

Call for balance may benefit Rice

- **Gender, home** make her attractive to Democrats
- **They'll decide** this week who's on primary ballot

BY KATHLEEN KERR

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Nassau's district attorney slid into a booth at the Carle Place Diner last week, ordered cantaloupe for breakfast and began talking about crime.

As the county's chief prosecutor, Kathleen Rice, has battled drunken drivers and drug dealers. She has spent her entire career in public service — first as an assistant prosecutor in Brooklyn, then as an assistant U.S. attorney in Philadelphia and since 2006 as the Nassau district attorney.

Now Rice, 45, of Garden City, is campaigning to become the next state attorney general. On Wednesday, Democratic leaders from across the state will vote at the party's convention in Westchester to pick candidates to appear on the primary ballot in September. Rice needs at least 25 percent of the vote to qualify.

A standout among hopefuls

If elected, Rice would be the first woman ever to hold the job. Political observers say the fact that she's the only woman among the five Democrats seeking the attorney general's nomination, and that she's from a big downstate suburb, makes her attractive to many party officials — particularly presumptive gubernatorial candidate Andrew Cuomo, who wants a "balanced ticket" of statewide candidates.

Rice said she hopes to put her

hard-driving, innovative style to work statewide the way she has in Nassau, where, she said, "I wanted to redefine what it meant to be a modern prosecutor."

After graduating from Touro Law School, Rice in 1992 became an assistant district attorney in Brooklyn under District Attorney Charles Hynes. She prosecuted domestic violence, sexual assault and armed robbery cases, eventually receiving a promotion to the homicide bureau.

"Kathleen Rice was a superb assistant district attorney who was a prolific trial lawyer," Hynes said recently.

In 1999, Rice became an assistant federal prosecutor in Philadelphia under U.S. attorney Michael Stiles, who has contributed \$1,000 to her campaign war chest.

Stiles, now vice president for ballpark operations and administration for the Philadelphia Phillies, recalled: "She was a very hard worker, bright, energetic, had an excellent way with juries, witnesses and lawyers."

Rice went after fraud and public corruption in Philadelphia and tried a high-profile case involving bribe solicitations by plumbing inspectors.

But she drew a sharp rebuke from a judge for failing to present the testimony of a police officer in the case of Alonzo Coward, convicted of weapons possession. Coward was released on appeal because of the error, which U.S. District

Career in public service

1992

Begins work as an assistant district attorney in Brooklyn and later is promoted to the homicide bureau.

1999

Hired as an assistant U.S. attorney in Philadelphia. She wins a Justice Department award for her prosecution of a bribery case involving city plumbing inspectors.

2005

Runs for Nassau County district attorney and defeats the long-time occupant of the post, Denis Dillon.

2009

Wins a second term as district attorney.

2010

Declares her candidacy for New York State attorney general.



NEWSDAY PHOTO / AUDREY C. TERNAN

Court Judge Stewart Dalzell called "a naked mistake."

Rice acknowledges the error but says, "It was one case in an 18-year career."

Drunken driving a main cause

Since taking office after defeating longtime Republican district attorney Denis Dillon in Nassau 2005, Rice has perhaps become best known as a crusader against drunken driving.

Rice overhauled Nassau's guidelines for handling misdemeanor cases of driving while intoxicated. A charge can be reduced to a violation only if a defendant has an alcohol level of less than 0.13 percent, is a first-

time offender and has no aggravating circumstances. The result — more DWI offenders are going to jail.

James Alan Fox, a Northeastern University criminologist, examined data Newsday requested from the state Division of Criminal Justice Services and said the numbers of drunken drivers who have gone to jail were up dramatically every year since Rice took office except for 2009 when there was a decline.

"Quite clearly, since 2006, there's been a substantial rise in which people who commit misdemeanor [drunken driving] crimes, end up behind bars," Fox said.

Garden City defense attorney Bruce Barket, who supported Dillon, complains about Rice's "one-size-fits-all approach" to DWI offenders and said first-time drunken drivers should not face the possibility of jail.

Still, Barket said Rice has become more flexible over time. "I think she has grown into this job in some significant ways," Barket said.

But Denna Cohen, of Long Island Mothers Against Drunk Driving, praises Rice. "She has been a staunch supporter for drunk driving laws and prosecution of drunk drivers," Cohen said.

With James T. Madore