

Rape case thrown out

by Staff Writers and AAP

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RALEIGH farmer David Green has walked from a New York court a free man after a jury took just five hours of deliberations to acquit him of rape allegations.

Mr Green, 29, was on trial accused of drugging and raping a woman during a wild night of drinking and partying in Manhattan in 2005.

Found not guilty after spending 18 months in New York's infamous Riker's Island jail awaiting trial, he had one simple request.

"I want a steak and a beer," an emotional Mr Green told the *New York Post* while surrounded by family and friends who flew in from Australia to support him.

Long Island speech pathologist Elizabeth Roarke pressed rape charges against Mr Green, alleging the incident took place in 2005 at the Affinia Hotel.

Mr Green plans to hit back hard at the 28-year-old, filing a \$US1 million civil lawsuit against her.

"We are filing a lawsuit against the complainant in the case for \$1 million basically because she filed false charges against my client and he spent 18 months in jail because of it," Mr Green's lawyer, Ron Fischetti, told AAP.

"The time has stopped for women to make false claims of rape and then walk away without any deterrent."

Roarke had claimed that Green picked her up after a night of drinking, and must have drugged her; she woke up in a daze in the middle of the night, and "there was a man on top of me, having sex with me, in and out of me."

But no trace of drugs was found in her urine when tested five hours after she'd claimed to have drunk a tampered beer.

Moreover, her credibility was undermined by the fact she admitted to having six or seven drinks that night, and had begun therapy in the months prior for her use of alcohol, ecstasy, pot and cocaine

Mr Green faced a 25-year jail sentence.

The 12-member New York jury, however, did not buy the woman's story that Mr Green raped her.

Mr Green and three friends were bar-hopping in Manhattan on August 15, 2005, when they bumped into the woman and her female friend.

The two groups returned to Mr Green's hotel suite where they continued drinking.

On Monday Mr Green took to the witness stand and told the jury the woman performed a consensual sex act on him, but they did not have intercourse.

Last week the woman told a different story, testifying how she blacked out after consuming a large quantity of alcohol and woke up on a bed in the suite where Mr Green was having sex with her.

“The jury obviously didn't believe the complainant or her friend,” Mr Fischetti said.

“We spoke to the jurors afterward and that's why they acquitted him.

“They said it was just a false story.”

Soon after he was charged with rape in 2005, Mr Green jumped bail and fled to Australia where he ran his father's farm at Raleigh, near Coffs Harbour, for three and half years.

It was not until he applied for an Australian passport in 2009 that Australian and US authorities were alerted he was a fugitive and he was arrested and taken back to New York.

“I was 24-years-old, I was terrified, I panicked,” Mr Green said explaining why he skipped bail.

“I was facing substantial jail time for a crime I didn't commit.”

Mr Green still may face jail time as the jury convicted him of a reckless endangerment charge for throwing bottles, plates and cups off the balcony of his 26th floor hotel suite during the drunken night.

The nephew of Sirius satellite radio executive James Meyer, he faces up to seven years for tossing the beer bottles, which was caught on video by his friends, but his lawyers hope time served is taken into account.

<https://www.coffscoastadvocate.com.au/news/rape-case-thrown-out/725975/>