

Sunrise trials are over, but appeals linger on

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The score, if it were that easy, would be 5-2 in favor of the defense.

Taxpayers spent hundreds of thousands of dollars to field a team of federal investigators and prosecutors for the most publicized grand jury investigation in Broward County's history.

Years may pass before prosecutors, defense attorneys, political watchdogs and Sunrise residents themselves can accurately assess who won — and what was won.

John Lomelo, the city's my-way mayor who had withstood 14 state investigations and three indictments in his 18 years of office, is behind bars. There are those who would say that fact alone makes the prosecution an overwhelming success.

Lobbyist Marvin "Spike" Leibowitz was convicted in the same

case.

But the five other federal cases — involving former Sunrise City Council president John Montgomery, planning and zoning chairman Robert O'Keefe and lawyer Emerson Allsworth — ended in a loss for prosecutors, after an investigation that had been heavily criticized since its beginning.

With Wednesday's acquittal of Montgomery and O'Keefe on extortion charges and nothing stronger than a probationary sentence for their tax fraud convictions, the drama, at least, is finally over.

Or is it?

"By no means is this over," said a spokeswoman for the U.S. attorney's office who asked that her name not be used.

"The high-profile part, the trials and the high drama, is over, but now the law books and the legal arguments take over.

"From the perspective of the city of Sunrise, it's not over."

The appeals certainly aren't over.

Lomelo's attorneys are appealing his conviction; government attorneys are appealing the dismissal of the indictment against Allsworth. And the government is still trying to decide whether to appeal the acquittals of Montgomery and O'Keefe.

U.S. District Judge Thomas Scott threw out the jury's extortion verdict against both men Wednesday, saying what the defense attorneys had argued all along — that there was not enough evidence to convict them.

"Every malicious rumor, every fact and every falsehood concerning public officials of that city were rabidly investigated," said Kenneth Lipman, Montgomery's attorney.

"The problem here was that the evidence against John Lomelo was not overwhelming, and the case against Montgomery and O'Keefe was totally nonexistent," Lipman said. "Montgomery and O'Keefe were no doubt indicted in the hope that in order to save themselves, they would testify against Lomelo."

Three of the federal judges involved in the case also have criticized the prosecutors' handling of the cases, but they refused to dismiss any indictments except the one against Allsworth.

Federal prosecutors defended themselves against the charges of overzealousness and misconduct in a 38-page brief filed in federal court last year. They refused any comments on the case last week because of appeals.

No matter what happens to the court cases, observers familiar with the city say Sunrise has a fresh image for the federal government's trouble.

"No matter what the appeal court does, Lomelo is out of office," said Bob Butterworth, who was appointed by Gov. Bob Graham to take over Lomelo's palatial office on the sixth-floor of City Hall before the city's special mayoral election in September.

"The old Sunrise is gone as far as I can see," Butterworth said. "Sunrise had to make a second first-impression in Broward County, and Sunrise has done that."

Butterworth points to the voters' enthusiastic approval of city charter changes that transferred mayoral powers, such as hiring the city attorney, to the City Council as evidence of the "new" Sunrise. The government, too, is new, with five of the city's elected officials having taken office in the past six months, he said.

One of those new officials, City Council member Mike Stern, said Sunrise has made progress in cleaning up the image the city earned under Lomelo, but more work needs to be done.

"The fact that Lomelo was always treading into the gray areas prompted the investigations," he said. "This city is a big corporation, and he ran it like a mom-and-pop store."

Although federal investigators will not say how or why the investigation began, the common understanding in Sunrise is that Manor HealthCare Vice President Stephen Silver of Silver Spring, Md., complained to federal authorities that he was being extorted.

"One nursing home finally said, 'No, we won't pay,'" Stern said.

While the ramifications of the seven cases aren't completely known for Sunrise, the effect on the judicial system also remains to be determined.

Defense attorneys and prosecutors agree that the cases may influence the way prosecutors deal with grand juries in the future. From the trials' beginning, every defense attorney accused Assistant U.S. Attorney Kevin March among other things of leaking information about the secret grand jury proceedings to the media and threatening to prosecute grand jury witnesses unless they cooperated with the government.

"This whole thing was haywire from the first moment," Lipman, Montgomery's attorney, said. "The people being investigated were tried in the press from day one, and it just got worse."