

Santa Cruz jury convicts Elvis Garcia of all charges in coffee shop attack

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SANTA CRUZ -- As a jury read guilty verdicts for sodomy, robbery and all seven charges against Elvis Lorenzo Garcia on Thursday, he looked down and shook his head.

After a roughly two-week trial, a jury took less than two hours of deliberation to convict the 23-year-old in a sexual attack and robbery at the Kind Grind coffee shop at the Santa Cruz harbor in 2008.

Some of his family members wiped away tears as the verdict was read.

"It's a very emotional situation for him and his family," said his attorney, James Reilly, outside court.

Garcia now faces a maximum term of life in prison with the possibility of parole when he is sentenced by Judge Timothy Volkmann on Oct. 2.

"We're obviously very pleased with the verdict," prosecutor Michael Gilman said. "He was held accountable for the horrible crimes that he committed."

Garcia was found guilty of seven felonies: penetration with a foreign object, sodomy, sodomy by use of force, sexual battery by restraint, second-degree commercial burglary, second-degree robbery and kidnapping to commit another crime. He also was convicted of special allegations that included the use of a weapon.

THE ATTACK

Garcia went in an unlocked door of the coffee shop about 6 a.m. March 19, 2008, and held a knife to the throat of a 23-year-old barista who was preparing to open the shop.

She dropped a metal pitcher full of spoons as her pink iPod Shuffle hit the floor, music blaring.

"Where's the money?" he said.

She told him where a cash drawer was stored, and he told her to shut up, take off her jeans and get on a kitchen floor.

She begged him to stop and "just take the money," she later testified, but he sodomized her at knifepoint.

She then led him to a cash drawer with about \$160 in it. He took the money, shoved her in a large unplugged commercial refrigerator. He then pushed a metal table against the refrigerator and fled, according to prosecutors.

The attack shocked residents around the Santa Cruz Small Craft Harbor. In the weeks that followed, community meetings were held with police to discuss safety.

The case remained without an arrest for nearly three years until investigators got a major break through a

DNA match.

Semen left on the woman's body and her underwear were linked to Garcia's father -- a convicted felon -- through a relatively new familial DNA process. Investigators found him through a state database of felons' DNA.

Santa Cruz police investigators, including Sgt. Loran "Butch" Baker and detective Elizabeth Butler, then ruled out the father and focused on Garcia, who fit the victim's description of a suspect "no older than 25."

Garcia was a machinist who worked on the Westside of Santa Cruz. He often stayed at his aunt's home near the barista's second-floor balcony, and prosecutors said he could have seen her smoking cigarettes on the balcony.

Investigators retrieved a hair net and a Gatorade bottle from Garcia's trash that contained his DNA, and the California Department of Justice lab matched it to DNA found at the scene. Swabs from Garcia's cheek also identified him as the culprit.

Gilman and prosecutor Jeff Rosell's witnesses included a harbor bathroom attendant who saw a man who matched Garcia's description on the morning of the attack.

Footprints from the soles of his Vans shoes were found throughout the coffee shop, and police found Vans shoes in Garcia's home when they searched it.

The victim testified, often fighting back tears, about the details of an attack that she tried to "erase" from her mind, Gilman said. She now lives on the East Coast and is married with two children.

March 2011 ARREST

After the DNA match, Garcia was arrested on March 11, 2011 -- only the second apprehension made in California with the use of familial DNA.

In a jail call to a family member that night, Garcia said, "I did something stupid. I (expletive) up." The call was recorded and played for the jury of eight women and four men.

Reilly, Garcia's attorney, said outside court that he plans to appeal the case.

He said Garcia had "kind of a difficult childhood" and was "of minimally functional intelligence." Reilly said Garcia had been involved with a gang as a youth.

DNA evidence was the key to the prosecution's case, he said, but not even two hours of deliberation surprised him.

"I would have expected a longer deliberation with the nature of the charges, but they made up their minds pretty quick," Reilly said.

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