

# Mother takes issue with Idaho's rape law

She says her son is a victim of harsh legal system



Tribune/David Johnson

Paula Lewis of Sandpoint believes her son has been misbranded a rapist by the Idaho legal system. Her son, Allan Lewis, admitted in Latah County District Court to one count of raping a 14-year-old girl.

By DAVID JOHNSON of the Lewiston Tribune

MOSCOW - The courts have branded him a rapist. But Allan Lewis' mother claims her son is the victim of a heavy-handed legal system that fails to address the realities of sexual activity among young people.

What's more, said 60-year-old Paula Lewis of Sandpoint, the law allows promiscuous underage girls, like the 14-year-old Lewis claims seduced her son, to continue their sexual exploits with impunity.

"Number one, I don't think he should be a registered sex offender," Paula Lewis said. "And I don't think it should be rape by my definition. He had (consensual) sex with someone underage. But I think of rape as forcible, or a violent thing, or coercion."

Her definition, however, is not consistent with Idaho law, said Latah County Prosecutor William Thompson Jr.

"It's certainly understandable that the mother of somebody like Mr. Lewis would want to protect him," Thompson said. "But the fact of the matter is that it's also simply against the law, and it's simply wrong, for an adult man to be having sex with a young girl."

Allan Lewis, who was 19 when arrested on two counts of rape and other sexual charges, admitted to one count of rape as the result of a plea agreement. He was one of several young men arrested during a rash of similar cases two years ago in Latah County involving young teenage girls. All the men (ages 18 to 21) eventually took plea agreements and are serving sentences either behind bars or on probation.

"I made my own decisions and I'm responsible for it," Allan Lewis said after appearing in court last week and being sentenced to five years probation. "I just have to take responsibility for what I did."

Unlike the state of Washington, Idaho has no degrees of rape, meaning: Rape is rape. That puts her son, said Paula Lewis, in the same company as a violent serial rapist and has all but taken away his future.

A former University of Idaho student, Allan Lewis attempted suicide at home in Sandpoint shortly after being arrested and awaiting trial.

"I found him in a pool of blood. He cut his wrist down through the tendons to the bone. He took every pill in the house. I mean, it was serious. They said I found him with a minute to spare, literally. They air-flighted him to Spokane."

After serving six months with retained jurisdiction behind bars, Allan Lewis was released, only to, in his mother's words, find it impossible to live as a registered sex offender and unable to find a job.

So he fled, she claims.

"The reports were that he was noncompliant with his probation and he ended up absconding supervision," Thompson confirmed. "And he was intercepted as he was trying to board an international flight in Salt Lake City."

After that, Allan Lewis spent six more months in prison. Last week, he appeared before District Court Judge John R. Stegner for a status review and thanked the judge for giving him another chance to stay out of prison. Paula Lewis was also there and, after listening to Thompson describe the state's take on the situation, she confronted the prosecutor when court was adjourned.

"I did everything I could not to jump up and call you a liar," she told the prosecutor as a bailiff stepped between the two. "I was stunned at what you said."

Thompson later defended his words in an interview. He also said he understood Paula Lewis' concern for her son.

But not her contention that he's a victim.

"Mr. Lewis' mother's characterization of Mr. Lewis being the victim is part of the problem that Mr. Lewis has faced trying to accept responsibility for this."

Judge Stegner agreed that Allan Lewis appears to have turned the corner, taken responsibility and should not be left behind bars. Nonetheless, he sentenced Lewis to five years of probation under standard but harsh sex offender conditions.

In addition to registering as a sex offender, he'll be subject to polygraph tests and prohibited from associating with anyone younger than age 18 unless under supervision. He'll be barred from going to parks, schools and other areas where children congregate without an approved chaperone. He is not to view or have access to pornography. He is prohibited from unsupervised access to the Internet. He is to have no contact with the girl or her family members. He must submit to electronic monitoring and undergo additional sex-offender treatment if deemed necessary by probation authorities.

"I don't consider myself an expert on sex offenses Mr. Lewis," Stegner said. "But you're not the victim in this case. The girl is the victim."

Stegner said Lewis must learn to "empathize" with the girl, to put himself in her position. Not being able to do that, the judge added, would remain an impediment to recovery.

To which, Paula Lewis said of her son, "Here you have a kid who never got in a lick of trouble his whole life, ever. No drugs, no alcohol. He gets a scholarship and comes here to Idaho with a double major in economics and physics. He had advanced placement classes in high school. So he gets here and then this happens. Now it's like his whole life is in the toilet. The things he wanted to do, he can't do."

And young girls, like the one who got involved with her son and the other young men, she said, are not held responsible at any level of the law.

"They're unbelievably aggressive," she said. "I feel the system is broken."

But Thompson said Idaho law is quite clear.

"You're dealing with somebody who really was in her early teenage years," he said of the victim.

It's very clear, under Idaho law and as a practical matter, he said, that young teenagers are not in a position to make proper decisions about adult matters such as sex.

"Men who take advantage of that have consequences to face," Thompson said. "And they have to take responsibility for it."

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