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Not Guilty Verdict in Rape Trial

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DELHI — It took a jury approximately one hour and five minutes determine the innocence of a former SUNY Delhi college student who was accused of raping a fellow student in 2009.

Six men and six women heard conflicting testimony from a variety of witnesses over the course of four days, including the female student's recitation of the events of the early morning hours of Sept. 11, 2009.

Upon direct examination by District Attorney Richard D. Northrup Jr., the female student said that she left her dorm room on campus to smoke a cigarette, when she tripped and fell down stairs and skinned her knee. She admitted that she had been to a party earlier that night where she consumed "about four beers."

She said that although she had been drinking, that she was not intoxicated.

It was about the events after she exited the building to smoke, that the stories began to conflict.

She said she was approached by Darwyn Lynch, who told her his name was "James," and he asked her to walk back to his room to retrieve his keys. She testified that she sat on the edge of his bed when she noticed Lynch's roommate Edy Toussaint was staring at her, which she said made her feel uncomfortable.

The intimate sexual details of what occurred next vastly differed from Lynch's claims. She said that Lynch sexually assaulted her, by first forcing her to perform oral sex on him, while Toussaint held her down, and then Lynch forcibly engaged in sexual intercourse with her. She also testified that the pair blocked her exit from the room when she tried to flee.

When asked by Northrup whether she was telling the truth while under oath, the female student replied, "I am telling you my truth."

However, on cross examination by Lynch's attorney, Matthew Galluzzo of New York City, the female student admitted that she kept her eyes closed the entire time she was being touched, and could not identify which of the two was touching her. "I was paralyzed with fear," she testified. "I didn't know what the correct response was." She also admitted under cross examination that she told three different people three different reasons why she went to the room.

Lynch never denied having sexual contact with the female student. He maintained throughout the trial that the sexual contact was consensual.

Kimberly Guernsey, a nurse who performed a “rape exam” on the female student the night of the incident, testified that, although it is protocol, she did not take photographs of the student during the exam. Guernsey also testified that her observation of the vaginal abrasions were consistent with both “people who have forcible intercourse or consensual sex.”

The arresting officer, State University Police Officer Bruce Brown, said that the female student gave two different written statements, a couple of days apart, regarding the events that evening. In the first statement, Brown testified that the female student said the reason she went to Lynch’s room that night was because “Lynch offered to look at her knee.” In the second statement, given two days later, Brown said the female student told him she went to Lynch’s room with him to retrieve keys.

Another witness called by Northrup was Lynch’s roommate at the time, Edy Toussaint. Toussaint and Lynch were both indicted by a Delaware County grand jury in 2010 for charges of first-degree rape, first-degree criminal sexual act, first degree sexual abuse and unlawful imprisonment, nearly a year after the incident occurred.

Toussaint entered into a plea and cooperation agreement with the Delaware County district attorney’s office in 2011, wherein he agreed to testify against Lynch in exchange for a lesser charge that carried a more lenient sentence. Toussaint was sentenced to 60 days in jail and three years of probation.

Toussaint testified last Thursday that neither he nor Lynch prevented the woman from leaving their dorm room that night. He also said in court that by testifying truthfully at trial that he had fulfilled the requirements of the plea and cooperation agreement that he signed.

In his closing argument Galluzzo told the jury, “There is one type of rape that has no injuries whatsoever, and that is a false rape. And that is what happened here.”

Galluzzo told the jury that the real reason the female student went to Lynch’s room that night was to “have a college hook-up.” He then told the jury that the woman felt disrespected because, “She was lied to and humiliated in front of her friends, so of course she is going to exaggerate a story about how she was raped.”

Lynch’s attorney also said that providing the female student with a fake name was an immature thing to do, he said, “But it doesn’t make you a rapist.” The attorney also criticized State University Police Chief Perri DeFreece. “DeFreece completely bungled this case with a half-hearted lame investigation. He took one statement and that’s it,” Galluzzo said.

The jury acquitted Lynch of all of the charges.

As the jury announced the not-guilty verdict, Lynch fell to the court room floor sobbing. After the verdict was announced, Lynch’s mother Carmeta said she would like her son to speak at college orientations to tell students how this can possibly happen to them. “A lot of young men are in jail for this,” Carmeta Lynch said. She said the four-year ordeal has been financially and emotionally draining for her entire family.

In a statement to The Walton Reporter, Galluzzo said, "I am grateful to the jurors for their wisdom in recognizing the truth. Darwyn and I are elated that this ordeal is finally over."