

The News Tribune

Victim questions bail, quick release of accused rapist

\$5,000: Woman, others wonder why cabdriver's bail was so low.

BY LISA DEMER
LDEMER@ADN.COM
LAST UPDATED: AUGUST 26TH, 2011 02:48 AM (PDT)

The woman who Anchorage police say was sexually assaulted Sunday by a cabdriver went on a quest Monday to plead with a judge to keep him in jail.

She had braced herself to speak up in court and went to the Anchorage jail, where preliminary hearings often are held. When his case wasn't listed there, she got a friend to take her to the main courthouse downtown.

She didn't know the suspect was already out.

Chidiebere Nwokorie, 43, who goes by his middle name Norman, was released just hours after the assault, Anchorage police say.

"I was never told that this person was going to be let out of jail," the woman, 27 of Anchorage, said this week. She is scared and upset. During the sexual assault, in an isolated industrial area, she feared he might kill her, she said.

The judicial system has let her down, she said.

Even with that, she said she wanted to speak out, to show other women who have been victimized they are not alone and urge them to come forward.

The Daily News generally does not name victims in sexual assault cases, and is not naming the woman in this one.

As the controversy continues over the decision of a new magistrate to set bail at \$5,000, police say they're investigating additional allegations of sexual assault against the same taxi driver.

Det. John Vandervalk would only say that at least two additional women have alleged they are victims.

NEW ON THE JOB

Magistrate James Stanley set the \$5,000 bail.

Magistrates are not judges but are officers of the court with limited powers. They can issue search warrants and arrest warrants, for instance. They can issue protective orders in domestic violence cases. And they can set bail.

Stanley was appointed by Anchorage presiding Superior Court Judge Sharon Gleason. He took office July 11 as one of three new magistrates replacing retiring veterans. The selection process was rigorous and included a review of applicants by a committee of three judges, a magistrate, a master and a court administrator, said Barbara Hood, communications attorney for the Alaska Court System.

Stanley was in private practice in Anchorage for 30 years starting in 1976, Hood said. He mainly did civil work though handled some criminal cases. He worked three years as a state administrative law judge and two years as staff attorney for the court system's Family Law Self-Help Center, Hood said.

New magistrates learn the job in part by shadowing other judicial officers for a couple of weeks, Hood said.

Stanley declined to be interviewed.

The right to bail is protected in the state and federal constitutions. Judges have latitude to decide bail amounts based on the likelihood of a defendant showing up for trial and also on the risk posed by the defendant to the community. In extreme cases, dangerous defendants may be held without bail.

THE CASE

Sunday's bail hearing lasted less than 16 minutes, according to the official recording of the session. Vandervalk, who interviewed the victim, and Det. Ross Henikman, who interviewed the suspect, explained the facts of the case to Stanley. They were with Nwokorie and spoke over a speaker phone to Stanley, which is routine for initial bail hearings.

The narrative they outlined tracks what the woman said in interviews with the Daily News.

She was walking from her home in Mountain View to the 5th Avenue mall Sunday afternoon to get a battery for her cell phone. An Alaska Yellow Cab driver stopped and offered her a ride. He didn't turn on the taxi meter.

After they didn't find a battery, she said she asked to go home. He took her to a cab service lot on Ship Avenue, in a remote, industrial area northeast of downtown. She said she looked for a way out but the yard was fenced.

He said he was going to drive her home in his own vehicle. Instead, he sexually assaulted her in the cab, according to police and the woman's account. She said she felt paralyzed by fear. She didn't know what he would do.

"During the attack, she made a statement to the effect of she thought she heard somebody coming, which caused him to get off of her," Vandervalk told the magistrate.

She saw her chance. She grabbed her pants and his cell phone, and ran. The phone had a clue -- his picture on the startup screen, she said.

She said she hurled herself at a passing vehicle and begged the driver for help. The driver, Bradley Orr, called police. As they waited, Nwokorie drove up, demanding his phone. Orr, just returning from target practice, held him at gunpoint, police said. The woman called him her guardian angel.

When police interviewed Nwokorie, he had no explanation for why the woman jumped out of his cab and ran away with no pants on, the detectives told the magistrate.

He denied trying to have sex with her or taking his own pants off, detectives said. But the woman knew unique details about his private anatomy, the detective said. Police were able to confirm those details when they collected evidence from his body, Henikman said.

Stanley said the police clearly had probable cause to arrest Nwokorie, according to the recording.

Police impounded the cab. Nwokorie, while not barred by bail conditions from resuming his job as a cabbie, won't be driving for the company that owned the cab, a representative of the company said.

THE BAIL

In the hearing, Stanley didn't explicitly explain why he set bail at \$5,000 and allowed it to be guaranteed by a bondsman. Nwokorie only had to post a fraction of the amount.

The magistrate noted Nwokorie didn't have a prior criminal record. He said he wasn't going to require a third party to watch over the defendant, suggesting it was because alcohol was not a factor.

Bail bondsman Fred Adkerson said he had never seen anything like it in 46 years of getting people out of jail.

He said bail in first-degree sexual assault cases usually is at least "\$25,000 cash only and a third-party custodian. If they're lucky. Sometimes it's \$50,000."

And Nwokorie faces three charges: first-degree sexual assault, attempted first-degree sexual assault, and second-degree sexual assault, Adkerson noted.

Prosecutors also were surprised by the bail.

"I think \$5,000 is way too low for any rape case," said John Skidmore, director of the Department of Law's criminal division and supervisor of district attorneys around the state.

Alaska courts don't have bail schedules in felony cases, leaving it up to individual judges and magistrates, Skidmore said.

The detectives at the hearing didn't protest the bail. Vandervalk said it was his first encounter with Stanley. Other police officers told them they already had complained about low bail amounts and nothing had changed.

Nworkorie's next court appearance is set for Aug. 31.

The woman said she only found out that Nworkorie was released when she panicked Monday at the courthouse and called Standing Together Against Rape, or STAR.

"What message are we sending?" the woman said. "I'm not understanding the judicial system right now."

Reach Lisa Demer at ldemer@adn.com (<mailto:ldemer@adn.com>) or 257-4390.

© Copyright 2011 Tacoma News, Inc.