

Conviction in child rape overturned on appeal

EXCLUSIVE

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A STATE APPEALS court has overturned the conviction of a Florida man who's spent nearly four years in prison for raping his underage sister-in-law in Queens.

The four-judge panel said Queens Supreme Court Justice Michael Aloise should have let jurors at Luis Gomez's 2008 trial hear the testimony of a married couple who say the girl told them she concocted a story of abuse.

Gomez, 39, is serving a nine-year prison term for second-degree rape, sexual abuse and endangering the welfare of a child.

Prosecutors said Gomez repeatedly sexually abused his common-law wife's sister from the time she was 9 and raped her in 2002 when she was 14. He was accused of committing the attacks in an apartment he kept in Queens.

They called it a "a five-year nightmare of sexual abuse."

Gomez claimed the girl, who had been living with him and her sister in Florida, made up the story to avoid being sent back to New York to live with her mother.

Queens prosecutors are already reaching out to witnesses and intend to put Gomez on trial again, a spokesman said.

"The right to a fair trial is a fundamental right the courts must afford an individual accused of a crime," said Gomez's lawyer Robert DiDio. "Mr. Gomez and I are anxious to... continue fighting for his freedom." DiDio says the young woman told a married couple that she made up the charges.

Although the girl denied talking to the couple about the abuse, the appeals panel said the testimony could have been used to contradict the girl's claims.

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