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Rape charges dropped, but scars remain

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For more than three months, Scott Michael Waite wore an electronic ankle bracelet that made him a prisoner in his own home. With his reputation sullied and his life put on hold, he sat accused of raping a 26-year-old woman he had met in an Oakdale bar on a cold January night. ¶ But in a recent unique turn of events, after an exhaustive investigation by his attorney, Ryan Garry, prosecutors dropped the charges in April. Waite, 29, now must rebuild his life. ¶ "I'm pretty shook up by the whole thing," Waite said. "I was treated like a complete criminal. To hear people say these malicious things about me is really hurtful." ¶ The case was dropped "in the interest of justice" and was an unusual one "where we get information after the fact and feel we really can't prove our case at all," said Susan Harris, first assistant attorney in Washington County. "In this particular case, they found a lot of people willing to come forward and speak against [the accuser]."



Although the charges have been dropped, Scott Michael Waite still feels he's been left in the dark after an Oakdale woman accused him of rape. He lost his job, spent time on house arrest and left a Christian university 30 credits short of graduation.

Elizabeth Floresd, Star Tribune

Garry, a Minneapolis criminal defense attorney, said that it's "very difficult and very rare" for a prosecutor to drop a felony case after filing criminal charges. In addition, recent Minnesota crime statistics show only about 6 percent of all alleged rapes are classified as "unfounded."

Garry went to Washington County District Court with statements from 13 witnesses who contended that the woman had a promiscuous history and, when caught, would fabricate a rape story. One of them was a former husband, who said that no fewer than 15 times -- including the day after their wedding -- she'd told him she'd been raped.

"You can't rape the willing is what I said," the former husband, who lives in Texas, told private investigator Raymond DiPrima.

A chance encounter

Two troubled lives converged in mid-January when Waite, then a student at a Pentecostal university in Minneapolis, drove home from Beer Belly's Bar in Oakdale with the woman, known in court documents as S.N.B.

Waite admits they had sex but said it was consensual. She alleged a violent rape. An Oakdale police officer observed she was "visibly upset, crying and shaking," according to the criminal complaint.

Neither Waite nor his accuser had an easy life, according to court documents and interviews. Both struggled to make genuine friends and find a social niche.

Waite, who never knew his father, drank too much and smoked marijuana. "I just made a lot of poor decisions when I was younger," Waite said in an interview. "Hanging out with the wrong crowd. Rebellion."

Defense witnesses in court documents alleged the woman once weighed as much as 300 pounds and drifted from one sexual encounter to another. She later had gastric bypass surgery to lose weight and then acted like a "supermodel," her second husband told an investigator.

Waite said he found God after a 2002 felony conviction for selling marijuana in St. Louis County. He enrolled at North Central University in Minneapolis, majoring in pastoral studies, to become a youth minister. He helped organize a summer sports league for inner-city youth. He flew to North Carolina to recruit new students for the university. Even while he was trying to shut away his past, he tried to "fit in" with people.

He said that's why, despite the Christian university's strict moral code forbidding alcohol and sex outside marriage, he went to the bar that night with a female friend to play poker. But that's not the woman he took home. Instead, it was another young woman he met only 45 minutes before closing time.

She came on strong, he said, sitting on his lap and grabbing at his clothes. Her version was the opposite -- that Waite was the aggressor. At 6:25 a.m. on Jan. 15, police knocked on his door in Oakdale.

After rape charges were filed and Waite was in jail, he parted with North Central University in a "mutual agreement" between his mother and school officials, Garry said. Waite was 30 credits short of graduation. He also lost his job in the school's athletic department. A university spokesman, Ryan Decker, declined to comment on whether Waite could re-enroll but said students who violate the school's morals policy might return "if it's in everybody's best interests."

Waite said he's been sober since the night at the bar and said he holds no malice toward his accuser. "I feel bad for her. I feel really bad that so many people have hurt her so bad that she had to lash out and try to ruin somebody's life," he said.

The alleged victim, in an interview Thursday, said she objected to dismissal of the charges. "I was really upset. It's not fair that he gets away with it," she said. "It looks like everything I said was a lie."

She also denied that she had made false rape allegations in the past. "I've never cried rape on anybody in my life and I never will," she said.

The woman said she's been "staying clear" of bars in past months. "If you're going to a bar, be careful; don't just go home with people you don't know," she said. "Watch out, keep your guard up. Bars are no place for meeting people."

The defense attorney said all the evidence, which he said includes statements the woman made on social networking sites, points in Waite's favor. "Scott's an innocent man," Garry said. "Hopefully this scarlet letter hanging around his neck disappears."

Checked past

Garry said that the Oakdale Police Department failed to interview key people in a manner that would have avoided charges. Chief Bill Sullivan responded that police did what they're supposed to do and had established probable cause for Waite's arrest. But he also said that he supports the county attorney's decision and said police have no intention of pursuing the matter further.

The defense's strategy -- to prove that the alleged victim had a history of fabricating rape allegations -- conforms with a key provision in Minnesota's criminal sexual conduct law, said Stephen Simon, a University of Minnesota law professor. The rape shield law, as it's known, prohibits evidence of a victim's previous sexual conduct unless consent of the victim is a defense in the case. In that event, evidence showing that the current alleged crime fits a pattern of previous sexual conduct is admissible.

In the Waite case, Garry argued in a memorandum to Judge Elizabeth Martin, the victim had established a pattern of alleging rape to keep her husbands from learning of her infidelity.

Simon said non-stranger rape cases are difficult to charge and even more difficult to prosecute and convict.

"A common dynamic is that people meet each other in bars and they've been drinking," he said. "It's a question of 'she said, he said,' there's no question that sex occurred, it's whether did the woman say 'stop'. It's a real challenge for prosecutors."

Garry's court filing listed six witnesses willing to testify against the woman if the case had gone to trial. The list included a former husband, another the woman is currently divorcing and a man she met at the bar just one day after she reported the alleged rape to police. The man said he would testify that she went to his apartment with him after the bar closed and had sex.

Garry said the first-degree criminal sexual conduct charges against his client were second only to murder in their seriousness. An innocent man, Garry said, could have gone to prison for 12 years. But while Waite escaped a trial in a court

of law, the stain of public opinion will be difficult to erase, he said.

"The real problem is the mere accusations of rape are ruinous to a person's life," Garry said.

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