

DUKE DEBACLE

Newscaster: Another bomb shell in the Duke case. The accuser changing her story, yet again. She is now saying that one of the accused players Reed Selocmen did not participate, he just watched and she is claiming that the attack happened earlier in the evening; contradicting her own past statements. The defense is demanding the case be dismissed. So, let's take a closer look at the case right now with our next couple of guests, Tad Nelson, former prosecutor who is now a defense attorney joining us from Houston. And Gloria Allred is with us an attorney and author of "To Fight Back and Win" joining us from Los Angeles. Good to have you both here. Tad to you first, does the prosecution have any case left?

Tad: Actually No. There is just no way. This case has gone from the ridiculous now to the comical. He probably should do the right thing and go in there and file some dismissals, move on, count his loses, and prepare for his own little hearing in May with the state bar.

Newscaster: You mean, you are talking about Nifong?

Tad: Yes. Absolutely.

Newscaster: Gloria what is you take on this? Any case left?

Gloria: This is a case of death by a thousand cuts and it seems almost every day we are hearing a new cut. Actually, this is not new it's just the new leak by the defense because this is from the investigation that was done by the D.A.'s office on December 21st. Having said that, there's nothing in this that is good for the prosecution and I think the case is becoming a disaster for everyone. I feel sorry for the alleged victim, for the defendants, for everyone. The only person I don't feel sorry for is Nifong because he brought this on himself.

Newscaster: Tad, back to you. Do you feel sorry for the alleged victim?

Tad: Well. It depends on who you are calling the victim. I mean, I think there are three students at Duke right now who are the victims of this fiasco. As far as the alleged victim that Ms. Allred represents, I mean, I don't know how much of a victim she is, I mean, everything that she said has been contradicted. It's clearly that the DNA that was taken from both the vaginal and the rectal smears were from males that weren't involved with the Duke La Cross team. I think the Duke boys are the victim. I do not think that the victim is legit here.

Newscaster: Well, let's call the accuser, Gloria, whatever terminology you want to use here. Why would you feel sorry for her? If it turns out that she was lying and essentially damaged these boys' reputations.

Gloria: Now to set the record straight, I don't represent her and officially the accuser is the District Attorney, so I do think it is appropriate to call her the alleged victim. Having said that most District Attorney's, probably ninety nine percent of all District Attorney's; would do a full investigation before they file a case like this. Not file it and then begin to do a lot of investigation and so you know, sometimes there are some inconsistencies in alleged victims' testimony. All of that has to be flushed out. All of that has to be vetted before the filing decision is made. And apparently that didn't happen here because the D.A. investigators themselves didn't interview her, this is conceited by Nifong; until December long after the April filing last year.

Newscaster: Tad, there is a hearing on May 11th. A North Carolina State Bar Hearing and I guess at that point Nifong could wind up disbarred. Do you think that will happen?

Tad: I don't see him getting disbarred. I think he will get some kind of reprimand. The fact is within a week of this case coming to fruition, he was immediately calling these students hooligans and calling them other names. That's not what a D.A. is supposed to do and whatever comes his way is well deserved in all honesty.

Newscaster: Gloria, back to you for a minute. Do you think that um the people were a little bit too quick to believe the alleged victim's story?

Gloria: Well, I don't want to come to any final conclusions because let's face it we have not heard evidence in a trial in a court of law. What we are doing everyday is hearing a lot of defense spin and I don't blame them for putting it out. And we haven't heard from her except through police reports and through District Attorney reports and you know she hasn't been subjected to cross examination in a court of law. So, you know it may be that something happened; but that it can not be proven beyond a reasonable doubt. So, I don't like people who want to name call to the alleged victim. She is being put through a lot too and I think the professionals, the District Attorney's are the ones that should have made the judgment about whether this is a case that should be filed or not.

Newscaster: Yeah Tad, bottom line do you think that all charges ultimately will be dropped and what happens to Nifong?

Tad: Oh, they definitely should be dropped and I want to clear up something that Mrs. Allred said. The victim or the alleged victim, she has had five opportunities, she has talked to an investigator, she has talked to a sergeant, she has done a hand written statement, she has talked to a nurse, and now she has talked to the D.A. There are so many contradictory statements that she has made. She has had her opportunity and Ms. Allred has talked about cross examination, if she can't talk and get her story straight when they are not trying to cross examine her just imagine how messed up it would be once they did cross examine her. And as far as Nifong...

Newscaster: Gloria, quick response and then we need to leave it there.

Gloria: I don't know what you mean by story straight. It sounds as though she is trying to be honest about what she believes occurred that night. You know that sometimes people lie, then their always one hundred percent correct about everything; so I just don't want to be so quick to condemn her. I want to hear her side first.

Newscaster: We'll have to wrap it here, Gloria and Tad thank you both very much.

Tad: Thank you.