

Nicole's mom accepts ruling 'with deep sadness'

by MARICHU VILLANUEVA
Philstar.com

THE mother of "Nicole" reluctantly accepted the decision of the Court of Appeals (CA) overturning the rape conviction of Lance Cpl. Daniel Smith.

Susan Nicolas said the CA ruling was unexpected.

"It's hard for us to accept the CA ruling. We will now leave it (the case) to God's graces," she said.

In an interview, Mrs. Nicolas blamed the government for the acquittal of Smith and insisted the American soldier assaulted her daughter.

"I cannot understand this government," Mrs. Nicolas said. "We are left to accept this decision with deep regrets."

Mrs. Nicolas also voiced regret over the family's decision to allow Nicole to sign the affidavit of recantation that effectively weakened the case against Smith.

Last March 12, Nicole signed a five-page affidavit suggesting

that Smith did not rape her.

Mrs. Nicolas said they initially believed Nicole's statement of recantation would not weaken the rape case against Smith.

"We made that decision in the effort to end our psychological trauma (because of the rape). We were not aware of the consequences of our decision," she said.

Mrs. Nicolas revealed she immediately called Nicole in the United States to inform her of the CA ruling, but was told that her daughter was fast asleep.

She said she left word for her daughter to read the news on the Internet as soon as she wakes up.

Nicole went to live in the US last month "to move on" with her life following the sexual attack, according to her mother.

Mrs. Nicolas though admitted her daughter's living away from the family has been difficult for Nicole.

Lawyer Evalyn Ursua, who acted as counsel of Nicole in the prosecution of the rape case

against Smith, said the CA decision was predictable.

Ursua admitted they could do nothing with the CA ruling which cannot be appealed before the Supreme Court, except a petition for certiorari, which is a legal move to review the CA decision for legal error but where no appeal is available as a matter of right.

Under the circumstances, Ursua explained, it is unlikely for the government, as the petitioner for certiorari, to avail itself of the legal remedy.

Ursua admitted Nicole's signing of the affidavit had effectively weakened the rape case.

Smith had appealed his conviction of rape by the Makati Regional Trial Court (RTC).

While the appeal remained pending, Nicole signed the affidavit.

The sworn statement, as it turned out, was notarized by the law firm defending Smith.

Even the judge who convicted Smith could not believe his ruling would be overturned by the

CA. Makati RTC Judge Benjamin Pozon admitted it was the first time for the CA to reverse any of his decisions.

Puzon said he has yet to receive a copy of the CA decision.

Rule of law
Malacañang said they would respect the CA ruling.

"While we have not yet read the decision of the Court of Appeals, we respect the verdict of the court on this matter," deputy presidential spokesman Anthony Golez said.

The Department of Foreign Affairs (DFA) said the acquittal of Smith is a "rule of law" and the court decision must be respected.

"It is the result of the court's work. I do not think there is a link or connection with that at all," DFA Undersecretary Rafael Seguis said, referring to supposed discussions between President Arroyo and US President Barack Obama on the importance of the Visiting Forces Agreement (VFA). ■

Palace respects US marine's acquittal

by TJ BURGONIO
Inquirer.net

MALACAÑANG said it respected the Court of Appeals decision acquitting Lance Corporal Daniel Smith of the United States marines of raping a Filipina at the Subic Bay Freeport in 2005.

"While we have not yet read the decision of the Court of Appeals, we respect the verdict of the court on this matter," undersecretary Anthony Golez, deputy presidential spokesperson, said.

The Arroyo administration has been severely criticized for failing to help the complainant, identified in court only as Nicole, during the rape trial and for turning over Smith to the US embassy close to midnight after he was convicted by the Makati Regional Trial Court in December 2006.

In allowing the US embassy to retain custody of Smith during his appeal, the Arroyo administration and the US embassy cited a provision in the Visiting Forces



Pres. Gloria Macapagal Arroyo

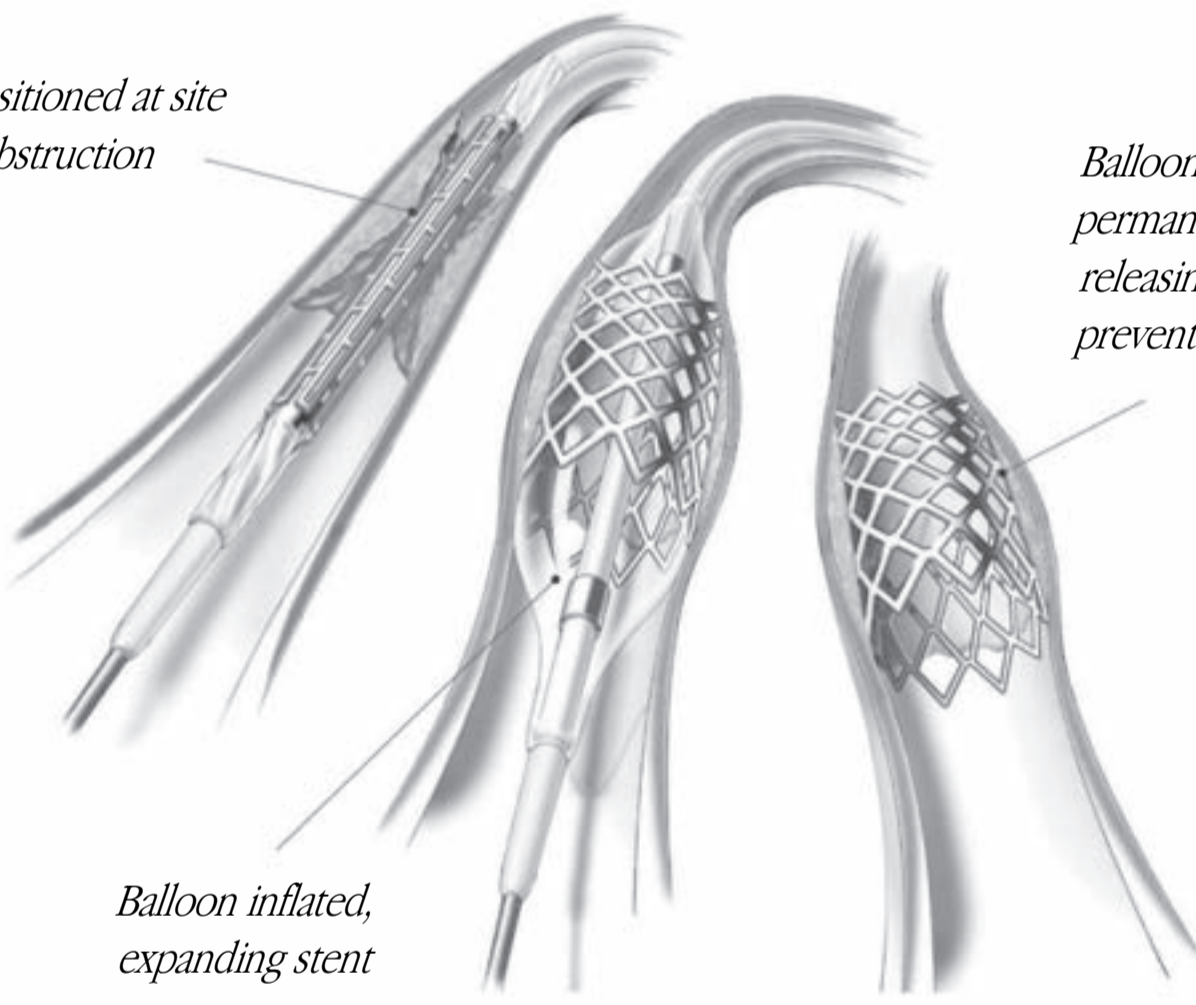
Agreement (VFA), which states that American servicemen will remain in US custody during all legal proceedings regarding offenses they commit on Philippine territory.

Months ago, US President Barack Obama called up President Gloria Macapagal-Arroyo to emphasize the importance of the VFA. Just weeks after that, the Nicole issued an affidavit doubting her recollections of the rape. ■

Educational Information from Hollywood Presbyterian Medical Center

PVD (Peripheral Vascular Disease)

Stent positioned at site of obstruction



Balloon removed, stent permanently implanted, releasing medication to prevent future blockage

Balloon inflated, expanding stent

Leg Pain

If you suffer from leg pain, even if the pain subsides with rest, your body could be trying to tell you something. Leg Pain can be the primary warning sign of peripheral vascular disease. Other symptoms you may experience depend on what artery is affected and how severely the blood flow is reduced.

Reduced Blood Flow

Peripheral vascular disease is a build-up of plaque in the arteries outside your heart that reduces the flow of blood. Some of the more commonly affected peripheral areas are the arteries in the legs, arms, kidneys and neck.

Treatment Options

The methods commonly used to treat peripheral vascular disease include: medication, surgery, and minimally invasive interventional procedures such as stent implantation and percutaneous transluminal angioplasty. The experts at Hollywood Heart and Vascular Center use the latest technology to diagnose and treat heart and blood vessel diseases, including peripheral vascular disease

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