

LONG BEACH 1994

## Officer to Stand Trial in Rape of Prostitute

A Long Beach police officer must stand trial for allegedly forcing a professed prostitute to perform sexual acts under the threat of arrest, a judge ruled Tuesday.

Municipal Judge Elva Soper found that there was enough evidence to order Bryon Ellsberry to stand trial on single counts of oral copulation under color of authority and rape by threat to arrest. Soper dropped a third count of attempted oral copulation under color of authority.

Ellsberry was charged last month for acts that allegedly occurred while he was on duty. A self-described prostitute testified that she performed oral copulation on Ellsberry and had sexual intercourse with him—without monetary compensation—after he threatened to arrest her for unpaid warrants. She then set up a sting with Internal Affairs officers and, wearing an electronic device, agreed to perform a sexual act under threat of arrest.

The 29-year-old officer's attorney contends that his client was set up. Arraignment is scheduled in Superior Court for June 14.

## LONG BEACH : Officer Gets Probation in Sexual Battery Case

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**A Long Beach police officer who admitted forcing a prostitute to have sex with him in his patrol car was sentenced Tuesday to five years of probation.**

In addition, Superior Court Judge Michael Tynan ordered Bryon Ellsberry to perform 1,500 hours of community service on a Caltrans work crew and to pay a \$1,000 fine.

Prosecutors had asked Tynan to sentence Ellsberry to the maximum term of four years in prison. Ellsberry, who turned 30 on Tuesday, pleaded guilty on Dec. 16 to a charge of sexual battery.

At a preliminary hearing last spring, a self-described prostitute testified that Ellsberry picked her up on a Long Beach street corner and threatened to arrest her if she didn't "barter" with him.

The woman said she interpreted the uniformed officer's statement to mean that she must perform sexual acts or she would go to jail.

The officer was caught in an undercover operation after the March 1 incident. Internal affairs officers set up a "sting," wiring the woman with an electronic device. **Ellsberry again threatened her if she did not comply with his sexual demands and he was arrested, according to testimony.**

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