

## After his acquittal, `a whole new life' | Effects of corruption trial still haunt ex-city worker

[CO,C Edition]

The San Diego Union - Tribune - San Diego, Calif.

Author: Kelly Thornton

Date: Mar 20, 2006

Start Page: B.1

Section: LOCAL

Text Word Count: 1568

### Document Text

David Cowan tries not to look in the rearview mirror as he drives away from his former life at City Hall, but so far he has been unable to erase the images and emotions connected with his two-year journey through the criminal justice system.

Cowan, the mostly forgotten defendant in the San Diego City Hall corruption case who was the only one acquitted by the jury, left his job last month, moved away from the neighborhood where he grew up, and married a high school classmate.

"I'm on vacation till further notice," Cowan said recently. "The stress isn't worth it. I'm starting a whole new life. I'm moving on."

Despite his acquittal and his new beginning, the gregarious former civil servant who was caught up in the drama of a corruption scandal hasn't really shaken the experience. He has struggled with bitterness over his prosecution and the death of his friend, boss and co-defendant, Councilman Charles Lewis.

Cowan was indicted by a federal grand jury in August 2003, accused of making a false statement to an FBI agent in connection with the investigation of the relationship between Lewis and strip club associates.

Lewis was charged with fraud and extortion, as were Councilmen Ralph Inzunza and Michael Zucchet, strip club owner Michael Galardi, and Galardi's Las Vegas lobbyist, Lance Malone. The government said the strip club associates and councilmen traded money for efforts to repeal a ban on touching between dancers and patrons at strip clubs.

The case against Lewis was dropped after his death in August 2004; the others were convicted in July 2005. A judge later threw out Zucchet's convictions on seven counts and granted him a new trial on the remaining two, and the government is deciding whether to appeal. Inzunza and Malone were sentenced in November but are free pending appeal.

Cowan, who spent 17 years working various jobs for the city of San Diego, said he doesn't know what his next career move will be, but he knows what it won't be.

"Maybe advocacy, civil rights, something along those lines. Absolutely no public service."

David Cowan, Charles Lewis and Tony Young were the best of friends at Morse High School, class of 1984. The trio stuck together, eventually working in the District 4 City Council office to improve the southeastern San Diego neighborhoods where they grew up.

Years later, Lewis was the councilman, Young was his chief of staff and Cowan was his constituent representative.

They celebrated their 20th high school reunion at several gatherings, including a happy hour, a dinner-dance and a picnic at Mission Bay.

"Some of us probably won't make it to the next reunion," Cowan remembered hearing someone say.

It was a great party, with lots of laughing and reminiscing and no mention of the elephant in the ballroom: Lewis and Cowan were facing criminal charges, and it was all over the news.

Lewis died of liver disease the day after the picnic, on Aug. 8, 2004. He was 37. Cowan got the call from Young and rushed to the hospital, where he saw his lifeless friend lying on a gurney, still hooked up to machines.

When he thinks of Lewis, as he does everyday, Cowan prefers to recall images of his friend as he was after the picnic -- in good spirits, wearing shorts, a T-shirt and a Panama Jack straw hat, smiling. Not lying on a hospital bed, and not standing in a courtroom before a judge.

"I think the verdicts were wrong and I don't think the jury got it," Cowan said. "I think the evidence was weak and manipulated to suit the government's purposes. ... They didn't do anything wrong. Nothing burns me up more than when someone who didn't spend one day in the courtroom says (the judge) was wrong" when he threw out Zucchet's convictions.

Cowan does not believe Lewis would have been convicted.

"I think Charles' presence could've acquitted everyone. Charles was adamant he was going to testify," and that testimony would have made the difference for all, Cowan said.

Despite the government's audiotapes in which Lewis blatantly asked Galardi for money during a secretly recorded phone conversation, Cowan said: "I think if Charles was here he would say, 'I should've never done that but it was not illegal.' At best maybe he should've been fined by the Ethics Commission."

Lewis was in a tight election and money wins elections, Cowan reasoned. Labor was behind his opponent.

The government had argued that Cowan made a false statement when he said he never discussed the no-touching law with Malone, the lobbyist. Cowan was motivated to lie to protect his boss and himself, and the recorded conversations show Cowan and Malone discussed the no-touch law twice, the government said.

Cowan's lawyer, Michael Crowley, argued that Cowan never discussed the no-touch issue with Malone. It was Malone, he said, who made two references "in passing" and a discussion never followed.

It was hard to hear his own voice on the government's tapes in open court, Cowan said. Cowan's father, a retired truck driver, attended every day of the three-month trial.

"It was embarrassing. I hated hearing those tapes even though it vindicated me," Cowan said. His dad was always supportive. "He said I was just going through a storm, and I've never seen a storm that didn't pass."

The days were long during the three-month trial. Cowan sat at the defense table in court from 8 a.m. to about 1 p.m., and then returned to his office, where he worked for Young. Young was elected to fill Lewis' seat.

Cowan said he took it as a good sign that some jurors made eye contact with him in the hallway during breaks. He was known for his friendly manner, even with prosecutors and reporters.

One of the most unpleasant days was when he learned that the jury deliberating his fate asked for a replay of his audiotapes. Of hours and hours of conversations involving the councilmen and strip club associates, the jury wanted to

hear the few conversations involving him.

Why? What could they be thinking? Cowan was the least famous of the defendants. He was almost an afterthought in the sensational prosecution. He was so insignificant to the larger corruption case that he rarely made the headlines. Yet the jury homed in on him.

Cowan said that when he heard about the jury's request, he slipped away to the restroom, regurgitated his lunch and then tried to continue working at City Hall.

Jurors said they began deliberations with the Cowan matter because it was the easiest to sort out, and they quickly decided to acquit.

When he got word that the jury had reached a verdict, Cowan called his dad and Lewis' mother and widow. "Then I closed the door of my office, said a prayer, and put a tie on."

In the courtroom, he was enormously relieved for himself, but his heart sank when he heard the clerk pronounce the others guilty.

After the verdicts, the first thing he did was "run to my momma's arms," Cowan said. "She couldn't stand to see me prosecuted."

Cowan took out a loan to pay his \$137,000 in legal bills, which the city since has reimbursed because of his acquittal.

Young said his support for Cowan never wavered, even when he decided to run for Lewis' council seat and consultants told him that Cowan was baggage he didn't need.

"I had all types of people telling me, 'You can't keep David,'" Young said. "You know, I never cared. If I had lost the election because David was on my staff, I would have been fine. I believed in him, and my belief has rung true because he was totally innocent. It didn't take long for the jury to figure it out either."

Cowan said he is disillusioned by the justice system. "People think they wouldn't do this to an innocent person. Yes, they will, I'm here to tell you."

Cowan said he would never cooperate with the government again.

"I told them everything I knew, and they still prosecuted me and threatened me," he said.

The government offered him deals twice before trial, he said, including a deal that gave him no jail time. Cowan refused.

"If I lied and I knew I lied, I would have taken a deal and saved all my money."

But he put his life back together, showing gratitude to his lawyer by taking him to a Rolling Stones concert after his acquittal. But it wasn't a celebration, Cowan said.

"There's nothing to celebrate," he said. "I lost a dear friend. I never should have been there."

He quit his job and moved to Chula Vista, in part for anonymity.

"Everywhere I went, people wanted to talk about the trial and Charles and potholes. I never got a break," Cowan said.

Cowan recently married a high school classmate whose acquaintance he renewed at that 20th reunion. Cowan laughed when he thought of what his old friend Charles Lewis would say: "I had to die to get you a woman."

Credit: STAFF WRITER

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.

**Abstract** (Document Summary)

The government had argued that [David Cowan] made a false statement when he said he never discussed the no-touching law with [Lance Malone], the lobbyist. Cowan was motivated to lie to protect his boss and himself, and the recorded conversations show Cowan and Malone discussed the no-touch law twice, the government said.

[Tony Young] said his support for Cowan never wavered, even when he decided to run for Lewis' council seat and consultants told him that Cowan was baggage he didn't need.

2 PICS; 1. David Cowan 2. Longtime friends (from left) David Cowan, Tony Young, [Charles Lewis] and Mario Lewis (no relation to Charles Lewis) are seen in one of Cowan's personal photos, which was taken in 2004 at their 20th high school reunion.; Credit: 2. John Gibbins / Union-Tribune

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.