

IN THE COUNTY COURT OF LANCASTER COUNTY, NEBRASKA

THE STATE OF NEBRASKA)	
)	
vs.)	SENTENCING
)	ORDER
CHARLIE K. ROGERS,)	
)	CR12-13993
Defendant.)	

At approximately 4:00a.m. on the morning of July 22, 2012, Charlie Rogers ran naked across the street to a neighbor accompanied by her four dogs. Police were called. Ms. Rogers reported to the responding Lincoln police officers that she awoke approximately 3:00a.m. to find three caucasian males wearing black ski masks surrounding her bed. The only light in the room¹ was from a television left on when she'd fallen asleep on top of the bed covers. One of the men growled "We've found you".² All three then violently attacked her, pulling her clothing off, binding her wrists and ankles with plastic "zip ties" and cutting derogatory slurs in both the front and back of her body. At that point, two of the men went to another area of the house while the third poured gasoline on the floor leaving Ms. Rogers unattended. She reports she got up from the bed and hopped out of the back door into her back yard where she managed to free herself of the zip ties binding her ankles. She then broke through a portion of her back yard fence and ran to her neighbor. She was completely unable to say how her assailants got into her house or what became of them

Upon hearing of this mindless and vicious assault, the citizens of Lincoln rallied in support of Charlie Rogers in a manner this Judge has never seen in the thirty-five years that he has lived here. Hundreds attended candlelight vigils on the lawns of the State Capitol. Hundreds upon hundreds more attended a myriad of church services dedicated to her demonstrating and celebrating ideals of tolerance and love for others no matter who they might happen to be. Many of these vigils and demonstrations were spontaneous and not particularly well organized. For every person physically attending one, there were thousands more who could not attend but nonetheless shared Lincoln's collective outrage and their hearts went out to Charlie Rogers.

Lincoln police treaded lightly.

¹ Ms. Rogers would later explain that in order to save air conditioning/utility costs she'd moved her bed down stairs into the living room and "shut off" the upstairs level.

² Asked to speculate who her assailants might be, Ms. Rogers repeatedly said that she had participated in a lesbian festival called "Star City Pride" some weeks prior and as part of the activities she'd dressed in drag and performed some sort of "skit" with a 5 year old girl. She was quite certain that this skit had angered many on-lookers. (Attachment #1)

After hundreds of hours of investigation and police work, along with the assistance of the Lincoln Fire Department, the FBI³ and the expertise of a number of forensic experts and forensic laboratories⁴, Charlie Rogers was charged with criminal False Reporting—accused of lying to police and fabricating this entire incident.⁵

Ms. Rogers retained counsel, pleaded not guilty, requested trial by jury, a change of venue, a special pool of prospective jurors to be specially questioned and...any further description of the court proceedings serves no purpose.

On December 10, 2012, this Judge came to work to find phone messages from counsel requesting that Ms. Rogers' file be brought into the courtroom. Ms. Rogers had elected to plead No Contest as charged. An hour later she did just that.

And then this Judge was later told, Ms. Rogers went down to the first floor of this building, held an impromptu news conference and proclaimed her absolute innocence,⁶ maintaining that her three assailants were "still out there" and the Lincoln Police Department had done a reprehensible job of processing the crime scene, collecting evidence and finding the real perpetrators preferring the easier route of falsely accusing her.

It is difficult to gauge a community response to anything let alone a criminal prosecution such as this. Supporters were stunned, felt betrayed. Cynics felt vindicated. Just another example of the public being duped and conned of sympathy and contributions.

³ Described in 800 pages of police, fire department, and FBI reports.

⁴ And it should be noted that after Ms. Rogers' local insurance agent inspected the fire damage the following day he made his own decision—completely independent of the Lincoln police and fire departments—to turn the matter over to a private, professional "fire investigator" occasionally retained by his company to investigate suspicious fires. This investigator would later conclude that the fire in Ms. Rogers' home on July 22nd was "staged", intentionally set but at two separate times with two different "accelerants" charcoal lighter fluid and then gasoline. The fires were never intended to do any serious damage. Ms. Rogers submitted a claim for fire damage pursuant to her Home Owners policy. Asked to discuss the fire with them, she withdrew the claim.

⁵ Indeed it appears that this would not be the first time.

Ms. Rogers told friends and her therapists that in February of 2012, she was in her bedroom when a man suddenly appeared, hit her with a belt across her back and legs and left with out saying a word.

Ms. Rogers also reported to her therapists that "sometime during the end of April or May 2012" a male came up behind her and pushed her as she was loading a lawn mower into her pickup truck causing her to lose her grip and sustain a bad burn from the lawn mower motor. The male then just...left.

In June 2012, Ms. Rogers reported to a friend that while she was sitting on the steps behind her house this same male "suddenly appeared", tackled her, knocked her down and while holding her with one hand, "cut a cross into her chest with some sharp instrument." He didn't say a word and inexplicably, "just left". She told a different friend that the "sharp instrument" was a box cutter.

And in January of 2012, Ms. Rogers reported to a therapist that she went to another city where she confronted this same male and he punched her in the face, then followed her hundreds of miles back to Lincoln where he attacked her again in her home and then...just disappeared.

None of the above incidents were reported to law enforcement at the time of their occurrence.

But after extensive interviews with the male accused along with search warrant evidence of his cell phone records, etcetera, police determined he could not possibly have been Charlie Rogers' assailant.

⁶ She has every right to do so.

One gets the sense that the vast majority however is left with a kind of confusion mixed with anger. What is a plea of No Contest? What did the police do wrong? How can some one enter a plea knowing they will be found guilty and then declare their complete innocence while condemning law enforcement in such vitriolic terms?

A plea of No Contest has a number of consequences for the participants involved⁷ but at the same time it has an enormous consequence for the community.

It denies the community a public trial.

It denies people the right to see and watch those in the crucible of the witness chair. It denies them the right to see the evidence presented in an orderly fashion and to be challenged in the same manner according to civilized rules of evidence. It denies Lincoln's citizens any chance to see for themselves, to evaluate and reach their own conclusion as to what really happened on July 22nd.

And given the horrific—kick in the face accusations made by Charlie Rogers, it denies Lincoln any kind of closure. The people who came out on those dark July nights to hold a candle in one hand and their child's hand in the other deserve a better explanation.

This Judge has not discussed what the State intended to present in the prosecution of this case.⁸ But after twenty five years on the Bench presiding over hundreds of cases, reading hundreds of pages of police, FBI and forensic lab reports and watching a number of videos, this Judge believes that had this case gone to trial the community would have seen;

On July 19th—some four days before Ms. Rogers claimed she was assaulted, she wrote on her facebook that something was about to happen and everybody should..."Watch me." (Attachment #2)

Lincoln Police were inside Rogers' house in less than a minute after contacting her. (Attachment #3) They found no one. The Fire Department did indeed push in her front door (responding to considerable smoke and Rogers' claim that her house had been set ablaze). But subsequent examination revealed that that front door and two other doors had been securely locked and dead bolted from inside prior to Charlie Rogers unlocking and escaping through the back door. The back yard is completely enclosed with a six

⁷ A plea of No Contest by a person charged with a criminal offense is a declaration by that person that he/she does not deny, contest the accusation that he/she did in fact commit the crime. Before such a plea is made, it is this Judge's practice to ask the prosecutor to recite a "factual basis", a summary of the evidence to support the criminal charge. Then and only then does this Judge ask the defendant if he/she has had a plea of No Contest explained by counsel. If so, this Judge asks what the defendant's plea is to the charge and those facts.

If the plea is No Contest the defendant is found guilty as charged.

⁸ Any and all pending motions that might have enlightened the Court in that regard died on the vine on the morning of December 10.

foot tall solid stockade fence with one gate (also six foot in height). That gate was also found to be securely padlocked from the inside.

Included as a part of the police investigation are a number of videos. One is perhaps twenty five minutes in length depicting a methodical slow filming of the entire exterior of Rogers' house, doors, windows, basement casements, adjacent lawn, flower beds etcetera. There is nothing in that video that portrays any kind of forced or secretive entry by three full grown men. Not a foot print in the soil, not a crushed flower, not a trampled blade of grass. Nothing.

Charlie Rogers told police that she was violently attacked on her bed, kneed and struck by all three. At one point one of the three laid on top of her while another fastened zip ties around her ankles. Ms. Rogers told police "I was kicking, wrestling, punching, trying to get up" and "I was fighting the whole time". Attachments #4 and #5 depict that bed in a photo taken within an hour. One officer described it as "fairly neat", "basically intact" further noting that adjacent furniture and other objects were completely undisturbed.

After the assault and Ms. Rogers' escape, one of the three apparently took the time to neatly pile Ms. Rogers' clothing, the red box cutter and the white gloves some eight to ten feet away from the bed (Attachment #5). In a house they intended to burn to the ground.

Ms. Rogers told police that after the assault she crawled and/or hopped out the back door to a place where the zip ties binding her ankles just "came off". Attachment #6 is a photo of those zip ties found where she said they would be. They are not torn loose, nor cut nor broken. For two plastic zip ties that bound the feet of a healthy, athletic woman who fought and kicked for twenty to thirty minutes, they are perfectly straight, not twisted nor bent, nor kinked in any fashion. They appear to be new and unused.⁹

Ms. Rogers repeatedly told police that she was first held face up on her bed while one of the men wearing white knit gloves and using a red box cutter cut five words and approximately thirty slashes or cuts to the front of her body, legs and arms. The photos of those cuts show that most drew blood. After that "they rolled me over" and cut her lower back, buttocks and the backs of her legs—a process that lasted perhaps five to ten minutes.

All of the bed clothes were collected and transported to the University of Nebraska Medical Center, Human DNA Identification laboratory (in Omaha, Nebraska) for forensic examination.

⁹ The forensic expert who would subsequently examine dozens of photographs of the slurs and insults cut in Ms. Rogers' body would also note a complete absence of any redness, or bruising or marks of any kind upon Ms. Rogers' ankles. Marks that according to that expert witness certainly ought to be there following such a struggle given the sharp hard edges of those zip ties.

After careful examination using recognized techniques, experts there were unable to locate even the slightest trace of blood on those bed clothes. Blood that ought to have been there given the wounds on the front of Ms. Rogers' body and photos taken the next day that show blood "still oozing" (per a pathologist's report) from the cuts on the front of her body.

Dozens upon dozens of photographs were carefully taken of Charlie Rogers' wounds and delivered to the Physicians Laboratory, an Omaha "Clinical and Anatomical" forensics facility for examination. Ms. Rogers was asked to write an accompanying narrative telling them how these injuries were inflicted. The lab's eight page report is in the materials provided this Judge. Had this case gone to trial a physician/forensic pathologist would have testified that Charlie Rogers' description of her struggling and fighting back was "dramatically inconsistent" with the physical characteristics of her wounds. The cuts were not "slash cuts" that would vary in length and depth characteristic of those inflicted in a violent assault. Instead they were done "laboriously, carefully and neatly" with "short, shallow (superficial) uniform cutting strokes". A process described as "very time consuming" and difficult if not impossible to achieve on a "struggling unwilling victim". There was an obvious effort to avoid sensitive areas such as eyes, lips, breasts, genitalia and her tattoo.

The three slurs were also done with the same multiple, short and superficial cutting strokes and all three words "were orientated left to right from the victim's frame of reading and writing".

There were no "skip areas"¹⁰.

There was an "acute absence of any bruising" that would have been present given Charlie Rogers' description of the way in which her arms and legs were restrained by her assailants.

Her upper back and shoulder blade area "which would be very accessible" to an attacker "is conspicuously spared of any injury". Instead the "constellation" (grouping) of her wounds were all in areas readily "accessible to the victim".

The forensic pathologist who wrote this report would have given her opinion at any trial that Charlie Rogers' injuries were self-inflicted.

In July 2012 Charlie Rogers was mowing lawns for a living. She told police that she frequently shopped at the ACE Hardware store on south 27th street for items she used

¹⁰ "Skip areas". The human body in motion is not a flat, hard surfaced drawing board. Rather a struggling body would present a undulating soft surface of constantly changing curves, folds and creases in the skin. It would be virtually impossible for one making fast slashes at a fighting victim not to have "interrupted" wound lines (skip areas) where folds in the skin areas momentarily covered or "protected" an adjacent area preventing one continuous wound.

in her business and the zip ties and red box cutter that were used by her assailants were purchased there.¹¹

For whatever reason LPD Investigator Lynette Russell simply went there to look around and talk to store employees. She found displays of zip ties and box cutters identical to those found in Rogers' home.

And then she noticed something else. Offered for sale among the store's inventory of work gloves, were white knit gloves identical in every way to the gloves Rogers claimed one of the men brought with him, wore while he cut her, and left behind (Attachment #7). ACE Hardware, like every other store attaches "SKU" bar codes to merchandise that are recorded by "readers" incorporated in their cash registers at the time of sale. This provides the store owner/manager with a wealth of sales, inventory control and related information.

By "scanning backwards" the SKU number on the gloves, it was learned that only a few pair had been sold in several months. It would appear they were not particularly popular as "work gloves". Those sales receipts were retrieved.

One stood out immediately.

On July 17, 2012, a customer bought a package of the zip ties, a red box cutter knife, and a pair of the white knit gloves in one purchase—all items identical to the ones found in Charlie Rogers' house five days later. A simple check of employee records led police to the clerk who made the sale and he told police he remembered that it was a woman who was a fairly regular customer. A day later this ACE Hardware clerk picked Charlie Rogers out of a photo line up as the woman who had made the purchase!

The white knit gloves of course were also taken as evidence. Carefully bagged and transported to the University of Nebraska Medical Center DNA Laboratory for forensic testing. Charlie Rogers was asked for a voluntary saliva swab and provided one.¹²

A forensic technician at the medical center would have testified at trial that she "swabbed" the inside of both gloves in the wrist and palm areas and up to the knuckle area in each glove finger. Even though they were looking for/testing skin cells, DNA material that she said could not have penetrated the glove's thick fabric from the outside, she nonetheless avoided the finger tip area on both gloves.

¹¹ One might expect the prosecutor at any trial to point out that three assailants out raged at the Star City Pride skit took the time to ascertain Rogers' identity, find her address, conspire and plot a vicious attack upon her and her property, maybe even watch her home for a time to assure themselves she was alone and then invade her house to carry out the plan...completely relying on what they might accidentally find there to utilize as their tools of destruction—her own zip ties, her own box cutter, her own lawn mower gasoline even her own matches to set the fire.

¹² In an interview Ms. Rogers stated that she knew very little about DNA and "didn't know how it was spread."

The DNA found inside both of the “assailant’s” gloves came from Charlie Rogers!¹³

This summary is by no means inclusive. There are scores of less significant “building block” pieces of evidence in the prosecution’s possession.¹⁴

After reading the police reports and related materials this Judge believes that the evidence is overwhelming that Charlie Rogers’ narrative of July 22, 2012 was an incredible and outrageous lie the second it passed her lips.

Further that Lincoln should be proud of the women and men in its police force who quietly navigated a minefield of political correctness, endured Ms. Rogers’ vitriol, repeatedly gave her the benefit of a doubt at every twist and turn in a long road of contradictory versions and then when the inevitable led them to the inevitable professionally assembled the case described in part herein.

And finally—in this Judge’s opinion—Lincoln can breath a collective sigh of relief. This is not a community where masked nor hooded men secretly meet to come out of the dark to terrorize and burn out those who might be different from themselves.

As with so many crimes that rivet our attention there is a human, almost primordial need to sift through the ashes of irrational consequences searching for a rational answer. And far too often we come up empty handed.

To the extent that this was some sort of ill conceived gesture on the part of Charlie Rogers to bring attention or understanding to gay rights issues it exploded in her face. Ms. Rogers has single handedly managed to do a disservice to her cause of enormous proportion. For a long, long time to come, when a gay makes a legitimate complaint about unequal treatment or discrimination, there will be a knee jerk reaction among many—Charlie Rogers claimed the same thing, didn’t she.

¹³ There was indeed a small trace of another DNA strain in one glove but further testing stopped when tests proved it completely lacked the infamous Y chromosome—it didn’t come from a male.

¹⁴ The dogs for example. There certainly would have been tangential testimony about their conduct on July 22nd.

Charlie Rogers had at least four dogs inside her home surrounding her bed as she slept. One was a pit bull. A second—described by one of the officers responding to the 911 call—was a “...huge German Shepard that could have bit my arm off...” The breed of the other two does not appear. These dogs described by Charlie Rogers’ friends were “very protective of her” and “...would get very wound up every time that some one would even knock on the door.”

Yet when three total strangers in ski masks burst in, and violently attacked their master cutting her repeatedly in a kicking screaming struggle per Charlie Rogers’ own words her dogs did absolutely nothing. Not a single neighbor interviewed by police (who conducted “neighborhood canvas sweeps”) heard them even barking. And that includes one neighbor who had gotten out of bed and gone outside to smoke during the time this assault was supposed to be happening. These dogs only became agitated after watching and listening to a distraught Charlie Rogers recount her ordeal to the neighbor after the claimed assault was over.

There may be other reasons¹⁵ for Ms. Rogers to claim men have suddenly appeared, assaulted her and disappeared. Reasons completely beyond all practical control of a young woman struggling with legitimate psychological and emotional issues.¹⁶

Ultimately given the minimal cooperation extended the probation process by Ms. Rogers coupled with even less returned by a gaggle of counselors this Court has very little before it to make an appropriate disposition¹⁷.

But if a judge is to err, it is should be in an attempt.

Ms. Charlie Rogers is sentenced to 24 months probation from this date until midnight April 16, 2015.

1. The probation officer shall arrange for a comprehensive psychiatric examination of this defendant providing said physician beforehand with all the reports (to law enforcement or other wise) wherein Ms. Rogers has reported men have assaulted her.
2. Ms. Rogers shall sign requisite Releases of Information such that her probation officer has complete access to information from each and every person treating and/or counseling her.
3. The probation officer shall be provided with a list of each and every medication prescribed to this defendant along with the dosage. This list shall be routinely updated should type of medication or dosage change.

Utilizing the same techniques used in Drug Court, Ms. Rogers shall be routinely but randomly tested for any excess of these substances in her system. Any unexplained excess shall be immediately treated as a violation of this Order.

¹⁵ Garnering sympathy to rekindle a failed long term relationship with a significant other.

¹⁶ At the same time this Judge can not be unmindful that many, many less than honorable individuals have discovered that they can manufacture stories in easy exchange for coveted prescriptions of Lexipro, Clonazepan, Citalopram, Hydrocodone (all of which this defendant received after July 22nd) and a variety of other drugs from some of our community's biggest contributors to drug abuse—our doctors. (Refer to a certain editorial of February 8th describing the occasional fatal consequences of what has become easy and popular recreation among our young people.

¹⁷ Indeed, since probation is an opportunity at rehabilitation extended to a given defendant, who has made a mistake an adamant refusal to accept any kind of responsibility for one's actions coupled with minimal cooperation would equate to a straight penal sentence from many on the bench.

4. Ms. Rogers shall obtain legitimate full time employment.¹⁸
5. Ms. Rogers shall perform 250 hours of community service for the Lincoln City Parks system.
6. Ms. Rogers is ordered to return all donation money to identifiable donors. Ms. Rogers shall use any other “unidentifiable” donor money to first reimburse the Lincoln Police Department for its out of pocket forensic consultation expenses. And should there be any donation money remaining it shall be turned over to the Lincoln Police Department “Santa Cop” charity.
7. Ms. Rogers shall turn herself into Lancaster County Corrections and serve a 7 day jail term beginning at 8:00 a.m. April 29, 2013.

Ms. Rogers shall also turn herself into jail for an additional 90 days at 8:00 a.m. January 15, 2015. This second term will be waived upon the probation officer’s request informing the Court that Ms. Rogers has satisfactorily complied with all other terms.

In addition, the standard terms shall be:

8. Refrain from unlawful or disorderly conduct, or acts injurious to others.
9. Report in writing and/or in person during the term of probation as directed by probation officer.
10. Truthfully answer inquiries of the probation officer, fully cooperate and allow the probation officer to visit and inspect her residence if and when said officer chooses.
11. Reside in Lancaster County Nebraska and not leave the state without first obtaining permission from her probation officer.
12. Not possess nor use any narcotic drug except by prescription and in the specific amounts declared on the container.
13. Not possess nor use any cannabis in any form, synthetic or otherwise.
14. Pay the court costs by December 31, 2013.

¹⁸ Information contained in the Presentence suggests that each of Ms. Rogers’ parents (divorced decades ago) are contributing to their daughter’s income (\$1500.00 from one, \$1200 from the other in June 2012 alone) while Ms. Rogers chooses to mow her friends’ lawns for a living. Given last year’s drought, the prospects for another and a campaign to let lawns again go dormant, it is time to give up this Peter Pan existence. In this Judge’s opinion, a highschool valedictorian and UN-L graduate with a 3.7 overall grade average can obtain employment in Lincoln, Nebraska any time she seriously looks.

FILED
APR 18 2013
CLERK OF LANCASTER
COUNTY COURT
DISTRICT THREE

Charlie Rodgers Sentencing Order

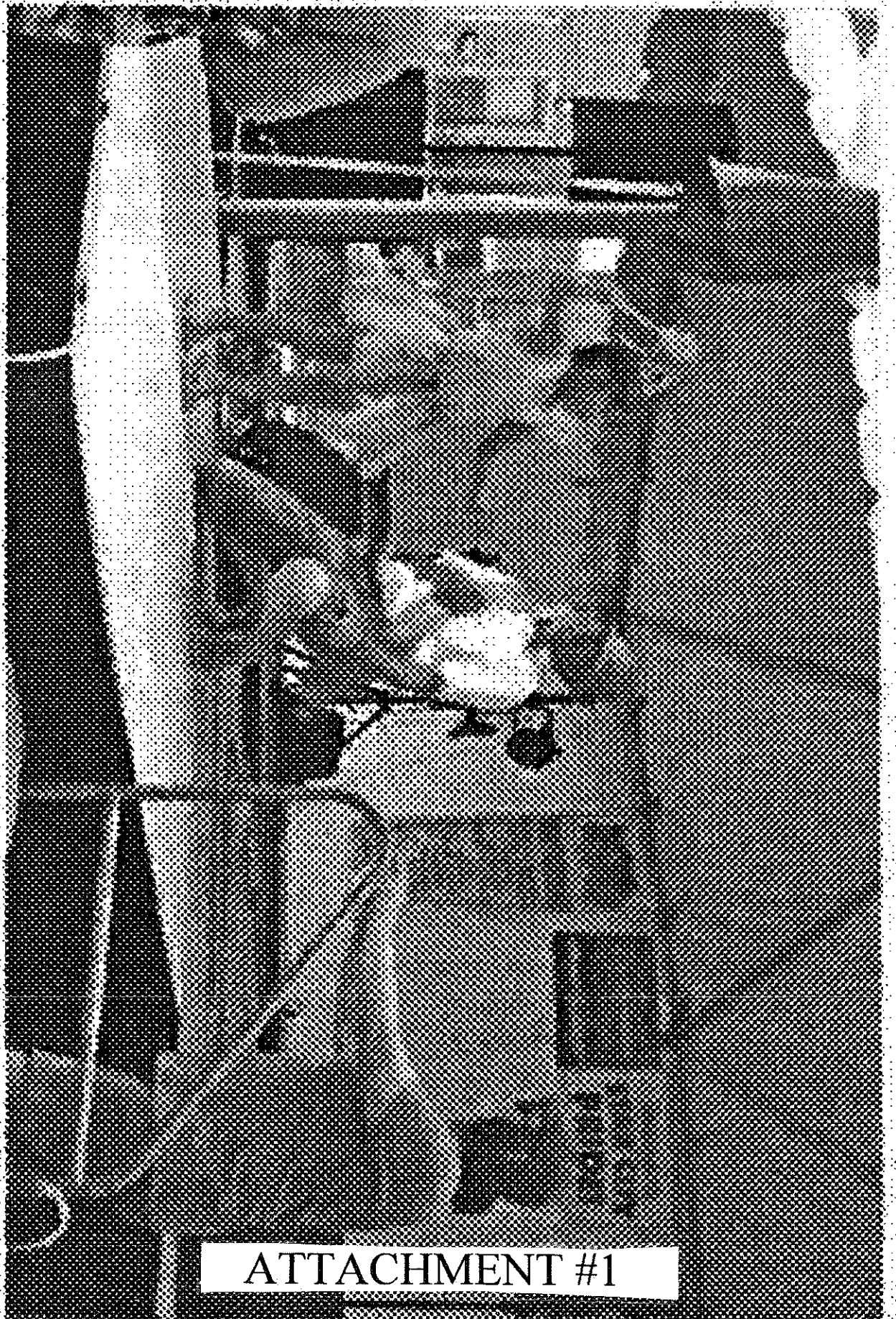
DATE: Apr: 11/8 BY THE COURT: GALE POKORNY
LANCASTER COUNTY JUDGE

I UNDERSTAND THAT IF I VIOLATE ANY OF THE CONDITIONS, I MAY BE ARRESTED AND PROSECUTED AS PROVIDED BY LAW.

Signature: Charlie Rogers Print Your Name Charlie Rogers

Address: 1014 S 22nd St Lincoln, NE 68510 402-570-9940
City State Zip Phone Number

Date of Birth 10-9-78 Driver's License Number H12282543



ATTACHMENT #1



Charlie Kay Rogers

So, Maybe I am too idealistic. But I believe, way down deep inside me, that we can make things better for everyone. I will be a catalyst. I will do what it takes. I will. Watch me.

THE ONES

**WHO ARE
CRAZY
ENOUGH TO
THINK THEY
CAN CHANGE
THE WORLD,
ARE THE
ONES THAT
DO**

Search for people, places

Mike / Capimon's Status · July 23 at 11:25pm via mobile

6 people like this.

1 status



Write a comment...

- Completed Mr. Clean Challenge
- Remembering The Victims of Aurora Colorado's plaza.
- played FURT in Words With Friends
- commented on her own status: "I hope we will!"
- LA, second day of Venti was better than first still with the King, tomorrow will be longer with higher temps.
- commented on Eric Xavier Victoria's status: "Didn't they lose their backups?"
- played FART in Words With Friends
- commented on Eric Xavier Victoria's status: "Slating a Viking only means..."



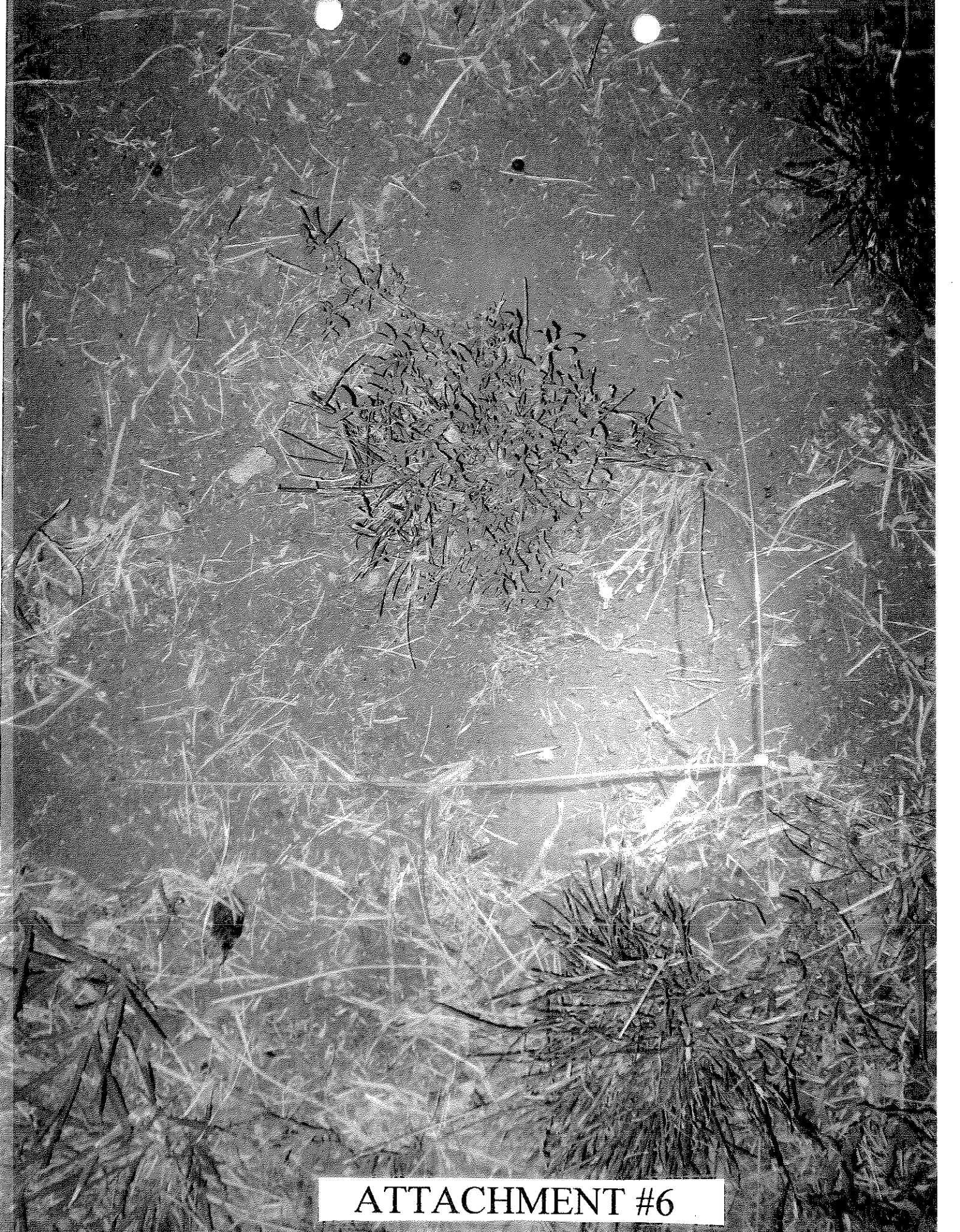
ATTACHMENT #3



ATTACHMENT #4



ATTACHMENT #5



ATTACHMENT #6



ATTACHMENT #7



Charlie R. Rogers 10-9-78 LScmi/SA 1-7-13