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# DATELINE PHILIPPINES

SAYS ATTY. URSUA

## RP gov't never supported Nicole from Day 1

by **TARRA QUISMUNDO**  
*Inquirer.net*

**I**T was the sweet ending to a story line two allies have been writing all along, says Evalyn Ursua, Nicole's former lawyer.

Ursua had this take on the Court of Appeals' decision overturning the conviction of American Marine Lance Cpl. Daniel Smith:

"I see this as a culmination of a long pattern to make this case



Atty. Evalyn Ursua AP Photo

go away. We clearly see political maneuverings to make us lose this... The Philippine government never supported Nicole from day one.

"Everything just fits, falls into place... We already saw pressure from the US, the hand of the US from day one. We also saw how the Philippine government gave in to the pressure."

Nicole had fired Ursua and executed a new affidavit last month expressing doubts on her court testimony on the Nov. 1, 2005, incident, absolving Smith of her rape allegations.

The document, executed before Smith's lawyers, is the subject of a pending ethics petition before the Supreme Court.

### Court adopted defense position

While Nicole's affidavit was not formally presented in court as evidence, Ursua said the appellate court's 71-page ruling carried the essence of the questioned document.

"I see the influence of the affidavit in the decision. I see in some parts of the decision a modified perspective... it completely adopted the perspective of the defense," said Ursua.

An "extraordinary remedy" could be exhausted to appeal the acquittal by proving that the Court of Appeals "made a grave error" and "grave abuse of discretion" in reading the case.

But as only the Philippine government and Nicole are the two parties who could initiate the action, Ursua saw it unlikely for the acquittal to still be reversed.

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