

SEAL-FIGHT IN SAN DIEGO

There are two, related developments in San Diego (hat tip to ChrisC for her updates) in the Wilkes/Michael/Kontogiannis side of the Wilkes trial. First, the government has responded to John Michael's attempt to throw out his indictment because of a weird connection between Tommy Kontogiannis and one of the prosecutors, Phillip Halpern. As I suggested in my post on this motion, I think Michael is more interested in exposing a bunch of details about Tommy Kontogiannis than he is optimistic about getting the case out thrown out.

I doubt the motion to have the charges dismissed (or even SD's USAttorney office recused) will succeed. But I'm guessing the actual purpose of this motion is to make public a great deal of information on Kontogiannis to—at the least—completely discredit him as a witness. If not to bring public pressure to indict Kontogiannis for the other crimes the government admits he has committed.

I'm guessing the government's lawyers at least partially agree with my assessment, which I'll discuss in more detail below.

The whole question is relevant to the other news in the trial—that the Appeals Court has ordered Judge Burns to unseal the redacted transcripts for the hearings on Kontogiannis' plea deal. This actually seems like a victory for the government, because the Appeals Court,

... requires the district court to maintain under seal only the disputed portions of the sealed transcripts. The district court shall unseal the redacted transcripts submitted to the district court by the government on June 22, 2007.

In other words, the portions of the transcripts that the government **wanted** to retain under seal in June when this whole squabble started **will** remain under seal. Which means, if we're going to get the really juicy details about Kontogiannis, we're going to get them from Michael.