

Dear Matt Rexroad:

Thank you Mr. Rexroad for taking an interest in the case of Ajay Dev. Advocates for Ajay have been requesting, for two years now, that those with oversight of the Yolo Co DA's office look into what happened in his case. Unfortunately, we have not received one response from your office. We learned of your post on your website through a comment on the Davis Vanguard. It is also unfortunate that your response is exclusively based on information from the District Attorney's office and that you did not talk to us. You point to the numerous investigative agencies that handled this case; however, these agencies failed to investigate the most obvious contradictions in the woman's accusations. In fact, the Court refused to allow the written FBI report into evidence because it was so obviously biased. Our hope is that you will look at both sides of this story.

This is important because these allegations have been made by someone who has a pattern of not being credible.

After questioning the accuser at the preliminary trial, Michael Rothschild asked for all the charges to be dropped—due to the lack of credibility of the accuser. Rothschild explained that he rarely makes a request like this—maybe once a decade. He explained that everything in the case was based on the accuser's credibility, and she had demonstrated that she was not credible. In response the DDA, in a highly theatrical rebuttal broke down in tears, pleading with the judge to maintain the charges.

After the trial, one juror blogged in the Daily Democrat, "Yes, her testimony was difficult to swallow. If for her testimony alone, he would be a free man."

The accuser was convicted in Nepal for passport fraud and perjury. She was found guilty of lying in court at the age of 22.

The accuser contradicted herself many times. There are differences in her story when you compare the police report, her interview with the detective, her sworn testimony in the preliminary hearing and her sworn testimony throughout the trial. Her testimony is also countered by both prosecution and defense witnesses.

In fact, DDA Steve Mount in his closing statement makes excuses as to why the accuser has been caught in so many lies. He claims that the defense lawyer has asked her tricky questions saying, "She is clueless as to what she's saying." (RT 5122)

Please understand that there was NO physical evidence to show that a crime even occurred. The accuser's pediatrician who examined her every year for four years testified that there was no evidence of abuse and the social worker who privately interviewed her prior to her adoption reported that she was very happy with Ajay and Peggy and wanted them to adopt her. This interview took place one year after allegedly being raped 3 times a week. The scenario laid out in your blog is based exclusively on the story that Ajay's accuser told about him—a story of someone who has shown herself to be unreliable.

The DDA told the jury the entire reason Ajay's accuser finally went to the police department to expose the abuse was because Ajay threatened to kill her if she did not submit to sex. However, the police officer who took the accuser's report testified that she never mentioned this threat to her and in fact this threat does not appear anywhere in her police report. She did not mention this threat to any of her friends following her report to the police yet this threat, according to the DDA, so terrified the victim that she ran to the police.

The accuser did testify that Ajay had sex with her from age 15 to age 20. The accuser testified that she never had sex with any man but Ajay while living in the Dev household. At trial one of her boyfriends testified that when the accuser was 19-20 years old, they had sex on a regular basis together (once per

week). The accuser testified it was Ajay that caused her pregnancies when she was a few days shy of being 19 years old. She also testified that she had been having unprotected sex with Ajay since the age of 15 three times a week. The accuser's friend and her adoptive mother both testified that she was dating a man right before she had her first pregnancy and while she became pregnant the second time. The jury did not convict Ajay for either of the pregnancies. The Jury also did not convict Ajay of any charges related to Motel 6. The jury did not convict Ajay of threatening the accuser. So these should not be stated as a fact. The jury was not convinced and there is evidence to the contrary.

The accuser told the investigating officer, when she first reported that she was sexually abused, that she never had oral sex with Ajay. She said in a recorded interview "No... Because I just thought it was disgusting to do -- put his thing in. I never -- I mean, it's disgusting to put that thing in my mouth. .. I wouldn't do it." She testified at trial that she had oral sex with Ajay approximately 50 times.

The accuser testified that she could not wait to move out of the Dev house to get away from the abuse. Yet in the midst of this alleged abuse, the accuser flew home to Nepal when she was 20 years old and visited her biological family for 1 month. She insisted on flying back to the United States with Ajay even though her ticket home was not scheduled to leave for another month.

Evidence at trial included private text messages and emails sent by the accuser to Ajay that demonstrated that the accuser was happy at home.

- A text message sent 3 days after moving out stated: "Dad, please call me, i miss u very much! I love u"
- Another text message sent 9 days after moving out stated: "Hi dad I am sorry but I really miss u, I love you – your Daughter"

Contrary to the DDA's claim that Ajay could not bear to be away from his accuser and needed her sexual attentions, for a year prior to the accuser's accusations, Ajay repeatedly e-mailed her biological father in Nepal asking him to request that she move back to Nepal for at least six months as her behavior was out of control and he and Peggy could no longer effectively parent her.

As for the "you fu...d me..." exchange from the pretext call - Ajay was not speaking English. He was speaking Nepali. The prosecutor and the defense attorney did agree that the word "Fu...d" was used. However, and most importantly, they did not agree on the meaning or context in which that word was spoken.

This very controversial issue was the primary issue the DDA rested his case on, claiming Ajay "admitted" to the sexual assault and rape by this sentence and was able to obtain a conviction and a 378 year sentence based on this so called "admission". Although the DA argued to the jury that this telephone call was the most "honest" communication between the parties, the detective testified that he scripted the accuser's part of the conversation and that he threw away his notes before trial. The DDA completely ignored the 52 times Ajay directly and indirectly denied the accusations in English and Nepali. The accuser herself during the call acknowledges that Ajay is not admitting anything.

This rebuttal to your statement could go on and on. We hope after you read this, you will take the time to talk with those of us that know Ajay is innocent and that he did not obtain a fair trial. Thank you for your time.

Advocates for Ajay

[www.advocatesforajay.com](http://www.advocatesforajay.com)