Exonerated of rape, W.Va. athlete must deal with fans

By Ted Silary
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PHILADELPHIA -- The phone call was placed from Syracuse, N.Y., to Brooklyn in the wee hours of Sept. 22.

Evelia Kirkaldy remembers that she answered, listened briefly, then screamed.

"Your son has been charged with rape," she was told by a policeman.

"Calm down, ma'am," she says the officer responded upon hearing her anguish. "It looks like teen-agers just acting wild. I don't think you have anything to worry about."

In truth, the nightmare was just beginning for Evelia Kirkaldy and her son, Wilfred. It still hasn't ended after nearly 11 months, despite the case being thrown out of court three weeks ago, despite what the judge described as "damning evidence" against the accuser.

Sadly, the end is nowhere in sight. Onondaga County (N.Y.) Judge J. Kevin Mulroy tried to convey that when he dismissed the case July 15.

"You're exonerated, but it doesn't seem right," Mulroy told Kirkaldy in the courtroom. "Who's going to give you back your reputation? I can only set you free of the charges. I can't change how your reputation has been soiled.

"... You're the victim in this case."

What Mulroy was saying was tragically clear: The eye of the hurricane that pummeled Kirkaldy has passed, but the storm has not subsided. Kirkaldy, who starred as the sixth man last season for Philadelphia Public League basketball champion Simon Gratz, is likely to be subjected to jeers and taunting when he sets foot on the court this season for West Virginia University.

"You know what Will's problem's going to be?" WVU assistant Ron Brown said. "When a guy gets charged with rape, it's splashed on the front page. If he gets off, the story's on Page 99 out of 100. And most people don't read that far."

Road games undoubtedly will be difficult for Kirkaldy, but so far even the reaction on WVU's Morgantown campus seems to be mixed. WVU forward Ricky Robinson feels the home fans will be kind to Kirkaldy. Others, such as Dan Shrensky, a columnist for the Dominion Post of Morgantown, aren't so sure.
"I'll put it like this," Robinson told the Dominion Post. "He will definitely hear [negative crowd reaction] when we go away, but at home he won't hear anything about it. When we go to Rutgers, he will hear it. UMass, places like that."

Wrote Shrensky: "Based on comments I've heard throughout the ordeal -- even after Kirkaldy's innocence was proven -- the coliseum may not be Kirkaldy's safe haven. For the most part, insensitivity and stupidity know no bounds."

Shrensky added that he has had heard people ask in disgust, "Is that sex maniac really coming here?"

Silently, Kirkaldy waits out the storm.

"He wishes to put it behind him," Evelia Kirkaldy said, explaining that her son prefers not to comment on what has happened and what might await. "He feels badly about it. To talk about it would reopen the wounds, he feels."

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Wilfred Kirkaldy, a 6-foot-10 Brooklyn native with the build of a blacksmith, was making a recruiting visit to Syracuse when he was accused of assaulting an 18-year-old woman in his hotel room near the Syracuse campus. The woman said Kirkaldy forced her to have sexual intercourse with him after she accompanied him to his room and permitted him to perform oral sex on her.

From the beginning, Kirkaldy, now 19, maintained his innocence. He denied having sexual intercourse with the woman and told police he thought she was "one of the Syracuse basketball team's groupies, the girls who hang out with the players and do whatever they want." In April, Kirkaldy rejected a plea bargain that would have resulted in five years' probation.

"I can't swear for my kid, that he wouldn't do this or do that," Evelia Kirkaldy said. "But THAT accusation! Rape! I knew it wasn't true."

So did Brown, the WVU assistant primarily responsible for recruiting Kirkaldy. Just days after the incident, Brown, a native New Yorker who worked for nine years in the New York City court system, said he asked Kirkaldy point-blank if he had raped the woman.

"Coach, I didn't do it," Brown quotes Kirkaldy as saying.

"Will, you can be straight with me," Brown pressed. "I'm not a judge or jury."

"Coach, I didn't do it."

Brown remembers there was "no hesitation on Will's part. No batting an eye. He was poised when he said it. He was saying it out of his heart, not out of his mouth.

"It would have been easy," Brown continued, "for Will to take the plea, hop the train and get out of there with everything behind him. That shows his character right there. By taking
things further, he ran the risk of going to jail. Didn't matter. Will wanted the truth to come out."

Kirkaldy originally was charged with rape. Several months later, the charges were downgraded and he was indicted on two sexual-assault charges and one count of disorderly conduct. Two weeks before the final ruling, Mulroy dismissed all but one count of first-degree sexual assault because of insufficient evidence. On July 15, he threw out the remaining charge.

"The behavior of the people's accuser," Mulroy said in dismissing the case, "sets back the cause of all true victims of sexual assault. I had a bad feeling about this case from the beginning. It appears my feelings have been confirmed."

Kirkaldy's only public response was a short, prepared statement that he read to reporters after Mulroy threw out the case.

"I have maintained my innocence since my arrest and believe that the outcome here today now shows once and for all that I am innocent," Kirkaldy said. "This has been a heavy burden for me since last September, especially when I knew all along that my conduct was not criminal."

According to published reports, the evidence that convinced Mulroy to throw out the case was a videotape uncovered by Joseph Spadafore, a private investigator working for Kirkaldy's attorney, Donald Martin. The tape, made a week before Kirkaldy's visit to Syracuse, reportedly showed the woman discussing details of her sex life with a friend. Newspaper accounts said the woman bragged about her sexual exploits and spoke of her desire to have sex with black athletes. The tape also showed the woman laughing about having allowed a man to perform oral sex on her and then having feigned sleep to discourage him from having intercourse.

Attempts by the Philadelphia Daily News to contact the woman were unsuccessful. Rick Trunfio, chief of the Onondaga County district attorney's sex crimes unit, said his office would have no comment on the case. However, assistant district attorney Mary Felasco, who prosecuted the case, told the Post-Standard of Syracuse: "This evidence [the videotape] did not exculpate him. Absolutely not. But in the interest of justice, it made it very difficult for me to prosecute my case."

Kirkaldy very much beat the odds regarding rape. Trunfio said his office achieved an 80 percent conviction rate in 1990. "And in 1991 we're higher than that," he said.

By comparison, Dianne Granlund, who holds the same job in Philadelphia, said her office's conviction rate in 1990 was 72 percent. Once someone is arrested for rape, she said, the charge almost never gets downgraded.

"God may not come when you want him to," Evelia Kirkaldy said. "But if you pray sincerely enough, He always comes in time."

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How difficult have the past 10 1/2 months been for Wilfred Kirkaldy and his family? There is no end to the horror stories.

Before the arrest, Kirkaldy was a student at tiny Oak Hill Academy in the remote western Virginia town of Mouth of Wilson. The rules of the Baptist-affiliated boarding school, a national basketball power whose rosters have included many inner-city players looking to strengthen themselves academically, call for the immediate dismissal of any student who is arrested off campus.

Kirkaldy never returned to Oak Hill after the incident at Syracuse.