

LOCAL

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Man convicted of patient rape

• The former nursing home employee was accused of assaulting a resident who had Alzheimer's disease.

BY BILL BRAUN
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A Tulsa man faces a 35-year prison sentence upon being convicted Thursday night of raping a nursing home patient in 2001.

Tulsa County jurors who deliberated for about six hours found James Edward Mack Jr. guilty of the first-degree rape of an 85-year-old Alz-

heimer's patient, and they imposed the 35-year term.

By law, Mack must serve at least 85 percent of his prison sentence before he is eligible for parole or release.

Mack, 33, did not testify during his trial, which began Feb. 17 with jury selection in District Judge William Kellough's court.

Mack is accused of carrying the woman from her room through a



35-YEAR TERM

James Edward Mack Jr.: Jurors imposed

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window and raping her on May 23, 2001.

An off-duty police officer, driving home from a security job about 5

a.m., spotted her lying in the street not far from the Southern Hills Retirement Community, 5170 S. Vandavia Ave.

The rape charge asserted that the woman was "of unsound mind" and "incapable of giving legal consent." She died in 2007 at age 91.

Assistant District Attorney Jack Thorp contended that physical evidence "clearly showed" that the rape was forcible.

Mack, who told police he was em-

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RAPE:

DNA evidence and Mack's own words implicated him in the crime, prosecutors contend.

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ployed at the nursing home from 1994 until 2000, was not charged until more than six years after the rape.

He has been in the Tulsa Jail since July 25, 2007.

Thorp and co-prosecutor Lee Berlin maintained that DNA evidence and Mack's own words implicated him.

When questioned by police in July 2007, Mack put himself "at the scene of the crime," Berlin said.

In court prosecutors played recordings of interviews with detectives in which Mack said he saw the man walking and picked up in his vehicle to take her back to the nursing home. He indicated that he dropped her off near the facility.

During the interrogation, Mack repeatedly denied hav-

ing had sexual intercourse with the woman and said he did not know how she got out of her room.

After hours of questioning; Mack said he had been masturbating, and he indicated that she grabbed his penis and assisted him in that activity.

"Is that the story of an innocent person?" Berlin asked jurors.

A DNA analysis in 2006 - using a different type of testing than was used in 2001 - provided "powerful DNA" evidence against Mack, Berlin asserted.

Defense attorney Brian Martin said Mack willingly gave police a DNA sample for comparison and that "that is the act of an innocent man."

Mack was identified as a suspect in 2001, when he told police he was at work elsewhere on the night in question, evidence showed.

Martin indicated that Mack was lied to by police during questioning in 2007 and that Mack told a story about an encounter with the woman that didn't conform with other evidence.

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