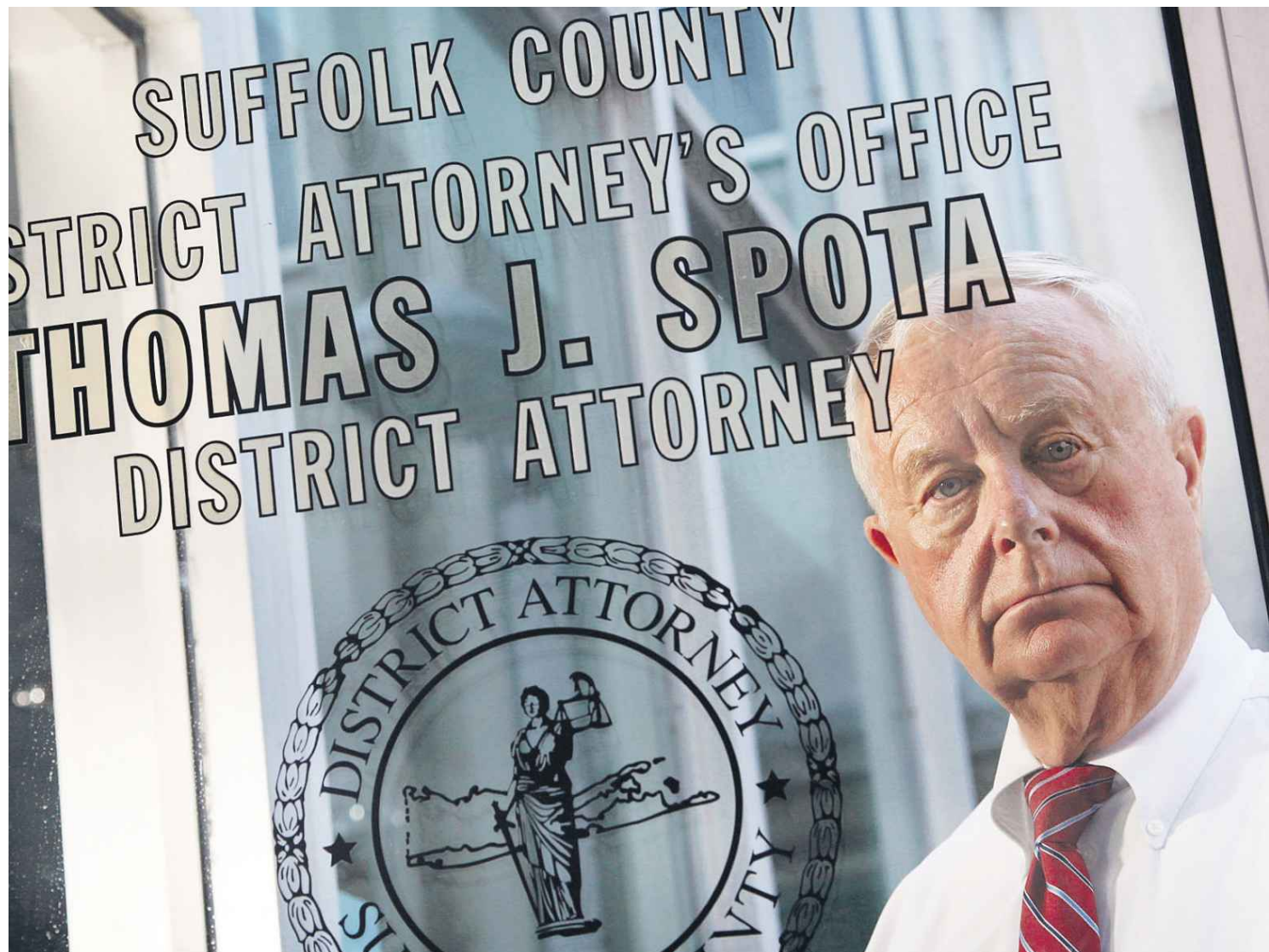
- Age: 76
- Lives in Mount Sinai, raised in New Hyde Park.
- Graduated from St. John's University School of Law in 1966.
- Joined Suffolk district attorney's office in 1971.
- Left in 1982 to start a private practice. Represented law enforcement unions.
- Elected district attorney 2001. Won unprecedented fourth term in 2013.

Christopher McPartland, chief of investigations for Suffolk County district attorney's office

- Age: 51
- Lives in Northport
- Graduated from Hofstra University School of Law.
- Joined Suffolk district attorney's office in 1991.
- Took charge of governmental corruption bureau in 2005.
- In 2015 won the Thomas J. Spota Prosecutor of the Year Award from the Suffolk County Police Department.



— ANDREW SMITH



SPOTA'S CAREER

A timeline of Suffolk County District Attorney Thomas Spota's career:

- 1971-1982:** 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's 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 against longtime Republican DA 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 re-election, 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 a \$1.2 million campaign fund.

2009: Wins second re-election, 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 explanation 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 re-election.

2014: Secures guilty plea of Suffolk information technology commissioner Donald Rodgers on misdemeanor counts related to his failing to disclose business interests on his county financial



JUNE 26, 2013

disclosure form and his work on a multimillion-dollar county software deal.

2014: Begins investigating then-Babylon Democratic chairman Robert Stricoff for alleged irregularities in campaign committee expenses. He later refers the case to the state Board of Elections.

2015: His protégé Burke is charged by federal prosecutors with beating a man who had broken into his SUV and then

orchestrating a departmentwide cover-up. Burke pleaded guilty and later is sentenced to 46 months in federal prison.

2016: Suffolk County Executive 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, those involving Stricoff and Rodgers, and a 2011 shooting of an unarmed cabdriver by an off-duty Nassau County police officer who had been drinking heavily and was never charged. Spota has

Spota enters court — this time as defendant

BY NICOLE FULLER
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The loud chatter in the packed gallery fell silent when longtime Suffolk County District Attorney Thomas Spota — now a criminal defendant — walked into the ninth-floor Central Islip courtroom for arraignment on corruption charges.

U.S. District Judge Leonard Wexler didn't take the bench until several minutes later Wednesday afternoon. Spota, the county's top law enforcement official for 16 years, and his aide, Christopher McPartland, appeared as a mix of political adversaries, former district attorney investigators, journalists and others were seated behind them.

Spota and McPartland, who both pleaded not guilty to charges that included obstruction of justice and witness tampering, didn't show any apparent emotion. Federal prosecutors said the pair agreed to conceal from authorities the 2012 in-custody beating of a suspect by then-Suffolk Police Chief

NOW ONLINE
Thomas Spota photos through the years.
newsday.com/suffolk

James Burke.

"Not guilty," Spota said, when Wexler asked for the defendants' pleas. McPartland's attorney entered the plea on his client's behalf.

Spota otherwise remained silent — both inside and outside the courtroom — even as reporters asked whether he would resign as district attorney or serve out the remainder of his term through December.

"Tom Spota committed no crime," said defense attorney Alan Vinegrad, a former acting U.S. attorney in the Eastern District of New York, which includes Long Island.

Others who came to watch the arraignment included Suffolk Sheriff Vincent DeMarco and Legis. Robert Trotta (R-Fort Sa-

longa), both fervent Spota critics, and Clara and Thomas Datre Sr., whose son was convicted of dumping contaminated materials in the Town of Islip and is currently incarcerated. Charges were dropped against the couple when their son pleaded guilty, but the couple said Spota had ruined their lives, so they came to court to see him face the justice system.

"He devastated our business," Datre Sr. said.

Both of the men seeking Spota's job — former Suffolk prosecutor Ray Perini and Suffolk County Police Commissioner Timothy Sini — descended on the courthouse and declared

MORE INSIDE

Spota and Burke's ties
A14

themselves the antidote to Spota's alleged misdeeds.

Perini said he was "sickened" and "deeply saddened" by the allegations and decried the "backroom deals" that kept Spota in power.

Sini, who called Spota "unfit" and said he should resign immediately, vowed to clean up the district attorney's office if he is elected.

"People are going to be fired if they don't leave beforehand," Sini said.

Suffolk DA indicted

SPOTA from A3

him the opportunity to defend himself in the court of law."

Burke, a longtime Spota protégé and a close colleague and friend of McPartland's, is serving a 46-month federal sentence for violating in 2012 the civil rights of Loeb after pleading guilty to assaulting him, and then engaging in obstruction of justice by orchestrating a cover-up of the attack.

Newsday has reported that the federal agents' and prosecutors' investigation into the cover-up was part of a wider-ranging investigation into the district attorney's office.

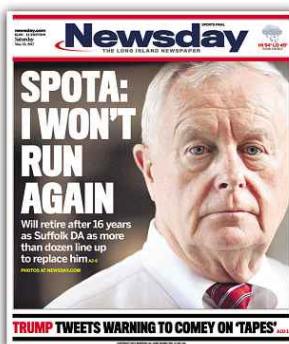
In addition to the Burke-Loeb case, Newsday has reported that the comprehensive federal scrutiny of Spota's office has included whether there was anything unlawful in the handling of the investigation into the shooting of Huntington Station taxi driver Thomas

EDITORIAL

A contempt for the law **A28**

Moroughan by an off-duty Nassau County police officer; the circumstances under which former Suffolk County Executive Steve Levy gave up a \$4.1-million-dollar campaign chest to the district attorney's office, and also agreed not to run for re-election; the legality of a wiretap placed on the phone of former Suffolk Det. John Oliva; the resolution of the criminal case against well-known Suffolk criminal lawyer Robert Macedonio; the office's distribution of asset-forfeiture money; and the investigation into a number of political associates of Suffolk County Executive Steve Bellone.

With Andrew Smith, Nicole Fuller and David M. Schwartz



MAY 13, 2017

denied wrongdoing.

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

Oct. 25, 2017: Spota and one of his chief aides are indicted on federal charges in a cover-up of Burke's assault on the suspect.

Compiled by Paul LaRocco

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