

Extortion verdict rejected by judge; pair get probation

SUNRISE / from 1A

office has not decided whether it will appeal the ruling to the 11th U.S. Circuit Court of Appeals. Galley did not return telephone calls to his office Wednesday afternoon.

Jury foreman Francine Walton of Lauderdale Lakes said Wednesday afternoon that she understood the judge's decision. The men should have been charged with bribery rather than extortion, she said.

"But because of the way the jury was charged and the way the law reads, we felt we had no choice," Walton said.

Another juror, Ann Fast of Plantation, said she was shocked at Scott's action.

"I thought we came to an equitable decision," Fast said. "We were clear on the terminology. It wasn't anything we arrived at lightly."

Sunrise City Council President Bill Colon, who called himself a political enemy of Montgomery, said Scott's decision "made a mockery" of the jury system.

"This is a slap in the face to the citizens of Sunrise," Colon said.

The Montgomery-O'Keefe trial was the second to come from a 13-month grand jury investigation

that resulted in the conviction and seven-year prison sentence of former Sunrise Mayor John Lomelo. Lomelo was convicted June 28 of participating in a similar, but unrelated, extortion scheme. Montgomery was tried with Lomelo, but was acquitted.

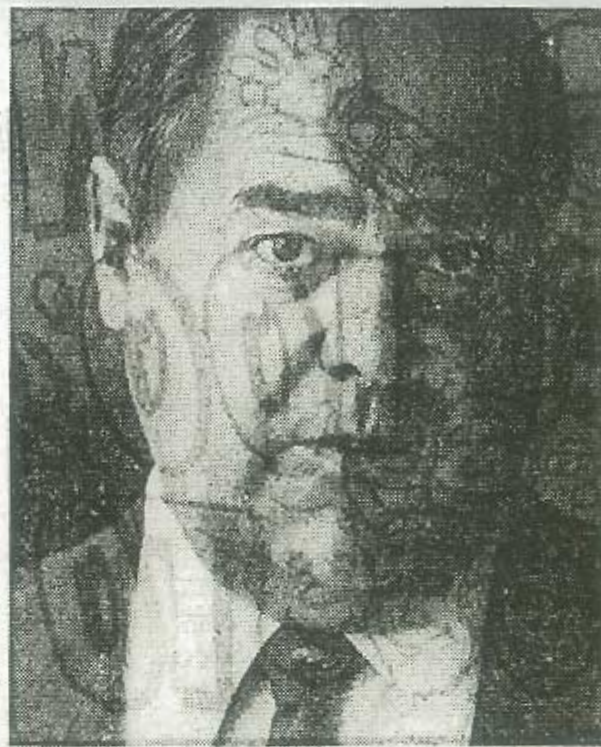
In the extortion portion of the case against Montgomery and O'Keefe, the prosecution contended that a Georgia nursing-home builder paid the men, who own Nob Hill Realty in Sunrise, \$112,000 in consulting fees to guarantee financing and approval for his project.

The two were charged with violating the federal Hobbs Act, a crime similar to bribery. But for a conviction, the evidence must prove that the men accepted the payments in exchange for their votes, according to O'Keefe's attorney, Bruce Zimet.

"The judge found that the government had not proved that they demanded the money or that they were being paid for their votes," Zimet said.

The judge's action came in response to a motion filed by the defense asking that the convictions be ruled invalid for lack of evidence, he said.

Thomas Allgood, an Augusta, Ga., lawyer and majority leader of



John Montgomery: Former member of Sunrise City Council.



Robert T. O'Keefe Jr.: Was chairman of Sunrise's planning and zoning board.

the Georgia Senate, maintained throughout the trial that his company, Richmond Health Care, hired Montgomery and O'Keefe in a strictly routine business arrangement while the company planned and built Sunrise Health Center from 1981 to 1983.

"I felt all along that the laws of justice didn't support any extortion charges," Allgood said from his office in the Georgia Capitol. "Everything we did, we did in a proper manner. I didn't see how the U.S. attorney could have interpreted otherwise."

Montgomery and O'Keefe also were charged with underreporting their incomes to the IRS: \$47,371

for Montgomery and \$66,928 for O'Keefe during 1981 and 1982. That resulted in their tax-fraud convictions.

Attorneys for Montgomery and O'Keefe said Scott's "courageous decision" vindicated the men. The ruling came after almost an hour of testimony from witnesses who pleaded with Scott not to take the men away from their families.

Upon hearing Scott's decision, Montgomery, 49, embraced his attorney, Kenneth Lipman of Boca Raton. Montgomery's wife, Miki, continued to kneel against the railing that separated her from the chair where he sat during the proceedings.

"I just knew he was innocent, that's all," Miki Montgomery said outside the courtroom.

O'Keefe worked to regain his composure, but his voice continued to break.

"My belief in God and my friends has come through," he said. "That's really all I can say right now."

Montgomery, whose daughter Lisa is to be married Saturday in Sunrise, said he was relieved that the three-year ordeal had ended.

"We've got a wedding rehearsal tonight, a dinner on Friday, and the wedding Saturday," Montgomery said. "This is sure going to make it a happy occasion."