

Lansdale man CASE acquitted in rape case

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For The Reporter

NORRISTOWN — An African immigrant bowed his head and smiled briefly as a jury of U.S. citizens acquitted him of charges he drugged and sexually assaulted a woman inside his Lansdale home.

██████████, whose last known address was North Valley Forge Road, softly muttered, "Thank you," to his lawyer on Thursday as a Montgomery County jury acquitted him of charges of involuntary deviate sexual intercourse, aggravated indecent assault, sexual assault, indecent assault and recklessly endangering another person in connection with the alleged December 2009 encounter he had with a female friend at his home.

"He is relieved," defense lawyer Andrew F. Schneider said on ██████████'s behalf. "He is an immigrant and he's being judged by foreigners. Just imagine what that would be like being in another country and judged by foreigners. He was lucky that it's America.

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Justice was done."

The jury deliberated more than three hours after a two day trial before Judge Steven T. O'Neill.

██████████, an immigrant from Ivory Coast who has been in the U.S. on a permanent visa for the last 13 years, was not immediately released from custody because he still must address a detainer filed against him for alleged technical violations of his probation in another previous minor matter, according to testimony. However, lawyers predicted he could be released from jail as early as Friday.

██████████ had been in jail for more than 11 months while awaiting trial. With the acquittal, officials said it is likely that ██████████ will avoid any potential de-

portation proceedings by U.S. Immigration and Customs Enforcement.

The 23-year-old woman who claimed to have been assaulted by ██████████ stared blankly as the jury foreman announced the verdict.

"Obviously, we're disappointed in the verdict," reacted Assistant District Attorney Matthew Quigg, who stood by the prosecution's evidence. "But we respect the jury's decision. It was a very difficult case and there was a lot of evidence (the jury) had to wrestle with."

At trial, Quigg alleged ██████████ who resided with his mother and worked at Texas Roadhouse in Montgomeryville at the time of his arrest, wanted a sexual relationship with the woman,

with whom he socialized in the past. Quigg alleged ██████████ drugged her Smirnoff Ice malt beverage drink with the sedative Klonopin and then had indecent contact with her and attempted to sexually assault her in his bedroom while she was unconscious on Dec. 18, 2009.

Quigg alleged the woman awoke from "blackness, nothingness" to find herself partially undressed on ██████████ bed and ██████████ attempting to sexually assault her.

██████████ did not testify during the trial.

However, in his police statement, which was read in court, ██████████ denied sexually assaulting the woman and indicated he loved her.

"We are friends. But she knows I want more. I even told her I love her," ██████████ told investigators.

██████████ claimed to police that he did try to touch the woman intimately but that she rebuffed his advances.

"I knew I could only go so far because she told me she wasn't ready," ██████████ allegedly told police, according to trial testimony.

Schneider suggested the woman falsely accused ██████████ of sexual assault out of "revenge" when ██████████ left her alone at his residence to run an errand as they were "on a path to intimacy." Schneider implied the woman gave inconsistent statements to authorities and that medical evidence fell short of supporting the allegations.

Schneider implied that while toxicology tests detected Klonopin in the woman's urine, tests never determined if it was present in her bloodstream. Therefore, Schneider implied, authorities can't tell when the drug was ingested and how much was ingested.

Schneider further implied that the drug can remain in a person's system for several days after it is ingested and that ██████████ didn't have access to the drug or have reason to use it.

While detectives testified that a search of ██████████ residence turned up one empty bottle of Smirnoff Ice, nothing else of evidentiary value was seized from the home. There was no testimony that authorities found Klonopin at ██████████ home.

Testimony also revealed that forensic tests undertaken during the investigation detected no presence of semen and therefore no DNA tests could be conducted.

A sexual assault nurse examiner who evaluated the woman at Abington Memorial Hospital after the alleged assault testified there was no specific evidence of internal or external injuries to the woman. However, the nurse implied that the lack of physical injury does not necessarily mean that the woman was not sexually assaulted.

Authorities alleged that on the

night of Dec. 17, the woman went to ██████████ house, with knowledge that ██████████ mother was not home, and the two danced in the living room and watched TV. At one point, ██████████ gave the woman a back massage on the floor, according to testimony.

The woman told authorities that after drinking some malt beverage she lost consciousness, according to the arrest affidavit.

The woman, according to testimony, told detectives and medical personnel that she remembered waking up to find ██████████ "grinding" against her body. Witnesses testified the woman appeared confused about what had occurred and did not remember the entire evening.

After the woman awoke and ██████████ left the residence, the woman drove herself to the hospital, according to testimony.