

## **Lawyer Says Man's Link To Legislator Led to Arrest**

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### **Body**

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A lawyer for an Israeli immigrant who raised thousands of dollars that helped elect Michael G. Grimm to Congress in 2010 said Friday that the authorities arrested his client last month on a charge of immigration fraud because of his ties to the lawmaker.

"This case is politically motivated," the lawyer, John Meringolo, said at a midday bail hearing in federal court in Brooklyn for his client, Ofer Biton.

"He did not profit one nickel, your honor," from this alleged crime, the lawyer told United States Magistrate Judge Cheryl L. Pollak. While the authorities have charged Mr. Biton with misrepresenting \$400,000 on a visa application, Mr. Meringolo argued that "no one in the public" had money taken from them and "there's never been allegations of a violent crime."

Outside court, after Mr. Biton was denied bail, Mr. Meringolo explained why he thinks prosecutors are focusing on his client, "They say he has ties to Michael Grimm," he said. "I haven't seen any evidence whatsoever of wrongdoing of Michael Grimm."

Robert Nardoza, a spokesman for the United States attorney's office for the Eastern District of New York, which is prosecuting the case, had a different analysis in responding to the lawyer's allegation. "The case," he said, "is motivated by the evidence."

In fact, Anthony Capozzolo, a federal prosecutor at the public corruption unit of the United States attorney's office, said in court that this was "not a simple visa fraud."

"The government does expect to charge him with extortion and money laundering," he said.

Rocking gently back and forth, as his wife, the eldest of his six children and a dozen supporters watched from the back of the courtroom, Mr. Biton, said little during the half-hour proceeding. He has been in federal custody since Aug. 16 on the basis of a criminal complaint issued under seal on Aug 13.

Though the bail application described him mostly as the owner of Mediterranean-style food restaurants in New York, Mr. Biton, 39, got his big break as the aide and gatekeeper to Rabbi Yoshiyahu Pinto, a Sephardic rabbi from Ashdod, Israel, looking to build up his following in Manhattan over the last decade.

Relying mostly on connections he had gained by working for the rabbi, Mr. Biton, by many accounts, then went on to help Representative Grimm, a Staten Island Republican, raise hundreds of thousands of dollars in campaign gifts from followers of the rabbi.

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Some of those donors have **said** in interviews that they were advised by the candidate or Mr. Biton that there were ways for the campaign to accept large gifts that were over the legal limits, included more cash than allowed, or were given by people who were ineligible.

Mr. Grimm's office did not respond to a request for comment.

Prosecutors have yet to bring a formal indictment that would lay out the charges against Mr. Biton more fully, and ordinarily, they would have until this coming week to do so.

Without naming possible accomplices or co-conspirators, Mr. Capozzolo told the court that the initial charges against Mr. Biton stemmed from roughly \$400,000 that Mr. Biton mischaracterized on a June 2010 visa application as a loan from a family friend.

In fact, he **said**, the true source of the money was hidden through a convoluted series of transfers executed with the help of someone the prosecutor called "Individual A."

He **said** maneuvers of this type violated "anti-money-laundering provisions" and "stop immigration from questioning the people whose money it really was."

While Judge Pollak declined to grant Mr. Meringolo's bail application, she **said** he could again if he could put more guarantees on the table that Mr. Biton would not try to leave the country.

Citing his illegal immigration status -- "Mr. Biton's status is that he has no status," is how Mr. Capozzolo put it -- and the government's assertions that he has strong family ties back in Israel, the judge told Mr. Meringolo, "I'd need a secure package that you have not offered."

<http://www.nytimes.com/2012/09/08/nyregion/lawyer-says-mans-link-to-rep-grimm-led-to-arrest.html>

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