

Mistrial declared in Hairston rape case

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Chronic Staff Writer

An 18-year-old city man faced a mandatory life sentence if convicted this week of raping a 9-year-old girl, and the now 10-year-old girl suffered the memory of "something awful" happening to her and being called a liar in court.

The jury mulled over three days of testimony Tuesday as it tried to determine whether 18-year-old Chris D. Hairston of 1070 Betty Dr. raped a 9-year-old girl who lives in his Southeast Winston neighborhood.

After testimony from numerous doctors, psychiatrists, psychologists, neighbors and a playmate of the alleged victim, the jury couldn't make up its mind. After a morning of deliberations Tuesday, the jury told Forsyth County Superior Court Judge Joseph R. John that it was stuck in a 7-5 deadlock, with no indication that jurors' conclusions would soon change. On Wednesday morning, a mistrial was declared, resulting in Hairston's acquittal.

Hairston was charged with raping the child in an Easton Park picnic shelter one summer day during June, 1987. The child told no one of the alleged incident until September when she began running away from home. When asked why she was repeatedly running away from home, she told doctors and psychiatrists she was afraid Hairston would "get her" because she told what he allegedly did to her.

Hairston said he had never seen the alleged victim before, although she lived close by, according to defense attorney K. Clay Dawson.

A doctor who gave the child a pelvic examination testified that physical evidence showed her hymen was broken, indicating she had been sexually violated in some way. No physical evidence, however, could prove when it occurred or who had done it.

The alleged victim said Hairston drove up in a baby blue Chevrolet Nova on the day she was raped.

A friend of the alleged victim (whom we will call "Jane") testified that she went to Easton Park with her one day in June, and that they saw Hairston there playing basketball. "Jane" said the two friends parted company before the alleged victim got home, Assistant District Attorney Janet Branch said. "Jane" said she saw Chris in the park and when she left the park, Chris was in the park, and (the alleged victim) was in the park," Branch said in her closing arguments.

Dawson, however, said "Jane's" testimony discredited the alleged victim's. The two friends saw Hairston playing basketball at the park and simply laughed at

him, Dawson said. "Jane" said (the alleged victim) said, "Look at old, fat Chris, and his stinky, old shoes and his stinky, old socks, and his panties are showing, Fruit of the Loom."

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-- Assistant District Attorney Janet Branch

"He was grounded in June, he couldn't go to the park. ... Your common sense is going to tell you that this is a story."

-- Defense Attorney K. Clay Dawson

In closing arguments Monday, defense attorney Dawson said, "He was grounded in June, he couldn't go to the park."

psychologist Dr. David Allen talked with her four times, he said. "She was not that cooperative, and she was very upset about things

Hairston's mother, Mary Truesdale, testified that he was grounded during the month of June and did not leave the house or drive his car. "Do you think he stayed in the house for a solid month," Branch said in closing. "Isn't it more important for him to lie or make up a story that he was not in the park in June or that the car wouldn't run in June? We lie to keep ourselves out of trouble. We'd certainly lie to keep ourselves out of prison."

"How many people do you know who'll lie to get in trouble? Would she lie so the cops could come to her house, so doctors could give you a pelvic exam when you're 9 years old, so she could cry for an hour up on the witness stand? She had to tell the story over and over. Eleven times I can count that this child had to tell her story... And she never named anyone else, she never wavered about who it was, she never wavered about why she was so upset."

Dawson, however, said the alleged victim made up much of her story, saying she changed the circumstances and details of her account repeatedly. "Your common sense is going to tell you that this is a story," Dawson told the jury in closing arguments.

Branch said, however, "Dr. Barnes (a witness) said that less than 15 percent of children tell something that's not true about sexual abuse."

The alleged victim wore a red-and-white polka dot dress and a red ribbon tied in her hair Monday and frequently pressed her hands against her temples and covered her eyes. During closing arguments, she was covering her face and rubbing her eyes. Hairston, meanwhile, was reading the newspaper.

that had happened," Allen testified. "She stated that she had been raped, but she didn't know specifically what that meant. She had been told that if she told, he'd come get her."

"She didn't tell anyone until Sept. 1, when she began to show signs of nervousness. I diagnosed it as post-traumatic stress syndrome."

Post-traumatic stress syndrome afflicted many Vietnam War veterans after their return home, Allen said. The symptoms are usually marked by a delayed reaction to a traumatic experience. She was also having trouble sleeping and eating, Branch said.

When Hairston was questioned in June about the matter, he did not mention being grounded, Branch said in her closing arguments.

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