

Jury acquits barber accused of raping 11-year-old girl

Mar 19, 2023



Nikita Braxton-Benjamin

A barber who was accused of raping an 11-year-old girl in 2009 was acquitted by a jury on Thursday.

Damian Garcia was found not guilty at the end of a trial before Justice Lisa Ramsumair-Hinds at the O'Meara Judicial Centre.



The San Fernando Supreme Court

It was his defence that on December 14, 2009, when the alleged incident occurred, he, as a barber who did house calls on Mondays to Thursdays, would leave for work in the morning and return in the evening.

Given that the alleged incident happened on a Monday at midday, Garcia said he would not have been at the house at that time.

Garcia suggested that the rape claim was fabricated to get him out of the house.

Back then, he was 31 years old.

Garcia testified that he had regular disputes with the girl's aunt, who lived upstairs, over maintenance of the house.

Garcia said there was an agreement that the electricity and water bills would be divided between the upstairs and downstairs occupants, and he refused to pay any other bills.

He said this led to the aunt being abusive towards him and demanding that he leave the house.

Garcia was represented by attorney Kevin Ratiram.

During the trial, which began on March 6, the main witness, who now lives in the US, testified via video link.

She gave evidence that in March 2009, her mother, who had been in the US receiving treatment for cancer, returned to Trinidad.

Both of them went to live with her sister and Garcia, the sister's boyfriend.

At that time, they lived in a two-bedroom apartment in a family home in Siparia.

In July, the mother passed away and the girl continued to live there. She further said that around midday on December 14, 2009, she was at home lying on her bed when Garcia entered the room, placed his hand over her mouth and took off both their undergarments.

She testified that the rape lasted for ten to 15 minutes or less, and during that time, she told him to stop and tried to push him off.

She said when he was finished, he told her not to tell anyone.

She cleaned herself and went to a friend's house a short distance away where she stayed until her sister returned home.

Lawyer: Claim unrealistic due to lack of injuries

Under cross-examination by Ratiram, the now 24-year-old said she did not tell the sister anything since the sister was pregnant for Garcia, and she didn't want to ruin things for her.

She also said under cross-examination that the act was very rough and painful.

On January 18, 2010, she told two friends and a teacher of the incident.

Insp Shelly-Ann Reid testified that after she received the report from the girl that same day, she took her to a doctor on January 25.

Reid also said that Garcia went to the police station in April 2010 and when told of the report made against him, he denied the allegation.

On a return visit to the station two months later, he was arrested and charged.

In his address to the jury, Ratiram said it was unrealistic that the alleged act, as described by the girl, could have occurred because of her lack of injuries.

After deliberating for two hours, the jury returned with a unanimous verdict of not guilty.

The State was represented by Norma Peters and Keisha Baptiste-Trotman.

https://trinidadexpress.com/news/local/jury-acquits-barber-accused-of-raping-11-year-old-girl/article_cbe40284-c5ff-11ed-bd91-fb15780d4f50.html