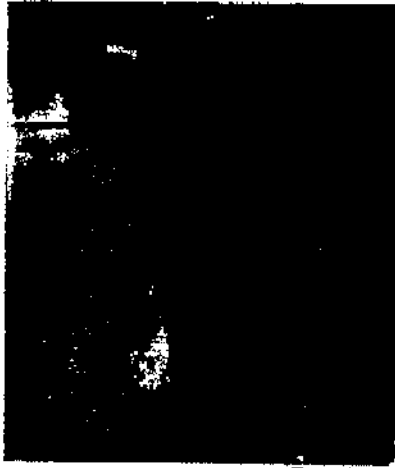


Yevgeny Yevtushenko didn't like the poem Maya Angelou recited for Bill Clinton's inauguration. "It was a pale imitation of Walt Whitman," the outspoken Russian said. Yevtushenko was in the Tampa Bay area over the weekend promoting his film, *Stalin's Funeral*, and his own poetry. "I prefer the original."

Yevtushenko, however, couldn't help but applaud an event that gave center stage to a poet in a country that generally has been indifferent if not downright hostile to poetry. Thanks to Angelou's moving 5½-minute performance of *On the Pulse of Morning*, broadcast to millions by radio and television, a poet is once again a popular figure in America.

Tonight at 8 Angelou is scheduled



Times file

ATUSP TONIGHT: Maya Angelou will be at the University of South Florida in Tampa tonight at 8.

to speak at the University of South Florida in Tampa as part of the university's Lecture Series. Her reading, free and open to the public, is also part of the university's Black Emphasis Month, which took its theme, "... and Still We Rise," from a poem by the Arkansas poet.

With only 1,750 seats at the Special Events Center, organizers are warning people to come early. There has been a deluge of telephone calls about the event and an overflow crowd is expected.

"Suddenly it's not elitist to enjoy poetry," said Susan Edwards, director of program services at the Arts Council of Hillsborough County, commenting on the burst of interest in poetry Angelou's inauguration performance generated. "Angelou spoke for us about everyday people in a language everyone could understand."

Such accessibility has been rare in American poetry in recent years. While in the former Soviet Union, poets like Yevtushenko routinely had performances of their poetry in local soccer stadiums. American poets generally have had loyal but

Key Bank wiretaps thrown out

■ A judge says the taped conversations can't be used as evidence in the fraud investigation, meaning the cases may be closed against five prominent defendants.

By **BILL DURYEA**
Times Staff Writer

TAMPA — A Hillsborough County judge has thrown out wiretap evidence in the Key Bank fraud investigation, a ruling that could mean the end of a case investigators once promised would ensnare prominent businessmen, Mafiosi, and even the husband of Tampa's mayor in a drug dealing and money laundering conspiracy.

Hillsborough Circuit Judge M. William Graybill's ruling stripped prosecutors of crucial evidence taken from hundreds of hours of recorded conversations.

Defense attorneys, who have attacked the case as politically motivated, cheered the ruling.

Prosecutors said they will appeal.

"The right to privacy is alive again in Hillsborough County," said Joseph Ficarro, who represents bank president Frank Pupello and his son, bank vice president Michael Pupello.

"There was no basis of law for this prosecution and there is no basis of fact. This decision probably saved the taxpayers \$300,000," said Ralph Fernandez, attorney for Santo J. Trafficante III, called by investigators a member of the Mafia.

Prosecutors said late Monday that they will appeal Graybill's ruling this morning in an effort to preserve the cases against the five defendants. It was not clear on what grounds prosecutors would file the appeal.

In fact, Graybill gave no indication in his terse ruling how he came to his decision.

"This order speaks for itself," Graybill said.

Defense attorneys had claimed the applications for the wiretaps were riddled with errors and lacked crucial information that would have influenced the judge's decision to approve the wiretaps.

They also claimed investigators listened to

Please see **KEY BANK 2A**

Storm



City engineers Fairfax Avenue that hit the U.S. Rock and mix.



Michael Freedman is husband of Tampa's mayor.

Fast

■ The U.N. Security Council may be waiting to see what the United States proposes on measures to end the Balkans war.

Tactics of Chiles' son

Key Bank

from 14

too many phone calls, some of them personal, between people not targets of the investigation.

Bill James, former Hillsborough state attorney whose office filed the original charges, expressed dismay over the ruling.

"To say I'm surprised would be the understatement of the year," James said. "These affidavits were reviewed by numerous attorneys and another circuit court judge. We certainly dotted all the i's and crossed all the t's."

Even though prosecutors have said their case would be crippled by the loss of the wiretap evidence, no decision has been made to drop charges.

The cases most in jeopardy are ones that rely directly on information gathered from the wiretaps, said Assistant State Attorney Julia Chase.

In one case, Michael Pupello and Trafficante are charged with deceiving federal bank regulators. At Trafficante's urging, prosecutors say, Pupello impersonated Trafficante in phone calls to the Federal Deposit Insurance Corporation, attempting to persuade regulators to reduce Trafficante's debt, prosecutors say.

In another case, Frank Pupello and Anna Lee Duncan, daughter of former Tampa City Council member Lee Duncan, are charged with scheming to defraud a financial institution. Pupello allegedly agreed that a \$7,000 certificate of deposit belonging to Duncan's parents would not be reported to another bank so the couple could qualify for a loan.

Prosecutors hope they can save their case against former Hillsborough sheriff's Detective Rickey Dawes, accused of leaking a confidential list of suspects that led to the premature end of the Key Bank investigation in August.

Prosecutors hope other loan fraud charges against Trafficante can be saved because the evidence did not come from wiretapped conversations. None of the loans were made by Key Bank.

Dawes' attorney, Manuel Lopez, said "I think there's a likelihood that the suppression of the wiretap will affect Mr. Dawes."

Lopez said that from what he knows of the investigation prosecutors probably would not have received Dawes' name as a suspect if it had not been mentioned in a wiretapped conversation.

Lee Atkinson, a former assis-

Chronology

- 1974: Key Bank opens in West Tampa
- 1977: Bank president James Porter is convicted for taking kickbacks for loans.
- 1983: The Florida Comptroller's Office picks up numerous indications that the bank is violating currency transaction reporting requirements.
- 1985: State examiners note that the bank has violated regulations that limit how much money can be loaned to any one bank customer.
- 1991: In April, because of problems uncovered by regulators, the FDIC and Comptroller's Office place the bank under a restrictive 11-point monitoring program.

1992

- July 3: Bank president Frank Pupello is taped during a phone call with the bank's lawyer, Michael Freedman, discussing ways to falsify documents to avoid paying taxes on money owed to the bank.
- July 8: Investigators tape conversations indicating Pupello and two other customers agreed to misrepresent the existence of one of the bank's loans to another financial institution.
- Aug. 7: Law enforcement agencies arrest Pupello for making a false entry in an FDIC report and for delivering false documents to the agency. Michael Pupello, son of the elder Pupello and a bank vice president, is charged with perjury.
- Sept. 25: A 10-agency task force investigating the bank files 59 felony charges against 14 people including bank executives. Freedman, former City Council president Lee Duncan and members of a local crime family once headed by Santo Trafficante Jr.
- Nov. 6: A grand jury returns the first federal indictment, charging Frank Pupello, Williams and Bernstein with conspiring to hide large deposits from the IRS.

1993

- Jan. 7: Bank attorneys file documents saying that wiretaps were a "gross intrusion," that there was insufficient probable cause crimes were being committed, and that some conversations were protected by attorney-client privilege.
- Jan. 15: Judge M. Wm. Graybill dismisses charges against Freedman, Frank Pupello and Lester Hirsch, an adviser to the bank's board of directors, saying the statute they had been charged with was applied improperly. Pupello still faces other charges.
- Feb. 4: In a hearing before Graybill, the bank's attorneys hammer at errors and omissions in the affidavit used to get approval for the wiretaps. Citing a lack of evidence, State Attorney Harry Lee Coe III dismisses all charges against seven defendants, leaving only five of the original defendants, including the two Pupellos and Santo Trafficante III, to face trial.

Sources: Times files
Compiled by Times news researcher Kitty Bennett

tant state attorney who oversaw the Key Bank wiretap, said Monday, "I don't believe Mr. Dawes was intercepted or that his name came up during the course of the Key Bank wiretap."

Atkinson, targeted by defense attorneys as mastermind of the wiretaps, defended his role in the investigation and how the wiretaps were conducted.

"I played my normal supervisory role," he said, adding he has

participated in about 100 wiretap investigations over the last 12 years.

At Pupello's Culbreath Isles home Monday night, a nephew said Pupello would not comment on Graybill's decision.

"We, as a family, are extremely happy about the decision," Joe Pupello said. He added the family is "very thankful and we look forward to getting on with our lives." — Staff writer Richard Danielson contributed to this report.

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Key Bank wiretaps tossed out

From Page 1

wiretap evidence should be thrown out because some investigators were biased and the document used to obtain permission for the surveillance contained factual errors.

"We didn't belong here, and we still don't," said Michael Pupello, after the hearing. "This whole thing was wrong."

And a lawyer for Key Bank said the judge's decision could reinvigorate slow-moving negotiations with a Winter Haven bank holding company for the sale of the bank.

"The bank has been operating under the cloud of this improper police action," said attorney Bennie Lazarra. "The sooner we get it behind us, the sooner we can go on with our financial life."

Since last August and September, when James' office ordered the arrests, the defendants' lawyers have argued the action was politically motivated.

James, who lost a bitter November election to Coe, said Monday he was surprised by Graybill's order.

"I think it's important that the public realize it's not something initiated willy-nilly by the state attorney's office," he said.

James sought the wiretaps after attorneys reviewed a task force request and determined there was evidence to warrant them, he said.

As for politics, "The easiest thing to have done would have been

to take it to the U.S. attorney or to have waited until after the election," he said.

Graybill's order does not directly affect the one federal case to arise from the investigation, but it could also spell the end of that prosecution. The tainted evidence was also relied upon when federal bank fraud charges were brought against Frank Pupello, former bank president Shirley Williams, and Howard Bernstein, a bank customer, late last year.

A wiretap requested by state prosecutors and approved by a state judge must comply with Florida statutes to be acceptable in federal court, even where federal requirements would have been more flexible, lawyers said. So if Graybill is correct, federal prosecutors could toss that case, too.

"We have one federal case pending," said U.S. Attorney Robert W. Genzman in a prepared statement. "We will analyze the federal impact, if any, of the state court ruling."

Defense attorneys had worried that Graybill might base his decision on a narrow issue that an appellate court could attack.

But Graybill did not spell out his reasons and said little during the 10-minute hearing Monday afternoon.

"The court's order speaks for itself, and I'm not going to sit here while everybody reviews this court's order," Graybill said. "Not that I'm afraid. I'm just not going to do it."

Lawyers had argued Circuit Judge Susan Sexton, who granted permission for the eavesdropping, was misled. She based her decision on the suspicion that money was being laundered at the bank, giving permission for investigators to monitor conversations they could not legally overhear, the defense attorneys said.

Money laundering is not a crime specifically included under Florida's racketeering statute, which prosecutors used to have the wiretap approved.

More than 65,000 conversations were recorded, the defense said. Task force investigators say about 29,000 recordings were made.

But during his questioning of the attorneys last week, Graybill seemed more focused on a narrow issue not singled out by the defendants: Money laundering is not a crime specifically included under Florida's racketeering statute; therefore, prosecutors could not rely upon suspicion of that crime to have the wiretap approved.

If the appellate court doesn't overturn Graybill's ruling, only one state defendant is likely to go to trial.

Former sheriff's deputy Rickey Dawes remains charged with perjury, accused of leaking a list of targets under investigation and lying about it.

Staff writers Brian Edwards, David Sommer and Orval Jackson contributed to this report.

Cost of probe at least in hundreds of thousands

By JEFF STIDHAM
Tribune Staff Writer

TAMPA — No one seems to know how much the Key Bank investigation has cost, but defense lawyers say their fees alone have amounted to hundreds of thousands of dollars.

On Monday, a circuit judge ruled that evidence gained from secret recordings of Key Bank officials and customers must be thrown out, effectively killing the state's cases against four of the five remaining defendants.

The tally for defending the original defendants in the case runs into the hundreds of thousands, attorneys say.

Their attorneys also have begun to

behind it. In that path are tarnished reputations, affected political careers and families of decent people put through the mill.

The investigation continues to cost taxpayers money, too, defense attorneys say.

"The direct and indirect costs of an ill-fated prosecution like this could go over \$1 million," said John Fitzgibbons, attorney for Laurence Neufeld, a Clearwater physician who was cleared last week when State Attorney Harry Lee Coe III dropped the case against him.

Taxpayers are paying state prosecutors and investigators as well as federal lawyers and agents. "There were dozens and dozens of agents working in this case for months after months,"



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Stat. writer David Sommer and contributed to this

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The tally for defending the 15 original defendants in the case runs into the hundreds of thousands, their attorneys say.

Their arrests also have negatively affected their reputation and business, the attorneys say.

This is the beginning of the end," said Ralph Fernandez, attorney for Santo J. Trafficante III and his wife, Geraldine Trafficante. "It has left a trail of destruction

behind it. In that path are tarnished reputations, affected political careers and families of decent people put through the mill."

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Taxpayers are paying state prosecutors and investigators as well as federal lawyers and agents. "There were dozens and dozens of agents working in this case for month after month after month after month," Fitzgibbons said.

Working for government spending may erode in reputation. "It's a bad thing for the law enforcement agencies involved, any whatever the cost of the principal doing business for their time of work."

Abortion bill showdown looms

Washington Press Report

WASHINGTON — Even with a new mandate in the White House, many abortion-rights supporters concede they will have to make compromises to win passage of a bill putting such rights into law. But they have yet to agree on where and how much to give.

"There's a division in the ranks," says Rep. Charles Schumer, a New York Democrat and a co-sponsor of the Freedom of Choice Act. His view: "Five-sixths of a loaf is better than none."

But Don Edwards, D-Calif., the bill's chief House sponsor, says, "We're not going to go out there and weaken Roe. We would rather post-

ponor it until we have the votes."

The bill is expected to be put into the hands of the Supreme Court. The bill would require the Court to rule on whether the act is constitutional.

But the act also would create standards of sorts for limitations that states could put on abortion.

That's where the potential showdown lies. The federal proposal would outlaw some restrictions now on the books in some states — such as 24-hour waiting periods and parental consent requirements.

"This bill goes way beyond Roe — it goes to a wide-open, no-holds-barred, abortion on demand," said Sen. Orrin Hatch, R-Utah.

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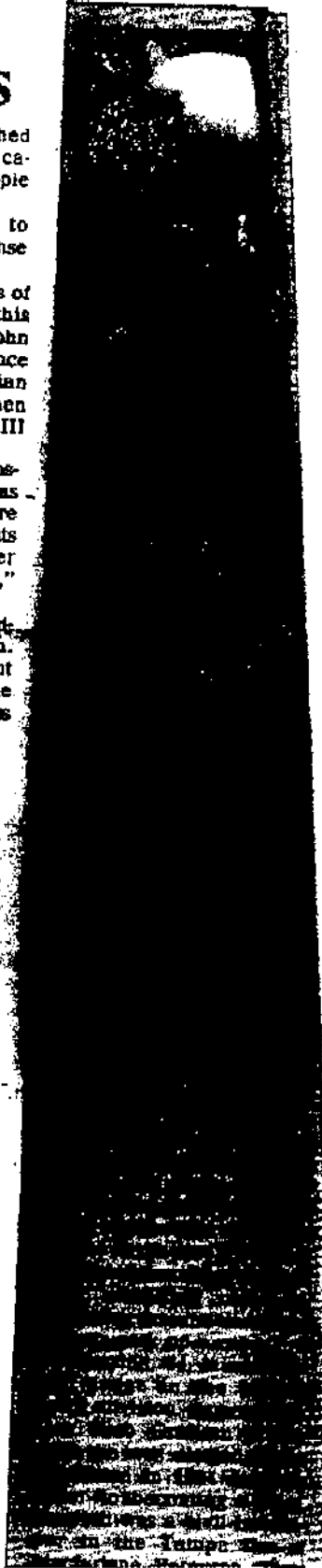
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