

PPD DR 86-147145.

Susp. Samuel Villegas Lopez
Vict. Cecelia Rodriguez

Sex Asslt allegation

Reason for turnaround - no reasonable likelihood of conviction

① Victim's rendition of what occurred is not supported by physician's examination:

(a) Physician's examination concludes everything looked normal, except for wad of tissue in victim's vagina; victim did not know how it got there.

No findings by physician indicating sexual assault.

(b) Victim's assertion that suspect ~~choked~~ choked her twice is not corroborated by physician's report.

② Victim's credibility is impeachable:

(a) Victim dated suspect on one occasion approx one month previously and had voluntary sexual intercourse. Afterwards, she infers that she wanted to avoid him. This is inconsistent with her voluntarily going to party to drink with him and then voluntarily going to store to get more beer.

(b) Victim became intoxicated - admits she drank at least 8 beers in company of victim.

(c) Victim I.D. pants that suspect was wearing as hers. Susp is 150 lbs and vict is 115 lbs.