

## **Barely Illegal: At Anand Jon rape trial, young models testify and defense argues over age of consent**

### **Little women: Is 14 really the new 18?**

**By Steven Mikulan**

**September 18, 2008**

**On the screen**, Amanda looks like any girl in a home-porn video — a nervously smiling teen who, with awkward fingers, removes her leopard-skin bra as an amateur cameraman urges her to take off the rest of her clothes. Then the man has her turn around, and he brings the leering camera up to her bare buttocks — just before inserting his finger into her vagina. Amanda is no porn pro — her legs are shaking throughout the sequence.

What distinguishes this 2007 footage is that its auteur is celebrity fashion designer Anand Jon, and his subject a total stranger who had just arrived at his Beverly Hills apartment from the airport. Amanda — “Amanda C” in the District Attorney’s complaint — was a 17-year-old girl from a Philadelphia suburb who’d responded to Jon’s invitation to visit him for possible modeling opportunities. This past September 12, the graphic video raised eyebrows for another reason — it was previewed in open court by prosecutor Frances Young as part of her opening statement in Jon’s trial. (See the September 12 post of Steven Mikulan’s courtroom blog, “Goddesses and Doormats,” on L.A. Daily, at [laweekly.com](http://laweekly.com).)

The original indictment against the Indian-born Jon comprised 59 counts and involved 20 women — charges that have since been reduced to 25 counts with nine alleged victims. Jon, 34, remains locked up in county jail — each day, he trades his prison clothes for stylish suits just before entering Department 102 from the courtroom’s holding room. He still faces a daunting array of repetitive witnesses and submitted evidence, including computers seized from his home that allegedly contained child pornography. Jon’s defense will be forced to walk a razor-thin line between attack and sensitivity to his young accusers.

“The pendulum has completely swung away from when there was hostility toward rape accusers,” says veteran Los Angeles attorney Bradley Brunon. “Twenty-five years ago, you could make someone submit to a psychological examination and suggest to juries the accuser was acting out of a fantasy or sexual dementia.”

Today’s defense attorneys in rape trials face what Brunon, who served as defense counsel during the epic pretrial hearing for the McMartin preschool molestation case, calls a “culture of credulity,” in which all allegations of sexual assault are almost automatically believed by those working in legal and emotional-support fields involving sexual-assault victims. Jon’s high-powered defense team has its work cut out for itself.

Prosecutors are now working through their background witnesses, but one defense tactic is

already emerging through cross-examination. Lawyers are presenting the world of runway fashion as rarefied and highly physical, one that demands young faces and is filled with eager girls concealing the fact that they are under the age of consent. But can Jon's lawyers convince a community jury that 14 is the new 18?

**The smile on the face of Lenny Levine**, Jon's lead counsel, showed he was loving every minute of the testimony of Courtney S, who stumbled through her account of how she allegedly fended off Jon's unwanted attempts to have sex with her on his air mattress. Then again, Levine, who somewhat resembles the late *Candid Camera* creator Allen Funt, always seems happy to be in court — when not fidgeting in his chair, he constantly moves about the defense table during testimony. What was it he'd said to jurors after Young played the bombshell video? You have to answer these questions, Levine told them: "Was there sex? Was it criminal? Did the women say they were under 18? Did [Jon] believe they were over 18?"

And here was background witness Courtney S, saying she didn't leave Jon's apartment for three days while he made sexual advances upon her. She ended up interning for him without pay, even though, she says, he verbally abused her. Courtney, who was 20 at the time of the incident, entered the courtroom seemingly in a daze, led in by a witness minder, and appearing less than compelling on the stand.

"I was just kinda there," Courtney recounted, as she played with her blond hair. "It's just hard to explain ... I can't remember."

Courtney was followed the next day by Birgit D and her mother, Gretchen D, who'd set up camp at L.A.'s Oakwood Apartments for the 2003 TV-pilot season.

The pair made an odd couple. The matronly Gretchen described, in a sharp Wisconsin accent, how her daughter had been an actress since the age of 5, when she'd appeared in a production of *Madame Butterfly*. That role had inspired Birgit to pursue child-modeling gigs and acting auditions. Her career track also led Birgit, who had then just turned 14, from Wisconsin to a pre-Oscar party in Jon's suite at the Beverly Hills L'Ermitage hotel, where he allegedly French-kissed her. Gretchen testified that she didn't see the alleged kiss at the time — she was distracted "talking with Ginger from *Gilligan's Island*."

Defense attorney Donald Marks mostly avoided hammering on the petite, otherworldly-looking Birgit, and focused on Gretchen's stage-mother ambitions.

"You mean," he asked Gretchen, "at 14 years old, your daughter was driving her career and not you?"

While not particularly relevant, it was a fair question, given that Gretchen had her daughter home-schooled since she was in sixth grade, and had told co-prosecutor Mara McIlvain how Birgit's career as a model had been derailed by a cruel trick of nature — Birgit just wasn't tall enough.

"Birgit is 5-foot-5," Gretchen told McIlvain in a regretful voice. "She was trained to be 5-foot-7 so she could do runway — but she couldn't quite make it." Later in her testimony, Gretchen would break down and cry.

Birgit was an eerily detached contrast on the witness stand, a skinny 19-year-old blonde in a black off-the-shoulder top, black microskirt, tights and green nail polish, who spoke in a voice both girlish and metallic.

The pictures taken of her during Jon's party show a younger, wide-eyed Birgit wearing vampy makeup and one of Jon's creations, a black evening dress slit down the middle to the navel and barely hiding her small breasts. She symbolized, in those moments at L'Ermitage, the new age of consent. This week, Birgit D's hard voice summarized what it was like to be 14, going on 18 that night during pilot season five years ago: "I was to walk around, not talk to anyone and just look pretty."