

Lincy Jacob Comments on Albany, NY Radiation Terror Plot

We have learned the two local men accused of plotting to create a deadly device using radiation included Governor Cuomo on their list of targets. The Governor addressed the incident on the radio this morning, and had a humorous take on the threat. We have also learned alleged mastermind Glendon Crawford is one of the more than 1,200 plaintiffs in the class-action lawsuit against the state's SAFE Act. The man spearheading it tells us that he will not petition for Crawford's removal from the brief, but he did say that if these charges are true, both Crawford and Feight should be tried as criminals. With a legal brief 67 pages long, one may think that the prosecution has done their homework, but that may not be the case. While it will likely be an uphill battle for defense attorneys, the science of the so-called "death ray" may be the center of the case. If the defendants were hopeful it would work, they may have a better case if it did not. When asked if it would have had to work for the government to have a case, defense attorney Terence Kindlon said, "I think so unless we've all lost our marbles completely." Science scholars debate whether or not a radiation weapon to kill would work if Glendon Scott Crawford and Eric Feight built it. Kindlon believes that discussion will make an impact in the courtroom. "This case falls apart because it lacks a technical basis," he said. "You can want with all of your heart and soul to have a machine that shoots a death ray. But if it doesn't than you don't have a death ray." Kindlon represented Yassin Aref, one of two area men convicted in connection with a plan for a missile attack in 2006. He suspects the defense might have some trouble with this terror case as he had then. "We would file a discovery demand we would be entitled under normal circumstances in an everyday criminal case in federal court to get certain information and we would not be able to get the information," Kindlon said. A trial will likely need the best minds as witnesses to prove for the government the device these two planned was feasible. "It would involve a lot of experts," said attorney Lincy Jacob with Tully Rinckey. "I'm sure the government did their homework in getting the right materials to the defendants." Undercover agents met with the two suspects. Investigators chronicled their communication. Jacob is a former Albany County Assistant District Attorney and suspects a defense will look for as many mis-steps in the investigation as they can possibly find. "They have to make sure that everything that they've done was within the realm of federal statutes and the constitution," Jacob said. "Otherwise the defense is really going to rip apart any sort of alleged due process violations." That's if there are any. Intent is nine-tenths of the law as the old saying goes. The likelihood that the death ray would function as intended could play as a strong card for the defense, or may end up not mattering much at all as long as the plan still existed. Crawford's attorney Kevin Luibrand has experience in terror cases. He represented Mohammed Hossain in the trial of the missile attack plot. He was convicted along with Kindlon's client in 2006.