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18-year-old wrongfully convicted of rape almost died in prison



Kevin Baruxes at his parents' home after his exoneration. (Peggy Peattie)

By [Kate Morrissey](#)

Kevin Baruxes

Exonerated: 2003

Convicted: 1996

Cause: Perjury or false accusation

Age at conviction: 18

Time served: 7 years — 2,442 days in prison, 145 days in jail

Kevin Baruxes served seven years of his 18-to-life sentence before the woman who accused him of violently raping her in a trash enclosure in Rancho Bernardo said that he didn't do it.

According to court documents, the woman, 20-year-old Courtni Mahaffy, told police in 1996 that three men, including Baruxes, who had just turned 18, raped her at knifepoint. She vividly recalled the "Skinhead" tattoo on Baruxes' back. She said that even though she was white, Baruxes had told her to "go back to Africa."

Every time Mahaffy spoke to detectives, her story changed, according to court documents. She implicated Baruxes' brother, Scott, in the attack, but later she said she wasn't sure if Scott had been there. Besides the "Skinhead" tattoo, she got other parts of his appearance wrong, according to Baruxes. She said he had a goatee and spiderweb tattoos on his elbows, but he didn't.

In a recent interview, Baruxes said he barely knew Mahaffy. She and her husband lived in an apartment below one of his friends.

"I think I talked to her four times," he said recently. "She invited me once into her apartment for a water or lemonade. When I told this to my investigator, he was like, 'She was flirting with you.' I was 17. I just thought she was being nice."

Despite discrepancies in Mahaffy's changing story, a lack of physical evidence and Baruxes' alibi that he was home with family, the jury convicted him.

Baruxes said he had to keep most of the other inmates from finding out his charges.

"I didn't go to the bathroom for like four days," he recently recalled of his first nights behind bars. "That's how scared I was."

Baruxes managed to stay out of harm's way until about five years into his sentence.

He said he got a new cellmate, who, unlike the others, wasn't willing to keep quiet about why Baruxes was in prison. Later that day, he was stabbed twice with a seven-inch knife made out of a cookie pan from the kitchen. The blade nicked his lung and his kidney, almost killing him.

As courts denied appeal after appeal, Baruxes decided to go into protective custody.

"I was thinking, man, I might have to do 20 years. I wouldn't make it without them killing me," he said.

In 2002, the district attorney's office received an email from Mike Chaney, Mahaffy's ex-fiance, according to court documents. Chaney said that Mahaffy confessed to him that Baruxes did not rape her. He also said she was a chronic liar.

Baruxes' lawyer hired an investigator to find others who could corroborate Chaney's statements. He found an ex-boyfriend, a former roommate and her ex-husband. They all talked about fake illness and injury stories that she used to get attention and told the different versions they'd heard of her rape.

Meanwhile, a prosecutor tracked down Mahaffy, who admitted over the phone that she didn't think Baruxes had raped her.

Baruxes went free soon after. He received \$258,000 in compensation.

He said that he got his tattoos removed right after he got out.

Baruxes said that he'd followed his older brother into the skinhead movement in high school but grew out of it while he was in prison.

"When I got involved in that, I was young. It was about intimidating other people," Baruxes told the Union-Tribune recently. "I went from being a

long-haired hippie-type to my brother telling me, 'I'm cutting your hair.' It was a waste of time, a waste of energy, a waste of thinking.”

He now has a wife and 2-year-old daughter in Temecula. He works recycling asphalt for pavement projects across Southern California.

<http://www.sandiegouniontribune.com/news/data-watch/sdut-exoneree-baruxes-2016may13-htmlstory.html>