

The New York Times

Monday, September 18, 2006

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Files From Duke Rape Case Give Details but No Answers

By DUFF WILSON AND JONATHAN D. GLATER
Published: August 25, 2006

On March 21, a week after an African-American woman charged that she had been raped by three white Duke University lacrosse players, the police sergeant supervising the investigation met with the sexual-assault nurse who had examined the woman in the emergency room. The sergeant, Mark D. Gottlieb, reviewed the medical report, which did not say much: some swelling, no visible bruises.

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But the sergeant's case notes also recount what the nurse told him in response to his questions: that the woman appeared to be in so much pain that it took "an extended period of time" to examine her, and that the "blunt force trauma" seen in the examination "was consistent with the sexual assault that was alleged by the victim."

About a week later, the sergeant met with the Durham County district attorney to go over the case. For several days, the prosecutor, Michael B. Nifong, had been beseeching Duke lacrosse players to break their "stonewall of silence" about what had happened at a team party on March 13. Now, he turned up the pressure, telling Fox News that there was "no doubt in my mind that she was raped."

Whether the woman was in fact raped is the question at the center of a case that has become a national cause célèbre, yet another painful chapter in the tangled American opera of race, sex and privilege. Defense lawyers, amplified by Duke alumni and a group of bloggers who have closely followed the case, have portrayed it as a national scandal -- that there is only the flimsiest physical evidence of rape, that the accuser is an unstable fabricator, and that Mr. Nifong, in the middle of a tight primary campaign, was summoning racial ghosts for political gain.

By disclosing pieces of evidence favorable to the defendants, the defense has created an image of a case heading for the rocks. But an examination of the entire 1,850 pages of evidence gathered by the prosecution in the four months after the accusation yields a more ambiguous picture. It shows that while there are big weaknesses in Mr. Nifong's case, there is also a body of evidence to support his decision to take the matter to a jury.

Crucial to that portrait of the case are Sergeant Gottlieb's 33 pages of typed notes and 3 pages of handwritten notes, which have not previously been revealed. His file was delivered to the defense on July 17, making it the last of three batches of investigators' notes, medical reports, statements and other evidence shared with the defense under North Carolina's pretrial discovery rules.

In several important areas, the full files, reviewed by The New York Times, contain evidence stronger than that highlighted by the defense:

Defense lawyers have argued that the written medical reports do not support the charge of rape. But in addition to the nurse's oral description of injuries consistent with the allegation, Sergeant Gottlieb writes that the accuser appeared to be in extreme pain when he interviewed her two and a half days after the incident, and that signs of bruises emerged then as well.

The defense has argued that the accuser gave many divergent versions of events that night, and she did in fact give differing accounts of who did what at the party. But the files show that aside from two brief early conversations with the police, she gave largely consistent accounts of being raped by three men in a bathroom.

As recounted in one investigator's notes, one of the indicted players does not match the accuser's initial physical descriptions of her attackers: she said all three were chubby or heavysset, but one is tall and skinny. In Sergeant Gottlieb's version of the same conversation, however, her descriptions closely correspond to the defendants.

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The sergeant's notes are drawing intense scrutiny from defense lawyers both because they appear to strengthen Mr. Nifong's case and because they were not turned over by the prosecution until after the defense had made much of the gaps in the earlier evidence.

Joseph B. Cheshire, a lawyer for David Evans, one of the defendants, called Sergeant Gottlieb's report a "make-up document." He said Sergeant Gottlieb had told defense lawyers that he took few handwritten notes, relying instead on his memory and other officers' notes to write entries in his chronological report of the investigation.

Mr. Cheshire said the sergeant's report was "transparently written to try to make up for holes in the prosecution's case." He added, "It smacks of almost desperation."

Sergeant Gottlieb did not return phone calls yesterday seeking comment.

A review of all of the evidence underscores the major problems with the case:

There is no DNA evidence directly linking the suspects to the accuser.

The array of photographs used to identify the suspects violated generally accepted guidelines for lineups, because it included only lacrosse team members. Defense lawyers have challenged it in court, arguing that all evidence that followed from the identifications should be thrown out.

One suspect, Reade Seligmann, has what appears to be a powerful alibi, based on a cellphone log and other records that show he left the party early.

Finally, no one, not even the second dancer at the party, has corroborated the rape charge made by the woman, whose troubled personal history is sure to be an issue at trial.

Increasingly, Mr. Nifong has become the focus of attacks on the case. Some of the defense lawyers have accused him of professional misconduct for, among other things, giving dozens of what they describe as inflammatory interviews early in the case and for instructing the police to employ the faulty photo lineup. The defense lawyers say, too, that the district attorney refused to meet when they tried to share evidence that supported their clients. In the courthouse and around town, even people who know Mr. Nifong well and respect him are wondering: What does he have?

The files, of course, cannot settle any arguments about the case, which is expected to go to trial next spring. Still, taken in their entirety, they help answer some important questions and raise others. They add rich detail to the narrative of what happened that night.

What is more, regardless of one's opinion about the prosecution, to read the files, with their graphically twined accusations of sexual violence and racial taunts, is to understand better why this case has radiated so powerfully from the edgily cohabited Southern world of Duke and Durham.

Mr. Nifong and the police officers and medical personnel involved in the case have refused requests for interviews, and in mid-July a judge barred participants from publicly discussing the case. But four weeks ago, at a news conference to discuss his campaign, the district attorney admitted that he had erred early on in his handling of the press and had not gotten some hoped-for evidence, like DNA matches. As for the case itself, though, he said, "I have not backed down from my initial assessments."

The Party

Spring break 2006. The Duke lacrosse team was ranked No. 2 in the nation. The verdant campus had gone quiet, but the team stayed to practice and party. Other years they had gone to a strip joint called Teasers Men's Club, one player told the police, but this time they decided to hire their own strippers because some players were too young for the bar.

One of the team captains, Dan Flannery, using the name "Dan Flanigan," called a local escort service and arranged to pay \$800 for two women to dance at what he described as a bachelor party. The women were directed to a white clapboard house on North Buchanan Boulevard near campus, where they met for the first time.

One of them, Kim Roberts, was a 31-year-old escort service worker who was wanted by the police for violating probation in a 2001 embezzlement case.

Her partner was a 27-year-old single mother of two, a student with a B average at North Carolina Central University, the historically black college across town. She worked flexible hours at Platinum Pleasures, a strip club, and for Angel's Escorts. She was a stripper, not a prostitute, she later told the police. She told them that "she had been to one event in the past where she thought a male at the party was nice, so after the party they went out and had consensual sexual relations," but just that once.

The women, wearing see-through outfits, started dancing about midnight. A photo taken by one player shows two women together on the floor surrounded by seven young men, many holding drink cups. A few minutes later, one of the men said something about using a broomstick in a sexual manner. The dancers stopped. An argument ensued. Using a racial epithet, someone yelled that they had asked for white dancers, not black ones.

That much is agreed. It was 12:04 a.m. March 14. The question is, what happened in the next 30 to 50 minutes?

The Accuser's Account

At 12:53 a.m., Ms. Roberts called 911 and said some Duke students had called her and a girlfriend by a racist name as they passed the North Buchanan house. She did not identify herself. The police arrived two minutes later to find the house dark. No one answered the door.

Ms. Roberts later said that she had called 911 while driving away. She did not know what to do with her acquaintance, who was incoherent and, she believed, drunk or high. She drove to a 24-hour supermarket near campus, where a security guard called 911 at 1:22 a.m. The first officer to respond was John C. Shelton, a Durham patrol sergeant. He found the woman in her negligee, without undergarments, in the car. She did not need medical attention, he told the dispatcher, "she's just passed-out drunk." He put an ammonia capsule under her nose, and when she started breathing through her mouth, he decided she was faking unconsciousness.

"I grabbed the female and attempted to pull her from the vehicle," Sergeant Shelton wrote. "She grabbed the emergency brake with her left hand and would not come out of the car. At this point, I applied a bent-wrist come-along to her right hand and arm. As I applied pressure, she became responsive, and eventually I was able to get her out of the car. Once she was out of the car, I released the pressure and she collapsed to the ground." The woman would not stand or speak, so Sergeant Shelton told two officers to take her to a mental-health and substance-abuse facility overnight.

"During the check-in process, the victim was asked if something had happened to her and she said, 'Yes,' " Officer Joseph Stewart wrote. "She was then asked if she had been raped, and she stated, 'Yes.' "

At 2:31 that morning, the woman was taken to the emergency room at Duke University Medical Center. Over the next eight hours, she spoke with a number of police officers, doctors and nurses. Defense lawyers say she gave so many different accounts -- that she had been raped by 3, 5 or 20 men, or not at all -- that they add up to a lie.

The prosecutor's file, however, shows that, except in some initial contacts with the police, she gave a consistent account during that night and since then of how many men raped her. In addition, some of the early reports cited by the defense appear to have been based on misunderstandings.

The version that she had been groped, not raped, was what she told Sergeant Shelton at the hospital. "She told me that no one forced her to have sex," he wrote. Sergeant Shelton, who had struggled with her earlier in the night, called his watch commander to say the woman was recanting. Then he heard her tell a doctor that she had been raped.

"I returned to the room where she was and asked her if she had or had not been raped," he wrote. "She told me she did not want to talk to me anymore and then started crying and saying something about them dragging her into the bathroom."

The version in which she claimed to have been raped by 20 men and changed her story "several times" was written by Christopher H. Day, a Duke University police officer, based, he later said, on overhearing a phone call by Sergeant Shelton. Officer Day never talked to the woman or to Sergeant Shelton. The report of 20 men may have been a reference to an estimate of the number of men at the party.

The account of being raped by five men comes from the notes of Gwendolyn Sutton, a Durham police officer who talked with the woman upon her arrival at the hospital. Officer Sutton's report says the woman told her she had been dancing with three other women, "Nikki, Angel and Tammy." Nikki was Ms. Roberts's stage name, but there may have been a misunderstanding about the role of the two other women: Tammy was a dispatcher at Angel's Escorts. The reference to five rapists has not been explained.

(Ms. Roberts has given contradictory accounts. On March 22, she told the police that the rape accusation was "a crock," and that she had been with the accuser for all but five minutes of the party. Later, though, she revised her story to the police and told National Public Radio that a rape "could have happened," but that she had not seen or heard it. Defense lawyers argued that she changed her story to suit an opportunity: on April 17, Mr. Nifong personally changed Ms. Roberts's bail status on her probation violation, reducing her bond payment by \$1,875.)

In her subsequent detailed accounts to doctors and detectives, files show, the accuser said she was raped vaginally, anally and orally by three men who called themselves Adam, Matt and Bret. She said these might not have been their real names. She said the men had called her racially pejorative names and had held, pushed and kicked her during the attack.

The woman gave a variety of accounts about what each of the men did during the alleged assault and in what order. For example, in initial statements, she said "Adam" had closed the bathroom door and told her "I'm sorry, sweetheart, you can't leave." But in her April 6 written statement to the police, she said "Matt" told her that. In two separate accounts, she also gave two different names of the man she said raped her orally.

Sergeant Gottlieb's notes recount what Tara Levicy, the sexual-assault nurse, said of her encounter with the woman in the emergency room. "She stated the victim came in and was very apprehensive around the officers," he wrote. "Once the officers left the room, it took her approximately 15-20 minutes to get her to calm down and open up. She stated the victim from that point on never changed her statement for over the 6-7 hour time period they were together."

The nurse said the woman remained calm in her presence, but when Ms. Levicy left the room and a male nurse entered for some supplies, she reacted in a way that sexual-assault experts say is not uncommon among rape victims: she "began to scream hysterically."

The Medical Evidence

The defense lawyers say there is no medical evidence that the woman was raped or assaulted. J. Kirk Osborn and Ernest L. Conner Jr., who represent Mr. Seligmann, filed a motion on June 7 accusing the authorities of misleading a judge about the strength of the medical evidence. They attached, under seal, the 23 pages of medical reports received through pretrial discovery. The first notes, by Dr. Joshua S. Broder and Duke hospital nurses, say the woman reported that she had been raped and complained of vaginal pain. A physical examination found no tenderness of the abdomen. She was "well nourished, visibly upset, crying, alert, cooperative, no acute distress."

She was next examined by sexual-assault specialists, Dr. Julie Manly and Ms. Levicy, who confirmed "tenderness" in the vagina and the rectum. The nurse reported finding "diffuse edema," or swelling, "of the vaginal walls," but no abrasions, tearing or bleeding.

That is the finding that defense lawyers have seized upon in arguing that medical personnel did not find signs and symptoms consistent with rape. However, sexual-assault nurse trainers say nurses are specifically trained not to make legal or causative statements in their reports. They just report physical findings. And Ms. Levicy made a much stronger statement a week later.

"I asked her if the exam was consistent with blunt force trauma, and she replied, 'Yes,' " Sergeant Gottlieb wrote in the notes of his March 21 interview with the nurse. "She stated the victim had edema and tenderness to palpitation both anally and especially vaginally. She stated it was so painful for the victim to have the speculum inserted vaginally that it took an extended period of time to insert same to conduct an examination. I asked her if the blunt force trauma was consistent with the sexual assault that was alleged by the victim. She stated the trauma was consistent with the victim's allegation."

Before Sergeant Gottlieb's notes were turned over to the defense, and before the judge's order not to discuss the case, defense lawyers had argued publicly that the woman's swelling and tenderness could have been caused by consensual sexual activity in the days before the Monday-night party.

Jarriel L. Johnson, a friend of the woman who drove her for escort service work, told the police that he had taken her to a half-hour job at a Holiday Inn on the previous Friday afternoon, to Platinum Pleasures on Friday night, to a Millennium Hotel for an hour on Saturday, and to another hotel on Sunday. The woman herself told the police that she had performed with a vibrator for one couple.

The woman denied engaging in sexual activity with those clients, and no evidence has been offered to contradict her. She also told the police that she had last had sex about a week before the party, with her boyfriend. His DNA was the only positive match with samples taken from her body. In addition, her driver initially told the police that they had had sex the weekend before the lacrosse party, but then revised his statement to say it was the previous weekend.

The woman's accounts of other injury changed over time. She "denies other physical assault," Dr. Broder wrote after initial examination in the Duke emergency room. Later that night, though, Ms. Levicy wrote that the woman told of being held by both legs and pinched, pushed and kicked.

Dr. Manly, the sexual-assault specialist, found the woman's head, back, neck, chest, nose, throat, mouth, abdomen, arms and legs all normal. The only "signs of physical trauma," she reported, were three small, nonbleeding scratches to the knee and ankle.

A day later, the woman's condition appeared worse. She went to a University of North Carolina hospital, where she had previously received care for chronic neck and back pain. Now, she reported that she had been "knocked to the floor multiple times and had hit her head on the sink" during a rape, Dr. Yvonne E. Lai wrote.

U.N.C. doctors observed a limping gait, and they confirmed that she had muscle tenderness and that her head did not have the full range of motion. They diagnosed acute pain in her knees, neck pain and contusions, and recommended crutches and ice packs.

The report also pointed to one of the more puzzling aspects of the case -- the woman's intoxication. She told the U.N.C. doctors that she had denied being in pain in the Duke emergency room because she was "drunk and did not feel pain."

She has given slightly differing accounts of how much she drank that evening. She told the police that she had had one or two large-size beers before the party and had taken Flexeril, a muscle relaxant. Both dancers said they were given a mixed drink at the party.

But investigators say that does not explain why the woman seemed so profoundly intoxicated. The other dancer, Ms. Roberts, told the police that her partner had arrived "clearly sober" -- a description confirmed by a next-door neighbor -- but became glassy-eyed, "talking crazy" and "basically out of it" within the hour.

Toxicological screening is not standard, unless specially requested, in a rape exam in North Carolina. No such request was made that night. Defense lawyers said it would have shown drugs or alcohol. The Durham police have speculated that the test might have found a date-rape drug, records show; they have also theorized that the trauma of rape itself might have been responsible for her condition. The next day, March 16, Sergeant Gottlieb and the lead investigator under his supervision, Officer Benjamin W. Himan, went to the woman's house.

"The victim was at home alone with her two young children," the sergeant wrote, noting she walked slowly and in obvious pain. "Her facial expressions conveyed her pain as she ambulated." She sat so neither hip touched the sofa. "Anytime her bottom touched the sofa cushion while repositioning during our interview, she groaned and had a facial expression consistent with pain."

During that interview, the woman, who is dark skinned, said bruises were beginning to show from the attack. A female officer took photographs and confirmed that "she had the onset of new bruises present," Sergeant Gottlieb wrote. (The female officer's report does not mention bruises.)

The woman spoke for an hour. She talked about her life -- joining the Navy and moving to California shortly after finishing high school, marrying a man 14 years her senior,

becoming pregnant by a sailor, returning home to North Carolina and getting divorced -- and gave a detailed account of the lacrosse party. "Tears ran down her face freely, and her nose began to run," the sergeant wrote.

Identifying Suspects

Mr. Nifong, the district attorney, has said that a woman's identification of her attackers -- even without physical evidence -- is enough to send a rape case to a jury.

The accounts of this accuser's first description of the suspects, however, are ambiguous: the two investigators who interviewed her at home recorded the conversation differently.

In Officer Himan's handwritten notes, the woman described all three as chubby or heavy. Adam: "white male, short, red cheeks fluffy hair chubby face, brn." Matt: "Heavy set short haircut 260-270." Bret: "Chubby." The descriptions in Sergeant Gottlieb's notes are more detailed and correspond more closely to the men later arrested: Collin Finnerty, 20, a slender 6-foot-3 and 175 pounds with light hair; Mr. Evans, 23, 5-foot-10, 190 pounds and with dark hair; and Mr. Seligmann, 20, who is 6-foot-1 and 215 pounds with dark hair.

Sergeant Gottlieb wrote: "She described the three men as 1) W/M, young, blonde hair, baby faced, tall and lean, 2) W/M, medium height (5'8"+ with Himan's build), dark hair medium build, and had red (rose colored) cheeks, and the third suspect as being a W/M, 6+ feet, large build with dark hair."

The difference in the police accounts could not be explained. Both investigators have declined public comment. Sergeant Gottlieb, 43, is by far the more experienced. He was hired by the Durham Police Department in 1987 and promoted to sergeant in May 2005 and to supervisor of investigations in February 2006; Officer Himan, 27, was hired in 2002 and assigned to investigations last January, said a police spokeswoman, Kammie Michael.

(Sergeant Gottlieb was one of five Durham police officers involved in a matter unrelated to the Duke case -- a July 20 fight outside a Raleigh sports bar in which a racial epithet was yelled at a black cook. Two officers have been charged with misdemeanor assault. Sergeant Gottlieb and the two others will not face charges, the authorities said, though their roles are being investigated by Durham police internal affairs.)

Later on March 16, investigators began the process that has become one of the mostly hotly disputed elements of the Duke case -- the identification of individual suspects. The woman was shown lacrosse team photographs of four possible suspects -- the players whose names were Adam, Matt or Brett -- and of 20 other team members. (Mr. Seligmann was among those pictured; Mr. Finnerty and Mr. Evans were not.) She identified four people she thought were at the party, including Mr. Seligmann, but none as her attackers.

"This is harder than I thought," she said, according to Officer Michele Soucie's notes.

Even so, investigators decided that the results of that first interview were sufficient to establish probable cause of rape. Later that day, the police served a search warrant on the North Buchanan house.

Mr. Evans and the two other team captains who shared the house were there. Police reports say they cooperated fully. Not only had there been no rape, they said, there had been no sex at all. They talked for hours without lawyers, gave DNA samples and offered to take polygraph tests. The officers declined the polygraph offer because, they said, DNA evidence would solve the case.

Five days later, the police gave the woman another opportunity to identify her attackers. Officer Himan wrote that, under questioning, "She was unable to remember anything further about the suspects." She was shown 12 more photographs, including Mr. Evans's, his lawyer said. She identified none. Another investigator, Richard D. Clayton, wrote, "She again stated the photos looked the same."

The third and final photo identification session occurred on April 4. Mr. Nifong suggested to the investigators that they show the woman pictures of all 46 white lacrosse players -- taken 12 days before -- and ask if she remembered seeing each one at the party and if so, what he had been doing. About 30 players had been at the party.

Sergeant Gottlieb showed the woman each picture for a minute. The full transcript shows some precise recollections, three weeks after a relatively brief encounter with a

large group of white strangers.

The third man pictured "was sitting on couch in front of TV," the woman said. The fourth "looked like Bret but I'm not sure." The fifth "looks like one of the guys who assaulted me." How sure was she? Sergeant Gottlieb asked. "He looks just like him without the mustache," the woman said. Ninety percent sure.

This was Mr. Evans. His lawyers and family say he has never had a mustache.

The sixth picture she did not recognize. The seventh "looks like one of the guys who assaulted me." Asked how sure she was, the woman said 100 percent and described what he had done. This was Mr. Seligmann.

Another student was standing outside talking, the woman told the police. Two others were drinking in the bedroom. Another wore khaki shorts. She said the person in one picture was the one who had given her the \$400; this was proved accurate. Another was sitting in the kitchen, another outside, talking; one was sitting in the front row during the dance; another sitting on the couch watching TV; another made the broomstick comment; two of them she remembered yelling excitedly during the dance; and another, she said, was the third man who had assaulted her.

The transcript says "the victim's eyes were pooling with tears." She was 100 percent sure. This was Mr. Finnerty.

Defense lawyers say that since the accuser was only shown pictures of team members, the identification process was fatally flawed -- "a multiple-choice test with no wrong answers, a pin-the-tail-on-the-donkey identification," in the words of Mr. Evans's lawyers. In fact, Department of Justice and Durham police guidelines say that for each potential suspect, there should be at least five people who are not possibly suspects. In their motion to throw out the photo identifications, Mr. Evans's lawyers have also sought to bar the accuser from identifying the suspects at trial.

Problems for the Prosecution

In asking a judge to order the 46 white team members to submit to DNA swabs in March, Mr. Nifong's office had written that the tests would "show conclusive evidence as to who the suspect(s) are in the alleged violent attack upon this victim."

On April 10, prosecutors gave the negative DNA results to the defense. There were no matches. The lawyers announced the findings at a news conference on the courthouse steps and called on the district attorney to abandon the case.

The next day, Mr. Nifong spoke at a forum on the case at North Carolina Central, where the accuser attended college.

"DNA results can often be helpful, but, you know, I've been doing this for a long time, and for most of the years I've been doing this, we didn't have DNA," he said. "We had to deal with sexual assault cases the good old-fashioned way. Witnesses got on the stand and told what happened to them."

It was clearly a setback, though -- and a turning point in the public view of the case. The woman had initially told doctors and nurses that her attackers had not used condoms, suggesting that there would be a lot of DNA evidence to test. Mr. Nifong later suggested that she might not have noticed the use of condoms, or that the rape exam might have missed some semen. The woman gave differing versions of whether her attackers had ejaculated inside her: she told the sexual-assault nurse she did not know, but she told Officer Himan that she thought one of them had.

Outside experts say it is possible for a rapist to leave no DNA evidence. But they say juries often expect to see such evidence.

More DNA results have been made public in the case, but their relevance is unclear.

The police recovered semen from beside the toilet -- about the same spot where the woman said she had spat out semen from someone who orally raped her. It matched the DNA of Matt Zash, a team captain who lived in the house and has not been charged. His lawyer said the semen had come from other, innocent sexual activity.

Investigators also found a towel in the hallway near Mr. Evans's bedroom with semen matching his DNA. The woman had told the sexual assault nurse that someone had wiped her vagina with a rag. Mr. Evans's lawyer said that this towel had nothing to do with her accusation, and that the semen came from other activity.

Defense lawyers have also attacked the woman's credibility. In one court filing, Mr. Seligmann's lawyer, Mr. Osborn, said evidence of her "mental and emotional problems" would be used to impeach her testimony. Medical records in police files show that doctors had previously diagnosed depression and bipolar disorder.

The lawyers also sought to discredit her with the revelation, first reported in *Essence* magazine, that 10 years before, she reported another gang rape but failed to pursue the case.

The files in the Duke case throw some light on that case.

She had filed the complaint when she was 18, telling the police in Creedmoor, N.C., that four years earlier, her then-boyfriend and two of his friends had raped her when she was a runaway and helping them sell drugs. She told the Durham police that a friend had encouraged her to report her secret so she could hold the men accountable and move on with her life.

The Creedmoor police say they have no further record of the case. Recently, the woman told Durham investigators that she had decided to drop the Creedmoor case after the police told her that it would be difficult to prove and that all the men were already imprisoned for other crimes. Records show that one of the men was declared a habitual felon in 1998. The Times could not trace the other two, who have common names.

In mid-April, the defense lawyers tried repeatedly to meet with the district attorney to share what they describe as evidence favorable to their clients. He rebuffed them, they say.

Mr. Nifong met with three of the lawyers on April 13 but cut them off when they talked about exculpatory evidence, saying he knew more about the case than they did, according to James D. Williams Jr., who represents a player who was not charged.

Mr. Osborn says he offered to show Mr. Nifong proof of a solid alibi for Mr. Seligmann. That includes cellphone records, an A.T.M. record, a time-coded dormitory entry card and a taxi driver's account. Time-stamped photos show that the women were dancing at the party until 12:04 a.m. According to his cellphone bill, between 12:05 and 12:13, Mr. Seligmann made eight brief calls, of 36 seconds or less, six of them to his girlfriend's number, and then phoned a taxi at 12:14 a.m. and left the party shortly after.

Mr. Nifong has never explained his refusal to meet with the lawyers or review their evidence.

"I've known the guy for 25 years," Mr. Osborn said in mid-April. "I went over and thought surely he'd listen to me on it. And he sent some messenger out and said, 'I saw you on the TV saying your client was absolutely innocent, so what do we have to talk about?' He wouldn't even see me himself."

On April 17, a grand jury indicted Mr. Finnerty, of Garden City, N.Y., and Mr. Seligmann, of Essex Fells, N.J. Mr. Evans, who is from Annapolis, Md., was indicted May 15. They have pleaded not guilty to charges of first-degree forcible rape, first-degree sexual offense and kidnapping and are free on \$100,000 cash bonds. Mr. Seligmann and Mr. Finnerty have not spoken publicly about the case, but Mr. Evans gave an impassioned denial to reporters on the day he surrendered to the authorities. "Every member of the Duke lacrosse team is innocent," Mr. Evans said. "You have all been told some fantastic lies."

The accuser is living in an undisclosed location with her two children. Durham police investigators stay in touch with her. On June 30, an investigator asked her about a report that she had been offered money to drop the case.

The case file says, "She stated she has never had any offers from anyone to drop the case, nor will she accept."

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