

One Culbreath Isles rape case goes to jury Series: Metro REPORT

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One of four juries began deliberating Wednesday in the trial of four men accused of breaking into a Culbreath Isles home and raping the woman who lived there while her teenage son was tied up in another room.

Each of the defendants has his own jury. The first jury is deciding the case of Kevin Thomas, who, like his co-defendants, is charged with nine crimes, including two counts of sexual battery, two counts of kidnapping, robbery, theft and conspiracy.

In a statement to police that was played for jurors, Thomas claimed that each of his three co-defendants assaulted the woman, but he didn't. The prosecution did not present any physical evidence that would prove Thomas raped the victim.

During closing arguments Wednesday, Thomas' lawyer, Brian Gonzalez, admitted his client was a robber and a burglar. He focused on instilling doubt in jurors' minds about whether Thomas participated in the rapes.

The victim testified that she did not see her attackers' faces during the April 21 assault. Gonzalez took issue with the woman's assertion that she could tell she was attacked by four different men because of the different sizes of their penises.

"Ladies and gentlemen, she can't do that," Gonzalez told the jurors.

In order to find any of the defendants guilty on the sexual battery charges, jurors must decide that they participated in the rape, knew the rape was going to occur or did something to make it happen.

Soon after receiving the judge's instructions, Thomas' jury asked for his statement to police to be replayed. After more deliberation, they were dismissed for the night without reaching a verdict.

The four juries sat together in the courtroom as prosecution evidence was presented. But only one jury at a time was in the courtroom during cross-examinations, defense evidence and closing arguments.

The other juries will rule on the cases against co-defendants Dennis W. Gonzalez and Rudy Barrientos, both 17, and Michael Long, 24. They could begin deliberating today.

Once all the verdicts are in, Circuit Judge Bob Mitcham will summon the four juries back to the courtroom, and their verdicts will be read aloud.

"I do not want to take a chance of any jury panel being tainted by anything any other jury panel may do," Mitcham said.
- PAUL HANSON

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