

Lynnwood to pay rape victim \$150,000 in false-claim suit

Originally published January 14, 2014 at 9:03 pm Updated January 15, 2014 at 1:01 am



By [Mike Carter](#)

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The city of Lynnwood will pay a woman \$150,000 to settle a lawsuit she filed after police charged her with filing a false report because they didn't believe she had been raped.

It turned out the woman, identified in court documents by the initials D.M., was one of several victims of serial rapist Marc O'Leary, a former Washington man who admitted the 2008 crime and is serving a 327-year prison sentence in Colorado for raping three women there.

O'Leary, in addition to assaulting D.M., also admitted he raped a 63-year-old Kirkland woman.

D.M. also reached a settlement with Cocoon House, a private, nonprofit at-risk-youth program where she was living when the assault occurred. Records show the woman — who was 18 at the time of the attack — was threatened with eviction unless she underwent counseling and stood in front of other program participants to say she had lied about being raped, according to court documents.

Details of that settlement are confidential, according to the woman's lawyers.

D.M. told police that, early on Aug. 11, 2008, she awoke to find a stranger in her apartment. The man threatened her with a butcher knife, gagged her with her underwear, bound her hands with a shoelace from her tennis shoe and raped her.

When the woman reported the attack to Lynnwood police, she says detectives Jerry Rittgarn and Sgt. Jeff Mason didn't believe her. After claiming police coerced her into recanting her story, the woman was charged with false reporting and fined \$500 when she later tried to insist the rape did happen.

It wasn't until 2½ years later, when O'Leary was arrested in Colorado, that Lynnwood police reopened their investigation. Among the items Colorado detectives found in O'Leary's possession were photographs of D.M. and her ID card.

O'Leary had been stationed at Joint Base Lewis-McChord from November 2006 through September 2009, when he moved to Colorado, according to prosecutors in King and Snohomish counties.

In her lawsuit, the woman claimed Lynnwood detectives disregarded evidence of the assault, bullied her into saying it didn't happen and then threatened to have her thrown out of her apartment when she insisted it did.

Defendants included Rittgarn, Mason and Lynnwood Police Chief Steven J. Jensen.

D.M. claims she was forced into counseling when Lynnwood police told managers of Cocoon House they didn't believe she'd been raped, according to court documents.

The lawsuit alleges that the woman was required to stand up in front of other program participants and say that she had lied about being raped or risk being evicted, according to the lawsuit.

D.M.'s lawsuit also named as defendants the agency that runs the program, Cocoon House, and two of its employees, Jana Hamilton and Wayne Nash.

The Lynnwood Police Department and Cocoon House agreed to the settlement last month.

Officials for Cocoon House declined to comment on the settlement.

However, when the lawsuit was filed in June, the program's CEO, Cassie Franklin, issued a statement saying "Our hearts go out to D.M. and her family. ... We strongly believe that Cocoon House and its employees acted appropriately on behalf of the client."

Bob Christie, the attorney who represented Lynnwood police, said the settlement resolves "an unfortunate situation for everyone involved."

"We are happy to reach this resolution," he said.

D.M., who now lives in Wyoming, said through her attorneys Yvonne Kinoshita Ward and Rich Fisher that she was glad for the settlement and "ready to move forward in the next chapter of her life."

According to police reports and statements filed with the lawsuit, D.M. was living in a small Cocoon House-sponsored apartment after having spent her youth moving among as many as 20 foster homes. She had spoken to a friend on the phone for several hours early Aug. 11, 2008, finally going to bed around 5:30 a.m. She said she left the sliding-glass patio door ajar.

She said it was about 7 a.m. when she woke to find a man standing over her bed with a butcher knife and wearing latex gloves. He tied her hands behind her back with a lace from her tennis shoe, blindfolded her and gagged her. He then raped her.

The lawsuit alleges police ignored or disregarded evidence once they convinced themselves she was not telling the truth.

Their suspicions were based on comments from three people who said that they doubted her story, according to the suit. One was her former foster mother, with whom D.M. had been arguing, and the other a friend who had spoken to D.M. on the phone that night, before the alleged attack. The third doubter was an anonymous caller.

Three days after the assault, officers picked up D.M. in a police car and took her to the station, where Rittgarn told her there were inconsistencies in her story. She claims the officers interrogated her and “put words in her mouth.”

On Aug. 18, D.M. returned to the police station with Cocoon House representatives and asked to withdraw the denial and insisted that she had been attacked.

“She began crying and said she kept seeing visions of ‘him’ on top of her,” the lawsuit says.

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Information from Seattle Times archives is included in this report.

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