

ATHLETES

Continued from Page 1

overwhelming majority of football players never come into contact with law enforcement agencies. However, a small faction of repeat offenders regularly stain the image of an reputedly clean program.

"I like to tell them [team members] that they represent the University and they are in more of a fish bowl than other students," said Mike Bellotti, who succeeded Rich Brooks as head football coach in February. "I expect them to practice restraint off the field. If they are at fault, I will hand out the appropriate punishment."

However, considering Shirley's case and incidents involving football players Mark Schmidt, Dante Lewis and Tasi Malepeai, a disturbing pattern emerges, which paints a picture of athletes out of control.

But a five-month *Emerald* investigation into allegations that student athletes, especially football players, are not punished for their crimes unearthed little supporting evidence.

In many cases victims say they didn't pursue the complaint process for fear of reprisal but could not recall any overt threats. And sometimes the evidence is shaky or the case is resolved in civil court.

Investigating Athletes

Police are often caught in the middle of any such scenario, investigating an incident and turning the results over to the district attorney's office for review. And prosecutors usually only pursue cases where a victim is willing to sign a complaint, according to the Lane County District Attorney's office.

But in recent history, more cases involving violence and football players were dismissed than prosecuted — for a variety of reasons.

The Nov. 6, 1992 beating of Shirley occurred in the EMU Ballroom, during a rap concert featuring the group Public Enemy, according to police reports.

Shirley and two friends, Jack Mills, 20, and Joe Hutchins, 23, had wormed their way to the front of the stage to watch the band. When Shirley started to move back toward the bathroom, he bumped shoulders with one of the members of a group of men who had formed a circle near the

stage.

"He ran into [Paul] Wiggins and the guy just decked him, flat-out destroyed him," Hutchins said.

"Joe had noticed the big circle of black guys and warned me not to get too close because he had just seen someone get beat up," Shirley remembers. "When I got pulled into the circle, they just started punching me all over. When I finally got out, my face was a bloody mess and I had bruises all over my back."

The group consisted of football players Tasi Malepeai, Paul Wiggins, Francis Kongaika, Marcus Woods, LaMont Woods, Jerome Perryman and Eric Barnes, according to a Eugene police report.

Police later determined the group was responsible for at least three assaults that evening.

Through a photo lineup conducted by police, Shirley, Hutchins and Mills later identified Tasi Malepeai, then a redshirt freshman, as one of the primary assailants.

After interviewing witnesses, victims and suspects in the case, police arrested Malepeai, Wiggins, and Francis Kongaika and charged them with felony assault.

Malepeai later told police Wiggins pushed several people during the concert.

A Dec. 11, 1992 article in the *Emerald* detailing the arrests brought forth two additional witnesses, including one who claimed he was also assaulted during the concert.

Of particular help to police during the investigation was Jerome Perryman, then a redshirt defensive end and a member of the group.

According to a police report, Perryman said Wiggins or Malepeai would grab a person from the crowd, hit that person once or twice and then pass the victim off to the other, who would hit the victim before throwing him to Francis Kongaika, who also took part in the assaults. Then the process would begin anew.

The police report also noted Wiggins and Malepeai are identified by the State Police Gang Task Force as documented gang affiliates. Malepeai is listed in the Law Enforcement Data System as a suspected gang member.

Perryman also said he saw Kongaika hit two or three people, according to the

When I got pulled into the circle, they just started punching me all over. When I finally got out, my face was a bloody mess and I had bruises all over my back.

— JEREMY SHIRLEY
Former University Student

report.

Charges Dropped

Almost 16 months later, after examination by two grand juries, the charges were dropped and the case was dismissed for lack of evidence.

"There was at least one instance where an identification was made in grand jury, but it was not a credible identification," said Lane County Deputy District Attorney Bob Lane, who handled the bulk of the case.

"My feeling is that these guys were punching people that night, there's not much question about that. The question was, who exactly hit them? It was not a situation where I or the grand jury were saying these assaults didn't take place," he said.

Because Malepeai was the only suspect consistently identified by victims and witnesses as one of the perpetrators, and none of the witnesses could be sure exactly who he assaulted, Lane called off the grand jury proceedings.

"I don't even like going to [Autzen] Stadium anymore because then I'm supporting people who beat the shit out of me and got away with it," Shirley said.

Because the three suspects were arrested in December and the case wasn't presented to the first grand jury until April, the victims and one investigating police officer believe the district attorney's office intentionally procrastinated to avoid embarrassing the team prior to its Independence Bowl appearance.

"It took longer than normal to call a grand jury because Karen Tracy [a Lane County deputy district attorney] said we didn't have what it takes to do these cases. There needed to be more investigation," Lane County District Attorney Doug Harclerod said. He said most cases

go to a grand jury for indictment consideration within seven days of the initial filing of charges.

"I asked Karen Tracy why the case was moving so slow and she said she had orders not to move on it until after the Independence Bowl," said Terry Fitzpatrick, the Eugene police officer who conducted the investigation of the case. The case opened a rift between Harclerod's office and the police, Fitzpatrick said.

"We don't charge people or delay arrests based on postseason play," Harclerod said.

Guidelines for Athletes

Another police officer, who spoke on condition of anonymity, said in light of problems with the District Attorney's office involving football players, an informal operational guideline was established in 1994 to insure no mistakes in the investigation by police. Now, when a football player is involved in a crime, patrol officers must alert detectives to investigate.

Many police officers declined to speak publicly concerning internal problems with the District Attorney's office, citing the need for a civil working relationship with that office.

Harclerod denies that there are different reviewing standards for football players, or that he personally reviews cases involving athletes, pointing out the convictions of Ronnie Gipson in 1994 and David Massey in 1992. Both were convicted of fourth-degree assault and spent time in jail. Former players Sean Burwell and Derrick Horton also have been prosecuted by Harclerod's office.

"That is not true. We make these decisions as best we can. Sometimes we do more investigation concerning student athletes than on regular citizens," he said.

"If you ask Ken Morrow [a Eugene lawyer who regularly represents athletes], he would say we go too far in prosecuting student athletes," Harclerod said.

Eugene Police Chief Leonard Cooke said he knew of no special reviewing standards involving student athletes.

"If there are cases that aren't filed for whatever reason, those cases will be followed up by police command," Cooke said. "If a case isn't filed, we want to make sure our investigators are being thorough."

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