

## Skelos, Son Found Guilty In Corruption Trial

By **Pete Brush**

*Law360, New York (December 11, 2015, 2:02 PM ET)* -- Former New York State Senate Majority Leader Dean Skelos and his son Adam were found guilty Friday of using the former lawmaker's powerful perch in Albany to squeeze illegal payments out of real estate, insurance and environmental consulting businesses in a verdict the jury foreperson said was not a close call.



A jury has found New York Sen. Dean Skelos, left, and his son Adam Skelos guilty after a day and a half of deliberation in the duo's corruption trial. (Credit: AP)

The eight-woman, four-man federal jury came back with the decision before U.S. District Judge Kimba M. Wood after a day and a half of deliberation, delivering another signature win for Manhattan U.S. Attorney Preet Bharara in his quest to crack down on public corruption.

On Nov. 30 Sen. Skelos' erstwhile counterpart in the New York State Assembly, Sheldon Silver, also was found guilty on unrelated corruption charges.

Jury foreperson Cynthia Nehlsen, an antique dealer, read the verdicts just as the clock struck 2 p.m. Afterward, she said the jury never had much doubt.

"They had a great timeline and they did a good job," Nehlsen said of the prosecution.

Judge Wood set a March 3 sentencing date and granted the defense 45 days to make post-trial motions. The defense had asked for 60 days but Judge Wood gave them only some extra time with the holidays coming up.

Through Dean Skelos' lawyer, G. Robert Gage Jr. of Gage Spencer & Fleming LLP, the defendants gave a brief statement outside a courthouse mobbed with reporters and television crews.

"We are obviously very disappointed with the verdict," Gage said. "The next step is post-trial motions and we intend to pursue them vigorously."

Dean and Adam Skelos were calm as the verdicts were read. Dean's wife, Gail Skelos, wept and was comforted by Dean's brother, Peter B. Skelos, a partner with Forchelli Curto Deegan Schwartz Mineo & Terrana LLP.

Within an hour after the verdict, Dean Skelos' New York State Senate page was changed to refer to him as a former lawmaker. Skelos "served from 1985 to 2015," the page now reads.

Bharara took to Twitter within minutes after the verdict to say, "How many prosecutions will it take before Albany gives the people of New York the honest government they deserve?"

The Skeloses and Sheldon Silver join a long line of other state officials to be convicted of crimes sounding in corruption. Recent additions to that list include former state Senate Minority Leader John L. Sampson and former high-ranking state Sen. Thomas Libous.

Gov. Andrew Cuomo said Friday afternoon that the cases highlight a need for campaign finance and ethics reform.

"The convictions of former Speaker Silver and former Majority Leader Skelos should be a wake-up call for the Legislature and it must stop standing in the way of needed reforms," he said in a statement.

Prosecutors said in an eight-count indictment that the Skeloses extorted fat payments from clean-water consultant AbTech Industries Inc., real estate giant Glenwood Management and medical malpractice insurance firm Physicians Reciprocal Insurers.

Those payments included a \$20,000 commission check sent to Adam Skelos at Glenwood's discretion, a \$10,000-per-month consulting gig with AbTech and a full-time job with PRI.

Two of the counts are conspiracy, while the remaining six allege bribery and extortion with respect to each of the three companies. The defendants were found guilty on all eight counts.

The Skeloses did not dispute that the payments took place but challenged their illegality throughout the trial, which began Nov. 16.

The defense hammered away at the point that the Long Island senator never tied, or threatened to tie, passage of any bill to income his son got. But the jury accepted the government's invitation to return a guilty verdict without an explicit quid pro quo.

"An interesting trend highlighted by this case is the Department of Justice's increasing use of the 'inferred quid pro quo' theory, arguing that juries can infer quid pro quo even if there is no proof the elected official explicitly promised something in exchange for favors," said Mayer Brown LLP white collar defense partner Kelly B. Kramer.

Dean Skelos is represented by G. Robert Gage Jr. and Joseph B. Evans of Gage Spencer & Fleming LLP. Adam Skelos is represented by Christopher P. Conniff, Alicia G. Suarez and Jon A. Daniels of Ropes & Gray LLP.

The government is represented by Jason A. Masimore, Rahul Mukhi, Tatiana R. Martins and Thomas A. McKay.

The case is U.S. v. Dean Skelos et al., case number 1:15-cr-00317, in the U.S. District Court for the Southern District of New York.

--Editing by Mark Lebetkin and Rebecca Flanagan.

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