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That decision left only Geoffrey Davis as the sole Democratic candidate, virtually assuring him the Council seat in the overwhelmingly Democratic district.

The brother of slain Councilman James Davis was chosen by a vacancy committee led by his mother, Thelma. The family wants to make sure Davis gets elected so he can carry on his brother's vision.

"Mrs. Davis has said, and she's asked the community to join her in this, is that the best way to keep James' legacy and plan and program alive is to unite behind Geoffrey Davis," said attorney Alan Rocoff.

Davis continues to garner support even as he faces tough questions about his criminal background. Monday, the Independence Party, which supported James Davis, decided to back him.

As the court battle continues, a number of people are still raising questions as to whether Geoffrey Davis is qualified to run.

"I believe his brother needs to be very forthright and candid about some of the things that happened in the past and what he's doing with his life now to make sure that they don't reoccur," said Eric Adams of the group 100 Blacks in Law Enforcement.

Adams is one community leader who's worried about Davis' candidacy. He's also expressed interest in running against him.

Mayor Michael Bloomberg, who hasn't said who he supports in the race, criticized the existence of vacancy committees that pick replacement candidates.

"I'm not sure that's the most democratic way to handle the process. We might be better off with something else," said Bloomberg.

Herbert, was back in court Tuesday, trying to resurrect his political future. The judge in the case is expected to make a ruling on Wednesday.

NY1 has also learned that the Working Families Party has selected Leticia James to appear on their ballot line. That would pit her against Geoffrey Davis in the November election.

- *Michael Scotto*

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