

CURRENTLY 2,086 EXONERATIONS
MORE THAN 18,060 YEARS LOST

MARK CLARK

Other Washington Cases with Perjury or False Accusation



In August 1998 police in Auburn, Washington, approached Regina Birindelli after hearing that she may have been raped. Birindelli told police that on May 16, 1998, three men had abducted her, handcuffed her, and repeatedly raped her orally and anally while videotaping the assaults. She identified the men as Mark Clark, **Jeff Schmieder**, and a third man known as "Car Thief Johnny." All three were arrested shortly thereafter.

Charges were never filed against the third man because it was determined

that he was in jail on the day when Birindelli alleged she was raped. Soon evidence emerged that Schmieder was also in jail at the time of the alleged rape, but Birindelli changed her story and said that May 17 rather than May 16 was the date of the rape. There was no physical or forensic evidence of any sort connected to the rape. No videotape was ever found. Despite this, and despite the inconsistencies in Birindelli's story, the prosecutors persisted.

At trial the sole evidence against Clark and Schmieder was the testimony of Birindelli, which was very graphic. Clark and Schmieder pointed out the gross inconsistencies in Birindelli's story, and they presented alibis. Clark was in traffic court on the day in question, and Schmieder had been in jail for part of the day. Nonetheless, in December 1998 Clark and Schmieder were convicted of first-degree rape by a jury in King County District Court, after five days of deliberations. One juror explained that they convicted the defendants because they could not imagine why Birindelli would lie and "crucify" these men if the rape had not happened.

But Birindelli had motives to lie. She was a police informant on drug crimes, and a drug user herself. She was facing legal troubles of her own and wanted to avoid jail. She also had a personal grievance against Clark: her husband had been arrested near Clark's trailer and when she went to retrieve his truck it wasn't there.

After the conviction Clark's wife hired an investigator to help her look into the case. They interviewed Birindelli's boyfriend at the time of the alleged rape, who was in prison by then. He remembered that on the dates in question Birindelli herself was in jail. Jail records did not immediately confirm the boyfriend's recollection, but when they checked they found an entry under Birindelli's name from a previous marriage, which she had used as an alias when she was booked. Birindelli had not been fingerprinted when she was booked on that occasion, but she had been photographed and the picture confirmed that she was in jail on May 17, 1998, not on the street being abducted and raped. The rape convictions against Clark and Schmieder were vacated by the trial court before sentencing, the prosecutor dismissed the charges, and they were released on May 20, 1999.

- Michael S. Perry

[Report an error or add more information about this case.](#)

Posting Date: Before June 2012

State: Washington

County: King

Most Serious Crime: Sexual Assault

Additional Convictions:

Reported Crime Date: 1998

Convicted: 1998

Exonerated: 1999

Sentence: Not sentenced

Race: Caucasian

Sex: Male

Age at the date of crime: 41

Contributing Factors: Perjury or False Accusation

Did DNA evidence contribute to the exoneration?: No