

The Times

Rider U. officials see case dropped

Students still charged in frat hazing death

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BY DARRYL R. ISHERWOOD

TRENTON -- Closing what was hailed as a watershed case for college administrators nationwide, a Superior Court judge dismissed aggravated hazing indictments yesterday against two Rider University officials in the drinking death of freshman Gary DeVercelly Jr.

Judge Maria M. Sypek granted a prosecutor's motion to drop the fourth-degree felony charges against Dean of Students Anthony Campbell and Director of Greek Life Ada Badgley, agreeing there was no evidence to prove the case beyond a reasonable doubt.

In filing for the dismissal, Mercer County Prosecutor Joseph L. Bocchini Jr. said he was ensuring that justice was done.

"This decision wasn't made lightly and came about only after an exhaustive review of the grand jury transcript and relevant case law," Bocchini said.

Bocchini, who has stressed that his office was not responsible for the charges, described himself as "taken aback" after the indictments were announced.

"The prosecutor's office and the Lawrence Police Department were not the charging authority in this case," he said. "The members of the grand jury made their own decision on who to charge."

DeVercelly died March 30 after a night of heavy drinking that was part of a fraternity pledge initiation. The Long Beach, Calif., native was 18.

Campbell and Badgley were indicted Aug. 3 along with three university students, all members of the Phi Kappa Tau fraternity where DeVercelly was a pledge.

Education and law enforcement officials have been watching the case closely as the pair are believed to be the first administration officials ever indicted in a hazing death.

Prosecutors have not said why the grand jury chose to indict the pair, but an attorney for DeVercelly's family said this week that the university has some culpability in the hazing-related death.

Yesterday, attorney Doug Fierberg said the family is "focused on healing."

"Nothing the prosecutor does or doesn't do is ever going to bring their son back," Fierberg said.

Attorneys for both Campbell and Badgley applauded the judge's decision and both said Bocchini made the right move in asking for the dismissal.

"I've reviewed the grand jury transcripts and they are devoid of any valid legal or factual basis for the charge against Dean Campbell," said attorney Rocco Cipparone after the hearing. Cipparone said he remains puzzled as to why the grand jury chose to indict Campbell, who prosecutors have said was not present during the party where DeVercelly allegedly drank more than half of a bottle of vodka and did not witness any hazing.

David Laigaie, the Philadelphia attorney representing Badgley, said he also is unaware how a grand jury could have found evidence against Badgley.

"Ms. Badgley did not commit a crime and she should not have been charged with a crime," Laigaie said, adding that Badgley was not on campus when the hazing allegedly occurred and had no idea the unregistered party was going on.

Both Campbell and Badgley have been on paid leave while they prepared their defense, but both attorneys said their clients would be back at work this week.

Also charged were three students who were all officers in the fraternity where DeVercelly was a pledge. Indicted were student house manager Adriano DiDonato, 22; fraternity president Michael Torney, 21; and pledge master Dominic Olsen, 21.

All three have pleaded not guilty. They face a maximum penalty of 18 months in prison and a \$10,000 fine if convicted.

Charges against the three students will remain in place, Bocchini said, adding that he is comfortable bringing the cases to court.

The motion filed with the court offered a detailed narrative of a three-night pledging ritual, which culminated with "Big Little Night" where DeVercelly drank the "family alcohol" with their fraternity big brother and other pledges.

DeVercelly reportedly drank Absolut Citron vodka alongside big brother Vincent Calogero, pledge Kevin Malinowski and Malinowski's big brother, Devin Marcus. According to the motion, Calogero had only one shot, which he later spit out, Marcus did not drink and Malinowski drank "four or five shots."

Prosecutors said DeVercelly then took the bottle and drank a shot every minute and a half to two minutes for about 25 minutes, finishing three quarters of the liter bottle on his own.

DeVercelly lost consciousness and eventually went into cardiac arrest. Paramedics rushed the freshman to the hospital, where he died on March 30. An autopsy revealed a blood alcohol content of 0.426.

After the five indictments were announced, Bocchini said he and four assistants met to review the grand jury transcript. Bocchini expressed some annoyance when asked why he took three weeks to request yesterday's dismissal, saying ordering and reviewing the transcripts took time.

"If you're suggesting this took a long time, I don't understand that," Bocchini said.

Campbell and Badgley each received support from within the academic community in the form of letters and e-mails to the campus and a page on the Web site www.facebook.com. That backing was evident yesterday as supporters cheered the court's ruling.

"Needless to say, the dismissal of the charges against our colleagues was very welcome news," said Rider President Mordechai Rozanski. "We are pleased by the prosecutor's motion and the judge's decision to dismiss the charges."

Across the country, college administrators watched as the case played out, wondering what effect the indictments might have on fraternity relations.

"There was a huge collective sigh of relief across the higher education landscape," said Kyle Pendleton, president of the Association of Fraternity Advisers and dean of students at Purdue University in Indiana.

Rider University graduate Cathleen Ziegler, who was the founder of the facebook site in support of the two administrators that boasts more than 1,500 members, also expressed relief at the news.

"I was absolutely thrilled," she said. "I'm thrilled for the both of them that they can now move forward and put this behind them."

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