

Grand jury goes back to work on voter fraud case

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By Dave Canfield

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TROY — After a lengthy hiatus through the holidays, testimony resumed Thursday before an extended grand jury hearing evidence of alleged voter fraud against two Democratic officials.

It is unclear when the 23-member panel will vote on whether to file criminal charges against Councilman Michael LoPorto or county Democratic Election Commissioner Edward McDonough, both of whom are accused of major roles in a scandal that saw dozens of absentee ballots fraudulently cast in the Sept. 15, 2009 Working Families Party primary election.

The grand jury was to expire at the end of December, but special prosecutor Trey Smith was successful in obtaining an extension through the end of January, court officials said. Michael Feit, who represents LoPorto, said last week that he opposed that extension.

Among other issues with the grand jury process, Feit had expressed concerns that Supreme Court Judge Patrick McGrath had empanelled the grand jury. The judge's brother, Councilman Kevin McGrath, testified on Dec. 8 before the panel and is one of nine Democrats, including LoPorto and McDonough, who have given DNA samples to State Police in connection with the investigation.

As soon as Feit expressed his concerns, the judge recused himself from involvement, Feit said. He said he had no reason to believe McGrath knew the grand jury would hear the voter fraud case at the time it was empanelled.

Both Feit and Brian Premo, who represents McDonough, said last week there were no discussions of any plea deals.

To date, the grand jury has heard from about 30 witnesses behind closed doors.

No judge has yet been assigned to hear a criminal case stemming from the proceedings, the court clerk's office said.

The other Democrats who gave DNA samples were Council President Clement Campana, Councilmen Gary Galuski and John Brown, City Clerk William McInerney, committeeman Anthony DeFiglio and Brown's brother, Daniel.
