

# Lawyers file for Bryant accuser's medical records

By Jon Sarche  
THE ASSOCIATED PRESS

DENVER — Kobe Bryant's lawyers have subpoenaed a hospital to see his accuser's medical records — the first indication they might make her mental health an issue if the sexual assault case against the NBA star goes to trial.

The subpoenas were disclosed in a court filing by a hospital in Greeley where the 19-year-old accuser was treated in February after police at the University of Northern Colorado determined she was a "danger to herself."

Campus police have refused to say whether the woman attempted suicide, saying only that the hospitalization was for a mental health issue.

Attorneys for the North Colorado Medical Center and its psychiatric care center asked a judge to quash the subpoenas and destroy the records already sent to him, citing medical privacy laws.

The woman's attorney told the hospital she has "explicitly not waived her medical privilege," the filing said.

Calls to the accuser's attorney and Bryant's defense team were not returned Tuesday. Attorneys for the hospital also did not return a call.

Bryant is charged with sexually assaulting the Colorado resort employee June 30. The Los Angeles Lakers star has said the sex was consensual. An Oct. 9 hearing will determine whether there will be a trial.



BRYANT

Information about the woman's mental health might never be presented to the jury if the case goes to trial, a legal expert said.

"Whether that would be allowed depends on whether there's anything else there other than (attempted) suicide, some other indication of mental instability or something that would point toward her being an unreliable observer or witness," said Christopher Mueller, a professor at the University of Colorado law school.

Meanwhile, an Iowa college student pleaded innocent Tuesday in federal court in Denver to making a death threat against Bryant's accuser in a profanity-laced telephone message last month.

John Roche ignored reporters outside the courtroom. He remains free on \$250,000 bail.

U.S. Magistrate Patricia Coan barred Roche from drinking alcohol and limited his travel to Colorado and Iowa. A Nov. 3 trial was scheduled.

Roche's attorney, Nathan Chambers, said there was a good chance of a plea bargain, but he would not elaborate.

Some Web sites have disclosed the identity of Bryant's accuser, and the judge in the case has said some letters sent to authorities included death threats. Also, the father of Bryant's accuser called police at least twice in recent weeks to report suspicious incidents.

Roche, a University of Iowa student, is accused of leaving a message on the woman's answering machine July 27. The caller threatened to assault the woman with a coat hanger and repeatedly vowed to kill her.

If convicted, Roche could get up to five years in prison and a \$250,000 fine.

A friend of Roche has said Roche is a "sports fanatic" who had been drinking all day at a golf tournament when he allegedly made the call.

**AGGIE SPORTS IN BRIEF**

**Flemming to undergo season-ending surgery**

Texas A&M tight end Patrick Flemming will undergo shoulder surgery within the next two weeks, which will sideline him for the season. This is the second time that Flemming will have to undergo surgery for his shoulder.

**Aggie All-American tries for US team**

Former Texas A&M All-American catcher Selena Collins was chosen to compete, along with 45 other players, for spots on the USA Softball Women's National Team that will participate in the 2004 Olympics. Collins completed her eligibility last season after starting

behind the plate for four years. Collins was honored as an All-American in 2002 and was named the Big 12 Player of the Year.

Tryouts began Tuesday and will run through the week. An initial list of 18-players will be announced on Monday, Sept. 8.

The official Olympic roster consists of only 15-players; three players selected will be named as alternates.

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