

Lawyer: Not rape, just horseplay in Lakota case

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Teens appear before judge in alleged sexual assault on bus

HAMILTON - Prosecutors are pushing to have two Lakota freshmen tried as adults in the alleged sexual assault of a male classmate on a school bus.

But an attorney for one of the 15-year-old boys characterized the incident Friday as "horseplay," and nothing like the rape that authorities say occurred on March 22.

The teens, handcuffed and shackled and dressed in gold and blue jail uniforms, didn't acknowledge their families, who packed a small courtroom for a hearing Friday.

Some of their relatives shared a bench with the alleged victim's parents, who live in the same West Chester neighborhood. They didn't speak to or look at one another.

Butler County Juvenile Court Judge David Niehaus refused to release the teens, both students at Lakota Freshman School. Their lawyers suggested they be placed on house arrest.

Niehaus set an April 27 hearing to start proceedings that will determine whether the 15-year-olds should be tried as adults.

One of the boys - a lanky 6-foot-3 - faces a felony charge of complicity to rape for the bus incident. Prosecutors and school officials said the boy was suspended from class earlier this year and placed on court probation for urinating on ice cream in a teacher's lounge at Lakota West High.

Police said he pulled down the classmate's pants and pinned the boy down while the second teen used a pencil to assault the boy.

Defense attorney Clyde Bennett said his client's involvement didn't warrant the serious charge. "Our position is that he didn't know what happened was even going to transpire outside of horseplaying and wrestling in the back of a bus," Bennett said.

"He's not responsible for the conduct of the other juvenile and he's not responsible for whatever the other juvenile was going to do," he said.

The second teen is charged with rape, gross sexual imposition, as well as aggravated menacing and criminal mischief. The teen has no criminal record, his attorney, Chris Frederick, said.

Neither Frederick nor any parents in the case would comment. But Bennett said the boys often engaged in similar horseplay on the bus, and that witnesses told authorities the alleged victim was seen laughing after the incident.

"I've read the statements. I've looked at the witness statements. Everybody believes that it was horseplay. The pattern of conduct between the gentlemen was consistent with what transpired on the bus," Bennett said.

Chief Assistant County Prosecutor Craig Hedric disputed Bennett's claim.

"It's not horseplay. It's barbaric. It goes far beyond bullying," Hedric said. "No one in their right mind is going to believe that this was consensual, that this was accepted by anybody."

Allegations against the teens unfolded March 28 after the alleged victim's mother reported to police her house had been egged.

At the same time, school officials were already looking into a fight allegedly involving the same young men that had been reported by the school bus driver.

"The information about the sexual assault came through an interview with the suspects," Sgt. Brian Rebholz said.

School officials say the bus driver didn't see anything unusual on March 22, when the sexual assault allegedly occurred. On both days, the school was using a substitute bus without a video camera.

About 20 percent of the district's 195 buses are equipped with video cameras, and are used on some of the rowdier routes, officials of Petermann Ltd. said.

Most students on the bus claim they didn't see anything, Rebholz said. But some did, and they didn't report it to anyone.

That prompted school officials to launch an anti-bullying program this week at Lakota Freshman School.

"You've got 30-some kids on this bus and not a one of them said anything about it," Rebholz said. "Why didn't one of them go to their parents?"

School administrators also spent the last week trying to explain the incident to concerned parents, who questioned the safety of Lakota school buses.

Petermann's president, Pete Settles, said he and district officials are discussing more training for drivers.

Settles said the driver shouldn't be criticized for not seeing the alleged attack.

Ohio is one of two states, along with Illinois, where school bus seats are required to be 4 inches higher than normal, he said, making it difficult to see what's going on in the back. The safety feature keeps children from being pitched forward in a crash.

"Smaller kids or somebody who is intentionally trying to stay out of view of the driver - it's pretty easy to do, particularly if they are all the way in the back of the bus," Settles said.

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Timeline

March 22: Two 15-year-old students from Lakota Freshman School allegedly sexually assault a male classmate in the back of a school bus on the ride home. The bus driver doesn't notice.

March 23: The same boys engage in a minor fight on the bus, but stop when the bus driver intervenes.

March 24: The bus driver reports the fight to the district, but says he doesn't know the names of the students involved.

March 27: The school district starts to question students about the bus fight and enlists the help of the school resource officer.

March 28: The mother of the boy who allegedly was attacked on the bus March 22 calls police and reports that several boys in the neighborhood threw eggs at her house and were trying to pick a fight with her 15-year-old son. She mentions that one of the same boys fought with her son on the school bus March 23.

March 29: Police question the two 15-year-olds, who allegedly admitted the sexual assault. They charge one boy with complicity to rape and the other with rape, gross sexual imposition, aggravated menacing and criminal mischief.

March 30: A Butler County juvenile judge refuses to release the boys from custody when they appear in court.

April 7: Butler County prosecutors announce that they are seeking to try the boys as adults, and Juvenile Judge David Niehaus again refuses to let them out of jail.

April 27: The teens are scheduled to appear in juvenile court in Hamilton at noon, when court officials will begin proceedings to determine whether the teens will be tried as adults.

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Abstract (Document Summary)

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