

Teacher plea deal built on sex bias

Prosecutor: Male jurors may not see sex with boy as crime

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The district attorney who reached a plea settlement with ex-teacher Pamela Rogers for having sex with a 13-year-old student says one reason he didn't want to try the case was that some men on a jury would not convict an attractive woman for having sex with a teenage boy.

District Attorney General Dale Potter said he was concerned that some male jurors might not convict Rogers, a former Warren County grade-school physical education teacher, because they wouldn't view what the attractive 28-year-old woman did as having harmed the boy.

"The fact that I could not get a jury of all women did play a heavy factor in my decision not to go to trial," Potter said.

"There's a segment of men that would say that the victim wasn't harmed, but instead got lucky You can have a horrible case, but if it appeals to that jury it can be difficult."

The societal double standard and the fact that the family of the boy preferred not to have to go through a trial were the two main factors in his decision to settle the case, Potter said.

Rogers pleaded no contest in August to four counts of sexual battery by an authority figure, served about six months in a county jail, and was released early for good behavior in February.

Now, less than two months after her release, Rogers finds herself back in trouble on allegations of violating the terms of her probation.

And Potter is facing another round of second-guessing for not taking Rogers to trial. He said he remains convinced the decision was the right one.

The double standard on such sex-offense cases exists nationally for a number of reasons, said David Raybin, a defense attorney and former prosecutor.

Male victims tend to be more embarrassed about coming forward and testifying in such cases. Also, some jurors would consider an adult male having an affair with a girl as much more harmful than a woman having sex with a boy.

"Absolutely, there is a significant disparity of treatment in the way the criminal justice system handles these things," Raybin said. "Unfortunately, there's a double standard because there is a double standard in society."

Potter said another factor, although a lesser one, in his decision to avoid a trial last year was what he said would have been a "media circus" that could also have affected the outcome of a trial. The case has drawn national attention, with photos of the attractive blonde ex-teacher broadcast on television and posted on Internet Web sites.

Under the plea agreement, Rogers was allowed to avoid prison and instead serve nine months in the Warren County Jail, with the remainder of the eight-year sentence as probation.

But her probation came with a number of conditions, including not using the Internet without permission and not having any contact with the boy or his family. Violating those rules could send her to prison to serve out her sentence.

Rogers was arrested last Tuesday on seven counts of probation violations, all of them centering on her use of the Internet. She is accused of setting up a personal Web page and using it to post messages to the boy. She also had Internet communication with the boy's teenage sister, authorities say.

And authorities are investigating whether Rogers tried to make contact that would have violated her probation by other means, perhaps by telephone. Potter would not say whom the contact may have been with, but said he is not surprised Rogers is in trouble again.

"We were taking a chance she would mess up. Every time you put someone on probation, you do it with the idea that there's a good chance they will."

Potter said he sought the maximum probation period last year and will ask a judge at a July hearing to have Rogers serve out her sentence in a state prison.

Rogers' attorney Peter Strianse said last week he is "very concerned" about the charges against his client.

"The state has a much lower burden of proof to establish a probation violation. The consequences for a probation violation could be grave."

He added said it was too early to comment about specific charges.

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