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RUSH TO JUDGMENT

Did cops and prosecutors in L.A. and New York act too hastily? And if so, why?

By Julius (Jay) Wachtel. By all measures, [Giovanni Ramirez](#) is *not* a nice guy. Sporting a tattoo-encrusted neck and a con's teardrop under his left eye, the 25-year old parolee has amassed convictions for attempted robbery, robbery and discharging a firearm. But hard as he tried, until recently he's been known only to his homies, his victims and the cops.

No longer. Giovanni's finally hit the big time.

On March 31 two men savagely beat San Francisco Giants fan Bryan Stow after the season opener at Dodger Stadium. The episode captured the nation's attention. During the nearly two months that passed without an arrest, a constant stream of media coverage built public outrage to fever pitch. Then one day a parole agent approached detectives, who had incidentally just cleared another parolee as a suspect in Stow's beating. Ramirez, the agent pointed out, closely resembled an artist sketch of one of the assailants. What's more, he had recently tried to alter some tattoos. Surveillance quickly confirmed that Ramirez had changed residences without giving notice. Was he trying to avoid notice? Was he lying low? Officers learned that Ramirez's ex-girlfriend was at the game. According to witnesses, one of the suspects left in a car driven by a woman. Could she have been the getaway driver?

Within a week LAPD served search warrants and arrested Ramirez, not on a prosecutor's signed complaint but on probable cause. At least one eyewitness reportedly identified him from a photo lineup. But the D.A. declined to file charges. There was no other proof of Ramirez's guilt or presence at the game, and friends and family members swore that he had been at home.

Even after Chief Charlie Beck [proclaimed](#) that LAPD "absolutely" had the right man the D.A. did nothing. Actually, there's no rush. Detectives found a gun hidden in the apartment where Ramirez was staying, so [he's now locked up, doing ten months](#) for parole violation. That delay should help the fabled Robbery-Homicide Division, which took over the investigation, put together a case that will earn the D.A.'s approval.

Or not. Additional evidence has surfaced in Ramirez's favor. [A video taken during the game](#) depicts a bulky Dodgers fan (not Ramirez) confronting the beating victim. It seems that Bryan Stow [had been loudly profaning the home team](#), going so far as to compare Dodger (hot) dogs to excrement. At some point he realized that he was courting trouble and text-messaged friends about feeling unsafe. Police reportedly interviewed the big guy who accosted Stow and eliminated him as a suspect. How many other suspects Stow's loutish behavior may have generated is anyone's guess.

May 14 was shaping up to be just another globe-trotting day for Dominique Strauss-Kahn, the patrician, white-haired 62-year old chief of the International Monetary Fund. Married to a wealthy

woman with whom he shares a \$4 million Georgetown home (they also own fabulous residences in France and Morocco), the man who many assumed would be France's next president was in a plane about to depart for Paris [when two NYPD detectives boarded the aircraft](#) and bid him to follow.

Within hours Strauss-Kahn stood charged with sexually assaulting the maid who had cleaned his hotel suite hours earlier. As related [in a long string of articles in the New York Times](#), there is little doubt that a sexual encounter took place. Strauss-Kahn's ejaculate was reportedly found on the maid's clothes and in the room, and his lawyers have not denied that their client and the maid had sex. But they insist that if anything happened it was consensual. Fiddlesticks, says the maid, whose name is yet to be released. She told police that when she entered the suite Strauss-Kahn emerged from the bathroom in his birthday suit, tried to rape her, then forced her to perform oral sex.

Oddly, officers didn't question Strauss-Kahn for hours. Once they began he told them that he would have spoken earlier, but that his lawyer cautioned him to say nothing.

After spending five days in jail Strauss-Kahn was [indicted by a Manhattan Grand Jury](#) for sexual abuse, attempted rape and forced oral copulation, charges that carry up to twenty-five years in prison. He was released under conditions that he wear an ankle bracelet and remain inside an apartment under watch by security guards (they're on his dime.)

Strauss-Kahn resigned from the IMF. His candidacy for France's top post went on the back-back burner. His alleged crime and checkered sexual past – on hearing of the arrest, a French writer said he tried to rape her years earlier – led to a fierce media campaign to bring down the uppity Frenchman. It started with [a fawning New York Times piece](#) portraying the maid, a Guinean immigrant, as “an unassuming and hard-working single mother” who was trying to make a better life for herself and her teenage daughter.

How she was going about it has become the big question. A tip from an Arizona jail, apparently from an inmate, revealed that on the day following the alleged assault [the maid had spoken by phone](#) with a prisoner facing charges for trafficking 400 pounds of marijuana. During the conversation, which was conducted in an unusual African dialect and recorded as a matter of routine, the maid allegedly said, “Don't worry, this guy has a lot of money. I know what I'm doing.”

D.A. investigators determined that she placed the call using a cell phone [whose existence had been kept secret](#). Scrambling to learn more about their star witness, they discovered that she was quite the liar. Key facts in her asylum application were untrue, including alleged beatings by soldiers, her husband's jailhouse death and a gang rape. She had withheld her true income from public housing authorities. A child listed as a dependent on her tax return wasn't hers. And for the real shocker, she held bank accounts in several states through which tens of thousands of dollars had flowed.

None of these “oversights” directly relate to the assault. But lying about hiding in a hallway does. When confronted the maid admitted that, as hotel key card records prove, she resumed her cleaning rounds right after the encounter. And at last notice things have gotten even curiously. A lawyer she supposedly hired to pursue a civil case against Strauss-Kahn [just filed a libel suit against the New York Post](#) on her behalf. Why? Because the notorious tabloid [accused her of being a prostitute](#), and even of turning tricks while being sequestered by the D.A.

As for Strauss-Khan, he's out on his own recognizance, *sans* passport and facing uncertain futures in the U.S. and in his homeland, where authorities have opened an inquiry into the female writer's allegations. It's enough to drive a Frenchman sober.

The Dodger Stadium beating and, on the opposite coast, the arrest of Strauss-Kahn quickly morphed into good old-fashioned American media circuses, creating enormous pressures on police and prosecutors. Although it's well known that going on appearance is exceedingly chancy, that's how Ramirez was targeted. (Considering the number of gang members who are bald and have neck tattoos, the chances of randomly finding several who otherwise resemble the suspect must be close to one-hundred percent.) Of course, as an ex-con without two nickels to rub together Ramirez would be ill-equipped to do battle with determined prosecutors. If nothing else he would certainly be impeached over his criminal record should he choose to face a jury.

As we pointed out, L.A. prosecutors have yet to file charges. Thanks to the arrest, though, the investigation faces a serious dilemma. If a case can't be made against Ramirez, forget about picking on someone else. Unless they confess or something drops from the sky, all a defense lawyer needs argue is that police had it right the first time: it really was Ramirez all along.

Let's move on to Strauss-Kahn. Yes, he and the maid apparently had a sexual encounter. But was it forced? Unlike their counterparts in Los Angeles, who held their fire pending further investigation, the eager-beaver New York prosecutors must live with an indictment that's based in part on proven untruths. Really, there's only one thing about the case that we know for sure. Had the phone call between the maid and the jailbird gone undiscovered, there's little doubt that the train of American justice would have long left the station, with the maid riding first-class and Strauss-Kahn in the caboose. Considering the circumstances, even a rich, innocent guy might not have been able to get out of that fix.

Decisions to arrest and charge should be made dispassionately and with great care. Ramirez and Strauss-Kahn are examples of the mischief that can befall the system when cops and prosecutors allow a hang 'em high atmosphere to distract them from doing a quality job. If Giovanni Ramirez and Dominique Strauss-Kahn are guilty, let's prove it fair and square. And if we can't and must let them go, remember that's a victory, too.