

Man cleared of rape wants accuser to pay court costs

By Raul Hernandez

rhernandez@

VenturaCountyStar.com

A man falsely accused of raping and brutalizing his former girlfriend last year is going back to civil court Wednesday to ask a judge to order the woman to reimburse him for attorney's fees and court costs.

Louis Gonzalez, a senior vice president of a bank in Las Vegas, was arrested Feb. 1, 2008, after his former girlfriend Tracy J. West, who is also the mother of his child, alleged he raped, beat and tortured her.

The woman told Simi Valley Police Department detectives that Gonzalez ran up to her at her home, hit her on the head and knocked her unconscious. She said he dragged her inside the house, tied her up with duct tape and attacked and sexually assaulted her.

He tortured her by burning her with matches and assaulting her with a coat hanger and other objects, she told detectives.

Criminal charges against Gonzalez, who had been in jail without bail, were dismissed April 23. His attorneys had argued that West staged the entire incident because of a bitter child custody dispute, found 10 witnesses to testify on his behalf and came up with evidence, including surveillance cameras, to prove his whereabouts.

Ventura County Superior Court Judge Patricia Murphy this month found Gonzalez "factually innocent" of the crimes alleged by West.

"Following a review of the factual circumstances alleged, it appears that no reasonable cause exists to believe that Luis Gonzalez committed the offenses for which the arrest was made and the complaint filed," Murphy's court order states.

Gonzalez's lawyer, Denise Placencio, said all the felony criminal charges against Gonzalez have been wiped off his record.

"It's basically turning back the clock as though this had never happened," Placencio said. "He is very relieved, very grateful to his attorneys, obviously. It's a very difficult court order to get."

If Gonzalez applies for employment, for example, Placencio said he can truthfully state that he has never been arrested.

West didn't reply to an e-mail by The Star seeking comment.

Placencio of Woodland Hills is representing Gonzalez in the child custody case. She said West also had requested a restraining order, based on the rape allegations against Gonzalez. It was denied after a hearing in Ventura County Superior Court.

Placencio said they are seek-

ing \$79,000 as reimbursement for the false allegations filed against Gonzalez.

Placencio said Gonzalez will ask a Las Vegas judge on Friday for sole custody of the couple's 8-year-old boy. She said Gonzalez has only seen his son twice since his arrest. The visitations were under court-ordered supervision because of the criminal allegations against him, Placencio said.

The Star reported last year that the case fell apart after an investigation by Gonzalez's private investigator found 10 witnesses who were ready to

testify in court that they saw Gonzalez in other locations. The witnesses included workers at a car-rental agency, three teachers at a school Gonzalez's son attends, a deli owner, a Simi Valley bank executive and a business acquaintance of Gonzalez. There were also video recordings from cameras at the airport and a bank camera that showed Gonzalez inside the financial institution.

Placencio said prosecutors dismissed the charges against Gonzalez when his lawyers showed up with 10 witnesses who were prepared to testify at

the preliminary hearing in April.

During the court hearing on Jan. 8, Senior Deputy District Attorney Tony Wold told Murphy that he agreed Gonzalez was "likely" factually innocent, however, he did not concur with Gonzalez's request for the court order.

Placencio wrote a letter last year to Wold asking that the district attorney investigate West for perjury and filing a false police report. She said she provided additional medical evidence proving that West wasn't telling the truth, noting

that DNA test results were negative and there is plenty of evidence proving that her client is innocent.

Wold in an e-mailed stated that the prosecution's case against Gonzalez is closed. He said the district attorney doesn't discuss whether a person is under investigation or will be investigated, adding, "the dismissal of a criminal case for lack of proof beyond a reasonable doubt does not translate into proof beyond a reasonable doubt that an original report of a crime was false."

MR. GONZALEZ WAS REPRESENTED
IN HIS CRIMINAL CASE BY JAY
LEIDERMAN AND DEBRA S. WHITE

1 Jason S. Leiderman, SBN 203336
LEIDERMAN DEVINE LLP
2 5700 Ralston Street #211
Ventura, California 93003
3 (805) 654 0200
(805) 654 0280 FAX
4 JAY@LEIDERMANDEVINE.COM

5 Debra S. White
LAW OFFICES OF DEBRA S. WHITE
6 16000 Ventura Blvd. Penthouse 1205
Encino, California 91436
7 818 609 1800
8 818 647 0315 FAX
Debra@MyCriminalDefender.com

9 Attorneys for defendant Louis Gonzalez III

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 IN AND FOR THE COUNTY OF VENTURA

12
13 THE PEOPLE OF THE STATE OF CALIFORNIA,

14 Plaintiff,

15 vs.

16 LOUIS GONZALEZ III,

17 Defendant

Case No.: 2008004252

**ORDER DECLARING LOUIS GONZALEZ
III FACTUALLY INNOCENT PURSUANT
TO PENAL CODE SECTION 851.8**

Date: 16 DECEMBER, 2008

Time: 1:30 p.m.

Place: Courtroom 37

18 ORDER

19 Pursuant to the guidelines dictated by Penal Code section 851.8 (c),
20 LOUIS GONZALEZ III is hereby declared factually innocent in the above case
21 number and for the arrest occurring on February 1, 2008.

22
23 Dated: 1/9/09


24 JUDGE OF THE SUPERIOR COURT
25

ORDER DECLARING LOUIS GONZALEZ III FACTUALLY INNOCENT (PC 851.8)