

Jury deliberations begin in trial of prison guard accused of raping inmate

A jury convicted a Taconic Correctional Facility guard accused of rape and official misconduct after a 57-year-old inmate testified last week that he pushed her against a heating radiator and forced her to briefly have sex with him.

Frederick Brenyah, 62, of Yonkers, had denied the charges, though he did not take the stand in his own defense in state Supreme Court in White Plains.

Prosecutors said that Brenyah — who was previously accused, and later acquitted, of rape charges in 2003 — pulled the woman into an officers' bathroom on Sept. 19, 2010 and penetrated her from behind before forcing her into oral sex.

The woman, a convicted murderer and arsonist, wept on the witness stand when recounting the encounter at the Taconic Correctional Facility in Bedford, but prosecutors produced little in the way of physical evidence in the case, and no eyewitnesses were called to testify.

Instead, both sides appeared to rely heavily on written notes of a conversation Brenyah had with a state investigator

shortly after the incident. In those notes, Brenyah apparently admitted to receiving oral sex in the encounter, but denied raping the woman, who he said tried to have sex with him.

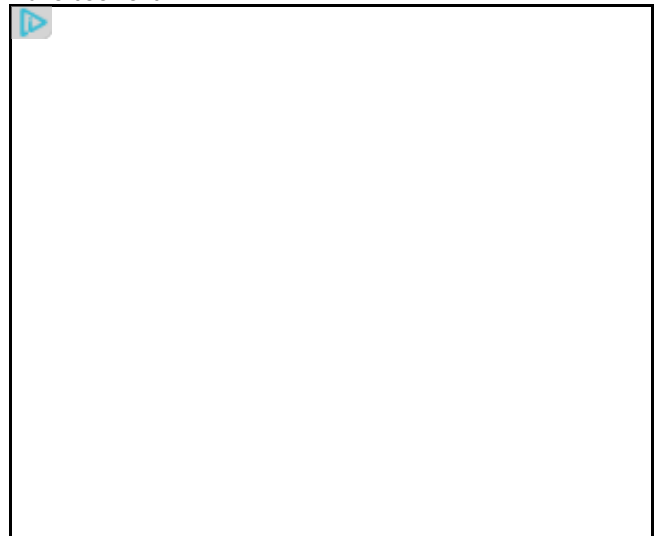
“He ‘froze’ because he didn’t want it,” the investigator wrote.

In his closing statement Monday, Angelo MacDonald, Brenyah’s lawyer, said that the note was further proof that no “forcible compulsion” occurred, even if MacDonald still questioned the investigator’s memory, as well as the woman’s.

“It’s not complete. It’s not accurate. It’s not reliable,” MacDonald said, before mocking the woman for apparently claiming that she attended college in Puerto Rico when she was in her mid-teens. “She’d have to be a prodigy.”

But Assistant District Attorney Frederic Green said in his summation that the woman had little motivation to fabricate her claims, considering that she said on the

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stand that the penetration was only brief. Green also pointed to state law, which makes illegal any sexual contact between inmates and guards, since inmates can never legally consent.

“Frederick Brenyah knows it. He’s been trained on it,” Green said. “Sex with an officer was not part of her sentence.”

The woman’s first call to report the alleged rape was to a civil lawyer, and MacDonald said that was evidence that the woman had financial motivations on her mind. But Green said that the call was natural, since it was unlikely the woman would reach out to another corrections officer, a colleague of whom had allegedly just raped her.

Judge Lester Adler read jurors a lengthy set of legal definitions and instructions before freeing them to deliberate Monday afternoon. Among the charges the jury is to consider are rape, attempted rape, criminal sexual act, attempted criminal sexual act, and official misconduct.

If convicted, Brenyah faces up to 25 years in prison.



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