

# Kelly sentenced in low-show job case

BY JOHN RILEY  
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Peter Galbraith Kelly, the power executive accused of hiring Gov. Andrew M. Cuomo's former top aide Joe Percoco's wife for a "low show" job as a bribe to Percoco, was sentenced to 14 months in prison in Manhattan federal court on Tuesday.

U.S. District Judge Valerie Caproni, who said last month she wanted to send a message "heard in Albany" with a 6-year sentence for Percoco, told Kelly, 55, he was "less culpable" but needed to go to jail to send a message to corporate suites and the businesspersons who pay bribes to get an edge.

"I hope this sentence will be heard in government affairs offices," she said. "You have to play by the rules, even if your lobbyist or government counterpart is urging you to cheat. You have to say no."

Kelly, nicknamed "Braith," of Canterbury, Connecticut, pleaded guilty to lying to his company, Competitive Power Ventures, about \$285,000 he paid to Lisa Percoco for part-time work developing and teaching in an energy-education program for elementary school students.

The plea came after a trial in which the jury that convicted Percoco in two bribe schemes deadlocked on bribery charges against Kelly. Caproni said that despite the hung jury, it was clear Kelly

had paid Percoco's wife to get his support on a proposed Orange County power plant.

"The greatest opprobrium goes to government officials who sell out the public trust," the judge told Kelly. "But public officials cannot sell out that trust unless there are people who are willing to buy."

Kelly, a lawyer, was introduced to Percoco by lobbyist Todd Howe, who helped set up the job for Lisa Percoco and then became a government informant when several clients' connections with Cuomo's deputy executive secretary came under scrutiny.

Evidence at trial showed that Lisa Percoco did little — Caproni calculated she got \$285,000 for work that was worth \$38,000 — and that Kelly funneled the payments through a third party and falsely told his bosses that a New York State ethics opinion had cleared the arrangement.

Kelly was subdued in his comments to Caproni — apologizing separately to his sons, his parents, his wife, his friends and his co-workers. "I'm sorry that I failed you," he said to each in a husky voice. He also apologized for damaging citizens' faith in public officials.

"I realize I have hurt the way people feel about their government," he said. "I know my actions contributed to that distrust, and that is devastating to me."

Kelly was also ordered to pay restitution of \$247,000.

# GATEWAY TO LEGALIZING POT

## We need 'marijuana Marshall Plan' Albany's DA tells Assembly hearing

BY MATTHEW CHAYES  
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Make pot legal for adults, the capital city's top prosecutor urged the Assembly on Tuesday — but be careful.

In arguing for legalization, Albany District Attorney David Soares and other proponents at an all-day hearing in Manhattan cited the disproportionate arrest rate of blacks and Hispanics for marijuana despite comparable use among whites; the benefits of reallocating police and prosecutorial resources to more pressing priorities and expunging criminal records of those convicted of behavior that could soon be legal; and the opportunities for a legalized, regulated and taxed marijuana market.

"The war on drugs was a failure," Soares, one of two dozen witnesses, testified. "As with any war, the end of a drug war presents opportunities — to treat the addicted, to rebuild our communities and to restore confidence in our system of justice."

But the state should heed lessons from other jurisdictions that have legalized marijuana, Soares told members of four Assembly committees sitting jointly in Manhattan.

In Colorado, which in 2012 became one of the first states to legalize marijuana, Chinese and Cuban gangs have infiltrated the state, exporting the drug to neighboring states where it is still illegal and arbitraging the black-market premium, Soares said.

The hearing into how marijuana could be legalized, regulated and taxed came three months after the state Health

Department recommended recreational legalization and Gov. Andrew M. Cuomo commissioned a panel to write a legalization bill, which is expected to be considered in the upcoming legislative session.

Cuomo, who in 2002 admitted he "tried marijuana in my youth," called marijuana "a gateway drug" as recently as February 2017. But the political landscape on legalization has shifted rapidly in the past few years, with more jurisdictions in the country, including New York City, essentially decriminalizing more types of marijuana possession. But despite policy changes by some police agencies and prosecutors, marijuana is still illegal statewide.

In addition to Colorado, marijuana has been legalized in the District of Columbia and eight states, including California, Alaska and Washington. On Wednesday, Canada becomes the first industrialized country to legalize the drug nationwide.

But before New York State considers legalization, the executive and legislative branches are holding parallel hearings around the state. The state Health Department, overseen by the governor, is holding listening sessions for the public on recreational marijuana, including an event in Ronkonkoma that was scheduled for Tuesday.

Soares, at Tuesday's Assembly hearing, estimated that New York State is between a year and two years from legalization. He said the state also needs to figure out the best way to discourage, combat and detect driving while high.

Soares suggested a "marijuana Marshall Plan" to make sure impoverished neighborhoods don't suffer from a black-market vacuum left by legalized marijuana, incentivizing a shift to selling harder drugs.

Dr. David L. Nathan, founder and president of the pro-legalization group Doctors for Cannabis Regulation, said marijuana might be used as an "exit drug" in place of addictive opioids. He said this possibility needs to be studied more.

Nathan, a psychiatrist, said young people counterintuitively are less likely to use marijuana when society is honest, rather than hyperbolic: Young people mistrust the anti-marijuana message upon realizing for themselves that marijuana is less menacing for adults than they've been taught.

"When we give our kids realistic education," said Nathan, who opposes marijuana use by minors, "we can much more expect them to listen to us if we say 'this is really a bad idea.'"

Dylan Hewitt, director of intergovernmental relations for City Comptroller Scott Stringer, directed members of the Assembly to a May report from Stringer's office that found marijuana legalization could generate as much as \$436 million in new tax revenue for the state and \$336 million in the city.

Yasmin Hurston Cornelius, president of the New York Minority Alliance, said she hopes if New York State legalizes marijuana, some business would be steered to "folks of color ... from these communities" where marijuana prohibition has hit hardest.



The corner at 42nd Street and Third Avenue is being permanently renamed Jimmy Breslin Way; the sign will be unveiled Wednesday.

**MORE INSIDE** **O Cannabis: Eh, it's legal A33**

# Canada legalizes marijuana

The Associated Press

TORONTO — Tom Clarke has been dealing marijuana illegally in Canada for 30 years. He wrote in his high school yearbook that his dream was to open a cafe in Amsterdam, the Dutch city where people have legally smoked weed in coffee shops since the 1970s.

Turns out, Clarke didn't have to go nearly so far to open his own retail cannabis outlet.

On Wednesday, Canada becomes the second and largest country with a legal national marijuana marketplace. Uruguay was first. Clarke, 43, will be among the first to legally sell recreational marijuana when his shop opens at midnight in Newfoundland, Canada's easternmost province.

"I am living my dream. Teenage Tom Clarke is loving what I am doing with my life right now," he said.

At least 111 legal pot shops are planning to open across the nation of 37 million people on the first day, according to an Associated Press survey of the provinces. That is a small slice of what ultimately will be a much larger marketplace.

No stores will open in Ontario. The most populous province is working on its regulations and doesn't expect stores until next spring.



An employee moves a tray with cannabis plants at the Up's cannabis factory in Lincoln, Ontario.

Canadians everywhere will be able to order marijuana products through websites run by provinces or private retailers and have it delivered to their homes by mail.

Canada has had legal medical marijuana since 2001.

The federal government, led by Prime Minister Justin Trudeau, spent about two years planning for legalization, fueled by a desire to bring dealers like Clarke out of the black market and into a regulated system.

Canada's national approach

has allowed for unfettered industry banking, inter-province shipments of cannabis and billions of dollars in investment — a sharp contrast with national prohibition in the United States.

A patchwork of regulations has spread in Canada as each province takes its own approach within the framework set out by the federal government. Some are operating government-run stores, some are allowing private retailers, some both.

Alberta and Quebec have

set the minimum age for purchase at 18, while others have made it 19.

Brittany Guerra, 30, shut down her illegal dispensary in Hamilton, Ontario, last month so she could open a legal store next year. She has been a pot activist for more than a decade and never thought this day would come.

"Everybody would say, 'It's never going to be legal, you are dreaming,' but obviously it worked," she said. "We do feel vindicated."

# U.S. STRIKE IN SOMALIA KILLS 60 MILITANTS

The Associated Press

NAIROBI, Kenya — The U.S. military on Tuesday announced its deadliest airstrike against the al-Shabab extremist group in Somalia in nearly a year, killing about 60 fighters.

The U.S. Africa Command said Friday's airstrike occurred near the al-Shabab-controlled community of Harardere in Mudug province in the central part of the country. According to its assessment, no civilians were injured or killed, the statement said.

It was the largest U.S. airstrike since one on Nov. 21, 2017, killed about 100 al-Shabab fighters. The statement gave no further details about what was targeted, and a U.S. Africa Command spokesman said it was not a camp.

The U.S. military has carried out more than two dozen airstrikes, including drone strikes, this year against the al-Qaida-linked al-Shabab, the deadliest Islamic extremist group in sub-Saharan Africa.

Somalia on Sunday marked the first anniversary of al-Shabab's deadliest attack, a truck bombing in Mogadishu that killed well over 500 people. It was one of the world's deadliest attacks since 9/11 and the worst extremist attack ever in Africa.

The U.S. Africa Command spokesman said the airstrike had no link to the anniversary.

The United States, which also has targeted a small number of fighters linked to the Islamic State group in northern Somalia, has increased its military presence in the long-chaotic Horn of Africa nation since early 2017 to about 500 personnel after President Donald Trump approved expanded military operations.

Al-Shabab, which seeks to establish an Islamic state in Somalia, continues to hold parts of the country's south and central regions after being chased out of Mogadishu several years ago. The group, estimated at several thousands of fighters, still carries out deadly attacks against high-profile targets such as hotels and checkpoints in the capital and other cities. It also remains a threat in parts of neighboring Kenya.

# Trump warns Honduras of aid cut

The Associated Press

ESQUIPULAS, Guatemala — U.S. President Donald Trump threatened Tuesday to cut aid to Honduras if it doesn't stop a caravan of some 2,000 migrants, even as they resumed their northward trek through Guatemala with hopes of reaching the U.S. border.

Dozens attended Mass at the basilica in the city of Esquipulas, just across the border from Honduras and about 90 miles east of Guatemala City, before continuing the journey escorted by Guatemalan police.

The group's numbers have snowballed since about 160 migrants departed Friday from San Pedro Sula, Honduras, with many people joining spontaneously carrying just a few belongings.



Hondurans march in Guatemala in a caravan of about 1,600 migrants moving toward the United States.

Three weeks before midterm elections in the United States, the caravan elicited a tough response from Trump.

"The United States has strongly informed the President of Honduras that if the large Caravan of people heading to the U.S. is not stopped and brought back to Honduras, no more money or aid will be

given to Honduras, effective immediately," Trump tweeted.

However, the Central American nation's ability to do anything appeared limited as the migrants had already crossed into Guatemala on Monday.

Trump did not follow through on a similar threat to the Central American nation in April over an earlier caravan,

which eventually petered out.

There was no immediate public response from the Honduran government.

Guatemala detained a Honduran ex-lawmaker, Bartolo Fuentes, who was traveling with the caravan, along with two other men, according to a migration official. Some Honduran organizations had identified Fuentes as a coordinator or spokesman for the caravan, though the migrants said he was merely accompanying them and helping.

On Tuesday, Vice President Mike Pence tweeted that he had spoken with Hernandez, the Honduran president.

"Delivered strong message from @POTUS: no more aid if caravan is not stopped. Told him U.S. will not tolerate this blatant disregard for our border & sovereignty."