

Jury acquits four young men accused of rape

By Chris Bristol

Posted Nov 2, 2000 at 2:00 AM

Updated Dec 17, 2010 at 7:00 AM

Capping a tense weeklong trial, a Jackson County jury Wednesday quickly acquitted four young men of charges they brutally gang-raped a 27-year-old Medford woman.

The jury of seven women and five men deliberated barely 90 minutes before announcing not guilty verdicts on charges of first-degree rape and sodomy. The defendants have been in jail for seven months, and trial judge Dan Harris ordered their immediate release.

The case rose and fell on its facts, the judge observed, thanking the jury for its long service.

Outside the courtroom, defense attorneys shook hands with members of the defendants' families, who hugged each other and cried tears of relief while disappointed police officers quietly huddled nearby.

Public defender Lisa Greif, who represented 16-year-old Vincente Garcia, rubbed tears from her eyes as she tried to respond to questions about the case. If convicted, the defendants faced mandatory sentences of 100 months in prison.

A big trial like this, they don't lose very often, she said, referring to the prosecution. I'm thankful the jury approached this case with an open mind.

The defendants — including 20-year-old Omar Curachure, Gary Andrade, 19, and Rodolfo Garcia-Lopez, 18 — were accused of attacking the woman March 25 after she met them by chance outside Rack'em, a downtown Medford pool hall, and took them back to her place.

All four defendants told the jury they had sex with the woman, but they said it was consensual. However, Garcia earlier had confessed to some of the allegations of force under police interrogation.

In closing arguments Wednesday, prosecutors Beth Heckert and Holly Smith recounted the woman's testimony that she was held down by the defendants and gang raped.

None of the defendants was older than 19 at the time (Garcia was only 15), but Smith urged the jury not to let sympathy cloud their judgment.

But the defense managed to put the woman's own conduct and credibility on trial as well, accusing her of lying about the encounter either to protect her reputation or as a pre-emptive strike in case police questioned her for plying teenage boys with alcohol and then having sex.

They also scoffed at the lack of physical evidence, including the woman's apparent lack of injuries despite her testimony that she fought and kicked.

She's not required to fight back, but she said she did, argued Doug Engle, who represented Andrade. And yet, there's not a mark on her.

The defense especially questioned why the woman's dog — an aggressive and protective Doberman pinscher — hadn't attacked the defendants if the allegations were true.

That dog is gonna definitely do something to those guys, Engle said. They would have been meat if they had been attacking its mistress.

Greif said she was disturbed about the way police interrogated Garcia, a special education student at North Medford High School.

Garcia confessed to some of the allegations under questioning — without an attorney or his mother present. Testimony at trial indicated he is borderline retarded and that police misled him by saying the other suspects had confessed.

He thought he could go home if he told them what they wanted to hear, she said, summarizing his testimony. Obviously that wasn't the case.