

## West High teacher acquitted in student sex case

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West High School history teacher Jose Bernardo **Fanjul** has a reputation with his students for being outgoing, gregarious and tuned in. Fellow faculty members call him unconventional and innovative -- a risk-taker who "thinks outside the box." So maybe it was not surprising that after being acquitted Friday of having sex with a 16-year-old female student, **Fanjul** jokingly told news reporters that "a world tour with the Spice Girls" was next on his agenda.

But it would have been no laughing matter if **Fanjul**, 46, had been convicted of five counts each of first-degree felony forcible sodomy -- punishable by up to life in prison -- and five counts of second-degree felony forcible sexual abuse.

And despite the acquittal, his future as a teacher may still be in jeopardy.

At trial, West High School principal Margery Parker testified that the frequency of phone calls, e-mails and Internet chats between **Fanjul** and the girl would "raise red flags."

Phone records show **Fanjul** and the girl spoke from three to 12 times per day at one point, and some calls lasted more than an hour.

Parker also said she would have a "problem" with a teacher giving gifts to students. The girl claimed **Fanjul** gave her a ring, a football jersey sprayed with his cologne, and a dildo, among other things.

Furthermore, Parker said she did not know **Fanjul** was visiting the girl at her aunt's home as a Spanish language tutor. Parker said another teacher was assigned to be the girls' home school adviser after she left West High in May 2008.

Salt Lake City School District spokesman Jason Olsen said **Fanjul** remains on administrative leave without pay, as he has been since his arrest in September.

Olsen said he could not comment further because it is a personnel matter. "But because school ends Tuesday, I'm not guessing he will be back in the classroom this school year," Olsen said.

Instead of a jury, the trial's outcome was decided by 3rd District Judge Ann Boyden, who said Friday the evidence presented was "not sufficient" to prove the defendant's guilt.

Following the verdict, **Fanjul** hugged his attorneys, while his family and many of his supporters broke into tears. On the other side of the courtroom, the alleged victim -- sitting with her father, step-mother and step-sister -- appeared stunned, then began crying quietly.

The girl had testified in graphic detail about sexual encounters with **Fanjul** in his classroom, the school elevator, at his home, in his car, at the home of the girl's aunt and in a movie theater.

Defense attorney Kenneth Brown scoffed at the girl's claim of having sexual encounters with **Fanjul** on almost a daily basis in the school elevator and in **Fanjul**'s classroom. A number of students testified that even at lunchtime, during **Fanjul**'s free period and after school, his classroom was always occupied by a handful of students.

But prosecutor Cristine Ortega said the frequency of phone calls, e-mails and Internet chats between the two proved they had "something more than a teacher/student relationship."

Ortega said that during Internet chats from last July and August, **Fanjul** wrote, "How are you, my favorite girl?" "Love you tons" and "I want to see you."

The defense countered that there was no DNA evidence, fingerprints or eye witness to prove sex acts had occurred.

Brown told the judge during his closing argument: "It's almost beyond comprehension that the state has asked you to convict this man on the word of an admitted perjurer."

Brown was referring to the fact that the girl lied in court to protect a prior lover, 51-year-old West High guidance counselor Marco Herrera. During a 2007 preliminary hearing, the girl denied having a sexual relationship with Herrera. But Herrera later pleaded guilty to three second-degree felony counts of forcible sexual abuse and was sentenced to consecutive one-to-15-year prison terms.

**Fanjul** did not testify in his own behalf. But his wife took the stand

Friday to cast doubt on the girl's story.

The girl claimed that after **Fanjul** gave her his car keys at a senior ball last May, she used the key to open the door, then got in and waited for **Fanjul** to arrive for a sexual tryst.

But Angela **Fanjul** testified that unless you hit a button on the key ring remote, the car alarm will sound when the key is inserted in the lock.

The girl also testified that on the same night, **Fanjul** called his wife to say he would be home late. Phones records show he did call home at 12:24 a.m.

But Angela **Fanjul** testified that her husband called her from the driveway of their home. She said they do not have a remote-control garage opener and that he phoned to ask her to open the garage door from the inside.

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