

“We have had a case where a woman was passed out from consuming too much alcohol and somebody comes into the room [and rapes her] and a jury has said that didn’t prove that she didn’t consent. The law says that if you are incapable of consenting that’s rape in the first degree. That person was found not guilty,” Perlow says.

The Kit that Led to a Trial

Seven months after her attack, Rachael’s kit came back with a DNA hit matching the man who lived across the street. A search warrant was issued two weeks later. Rachael was still worrying and waiting for her attacker to be arrested. A month passed before the man was caught in Utah.

“I have a feeling that if this was a drug charge, it wouldn’t take a week or two,” Rachael says.

It was Rachael who made the call to a police department in Utah notifying law enforcement that a warrant had been issued for the man who used to live across the street from her. Rachael’s friends followed the man’s social media trail and learned of his Utah address.

After multiple trial date postponements and the death of her father, Rachael waited two years and three months to face the man who had caused her to slip into intense depression.

In the eight months following the attack, Rachael slept in her “living room with a knife, with one eye open looking at the door. Even though I’d relocated, it wasn’t far enough away for me to feel comfortable.”

Rachael was relieved when she knew the assailant was behind bars. “Finally I felt like I could breathe, and I took my daughter out and we had a nice dinner. I could finally enjoy the food.”

During the trial, the defense asked for Rachael’s mental



DISTRICT ATTORNEY
PATTY PERLOW

PHOTO BY TODD COOPER

health history. Although evidence from the rape kit was presented, the trial depended heavily on her testimony. The defense attorney accused her of having consensual sex with her attacker, claiming she didn’t want to tell her partner at the time. Rachael says she and her partner split before the trial.

“You really just have to go in there on good faith hoping to God that the jury believes you,” she says. “You definitely feel like it’s on you.”

She lost custody of her son during the trial.

The trial lasted six days. The jury found the man guilty.

“It is not like TV, it is not like *Law & Order SVU*, where you get people investigating and the next week they’re in court,” Rachael says.

A month later the rapist received eight and a half years for sexually assaulting Rachael. Another sentence of 25 years was added to his time after another victim, who testified during the trial, was assaulted by the same man in a mental hospital.

The convicted rapist is not eligible for parole and can’t be released for good behavior, Rachael says. “He will be in his 60s when he can ever see the light of day again.”

Although Melissa’s Law was passed unanimously and, since it was enacted, DNA from a 10-year-old backlogged kit led to the arrest of a Eugene man, the backlog continues to grow.

As for the woman waiting to find out about the status of her SAFE kit and her case, she still hasn’t heard from the DA’s office. “I don’t know if he’s still out there or if they are dropping the charges or moving forward with the case,” she says. ■

Sexual Assault Support Services (SASS) has a 24-hour crisis line and advocates available around the clock. The Eugene-based nonprofit provides help for victims, their families and friends. Reach them at 541-343-7277 or 1-800-788-4727 or online at sass-lane.org. For those who have had a rape kit collected by EPD, call 541-682-5111 to check on its status.

YOU CAN HELP

EUGENE WEEKLY CLOTHING DRIVE

FOR WHITE BIRD’S STAY WARM DRIVE

Bring in your extra blankets, sleeping bags, tarps, coats, jackets, sweaters, socks, rain gear, hats, gloves, scarves

ITEMS CAN BE DONATED AT OUR OFFICE
1251 LINCOLN ST. | MON. - FRI. 9AM - 5PM
and we will deliver to White Bird

Men who commit sexual assault

IT'S ON US

Men who can stop it

6 PERCENT OF MEN IN COLLEGE ADMIT TO COMMITTING SEXUAL ASSAULT. IT'S ON THE REST OF US TO STEP UP AND STOP IT. LEARN HOW AND TAKE THE PLEDGE AT ITSONUS.ORG