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Ex-Judge Recommends No Charges Against Paterson

By [NICHOLAS CONFESSORE](#)



Spencer Platt/Getty ImagesGov. David A. Paterson has been under investigation because of his intervention in a domestic violence case involving a former top aide.

Updated, 1:28 p.m. | The retired judge investigating Gov. [David A. Paterson](#)'s intervention in a domestic violence case involving a former top aide will not recommend any charges against the governor, according to [a report](#) released on Wednesday.

Instead, the judge, [Judith S. Kaye](#), the former chief judge of the New York State Court of Appeals, found that Mr. Paterson had made substantial errors of judgment in repeatedly contacting the victim in the case during and after the fight with his aide, but that his actions did not rise to the level of witness tampering or any related criminal offense.

Ms. Kaye was asked to take over the investigation in April by Attorney General [Andrew M. Cuomo](#), who [recused himself](#) from the case.

While Mr. Paterson does not appear to be in further legal jeopardy, the aide, [David W. Johnson](#), may face further charges, the person said. Ms. Kaye will refer evidence regarding Mr. Johnson to the Bronx district attorney's office, which is already looking into the allegations that Mr. Johnson assaulted his former companion, [Sherr-una Booker](#), on Oct. 31, 2009.

The district attorney's office was said to be waiting for the conclusion of the investigation into Mr. Paterson before moving forward.

Mr. Johnson, a former driver for Mr. Paterson who had risen to become one of the governor's most trusted aides, was suspended without pay in February [after details of Ms. Booker's allegations became public](#).

[Subsequent revelations](#) — that Mr. Paterson had contacted Ms. Booker while she was seeking an order of protection against Mr. Johnson, and that the State Police might have sought to discourage her from taking legal action against Mr. Johnson — led Mr. Paterson [to drop his bid for election](#) and prompted the resignations of five senior administration officials, including the top two officials at the State Police.

[In her report](#), Ms. Kaye found that another senior aide to Mr. Paterson, Clemmie L. Harris Jr., and Charles Day, the former commanding officer of the executive protection detail of the State Police, had also engaged in inappropriate conduct in their efforts to contact Ms. Booker.

Richard E. Mulvaney, a lawyer for Mr. Day, and Robert Hill Schwartz, a lawyer for Mr. Harris, said they would not comment until they had read the report.