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## Decision to let government mole Nelson Castro run for re-election questioned by lawmakers

Several government officials question if voters in Castro's Bronx district were best served by not knowing their assemblyman had been indicted on felony perjury charges in a voter fraud case when he appeared on the ballot in 2010 and 2012.

BY [KENNETH LOVETT](#) / NEW YORK DAILY NEWS

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MARCUS SANTOS / FOR THE NEW YORK DAILY NEWS

Nelson Castro will resign his position as Bronx assemblyman on Monday. Castro worked as a key witness in the sting operation that brought down fellow assemblyman, Eric Stevenson.

ALBANY — The decision by federal and Bronx prosecutors to allow government mole Nelson Castro to twice run for re-election to the Assembly while secretly under indictment has raised some eyebrows.

Several lawmakers and state government officials questioned whether the voters in Castro's Bronx district were best served by not knowing their assemblyman was indicted in 2009 on felony perjury charges in a voter fraud case when he ran again in 2010 and last year.

The indictment remained sealed for years. By law, had the Democrat Castro been found guilty of a felony, he would automatically have been booted from the Legislature.

"It raises questions," one legislative official said. "He's useless to (prosecutors) if he's not elected. Did they help him? And if I'm a voter in his district, this guy's a criminal. Shouldn't the public know that?"

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U.S. Attorney Preet Bharara, who along with Bronx District Attorney Robert Johnson, used Castro as a mole in Albany, acknowledged on Thursday the "difficult balancing question" each case brings of "how long you let an investigation run."

Leaving people in place can help prosecutors figure out the extent of corruption or financial fraud, he said.

"Sometimes, it's the case that you have to allow people to stay in place so you can get the full extent of accountability that I think the people in New York want," Bharara said.



Nelson Castro's district office in the Bronx

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"We take that very seriously and we spend a lot of time thinking and deliberating over that, and this was in our estimation the best way to go about it," he said.

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Castro, first elected in 2008, began cooperating with Johnson's office in 2009. Some time after that, he also began helping federal officials, including wearing a wire for more than year.

His cooperation helped prosecutors snare Assemblyman Eric Stevenson (D-Bronx) in a bribes-for-legislation arrest last week.

Castro, who announced he is resigning his seat as of Monday, said he is still cooperating with prosecutors on other cases.

James Tierney, a former Maine attorney general who is now a lecturer at Columbia Law School, said he doesn't believe allowing Castro to run while under sealed indictment violates any rules of prosecutorial ethics.

Ultimately, the choice for prosecutors came down to barring someone who perjured himself from continuing in office or opting "to clean up what they considered to be far more serious – a series of criminal behaviors by multiple officials."

"This was a tough call for the Department of Justice to make and they made it," he said. "I'm not going to second-guess them. I probably would have made the same decision."

[klavett@nydailynews.com](mailto:klavett@nydailynews.com)

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