



N.C. Panel Disbars Duke Prosecutor



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By AARON BEARD

Associated Press Writer

RALEIGH, N.C. (AP) - District Attorney Mike Nifong will be disbarred for his disastrous prosecution of three Duke University lacrosse players falsely accused of rape, a disciplinary committee decided Saturday. Even the veteran prosecutor said the punishment was appropriate.

"This matter has been a fiasco. There's no doubt about it," said committee chairman F. Lane Williamson.

Nifong sat motionless, one hand resting over his mouth, as Williamson recounted how he engaged in dishonest and deceitful conduct. He said Nifong's early comments about the case—which included a confident proclamation that he wouldn't allow Durham to become known for "a bunch of lacrosse players from Duke raping a black girl"—were purposefully designed to boost his campaign for district attorney.

"At the time he was facing a primary, and yes, he was politically naive," Williamson said. "But we can draw no other conclusion that those initial statements he made were to further his political ambitions."

Nifong will not appeal the punishment, his lawyer said.

"He hopes this helps restore some of the confidence in the criminal justice system of North Carolina," said attorney David Freedman.

"On one hand, it's very devastating. On the other hand, he's been going through this process for a long time, so you always have some semblance of relief when the process is over with regardless of the outcome."

The North Carolina State Bar charged Nifong with breaking several rules of professional conduct, including lying to both the court and bar investigators and withholding critical DNA test results from the players' defense attorneys.

The committee, after deliberating for a little more than an hour on Saturday, unanimously agreed with the bar on almost every charge—including the most serious allegations—that Nifong's actions involved "dishonesty, fraud, deceit and misrepresentation."

State Bar prosecutor Douglas Brocker told the committee that as Nifong investigated the allegations that a stripper was raped and beaten at a March 2006 party thrown by Duke's lacrosse team, he charged "forward toward condemnation and injustice," weaving a "web of deception that has continued up through this hearing."

"Mr. Nifong did not act as a minister of justice, but as a minister of injustice," Brocker said.

The verdicts and the punishment did not appear to surprise Nifong, who acknowledged during sometimes tearful testimony Friday that he would likely be punished for getting

"carried away a little bit" when talking about the case.

During Saturday's closing arguments, Williamson repeatedly interrupted Nifong's attorney, Dudley Witt, as he discussed the DNA testing.

Williamson questioned why it took several months for the defense to get DNA test results that found genetic material from several men in the accuser's underwear and body, but none from any lacrosse player.

"It wasn't just one little oversight," Williamson said later. "This was conduct over an extended period in a very high-profile case."

Aware of those test results, Nifong pressed ahead with the case anyway and won indictments against Dave Evans, Reade Seligmann and Collin Finnerty. State prosecutors later concluded the three players were "innocent" victims of a rogue prosecutor's "tragic rush to accuse."

Nifong made "multiple, egregious mistakes" as he pursued the charges, but not intentionally, his attorney said in closing statements.

"It didn't click," Witt said as he tried to explain one of his client's errors. "His mind is just his mind. That's the way it works. It just didn't click."

Brocker said Nifong had to have known he was making improper comments to reporters. Nifong said he regretted some of his statements, including a confident proclamation that he wouldn't allow Durham to become known for "a bunch of lacrosse players from Duke raping a black girl."

He also focused on when Nifong learned about the full extent of the DNA test results and when he shared that information with the defense.

Nifong gave defense attorneys an initial report on the DNA testing in May 2006 that said private lab DNA Security Inc. had been unable to find a conclusive match between the accuser and any lacrosse players.

But lab director Brian Meehan testified this week that he told Nifong as early as April 10, 2006—a week before Seligmann and Finnerty were indicted—about the more detailed test results.

Nifong testified that when he gave the defense the initial report, he "believed at the time that I had given them everything."

The disciplinary hearing committee had the choice of suspending Nifong's law license or taking it away entirely.

Nifong told the panel hearing the case Friday that he would resign from his post as Durham County district attorney over his handling of the rape charges.

The players' attorneys have pledged to seek criminal contempt charges next week in Durham.

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