

Rape by Cop

EPD officer forced anal and vaginal sex, woman allege.

Eugene Police Officer Roger Magaña anally and vaginally raped two women, the victims allege.

The accusations came in the second week of trial for the EPD officer, who was fired last year when allegations came to light. Magaña is charged with using his power as a police officer to rape, sodomize, kidnap, sexually abuse and/or harass a dozen women. The trial is expected to last until mid-July.

A 51-year-old woman told the jury that she first met Officer Magaña in May 2002 when he responded to her apartment after she attempted suicide with sleeping pills. The woman said she was distraught over the death of her mother and had been drinking heavily.

Two officers came to the door but the other officer soon left leaving her sitting in her bed alone, emotional, tipsy and sleepy with Magaña. "Officer Magaña sat beside me, fondled me, caressed me and hugged and kissed me. He didn't talk much about the suicide," the woman alleged.

The fondling later moved out to Magaña's police car parked in front of the apartment, the woman said. There the woman alleges Magaña pushed her head down into the car so she fell on the front passenger seat and then anally raped her. She said while it happened she was hitting her head on something between the seats and looked down and saw Magaña's gun and holster on the floor boards. "I could have grabbed it and shot him."

The woman said after the abuse, "I ran in the house and bled for two days." She said, "I cuddled up in a pile and went to bed and took care of myself." The woman said she did not call the police because Magaña told her he would harm her if she did and she was afraid.

In June 2003 the woman says she was home alone just before midnight when she heard a knock on the door. She alleges she opened the door and in came Magaña uninvited, asking, "Do you remember me?"

The uniformed officer claimed he was responding to a noise complaint and asked her repeatedly if she was alone while he looked around the apartment, the woman alleges.

The woman alleges Magaña told her she was pretty and grabbed her hands and said he wanted her to touch his penis. She alleges Magaña fondled her breasts and butt and told her, "I want to bend you over and butt fuck you."

"I kept backing away from him," she said.

Eventually, "I pushed him out, shut the door and called the police."

A live-in boyfriend of the woman also testified that he peeked briefly out the blinds and saw Magaña embracing and kissing the woman in his patrol car. He said he didn't do anything about it because he was angry with her. "Our relationship was over," he said. "I didn't give a shit at this time."

Police Detective Scott McKee testified that the woman's story was supported by police records indicating Magaña was dispatched to the suicide call and unaccounted for during the second visit.

Barnett asked, why did the woman not tell police about the alleged sodomy until later? "I was ashamed, I was victimized and I was threatened," the woman said. She said she waited

until she knew Magaña was safe in jail.

Was the woman motivated by a \$1 million lawsuit she has filed against the city, Barnett asked. No, she replied, "Just as long as he's behind bars, I don't care."

Barnett asked why the woman didn't use Magaña's gun to stop the rape. The woman said if she had shot the officer, "I'd be sitting there and you [would be] my attorney."

Barnett asked if she had later accused another officer of trying to rape her. She said no, but she had later told a male officer that she preferred to be dealt with by a female officer. "I didn't want to have any male contact with a police officer other than a woman. That's for sure."

Student ride-along

A 22-year-old college student testified that she met Magaña for the first time when she was 18 and the then nearly 40-year-old, married officer helped break up an underage drinking party. She alleged Magaña began calling her frequently and invited her to come on a ride-along with her while he was working. The woman said she went on about 30 rides with the officer.

She said she continued to go on rides even after Magaña came on to her hard because she found it "very cool" to ride with the officer on calls.

She alleged Magaña would stop by her retail job frequently and come to her apartment and

give her beer. Magaña gave her an older woman's driver's license so she could get into bars while underage, she alleged.

"It was getting pretty intense," the young woman alleged. "It was out of control." Magaña was calling two-times a day, frequently asking for blow jobs. Magaña followed her and her boyfriend home from a movie in his patrol car, she said. Once the woman said a female voice called and said, "stop fucking my husband." Referring to sex, Magaña told her she could "take a ride [in the patrol car] for a ride," the woman alleged. The woman said Magaña sent her Valentines flowers with a note asking for oral sex, "Think about my throat lozenge idea."

The woman said she did kiss and grope Magaña voluntarily on occasion but refused oral sex more than 30 times.

The woman's boss at the retail shop where she worked testified the woman once came to her "hysterical" about the officer "harassing her." The boss said she was afraid to walk to her

She said she continued to talk to Magaña after the incident on the phone. She said she thought, "If I kept talking to him, I could keep him at bay." She said Magaña told her last year that he was being investigated and suggested that she say they were just friends.

Barnett asked the woman if she was motivated by a lawsuit her attorney had filed against the city. The woman, now attending college on the other side of the country, said she did not plan to pursue the lawsuit because of the stress and disruption involved. "I have no reason to lie about it," she said. "I'm getting absolutely nothing out of this. I've lost a lot of things actually."

The ongoing trial continues to raise questions about how Magaña's long list of alleged crimes were possible without other officers noticing and about the apparent lack of effective supervision of EPD officers.

• Magaña's supervisor on the night the first woman called police, Sgt. Katherine Flynn, testified that she investigated the alleged sexual as-

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car at night after work. "She was shaking."

One night, the young woman said Magaña came into her apartment after she had been out drinking with friends. The woman alleged Magaña fondled her breasts and butt. The woman said she tried to move out from under him on her bed, "I was resisting," she said. She alleged she twice asked the cop to stop. "I said I really didn't want to."

But she said she was drunk and alleged that at 5 ft. 2 in., she was overpowered by Magaña who used his body weight to keep her on the bed. "He began going down on me," the woman alleged. Magaña then said he wanted a blow job and gently pushed her head down to his penis, the woman alleged "It started for a second but it stopped," she said. "I pulled away."

The woman alleged Magaña then put his penis in her vagina. "He couldn't keep an erection," she said quietly, reaching for a tissue in the witness box and taking her glasses off. "He ended up getting pretty frustrated and left."

The woman said she did not call the police because she blamed herself because she was intoxicated and she thought the police wouldn't act against the officer. "I thought nothing would come of it."

She said if Magaña wasn't an officer she would have told authorities and sought a court restraining order. But she said because he was a cop, "there really wasn't anything I could do."

sault by simply asking Magaña and taking his word for it over the woman, who Flynn said sounded intoxicated on the phone. She did not send an officer to investigate or take fingerprints. "I believed him [Magaña]," Flynn said.

It did not appear police were too busy that night to investigate the sex crime. Officer Brian Inman testified that it was "extremely slow" that night.

The alleged victim, suspecting that police would not act without proof, had hoped to set up Magaña by inviting him over again and then calling police. But she said Sgt. Flynn, "blew it" by immediately telling the officer she had called.

The police did eventually investigate when the alleged victim called back and gave information that led police to think Magaña was lying.

• The young alleged rape victim testified that Magaña would frequently report false locations on his radio and would talk to her with other officers present. Magaña told her "it was none of their business," she said.

• The retail shop boss testified Magaña frequently came to her shop to talk to the young alleged rape victim with other officers. At one time, she testified the manager of an adjacent store told her that Magaña and another uniformed officer "were basically having a party there."

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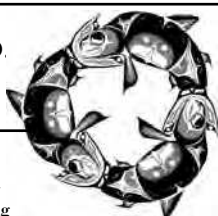
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