

BOZEMAN DAILY CHRONICLE

Warren acquitted of rape charges

By By KELLYN BROWN, Chronicle Staff Writer

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Joshua Stephen Warren was found innocent of rape Tuesday evening, and after being incarcerated for more than 500 days was released from Gallatin County's jail.

Following the verdict, both Warren and the victim who had identified him as her assailant wept.

Warren's defense attorneys, Al Avignone and Christopher Williams embraced their client. Gallatin County Attorney Marty Lambert walked out of the courtroom with the victim and her family.

Later, in the hallway outside of District Court, Warren's defense team struggled to curb its emotions.

"We're simply ecstatic," Williams said.

Added Avignone, "When you experience an event like this, it's like a thing of joy."

Warren was not available for comment following the verdict, as his attorneys advised him not to speak to the media.

"But we are reviewing all our options," Avignone said. "And let's just say (Warren) spent one-and-a-half years in jail as an innocent man."

The five-man, seven-woman jury took six hours to unanimously agree on a verdict of not guilty on the rape charges. The jury also acquitted Warren of aggravated burglary and assault.

The verdict ended a bitterly contested seven-day trial, which included continued jawing between the prosecution and defense in an often tense courtroom.

Warren was arrested in April 2002, accused of breaking into a woman's home, choking her until she passed out and sexually assaulting her.

The victim, who was pregnant at the time, picked Warren out of a photo lineup that defense attorneys repeatedly criticized as suggestive. She then identified Warren in person. He subsequently spent 510 days in Gallatin County's jail awaiting trial.

The case essentially pitted an eyewitness account against physical evidence.

In the end, the jury sided with the defense's assertion that the lack of evidence proving Warren was at the crime scene trumped the victim's testimony.

"I feel very badly, because I let (the victim) down," Lambert said in his office following the trial. "That young woman is a hero and withstood 18 months of everything the legal system could throw at her."

But if asked to do it all over again, Lambert said he absolutely would.

"This community demands aggressive prosecution," Lambert said. "And as long as I'm here, that's the way it's going to be."

The verdict followed a morning of closing arguments, where Lambert focused on three factors: that the victim's testimony was believable; Warren's actions following the attack convict him; and the assailant didn't ejaculate.

"But, in order to convict the defendant you need to go no further than the victim's credible testimony," Lambert told the jury.

Defense attorney Christopher Williams countered by calling the case a tragedy, not only for the victim, but for Warren.

His argument also emphasized three points: that semen found on the sheets is not Warren's; there is no physical evidence to link his client to the attack; and the victim's eyewitness account was wrong.

"This is a case of government agencies rushing to judgment," Williams said.

The jury apparently agreed.