

**TEST FAILURE** Massive fraud found in Uniondale scores **A5**

# Newsday

★★★★ SPORTS FINAL

LONG ISLAND

NEWSDAY.COM

SATURDAY, JUNE 16, 2007 | LONG ISLAND EDITION

50¢

Subway Series **D 4 7**

**Reyes  
Of Hope  
For Mets**  
Beat Yanks, 2-0  
**SPORTS**



AP PHOTO

**DUKE DA QUILTS**

**Who's  
Sorry Now?**

Nifong apologizes but still faces possible disbarment for ethics violations **A2-3**

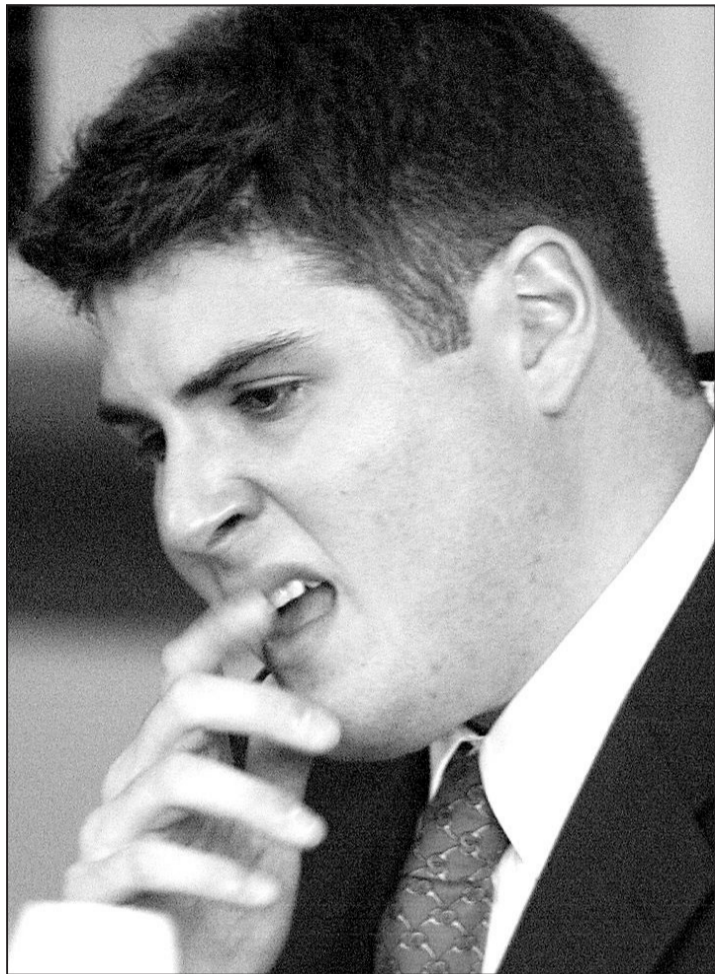


Should Nifong lose his law license? Talk about it at [newsday.com](http://newsday.com)

Durham DA Mike Nifong admitted he made improper comments about the falsely accused lacrosse players.  
COPYRIGHT 2007, NEWSDAY INC., LONG ISLAND, VOL. 67, NO. 286

AP PHOTO

# DA quits under



AP PHOTO

Reade Seligmann, formerly accused in Duke rape case, testifies at Michael Nifong's state bar hearing Friday.

## What Seligmann said

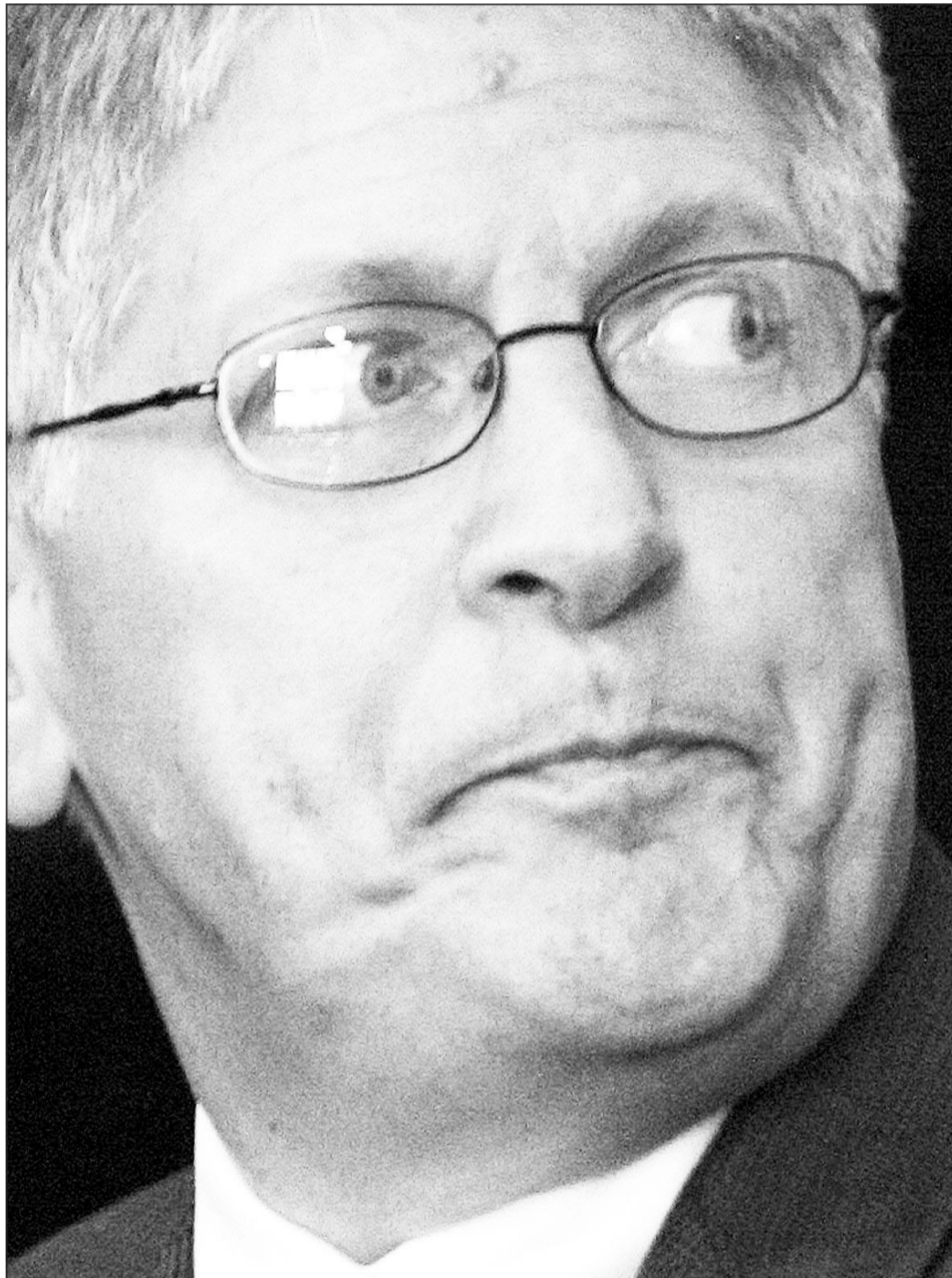
On the public perception of the accused Duke players:  
"We went from being viewed as **athletes** to being viewed as **rapists.**"

On the telephone call from his lawyer notifying him of the indictment and that the dancer had picked him out as an attacker:

"My dad just fell to the floor, and I just sat on the ground . . . And I said, '**My life is over.**' . . . The first thing I thought about was, 'How am I going to tell my mom?'"

On the law:

"I don't know much about the law . . . but you hear the word 'alibi,' and you think that's one of the first things a prosecutor would want to have. **You don't charge an innocent person.** I could never understand it."



## By resigning, he may

BY MICHAEL AMON  
michael.amon@newsday.com

By tearfully announcing his intention to resign, Durham County District Attorney Michael Nifong took a dramatic step toward trying to convince an attorney grievance committee to spare his law license, some legal experts said Friday.

It was also a tacit admission, experts said, that he violated

ethics rules in the rape case against three Duke lacrosse players who have since been exonerated.

"The writing could not be clearer on the wall," said Jim Cohen, a professor at Fordham University School of Law. "They recognize that they're in big trouble," he said of Nifong and his team. "They're hoping for something less than a complete disbarment."

Thomas Metzloff, a professor at Duke University Law School, said he believed Nifong wanted to show remorse and admit responsibility — factors that could lessen the penalty meted out by a three-member grievance panel of the North Carolina State Bar.

"I think it's the right move," Metzloff said. "If the panel believes that it was sincere, it could mitigate his punishment."

**NOW  
ONLINE**



▼ FOR MORE, GO TO  
NEWSDAY.COM/LI

▼ Take a look: See  
photos and video

▼ Speak out: Take part  
in our reader poll

# fire at hearing

## What Nifong said

*On his comment last year that "I am not going to let Durham's view in the eyes of the world be a bunch of lacrosse players from Duke raping a black girl from Durham."*

Nifong said Friday: "I think that **crossed the line** . . . The comment about race was not a comment that should have been made."

*On his statements to the media about the lacrosse team's "stonewall of silence," that the team was "a bunch of hooligans" and how he wondered aloud why some of the lacrosse players had hired attorneys.*

Nifong said Friday: "Clearly, some of the comments I made were improper . . . I saw for instance a clip earlier this week I had not seen before. It made me cringe. It did not come across at all like what I was trying to do . . . **Maybe if I'd seen some of these things, I'd have shut up sooner.**"

*On the accusation, now found to be false, that an exotic dancer was sexually assaulted in a bathroom.*

Nifong said Friday he "still believes **something happened** in that bathroom."

## A legal career in the public eye

**Age:** 56. Born Sept. 14, 1950.  
**Home:** Durham, N.C.

**Education:** Bachelor of arts degree, University of North Carolina at Chapel Hill, 1971; law degree, UNC Chapel Hill, 1978.

**Career:** Admitted to the North Carolina bar in 1978; joined Durham district attorney's office in October 1978 as assistant district attorney

■ Appointed district attorney in 2005

■ Won Democratic primary in May 2006 and general election in November 2006 while prosecuting three Duke lacrosse players on rape accusation.

■ Announced during ethics hearing Friday that he would resign.

**Family:** Wife Cy Gurney; daughter Sarah, 23; son Bryan, 15.

Michael Nifong faces losing his law license.

POOL PHOTO/ GERRY BROOME

# save his law license

The state bar has a number of punishment options available if it finds Nifong guilty, including public censure, temporary suspension of his law license, disbarment or even jail time for civil contempt, though the last option is seen as highly unlikely.

Legal sources yesterday agreed that Nifong, who acknowledged Friday that he made inflammatory comments to the

media about the case early in the investigation, will face a severe sanction if found guilty.

Ronald Wright, a Wake Forest University Law School professor, said the punishment will depend on how the panel views his complicated explanations in response to allegations that he withheld the DNA evidence that ultimately exonerated the lacrosse players.

"It's possible he could lose his

license," Wright said. "It would be unusual, but this might be just unusual enough a case for it to happen."

Metzloff, who also attended the hearing, said Nifong seemed sincere. But he and other legal experts questioned the timing of his self-recrimination. "It is too late," Metzloff said. "It would have been more effective if it would have come a couple of months ago."

## Admitting he made improper statements about Duke players falsely accused of rape, Nifong apologizes and says he'll resign

BY ANN GIVENS  
ann.givens@newsday.com

RALEIGH, N.C. — Still saying that he believes "something happened" between a group of Duke lacrosse players and a stripper they hired to entertain at a party in March 2006, embattled Durham District Attorney Michael Nifong tearfully told a packed courtroom Friday that he will resign.

"I have always tried to do the right thing, and in this case I was trying to do the right thing," Nifong said in a voice that was barely audible to those in the Raleigh courtroom where he is being tried at a hearing for ethical violations. "But it has become increasingly apparent . . . that my presence as district attorney is not furthering the cause of justice."

Nifong, 58, who is appearing before a grievance committee on charges that he accused three Duke University lacrosse players of rape despite a lack of credible evidence against them, said even his own lawyers did not know he was going to resign before he took the stand.

If found guilty, Nifong could be disbarred — losing his license to practice law.

Collin Finnerty, Reade Seligmann and David Evans, were ultimately declared innocent by North Carolina Attorney General Roy Cooper, who took over the case amid complaints about Nifong's handling of it.

Nifong apologized to the defendants "to the extent that I caused pain" to them and their families.

He said, "I took responsibility on myself and I don't intend to pass it off on anybody else."

But the people he accused said the move is a calculated attempt to save his law license.

"I think he did it because he had to do it," said Kevin Finnerty, of Garden City, father of Collin, 20. "The frustrating thing for us is what he put us through for the past year and a half didn't have to happen."

Yet, at the same time, Nifong said in response to a question, "I think something happened in that bathroom," referring to the room where the woman said the assault took place. "I'm not sure I can say at this point it was a sexual assault. It might have been a nonsexual assault

or an intimidation."

"Something happened to make everybody leave that scene," he said referring to a police report that the house where the party occurred emptied out shortly after, the accuser said, the attack took place.

Nifong, who took on the case amid a contentious re-election campaign, acknowledged that some of the public statements he made were improper and "made me cringe" later. He called the players "hooligans" and said they wouldn't be allowed to get away with raping a black woman in Durham. On Friday, he said, "I think that crossed the line, to make a comment about what Durham looked like in the eyes of the world."

The woman who had accused the three players of rape is black. The players are white.

Earlier Friday, Seligmann struggled through sentences and fought back tears as testified about how he and his father learned he had been indicted.

Recalling the events of April 17, 2006, Seligmann, 21, of Essex Fells, N.J., said he previously had not worried about being indicted because he had left the party about midnight.

But when he learned he had been indicted on a rape charge, Seligmann said: "My dad just fell to the floor and I just sat on the ground and I said, 'My life is over.'"

Nifong admitted that he had failed to turn DNA evidence over to the defense during his investigation. That evidence showed that the stripper who claimed she'd been raped had the DNA of at least four men on her body and underpants at the time of the alleged incident, none of whom were suspects in the case. Defense lawyers have said if they had known about that evidence, it could have helped their cases.

"I hadn't taken any steps to keep it out," Nifong said of a report he gave to the defense, "and I didn't take any steps to put in. And I didn't notice it wasn't there."

When the defense filed a motion asking for the material, Nifong said he first realized that he had not turned it over.

"My reaction was a variation on 'Oh, crap,'" he said.

Staff writer John Valenti contributed to this story.



Collin Finnerty outside court Friday