

Rape trial ends with not guilty verdict

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La Plata, MD - What Defense Attorney James Farmer called "The longest trial in the history of Charles County," ended in the early afternoon hours of Thursday, Dec. 17 when a Charles County Circuit Court jury delivered a not guilty verdict in the second-degree rape trial of Joseph Lawrence Higgs III, 23 of Newburg, before Judge Helen I. Harrington.

Farmer said it was one of the more lengthy cases of his 38 years representing clients.

The trial began last Tuesday, Dec. 8. It ended around 1:45 p.m. Dec. 17 when the jury—which was given the case Tuesday afternoon—finally rendered its verdict.

Charles County Assistant State's Attorneys Sarah K. Freeman and Constance B. Kopelman argued that the defendant took advantage of the 18-year-old victim after she passed out following a night of binge drinking Feb. 14, 2015.

The victim testified on the stand that she didn't remember anything other than waking up in bed with Higgs the next morning.

Higgs testified that the woman was French kissing him and coming onto him before she pulled down his pants and began performing oral sex.

His DNA was found on the woman's thong underwear the next morning, but what complicated matters is that the following day, the victim had consensual sex with her boyfriend multiple times. Although Higgs' DNA "could not be ruled out," ultimately, results were inconclusive as to whether his DNA was found in the woman's vagina.

Farmer argued that his client and his friend, Zack, were invited to the house of the victim's female friend, and the understanding was, that the four people would spend the night there.

"They go out, get drunk, and she wakes up the next morning saying I can't remember what happened," Farmer stated. "It was a formula for disaster from the very beginning.

"His whole life is at stake here today," he added. "His whole future is at stake. It's common sense," Farmer said. "The judge talked to you about common sense. When you apply common sense, it bears of what your verdict is going to be. The simple truth is, she had sex with somebody else and she didn't want her boyfriend to find out."

"The victim deserves to go to sleep passed out," Freeman argued in her closing arguments Tuesday. "She deserves to drink as much alcohol as she wants. She doesn't deserve to be raped while she was passed out."

While Farmer called the state's DNA evidence "the waste of a whole day," Freeman said, "DNA is found. That is a legal argument."

Freeman said that while Higgs denied on the stand that he paid someone \$500 to take an important test for him, she later produced a witness who testified that he had taken the test for the defendant and was paid to do it.

"He came in here and lied to your face," Freeman said.

"Admit what you can't deny and deny what you can't admit," she said, calling Higgs' action "a consciousness of guilt."

The jury deliberated for two days before rendering its verdict of not guilty on all counts, including second-degree rape, second-degree assault and sex offense second degree while mentally and physically incapacitated.

And while it may have felt like the longest trial, courthouse employees confirm that there have been cases that lasted two weeks in past years.

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