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Prosecutor: Bryant's Alleged Victim Faced 'Awful Anticipation'

By Peggy Lowe, *Rocky Mountain News*

[GOLDEN, CO] – The criminal rape case against Kobe Bryant was very strong but ultimately couldn't go forward because the alleged victim was sick at the "awful anticipation" of going through with the trial, a prosecutor said Tuesday.

In a wide-ranging interview, Dana Easter, one of the prosecutors working for the Fifth Judicial District Attorney's Office, said the case could have been proved by the woman's injuries from a "violent sex assault," the NBA star's own statement to police and three witnesses who saw the woman the night of the alleged rape. But the woman backed out of the case last week, and District Attorney Mark Hurlbert said he was forced to dismiss the charges.

Easter also talked of a "remarkable young lady" who stayed strong despite constant hounding by the media and Bryant's investigators, creating a much different picture than the gold-digging promiscuous woman the Bryant legal team has described since the June 30, 2003, encounter.

The then-19-year-old woman didn't know who Kobe Bryant was when his reservation was made, Easter said, and only went to his room to get his autograph for her friend and fellow worker who is a basketball fan.

"One of the sad things is (she) did not get to tell what happened to her, and I don't know that she ever will," said Easter, a deputy in the Jefferson County District Attorney's Office.

Easter, a former nurse, has specialized in sexual-assault cases since 1989.

Easter also offered up many details of the young woman's story that have never been heard and are in direct opposition to Bryant's lawyers' version of events. For instance:

- Sexual-assault experts were going to testify that the woman had severe genital lacerations, including what's called "battering ram" injuries that are found in violent rapes.
- The alleged victim told the first person she saw after her time with Bryant that "He choked me."

- Right after her time with Bryant, the woman, sitting in the dark living room of her parent's home, initially decided she didn't want to tell anyone what happened.
- Bryant's attorney's remark that the woman had had sex with "three men in three days" was a sound bite that has never been proved true, Easter said.

There is no mysterious "Mr. X" who had sex with the woman in the 15 hours after she was with Bryant and before her rape exam. In fact, there was no sperm or semen found inside the woman, and that found on her yellow underwear was because she had worn them after a consensual sexual liaison on June 18.

- The woman had to be hospitalized after the first day of what was a two-day preliminary hearing last fall because she was so devastated at the reporting about her sex life.
- Jury selection was going well, and prosecutors were confident they would find a good panel.

'She was physically ill'

After 14 months of enormous pressures, Easter said the young woman called Hurlbert last Wednesday, about 11 a.m., and told him and others that she couldn't continue with the case and didn't want charges refiled against Bryant.

"She was physically ill. Her anticipation of what was going to be done to her and what was going to be allowed to be done to her was frightening. I don't think any of us will ever experience that kind of awful anticipation," Easter said. "It was very sad for her. I think Mark (Hurlbert) said it very well – 'justice interrupted.'"

Bryant's attorney, Pamela Mackey, said she couldn't comment, as she is still defending Bryant in the woman's federal civil case against him.

Easter, who rarely talks to the media, said she wanted to talk to the *Rocky Mountain News* because she's concerned that other women won't come forward with their stories of assault – especially acquaintance rape – because of the unusual amount of attention the Bryant case received.

She said she believes "the amount of victim blaming that went on in this case was phenomenal" and that the woman was unprepared for the kind of attention the case got because of Bryant's celebrity. The woman ultimately decided to report it because she "thought it was the right thing to do."

"We really believed in her, and we still do. I can't emphasize that enough," Easter said. "I think because we work in the system, we really believe that is a way for victims to say what happened to them."

Departed quickly

Easter went back and pieced together what happened to the woman the night she gave a tour to Bryant of the Lodge & Spa at Cordillera, where she worked as a concierge.

After the alleged assault, the woman came through the lobby, where two lodge guests and her friend and Cordillera bellman, Bobby Pietrack, were waiting for her. They had been excited that she would get Bryant's autograph for Pietrack, who played basketball at Fort Lewis College.

The two guests described the woman as "bubbly and excited" to meet Bryant. That changed dramatically after her time with him. She came out into the lobby, "made a beeline" to leave, grabbed her purse and left, Easter said. Pietrack caught up with her.

"Her first words to him were: 'He choked me.' And then it took a while for her to be able to tell him what happened because she was sobbing so hard," Easter said. "When she was finally able to tell him what happened, he was very concerned and immediately, of course, identified it as rape and wanted her to take action that frankly, most victims aren't capable of taking right at that moment."

The woman drove home in her own car, followed by Pietrack, who was worried about her psychological state. He was so upset when he returned home that he woke his father to tell him, Easter said.

The woman went to her parent's house in Eagle.

"When she went in, she said she sat in the dark living room for about half an hour and just tried to think of what she was going to do," Easter said. "She, at that moment, decided she wasn't going to tell anybody. She had, at that point, only told the bellman."

But she later told her former boyfriend, Matt Herr, who returned her call on her cell phone because he knew she was upset.

Then the woman went to her bedroom and pulled on a blue tank top and yellow underwear she found in an overnight bag by her bed – the underwear she had worn after a sexual liaison on June 18, her 19th birthday, Easter said.

"She woke up in late morning, and she said, 'I felt so awful, I knew I wasn't going to be able to get out of bed, and I had to tell somebody,'" Easter said. "She called her mom, and her mom came home from work. They immediately reported it to police, within a matter of moments."

'Violent assault'

Easter also gave these details from the case:

- On the physical evidence, experts were ready to testify that the woman suffered "battering ram" injuries: "It was a physically violent assault. It was a very degrading assault. It was clearly

perpetrated by someone who thought he was entitled. It was a case where she had genital trauma, sufficient genital trauma that her blood was transferred to his penis and created smears on his T-shirt. We don't normally see injury in sexual assaults. We see it actually in relatively few cases. . . . She had two 1-centimeter lacerations to her genitalia. Multiple, what the nurses described as 'pinpoint lacerations.'"

- On Bryant's alleged choking of the victim as she was bent over a chair: "The way he maintained control over her was to strangle her. It was very effective. You should try it out. You should get someone who is 10 inches or 11 inches taller than you and have somebody press your throat, your windpipe and your carotid arteries. Not only are you able to easily physically control someone when you're strangling them, but it causes enormous fear to have your air supply cut off."
- On Bryant's apology issued after the dismissal: "I have heard many, many sex offenders say that kind of language. I don't believe it, no. I don't know that there's a man in this world that thinks if you strangle a woman to get her to comply with sex that they had a different view of it. I know that's how people justify their behavior, but I don't believe that. I don't believe that was the first he thought this was wrong."
- On whether the woman's filing a civil case hurt the criminal case: "There were people who had already received money from *The Globe* to say that she was going to file the civil suit. So, in fact, it was already out there, even though it wasn't true. It did not change the strength of our case. We had a strong case from the very beginning. I can't say that enough."
- On the woman being in drug and alcohol rehab: Easter said the woman spent time in a treatment center because of the trauma of this case and for a medical problem she wouldn't disclose.

"She was in treatment for five weeks, and that, in itself, was like being in prisoner-of-war camp. She could not leave for family visits because of the media. She had to leave there on the floor of her parent's car covered by a blanket. She had to move to five different states to get away."

- On Mackey's "bogus" statement that the woman was with "three men in three days" around the time of the alleged rape: "Of course, none of that was ever substantiated. The problem was it was such a catchy phrase. Everybody heard it. It was easy to remember. It was a sound bite. And nobody looked much farther than that."

Pitrack was one of the "three men" Mackey had alluded to, as he and the woman had sex on June 28.

- On going forward with the case without the woman's testimony: "I don't think that any of us on the prosecution team ever considered compelling her to testify. There are cases where we would do that, but I have never seen a sexual-assault case where we would do that. We had to have her testimony. Because it would not have been entirely admissible through hearsay rules."

- On jury selection, which was halted when the case was dismissed: “We met some remarkable people during jury selection. Very strong people who were able to say, ‘I can listen to the facts.’ And one of the things that really encouraged us was that the whole defense case was out there. Everything had been leaked. But the prosecution’s case was not out there and never has been.”

What prosecutor said

- **On the accuser:** “She was physically ill. Her anticipation of what was going to be done to her and what was going to be allowed to be done to her was frightening.”
- **On the evidence:** “It was a physically violent assault. It was a very degrading assault.”

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