

My Fight For Justice

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I used to like Halloween, when kids masqueraded as goblins and ghouls. Not anymore. That time of the year, when dark falls early, I am haunted by the memories of the October night when a real monster came to call.

The day began like any other. I was divorced and living in Rohnert Park, California, with my four-year-old son. He and I were dressed and ready to go: Preschool and work, we both had our daily schedules. As we headed down the front porch steps, his hand in mine, a man passed by the open wooden gate in front of our condominium. With the collar of his jacket turned high and his dirty-white cowboy hat pulled low, he briefly turned toward us, and in that solitary moment, I saw his face fully. His glance struck me as sinister and I felt a shiver of fear. In seconds, he was gone. Relieved, I held my son's hand tighter and hurried to my car.

Anticipating an evening alone, I returned home around five that afternoon. My son was sleeping at his dad's, and the night was mine. I changed from my dental hygienist scrubs, turned on the stereo, and heated up some leftovers. At the dining room table, I struggled to remove newly purchased contact lenses. Just as I removed the second stubborn lens, the sharp edge of a knife slightly dug into my neck. The grip of a man's forearm crossed my chest.

"Don't make a sound and you won't get hurt." His voice was low in my ear. Rigid with fear, I sat silent. For a split second, I thought a friend had dressed for Halloween and this was a prank. But, of course, I knew this was not a friend.

"Okay, lady. Stand up, nice and slow. Don't do anything stupid."

Fear raced through me. I felt lightheaded, yet heavy. The roar of racing blood pounded in my ears. My heart pounded. Nothing in the room registered as familiar. I stood up slowly. As he tied my hands behind my back, I stole a glance at him. In a cowboy hat and a stocking mask, he was taller than me, maybe five-eleven. His brown jacket was tattered, his jeans worn. Wire-rimmed glasses balanced awkwardly on his stocking-distorted nose.

With the knife at my back and his other hand gripping my now bound wrists, he pushed me upstairs to my bedroom. As we stood at the foot of my bed, he pulled my T-shirt over my head, unhooked my bra, and yanked my pants off. It was then that things became clear, I was about to be raped. I felt numb yet hyper-alert, all at once.

My mind screamed, Oh, God. Oh, God. Oh, God, but the room remained quiet. Without planning my words, I began to talk. Maybe, I could make some kind of connection; make him change his mind.

"Do you want to make love?" I asked as if oblivious to the gravity of the circumstances.

"Because if you want to make love, we need to talk first. I can't have sex without a nice

conversation."

He hesitated, leaving me unsure if he would snap and kill me, just to shut me up.

Finally, he spoke, his voice flat and cold. "So, what kind of work do you do?"

"I'm a dental hygienist," I tried to sound nonchalant. "What do you do?" Could this actually work? Tomorrows headlines, Rapist and Woman Have a Tête-à-Tête.

As if realizing this was a sham, his manner abruptly changed. He shoved me onto the bed face-up. I could see the long, curved, extremely sharp, boning knife. He'd stolen it from my kitchen drawer. He roughly jammed his fingers into my anus. Pain and fear slammed through me. I seemed to float from my body to the ceiling. From that vantage point, I watched myself plead with him.

"Please, don't. Please, please don't. I just had surgery there and it hurts." A lie. Would he care?

Remarkably, he removed his fingers and stuffed them into my vagina. I tried to distract myself by memorizing his features, his glasses, his clothing — anything that would help identify him later. The brown jacket, the dirty-white cowboy hat — the man from this morning. I had seen him without the mask. Brown mustache, angular face, light skin, pointed nose. Even under the mask, the tip of his nose was still prominent.

An idea struck. He'd seen me this morning with my son. I glanced at the clock on my nightstand — it was 6:10.

"My ex-husband will be here any minute with my son."

"Is that so?" he said sarcastically.

"Yes," I answered, trying to keep my voice steady. I was determined to plant a seed of worry.

"And he won't like finding you here."

"No," he smirked. "I suppose not. So let's not waste anymore time."

Without warning, he pulled me from my bed and pushed me into my little boy's room. Later, I would find out that he knew his way around my house because he had broken in right after I had left that morning. The warning stickers on my windows boasting an alarm system were a bluff.

Without anyone noticing, he jimmied open a back window and climbed in. Seeing no men's clothing in the closets, he hung around my house, all day — helping himself to my food, masturbating in my lingerie, and eventually, hiding in my son's closet. When I came home, he slipped into my son's closet, waiting for my son and me to settle down before he made his move. Thank God, my son was at his dad's house.

He threw me face down on my son's bed. A Donald Duck poster was the only witness.

"Don't make a sound or I'll kill you," he warned repeatedly.

The innocence in the room dissolved into spinning darkness. He penetrated me with a hard, cold object. Was it the knife handle? Would the blade be next? I started to cry and plead; my false

calm had broken into panic.

"Please, don't hurt me. Please, don't hurt me," I begged. Drenched in fear and panic, I imagined the pain of a knife slice. Dark, red blood would seep onto my son's cute dinosaur bedspread. Would my little boy come home to find his mommy lifeless, in a pool of blood, under Donald on his bed?

Time seemed to drag. One moment, he was behind me, the next in front. He kept moving me then making more demands. He tied and retied my wrists. A long carrot—what he had raped me with?—poked carelessly from his pocket.

Oh, God—Oh, God—Oh, God—Oh, God. Would the knife be next?

On my knees, I begged. I pleaded. I cried. His eyes met mine. A terrifying vacantness glared back at me from the dark hollows behind his glasses. In that moment, I was certain; this man would have no problem killing me. They say the eyes are the windows of the soul — in his eyes, I saw a portal into sheer evil.

Standing next to me, he thrust his semi-erect penis into my mouth. I felt sick and worried that I might gag. If I did not follow his orders, I would be dead in minutes. I had no sense of how much time had passed. Was it seconds? Minutes? Hours? As time slowly folded into itself, he ejaculated in my mouth. I could not turn my head and expel it; I had to swallow — and nearly vomited.

He forced me back into my bedroom. My mouth tasted vile. I was dying inside. He pushed me

onto the bed and cut the phone cord. "I'm leaving before your ex-husband gets here."

Did this mean the ordeal was over? Or would he kill me before he left? I was face down, naked and vulnerable. The bedside clock read 6:20. What had seemed like an eternity had only been ten minutes.

He pulled the blanket up over me. "So you don't get cold," he said. "Don't move for five minutes." He stood in the doorway, momentarily, and then disappeared. "Five minutes," he called from somewhere in the house.

I heard the front door close and waited. Two minutes? Three minutes? The house was unbearably quiet. Four minutes? I felt broken, but could not cry — it would be a long time before I could cry again. I struggled to untie myself, threw on a robe, and raced to my neighbors to call the police.

An ex-convict out on parole, he was soon apprehended. His parole officer had read an account of the attack and recognized similarities between the attack on me and methods used by an ex-con under his charge.

The police telephoned me, asking me to come to the station to look at photographs. I identified one as the man who raped me. They did a voice ID having him say, "Do what I say and you won't get hurt." I had no doubts. It was definitely him. His name, David Fleury. He was a 33-year-old shoe repairman who lived in the area.

Because he was on parole, he was held without bail in the county jail. Even so, I felt him watching me. I stayed away from the condo as much as possible, sleeping at a friend's house, until I moved into a new place.

I brought a friend when I went back to the condominium. In fact, I never went back there alone, again. I felt safer outside than in my own home. My son stayed with his dad for the rest of the week, sparing me from facing him.

I imagined Fleury lurking in the shadows of my new place. I bought a Doberman pinscher and a .38 Smith and Wesson snob nose. I slept with the loaded gun under my pillow. I practiced at a shooting range and had no doubt that, if necessary, I would not hesitate to use it. It made no difference. I did not feel safe. I would never feel safe again. Even if Fleury stayed locked in prison, there were others like him. Each evening, an unfamiliar noise or an eerie sensation would ignite terror. I deteriorated. Sudden mood swings, temper outbursts, irrational panic — my son silently witnessed it all. Worried that he would imagine himself to blame, I reluctantly decided to explain why I had been acting this way.

One day, heading home from pre-school, I pulled the car to the side of the road. "I guess you've noticed that Mommy hasn't been very happy the past few weeks."

He nodded.

"I know I've been grumpy," I said apologetically. "I didn't mean to do that."

"Did I do something, Mommy?" His innocence made my heart ache.

"Oh, honey, no. You've been such a good boy. It's just that—" The pounding in my head clouded my thoughts. An impulse to grab his hand and run burned through me.

"Before we moved to our new house, something happened that made me so sad that I still get upset when I think about it." I paused. This is something that a four year old should not have to know. The aching radiated in my stomach. "A burglar came to our house, and he scared me."

"What did he do?" He seemed incredibly fragile.

"He was a bad person." A lump in my throat made it difficult to speak. "He made me do things I didn't want to do, I was very scared.

"Did he have a cape and a mask?"

"Just a mask." I struggled to steady my voice. "So, I've been sad because of the burglar."

Silence.

"What are you thinking, honey?"

"I was just thinking about the burglar and that he scared you."

"And what about that?" I asked softly.

His eyes squinted with little-boy anger. "I'm just really mad."

Everyone I told — my parents, my employer, my friends — was outraged. Why wasn't I furious?

The rapist had violated me, had threatened my life, but instead of anger, I felt numb and vacant.

Gradually, emotions did emerge, but they were disturbing and strange. I wanted to believe that a bond, a special connection, had forged between the rapist and me. I was certain that in some way, he cared about me. After all, didn't he talk to me when I had asked him to? Didn't he stop assaulting me when I said it hurt? With a blanket, he protected me from the cold. With knife in

hand, he had spared my life.

Later, I would learn this imaginary bond is common among victims of rape. My helplessness against the brutal violation translated to a confusing plea: If you must do this to me, then please care about me. My anger was silenced by this fantasy. It allowed me to believe that everything was going to be okay.

However, as the months passed, things were still not okay. I was unable to get on with my life. I returned to work but I was just going through the motions. I felt lost in a labyrinth, lost even to myself. I was under his spell. I had survived, but was not actually alive. I had to find my anger and recover my inner power.

The upcoming trial represented the battlefield. I would challenge him head-on and set myself free. I showed up for all the court dates and pre-trial hearings, only to be informed of last minute postponements. Week after week, month after month, with an arsenal of technicalities to continue the delays, the defense attempted to wear me down. By April, six months after the attack, I finally testified.

From the stand, I glared at David Fleury. I wanted him to hear me mock him: Not so powerful anymore, are you? I told my story, naming him, pointing him out. "Yes, I'm certain it was him." Yet as I relayed the specifics of the rape, I saw an eerie exhilaration on his face. Did hearing the details arouse him? I felt suddenly naked and exposed, under his power once again.

"Yes, your honor, hopelessly deadlocked."

The jury's verdict left me stunned and enraged. I glanced at the defense table where David Fleury sat, a smug expression on his face. What had gone wrong? I had pointed him out and sworn he was the one. Outside the courtroom, I confronted his attorney, a public defender.

"How can you let him go free when you know that he did this to me?"

"I'm sorry, I was just doing my job."

Only-doing-his-job had convinced the jury that there was a reasonable doubt that Fleury was the one. The defense had used my initial police interview, taken minutes after the rape, against me. Still in shock, I had referred to the rapist's glasses as "silver, wire-rimmed, photo-gray-type glasses. The defense brought in optometry experts to prove that Fleury's silver glasses did not have photo-gray lens.

What the jury did not know, were not allowed to know because of the rules of evidence, was that Fleury had nine other convictions in the state of California –two prior convictions for sexual assault with intent to rape. They had no idea that he had offered to plead guilty to some of the charges in exchange for a plea bargain, that he had been a Peeping Tom since the age of twelve, and that he had gotten away with more than twenty sexual assaults in his lifetime.

Since the jury was deadlocked, a new trial was scheduled for the following week. By now, I was devastated and emotionally exhausted. The memory of Fleury's mocking pleasure during my

testimony and the triumphant smirk on his face during the verdict sickened me.

April, May, June. The trial was repeatedly postponed at the last minute. I missed work, continually had to reschedule my patient's appointments — my life revolved around David Fleury's schedule.

I wanted to move forward. A few months after the rape, I met a man while out to dinner with friends. After only three months of dating, we planned to get married. My need for security and safety overshadowed any distrust I had for men — and my fiancé's support and compassion about the rape comforted me. With him, I no longer had to face the long nights alone; I put the gun on the top shelf of my closet. The dark curtain seemed to be lifting. My little boy was happy; I felt safe and hopeful.

More months of delays and continuances followed. With each postponement, I would imagine Fleury's glee. After all, wasn't I still at his mercy? Although he was in the county jail, I felt like the prisoner.

Another cancellation. Another. Finally, one day in August, when my fiancé was not home with me, I reached a breaking point. I crawled into bed and sobbed for my lost life. But a sharp, snapping noise down the hall startled me into silence. Was he here? Had he come back to finish this?

I grabbed my gun and headed in the direction of the sound. In my son's room, the Donald Duck poster had fallen to the floor. In an unexpected reunion, we stood together — the ghost, Donald

Duck and me. In that moment, heart pounding and adrenaline pumping through me, I knew what I needed to do.

It was no longer about lawyers, continual delays, and a legal system that withheld crucial information from jurors. It was about Fleury and me. My rights as a human being had been stripped away, and he was responsible. I would confront him face to face, and hold him accountable.

Just as he had done to me, I took him by surprise. I went to the county jail on visiting day, signed in, and waited on one side of a thick, glass window for him to enter the visiting area.

Complete shock flashed across his face when he saw me. He froze but did not retreat. I had worried he might turn his back when he saw me, only to empower himself again but he held his ground. I pointed to the telephone on the side of the window.

"Hello." His voice, that voice. The don't-make-a-sound-or-I'll-hurt-you voice. After all this time, I still recognized it, would always recognize it.

"Hello," I answered. I looked him straight in the eye and did not blink. "I read your confession."

"What confession?" he asked suspiciously.

"To the psychiatrists. You know, you admitted to raping me and twenty other women."

I had chosen my words carefully, alluding to something that would incriminate him. I was bluffing; I hadn't really read the reports. I'd only been told what they contained. He didn't protest my statement.

"Oh, that," he answered.

My knees trembled. Suddenly, anger broke through — the long months, my shattered life, the relentless fear, the degrading violation.

"You owe me an apology. Do you understand?" My voice rose, waves of anger broke over me.

"You came into my house, held a knife to my throat, and raped me. You ruined my life — I had to move, miss work — you cost me thousands of dollars. I'm afraid all the time. I'm scared in my own home. All of this, because of you. I want an apology. I demand it."

He stared at me in silence. Finally, he spoke, his words a waterfall of misery. He told me that rape was an addiction and he was unable to stop. His life was out of control. He said he could not say he was sorry for raping me, because he wasn't. He was sorry that my life had been in upheaval, and mentioned the victim-witness organization would financially help me. He liked rape, could not stop and would continue to rape if freed.

He saw himself as a 'basically decent' person, but nothing was more important to him than the high he got from overpowering a woman. He liked being in control and fed off the terror he saw in his victim's eyes. Even if a woman acted as if she wasn't afraid, he could always break her. And he liked it. Craved it.

I listened with a mixture of revulsion and sorrow. Behind the glass, without his knife, he seemed thinner, smaller, insubstantial. I, on the other hand, felt strong and powerful.

"Well, you owe me," I repeated. Visiting time was almost over. "And you can pay me back by

pleading guilty."

"That's really—" Suddenly the phone went dead. Visiting hours were over.

"Plead guilty." I mouth the words one last time.

The case never went back to trial. When Fleury told his attorney about the conversation he had with me, the defense, realizing how damaging his conversation with me had been, convinced Fleury to confess. I suppose we both considered ourselves victors. I had broken the dark spell and he got a reduced sentence in exchange for the guilty pleas.

Fleury got eight years, but good behavior and credit for time served prior to sentencing earned him a release in a mere four and a half years. I wasn't aware of his exact release date, but I hoped I would be safe. With my new husband, my new last name and a new house in a different neighborhood, I prayed he would never find me. I kept busy with my son, now seven, and my twin baby boys.

Later, I found out that Fleury, once released, had violated parole. He was suspected of leaving California and of raping his way across the country. Within months of his release, he was picked up in Louisiana, where he had been found prowling outside the window of a single woman's home. Stuffed in his jacket pockets were a stocking mask, three knives, and a rope tied into a noose.

Police were able to connect him with other area burglaries and attacks. They charged Fleury with the rape of two other women. He had stayed in their house for hours, raping and demeaning them. He was also charged with attempted rape of a third woman who had tried to fight him. He had beaten her so severely that her jaw broke.

Because of his mask, none of the women were able to identify him with certainty. However, twenty-three details in his latest attacks were identical to details in mine. Under Louisiana law, this information was as solid as fingerprints. Consequently, his prior crimes were admissible in court to prove his identity in the rapes.

The Louisiana district attorney contacted me, flying me to New Orleans as a surprise witness. When I entered the courtroom, the shock and fear on Fleury's face pleased me. After the conviction, his attorney told me that, upon my entrance into the courtroom, Fleury turned to him and muttered, "This is where I messed up."

I looked Fleury right in the eye and smiled. Nice to see you, again. Your days of raping women are over. If he could not control himself, then I would do it for him.

This time, a jury took only a half-hour to find David Fleury, then 39 years old, guilty. The judge, saying that he had never seen a more despicable human being, sentenced Fleury to two consecutive life terms, without parole, and an additional 629 years. In the courtroom, with the other victims at my side, tears came to my eyes. I did not have to be afraid of David Fleury anymore.

