

Banner

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Sheriff sued by victim of lewd conduct

*Deputy sheriff, who was
sheriff's brother, pleaded
guilty to charge in 1998*

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Staff Writer

NEWFANE — Sheriff Gary Forrest learned only Monday all the details of his older brother's 1997 sexual misconduct on a 20-year-old East Dorset General Store employee.

Taking the stand in defense of himself and his department, the top man in the Bennington County Sheriff's Office said he has distanced himself from the late December day his brother, a deputy sheriff, stopped at the store while on duty and made a woman perform sexual acts on him.

From the beginning, Forrest put the investigation of his brother, Richard Forrest, in the hands of state police, he told a jury. Gary Forrest would only learn his brother had been charged with sexual assault when a Banner reporter called him for comment, he said.

The jury, seven women and four men, are not to decide the guilt or innocence of Richard Forrest. He was convicted of lewd conduct following a plea deal in 1998.

Instead, lawyers for the assaulted woman are asking that she be paid damages by Forrest and his department.

"She doesn't feel safe and she blames herself for what happened to her," lawyer Bradley Myerson said of his client during his opening statement. "And she doesn't trust the police."

Testifying for two hours in the afternoon, the now-27-year-old woman described her life after the attack as one fraught with fear and depression, save for a brief uplifting spell in which she married and had two children. She couldn't sleep for long after the incident, she said, and when she did she "had dreams that Richard Forrest was chasing me or attacking me or raping me."

She also talked about attempts to return to work at the store. She would work, but only during the day and never alone. A trip to the back room where the incident occurred triggers flashbacks, she said.

Victim claims post-traumatic stress disorder

LAWSUIT, from Page 1

Myerson, in his opening statement, said he will show how the misconduct caused his client depression and post-traumatic stress disorder. A doctor will testify later in the week.

Before any damages can be meted out, Myerson must show that the sheriff's department enabled Richard Forrest to commit his crime.

To do that, Myerson questioned Gary Forrest about community policing, a practice intended to better acquaint law enforcement officers with the communities they serve.

"My definition of community policing is the fact that (deputies) should get to know the public and be out and be seen," Forrest said. Previously, Myerson had asked if deputies were encouraged to go into stores and mingle with locals.

"I never encouraged it, but yes, they can do it," Forrest said.

"I'm not saying he had to stop there," he said about his brother's frequent trips to the Dorset store. "If he stopped there for a reason, that was his prerogative."

Forrest's testimony was brief, with defense lawyer Pietro Lynn throwing up objections, most of which were sustained by Judge Karen Carroll, and referencing earlier legal decisions in the case.

"There's no evidence the sheriff's department did anything to cause this incident other than they had Deputy Forrest on duty," Lynn said during his opening statement.

Myerson repeatedly questioned witnesses, including other employees of the store, about when they saw Forrest in uniform, with gun and handcuffs at his waist. The attorney kept a pair of handcuffs on his table, as a visual aid for the jury.

"I was afraid he would use his powers to hurt me," the woman testified.

"What powers?" Myerson asked.

"His gun and his handcuffs," the woman replied.

The woman, along with her mother and store employees, also testified about Richard Forrest's

nature. Collectively, the testimony drew a profile of a jokester misogynist who was a bit full of himself. Just before the sexual misconduct he told his victim that if he ever used his gun it would be to shoot to kill, she testified.

After the incident, she told her friends not to call the police.

"I felt that police officers stick together and I just thought nobody would believe me," she said.

During opening statements, Lynn told the jury that facts would show that the woman's post-marital depression was a cause not only of the 1997 incident, but of problems with her alcoholic, terminally sick husband. The woman's father testified that his daughter did have marital problems, but not at any astonishing level.

"He behaves okay," the father said about his son-in-law. "He's a good father. They have fights, but it's not any different than things my wife and I fought about when we were first married."

Also surfacing in the woman's past was an affair with a married man, whom she worked with at a first-responder agency in northern Bennington County. Testifying that she was single at the time, the woman said she felt she did nothing wrong in the affair. But just involving herself in a relationship and job like that so soon after the sexual misconduct from Forrest is inconsistent with post-traumatic stress disorder, Lynn said during opening statements, promising that the testifying doctor would back that up.

Richard Forrest is not expected to testify, although lawyers have tried to reach him. Portions of statements by him may be read to the jury instead.

The trial is being held at Windham County Superior Court in Newfane, although it technically occurs in Bennington County Superior Court. Carroll allowed in July for the case to be moved to Newfane, saying that a Bennington jury may not want to find

against the sheriff's department for fear of seeing their taxes increase.

The case was filed against both Forrests, the sheriff's department, the county and the state in October 1998. Suits against Richard Forrest and the state were dropped by the court in February 2000. The court then dismissed the remainder of the charges in January 2002.

An appeal to the Vermont Supreme Court returned the case to Bennington with directions to allow the lawsuits against the department and Gary Forrest to continue.

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