

**BUTCH DAVIS
SWEATS THE DETAILS**

SPORTS



**REDO
YOUR YARD**

HOME & GARDEN



THE NEWS & OBSERVER

NEWS UPDATES AT WWW.NEWSOBSERVER.COM • WEST EDITION, 50 CENTS

SATURDAY, APRIL 14, 2007

©2007 THE NEWS AND OBSERVER PUBLISHING COMPANY • RALEIGH, N.C.

MORE NEWS

**UPDATES ALL DAY AT
NEWSOBSERVER.COM**

MIDDLE-SCHOOLERS FEEL A DANCE BEAT

More than 150 students from four Chapel Hill-Carrboro schools get a treat at a four-day Alvin Ailey workshop. **1B**

10TH FULL FRAME FEST STARTS IN HIGH GEAR, 3B

**MAN GETS 25-30 YEARS IN
WIFE'S MURDER, 3B**

E-MAIL, TESTIMONY DON'T MATCH

Kyle Sampson, a top aide to Attorney General Alberto Gonzales, had a list of replacement U.S. attorneys. **3A**

SEXUAL ABSTINENCE CLASSES INEFFECTIVE

A study finds that students who participate in the programs and those who don't have similar numbers of partners. **18A**

CHAVEZ SAYS CASTRO IS HEALED - NEARLY

Venezuelan President Hugo Chavez says the Cuban leader has "almost totally recovered" from intestinal surgery. **11A**

FREEBIES CAN BE COSTLY INVESTMENT

More companies are betting on giveaways to advertise their goods and compete to hook some long-term customers. **1D**

DUKE POWER WON'T FIGHT DECISION ON COAL, 1D

BITTERSWEET HONOR FOR JACKIE ROBINSON



Dontrelle Willis, a star with the Florida Marlins, is their only African-American player. **GETTY IMAGES PHOTO BY DOUG BENIC**

Players will wear his number 42 to mark his breaking of the color line even as the number of black baseball players is declining. **1C**

WEATHER

TODAY: Isolated afternoon shower possible. Low 43, high 66.

SUNDAY: Morning storms, afternoon rain. Low 57, high 64. **10B**

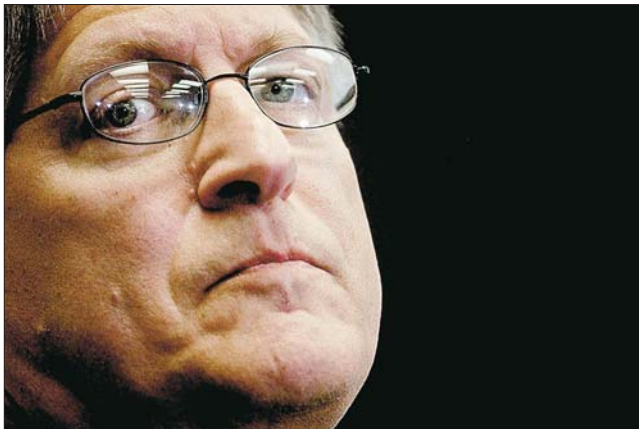
INDEX

Auto 1F
Comics 10E
Deaths 8B
Editorials 20A
Films 13E
Puzzles 10E
Sudoku 8E
TV 20A

RUSH TO JUDGMENT | CHAPTER ONE: SEIZING CONTROL

Nifong's quest to convict hid a lack of evidence

The district attorney moved quickly to take over the lacrosse inquiry. An N&O review shows that once he accepted the accuser's story, little else mattered.



District Attorney Mike Nifong at a news conference at Durham police headquarters in mid-October.

STAFF FILE PHOTO BY SHAWN ROCCO

FIRST OF FIVE PARTS

STORY BY STAFF WRITER JOSEPH NEFF

DURHAM

Mike Nifong found out about the case that now threatens his career March 23, 2006, when he stopped by the office copier and found a court order demanding DNA samples from 46 Duke lacrosse players.

An escort service dancer told police that three men at a team party had dragged her into a bathroom and raped her anally, vaginally and orally for 30 minutes, according to the order.

The Durham district attorney's reaction, he later told lawyer Jim Cooney: "Holy crap, what is going on?"

The next day, Nifong told Durham police he was taking over. At 9 a.m. March 24, a police captain told the senior investigator, Sgt. Mark Goklieb, that "Nifong was going to be running and prosecuting this case. ... Go through Mr. Nifong for any directions as to how to conduct matters in this case."

It was an unusual move for a prosecutor, but there's no evidence that the police challenged him. The case, however, was already in trouble.

The 27-year-old complainant, Crystal Gail Mangum, couldn't identify her alleged attackers. She had given at least six conflicting accounts. And the first officer who encountered her didn't believe her story.

Nifong forged ahead in what became a single-minded quest to support the accuser's account, not a mission to discover the truth. His pursuit ended in January when the district attorney, facing charges from the State Bar, removed himself from the case.

The final collapse came Wednesday, when Attorney General Roy Cooper dropped



Forty-six Duke lacrosse players are ordered to provide DNA samples shortly after the investigation begins.

STAFF FILE PHOTO BY HARRY LYNCH

all charges and declared Dave Evans, Collin Finnerty and Reade Seligmann innocent.

A News & Observer examination of Nifong's handling of the case, based on documents and dozens of interviews, adds new insights about the investi-

gation's focus on shoring up Mangum's claims. Nifong ignored contrary facts, withheld evidence favorable to the accused and refused to discuss the case with defense lawyers.

SEE NIFONG, PAGE 14A

THE STORY

In this five-part series, staff writer Joseph Neff reveals new information about Mike Nifong's conduct in the Duke lacrosse case. More on Neff's work, page 14A.

THE SERIES

CHAPTER ONE
The unpredictable DA makes unusual decisions.

CHAPTER TWO
Sunday: Nifong believes the accuser's story. But has he really heard it?

CHAPTER THREE
Monday: The pursuit of DNA yields clues never pursued.

CHAPTER FOUR
Tuesday: An unsung lawyer cracks the code.

CHAPTER FIVE
Wednesday: An overlooked witness reveals new evidence.

ONLINE

Hear Jackie Brown describe her political meetings with Mike Nifong at www.newsobserver.com.

INSIDE

A State Bar panel won't toss out ethics charge against Nifong. And the end of the case worries rape counselors. **15A**

Pension travel not all work

Employees of state fund often visit expensive locales.

BY DAVID INGRAM
CHARLOTTE OBSERVER

In mid-April 2005, when the temperature in Raleigh dipped to 40 degrees, an investments manager with North Carolina's public pension fund headed to Florida for a conference hosted by JP-Morgan Chase & Co.

At La Playa Beach & Golf Resort, the two-day conference offered nine hours of meetings and three choices of afternoon activities: golf, a catamaran expedition or a tour of Naples. The investments manager, Susan Carter, signed up for the catamaran.

"Explore beautiful barrier islands and watch dolphins play in their natural habitat," the conference materials advertised. "After an exhilarating sail, you will beach on a nearby barrier island, which offers unsurpassed shelling and exploring on its serene beaches."

The employees who manage the \$70 billion North Carolina public pension fund are going to such exotic locations far more often than they did just three years ago, according to a Charlotte Observer analysis. Some trips are at state expense. Others are paid for almost entirely by private firms. Each trip includes official business, allowing for checking up on Wall Street firms that help invest millions in North Carolina pension money. But on at least a dozen trips, private firms picked up big bills for fancy meals, expensive hotel rooms and lavish

SEE PENSION, PAGE 15A

Civilian deaths down in Baghdad

BY LAUREN FRAYER
AND ROBERT H. REID
THE ASSOCIATED PRESS

BAGHDAD - Iraqi civilian deaths have fallen in Baghdad in the two months since the Feb. 14 start of the U.S.-led offensive, according to an Associated Press tally.

Figures on the capital, however, civilian deaths are up as Sunni and Shiite extremists shift their operations to avoid the crackdown.

And the sweeps have taken a heavy toll on U.S. forces: Deaths among American soldiers climbed 21 percent in Baghdad compared with the previous two months. Since the crackdown began Feb. 14, U.S. military officials have spoken of encouraging signs that security is improving in the capital but have cautioned against drawing any firm conclusions until at least the summer.

The report is a sharp drop from the 2,871 civilians who died violently in the capital during the two months before the crackdown. Outside the capital, 1,504 civilians were killed between Feb. 14 and

SEE BAGHDAD, PAGE 22A

No language barrier for IRS; immigrants pay, too

BY MARTI MAGUIRE
STAFF WRITER

Immigrants to the United States, including those here illegally, are increasingly taking part in one of their new country's most reviled rituals: tax time.

Tax services for Spanish-speakers have become a booming business in the Triangle and elsewhere, as the federal government issues tax identification numbers, used by noncitizens to file income

tax returns, at a record pace. Nationally, the government assigned 1.5 million of the numbers, known as ITINs, through the first 10 months of 2006, more than in any full year since the numbers were introduced in 1996.

Erika and Victor Gomez have used tax identification numbers to file taxes since they moved from their native Mexico to Chapel Hill four years ago.

"If you want to live here, you

have to pay taxes," said Erika Gomez, 25, who declined to give her immigration status. "If not, go back to Mexico."

The 10 million people assigned tax identification numbers during the past decade have paid \$48 billion in federal income tax, according to the Internal Revenue Service. In North Carolina, a UNC-Chapel Hill study estimated that Hispanic residents paid \$145 million in state income taxes in

2004, and another \$86 million in small business taxes.

The IRS does not determine what portion of people with tax identification numbers are in the country legally. But researchers generally estimate that between half and two-thirds of illegal immigrants pay income taxes, said Randy Capps, a researcher at the nonpartisan Urban Institute,

SEE IRS, PAGE 22A