

# THE MORNING CALL

## **Shredded evidence kills rape case \*\*D.A.: Kutztown U. police action could only be 'stupidity.'**

By **Andrew C. Martel Of The Morning Call**  
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Rape charges against a former Kutztown University wrestler were dropped Wednesday after the Berks County prosecutor said that destroyed evidence had compromised his case.

District Attorney John Adams said the motion to dismiss charges against James Vanderbeek, 20, of Telford was filed after his office learned that a Kutztown University police officer shredded a statement Vanderbeek had written after a student accused him of raping her in her on-campus apartment on March 24.

Adams said he did not not think the police intentionally destroyed the evidence.

"I think it was stupidity," Adams said. "I don't think there's any explanation that I'll buy at all."

The district attorney's office conducted its own investigation into the accusations, but the woman refused to cooperate, Adams said. That, coupled with the destroyed evidence, made it impossible to bring a case against Vanderbeek, Adams said.

Adams said there were other reasons he decided to drop the charges against Vanderbeek, but he would not elaborate on them. He also declined to say whether he believed a crime occurred.

The accuser understood and accepted that the charges would be dropped, Adams said.

Vanderbeek, a 2007 graduate of Souderton High School, had been charged with rape and aggravated indecent assault charges, and the addition of a sexual assault charge. He was facing a maximum of 20 years in prison and a \$25,000 fine.

He had been accused of raping the student after she had signed him into her apartment to work on a class project. University police arrested Vanderbeek early on March 25.

The arresting officer told Vanderbeek to write out his version of what happened the night before. But when Vanderbeek handed the officer a two-page statement, the officer shredded it and told him to write something shorter.

The state police have also begun an investigation into the university police and the shredding of the statement, Adams said.

Adams said that he has heard that the Kutztown University police have since changed its procedures for handling criminal cases. But university spokesman Matt Santos said he had no comment.

Vanderbeek's attorney said her client was happy to hear that the charges were dropped.

"This is justice for James Vanderbeek," Maureen Coggins said. "He's been saying that he's been innocent from day one."

Vanderbeek has left Kutztown University and is currently enrolled part time at another college, Coggins said. His accuser has also left the university.

andrew.martel@mcall.com

610-820-6527

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