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## Kemp's lawyer bugs FBI agent

Argues FBI targeted Corey since they couldn't get mayor

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An attorney for former city treasurer Corey **Kemp** yesterday grilled the FBI **agent** in charge of the City Hall corruption case, suggesting that **Kemp** was indicted because **agents** couldn't nail Mayor Street.

"Isn't it true, **agent**, that in order to get all of these defendants into this courtroom . . . that you had to have a public official?" **Kemp lawyer** William Spade asked special **agent** John Roberts during the corruption trial yesterday.

"When the **bug** was found [in Street's office before it produced useful information] and you couldn't get the mayor, he couldn't be the public official for your indictment in this case," Spade charged.

"Isn't that the time you decided that Corey **Kemp** could be a suitable substitute for Mayor Street?"

Roberts denied that allegation, saying "when we approached Mr. **Kemp** [on Oct. 16, 2003, nine days after the **bug** was found] it was my opinion that there was an indictable case against Mr. **Kemp**."

**Kemp** is on trial for "honest services fraud," for conspiring with recently deceased **lawyer** Ron White, two Commerce Bank executives, a Detroit businessman and the owner of a local printing company to deprive the citizens of Philadelphia of **Kemp's** "honest services."

Specifically, **Kemp** is charged with selling his office to his co-defendants for gifts like Super Bowl tickets and lavish vacations.

"Isn't it true," Spade asked Roberts, "that you can't bring an honest services fraud case unless you have a public official? Isn't that correct?"

Roberts answered that "inherent in a case of deprivation of honest services is a public official."

Spade's questioning was subject to frequent objections from prosecutors who argued that Spade was being improperly argumentative.

The cross-examination of Roberts, which began on Thursday after he was questioned by prosecutors, was cut short after only two hours yesterday. A sudden illness in the family of one of the jurors prompted Judge Michael Baylson to adjourn court early yesterday.

Roberts is expected to return to the stand on Monday. \*

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