

New York Law Journal



NEW YORK, TUESDAY, JUNE 10, 2003

Garson Arraigned as Details Of Brooklyn Probe Surface

Key Videotapes Obtained After Attorney Began Cooperating

BY DANIEL WISE
AND TOM PERROTTA

ATTORNEY PAUL Siminovsky began cooperating with prosecutors on Feb. 25, six days before a court authorized video camera placed in Brooklyn Justice Gerald P. Garson's chambers captured the lawyer giving the judge a box of cigars, sources close to the case say.

The charge that Justice Garson received the cigars in exchange for giving Mr. Siminovsky *ex parte* advice was one of eight counts the judge was arraigned on yesterday before Queens Administrative Justice Steven W. Fisher. Justice Garson pleaded not guilty on all counts.

Meanwhile, Mr. Siminovsky, who was initially arrested on April 24 along with Justice Garson and six other suspects, is due back in court today, leaving open the possibility that the charges against him could be dropped. Brooklyn District Attorney Charles J. Hynes first acknowledged that Mr. Siminovsky was cooperating with his office on May 22, the date all the defendants in the case — except Mr. Siminovsky — were indicted.

The sources state that Mr. Siminovsky began cooperating with prosecutors after they confronted him on Feb. 25 with evidence against him. That date was nearly two weeks before prosecutors charge Mr. Siminovsky paid \$1,000 to Justice Garson on March 10 for referring a matrimonial case to him.

Mr. Siminovsky's lawyer, Anthony M. Bramante, did not return a telephone call seeking comment.

Justice Garson, who sat in a matrimonial part until he was suspended — now without pay — following his arrest, faces a maximum of 1-1/3 to 4 years in prison if convicted of the most serious charge against him,



NYLJ PHOTO/RICK KOPSTEIN

Accused Brooklyn Supreme Court Judge Gerald P. Garson, right, leaves the courthouse after his arraignment yesterday, accompanied by his attorneys Ronald P. Fischetti, left, and Joseph Tacopina, center.

receiving an award for official misconduct, a Class E felony.

Also pleading not guilty yesterday to participating in a bribery scheme that involved steering cases to Justice Garson were Nissim Elmann, a businessman; Louis Salerno, a court officer; Paul Sarnell, a former court clerk; and three people with matters before the judge. The prosecution charges the three — Rabbi Ezra Zifrani and his daughter Esther Weitzer and Avraham Levi — were Mr. Siminovsky's clients.

At the arraignment, Justice Fisher announced he had unsealed wiretap material, which cleared the way for prosecutors to hand over to the defense in discovery 1,009 audio

tapes and 67 video tapes, as well as a variety of documents, including the affidavit prosecutors had used to persuade Brooklyn Supreme Court Administrative Judge Ann T. Pfau to approve the surveillance of Justice Garson's chambers.

Office of Court Administration spokesman David Bookstaver said that Justice Fisher had merely unsealed those materials to allow the Brooklyn prosecutors to give them to the defense as a part of their office's "open discovery" procedures. The records will not be available to the public, he added, unless Justice Fisher receives, and grants, a motion for

Continued on page 6