

SMITHTOWN: BLACKMAIL VIDEO TO AIR JURORS BEING PICKED FOR HIGHWAY EMPLOYEE ACCUSED OF TRYING TO COERCE DEPARTMENT CHIEF INTO PROMOTION

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A video showing the Smithtown highway superintendent's son plowing his mother's driveway with a town truck will be the main attraction in a trial of a co-worker accused of trying to blackmail the superintendent into giving him a promotion.

Jury selection began in Suffolk County Court in Riverhead yesterday in the trial of David Clark, 41, of Kings Park, who has been charged with first-degree attempted coercion.

Clark was arrested on Oct. 23 for allegedly trying to coerce Smithtown Highway Superintendent Daniel Ryan Sr. into giving him a promotion in exchange for a video of what appears to be Daniel Ryan Jr., also a highway employee, using a town snowplow on his mother's driveway during a snowstorm, prosecutors said.

Clark denies the charges, and has pleaded not guilty.

"We hope justice will prevail," said his attorney, Michael Brown, of Central Islip.

The prosecution alleges Clark first tried to give the snowplow DVD to Ryan Sr., who refused to take it. Clark then gave the DVD to Ryan Jr. In February 2007, Ryan Sr. met with Clark and taped the meeting in which the alleged coercion took place. Clark was not aware he was being taped.

On the tape of the meeting, prosecutor Kevin Ward said, Clark is heard telling Ryan, "The ball's in your court."

Ward said Clark signed a written confession, and that the highway worker's attempt to first give the DVD to Ryan Sr. "shows persistence."

Brown said Ryan refused to allow a union representative into the meeting, and that the video of the meeting is "chopped up in about five or six places" with segments missing.

Both sides agree there has been bad blood between Clark and Ryan Sr. for years.

Clark had already filed a grievance against the superintendent for improperly denying him a promotion after he got the top score on the civil service examination.

After the February meeting, Clark won the arbitration and Ryan was ordered to put Clark in the higher

position of highway construction foreman, Brown said, a raise of about \$8,000 a year from his former job of highway labor crew leader that paid about \$70,000.

The attorney said Clark gave the snowplow DVD to Ryan Jr. only after he taunted Clark during a parking lot altercation. That followed immediately a heated staff meeting in which the defendant alleges Ryan Sr. pointed at him and threatened, "I'll get you."

Some highway employees are wearing buttons that read "Free Dave," according to Kelly Brown, Smith-town CSEA president. She said she and others plan to attend the trial in support of Clark, who was suspended without pay on May 5.

Ryan Jr. has not yet been disciplined for the alleged snowplow incident. Ryan Sr. said he has recused himself and that the matter is with the town attorney. Kelly Brown said she has not yet been contacted by the town regarding such a disciplinary matter.

The town attorney was not immediately available for comment.

Credit: BY STACEY ALTHERR. stacey.altherr@newsday.com