


## Chapter 5

# Identity, Rape, Law, and Incarceration: An Intersectional Study of the Ky Peterson Case

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### ABSTRACT

*In October 2011, Ky Peterson, a Georgia-based Black transgender man, was assaulted and raped by a stranger while heading home from a nearby convenience store. During his struggle with his assailant, Ky pulled out a gun and fatally shot him in self-defence, an act for which he was accused of manslaughter and was subsequently incarcerated even though he was a victim. This chapter looks at Ky's case taking a broader perspective of the quotidian lived realities of the trans-African-American citizens. The chapter highlights why and how Black transgender victims of violence cannot rely on the police to protect them from their attackers. This discussion will consider the case from an intersectional frame of reference to study the nuances of Ky's trials and tribulations to comprehend his victimization or lack thereof.*

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## **BACKGROUND**

Even though data on transgender populations in the United States continue to be limited, several human rights and governmental organizations report that trans-community experiences violence disproportionately due to transphobia. According to the National Resource Center on Domestic Violence (NRCDV), 46 percent of respondents to a 2015 United States Transgender Survey were verbally harassed. In the previous year, 9 percent were violently assaulted for being transgender, 47 percent had been victims of sexual assault, and 54% had been victims of intimate relationship violence. Furthermore, the NRCDV and the federal government's Office for Victims of Crime claim that violence against transgender people is significantly higher for transgender people of colour, particularly Black transgender people.

The story of Ky Peterson demonstrates how the law operates with people of colour in the United States and how their predicament gets intensified with the intersection of race and gender. This case is testimony to the marginalization of people from the trans community and people belonging to the LGBTQ+ community due to the gaps in the legal system and judiciary. In the United States, transgender people of colour, especially the Black transgender population, experience violence disproportionately when held in contrast with the trans white population and are likely to be victimized by almost all forms of violence, be it in domestic setup, at educational institutions or in prisons.

## **THE DETAILS OF KY'S CASE**

On the fateful night of October 28, 2011, Ky Peterson, a twenty-year-old unemployed Black transgender man, shot an unknown assailant outside a store in Americus, Georgia. As he walked home past a seemingly unoccupied trailer, he was struck by something in the back of his head, causing him to blackout. As Ky regained consciousness, he realized he was lying under the same man, now naked, whom he had snubbed outside the convenience store a couple of minutes ago. As the man forced himself inside Ky, he continued spewing racial and homophobic slurs at him.

Terrified, surprised, and horror-struck, Ky kept screaming from the physical pain and psychological distress as the present was impinged by his past experiences of a similar sort. Such an incident was not happening for the first time with him. Earlier, when his neighbour had attacked him, the cops had barely even bothered to file a report, let alone investigate and arrest the perpetrator.

While Peterson continued to holler and struggle with his rapist, he heard his younger brothers approach the trailer, calling out his name. When they found Ky, they dragged his attacker off him and flanked the bruised Ky outside the trailer. As

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