



Fictional Case Study for the Trauma Experts Roundtable

At the age of 22, a fellow cast member assaulted Lea. Since the age of 18, Lea had worked as a background performer or “BG” in film and television. Lea’s goal was to land a speaking role on a TV show. The year of her assault, Lea’s main source of income came from working as BG on an American TV show shooting in Toronto.

At the end of that production, Lea was invited to a wrap party. As a background performer, she noted this as a special invitation, as it was not the norm to extend invitations to BG.

The lead actor Tom, who was 39, had asked his agent to specifically invite Lea to the wrap party. Tom occasionally would pick out young actresses and would ask others to invite them to the wrap party so that he could have access to these women in a social setting.

When Lea arrived at the party she was quickly led over to Tom who offered her a drink of vodka, which she accepted. Lea enjoyed his company and attention. She remembers putting her hand on his arm when they laughed together over some event that had happened during filming.

Tom asked Lea if she wanted to do ketamine. Lea said yes. It was her first time doing a hard drug. Lea began to hallucinate and said she was very drunk.

What happened next is blurry. Lea remembers feeling Tom’s hand on the inside of her thigh moving closer to her genitals. She did not want this touch and felt increasingly overwhelmed by the effects of alcohol and drugs. They were sitting on a sofa in a crowded room with many others when this happened.

Lea knows that she left the party with Tom. A number of people from the cast and crew, including Tom’s agent all of whom were at the party saw Lea stumbling and saw Tom leading her out of the party, propping her up on his arm as he led her out of the venue.

She remembers that Tom suggested they go back to his place for a coffee so she could rest, as it was nearby. Lea remembers protesting that she should be getting home and saying hello to Tom's roommate Sanjay, another cast member who was home at the time they arrived.

Lea felt dizzy and unwell. Tom ushered Lea into his bedroom and then pushed her onto the bed. She remembers saying she did not want to have sex. She remembers feeling limp and Tom roughly removing her clothes. Lea remembers throwing up a bit in her mouth, and feeling sharp pain when Tom penetrated her. She remembers him slapping her across the face, and yelping in surprise and pain. These breakthrough moments are vivid however she does not remember much else that happened once she was in his bedroom.

Lea awoke in Tom's room around 5 a.m. feeling alarmed and confused. She quickly and quietly got dressed and went home, took a shower and got into her bed. For the next 36 hours, she slept on and off, watched Netflix, trying to forget the assault and manage her overwhelming distress. Finally sobbing she broke down and called a friend, telling her what happened. Her friend encouraged her to report to the police, so she made a report.

The interview lasted over 6 hours and exhausted Lea. She had to make a video statement and was interviewed by more than one officer who asked her the same questions more than once. One officer asked her to tell the story of what happened backwards. The police asked her if Tom was her boyfriend, why she had gone to Tom's apartment and if she had told him no. The police also asked how much she had had to drink and what drugs she had taken. The police had her go to the hospital where a rape kit was administered though the evidence was compromised by the time that had elapsed and the fact that she had showered.

Lea describes feeling betrayed by others at the party. She was later shocked that her colleagues had watched her being led out of the party when she was stumbling and barely able to walk. Although unable to recall an explicit narrative of the sexual assault, she reported that for months afterwards she struggled with nightmares of being under water and trying to reach the surface. She also had many physical triggers reminding her of the assault. For example, whenever she was sexual she felt disconnected from her body, like she was floating. She would also feel a sense of threat whenever men expressed a sexual interest in her, even men she liked. She often would say to her friends, "I don't know whom I can trust."

Lea harbored feelings of self-blame and shame; she thought if she hadn't touched Tom's arm and trusted him so easily this would never have happened.

After 26 months Lea's case went to trial. Under protracted and aggressive cross examination Lea was repeatedly asked by Tom's defense counsel to agree that she had consented to the sex with Tom. Lea felt frozen and diminished on the stand and spoke in a small trembling voice. She wished she had never reported the incident.

The judge acquitted the accused, writing in his reasons that:

"Though it is clear that much of the sexual activity she describes did occur, and I believe her account, fact-finding in this case is compromised by the complainant's uneven memory of some of the key events of that night and inconsistencies in her evidence."

The judge continued to state:

"On the issue of consent, in order to convict I would have to find the complainant's evidence both credible and reliable...and I simply am unable to be sure to the degree of certainty necessary to make a finding of criminal responsibility."

The judge further added:

"Although the rallying cry "Believe the victim" has become widely circulated in the media of late, it is inappropriate in a criminal proceeding. No one has the right to a particular outcome, only to a fair trial on the evidence."