

## TO SPEAK OR NOT TO SPEAK

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The Fifth Amendment is at issue this week in two high-profile cases: the marital mishap of professional golfer Tiger Woods and the surprise convictions of the American student perhaps wrongfully convicted of killing her roommate, Amanda Knox and her boyfriend. The Constitution protects each and everyone of us from false confessions or prosecutorial twisting of our words. Simply put, it grants us the right to remain silent. Tiger Woods has, of course, invoked this right. Amanda Knox, however, spent days talking with Peruvian investigators without an attorney. She was deprived of sleep and told to "imagine" scenarios under which her roommate could have been killed. She did. Investigators then called those scenarios "explanations" and within days of the murder, she was publicly touted as her roommate's killer.

The Amanda Knox trial has received so much attention because of the *lack* of otherwise credible evidence. Although there was a ton of forensic evidence, none of this evidence linked the girl to the crime and the defense was not allowed to bring in its own forensic evidence, showing she could not have committed the murder. The conviction of this young girl with no known motive and no criminal record led former OJ Simpson prosecutor John Kelly to declare this "the most egregious international railroading of two innocent young people I have ever seen... It's a public lynching based on rank speculation."

Jurors claim to base their decision on the "inconsistencies" between Amanda's "versions" of events. Had she not spoken to investigators, there would be no "versions" to scrutinize, no words or explanations to compare.

At the same time, golf superstar Tiger Woods has repeatedly refused to explain his traffic accident and marital blunders to Florida highway patrolmen. We're left wondering: Just told of her husband's "transgressions", did Tiger's outwardly demure Swedish wife Elin Nordegren wail on him with an appropriately-chosen golf club? Did he escape in such a frenzy that he lost control of his car? If either of those were true, Ms. Nordegren would likely be charged with and convicted of domestic violence and have to endure all of the penalties sanctioned by law, including possible jail time, community service, fines, probation, a restraining order, immigration troubles and difficulty traveling. If Tiger touched Elin in even the slightest manner during this argument, then he would be the one facing domestic violence charges and all of the repercussions.

Instead of applauding his decision to remain silent, Tiger Woods is being skewered by those who ought to know better. Hub public relations manager Peggy Rose has criticized him, saying "he's making it look like he has something to hide." George Regan of Regan Communications has added "he's not handling it particularly well. If there's nothing to hide, why not talk to police?"

As an Orange County Criminal Defense lawyer (see [www.irvinecriminallawyer.com](http://www.irvinecriminallawyer.com)) and an Orange County Domestic Violence lawyer (see [www.cadomesticviolence.com](http://www.cadomesticviolence.com)), I strongly disagree with Rose and Regan. Tiger Woods IS handling this well. He is doing exactly what he should—exercising his right to remain silent. There will be no twisting of his words and likely no prosecution of him or his wife. Had Amanda Knox remained silent, she might have watched his tournament from the comfort of her own home this weekend, rather than looking at the next 26 years in prison for a crime she didn't commit.