

Jury hears from former deputy sheriff by tape

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Staff Writer

NEWFANE — Seven years ago, at 2 a.m. on a December morning, Deputy Sheriff Richard Forrest sat in a state police cruiser outside his home and told his story of the night he coerced a 20-year-old East Dorset General Store clerk into performing oral sex on him.

In a courtroom Tuesday, the audiotaped conversation caused the now-27-year-old woman to break down crying. Her lawyer, Bradley Myerson, called for a break and walked the woman to a back room. She did not return to hear the remainder of the tape.

"It shouldn't have happened," a jury heard Richard Forrest say on the tape. "A beautiful young lady and it just got out of control."

The woman is suing Bennington County Sheriff Gary Forrest and his department for damages. Richard Forrest was on-duty at the time of the incident. Gary Forrest is Richard Forrest's younger brother.

Richard Forrest would resign from the sheriff's department later in the day. He was charged with sexual assault but eventually pleaded no contest to lewd and lascivious conduct.

"I sense a lot of sorrow on your part," Trooper Kevin Anderson said on the tape. "A lot of a man who feels bad today ... I sense a man who knows he pushed her a little too far."

"What's it gonna be?" the then 57-year-old Forrest responded. "Are you gonna charge me with — I mean, am I being charged?"

That was the point the woman left the room, but she had spent the morning on the stand herself. In testimony that continued from Monday, she told the jury about her life after the attack. Myerson used a permanent marker to list her problems on a large piece of paper. There were nine in all, ranging from her tendency to avoid social events to her inability to trust people, especially the police.

"The one people you are supposed to put your trust in, when they do something like that to you — I just can't trust them anymore," the woman said.

The fact that she was assaulted by an on-duty deputy is crucial to the woman's claim. The jury must find that the sheriff's department aided and abetted the assault on the woman, Myerson said Tues-

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Sheriff's lawyer argues that woman's problems were not caused by incident with deputy

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day. He questioned Gary Forrest about community policing — a practice that puts law enforcement officers in a more personal position in the community — on Monday.

But Forrest said he never directed his brother to stop at any particular store when he was on duty. He said it was his brother's "prerogative" if he chose to go there.

Richard Forrest was more detailed, albeit on paper. The jury

was read portions of sworn statements made by Forrest. A law student played the role of the former deputy and David Putter, a lawyer for the woman, played the part of the questioning Myerson.

"You get to know everybody you can," Forrest said about community policing during that testimony. He said stopping at the general store, often just to chat and take a look around, was part of that concept.

Also in those statements, and on the tape, Forrest said he did not know the girl didn't want to engage in sexual acts with him,

calling himself "partially" responsible.

"I wasn't looking at myself as a police officer at that particular time," he said, noting that wearing his uniforms was "one of the mistakes I made."

"He initially said that he felt that it was a consensual thing," Anderson said during testimony.

The woman swore on the stand that the confrontation was anything but consensual. Pietro Lynn, a lawyer for the sheriff's department, presented her with statements she had made in the past suggesting that she and Forrest had a flirty relationship.

He also used statements the woman had made to contradict her testimony about the personal problems the incident with Forrest caused her.

The woman had testified that problems with her family and husband had not caused her depression and anxiety. But therapist's notes from September 2004 said the woman expressed anger at her husband and concern that her marriage was in jeopardy.

"That's a far cry ... that this picture for the jury you just painted of everything," Lynn said.

The woman also defended herself for lying about an affair she had. She said she lied, both to her therapist and then in sworn statements, to protect the family of the man with whom she had a relationship.

"Why would you then lie when it's a case where you're expecting my client to be liable?" Lynn asked. Using both the woman's sworn statements from 2000 and Myerson's list, he tried to show that other factors, including her marriage, contributed to the woman's problems.

"This long, nine-item list was one item in 2000," he said.

The trial continues today with testimony expected from Dr. Philip Kinsler, who examined the woman. Myerson has said that Kinsler will tell how the incident with Forrest left his client depressed and with post-traumatic stress disorder. Lynn said on Monday that Kinsler will also tell how only some of the woman's problems can be related to the 1997 episode.