

sex crime and punishment/child abuse 44

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"For sexual reasons," Putnam said.

The girl's mother learned of the incident after taking the girl to Children's Hospital for a sprained knee. Doctors took a blood test, discovered the girl had gonorrhea and told the girl's mother.

Sentences shorter in child cases

SEX CRIMES, from page 1A

- Molesters or rapists of children derive prison terms of 10 years or more three times less frequently than molesters or rapists of adults.
- Molesters or rapists of children get probation with no incarceration for 35 times more frequently than molesters or rapists of adults.

"If someone in Michigan wants to get away with a serious crime, the easiest thing to do is go out and rape a 13-year-old," says Patry Conway, a former Hills psychiatric social worker who works with child abuse victims. "It's horrible and twisted... but it's true."

Those within the criminal justice system do not disagree with Conway. The FBI estimates that, by age 16, one of four American girls and one of 11 American boys have been sexually victimized by an adult. Fewer than 10 percent of those incidents are reported and fewer than one percent end in arrest.

Of that one percent arrested, fewer than half are convicted, the FBI says.

Most of those convictions result from prosecutors' plea bargains, under which serious sex charges are dropped if the child molester pleads guilty to a lesser offense.

Child abuse cases that get to trial are among the toughest to prosecute. Children often make frightened, fearful witnesses, prosecutors say. And in some cases, children fear the dilemma of whether to tell the truth or say what they think will keep their family together.

Recent changes in state law make it more difficult to get convictions in child abuse cases. No longer can a prosecutor's parents or adult friends testify about what their child told them after an attack.

"I still carry the scars," a child says.

Although most sex attacks against adults involve intercourse, many of those against children involve fondling, masturbation or oral sex — but no penetration. Often there is no physical evidence of sexual contact. That charge carries a maximum penalty of two years in prison — but usually results in much lighter punishment.

On Jan. 14, 1983, the father went before Midland County Circuit Judge David DeWitt. His sentence: court costs and two years' probation. DeWitt also ordered him to stay away from his girl's uncle.

The father had admitted to touching his daughter, but that's all. Midland County Prosecutor Gerald White. "We had no witnesses. We based going with a plea, but we had no choice. In these cases, you take the best in the hand. At least we saved the girl the pain of standing up in court and putting her father as the man who raped her."

Children who testify in rape trials are twice as likely to be injured as those who are attacked and raped when they must relive the rape in court. Also, pretrial delays play havoc with a young child's testimony. A five-year-old memory can be hard to recall, especially if the distinctions between reality and fantasy. Older children often delay testimony as a result — usually out of fear or shame. That may not hurt their memory, but it may distort their credibility.

For all those reasons, many parents of victims are angry — even angry — to arrange a plea bargain, even though their kids are better off for it. A plea bargain will result in a lighter sentence.

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Stoddard Victor Colin Stoddard, 40, from Saginaw.

CRIME: Stoddard raped a 13-year-old girl beginning in 1974 when she was 12 years old. At 14, she gave birth to Stoddard's son.

WHAT HAPPENED: The victim finally reported the rapes to police in 1983 — when she was 25 — after she had broken up with the woman she had married. She was the father of her child.

The victim told police Stoddard raped her whenever her mother was not home. Even after giving birth, the girl apparently never told her mother of the relationship.

CHARGES: Stoddard was charged in December 1982 with first-degree criminal sexual conduct. The Wayne County Prosecutor's Office reduced the charge to third-degree criminal sexual conduct to return for his guilty plea.

JUDGE: Wayne County Circuit Judge Charles Kaufman.

SENTENCE: Six months in the Detroit House of Correction, with 18 months' probation. Stoddard must undergo psychiatric evaluation and maintain a job.

OFFENSES: Frederick Robert Beckman, 23, and James Kelly, 20, from Saginaw.

CRIME: They entered a Brookport home at 6 a.m. July 7, 1983. Beckman raped a 13-year-old girl who was sleeping.

WHAT HAPPENED: The girl said Beckman fondled her breasts and vagina. When the mother, Beverly, went down on Beckman, he suggested to unite her with him. The men fled when she continued screaming.

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CHARGES: Beckman was charged with possessing and entering, fourth-degree criminal sexual conduct and assault with intent to commit criminal sexual conduct. Kelly was charged with the first charge if a plea bargain. Bur was charged with legal entry and possession of a gun.

JUDGE: Saginaw County Circuit Judge Joseph McDonald and James Judge, Judge Tom Trent.

SENTENCE: For Beckman, one year of probation and a \$500 fine. For Kelly, 180 days in jail. For Bur, 180 days in jail. For Trent, 180 days in jail.

OFFENSES: Lenora Jean Carroll, 21, and her husband, Thomas Carroll, 27, from Saginaw.

CRIME: The Carrolls repeatedly raped a 15-year-old girl they called "Linda" over the past two years in the summer of 1981.

WHAT HAPPENED: The couple took photos of the assault to use as evidence. The girl was hospitalized for a year because of the assault. She was hospitalized for a year because of the assault. She was hospitalized for a year because of the assault.

The Carrolls had moved to Florida, were arrested in November 1983, upon arriving in Saginaw.

CHARGES: They were charged with multiple counts of first-degree and second-degree criminal sexual conduct. Thomas Carroll also was charged with using a hospital order and a false burglary conviction. The other counts were dropped after the girl's plea.

JUDGE: Saginaw County Circuit Judge Robert Gilbert.

SENTENCE: Thomas was 30 years in prison for Lenora Carroll, 30 to 35 years in prison for her husband.

AFTERMATH: The Carrolls have children in a state home. Mrs. Carroll is in a state home. Mrs. Carroll is in a state home. Mrs. Carroll is in a state home.

According to court records, the daughter said her father would call her whenever he was alone in the woods, then drive her to the ground and fondle her to have sexual intercourse. The girl would five months before telling her mother. The father was arrested and charged with first-degree criminal sexual conduct, which carries a maximum sentence of life in prison.

The father had three prior convictions, most of them for incest. He had served a two-year prison term for stealing diamonds. Despite that record, although they believed the girl's story, Midland County prosecutors — sending a frightened victim and an older woman — allowed the father to plead guilty to a reduced charge of fourth-degree criminal sexual conduct (statutory incest). That charge carries a maximum penalty of two years in prison — but usually results in much lighter punishment.

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Cusack Peter Adams Cusack, 31, from Saginaw.

CRIME: Cusack raped a 13-year-old girl May 20, 1983.

WHAT HAPPENED: Cusack said she came home and found a bloody towel. Cusack told her the towel had a bloody nose. A month later, the boy told her Cusack had fondled her and raped her and threatened to beat him if he told her mother. Doctors later found these three items in his room.

CHARGES: Cusack, a 1974-graduate dropout who worked for a scrap iron company, was charged with first-degree criminal sexual conduct, extortion and cruelty to children. A plea and sentence bargain with the Saginaw County prosecutor allowed him to plead guilty to the lesser charge of second-degree criminal sexual conduct.

BACKGROUND: Cusack had eight prior convictions, starting when he was 18. He had been convicted of robbery three times, armed robbery twice and later report to a police officer, prison escape and a concealed handgun.

JUDGE: Saginaw County Circuit Judge Gary McDonald.

SENTENCE: One year in jail.

OFFENSES: Michael Thornton, 23, from Saginaw.

CRIME: Thornton repeatedly raped a 13-year-old girl who was baby-sitting on the night of April 23, 1983.

WHAT HAPPENED: The girl said she had gone to bed after watching television. She said Thornton entered her room, got on top of her and raped her. After she woke up, she said she felt he had raped her. Thornton was arrested after the girl's mother what had happened.

CHARGES: Thornton, an unemployed short-order cook, was charged with second-degree criminal sexual conduct. The Saginaw County prosecutor argued he reduced the charge to fourth-degree criminal sexual conduct to return for Thornton's guilty plea.

Assistant Prosecutor Dennis Lutz said the plea bargain was offered partly because of Thornton's reaction with the victim's mother. "She was like the old home," Lutz said.

JUDGE: Saginaw County Circuit Judge Philip Elliott.

SENTENCE: Fourteen to 30 months in prison. He was paroled in March 1984 — less than a year after sentencing.

OFFENSES: Marcia Teresa Davidson, 22, and her husband, James Davidson, 22, from Saginaw.

CRIME: The Davidsons and six friends kidnaped two teenage girls and held them for ransom. The girls were held for 12 days and then released. The Davidsons were arrested after the girls' parents paid the ransom.

WHAT HAPPENED: The couple took photos of the assault to use as evidence. The girl was hospitalized for a year because of the assault. She was hospitalized for a year because of the assault. She was hospitalized for a year because of the assault.

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JUDGE: Saginaw County Circuit Judge David Davidson.

SENTENCE: Marcia Davidson was sentenced to 30 to 50 years in prison for James Davidson, 30 to 50 years in prison for David Davidson and a sentence ranging from 25 to 50 years in prison for the other men.

AFTERMATH: Richard Davidson committed suicide by shooting himself in the Michigan Department of Corrections in June 1983.

I could make my daughter all in the court and tell everything with the crop with 113 feet of her. ... And last thing I wanted was the girl's lawyer according to girl of 17.

The woman said that neither her daughter nor her daughter's attacker be identified. In the case, the middle-aged woman was charged with first-degree criminal sexual conduct for putting down the girl's parents and inserting his finger into her vagina. Under the plea bargain, she pleaded guilty to the reduced charge of third-degree criminal sexual conduct and was given three years' probation. He still lives in the neighborhood, the victim and her family have said.

Children grilled in court

Randy do children in the court, experts say, except to retract their charge. "The get most cases where the mother sets out the child because of their dependency upon the child's father," says Detroit Recorder's Court Judge Justin Davis. "I've had cases where mothers, in a religious way, file charges against their husbands. But in court they get frightened about losing the girl's parents. So they force the children to retract their stories for the case dismissed. It's heartbreaking."

Children who stand by their stories can expect equally rough times. Many have problems holding up under grilling by a defense attorney.

One who faced that grilling was the 11-year-old victim of Thomas Allen Ebert.

Ebert, 35, sexually assaulted the girl while visiting her family in Okemos in May 1983. The girl said Ebert, a St. John's businessman, entered her bedroom while her mother and sister were downstairs watching television. She said she found him with her father in her room on her bed talking.

The girl testified in court that she awoke to find Ebert with his finger in her vagina, and he then raped her. "I went on for a while, then a few minutes later he got up and buckled his pants and got on his bed and 'did shit.'"

Later, the girl said, Ebert promised to buy her clothes if she kept quiet. Only several months later, after watching a television movie on incest, did the girl tell her mother. As



Putnam Thomas E. Putnam, 23, Detroit.

CRIME: Putnam sexually assaulted a 12-year-old girl at his home in December 1980.

WHAT HAPPENED: The girl said Putnam fondled her breasts and sexual intercourse. She said he had raped her before.

CHARGES: Putnam was charged with first-degree criminal sexual conduct in return for his guilty plea. The prosecutor indicated the charge to assault with intent to commit second-degree criminal sexual conduct. The prosecutor recommended a plea term.

BACKGROUND: Putnam told the judge he had attempted to touch the girl's breasts. "Oh, hell," the judge said. "I've touched my daughter's breasts for the last 20 years, either accidentally or in some fashion. That's no crime. Why'd you do that?"

"For sexual reasons," Putnam said.

JUDGE: Shewanee County Circuit Judge Peter Mastala.

SENTENCE: One year in jail, plus four years' probation. Mastala advised Putnam to work during the day at a food store and also part job at ordered Putnam to pay a \$1,000 fine plus \$15 for each day he had worked.

OFFENSES: Ram Gregory Carter, 25, Detroit.

CRIME: Carter sexually assaulted a 13-year-old girl's 10-year-old daughter while baby-sitting at his home on March 8, 1982.

WHAT HAPPENED: The girl said Carter forced her to have sexual intercourse. She said "other things" happened during other visits to Carter's home.

The girl's mother learned of the incident after taking the girl to Children's Hospital for a sprained knee. Doctors took a blood test, discovered the girl had gonorrhea and told the girl's mother.

CHARGES: Carter, an unemployed short-order cook, was charged with first-degree criminal sexual conduct. A Recorder's Court jury subsequently convicted him of the lesser charge of second-degree criminal sexual conduct.

JUDGE: Recorder's Court Judge Edward Thomas.

SENTENCE: Eight to 15 years in prison. Carter is in the State Prison of Michigan. He was paroled in March 1984 — less than a year before his sentencing.

OFFENSES: Dorothy Cheek, 28, and her boyfriend, James Cheek, 28, from Lawton.

CRIME: Cheek and Cheek sexually assaulted Cheek's daughter and another girl in December 1981 and January 1982.

WHAT HAPPENED: Court transcripts show that Cheek and Cheek repeatedly raped the 13-year-old daughter in her bed with their. Cheek fondled her vagina. Cheek forced the girl to masturbate.

In a separate incident, the two adults forced a 15-year-old girl to have intercourse with Cheek. Cheek did not physically penetrate her. Cheek did not physically penetrate her. Cheek did not physically penetrate her.

CHARGES: Both were charged with first-degree and second-degree criminal sexual conduct in plea bargains. Cheek pleaded no contest to second-degree criminal sexual conduct and attempted first-degree criminal sexual conduct. Cheek pleaded no contest to second-degree criminal sexual conduct and attempted first-degree criminal sexual conduct.

JUDGE: Van Buren County Circuit Judge Meyer Wiersma.

SENTENCE: Concurrent sentences totaling 14 months to 15 years in prison for Cheek; concurrent sentences totaling six years to 15 years in prison for Cheek.

AFTERMATH: Cheek was paroled to Okemos after serving one year of the sentence at State Prison. Cheek, who is now in the Michigan State Prison, has been released. He has been released. He has been released.

The daughter is living with her father in another part of the country.

that time, her sister announced she had been kicked Ebert after he rubbed her thighs.

Ebert was arrested and charged with first-degree criminal sexual conduct, which could have sent him to prison for 100. David Ebert's preliminary examination. His attorney, in a preliminary court-examining the girl, reportedly suggested she investigate the charges because she was jealous of Ebert's friendship with her brother. The attorney also questioned the girl about a minor shoplifting incident in which she was involved.

Despite the grilling, she did not back down from her account. But Shawanee County prosecutors — fearful they might lose the case — agreed to let her return to Ebert's guilty plea, they reduced the charge to assault with intent to commit second-degree criminal sexual conduct, which carries a maximum of five years in prison.

On June 26, 1983, Shawanee County Circuit Judge Peter Mastala got Ebert on probation for one year and ordered him to pay \$1,000 in court costs. Mastala allowed Ebert to serve his probation in Lawton, Tex., where Ebert lived after the incident, but ordered him to submit from alcohol and stay away from children unless other adults were present.

Mastala probed over seven other cases of child sex abuse that resulted in convictions in 1983. In four of those, he imposed jail terms of 12 months or less. In the two he imposed probation. Based on cases studied by the Free Press, Mastala was among the most lenient judges toward child abusers.

I've been accused of anything results "repeating because if child abusers. Most of the guys I award years for 20 years or 10 years in child abusers."

Most of his 1983 cases, Mastala says, were plea bargains. "A man might rape his daughter, but when the case comes to court, he is charged with touching her breasts," he says. "There is no going the facts through before me. I can't sentence him on what he might have done. I can only go with what he says."

See SEX CRIMES, Page 4A

Partners in crime — but not in sentence



Carroll Lenora Jean Carroll, 21, and her husband, Thomas Carroll, 27, from Saginaw.

CRIME: The Carrolls repeatedly raped a 15-year-old girl they called "Linda" over the past two years in the summer of 1981.

WHAT HAPPENED: The couple took photos of the assault to use as evidence. The girl was hospitalized for a year because of the assault. She was hospitalized for a year because of the assault. She was hospitalized for a year because of the assault.

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The father had three prior convictions, most of them for incest. He had served a two-year prison term for stealing diamonds. Despite that record, although they believed the girl's story, Midland County prosecutors — sending a frightened victim and an older woman — allowed the father to plead guilty to a reduced charge of fourth-degree criminal sexual conduct (statutory incest). That charge carries a maximum penalty of two years in prison — but usually results in much lighter punishment.

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