

# Jury Rejects Woman's Rape Charge Hollywood Officers Free To Go Home

November 16, 1990 By Robert Perez of The Sentinel Staff

SANFORD — A Seminole County grand jury Thursday declined to indict three South Florida police officers accused of raping an Altamonte Springs woman.

The 27-year-old woman, who had sat through two days of testimony, bolted from the courtroom in tears upon hearing the decision.

The woman's attorney, Mark NeJame, said he was disappointed by the decision but was not surprised.

"She was going up against a stacked deck," he said, adding he thought the men were not indicted because they were police officers.

NeJame said a "shoddy" investigation by the Altamonte Springs Police Department contributed to the jury's decision.

"It was the most disgraceful investigation I've ever seen," he said. "My client was raped twice: once in the hotel room and once by the system."

In an interview late Thursday, the woman said investigators acted differently as soon as they found out the accused were police.

"When they found out it was police officers who paid for that room, their whole attitude changed," she said. "They made me feel like a criminal. They took my license away from me for nine hours. I went to rape counseling, and not one rape victim has ever been asked for her (identification) and had her belongings searched."

Officer Jeff Hawkins, a spokesman for the Altamonte Springs Police Department, said the investigation was treated the same as any other and defended the findings, which resulted in none of the officers being arrested.

According to the woman's complaint, she met the men, all Hollywood Police officers, at Visions, a bar and dance club on Douglas Avenue late on Oct. 18. After having drinks with them, she went with the officers to their room at the Sundance Inn, 205 W. State Road 436.

The woman said she was tied up with belts by two of the officers while a third raped her between 1:45 and 3:20 a.m. on Oct. 19.

The officers, Stephen Nicastro, David Daly and Daniel Dunn, told police the woman agreed to have sex with Nicastro after meeting them at Visions, going to two other bars and dancing for them in the room while wearing a white, fish-net body suit.

Hawkins said there were inconsistencies in the woman's story, a physical examination showed no outward signs that a rape occurred and there were no marks or bruises consistent with the woman being tied up.

"The lack of an indictment backs up our findings that there were inconsistencies in her statement and that there was not enough information to arrest these individuals."

However, the woman said inconsistencies in her remarks to police were caused by the department's failure to explain the need for accuracy.

"They just said, 'Mark down what happened,' " she said. "They didn't specifically say, 'You have to put everything in there or it will be used against you.' And they did . . . They made me look like a liar."

NeJame said the investigation was mishandled from the start. The woman was left alone for at least three hours before being offered a victim's advocate or female officer to talk with, was allowed to go to the bathroom and clean up and no evidence was gathered by investigators, he said.

The woman twice was offered and declined to have a victim's advocate called in, Hawkins said. He also said there was no need to gather evidence from the woman because there was no disagreement as to whether sex occurred, it was a question of consent.

NeJame responded the decision not to take evidence presumes semen samples and other evidence would not affect the outcome of a trial.

"You just can't conduct a partial investigation that way," he said. "By the time they offered her a victim's advocate, by then they had already allowed her to go to the bathroom (and clean up), they had already made her make a statement.

"I assure you had it been anything other than three officers, it would have been handled differently."

The investigator in the case, Ron Ciotti, noted in his report that there were several inconsistencies in the woman's story. Among them: The woman initially told police she was at a friend's home watching a movie before going to Visions bar, but there is evidence she was at work.

The woman could not recall the name of the movie she watched, and it was later learned the friend was actually the woman's sister.

The woman said she went straight from Visions to the officers' room, but she was seen by several witnesses at two other bars on the same night with two of the officers.

Norm Wolfinger, Seminole-Brevard state attorney, said there are no plans to bring the case back before the grand jury.

"The grand jury wrestled with it and made that decision," he said.

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