

Legal Troubles Now Spitzer's Next Big Issue

From Out of Office to In the Pen? While His Political Career May be Over, Could Governor Spitzer. Also Lose His Future as a Free Man?

Now that Governor Spitzer nears the end of his time in office, the next big question is of what legal trouble he could eventually face.

There was speculation his delay in resigning from office was part of an attempt to negotiate a deal with prosecutors, but NEWS10 has recently learned that was not the case.

However, he still will not be let off the hook by just leaving office. NEWS10's Nicol Lally has more on what could be ahead for Eliot Spitzer.

Stepping down, but by no means out of trouble, this may be the end of Eliot Spitzer's political career. What's more, his future as a free man is still questionable.

Thomas Carr, an associate with Albany-based attorney firm Tully Rinckey PLLC, commented on the Governor's actions, "It's a little surprising that he resigned without a deal being reached, however, it leaves open a number of possibilities,"

Those possibilities include charges under the Mann Act. Prosecutors could decide to use the law, created back in 1910, that made it illegal to transport persons across state lines for sexual activity.

The feds could allege Spitzer is guilty of "structuring", or intentionally and repeatedly making transactions of less than \$10,000 to avoid reports to the I.R.S.

While no charges have been filed against Spitzer, and no deal has been reached with U.S. attorney Michael Garcia, legal analyst Terry Kindlon says the drama is far from over.

"I would not be shocked at all to discover some time mid-morning on Monday, when everybody is thinking about St. Patrick and new governor Paterson is being sworn in, that Elliot Spitzer quietly goes before a magistrate or judge in New York City and enters a plea of guilty," Kindlon said to NEWS10.

If Spitzer does indeed plead guilty, or is eventually charged and convicted, he will likely serve federal prison time, joining a list of former U.S. governors who have fallen from grace.

"Being a governor or former governor is certainly not a good way to stay out of federal prison. You don't go before a judge and he says, 'Oh you're a governor, I can't lock you up', It doesn't happen," Kindlon continued.

Spitzer has hired one of New York City's most prominent legal defense firms to represent him. One interesting coincidence; the lead attorney on the case, Michele Hirshman, worked for Spitzer when he was Attorney General of New York.