

APPENDIX K:

CASE STUDY: *State v. Cates*

CASE STUDY—*STATE V. MICHAEL CATES*

PROSECUTION'S STATEMENT OF THE CASE

Katie Larsen is a nineteen-year-old white college sophomore. She grew up in a close family in a small town. She has always been an excellent student and was awarded a scholarship to attend the local state university.

Ms. Larsen was raped by Michael Cates, a white junior who is a member of the college football team. The rape occurred after a fundraiser at the end of her third semester of college.

Ms. Larsen is the philanthropy chair of her sorority. On December 15, 2004 Mr. Cates and Ms. Larsen were among a group of students cleaning up after an annual holiday charity fundraiser that is co-sponsored by the football team and Ms. Larsen's sorority. The clean up from the event ended at about 10:30 p.m. Ms. Larsen, who lives with her parents, mentioned that she needed to leave right away or she would miss her bus. Mr. Cates told her not to worry about hurrying to catch the bus and offered to drive her home. Ms. Larsen accepted the ride. She had known Michael Cates for about a year through college activities. He was also a high school classmate of one of her good friends. Ms. Larsen always thought Mr. Cates was polite and friendly. She was pleased to have a ride home and was flattered by the attention he gave her since she had a little crush on him. When they got into Mr. Cates' car, he looked at the dashboard and said he needed to get gas. He then said he needed to get his gas credit card from his dorm room. He asked Ms. Larsen to come up to his room while he got the card, which she did.

Upon entering the room, Mr. Cates took off his coat and invited Ms. Larsen to do the same. She thought this was odd because she wasn't expecting to stay long, but complied, as she did not want to be rude. Ms. Larsen was pleased to spend some time with Mr. Cates, however, she told him that she shouldn't get home too late because she lived with her parents and they might worry. Mr. Cates mixed a couple of rum and cokes and gave one to Ms. Larsen. She sat down on the bed because there was no where else to sit in the room. Mr. Cates' chair was covered with dirty clothes. He sat down on the bed next to her while they had their drinks. After they finished their drinks, Ms. Larsen told Mr. Cates that she should probably be heading home. He mixed them each another drink and insisted that she drink it to help relax her. He also reassured her that they would leave soon. As they sat next to each other on the bed in his dorm room, they began to kiss which Ms. Larsen did not mind. However, very soon, Mr. Cates put his hand on her breasts and tried to unclasp her bra.

Ms. Larsen became uncomfortable, pulled away and told him she should be getting home. He pushed her flat on the bed and climbed on top of her. He pulled off her sweater, pushed up her skirt and tried to pull off her underwear. At this point she said, "No," and held on to her underwear. Mr. Cates moved her hands away, removed her underwear and said, "You know you want it, that's why you're here." He then performed cunnilingus on

her. Throughout, Ms. Larsen continuously said “no” and tried to get him to stop by pushing him away. When Mr. Cates tried to get Ms. Larsen to perform fellatio, she refused, turning her head from side to side and saying “No.” He then pinned her down underneath him with her hands above her head. She told him that she did not want to have sex, saying, “There is no way you are going to do this to me,” then tried to push him away. But his full weight was on top of her and she felt like she could not breathe. He put his knees between her legs, forcing them apart and inserted his penis into her vagina. She kept protesting and started crying. She was shaking so hard she could not even try to push him off. Katie Larsen is 5’5” and weighs 125 pounds. Michael Cates is 6’2” tall and 195 pounds.

When Mr. Cates was finished he got off of Ms. Larsen and got dressed. Ms. Larsen put her clothes on and did not say a word, although she was crying. Mr. Cates drove her home. When she entered her house, her parents were asleep so she went directly to her room.

When Ms. Larsen woke up the next day, she was confused and angry about what Mr. Cates had done to her. She called his dorm room to confront him but a woman answered the phone. She told Ms. Larsen that Mr. Cates was not there, but she would leave him a message. Ms. Larsen left her name and phone number.

Ten days after the rape Ms. Larsen went to her family doctor because she was worried about pregnancy and STDs. She did not tell the doctor that she was raped. The doctor, who has treated Ms. Larsen for many years, found no physical injury or disease but noted that Ms. Larsen seemed depressed and unusually withdrawn. The doctor did not ask Ms. Larsen any questions about the atypical behavior he observed, nor did he write it in her chart.

Over the next couple of months Ms. Larsen experienced severe depression, lack of interest in things that previously engaged her and noticeable mood swings. She slept for long periods of time and often missed classes. She gained weight and her grades dropped noticeably. She is now in danger of losing her academic scholarship.

About two months after the attack, Ms. Larsen had an argument with a close friend who was attempting to get her to come out and attend a concert. During the argument, Ms. Larsen blurted out that Michael Cates raped her, and that was why she did not want to go out. This was the first person she told about the rape. The friend encouraged Ms. Larsen to report the rape to the police, rather than to the campus authorities, because she knew two women who had complained to the Dean previously about rapes by football players, and nothing had been done. Members of the football team on campus have a long history of preferential treatment. In fact, two other women complained that Michael Cates raped them in highly similar circumstances, but the college took no action.

Ms. Larsen went to a rape crisis center and reported the assault to the police.

DEFENDANT'S STATEMENT OF THE CASE

Michael Cates is a twenty-year-old white college junior. He is popular on campus and a good student. He is a member of the football team and was named "Outstanding Player of the Year—2003" in the conference. His family is very supportive and comes to watch him at almost every game. Mr. Cates is also in a "big brother" program set up through the football organization and participates in various community service activities with his teammates.

Mr. Cates met Ms. Larsen over a year ago through a mutual friend. They were quite friendly and often flirted with each other. The night of the charity fundraiser was no different. They had been flirting back and forth all night, so when Ms. Larsen announced that she had to hurry or she would miss her bus, Mr. Cates was happy to give her a ride. In the car, she began talking about how stressed out she was and how she was not keeping up with her school work. He invited her back up to his room and she readily agreed. He made her the drinks to relax her because she was so stressed out about school. They both had a couple of drinks and started fooling around. All of the sexual activity between Mr. Cates and Ms. Larsen that night was consensual. She seemed excited and was lubricated when he performed cunnilingus. Mr. Cates believes that Ms. Larsen experienced an orgasm at this time. He then asked her to perform fellatio, but when she refused, he did not persist. When he spread her legs apart, he heard her say, "Do this to me." He did not "pin" her down; he just got on top of her, which is what one does to have intercourse. He drove her home after they had sex together.

Mr. Cates has a regular girlfriend and Ms. Larsen was angry that he did not want to see her again after that night. She was upset that night because she knew about the girlfriend and felt guilty about having sex with him. Ms. Larsen called Mr. Cates the next day and was furious when his regular girlfriend answered the phone. He never returned her phone call and she was extremely jealous and upset about his lack of response.

At the time of the alleged rape, Katie Larsen was also very involved in the social scene. She had been an excellent student, but as she got more involved in her sorority she went to lots of parties with her sorority sisters, got drunk and missed classes. As a result, she was doing poorly in school. When Ms. Larsen realized her grades were falling and would jeopardize her continued scholarship, she made up the rape story to explain her inadequate scholastic performance. She also knew about the football team's "problems" and used her story about Mr. Cates as an easy way out of her difficult situation with her professors and her parents. Ms. Larsen's physical and mental symptoms are due to her fears about losing her scholarship and her parents' disapproval.