

Jury gets case of Colorado inmates' alleging sex assault by jail guard

By John Ingold *The Denver Post* *The Denver Post*

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A Colorado prison inmate wept on the witness stand this week in federal court, facing the jail guard she says sexually assaulted her.

The woman said the guard exposed himself to her and another inmate in a cleaning closet at the Denver Women's Correctional Facility in 2009. The guard, the woman said, then forced them to perform a sexual act on him.

"I felt powerless," she testified Monday during the trial of a civil lawsuit. "I felt the only way I was getting out of there was if I did what he said. So I did."

But in testimony of his own, the guard denied having sexual contact with inmates. Instead, his attorney said that his accusers made up their allegations after reading about a large monetary verdict awarded to another inmate who was raped by a different guard.

"The timing is extremely telling," attorney Andrew Ringel said Tuesday during his closing argument. "Within days of the decision, the plaintiffs' allegations surfaced."

The Denver Post is not naming the plaintiffs in the lawsuit because they say they are victims of sexual assault and is not naming the guard because the allegations against him have not yet been proven.

Denver police detectives and Department of Corrections staff investigated the allegations, but the guard was not criminally charged or disciplined, Ringel said. He resigned from the Corrections Department and now lives in Arizona.

The jury will begin deliberating Wednesday.

The case is what remains of a much broader lawsuit filed in February 2011. The case was originally brought as a class-action lawsuit by 10 female inmates alleging that the Colorado Department of Corrections harbors an "overt culture of sexual abuse" by prison guards on inmates.

Seven of those inmates accused the guard of sexual assault in the original lawsuit, but the suit also named Department of Corrections officials and three additional guards as defendants.

All but two of the inmates were subsequently dismissed from the lawsuit after a judge ruled they hadn't first filed the proper administrative complaints with prison officials. All the defendants except the guard were also dismissed as the case progressed.

Rick Carmickle, the attorney for the inmate and the former inmate who remain as plaintiffs in the case, on Tuesday asked jurors to award the women more than \$300,000 total in damages.

"The constitution of the U.S. does not stop at the prison gate," he said.

Ringel said the guard, who served two tours of duty with the Army in Iraq, suffers from a disability from his time in combat that causes erectile dysfunction and argued that makes it impossible for the guard to have committed the acts he is accused of.