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Local & State

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SUNDAY August 17, 2008

Foster, investigators at odds

WHO HAD INFLUENCE, CONNECTIONS TO GET FRONT PAGE, WHO STAY INSENSITIVE TO PRINT STORY GRUDGE?, PROFIT?
\$EX YOU ALL HAIR ASH MENT, ATTY PROFIT E.O.A., LAW RISK MANAGEMENT LAW SUIT?
SETLEMENT \$

Woman says she was raped; authorities say she's changed her story many times



Trudie Foster
PAWN?

By S. Brady Calhoun
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PANAMA CITY

Trudie Foster says she was raped by a cop. Investigators say she has changed her story so many times the truth is beyond reach, though they're convinced it was not rape. IF WE DECIDE IT
Earlier this month, Foster told Bay County sheriff's investigators a Springfield police officer raped her. Investigators determined that Foster and Sgt. Mark Fogarty both lied to them

about the encounter. They believe the sex was consensual. BLUFFED
Both are charged with making false statements to law enforcement officers, a first-degree misdemeanor.
Foster, who has pleaded not guilty to the charge, said her criminal record does not change that she was raped, and she is angry. HOSPITAL EXAM?
"I never consented to the sex," Foster said Wednesday.
Foster said Fogarty sexually harassed her on one previous occasion before their Aug. 6 encounter.
Fogarty resigned from the Springfield

Police Department and his law enforcement credentials are under review, local officials said. Attempts to contact Fogarty were unsuccessful last week.
Foster told The News Herald that she lied about being handcuffed during the encounter, but that was the only thing she lied about. NO MARKS
"I was scared," she said when asked why she lied about the handcuffs.
Capt. Jimmy Stanford said Foster lied about several material facts in the case and seemed to change her story every time she spoke. He added that the Florida Department of Law Enforcement

and the State Attorney's Office both were part of the decision not to charge Fogarty with rape. LAZY SLAMER CHARGES
What is known
What is known is this, according to investigators: On Aug. 6 at about 10 p.m., Fogarty spotted Foster walking in Parker. Fogarty offered to give Foster a ride, and she accepted. But instead of taking Foster to her sister's house, Fogarty took her to a home near the paper mill on

UNCONNECTED PREY? See FOSTER B2
BY WHAT PROCEEDS HOW MANY OTHERS UNINFLUENTIAL PHYSICAL EVIDENCE, WHATS ATTY\$ IN \$IN A TUBES\$
NOT IDEMTELY ARRESTED?

FOSTER: Charges were dropped in April

From page B1

U.S. Business 98. They had sex inside Fogarty's vehicle. They then left and went to a local bank, where Fogarty took out \$20. Foster had the \$20 on her when she was interviewed by investigators.

It also seems clear that Fogarty and Foster had previous encounters.

In October 2007, Foster told her attorney, Kim Dowgul, that Fogarty had intimidated her by searching her, patting her down and grabbing her butt.

She had alluded to him doing this to her more than once," Dowgul said. "She was scared." **FIRST VICTIM**

At the time, Dowgul called the State Attorney's Office and asked them to remind the Springfield Police Department that Foster had an attorney and they should not be harassing her. Dowgul also pointed out that male officers are not supposed to

search female suspects.

Stanford said Foster changed her story about the handcuffs, going to the bank with Fogarty, taking money from Fogarty and threats Fogarty allegedly made.

Finally, "she admitted she drove with him there but denied she got any money," Stanford said. Later, she admitted that she got \$20.

Foster told The News Herald that Fogarty said she was going to have sex with him, "or else."

"I don't know if he meant he was going to arrest me, beat me, kill me," Foster said. "I don't know; I was scared."

Stanford said Foster never told them about Fogarty's "or else" statement.

"With the facts that were presented for us, I think it would be easier for us to make a prostitution charge than a rape charge," Stanford said.

"Although we don't think that we can prove that; that's why we didn't charge them."

During an interview with The News Herald last week, Foster admitted to selling sex for drugs in the past.

These conflicting statements would make it impossible to move forward with a rape charge, Stanford said.

At one time, Foster had been charged with aggravated manslaughter of a child in the Sept. 29, 2002, death of her 3-month-old son, David Nathaniel Jones. She was accused of being in a drug-induced sleep when the baby's breathing and heart-rate monitor sounded for more than an hour. The baby died from unknown causes.

The charges were dropped in April of this year.

Her past and her conflicting statements should be overlooked, Foster said.

"It doesn't matter; I was still raped," she said. "It's not right at all. I've not been on no dope. I'm trying to be a good person and trying to get a job."

SEX HARASSMENT \$ LAW? JUDAS

CUM EVIDENCE

1ST TIME?

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