

This is the story about my son who struggles everyday just to understand and do what he thinks others expect of him. This is a story of a young man who must live in social exile because the laws in our country allow, encourage, and perpetuate fear. He is not the only one that must live like this. There are many men and women that remain persecuted and oppressed out of an unfounded fear for what he or she might do.

One day my son went to the local mall to meet some friends. He met a young lady there. He asked her to be his girlfriend and invited her to his home. They were kissing and touching and heavy petting each other. She allowed him to undress her. She did not protest or tell him no, stop or anything. She seemed to want him as much as he wanted her. In D.'s mind, she was enjoying the activity as much as he was. They began to have sex. After some time, the young lady said stop. He did not stop. She told him 3 more times to stop. He did not stop. The last time she told him to stop and put a pillow between them. He did stop. She quietly got up and dressed herself. She asked him to take her home, which he did.

D. thought when she started to say stop that she was saying it jokingly. He did not understand that she truly meant for him to stop. He never intended to hurt the young lady. He sincerely believed that she was enjoying the event as much as he was. As with most people with Asperger's Syndrome, he has a hard time understanding jokes, hints, innuendos, or facial expressions. Therefore, when she did not protest at the beginning, he had her permission to proceed. He would not have understood by the tone of her voice, the look on her face or by her request for him to stop that he no longer had her consent. Many people on the Spectrum do not understand all the nuances of sexual consent. It is a very complicated thing for many people to understand but for a person on the Spectrum it will never occur to them that a person can or will change their mind. They have a hard time understanding why someone would not want to participate in something that they deem as enjoyable.

Several months later, the young lady contacted the police. She, along with a detective listening and recording, called D. on the phone and asked him if he did what she had accused him of doing. It would not have mattered if he did or didn't do it. My son would have agreed to have done anything she said because he desperately wanted the relationship. He wanted someone to love and to love him back. He agreed to all the accusations. He even apologized for hurting the young lady. He never intended to hurt her. He thought that an apology made everything alright.

Two days later, the police came to D.'s home and arrested him. He was not told what he was being arrested for until he asked while being placed in the police car. He was not read his rights, interrogated, or informed to the right of a lawyer. The state of Colorado has determined that it is legal to do this when they have a confession.

My son was forced to take a plea deal. He was charged with a class D sexual assault. He was sentenced to 10 years to life probation and 10 years to life as a registered sex offender. I was able to get my son transferred from the state he was sentenced in to where we are living. The state of Colorado recommended that he be placed on probation for life and because of the transfer he is required to register for life.

My son was diagnosed with Asperger's Syndrome after my son's sentencing. Therefore, it was not used as a part of my son's defense or a consideration with his sentencing. My son's punishment does not match the crime!

