

# Prosecutor drops charges against men accused of assaulting transgender woman

Rachel Alexander/SR

The nightmares have stopped, but Jacina Scamahorn says she's still hurting after an attack at a Spokane cafe in February left her with broken bones in her face.

"Half my face is in pain constantly," she said, and she'll need surgery to fix some of the problems. But while "I may be broken on the outside ... they're not going to break my spirit," said Scamahorn, who is a transgender woman.

Charges against the two men accused of assaulting Scamahorn inside Boots Bakery earlier this year were dropped last week due to insufficient evidence. Scamahorn said she was consulted about the decision.

Adam R. Flippen, 45, and Marc A. Fessler, 42, were initially charged with assault and malicious harassment after an altercation in early February at Boots Bakery. Malicious harassment is Washington's version of a hate crime.

On the night of the attack, Scamahorn told police she was outside Boots Bakery when the men, who were drinking at a bar next door, began harassing her. She said she spat in Flippen's face in response and went back inside Boots.

She told police the men then followed her inside the bar and began yelling expletives, then punching and kicking her. The attack broke bones in her face and caused her to temporarily become unresponsive, witnesses said.

A bartender and customer at Boots both told police they witnessed the men assaulting Scamahorn.

Johnny Dandurand was bartending at Boots when the pair entered the bar.

"They were stomping her. They kicked her in the face," he said in an interview several days after the attack.

According to court documents, Flippen and Fessler both told police they assumed Scamahorn was a "poorly dressed, ugly" man even though she was wearing a skirt. They both said Scamahorn started causing a scene outside the bar. And both men denied using derogatory names to refer to her, according to court documents.

Flippen admitted to punching Scamahorn in the face once inside Boots, but both men denied kicking her, court documents say. When a detective asked how one blow could cause a black eye

and broken facial bones, Flippen told the detective she might have done it to herself after they left.

Prosecutor Eugene Cruz filed an order to dismiss all charges without prejudice against both men Sept. 23. The order says there is “insufficient evidence” to proceed, but doesn’t elaborate further.

Scamahorn said she spoke to prosecutors before they decided to drop charges. She said the decision was made in part to protect her from having to go through a trial.

“There were some complications because of how everything played out,” she said, referring to the altercation outside the bar before she was attacked.

She would have been happy to see the men prosecuted, she said, but she’s not upset about the decision to drop charges. For her, raising awareness and support for transgender issues by speaking out about the assault was an important victory.

“I wanted to bring awareness to the fact that other trans people go through similar things, and there aren’t always people to stand up for them,” she said.

Cruz, the prosecutor on the case, and Spokane County Prosecuting Attorney Larry Haskell did not return calls Thursday seeking comment on the decision to drop the charges. Haskell’s email response said he is out of the office.

The incident drew widespread attention from civil rights groups in Spokane. About 150 people attended a Spokane City Council meeting several days after the alleged assault to call for stronger protections for gay and transgender residents. That effort was organized by the Spokane Human Rights Commission, which objected Thursday to charges being dropped.

“I find the dropping of assault charges completely egregious. There is no question from anyone who witnessed what happened that those men assaulted her,” wrote Blaine Stum, chair of Spokane’s Human Rights Commission. His statement came before Scamahorn’s comments about the decision were published.

Since the attack, Scamahorn has gotten more involved in social justice advocacy in Spokane, working with the Peace and Justice Action League of Spokane.

“I realize now I want to be more involved in making sure people who go through similar instances get the help they need and don’t feel like they don’t have a voice,” she said.

She’s also gotten her name legally changed on identifying documents and has moved into temporary housing for chronically homeless people. She still gets emotional talking about the attack, but she hopes Flippen and Fessler have learned something about respecting everyone, she said.

“I wallowed in my self-pity for a while but I don’t want to do that ... I’m a person, I’m a unique individual and I love myself. And I hope that they can love themselves,” she said.

