

Mount Vernon, Ohio, August 19, 2014, around 2 o'clock in the morning.

Shortly after I turned 16, I was raped twice, by a 34-year-old man I did not know. My next two years would be centered around him, the damages done, and the prolonged court case.

I sat down in front of my mother, the social worker who was supporting me, and the public prosecutor who held my story in his hands. "He will be charged with one count of rape, child endangerment and providing alcohol to minors." A feeling in my chest grew angry and spilled out in words said through gritted teeth. "One count of rape? He did it twice!" The prosecutor responded, "Yes, I know, but because of law R.C. 2315.18, it all happened in one night, so it really is only once." I wanted to get up and walk out; I realized in that moment that the law had no regard for the impact of instances. The first time he raped me has made the storyline of nightmares I constantly had and still have. In my dreams I yell and scream and no one comes, my legs are tied down and I can't push his head away from me. The first incident counts, it has ramifications that will effect me life long, memories I can't get rid of and fears that never cease. In the second incident I not only suffered from blood loss but from the same picture that pops into my mind when I smell cologne or sit outside on a warm summer night, this has manifested into PTSD. Each time, regardless of minutes or hours that pass by, his intention was to rape me. These two incidents cannot be combined into one account because they each hold different damages, even though the same malicious intent. Each time was premeditated and acted on. He consciously made his decision in both of his actions. How dare a law put in place invalidate my own experiences. Every part of my body felt like it was my attacker's, and now this case already had laws going in his favor. Simply for the amount of time in between his actions. If justice is what fuels our court system, then there better be changes made to ensure that justice is achieved. Especially for the rights of children who suffer sexual assault. Each incident should be counted as separate intentional assaults.

Being raped is not cheap. Economically speaking, thousands of dollars were poured into a case that kept me in a fishbowl in front of my attacker and attorneys that prodded me with questions and reaccounting the attacks. Thousands of dollars went to the hospital to manage my blood loss, STD testing and medications, and pictures of proof. Hundreds of dollars spent for driving to therapy and support groups. Spending thousands of dollars for something you never wanted to be part of is detrimental to a victim's future. "...And neither the amount of the reduction of noneconomic damages nor appellants assertion that minors who are victims of sexual assault will generally have noneconomic damages that far outweigh their economic damages demonstrates that those victims are denied a meaningful remedy." Just as this piece from *Simpkins v. The Brethren Church of Delaware* states, noneconomic damages have lasting effects too. From my own experience, I have lived with PTSD for three years now resulting from the trauma of being raped. I lost time of being at school and learning, to be in a hospital bed recovering. I lost friends from rumors that started while I was absent. I lost sleep from fearing he was going to attack again. I lost time I could have spent with friends or studying, for hours of sitting in the Children's Services office. I lost privacy while my life was on display for a court date that changed every time it came close. I lost comfort as the pictures of the wounds were shown to various strangers in the name of evidence, as if my pain, tears, and words were not enough.

I find a huge predicament in the noneconomic reimbursement for victims. This rule includes "pain and suffering, loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, disfigurement, mental anguish, and any other intangible loss." R.C. 2315.18(A)(4). Trauma is tangible. Studies show that new neurological pathways are created when trauma occurs. This can be seen by MRIs and trained professionals. When trauma is present the brain actually makes a new path in its tissue, similar to the visible paths that correspond to one's movement (J.

Douglas Bremner, MD). Trauma can be seen on a scientific scale, not only the effects in a social situation. “The damage caps on noneconomic loss do not apply where the noneconomic loss is for ‘[permanent and substantial physical deformity, loss of use of a limb, or loss of a bodily organ system’ or for ‘[permanent physical functional injury that permanently prevents the injured person from being able to independently care for self and perform life-sustaining activities.’ R.C. 2315.18(B)(3)(a) and (b). {¶ 6}” (Simpkins v. Grace Brethren Church of Delaware, Ohio, 149 Ohio St.3d 307, 2016-Ohio-8118.) Although the effects of trauma are only counted as “non economical,” as shown, trauma applies to “Permanent and substantial deformity” because of the new pathways created in the brain from the incident. In this evidence, the law R.C 2315.18 is contradicting the rule of non economic or economical reimbursement caps by placing trauma and its effects as intangible, noneconomic reimbursements. Trauma has scientific evidence that it is tangible and should be rightfully placed in economical reimbursements. The 250,000 dollar cap on reimbursement is not justice. Justice should not be based on the amount of money it would take or the amount of time spent on making it happen, but be based on the wrongdoing and residual effects that were caused by an attacker. The court system should not be concerned with “inflated damage awards (that) create an improper resolution of civil justice claims,” leading to increased litigation costs and insurance premiums” (S.B. 80, Section 3), but be concerned in the rightful punishment of someone who assaults children and the importance of that child's well-being after a traumatic event. There is no dollar amount that surpasses the importance of Life, Liberty and the Pursuit of Happiness of a child.