

Assault

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predator, and the nature of his conviction should put anyone on notice of this."

Eugene Police Sgt. Rick Gilliam, who investigated the crime, said this kind of situation has happened before. Some sexually motivated crimes slip through the cracks of the sexual abuse classification.

In 1998, 83 cases of sex abuse were reported in Eugene, compared to 73 cases in 1997, said Sgt. Ron Roberts, supervisor of the Eugene Police Department's violent crimes unit. But, he added, the number does not reflect crimes that are sexual in nature but do not fall under the definition of sex abuse, he said.

"I think that when a crime is sexually motivated, the laws should apply. When you have somebody ejaculating bodily fluid, that should be upgraded to sexual abuse," Gilliam said.

Both he and Graebner said they would like to see the law changed.

"This crime — the act of what [Vasquez-Sanchez] did — is just as offensive as if he touched her," Graebner said. "It's equally as alarming and as intrusive."

No proposals to implement such a change have been introduced in the Legislature, said Floyd Prozanski, state representative for District 40, which includes the University. He said he was unaware that people have found the laws inadequate.

"No one brought this to my attention," he said.

One concern with changing the law is the question of whether the definition of sex abuse would be altered or whether a new law would be created. Another issue is where the punishment for this crime would fall on the spectrum.

Before considering a change in the law, Prozanski said, he would want to examine the laws already on the books and hear testimony from professionals who deal with sex offenders to make sure current statutes are inadequate.

John Horton, legal counsel to the Oregon House Judiciary Committee on Criminal Law, agreed that to his knowledge the Legislature has no such laws in the works. But although he does not speak for the committee, he believes the law should reflect the sexual nature of crimes such as Vasquez-Sanchez's.

"I've seen so many situations where someone will, through masturbation or some inappropriate sexual display, be very offensive and have sexual gratification," Horton said.

Although the offender in such a case can usually be charged with a lesser crime such as harassment or criminal trespass, "the punishment does not fit the severity of the crime."

Crime and punishment

Based on Vasquez-Sanchez's case, sentencing guidelines called for 19 to 20 months in prison. Graebner argued that the circumstances of the crime demanded a heavier sentence. He advocated the maximum for Burglary I: 40 months in prison.

But the defense contended that Vasquez-Sanchez's actions were motivated by alcohol and that he lacked intent to commit the crime.

Vasquez-Sanchez had been celebrating Cinco de Mayo and had been drinking that night, the defense argued. They called witnesses who testified that they saw him drunk that night.

But Sara said his behavior when he left her room was far from that of a drunk person, and the police report showed no indication that he had been drinking.

"He knew where he was going," she said. "He immediately ran down the hall when I saw him. That's not something a drunk person would do. If he was drunk, he would have been confused and disoriented and making noise."

Defense attorney David Phillips declined to comment on the case.

Even if Vasquez-Sanchez was drunk, Graebner said, alcohol is not a mitigating factor.

"There are plenty of intoxicated students, but they don't go around ejaculating on people," he said. "Their judgment may be impaired, but that doesn't mean they do it because they're drunk."

"That doesn't mean they're not predisposed to doing this — the seed is still there in them. Their inhibitions are just lowered."

Lasting effects

What Sara finds especially disturbing about this situation is that Vasquez-Sanchez didn't seem like the type of guy who would commit such a crime.

"If you looked at his life, you would never be able to tell this is a problem," she said. "In general,

he's not a bad person."

Hernández agreed that Vasquez-Sanchez's behavior seems out of character.

"He was one of our better students — there was no indication that he had any other problems at all," Hernández recalled. "He was very friendly and respectful. At first I thought they got the wrong name."

The HEP program, which brings people who have not completed high school to the University to help them get their GEDs, screens all of its applicants for crime records. Except for one DUI, Vasquez-Sanchez's record was clean.

The program had no way of knowing Vasquez-Sanchez would pose a threat to students on campus, Gilliam said. He believes this case is an anomaly.

"They're generally pretty tightly run, they are really trying to carefully screen people," he said. "This shouldn't reflect on the program."

Sara doesn't blame HEP or the University for what happened.

"It could have been anybody," she said. "I had to tell myself that over and over."

Sara has since graduated from the University and moved from Eugene, but the crime has left a lasting effect. She finds herself turning her head while she walks down the street or looking in the back seat before she enters her car. And she still doesn't sleep soundly.

"I feel a lot safer than I did," she said. "At one point, I would freak out all the time."

Sara said the trial put her through hell, and one recurring theme she kept facing in court was the question of how much. How much damage did Vasquez-Sanchez do to her dorm room? How much was stolen?

But no dollar amount can cover the sense of security Sara lost when Vasquez-Sanchez masturbated in her bedroom, she said.

"The judge kept bringing up the monetary value. But how do you put a price on that? I would have given anything for this not to have happened. If he took away everything in my room, I still would have come out on top."

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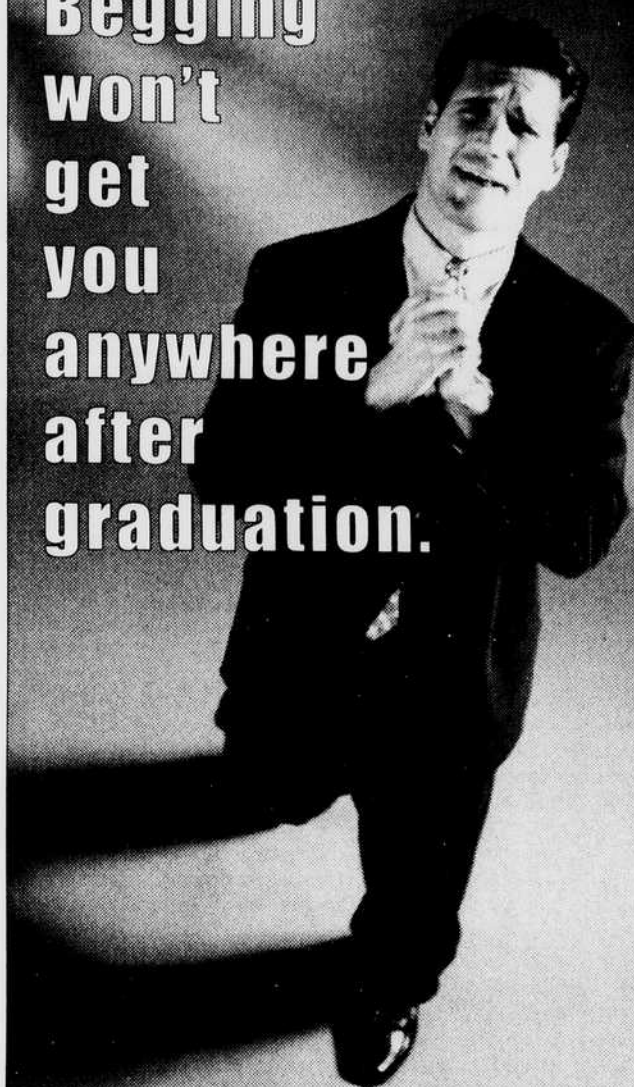
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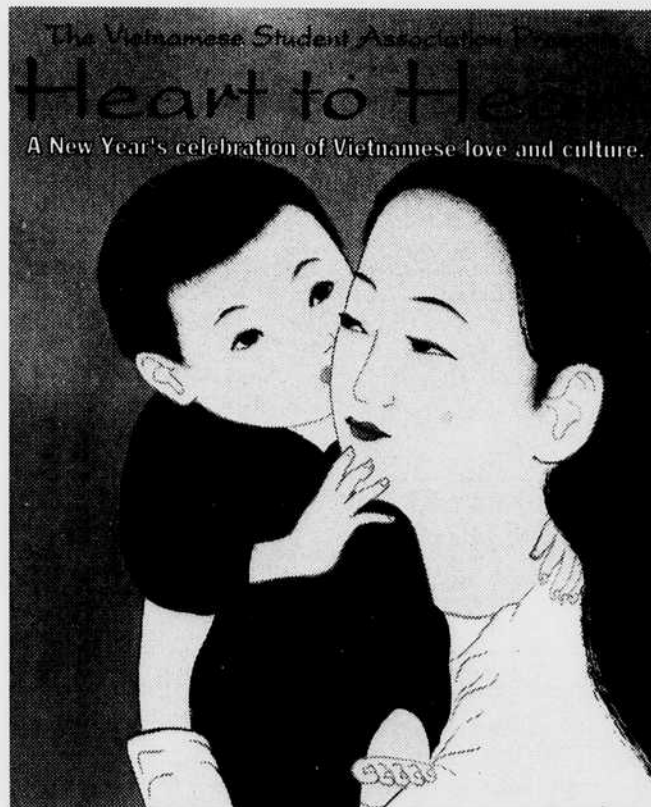
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