

## Prosecutors must prove illegal acts

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Federal prosecutors preparing their case against state Sen. Wayne Bryant have the burden of proving that his alleged actions went from unethical to illegal.

Bryant, 59, of Lawnside, was indicted last week in a federal corruption probe which alleges the once-powerful South Jersey Democrat took advantage of the system in a scheme to pad his pension.

Having an alleged "no-show" job at the University of Medicine and Dentistry of New Jersey is not in itself a criminal act, explained federal criminal defense attorney **Rocco Cipparone**, who said he has reviewed the indictment against Bryant.

There is, however, a statute in the federal law which "gives the public a right to honest services of its public officials," **Cipparone** said.

Bryant was hired at the osteopathic school in 2003 to serve as a "program support coordinator," a \$37,000-per-year job which did not exist prior to his hiring in 2003.

Federal officials allege that Bryant used his influence as chairman of the Senate Budget and Appropriations Committee to steer close to \$12 million in taxpayer dollars into the Stratford institution.

"You're talking of allegedly paying an official in a different form," said **Cipparone**, who has represented several high-profile public officials in corruption cases, and is a former federal prosecutor. "This was allegedly an on-the-books way of giving a money-in-an-envelope bribe."

A federal grand jury indicted Bryant, along with former UMDNJ dean R. Michael Gallagher, on corruption charges Thursday.

The process is scheduled to start this morning with initial court appearances by Bryant and Gallagher.

Bail will be set and Bryant may be forced to turn over his passport, according to Woodbury attorney John Eastlack.

"I'm sure some bail has been agreed upon by the U.S. Attorney's Office and Mr. Bryant's attorney," said Eastlack, a criminal defense attorney who has handled state and federal court matters. "I'm not going to venture a guess on what the bail might be, probably something that will assure the purpose of bail to assure somebody's appearance at a next court date, not to serve as a punishment."

There may also be restrictions on where Bryant can travel in the country while he awaits trial.

Bryant had not yet turned himself over to authorities because he was out of the country, vacationing in Mexico when the federal indictment came down last week.

The state senator and his lawyer have not commented previously on the case.

Generally speaking, federal cases are required to go to trial within 70 days of the indictment, but that is not likely in this case, Eastlack said.

Between six months and a year is more realistic.

What evidence Bryant and his attorney will be allowed to review prior to the trial is limited in federal matters, according to Eastlack.

"It's not like the state where the prosecutor's files are essentially an open book," Eastlack said.

Only information which could exonerate the defendant must be released.

Eastlack said he could not comment specifically on the allegations against Bryant because he currently represents the Gloucester County Board of Social Services, where Bryant was hired as an attorney and collected close to \$200,000 in salary and pension credits despite logging only 14.8 hours during a four-year period of time.

According to **Cipparone**, it appears the U.S. Attorney's Office has what it believes is both direct and circumstantial evidence against Bryant and Gallagher.

Neither guarantees a conviction. Ultimately, a jury must decide guilt or innocence.

**"They'd have to prove the mutual exchange was job for influence," Cipparone said. "If it turns out the job was legitimate, there's no problem. If it turns out that it's provable that it's a no-work job, then it's a problem."**

The most serious charges against Bryant carry a maximum 20-year prison sentence if convicted.

"Certainly, you're talking about a substantial potential jail time if the allegations are proved," **Cipparone said.** "It certainly could be in excess of 10 years."

What's next:

Bryant and Gallagher are scheduled to appear in federal court in Trenton this morning at 10 a.m. before U.S. Magistrate Judge John J. Hughes for an initial appearance. They will be arraigned next week and a trial date could be set.

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