

Carruth's attorney: Prosecutors will cut deals to get Hernandez

Kevin Manahan, USA TODAY Sports 5:02 p.m. EDT July 2, 2013



(Photo: Jeff Siner, AP)

In meticulously laying out the case against Aaron Hernandez at his arraignment last week, prosecutor William McCauley carefully avoided declaring who pulled the trigger in the June 17 slaying of Odin Lloyd, a 27-year-old, semipro football player.

Hernandez, the Bristol County (Mass.) assistant district attorney said, "orchestrated" the murder.

So, did Hernandez — whom police say was captured on his own home surveillance tape minutes after the slaying with a gun in his hand — actually do the shooting? Or was it one of the two men now in custody who allegedly were summoned by Hernandez as muscle that night?

David Rudolf, the attorney who represented Carolina Panthers wide receiver Rae Carruth in a murder trial 2001, believes that even if Hernandez didn't fire any of the five shots that killed Lloyd in a North Attleborough, Mass., industrial park, prosecutors will offer a deal to the trigger man to nail the former New England Patriots tight end on the murder charge.

"They want the high-profile defendant. That's always the case," Rudolf told USA TODAY Sports on Tuesday. "And if he isn't the shooter and they have to offer the shooter a deal to get him, they probably will, if that's what it takes.

SUCKER PUNCH: Tebow couldn't stop Hernandez bar fight in '07 (<http://www.usatoday.com/story/sports/nfl/2013/07/02/aaron-hernandez-tim-tebow-barfight/2483559/>)

"The prosecution has a circumstantial case (against Hernandez), but it's a strong circumstantial case. Sometimes those are stronger than eyewitness cases, because evidence doesn't lie."

In 2001, Carruth was found guilty of conspiring to murder the woman who was carrying his child. Prosecutors said an accomplice, directed and aided by Carruth, fired five shots into Cherica Adams, who died weeks later after giving birth. Carruth is serving a sentence of 18-to-24 years, with a possible release date of 2018.

Rudolf said negotiations in the Hernandez case likely have begun, and probably started as soon as Carlos Ortiz and Ernest Wallace were taken into custody. Ortiz, 27, was captured in Bristol, Conn., last Wednesday and, after waiving extradition Friday, was shipped to Massachusetts, where he was arraigned on a weapons charge. He is being held without bail.

Wallace, 41, turned himself in to authorities in Miramar, Fla., on Friday after hearing a bulletin that labeled him as "armed and dangerous." He waived extradition Monday and will be transported to North Attleborough, Mass., where he will be arraigned before the end of the week, a spokeswoman for the Bristol County District Attorney's Office said. Wallace will face a charge of accessory after the fact, the spokeswoman said.

Each of the defendants has a lawyer who has refused comment on the case.

"One of the questions is, have the other two already flipped on Hernandez?" Rudolf said. "You never know what happened before (prosecutors) ever served them. There were probably discussions about testifying against Hernandez. Maybe that's why they were hit with lesser charges."

"(Prosecutors or police) are going in there and they're saying, 'We have you on video. We know you're involved. You'd better tell us what went down or you're going to go down with (Hernandez) for murder.'"

Rudolf added: "There is game-playing, too. They'll tell them, 'Hernandez is blaming you.' They don't have to tell these guys the truth. It would be shocking to me if they haven't already discussed a deal."

Rudolf said he found curious McCauley's use of the word "orchestrated." Was McCauley only declaring what prosecutors believe they could prove at that point — that by texting Ortiz and Wallace to come to Massachusetts and by renting the vehicle used in the alleged killing — Hernandez was the coordinator of the hit?

Or was it a deliberate choice of words because prosecutors believe one of the other men fired the shots?

"'Orchestrated,' to me, said that Hernandez was not necessarily the shooter," Rudolf said. "When you say someone 'orchestrated' it, the unspoken thing is he might not be the shooter. I found that to be an interesting choice of words.

"But whether he was the shooter or not, he's still the guy they want to get."