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2 Sentences Tossed

What men were charged with is no longer illegal

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FOR MORE than 25 years, James F. Lynch worked for the city, but then his world turned upside down in 2007 when federal prosecutors charged the former tax assessor under a law that says public officials have to act in the best interest of constituents.

They alleged that he accepted \$20,000 cash from developer James F. Campanella in 2005 - which Lynch failed to disclose - for help in resolving tax disputes Campanella had with the city.

Now, a federal district judge has thrown out the convictions and sentences against Lynch and Campanella.

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Both pleaded guilty in September 2007 to honest-services fraud. Lynch was later sentenced to three years' probation and fined \$25,000; Campanella got five years' probation and a \$250,000 fine.

Lynch, 60, of South Philadelphia, completed probation and continues to make payments on his fine. Campanella's sentence was expected to end in 2013.

U.S. District Judge Jan DuBois said in a 15-page ruling that the men had been convicted of conduct that is no longer criminal.

The U.S. Supreme Court last year limited application of the honest-services law. It said that the feds had to prove bribery or kickbacks and that an undisclosed conflict-of-interest was not a crime.

Since then, federal judges here have set aside several other honest-services convictions.

At his plea, Lynch denied that Campanella's cash influenced him or that his decisions had been based on anything other than city policy.

Campanella, 60, of Spring Garden, said at his plea that he had given Lynch money as thanks for his help in resolving tax issues on four properties Campanella owned, and not to influence future conduct.

The feds admitted at the plea that Lynch had not solicited money from Campanella nor had he expected to receive it.

Attorneys for both defendants said their clients were gratified by DuBois' ruling.

Lisa Matthewson, Lynch's attorney, said she hopes the government "does the right thing" and not appeal DuBois' ruling.

"Suffering a conviction for conduct that is no longer criminal has had a dramatic impact on Mr. Lynch's life, and it is fair that he be permitted to move on," Matthewson said.

Angela Halim, Campanella's attorney, said DuBois' ruling was a "great result" not just for Campanella, but other similarly situated defendants.

Prosecutors had argued that the criminal information had also charged a valid bribery theory, but DuBois found otherwise.

"The court rejects this argument and concludes that the information does not charge honest-services fraud based on bribery," DuBois wrote.

He also ordered the government to repay Lynch and Campanella within 90 days whatever money they have paid in fines.

Assistant U.S. Attorney Robert Zauzmer said the feds were reviewing DuBois' decision before deciding on what to do next.

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