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(http://connect.cleveland.com/staff/neomgguest/index.html)

By Guest

Columnist/cleveland.com (http://connect.cleveland.com/staff/neomgguest/posts.html)

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(http://blog.cleveland.com/opinion_impact/print.html?entry=/2015/03/proposed_changes_to_ohio_rape.html)

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(mailto:?subject=Proposed%20changes%20to%20Ohio%20rape%20statute%20of%20limitations)

Raymond McCloude raped her on April 24, 1994

(http://blog.cleveland.com/metro/2008/02/akron_man_gets_10year_sentence.html).

And, no one believed her. The detective assigned to her case wrote in the report that the case "couldn't be prosecuted" because the victim was a "crackhead." It's no wonder she left the hospital before being examined. No one believed her.

I did.

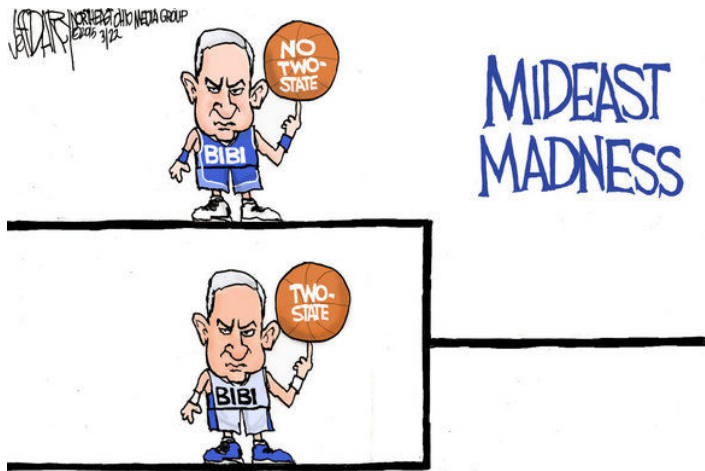
On Jan. 31, 2008, the morning of trial, McCloude pleaded guilty to rape. There was no DNA evidence linking him to that crime; it was not a cold case sitting on a shelf magically brought to life by new technology. Sadly, he raped another woman and I was one of the prosecutors handling that case. Because another dedicated prosecutor and an amazing detective joined me in the fight for justice, we tracked down the victim and told her three simple words, "we believe you."

Fourteen years after she was raped, she received the small measure of justice she so desperately deserved.

I spent over a decade as a criminal prosecutor and never understood why rape, an offense I call soul-murder, carries a 20-year statute of limitations. Now, as a legislator, I have an obligation to correct that woeful legal flaw.

I was delighted to hear that **other legislators were introducing a bill** **(http://www.cleveland.com/open/index.ssf/2015/02/dna_evidence_would_extend)** both the Senate and the House addressing the issue. And then, I read it. **House Bill 6** **(https://www.legislature.ohio.gov/legislation/legislation-documents?)**

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(http://www.cleveland.com/darcy/index.ssf/2015

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Exonerated Ricky Jackson is Cleveland's newest millionaire

(http://www.cleveland.com/court-justice/index.ssf/2015/03/clevelands_newest_millionaire.html#read_opinion_article#incart_most-read_opinion_article)



WABC-TV's Lisa Colagrossi dies; former Cleveland anchor suffered aneurysm

(http://www.cleveland.com/entertainment/index.ssf/2015/03/wabc_tv_reporter_lisa_colagrossi.html#incart_most-read_opinion_article)

id=GA131-HB-6) and **Senate Bill 13**
(https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-13) aim to *extend* the statute of limitations 20 additional years on rape only in cases where "DNA implicates an identified person."

What does that mean? Who will make the determination of "implication?" What's the standard for "implication?" Does the DNA have to come from the rape kit or can it come from the environment where the crime occurred? When I asked those questions -- all of them, there were no answers. Just the echoing response of, "we have to do *something* and we think this could pass." It probably will. I have no idea how I will vote.

We need to go further.

This legislation isn't only empty and devoid of true hope for all victims; it does worse. It creates a second-class victim. It immediately made me think of her, the victim -- now, survivor. Her, whose case wouldn't matter in this new legislation. Sure, we found her within the already existing 20-year limit and we forced the wheels to turn for her. But, what if her champions just found her today? This new legislation tells her that her case "cannot be prosecuted." This legislation tells her and all other victims whose cases don't bear DNA fruit, "we don't believe you."

Requiring DNA evidence to "implicate an identified person" first requires an entity to make that implication: The detective? A detective isn't a DNA analyst. They don't have the training to unlock the science the DNA analyst works through every day. The DNA analyst working for the Attorney General's Office?

Real life isn't CSI or Law & Order. The scientists don't take the stand, hold the evidence in one hand and point at the bad guy with the other and say, "this is his DNA! It was him!" Instead, they use statistics and probability and talk about how often the DNA profile would occur in certain populations. The analysts' job is science, and to put them in the position of implicating the suspect removes the impartiality required for their job.

The next question is, what will the standard for implication be? DNA profiles that occur one in 6,000? Six million? Six trillion? Where must this evidence come from -- the rape kit or the crime scene? When does the "implication" become official and the clock starts to run?

These concerns speak nothing to the rights of the implicated -- the alleged rapist. There is a standard in the law called "rational basis." There must be a rational basis to treat one rapist differently than another. A barely competent defense lawyer could make an argument that, just because there is forensic evidence in his client's case, his client should be treated no differently than the rapist who committed his offense on video but left no DNA behind.

Lifting the statute of limitations on rape does not mandate a case be prosecuted. It merely gives the prosecutors discretion to advance a case to grand jury. The argument that statutes of limitations are in place because memories fade and evidence diminishes is trite: There is no statute of limitations on aggravated murder. The state of Ohio can put a defendant to death for that within any time frame, no forensic evidence necessary.

I want to lift the statute of limitations on rape. Period. No DNA required. Just good police officers and ethical, determined prosecutors. I believe in them and in our victims. So should the rest of our state legislators. #liftthestatute

Greta Johnson, a former assistant prosecutor for the city of Akron and for Summit County, represents the 35th District, covering part of Akron and the city of Barberton, in the Ohio House.

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Cleveland Cavaliers vs. Milwaukee Bucks Game 72: Live chat and updates with Chris Fedor

(http://www.cleveland.com/cavs/index.ssf/2015/03/cleveland_read_opinion_article#commented_opinion_article)
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(http://www.cleveland.com/metro/index.ssf/2015/03/vigil