

# THE COMEBACK KID





## The elusive events of one May night almost altered the rest of his life. Sexual assault charges loomed as his name appeared in media across the nation, prompting the community he grew up in to turn its back. Ethos reveals the man behind the dropped allegations.

**O**n a cool Saturday afternoon in January, inside the cement walls of Hilton Coliseum, the sell-out crowd roared as it rose to its feet. A junior guard removed his red long-sleeved warm-up jersey and took his first step onto the sacred cardinal-framed court. He was a homegrown kid, a product of the Catholic church and a loving mother who kept him on his toes. He was a key player on the local high school basketball team, cultivated into a valued competitor at the collegiate level. And, nearly five months prior, sexual assault charges threatened to take it all away.

**Yempabou “Bubu” Palo flexed his athletic muscle at a young age.** He shot a basketball at anything with a rim and dribbled self-made obstacle courses snaking through the family’s Ames apartment. When laundry baskets no longer sufficed, his parents went to Toys ‘R’ Us and bought a plastic hoop. The hoop was his comfort; Palo dragged it with him wherever he went. It became a symbol of his persistence—it survived two moves and, to this day, remains in the basement of the family’s home in North Ames. “He would not let that go,” Jessica, Palo’s sister, says. A wire hanger meekly holding it together, Palo still drags the hoop out to play on the occasional visit home.

On the run between soccer, basketball and baseball practices, Palo rarely had time for much else other than sports. His dream of reaching Eagle Scout status, inspired by his older brother Pierre, was cut short as he couldn’t dedicate the time to earn the necessary badges.

Palo gave whatever spare time he had to his church, greeting members and passing out liturgy at weekly services. The family’s heavy involvement in the church ingrained lessons in Palo and his siblings, lessons their mother, Berthe, didn’t take lightly. Originally from Burkina Faso in West Africa, Berthe comes from a tight Catholic family.

“Something I did not compromise was being respectful of any human being and [to] be there for others,” Berthe says. “That’s how I was raised. Be very sensitive to the needs of others.”

Born into middle-class Ames, Palo never experienced the poverty of his family’s native third-world country. Back home, Berthe told him, children walked miles to get to school where they might not even be served a meal. Palo was humbled, taught to never take what his parents provided for granted. “I let [my children] know what they have here as opposed to what it is like [in Burkina Faso],” Berthe says.

Berthe stressed the importance of school, making it clear that no matter how much athletic talent he had, an education was the way to make it in life. Palo was an intelligent child, but Berthe never let him become too comfortable in his ability. Rather than applauding a 95 percent on a hard test, Berthe would turn around and ask what happened to the other 5 percent. “[My parents] always shaped me to try to be the best person I can be and to put my best foot forward,” Palo says. “Always wanting people to remember [me] for being a better person rather than [my] sports or whatnot.”

Soon after graduating from Ames High School, Palo’s childhood friend Spencer Cruise was arrested for assaulting a police officer attempting to break up a party at Cruise’s home in 2009 (Cruise reportedly body slammed and attempted to turn the taser on the police officer). Palo and Cruise met at a young age, playing on the same sports teams. They became fast friends and would stay over at each other’s houses for days on end. The two stayed friends up through high school, when different sports interests—Palo basketball and Cruise football—temporarily wedged their relationship.

When Cruise went through that trying time in 2009, Palo stood by his side. “A lot of people shied away from him,” Palo says. “I stayed by his side as I realized that, you know, some people make mistakes or whatnot, but to stand by his side really helped him.”

**Palo was the underdog.** Basketball didn’t come easy to him; rather, he was a natural-born soccer star recruited to play at the University of Cincinnati and Drake University, both D1 schools, with promising athletic scholarships at each. Basketball was work.



Palo in second grade before his first communion.  
Photo courtesy of Palo

Then-ISU men's basketball head coach Greg McDermott had seen Palo's performance on the court at Ames High—Creighton star Doug McDermott, coach McDermott's son, was Palo's teammate on the state championship-winning team—and offered him a spot as a walk-on in 2009. Never one to shy away from a challenge, Palo turned down all scholarship offers for the chance to don the cardinal and gold jersey.

A promising reserve guard, Palo averaged 3.4 points and 14.1 minutes per game in the 2010–11 season (he redshirted the 2009–10 season). He brought his signature calm to the game and, according to roommate and junior forward Melvin Ejim, worked hard from his first year of play to become one of the team's most improved.

As much a force in the classroom as on the court, Palo made first-team Academic All-Big 12 selection last season and second-team in 2011. His dedication and performance on and off the court earned him an athletic scholarship courtesy of head coach Fred Hoiberg in 2012. "I just felt Bubu was a big part of what we were doing," Hoiberg says. "He always does the right thing in the classroom and he was playing a big role for us, so I really thought he earned and deserved that scholarship."

Palo continued to be a strong force coming off the bench in the 2011–12 season, backing up Royce White, NBA's Houston Rocket's 2012 first-round draft pick. He could bring the sometimes-offensively-anxious team to focus. Palo was a savior when the Cyclones got into turnover trouble, says Hoiberg; he came off the bench to calm the team down and transition into an attacking offense.

"I've always been very impressed with Bubu," McDermott says. "He was always a player that put his team first and exhibited great leadership from the point guard position."

His stern focus is evident in his lack of visible emotion. He doesn't take time to celebrate a basket or steal. Fans and family caught a rare glimpse of excitement after upending the then-No. 1-ranked University of Connecticut in last year's NCAA tournament. "I was really happy to see him get excited, because you don't see Bubu let go," Berthe says. "When he was dribbling you could see he was ready to celebrate and then I saw him dancing in the locker room. You don't get to see that side of him. He's always just so content."

**Early in the morning of Friday, May 18, 2012**, a female and her boyfriend sat at the hospital awaiting the results of a sexual assault screen. It was a calm spring day, warmer than average for the middle of May. The semester had ended two weeks prior and Ames had begun to return to its slightly slower summer pace as students migrated to spend their breaks anywhere but here.

## TIMELINE OF EVENTS 2012–2013

**MAY 21**

*Search warrants are executed on Palo and Cruise's homes. Condoms pulled from the scene of the alleged assault—located at a third residence on Oakland Street—are sent to the Iowa Division of Criminal Investigation lab for DNA analysis.*

**SEPTEMBER 5**

*Results from the DCI lab confirm the DNA on the condoms is that of Palo and Cruise. Charges are filed against them.*

**MAY 18**

*Female reports sexual assault. Bubu Palo and Spencer Cruise are named suspects.*

**MAY 28**

*Female washes the shirt that she wore the night of the alleged incident, according to the female's mother's deposition in late December.*

**SEPTEMBER 7**

*Palo and Cruise turn themselves in on allegations of sexual assault. Initial pre-trial hearings are held. Palo is released on bond with a no-contact order. Palo is suspended indefinitely from the Iowa State men's basketball team consistent with Iowa State University policy.*

Just a few hours earlier, the female—a friend of Palo's from Ames High whose name has not been released to the press—called Palo and Cruise for a ride home from the bars. The trio ended up at a residence on Oakland Street owned by Cruise's family and the female agreed to go inside. Once inside the home, according to the female's statement to authorities, Palo and Cruise each sexually assaulted her.

Three days later, on May 21, a search warrant was executed on the residence in question as well as the homes of Palo and Cruise. Palo and Cruise's cell phones were confiscated as evidence and condoms collected from the location of the alleged assault were sent to the State of Iowa Department of Criminal Investigation lab for DNA testing. The case went on hold for four months pending the DNA test results.

On Sept. 5, the results from the DCI lab confirmed the DNA on the condoms was that of Palo and Cruise. Official charges were filed and arrest warrants were issued for both men two days later, to which Palo and Cruise turned themselves in. Palo was released after an initial pre-trial hearing later that day with a no-contact order and a monitoring tracker around his ankle.

In one day, Palo was stripped of his freedom and suspended from the ISU men's basketball team per University policy. The community he grew up in, the people he had known all his life, turned their backs on him; some literally walked the other way when they saw him on the street. "I've been held in pretty high regard, respected as a hometown kid," Palo says. "Not knowing what people were thinking about me was pretty tough. People you see your whole life or people that you've grown to know ... to not necessarily know what they were thinking, if they believed what the media was saying or think that they would know the true person that I was. [I hope they] know that I would never commit such a crime."

Palo and Cruise each pled not guilty to two counts of sexual assault in the second degree (one account

for performing a sex act by force or against one's will, and a second for aiding and abetting). The charges—both Class B felonies—are each punishable by 25 years in prison. Many times, when people are charged as co-defendants, "one turns on the other," Matthew Boles, Palo's attorney, says. That wasn't the case with Palo and Cruise. If anything, the incident brought the two closer together. "He was the only person that, for the most part, could understand what I was going through," Palo says. "He was there for those depositions, he had a tracker on his leg, he would go in the public and he'd see those people look at you or shy away. He could understand what I was feeling."

The depositions began and, according to Boles, Palo maintained his innocence through and through. His positive attitude never faltered and he kept up with his coursework, despite missing several classes due to court conflicts. "A lot of people, they would never know," Palo says, "but when I was going through my struggle, they would just give me a nice little wave—they didn't know how much that meant to me."

As summer turned into fall and the men's basketball team began regulation games, Palo was isolated, confined under strict bond orders. He focused on his academics to keep him busy. When he wasn't at hearings or in the classroom he was in the gym maintaining his athleticism. Ejim was there at the end of a bad day to cheer him up with the crack of a joke. The coaches and rest of the team sent texts encouraging him to keep his head up and prepare for the day he is able to join them again.

And when none of that was enough he turned to God to guide him through. He prayed daily, for his own clarity and the well-being of those involved in the case. He called his mother almost daily, praying for her emotional strength to prevail and for an end to the draining process. "I drew strength from him," Berthe says of her son. "His attitude led me to change my attitude and become a much better person. I stopped focusing on the negative and I focused on, 'OK, let me not be judgmental. Let me pray for her and her family.'"

## SEPTEMBER 18

Matthew Boles, Palo's attorney, enters written pleas of not guilty to two counts of sexual assault in the second degree on Palo's behalf.

## NOVEMBER 20

Palo's hearing is rescheduled to Dec. 11 to combine with co-defendant Cruise's hearing.

## DECEMBER 3

Boles and Joe Cahill, Cruise's attorney, file motions to send shirt to expert Chesterine Cwiklik for analysis.

## JANUARY 10

Cwiklik is deposed. She states that it is scientifically impossible for the shirt to have been torn before being washed.

## SEPTEMBER 24

Jury trial is scheduled to begin Nov. 27.

## DECEMBER 1

Female finds formerly misplaced shirt. Shirt is obtained by the county attorney's office as additional evidence.

## DECEMBER 4

Jury trial is rescheduled for Jan. 22.

## JANUARY 14

Prosecutors dismiss all charges against Palo and Cruise. Palo is reinstated to Iowa State men's basketball team consistent with Iowa State University policy.





Palo and Ejim (left) shoot around after practice.

In December, Palo got the answers he had so desperately sought. The female was deposed for two days, during which she stated that she had washed the shirt she wore the night of the incident and then misplaced it. The female found the shirt in a drawer at her mother's house the day after her deposition, five and a half months after the alleged incident. When the shirt was presented as evidence on Dec. 1, 2012, a 5- to 6-inch-long tear gaped across the front. The female's boyfriend had come to her residence after the alleged assault, where, according to Boles, the two remained for approximately an hour before deciding to go to the hospital. According to Boles, the female's boyfriend, the sexual assault nurse and case detective Suzy Owens all testified the tear was not there that night at the hospital.

Finding the mismatch of the new evidence and subsequent depositions troubling, Boles motioned for the shirt to be sent to Chesterine Cwiklik—owner of Cwiklik & Associates, a microscopy and forensic consulting lab in Seattle—to be analyzed.

**The case never made it to trial.** Scientific analysis, Cwiklik deposed, determined it was impossible the shirt had been torn before laundering. Prosecutors concluded the female had manufactured the evidence, stories became muddled and the female's case fell apart. The charges against Palo and Cruise were officially dropped Jan. 14, freeing the two of all legal consequences and allowing Palo to be reinstated to the basketball team. "I didn't do anything wrong," Palo says of that May night. "There's a lot written

about me that's false ... It's still kind of tough to think that someone could put someone through that. I'm still coping with forgiving her and moving on."

Twelve days later, on Jan. 26, Palo made his home court return against the Kansas State Wildcats. Adrenaline coursed through Palo's veins causing his already heightened emotions to soar as he sat on the familiar bench. He was ready for his turn in the ball game, and he soon got it to a standing ovation from the crowd. It was the reassurance he needed to calm his nerves and the welcome he wasn't sure he would receive. "It took me awhile to calm down," Palo recalls of his first game back in the 2012-13 season.

The Cyclones defeated the No. 11 Wildcats that day and continued on to an impressive 87-81 road win over Baylor two weeks later, a feat ISU hasn't been able to pull off since 2000. The fourth top-scoring team in the nation—with a season average of 79.6 points per game—finished the season with a 23-12 overall record, including an invitation to the NCAA tournament for the second consecutive year. After defeating Notre Dame in the Round of 64, a controversial buzzer-beater loss against Ohio State ended the team's run in the tournament. It was a heart-wrenching loss after a hard-fought game. Palo played crucial minutes, spending his last seconds of the season he almost missed on the court.

"I think he showed a lot of people around here, especially on the team, how not to let something



**“He’s getting back to the normal Bubu and that’s great to see.”**

**—Melvin Ejim**

like this affect what’s going on in your life,” Ejim says. “This is his community and he’s seen the types of things people have said about him or done toward him ... but I think for the most part he’s coming back around and he’s definitely not down anymore. He’s getting back to the normal Bubu and that’s great to see.”

Four months ago he dreamed of working on Wall Street after graduation (Palo has one more year of play at Iowa State, expecting to graduate May of 2014). Today he aspires to help those in a similar position in which he found himself: in trouble with little resources to hire help. He saw how the justice system works and understood the need for change. “We talk about how some people end up where they are just because they didn’t have the means to pay for decent lawyers,” Berthe says. “He’s a lot more compassionate and more inclined to be an active citizen than before. I was touched by how much [the incident] changed him.”

The trivial joys of life fell to the background as Palo refigured his priorities. “[I’m] definitely just going to make the most of my second chance and just appreciate [my life] more,” Palo says. “Just take this experience and turn it into a positive, whether it’s able to help other people or whatnot. Now I have a deeper compassion for other people. Maybe it’s not the same struggle, but I can sympathize when they’re really down, [when] they don’t know if they’re going to make it.”

Today he is in a better place. The warm welcome he got during his first game back is fresh in his mind; those first minutes of play were of hope, redemption, acceptance and support from the community he loved. It was his first taste of the fast speed of play in nearly a year, making it that much harder to slow his adrenaline. He took to the bench after four minutes, giving him a chance to clear his thoughts and settle his nerves.

“It finally slowed down,” Palo says. “I was back to normal.”

