

# Unsealed records unlikely to hurt Kobe Bryant

EAGLE, Colo. (AP) - The release of previously sealed documents from the failed sexual assault case against Kobe Bryant answered some questions, but probably will not hurt the NBA star in the lawsuit filed by his accuser, experts said.

In response to requests from news organizations, the Eagle County sheriff's department Friday released 354 pages of investigators' reports, lists of evidence, witness statements and other records.

Included was a transcript of investigators' interview with the then-19-year-old woman who accused Bryant of raping her in his room at the Vail-area resort where she worked in June 2003.

Some details of her statement had never before been made public. Some were disclosed months ago, long before the charge was dismissed against Bryant at the woman's request.

"Her statement was strong enough to get the case filed but it never lifted the case beyond that minimum standard," said Larry Pozner, former president of the National As-

sociation of Criminal Defense Lawyers. "All this is prurient interest. The question is whether the prosecution is going to own up to it and show us the evidence that sunk their boat."

Prosecutors next week are expected to release other previously sealed documents that could provide a fuller picture of the case. They have said they believed a jury would have convicted Bryant, but only if the woman had been willing to testify.

Attorneys for Bryant, 26, initially fought the media requests for the documents, arguing they contained potentially embarrassing, sensitive information and that Bryant's privacy rights outweighed the public's right to view the material.

They abandoned those arguments last week, saying they would no longer object to releasing records as long as prosecutors made sure that the material showed both sides of the case. Bryant's attorney Pamela Mackey did not return a call after the sheriff's department released the documents Friday.

"The government might get its good headlines this weekend, but I suspect that as more

information becomes public, we will learn the real reasons why this case did not go to trial," said former prosecutor Craig Silverman.

Neither he nor Pozner believed the newly public information would have much effect on the accuser's lawsuit pending in Denver federal court. Both expect that case to end with a confidential monetary settlement.

"He has better things to do with his life," Pozner said. "He's going to end up paying some money, not because there's a case but because he's tired of plane trips to Colorado and the disruption to his life."

In a Sept. 22 letter, Mackey told District Attorney Mark Hurlbert that she expected him to release documents favorable to both sides. She listed several that were favorable to Bryant, including a letter from the accuser a month before the trial was to begin in which she retracted statements she had made to police a year earlier.

Pozner said any retractions could have dramatically undermined her credibility in the eyes of a jury.

Among the documents released Friday

were police interviews and statements from the accuser and two people who saw her or spoke with her on the night of the alleged attack.

In her interview, she told investigators that Bryant became aggressive after several minutes of consensual kissing. She said he grabbed her by the neck and ignored her pleas to stop. She said there was no doubt he heard her "because every time I said 'No' he tightened his hold around me."

Her former boyfriend, Matt Herr, told police that she phoned him shortly after the encounter and told him that Kobe Bryant had raped her. She made a similar statement to hotel bellman and high-school friend Bobby Pietrack, who told police she appeared shaken and was crying as she left the hotel to go home.

However, the first person the woman saw after her encounter with Bryant, resort night auditor Trina McKay, said she saw the woman as she was leaving to go home, and "she did not look or sound as if there had been any problem."

## Horn

(Continued from Page 1) then threw the rope to Horn. Both men were wearing new life jackets, he said.

But Horn "was having problems," Washington said. "The waves knocked him down and I went and got him again and the waves slammed him against the rocks."

Washington tried to rescue Horn three times.

"He just got tired. He was being slapped on those sharp, jagged rocks."

The boat had torn loose and was tangled in a buoy as waves towering five to six feet swamped it, he said.

"I saw him and the boat go down and the radio was still saying 10 to 15 mph winds."

Two other fishermen on a boat in Lake Mead found

what appeared to be a cap-sized boat near Echo Bay at 7:15 a.m. Tuesday, National Park Service spokeswoman Roxanne Dey said.

"They called out to see if any survivors were in the area," Dey said. The boaters discovered Washington on a nearby island.

"They offered to take him back to shore, but he refused," Dey said. Washington asked the boaters to call the park service for help because he believed his friend was dead.

Echo Bay Resort employees and park service rangers located the victim and recovered his body at 8:45 a.m.

Washington said he injured his back and his shoulders trying to pull Horn onto land.

He was airlifted to Valley Hospital where he was treated and released for exposure, Dey said.

Dey said it was easy to understand how the men were caught off guard because "the wind came out of nowhere."

Rangers working on the lake at the time of the storm estimated gusts stronger than 50 miles per hour, and waves at Echo Bay crested up to six feet high, Dey said.

"There were several 911 calls from houseboats, but they called back after the storm died and said they were alright," Dey said.

The storm stopped suddenly, surface water smooth again.

"After he [Horn] went down it settled," Washington

said. "The moon came out and the stars, too."

Washington said he and Horn often went fishing at Echo Bay. But now, "my fishing days are over," Washington said. Horn's death was the 10th drowning at Lake Mead this year.

This article is a reprint from the Las Vegas Sun.

## Stewart

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have taken a woman's special circumstance — such as having children to care for, or being pregnant — into account when sentencing her.

"When you put a man behind bars, you're not necessarily condemning his kids to foster care," said Rasche. "There is some evidence that judges now may be less likely to give women the benefit of the doubt; there was a kind of chivalry factor."

Nancy Cook Lauer writes for Women's E-news.

## Draft

(Continued from Page 3) military service.

In the US Senate, Majority Leader Bill Frist said what ever happens in the House, similar legislation will not be taken up by the Senate anytime soon.

"It is a non-issue and is one that's not going to be addressed," the Republican said, referring dismissively to "Internet chatter" as the cause for public concern.

Other Democrats have played on public fears of a return of the draft: In a column that appeared on websites and in newspapers recently, former Vermont governor Howard Dean warned of "the real likelihood of a military draft being reinstated if President Bush is re-elected."

Senate Democratic Leader Tom Daschle opposed the House bill, but said he

doubted Tuesday's vote would soothe the public's jitters. "My guess is that the issue will continue to surface in various ways," he said.

A poll last month of 18-29 year-olds by CBS and MTV found that 78 percent of respondents opposed reinstating the draft to provide sol-

diers for Iraq, while just 18 percent favored it.

A separate survey of registered voters by Fox News last April found that 41 percent approved of restoring the draft if it became clear more soldiers were needed in the war on terrorism. Fifty-one percent disapproved.

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