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Doe vs. Forrest is settled out of court

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BENNINGTON — Eight years after a local woman was sexually assaulted by a former Bennington County Sheriff's deputy, a civil lawsuit against the department ended when both parties came to an agreement the morning the case was scheduled for a retrial.

The East Dorset woman, referred to as Jane Doe in court documents, sued the Bennington County Sheriff's Department and Sheriff Gary Forrest, for damages she said she suffered after a then-Deputy Richard Forrest - the sheriff's younger brother - sexually assaulted her at her workplace. Details of the agreement are not public record.

The woman's attorney, Bradley D. Myerson, said in a phone interview Tuesday that part of the settlement, signed on Oct. 31, included a confidentiality clause that prevented him from discussing the agreement. He said the agreement was signed at the last minute on the morning of a scheduled retrial as jurors waited downstairs.

"What I can say is that I think everyone is relieved it is finally over and done with and we can get on with our lives," said Myerson.

Myerson could not say whether any money had been awarded. During the trial in January, Myerson asked the jury to award the woman \$720,400 for permanent damages to her mental health.

In January, the civil trial was held to determine if the deputy's law enforcement position and uniform were a factor in the assault and whether the sheriff's department and Sheriff Forrest could then be held responsible for the deputy's actions. The trial resulted in a hung jury and Judge Karen Carroll declared a mistrial when the jury proclaimed itself deadlocked after five hours of deliberation.

During the trial, Myerson argued Forrest's job contributed to the assault.

"Literally clothed by the power given to him by the sheriff and his department, the deputy abused that trust," said Myerson. "They're responsible for paying the bill."

The defense attorney, Pietro Lynn, argued that the employer cannot control the employee's actions.

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

In the trial earlier this year, the 11 jurors unanimously agreed the sexual assault occurred, but one juror held out on holding the department responsible for the deputy's actions.

Deputy Forrest pleaded no contest in Bennington District court in 1998 to lewd and lascivious conduct. He resigned from his job the day after he coerced the woman into performing a sexual act on him.

The incident took place in 1997 in a back room of the East Dorset Country Store where the woman was employed. Deputy Forrest was on duty and in uniform with gun and handcuffs on his belt at the time of the incident. The victim, 20 years old at the time, said the gun and handcuffs were not used to threaten her.

Lynn could not be reached for comment on Tuesday. Phone calls left for Sheriff Forrest were also not returned.