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Cops investigate jail rape claim

Johnson may have been molested in Blaine County Jail

By **PATTI MURPHY**

For the Express

A team of investigators from the Tri-County Sheriff's Association is looking into allegations that convicted Bellevue murderer Sarah M. Johnson was raped by a jail trustee while in the custody of the Blaine County Jail when she was 17 years old.

The Blaine County Sheriff's Office on Thursday, July 7, issued a statement that it launched an investigation after learning of the rape allegations from a pre-sentence investigator on June 6. However, Johnson's defense team contended the Blaine County Sheriff's Office first learned about the alleged rape in March 2004.

"They just lied blatantly," said Patrick Dunn, Johnson's defense investigator, who has been working on the case without pay since March 2005.

According to Dunn, a Blaine County detective began investigating the alleged rape during March 2004 when he went to interview Johnson's first attorney, Doug Nelson. Dunn said one of Nelson's clients was a former Blaine County inmate who heard through the Blaine County Jail grapevine about the allegations.

Dunn and one of Johnson's attorneys, Mark Rader, allege their client was raped by a male jail trustee in his 30s who "groomed" Johnson emotionally and psychologically, making her vulnerable to his advances. Although the alleged sexual encounter may have been consensual, Idaho law protects teenagers.

Authorities declined to name the trustee under investigation.

Lt. Greg Sage, who manages the Blaine County Jail, said the jail usually keeps trustees for about a year.

"We get cooks from the state, and we keep them for about a year, and then we rotate them out," he said.

According to a press statement, issued by Sage on Thursday, the Blaine County Sheriff's Office acted quickly when it learned about the alleged incident.

"As soon as our office became aware of these allegations, we called in a team of investigators from the Tri-County Sheriff's Association and the Magic Valley Sheriff's Association to investigate this alleged crime," the statement says. "Once this criminal investigation is completed, it will be turned over to a special prosecutor for their review."

But Dunn is blaming the jail for Johnson's rape. He said the teen was made vulnerable to the alleged molestation because she had been housed with adult inmates, a practice that is against Idaho State law.

"The Sheriff chose to ignore the law," said Dunn, referring to Blaine County Sheriff Walt Femling. "He said he was putting Sarah in with the adults because it was in her best interest, so she wouldn't feel isolated and lonely."



Sarah M. Johnson Photo by Willy Cook

Dunn said he and Rader believe Blaine County "created this environment to gain information from adults who were incarcerated with her to help them in her case against her."

It is a charge Blaine County Prosecutor Jim Thomas and Femling have denied in court. They said Johnson was housed with adults because of space constraints in the overburdened jail, which will be replaced with a new facility in the foreseeable future.

"Sarah was extremely vulnerable, and they put her in an environment where she'd be exploited. This was in total violation of state law," said Dunn. "In this particular case, Sarah is a victim. She was under control and custody of Blaine County, and they were responsible for protecting her."

Attorney David Sasser, general counsel and legal advisor for the Idaho Counties Risk Management Program, an insurance carrier for local government agencies, said he received a telephone call from Femling requesting an investigation into the rape allegations.

"It's been some period of time," Sasser said when he was asked how long ago he received the call. But he refused to specify the exact time.

He said his office responded by contacting the Tri-County Sheriff's Association and the Magic Valley Sheriffs Association.

"We made a lot of calls," he said. "We wanted a significant number of investigators to determine quickly the truth."

Andy Thomas, a detective with Tri-County, declined to comment on the specifics of the investigation.

"All I'm hearing is a lot of rumors and allegations," he said, "but (I) don't have anything substantial. We've talked to a great deal of people on the allegations that have been floating around. It is so new I don't have any information."

Thomas, who interviewed Johnson in the Gooding County Jail Thursday morning, said he would "know more on Friday" about the investigation.

Dunn, who traveled to the Gooding County Jail to sit in on the investigation, said he saw that Thomas had started the meeting early. Gooding County Jail officials barred him from joining the meeting.

The Gooding County Jail is just one of several facilities Johnson has been incarcerated in over the past year. Dunn and Rader claim the Blaine County Sheriff's Office continued to move Johnson from one jail to another to make it difficult for her to have contact with her attorneys, preventing them from learning of the alleged rape.

According to Dunn, Johnson was moved at least nine times between March 2004 and her conviction in March 2005. Facilities included the Blaine County Jail, the Mini-Cassia Criminal Justice Center in Burley, the Madison County Jail in Rexburg and the Ada County Jail in Boise.

Dunn said Johnson told him that when she was moved from the Mini-Cassia facility in Burley to the Madison County jail in Rexburg in March 2005, the Blaine County officer who transported her said, "If you keep pursuing this rape thing, we're going to have issues."

Dunn also said Johnson told him that the jailers told her they "would keep moving you to get you as far away from your defense as we can."

Johnson was convicted in March of shooting her mother, Diane, in the head as she slept, and then shooting her father, Alan, as he emerged from a shower. Prosecutors said she killed her parents because they disapproved of

her romantic relationship with Bruno Santos, a 19-year-old illegal Mexican immigrant. The slayings occurred Sept. 2, 2003, at the Johnson family home in Bellevue.

According to testimony during the teen's trial, Alan and Diane Johnson were planning to file statutory rape charges against Santos on the day they were murdered.

Johnson was sentenced June 30 to life in prison with no possibility of parole, plus an additional 15 years for using a firearm in the commission of the crime. Her attorneys are planning to appeal the conviction.

Bob Pangburn, Johnson's lead defense attorney, said he became aware of the alleged rapes at the same time as Dunn, but was not directly involved in the investigation.

"Sarah hasn't brought it up to me directly, and other people, Pat Dunn, was following up on it so I deferred to him," Pangburn said.

"What I understand is that it involved sexual contact between Sarah and a trustee. Prior to January of this year, Sarah was a minor. Rape is between an adult and someone who is not an adult.

"There is an inherent coercive nature when a person is in custody. It is never truly consensual," Pangburn said. "I have to wonder how male prisoners have access to a juvenile. What is all that about?"

Pat Dunn's wife, Linda, who owns Sexuality Education Resource and Training, and has been appointed to the Idaho Governor's Council on Adolescent Pregnancy prevention for the past eight years, was a close confidante of Johnson during the trial. She said she spent more than 1,000 hours with Johnson over the past year.

Linda Dunn said that Johnson told her how the trustee, who was in his mid-30s, would offer to do "out-of-the-ordinary things" for her.

Linda Dunn said it "raised some red flags" in her mind.

"In jail it's a big deal to get something special," she said, adding that the trustee would pay attention to Johnson and offer her such things as specially made chocolate chip cookies or cupcakes with pink frosting on them, or a special meal of bacon and eggs.

"It was a gradual process of little, flirty things," said Linda Dunn, noting that it is a common technique used by pedophiles to make their victims feel safe and trusting of their attacker. "Of course, once it happened, Sarah felt she had brought it on herself.

"If this had happened to any other 17-year-old, the authorities would be all over it."

Rader offered a forceful condemnation of the Blaine County authorities.

"Blaine County violated state law and didn't protect Sarah," he said. "As a result, she was subjected to the rape by a trustee. And they didn't report it in order to protect their own reputations and pocketbooks."

Thomas and Femling did not return the Idaho Mountain Express' telephone calls.

Express staff writer Greg Stahl contributed to this story.

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