

Lynchings

(Continued from Page 4) released.

Their attorneys claim they are innocent, and have a timeline, alibis, documents and witnesses they say prove neither was at the party at the time the accuser alleges the assault occurred.

Durham District Attorney Mike Nifong, who is personally prosecuting this case, counters that a rape examination of the victim done at Duke Medical Center that morning revealed evidence of bruising "consistent" with a brutal sexual assault, with the most likely place it "could have happened: at the lacrosse team party."

Sources say there may also be a toxicology report that shows evidence of a date rape drug in the victim's system. The second woman who was hired to dance at the party along with the accuser has alleged that a drink given to the woman may have been spiked, because her perfectly sober demeanor when they arrived changed dramatically, deteriorating into an incoherent stupor that went well beyond being drunk.

If D.A. Nifong has that evidence, and has connected it to the party, that could be his ace-in-the-hole, along with other unpublicized evidence, to prove the alleged victim's story.

Because only three of the 47-member Duke lacrosse team have come forward to talk to police, Nifong has re-instituted previously deferred misdemeanor charges for public drunkenness, public urination and noise violations against players who can't prove they were not at the party.

The move is seen as a squeeze play to break the lacrosse team's wall of silence that's been in place since the beginning of the case.

But defense attorneys who, with the help of zero positive matches from the first set of DNA tests, maintain that a rape at the party never happened and are fighting back.

Motions were filed in Durham County Superior Court this week by Kirk Osborn, attorney for suspect Reade Seligmann, requesting that D.A. Nifong hand over any and all records relating to the alleged victim's past.

"This request is based on the fact that the complaining witness has a history of criminal activity and behavior, which includes alcohol abuse, drug abuse, and dishonesty, all conduct which indicate mental, emotional

and/or physical problems, which affect her credibility as a witness," attorney Osborn alleged in court papers.

He's seeking the alleged victim's records regarding any mental disability, hospital commitments, drug abuse, past criminal charges and convictions, probation or parole, and services received from the Department of Social Services, child protective agencies, victim's advocacy agencies, "...or any other agencies providing services for mental, emotional, drug or alcohol problems," the motion states.

The only known criminal charges the alleged victim has stem from a 2002 incident involving a stolen taxi and subsequent police pursuit. The charges were knocked down to misdemeanors, and she was ordered to pay \$4,000 restitution and spend six days in jail, which, according to her attorney at the time, she did.

Osborn also asked for the accuser's records from Hillside High School, and North Carolina Central University, where she is a 3.0, second-year student studying in the criminal justice program.

Experts typically call attorney Osborn's motion "a fishing expedition," noting that while it is entirely proper for recent information about the victim to be used to test her credibility, records going back to her childhood may not be allowed by the court.

"The state may apply for a court order to prevent further pollution of the jury pool," says Alan McSurely, a civil rights attorney from Chapel Hill, and chairman of the N.C. NAACP's Legal Redress Committee.

"There probably will be one more arrest for rape, kidnapping or sexual assault. There could be charges brought for accessories after the fact for helping cover up the crime. The NAACP's aim is to follow the evidence as it unfolds, reporting it accurately and fairly, always seeking justice and rebuilding community," attorney McSurely adds.

Defense attorneys are also expected to file motions asking the court to throw out the accuser's photo identification of Seligmann and Finnerty as two of her attackers. Attorneys say only pictures of the lacrosse team players, who were all considered suspects at the time, were used, which is a violation of what constitutes a legal photo lineup.

In an unrelated matter, the

other rape suspect, Colin Finnerty, will now have to stand trial in July for a misdemeanor assault on a Washington, D.C., man last November.

The man said Finnerty and two friends began punching him in the face and body on the street for no reason, calling him "gay" and other derogatory names."

If Finnerty had performed 25 hours of community service in the D.C. area and stayed out of trouble, the simple assault charge would have been dropped this September. But this week, a D.C. judge tossed that deal out, saying that because of the Duke felony charges, Finnerty violated that agreement, and can now be tried.

Meanwhile a powerful local Black political group, the Durham Committee on the

Affairs of Black People, has endorsed one of Nifong's two opponents for his District Attorney position in the May 1 Democratic primary next week, apparently exhibiting little faith in his handling of the controversial Duke rape case.

Since there is no Republican opposition, whoever wins that primary with 40 percent or more of the vote is automatically elected Durham's next D.A.

Nifong's opposition includes Keith Bishop, a Black defense attorney with no prosecutorial experience; and Freda Black, a White female and former prosecutor in the Durham District Attorney's office until Nifong fired her when he took over a year ago.

Cash Michaels writes for the Wilmington Journal.

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LEGAL NOTICES

REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA

REQUEST FOR PROPOSALS (RFP) NO. 016-06
 FORTY (40) DOUBLE DECK TRANSIT VEHICLES WITH AN OPTION FOR UP TO FORTY (40) ADDITIONAL VEHICLES

The Regional Transportation Commission of Southern Nevada (RTC) is seeking proposals from qualified firms for the purchase and delivery of forty (40) double deck transit vehicles with an option for up to forty (40) additional vehicles, F.O.B. destination, freight prepaid, to the Regional Transportation Commission of Southern Nevada, Las Vegas, Nevada 89106.

Request for Proposals (RFP) No. 016-06 will be available beginning May 11, 2006, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the Regional Transportation Commission's Administrative Building, Second Floor Reception Desk. Requests for RFP packages may be submitted via facsimile at (702) 676-1588 or via e-mail at bilynsky@rtcnsnv.com, and should be directed to the attention of Lydia Bilynsky, Purchasing Administrator.

A Pre-Proposal Conference will be held at 9:00 a.m., PDT, Wednesday, May 24, 2006, room 309, at the RTC, 600 S. Grand Central Parkway, Las Vegas, Nevada 89106. Proposals must be received on or before July 14, 2006. Proposals must be time stamped no later than 3:00 p.m., PDT, on the due date. Proposals time stamped at 3:01 p.m. or after on the due date will be returned unopened. Proposals must be sent to:

Regional Transportation Commission of Southern Nevada
 Attention: Lydia Bilynsky,
 Purchasing Administrator
 600 S. Grand Central Parkway,
 Las Vegas, NV 89106

The successful respondent shall cooperate with the RTC in meeting its commitments and objectives with regard to ensuring non-discrimination in the award and administration of U.S. DOT assisted contracts and shall use its best efforts to ensure that barriers to participation of DBEs do not exist.

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*SOUTHERN NEVADA WATER AUTHORITY (SNWA) IS LOCATED AT 1900 E. FLAMINGO RD IN LAS VEGAS

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Salary Constr Eng \$78,242/yr; Const Eng PE, \$82,154/yr. Closes 8am, 5/31/06*. Complete complex engineering assignments involving design &/or construction of pipelines, reservoirs & pumping facilities. Req's use of considerable judgment & initiative in developing solutions to problems, interpreting policies & ensuring projects are completed as planned. Req's grad 4yr coll/univ & 3 yrs exp. PE certification preferred. *Deadline may be extended or position may be filled before close date.

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