



## Craig's Court: I Call Them As I See Them

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By [Craig Silverman](#), 7NEWS Legal Analyst

I heard from Court TV this morning that Jeff Shapiro wrote about me in his almost-released book. That's all right. I wrote a column about him at the end of January.



The only difference is that my writing is accurate whereas Shapiro's version of events is typically all fouled up. The *New York Daily News* claims that Shapiro's book attributes the unidentified semen stain on the yellow underwear to Kobe Bryant's accuser putting on dirty drawers.

This is apparently contradicted by the alleged victim herself. In its Jan. 12, 2004 responsive motion, Team Kobe wrote on page 10 that:

"To suggest that these panties, donned during the intervening 18 hours, contained semen and sperm left over from a sexual episode that was remote is contradicted by the fact that the accuser told law enforcement that these panties had been clean when she put them on, and laundering of the panties would have destroyed any semen present."

I know from what I have been read by a Court TV producer that Shapiro got several things wrong about me. First of all, I have never been an unattributed source for any tabloid. When I talk to the tabloids, it is for attribution. They don't

tell me what to say. I call things as I see them.

When the *Globe* published Bryant's alleged victim's photo, I told them that I thought that was wrong. I don't approve some things the tabloids write. Neither do I approve everything the *Rocky Mountain News*, the *Denver Post*, the *LA Times*, the *Washington Post*, *USA Today*, AP, Reuters or any other publication writes. In terms of getting paid, I am glad to report that a lot of people and companies pay me for my legal opinions and analysis. That is called being a lawyer.

Unlike Jeff Shapiro, I have been in the main courtroom for all the important Bryant case proceedings. He claims I am a defense source because I told the press that I believed Pamela Mackey's repeated use of the alleged victim's name in open court was accidental. Indeed, I did tell the press that I thought Mackey's actions that day were wrong, stupid, but unintentional.

As apparently stated in Shapiro's book, my former boss, ex-Denver District Attorney Norm Early said Mackey's naming of the victim was intentional. However, Norm was not in the courtroom. Norm was apparently in the listening room. Norm could not see (as I did) that Mackey had the alleged victim's name written on her prepared questions. Norm could not see Mackey physically recoil as she realized her mistakes. Norm could not see an irritated Hal Haddon go up to Mackey and tell her ways to avoid the mistake again.

Was it a mistake? I suppose reasonable minds can differ. I do know that several legal analysts and journalists in the main courtroom agreed with my assessment.

As I try to do with all my legal analysis, I utilized common sense when analyzing this situation. What did Team Kobe have to gain by Mackey using the accuser's name? Nothing that I could see. It detracted from the better headlines they had garnered that day and brought negative sentiment toward Mackey and Team Kobe.

The reality is that this is the first Colorado case I have ever seen where lawyers are precluded from saying an adult victim's actual name in open court. It was clear to me from seeing Mackey's notes that she did not make the necessary adjustment for that unprecedented rule in the Bryant case.

Jeff Shapiro apparently makes the ridiculous claim that I am trying to curry political favor with Hal Haddon and his law firm.

For anybody who followed my JonBenet analysis to suggest I have ever been in bed with the Haddon law firm is ludicrous.

I also called that JonBenet case as I saw it. It was usually not favorable to Team Ramsey. I regularly pointed out Haddon's Democratic political connections and how that might be a factor in the special treatment afforded the Ramseys by Boulder's Democratic DA.

I stopped being a Democrat in 1995. I did run for Denver DA in 1996 as an unaffiliated independent candidate. It was a hell of an eventful and exciting race but I lost to the incumbent Democrat Denver DA. My platform was twofold "Placing Victims First" and "Politics and Prosecution are a Poor Mix." If memory serves me right, Hal Haddon and his law firm gave lots of money to my opponent.

I remain politically unaffiliated and independent. Insofar as plans to run for public office, contrary to what Jeff Shapiro writes, the chances of an independent candidate being elected DA are remote at best. The chances of Hal Haddon and his law firm supporting a non-Democrat are infinitesimal. So much for Jeff Shapiro's wacky illogical political theory on what prompts my Kobe Bryant analysis.

For 16 years, I was a kickass prosecutor who made most of my reputation vigorously prosecuting rapists. I am unaware of any Colorado prosecutor who put as many rapists away for as much prison time as I did during my prosecutorial career. Several dozen rapists are serving thousands of years as a result of my efforts.

However, during my time as a prosecutor who made case filing decisions, I was amazed to see all the false rape allegations that were made to the Denver Police Department. It was remarkable and surprising to me. You would have to see it to believe

it.

Any honest veteran sex assault investigator will tell you that rape is one of the most falsely reported crimes that there is. A command officer in the Denver Police sex assaults unit recently told me he placed the false rape numbers at approximately 45 percent.

Objective studies have confirmed this. See [Purdue Professor Kanin's nine-year study](#) published in 1994 concluding that over 40 percent of rape allegations were demonstrably false.

The above statements are heresy to say publicly for many politically correct prosecutors. That is especially true if they want to maintain good relations with the victim advocacy community. Norm Early has a great longstanding relationship with the National Organization for Victim Assistance (NOVA) and was a past president.

I don't know what happened in Rm. 35 on June 30, 2003. Neither does anybody else who wasn't there. I am anxiously awaiting the trial to evaluate the entirety of the evidence.

Since Bryant was arrested, I have followed closely every aspect of the case. I saw how other Colorado prosecutors who share the politically correct victims advocate's view (always believe the woman) had input and influence on young Eagle County DA Mark Hurlbert. I know that the Colorado DA's Council recently hosted a national symposium on the prosecution of non-stranger sexual assaults. Colorado prosecutors have made it an agenda item to get tough on acquaintance rapes.

Is that a legitimate agenda? I submit it is unless sufficient safeguards are taken to ensure that innocent people do not get swept up in the process.

DAs are only supposed to file cases that they can prove beyond a reasonable doubt. Judge Gannett, who heard the preliminary hearing (including testimony about Bryant's statements to the cops), concluded that if he made only reasonable inferences, there was not even probable cause.

My opinion of the case was the same as the county court judge after watching and listening to every minute of the public portion of the preliminary hearing. As a result, I have questioned the wisdom of this DA's filing decision. Maybe the DA isn't bluffing when he says he has more powerful evidence than he has revealed thus far. It is hard to imagine what it is.

I'm too headstrong and ornery for other people to tell me what to think or do. Since this case has started, I have had conversations with members of the prosecution and defense team. Neither side has violated the judge's gag order by talking to me about what is contained in the private case file. I have no dog in this fight. I call them as I see them and always will.

## Appendix

On the late afternoon of Feb. 2, I had a chance in Eagle to watch Jeff Shapiro's appearance on Court TV with Judge Catherine Crier and I have the following reactions:

If what Jeff Shapiro says is true, then somebody allied with the prosecution is leaking like a sieve. How else could Shapiro claim to know that three other women are being looked at by the prosecution as similars? He claims the prosecution considers one other five-star hotel encounter to be a sexual assault. That is a clear, as yet unsubstantiated, effort by Shapiro to destroy Kobe Bryant in the court of public opinion.

No way would Team Kobe leak the information about the 75-minute talk with the cops. They are trying to keep it out of the trial. So who else could have leaked it?

Jeff Shapiro has a demonstrated history of making things up when he wants to further his own agenda. Remember how he lied repeatedly when trying to get close to the Ramsey family during the JonBenet mystery. He even pretended to become an Episcopalian.

Shapiro would have us believe that he is a leopard who has changed his spots. We will eventually find out how much of what he writes is fact and how much is fiction.

Consider Shapiro's misrepresentation regarding how his book was going to be distributed at the Eagle courthouse on Monday morning. This prevarication increased the anticipation and the buzz to the benefit of Jeff Shapiro and nobody else. What does that tell you?

**Craig Silverman is a legal analyst for 7NEWS. He will be contributing his thoughts on the Kobe Bryant case in the months to come. He works for the downtown Denver law firm of Silverman and Olivas, P.C., which you can contact through their [Web site](#) or by calling (303) 595-0529.**

<http://www.thedenverchannel.com/kobebryanttrial/2812198/detail.html>