

Accused rapist gets vindication

Alleged victim's diary helped set ex-UA student free after five years in prison, long court battle

Beacon Journal staff report

Nathaniel Lewis did not rape fellow University of Akron freshman Christina Heaslet Beard.

It took his accuser's diary, a five-year prison stay and nearly two years of waiting for courts, but Lewis finally read those words Thursday.

A Summit County judge said Lewis was innocent of the alleged 1996 rape. The ruling makes him eligible to collect hundreds of thousands of dollars in compensation from the state of Ohio.

Lewis, 26, received the decision via fax machine at his home in Belleville, Mich.

"It's a relief from my chest

and shoulders," Lewis said in a phone interview. "Not only was I declared innocent, but I had a judge say I didn't do it, which means more to me than a jury.

"I never had a chance to hear 'not guilty' in court. I can't tell you how much those words mean to me," he said.

A spokeswoman for Ohio Attorney General Jim Petro said the office is considering an appeal.

After a federal appeals court threw out Lewis' conviction in 2002 and prosecutors decided against a second trial, Lewis filed a lawsuit against the state for wrongful imprisonment.

Common Pleas Judge Marvin Shapiro, who heard testimony last month from Lewis and Heaslet Beard, wrote in his decision that the evidence suggests the UA students consent-



Lewis

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Rape

Nathaniel Lewis likely to seek damages

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ed to sex, just as Lewis had claimed since his arrest.

Heaslet Beard, 25, lives in St. Louis, Mo., with her husband and daughter. She could not be reached for comment.

She was not named in previous stories about the case because the Akron Beacon Journal does not identify victims of sex crimes. Thursday, the court said there was no rape.

Shapiro granted Lewis a "declaration of innocence," a legal standard needed to file for damages in the Ohio Court of Claims. Lewis is expected to ask for at least \$600,000 in compensation, lost wages and attorney fees.

Factors in decision

The judge cited several factors in reaching his decision:

- Heaslet Beard invited Lewis to her dorm room.

- She drank alcohol in Lewis' presence.

- She called her roommate to ensure she and Lewis would be alone.

- She took a birth control pill in front of Lewis.

"While taking a contraceptive may not be an invitation for sex, it is at least an indication that Heaslet wanted Lewis to know that she was sexually active and protected," the judge wrote.

Shapiro also noted that there was "no evidence of damage or struggle to any of her clothing" and that an injury to her cervix could have occurred during vigorous sex.

The judge also took exception to Heaslet Beard's claim she did not participate in casual sex before the encounter with Lewis.

"... Heaslet had several sex partners and occasionally had intercourse on first dates, which casts doubt on her previous assertions of only engaging in meaningful relationships." Sha-

portions of only "engaging in meaningful relationships," Shapiro wrote.

Diary's role in case

Finally, Shapiro found that passages in Heaslet Beard's diary "are relevant to (her) motives and credibility."

The diary, which covers the months leading up to Lewis' criminal trial in 1997, contains writings that suggest Heaslet Beard was a jilted lover seeking to punish Lewis for all the men who had used her for sex.

She testified that Lewis forced her onto a bed, undressed her and raped her. Lewis said their five-minute sexual encounter was consensual.

"I think I pounced on Nate because he was the last straw . . . I'm sick of men taking advantage of me . . . and I'm sick of myself for giving in to them.

"I'm not a nympho like all those guys think. I'm just not strong enough to say no to them. I'm tired of being a whore. This is where it ends."

Copied diary pages were mailed anonymously to Lewis just before his trial, but Summit County Judge Beth Whitmore ruled portions were inadmissible.

A jury convicted Lewis of rape. He was sentenced to eight years in prison.

After several failed appeals, the 6th U.S. Circuit Court of Appeals ruled Lewis was denied a fair trial by the exclusion of portions of the diary. Heaslet Beard declined to pursue a second criminal trial.

"It is significant that Heaslet never claimed in her diary that Lewis raped her," Shapiro wrote. "However, the diary does reflect her disgust for Lewis taking advantage of her.

"She admits to potentially feeling guilty about the actions she is taking against Lewis, not because she was raped, but for other reasons."

". . . in light of the other diary passages concerning Lewis, she may not have been entirely candid about the Oct. 12, 1996 events," the judge wrote.

Attorney Kirk Migdal, who volunteered to help Lewis win his appeal, said the diary was vital in proving his client's innocence. No one knows who mailed the passages to Lewis.

"I think any reasonable person who reads the diary can only conclude that this was clearly consensual sex and not rape," Migdal said. "The judge's decision is certainly vindication for Nate."

