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## San Rafael rape suspect acquitted of most charges

*By*

*By Gary Klien, Marin Independent Journal*

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A 34-year-old man accused of raping a woman in San Rafael has been acquitted of the most serious charges.

Leroy Anthony Clark Jr. was found not guilty of rape, false imprisonment and felony sexual battery by restraint, but convicted of another misdemeanor sexual battery charge for touching the 18-year-old woman's breasts on a couch. Judge Terrence Boren released Clark from jail after the jury verdict last week.

"The jurors really did their job in following the law," said Clark's public defender, Michael Coffino. "They paid attention during the trial to an extraordinary degree and seemed to take their responsibility very seriously."

Clark was arrested last August after an incident at the San Rafael auto detailing shop where he worked and partially resided. The shop also contained a small music recording studio.

The victim said she went there with her boyfriend to visit a rapper friend who used the recording studio. The rapper was not there, but the woman and her boyfriend stayed to drink with Clark.

The prosecution said Clark raped the woman when her boyfriend went out to get drink mixers. Coffino said the accuser was not injured and the sex was consensual.

On Thursday, Clark returned to court for a secondary trial on a charge of failing to register as a sex offender at the time of the incident. Clark is required to register because of a 2009 misdemeanor sexual battery conviction for a case involving two teenage girls.

Prosecutor Teresa Leon Varela argued that Clark should have registered as a sex offender in San Rafael when he started living in the auto shop. Coffino argued that the shop was a just place to hang a few shirts and occasionally spend the night, while the rest of the time he lived with a girlfriend in San Francisco.

Boren sided with the prosecution and found Clark guilty of the misdemeanor registration charge.

Clark is scheduled to be sentenced on Sept. 1. He might not receive any more jail time because of the 11 months he was in custody between his arrest and his trial.

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