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Appellate Division Unanimously Upholds Albany Landlord DSS Fraud Case



ALBANY, NY – District Attorney P. David Soares announced today that the New York Appellate Division, Third Department, unanimously upheld the trial conviction of MAHADAYE KHAN, who was found guilty after a 2013 jury trial.

In October 2013, MAHADAYE KHAN, then 52, of Albany, was found guilty after a jury trial of (1) Count of Grand Larceny in the Third Degree, a Class D Felony, (1) Count of Offering a False Instrument for Filing in the First Degree, a Class E Felony, (1) Count of Criminal Tax Fraud in the Fourth Degree, a Class E Felony, and (1) Count of Criminal Tax Fraud in the Fifth Degree, a Class A Misdemeanor before the Honorable Roger McDonough in the Supreme Court of Albany County.

Between May 2009 and November 2010, the defendant stole from the Albany County Department of Social Services by requesting, and accepting, security deposits for multiple tenants in multiple properties and not returning the deposits to the Department of Social Services as required after the tenants moved out.

In addition, between 2008 and 2009, KHAN did not file state income tax, totaling more than \$3,000.

KHAN was sentenced to 6 months incarceration to be followed by 5 years of felony probation.

KHAN appealed, alleging that she did not receive a fair trial due to several court rulings. KHAN also asserted that the trial court should not have allowed certain statements in to evidence. The Appellate Division rejected KHAN's assertions in full and denied her appeal unanimously. That decision can be found [here](#).

The case was prosecuted by Assistant District Attorney Jessica Blain-Lewis of the Financial Crimes Bureau, and the appeal was handled by Legal Affairs Bureau Chief Christopher Horn.

For more information, please contact Cecilia Walsh at (518) 275-4710.

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