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Before charges are even filed in the Dodger Stadium beating case, the defense goes public

The prosecution case is rooted in eyewitness identifications, so as police search for evidence, Giovanni Ramirez's defense attorney takes an aggressive stance. Unusual circumstances give both sides plenty of time.

By Joel Rubin, Jack Leonard and Andrew Blankstein, Los Angeles Times

June 12, 2011

In the three weeks since the arrest of a man accused of beating a baseball fan outside Dodger Stadium, Los Angeles police have scoured thousands of stadium surveillance photographs, run DNA tests and reviewed mobile phone records and financial transactions in search of hard evidence to bolster a case that authorities concede is largely based on eyewitness identifications.

The public celebration that began when Mayor Antonio Villaraigosa and LAPD Chief Charlie Beck announced the arrest has faded. Prosecutors have not filed criminal charges in the case, and detectives and police officials have divulged few details about the investigation, which was reassigned last week to the department's elite Robbery-Homicide Division. The search for a second assailant and a getaway driver goes on.

Meanwhile, attorneys representing Giovanni Ramirez and his family have waged an aggressive public campaign to chip away at the police allegations, holding news conferences to unveil alibi witnesses and other evidence aimed at proving the man's innocence. As a result, police have been left to battle growing public perception that their case is not as strong as they had originally portrayed it.

"Everyone mistakes an abundance of caution for a lack of evidence," Beck said in an interview last week. "There is no rush — outside of the media crush — to move quickly on this. Why wouldn't we take the time we have to pursue every avenue?"

Beck has not backed away from his early assurances that Ramirez, an alleged gang member, is the primary assailant in the March 31 attack, which left San Francisco Giants fan Bryan Stow in a coma with brain damage. "I am still confident we have the right guy," the chief said.

Beck acknowledges that the case against Ramirez is, so far, based "hugely" on eyewitness identifications and that such cases can be difficult to prosecute. He declined to elaborate on the details of the eyewitness evidence, saying only that detectives have "more than enough" to pursue charges. Police sources have said that more than one person identified Ramirez as the attacker in photo arrays.

Prosecutors, however, generally view cases that rely largely or entirely on eyewitness identifications with a degree of caution. Witness identifications are far from infallible and have led to wrongful convictions.

Typically, investigators and prosecutors would have had to rush to pull together their case against Ramirez, because a person must either be charged with a crime and arraigned in front of a judge within days of being arrested or be set free. Police were able to sidestep that timeline with Ramirez, who instead is being held in custody on suspicion that he violated the terms of his parole from a previous conviction.

Beck and other police officials have portrayed the parole hold, which could potentially give them several months to build a case against Ramirez, as a boon. However, Ramirez's attorney, Anthony Brooklier, has also sought to use the time to his advantage.

Brooklier repeatedly has gone before television cameras to assert Ramirez's innocence, had his client take a polygraph exam and made headlines with his claim that nearly a dozen people can place Ramirez at his home at the time of the attack.

He announced as well that Ramirez had hair on his head when the beating occurred and so could not have been the bald assailant described by witnesses. Video footage from security cameras at a hotel and gas station could prove it, Brooklier told reporters. With some fanfare, he went to court to seek a judge's order that the LAPD preserve the images, if any in fact existed. In tow were several supporters wearing oversized "Free Gio" T-shirts.

Police, meanwhile, have been laboring to find evidence that either definitively places Ramirez at the stadium the night of the attack or exonerates him.

Law enforcement sources, who requested that their names not be used because of the ongoing investigation, said investigators are pursuing various avenues. Among the types of evidence they are seeking to determine whether he was at Dodger Stadium are cellphone records that would track his whereabouts at the time of the beating and ATM or credit card transactions made at or near the stadium.

Authorities have also been examining clothing — it is unclear whose — for blood or other DNA samples that would link Ramirez to the attack and reviewing photographs taken of spectators at the stadium to see if Ramirez's picture is among them.

"They've been poring over photos of people at the stadium ... and haven't been able to say this is their guy," said one of the sources.

Law enforcement officials with knowledge about the case denied a recent television report that a cleaning establishment had turned in a Dodgers jersey with Stow's blood on it. Witnesses to the beating told police that two of the suspects were wearing Dodgers jerseys. The sources said a blood-stained jersey was turned in to police during the course of the investigation but that DNA

testing showed it was not connected to either Stow or Ramirez.

The strongest element of their case appears to be witnesses who identified Ramirez as the attacker.

Bob Schwartz, a veteran Los Angeles criminal defense attorney, said Ramirez's lawyers have adopted a bold but risky strategy by publicly disclosing key information that, if true, would be favorable to the defense before criminal charges have been filed.

Defense lawyers, he said, generally avoid going public with information until they have viewed police reports and other evidence that might implicate their clients — information that authorities are required to disclose only after a criminal filing. He said the danger for Ramirez is that police will turn up evidence undermining the witnesses' alibis before criminal charges are filed.

"The risk of the strategy — that may turn out to be brilliant — is that the defense is operating here in the blind," he said.

Taking the case to the media could influence potential jurors if criminal charges are filed, said Schwartz, who said he knows Brooklier from their work in the Los Angeles County criminal courts. In the meantime, he said, the strategy puts pressure on detectives and prosecutors to be cautious about filing charges.

"It puts the onus on the prosecution to have their ducks in a row," he said. "The seed has been planted certainly in the public consciousness that maybe they've got the wrong guy ... that they jumped the gun."