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LOCAL

Friday, Mar. 21, 2008

# Former deputy accepts plea deal in rape case

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A former sheriff's deputy who had been accused of rape and stealing public money pleaded no contest to two lesser charges in Stanislaus County Superior Court on Thursday as part of a plea deal that will result in a 16-month prison sentence.

Michael Galvan, 31, of Turlock said little more than "yes sir" and "no contest" as he addressed the court. Judge Donald Shaver promised concurrent sentences for assault under the color of authority and embezzlement when Galvan is sentenced June 24.

Chief Deputy District Attorney Dave Harris said he made the deal so the victim and her children would not have to testify at trial. He dropped the most serious charge Galvan faced -- rape with threat of use of authority -- as well as misappropriation of public money and possession of a dangerous weapon.



Stanislaus County Jail - Modesto, CA-Detectives with the Modesto Police Department, Agents with the FBI and Investigators with the District Attorney's Office arrested Michael Galvan, 29, a five year deputy with the

"This is the best resolution for everybody involved," Harris said.

A no contest plea cannot be used as an admission of guilt in a lawsuit.

The woman has filed a lawsuit seeking \$600,000 from Stanislaus County. Galvan was on duty, wearing his uniform, badge and service revolver, when he allegedly demanded sex on Dec. 15, 2005.

In legal papers, the woman said Galvan threatened to tell Child Protective Services that he found drug paraphernalia in her house, a move that could have prompted the agency to take her children, if she did not agree to have sex with him.

The deputy was in her home to investigate a possible break-in.

"I locked the bedroom door and gave him what he wanted," the woman said in a declaration filed to support her lawsuit. The Bee is not naming her, because of the nature of the allegations.

Stanislaus deputy waives his right to hearing in rape, embezzlement case  
PDF: Victim statement in civil suit

The county challenged the woman's right to file the lawsuit because she did not submit a claim within six months of the alleged incident. She argued that she could not file a claim within the time limit because she was working with the Modesto police and FBI

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and did not want to jeopardize their investigation.

A judge said her lawsuit may proceed; a July 15 trial is scheduled.

An affidavit supporting an arrest warrant says Galvan was the subject of a sting because a gang task force received complaints about him.

On Nov. 17, 2006, an undercover agent approached Galvan in the parking lot of Hanshaw Middle School in south Modesto, where he worked as a school resource officer, and handed him a blue fanny pack containing \$1,149 in cash, the affidavit says.

Twelve days later, the money had not been entered into evidence and a judge signed a warrant for Galvan's arrest.

Galvan, who is married, was arrested Dec. 1, 2006, after five years on the job. He was charged with financial crimes, but the district attorney's office added the rape charge a week later.

Sheriff Adam Christianson said he fired Galvan on Dec. 13, 2006.

He said his department reviewed cases Galvan handled and does not believe any were jeopardized by the deputy's arrest. He said he is not aware of other complaints against Galvan. He said the former deputy, not the department, should be liable for the alleged indiscretions.

The sheriff promised to take action any time a member of his department breaks the law, adding that everyone in law enforcement is ashamed when one deputy goes astray.

"This just violates everything we stand for," Christianson said.

Galvan previously surrendered his passport. He remains free on \$350,000 bail until he returns to court to be sentenced.

The judge said Galvan must reimburse the FBI for the cash he pocketed, but he did not order restitution for the victim. Because he has no prior record, Galvan will serve half of the time, or eight months behind bars, followed by three years on parole. He may not hold a public service job again.

The rape charge prosecutors alleged along with the gun enhancement that were stricken as part of the plea deal could have sent Galvan to prison for 20 years.

Defense attorney Robert Forkner said his client wants to apologize to his former colleagues for the bad judgment he showed by not turning in the sting money.

He said Galvan pleaded no contest to assault, rather than a sex crime, because he did not rape the woman.

"Mr. Galvan wanted this case resolved," Forkner said. "He realized he exercised some indiscretion, but it certainly was not rape."

Bee staff writer Susan Herendeen can be reached at [sherendeen@modbee.com](mailto:sherendeen@modbee.com) or 578-2338.

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