



Office of the District Attorney

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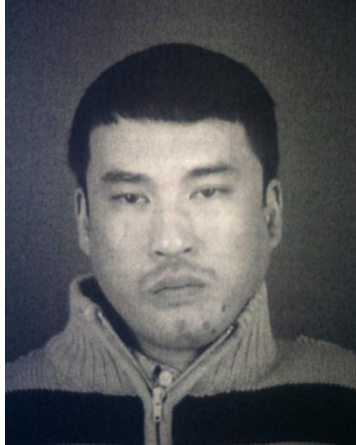
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FOR IMMEDIATE RELEASE: THURSDAY, JULY 12, 2012



## **Rapist Found Guilty of Sexual Assault and Tampering**

### ***Deceased Victim Unable to Testify Receives Justice***

**ALBANY, NY** – District Attorney P. David Soares announced today that MARC PHAM, 37, was found guilty after a jury trial of (1) Count of Rape in the First Degree, a Class B Felony, (1) Count of Criminal Sexual Act in the First Degree, a Class B Felony, (1) Count of Criminal Contempt in the First Degree, a Class E Felony, (1) Count of Tampering with a Witness in the Fourth Degree, a Class A Misdemeanor, and (1) Count of Criminal Contempt in the Second Degree, a Class A Misdemeanor, before the Hon. Judge Stephen Herrick in Albany County Court this afternoon.

On September 18, 2011 PHAM did engage in sexual intercourse and oral sexual conduct with a victim who was known to him by means of forcible compulsion. A No Contact Order of Protection was issued in 2010 by Albany City Court that directed PHAM have no contact with this victim. Between September 19, 2011 and September 23, 2011 PHAM did make repeated calls to the victim while in custody at the Albany County Correctional Facility in direct violation of said order of protection, and on September 23<sup>rd</sup>

PHAM did wrongfully attempt to induce the victim to absent herself from appearing or testifying at a pending court proceeding during said phone calls.

“This case was difficult in that the victim passed away via natural causes after the charges were brought, thus she was unable to be present during this trial,” said DA Soares. “Despite her absence this jury heard her voice through the witnesses and evidence presented and was able to deliver justice for the victim and her family.”

PHAM remains in custody at the Albany County Correctional Facility and faces a significant term of imprisonment in State Prison when sentenced on August 17, 2012.

The case was prosecuted by Assistant District Attorney Chantelle Schember of the Special Victims Unit.

For more information, please contact Cecilia Logue.

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