



Jurisprudence Section - 2015

F13 Strawberry Fields Forever: How a 73-Year-Old Birdwatcher Helped Nab a Sexual Predator in Central Park

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After attending this presentation, attendees will learn how a good samaritan who took pictures of a deviant predator was later viciously sexually assaulted by this same man as punishment for her actions.

This presentation will impact the forensic science community by illustrating how the quick thinking of a crime victim and quick actions by the police led to the apprehension of a rapist and the collection of five different types of evidence leading to his conviction.

Beth B. is a dyed-in-the-wool New Yorker, a dedicated nature lover, and feisty as hell. At 73, she routinely walked through New York City's Central Park, enjoying the weather and taking pictures of birds. In September 2012, though, she saw something very disturbing through her camera lens — a heavily tattooed, creepy-looking man who was openly masturbating in the park. Beth took a picture of his face, in case he caused trouble.

Two weeks later, she was back in the park near Strawberry Fields (made famous as a tribute to Beatle John Lennon) with her camera. A man approached her. "Remember me?" he asked. She said no, but in fact, she remembered him well — he was the sinister man whose photo she had snapped earlier in the month. She walked away from him as quickly as she could, but he jumped on her back, pulled her to the ground, choked her, and pounded her face into the dirt. In broad daylight, he raped and sodomized her, then told her to count to 100. He fled through the park, taking her camera bag with him.

Beth reported the crime and went to the hospital, where a sexual assault evidence kit was taken. Surveillance cameras in the park caught the man moving away from the crime scene, and an All Points Bulletin went out. Patrol officers caught 42-year-old David Mitchell several hours later, still wearing the clothes he had on during the attack.

Beth picked him out of a lineup. Nevertheless, Mitchell claimed HE was the victim — of mistaken identification — and insisted the police had the wrong man. Because Mitchell was caught so soon after the crime, investigators took the unusual step of having doctors complete a "suspect evidence kit" including swabs from the defendant's genitals, looking for evidence of rape. Although police never found the stolen camera, computer forensics experts were able to recover Beth's photos, which she had downloaded, but deleted, two weeks before.

Mitchell, it turns out, had a frightening history. A drifter who terrified the other homeless people living in the park, Mitchell had confessed to the murder of his West Virginia neighbor, an 83-year-old widow, when he was only 16. He was acquitted after a psychiatrist said he was too cognitively impaired to understand either his rights or his confession. He was later charged with raping and robbing another woman in her 70s and pleaded guilty to robbery charges in that case. He then served eight years in jail for abducting yet another woman.

Attendees will see the evidence, learn how it was recovered, and what it proved. Actions of the quick-thinking and courageous victim, with an assist from video, computer forensics, and DNA, put a career criminal behind bars, far away from New York City's back yard, Central Park.

Sexual Predator, Photographs, New York City