



*United States Attorney
Southern District of New York*

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**FUGITIVE APPREHENDED AFTER NEARLY 40 YEARS PLEADS
GUILTY TO FLEEING TO AVOID PROSECUTION FOR RAPE**

PREET BHARARA, the United States Attorney for the Southern District of New York, announced that RUSSELL BENJAMIN PEARCE pled guilty today in White Plains federal court before Magistrate Judge LISA MARGARET SMITH to unlawfully fleeing to avoid a 1970 New York State prosecution for rape in the first degree. PEARCE, 74, will be sentenced by U.S. District Judge KENNETH M. KARAS. He will face a statutory maximum sentence of 5 years.

According to the Information to which PEARCE pled guilty, documents previously filed in White Plains federal court, statements made during the guilty plea proceeding, statements made during proceedings in the underlying state prosecution, and other information in the public record:

In December 1970, a Sullivan County Grand Jury charged PEARCE with rape in the first degree, a violation of New York Penal Law Section 130.35, on the basis of allegations that PEARCE picked up a 19-year-old woman on his motorcycle, drove her to a secluded, wooded area in Fallsburg, New York, and repeatedly raped her over the course of approximately 3 hours. In March 1971, PEARCE failed to appear for a scheduled court date and became a fugitive. When PEARCE was located in 2010, in Pennsylvania, much of the evidence in the rape prosecution no longer existed because of the passage of almost four decades. In particular, the victim suffers from a debilitating disease and is unable to testify. As a result, the rape prosecution was dismissed on July 1, 2011.

Mr. BHARARA praised the outstanding investigative work of the New York State Police and of the Federal Bureau of Investigation, who pursued PEARCE over the course of almost 40 years. Mr. BHARARA also thanked the Sullivan County District

Attorney, James Farrell, for the assistance of his office in this matter.

The prosecution is being handled by the Office's White Plains Division. Assistant United States Attorney REBECCA MERMELSTEIN is in charge of the prosecution.

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