

## SMITHTOWN: MISTRIAL IN HIGHWAY WORKER'S BRIBERY CASE

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The trial of David Clark, a Smithtown highway worker accused of trying to coerce the highway superintendent into giving him a promotion, ended in a mistrial late yesterday afternoon when a jury couldn't reach a verdict after four days of deliberations.

Clark, 41, of Kings Park, was charged with trying to get a promotion in exchange for keeping quiet about a potentially embarrassing DVD of the superintendent's son plowing his mother's driveway with town equipment.

"God bless the working man," was all Clark said as he left the building.

Suffolk prosecutors did not say yesterday whether they will retry the case. Clark is due back in court July 29.

Defense attorney Michael Brown said jurors told him they were split 6-6 when they could go no further. Brown and prosecutor Kevin Ward interviewed the jury after Acting Suffolk County Court Judge Martin Efman declared the mistrial.

At the heart of the case was a DVD, supposedly taped by a family member of Clark, showing Dan Ryan Jr., also a town employee, plowing snow off his mother's driveway with a town truck.

The video was taped before the elder Ryan became the highway superintendent in 2006.

The younger Ryan, who admitted being the one on the DVD, has not yet been disciplined.

"Mr. Ryan's credibility was seriously questioned by all the members of the jury," Brown said of the highway superintendent.

Ward declined to comment yesterday.

The mistrial came after deliberations in which two jurors had to drop out for personal reasons and were replaced by alternates. Jurors finally sent Efman a note saying, "We have become polarized."

In closing arguments, Ward said it was clear that in a meeting taped by the elder Ryan in his office without Clark's knowledge, that Clark was offering to keep quiet about what was on the DVD in exchange for a promotion.

Brown, however, said Clark gave the DVD to the younger Ryan after an argument in which the highway

superintendent's son taunted Clark that he was going to lose his job.

At no point in the taped meeting did Clark ask for a promotion in exchange for the DVD, Brown said.

Over the course of the four days, the jury twice asked to listen to the meeting tape and also asked whether the elder Ryan had the right to eliminate a candidate for a civil service position. Efman said Ryan did not.

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