

Birkbeck guilty on all counts

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After a day and a half of deliberations, a Coweta Superior Court jury found East Point police officer and Coweta resident Benjamin Birkbeck guilty on six criminal charges involving sexual battery and child molestation.

Superior Court Judge Jack Kirby sentenced Birkbeck to a total of 40 years in prison plus 12 months in the Coweta County Prison work camp.

"We're satisfied with the verdict and think it is a good decision for the victim and all the citizens of Coweta County," said Coweta Judicial Circuit Assistant District Attorney Kevin McMurry, who tried the case. "Lots of people worked very hard on this case, and we are very pleased with the outcome."

This was the second trial for Birkbeck on the same charges. The first ended in a mistrial in February.

Before pronouncing sentence, Kirby asked the young woman accusing Birkbeck if she wished to speak. The woman — a relative — thanked court officials, law enforcement and the district attorney's office for their hard work. She also spoke of how much she had been hurt by the ordeal.

She said she was glad Birkbeck had been found guilty and that she hoped putting him in prison would prevent another victim from being harmed.

"It's good to know he won't be doing this to any other girls," she said.

Birkbeck was also allowed to speak before sentencing. He continued to maintain his innocence.

"I did not do this," he said. "I don't know how someone could make up something like this."

Birkbeck also complained about not being able to present certain evidence in his defense. His remarks were cut short by Kirby, who presided over both trials. Kirby said he had seen all the evidence and was convinced jury members had the information they needed to reach the guilty verdicts.

McMurry said the state had a stronger case on the second go-round.

"We had much more good evidence and testimony," McMurry said. "We also had the polygraph evidence, and that helped a lot."

McMurry was referring to a polygraph taken by Birkbeck and presented as evidence during the trial. McMurry said Birkbeck "failed miserably" on the polygraph.

After the verdicts were read, Birkbeck leaned over with his face in his hands and said, "This is not right. It's not right."

Some members of Birkbeck's family held hands and wept as the verdict and sentencing proceeded in the Coweta County Justice Center on Greenville Street.

On count 1, aggravated sexual battery, the jury found Birkbeck guilty of the lesser offense of sexual battery. He was sentenced to 12 months at the county work camp.

On count 2, aggravated child molestation, the jury found Birkbeck guilty of the lesser offense of child molestation. He was sentenced to 20 years in state prison.

On count 3, aggravated child molestation, the jury found Birkbeck guilty of the lesser offense of child molestation. He was sentenced to 20 years in state prison to run consecutively after the 20-year sentence imposed on count 2.

On counts 4, 5 and 6, child molestation, the jury found Birkbeck guilty. He received 20 years on each count, to run concurrent with the first 20-year sentence imposed.

In total, Birkbeck was sentenced to serve 40 years. It will likely be more than 25 years before he is eligible for parole, according to court sources.

Birkbeck was indicted in September 2006 on one count of aggravated sexual battery, two counts of aggravated child molestation, three counts of child molestation and one count of criminal attempt to commit rape.

The young woman accusing Birkbeck claimed he had been abusing her since January 1993, when she was only 8 years old. In the first incident, the victim claims to have been fondled inappropriately and sodomized by an inanimate object at the hands of Birkbeck.

Eventually, these incidents escalated into oral sex and sodomy, according to the victim. She said during trial the alleged abuse came to a halt when Birkbeck was in the process of becoming a police officer. At one point, the victim said she threatened to tell Birkbeck's boss if the abuse did not stop.

During the last incident of abuse, which allegedly occurred in the early morning hours of Feb. 28, 2006, the victim stated that she awoke to find Birkbeck making sexual advances. That day, the victim moved from her mother's residence, saying her mother refused to believe that she had been sexually molested. The victim has resided with friends ever since.

The victim said she revealed the crimes to several of her coworkers at a local fast-food restaurant before finally going to police.

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