

The state vs. Jenny Doe

DA's office goes after 15-year-old sexual assault victim.

Jenny Doe was 10 days past her 15th birthday and a virgin when she went with friends one afternoon last December to a house in a community outside Madison. There a boy, also a juvenile, had sexual intercourse with her, allegedly against her will. Doe (a pseudonym) promptly reported the assault to police. That's when her troubles really began.

As *Isthmus* reported last month, Dane County Assistant District Attorney Lana Mades charged Doe with criminal obstruction because the police felt she gave conflicting accounts of the assault. At a March 15 trial, Judge Maryann Sumi dismissed the charges after the prosecution rested its case, saying it failed to prove that Doe intended to deceive anyone.

Last Friday, Judge Sumi allowed *Isthmus* to review a transcript of this proceeding. It shows that the discrepancies in Doe's story as identified by several law enforcement officers who took the stand, border on the trivial. Two of the biggest: Whether she was pushed onto a bed, or sat down with the boy's hand pressing on her shoulder;

and whether or not she left the room wearing another shirt because the first one was ripped.

Meanwhile, police testified that the boy admitted Doe's most pertinent charges, that he pressured her into having intercourse, ignored her repeated appeals to stop, and cupped his hand over her mouth to keep her from screaming. The boy, according to a juvenile court official, is facing charges related to the assault.

Under questioning by defense lawyer Sandra Holtzman, one investigating detective agreed there was no real inconsistency between Doe's initial claim that she was forced to have sex and her subsequent admission that she gave in. "She never said she agreed to have sex, did she?" Holtzman asked. "No," he answered. Other discrepancies, Holtzman argued, owed to understandable confusion, the unreliability of other witnesses, and the presence of Doe's father during the initial interview.

In February, two days after a pretrial conference on the obstruction charge, Doe's father allegedly beat her up while calling her a slut. He is

now facing felony child-abuse charges, and the state is seeking to put Doe into protective custody. But even this tragic turn did not stop Mades from trying to secure a criminal conviction.

Defense attorney Holtzman, in court, called the charges "egregious and inexplicable." Judge Sumi, noting that despite the inconsistencies Doe apparently endured "a horrible sexual assault," was also perplexed: "I have a lot of questions about why the state would bring this matter, but that is not my role."

Mades' supervisor, Deputy District Attorney Mike Walsh, says his office considered appealing Sumi's dismissal but decided "it was pointless to even make the effort" because double jeopardy provisions would probably apply.

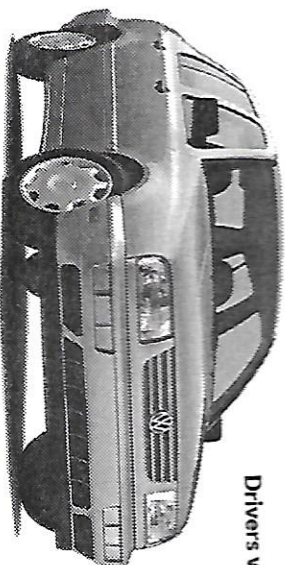
BOARD GAMES. Two Henry Street businesses, Minnosa Bookstore and Home Environment, last week each got their third in a recent flurry of \$67.75 citations for setting out, as they have for years, unobtrusive sandwich board signs to draw people from State Street.

Susan Schmitz, president of Downtown Madison Inc., has urged city officials to "call off the dogs" until a solution can be found. "Actually, I think these sandwich board signs down that street are terrific, since you can't see those stores otherwise," she says.

Mayor Sue Bauman cites a recent opinion by City Attorney Eunice Gibson that a proposed ordinance to exempt these sideboards would run afoul of state law. (Check Document Feed at www.thedailybea.com.) But why can't the mayor simply instruct zoning inspectors not to write tickets unless someone complains?

Bauman, in response, suggests there *have* been complaints, although she's not sure from whom. Pete Larison, the zoning inspector writing the citations, concurs that his enforcement sweeps are complaint-driven.

On closer inspection, however, it seems that the key word here is "sweeps." Enforcement records show that the three recent citations to Home Environment and Minnosa, as well as tickets to several other downtown businesses, were prompted by a March 2 complaint about signs boards in front of Grace Episcopal Church,



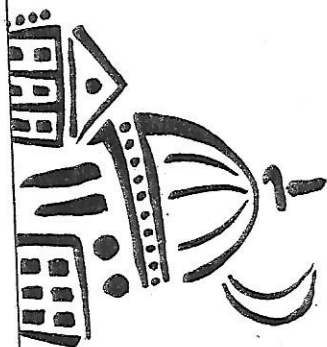
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| '97 Golf GL \$12,490
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<small>white, auto, 29K</small> |
| '98 Golf GL \$13,990
<small>blue, manual, 32K</small> | '98 Jetta GLS \$14,990
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| '98 Jetta GLS \$15,990 | |

ON THE TOWN

By BILL LUEDERS



Larison explains that it is not within his power to revise enforcement policies. Which brings us back to: Why can't the mayor tweak those policies to stop the tickets? Responds Bauman, "I don't think we can say, 'Do not enforce a valid order.'"

Anyone for a group scream?

CITY WINS! A Dane County judge last week threw out a lawsuit against the city of Madison from Jose Camacho, whose stolen car was recovered by police only to be given to a salvage operation instead of returned to him. (The case and lawsuit have been the subject of several items in *Isthmus*, going back to 1997.)

According to a partial transcript provided by the court reporter, Judge John Albert concluded "it doesn't appear that the city is following its own ordinance" requiring that recovered vehicles of a certain value be auctioned rather than junked. But Albert nonetheless ruled that the officers enjoyed "good-faith immunity" for their actions under existing case law.

"I guess if this were a class-action on behalf of people whose vehicles were paraded out by Schmidt's [auto salvage] instead of auctioned, I would have to take a look at that," said Albert, "but I don't see that that's the focal point of this lawsuit."

Attorney Guy Du Beau of Axley Brynson, representing the city's insurer, insisted Madison's policies are not amiss, saying "nobody has ever abandoned a Lexus, only to find that it's