

# Hartford Courant

## JURY ACQUITS 2 ACCUSED OF RAPE IN BAR

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A jury Tuesday swiftly rejected a Guilford, Conn., woman's claim that she was raped on the floor of a popular Block Island bar, acquitting the island's former top elected official and another defendant.

The verdict brought a sudden conclusion to a weeklong trial that exposed sordid details of drunken debauchery and casual sex on this vacation island south of the Rhode Island mainland.

"Block Island is a rumor mill, a soap opera, a fishbowl where people talked about each other's sex lives every day of the week," defense attorney Lise Gescheidt said in her closing argument. The defense characterized the young woman as a sexual aggressor who turned a night of sex into allegations of rape to protect her name.

The credibility of the defendants, two widely known islanders, and the woman, a seasonal worker, was a pivotal issue facing the jury. The jury's six men and six women took just a little more than two hours to reach a verdict.

The prosecution's task may have been more difficult than usual. Its case was based -- not on the more common premise that a victim was coerced -- but on grounds the woman was physically helpless because she was drunk.

The woman, a 21-year-old part-time employee, claimed the men took advantage of her when she collapsed in a drunken stupor on the floor of McGovern's Yellow Kittens Tavern after it closed early the morning of Oct. 6, 1996.

"It was a regrettable night," said Edward F. McGovern Jr., whose political career as Block Island's first warden was ruined because of the allegations. "Four people were involved in this regrettable incident, three of them took responsibility for their actions. One did not."

McGovern and co-defendant Phillip D. O'Donnell, 31, were each acquitted on charges of first- and second- degree sexual assault in connection with the incident. A third man,

Giacomo F. Capizzano, 43, faces similar charges but has yet to go to trial. All three faced up to life in prison if convicted.

McGovern owns the Yellow Kittens. O'Donnell was a chef at an adjacent restaurant owned by McGovern, and Capizzano owns a pizza parlor on the island where the woman also worked.

The woman was in court with her family when the verdict was read shortly after 4 p.m. She rushed out of the courtroom, declining to answer a reporter's questions as she left. Her family remained sequestered in the Washington County Superior Court building late Tuesday, unavailable for comment.

Rhode Island Attorney General Jeffrey B. Pine said he was disappointed by the jury's decision, but still intends to pursue criminal charges against Capizzano.

Pine credited the woman for having the courage to come forward with her complaint and said, "we don't have any less confidence now than we did before."

Judge Frank L. Williams told the jury the case boiled down to the issue of credibility -- who the jury chose to believe -- and whether the state proved beyond a reasonable doubt that the victim was physically helpless.

Defense attorneys portrayed the sex as consensual, reminding jurors that the woman sat in McGovern's lap that night and put his cowboy hat on her head.

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