

Bridgeport's Testa a no-show in alleged ballot irregularities case

By Daniel Tepfer

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Photo: Ned Gerard / Hearst Connecticut Media

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Bridgeport Police Officer Paul Nikola testifies at a hearing challenging the results of the recent special primary in the 133rd City Council District in Bridgeport, Conn. Nov. 27, 2017.

BRIDGEPORT - City Democratic Chairman Mario Testa was a no-show in court Monday as a police officer testified he was ordered to assist Testa and his hand-picked candidate for city council to collect absentee ballots for the special primary.

Testa's name echoed through the Main Street courtroom but there was no response as he was called to the witness stand before Superior Court Judge Barbara Bellis.

The judge appeared perplexed as the hearing's second scheduled witness, council candidate Michael DeFilippo, also failed to respond to his call to the stand.

Robert Golger, the lawyer for both Testa and DeFilippo, told the judge that while both men had voluntarily come to court for the hearing on Friday, they would not attend again without a subpoena or court order.

"Are you telling me now that you are not producing Mr. Testa without a subpoena?" the judge asked.

"I'm not going to produce him without a subpoena," Golger responded.

"Is he here?" the judge asked.

"He is in the vicinity," Golger said.

Robert Keeley, who lost a primary for the second time for the seat in the 133rd district against the Democratic Party-endorsed candidates, is again seeking to have the judge overturn the results.

He succeeded last month when Bellis ordered a new primary and continued the election for the district seat to Dec. 12. Keeley had lost that primary by a single vote which turned out to be in an absentee ballot that turned up during a recount.

During the second primary on Nov. 14, Keeley lost by 18 votes.

Keeley's lawyer, M. Leonard Caine III, later said the failure of Testa and DeFilippo to come to court Monday raises many questions. He said he is going to look at other means to get them in court.

"I want to look at other aspects of the law," he said.

The third witness on the list was very willing to testify.

Officer Paul Nikola said he was on patrol Nov. 13, when he was dispatched to the office of Police Chief Armando Perez.

“He (Perez) said Mario Testa needed someone to pick up absentee ballots,” Nikola said.

Nikola, a 30-year veteran of the police force, said he was surprised at the request since he had never collected absentee ballots before.

Besides, another officer had already been assigned to the town clerk’s office to pick up absentee ballots from voters unable to bring them in themselves.

“I met him (Testa) at his pizza parlor and he introduced me to Mike, one of his workers who was putting together a list (of the absentee ballots). I gave him my phone number and he (Testa) said he was going to call me with the list,” Nikola testified.

“I came to learn that Mike was Michael DeFilippo,” he added.

Nikola said he then drove around the city’s North End in his police car as he was texted addresses to go to get absentee ballots. He said it was his impression that a majority of the addresses he was going to were of elderly or disabled people but acknowledged under questioning by Caine that one of the ballots was of a voter born in 1997 and another in 1981. On Alice Street he was told to take the ballot from the mailbox.

Local lawyer Maximino Medina Jr., who had been appointed to monitor the primary by the judge, testified that on the morning of Nov. 14, he went to the mail room at City Hall where some absentee ballots had been delivered. He said the supervisor of the mail room, Jack McDowell, told him he had brought the bundle of 15 ballots over from the post officer — but 12 did not have post marks.

“I asked Mr. McDowell if that was unusual and he said no, but he couldn’t show me an example of it,” Medina said.

Residents of the Northbridge Health Care Center on Main Street get to vote in elections through a mandated program called supervised balloting in which employees of the city’s Registrar of Voters process their ballots at the center.

Democratic Registrar of Voters Santa Ayala testified at the hearing Monday that Northbridge residents often vote this way.

But on the day of the special primary not one vote was cast at Northbridge.

“Voters refused to cast their ballots,” Ayala testified. “They were confused.”

But Medina testified that he went to the convalescent home on the day of the special primary and no one there appeared to know the voting was taking place.

Testimony in the hearing is to continue Tuesday afternoon.