

Federal Jury Convicts New York Gov. Cuomo's Top Dem Staffer Of Corruption

By NWV Senior Political News Writer, Jim Kouri



The federal trial of [Joseph Percoco](#), the former chief of staff of New York Gov. Andrew Cuomo, ended with the jury convicting the powerful New York Democrat Percoco on three felony counts of bribery and corruption. The close friends and political allies predict that the Cuomo-loving liberal will face as many as 20-years in prison.

During the trial that lasted a month and a half, prosecutors were able to reveal just how steeped in corruption Percoco was. The Buffalo News has the specifics on Percoco's conviction.

Percoco was convicted of conspiracy to commit honest services fraud, conspiracy to commit honest services wire fraud, and solicitation of bribes and gratuities in connection with a low-show job given to his wife by an energy company with a downstate power plant interest before the Cuomo administration. Percoco got nearly \$300,000 in bribes through the scheme.

Another \$35,000 came his way in 2014 from a Syracuse development firm while he was, for eight months, off the state payroll running Cuomo's re-election campaign.



The prosecutors also focused on Percoco's close relationship with Gov. Cuomo. The pair were apparently so close that Assistant U.S. Attorney Robert Boone stated, "Getting a call from Percoco was like

getting a call from the governor himself."

The popular leftist Gov. Cuomo, while never charged with wrongdoing in this case or others involving his minions, had witnesses testifying that Percoco could lean on politicians and wealthy businessmen because of his closeness to Cuomo. In fact, testimony entered at trial by defense and prosecution witnesses suggested how hard it would be for Cuomo to distance himself from the case.

"Gov. Cuomo, like his father Gov. Mario Cuomo who was a left-wing Democrat beloved by the vast majority of the anti-GOP news media. You'd have a better chance of convicting [former President] Bill Clinton of a crime than convicting any of the Cuomo men in New York," said former police association attorney and labor leader Marcia Weingarten. "Unlike Hillary Clinton's staffers who were protected by total immunity from the FBI, Percoco had no such accommodation," Weingarten added.

The PERCOCO Bribery Scheme

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Department of Justice

U.S. Attorney's Office

Southern District of New York

In the first scheme alleged in the Complaint, PERCOCO, who served as the Executive Deputy Secretary to the Governor between January 2012 and mid-2014, and again in 2015, is charged with abusing his official position and extensive



influence within the Executive Branch of New York State (the "State") by seeking and accepting bribe payments from executives at companies that were seeking benefits and business from the State, in exchange for PERCOCO's use of his official authority and influence to benefit those companies.

PERCOCO solicited the bribe payments from two clients of HOWE –the Energy Company and the Syracuse Developer – both of which had retained HOWE as a consultant to help them obtain official State action. In email correspondence between HOWE and PERCOCO obtained through judicially-authorized search warrants, PERCOCO and HOWE referred to the bribe payments as "ziti," a reference to a term for money used by the characters in the television show "The Sopranos."

Bribes from KELLY and the Energy Company

The bribes paid to PERCOCO from the Energy Company were orchestrated by KELLY, the head of external affairs and government relations for the Energy Company. Kelly conspired with PERCOCO and HOWE to funnel more than \$287,000 in bribe payments from the Energy Company to PERCOCO and PERCOCO's wife in exchange for PERCOCO's official assistance for the Energy Company on an as-needed basis.

As alleged in the Complaint: (a) State action was critical to the Energy Company's business; (b) starting as early as 2010,

KELLY provided personal benefits to PERCOCO, including expensive meals and a Hamptons fishing trip, in an effort to cultivate access to PERCOCO; (c) in response to KELLY's requests for official State assistance, PERCOCO, who was experiencing financial difficulties at the time, requested that the Energy Company hire his then-unemployed wife; (d) in or around the end of 2012, KELLY caused the Energy Company to create a position for PERCOCO's wife that paid approximately \$90,000 per year while requiring PERCOCO's wife to do little work. In exchange for these payments, PERCOCO agreed to use his official position and influence, and did in fact use his official position and influence, to help the Energy Company with specific State matters as the opportunities arose. Among other things, PERCOCO agreed to use his official position and influence to assist the Energy Company's efforts to obtain (i) a valuable agreement from the State allowing the Energy Company to buy lower-cost emissions credits in New York for a power plant proposed to be built in New Jersey and (ii) a lucrative long-term power purchase agreement (the "PPA") with the State guaranteeing a buyer for the power to be produced at a power plant proposed to be built in New York, which was expected to save the Energy Company approximately \$100 million in development costs.

The Energy Company's payments to PERCOCO's wife were concealed in various ways to hide their true source. KELLY ran the monthly payments to PERCOCO and his wife through a consultant who worked for the Energy Company in order to disguise the source of the payments. KELLY also made sure that PERCOCO's wife's photograph and full name were not included in promotional materials for the Energy Company, and he falsely told his superiors at the Energy Company – on two separate occasions – that PERCOCO had obtained an ethics opinion from the Governor's Office approving of PERCOCO's wife's employment with the Energy Company, when in fact no such opinion existed. For his part, PERCOCO concealed the criminal scheme by failing to include the Energy Company as the source of

payments on his State-mandated financial disclosure forms.

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