

# THE ROANOKE TIMES

## Suit over alleged rape settled

Mike Allen Jan 13, 2006

Billie Scott Reagan Jr. spent 35 days in jail in the summer of 2002, charged with rape based on the accusation of a woman who crashed a party he was hosting.

When a Roanoke prosecutor dropped the charge, Reagan took the rare step of suing his accuser for \$1 million, claiming malicious prosecution, defamation and emotional duress.

The case ended this week as Reagan accepted a \$20,000 settlement from Emily Harris. Though he got far less than he initially demanded, Reagan says the case wasn't about the money. "When people speak untruly about you, it should be your duty to stand up for yourself," he said.

Reagan, 41, now lives in New Orleans but returned to Roanoke to see the settlement resolved. "I wanted an apology, and I didn't get one," he said.

Harris maintains that she told the truth, said her attorney, Radford lawyer Jimmy Turk. The amount Harris paid is about what it would have cost her to defend against the lawsuit, he said. "I think it's good for her to get this behind her."

It's extremely rare for a man accused of rape to sue his accuser, said University of Virginia law professor Anne Coughlin. She described such lawsuits as something of a two-edged sword: While there's no question that an erroneously accused man has had his life and reputation damaged, if this sort of lawsuit became standard, it could deter victims from coming forward, she said.

"You clearly want to protect innocent people," she said. "On the other hand, victims can make mistakes."

Had the case gone to trial, the burden would have been on Reagan to prove that Harris didn't just make a mistake but accused him out of malicious intent. In his lawsuit, he accused her of exactly that.

On June 6, 2002, Reagan, a musician, held a party at his Southeast Roanoke rehearsal space to celebrate the opening of his new business. Harris, then 19, arrived at the party with some friends. The two had never met before, Reagan said.

In the lawsuit, Reagan claims that he kissed Harris, which apparently offended her. But he maintains that nothing else happened.

In previous interviews with The Roanoke Times, others who attended the party said that after the kiss, Harris left and returned to the party with three men, pointed at Reagan and told the men that he had raped her. One of the men struck Reagan with a frying pan.

Harris went to a hospital, where a physical evidence recovery kit was taken, and contacted police, who arrested Reagan early June 7.

Reagan stayed in jail without bond for 35 days.

Then prosecutors dropped the charge. Deputy Roanoke Commonwealth's Attorney Betty Jo Anthony told The Roanoke Times that Reagan's accuser did not want the case to go forward. Anthony said that the woman told her she was having trouble remembering the event, in part because of alcohol, cocaine and methamphetamines she had used that day.

But by that time, a woman who was with Harris the night of the alleged crime had contacted Reagan's defense lawyer to tell him the rape had not happened.

Reagan filed suit in December 2002.

Reagan said that one of the things that outrages him about the accusation was that his own mother was the victim of a violent crime. Her 1983 slaying in Houston remains unsolved.

Had the case gone to trial, several witnesses would have taken the stand to back Reagan's version of events, said his attorney, David Lawrence.

Turk said Harris' side was prepared for a "vigorous defense" but declined to discuss what evidence would have been presented.

A similar defamation lawsuit was filed in December in Charlottesville. In that instance, a woman who reported a rape identified a man police had stopped on the street as her attacker. After DNA tests cleared the man, he filed an \$850,000 suit, saying the woman was reckless and negligent when she identified him.

A crucial difference is that Harris had met Reagan, while in the Charlottesville case the woman apparently accused a stranger by mistake, Coughlin said.

Few studies have been done as to what percentage of rape claims are false. Teresa Berry, program director for the Sexual Assault Response and Awareness center in Roanoke, said that most people who are sexually assaulted don't press charges.

She could only recall one claim in her 20-year career that proved false, but noted that people who come to the crisis center are seeking support and counseling rather than pressing charges.