

EXHIBIT 17

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February 15, 2007

Mr. James J. Coman
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Via Hand Delivery

Ms. Mary Winstead
Special Prosecutions
North Carolina Attorney General's Office
114 W. Edenton Street
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Re: State of North Carolina v. Evans, Finnerly, and Seligmann
Durham County Case Numbers 06 CRS 5582-5583, 4335-4336, and 4332-4333

Dear Jim and Mary:

Based on our understanding that you will use these materials only for the purpose of deciding whether to proceed to trial in any of the above-referenced matters, we provide you here with summaries of what we have personally learned from interviewing most of the members of the 2006 Duke University Men's Lacrosse Team who attended the party at 610 North Buchanan Boulevard on March 13, 2006.

Before getting into the substance of those summaries, it would help to explain what was happening with the lacrosse team at that time. On Saturday, March 11, 2006, the team had played a game against Loyola of Baltimore in San Diego, California. They returned to Durham on Sunday, March 12, 2006. That week was spring break for Duke University, but the lacrosse team was staying in town for daily practice. For a number of years preceding 2006, the lacrosse team had several "traditions" during spring break, including an annual visit to a strip club in Durham called Teasers. Last year, however, several members of the team, including the captains, discussed an alternative scenario of having a party at 610 N. Buchanan and hiring strippers to perform. That way, the under-21 players could participate, and everyone could save money by contributing one lump sum for beer and the cost of hiring the strippers.

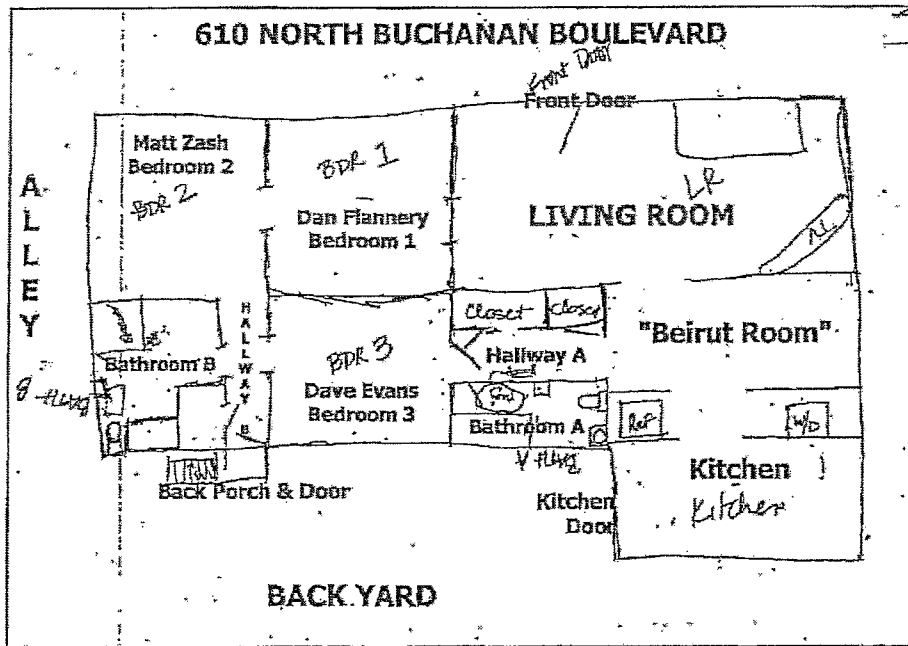
Accordingly, after the team practice on the morning of Monday, March 13, 2006, the word began to circulate among the team members that, in place of the annual trip to Teasers, there would be a party that night at 610 N. Buchanan, which was occupied by co-captains Dan Flannery, Matt Zash, and Dave Evans. In the meantime, the players were invited to come and go as they pleased at 610 N. Buchanan throughout the afternoon and early evening, and many of them were going back and forth between 610 N. Buchanan and 1105 Urban Street, a nearby house also occupied by lacrosse players and which nearly shared a back yard with 610 N. Buchanan.

On March 15, 2006, when Durham police officers arrived to execute the search warrant at 610 N. Buchanan, they obtained the full cooperation of its residents: Dave Evans, Dan Flannery, and Matt Zash. As part of

that cooperation, all three voluntarily went to the police station, where they provided oral and handwritten statements about the events of that evening. Their statements have been available to the State since that date and were included in the discovery materials provided to the defendants on May 18, 2006.

Thereafter, we personally interviewed 27 additional members of the team about whether they were at the party, what they observed and heard at the party, and whether they observed or heard anything after the party that would lead them to believe that any physical or sexual assault had occurred at the party. This letter will contain summaries of those additional interviews in narrative form.

For the sake of efficiency and continuity, while most of the players who attended the party did not know the name (actual or fake) of either woman, we will refer to them in this letter by their real names, Crystal Mangum and Kim Roberts. Likewise, because we will often refer to locations inside and outside the house, we include below a slightly modified version of the not-to-scale sketch of 610 N. Buchanan drawn by DPD Crime Scene Investigator Angela Ashby during her work there on March 16, 2006. The original sketch appears at page 1746 of the discovery materials. We have modified it to include the typewritten area labels seen in the image below. Everything else is retained from the original. When referring to locations in the individual narrative summaries, we will refer interchangeably to Inv. Ashby's handwritten labels and our typewritten labels. You will also see that we have labeled one otherwise unidentified room as the "Beirut room." That is where a number of the players engaged in a drinking game called "Beirut" throughout the evening and night. We have also labeled the hallway outside of each bathroom with the corresponding letter that Inv. Ashby assigned to the respective bathroom.



Also for the sake of efficiency and continuity, you should know that several universal observations and "themes" emerged during our separate interviews of the players. Dan Flannery was primarily responsible for hiring the strippers and, when making the arrangements, requested white women, since 46 of the 47 players on the team

where he saw Dan Flannery. They talked about how to go about hiring strippers, and they began with internet research for escort services on a laptop computer in the living room. Flannery called several numbers before getting an answer. Carrington listened to Flannery's side of the conversation, in which Flannery was asking about hiring two white strippers to perform for two hours that night. Carrington suggested that Flannery give the agency a fake name, and so Dan Flannery identified himself as Dan "Flanagan." Flannery also said it would be a small group of guys at a bachelor party. After that initial conversation, Flannery and Carrington waited by the phone for a return call from the agency. The call eventually came, and Flannery was given the "details" of several women. He confirmed the request for two of the women. He was told that one would be white and the other would be Hispanic, and it would cost \$400.00 per performer for 2 hours of performance. Carrington did not recall that Dave Evans had any involvement in hiring the strippers.

Carrington spent most of the early evening and night in the back yard of 610 N. Buchanan playing washers with a number of other players. He did go inside the house occasionally to the Beirut room and the living room. He remembered seeing Collin Finnerty and Reade Selgmann at the party, but he could not remember exactly when or where.

Carrington waited with Dan Flannery for the strippers to arrive on the front porch and in the front yard of the house around 11:00 p.m. Flannery had been drinking but did not appear to be "that drunk." Between 11:10 p.m. and 11:20 p.m., Kim Roberts arrived and parked her car in front of 610 N. Buchanan. Carrington then left 610 N. Buchanan and returned to 1105 Urban, where he played video games. He was not present for the strippers' routine.

Some time later, Josh Covaleski arrived at 1105 Urban from 610 N. Buchanan. He said that the strippers' routine "sucked." Several other guys soon followed and shared the same sentiment. Carrington said he thought Collin Finnerty was one of those guys, but he could not be 100% sure. Rob Schroeder was definitely one of the guys, and Carrington remembered Schroeder saying something about how they had all gotten into an argument about money and that some of the people at 610 N. Buchanan were afraid that "a bouncer" for the strippers might come back with a gun and shoot the place up. Because Carrington was sober, he decided to go over to 610 N. Buchanan to deal with the situation as needed.

Carrington estimated that he walked back over to 610 N. Buchanan around 12:25 a.m. or 12:30 a.m. He saw a group of guys standing along the East Campus wall, including Tony McDevitt and Dan Oppedisano. McDevitt said the strippers had locked themselves in the bathroom but eventually came out. One of them was now passed out, and no one knew what to do with her. Kim Roberts' car was still parked in front of the house.

Carrington was about to go back in the house when he saw Dan Flannery walking up the alley with the strippers. One of them could barely walk, and Flannery helped that one into the front passenger seat of the car. Carrington heard a lot of yelling go on, but he did not hear any racial slurs of any kind.

Carrington heard the police were coming, so he got into a cab with several guys around 12:50 a.m. The guys were complaining that the strippers' routine "sucked" and had cost them all \$800.00. One of the guys said that Peter Lamade had made a comment that upset the strippers.

RYAN McFADYEN

Ryan McFadyen first headed over to 610 N. Buchanan on March 13, 2006, around 2:00 or 3:00 p.m. and played washers in the back yard. He watched a little television as well and drank some beer and cooked out some hamburgers. He left 610 N. Buchanan around 6:00 p.m. and went to the gym to work out. He then went to his dorm room at Edens 2C and showered. He got a ride back to 610 N. Buchanan with Mike Young. They stopped at the Cantina for food along the way, and McFadyen arrived back at the party after dark, sometime after 8:00 p.m.

At that time, most of the players were in the back yard playing washers. McFadyen did not drink any beer while he was gone from 610 N. Buchanan but resumed drinking beer when he returned. He was in the back yard when Dan Flannery came back to say that one of the strippers had arrived and to ask them if anyone had a

cigarette to give to her. No one did. Flannery told them all to go inside to get ready for the routine to start. McFadyen then went into the living room area. All the seats were taken, so he hopped the couch outside Dan Flannery's bedroom door and went into Flannery's room. There he saw Ed Douglas and Matt Zash.

The second stripper arrived at some point after that, and Flannery came into the living room to let everyone know that she was black. Devon Sherwood, the only black member of the team, got up and cheered. At some point after that, the routine began. McFadyen was in Flannery's room when it began, and he did not watch the whole thing. He looked into the living room a couple of times. On one occasion he saw a couple of guys pulling down Kevin Mayer's shorts, and Mayer, who had been passed out, briefly woke up and got upset. On another occasion, McFadyen looked into the room and saw Crystal Mangum trying to act like she was having sex with Kim Roberts. It looked so awkward that people were laughing. He then heard someone say "broomstick." A few minutes later, he looked back into the living room, and the strippers were gone.

McFadyen then walked to the door in Matt Zash's bedroom adjacent to Hallway B. He unlocked the door and walked into the hallway and then into Dave's room. He saw Dave's back and at least one of the strippers in Dave's room. Dave was gesturing as if he was trying to explain something.

McFadyen then went to use the bathroom in Bathroom B. He saw a small black purse on the left side of the sink with money on it. He did not take the money. He walked back out of Bathroom B and back through Matt Zash's room into Dan Flannery's room, where he sat on the bed for about 5 minutes. Some guys were still in the living room talking.

McFadyen then walked back through Matt Zash's bedroom into Hallway B to the back door area, where he saw Dave Evans on the porch. Dave was talking with Peter Lamade about money. McFadyen turned around and went back into Bathroom B and got the money that was on the black purse. He brought it back to Dave and said, "Here's the money." Dave was upset that McFadyen had taken the money back, and he immediately told McFadyen to put it back. McFadyen remembered Dave saying, "Their pimps will come back here, and they'll have guns." McFadyen took the money back to Bathroom B and left it there on the black purse.

McFadyen then left the house through the back door and walked toward the gate in the chain link fence in the back yard. McFadyen saw Crystal Mangum walking through the gate. One of the guys—McFadyen thought it was Dan Loftus—was holding the gate open for her and said "Thank you" when she walked through. Mangum replied, "Fuck you." She was staggering. McFadyen walked up the alley to the front of the house.

Out in front of the house, McFadyen saw Kim Roberts' car was still there. He did not see anyone in the car, but Dan Flannery was outside the car talking to someone who was obviously inside the car. McFadyen then walked to 1105 Urban Street. There he saw Bo Carrington, Josh Covaleski, and Steve Schoeffel. Shortly after that, he walked back to the front of 610 N. Buchanan.

When he got back to the front of 610 N. Buchanan, McFadyen saw Dan Flannery walking Crystal Mangum to the front passenger side of Kim Roberts' car. He heard Kim Roberts call someone a "little-dick white boy." Shortly after that, she drove off. He heard one of the players say something along the lines of "Hey, be sure to thank your grandfather for my cotton shirt."

Shortly after that, McFadyen took a cab back to his dorm, Edens 2C, with several other guys, including Bo Carrington, Josh Covaleski, and Kevin Mayer.

MIKE CATALINO

Mike Catalino ordered food that night and had it delivered to 610 N. Buchanan. He did not have anything to drink before he got to the house that night, and he estimated that he drank a total of 5 to 6 cups of beer all night. He recalled that Dave Evans was collecting money to pay for the beer keg and the strippers. He also remembered seeing Collin Finnerty several times throughout the night. He also remembered seeing Reade Seligmann at the party and thought he was in the living room during the strippers' short performance. Both Collin

and Reade were acting normally when Catalino saw them. At about 10:30 p.m., Catalino began to migrate with others toward the living room in anticipation of the strippers' arrival at 11:00 p.m. He was expecting a performance like something out of the Demi Moore movie "Striptease."

Kim Roberts arrived around 11:00 p.m., and Catalino saw Dan Flannery outside talking to her. Sometime later, Dave Evans came into the living room and said that both strippers were now there. He informed the group that one of the women was black and asked the group if they still "wanted to go through with it." Everyone said yes.

After a significant amount of additional time went by, Roberts and Crystal Mangum came into the living room and started their routine. They seemed unable to perform together. Mangum had a very awkward smile on her face and was moaning in an obvious but exaggerated attempt to simulate an orgasm. She and Roberts were "rolling around the floor on each other." The guys in the living room were shocked and embarrassed. Some thought the whole thing was a joke. The atmosphere was awkward and tense and clearly not what any of them had expected.

At one point, Devon Sherwood approached the strippers to join in the routine, but one of them told him to sit back down. At another point, Dan Flannery poured some beer on one of the strippers. At some point shortly after that, someone asked the strippers if they had brought "anything to play with." Peter Lamade then referred to a nearby broomstick and said, "Why don't you use this?" The comment did not seem to upset Crystal Mangum, who appeared to be out of it, but Kim Roberts did become upset. She yelled, "This isn't right; you're scaring me." Catalino thought it was an overreaction to the comment. Dan Flannery said, "Give us a break." Roberts and Mangum then left the living room through the Beirut room. Flannery followed them with a "worried" look on his face.

Catalino and several others then started to get concerned. The general thought: this was not going at all as we had expected. Given Roberts' overreaction to the broomstick comment, they worried about what Roberts might say or do. They were afraid the police might be called and they would be there drinking underage. A number of the guys then left the living room and the house out the front door. Catalino stayed in the living room for a few minutes, along with several others.

He then walked back through the Beirut room to the kitchen. He looked out the window of the kitchen door and saw nothing. He then walked back through the Beirut room, down Hallway A, through Dave's bedroom, into Hallway B (outside of Bathroom B), and toward the back door. He stood there in the doorway and saw Dan Flannery talking to one of the strippers (he could not recall which one) near the gate of the chain link fence, and Flannery appeared to be in "problem-solving mode."

Catalino then turned around and walked back by Bathroom B. In there, he saw Ryan McFadyen and one or two other guys, neither of whom was Collin or Reade. Catalino remembered that he ran into Dave Evans back in that part of the house at some point around this time. Catalino then went into the bathroom. He saw a purse on the bathroom sink with a "wad of cash" on it. He heard a number of different comments going back and forth among the guys back there about the money: "There's the money"; "They don't deserve it"; "They just got up and left"; "They screwed us over." Catalino thought that McFadyen took the money. He remembered hearing Dave Evans say, "Put the money back, and don't take anything." Catalino thought that McFadyen might have thrown the money behind the door into a cupboard. He never saw Collin or Reade back there at any time.

Catalino went back to the living room and outside through the front door. He hung outside in the front yard for a few minutes. Kim Roberts' car was still parked out front. He saw Kevin Mayer and Zack Greer. Mayer was complaining about wanting to get his money back. Catalino then walked toward the alley and looked down the alley, where he saw Dan Flannery talking to one of the strippers (he could not recall which one).

Catalino then left the area with Dan Theodoridis and walked toward his dorm room. Catalino did not see or hear anything that night after the dance to suggest that a physical or sexual assault occurred, and he never saw Collin or Reade in the back of the house near Dave's bedroom and Bathroom B at any time.

PETER LAMADE

Peter Lamade arrived at 610 N. Buchanan around 8:00 p.m. He had several beers before his arrival and several after his arrival, and he estimated that he had anywhere between 8 and 10 beers in the evening and night preceding the dance routine. He remembered that Dave Evans was collecting money for the party.

Lamade recalled that Kim Roberts arrived alone, and Dan Flannery announced her arrival to the people who had gathered in the living room to watch the routine. Lamade remembered that Flannery made a comment about how Roberts was "darker skinned." At that point, Lamade "camped out" at a spot in the doorway between the living room and the Beirut room. He walked with the others in the living room for the second stripper to arrive and begin the routine.

At some point thereafter, Kim Roberts and Crystal Mangum entered the living room from Hallway A. Lamade recalled that most of the guys in the living room appeared "stunned" when the strippers walked in. Crystal Mangum seemed "relatively messed up" and, in fact, fell down on the floor soon after walking into the living room. When she rose up, she put her face in the rear end of Kim Roberts, which startled Roberts. Lamade recalled that there was some talking and joking going back and forth among the guys in the room and the strippers, and, at one point, Devon Sherwood got up to approach the strippers. Roberts laughed and told Sherwood to sit back down, which he did.

Lamade then asked the strippers if they "had any toys." He could not recall what their response was, but he then said "Why don't you use this?" referring to a broomstick that was leaning up against the wall next to him. Roberts immediately got upset and pulled Mangum by the forearm to leave the room, bumping into Lamade and spilling his beer in the process. Mangum appeared to be "so out of it" that she "didn't know what was going on." Roberts and Mangum left the living room and walked down Hallway A toward Dave Evans' room, followed by Dan Flannery.

The group of players left in the living room began to thin out. A number of them walked out the front door, but some, including Lamade, stayed behind for a few minutes. Lamade then walked out the front door onto the front porch. He saw a number of people along the East Campus wall across North Buchanan. He also saw Kim Roberts' car still parked out in front of the house. He recalled seeing Kim Roberts walk out to her car alone, but he could not recall whether it was at this time or later, after he had re-entered the house and left a second time. He did remember seeing Matt Zash and Ed Douglas through the window to Zash's room on the front of the house, which prompted him to go back in the house.

Lamade went back into the house, through the living room and Dan Flannery's room, and into Matt Zash's room. Zash and Douglas were in there watching television. Lamade was in there for a couple of minutes and then decided to go to the bathroom. He went to the other door to Zash's room, which opened up into Hallway B. The door was locked from inside Zash's room, so Lamade unlocked it and walked into Hallway B. He did not see anyone in the area. The door to Bathroom B was open, so he went in. On the sink, he saw a small black bag with some cash lying next to it. He presumed it was some of the cash that had been collected for the two-hour routine that had lasted only a few minutes. He took the money and carried it back into Zash's room through the door adjacent to Hallway B.

Matt Zash and Ed Douglas were still in Zash's room when Lamade returned with the money. He showed it to them, and Zash told him to put it back. Dave Evans then entered the room from Dan Flannery's room. He saw Lamade with the cash, and Lamade gave it to him. Dave took the cash and told Lamade to leave the house. Lamade walked through Flannery's room, into the living room, and out the front door. He did not see anyone else in the living room.

Once outside the house in the front yard, Lamade saw a number of players still standing around the East Campus wall across the street. This may have also been when he saw Kim Roberts walk from the alley side of the house to her car. He also heard someone say to Kim Roberts, "You can't leave her here," referring to Crystal Mangum. Lamade then walked down the alley to the back yard area. There, he saw Crystal Mangum lying down on

the back porch, motionless. There were 4 or 5 players standing around back there, including Dan Flannery. They were talking about what to do with Mangum. He heard someone say, "We need to get her out of here," and he heard someone else say something about how someone associated with Mangum might show up with a gun. At that point, Lamade turned around and walked back up the alley.

Lamade met up with John Walsh and Dan Oppedisano, who were on the other side of the East Campus wall. They left the area on foot.

ED DOUGLAS

After practice on March 13, 2006, Ed Douglas went to his apartment on Central Campus and unpacked from the California trip and messed around on the computer for a little while. He then called Erik Henkleman to see what was going on, and Henkleman told him that some people had gathered at 610 N. Buchanan to play washers. Douglas decided to join them.

There were several team members at 610 N. Buchanan when Douglas arrived that afternoon. Some were drinking, but it was not a full-blown party. Douglas was not drinking that day, so, at some point later in the afternoon, he offered to be designated driver for Glenn Nick, Bret Thompson, and Kyle Dowd, who wanted to go back to their apartments at the Belmont to change and maybe take a nap before the party that night. At the Belmont, they also watched a movie. The four of them returned to 610 N. Buchanan around 10:00 or 10:30 p.m.

Douglas recalled that he heard at some point earlier in the day that there would be strippers at the party that night. Douglas was not involved in that decision and did not know why that decision was made. Douglas was not interested in seeing strippers at all. For that reason, he really only intended to drop Nick, Thompson, and Dowd off at 610 N. Buchanan, hang out for a little while longer, and leave when the strippers' routine was set to begin.

Back at 610 N. Buchanan that night, Douglas ended up mingling around the house for about an hour. He saw a number of the players. Not many stood out, although he could recognize that Jay Jennison and Kevin Mayer were considerably more intoxicated than they had been before. The general vibe at the party was cheerful, not raucous, and people were clearly waiting for the stripper routine to begin. Douglas' understanding was that the strippers were supposed to arrive and begin their routine around 11:00 p.m. When that didn't happen, he decided to stick around and continue to mingle and socialize with his teammates. He drank one beer the entire night.

At around 11:30 p.m., Douglas made his way to Dan Flannery's room, where he sat down on Flannery's bed to watch "The Colbert Report" (which begins at 11:30 p.m. on Comedy Central). Douglas specifically positioned himself on Flannery's bed so that he would *not* be able to see the strippers or any of their routine. He was joined in Flannery's room by Matt Zash and Ryan McFadyen. They were barely more interested in the routine than Douglas was.

While they were in Flannery's room waiting for the routine to begin, Tony McDevitt came into the room to say that the first stripper had arrived, and she was black. That news disappointed most of the guys in the house, many of whom had gathered in the adjacent living room and pushed the couches back to make room for the routine. Also before the routine began, Kevin Coleman stuck his head into Dan's room to ask Matt Zash whether they could use his speakers for the music to accompany the routine. Apparently the music in the living room was hooked up to small, weak speakers, as Douglas could clearly hear conversation over the music. Zash refused to let them use his speakers.

The strippers' routine finally began. Douglas thought it was around midnight, but he could not specifically recall whether the half-hour "Colbert Report" was over when the routine started. Although he did not see any of the routine and had not yet laid eyes on either one of the strippers, he could immediately tell that the guys were disappointed in the routine.

About five minutes into the routine, Douglas moved with Matt Zash and Ryan McFadyen from Dan Flannery's room into Zash's room to watch television in there. Douglas was sitting in the swinging hammock/chair

in Zash's room, and Zash was sitting at his computer. Douglas believed that baseball may have been on the television.

Within about five minutes of being in Zash's room, Douglas heard McFadyen say he needed to use the bathroom. McFadyen wanted to use Bathroom B, but the door from Zash's room to that Hallway B was locked, so McFadyen went back out of Zash's room through Flannery's room. However, he returned within seconds and asked Zash if he could unlock the other door of Zash's room to use the bathroom in Hallway B. Zash agreed.

Within minutes, McFadyen returned from the bathroom. Douglas recalled that McFadyen said something like, "Hey, I saw some of the money there next to her purse." Douglas recalled McFadyen suggesting that they should take the money back, since they didn't get what they paid for. Douglas and Zash dissuaded McFadyen from taking the money.

Within minutes of McFadyen's bathroom trip, Peter Lamade came into Zash's room and said "It's over," referring to the routine. He told them that he could tell the guys were bored and disappointed with the routine, so he decided to ask the girls if they had any toys. He offered to let them use a broomstick, and one of the strippers got very upset. Lamade told them the strippers were leaving.

Because Douglas really didn't want to see the strippers or be involved in any aftermath of their leaving, he stayed in Matt Zash's room for up to ten more minutes after Lamade came in there. He continued to watch television, which he remembered to be a baseball game. Ed estimates that he left Zash's room at about 12:20 a.m.

During the entire time he was in Matt Zash's room, which shared a wall with Bathroom B, he did not hear anyone screaming or yelling, racial slurs or otherwise, and he did not hear anything indicative of a struggle or assault. However, he could tell that talking was going on in Hallway B.

Douglas eventually left Matt Zash's room and walked straight through Flannery's room, into the living room, and out the front door. Outside the house, he hooked up with Matt Danowski, Dan Loftus, and Fred Krom. They all decided to walk home together (they lived near each other), but they wanted to wait for Dan Oppedisano, so they sat on the East Campus Wall across the street from 610 N. Buchanan.

Douglas recalled that there was a woman sitting in the driver's seat of a dark-colored car parked in front of 610 N. Buchanan. She was alone in the car, and no one was talking to her outside the car.

At some point during the approximately 10 minutes that he sat on the wall, Douglas saw another woman walking from around the side alley that runs beside 610 N. Buchanan. He said she had an "abnormal gait," which could have been indicative of impairment. He specifically remembered that Dan Flannery helped her get into the front passenger seat of the car.

At about that time, Douglas heard an exchange between the first woman in the car and one of the players. The player used the word "nigger," and the woman was saying, "You limp-dick white guys had to pay for us." Douglas decided it was time for him to leave, even without Dan Oppedisano. So Douglas left on foot with Matt Danowski, Dan Loftus, and Fred Krom.

DAN LOFTUS

Dan Loftus was with Nick O'Hara and Matt Danowski around 8:30 or 9:00 p.m. when he got a call from the captains letting them know that there was a party happening at 610 N. Buchanan. Loftus had been drinking since about 7:00 or 7:30 p.m., but he was not drunk. He got a ride to 610 N. Buchanan and was dropped off there.

There was nothing out of the ordinary happening at the house. Around 15 guys were there. Some of the lacrosse players, including Collin Finnerty, were playing Beirut in the Beirut room. Others were in the back yard playing washers. Loftus may have seen Dave Evans in the back yard area collecting money for the keg and to pay the strippers.

When the first stripper arrived, Dan Flannery came into the living room to let them know that she was not white and to ask them if they all still wanted to proceed with the routine. Everyone said yes. After that, Loftus walked out the front door onto the front porch to make a cell phone call. He saw Dan Flannery talking to Kim Roberts in the front yard. After finishing his call, he went back inside the house into the living room. When the second stripper arrived, her arrival was announced to the guys in the living room, but they were all told that the strippers were going to meet in the bathroom before starting their routine. Everyone waited in the living room for about 15 or 20 more minutes.

Shortly after Roberts and Crystal Mangum entered the living room to begin their routine, Mangum asked if any of the guys wanted to "get involved." She then looked at Devon Sherwood, who was seated behind Loftus. Sherwood got up and walked toward the strippers but was told by the other one to sit back down. Loftus then heard someone ask the strippers whether they had any sex toys, and one of them responded no. He then heard Peter Lamade say, "You can use this," referring to a broomstick. Shortly after that, the strippers became upset and ended the routine. They left the living room through the Beirut room door. Only the captains followed them.

Some of the guys began to leave the house. Others, including Dan Loftus, stayed behind in the living room and were all talking about how they felt like the strippers had hustled them. They had been paid all of that money but had only "danced" for a few minutes. A while later, Loftus walked back through the Beirut room door into the area of Hallway A, looking into Dave Evans' room. He did not see anyone back there.

Loftus then walked back through the Beirut room into the kitchen. He walked out of the kitchen door into the back yard. He saw Crystal Mangum lying down on the back porch, and the back door was open. He thought he saw some people standing inside the house in Hallway B. He walked through the gate of the chain link fence and then along the fence line up the alley. He saw Ryan McFadyen and Kevin Coleman there. As he was walking further up the alley, he noticed that Dan Flannery was behind him, walking Crystal Mangum to Kim Roberts' car.

Loftus then joined Matt Danowski, Ed Douglas, and Fred Krom on the other side of the street across North Buchanan. Loftus heard screaming going back and forth between Kim Roberts and some of the guys on the East Campus wall. He heard Kim Roberts call them "little-dick white boys," which made him laugh. He did not hear anyone else use a racial slur. He left on foot shortly thereafter.

CHRIS LOFTUS

Chris Loftus is Dan Loftus' brother. He first heard talk about hiring strippers for the party that night when he was at practice that day, and it was confirmed during conversations in his dorm, Edens 2C, around 4:30 or 5:00 p.m. that afternoon. Loftus' girlfriend was in town at the time, so he was not particularly interested in the strippers.

Loftus and his girlfriend went to the party at 610 N. Buchanan with Ryan McFadyen, Mike Young, and Ben Koesterer. They arrived around 10:00 p.m. Loftus stayed there with his girlfriend for about 45 minutes. He remembered that Kevin Mayer was very drunk. He saw Collin Finnerty in the Beirut room and again in the back yard. It was obvious that Collin had been drinking, but he was not "slurring his speech drunk." Loftus saw Dave Evans in the back yard. He also saw Reade Sellgmann out there. Loftus and his girlfriend left 610 N. Buchanan around 10:45 p.m. and took a cab back to his dorm room at Edens 2C.

Around 1:00 or 1:30 a.m., Loftus was still up when a number of his teammates returned to the dorm in the aftermath of the party. They included Collin Finnerty, Brad Ross, Ben Koesterer, Jay Jennison, and Ryan McFadyen. They were all making comments along these lines: "It was terrible"; "They took our money"; "You were lucky you didn't stay"; etc. Collin Finnerty was on the phone for a little while, presumably with his girlfriend. Collin later came into Loftus' room and said that the party was terrible and that he was going to bed. He did not seem out of the ordinary in any way.

STEVE SCHOEFFEL

Steve Schoeffel was a freshman last year. He recalled that, sometime late on that afternoon of March 13, 2006, he heard Dan Flannery and Dave Evans talking about hiring strippers to perform at a party that night, instead of going to Teasers. The general thought was, "If everyone is already going to be here, why should we go out?" As a freshman, Schoeffel was dispatched with other freshmen to 1105 Urban Street to bring some couches back to 610 N. Buchanan for people to sit in the living room during the routine.

Because Schoeffel was not interested in seeing the strippers, he then left 610 N. Buchanan around 11:00 p.m. and went back over to 1105 Urban. He did not remember seeing Collin Finnerty or Reade Sellgmann in the living room. He did see Dan Flannery on his way out the front door. Flannery was standing on the front porch waiting for the strippers to arrive.

Back at 1105 Urban, Schoeffel played video games for about an hour to an hour-and-a-half before people started arriving from 610 N. Buchanan. The first person was Josh Covaleski, followed by a number of other guys after that. They were all making comments along these lines: "What a waste of money"; "They only danced for five minutes"; and "It sucked." He also recalled someone saying something about the fact that they got some of the money back. He heard someone else say that there were concerns that the strippers' "bouncers" may return with guns. He thought that person was Rob Schroeder.

At about 12:30 a.m., Schoeffel decided to go back to East Campus. He left on foot and did not notice anything unusual along the way.

BEN KOESTERER

Because of an ineligibility, Ben Koesterer had not gone on the road trip to California with the team the preceding weekend. Instead, he had gone home to New York, and he did not get back to Durham and his dorm room at Edens 2C until about 9:00 p.m. on the night of Monday, March 13, 2006. About half an hour later was the first he heard of a party that night at 610 N. Buchanan, and many of his teammates from the dorm had already left for the party. Michael Young gave him, Ryan McFadyen, Chris Loftus, and Loftus' girlfriend a ride to the party. Young stopped by the Cantina for some food on the way there and actually dropped them all off at 1105 Urban Street before continuing on to RDU Airport to pick up his girlfriend.

Koesterer stayed at 1105 Urban Street for a little while and then went over to 610 N. Buchanan. Nothing seemed out of the ordinary to him except for the fact that a bunch of couches were spread around the perimeter of the living room. When he asked someone why that was, he was told for the first time that there would be strippers arriving later for a performance. He walked around the house and saw a number of guys scattered around the place and in the back yard. He saw Dave Evans in Hallway A and Collin Finnerty in the kitchen, but he did not recall seeing Reade Sellgmann anywhere. Koesterer did not drink at all that night.

Although he went back and forth between 1105 Urban and 610 N. Buchanan, he was in the back yard at 610 N. Buchanan when he first heard that the strippers had arrived. He went into the house and entered the living room from the Beirut room. He thought that the strippers were already in there and had started their routine by the time he sat down. The routine appeared "sloppy" to him, and the strippers looked "uncomfortable." Koesterer did not recall hearing the broomstick comment or any specific banter preceding it. He thought it was all pretty stupid, so he left 610 N. Buchanan out of the kitchen door and returned to 1105 Urban with Jay Jennison.

When Koesterer and Jennison got back to 1105 Urban, Bo Carrington and Steve Schoeffel were there playing video games with two other guys. Because it was a four-player game, all Koesterer and Jennison could do was sit on the front porch and wait for an opening. While they were waiting on the front porch, Collin Finnerty and Zack Greer arrived. Collin seemed perfectly fine and normal and did not look agitated or nervous or disheveled.

Shortly after that, Koesterer left 1105 Urban with Collin, Zack Greer, and Jay Jennison. They walked to the Cosmic Cantina and got some food before taking a cab back to the dorm at Edens 2C.

JAY JENNISON

Jay Jennison first heard there would be a party at 610 N. Buchanan on March 13, 2006, at the end of practice earlier in the day. He arrived at the house around 3:00 p.m. and began drinking beer and playing washers. He continued drinking steadily before leaving on foot to get something for dinner on Ninth Street. He got back to 610 N. Buchanan around 8:30 or 9:00 p.m. and continued to drink beer. He estimated that he had approximately 12 beers over the 9-hour period between 3:00 p.m. and midnight and said that his memory was vague as a result.

The first he heard that strippers would be performing at the party was when he got back to the house around 9:00 p.m. Dan Flannery appeared to be in charge of the effort and was collecting money from everyone. Jennison heard that the strippers were supposed to arrive at 11:00 p.m. He remembered that a lot of people were in Dave Evans' bedroom between 10:30 and 11:00 p.m., because Dave had music in there. Jennison went into the living room around 11:00 p.m., but it seemed like they waited forever for anything to happen. He recalled that he was sitting on the floor next to Kevin Mayer, who was passed out.

He saw the strippers enter the living room from the Beirut room area. There was "a lot of laughter" during their routine. It was clear that none of them expected the strippers and their routine to look like they ended up looking. He did not remember any specific comment being made by the strippers or the guys in the living room.

He remembered leaving 610 N. Buchanan with Ben Koesterer shortly after the routine began. They went to 1105 Urban Street. He could not recall much after that.

DAN THEODORIDIS

Dan Theodoridis was in his dorm room around 7:00 or 8:00 p.m. on March 13, 2006, when he called Dave Evans to see what was going on. Dave told him they were having a party at 610 N. Buchanan and invited him to come. Theodoridis walked to the party by himself. He went to Cinelli's and ordered some food for delivery to 610 N. Buchanan. He arrived at the house sometime between 9:00 and 10:00 p.m. He walked through the front door and saw Dave Evans.

Theodoridis waited in the living room for his food and ate it there once it arrived. Some other guys were straightening up the room. He heard that two white strippers had been hired to perform later at the party. When he finished eating, he went over to 1105 Urban Street with some guys and brought back some couches to the living room at 610 N. Buchanan. He walked around the house and out into the back yard for a while. He saw Tony McDewitt and Matt Zash, but he did not specifically remember seeing Collin Finnerty or Reade Seligmann. He ended up back in the living room waiting with the other guys for the strippers to arrive. At one point, he opened the front door and looked out and saw two people, at least one of whom was a woman.

Sometime shortly after that, Dan Flannery came into the living room and told everyone that the strippers had arrived, but they were both black instead of white. Flannery asked if everyone still wanted to go on with the show, and everyone said yes. The general consensus was that they had been waiting for an hour for the routine to start, and they were ready for it to start.

The strippers entered the living room from the Beirut room area. The routine was "dirty and sloppy." Kim Roberts seemed to be much more coherent than Crystal Mangum, who looked "high or drunk." At one point, Mangum asked them if anyone wanted to take their clothes off and play. Devon Sherwood got up in response to that and walked toward the strippers, but he backed off when the other stripper said no. Dan Flannery poured some beer on one of the strippers. The strippers were doing things to each other that Theodoridis had never seen. For example, Mangum put her face in Roberts' rear end and was licking her. Someone then asked them whether they had any sex toys, and the response was no. At that point, Peter Lamade emerged from the corner with a broomstick and said, "Here, we have this." Roberts "flipped out" in response to that comment. It seemed like a contrived overreaction to Theodoridis.

Shortly after that, Roberts left the living room with Mangum, and they were followed by Flannery and Dave Evans. The rest of the guys remained in the living room for about 5-10 minutes, wondering what was going on and why the strippers were so offended. Tony McDevitt eventually went back to the Hallway A area through the Beirut room. Theodoridis remained in the living room for about 10 more minutes, while others left out the front door.

After that waiting period, Theodoridis went through the Beirut room to the kitchen and out the kitchen door into the back yard. He saw Ryan McFadyen standing on the back porch and Dave Evans standing in the back yard near the porch. Dave was arguing with McFadyen. Theodoridis heard McFadyen say, "I've got the money." He then heard Dave say, "Put it back where you found it. We don't want any problems. They're gonna come back and they better find their money." It seemed to Theodoridis like Dave won the argument, and McFadyen returned into the house through the back door.

Theodoridis also remembered being in the living room at one point after the routine had ended when Flannery was arguing with Crystal Mangum and Kim Roberts. Mangum kept saying, "She's my baby," until Roberts finally said to Mangum, "I don't even know you." Flannery was trying to calm both of them down, but Mangum did not seem coherent at all.

Theodoridis eventually found himself outside in the front yard area with Mike Catalino, Zack Greer, and Kevin Mayer. Mayer was very drunk and kept complaining that he had paid \$100 but hadn't seen anything. Dave Evans approached them and was trying to get everyone under 21 years old to leave. Dave was trying to get Mayer to shut up, but Mayer kept yelling that he paid \$100 and didn't see anything. Dave finally pulled some money out of his pocket to give to Mayer just to get him to leave, but Mayer refused the money. They were all deciding whether to call it a night or go out, and they finally decided not to go out. Theodoridis did not recall seeing either of the strippers while he was out in front of the house during this time.

Theodoridis and Mike Catalino hopped over the East Campus wall and began to walk back toward their dorm room.

ROB SCHROEDER

Rob Schroeder roomed with Reade Seligmann their freshman year and with Collin Finnerty their sophomore year (last year). Consistent with everyone else's descriptions of them, Schroeder described Collin Finnerty as "the nicest kid, not an angry kid, and never in a bad mood," and he described Reade Seligmann as a "by the books kid" who would "always be telling people not to do anything wrong." Schroeder knew and respected Dave Evans as an upperclassman and saw him as a well-respected leader of the team.

The first time Schroeder heard talk about having a party at 610 N. Buchanan on March 13, 2006, was the day before on the plane ride back from San Diego. On the afternoon of the party, Schroeder arrived at 610 N. Buchanan around 2:00 p.m. and began to play "yard games" and drink beer. Some of the other sophomores had taken an X-Box over to 1105 Urban Street and were playing video games there. Lots of people were coming and going and heading back and forth between 610 N. Buchanan and 1105 Urban.

The first time Schroeder heard any talk about strippers was around 6:00 or 7:00 p.m., when it was getting dark. Some people had apparently decided to forego the annual trip to Teasers and to hire strippers to perform at 610 N. Buchanan instead. Dan Flannery had apparently made the arrangements and requested two white strippers. Schroeder recalled that someone, maybe Flannery, was collecting money to pay the strippers. He also recalled that some of the players had left 610 N. Buchanan late in the afternoon or early in the evening to get some food, shower and change, etc. While Schroeder "wasn't drunk" that night, he "definitely wouldn't have driven."

Schroeder recalled waiting in the living room for quite some time before the strippers arrived. He estimated that about 25-30 guys were in the room. When the first stripper arrived, word made it to the living room that she was there. However, it seemed like at least 20 more minutes went by before anything else happened. He recalled seeing Reade Seligmann in the room sitting on a futon. Schroeder also recalled that some of the guys were

disappointed to hear that the strippers were black instead of white, but, "Of course, we couldn't say anything about that to the girls."

When the strippers finally walked into the room, people started laughing. The routine was "hilarious" and "absurd." Crystal Mangum seemed "out of it." Schroeder heard one of the strippers say, "Can we get a dick to play with?" Schroeder vaguely remembered that Devon Sherwood stood up and then sat back down. He also saw and heard people talking among themselves while the routine was going on. He heard Reade Seligmann say, "This is disgusting," which a lot of guys thought was funny, because Reade really was disgusted. Schroeder also recalled that Peter Lamade said something about a broom, and "the girls snapped." They immediately left the living room. Schroeder remained seated in the living room while "the seniors" followed the strippers to go talk to them. Schroeder saw Collin sitting near the television.

A few minutes later, Schroeder left the house with someone but could not recall who. Reade Seligmann was "already gone." Schroeder went to 1105 Urban Street. He picked up the X-Box machine and carried it back out to the front of 610 N. Buchanan.

Schroeder was standing along the East Campus wall across the street from 610 N. Buchanan with Bo Carrington, Josh Covalesski, and Kevin Mayer. Carrington was calling for a cab. Schroeder saw Kim Roberts getting into a car in front of 610 N. Buchanan. She was "arguing with someone." He heard her yell something like, "You rich white kids need me to get your dicks off." Schroeder did not remember seeing Crystal Mangum outside the house. Shortly after that, his cab arrived, and he left.

KEVIN MAYER

Kevin Mayer drank a significant amount of alcohol on March 13, 2006, and did not recall many details about that day and night. He recalled arriving first at 1105 Urban Street that afternoon and playing X-Box while others went to 610 N. Buchanan. He eventually went over to 610 N. Buchanan. He remembered seeing Collin Finnerty there. The last thing he remembered about being inside the house was giving \$80.00 to Dan Flannery and hearing the seniors tell the freshmen to go get some couches from 1105 Urban Street. He did not remember seeing the strippers at all. He vaguely remembered being outside the house and Dave Evans telling him that he would give him money if he (Mayer) would just go back inside the house.

The next day, Kevin Mayer went over to 1105 Urban Street to get his backpack, which he had left there. He was with Ryan McFadyen and Ben Koesterer. They all then went over to 610 N. Buchanan. The front door was locked, so they walked around the house down the alley toward the back of the house. At the back corner of the house near the chain link fence line, they saw a black bag on the ground. Next to the bag they saw a cell phone and driver's license and bottle of perfume. They put the items in the bag and left it there.

MATT WILSON

Matt Wilson learned at some point on the afternoon of March 13, 2006, that there would be a party at 610 N. Buchanan that night and that strippers would be there. He and his roommate, Brack Archer, went over to the party together. They parked on Urban Street and walked over to 610 N. Buchanan.

Wilson walked into the house through the front door. By the time he arrived, about 25 guys were already there. Some were playing "beer pong" in the Beirut room. Wilson drank some beer, but he estimated the total amount he drank after arriving at the party that night was 4 cans of beer.

Shortly after 11:00 p.m., Wilson went over to 1105 Urban Street to play X-Box. He saw Rob Schroeder, Jay Jennison, Kevin Mayer, Zack Greer, and Bo Carrington. He was there for about half an hour and returned to 610 N. Buchanan around 11:30 p.m. to await the arrival of the strippers.

Back inside 610 N. Buchanan, Wilson saw Dave Evans and then found a seat in the living room on the couch along the front wall adjacent to Buchanan Boulevard. Wilson occasionally looked through the window blinds and saw Dan Flannery outside talking to the first stripper who arrived. He remembered seeing Collin Finnerty in the living room but did not remember seeing Reade Seligmann. A few guys were pretty drunk, but, for the most part, it wasn't a "crazy drunk night." When the second stripper arrived, Dave Evans came into the living room and told everyone that she had arrived and that the strippers were not white, as everyone had expected.

The strippers eventually came into the living room from the Beirut room area and started their routine. It was "sloppy." Crystal Mangum seemed incoherent, and Kim Roberts seemed "a little hesitant" and "unsure of the situation." Shortly into the routine, Wilson recalled that Peter Lamade held up a broomstick, but he did not recall if Lamade said anything about the broomstick. The strippers then abruptly ended the routine.

Several minutes after the routine ended, Wilson left 610 N. Buchanan through the front door.

FRED KROM

Fred Krom was at his apartment on the afternoon of March 13, 2006, with several other juniors on the team when they got the word at about 7:00 p.m. that, instead of going to Teasers, there would be a party at 610 N. Buchanan that night with strippers performing. The word came from either Dave Evans or Dan Flannery. Shortly after that, Krom took a cab to 610 N. Buchanan.

When he arrived at the house, there were about 15-20 guys there. He went back and forth between the back yard, where people were playing washers, and the Beirut room, where people were playing Beirut. He ended up spending most of the night before the dance in the back yard playing washers with Nick O'Hara and 4 or 5 other guys. Dave Evans was out there for a while, but he was also walking around the house. Dave did not seem intoxicated to Krom, and Krom estimated that he (Krom) had a total of 5 beers over a 4-hour period that night.

Most of the people had arrived at the party by 10:30 p.m., and most of them were talking about the planned routine by the strippers. At about 11:00 p.m., everyone convened in the living room to await the arrival of the strippers and the beginning of their routine. Krom did not specifically remember seeing Collin Finnerty that night, but he did remember seeing Reade Seligmann, because he sat near Reade in the living room while everyone was waiting for the strippers.

In fact, Krom spoke with Reade for a while while they waited. Krom specifically remembered that Reade did not seem impaired. As the delay went on, Krom and Reade were basically saying to each other, "What are we doing here? It's been an hour already." They became anxious and annoyed, more than anything else. At some point during the wait, Dave Evans came into the room and said that only one of the strippers had arrived. At some point after that, Dave and Dan Flannery came back into the room and announced that both strippers were now there, but they were "not what we expected." Dave and Dan asked everyone if they still wanted to go through with it, and the general sentiment was, "Why not? We're here, and we've been here for a while."

After that, the strippers entered the living room from the Beirut room. Mangum appeared incoherent and was stumbling around. At one point she fell down onto the floor, and when she raised up, she put her face in Kim Roberts' rear end. Krom looked at Reade, who looked disgusted. Some of the guys were egging on Devon Sherwood to dance with the strippers, and Sherwood finally got up and walked toward them, but he quickly sat back down. Krom then heard someone say something about sex toys, and Roberts said, "No, I left them at home." Peter Lamade then said, "Why don't you use this?" Roberts immediately became offended and started saying, "I'm a dancer, not a hooker. I'm just trying to make a living. How can you degrade me like that?" Mangum then started yelling, "You white boys! Let's get out of here. Let's call the cops." Mangum appeared to be "more than high or drunk." It seemed like she had a split personality, that she was happy one second and angry the next, wanting to stay one second and wanting to leave the next.

Finally, Roberts and Mangum left the living room toward the Beirut room, and they were followed by Dan Flannery, Dave Evans, William Wolkott, and Bret Thompson. Krom saw Reade Seligmann get up and walk toward

the front door of the house. Krom then went to the doorway between the Beirut room and Hallway A. He saw the strippers back in the area of Dave's room with the guys who had followed them. Tony McDevitt was also back in that area. Krom may have also seen Kevin Coleman back there.

Flannery was doing most of the talking to the strippers. He was trying to calm them down, and so was Dave. Flannery was apologizing and telling the strippers to relax. Krom heard some of the other guys say, "We're not going to pay \$800.00 for a 2-minute show." Crystal Mangum said, "Let's leave these racist white boys," but then, almost immediately after that, she said to Roberts, "Let's go finish and make some money." Flannery was reasoning with Roberts, saying "Look, we paid you \$800.00 for 2 hours; you can't have all this money." Roberts finally said something along the lines of, "You can have some of the money back." Crystal Mangum then mentioned calling the police. At that point, Flannery said to Roberts, "Just take the money and get out of here." Roberts seemed kind of sympathetic toward Flannery. Referring to Mangum and her erratic behavior, Roberts said to Flannery, "Look, I feel bad, I just met this girl today. She's incoherent. I don't know her. I tell you what; I'll give you my cell phone number, and I'll come back in a week. I'm sorry." Mangum's top was still down, and her breasts were exposed the entire time this exchange was occurring in Dave's bedroom.

Then, both strippers went into Bathroom B. Some of the guys were wondering what they were doing in there. Other guys were complaining about paying all that money for nothing. Dan Flannery was at the door of Bathroom B trying to talk to Mangum and Roberts through the door. Dave, Bret Thompson, and William Wolcott were near the desk in Dave's room. Dave was telling everyone to leave, and he finally said, "Let's just get them out of here and lock the back door." That went on for several minutes.

Finally, about 10 minutes after they went into the bathroom, the strippers opened the door and walked out the back door of the house. Krom saw Dan Flannery follow them, and maybe Dave Evans as well. He remembered hearing Dave say, "Close the door and lock it." Krom then turned around and walked back down Hallway A, through the Beirut room, and back into the living room.

Krom then left the house through the front door, maybe with Tony McDevitt. Krom then saw "most of the guys" across the street near the East Campus wall. Krom also saw Kim Roberts in her car about to drive away. Flannery was at Roberts' window asking her if she was okay to drive. Krom then saw Crystal Mangum walking from the alley toward Kim Roberts' car. Mangum's top was still down, and she was missing a shoe. She was alone and appeared to be stumbling. She had nothing in her hands. She first went to the passenger side of the car and sat down in the front passenger seat. She then got out and walked around to the driver's side, where Flannery was talking through the window to Kim Roberts. Mangum told Flannery to shut up, and she then told Roberts that they should go back in the house and finish the dance and make some more money. Mangum then walked back from the car to the alley toward the back of the house.

Krom walked to the spot where the alley meets North Buchanan Boulevard. Across the street, he saw Ed Douglas, Matt Danowski, and Dan Loftus standing on the other side of the East Campus wall. Down the alley, he saw Bret Thompson and some other guys standing near the back of the house. Krom could hear Mangum banging on the back door of the house, yelling, "Dan, let me in." Krom did not see Dave Evans at that time.

Krom crossed the road and talked to some guys who were still gathered out there. He heard Kim Roberts and a couple of the players yelling back and forth at each other. He eventually walked away toward East Campus.

NICK O'HARA

Nick O'Hara found out about the party that afternoon while he was golfing. He heard that there would be a keg and that strippers would be performing. He drank a beer with his dinner and then headed over to 610 N. Buchanan with Dan Loftus and Matt Wilson between 8:00 and 8:30 p.m. It was a "normal scene" at the house. There were around 20 people there when O'Hara arrived. There was a keg near the Beirut room. People were playing washers in the back yard. O'Hara saw Collin Finnerty out there. He also saw Dave Evans collecting money for the keg and to pay the strippers. O'Hara did not remember anyone being very drunk.

O'Hara played washers in the back yard until he was told to come inside around 10:30 p.m. to get ready for the strippers' arrival. O'Hara was one of the first guys into the living room and sat on a couch with Dan Loftus, Dan Oppedisano, and Devon Sherwood. The guys at the party had been told that the strippers would be white. While they were all waiting for the routine to start, Dave Evans came into the living room and announced that one of them had arrived, but she was black. A number of the guys appeared disappointed at that news. O'Hara then walked out onto the front porch to make a cell phone call, and he saw Dan Flannery out in the front yard talking to Kim Roberts. After about 5 minutes, O'Hara went back into the living room. At some point after that, Dave Evans came back into the living room and said that the second stripper had arrived and that she, too, was black. Some of the guys debated just leaving and going to Teasers. Other guys suggested not paying them, but Dave Evans said, "No, we're gonna go with it. They're already changing in the bathroom." Other guys were messing with Kevin Mayer, who was extremely drunk and had passed out.

A few minutes later, the strippers walked into the living room from the Beirut room area. They began their routine, which was "sloppy." They were falling all over each other. Kim Roberts seemed "more together" than Crystal Mangum, who was trying to take her shoes off but could only get one shoe off. Mangum said, "Let's get a dick up here." Devon Sherwood approached them at that prompt, but Kim Roberts told him to sit back down, saying, "No, no, no, it's just the girls." At some point shortly after that, O'Hara heard Peter Lamade make the broomstick comment. Within moments, Roberts said, "No way, not doing this." Roberts left the living room toward the Beirut room, and Mangum followed her.

O'Hara remained in the living room area for a while after the strippers' routine ended. A lot of the other guys left the house through the front door. O'Hara remembered that Kyle Dowd was in the living room with him. He also saw Dan Flannery in there. O'Hara occasionally walked out onto the front porch to see what was happening in the front of the house. At one point he saw Kim Roberts sitting in her car. He also remembered hearing someone say, "She's going into the back yard." He went back into the living room.

Back inside the house, O'Hara heard someone say, "Lock the doors." He walked back through the Beirut room into the kitchen and locked the kitchen door. He looked through the window of the kitchen door and saw Crystal Mangum lying on the back porch. He did not see anyone else around her. He then walked back through the Beirut room into the living room and left the house through the front door.

While O'Hara could not exactly remember the sequence, he recalled that, at some point, he walked around the house down the alley to the back of the house, where he saw Dan Flannery and Kevin Coleman. He did not see Collin Finnerty or Reade Sellgmann or Dave Evans. Crystal Mangum was on the back porch. O'Hara remembered that Mangum was "pretending to talk on a cell phone" and was also "pounding" on the back door, saying "Let me in." O'Hara then walked back toward the front of the house. When we asked O'Hara if he could be clearer about the sequence of this particular event, he said that it may have occurred before he went back into the house the final time and locked the kitchen door and saw Mangum through the kitchen door window lying down on the back porch by herself. He just could not be clear.

O'Hara did remember being back out in front of the house at the end of the alley when he heard that Mangum was "still back there." He heard someone else say she was "passed out." Shortly after that, he saw Dan Flannery walking Mangum up the alley toward Kim Roberts' car in front of the house. Mangum was "mumbling something." O'Hara suggested that they call the police, but Flannery said he didn't want to get anyone in trouble. He just wanted to get Mangum out of there. Tony McDevitt was talking to Kim Roberts. Flannery put Mangum in the front passenger seat of the car.

O'Hara then crossed the street to join some other guys standing near the East Campus wall. He heard a bunch of comments going back and forth about the money. Someone said, "They ripped us off." Someone else said, "We got some of the money back." Someone else said, "No, Dave said to put it back."

O'Hara also heard comments exchanged between some of the guys and Kim Roberts. He heard Roberts yell "limp dick." He walked away with Tom Clute and Tony McDevitt shortly after that.

TONY McDEVITT

Tony McDevitt got to the party at 610 N. Buchanan around 9:30 p.m. on March 13, 2006. He started playing washers and drinking beers in the back yard. He heard that strippers would be arriving at the house and performing at 11:00 p.m. McDevitt remembered that Dave Evans appeared to be "orchestrating" things and keeping an eye on everything.

McDevitt went into the living room with everyone else when the word spread around the party that the strippers were about to arrive. McDevitt remembered seeing Reade Seligmann in the living room, because he was wearing a red polo shirt. He did not specifically remember seeing Collin Finnerty. McDevitt remembered that it took a long time for the strippers' routine to begin and that, as a practical matter, that slowed a lot of the drinking down, because the guys were all basically sitting in the living room waiting for the routine to begin.

Eventually, the strippers walked into the living room from the Beirut room. Kim Roberts appeared to "take charge" of the routine, but it was a very "awkward dance." The guys were looking around at each other like, "What is this?" Crystal Mangum said at one point, "Want us to do more?" She then started to moan. None of the guys found it attractive in any way. Mangum then asked if anyone wanted to join them. Devon Sherwood got up, but he sat back down pretty quickly. The routine was "not going well," and McDevitt could "tell" that Mangum was drunk or on some sort of drug. She was on the floor moaning, and it looked and sounded awful. The routine then ended abruptly for some reason. McDevitt perceived that the strippers were upset because the guys were not "into it." The strippers walked out of the living room toward the Beirut room.

The guys sitting in the living room immediately began to complain: "Man, that sucked"; "They just stole our money"; and "Let's get our money back." In addition to losing the money, it was the first time that most of them had ever seen a stripper, and they were obviously expecting something a lot different than what they had just seen. Some of them left the house through the front door, while others, including McDevitt, stayed behind. McDevitt did not see Collin Finnerty or Reade Seligmann in the group that stayed behind in the living room.

Eventually, McDevitt went out into the front yard to make sure that the guys who left the house weren't just hanging out in front of the house making noise. He saw a bunch of guys out there and told them to get back inside the house or leave. He saw Kim Roberts and Crystal Mangum sitting in Roberts' car out in front of the house. Flannery was talking to them. McDevitt approached Roberts' side of the car and was starting to talk to her when Dave Evans approached and said to McDevitt, "Tony, get inside; we'll handle it." There were lots of people standing around making noise outside the house, and Dave was trying to avoid being charged with a noise violation.

McDevitt went back inside the house through the front door. He saw Nick O'Hara and Ben Koesterer in the living room. Matt Zash was also there. He did not see Reade Seligmann or Collin Finnerty. There were a couple of other guys in there, but McDevitt could not remember who they were. Everyone was still talking about how they had been ripped off and deserved to get their money back. Someone mentioned that they had gotten some of the money back. Someone else mentioned that the strippers might be coming back to resume the routine. During this conversation, McDevitt heard nothing come from anywhere in the house that would suggest that an assault was occurring.

McDevitt finally decided to leave the house for good. But before he left, he saw Kim Roberts back inside the house looking for something. She said she was looking for a shoe. McDevitt walked around looking for the shoe. He walked into the Beirut room and then into Hallway A toward Dave's room looking around. He did not see or hear anything back there that would suggest that an assault was occurring. In fact, he did not ever see Crystal Mangum in the house after the strippers ended their routine. Kim Roberts was talking to a couple of the guys, though McDevitt could not recall who they were, saying she would be willing to come back some time "just for you guys, not a big crowd." McDevitt then walked out the front door into the front yard.

Outside, McDevitt saw Nick O'Hara and Tom Clute. He heard people saying that Crystal Mangum was "passed out," so he walked down the alley toward the back of the house. He saw Mangum lying on the back porch. Dan Flannery was back there as well. Someone speculated that Mangum had overdosed on drugs. McDevitt walked

back up the alley toward North Buchanan and crossed the street. When he got to the East Campus wall, he turned around and saw Dan Flannery walking Crystal Mangum up the alley toward Kim Roberts' car in front of the house. McDevitt was standing with Nick O'Hara and Tom Clute.

At some point after that, McDevitt heard Kim Roberts yell, "Limp-dick white boys!" In response to that, McDevitt heard someone say, "Thank your grandfather for my cotton shirt!" Shortly after that, McDevitt walked away toward East Campus with Nick O'Hara and Tom Clute.

NED CROTTY

Ned Crotty got to the party at 610 N. Buchanan around 7:00 p.m. on March 13, 2006. He spent most of his time in the back yard playing washers. Crotty heard that, instead of going to the topless bar that night, there would be strippers at the party. He remembered interacting with Collin Finnerty quite a bit that night. Collin was drinking, but he was composed. Crotty also remembered seeing Reade at the party. Nothing stood out about Reade's demeanor or behavior.

Crotty took a couch from Matt Zash's room and put it in the living room in preparation for the strippers' routine. He was also getting people drinks a lot. When he heard that the strippers had arrived, he stayed in the living room to wait for the routine to begin. The strippers eventually came into the living room from the Beirut room area. Crystal Mangum was swaying around. One of the strippers, Crotty was not sure which, asked if any of the guys wanted to join them. Crotty remembered that several guys were saying "You go up" and "No, you go up," but he did not remember anyone actually approaching the women. He did not hear any comment about a broomstick.

Within minutes, the routine was over with. Crotty did not know why it had ended. Everyone in the living room was complaining about how they had paid \$800.00, but the dance had ended so quickly. Crotty left the house out of the front door and walked over to 1105 Urban Street. He thought he was the first person to get there from 610 N. Buchanan. He remembered seeing K.J. Sauer there. Dan Flannery eventually came over and told him to get inside the house.

Crotty stayed at 1105 Urban Street with several seniors for a little while and then walked back by 610 N. Buchanan toward campus.

JOSH COVALESKI

Josh Covaleski found out around 9:30 p.m. that there was a party at 610 N. Buchanan. He left his dorm shortly after that and went to the Cantina to get something to eat. He arrived at the party around 10:30 p.m. He went to the back yard. He heard for the first time in conversation back there that strippers would be performing later at the party. He remembered that Dave Evans collected money from him at some time before the strippers arrived.

Covaleski later went into the living room with everyone else to wait for the strippers to arrive. He sat on a couch near Matt Zash's room. He remembered seeing Collin Finnerty and Reade Seligmann in the room. He also remembered seeing Devon Sherwood walk into the room.

The strippers eventually came into the living room from the Beirut room. They did not appear to be comfortable with each other. Covaleski was, himself, very uncomfortable. He had never been to a strip-club before, and he did not realize how uncomfortable it would make him feel to watch the routine. So he basically looked down at the floor most of the time.

Covaleski got up to leave before the routine ended. As he was moving toward the front door, he heard the broomstick comment. He kept going out the front door and walked over to 1105 Urban Street. Steve Schoeffel and Bo Carrington were at 1105 Urban playing video games. About 15-20 minutes later, Rob Schroeder, Kevin Mayer,

Ned Crotty, and Jay Jennison arrived at 1105 Urban. Collin Finnerty may have been with that group, which was mostly sophomores. Then some of them left to eat, while others stuck around.

Coyaleski left 1105 Urban around 12:50 a.m. and took a cab back to Edens 2C.

TOM CLUTE

Tom Clute arrived at 610 N. Buchanan between 3:30 and 4:30 p.m. on March 13, 2006. He watched TV in the living room and played washers and Beirut. He drank 6 or 7 beers throughout the afternoon. At about 8:00 p.m., people started talking about hiring strippers as an alternative to going to Teasers, so that the guys under 21 years old wouldn't be left out. Dan Flannery and Dave Evans were involved in making the arrangements and collecting the money to pay the strippers. Throughout the night, Clute probably drank 5 to 7 more beers.

At about 11:00 p.m., the guys started gathering in the living room to wait for the strippers to arrive. There was a mood of anticipation, and it seemed like they waited for at least 45 minutes in the living room before anything happened. Finally, Dan Flannery came into the living room and said both strippers had arrived, but they were black. Flannery mentioned the possibility of calling the agency back and asking them to send white strippers to the house to perform, but everyone basically decided to go forward with the routine.

About 5 minutes later, Kim Roberts and Crystal Mangum came into the living room from the Beirut room. Mangum could barely stand up and had to hold onto Roberts. The routine was a joke. Clute mentioned to Chris Tkac that he wanted his money back. Some of the guys in the room encouraged Devon Sherwood to dance with the strippers. One guy asked the strippers if they had any sex toys, and one of the strippers responded, "No, we want the real thing." Peter Lamade then made the broomstick remark, and the women became angry and cursed at the guys in the room. None of the guys said anything to them in response. The strippers left the living room through the Beirut room. Dan Flannery and several other guys followed them, but Collin Finnerty and Reade Seligmann were not among them.

Dave Evans then told everyone to wait in the living room. He said they would try to get the strippers to resume the routine. Around 10 minutes later, guys started to call cabs and leave. Reade was one of the first to leave through the front door. A bunch of other guys then left as a group, and Clute thought Collin was one of them.

Clute was standing in the living room near Flannery's bedroom with a few other guys, complaining about wanting their money back. There was no music on, and the house was fairly quiet. Clute did not hear anything that indicated that an assault was occurring anywhere in the house. He did remember Ryan McFadyen saying at one point in the living room that he had taken some of the strippers' money back. One of the seniors, probably Dave Evans, told McFadyen to put the money back, and McFadyen walked toward the back of the house. Dave Evans finally told everyone to leave.

Clute left the house through the front door and walked out into the front yard. Kim Roberts' car was there. He walked across the street and hung out by the East Campus wall. He saw Kevin Coleman walk up the alley from the back of the house and beckon him and the other guys to the back porch area. Clute walked down the alley toward the back porch. Kim Roberts was in the driver's seat of the car at that time.

When Clute got to the back of the house, he saw Crystal Mangum lying on the back porch. He thought that K.J. Sauer, Ryan McFadyen, and Dan Flannery were among the other players back there with Kevin Coleman. Clute heard someone say that Mangum had been banging on the door trying to get back into the house. Clute was back there for about 30 seconds, and then he returned up the alley, across the street, to the East Campus wall. A little while later, Clute saw Dan Flannery help Crystal Mangum walk up the alley to Kim Roberts' car out in front of the house.

As Roberts was about to drive away, she yelled, "You limp-dick white boys, you fucking crackers are fucked, and I'm going to call the police." A couple of the players responded with racial slurs, and Roberts drove off. Clute then walked toward the Cantina with Tony McDevitt.

DEVON SHERWOOD

Devon Sherwood had not been on the trip to San Diego that weekend but had been out of town. He flew back into RDU Airport on the night of March 13, 2006, and estimated that he got back to Durham around 10:30 p.m. Shortly after 11:00 p.m., he got a call from one of the other players letting him know there was a party at 610 N. Buchanan Boulevard.

Sherwood arrived at the house around midnight, just before the dance routine began. Everyone was sitting in the living room when he arrived, and he sat on one of the couches. He talked to some of the other players about the San Diego trip and the game. Everyone seemed happy and normal. Sherwood had no alcohol that night.

Eventually the strippers came into the living room. Kim Roberts seemed "aware" of what was going on, but Crystal Mangum seemed "out of it, wobbly on her feet, almost unable to stand, much less dance." Roberts seemed embarrassed by Mangum, and the routine was very bad. Some of the guys wanted the show to be "spiced up," and they were pushing Sherwood out onto the dance floor. Roberts said, "We're not going to dance with you," so Sherwood sat back down. Shortly after that, Peter Lamade made the broomstick comment, and Roberts got angry. Some of the players got angry with Lamade for making such a stupid comment. Roberts "went on a tirade" and said that while it was her "choice" to be there, she would not stand for being "disrespected." Mangum was "out of it" but began parroting Roberts' "I've been disrespected" rant. They began gathering the clothes they had taken off during the routine. Dan Flannery was trying to calm them down and was asking them to stay. Roberts refused, repeating that she had been "disrespected." The strippers left the living room through the Beirut room, followed by 3 or 4 other guys, including Flannery.

The guys who remained in the living room were talking about what a waste of time and money the whole thing was. Some immediately left the house through the front door. Others were talking about wanting their money back. Others were talking about going to get something to eat.

About 10 minutes after the routine ended, Dave Evans came back into the living room. Sherwood talked to him. Dave was scared that the strippers' "plmp" (Sherwood's word) would come back with a gun and hurt them. Dave wanted everyone under 21 years old to leave house, because the strippers were raising so much hell that the police might come.

Sherwood then walked to the back of the house to the area of Dave's bedroom. He saw 6 or 7 guys back there, some in Dave's room. Sherwood did not see or hear anything to suggest that a physical or sexual assault was happening anywhere back there.

Sherwood walked back into the living room. With 4 or 5 other freshmen, he walked out the front door and went across the street to the East Campus wall. Sherwood could hear a conversation happening down the alley, but he did not see who was having that conversation. As Sherwood was standing at the wall with several other freshmen, he saw Dave in the front yard of the house. Using Sherwood's nickname and also referring to Tom Clute, Dave yelled across the street, "D-Wood, Clute, what did I say? Just leave."

At that, Sherwood turned and walked back to his dorm room. As he was leaving, he saw a group of guys in the alley on the side of the house.

Devon Sherwood was the only black member of the 2006 Duke University Men's Lacrosse Team. He told us unequivocally, "My teammates are not racists. If they were, I would know." He also denied that any racial slurs were ever uttered before the dance routine, during the dance routine, at the end of the dance routine, or any time while he was in the house.

ZACK GREER

Zack Greer arrived at 610 N. Buchanan just after 7:00 p.m. on March 13, 2006. He estimated that about half the team was there. He played washers in the back yard with a number of other players. He heard that the annual trip to Teasers would be replaced by strippers performing at the party that night.

Around 11:00 p.m., the word went around that the strippers were arriving. Everyone went into the living room. Greer ended up sitting next to Dave Evans. For some reason, the strippers were very late. Greer remembers having a conversation with Dave about the fact that they could still be out in the back yard playing washers instead of sitting around in the living room waiting. Dave kept checking on the arrival of the strippers and updating everyone in the living room. At one point, Greer heard that the strippers had arrived, but they were not white. There was some conversation about that in the living room, but no one seemed concerned.

Eventually, the strippers came into the room from the Beirut room. The routine was "sloppy." They obviously did not have anything planned. They appeared to be stumbling over each other. Crystal Mangum was "messed up" and "lying on the ground" and "didn't know what she was doing." Kim Roberts seemed to be communicating with the guys in the room. At first the guys in the room were paying attention, but it was so obviously bad that a lot of the guys stopped paying attention. Then someone near the Beirut room door said something about the strippers using a broomstick. Kim Roberts got really mad, and the strippers left the living room. It seemed to Greer like the strippers were looking for an excuse to leave with the \$800.00 without having to do the performance.

Shortly after the strippers left the living room through the Beirut room, a bunch of guys left the house through the front door. Greer stayed behind for about 10 minutes. During that time, a lot of the guys were talking about getting the money back and about how this was obviously a "bad idea." Collin Finnerty and Reade Seligmann were not among the group that stayed behind in the living room. Dave Evans came into the living room and said they were trying to get the strippers to resume the routine or to give some of the money back. Greer left the house through the front door while Dave was still in the living room talking to the other guys.

When Greer walked out of the house into the front yard, a lot of guys were talking on their phones and trying to figure out what to do next. Greer saw Dan Theodoridis but did not see Reade Seligmann or Collin Finnerty. At 12:27 a.m., Greer used his cell phone to call Collin Finnerty's cell phone. They talked about what they were going to do next. Greer remembered that Collin told him that he was either on his way to 1105 Urban Street or already there.

Greer walked to 1105 Urban, probably with Ben Koesterer. There, they saw Collin and Jay Jennison on the front porch. They all decided to go to the Cantina to get some food. Greer left 1105 Urban on foot with Collin, Koesterer, and Jennison. On the way to the Cantina, they walked by 610 N. Buchanan again. Greer saw Dan Theodoridis and told him that they were going to get something to eat.

Greer, Koesterer, Jennison, and Collin went to the Cantina and ordered some food. Collin did not have any money, so Greer paid for his food. After they got the food, they called a cab, which took them back to their dorm rooms at Edens 2C. The entire time, Collin appeared to be his normal self and not out of the ordinary in any way.

MATT DANOWSKI

At about 6:00 or 7:00 p.m. on March 13, 2006, Matt Danowski got a call from Dan Flannery, who said that the seniors had decided to forego the annual trip to Teasers and, instead, have a party that night at 610 N. Buchanan where strippers would perform. That way, the guys who were not 21 years old could be included.

Danowski got a ride to the party sometime between 9:00 and 10:00 p.m. It was a "regular" party, and everyone was in a good mood. Danowski spent some time in the back yard with the guys playing washers. He remembered seeing Collin Finnerty back there, and he also remembered that Dave Evans was collecting money

from everyone. He remembered being told that the strippers would be arriving at 11:00 p.m. and that they were white. Danowski also went inside the house and hung out and played a game of Beirut in the house.

At about 11:00 p.m., everyone gathered in the living room to wait for the strippers to arrive and begin their routine. They ended up waiting for "about an hour." During that time, the guys in the living room were kidding around and wondering why it was taking so long. Danowski remembered seeing Collin Finnerty and Reade Selgmann in the living room while they were all waiting. Dave Evans was going in and out of the room during the wait. At one point, Dan Flannery came into the living room and said the strippers had arrived, but they were black. There was a brief discussion about whether to go forward with the routine, and the general attitude was, "We've been waiting; let's get going."

Shortly after that, the strippers came into the living room. The performance was pathetic. Crystal Mangum appeared disoriented and sloppy. A lot of guys were laughing. The strippers "pulled up Devon Sherwood for a second," but it was "pointless." Someone made a comment about a broomstick in a joking manner, but the strippers took it seriously. They "stormed out" of the living room, and Dan Flannery followed them.

Danowski stayed behind in the living room for about 10-15 minutes. During that time, someone came in the living room, probably Dan Flannery, and said, "Stay here; they're coming back." But they never came back, and Danowski left the living room and the house through the front door. Other guys were still in the living room when he left.

When he got outside, Danowski went across the street to the East Campus wall. There were a bunch of guys over there. He was trying to figure out where everyone was going and what they were doing. He heard that Collin Finnerty was among a group going over to 1105 Urban Street and thought he saw Collin walking over there. There were some guys, including Dave Evans, who were trying to get everyone to leave, because they were worried about the police coming or about the strippers' "bodyguards" coming.

Danowski could also hear noise coming from the back yard area down the alley. He called Dan Oppedisano around 12:30 a.m. to see where Oppedisano was and if he wanted to leave with him. Oppedisano said that he was in the back yard area. "You oughta see this," Oppedisano said, "she's passed out on the back steps." Danowski said, "No, I'm leaving." Danowski thought the guys had been hustled by the strippers.

Danowski walked away toward his dorm room with Ed Douglas, Dan Loftus, and Fred Krom.

GIBBS FOGARTY

Gibbs Fogarty arrived at 610 N. Buchanan at about 4:00 p.m. on March 13, 2006, with Chris Tkac, Tom Clute, and Ned Crotty. He hung out at the house all afternoon, while several other team members came and went. He did not start drinking until about 7:00 p.m., and he probably had 5 or 6 beers throughout the night. Everyone was watching television or playing washers or Beirut.

At about 9:00 p.m., Fogarty heard some discussion about going to a strip club. Some of the players did not have ID's to get into the club, which would have left them out of the event. So people talked about hiring strippers to perform at the party. Fogarty recalled that Dan Flannery made the hiring calls and requested two white strippers around 25 years old. After that, one of the captains (Fogarty could not recall which one) came around and collected money. Fogarty recalled seeing Collin Finnerty that night, but he did not recall seeing Reade Selgmann.

Fogarty was in the Beirut room when he first heard that one of the strippers had arrived. However, they were all told that the routine would not start until the other stripper arrived. All of the guys started gathering in the living room to wait for the routine to begin. Fogarty had never seen strippers perform at a party, so he had no idea what to expect. The guys in the room were excited, laughing and joking about it. When the guys first learned that the strippers were black, they were surprised. But everyone basically said, "The money's been paid; let's go ahead with it."

When the strippers started their routine, guys in the room started laughing, but no one was being aggressive. It was obviously not what anyone had expected. The strippers immediately started taking some of their clothes off. They moved around for about 5 minutes. Crystal Mangum was "messed up," but Kim Roberts was "helping her." Peter Lamade said something to the strippers, and one of them said something back to him about having a small penis. Then the other one said, "Let's get out of here." Suddenly, the strippers started to leave the room. Some of the guys were saying, "We paid you. It's not fair for you to walk out after only 5 minutes." The strippers left through the Beirut room.

A bunch of guys then left the house through the front door. Fogarty stayed behind for a while. He then walked through the Beirut room toward the kitchen, but he did not recall seeing anyone in the back of the house, and he did not see or hear anything suggesting that a physical or sexual assault was occurring back there. Fogarty then walked into the kitchen and out of the kitchen door into the back yard. He walked across the back yard toward the alley. He did not see anyone in the back yard or on the back porch. He called Chris Tkac on his cell phone. Tkac said he was in the front yard. Fogarty walked up the alley to the front yard.

When Fogarty got to the front yard, he saw a bunch of the guys from the team standing around. He also saw Kim Roberts in her car in front of the house. Someone from the team, Fogarty thought he was a senior, was talking to Roberts. Fogarty heard people saying, "This is bullshit" and "Come on, at least give us some of our money back." Soon after that, Fogarty and Chris Tkac walked away from 610 N. Buchanan toward Tkac's dorm room.

CHRIS TKAC

Chris Tkac arrived at 610 N. Buchanan at about 4:30 p.m. on March 13, 2006. K.J. Sauer and Dan Flannery or Dave Evans were talking about hiring strippers to perform at the party that night. They were looking on the internet and in the phone book for agencies. Guys were going back and forth that afternoon and early evening between 610 N. Buchanan and 1105 Urban Street. Tkac spent some time in the back yard at 610 N. Buchanan playing washers and in the house playing Beirut. He had a "moderate amount" to drink that night, probably around 4 to 6 beers. He remembered that money was being collected. Around 10:30 p.m., Tkac heard that the strippers were about to arrive. The freshmen were sent to collect couches for the living room from 1105 Urban Street.

Everyone gathered in the living room at 610 N. Buchanan to wait for the routine to start. But it didn't start. It seemed like at least 45 minutes went by. During that time, guys were getting excited for the show, but the mood was basically laid back. At one point, Dan Flannery came into the room to say that the strippers were black. Some people were hesitant about that, but the decision was made to go forward with the show.

About 10-15 minutes later, the strippers came into the living room. They were "being pretty aggressive towards each other" and "taking off each other's clothes, straddling each other." The guys in the living room were "stunned" at the routine. One of the strippers was trying to get a guy to join them, and Devon Sherwood eventually stood up to approach them. But then he appeared to change his mind. Tkac then said there was a verbal exchange between the dancers and the guys. One of the dancers said something about the guys being "limp-dick white boys," and Peter Lamade said something about a broomstick. One of the strippers then said, "I'm not having any of this." They ended the routine and left the room.

The guys in the living room stood around asking each other what the hell just happened. Tkac thought the whole thing looked very contrived and that the strippers were ripping them off. The captains said they would handle the situation. A few minutes later, Tkac left the house through the front door.

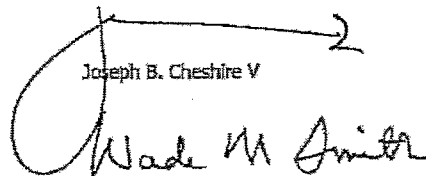
Out in front of the house, Tkac saw Tom Clute and Nick O'Hara, among others. He saw Kim Roberts out by her car, just getting into the driver's seat. Dan Flannery was out there, too. Tkac then saw Crystal Mangum walking toward the car from the alley. She was "falling all over herself." Kevin Coleman and some other guys were walking behind her. Tkac saw her struggling to get into the car, and Dan Flannery was trying to convince them to return to the house.

- No one saw or heard anything *after* March 13, 2006, which suggested that a physical or sexual assault had occurred in the house that night.
- Everyone we interviewed said he would have intervened to stop such an assault and would never engage in a "cover up" to conceal information about such an assault.

We submit the contents of this letter for the sole purpose of assisting you in making the decision of whether to proceed to trial in these cases. It is our greatest hope that you will consider these materials in conjunction with the discovery materials and the other materials we have provided to you and that you will conclude that the just and appropriate exercise of your discretion in this case would be to dismiss the remaining charges against all defendants.

To the extent that we may be of any further assistance in that process, we stand ready to assist you, and we will not hesitate to do so.

Sincerely,

A handwritten signature in black ink that reads "Wade M. Smith". The signature is written in a cursive style. Above the signature, there is a horizontal line with an arrow pointing to the right, and the number "2" is written at the end of the arrow.

Joseph B. Cheshire V

Wade M. Smith

A handwritten signature in black ink that reads "Brad". The signature is written in a cursive style.

Bradley Bannon