

NORTH CAROLINA

DURHAM COUNTY

STATE OF NORTH CAROLINA

vs.

READE WILLIAM SELIGMANN,
Defendant.

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

FILE NOS. 06 CRS 4334-356

05 JUL 20 09 12: 59
DURHAM COUNTY, N.C.S.C.

MOTION FOR BILL OF PARTICULARS

NOW COMES the Defendant, READE WILLIAM SELIGMANN, through counsel, and respectfully moves this Honorable Court pursuant to §15A-925 and §15A-952 of the North Carolina General Statutes and the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Article I, §§19, 23, 24 and 27 of the North Carolina Constitution, Rules 3.8(a) and 3.8(d) of the Rules of Professional Conduct, Title 27 of the North Carolina Administrative Code (Special responsibilities of a prosecutor) and moves the Court to issue an Order directing the State to file and serve a Bill of Particulars setting forth factual information pertaining to the charges herein upon the grounds that the Defendant cannot adequately prepare or conduct the his defense without the information requested herein:

In support of this motion, the Defendant notes that on May 1, 2006 he filed a Motion for Recusal of the District Attorney based on prosecutorial misconduct and other strange actions on the part of DA Nifong. In this motion, Defendant set forth a complete alibi to the charges levied against him by Mr. Nifong, who is seeking elected office. The Defendant incorporates by reference herein his Motion for Recusal and all attachments thereto as if fully set forth verbatim.

The Defendant has been afforded discovery by the State, which Mr. Nifong has publically stated to the Court is all the material in his possession. The only items he claims not to have are some notes from Mark Gottlieb, a chief investigator in this case for the Durham Police Department, who has not submitted his reports in this matter even though three and one half months have passed since the alleged occurrence of these alleged offenses. The Defendant has carefully reviewed this entire discovery which consist mainly of extraneous, irrelevant material. None of the discovery shows that any crime actually occurred. In fact it shows that the accuser Crystal Mangum even stated no rape occurred, and gave approximately one dozen conflicting statements, including one story where she alleged her co-worker robbed her of \$2,000.00. The discovery provides no account of which story is going to be presented as the "true story" or how any crime could have even occurred given the number of established facts which contradict every one of Ms. Mangum's stories (except for the true story that she was not raped).

With so many different stories floating through the discovery and elsewhere, and with Mr.

Nifong having to bolster his reputation which he damaged with his premature public statements, it is essential for Reade Seligmann to have a forecast of exactly which of the many stories Mr. Nifong, on behalf of the State and in his own self-interest, will use in his attempt to falsely prosecute the Defendant.

The Defense respectfully request, at a minimum the following items of factual information pertaining to the charges herein upon the grounds that the Reade Seligmann cannot adequately prepare or conduct his defense without the herein requested information:

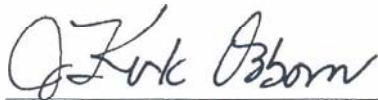
1. Exactly where, when, at what time, and how does the State contend the Defendant committed a first degree rape.
2. Exactly how does the State contend the alleged rape was committed with another person by force and against the will of the accuser; and who was this person or these persons.
3. Was a dangerous or deadly weapon or an article used during the alleged rape which the accuser reasonably believed to be a dangerous or deadly weapon employed and/or displayed; and if so, by whom was it displayed or employed?
4. Was serious personal injury inflicted upon the accuser or another person during the alleged rape; and if so who inflicted this injury?
5. Was the alleged first degree rape committed by someone aided and abetted by one or more other persons; and if so, who was this person or these persons who aided and abetted, and exactly how did such person or persons aid and abet?
6. The factual information which is the basis for the state's allegations of a first degree rape.
7. Exactly where, when and how the state contends the defendant committed a first degree sexual offense, and a specific description of the exact sexual offense?
8. Was the alleged first degree sexual offense committed with another person by force and against the will of the complaining witness?
9. Was a dangerous or deadly weapon or an article used during the alleged sexual offense which the accuser reasonably believed to be a dangerous or deadly weapon employed and/or displayed; and if so, by whom was it displayed or employed?
10. Was serious personal injury inflicted upon the accuser or another person during the alleged sexual offense; and if so who inflicted this injury?

11. Was the alleged first degree sexual offense committed by someone aided and abetted by one or more other persons; and if so who was or were the person(s) who aided and abetted, and exactly how did such person or persons aid or abet?
12. The factual information which is the basis for the state's allegations of a first degree sexual offense.
13. In regard to the first degree kidnaping charge, how does the state contend the accuser witness was unlawfully confined, restrained, or removed from one place to another,
14. Was the alleged confinement, restraint or removal for the purpose of holding the accuser for a ransom or as a hostage or using such other person as a shield; or facilitating the commission of any felony or facilitating flight of any person following the commission of a felony?
15. Was the alleged kidnaping to do serious bodily harm to or terrorize the person so confined, restrained or removed or any other person?
16. Was the alleged kidnaping to hold the complaining witness in involuntary servitude in violation of G.S. 14-43.2?
17. Was the person kidnaped released in a safe place or was the complaining witness seriously injured or sexually assaulted?
18. The factual information which is the basis for such an allegations regarding the first degree kidnaping.
19. A detailed statement of the factual information upon which the State will rely to prove each of the elements of each charge in each indictment.
20. The names, addresses, telephone numbers and current occupations of each witness the prosecution expects to call to establish each of the elements of each circumstances listed in the answer to paragraphs above, along with a statement of the expected testimony of each witness.
21. A copy of any statement obtained from witnesses regarding any charge or element of any charge in this case.
22. Any information in the prosecution's files or known to the prosecution or which with the exercise of reasonable diligence could become known to the prosecution which establishes or might tend to establish the existence of any element of any of the alleged charges.

In *State v. Hunt*, 357 N.C. 257 (2003), the North Carolina Supreme Court held it was not necessary for an indictment to contain all necessary information because there are other mechanisms in place by which an attorney can receive notice of such circumstances. One of the circumstances mentioned by the Court was a defendant's ability to request a bill of particulars as to the evidence the prosecution may seek to introduce. *Id.* at 277.

WHEREFORE, it is respectfully requested that the Court issue an Order directing the State to file and serve the above-requested Bill of Particulars.

RESPECTFULLY SUBMITTED this the 26th day of June, 2006.



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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned attorney this day served a copy of the foregoing Motion for Bill of Particulars upon the following person or to someone duly authorized to accept service for that person at the following address:

Michael B. Nifong, Esq.
District Attorney
Durham County Courthouse
Durham, NC 27701

This the 26th day of June, 2006.



J. KIRK OSBORN
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