

# Garson Arraigned; Details of Probe Emerge

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their release. Several media outlets have expressed interest in access to the materials, and such a motion is expected imminently, Mr. Bookstaver said.

At the arraignment, Mr. Hynes, who is handling the matter personally, said that all the tapes, save for one concerning Justice Garson, were being turned over to the defense.

Sources said that tape was recorded by Justice Garson when he wore a wire for a short period after prosecutors confronted him on March 10, after he was recorded receiving the \$1,000 referral fee from Mr. Siminovsky. The tape reportedly recorded a conversation Justice Garson had with a Brooklyn political figure in a restaurant.

Justice Garson's lawyer, Ronald P. Fischetti, declined to comment, as did Jerry Schmetterer, a spokesman for the Brooklyn District Attorney's Office.

## D.A. Eyes Donations

Meanwhile, the political donations of a father of another Brooklyn Supreme Court justice has caught the attention of prosecutors in Mr. Hynes' office, sources reported.

Eugene Hurkin, an attorney in Brooklyn, single-handedly financed the 2001 campaign of his son, Allen Z. Hurkin-Torres, with \$17,500, according to records from the State Board of Elections. Justice Hurkin-Torres later refunded \$761 to his father.

The district attorney's interest, sources said, is tied to his ongoing grand jury probe into how judges are nominated for elections in Brooklyn. When Mr. Hynes announced the probe in April, he said it would examine why large sums of money are often raised in Brooklyn judicial campaigns despite near complete dominance by the Democratic party.

Neither Justice Hurkin-Torres nor his father could be reached for comment.

Mr. Hynes spokesman Mr. Schmetterer said the office had not asked either the judge or his father to answer questions, but declined to say whether the office was interested in doing so.

Justice Hurkin-Torres spent the bulk of his campaign money — nearly \$11,600 — on a party to celebrate his victory and swearing in. Another \$4,440 was used for political contributions.

The judge, who turned 40 in February, was law secretary to Justice David Friedman of the Appellate Division, First Department, before his election to the bench in 2001. Justice Hurkin-Torres is the second-youngest Supreme Court justice on the bench, according to the most recent Office of Court Administration judicial directory. The judge, who was admitted to the First Department in 1991, waited the minimum 10 years before running for and winning a seat, a rare occurrence for a Supreme Court judge. His current term ends in 2015.

In addition to the \$17,500 that Eugene Hurkin contributed to his son's campaign, Mr. Hurkin also

made political contributions of \$4,770 from 1999 to 2002. Mr. Hurkin, his son and another family member, Jean Hurkin-Torres, who are all listed at the same Brooklyn address, contributed a total of \$1,950 to the committee to re-elect Assemblyman Clarence Norman, the chairman of the Brooklyn Democratic Party.

Of the \$4,440 in political contributions made by Justice Hurkin-Torres' campaign, \$2,200 went to either the Kings County Democratic Party or to Mr. Norman's re-election.

Also at Justice Garson's arraignment, Justice Fisher rejected motions to allow both still and video cameras at the proceeding. He told Daniel Kummer, a lawyer for NBC who sought access for television cameras, state law bars television coverage of an entire criminal proceeding, not just those portions where witnesses might be testifying under court compulsion.

Similarly, he told, Jonathan R. Donnellan, a lawyer for the Daily News, that the newspaper's application for a still camera in the courtroom had only been received on Sunday, too late for appropriate consideration of how disruptive a camera might be. Justice Fisher added that his ruling would not prejudice a future application for still coverage or to have New York's ban on television and movie camera's in Civil Rights Law §52 struck down as unconstitutional.

All seven defendants remain out of jail on \$15,000 bail each, and the matter will next appear on the calendar on Sept. 8 for a review of what motions the defense may bring.