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Subject: Former New York Councilman Daniel Halloran: Political Prisoner

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Former New York Councilman Daniel Halloran: Political Prisoner

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FOR IMMEDIATE RELEASE

By Raquel Okyay

Dan Halloran: A Political Prisoner

Federal officials, who prosecuted high profile Republican city councilman, are now under scrutiny for targeting Republicans, steering lawful criminal investigations away from Democrats.

Former New York Councilman Daniel Halloran: Political Prisoner. This unbelievable, but true story of a selfless New York City public servant with a bright future, perhaps even as a future Mayor, who is unlawfully targeted and prosecuted by politically motivated and biased FBI and DOJ officials.

Former New York Councilman Daniel Halloran currently serves a 120-month sentence in the custody of the Federal Bureau of Prisons in Fairton, New Jersey. After an eight-week trial in July 2014, Halloran was convicted of conspiracy to commit bribery, two counts of wire fraud and two counts of travel violations.

Halloran's legal team maintains that he is innocent and that his prosecution and conviction is a gross federal overreach; with misapplication of legal principles, manufactured crimes, fabricated jurisdiction, witch-hunt tactics, and continued malfeasance on the part of federal agents.

A sixth generation Queens resident of Irish Catholic civil servants, Halloran was an NYPD officer, an assistant district attorney, and spent 15 years as a successful criminal defense attorney in state and federal court.

Halloran was elected in 2009 to the New York City Council. He proved to be a formidable presence, asking tough questions at hearings, making articulate stump speeches, and exerting a powerful media presence as a minority Republican council member.

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DAN HALLORAN IS APPEALING WRONGFUL CONVICTION

Sources inside the FBI and DOJ are passing information of an internal probe of the tainted prosecutions.

The probe reveals a politically motivated FBI and Obama Justice Dept., who in 2012 made a deliberate and collaborative effort to snuff out the GOP in NYC and put Halloran and other NYC Republicans and independent Democrats behind bars. Court pleadings, in part, allege the following:

1. Special Agent John Holmes, the Halloran case agent, has been suspended by the FBI for unethical activity relating to government informant Stern's involvement in the investigation. Holmes, among others, are under review by the FBI Office of Professional Responsibility and the DOJ's Office of Inspector General.
2. Former FBI Acting Director Andrew McCabe, who was fired in disgrace, was the Special Agent in Charge of the investigation of Halloran and his former co-defendants, and was part of the plan to shelter Democrats and prosecute Republicans.
3. Assistant US Attorney Alvin Bragg, a former democratic political operative and current Deputy NY Attorney General, covered-up for the government's original 2009 through 2012 investigative targets, among others, Democrats: NYC Council Speaker, Christine Quinn, former New York AG, Eric Schneiderman, who resigned last month amidst sexual assault allegations, and US Rep. Elliot Engle.

CURRENT LEGAL CHALLENGE

Team Halloran files motion to vacate conviction in federal court in February requesting the court set bail pending its review and resolution.

Halloran argues that the US Supreme Court decision in *McDonnell* which clarified the Honest Services Law and vacated McDonnell's conviction, was also used to reverse the convictions of two New York politicians.

In addition, Halloran requests relief due to the failure of a biased FBI and DOJ to produce exculpatory evidence as is their legal duty.

BACKGROUND: BIASED HARSH PENALTY

The 10-year sentence for Halloran was viewed by the public as unfair. The legal community was stunned. Most attorneys expected a 60-month sentence at the outside. After all, this was a first time, non-violent crime, involving barely \$45,000 in arguably legal money transactions, during the span of nine months. A large part of which were campaign donations Halloran never received, and what was received were declared on his tax returns before his arrest. The bottom line is that convicted politicians have received far lighter sentences for far greater crimes – real or fabricated is in Halloran's case.

DUBIOUS GOVERNMENT INFORMANT

Dan Halloran 2012 campaign for US Congress is infiltrated by convicted felon turned federal informant Mark "Moses" Stern.

"Stern introduced himself as a real estate developer with an interest in the mayoral race," said Dan Halloran in an interview before being incarcerated. "On a hand-shake I agreed to act as a paid legal consultant."

There was no predicate, no probable cause, no behavior indicative of criminality, for federal informant Stern to be spying on Halloran. Even FBI agents confirmed at trial that Halloran was neither under federal investigation nor a suspect in any crime. Wiretapped phone calls showed that Stern was desperately seeking connections to prominent state and national Republicans and their political campaigns.

Perhaps the quintessential piece of evidence that serves to underscore the extent of the bias in this investigation is found on a wire recording of Stern and the undercover agent. The two were drinking at a bar awaiting Halloran's arrival and entrapment, at which time both thought the wire was off. Stern mused to himself about the work they are doing, he quipped, "All defendants are innocent... until proven broke!" The agent replies with a laugh.

Stern's motivation to help the federal government was impressive – he was facing 490 years in prison on a 24-count federal indictment that included perjury charges and a \$120 million real estate fraud scheme against Citibank and other local New York mortgage banks. Conveniently for Stern, he was conscripted by the federal government to infiltrate the Halloran campaign even when they had no jurisdiction.

MISAPPLICATION OF NEW YORK LAW AND OTHER IRREGULARITIES

The Wilson Pakula Act of 1947 is a state law that permits political parties to grant authorization to a candidate for public office, who is not registered with that party, to petition voters for ballot access in their primary.

Halloran brokered a legal political "horse trade" in which Queens State Senator Malcolm A. Smith, a conservative Democrat, would have an opportunity to petition Republican voters to run in the Republican primary for the 2013 NYC Mayoral race.

Halloran's defense team said the federal government and the court had grossly misinterpreted and misapplied the Wilson Pakula Act, calling an otherwise legal transaction a "quid pro quo" so that prosecutors could obtain a conviction under Federal Honest Services Law. The Federal Honest Services statute has been under intense judicial scrutiny for being overbroad. In fact, the US Supreme Court has already once ruled the statute un-Constitutional and the late US Supreme Court Justice Antonio Scalia called it a "dangerous slippery slope that could wrongfully criminalize all sorts

of political, legal behavior.”

Furthermore, the government admitted at Halloran’s trial, that it never scrutinized any collateral sources; such as the not-for-profits allegedly involved, the City Council funding agency, and that they never wire tapped any of the alleged co-conspirators. In fact, the New York City Council finance office and the board members of the NFP’s who testified on behalf of Halloran said that he never attempted to do any of the things alleged by the government, at any time.

Finally, a mistrial was caused mid-trial by the prosecution’s failure to disclose over 900 recordings of the informant Stern, who was caught engaging in a campaign of hide the ball. Recent reports indicate many other government disclosure failures, including the use of other informants, a Jewish radio program set up as a front, and Stern’s use of other phones and emails which went unmonitored by the FBI. This new turn of events undermines the government’s claim that the first discovery failure was merely an oversight. There seems to have been a deliberate pattern and practice of prosecutorial misconduct.

FABRICATED JURISDICTION

In Halloran’s case, a federal agent used a cell phone with a North Carolina area code to establish jurisdiction where there was none. This out-of-state phone number was the sole basis for the federal government to acquire jurisdiction. What was clear from the trial record was that nothing is alleged to have happened outside of New York, a fact that would have excluded federal jurisdiction and involvement. This means there should have been no case.

MOST OF US WHO KNEW DAN KNEW HE DID NOTHING WRONG: Interviews after conviction

Two-term Democrat City Council Member G. Oliver Koppel, who also served many years in the NY Assembly, said he was very impressed by Halloran’s independence. “Dan was a strong believer of individual rights. I saw that in his voting record and in his speaking.” Koppel said it seemed out of character that Halloran would be involved in legal problems related to campaign law. “Looking at the issue to some extent in the press, in terms of what Halloran did with Smith who wanted to run on the Republican Party line, I did not see anything wrong with that.”

Koppel, who is a respected attorney in his own right, once serving as the interim New York AG, said he applied to the Working Families Party for a Wilson Pakula authorization. “If you want to run in the primary you have to get permission by the party leaders.” With five counties in one city, the rule is a three-county majority makes the final decision, he said.

While it would be inappropriate if a party leader demanded dollars directly in exchange for the party line, Koppel said there is no problem with hiring those same politicians as consultants with consulting fees. “Many New York City council members, including Mayor Bill de Blasio, worked for the US senate campaign of Hillary Clinton while they were council members – I am sure it is not illegal.”

“Dan Halloran was a hands-on council member,” said Liza A. Powell, a Bayside resident. “He was there for everything.” She described Halloran as “unbelievably kind and good.” Halloran knew her and many of his constituents by their first names, she said. “As an attorney he offered pro-bono advice – he literally helped people every day.” Halloran was not politically correct, she said. “Somebody didn’t want him to succeed – he was doing the right thing for New York.”

PERSONAL NOTE

It was over a decade ago that I introduced myself to Dan Halloran by phone. I was a volunteer board member at Bridge to Life, a crisis pregnancy center in Queens, Dan was a candidate for public office.

I cold-called him to invite him to our annual fundraiser, a \$75 per person event. After describing how Bridge to Life assists hundreds of families, particularly women and children each year, Dan agreed to purchase a table of seven at a small discount. We have been colleagues and friends ever since.

By Raquel Okyay - Raquel's seasoned journalism talents have taken down corrupt government and law enforcement all over the nation. She currently hosts a show on <http://www.TLBTV.com> - **"In the Cross Hairs."**

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