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Accused Novato molester acquitted of most charges

By Gary Klien

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An HIV-positive Novato man charged with having sex with a teenage boy was acquitted of most charges Tuesday after a two-week jury trial.

Donald Anthony Barrett, 52, was found not guilty on numerous charges of oral copulation with a minor, sodomy with a minor and sexual penetration with a foreign object.

Prosecutors had also charged Barrett with special allegations of committing the sex crimes while knowing he had the potentially fatal virus, which could have added additional prison time. But the special allegations were withheld from the jurors pending a verdict, and since they acquitted Barrett of the major sex crimes, the HIV issue was rendered moot.

The jury did find Barrett guilty of arranging to meet a minor for purposes of lewd and lascivious behavior. Barrett could face up to four years and four months in prison on the charge, although he could also receive probation.

After the verdict, Barrett's lawyer, Deputy Public Defender Michael Coffino, asked Judge Paul Haakenson to release Barrett on his own recognizance pending sentencing. Haakenson set a hearing Wednesday to rule on the request.

Sheriff's investigators arrested Barrett in September on allegations of molesting the boy over a period of several months. The alleged crimes occurred while the boy, a Novato resident, was 16 and 17 years old.

After the verdict Tuesday afternoon, some jurors said Barrett was not a particularly sympathetic character and their initial sense was that he would be proved guilty. But opinions shifted after testimony from the teenage accuser, whom jurors described as an untrustworthy and sexually aggressive figure who lied to Barrett about his age.

Jurors also faulted the prosecutor, Deputy District Attorney Murat Ozgur, for "overkill" in his presentation of graphic sexual material, which included legal adult pornography seized from Barrett's trailer home.

In the end, jurors said, the prosecution failed to prove beyond a reasonable doubt that Barrett knew the youth was under 18 years old when the alleged sex occurred.

"There were so many inconsistencies in that kid's story, it's hard to call him credible," said juror Joe Hart,

20, of Larkspur. "All of us agreed that they didn't give us proof that Donald knew he was 17, and if we're not absolutely certain we have to give him the benefit of the doubt."

The crimes for which Barrett was convicted occurred after authorities informed him the boy was underage.

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