

## Students to be tried as youths

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Author: Sheila McLaughlin  
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### Document Text

Lakota bus rape trial set for August

HAMILTON - Two Lakota ninth-graders accused of sexually assaulting a classmate with a pencil on a school bus won't be tried as adults, a judge decided Friday.

"It's clear these young men belong in the juvenile system," Judge David Niehaus of Butler County Juvenile Court said after reviewing reports from psychologists and probation officials.

"There doesn't seem to be any factors that would qualify to have it bound over to the adult criminal courts," he said.

One student faces a charge of complicity to rape for allegedly pulling down the pants of a 15-year-old classmate March 23 and holding him down while the second teen assaulted the boy with a pencil.

The second teen is charged with rape.

Defense attorneys have characterized the incident as "horseplay." They said Niehaus made the right decision.

"The facts, circumstances and events clearly indicated that this may not have happened, but (my client) is amenable to the juvenile court system as compared to being tried as an adult," said attorney Clyde Bennett, who represents the 15-year-old boy accused of complicity.

Attorney Ken Lawson, who is defending the other 15-year-old suspect, said he was encouraged by Niehaus' ruling.

But he said he preferred to have the case tried by a jury.

"This is one of those cases where the public has a different perception of what really went on," Lawson said. "The most important thing is that they stayed here as juveniles and, whatever happens, at least we know they are not going to be sent to an adult penitentiary, which is the ultimate concern."

E-mail [smclaughlin@enquirer.com](mailto:smclaughlin@enquirer.com)

What's next

The two boys are scheduled to go to trial in juvenile court Aug. 28.

If convicted, they could be incarcerated until 21.

For now, they are on home incarceration. They can't leave their homes except to meet with their attorneys, probation officers or go to church.

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### Abstract (Document Summary)

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