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Jury finds Glasgow woman not guilty of raping minor

By BRAD DICKERSON Mar 30, 2007



Charlotte Roberts, left, sits next to defense attorney Greg Berry after a jury found her not guilty of third-degree rape on Thursday at the Barren County Courthouse.

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It took the jury six minutes to come back with a verdict of not guilty in the case of a Glasgow woman charged with third-degree rape.

Standing next to defense attorney Greg Berry, Charlotte Roberts, 34, of Glasgow, listened as Circuit Judge Phil Patton read the jury's decision. She was also found innocent of two lesser charges of sexual misconduct and sexual abuse in the third degree.

Court documents alleged that Roberts engaged in sexual intercourse with a victim who was younger than 16 between January and March of 2005.

Testifying as a witness for the prosecution, the boy, who turned 18 on March 10, said he and his family had lived next door to Roberts on McKenna Street and that he often visited the residence and Roberts' children.

"He used to come over all the time," Roberts testified when she took the stand for the defense.

Roberts said the boy would play video games and football with her some of her five children. Other youth in the neighborhood would often come over and visit as well, she said.

During her testimony, Roberts said she never had sexual intercourse with the boy over the course of time she lived next door and that she was never told his exact age, nor was she aware of it.

"He was just like one of my other kids," Roberts said.

The boy, however, told a different story while being questioned by Assistant Commonwealth's Attorney Traci Peppers.

He testified that his and Roberts' relationship changed around the end of December 2004 and he began having feelings for her.

"I loved her a lot," he said.

The boy said that he initiated the first alleged sexual encounter by kissing on Roberts' neck before taking off his clothes on the way into her bedroom.

On cross-examination by Berry, the witness testified that he could not recall the exact date of the first encounter.

Another witness for the prosecution was the victim's mother, who relayed to Peppers and the jury a conversation she had with Roberts regarding her son.

"(Roberts) asked me if they could date," the mother said.

During her testimony, Roberts said she never asked the mother that question.

One aspect missing from the case was any type of physical evidence, which special investigator Ronnie Mosby, a former member of the Glasgow Police Department who is now an investigator with the state's insurance fraud division, talked about on the stand.

Mosby testified that in April 2005, he received a report about the alleged sexual encounters and opened an investigation.

It was in this same month that Mosby said he interviewed the boy, although he never took him for an exam by a medical professional.

"In April of '05, there would have been no physical evidence to collect," Mosby said. "In a period, I believe, within 72 hours, most physical evidence is lost from a rape victim and it would have been pointless to conduct an examination of the child."

During his closing remarks, Berry referred to the case as a "'he said, she said' situation. It's a classic one."

Peppers told the jury questions she had asked during the selection process, which was would they need physical evidence.

"I asked if you could listen to the testimony of everyone and it's up to you to decide how you weigh that testimony," she said. "I don't think this boy, however, can get up in front of all of you and talk about a time that he had sex unless it happened."

Berry expressed his appreciation for the jury's decision following Thursday's proceedings.

"We're very pleased with it," he said. "We felt like that the Commonwealth's evidence in this case just did not meet the burden of proof that you would have to prove somebody guilty of a felony.

"We were real happy that the jury took the evidence very seriously and listened to it and considered it seriously and, we felt like, returned with the correct verdict."

"Juries always take their jobs really seriously and I think that they went back and they deliberated and they came back with what they felt was the right verdict," Peppers said.

Roberts is due back in court on May 21 at 10 a.m. for a status hearing on a second case where she is again charged with third-degree rape.

Court documents again allege that Roberts had sexual intercourse with a victim younger than 16 between March and April of 2005.

The two cases were originally set to go to trial at the same time, but Peppers filed a motion requesting a sample of the defendant's DNA to compare with DNA in the second victim's under clothing.

Peppers said after Thursday's trial they were still awaiting the results of that test.

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