

# Court of Appeals to Hear LI Officer Conviction Case

*Andrew Keshner, New York Law Journal*

November 18, 2015 | [0 Comments](#)

New York's top court will hear the case of a former high-ranking Nassau County police officer who was convicted of shielding a high school student from arrest for stealing electronic equipment from a high school. Court of Appeals [Judge Leslie Stein](#) granted William Flanagan's petition for leave to appeal on Thursday after hearing from the defense and prosecution at a leave conference two days earlier.

Flanagan was a 29-year member of the Nassau County Police Department and the second deputy commissioner for special projects before a 2013 conviction for sixth-degree conspiracy and two counts of official misconduct, all misdemeanors. Flanagan was acquitted of a felony charge.

Though Flanagan maintains his innocence, he was convicted for working with two other officers to block the arrest of a teenage boy whose father donated to law enforcement causes. The other two officers ultimately entered guilty pleas in the matter.

The Appellate Division, Second Department, upheld Flanagan's conviction last month ([NYLJ, Oct. 8](#)).

In filings asking for the high court's review, Flanagan's attorney, Donna Aldea, a partner at Barket Marion Epstein & Kearon in Garden City, said even assuming Flanagan facilitated the return of the property to the school district, the conduct wasn't a crime.

She said the official misconduct statute "is plagued by ambiguity, raising questions that have divided courts and commentators alike, and which are squarely presented and fully preserved in this case."

Yet Shams Tarek, a Nassau County District Attorney spokesman, said in a statement that Flanagan "was prosecuted because he illegally abused his office, and the Appellate Division upheld his conviction based on 'overwhelming evidence' of his guilt."

Nassau County Assistant District Attorney Yael Levy appeared for the prosecution.