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GRITS FOR BREAKFAST

WELCOME TO TEXAS JUSTICE: YOU MIGHT BEAT THE RAP, BUT YOU WON'T BEAT THE RIDE.

SUNDAY, NOVEMBER 21, 2004

When Is Rape A Misdemeanor?

When it's committed by an Austin police officer.

The [Statesman](#) reported Friday on the second Austin police officer busted for sexual misconduct in the last few months. The first case happened just before *Grits'* debut, so it's worth recapping. APD Officer Boren Hildebrand in September pled guilty to two misdemeanors for coercing sex. Sadly, Hildebrand [isn't the first](#) APD cop to coerce sex and get away with a misdemeanor charge, but his case is especially egregious.

Hildebrand, who "was fired after being accused of forcing two women to have sex with him, pleaded guilty in September to official oppression and no contest to a second oppression charge. He was sentenced to 120 days in jail and given two years' probation," reported the Statesman.

Official oppression is a Class A misdemeanor. Hildebrand can no longer hold a peace officer's license, but neither will he suffer the consequences of a "felon" label, restrictions on employment, housing, public services, etc.

So, since when doesn't "forcing two women to have sex with him" get the defendant a rape charge? While I support his investigation into the use of corporate money for campaigns, it's ironic that District Attorney Ronnie Earle has [charged Tom DeLay's associates](#) with more serious offenses than Boren Hildebrand.

With that recent history, the latest allegations of APD sexual misconduct feel a bit like *deja vu*, and one wonders whether this case will be soft-pedaled, too. Late last week APD Officer Jason Lockaby was arrested for forcing one woman to let him fondle her breasts to avoid arrest. Another

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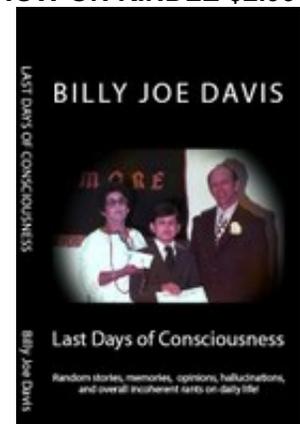
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woman was essentially stalked by Officer Lockaby:

"Court records show that Lockaby encountered the second woman multiple times. The first was in February, when he followed her as she pulled into her apartment complex about 4:30 a.m, the records show. He told her that her vehicle registration had expired.

"Then, on March 28, at about 4:30 a.m., the woman pulled into a 7-Eleven on RM 620, and Lockaby parked behind her, according to court documents. Lockaby told her that he was going to arrest her for outstanding warrants, according to court records. The records say he patted the woman down, touching her breasts and pressing on her nipples. Lockaby told the woman that he needed to check her bra, and she showed him her breasts, according to court records.

"Lockaby placed the woman in his patrol car to arrest her, telling her, "I like big nipples," the court documents state.

"The next day, about 4:30 a.m., according to court records, Lockaby followed the woman into her apartment complex, telling her he was checking to make sure she was OK.

"Lockaby stopped the woman two more times in the early morning hours, the records show. He is quoted in the documents as telling her on the last occasion, 'Apparently, you do not want to see me tonight because you are going under the speed limit.'"

That's just plain *gross*. Like Hildebrand, Lockaby was charged with official oppression, but also with the more serious charge of violating the women's civil rights, which is a state jail felony.

It seems to me that if anyone else had "forced" a woman to have sex or coerced women to flash their breasts, they'd be charged with more serious offenses than that. For Hildebrand, in particular, rape is a second degree felony. It becomes a first degree felony if committed by a peace officer in the line of duty. But DA Ronnie Earle doesn't pursue those kind of charges against police.

That's a shame, because he's [under fire](#) right now, and the stark contrast

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between the lack of prosecutorial aggression in these cases and his high profile political litigation isn't flattering.

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