

Attorney rejects a no plea deal for Duke player

Special to Sentinel-Voice
 DURHAM, N.C. — On Wednesday, an attorney for one of two Duke University lacrosse players charged with raping a stripper at a team party earlier this month strongly rejected any sort of deal with prosecutors, proclaiming again his client's innocence.

"I don't think there is any chance in hell that there will be a guilty plea," attorney Bill Cotter said. "I can't tell you about (everybody), but my client's case is either going to be dismissed by the D.A. or go to trial."

Cotter represents Collin Finnerty, who along with fellow sophomore Reade Seligmann was indicted Monday on charges of first-degree rape, sexual offense and kidnapping.

Each posted \$400,000 bond after their pre-dawn arrests early Tuesday, and both were released within hours.

School officials have declined to say whether it plans to discipline either of the players, although they have noted the university has historically suspended students charged with a felony.

Cotter said Wednesday that Finnerty, of Garden City, N.Y., has left Durham, although he wouldn't say where he went. Attorney Kirk Osborn, representing Seligmann, of Essex Fells, N.J., declined to say whether his client has been suspended.

Seligmann and his father spent much of Wednesday working from the law office of attorney Robert Ekstrand, who represents dozens of

uncharged lacrosse players. District Attorney Mike Nifong, who has not granted interviews in weeks and said Tuesday he planned to make no comments about the case outside the courtroom, has said he still hopes to link a third man to the alleged attack.

He did not return calls Wednesday seeking comment about that effort, or about searches by Durham police Tuesday night of Seligmann's and Finnerty's dorm rooms.

Warrants authorizing the searches had not been returned to the court clerk's or magistrate's office by Wednesday evening.

"I can imagine they never quit investigating, but I think it's unusual to be executing search warrants after they've indicted," Cotter said.

Defense attorneys have said they have time-stamped photos from the party, bank records, cell phone calls and a taxi driver's statement to support Seligmann's claim of innocence.

A person close to the case told The Associated Press on Wednesday that the cell phone records show Seligmann called for a taxi at 12:14 a.m., and that according to sworn testimony, he left in the taxi at 12:19 a.m.

The bank records show he stopped at an ATM five minutes later, the person added, while information provided by Duke shows he swiped an ID card to enter his dorm at 12:46 a.m.

A member of the defense team, who also spoke on condition of anonymity because

the defense is working with players who could still be indicted, showed photos to the AP on Wednesday that show the accuser on the back porch of the off-campus house, with her clothing intact. She is smiling and looking through her purse.

The defense team member said the digital photos were taken at 12:30 a.m., citing an electronic time-stamp known as metadata. Such time-stamps are not visible on the photos. They are created, though, when digital photos are taken.

The accuser, a 27-year-old Black student at a nearby college, told police she was attacked by three White men at a house where she and another woman were hired to dance at a lacrosse team party.

According to defense attorneys, DNA tests conducted on all the players failed to connect any of the team members to the alleged rape.

"I would have to say she is definitely making it up," Cotter said.

Nifong has ordered additional DNA testing, which was originally performed at the state crime lab. Cotter said he believes those results should be "back any minute."

Ekstrand said the defense has also not yet received a report from authorities about any photo identifications of suspects made by the accuser.

"I think we're entitled to the report of the identification procedure, and the results of the photo identifications she did," he said.

The allegations of rape led Duke to cancel the highly ranked lacrosse team's sea-

son, accept the resignation of the team's coach and begin a series of internal investiga-

tions, including one into the behavior of the lacrosse team.



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Racist booklets blanket Durham, immigrants, Jews, Blacks targeted

Special to Sentinel-Voice
 Durham Police are investigating whether more than 540 White-supremacist publications that were found in neighborhood yards on Easter morning would be considered a federal hate crime, police said.

About 8 to 10 double-sided pages of cartoons, articles and other text spouting hatred for Blacks, Jews and immigrants were distributed in four out of five of the city's police districts, said Cpl. C.S. Baker of the Durham Police Department.

Saying they were evidence, police would not release a copy of the material. "Though not tasteful in any way, it is not illegal," Durham police Sgt. Dave Gunter wrote in an e-mail message sent to neighborhood lists Sunday.

"This is a First Amendment issue. The folks who distribute these publications are well aware that they are breaking no law and have done this before."

Baker agreed that distributing the pages was "technically not illegal" unless they were found to violate a federal hate crime statute.

But Bill Anderson, a

Markham Avenue resident and past president of the Inter-Neighborhood Council, thinks those who distributed the material intended to piggyback their racist message on the high-profile rape investigation involving the Duke University lacrosse team. In that case, a Black dancer, hired for a lacrosse team party, said she was gang-raped by three White men.

Baker said that while the rape investigation has racial overtones, he does not believe the material is related to that investigation.