



Judge Dismisses Case after Alleged Victim Admits She Falsely Accused Ex-Boyfriend of Rape

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By Angela Patel

RIVERSIDE, CA – In a case from a year ago August, a defendant’s ex-girlfriend initially told the police that the defendant had raped her.

But at the preliminary hearing here in Riverside County Superior Court Tuesday, she admitted she had lied.

Judge Dean Benjamini heard testimony from the alleged victim and the arresting officer, and dismissed all charges. (Note: The Vanguard is not including the defendant’s name since his charges were dismissed).

The alleged victim called the police the morning after she claimed her ex-boyfriend had raped her.

At the time, she told the police she had lain in bed with him after he had fallen asleep but denied his request to cuddle with her, at which point he got on top of her and began touching her and having sex with her without her consent.

According to the police report, she told the defendant “no” multiple times and even bit and scratched him on the back. She told the police that he had “done this before,” and that she had left the bite mark and the scratch mark in order to have proof that he had raped her.

The arresting officer, Emmanuel Arista, confirmed the alleged victim’s initial statement.

However, the defendant’s ex-girlfriend came to court this week to testify that she had lied to the police and falsely accused the defendant of raping her.

She said that she and the defendant had consensual sexual intercourse on the night of Aug. 14, but that she had called the police and accused him of rape because she was angry with him.

According to her, the defendant had been planning on getting a restraining order because she had destroyed his property, including his television set.

“When I calmed down,” the alleged victim stated, “I realized what I had falsely accused him of.”

When Deputy District Attorney Shea Strand asked the alleged victim at what point she had calmed down, she said: “I calmed down real quick when I saw him in handcuffs.”

While seeing the defendant get arrested, Officer Arista confirmed the ex-girlfriend's claim that she had told the officer, "I didn't think it would go this far."

According to the alleged victim, she had been trying to contact authorities to get the charges dropped as soon as the arrest occurred. She visited the Desert Hot Springs Police Department and went to the District Attorney's office, where she said "no one was able to help her."

In October 2020, she met with the defendant and defense attorney Christopher DeSalva in order to craft a statement admitting that her accusation was false and that the charges should be dismissed.

Prosecutor Strand attempted to argue that the alleged victim had not made enough of an attempt to tell the authorities that her accusation was untrue.

"Why did it take until October to give a different story?" Strand asked the witness, who responded that she was confused, didn't know what to do, and had tried to contact people but couldn't get a response.

DDA Strand continued to point out small semantic inconsistencies in the witness's statements and wording, causing the witness to become increasingly confused.

The prosecutor said that the alleged victim's testimony had been inconsistent because she had been unable to remember the date of the incident and the last time she had had consensual sex with the defendant.

The prosecutor also argued that there was no motive for the alleged victim to have consensual sex with the defendant, because they had been broken up and seeing other people at the time.

DDA Strand also noted the scratch and bite marks as evidence that the alleged victim had fought back against the rape, although the alleged victim testified that she had left the injuries in order to threaten her ex-boyfriend's other partners.

Defense attorney Christopher DeSalva argued that, although they were broken up, the defendant's ex-girlfriend said during her testimony that she "still liked to have sex with him."

He noted that people can have multiple partners, and the fact that they weren't in a romantic relationship did not mean there was no motive for consensual sex.

“There is no question,” DeSalva said, “based on the testimony in today’s preliminary hearing under oath, based on the declaration that this young woman signed, that there is no jury that is reasonable that could find [the defendant] guilty beyond a reasonable doubt.”

Judge Benjamini agreed with the defense. The alleged victim was “confused” rather than inconsistent, he said, contrary to what the prosecution had argued.

Judge Benjamini also stated that there was nothing improbable to him about the alleged victim wanting to have sex with the defendant even after they were broken up. He believed her story about trying to contact the authorities to get the charges dropped.

Ultimately, the defendant was discharged and the case was dismissed.

<https://www.davisvanguard.org/2021/07/judge-dismisses-case-after-alleged-victim-admits-she-falsely-accused-ex-boyfriend-of-rape/>