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DA's office explains

*Why it charged 15-year-old victim,
and still thinks it was right.*

The Dane County District Attorney's Office makes no apologies for its failed attempt to prosecute a 15-year-old sexual assault victim for obstructing (lying to) an officer. It thinks it made the right call, and, given the same set of circumstances, might do the same thing.

"Did we think it [the obstruction charge] was deserved? Yes we did," says Deputy District Attorney Mike Walsh. "Would we charge again? I think maybe. Is it something reasonable people can differ on? Yes."

Walsh, joined by DA Brian Brophy, made these comments during a recent 90-minute meeting with an *Isthmus* reporter and Moira Cue, a Madison resident who circulated a petition after reading an account of the case in April. The meeting was the result of Cue's persistent efforts to get the DA's office to follow through on its public promise to explain this prosecution; the *Isthmus* reporter came at her request.

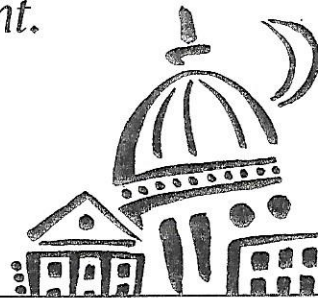
According to Walsh, details of the Dec. 13 assault given by the girl to police were contradicted by her friends, who had no motive to lie and, he feels, could not have been mistaken. The next day, he says, the girl changed her story and admitted "I lied."

In fact, the girl denied making this admission, and never retracted her central charge that she was forced to have sex. (Besides, as a 15-year-old, she was too young to give legal consent.) Judge Maryann Sumi, who dismissed the case at trial, found no proof the girl intended to mislead police and said there were other "plausible reasons" for any inconsistencies, none of which obviated that "a horrible sexual assault" had taken place. Sumi questioned why the charges were brought in the first place, as has DA candidate David Karpe, who is seeking the Democratic nomination to run against Republican incumbent Brophy.

Walsh says that, as a result of the girl's initial account, the 15-year-old boy she accused was charged with second-degree sexual assault, later reduced to third degree. The boy, who admitted to police that he continued to have sex after the girl asked him to stop and that he cupped his hand over her mouth, was eventually convicted of this lesser charge. (Ironically, although the boy at first flat-out lied to police, he was never charged with obstruction.)

Cue, after hearing Walsh and Brophy out, allowed that the case was more complex than she had known but still felt it represents a poor use of prosecutorial resources. But the prosecutors said the office relies on the credibility of sexual assault victims and could not let the girl's misstatements go unpunished. What if she never changed her story, and the boy was falsely convicted of the more serious charge?

ON THE OTHER HAND: If the DA's office is so concerned about false statements that get people in trouble, why has it not filed obstruction charges against Bruce Carl? As *Isthmus* re-



ON THE TOWN

By BILL LUEDERS

trial knowing full well the written statement he gave was false."

Perhaps the key difference between this case and the one involving the 15-year-old girl has to do with the wishes of police. The cops wanted the girl charged, while the officer who took Carl's false report is, according to Miller, a "bully with a badge" who has it in for his client.

THE WAITING IS THE HARDEST PART: Rebecca Margiotta, a disabled professional who says she's in danger of becoming homeless, was heartened to see an ad in *Isthmus* proclaiming, "Now Available" over the words "Affordable subsidized housing." But when she called the Madison Community Development Authority, which placed the ad, she was told that it would take two to six months just to screen her for tenancy.

"It's the old bait and switch," says Margiotta. "They should say: 'Now Available, an opportunity to be on a waiting list.'" And while Margiotta understands that tenants must be screened, she thinks the amount of time the CDA requires "limits access to the service they are providing."

CDA Housing Operations Unit director Deborah Garrett Thomas and operations analyst Bertha Gaona say it often takes less than two to six months, but the agency doesn't want to promise a timeline it can't deliver. It says it must check applicants' criminal history, past employers, and landlords from the last three years to comply with federal rules and to protect existing tenants. And, they say, there is no intention to mislead: About 40 of the CDA's 869 units are open, and tenants are being sought.

Says Gaona, "We're in the business of housing people, not keeping them out of housing." Yet federal auditors have repeatedly criticized the CDA for its sluggish turnaround times in filling vacant apartments.

FOR YOUR INFORMATION: The excellent Almanac in *Isthmus'* superb Annual Manual, published last week, states that the Madison Public Library in 1999 fielded 256,414 reference calls. But, as readers with eidetic memories no doubt noticed, this is several thousand less than the year before. In a growing city, in the age of in-