



The Berkshire Eagle

Man acquitted of rape

Posted Thursday, November 16, 2006 4:28 am

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PITTSFIELD — A Berkshire Superior Court jury has acquitted a 40-year-old Pittsfield man who was accused of sexually assaulting a 29-year-old woman on the ride home from her 27th birthday celebration in Springfield.

Raymond A. Morton was found not guilty of one count of rape on Monday afternoon after a jury deliberated for about four hours over a two-day period.

This is Morton's second trial stemming from the rape allegation. In July, a jury also acquitted him of one count of rape, and deadlocked on a second charge, prompting Judge John A. Agostini to declare a mistrial. The district attorney's office decided to retry Morton on the remaining rape charge.

Morton has maintained that he had engaged in consensual sex with the woman during the early hours of Jan. 25, 2004.

The woman, who lives in Pittsfield with her three children, alleged that Morton assaulted while she was highly intoxicated and sitting with him in the back seat of her minivan. Her best friend, Heather Baxter, was driving them home from the woman's birthday celebration at the Hippodrome Club in Springfield. Another Pittsfield man, Todd Carlos, was also sitting in the front seat.

The three-day trial began last Wednesday and culminated Friday with closing arguments.

Public defender Nathaniel K. Green argued that the case evolved from the breakup of a five-year friendship between the woman and Baxter, who was also friends with Morton. Green explained "a series of events" from Jan. 24 to Jan. 25 in 2004 led the woman to falsely accuse Morton of rape.

Green questioned the woman's credibility, saying Baxter would have come to her friend's aid if she had been assaulted in the minivan.

Assistant District Attorney Robert W. Kinzer III countered that Morton took advantage of the woman, who could not fight back in her drunken state.

Kinzer also alleged that Baxter had betrayed her friend that night. According to Kinzer, Baxter was jealous of attention her friend received at the club, where friends had gathered for her birthday.

Baxter and Carlos also testified for the defense's case, saying that the rape never took place.

Carlos said he saw the woman snuggling with Morton under a blanket on the ride home before he fell asleep.

Baxter, now of Brandon, Fla., and Carlos, of Pittsfield, each faced one count of being an accessory after the fact of rape in connection with this case, but their charges will likely be dismissed as a result of the jury's verdict.

Morton, a Pittsfield contractor, also has charges pending in Superior Court for allegedly defrauding a Dalton couple out of money for a home-remodeling project between April and Sept. 20 in 2005.

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