

# OUT OF BOUNDS

INSIDE THE  
NBA'S CULTURE OF  
RAPE, VIOLENCE, AND CRIME

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# CONTENTS

Photographic Insert

Author's Note

*Preface*

<b>INTRODUCTION</b>	<i>Every Woman's Fear</i>	1
<b>PROLOGUE</b>	Under Arrest	13
<b>PART I SEXUAL LIBERTIES</b>		
<b>ONE</b>	Gross Felony	29
<b>TWO</b>	The Problem Solvers	45
<b>THREE</b>	Hush Money	63
<b>FOUR</b>	Something Bad Happened	81
<b>FIVE</b>	No Strings Attached	93

*Contents*

**PART II ABOVE THE LAW**

**SIX** Do You Know Who I Am? 111

**SEVEN** Put Your Hands Up 123

**EIGHT** Staying Power 137

**NINE** Criminals on Scholarship 153

**PART III BAD HEROES**

**TEN** Indulge Me 165

**ELEVEN** Sleeping with the Enemy 175

**TWELVE** Pound of Flesh 193

**THIRTEEN** See No Evil 209

*Notes* 222

*Bibliography* 247

*Acknowledgments*

*About the Author*

*Also by Jeff Benedict*

*Credits*

*Cover*

*Copyright*

*About the Publisher*

## PREFACE

Most people who are about to read this book probably view the NBA simply as a professional sports league featuring the world's most talented basketball players. On the face of it, this is true. But there is a dark, sinister side to the NBA, where criminal laws and social norms don't exist, a world where athletes are given license to be socially irresponsible. Nowhere are these conditions more apparent than in the relationships and interactions between NBA players and women.

In my career as a university researcher, a lawyer, and a journalist, I have personally reviewed more than five hundred criminal and civil complaints filed by women against college and professional athletes. I've written two books on violence against women committed by athletes. And six years ago I cowrote *Pros and Cons: The Criminals Who Play in the NFL*. That book, which examined the criminal histories of 509 NFL players, revealed that 21 percent of them had been formally charged with a serious crime. The lion's share of the victims in those cases were women.

Ever since publishing the NFL book, I've refrained from speculating on how NBA players would fare under a similar examination. I've also resisted numerous opportunities to write a book on the NBA and crime. Personally, I wanted to investigate and write about

## Preface

other topics, and I have. Moreover, I wasn't convinced that a book on the NBA was capable of going beyond the NFL book in terms of its reporting depth or its ability to shed additional light on the themes associated with celebrated athletes breaking laws. Kobe Bryant's arrest on rape charges last summer changed my mind.

Not since Mike Tyson's 1991 arrest for rape has a pro athlete of such prominence as Bryant been indicted for that offense. During the decade in between, little has changed attitudinally—on the part of athletes or the public. Criminal complaints concerning celebrated athletes abusing women are as common as ever, as is the fact that arrested players are rarely held accountable. And the public's skepticism toward women who file such complaints remains. Kobe's arrest has brought this point home. As soon as he appeared beside his gorgeous wife to deny the charges levied against him, I was repeatedly asked two questions by casual observers and the media:

*Why would a man with such a beautiful wife rape another woman?*

*Why would a handsome young millionaire, a guy who could have lots of women, have to resort to rape?*

These questions demonstrate that people have a hard time reconciling Kobe Bryant's public image with the vicious crime he's charged with. The press conference he held after being indicted, where his wife stood by his side as he shed tears, only made the charges against him seem more difficult to believe. Hence, the reaction: *Rape? Not Kobe. Anybody but Kobe.*

I watched Kobe's press conference too. It had a big influence on my decision to write this book. Denying rape, he said: "I made the mistake of adultery." Set aside the question of guilt or innocence for a minute and think about this. Bryant checked into a resort hotel shortly after ten P.M. on June 30, 2003, and a sexual incident was under way with a complete stranger by shortly after eleven P.M. How many people who travel can relate to going to a

## *Preface*

hotel in a strange city, seeing a complete stranger upon check-in, and having sexual intercourse with that stranger within an hour? This speaks volumes about the culture of the NBA and the mindset of its players.

This book is not about Kobe Bryant, but rather about a lifestyle that is pervasive throughout the NBA, one that is typified in the Bryant case. Nor is the book limited to crimes involving women. It features dozens of NBA players—from All-Stars to journeymen—involved in many types of crimes, from armed robbery to domestic violence to gun possession to rape. The book's purpose is three-fold. First, to expose the environment and culture that encourages criminal behavior. Second, to explain the unique challenges the cases that grow out of this behavior pose for law-enforcement agencies and prosecutors. And, third, to take readers inside the hidden, yet critically vital role that lawyers, agents, and fame play in insulating criminally accused players from accountability.

I began my investigation by conducting a criminal background check on nearly two hundred NBA players who played during the 2001–02 season. This entailed supplying player names, birth dates, and other vital information to records clerks at ninety-four police departments and sheriff's offices and querying fifty-six municipal, state, and federal courts. In all, over 150 letters soliciting records under the Freedom of Information Act were sent. Those agencies and courts not queried by letter were either visited in person or contacted by telephone. The results revealed that 40 percent of the players in the NBA during the 2001–02 season have had a formal criminal complaint for a serious crime filed against them. That's right—40 percent! (The full results and the methodology for this investigation are detailed later, in the prologue following this section.)

It's a situation that is out of control and absolutely demands close scrutiny. This simply can't be ignored any longer. And the

## *Preface*

criminal-history research is just the starting point for the reporting done for this book. But a statistic doesn't tell a story. To drill down inside some of these cases, more than 5,000 pages of documents were obtained from police files and courthouses. Over 2,000 pages of trial transcripts, grand jury transcripts, and preliminary hearing transcripts were obtained. Twelve district attorney's offices provided access to an estimated 5,000 pages of documents pertaining to cases featured in this book. Law-firm billing records, college-grade transcripts, student records, and a variety of other confidential documents were obtained, all through legal and ethical channels commonly practiced by journalists. Nor was money paid, except for copying and shipping fees assessed by law-enforcement agencies and courts.

Additionally, over 400 interviews were conducted with police officers, prosecutors, criminal defense attorneys, player agents, players, victims, witnesses, and other individuals with knowledge about the cases covered in this book.

Secondary sources included over 1,000 press reports, primarily in the form of newspaper and magazine articles. A limited number of books were used for reference and background information.

As a result, what you are about to read is a painstakingly detailed look at cases that have largely been underreported or not reported at all. Crimes are recounted in graphic detail, and the narrative style I've chosen includes quotations and dialogue from the players involved in these offenses, their victims, and the law-enforcement officials who investigated and prosecuted these cases. The dialogue largely comes from tape-recorded transcripts of interviews conducted by police and prosecutors, transcripts of grand jury testimony, transcripts of pretrial and trial testimony, deposition transcripts, affidavits, police narratives, and arrest and incident reports. Over 12,000 police and court records were obtained or viewed for this book.

## *Preface*

Quotes were also derived, in some limited instances, from court documents filed in civil lawsuits, including depositions and affidavits as well as press reports.

In addition to quotes and dialogue, my narrative style also involves the description of various crime scenes, in some cases with particular detail. I was able to do this through the assistance of crime-scene photographs, police drawings, and video surveillance tapes that I obtained or viewed. I was also aided by hundreds of documents in the form of arrest and search warrants, evidence logs, medical records, university records, police narratives, grand jury minutes, indictments, arrest reports, and incident reports. And in most cases, I conducted interviews with individuals who were directly or indirectly involved with the cases featured in the book. In cases where players' homes are described, that information was taken from photographs, diagrams, and detailed dimensions obtained through real estate and property records.

Every effort was made to report these stories without varnish—that is, names are named. In fact, 267 are factually identified in this book (players, lawyers, agents, coaches, law-enforcement officials, victims, and witnesses, among others). In rare instances—ten times to be exact—I used a pseudonym to protect an individual's identity, typically in situations involving sex crimes where the victim's identity was protected under rape-shield statutes, or if identifying a witness would put that person in harm's way. The following names are pseudonyms: Madison, in the prologue; sex-crime victim Jenny Stevens and her father, in chapters 1 through 3; sex-crime witness Susi Sanders, in chapter 1; Cathy Clark, an alleged rape victim, in chapter 3; Sammy Jones and Ray Scott, witnesses in a criminal investigation, in chapter 4; alleged rape victim Olivia Tamika, in chapter 11; and Tommy Harper and Dan Daniels, witnesses in a criminal investigation in chapter 14.



## **INTRODUCTION**

# **EVERY WOMAN'S FEAR**

If I've learned anything in writing this book, it is that fear often triumphs over truth when women are abused by celebrated athletes.

In domestic violence and sexual assault cases, fear is the criminal athlete's best friend and turns the female victim into the reluctant, non-cooperative witness. What are women so afraid of? Becoming a celebrity by virtue of accusing a celebrity; seeing a private sex crime turned into a public media spectacle; being demonized by high-powered defense attorneys; and being victimized again by a justice system ill equipped to convict a defendant with endless financial resources. The biggest fear of all is that she will not be believed.

To illustrate these points, I offer two examples.

### **GOING UNDERGROUND**

A few months into the research phase of this book, I received a tip that during the 2002 season, a young woman was sexually abused

at a private party held exclusively for an NBA team that was in the midst of a road trip. During the party, one of the team's players pinned the victim against a wall and molested her.

I was provided the victim's name, Madison (a pseudonym), and the player's name, along with the date and location of the alleged incident. Although the source's credibility was exceptional, I was skeptical and had numerous questions. These kinds of incidents are not unusual at parties, particularly parties hosted or attended by celebrity athletes. Why was Madison at this party? Did she know the player previously? If she was truly assaulted, why hadn't this incident ever come to light? After all, the player involved is well known. And finally, did this incident really occur? Or was this just a rumor?

But a few facts intrigued me. A review of the NBA's game schedule for 2002 confirmed that the team in question was on the road and in the specific city identified by the tipster on the specific date in question. Next I confirmed that the facility of the alleged incident was legitimate. I then telephoned local law-enforcement agents in that city and inquired whether they had been dispatched to the address in question to investigate an alleged sexual assault on the date in question. They had not. Nor had Madison filed any complaint with law enforcement. Neither Madison nor the player's name was in the law-enforcement agency's computer database.

Toward the end of November 2003, I sent a package via UPS to Madison at her residential address with a letter of introduction, some previous materials I had published on athletes and violence against women, and my phone number. I waited for a response until December 9, when UPS returned the package, indicating that Madison's address was no longer current. A few hours later, I decided to catch a flight from Hartford, Connecticut, to the city in which Madison last resided in hopes of finding

her. I brought the package with me. The only information I had to go on was her place of employment, a restaurant.

I drove straight from the airport to the restaurant where I ate dinner, looking closely at the nametags worn by the waitresses or hostesses. But none were marked with Madison's name. When I inquired, one waitress told me that Madison had unexpectedly quit three months earlier and had moved out of state. I asked to see the manager, who confirmed Madison had left months ago, but indicated that she had been in the restaurant earlier that day. She had come back to town to visit a friend, who lived nearby.

Provided with Madison's cell-phone number, I stepped outside and called her. I told her who I was and that I was at the restaurant with a UPS package for her. She was aware that UPS had tried to deliver to her old address and asked what the parcel contained. When I told her, she asked what I wanted to talk to her about. I only mentioned the NBA player's name provided to me by the tipster. I said nothing of the alleged assault.

She instantly became very angry and harangued me for tracking her down. Gradually she settled down, then admitted a one-time encounter with the player and insisted that he had taken inappropriate and offensive sexual liberties with her. Over the ensuing thirty minutes that Madison remained on the phone, she confirmed what I had been told in the tip and revealed additional details that were news to me, such as her motivation for not initially reporting the incident to authorities. She wanted no part of publicity and scrutiny that comes with accusing a high-profile athlete.

But it gnawed at her that she felt criminally violated. Eventually, Madison said that she could not contain herself after seeing the player on television following her run-in with him. Instead of calling the police, she picked up the phone and told her story to a prosecuting attorney. After reporting, however, she did not want

to cooperate in any formal or public way with an investigation.

Madison said the prosecutors wanted a lot more out of her, however. She said that after her initial call to the DA's office, she received numerous follow-up phone calls and an investigator was dispatched to her job and home. Fearful that the incident and her identity would become public and her life turned upside down, Madison quit her job, moved out of state, and essentially went underground. "You have no idea what I have been through," she said.

At the end of the phone call, she agreed to take my package and read through my materials. Following her strict instructions, I left it in a safe, hidden location and drove off. One question I never got to ask Madison was why she was at this party in the first place? And now a new question arose: Why was she so scared when an investigator showed up at her place of employment seeking to speak with her?

There was only one place left to turn for these answers. Before contacting the prosecuting attorney's office, Madison confided in and sought advice from a retired judge who is now a lawyer in private practice. I called him. We engaged in a series of off-the-record preliminary conversations. He then checked out my background. He also informed Madison that I had called and discussed with her my request to speak with him. Ultimately we discussed Madison and her situation. He illuminated the story.

First, Madison had never met the player who accosted her. In fact, she didn't know any of the players on the team. She didn't follow basketball at all and wouldn't know a professional player if she saw one. Second, the party was not a party; it was a private dinner catered by the restaurant Madison used to work for—the same one I had visited. (I subsequently confirmed this with the restaurant.)

Did Madison report the incident to anyone in proximity to it

happening? Yes. Even before leaving the facility that evening, Madison told a coworker and telephoned her mother. Then again, after leaving the facility, she elaborated on the details to her mother. Through family consultation and much thought, Madison and her family decided it was not in her best interest to file a criminal complaint. The idea of filing a civil suit was never discussed. Despite feeling violated and angry, Madison decided to do nothing.

So why did Madison seek out a retired judge and a lawyer? The lawyer is a family relative and she wanted guidance from someone who understood the law, someone she could absolutely trust.

The lawyer revealed that it was he who ultimately advised Madison to at least report her incident to the authorities. He assured her that this could be done in complete confidence and did not require her to follow through with a full-scale investigation. She acted on his advice.

The lawyer said he heard from the authorities shortly after Madison reported her incident to them. The authorities wanted Madison to do more than simply share her experience; they wanted her to cooperate more fully, a proposition that would certainly bring her into the public spotlight. “They called me and talked to me,” the lawyer said. But when Madison decided she did not want to go further with the authorities, the lawyer made that clear to them. From that point forward his role has been to protect her privacy.

My interviews with Madison’s relative and lawyer were conducted in January and February of this year, at the same time that Kobe Bryant’s defense team was in court arguing for the right to introduce the victim’s sexual history to jurors, and the victim’s mother was begging the judge to schedule a speedy trial in order to put her daughter out of misery. Published reports indicated

that Bryant's victim had been forced to move from state to state in an effort to protect her privacy. Madison's lawyer pointed to the Kobe situation as exhibit one for why Madison did not and should not come forward. Neither Madison nor her family wanted to be drawn into the media tsunami that her allegation would have unleashed. "The only thing Madison's trying to do is live a normal life," he said.

After completing my reporting on this incident, I placed my tape-recorded interviews, personal notes, and phone records in a safe deposit box, which is kept in a vault at a Connecticut bank. I then sent a letter to Madison and her lawyer, promising not to disclose her name in the book.

I include Madison's story here to illustrate a point: there are women out there, women who are simply going about their own business, who encounter celebrated athletes and become the recipients of unwanted sexual advances. Athletes will have you believe that they are constantly pursued by women seeking sex, and that any woman who files a rape complaint is either motivated by money, fame, revenge, or a combination of the three.

Surely there are groupies who pursue athletes for sex. But the notion that every woman who accuses an athlete of a sex crime is a groupie is a pernicious lie. But women who dare to press charges against an athlete are forced to live that lie; it's the price they pay for accusing a famous, wealthy man of a sex crime. And as Madison's experience shows, even women who choose not to press charges, file a lawsuit, or even talk to reporters can have their privacy threatened and their lives turned upside down.

Madison's experience says something else, too. The player who abused her is one who I have watched on television while writing this book. He runs up and down the court to the applause of thousands of cheering fans. Madison's story is a testament to the fact that we often know so little about the men we

cheer loudest for. And when they are accused, we not only give them the benefit of the doubt; we doubt the accuser.

### MR. ELUSIVE

According to records at Florida's Orange County Sheriff's Office, on October 5, 1998, Shaquille O'Neal and two male friends were outside BET Soundstage Club, a nightclub owned by Black Entertainment Television and located at Disney's Pleasure Island in Orlando, Florida. Twenty-three-year-old Kim Grant worked at the club. Around 11:15 P.M. she went on break and strolled outside. She was standing near the footbridge between Soundstage and Planet Hollywood when O'Neal and his friends approached. One of the men asked her name and what was going on at Pleasure Island. Grant talked up the Soundstage.

"There's nothing going on in Pleasure Island tonight," O'Neal said. Grant admitted that Mondays are a slow night, but suggested they return on the weekend. One of the guys said they would be back on Friday night. "I'll see you on Friday," Grant said.

"Hey, where are your friends?" O'Neal asked. Grant said she didn't have any friends.

"Yes you do," one of O'Neal's friends said. "You have friends you can call. Go call your friends." Grant said nothing.

"Come on," O'Neal said to his friends. "Let's go find us some white girls."

"Go ahead guys," said Grant, who is black. "Be my guest."

At that moment, Grant later reported in a written police statement, O'Neal grabbed her by the neck with his right hand, jerked her toward him, and said: "I was just playing. Can't you take a joke?" Grant said she panicked and screamed for him to let go. When he didn't she threatened to file a charge against

him. Grant said this prompted him to tell her to go ahead. As soon as O'Neal released her, she ran back inside the club, where she encountered security guard Jon Vereen. She told him what had happened.

One week after she reported the incident to Disney security, the Orange County Sheriff's Office was notified. On October 13, Officer Roland Hernandez met with Grant, filled out an incident report, and had her write down what happened. The following day the case was assigned to Detective Bill Reynolds. When Reynolds started calling and leaving messages, Grant, who is West Indian, thought she needed a lawyer. People in her community referred her to the only West Indian attorney they knew, Shannon Baruch, a young lawyer who had only been practicing for one year. When Baruch listened to Grant's story, he knew enough to know that taking on Mr. O'Neal in court would be a tall order. "It wasn't just an ordinary person we were going up against," Baruch said. Worse still, the only witnesses to the incident were O'Neal's two friends, and Grant didn't know their names. "If it goes to court and it is she said-he said, that's not a very strong case," explained Baruch, "especially when the he is Mr. O'Neal."

Baruch advised Grant to cooperate fully with the sheriff's office.

Before Detective Reynolds got the opportunity to meet with Grant, however, he received a telephone call from prominent Florida criminal defense attorney Kirk Kirkconnell. A former Special Agent of the FBI, Kirkconnell was president of the Florida Association of Criminal Defense Lawyers and served on the Florida Bar Board of Governors. He is admitted to practice before the U.S. Supreme Court and the U.S. Court of Appeals. His specialty areas are white-collar crime, homicide, and forfeiture. Kirkconnell informed Reynolds that he represented O'Neal.

Reynolds told Kirkconnell that he wanted to speak with



O'Neal. Kirkconnell said that O'Neal had nothing to say and declined to produce him. Then Reynolds requested that O'Neal at least provide the names of the two men who were with him on the night of the incident. Again, Kirkconnell declined. The two men with O'Neal were the only other known witnesses to the incident between O'Neal and Grant. Without their identities, police had only two accounts to go on: Grant's and O'Neal's. And O'Neal wasn't talking. If an attorney tells investigators that O'Neal does not wish to say anything to them there is little they can do unless O'Neal comes forward himself.

Even if Reynolds arrested O'Neal on the basis of Grant's statement, O'Neal could not be compelled to talk or answer questions. He has the right to remain silent. Reynolds was frustrated. So was Grant, who initially remained adamant about pressing charges in her subsequent conversation with Reynolds. She also confirmed her willingness to testify against O'Neal. On November 13, 1998, O'Neal's agent at the time Leonard Armato told the press that the accusations are "completely false and without factual support." Nonetheless, on November 23, Reynolds charged O'Neal with battery and forwarded the case to the State Attorney's Office for prosecution.

The case was assigned to prosecutor Richard Parkinson on December 2, 1998. The next day, his office received a telephone call from Kirkconnell. Bill Vose, who is the chief assistant state attorney in Orange County and who supervises Parkinson, said that Kirkconnell asked them to hold off. "He said that he had some defense statements that could counteract whatever it is the victim is going to say," Vose said in an interview for this book. At Kirkconnell's request, the case was set aside pending the production of Kirkconnell's information. Then on August 10, 2000, nearly two years later, the case was dismissed. "This to me is a warning bell," said Vose. "When something takes this long it is

because we are being Mr. Nice Guy and agreeing to wait for defense to provide information.”

In this case, O’Neal’s lawyer said they would provide information. But when asked, Vose said there was no record of any information being received. “If we got statements from Kirkconnell, they would have been put in the computer,” Vose said. “And they are not. So we may or may not have received them.” The documents from this case have been destroyed under the document retention policy of the prosecutor’s office.

Vose could not explain the specifics for why this case was not prosecuted. He did say that his office handles around 80,000 juvenile, felony, and misdemeanor cases each year, about two thirds of which are filed for prosecution. The office had shown no reluctance to prosecute other high-profile athletes in the past. Vose himself had prosecuted Charles Barkley for resisting arrest in connection with an alleged battery. But the O’Neal case, besides lacking corroborating witnesses, did not involve much more than an alleged simple assault. “If this was a pushing and shoving case,” Vose said, “we’re not going to waste taxpayer dollars to prosecute it.”

Long before the case was officially closed by prosecutors, Grant became frustrated when it was clear that prosecutors weren’t going to indict O’Neal. She asked her lawyer what could be done. The only alternative was to sue. But without the district attorney’s office at least prosecuting, Baruch was afraid to file a lawsuit against O’Neal. “It wasn’t just an ordinary person we were going up against,” said Baruch.

Baruch insisted he would not file an action unless she first produce an affidavit, a sworn, written statement detailing what happened to her. Baruch wanted protection against a countersuit in the event that O’Neal sued him. “I needed the affidavit so I

could show the judge that I relied on the sworn statement of my client,” said Baruch. “Without that I wasn’t going to go forward.”

Grant never produced the affidavit. In fact, Baruch said she virtually disappeared after that, not unlike the way the criminal case against O’Neal did—without a trace or an explanation.

When asked if Grant received a financial settlement from O’Neal, Baruch said he did not negotiate any settlement. So why did she drop her pursuit of the case? “That question remains with me today, and with her friends and family,” said Baruch, who suspected that fear was behind it, not financial inducement. “She expressed fear of the power behind Mr. O’Neal.” He added that when news of her complaint reached the press, television cameras and reporters camped outside her residence. Soon after that he lost contact with her.

Attempts to locate Grant to request an interview were unsuccessful.

When contacted for this book, Kirkconnell said he could not discuss the case, calling it “a client matter.”

“Are you saying that you can’t speak about this without your client’s permission? Or are you saying you can’t speak about this because there is some agreement that bars you from speaking about it?” I asked.

“I can’t answer that,” Kirkconnell said.

“Most defense attorneys don’t answer that way,” I said.

“I’m not most defense attorneys,” he said, ending the call.

O’Neal’s agent, Perry Rogers, also declined to talk. Multiple calls were placed to his office. E-mails were sent to him as well, along with a certified letter. All of these communiqués contained a request to speak with O’Neal. Rogers responded to none of them.

Baruch referred to O’Neal as “Mr. Elusive.” Investigators in

Florida certainly found that to be the case. Yet O'Neal had the legal right to refuse to speak to police officers. But given O'Neal's publicly professed admiration and respect for law enforcement (in July 2002 the Port of Los Angeles Police Department designated him a second-class reserve officer and authorized him to carry a police-issued gun, ride as a second man in a police car, and work alongside senior officers to fight crime), as well as his status as an ambassador for the NBA and as a role model for so many children, investigators figured he would at least aid them in their attempts to complete a criminal investigation. Instead, investigators encountered layers of insulation around O'Neal.

Compared to the more serious and offensive crimes you are about to encounter, these are minor incidents. Still, they support a very clear point: law-enforcement officials tasked with investigating or prosecuting a celebrated athlete have little chance of seeing the player brought to justice, particularly if the victim is a woman.

## PROLOGUE

# UNDER ARREST

History will mark July 3, 2003, as a low point in NBA history, yet one that was utterly predictable, and equally unstoppable. That day, Portland Trail Blazers point guard Damon Stoudamire approached a security checkpoint at Tucson International Airport, carrying a boarding pass for a flight to New Orleans. It was three P.M. when a surveillance camera recorded him placing his carry-on bag in a gray plastic bin and sending it through the baggage X-ray machine. As Stoudamire stepped through the metal detector, an alarm immediately sounded. Wearing only a sleeveless black T-shirt, baggy white sweatpants, and untied sneakers, Stoudamire looked down toward his feet, then turned up his hands as he looked at Transportation Security Administration screener Robert McNew, who directed him toward the wandering area.

Stoudamire said he needed to return to the terminal. It was too late for that. McNew scanned his body with a metal-detection wand. Each time the wand passed Stoudamire's pants, it beeped. McNew asked Stoudamire if he had anything metal in his pants pocket. Stoudamire said he did not.

As McNew prepared to scan him one more time, Stoudamire wiggled his leg. An eight-inch-long piece of thickly wrapped alu-

minum foil fell out of Stoudamire's pant leg. McNew picked it up. He immediately suspected drugs but realized the foil wrap was also large enough to contain a weapon. He radioed for Airport Police assistance. A subsequent inspection of Stoudamire's backpack revealed a package of EZ Wider rolling papers.

Minutes later, police officers Michael Losada and Keith Kramer arrived. Kramer observed the aluminum foil package and the rolling papers inside a gray plastic bin beside Stoudamire.

"What's inside?" Kramer asked, examining the foil wrap.

"You know what it is," Stoudamire said.

Kramer, holding it up to his nose, detected the scent of fabric softener, then repeated the question.

"It's marijuana . . . mine," Stoudamire said. "It was in my pocket."

Kramer uncovered a clear Ziploc bag inside the foil that contained a green leafy substance. A scented fabric-softener sheet surrounded the bag, a common technique used by drug couriers to mask the odor from drug-sniffing dogs and security officers. Kramer handed the package to his partner, who donned latex gloves and opened a small briefcase containing portable equipment to field-test drugs. Kramer asked Stoudamire about the rolling papers. Stoudamire, noting the glance of travelers passing through the checkpoint area, revealed his identity to the officers and asked permission to move someplace out of public view. Kramer looked at Stoudamire's Oregon driver's license, then directed him and his female companion into a private room. Inside, Kramer informed them that they would not be catching their flight to New Orleans.

Within thirty minutes the leafy substance was confirmed to be marijuana. Stoudamire was arrested and charged with unlawful possession of marijuana and drug paraphernalia.

As officers were releasing Stoudamire to catch another flight,

Kobe Bryant was receiving word that he needed to catch a flight of his own, and quick. Only he wasn't headed for a holiday vacation. Colorado judge Russell Granger had just signed a warrant commanding Eagle County sheriffs to arrest Bryant and bring him without delay to Eagle to be booked in connection with a reported rape.

The next day, Bryant flew back to Colorado and surrendered to Lieutenant Mike McWilliam. After being photographed and fingerprinted, Bryant paid a surety bond of \$25,000, promising to return to the state for further court proceedings. At 8:20 P.M. he was released and the NBA's summer of discontent officially began.

But it was actually well under way before Stoudamire and Bryant were arrested. The saturation coverage afforded to Bryant just overshadowed the fact that over twenty-five law-enforcement agencies in thirteen cities in the United States and Canada were simultaneously proceeding with arrest warrants, indictments, plea agreement proceedings, or trials involving more than a dozen other NBA players.

In Portland, Oregon, prosecutors were reviewing the contents of a lengthy police investigation into allegations that Scottie Pippen had harassed a Blazer fan following a playoff game on April 27, 2003. After being heckled, Pippen, according to police reports, said, "F— you," then threw a cup of water in the fan's face. "Meet me at my car," Pippen continued. "I'm going to kick your ass." A security guard then grabbed Pippen and ushered him toward the locker room. After reviewing a video surveillance tape of the incident that showed the fan laughing after being hit with the water, prosecutors declined to charge Pippen. Prosecutors also questioned whether the fan's police complaint was motivated by

money, since he contacted Pippen's lawyer requesting compensation. (On July 15, prosecutors decided not to press charges.)

At the same time, Canadian authorities were weighing whether to upgrade a common assault charge against soon-to-be Los Angeles Lakers guard Gary Payton and his former Milwaukee Bucks teammates Jason Caffey and Sam Cassell. All three had been involved in an altercation outside a Toronto strip club on April 11, 2003, and had surrendered for booking a week later. On July 18, authorities upped the charges against Payton to two counts of common assault and one count of assault causing bodily harm. Cassell faces one count of common assault and one count of assault causing bodily harm. Caffey faces one count of assault causing bodily harm. Court officials will meet in June 2004 to decide whether the case will go to court.

Prosecutors in Houston, Texas, were reviewing a case filed against Rockets player Eddie Griffin after he was pulled over and arrested for possession of marijuana. Before authorities completed their review, however, Griffin would be arrested in a separate incident, this one for assaulting a woman and firing a gun at her. (In January 2004, after being released by the Rockets and signed by the New Jersey Nets in a \$400,000 contract, Griffin was convicted on the marijuana-possession charge. Later, on February 2, 2004, he was arrested again and jailed in Houston for violating curfew requirements set by the terms of his probation. Then, on February 12, 2004, he was indicted on felony charges for assaulting his girlfriend and shooting at her. "None of this will interfere with Eddie re-entering the basketball world with the Nets," said Griffin's attorney Rusty Hardin. At the time this book went to press, Griffin was on leave from the Nets and undergoing treatment for alcohol abuse at the Betty Ford Center in southern California and awaiting trial on the assault and gun case. After completing substance abuse rehabilitation, Griffin has been or-



dered by a Texas judge to spend three months in a Houston halfway house.)

Prosecutors in Saginaw County, Michigan, were preparing to put Golden State Warriors star Jason Richardson on trial for domestic violence. On August 28, 2003, a jury convicted Richardson. On May 15, 2003, a jury in Cook County, Illinois, convicted Atlanta Hawks star forward Glenn Robinson of a similar crime.

Federal prosecutors in U.S. District Court in Michigan were making last-minute preparations for their trial of Sacramento Kings forward Chris Webber, who had been indicted for perjury, conspiracy to obstruct justice, and making false declarations before a grand jury. On July 14, the day before jury selection was to begin in his trial, Webber admitted to knowingly and intentionally lying to a federal grand jury and pleaded guilty to criminal contempt.

On July 7, Orlando Magic guard Darrell Armstrong was arrested for assaulting a female police officer in Orlando. One week later, Washington Wizards guard Jerry Stackhouse was arrested by police in Atlantic Beach, North Carolina, for allegedly assaulting a woman there. (In December 2003, the case against Armstrong was dismissed by a judge who ruled that it could not be proved beyond a reasonable doubt that Armstrong intentionally struck the officer. The case against Stockhouse was later dropped when he reached an out-of-court settlement with the victim.)

Authorities in Chapel Hill, North Carolina, were investigating NBA player Joseph Forte, who had an arrest warrant issued against him for assaulting a man. Forte eventually entered into a court-mandated dispute settlement with the victim.

In Oregon, the state's Division of Motor Vehicles lifted the driver's license of the Blazers' Qyntel Woods in July after he had been arrested a few months earlier for possession of marijuana, as

well as for speeding and driving without a license or proof of insurance. (In January 2004, Woods pled no contest to the marijuana charge.)

And only four weeks before Kobe Bryant's arrest, prosecutors in Salt Lake City had decided, following a five-week investigation, not to indict Washington Wizards center Jahidi White for sexual assault. White had been accused of raping a twenty-four-year-old woman on February 14, 2003, at the Grand American Hotel in Salt Lake City, the same day the Wizards played the Utah Jazz. White's accuser, according to a published report, told police that she had met White the previous evening at a nightclub and had been drinking with him and his teammates before going with him to his hotel, where she eventually passed out. She said she was raped when she awoke. After a five-week investigation, Utah authorities determined there was insufficient evidence to indict White.

Seven of these cases involved violence against women, one of whom was a police officer. Two cases involved a gun. Three cases involved drugs. And these weren't just any old players. Nine of them—Payton, Robinson, Pippen, Bryant, Stoudamire, Cassell, Stackhouse, Webber, and Richardson—have been NBA All-Stars. Four of them will likely end up in the Hall of Fame.

Was this just a particularly bad month for the NBA? Hardly. Not these days, anyway. To be sure, during the Bob Cousy era, or in the days of Oscar Robertson, Bill Russell, and Bill Bradley, this would have been unthinkable. Even the more recent Magic Johnson–Larry Bird era did not see the rash of lawlessness that is currently gripping the NBA. A first-of-its-kind investigation into the criminal histories of current NBA players reveals that 40 percent of the athletes have had a formal criminal complaint filed against them for a serious crime.

To arrive at this percentage, I began by using the 2002–03 edi-

tion of the official NBA Register, which lists the names, birth dates, and places of residence for over 450 players who played during the 2001–02 season. Next I eliminated all foreign players (those who were born overseas and did not attend college in the United States). This left 417 players. Each of the 417 players' names and birth dates were sent to police departments and sheriff's offices in jurisdictions that the players have resided in, along with a written request seeking any arrest-history information on the players. So, for example, the complete player roster of the Portland Trail Blazers was sent to the Portland Police Department, along with a written request that each player be run through the department's computer system for arrest records. This procedure was followed in every city that hosts an NBA team. Similarly, the campus police departments at the universities and colleges attended by current NBA players were queried. For example, the names of current NBA players who attended the University of Michigan were sent to Michigan's campus police department for a records check. In all, arrest-history records were solicited from ninety-four police departments, including campus police departments.

Similar letters of solicitation were mailed or faxed to records clerks at forty state and federal courthouses, seeking information on whether NBA players had any criminal cases on file. Sixteen additional courts were queried by telephone.

Finally, twelve district attorneys' offices were queried in writing. Since prosecutors' records are not generally subject to Freedom of Information laws, this process required special permission from prosecutors to make on-site visits in order to view records, which included arrest-history information and conviction data for players.

Ultimately, over 150 letters seeking player arrest histories were sent under state and federal Freedom of Information laws. Due to state laws or agency policy, some agencies, such as the

Boston Police Department, declined to perform a records check on players. But many agencies and most courts complied with the records requests. In all, law-enforcement agencies and courts completed a records check on 177 of the 417 non-foreign-born players listed in the NBA Register. In other words, a records check was performed on 42 percent of the league's players. The results revealed that 71 (40 percent) of the 177 players researched had been arrested or otherwise recommended by police to prosecuting attorneys for indictment for a serious crime: namely, felonies or a misdemeanor involving violence, weapons, drugs, destruction or theft of property, or altercations with law-enforcement officials.

Forty percent is a stunning figure, particularly when compared to the results of a similar study I performed on NFL players six years earlier, which found that 21 percent of its players had been arrested for a serious crime. The NBA's arrest rate is roughly twice as high as the NFL's. The NBA's arrest rate is even more disturbing when one considers that it does not include players arrested for less serious offenses, such as routine traffic violations, urinating in public, violations of city noise ordinances, and other infractions. All of these cases were screened out.

Admittedly, since just under half of the league's players were subjected to a public-records check, it is conceivable that the 40-percent arrest rate for NBA players would drop if records could have been obtained on the remaining 240 players who did not undergo a records check. All unchecked players were run through LexisNexis, which tracks press reports. This process turned up an additional 29 players who had been arrested for a serious crime. These players are not included in the 40-percent figure, because police or court records were not obtained to corroborate the press reports. Nor is it accurate to suggest that merely running a player's name through LexisNexis satisfies performing a criminal-

history check on a player. Many of the players whose arrest records surfaced through police and court record checks did not surface in the LexisNexis search.

Without question, this first-of-its-kind canvassing of law-enforcement agencies and courthouses is not as thorough as the sort of official criminal background check that would be performed by law-enforcement agencies and therefore has its limitations. Nonetheless, it represents an attempt to complete a records check on every non-foreign-born player in the league. And the 40-percent arrest figure avoids minor offenses and excludes all players whose arrest history could only be confirmed by a previously published press report.

In an attempt to respond to these findings, the NBA will likely trot out the usual suspects: *faulty statistics*, “*arrests don’t equal convictions*,” and *racism*.

*Faulty Statistics.* The statistics are not faulty. They are the product of a sample predicated upon record availability, which is determined by state law and individual record-disclosure policies, as adhered to by police departments and other law-enforcement agencies. To put this in perspective, most public-opinion surveys performed in the United States sample less than 1 percent of the U. S. population. *Here almost half of the NBA population was sampled for their arrest histories.*

“*Arrests don’t equal convictions.*” This is the NBA’s see-no-evil approach to the problem. In the NBA’s eyes, arrests are not a problem unless they result in a conviction. Never mind those crime-scene photographs depicting blood on the floor and bruises on a battered woman, or the seized handgun with a player’s initials engraved on it. Of course arrests don’t equal convictions. But “not guilty” pleas don’t equal innocence. And neither the NBA nor this book can judge whether a player’s alleged criminal actions satisfy the elements of a particular criminal

statute. That is the role of the courts. Without a doubt, due process should be afforded to every player, and judgment reserved until the court process has run its course. But while justice may be blind, that doesn't mean the rest of us outside the justice system need to close our eyes to the reality playing out before us.

Who can deny that a league whose players are getting younger and richer is seeing those same players getting arrested with increased frequency for such serious offenses as rape, assault, domestic violence, illegal use or possession of guns, and use or possession of a controlled substance? Of the fifteen NBA players in contact with the criminal justice system in July 2003, only two of them saw their cases dismissed by prosecutors due to lack of evidence. The other thirteen were formally charged with crimes. One entered a court-ordered settlement and one reached an out-of-court settlement with the victim. One went on probation. Two more pleaded guilty. And two of them were convicted by a jury and sentenced. The remaining six players' cases are pending. To simply say that an arrest is not a conviction is not an adequate response.

*Racism.* When all else fails, cry racism. It is, of course, ironic when the wealthy white businessmen who, for the most part, run the NBA and its teams complain of racism. Nevertheless, it's an allegation that must be addressed. In fact, 81 percent of the NBA players sampled in this book are black; 91 percent of the players with an arrest history are black. That's not evidence of racism. That's the result of an honest, hard look at a league that is predominantly African American. A similar examination of the National Hockey League, which is composed almost exclusively of white players, would surely demonstrate that most, if not all, of its players, with a criminal history are white. There is no news bulletin in any of this.

Nor is it surprising that the NBA and many of the players featured in this book declined to be interviewed. After contacting

Damon Stoudamire's agent, Aaron Goodwin, and requesting to speak with Stoudamire about his drug arrest at the Tucson International Airport, I received a call back from Goodwin's assistant, who said: "I spoke with Aaron and he had a question. Is this an NBA-sanctioned book?" "No," I replied. "Then at this time they will decline an interview."

The message was clear: unless the NBA is controlling the message, the players won't speak. The NBA may be able to influence what its players say. But the volume of run-ins between players and law-enforcement officials indicates that the league is either unable or unwilling to control what its players are doing. And players' actions speak far louder than words. Stoudamire is a perfect example. His arrest on marijuana charges was not his first, nor even his second.

On February 23, 2002, Stoudamire's Portland neighbor called the police and reported that a home-security alarm was going off at Stoudamire's house. When police arrived, they found the front door open. Stoudamire was miles away, playing in a game at Portland's Rose Garden Arena. Following standard police procedure, officers entered the home, deactivated the burglar alarm, and searched the unoccupied home for intruders. While searching, they spotted a bag containing more than 150 grams of marijuana. The police seized it and later charged Stoudamire with a felony.

But before the trial took place, Stoudamire's lawyer challenged the constitutional grounds on which the police conducted their search, insisting that officers should have had a search warrant. The police responded that an inability to search potentially burglarized homes without first getting a warrant from a judge would compromise public safety. Stoudamire's lawyer prevailed when an Oregon Appeals Court ruled that the search was improper and therefore the marijuana was inadmissible as evidence.

The NBA's approach to this kind of case is: No conviction, no problem. But Stoudamire had a big problem. Nine months after police found a bundle of pot in his home, Stoudamire got arrested again, this time for possessing marijuana in his vehicle. On November 22, 2002, he and teammate Rasheed Wallace were on their way back to Portland following a game in Seattle. They were riding in Stoudamire's yellow Humvee, which was stocked with Smirnoff Ice, marijuana, and cigarette rolling papers, and driven by Stoudamire's friend Edward Smith.

Eighty-five miles south of Seattle, State Patrolman Rob Huss sat in his cruiser on Interstate 5, operating a radar gun just outside Chehalis, Washington. At two minutes to midnight, he observed the Humvee speed past at 84 miles per hour. Huss pulled the Humvee over and approached the passenger's side. When Stoudamire put down his window, marijuana odor poured out. Huss asked about the smell and all three men acted as if they didn't know what Huss was talking about and denied having any marijuana. Huss asked Stoudamire to step out of the vehicle.

"Man, I can't believe you're going to play it this way," Smith said.

"You have the right to remain silent," Huss said as Stoudamire got out. His eyes were bloodshot and glazed. He smelled of marijuana and alcohol. Huss asked him where the marijuana was located in the vehicle. Stoudamire hesitated, and then admitted pot had been smoked inside the Humvee. But he insisted it had all been burned up or smoked. He turned his pockets inside out, revealing only money.

A second trooper, Officer Brian Dorsey, arrived and asked Wallace and Smith to exit the Humvee. In the process, he asked Wallace about the marijuana smell.

"We had smoked a jay as we were driving down the freeway," Wallace said.



The odor was far too overwhelming to result from one or two joints. Dorsey wanted to know where in the vehicle the rest of the marijuana was hidden.

“We smoked it all,” Wallace insisted.

The smell in the vehicle was so strong that the officers could not use the K9 dog that had been brought to the scene; his senses would simply have been overwhelmed by the odor. Meanwhile, Stoudamire kept denying the presence of marijuana in the vehicle. Still, without the aid of the K9, officers found marijuana on the floorboard beneath the front seat and in front of the passenger’s-side seat, where Stoudamire had been sitting. They also found it in the glove box in front of Stoudamire’s seat, on the floor near the center console, and in the seat pouch in front of where Wallace had been seated. Stoudamire and Wallace were arrested and in March 2003, Lewis County prosecutor Jeremy Randolph agreed to place them both on probation and ultimately drop the charges if both men committed no criminal violations in any state for a one-year period.

But Stoudamire’s subsequent arrest at the Tucson International Airport threatened his probation in Washington. Stoudamire’s lawyers filed a motion to get the marijuana suppressed, arguing that the airport police conducted an unlawful search when they opened the foil without a warrant. This time it didn’t work. Arizona judge Paul Simon ruled that by entering an airport security checkpoint, Stoudamire consented to an administrative search of his person and his carry-on items. “Since the search was lawfully initiated,” said Judge Simon, “an officer need not close his eyes to evidence of other crimes which he may uncover.”

As this book went to press, prosecutors in Washington were preparing to take action against Stoudamire for violating his probation. And authorities in Arizona were preparing to prosecute him in connection with the airport arrest, for which the Blazers

fined Stoudamire \$250,000. But the team later decided that he didn't have to pay the fine; instead, he donated \$100,000 to a Portland-area child-education program.

But if the NBA finds the Stoudamire situation embarrassing, it is easy to see why the Kobe Bryant case is far more threatening. Besides being a much more serious crime, rape complaints open the door to the dark, sordid sex life of athletes, one that is rarely seen by the fans. When prosecutors in Colorado indicted Kobe Bryant, they didn't just indict the league's brightest star. They indicted the NBA culture.