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Disabled victim awarded \$9 million

By Marshall White St. Joseph News-Press Jun 4, 2015



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A Buchanan County jury awarded a disabled woman \$9 million in civil damages Thursday for a sexual assault that occurred when she was supposed to be in the care of a social service caseworker.

The verdict came after a civil trial in a lawsuit filed against the Progressive Community Services caseworker who was responsible for caring for the 35-year-old woman. The assault victim, who is mentally impaired and functions as a young child, gave birth in 2013 and also contracted a sexually transmitted disease, according to the lawsuit.

“We fought long and hard for our client to get justice, and justice was delivered today by the jury’s verdict,” said Rose Briscoe, one of the attorneys for the woman named Jane Doe in court documents.

After about three hours of deliberations, jurors awarded the woman \$3 million in damages, plus another \$6 million in additional punitive damages. The attorneys for Jane Doe had sought \$4 million in civil damages from defendant Alberta Hughes, a caseworker for Progressive Community Services. Jane Doe’s guardian was found to be responsible for 30 percent of the amount, leaving Mrs. Hughes owing \$2.1 million.

The plaintiffs also were seeking an unnamed amount of punitive damages. William Bird, another attorney for the plaintiff, told the jurors to scream the verdict from the roof of the courthouse.

“And they did,” Mr. Bird said.

Following the \$3 million award, it only took about 18 minutes for jurors to come back with the figure of \$6 million for additional punitive damages.

The defense told jurors repeatedly to “look at the facts, not the story.” But jurors decided against Mrs. Hughes.

Mrs. Hughes' former husband, Tony Hughes, pleaded guilty to sexual assault and is serving a seven-year sentence. According to the lawsuit, Mrs. Hughes left Jane Doe unsupervised with Mr. Hughes, who was a convicted felon out on parole.

DNA tests revealed Mr. Hughes to be the father of Jane Doe's child.

Circuit Judge Randall Jackson is expected to issue a final judgement order later this month for the \$9 million, which may include how the funds will be dispersed.

The lawsuit originally included Progressive Community Services, an agency that receives state and county tax revenue, as a defendant. Mr. Jackson dismissed Progressive from the case.

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