



4 sexual assault victims whose cases weren't prosecuted ask Utah Supreme Court for another chance

SALT LAKE CITY — Four women who say they were recent victims of sexual assault but prosecutors declined to pursue their cases have filed a joint, potentially "precedent-setting" petition in the Utah Supreme Court.

The 150-page petition filed Tuesday asks the court to assign a prosecutor to pursue their cases. The women are "challenging the decision by local prosecutors not to file charges in their cases under a new state constitutional theory," according to a statement from Paul Cassell, a University of Utah law professor and former federal judge.

Cassell represents the women, whose names were not released, along with four other attorneys.

According to Cassell, Utah's Constitution "provides a mechanism" for victims to initiate prosecution when a public prosecutor chooses not to pursue a "well-founded" case. This mechanism, Cassell wrote, has rarely been used and prosecutors "effectively exercise exclusive and unreviewable control."

According to the petition, all four women were recently sexually assaulted and "made timely reports to police."

One of the women, who has a form of muscular dystrophy, was raped when she was 17 by a classmate of the same age, according to the petition. An assistance dog is needed to help her walk.

When she and her classmate were alone at her house to work on a school project, the boy, a "much larger, athletic young man," forced himself on her without her consent, the petition states.

Another woman in the petition suffers from cerebral palsy and "had limited knowledge of what sexual intercourse was in general" when a man who had previously been convicted of rape approached her and said he knew her from a previous job, the petition states.

The man took the woman to his home where he sexually assaulted her, according to the petition. Police interviewed the man multiple times and he "gave a series of conflicting and evasive stories," petitioners said, and DNA results from the woman's rape kit matched the man.

Another petitioner was allegedly raped four times by a "prominent law enforcement officer" in Utah County after one of her professors arranged for her to become involved with a citizen's advisory board that the man worked on, the petition states.

The final woman was allegedly sexually assaulted by a massage therapist.

In all four cases, prosecutors from the Salt Lake County District Attorney's Office declined to file charges, according to the petition.

"At a point in this country's history where throughout the nation intense concern exists about the criminal justice system's treatment of sexual assault victims, four women have suffered sexual violence in clear violation of Utah's criminal laws," Cassell wrote in the news release.

Salt Lake County District Attorney Sim Gill told KSL his office has "always supported victim rights and advocates for victims. And one of our challenges, of course, is this issue is not just simply an issue of our prosecution. It's a broader issue of attrition rates systemically," he said.

He said that if a case is declined, there can be "further investigation." However, prosecutors "have an obligation" to meet their burden of proof and make sure there is enough evidence, Gill said.

"The constitutional question raised is intellectually intriguing and warrants our attention," Gill wrote in a prepared statement later Tuesday.

"But for Professor Cassell to bypass all existing avenues for his clients to be heard and have their cases reconsidered — including in a face-to-face conversation with my office or by meeting with the Utah Attorney General's Office — and for him to advocate instead for a remedy that, even if adopted, would likely be available only to victims of wealth. His tactics are as irresponsible as they are self-serving."

Those who have experienced sexual abuse or assault can get assistance from Utah's statewide 24-hour [Rape and Sexual Assault Crisis Line](#) at 888-421-1100.

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