

Duke lacrosse case at crossroads

Defense asks for change of venue as intense media attention continues

By MAX ROSE

Attorneys for the three former Duke lacrosse players charged with sexually assaulting a North Carolina Central student during a March 2006 party have filed a motion to change venue, arguing that the defendants cannot receive a fair trial in Durham County.

The case against Reade Seligmann, 20, Collin Finnerty, 20, and David Evans, 23, has attracted national media attention. According to the motion, CNN has referenced the alleged sexual assault about 577,000 times.

"My local news is telling about what happens in Durham," said junior Daniel Ratzlaff, who lives in Windsor.

The defense said in the motion that the publicity created bias and focused on the defendants as opposed to circumstances of the crime.

"As a consequence of the inflammatory publicity in this case, significant segments of this community have taken clear and entrenched positions about the guilt or innocence of the defendants," the defense wrote.

The defense argue that it would be impossible to select unbiased jurors in a county in which the major newspaper, The Herald Sun, has published over 295 articles concerning the case and in which 88 professors at the county's largest employer, Duke University, spoke out against the defendants.

The defense said that the venue should be moved to a surrounding county in order to remove these influences in the July trial so that the verdict will be the result of the "evidence and rule of law."

The events that occurred at 610 Buchanan Ave., just a few blocks from the NCSSM campus, are very much still in question. The lacrosse team hired two NCCU students for \$400 to strip at a party. In the early hours of March 14, the strippers were separated and the defendants allegedly sexually assaulted the 27-year-old victim in the

bathroom.

Many members of the Durham, Duke and NCCU communities protested daily at what they saw as a "wall of silence" from the lacrosse team and a lack of urgency from the office of District Attorney Mike Nifong. He later faced pressure from members of the Duke community who claim the innocence of the defendants.

"I would like to think that somebody [not involved in the attack] has the human decency to call up and say, 'What am I doing covering up for a bunch of hooligans?'," Nifong said two weeks after the alleged assault.

In the motion to change venue, the defense cited this statement as well as others by Nifong as causing prejudice in the potential jury pool.

In mid-April, Seligmann and Finnerty were indicted for first degree rape, first degree sexual offense and first degree kidnapping, and the indictment of Evans on all three charges came a month later.

Original reports indicated that the assault may have been racially motivated and that the black victim was subjected to racial slurs from the white defendants. National civil rights leaders like Jesse Jackson and Al Sharpton focused their attention on Durham. The New Black Panthers Party, led by Malik Shabazz, held a protest at which they called for the defendants to be found guilty.

Durham Mayor William Bell said to the Associated Press that Durham had been reduced in news reports to "a city of poor blacks...and you've got Duke off to its own—a white university, a wealthy university."

The rape charge was dropped on Dec. 21, after the victim told investigators that she could no longer definitively say that she was vaginally

penetrated by the defendants.

Soon after, Nifong, facing charges from the NC State Bar that he made inflammatory statements to the media, took himself off the case to avoid a conflict of interest. On Jan. 24, Nifong was charged with withholding evidence. He could face disbarment if convicted.

The media attention has not focused

solely on the defendants. The victim's identity was exposed in the press and the defense has made an issue of the victim's newborn baby and sexual history.

"This is

strong evidence of innocence in a case in which the accuser denied engaging in any sexual activity in the days before the alleged assault, told police she last had consensual sexual intercourse a week before the assault, and claimed that her attackers did not use condoms and ejaculated," the defense said to the Associated Press.

Yet, in the motion to change venue, submitted in mid-December, the defense maintains that the protests and "inflammatory media" would not have happened without statements by the prosecution and police.

Senior Andrew Telesca said that the media was focused on the lacrosse case because it involved Duke and the defendants are athletes. He thinks that the attention prevents the media from reporting on other issues.

"Then, you don't hear anything about the murders that happen every day," he said.

The Attorney General's office has taken over prosecution of the case and has promised to review all charges. If convicted on the remaining charges of kidnapping and sexual offense, the defendants could face up to 30 years in prison.

“... significant segments of this community have taken clear and entrenched positions about the guilt or innocence of the defendants.”

- the defense

The Events

- **Night of March 13**

The Duke lacrosse team throws a party at 610 Buchanan Ave.

- **Early March 14**

Accuser tells authorities that she was raped by three men in the bathroom.

- **March 23**

Police take DNA samples from the 46 non-black members of the lacrosse team.

- **March 28**

District Attorney Mike Nifong calls lacrosse players "hooligans" in an interview.

- **April 5**

Duke President Richard Brodhead announces that the lacrosse season is cancelled.

- **April 10**

DNA from the accuser shows no matches with that of the 46 players, according to defense attorneys.

- **April 18**

Reade Seligmann and Collin Finnerty are charged with first-degree rape, first-degree sexual offense and kidnapping.

- **May 1**

The New Black Panthers Party holds a protest outside Duke West Campus, in which they call for convictions.

- **May 15**

David Evans is also charged with all three crimes.

- **Dec. 22**

Rape charges against the defendants are dismissed after the accuser tells investigators that she is not certain that she was raped.

- **Jan. 12**

Nifong removes himself from the case amid NC State Bar charges that he made inflammatory statements to the media. State Attorney General's office takes over prosecution.

- **Jan. 24**

Nifong is charged by the Bar for withholding evidence.



Photo by Luis Zapata

This house, located across the street from Duke East Campus, was rented by captains of the Duke lacrosse team. An NCCU student accused three lacrosse players of sexually assaulting her in the bathroom during a party at this house.