

Lawyer insists client Inzunza is not greedy | Jurors urged to rely on character witnesses

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Ralph Inzunza's lawyer began his closing argument at the City Hall corruption trial yesterday by telling jurors the government is "flat wrong" to depict the councilman as greedy and willing to sell out his constituents for a few thousand dollars from a strip club owner.

Attorney Michael Pancer urged jurors to instead rely on character witnesses who portrayed the councilman as an honest man of the people who supports issues such as affordable housing and livable wages.

"He is not driven by a desire for campaign contributions, there is just no doubt that what he is driven by is serving his constituents" and voting his conscience, Pancer said.

Inzunza is on trial with Councilman Michael Zucchet and Las Vegas lobbyist Lance Malone.

They are accused of trading money for efforts to repeal the law banning touching between strip club dancers and patrons.

Malone's boss, strip club owner Michael Galardi, has pleaded guilty and testified against the defendants. Councilman Charles Lewis was a defendant until his death in August.

Once again, jurors showed little or no reaction during the second day of closing arguments. With supporters and family members occupying many seats in the packed courtroom yesterday, the councilmen also remained unflinching.

Earlier in the morning, as the government finished its closing argument, Lewis' widow, Carlette, was still as she listened to her husband's voice on a recording, her head bowed, elbows on knees and hands clasped.

During Pancer's presentation, he used mild sarcasm in telling the jury that Inzunza "needed campaign contributions so badly he had a surplus after he ran for office."

In truth, Pancer said, Inzunza had so much campaign money that he donated leftovers to a scholarship fund at St. Augustine High School, and he held multiple fundraisers for other candidates -- including Zucchet and Lewis -- and shared his donor lists with them.

"What this adds up to was there was no motive for Ralph Inzunza to break the law," Pancer said.

He criticized the government for insinuating during cross-examination of Inzunza's character witnesses that they were

testifying because they expected to receive a benefit from Inzunza, or because they did business with the city.

Pancer told the jury that the government has a "weird view of the world" to think the worst of people, and that its strategy to discredit the witnesses "backfired" with Ed Lopez, a longtime friend of Inzunza's.

Lopez told a prosecutor on cross-examination that he'd lobbied Inzunza for city funding for a nonprofit agency, and Inzunza voted against it.

Pancer said the government presented "inaccurate" information during its closing argument and that it took snippets of conversations out of context, and he promised the jury he would refute every point.

After 25 minutes, Pancer said he was ready to break for the day a bit early. He is scheduled to resume today, and will be followed by Zucchet's lawyer, Jerry Coughlan.

Malone's attorney, Dominic Gentile, will probably make his argument on Monday, and the government gets the final word. After that, the case goes to the jury for deliberations, which likely will not begin until Tuesday.

Yesterday, the prosecution wrapped up its seven-hour closing argument by saying the councilmen and Malone took elaborate steps to "cover up" their scheme and to create "plausible deniability" should they be questioned about their actions.

Prosecutor John Rice repeated that phrase used by Malone in a recorded conversation and defined it as "insurance for criminals." He said Inzunza, Zucchet and Malone hid their actions from the media and the public, should questions be asked.

Rice said the cover stories included disguising the source of Galardi's campaign contributions to avoid political fallout; creating bogus e-mails sent to City Council members and the mayor to create imaginary public interest in adult entertainment issues; and recruiting a counterfeit concerned citizen -- Las Vegas strip club employee Tom Waddell -- to appear at a council committee meeting and ask for tightening of restrictions on adult clubs when the real plan was to sneak in the no-touching matter onto the agenda at the last minute.

2002 conversation

Rice played a recording of a May 13, 2002, conversation between Inzunza and Malone:

Inzunza: "And we'll throw in four or five things that sort of slaps you guys on the hand, and then we'll allow touching."

Malone: "That's right."

Inzunza later adds: "OK. And if anyone, for any reason if this gets out to the media, I'm gonna tell 'em I wanted to make the ordinance tougher."

Rice said Inzunza and Lewis should have been suspicious of Malone's claims that the police felt enforcing the no-touching law was a waste of resources.

Malone persuaded the two councilmen to coordinate the plan with his police contact, Russ Bristol, the undercover vice detective whom Galardi was paying for advance warning of vice inspections at Cheetahs strip club in Kearny Mesa, Rice said.

Inzunza and Lewis called Bristol at Malone's direction, Rice said, they had rehearsed the calls with Malone, and they said what Malone told them to say.

"Keep in mind how unusual this situation was for a San Diego police detective to be in bed with or working alongside an employee of the strip clubs he regulated. That should have sent up not just red flags but Fourth of July fireworks" to the councilmen, Rice said.

Inzunza and Lewis ignored the proper protocol for contacting the police department, Rice said. "If Lewis and Inzunza were acting honestly, they should have said, 'What's going on here?' But they didn't, because they knew it was illegal."

As for Zucchet, he went a different route and followed the protocol by setting up a meeting with a legitimate vice lieutenant, the prosecutor said. Zucchet was told in the meeting that police support the no-touching law -- but despite that, he took official action anyway, Rice said.

At the April 30, 2003, meeting of the council's public safety committee, Waddell, the Las Vegas strip club employee, posed as a Zucchet constituent and asked for tighter restrictions on strip clubs. Knowing it was a ruse, Zucchet asked that the matter be referred to the City Attorney's Office, Rice said.

'Black hole'

In opening statements, Zucchet's attorney said the councilman was simply sending the matter into oblivion to appease a supporter -- to a place known as the "black hole" or "death valley."

Rice countered yesterday: "You want to talk about a black hole or death valley? That would be don't say anything. He would've sat quietly, he wouldn't have said anything."

No matter that the effort never made it onto an agenda and was never put to a vote, Rice said. "Just because it may have been a lousy plan or a plan that never worked in the end doesn't mean a crime wasn't committed."

Rice tried to pre-empt claims that the defense may make in its closing arguments -- for instance, that the actions of the councilmen and Malone were merely common political practices, not crimes.

And Rice rebutted defense claims that FBI informant Tony Montagna was an instigator who sent the bogus e-mails. "Who was the driving force behind this? The defendants. Montagna was there to help out when asked, and to tape-record."

Before Pancer spoke yesterday, defense attorney Michael Crowley argued for about an hour on behalf of his client, council aide David Cowan, a peripheral figure who is charged with a single count of making a false statement to the FBI.

Crowley said his client, who was working for Lewis at the time, cooperated with the government during the investigation, telling agents and prosecutors that his boss had received complimentary tickets to a Las Vegas show from Malone, and that Cowan had escorted Malone to a break room behind council chambers so Malone and Lewis could meet.

The government had argued that Cowan was motivated to lie to protect his boss and himself, and that the recorded conversations show Cowan and Malone discussed the no-touch law twice.

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.

DEVELOPMENTS

o The government wraps up its closing argument after seven hours. o Michael Crowley, representing council aide David Cowan, is the first defense attorney to argue. Cowan is accused of making a false statement to the FBI. o Michael Pancer, attorney for Ralph Inzunza, follows Crowley and will continue today. Closing arguments fall behind schedule,

meaning the jury probably won't begin deliberating until at least Tuesday.

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Abstract (Document Summary)

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