

## Likely conflict of interest may sink Kerik atty.

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DAILY NEWS WRITERS

DISGRACED FORMER Police Commissioner Bernard Kerik might soon be in the market for a new lawyer.

White Plains Federal Judge Stephen Robinson questioned Kerik's attorneys during a two-hour hearing yesterday, hinting that he might side with federal prosecutors who want to prevent Kenneth Breen from representing Kerik at his conspiracy trial because of a potential conflict of interest.

Prosecutors say they may put Breen on the witness stand to help prove a central element of the conspiracy — that Kerik lied to investigators probing the source of \$165,000 in renovations to Kerik's Riverdale, Bronx, apartment.

The feds say Kerik urged Breen to lie to cover up the fact that the renovations were paid for by a contractor with suspected mob ties who was seeking work from the city.

"You've put forward nothing that doubts the government's affidavit," Robinson told attorney James Wareham, who represented Breen during the hearing.

Kerik was hit with a 16-count federal indictment Nov. 8 that includes charges of tax fraud and depriving the city of his honest services by concealing payments from a contractor with reputed mob links. He faces up to 142 years in prison if convicted.

The one-time nominee for homeland security czar declined to comment after the hearing.

Kerik pleaded guilty last year in the Bronx to charges that he lied about the source of the renovations on city financial disclosure forms.

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