If You Are Charged With Rape, Call An Experienced Lawyer Today

As a former prosecutor, Ambrosio E. Rodriguez led the Sex Crimes Team.

Los Angeles Rape Crimes Lawyer
More than any other type of crime, rape crimes carry a societal stigma that never goes away. The punishment for violating a felony sex crime is often times harsher than the punishment for murder.

And even if the punishment is not a life sentence in prison, it is a life sentence of having to register a sexual offender every year pursuant to Penal Code section 290 and being basically excommunicated from society.

Unfortunately, most criminal defense attorneys do not have the experience and knowledge to protect and defend their clients in these types of cases. The only way to get that required experience and knowledge is by working at a District Attorney’s Office in the Sex Crimes Unit and to have put in the time so as to know exactly what happens in the course of an investigation, what is important, where the weak points are, how to stop an investigation, how to get a dismissal or a very favorable plea, and how to get a jury to vote not guilty.

An experienced and knowledgeable sex crimes criminal defense attorney will have a defense team that includes a private investigator, forensic medical experts, psychologists and polygraphers ready to stop the government and fight an accusation of rape. If you have been charged with rape, call The Rodriguez Law Group immediately for a free consultation.
California Rape Crimes Investigations

The term Rape/Sexual Assault encompasses all of the crimes that are covered in Penal Code Sections 220, 261, 261.5, 262, and 264.1. There is a misconception based on TV of what Rape/Sexual Assault cases are really like. Since they are usually portrayed as a stranger jumping out of the bushes that proceeds to rape a woman that he has been stalking, that is what most people think these cases are like. Nothing could be further from the truth.

As the former Trial Team Leader of the Sexual Assault and Child Abuse Unit at the DA’s Office and now as a criminal defense attorney, I can tell you that almost all Rape/Sexual Assault cases involve people that know each other who have had too much to drink and in the morning after she gets what is often refer to as “buyer’s remorse,” she will make an accusation of Rape. In other words, she (I’ll refer to her as Jane Doe from now on) regrets having slept with whomever she slept with and in order to make it not have happened, she accuses him of Rape. And then once the police are called everything changes and your life becomes a nightmare.

Once the police are called there will be two types of officers that arrive on the scene. First there will be patrol officers that will take a preliminary report and then they will call a detective that specializes in sex crimes. Either the detective or the patrol officers will take Jane Doe to a local hospital in order to have a forensic nurse that specializes in sexual assault to perform a “S.A.R.T. (Sexual Assault Response Team) Exam.” The purpose of this exam is to try to find any physical findings (such as marks, lacerations, tares, bruising, etc…) either to Jane Doe’s body and/or genitelia. The forensic nurse will also take DNA swabs through out the woman’s body in order to find the accused man’s DNA on her.
While or after the forensic nurse conducts the SART Exam, the detective will begin the process of interviewing witnesses that were with either Jane Doe or the accused before or after the alleged rape. Almost without exception, the detective will only turn their attention to the accused after he has spoken to all of the relevant witnesses. Many times the detective will use Jane Doe to work for him through the use of what is called a pretext phone call.

**Pretext Phone Call During Rape Investigations**

The pretext phone call is the most commonly used tool by detectives in rape cases, because it works so well. What almost always happens in these pretext phone calls is that Jane Doe will make allegations that the accused over stepped his boundaries and that she never gave consent or that she was too drunk to have given consent. The psychology of the pretext phone call is such that the accused will apologize and try to comfort Jane Doe. At that moment the police have what they need.

Following the pretext phone call, the detective will contact the accused and ask him to just come into the station “so that we can get your side of the story and get all of this straightened out.” They will act as your best friend and assure you that this can all be taken care of in an afternoon without a lawyer.

That is a lie and you are being set up because once you go into that police station you will come out in shackles and in a jumpsuit accused of rape and look at minimum prison sentence of 3 years and a lifetime registration as a violent sexual offender pursuant to Penal Code section 290. Never go into a police station while under investigation without your attorney. Period. There are no exceptions to this rule.
Once inside the police station the most likely scenario goes like this: the accused will deny any sexual contact with Jane Doe; the pretext phone call will be played for the accused; the accused will be caught in a lie and become nervous and confused and psychologically played by the detective; the accused will admit to things that never happened in order to appease someone they think is a friend. Meanwhile the detective is taping the entire conversation and all of those words that come out of the accused’s mouth will be twisted and used to build a case against him. A case that now has to be fought and won in a court of law.

**Polygraph Exams During Rape Investigations**

Another tactic that law enforcement will often attempt (specially if the pretext phone call did not work) is to suggest that the accused “clear his name” by taking a lie detector or polygraph test. A polygraph will not “clear your name.”

- First of all, at this point the accused does not have to clear his name, because all there is an accusation and an investigation.
- Second of all, there is no upside to taking the test because the results are not admissible in court. That means that the jury will never hear the results. Polygraphs are a tool used by the police to get a confession. Unfortunately, too often those confessions are false.
- Third of all, any one who is the focus of a criminal investigation and specially something like Rape, does not have the focus to clear his name; that’s what criminal defense attorneys are for. And finally, by going into that polygraph test the only thing that will happen is that the accused will be told that he failed or that the results were inconclusive. Afterwards, the detective will re-interrogate the accused and get him to say things that are untrue or inaccurate and that will incriminate and potentially convict him.
If you are accused of rape or are being investigated of rape, do not wait until you are officially charged and arrested to hire an attorney. The right attorney can stop the investigation and actually “clear your name.” The right attorney, with the right experience can end the nightmare by stopping the investigation so that charges are not filed.

In the unfortunate event that charges have already been filed then it is time to begin to prepare an aggressive defense that will include everything from interviewing witnesses to consulting with forensic medical experts and a full investigation into Jane Doe.

https://www.aerlawgroup.com/rape.html