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THE COURIER-JOURNAL | SATURDAY, JUNE 26, 2010 | B5

Vatican fights papal testimony attempt

By Peter Smith
courier-journal.com

The Vatican has filed for formal opposition to a Louisville lawyer's bid to take sworn testimony from Pope Benedict XVI and top Vatican officials over sexual abuse in the United States. Church lawyers said regarding "unproven" testimony from the pope and his top aides would set a dangerous precedent that could impact foreign courts to subpoena the U.S. president in future cases.

Pope Benedict XVI (left) and top Vatican officials over sexual abuse in the United States. The Vatican has filed for formal opposition to a Louisville lawyer's bid to take sworn testimony from Pope Benedict XVI and top Vatican officials over sexual abuse in the United States. Church lawyers said regarding "unproven" testimony from the pope and his top aides would set a dangerous precedent that could impact foreign courts to subpoena the U.S. president in future cases.



Pope Benedict XVI, from whom attorney William McMurtry seeks testimony, is seen in a 2005 photo.

Heysburn has said he wants to even consider McMurtry's requests for depositions until the judge decides whether the case can proceed at all under the claims that the archbishops were Vatican employees following Vatican policies. McMurtry also is seeking wide-ranging Vatican documents related to any knowledge of sexually abusive priests in the United States — a request Lena says is too broad. Lena also said it isn't necessary given that the Archdiocese of Louisville has already turned over thousands of documents to McMurtry in previous lawsuits in 2003 and 2007.

BIDEN | Visit will be fundraiser for Hill

Continued from B1

U.S. Rep. Baron Hill's supporters will pay \$250 to attend the fundraiser at Kye's in Jeffersonville; they can have their photo taken with the vice president for \$2,000.

Campbell said the GE project shows what can be accomplished when the company, labor and government all work together. The campaign of Jack Conway, the Democratic nominee for U.S. Senate in Kentucky, said Conway has a scheduling conflict Monday and can't attend.

Louisville triple-murder trial testimony ends for both sides

By Chris Kewling
courier-journal.com

Prosecutors and defense attorneys both rested their cases Friday in the triple-murder trial of Lloyd Hammond, whose face is expected to go to a jury Monday. Testimony in the capital case — long delayed because key prosecution witnesses were in Louisville park, and others witnesses refused to appear — finished Friday with a handful of witnesses, including two of Hammond's brothers and a cognitive psychologist testifying for the defense.

Derrick Hammond also testified, saying he didn't know who shot him and never told his brother it was Williams. "I don't know to this day who shot me," he said. But that was contradicted by Louisville Metro Police Detective Ron Nichols, who testified he told him that Williams was shot by him. Also testifying was Keith Lytle, a University of Louisville psychology professor. He said his research into learning and memory shows that memories are often faulty, an apparent attempt by defense attorney Julie Lenke to cast doubt on Nichols' identification of Hammond after seeing his photo on the news.

He said trauma often makes recalling faces more difficult, and that there is "very little relationship between people's confidence and their accuracy in identifying faces on suspect photo sheets. After closing statements Monday, the jurors will get their instructions and begin deliberations.

obituaries

- Shawn L. Butt, 41
Herbert "Peg" Vago-Vago, 70
Gerald B. Baskley, 76
Jennie Rose "Granny" Carr, 87
Elizabeth Gou Chalkawild, 78
Marilyn Woodford Dabbs, 73
Brenda J. "Betty" (Windle) Dabbs, 87
Doris Jean Doherty, 77
Cherrie A. Dunham Jr., 66
Paul J. Butler, 89
Franz (Franz) J. Franke, 87
Dwight L. Goss, 85
Katherine Hansen, 87
Blaine Lee Harrel, 76
Otha W. Jennings, 87
Thelma Patsy Jones, 93
Father John J. Lenzhan, 86
Margaret Hagler Foyanor Melillo, 85
Mary C. Minton, 78
Dolores Pamela Mitchell, 81
Mary C. Minton, 78
Warren C. Sides, 89
James H. Sides, 89
Terrell Ann Talley, 88

U.S. judge asked to reconsider restrictions for Sypher trial

By Andrew Wolfson
courier-journal.com

The Courier-Journal has asked a federal judge to reconsider his order barring reporters from interviewing Karen Canagaratne Sypher during her July trial on charges of trying to extort money from University of Louisville men's basketball coach Rick Pitino. Attorneys for the newspaper said in a motion filed Friday that the order violates the First Amendment by imposing a prior restraint on the media and gagging a defendant in a criminal trial.

Sypher's estranged wife of the U of L basketball coach's equipment manager is charged with trying to extort money and cars from Pitino in exchange for her silence on allegations that he had sex with Sypher once in 2003 in a Louisville restaurant. She also is accused of lying to the FBI and with another count of extortion for allegedly having her divorce lawyer send a letter to Pitino demanding \$10 million in exchange for her silence on allegations of a criminal nature. Pitino has admitted he had sex with Sypher once in 2003 in a Louisville restaurant but denied her claim that he had sex with her in an undisclosed location. Sypher later decided to "void" her marriage.

"Not can a court... prohibit a criminal defendant from talking outside of the courtroom about matters concerning him or her," the motion says. "Such orders are prior restraints of the first order and are clearly unconstitutional." The attorney says that conditioning attendance at a trial on compliance with the order would constitute "a double violation of the First Amendment." They cite a 1975 case involving CBS News in which the 6th Circuit Court of Appeals said "any restrictive order involving a prior restraint upon First Amendment freedoms is presumptively void and may be upheld only on the basis of a clear showing that an exercise of First Amendment rights will interfere with the rights of the parties to a fair trial." The newspaper's lawyers asked Sypher to clarify that his orders do not restrict the newspaper's ability to attempt to communicate with Sypher outside the courtroom. They asked him to order that any attempt to order the trial, including jury selection, include specific findings why it is necessary and the alternatives that were considered, as required by the U.S. Supreme Court.

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