

Acquittal in video rape case

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After repeatedly viewing a videotape that captured the alleged gang rape of a 16-year-old girl, a jury acquitted a Burr Ridge man Friday of sexual assault and child pornography charges.

The lawyer for Adrian Missbrenner, 20, went frame-by-frame through the video, taken during a party at which teens were drinking heavily Dec. 7, 2002, pointing to every gesture he said might indicate the girl's consent.

After four hours of deliberation, the Cook County panel of seven women and five men returned its verdict of not guilty.

"Now they know the truth," Missbrenner said as he left Cook County Jail late Friday with family members. "It wasn't what they said it was. They made it out to be something it wasn't."

The verdict appalled victims' rights advocates, who said the defense sought to affirm every rape myth.

"We're down to those same stereotypes--she was drinking, she was asking for it," said Linda Healy, executive director of Mutual Ground, a suburban counseling program for sexual assault victims.

"We hold the standards that the victim, who is almost always a woman, is somehow supposed to prevent this from happening if it's something she didn't want," said Polly Poskin of the Illinois Coalition Against Sexual Assault.

The case already had drawn fire from victims' advocates earlier this week, when Judge Kerry Kennedy threatened to jail the Naperville woman, now 20, for refusing to view the videotape during her testimony.

On Wednesday, Kennedy reversed that decision, but the 13-minute tape remained the focal point of the trial.

Reporters and other courtroom observers were not allowed to see the tape. Lawyers' descriptions indicate that it shows Missbrenner and codefendant Burim Bezeri having sex with the teen during the party in Missbrenner's home in the upscale suburb. The tape also shows the men and others spitting on the woman and writing on her naked body.

Defense attorney Patrick Campanelli relentlessly dissected the tape Friday, however, contending the accuser's actions indicated that she had not been coerced.

"She places her hand on Burim's head, she kisses him, that's consent," he said.

"She puts her hands on Adrian's head, rubbing his head . . . That looks like consent to me."

"She is smiling. This shouldn't be in court," Campanelli said.

John Gorman, spokesman for Cook County State's Atty. Richard Devine, said: "We don't agree with the decision, but we must accept it. The evidence was compelling, but obviously the jury didn't think so."

George Acosta, the accuser's attorney in a pending civil trial against the Missbrenners, said he, too, was disappointed.

"We believe the videotape shows she was drunk and vulnerable," he said.

When the verdict was read, about 30 of Missbrenner's family members and friends gasped and some began to cry. With a broad smile, Missbrenner hugged his attorney.

After the verdict, Dobrila Missbrenner, the defendant's mother said, "Her story kept changing from one time to another, from being unconscious, to being semi-conscious, to being too drunk to remember."

The woman was not in the courtroom for the verdict. A man answering the family phone said she had no comment.

Jurors were escorted out of the Bridgeview courthouse by bailiffs and quickly drove off without speaking to reporters.

Assistant State's Atty. Cheryl Schroeder said during closing arguments that the defense had tried to sully the accuser's reputation and blame her for being raped.

"He tried to dirty her up," Schroeder said. "He is trying to say she deserves this."

But, she said, "They treated her worse than you treat a dead dog in the middle of the street. She had no idea what went on."

Campanelli contended the case was a youthful incident that got out of hand. "The girl isn't a bad girl. She just made mistakes," he said.

"This case should be in a counseling building, not in a criminal court. This was an insult, not an assault. My client was morally wrong, but so was everyone else."

Campanelli added that, "in [Missbrenner's] state of mind, he had consent."

Directly addressing the jury, Campanelli added, "If you say he's not guilty, that doesn't mean you approve of what happened."

Schroeder reminded jurors of testimony they heard Thursday about Missbrenner's flight to Europe in 2004 and his surrender in Serbia-Montenegro after nine months on the run.

Missbrenner was convicted last year of violating his bail bond and sentenced to 6 months in jail.

"He [Missbrenner] claims the tape exonerates him, but then why did he flee the country?" she asked. "For once in his life, hold this kid, Mr. Burr Ridge, responsible."

Gorman would not say whether the verdict affects pending charges against Bezeri, who is believed to have fled the county about the same time as Missbrenner and remains at large.

Sonny Smith of Brookfield, who operated the video camera, was convicted of child pornography and sentenced to the Illinois Department of Corrections boot camp. Christopher Robbins of Brookfield was acquitted of sex crimes last year. He admitted having sex with the accuser but said it was consensual.

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