

# Elderly woman perfect victim'

• Prosecutors say the man who's on trial for raping her once worked at the nursing home where she lived.



## DEFENDANT

**James Edward Mack Jr.:** He is accused of carrying an 85-year-old Alzheimer's patient out of the Southern Hills Retirement Community and sexually assaulting her in 2001. Police say she was "the perfect victim" because she was unable to talk about what happened to her.

BY BILL BRAUN  
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An 85-year-old Alzheimer's patient who was taken from her nursing home and raped in 2001 made "the perfect victim," a Tulsa police officer testified Thursday.

An Alzheimer's patient "is simply unable to communicate effectively," Sgt. Pat Calhoun told Tulsa County jurors.

In this case, the woman was unable to talk about what happened to her, he said.

The case had to be investigated almost like a homicide because of an inability to get any information about the attacker from the victim, said Calhoun, who supervised the Tulsa Police Department's Sex Crimes Division when they

investigation was launched.

He said that when he met the woman, she would smile and "make utterances" but provided no real responses.

Investigators looked at current and past employees of the nursing home, he said.

"Whoever did this had access" in a facility where doors were locked, Calhoun said.

A man who prosecutors say was a former employee, James Edward Mack Jr., was charged in August 2007 with first-degree rape in the case.

Mack, 33, is on trial in District Judge William Kellogg's court.

He is accused of carrying the patient out of the Southern Hills Retirement Community, 5170 S. Vandalia Ave., and sexually assaulted her

on May 23, 2001.

The woman died in August 2007 at age 91, reports show.

Tulsa Police Capt. Tim Jones, who lived near the Southern Hills Retirement Community in May 2001, testified that he was off duty and driving home from a security job about 5 a.m. when he saw what he thought was "a bundle" lying in the street.

It turned out to be the patient, clad in a nightgown, wearing no shoes and one sock.

"I tried to talk to her," Jones said. She made "good eye contact" but "wasn't able to speak to me."

Investigators found the window screen hanging from the frame outside the woman's nursing home room po-

lice have said.

Prosecutors Jack Thorp and Lee Berlin contend that DNA evidence supports the rape charge against Mack

In an opening statement to jurors Wednesday, Berlin said evidence will show that Mack "was there that night."

Mack admitted to police that "he engaged in a sexual act" with the patient, Berlin said.

Defense lawyer Brian Martin said that Mack - whom he said was interviewed for more than five hours and lied to by police - "tells them a story to get out of there."

Mack told police that the woman fondled him, but she would have no ability to do that, Martin said.

"No one will be able to come in here and tell you" that she was raped, the defense lawyer told jurors in his opening statement.

Testimony is scheduled to run into next week.

Mack is in the Tulsa Jail.

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