

LANE COUNTY DA OFFERS PLEA DEAL IN RAPE CASE

Two men dodge rape charges

On Nov. 11, 2016, nine people told police they witnessed an incident at Hi-Fi Music Hall in which a man raped an intoxicated woman while another man assisted him. Neither man was prosecuted with sexual assault charges and neither received a jail sentence for the alleged rape.

The victim says she did not know the man who raped her, but that she did know the man who assisted her attacker.

Eugene Weekly couldn't reach Hi-Fi for a comment, but Hifi co-owner Danny Kime told the *Register-Guard* in November that the venue is committed to providing a safe environment for its patrons.

Police arrested both assailants and collected a rape kit, surveillance footage and semen on the floor at the scene, according to Eugene Police Department reports.

The night the two men were pulled off the victim, one reportedly told the other, "Dude I just f--ked your girl's face!" an EPD report reveals.

Prosecutors offered them a plea deal of five years probation for the Class C felony of coercion, a lesser charge than the initial charge of Class A felony for rape in the first degree with a mandatory minimum of eight years in jail.

Lane County Chief Deputy District Attorney Erik Hasselman says this is because the victim "changed her story."

EPD reports obtained by *EW* reveal that police know the victim was pressured by friends and one of the assailants' family members to recant her statement.

Hasselman tells *EW* that because prosecutors must prove beyond a reasonable doubt the defendants committed a crime, the victim's changing statements "were casting doubts" and "didn't give us the confidence we had in the beginning."

BB Beltran is the executive director of Sexual Assault Support Service (SASS), a Eugene-based nonprofit providing advocacy and support to survivors of sexual violence. She says traumatizing events can affect how victims' brains process information, especially if the victims are under influence of alcohol or drugs. "It could result in them remembering the events in a nonlinear order," she says.

District Attorney Patricia Perlow told *EW* in a February interview that rape cases are difficult to prove and that her office's ethical obligation is to prosecute only cases that can be proved beyond a reasonable doubt (see *EW* Feb. 16 "Tracking the Backlog.")



LOGAN HERBERT APPEL



PAUL ALEX KUZA

Logan Appel, 33, and Paul Kuza, 25, were arrested on suspicion of rape in the first degree and charged with the Measure 11 crime in November 2016. The victim knew Appel for several months, and Appel told police that he "loved" the victim and thought the act was consensual.

Kuza, whom the victim said she never met, requested an attorney after learning he was being charged with rape. "I've done nothing wrong, sir," Kuza told police.

The victim, whom police noted "to be in a state of shock and disbelief," was hysterical as she thought she'd be safe going to the concert with her friend Appel, according to the heavily redacted police reports.

"No matter how many times I try to go through it in my head, it's still not f--king OK," she told police as she broke down in tears. "They just grab me like they could have this control over me. No one asked me that."

EW was unable to reach the victim for comment and is not using her name to protect her privacy.

According to Appel, he and the victim had been drinking, consuming wax marijuana and ingesting liquid LSD before the concert. Appel, who claimed he didn't know Kuza, told police Kuza approached him during the concert and asked if Appel and the victim were a couple. Appel said he didn't "own her."

Kuza then told the victim "you're mine now," and Appel repeatedly told Kuza "it's OK" to have sex with her, the victim told police.

One of the witnesses told police that he confronted the men, but they "tried playing it off." He said Appel was

"manipulating [the victim] so Kuza could get in between her legs."

Another witness told police he saw Kuza raping the victim and Appel "standing very close to Kuza and the female," but he was not sure whether Appel was helping or getting Kuza to stop.

After arresting both men, police performed a penile swab on Kuza — the officer noted evidence of blood and "a reddish brown tinge" on his penis head. Police also collected Appel's clothes then, but did not collect a DNA swab from inside his cheek until Jan. 12.

Hasselman says the victim wasn't consistent with the details she told the police.

The victim told police she couldn't remember how the rape escalated or how it ended. She said she was confused when the rape happened and that she "was not able to see the events clearly." She then separately told a friend that Kuza might have slipped her something when they were kissing, the police report shows.

According to Beltran, it's common for sexual assault victims to block out traumatizing memories as a way for their bodies and brains protect themselves.

Beltran says a rape victim might decide to not report due to fear of retaliation from the perpetrator, friends and family, and not being believed or supported by the system involved.

"In order to have a safe community the onus for sexual violence must be placed firmly where it belongs: on the perpetrator," Beltran says in an email. "It's not simply a matter of survivor's reporting, but rather what happens after survivors report."

Hasselman says the plea deal was the best solution to the case.

"[We] put a lot of time and effort in the case," Hasselman says. "We decided to resolve it, as it is now. We did it with the victim's knowledge and consent."

On Jan. 10, the Lane County DA offered Appel a plea deal for a lesser charge of coercion and a sentence of five years' probation. He was released from custody and is now appealing a \$500 assessment.

Kuza was set to go to court in May but ended up pleading guilty to coercion in March. Kuza was charged with a Class C felony for supplying contraband in March and was sentenced to 30 days in jail, court documents show.

Despite witness statements from nine people and collected evidence, the DA closed the rape case in March 2017. No one was charged with a sexual assault crime. ■

SLANT

• We left the May 19 meeting of the City Club of Eugene fairly confident that our **dams, rivers and reservoirs are safe** despite the anticipated big earthquake. Erik Peterson, operations project manager of the Willamette Valley for Portland district of the U. S. Army Corps of Engineers, and Ray Weldon, professor in the University of Oregon Department of Earth Sciences, talked about how to reduce uncertainty as well as early warnings, family preparedness, measuring risk and the need for more resources to better understand the risk involved. In other words, it

is tough to nail down just how confident we should or should not be.

• The protest at Standing Rock is no longer making headlines, but the issue that drove the months-long protest, the **Dakota Access Pipeline**, is not gone. The Eugene Human Rights Commission (HRC) voted May 16 to support an ordinance advising the city against renewing its current contract with U.S. Bank, which ends in October 2018. U.S. Bank has invested heavily in fossil fuel pipelines, including the Dakota Access and Keystone XL. Those pipelines not only put Native American people and lands at risk of a spill, they also go counter to efforts to combat greenhouse gases and climate change. Forty people showed up at the May 22 Eugene City Council meeting in support of divestment, and 20 people spoke in favor of the city divesting from U.S. Bank. Emily Semple, the City Council's liaison to the HRC, pointed out previously that there are many

reasons to divest from all large banks, U.S. Bank included — she'd prefer to see the city do its money management with local credit unions instead. Eugene Municipal Code requires that city contracts give preference to goods and services produced in state. See our story about last week's HRC meeting online.

• Proposed changes to the **Eugene park rules to ban alcohol** in all city parks don't just prevent neighbors from enjoying wine in the park — they discriminate against the homeless. The ban would allow those who can afford to buy expensive host liquor liability insurance to have parties but exclude those who lack finances. At the May 22 City Council meeting Councilor Betty Taylor said, "We're legislating against simple pleasures people enjoy," and that it's time to "make life pleasant for the people who live here." Perhaps it's time to stop criminalizing dogs and beer in the name of cleaning up the town.