

COURT TV

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DG=Darren Gelber

MAN: -- your experience and how do you think this battle will play out?

DG: I think juries traditionally have a hard time accepting an insanity defense. It seems to be a common perception among jurors that if you find somebody insane then they're gonna get off scott free and then walk out of the court room and this same thing could happen again tomorrow. In reality we know from experience that when someone's found not guilty by reason of insanity, more often than not they're committed to a secure facility, this time a psychiatric facility instead of a prison. We think of John Hinkley who shot President Reagan was found not guilty by reason of insanity and, in fact, he's still in custody. But traditionally jurors have a hard time accepting the verdict because they think it helps an otherwise guilty person escape responsibility.

MAN: All right now --

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MAN: All right Darren Gelber our criminal defense attorney expert here in New York, how do you explain to this jury one way tickets to Brazil in Michael Jackson's defense.

DG: Maybe priceline dot com had some sort of snafu on their travel roster. I don't know.

MAN: And that's a tough one to kinda, you, cause, I mean, Tom Miseral has to address all this stuff I would think through his cross-examination which we're gonna find out in a moment or perhaps in his closing arguments, but as a defense attorney what do you do with it?

DG: Yeah, sure, you have to explain that somehow. That's really, stinks up the whole case when you're trying to paint this woman as a liar and you have an independent witness corroborating that someone from the Jackson camp is trying to buy her a one way ticket to Brazil, he better have something up his sleeve to explain that.

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MAN: All right I want to brink in Darren Gelber for a final thought before we have to say good bye to you.

DG: Vinny, I think the jury will have a tough time reconciling the movement of Charles, McCoy, his location of his shootings and his flight after he knows the

police are out looking for him with the defense contention that he didn't know right from wrong. I think the jury's gonna focus on those elements and find that he did have the mental capability to determine what was right and what was wrong.

MAN: All right, well thank you so much for your insightful look at this trial. Darren Gelber we'll have you back here on Both Sides sometime very soon. Now what can --

DG: Thank you Vinny, thank you Kimberly.