

REVERB POLITICS

Oliver NewMedia enterprise

Wednesday, July 6, 2011

UNDERSTANDING TRIALS & TRYING Dominique Strauss Kahn

UNDERSTANDING TRIALS & Trying Dominique Strauss Kahn

THE MEDIA FRENZY arising from the arrest of international French public figure and politician Dominique Strauss Kahn on May 14, 2011 quickly goaded the public into believing that Kahn was guilty as the clamoring newsmen charged.

All media portrayed the director of the International Monetary Fund as a psychopathic stalker of women and the aggressor in a sexual assault upon a hotel maid while staying at the Sofitel Hotel in New York.

However, from the outset I posted a comment on May 20, 2011 that Kahn had defenses available, despite the media and prosecution's leaked death knell portrayal of the case. My comments were posted on an ABC news correspondent's facebook page, in response to a courtroom drawing that the correspondent had posted.

Although the ABC newsman posted the courtroom drawing asking his fb friends to "find him in the drawing," it was obviously more important to study the drawing for the positions and mannerisms of the key players present in the courtroom- Kahn, defense attorneys Brafman & Taylor, the prosecutor and the judge.

Here is what I posted on May 20th, when Kahn was arraigned six days after his arrest.

The Oliver NEW MEDIA DAILY

The oliver NEW MEDIA
Journal
10 July 2011
Living
state.gov - Statement by
President and Secretary
Clinton on the Passing of First
Lady Betty Ford



StateDept STATEDEPT

Today's content
Politics60
Art & Entertainment58
Sports49
Stories16
Tragic15
Living11
Photos7
Media6
Read it now!
24 hours on Twitter
by

.....

Ray Oliver

Interesting that defense counsel Taylor has his hands in his pockets. Strauss-Kahn is not without a defense, as the prosecution's leaks and media are portraying. Investigators have said that the room door was left open by the employee, proving that she entered to work and not for sex. BUT an open room door easily allows a purported victim to scream and / or escape from the room. Also, the location of the alleged crime is not one that allows escape from detection. How likely is it that someone would commit a sexual assault, when the victim can simply walk through an "open door" back to work and back to supervisors. How likely, where a perpetrator has a high profile and detailed hotel record for identification? Also, a hotel patron in an expensive suite at \$2000.00 per night makes an easy target for entrapment/extortion through fabricated complaints after a consensual encounter. Lastly, prior bad acts as an exception to the hearsay rule which excludes evidence, is admissible under limited circumstances. S-K's alleged prior bad acts will not be easily admissible with Taylor - Brafman opposition. Brafman and Ivan Fisher were co-counsel with me in the US' largest drug trafficking trial in history, in the 80's. S-K is in good hands.

May 20 at 4:10pm · [Like](#)
.....

The defense attorneys' release for publication, a letter which they received from NY District Attorney Cyrus Vance, (*copy below*) now has the news groups clamoring like keystone cops in a different direction. Reporters are now "hot on the trail" of the alleged victim claiming that DSK will be exonerated from the charges before trial, because the assaulted maid is a proven liar.

So, job well done defense lawyers?
Not so fast.

The chorus of criticism portraying Cy Vance as incompetent and a repeated loser of high profile cases, is resounding throughout the greater New York metropolitan area.

Is Cy Vance incompetent, because of the revelations that the maid is an historical liar?

Is Cy Vance responsible for the release of DSK on his own recognizance, because of the woman's prior fabrications which she made to other governmental agencies?

Hardly.

To be knowledgeable on this topic of a prosecutor's duty is to know that the shining star in this parade of limitless news reporter confusion is NY District Attorney Cy Vance, Jr.

Simply, some paralegal in the criminal defense attorneys' office sent out their standard discovery request form, which requested that the prosecutor disclose all evidence which the state intends to use in prosecuting the defendant.

No big deal. A standard printed form which is captioned " Discovery Demand for Production of Tangible Items" under the criminal rules of procedure.

Most prosecutors give little importance to the defense's demand for production. Prosecutors routinely send out the complaint, police and detective reports and other documents which are found in the "official" police department file.

Prosecutors do not spend time searching out for evidence beyond the "official" police file in the case.

Prosecutorial ineptitude rests with the prosecutor who fails to locate items which are relevant to the case and which are under control of other agencies and parties.

And this is where Cy Vance, Jr. shines as an exemplary prosecutor.

In the United States Supreme Court case of [Brady v. Maryland](#), our *Su-preme* court held that the state in a criminal action is obligated by law to provide all materials that are relevant to the defense, including ALL materials which may exculpate the defendant from the charges against him.

These "Brady materials" are evidence which may tend to prove a defendant's innocence

Oliver NewMedia enterprise

[Apple](#) [Google](#) [Microsoft](#) [Yahoo](#) [AOL](#)
[Time Warner](#) [AFI](#)

[Apple finally bringing 1080p HD videos to ZDNet \(blog\)](#)

By Sean Portnoy | July 10, 2011, 8:55am PDT
The Apple rumor du jour concerns one of the annoying drawbacks of iTunes and Apple TV video capabilities. AppleInsider is reporting that an "iTunes HD+" upgrade could be in the works that would finally bring ...

[Related Articles »](#)

[NUTS: Hackers Target Government, Apple and Forbes \(blog\)](#)

Besides political targets, AntiSec, a mix of Anonymous and former LulzSec hackers, broke into an Apple server and collected 26 administrative usernames and passwords. The group claims to have gained entry through a security flaw in third-party software ...

[Related Articles »](#)

[Apple iPad Will Dominate Tablet Market](#)

eWeek

Apple's iPad franchise will continue to dominate the tablet market through 2012, according to a new analyst report. Apple's iPad franchise will continue to dominate the tablet market for some time to come, according to a new analyst report. ...

[Related Articles »](#)

[Apple, Microsoft Patent Consortium Trying to](#)

eWeek

A group including Apple, Microsoft and RIM is being accused of colluding to stop Google from buying Nortel Network's patents to protect Android. Regulators are looking into it. The ad-hoc patent group that offered \$4.5 billion for bankrupt Nortel ...

[Related Articles »](#)

powered by 

ShareThis**Blog Archive**

- ▼ [2011](#) (2)
 - ▼ [July](#) (1)
 - [UNDERSTANDING TRIALS & TRYING Dominique Strauss Kah...](#)
 - ▶ [June](#) (1)
- ▶ [2010](#) (4)
- ▶ [2009](#) (3)

Followers

from the charges.

Cy Vance followed the spirit and letter of the Brady holding by giving the defendant's attorneys information about the victim's statements made to Immigration officials which tended to help the defendant, because the prior statements of the victim were apparent lies.

The woman who has claimed sexual assault had previously lied to government officials. This is the Brady material that the US Supreme court held must be supplied to defendants' attorneys in criminal cases.

So Cy Vance went beyond the routine ineptitude of prosecutors around the country and supplied the defendant's attorneys with Brady materials which help the defense's case.

Cy Vance gave the defendant's attorneys evidence of prior lies and bad acts of the complaining victim. This was evidence obtained from INS and other governmental agencies. DA Vance did not limit his search for Brady materials and relevant evidence to one police department's file.

The change in the tone and temperament of the case from being damaging to Kahn to a case damaging to the DA's office was the result of DA Vance's diligence in protecting the rights of the defendant, pursuant to the US Supreme Court's holding in Brady v. Maryland.

Furthermore, the roles of the prosecutor and defense counsel are entirely different. A prosecutor's duty is at odds with a lawyer's responsibility to clients.

For a defense attorney, the Rules of Professional Conduct require that the attorney act "zealously" on behalf of his client.

In contrast, the prosecutor's duty is not for him to seek convictions, as most journalists believe when misinforming the public. Rather, the prosecutor's duty by law is to "seek justice."

The commendable duty to seek justice means that a prosecutor must make decisions based on fairness to the defendants.

"Seeking justice" for a prosecutor means that, like Cy Vance, they must exercise due diligence in locating all relevant evidence in a case, including all Brady materials which can lead to charges being dismissed against a person like DSK.

And the release of Brady materials is done "in the interest of justice."

That is exactly what District Attorney Cyrus Vance, Jr. did. He did it for DSK. He did it in the interest of justice.

_____;

Note: Ray Oliver served as defense co counsel in the largest drug trafficking trial in US history at the time. He also served as co counsel in the Lot Air disaster case and has represented high profile public officials in criminal investigations and trials. He served as Chair of the International Litigation Cmmtt, New Jersey State Bar Association & Chair of the Administrative Law Section, NJSBA. He began his career prosecuting cases for the Illinois Attorney General, General Law Section-Chicago. Oliver also represented parties in criminal cases through a major record label company. He is a past elected Governor of the NY tv academy Emmy awards, Board of Governors and is a past Chair of the Membership committee of the NY tv academy Emmy awards.

_____;

Make
your move
with
Optimum®

 Better
TV.

 Faster
Internet.

 Smarter
Phone.



 Optimum

Click or call
1.866.907.7957

About Me

RAY OLIVER, ESQ.

Federal, State & International Law| HARVARD LAW- Advanced instruction International Litigation; Mass Torts & Problems in Civil Procedure| JOHN MARSHALL LAW- Chicago, Ill.| NEW SCHOOL FOR SOCIAL RSCH- Political Philosophy with Prof Hannah Arendt| NEW YORK UNIV- Dept of Politics; Div. of Political Philosophy| LOYOLA UNIV CHICAGO| PASSAIC VALLEY REG. HS- Little Falls, NJ| ST. ANTHONY's RC GRADE SCHOOL- Paterson, NJ| Chief Campaign Counsel- Paterson Mayoral Election.| NJ State Bar Assoc- Leadership Award for Chair, Administrative Law Section.| Chair, International Litigation Cmmtt, NJ State Bar

William W. Taylor, III, Esq.
Zuckerman Speder LLP
1540 Broadway, Suite 1604
New York, N.Y. 10036

Benjamin Brafman, Esq.
Brafman & Associates, P.C.
767 Third Avenue
New York, N.Y. 10017

Doyle v. Dominique Strauss-Kahn
Indictment No. 2536/2011

Dear Messrs. Taylor and Brafman:

In connection with the above-captioned case, the People disclose the following information to the defense pursuant to Criminal Procedure Law 240.20 as well as *Brady v. Maryland*, 373 U.S. 83 (1963) and its dissenting progeny:

In an application for Arlyan and for Withholding of Removal dated December 30, 2004, the complainant provided the United States Department of Justice Immigration and Naturalization Service with factual information about herself, her background and her experiences in her home country of Guinea. This information was in the form of a written statement attached to her application, and was submitted as a basis for her request for asylum. In her application, she certified under penalty of perjury that her written statement was true.

In substance, the complainant's statement claimed that she and her husband had been persecuted and harassed by the dictatorial regime that was then in power in Guinea. Among other things, the complainant stated that the home that she shared with her husband was destroyed by police and soldiers acting on behalf of the regime, and that she and her husband were beaten by them. When her husband attempted to return to what was left of their home the next day, she stated that he was again beaten, arrested and imprisoned by police and soldiers. She stated that she was beaten when she attempted to come to her

husband's aid. In her statement, she attributed the beatings to the couple's opposition to the regime. She stated that during her husband's incarceration, he was tortured, deprived of medical treatment and eventually died as a result of his mistreatment. Following his death, according to her, she began to denounce the regime and finally fled the country in fear of her life, crossing the United States in January 2004 to seek refuge (she has not presented that she used a fraudulent visa). She reported these facts orally during the course of her asylum application process.

In interviews in connection with the investigation of this case, the complainant admitted that the above factual information, which she provided in connection with her asylum application, was false. She stated that she fabricated the statements with the assistance of a male who provided her with a passport reflecting the facts contained in the statement that she originally submitted. She stated that she fabricated these facts by listening to the recording, reportedly in several interviews with prosecutors, she admitted these falsehoods when questioned about her history and background, and stated that she did so in order to remain consistent with the statements that she had submitted as part of her application.

Additionally, in two separate interviews with assistant district attorneys assigned to the case, the complainant stated that she had been the victim of a gang rape in the past in her native country and provided details of the attack. During both of these interviews, the victim stated and reported to be awkwardly distraught when discussing the incident. In subsequent interviews, she admitted that the gang rape had never occurred. Instead, she stated that she had had about six encounters and fabricated the details, and that the false evidence was part of the narrative that she had been drafted to memorize as part of her asylum application process. Presently, the complainant states that she would testify that she was raped in the past in her native country but in an incident different than the one she described during these interviews.

In the weeks following the incident charged in the indictment, the complainant and defendant and assistant district attorney in connection with this case, after being verbally contacted by the defendant on May 14, 2011 to June 2006, she fled to an area of the main highway of the town's 28th floor and waited there until she observed the defendant leave from the 28th and the 29th floor by entering an elevator. It was after this observation that she reported the incident to her supervisor, who arrived on the 29th floor a short time later. In the interim between the incident and her supervisor's arrival, she claimed to have remained in the same area of the main hallway on the 29th floor to which she had initially fled. The complainant testified to this version of events when questioned in the Grand Jury about her actions following the incident on June 2006. The complainant has also admitted that the incident was false and that after the incident in June 2006, she proceeded to clean a nearby room and then returned to Suite 2806 and began to clean that suite before she reported the incident to her supervisor.

Additionally, the complainant has stated that for the past two and a half years, she achieved a friend's child in addition to her own as a dependent on her own return for the purpose of receiving her own refund beyond that to which she was entitled. She also admitted to misrepresenting her income in order to receive her present housing.

Finally, during the course of this investigation, the complainant was untruthful with assistant district attorneys about a variety of additional topics concerning her history, background, present circumstances and personal relationships.

Please do not hesitate to contact us with any questions.

Sincerely,


Jeff Blazer-Chiswick
Assistant District Attorney
212-335-9926


John (Artie) McConnell
Assistant District Attorney
212-335-9926

cc: The Honorable Michael J. Chus
Supreme Court, New York County
Part 51

Assoc. | BD OF GOVERNORS- NATAS-NY tv academy for EMMY awards. (ex officio) | CHAIR, MEMBERSHIP CMMTT- NATAS NY, tv academy for Emmy awards. (ex officio)

[View my complete profile](#)

Posted by RAY OLIVER, ESQ. at 7:42 PM 1 comments  ShareThis

[Links to this post](#)

Labels: attorney Brafman, Brady materials, Brady v. Maryland, criminal discovery, Cy Vance, Cyrus Vance, Esq, production of items, Ray Oliver, rayoliveresq, strauss kahn