

Testimony conflicts in township rape case

By Tom Henderson
staff writer

A West Bloomfield man was bound over to Oakland County Circuit Court for trial on two counts of first degree criminal sexual misconduct following a pre-trial examination Wednesday in the 48th District Court.

He is charged with forcing his 14-year-old adopted daughter into committing sexual acts with him.

The accused is a 35-year-old auto worker who adopted the girl when she was 2. Police said he came to the station voluntarily following their call.

Each count carries a maximum of life imprisonment.

AFTER FOUR hours of contradictory testimony, Judge Bernard Friedman determined there was enough evidence to remand the case to circuit court.

He continued the man's \$100,000 bond on each count, rejecting a defense request to lower it and noting the defendant had checked himself into a hospital for "depression."

As of Thursday, the suspect was unable to post bond and remained in Oakland County Jail.

Friedman denied a defense attorney Jeffrey Butler's motion to dismiss the case, despite the dramatic testimony of the daughter, who contradicted the rape story.

Friedman said it is rare to have a rape case where the alleged victim says there was no rape, but added, "There is a factual question here that must be settled by a jury."

THE DAUGHTER'S 14-year-old girl-friend testified she woke up about 3:30 a.m. Dec. 18, and saw the suspect standing near the bed. According to the friend, he woke up his daughter and wanted to "make love" to her.

When the daughter refused, according to the friend, the suspect threat-

ened to kill her and her mother, who was asleep in another bedroom. The friend said that the father then took his daughter into an adjoining bathroom and kept her there approximately 45 minutes.

When the suspect emerged from the bathroom, the friend testified, he asked her if she would join them in sex. When she said no, he took his daughter back into the bathroom for approximately 30 minutes.

After threatening once again to kill the girl and her mother if she told anyone about it, according to the friend, the suspect went to bed.

The two girls then hugged each other and cried. The friend said the daughter told her about specific acts between her and her father in the bathroom.

The friend told her parents next day, and police were notified.

THE DAUGHTER denied her friend's testimony. "I wasn't awakened at all," she said, though she admitted her dad had called her into the bathroom to yell at her for having boys in the house earlier in the evening who had been drinking and smoking marijuana.

She testified that her friend had been drunk.

When asked about her friend's testimony about the acts in the bathroom, the daughter said: "She asked me questions and I just said, 'yes' or 'no.' She asked me if my dad did stuff, and I was really mad at him and I said yes. I just wanted to hurt him 'cause he was al-

ways yelling at me."

She added: "I lied. I'm sorry I lied. I don't think he should get in trouble and go to jail because I lied."

THE GIRL'S mother testified that while her husband could be considered an alcoholic, he had never hurt her or the children in 11 years of marriage.

She said she believed he was innocent, a good wage earner during their marriage and the source of most of the family's income.

In 1977, the suspect pleaded no contest to charges of fourth degree criminal sexual misconduct for acts committed with an eight-year-old girl visiting his family. He was placed on a year's probation, which ended in August 1980, and fined.

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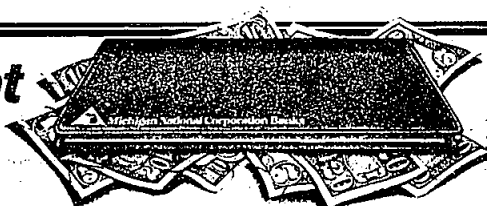
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