

# PRESS RELEASE

## FOR IMMEDIATE RELEASE

Date: April 21, 2017

**Contacts:**

Ted Rutherford, Texas Association Against Sexual Assault, 512.474.7190, ext. 34, [trutherford@taasa.org](mailto:trutherford@taasa.org)  
Julie Hester or Meg Garvin, National Crime Victim Law Institute, 503.768.6819, [ncvli@lclark.edu](mailto:ncvli@lclark.edu)  
Sara McGovern, RAINN Press Secretary, [saram@rainn.org](mailto:saram@rainn.org), 202-544-5537  
Sam Webster, National Center for Victims of Crime, 202.467.8751, [swebster@ncvc.org](mailto:swebster@ncvc.org)

### Sexual Assault Advocates file Brief in Baylor Rape Case

AUSTIN—On Friday, April 21, the Texas Association Against Sexual Assault (TAASA), the National Crime Victim Law Institute (NCVLI), the Rape, Abuse, and Incest National Network (RAINN), and the National Center for Victims of Crime (NCVC) filed an *amici curiae* brief in Texas’s highest criminal court in response to an appellate court’s overturning the sexual assault conviction of former Baylor football player Sam Ukuwachu.

*Amici* argue that the lower court misapplied applied Texas’s “rape shield” law, which says that allegations of a rape victim’s prior sexual activity must be presumed irrelevant to the question of consent.

“The Court of Appeals erred by improperly engaging in shortcuts in its analysis about the admissibility of the evidence in question,” the *amici* state, evidence regarding hearsay statements about the victim’s alleged sexual history. In doing so, the appellate court’s ruling violated the rape shield law, the Texas Rules of Evidence, and “r[a]n afoul of the state Constitutional mandate to treat victims with fairness and respect for their dignity and privacy.”

Texas enacted its rape shield law in 1975, making it one of the first states to adopt such a law. Victim advocates say that if the lower court ruling is allowed to stand, it will undermine Texas’ longstanding protections for rape victims and will have far-reaching, negative effects on sexual assault prosecutions, especially those involving assailants who are not strangers to their victims.

“The vast majority of sexual assaults in Texas are committed by someone known to the victim, not strangers,” said Chris Kaiser, TAASA’s Director of Public Policy. “Yet, when a case doesn’t conform to the stranger-in-the-bushes stereotype, victims are routinely subjected to abusive, insulting, and irrelevant inquiries into their private lives. That discourages reporting, impedes justice, and allows sexual violence to go unchallenged in our society.”

According to the Texas Department of Public Safety, only 9.5% of sexual assaults in Texas are committed by strangers. Meanwhile, the Institute on Domestic Violence and Sexual Assault at the University of Texas at Austin reports that 90.8% of sexual assaults in Texas are never reported to law enforcement.

*Amici* urge the Texas Court of Criminal Appeals to accept the McClennan County Criminal District Attorney’s Office’s petition for discretionary review.

“This case absolutely needs further review,” said Meg Garvin, Executive Director of the National Crime Victim Law Institute, “the Court of Appeals’ decision to reverse this conviction

based on the facts and law before it is a remedy out of proportion to the alleged violation and represents a fundamentally flawed legal process.”

"Cases like this are not anomalies. Seven out of every ten rapes are committed by someone the victim knows, and out of every 1,000 sexual assaults, 994 perpetrators will walk free," said Rebecca O'Connor, Vice President of Public Policy at RAINN. "The chilling effect this decision, if allowed to stand, will have on reports of sexual violence, especially non-stranger rape, is exactly what led every state in the nation to enact rape shield statutes. This case demands further review - justice and public safety are at stake."

If the Court accepts the case, the State of Texas and Mr. Ukuwachu would have the opportunity to argue the case before the state's highest criminal court.

###

#### Amici Background Information

*Founded in 2000, the [National Crime Victim Law Institute](#) is the leading legal resource center for crime victim lawyers and advocates as they fight to protect the victims' rights in criminal and civil processes. NCVLI continues to be the only national organization whose mission is focused on enforcement of victims' rights in the courts.*

*The [National Center for Victims of Crime](#), established in 1985, is the nation's leading resource and advocacy organization for crime victims and those who serve them. For more than 25 years, the National Center has led this nation's struggle to provide crime victims with the rights, protections, and services they need to rebuild their lives.*

*The [Texas Association Against Sexual Assault](#) is a nonprofit organization committed to ending sexual violence in Texas. Its membership includes more than 80 rape crisis centers throughout Texas. Focused on education, prevention, and advocacy on behalf of victims, TAASA strives to reduce sexual assault of all types, including rape. Since 1982, TAASA has worked to bring hope, healing, and justice to victims of sexual assault.*