

Training, spirituality carry victim through ordeal

By PAT MURPHY
STAFF WRITER

She may have lived her worst nightmare, but a Southfield woman managed to go from victim to victim.

"I was so disgusted . . . so angry. I bit him," the woman said about the assault during which she was forced to perform oral sex.

The bite drew blood. Instead of spitting it out, however, the 45-year-old woman kept the blood in her mouth, hoping it might be used against the man who is also accused of assaulting a Southfield psychiatrist and attempting to assault a Farmington Hills marriage counselor.

The blood samples — and the DNA trail it left — lead to the conviction of Rodney Hernandez, 40, Thursday in Oakland Circuit Court. Hernandez, of Harrison Township, was convicted of first degree criminal sexual conduct, unarmed robbery and second degree criminal sexual conduct.

The evidence against Hernandez was strong, said an official close to the case. But the DNA evidence from blood sample made it easier for the prosecution to dispute the argument from defense attorney Thomas Peraltas that police had the wrong suspect.

The blood samples tied all the other evidence together, a juror was quoted as saying.

Judge John J. McDonald is scheduled to sentence Hernandez on Aug. 14. The maximum penalty is life in prison. Charges against Hernandez stemming from the Dec. 14, 1992, rape of a Southfield psychiatrist and the June 22, 1993, attempted assault of a Farmington Hills marriage counselor are still pending.

The ordeal for the victim in Thursday's trial started about 10 p.m. on Jan. 4, 1994, as she was working late at the office. A psychologist by training, she had just concluded a group therapy session and was on the way home when grabbed from behind by an intruder wearing a ski mask and carrying knum chucks.

Until then, the victim said she had considered her husband to be something of a worrywart for urging her to be careful. "He warned me about working so late," she said, "and he urged me to be careful. But I didn't listen. I was always so trusting. That's one thing he (Hernandez) took from me."

The masked intruder took some jewelry and then — after putting duct tape over her eyes and removing his ski mask — forced her to perform oral sex, the victim testified. That's when she bit him.

"I wish I could say my actions were premeditated," the victim said in an interview Friday. "But it wasn't. I was just so mad he would make me do this disgusting thing."

The woman agreed to talk about the trial and her experience on the condition her name not be used. "My name will come out sometime," she said, "but I need some time first."

Testifying was extremely painful, the victim said. After the incident she tried to put her life back together, she said. "Then, a year and one-half later, I was back in the role as victim."

Part of that role required remembering how, after the bite, her assailant hit her. "She was lucky," said Oakland County assistant prosecutor Paul T. Walton. "She didn't actually hurt Hernandez, although she drew blood."

Instead of brutalizing her further, the victim testified how her assailant forced her to lie on her back, took off her nylon and panties and began sucking on her toes.

At that point, the victim testified, she could see under the duct tape and make out the features of the man assaulting her. She realized he resembled the man who had come to her assistance about two weeks earlier (Dec. 21), when her car broke down.

At that time, the victim said, her assailant looked up and made eye contact. He appeared to panic, she said, and yelled, "You're not supposed to see me." He threw a coat over her head and fled.

The victim then went to her desk, hit an alarm button and called 911. Within moments, Southfield police officers arrived and the victim spit the blood into sterile gauze.

"She didn't need to have much blood," said Walton. "All she needed was enough to for a disseminated spot. It enabled us to perform a RFLP test (Restrictive Fragment Length Polymorphism) that put him at the scene."

The company that performed the blood testing, Walton said, is Salmark Diagnostics, the same ones that did the DNA work in the O.J. Simpson murder trial.

The case was strong without the DNA evidence, said Walton, because the victim could make out some of the attacker's features. "But with the DNA evidence, there was no doubt about his being there."

Walton said the victim also proved to be a convincing witness during her nearly two hours on the stand. "Some times, her voice was flat," he said, "sometimes she broke down and cried. But there were times when it was clear she was angry."

That anger, the victim said, was a useful emotion. "He (Hernandez) didn't know who he was messing with."

"I don't consider myself to be courageous," she emphasized. "I merely did what I had to do. None of us has control over what happens to us. But we do have a choice about how we respond."

"I responded by doing what I had to do," she said.

During the attack, the victim said, she disassociated what she considers to be her "essential self" from her body. She said she repeatedly told herself the attack was not happening to her.

"It was my mantra," she said, "during the attack and afterward. He could do horrible things to my body, but he couldn't touch my essential self."

The victim credits her training and spirituality for being able to survive the attack . . . and prevail in the end. "I counsel other people to make a distinction between what happens to them and who they are."

Furthermore, "I'm an observant Jew," she said, "that gives me great meaning and spirituality."

The nightmares and feelings of diminished self-worth that frequently hound the victim of sexual assault didn't plague her, the victim said. She suffered some bruising and extreme mental anguish, but the pain was bearable, she said.

She attributed it, in part, to the reaction of her family . . . although she did not want to discuss that reaction in detail. "Some day I want to write about my experiences. I think it would help other women who are victimized. But I don't want to talk about it yet."

She did, however, want to talk about the professionalism — and sensitivity — of the prosecutor's office and the Southfield Police Department, particularly Walton, who tried the case, and Sgt. Kelly S. Mukamel and Detective James Adamcheck, who handled the investigation.

"Walton was brilliant in the way he balanced what had to be done with my personal concerns," she said. "I would rather he (Hernandez) had not been in the courtroom when I testified. I didn't want him to have any more of me than he already had. I

didn't want to give any more information."

Besides being sensitive, Mukamel and Adamcheck were thorough investigators, the victim said.

The evidence presented in the trial included testimony from an old girlfriend of Hernandez who testified he had a fetish about

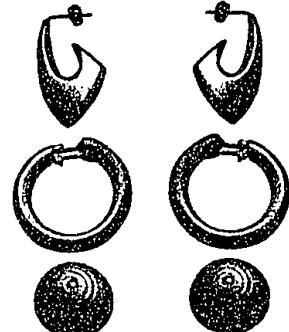
sucking on toes. Another girlfriend told police that Hernandez liked to bring about how he would case office buildings to search out vulnerable victims.

"He liked psychologists or social workers," Walton said, "because they carried cash, worked along late at night and were easy targets."

Pollio also found business cards, two ski masks and four rolls of duct tape in the car Hernandez was driving, the prosecutor said. They found knum chucks in the apartment Hernandez shared with a girlfriend.

The girlfriend, the prosecutor said, is studying for a master's degree in social work.

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