

## DA STUNG BY STING

**Child sex-predator cases may be hurt, Spota says, if Miss America won't return to LI to testify.**

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**MISS AMERICA  
DA CALLS TV STING 'PUBLICITY STUNT'  
Cases in jeopardy because she doesn't  
plan to testify, Spota says**

Here she won't be - Miss America.

The case against at least one - and probably more - of the 11 men arrested in Suffolk with the help of the beauty queen and the television show "America's Most Wanted" is in jeopardy because representatives for Miss America 2007 Lauren Nelson have told prosecutors she won't return to Long Island to testify, said Suffolk District Attorney Thomas Spota.

Without Nelson available as a star witness, every case she actively participated in during the undercover police sex sting may be up in the air, said Spota. He called the police operation well-intended but "nothing more than a publicity stunt."

"Given the fact that we have now determined that Miss America was actually speaking to one of those arrested, I have instructed prosecutors not to present any more cases to the grand jury until we can determine her involvement," said Spota, who added that police didn't tell his office about the April 20 operation until the afternoon before it went down.

Referring to one case that already has been presented to a grand jury, Spota said, "That case, in my view, could be compromised."

Deer Park defense attorney John Powers said Spota is likely referring to his client, Robert Accomando of West Islip, whose case was presented to a grand jury yesterday. Powers

## TIME TO TAKE THE STAND

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There's more to being a witness in a case than showing up in court for an hour or two and then leaving. It's a long and involved process that usually requires that person to be available during the often lengthy prosecution of a case, attorneys said.

"The Constitution doesn't contemplate celebrities who are busy doing something else, because it doesn't care," said Rockville Centre defense attorney and former Nassau prosecutor Gregory Grizopoulos, who represents Thomas O'Brien, one of the 11 men arrested in the Suffolk Internet sex sting with the help of Miss America 2007 Lauren Nelson.

Grizopoulos said the first obligation of a material witness such as Nelson usually is to testify before a grand jury. After that, prosecutors would likely stay in regular contact with the witness to prepare her trial testimony, Grizopoulos said.

Grizopoulos said no amount of documentation of a witness' participation in an investigation can replace the value of having her on the stand. "You're entitled in the Constitution to be able to confront a witness," he said. "You can't cross-examine a transcript."