

[Skip to comments.](#)

Jurors award woman \$1.7M in MARTA rape (Atlanta)

[The Atlanta Journal Constitution](#) ^ | 02/08/07 | BETH WARREN, PAUL DONSKY

Posted on **Friday, February 09, 2007 23:50:17** by [FreedomPoster](#)

Jurors hit MARTA with a \$1.7 million judgment Wednesday for a grandmother who was raped after being kidnapped from a parking garage at the MARTA Lindbergh station in Buckhead in June 2002.

The woman filed a civil suit against MARTA, contending that the transit agency had not properly secured its property.

But in an unusual court move, Fulton County Judge Craig Schwall on Tuesday blocked MARTA attorneys from mounting much of a defense. Jurors only had to settle on the amount the transit agency should pay.

Schwall said MARTA officials hadn't played fair with the woman's attorneys in the years leading up to the trial. He lashed out at the transit agency for not being able to produce documents to back up their claim that there were plenty of officers on duty the night the woman was abducted from the Buckhead parking deck.

"I will tell you it's a very brazen, intentional, deceitful act on the part of MARTA," Schwall said.

MARTA officials say they tossed out all police records from 2002, the year the woman was kidnapped, that would indicate how many officers were on duty the night of the crime and where they were posted.

They threw out the records because they moved their police precinct and didn't want to take old documents, MARTA attorney Tom Sampson said.

Sampson was disappointed with the jury's decision, he said, "but not surprised since we did not have an opportunity to present our case."

MARTA has a reserve fund to handle settlements and verdicts up to \$5 million, officials said. The transit system's insurance covers anything larger.

MARTA board Chairman Ed Wall said the transit system was not treated fairly by the judge, and he hopes the transit system's attorneys appeal the case.

"He didn't even let us put on our case," Wall said. "It just doesn't seem fair at all. We had a vigorous defense. The only person to blame for that rape is the person who did it."

During a 2003 criminal trial, a Fulton jury convicted Bernard McCoy of rape and kidnapping. He is serving a sentence of life without parole plus 60 years.

Jury foreman Todd Kearney, 46, said the panel of six men and six women debated about six hours, with one juror suggesting an amount that would only cover the victim's medical expenses to others who tossed out a figure of \$5 million.

And, at the heart of the case, the rape victim smiled as she left the courtroom, saying: "I'm happy, but this wasn't about the money. It was about security and their duty to the patrons."

The woman is not being named because she is a rape victim.

Outside the courtroom, some jurors lined up to hug the soft-spoken victim and shake hands with attorneys on both sides.

Some jurors lingered in the hallway to make personal pleas urging MARTA to improve its crime-reporting methods.

One juror, Anastasia Pass, 56, said: "There definitely needs to be changes at MARTA in terms of their internal reporting."

Another, Jason Williams, 37, who owns a dog grooming shop, shook hands outside the courtroom with a MARTA assistant police chief, saying: "I have to ask you to improve your internal reporting."

Assistant Chief Carol Johnson replied: "There's nothing wrong with it."