

Molestation charges against Archer dismissed

By Rob Young/Appeal-Democrat

2010-10-25 15:46:53



A Yuba County judge on Monday dismissed child molestation charges against former Yuba County Sheriff's Department reserve deputy and Linda businessman Rex Archer.

Judge Julia Scrogin dismissed the case at the request of the District Attorney's Office.

Archer, who lost his bid for election to the Board of Supervisors in 2006, was charged in January 2008 with molesting two foster children who lived in his Linda home. The case resulted in a hung jury in May. A retrial was scheduled to begin Nov. 2.

District Attorney Pat McGrath said the case was dismissed at the request of families of the alleged victims, who did not want the young girls to have to testify again.

"That was the only reason," McGrath said. "We can't force testimony."

Archer said in an interview that the real reason was the 14 motions he and his attorney filed concerning "wrongdoing by the court" and other matters. His Richmond attorney, James T. Reilly, said in a statement that he was prepared to present evidence that the girls' were lying.

During the long legal process, Archer sometimes said he was being prosecuted for political reasons.

"Mr. Archer's case was handled no differently than any other case that comes to us — despite his protests to the contrary," McGrath said.

Included with the motion to dismiss were letters to the prosecutor in the case, Deputy District Attorney Brad Enos, from the alleged victims' adoptive parents. Both sets of parents, including Archer's son, William Archer, wrote that testifying again would be detrimental to the girls.

The girls were identified in court as A.M. and J.A.

"Since joining our home over five years ago, (A.M., now 11) has made tremendous strides in her intellectual and social development. ... We feel strongly that any further actions required of (A.M.) in regards to the aforementioned judicial proceedings would be detrimental to her," wrote R. Scott and Kimberly Montgomery of Elk Grove.

"Going through another trial would be detrimental to our daughter and probably harm her even more," wrote William Archer about J.A., now 9.

In the dismissal motion, Enos wrote that A.M. was 8 years old when Sacramento County Child Protective Services contacted the Yuba County Sheriff's Department in December 2007 about the alleged sexual assault when A.M. was between the ages of 3 and 5.

About a year later, the parents of J.A., now 9, contacted the Sheriff's Department about alleged sexual assaults, starting when she was 4, according to the dismissal motion.

"As the investigation of these two reports continued, it became clear that the reports were independent of each other. Neither family was aware of the other's report," Enos wrote.

"We determined the evidence was credible and would support a jury finding of guilty, so the case was filed," McGrath said.

The jury in May voted 8-4 and 7-5 in favor of convicting Archer, said McGrath.

After a mistrial was declared, "We again reviewed the evidence ... and determined the case was appropriate to

present to a second jury, and were prepared to do so," McGrath said.

In his response to the dismissal, defense attorney Reilly said he would have presented evidence of the girls' history of lying at home and at school.

"While I would have taken no pleasure in doing so, it appears to me to be necessary to a proper defense of Mr. Archer against their false allegations," Reilly wrote.

Both girls suffered "severe emotional and psychological distress" before becoming foster children to Archer and his wife and may suffer from "reactive detachment disorder, rooted in the dysfunctional home lives through which they suffered during their formative years," he wrote.

In the Archer household, the girls may have misinterpreted "normal, non-sexual, parent-child love interactions, including such physical intimacies as hugging, kissing, cuddly and other physical contact," Reilly wrote.

No other witnesses testified about seeing inappropriate behavior by Archer.

© Copyright 2011 Freedom Communications. All Rights Reserved.
[Privacy Policy](#) | [User Agreement](#) | [Site Map](#)