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Former prosecutor: Opening argument suggests Carroll's "case will be powerful"

But "her cross-examination could be an ordeal," experts warn

By **AREEBA SHAH**
Staff Writer

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Donald Trump and E. Jean Carroll (Photo illustration by Salon/Getty Images)

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E. Jean Carroll's lawyer, Shawn Crowley told the jury on Tuesday that her client is suing former President Donald Trump for raping her in a New York department store in 1996 to "clear her name, pursue justice, and get her life back" after Trump repeatedly denied the incident.

The alleged assault nearly 30 years ago in a Bergdorf Goodman dressing room has filled Carroll with fear and shame, the lawyer said Tuesday in a Manhattan federal court.

"The whole attack lasted just a few minutes, but it would stay with her forever." Crowley said in her opening statement.

Carroll, a longtime magazine columnist, is suing Trump in the Manhattan luxury department store in the space of a few days.

"Three women, one clear pattern," Crowley said. "They grope. Don't wait. When you are a star, you can't. Call them liars. Call them too ugly to assault."



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. All of a sudden pounce, kiss, grab, what happened, attack. Humiliate them.

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Carroll testified on Wednesday following the testimony of Cheryl Beal, who worked at the department store.

"We can infer from opening statements that Carroll's case will be powerful, supported by not only her own testimony but that of friends who spoke with her soon after the event as well as other victims of Trump's alleged misconduct," former federal prosecutor Kevin O'Brien told Salon.

Trump lawyer Joe Tacopina attacked Carroll, alleging that her account was untrue and accusing her of exploiting her story for personal gain.

"She became a celebrity and loved every minute of it," Tacopina told the jury, which consists of three women and six men.

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He continued to attack Carroll's credibility, saying she filed the lawsuit out of political motivation, to sell a book and for public attention.

Carroll was "advancing a false claim of rape for money, for political reasons and for status," Tacopina argued.

"The themes in the opening statements are not surprising," former U.S. Attorney Barb McQuade, a law professor at the University of Michigan, told Salon.

Even though Carroll does not need to prove motive to prevail in this case, she added, the jury has to consider all the facts and make sense of the facts to render a verdict.

"Trump needs to come up with some reason that Carroll would put herself through this ordeal so many years after the alleged attack occurred," McQuade said. "Selling books and making money is a potential motive that he can use to try to persuade the jury that she is lying."

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Carroll sued Trump for defamation in 2019 and later added a charge of battery under a recently adopted New York law that provides adult sexual assault victims the opportunity to file civil lawsuits, even if the statutes of limitations have long expired.

Trump, who has repeatedly denied Carroll's allegation, has said that the writer was not his "type" and was "totally lying."

The former president's counsel has laid out his strategy, which is built upon undermining Carroll's credibility, O'Brien pointed out. Tacopina has suggested that Carroll waited decades before bringing these charges against Trump for self-serving reasons like fame, money and political hostility.

"Moreover, there appear to be gaps in her case," O'Brien said. "She never secured the security footage from the store, or filed a police report or – a potentially critical point – noted the alleged incident in her own diary. Defense counsel will harp on these delays and omissions to suggest that enough is amiss here to undermine Carroll's credibility." ✕

In addition to Carroll testifying, the jury will also hear from two friends in whom Carroll confided as well employees who worked at the store in 1996, Crowley said.

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The jury will also see the "Access Hollywood" tape, in which Trump explicitly detailed how he groped women.

"You'll hear him bragging about doing almost the same thing he did to Ms. Carroll to other women," Carroll's attorney said.

Trump has previously defended his language soon after the tape received public scrutiny, referring to his remarks as "locker room talk".

While much of the trial will "hinge on the testimony" of the two other alleged victims, O'Brien said, "the most important witness is Carroll herself."

"Her candor and recollection of key details will be closely weighed by the jurors, as well as signs of the trauma she allegedly suffered," O'Brien said. "Her cross-examination could be an ordeal."

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By **AREEBA SHAH**

Areeba Shah is a staff writer at Salon covering news and politics. Previously, she was a research associate at Citizens for Responsibility and Ethics in Washington and a reporting fellow for the Pulitzer Center, where she covered how COVID-19 impacted migrant farmworkers in the Midwest.

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