

Teacher's sex charges dropped

By Howard Pankratz Denver Post Legal Affairs Writer

Denver prosecutors Tuesday dropped all sexual assault charges against a schoolteacher on the eve of a trial where a "parade of students" were expected to testify they never saw him assaulting anyone.

The teacher, 48-year-old Luis Lozano, had denied that he sexually assaulted an 11-year-old girl during the 1996-97 school year at Bromwell Elementary School.

He was charged in late 1997 with sexual assault on a child and sexual assault in a pattern of conduct.

Curt Alfrey said that on the basis of recently acquired information, he felt there was not a reasonable likelihood of conviction.

"Since I have an ethical obligation not to proceed to trial under those circumstances, I moved the court to dismiss the case," said Alfrey on Tuesday.

Lozano's lawyer, Dan Recht, said that in recent days the child told variations of her original story which troubled him and Alfrey.

"She told another version of the story that was more improbable than the last and so improbable this time that the Da felt compelled to dismiss," Recht said.

"She has told four different variations of the story that Mr. Lozano sexually assaulted her. He adamantly denied it all the way through. In fact, he turned away any attempt to plea bargain."

Recht said the heart of the child's charges was that Lozano fondled her repeatedly in the classroom as she sought help with homework at his desk. She claimed this occurred during regular class hours with other students present.

But Recht said he could not find any students in the fifth-grade class who could corroborate the 11-year-old.

"If there had been a trial, we were going to literally parade students of his that were in the same class. To say they had never seen anything like this and he had only acted appropriately," said Recht.

Recht said Lozano still faces similar charges in Montezuma County because after the first girl made her allegation another classmate claimed he molested her during a field trip to Mesa Verde.

But the defense attorney said he hopes to convince Montezuma County authorities to drop that case.

If you are in need of an experienced business litigator or criminal defense attorney, please call Recht & Kornfeld today.

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