

# **Jail Rapist Jermaine Nelson**

## **Demand Public Defender Sandy Feinland's Resignation**

### **Public Tribunal to Stop Rape and Sexual Assault**

**Thursday, Dec. 14<sup>th</sup> at 6:00 PM**

**YWCA\* Main Lounge -- 2600 Bancroft Way, Berkeley**

**(across from Barrows Hall, UC Berkeley campus)**

*\* The YWCA is not an official sponsor of this event.*

### **Attend the Sentencing Hearing to Demand Jailing Rapist Jermaine Nelson Demand Justice for All Victims of Rape and Sexual Assault**

**Friday, Dec. 15<sup>th</sup> at 9:00 AM**

**SF Superior Court House, Third Floor, Rm. 4 -- 850 Bryant St., San Francisco, CA**

#### **[ Content Warning: Rape and Sexual Assault ]**

Jermaine Nelson, rapist and member of a kidnapping and gang rape crew, is currently walking free on the streets of San Francisco and the Bay Area. He will permanently escape being brought to justice, unless we take action now to ensure that he put back in jail.

Eleven years ago, Nelson and two co-conspirator friends kidnapped and gang-raped *Cathy\*\** in the early hours of Feb. 11, 2006. They drugged her with ether while she smoked a cigarette in the alleyway of Kells Restaurant and Pub in San Francisco, and then kidnapped her. Over the next 6-8 hours, they took turns raping and sodomizing her, first inside a white van, and later inside a house (located near the Cow Palace) in San Francisco. While in the house, they told each other to keep her quiet so that her screams wouldn't "wake the kids."

Every woman must be warned about this rapist and his crew. Jermaine Nelson's name needs to become a popular rallying cry for the removal of all rapists from our communities. Over the past few years, and especially the past few weeks, valiant women have begun to publicly expose the names of the men who raped and sexually assaulted them, taking down top Hollywood and media producers like Harvey Weinstein who had been abusing and raping women for decades. In publicly naming and exposing the rapist, they regained their power, protect themselves from the rapist, and also protect other women from being victimized by the same rapist. The public campaigns also send a message to other rapists and those considering rape. It puts them on notice that if they try to get away with rape and sexual assault in the future, they run the risk of being exposed and having their name, picture, and description of the attack posted on every lamppost and every flat surface available in the fight for justice for women who have bravely taken a stand and revealed the name of their attacker.

The District Attorney's office and the court system have utterly betrayed Cathy. Still seeking justice, she has decided to go public and name her rapist, Jermaine Nelson, making it possible for the new civil rights, immigrant rights, and women's rights movement to build a campaign strong enough to ensure that he is not allowed to walk free.

Friday, December 15<sup>th</sup>, come to the SF Superior courthouse for Jermaine Nelson's sentencing hearing. We need to fill the courtroom to send a message to the judge: Justice for Cathy means jailing rapist Jermaine Nelson. Let Nelson know: you will never get away with raping another woman again.

*\*\* pseudonym to protect her anonymity*

#### **Background:**

Eleven years ago, Cathy not only survived, she fought back against her rapist captors and escaped. After hours of unending, unspeakable horror at the hands of Jermaine Nelson and his two co-conspirators, Cathy fought off one of her attackers and fled the house. She ran and eventually got help from a couple at a bus stop on Geneva St. who called 911. The police took her to the San Francisco General Hospital where her injuries and trauma were documented, a rape kit was conducted on her, and she gave an extensive statement to the

police. However, the police refused to take her report seriously. Three days after giving her statement to the police, SFPD officers told her that there was nothing they could do to bring her perpetrators to justice. One of the SFPD officers, unbelievably callous and insensitive, told her how he "once lost a favorite watch" which he never got back, communicating that she should just get over it.

She had all but given up hope at ever getting justice. Even with medical evidence, for six years the police made no arrests. Cathy's rape kit was one of hundreds that had laid idle for years on the shelves of SFPD warehouses. But in 2012, public pressure, especially the actions of women's rights activists, forced SFPD to reopen hundreds of rape kits. Cathy's was one of them, and her kit drew a match with Jermaine Nelson's DNA. Nelson was already in jail for another crime. His face also matched the description she had given to the police artist years earlier. The evidence was conclusive. Nelson was charged and bound over for trial on 5 felony charges: kidnapping, raping a conscious person, raping an unconscious person, sodomizing a conscious person, and sodomizing an unconscious person.

Jermaine Nelson finally went to trial in August 2017 for his role in the 2006 gang rape of Cathy. At the trial, Cathy gave 3 days of courageous testimony, including 2 days under intense cross-examination by Nelson's lawyer about the horrors she had suffered at Nelson and the other rapists' hands. The SFGH nurse who conducted the first exam and rape kit described in her courtroom testimony that Cathy's genitalia was "mutilated" by the gang rape. One of the people who had called 911 for her testified about the physical and mental trauma he saw Cathy in when she approached him for help, and why he immediately called the police.

The laws addressing rape and sexual assault are full of hypocrisy and are set up against the victim. This was no less the case for Cathy as it has been for the vast majority of women who seek but fail to win justice through the police and the courts. Despite overwhelming evidence and testimony, every level of the criminal justice system acted together to ensure that Nelson's trial ended in a "hung jury", with the jurors unable to reach a unanimous verdict.

Nelson's public defender, Sandy Feinland, is an ideological rape defender and should be fired. He is far from an ordinary typical court appointed attorney who is burdened with so many cases that he can only give scant and cursory defense to his clients. Feinland defends rapists with the gusto and ideological commitment of any private attorney who agrees with his clients. He aggressively cross-examined and bullied Cathy on the stand during two days of the trial, placing the blame for her rape directly on her. He continued to press her, ignoring the fact that he was making her visibly distraught. She became physically ill from his questions and had to interrupt her testimony because she thought she was going to vomit. He asked her vile questions, like how she knew that she was being sodomized with an object and not a penis. He made twisted statements to her and to the jury implying that she enjoyed the experience of being gang raped and mutilated, but didn't want her parents or her boyfriend to know. Feinland, unlike the typical "underfunded, over worked" public defender, spent tens of thousands of dollars (most likely funded by some outside benefactor who believes men should have the right to rape women and get away with it) to hire several "expert" witnesses, including a toxicologist, a DNA expert, doctors and a nurse to attack Cathy and her case—none of whom had ever seen or treated Cathy directly. Judge Bruce Chan presided over her case and sanctioned this sham of a trial. We must fill Judge Chan's courtroom in San Francisco on Friday Dec. 15<sup>th</sup> to make our demand clear: justice for Cathy means jailing Jermaine Nelson.

The District Attorney Brad Allred, in charge of prosecuting Nelson on behalf of Cathy, did not hire a single expert witness to back up her testimony about her rape and mutilation or to counter the expensive hired guns of the public defender. Directly thwarting Cathy's ability to win justice against her attackers, the DA's office (the same DA in charge of prosecuting Nelson and winning justice for Cathy) refused to give her the names of the two other men who took part in gang-raping her. They also refused to give her the address of the house that Nelson and the other men had taken her to. In September, when the trial ended with a hung jury, Cathy was willing and ready to go back to trial and expected to do so. But the DA told Cathy that his office likely would not want to spend the money on another trial. Instead, he cut a deal with Nelson to plead to a lesser rape charge. Nelson accepted. Despite the fact that the lesser rape charge resulted in 6 years prison, Nelson was released from jail for "time served" since he had been jailed since he was arrested in 2012. Nelson, a dangerous rapist, now walks free, and is living with his parents in San Francisco. Justice has not been served.

This was likely not the first or last time Nelson and his friends kidnapped, raped, and tortured a woman. Nelson cannot be allowed the freedom or anonymity to do this again. Real justice for victims of rape and sexual assault never starts, or ends, in the courtroom. The voices of courageous survivors, especially those standing up to the braggart and sexual predator, Donald Trump, have inspired other survivors who are now naming their own rapists and other sexual predators. The new civil rights and women's right movement urgently needs to grow from here. This is the beginning of a process of destroying the cloak of silence and anonymity that rapists hide behind, and the culture that fosters and protects rape and sexual assault by blaming the victim. The truth must be told about the horrific crimes committed by Jermaine Nelson and the two other men who raped Cathy. Other women must be warned, not only to stay away from him, but to also not trust or rely on the police, the District Attorney, the judges, or any aspect of the court system to win justice for themselves. We must be our own heroes.

BAMN has held a series of public tribunals in which students, workers, and members of the community who have had similar experiences speak out and testify to their experiences fighting rape, sexual assault, sexual harassment, racism, and all forms of bigotry and oppression. At Thursday's tribunal, we will come up with a collective plan of action to fight for real justice for Cathy, starting by organizing people to attend Jermaine Nelson's sentencing hearing the next day at 9am at the San Francisco Superior court.

The truth is powerful, but we need power on our side for the truth to triumph. Join the fight and help build the movement. Fighting together, we are strong enough to overcome the obstacles that are placed in the path of those seeking justice for themselves or others.

**Coalition to Defend Affirmative Action, Integration & Immigrant Rights and Fight for Equality By Any Means Necessary (BAMN)**

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