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When Vicki Met Syl, Part Two

Accused of bribery and public corruption, this power pair finds that love and justice prevail

By Sean Rowe

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The central courtroom of the George Whitehurst United States Courthouse in Fort Myers is an artless, modern box, set within an otherwise handsome old building faced with oolitic limestone. At a wooden table opposite the judge's bench on the morning of April 2, 1997, at 9:10 a.m., three men in dark suits sat watching a jury file in. Two of the men, Managing Assistant U.S. Attorney Douglas Molloy and Brian Kelley, an investigator for the Lee County State Attorney's Office, wore black cowboy boots, a sartorial fillip that added to their already imposing stature. The third person at the prosecutor's table, 28-year FBI man James Trotter, was both older and shorter than his colleagues, and his choice of footwear matched his milder temperament: scuffed Hush Puppies. Trotter nonetheless had come to the courtroom for the same purpose as Kelly and Molloy -- to try to annihilate the two defendants sitting immediately to his left. Sylvester Lukis, a Miami lobbyist, and his wife, former Lee County commissioner Vicki Lopez-Wolfe, stood accused of bribery, extortion, influence peddling, and mail fraud. According to government investigators, the couple had begun an illicit love affair in the spring of 1991 and soon after embarked on a complicated criminal conspiracy. Prosecutors claimed that Lukis, a married family man at the time, had seduced Lopez-Wolfe with the promise of higher office and bribed her with money and gifts; Lopez-Wolfe, then a controversial young political starlet, had allegedly sold her vote on multimillion dollar bond deals and construction contracts, and so deprived the citizens of Lee County of her "honest services" as an elected official. Along the way, the couple had lied to the press, deceived each other, and Lukis hired a Miami private eye to shadow their enemies. At one point they had used a surveillance videotape to try to blackmail a candidate into dropping out of a county commission race.

If convicted on all eleven charges in this public corruption trial, Sylvester Lukis and Vicki Lopez-Lukis, as she was now known, would each face a maximum penalty of 60 years in federal prison and \$2.7 million in fines.

Sylvester Lukis could hardly afford a guilty verdict. He was 51, and broke. He had run out of money more than a year ago and was borrowing to pay alimony (\$2000 per month), child support (\$4000 per month) and legal fees (\$450 per hour). In July 1993 Metro-Dade County had handed his \$180,000 per year lobbying contract to Marvin Rosen, a well-connected Miami Democrat. And since the indictment in March 1995, Lukis's other government clients had dropped him one by one.

In the nights to come Lukis would find himself unable to sleep. Sometimes he would leave his room at



the Sheraton Harbor Place, descend to the street, and walk to the Fort Myers Yacht Basin nearby. Other times he would amble north along Edwards Drive to an all-night convenience store and await the morning newspaper. He could count on the front page to carry the latest public installment of the private nightmare he was now living.

By day in the courtroom, Lukis appeared to be taking notes on a legal pad, but as often as not he was writing his children's names -- and praying.

Vicki Lopez-Lukis, now age 39, sat beside her husband at the defense table, always formally and immaculately dressed. In the four years since she had resigned her position as a Lee County commissioner and left Fort Myers, her face had lost the softness of youth; watching the arguments of prosecutors she would frown attentively, heightening a subtle impression of somberness. The two-year-old indictment and the task of trial preparation had taken their toll and occasionally led Lopez-Lukis down unusual pathways. At one point in the preceding months she had consulted a Miami psychic, who foretold a positive outcome to the legal proceedings. Another fortune teller in Philadelphia seemed less optimistic, warning that Lopez-Lukis would be "betrayed by a blonde."

Early on in the trial, jurors would be reminded that Lopez-Lukis had never before been accused of a crime, much less convicted of one. But they were never told that she had intimate prior experience with a scandalous court case, and that her return to Fort Myers to face justice was full of haunting echoes from a summer in Miami 30 years ago.

On a Sunday morning in July 1967, Dade County sheriff's deputies found a dead man in a burned-out car along northern Biscayne Boulevard. The man was identified as Joseph Nanney, a construction worker from Fort Myers. At first it seemed that Nanney had died in a car wreck, but an autopsy soon showed he had died of head injuries that weren't accidental.

Within hours homicide detectives had arrested Lopez-Lukis's father, Felix Lopez. Dade authorities said he had conspired with his secretary, Toni Kay Nanney, to beat her husband to death with a tire iron and to try to make the death look like a traffic accident by setting the car on fire. The motive: a lovers' triangle and a \$48,000 life insurance policy.

Felix Lopez at first pleaded guilty to murder and was sentenced to life in prison, but after serving two years in the state penitentiary at Raiford he was granted a new trial. At the second trial, Lopez acknowledged killing Nanney but said he acted in self-defense after Nanney attacked him. In November 1970 a Miami jury found him not guilty.

Lopez later became a successful construction contractor and a founder of Lee County's Hispanic-American Association, but in small-town Fort Myers the taint of scandal never quite wore off, and the killing is still whispered about today. The important thing, according to Vicki Lopez-Lukis today, is that neither her father's trial nor her own would succeed in tearing the family apart. In the courtroom, beginning the morning of April 2, Lopez-Lukis's father sat in the first row of the spectators' gallery beside her brother and three sisters.

While trouble drew the Lopez clan even closer, it badly rattled Sylvester Lukis's social and professional circle in Miami. A number of people he had considered friends flatly deserted the couple after the indictment. Others, including Metro-Dade Mayor Alex Penelas, attorney Hector Alcalde, former Miami city manager Cesar Odio, and former Dade County manager Joaquin Avino, remained supportive, Lukis says.

"Definitely, I was shocked about the indictment," notes Sergio Pereira, a former Miami and Metro-Dade County manager who first met Lukis at a meeting in the White House's Roosevelt Room in 1980. "I picked up the phone and called him and said, 'Syl I don't know what this is all about, but it's got to be bullshit.' I like to think that through this whole ordeal I maintained my friendship with him."

U.S. Rep. Peter Deutsch (D-Pembroke Pines), who invited Lukis to Clinton's first inauguration, counts himself among Lukis's supporters. "He got caught up in a Kafka movie," Deutsch says. "The offense he was accused of boils down to bribing his wife. How much sense does that make?"

Rob Parkins, a onetime police officer and former Miami Beach city manager, says he suspects Lukis's indictment was the result of a midlife crisis gone horribly awry.

"I was absolutely stunned when this whole thing began," says Parkins, today the city manager of Palm Springs, California. "It was totally out of character for Syl. He absolutely fell in love -- or lust -- beyond anything anyone could have imagined, and he lost all perspective. Getting involved with Vicki was surprising, but not beyond belief. What's beyond belief is the idea that Sylvester Lukis would get involved in a criminal enterprise. It's simply not in his nature."

Another steadfast friend was Terrence O'Connell, a highly decorated Vietnam War veteran who today serves as chairman of the U.S. Reserve Forces Policy Board. In March 1994 O'Connell and his wife Linda insisted that Lukis and Lopez-Lukis move into their home in Maryland.

"It was actually like living in the Sixties again, like a commune," Lukis recalls. "Terry O'Connell is a liberal Democrat and I'm a conservative Republican. We started cooking together, we ate together, we raised our kids together."

O'Connell and his wife did Lukis another favor: They urged him to call an attorney named Thomas Green, described by the Washington Post in a February 17 profile as "the meanest, toughest white-collar lawyer in Washington."

Green's fearsome reputation derives partly from his willingness to go to court in the first place. White-collar defense lawyers typically prefer to negotiate outside of courtrooms rather than risk a jury verdict and unwanted publicity for their clients, but Green has been to trial an astonishing 80 times in 27 years of private practice. At age 31 he defended Richard Mardian, one of seven men originally indicted in the Watergate scandal. Through the years his clients have included Richard Secord, a key figure in the Iran-contra case; former senator Don Riegle, one of several players in the Keating Five inquiry; and Dave Durenberger, another former U.S. senator, who was accused of falsifying financial disclosure forms.

A former artillery captain who stands six feet tall and weighs 230 pounds, Green manages to make an impression not so much with his size but with his voice. Measured and eloquent, with a soupçon of exasperation expressed toward his prosecutorial opponents, he uses down-to-earth similes like "fresh as a pear" and tends to dress in shopworn shoes and slightly frayed suits.

On April 2, along with 21 boxes of documents, Green took with him to the federal courthouse in Fort Myers a co-counsel of equally impressive pedigree. After graduating cum laude from Yale University and Harvard Law, Bradford Berenson had spent a year clerking for Supreme Court Justice Anthony M. Kennedy. Slim, self-deprecating, and clean-cut, the 32-year-old Berenson seemed the perfect counterpoint to Green's bearish presence.

The two defense attorneys had delayed the start of trial for fifteen months while they sought to exclude the Strayhorn-Anthony surveillance videotape. (The videotape shows a married Lee County commission candidate named Susan Anthony in an extramarital affair with Gulf Coast lobbyist Bruce Strayhorn; it was filmed by a Miami private eye hired by Lukis.) On September 1, 1995, a federal judge ruled that the video was irrelevant; it could not be used to help prove criminal behavior because it did not involve Lopez-Wolfe's official duties as a county commissioner.

But on January 6 the U.S. Court of Appeals for the Eleventh Circuit reversed that opinion, saying that "because the videotape incident tends to show both that Lopez-Wolfe intended to benefit Lukis's clients instead of the public and that the scheme was more likely to succeed, it is clearly relevant to the charge of honest-services fraud."

Green and Berenson would also spend considerable time and energy during the trial trying to get the judge to drop the first of the eleven charges against Vicki Lopez-Lukis. The charge, mail fraud, related to whether Lopez-Lukis had broken the law by mailing newspaperman Lee Melsek misleading responses to a series of written questions.

The issue, Green pointed out, wasn't whether Lopez-Lukis had lied to a reporter -- "If it were a crime for a politician to be less than candid, we would have a line stretching from here to New York awaiting prosecution," he thundered -- but whether she had lied to further a criminal conspiracy. That distinction might easily be lost on the jury.

U.S. District Court Judge Lee Gagliardi declined to throw out the charge, and he would later deny a motion by Green asking him to clarify the issue for the jury. But veteran observers weren't surprised by the judge's impatience with Green. By entering Gagliardi's courtroom in Fort Myers, the renowned Washington litigator had run headlong into a local legend.

Gagliardi, age 78, is known as South Florida's most powerful snowbird. He serves as senior judge in Albany, New York, but spends each winter as a visiting judge in Fort Myers. An appointee of Richard Nixon, Gagliardi has a reputation for setting his own strict rules at trial and moving along at a punishing pace. That fast pace may help explain why, according to Albany's Times Union newspaper, only one other judge in a three-state northern region has had more of his rulings overturned by appellate courts than Gagliardi.

Unbeknown to the jurors in the Lopez-Lukis trial, Gagliardi has recently been the subject of a rare Justice Department perjury investigation. The probe began after a defendant in a high-profile embezzlement case Gagliardi was trying accused him of secretly meeting with a federal prosecutor at a cafe, a serious breach of legal ethics. Gagliardi refused to remove himself from the case but was forced to do so by an appellate court. He has denied any impropriety.

Also unknown to the jurors was the fact that Green and Berenson had asked Gagliardi to recuse himself from the Lopez-Lukis trial because of the ongoing scrutiny. Gagliardi refused to do so.

Instead he gave Assistant U.S. Attorney Douglas Molloy the go-ahead to stand up from the prosecutor's table in his black Dingos and begin his opening statements. The jury heard an amazing tale. Vicki and Sylvester Lukis, Molloy explained, had attempted to blackmail a commission candidate into dropping out of the race; enriched a Wall Street investment bank and an engineering firm, two of Sylvester Lukis's clients; and "hoodwinked an entire voting population through a secret conspiracy of lies, coverups, and threats."

Take away the surveillance videotape, the 400-odd exhibits, and the 35-page witness list and the government's argument boiled down to this: When Lukis met then-county commissioner Vicki Lopez-Wolfe in March 1991 and then went to Fort Myers, Ogden Martin Systems, Inc., was in danger of losing its \$200 million garbage incinerator contract with Lee County, and Goldman, Sachs (the Wall Street banking firm) was entirely shut out of the county's lucrative bond business.

But when Lukis left town two years later, Ogden Martin Systems was moving ahead with construction of the incinerator; Goldman, Sachs had been chosen one of three senior bond underwriters for the county and was one of two participants in the reissuance of \$35 million in bonds for Southwest Florida International Airport.

"If you had taken yourself out of Lee County at the time you fell in love, it would have cost you thousands of dollars," Molloy said, pointing at Lukis.

Molloy also pointed to the money that changed hands during the spring and summer of 1991. Didn't Lukis write an \$800 check to Lopez-Wolfe (ostensibly for telephone charges) in March, the same month she reversed her opposition on the incinerator? Wasn't that the same month county commissioners voted to include Goldman, Sachs in a venture known as the City-County Complex?

The July 23 check for Lopez-Wolfe's \$1500 rental security deposit was sent down from Washington, Molloy noted, a month after the county commission approved the issuance of bonds for the incinerator.

Molloy called one witness who testified that Vicki and Sylvester Lukis tried to influence county officials in the selection of a bond underwriter, and another who claimed Lopez-Wolfe destroyed evidence when she came under investigation. Both were former county employees who blamed Lopez-Wolfe for the loss of their jobs.

On May 15, 1991, Sylvester Lukis paid a visit to Marsha Segal-George, then Lee County's chief administrator. Segal-George testified that Lukis demanded she include Goldman, Sachs in various upcoming bond deals. She says she explained her concern that Goldman, Sachs had insufficient experience in Florida to be considered a contender. Lukis continued to bully her, Segal-George claims.

"He became very angry, and basically told me that my job was on the line, and that he would talk to Ms. Lopez-Wolfe about it," Segal-George recalled. "When he made the statements about my job ... it was in a very loud, aggressive way."

(Lukis denied Segal-George's allegations of his pushiness. Under cross-examination Segal-George admitted that over the years she had favored one firm with the bulk of the county's bond business. That firm was Smith Barney, an investment firm that in the past had wined and dined the county administrator and her husband in New York City; on one occasion the firm gave her tickets to the Broadway musical Phantom of the Opera.)

Molloy, the government's point man in the courtroom, has a colorful professional history that includes time as a statewide drug prosecutor for the U.S. Attorney's Office and a stint as a screenwriter. In Fort Myers he's known by the nickname "Wyatt Earp," and he keeps a marquee poster from the movie Reservoir Dogs on his office wall. His desire to weave a dramatic story line was well served by the testimony of Lynn Marie Lane.

A former secretary to Vicki Lopez-Wolfe, Lane described how lobbyist Lukis sent roses to the

commissioner, and how the commissioner hoped Lukis's connections in Washington might further her political ambitions. She also described writing an untruthful memo to Lee County State Attorney's Office investigator Brian Kelly explaining why Vicki Lopez-Wolfe's appointment calendar and telephone message pads had disappeared. Lane claimed in the memo that she was in the habit of "recycling" these official documents.

Q: This memo isn't true, is it?

A: No.

Q: Who told you to write this memo?

A: Ms. Lopez-Wolfe.

Q: Why did she tell you to write it?

A: Basically, as I remember, it was because the message pads had in fact been taken from the office.

Q: Who took them from the office?

A: Ms. Lopez-Wolfe.

Q: What did she tell you she did with the message pads from 1991 that Mr. Kelly was looking for?

A: They were going to her father's incinerator.

Two common-sense questions cropped up repeatedly in the conversations among spectators at the trial (a dozen print and TV reporters, three sketch artists, and a score of inquisitive civilians). Why would Lopez-Wolfe sell her vote for a puny \$5000 (the amount she received from Lukis)? And why would Lukis write checks for a bribe? That is, why leave a paper trail?

Molloy claimed that while \$5000 may seem like a relatively small sum, Lopez-Wolfe was broke -- a fact she kept "secret" from the public. But in fact she had disclosed her net worth before her election, and the information had been published in the local newspaper. Moreover, she earned a salary of \$45,000 per year after she took office.

And although Lukis may have mailed checks to Lopez-Wolfe through a third party, a man of his sophistication would know that while this artifice might stop nosy reporters, it wouldn't stop investigators with subpoenas and arrest power.

The money transfers were clearly established by prosecutors, but the question of whether they constituted bribery seemed squishy. Time and again, Green returned to the question of intent, and he focused on Lopez-Wolfe's official actions. Had her votes benefited her husband's clients? Had she in fact been corrupted?

Molloy claimed that Lopez-Wolfe had flip-flopped in her opposition to the incinerator in order to benefit Lukis's clients. Actually, Green pointed out, she was fulfilling her campaign promise to oppose a costly, poorly planned incinerator. Realizing the county could be sued for millions of dollars if it breached its contract with Ogden Martin and simply dumped the incinerator plan, Lopez-Wolfe urged further study of the mammoth project -- before she ever met Lukis.

Ultimately Lopez-Wolfe and other politicians voted to scale back the size of the incinerator by one-third and to institute costly emission controls to mitigate pollution. She also voted to delay the groundbreaking of the incinerator by several months. None of these actions could be construed as favorable to Lukis's client, Ogden Martin.

While it's true that Goldman, Sachs prospered in Lee County in 1991 and 1992, how much did

Lopez-Wolfe have to do with that enrichment? She lobbied for the creation of a bond selection committee in order to give county commissioners more control over the selection of underwriters. But on July 23, 1991, she resigned from the committee without ever having voted as a member. Later she voted to kill the costly City-County Complex, a project that would have benefited Goldman, Sachs. And she never had any official link to the Port Authority bond selection committee, which picked Lukis's client to help issue \$32 million in airport bonds.

In examining the tawdry relationship between Lukis and Lopez-Wolfe, Green argued that the devil lay not in the details, but in the risky tendency of prosecutors -- and the public -- not to look closely enough at the details, and instead to draw conclusions from a broad and sloppy view of the facts. "The charges in this case revolve around one core proposition. [Vicki Lopez-Lukis] is not charged with videotaping. She's not charged with extortion. She's not charged with blackmail. She's not charged with any other thing that Mr. Molloy or the government may suggest. She's only charged with accepting these few gifts and being influenced by them in her official actions."

On Monday, April 14, the prosecution and defense completed their closing arguments. Charles Wilson, U.S. Attorney for the Middle District of Florida, was among the spectators. Judge Gagliardi spent an hour or so instructing the jury on its responsibilities.

The waiting began. At first, Vicki and Sylvester Lukis were hopeful that they would be summoned back into the courtroom within a matter of hours. A quick return of the jury, they believed, would signal acquittal.

But as afternoon approached on Tuesday, their mood darkened. Green paced alone around the courthouse sidewalk. Lopez talked with her sisters and father.

On Wednesday, with sundown two hours away, jurors sent out a note: "We feel that by 6:00 p.m. we will have reached a decision on anything we are able to."

Sylvester Lukis stood alone, a former Catholic altar boy believing he had come at last to Golgotha, the place of crucifixion.

Epilogue: At 5:49 p.m. on April 16 the jury acquitted Sylvester Lukis on all charges. Vicki Lopez-Lukis was found guilty on one count of mail fraud. Sentencing is scheduled for autumn, when Judge Gagliardi returns to Florida from Vermont.

Though bittersweet, the verdict was an unmistakable victory for the defense. In a temporary office one block from the federal courthouse, attorneys Green and Berenson, paralegal Megan Foley, and trial consultant Michael Barfield passed around cigars and watched TV news reports of the verdict with their clients. The mood was quietly festive. At one point Green raised a plastic champagne glass and toasted Sylvester Lukis, "the next king of Miami."

As New Times went to press, Green filed a motion arguing that jurors misunderstood the mail fraud charge and asking Gagliardi to set aside Lopez-Lukis's conviction. The mail fraud charge relates to Lopez-Lukis's having given misleading responses to a reporter's queries about her relationship with Sylvester Lukis. The question for jurors wasn't whether Lopez-Lukis had been dishonest, but whether her dishonesty furthered a criminal conspiracy. In light of her acquittal on all other charges, the mail fraud conviction appeared to be inconsistent.

Molloy, the lead prosecutor, says he's confident Lopez-Lukis's conviction will hold up on appeal. He

agrees, however, that the case could drag on for years.

In an interview the day after the verdict, Vicki and Sylvester Lukis were asked to paint a psychological portrait of themselves. Among other things, they said this:

Lukis: Early on I learned how to get close to people in positions of power. I was personable enough to cultivate strong relationships so that if I needed access to anyone, I could get it. I always had, I think, the ability to talk to a person who could talk to a person who could help promote the interest of whatever I was promoting.

Lopez-Lukis: I see two very successful people, professionally, people who get along with people, but unable to escape the dark side that exists in everyone. I look at him and I think, this is the kind of guy you like, that you want to be with. He's successful, he's bright, he's ambitious, he's energetic, he's spunky, but yet ... This experience made us come to grips with the dark side, and make sure that that dark side never rears its ugly head again.

Lukis: We clearly are soul mates, we clearly are people who were meant to be together, and we probably both have each other's crosses to bear because we do have a very explosive relationship. But at the same time it's very passionate and intimate. We can talk about anything. We each love the other's personality and strengths, and we hate our weaknesses. There's a certain amount of love-hate there.

Lopez-Lukis: Sometimes I think perfection will come. I see it at the end of the tunnel somewhere. We've had a long road to haul, and we have an even longer one ahead of us.

The couple spent the morning of Friday, April 18, packing personal effects and legal documents into boxes. At 11:00 a.m. they left town in their 1994 Honda Accord, bearing east toward Miami. These days Sylvester Lukis is rebuilding his lobbying practice and so far has three clients: Island Developers, Ltd., of Miami; Jordan, Jones and Goulding, an Atlanta engineering firm; and Felix Equities, a New York construction contractor. Vicki Lopez-Lukis works as director of financial and administrative services for Family Counseling Services of Greater Miami, a nonprofit organization. The Lukises have no plans to return to Fort Myers.

No one -- not Lee Melsek, investigative reporter for the Fort Myers News-Press, nor Special Agent James Trotter of the FBI, nor Brian Kelley of the Lee County State Attorney's Office -- can say with certainty whether, on the road to Miami, Vicki and Sylvester Lukis exchanged a kiss.

Postscript: Reporter's message recorder, Monday, April 21, 1997, 1:35 p.m.: "Sean, if they've given me the right voice mail, this is Douglas Molloy with the U.S. Attorney's Office in Fort Myers. We missed out on that whiskey we were supposed to have before you left town. I just got back from D.C. Gave a speech, took my kid to the zoo. I hear Vicki's planning to run for public office again -- at least that's what it says in the paper over here. She's got two problems as I see it. One, she's a convicted felon. Two, the sentencing guidelines call for two and a half to three and a half years in prison. Give me a call when you feel like it."

Tuesday, April 22, 1997, 9:57 a.m.: "It's Tom Green, as promised. In seat 1-B, first class, on my way to London and Dubai. Sun shining in over the starboard side through frost-covered windows. My final thought: Thank God for the American jury system and the collective common sense and judgment of the jurors who sat on the Lukis case. So long.