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**SOUTH JERSEY**

## Experts: Tapes compelling

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**But evidence may not be enough to convince a jury**

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Legal experts say transcripts of three secretly recorded tapes made by Palmyra Mayor John Gural are compelling evidence, but not necessarily enough to reach the threshold of guilt for a jury.

Leonard Baker, a criminal defense lawyer in Haddonfield, said the flavor of the conversations he examined flies in the face of statutes prohibiting bribery.

"A fact-finder could find an attempt to bribe here," Baker said. By fact-finder, Baker said, he meant a jury.

But Baker also agreed with another criminal defense lawyer, **Rocco C. Cipparone Jr. of Haddon Heights, who cautioned that it's one thing to obtain an indictment, but another to get a conviction.**

**"It's pretty clear to me they're talking about monetary compensation," Cipparone said, referring to conversations Gural had with his boss at JCA, Mark Neisser; with South Jersey Democratic power broker George E. Norcross III; and with R. Louis Gallagher II, then the chairman of the Burlington County Democratic Party.**

No one has been indicted.

Gural wore a wire for two months in an attempt to show that Democratic political leaders, working through his employers at the JCA engineering firm, tried to get him to fire Palmyra solicitor Ted Rosenberg to punish Rosenberg for opposing their leadership. Rosenberg was never fired.

"Even though the most damning tapes have yet to be released," the Palmyra mayor said last week, the evidence revealed to date "clearly shows I was threatened and then bribed."

But the attorney general sought no indictments.

"It's not there," John Hagerty, a spokesman for the attorney general's Division of Criminal Justice, reiterated last week. "Two attorney generals, under two separate administrations, have looked at this and it's just not there. There was no criminal conduct."

**The failure to indict does not necessarily**

mean the Attorney General's Office failed to do its job in this case, Cipparone said.

"An indictment is a devastating event," he said, that a "responsible prosecutor will pursue only if he believes he has a case compelling enough to convince a jury beyond a reasonable doubt."

Neisser, Norcross and Gallagher have all denied wrongdoing.

The latter two contend Rosenberg simply is engaged in a political vendetta.

In a Jan. 15, 2001, recording released by the state, Gallagher tells Gural that a patronage slot on the county elections board is not available, but that "there's got to be something else out there right now, at least temporarily, for you. I mean whether I find some work for JCA and you get cushioned or something."

"I think when you stick your neck out, particularly in this situation, you should get a reward," Gallagher continues, "whether it's getting an extra piece of the pie for JCA and then you're getting . . . ah . . . um . . . credit for that and some type of monetary reward or raise or whatever."

In a phone conversation with Norcross on Jan. 29, 2001, Gural recounts his conversation with Gallagher and expresses doubts about Gallagher's truthfulness.

"I don't know just to be perfectly honest if he's j----- me off," Gural says.

"He's not j----- you off," Norcross assures Gural.

Gural then recounts how Gallagher was "suggesting that, um, in the future Mark might be able to get some work and I would essentially get credit for that, but when I suggested that to Mark, he was, ah, I wasn't sure if he was on board with that or not."

"Well I already spoke to Mark independent on this subject about you," Norcross responds, "telling him that he knows I've been very helpful to him over a period of time and also very recently."

"Right," Gural says.

"And I wanted to see some of the benefit go to you," Norcross continues.

On Feb. 5, 2001, on a recording Gural made for himself as well as the attorney general, Neisser tells Gural: "I think I told you also, that, um, I think George will make sure that happens," according to a transcript released last week by Rosenberg.

". . . what they're gonna try to do is find some . . . other opportunities for us . . . that would go in your credit column . . . and then . . . I would compensate you for that," Neisser is quoted as saying.

Jon'a Meyer, an associate professor of criminal justice at Rutgers-Camden, said reading the transcript sparked a childhood memory.

"When I did something wrong, my father used to say to me, 'You've got a lot of explaining to do,'" Meyer said. "Well, I think we can say of these guys, 'You've got a lot of explaining to do.'"

The vagueness and the coded words in the conversations could make prosecution difficult, however, Meyer said.

"There are hints everywhere of some kind of rewarding behavior," she said, "but they could argue that they're being misunderstood."

Baker, the trial attorney from Haddonfield, said that vagueness is not unusual in some kinds of criminal prosecution.

In drug cases, he noted, "there are often code words. You don't have to say, 'I want to buy a half-pound of cocaine.'"

**Cipparone**, the former prosecutor, said that when assessing a series of conversations, "you look for consistency and corroboration."

When Neisser talks about getting extra public contracts and passing some of the benefit to Gural, it's clear that "somebody had to talk to him about that," **Cipparone** said. "It doesn't come by osmosis."

Baker pointed to the state statute prohibiting bribery. The statute reads: "A person is guilty of bribery if he directly or indirectly offers, confers or agrees to confer upon another . . . any benefit as consideration for a decision, opinion, recommendation, vote or exercise of discretion of a public servant."

"Basically, what we want is for our public officials to make decisions based 100 percent on what those officials think is best for us, exclusively," Baker said.

"This bribery statute is basically saying, 'We don't want that decision to be influenced in any way by extraneous matters,'" he said. "The flavor of these conversations is that someone is asking for those decisions to be made with something else in mind."

"That flies in the face of the statute," Baker said.

It appears that most, if not all, of the evidence will soon be forthcoming from the attorney general as the result of two lawsuits, one in state, the other in federal court, that are approaching resolution.

The judges in both cases have expressed impatience with further delays, and the Attorney General's Office has narrowed its objections to releasing the tapes of relevant conversations.

"We are really close to the end," said William Tambussi, the attorney for Norcross. "I expect the tapes issues to be resolved within the next 30 days."

Once all the tapes are released, the pieces of the puzzle will come together, according to Gural and Rosenberg, who accuse the attorney general of releasing the tapes a few at a time in an attempt to blur the picture.

Tambussi insists that "no matter how you try to cobble them (the tapes) together, the evidence is nonexistent."

"It's nothing but a campaign of hatred and vengeance," Tambussi said.