

Eugene Police Department

Incident Case Number: 14-04131

Reporting Agency: Eugene Police Department

Print Date/Time: 04/28/2014 14:54:17

Disclaimer: The information contained within this report is reflective of the investigation at the date and time of its printing.

**INCIDENT/INVESTIGATION
REPORT**

INCIDENT DATA	Agency Name <i>Eugene Police Department</i>		Case# <i>14-04131</i>						
	ORI <i>OR0200200</i>		Date / Time Reported <i>03/13/2014 22:28 Thu</i>						
	Location of Incident <i>Eugene OR</i>		Premise Type <i>[REDACTED]</i>	Zone/Tract <i>EPUO</i>	Last Known Secure <i>03/09/2014 00:01 Sun</i>				
	At Found <i>03/09/2014 02:00 Sun</i>		Activity <i>N</i>						
MO	#1	Crime Incident(s) <i>Rape 1 - Forcible 163 375</i>	(Com) <i>F</i>	Weapon/Tools <i>None</i>	Activity <i>N</i>				
	#2	Crime Incident	()	Weapon/Tools	Activity				
	#3	Crime Incident	()	Weapon/Tools	Activity				
MO <i>SEX ACTS/KISSED VICTIM, SEX ACTS/DISROBED VICTIM, SEX ACTS/PENETRATED FROM REAR, SEX ACTS/RAPE OR ATTEMPT, SEX ACTS/TOUCH/FONDLE VICTIM, SUSPECT ACTIONS/HAD BEEN DRINKING, SUSPECT ACTIONS/MULTIPLE SUSPECTS</i>									
VICTIM	# of Victims <i>1</i>		Type: INDIVIDUAL/NOT LAW		Injury: <i>None</i>				
	V1	Victim/Business Name (Last, First, Middle) <i>[REDACTED]</i>	Victim of Crime # <i>1</i>	DOB <i>[REDACTED]</i>	Race <i>[REDACTED]</i>				
	Home Address <i>[REDACTED], Eugene, OR 97401</i>		Home Phone <i>[REDACTED]</i>	Sex <i>F</i>	Relationship To Offender <i>IRU,2RU,</i>	Resident Status <i>[REDACTED]</i>			
	Employer Name/Address <i>[REDACTED]</i>		Business Phone <i>[REDACTED]</i>	Mobile Phone <i>[REDACTED]</i>	Military Branch/Status				
	VVR	Make	Model	Style	Color	Lic/Lis			
VIN <i>[REDACTED]</i>									
OTHERS INVOLVED	CODES: V = Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)								
	Type: INDIVIDUAL/NOT LAW ENFORCEMENT			Injury:					
	Code	Name (Last, First, Middle) <i>[REDACTED]</i>	Victim of Crime #	DOB <i>[REDACTED]</i>	Race	Sex <i>M</i>			
	Home Address <i>[REDACTED]</i>		Home Phone <i>[REDACTED]</i>		Relationship To Offender	Resident Status			
	Employer Name/Address <i>[REDACTED]</i>		Business Phone <i>[REDACTED]</i>		Mobile Phone <i>[REDACTED]</i>				
Type: Injury:									
Code	Name (Last, First, Middle) <i>[REDACTED]</i>	Victim of Crime #	DOB <i>[REDACTED]</i>	Race	Sex				
Home Address <i>[REDACTED]</i>		Home Phone <i>[REDACTED]</i>		Relationship To Offender	Resident Status				
Employer Name/Address <i>[REDACTED]</i>		Business Phone <i>[REDACTED]</i>		Mobile Phone <i>[REDACTED]</i>					
Type: Injury:									
1 = None 2 = Bruised 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown (*OJ* = Recovered for Other Jurisdiction)									
PROPERTY	VI #	Code	Status Frm/Id	Value	OJ	QTY	Property Description	Make/Model	Serial Number
Officer/ID# <i>LOOS, J. (EPO, EPAT) (UOP313)</i>						Invest ID# <i>HALL, B. (WPO, EVCU) (EPD104)</i>			
Supervisor <i>TINSETH, R. (EPO, EPAT) (EPD243)</i>						Status			
Complainant Signature			Case Status <i>Suspended/Inactive (no More Leads) 04/15/2014</i>			Case Disposition:		Page 2	

EXHIBIT A - Page 2 of 24
 Declaration of Michelle Barton Smigel
 in Support of Defendants' Motion to Dismiss

REPORTING OFFICER NARRATIVE

Eugene Police Department

Victim [REDACTED]	Offense RAPE I - FORCIBLE	OCA 14-04131
		Date / Time Reported Thu 03/13/2014 22:28

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ICV/ CEPXJCL - 031414 @ FRONT 2344 REAR 2347

AO/ Officer Palki

A/ (3) attached documents #1-3

Details:

On 031414 at 2228 hours, I responded to [REDACTED] regarding a report of sex abuse. Dispatch advised V [REDACTED] resided in [REDACTED] on the [REDACTED]

When I arrived at [REDACTED] [REDACTED] was waiting outside of the east main entry. I introduced myself and [REDACTED] mentioned that she was not comfortable talking inside [REDACTED]. I asked [REDACTED] if the conference room at the University of Oregon Police Department would be ok and she said, "Yes." I transported [REDACTED] to 2141 E. 15th (University of Oregon Police Department) to conduct an interview.

I asked [REDACTED] what day the assault happened and she said it occurred, "Saturday night, between 12 midnight and about 2am, last weekend (030814-030914)." [REDACTED] stated, "We were all drunk and it got a little bit out of hand." [REDACTED] mentioned she told her father, [REDACTED] what happened and he called in a report to the University of Oregon Police Department. She said an officer from the University of Oregon Police Department tried contacting her twice, but she did not return the call. She stated, "I was really mad at my dad. I wanted to report it, but on my own time."

[REDACTED] mentioned she wrote up a document about what happened, which she wrote on Tuesday, 031114. She opened her laptop and asked me to read it. [REDACTED] was visibly nervous when she handed me her laptop and almost started crying when I started reading. I read the document, which is included in this report.

After I read the document I asked [REDACTED] what happened to her last Saturday night (030814-030914). [REDACTED] stated she went to a party with two of her friends early in the evening. She said they left that party after Eugene Police responded as they were all underage. [REDACTED] hear about a party being put on by some University of Oregon basketball players. She and one of her friends [REDACTED] decided to attend.

They arrived at, "[REDACTED] s house" and started to drink some peach flavored alcohol. [REDACTED] stated she got separated from "[REDACTED]" once inside the house. I asked her how many people were at the party and she said, "Probably about thirty." [REDACTED] was approached by four black male college age adults that she did not immediately recognize. She mentioned that one of the four men left to another part of the house and three of the men started to compliment her. [REDACTED] said the three men led her down a short hall to a door and into a bathroom. Later in the interview I asked [REDACTED] how she knew the men to be Austin, [REDACTED] and [REDACTED]. She stated, "The guys called each other by name, and they look like they do on the basketball cards they hand out at games." The three men were identified as 1/ Austin, Brandon; 1/ [REDACTED]; 1/ [REDACTED]. [REDACTED] said Austin and [REDACTED] were in the bathroom with her but [REDACTED] stayed in the hall.

[REDACTED] mentioned, "I had no idea what room we were going into. Then there were three of us in a small bathroom and I thought it was strange." [REDACTED] stated, "I thought, maybe this is just what happens in college... just college fun." [REDACTED] said she was initially, "Ok going into the room, but did not want to have sex. No way did I want to be fucked by three people at once."

Reporting Officer: LOOS, J.

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REPORTING OFFICER NARRATIVE

Eugene Police Department

OCA

14-04131

Victim

[REDACTED]

Offense

RAPE I - FORCIBLE

Date/Time Reported

Thu 03/13/2014 22:28

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[REDACTED] said Austin and [REDACTED] started to, "Touch me all over." She said the men asked her to shake her butt and she did. She stated she had to hold onto her shorts because Austin and [REDACTED] kept trying to pull them down. [REDACTED] mentioned she tried to take her phone out to call [REDACTED] and Austin took it from her. [REDACTED] asked Austin and [REDACTED] "What's going on?" She said [REDACTED] grabbed her hair, sat down on the toilet and forced her to bend over. [REDACTED] stated Austin was standing behind her and pulled down her shorts and penetrated her vagina with his penis, while he was holding the door shut. She said, "Then [REDACTED] pulled my mouth down onto his dick. I was choking. I remember saying no throughout the whole thing." I asked [REDACTED] how long this went on for and she said, "Only a couple of minutes" because, "Austin stopped holding the door and someone walked in on us." [REDACTED] said she pulled up her pants and walked out of the bathroom. [REDACTED] stated she was in the bathroom for 5-10 minutes and the penetration and oral sex lasted approximately 10-20 seconds. [REDACTED] said Austin was wearing a condom.

[REDACTED] stated that [REDACTED] followed her out of the bathroom and down the hallway, but she was not sure where Austin or [REDACTED] went. [REDACTED] said she got really dizzy and sat down in the hallway. She said [REDACTED] asked her if she needed water and then he led her into the kitchen and got her a glass of water. She mentioned she was only out of the bathroom, "For a short period of time." She stated, "I headed for the front door, but [REDACTED] stopped me by the door, grabbed my arm and pulled me back into the bathroom." [REDACTED] said, "If I was sober, I would have slapped him in the face."

I asked [REDACTED] what happened in the bathroom the second time and she said, "I don't remember intercourse, but they had me suck their dicks." She mentioned Austin bit her neck and Austin [REDACTED] and [REDACTED] were touching her all over. She said, "Stop, don't" repeatedly but they kept going. [REDACTED] stated she was forced down to her knees and all three men forced their penises into her mouth taking turns every few seconds. She said this lasted for a couple minutes and then abruptly stopped. I asked her if any of the men ejaculated and she said, "No, I don't think so. At least not inside of me." I asked her why they stopped and she stated, "I have no idea, but one of them said they had to go." [REDACTED] said she got up, left the bathroom and walked through the house. She stated she made it outside and was crossing the street when she met up with [REDACTED].

Once outside [REDACTED] stated, "[REDACTED] said their ride was about to get there. [REDACTED] said Austin [REDACTED] and [REDACTED] started to yell at [REDACTED]" and [REDACTED] told the guys, "Stop being so mean." [REDACTED] told Austin [REDACTED] and [REDACTED] that she had to leave. [REDACTED] stated Austin grabbed her arms and started to pull her away from [REDACTED]. [REDACTED] said, "I tried to pull away but Brandon was holding my arm." I asked her what [REDACTED] did and she said, "I don't know, I think she didn't know what to do." She said Austin then put his arm around her neck, "Like a chokehold, but I remember I could still breathe" and pulled her back towards the house. [REDACTED] stated [REDACTED] told Austin, "That's not cool man" and Austin let go of her neck and grabbed onto her arms again. Austin kept a strong grip on her arm until an Oregon Taxi arrived a few minutes later. [REDACTED] said she got in the taxi with Austin [REDACTED] [REDACTED] and another unknown black male college age adult.

[REDACTED] stated three of the men sat in the back seat, one in the front and she sat on [REDACTED] lap. She said the ride was approximately 10-15 minutes and she could remember the fare was \$13.60 with an "X3" somewhere near the fare. [REDACTED] mentioned during the ride she was given a, "Small sip of some nasty alcohol and then they made me take two drinks." I asked her how big the drinks were and she said, "Somewhere between a sip and a gulp. I'm not too sure." She said she did not know what kind or brand of alcohol it was.

[REDACTED] said the cab arrived at [REDACTED] Apartments off of [REDACTED]. She used Google Maps to help locate the specific building. A copy of the Google Map is included in this report. [REDACTED] stated, "It's the second building in, on the first floor, but I can't remember which apartment." She said when the cab stopped, she stumbled out of the door. She stated [REDACTED] asked her for cash to pay for the taxi but she did not have any. [REDACTED] said [REDACTED] led her into the apartment by holding onto her arm. She stated when they got inside, she asked for some

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REPORTING OFFICER NARRATIVE

Eugene Police Department		OCA 14-04131
Victim [REDACTED]	Offense RAPE I - FORCIBLE	Date / Time Reported Thu 03/13/2014 22:28

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dry clothes because she had been out in the rain. She said [REDACTED] got her a yellow shirt and a pair of white basketball shorts to change in to. [REDACTED] mentioned the apartment is leased to [REDACTED] and [REDACTED]

[REDACTED] stated, once she changed, all four men led her into a bedroom. I asked her whose bedroom it was and she said, "It was [REDACTED], it was really messy, his stuff was all over, his basketball gear and everything." Once inside the bedroom, [REDACTED] stated someone turned the bedroom lights off. [REDACTED] advised all three men started to, "Touch me all over, they were hyped." She said, "I think I just gave up. I let them do whatever they wanted. I just wanted it to be over and to go to sleep." I asked her about the fourth male and she said, "He just stood there. I think he watched."

[REDACTED] said [REDACTED] Austin and [REDACTED] put her on the bed, on all fours. She said [REDACTED] penetrated her vagina with his penis while he was kneeling behind her. She stated [REDACTED] was lying on his back, perpendicular to her with his penis directly below her head. She said Austin was standing on the floor next to the bed with his penis directly in front of her face. [REDACTED] stated, "No matter what I did, their dicks were right there in my face." She stated one of the men said, "You gotta get a piece of this." [REDACTED] advised all threemen took turns and traded positions. She said she did not remember if any of them were wearing condoms, but that there were gold Magnum wrappers on the floor. She said after approximately five minutes she started to cry. [REDACTED] mentioned the fourth male, who she did not recognize, was in the room but took no part in the assault. She said he left as soon as she started to cry. [REDACTED] said Austin, [REDACTED] and [REDACTED] stopped when she started crying and one of them said, "I think we fucked her too hard." She said Austin and [REDACTED] left the room and she stayed lying down for a couple minutes. She stated [REDACTED] asked her if she was okay and then [REDACTED] got up and left the room.

[REDACTED] stated she got up and Austin met her at the bedroom door, grabbed her arms and tried to pull her in close to his chest. She said she tried to pull away and Austin started to, "Whisper in my ear and kiss my neck." She stated, "I pushed Austin and may have hit him with the door." She said she went into the kitchen and someone got her a glass of water. [REDACTED] mentioned [REDACTED] and Austin were playing video games in the living room. She sat down on the couch and leaned onto [REDACTED]. [REDACTED] said, "I started to cry and realized I needed space, so I leaned the other way, away from him."

[REDACTED] stated everyone left when she started to cry. She said Austin left because he did not live there. She said [REDACTED] asked her if she wanted to sleep and she told him she did. [REDACTED] stated she went into [REDACTED] room with [REDACTED] and curled up on his bed. She said a few minutes later someone, or possibly a group came inside the apartment. She said she could hear [REDACTED] bragging about what he and the guys did. He said, she was crying, maybe because we fucked her too hard."

[REDACTED] said she fell asleep and awoke around 0830-0900 hours (030914). She stated [REDACTED] provided her with a pair of sweatpants and the same yellow shirt from the night before and called her a cab. She said she took Oregon taxi home to [REDACTED]. [REDACTED] stated, "I passed out as soon as I got home, then got up and took a shower and then slept almost all day." [REDACTED] advised she still had [REDACTED] clothes and the clothes she wore that night in her dorm room. I advised [REDACTED] to not launder them and place them in evidence bags for retrieval at a later time. I provided one small paper bag and one large plastic bag. I demonstrated how to put the items in and asked her to set the bags aside to be collected by a detective. [REDACTED] was uncomfortable with male police officers and did not want us to be in her dormitory room. She seemed more receptive to a non-uniform presence being seen with her and wanted to avoid rumors.

I asked [REDACTED] how she knew the men to be [REDACTED] Austin and [REDACTED]. She stated, "The guys called each other by name, and they look like they do on the basketball cards they hand out at games. I've seen them on TV and Brandon is a practice player." I asked her if all three men had penetrated her vaginally and she said, "Yeah, I felt three different penises, three different guys."

Reporting Officer: LOOS, J.

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REPORTING OFFICER NARRATIVE

Eugene Police Department		OCA 14-04131
Victim [REDACTED]	Offense RAPE 1 - FORCIBLE	Date / Time Reported Thu 03/13/2014 22:28

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I asked [REDACTED] if she had any injuries or pain and she said, "They gave me a hickey and I had to wear a scarf to cover my neck for a couple days." She mentioned her friend "[REDACTED]" took photos of the hickey and she was going to have "[REDACTED]" forward them to her. [REDACTED] said she would forward the photos to me. I observed light bruising on the left side of [REDACTED]'s neck where the hickey had been. [REDACTED] stated, "My vagina is really sore."

I asked her who she told about the assault. [REDACTED] said she told her father, a University of Oregon Athletics employee [REDACTED], and her friends "[REDACTED]" and "[REDACTED]". I asked her to provide contact information and she refused, stating, "I would like to ask them permission before I get them involved."

I asked [REDACTED] if she would be willing to pursue criminal charges. She initially said something similar to, "I want them to get a slap on the wrist." I asked her if that meant following through with the report, or following through to pursuing criminal charges. [REDACTED] stated, "Probably both." [REDACTED] mentioned, "I don't want to ruin their lives." She also stated during our interview, "Brandon was the most physical!" and "the most forceful."

[REDACTED] stated [REDACTED] had been approached by [REDACTED] Austin and [REDACTED] on Monday, 03/10/14 asking [REDACTED] if was, "Going to go to the cops."

[REDACTED] advised she was planning to schedule a doctor appointment for 03/14/14.

I advised [REDACTED] she would be contacted by a detective. [REDACTED] was receptive to talking to a detective and requested, if possible, to have a female detective contact her.

I contacted dispatch for the University of Oregon Police Department and requested a faculty, staff and volunteer search for [REDACTED] and "[REDACTED]" which yielded negative results.

Incident Report Suspect List

Eugene Police Department

OCA: 14-04131

1	Name (Last, First, Middle) Redacted										Also Known As					Home Address				
	Business Address																			
	DOB. //	Age [Redacted]	Race [Redacted]	Sex M	Eth	Hgt [Redacted]	Wgt [Redacted]	Hair [Redacted]	Eyc [Redacted]	Skin	Driver's License / State.									
	Scars, Marks, Tattoos, or other distinguishing features																			
Reported Suspect Detail																				
Suspect Age					Race	Sex	Eth	Height	Weight			SSN								
Weapon, Type		Feature		Make		Model		Color	Caliber	Dir of Travel		Mode of Travel								
VehYr/Make/Model			Drs Style		Color		Lic/St		VIN											
Notes										Physical Char										

2	Name (Last, First, Middle) Redacted										Also Known As					Home Address				
	Business Address																			
	DOB. [Redacted]	Age [Redacted]	Race [Redacted]	Sex M	Eth	Hgt [Redacted]	Wgt [Redacted]	Hair [Redacted]	Eyc [Redacted]	Skin	Driver's License / State. [Redacted]									
	Scars, Marks, Tattoos, or other distinguishing features																			
Reported Suspect Detail																				
Suspect Age					Race	Sex	Eth	Height	Weight			SSN								
Weapon, Type		Feature		Make		Model		Color	Caliber	Dir of Travel		Mode of Travel								
VehYr/Make/Model			Drs Style		Color		Lic/St		VIN											
Notes										Physical Char										

Incident Report Suspect List

Eugene Police Department

OCA: 14-04131

3	Name (Last, First, Middle) <i>AUSTIN, BRANDON</i>					Also Known As					Home Address				
	Business Address														
	DOB. //	Age █	Race █	Sex █	Eth	Hgt	Wg	Hair	Eye	Skin	Driver's License / State.				
Scars, Marks, Tattoos, or other distinguishing features															
Reported Suspect Detail					Suspect Age		Race	Sex	Eth	Height		Weight		SSN	
Weapon Type		Feature		Make		Model		Color		Caliber		Dir of Travel		Mode of Travel	
VchYr/Make/Model			Drs		Style		Color		Lic/St			VIN			
Notes										Physical Char					

CASE SUPPLEMENTAL REPORT

Printed: 04/28/2014 14:54

Eugene Police Department

oCA: 1404131

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Case Status: *SUSPENDED/INACTIVE (NO)* Case Mng Status: *SUSPENDED* Occurred: *03/09/2014*
Offense: *RAPE 1 - FORCIBLE*

Investigator: *HALL, B. (EPD104)* Date / Time: *04/07/2014 12:54:43, Monday*
Supervisor: *MARTES, K. (EPD255)* Supervisor Review Date / Time: *04/08/2014 12:17:39, Tuesday*
Contact: Reference: *Supplemental*

People contacted during this investigation:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
Redacted
Austin, Brandon

People mentioned during this investigation but not contacted:

Redacted
[Redacted]

Evidence Collected:

- Sheet 185715 - Clothing
- Sheet 185719 - Clothing
- Digital Recording - Phone Call ([Redacted])
- Digital Recording - Phone Call ([Redacted])
- Digital Recording - Interview ([Redacted])
- Digital Recording - Interview ([Redacted])

People contacted during this investigation:

[Redacted]
[Redacted]
[Redacted]
[Redacted]
Redacted
Austin, Brandon

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Printed: 04/28/2014 14:54

Eugene Police Department

OCA: 1404131

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Case Status: *SUSPENDED/INACTIVE (NO*Case Mng Status: *SUSPENDED*

Occurred: 03/09/2014

Offense: *RAPE 1 - FORCIBLE*

People mentioned during this investigation but not contacted:

Redacted

Evidence Collected:

Sheet 185715 - Clothing

Sheet 185719 - Clothing

Digital Recording - Phone Call (**Redacted**)Digital Recording - Phone Call (**Redacted**)Digital recording - Interview **Redacted**Digital Recording - Interview **Redacted**

Synopsis: **Redacted** **Redacted** reported she was sexually assaulted by **Redacted**, **Redacted** and Brandon Austin, in a bathroom at a house located at 1270 E. 22nd Avenue, and then again at an apartment located at **Redacted**.

Redacted said the incidents occurred because she was highly intoxicated and was pressured into having sex. **Redacted** said if she had not been so intoxicated, she would have been able to better articulate she did not want to engage in any sexual activity. **Redacted** said at first she thought this kind of thing happens in college, so she went along with it. **Redacted** said she only allowed it to happen after telling them no, and holding her clothes on herself, did not stop their sexual advances.

Redacted said the sexual activity only stopped when she began to cry. **Redacted** said she spent the night at **Redacted** apartment because she was too intoxicated to make it back to her dorm room safely.

Redacted was with **Redacted** until she left 1270 E. 22nd Avenue.

Redacted said **Redacted** was not highly intoxicated, and she warned **Redacted** the men only wanted to use her for sex. **Redacted** attempted to get **Redacted** to leave with her, but **Redacted** refused. **Redacted** reported **Redacted** was flirty with **Redacted** during a time which would have been after the incident in the bathroom occurred.

Redacted and **Redacted** were interviewed and stated all the sexual activity was consensual. **Redacted** stated in addition to the sexual activity reported by **Redacted** they had oral sex and vaginal sex again the next morning. **Redacted** later confirmed they had oral sex the next morning, but could not remember if they had vaginal sex.

Austin is represented by Laura Fine Moro. Moro has interviewed Austin, and has asked that any further inquiries of Austin, related to this matter, go through her office.

This report contains the statements of all people interviewed during this investigation.

Investigator Signature: _____

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CASE SUPPLEMENTAL REPORT

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Eugene Police Department

OCA: 1404131

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Case Status: *SUSPENDED/INACTIVE (NO*Case Mng Status: *SUSPENDED*Occurred: *03/09/2014*Offense: *RAPE I - FORCIBLE*

Narrative: On March 14, 2014, I was contacted by Sergeant Kris Martes of the Eugene Police Department Violent Crimes Unit. Sergeant Martes told me a female college student had reported being raped by three men approximately one week earlier. I learned the patrol officers who conducted the initial investigation were still in the process of writing the report. After attending a previously scheduled interview, I was able to review the report, and found that physical evidence needed to be collected.

FIRST INTERVIEW WITH [REDACTED]

I contacted the listed victim, [REDACTED] via telephone, and arranged to meet with her at [REDACTED] on the University of Oregon campus to recover the evidence. I met [REDACTED] in the lobby area at [REDACTED]. [REDACTED] provided a tank top, a pair of shorts, a t-shirt, a pair of pants, a pair of panties, and a pair of leggings. These items were later lodged at the Eugene Police Department Evidence Control Unit (ECU) and documented on evidence sheet 185715.

[REDACTED] told me the clothing she provided, was the clothing she wore home from the apartment of [REDACTED] the morning after she was raped. At the time I was speaking with [REDACTED] she had an upcoming medical appointment and I had a previously scheduled interview. I arranged to make phone contact with [REDACTED] after both of our appointments, to talk in greater depth about what happened.

SECOND INTERVIEW WITH [REDACTED]

Later the same day, I met with [REDACTED] at the 13th and Alder - Public Safety Station. When she arrived [REDACTED] told me she had thought of two additional items which she felt may be of value to the investigation. Those items, a sock and a sweatshirt, were later lodged at ECU and documented on evidence sheet 185719. [REDACTED] told me a few days after the rape she got out of bed and noticed some type of vaginal discharge; she used the sock and a sleeve of the sweatshirt to wipe herself.

I told [REDACTED] I had read the statement she wrote, and read the patrol officer's report as well. I told her I had seen some inconsistencies in the two versions of events, and I wanted to make sure I fully understood what happened. [REDACTED] told me she was fine with that.

[REDACTED] told me she met [REDACTED] on Friday, March 7, 2014. She happened to run into him while she was with her friend, [REDACTED]. [REDACTED] recognized [REDACTED] as a University of Oregon basketball player. They exchanged phone numbers, and then went separate ways.

On March 8, 2014, [REDACTED] made plans to attend a party with [REDACTED], and [REDACTED]'s roommate, [REDACTED]. [REDACTED] only knew [REDACTED]'s first name. [REDACTED] was later identified as [REDACTED] z. Prior to departing for the party, [REDACTED] drank four shots of some type of peach flavored liquor. [REDACTED] was unsure if she had more to drink at any of the parties she attended that evening.

[REDACTED], and [REDACTED] first went to a party near 19th and Onyx. [REDACTED] said while arriving at the party, [REDACTED] noticed an unconscious man in the street next to a parked car. [REDACTED] went to check on the man, and

Investigator Signature: _____

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CASE SUPPLEMENTAL REPORT

Printed: 04/28/2014 14:54

Eugene Police Department

OCA: 1404131

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Case Status: *SUSPENDED/INACTIVE (NO*Case Mng Status: *SUSPENDED*

Occurred: 03/09/2014

Offense: *RAPE 1 - FORCIBLE*

█ did not have further contact with █ that night. While at the party, police responded, and the party ended. A check of police records showed a loud party was reported at 1975 Onyx Street, at 2306 hours, on March 8, 2014. Police responded and transported a male subject to Buckley House. The police response was documented under case 14-03816. Police first arrived at 0011 hours on March 9, 2014. All police had cleared the scene by 0031 hours on March 9, 2014. There were no arrests or citations issued in relation to the party.

While still at 1975 Onyx Street, █ received a text from █ Redacted about a party at 1270 E. 22nd Avenue. When the Onyx Street party broke up, █ and █ decided to go there. When she arrived at 1270 22nd Avenue, she found there were not a lot of people there. █ identified this location as the house where █ Redacted lived. █ told me she does not remember if █ was at the home during the party or not.

█ told me she began to talk with people at the party. Shortly after arriving two males approached her and began to speak with her. █ reported the men were very complimentary and flattering to her, she said they tempted her to go with them to somewhere else in the house. █ said they pulled on her arms and told her to come with them. █ was quick to point out they were not being forceful or mean, but rather they were being playful and reassuring. █ later learned the two men were Brandon Austin, and █ Redacted

Austin and █ Redacted led █ to a bathroom in the house. █ said she was questioning why she was in a bathroom, but Austin and █ Redacted reassured her everything was fine. █ told me looking back, if she had been sober, she would have been able to make a better decision, and not gone with them in the first place. █ said she stayed in the bathroom and was continuously reassured she was okay.

█ said while in the bathroom Austin and █ Redacted wanted her to shake her butt for them, and she did so. After shaking her butt, both Austin and █ Redacted started to touch her with their hands. █ told them she did not want to do anything with guys she just met. █ said she had put her phone down and one of them had moved her phone away from her. █ told them she needed to get her phone because █ was going to be texting her soon. They told her no one was trying to get hold of her, and moved her phone away from her.

█ told me the bathroom was very small and Austin was standing right in front of the door. Both men started touching her and reassuring her. █ said she did not want to do anything with them, and tried to push them away from her, but due to the size of the bathroom there was nowhere to go.

█ said Austin and █ Redacted started to take off her clothes, and take off their pants. █ said she again told them she did not want to do anything with guys she just met, but they kept going. █ said they both were grabbing her by the hair, and pulling her head down, and putting their penises in her mouth. █ again pointed out they were not forceful, not threatening, and did not hurt her. Rather they were persistent and did not stop when she said she did not want to do anything. █ said each man would hold onto her hair until he had his penis in her mouth, and then they would let go. █ would move her head away, and one of them would grab her by the hair, and put his penis back in her mouth.

At some point Austin was behind █ and began having vaginal intercourse with her. █ Redacted was seated on the toilet and continued to pull her head toward his penis. Austin was standing in front of the bathroom door and preventing people from coming in. █ said the door to the bathroom did not lock and people were trying to come into the bathroom.

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At some point [REDACTED] said she needed water. The sexual activity stopped, and she was able to leave the bathroom. [REDACTED] said she walked right outside the bathroom and crouched down by the door while [REDACTED] got a cup of water for her. [REDACTED] said after getting the water, she began mingling with people at the party again.

After talking to people for a few minutes she was approached by [REDACTED]. [REDACTED] was with [REDACTED] and Austin. [REDACTED] said all three men again pulled her into the bathroom. [REDACTED] again stated due to her intoxication, she just went with them as they reassured her everything was okay.

[REDACTED] said they went in the bathroom and the same things started to happen again. She was being touched, and [REDACTED] [REDACTED] and Austin, were grabbing her hair, pulling her head down, and putting their penises in her mouth. [REDACTED] said it was just like before in that they were not being forceful, or holding their penises in her mouth. As soon as one of them had their penis in her mouth, that person would let go of her hair, and she was free to move. [REDACTED] said there was no sexual intercourse during the second event in the bathroom.

[REDACTED] received a text message from [REDACTED] and told the men she needed to go, and her ride was there. They all left the bathroom and went outside the house. [REDACTED] said she was trying to go with [REDACTED] but [REDACTED] [REDACTED] and Brandon were holding onto her arms, and telling her she needed to come with them. [REDACTED] said [REDACTED] called a cab, and Oregon Taxi responded.

The cab was a car type vehicle, and there were only four seats available to passengers. [REDACTED] had to sit on someone's lap, because a fourth male she did not know rode in the front passenger seat. [REDACTED] did not know who the fourth male was. While in the cab someone gave her a brown colored liquid to drink. She said it came from a bottle shaped somewhat like an apple, and tasted terrible.

A check with Oregon Taxi showed a person named [REDACTED] ordered a taxi on March 9, 2014 at 1:52 AM. The record indicates the driver picked up at least three people at 1270 E. 22nd Avenue, and transported them to [REDACTED] Drive. Joshua Davey was the driver of the involved cab. Messages for Davey to call me were not returned.

When they arrived at [REDACTED] Apartments, one of them paid for the cab and all four men and [REDACTED] went into the apartment shared by [REDACTED] and [REDACTED]. [REDACTED] said the fourth man was a black male, and was of similar physical build to [REDACTED] [REDACTED], and Austin. [REDACTED] was wet from being out in the rain while waiting for the cab, so [REDACTED] allowed her to have some dry clothing to wear. After she changed they all went into [REDACTED] bedroom.

Once in the bedroom [REDACTED] [REDACTED] and Austin began to touch her and kiss her. [REDACTED] said she told them to stop, but they continued to touch her. [REDACTED] said she was on [REDACTED] bed curled up in the fetal position while they touched her. At first she was touched on her legs, and then they started touching her in what she referred to as private areas. The fourth man from the cab ride was also present, but did not touch [REDACTED] at any time.

[REDACTED] said when she drinks alcohol, she becomes very sleepy. [REDACTED] said due to her level of intoxication, she stopped resisting. The three men took her clothes off of her, and they started to have sex with her.

[REDACTED] told me she thought all three men had vaginal intercourse with her, but the only one she had a good memory of seeing was [REDACTED]. [REDACTED] explained at one point she was on all fours and [REDACTED] was having sex with her from behind. She turned to look at him and saw him. [REDACTED] said at the same time, [REDACTED] and Austin were either lying down on, or standing by the bed. Both [REDACTED] and Austin were pulling her head toward their penises, and putting their penises in

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her mouth. During this time she heard [Redacted] say something similar to, "You gotta get a piece of this." [Redacted] said she thought all three had sex with her because it felt like three different people. She explained further it felt like three different penises inside her, and all three men moved differently while having sex with her.

[Redacted] began to cry at some point during this incident, and the sexual activity stopped. [Redacted] Austin and the fourth man left the room, and [Redacted] asked if she was okay. [Redacted] said she lay down on the bed for a while and calmed herself down. When she started to leave the room she was met by Austin, who told her he just wanted to make her feel good. [Redacted] said she pushed him away, and went back to [Redacted] bed.

[Redacted] said she stayed in bed and listened as someone else came over to the apartment. [Redacted] heard someone bragging about what they had just done with [Redacted] and heard them laughing. [Redacted] said [Redacted] came to bed, and she slept with him through the night. [Redacted] said there was no further sexual activity.

The next morning, [Redacted]s clothing was still wet from the night before. [Redacted] allowed her to keep the clothing he had previously provided her. [Redacted] went home via taxi, and then sent [Redacted] a text message telling him she had arrived home safely.

Later the same day, she made plans to visit [Redacted]. She went to [Redacted] apartment and knocked on the door. [Redacted] answered the door and invited her inside. As she entered the apartment, she noticed [Redacted] and [Redacted] were in [Redacted] room, playing video games. [Redacted] backed out of the apartment, and [Redacted] asked her what was wrong.

[Redacted] explained she was mad at [Redacted] and [Redacted] and then continued on to say she felt like she had been sexually assaulted by them. [Redacted] said [Redacted] immediately had a concerned look on his face. [Redacted] told him not to worry because she was not going to contact the police and had considered her lesson learned. [Redacted] went into the apartment and [Redacted] came out soon after. [Redacted] said [Redacted] came out and asked her if she was okay. [Redacted] told him she did not want to talk with him, and he went back inside.

[Redacted] arrived at the apartment and found [Redacted] waiting outside the apartment for him. [Redacted] questioned him about why she was waiting outside the apartment and not inside. [Redacted] told [Redacted] about her thinking she had been the victim of a sexual assault by [Redacted] and [Redacted]. [Redacted] invited [Redacted] inside, and told her they could just hang out in his room.

[Redacted] said [Redacted] was nice to her and tried to make her feel better and tried to make her laugh. [Redacted] and [Redacted] eventually had consensual sex the same day. I asked [Redacted] if she had wiped herself on the sock she brought me before she had sex with [Redacted] or after. [Redacted] said she thought it was after she had sex with [Redacted]. I asked [Redacted] if she and [Redacted] had used a condom during sex. [Redacted] said she was not sure if a condom was used or not, because she had an IUD at the time, and was not worried about pregnancy.

I told [Redacted] her previous statement made it sound like she no longer had the IUD. [Redacted] said the IUD was giving her a lot of pain, so she removed it herself during the middle of the night the day prior.

While trying to determine if her clothing would be an appropriate piece of evidence to have DNA tested, [Redacted] told me she has not had any other sexual partners since having sex with [Redacted] and had not had sex with anyone in the three days prior to the sexual assault.

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Offense: *RAPE 1 - FORCIBLE*

█ also told me █ and Austin had approached another student named █ and asked █ if █ was going to contact the police. █ explained she has class with █ and had told her about the incident with █ and Austin. █ said █ is associated with the athletic department, and that may be why they came to █ and asked if █ was going to contact the police.

At the conclusion of the interview, I told █ I would need some type of evidence above and beyond her account of the events, if there were to be prosecution in the case. I told her a common way to gather evidence is from the statements of the participants. I asked █ if she would be willing to contact █ and Austin by phone, and record the conversations. █ said she was willing to do so. I left her with a digital recorder and earpiece.

On Monday, March 17, 2014, I contacted █ and learned she had made recorded phone calls with █ and █ and delivered the recorder to front counter at the Eugene Police Department.

I reviewed the calls. The following is a synopsis of the calls. A recording of calls will be retained in the investigative file and released when necessary.

PHONE CONVERSATION BETWEEN █ AND █

The following is a synopsis of the call between █ and █. The phone call is approximately 21 minutes in length.

█ told █ she was drunk during the incident and did not remember what happened when she was with him. She told him she wanted to know what happened. █ said she remembered crying and wanting to be left alone. She asked him what he remembered happening. █ said he was confused, because they did leave her alone, and then she went to sleep.

█ said she started crying during sex, and then everyone went into the living room and fell asleep. Later they both slept in his bed. He told her after she started crying, they did not do anything to her.

█ told █ she was trying to keep her clothes on, and did not want to have sex with three guys at one time. █ said it seemed like she was cool with it when they were all in the bathroom. █ asked if he remember her saying, "No." █ said he did not remember that, and he was confused about the situation. █ told her they were not trying to set her up.

█ said she told them to stop. █ said the first time any of them knew she did not want to continue was when she started to cry. █ said he had a conversation with her in the cab and asked if she was okay with what they were doing. █ said she was drunk then, and asked him if he thought she was capable of understanding what was going on. █ told █ she was not stumbling around, and would not have tried to do anything with her if she was drunk enough to be on the verge of throwing up.

█ told █ she did not like what happened, and told █ she was taken advantage of. █ said she has heard this has happened to other girls. █ said he regretted the situation, and could understand why she felt like she was taken advantage of, given what she remembered of the situation.

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Redacted reminded her she made the choice to get into the cab with them. Redacted asked if he had considered she was drunk, and not able to comprehend what was going on. Redacted said she was also not expecting for all three guys to end up in the room with her. Redacted said she could have said she was not okay with the situation. Redacted said she was just sleepy and wanted to go to sleep and they would not keep their hands off of her. Redacted asked Redacted how he could justify what happened. Redacted said he could justify it because she got in the cab with them after what they had already done in the bathroom. Redacted said if she did not like what they were doing before, she would not have come with them.

Redacted asked who the fourth person in the room was. Redacted said he knew who the person was, and added he was older, and did not want to get involved in the situation. She asked if he was on the team and Redacted told her no, and said it was just someone who lived in the same apartment complex,

Redacted asked if they had done similar things with other girls. Redacted said it was the first time they had done anything like this together.

Redacted said she wanted to make sure this did not happen to any other girls, and asked Redacted if he felt like he did anything wrong. He said he absolutely did, and said he felt bad about the situation.

PHONE CONVERSATION BETWEEN Redacted AND Redacted

The following is a synopsis of the conversation between Redacted and Redacted. The phone call is approximately 25 minutes long.

Redacted told Redacted he had already spoken with Redacted and he wanted to talk with Redacted. He said he was bothered by what was going on. Redacted said he did not want to be that kind of person, and did not want something like this to happen to his mother or sister. Redacted said he was confused, and told Redacted she had the right to say no.

Redacted asked if he remembered her saying no.

Redacted said he was with her and Austin in the bathroom and they were talking. Redacted said there was no force to get her into the bathroom.

Redacted said she wanted to leave, and asked if it was him who was yelling at Redacted. Redacted acknowledged he was yelling at Redacted and said he needed to apologize to her for that. Redacted said she remembered Austin having her in a head lock, and Redacted telling Austin that it was not cool. Redacted said he did not remember saying that, or remember her being in a head lock.

Redacted asked Redacted how she was feeling about the situation.

Redacted told Redacted she felt like she was taken advantage of, and that she did not appreciate what happened.

Redacted said he understood, and told her that at no point did she ever mention saying she did not want to do what they were doing. Redacted asked if he remembered her saying she did not want to continue. Redacted said he did not, except for when she said she wanted to stop when they were back at his apartment, and they did stop.

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Redacted asked Redacted who the fourth person was that was in the room at the apartment. Redacted also told Redacted it was an older person who lived in the same apartment complex, and he left when she started crying. Redacted asked if it was another teammate. Redacted told her it was not. Redacted assured her this person did not do anything to her.

Redacted told her he was sorry, and said what he did was very inappropriate, and again mentioned he would not want anyone to do that to his mom or sister. Redacted said he had never done anything like this before, and would never do it again.

Redacted said he thought she was cool with what they were doing. Redacted said he was not drunk and remembered everything that happened back at his apartment. Redacted said he did not have sex with her back at the apartment.

Redacted said he was pulling on her hair and pushing her head toward his penis, and that she did not appreciate that. Redacted said he was sorry about that, and it was inappropriate.

Redacted told Redacted it was an experience no one should have to through, and called it a lesson learned for him. Redacted said he knows a lot of girls do that kind of thing, but he did not think she was that kind of girl. Redacted said he was not sure how people had found out about what happened, because he had not told anyone.

Redacted asked if he thought there should just be a warning or if there should be some type of punishment. Redacted said this has been a warning.

Redacted told Redacted she had said no, and they all kept touching her, and she was tired and did not want to deal with it, then she started crying. Redacted said at the point she started crying he thought, 'She does not want to do this.' Redacted asked if he saw a problem with it before she started crying. Redacted said no. Redacted remembered she stopped for a glass of water at one point, and said he was confused about why she felt like she had been taken advantage of.

Redacted pointed out to Redacted he knew she was drunk. Redacted said he could kind of tell. Redacted said she almost fainted in front of him. Redacted responded with surprise. Redacted then asked who she was drinking with, and asked if she had been drinking before she came to the party.

Redacted and Redacted spent several minutes talking in general terms about the incident but did not discuss specifics about what happened. Redacted then again apologized, and told her if she needed to talk to anybody about the situation, she could talk to him about it.

INTERVIEW WITH Redacted

Redacted told me she first met Redacted the day before the sexual assault and was with Redacted at the time. I contacted Redacted via telephone. I told Redacted I was investigating an incident which was related to Redacted meeting Redacted and asked her if she was present when Redacted had met Redacted.

Redacted explained she and Redacted were out looking at apartments when they encountered Redacted near the Redacted Apartments. Redacted said Redacted recognized Redacted and asked him if he was Redacted. He confirmed he was Redacted and Redacted then exchanged phone numbers after a short conversation, and then went their

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separate ways.

█ had previously told me █ had no knowledge of the sexual assault, she was not interviewed regarding the incident.

INTERVIEW WITH █

I contacted █ via telephone. █ confirmed she is █'s roommate, and that she went to a party with █ and █ on March 8, 2014. I asked █ how much alcohol she observed █ drink during the evening. █ said she saw █ drinking peach flavored vodka while at her █ apartment. The vodka had been supplied by a male friend who was at the apartment.

I asked how much vodka she had seen █ drink, and how intoxicated she estimated █ to be when they arrived at the party. █ said she thought █ had one or two shots, and then they walked to the party. █ said she could not tell █ was intoxicated at all.

Shortly after arriving at the party, █ said she noticed an unconscious man outside at the party. When police arrived to deal with the intoxicated man, everyone at the party ran away. █ said she did not have contact with █ after she started dealing with the intoxicated male.

INTERVIEW WITH █

I contacted █ via telephone. █ told me she met █ approximately one week before the night of the party. On March 8, 2014, they heard about a party occurring at 19th and Onyx, and decided to attend with █'s roommate, █

█ was unaware of how much █ had to drink before arriving at the party at 19th and Onyx, but knew she had been drinking peach vodka. After being at the party for a short time, the party was shut down and █ and █ debated on whether or not to attend another party █ had heard about. █ explained the debate was over whether the party was actually going on or not. They decided to go, and found that there was a small party at 1270 E 22nd Avenue.

█ said they first encountered █ Redacted in the front yard at the house and █ Redacted immediately began talking to █ Redacted invited them into the house. Once inside the house, █ said █ Redacted and █ were flirting with each other. █ said it appeared as if █ was enjoying the attention from █ Redacted and she saw them dancing together. █ did not notice when █ and █ Redacted left the room, but when she saw them again, they were in the kitchen.

█ and █ spoke briefly, and █ told her a ride was coming to pick them up. █ asked █ to let her know when the ride arrived. █ said she warned █ that █ Redacted was not a nice guy.

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Approximately 20 minutes later, [Redacted] called [Redacted] and told her the ride was there. [Redacted] said she would be out in a minute. [Redacted] began telling people at the party goodbye, and then sent [Redacted] a text message telling her she was leaving. About a minute later, she saw [Redacted] leave the house and go outside almost in a run. [Redacted] was followed outside by [Redacted] and another male she did not recognize. [Redacted] told [Redacted] to tell [Redacted] that he really was [Redacted]

[Redacted] said [Redacted] was being flirty with [Redacted] and [Redacted] made a statement he was not really [Redacted] then told [Redacted] he was [Redacted]

[Redacted] told [Redacted] their ride had arrived, and she began walking toward the car. [Redacted] said [Redacted] was slow to follow her, and [Redacted] grabbed [Redacted]'s arm, and told her to stay with them. [Redacted] said [Redacted] did not grab her with any type of force, and was not keeping her there by holding her back. [Redacted] said she tried to explain to [Redacted] a friend's roommate was the person who had come to pick them up, and it was rude to keep that person waiting. [Redacted] said she was going back and forth between [Redacted] trying to get her to come, and the driver of the car, apologizing, and explaining she was trying to get [Redacted] in the car with her.

[Redacted] said at one point [Redacted] grabbed her arm and tried to pull her away from [Redacted]. [Redacted] said she shoved [Redacted] away and told him never to touch her again. [Redacted] then told [Redacted] all the guys wanted from her was sex, and she should come with her. [Redacted] then told [Redacted] she wanted to go to [Redacted] house. [Redacted] told [Redacted] she needed to go home. [Redacted] then approached them and again, asked [Redacted] to stay with them. He then led [Redacted] away from [Redacted] and back toward the house. [Redacted] told me [Redacted] was leading [Redacted] around, and making decisions for her, but she was allowing it to happen. [Redacted] said she then left. [Redacted] said she tried to get [Redacted] to go with her for about 20 minutes.

[Redacted] had mentioned she had spoken briefly with [Redacted] earlier at the party. I asked if she had seen him with [Redacted] that night. [Redacted] said she saw [Redacted] outside the house when she was trying to get [Redacted] to leave, and saw [Redacted] and [Redacted] talking.

I asked [Redacted] if she ever saw anyone put [Redacted] in a headlock in an attempt to get her to stay at the house. [Redacted] said she did not.

I asked [Redacted] if [Redacted] was intoxicated when they were outside, and she was trying to get her into the car. [Redacted] said she had never been around [Redacted] when she was drunk, so she did not know how she handled alcohol. [Redacted] said [Redacted] was reasonably sober.

INTERVIEW WITH [Redacted]

On April 3, 2014, I contacted [Redacted] at his apartment. Also present was Detective Matt Herbert. When [Redacted] answered the door, I identified myself as a police officer and told him I wanted to ask him questions. I told him [Redacted] had alleged their sexual activity was not consensual, and I was investigating those claims. I told [Redacted] I would like to record the interview and asked if that was okay with him. He said it was. I used a digital recorder to capture the interview. The following is a synopsis of the interview. The audio file of the interview will be kept in the investigation file and disclosed as necessary.

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I asked [Redacted] how he met [Redacted]. [Redacted] told me he met her at the party at [Redacted] house through [Redacted] and Brandon Austin. [Redacted] said the first time he met her, she came up to him, and then they went into the bathroom. I asked what they did in the bathroom. [Redacted] said they had sex.

I asked what led up to the sex. [Redacted] said [Redacted] was dancing in the bathroom. [Redacted] said he had sex with [Redacted] and [Redacted] and Austin both received oral sex from [Redacted]. I asked if he had a discussion with [Redacted] about sex before it happened. [Redacted] said [Redacted] asked him if he had a condom. [Redacted] said he had one with him, and used it.

I asked what happened after they left the bathroom. [Redacted] said they got into a cab and came back to his apartment. [Redacted] said [Redacted] was also in the cab, and came back to the apartment with them. I have attempted to contact [Redacted] with negative results.

When they arrived at the apartment, [Redacted] asked for a hair tie, and a change of clothes which he provided. [Redacted] said the same type of things then started at the apartment that were going on in the bathroom. [Redacted] said he was having sex with [Redacted]. At the same time she was giving oral sex to [Redacted] and Austin.

I told [Redacted] [Redacted] claimed she was telling them she did not want to do those types of things with three guys, and she was holding her clothes on. [Redacted] said there was not grabbing of her clothes, and in fact she was the one who made moves to grab their penises when they were getting undressed.

I asked [Redacted] what happened when [Redacted] started to cry. [Redacted] said she started to tear up and everyone quit having sex. [Redacted] said he led her out to the living room and sat down with her and talked to her on the couch. At the same time [Redacted] and Austin began playing video games. [Redacted] said they talked for a while and then fell asleep for a bit on the couch. Later they went to his room where they spent the rest of the night.

[Redacted] said the next morning he and [Redacted] had sex again. He said she performed oral sex on him, and then they had sex. [Redacted] said he wore a condom when he had sex with her.

I asked [Redacted] if anyone had taken pictures of what was going on. [Redacted] said [Redacted] took a picture of them on the couch, and [Redacted] still had the picture.

I asked [Redacted] if he had an opinion of [Redacted]'s intoxication level that night. [Redacted] told me she was not stumbling, and was speaking fine. [Redacted] said he did not see her drinking that night.

I asked [Redacted] if he was intoxicated. [Redacted] told me he had one shot that night.

I asked [Redacted] if he had to talk her into doing anything. [Redacted] said he did not, and said [Redacted] was having fun with it in the bathroom, and then got in the cab with them.

I asked [Redacted] if he ever saw Austin holding [Redacted] in a headlock when they were waiting for the cab. [Redacted] said he did not. [Redacted] said [Redacted] was talking to a friend before they left, and she freely came with them. [Redacted] said [Redacted] sat on his lap during the cab ride, and he asked her if she was comfortable with what they did in the bathroom. [Redacted] said [Redacted] said she was fine with it. I asked him what the first clue was that [Redacted] no longer wanted to do what they were doing. [Redacted] said it was when she started to tear up. [Redacted] said she was not sobbing, she just started to sniffle and tear up.

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CASE SUPPLEMENTAL REPORT

Printed: 04/28/2014 14:54

Eugene Police Department

OCA: 1404131

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Case Status: SUSPENDED/INACTIVE (NO CaseMag Status: SUSPENDED

Occurred: 03/09/2014

Offense: RAPE I - FORCIBLE

Redacted then told me about seeing Redacted the next day at Redacted apartment. He said he tried to talk with her then, and she told him that she felt like she was taken advantage of.

I asked Redacted if there was anything else about what happened that I should know. Redacted reiterated there was no force involved, and he had not seen her drinking that night.

INTERVIEW WITH Redacted

At the conclusion of the interview with Redacted he went inside and had Redacted step outside. I introduced myself to Redacted and told him I would like to record my interview. I turned on the recorder and told him the recorder was on.

The following is a synopsis of the interview. The recording will be retained in the investigative file and will be made available when necessary.

I explained I was investigating an incident which happened with Redacted Redacted. I told him he was not under arrest and was free to end the conversation at any time. I told him I had her side of the story, and I was there to get his side of the story.

I told Redacted I understood the first time he had met Redacted was at a party at Redacted house. Redacted confirmed he met her for the first time at the party.

Redacted said he met her dancing at the party and they started talking. I asked how it came that he and Austin were in the bathroom with Redacted together. Redacted said they were dancing, and he asked her to come to the bathroom with him.

Redacted said when they were in the bathroom Redacted was dancing around, and they were talking. Redacted said he was sitting on the toilet and Austin was standing. Redacted said he first told her his name was Scott. Redacted said Redacted asked if they played basketball, and said she recognized them. Redacted said they kept talking with her, and asked her what she wanted to do.

Redacted said Redacted performed oral sex on him and Austin in the bathroom, and then they stopped for a little bit. I told Redacted that Redacted said when they were in the bathroom, he and Austin kept moving her phone away from her, and telling her that no one was trying to get in contact with her. Redacted said it was joke, and they were just playing around.

They left the bathroom and went back into the party. They went outside, and then to where people were dancing and saw Redacted. All four then went back into the bathroom. Redacted said he sat back down on the toilet and Redacted was talking with Redacted. Redacted said the next thing he knew Redacted and Redacted were having sex, and Redacted asked if they had condoms. Redacted said he left the bathroom and went to find condoms for all three of them.

Redacted got back into the bathroom and Redacted and Austin put the condoms on. Redacted had sex with Redacted while he and Austin received oral sex. Redacted said at some point someone knocked on the door, and Redacted got scared. Redacted said Redacted left the bathroom and sat on the ground right outside the bathroom. Redacted said she had started to cry a little bit, and he asked her if she was okay. She told him she was fine, and she just needed some water.

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They then went outside and [Redacted]'s friend was getting ready to leave. [Redacted] said [Redacted]'s friend left [Redacted] at the party. [Redacted] said [Redacted] told [Redacted] in the cab, that if she was not comfortable, to let him know. [Redacted] said when they arrived they went inside. [Redacted] was walking fine and not stumbling. [Redacted] said he could tell she had been drinking, but was not drunk enough to not know what she was doing. [Redacted] said he spoke to [Redacted] later, and she told him she did not remember what happened, but [Redacted] said he thought she was fine. I told [Redacted] someone had given [Redacted] a shot of something in the cab that came from an apple shaped bottle. [Redacted] said he did not remember anyone giving her a drink, and he did not remember the apple shaped bottle.

I asked [Redacted] how much he had to drink. [Redacted] said he had a few drinks that night.

[Redacted] gave [Redacted] a change of clothes and then they all started talking. [Redacted] said [Redacted] and [Redacted] started to have sex while he and Austin received oral sex. [Redacted] said when Austin was having sex with [Redacted] she told him to stop. [Redacted] said [Redacted] said she did not know them like that, and she had just met them. [Redacted] said [Redacted] talked to her, and she told [Redacted] she was okay. [Redacted] got [Redacted] some water and [Redacted] and [Redacted] sat on the couch and talked until they fell asleep. [Redacted] said when he went to bed he woke them up and told them Austin had left, and he was going to bed. [Redacted] said [Redacted] and [Redacted] slept in [Redacted] bed that night, and then had sex again the next morning.

[Redacted] said they saw [Redacted] the next day, and [Redacted] tried to talk with her, but [Redacted] he said she did not want to talk to him.

[Redacted] said they got a phone call from one of [Redacted]'s friends, [Redacted] and they met with [Redacted] who told them what [Redacted] was thinking about the situation.

[Redacted] showed me the photo he took of [Redacted] at their apartment. I viewed four photos which showed [Redacted] sitting and lying on the couch with [Redacted]. I asked [Redacted] to forward the photos to me and he said he would. At the time this report was submitted, the photos have not been received.

INTERVIEW WITH BRANDON AUSTIN

I obtained Austin's phone number from [Redacted] and [Redacted]. I called Austin and made an appointment to interview him the next day at 3:00pm at his residence. Shortly before the interview was to occur, Austin called and advised he needed to speak with an attorney before he made any statements. Austin told me he would provide his attorney with my phone number.

On April 7, 2014 I received a message from [Redacted] and later contacted attorney Laura Fine Moro. Moro advised she is representing Austin in this legal matter and told me she had interviewed Austin. Moro was able to provide a short synopsis of Austin's version of events. Austin's account was similar to that of [Redacted] and [Redacted].

INTERVIEW WITH [Redacted] [Redacted]

I had previously left a phone message for [Redacted] [Redacted] which was not returned. I again attempted contact with [Redacted] and was successful.

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█ had previously stated █ told her █ and Austin had approached her and asked if █ was going to call the police. I asked █ if █ and Austin had come to her asking about police. █ said they told her, that █ told them, █ was thinking about calling the police, and wanted to know if it was true.

I asked █ if █ had told her what happened. █ told me █ told her what happened the next day. At that time █ told her that she (█ thought it was just a normal thing that happened in college, so she went along with it.

When █ heard █ tell the story later in the week, █ had changed the story to include that she had told them no, and had tried to hold her clothes on.

█ said she never wanted to be part of the situation and she was concerned because she works as a tutor for the University. I assured █ that she was in no trouble, and that I would note she answered all my questions.

FOLLOW-UP INTERVIEW WITH █ █

After speaking with █ and █ I contacted █ I told █ I had interviewed █ and █ and told her █ claimed they had sex the morning following the night she spent at his apartment.

█ said she could not remember if they did or not, but she said they did fool around a little.

I asked her what fooling around meant.

█ said she gave █ oral sex at that time, but could not remember if they had sex.

Conclusion: This investigation is forwarded to the Lane County District Attorney's Office for a determination of charges.

Investigator Signature: _____