



## Rod Underhill, District Attorney

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### **Guilty verdict returned in Sexual Assault Kit Backlog Elimination Project trial**

Today, Multnomah County District Attorney Rod Underhill announced 62-year-old Steven Guy Tubbs was convicted of two counts of rape in the first degree and two counts of sexual abuse in the first degree stemming from an incident that occurred in December 2010 at his residence.

This trial started on August 13<sup>th</sup> and concluded August 16<sup>th</sup>, 2018.

Multnomah County Circuit Court Judge David F. Rees presided over the trial and announced his verdict on August 17<sup>th</sup>.

At trial, the State presented evidence that showed on December 1, 2010, the victim, who was 25 years old at the time, attended a late night party with acquaintances at Tubbs' residence. At the time of the incident, Tubbs was 55 years old.

Evidence presented at trial showed intoxicants were present at Tubbs' residence and that the victim consumed those intoxicants.

"A person needs to be able to give consent to sexual activity," Multnomah County Senior Deputy District Attorney Amity Girt said during closing arguments. "The law recognizes that there are situations where somebody can't consent because of their age or their condition - whether it was a condition they brought upon themselves or whether it was a condition they were born with. ...Regardless, the law does protect those individuals."

Girt added, "[Steven Tubbs] was with her the entire night. ...He knew everything that she was up to and he would have known that she was in no shape to consent to sexual activity."

Evidence presented at trial showed that at some point late in the evening of December 1<sup>st</sup>, or in the early morning hours of December 2<sup>nd</sup>, the victim became so intoxicated that she needed to sleep. When the victim woke up the next morning, she was on the defendant's bed and was told by the defendant that he had engaged in sexual contact with her.

"This is not a case about whether or not (the victim) meant to give consent or gave actual consent, it's that she couldn't give consent because she was either mentally incapacitated or physically helpless," Girt said in court. "She was unconscious and physically unable to communicate her willingness to act, and that is the definition of physically helpless."

During the trial, the State presented evidence that showed the victim made a report to medical professionals and law enforcement on December 2, 2010.

The case was assigned to the [Portland Police Bureau's Sex Crimes Unit](#) in September 2011, but was later suspended because some witnesses were not available.

In 2015, the Multnomah County District Attorney's Office sought, and was awarded, a grant from the [District Attorney's Office of New York](#) ("DANY Grant") to test previously untested sexual assault kits.

The victim's sexual assault kit was one of those submitted to a private lab in Utah for testing under the [DANY Grant](#). After receiving the results from the [Oregon State Police Crime Laboratory](#) in 2016, the Portland Police Bureau's [Sexual Assault Kit Initiative \(SAKI\)](#) team re-opened the investigation.

Judge Rees acquitted Tubbs of two counts of sodomy in the first degree.

The Portland Police Bureau's Sexual Assault Kit Initiative (SAKI) workgroup continues to advocate and investigate cases from previously untested SAFE kits.

"We hope the bravery and determination of this survivor empowers other victims of sexual assault," said Portland Police Bureau Detective Sgt. Molly Daul, a supervisor with the PPB SAKI team.

Sentencing is scheduled for Wednesday August 22, 2018 at 9 a.m. before Judge Rees.

### **Sexual Assault Kit Backlog Elimination Project**

In 2015, Multnomah County District Attorney Rod Underhill, along with the Portland Police Bureau, Gresham Police Department, Multnomah County Sheriff's Office and the Oregon State Police Forensic Laboratory initiated a project to process thousands of untested SAFE kits in Multnomah, Marion and Lane counties.

District Attorney Underhill and others quickly identified funding from the New York County District Attorney's Office (DANY) and worked with the Portland Police Bureau's Sex Crimes Unit after PPB received a grant from [U.S. Department of Justice's Bureau of Justice Assistance's \(BJA\) Sexual Assault Kit Initiative Grant Program](#).

DANY awarded the Multnomah County District Attorney's Office a total of \$1,995,453 in September 2015. Using those funds, a coordinated effort involving local law enforcement and the Oregon State Police was launched to send SAFE kits, dated 2014 or older from Multnomah, Lane and Marion counties, to the private lab in Utah for testing.

In early 2018, an additional 302 SAFE kits from 13 other Oregon counties were sent to the lab using funds from the DANY grant. In total, nearly 3,000 SAFE kits from Oregon were sent to be tested.

#MCDA#

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