

*The 1988 Oakland Tribune*

# Jury clears man of drug smuggling

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## Government's case dealt series of setbacks

FROM STAFF REPORTS

SAN FRANCISCO — A jury needed just four hours of deliberations to acquit a Nigerian native accused in 1992 of taking part in a huge heroin-smuggling operation.

Victor ~~Onuagulu~~, 35, woke up this morning knowing he would be acquitted, and he was, said his attorney Brian P. Berson of San Francisco.

Jurors voted to acquit on Thursday, in part, because they didn't feel there was enough evidence to corroborate claims by a government informant who testified in the case, according to Berson.

In 1992, ~~Onuagulu~~ was accused along with Plus Allen of Oakland, and about

a dozen others of the heroin smuggling operation that brought the drug from Nigeria.

But, 43 of the 44 charges in the case were dismissed because attorneys were able to argue the defendants were already punished when agents seized their property. To try them again meant they would be punished twice based on the same evidence, which is illegal "double jeopardy."

A federal appeals court reinstated all but one of the charges in 1996.

But last year, the case was dealt another blow when a federal magistrate criticized an affidavit federal agents used to tap phones in the case. The bulk of the charges were dismissed.

Government prosecutors recharged the case, but only against Onuagulu and Allen.

Allen said he expects to go to trial sometime next year.