

Ex-Speaker in New York Loses Bid for Freedom

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Sheldon Silver, the once-dominant New York State Assembly speaker who for nearly five years fended off prison after being convicted twice on corruption charges, lost a final bid for freedom on Monday when he was sentenced to 78 months in prison.

His lawyers had asked that Mr. Silver be allowed to serve a term of home confinement, arguing that sending him to prison would increase his chances of becoming ill or even dying from the coronavirus. They cited Mr. Silver's history of cancer and chronic kidney disease.

"Your honor, I do not want to die in prison," Mr. Silver, 76, wrote to the judge before the sentencing.

But the judge, Valerie E. Caproni of Federal District Court in Manhattan, said that Mr. Silver had acted out of a sense of greed, and that he was guilty of "corruption, pure and simple." She added that issuing a sentence that did not include prison time was not appropriate.

"Mr. Silver, his time has come," the judge said, brushing away a final effort to delay Mr. Silver's surrender date to prison. "He needs to go to jail."

She also fined Mr. Silver \$1 million.

Mr. Silver's lawyers had noted that other notable white-collar criminals who had raised concerns about the spread of the virus had been released from prison to lesser forms of confinement in recent months, including Dean G. Skelos, the former Republican State Senate majority leader, and

Luis Ferré-Sadurní contributed reporting.

Paul Manafort, the president's former campaign chairman.

The hearing represented the third time Judge Caproni had sentenced Mr. Silver, who twice had convictions overturned in whole or part, invalidating earlier sentences she had imposed.

Mr. Silver, a Democrat from the Lower East Side of Manhattan, served more than two decades as speaker, wielding extraordinary influence in state politics and developing a reputation for rebuffing threats and challenges, whether from political rivals or prosecutors.

Even in recent years, while his convictions were under appeal, occasional sightings of Mr. Silver around his Lower Manhattan neighborhood seemed to symbolize, in the view of his critics, a kind of imperviousness to accountability.

He was first convicted in 2015 of accepting nearly \$4 million in illicit payments in exchange for taking official actions in separate schemes on behalf of Dr. Robert N. Taub, a cancer researcher at Columbia University, and two real estate developers. He was sentenced to 12 years but was allowed to remain free on bond, and in 2017, the conviction was overturned on appeal.

Mr. Silver was retried and convicted the following year, this time receiving a seven-year sentence. Last January, the appeals court again overturned his conviction in the scheme related to Dr. Taub.

But the appeals court upheld his conviction on charges stemming from the real estate scheme and a separate money laundering count, the convictions for which he was sentenced on Monday.

Mr. Silver cut a diminished fig-



JOHN MINCHILLO/ASSOCIATED PRESS

Sheldon Silver, 76, had fended off prison for years after being found guilty of corruption.

ure in court, staggering in a few minutes before his sentencing wearing a dark, loosely fitted suit, a blue surgical mask and a pair of clear, disposable vinyl gloves.

Writing to the judge in advance of his sentencing, Mr. Silver's lawyers cited the pandemic and said their client's "multiple health conditions" would "significantly predispose him to the worst outcomes if infected with Covid-19, including death." They asked that he be allowed to serve a substantial term of home confinement, along with a rigorous community service requirement and fines and forfeitures.

"The risk here is very real," Mr. Silver's lawyer, James P. Loonam, said at the hearing on Monday.

Mr. Silver, addressing the judge, said that his actions were "improper, selfish and ethically indefensible," and emanated from a

misplaced sense of entitlement.

"I want to be clear: What I did was wrong," he said to the judge.

He said his actions had undermined the public trust. "I know that a lot of people have lost faith in their government," Mr. Silver said, adding: "And I know that my actions contributed to that loss of faith."

Audrey Strauss, the acting United States attorney in Manhattan, said Mr. Silver "will now finally report to prison to begin serving a sentence that can begin to repair the harm his conduct caused."

Federal prosecutors had told the judge that a sentence of more than 10 years would be appropriate but asked that she at least reimpose the seven-year sentence Mr. Silver received after his second trial.

"He abused his office," a pro-

secutor, Daniel C. Richenthal, said on Monday. "He did it for profit, he did it for at least 15 years, he did it in multiple ways and he lied about it for years."

For decades, Mr. Silver was a powerful and sphinx-like figure in Albany, where his tenure as Assembly speaker was marked by his steely command of both policy issues and his Democratic colleagues, who hold an overwhelming numeric advantage over Republicans in the Legislature's lower chamber.

Along with Gov. Andrew M. Cuomo and Mr. Skelos, Mr. Silver became known as one of the "three men in a room" who controlled decision-making in Albany, until both Mr. Silver and Mr. Skelos were arrested in 2015 in separate corruption cases.

Mr. Silver's arrest led to his ouster as speaker and to a new

chapter in the Assembly: His successor was Assemblyman Carl E. Heastie, the Bronx Democrat who became the first African-American to serve as speaker.

Mr. Silver's first trial ran almost concurrent to the trial of Mr. Skelos, who was in the same court before a different judge. The trials received widespread news coverage and shed a spotlight on Albany's culture of influence peddling and secrecy. Their initial convictions in late 2015 led both Mr. Silver and Mr. Skelos to forfeit their legislative seats.

Mr. Silver must surrender to the federal authorities on Aug. 26; his lawyer asked that he serve his sentence at the minimum-security camp at the Federal Correctional Institution in Otisville, N.Y., which is known for housing prisoners who, like Mr. Silver, are Orthodox Jews.

In expressing contrition, Mr. Silver said he believed he had done good deeds while serving as a lawmaker for more than three decades.

"I thought I was pretty good at it, and I think we helped a lot of people," he said. "But I destroyed that legacy."

During the sentencing, Judge Caproni said she recognized the risk of Covid-19 in prison — "I do not want Mr. Silver to die in prison, either," she said — but she noted a variety of safeguards that could be taken to protect him.

"I cannot guarantee that Mr. Silver will not contract Covid in prison," the judge said. "But I also can't guarantee that he won't contract Covid if he stays out of prison."

Following his sentencing, a frail-looking Mr. Silver emerged from the courthouse accompanied by his lawyers.

Mr. Silver wore a brimmed straw hat under a scorching sun as he wobbled slowly toward a black S.U.V. that whisked him away. He did not answer questions from reporters.

