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## Damages Sought in Man's Rape

**By Scott Sandlin***Journal Staff Writer*

Attorneys for a profoundly disabled man who was raped as a resident at a Roswell group home turned to an Albuquerque jury Tuesday seeking damages.

Carl Bettinger, representing Larry Selk, now 48, told a jury in an opening statement that the care workers at College House who discovered the injury to Selk on May 24, 2004, did the right thing. They called in a nurse, and Selk was taken to a rape-speciality unit, where another nurse determined after an examination that he'd been sodomized.

Selk cannot walk, talk, feed or care for himself and was at the time in either his group home or day care around the clock.

Bettinger suggested a likely candidate for the abuse: a worker fired from a previous job working with people with disabilities who'd been hired with inadequate vetting and hastily put on the job untrained. ResCare New Mexico, which operated the group home, was in a hurry to fill positions because it had fired nine staffers after discovering some were using illegal drugs.

No criminal case was ever filed, though multiple agencies, including New Mexico Adult Protective Services, substantiated that abuse had occurred.

But Bettinger said neither ResCare New Mexico nor its parent corporation ResCare Inc., also a defendant, has been willing to accept responsibility for Selk's injury.

The physical damage heals in time, Bettinger said. "This doesn't (heal)," he said, placing his fingers on his temple as he faced jurors. Bettinger said a leading national expert in sexual assault will testify about therapies available even for someone with the profound mental retardation Selk experiences during the three-week trial before District Judge Nan Nash.

Matthew Connelly, one of the attorneys defending ResCare, said neither company was negligent in its policies and procedures and did not cause "this awful assault."

"The evidence will show this was a bold, intentional act by somebody who wanted to hurt Larry Selk," he said.

Connelly said the attack could not have been foreseen or prevented even with "all the checking in the world."

ResCare staffers notified Selk's family and put the entire staff working at College House on leave for nine days while they looked into the matter, Connelly said. The abuse was reported to the appropriate state authorities in charge of licensing such facilities, and ResCare cooperated with the Roswell Police Department detectives.

"In short, they did what a responsible company would do — they turned it over to law enforcement to investigate," he said.