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Pellicano co-defendant pleads guilty to federal fraud and wiretapping charges

Daniel Nicherie admits hiring the former private investigator to wiretap a businessman.

By Greg Krikorian
Times Staff Writer

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The federal investigation of Anthony Pellicano took a surprising turn Tuesday when one of his co-defendants pleaded guilty to using the former private eye to wiretap a Beverly Hills businessman six years ago.

In an appearance before U.S. District Judge Dale S. Fischer, Daniel Nicherie also pleaded guilty to three other felony counts of defrauding the Beverly Hills businessman and others through pension fraud, wire fraud and money laundering.

Nicherie, 46, is the fifth person to plead guilty to having Pellicano wiretap his clients' courtroom adversaries or business rivals. Additionally, a former Beverly Hills police officer has admitted he illegally accessed government computers for Pellicano, and a onetime SBC employee has pleaded guilty to helping Pellicano by turning over confidential phone company records.

It was not immediately clear what effect Nicherie's plea will have on the ongoing Pellicano investigation because the U.S. government's allegations about Nicherie's actions would clearly make him a troubling witness for the prosecution.

Still, as the latest defendant to admit to wiretapping charges, Nicherie could provide authorities with another example of how Pellicano illegally spied on others.

"If you start adding up the number of people who have pleaded guilty to wiretapping, and then you hear ... Pellicano denying that he wiretapped people, you have to ask yourself how believable he is," said one federal law enforcement source, who spoke on condition of anonymity because of the ongoing probe.

Early this year, authorities unsealed a federal grand jury indictment that alleged Nicherie, his brother, Abner, and others hired — or worked with — Pellicano to wiretap others.

Although Pellicano and several co-defendants are alleged to have illegally gone after numerous celebrities or business executives, the sweeping 110-count indictment names the Nicheries in only one count: wiretapping businessman Ami Shafir in late 2000.

At the time, authorities have alleged, Nicherie was posing as an attorney and investment banker in order to defraud Shafir and his ex-wife out of some \$40 million in cash, real estate and businesses. The fraud, according to an April 2004 indictment, involved an elaborate scheme through which Nicherie took control of Shafir's companies, drained their assets and put the businesses into bankruptcy.

In that same indictment, Nicherie was accused of also defrauding Gil and Ezra Mileikowsky of Los Angeles out of \$275,000 by persuading them to invest in a bogus business venture.

The fraud involving Shafir looms as an especially significant event because at least one of Pellicano's alleged wiretaps intercepted a conversation between Shafir and an FBI agent who was looking into the matter, records and interviews show.

The alleged intercept occurred more than a year before federal agents raided Pellicano's offices in 2002 in connection with a botched attempt to intimidate a Los Angeles Times reporter.

Until Tuesday, Nicherie had steadfastly maintained that he was innocent of the charges in the two federal cases against him. Like Pellicano, he had been held in federal custody without bond because authorities had persuaded the judge that he was too great a flight risk.

After pleading guilty in the case, Nicherie was taken from the courtroom and remained in custody. His attorney for the sentencing phase declined to comment, as did prosecutors in the ongoing Pellicano case.

Assistant U.S. Atty. Jason Gonzalez, who prosecuted the fraud case and presented the plea agreement in court, said: "It's safe to say everyone is pleased it has been resolved."

Meanwhile, the Beverly Hills businessman targeted by Nicherie called the guilty plea "a major step towards justice.

"I am pleased to see him acknowledge responsibility, and I commend the [prosecutor] for his role in this process," Shafir said in a statement. "Unfortunately, this is only the tip of the iceberg which has yet to expose the underbelly of the corruption involving Pellicano, phone company employees, certain police officers and departments who collectively participated in fleecing me out of millions of dollars."

Pellicano and five others, including a former Los Angeles Police Department detective and another former SBC employee, have pleaded not guilty in the case, which is scheduled for trial next summer.

Nicherie is scheduled to be sentenced in March and faces a maximum prison term of 35 years, although federal sentencing guidelines recommend a lesser penalty.

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