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Paper: News Herald, The (Port Clinton, OH)  
Title: Jury can't agree  
Date: December 8, 2000

Rape charges could be retried

By FRANK DIMICH Staff writer

PORT CLINTON - A Curtice man charged with 15 counts of rape remains free on bond after a jury could not reach a verdict in his trial on Wednesday.

Ottawa County Common Pleas Court Judge Paul C. Moon discharged the jury after six 1/2 hours of deliberation in the trial of Joseph Elder.

Elder, 45, was charged with 15 counts of rape of a juvenile under age 13 and one count of gross sexual imposition, a third-degree felony from November of 1994 to February 1997.

The same girl is making the allegation in all of the counts, said Thomas DeBacco, Elder's lawyer.

If convicted, Elder would have faced life in prison.

The prosecution now has 15 days to decide whether to seek a new trial.

Assistant Prosecutor David Boldt is trying the case for the county. Several attempts to reach him for comment on Wednesday were unsuccessful.

DeBacco said that the jury's indecision tells him that there is reasonable doubt as to whether Elder is guilty.

He declined, however, to comment more specifically on the case because it could still be refiled.

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