

The Sun

**Trial nears in rape of girl in Columbia
Man accused in attack on teen near library as her sister, 7, watched
Case alarmed residents
Victim's jewelry allegedly found in suspect's pocket**

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Timothy Bryan Chase goes on trial tomorrow on charges of raping a 15-year-old girl behind the county Central Library in Columbia's Town Center while her 7-year-old sister watched -- a brazen attack that shocked parents in normally tranquil Howard County.

When prosecutors begin making their case against the 28-year-old west Columbia man, who has previous armed robbery and drug convictions, they will be able to use some of the most incriminating evidence they have: jewelry taken from the victim that police say they found in Chase's pockets. One earring was given to them by Chase's wife, Lillian, police say.

Circuit Judge Diane O. Leasure Friday denied a defense motion to suppress the jewelry as evidence, ruling that it was properly seized.

The attack made many parents question Columbia's safety.

The rape "really shocked everyone," said Wanda Hurt, president of Owen Brown Middle School PTA. Everyone was worried "about their children, watching them, making sure they are picked up on time," she said.

The library had closed at 9 p.m. March 20, and the sisters were waiting for their mother on an outside bench. The girls told police that a man forced them into the woods behind the library and made them undress. The man raped the teen and then told the girls to run or he would shoot them, police said.

The girl is expected to testify about the attack and how she and her sister ran through the woods to Toby's Dinner Theatre. They pounded on the door and were found, naked and shaking, by cast members in the middle of a production of "My Fair Lady."

Prosecutors plan to present the jewelry and DNA evidence to link Chase to the rape, according to court records.

Chase, who lives on Cedar Lane and used to work as a custodian at Howard County General Hospital, is charged with first-degree rape, a first-degree sex offense, robbery, theft, two counts of kidnapping, two counts of false imprisonment and three counts of assault. Two of the charges carry maximum sentences of life in prison.

Neither Assistant State's Attorney Janine Rice -- the prosecutor -- nor Assistant Public Defender Samuel Truette -- who represents Chase -- would comment on the case.

Prosecutors won't be able to count on the testimony of Lillian Chase, who provided vital information to police during the investigation. In an interview Friday with The Sun, Lillian Chase said she would not testify for the prosecution. She earlier recanted all her statements to police.

"Under Maryland law, the spouse may testify voluntarily," but can't be compelled to testify, said Lynn McLain, a professor at the University of Baltimore's School of Law.

May hinder prosecution

Although police were able to arrest a suspect quickly when one of Chase's relatives tipped them off after seeing a sketch on television, Lillian Chase's refusal to testify may make proving the case more difficult.

Prosecutors will not be allowed to use a signed statement the woman gave to police that implicates her husband, legal experts say.

According to charging documents, Lillian Chase told police her husband came home that night with two rings and an earring. She said he told her that he took the jewelry from a woman waiting for her mother and then told her to run, according to the documents.

But Chase told The Sun that she had no idea where the jewelry -- which was later identified by the victim -- came from.

She said she lied when she told police her husband came home with dirt on his clothes because she was angry at the thought of him having an affair.

During an October motions hearing to suppress evidence before the trial, Lillian Chase testified she only gave police a statement when they threatened to take away her children.

"I did what I had to do to save my kids and my home," Lillian Chase testified.

Similar statements about the jewelry that police say Lillian Chase made to her cousin -- who initially called police -- also will likely be ruled inadmissible because it is hearsay, legal experts said.

But another legal expert said Lillian Chase's refusal to testify may not destroy the prosecution's case, which includes such evidence as the victim's testimony and DNA evidence. That evidence could lead to a conviction, said Byron Warnken, a professor at the University of Baltimore's School of Law.

He added, "If the DNA says it was {the defendant} and {the victim} says it was {him} it's a strong case."

DNA techniques

The strength of the DNA evidence depends on the extent of the testing, DNA experts said. Older techniques required larger samples of evidence for DNA testing and a longer time to develop results.

The process prosecutors used is a more modern technique, known as polymerase chain reaction, which amplifies selected segments of the DNA strands. Although the newer test requires smaller samples, the results can be less informative than other forms of testing, experts said.

"It depends on how many sites they look at. The more they look at, the more" indicative it is, said John T. Sylvester, a supervisory special agent for the FBI.

DNA evidence is used in court to show whether such evidence as blood and semen match the DNA profile of a defendant. The tests generally give odds on the likelihood of finding another person with the same DNA profile.

Dozens subpoenaed

The trial is expected to last a week. Both sides have subpoenaed dozens of people to testify.

Chase has been held without bond since March.

He has two convictions in Prince George's County, according to court system records, for armed robbery and selling cocaine. From December 1984 to May 1994, he spent all but six months in jail, state officials have said.

At the period of the attack, Chase was on parole in a drug conviction and had visited his parole officer that day, according to state officials.

He and Lillian Chase had been married about one year by then.

Despite her refusal to testify, Lillian Chase was apparently eager to cash in on her husband's arrest.

Officers testified she tried to collect the \$2,000 reward that Crime-stoppers was offering for information about the case.

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"The only reason I wanted it was because my cousin was going to get it," Lillian Chase said in an October interview. "My aunt wanted it. They all wanted it."

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