

State of New York v. Vince Edwards

Defendant Vince Edwards has been charged with Rape in the First Degree

Witnesses for the Prosecution

Jean Allen, victim
Susan Nicola, the victim's mother
Lee Goodbody, doctor
Lt. Chris Walsh, Rochester Police Department
Ann Marshall

Witnesses for the Defense

Vince Edwards, Defendant
Carl Petrus, graphic artist
Terry Lowe, -Bartender- Pranks Night Club

§ 130.35 Rape in the first degree
A person is guilty of rape in the first degree when he engages in sexual intercourse with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old.

Rape in the first degree is a class B felony.
L. 1965, c. 1030.

“Sexual intercourse” has its ordinary meaning and occurs upon any penetration, however slight.

“Physically helpless” means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

“Forcible compulsion” means to compel by either:

- a. use of a physical force; or
- b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

STATE V. EDWARDS

PROSECUTION

OPENING STATEMENT

CLOSING STATEMENT

WITNESSES

ANN MARSHALL

SUE NICOLA

LT. CHRIS WALSH

DR. LEE GOODBODY

JEAN ALLEN

ATTORNEY DIRECTS

CROSS EXAMS OF....

TERRY LOWE

CARL PETRUS

VINCE EDWARDS

STATE V. EDWARDS

DEFENSE

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LT. CHRIS WALSH

DR. LEE GOODBODY

JEAN ALLEN

WITNESS STATEMENT

JEAN ALLEN, being duly sworn, deposes and says:

My full name is Jean Allen. I am 23 years old and live at the Goldengate Apartments, NO. 25 B, 7700 Fairport Road in Fairport, New York. I live with my two year old son and I am currently separated from my husband and awaiting finalization of my divorce. I work as a secretary at Kodak Park in Rochester.

On Friday August 10, 1990 I joined three female friends for dinner at Oscar's Restaurant on Monroe Avenue in Rochester. We met after work at about 6 o'clock and stayed at the restaurant until about 8:30 PM. As things were breaking up my friend Ann Marshall and I decided to go to Prank's Nightclub on Alexander Street. My mother was at my apartment watching my son. When she baby-sits she usually spends the night, so I was in no hurry to get right home. Because Ann and I had each driven our cars we agreed to each drive to Prank's and meet there.

I guess we got into Prank's a little before 9 PM. About 9:30 two men walked up to us. Ann appeared to know one of them- Vince Edwards. His companion was Carl Petrus. Ann took me aside and told me she had met Vince about 3 months earlier and that they had gone out a few times, but that it was nothing serious. The four of us socialized until about 10.30. At that time, Carl said that he had to leave and I think he made some arrangement to meet up with Vince later in the evening.

Around 11 PM Vince suggested that we go to a new club on Liberty Pole Way called Heaven. He explained that it had an amazing light and sound system and was really worth seeing. I guess I was curious to see this club, everybody had been talking about it. He also explained that he had ridden with Carl and that he could use a lift anyway. But I made it clear to Ann that since Vince was her friend she could drive him.

I drove my car to Heaven and Vince rode with Ann. I followed her car since I'm a little unfamiliar with that part of downtown. We got into the club around 11:30 after a brief wait in line. The three of us stayed at the club until around 12:45. At that point, Ann said she was getting tired and felt like going. Vince's friend Carl still hadn't showed up but he said not to worry about it. It was getting sort of late for me and I was ready to go home too. Vince offered to walk us to our cars.

Ann had to be up early Saturday and she took right off, leaving Vince to walk me to my car. As we got to my car Vince confided that he had been through a rough divorce a year earlier and that his ex was keeping him from seeing his son. He seemed to be really hurting and I guess we drifted into a conversation about divorce, kids, and relationships gone bad.

It was probably about 1:30 and Carl still hadn't shown up. Vince asked if I might drive him to his place across the river in a new loft apartment development over near the Kodak office building. I hesitated for a few moments but then agreed. I said, "I'm just giving you a ride as a friend, Ann's friend you know, nothing else." I said that

because I didn't want him to get any ideas. He got into my car, a 1985 Toyota Tercel and he directed me toward his apartment.

We got there in about 15 minutes. I'm not sure exactly where it was except that it was near the bridge at the Genesee Falls a few blocks from Kodak office and WXXI TV. When we got there I realized that this was a pretty isolated area. At this point I remember feeling like a fool for driving him. I just wanted to say goodnight and get out of there.

I said good night and waited a moment for him to get out of the car. Suddenly he looked at me with this strange look and said "I think you should relax, shut the car off and come upstairs." I was shocked, the look on his face was suddenly different.

I said I had to go, but he was even more insistent. I tried to fool him by saying that I was being followed by my husband who was trying to take my son from me. I didn't know what to do, it was all happening so fast. I gunned the engine thinking I could drive off. But he quickly pulled the keys out of the ignition, got out of the car, ran around the car, and yanked open my door. He glared at me and said "Let's go honey, you know why you came here with me."

I hit the horn, but he grabbed my wrist digging in with his nails and pulled my hand off the wheel. He said "Cut the shit, nobody's going to hear you. Besides I've got some plans for us."

I was paralyzed with fear, I felt defenseless. He glared at me and tightened his grip on my wrist and yanked me out of the car. He pulled me by both wrists toward the door of a nearby building. When we got to the door I grabbed a hold of the door jam and screamed. It seemed to only make him stronger. He tore my hand from its grip on the jam. I kicked at him but he just became more powerful.

He dragged me up the stairs and pushed open a door which led into a large loft. He tossed me onto a bed and said "get ready bitch, we're going to make a video". It was then that I noticed a large studio filled with photo and video equipment, and a video camera on a tripod aimed at the bed. I looked around the room for a telephone but did not see one.

He said "you better put out honey, so no one gets hurt." I kept begging him to leave me alone. I told him that there were plenty of girls he could have. Then I saw a look in his eye that made me think he might try to kill me. I said, "if I do what you ask, will you let me go?" He didn't say a word instead he put his hand to my throat and began to squeeze it tightly. As he did this he undid my blouse and bra. He loosened his grip for a moment to remove my panties and hike up my skirt. He tore open his pants and then raped me.

When it was over he said I could go but if I told anyone he would deny it or worse yet, come after me. I was desperate to get out of there so I told him that we could maybe see each other again. I didn't mean it, but I just wanted to run. He handed me my keys and I ran out the door to my car. I drove off in a daze. I have no idea what time

it was. As I drove home I thought how stupid I was to give him a ride and wondered if he would have killed me. I was crying so hard I couldn't see.

I got home around 4 AM. I walked straight through the living room to the bath. I stripped off my clothes and sat in the shower sobbing. I wanted to wash his filth off me.

My mother kept knocking at the door yelling at me about being out so late. I couldn't believe she would yell at me in my condition. Finally I let her in. She kept after me until I told her what happened. I begged her not to tell anyone, but she screamed "I'll get that bastard" and ran out of the bath and called the police. In a short while a police officer came to the house. The cop asked some questions and drove me and my mother to the hospital where I was examined.

I HAVE READ THE FOREGOING STATEMENT AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

JEAN ALLEN

THOMAS RIVERA
Notary Public

Sworn to before me on _____

WITNESS STATEMENT

Susan Nicola, being duly sworn, deposes and says:

My name is Susan Nicola. I am widowed and living at 245 Yorkshire Road in Rochester. I am 57 years old and recently retired from Kodak. I am Jean Allen's mother.

On the evening of August 10, 1990 I picked up my grandson from his daycare center and brought him to my daughter's apartment in Fairport. I fed the boy and put him to bed at his usual bedtime. About 9 PM after a few chores, I settled in to watch TV. I expected Jean home around 11 PM. She sometimes doesn't come home until later, but she calls to let me know she'll be late. By 1 AM I figured that because it was Friday night she'd be very late. I think I fell asleep in front of the TV about 2 AM.

Next thing I know I was awakened by her key at the door. Before I sat up, I saw her rush by me into the bath. I glanced at the clock and saw the time 3:30 AM. I guess I lost my temper and started to yell at her through the bathroom door about "her running around late at night, being inconsiderate of me and neglectful of her little son." I'm sorry I said those things now, but I was angry and tired and I had no idea what had happened to her.

Finally she let me into the bath and immediately I knew something was very wrong. She had collapsed on the floor and had this terrified and dazed look on her face. At first it was as if she didn't know who I was or where she was. Her clothes were flung all over the room and she just sat there tearing at her blouse. She looked terrible, she had marks on her wrist and neck. She looked like she had been choked.

Finally she burst into tears and told me that she had just been raped and told me how it happened. She begged me not to tell anyone but I called the police anyway. Soon Officer Walsh came, gathered Jean and I and her clothing and took us to the hospital.

I HAVE READ THE FOREGOING STATEMENT AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

SUSAN NICOLA

THOMAS RIVERA
Notary Public

Sworn to before me on _____

The Vince Edwards Case

A Mock Trial by Peter Pappas - All characters and incidents are fictitious.

FACILITY NAME Strong Memorial Hospital

SUSPECTED SEXUAL ASSAULT REPORT FORM

(USE BALL POINT TO COMPLETE FORM)

PAGE 1 OF 2 PAGES

1. For female victims notify gynecologist on call.
2. For male victims: Notify medical physician on call; Use this form according to guidelines in *Suggested Policies and Procedures* notebook located in E.D.
3. For victims who are pre-puberty notify pediatrician on call.
4. If patient **CONSENTS**, call police.
5. If patient **CONSENTS**, call Rape Crisis Service or other support personnel.

CONSENT

I DO () DO NOT () authorize this hospital to supply laboratory specimens and copies of all medical reports pertinent to this examination to the police department and District Attorney's office having jurisdiction.

Patient signature _____ Date _____ Time _____ AM
PM

Witness signature & title _____ Address _____

Parent/Guardian signature _____ Address _____
(IF APPLICABLE)

PHYSICAL EXAMINATION

- Patient known to be pregnant?
YES
NO
- Date of last menses:
MO | DAY
08 | 05
- Coitus during present cycle?
YES
NO
MO | DAY
- Patient protected by contraceptive during previous consensual intercourse?
YES
NO
METHOD _____
- Patient protected by contraceptive during alleged assault?
YES
NO
METHOD _____
- Check if any of the following exams are indicated.
Oral Cavity
Anal Canal and Rectum
- Check if patient has done any of following since alleged assault.
Douched Defecated
Bathed Changed clothes
Urinated Cleansed mouth

Patient's description of assault (including time & date):
Patient states she was forced to submit to
sexual intercourse under threat of violence
at approximately 2 a.m. - (choking, pulling
and twisting on both wrists.)

MO DAY YR 2:00 AM
08 11 90 PM

Describe present emotional state of patient (Be non-judgmental).

trembling, speech halting at times, crying spells.

Describe all signs of physical trauma (bruises, lacerations, broken fingernails, etc.) and other remarkable appearance (e.g. torn clothing):

scratches/abrasions noted to surround both wrists, with redness and swelling on right wrist.

Two broken fingernails noted on right hand.

Four (4) linear ecchymatic areas, 3 cms. x .50 noted on left side of neck with an oval shape ecchymosis note on right side of neck - 1 cm. x .5 cm consistent with patient statement that assailant choked her.

PELVIC EXAM: Note size and development of female organs. (Drawings helpful). Note **ALL SIGNS OF TRAUMA**. Inspect cervix and vagina with **NON-LUBRICATED** speculum. Also include exam of oral and anal area, if indicated.

Vulva redness, swelling noted to labia, superficial
 abrasions noted on lateral walls of vagina bilaterally.

Vagina

Hymen

Cervix WNL
Fundus

Adnexa (L)
Oral area

(R)
Anal area

HOSPITAL COPY - White

POLICE COPY - Canary

POLICE COPY - Pink

WITNESS STATEMENT
LT. CHRIS WALSH

My name is LT. Chris Walsh. I live at 27 Willow Brook Lane in Brighton. I have been a Monroe County Sheriff for 10 years and assigned to the Sexual Offense Bureau for 3 years.

At approximately 5 AM on August 11, 1990, I responded to a call at 7700 Fairport Road, Fairport, NY. There I questioned Jean Allen who alleged she had been raped earlier in the morning by Vince Edwards. I observed her condition. She look terrible. She had abrasions on her wrist and neck. I gathered her clothing and transported her to Strong Memorial Hospital for a medical examination.

On August 11, I obtained a search warrant for Vince Edward's studio at 50 Browns Race Street. I conducted a search of the premises and an investigation of the alleged crime scene. On the door jam of the building, I found recently broken moldings and took samples of the moldings and paint to the police lab. The paint matched chips taken from under Ms. Allen's finger nails. In Mr. Edward's loft, I found a pair of woman's underpants that were later identified as belonging to Ms. Allen.

In Mr. Edward's apartment, I found blood and semen stains on the couch. Chemical analysis later showed the blood type B to be similar to the blood type of Ms. Allen. Analysis of the semen found it to be genetically matched to the defendant. My investigation of Mr. Edward's apartment also uncovered a torn portion of fabric similar to the fabric in the blouse recovered from Ms. Allen at her apartment.

LT. CHRIS WALSH

THOMAS RIVERA
Notary Public

Sworn to before me on _____

WITNESS STATEMENT

Ann Marshall, being duly sworn, deposes and says:

My name is Ann Marshall. I am 27 years old and I live at 423 Culver Road. I work as an engineer at Rochester Products. I am single and share a home with two roommates.

On the evening of August 10, 1990, I met 3 friends for dinner at Oscar's Restaurant on Monroe Avenue at about 6 PM. After dinner Jean Allen and I went to Prank's Nightclub. There we met Vince Edwards and Carl Petrus. I had never met Carl before but I had dated Vince briefly back in the spring of 1990.

Vince was a very charming man and quite successful as a photographer and a teacher at RIT. I remember going to his studio a few times. He had done a couple of photosessions with me. I think I initially fell for his "I can make you a model" routine, but I soon realized he was a real ladies man. I got the picture when I saw his female students from RIT hanging around. I told him that I didn't want to date him any more, and I guess he never missed me. You could say we parted as friends.

That night the four of us partied at Prank's for a few hours. At around 11:30, Carl said he had to leave for awhile. He agreed to meet us over at Heaven shortly. This left Vince without a ride to the club and I volunteered to drive him over. Jean had made it clear to me that she was uncomfortable driving him alone.

Jean, Vince and I stayed at Heaven until about 1 AM. It was getting late for me because I had to work Saturday morning. Vince walked me to my car and I drove home. I assumed that Vince would walk Jean to her car and then he would wait for Carl to return for a ride home. I was shocked the next morning when Jean's mother called me to tell me that Jean had been raped. I felt guilty for introducing her to Vince. I knew he had a reputation as a womanizer, but I didn't think he was a rapist.

I HAVE READ THE FOREGOING STATEMENT AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

ANN MARSHALL

THOMAS RIVERA
Notary Public

Sworn to before me on _____

WITNESS STATEMENT

VINCE EDWARDS, being duly sworn, deposes and says:

My name is Vince Edwards. I am 35 years old. I've taught photography at RIT for six years, and work as free-lance photographer out of my studio at 51 Brown's Race Way. The space also serves as my residence. I live one floor below my friend Carl Petrus.

I went to Prank's Nightclub with my friend Carl Petrus on the evening of August 10, 1990. Friday nights at Prank's are well-known as a single's night. It's a great place for meeting people, and its 2 for 1 drinks.

Around 9:30 I saw Ann Marshall. We had dated for a while this past spring. She had some thoughts about breaking into modeling. We did a few photoshoots, but quite frankly she doesn't have the makings of a model. Things got a little strained between us. She had wanted to get serious, I didn't. We slept together a few times, but that didn't help matters. We parted as "friends", but it was awkward. These things are usually easier to start than finish.

That night Ann and I seemed to forget about our past and get along well. She introduced me to her friend Jean Allen, and we hit it off right away. Ann made it a point to say that Jean had a little modeling experience and that I was a photographer. It gave Jean and I a place to start, and we hit it off right away. Ann came on to Carl, but from what I know of her, that's not too surprising.

The drinks were cheap that night and we all had a few rounds. Carl and Ann danced as did Jean and I. Both Jean and I are recently divorced and we talked a lot about our backgrounds, personal and professional lives. She seemed to be looking for a new relationship. Jean took a strong interest in my work and admitted that she had done a little modeling and was interested in getting some new photos done.

The girls said that they wanted to go to this new club called Heaven. It was no big deal to me, but they were anxious to go there. Carl had to leave to meet his girl friend, but he agreed to meet us over there later. Jean drove me over to the club and Ann took her car over. On the way I put my arm around Jean and she responded with a smile. When we got there we paused for a moment before getting out of the car. We almost kissed as we hesitated and looked in each others eyes. It was clearly a romantic connection that was developing.

At Heaven we all had a few drinks. Jean and I danced quite a bit. She's a very sexy dancer and knows it. Ann was getting frustrated because Carl hadn't shown up and she was starting to feel like a "third wheel". About 1 AM Ann said she wanted to go. That was fine with Jean and I. We walked her to her car and she took off. She was angry at Carl and felt "stood up."

A few minutes after Ann left, Carl showed up. He drove his car to where Jean and I were standing by her car. He figured I needed a ride to my studio. But Jean gave me a big hug and it was clear who would be taking me home.

Jean and I drove to my studio in her car. When we got there we sat in the car for a few minutes and talked. We kissed and I invited her up for a cup of coffee. She smiled and said she'd love to "see my loft". The neighborhood is just being redeveloped after years of abandonment. Some day soon it will be a major residential/ artistic center like SOHO in Manhattan but its still quite undeveloped.

The studio is really a large space in an old industrial building. It has both living and work space, a bathroom, kitchen and sleeping area. Once we got upstairs, I showed her around the place and we had a cup of coffee. We started kissing before long and things quickly got rather passionate. I pulled her down onto the bed and she joined me willingly. We kissed and petted for awhile. I excused myself to go use the bathroom down the hall. When I returned she was undressed and under the covers. She was quickly "making herself at home."

We made love twice. I admit things may have got a little frisky or rough in our lovemaking but she was very willing. I never struck her or threatened her or hurt her. If she says I choked her she must be talking about how I caressed her neck, that was no choke, I never choked her.

After we made love her mood suddenly changed. It was like she felt guilty about what she had done. She started crying and said "you guys are all alike you only want one thing from a woman." I tried to comfort her and tell her it wasn't like that with me. What started out as fun was quickly getting ugly. I was wondering how things could change so quickly, how I could end up in bed with this hysterical woman.

Later she calmed down. I said that we should get together again and asked for her phone number, but she wouldn't give it to me because of her marital problems. I walked her down to her car to make sure she got off safely. I went back up to my place and went to bed wondering why I always meet these types.

I was shocked to be confronted by a police officer with a search warrant the next day. I can't believe that she would offer me a ride home, willingly go to bed with me, then make up some story that I raped her.

I HAVE READ THE FOREGOING STATEMENT AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

VINCE EDWARDS

THOMAS RIVERA
Notary Public

Sworn to before me on _____

WITNESS STATEMENT

CARL PETRUS, being duly sworn, deposes and says:

My name is Carl Petrus. I work as a free-lance graphic designer from a combination studio/residential loft at 51 Brown's Race Way -Third Floor. I am 30 years old. I was a former student of Vince Edwards at RIT. I have known Vince for about 6 years. We each lease loft space in the same building. He's one floor below me. We have worked on many projects together over the last few years.

On the evening of August 10, 1990 I went out for dinner and drinks with Vince. At about 9:30 we met two women at Prank's Nightclub. One of the women, Ann Marshall, was a former lover of Vince's, but that evening he was "after" her friend Jean Allen.

Vince and Jean had quite a few drinks and danced endlessly. From the way she moved on the dance floor you could tell she really had the "hots for him." Ann and I drank and danced quite a bit ourselves. Ann and Vince seemed to have forgotten their affair of a few months ago.

I had to leave the club to go back to the studio to print out a few images for a project the next day. I told the three of them that I would try to meet them later at Heaven. I also told Ann that if I didn't get there by 1 A.M., she should give me a call. I gave her my phone number.

As it turned out, the computer program got all screwed up and I spent most of the night trying to get it right. I do remember that around 1:30 A.M. I was startled by a blast from a car horn in front of the building. It's pretty deserted around there so I went to the window to see what was up. I caught a glimpse of Vince and a woman I assumed to be Jean. I figured she was pretty drunk, because he practically had to carry her in. There was a commotion down below for a while, but I couldn't make out what was said because the stereo was turned up. Besides these old warehouse floors are pretty thick. I guess I fell asleep. The next thing I remember was a cop at the door asking me to come down to the station to make a statement.

I HAVE READ THE FOREGOING STATEMENT AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

CARL PETRUS

THOMAS RIVERA
Notary Public

Sworn to before me on _____

WITNESS STATEMENT

TERRY LOWE, being duly sworn, deposes and says:

My name is Terry Lowe. I am 32 years old and live at 1821 Winton road North. I work as a bartender at Prank's Nightclub.

On the evening of August 10, 1990 I was working at Prank's Nightclub. I had been working there about 3 years and was the head bartender at that time. It was a 2 for 1 night and the place was quite busy. On Friday nights it draws quite a singles crowd.

Around 8 P.M. two of my regulars arrived - Carl Petrus and Vince Edwards. They ordered their first round and gave me a good tip as usual. I said hello and we exchanged a few comments. You know in this business you got to work for your tips and take good care of your regulars.

Later I noticed that they had picked up a couple of attractive women and I served the four the first of a few rounds of drinks. At one point Vince asked me for a pack of matches and pointed out one of the women for me to check out. He joked that "he wouldn't be sleeping alone tonight."

When he went back to the woman I got a good look at her. She looked like Vince's type - short skirt, nice body, a real hot dancer. They danced for awhile but then I guess I lost track of where they were. Later, perhaps it was about 11 or 12 I notice Vince leaving with this woman. I remember thinking that Vince is amazing - he scores every time.

A few days later, a police officer came into the club to ask me a few questions. I identified a woman's picture he showed me as the woman Vince had picked up on the 10th. It was Jean Allen.

I HAVE READ THE FOREGOING STATEMENT AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

TERRY LOWE

THOMAS RIVERA
Notary Public

Sworn to before me on _____