

DSK CASE COLLAPSE: LAWYERS, PHONE CALLS & MONEY THE SHIT HITS THE FAN

It is not often you see the total implosion of a major criminal case in quite such a spectacular fashion as we have witnessed with the Dominique Strauss-Kahn (DSK) case in the last 24 plus hours. As I said Thursday night when the news first broke of the evidentiary infirmities in relation to the putative victim were first made public in the New York Times; there is simply no way for the prosecution to recover, the criminal case is dead toast.

Today, the letter from the Manhattan DA's Office to DSK's attorneys detailing the Brady material disclosures gutting their victim's credibility was made public. It is, to say the least, shocking. But what has transpired since then has been nothing short of stunning.

As expected, DSK had his release conditions modified to OR (own recognizance) and all restrictions, save for not leaving the United States, removed. If you do not think that is a crystal clear sign of just how much trouble the prosecution is in, then you do not know criminal trial law.

But the process of dismissing the case cannot take too long, DSK's attorneys simply will not sanction that and, trust me, they have already mapped out an attack strategy should they need it. My guess is there will be a blitzkrieg should there not be a dismissal by next Wednesday. and if they did not have enough ammunition as of last night, the clincher was revealed late Friday night.

Once again, the breaking story comes from the New York Times:

Twenty-eight hours after a housekeeper

at the Sofitel New York said she was sexually assaulted by Dominique Strauss-Kahn, she spoke by phone to a boyfriend in an immigration jail in Arizona.

Investigators with the Manhattan district attorney's office learned the call had been recorded and had it translated from a "unique dialect of Fulani," a language from the woman's native country, Guinea, according to a well-placed law enforcement official.

When the conversation was translated – a job completed only this Wednesday – investigators were alarmed: "She says words to the effect of, 'Don't worry, this guy has a lot of money. I know what I'm doing,' " the official said.

It was another ground-shifting revelation in a continuing series of troubling statements, fabrications and associations that unraveled the case and upended prosecutors' view of the woman. Once, in the hours after she said she was attacked on May 14, she'd been a "very pious, devout Muslim woman, shattered by this experience," the official said – a seemingly ideal witness.

Little by little, her credibility as a witness crumbled – she had lied about her immigration, about being gang raped in Guinea, about her experiences in her homeland and about her finances, according to two law enforcement officials. She had been linked to people suspected of crimes. She changed her account of what she did immediately after the encounter with Mr. Strauss-Kahn. Sit-downs with prosecutors became tense, even angry. Initially composed, she later collapsed in tears and got down on the floor during questioning. She became unavailable to investigators from the district attorney's office for

days at a time.

Now the phone call raised yet another problem: it seemed as if she hoped to profit from whatever occurred in Suite 2806.

Game. Set. Match. There is so, so, much more of course (really, read the whole sordid set of facts) that absolutely guts any possibility of proceeding with the woman as a criminal victim against DSK but, seriously, that part of the equation is just done and over.

The criminal charges will be dismissed, the only question is why they have not been already. My guess is twofold, first, Cy Vance and the Manhattan DA's Office are trying to maximize whatever insulation from liability they can and, second, they are trying to decide how to proceed as to the woman who was formerly the "victim". By this I mean ascertaining whether she will be detained and deported, arrested and prosecuted, or rolled to be a state witness on substantial crimes involving the current DSK case and/or the drug gang she appears to be involved with. But those are pretty much the options at this point.

That accounts for the phone calls, money and shit hitting the fan portion of the post title homage to the late, great, Warren Zevon. That leaves the lawyers, and whoo boy do we have some lawyering to talk about.

First off, lost in the sturm und drang of the criminal case machinations is that the victim's original lead legal team, the seemingly media slick PI attorney Jeffrey Shapiro (who, early, was literally all over the network morning shows, CNN and MSNBC), and well respected civil rights attorney Norman Siegel, both very abruptly left the case on or about June 8.

The new lead attorney, Thompson Wigdor, appears to have been involved from early on for the victim, but were very much in the background. The firm seems to be involved in mostly worker, employer and union cases. They used to be called

Thompson, Wigdor & Gilly until partner Gilly, and an associate under him, got the firm all sanctioned up for dishonest and fraudulent misconduct on the court in another case. Gilly and associate left Thompson Wigdor, notably, at almost precisely the same time Shapiro and Siegel suddenly withdrew from representing the victim and Thompson Wigdor took over primary representation, i.e. on or about June 7-8.

There are no definitive statements from either Shapiro or Siegel, but the circumstances beg the question whether Shapiro and Siegel bailed because they realized how screwed up and dishonest their client was turning out to be. Quite frankly, were I in their shoes, that is exactly what I would do. The better question is what in the world is Ken Thompson and his firm doing at this point.

Thompson is not only still on board with the victim, but immediately following DSK's release hearing, Thompson stood on the courthouse steps and doubled down on the crazy behind his client in one of the more amazing press conferences I have ever seen in my life. Thompson vouched for a client that had just been established to be completely without credibility or veracity, brutally attacked Cy Vance and the Manhattan DA's Office, misrepresented critical areas of fact and flat out promised his client would be personally addressing the press with a full statement. No attorney in his right mind would put a client such as this one, who is already completely impeached with not just false statements, but flat out perjury, in front of the press and on the public record. It is insane.

Between the DA's Office of Cy Vance and the battery of attorneys that this supposed minimum wage maid had in tow, there is some of the oddest and most questionable lawyering imaginable afoot. I have some further thoughts on this, and how it may fit into the even larger picture dynamics surrounding Dominique Strauss-Kahn, but that will wait until a few more things

sort out. One thing is for sure, this is a long ways from being over; stay tuned.