

Victim ~ Survivor ~ Educator

by Kim Hedrick

- Objective* Outline my experience vis a vis the recognition/protection of rights as a victim of crime; how I was treated and overall view of whether the justice system delivered justice for me.
- Purpose* Review each “piece of the puzzle”; highlight the experience with the first responding patrol officer and how that almost kept me from wanting to prosecute and how a correct response (and continued response/support) changed that, with an emphasis on how having the correct people in place makes all the difference.
- Freda Adler* “It is little wonder that rape is one of the least reported crimes. Perhaps it is the only crime in which the victim becomes the accused and, in reality, it is she who must prove her good reputation, her mental soundness, and her impeccable propriety.”
- My Message* You don’t know me. You do not know who I was before this moment in time. You do not know what happened to me. You do not know how you would react if a violent crime was committed against you. Do not judge me by how I am dealing with what has happened. **You Don’t Know Me.**

Day my Life Changed

November 19, 2009 my life changed forever. I was brutally beaten, bitten and raped repeatedly by a serial rapist. I have elected to share extremely personal excerpts from that day so you get a sense of my experience.

- He ordered “get on your knees you fat fucking whore”. I stood there unable to move....it felt really strange...like a dream...not being able to move... knowing and fearing what was going to happen to me. He hit me again and told me to get on my knees and grabbed my hair and pushed me down. I’m unsure what he said “fat fucking pig, cow or whore”, because he said those phrases several times throughout the assault.....So, I got down on my knees in front of him. He told me to open my mouth and yelled “suck my cock”....I did not open my mouth so he yelled again “suck my cock bitch”...I still would not open my mouth. At that time as he was pulling my hair back with his hand, he bent over and bit my left ear. He bit it so hard that I could feel and hear my ear “crunching”...it was extremely painful. When he was biting my ear I was saying “hey, hey, hey, please don’t do this to me”....his reply was “hay is for horses and fat fucking cows like you”. He advised me that if I did not suck his cock he would bite my ear off..... I opened my mouth and let him put his penis in my mouth.

- My rapist asked me if I had seen the movie Taken, I did not respond. He got a crazy grin on his face and said “Well, that’s what I do bitch!” I had seen the movie, it is about group that kidnaps, drugs and sells women into prostitution in foreign countries. Only after my attack did I find out the movie was based on an Albanian group. After doing research on the Albanian Mafia I found that the Albanian’s are known for human trafficking. Thus making his threats to me even more real.
- While I was down on my knees the defendant ordered me to open my mouth again and I did not. He reached down with his hand and inserted his fingers into the side of my mouth to force my mouth open, he pulled down my jaw and bottom lip and yelled at me to open my mouth wider. While he was doing this I could hear what he was doing....the only term that comes to my mind is “hawking up a loogie”. Once he had my mouth open I could hear him spit out his ball of spit down toward my mouth...he removed his hand and as his spit was about to hit my mouth I tried to close my mouth and turn my head to avoid it. The spit that had made it in my mouth, I reactively spit back at him...hitting him in the midsection. This made him extremely angry. He yelled something like “oh no you didn’t! You don’t get to do that to me bitch!”...The defendant hit me, grabbed me and pulled me up by my hair and pushed me face down onto my bed.
- I was bent over with my face smothered in the comforter and my feet barely touching the floor. He was pushing my face into the comforter making it very difficult to breathe. As he was doing this he was penetrating my vagina with his penis and putting several of his fingers into my anus. He was yelling at me during this time, asking me “do you like this bitch?” I was struggling because I thought I was going to be suffocated, during this time he bit my back several times along my lower right shoulder blade very hard and my right arm. I am not sure how long this went on with my face stuffed in the comforter, but it seemed like a very long time...I lost consciousness at some point.
- After that the defendant turned me over. He had my arms held back over my head at many points and I had bruises on my arms and chest from him holding me down. He bit my breasts along with both my arms so many times I do not recall and bit my hand when I tried to push him away.
- During this time while I was on my back I urinated on my bed. He proclaimed “See bitch, you do like it, you came”.

After

After the rape, my attacker told me to “snuggle up”. There were many “stories” he relayed that morning and I knew his intention was to intimidate me and ensure I would not go to the police. There are a few that stand out that I’d like to share with you to help you understand my mindset.

- The defendant showed me the tattoo on his right ring finger and asked if I knew what it was...I said I did not...he reached out as if to shake my hand...he stated it was an announcement to people he worked with of who he was~his status, what he was capable of and that they should be scared of him.
- The defendant at one point advised me that he was going to stay at my house for at least two days and there was nothing I could do about it...that no one would know because I was a “loner” in Arizona...my family didn’t live here, my friends don’t come over to my house regularly, I wouldn’t be missed at work because I could work from home...so it could be days before I was missed and by then I could be on a private jet to who knows where and people could make me do whatever they wanted...he said he knew a guy who had kidnapped a girl and kept her for four months before she got away.
- After the attack the defendant advised me that I didn’t know his real name. His Mercedes was registered and insured in other people’s names...he only used pre-paid phones...neither I nor the police would ever be able to find him...but he and his “soldier’s” knew me and where I lived (then he said out loud “little Kim lives in the Venu, second floor, 2176”) He stated it wasn’t difficult to get into a gated community and that the second floor was really no protection. He also advised he knew where I worked.
- He then engaged in normal conversation, like nothing had ever happened. I continued to try to please him and be as nice and normal as I could, all the while providing reasons why I needed to leave and he continued to tell me he wasn’t ready to leave. He’d let me know when he was ready.

My Negotiation

Looking back, I cannot believe some of my actions, in fact I find them unfathomable. I know someone hearing this most likely would not find them “reasonable response” either. I negotiated, I did what I was told and I did nothing to make him mad. I’ve read several books and had hundreds of hours of therapy that assures me this is a “typical response”, but who knows? What I do know is I did what I thought at the time would ensure I survived.

- He told me to make him breakfast...I asked if we could please go to the Good Egg down the street...he said he already looked in my fridge when we got here...you can make me breakfast. When I got up he noticed that I was already bruising badly... he laughed and said “lil Kim...the color looks good on you”.....I didn’t respond because I did not want to set him off again....and then he claimed “you haven’t seen anything yet”.... he then told me that I should have “known better”that this was my fault.....So, crazy enough, I went to the kitchen and I made my rapist breakfast.
- I asked if we could leave my house to go get a latte, he told me to go get one myself he wasn’t ready to leave. He let me know that he knew Starbucks was just

up the street and should take only a few minutes. He let me go with the promise I would be back. So I left with many thoughts running through my head. I need to call the police, I need to just drive to the police. I was totally irrational at the time and the overriding thought in my head was that he could find me anywhere I went and that he would come through with his threats of kidnapping, torture and death. So I returned to my home hoping that I could negotiate my way out of the situation. I wanted him to think I was not upset with him and that I was not going to say anything to anyone. As crazy as that is, at the time and the state I was in it seemed like the best option for me to ensure my future safety.

- When my rapist decided it was time to go, he had me drive him back to his car. We drove most of the way in silence, but when he opened the door to get out his last words were “little Kim, second floor at the Venu, 2176.” All with an evil smile on his face.

Important Note: It is of the utmost importance for first responders to understand there is no **right way** to react to being raped. Just because someone is not reacting the way you believe they should, does not mean it did not happen. Do not judge the victim.

Pieces of the Puzzle

I was assaulted on November 19, 2009 and the case ended April 26, 2011. It would be impossible to address everyone involved. I am focusing on the primary areas I believe to carry the most impact on me individually and the system as a whole.

- **Emergency Room**
 - *What happened:* they were expecting me at check-in. I was treated as a number and instructed to sit in the lobby with everyone else.
 - *My interpretation:* It does not matter what happened to you, people don't care.
- **First Responding Officer**
 - When the officer arrived she went to the front desk, they pointed over to me. She then saw a male officer she knew and went to talk with him first. She spent quite a bit of time with him, she was laughing and it was obvious she was flirting. Finally she came over to me, introduced herself and informed me she was trying to get a room. Then she went back over to the male officer and continued laughing and flirting.
 - Her interview was casual and cold, nonchalant, condescending, laughed at times and advised me if I would not 100% commit to prosecuting right then and there she wasn't going to waste any detective's time. She discouraged me to go to Scottsdale Advocacy Center where they would complete an exam. (*luckily my girlfriend that brought me insisted I go*)
 - When we left the hospital to go to SAC I asked if I could ride with my girlfriend that brought me and follow her in the police car. She smirked and laughed and told me “No, you are evidence now. You'll need to ride in the back.”

- During the ride to SAC she announced to me that there was another call for a burglary. She expressed she was mad she had to take me to SAC because she could be responding to that call if it was not for me.
- The officer dropped me off at SAC and told me she was sorry she couldn't stay but she was going to try to get in on that call.
- *My interpretation:* This is not important to her, this is a waste of her time, she does not believe me, I am not worthy of common courtesy to her.
- **Scottsdale Advocacy Center**
 - S.A.N.E. Nurse Erin Bertino was the forensic nurse that attended to me that night. When she greeted me she was soft spoken and let me know she was so sorry this happened to me. She was kind and gentle during the exam explaining each process and why she was doing it. She had a poem she wrote on the wall about being a victim. When I took my gown off she said “holy shit”, and I said “I know, right?” (*the first validation from a responder*). She encouraged me to talk with a detective, even if I wasn't sure I was going to prosecute at this moment in time. She relayed how important it was for me to take photos of my injuries since there was not a detective at SAC. I was provided a packet that included a booklet entitled “Care and Services for Sexual Assault Victims”. This outlined who would be involved and what to expect from each entity, it was helpful.
 - *My interpretation:* She believes me and validated that something really horrible happened. She made me believe it was extremely important to talk with a detective, *no matter what*, I did not have to decide how to proceed with prosecution. If it were not for how Erin treated me I do not know if I would have ever returned my detective's phone call.
- **Scottsdale Detective ~Crimes Against Persons**
 - Brooke Scritchfield was assigned my case. When she called she let me know that my rapist was listed in three other similar cases. She asked if she could just talk with me, hoped I would be willing to move forward and be willing to prosecute. She said she knew it would be a very difficult decision, but at a minimum just to come in, complete a detailed interview, discuss my options and talk about the possibility of moving forward. She let me know the nurse relayed my injuries were extensive and she wanted to make sure that I had taken photos and asked if she could have a crime scene specialist come to me to take photos. She relayed he was a really “bad dude” and wanted to try to save other victims. *My interpretation:* She believes me; she validated what happened to me and believes it is important.
 - It took me a while to commit to moving forward with prosecuting my rapist. The reason for the delay is plain and simple~ he threatened retribution and my life *and I believed him*. Brooke remained consistent and supportive during this time~ answering all of my questions while encouraging me to prosecute not only for myself but for the other victims and to stop him from hurting anyone else.

- From the first call Brooke made to me on November 20th 2009, to one day in February 2010 when I decided to move forward, to April 10th 2010 when my rapist was arrested, to February 17th 2011 when the trial started, to March 24th 2011 when he was convicted and then April 26 2011 when he was sentenced Brooke always made me feel both me and my case were important and a priority. If she had not remained committed to my case and supportive to me I don't know if I would have (or could have) stayed the course. I owe Brooke my life.
- **Physician's Assistant**
 - Scottsdale Advocacy Center recommended I go to my own physician for an exam. During the exam I relayed that I was hit several times on the head and was having extreme pain in my left ear and could not hear. The PA recommended I make an appointment with an ENT and did not document in her notes these details. I mention this because this lack of documentation could have had a very big impact on my case. Luckily, at the time I was under the care of a neurologist. I had visited him the week prior to the rape and he completed an exam that included a hearing test. I had a follow up appointment the week after the rape and he conducted another test and referred me to a hearing specialist. *Important Note:* document everything; you do not know what information will be vital to an investigation.
- **Scottsdale Victim's Advocate**
 - Stacey Willis was assigned as my advocate in the interim time before I was formally assigned one by the county. Stacey was so important during this time to add another layer of "security" and reinforce the case was important and I was important to the case. She went to court with me to file the restraining order and was available to answer my general questions via email and phone. Stacey even went to court with me several months later when my County Advocate was not available.
- **Maricopa County**
 - After my rapist's arrest Maricopa County Sheriff's Office entered me into the Victim's Notification Program. This entitled me to the defendants' court paperwork and Court Appearance dates. I was delivered a document outlining my rights as a victim. I found this to be very helpful.
- **Maricopa County Victim's Advocate**
 - Demetra Presley was assigned to me as my advocate for the county. Demetra, and this role, was so important to me. The process from arrest to trial is not anything I would have expected. It is a **much** longer process filled with a lot of technical information and involves many changes. Demetra provided me updates via mail to upcoming court dates. She made herself available to me via email and phone for my many questions. Demetra went to almost every hearing with me to provide support and information. My advocate was an instrumental part throughout the progression of the case.
- **Maricopa County Victim's Assistance**
 - The defendant's crimes had a deep financial impact on me. After the assault I was unable to return to work for six weeks, and then worked

intermittently, ultimately taking a leave of absence in July 2010. Not only did I suffer a significant loss of income, I incurred many expenses for medical care and mental health services. Rachel Robles, with the Victim Compensation Bureau, helped me from July of 2010 thru the end of the trial in March 2011. The majority of my medical and mental health expenses I had directly relating to my attack were reimbursed. Rachel and this program were extremely helpful to me.

- **Maricopa County Attorney's Office**
 - Sara Micflikier, Sex Crimes Prosecutor, and Rachel Mitchel, Sex Crimes Bureau Chief, handled the prosecution of my case. My understanding of their role was they were to decide: if my rapist would be charged, what charges would be filed, if the defendant should be offered a plea bargain, and the type of bargain that would be offered.
 - Due to the high number of cases this office handles, from arrest to a couple months prior to the trial, the majority of the information from this office was understandably thru my advocate—this reinforces the need for victim's advocates.
 - I recall Sara asking what I thought my rapist should be sentenced to and I sent a detailed excel spreadsheet outlining the minimum number of years to be served for each charge (57 years total) to the maximum number of years (300.2 years total)~of course I thought he should get the 300. Sara was honest about the process and how challenging it would be to even get a conviction; all the while I knew she was committed to getting a conviction.
 - Despite the incredible amount of roadblocks and limitations of the system, I very much felt like my thoughts and opinions were listened to and taken into account while the prosecution was making decisions. I am thankful every day that Sara and Rachel were on my team.
- **Jury** These people were not my peers and I believe they failed.
- **Judge**
 - Judge Warren Granville presided over our case. I believe he was extremely fair, he was kind to me during my testimony and he rendered the maximum sentence on the guilty verdicts.

The Charges

There were three victims sited in the case, the defendant was charged with 16 counts directly related to his victims (*two additional counts pertaining to drugs in which he was guilty*):

- Heather
 - 1 count ~Burglary
 - 1 count ~Sexual Assault
- Daphne
 - 2 counts ~ Kidnapping
 - 3 counts ~ Sexual Assault
- Me
 - 1 count~ Kidnapping
 - 4 counts~ Sexual Assault
 - 1 count~ Aggravated Assault

- General~ verdict rendered by the Judge
 - 1 count~ Theft
 - 1 count~ Assault
 - 1 count~ Threatening and Intimidation

The Verdict

The Jury was responsible for the first 13 charges. Listening to the first 11 **not guilty** verdicts being read was excruciating; the jury found him guilty of only one count of sexual assault in my case and one count of aggravated assault in my case.

Judge Granville was responsible for the general charges and found him guilty of all three: theft in Heather’s case, assault in Daphne’s case, and threatening and intimidation in my case.

The Sentence

Judge Granville imposed the maximum sentence for each guilty verdict: **11.5 years**. It wasn’t the 300 I had hoped for, but at least it was not an acquittal.

Justice Served?

I have great respect for the judicial system. I come from a long line of family members involved in law enforcement and have always believed that the “system” would work; it was one of the primary reasons I elected to move forward with pressing charges against my rapist. With that said, I strongly believe the jury failed us. I will never understand how they could listen and review physical evidence combined with seeing a clear escalating pattern of violence against women and not find him guilty on all counts.

Despite all the efforts of the majority of the people involved in my case, ultimately I do not believe justice was served.

Thoughts

How the first law enforcement officer handled my case was appalling and inexcusable to me, I hope it is to you too. The right people make all the difference.

What Now?

Erin Bertoni, my forensic nurse, said to me “For whatever reason, I believe that all of this was supposed to happen. You are supposed to be a survivor and talk to our nurses and law enforcement and share your experience in order to better educate others.”

My hope is something good can come from something so evil; that I can help prevent someone from becoming a victim and make a positive impact for future victims. Thank you for the opportunity to share my experience.