

The defense rests early; summations Wednesday | Defendants Inzunza, Zucchet are not summoned to testify [Corrected 07/03/05]

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CORRECTION: FOR THE RECORD | A story yesterday about the City Hall corruption trial misidentified Louise Torio as a character witness for Councilman Michael Zucchet and the mother of a childhood friend. In fact, Torio testified for Ralph Inzunza. Christina Boughton, who testified for Zucchet, is the mother of a childhood friend. The Union-Tribune regrets the error. (Jul. 2, 2005, A-2)

The defense team in the City Hall corruption trial rested its case earlier than expected yesterday without putting any of the defendants on the stand, triggering speculation that Councilmen Ralph Inzunza and Michael Zucchet were either confident their testimony was unnecessary, or worried about the prospect of cross-examination.

Initially, the defense case was projected to last up to two weeks. But the team presented a whirlwind case of 23 witnesses over four days -- compared with the government's 16 witnesses over 22 days.

The defense sought to portray the councilmen as victims of bogus allegations from strip club owner Michael Galardi, who said he made cash bribes in exchange for promises to repeal the law banning touching between strippers and patrons -- a story the defense said was concocted to improve his chances of a reduced prison sentence.

A number of prominent witnesses were called, including Police Chief Bill Lansdowne, Fire Chief Jeff Bowman, City Councilman Tony Young, the widow of Councilman Charles Lewis, and Assistant U.S. Attorney Eric Johnson, the original prosecutor on a parallel Las Vegas case.

The jury is scheduled to hear instructions and closing statements over three days, beginning Wednesday, and deliberations could start as early as the following Monday, said U.S. District Judge Jeffrey T. Miller.

Prosecutors called no rebuttal witnesses yesterday.

Three of the four defense attorneys in the case explained that there was no need to put their clients on the stand because hundreds of the government's secretly recorded conversations told the story for them.

"This is not a case where there's any doubt about what Ralph Inzunza said," said his lawyer, Michael Pancer. He declined to elaborate.

Likewise, Michael Crowley, attorney for council aide David Cowan, said: "Part of the thinking was they've already testified. This case is in the tapes, so what more can be said that wasn't already said in the tapes?"

Cowan, a former aide to Lewis, was charged with making a false statement to an FBI agent. Lewis was a defendant until he died in August.

Lance Malone's attorney, Dominic Gentile, said: "The tapes speak for themselves. I'm not at all worried about the jury's assessment of the credibility of the government's witnesses. This case is about tapes, tapes, tapes."

Crowley and other lawyers said that deciding whether a client should testify is agonizing, and possibly even more difficult for public officials concerned that the jury -- and voters -- will perceive them as hiding something if they don't step up.

The decision is ultimately up to the defendant, but subjecting a client to cross-examination is risky, and most lawyers are loath to put clients on the stand unless the situation is dire.

"The natural instinct of a politician is to state their case," Crowley said. "Based on my representation of prominent people in the past, client control is a concern because those people are used to making their case in the public eye."

After the defense rested at 1 p.m., the government entered its last piece of evidence: A white, letter-sized envelope containing 100 \$1 bills.

The prosecution intends to use it as a prop for its closing argument to demonstrate how easy it was for Malone and the councilmen to conceal cash-filled envelopes after handoffs at meetings.

During a break yesterday, defense attorneys took the envelope, put it in various pockets and commented on how small the stack of bills was.

Referring to the fact that the government did not put on a rebuttal case, Geoffrey C. Morrison, who represents John D'Intino, said: "Could be one of two scenarios: Either they didn't feel as if they needed to because of a belief the defense did not damage their case, or they didn't have the witnesses to rebut what the defense presented."

D'Intino, former manager at Cheetahs, pleaded guilty and awaits sentencing. Some experts had speculated that D'Intino, who was unexpectedly yanked from the prosecution's witness roster, would testify during the rebuttal phase.

In another development yesterday, the judge denied a motion for acquittal made by Malone that claimed the government didn't prove its case. The same motion by the councilmen was denied earlier in the week, and one is still pending for Cowan. Such requests are routinely made after the government rests, and they are routinely denied.

Also yesterday, Young testified that when he was Lewis' chief of staff and Cowan was a council aide, Cowan got into trouble with his boss for taking Malone to a private break room behind council chambers while a meeting was in session March 26, 2003.

"He was very upset about it," Young said of Lewis. "He just didn't believe it was appropriate for a staff member to take a consultant, especially Lance Malone, up to a committee meeting where business was being conducted."

Galardi testified that he gave Malone \$6,000 to divide among the three councilmen at the end of March 2003. In testimony Wednesday, the defense sought to discredit Galardi with testimony that the three councilmen were in the committee meeting and couldn't have accepted cash from Malone.

On cross-examination, the government tried to show that according to a videotape of the meeting, Lewis was absent for about 18 minutes and that Zucchet was off camera for about five minutes -- opportunities to accept a handoff from Malone.

In one of the government's recordings the same day as the meeting, Malone reported to FBI informant Tony Montagna that he'd met with councilmen, and that Zucchet was rushing to get back into his meeting.

In other testimony, a credit union employee testified that Malone's 2000 Ford Excursion, supposedly partly paid for by Galardi, was financed with \$35,000 in loans and paid off early when Malone sold the vehicle to his brother. The prosecution showed on cross-examination that many of Malone's monthly payments were made in cash.

During the defense's case, attorneys for the councilmen sought to portray their clients as honest, respected politicians who have worked to improve the lives of their constituents and who have voted their consciences despite political pressures.

The councilmen and Malone were doing their jobs, discussing and strategizing about legislation in a legal manner, the attorneys said.

For Inzunza, the defense called Mary Grillo, executive director of the Service Employees International Union; James Justus, a community activist and Inzunza's mechanic, and a close friend, Edward Lopez. All said Inzunza is trustworthy.

The police and fire chiefs vouched for Zucchet on Wednesday, and Louise Torio, the mother of a childhood friend, testified for him yesterday.

A series of witnesses were called by the defense to attack Galardi, who testified that he paid \$18,500 in cash bribes to the councilmen. The defense was able to show Galardi did not report an instance of cash bribery to the prosecution until about 18 months after his plea deal was reached with the government. And, Galardi conceded he was "mistaken" about the date and some details of another instance in which he said he'd given cash to the councilmen through Malone.

A key defense witness was Eric Johnson, an assistant U.S. attorney from Las Vegas who contradicted Galardi's claims that Johnson had visited a Galardi strip club and received free lap dances and drinks. He acknowledged he'd been in Las Vegas strip clubs on four occasions before 1990.

Carlette Lewis, widow of Charles Lewis, testified that she and her husband paid for their lodging in Las Vegas and that Malone never gave Charles Lewis cash, which conflicted with Galardi's testimony that he paid Lewis \$500 through Malone during the couple's 2001 trip to Las Vegas, and for the couple's hotel rooms on "two or three" occasions.

DEVELOPMENTS

The defense's case, projected to last up to two weeks, concludes after four days.

Councilmen Ralph Inzunza and Michael Zucchet did not take the stand.

Closing arguments are expected to begin Wednesday.

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