

## Teen recants rape accusation

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Charges against a Sandy woman accused of raping a then-16-year-old boy were dropped Monday after the alleged victim said he made up the story.

But there is still a dispute over what the DNA evidence collected in the case did or did not reveal.

The alleged incident happened in 2005. The woman was arrested in January of 2006. The Deseret Morning News did not print the woman's name when she was originally charged to protect the juveniles involved.

The teen, who was dating the woman's daughter, claimed the woman, now 54, drugged him and then had sex with him.

The incident allegedly went unreported until the teen's mother found a pair of underwear the boy had kept under his bed since the incident, according to police. The underwear was sent off for testing, and the woman's DNA was found on it, according to Sandy police.

On Monday, 3rd District Judge Royal Hansen agreed with a motion filed by the the Salt Lake District Attorney's Office to dismiss the case, and charges of rape and forcible sodomy were tossed out.

"The prosecutor filed for dismissal based on the recant of the victim," Deputy District Attorney Bob Stott said.

The teen said he made up the rape story because the girlfriend was going to move out of state with her mother, and he didn't want her to go.

But Sandy police are sticking by their physical evidence. They say the DNA testing pointed to the woman.

"We're still very confident with the charge we submitted to the DA's office," said Sandy Ppolice Sgt. Victor Quezada. "We're not changing our story on that. We're very confident it was his underwear we took to the DA's office, which was taken to the crime lab who found her DNA on his underwear."

The woman's attorney, Mark Moffat, however, disagrees.

"It doesn't match. My client is among a class of potential donors from that DNA. There's a whole host of issues with that DNA," he said. "It's not an exact match. The DNA is not a smoking gun in this case. The DNA is inconclusive."

If the DNA evidence had been conclusive, Moffat said he didn't believe the DA's office would have requested the case be dismissed.

Stott could not comment on the DNA evidence. He said because there's always a possibility that any case could be re-filed, it would be improper to talk about any evidence.

He noted, without speaking specifically about the Sandy incident, that generally in sex cases the testimony of the victim is very important.

Regardless of the DNA results, police were still deciding Tuesday whether to pursue charges against the teen and what those charges may be.

If police feel the teen is lying now to protect the woman, an obstruction of justice charge could be filed.

For his part, Moffat said his client had no interest in pursuing any charges against her accuser.

"She simply wants to move on with her life. She wants to put these allegations behind her, try to get on with things without the taint of these allegations."

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