

Prosecutors say Wilkes, Foggo trial should remain in San Diego

by Kelly Thornton

SAN DIEGO - Prosecutors in the federal corruption case against former Poway defense contractor Brent Wilkes and his friend, ex-CIA official Kyle "Dusty" Foggo, filed documents Monday rejecting defense arguments to split the case in two and move the Foggo trial to Washington.

Assistant U.S. Attorney Phil Halpern said lawyers for Foggo were mistaken when they claimed that most of Foggo's alleged crimes occurred in Washington, and that he had been unfairly linked to sensational allegations of bribery leveled at Wilkes and disgraced ex-Congressman Randy "Duke" Cunningham.

"The heart of the conspiracy remains in San Diego and the relevant events related to the conspiracy took place in myriad of locations around the country and the world, but most of all in San Diego," Halpern wrote.

A grand jury in San Diego issued two indictments in February. One charges Wilkes and Foggo with conspiracy, money laundering and honest services fraud. The government said Foggo used his influence at the CIA to direct \$1.7 million in business deals to Wilkes, who in turn lavished Foggo with gifts, expensive dinners, trips to Scotland and Hawaii, and promises of high-paying future employment, the government alleged.

A second indictment charges Wilkes, but not Foggo, with 25 counts of conspiracy, fraud, money laundering and bribing a public official. The document details \$700,000 in gifts Wilkes allegedly bestowed on Cunningham, such as prostitution services and luxury vacations, so the San Diego Republican would steer \$100 million in federal government contracts toward Wilkes' flagship company, Poway, Calif.-based ADCS Inc. Both men have pleaded not guilty.

According to the government, San Diego was the epicenter for both indictments, which overlap in terms of financial transactions and players. The cases are related, and Wilkes and Foggo are inextricably linked as lifelong best friends with significant financial ties, the government said.

"When not examined through a mirror darkly, it becomes clear that the impetus for all these (financial transactions) was Wilkes' desire to obtain - and Foggo's agreement to assist in providing - profits that flowed to bank accounts in San Diego," Halpern wrote.

U.S. District Judge Larry Burns is scheduled to hear arguments on these and other matters May 14. "Both of these cases stem from the same investigation. And in doing so, there is a vast overlap, especially in the amount of discovery, but as well in the witnesses that the court will deal with as well as the factual setting here," Halpern wrote, quoting one of the prosecutors from a hearing Feb. 21.

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