

# TwinCities.com

## Supreme Court ruling in Ramsey County case may limit consensual sex claims in rape cases

By Richard Chin  
rchin@pioneerpress.com

Updated: 03/24/2011 11:22:23 PM CDT

A ruling by the Minnesota Supreme Court in a Ramsey County case may make it easier to convict defendants accused of rape who argue that the sex was consensual.

The high court said, in a ruling issued Thursday, that courts may consider testimony from expert witnesses on the typical behavior of sexual assault victims, which could include delayed reporting of the offense, lack of physical injuries and submissive conduct.

The court said similar expert testimony is allowed in cases involving battered women syndrome and sexual assaults against children and adolescents.

But only Minnesota and Pennsylvania have prohibited expert witnesses on "counterintuitive behaviors" of adult victims of sexual assault, the court said.

Thursday's ruling centered on a previous 1982 state Supreme Court decision that has been largely applied by district courts as "a blanket prohibition against the admission of expert testimony on typical rape-victim behaviors in adult criminal sexual conduct cases."

The court said, an overall ban on expert testimony on rape victim behavior is incorrect. The 1982 ruling does prohibit expert testimony on an untested concept called "rape trauma syndrome," according to the court.

But according to the court, "rape myths and counterintuitive rape-victim behaviors" have been studied by social scientists and can be presented at a trial by expert witnesses, provided that district judges find that the witnesses are qualified experts

and the testimony

would be helpful to the jury.

Writing for the five-justice majority, Justice Christopher Dietzen said research "demonstrates that many jurors may wrongly believe that most sexual-assault victims will forcefully resist their assailant, suffer severe physical injuries — including vaginal injuries — and immediately report the attack. But social science contradicts these misconceptions about how victims actually respond to sexual assault."

Thursday's ruling was the result of an appeal by the Ramsey County attorney's office involving a man named Nathan Obeta, who was convicted of first- and second-degree criminal sexual conduct in a 2007 incident in St. Paul. Obeta argued that the incident involved consensual sex.

The Minnesota Court of Appeals reversed the conviction, partly because the district court allowed expert testimony on typical rape victim behavior.

When Ramsey County prosecutors sought to retry Obeta, they again attempted to introduce expert testimony on rape myths and rape-victim behaviors. But the trial judge disallowed the testimony.

So the county attorney's office appealed the decision to the state Supreme Court.

Renee Bergeron, Obeta's lawyer for the appeal, said she believes prosecutors were looking for a test case to challenge the prohibition on expert

advertisement

Print Powered By  FormatDynamics™

# TwinCities.com

testimony on rape-victim behaviors. Bergeron argued against the expert testimony, saying it didn't have a critical impact on the Obeta case and testimony about delayed reporting and lack of injury of rape victims didn't apply to the Obeta case.

Two justices, David Stras and Alan Page, dissented from the majority ruling that the expert testimony could be considered.

In his dissent, Stras said exclusion of the expert testimony would not have had a critical impact on the prosecution of Obeta, so the Supreme Court should not have ruled on it.

Ramsey County Attorney John Choi called the ruling "a very significant decision" that could affect how prosecutors and juries consider rape cases.

"It helps us educate the jury appropriately," he said.

Choi said his office would proceed with the retrial of Obeta.

Obeta was booked into the Ramsey County Jail on Thursday in a different case. St. Paul police arrested him on suspicion of two counts of possession of a controlled substance and a sex offender registration violation.

Mara Gottfried contributed to this report.

